The Smithfield Planning Commission held its regular meeting on Tuesday, March 10th, 2026. The meeting was called to order at 6:30 PM.

Members present:

Julia Hillegass - Chairwoman
Dr. Herb Bevan - Vice Chair
Dr. Thomas Pope
Charles Bryan
James Yoko
Darren Cutler
Randy Carr

Members absent:

None

Staff present:

Tammie Clary – Community Development & Planning Director
Mark Kluck - Planner II
Steve Clark - Grounds Attendant

Legal Representation:

Kyle Eldridge - Sands Anderson, Interim Town Attorney

Press:
Stephen Faleski - The Smithfield Times

Citizens:
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Chairwoman Hillegass welcomed all attendees to the meeting.

1. **Closed Session**

   A. Closed Session for consultation with legal counsel pursuant to 2.2-3711 A8 of the Code of Virginia.

Vice Chair Bevan made a motion to enter into Closed Session for consultation with legal counsel pursuant to 2.2-3711 A8 of the Code of Virginia. Dr. Pope seconded the motion.

Mr. Cutler asked what the specific section cited in the Code of Virginia said.

Mr. Eldridge reported that it was a Closed Session for the purpose of consultation with legal counsel for specific matters.

Mr. Cutler asked for confirmation that the code was as general as the explanation given. Mr.

Eldridge confirmed that it was.

Mr. Cutler related that in Town Council meetings a statement was made with the reason for the Closed Session so that citizens, as well as the Board members, knew what the Code was referencing.

Mrs. Clary quoted from the Code of Virginia that section A8 was for "consultation with legal counsel employed or retained by a public body regarding specific legal matter requiring the provision of legal advice by such counsel."

Chairwoman Hillegass called for a collective vote with all members voting aye, and none opposed. The motion passed unanimously.

The Planning Commission entered into Closed Session at 6:33pm.
The Planning Commission returned from Closed Session at 7:13 pm.

Chairwoman Hillegass reported that a motion was needed in order to enter back into open session that certified that only matters pursuant to 2.2-3711 A8 of the Code of Virginia were discussed.

Dr. Pope made a motion to certify that only information pursuant to 2.2-3711 A8 of the Code of Virginia was discussed during Closed Session.

Mr. Yoko seconded the motion.

2. Upcoming Meetings and Activities

March 17th at 6:30 p.m. - Board of Historic and Architectural Review
March 17th at 7:30 p.m. - Board of Zoning Appeals (Canceled)
March 23rd at 3:00 p.m. - Town Council Committee Meetings
April 7th at 6:30 p.m. - Town Council Meeting
April 14th at 6:30 p.m. - Planning Commission Meeting
April 22nd at 6:00 p.m. - Joint Town Council & Planning Commission Meeting

3. Public Comments

Chairwoman Hillegass confirmed that there were no members of the public who had signed up to speak, and closed the public comments section.

4. Planning Commission Comments

Chairwoman Hillegass asked if Mr. Cutler could discuss the Town's acquisition of the property known as the Grange, and recognized that she may be catching him off guard with the request.

