

**Town of Smithfield  
Planning Board Minutes  
Thursday, May 5, 2022  
Town Hall Council Chambers  
6:00 PM**

Members Present:

Chairman Stephen Upton  
Vice-Chairman Mark Lane  
Debbie Howard  
Doris Wallace  
Sloan Stevens  
Michael Johnson  
Ashley Spain

Members Absent:

Alisa Bizzell

Staff Present:

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

Staff Absent:

**CALL TO ORDER**

**APPROVAL OF AGENDA**

Doris Wallace made a motion to approve the change in order of the agenda, seconded by Debbie Howard. Unanimously approved.

**APPROVAL OF MINUTES FOR April 7th, 2022**

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

**NEW BUSINESS**

**CZ-22-02 Woodleaf**: The applicant is requesting to rezone 491.2 -acres of land from R-20A zoning district to R-8 CZ zoning district with a master plan for a planned development consisting of 490 detached single-family lots, 691 attached single-family townhome lots, a 564 unit 3-story multifamily development and a 260-unit four-story multifamily development. The properties are located on Mallard Road between its intersections with Brogden Road and US 70 Business East and further identified as Johnston County Tax ID#15K11019D, 15K11019F, 15L11043, 15K11017, 15K11047C, 15K11047F, 15K11047, 15L11042B

Stephen Wensman stated NRP Ventures, LLC is requesting a conditional rezoning of 491.2 - acres of land from R-20A to R-8 CZ with a master plan for a planned development consisting of 490 detached single-family lots, 691 attached single-family townhome lots, a 564 unit 3-story multifamily development and a 260-unit four-story multifamily development. The property is on both sides of Mallard Road from Old Mallard Road extending about 2-miles east. This

development affects 8 or so surrounding properties. It will be in the Smithfield Fire District; it will have a huge impact on area schools and the developer will need to pay the park dedication fee in lieu. The Town of Smithfield will provide water and sewer. The electric provider could be either the Town of Smithfield or Duke Energy. The developer will make that determination. The property considered for approval is a mix of residential and agricultural land with woodlands, wetlands and fields. There are also blue-line streams present throughout the south side of Mallard Road. A Duke powerline bi-sects the development from east-to-west. The proposed development is not supported by the Town's Comprehensive Growth Management Plan. The Comprehensive Plan guides the site for low density residential. Approval of the rezoning would be considered an amendment to the Comprehensive Plan.

The developer has indicated he will be submitting a voluntary annexation petition with the development of the site. If accepted, the annexed land will be a satellite. The access to the development will be off of Mallard Road with lateral access to the Green Meadows Subdivision on Marshall Road (20' wide road with no gutters). The master plan shows 6 intersections onto Mallard Road to serve the development. A traffic impact study was prepared and NCDOT will be requiring turn lanes on Mallard Road with the development of the 4 phases. To accommodate NCDOT required improvements on Mallard Road, 0.51 acres of the site will be dedicated to NCDOT right-of-way. Highlights of the TIA include: 2031 Build Traffic Volumes on Marshall Road show 41 trips per hour Peak AM outbound, and 45 trips per hour Peak PM inbound.

**Streets** The developer is proposing 27' wide b/b streets in 50' wide public right-of-way throughout the development except at some entrances where there will be divided lanes of traffic with landscape median in 80' wide public right-of-way. The locations of the wider lanes are implied in the master plan, but not specifically labeled.

The Town's standard right-of-way width is 60' wide (UDO Section 10.110.9) but 50' wide right-of-way can be approved by the Town Council.

The 27' wide b/b streets may be appropriate in some locations, but staff recommends a hierarchy of street widths be determined; where higher traffic streets are wider and short streets and cul-de-sacs be considered for narrower streets.

There are numerous long stretches of streets that will carry greater traffic and most likely at higher speeds. Staff recommends the developer consider traffic calming measures, but not necessarily speed bumps, to slow traffic.

The development provides adequate lateral access to adjacent properties that might develop in the future.

There are numerous cul-de-sacs shown on the plans and supported by the Town's Standard Detail. Several appear elongated without any design detail. Cul-de-sacs such as these often become used as parking lots and should be discouraged. Others appear too short to meet fire code.

Street trees are not allowed within the Town’s public right-of-way. The street details should be revised showing the street trees being located adjacent to the right-of-way.

