

The Smithfield Planning Commission held its regular meeting on Tuesday, May 12th, 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 - Interim Legal Counsel, Sands Anderson

Press:

Stephen Faleski - The Smithfield Times

Citizens:

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Chairwoman Hillegass welcomed all attendees to the meeting.

1. Upcoming Meetings and Activities

Monday, May 18th, 3:00 PM - Town Council Committee Meetings
Monday, May 18th, 6:30 PM - Special Town Council Meeting
- Public Hearing FY 26/27 Budget
Tuesday, May 19th, 6:30 PM - Board of Historic and Architectural Review Meeting
Tuesday, May 19th, 7:30 PM - Board of Zoning Appeals Meeting (Canceled)
Tuesday, June 2nd, 6:30 PM - Town Council Meeting
Tuesday, June 9th, 6:30 PM - Planning Commission Meeting

2. Public Comments

The Public is invited to speak to the Planning Commission on any matter, except scheduled public hearing(s). Please use the sign-up sheet. Comments are limited to five (5) minutes per person. Any required response(s) from the Town will be provided in writing following the meeting.

Chairwoman Hillegass confirmed that there were no members who had signed-up or wished to speak.

3. Planning Commission Comments

Chairwoman Hillegass confirmed that there were no comments that the Planning Commission members wished to make.

4. Agenda Items

A. *Discussion Item* Special Use Permit Review (Short Term Rental) - 328 Main Street

- 328 Main St LLC, c/o Jim Collins, applicant (Staff report and assorted attachments enclosed)

Mrs. Clary reported that the applicant was seeking a 1-year renewal approval to continue to rent 328 Main Street, which is an existing single-family residential dwelling, as a short-term rental (STR) and long-term rental property. She reviewed that approval for the STR was received in May 2025 with the condition that the applicant return to the Planning Commission after the first year, and every 2 years thereafter.

Chairwoman Hillegass confirmed that there was a representative of the applicant present to discuss the application.

Steve Heishman reported that he and his wife, along with another couple, had purchased the property with the intention of using it as a short-term rental; but, had been able to secure a long-term rental before they started that process. He stated that the property was currently vacant and was up for sale. He asked the Commission if the property was sold, would the new owner have to start over the application process to get it approved as a short-term rental.

Mrs. Clary explained that the Special Use Permit (SUP) approval stayed with the property.

Mr. Carr asked if that was the case if the new owner bought the property to reside in.

Mrs. Clary stated that if the new owner did not want to utilize the property as a short-term rental, then they did not have to. She noted that if an SUP was not utilized within 18 months, then it would be discontinued.

Dr. Pope asked if the Town had received any feedback or comments regarding the property.

Mrs. Clary reported that Town Staff had not received any complaints involving the property in question.

Mr. Yoko confirmed that though they had been granted the SUP as a short-term rental, it had only ever been utilized as a long-term rental.

Mr. Heishman reported that was correct.

Dr. Pope made a motion for continued approval of the SUP to use the property as a short-term rental.

Mr. Yoko 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.

B. Entrance Corridor Overlay Review (After-the-Fact) - 803 South Church Street - The Oak & Ivy Taphouse c/o Ariel Horvath, applicant. (Staff report and assorted attachments enclosed.)

Mrs. Clary reported that the applicant was seeking after-the-fact Entrance Corridor Overlay (ECO) approval for building renovations, which included changes to the property by enclosing an existing outdoor open-air covered patio at the rear of the building facing the parking lot. She detailed that a single 35" x 46" window and four 22.5" x 34.5" windows were installed, a neutral green/gray (Green Gray Mist) vinyl was installed, and that the enclosure of the existing patio did not expand outside the existing footprint. She continued that the applicant was also seeking ECO approval for various additional exterior renovations that included color matching the remainder of the building to the after-the-fact enclosure vinyl (Green Gray Mist) and installing a 3.5-foot-tall decorative garden fence facing South Church Street. Mrs. Clary reported that the proposed fence would enclose a 20-foot by 20-foot area to serve as a designated welcoming space and to improve the visual appearance to the entrance, and that the fence would be painted or have a natural finish to complement the building's exterior. She recalled that the application was tabled at the April 14th, 2026 Planning Commission Meeting until such time that the applicant could be present before the Commission. She stated that Isle of Wight County had indicated they were working with the applicant to resolve any building code issues.

Chairwoman Hillegass confirmed that the applicant was present.

Ben Osmanson of 15400 Mokete Trail in Smithfield and Ariel Horvath of 1728 South Battlefield Blvd in Chesapeake were present to discuss the application. Mr. Osmanson stated that they would be happy to answer any questions the Commission had.

Dr. Bevan asked Mrs. Clary if the Town Staff had heard back from Isle of Wight County regarding their permitting activity at the property.

Mrs. Horvath reported that she had spoken with a representative at the County. She stated that the County representative had asked them to have a structural engineer review and sign off on the foundation, adding that it had been completed. She said that they had also wanted to check on whether they had installed insulation, which she confirmed that they had. She continued that they had requested that an Americans with Disabilities Act (ADA) approved ramp be installed, updating that it was scheduled for installation the following day.

Mr. Bryan asked if the proposed fencing and landscaping in front of the property would replace existing parking spaces.

Mrs. Horvath stated that the spaces he was speaking of were not active or counted parking spaces, but really just an open area.

Mr. Bryan asked if once the fencing was installed there would be any parking in that area.

Mr. Osmanson stated that there would not be any parking in that area. He explained that their business had made parking arrangements with the veterinary hospital next door.

Dr. Pope recalled that when the property had originally been developed, the Virginia Department of Transportation (VDOT) had required them to have the large planters out front. He asked if the proposed plan caused any conflict with VDOT's request or was the fence large enough for people to understand that they could not drive through that area.

Mrs. Clary reported that if the application was approved, then the information would then be forwarded to VDOT for review.

Mr. Osmanson stated that their proposed fencing would not remove anything that existed, including the planters Dr. Pope mentioned. He specified that the fencing was decorative, short white picket fencing to make it look nicer.

Dr. Pope asked about tables in the front area.

