

DRAFT
Smithfield Planning Board Minutes
Thursday, March 6, 2014
6:00 P.M., Town Hall, Council Room

Members Present:

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

Members Absent:

Ashley Spain

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

Mr. Foy stated due to Mr. Spain's absence, Mr. Joyner will be a voting member this evening.

APPROVAL OF MINUTES FROM JANUARY 2, 2014.

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-14-01 George Mack Langdon Jr.:

Mr. Helmer stated the applicant is requesting to rezone approximately 3.45 acres of land from R-20A (Residential-Agricultural) to B-3 (Business). The property considered for rezoning is located on the southwest side of West Market Street approximately 1200 feet north of its intersection with Wilson's Mills Road. The property is further identified as Johnston County Tax ID# 15077017A.

Mr. Helmer stated the property considered for rezoning does not appear to contain environmentally sensitive areas such as regulated streams or designated wetlands. The property contains an existing two story single-family dwelling with ample room for additional parking and storage. The property contains two access points from West Market Street. Rezoning the property to the B-3 (Business) will allow for all permitted use within the B-3 (Business) zoning district to be considered for future approval to include retail sales, medical and professional offices and extermination services.

Mr. Helmer stated the proposed rezoning to the B-3 (Business) zoning district is consistent with the Strategic Growth Plan which recommends the property be zoned for commercial uses. The proposed property will be consistent with the Town of Smithfield Unified Development Ordinance 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 location of the property is located on West Market Street which is predominantly commercial in nature. Rezoning this property from residential to a commercial district will not create any compatibility issues with the adjacent commercial uses. The Town of Smithfield will provide fire protection as well as water/sewer services. Duke Progress Energy will provide electric.

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately 3.45 acres of land located on the northeast side of West Market Street approximately 625 feet north of its intersection with Wilson's Mills Road 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 proposal.

Mr. Foy asked Mr. Helmer if there were any objections.

Mr. Helmer stated he was not aware of any.

Daniel Sanders asked if there was adequate parking.

Mr. Helmer stated it is unclear at this time due to the applicant requesting rezoning. When the applicant is ready to apply for a conditional use permit, parking availability will have to be provided at that time. There are opportunities for parking in the front and rear of the building.

George Mack Langdon Jr., Allied Commercial Properties of Johnston, stated he owns a local extermination business in town. The property to be rezoned is in a great location and is conducive to medical offices. At this point the most important issue is to enhance the appearance and neighborhood. Prior to application for a conditional use permit a survey will be done as well as a site plan for the location.

Mark Lane asked if there was a possibility Mr. Langdon would move his current extermination business to the new location.

Mr. Langdon stated that it was a possibility but has a good home right now.

Mark Lane asked Mr. Helmer if the applicant would have to come back if he wanted to move his current business to the new location.

Mr. Helmer stated if the applicant relocated his extermination business to the new location he would need a conditional use permit.

Mr. Foy closed the public meeting for RZ-14-01 and asked for a motion.

Stephen Upton made a motion, seconded by Mark Lane, to move to the Finding of Fact.

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 commercial land uses.

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

The rezoning request is compatible with the adjacent commercial land uses. Very few residential zoned properties remain along the Market Street corridor near the property considered for rezoning.

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 West Market Street corridor is a heavily traveled corridor considered ideal for commercial endeavors. Most lots in the area that contain a single family dwelling have already been rezoned and converted to commercial uses.

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

The rezoning will allow for a wider range of commercial and office uses and provide additional office space and services for the residents of Smithfield. 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). The R-20A zoning district allows for single family dwellings and rezoning the property to B-3 (Business) will not create nonconformity since single family dwellings are permitted in the B-3 (Business) zoning district as well. However, additional office and commercial uses such as those permitted in the B-3 (Business) 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:

There are no physical restraints to the area considered for rezoning 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.). **All members stated true.**

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

Stephen Upton made a motion, seconded by Mark Lane, to recommend approval to rezone a 3.45 acre tract of land from an R-20A (Residential-Agricultural) zoning district to a B-3 (Business) zoning district. Unanimous.

CUP-14-02 Saint Joseph of The Pines:

Teresa Daughtry recused herself for this case.

Mr. Helmer stated the applicant is seeking a conditional use permit to operate an adult daycare with medical facilities on property located within a B-3 (Business) zoning district. The property considered for approval is located on the northeast side of West Market Street approximately 625 feet north of its intersection with Wilson's Mills Road. The property is further identified as Johnston County Tax ID# 15084003A.

Mr. Helmer stated the adult daycare facility will be used as a "PACE Center" (Program for All-Inclusive Care for the Elderly) and will include comprehensive series of professional services by physicians, nurses, nurse practitioners, pharmacists, social workers, physical therapists, speech therapists, occupational therapists, nutritionists, and personal care assistants. There does not appear to be any environmentally sensitive areas on the property considered for a Conditional Use Permit to include flood plains or designated wetlands. The existing facility is exempt from storm water retention and nitrogen offset payments.

Mr. Helmer stated the proposed adult daycare facility is a permitted use within the B-3 (Business) zoning district with a Town Council approved conditional use permit. The applicant has provided a sketch plan of the site showing improvements to the property to include landscaping and minor changes to internal circulation patterns. Ample lighted parking is available at the site. An existing fire lane in the rear will remain. A new entrance with a canopy will be constructed on the north side of the building. The proposed plan is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of Wilson's Mills Road and West Market Street.

