

**Smithfield Planning Board
Minutes
Thursday, December 6, 2007
7:00 P.M., Town Hall, Council Room**

Members Present:

Max Gardner
Eddie Foy
Suzanne Carter
Mike Gibbons
Harold Mitchell
Daniel Sanders
Ed Self
Stephen Upton

Members Absent:

Staff Present:

Mark Helmer
Latanya Merritt

Chairman Gardner opened the public meeting followed by the Invocation and the Pledge of Allegiance.

APPROVAL OF MINUTES FROM NOVEMBER 1, 2007.

Mr. Foy made a motion, seconded by Mr. Upton, to approve the minutes as amended. The vote was unanimous.

All persons wishing to speak were duly sworn.

RZ-07-12 Waiel Mohamad: Mr. Helmer sated the applicant is requesting to rezone two tracts of land totaling approximately .37 acres from B-2 (Business) zoning district to B-1 (Business) zoning district. The properties are located on East Market Street approximately 180 feet northwest of its intersection with Bright Leaf Boulevard. The properties are further identified as NCPIN# 169419-60-3725 and 169419-60-2758.

Mr. Helmer asked the Planning Board to review the petition and make a recommendation to Town Council for a rezoning classification.

Mr. Foy asked if the private residence presently occupied.

Mr. Helmer stated no.

Mr. Foy asked if Mr. Mohamad owned the property.

Mr. Helmer stated yes.

Chairman Gardner opened the public hearing.

Being no comment, Chairman Gardner closed the public hearing.

Mrs. Carter made a motion, seconded by Mr. Foy to recommend approval of the rezoning petition. The vote was unanimous.

Chairman Gardner stated the case would go before Town Council on January 8, 2008.

RZ-07-13 Edward Stephenson: Mr. Helmer stated the applicant is requesting to rezone one tract of land totaling approximately 8.22 acres from R20-A (Residential-Agricultural) zoning district to OI (Office and Institution) zoning district. The property is land locked and located approximately 1900 feet northeast of the intersection of Booker Dairy Road and Buffalo Road. The property is further identified as NCPIN# 260405-09-3860.

Mr. Helmer asked the Planning Board to review the petition and make a recommendation to Town Council for a rezoning classification.

Chairman Gardner asked if the property abutted the R-10 zoning district and O&I zoning district.

Mr. Helmer stated yes.

Mr. Foy asked what are the permitted uses in an O&I zoning district.

Mr. Helmer stated O&I zoning districts normally do not have retail type uses. Doctor offices, schools, parks, and/or any type of commercial office uses are permitted in O&I zoning districts.

Mr. Helmer stated generally, O&I is a non-retail, and non-residential zoning district.

Chairman Gardner opened the public hearing.

Mr. Linwood Byrd a representative of Byrd Surveying, P.A., being duly sworn, stated he was the surveying engineer for Mr. Edward Stephenson.

Mr. Byrd stated the property is an isolated landlocked piece of property with the majority of the property being wetland. They would like to include the wetland as part of the subdivision and let it be reserved as open space.

Being no other comment, Chairman Gardner closed the public hearing.

Mrs. Carter made a motion, seconded by Mr. Upton to recommend approval of the rezoning petition. The vote was unanimous.

Chairman Gardner stated the case would go before Town Council on January 8, 2008.

Chairman Gardner asked if case ANX-07-05 Edward Stephenson, and case S-07-01 Briar Harbour Professional Park under New Business would be discussed simultaneously.

Mr. Helmer sated yes.

ANX-07-05 Edward Stephenson: Mr. Helmer stated the property owner is requesting voluntary contiguous annexation of 3 parcels of land totaling approximately 47.16 acres. The properties are located on Booker Dairy Road approximately 2000 feet east of its intersection with Buffalo Road. The properties are further identified as NCPIN# 260405-09-3860, 260405-09-7440 and 260405-19-1433.

