The Smithfield Planning Commission held its regular meeting on Tuesday, June 9th, 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
Kyle Warren - Grounds Attendant

Legal Representation:

None

Press:

Stephen Faleski - The Smithfield Times

Citizens:
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Chairwoman Hillegass welcomed all attendees to the meeting.

1. **Upcoming Meetings and Activities**

Tuesday, June 16th, 6:30 PM – Board of Historic & Architectural Review Meeting
Tuesday, June 16th, 7:30 PM – Board of Zoning Appeals Meeting
Monday, June 22nd, 3:00 PM – Town Council Committee Meetings
Tuesday, July 7th, 6:30 PM – Town Council Meeting
Tuesday, July 14th, 6:30 PM – Planning Commission Meeting

2. **Public Comments**

Chairwoman Hillegass confirmed that there were no members of the public signed up to speak.

3. **Planning Commission Comments**

Mr. Bryan thanked Renee Bevan for her letter sent to Town Officials that explained the difference between manufactured and modular homes. He said that the letter was in-depth and helpful. He asked Mrs. Clary if she could remind him why her Director's Report had been moved from the beginning of the agenda to the end of the agenda.

Mrs. Clary reported that she had moved her report to the end of the meeting as there was not very much information, and it would allow applicants to get in and out of the meeting faster.

Mr. Bryan said that it was important that people heard what she had to say before any public attendees left early.

Mrs. Clary noted that the report could be moved back to the beginning of the agenda if that was what the Planning Commission members preferred.

Chairwoman Hillegass stated that she did not have a strong opinion either way.

Mr. Yoko said that he did not have a preference either, but if members of the public wanted to hear the report they could stay and listen.

Chairwoman Hillegass added that they may also go back and review the video feed.

Vice Chair Bevan stated that since they had a foundation of transparency and the report was never long, they should move it back to the beginning.

Dr. Pope stated he was fine either way.

Mr. Carr said that he preferred the report up front.

Mr. Cutler stated that though he did not have a huge preference, he agreed that moving it to the front of the meeting would allow for more attendees to hear the report.

4. Community Development & Planning Director's Report

Mrs. Clary reported that there were no new updates.

5. Agenda Items

A. <u>*Public Hearing* Special Use Permit (Residential to Commercial) – 203 Main Street – 203 Main St LLC, c/o Jay Hassell, applicant.</u> (Staff report and assorted attachments enclosed.)

Mrs. Clary reported that the applicants are seeking a special use permit under the provisions of Article 3.H.C and 3.H.H.1 for the conversion of any residential structure or any portion thereof for a non-residential (commercial) use. The applicants seek to use the property as a general/professional office space for their businesses; however, they have requested flexibility to use any of the by-right uses permitted in the Downtown (D) Zoning District in the future.

Chairwoman Hillegass stated that the matter was subject to a public hearing and asked if there was anyone present who wished to speak. Hearing and seeing none, she closed the public hearing. She asked if there was someone present to speak on behalf of the applicant.

Amber Hassell reported that she was married to the applicant, Jay Hassell, and also was his business partner. She reported that they were planning to move their offices to 203 Main Street from where they had been located at Smithfield Station previously. She said that they were seeking to change the property from residential use to commercial use, and they currently had plans to solely use the space as an office. She related that, at the most, the space would house their settlement company, which included clients and one or two agents. She added that she did not see parking being an issue as they owned the parking lot behind the Hamtown Mercantile.

Mr. Bryan asked Mrs. Hassell if she could offer insight into what remodeling would be done at the property.

Mrs. Hassell stated that they did not foresee a lot of remodeling needs. She reported that the biggest issue that they had seen at the property was the Heating, Ventilation, and Air Conditioning (HVAC) as there were three units that needed work. She noted that the third floor and the basement of the structure were currently unfinished. She added that the building had been used as an office space at one point in its history.

Chairwoman Hillegass asked if the property was classified as Landmark or Contributing.

Mrs. Hassell stated that when she looked up the property it had been designated as Contributing.

Mr. Cutler reviewed that they had listed a parking plan, but it essentially was public parking. He noted that there was a driveway on the property, and asked if they were going to utilize it for parking.

Mrs. Hassell confirmed that they would. She observed that there was work to be done with the landscaping, and they could not do much with it currently. She stated that with a little transformation they could likely hold 4 to 5 cars in that area. She related that she was not trying to make the backyard a parking lot as the space was beautiful.

Chairwoman Hillegass reported that Mrs. Clary had pointed out to her that the property was actually designated as a Landmark Structure.

Mr. Bryan explained that meant that it was a viewed as a historic attribute to the downtown area.

Vice Chair Bevan read from the staff report that the applicant had requested "flexibility to use any of the by-right uses permitted in the downtown zoning district in the future." He asked what that entailed.

Mrs. Clary reported that there were 15 by right uses for that zoning.

Mr. Yoko noted that Vice Chair Bevan could use the land use matrix tool to see that information directly.

Mr. Bryan observed that translated to a lot of flexibility and asked if the applicant would have to return to the Commission.

Mrs. Clary explained that as they were by-right uses, they would not. She said that when a residential structure was converted to a commercial structure it required an SUP.

Mr. Yoko noted that there was another host of SUPs that they could apply for to use the property for other types of services once it was converted to commercial.

