

Richlands Planning Commission

December 7, 2021

Members Present

Michelle Elswick
Elliot Joyce
Randy Smith
Richard Smith

Staff and Town Officials

Present
Ashley Harris
Jeff Hurst
Nathan Keen
John O'Daniel

Guests

John Willis
Seth White
Craig Earls

- I. The meeting was called to order by Chairman Richard Smith at 7:30 pm.
- II. Randy gave the invocation.
- III. Nathan led the Pledge of Allegiance.
- IV. The agenda was presented. There was an addition to add Seth White and Craig Earls to speak between New and Old News. Randy made the motion to approve the agenda as written. Elliot seconded the motion. All members voted "aye" and the agenda was approved.
- V. The minutes from the September 7 and October 27 meetings were presented for review. Randy made the motion to approve the minutes and Elliot seconded it.
- VI. New Business:
 1. Request from John Willis
 - i. Mr. Willis has made a request to rezone 1222 Second Street from B-2 to R-2. This building is a single-story building; however, it is level with the third-floor apartments that are adjacent to this property. Currently the first floor in that zone must be used for business purposes.
 - ii. Mr. Willis has recently built decks to connect the other properties and would be attaching this building to the existing decks
 - iii. The building has previously been a church, music store, insurance office, Republican Headquarters and Mine Equipment Store.
 - iv. Mr. Willis request is to have it rezoned to use it as a rental property. Currently, it would be hard to use it as a business because it is small and would cause traffic issues.
 - v. Richard told Mr. Willis the Planning Commission would discuss and make a recommendation to the Council.
 - vi. John stated the next step is for Mr. Willis to pay the \$150 fee and to schedule a public hearing.
 - vii. Richard asked if there was a way to make it happen without rezoning anything. John Stated he would need to read the laws again but currently; 1st Floor Spaces are for Businesses and 2nd and 3rd Floors are for residential.
 2. Request from Seth White and Craig Earls
 - i. Mr. White and Earls are requesting to open a database storage business at 1216 2nd Street.
 - ii. Mr. White stated they have filed a permit for the power and are expecting money from their investors the next day.
 - iii. John said they have not applied for a business license and until they do, he cannot speak on the business. He. Also state, this meeting was not the appropriate forum to start with this request.
 - iv. John, also, stated he did not believe this is an acceptable use of this property.
 - v. Randy asked what their primary business was, and Seth stated it will be a service, office space and computer servers.
 - vi. Seth reminded that the equipment would be purchased by his investors and takes paid on the equipment to the town of Richlands. They hope this business grows and they can expand and offer jobs to the community.

- vii. Randy told Seth and Craig the Planning Commission cannot do anything until they apply for the Business License, and it is denied.
- viii. Seth informed us he was trying to avoid it being denied saving time.
- ix. John said it is out of the Town Manager's hands. He can only do what the current laws allow.
- x. Seth pointed out that data processing is not in the acceptable use because they are antiquated.

VII. Old Business:

1. RFP for Zoning/Zoning Map Update

- i. This has been delayed because it took four weeks for approval to post the RFP on the site.
- ii. The deadline is before the next meeting. We can discuss those RFP at the January meeting.

2. Willis Request

- i. Richard stated he knew we were trying to get away from spot-zoning, but it does seem strange that it can't be residential considering it is level with the other apartments.
- ii. John made sure we knew we could table the discussion and revisit it later.
- iii. Michelle stated that we do not need another empty building in our town.
- iv. John recommended we wait for the consultants to try to find a way to circumvent the problem without recommending spot-zoning.
- v. Randy pointed out that a resident would likely use more power and water than a business and there are plenty of empty locations for businesses.
- vi. Richard said No to rezoning. Jeff agreed. Elliot said it goes against the spot-zoning we are trying to clean up and if we recommend rezoning, how many other people will be in the same situation?
- vii. There are currently houses there that are Grandfathered in to using the first floor as residential. If those houses go 1 ½ years without a resident, it will go to the current zoning rules.
- viii. Current code would not allow the buildings to be connected.
- ix. Richard stated our options.
 - 1. Approve spot-zoning, he pays \$150 fee, and we have a public hearing.
 - 2. If Planning Commission denies, Mr. Willis would take it to the BZA for a variance.
- x. No motion was made so the request dies in committee.

VIII. Miscellaneous and/or Member Concerns:

- 1. Elliot- None
- 2. Randy- None
- 3. Nathan- None
- 4. Michelle- None
- 5. Jeff- Encourages us to go by 169 Suffolk Avenue and see the work Brad Kinder has put into that building. He is currently using it as a space for his church to meet. He has hopes of putting in a non-profit Restaurant. He has currently received a grant to pay for a cook. Jeff has invited Brad to present his idea to the Planning Commission.
- 6. John- Asked Commission members to fill out the yearly Conflict of Interest Forms and return this week.
- 7. Ashley- None

IX. With no other business, Elliot made the motion to adjourn; it was seconded by Randy and all members voted "aye". Meeting was adjourned.

X. The next meeting for the Planning Commission is scheduled for Tuesday, January 4, 2022, at 7:30 pm.

Submitted by: Michelle Elswick, Secretary