

TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



Chairman: Stephen Upton

Vice-Chairman: Daniel Sanders

Members:

Mark Lane
Ashley Spain

Eddie Foy
Teresa Daughtry

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant

Meeting Date: *Thursday, July 13, 2017*
Meeting Time: *6:00 p.m.*
Meeting Place: *Council Chambers, Smithfield Town Hall*

**AGENDA
PLANNING BOARD
REGULAR MEETING
JULY 13, 2017
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Identify voting members

Approval of the minutes for June 1, 2017

The honoring of Mr. Gerald Joyner

Public Hearings

TX-17-03 Town of Smithfield: The Planning Department is requesting revisions to the existing Unified Development Ordinance. The proposed revisions reflect changes made by the North Carolina State Legislator since the initial adoption of the Unified Development Ordinance. The Planning Board is requested to review the document, receive public comment, and make a recommendation to Town Council.

Old Business

New Business

Adjournment

DRAFT
Smithfield Planning Board Minutes
Thursday, June 1, 2017
6:00 P.M., Town Hall, Council Chambers

Members Present:

Chairman Stephen Upton
Vice-Chairman Daniel Sanders
Teresa Daughtry
Mark Lane
Eddie Foy
Ashley Spain
Gerald Joyner

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM May 4, 2017.

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

Mr. Upton presented Jack Matthews with an appreciation plaque for his 6 years serving on The Planning Board.

Mr. Upton reminded the Board the next Town Council meeting will be held June 6, 2017 at 7:00 p.m.

Public Hearings:

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

CUP-17-06 Suburban Apartments:

Mr. Helmer stated that the applicant is requesting a conditional use permit to construct and operate a 6 unit multi-family housing complex on a property located within a B-3 (Business Zoning District). This property is located on the west side of the intersection of Fairway Drive and Stancil Street and further identified as Johnston County Tax ID#15089011. It is approximately .42 acres in area. The existing building contains 6 office units and is served by a driveway on Pace Street and a driveway on Stancil Street. The parking lot is configured with a one way drive isle and 12 angled parking spaces. The site is currently landscaped but replacement of dead and dying landscape material is recommended. A screened dumpster pad will be required. The proposed 6 unit multi-family housing complex is consistent with the

recommendations of the Future Use Plan which recommends low density residential uses for this property. A 6 unit multi-family housing complex is a permitted use within B-3 (Business) zoning district with a valid conditional use permit. The site has adequate parking for the proposed use and minimal site improvements will need to be made for the project to meet minimum development standards. The 6 unit multi-family housing complex at this location should not pose a compatibility issue with surrounding land uses given that the project is small in scale and will be a low trip generator. There is an existing ground sign that could be refaced. Any changes beyond re-facing the existing sign cabinet will require the entire sign to come into compliance with current development regulations. The other sign is abandoned and in disrepair. It would be required to be removed.

Mr. Helmer stated the traffic pattern for the parking lot is one-way traffic pattern with cars approaching the southernmost portion of the property then exiting out Stencil Street. Fairway Drive serves as a service road to West Market Street. Water/Sewer will be provided by Town of Smithfield. Electricity will be provided by Duke Progress Energy. The Planning Department recommends approval of the Conditional Use Permit for a 6 unit multi-family housing complex. This board is requested to review the petition and make a recommendation to Town Council in accordance with the Finding of Fact for Conditional Use Permit.

Mr. Upton opened up the floor to the board to ask any questions for Mr. Helmer.

Mr. Foy asked if we were just turning 6 offices into 6 rentals apartments.

Mr. Helmer said yes that is correct. In your packet there is an example floor plan and site plan. These are 1 bedroom apartments. They would have a kitchen, living room, bedroom and bathroom.

Teresa Daughtry asked if these apartments were required to be handicapped accessible.

Mr. Helmer stated yes it would be required. The southern portion of the building is closer to grade and it is possible they could turn that corner with a handicap ramp making a couple units handicapped accessible. The front porch is more than 48 inches above grade they may add railings to the front to come into compliance with building code.

Teresa Daughtry asked if a back door was required for fire code.

Mr. Helmer said he didn't know at this time.

Mr. Sanders asked how the driveway would be done.

Mr. Helmer stated it was a one way drive configuration now as it currently exists with angled parking. It is an older style parking lot with 12 angled parking spaces with 12 feet of access. Directional signs to include entrance and exit only signs are recommended.

Mr. Spain asked what width requirements would there be for parking.