Mr. Osmanson clarified that there would not be any table seating, only chairs to have for patrons who were waiting.

Dr. Pope asked who the contractor was that completed the work that was done on the building.

Mr. Osmanson reported that the work had been completed by himself as well as their handyman.

Dr. Pope stated that the Planning Commission normally preferred to receive the information about an addition before the fact, and he liked to review the changes in their entirety to see if the appearance was more cohesive. He explained that he was fine with the color change; but, questioned if painting the vinyl siding would last. He added that he had problems with the way that the corners had been done on the wood, and how it would appear overall.

Mrs. Horvath reported that the whole building would be painted. She noted that when they took ownership of the building there were many planks and facia missing from the outside and there were no windowsills.

Mr. Carr asked if the trim would be white to help it stand out. Mrs. Horvath confirmed that was correct.

Mr. Osmanson stated that they would be replacing a lot of rot that was on the building.

Mr. Carr asked if Isle of Wight County was okay with all the work being completed without a footer.

Mr. Osmanson reported that the Isle of Wight County Building Official, Mark Drumheller, had been very unhappy with the interactions he had with the previous owners. He related that they had been open to all of his suggestions, and they had been working hand-in-hand with the County. He stated that they now knew exactly who it was they needed to contact with their project plans in the future. He noted that Mr. Drumheller had related to them that a lot of what had been done by the prior owner had not been approved by the County either.

Mr. Carr stated that he was concerned for them as business owners to invest money in something that did not have structural support beneath it. He speculated that in 5–10 years they may feel that the structure was falling apart.

Mr. Osmanson said that was why they had the engineer come and look at it. He noted that the engineer had them add some concrete to part of the structure that had been done prior to their ownership. He stated that all aspects of their application had been done to code.

Mr. Carr asked if VDOT had any requirements or specifications on the setback needed from the edge of the asphalt to the fence. He observed that it was a very narrow area.

Mr. Osmanson estimated that from the street asphalt to the proposed fence was just under 10 feet. He stated that was why the existing railroad tie planters had been placed there.

Mr. Carr continued that VDOT normally requires a setback of about 15 to 20 feet off of the edge of the asphalt.

Mrs. Horvath stated that the fencing proposed was smaller, decorative garden fencing.

Mr. Carr said that he understood, adding that there was no safety aspect to it at all.

Mrs. Horvath reported that from the front door to the road there was about 42 to 45 feet. She said that they wanted to utilize less than half of that space in order to have a waiting area with planters that was still away from the setback.

Mr. Carr acknowledged that they had contacted the County about the changes.

Mr. Osmanson stated that anytime they had been told that they needed to speak with anyone or have anything reviewed, they had complied. He added that if anything came up in the future, they would continue their compliance.

Mrs. Horvath added that now they had been made aware of the time guidelines associated, when to show up, etc.

Mr. Bryan asked what the status of the awning was.

Mr. Osmanson said that it was not in existence and was not going to happen.

Mr. Bryan speculated that the rendering included with the application was not an exact representation of the project.

Mr. Osmanson stated that it was an example of what they would like to do; but was not an exact representation.

Mr. Bryan observed that they were the new owners of the property and business and asked if they had different operating hours from the previous business.

Mr. Osmanson confirmed that they had extended the business hours from what had previously been available at the property.

Mrs. Horvath reported that they had just recently started offering lunch throughout the weekdays. She stated that their current hours were 11:00 am to 9 pm daily.

Mr. Cutler noted that their rendering also showed an area with grass.

Mr. Osmanson corrected that it would be turfed to cover where the asphalt was cracked and broken.

Mr. Cutler asked if their license currently allowed for patrons to go inside and get a beverage from the bar, then return outside to wait.

Mr. Osmanson stated that their ABC license did not currently allow that, and they would need to submit an application to extend the area that they were licensed to have alcohol in.

Chairwoman Hillegass confirmed that they could do that in the future.

Mr. Cutler asked if they would do that.

Mr. Osmanson said that he could see where they might do that for a special event such as the 4th of July. He explained that with ABC they could apply for special uses. He stated that he had not looked deep enough into what the VDOT requirements would be in relation with the ABC licensing guidelines enough to say that they would definitely offer that at some point.

Mr. Cutler observed that it was the Planning Commission's responsibility to uphold the ECO guidelines and ensure the beauty of the town. He stated that he felt that the rendering provided was not helpful, and it was hard to envision how it would look at the site. He agreed with the statements made by Dr. Pope in regard to concerns about the appearance of the posts and the unfinished areas of trim. He asked if the request covered the full scope of what they were trying to do at the property.

Mr. Osmanson explained that they were not replacing the trim so much as fixing the parts that were falling off. He stated he wanted to keep the way the exterior looked the same, but newer and fresher.

Mr. Cutler stated that the application sounded like they were looking for approval to erect a decorative fence and change the paint color, but that wasn't really covering the scope of the work that they wanted to do. He asked if the trim was going to stay the same color, if they would enclose the wood trim of the window in vinyl, if they were going to wrap the posts in vinyl, or fix the unpainted trim.

Mr. Osmanson reported that their goal was to have a completely renovated exterior with no rotted wood, with everything painted, trim kept a separate color, windows cleaned or upgraded, and the front area presenting as a pretty park setting.

Mr. Cutler said that he was in favor of the improvements planned for the property but questioned whether they would have to apply for ECO approval multiple times for those additional updates and improvements. He asked Mrs. Clary if that would be the case.

Mrs. Clary observed that it would depend on whether it was a "like-for-like" replacement for color, which in that specific case they would not have to return. She related that the Town Staff was concerned about the after-the-fact improvements that needed to be addressed. She acknowledged that what they were seeing currently was a small part of a larger project.

Mr. Cutler asked for confirmation that this was the second after-the-fact review at the property, as their sign had also been after-the-fact.

Chairwoman Hillegass confirmed that was correct.

Mr. Osmanson stated that they had not changed the signs but had put up temporary signs.

Mr. Cutler recognized that the action was contrary to the town's zoning ordinance. He related that his concerns were that the changes to the property met the guidelines while also enhancing the entrance to town.

