

The Smithfield Planning Commission held its regular meeting on Tuesday, March 14th, 2017. The meeting was called to order at 6:30 p.m. Members present were Mr. Randy Pack, Chairman; Mr. Charles Bryan, Vice Chairman; Mr. Bill Davidson, Ms. Julia Hillegass, Mr. Mike Swecker, Dr. Thomas Pope, and Mr. Michael Torrey. The staff member present was Mr. William G. Saunders IV, Planning and Zoning Administrator. There were ten (10) citizens present. The media was represented by Diana McFarland of the Smithfield Times.

Chairman Pack – Welcome to the Smithfield Planning Commission meeting of March 14th, 2017. We will start our meeting with the Pledge. Please stand.

Everyone present stood and recited the Pledge of Allegiance.

Chairman Pack–The first item on the agenda is the Planning and Zoning Administrator's Activity Report.

Planning and Zoning Administrator – Thank you, Mr. Chairman. I have a couple of items for you tonight. As you may have noticed on the way in tonight, they have broken ground on the Smithfield Foods/Smithfield Center/Smithfield Little Theatre parking lot expansion. They have buttoned up some of the electrical parts of the project. They are starting to do the cut. They are getting on their way. Also, with the Joseph W. Luter Jr. Sports Complex, the site work is going along at a good clip. They have buried nearly all of the stormwater management infrastructure. They are starting to work on the sewer infrastructure. Recently, a bid was accepted for the construction of the concession stand building. The winning bidder is working on their permitting right now. That is all I have tonight.

Chairman Pack – Our next item is Upcoming Meetings and Activities. On March 21st at 6:30 p.m., at the Smithfield Center, we will have the Board of Historic and Architectural Review meeting. The Board of Zoning Appeals meeting has been cancelled for that day. On March 27th and 28th at 4:00 p.m., we will have our Town Council Committee meetings. The next Town Council meeting will be held on April 4th, 2017 at 7:30 p.m. Planning Commission will meet again on April 11th at 6:30 p.m. The next item on the agenda is Public Comments. The public is invited to speak to the Planning Commission on any matter except scheduled public hearings. We have two (2) public hearings this evening. Do we have anyone signed up for public comments?

Planning and Zoning Administrator – No one has signed up for public comments.

Chairman Pack – Is there anyone who would like a chance to speak? Hearing none, we will move to Planning Commission Comments. Are there any comments from the Planning Commission members? Hearing none, we will move to Public Hearing – Rezoning Community Conservation (C-C) to Highway Retail Commercial (HR-C) – Bennis Church Boulevard (TPIN#32-01-005) – Charles D. Layman, Goodwill of Central and Coastal Virginia, Inc., applicants. Could we have a staff report please?

Planning and Zoning Administrator – Yes sir, Mr. Chairman. As you stated, this is a rezoning application. It is our first of 2017. Mr. Layman is the President of Goodwill of Central and Coastal Virginia, Inc. who is the applicant. The current property owner is L & L Land Development, LLC. This property is 2.125 acres in the northeastern corner of a larger parcel that is immediately to the south of the Tractor Supply on Bennis Church Boulevard. If you drive onto the access road to get to the Tractor Supply, Tractor Supply will be on your right. This subject parcel is immediately to the left. Current zoning is Community Conservation which is the closest thing the town has to agricultural zoning. The proposed rezoning is Highway Retail Commercial which is the workhorse retail commercial district for that corridor. The applicant has not proposed any type of proffers or any minimization of the proposed uses in this district. They are just requesting straight Highway Retail Commercial zoning. However, they do have a conceptual plan that they intend to maintain substantial conformity with. They propose to use this as a retail store including the receipt of donations, the sale of new and consignment goods, and employee training and related uses as a Goodwill Industry Store. As you may have seen in your staff report, the conceptual plan that was in your packet shows a proposed site of 1.6 acres; but the applicant did not want to spend the amount of engineering money that would be required to completely dial in how much on site stormwater management area would be needed. In order to determine if the rezoning is going to be approved first, they propose to rezone 2.125 acres which they feel would accommodate any onsite stormwater management necessities. The conceptual plan in your packet shows approximately a 1.6 acres site. You were emailed a plan last Thursday and there is also a copy at your seats tonight. It shows what the 2.125 acres would look like. It will be the subject parcel that you are rezoning. The applicants have an option from the

owner to purchase up to that amount if they need more than the 1.6 acres. They wanted you to be able to see what it would look like if they needed the entire 2.125 acres. They may need all of it or they may not. Regardless, they would still stay in substantial conformity with the plan shown there if the rezoning is approved. However, the amount of land they would probably use would be between 1.6 and 2.125 acres. Strengths of the application are that it would be the addition of a new retail outlet to potentially generate more sales revenue for the town. It would also draw in more customers for adjacent businesses. The proposal is consistent with the Comprehensive Plan's Future Land Use Map. A weakness of the application is that there is currently no sewer infrastructure at the road frontage at this location for connection. However, the applicants have worked out a solution with the current property owner. They will route it along the rear of the property to an existing town of Smithfield Pump Station. Town staff recommends approval of this application.

