

DRAFT
Smithfield Planning Board Minutes
Thursday, October 1, 2015
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner (Alt)
Mark Lane
Jack Matthews
Teresa Daughtry

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM SEPTEMBER, 2015.

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

Chairman Foy identified Gerald Joyner as a nonvoting member of the Board due to no absences. Chairman Foy encouraged Mr. Joyner to participate in the proceedings despite not having a formal vote.

Public Hearings:

After all persons giving testimony were duly sworn.

RZ-15-05 Steven H. Gower:

Mr. Foy opened the public hearing.

Mr. Helmer stated the applicant is requesting to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the east side of US 70 Highway Business West approximately 220 feet north of its intersection with Cloverdale Drive. The property is further identified as Johnston County Tax ID# 17J08004.

Mr. Helmer stated the property considered for a rezoning contains environmentally sensitive areas to include wetlands and the Little Poplar Creek floodplain. The property is also located

within the watershed protected area of the Town of Smithfield. Any further development proposal will be encouraged to limit encroachment into these areas and to maintain a maximum built upon area of 24% or less.

Mr. Helmer stated the property proposed for rezoning is currently being used for agricultural endeavors. The property contains 1 residential structure and 2 accessory structures which are located on the northeast side of the property. The eastern most property boundary is the approximate centerline of Little Poplar Creek. The 110 lot residential subdivision of Whitley Height is adjacent to and south of the property considered for rezoning. The 62 lot residential subdivision of Wedgewood is not adjacent to the property proposed for rezoning but is in close proximity and located to northeast and just across Little Poplar Creek. Adjacent to and north of the property considered for rezoning is an existing LI (Light Industrial) zoning district which is approximately 45 acres in area. Existing tenants include North American Van Lines located in a 70 thousand square foot facility and Technion Studio located in a 55 square foot facility. Other Light Industrial parks in the area include an unnamed facility that is the home of OPW Containment and Airport Industrial Park located off Swift Creek Road and adjacent to the airport. All of these facilities are located within the Town of Smithfield Planning and Zoning Jurisdiction.

Mr. Helmer stated the proposed rezoning to the LI (Light Industrial) zoning district is not consistent with the Strategic Growth Plan which recommends the property be zoned for low density residential development. However the property adjacent to an existing LI zoning district and the proposed rezoning is a logical extension of this district. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance (UDO) provided that all proposed future land uses and developments are constructed in accordance with minimum development standards. The property considered for a rezoning is located on a major corridor entering the Town from the west and is in close proximity to other like zoning districts. Rezoning this property from residential to a Light Industrial zoning district will not create any compatibility issues with the adjacent residential uses to the south provided that adequate buffers are installed as part of any future land use plan or subdivision. The Town of Smithfield will provide water and sewer, Duke Energy Progress will provide electric.

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately 47.78 acres of land from an R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district.

The Planning Board is requested to review the petition to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district and make a recommendation to Town Council based on the approval criteria for a rezoning.

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

Mr. Helmer stated the proposed project is part of a proposed certified Industrial site being assembled by Johnston County Economic Development Department. The applicant has been

contacted but is not present. Mr. Helmer requested that the Board hear the case despite the applicant not being present.

Daniel Sanders asked if the proposed rezoning was the strip of land between Swift Creek Road and Cloverdale.

Mr. Helmer stated the property is approximately 220 feet north of Cloverdale Drive.

Mr. Foy asked if there was any opposition.

Mr. Helmer stated he was not aware of any opposition.

Daniel Sanders asked how this project would affect the two churches near the property.

Mr. Helmer stated the churches were not notified of the project as they are not immediately adjacent properties.

Mark Lane asked how this property would be compatible to established neighborhood patterns.

Mr. Helmer stated that rezoning the property would not create conflicts providing that any use creating noise, dust, odor, and glare would only be permitted by Town Council as conditional use. The property will also be buffered from the adjacent residential subdivision and will not be accessible from Cloverdale Drive. Mr. Helmer also stated that there are two existing Industrial parks nearby and the current proposal is an expansion of an existing light industrial zoning district.

Teresa Daughtry asked if the applicant owned the large warehouse in that area.

Mr. Helmer stated the applicant does not.