Mr. Helmer stated planning staff analysis has found the proposal meets the criteria for voluntary contiguous annexation by virtue of having 650 feet of frontage along Booker Dairy Road, which is the Town of Smithfield existing corporate limit.

Mr. Helmer asked the Planning Board to review the petition and make a recommendation to the Town Council for a voluntary contiguous annexation.

S-07-01 Briar Harbor Professional Park: Mr. Helmer stated the applicant is requesting preliminary approval to subdivide 3 existing lots totaling approximately 46.64 acres into 21 lots. The proposed subdivision will be located on Booker Dairy Road approximately 2000 feet east of its intersection with Buffalo Road. The properties are further identified as NCPIN# 260405-09-3860, 260405-09-7440 and 260405-19-1433.

Mr. Helmer stated the proposed subdivision would create 21 buildable lots and one lot to be used as open space.

Mr. Helmer stated the Planning Department recommends approval with the condition that the plan show sidewalks on one side of the street, which is required by the Town of Smithfield subdivision regulations.

Mr. Helmer stated that NCDOT has a plan to widen and construct sidewalks through that corridor.

Mr. Helmer asked the Planning Board to review the petition and make a recommendation to Town Council for preliminary subdivision approval.

Chairman Gardner opened the public hearing.

Mr. Linwood Byrd a representative of Byrd Surveying, P.A., being duly sworn, stated they had contacted NCDOT, and from their understanding, NCDOT would need a 70-foot strip when they go through this corridor.

Mr. Byrd stated from talking to Mr. Embler and Mr. Helmer, they have not received any definitive information from NCDOT saying that they require a definite 70ft strip, 65ft strip, or 60ft strip.

Mr. Byrd stated he would like to request from the Board, whatever the required amount is, if it is less than 70ft. he did not want Mr. Stephenson to give or dedicate at this time 70-ft if in fact NCDOT only needs 60-ft. They would like some flexibility.

Mr. Byrd stated since the submission of the application for the subdivision, there is a name change, the spelling of harbor is being changed to Harbour.

Mr. Foy asked where in writing is the applicant being asked to dedicate a 70-foot strip.

Mr. Helmer stated that he spoke with Mr. Embler about the reserved strip before the meeting. Mr. Helmer stated the problem with reservation is that it is time limited. If the Booker Dairy bypass is postponed, the property reserved could revert back and be built upon.

Mr. Helmer stated that they are fairly certain that this corridor will be developed out and it would be irresponsible on our part to put these subdivisions and site plans on property we know would be condemned.

Mr. Helmer stated that given the fact that this is a subdivision of land on a corridor that will be widened, the development should pay for the required improvements through dedication and not reservation. Requirements for construction of turn lanes can also be considered by NCDOT.

Mr. Byrd stated that did not think that his client should not have to give his land to NCDOT, when NCDOT paid the Church down the street for their strip of land.

Mr. Stephenson, being duly sworn, stated NCDOT started buying right-of-ways five year ago.

Mr. Stephenson stated since the church was paid by NCDOT for their land, he should also be paid and not be asked to dedicate his land to NCDOT.

Mr. Helmer stated that subdivisions trigger right-of-way dedication and improvements on corridors with known roadway improvement plans. However, any required dedication and improvements would be a condition of NCDOT driveway permit.

Chairman Gardner closed the public hearing.

Mr. Foy made a motion, seconded by Mrs. Carter to recommend approval of the voluntary contiguous annexation. The vote was unanimous.

Mr. Foy made a motion, seconded by Upton to recommend approval of the subdivision, subject to NCDOT's driveway approval. The vote was unanimous.

Chairman Gardner stated that both cases would go before Town Council on January 8, 2008.

RZ-07-14 True Line Surveying: Mr. Helmer stated the applicant is requesting to rezone one tract of land totaling approximately 68.33 acres from R-20A (Residential-Agricultural) zoning district to R-8 (Residential) zoning district. The property is located on Buffalo Road approximately 750 feet northeast of its intersection with Booker Dairy Road. The property is further identified as NCPIN# 169520-80-4526.

