

**DRAFT**  
**Smithfield Planning Board Minutes**  
**Thursday, December 13, 2016**  
**6:00 P.M., Town Hall, Council Room**

**Members Present:**

Chairman-Stephen Upton  
Vice-Chairman Daniel Sanders  
Mark Lane  
Eddie Foy  
Gerald Joyner  
Jack Matthews  
Teresa Daughtry

**Members Absent:**

Ashley Spain

**Staff Present:**

Mark Helmer, Senior Planner  
Shannan Williams, Town Clerk

**Staff Absent:**

**CALL TO ORDER**

**APPROVAL OF MINUTES FROM NOVEMBER 3, 2016.**

Eddie Foy made a motion, seconded by Jack Matthews to approve the minutes as written. Unanimous.

**Public Hearings:**

After all persons giving testimony were duly sworn, Mr. Upton opened the public hearing.

**RZ-16-04 Sue Warrick:**

Mr. Helmer stated the applicant is requesting to rezone approximately 19.18 acres of land from the R-20A (Residential-Agricultural) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the north side of Barbour Road approximately 1300 feet east of its intersection with US Hwy Business 70 West. The property is further identified as Johnston County Tax ID# 15079006B.

Mr. Helmer stated the applicant is not requesting site development plan review or a conditional use permit at this time. The applicant is only requesting the subject property to be rezoned to the Light Industrial zoning district. If the zoning request is approved, all uses permitted within the Light Industrial zoning district may be considered for future approvals. Approximately 1.59 acres of the subject property is located within a 100 year flood plain. This area is located adjacent to the rear property line and all land disturbing activities in this area should be discouraged.

Mr. Helmer stated the property considered for rezoning is a 19.18 acre property immediately adjacent to an existing industrial park to the west and is home to OPW Containment Systems,

Carolina Electric Assemblers, and Gates Concrete and Construction Company. Town of Smithfield water service is available within the right-of-way of Barbour Road. Sewer service is approximately 700 feet to the northwest of the property. A 50 foot Colonial Pipeline easement and gas main is located on the northern most portion of the property. The subject property at its closest point is approximately 1,850 feet from the Town of Smithfield corporate limit line.

Some of the permitted uses that can be considered for future approval if the property is rezoned to the LI (Heavy Industrial) zoning district would include:

- Building, Government
- Clothing and Finished Fabric Products, Manufacture of
- Contractors, Special Trades (No Storage)
- Clothing and Finished Fabric Products, Manufacture of
- Manufacturing of Clothing and Finished Product Fabric Products
- Fuel and Ice Dealers
- Greenhouses and Plant Nurseries
- Office, Professional
- Light Manufacturing uses Involving Fewer than 35 employees and not otherwise listed/identified
- Industrial Research Offices and Laboratories

Mr. Helmer stated the proposed rezoning to the LI (Light Industrial) zoning district is consistent with the Future Land Use Plan which recommends the property be zoned industrial uses. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance providing that any proposed land uses makes the necessary site improvements to include landscaped buffer yards adjacent to neighboring residential uses and zoning districts.

Mr. Helmer stated the property considered for a rezoning is located in an area along US Hwy 70 Business West where manufacturing, warehousing and service related business have a strong presence. The adjacent residential use to the north should not be negatively impacted providing that any future use does not generate excess dust, noise or vibration and does not contain bulk storage of flammable material. Wilsons Mills will provide fire protection, the Town of Smithfield will provide water/sewer, and Duke Energy will provide electric services.

The Planning Department recommends approval of the request to rezone approximately 19.18 acres of land from the R-20A (Residential-Agricultural) zoning district to the LI (Light Industrial) zoning district.

The Planning Board is requested to review the petition and make a recommendation in accordance with the approval criteria for the rezoning of approximately 19.18 acres of land from the R-20A (Residential-Agricultural) zoning district to the LI (Light Industrial) zoning district.

Mr. Upton asked if anyone wanted to speak for or against the proposal.

Mr. Upton stated Chris Johnson from the Johnston County Economic Development is present to answer questions regarding this request.

Eddie Foy asked how much area is requested to be rezoned.

Mr. Helmer stated 19.18 acres.

Eddie Foy asked why the applicant requested 18.5 on the application.

Mr. Helmer stated the acreages are estimates but the critical thing is the applicant is requesting the entire tract be rezoned.

Jack Matthews asked if the 1.59 acres is not showing on the assessed acres because it could be in the flood plain.

Mr. Helmer stated the 1.59 acres in the flood plain is an estimate we came up with using GIS.

Daniel Sanders asked if there has been any opposition.