Mr. Cutler reported that they no longer had to call the property in question "The Grange" but they could call it "Pierceville Farm" or "Smithfield Property." He recognized that many of the Planning Commission members were more familiar with the different iterations that the property had been through prior to the last six months than he was. He explained that he had been in discussion with the owners to revive the original submission of the project for consideration conceptually, along with several other ideas. He stated that, ultimately, there had been a cost-sharing aspect that did not make any of that feasible for either side. He continued that, as a result, the opportunity arose for the Town to become in control through purchase of the property. Mr. Cutler observed that there were no immediate plans for the use of the property, and that it was in the hands of the town's citizens. He said that there were many ideas for what could be done with the property, including using it as a green space, a site for a new fire station, or building an Aldi grocery store. He suggested that, in the meantime, the Town could resurface the existing asphalt and make the property presentable for the Town and viable for use immediately. Mr. Cutler referenced comments made by Dr. Pope during the previous month's meeting regarding the Mallory Pointe development, adding that some concerned citizens had shared data with him on the subject. He recognized that he had not been on the Planning Commission during that timeframe, and he respected the Commission's decision-making. He stated that the numbers given were 1451 homes for full build-out, and 1106 homes that could have been built. He countered that the amounts given really could not have been built, and it was only possible if the zoning and FLUM changed. Mr. Cutler said that they allowed a developer to convince them to change their FLUM, and those high numbers were never really a possibility. He noted that the research that he was referencing had not originally been prepared by him, but it looked like 377 units were what was allowed by-right as it was zoned as predominantly Community Conservation and Neighborhood Residential. He related that even if the zoning had been changed to only Neighborhood Residential, the number of units would only have increased to 523. He pointed out that by allowing five of the six parcels to be rezoned, it had expanded growth. He calculated that the final unit number of 812 was 115% above the by-right amount from just the Neighborhood Residential zoning. He questioned what benefit that brought to the town as he was struggling to see it. He stated further that the enhancements that had been promised by the developer were necessary because of the 812 homes that were going to be built. Mr. Cutler reported that the minimum house price in that development was $509,000, with the majority currently listed in the $600,000 range and the maximum currently listed at $750,000. He pointed out that the reality of the situation was that affordable housing without government intervention in Smithfield was probably not possible. He recalled that in the original Fiscal Impact Analysis (FIA) it was reported that they would have housing starting in the $300,000 range. He noted that the addition of houses to the community would be beneficial to more growth-minded individuals, business owners, and people wanting more city-type convenience, but a common sentiment throughout many different surveys of the citizens was against growth. Mr. Cutler suggested that a school could be placed on the property. He reiterated that he did not think it was the time to make everything waiverable and allow SUPs across the board. He advised that they should take control of their zoning before the State took away their ability to control growth.

Dr. Pope said that he did not agree with the statement that the original zoning would only allow 377 units to be built at the site of Mallory Pointe. He stated that he had confirmed with the site planning developer used, Land Planning Solutions, that they could have built 594 homes by-right. He reviewed that if the Town had allowed the developer to change the zoning to what had been first requested, he could have come in with 1451 units at maximum density. He said that the developer had bought the property in the 2005 timeframe and had rezoned it at that time to Neighborhood Residential, which allowed the increase in density. He continued that, in response to the change, the developer had made upgrades to the water system by installing a water tower. He summarized that the developer could have built 594 homes, the Town settled on 812, and he felt that the difference was a wash considering that the size of the development in question was 500 acres. Dr. Pope noted that after the development of 812 homes had been approved in 2021, there were 2,000 additional homes approved. He acknowledged that 812 homes were a lot of homes, however the majority of the development that has been approved was after Mallory Pointe. He added that those approvals for additional developments were in the County and not in the Town.

Mr. Cutler responded that the developer had included in his own FIA that Smithfield Middle School was going to be in the negative by 26%, but due to miscalculation by the School Board, he suspected that number was even greater. He said that the impact remained for everything that they allowed beyond their zoning requirements.

Dr. Pope recommended that Mr. Cutler revisit the minutes for those meetings in 2019–2020. He observed that he had asked many times for school numbers and the impact of every development that had been approved in the County as well as in the Town, but they had been told that data did not exist. He recalled that the Superintendent of the schools at the time had responded that the schools would be able to handle the number of students generated by the proposed development. He observed they all knew that student development was cumulative, though there was no cumulative data given. Dr. Pope said that it was his understanding that the County did have cumulative data, but had not released it.

Mr. Cutler recalled that the FIA did provide cumulative data. He calculated that there would still be a deficit even without cumulative data and with 1,000 homes approved prior.

Dr. Pope reiterated that, at that time, the school stated that they were able to accept the development along with everything else previously approved, but they were unable to access the data to know exactly what the true impact would be on the schools.

Mr. Cutler stated that information was contrary to the FIA that the developer submitted when they proposed the Mallory Pointe development.

Dr. Pope asked for an update on the Promontory project since the Wawa had pulled out of the site and would not contribute to the traffic circle.

Mrs. Clary stated that, as she understood it, the round-about was a Virginia Department of Transportation (VDOT) partially-funded project that was still moving forward. She continued that, per the proffers, the affected remaining parties were paying their share based upon the per acre dollar amount that had been determined.

Dr. Pope asked for confirmation whether Wawa had proffered to give a certain amount as well.

Mrs. Clary stated she was told that the Wawa had not been a part of that conversation.

Dr. Pope related that he thought that they had offered some sort of funding percentage as well.

Mrs. Clary said that part of the problem with the funding was getting Wawa to agree to participate.

Dr. Pope confirmed with Mrs. Clary that the roundabout and intersection project were fully-funded without Wawa's involvement.

5. Agenda Items:

A. <u>*Public Hearing* - Rezoning, Comprehensive Plan Amendment & Future Land Use Map Amendment - 19351 Battery Park Road - MCSF, LLC applicant.</u> (Staff report and assorted attachments enclosed.)
Tammie Clary, Director of Community Development and Planning

Mrs. Clary reported that the applicant was requesting the rezoning of 0.251 acres of this property from Conditional Suburban Residential (C-SR) to Light Industrial (I1) to accomplish a boundary line adjustment with the neighboring parcel. She said that the applicant was also requesting to alter the Comprehensive Plan through the Future Land Use Map (FLUM) by changing the "Residential Mix-Use" to Flex Industrial. She stated that, pursuant to SZO Section 4.E.4, the Planning Commission had until Thursday, June 18th, 2026 to decide on the application before it was automatically forwarded to the Town Council with a recommendation for approval.

Chairwoman Hillegass stated that the matter was subject to a public hearing and asked if there was anyone present who wished to speak.

John Napolitano of 1492 South Independence Boulevard in Virginia Beach reported that his request was a simple one. He explained that part of the Mallory Pointe development project was to bring the water line down the north side of Battery Park Road, and in front of Mr. Smith's property, the Town did not have a right-of-way that they would be able to utilize. He noted that the other solution to the issue would be to bore under the road, which came with many issues. He related that after meeting with Mr. Smith to discuss the issue, he had agreed to dedicate the right-of-way in front of his property to the Town to enable the ability to run the water line through the area and in exchange they would give Mr. Smith some of their open space on their property that they could not do anything with. He stated that the exchange was a win for both sides. Mr. Napolitano emphasized that the request had nothing to do with housing or density. He asked to address an issue that had been raised about Mallory Pointe and the price of houses in the development. He observed that Mr. Cutler had not been a part of the Planning Commission or Town Council during that period and, since the rezoning, the cost of housing had gone up over 60%. He additionally pointed out that when they had first sought approval they had two other products that they had been trying to introduce that would have been lower priced. He reported that over the course of all the public hearings held, they removed those products from the proposal.

Chairwoman Hillegass confirmed that there were no others who wished to speak and closed the public hearing. She asked the Commissioners if they had questions for the applicant.

Dr. Pope agreed that the request was a win-win for all the parties involved.

Mr. Bryan asked if there would need to be two separate votes on the matter.

Chairwoman Hillegass confirmed that he was correct.

Mr. Cutler confirmed with Mrs. Clary that the FLUM amendment from Residential Mixed-Use to Flex Industrial was specifically the 0.251 acres shown. He noted that Flex Industrial did not match the zoning of Light Industrial.

Mrs. Clary noted that the property it would be attached to was already zoned Light Industrial and was operating under the classification of Flex Industrial.

Mr. Cutler stated that he understood that Light Industrial was a zoning category and Flex Industrial was a FLUM category, but questioned why they were different.

Mrs. Clary observed that it was the product of the Comprehensive Plan update. She continued that, ideally, they would like to align the FLUM categories and zoning categories.

Mr. Cutler confirmed that the two different classes of categories were the appropriate match.

Dr. Pope made a motion to forward a favorable recommendation to Town Council to approve the Conditional Official Zoning Map Amendment (Rezoning) from Conditional Suburban Residential to Light Industrial (I-1).

Mr. Bryan seconded the motion.

Chairwoman Hillegass called for the vote. Mr. Carr voted aye, Mr. Cutler voted aye, Dr. Pope voted aye, Mr. Yoko voted aye, Mr. Bryan voted aye, Vice Chair Bevan voted aye, and Chairwoman Hillegass voted aye. The motion passed unanimously.

Dr. Pope made a motion to forward a favorable recommendation to Town Council to approve the Comprehensive Plan Amendment (Future Land Use Map (FLUM) Amendment changing the FLUM parcel designation from "Residential Mixed Used" to "Flex Industrial."

Mr. Bryan seconded the motion.

Chairwoman Hillegass called for the vote. Mr. Yoko voted aye, Dr. Pope voted aye, Mr. Cutler voted aye, Mr. Carr voted aye, Mr. Bryan voted aye, Vice Chair Bevan voted aye, and Chairwoman Hillegass voted aye. The motion passed unanimously.

B. Entrance Corridor Overlay Review - TPIN 22-01-006C5 - Smithfield Retail Management LLC C/O Steven Barrett, applicant. (Staff report and assorted attachments enclosed.)
Tammie Clary, Director of Community Development and Planning

Mrs. Clary reported that the applicant was seeking Entrance Corridor Overlay approval for the exterior elevations and dumpster enclosure for their proposed retail site. She stated that the proposed multi-tenant building would feature a combination of brick veneer, external insulated finish systems (EIFS), metal trim and aluminum frame awnings. She noted that the EIFS on the upper portion was proposed to be a white color (#310 China White) and "Anew Gray" (SW 7030), and the lower portion of all facades would be a brick veneer in Buckingham Tudor color. Mrs. Clary stated that all metal fascia trim would be "Pac Clad Stone White", with aluminum awning frames that were black with fabric to be done by the landlord. She continued that the proposed single-tenant building would feature a combination of brick veneer, fiber cement siding and metal trim, with the lower portion of the façade featuring a brick veneer in Buckingham Tudor color and the upper portion featuring a fiber cement siding in the color "Night Gray." She added that all metal trim would be black—gray. She stated that the building would have a metal railing, comprised of the color "Snowbound" (SW 7004), under a canopy at the front of the building. Mrs. Clary said that the proposed dumpster enclosure would feature a brick veneer on a concrete brick wall to enclose (2) 8-yard containers. She detailed that the enclosure would include a double gate with a metal frame, unfinished cedar boards, and the screening would match the building with brick veneer in Buckingham Tudor.

Jordan Chapman of Smithfield Retail Management was present to answer questions regarding the project, adding that it was his understanding that the project had been before them the month prior.

Dr. Pope noted that the Commission had not reviewed the site plan.

Mrs. Clary reviewed that the Commission had reviewed the requested SUP's.

Chairwoman Hillegass observed that the subject was a source of contention at the meeting.

Dr. Pope stated that the buildings seemed to be a more modern design, and he was a proponent of Colonial elements and architecture used in commercial buildings.

Mr. Bryan asked Dr. Pope to be more specific about what he would recommend.

Dr. Pope used the Wendy's nearby as an example, reviewing that the brand had taken a rectangular building and added gables. He stated that even if a commercial building kept a flat roof, they could add colonial elements, such as lanterns, to their exterior design. He recognized that he was expressing only his own opinion. He continued that he was not a fan of stand-alone signs or other extraneous objects that were not hidden behind buildings.

Mr. Bryan noted that "earth tones" were a recommended color palette to choose from in the Entrance Corridor Overlay (ECO), and observed that the roof was proposed to be black. He asked how they had come to the decision to use that color roof material.

Mr. Chapman reported that the fiber cement siding was a common element that was used on Starbucks commercial sites. He said that when they were going through the administrative review process for the site plan, they received comments in regard to the prototypical elevations submitted, which then led them to propose the black fiber cement siding.

