

The Smithfield Planning Commission held its regular meeting on Tuesday, February 12<sup>th</sup>, 2019. 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, Dr. Thomas Pope, Mr. Mike Swecker, and Mr. Michael Torrey. Ms. Julia Hillegass was not in attendance. The staff members present were Mr. William G. Saunders, IV, Director of Planning, Engineering and Public Works; Mr. William H. Riddick, III, Town Attorney; and Mr. John Settle, Planning and Zoning Administrator. There was one (1) citizen present. The media was not represented.

Chairman Pack – Good evening ladies and gentlemen. Welcome to the Smithfield Planning Commission meeting of February 12<sup>th</sup>, 2019. We will start our meeting with the Pledge. Please stand.

*Everyone present stood and recited the Pledge of Allegiance.*

Chairman Pack – We have a slight change to our agenda this evening. We will have our annual election for Chairman and Vice Chairman.

Town Attorney – Tonight, we begin your meeting for annual elections. The floor is open for nominations for Chairman of the Planning Commission.

Mr. Swecker – I would like to nominate Randy Pack.

Mr. Davidson – Second.

Town Attorney – Are there any other nominations? Hearing none, the nominations are closed. All those in favor of electing Mr. Pack as Chairman say aye, opposed say nay.

On call for the vote, six members were present. Dr. Pope voted aye, Mr. Mike Swecker voted aye, Mr. Michael Torrey 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.

Town Attorney – Mr. Pack, you have been reelected as Chairman. The floor is now open for nominations for Vice Chairman.

Chairman Pack – I would like to nominate Charles Bryan.

Mr. Davidson – Second.

Town Attorney – Are there any other nominations? Hearing none, the floor is closed for nominations. All those in favor of electing Mr. Bryan as Vice Chairman say aye, opposed say nay.

On call for the vote, six members were present. Dr. Pope voted aye, Mr. Mike Swecker voted aye, Mr. Michael Torrey 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.

Town Attorney – Mr. Bryan, you are reelected as the Vice Chairman. Chairman Pack, it is your meeting again.

Chairman Pack – The first item on the agenda is the Planning and Zoning Administrator's Report with Mr. John Settle.

Planning and Zoning Administrator – Thank you Mr. Chairman. Our first item to report tonight is that the special use permit for the Carver Avenue laydown yard that was favorably recommended by the Planning Commission at its December meeting was approved by the Town Council at their January meeting. Also, I wanted you all to be aware that registration is open for the Certified Planning Commissioner Programs in Richmond. If any of you are interested, please shoot me an email and we will begin the registration process. Thank you.

Chairman Pack – We have a list on the agenda of Upcoming Meetings and Activities. On February 19<sup>th</sup>, the Board of Historic and Architectural Review will meet at 6:30 p.m. The Board of Zoning Appeals will not meet in February due to lack of business. On February 25<sup>th</sup> and 26<sup>th</sup>, at 3:00 p.m., we will have our Town Council Committee meetings at the Smithfield Center. On March 5<sup>th</sup>, 2019, we will have our next Town Council meeting. There will be a Pinewood Heights Management Team meeting at 4:00 p.m. at the Smithfield Center on March 12<sup>th</sup>. The next Planning Commission meeting will also be on March 12<sup>th</sup> at 6:30 p.m. We will now move to Public Comments. The public is invited to speak to the Planning Commission on any matters except for scheduled public hearings. We have one public hearing tonight. Comments are limited to five minutes per person and any required response from the town will be provided in writing following the meeting. There are no signups this evening. Is there anyone who would like to speak that did not sign up? Hearing none, we will now move to Planning

Commission Comments. Are there any comments from the Planning Commission members?

Dr. Pope – My only comment so far is about the update on the Tastee Freeze. I would also like to comment after the update if there is anything happening with it.

Director of Planning, Engineering, and Public Works – The building permit has lapsed. It has been put on the market for sale. It is my contention, based on a review of our ordinance, that it would be a stretch to declare it an unsafe structure and demand its demolition. It is really the only action I find in our code of ordinances to take against them unless there is some type of nuisance violation on site. I forwarded my thoughts to the Town Attorney and he is going to chime in at some point once he has the opportunity to review that. If it is a threat to the public's health, safety, and welfare then it can be declared an unsafe structure by Town Council; but I believe that would be a hard thing to do.

