

**Town of Smithfield  
Planning Board Minutes  
Thursday, July 13th, 2023  
Town Hall Council Chambers  
6:00 PM**

Members Present:

Chairman Mark Lane  
Vice-Chairman Debbie Howard  
Bryan Stanley  
Alisa Bizzell  
Doris Wallace

Members Absent:

Ashley Spain  
Wiley Narron

Staff Present:

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA** Doris Wallace made a motion to approve the agenda; seconded by Bryan Stanley. Unanimously approved

**APPROVAL OF MINUTES for May 4<sup>th</sup>, 2023**

Debbie Howard made a motion to approve the minutes, seconded by Doris Wallace. Unanimously approved.

**NEW BUSINESS**

**RZ-23-01 Johnston County:** Mr. Helmer stated that Johnston County government is requesting to rezone a 49.02-acre tract of land from the R-20A (Residential-Agricultural) zoning district and B-3 (Highway Entrance Business) zoning district to the O/I (Office/Institutional) zoning district. The property considered for rezoning is located on the east and west side of Yelverton Grove Road, approximately 480 feet south of its intersection with US 70 Highway Business East Smithfield and further identified as Johnston County Tax ID# 15L11012.

Mr. Helmer stated that Johnston County is requesting the rezoning for an expansion of its government campus East of I-95. In recent years, the County has constructed the Detention Center and Public Safety Center on the north side of US 70 Business East. The land to be rezoned will be used for government offices, storage buildings and service yards. All are permitted uses within the Office/Institutional zoning district.

Mr. Helmer stated the property to be rezoned is technically split zoned with the area within 500 feet of US Hwy 70 Business being zoned B-3 Highway Entranceway Business. The remainder of

the property is zoned R-20A Residential-Agricultural. The County's application does not reflect this split zoning.

- **Comprehensive Plan.** The comprehensive plan guides the specific property for Rural Residential and Agriculture, however, the plan did guide for expanded Office/Residential uses adjacent and to the north of the subject property. Approval of the zoning map amendment will automatically amend the comprehensive plan.

**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. Staff considers the action to be consistent and reasonable:

- **Consistency with the Comprehensive Growth Management Plan** -*The Comprehensive Plan guides the specific property for Low Density Residential but does guide additional Office/Residential land use in the general area.*
- **Consistency with the Unified Development Code** – *the site will be developed in conformance with the UDO. The proposed governmental uses are permitted uses in the UDO.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses. The rezoning expands upon the County's government campus in the area.*

**RECOMMENDATION:**

Planning Staff recommends approval of RZ-23-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, as amended by the rezoning, and other adopted plans, and that the amendment is reasonable and in the public interest.

Debbie Howard asked Mark Helmer if he had a signed copy of the owner's consent form?

Mr. Helmer said yes that he did.

Brian Leonard, a local surveyor/engineer stated the signed owner's consent was submitted to the Town. The County will be using this property to expand their government uses, specifically it's administrative and service-based facility. There are riparian buffers along the southern and western property boundaries. Any landscaping requirements will help to supplement any of these buffer zones. NCDOT reported there was 1200 vehicles per day on Yelverton Grove Rd in 2021. The County is prepared to provide all required off-site street improvements and or any utility extension or improvements. The County is requesting a straight rezoning to O&I.

Mark Lane asked when the traffic study numbers were completed?

Brian Leonard said a traffic count was conducted in 2021.

Mark Lane said that he lives on Yelverton Grove Rd and when he tries to turn off of that road onto Hwy 70 Business, he easily sits there 6 or 7 minutes before he can go. He said this is an issue now, before this land is even developed. Some type of plan must be put in place to control the traffic.

Brian Leonard agreed, he said something will need to be done. At the very minimum they expect turn lanes to be required by NCDOT. They expect a traffic study to be required once the size and kind of facility has been determined.

Debbie Howard made a motion to recommend approval of zoning map amendment, RZ-23-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan, as hereby amended, and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Bryan Stanley. Unanimously approved

**ZA-23-07 Town of Smithfield:** Mr. Helmer stated that the applicant is requesting an amendment to the Unified Development Ordinances, Article 2 for the creation of a side-walk fee in lieu policy and program.

Mark Helmer stated that staff is requesting the Planning Board recommend approval of the following amendments to the Unified Development Ordinance, Article 2, Section 2.22 to allow payment in lieu of required sidewalk construction with Town Council approval.

The Town requires a 5' wide sidewalk along all commercial frontages when new construction is proposed. Developers and contractors often complain about, "sidewalks to nowhere" because adjacent properties do not have sidewalks. The intent of the requirement is to slowly build a network of sidewalks as sites develop or redevelop, but in some instances, the complaint is valid in that an actual sidewalk network is unlikely to develop or it is so far into the future, the sidewalks do not make practical sense.

This ordinance would allow a fee in lieu of sidewalk construction with Town Council approval on a site-by-site basis when requested. It would base the fee on an engineer's estimate for the actual sidewalk construction and the fee in lieu would be held in separate account to be spent yearly on sidewalks elsewhere in town where they are most needed. The intent would be to use the funds to fill in gaps in existing sidewalk networks and build out from commercial centers as needed. The Town Attorney was sent the amendment for review which is pending.

Mark Lane said that he didn't agree with us requiring sidewalks and now choosing to change it.

Mark Helmer said the projects will still be responsible for sidewalks, however if there is a circumstance where we know they will be destroyed a year from now and rebuilt that would be

why we would need a fee in lieu of the sidewalk construction. It's not relieving the project of their responsibility to build sidewalk but giving the Town more flexibility in where to spend limited sidewalk dollars.

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-23-07 for a fee in lieu of sidewalk construction with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Doris Wallace made a motion to recommend approval of zoning text amendment, ZA-23-07, amending Article 2, Section 2.22, to allow a fee in lieu of sidewalk construction 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 with the condition that

1. language be added requiring the developer to submit multiple estimates
2. Developers be required to show a hardship when requesting to pay a fee-in-lieu of sidewalk construction
3. That a legal review by the Town attorney is favorable.

Seconded by Alisa Bizzell. Unanimously approved.

**Adjournment**

Being no further business, Bryan Stanley made a motion to adjourn; seconded by Debbie Howard.

Unanimously approved

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist