

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

Members Present:

Vice-Chairman Stephen Upton
Daniel Sanders
Mark Lane
Jack Matthews
Teresa Daughtry

Members Absent:

Eddie Foy
Ashley Spain
Gerald Joyner (Alt.)

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM OCTOBER, 2015.

Teresa Daughtry made a motion, seconded by Mark Lane to approve the minutes as written. Unanimous.

Public Hearings:

After all persons giving testimony were duly sworn, Stephen Upton opened the public hearing.

RZ-15-05 Steven H. Gower:

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 are 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 some of the permitted uses that can be considered for future approval if the property is rezoned to the LI (Light Industrial) zoning district would include:

- Building Materials Sales and Storage
- Clothing and Finished Fabric Products, Manufacture of
- Contractors, Building (with Storage)
- Contractors, Equipment
- Contractors, Heavy Construction
- Contractors, Special Trades (No Storage)
- Clothing and Finished Fabric Products, Manufacture of
- Electric Motor Repair
- Fuel and Ice Dealers
- Gas Companies with Propane/Bulk Storage
- Industrial Uses not having an injurious effect on the Town and not otherwise listed/identified
- Light Manufacturing uses involving fewer than 35 employees and not otherwise listed/identified
- Industrial Research offices and laboratories

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.

Stephen Upton asked if anyone wanted to speak for or against the proposed rezoning.

After all persons giving testimony were duly sworn, Stephen Upton continued the public hearing.

Mr. Helmer gave his presentation of RZ-15-05, Steven A. Gower that was originally given on October 1, 2015 and offered answers to any questions the Smithfield Planning Board may have.

Stephen Upton asked if anyone wanted to speak for or against the proposed rezoning.

Stephen Upton reminded the board that this hearing is only considering the rezoning of the subject property and possible uses permitted in the requested district and that no site specific development plan is being considered for approval at this time.

Mark Lane asked how a site specific development would be approved and whether the Planning Board would conduct a separate hearing.

Mr. Helmer stated there is a list of permitted uses within the LI (Light Industrial) with some uses being a use by right and approved by staff and others being permitted by conditional use. Those uses approved by CUP process would require a recommendation by Planning Board and approved by Town Council. Mr. Helmer also stated that major subdivisions, which are those requiring extension of public infrastructure, require Town Council approval.

Mark Lane asked if buffer requirement would be triggered adjacent to the existing residential development to the south.

Mr. Helmer stated that buffers would be required as part of any future proposed site development plan.

Daniel Sanders asked if Cloverdale Drive would be impacted.

Mr. Helmer stated Cloverdale Drive runs east, west and has direct access to US Business Hwy 70 and that any future industrial use would not have access to Cloverdale Drive which is a residential street within residentially zoned development.

Teresa Daughtry stated that the front portion of the property is currently zoned B-3 Business.

Mr. Helmer stated that with LI (Light Industrial) zoning district comes the added benefit of getting manufacturing and job creating business located on the property.

Chris Johnson, 3149 Swift Creek Rd, who is the Johnston County Economic Developer, apologized that he was not present at last month's meeting. He was aware of the application but was not aware of the date of the meeting until the day after. He apologized to any of the citizens that showed up and for everyone's time. He stated he wanted to make sure we don't put the cart before the horse on what is going on. There's no project, there's no industry, there's no anything looking at this site right now. What economic development is trying to do is make Johnston County more attractive just like the pharmaceutical project. He stated his office was fortunate to win a site application grant. With this grant a 75 acre tract of land was needed. Unfortunately, there wasn't anything in Johnston County that fit that criteria of having highway infrastructure in place except with this tract of land in conjunction with area businesses and will be marketing for the whole entire tract. Obviously, different drawings such as subdivisions and a large facility have been looked at but just want to make sure he is not over selling what is trying to be done. He believes this board has already approved another certified site on Brogden Road. He stated that what happens when you make application with the state there's a list of criteria that needs to be met and having the property rezoned is one of those items. With all of that being said, he would be more than happy to answer any questions the board may have.

