

The Smithfield Planning Commission held its regular meeting on Tuesday, May 9th, 2017. The meeting was called to order at 6:30 p.m. Members present were Mr. Randy Pack, Chairman; Mr. Bill Davidson, Ms. Julia Hillegass, Mr. Mike Swecker, Dr. Thomas Pope. Mr. Charles Bryan, Vice Chairman and Mr. Michael Torrey were absent. The staff members present were Mr. William G. Saunders IV, Planning and Zoning Administrator and Mr. William H. Riddick, III, Town Attorney. There were seven (7) citizens present. The media was not represented.

Chairman Pack – Welcome to the Smithfield Planning Commission meeting of May 9th, 2017. We will start our meeting with the Pledge. Please stand.

Everyone present stood and recited the Pledge of Allegiance.

Chairman Pack– Thank you all. The first item on the agenda is the Planning and Zoning Administrator's Activity Report; but there is no report tonight. Our next item is Upcoming Meetings and Activities. On May 16th at 6:30 p.m., we will have the Board of Historic and Architectural Review meeting. The Board of Zoning Appeals meeting has been cancelled for this month. On May 22nd and 23rd at 4:00 p.m., we will have our Town Council Committee meetings here at the Smithfield Center. The town offices will be closed on May 29th in observance of Memorial Day. The next Town Council meeting will be held on June 6th, 2017 at 7:30 p.m. Planning Commission will meet again on June 13th 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 one (1) public hearing this evening. Do we have anyone signed up for public comments?

Planning and Zoning Administrator – There are no signups tonight.

Chairman Pack – Is there anyone who would like to speak that did not sign up? Seeing none, we will move to Planning Commission Comments. Hearing none, we will move along to our Public Hearing: Special Use Permit – Private School & Personal Service Establishment at 704C South Church Street (TPIN# 21A-01-520) – Pamona Kelli Pollard, applicant; Kathleen Swedish, owner. That location has been the Southside Ballet Studio for many, many years. Could we have a staff report please?

Planning and Zoning Administrator – This is a special use application at 704C South Church Street. You can see in the exhibit in your packet that it is at the foot of the

Cypress Creek Bridge. Oddly, that property is split zoned. This structure finds itself in the Residential Office zoning district; therefore, for the applicant to conduct the type of business that she proposes, which is a school of cosmetology to teach the care of hair, skin, and nails, they require a special use permit. The two (2) special use permit elements would be a combination of a private school and a personal service establishment at that location. Pamona Kelli Pollard is the applicant and is from Newport News. Kathleen Swedish is the owner of the property. You have an application in your packet that has both of those individuals having signed off on it. The strengths identified were the possibility of expanding the scope of the use of an existing structure on a main corridor. We did not identify any weaknesses at this time.

Chairman Pack – Thank you. At this time, I would like to open the public hearing. We have two (2) people signed up. The first is Mr. and Mrs. Pollard. Please come to the podium and state your name and address for the record please.

Mrs. Pollard – I usually go by Kelli. We live at 369 Hilltop Drive in Newport News. My husband, Anthony, is here with me. I just wanted to bring a cosmetology school to this area. I am not sure if you have had one before; but I think it helps the public and helps the young adults. It would be a secondary school to help them get a career and not just a job for the community. I would like to do services too which will be given at a discounted rate which would also help the community.

Ms. Hillegass – They can practice on us.

Mrs. Pollard – Yes.

Ms. Hillegass – That is intriguing and scary at the same time.

Mrs. Pollard – We all have to start somewhere.

Ms. Hillegass – That is right.

Mr. Anthony Pollard – I am assisting here in a sense; but this is her project. She just tells me what to do.

Mr. Davidson – That is the way with most husbands.

Ms. Hillegass – As it should be.

Chairman Pack – Thank you. There are no additional signups for the public hearing. If you would like to speak for or against, you are welcome to do so at this time.

Ms. Susan Milton – I live at 49 Faye Drive in Smithfield. I am here to kind of represent Kathleen Swedish who owns the property. This will be a low impact traffic area. I do not feel that there should be any issues. She will only have her students and maybe a few other administrative people. I do not feel like there should be any reason why you would deny her this change so that she can proceed with this business. It is a business that is going to bring people into town and help with the economy. Does anybody have any questions about the property that I might be able to answer?

