

The Smithfield Planning Commission held its regular meeting on Tuesday, December 11th, 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, Dr. Thomas Pope, Ms. Julia Hillegass, Mr. Mike Swecker, and Mr. Michael Torrey. 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 December 11th, 2018. We will start our meeting with the Pledge. Please stand.

Everyone present stood and recited the Pledge of Allegiance.

Chairman Pack – The first item on the agenda is the Director of Planning, Engineering and Public Works Activity Report with Mr. William Saunders.

Director of Planning, Engineering and Public Works – Good evening Mr. Chairman and members of the Planning Commission. I have a few items tonight. There is actually dirt being turned at the Clontz Park Boat Ramp. They are finally on track and we are hoping that progress will move forward now that they are turning dirt. There are sewer lines being replaced at the Joseph W. Luter, Jr. Sports Complex to make up for some deficiencies that were found during the final inspections. The turn lane for the sports complex went out for bid. Bids were received one week ago today. There were two bids for the project. One was in the \$900,000.00 range and the other was in the \$1,000,000.00 range. Our engineer's estimate was in the \$800,000.00 range. We are in the process of reviewing those along with our consultants to determine the responsible and responsive bid and bidder. A subdivision agreement was approved by the Town Council for the Cypress Creek subdivision Phase 7B & C to be entered into with the developer. They are making some minor tweaks to some of the utilities in the plans. We expect to go to permitting on that very soon. Thank you.

Chairman Pack – We will now move to Upcoming Meetings and Activities. The only one I will bring attention to tonight is that the December 18th meeting for the Board of Zoning Appeals has been cancelled. We will move to Public Comments. The public is

invited to speak to the Planning Commission on any matters except for scheduled public hearings. We have three public hearings 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? Hearing none, we will move to our first Public Hearing: Special Use Permit (SUP) Application – Carver Ave. – Moody Properties Inc., applicant. Could we have a staff report please?

Planning and Zoning Administrator – Thank you, Mr. Chairman. This is a special use permit application for Lots 64, 65, 66, and 67 on Carver Avenue. The applicant is seeking to operate a business services and supply establishment on the premises with an outdoor storage accessory use in the form of a laydown yard. Any use requiring outdoor storage, loading, or display within the Commercial Industrial District requires an SUP per the Smithfield Zoning Ordinance. Specifically, the applicant intends to store trailers, CONEX boxes, dumpsters, excavators, trucks, recreational vehicles, and boats onsite. When examining this application within the context of the Comprehensive Plan, the Future Land Use Map does indicate that this property is to be zoned for heavy industrial uses in the future which would encompass the specific use of a laydown yard. Staff recommends two conditions as part of a recommendation from the Planning Commission to Town Council on this application. The first condition is a landscaping bond to be issued to the town to ensure the landscaping's installation and upkeep. Secondly is the consolidation of all four lots, collectively comprising about a half-acre, into one lot. This is recommended as it would create a legal conforming CI-zoned lot of record. In light of this, staff is pleased to note that just prior to the meeting Mr. Moody provided several copies of notarized lot consolidation plats. It is a pretty favorable indicator of that condition being satisfied already. Staff has deemed the application to be complete. It complies with Articles 3.K and 6 of the Smithfield Zoning Ordinance. Staff reminds Planning Commission of its ability to condition or safeguard the application with further conditions if necessary. Staff will also note that three illustrations were furnished to the Planning Commission prior to the meeting. These are three photographs of the

proposed fencing material that is to encompass the site. Some components are slatted and some are not slatted. Thank you.

Chairman Pack – Would the applicant like to come forward and speak?

Mr. Nelson Moody – I live at 105 Chrisfield Circle. Thank you for your time. My son has started a roll-off dumpster trash hauling business. We would like to store our dumpsters over there. They are empty. We may have one overnight or something; but it is not garbage. It would be construction debris in the containers. We would fence in the property with two swing gates at two entrances. There will be a rock driveway entrance and a place to park our containers etc. We did not see the need to slat the back part of the fence. It is wooded and out of sight. No one can see it from either street. It will be a viable business and it will be another business in the Town of Smithfield. I think it will benefit the town by having another business there. Thank you.