Stephen Upton stated that was a nice presentation and he is aware that site specific plans are not in place but, the board must consider the impacts of all permitted uses of the light industrial zoning district and the impacts they may have on the residential zoned property to the south.

Lois Cannon, 303 Pelham St Selma, stated Doris Cannon was her mother and that her only concern was she has to sell her mother's house on Cloverdale Drive and was asking if the property value would decrease.

Stephen Upton responded that it was hard to say as to what may come, right now the applicant is just rezoning and that any future land use would be required to minimize negative impacts through proper site design.

Ms. Cannon agreed.

Chris Johnson stated that a certification only lasts two years. If someone comes that wants to build a residential development during that time, the property owner can take advantage of any viable proposal.

Mark Lane asked Chris Johnson what happens after two years.

Chris Johnson responded that economic development would have to reapply after two years.

Teresa Daughtry asked how long the industrial certification would take after Town Council approval.

Chris Johnson stated the State Department of Commerce meets quarterly and it depends on when economic development is on the rotation of when their full board meets. Chris stated he thinks they will meet some time in December but not sure. The great thing about this project is Duke Energy is paying for half of the site certification.

Teresa Daughtry asked if the price is set in stone.

Chris Johnson responded the option to purchase is set so the price can't go any higher but it can always be negotiated down. The price of the land is \$50,000 per acre.

Teresa Daughtry asked if the land can tap into the natural gas line.

Chris Johnson stated there's a line in the back but they will not be able to do that off the back. But there is a natural gas line that comes down to the stop light. He stated he's not sure if the natural gas feeds into the neighborhood but obviously that's something that would benefit the neighbors with the extension of that gas line especially Cloverdale Drive.

Teresa Daughtry asked if this would be something they could obtain in the future.

Chris Johnson stated feeder lines for natural gas are pretty easy to tap into. There were no further questions.

Steve Upton closed the public hearing

Stephen Upton made a motion, seconded by Jack Matthews, to move to the Finding of Fact. Unanimous.

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 governing body has the responsibility to determine if the zoning map amendment is warranted. The Planning Board shall recommend and 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.

The Smithfield Planning Board unanimously made the following finding:

1. That the rezoning request from the B-3 (Highway Entrance Business) to the LI (light Industrial) zoning district generally meets all the Town's plans and policies and will blend in well with the

adjacent land uses provided that required buffering is installed on the north side of property adjacent to the residential project.

2. That the rezoning request is compatible with established neighborhood patterns which includes a commercial zoning district to the south and to the west of the subject property. An existing light industrial zoning district is directly to the east of the subject property.

3. That the rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because a demand for manufacturing facilities is creating a need for additional zoning districts that can support such uses.

4. That the rezoning will allow for an additional industrial zoning district that can support manufacturing jobs while rehabilitating and underdeveloped and underutilized property located on a major commercial corridor. The redevelopment that will occur from the rezoning will increase the tax base as an additional benefit.

5. That since adjacent nearby properties are presently zoned light Industrial (Light Industrial) then it is unlikely an argument could be made for "spot zoning" or "small scale" zoning.

6. That the property is currently zoned B-3 (Highway Entrance Business). Manufacturing uses and the jobs they may bring cannot occur unless the property is rezoned to the LI (Light Industrial) zoning district and the current zoning district is too restrictive.

7. That in addition to public water and sewer being available to the site, the property is served by Duke Progress with electricity. CenturyLink and Time Warner also serve the area with phone and cable respectively.

8. That 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.).

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;

Teresa Daughtry made a motion, seconded by Daniel Sanders to recommend approval 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. 5-2 vote passes.

Old Business:

No report.

New Business:

No Report

Teresa Daughtry made a motion to adjourn, seconded by Jack Matthews. Unanimous.

Submitted this 5th day of November, 2015.

Veronica Hardaway
Administrative Support Specialist
Planning Department

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