

The Smithfield Planning Commission held its regular meeting on March 9th, 2021 at 6:30 p.m. at the Smithfield Center.

Members present:

Randy Pack – Chairman
Charles Bryan – Vice Chairman
Mike Swecker
Julia Hillegass
Thomas Pope
Raynard Gibbs

Members absent:

Michael Torrey

Staff present:

John Settle – Community Development & Planning Director
William H. Riddick, III – Town Attorney
Tammie Clary - Planner

Press: None

Citizens: 9

Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

Community Development & Planning Director's Report:

Mr. Settle reported that at its Tuesday, October 13th, 2020 meeting, the Planning Commission tasked Town staff with examining ways to adequately address blighted properties within the Town limits. At this time, Town staff have determined that adopting a spot blight abatement ordinance is likely the best way to address these properties. A draft spot blight abatement ordinance has been drafted at this time. Town staff met with the Town Attorney on Thursday, March 4th, 2021 and are currently working to resolve all issues identified and discussed at that meeting. A revised draft ordinance is forthcoming. Summit Design & Engineering Services, PLLC, the Town's consultants for the 2020/2021 Comprehensive Plan update, have developed a website to assist in providing transparency for this planning process. The website is still under development, but is accessible via the link in the Director's report. A draft existing conditions report (accessible via the link) for the Comprehensive Plan was recently circulated to Town staff for review. Comments were returned on this draft two weeks ago.

Upcoming Meetings and Activities:

Tuesday, March 16th, 6:30 PM – Board of Historic & Architectural Review Meeting
Monday, March 29th, 3:00 PM – Town Council Committee Meetings
Tuesday, March 30th, 3:00 PM – Town Council Committee Meetings
Tuesday, April 6th, 6:30 PM – Town Council Meeting
Tuesday, April 13th, 6:30 PM – Planning Commission Meeting

Public Comments:

Chairman Pack explained that the public was invited to speak to the Planning Commission on any matters, except scheduled public hearings. Please use the sign-up sheet. Comments are limited to

five (5) minutes per person. Any required response from the town will be provided in writing following the meeting.

Mr. Antonio Viudez-Mora of 10101 Bolling Blvd. in Carrollton, Virginia stated that he spoke to Mr. Settle and received an update on the Mallory Scott Farm development. Mr. Viudez-Mora stated that it appears the developer has reduced the number of homes from 1,102 homes to 812 homes. The developer eliminated the fourplexes and the tenplexes which is something the Planning Commission had suggested. He does not feel that the reduction in homes is enough. It would be the equivalent of Wellington and Gatling Pointe combined plus some. He explained that there would still be an additional 2,436 people in the new development. With two cars per household, there would still be 5,000 additional cars travelling Battery Park Road and Nike Park Road not including the Gatling Pointe and Wellington residents. He stated that it is too much for the two-lane roads. Trash will also be an issue. He explained that it is estimated that each person produces almost five pounds of trash per day. With 2,436 new citizens, it equates to over 10,000 pounds of trash per day. Since the Town eliminated recycling pick up, the refuse centers will be saturated. People will drive to the refuse centers creating trash along the roadways. Lastly, he explained that, per person, approximately fifty to seventy gallons of wastewater are generated per day. The development will produce much more wastewater than what the system is currently experiencing. He stated that even though changes have been made to the development there would still be significant impacts to the local community if the development is approved. He asked the Planning Commissioners to consider all impacts moving forward.

There were no other public comments.

Planning Commission Comments:

Mrs. Hillegass asked the Community Development & Planning Director what the next steps would be for the Comprehensive update.

Mr. Settle explained that the citizen survey concluded on February 4th, 2021. The consultants are compiling all citizen comments and incorporating the information into a data sheet for the Comprehensive Plan update website. The consultants are also tweaking the existing condition report in accordance with Town staff comments. There have been some delays in the action plan initially proposed by the consultants primarily due to the pandemic and the consultants' staffing situation.

Before the Mallory Scott Farm development comes back to the Planning Commission agenda, Dr. Pope asked if it would be possible to get data on Gatling Pointe and Wellington Estates for their acreage, net developable area, and number of homes on the properties.