Mrs. Hassell reported that they owned several other businesses and the property would remain an office space for the foreseeable future. She said that they had a property management company that needed to use the space, as well as Countryside Real Estate, including Keller Williams Smithfield. She stated that the next step in the process would be to request signage.

Dr. Pope asked for confirmation if the SUP would transfer to the next owner if the applicant decided to sell the building.

Mrs. Clary confirmed that the SUP went along with the land.

Mr. Yoko added that if the next owner wanted to convert the property back to residential, then they would have to return to the Commission.

Dr. Pope asked if they were able to place conditions on the SUP, or was that not legal since it would convey with the land.

Mrs. Clary stated that she did not have an answer to that particular question. She related that they could place a condition, similar to a short-term rental, that the SUP be reviewed every year or two years after approval. She advised that they could also include the condition that if the property was going to be used as anything other than an office that the applicants would be required to return to the Planning Commission for review.

Mr. Bryan stated that he did not find anything out of the ordinary with the application. He added that his only concern dealt with the parking if they decided to have a taxi company, which he highly doubted was the case. He made a motion to send a favorable recommendation to Town Council for approval of the Special Use Permit for 203 Main Street for the conversion of any residential structure or any portion thereof for a non-residential (commercial) use under the provisions of Article 3.H.C and 3.H.H.1 of the Smithfield Zoning Ordinance.

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. *Public Hearing* Special Use Permit (Private School) – 409C Main Street – Sarah Edwards, applicant. (Staff report and assorted attachments enclosed.)

Mrs. Clary reported that the applicant was requesting a Special Use Permit (SUP) to operate a private school in accordance with SZO Article 3.H.C.13. She said that the proposed private school will be an expansion of the micro-school known as "Great Oaks Learning," which presently operated at 102 Underwood Lane. She detailed that the proposed new location, to the rear of the existing Underwood Lane location, was intended to employ 3-4 adults and accommodate an enrollment of no more than 18 students on any given afternoon and 1:1 and small group tutoring in the evenings. She stated that the drop-off and pick-up for the expanded location will occur at 102 Underwood Lane and will be staggered to avoid interrupting the daily traffic flow.

Chairwoman Hillegass stated that the matter was subject to a public hearing and asked if there was anyone present who wished to speak. Hearing and seeing none, she closed the public hearing. She confirmed that the applicant was present to speak about the application.

Sarah Edwards of 205 Edgewood Drive in Smithfield observed that she was coming before the Planning Commission nearly two years after she had applied for the first SUP to open the micro-school. She stated that Great Oaks strived to meet children where they were regardless of their ability. She reported that they had not anticipated the rate of growth that they had experienced at the school. She related her experience as a Special Education Teacher and said that she knew that there were not enough educational options for learners who didn't fit into the definition categories given by the Department of Education and school systems. Mrs. Edwards related that there was a place for standardized learning, and she would always support public and private education. She noted that the students that she served did not thrive in traditional classroom environments. She stated that as word got out about the variety of different services offered by Great Oaks for students and parents alike, the program grew by leaps and bounds. She reported that, as such, she had made the decision to offer a full-time program in the fall for a maximum of 15 students, with a ratio of 1 teacher to every 5 students. Mrs. Edwards reiterated that her educational program was available to all learners regardless of having a disability or not, and they would not specify that the program was for children with disabilities, because everyone had things that did not work for them. She reported that when she opened the full-day program, they immediately filled all 15 spots and had a waiting list. She said that this further showed the need for different educational opportunities, adding that they were the only school of its kind in a 5-state radius. She pointed out that in the last year they had served over 70 students and 50 families, noting that the school had become part of the downtown community. Mrs. Edwards discussed different ways that they would use the town to assist with lessons such as consumer mathematics, and her dream of opening her own school on 5 to 8 acres. She said that she had grown up on Main Street, and wanted to keep the school in the heart of downtown so they could remain a part of the community. She reported that by granting them use of 409 C Main Street, the Town would allow them the ability to serve more students. She thanked them for their support and encouraged them to come and visit the school. She noted that their picket fence would soon be painted.

Mr. Bryan stated that he was happy to hear about the growth at the school.

Mr. Cutler offered congratulations, and thanked her for providing broader educational offerings to the citizens.

Mr. Carr related his family's experience with a member who was very bright, but diagnosed with autism. He stated that she was similar to one of the students that Mrs. Edwards spoke about and that did not fit in the standardized box.

Mr. Bryan applauded Mrs. Edwards' commenting that the program was the only one like it in 5 states, adding that it was something that made Smithfield unique.

Mrs. Edwards explained further that there were schools for children with severe disabilities everywhere, but there were no programs for the children that fell through the cracks due to their different needs. She related that their environment allowed children to feel safe learning in a way that made sense to them.

Mr. Carr made a motion to forward a favorable recommendation to Town Council for approval of the Special Use Permit to operate a private school in accordance with Article 3.H.C.13 of the

Smithfield Zoning Ordinance at 409 Main Street, Unit C.

Mr. Bryan seconded the motion.

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

C. **Entrance Corridor Overlay Review (Sign) – 1005 South Church St – Echo Signs Printing & Graphics c/o Dee Antoine, applicant.** (Staff report and assorted attachments enclosed.)