**Curb and Gutter** The developer is proposing standard B6-12 curb and gutter with the exception of in front of and within 10’ of a townhouse where valley curbs are proposed. This is a standard approved with previous planned townhouse developments. 5-foot sidewalks are proposed on both sides of each residential street. Sidewalks are also required along Mallard Road frontage. The draft Pedestrian Plan suggests a multi-use trail on the west side of Mallard Road rather than a sidewalk. Sidewalks on both sides of local streets within a 50’ public right-of-way are extremely narrow and does not adequately allow space for utilities. Staff recommends the developer create a hierarchy of street and right-of-way widths in consideration of traffic volumes, sidewalks, utilities and traffic calming measures.

The project is anticipated to be completed in four phases, with the first phase beginning construction in early 2023, and final completion expected in 2028. Different product types will be constructed in each phase spreading out the mixture of uses and bringing with them the needed infrastructure, including roadway, water, sewer, and electrical service, to fully serve each phase as it becomes available.

**Detached Single-Family Residential** The applicant is proposing 490 - 50’ wide, 6,000 sq. ft. detached single-family residential lots. The proposed minimum standards are:

	R-8 Zoning	Proposed R-8 CZ
Lot area	8000 sq. ft.	6,000 sq. ft.
Lot width	70 ft.	50 ft.
Front setback	30 ft.	25 ft.
Side setback	10 ft.	5 ft.
Rear setback	25 ft.	15 ft.

Min. unit size	1600 sq. ft.
Garages*	One car
Off-street parking	2 spaces/home

All the home examples provided show 2-car garages; however, all homes will have at least a 1-car garage. No rear yard patio or deck has been proposed. Staff recommends a usable rear deck or patio be included with each unit of at least 120 sq. ft. in size.

**Townhouses.** The applicant is proposing 691 attached single-family townhouses. In accordance with UDO, townhouses development requires a special use permit. The conditional zoning is an alternative to the special use permit process. The proposed minimum standards are:

	R-8 Zoning	Proposed R-8 CZ
Lot area	N/A	2,000 sq. ft
Lot width	N/A	20 ft.

Front setback	30 ft.	25 ft.
Building separation	40 ft.	20 ft.
Rear setback	25 ft.	15 ft.

Min. unit size for 2 br/ 2 bath	1,400-1,500 sq. ft.
Min. unit size for 3 br/ 2.5 bath	1,600 sq. ft.
Garages	One car
Off street parking per unit (on lot)	2 spaces/lot
Off-street overflow parking	275
Total Off-street parking per unit*	2.39 spaces/unit

Overflow parking is not conveniently located for all units. The UDO allows commercial remote parking within 400' of a commercial business – a suitable standard to go by for overflow parking. The developer has provided an elevation and image of a typical townhouse proposed for the development. There are 691 units proposed in over 100 townhouse buildings. Additional architectural styles should be provided of similar quality and character to provide visual interest throughout the development. No rear yard patios or decks have been proposed. Staff recommends a usable rear deck or patio be included with each unit of at least 120 sq. ft. in size.

**Multi-family Apartments** The developer is proposing 564 units in (22) 3-story apartments and 260 units in (3) 4-story apartments. In accordance with UDO, multi-family development requires a special use permit. The conditional zoning is an alternative to the special use permit process. The proposed minimum standards are:

Min. unit size for 1 bedroom/ 1 bath	750-900 sq. ft.
Min. unit size for 2 bedroom/ 2 bath	1,000-1,200 sq. ft.
Multi-family storage	None
Garages	None
Off street parking per unit	1.5 spaces/1

The master plan and supporting information for the multi-family apartments is lacking sufficient information to determine if the standards and supplemental standards for multi-family development are being met (UDO Section 8.13 and Section 7.35).

**Architectural Standards** The developer has not articulated any architectural standards; rather he has indicated that all unit types, single-family, townhouse and apartments will be comprised of Class A materials.

**Interior materials** the interior will be comprised of stainless-steel appliances, granite counter tops, luxury vinyl tile or engineered wood floors.

