

**Town of Smithfield
Planning Board Minutes
Thursday, October 7th, 2021
Town Hall
Council Chambers
6:00 PM**

Members Present:

Chairman Stephen Upton
Vice-Chairman Mark Lane
Debbie Howard
Doris Wallace
Michael Johnson

Members Absent:

Alisa Bizzell
Sloan Stevens
Ashley Spain

Staff Present:

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

Staff Absent:

CALL TO ORDER

APPROVAL OF AGENDA

Mark Lane made a motion to approve the agenda, seconded by Doris Wallace. Unanimously approved.

NEW BUSINESS

CZ-21-05 Smithfield Police Department: The applicant is requesting conditional rezoning of 3 parcels of land totaling 1.54 acres from the R-8 (Residential) zoning district to O&I CZ (Office Institutional Conditional Zoning) district for the expansion of the existing police department facilities. The properties considered for approval are located on the west side of South Fifth Street approximately 340 feet south of its intersection with East Market Street. The properties are further identified as Johnston County Tax ID# 15025051, 15025052B and 15025048.

Mark Helmer stated the Town of Smithfield is requesting a rezoning of two properties, 15025052B (.26 acres) and 15025051 (.39 acres) from R-8 to O&I CZ for the expansion of the Police Department facilities. The properties are located on the north side of South Fifth Street about 344 lineal feet south of the corner of East Market Street and South Fifth Street. The existing Police Station property was zoned to an O/I Conditional Use District (O/I CUD) with 160D legislation, old CUDs are now conditional zoning districts. Conditional Zoning is a rezoning with a master plan and the land use is limited to the use on the approved master plans. Reasonable conditions may be placed on the rezoning similar to special use permits with the applicant's consent. The conditional zoning process allows a give and take approach to zoning regulations. In this case, the master plan includes an expansion of the adjacent Police Department facilities onto the properties being rezoned.

The Town of Smithfield Police Station is an 8,135 sq. ft building with two parking lots, a 24- space lot in the rear of the building and a one-way 10-space lot in the front of the building. Vehicular Access is from a mid-block alleyway. Vehicles enter the alley to access either lot. The parking lot in the front of the building is designed for one-way traffic with an exit onto S Fifth Street. The rear parking lot is designed for two-way traffic with a second access to/from the Fire Department property that fronts on S. Fourth Street. Also to the rear of the building is an existing shed that occupies two parking spaces, a mechanical yard, HVAC system and an existing cell tower and fenced area. There is no stormwater management facility on

the property and stormwater sheet flows off the site. There are no known wetlands or floodplain on the property. The master plan shows a 3,650 sq. ft. expansion to the existing 8,135 sq. ft. police station onto the two vacant parcels to the south. The plan expands the front yard parking lot to the southside of the building as an extension of the Fire Department parking lot. The master plan includes a stormwater management facility. Additional improvements will include landscaping and lighting.

Driveway Access and Parking the Master Plan shows no change to the rear parking lot configuration but modifies the front parking lot. The front parking will no longer have alley access; will have two driveways onto S Fifth Street and will wrap the parking around the south end of the building as an extension of the Fire Department parking lot. There will be an additional 33 parking stalls for a total of 64 parking spaces. The Unified Development Ordinance (UDO) requires 59 parking spaces (11,785 sq. ft./1000 x 5 = 59). There are 5 more parking spaces than required. Curbing. The project will have B6-12 concrete curb around the parking lot and to fill in the missing curb on S Fifth Steet at the old driveway location and along the alley.

Building Setbacks. The building exceeds the O/I District setback requirements.

	O/I Setbacks
Front	25 ft
Side	8 ft
Rear	15 ft

Landscaping and Buffers. No landscape plan has been provided, but the plan shows a standard Streetyard and a partially reduced Bufferyard adjacent to the residential property.