Mr. Helmer said all new parking on a 45 degree angle would have 10 to 12 foot drive aisle.

Mr. Upton asked if those requirements for a business are standard for residential.

Mr. Helmer stated the parking is tight and is built to current standards for angled parking.

Mr. Sanders asked if each of the 6 units would have a handicap parking space.

Mr. Helmer said there will be 1 or 2 handicap spaces made available in order to meet code.

Mr. Lane asked about the current parking spaces not being to current standards.

Mr. Helmer said the dimensions of the parking are not standard 9 x 11 parking stalls. It is narrow and tight. I don't think the parking is so much an issue as the building and the landscaping would need freshening up.

Mrs. Daughtry said she felt like one handicap apartment would be sufficient and not have all of them set up to be handicap accessible. However she felt like the board should be able to find out if a backdoor was required.

Mr. Helmer stated there was very little space from the back wall to the property line. He said there wasn't even room for a stoop much less a walk way around the stoop. Access is very limited; if fire code does trigger rear entrance then there will be challenges.

Mr. Upton requested that the property owner, Whit Whitley come forward and answer any questions.

Mr. Sanders asked if all of the apartments are single family dwellings.

Mr. Whitley said there will be 6 one bedroom apartments.

Mr. Whitley wanted to clarify the question from earlier about a back door being required. He said he has to put a window in every unit on the back wall of each one to meet fire codes. He will also need to install fire walls in between each unit as well.

Mr. Upton asked what the garage underneath would be for?

Mr. Whitley said it would be used for storage and not part of the apartment complex.

Mr. Upton reminded the board that the applicant is requesting a conditional use permit to construct and operate a 6 unit apartment complex. He will have to meet all building codes set forth by the county.

Mr. Spain asked if all parking spaces were occupied would the parking lot be wide enough for emergency vehicles to gain access with the current footage.

Mr. Whitley said he felt that it would be wide enough for emergency vehicles because the UPS truck comes through there all the time.

Mr. Spain asked if the new codes are to take care of that.

Mr. Upton stated that building and fire code issues will be worked through during the review and inspections process and this board is considering the use of multi-family residential. All code related details will be sorted out through the staff review and approval process.

Steven Casey of 327 Pace Street came forward on behalf of himself and his neighbors. He says he didn't receive a letter but he did see the sign telling about this meeting. He is concerned about the trash bin and how he and his neighbors would see it first thing when they walk outside. One of his neighbors is concerned that the air conditioning units are on his property. Mr. Casey also has a concern for the kind of clientele these apartments would bring to the area.

Mrs. Daughtry stated these are one bedroom apartments and would be for 1 person or a husband and wife never any children.

Mr. Casey also expressed concerned about the building codes and if they were in place.

Mr. Upton said the remarks you are stating are well taken but the building codes are not being reviewed by this board. We review for the use of a six unit multi-family housing complex.

Mr. Upton closed the hearing for CUP-17-06, Mark Lane made a motion seconded by Teresa Daughtry to move to the finding of fact for a conditional use permit.

The Smithfield Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

- 1. Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.***

The Planning Board finds that no factual and competent evidence has been submitted to suggest that public health and safety would be jeopardized by allowing a change in use from office to residential.

- 2. Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified***

Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

The Planning Board finds that the use can and will conform to Town of Smithfield Unified Development Ordinance to include dumpster screening and handicap accessible parking as required for the change in use from office to residential.

- 3. Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.***

The Planning Board received no factual evidence from competent experts that suggests that adjoining property values will be harmed if the change in use from office to residential is approved.

- 4. Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.***

The Planning Board finds that the proposed change in use is consistent with the purpose and intent, and will not violate the character of current development standards. Furthermore, the Planning Board finds a change in use from an office and institutional land use to multi-family residential land use will not adversely affect any adopted plans to include small area plans or existing transportation plans for this area.

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

Mr. Lane made a motion to approve CUP-17-06 and the finding of the fact seconded by Daniel Sanders.

CUP-17-07 Smithfield Assisted Living:

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for a 66 unit assisted living facility on property located within an OI (Office & Institutional) zoning district. The property is located on Kellie Drive Extension approximately 800 feet north of its intersection with Booker Dairy Road. It is further identified as Johnston County Tax ID# 14075021. Within your planning packet there is a map showing the location of the property. It

is west and adjacent to Neuse Charter School and located within the Briar Harbor Subdivision. You will also find in your packet a preliminary site plan showing the layout of the plot.

