

**Town of Smithfield
Planning Board Minutes
Thursday, April 1st, 2021
Town Hall Council Chambers
6:00 PM**

Members Present:

Chairman Stephen Upton
Debbie Howard
Michael Johnson
Doris Wallace
Ashley Spain
Sloan Stevens
Alisa Bizzell

Members Absent:

Vice Chairman Mark Lane

Staff Present:

Stephen Wensman, Planning Director
Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant

Staff Absent:

CALL TO ORDER

SWEARING in of SLOAN STEVENS

Sloan Stevens was sworn in as a new member by Town Clerk, Shannan Parrish.

APPROVAL OF AGENDA

Michael Johnson made a motion, seconded by Doris Wallace to approve the agenda. Unanimously approved

APPROVAL OF MINUTES from March 4th, 2021

Michael Johnson made a motion, seconded by Debbie Howard to approve the minutes as written. Unanimously approved

NEW BUSINESS:

CZ-21-02 Spring Branch Commons: The applicant is seeking conditional zoning approval to rezone a 1.2-acre tract of land from the R-8 (Residential) zoning district to the R-8 CZ (Conditional Zoning) district for the creation of 10 single family dwelling units. The property considered for rezoning is located on the southeast side of the intersection of South Sixth Street and East Johnston Street. The property is further identified as Johnston County Tax ID#15026060.

Stephen Wensman stated TerraEden Landscape and Design, LLC, is requesting a conditional rezoning request of a 1.21-acre parcel in the R-8 Zoning District to R-8 CZ with a master plan for a 10-lot detached single-family residential development. The property is located on East Johnston Street

between South Seventh and South Sixth Street. The site is currently vacant. Sometime before 2005, a +/- 1300 sq. ft. warehouse sat on the corner of S. Sixth and East Johnson along with 3 silo-type structures. That structure is gone, but about 290 feet of valley curb wraps the corner of S. Sixth and E Johnson Street adjacent to where the warehouse once stood. The curbing on the rest of the block is a B6-12 type. Overhead electric utilities run along the right-of-way on S. Sixth Street. Streetlights attached to the power poles are located at both street corners. There are no wetlands or other environmentally sensitive features on the property. The applicant is proposing to redevelop a 1.21-acre parcel into a 10-detached single-family residential subdivision on 0.34-acres of common open space providing driveway access to residential parking, guest/handicap parking, mail kiosk, picnic shelter, picnic tables, play structure, and 2 area lights. The 10-lots range from 3,444 sq. ft. (.079-acres) to 4,343 sq. ft. (.1 acres in size). The minimum lot size is 41' x 84' and the largest lot is 54.50' x 86'. The setbacks are 10' – front, 5.5' -side (11' between homes), 25'-rear. Min. 1,290 sq. ft. single-story homes (average approximately 3,770 sq. ft. in size), with full-width front porch, three bedrooms, and two bathrooms. 5' wide public sidewalk will be constructed in the public right-of-way along the front property line. Decorative fencing will be installed along the street frontage on each lot. The lots and open space will be landscaped with grass, trees, and shrubs. No accessory buildings will be allowed. An HOA will provide common ownership and maintenance of the shared open space. Staff recommends approval with the following conditions:

1. That the driveway aprons be constructed in accordance with the Town's Standard Specifications and Details.
2. That concrete pads for trash bins be shown on the master plan.
3. That the valley curb in the public right-of-way be replaced with B6-12 curb.

Paul Emblar of 11 Kentwood Drive Smithfield, NC spoke on behalf of the property owner. He stated this development was much needed due to the need of affordable housing. He pointed out that pads would be provided for the trash receptacles to the rear of the house. There will be attached utility buildings. The two parking spaces meet the code requirement but in addition to that they have exceeded the code requirement and provided common parking in the amenity area.

Emma Gemmell of 207 Hancock St came forward. She lives beside an apartment complex that has these attached utility rooms that were previously mentioned and none of the tenants use them for garbage. She doesn't feel this Spring Branch Commons will be any different unless it's a requirement to live there.

Stephen Wensman stated he didn't think the utility rooms were required to be used for garbage but he did request there be a place for the garbage bins.

Mrs. Gemmell asked if anything would be done about a fire retardant due to the close proximity of these units.

Mr. Wensman said typically the town code will dictate the type of materials to meet this requirement.