Mr. Helmer stated the adult daycare facility is a permitted uses within a B-3 (Business) zoning district with a valid conditional use permit. The site has adequate parking and the proposed landscape improvements will meet minimum development standards. Services at this location should not pose a compatibility issue with surrounding land uses given that it is located on a very busy commercial corridor and not immediately adjacent to residential homes. There is an existing nonconforming free standing ground sign that may be refaced. Any changes beyond re-facing, the existing sign cabinet will require the entire sign to come into compliance with current development regulations. The Town of Smithfield 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 Conditional Use Permit for an adult daycare facility providing the parking lot is landscaped in accordance with the Town of Smithfield Unified Development Ordinance.

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

Mr. Foy asked Mr. Helmer if there were any objections.

Mr. Helmer stated he was not aware of any.

Stephen Upton asked because of the new entrance that will be constructed, will any permits need to be issued.

Mr. Helmer stated that the new entrance is part of the site plan.

Daniel Sanders asked who oversees inspections.

Mr. Helmer stated he's not sure what state and federal regulators go in and inspect, that would be a question for the applicant.

Mark Lane asked if Heilig Meyers and Kmart was one building.

Mr. Helmer stated it is one building separated by a wall with a zero lot line. The side up for approval is the Heilig Meyers side.

Daniel Sanders asked if any beautifications will be made.

Mr. Helmer stated as far as improvements, the site will go a long way by improving the appearance of the building just by landscaping and lighting.

Robert Dickson, Executive Director at St. Joseph of The Pines in Fayetteville, stated he will be presenting to the Board a Powerpoint presentation.

Robert Dickson stated he will be overseeing the Smithfield location. Saint Joseph of The Pines is a "PACE" (Program of All-inclusive Care for the Elderly). "PACE" provides adult daycare offering supportive and professional services through an interdisciplinary team which consists of Physicians, Personal Care Services, Nursing Care, Transportation, Medical Supplies & Equipment, Meals, Spiritual Support, Prescriptions, Occupational, Physical, Speech, and Recreational Therapies. The Department of Social Services does monthly checks and annual recertification checks. The proposed facility provides transportation to and from the facility as well as to physician appointments. This program partners with Hospitals, Home Care, Hospice, Skilled Nursing, Pharmacy, Assisted Living, Contractors, Churches, Transportation, and Physician Specialists.

Mr. Dickson stated the proposed project will be servicing Johnston, Harnett, and Wayne Counties. This program is designed for families that do not want their loved ones placed in Skilled Nursing Facilities, but rather go to the facility during the day and care for them at night in their homes.

Stephen Upton asked what the capacity would be for daily participants.

Mr. Dickson stated it would be based on square footage. Every 60ft, excluding office space, that's been designed for the participant will determine the number of enrolled. For this particular location the number of enrolled has yet to be determined.

Mr. Foy asked how many employees will be hired.

Mr. Dickson stated approximately 96 employees.

Mr. Foy asked what the timeline is for this project.

Mr. Dickson stated CMS just passed new guidelines so typically it will take 6-8 months for an application to get approved by the state.

Mr. Foy asked why Smithfield.

Mr. Dickson stated a market analysis was done and saw this area had a substantial amount of people who are Medicaid/Medicare eligible. For the program to work there has to be a market for it. What's different about this program is we partner with the family so the participant has the option to stay at home instead of being placed in a Skilled Nursing Facility.

Stephen Upton asked what the hours would be.

Mr. Dickson stated the facility would be open Monday-Friday 8-5, but it's based on need and can be flexible as long as they don't stay the night.

Stephen Upton asked how many facilities are there.

Mr. Dickson stated there are eight in North Carolina in the larger city areas.

Daniel Sanders asked if a participant needs transportation outside city limits.

Mr. Dickson stated they would service them through the contracted transportation provider.

Stephen Upton asked if Medicare Part D would be the only supplemental insurance accepted.

Mr. Dickson stated that when a participant enrolls they give up Part A&B and utilize Part C&D.

Mark Lane asked at what stage a participant cannot be eligible.

Mr. Dickson stated the participant cannot be eligible if they are not safe in the community, lack of payment, or danger to their self or others.

Mr. Foy closed the public meeting for CUP-14-02 and asked for a motion.

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

The Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the

following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

1. ***Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.***

The proposed adult daycare facility at this location will not materially endanger the public where located because the existing retail center contains adequate parking, access and lighting. Buffering from adjacent land uses is provided by existing old growth trees and fire lanes exist around the building. ***All members stated true.***

2. ***Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.***

The application conforms to the standard and practices of sound land use planning due to the fact that it conforms to the Town of Smithfield Unified Development Ordinance. Adaptive reuse of underperforming properties is desired and encouraged. ***All members stated true.***

3. ***Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.***

The adjacent properties will not be injured in value because the subject property has provided all necessary improvements to include buffering, landscaping, dumpster screening and adequate parking in accordance with the Town of Smithfield Unified Development Ordinance. ***All members stated true.***

4. ***Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.***

The adult daycare at this location will not be in conflict with existing adopted plans and development standards due to the fact that the Town of Smithfield Comprehensive Land Use Plan has identified this area as being suitable for commercial endeavors and the

applicant has provided a site plan showing compliance with current landscape regulations. ***All members stated true.***

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative;

Stephen Upton made a motion, seconded by Daniel Sanders to recommend approval of a conditional use permit to operate an adult daycare with medical facilities on property located within a B-3 (Business) zoning district.

Old Business:

No Report.

New Business:

Mr. Helmer asked the Board if they would like to receive their compensation through direct deposit paperwork needs to be submitted.

Submitted this 6th day of March, 2014.

Veronica Hardaway
Administrative Support Specialist
Planning Department