Mark Lane asked if giving up residential land is a good decision.

Mr. Helmer stated the area is appropriate for this project and a residential development may not be the most appropriate use given the property is in such close proximity to the airport.

Mr. Helmer stated that if there is any future interest in a residential project on the subject property, the property could be rezoned back to an appropriate residential zoning district.

Teresa Daughtry asked if there would be any cost to the Town.

Mr. Helmer stated this land is not within the corporate limits and I'm not aware of any cost to the Town.

Mr. Foy stated he was aware it is not required for applicants to be present during the public hearings, however there are questions that need to be answered and would think someone would be representing this project.

Teresa Daughtry stated her concerns about the applicant not being present. She stated that the Board and possibly the neighboring property owners would have questions that only the applicant can answer. Teresa Daughtry stated that given the quasi-judicial nature of the case, she did not feel comfortable giving a recommendation until the applicant or his agent is present for examination.

Lois Cannon, 303 Pelham St. Selma, stated she is the executor of her mother's estate and 108 Cloverdale Drive was left to her and her siblings. She asked how this project would affect the property given that many manufacturing facilities use hazardous materials.

Mr. Helmer stated in LI (Light Industrial) zoning district, heavy chemicals are not used and toxic waste is generally not created. Mr. Helmer also stated the Smithfield Town Council will have approving authority for any future use involving bulk storage of chemicals or fuels.

Lois Cannon asked if the proposed zoning would affect property value in the area.

Mr. Helmer stated that any future manufacturing facility would be required to buffer itself from adjacent land uses.

Daniel Sanders asked if the applicant would have to come back if any changes are made.

Mr. Helmer stated that any future land use requiring a conditional use permit would also require a review and recommendation from the Planning Board.

Teresa Daughtry asked what the protocol is if the applicant isn't present.

Mr. Helmer stated that zoning regulations do not require the applicant to be present however; it is helpful if the applicant is present and all but impossible for any opposition to cross examine if the applicant is not present.

Jack Matthews stated his concerns about the applicant being absent from the proceeding and stated he had questions for the applicant.

Mr. Helmer stated the owner does not live in the area.

Mark Lane stated Chris Johnson should be present as the owner's agent.

Teresa Daughtry made a motion, seconded by Jack Matthews to table RZ-15-05 and continue the public hearing at the next regularly scheduled November meeting. Unanimous.

ZA-15-03 Ross W. Lampe:

Mr. Foy opened the public hearing.

Mr. Helmer stated the Mr. Lampe is requesting to amend the Town of Smithfield Unified Development Ordinance, Article 10, Section 10-1, Table of Permitted/Conditional Use Districts to allow for Contractor Vehicle Storage yards as a conditional use within the B-3 (Highway Entrance Business) zoning district.

Mr. Helmer stated the applicant is requesting that storage yards be permitted by conditional use in the B-3 (Entrance Highway Business) and B-2 (Business) zoning districts and permitted by right in the HI (Heavy Industrial) zoning district and be limited to contractor storage yards, insurance claim yards for vehicles and holding yards for repossessed vehicles. Storage yards shall be for the purpose of storage only and shall not be used for construction, demolition, salvage, repair, maintenance or any activities other than storage.

In addition to the above, storage yards shall be held to the following minimum development standards.

1. Storage yards shall be limited to a maximum size of 3 acres not including the access drive.
2. Storage yards shall be located at least 300 feet from the public street right of way.
3. Storage yards shall be accessed by a minimum 24 foot wide drive. The first 75 feet of the drive from the public street shall be paved to Town standards; the remainder of the drive and the storage yard can either be paved or graveled to Town standards.
4. Any individual vehicles shall not remain more than 180 days in either an insurance claim yard for vehicles or a holding yard for repossessed vehicles.
5. All storage yards shall be enclosed in a minimum 6 foot high galvanized schedule 40 chain link fence with 9 gauge fabric, two strains of barbed wire and lockable gates.
6. The fenced perimeter of the storage yard shall be screened from public view by an opaque evergreen vegetative screen that will reach a mature maintained height of at least 6 feet within three years of planting. This opaque evergreen vegetative screen shall be in addition to the normal landscape requirements set forth in the Article 18 of the UDO.