Mrs. Clary reported that the applicants were seeking an Entrance Corridor Overlay review and approval to install a 44.75 square foot illuminated channel (wall) sign featuring the new business name ("Five Forks"), the words "Convenience," "Deli," and "Smoothies" in black font; and graphics, including a grocery cart, groceries, a sub, and a smoothie. She detailed that the proposed sign would be approximately 16 square feet smaller than the previously installed "Planet Tobacco & Mart" sign, and the applicant would need a sign permit and complete fee payment. Mrs. Clary added that the Town Staff recommended that the channel color be changed to white so that it matched the siding.

Antoine Darly of Echo Signs was present to discuss the proposed sign. He stated that they could change the colors to meet the recommendation of the Town Staff.

Vice Chair Bevan asked what channel color referred to.

Mrs. Clary explained that in the picture presented, it was the tan-colored channel that would hold the sign. She added that staff had recommended the change to white so that all that was seen was the lettering of the sign.

Dr. Pope recalled that the location had an elevated pole sign as well and asked what its status was.

Mrs. Clary reported that the applicant did not have a detached sign proposed currently.

Dr. Pope confirmed that the elevated detached sign was still there, and asked what would happen to it.

Mr. Darly stated that the sign would remain as it was with the previous business' information until the applicants obtained a permit to have it changed.

Mrs. Clary reported that she believed that there was a plan to update the elevated sign in the future.

Chairwoman Hillegass stated that the Commission was thrilled to have a more beneficial use of the property.

Mr. Yoko made a motion to approve the sign presented with the condition that the raceway color be changed to white to match the existing siding.

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.

D. ***Public Hearing* Text Amendment – SZO Article 8 (Parking & Loading) & 9 (Landscaping & Screening Regulations)** – Town Staff, applicant. (Staff report and assorted attachments enclosed.)

Mrs. Clary reported the Text Amendment to Article 3.R of the Zoning Ordinance had updated the Entrance Corridor Overlay District line in coordination with State Code for the designated agent, as was presented last month, and the site-specific requirements were relocated to Articles 9 (Landscaping) & 8 (Parking & Loading). She outlined that the text amendment clarified the following:

• Included requirements for off-street loading areas.

• Updated and clarified parking minimums.
• Removed uses that are not listed in permitted /SUPs.
• Replaced drive-in with drive-through.
• Access and circulation requirements from the ECO were inserted into Article 8.
• Landscaping requirements from the ECO were inserted into Article 9.
• Tree Canopy requirements were updated to new state code.
• Park lot landscaping combined lot lines and public streets.

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

Vice Chair Bevan asked if this was a State-required change, and it did not matter what they said.

Mrs. Clary reported that the Staff had started the process within the ECO review and in order to get the "site" away from the "sight," they had taken the site requirements for landscaping, parking, and loading, and placed them into the Parking and Loading as well as the Landscaping and Screening Articles.

Vice Chair Bevan repeated his question.

Mrs. Clary confirmed that the amendment was a beginning step towards compliance with State Codes.

Vice Chair Bevan asked if they had any input.

Mrs. Clary stated that replacing "drive-ins" with "drive-thrus" was a recommendation from the Staff, as well as updating the clarified parking minimums, and the other items listed in the Staff Report.

Mr. Bryan interpreted the change to include moving text basically from one ordinance into other separate ordinances specifically for the purposes of landscaping and parking.

Chairwoman Hillegass stated that some of the changes were reorganization while others were to get Smithfield into compliance with the State.

Mr. Cutler confirmed with Mrs. Clary that the changes in parking were made by the Staff and not recommendations by the State. He asked what the basis was for those changes.

Mrs. Clary asked if there was one change in particular regarding parking that he had questions about. She used Accessory Dwelling Units (ADU) as an example, noting that type of structure would not need two spaces plus another space, as the two spaces would already be present at the single-family dwelling where the ADU was located. She clarified that for an ADU it really only needed one space per unit added.

Mr. Cutler asked if a barber shop was considered a by-right or SUP as an example of a question he had.

Mrs. Clary clarified that it was not classified as either. She stated that barber shops were not specifically named but were considered a "personal service establishment."

Mr. Cutler stated that he felt that made it harder to see what had been changed and what had only been moved. He recalled that he had requested at the previous month's meeting that they stop mixing staff recommendations with mandatory code changes. He suggested that they could have a document that delineated the State law that required changes, and a separate document that showed the Town Staff's recommendations for possible changes.

Chairwoman Hillegass asked Mr. Cutler how he would like to proceed.

Mr. Cutler reported that it would ease the reviews of the Town Council and the Planning Commission to have the two versions separated and clearly identified. He said that it was hard to give a recommendation for a change if they did not know whether the update was required or based on opinion.

Mr. Bryan said that he was in agreement with Mr. Cutler.

Chairwoman Hillegass asked if the Commission would like to table the matter and see it brought back for review at the next month's meeting.

Mrs. Clary noted that the updates requested may not be presented by the next Commission meeting due to the change in legal counsel beginning on July 1st.

Mr. Cutler made a motion to table until the text amendments are ready to be re-presented to the Planning Commission, highlighting the required Virginia State Code changes versus the Planning Staff's suggested changes.

Vice Chair Bevan seconded the motion.

Dr. Pope asked if the different changes could be differentiated by using color-coding in order to keep it as one document to review.

Chairwoman Hillegass and Mr. Yoko agreed with Dr. Pope's request.

