

The Smithfield Planning Commission held its regular meeting on Tuesday, January 8th, 2013. The meeting was called to order at 7:30 p.m. Members present were Ms. Virginia Smith, Chair, Mr. Bill Davidson, Vice Chair; Mr. Michael Swecker, Ms. Julia Hillegass, Mr. Larry Odom, Mr. Randy Pack, and Mr. Charles Bryan. Staff members present were Mr. William G. Saunders, IV, Planner/GIS Coordinator; Mr. William T. Hopkins, Director of Planning, Engineering, and Public Works. There were nine (9) citizens present.

Chair Smith – I would like to call the January 8th, 2013 Smithfield Planning Commission meeting to order. If you will all rise with me we will stand and pledge allegiance to the flag.

Everyone present stood and recited the Pledge of Allegiance.

Chair Smith – For those of you that would like to remain standing, Mr. Odom will offer a word of prayer.

Mr. Odom – Lord, we thank you for this opportunity that we may meet as a group. We pray for guidance and wisdom in the decisions that will be made this evening. Through your son, the Lord Jesus Christ we ask this prayer. Amen.

Chair Smith – Thank you. Item one on the agenda is Director of Planning, Engineering & Public Works Activity Report.

Director of Planning, Engineering & Public Works – Thank you, Chair. The Smithfield Foods Test Kitchen that I know you all have seen this quite a few times. It has to do with a little bit of landscaping. I think we have finally come to a conclusion on that. I expect it to be done very soon. The Taste of Smithfield has just a few minor items. I expect that the next time that it comes in front of us that it will be one hundred percent complete. Again, just a few small items in the rear of the building that need to be completed. True Value has the same situation. There are a few items in the rear dealing with the landscaping. You do not even see it with the public eye. It has to do with landscaping and the fence. I believe the entire fence has been installed but we have to inspect that. The YMCA is ninety-nine percent complete. That work only involves the parking area that they added off to the side of Cary Street and the grass area where you see the pile of dirt. They are working on it. Weather conditions have not helped much that is why you see the numbers that you see.

Chair Smith – Thank you. Item two on the agenda are Upcoming Meetings and Activities. On January 15th at 6:30 p.m. the Board of Zoning Appeals has been cancelled. On January 15th at 7:30 p.m. the Board of Historic and Architectural Review will meet. On January 18th the town offices will be closed in observance of Lee/Jackson Day. On January 21st the town offices will be closed in observance of Martin Luther King Day. On January 28th and 29th at 4:00 p.m. the Town Council Committee meetings will meet. On February 5th at 7:30 p.m. there will be a Town Council meeting. Planning Commission will meet on February 12th at 7:30 p.m. I just want to give you a heads up the March meeting will possibly be moved to Monday, March 11th. It is under consideration right now as other activities take place here at the Smithfield Center. Item three is Public Comments. This is where the public is invited to speak. Has anyone signed up? No one has signed up. Okay. However, if anyone would like to speak on items that are not on the agenda then you are still welcome to do so. There being no one who wishes to speak then Public Comments is closed. Item four is Planning Commission Comments. There being none then item four is closed. Item five is the Election of Officers for the Planning Commission. Usually Mr. Riddick takes care of that duty. However, since he is not here tonight, I will ask the Director of Planning, Engineering & Public Works, Mr. Bill Hopkins to take care of that.

Director of Planning, Engineering & Public Works – I will be glad to. As you know, this is a new year and we need to nominate a Chairman and a Vice Chairman. We need to get a nomination for one of you all for Chairman.

Mr. Davidson – I would like nominate Ms. Virginia Smith as Chair.

Mr. Odom – Second.

Director of Planning, Engineering & Public Works – A motion has been made and properly seconded. Are there any more nominations? All those in favor signify by saying aye, opposed say nay.

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

Chair Smith – The motion passed. We also need to nominate and elect a Vice Chairman. The floor is open for nominations.

Mr. Swecker – I would like to nominate Mr. Davidson for Vice Chairman.

Ms. Hillegass – Second.

Chair Smith – Are there any other nominations? There being none, I will call for the vote for Mr. Davidson serving as Vice Chairman. All those in favor signify by saying aye, opposed say nay.

