

The Smithfield Planning Commission held its regular meeting on Tuesday, February 13th, 2018. 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, Mr. Mike Swecker, Dr. Thomas Pope, and Mr. Michael Torrey. Ms. Julia Hillegass was absent. The staff members present were Mr. William G. Saunders IV, Director of Planning, Engineering and Public Works and Mr. William H. Riddick, III, Town Attorney. There were fifteen (15) citizens present. The media was not represented.

Chairman Pack – Good evening ladies and gentlemen. Welcome to the Smithfield Planning Commission meeting of February 13th, 2018. We will start our meeting with the Pledge. Please stand.

Everyone present stood and recited the Pledge of Allegiance.

Chairman Pack – Good evening and thank you for joining us. The first item on the agenda is the Director of Planning, Engineering and Public Works Activity Report.

Director of Planning, Engineering and Public Works – Thank you, Mr. Chairman. I have two items tonight. The Joseph W. Luter, Jr. Sports Complex had a final walk-through for the concession stand and the primary elements of the site week before last. The punch list to finish up is rather short. It is getting toward the end of its time period. There will be paving later in the spring; but, for now, a lot of the project has been signed off on. The Clontz Park Boat Ramp has been somewhat redesigned. The engineers are working on some of the final touches to redesign those plans to save some money and make it a more logical setup. It will be re-bid in the near future. Thank you.

Chairman Pack – We will now move to Upcoming Meetings and Activities. Town offices will be closed on February 19th in observance of Presidents Day. On February 20th, 2018 there will be a meeting of the Board of Historic and Architectural Review. The Board of Zoning Appeals will not have a meeting this month. The Town Council Committee meetings will be held on February 26th and 27th beginning at 4:00 p.m. During these meetings, Council gets a lot of their agenda work worked out. They are in sequence beginning at 4:00 p.m. and lasting until 5:30 p.m. or so. March 6th, at 7:30 p.m., is the next Town Council meeting at the Smithfield Center. The next Planning Commission meeting will be on March 13th. The next item on the agenda is Public Comments. We have a signup sheet. If you have not signed up, it is okay. We will give a

chance to speak. We ask that you speak on any matter except for scheduled public hearings. We do have one public hearing this evening. Comments are limited to five minutes per person. Any required response from the town will be provided in writing following the meeting. As you come up, please state your name and address for the record.

Director of Planning, Engineering and Public Works – Our first sign up is Mr. Padraic Soule.

Mr. Soule – I live at 104 Richmond Avenue in Smithfield. My wife and I moved to Smithfield three years ago. We love it out here. In August, approximately three years ago, I went to speak to someone in the planning department. I do not remember who I spoke to. I am an amputee. My concern was walking down Church Street to the bridge. From where I live, it is about one mile. So, I planned on walking into town. My problem is, since I am an amputee, I can get off balance very, very easily. The gentleman at the time said that there was some stuff going on but it was not around yet. I understand that things take a little bit of time; but three years later nothing has happened. Two weeks ago, I picked up the Smithfield Times and all of us who live here in Church Square see that one of the four proposals is to run a trail through our complex. It is a very big concern since we are a gated community. You cannot very well have a gated community with Tom, Dick and Harry and the rest of the southern part of the Commonwealth cutting through our area. It is my big objection. I wanted to say that if there is a choice to be made to please put in the sidewalk on South Church Street. It needs to be there. It is the only section of town that does not have a sidewalk. I do not know what the requirements are or if curbing needs to be in all the way or not. You could come through the commercial area down there where there is a wide enough apron already. It would probably be down from the pet grooming place by Smithfield Animal Hospital going down that bank. It seems to me that it is the only big place to build it. People are walking that way all the time. I have seen one lady who has some type of physical disability. I have not seen her in a while; but she was walking up and down that street on the side where most of the street is banking. I cannot believe that there has not been a pedestrian that has been hit down there. I do not mind paying my

property tax; but I do not want to get sued and the town get sued and taxes go up.

Please consider putting the sidewalk in. Thank you.

Director of Planning, Engineering and Public Works – The next signup is Ms. Kimberly Gradine.

Ms. Gradine – I live at 114 Richmond Avenue in the Church Square subdivision. I am generally a more rural person by nature; but on September 21st I sold my house in the country and moved into the town. I spent a lot of time looking for a home. I chose the Church Square subdivision because it is a gated community. There are not a bunch of kids running around. I like kids but I just do not want to hear the noise all night. I have great neighbors and a nice quiet community. Everybody knows everybody and we get along. We do not have a lot of problems. I think that is partly because it is a gated community. It is what we all paid for. It is part of the reason we wanted this neighborhood. If this bike trail and/or sidewalk comes through our neighborhood, we basically lose a big part of the reason we bought there. I do not think there is anybody who is opposed to having sidewalks throughout Smithfield to be able to get downtown by foot; but going through our neighborhood is a bad, bad idea. I understand that we do not really have a choice. Pretty much everybody in the audience tonight is from Church Square. We are not all going to speak and take up your time; but we are all of the same opinion. We do not want it. It is my understanding that you are asking the person who owns the property. He does not live there. What does he care if he is getting money in his pocket? It will have no effect on him. We would just like for you to consider putting it anywhere but through our neighborhood. Thank you.