Mr. Carr asked if there were other such commercial buildings in other localities that met the description of a more colonial-type architecture.

Mr. Chapman said that he would have to do some research on the subject, giving the reminder that they were discussing national brands with multiple locations. He related that what they had first presented was much more generic to the brand, but what they had been provided with was much more specific to the overlay.

Mr. Cutler stated that the brick was a welcome aspect of the design, however the overall look was more "west coast modern" in his opinion.

Mr. Chapman said that he would be happy to additionally research the look of some of the other buildings as well.

Mr. Bryan asked if they would be willing to change the color of the tiles on the Starbucks.

Mr. Chapman asked if they could give more direction on the color that they were looking for.

Mr. Bryan reiterated that the ECO referenced earth tones, and he did not think black was classified as an earth tone. He continued that there was a label included on the elevations that had given him some confusion. He specified that the front of the standalone building of the Starbucks had been labeled as the East Elevation.

Mr. Chapman confirmed that label.

Mr. Bryan explained that his problem with that was that the multi-tenant building was labeled West Elevation.

Mr. Chapman acknowledged that the front of the Starbucks would not face the right-of-way.

Mr. Bryan noted that the multi-tenant building would be facing Benn's Church Road, and asked why the two buildings were facing the opposite of each other.

Mr. Chapman stated that the elevations had appeared to have been mislabeled.

Mr. Yoko asked if they would be voting on the application or would they wait until more research could be done on colonial styles.

Mr. Culter confirmed with Mrs. Clary that there was not a specific timeline associated with the Entrance Corridor reviews.

Mr. Yoko made a motion that they table the review until the applicant could complete more research and return with other options.

Mr. Carr seconded the motion.

Mr. Chapman asked for more specific information beyond that they were not happy with the black fiber cement siding and to include a more colonial look to the building.

Dr. Pope stated that the multi-tenant building was fairly standard and looked very similar to buildings that they had approved in the past. He observed that the single-tenant Starbucks building included a very modern design that was not seen in other sites within the Town. He recommended that they change their design to a more traditional style, for example, having windows with divider lines in them versus commercial windows.

Mr. Chapman asked if it would be possible to receive approval for the Chipotle building and then go back to the drawing board on the Starbucks building.

Mr. Cutler related that he felt the Chipotle building, though not as modern, looked strip mall-like to him. He suggested that Mr. Chapman could take the notes given to assist in making the Starbucks more colonial in style and apply them to the other building as well. He recommended also looking at the architecture in Williamsburg to see how brands and businesses have adapted their style to match the location that they were in.

Mr. Chapman stated that he felt that he put his best foot forward on the multi-tenant building, but he was in agreement with Dr. Pope that he could do better work on the Starbucks building. He observed that there were many more complications involved in a multi-tenant building due to the needs of several businesses versus just one.

Dr. Pope stated that the proposed dumpster enclosure looked very plain and would be in a very prevalent line of sight in the town. He asked if there was any way to improve the appearance or change the locations of the dumpster area for both buildings.

Mr. Chapman reported that they were restricted in the location of the dumpster areas could be, notably more so for the multi-tenant building since it had three frontages. He offered to review their landscaping options in order to make the area more attractive, adding that he felt that it was important to keep in mind that the businesses that were coming into the town wanted to have clean spaces in order to attract customers.

Dr. Pope said that he understood. He added that it was a very visible area, and anything they could do to make it appear that it did not exist would be appropriate.

Chairwoman Hillegass reviewed that a motion and a second had been made and asked if there were any amendments to the motion that needed to be made.

Mr. Eldridge gave the reminder that because the application was a Final Submittal, the guidelines required a 30-day timeline unless there were extenuating circumstances or extensive modifications necessary.

Mr. Cutler asked for confirmation that the requirement applied to the Starbucks building as Mr. Chapman was in agreement to change the design.

Mr. Chapman stated that the way he had understood the discussion, the option was to either change the design or be denied. He reiterated his request to proceed with approval for the multi-tenant building while they re-evaluated the options and reviewed examples referenced in the Williamsburg area as well as other buildings in the Entrance Corridor of the town.