Mr. Osmanson reported that they would be at the next meeting with another application and previewed that he wanted to put a deck where the fire pit was that was covered so that the fire may be enjoyed no matter the weather. He emphasized that they had not done any work in that respect as they had not completed an application. He stated that at the end of the day, their goal was to have a building they were proud of.

Chairwoman Hillegass explained to the applicants what the term like-for-like replacement meant. She

stated that if they wanted to wrap wood in vinyl that would require their return for Planning Commission review.

Dr. Pope asked when the windows had been replaced.

Mrs. Horvath stated that they had installed the windows when they enclosed the patio.

Dr. Pope noted that the existing windows had been replaced as illustrated in the before and after enclosure pictures. He related that those also did not come before the Commission for approval. He stated that he wanted to see an overall, comprehensive view of the project that included long-term objectives. He pointed out that the windows hung were not the same size as the ones that they had replaced, which caused a gap that would need to be addressed even if the trim was painted. He expressed concern that painting vinyl would not last and questioned what would happen in the future when that paint started to flake off. He offered ways for them to upgrade and address areas in a more comprehensive way that would tie up some loose ends.

Mr. Yoko also asked what the overall comprehensive plan was for the site. He noted that the property elicited the ongoing question of what percentage of renovation prompted more extensive code compliance in the ECO. He pointed out that the applicants had doubled the structure's size with the new enclosure along with many other changes. He calculated that the number and size of changes made would make it necessary for the whole property to be brought up to code. He agreed that they needed to bring in a comprehensive plan so that they could review all the details so they could ensure that it all went together.

Mr. Bryan confirmed that Mr. Osmanson knew the assessed value of the property. He said that if the renovations reached 50% of that value, then those requirements kicked in. He stated that he was hesitant to believe that they were spending that much money.

Mr. Osmanson stated that they were nowhere close, adding that the assessed value was about five times more than the renovations were costing. He said that he was personally handling most of the work himself.

Mr. Yoko observed that many of the changes at the property had happened one piece at a time, and all came in after-the-fact. He estimated that if they looked at all the changes made to the structure since it converted to its current use, then the square footage would likely have quadrupled.

Mr. Osmanson stated that he understood the frustration involved. He stated that his comprehensive goal was to make the appearance pretty and put a deck over the back. He reviewed the history of the building and its previous owners, adding that he had to replace many things.

Mr. Yoko specified that they should review the comprehensive plan for not necessarily the whole property but the plan for the exterior finish. He asked how much of the existing trim was wood and how much was vinyl.

Mr. Osmanson guessed that a lot of the trim was wood, and he thought that the previous owners might have replaced one window. He said that he had not been aware of the windows being replaced, and the comment that one had been replaced was the first time he had heard that. He added that the windows looked very old to him. He stated that he thought that the gaps around the windows were due to wood missing due to it having rotted out. He noted that he would like to replace the wood that was missing with wood.

Mr. Cutler summarized that Mr. Osmanson had a great vision, but it was hard to discern what the outcome of that vision would be based on the information submitted.

Mr. Osmanson said that it was difficult for a layperson to put into a rendering what their plan was without putting too much into it.

Mr. Cutler clarified that the Commission was not angry with the applicants and wanted them to be successful. He said that they wanted to ensure cooperative interaction and understanding of what the outcome would be.

Mr. Yoko noted that since Mr. Osmanson was doing the majority of the renovation work himself, he

wanted to ensure that he knew the systems should be integrated, and the end product would match.

Mr. Osmanson pointed out that when the engineer came to inspect, the only changes that were needed were from work done by the previous owners.

Mr. Yoko acknowledged that was from a structural perspective, but he was speaking about the finishing details.

Mr. Osmanson emphasized that he was a willing participant in the process. He related that it was their goal to submit the correct information and complete the work needed correctly, while fostering a good working relationship with the inspectors and the town.

Chairwoman Hillegass reviewed that there were essentially three actions needed: an after-the-fact decision on the building renovations already completed, ECO approval for exterior renovations that matched with the new vinyl enclosure, and installation of the 3.5 foot decorative garden fencing. She asked Mrs. Clary if they should be grouped into one vote or addressed individually.

Dr. Pope asked to interject. He acknowledged that Mr. Osmanson was eager to get started on the project, but he did not need an engineer to draw up a comprehensive plan. He suggested that he take picture elevations of the building from all sides, then scale out the best he could, things like the placement of the awning, and how it would work in relation to light placement and the rest of the building. He additionally suggested that he do the same for the front garden, the fire pit area, and the proposed additional deck. He continued that once he had gotten that information together, he should return to the Commission to present the full plan. Dr. Pope reported that the Planning Commission was interested in the aesthetics and the Town Staff was interested in the details. He related that he felt that they needed more information before they voted on any additional changes.

Mrs. Clary reported that the Town Staff had notified the applicants that they were not allowed to an awning or the proposed front patio because they encroached on the required setbacks. She stated that was the reason that only the fence had been included in the Staff Report and not those other aspects of the project.

Mr. Cutler asked for clarification that she was saying that installation of an awning was not possible.

Mrs. Clary confirmed that an awning was not possible and that the applicant was now not proposing an awning.

Dr. Pope asked if they were classifying what was seen in the rendering as a canopy.

Mrs. Clary noted that the rendering included what they had proposed, and staff had kept the illustration in the packet because it showed the fence that they wanted to install.

Mr. Cutler reiterated the Commission's willingness to work with the applicant.

Dr. Pope reported that he had strong reservations about painting vinyl siding.

Mr. Bryan pointed out that Mr. Osmanson and Mrs. Horvath could review previous applications on the town's website to see how they could present information on measurements, etc.

Mrs. Clary recommended that the after-the-fact application be addressed separately.

Mr. Bryan noted that the after-the-fact enclosure would require other improvements to the exterior of the business.

Mrs. Clary stated that was correct, but they had already been completed. She stated that they could vote on what had been done separately from what they were proposing.

Dr. Pope asked if the picture provided was how the enclosure existed and the way that the addition would stand.

Mr. Carr confirmed that they were going to vote regarding what had been presented to them and then vote on proposed changes.

Mrs. Clary advised that if the Planning Commission desired to have a more comprehensive proposal, then they could make that request.