Chairman Pack – Is there anybody else who would like to speak that did not sign up? Seeing none, I will let you all know the little bit I know about the sidewalk/bike path. I am the Town Council representative on this Planning Commission. I serve on both. We have just barely gotten into this. It is just starting to surface. The only thing we have seen from the engineers is a couple of potential paths. One of them is through your neighborhood. We appreciate hearing from you guys while kind of getting a feel for what happens with this bike path. I imagine this will become quite the subject over the next year or two as far as which way to route it if we route it at all. I know there is some grave concern at Council level with the funding of the path. We are wondering how to fund it

and no one is in favor of borrowing it. It could change. We will have a new Town Council in May. As you speak to the candidates that will run in May, please be sure to voice your concerns. You should speak to your Council members and Planning Commission members. We have plenty of time to chat some more. We appreciate you coming here and letting us know your feelings; especially right out of the gate. There will be plenty of time to hear about it. Nothing is happening tomorrow by any means.

Director of Planning, Engineering and Public Works – I would just like to add one thing about their neighborhood specifically and this project. The developer of the project was approached before the engineering firm worked on this analysis. He was asked about the potential of routing the trail in the green space adjacent to Church Square and if he would even entertain for the exploration of trying to think outside the box. He said he would. It was something that the engineers looked at; however, he also made it clear that he could not speak for the Homeowner's Association. Ultimately, the Homeowner's Association would have to approve the trail to go through. Legally, there would also have to be a dedicated easement for it to go through. This is not something that the developer is trying to do unilaterally. He made it clear when he said we could conceptualize it that the Homeowner's Association would have to review and approve it before anything like that would ever happen.

Ms. Terry Birdsong – I live at 111 St. Paul's Avenue. I have lived at Church Square for almost two years now. From what I have seen and my understanding is that our Homeowner's Association is run by one person. When I contacted her after reading the paper to ask if she knew about this, she said that she did not know anything about it either. It makes us wonder when the developer says it will be up to the Homeowner's Association which sounds really good; but we do not have a Homeowner's Association yet. I do not think we are big enough yet. Apparently, this will rest in the hands of one person who is a property manager.

Chairman Pack – I understand your concern. I do not want to debate back and forth since this is not the proper forum for that.

Ms. Birdsong – I just wanted to inform you about our Homeowner's Association.

Chairman Pack – Trust me, we are very much in the infancy stage of this. All of your concerns will be listened to as we move forward without a doubt. I cannot answer

questions from the audience because I will get fussed at for not following the right rules.

I will be here after the meeting and will be happy to answer any questions. Moving forward, our next item is Planning Commission Comments. Do any Commissioners have any comments? Hearing none, we will move to a Public Hearing: Amendments to Article 5 of the Subdivision Ordinance and Article 11 of the Zoning Ordinance – Site Plan and Plat Language Regulations – Town of Smithfield, applicant. Could we have a staff report please?

Director of Planning, Engineering and Public Works – This is a zoning ordinance and subdivision ordinance amendment. The subdivision ordinance that will be amended is Article 5 which is the subdivision approval process in which language is going to be added as it relates to one hundred foot RPA buffers remaining undisturbed, onsite septic systems being pumped out every five years, reserve drain fields, and development in the RPA as it relates to any plats that are submitted for recordation in the town. Zoning Ordinance Article 11 is the site plan requirements which will also deal with adding language for those elements for approved site plans that would be approved or go to record within the town. This is a result of the audit of the town's Chesapeake Bay Preservation program at the end of 2017. Everything in that audit passed muster except the fact that we did not have these elements in our ordinance to require this type of language on all of our plats and plans. A lot of it was touched on in different places but it was not exactly the way they wanted to see it. If you go to the Subdivision Ordinance Article 5 on page 13, you will see that Section 3 has been added in there. Section 3A relates to elements being in the final plat checklist. Section 3C relates to final subdivision plats and other record plats showing the one hundred foot resource protection area boundaries, and the extent of the buildable area on the lot as it relates to applicable setbacks. Section 3D states that the resource protection area shall have the following note: 'There shall be no encroachment area in the resource protection area, including but not limited to, land disturbing activities, vegetation removal and construction activities without the appropriate authorization from the Town of Smithfield.' Section 3E says that all final subdivision plats and other record plats shall show the location of all primary and one hundred percent reserve sewage disposal system areas and shall provide the following notation: 'All on-site sewage disposal

