

September 30, 2022

TO: SMITHFIELD TOWN COUNCIL

FROM: LESLEY G. KING
TOWN CLERK

SUBJECT: INFORMATIONAL REPORT FOR THE PUBLIC BUILDINGS & WELFARE
COMMITTEE MEETING HELD ON MONDAY, SEPTEMBER 26TH, 2022

The Public Buildings and Welfare Committee held a meeting on Monday, September 26th, 2022 at 4:08 p.m. at the Smithfield Center located at 220 North Church Street, Smithfield Virginia. Committee members in attendance were Ms. Valerie Butler, Chair, and Mr. Randy Pack. Other Council members present were Mr. Michael Smith, Vice Mayor, Ms. Beth Haywood, Mrs. Renee Rountree, and T. Carter Williams, Mayor. Staff members present were Mr. Michael R. Stallings, Jr., Town Manager; Ms. Lesley King, Town Clerk; Ms. Ashley Rogers, Director of Human Resources; Mr. Jack Reed, Director of Engineering and Public Works; Mr. Wayne Griffin, Town Engineer; Mrs. Tammie Clary, Director of Community Development and Planning; Ms. Amy Novak, Director of Parks and Recreation; Mr. Eric Phillips, Lieutenant at Police Department; and Ms. Deb Frank of Tourism. Also in attendance were Mr. Steve Bowman, Mr. Jeffrey Brooks, and Mr. Ryan Adams of Wavy 10 / Fox 43. There was no media represented.

Public Buildings and Welfare Committee Chair, Ms. Valerie Butler, called the meeting to order.

A. MATTERS DISCUSSED BY COMMITTEE WHICH WILL BE ON COUNCIL'S AGENDA

1. Pre-Public Hearing Discussion: Special Use Permits – Ms. Clary explained the applicant is seeking approval for a Special Use Permit (SUP) pursuant to the Smithfield Zoning Ordinance Article 3.I. Section C.30 which is for a waiver of the parking and loading requirements. Specifically, the applicant is requesting approval of a site plan with 108 parking spaces, which exceeds the maximum parking allotment of 32 spaces. The applicant has proposed to erect an approximately 4,800 square foot building, with a proposed use of a Department of Motor Vehicles (DMV) office. Under the Smithfield Zoning Ordinance Article 8.E.37, the maximum number of spaces for an office is “one (1) space per 150 square feet of gross floor area,” permitting a maximum of thirty-two (32) parking spaces. The applicant is seeking approval for a total of 108 parking spaces for the proposed DMV office space. At the Tuesday, September 13th, 2022 Planning Commission meeting, this application was favorably recommended to Town Council for approval, subject to the staffs condition, that approval is contingent upon final site plan approval. As stated, Town Staff does recommend a favorable recommendation for approval

of this SUP contingent upon final site plan approval. Mr. Pack explained that at Planning Commission there was discussion on the number of parking spaces and whether they were in favor of the 108 parking spaces for the DMV. That answer is yes. If you look at the site plan that was provided in the packet there is a proposed retail and restaurant included on the site plan. He stated that Planning Commission's concern is not about the 108 parking spaces that the DMV requires. The reason that Planning Commission made the recommendation that they were in favor of the 108 parking spaces contingent upon final site plan approval is because they are concerned that out of the 108 parking spaces, they will then need a reduction in parking spaces for the restaurant and retail. While staff and Planning Commission is okay with the 108 parking spaces, they want to make sure they are for the DMV. Planning Commission wants to make sure the restaurant and retail buildings also get the appropriate number of parking spaces when and if it comes before them. The only thing that Town Council needs to vote on is the special use permit to exceed the maximum number of parking spaces that the Town has in their Zoning Ordinance. This item will be on Town Council's agenda as a public hearing at their October 5th, 2022 meeting.

2. Cypress Creek Subdivision Agreement for Section 2 of Phase VI – Ms. Clary gave a brief history of the project. On October 8th, 2019, the Planning Commission approved a site/subdivision/utility plan and preliminary plat application for Cypress Creek Phase VI. On January 7th, 2020, Town Council approved a subdivision agreement for the same development and a zoning permit was issued on March 18th, 2020, for the construction of all infrastructure related to the proposed development. On October 13th, 2020, there was an amendment to the site/subdivision/utility plan and the preliminary plat application. On January 12th, 2021, Planning Commission approved the final plat for Section 1 of Phase VI. This allowed for the formal subdivision of a portion of the property into fifty-five (55) Suburban Residential (Cluster)-zoned properties and two (2) open space parcels. The Subdivision Agreement, dated January 19th, 2021, was then recorded. On October 12th, 2021, the Planning Commission approved the final plat for Section 3 of Phase VI. This is the formal subdivision of a portion of property into forty-six (46) Suburban Residential (Cluster)-zoned properties and three (3) open space parcels. A Subdivision Agreement, dated October 13th, 2021, was also recorded. The applicant has now received final plat approval from the Planning Commission at their August 9th, 2022, meeting for Section 2 of Phase VI. This allows for the formal subdivision of a portion of the property into fifty-one (51) Suburban Residential (Cluster)-zoned properties and one (1) open space parcel. Town Staff is seeking approval of the proposed Subdivision Agreement for Phase VI, Section 2, so that it can be recorded along with the final plat. The total build out for all of Cypress Creek is approximately 450. This item will be sent to Town Council for consideration at their October 5th, 2022 meeting.