Chairwoman Hillegass repeated her question to the Commissioners if there was a motion regarding the enclosure at the property.

Mr. Bryan stated that if the enclosure in question would be part of the ECO approval addressed later concerning the whole exterior, then he would like to make a motion to approve the after-the-fact changes as presented.

Mr. Carr seconded the motion.

Chairwoman Hillegass called for the vote. Mr. Yoko voted nay, Dr. Pope voted nay, Mr. Cutler voted nay, Mr. Carr voted aye, Mr. Bryan voted aye, Vice Chair Bevan voted nay, and Chairwoman Hillegass voted nay. The motion failed by a vote of 2/5.

Dr. Pope asked if he could give feedback.

Mr. Carr said that he would love to hear some feedback, adding that they were going to leave the matter at a standstill.

Mr. Bryan asked for confirmation that a denial would require the applicant to remove the after-the-fact changes.

Mrs. Clary stated that she would defer to legal counsel for that answer, but her thought was that the denial meant the enclosure would need to be removed.

Mr. Eldridge confirmed that since the denial was for changes after-the-fact, that would mean it would need to be taken down. He explained that if the applicant had come before the Commission prior to construction with the application, a denial would have meant that they could not proceed with their proposed build. He noted that they would need to undo what had been done.

Chairwoman Hillegass said that they would not need to take it down immediately, and they would be able to come back next month with a more comprehensive plan.

Mr. Eldridge said that would be a policy decision, and it would come down to zoning enforcement. He speculated that there was likely a way around it, but he did not want to give too much legal advice on the situation.

Mr. Cutler stated that he did not think it was the Commission's intent to tear down the work that was done. He said that a comprehensive plan should be presented before everything was approved.

Mr. Eldridge said that with the intention given, they would need to make a motion to reconsider what had just been voted on. He continued that after voting on that motion then they could reopen the matter and then a motion to table the matter could be made.

Mr. Bryan related that he had intended his motion to allow the enclosure to remain but with the understanding that the applicants would need to return to present a plan for the whole building.

Dr. Pope made a motion to reconsider the matter.

Vice Chair Bevan seconded the motion.

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

Dr. Pope stated that there were two ways to rectify the situation. He said that the green siding could be changed to gray to match the original building, or they could paint the whole building the green color. He reiterated his reservations about painting vinyl. He reported that he had experience installing vinyl and expressed concern about the wood beams that were exposed. He said he felt that in order to make the addition more aesthetically pleasing, there should have been a corner post that went over the

beam that the vinyl was lodged into. He assumed from looking at the photos provided that the previous owners had probably installed the deck, tore the siding off the building, and then put it back on. He observed that the siding did not line up with the siding on the main part of the building. Dr. Pope said that Mr. Osmanson had lined up the siding nicely across the corner, but the previous owners had not matched the siding on the inside corner. He reiterated that the beam that supported the roofline should have been wrapped in a corner post. He recognized that the questions currently were what would be more cost-effective for the applicant and how they wished to proceed in order to protect their investment. He related that he imagined that if the Commission approved the enclosure, and they changed the siding to gray, then they would nearly be done with the exterior changes needed, minus the wood needing to be filled in around the windows. He clarified that he was not opposed to the enclosure itself, but he was opposed to how it was enclosed and the colors chosen.

Mr. Bryan stated that the ECO consideration would return to the next meeting or the next time the applicant was present. He noted that the comments made by the Commissioners would fall under the ECO decision.

Mr. Cutler interpreted Dr. Pope's statement as if they approved the enclosure as it was in a different color, then in theory they would not be required to match the colors.

Mr. Bryan asked for confirmation that there were three decisions to be made at the meeting.

Dr. Pope confirmed that they needed to decide on fencing, color change, and the enclosure.

Mr. Cutler gave the reminder that only one of those was a decision that was after-the-fact.

Mr. Osmanson asked if they could make a tentative approval pending the outcome of the next iteration of the plan.

Vice Chair Bevan made a motion to table the application until a comprehensive ECO application package for the proposed building could be presented.

Mr. Cutler seconded the motion.

Mr. Osmanson asked if they could submit the comprehensive plan to the Commission for review ahead of the meeting to save time.

Mrs. Clary said that they could submit the plan early to her, and she would circulate it to the members.

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

C. Entrance Corridor Overlay Review (Sign) - 1252 Smithfield Plaza - Scotty Signs c/o Doug Collins, applicant. (Staff report and assorted attachments enclosed.)

Mrs. Clary stated that the applicant was seeking an Entrance Corridor Overlay (ECO) review and approval to install a 23.6 square foot illuminated wall sign featuring various shades of red, green, purple, and white. She added that they would need the related sign permit and fee payment, with the Planning Commission review being on the colors proposed.

Martha Scott was present representing 1252 Smithfield Plaza. She reported that she had let Scotty Signs choose the colors for the sign. She stated that she had gotten approval from the landlord, the property manager, and now she was seeking the Commission's approval. She related that she was open to any color change requests. She noted that she had taken possession of the property on March 4th, and was hoping to have a grand opening the first weekend in June.

Dr. Pope observed that, normally, the Commission preferred earth tones on signs.

Mrs. Scott stated that if they preferred a different color palette, she would be happy to change the plan. She reported that she had used the same sign company as was used by the Cockeyed Rooster next door.

Dr. Bevan confirmed that the Nail Spa sign was also red in the same shopping center. He stated that he did not have trouble with the color choices.

Dr. Pope noted that it was the combination of the green ghost, the purple lettering, and then the red. He stated that he was okay with approving the application as presented, he was just pointing out that the color palette was outside what was normally requested.

Mr. Cutler stated that he was fine with the choices as well and welcomed Mrs. Scott to town.

Chairwoman Hillegass stated that she was thrilled to have someone utilize that space.

Dr. Bevan made a motion to approve as presented. Mr. Bryan seconded the motion.

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

D. *Public Hearing* Text Amendment - SZO Article 3.H (Downtown), 3.M (Historic Preservation Overlay), Article 12 (Board of Zoning Appeals), Article 13 (Definitions and Article 3.R (Entrance Corridor Overlay) - Town Staff, applicant. (Staff report and attachments enclosed.)