Mr. Helmer stated the proposed assisted living is not consistent with the recommendations of the Future Land Use Plan which calls for medium density residential land uses near the intersection of Booker Dairy Road and Kellie Drive.

Mr. Helmer stated the assisted living facility is a permitted use within OI (Office & Institutional) zoning district with a valid conditional use permit. The project has submitted a sketch plan that shows the project can and will meet all applicable minimum development standards.

Mr. Helmer stated the assisted living facility should not pose a compatibility issue with surrounding land uses given that it will be located in an area where office and institutional uses are common to include Neuse Charter School to the East as well as other medical offices nearby.

Mr. Helmer stated the project will qualify for typical ground signs to include two ground signs one on each street and two wall signs, one on each wall. The Town of Smithfield will provide fire, police, water/sewer and electric services to the facility.

The Planning Department recommends approval of the Conditional Use Permit for a 66 unit assisted living facility on property located within an OI (Office & Institutional) zoning district.

The Planning Board is requested to review the petition for a Conditional Use Permit to allow for a 66 unit assisted living facility on property located with an OI (Office & Institutional) and make a recommendation to Town Council in accordance with the Finding of Fact for a Conditional Use Permit.

Being no further questions, Eddie Foy made a motion to close the public hearing; seconded by Teresa Daughtry; Unanimous

The Smithfield Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

- 1. Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.***

The Planning Board finds that no factual evidence by competent witnesses has been submitted to suggest that public health and safety would be jeopardized by recommending approval of an assisted living facility at this location.

2. ***Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.***

The Planning Board finds that the use can and will conform to Town of Smithfield Unified Development Ordinance providing the facility has access to a publicly dedicated street and has access to town water, town sewer and town electric services.

3. ***Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.***

The Planning Board received no factual evidence from expert witnesses that suggests that adjoining property values will be harmed if the proposed assisted living facility is constructed at the proposed location.

4. ***Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.***

The Planning Board finds that the proposed assisted living facility is consistent with the purpose and intent, and will not violate the character of current development standards. Furthermore, the Planning Board finds the proposed assisted living facility were proposed will not adversely affect any adopted plans to include small area plans or existing transportation plans for this area.

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

Chairman Upton stated CUP-17-07 is recommended for approval and will move to Town Council meeting on June 6, 2017. Mr. Upton closed CUP-17-07.

Old Business:

No Report

New Business:

Mr. Helmer stated that the UDO committee would be presenting the revised UDO soon.

Mr. Upton stated the revised UDO would come before the Planning Board then recommended to the Town Council. Mr. Upton asked if the new UDO would be color coded.

Mr. Helmer answered yes, all new text in this document; things that are substantially different from current ordinance are green. Things that have been changed requested by the UDO committee are in yellow. The purple text is changes made by the UDO committee. Text in white is from existing ordinance. You will receive the new UDO before the next planning board meeting to review. The next planning board meeting was up for debate due to July 4th. Planning department staff will contact the consultant to see when they will have the new UDO available for distribution. From there we can schedule the next Planning Board meeting.

Mr. Michael Hicks, a permitting manager for the company Mobility. He is an expert in cell technology. Mr. Hicks stood before the board to speak on this new technology.

Mr. Upton asked is this possibly something that is going to come before the Planning Board in a situation.

Mr. Helmer answered it is something that will have to be addressed in the UDO. One of the first amendments to the UDO will be small cell technology.

Mr. Hicks says the company he works for is an infrastructure company for the wireless industry and other industries as well. They set up DA networks distributed antenna systems which are internal to buildings. What's coming now is data technology. Mobility has utility status throughout the nation. The deployment of this infrastructure is within the right of way like any other utilities. Mobility's primary goal is to use existing utility poles. If there is a location that isn't sustainable to house their equipment or is not in a proper location, we would need to construct a new utility pole. Those poles would vary in height from 30 to 50 ft.

Mr. Helmer asked what the range would be on one of these small cells in terms of being adjacent to another small cell.

Mr. Hicks stated the data signal usually went two tenths to a quarter of a mile. As you get in more densified areas that have obstructions from buildings and such you may be looking at only a few city blocks. Mr. Hicks concluded his presentation and opened the floor up for questions.

Mr. Upton said you have to saturate the area pretty well to get complete coverage across the city.

Mr. Hicks said yes this is a deployment effort across America.

Mr. Spain asked how much do these small cells cost.