Mr. Davidson – I have a question for Mrs. Pollard. How many students do you foresee having?

Mrs. Pollard – I foresee seven (7) to ten (10) students. The hours will be from 9:00 a.m. until 3:00 p.m. which is a good time for not a lot of traffic. Those are the hours I would like.

Mr. Davidson – And then you would have walk-in people that would be the guinea pigs.

Mrs. Pollard – They would be patrons.

Mr. Davidson – I guess I was not politically correct with that.

Ms. Hillegass – They will be eager clients for a new service in town.

Mrs. Pollard – The clients would be there during the same hours.

Chairman Pack – Are there any additional questions?

Dr. Pope – It is probably none of my business in this sense; but we have been using that property for ten (10) years as a dance studio. The only advice I would give you is to make sure you define your parking at the facility. It is a multi-use property with rental units. There has been some tension over who has what parking rights between the residents and the people coming to visit that property. I would make sure you have that straight with the owner of the property of who parks where and how and who has those rights.

Mrs. Pollard – We have already talked with Ms. Swedish and she has already talked to them. We have met with the people who live there and talked about the parking. They said it would not be a problem because we will not have late night hours.

Dr. Pope – Okay.

Chairman Pack – Are there any additional comments for the public hearing?

Hearing none, I will close the public hearing.

Ms. Hillegass – Mr. Chairman, I move to recommend approval to Town Council.

Dr. Pope – Second.

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

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

Chairman Pack – Our next item is a Preliminary Site Plan Review and Waiver Request – 201 Battery Park Road – Trey Gwaltney, Smithfield Self Storage, applicants.

Could we have a staff report please?

Planning and Zoning Administrator – The property location and description is 201 Battery Park Road which was the previous home of The Grille restaurant. You had the Entrance Corridor Design Review and a waiver request before you at last month's meeting. Tonight's application is for the preliminary site plan review and a floor area ratio waiver. One of the reasons we are bringing this to you as preliminary approval, separate from final, is because they are kind of in the middle of their review process. Before they submit another batch of plans, they want to be sure of the outcome of this second waiver. They need to know whether the final submittal will include this waiver as approved or not include this waiver as approved. They would need to regroup on some of their final engineering. The floor area ratio is the ratio of just that; the floor area of the buildings on the site to the size of the parcel. Currently, the proposed site will have all of the existing storage facilities; but are building a new three (3) story storage facility of this scale. It will exceed the allowable floor area ratio in this zoning district. If you are comfortable with the plan as it is presented, you have the power to waive the floor area ratio in this regard as they have proposed on the preliminary site plan. This is a two (2) element vote whether you choose to vote both elements in one (1) vote or split it is up to you all. One is the preliminary approval of the site plan and one is the waiver to exceed the ordinance listed floor area ratio numbers. The strengths identified with this application is that the proposed changes will replace a structure in need of repair. It has

not housed a business for months. It will be a new structure that will expand the other existing business use on the site. The proposed plan will increase the amount of green space and landscaping on the site from what currently exists. The weaknesses, of course, are that the proposal exceeds the maximum floor area ratio intended for the zoning district. Thank you.

Chairman Pack – Thank you, Mr. Saunders. Would the applicant like an opportunity to speak?

Mr. Parrish – Good evening. I am with Parrish-Layne Design Group. My business address is 7021 Harbour View Boulevard in Suffolk, Virginia. I am here tonight representing the Smithfield Self Storage, LLC. Mr. Saunders does a great job in putting all of this stuff together. There were minimal comments on the preliminary site plan. We are pretty much ready to re-submit after this vote. We just have one (1) issue in regards to how to place the water line. We are working through an issue on that. The main thing is that it comes down to the floor area ratio waiver. He kind of broke it down. I would like to elaborate just a little bit. When he talks about the floor area ratio and the area of the buildings, it is the sum of the areas with the climate control self-storage which is three (3) stories. It is the sum of all of the floors. Normally, on a climate controlled self-storage building, the footprint is about a twenty thousand (20,000) square foot footprint. The total sum of all three (3) floors is twenty-three thousand (23,000) square feet. It is not a huge building. It is not a large piece of property. It is a minimal overage in accordance with the ordinance. We are asking for your approval of the waiver request so that we can move forward. The owners are here tonight if you have any questions. I will stand by if you do.

