

DRAFT
Smithfield Planning Board Minutes
Thursday, March 5, 2015
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner
Mark Lane
Jack Matthews
Ashley Spain
Teresa Daughtry

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM FEBRUARY 5, 2015.

Stephen Upton made a motion, seconded by Jack Matthews to approve the minutes as written. Unanimous.

Public Hearings:

After all persons giving testimony were duly sworn, Mr. Foy opened the public hearing.

RZ-15-02 Larry Denning:

Mr. Helmer stated the applicant is requesting to rezone approximately 9.51 acres of land from the R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the south of NC 210 Highway approximately 1,200 feet west of its intersection with Skyland Drive. The property is further identified as Johnston County Tax ID# 15076012A.

Mr. Helmer stated the southernmost portion of property contains environmentally sensitive areas to include wetlands, floodplains and a small lake. Any future development proposal will be encouraged to limit encroachment into these areas and will be required to document riparian buffers, provide storm water facilities and elevate structures if they are located within the 100 year flood plain.

Mr. Helmer stated the property considered for rezoning is currently being used for agricultural endeavors. Rezoning the property to B-3 (Business) will allow for all permitted uses within the B-3 (Business) zoning district to be considered for future approval to include multifamily

housing complexes, retailer strip centers and convenience stores with fuel. The proposed rezoning to the B-3 (Business) zoning district is consistent with the Strategic Growth Plan which recommends the property be zoned for high density residential development and office and institutional land uses. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance (UDO) provided that all proposed future land uses construct the minimum required parking and meet ADA accessibility standards. Any use requiring outdoor storage will require conditional use permit approval by Town Council. The property considered for rezoning is located on a minor corridor entering the Town from the west and is in close proximity to other like zoning districts. Rezoning this property from residential to a commercial district will not create any compatibility issues with the adjacent commercial uses. The Town will provide fire protection as well as water/sewer services. Duke Energy Progress will provide electric.

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately 9.51 acres of land located on the south side of NC Highway 210 from the R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district.

Mr. Foy asked if anyone wanted to speak for or against the proposed rezoning.

Teresa Daughtry asked how surrounding properties are zoned and remembered reviewing an apartment complex a few years back.

Mark Helmer stated the property immediately to the east is zoned B-3, property to the north is zoned R-8 and property to the west is zoned R-20A.

Stephen Upton asked how many units were included in Phase 1.

Mr. Helmer stated that a conditional use permit for a 72 unit multi-family housing project was issued by Town Council on May 7th of 2013.

Teresa Daughtry asked if any future phase of this project would require interconnectivity to the existing approved phase.

Mr. Helmer stated it remains to be seen how the phasing will work out but, staff will undoubtedly require interconnectivity particularly if required active and passive recreational spaces or storm water facilities are shared between the two phases.

Daniel Sanders asked if a traffic impact study will be required.

Mr. Helmer stated that a traffic study may be triggered at site plan approval phase but it is unlikely given the scale of phase 1.

Mr. Foy asked if there has been any opposition concerning the proposed rezoning.

Mr. Helmer stated that he was not aware of any and noted no opposition present at the hearing.

Mr. Foy closed the public meeting for RZ-15-02.

In connection with a legislative decision for a rezoning request, the Planning Board may consider certain approval criteria. Planning staff generally accepts these findings as fact as part of the complete application submitted by the petitioner.

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application.

The Council has the responsibility to determine if the zoning map amendment is warranted. The Town Council of the Town of Smithfield shall decide the matter of this rezoning application by motion and vote on each of the following eight findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

1. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

The rezoning request from the Residential-Agricultural to the Business zoning district meets all the Town's plans and policies and will blend in well with the adjacent land uses. The Comprehensive Land Use Plan directly indicates the subject property is best suited for high density residential and office/institutional land uses. ***All members stated true.***

2. *The rezoning petition is compatible with established neighborhood patterns of the surrounding area:*

The rezoning request is compatible with established neighborhood patterns which includes a commercial zoning district immediately east of and adjacent to the subject property. Existing high density residential and commercial properties and uses are approximately 1,200 feet east of the subject property. ***All members stated true.***

3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*

The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because the demand for multifamily housing and senior living facilities is creating a need for additional zoning districts that can support such uses. ***All members stated true.***

4. *The rezoning request is in the community interest:*

The rezoning will allow for additional commercial zoning districts that can support high density residential and associated commercial land uses. The development that will occur from the rezoning will increase the tax base as an additional benefit. ***All members stated true.***

5. *The request does not constitute "Spot Zoning":*

Since adjacent nearby properties are presently zoned B-3 (Business) then it is unlikely an argument could be made for "spot zoning" or "small scale" zoning. ***All members stated true.***

6. *Present regulations deny or restrict the economic use of the property:*

The property is currently zoned R-20A (Residential-Agricultural). High density residential and commercial uses such as those permitted in the B-3 (Residential-Agricultural) zoning district cannot occur unless the property is rezoned. ***All members stated true.***

7. *The availability of public services allows consideration of this rezoning request:*

In addition to public water and sewer being available to the site, the property is served by Duke Power with electricity CenturyLink and Time Warner also serve the area with phone and cable respectively. ***All members stated true.***

8. *Physical characteristics of the site prohibit development under present regulations:*

Much of the property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.) on the portion closest to NC 210 Highway.

Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;

Stephen Upton made a motion, seconded by Teresa Daughtry to recommend approval to rezone approximately 9.51 acres of land from an R-20 (Residential-Agricultural) to a B-3 (Business) zoning district with the conditions included in the finding of facts.

Old Business:

No report.

New Business:

No report.

Stephen Upton made a motion to adjourn, seconded by Jack Matthews. Unanimous.

Submitted this 5th day of March, 2015.

Veronica Hardaway
Administrative Support Specialist
Planning Department