systems must be pumped out, or inspected, at least once every five years.’ Are there any questions about changes in Article 5 of the Subdivision Ordinance? Hearing none, we will look at Article 11 of the Zoning Ordinance. This is broken up a little bit more. It is all in one spot for the Subdivision Ordinance. The preliminary major site plans start on page 10. You will see that some other language related to the Chesapeake Bay Preservation areas was struck. Additional language related to the one hundred foot resource protection area and the resource management area boundaries, buildable limits and setbacks being shown, all preliminary major site plans that include a resource protection area include the following notation: ‘there shall be no encroachment in the resource protection area, including but not limited to, land disturbing activities, vegetation removal and construction activities without the appropriate authorization from the Town of Smithfield.’ On page 13, you will see similar language as it relates to the one hundred foot resource protection area being included. For minor site plans, it is the same language as I read to you previously about preliminary major plans. For Item 23 it states that ‘all minor site plans shall show the location of all primary and one hundred percent reserve on-site sewage disposal systems with the note about pump out or inspection at least every five years. You will also see similar language on page 16 for the final major site plans as well. On pages 18 and 19, there is the sewer for the final major site plans. There are different types of site plans in here but they are listed in three different places; but it is similar language to meet similar requirements with the Department of Environmental Quality. We recommend that these changes be approved to get us in full compliance with our local Chesapeake Bay Preservation Program. Staff recognizes no weaknesses at this time with this application.

Chairman Pack – Were these reserved by the Chesapeake Bay Preservation Program and the DEQ? Is that where these recommended changes came from or were they staff review?

Director of Planning, Engineering and Public Works – We were audited. Every five years, our local program is audited by DEQ. We were audited late last summer or early fall. The only issue they found with the entire program was the addition of these notations so that this language gets on all plans and plats.

Chairman Pack – At this time, I will open the public hearing. Are there any signups?

Director of Planning, Engineering and Public Works – There are no signups.

Chairman Pack – Would anyone like to speak that did not get a chance to sign up? Seeing none, the public hearing is closed. We will now have consideration by the Commissioners. Is there any discussion or questions?

Vice Chairman Bryan – The only comment I have is that the language makes it clear. I think it eliminates a lot of vagueness for that to be added. It makes it quite clear now.

Dr. Pope – I would like to make a motion to approve as presented.

Mr. Davidson – Second.

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

On call for the vote, six members were present. Vice Chairman Bryan voted aye, Mr. Davidson 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 – Our next item is Entrance Corridor Overlay District Design Review – Food Lion, 1941 South Church Street – Amanda Edwards, Retail Business Services, applicants. Could we have a staff report please?

Director of Planning, Engineering and Public Works – Amanda Edwards is one of the many businesses involved in this project. I have lost track of how many folks are involved for this Food Lion project. She is one that I was able to get her contact information for to be the applicant for this. They propose to do extensive interior renovation at the Food Lion that has already been approved. Before you tonight is the Entrance Corridor Overlay Design Review that relates to changes of the exterior colors, changes to the exterior architectural elements, and changes to the exterior wall signage. Everything they have proposed meets the Entrance Corridor Overlay District's standards as it relates to colors, architectural features and sign area and style except for one item which is technically not before you tonight. It is the new marquee frames that are shown on either side of the entrance doors. Those are not classified as any

type of sign that we have in our current ordinance. Therefore, it would require a special sign exception if they were to get those approved. You are voting on everything tonight as it relates to color, architecture, and signage except the new marquee frames shown on either side of the door on the elevations.

Chairman Pack – Are there any comments from the Commissioners?

Vice Chairman Bryan – Is there anyone here to speak on behalf of this application?

Director of Planning, Engineering and Public Works – I do not believe so. All of these contractors are from out of town.

Dr. Pope – I think it looks nice. I do not see any big problems with it. It is right in line with what we are asking. It is right in line with the Hope Presbyterian Church remodeling.

Chairman Pack – You said that it falls within the guidelines.

Director of Planning, Engineering and Public Works –Yes, sir. It is a track style sign.

Vice Chairman Bryan – Do you know if this is unique to this store or a standard logo by the company?

Director of Planning, Engineering and Public Works – I think it is standard.

Dr. Pope – I would like to make a motion to approve as presented.

Mr. Davidson – Second.

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

On call for the vote, six members were present. Vice Chairman Bryan voted aye, Mr. Davidson 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 – We will now move to the Approval of the January 9th, 2018 Meeting Minutes.

Town Attorney – I recommend they be approved as presented.

Mr. Davidson – So moved.

Vice Chairman Bryan – Second.

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

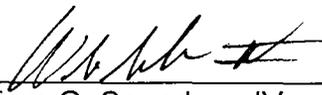
On call for the vote, six members were present. Vice Chairman Bryan voted aye, Mr. Davidson voted aye, Chairman Pack voted aye, Dr. Pope voted aye, Mr. Swecker voted aye, and Mr. Torrey voted aye. There were no votes against the motion. The motion passed.

Chairman Pack – Ladies and gentlemen, we are adjourned.

The meeting adjourned at 6:54 p.m.



Mr. Randy Pack
Chairman



William G. Saunders, IV
Director of Planning, Engineering and
Public Works