Mr. Yoko made an amended motion to approve the multi-tenant building on Lot 1 as presented, and table the single-tenant building on Lot 2 to explore additional dumpster screening and architectural designs that feature a more historic colonial style.

Vice Chair Bevan expressed concern about changing the design of one building and keeping it congruent with the neighboring building. He repeated the earlier suggestion of pulling some elements from the Starbucks building into the multi-tenant building. He stated that he was in favor of tabling the application in order to ensure the design of both buildings together. He reported that his vote on Mr. Yoko's motion would be no.

Mr. Cutler agreed with Vice Chair Bevan's statement, adding that it was a collective project that wasn't submitted or envisioned individually.

Mr. Chapman stated that there were nuances involved, such as the single-tenant Starbucks building and the multi-tenant Chipotle building were on their own separate lots. He continued that as part of the Site Development Plan, there was a Site Phasing Plan that included that the multi-tenant building could proceed should the Starbucks lag behind. He said that much of the focus of their comments were related to the Starbucks building, and what they were asking him to do were things that could possibly kill the project, and it was his goal to keep the project on track.

Mr. Cutler observed that the Planning Commission wanted the businesses and merchants that they were discussing in the town. He said that they wanted to make sure that their addition was long-lasting and positive.

Mr. Bryan confirmed that the colors included in the elevations for the Starbucks were not their standard colors.

Mr. Chapman related that Starbucks changed their prototypical elements a moderate amount in different areas.

Mr. Bryan noted that the ECO also discouraged straight lines or forms, and the rectangular building had a flat roof that was not broken up by anything but the Starbucks sign.

Vice Chair Bevan asked what Mr. Chapman's timeline was to turn the project around.

Mr. Chapman said as soon as possible. He related that they had been working on the project since 2023, and he appreciated all the support from the seller to keep the project afloat.

Chairwoman Hillegass recalled that an amended motion was made and asked if there was a second.

Mr. Bryan seconded the motion.

Chairwoman Hillegass called for the vote. Mr. Bryan voted aye, Mr. Carr voted aye, Mr. Cutler voted aye, Dr. Pope voted aye, Mr. Yoko voted aye, Vice Chair Bevan voted aye, and Chairwoman Hillegass voted aye. The motion passed unanimously.

Dr. Pope reported to Mr. Chapman that when working with some architects in the past, they had been able to review multiple renditions of a building design. He continued that the Commissioners could get feedback from Mrs. Clary prior to coming back before them on what they liked or did not like about those renditions in order to get more information on what they felt would work in order to save time.

Mr. Chapman asked for confirmation whether he was referring to their reviewing the renditions in an informal session.

Dr. Pope clarified that Mr. Chapman could email Mrs. Clary the examples, and then she could forward them to the Commissioners for their feedback.

Vice Chair Bevan agreed that they did not want to table it to put it off another month as it was not fair. He agreed with Dr. Pope's suggestion of quickly getting the Commissioner's feedback so that the application could be re-reviewed in a timely manner.

C. <u>Approval of the February 10th, 2026 meeting minutes.</u>

Mr. Bryan made a motion to approve the minutes as presented.

Vice Chair Bevan seconded the motion.

Chairwoman Hillegass called for a collective vote. All Commissioners present voted aye with none opposed. The motion passed unanimously.

6. Community Development & Planning Director's Report

Mrs. Clary reported that the BHAR meeting scheduled for March 17th had also been canceled due to a lack of business. She informed the Commission that the site plans for The Cottages at Battery Park had been administratively approved and conditionally approved Phase C and D for Mallory Pointe as they were waiting to receive additional analysis.

Mr. Cutler asked if they were able to see the site plan for The Cottages.

Mrs. Clary reported that they could do so.

7. Adjournment

The meeting adjourned at 8:22 pm.

Julia Hillegass - Chairwoman

Tammie Clary - Director of Community Development and Planning