Chairwoman Hillegass noted that there were three topics that required a public hearing, but as they were all related, it was her understanding that they could be combined into one public hearing. She opened the hearing and confirmed that there was a speaker who had signed up to comment.

Randy Grumbine of 1101 Haxall Point in Richmond reported that he was present on behalf of the Virginia Manufactured and Modular Housing Association, of which he was the Executive Director. He stated, respectfully, that the amendments proposed were unnecessary, redundant, and likely in violation of the forthcoming State Code changes. He noted that Smithfield was light-years ahead of other jurisdictions in that the Historic Preservation Overlay (HPO) addressed concerns with manufactured housing in that district. Mr. Grumbine said that the ordinances addressed the color, the size, the setbacks, and the guidelines for which new construction needed to in order to take place. He pointed out that the amendments clearly called out manufactured housing, which was contrary to the code that was just recently passed. He read from the code the following: "the locality shall not adopt or enforce any zoning, land use, or development regulation that treats manufactured homes differently or more restrictively than a single-family site-built dwelling allowed in the same zoning district." He reported that the section continued to address historic zoning districts, and it said that they could have regulations, but it had to be the same for both site-built and manufactured homes. Mr. Grumbine reasoned that if they could build a home that satisfied Smithfield's requirements, they should be allowed to place it in the town. He acknowledged that if they could not, then they had the right to exclude that product. He stated that, in his organization's opinion, a blanket exclusion was not permitted in that section code. He shared information about a project that had been completed in the fall in Parksley, Virginia. He explained that the Parksley project had a modular side built to the Virginia Residential Code on one side and a house built to the Federal Code on the other side. He stated that even after having been in the business for 30 years, he could not tell the difference between the two. Mr. Grumbine clarified that he was not suggesting that those homes should be allowed in Smithfield, as that should be determined by the Town's historic preservation board. He observed that as many things improved over time, so had the manufactured home industry. He reported that all the homes that came to Virginia were built to Energy Star standards. He pointed out that there was legislation moving through Congress that would remove the requirement that manufactured homes be built on a permanent frame. He said that action would allow the industry to continue to innovate, set homes lower on the ground, and go multi-story. He reiterated that he was not suggesting that their homes built today would meet the town's restrictions and understood that many would not. He offered to answer any questions that the Commission had.

Dr. Pope asked if Mr. Grumbine could repeat the information about permanent foundations.

Mr. Grumbine explained that, by definition, a manufactured home must currently have a steel chassis underneath it. He said that there was currently legislation proposed that would remove that requirement, and a home would go a lot similar to an all-frame modular that would be placed on a permanent foundation. He clarified that it wouldn't require all homes to be built that way, but it would be an option. He reported that he included that information to illustrate the continued innovation in the field. He noted that the Virginia Code was updated on a regular schedule, but the Federal Code was not updated at the same rate.

Dr. Pope related that when he lived in Williamsburg many years prior, there had been a modular home brought into the area that had no steel underneath it. He recalled that when it was brought in, cranes had picked up the structure and set it down on a foundation. He asked what the difference in the home he just described was to a home built on a steel base. He additionally asked if they were all considered modular or were they defined by different names.

Mr. Grumbine stated that there were two different codes. He explained that in Virginia, "modular" were recognized as industrialized building units, and were built to the Virginia Residential Code. He continued that "manufactured" was built to a Federal code and allowed for homes to be built in Virginia and shipped to Maine or shipped to Florida. He said that there were three categories that influenced the construction of the home, including wind zone, thermal zone, and snow load.

Dr. Pope asked if the homes that were being discussed currently would be built on a steel chassis.

Mr. Grumbine stated that as they were manufactured homes, they were currently required to be built on a steel chassis.

Mr. Carr asked what the difference between a home built on a steel chassis and one built without one.

Mr. Grumbine stated that typically in Virginia, they could be built on a steel frame or not, and it depended on the residential code that the home was constructed to. He said that the Department of Housing Community Development reviewed the plans and permits and issued a seal that had to be attached to the modular home.

Mr. Carr asked if they were the type of homes that were placed in a mobile home park.

Mr. Grumbine stated that modular homes typically were not placed in mobile home parks, but manufactured homes were.

Mr. Bryan pointed out that in the agenda, the Town Staff had said that there were exceptions for historic districts. He noted that Mr. Grumbine's information seemed to contradict that.

Mrs. Clary deferred to legal counsel for clarification.

Mr. Eldridge said that the legislation that was quoted was signed by the Governor of Virginia on March 31st stated: "any locality may designate by ordinance the areas within its jurisdiction in which manufactured home parks may be established notwithstanding the absence of a zoning ordinance in such locality." He continued that the information went on to discuss the uniform regulations for manufactured housing. He read: "Localities shall not adopt or enforce any zoning, land use or development regulation that treats manufactured homes differently or more restrictively than a single-family site unit dwelling allowed in the same zoning district. Nothing in this subsection shall be construed as limiting the authority of localities to adopt ordinances pursuant to Code section 10.1-2206.1 and most relevant to Council 15.2-2306 designed to protect existing or future areas of historical or archaeological significance, historical sites, historical landmarks, and historical buildings." Mr. Eldridge said that it was his understanding that nothing in the subsection should be construed as limiting historical overlays and the matter could be tabled if they would like him to review further.

Dr. Pope asked if there were any specific requirements within the Historic District that said that homes need to be on a permanent foundation, have a certain pitch to the roof, or have other specific architectural details. He observed that the home could look like anything they wanted, but what would set it apart was the nature of its foundation or placement.

Mr. Bryan said that he felt that they were getting too far into the details. He stated that the homes in the Historic District were, for the most part, designated as historical. He continued that how they were constructed was one of their aspects that were protected.

Chairwoman Hillegass noted that Mr. Bryan was addressing existing homes in the Historic District, where the discussion was surrounding new construction.

Mrs. Clary stated that she thought that Mr. Grumbine was correct in that the town did have safeguards in place through their guidelines that would ensure that review would be required by the Board of Historic and Architectural Review (BHAR). She stated if, upon their review, the BHAR did not like the homes' appearance, then they would have the right to deny the application. She added that their

position was to ensure that the historic nature of the overlay was preserved.