The Planning Board is requested to review the petition, conduct a public hearing and make a recommendation to Town Council for a zoning text amendment to allow for contractor storage yards, insurance claim yards for vehicles and holding yards for repossessed vehicles on unpaved lots within the B-3 (Entrance Highway Business) and B-2 (Business) and HI (Heavy Industrial) zoning districts.

Mr. Foy asked if anyone wanted to speak for or against the proposed zoning ordinance amendment.

Teresa Daughtry asked if the UDO is changed, will it be changed just for this property.

Mr. Helmer stated that if the proposed ordinance amendment is adopted, any project meeting the new minimum standard could take advantage of the new ordinance.

Teresa Daughtry stated the Board has been here before. She stated the board had expressed its concerns in the past about certain projects not meeting minimum standards. I feel this zoning amendment is the same thing that was proposed to us before only a different approach is being taken this time around. We're trying to change some of the businesses practices that created problems along our corridors in the past. Lowering development standards for these businesses will not make anything better.

Ross Lampe stated the problem arose last year when a prospective tenant wanted to store repossessed cars and the Town Ordinance required for it to be paved and landscaped just as if it were right off the main road. Mark has helped draw up a proposal for the project to be more than 300 feet from the street so it wouldn't have to be paved. There is no tenant available nor is there one in mind to rent. The property would be available in case someone wanted it. Basically the only difference from last year to this year is it doesn't have to be paved now.

Mr. Foy asked Mr. Helmer if this is just a simple vote to recommend or not recommend.

Mr. Helmer stated that is correct.

Daniel Sanders stated his concerns saying that once the ordinance is changed, anyone meeting the new standard can come to the Board and say I want to store junked and crashed cars on a gravel lot.

Stephen Upton stated his concerns saying that if you have a storage yard full of cars meeting the size requirement and another request comes in next door then the total affect is amplified.

Mr. Helmer stated prior to the UDO adoption in 2008, a lot of people were trying to get around the requirements to build a proper parking lots by stating storage of cars and even display of cars for sale was not considered as parking and was not required to meet parking standards. When the UDO was adopted, a definition of parking was adopted that read any space used for storage of a vehicle was considered parking and had to meet the minimum published standards for parking. Mr. Helmer stated the downside to this is that a bona fide junk yard is going to have a difficult time getting permitted without adopting an ordinance for junked, crashed or salvaged car yards.

Mr. Lampe stated the significant thing here is stated in the first paragraph of the last sentence. "Storage yards shall be for the purpose of storage only and shall not be used for construction, demolition, salvage, repair, maintenance or any activities other than storage".

Daniel Sanders stated if this proposal is adopted, the Board could potentially be changing things back to allow for gravel storage yards full of cars.

Teresa Daughtry stated if this ordinance is adopted, we'll have someone in here all the time wanting to do this.

Mark Lane stated he had concerns about the changing of the ordinance. Mark Lane asked Mr. Helmer if there has ever been another case similar to this.

Mr. Helmer stated that zoning text amendments are common and perfecting regulations is an ongoing task. However, the lowering of a standard as fundamental as parking is seldom seen.

Stephen Upton stated if the zoning amendment was adopted, the applicant would still have to come back and at that time additional conditions could be placed on the project.

Mr. Foy if there were any other questions or comments. There were none.

Mr. Foy closed the public meeting for ZA-15-03.

Teresa Daughtry made a motion, seconded by Jack Matthews to recommend denial requesting to amend the Town of Smithfield Unified Development Ordinance, Article 10, Section 10-1, Table of Permitted/Conditional Use Districts to allow for Contractor Vehicle Storage Yards as a conditional use within the B-3 (Highway Entrance Business) zoning district. **For Denial; Teresa Daughtry, Daniel Sanders, Ashley Spain, Mark Lane, Jack Matthews. Opposed; Stephen Upton, Eddie Foy. Motion passed 5-2.**

Old Business:

No report.

New Business:

No report.

Stephen Upton made a motion to adjourn, seconded by Daniel Sanders. Unanimous.

Submitted this 1st day of October, 2015.

Veronica Hardaway
Administrative Support Specialist
Planning Department