

Mrs. Rountree

1) What can be done to mitigate traffic downtown? Can the alternate 258 become Main St, and Grace and become one way? Can a Left out/flyover be created by the Town owned pump station land at the end of Cary St, and make Cary St one way to the YMCA?

Staff reached out to VDOT for clarification. We have not yet received a response.

2) I'd like to review the Fiscal impact study again please.

3) Will the development be sold to another developer not owned by the Luter family after Phase 1?

The duplexes and single-family dwellings will be sold and developed by Weldenfield & Rowe Custom Homes & Neighborhoods.

4) Please explain the Public/Private Partnership and the EDA, in other words, please explain why and how the Town and County will work together to create the mixed farmers market and more semi-permanent to permanent vendor space in the proposed indoor/outdoor market? Please invite **Chris Morello** to the work session. Also, please, **Judy Winslow**, clarify that the tent spaced vendors will not be priced out of the indoor/outdoor space, yet put under tent space in the same area?

5) Please have the traffic engineer speak longer about the traffic impacts. It's been estimated, over 5500 additional trips/day. How does the VDOT plan mitigate that burden? Is it enough?

VDOT accepted the recommendations provided in the TIA; and believes the intersection will function at an acceptable level of service. Staff reached out to VDOT for clarification. We have not yet received a response.

6) Is there enough parking spaces in the project?

The applicants are seeking a waiver of parking and loading requirements for reduced parking spaces. According to the SZO, multifamily dwellings require a minimum of two (2) parking spaces per dwelling unit, plus one (1) visitor space per every three (3) units. The applicants are providing two (2) parking spaces per dwelling unit, but also providing a shared parking agreement across the property.

7) Please have staff clarify the BHAR Downtown Historic district guidelines, and what the proper vetting procedure will be for the design and review of the buildings in the development?

The BHAR is responsible for reviewing and approving the exterior materials, colors, and elevations. All visual aspects of this project will go before the BHAR for review and approval.

8) Please speak to the validity of offering overflow parking at the Commuter lot.

Staff reached out to VDOT for clarification. We have not yet received a response.

9) Please speak to the process for vetting construction and appropriate review for Historically significant findings.

Isle of Wight County Museum highly recommends a Phase I archaeological survey.

10) Please speak to the impact on Water/Sewer, Fire, Rescue and Police.

Water/ Sewer: The Public Works and Utility Department ran preliminary modeling to ensure we had adequate water and sewer capacity. Included in Public Works and Utilities comments was the following: "While noted in the report, upgrades to offsite water and sewer infrastructure may be required if the development is shown to negatively impact water and sewer flows in other areas of Town."

Fire: We do not expect many comments, if any, at this stage of the application process. We work closely with the Fire Department during site plan review to ensure that hydrants are located in the correct and convenient locations.

Rescue: Comments included in Isle of Wight County's Planning Enclosure 4.

Police: Consideration up front to the Police Department concerning the number of officers, in respect to the length of time it takes to acquire, train, and hire new officers.

11) Please speak to the significance of our Town Planning and Zoning laws, such that most projects will have multiple special use permits before being allowed to move FW.

The Planning Commission conservatively crafted the PMUD so that applicants would need to request multiple Special Use Permits. The reasoning was to allow applicants the flexibility to create a project, and the Planning Commission (and Town Council) had the ability to attach conditions to the Special Use Permit requests, allowing the Planning Commission (and Town Council) the ability to remain in control over the application. The Planning Commission crafted the PMUD with traditional setbacks and densities, found in the other residential sections of the Zoning Ordinance.

Vice Mayor Butler

1. Please expound on the following agencies that were listed at no comments on the summary:

- Smithfield Public Works and Utilities Department
  - For clarification, the first submission of the application package we sent out for review and comment on December 8<sup>th</sup>, 2022. Public Works and Utilities Department commented on the application package throughout each submission, including water/sewer impacts, traffic impact analysis, streets, and storm water design, until the package was complete. When presented to the Planning Commission, all comments have been addressed and there were no additional comments at this stage of the application process.
- Smithfield Volunteer Fire Department