Mr. Bryan asked if the Downtown ordinance also addressed the building code or design standards.

Dr. Pope speculated that the steel chassis would be strong enough to be seen as an adequate foundation but wondered what would be underneath that foundation. He reported that he did not care about how the house was built, what he cared about was what it looked like at the end. He detailed that it did not matter to him if a home was fabricated in a factory, noting that it may be more ideal that way as it was out of the weather.

Mr. Bryan reiterated that the Historic Preservation Overlay (HPO), the Downtown Neighborhood Residential (DNR) ordinance, and then they were ultimately reviewed by the BHAR for added protection.

Dr. Pope cautioned that if there was nothing that was included in the guidelines requiring that the home be attached to a footed foundation, then they needed to ensure that their building guidelines addressed building on a structurally sound foundation.

Mr. Bryan stated that his question was whether those guidelines were already included.

Mrs. Clary reported that they addressed foundations and their maintenance in the guidelines.

Dr. Pope asked if it was located in the ordinances or was it a design guideline.

Mrs. Clary confirmed that it was a design guideline.

Mr. Bryan asked if they would need to update the guidelines.

Chairwoman Hillegass pointed out that they just completed an update.

Mr. Grumbine stated that he thought that the guidelines were sufficient. He added that the structural components would be inspected by the Building Official, including the footers installed and their spacing. He acknowledged Dr. Pope's concern regarding the appearance of the skirting at the bottom of the manufactured home, and related that they were flexible regarding the look and materials used.

Dr. Pope said that he thought the Isle of Wight Building Code required a continuous foundation. He recalled that piered homes were more prevalent in the 2000s, but they had moved away from that type of foundation in the area because of shrink/swell soil.

Chairwoman Hillegass read from the best practices in the town's guidelines: "For piered and beam foundations, it may be appropriate to use more durable materials, such as concrete piers, so that they may be shielded from view and compatible with the structure." She continued that listed in the things to avoid section were "avoid applying concrete, stucco, or other contemporary materials over existing foundations to alter or obscure their appearance."

Dr. Bevan asked for confirmation of who wrote the proposed text amendment.

Mrs. Clary reported that the amendment had been written by Town Staff and then sent to legal counsel for review.

Mr. Eldridge noted that in regard to the HPO and the restriction being illegal, it was his opinion that it was legal as the Code of Virginia had a carve-out to address it. He read: "You shall not adopt or enforce any zoning, land use or development regulation that treats manufactured homes differently" and continued that in the next section the code stated, "nothing in this subsection should be construed as limiting the authority of localities to adopt ordinances pursuant to 15.2-2306." He related that was the enabling legislation for a historical review board.

Dr. Bevan recalled that earlier Mr. Eldridge had stated that the matter should be tabled so that he may have more time to review it.

Mr. Eldridge offered that he would always like more time to review an issue before giving advice, but if he had to make a decision right away, he would say that the code was pretty clear that it should not be construed as limiting the authority of the historical review board. He added that information came

from the most recent legislation that was passed.

Mr. Bryan confirmed that the Historic District was protected.

Mr. Grumbine repeated that their opinion was that there was already an HPO that restricted the placement of the home. He said that placing a ban on manufactured homes was discriminatory and unnecessary because the Historic District already gave them the authority to disallow them. He stated that he disagreed with Mr. Eldridge in that they had the authority to establish a historic district and to set regulations for it.

Mr. Bryan pointed out that the Historic District in Smithfield had already been established.

Mr. Grumbine stated that a person could not build a site-built home without following the historic district guidelines, and the same would be true for manufactured homes. He said that his group felt that they could not outright ban manufactured homes. He questioned why they would exclude manufactured homes if they could be built to the town's standards.

Mr. Bryan asked for confirmation whether the proposed ordinance used the word "ban."

Chairwoman Hillegass read from item 10 included in their packet of information regarding properties within the HPO district: "Permanent manufactured dwellings are not a permitted use." She added that statement was the change made, and Mr. Grumbine's argument was that the change was unnecessary.

Dr. Pope pointed out that there was another area on page 69 that excluded the use of permanent manufactured dwellings.

Mr. Bryan recognized that he did not work as legal counsel, but that their action was simply updating the current ordinances to comply.

Chairwoman Hillegass asked what the catalyst was for the update.

Mrs. Clary explained that it was coming from the Virginia Code effective July 1st.

Mr. Bryan said that it gave them the discretion to protect their Historic District.

Mr. Eldridge noted that where the code included "downtown" it clearly referred back to the HPO district. He said that it was not stating that the downtown area could not have those types of homes, unless the area was also included in the HPO.

Mrs. Clary went on to explain that in order to comply with the State Code effective July 1, 2026, the Town Staff was proposing a Text Amendment to Articles 12 and 13 of the Zoning Ordinance to update the language for Article 12 Board of Zoning Appeals. She continued that, as advised by legal counsel, they were also proposing a Text Amendment to Article 3.R of the Zoning Ordinance to update the Entrance Corridor Overlay District and bring it in line with the State Code for the designated agent. Site-specific requirements were relocated to Articles 9 (Landscaping) & 8 (Parking & Loading). She specified that the text amendment clarified the following:

- 500' will be measured from the road centerlines
- Exemptions for attached and detached single family dwellings and residential accessory structures on residential lots.
- Multifamily structures are not exempt
- Design Development Plan Review and procedures
- Separation of Authority
- Appeal process.

Chairwoman Hillegass asked if there was anyone else present who wished to speak on the public hearing items.

Nicholas Renosky of 232 South Mason Street in Smithfield reported that, as a homeowner in the Historic District, he was asked to speak about the negative impacts of allowing manufactured homes in the area and the impact on the Historic District. He stated that he felt that they had done a great job with the preservation of the Historic District. He said that its relevance to the town and the tourism that it brought was not something that they wanted to jeopardize. He spoke about the difference

between manufactured home insurance and homeowner's insurance. Mr. Renosky related that he had an investment property in Florida that was a mobile home, which he could not obtain insurance on. He asked them to consider the long-term impact on the area, because if a manufactured home degraded, it could not be refurbished.