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

Chair Smith – The motion passed. We have our new officers elected. Item six is a Public Hearing – Chesapeake Bay Preservation Area Exception – 72 Dashiell Drive – Sean Ericksen, applicant. Can we have a staff report please?

Director of Planning, Engineering & Public Works – Yes ma'am. I am sure that you have all seen this in your package. It is very detailed. I was discussing with the applicant prior to the meeting. The property is 72 Dashiell Drive. It is at the end of a cul-de-sac. It is 5.3 acres. Not all of that is dry land. The property is zoned CC which is Community Conservation. What he is proposing to do is to add an addition to his house. He has had problems with the left hand side of his house. While he was doing those repairs he thought that he would go ahead add on to the house at the same time. Unfortunately, during the whole process of designing it and showing the addition on architectural plans he did not realize that it would involve encroaching into a Resource Protection Area (RPA). He came to the staff. We discussed it. I went out into the field with him. I very much understand where he is coming from especially with the shape of the property. It is not your normal square lot. As stated in the staff report, the proposed addition to the structure is 713 square feet. Of that, there are 333 square feet that will be encroaching into the land for the 50 foot RPA area. At the bottom of the staff report you will see all the areas that he can pull out or do away with such as 69 square feet of the fire pit and 324 square feet of the sidewalk which is in that area. Some of it is a gravel area which is shown on the site plan. The applicant has provided us with a Minor

Water Quality Impact Assessment. Also, a general landscaping plan is provided that will assist with buffering and filtration for the runoff from the house. Staff feels very comfortable with that. Staff feels that he has met all of the criteria for this exception. I am here to answer any questions that you may have.

Chair Smith – Thank you for the staff comments. I would like to say that this has been a very complete package. I understand that the applicant has worked with the town to offset the exception that he is looking for. Certainly we cannot prevent somebody from protecting the integrity of their building. With that said, this is a public hearing. There is one person that has signed up. If there are others who would like to speak you can do that. At this time, I will ask Ms. Cathy Roberts to come to the podium and state your name and address please.

Ms. Roberts – Good evening. My name is Cathy Roberts. I live at 47 Dashiell Drive. We are neighbors of the Ericksens. On behalf of my husband and myself, I wanted to say that we support this application. We do not have any problem with it at all. I do not think that the 333 square feet is going to really hurt the wildlife that we have very much. We have plenty. I think we will continue to have plenty. We support this application. Thank you.

Chair Smith – Thank you very much. Is there anyone else who would like to speak? The public hearing comment section is closed. I will open it up for consideration by the Planning Commission. I will say that we normally look very, very closely at any encroachment on the RPA area. If we let exceptions happen with a few feet here and a few feet there before you know it we have some major encroachment. With that being said, the difference between the impervious areas that he is going to offset that is a great plus. Also by putting in the plantings to filter the runoff then that is a great benefit to the RPA. Are there any other comments?

Ms. Hillegass – I feel that the strength of this package far out way any issues with the encroachment. If nobody has any questions, I will make a motion to approve as presented.

Vice Chair Davidson – Second.

Chair Smith – Are there any other questions or comments? A motion has been made and properly seconded that we approve this application. All in favor signify by saying aye, opposed say nay.

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

Chair Smith – The motion passed. Thank you.

Director of Planning, Engineering & Public Works – Staff will visit the site and take a look at it as it is going on.

Chair Smith – Thank you. Item seven is an Entrance Corridor Overlay District Design Review – 1294 Smithfield Plaza, Old KFC/Taco Bell Restaurant – Bharat Patel, Mid Atlantic Taco, LLC, applicants. Can we have a staff report please?