**Exterior materials.** The exterior of the buildings will be comprised of hardiplank siding, brick and stucco.

- No details have been provided for individual front or rear yard walks, patios or

- Landscaping
- No details have been provided for townhouse end units facades or rear facades.
- Façade modulations and colors are unknown.
- Architectural elements and roof line changes are unknown

**CONDITIONAL ZONING**

For the multi-family development, townhouses and apartments, special use permits are required or they can be approved through this conditional zoning process. Multi-family must be developed in accordance with supplementary standards found in the UDO Section 7.35. Regardless the process the same application data is required. In the case of the multi-family development, the key data needed to properly evaluate the development is:

- Parking
- Landscaping
- Trash and recycling enclosures and screening
- Architectural floor plans and elevations and building materials
- Setbacks and other dimensional information
- Pedestrian circulation
- Recreation areas and amenities (4-story apartments only).

The Woodleaf masterplan and supporting materials are lacking this data, limiting staff and other’s ability to fully review the proposal. The Town Council has the option to approve the rezoning with the master plan, table the master plan and request additional information, or require a special use permit for the Townhouse and/or apartment developments.

**Requested Deviations from UDO** The developer is seeking deviations from the UDO as part of the rezoning. 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 wing UDO Requirements:

Item	R-8/UDO	R-8 CZ
Multi-family storage (UDO 7.35.1.3)	24 sq. ft of storage area.	None
Single family minimum lot area (UDO Section 8.3.1)	8,000 sq. ft	6,000 sq. ft.
Single family minimum lot frontage (UDO Section 8.3.1)	70’	50’
Min. front setback for TH and SF (UDO Section 8.3.1)	30 ft	20’
Min. side setback SF (UDO Section 8.3.1)	10’	5’
Min. rear setback SF (UDO Section 8.3.1)	25’	15’
Max. building Height for TH and Apartments (UDO Section	35’	>35’ * exact height needed is unknown

Building separation for TH and Apartments (UDO Section)	25'-40' depending on heights	20' for TH and Unknown for Apartments.
Min bufferyard requirements (UDO Section 10.14)	varies according to adjacent use	No min. bufferyard requirement.
Min. local street right-of-way width (10.110.9)	60'	50'
Curb and Gutter (Standard Detail 3.02 D)	B-6-12 curb and gutter	Valley curbs in front of townhouses and within 10' of the end unit.

**Proposed Standards Exceeding UDO Requirements.**

- Parking at exceeds minimum requirements for townhouses
- Sidewalks on both sides of subdivision streets.
- Clubhouses exceed open space/recreation requirements of Section 7.35
- Class A building materials exceed UDO requirements.

**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:

**Consistency with the Comprehensive Growth Management Plan** – *the development is not consistent with the comprehensive plan. If approved, the Council should acknowledge that the comprehensive plan is hereby amended guiding the property for medium density residential.*

**Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.*

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

**RECOMMENDATION:**

Planning Staff recommends approval of CZ-22-02 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:

Item	R-8/UDO	R-8 CZ
<del>Multi family storage (UDO 7.35.1.3)</del>	<del>24 sq. ft of storage area.</del>	<del>None</del>
Single family minimum lot area (UDO Section 8.3.1)	8,000 sq. ft	6,000 sq. ft.
Single family minimum lot frontage (UDO Section 8.3.1)	70'	50'
Min. front setback for TH and SF (UDO Section 8.3.1):	30 ft	<del>20'</del> <u>25'</u>
Min. side setback SF (UDO Section 8.3.1):	10'	5'
Min. rear setback SF (UDO Section 8.3.1):	25'	15'
Max. building Height for TH and Apartments (UDO Section	35'	<u>&gt;35' for TH and not to exceed 4-stories for apartments.</u>

Building separation for TH and Apartments (UDO Section)	25'-40' depending on heights	20' for TH and <del>Unknown</del> <del>for Apartments.</del>
<del>Min bufferyard requirements (UDO Section 10.14)</del>	<del>varies according to adjacent use</del>	<del>No min. bufferyard requirement.</del>
Min. local street right-of-way width (10.110.9)	60'	<b>50'</b>
Curb and Gutter (Standard Detail 3.02 D)	B-6-12 curb and gutter	Valley curbs in front of townhouses and within 10' of the end unit.

