

The Smithfield Planning Commission held its regular meeting on Tuesday, September 10<sup>th</sup>, 2019 at 6:30 p.m. at the Smithfield Center.

**Members Present:**

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Bill Davidson

Julia Hillegass

Thomas Pope

Michael Swecker

Michael Torrey

**Staff members present:**

John Settle

William H. Riddick, III

There were approximately five (5) citizens present. The media was not represented. Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance to the Flag.

**Community Development & Planning Director's Report:**

On Monday, May 20<sup>th</sup>, 2019, Town staff received an application for a future land use map amendment, official zoning map amendment, and general development plan for Lot 511, S Church St (TPIN 21A-01-511). Pursuant to Smithfield Zoning Ordinance (SZO) Section 4.D.1, Town staff reviewed the application for completeness and sent a determination of completeness to the applicants on Friday, May 31<sup>st</sup>, 2019, identifying eleven (11) items that were missing from the applicants' submittal. Following conversations with the applicants on Monday, June 3<sup>rd</sup>, 2019, an updated determination of completeness was sent to the applicants on the same day, identifying ten (10) items that were missing from the submittal. On Wednesday, August 7<sup>th</sup>, 2019, Town staff received a revised application that was determined to be complete on Monday, August 19<sup>th</sup>, 2019. The application is now subject to a mandatory thirty (30) day review period, pursuant to SZO Section 4.D.2.

At its Tuesday, September 3<sup>rd</sup>, 2019 meeting, the Town Council unanimously approved the "Event Facilities" text amendment to several Articles of the SZO.

**Upcoming Meetings and Activities:**

Tuesday, September 17<sup>th</sup>, 6:30 PM - Board of Historic & Architectural Review Meeting

Monday, September 23<sup>rd</sup>, 3:00 PM - Town Council Committee Meetings

Tuesday, September 24<sup>th</sup>, 3:00 PM - Town Council Committee Meetings

Tuesday, October 1<sup>st</sup>, 6:30 PM - Town Council Meeting

Tuesday, October 8<sup>th</sup>, 6:30 PM - Planning Commission Meeting

**Public Comments:**

The public is invited to speak to the Planning Commission on any matters, except scheduled public hearing(s). Comments are limited to five (5) minutes per person. Any required response(s) from the Town will be provided in writing following the meeting.

There were no comments from the public.

**Planning Commission Comments**

There were no Planning Commission member comments.

**Site Plan Amendment – 201 Battery Park Rd, Gwaltney Properties One, LLC, C/O Trey Gwaltney, applicant.**

On Tuesday, September 12<sup>th</sup>, 2017, the applicant received major site plan approval from the Planning Commission to demolish an existing commercial (restaurant) building and construct a three (3) story climate-controlled self-storage facility. The applicant now wishes to amend their existing approval through the following changes: Eliminating the two (2) northernmost lacebark elm trees along the east boundary line of the property. Relocating the remaining southernmost elm tree to a position in line with the proposed crape myrtle trees along the southern wall of the building. Eliminating one (1) of the two (2) central trees along the southern wall of the building, fronting on Battery Park Rd, and shifting the remaining central tree to a position central to the southern wall of the building. Replacing the proposed bald cypress trees with lacebark elm trees. Removing the proposed monument sign and the landscaped planting surrounding the sign. The redirection of the proposed evergreen hedge from a curvilinear configuration around the (now to-be eliminated) monument sign into a configuration that follows the southern curb of the proposed parking lot. The installation of three (3) crape myrtle trees in the northeast corner of the property- an area not illustrated in the attached plans. The aforementioned changes to the plans comply with all applicable standards contained within the Smithfield Zoning Ordinance (SZO). Staff recommends approval as submitted.

The applicant, Trey Gwaltney, explained they were moving the trees because there was an increase in size for the HVAC units located on the side of the building and an underground power cable. The applicant is concerned about the tree growth on the building as well. The removal of the sign is necessary because it is not needed. There are signs located on each end of the building. Chairman Pack asked the applicant about screening the HVAC units. Mr. Gwaltney indicated that bushes might be used to screen the units. Dr. Pope felt that a small fence might be adequate.

Mr. Davidson made a motion to approve as presented. The motion was seconded by Ms. Hillegass. Chairman Pack asked for the motion to include that bushes or a small fence would hide the HVAC units. Mr. Davidson amended his motion to include Chairman Pack's recommendation. Ms. Hillegass seconded the amended motion.