Mr. Yoko reported his recommendation on how to review the land use matrix in the same way. He complimented Mrs. Clary on the work that she had done and said that he liked the Staff's recommendations.

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 no, Vice Chair Bevan voted aye, and Chairwoman Hillegass voted aye. The motion passed by a majority of 6/1.

E. <u>Discussion Item: Land Use Matrix</u>

Mrs. Clary reported that Town Staff had provided the Commission members with the results of the exercise they had been asked to complete at the previous month's meeting, specifically items 141 through 148 on the land use matrix.

Dr. Pope asked for confirmation that when a box was left blank in the land use matrix, then that meant that an applicant could not ask for that particular use.

Mrs. Clary confirmed that was correct.

Dr. Pope confirmed that "P" meant it was a permitted use and "SUP" meant it required a SUP in order to proceed with that use.

Mrs. Clary noted that if the box was blank, then the only way to access that use was with the successful approval of a text amendment.

Dr. Pope pointed out that the Great Oaks Learning Center that had been reviewed earlier would now be redlined in the Downtown Neighborhood district. He asked where that school would fall under in the new land use matrix.

Mr. Yoko reported that the item had moved to line 111: "public or private schools, colleges, and universities."

Dr. Pope stated that there were many other examples of items that needed to be expanded on in the list. He stated that his comment about the project was that the whole list should include SUPs. He said that he felt that if they did not, then they were going to lose something in the process.

Mrs. Clary directed them to item 233 on the spreadsheet, which showed public/private schools, colleges, and universities with SUPs allowed across the board, and then fully permitted in the Highway Retail Commercial (HRC) and Light Industrial (I2).

Dr. Pope reiterated his concern that they would lose an item in the process.

Mrs. Clary offered that the way that staff could address that concern was to go through, make the changes, and then come back for review. She acknowledged that there was a lot of information to take in, especially when redlined information was included as well. She stated that it was a work in progress and if they adopted the land use matrix, it did not mean it was forever set in stone. She related that they could issue text amendments to ensure that the document reflected what the Planning Commission and Town Council desired.

Vice Chair Bevan asked for clarification about the voting done by the Commissioners during the previous month's requested exercise, specifically if Mrs. Clary considered 2 out of 4 votes "for" were considered to be in favor of the changes.

Dr. Pope observed that meant that there were 3 Planning Commission members that did not submit answers, as there were only 4 responses. He stated that his questions came down to line-item details. He asked if they were going to review single line items or were they going to argue over the document and SUPs as a whole.

Mr. Cutler reviewed that there had been a Joint Meeting with the Town Council. He followed up by asking if the Commissioners felt that they had received enough guidance from the meeting, did they need more guidance from the Council, or did they now view the spreadsheet differently. He stated that the whole purpose of the Joint Meeting was for the Town Council to give guidance on what to work on as a Planning Commission. He said that if the Planning Commission took the Council's direction to slow down growth as the message from that meeting, then it seemed like they would not be in support of a broad SUP program.

Dr. Pope said he would return to his original argument that SUPs inherently did not increase density but allowed applicants the opportunity to have their project reviewed so that the Planning Commission can see if it was appropriate. He pointed out that the possibility of applying for an SUP did not guarantee whether an application would be approved.

Mr. Cutler acknowledged that he agreed with Dr. Pope's statement but added that the point of the Joint Meeting was due to the comprehensive nature of the editing of the zoning and for the Planning Commission to get guidance from the Town Council. He repeated his question about whether the Commission members felt that guidance had been given.

Mr. Yoko reported that the guidance received was that they would break out the overall consolidation of the matrix for approval while they continued to work on the issue of SUPs on waivers as a separate discussion item. He related that the exercise given to them was to assist in the process of how the Commissioners preferred to look at 141 through 148.

Mr. Cutler reported that he had left his sheet blank in order to signify that he wanted to allow no SUPs across the board.

Mrs. Clary noted that there had not been any way to differentiate what was left as indicating "no-SUPs" and what was just a blank document.

Vice Chair Bevan stated if that was the case, then the vote should be that only 2 out of 5 were "for" SUPs. He said that they were stuck in a quagmire and it happened every month. He reported that personally, he was in the middle of the argument as he was not in favor of no SUPs but was also not in favor of SUPs across the board. He added that his proposal was going to be a work session or going through all the line items one at a time. He reported that the exercise had been overwhelming to him as they were supposed to fill out 112 boxes at 8:45 pm. Vice Chair Bevan stated that if Downtown Residential was how the Historic District was labeled, then that was the area that should be reviewed line by line, or even just the highly contested 8 items. He emphasized focused review over blanket approval.

Mrs. Clary recalled that the Town Staff had broken up the matrix in residential versus commercial. She stated that the hang-up had been during the review of the residential portion that addressed waivers. She stated that if they would like to return to the residential section to look at what was proposed and what was existing through Community Conservation, they could do so.

Dr. Pope suggested that it might be easier to consider commercial districts before residential districts. He pointed out that for Residential Office, under "waiver of district size" it currently said "minimum district size: not regulated." He noted that there was no guideline there, but then it had listed for "minimum lot area: 15,000 square feet." Dr. Pope added that in Downtown Neighborhood Residential it listed "district size: not regulated." He questioned what they were actually wavering if it was not regulated. He reasoned that if it was not regulated, then they could get rid of the waiver because there was no district size, and they could pull that whole row out. He acknowledged that he needed to review the ordinance and go through all of them before actually suggesting the action. He pointed out several other areas that included "not regulated."