2. That the parking lot entrances be constructed in accordance with the town's standard driveway apron detail.
3. That a tree preservation plan be provided that identifies the trees to be preserved.
4. That the trash and recycling roll-off containers in the single family and townhouses units be screened from the public right-of-way or stored within a garage or the rear yards and enforced by the HOA.
5. That the landscape plan be provided meeting minimum requirements of the UDO Part III and include:

- a. A 3' average height - landscaped berm with decorative fence be provided between Mallard Road and rear property lines where there are double fronted lots.
  - b. A standard street yard or greater shall be along Mallard Road frontage.
  - c. Multi-family apartments shall comply all landscaping and buffering requirements.
  - d. Townhouse (multi-family) shall maintain a Type A buffer or greater from existing single-family detached residential development.
6. A 5' wide public sidewalk shall be provided on the west side of Mallard Road and an 8' wide multi-use trail shall be provided on the east side of Mallard Road. The sidewalks/trails shall be located outside of the ditch within the Mallard Road right-of-way or within a public easement on HOA property adjacent to the Mallard Road right-of-way.
  7. The HOA declarations need to be submitted for review by the Town Attorney prior to final plat.
  8. That architectural standards be drafted and included in the HOA declarations.
  9. That an HOA be responsible for the ownership and maintenance of all common amenities including landscaping and property maintenance for the entire development, the stormwater SCM, parking lots, recreational amenities, and open space, parking enforcement and trash and recycling roll-off storage/screening.
  10. That cul-de-sacs be revised to meet the Town's standard details for cul-de-sacs.
  11. That several additional architectural styles for townhouses be provided of similar quality and character to provide visual interest throughout the development.
  12. That all single-family homes and townhomes have rear decks or patios of at least 120 sq. ft. in size.
  13. Street trees shall be adjacent to the public right-of-way – the master plan should be update accordingly.
  14. That overflow parking be provided within 400' of each townhouse building.
  15. That a hierarchy of streets be provided; where higher traffic streets are wider and short streets and cul-de-sacs be considered for narrower streets.
  16. That traffic calming measures, but not necessarily speed bumps, to slow traffic be incorporated into the subdivision.
  17. Prior to approval of a site plan for any portion of the multi-family site, the submitted draft site plan shall be presented to the Town Council for review and comment.

Mark Lane asked Stephen Wensman why in condition 1 is it marked out?

Stephen Wensman said it was a place holder because it's what the developer wants but I put a strike through it because it's not his recommendation. He thinks there should be storage.

Mark Lane asked what's the least minimum setback the town has ever approved?



Stephen Wensman said 5' inside of East River.

Sloan Stevens asked if the Marshall Road entrance into the back of the subdivision would be a side entrance?

Stephen Wensman said the way it's configured now, it's at the end of one of those long streets coming down and it goes straight to Marshall Rd. If I were going to town that's the way I would go. The design of the road doesn't take you to Mallard Rd, it's taking you to Marshall Rd. The way the project is laid out, it's an East to West type of project. The developer responded to the towns request for lateral connections. They could cut that end of the street off at Mallard Rd.

Stephen Wensman asked if it was the request of the Planning Board to have the end of Mallard Rd and Brogden Rd disconnected? He said a condition could be added at the end of the meeting.

Debbie Howard asked if the developer indicated on each of these things you've just recommended that they were ok with them.

Stephen Wensman said they are not in favor of a wider right-of-way. He wants it to be 50' throughout the development, except were shown wider. Also, the corner lot side setback, they have requested 12.5' and staff is requesting 15'.

Mark Lane asked if staff would agree to the 12.5' corner lot side setback when the plan is brought back for review?

Stephen Wensman said I don't know.

Mark Lane asked if the Planning Board put a condition on it tonight of 15', there's still a possibility it could be changed to 12.5'?

Stephen Wensman said only if the Planning Board and Town Council deem it a minor change.

Molly Stewart of 421 Fayetteville St, Suite 530 spoke on behalf of Morningstar Law Group. The intention of Woodleaf is to provide a compact village like experience, preserving 220 acres of this site which is about 45% of it. In order to accomplish that we have to make that compact village like feel, so the request you saw are all aimed at that goal. A project of this size brings many benefits with it. Once built you'll have property tax revenues from land developed with over 2000 new households. It will also address the need for housing and the economic growth in that area. To address the question about condition 1, multi-family storage, we accept that recommendation and agree to add additional storage. We've talked about that corner lot side setback and we actually are looking for the 15'. Another item I heard a lot about what the street right-of-way width. They are looking that 50' right-of-way width giving it that compact village feel. The street hierarchy does make a lot of sense for larger developments. You might have a commercial street or a true collector street where you'd have that hierarchy in place. We've heard a need for traffic calming and the primary measures taken are to narrow the street. They plan to have a prohibition in their HOA regulations for on street parking. They are

in agreement with the conditions up through 9. In looking at 10, they plan to revise the cul-de-sacs to meet the Town's standard details for cul-de-sac bulb. Conditions 11-13 are all accepted by the developer. Condition 14, that overflow parking be provided within 400' of each townhouse building; they would like to request 500' between townhouse building. In condition 15, they would like to keep to 50' width and not provide a hierarchy of streets. Conditions 16 - 18 they accept. Lastly there was a condition in red that was added that stated prior to approval of a site plan for any portion of the multi-family site, the submitted draft plan shall be presented to the Town Council for review and comment. They did offer the opportunity to bring the site plan back to a public forum in front of Town Council.

Mark Lane asked if that took care of the problems?

Stephen Wensman asked the Planning Board if they were ok with the deviations? He asked how everyone felt about the 27' back-to-back streets throughout and not having a hierarchy of streets? He understands that wider streets create faster traffic but he is also concerned about the level of traffic on those long streets. He suggested they add a condition that there be no parking on the public streets. Then board was in agreement to that condition. Stephen Wensman also asked the board what their thoughts were on the auxiliary parking being 500' away? After some discussion, the board agreed to 500' for auxiliary parking.

Pam Lampe of 415 N. Second Street came forward to speak. She wanted to address the size of the project and the amount of people it would bring to this community. She asked if it would cost anything to existing citizens to the county or town? She feels that it shouldn't including economic/development incentives from our community.

Stephen Wensman said the developer will bare all costs to bring utilities to this site other than staff review time. It's their project, they will build the pump station, water station, any right-of-way they might have to buy and they will bring the sewer lines from the sewer plant.

Pam Lampe stated that she thought the town was out of sewer capacity.

Stephen Wensman said we have capacity in the existing sewer plant, we just don't have capacity in the lines that convey the sewer to the plant. We have been told there is enough capacity for phase 1 and possibly phase 2. By then the new sewer plant will be online freeing up lots of capacity.

Pam Lampe said the existing sewer plant will be decommissioned from what she's been told. Will that have any affect on the new sewer line?

Stephen Wensman said yes, eventually the existing sewer plant will be turned in to a big pump station. It will take all the sewage in the Smithfield lines and reroute the sewage from Pine Level and Selma to the new plant. Our sewage will still go to our plant which at some point will be decommissioned and turned into a big pump station so it will hold and pump everything to the new plant.

Pam Lampe asked if the sewer from this plant will be monitored separately from the county when it flows into the sewer plant? Right now, Smithfield is a plug for all of the other communities, so we have problems with our sewer pipes.

Stephen Wensman said when they get the new plant, all of our sewer goes to the new plant we will then be able to measure what's ours. They will have their own system so it can be measured.

Pam Lampe asked if the developer was paying for the large sewer pump station?

Stephen Wensman said that will be sized to handle the sewer shed and the cost will be handled by the developer.

Pam Lampe asked if the developer would be charged a capacity fee?

Stephen Wensman said they will be charged what every other developer is charged.

Pam Lampe asked if the developer would have to acquire any other property to run the water and sewer lines?

Stephen Wensman said they haven't identified that yet and he isn't sure if they even know yet. The town wouldn't participate in that, the developer would have to buy the easements, whether they are temporary or permanent.

Stephen Wensman stated that we struck one condition about the hierarchy of streets. We've added two new conditions. One is that the developer will disconnect the street to Marshall Drive and two that there will be no on street parking and it will be managed by the HOA.

Mark Lane made a motion to recommend approval of zoning map amendment, CZ-22-02, with 18-conditions finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan as amended and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Ashley Spain. Unanimously approved.

June 7<sup>th</sup> is the next Town Council meeting.

**RZ-22-03 Wood & Warrick:** The applicants are requesting to rezone three parcels of land totaling approximately 42.1 acres from the R-20A (Residential-Agricultural) and B-3 (Business) zoning districts to the LI (Light Industrial) zoning district. The properties considered for rezoning are located on the northeast side of the intersection Barbour Road and US Hwy 70 West Smithfield. The properties are further identified as Johnston County Tax ID# 15079004, 15079004A and 15079006.