Dr. Pope – I think it is a non-conforming lot by commercial standards such as parking, building size, etc. I do not know if there is any way to officially make exceptions for that lot in order to allow somebody to realize a vision there in case they cannot build within the confines of those standards. It would allow them to tear it down with some remediation, and to be able to work with a non-conforming lot. You cannot put a building from lot line to lot line. It is an eyesore and should come down. Someone could then come in and purchase it, demolish it, and then build from there. It would be nice if there could be some kind of concessions made, either at our level or the Town Council level, to allow a non-conforming lot to be appealing to some of the people who are willing to put up office buildings or other different things like we are seeing happening around town. I just do not see anyone coming in there and using the footprint that exists currently to rehab the building and turn it into something other than a restaurant of some sort. It could be demolished into a vacant lot and somebody else can decide how to use their vision to create something with a little bit of leniency on some of the restrictions concerning commercial lots.

Director of Planning, Engineering, and Public Works – The Planning and Zoning Administrator has some discretion as it relates to working on a previously developed lot; but, I think, a lot of that goes away when you demolish it. You have more discretion to

work within the confines of what is there which is why I would also try to keep from demolishing it until somebody has an opportunity to purchase it. There are a lot of legal non-conformities there because of the existing building. I think you are right. It probably is a non-conforming lot which means the best chance for someone to be able to do something there would mean doing something with the existing structure. The front walls are new cinderblock walls. It is private property. We just have to see what the market is going to bring and take it from there.

Town Attorney – I have looked into this a little bit. There is a Deed of Trust [on this property] held by a local bank. There are covenants in the Deed of Trust that require them to maintain the property. They are probably in violation of that so there may be an opportunity for the bank to apply some pressure to the property owner. Mr. Saunders is right about the nuisance. If it were in its former state where it was sort of a vacant building which was closed and dark and potentially a safety hazard then that would have probably given us a little more leverage as far as an unsafe structure is concerned. Now, it is just completely open. There is nothing there except some concrete walls. I am not saying it is safe but it is not like it would be if it had been in its prior condition. I think he is right; that would be a stretch.

Mr. Swecker – So, is the project of it actually reopening as another Tastee Freeze off the table now?

Director of Planning, Engineering, and Public Works – Yes. They are gone.

Vice Chairman Bryan – Would they be allowed to reapply for a permit? I think that is what he was getting at.

Director of Planning, Engineering, and Public Works – No. There was a restaurateur who was intending to fix it up. A rendering had been approved for the Entrance Corridor Overlay District some time ago. She had planned to fix it up. In the middle of the rehab, she just left it behind. She was not the owner. She was going to be a lessee.

Vice Chairman Bryan – Would she be allowed to come back and apply again?

Director of Planning, Engineering, and Public Works – She can. We would be glad to work with somebody who wanted to fix it up.

Town Attorney – She has no intention of doing that, at least, to our knowledge.

Chairman Pack – Are there any other Planning Commission comments? Hearing none, we have a Public Hearing – Special Sign Exception (SSE) Application – 18420 Battery Park Road – Smithfield Church of Christ, c/o Joe Thompson, Applicants. Could we have a staff report please?

Planning and Zoning Administrator – Thank you, Mr. Chairman. This is a special sign exception application for 18420 Battery Park Road which is the Smithfield Christian Church. The applicants have applied for a special sign exception for the installation of a new four foot tall and eight foot wide, thirty-two square foot, detached sign elevated approximately two feet above grade. The sign would be located three feet from the property's northern boundary line that fronts on Battery Park Road. This is the component of the application that triggers a special sign exception since it is located within the ten foot front yard setback for detached signs. The sign is intended to replace a similar sign that was removed as a result of the Nike Park Trail. It will be landscaped and potentially lit. Both would be in accordance with the appropriate Smithfield Zoning Ordinance sections. This application is strengthened by the fact that the proposed sign complies with all necessary components of the Entrance Corridor Design Guidelines Handbook. I have affixed to the application several illustrations pertinent to it which includes an exhibit of the approximate location of the sign. Mr. Chairman, this concludes the staff report.

Chairman Pack – Are there any questions for Mr. Settle? Hearing none, would the applicant like an opportunity to speak?