	O/I	Proposed O/I-CZ
Streetyard	12.5 ft (1 tree and 20 shrubs per 100 lin. Ft.)	12.5 ft (no landscape plan provided)
Bufferyard adjacent O/I	50% of Type A (5' wide- 1 tree and 6 shrubs per 1,000 sq. ft.)	5' (no landscape plan provided)
Bufferyard adjacent to residential	Type B (20' wide – 1 tree and 8 shrubs per 1,000 sq. ft.)	20' and 4' (no landscape plan provided)

Interior parking lot and foundation plantings will be as required. Public sidewalks A 5' wide public sidewalk will be repaired as needed along S. Fifth Street. Utilities The Police Department facilities are served by Town water, sewer and electricity. Stormwater Management A stormwater management facility will be located at the south end of the parking lot with an overflow structure to pipe water under S Fifth Street to the existing ditch on private property. The Town is currently seeking an easement from the private property owner for the drainage.

Lighting A lighting plan will be provided by the Town of Smithfield Utilities Department meeting Town UDO requirements.

One of the purposes of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant has not identified any deviations from the O/I regulations. By choosing a conditional rezoning, the use of the site can only be as shown on the plans. The Town is requesting the certain deviations from the UDO requirements to facilitate the construction of the Police Department expansion: 16 ft partial reduction in the bufferyard adjacent to the parking lot (extension of fire station parking).

With the approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with the adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

Consistency with the Comprehensive Growth Management Plan – the use and master plan are consistent with the Comprehensive Growth Management Plan.

Consistency with the Unified Development Code –With conditional zoning approval, the plans will be in conformance with the UDO.

Compatibility with Surrounding Land Uses - The property considered for rezoning will be compatible with the surrounding land uses which are primarily O&I and Commercial.

Planning Staff recommends the Planning Board recommend approval of CZ-21-05 with 6 conditions finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the rezoning is reasonable and in the public interest.”

- 1. That site plans/construction plans be submitted for review in accordance with the Town’s UDO with the following deviation: 16 ft reduction in the bufferyard adjacent to the parking lot (extension of Fire Station parking).**
- 2. That the public sidewalk be replaced as determined by the Public Works Director.**
- 3. That a landscaping plan be provided in accordance with UDO requirements.**
- 4. That a site lighting plan be provided in accordance with UDO requirements.**
- 5. That the 3 properties be combined into a single lot.**
- 6. The additional condition should be that the landscape plan include a solid row of Green Giant Arborvitae planted at a minimum of 3 feet on center at least 5’ tall adjacent to the rear lot lone of the adjacent residential property**

Mr. Upton asked if we had received the easement from the private property owner next door?

Mr. Wensman said they have been talking to Olivia Holding and her surveyor will put the 15-foot easement on the survey they currently are working on.

Mr. Lane asked if the landscaping that’s being proposed would be enough to shield the home that adjoins this property in question.

Mr. Helmer pointed out the existing fence running along the property line and showed the landscaping being proposed to help shield headlights from the adjoining residential property.

Mr. Wensman said there will be a type b bufferyard. There could be a condition of approval with 6 upright evergreens to create screening. That’s a simple fix.

Emma Gemmel of 207 Hancock Street suggested that someone walk along this location at night. Maybe check for the reflection of headlights against this house and see how it affects the property as it is happening.

Pam Lampe of 415 N. Second Street asked where the stormwater facility would go and asked Mr. Helmer to point out where the ditch would be.

Mr. Helmer pointed out where the pond would be located and the pipe running along the left of the house.

Mrs. Lampe asked how deep the pond would be and if a fence would be around it.

Mr. Helmer stated it would be a dry pond most of the time unless we have a rain event.

Mark Lane made a motion to recommend approval of zoning map amendment, CZ-21-05, with 6-conditions finding the rezoning to be 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.” The additional condition should be that the landscape plan include a solid row of Green Giant Arborvitae planted at a minimum of 3 feet on center at least 5’ tall adjacent to the rear lot lone of the adjacent residential property, seconded by Doris Wallace. Unanimously approved.