Chairman Pack – Are there any questions for the applicant? I have just one. The property that you back up to where you do not plan to slat the fence, there was clearly a woods there when I looked on Google Maps. Who is the owner of that property? What is the future potential of there being something there?

Director of Planning, Engineering, and Public Works – I believe that is owned by Smithfield Foods or one of the businesses under their corporate umbrella. Nearly all of the wooded area is subject to RPA. The RPA line is very close to the property line of the Moody and Livengood properties. I do not foresee the woods being cleared.

Chairman Pack – Thank you. Are there any other questions for Mr. Moody? Hearing none, I will open the public hearing. I assume we have no signups since there is no public here. At this time, I will close the public hearing. We will move to consideration by the Planning Commission. Are there any comments or questions?

Vice Chairman Bryan – With the first condition, what does it mean to have a landscaping bond?

Director of Planning, Engineering, and Public Works – It ensures that the landscaping will be installed per the ordinance. Landscaping is one of the things we bond the most because we want to ensure its performance; but also because the project is not always done at a time that is suitable to plant certain types of landscaping.

It is a means by which we can allow them to wait until the next most opportune planting season for the type of landscaping that is being planted. It assures that it will be done.

Vice Chairman Bryan – With the equipment that they plan to store, what safeguards would the town have; particularly for a long period of time in regards to the upkeep? What would prevent underbrush or weeds and such to grow? What would provide for the appearance of the property?

Mr. Moody – The town has an ordinance for the height of grass. If it gets to a certain height, the town either charges you to cut it or you cut it yourself. I have always either cut it myself or hired someone to cut it. We have always kept the lots cut over there. There is really nothing on the lot except the grass and the trees I will plant out front.

Vice Chairman Bryan – Thank you. I just wanted to make sure of the appearance from the outside for the public. Mr. Moody explained that there is no potential for overgrowth.

Mr. Moody – We are going to keep it clean.

Dr. Pope – What color is the slating for the fence?

Mr. Moody – It is all white.

Dr. Pope – Are there any other instances where slatting is found around the town?

Chairman Pack – Mr. Livengood's property is slatted.

Dr. Pope – It comes back to our Entrance Corridor Guidelines. If we are going to allow slatting, should we try to keep it regulated?

Town Attorney – This is a completely different type of district. It is an industrial district.

Dr. Pope – I understand that but was just wondering if we would allow all different colors. Can everybody put up a different color all across the town? For the storage buildings that are going up, what color will they put up if they use slatting?

Town Attorney – For most places in town, you cannot have chain-link fences. In most districts, they are not even permitted.

Chairman Pack – But it is in this neighborhood. It is somewhat required. I think Dr. Pope has a legitimate question.

Ms. Hillegass – Mr. Moody, would you be opposed to doing it in a different color?

Mr. Moody – I have already bought some fencing that has the white slatting. To me, it is similar to all the houses around town. No one has the same color or same type of fencing. I do not see any problem with it myself. Not many people are going to have the type of business that I have out there. I will not have customers coming in and out of there. I do not think Livengood or Bay Disposal do either. No one is really riding around the neighborhood looking at it.

Dr. Pope – Do the new ball fields have slatting in their fence?

Director of Planning, Engineering, and Public Works – They do not.

Mr. Moody – A lot of the Smithfield Foods property does not have slatting either.

Town Attorney – All of their fences along the highway are just open chain-link fencing.

Director of Planning, Engineering, and Public Works – They were required to put the vinyl coated chain-link fencing in when they replaced the regular chain-link.

Town Attorney – That is just a maintenance issue to keep it from rusting; right?

Director of Planning, Engineering, and Public Works – It was for beautification but they were grandfathered from so long ago.

Mr. Moody – They are right there on the main road where the public rides by all the time. We are hidden behind them in that area.