Mr. Cutler stated that if they used the detailed approach recommended by Vice Chair Bevan, then they would have a better chance of actually correcting issues. He reiterated that the guidance given by the Town Council during the Joint Meeting had been that they didn't want SUPs across the board that would affect density. He recalled that the project had been introduced as a clean-up project and not a zoning project. He emphasized that the Town Council had never requested such a project and did not say whether to continue with it. He related that the Planning Commission should make a zoning change if they deemed it necessary based on the guidance given by the Town Council at the meeting that they had requested.

Dr. Pope noted that at the Joint Meeting it was said that they had never exceeded maximum density despite the perception that the Town had over-populated Mallory Pointe. He continued that they had never exceeded maximum density in the town, except for the Grange project, because it had been their first experience using the Planned Mixed Use District (PMUD) designation. He pointed out that he had said multiple times that they did not have a vertical density regulation, and where they ran into greater density on the Grange project was with the proposed three-story apartment buildings.

Mr. Cutler stated that none of that information had anything to do with the Joint Meeting that they had just held. He reported that they had paid all the staff, the Planning Commission members, and the Town Council members to be present at a meeting that had been requested by the Planning Commission in order for them to receive guidance from the Town Council.

Mr. Yoko recalled that the Town Council wanted to regulate density within the town. He pointed out that there was only one line on all the waivers that related to density. He used the example of waiving lot size and noted that gave the assumption that it would then allow for more density, but that was not the case. He stated that a waiver of lot size could be due to the shape of the lot in question being odd, making it not meet the requirements. He observed that a waiver of lot size did not automatically mean that it would be used to massively increase development. He reported that it was an action that the town had completed before, even recently, on Smithfield Boulevard.

Mr. Cutler stated that Mr. Yoko had made his point for him, as he interpreted what he had just said was that they should spend their time going line-by-line, district-by-district, and then make a justified recommendation to the Town Council rather than just saying "SUPs across the board."

Mr. Yoko agreed that they should review in a detailed manner.

Vice Chair Bevan observed that since he had been appointed to the Planning Commission, the SUPs that they had approved had been done on a case-by-case basis. He stated that there was a large difference between a homeowner requesting to waive the size of their corner lot versus a developer wanting a waiver of density in order to put in 200 units. He said that he thought some smaller SUPs that assisted the individual made sense, but not blanket SUPs. He related that he was more sensitive to the needs of the citizens than to the owners of commercial properties.

Mr. Cutler informed Vice Chair Bevan that he had requested that the Town Manager review their fee structure for SUPs. He noted that currently an individual property owner asking for an individual SUP pays $400 to the town while the large developer requesting 5 SUPs for a large development would pay the same $400 despite the increased complexity and amount of work involved. He stated that needed to change. He added that many of the Town Council members, including himself, agreed with the point Mr. Yoko had previously made. He said that in the case of the Promontory, he had wanted them to build their homes directly to the town's code and only request SUPs for the few lots that did not conform, rather than apply for a blanket SUP. He said that since they had requested the Joint Meeting with Town Council for guidance, he had expected that the document would change to reflect that guidance as the meeting had been intentional.

Mr. Bryan stated that there had been many good comments made regarding the land use matrix. He referenced Mr. Yoko's example of a waiver of lot size and noted that there was a tool available in the ordinance to address lot size in the zoning that it aligned with. He said that all the zones and ordinances had their own waivers that applied to them. He related that his position remained that SUP changes across the board have had little discussion, other than a vague request and had no avenue for application. He said that the request blatantly disregards all deliberations and considerations of all previous town councils and commissions before them. Mr. Bryan questioned where the studies and research was to show why they were placed prior to the current Commission, and what reason they had to now scatter SUPs everywhere. He stated that the action would create voids and lead to poor management of Smithfield's character, which they had worked hard to protect. He stated that they were proceeding with an action based on information gathered at the previous month's meeting through secret ballot, an action which he did not see anywhere in the minutes. He reiterated that he did not see the need for the proposed scattered approach. Mr. Bryan confirmed with Chairwoman Hillegass that he could accept Vice Chair Bevan's suggestion or Mr. Cutler's suggestion of a more detailed review.

Mr. Cutler stated that they should certainly go line-by-line for an incremental approach at review of items 141 through 148, but he agreed with Mr. Bryan's statement and that approach should be applied to the whole matrix. He acknowledged that the matrix was an organized document but felt that the information was put together in a hodgepodge way that made it difficult to navigate.

Dr. Pope observed that there were no built-in waivers in the ordinances. He explained that if the ordinance was not complied with and there was no waiver listed on the matrix, then it couldn't be completed. He recognized that some may say that a project could be done without a waiver listed by applying for a text amendment but reasoned that if the text amendment was approved then it would likely result in SUPs being approved across the ordinance anyway. He stated that they were picking and choosing which ordinances they liked the best. He suggested that they needed to consider individuals as well as developers as it affected everyone who came before the Planning Commission.