Chairman Pack – Thank you. At this time, I would like to declare the public hearing open. Is anyone signed up to speak?

Planning and Zoning Administrator – The first speaker is Ms. Becky Gwaltney.

Ms. Gwaltney – I live at 12199 Mill Swamp Road in Smithfield. I am a local pastor at Uzzell United Methodist Church. I am here to read a letter from Kristin Wilda who is not able to be here tonight. She asked me to read this letter on her behalf. I have a few remarks of my own which I will put together in a five (5) minute time frame. I will share Kristin's letter now. It states 'To the members of the Town of Smithfield Planning Commission: Good evening and thanks for listening to my thoughts via my friend Becky Gwaltney. As the Volunteer Director of Smithfield Hands and Hearts, a community resource for adults with special needs, I want to voice my support for the proposed Goodwill Industry's project. From the Goodwill website it states: 'Goodwill's mission is to enhance the dignity and quality of life of individuals and families by strengthening communities, eliminating barriers to opportunity, and helping people in need to reach their full potential through learning and the power of work.' Eliminating barriers to opportunity are the words that speak the loudest to me. Our members at Smithfield Hands and Hearts are adults who have aged out of the Special Education classes in public school. They no longer have ample opportunity for meaningful daily activities.

Their barriers to opportunity are their disabilities and the lack of local resources to address those disabilities. My program members do not have Medicaid funding to provide them with access to day programs and specialized work sites for disabled adults. It is another reason why opportunities at Goodwill are paramount. There are few employers with the commitment that Goodwill has for people with disabilities. Our goal at Smithfield Hands and Hearts is to provide friendship and community connections while also teaching skills for daily living. Our hope is to see these skills lead to jobs. I would like very much to partner with Goodwill as it breaks down those barriers to opportunity for disabled adults. This potential partnership means that our members have a chance to be part of an organization that will teach them, empower them with work, and treat them with dignity and respect. I ask you to approve Goodwill's petition and I look forward to seeing new opportunities for adults with special needs in our community.

Sincerely, Kristin Wilda.' To that, I will add that as a pastor I challenged my congregation at the beginning of the year to do several things this year. One of those things was to volunteer. I am the kind of pastor who believes that the best leading is done by example. In addition to the things that I already volunteer for, I volunteered with Smithfield Hands and Hearts. As so often happens, when we volunteer to do something while thinking our gifts and talents might somehow bless these people; but, what usually always happens, it turns around and most people have blessed me in so many ways. I found some things that they all have in common. Right now, we have seven (7) members that come weekly to this group. They, like all of us, are different in so many ways; but they have common traits. One of those traits is tenacity. There is not much of anything they will not try. With proper training, I believe there is so much they can do. Before I came up to speak, one of the people that is a part of that group said to me 'tell them that I might be disabled but that does not mean I cannot work and that I have my own business.' He does car detailing. The first time I met Chris we were going around the room asking everyone what they liked to do as a way for us to get to know one another. People were saying 'I have pets, I love my dog, and this and that. When we got to Chris, he said 'I like to work.' What a good thing that is. How wonderful it would be if he had more opportunity to do just that; to work and to have an opportunity to be a part of a community. I know that the community looks at what this business could do for our

town. How much income can they generate? How much interest can they generate?

What can they do for us? Smithfield Hands and Heart are just a part of what they can do; not so much to do anything with the finances of the town; but something far better with what they bring and what they are able to do by way of helping other people who could certainly use that. I thank you for considering Goodwill and their proposal and their project. I think it would indeed be a gift to this community. Thank you.

Chairman Pack – Thank you.

Planning and Zoning Administrator – The next signup is Mr. Bruce Ward.

Mr. Ward – I just wanted to say that I support this project because Goodwill provides jobs. My son is handicapped. I have a few other handicapped people and I think they would help us. We do not have any other opportunities here in Smithfield. Thank you.

Planning and Zoning Administrator – The next signup is Mr. Brandon Ward.

Mr. Ward – I support the Goodwill application. I will work hard to earn money. Thank you.

Chairman Pack – Thank you, Mr. Ward. We appreciate your time. Is there anyone else who would like to speak?

Chris – I may be handicapped but I can do a whole lot more than what you see. I run my own business.