Vice Chairman Bryan – Dr. Pope brings up an important question. The other thing here is, if anyone submits an application that involves this type of fencing with slatting in the future, the Planning Commission does have special use or exception powers for that as far as what color can be used. Is that correct?

Director of Planning, Engineering, and Public Works – You can put reasonable conditions on a special use permit application if they relate to the health, safety, and welfare of the citizenry. In the Entrance Corridor Overlay District, I would argue that you have more leverage on colors; whereas, this is really to meet the minimum ordinance requirements that there be screening. This application is not in the entrance corridor.

Town Attorney – You generally do not have aesthetic considerations in industrial districts. It is not within your purview.

Dr. Pope – We have an industrial district not too far from the sports complex that we will not have any say over if something dissolves with that business down the road. Farmers Service is considered in the industrial district I believe. I am not saying that we should not approve white slatting. I am just saying do we need to regulate it? I have said before why do we have fifty-two different light posts in the town? Why do we not have consistent light posts? Why do we not have some consistency for stuff like this so that when people are riding around it matches? I agree with shielding this type of business. I just feel there needs to be consistency across the town. We try to stay away from wild colors when we have to. I just think we need to have consistency no matter which district it is in. I understand that this property is tucked away. Nobody is probably ever going to notice what color it is; but if you start setting a precedent then what is going to happen?

Town Attorney – If you want to do that, you can; but you have to go a step further. You have to amend your ordinance to give yourself review and power like you do in the Entrance Corridor Overlay District. Then you would need to develop some guidelines. If you want standards, you have to develop standards and adopt those standards. Applicants would know what they had to do. If you do not have standards then you cannot just say what you want. It becomes very subjective unless you adopt standards and recommend them to the Town Council. You can impose them if they are adopted by Council which is why we have the entrance corridor standards and the historic district standards. This allows applicants to know ahead of time what the standards are.

Ms. Hillegass – Are you saying that the color consideration is not a reasonable condition of an SUP?

Town Attorney – I do not think so; not in an industrial district. If it was in the Entrance Corridor Overlay District then absolutely.

Mr. Moody – The color on Livengood's place is light tan. Bay Disposals is a dark green. I have pictures here if anyone wants to see them.

Town Attorney – I am not saying that you cannot change it. I am saying you would need to change the standards.

Ms. Hillegass – Under current conditions, we are not able to make those demands.

Dr. Pope – But I think it is something to bring up because it is being presented. Bay Disposal probably went with their color scheme of dark green. I do not know why Mr. Livengood picked his color. It is just an issue of what we are going to do. I just personally feel we need to adopt some of those standards or at least look at them. I think we need the consistency across town. I realize we cannot do that tonight but we can think for the future.

Town Attorney – You make a good point. If things pan out the way the Town Council would like to see them then this area would be more and more developed for industrial use. You might want some consistent guidelines for the area for fencing, screening and things like that. When they come in with their application, they know what they need to do.

Director of Planning, Engineering, and Public Works – I would like to add that in the entrance corridor we look at what is more consistent for that site. In other words, even in the Entrance Corridor Overlay Design Guidelines, you are really looking at if the development of the site works within the site. Does the sign plan, building plan, fencing plan, and the landscape plan mesh with one another? We do not really compare it to the neighboring site. It is more about what works for that site. If they are going to have a white building then a white fence works. Mr. Livengood has a tan building and his tan slats work. I would also say that there is Cypress Run Plaza which has all white track letter signage no matter what the business is. The track letter signage is supposed to be white. The biggest fight with businesses is that they want to use the colors in their logo. It is really tough. We do allow them to put it in their logo box so they have a little bit of color there. The businesses really want to represent the colors that relate to their logo like Bay Disposal with the green slats. It is part of their marketing. I am just throwing that out; I guess as the devil's advocate but also to point out some of the things that are in our Entrance Corridor District. Even those examples do not really try making it consistent from site to site.

Dr. Pope – I would just hate to see it turn into a rainbow.