Mr. Settle stated that he would research the information and present it at the next Planning Commission meeting.

The Town Attorney stated that the Town does not have that data for Gatling Pointe. He explained that the county might have the information.

Mr. Settle stated that if staff cannot get the net developable area, they would be able to get the gross developable area. He explained that the county is cooperative when the Town requests information.

Dr. Pope stated that raw data would be fine. It does not have to be specific data.

Chairman Pack asked if the Town has seen the new proposal for the Mallory Scott Farm, and if it would return in time for the April Planning Commission meeting.

Mr. Settle stated that he has not had any correspondence from the developer in about a month, and that he was doubtful that it would return in time for the April Planning Commission meeting.

Public Hearing – Special Sign Exception (SSE) Application (After-the-Fact) – Cypress Creek Parkway, c/o Gail Blecher, applicant:

The Community Development & Planning Director reported that the applicant has already installed a 5.5' tall, 7.5 square foot detached sign in the landscaped median strip of Cypress Creek Parkway's intersection with Fairway Drive. The applicants have requested an after-the-fact Special Sign Exception (SSE), pursuant to Smithfield Zoning Ordinance (SZO) Section 10.M, as the sign conflicts with the following SZO Sections:

- 10.H.1: The sign is technically a prohibited "off-premises sign."
- 10.H.8: The applicants did not have the express permission of the Town Council to locate the sign in the public right-of-way (ROW).
- 10.K.1.b(1): The sign is located within a public ROW.
- 10.K.1.b(2): The sign is now the third subdivision entrance sign for the Cypress Creek subdivision. All subdivisions are limited to no more than two subdivision entrance signs, depending on the signs' configurations.

The applicant's sign is just one aspect of a larger effort by the Cypress Creek Owners' Association to further ensure its community's safety. Two solar-powered security cameras mounted to twelve foot (12') tall poles are proposed within the vicinity of the same entrance, as well as a single identical camera apparatus at another community facility at 13301 Great Spring Road (TPINs 21-01-084C & 21-01-084C1). Town staff recommended approval under the following conditions:

- (a) Prior to the issuance of a sign permit, the applicant must undertake the following steps:
 - (1) Furnish the Town with a notarized affidavit, signed by the president of the Cypress Creek Owners' Association, binding the association to the perpetual maintenance of the sign, including (but not limited to) its repair, removal, and replacement.
 - (2) Pursuant to SZO Section 10.H.8, the applicants must seek and receive the express (after-the-fact) permission of the Town Council at its Tuesday, April 6th, 2021 meeting to locate their sign in the public ROW.
- (b) This approval applies solely to the sign shown in the submitted plans, and that any replacement sign, if larger or substantially different from this one, must be reviewed and decided by the Planning Commission (and the Town Council, if applicable) through a new SSE application.

The applicant was not present at the meeting to speak to the Planning Commission.

Chairman Pack opened the public hearing. With no one present to speak for or against the application, Chairman Pack closed the public hearing and asked for consideration by the Planning Commissioners.

Dr. Pope stated that he would have liked to have heard from the applicant because he did not see the purpose for the sign.

Vice Chairman Bryan agreed with Dr. Pope.

Dr. Pope stated that the sign looks nice, but he did not understand the purpose. The sign designates 25 mph and another one is 300' down the street so he does not understand the purpose. He would have liked to hear about the purpose from the applicant.

Chairman Pack asked if Dr. Pope would like to table the item until the Planning Commission could hear from the applicant.

Dr. Pope stated that he is not for or against the sign. In an effort to not clutter up entrances, there is a two-sign limit in the ordinance.

Mrs. Hillegass stated that the Homeowner's Association knew that they had to apply for the sign because they were informed when they did not apply last time.

Dr. Pope stated that he believes it is a Homeowner's Association issue not the developer's issue.

Mrs. Hillegass agreed that she did not understand the purpose of the sign.

Vice Chairman Bryan stated that he is concerned about clutter. There are reasons for regulations for entrances. He further explained that the sign is in the public right-of-way.