3. Right of Way Entry Agreement for Washington & James Street, Luter Acres - Ms. Clary explained that this is a Right of Entry Agreement that is similar to a subdivision agreement. This agreement allows Town Staff on the property to perform inspections and to move forward with collecting the inspection fees that mirror the subdivision agreement. This item will be sent to Town Council for consideration at their October 5th, 2022, meeting.

B. MATTERS DISCUSSED BY COMMITTEE WHICH WILL NOT BE ON COUNCIL'S AGENDA

1. Discussion on Portable Storage Containers – Ms. Clary explained that currently the Town's Zoning Ordinance does address portable storage units; however, there is nothing that distinguishes between residential and commercial/industrial properties, so they all follow the same ordinance. A zoning permit waiver gives applicants 60 days. If the portable storage is needed longer the applicant may then apply for a zoning permit, which will give them an additional 90 days. Any additional time would have to go before the Planning Commission for approval. Ms. Clary stated that staff was tasked with identifying requirements on temporary storage containers from surrounding localities. The localities that staff looked at were Isle of Wight County, Suffolk, Norfolk, Portsmouth, Chesapeake, Virginia Beach, and Hampton. She explained that their needs to be a distinction between portable storage units and shipping containers because this is where a lot of the additional regulations come from. Some localities require a special use permit that is limited to either industrial or commercial areas. Most of the localities do require the zoning permit waiver for the portable storage containers if it is something the applicant is wanting to keep on their property for a limited amount of time. Ms. Butler asked what the difference was between the portable storage containers and the shipping containers. The Town Manager gave a brief explanation of the difference. Ms. Clary stated that currently the Town does not distinguish between the portable storage containers and the shipping containers; however other surrounding localities distinguish between the two and have a different set of regulation for each. If Town Council would like for staff to work on something to separate the different kinds of containers, they can certainly work on that. This item was brought back before Town Council to see if there is an appetite at looking at shipping containers being used in commercial or industrial districts verses residential. Currently it is a blank ordinance and there are commercial and industrial properties in Town that already have these containers. Some of them have had them for a number of years. Is there an interest in developing a different set of standards for commercial/industrial uses of shipping containers as opposed to them being placed in residential areas. Ms. Butler asked what would happen to the ones that have been there for years and are not in compliance. The Town Manager stated that if there is no desire from Town Council to do anything to the ordinance unfortunately staff would have to apply the ordinance and residents would have to move them. If there is an interest to allow them in commercial/industrial, then we need to work on an ordinance change. Mr. Pack mentioned that the Planning Commission's consensus was that shipping containers (Conex boxes) have no place in the Town limits. Mr. Pack suggested grandfathering some of the shipping containers that have been there for years, such as the storage containers at Beale Park. They have been painted and a roof has been placed on them. Ms. Butler agreed with possibly grandfathering in commercial/industrial; however, she did not agree with grandfathering storage containers in residential areas. Committee stated that they would like to see a list of locations in the town that have shipping containers on their property that would be considered in violation. Committee also asked that it include whether the property is commercial/industrial or residential. Vice Mayor Smith expressed concern on grandfathering any properties. He stated that it will be hard to prove how long a storage container has been on a property. Mr. Pack stated that we need to be careful on how we define commercial property in the ordinance because in theory the Smithfield Station is commercial, and we definitely do not want to see shipping containers dropped in the parking lot across from the Smithfield Station.

2. Closed Session: Contract Negotiations – The Town Manager stated that we need a closed session for contract negotiations pursuant to 2.2-3711 A29 of the Code of Virginia. Vice Mayor Smith so moved the motion and Mrs. Rountree seconded the motion.

In closed session @ 4:40 p.m.

Out of closed session @ 5:11 p.m.

The Public Buildings and Welfare Committee came back into open session. The Town Manager stated that we need a motion that the only item discussed in closed session was contract negotiations pursuant to 2.2-3711 A29 of the Code of Virginia. Vice Mayor Smith so moved the motion and Mr. Pack seconded the motion.

The meeting adjourned at 5:11 p.m.

