

The Smithfield Planning Commission held its regular meeting on March 10th, 2020 at 6:30 p.m. at the Smithfield Center.

Members present:

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Mike Swecker

Julia Hillegass

Thomas Pope

Michael Torrey

Lilton Marks

Members absent:

Staff members present:

John Settle – Community Development and Planning Director

William H. Riddick, III – Town Attorney

Valerie Butler – Town Council

Tammie Clary - Planner

There were approximately twelve (12) citizens present. 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 Town staff had filled the new Planner position. Tammie Clary started on Monday, February 24th, 2020. He stated that the text amendment application discussed by the Planning Commission at last month's meeting concerning 903 S. Church Street has been withdrawn by the applicants. The memorandum regarding 14096 Benns Church Blvd. explains that it is outside of Town limits. It was previously called the Yeoman Farm and is now known as Sweetgrass. The property is comprised of two hundred and fifty acres. The applicants want to rezone the property to the County's Planned Development Mixed Use district to accommodate six hundred and eighty-five dwelling units. There would be four hundred age-restricted single-family detached dwellings and two hundred and eighty-five townhomes. Staff has circulated the plans to the fire department, police department, and public works. It is adjacent to the corporate limits and was received from the County for courtesy review by the Town. Mr. Settle asked for comments from the Planning Commission to circulate back to the County.

Upcoming Meetings and Activities:

Tuesday, March 17th, 6:30 PM – Board of Historic & Architectural Review Meeting

Monday, March 23rd, 6:30 PM – Town Council Committee Meetings

Tuesday, March 24th, 6:30 PM – Town Council Committee Meetings

Tuesday, April 7th, 6:30 PM – Town Council Meeting

Tuesday, April 14th, 6:30 PM – Planning Commission Meeting

Public Comments:

The public is 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.

There were no public comments.

Planning Commission Comments:

The Town Attorney stated that the Town would not want to see the backyards of people's homes fronting on the entrance corridor. He believes the Planning Commission should strongly encourage the County to not allow it. The Town Attorney encouraged the Commissioners to comment on it now while the application is under consideration by the County.

Chairman Pack asked the Commissioners to comment by email to Mr. Settle by March 20th, 2020. Mr. Settle will compile the comments and forward to the County.

The Town Attorney reminded everyone that they can also discuss the issues with Mr. Grice, the Board of Supervisors' representative for Smithfield. He will be voting on the application at some point.

Subdivision Plan Amendment Application – 250 Lakeview Cove, Lakeview Cove Site Condominium Association, c/o Jennifer Blakely, applicant.

Mr. Settle reported that the applicants wish to install a total of eight new lights on the premises. Three lights will be freestanding lanterns placed in between buildings 100 and 200, 200 and 400, and 400 and 500. Two lights will be attached lanterns installed on existing signage in between buildings 500 and 600, two lights will be attached lanterns installed on an existing pier, and one light will be an attached lantern installed on an existing gazebo. The applicants have stated that they intend to install these lights in areas that are currently poorly lit out of concerns for the safety of residents during nighttime hours. Town staff recommends approval as submitted.

The applicant, Jennifer Blakely of 303 Lakeview Cove, stated that she was available for questions from the Planning Commission. Mr. Todd Morrison of 1004 Lakeview Cove stated that the lights are solar. No wiring is needed.

Vice Chairman Bryan asked if these were approved by the Homeowners' Association. The applicant stated that they had been.

Dr. Pope made a motion to approve the application as presented. Mr. Swecker seconded the motion and Chairman Pack called for the vote.

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

Public Hearing: Special Use Permit (SUP) Application – 235 Main Street, Malcolm Anglin, c/o Timothy & Karen Collier, applicants:

Mr. Settle stated that the applicants intend to purchase the property and operate a bakery on the ground floor, with storage rooms on the second floor. At the start of operations, products will be sold onsite only, with no baking to occur on the premises. Baking will take place at the applicants' current location, 1604 S. Church Street. As time progresses, the applicants will eventually make the necessary improvements to the building for it to feature a kitchen suitable for large scale baking. Operations at the 1604 S. Church Street location will then cease, with 235 Main Street becoming the applicants' sole location. Because the property is presently utilized as a residential structure, the conversion of the building's principal use to the (typically) by-right use of an eating establishment (or bakery, pursuant to Smithfield Zoning Ordinance Section 3.H.B.6) requires a special use permit pursuant to SZO Section 3.H.C. Town staff recommends that the Planning Commission report favorably on this application to the Town Council.