Mr. Cutler said that he did not think that was happening. He said that Dr. Pope's statement that district size was irrelevant in multiple cases supported their need to pay closer attention to the details. He stated that he felt that there should be defined rules so that the citizens knew what to expect. He confirmed with Mrs. Clary that there was $100,000 allocated to professional services in the budget and added that they should use those funds to hire consultants to provide their expertise.

Mr. Bryan stated that he believed that most, but not all, the ordinances had waivers included that had been strategically placed.

Dr. Pope reported that he had just scanned two or three of the ordinances, and he did not see anything that said that there was a waiver included. He noted that they listed size requirements, etc., but there was nowhere that explicitly said that there was a waiver available.

Mr. Bryan asked which ordinance he was viewing.

Dr. Pope was given a physical copy of the ordinance by Mr. Kluck and noted that there was a waiver of height and parking and loading in Highway Retail Commercial, but there was no waiver of building height in Planned Shopping Center Commercial. He reiterated that they were picking and choosing what they wanted, and he did not agree with that.

Mr. Yoko recalled that the issue first arose when they began the consolidation effort and were reviewing the information. He said that there were text amendments made to individual zoning ordinances for the waivers in order to create text amendments to those ordinances to provide SUPs to "change the ordinance." He stated that the question had been raised about why some areas allowed SUPs while other related areas did not, with the answer being that it was likely because no one had requested a text amendment in that particular ordinance yet. He said that it likely did not make sense across the board, but he felt that they needed to go through the matrix in a detailed way to see where it would make sense to allow a SUP.

Mr. Cutler agreed that they should review together.

Mr. Bryan reported that Mr. Yoko had illustrated that they did have mechanisms present in the ordinances already that allowed for anything to come before them.

Mr. Cutler related that he had seen SUPs and text amendments get approved that made sense. He reviewed that they had seen many SUPs requesting to remove the required Recreational Vehicle (RV) parking, and to address the issue, the town had changed the code. He said that he viewed SUPs as saying, "we have a rule, but we're ready to break it." He continued that in the case of a text amendment, he felt it was a better way to have something corrected in the code. He asked Mrs. Clary if text amendments had to be reviewed and if anyone could request one.

Mrs. Clary confirmed that the statement was correct.

Mr. Cutler stated that then they essentially had two SUP methods, but he felt that text amendments provided more consistency.

Mr. Yoko noted that it was down to politics, or, more so, semantics. He pointed out that Mr. Cutler interpreted SUPs in one way and that he interpreted them in the exact opposite way. He detailed that where Mr. Cutler felt that it was breaking a rule, he viewed SUPs as requiring an applicant to come before the Commission to ask if what they were applying for was appropriate for where they wanted to do it. He added that it was less of an administrative burden to go through the SUP process than the waiver process.

Mr. Cutler asked Mr. Yoko to clarify the statement regarding the administrative burden because they had meetings, votes, arguments for or against, and then the change was made.

Dr. Pope stated that they were not the same. He related that there had been text amendment changes in the cases of Mallory Pointe and the Grange. He explained that the change for Mallory Pointe was why there was a waiver of landscape screening and open space, because the developer asked for a SUP in order to have non-contiguous open space. He stated that the matter first came to the Planning Commission, where it wasn't voted on until the second meeting, and then it had to be heard and voted on by the Town Council, which cost the developer five months of being able to move forward. He explained that by having an SUP, it allowed the Planning Commission to approve the change with no delay.

Mr. Cutler stated that statement was not correct. He stated that SUPs had all the public hearings, etc. that text amendments had. He noted that they had a public hearing for a requested SUP at that very meeting.

Chairwoman Hillegass stated that was correct, but with the text amendments, the same process was needed for Town Council directly after going through the Planning Commission.

Mr. Cutler reiterated that they went through the same process, and one was not easier than the other.

Mrs. Clary used the project previously planned at Washington and James Streets in Downtown. She reviewed that, in that case, the text amendment had to come first for the waiver of maximum density in order to then apply for the SUP, if the text amendment had been approved.

Dr. Pope noted that the text amendment was permanent. He stated that once one was approved, it was applied across the board forever. He specified that an SUP applied to one application, one time. He related his personal experience on the matter and added that they should make it easier for everybody, not just developers. He said that they were not going to agree on the point and felt that they were going to get into a stalemate.

Mr. Cutler stated that was the reasoning behind asking the Town Council for guidance. He stated he had gotten feedback from the citizens that the process was generally pretty easy, unless it had long-term, complex effects. He concurred that they would have to agree to disagree.

Dr. Pope further detailed his personal SUP application experience. He related that in order to expand his current parking lot while installing an addition to his business, he was required to have a traffic study completed, which then took two months. He said that he then had to go before the Planning Commission for the SUP and then go before the Town Council. He reported that for him to put a 900 square foot addition on his office it had taken 18 months.

Mr. Cutler acknowledged that the process sounded awful, but he did not understand how his experience related to what they were discussing. He stated that he thought that the whole homebuilding process nationwide was broken. He noted that instead of applying for an SUP, he could use his knowledge and personal experience to suggest text amendments to actually make the process more efficient.

Dr. Pope stated that they did not need text amendments as there were SUPs available.

Mr. Cutler said that if Dr. Pope had a problem with the process that affected him personally, then it affected others as well. He asked why they wouldn't want to change the zoning code and fix it for everyone.

