

**Town of Smithfield
Planning Board Minutes
Thursday, August 1, 2019
6:00 P.M., Town Hall, Council Chambers**

Members Present:

Chairman Stephen Upton
Vice-Chair Mark Lane
Ashley Spain
Teresa Daughtry
Oliver Johnson

Members Absent:

Michael Johnson
Alisa Bizzell

Staff Present:

Stephen Wensman, Planning Director
Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

Chairman Stephen Upton asked each board member to acknowledge themselves.

APPROVAL OF MINUTES from July 11, 2019

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

Mr. Upton stated that the previous meeting minutes from July 11th, 2019 asked what the Planning Department was seeking from the Planning Board. In that meeting, Mr. Wensman said the intent was to seek a recommendation from the Planning Board to the Town Council. That was assuming the Planning Board had reviewed the Town Plan and was satisfied.

Mr. Upton asked what satisfaction is.

Mr. Wensman said satisfaction is that the board is content with the Town Plan as it is and everyone can make a favorable recommendation to the Town Council.

Mr. Upton asked if the Planning Board were to approve a recommendation, would it go on as is.

Mr. Wensman said you could put conditions on it with changes.

Mr. Upton asked if those conditions and changes could be made at a later date.

Mr. Wensman said if the board isn't ready to make a recommendation with conditions then you'd postpone it until you're able to make that decision.

APPROVAL OF THE AGENDA

Mark Lane made a motion to approve the agenda, seconded by Ashley Spain. Unanimously approved

NEW BUSINESS

Smithfield Town Plan

The Planning Department is requesting the Planning Board review the draft Town Plan and make a recommendation to the Town Council.

Mr. Wensman said this process began about one year ago. There has been a good amount of public engagement. This Town Plan was initially brought before the Planning Board on July 11th but was tabled for 30 days.

Mr. Upton asked Mr. Wensman if he was going to itemize each segment of the Town Plan as recommended and have there been any changes to the recommendations.

Mr. Wensman said he doesn't have a line by line list of the changes but if there are any concerns we can address them. We currently are on the 8th revision; the consultants have been updating as Mr. Wensman has been forwarding comments to them. They haven't made a change for every comment. He would like to assure everyone that all comments have to be reviewed and listened to. He greatly appreciates every one of them.

The Town Plan establishes a vision for transportation and land use in the town. Its two planning processes put into one. Typically the town will do a land use plan, and then later a transportation plan. We are fortunate to be able to do them together. The Town Plan identifies community needs and deficiencies. We've held public workshops, held Steering Committee meetings, Stakeholder Interviews and conducted surveys to better identify the needs and deficiencies. This plan will guide growth and development in the future. We're in the 20th year of our current Town Plan. Typically you update these plans every 5 to 10 years as needed. Once we receive a recommendation from the Planning Board, it will then go before Town Council. There will be a public hearing at the Town Council meeting giving the public an opportunity to engage in conversation. Both in town and ETJ (Extraterritorial Jurisdiction) properties will be included in the Town Plan.

There are three volumes of the Town Plan. The first being the introductory volume which summarizes existing conditions. It is a preface for volume two and three. The fourth volume is the appendices that give details of the engagement process and larger maps. The Future Land Use Map is the guiding document for the community. It identifies various land use categories which then will influence zoning. Zoning is a tool to implement the land use plan. We had some focus areas as part of this process. One is the northeast gateway area which we see as one of the major re-development parts of the Town, off of Buffalo Rd and North of Booker Dairy Rd. There is a lot of land, it's less impacted by wetlands and it will capture a lot of the growth coming from the Wilson's Mills and Clayton area. DOT has recognized this, and they have several projects in that area ongoing.

The consultants also see the importance of the Greenway connection to Clayton and Raleigh. Based on the Mountains to Sea route there is a general map already but many steps will need to take place before it becomes a real trail. They will meet with landowners and get permission from them. Also the Town will pursue grants and get Council funding. Our next step from here is to get a favorable recommendation from the Planning Board then it would go before Town Council.

Mr. Lane asked how the previous Comprehensive Plan from 2008 benefitted the Town.