Mr. Helmer asked the Planning Board to review the petition and make a recommendation to Town Council for a rezoning classification.

Chairman Gardner opened the public hearing.

Mr. Jamie Strickland, being duly sworn, stated the property needed to be zoned R-8, because the R-8 zoning district will allow a greater density more appropriate for projects with city sewer.

Mr. Gibbons asked if the town had adequate sewer capacity to support the increase density.

Mr. Helmer stated yes.

Chairman Gardner closed the public hearing.

Mrs. Carter made a motion, seconded by Mr. Upton to recommend approval of the rezoning from R-20A zoning district to R-8 zoning district. The vote was unanimous.

Chairman Gardner stated that the case would go before Town Council on January 8, 2008.

SUP-07-19 True Line Surveying: Mr. Helmer stated the applicant is requesting a special use permit and PUD (Planned Unit Development) approval on property within an R-8 (Residential) zoning district. The property is located on Buffalo Road approximately 750 feet northeast of its intersection with Booker Dairy Road. The property is further identified as NCPIN# 169520-80-4526.

Mr. Helmer stated that the conditions by staff were:

- Corner lots in the townhome component shall meet the minimum setback requirements.
- Sidewalks shall be provided in the townhome component.
- Sidewalks shall be provided along Buffalo Road according to Town Policy.
- No lots will be allowed to access Buffalo Road directly.

Mr. Helmer stated that the Planning Board is requested to review the petition and make a recommendation to Town Council for a special use permit for a planned unit development.

Mr. Foy asked if sidewalks would be on both sides of the road.

Mr. Helmer stated yes.

Mr. Mitchell asked if there would be any type of berm.

Mr. Helmer stated that a landscape plan is being requested from the developer, and that a landscaped berm is one option the developer could consider to meet screening requirements.

Mr. Helmer stated that the plan is showing 15 feet being dedicated on both sides of Buffalo Road.

Chairman Gardner opened the public hearing.

Mr. Mike Giddens, being duly sworn stated that the townhomes would be 1,300 square feet to 1,500 square feet. The price would be \$150,000 to approximately 185,000.

Mr. Giddens stated there would be three different sizes of lots and houses. The single-family homes would start at 1,300 to 1,600 square feet, the multi-family would start at 1,800 to 2,400 square feet and the estate lots on the river would be half million dollars and up.

Mr. Giddens stated that this subdivision is partnering with the town and the aquatic center. Being the largest contributor to the center and having donated monies to the center, it will be named the River Bluffs Aquatic Center.

Mrs. Carter stated that her main concern was being around a school area.

Mr. Giddens stated there should not be any problems because NCDOT is requiring that a turning lane be provided for the subdivision entrances.

Chairman Gardner closed the public hearing.

After reviewing the Findings of Fact:

- (a) All applicable specific conditions pertaining to the proposed use have been or will be satisfied; *member stated yes*
- (b) Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency; *members stated yes.*
- (c) Off-street parking, loading, refuse and other service areas are located so as to be safe, convenient, allow for access in case of emergency and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood; *members stated not applicable.*
- (d) Utilities, schools, fire, police and other necessary public and private facilities and other services will be adequate to handle the proposed use; *members stated yes.*
- (e) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; *members stated yes.*
- (f) The type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood; *members stated yes.*

Mr. Gibbons made a motion, seconded by Mr. Foy, to recommend approval for a special use permit. The vote was unanimous

Chairman Gardner stated that both cases would go before Town Council on January 8, 2008.

Old Business.

There was none.

New Business.

S-07-01 Briar Harbor Professional Park: Discussed simultaneously with case ANX-07-05 Edward Stephenson.

Adjournment.

Mrs. Carter made a motion, seconded by Mr. Mitchell to adjourn. The vote was unanimous.