Mr. Bryan pointed out that despite what Mallory Pointe's developer went through, they did succeed. He said that as they were building the development currently, there was no problem with the process. He speculated that the amount of time that it took for Mallory Pointe to be processed gave officials and citizens ample time to review the application. He said the approach that Dr. Pope was suggesting eliminated the period of time needed to consider an application.

Chairwoman Hillegass asked for confirmation that the consensus of the Planning Commission was to take a more detailed review approach one section at a time.

Mr. Yoko asked how the other Commission members felt about the consolidation effort.

Vice Chair Bevan reported that he felt that it made good sense, that they should approve it, and send it forward. He stated that finishing that first part would allow it to move to the next phase.

Mr. Yoko asked Mrs. Clary if she had a version of the land use matrix that just had the consolidation information without the inclusion of new SUP capability.

Mrs. Clary reviewed that the Planning Staff had provided them with a redlined version that included blue information which illustrated what had been inserted. She continued that anywhere the staff thought should be changed to include an SUP or permitted use had been highlighted. She asked if they would like that version again for review.

Vice Chair Bevan recalled that there had been one version that included 380 items that had been consolidated down to 147. He stated that version was what they were okay with.

Mr. Cutler asked for confirmation that the version that they were speaking about included an example that was no longer a permitted use in that version.

Dr. Pope clarified that the example he had found that Mr. Cutler was referencing had been covered in a different item.

Mr. Yoko pointed out that the verbiage used on the original spreadsheet was absorbed into other items on the consolidated version.

Mr. Cutler said that they were talking about sending the consolidated uses forward, and asked Mr. Bryan to confirm whether that version was the one that he had said was scattered.

Mr. Bryan stated that the consolidation was done, but then the spreading of SUPs around the matrix had been added later.

Mr. Cutler pointed out that the Commission had already identified one error where they had tried to insert SUPs across the board for a use that was not regulated.

Mr. Yoko clarified that the only place that SUPs were inserted was in the waiver section of the matrix. He emphasized that everywhere else on the matrix that included SUPs had that classification because it was written that way in the current ordinance.

Mrs. Clary gave the reminder that there were changes recommended for SUP allowances in other areas as well.

Mr. Yoko added that the concerns raised had been focused on the eight items they had been discussing.

Mr. Cutler asked for confirmation that they had matched all the SUP and permitted uses that were in the code to the updated areas that were not part of the contested waiver section.

Mr. Bryan stated that the SUPs in the consolidated 147 items were present as they were originally in the ordinances. He recommended that they return to the version prior to the changes recommended to the waiver section.

Mr. Cutler stated that the purpose of the action was to build a better zoning ordinance. He stated that if the only change was entering the existing ordinance data in a spreadsheet with no changes, then he could accept that. He said that he was under the impression that there were more changes than just the ones recommended in the waiver section.

Mr. Yoko acknowledged that there were some locations on the matrix where there was a consolidation of multiple line items into one, and as a result, some of the items consolidated were grouped in with items that may have had a SUP allowance, thereby giving that item an opportunity for use of an SUP that had not been present before. He noted that those examples were few and far between.

Mrs. Clary observed that within the highlighted section where Town Staff had proposed additional changes, "community building, swimming pools or athletic courts" were listed as allowed via SUP in Suburban Residential (SR), Downtown Neighborhood Residential (DNR), Multifamily Residential (MFR), and Mobile Home Park (MHP) but was not an option in Attached Residential (AR). She reported that the Town Staff felt that community buildings would be present in AR locations, so they did include it as an SUP item. Mr. Bryan agreed that the action made sense.

Mr. Yoko stated that as they revamped the zoning ordinance, it would be reflected within the new matrix. He said that the consolidated terminology would be what was inserted into the updated ordinance. He continued that the entire effort was to ease the burden on citizens and staff, so that they may see where all the uses were available.

Chairwoman Hillegass noted that the sticking point was still with the list of waivers.

Mr. Yoko agreed and said that it had been his understanding that he thought that they had come to an agreement regarding the consolidation. He added that he had also thought that the Town Council had been in the same place. He advised that they could go back to Town Council and make a presentation of the consolidated version, then have an in-depth review of the contested waiver section.

Mrs. Clary asked for confirmation that the Town Staff would advertise for the public hearing for the consolidation effort, not including the waiver items, for next month's meeting.

Dr. Pope asked if they were going to get in the details of the other items as well, because he had a problem with the line-item that included cemeteries.

Mr. Yoko said his question was also if there were other remaining items as well.

Mr. Cutler said that his point had been that if they took time to go through the entire document then they could clean it up.

Dr. Pope pointed out that cemeteries were available by SUP in all residential districts, but commercial cemeteries were not permitted.

Mrs. Clary said that the cemetery line item was what existed, and there was nothing added or changed.

Dr. Pope asked what if someone wanted to open a cemetery as a business, giving the example of one such cemetery present on Shoulder's Hill Road.

Mr. Yoko stated that, in the example given, the applicant would have to request a text amendment.

Mr. Bryan noted that Smithfield was not as large as the area mentioned by Dr. Pope. He added that in Smithfield, there was limited commercial space. He suggested that they utilize that limited space for actual businesses instead of on something as specialized as a cemetery.

Dr. Pope questioned why they would not allow a communication tower to be built in the Planned Mixed Use District (PMUD) or in Highway Retail Commercial (HRC) zoning.