Chairman Pack – Thank you, Chris. Is there anyone else who would like to come up and speak for the public hearing? Hearing none, I will declare the public hearing closed. Would the applicant like the opportunity to speak? Please state your name and address for the record.

Mr. Nick Grainger - I am an attorney with Troutman Sanders, 1001 Haxall Point, Richmond, Virginia. We are working with Goodwill on this project. Ed Mack is the Senior Manager of Real Estate and Construction. Most of you have met him. We also have Mr. Jeremy Yee who is our civil engineer on the project. We do not have a lot to add to what Mr. Saunders said about the project. I think it is pretty straight forward and a great use. I just wanted to thank everybody for coming out in support of the project. It really is a critical part of Goodwill's mission to create jobs, job training, and get people employed. I think we expect somewhere in the neighborhood of twenty-five (25) full and part time

employees at this site. It is something that will bring jobs to the town. We are here to answer any questions you all may have about the project, about what we have planned, and about the concept plan.

Chairman Pack – Very good. Are there any questions for the applicant?

Mr. Torrey – I have not seen anything on what it will look like. Will it be similar to the one down Route 10 in Suffolk?

Mr. Edward Mack - I am at 10810 Arsenal Drive in Midlothian, Virginia. Conceptually, it will look identical to that. I do not believe there are any height restrictions in that area; but that is a pretty typical building for us. It will have the white split faced block. Depending on the jurisdiction, sometimes the long sides will change adding some bump-outs and things like that to give it some architectural interest. It just kind of depends on what you guys are looking for.

Dr. Pope – The only question or concern that I had on this is that the store front seems to be a little bit forward and close to Route 10 relative to the other buildings in that location. I spoke to Mr. Saunders about it and he says that you are within the building envelope so there is not much we can do. I would personally like to see a consistent storefront setback to be there. It would require more land. I understand that but the thing that would be pleasing to me is not to ride down Route 10 and see staggered buildings forwards and backwards because of trying to conserve land. It needs to be a consistent feeling. You hate to ride through a residential neighborhood and see one house next to the road and one house pushed way back. I like to see some line of symmetry. That is my only comment on the project.

Mr. Grainger – I do not know why Tractor Supply has that great of a setback.

Vice Chairman Bryan – Could the spokesman for Goodwill or the Pastor explain how the employment portion of Goodwill works with the community? Could someone explain that?

Mr. Grainger - Sure. Specifically, we would hire from within the community. We would not hire someone from Hampton to drive all the way out here. Our goal, when we go into a market, is that we want to keep as much money that we spend as local as we can which means hiring local general contractors, electricians, and plumbers from Smithfield. We do not bring in people from out of the area. The same would be for

employment. Our goal is to hire people who have barriers to a point. It could be the traditional barrier such as a mental or physical disability. It could also be a more modern barrier like long term unemployment, no job history, or someone who has gotten out of the military or out of prison. All of our associates start out at ten (\$10.00) dollars per hour. We do not pay minimum wage. We try to pay a living wage. The idea is that they can stay and work at Goodwill and work their way up. We have plenty of instances of people who have started at the store and now work at corporate headquarters in finance and purchasing. They can also take the skills they have learned and move on to another job.

Vice Chairman Bryan – Would there be any assembly or repair work?

Mr. Grainger – We are strictly, for this site, just a retail operation. We do not do any repairs or anything like that.

Vice Chairman Bryan – So, the disadvantaged that you hire with disabilities would be like clerical workers and store workers.

Mr. Grainger – We have many operations that come in there. We have donations that come in directly to the store from the community. To supplement that, we would also bring in donations from another donation facility possibly from Virginia Beach or Richmond. There is the loading and unloading of trucks. There is the processing of those raw goods. If you have ever donated somewhere, there is a bag of clothes and someone has to open that bag and go through it. They make sure that a shirt has all of the buttons on it, no rips or tears, stains, tag it, and have it ready to go out on the sales floor. There are also sales floor activities such as cashier, stocking, and donation attendants. There is quite a lot going on there.

Vice Chairman Bryan – Thank you.

Mr. Swecker – I would like to agree with Dr. Pope. It would be nice if you could move the building back to be consistent with Tractor Supply. Down the road, I am sure there will be future development beyond your store. It would be great if all of them were consistent.

Chairman Pack – Are there any other questions from the Commission?

Dr. Pope – If I read this correctly, they will be presenting a building elevation view when they get further along. They just want to know if, conceptually, we are going to

approve this for them to move on with rezoning so that they can present a building later down the road with elevation views. Is that correct?