Mr. Settle explained that the sign is located in the Cypress Creek Parkway right-of-way which is a public right-of-way. In this case, it would be the property on either side of Cypress Creek Parkway that belongs to the golf course which has the nearest private boundary lines.

Vice Chairman Bryan asked if the sign complied with the Town's setback ordinances.

Mr. Settle stated that there are no setbacks when it comes to signs in the public right-of-way, as this action is usually prohibited; but there are setbacks from public rights-of-way that typically apply to permanent signage.

Mrs. Hillegass asked Dr. Pope if the sign affected the sight line at the intersection.

Dr. Pope stated that it does not affect it at all.

Vice Chairman Bryan stated that it still looks cluttered. He also explained that the ordinance states "and approved as part of the subdivision plan." He asked if that requirement was met.

Mr. Settle stated that the sign was never a part of the approved subdivision plan. He explained that Article 10 Section M is the criteria for the consideration of special sign exceptions. Aesthetic reasons are outlined in that section and are acceptable reasons to deny or to cause changes to the application.

Chairman Pack restated Mr. Settle's point that the application could be denied on aesthetic grounds.

Vice Chairman Bryan stated that there have been a stream of after-the-fact applications for a couple of years. He asked what the power of the ordinance was if the Planning Commission continued to grant special exceptions.

Mr. Swecker stated that it was the second special exception for Cypress Creek.

Mr. Gibbs stated that it was not coming from the Homeowner's Association but from property management.

Mr. Settle stated that all localities are seeing a surge in after-the-fact applications right now. He believes it is a symptom of the pandemic.

Vice Chairman Bryan explained that, as Dr. Pope said, there is already a speed limit sign about 300 feet from the entrance. The added sign is redundant.

Dr. Pope stated that the only other issue is the mention of camera poles going in to record all vehicles going in and out of the subdivision. He asked if that was also being approved as part of the current application.

Mr. Settle stated that the camera poles were included so that the Planning Commission would be aware of it.

Mrs. Hillegass asked if the “No Solicitation” sign mentioned would be a separate sign.

Dr. Pope stated that it is on the bottom of the speed limit sign in small letters.

Mr. Settle explained that any decision by the Planning Commission could not be based on the sign’s content.

Vice Chairman Bryan made a motion to deny the application as presented. There was no second. Chairman Pack stated that the motion failed.

Dr. Pope explained that there is a sign ordinance for a reason so that there would not be too many signs in entrances. How would the decision affect other areas of the Town? What would other communities want in the future? He wanted to consider what other reasons people might have to put a sign up other than announcing the subdivision name.

Mrs. Hillegass agreed and asked what the unintended consequences would be to allow the signs. What other sign might be requested?

Chairman Pack stated that the Planning Commission has control over each sign. A special sign exception has to come before the Planning Commission. The Planning Commission can deny any additional applications or the current application as well if needed. Sometimes signs are good and sometimes they are redundant.

The Town Attorney stated that the ordinance limits signs to two. The applicant is asking for three. The Planning Commission can grant an exception if they choose to.

Mr. Gibbs stated that he lives in the community and there are signs on either side with the subdivision name. He asked about the purpose of the third sign.

Dr. Pope stated that a sign announcing community events might be okay; but the sign erected was just redundant.

Chairman Pack stated that, as he understands it, Dr. Pope is suggesting that the sign serves no real purpose so why should the Planning Commission make an exception for it?

Dr. Pope stated that his sentiments were not based on the sign’s content, but were instead based on the sign’s redundancy.

Vice Chairman Bryan explained that Cypress Creek has the two entrance signs. Additionally, they have a golf cart crossing sign, a 25 mph speed limit sign, and another one. The intersection is cluttered.

Mrs. Hillegass made a motion to deny the application. Vice Chairman Bryan seconded the motion. With no further discussion, Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Raynard Gibbs abstained, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There was one abstention. The motion passed.

Mr. Gibbs stated that he abstained since he is a resident of Cypress Creek.

