

Draft
Smithfield Planning Board Minutes
Thursday, March 1, 2018
6:00 P.M., Town Hall, Council Chambers

Members Present:

Chairman Stephen Upton
Oliver Johnson
Mark Lane
Michael Taylor
Eddie Foy
Teresa Daughtry
Ashley Spain

Members Absent:

Daniel Sanders

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant

Staff Absent:

CALL TO ORDER

Mr. Upton identified the Planning Board members as well as, Planning Department staff.

AMENDMENTS TO THE AGENDA

None

APPROVAL OF MINUTES from February 1, 2018

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

New Business

ZA-18-02 Town of Smithfield:

The Town of Smithfield is required to adopt the Federal Emergency Management Agency (FEMA) revised Flood Insurance Study (FIS) for Johnston County which includes both the revised Digital Flood Insurance Rate Map (DFIRM) and North Carolina Model Flood Damage Prevention Ordinance as developed by the North Carolina Department of Public Safety. Adoption of the FIS and mandatory revisions to the Town of Smithfield's existing Flood Damage Prevention Ordinance must occur no later than June 20, 2018. Failure to adopt the FIS and make the mandatory revisions to the Town of Smithfield Unified Development Ordinance (UDO) within the time allotted will result in the Town of Smithfield being suspended from the Nation Flood Insurance Program (NFIP) and all flood insurance policies within the Town of Smithfield's planning and zoning jurisdiction will be canceled. The Planning Department is requesting adoption of revised Flood Insurance Study (FIS) for Johnston County and amendments to the Town of Smithfield Flood Damage Prevention Ordinance for continued participation and compliance with the National Flood Insurance Program. There are two parts to the Flood Insurance Study, one is the map and the other is the ordinance. North Carolina is going to all

digital flood insurance maps. They're available online by logging onto the Flood Risk Information System webpage. There are approximately 1,200 properties within the Smithfield city limits and ETJ that are affected by flood plain. Sandy Run will have around 86 properties removed as well as 66 structures from the 100 year flood plain.

Mr. Foy asked what was meant by 1,200 properties being affected.

Mr. Helmer said there are 1,200 properties currently within flood hazard areas within the Town of Smithfield.

Mr. Foy asked if these properties required flood insurance.

Mr. Helmer said yes, however some properties are pasture, some adjacent to the Neuse River, some woodland and some subdivisions.

Mr. Foy asked if there are areas in the flood zone now that weren't before.

Mr. Helmer said yes, more properties are being removed from the 100 year flood plain than added.

Mr. Lane asked why these properties are being removed.

Mr. Helmer said the Town of Smithfield has been going back and forth with FEMA and Emergency Management to get them to understand that's not a flood plain and never has been. We finally found proof on the ground. There is another culvert going under the railroad tracks. Once found we passed it along, they plugged it into their model and ran the information again. They now understand it isn't a flood plain.

Mr. Johnson asked if the property owners in the flood plain have been notified they may need flood insurance.

Mr. Helmer said yes, as part of FEMA's process they notified the public and held public hearings in which the public was invited to attend. Now it is left to us to adopt a map, we will run a half page ad in the newspaper with the map on it. We will let everyone know there will be a public hearing and Town Council will receive public comment.

Mrs. Daughtry asked if there were drainage issues that would not normally cause this area to flood.

Mr. Helmer said sometimes channelization will cause flooding.

Mrs. Daughtry said she asked because if you look behind Cox Repair, there's a ditch. It has been filled in multiple times. Therefore, when it rains that water has nowhere to go.

Mr. Helmer said ponding is different than flooding. Ponding happens when the ditch isn't deep enough. The water is always going to make it downhill to the creek.

Mr. Upton asked if these proposed changes would be adopted by Johnston County.

Mr. Helmer said yes, all communities in Johnston County have to adopt the flood study.

Mr. Helmer said we've got the map portion of that study, next would be the text of the Flood Damage Prevention Model. We're required to update to reflect the changes being mandated.