CZ-21-08 Britt Street Triplexes: The applicant is requesting to rezone a .7-acre tract of land from the B-3 (Highway Entrance Business) zoning district to the B-3 CZ (Conditional Zoning) district for the construction

of a six-unit townhouse project. The property considered for approval is located on the east side of the intersection of West Market Street and Britt Street and further identified as Johnston County Tax ID# 15L11006.

Stephen Wensman stated that TerraEden Landscape and Design, LLC, is requesting a conditional rezoning request of a .69-acre parcel in the B-3 Zoning District to B-3 CZ with a master plan for a 6-lot attached single family residential (triplex) development. The property is located at the corner of West Market Street and Britt Street. The owner is Twins States Farming, Inc. The site is currently vacant and is relatively flat and open with a few mature trees. A gravel driveway crosses the site from Britt Street that provides an alternate driveway to the Durwood Stephenson office but it’s not paved. There is no wetland or other environmental features on the site. Britt Street is a 24ft wide road with ditches on both sides in a 60 ft. right-of-way. The applicant is proposing to develop the land into a 6-lot attached single-family residential triplex subdivision. The units will be a mix of one-story and two-story townhomes. The one-story homes will be 3 bedroom/2 bath and the two-story homes will be 3 bedroom/2 ½ bath. All units will have a single car garage with 3 driveway spaces, covered rear porch. Landscaping and exterior maintenance will be the responsibility of a homeowner’s association.

Min. lot size. The lots range in size from 3,362 sq. ft. (.08-aces) to 9,556 sq. ft. (.22 acres).

Development density. The UDO allows a maximum density of 4500 sq. ft. gross site area per unit. The development has a density of 5,082 gross site area per unit.

Lot dimensions. The minimum lot dimension is 26’ x 128’.

Setbacks.

	Proposed B-3 CZ Setbacks	B-3 Setbacks
Front	30 feet	35 feet
Side from Market	50 feet	50 feet
Side	Zero/10’ from adjacent residential	8 feet
Rear	40 feet	25 feet

Distance between buildings. The distance between the buildings is 11 feet. Based on an approximate building height of 30’, the required distance between units is 30 feet.

Unit sizes. Each Triplex contains two single-story units and one two-story unit.

Single-story end units will have 1,211 heated sq. ft. with a 130 sq. ft. covered rear porch, 20 sq. ft. front porch and 228 sq. ft. garage.

Two-story center units will have 1,362 heated sq. ft. with 210 sq. ft. covered rear porch, 68 sq. ft. front porch, and 40 sq. ft. storage and 223 sq. ft. garage.

Unit sales prices. The developer's expected sales prices are between \$220,000- 235,000

Building materials. The triplexes will have a combination of vinyl lap, board and batten siding and brick or stone materials. No windows or other details have been articulated for the end units.

Driveway access. Each triplex unit will have direct access to Britt Street by an 18' wide driveway. The driveways are shown to flare out in the public right-of-way to a width of 26' with the center two driveways forming a continuous flared width of 56'.

Parking. Each unit will have a single car garage space and three spaces in a driveway, exceeding the UDO parking requirement of 2 spaces per unit.

Public sidewalks. 5' wide public sidewalk is proposed in the public right-of-way outside of the drainage ditch along Britt Street. The UDO also requires a sidewalk along West Market Street. This should be a condition of approval.

Landscaping. A detailed landscape plan was submitted that shows ample buffer plantings from adjacent properties and from Market Street. The plan also shows one ornamental tree per unit and more than 4 shrubs per unit in the front yard. Every other unit has a canopy tree in the front yard.

Trash and recycling rollouts. Storage of trash and recycling rollouts should be provided for within the rear yard except on pick-up days.

HOA. An HOA will provide common maintenance of the exterior of the building and landscaping.

Utilities. The triplexes will utilize existing sewer and water utilities.

Stormwater Management. The site is exempt from stormwater attenuation.