- We do not expect many comments, if any, at this stage of the application process. We work closely with the Fire Department during site plan review to ensure that hydrants are located in the correct and convenient locations.
- Isle of Wight County Emergency Services
  - Comments were included in the IOW County's response.
- Virginia Department of Health
  - The application package was emailed to VDH, and no comments were provided.
- Virginia Department of Historic Resources
  - The application package was emailed to DHR, and no comments were provided.
- Smithfield Parks and Recreation
  - Not applicable to Parks and Recreation

2. What recommendations can we make to improve the 3 enclosures of weaknesses:

- Isle of Wight County Planning stated the model shows the proposed development decreasing existing levels of services  
 Staff reached out to Isle of Wight County for clarification.
- Isle of Wight County Museum highly recommends a Phase I archaeological survey  
 A Phase I Archeological Survey was recommended.
- What does the police department mean when they say they would like to see consideration given.  
 Consideration up front to the Police Department concerning the number of officers, in respect to the length of time it takes to acquire, train, and hire new officers.

3. Density of the project seems to be of concern to a lot of citizens. The summary expounds on two ways to look at density, just the multifamily units, then the overall project. Which way should carry the highest weight?

Both must be taken into consideration. The density for the multifamily section is 27.5; however, that is not the density for the entire project. Additionally, the density for the single family and duplex section is only 3.4 units, which is considerably less than the 8 units (attached) and 5 units (detached). The project as a whole, offers 7.9 units which is still less than the 8 units allowed for attached dwellings.

4. We have an impact analysis from VDOT and they are not requiring additional addressing their comments. Do you think there would be any consideration in the future from VDOT?

Staff reached out to VDOT for clarification. We have not yet received a response.

Mr. Smith

Outstanding Questions regarding The Grange 081423

**I. PROFFER Statement for Conceptual Plan**

The proffer regarding the rezoning conditioned to the Conceptual Plan (Copied and pasted below from Proffer document included in August 1 TC Grange application package):

The Grange@10Main shall be constructed in general conformance to the conceptual plan entitled "The Grange at 10Main General Development Plan, Smithfield Virginia, dated December 1, 2022, Revised April 19, 2023 ", prepared by Land Planning Solutions which is occasionally referred to hereafter as the "Conceptual Plan". Substantial deviation, as determined by the Zoning Administrator of the Town of Smithfield, from general design and layout as submitted in the Conceptual Plan shall require resubmission and approval by the Planning Commission in accordance with all applicable provisions as established by Town of Smithfield Zoning Ordinance

1. Why did no one - Planning staff, applicant, Planning Commission (PC) - bring this proffer up previously when it was regularly brought up as one of the most significant concerns?

[This proffer guarantees that the development will be in substantial conformance with the General Development Plan. Substantial conformance means they can only build what is on this plan, and nothing more.](#)

2. Ms. Clary confirmed that the 1 page attached "The Grange at 10Main General Development Plan, Smithfield Virginia, dated December 1, 2022, Revised April 19, 2023" is the 'Conceptual Plan' identified in the Proffer. In the presentations provided by the developer there was much discussion on the 'vision' and changes in the renderings due to PC member, TC member and citizen input. Yet all of the images presented were described as concepts or labeled inspirational imagery.

A. Is there anything that requires the developer (in any of the phases) to comply with any design, rendering or landscaping that you, the planning commission, or the citizens, have seen?  
[This stage of the application process is the rezoning. The applicant will be required to provide a full site plan, with a landscaping plan that will need Planning Commission approval. Additionally, the structures located within the Entrance Corridor Overlay will also require Planning Commission approval for materials, colors, and elevations.](#)

B. Are any of the concepts, renderings or inspirational imagery presented by the development team conditions of the application request?

[The applicant did not proffer to comply with the exact elevations presented.](#)

Recommendation: If the answer is no to the two questions above, it would be important to incorporate a level of TC control on those concepts/renderings prior to construction.

This does NOT need to be a hardship for the developer -you could incorporate wording, similar to the proffer statement wording for the construction concept plan, that has the developer present renderings for which the phases will be constructed in general conformance to the

concept images for that phase. The language that follows the construction proffer (i.e. as determined by Zoning Administrator .... etc.) can be incorporated into the language for more detailed Concept Plan per Phase.