Summary of Mandatory Changes:

- Required determination by UDO Administrator of market value, repair value and make a determination as to whether substantial damages or substantial improvement thresholds are met and to notify the applicant of the findings.
- Required time period for use in establishing substantial damages and substantial improvements.
- Failure to comply with UDO Administrator orders for correction of violation will be classified as a Class 1 misdemeanor pursuant to NC G.S 143-215.58.
- Penalties for violations are increasing from \$50 to \$100 per day
- All electrical, heating, air conditioning and ventilation for new construction will be required to be 2 feet above base flood elevations or be water tight.
- Alteration and repairs are no longer classified as new construction.
- Non-residential structures with basements shall be no lower than 2 feet above base flood elevation or be constructed of robust material and flood proofed.
- All above ground fuel tanks must be elevated two (2) feet above base flood elevation or be strapped down.
- Use of NAVD 1988 vertical datum will replace the use of mean sea level tidal datum
- Minor text changes design to clarify existing regulations.
- Additional definitions of commonly used terms.

Summary of Voluntary Changes:

- Prohibit fill within a special food hazard area which is currently allowed. Staff recommends no change.
- Increase in freeboard which is currently set at two (2) feet. Staff recommends no change.
- Fully enclosed area of new construction or substantially improved structure which is below the lowest floor shall not be temperature controlled. (Staff recommended)
- A statement is placed on the permit stating that all material below the base flood elevation must be made from flood resistant material. (Staff recommended)
- Property owner requirement to execute and record a non-conversion agreement for spaces below the lowest floor and agree to annual inspections by Town staff. (Staff does not recommend)
- Required time period for establishing substantial damages and substantial improvements. Time period language required but period can vary based on community needs. Staff recommends 1 year for substantial improvements and 10 years for substantial damages. The substantial damage threshold is more stringent to avoid repetitive loss penalties to property

owners that include ineligibility for Increased Cost of Compliance (ICC) benefits that are often needed for required elevating of flood damaged structures.

Mrs. Daughtry said there has to be a point where you don't allow residents to rebuild that live in these flood prone areas.

Mr. Helmer said Emergency Management can make that call whether it's cheaper to buy out someone or continue to make a repetitive claim. It isn't handled at the local level such as the Town of Smithfield.

Mr. Upton said having heard this information and given the Planning Department has been given the extensive study; it all seems to be for the benefit of the Town. He asked if any board members had questions concerning Mr. Helmer's presentation.

Mr. Foy made a motion to approve ZA-18-02, the Flood Study and UDO Ordinance Amendment based on the fact the Planning Board finds the study consistent with the Comprehensive Land Use Plan. It identifies and recommends areas within the floodway as conservation districts. Also the Planning Board finds the Flood Insurance Study of Johnston County an ordinance amendment, is reasonable in the public interest and reduces the loss of life and property damage caused by flooding. He makes a motion that the Planning Board approves the Flood Study and the UDO ordinance amendment. Seconded by Teresa Daughtry. Unanimous.

ZA-17-06 Town of Smithfield

The Planning Department is requesting text amendments to Appendix A, Article 7 and Article 10 of the Town of Smithfield Unified Development Ordinance (UDO) that removes inconsistencies within the text and clarifies development standards as they pertain to flag lots and cul-de-sac streets.

Analysis:

The proposed zoning ordinance amendment will clarify development standards by:

- Creating a more descriptive definition of a flag lot;
- Eliminating inconsistent standards concerning flag lots;
- Establishing a flag lot width that can accommodate a standard public right-of-way and that will not hinder future planning and development efforts;
- Revising maximum cul-de-sac lengths within manufactured home parks.