Chairman Pack – For the purposes of the discussion tonight that appears to be off the table.

Dr. Pope – That is fine. I do not have any issues with what has been presented. I am just thinking about it for the future businesses that want to go in there.

Ms. Hillegass – Your comments are duly noted. I think it is something we should look at for the future.

Chairman Pack – I have spoken with the adjacent property owner, Mr. Livengood, and he does not have objections to this application. I asked specifically about the fencing and the landscaping and he is fine. I wanted to share that with the Commission. Is their landscaping plan appropriate to what we are looking for, Mr. Settle?

Planning and Zoning Administrator – Yes sir, Mr. Chairman. The installation of slatted fencing in place of landscape buffering, existing tree canopy cover, and the planting of at least five (5) amur maple trees along Carver Avenue will satisfy the landscaping requirements of the Ordinance.

Ms. Hillegass – Did I hear you say that he submitted the plat to consolidate the lots?

Planning and Zoning Administrator – Yes ma'am. The applicant has provided me with six (6) notarized copies of a lot consolidation plat for the property in question.

Ms. Hillegass – Great; thank you.

Chairman Pack – Are there any other questions for Mr. Moody? Are there any other questions, comments, or concerns for the Planning Commission at this time? Hearing none, I will be happy to entertain a motion.

Mr. Davidson – Mr. Chairman, I would recommend that we approve as presented with the two conditions recommended by staff.

Vice Chairman Bryan – Second.

Chairman Pack – A motion has been made and properly seconded to approve as presented with the two stipulations of the landscaping bond and the consolidation of the lot. Is there any further discussion? Roll call vote.

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

Swecker voted aye, Mr. Michael Torrey voted aye, and Chairman Pack voted aye.

There were no votes against the motion. The motion passed.

Chairman Pack – We will now move to a Public Hearing: Special Sign Exception (SSE) Application – 841 & 845 W. Main Street – Jivan 2 LLC and Interstate Sign Co., Inc. applicants. Could we have a staff report please?

Planning and Zoning Administrator – Thank you Mr. Chairman and Planning Commission. This is an application for a special sign exception for 841 & 845 W. Main Street for the Hearn's Gas Station. The applicants have applied for a special sign exception for the replacement of an internally illuminated sign utilizing white light with a new internally illuminated sign utilizing a red light. This property is within the Entrance Corridor Overlay District. Staff notes that the weakness of this application is simply that it utilizes a red light which conflicts with the zoning ordinance. However, this application is strengthened by the fact that, despite the light color, it does comply with the Entrance Corridor Guidelines. Illustrations are attached to the staff report. Thank you.

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

Vice Chairman Bryan – Was there any explanation as to why the applicant wanted to use the red lighting?

Planning and Zoning Administrator – My understanding is that it is a standard color for the company which is Citgo. It is part of their standard sign pattern.

Ms. Hillegass – I am trying to recall what color 7-Eleven uses.

Town Attorney – It is red.

Director of Planning, Engineering, and Public Works – Farm Fresh and the 7-Eleven are both red LED.

Town Attorney – For just about everywhere in the United States, red indicates gasoline and green indicates diesel. It is almost always the case.

Director of Planning, Engineering, and Public Works – The way the ordinance is written is that any internal illumination is supposed to be white. There is no accommodation for LED signs per se. The only way to get an LED sign or any sign that has internal illumination anything other than white is through a special sign exception.

Ms. Hillegass – There are signs underneath this sign and at the end of the gas pumps too.

Director of Planning, Engineering, and Public Works – They are not part of this application.

Planning and Zoning Administrator – For what it is worth, when the Planning Technician went to put up the Planning Commission sign he removed a couple of bandit signs from in front of this business. I am not sure if they were the ones you are referring to.

Chairman Pack – We have heard our staff report. The applicant is not here for a presentation. I will now open the public hearing. Without any public, I will close the public hearing. We will now have consideration by the Planning Commission. Are there any questions, comments, or concerns?