The applicant, Karen Collier of 105 Commodore Lane, stated that she currently owns and operates a bakery on S. Church Street. She is looking to move to Main Street. The property at 235 Main Street had been used commercially until 2015. The owners decided to move in and cease business operations. The applicant wants to return the building to a commercial purpose. She plans to have retail sales out of the front of the shop as it exists now. Once they get an addition built on the back, they will convert the business to this location solely. She was available for questions from the Planning Commissioners.

Chairman Pack opened the public hearing and asked if anyone would like to speak for or against the application. Hearing none, he closed the public hearing.

Mr. Torrey made a motion to recommend approval to the Town Council as submitted. Dr. Marks seconded the motion. Chairman Pack called for the vote.

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

Public Hearing: SUP, Site Plan Amendment & ECO Design Review Application (After-the-Fact) – 1402B S. Church Street, AOO Ventures, LLC c/c Anna Chapman, applicant.

Mr. Settle stated that on or before Wednesday, January 29th, 2020, the applicant erected a storage shed at the property in question. This shed was relocated from the applicant's previous location at 1012 S. Church Street (TPIN 21A-32-000N). The shed currently faces S. Church Street, but the applicant has indicated that they want to turn the shed around so that it faces the rear of the property. Currently, the shed does not comply with Smithfield Zoning Ordinance (SZO) Section 2.P.6, which states: *Accessory buildings on lots in commercial and industrial districts which abut a residential district shall be located a minimum of fifty feet (50') from such residential district line.* To keep the shed in its current position, the applicant is now applying for a special use permit (SUP) pursuant to SZO Section 3.I.C.28 for a "waiver of yard requirements"- specifically a thirty-five foot (35') reduction in the required fifty foot (50') accessory structure rear yard setback, resulting in a rear yard accessory structure setback of fifteen feet (15'). The language of SZO Section 3.I.C.28 reads (in full): *Waiver of yard*

requirements, subject to the prohibition of parking in front yards. A strict application of this language would imply that the applicant (as well as the tenants in the adjacent commercial units (1402A & 1402C S Church St, both of which are located on the same property) would no longer be able to utilize the existing sixteen (16) parking spaces in the area of the property conservatively classified as the front yard. To avoid an unintended consequence for the adjacent commercial units, the applicant is applying for an additional SUP item as a part of this application; specifically a “waiver of parking and loading requirements” pursuant to SZO Section 3.I.C.30. This waiver is intended to eliminate the prohibition of front yard parking provision of SZO Section 3.I.C.28. Town staff recommends that the Planning Commission report favorably on this application to the Town Council.

The applicant, Anna Chapman of 364 S. Church Street, was available for questions from the Planning Commissioners.

Chairman Pack opened the public hearing and asked if anyone would like to speak for or against the application. Hearing none, he closed the public hearing.

Dr. Pope wanted to clarify if it would be staying in its current location as it sits today. The applicant, Anna Chapman, stated that it would stay in its current location. She would not be changing anything.

Dr. Pope made a motion to recommend approval to the Town Council under the condition that the shed be kept in its current appearance, position, and configuration and approval of the ECO design review and site plan amendment applications contingent on the Town Council’s approval of the SUP. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

On call for the vote, seven members were present. Mrs. Hillegass abstained, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. Mrs. Hillegass abstained due to her late arrival to the meeting. The motion passed.

Public Hearing: SUP, Comprehensive Plan Amendment & Official Zoning Map Amendment (Rezoning) – 803 S. Church Street, Ted & Polly Boothe, c/o Nicholas Hess & Derek Joyner, applicants.

The Community Development & Planning Director, John Settle, stated that very little has changed from the previous meeting when the application was initially discussed. At its Tuesday, February 11th, 2020 meeting, the Planning Commission expressed interest in seeing evidence of support, in person or otherwise, from the property’s adjacent owners and other neighbors at tonight’s meeting. Prior to the meeting, staff received a draft updated general development plan for the property. The plan is not stamped by a surveyor. It is just a draft and it changes several things in accordance with what staff has recommended. Basically, the changes bring the property into further compliance with the zoning ordinance. Items 1, 2, 3, 4, and part of 5 from staff’s recommended changes to the general development plan have been updated for compliance. Item 5 is the landscaping bond and the applicants cannot submit it until after the landscaping cost