Flag Lots:

Flag lots are so named because of the long, slender strips of land resembling flag poles that extend from the typically rectangular main sections of these lots — or the “flags” — out to the street. Each “flag pole” typically provides just enough street frontages for vehicle access and is often shared by several neighbors. Flag lots can also be thought of as permitted lots with reduced street frontage that allow access to otherwise landlocked parcel acreage. Use of flag lots recognizes the environmental and economic advantages in substituting private drive

lengths to tap land that would require additional street length and potentially greater disturbance and infrastructure costs.

The negative attributes of flag lots include potential burden on property owners to maintain longer driveways or private streets lengths, potential access constraints for emergency vehicles, and possible house-to-house relationships as flag lot dwellings may be perceived to be in the rear yards of the adjacent residences. In most cases however, the biggest drawback from creating flag lots is that no further land divisions or intensive land uses can occur when the property does not and cannot ever front on a public street due to inadequate land reserves needed for the construction of a public street from the existing public street to the flag portion of the lot to be divided. However, judicious use of flag lot arrangements can provide distinct benefits in residential design when its use, resulting lot size, dwelling orientation and access considerations are based on sound planning and community design criteria. With these considerations in mind, the Town of Smithfield Unified Development Ordinance has retained language allowing for newly created flag lots. The proposed amendment clarifies the existing flag lot provisions by creating a better definition of a flag lot. It will require flag lot dimensions to meet or exceed the underlying zoning district dimensional standards and sets the flag pole portion of the lot to a minimum width of 60' measured at the public right-of-way and were the pole portion of the lot intersects the flag portion of the lot.

Mrs. Daughtry asked if this had been a frequent problem here in Town.

Mr. Helmer said it happens more often in the ETJ because in more rural areas farmers are selling off road frontage or giving it away to other family members.

Mrs. Daughtry asked as an example, when you pass the airport and get to Rock Pillar Rd. on the left hand side, there's a house there. The property owner sold off lots toward the front of the property. Would the land owner have to change their driveway in order to build the other lots into housing?

Mr. Helmer said yes, all newly created lots have to front on a public street. If they would want to further divide behind the lots that front the public street they would have to build a road back there.

Mrs. Daughtry asked if this was required so Fire and EMS have easier access.

Mr. Helmer said yes

Cul-De-Sacs Street:

Cul-de-sac lots street frontage requirements will remain at 25'. The proposed ordinance amendment will clarify conflicting cul-de-sac length standards by increasing the maximum cul-de-sac length within planned manufactured home parks to 750 linear feet making them identical to traditional subdivisions standards.

Eddie Foy made a motion to approve ZA-17-06 based on the fact that the Planning Board finds the ordinance amendment is consistent with the Comprehensive Land Use Plan, which identifies the need for consistent roadway standards throughout the Towns Planning and Zoning district. The Planning Board finds the ordinance amendment is reasonable and will create standards that will apply to all proposed projects equally and fairly. Therefore the Planning Board recommends approval of the UDO Ordinance Amendment, which standardizes cul-de-sac streets and flag lot standards. Seconded by Teresa Daughtry. Unanimous.

Administrative Actions Report

Land Use Permit Report for January 1, 2017 through February 22, 2018

Site plans currently in review or approved as of March 1, 2018.

- Dollar General, West Market Street
- Penn Compression Molding, Inc., Components Drive
- Ample Storage, West Market Street
- Panera Bread, East Market Street
- Ford Dealership, North Brightleaf Boulevard

Next Planning Board Meeting:

Our next Planning Board Meeting is scheduled for April 5th, 2018 at 6:00 pm.

Mrs. Daughtry asked that the Planning Department staff further investigate the need for stub outs. She would like to know what other towns have done and report back to the Board at the next meeting.

Mrs. Daughtry made a motion that the Town invests time bringing back information based on similarities of Smithfield and whether these stub outs were a good or bad idea. Seconded by Eddie Foy. Unanimous.

Mark Lane made a motion to adjourn, seconded by Teresa Daughtry. Unanimous

Submitted this 2nd day of March, 2018

Julie Edmonds
Administrative Assistant
Planning Department