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

**Entrance Corridor Overlay (ECO) Waiver – Lot 17, Benns Church Blvd, Vanasse Hangen Brustlin, Inc., C/O Kenneth Rodman, et al., applicants.**

On Wednesday, March 20<sup>th</sup>, 2019, Town staff received an application for a major site plan for the new construction of a Dollar Tree store at the above-referenced property. Following staff's first comment letter, sent to the applicants on Thursday, April 18<sup>th</sup>, 2019, talks began between the

applicant and Town staff concerning a reduction in the requirements of Smithfield Zoning Ordinance (SZO) Section 3.R.K.2.f, which requires:

*. . . One (1) street tree located every forty feet (40') along properties that are adjacent to the defined corridors [Benns Church Blvd] . . . In addition, if a parking lot fronts along a designated corridor, an evergreen hedge will be planted along the edge between the parking lot and the road frontage. The hedge should reach forty-two inches (42") in height at maturity and be continuous . . .*

SZO Section 3.R.P.1 states:

*An applicant or owner may request a waiver, variation, or substitution pursuant to the requirements and application of this Article [Article 3.R, ECO]. A written request for a waiver, variation, or substitution shall state the rationale and justification for such request together with such alternatives as may be proposed by the applicant or owner.*

The applicant has submitted a written request for a waiver of the above-noted requirements of SZO Section 3.R.K.2.f, specifying the following deviations from the ECO standards:

- (1) A reduction in the required number of street trees from five (5) to three (3).
- (2) The allowance of an interrupted evergreen hedge of forty-two inches (42") in height in between the parking lot and the property's frontage- specifically a reduction in the required number of shrubs from thirty (30) to sixteen (16).

In their waiver request, the applicants have highlighted the following concerns as the inspiration for their waiver request:

- (1) The required landscaping would obstruct the visibility of the front of the store, which may foster criminal activity.
- (2) The required landscaping may adversely impact the store's visibility and accessibility by consumers.
- (3) The maintenance of the required landscaping would place a significant financial burden on the proposed business.

To substitute for the absence of this landscaping, the applicants have agreed to incorporate the following improvements into their plans:

- (1) Pursuant to SZO Section 3.I.F, 9,713 square feet of the gross site area must be landscaped open space. The applicants are proposing a total of 23,815 square feet of landscaped open space, which is well over twice the minimum standard.
- (2) To ensure that the landscaping to be preserved and installed onsite is maintained, the applicants have agreed to install an

underground irrigation system, which is encouraged (but not required) by SZO Section 3.R.K.2.g.

(3) In the creation of the required, 28.3' wide buffer yard along the southeast boundary line of the property (pursuant to SZO Section 3.I.H.8), the applicants have agreed to preserve as much existing vegetation onsite as possible, which is encouraged (but not required) by SZO Section 9.B.2.

(4) Pursuant to SZO Section 9.C.2.a, 6,474 square feet of tree canopy coverage is required onsite. The applicants are proposing a total of 12,449 square feet of tree canopy coverage, which is almost twice the minimum standard.

(5) Pursuant to SZO Section 10.E.6, at least four (4) shrubs must be utilized in the landscaped planting area surrounding the proposed detached sign. The applicants are proposing to install twelve (12) shrubs, which is three (3) times the minimum standard.

Given that the applicants are proposing to exceed the minimum landscaping standards of three (3) Articles of the SZO in exchange for a reduction in the minimum standards in one (1) section of the ECO development standards, staff recommends that this application be approved as submitted, owing to the fact that the waiver request satisfies the Planning Commission's criteria for the consideration of waiver requests, outlined in SZO Section 3.R.P.

*(3). . . The waiver, variation, or substitution of such requirement would advance the purposes of this Ordinance and otherwise serve the public interest in a manner equal to or exceeding the desired effects of the requirements of the Ordinance . . .*

*(5) No such waiver, variation, or substitution shall be detrimental to the public health, safety, welfare, orderly development of the area, sound engineering practice, or to properties located within the project impact area.*

The developer for Dollar Tree explained that the Smithfield Dollar Tree does very well and there is a need to expand the store. It will be corporate owned and not leased property. They were concerned about the landscaping in the front due to public safety issues and also that customers would not be able to see the store. The property will be attractive and meet the town's requirements.

Vice Chairman Bryan asked if some of the existing trees would be retained on the property. The developer explained that they will be adding trees as well as retaining many of the original healthy trees.

Chairman Pack asked for Planning Commission comments. Vice Chairman Bryan reminded the Planning Commissioners that visibility of the property is an issue just as it was with the Hampton Inn who installed illumination lights to draw attention to their location. Chairman Pack reminded the Planning Commission about the need for businesses to maintain their landscaping

in the Entrance Corridor. He believes that the corridor should be attractive and that the town should stick to the standards that they have. He thinks the applicant's request goes against what he believes are written in the town's ordinances. He understands their request but is not in favor of it personally. He does not think that moving the trees to the side and back meets the spirit of the entrance corridor even if it meets the guidelines.