Chairman Pack stated that the motion carries to deny the application for the special sign exception. The sign is not approved.

Mrs. Hillegass asked if there would be a time limit for the applicant to remove the sign.

Mr. Settle stated that the Town would order the applicant to remove the sign within thirty days.

Public Hearing – SSE, Entrance Corridor Overlay Design Review (After-the-Fact), Buffer Modification Request & Site Plan Amendment Application – 865 West Main Street, c/o Gordon Holloway, applicant:

The Community Development & Planning Director reported that on Monday, August 10th, 2020, Town staff issued a zoning permit to the applicants for the expansion of the existing retail sales establishment (hardware store) located on the premises, a use permissible by-right within the Heavy Industrial (I2) zoning district, pursuant to Smithfield Zoning Ordinance (SZO) Sections 3.I.B.13 & 3.L.B.15. This zoning permit applied only to the interior commercial renovations that were to take place on the premises, with the understanding that exterior improvements would eventually be proposed to accommodate the hardware store expansion in site plans that were forthcoming at the time. Town staff received the first submittal of these anticipated site plans on Tuesday, September 29th, 2020. Since this time, a lengthy review process with three subsequent submittals has ensued. In order to accommodate the applicants' proposed project, what were initially expected to be routine site plan amendment and Entrance Corridor Overlay (ECO) design review applications grew to include applications for a Special Sign Exception (SSE) and buffer modification request. All four applications are intended to permit a series of site improvements shown in the enclosed plans, which include (but are not limited to) landscaping, expanded parking areas, visual screening, and signage, all of which are intended to accommodate the expansion of the existing hardware store. The two additional applications submitted by the applicants are explained in the subsequent paragraphs. Pursuant to SZO Section 10.E.2, only one wall sign is permitted for each permitted use on the premises. There are currently three such signs on the premises that are incidental to the hardware store use, and the applicants have proposed to replace one of these existing legal nonconforming signs, which would result in a conflict with SZO Sections 10.E.2 & 10.I.3. As such, an SSE and a public hearing are necessary pursuant to SZO Section 10.M. Pursuant to SZO Sections 3.R.E.2 & 9.E.10(b)(4), a forty-foot (40') buffer exists along West Main Street, in which certain site improvements are only permissible following the authorization of the Planning Commission. As the applicants are proposing to install a series of trees and shrubs required through other components of the SZO within this buffer, a buffer modification request has been submitted pursuant to SZO Sections 3.R.G.2.g & 9.E.10(d). It is important for Town staff to note that a portion of these applications is being treated as an "after-the-fact" request for approval. This refers specifically to the ECO design review application, as certain exterior changes to the primary building have already occurred. The applicants have indicated that, owing largely to the interior commercial renovations already authorized, certain structural safeguards needed to be implemented to the building's exterior to preserve the structural integrity of the building while interior work was being undertaken. Town staff recommended approval under the following conditions, which (save for items "d" through "f") must be resolved prior to the issuance of a zoning permit:

- (a) The applicants must resolve all comments, if any, generated on their applications by the Virginia Department of Transportation.

- (b) Pursuant to SZO Sections 3.R.K.2.h & 9.G, a landscaping bond in an amount estimated by a licensed professional landscape architect must be submitted to the Town. The amount of such landscaping bond shall be 120% of the total of the estimated cost of the landscaping based on unit prices for new public or private sector landscaping in the Town. Such landscaping bond shall be payable to and held by the Town Council, and the form of such shall be approved by the Town Attorney.
- (c) In accordance with the comments received by the Isle of Wight County Stormwater Division (IOW SWM), the applicants must replace the word “proposed” with “future” in all notations on sheets four and six pertaining to either the five foot (5’) wide concrete sidewalk along West Main Street and/or the corresponding seven foot (7’) wide public ingress/egress easement.
- (d) A deed of public ingress/egress easement must be furnished at the applicants’ expense, to be reviewed by the Town Attorney, signed by the Town Manager, and recorded at the Isle of Wight County Circuit Court Clerk’s Office- sheet four of the approved site plans must serve as an exhibit to this deed. This deed must be recorded after the Town has performed a final inspection of the sidewalk and before the Town will accept any responsibility for its maintenance.
- (e) In accordance with the note on sheet four of the applicants’ plans, the applicants must apply for a zoning permit in 2022 for the installation of the proposed sidewalk prior to 2023, in accordance with the comments generated on their applications by IOW SWM.
- (f) Failure to install the sidewalk shown on sheet four of the approved site plans, and/or the failure to subsequently record the deed noted above, will result in the withholding of the applicants’ landscaping bond and/or development plan/permit approvals for any future development on the property.