Mr. Helmer said it was a guiding document and has helped the Town. It didn't have the level of detail necessary for it to become a productive document.

Mrs. Daughtry said the Town's population was not what it is now when the old Comprehensive Plan was adopted.

Mr. Upton requested an answer to the concerns of North Street and Bridge Street remaining a historical neighborhood. A citizen from the last Planning Board meeting asked for protection from the Town on this concern. Mr. Upton would like to know if that request has been addressed.

Mr. Wensman said in the new draft plan, the consultants looked at the area downtown. In the Land Use Plan they have called it the downtown support area. Within that Land Use category they are suggesting a number of key things that could be done to better downtown. One is the support of housing, no further encroachment into neighborhoods and possibly allowing accessory dwellings. These are just some of the recommendations mentioned for this area.

Mr. Lane said he wanted to be clear on something. If you draw an imaginary line from Front Street to Bridge Street then to Caswell Street and on to 301. South of that is downtown district and north of that is North Smithfield district. That still will not stop businesses or commercialization from crossing that line.

Mr. Wensman said commercial has already crossed that line. The plan recognizes that there shouldn't be any further encroachment of commercial in those neighborhoods. The plan mentions buffers, and improved landscaping between different land uses.

Mr. Lane said a lot of the problem is people think because something is in the Town Plan it will definitely happen but that isn't the case. There's no way everything could happen.

Mr. Oliver Johnson said when an official document such as this is released; some people think it is permanent. The more we talk about it as a vision or living document, the more we can accept it as not being the last word or set in stone.

Mrs. Daughtry agrees that 20 years is too long to update the Town Plan. She asked who makes the decision on when to revise it.

Mr. Wensman said it will become apparent when this plan is out of date. There wasn't a lot in the previous plan so it didn't become obvious it was outdated until the map was changed. The new proposed plan has lots of information in it beyond the map. It's up to planning staff to suggest that we do that.

Emma Gemmell of 207 Hancock Street came forward to speak. She said it was mentioned that this plan was mobile and could be changed. When Mr. Wensman has an issue he refers to the Town Plan. It guides him in his decision making. She feels if something is listed in the plan, then that gives him the ok to use it. If something is removed from the plan, then he can't use it. That concerns her and she suggests the Planning Board think about that before recommending it.

Mr. Lane stated that Mr. Wensman can use the Comprehensive Plan to help him make a decision. However he doesn't have the final decision. It goes to the Planning Board and then to Town Council.

Mrs. Gemmell said the majority of the residents are going to look at the Town Plan and say it doesn't affect me and they won't attend the board meeting. They may not always know when there is an issue.

Mr. Upton said it was discussed at the last Planning Board meeting about public notification.

Mr. Wensman said the Town used Facebook to promote surveys and meetings. He instructed the water bills to include notifications within them. We have a new electronic kiosk in front of Town Hall that was used to advertise on. Paper copies of the surveys and flyers promoting the meetings were located at the cash window where payments are accepted.

Mr. Lane said it isn't just the Comprehensive Plan; we have Planning Board meetings where no one is here but us.

Mrs. Gemmell stated that she and Pam Lampe met with Mr. Wensman after reading the Town Plan because of concerns for the town, North Smithfield and other areas as well as errors found in the documents. They feel the plans focus is making the downtown district and increasing parks. It has taken the consultants over a year to revamp this plan. She feels they are in a rush to finish the Town Plan. Mrs. Gemmell feels the public and the Planning Board need up to date copies of the latest edits made to the plan before any decisions are made. She stated she had many concerns but would like to address North Smithfield. She would like to know why a new district is being created because we now have four. The new district is the downtown district. Adding another district seems to complicate and allow encroachment to their neighborhoods. Our neighborhoods are Second, Third, Fourth, Fifth, Sixth & Seventh Streets North of Market Street. We don't want to be North Smithfield in the Downtown district. We are zoned R-10 and medium density. Our neighborhood doesn't want any exceptions that are included as part of medium density R-10. It doesn't give them protection from the exceptions or the development of medium density. They want to be low density R-10 from Bridge Street to Hospital Road. They also want less density not