Mr. Joe Thompson - I do not have a presentation but will be happy to answer any questions.

Chairman Pack – Does the Planning Commission have any questions for the applicant?

Vice Chairman Bryan – I only have one concern. I understand that this is because of the bike trail and you need some visibility for that location. Is there any safety concern of being within three feet of the walking/bike trail?

Mr. Thompson – I guess that would be hard to say. I do not really know if I am qualified to determine that. I cannot even remember how wide the path is to know how close a person may walk to the edge of the path. I think you have some photos. You

may see that there are already a couple of poles that are close by. The sign would essentially be the same distance as those current poles.

Planning and Zoning Administrator – The sign would be three feet from the front boundary line. The survey indicates that there will be additional distance between the sign and the actual paved trail.

Mr. Thompson – Right. There will be a total of about six feet between the edge of the sign and the trail. There are three feet from the trail to the property line and then we are asking for the sign to be three feet from the property line for a total of six feet from the trail.

Vice Chairman Bryan – Okay. Do you think you will have enough visibility with this location?

Mr. Thompson – We think so. The only concern about visibility right now is the power poles. Dominion is going to be removing some of them. There is one that cannot be removed. They are working with us to find a location to serve their needs and also not blocking the visibility. There are also some crepe myrtle trees that will be trimmed up if this is where the sign goes to add to that. The parking lot almost comes right up to the bike path. This location is the best spot and the lesser of all evils. There really isn't a great spot; but this one is the best spot.

Chairman Pack – Where is this in relative location to the previous sign?

Mr. Thompson – It is pretty much just moving closer to the building. It is essentially in the same general center of the half circle of the driveway just a bit closer to the building.

Chairman Pack – Are there any other questions of the applicant? Hearing none, I would like to ask Mr. Settle if there are any sight line issues with the placement of this new sign?

Planning and Zoning Administrator – I could identify none. When I went out to post the Planning Commission public hearing sign, I did not have any problem navigating the parking lot and pulling out onto Battery Park Road. The temporary sign was in the approximate location and I can see no reason that the new sign would restrict visibility.

Chairman Pack – There is no one here to speak but we will open the public hearing according to protocol. Is there anyone who would like to speak for or against this application? Seeing none, the public hearing is now closed. We will have consideration by the Planning Commission.

Mr. Davidson – Mr. Chairman, I would like to say that this is the church that I attend. As Mr. Thompson said, some of the cars can actually park closer to the bike trail than this sign is going to be located. I went and took some pictures and tried my best to see if there was a sight line problem but there was not. In fact, I had him walk me out there and show me exactly where the sign would be because I thought from the picture that it was going to be closer down toward the bridge which is not the case. I would like to make a motion to recommend approval as presented.

Mr. Swecker – Second.

Chairman Pack – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

On call for the vote, six members were present. Dr. Pope voted aye, Mr. Mike Swecker voted aye, Mr. Michael Torrey 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 – Our next item is the Entrance Corridor Overlay (ECO) Design Review – 928 S. Church Street – Pomoco Properties One, LLC, c/o Stephen Adams, applicants. Could we have a staff report please?

Planning and Zoning Administrator – I should note that this is an after the fact application. The applicant has already erected a life size pig statue on an existing flower bed planter immediately east of the building fronting on South Church Street. The applicant intends, at a future date, to have the local high school art class paint the pig in a unique style or pattern. This application is strengthened by the fact that it is in compliance with the Entrance Corridor Design Guidelines Handbook. No weaknesses of this application can be identified at this time. Thank you.

Chairman Pack – Are there any questions for Mr. Settle?

Mr. Torrey – Did the applicant mention anything about maybe doing some more landscaping around the pig or will it just be a pig sitting in the middle of the front?

Planning and Zoning Administrator – No, sir, not to my knowledge in any conversation.

Chairman Pack – Are there any other questions? We have an ordinance on our books that requires the Planning Commission to approve any statues in front of buildings which is why this is before us tonight. We certainly have some other pig statues in town. Tourism promotes them throughout our historic downtown area. It probably would not be good of us to not approve a pig statue. Is there any discussion or comments?

Mr. Swecker – Did he say how long he was going to wait to paint it? What kind of time frame is he looking at?