The applicant, Mr. Holloway, is the General Manager of Farmer’s Service. He explained that the interior renovations are underway and looking good. He stated his appreciation for the Town working with them on a couple of issues to allow the renovations to proceed. He explained that he had concerns regarding the sidewalk. The property is zoned as Industrial and there are three entrances about thirty feet wide with large truck traffic in and out all day long. Mr. Holloway is concerned about pedestrians walking across those areas heading toward the ballpark and then crossing the road to get to the ballpark. The speed limit is 45 mph in an area in which the highway curves. He would like to discuss the need for something that is desired. There is a sidewalk across the street, but it does not cross any industrial or commercial entrances. He believes that sidewalk will be much safer for pedestrians.

Mrs. Hillegass asked if there were any plans for a designated crosswalk area.

Mr. Settle stated that the idea was suggested to VDOT who were not in favor of a crosswalk. It is VDOT’s right-of-way.

Chairman Pack agreed with Mr. Holloway’s concerns about the sidewalk. It is a dangerous place to walk especially with the three entrances with large trucks. If the Town had not just built a sidewalk across the street, he explained he would be much more in favor of it. When the sidewalk is completed, people will be able to walk from the Smithfield Station to the ballpark with connected sidewalks. The only part missing right now is from the old Little’s Supermarket section. The Town and the Luter family have plans for the sidewalk which would tie into the neighborhood on Quail

Street as well. He expressed enthusiasm at the possibility that eventually sidewalks would connect Nike Park to the Sports Complex. It would force pedestrians to cross where the speed limit is 35 mph. Chairman Pack stated that he really liked the proposed landscaping in front of Ace Hardware/Farmer's Service but he thinks a sidewalk is dangerous in that area.

Vice Chairman Bryan asked for clarification on the future sidewalk by the Town and Luter.

Chairman Pack explained that there is a sidewalk from Powerhouse Equipment down to the sports complex. There is also a sidewalk at Main Street Baptist on the other side of the road. He explained that the sidewalk he was referring to is on the Westside Elementary side along the fence. The Town installed a sidewalk as part of the ballfield improvements to encourage pedestrians to walk to the ballfield.

Vice Chairman Bryan asked if there would be a pedestrian crossing from the intersection of Route 10 and Route 258.

Chairman Pack stated that there is a signaled crosswalk at the intersection, but it is on the opposite side of the road from the old Little's Supermarket. He believes that there will eventually be one on both sides of the street. He speculated that at some point in the future there would be development near the ballfield and the Turner farm. The concept for the ballpark is that it will continue to grow and become a sports complex which extends all the way to Waterworks Road. He imagined that any future development of the ballpark would incorporate the extension of the sidewalk on that side of the road.

Dr. Pope asked if the sidewalk stopped in front of the Ace Hardware building or if the sidewalk extended to the third industrial entrance at the concrete mix plant.

Mr. Holloway stated that it is planned to extend across the property to include the third entrance at the concrete plant.

Dr. Pope stated that one of the problems with the proposed sidewalk is that it would go nowhere. It seems like a lot of expense for the sidewalk to go nowhere.

Chairman Pack explained that the application is a public hearing. He suggested that questions for the applicant be addressed first and then discussion can be held after the applicant questions. He asked if there were any other questions for the applicant.

Vice Chairman Bryan asked if the proposed landscaping was proposed at the urging of the Town.

Mr. Holloway stated that the Town recommended landscaping. The Town gave suggestions based on the current requirements in the ordinance.