more from Bridge Street to Hospital Rd on Fourth, Fifth, Sixth and Seventh Street. Those streets are presently R-8. Some changes are going to be to R-6. It is possible to find a solution that helps our town keep the homes they have and develop higher quality homes in all areas. We have greater needs and more important ways to spend our money. With infrastructure such as streets, underground pipes, sidewalks, curb and gutter as well as maintaining what we have to a higher standard. These issues seem more pressing than creating a downtown district. Our town says they want growth to make it better, let's see if we can get our zoning map to reflect these higher standards. Mrs. Gemmell would like to speak about why the town needs to be proactive. Protection, encroaching and duplexes are a big business. This starts with a zoning line drawn starting on the North side of Bridge Street. We know encroachment has started on Bridge Street. We residents feel we need to protect the homeowners on Second through Seventh Streets. Home ownership needs to be our focus and direction with zoning not more rental units. Duplexes are more rental units not single family homes. If our town wants to encourage single family homes this isn't the way to go. Mrs. Gemmell and Mrs. Lampe checked 89 properties on Fourth Street, Market to Buffalo and Hospital Road. 22 of 51 owners live at the street address, 24 of 38 are owned by developers. You see the trend unless we change to higher standards of zoning. The direction the town is choosing is not home ownership. The zoning needs to be strong for owning homes and landscaping. The duplex rentals are a big business because of low standards in our town. North street duplexes do not have grass, bushes or trees. The new Fourth street duplex doesn't have grass, bushes or trees either, only gravel and a parking pad. The number of parks we have are amazing for such a small town. The Parks and Recreation staff does a great job of maintaining them and looking good. The parks staff consists of two full-time employees, one part-time and one intern. She appreciates the effort put forth to improve our town; we just want to keep our small town feel. She hopes we can adjust the Town Plan to create and enhance our assets.

Mr. Wensman stated that there is not a new district. The map Mrs. Gemmell is referring to is an analysis of the existing town. The consultants were looking at downtown and the areas that influence it, which are the neighborhoods surrounding it as being interrelated with sidewalks. The values there most reflect what happens downtown. They were commenting on the values of the historic neighborhoods and jobs. You need a North, South, East, West and a Middle. The middle is the downtown area. If you look to the implementation and growth management portion that's changed, they're not talking about downtown area any longer.

Mrs. Gemmell asked how they know it won't creep back into the Town Plan.

Mr. Wensman said you have to look at it as a map with arrows and call it something.

Mrs. Gemmell said then call it Market Street.

Mr. Wensman said Market Street doesn't encompass the commercial district and the residential around it.

Mrs. Gemmell said you are encroaching down Seventh Street. There are homeowners there that have no protection at all. No one keeps up with all the homes that are rented to out of state owners. The properties are not maintained and some have people sleeping in cars.

Mr. Wensman said you mentioned the exceptions and they are recognition of what is already in our zoning. We allow home occupations in any zoning district so they put the exception in there recognizing our current policy. He had the consultants take some of that language out based on Mrs. Gemmell and Mrs. Lampe's comments. Maintenance often comes with growth, if we don't have investment coming into the town less money is going around. This plan is calling for balanced growth, lets balance between preserving those historic neighborhoods, strengthening the boundaries, improving the landscape requirements which it does call for. The plan is trying to help us keep the charm that it currently has but we need the investment. It says lets recognize our assets such as the river and greenway and let's build on those to create stronger neighborhoods and landscaping. As far as maintenance and slumlords, he believes as the community grows with more investment there will be pressure on those people.

Mrs. Gemmell said no, as long as they are making money they don't care. You have to do something that is going to make it harder on them.

Mr. Wensman said we need more tools in our code. This new plan is suggesting that we get there. It's not prohibiting it by any means. We have property maintenance codes that could be improved.

Mrs. Gemmell said North Smithfield is a multi-section from the river to Hwy 301. We're a hodgepodge and we always have been. We have not maintained quality looking things.