estimate is done further along in the process. Also, instead of requesting a waiver from having to have a handicap parking space, a handicap parking space is proposed to the immediate left of the building. They are requesting to waive the thirteen foot wide provision for handicapped parking spaces. They would like a nine foot wide handicap parking space. VDOT has requested a parking easement over 801A S. Church Street which is the pipe stem lot immediately to the left of the property. VDOT also requested an access easement over 803 S. Church Street. The applicants have indicated that they will have it done. The Public Works Department has suggested that the applicants record a sanitary sewer easement running across the front of both properties (801A S. Church Street and 803 S. Church Street) to cover an existing sanitary sewer main that runs across the front of the property. The applicants are requesting a waiver for the use of gravel in the parking area; but the site plan suggests it will be asphalt. The applicants intend to use gravel for now and would like to improve the parking area with asphalt within the next two years.

The applicants, Derek Joyner and Nick Hess, stated that they discussed the parking with Smithfield Animal Hospital located next door. They could possibly use their parking lot for overflow parking. It is still being discussed. They are waiting to hear back from them.

Dr. Marks expressed concern about the parking. He believes parking could be a problem since the gazebo will be in the back. He believes people may park on the street which would be problematic.

Chairman Pack opened the public hearing.

Mrs. Yvonne May of 11462 Raynor Road stated that she and her husband own Smithfield Animal Hospital. They would like to keep their parking area for clients and employees. They do not want to open it for after hours parking. Vice Chairman Bryan asked if it was a concern for liability. Mrs. May stated that it is partly liability. It also concerns cleanliness. They are unsure how people would treat their parking lot. Currently, they keep the property clean and the landscaping looking nice. She explained that it is not her problem that the proposed business does not have enough parking for their business.

Chairman Pack closed the public hearing.

Mr. Torrey asked the applicants if they were okay with seven parking spaces since parking will not be available at Smithfield Animal Hospital. The Community Development & Planning Director stated that the parking easement that VDOT has required over the stem of the adjacent property, basically allows the applicants to make improvements at a future date. The ordinance only requires eleven parking spaces for the building. There are no plans for parking improvements currently. If they improve the parking area, staff would encourage them to put in as many spaces as they possibly could. The applicants stated that they are fine with only seven parking spaces to begin with. They can add spaces on the easement if needed.

Dr. Pope asked how the applicant would manage trash. The applicant stated that they would have regular bins not a dumpster. With their type of business, they do not see the need for a large dumpster.

Dr. Marks asked about the time frame for the business' opening. The applicant stated that there is a lot to be done. The best-case scenario would be late August. Improvements will start sooner but they would have to wait for ABC licensing.

Dr. Pope stated he would like to see signage to indicate to customers that Smithfield Animal Hospital cannot be used for parking. The Town Attorney stated that it can be a recommendation to Town Council for them to require the applicant to erect the signage. It can be attached as a condition of approval. The applicant, Mr. Hess, agreed to erect signage to avoid customers parking at Smithfield Animal Hospital.

Mrs. Hillegass made a motion to favorably recommend to the Town Council the application as submitted for the Comprehensive Plan Amendment & Rezoning. Additionally, the Planning Commission favorably recommended the SUP application to the Town Council with the condition that the applicants erect signage (to be reviewed and approved by Town staff) explicitly prohibiting their patrons from parking on the adjacent property (805 S. Church Street). Mr. Torrey seconded the motion. Chairman Pack called for the vote.

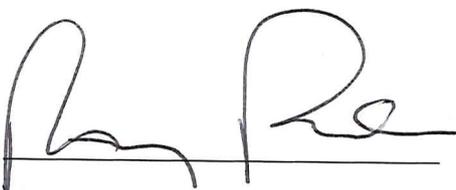
On call for the vote, seven members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Dr. Marks voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Approval of the Tuesday, February 11th, 2020 Meeting Minutes.

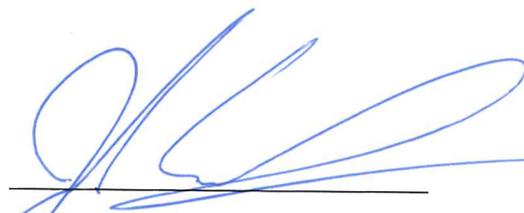
The Town Attorney recommended the minutes be approved as submitted. Mrs. Hillegass made a motion to approve the minutes as presented. Mr. Swecker seconded the motion. Chairman Pack called for the vote.

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

The meeting adjourned at 7:30 p.m.



Mr. Randy Pack - Chairman



Mr. John Settle – Community Development
& Planning Director