Mr. Settle explained that the landscaping is required in Article 3R as well as Article 9.

Chairman Pack asked if the landscaping would be irrigated.

Mr. Holloway stated that it would be irrigated.

Chairman Pack opened the public hearing. There were no signups and Chairman Pack closed the public hearing.

Dr. Pope asked Mr. Settle why the Town was excited about the sidewalk.

Mr. Settle explained that the sidewalk is required in Article 3R. The Town is required to request streetscape improvements within the Entrance Corridor Overlay for site plan amendments. The Planning Commission has the ability to waive standards in Article 3R. The Town is always going to want sidewalks where sidewalks do not exist. There are very few exceptions to this rule

in Town- such as Benn's Church Blvd, for instance. It is too busy of a street for the Town to want sidewalks. As far as West Main Street is concerned, there are some high-density residential developments nearby. There are many children walking in the area with the sports complex nearby. The Town had every reason for asking for the sidewalk at the Ace Hardware location.

Dr. Pope stated that it reminds him of the sidewalks on Route 17 in Carrollton. Some businesses have sidewalks and some do not. It was required by the county ordinances. He asked if the sidewalk was removed for this application would there be any way to add a sidewalk in the future if there were a need for one.

Vice Chairman Bryan stated that if the application was approved tonight then the sidewalk would be added at the applicant's cost. If the Town required a sidewalk at a later date, would the Town be responsible for the cost?

The Town Attorney stated that would be correct.

Dr. Pope stated that the businesses in Carrollton have already put their expense in for their sidewalks. Who would be responsible for fixing their sidewalks? A concrete sidewalk is probably not likely to deteriorate as fast as some other materials. He stated that he does not see anything else going in beyond the Ace Hardware. There is a self-storage facility at the boundary of the Town. There is also a private residence, Dave's Service Center, and Brown's Enterprises. Dr. Pope explained that he does not see any major pedestrian issues along that side of West Main Street in the foreseeable future. It seems an excessive expense for the sidewalk to go nowhere and it will increase the stormwater issue. Why would the Town push the property owner over the limits on stormwater management where the applicant has to install a new BMP?

Mr. Settle explained that he was not disputing the cost affiliated with the installation of a new sidewalk, but that he did want to remind the Planning Commission that the applicant produces and sells concrete. Additionally, the requirement to delay the installation of the sidewalk until the following calendar year was specifically tailored so that the applicant remained beneath the 2,500 square foot threshold for impervious cover, thereby avoiding the requirement to design and install stormwater infrastructure for the entirety of the site.

Vice Chairman Bryan asked if the Town had required the sidewalk.

Mr. Settle stated that the sidewalk was negotiated with the applicant.

Dr. Pope stated that the sign seems appropriate for the type of business.

Chairman Pack explained that he had taken an urban planning course in college. He learned that to have pedestrian friendly access you would have a road, the shoulder of the road, curb cut, grass, a sidewalk, and additional grass. It made for a visually appealing streetscape that will increase pedestrian traffic. He stated that he is a commonsense person and tries to put it first in his thought process. He did not think it would be a good idea to invite people to cross from the sidewalk in this location. The speed limit is 45 mph with a bit of a curve. He believes it will put people at risk. He understands that Town staff have guided the Planning Commissioners to a sidewalk since the ordinance requires it. However, Chairman Pack does not see the sense in requiring a sidewalk in front of the Ace Hardware store. It may be aesthetically pleasing; but he believes it would be a hazard to the public. He stated that the landscaping plan looks wonderful including the irrigation so it will be maintained.

Vice Chairman Bryan asked Mr. Settle about the wall being adjusted to prevent water from going into the building. He also asked about the windows being moved.

Mr. Settle explained the colored illustration of the building included in the packets showed the new configuration of the building. The large windows on either side of the door will be covered with vertical Hardie board siding with smaller windows at the top.

Mr. Holloway, the applicant, explained the new configuration of the building's exterior.

Based on discussion, Mrs. Hillegass made a motion to approve with staff recommendations of A & B with no sidewalk required. Vice Chairman Bryan seconded the motion. Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Raynard Gibbs voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Approval of the Tuesday, February 9th, 2021 Meeting Minutes.