Mr. Wensman said yes, this plan is saying we need stronger landscaping, investment and trying to identify where that investment goes and looks like. This will give us what we need to convince the Town Council to do what the community wants.

Mrs. Gemmell said we want higher standards for the houses that will be encroached upon. They're going to lose part of their neighborhood.

Mr. Wensman said he didn't agree with that.

Mrs. Gemmell said it is in the proposed plan. You're taking some of the streets on Fifth and Seventh Street and allowing them to go to R-6.

Mr. Wensman said there is no change to zoning at all. The only mention of zoning changes in this plan is in mixed use. Those mixed use areas we might want to create an overlay or zoning district. Our current plan says wherever there is mixed use on the land use plan you use a PUD process and a rezoning with the plan. The downtown support area currently has two or three zoning districts. They are the brown striped areas on this plan.

Mrs. Gemmell said maybe we don't want to be those brown striped areas.

Mr. Wensman said those striped areas are suggestive of policy.

Mrs. Gemmell said maybe we don't want those policies.

Mr. Wensman said we heard loud and clear from the community that we want to make downtown a place people want to come. The policies that are in this plan are suggestive of how we get there. We're going to take these recommendations and come up with zoning or policy recommendations. We will hold public hearings and it will go before the Planning Board and Town Council. It will take a long time to get through a lot of these recommendations. It will be trial and error. The successful things will get built on leading to more success.

Mrs. Gemmell said this plan is too lenient.

Mrs. Daughtry said let's keep in mind we were fought on our landscaping standards every time we turned around, people saying we had too much and were more than everyone else. When the study came out we didn't have any more standards than Clayton or other surrounding towns. Yet when applicants would come before the Planning Board they complained about how tough Smithfield was on landscaping requirements.

Mr. Upton said we cut the standards back 40 to 50%.

Mrs. Gemmell said well it looks like developers have it easy, just look down Fourth and North Street. There are no landscaping standards.

Mr. Upton said that is up to the Planning Department and Town Manager.

Mr. Lane said that is where we will have to make a change in the UDO.

Mr. Wensman said correct, this plan is addressing some of that. The next step is to suggest zoning changes to improve the landscaping even though we went through a slashing of it. We have no landscaping requirements for single-family residential or multi-family. This is not the place to mandate it, mandating comes when you create updates to the UDO. We would need to convince to Planning Board and Town Council and this document sets the stage to do so. They may not go along with it. However based on the public input we received it formed the basis of this plan.

Sarah Edwards of 1282-E Packing Plant Road came forward to speak. She referred to Volume 2 of the Comprehensive Growth Development Plan on page 18. This is from the 7th edition of the plan. It states discourage business uses in Historic Residential Neighborhoods except in limited circumstances. Then on page 26 it says preserve the character of historic residential neighborhoods while promoting reinvestment. It is the North Smithfield neighborhood that's from Bridge Street to North Street and from Front Street to Seventh Street on Hancock. There are protections there for the neighborhood. There are some properties that definitely need work done to them. You have people that have disposable income and can come downtown to support businesses. The bigger point she wants to make is this plan gives us the ability as a town to be able to take some steps forward. Without the plan getting approved we will not have better design standards. We don't have a downtown master plan now because of this. There are projects coming to downtown in the very near future once this Town Plan is approved. Those projects will make good positive changes.

Mr. Lane said you're saying projects are coming to downtown but waiting on the approval of the Town Plan.

Ms. Edwards said there are not necessarily projects waiting but taking some next steps on things that need to happen to encourage other investment.

Mr. Wensman said there have been many comments made about parking in downtown. This plan won't necessarily get us there but it does say the DSDC should conduct a parking study. It's something they can do with their constituents. This Town Plan is setting the stage for them to request funding for that study.

Mr. Lane asked if we had to have the Town Plan in order for Sarah to request funding.

Mr. Wensman said it would help.

Ms. Edwards said it doesn't make sense to start on a downtown portion of it if it doesn't fit with the town's greater plan. An example would be vacant land between Johnston Community College and downtown. From Fifth Street and East there is opportunity for reinvestment or redevelopment. Currently there is no plan that guides what that would look like. It could be if allowable based on current code that it would become strip center development or possibly residential development or a mix of residential and commercial. At this point there is no clear plan of what the Town or DSDC would like to see. That's what we are waiting for with the approval of the Town Plan. We need to allow these experts to do their job and move forward with this approval.

