

**Draft
Town of Smithfield
Planning Board Minutes
Thursday, July 11, 2019
6:00 P.M., Town Hall, Council Chambers**

Members Present:

Chairman Stephen Upton
Vice-Chair Mark Lane
Ashley Spain
Michael Johnson
Teresa Daughtry
Alisa Bizzell

Members Absent:

Oliver Johnson
Leslie Lazarus

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 June 6, 2019

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

APPROVAL OF THE AGENDA

Mark Lane made a motion to amend the agenda as written by moving the Smithfield Town Plan to the first hearing and ZA-19-03 to be heard last. He also made a motion to add item number 3, discussion of the Planning Board bringing back public hearings. Unanimously approved

NEW BUSINESS

ZA-19-03 Town of Smithfield

Mr. Wensman stated at the last Planning Board meeting, consultants Stewart Engineering, Inc. and Kimley-Horn and Associates, Inc. presented the Smithfield Town Plan. He noted it was posted online at the Town of Smithfield website. Mr. Wensman asked the citizens at the meeting, how many had read the Town Plan; only two or three residents raised their hands. Mr. Wensman said he had received comments from two people. He encouraged anyone with comments or concerns to please contact him; he said they are much needed.

Allison Fluitt of Cary is a transportation planner and engineer from Kimley-Horn and Associates, Inc. She came forward to explain that the two consulting firms had been working together in developing the Town Plan. Kimley-Horn is working on the transportation portion and Stewart has been working on the Growth Management portion. The development of the Town Plan is a community driven planning process. The intent is to help establish a vision for both transportation and land use in Smithfield. It starts with identification of needs and deficiencies which they spent a lot of time on. Ms. Fluitt stated that it had been a little over a year since the process started. The started by holding stakeholder interviews, to learn more about the Greenway, Parks, Utilities, Emergency Services and any specific component that affects the Towns functions. By paring that with the steering committee, they held many meetings that immensely helped guide their decision making along the way. Some workshops were held to create public involvement as well as surveys that were distributed online. Allison stated that she saw some familiar faces at the meeting from some of the other public involvements gatherings and she greatly appreciated the support.

Eventually this Town Plan will be brought before the Town Council; however the discussions being held tonight and in any subsequent meeting will be an important part of what ends up going before them in a final report for consideration. Some small modifications were made to the future land use map. It is intended to show growth patterns, including the land uses, the scale of the development and the design. It also is meant to provide guidance for rezoning's, private investment and the provision of infrastructure and services in the future. Since the last Planning Board meeting changes were made. They incorporated the latest roadway alignments that are accompanied by the Johnston Community College modifications for that area. The other area changes were made was along Kellie Drive and Buffalo Road. They changed from commercial to mixed use centers. This was done because mixed use centers allow for mixed housing and the exact footprint of commercial in that area will be subject to the market demand. Looking at the greenway map, changes were made and it now extends to the Smith Collins Park. This was done to tie in the amenities within this area to the proposed greenway.

Mr. Lane asked if the extension to Smith Collins Park was no longer there.

Ms. Fluitt said it is there now but it wasn't previously there; before these changes were made it terminated at the community garden.

Christina Whitfield of Raleigh works with Stewart Engineering, Inc. She explained the modifications to the Transportation Plan. They zoomed into the maps more making them bigger and easier to read. They provided insets of the downtown area so you can see that grid a little bit better.

Allison stated when referring to the downtown area, they mean the center city such as downtown and historic neighborhoods.

Mr. Upton asked each consultant if they would state the page number to each document they are reviewing.

Ms. Whitfield mentioned comments received on an addition on Wilson's Mills Rd. Originally the recommendation stopped at Durwood Stephenson Hwy and that was for an inclusion of a two-way left turn lane in the middle modernizing the road to have wide shoulders and sidewalks. There has been a desire to extend that past Durwood Stephenson Hwy and that has been added to the map.

They received edits on some collector streets. The intent of these streets is to be a tier below your major roads such as Hwy 70 and Hwy 301. These are the streets that connect your neighborhoods to these major highways. One recommendation was to upgrade the classification of Vermont Street to a collector street. It is currently classified as a local street but it serves a school.

Mr. Lane asked why Vermont Street was selected to possibly become a collector street.

Ms. Whitfield said the recommendation was to connect it the rest of the way through. There is currently right-of-way there possibly being used for utility easement. So the road could be punched through to provide greater connection from the neighborhood that is cut off on the other side of Huntley Street.

Ms. Whitfield stated one of the final edits to the transportation plan is they modified the cost estimates to the intersections for right-of-way. Originally they estimated 6 million dollars due to right-of-way costs but as they looked at land values they dialed it back to 3 million to be more realistic.

Lastly Ms. Whitfield stated that the 4 appendices of the document are available online. There will be a shared public engagement summary that is for the growth management plan and transportation plan. It will have the full results from the meetings and attendees as well as all survey results.

Mr. Lane said he feels that there are parts of the Town Plan that need to be looked at again. He's aware that a lot of work has been put into it. He also believes this Town Plan needs to be done to the citizens recommendations as well.

Mrs. Daughtry said citizens have had opportunities online as well as in meetings or workshops to provide feedback. She asked if the Town Council had received a draft of the Town Plan yet.

Mr. Wensman said the Town Council has had a draft in their presence and in a few days they will receive a paper copy with any recent edits.