Planning and Zoning Administrator – Correct. Currently, this is just strictly a rezoning. It is a straight rezoning. They are not asking for just the retail part of Highway Retail Commercial. They are asking for all of it; but they do accompany their application with this exhibit of the conceptual plan to give you an idea of what to expect from them. They are going to significantly maintain it as you see it there on the conceptual plan. However, if the rezoning is approved, they will then complete their engineering on the stormwater management and the utilities. They will submit a full engineered site plan to go through the site plan review process. They will also have to submit elevations for the building and for their sign plan to come before you all for the Entrance Corridor Overlay District architectural review. What you have before you is not really a site plan. It is just an exhibit to the rezoning so you basically know what to expect from this applicant as a result of the rezoning. They still have to go through the full site plan review and entrance corridor design review following approval of the rezoning.

Mr. Swecker – If we vote yes for this tonight, are we accepting the fact that the building is going to be forward and not equal to Tractor Supply?

Planning and Zoning Administrator – Well, even though they have to stay into substantial conformity there is some wiggle room. If you make comments to move it back and they can accommodate that then it could be that it would be moved back by the time we get to the site plan. They are not bound by that. The question came up from the applicant as to why Tractor Supply has kind of set this precedent. Tractor Supply sells a good number of trailers and what not on the front of their property. Many people pull trailers to their store and they wanted to accommodate some trailer parking. Tractor Supply really took more than the average amount of frontage on the parking lot. Goodwill has some in the front and also on the side. Frankly, in that corridor, we prefer to see more parking around the side and rear than in the front. It is just that Tractor Supply set a precedent with a big parking lot because of the nature of their business. I would also add that this would be a recommendation to Town Council. You would not be having the final vote on this. You would not be approving this. You would be recommending approval or recommending denial or tabling it.

Ms. Hillegass – If you look at the aerial, it is not inconsistent with the shopping center and the church. The setback is fairly consistent with those two established retail outlets.

Dr. Pope – Yes; but there is an angle coming off of there. It is the way the road, the parking lot, and lot lines are set. The church is set at an angle.

Ms. Hillegass – The church is at an angle; but as far as the shopping center, it is very consistent with that.

Dr. Pope – I think you are asking for a saw toothed pattern up and down Route 10 on the entrance corridor. That is my opinion on that. I do not know what is coming in the future. I would guess you probably have six (6) more lots between there and Turner Drive that could be developed. I just hate to see one building forward and one building back. Everybody will be asking why we allowed that. The other side of the road will launch out too. My personal opinion, now that Bennis Grant intersection is finished, is that the whole corridor will be developed. It is just a matter of time before the Yeoman farm is sold. What is going to happen with that? Then you will see the area at Sherwin Williams come through. I think we need to maintain consistency across this entrance corridor. This is one of our main entrances that people see when they come through. I feel strongly that the building needs to be straight. I understand that they are legally within their bounds and setbacks; but I just hate to see these buildings staggered. Tractor Supply got there first and set the precedent. We are trying to follow up with them. We cannot change their building. That is my opinion on it. I am not going to disapprove the project. Goodwill is an excellent organization. I do not have any issues with what they want to put there. I just have an issue with how the site plan looks relative to what is going around it and what is going to be coming through.

Mr. Torrey – I have the same opinion which is why I asked about the appearance of the building. Eventually, development will be all the way down. We are supposed to approve for the zoning only, I guess. It has a lot of hands to go through before we get an elevation and all of that. I just hope that we really take into consideration what that whole entrance corridor will end up looking like.

Mr. Swecker – There will be a lot of traffic coming from that direction especially with development. The potential is there. It is coming.

Chairman Pack – I would like to piggyback on these comments just a little bit. This is our major entrance corridor just like you all have said. The only control over development, as a town, is through rezoning. If this was already Highway Retail Commercial, we would not be having this meeting tonight. The only control we have over that is through rezoning. All we can do as a Commission is to make a recommendation to Town Council. We control the zoning. We decide what goes there. We have to decide what we want our entrance corridor to look like. I certainly agree with Dr. Pope that the buildings are not aligned. Mr. Saunders makes a good point that we cannot deny it as it exists now; but we can say that we are not ready to rezone this and go back and readdress our zoning permits and get this property so it is. Every property that comes in behind it would be in line. We can design how we want this corridor to end up. If we put these guys here now and they build where there are, they will be there forever, essentially. What we have to look at with rezoning is that the future land use is there but it is Community Conservation now but we want it to look like 'x,y,z.' The comments I have heard is why do we need another thrift store in town. We have three (3) in a town of seven thousand (7000) people. I have gotten a lot of push back when I ask for opinions on having Goodwill here on Route 10. I have not had anybody tell me they were in favor of it. Everyone has told me it is not what they are looking for or want to see as people come into our community. I asked them what they wanted to see. I have gotten a lot of mixed answers on that and nothing that I thought was well thought out. This is our opportunity to control what goes here, control what our setbacks are and make sure that we do this right. This is our largest chunk of commercial property to be developed in our community and our corridor. We actually have control over everything up to Turner Drive which is the town limit line.