Mr. Upton asked if the projects just mentioned would have to be rezoned as they arose.

Mr. Wensman said there any many different goals and guidelines in this plan. Some of it will involve rezoning. There is a lot more work to do, but without a roadmap we will do things without a plan. The parking study downtown and a downtown plan make sense in the context of transportation changes throughout the whole community.

Hank Daniels of 825 S. Vermont St came forward to speak. He mentioned that the roundabout in town was a concern for citizens as well as travelers. He is concerned that the Town Plan suggests merging the express lane. He is afraid the merge will create problems even before you get to the roundabout. He suggested to Mr. Wensman the addition of a yield sign.

Mr. Upton asked if Mr. Daniels was referring to another merge.

Mr. Wensman said when you get off the exit ramp you have to choose to either get on Market Street or the lane that takes you to the outlets. It is located in Volume 3 of the Town Plan on page 13. The concern is people weaving from one lane to the other. He believes Kimley-Horn proposed it happen after the curve. There is more work that needs to go into this. The recommendations to the turn lanes further up Outlet Center Drive were changed in the plan.

Pam Lampe of 415 N. Second Street came forward to speak. She stated that it wasn't that she and Mrs. Gemmell were against the Town Plan, they know a growth plan is needed. She stated that Parks and Recreation had been in expansion mode for the last 20 years. She feels that our parks are some of the best in the region. Mrs. Lampe said the Community Park on Booker Dairy Road just experienced a major renovation and is known as a Miracle Park. The park is beautiful and landscaped to perfection. However she believes it is time to rethink the expansion policy and focus on park management. Our current inventory of park facilities should be sufficient for the next to 10 to 15 years assuming the towns projected growth rate of 1%. She stated the parks budgets need to focus on beautification and maintenance. Mrs. Lampe also discussed the parking issue in downtown Smithfield. She suggested the Town negotiate with the County and see if we can get a parking deck at the corner of S. Third Street and Johnson Street. The cost is over 2 million dollars but with the assistance of the Johnston County Visitors Bureau she hopes they would fund that instead of an amphitheater.

Another suggestion mentioned is repaving and landscaping the existing parking lots by Simple Twist and at Town Hall. Mrs. Lampe said the growth plan proposes modernization of Durwood Stephenson Highway to Hwy 210 for over 6 million dollars. The high cost is due to new road going over wetlands. If we continue this modernization along the existing Galilee Road it would give us a southern route to Brightleaf Blvd, I-95 and Holt's Lake. The cost would be less than a new road and it would help with the long-term goal of getting traffic off Market Street. This needs to be added to our transportation strategy plan.

Mrs. Lampe suggested recruiting a private school or support another Charter School in the community to give residents more choices. This would be a great addition to the Town's long term strategy plan. She would also like to see the UDO revamped and become less complicated and legalistic. She believes that Smithfield needs better enforcement under our existing UDO laws.

Lastly, she would like her neighborhood to always be considered North Smithfield. Neither she nor her neighbors want to be called downtown or downtown support area. We realize our proximity to downtown but we'd like to retain our identity. We don't desire any more commercial/ office/ government/institutional in their neighborhood. Bridge Street is their dividing line. They would like R-10 zoning with no exceptions from Bridge Street to Hospital Road.

Mr. Upton stated as far as the school situation he feels that is an issue to be expressed to the Johnston County Board of Education.

Mrs. Lampe said I disagree we have an economic recruiter. Neuse Charter has helped us and she stated that she had reached out to the Board of Education but hasn't had any luck.

Mr. Upton asked Mr. Wensman if Mrs. Lampe's request to not have her neighborhood called downtown or a downtown support area could be honored.