The purpose of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant is seeking the following deviations from the following UDO Requirements:

Item	Proposed B-3 CZ	B-3
Front Setback	30 feet	35 feet
Side Yard Setback	10 feet	15 feet

The development exceeds UDO Requirements as follows:

Exceeds required parking with 4 spaces per unit.

Exceeds required landscaping

Planning Staff recommends the Planning Board recommend approval of CZ-21-08 with 3- conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other applicable adopted plans and that the request is reasonable and in the public interest:

- 1.) That the preliminary plat and construction documents be in accordance with the approved master plan, requirements of the Unified Development Ordinance and the B-3 zoning district with the following deviations:
 - a) Front Setback 30feet
 - b) Side Setback 10 feet
 - c) Distance between buildings 11 feet
- 2.) That a 5' wide concrete sidewalk be constructed in or alongside the Market Street public right-of-way in an easement.

3.) That the HOA be responsible for maintenance of the building exterior and landscaping.

With the approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with the adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

Consistency with the Comprehensive Growth Management Plan – *the comprehensive plan supports flexibility in zoning regulations.*

Consistency with the Unified Development Code – *the property will be developed in conformance with the UDO conditional zoning provisions with the approved deviations.*

Compatibility with Surrounding Land Uses - *The property considered for rezoning will be compatible with the surrounding land uses.*

Paul Emblar of 11 Kentwood Drive, Smithfield owns TerraEden Landscape and Design, LLC. He pointed out that the two center units had a span of 60ft between the drive way cuts. This is because the US Postal Service requires postal boxes for the group of buildings and not just the individual units. They widened the area so the postal service truck and pull off and park parallel to the road.

Emma Gemmel of 207 Hancock Street, Smithfield came forward and asked why this development was exempt from stormwater.

Mr. Wensman said because of the smaller acreage lots, less than a ½ acre are exempt.

Debbie Howard made a motion to approve zoning map amendment, CZ-21-08, with 3-conditions finding the plans 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.

S-21-04 Britt Street Triplexes: TerraEden Landscape and Design, LLC, is requesting a conditional rezoning request of a .69- acre parcel in the B-3 Zoning District to B-3 CZ with a master plan for a 6-lot attached single- family residential (triplex) development.

Stephen Wensman stated that there wasn't much to say about this request that wasn't mentioned in the last agenda item.

Planning Staff recommends the Planning Board recommend approval of S-21-04 with 4-conditions based on the finding of fact for preliminary subdivision:

1. That the preliminary plat and construction documents be in accordance with the approved master plan, requirements of the Unified Development Ordinance and the B-3 zoning district with the following deviations:

Front Setback	30feet
Side Setback	10 feet
Distance between buildings	11 feet
2. That a 5' wide concrete sidewalk be constructed in or alongside the Market Street public right-of-way in an easement.
3. That the HOA be responsible for maintenance of the building exterior and landscaping and submitted to the Town attorney for review prior to final plat.

4. Park dedication fee in lieu be paid in full prior to recording the final plat.

Doris Wallace made a motion to approve zoning map amendment, S-21-04, with 4 conditions based on the finding of fact for preliminary subdivisions, seconded by Debbie Howard. Unanimously approved.

CZ-21-09 Spring Branch Phase 2: TerraEden Landscape and Design, LLC, is requesting a conditional rezoning to rezone 5 properties (0.8084-acres) in the R-8 Zoning District to R-8 CZ with a master plan for a 6-lot detached single-family residential development. The properties considered for approval are located on the northeast side of the intersection of East Johnston Street and South Sixth Street and further identified as Johnston County Tax ID# 15026056, 15026057, 15026058, 15026058A and 15026058B.