Director of Planning, Engineering & Public Works – Yes ma'am. In the application you can see the existing structure of the old KFC/Taco Bell. What they propose to do now is replace it with a Taco Bell. Vice Chair Davidson, Chair Smith, Mr. Saunders, and I met with the applicant to discuss the pre-application. We discussed the colors dealing with the elevations. As you can see in the package, the first one that came to us was the original design proposal at the very top of that sheet. We brought to their attention that it was just a little too much color at the top and the brightness of the orange. They agreed to do that if Taco Bell would accept it and obviously they did. We heard back from them and they have made the adjustments. Item #1.2 is the colors here it is not identical to that. As Mr. Saunders discussed with me before that the orange color on the front is really more like the number two color that you see in your list. It is not nearly as bright. If I am not mistaken the stone at the bottom will not be there except where the columns are. That will be a different color closer to 4.B. I will let the applicant speak on that part. It is basically like you see here. You do not see the blue, yellow, and orange areas at the top band around the building. The staff is comfortable with it. We feel that it will meet all of our guidelines of the Entrance Corridor Overlay District. Yes, there are more than three colors but it says in the ordinance "generally" three colors. The ones at

the very top do kind of blend with the other colors. I will be glad to answer any questions that you may have.

Chair Smith – Thank you. At this time, I will invite the applicant to speak. If you would come to the podium and speak your name and address please.

Mr. Sampson – My name is Dan Sampson with Sampson and Associates Architects. I am representing Bharat Patel and Mid Atlantic Taco. We made the preparations of the drawings and met with Mr. Hopkins. After discussions, as he mentioned, we talked to Taco Bell and they have their ultimate color schemes that we thought were not valid anymore but they were willing to accept. That is essentially the 1.2 color scheme which is a muted color scheme. The only difference from this is that the arch with the orange color is actually called “Autumnal”. If you look at the muted color scheme entry tower basically what you saw in the photograph as orange will actually be the number two color. We did not have a sample of the stone but if you look at the straight Taco Bell color of the stone, at the base of that in the photograph, it is essentially the color. The only difference with that is that we are only putting it on the base of the columns when you walk through the archway. These will be the “Rookwood Clay” number three color instead of the stone. You are still maintaining the muted colors.

Director of Planning, Engineering & Public Works – Excuse me, I was wrong, earlier I said 4.B but it is number three.

Mr. Sampson – All other aspects of it though will be as we have shown on our elevation with the same trellis and the essential design elements of the current Taco Bell look but just the color scheme has changed.

Chair Smith – If you would remain at the podium so that we can direct questions to you. I would appreciate that. What color is the bell?

Mr. Sampson – The bell is a Taco Bell logo. It is part of the sign. Do you have this photograph here?

Chair Smith – I do. So it is pink?

Mr. Sampson – Yes, pink and blue which is Taco Bell colors. As such, it is part of the signage on the building in terms of captivating the signage.

Chair Smith – I note that there is the “Iron Ore” which is color number five is going to be on the parapet pack.

Mr. Sampson – That is just the piece of flashing that goes all the way around the top. At the top of the arch there is a curved cornice on it. It is almost a dark bronze. It looks a little green here.

Chair Smith – There are some archways over the false windows are those also the Iron Ore color?

Mr. Sampson – They are the “Umber”. I would say that it is close to the Umber. We actually do not have that on the color chart. You can get a sense of it on the color photograph.

Chair Smith – I want to personally say that I am glad that I will not have to leave Smithfield to make a run for the border. I am delighted with that. Does anybody else have any comments or questions?

Mr. Odom - Is this going to be a renovation of the existing KFC building? They are not tearing down the old one?

Director of Planning, Engineering & Public Works – Yes sir. They are not adding on to the building or tearing down the old one. They are not changing the parking lot. They will see in our next item which is just basically for the landscaping. It will be a great improvement if you would look at that picture.

Chair Smith – Yes. It is very sad to drive by there and see how quickly a building can deteriorate when there has been no occupancy.

Mr. Sampson – Yes. I think it has been more than a year.

Director of Planning, Engineering & Public Works – Just out of curiosity, when do you expect the turnaround of this project?

Mr. Sampson – Well, hopefully, we will have our permit with your approval of this aspect of it by the end of this month. They expect to get started probably in a month or two after that.

Chair Smith – How long do they anticipate that the project will last?

Mr. Sampson - I would guess about four to six months. There is a fair amount of internal stuff. The kitchen has been pretty much stripped. We have to bring in all new kitchen equipment. All of the finishes on the inside are being redone. Some of the

windows on the outside are being moved. Sometimes a renovation can take longer than a new one especially in these fast foods. They are so organized they can come in there and knock them out.