Chairwoman Hillegass asked if there was anyone else present who wished to speak on the matter. Hearing and seeing none, she closed the public hearing.

Dr. Pope questioned why there were exemptions on the single-family detached dwellings and residential accessory structures in the ECO district.

Mrs. Clary reported that it was really designed for commercial and large multifamily structures. She stated that with single family detached and signal family attached products such as townhouses or duplex structures it would be difficult to bring every color change before the Planning Commission for these projects, especially since the intent was designed for commercial structures.

Dr. Pope pointed out that they would likely want to have control over what type of shed people who lived on South Church Street near Ringo's Donuts put in their backyard if it was within 500 ft of the ECO.

Mrs. Clary clarified that, as it stood, single-family dwellings and residential accessory structures were excluded from ECO review. She said that the action would add detached and attached, excluding multifamily.

Mr. Cutler asked if that was due to the State Code change.

Mrs. Clary explained that it had not but had been included in the bullet points she had previously read.

Mr. Cutler related that it made it very challenging to navigate changes that were mandated by the State and changes that were recommended by the Planning Staff. He observed that it was easy for them to vote on a matter solely due to the State saying that they must make the change, but when those mandated changes were added with other items it became difficult.

Mrs. Clary reported that the entire amendment addressing the BZA was from State Code except for the one section where it was clarified that a block that had the waiver of yard requirements.

Dr. Pope pointed out that in item 2 under the Landscaping Regulations, it stated that hedges had to be in front, between the highway and the parking lots if they were in front of the building with a 42-inch hedge height. He related that with that change it seemed that businesses, such as Tractor Supply on Benns Church Road, would need a 42-inch hedge. He questioned why that requirement was included and what was wrong with their current low-growing shrub plan.

Mr. Cutler stated that he felt similarly about the tree maturity change included.

Mrs. Clary reported that it had been taken directly from the State Code.

Mr. Cutler said that if he had known it was taken from the State Code he would not have asked the question.

Dr. Pope said that he felt that 42 inches was a hard height to manage. He hypothesized that one person might keep their hedge differently than another person would. He stated that he understood that the purpose was to screen the parking lot, but it seemed excessive.

Mrs. Clary reported that height was always in the ECO. She said that the Town Staff had pulled the information from the ECO and inserted it into the landscaping requirements.

Dr. Pope observed that they had not required anybody to maintain a 42-inch hedge. He listed different businesses that were within the 500 ft ECO and pointed out that they did not have 42-inch continuous hedges. He said that as a business owner himself, he felt that was unmanageable. He additionally questioned whether irrigation was "encouraged" or "required." He recalled that in previous application reviews within the ECO, they had required irrigation. He acknowledged that he was unsure if they could legally say that a business owner had to install irrigation.

Mrs. Clary stated that "encouraged" was taken directly from the language included in the ECO. She pointed out that when the DMV had been built, they had required that they install a hedge that would be 42 inches at maturity.

Mr. Bryan reconfirmed that the 42-inch requirement was taken from the current ECO. He directed them to page 103 of the packet and questioned why the word "docket" had to be substituted for the word "agenda." He related that "docket" referred to court action, and he felt that "agenda" was more appropriate.

Mrs. Clary stated that the Board of Zoning Appeals (BZA) was considered "quasi-judicial" and the language was taken directly from the State Code.

Mr. Bryan asked for confirmation that the BZA should be considered a court.

Mr. Eldridge explained that whereas the Commission was appointed by the Town Council, the BZA members were recommended by the Town Council to the Court, who then assigned them to the BZA. He continued that once there was an appeal to the BZA, it was no longer in the hands of the Town as the BZA was its own body. He noted that he, as the Interim Town Attorney, typically did not advise the BZA though a legal representative could be present to offer parliamentary assistance.

Mr. Yoko noted a typographical difference between the use of ECO versus ECO district on page 148.

Mr. Bryan stated that on that same page he noticed that item 7 was eliminated and asked if that was because it was moving to the parking and loading ordinance.

Mrs. Clary clarified that the access and internal circulation section of the ECO went to the parking and loading ordinance.

Mr. Bryan questioned why the word "location" had been removed from the "review of character and appearance of a new development in the overlay."

Mrs. Clary responded that the Town Staff had removed "location" because they felt it indicated site plan review, which was no longer a function of the Planning Commission but was done by the designated agent.

Mr. Bryan stated that the action gave him grief because the location was no longer under review by the Commission, and everything was already determined by the site plan.

Mr. Eldridge reported that he had reviewed the issue for a long period in order to be able to provide a good understanding of what was happening. He explained that when the State updated the site plan portion of the State Code, many localities combined their ECO with the site plan review. He said that they could go line by line and identify different areas that would need to be repurposed, but he believed that Article 11 covered the site plan itself. He noted that the State had made site plan review a checkbox action. Mr. Eldridge continued that the town's ECO did not currently align with the site plan review portion of the town's code. He said that in order to get to a place where work can still be completed, items were removed and some were added in order to make it a workable function. He observed that the town's code was written right now to review things after-the-fact, and ideally it would be a design review process. He said that the applicant should bring the design for the Commission's review, and then the site plan review was as simple as a checkbox. He stated that the way the ordinance was currently written, the site plan review was very detailed, and the ECO was very detailed, which meant they were going to run into constant conflict. He gave the reminder that on top of that, the State had determined that the Planning Commission could not really review a site plan. Mr. Eldridge said that everywhere they saw the words "site plan," they tried to remove it to ensure those provisions did not overlap. He stated that, eventually, the Town would have to redo the site plan review portion, and he thought that would appease the Commission as that illustrated that their power was not being taken away, it was just being moved to the front of the process. He related that in other localities the Planning Commission would issue a certificate when an applicant's design has been approved, then it would move to the site plan review process which was now very ministerial.

Mr. Bryan asked if the design review process was mandatory or was there a way it could be avoided by right. He gave the example of an application coming to Mrs. Clary, and whether what was requested was allowed by right in its particular zoning and added the question whether that would negate the Planning Commission's design review.