Mr. Wensman said the downtown support area is outside of Mrs. Lampe's neighborhood. It's not a district; it's suggestive of some policies or zoning text changes and whatever districts lie under it or an overlay district which would be a set of regulations that span multiple districts to better downtown. North Smithfield doesn't change, and as Sarah Edwards mentioned we are suggesting better protection. The portion of the plan where it mentions the downtown area is describing the current conditions not future.

Mrs. Lampe asked if it doesn't even matter then why it was put into the new plan.

Mr. Wensman said because we had to describe the different areas.

Mrs. Lampe asked if their neighborhood would be subjected to the downtown overlay district.

Mr. Wensman said no.

Mrs. Lampe asked for a reasonable amount of time to read the most updated version of the Comprehensive Town Plan before any decision is made.

Mr. Wensman said there haven't been any major changes to the plan since she last looked at it.

Mr. Upton mentioned Mrs. Lampe's comment on the UDO needing to be revamped. He said two years ago it was supposedly revamped. Currently the Planning Department is revamping it but it is taking forever.

Mrs. Lampe asked Mr. Wensman if the Town would add a parking deck.

Mr. Wensman said the Town Plan recommends a parking study that DSDC would do. That study will tell us what the solution is economically and feasibly.

Mrs. Lampe asked Mr. Wensman about her comments on changing the mode with Parks and Recreation.

Mr. Wensman said the plan talks about the projection of population in Smithfield. We're supposed to double our population by 2045. At that point we will not have enough parks. If you don't get the land now you never will.

Mrs. Lampe said we need to beautify the Town's assets. It will cost a lot of money but it must be done. The focus needs to be on what we already have not what we may need many years from now.

Kay Kennedy of 121 W. Riverside Drive came forward to speak. She said she and her husband have investment property on Davis Street. They met with Mr. Wensman yesterday and discussed the trail that is planned to come from the Bob Wallace Park down Second Street to Riverside then Davis Street. Picture a Saturday morning with maybe 15 people walking down the trail. They walk down Riverside to First Street and there are no sidewalks. They then turn down Davis Street which is small, does not have sidewalks and lots of cars. That is a dangerous situation and very congested through there. There is plenty of land across the river. I know it is wet but so is the land on Riverside Drive and Davis Street. If you come off Bob Wallace Park and go down Second Street, you could stay on sidewalks all the way down until you find another street with sidewalks. This is poorly planned and very dangerous. The Town's Nature Trail should remain just that, a Nature Trail not a stroll down these streets.

Mr. Wensman said we don't have the ability to do an off road trail between the kiddie park and where we want it to go further South. At some point it's going to have to find its way through existing neighborhoods. If there are missing sidewalks, perhaps the Town will build more sidewalks.

Mrs. Kennedy said there isn't room. These are the same houses I built that I had to plead for road frontage to have a front door.

Mr. Wensman said we will look at the feasibility of the routes, contact landowners and secure funding.

Tammy Gardner of 103 E. Riverside Drive asked if the lot beside her at 111 E. Riverside Drive would be the access off of the Greenway to reach Riverside Drive.

Mr. Wensman said it's a suggestion yes.

Ms. Gardner said that lot is flooded 5 months out of the year. After this last hurricane it stayed flooded until the spring. Why would we want people walking through our neighborhood? She said she didn't receive a note in her utility bill, she doesn't come into Town Hall to pay her bill and she isn't on Facebook. She feels that she should have received a letter in the mail and stated she shouldn't have to find out what's going on in her town by going onto a website. Mr. Upton asked the Planning Board their feelings toward the Town Plan. The Planning Department is asking for a recommendation.

Mrs. Daughtry said this board meets the first Thursday of each month at 6:00. We have a lot of people say they don't know the meetings or topics being discussed. You won't know if you don't come. I have seen many things done in Planning then they reach Town Council and someone will ask the same questions they could have asked in the Planning Board meeting as they did in the Town Council meeting. As far as the Town Plan, I think we need to absorb more of what we're reading before a decision is made.

Mr. Lane agrees with Mrs. Daughtry to table the request to recommend the Town Plan. He stated there is going to come a time where a decision must be made. This is the second meeting we have held on this topic.

Mr. Upton asked if taking another 30 days to review the material will make a difference in their decision after hearing what they did tonight.