Mr. Helmer stated he has received calls asking questions about the project, but he informed them there was a public hearing and they are welcomed to speak for or against the proposal.

Teresa Daughtry stated this looks like a perfect location and tract of land for light industrial uses in support of new growth.

Chris Johnson, 3149 Swift Creek Road, stated the purpose of the proposed rezoning is for marketing only. The applicant stated the 20 acre property has been up for sale, but wants to remove as many hurdles as possible for an industry to move in. Currently there is no contract on this property and the rezoning request is just to make it more attractive for a future company. The applicant owns surrounding the proposed rezoning so she has great stake at what goes in that location.

Mr. Upton reminded the board this proposal is strictly a rezoning.

Daniel Sanders asked if in the future this land were to be rezoned for housing if that would benefit the County and the Town.

Chris Johnson stated if the proposed site is zoned Light Industrial it could always be zoned back to Residential.

Loretta Bell, 2226 Barbour Road, stated she is not seeing what she would call an attractive buffer for this proposal. She stated she finds the area very attractive and having store fronts and commercial buildings will ruin the area. She stated traffic will greatly increase when it's already a problem. She feels the community will be highly impacted by this proposed rezoning and feels the town encroaching on their properties will negatively affect surrounding

homeowners. She stated her father built the home she bought for her family and many families in that area have been there for generations and the community is exceedingly quiet. She stated she understands the Town has a vision, but the homeowners have a very different vision.

Teresa Daughtry asked Ms. Bell how many miles her house is from the bypass.

Ms. Bell stated not even a mile.

Treva Avery, 2438 Barbour Road, stated the industrial businesses that are already near this project keeps her up at night now due to noise. She requested not to put anything there that will keep her up at night more than she is now.

Mr. Upton stated this is just a rezoning of the property, there are no businesses going into that area right now.

Ms. Avery stated citizens need to be heard now not after the project is already there.

Mr. Helmer stated if a given use is permitted as a conditional use, then the development request would have to come back before the board to get approval and another public hearing would be required.

Being no further questions, Mr. Upton closed the public meeting for RZ-16-04.

Eddie Foy made a motion, seconded by Daniel Sanders, to move to the Finding of Fact.

In connection with a legislative decision for a rezoning request, the Town Council may consider certain approval criteria. Planning staff generally accepts these findings of fact as part of a complete application submitted by the petitioner.

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application.

The Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Rezoning Application by motion and vote on each of the following eight findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

**1. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield...***

The rezoning request from the low density residential zoning district to a light industrial zoning district is consistent with the recommendations of the Future Land Use Plan which calls for industrial uses at this location. Expanding the existing light industrial

zoning district to the subject property will create opportunities for future job growth in the area.

**2. *The rezoning petition is compatible with established neighborhood patterns of the surrounding area...***

The rezoning petition is compatible with established neighborhood patterns of the surrounding area. This area contains some of the most productive industrial properties located within the Town of Smithfield planning and zoning jurisdiction.

**3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning...***

The rezoning request from the low density residential to a light industrial zoning district is consistent with historical trends suggesting that some industrial and manufacturing facilities prefer to be located in close proximity to Johnston County Airport.

**4. *The rezoning request is in the community interest...***

The rezoning will allow for a wider range of commercial and light industrial uses and provide additional area for consideration of large scale manufacturing uses and developments. Any development that will occur from the rezoning will increase the tax base as an additional benefit.

**5. *The request does not constitute "Spot Zoning"...***

It is unlikely an argument could be made for "spot zoning" or "small scale" since the rezoning will be expanding on an already existing light industrial zoning district.

**6. *Present regulations deny or restrict the economic use of the property...***

The property is currently zoned for residential and agricultural uses. Additional manufacturing and industrial uses such as those permitted in the light industrial zoning district cannot occur unless the property is rezoned.

**7. *The availability of public services allows consideration of this rezoning request...***

In addition to public water and sewer being available to the site, the property is served with electricity by Duke Progress Energy. CenturyLink and Time Warner also serve the area with phone and cable respectively.

**8. *Physical characteristics of the site prohibit development under present regulations...***

There are no physical restraints to the area considered for rezoning such as wetlands, stream buffers, potential flood hazard areas and storm water that would outright

prohibit development of the property. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.).

Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;

Eddie Foy made a motion, seconded by Teresa Daughtry to rezone approximately 19.18 acres of land from the R-20A (Residential-Agricultural) zoning district to the LI (Light Industrial) zoning district.

**Old Business:**

**New Business:**

Jack Matthews made a motion to adjourn, seconded by Ashley Spain. Unanimous.

Submitted this 13<sup>th</sup> day of December, 2016.

Shannan Williams  
Town Clerk