

The Smithfield Planning Commission held its regular meeting on Tuesday, November 8<sup>th</sup>, 2016. The meeting was called to order at 6:30 p.m. Members present were Mr. Bill Davidson, Chairman; Mr. Charles Bryan, Vice Chairman; Ms. Julia Hillegass, Mr. Mike Swecker, Mr. Randy Pack, Dr. Thomas Pope, and Mr. Michael Torrey. The staff members present were Mr. William H. Riddick III, Town Attorney and Mr. William G. Saunders IV, Planning and Zoning Administrator. There was one (1) citizen present. The media was not represented.

Chairman Davidson – I would like to welcome everyone to the Town of Smithfield's Planning Commission meeting of November 8<sup>th</sup>, 2016. Please rise for the Pledge of Allegiance.

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

Chairman Davidson – The first item on the agenda tonight is the Planning and Zoning Administrator's Activity Report.

Planning and Zoning Administrator – Thank you, Mr. Chairman. The Clontz Park Public Boat Ramp, since some of you are not aware, came in overbid. There is going to be subsequent negotiation with the bidders. If that comes to no successful resolution then that project may be re-scoped, redesigned, and rebid. As of right now, it is in limbo until such time as it may be redesigned. It could come back to you all as a redesigned project. The Smithfield Foods Parking Lot Expansion is still in negotiations between the town and county regarding the stormwater management facilities and the perpetual maintenance of those facilities. So, that one is also somewhat in limbo. The Joseph W. Luter Sports Complex chose a winning contractor. There is going to be a pre-construction meeting on the 14<sup>th</sup> with the contractor and a number of public officials. Currently, the last items are being submitted to the county for their final stormwater management review on the project. Hopefully, they will be turning dirt over there pretty soon. Thank you.

Chairman Davidson – Thank you. Our next item is Upcoming Meetings and Activities. On November 11<sup>th</sup>, the town offices will be closed in observance of Veterans Day. On November 15<sup>th</sup>, there will be a Board of Historic and Architectural Review at 6:30 p.m. The Board of Zoning Appeals will also meet on the 15<sup>th</sup> at 7:30 p.m. On November 23<sup>rd</sup>, the town offices will close at noon for Thanksgiving. They will also be

closed on the 24<sup>th</sup> and 25<sup>th</sup>. On November 28<sup>th</sup> and 29<sup>th</sup> at 4:00 p.m., the Town Council Committees will meet. The next Town Council meeting will be on December 6<sup>th</sup>, 2016 at 7:30 p.m. Our next Planning Commission meeting will be on December 13<sup>th</sup> at 6:30 p.m. Our next item is Public Comments. The public is invited to speak on any matter except scheduled public hearings. We do not have one scheduled tonight. Is there anyone who would like to speak? Hearing none, we will move on to Planning Commission Comments. Are there any comments from the Planning Commissioners? Hearing none, we will move to a Public Hearing: Special Use Permit – Commercial Use in a Residential Structure – 327 Main Street – Cheryl Ketcham, Applicant. Could we have a staff report please?

Planning and Zoning Administrator – Thank you, Mr. Chairman. This is really a pretty straight forward application. In the downtown district, a commercial use within a residential structure requires a Special Use Permit. In the year 2000, there was an application for a Special Use Permit which was granted to operate that as a commercial business in the residential structure on both levels. However, at that time, Special Use Permits were issued to the applicant rather than running with the land. Therefore, it lapsed after that approval. In 2004, another couple purchased the home and wanted to have commercial use downstairs and retain the upstairs as residential. Now, we have another applicant who has purchased the property or is about to purchase the property. She had not at the time that this staff report was written; but she may have since then. She would like to have commercial use downstairs as well as upstairs. Hence, she needs the Special Use Permit to expand the commercial use in that structure from just the ground floor to the ground floor and the upstairs floor. Town staff does not see any concerns with this application. Unfortunately, I thought Ms. Ketchum would be here. I do not know what the precedent is on hearing a Special Use Permit application without the applicant here; but I would just note that it is a pretty straightforward application.

Chairman Davidson – What is your opinion on that Mr. Riddick?

Town Attorney – She does not have to be here. If you have questions and she is not here to answer them then you can continue it. If you do not have questions, you can take action.

Chairman Davidson – The public hearing is now open. There is no public so I will close the public hearing. Since we do not have an applicant, does anyone have any questions that staff could answer? I have one question. You said that before the Special Use Permit only went to the applicant; would this one go with the property?

Planning and Zoning Administrator – This would run with the property unless you made a condition that it only went with the applicant. There was some advice that town staff received about going with the applicant and another applicant comes along for the same thing and you do not grant it then you could be in a position to appear discriminatory. So, they were deemed to go with the land unless there is some specific reason that you want the condition to be that it goes to the applicant. The applicant has just arrived.

Mr. Swecker – What is she going to use the upstairs for?

Ms. Cheryl Ketchum – I am applying for a Special Use Permit for 327 Main Street. There is one already in place for the downstairs. I want to utilize the two upstairs rooms for more merchandise. I am looking at a couple of options depending on what you decide. I will either have my own merchandise continued up the stairs or rent the two rooms to one of my vendors that I usually have for the Farmer's Market or the Vintage Market. I run those events and I might see if they want to rent out a room for their merchandise.

Chairman Davidson – Are there any questions for the applicant?

Vice Chairman Bryan – I have one, Mr. Chairman. Ms. Ketchum, as far as for commercial use upstairs, is there accessibility to upstairs? Is it easy? Is it suitable? Is it safe?

Ms. Ketchum – It is an old house. It was built in the 1920's. It does have a staircase. It would be similar to when Laura & Lucy's was open and they had antiques downstairs or upstairs. My main items for my store are mainly food items or 'Made in Virginia' items. The majority of the products would all be downstairs. There would be extra things like crafts and antiques upstairs.

Vice Chairman Bryan – Is there a landing?

Ms. Ketchum – Yes. There is a really wide landing up there.

Ms. Hillegass – It is not uncommon. There is another vendor on Main Street, Victoria's Rose, that has the same sort of situation; a residential space with retail upstairs as well.

Mr. Swecker – Are there handrails going up?

Ms. Ketchum – Yes. There are handrails going up. The majority of the products that most people would want and come in frequently for would be downstairs. Any handicapped people who cannot go upstairs can still get their major products downstairs. The upstairs would have extra things.

Chairman Davidson – Are there any other questions?

Ms. Hillegass – Mr. Chairman, I would move to approve as presented.

Chairman Davidson – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

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

Chairman Davidson – The motion carries. Congratulations.

Ms. Ketchum – When does that take effect?

Planning and Zoning Administrator – It will go to Town Council from here. It will go to the December 6<sup>th</sup> Town Council meeting. As long as they do not table it, you will know by December 7<sup>th</sup> which way to go.

Ms. Ketchum – Thank you very much.

Chairman Davidson – Our last item is the Approval of October 11<sup>th</sup>, 2016 Meeting Minutes.

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

Mr. Pack – So moved.

Ms. Hillegass – Second.

Chairman Davidson – A motion has been made and properly seconded. All in favor say aye, opposed say nay.

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

Chairman Davidson – Is there any further business? Hearing none, we are adjourned.

The meeting adjourned at 6:42 p.m.



Mr. Bill Davidson  
Chairman



William G. Saunders, IV  
Planning and Zoning Administrator