Planning and Zoning Administrator - I would just add in relation to that, the entrance corridor does require a forty (40) foot landscape buffer. Tractor Supply, as well as Goodwill, has met that. It is just unfortunate that Tractor Supply took as much parking lot as they did in the front. The Entrance Corridor Overlay District pushes to get more parking around the side and the rear so people are not just looking at a sea of parking like you do in front of Food Lion and Farm Fresh. The Entrance Corridor Design Guidelines are really pushing for less parking in the front which this applicant has tried

to do to some degree. It is just unfortunate that Tractor Supply, with a different business plan, was approved to kind of go against the grain. In the future, if you do try to set the precedent by Tractor Supply you are really kind of going against the Entrance Corridor Design Guidelines and creating a sea of parking in the front all the way down the corridor.

Mr. Mack – I was going to echo that. One of the reasons behind this design was the entrance corridor does say that parking should be limited. If it is the main entrance corridor for the town, not having a sea of cars with a line of businesses is better. Cars will be on the side and rear. It was sort of what we were going for because we felt like that was consistent with what the town wanted and what is outlined in the Entrance Corridor Overlay District. I would also like to point out one of the things that makes Goodwill different from some of the other stores is the non-profit aspect and the employment aspect. I understand that they are similar uses; but from the perspective of good use to bring into the town it may jumpstart the retail development along this area. I think it would be a great start. You also have an opportunity as we come in for the Entrance Corridor Overlay District Guidelines. There will be opportunity to talk about what sort of elements you want to see in the building. Things can be slightly reconfigured as long as we stay within substantial conformity with what is approved in the rezoning. We think retail is appropriate here. We think this is a good use. We have tried to meet our initial concept design and the EC-O guidelines. Some of these other things can be worked out through the rest of the process. You do have other bites at the apple.

Mr. Davidson – We are really just talking about rezoning. I understand that there might be people who are against another thrift shop or whatever. Probably of all the thrift shops in existence, there are none of the quality of Goodwill. They pay their people above minimum wage which a lot of retail establishments along South Church Street do not. With that being said, I think we should concentrate on whether or not we are going to rezone this. The rest of it will come down the road when they start to present site plans and so forth.

Dr. Pope – My issue is not with the business. It is the physical layout of the building on the land. I do not care if it is a car dealership, a 7-Eleven, or a gas station. It

is just the relationship of the building to the other buildings. What is going to happen with the lot behind it? Are we going to put another business behind another business? If you have enough distance back there between that and the pond, the pond at least acts as a physical barrier. You are limited by that. If you keep enough land back there then maybe there would be enough for another business. Do we want two (2) businesses stacked? I do not know the answer to that question. I am just trying to think what is going to happen when you line up these businesses. How is that going to ultimately look down the road? If you push the building back, it makes them buy more land. I apologize for that. As a business owner, I do not want to have to buy anything I do not have to buy. It is an issue of how this land is going to be used. We do not know how the rest of the one hundred and sixty-seven (167) acres will be used down the road. We do not have that crystal ball. I just really have a problem with that business sitting up front.

Mr. Davidson – I agree with what you are saying Dr. Pope; but if they meet all of the conditions of what the EC-O says then how can you say where they can put their store?

Dr. Pope – I agree.

Mr. Davidson – Are we going to rezone or are we not? That is really the only issue.

Ms. Hillegass – They have tried to do exactly what we have tried to encourage in the EC-O. They have put some parking to the side and not so much up front. They have done exactly what we asked them to do.

Vice Chairman Bryan – Another way to look at this, as someone eluded to earlier, Tractor Supply could be the exception as far as future development is concerned. It may not end up being staggered. It is just that Tractor Supply is set farther back than what might be coming in the future. We do not know that.

Mr. Grainger – I would like to add to that. We have a long stretch further down the road that is going to be developed. Automobile retail oriented stores are going to want to be closer to the road frontage so that people can see what is there and not have to look over the cars in the parking area. Tractor Supply, again, has a different set up because of the type of use they are. Any other auto dependent retail kinds of stores are

going to want to be closer to the road frontage. They will still have to comply with the landscaping requirements and that kind of thing.

Vice Chairman Bryan – Plus, the strength that they are serving a segment of society with opportunity. Who else is providing that?

Mr. Swecker – It is a great store. What they are doing for the people is unreal. It is a cut above.

Planning and Zoning Administrator – Some of the most recent commercial site plans that we have had such as O'Reilly's Automotive, Dollar General, and businesses such as that probably have frontages more similar to the way the Goodwill building is. I think your outlier is Tractor Supply. As more places come in and put more parking around the sides and rear, I think a Dollar General or O'Reilly's would be consistent with the Goodwill building.