Mr. Hicks said 10,000 to 15,000 for the pole and all the equipment.

Mr. Spain asked who absorbs the price of these.

Mr. Hicks said the cell phone carriers do.

Mr. Sanders asked if the current towers would be removed.

Mr. Hicks said no, the current towers would remain in place.

Mr. Foy asked Mr. Helmer if this was going to be a conditional use permit issue for the Town.

Mr. Helmer said it remains to be seen, we have to see what process we need to go through. We will see what the state ultimately decides and how they will allow us to review and approve these.

Mrs. Daughtry asked if this was going to become a competitive market.

Mr. Helmer stated he felt like the flood gates would open here soon and we would have hundreds of applications.

Mr. Sanders asked how much the FCC would have to do with this.

Mr. Hicks said a lot

Mr. Eddie Foy made a motion to adjourn it was seconded by Ashley Spain. Unanimous
Mr. Upton said motion approved

Eddie Foy made a motion to adjourn, seconded by Ashley Spain. Unanimous.

Submitted this 6th day of June, 2017.

Julie Edmonds
Administrative Assistant
Planning Department



Request for Planning Board Action

Case Number
TX-17-03
Date: 7/13/17

Application
for Zoning
Ordinance
Amendment

Subject: Unified Development Ordinance
Department: Planning
Presented by: Holland Consulting Land Planners
Presentation: Public Hearing

Issue Statement

The Unified Development Ordinance has become dated and needs to be revised to incorporate changes mandated by the North Carolina State Legislature.

Financial Impact

Reduced landscape requirements will lower development costs for new construction.

Action Needed

Review the document, conduct a public hearing, make a recommendation to Town Council for zoning ordinance amendment.

Recommendation

The Planning Department recommends approval of the proposed Unified Development Ordinance Updates.

Approved: City Manager City Attorney

Attachments:



Staff Report

Case
Number
TX-17-03

Application
for Zoning
Ordinance
Amendment

The Town of Smithfield Planning Department has enlisted the services of Holland Planning Consultants to revise and update the Town of Smithfield's existing Unified Development Ordinance. The purpose of this update is:

- Coordinate UDO with overall Town Code.
- Modernize regulations.
- Address regulatory deficiencies.
- Provide a user-friendly document.
- Provide effective enforcement.
- Coordinate UDO with concurrent projects.
- Provide graphics to aid in understanding of the UDO.

A Unified Development Ordinance Steering Committee was formed consisting of elected officials, advisory board members and community leaders. The steering committee conducted a series of meetings and received public comment throughout the process. The steering committee's diligent study and input into the creation of the document has produced a truly worthy ordinance.

The Town of Smithfield Planning Board is now requested to review the document, conduct a public hearing and make a recommendation to Town Council.



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

Notice Of Public Hearing

Notice is hereby given that a public hearing will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, July 13, 2017 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider adoption of a Unified Development Ordinance (UDO). The proposed ordinance is a revision of the town's existing UDO which is titled Town of Smithfield Unified Development Ordinance. NC General Statute 160A-363 authorizes town adoption of a Unified Development Ordinance which is a town ordinance combining the planning and development ordinances into a single ordinance. The ordinances which may be combined are authorized under NC General Statute 160A related to planning and development regulation. The Town initiated an update of its current Unified Development Ordinance to accomplish the following:

- Coordinate UDO with overall Town Code.
- Modernize regulations.
- Address regulatory deficiencies.
- Provide a user-friendly document.
- Provide effective enforcement.
- Coordinate UDO with concurrent projects.
- Provide graphics to aid in understanding of the UDO.

All land within the Town's zoning jurisdiction will continue as it is currently zoned. The Town's existing Zoning Map will be readopted as part of the updated Unified Development Ordinance. A copy of the Town's existing zoning map is available at the Town of Smithfield Planning Department.

The public is encouraged to attend the public hearing to obtain additional information and to have the opportunity to comment on the draft ordinance. The Smithfield Town Council may adopt the Unified Development Ordinance following the public hearing. A copy of the draft ordinance may be reviewed at the Town of Smithfield Planning Department, 350 East Market Street, Smithfield, NC, during normal office hours. A copy of the ordinance may be purchased from the Town for the cost of copying. If you have questions, please contact Mark Helmer, Senior Planner, at 919/934-2116, extension 1112.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at www.smithfield-nc.com.

Run "Legal Ad" in the Smithfield Herald on 6/28/17 and 7/5/17