Stephen Wensman presented CZ-21-09. He stated that the property owner is Twin States Farming, Inc. The site is currently vacant and has been since before 2001. Prior to 2001, it was likely the site was used for warehousing. Remnant valley curb remains where there was vehicle access to the site along S. Sixth Street. The curbing along E. Johnson Street is B6-12 type. Overhead electric utilities run along the right-of-way on both streets. An existing streetlight is attached to the power poles at the intersection of S. Sixth and E. Johnson Street. The site is bisected by a public alley. A portion of the alley appears to have been closed with the land reverting back to the owners (Lafayette Atkinson) and (AVS Investments LLC). The applicant/owner plans to petition for closure of the remaining alley. The site plan is in that closure; therefore, it is a condition of approval.

MASTER PLAN ELEMENTS/ANALYSIS:

The applicant is proposing to redevelop the land into a 6-lot detached single-family residential subdivision.

- **Driveway access.** All the lots are accessed from the rear of the property by one of two 16 ft. wide private driveways on S. Sixth Street. Lot 1 utilizes the northernmost driveway; whereas, Lots 2-6 utilizes the southernmost driveway.

The driveways will be on common open space providing access to private parking on individual residential lots and to 4 guest/overflow parking spaces on the common open space. The shared driveway is shown with no curb and gutter typical of other residential alleys in town. The shared driveway eliminates the need for individual driveways on each lot and supports the pedestrian character of the development. Driveway within the public right-of-way will need to be constructed in accordance with the Town's standard detail for driveways.

- **Open space/Recreation/Mail Kiosk.** The applicant is proposing 0.39-acres, 49% of the site, as common open space providing driveway access to residential parking, guest/handicap parking, mail kiosk, picnic shelter, picnic tables, play structure, and an area light.
- **Min. lot size.** The 10-lots range from 3,444 sq. ft. (.079-acres) to 5,046.48 sq. ft. (.12 acres in size). The average lot size is 3,770 sq. ft. (.087 acres).
- **Lot dimensions.** The minimum lot dimension is 41' x 84' and the largest lot is 59.97' x 100'.

- **Setbacks.**

	Proposed R-8 CZ Setbacks	R-8 Setbacks
Front	10 feet	30 feet
Side	5.5 (11' between bldgs..)	10 feet
Rear	25 feet	22 feet

The reduced setbacks are typical of an urban pedestrian-oriented or traditional neighborhood development and supported by pedestrian-scaled elements, porches, and fences. The public boulevard along Massey Street is about 12 feet wide which is about typical of most streets in town. The boulevards along East Johnson and

South Sixth Street are much wider at 26 feet and 20 feet, respectively, which will give the impression of a 20-25' setback.

- **Single-family homes.** The developer is proposing 1,290 sq. ft. single-story homes with full-width front porch, three bedrooms, and two bathrooms similar to Spring Branch Commons Phase 1.
- **Public sidewalks.** 5' wide public sidewalk will be constructed in the public right-of- way along both streets.
- **Curb and gutter.** The Town's standard curb and gutter is a B6-12 concrete curb. The existing valley curbs along S. Sixth and Massey Street will need to be replaced with B6-12 curb and gutter.
- **Decorative fencing.** Decorative fencing will be installed along the street frontage on each lot matching Spring Branch Commons Phase 1 to be maintained by the HOA.
- **Landscaping.** The UDO does not require landscaping of residential subdivisions; however, the master plan shows the landscaping of the open space and residential lots.
- **HOA.** An HOA will provide common ownership and maintenance of the shared open space and fence along both streets.
- **Trash roll offs.** Storage pads for trash and recycling rollouts are provided along the rear façade of each home.
- **Stormwater Management.** There are no stormwater management facilities on site because the is exempt from stormwater attenuation.
- **Utilities.** The development will utilize existing utilities, water, and sewer, located in adjacent streets.

The purpose of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant is seeking the following deviations from the following UDO Requirements:

Item	Proposed R-8 CZ	R-8/UDO
Min. lot size	3,444 sq. ft. (.079 ac.)	8,000 sq. ft. (.18 ac.)
Min. lot width	41 feet	70 feet
Min. front setback	30 feet	10 feet
Min. Side Setback	5.5 feet	10 feet
Accessory Bldg. Setback	None allowed	10 feet
Min. corner lot setback	12 feet	15 feet
Driveway width	16 feet	20 feet
Sight triangle (UDO Section 2.21)	23 feet x 23 feet	25 feet x 25 feet

The applicant is providing the following which exceed UDO requirements:

- a. Decorative fencing in the front yards maintained by the HOA
- b. Landscaping of the lots and open space.
- c. Playground amenity with open space.