Chairman Pack – Is there any further discussion? Hearing none, do I hear a motion?

Mr. Davidson – Mr. Chairman, I would recommend that we approve the application for rezoning from Community Conservation to Highway Retail Commercial.

Ms. Hillegass – Second.

Chairman Pack – A motion has been made and properly seconded. Is there any further discussion?

Dr. Pope – It has to go to Town Council for final approval. Can we add an addendum to that to look at the setback and see if they agree or disagree and have a different set of eyes see it? We could at least bring it to their attention. Is there a way to put that in the motion?

Mr. Davidson – We do not have our legal representative here tonight so I do not know what we can add on to it. We have a member of the Town Council here. I am sure he will bring it up when it gets to that point. If you want to put on an addendum on the motion, I do not care. I am just recommending approval of the rezoning.

Dr. Pope – I am going to support it if the Town Council is going to look at it and agree. If they are going to bring this up and bring it to their attention, I am fine to approve it as presented. I want to make sure that the Town Council looks at this to see if this is the pattern they want to see coming through the overlay district.

Vice Chairman Bryan – Wouldn't that concern be covered in the minutes? Does Town Council get the minutes?

Ms. Hillegass – That is Mr. Pack's job as the Town Council representative to the Planning Commission.

Chairman Pack – Yes, sir. I need to bring it up. Truthfully, I do not know how to incorporate that into the motion. I can assure you, when it gets to Town Council, I will address the issue with them. We will have discussion at the committee level at the very least.

Dr. Pope – That is all I want to do. Just because it is my opinion does not necessarily make it right. It is just my opinion the way I see it. I just want other people to look at it and make sure we are in general conformity across the board and that they agree with this. That is all I am asking.

Chairman Pack – I will make sure that I carry that forward. It will probably be under Dr. Cook's committee of Public Buildings and welfare. We have had discussions about this property. He is aware of it. Is there any further discussion? Roll call vote.

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

Chairman Pack – The motion carries unanimously. Thank you. Moving forward, we have another public hearing. We will wait a moment while some people leave.

Mr. Swecker – While we are waiting a moment, what happened to the Tastee Freeze plan? Did it not work? Did they forget about it or what?

Planning and Zoning Administrator – They had to go back to the drawing board. The roof was a lot worse than they thought. They are going to have to redesign the roof. They were just going to put a gable on top; but, as it turns out, they need to demo the old roof and put a fresh gable on it.

Chairman Pack – Moving forward, we have a Public Hearing – Special Use Permit – Retail Sales in Residential/Office (R-O) Zoning District – Autumn Marade, applicant. Could we have a staff report please?

Planning and Zoning Administrator – This is a special use permit application for Autumn Marade at 1306 South Church Street. A couple of months ago, you all had an ordinance change before you to open up the Residential Office Zoning District to retail provided there shall be no exterior or storefront displays. It passed at the Town Council last month. Autumn Marade is the first applicant to upgrade the property by applying for a special use permit. Currently, they are selling retail online but not on the premises. They have an art studio on the site. They wish to expand the business to encompass on- premises retail sales of art, antiques, and other similar items. Oddly enough, we were just talking about the Tastee Freeze and this is the property directly across the side street from the Tastee Freeze property. As you can see on the site plan, it is at the corner of Mercer Street and South Church Street. This was the old Nelms Plumbing location so there is a lot of parking on the site already that is grandfathered. They were able to make use of this without having to make many upgrades to the site to be able to accommodate the parking for a potential retail site. There are also a couple of GIS pictures there as well. If you look on the zoning map, you will see 1306 in the center. Going north from 1306 South Church Street, it shows in a rust color the Residential Office area. The red across the street and to the south is zoned Highway Retail Commercial which is all retail by right. Behind it is Neighborhood Residential in the yellow and the brighter orange color to the south is Attached Residential. It is multi-family zoning down there. As you can see to the south and to their east, it is currently retail by right. They are flanked on two (2) sides by current retail zoning. They are not really candidates for a rezoning because the lot size is not such that it would meet the minimum lot size for the Highway Retail Commercial. The strengths identified with this application are the possibility of expanding the scope of an existing business on a main corridor. No weaknesses were identified at this time.

Chairman Pack – Thank you, Mr. Saunders. At this time, I will open the public hearing. Do we have anyone signed up to speak?

Planning and Zoning Administrator – The applicant signed up.

Chairman Pack – I will give you a chance to speak in just one second. I want the audience to have a chance to speak. Is there anyone who would like to speak? Hearing none, I will close the public hearing. Please state your name and address for the record.