Chairman Pack – Is there any discussion from the Planning Commission or questions for the applicant? We have seen this site plan before and given a waiver to them previously.

Town Attorney – I think you ought to vote separately, Mr. Chairman, on the floor area ratio and the preliminary site plan.

Chairman Pack – Okay. If there is no discussion, I am happy to entertain a motion. I would like to take our attorney's advice and vote separately.

Ms. Hillegass – I move to approve the preliminary site plan.

Mr. Davidson – Second.

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

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

Chairman Pack – And secondly, for discussion and consideration tonight, is the waiver request.

Mr. Swecker – When you pull out onto John Rolfe, you have crepe myrtle trees there. A lot of people are not going that route because you have to pull up to see what is coming from Battery Park. They are going back to the housing development and cutting through there to get on Battery Park. The crepe myrtles need to go or something has to give with the building because that is a highly congested area right there. That is my opinion.

Chairman Pack – Not to be disrespectful or anything but I am not sure if we can consider that in this waiver request.

Planning and Zoning Administrator – The applicants are here tonight and they will have to come back before you for the final site plan approval. It is not falling on deaf ears but it should not be part of the waiver vote.

Town Attorney – It is all kind of interrelated. The size of the building has an impact on the floor area. Right?

Planning and Zoning Administrator – It does. The waiver that really relates to how much area they are taking up outside the landscape buffer was a waiver that they granted last month to encroach into the landscape buffer. Basically, if this waiver is not approved, I think the real resolution would be to remove some of the first generation non-climate controlled storage space that currently exists there to be able to replace that with a three (3) story climate controlled space. They have the ability to remove some of the old storage that is single story and not climate controlled and replace it with the three (3) story that is. Really, the crepe myrtles are already in that part of the entrance corridor buffer that they have allowed them to keep already. I do not think this would really change that element of the site plan. The landscape plan, itself, will come

along with the final approval next month assuming that everything is done by next month.

Dr. Pope – It appears to me on the plan if you look at the old building on the demolition plan, it looks like the outline of the old building and the new building are probably pretty equal distance to the road. I do not see much difference between them. They may be encroaching into that forty (40') foot buffer; but the structure that is there now and the proposed structure are probably within one to two feet of each other if the scale is accurate. Am I right or wrong or any comment on that on how close the old building is to the road and how close the new building is to the road? My point is that, I think, the buildings probably line up on the Battery Park side pretty similarly.

Mr. Parrish – It is closer and it extends to the building setback to the forty (40') foot. It is not past any of the building setbacks or in the ECO buffer.

Dr. Pope – How far is it from the edge of the road to the old building? How far is it from the edge of the road to the new building?

Mr. Parrish – If you go to the front edge of the building, the new building will be fifteen (15') feet closer to Battery Park Road than what the existing building is.

Dr. Pope – I do not think that is going to impair sight lines sitting at the stop sign which is what you are concerned with Mr. Swecker. I do not think that building is going to do that. I think it is just the issue of the crepe myrtles possibly impairing the sight line and being able to judge traffic. That does not impact the building location on that lot to me. I understand your concerns about the sight line down there and if the trees are impairing your judgement to when you can pull out. I think that causes some confusion for drivers. It may be dictated by the building but the building is not obstructing your view to me. I think the floor area ratio is irrelevant. The building is there. It might be a little closer but I do not think it is going to affect the impact of that intersection in my mind. The trees might but the building will not.

Chairman Pack – Is there any further discussion? Hearing none, I would be happy to entertain a motion.

Mr. Davidson – Mr. Chairman, I would make a motion that we recommend approval of the waiver for the floor area ratio as presented.

Ms. Hillegass – Second.

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

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

Chairman Pack – Our next item is Approval of the April 11th, 2017 Meeting Minutes. I trust you all have read those.

Town Attorney - I did, Mr. Chairman. It seems you had quite a spirited meeting last month. I am sorry I missed it. I would recommend the minutes be approved as presented.

Ms. Hillegass – So moved.

Mr. Davidson – Second.

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

On call for the vote, five members were present. Mr. Davidson voted aye, Ms. Hillegass voted aye, Chairman Pack voted aye, Dr. Pope voted aye, and Mr. Swecker 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 6:50 p.m.



Mr. Randy Pack
Chairman



William G. Saunders, IV
Planning and Zoning Administrator