Staff recommends approval with the following conditions:

- 1 That the rezoning approval be contingent on the closure of the public alley.
- 2 That the driveway aprons be constructed in accordance with the Town’s Standard Specifications and Details.
- 3 That the valley curb in the public right-of-way be replaced with B6-12 curb.
- 4 That the HOA be responsible for maintenance of landscaping and fencing and all common amenities and common areas.

CONSISTENCY STATEMENT (Staff Opinion):

With the approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with the adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

1. **Consistency with the Comprehensive Growth Management Plan** – *the comprehensive plan supports flexibility in zoning regulations.*
2. **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO conditional zoning provisions.*
3. **Compatibility with Surrounding Land Uses** -*The property considered for rezoning will be compatible with the surrounding land uses.*

Planning Staff recommends the Planning Board recommend approval of CZ-21-09 with 4 conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan as to be amended and that the request is reasonable and in the public interest.

Mark Lane asked if the back yard of this development would face the road? He was concerned whether there would be any screening such a fence.

Paul Emblar of 11 Kenwood Drive came forward. He said there is some 6 ft fence that screens the back edge of the unit toward the ally way, but the remainder of the fence is 30 inches high.

Doris Wallace made a motion to approve zoning map amendment, CZ-21-09, with 4-conditions finding it 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 Mark Lane. Unanimously approved.

ZA-21-05 Town of Smithfield: The applicant is proposing an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Performance Standards, Part II, Landscape Requirements. The proposed ordinance amendment will apply minimum landscape requirements to new residential subdivisions.

Mark Helmer stated the Town of Smithfield is experiencing unprecedented residential growth and many new subdivisions. The Town Council has become concerned about the character of proposed developments and wants to ensure there is adequate landscaping with new development. The Council has directed staff to look into updating the Town's Landscape Ordinance to include landscape standards for residential development.

Currently, there is a prohibition in place giving single-family residential developments exempt status from meeting landscape requirements of the Town of Smithfield Unified Development Ordinance, Article 10, Performance Standards, Part II, Landscape Requirements. This prohibition applies to all residential subdivisions and ensures that little to no landscaping will be provided when single-family residential developments are approved through a process other than the Conditional Zoning or Planned Unit Development legislative approval process.

Planning staff has drafted an ordinance that will achieve the following:

- Removes the exempt status of new Single-Family Residential Developments by requiring compliance with Part II, Landscape Requirements.
- Broadens Single-Family Residential Development standards to include to Townhouse Developments when located on public streets.
- Creates new landscape standards specify tailored to new residential developments.
- Creates standards that can be applied to both legislative and quasi-judicial subdivision approval processes.

The proposed draft ordinance amendment will not apply to:

- Existing developments to include single-family a duplex infill development on existing lots.
- Exempt and minor subdivisions.

- Major subdivisions when no new streets are proposed.

The proposed landscape components that will apply to Single-Family and Townhouse Developments will include required street yards, street trees and foundation plantings.

Street yards will require a minimum of 15 feet in depth on all sides of the development that have road frontage on a major or minor arterial streets. The rate of planting will be 2 deciduous trees, 1 evergreen tree and 30 shrubs per 100 linear feet of road frontage. This yard will be similar to existing commercial street yards but with 10 additional shrubs, 1 additional tree and a required mix of deciduous and evergreen tree variety.

Street trees will be required on streets within a proposed residential subdivision at a rate of 2 deciduous trees and 1 evergreen tree per 100 feet of road front on each side of the street. Street trees are to be planted outside of the public right-of-way and maintained by the development owner's association.