Mr. Anthony Marade – I live at 1306 South Church Street. First, I would like to thank the Planning Commission for reviewing and helping me with the process. I bought the property about one and a half years ago knowing that it was zoned R-O. I am retired military and a retired teacher. I am trying to help establish my daughter to have a place for her to live and do a business. She has been with me doing antiques and collectibles for twenty (20) or thirty (30) years. We know the business really well. She has been doing online sales. She recently had a baby. I am really trying to provide her a way to be independent. I think that the fit for the business being R-O zoning helps the art studio. She is very artistic and does things with technology. As Mr. Saunders said, the ordinance that just passed is a good way to have retail sales with the Planning Commission and Town Council's approval. We were trying to seek a special use permit to help her expand her business by doing some retail sales. She has plenty of parking in the back. I think it would be a good service for the community and a consistent fit there. I have talked to all of the neighbors around me and they were okay with it. My health is not good; so, I am trying to help her become independent. I would ask that the Planning Commission try to help her with it, as well, by offering her a special use permit for retail sales. She has been doing really well with the online sales. She has family here so it would be a good asset for the community. I appreciate whatever you all can do to help with that. Any parent's goal is to help their child to be independent which is what I am trying to do. We bought the property so she could do that. The town has worked really hard to have guidelines for Residential Office zoning. We really appreciate that more than you know. Thank you for your time.

Chairman Pack – Thank you, Mr. Marade. I have a quick question for you. Are you looking at having a gallery or gift shop retail segment inside the home? Is that kind of what you are hoping for with this special use permit?

Mr. Marade – We have a lot of art already and a lot of antiques. Now we are doing online sales; but we would love for people to come in and look at them. The house is really big so we can offer it to other people that have artistic abilities. They can have their artwork there and make it like a nice gallery. It would fit the system that is going on in Smithfield with people creating things, drawing things, and technology. They could offer their own work such as repurposing things, new things, as well as art too.

Chairman Pack – I am just trying to understand. So, basically, people would stop by and you would have hours that you are open or perhaps by appointment. They would come in and you would have art set up or displayed with the hopes that they would purchase it. Is that the basics of what you plan to do?

Mr. Marade – Yes, it is. I think it would be good to have nice consistent hours there. People can come in and look. We could, maybe, have an online catalog. People could come in and look and enjoy. Some of the other works of art are just really nice to see. Hopefully, local artists could put their works there as well.

Chairman Pack – Mr. Saunders, would they be allowed any signage for this type of building just like any other type of retail zoning?

Planning and Zoning Administrator – Yes. There is a section of the sign ordinance that relates to Residential Office zoning. I cannot quote the square footage; but it is allowed. It is also in the Entrance Corridor Overlay so the design would need to be approved by the Town Manager. They can have signage; but, one of the conditions on the change to Residential Office was that the retail not spill over onto the exterior. There are no exterior displays of the retail allowed.

Chairman Pack – If we were to make a motion, is it a recommendation or approval?

Planning and Zoning Administrator – This is a recommendation to Town Council.

Chairman Pack – Are there any other questions or comments?

Dr. Pope – The thing that was not clear to me is if your daughter is living in this structure and the business too? Is it a home-based business?

Mr. Marade – Yes, sir.

Planning and Zoning Administrator – They have enough parking. If they turn the entire house into retail, they would meet the parking standards. As I understand it, the house is kind of sectioned inside. They will live in a portion of it and a portion will be the retail outlet.

Vice Chairman Bryan – There is parking on the side of the house. Is that correct?

Mr. Marade – There is but we thought it would be safer if everyone parked in the back. As they drive in through the opening, they can park back there. It will also be more aesthetic for the town. The house was partitioned for the previous owner's father

and mother. There were two (2) parts of the house; almost like two (2) different units.

We are trying to have her live on (1) part and sell on the other part. There would be a separation of home and office. The previous owner had plenty of parking on the front and sides. There is also plenty of parking in the back. We want to keep everything looking nice. I like to do landscaping and plant stuff. I would like to keep the side because we have plenty of parking in the back.

Vice Chairman Bryan – Looking at the photos, I see cars parked on the side; but they are not shown in the drawing.

Planning and Zoning Administrator – A lot of the gravel on the side is actually in the right of way. If you look at the site plan, you can see where they are showing eight (8) parking spaces in the rear. They can accommodate the parking on the hard surface in the rear which would be required for this size retail. They really should not use the parking on the side because part of that is really not even on their site. The part that looks like it is on their site is actually in the right of way. If you look at the site plan on the side, you can see where the pins are for the property line. You can see the next line over to where you can see their driveway go out where it says Mercer Street. That whole section there is right of way between the edge of pavement and the property.

Mr. Davidson – So, these three (3) vehicles in the photo should not even be there.