Mrs. Daughtry said she wasn't saying one way or the other.

Mr. Lane said if I had to make a decision tonight my answer would be no.

Mrs. Lampe came forward again to ask for guidance from the Planning Board on what she needs to do in the next 30 days. She wants to know what they need from her and Mrs. Gemmell to get the changes they have requested.

Mr. Upton stated that certain things had been brought to the Boards attention and they just want time to digest everything.

Mr. Lane asked Julie Edmonds how hard it would be to receive the minutes from this meeting sooner than they normally do. Could they be emailed within a week or two?

Mrs. Edmonds stated that she was on vacation next week but would have them finished and emailed within two weeks.

Mrs. Daughtry asked if the 2008 version of the Comprehensive Growth Management Plan could be emailed out so they board could compare some things with the new version.

James Snyder of 216 W. Davis Street came forward and stated the terminology used in the Town Plan was hard to understand and he would like to know if it could be simplified.

Mr. Wensman said he didn't know if there was a solution. He agrees there is a misrepresentation of what some of the marks on the map actually are.

Tara Dunn of 307 S. Third Street came forward and asked about the survey the Town had done some years ago on the flooding issue.

Mr. Wensman said we just finished a Stormwater Management Action Plan and we had a consultant do a review of suggested past projects including the one Ms. Dunn mentioned. We have to implement the document now that we have it. The current plan has an action plan of how we pay for it. There is a suggested plan and now the Town Council has to decide when they will implement it.

Mark Lane made a motion to table the Smithfield Town Plan until the next Planning Board meeting, seconded by Teresa Daughtry. Unanimously approved.

Mr. Upton asked Mr. Wensman if the Town Council will look at this at their next meeting.

Mr. Wensman said not anymore, but they have a draft and hopefully have read it and made some questions to ask us.

Tara Dunn came forward again and said so you're going to put this off for a month; you will get the minutes and read them. Will this board meet again to discuss what they decide on before the next Planning Board meeting?

Mr. Upton said he hopes when this board gets the minutes and reads any changes in this version of the Town Plan; they will be well versed and ready to make a decision.

ZA-19-04 Town of Smithfield

The Planning Department is requesting an amendment to Article 3, Article 4, Article 6 and Article 7 of the Smithfield Unified Development Ordinance (UDO) to create a conditional zoning process and list of land uses and development types to be reviewed using the conditional zoning process.

Mr. Helmer stated that Conditional Zoning is a land-use tool that is authorized by state statute and reaffirmed by court decisions. The statute permits a zoning ordinance to include "conditional districts, in which site plans and individualized development conditions are imposed." In practice, conditional zoning occurs "when a governmental body, without committing its own authority, secures a given property owner's agreement to limit the use of his property to a particular use or to subject his tract to certain restrictions as a pre-condition to any rezoning. Essentially, conditional zoning will allow the Town of Smithfield to tailor development when rezoning to a more intensive land use, thus limiting the uses that would ordinarily apply if up-zoned to a general use zone.

Mr. Helmer stated that the Conditional Zoning process is a legislative one that combines the site-plan review and zoning into one process and would be approved by Town Council. It allows the Town to see the site plan with the rezoning request. There is no conflict or ex parte communication. It's easier for the Planning Board and Town Council to review these types of cases because the requirements for the things submitted as evidence are less stringent. The Town can place conditions on a particular rezoning/site plan. However, you have to be careful of the conditions put on them because there has to be a clear nexus between the conditions and the proposed use.

Mrs. Daughtry asked if this would go to the Town Council.

Mr. Wensman said this allows us to have two public hearings which was the request of the Planning Board. Because it's not quasi-judicial you guys as a Planning Board can hold a public hearing and make a recommendation to the Council.