Dr. Pope – I just see this as standard across the country. The red does not bother me. If other signs are going to come into compliance, at least for gas station signs, they will have to be red or possibly green if they will carry diesel and really display that differently. I do not see any reason not to approve it as red lettering since it is normal for gas.

Mr. Torrey – If I am looking at this right, they are 12” letters. It will not be super bright. It will not be an eyesore. It is standard and I think it will look okay.

Dr. Pope – I would like to make a motion that we recommend approval as presented.

Ms. Hillegass – Second.

Chairman Pack – A motion has been made and properly seconded. Is there any further discussion? Roll call vote.

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

Chairman Pack – Moving along, our next item is a Public Hearing: Amendments to Article 3.R of the Zoning Ordinance – Entrance Corridor Overlay (ECO) District – Town of Smithfield, applicant. Could we have a staff report please?

Director of Planning, Engineering, and Public Works – We discussed this last month. For at least ten years, town staff has been approving applications for certain

types of new signage within the Entrance Corridor Overlay District. I do not know how that policy began. Typically, the Town Manager would approve the designs within the ECO when there were not any changes made to the building. When there were changes made to the building, the signage and architectural plans were brought to the Planning Commission together. We have effectively created a precedent in the administrative handling of these applications. We have also, I feel, unburdened the Planning Commission and business owners of the extra step of bringing these minor approvals to the Commission. With all that in mind, we felt the best course of action was to codify this practice in the ordinance to ensure consistency in the language of our precedent that is already established, to avoid the possibility of overwhelming the Planning Commission with signs, and to maintain an administrative permitting avenue that is both cherished and praised by many busy owners over the last decade. Accordingly, sections of the ordinance have been amended here. We did not identify any weaknesses with this application. The strengths have already been outlined. If you notice on page 2 of the Entrance Corridor Overlay District Ordinance in Section 3.R, there are many instances where we had to put "with the exception of signage" pursuant to Section L2.A of the article. We did this because, in another section, it reads that all proposed development activities within the ECO shall be reviewed and approved by the Planning Commission. Also, on page 3, the statement is inserted. On page 16 Section L2.A under General Regulations it states: the following shall apply to all signs within the district. Applicants for a new or replacement sign in the district shall apply to the Zoning Administrator for review at the time of the development plan, review, or as a separate submittal. The additional language would be 'the Planning and Zoning Administrator may approve any sign permitted in a residential district and/or any permitted sign not exceeding 150 square feet in area in a business or industrial district if, in the opinion of the Planning and Zoning Administrator, such sign will not impair the character of district.' With it stated in that fashion, we will not be administratively approving every sign. If we have concerns with the sign, the design, or in other ways feel there is a concern with the application, it would then be forwarded to the Planning Commission for your review. On page 18, there was a typo that was fixed in Section 5.A. In Section 6, the Planning and Zoning Administrator is added into the list of those who can approve development

plans. On page 19 in Section 7.A, there is the same boilerplate statement referring to this addition as well as in Section N.1. It is also at the bottom of page 20 Section O.1. It is all pretty straight forward. There seemed to be a consensus at the last meeting for us to forward it to a public hearing.

Chairman Pack – At this time, I would like to open the public hearing. Seeing no public, we will close the public hearing. We will now have consideration by the Planning Commission. Is this a recommendation to Town Council to make these changes, Mr. Riddick?

Town Attorney – It is. Town Council has to adopt the ordinance to approve the changes.

Chairman Pack – Does anyone have any questions or concerns? Hearing none, I will entertain a motion.

Ms. Hillegass – I move that we recommend the amendments to the Zoning Ordinance to the Town Council.

Mr. Swecker – Second.

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

On call for the vote, seven members were present. Ms. Hillegass voted aye, 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 November 13th, 2018 Meeting Minutes.

Town Attorney – I recommend the minutes be approved as presented.

Ms. Hillegass – So moved.

Mr. Davidson – Second.

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

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

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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 7:13 p.m.

Mr. Randy Pack
Chairman

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