Planning and Zoning Administrator – Right. You can see the red line go right through the middle of the vehicles. They could possibly have parallel parking there but not perpendicular like you see in the picture which is what happened when Mr. Nelms was the owner.

Mr. Davidson – I cannot imagine that there will be a whole lot of people there at any one time. I would think maybe one (1) or two (2) people would come and go. I volunteer down at the Art Center on Main Street. If we have more than two (2) or three (3) people in looking at art, at any given time, it is a busy day. When you have stuff that is done by local artists, it really does add to the community. We have people come in. The reason they are there is because we are only using local artists. The farthest is a retired doctor from Williamsburg.

Mr. Marade – I think that is a nice concept. It gives back to the community and lets everyone show their talents. I am a teacher so I just love to see people show their art and expression and help other people. It passes on to the next generation.

Mr. Davidson – Will you be renting out space to other artists or take in things on consignment? How would you implement other artists other than yourself and your daughter?

Mr. Marade – I would love to have artists come in there and set up their own area for their own studios. If they are there, we would work like a co-op and help each other to sell each other's art. I would think the best fit for that would not be to consign but to have local artist there. If they have someone that shares that same medium then they might want to consign. We have seven (7) or eight (8) rooms there. Each person could have a room and do their own art and own medium. They could set up their own little co-op inside their own room. Everybody could kind of look out for each other. If they are not there that day, we can run it or they can lock it. It is kind of like having everybody work together and see how it really comes together. I know there might be some days when an artist is at a show but he has stuff to sell. If my daughter or I are there then we can show it or sell it and work out a way that it benefits everybody. Thank you.

Vice Chairman Bryan – Back to this parking on the side, are you suggesting you are going to do landscaping with that area or would it continue to be used as parking?

Mr. Marade – Say that we have a really good day and we need additional parking, I think Mr. Saunders mentioned a few spots that could be parallel parking. I love to grow stuff such as trees, flowers, vegetables, and tomatoes. I also do a lot of glass work too. I might have plants in my glass work and have it for sale. I would say it will be lucky if we have more than one (1) person at a time; but we might need parallel parking for overflow. The sun sets beautifully on the side of the house. I would like to have some landscaping, trees, shrubs, and plants I can grow and maybe incorporate into art or pottery. I can bring them inside so people can see these types of things. I could have organic parsley and incorporate it into a nice cobalt blue glass. The exposure, on the southern part of the house, would be fantastic for me. I already have a bunch of seedlings growing for that type of concept. We have plenty of parking in the back; but maybe we will have a busy day and need the parallel parking. It is up to you to

decide; but, myself, I would think it would be a good day if we got more than two (2) or three (3) people. With this type of business, you are only going to get a certain amount of people at one time. It would be up to you to restrict it. I could have some parallel parking in the back and do some planting on the southern part of the house. I do trees. I do shrubs. I do all kinds of growing. It is whatever you would recommend. I am very flexible with it.

Chairman Pack – Thank you, Mr. Marade.

Mr. Marade – Thank you. I appreciate your time tonight.

Chairman Pack – Is there any further discussion?

Vice Chairman – My concern about the parking was that the Taste Freeze is going to be coming online in the near future, I believe. As I recall, they were going to do some minor landscaping for this area. I do not think it was really required; but that was the plan to improve the appearance. I was just looking at that as a carry-over to improve the appearance on both sides of the street here.

Mr. Marade – I have done a lot of planting and landscaping already. I do not know if you have seen it. I love to landscape. I already have a bunch of stuff out there.

Vice Chairman Bryan – Okay. Thank you.

Ms. Hillegass – Mr. Chairman, I would recommend this for approval as presented to Town Council.

Mr. Davidson – Second.

Chairman Pack – A motion has been made and properly seconded. Roll call vote.

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

Chairman Pack – The motion passes. Our next item is Approval of the January 10th, 2017 Meeting Minutes.

Mr. Swecker – I make a motion that they be approved as presented.

Ms. Hillegass – Second.

Chairman Pack – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

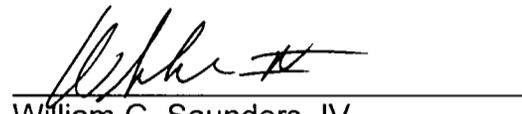
On call for the vote, seven members were present. Mr. Swecker voted aye, Dr. Pope voted aye, Mr. Torrey voted aye, Ms. Hillegass voted aye, Vice Chairman Bryan voted aye, Mr. Davidson voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Chairman Pack – Is there any further business for the Planning Commission?
Hearing none, ladies and gentlemen, we are adjourned.

The meeting adjourned at 7:45 p.m.



Mr. Randy Pack
Chairman



William G. Saunders, IV
Planning and Zoning Administrator