Chair Smith – Does anyone have any questions or concerns?

Ms. Hillegass - I have seen this muted color scheme in places closer to where I work. I think it will work really well. The applicant has done a good job of addressing the concerns that Mr. Hopkins and I had during the pre-application meeting.

Chair Smith – Something that we may want to consider when we make a motion, is that we may want to put some type of clause as far as when we will have a finished product. We want to make sure that once we approve it that it moves forward and does not sit on the back burner. We usually do not have problems with this but sometimes we should actually put that into the verbiage of the motion. With that being said, I will entertain a motion.

Ms. Hillegass – I will make a motion to approve as presented.

Mr. Davidson – Second. As far as a time frame, Madame Chair, they are indicating that all of this should be accomplished in six months.

Mr. Sampson – Hopefully, yes.

Mr. Davidson – I would say if we stipulated a year then that sounds reasonable in case there are any delays. I would add that stipulation to it. It has to be accomplished and finished in one year's time.

Chair Smith – Do you agree with that?

Ms. Hillegass – Yes.

Chair Smith – A motion has been made and properly seconded that we approve as presented with a sundown clause of one year. All in favor signify by saying aye, opposed say nay.

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

Chair Smith – The motion passed. Thank you very much. Item eight is a Preliminary and Final Site Plan Review – 1294 Smithfield Plaza, Old KFC/Taco bell

Restaurant – Bharat Patel, Mid Atlantic Taco LLC, applicants. Could we have a staff report please?

Director of Planning, Engineering & Public Works – It is the same site, the same building and actually the same parking lot and sidewalks. There may be a few minor changes in the sidewalks as far as between doors and so forth. You can see on the attached landscape plan that there is quite a bit of additional landscaping that will be planted there unlike what you see now. The staff feels very comfortable with it. It blends with the other landscaping areas in the Town of Smithfield. We feel that it should be granted preliminary and final approval. It is not a full blown site plan like we are starting from scratch. I am kind of glad to tell you the truth.

Chair Smith – It makes it a bit easier. Just looking at the quantity of plantings there are over one hundred plantings which will certainly improve this site. Does anyone have any questions of the applicant? I think this will go a long way in improving our Entrance Corridor Overlay District as far as the looks of it. If there are no questions or concerns, I will entertain a motion.

Ms. Hillegass – I will make a motion to approve preliminary and final site plan.

Mr. Odom – Second.

Chair Smith – A motion has been made and properly seconded that we approve the preliminary and final site plan as proposed. All in favor signify by saying aye, opposed say nay.

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

Chair Smith – The motion passed. Thank you very much. I am looking forward to those tacos. Item nine is Approval of the September 11th, 2012 Meeting Minutes. Usually the Town Attorney, Mr. Riddick, recommends for approval. If it is your wish, we will go ahead and wait for him to come back and review them.

Director of Planning, Engineering & Public Works – He has reviewed them. I do not know his exact wording.

Chair Smith – He makes minor revisions and corrections. In that case, the Town Attorney has reviewed the minutes and made some minor revisions and corrections. I will entertain a motion for approval of those minutes.

Mr. Pack – I will make a motion to approve the minutes.

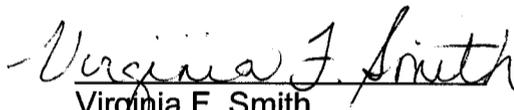
Mr. Odom – Second.

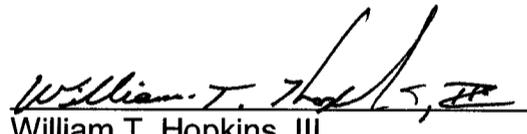
Chair Smith - A motion has been made and properly seconded to approve the minutes. All in favor signify by saying aye, opposed say nay.

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

Chair Smith – The motion passed. Is there any other business? There being none, we stand adjourned.

The meeting adjourned at 7:55 p.m.


Virginia F. Smith
Chair


William T. Hopkins, III
Director of Planning, Engineering, and
Public Works