The Town Attorney recommended the minutes be approved as submitted.

Mrs. Hillegass made a motion to approve the minutes. Dr. Pope seconded the motion. Chairman Pack called for the vote.

On call for the vote, six members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Raynard Gibbs voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

New Business:

Discussion Item - 601 South Church Street:

The Community Development & Planning Director, Mr. Settle, explained the plat of the property at the intersection of North Street and South Church Street. It is the large, white building with the green roof. In 2006, the owner of the property received a special use permit for a waiver of yard requirements. Town staff, at the time, appears to have missed the fact that 601 South Church Street is two properties. One is zoned Neighborhood Residential and the other is Highway Retail Commercial. The property was allowed to be developed with the condition and was even allowed to construct a building. He explained that this was not an allowable planning practice and staff is not certain why it was allowed. The applicant approached the Town in 2020 to make sure everything was in order so he could sell the property. Town staff advised him of everything he would need to do to clean it up for a new buyer. The applicant is now seeking a corrective conditional rezoning to alter the zoning district of the lot in the back from Neighborhood Residential to Highway Retail Commercial. At the end of that process, the owner will be able to vacate the property line and it will be one property. In order to remedy the situation, the owner has submitted an application for a conditional rezoning and a special use permit for a waiver of parking and loading requirements. The special use permit is for some awkward parking configurations that were also never resolved in 2006. The application was received by the Planning Department yesterday and is complete. Traditionally, the application would come to the Planning Commission as a discussion item and then there would be a public hearing at the next meeting. The tradition is helpful in keeping applications flowing and organized. The ordinance states that the Zoning Administrator has the ability to set public hearing dates for conditional rezonings. Mr. Settle asked the Planning Commission for their consent for him to exercise his ability through SZO Section

4.E.1 to set the public hearing date for a proposed conditional official zoning map amendment and special use permit application for 601 S. Church Street for Tuesday, April 13th, 2021. He explained that no physical improvements are proposed in the application. It is simply a matter of correcting the issues from 2006.

Vice Chairman Bryan asked what was built on the lot line.

Mr. Settle stated that the illustration shows a property line going through the middle of the building.

Mrs. Hillegass stated that one lot is residential and the other is commercial.

Mr. Settle explained that, normally, Town staff would sign a lot line vacation plat. Staff cannot do that since the property in the back is zoned Neighborhood Residential and the other part is zoned Highway Retail Commercial. Town staff cannot create a dual zoned parcel; only Town Council can do that.

Dr. Pope asked what the applicant planned to do with the zoning.

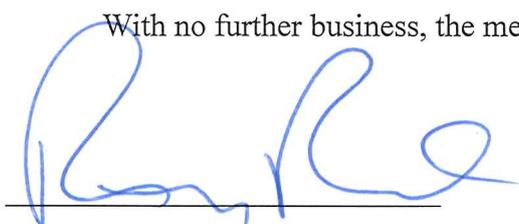
Mr. Settle explained that the applicant wants the property to be Highway Retail Commercial which is a category consistent with the Future Land Use Map.

Chairman Pack asked if Mr. Settle was recommending Highway Retail Commercial for the parcel.

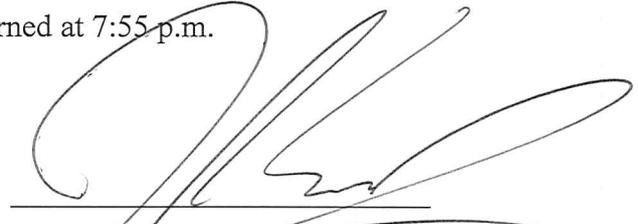
Mr. Settle stated that he was recommending it.

Chairman Pack asked the Planning Commissioners for a consensus to hold a public hearing next month on this item. All Planning Commissioners agreed.

With no further business, the meeting adjourned at 7:55 p.m.



Mr. Randy Pack - Chairman



Mr. John Settle - Community
Development & Planning Director