Mr. Helmer stated the conditional zoning procedure allows an applicant to submit a request to amend the zoning district designation of land on the zoning map, subject to a set of additional voluntary limitations or expansion of uses expressed as conditions. The one single and final legislative decision is all that is needed to approve both the development plan and zoning conditions. The process begins when a completed application, site plan and non-refundable fee is submitted by the appropriate deadline. The application is then checked for accuracy by the planning staff. The site plan should include all pertinent details about the proposed use to include, but not limited to, such things as parking, ingress, egress, fencing, play areas, setbacks, square footage of building, hours of operation, number of employees, number of clients to be served, and landscaping, etc. The Town of Smithfield will have a legal requirement by general statute to advertise the request in the local newspaper. The town advertises the case for one day in two successive weeks prior to the first public hearing before the Planning Board. In addition, the town sends out notification letters to all abutting property owners to inform them of when the public hearing will be, which property is being considered, and what kind of use is requested. These notification letters are sent prior to both the Planning Board and Town Council meetings. The case is first heard at a public hearing before the Planning Board. Anyone wishing to speak at the hearing may do so. The Planning Board makes a recommendation to city council for approval or denial after hearing information from the planning staff, and anyone wishing to speak. The staff will present information on the surrounding land use, the surrounding zoning districts, and what the Town Plan recommends as the long range plan of the area. After being heard by the Planning Board, the case will then proceed to the Town Council who will also conduct a public hearing and take a final vote on the case.

Mr. Lane asked if this also includes quasi-judicial.

Mr. Helmer said no, it does not.

Mr. Lane said this board recommended and unanimously voted that it goes to the Council at their next meeting to bring that up.

Mr. Helmer said that may be the case, however staff disagrees with that and the Town Attorney, Bob Spence also agrees it is a process we need to get away from because of the legal exposure it places the Town in.

Mr. Upton stated he understands that but what was requested was that the Town Council hears it.

Mr. Wensman said he sent a letter to Mike Scott with Planning Boards request and what he has done with the letter I am not sure. He probably shared it with the Mayor and it is in their hands. They will decide how and when they will bring this forward.

Mr. Lane made a motion that ZA-19-04 be tabled until the Town Council hears the Planning Boards recommendation of them bringing the public hearing back to the Planning Board, seconded by Oliver Johnson. Unanimously Approved.

Mr. Upton stated it was mentioned before that the Town of Clayton can hear quasi-judicial on their Planning Board. I'm bringing that up so it will be brought before the Town Council giving them the facts.

Mr. Lane said when this board is making a recommendation and it is approved unanimously by this board it should go to the Town Council. That's a spit in our face.

Mr. Wensman said the Town Council has received your request.

Mr. Lane said I asked for it to be placed on the agenda for the next Town Council meeting.

Mr. Wensman said he didn't control that agenda but the request was given to the Town Manager.

Mr. Lane said he is expecting the Town Council to discuss the request at their next meeting as this board recommended them to do.

Mr. Wensman said he and the Town Manger discussed holding a joint meeting between the Town Council and the Planning Board.

Mr. Lane said that's not what this board voted on.

Mr. Spain said we heard that same thing in February.

Mr. Wensman said we have this ready for tonight if the Planning Board wants to make a recommendation to Town Council.

Mr. Lane said he would feel better about recommending ZA-19-04 when he knows the Council has discussed the public hearing issue requested by the Planning Board.

Mrs. Daughtry asked if this request to Town Council had been brought before them already.

Mr. Lane said yes, on February 21st. The Town Council directed Planning staff to find a way to bring public hearings back to the Planning Board, including quasi-judicial. Bob Spence was there as well and led the meeting.

Mr. Upton said he was present at the February 21st meeting and as best he can remember only two councilmen spoke.

Presentation of Plaque to Dr. Oliver Johnson

Mr. Upton recognized Dr. Johnson with a plaque for his service to the Planning Board. This is his last meeting serving as a board member. He accepted a position on the Johnston Community College Board of Trustees. Everyone stood and gave him a round of applause.

Adjournment

Being no further business, Mark Lane made a motion seconded by Teresa Daughtry to adjourn the meeting. Unanimous approved.

Next Planning Board meeting is September 5th, 2019 at 6:00 pm.

Respectfully Submitted,

A handwritten signature in black ink that reads "Julie Edmonds". The signature is written in a cursive, flowing style.

Julie Edmonds
Administrative Support Specialist