## **II.FIA and Expectation for PPP and/or reimbursement**

1. The FIA that was included in the PC May package (with public hearing) was 109 pages and had 23 references and detail regarding the need for a PPP with the Town and County. The FIA included in the PC June package and the TC package was 21 pages and had 3 references to Public-Private Partnership with no significant detail. Was that due to the concerns regarding the PPP introduced at the May PC session and an interest in not having the PPP be a part of discussion again either at the PC or TC?

The developer provided the updated Fiscal Impact Analysis as requested by Mr. Yoko at the Special Planning Commission meeting.

2. Is taxpayer reimbursement for any infrastructure essential to completing the development as the Developer has presented it? Specifically, will the commitments made to include the Smithfield market, green space, brick sidewalks and walls as described, require taxpayer funding above the \$2.8 million committed by the Town/ County (i.e. \$1.4million each)?

Town staff cannot answer. Staff reached out to the applicant; however, we have not yet received a response.

3. The development team continues to reference the Fiscal Impact Study which specifically identifies the expectation for the Town and County to enter into an agreement with the developer for reimbursement of infrastructure costs. The developer has confirmed (PC and to the ST) that they have estimates of what this reimbursement will be. The FIS does NOT take into account that reimbursement -therefore it is incomplete -only showing the positive side without the expected reimbursement. As presented it is incomplete and misleading and we ask that references to this FIS be struck from the record (Mayors reference to Quasi-Judicial proceeding). The Commissioner of the Revenue, as well as the Town Treasurer, reviewed the Fiscal Impact Analysis and reported an overall positive financial impact on the Town of Smithfield and Isle of Wight County.

4. Joe III said he plans to donate back his share of the profits to the town. What percentage of the project does he own?

Town staff cannot answer. Staff reached out to the applicant; however, we have not yet received a response.

5.The fiscal impact study notes how this developer is unlike any other -that the Town will be getting much more in return. Do other partners, including Joe IV, plan donations to the town from their profits? If so, please elaborate. If not, how are they different?

Town staff cannot answer. Staff reached out to the applicant; however, we have not yet received a response.

### III. Conceptual Plan

1. **Traffic (bolded because this is a big deal):** the developers Traffic analysis indicates an additional 5,541 car trips per day will be generated by the residences and businesses of The Grange. Main Street exit is a right turn only. There is no exit onto Route 10. That means that the 95% of travelers living in or around Town (e.g. Gatling Point, Wellington Estates, Mallory-Scott, Smithfield Estates, Battery Park, Rescue, Moonefield, etc.) will ALL be driving through Grace Street. In other words, the ONLY cars NOT going through Grace Street of the 5,541 will be headed towards Richmond.

- A. How can Town Council vote in favor of this project with the damaging impact the newly generated car travel will have on Cary and Grace Streets?
- B. Does the comprehensive plan or Town ordinances include prohibitions to preclude new development to negatively impact existing development or existing neighborhoods?

Developments are responsible for mitigating any negative impacts caused by the proposed development.

3. Does LSMP plan to sell the property that is not part of the Farmers Market, hotel, and commercial space? That is -will Venture Realty and Rowe be the developers/builder for the remaining portions?

That is staff's understanding.

4. What happens with the conditional PMUD zoning if this developer or his partners don't complete the project. Does it remain PMUD? Or revert to prior zoning? If it remains PMUD, what would be the approval process for a new developer who wished to stray, slightly or significantly, from the current developer's conceptual plan?

If the proposed development is not in substantial conformance with the approved plan, the applicant would be required to submit a revised plan for Planning Commission review and recommendation, and Town Council's decision.

5. Why was the signature feature of the development, the Farmers Market, moved off Main Street?

Town staff cannot answer; however, we believe the Farmer's Market was always presented as the center focal point. Staff reached out to the applicant; however, we have not yet received a response.

6. The initial report indicated that the hotel, retail, and Farmers Market would be developed first. The most recent FIA (rev June 3, 2023) indicates the Single Family will get started first (estimated completion Q4 2024) and the commercial -presumably the Farmers Market -would start Q4 2024. Why this change?

Town staff cannot answer. Staff reached out to the applicant; however, we have not yet received a response.

### IV. Farmers market

1. The concept of a Farmers Market-open, sustainable, incorporated into the natural landscape -is not what is presented in this development. When citizens learned of a permanent home for the Farmers Market-and were highly supportive of that plan -housing the Farmers Market in an indoor, \$7.8 million dollar, multi-tenant facility with restaurants and retail -was NOT what anyone envisioned.