Foundation plantings will be required at a rate of 3 per residential unit and must be adjacent to the front facade of each unit.

Existing landscape standards that are proposed to remain unchanged.

Buffer Yards in accordance Section 10.4 Buffer Yard Requirements will continue to be required and installed by non-residential and multifamily developments when adjacent to single family dwellings and developments.

Tree Preservation will continue to apply to all new developments in accordance with Section 10.9, Tree Resource Management.

Parking lot landscaping and dumpster screening requirements will remain unchanged but with the proposed amendments can be applied to single family and townhouse residential developments. Staff finds the zoning text amendment as proposed consistency with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-21-05 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and the public interest.

Stephen Upton asked if Planning staff needed a recommendation tonight. He would like more time to digest the information. Some of the illustrations being discussed by Mark Helmer weren't in the agenda packet.

Mark Helmer said we're somewhat familiar with this. Essentially, we have beefed up the commercial zoning street yard requirements, by adding one additional tree, 10 more shrubs and applied it to residential subdivisions.

Mark Lane asked if there were any exemptions?

Mark Helmer said this would be a minimum standard applied to all non-legislative type subdivisions. Any subdivision that is not a conditional zoning would have to meet these standards or apply for a variance.

Mark Helmer said there is development that can occur that this ordinance does not apply to. That would include exempt subdivisions. If it's exempt from the UDO, we can't require anything.

Debbie Howard asked what would an example of that be?

Mark Helmer said any newly created lot that's over 10 acres is exempt from the UDO standards period. That would mean no roads, no water, no sewer or no landscaping.

Mark Lane asked if a house was built on a vacant lot on Wilson Street, would they be required to landscape?

Mark Helmer said no.

Mark Lane said that's not right.

Mark Helmer said this ordinance is designed to close the gap on large residential subdivisions and their exemption from requiring any landscaping requirements.

Pam Lampe of 415 N. Second Street came forward to thank the Planning Department staff and the Planning Board for reinstating Article 10 of the UDO for new single family residential subdivisions and townhomes. However, as discussed with Mark Helmer she is disappointed with the exemptions to this proposed amendment for single-family, duplexes or infill development on existing lots exempt and minor subdivisions and major subdivisions when no new streets are proposed. In her opinion, landscaping standards are definitely needed for these 3 areas or exemptions. In most cases, if landscaping is not added by the developer when the homes are constructed it never gets done by the property owner or tenant. Large tree planting is especially hard for single family homeowners because these plantings often require big equipment to do it which is expensive. So, it makes sense to require the developer to provide the landscaping even on these infill lots and other exemptions during construction. The standards do not have to be the same as commercial or PUD projects or as stringent as the ones we are reinstating, but we definitely need a minimum standard for these development opportunities too. Mrs. Lampe is asking the board to consider adding minimum requirements for these 3 items so we can raise the standard of development in all of our neighborhoods not just the new major subdivisions and new neighborhoods with new roads.

Mark Helmer said this ordinance is geared toward the large residential single family townhouse regulations. It does not address in-fill. If the board would like to develop an in-fill development and bring it back to you next month. He would keep it separate from this ordinance and do something separate.

Emma Gemmel of 207 Hancock Street came forward to thank the efforts of the Planning staff. However, they thought the Town Council wanted the Planning Board to take their time making a decision on this ordinance because it would be complex. She doesn't think they expected it to be done quickly and in pieces. At the last Planning Board meeting, she and Pam were directed by Stephen Upton to discuss helping out with the landscaping requirements with Planning Department staff. They spoke with Mark Helmer and asked to help out and they never received a call. They are still interested and open to help if the Planning Department would like to reach out to them.

Mark Helmer stated that Emma Gimmel is welcome to come by the Planning Department anytime.

Debbie Howard made a motion to approve zoning text amendment, ZA-21-05, 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 Michael Johnson. Unanimously approved.

OLD BUSINESS

None

Adjournment

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

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

Julie Edmonds
Administrative Support Specialist