Debbie Howard made a motion “move to recommend approval of zoning map amendment, CZ-21-02, with 3-conditions finding is consistent with the Town of Smithfield Comprehensive Growth Management Plan as to be and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Ashley Spain. Unanimously approved

SUP-21-03 Bonnie Godwin: The applicant is seeking a special use permit to allow for a single-family residential dwelling within a OI (Office & Institutional) zoning district. The property considered for approval is located on the north side of Wilkins Street approximately 175 feet east of its intersection with North Seventh Street and further identified as Johnston County Tax ID# 15010038.

The remaining minutes concerning SUP-21-03 were redacted from the Planning Board minutes provided to Town Council. Mark Helmer said detached single-family residential uses in the O/I district require a special use permit. The structure proposed for detached single-family residential was originally constructed and used as a detached single-family residential home then converted to an office many years ago. When converted, the entire yard was paved with concrete for parking. The paved parking is contiguous to parking on adjacent properties including the rear yard of 518 N Seventh Street (a residential property owned by the applicant), 515 N Eighth St (an office property owned by the applicant), and 601 N. Eighth St (an office property owned by William and Suzanne Bizzell). The properties to the west of the subject property are used as detached single-family and mid-block east (including the subject property) have been used as offices. According to the applicant, the office has been vacant for a long time and the property is no longer attractive for office tenants. The current driveway access spans the width of the property and the parking configuration requires vehicles to back out into the street. The UDO requires commercial vehicles to ingress and egress in a forward motion. The driveway exceeds the maximum driveway width for commercial and residential properties. Vehicle parking in the front yard, encroach on the public right-of-way.

The applicant would like to return the property to its original detached single-family residential use. The applicant has no plans to convert the pavement back to a yard with grass and landscaping as is typical of a detached single-family residential use. There are no proposals to create a barrier to the contiguous commercial parking at the rear of the property. The existing conditions in the yard are to remain the same as they are currently. Although originally constructed as a single-family residential use, the property no longer has a residential character because of the entire yard being paved. The yard parking is contiguous to adjacent commercial uses in the rear of the property with no differentiation in land uses. The area from the mid-block east has been transitioning toward office development over the years. The return to residential use for this lot is not in harmony with the surrounding development.

Wilkins Street has taken on a commercial-office character over the years. Unlike N. 7th Street also in the O/I district, the half-block in which the property sits consists of office uses entirely. There are no buffers between the uses except for a short strip of grassy vegetation separating the property from the office directly to the east and no opportunity to create them because of the concrete paving. The UDO, Section 10.14 requires a Type B buffer yard between commercial and single-family residential uses. The ingress and egress to the property infringe on the public right-of way. The UDO and the Town’s Standard Specifications and Details do not allow residential driveways to exceed 24’ in width.

The Planning Department recommends denial of the SUP-21-03 based on the findings of fact.

Planning Board reviewed the case, it will now go before Town Council on Tuesday, May 4th, 2021 at 7pm.

ZA-21-03 Town of Smithfield: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 7, Section 7.2 Accessory Uses or Structures to allow for fences as an accessory structure in all zoning districts.

Mr. Helmer stated There are no fence regulations in the Smithfield Unified Development Ordinance. These appear to have been omitted during the last major update to the UDO in 2016. The purpose of fence regulations is to maintain adequate visibility on private property and in public right of-way, to maintain the openness of front and street side yards, to protect the light and air to abutting properties, and to provide adequate screening by regulating the height, location, and design of fences and walls.

The draft ordinance regulates fences and walls such that:

- the height of fences and walls in front yards or in front of principal structures cannot exceed (3) feet in height or be more than 75% solid.
- the height of retaining walls in front yards or in front of principal structures greater than five (5) feet in height
- the height of fences in residential side and rear yards cannot exceed (7) feet in height.
- The height of commercial and industrial fences cannot exceed 10 in height and that part of the fence or wall greater than (7) feet must be open similar to woven wire or wrought iron.
- Fences are exempt from setbacks and can be up to the property line.
- Fences must respect the vision triangle at intersections for public safety reasons.
- Fences and walls that are consistent with the provisions of the ordinance are to be permitted accessory uses not requiring a zoning permit.

Mr. Wensman pointed out the changes in red on the agenda are from a discussion he had this morning with Mrs. Lampe.

Debbie Howard moves to recommend approval of zoning text amendment, ZA-21-03, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Doris Wallace. Unanimously approved.

OLD BUSINESS:

Mark Helmer stated he had included the development report in the agenda for all new development and was open for discussion if anyone had a question. You will also find the permit report too showing all permits that have been issued.

Adjournment

Being no further business, Doris Wallace made a motion seconded by Alisa Bizzell. to adjourn the meeting. Unanimously approved

Next Planning Board meeting is May 6th, 2021 at 6pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Julie Edmonds".

Julie Edmonds
Administrative Support Specialist