This is not a Farmers Market as any of the citizens know it and will be more like an indoor mall for multiple kiosk vendors. We (Smithfield) have not thoroughly explored options for improvement of the current Farmers Market or where and how we could incorporate permanent structures for the current Farmers Market.

Recommendation: Create a Task Force combined of Town staff, citizens and representatives to explore, research and identify options for a permanent Farmers Market for Town Council to consider.

2. With the Town and County Commitment of \$2.8 Million Dollars towards a permanent home for the Farmers market why not explore other options that can be considered with citizens and interested Town officials having input?

[Other alternatives have been considered.](#)

#### **V. Process for The Grange application**

1. We'd like to ask that you include a comment to Town Council members regarding citizen comments. Opposition to the proposed project, as it has been presented, has nothing to do with Joe Luter III nor does it denigrate previous philanthropic contributions by the Luter family. The vast majority of Citizen comments, questions and recommendations have been focused on ensuring the development moves forward with the review and vetting that a development of this size and scope in the Historic District requires. The Grange development was first presented, with a public hearing, on May 9, 2023, to the Planning Commission (PC). PC recommended approval of the requested rezoning, and all but one special permit, at their next regularly scheduled meeting, June 13. Secrecy, closed door meetings prior to votes on public funds, rushed reviews by the Planning Commission, an inexplicable rush to a vote the first time the project was presented to Town Council, and the first and only public hearing in which Council members would heard from the citizens who elected them, and a refusal by Joe Luter IV to share information on estimates regarding public funding needed to create the development as it has been presented, has led many citizens to feel unease with the process itself and the commitment for a thorough and transparent vetting of the project by our elected leaders.

2. At the August 1, 2023 Town Council Meeting, the Council had inadequate input from staff and the PC and limited TC discussion on critical issues identified by citizens and no discussion on issues with the application package. For example, there was NO discussion prior to Ms. Rountree making the motion to approve rezoning (with Mayor second and Ms. Butler indicating a yes vote) on: proffer conditions related to rezoning, traffic analysis which demonstrates damage to existing neighborhoods, limited input regarding Town/County services; change in the submitted FIA. Given the lack of thorough staff and PC input, why was there was such a push, by at least 3 of the council members, to vote 'yes' the first time this extraordinarily

significant development came before Council and the first, and only time Council would hear from the citizens about the project?

Staff's input is present in the staff report, and staff is present to provide answers to any questions.

3. Those of us who either attended the 5 hour long, August 1, TC session, or the many who watched online, recognized what appeared to be staged, time consuming presentations to benefit the developer and those TC members who wanted to move to a yes vote: presenting little league and coaches - TC member extolling what they do for the community and coaches thanking the Luter family; Judy Winslow - in public comments - making a speech about how much an indoor farmers market is needed; PC chair (who chaired completely inadequate PC sessions on this project) being asked if he thought it should go back to PC - going over 5 minutes - and seeming to be 'coached' by the Mayor. Prior to any other significant public hearing (i.e. Mallory-Scott; Wellington Estates; Jericho Estates) has a developers interest been served by including presentations and allowing public comments specifically targeted at encouraging support for the project?

The applicant for this project was afforded the same opportunity to present as any other applicant. Citizens have the ability to speak for or against any project during public comments.

4. Does the Council or citizens have the ability to provide feedback regarding treatment of citizens in the Town Council meeting?

The Mayor used his position to minimize citizen concerns and bully citizens who had prepared comments and adhered to 5 minutes to speak -telling them they will be thrown out -noting one wasn't a town resident -mocking one for describing the results of an online survey he conducted. The Mayor -who reminds us often that he was appointed by 3 Governors -needs to be advised that he was not appointed -but elected to serve on Town Council and his role is not one of getting to a yes vote as quickly as possible -but allowing for citizen input and conducting respectful, deliberative proceedings as a statesman, within the framework of a Virginia Municipal proceeding.

5. How will you engage further with citizens who have asked specific questions and expressed specific concerns about the project -traffic, density, impact on historic district streets and neighborhoods?

Questions were submitted to staff and responses were provided. Staff reached out to the applicant; however, we have not yet received a response.