Dr. Pope stated that he believes that what the applicant has proposed is, at least, in keeping with what is existing on that side of the road. He stated that this application goes beyond what Advance Auto and O'Reilly's currently have for landscaping. He explained the amount of landscaping required was cost prohibitive to businesses. He believes that a compromise needed to happen since it is in keeping with the O'Reilly's property.

Ms. Hillegass agreed. As a consumer, she did not like not being able to see into the strip business areas. She felt the plan was a good compromise.

Mr. Torrey asked if there would be an entrance or if this would be all road frontage with landscaping.

The Community Development and Planning Director explained that the developer proposes to enter through an existing entrance a little further down the road. The final site plan will come back to the Planning Commission for review at a later date.

Chairman Pack explained that there is an entrance between Advance Auto and O'Reilly's. The new Dollar Tree would use that entrance and cross over.

Vice Chairman Bryan asked the applicant if this new store would replace the existing one.

The applicant explained that the current location in the shopping center would move to the new location. The existing store is too small with no place to expand. They are also restricted by the grocery store next door. They cannot carry any freezer or cooler items. The new store layout has freezers and coolers that really help sales.

With no further discussion, Ms. Hillegass made a motion to approve as submitted. Dr. Pope seconded the motion. Chairman Pack called for the vote.

On call for the vote, seven members were present. Mr. Davidson voted aye, Ms. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted nay. There was one vote against the motion. The motion passed.

**Buffer Modification Request – Lot 17, Benns Church Blvd, Vanasse Hangen Brustlin, Inc., C/O Kenneth Rodman, et al., applicants.**

On Wednesday, March 20<sup>th</sup>, 2019, Town staff received an application for a major site plan for the new construction of a Dollar Tree store at the above-referenced property. Following staff's first comment letter, sent to the applicants on Thursday, April 18<sup>th</sup>, 2019, talks began between the applicant and Town staff concerning modifications to the required forty foot (40') buffer yard required by the Smithfield Zoning Ordinance (SZO) Sections 9.E.10.a, 9.E.10.b and 9.E.10.c, which states:

*In order to maintain and preserve the small town atmosphere of Smithfield and the desired landscape character for the major streets and highways [Benns Church Blvd], a minimum buffer yard*

*measuring forty feet (40') in width shall be preserved on properties contiguous to the public right-of-way (ROW) of all major arterial roads into the Town . . . The buffer yard shall be left in an undisturbed state unless otherwise approved for modifications or recommended by the Planning Commission for improvement and enhancement . . .*

Specifically, the applicant has requested to disturb the required buffer yard in the following manner, with no improvement extending a distance greater than fifteen feet (15') into the required buffer yard:

- (1)The installation of an eight foot, two inch (8', 2") wide, one foot, two inch (1', 2") deep, and six foot, six inch (6', 6") tall internally illuminated detached sign.
- (2)The installation of three (3) October Glory Maple trees (three inches (3") in caliper at planting).
- (3)The installation of eleven (11) Vintage Jade Isu trees (eighteen inches (18") tall at planting).
- (4)The installation of twelve (12) Soft Touch Japanese Holly trees (eighteen inches (18") tall at planting).

The applicants' request is no different from the most common buffer modification requests that have been approved by the Planning Commission in the past, which almost universally entail the allowance of access improvements (driveways), a single detached sign, and landscaping.

Given that similar buffer modification requests have been approved by the Planning Commission in the past, staff recommends approval as submitted.

The applicant came forward for questions.

Chairman Pack requested clarification from the applicant about coming into the buffer no more than fifteen feet for the sign with the landscaping around it.

The applicant stated they were trying to match the curb lines so that it would be cohesive with the property next door.

Chairman Pack asked for Planning Commission comments. Hearing none, Mr. Davidson made a motion to approve this application as submitted. Dr. Pope seconded the motion. Chairman Pack called for the vote.

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

**Approval of the Tuesday, August 13<sup>th</sup>, 2019 meeting minutes.**

The Town Attorney made minor corrections and recommended that the minutes be approved as presented. Ms. Hillegass made the motion to approve the minutes. Mr. Torrey seconded the motion. Chairman Pack called for the vote.

On call for the vote, seven members were present. Mr. Davidson voted aye, Ms. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Dr. Pope voted aye, Vice Chairman

Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

The Town Attorney informed the Planning Commission that future minutes would be typed in summary format.

The meeting adjourned at 7:10 p.m.

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Mr. Randy Pack  
Chairman

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Mr. John Settle  
Community Development &  
Planning Director