Stephen Wensman stated that the applicant is requesting the rezoning to be in conformance with the comprehensive plan and to be prepared to market the property. There are no specific industrial uses yet identified for the property.

**CONSISTENCY STATEMENT (Staff Opinion):**

With approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with 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:

o **Consistency with the Comprehensive Growth Management Plan** the Comprehensive Plan guides the area for Industrial/Employment.

o **Consistency with the Unified Development Code** – the property will be developed in conformance with the UDO.

O **Compatibility with Surrounding Land Uses** - The property considered for rezoning will be compatible with the surrounding land uses which are transitioning to Industrial.

Planning Staff recommends approval of RZ-22-03 with a statement declaring the request 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.

Debbie Howard made a motion to recommend approval of zoning map amendment, RZ-22-03, finding it 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 Mark Lane. Unanimously approved.

**RZ-22-04 TLC Estates, LLC:** The applicant is requesting to rezone .48 acres of land from the R-20A (Residential-Agricultural) zoning district to the R-8 (Residential) zoning district. The property considered for rezoning is located on the east side of Buffalo Road approximately 480 feet south of its intersection with Holland Drive and further identified as Johnston County Tax ID# 14A03004.

Mark Helmer stated that the applicant TLC Estate, LLC is requesting the rezoning of a .47-acre property at 1136 Buffalo Road from R20-A to R-8. The properties are located at 1136 Buffalo Road approximately 500 feet south of the Holland Drive/Buffalo Road intersection. The property is not located within a floodplain. The property is nonconforming as it has 2 homes on 1 property. The house on the south side of the property is nonconforming because the front setback is approximately 10 feet from the public right-of-way. The property is the former location of Harbor House. The property has 2 buildings on it, one that was used for mostly administrative purposes and the other for a domestic abuse shelter. Both structures are habitable from a residential perspective and the property has been vacant for some time. The applicant wishes to rezone the parcel to the R-8 district in order to subdivide into 2 single-family residential lots.

- **Comprehensive Plan.** The comprehensive plan identifies this property for medium density residential. The proposed R-8 zoning is in conformance with the Plan.
  - **Non-Conforming.** The property is non-conforming with 2 houses on a single lot. The southernmost building does not meet front setbacks (10' from right-of-way). The rezoning and subsequent lot split will lessen the non-conformities.
  - **Spot Zoning.** Rezoning of could be considered a spot zoning. Although spot zoning is not illegal, it must be reasonable and in the public interest. Considerations should include:
    - o Physical characteristics that make is more suitable for R-8 (utilities, topography, soils, etc.).
    - o Relationship to comprehensive plan designation.
    - o Is the rezoning in harmony with the legitimate expectations of neighbors.
    - o What is the implication for future development on surrounding parcels?
- The rezoning is consistent with the comprehensive plan. The rezoning is in harmony with the legitimate expectations of the neighbors. The rezoning and subsequent lot split would lessen the nonconforming nature of the property and would result in similarly sized residential lots as exist nearby. There is R-8 zoning in the area and future R-8 zoning and development has been considered in the area surrounding the property.

**CONSISTENCY STATEMENT (Staff Opinion):**

With approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with 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:

- o **Consistency with the Comprehensive Growth Management Plan** -The Comprehensive Plan guides the area for medium density residential.
- o **Consistency with the Unified Development Code** – the subsequent minor subdivision of the property will lessen the nonconforming nature of the property.
- o **Compatibility with Surrounding Land Uses** - The property considered for rezoning will be compatible with the surrounding land uses which are transitioning to medium density residential.

Planning staff recommends approval of RZ-22-04.

Doris Wallace made a motion to recommend approval of zoning map amendment, RZ-22-04, finding it 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 Debbie Howard. Unanimously approved.

Doris Wallace and Sloan Stevens recused themselves from the remainder of the meeting due to the following item being a quasi-judicial case. Both of them are running for Town Council and could hear this case again if voted onto the Council.

Stephen Upton made a motion, seconded by Debbie Howard to approve Doris Wallace and Sloan Stevens to recuse themselves from S-22-03.

**S-22-03 Whitley Towns:** Planning Board reviewed the case

OLD BUSINESS: None

**Adjournment**

Being no further business, Debbie Howard made a motion seconded by Mark Lane to adjourn the meeting. Unanimously approved.

Respectfully Submitted,

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

Julie Edmonds  
Administrative Support Specialist