Mr. Eldridge stated no, they would not. He explained that the ECO was a zoning overlay and was still part of the zoning code.

Mrs. Clary clarified that they were discussing a "by right use" which was not governed under ECO. She stated that ECO was governing design of the product, not the actual use of the land.

Dr. Pope observed that they really needed the design guidelines to be the first step, not as the last step. He pointed out that they had been the last step in the recent Starbucks project.

Mr. Bryan confirmed that the proposed amendments were going to pull the Planning Commission earlier into the process.

Mr. Eldridge stated that they were a fix so that pending projects were not left in limbo. He reiterated that this was a quick fix to the problem, but it was not a permanent solution. He said that the permanent solution would address the site plan review, and then the ECO review would become easier because it would strictly address design. He added that the ECO would then be detailed, where the site plan review would not.

Dr. Pope asked Mrs. Clary to give an example run-through of the process to begin a project.

Mrs. Clary reported that she would need verification that the project was a permitted use in the zoning and no other SUPs or waivers were required. She stated that then she would need an approved site plan and if the requirements were met, then the project would move forward to ECO design review. She said that most of the time, applicants were not initially going to have any sort of elevations, materials, or colors at the forefront prior to engineering work needed for the approved site plan.

Mr. Bryan stated that the design review portion completed by the Planning Commission would be avoided in the example given.

Mrs. Clary added that site plan requirements were handled administratively.

Dr. Pope said that they would be handled administratively, but the Commission would not review materials, colors, etc. until after site plan approval was received. He pointed out that they still would not be seeing anything in the early process. He related his personal experience going through the process, and that he did not know how the Planning Commission would get to the point where they would be able to review design elements early.

Mr. Eldridge acknowledged that the way the information was currently written made that process difficult because it was still assumed that the Planning Commission was going to get the site plan for review with the design plan entrenched within that information. He said that now that the site plan was removed, the only alternative was for developers to come forward with a design review plan that was not a site plan.

Dr. Pope confirmed that they would then be reviewing more of a conceptual plan.

Mrs. Clary noted that Mr. Kluck had pointed out that many of the commercial entities did not want to bring their brand forward until they were ready to launch.

Mr. Bryan said that it seemed that the Planning Commission would only be discussing colors.

Mr. Yoko related that as a Planning Commission they now had two responsibilities: the Future Land Use Map and ECO review.

Mr. Cutler asked Mrs. Clary if all the blue font and highlighted blue font areas on pages 182-184 were State Regulations.

Mrs. Clary reported that all the blue font passages were copied and pasted directly from the ECO and incorporated into the landscaping section. She said that the highlighted portion was for legal representation to confirm that it could be left in the section.

Dr. Pope asked if there was any choice when it came down to changes made by the State.

Chairwoman Hillegass asked Mr. Eldridge if he felt what was done was sufficient for the short term.

Mr. Eldridge emphasized that it should only be used for a short term. He related that he would like to see everything laid out in a cohesive way so that there was no confusion.

Chairwoman Hillegass asked for confirmation that the changes would make their actions legal.

Mr. Eldridge stated that the changes would help them get by. He observed that there were projects in the pipeline, and they ran the risk of stopping some of those projects.

Chairwoman Hillegass asked if Mr. Eldridge would recommend a favorable motion to forward the information to Council.

Mr. Eldridge deferred to the Town Staff. He advised that they needed to work on getting fully into compliance.

Mrs. Clary reported that the Staff were working as best they could with the resources they had and the time allotted.

Mr. Bryan said that he would like to know specifically when a design review would come, when it wouldn't, and in what order it would be reviewed in relation to the site plan. He stated it still felt as if the Planning Commission was being left out of the loop, and he had a problem with the situation.

Mr. Yoko reiterated that many functions had been pushed to become administrative, and the Planning Commission would complete ECO reviews if the zoning requested matched the FLUM.

Mr. Yoko made a motion to forward a favorable recommendation to Town Council for approval of the text amendments to Article 3.H (Downtown), 3.M (Historic Preservation Overlay), 3.R (Entrance Corridor Overlay), 12 (Board of Zoning Appeals), and 13 (Definitions) of the Zoning Ordinance of the Town of Smithfield with the deletion of District for ECO.

Dr. Pope 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 nay, and Chairwoman Hillegass voted aye. The motion passed by a majority of 6/1.

Dr. Pope advised that they should review the ECO guidelines as they needed fewer generalities and more specifics. He added that they needed to know exactly how specific their language should be.

E. *Discussion Item* Text Amendment - SZO Article 8 (Parking and Loading Requirements), and 9 (Landscape and Screening Regulations) - Town Staff, applicant.
(Staff report and attachments enclosed.)

Mrs. Clary reported that the agenda item was included so that the Planning Commission would be able to see where the Staff placed the ECO landscaping, parking, and loading. She explained that they would return to next month's meeting as a public hearing.

Dr. Pope asked for clarification of what "infill plantings" in parking was referring to.

Mrs. Clary said that language was referring to medians within the parking area that broke up the continuous asphalt.

F. Approval of the April 14th, 2026 meeting minutes. Dr. Pope made a motion to approve the minutes as presented. Vice Chair Bevan seconded the motion.

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

5. Community Development & Planning Director's Report

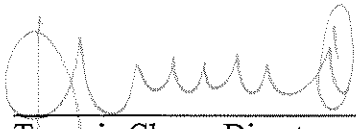
Mrs. Clary reminded the Planning Commission that the new agenda portal for packets was up and running, and they would no longer be using the PDF. She stated that they would need to use their smithfieldva.gov email address in order to access the site, and if they could not, the helpdesk needed to be notified. She reported that the Town Staff had an exercise for the Planning Commission to complete. She explained that the exercise was for the Commission members to write out how they would like to view the Land Use Matrix, adding that the answers would be anonymous. She said that they would compile and bring their findings to next month's meeting.

Each Planning Commissioner was provided with a printout of the waiver spreadsheet to complete.

6. Adjournment

The meeting adjourned at 8:46 pm.



Julia Hillegass - Chairwoman

Tammie Clary - Director of Community
Development and Planning