Planning and Zoning Administrator – He did not indicate that either, sir.

Vice Chairman Bryan – Is this dependent on our approval tonight for permanent placement there?

Chairman Pack – Correct. It has been there for about a year and a half probably. It was brought to Mr. Saunders' attention that it had not been previously approved.

Town Attorney – I think you could put a condition on this since it is in the Entrance Corridor Overlay. You could say that it has to be painted within a one year time frame.

Chairman Pack – But it does not say the style or pattern.

Mr. Torrey – I do not have a problem with it. I think it is a unique Smithfield thing; but I think it looks odd sitting there all by itself. We focus so much on landscaping and I would like to see something else around it like flowers.

Director of Planning, Engineering and Public Works – I do not think there is a minimum landscaping requirement for a statue area like there is for signage.

Planning and Zoning Administrator – I think statues are lumped in as landscaping.

Mr. Davidson – It is similar to what Sesroh did with the horse statue.

Director of Planning, Engineering and Public Works – I think the applicant provided the information that he may have the high school art class paint it in the future. It was just advisory to you all once he realized there actually was some type of regulation for it. He just wanted you all to be aware. It is the color that it is today for

some undetermined amount of time; but he wanted you to know as full disclosure that he may have the art class paint it. It will be up to you all if you wanted to see the design before it is painted or not.

Town Attorney – That is what you did with the other ones.

Mr. Torrey – We could say to have it painted by the end of the school year. If not, it would not be until next Fall.

Town Attorney – That puts a burden on the school system that may not be part of their planned curriculum for this semester. It might be onerous; but if the applicant knew that he had a year you can take him at his word. It at least gives you an opportunity to review it. You may decide it is fine.

Chairman Pack – I will make a motion that we approve the pig statue with the stipulation to have it painted within one year from today by the art class.

Mr. Swecker – Second.

Mr. Davidson – Will we get to see the rendering before it is painted?

Chairman Pack – I would like to see it in line with what we have downtown.

Town Attorney – I think the whole idea is that it is in the Entrance Corridor Overlay. It gives you some say so about aesthetics. I do not think that is unreasonable.

Chairman Pack - Let me amend my motion. I would like to make a motion that we approve this pig statue as presented with the intention that it is painted by an art class within a year from now and bring the design back to the Planning Commission for its review and that it is to be in line with the pig statues we already have in town.

Chairman Pack - Let me amend my motion. I would like to make a motion that we approve this pig statue as presented with the intention that it is painted by an art class within a year from now and bring the design back to the Planning Commission for its review and that it is to be in line with the pig statues we already have in town.

Mr. Davidson – Second.

Chairman Pack – A motion has been made and properly seconded. Is there any further discussion? Hearing none, roll call vote.

On call for the vote, six members were present. Dr. Pope voted aye, Mr. Mike Swecker voted aye, Mr. Michael Torrey 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 - Our next item is Approval of the December 11<sup>th</sup>, 2019 Meeting Minutes.

Town Attorney – I recommend approval of the minutes as presented.

Mr. Davidson – So moved.

Dr. Pope – Second.

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

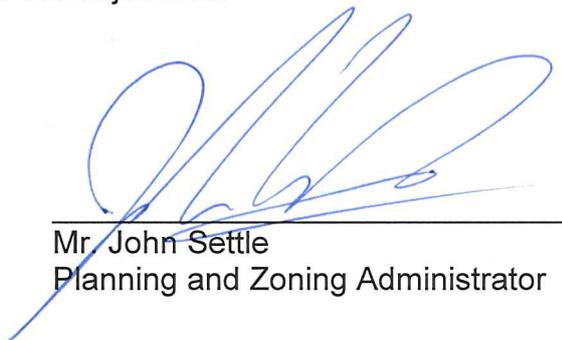
On call for the vote, six members were present. Vice Chairman Bryan voted aye, Mr. Davidson voted aye, Dr. Pope voted aye, Mr. Michael Torrey voted aye, Mr. Mike Swecker voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Chairman Pack – Is there anything else to come before the Planning Commission this evening? Hearing none, we are adjourned.

The meeting adjourned at 6:57 p.m.



Mr. Randy Pack  
Chairman



Mr. John Settle  
Planning and Zoning Administrator