Mr. Bryan asked why someone would want a communication tower.

Mr. Yoko cautioned that they were headed back to what they were trying to avoid. He summarized that they were consolidating current requirements, not changing or adding new or different requirements. He recalled that was what had gotten them into the problems with changes to the waivers. He stated that the Commission could go back and address changes at a later time, but if they wanted to make changes during the consolidation review, he supposed that they could do that.

Dr. Pope advised against addressing it later, relating that if they granted a SUP to a developer it would be interpreted as a "special" concession just for them. He stated that they did not want to discuss it any further as far as he was concerned.

Mr. Cutler agreed that if they identified a problem during the process, it should be addressed rather than waiting for an applicant to ask for something that would require a text amendment or SUP. He said that the crux of changing the zoning ordinance was that it enhanced the work of the Commission moving forward.

Chairwoman Hillegass asked Mr. Cutler if he was recommending that they go through the original unconsolidated matrix.

Mr. Cutler pointed out that it sounded as if Dr. Pope took issue with items in the consolidated matrix.

Dr. Pope said that he had shared his opinion, and they did not share that opinion, which was fine.

Mr. Cutler clarified that he shared Dr. Pope's opinion that problems were identified through the creation of the document, but all they had done was to consolidate uses and not address those issues. He stated that going through the small issues and details would focus the ordinance but recognized that would take a long time.

Vice Chair Bevan stated that the points that Dr. Pope was making were good ones, but he was not going about it in a systematic way. He gave examples of reviewing district by district or use by use. He said that it was wasting time and not getting them anywhere.

Chairwoman Hillegass told Mrs. Clary that it looked like they would not need a public hearing next month.

Vice Chair Bevan stated that he did not feel that the document was ready for presentation to anyone. He suggested that they have a work session.

Dr. Pope said that he thought they were currently having a work session on the item.

Vice Chair Bevan reported that they were not doing it in a productive way.

Dr. Pope said that he felt that if they approved the consolidation, minus the contested waiver section, then they were never going to get back to the matter, and it would never come back to them until there was a special need for it.

Mr. Yoko pointed out that in 2027 they would need to review the Comprehensive Plan, and he felt that was the best time to go through each item in a detailed fashion.

Vice Chair Bevan made a motion that, as an experiment, they do the aforementioned detailed review of Downtown Residential and see how the process worked for them.

Mrs. Clary suggested that they start with Community Conservation and work their way across the matrix.

Dr. Pope observed that there were 14 districts, and such an exercise would take them 14 months.

Mrs. Clary noted that they had already been working on it for 10 months.

Mr. Yoko stated that he thought if they did 1district at the next meeting, then they may be able to do 3 or 4 at the meeting following that.

Vice Chair Bevan noted that there was no hurry, since neither the Town Council nor the Planning Commission had requested the document.

Mrs. Clary explained that in regard to the Pinewood Master Plan, they would need the Commercial/ Industrial zoning district to fall down to Light Industrial as the entire property needed to be rezoned.

Mr. Bryan reported that he agreed with Vice Chair Bevan's statement that they could finish at least 2 districts, and it would give a broader sampling of what they may encounter in the process moving forward.

Dr. Pope pointed out that Community Conservation, Neighborhood Residential, and Suburban Residential were all essentially the same thing.

Vice Chair Bevan questioned why they were split into 3 different districts.

Dr. Pope reported that they were separated by density allowed.

Chairwoman Hillegass stated that they would start the review with Community Conservation, and see how far they could get.

Mr. Bryan reviewed that Mrs. Clary had reminded them that the Pinewood Heights rezoning had urgency attached to it.

Mrs. Clary reported that the Town Staff had been working on the Pinewood Master Plan, and the rezoning to Light Industrial was one of the steps needed.

Mr. Cutler asked if the work on the land use matrix would stop that rezoning.

Mrs. Clary noted that they needed to ensure that the uses being utilized on the Commercial Industrial property were transferred over to Light Industrial.

Mr. Cutler confirmed that Mrs. Clary had already ensured that they were in line with one another.

Mr. Cutler said if it was so urgent, then it could be completed separately.

Chairwoman Hillegass stated that it was a discussion item and really did not need a formal motion.

F. <u>Approval of the April 22nd, 2026 Joint Town Council/Planning Commission meeting minutes.</u>

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

Dr. Pope seconded the motion.

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

G. <u>Approval of the May 12th, 2026 meeting minutes.</u>

Dr. Pope made a motion to approve the minutes as amended to include the addition of a section regarding the Planning Commissioner SUP Exercise, stating that they were individually given a matrix to complete with their suggested change to allow certain waivers in different zoning districts.

Mr. Bryan seconded the motion.

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

6. Adjournment

Prior to adjournment, Mr. Bryan confirmed that they would be reviewing Community Conservation, Neighborhood Residential, Commercial Industrial, and Light Industrial at the next meeting.

Mrs. Clary gave the reminder that in Item 7 "parking and loading and landscaping" they had approved the modified Entrance Corridor Overlay (ECO) text amendment that had deleted landscaping and parking requirements from the ECO with the understanding that they would be relocated to item 7. She noted that there was no current landscaping and parking requirements in the ECO.

The meeting adjourned at 8:27 pm.

Julia B Hillegass

Julia Hillegass - Chairwoman

Tammie Clary - Director of Community Development and Planning