Mr. Upton asked what the Planning Department was seeking from the Planning Board.

Mr. Wensman said the intend 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.

Kevin Koebly of 410 E. Woodall Street came forward and asked if eminent domain would be used in the process of this Town Plan.

Mr. Wensman said he doesn't know for certain but wouldn't think so. Some of the recommendations might require of the right-of-way but it is way too soon to know.

Guy Lampe of 415 N Second Street came forward and stated that he read on page 11 in the Growth Management Plan Volume 2, collector streets would have a commercial element for commercial development. He said if Vermont Street becomes a collector street then not only would it acquire sidewalks but it would become commercial as well.

Mr. Wensman said he would look at it closer, it has to be in alignment with the transportation plan. There could be a disconnect between the two plans.

Mr. Lampe stated he liked many things about the Town Plan. For one, the splash park at Smith Collins. He feels the boat ramp improvements shouldn't involve paving the ramp and parking area because it is bad for the environment. He'd rather see a curb with a gravel lot there. Porta John's would be a better addition than building bathrooms.

Mr. Lampe also had concerns with North Smithfield at North and Bridge Street. It's a historic and residential neighborhood. He would like some protection from the Town of Smithfield to prevent commercial from overlapping into the neighborhood.

Mr. Wensman said the Town Plan does have quite a bit of language about trying to stop encroachments of commercial into neighborhoods. It mentions having clear defined edges to business areas and residential neighborhoods, which means better buffering. He believes the plan is in alignment with that you're saying.

Mr. Lampe said he is a commercial developer and has built in all of the major towns in North Carolina. For example, Cameron Park in Raleigh has a dividing line that distinctly shows commercial on one side and residential on the other. He thinks the multi-family element would work well in Smithfield.

Dr. Karen Miller Anderson of 817 Vermont Street stated she is not against progress by any means but she would like to her neighborhood to stay as it is. She said she loves sidewalks but her neighbor would lose her steps because you can't park on Vermont Street. Flooding is a major problem and many other physical problems that don't make Vermont Street a good collector street. She knows someone mentioned doing this wouldn't increase traffic but there isn't any way it will not increase it.

Larry Carter of 814 S Vermont Street came forward and asked if the Vermont Street extension would carry over to Hwy 301.

Mr. Upton said no, the extension is from Vermont to Huntley Street which is in the woods.

Larry Carter asked when the Council adopts something does that mean it is final.

Mr. Upton said no it is a process.

Mr. Wensman said when the Planning Board gives a recommendation to the Town Council at that point the Council will hold a public hearing, inviting the public to discuss whatever issues are on the table. At that point they can adopt or adopt with whatever recommended changes, they can postpone until changes have been made. The Town Plan is a document that will guide decision making but it isn't the decision maker. The plan will suggest future road connections; however it might not happen for another 20 years.

Larry Carter stated that he found out today about this meeting being held tonight. He would like to know as the public, how they are to be notified in the future.

Mr. Wensman said all the survey information went out in the water bills. We have had meeting and important info scrolling out front on the kiosk sign. When we hold a hearing it is advertised in the newspaper. The Downtown Corporation has a newsletter that goes out each month so Town of Smithfield information is on that. We try to use our boards and committees to get the word out.

Sarah Edwards, Director of Downtown Smithfield Development Corporation resides at 1282-E Packing Plant Road. She came forward as a member of the Steering Committee, thanking everyone for their interest in the Town Plan. She especially appreciated the ones who attended any workshops and meetings and provided feedback. Ms. Edwards wanted to address Mr. Lampe's statement about North Smithfield. She mentioned there was tremendous value in the historic neighborhoods. We want people living downtown and want them to come and spend their money there as well. She feels enhancing the amenities the Town currently has. The boat ramp was previously mentioned, it is much better now with the improvements it has received. We want it to have the ability to drive traffic to Smithfield by the river. The mountains to sea trail will eventually connect you from Wake Forest to Smithfield and people will ride and come spend money. She thinks the proposed bathrooms would be a nice addition, especially with all the new traffic the area will bring in. As far as Vermont Street goes, Ms. Edwards would like to know if it is currently wider than necessary.

Ms. Fluit came forward and stated that Vermont Street currently is a two lane unstriped street. It does accommodate on street parking. We feel the width that's there is necessary for the street itself.

Mr. Wensman asked Ms. Fluit if there were adequate right-of-way for the collector street improvements.

Ms. Fluit said she didn't have the right-of-way numbers in front of her but her understanding is the right-of-way is fairly constrained in that area. She mentioned that collector streets are not a template that they stamp out in each cross section in every location. There may be places that they can accommodate a sidewalk on a single side of a road. She believes it was classified as it was due to the potential for it to link up those neighborhood areas.

Sonny Howard of 221 W. Woodlawn Drive came forward to speak. He asked if the proposed sidewalks were for all of Vermont Street.

Mr. Upton said he didn't think the sidewalks would ever be installed.

Mr. Wensman wanted to mention that this plan is calling for NCDOT Planning Process. This is where the Town can do a pedestrian plan to identify those exact issues.

Mr. Howard said if he lived on Vermont Street he would want it in writing that sidewalks wouldn't be put on that street. He also hopes that the Town keeps commercial out of the North Smithfield, as mentioned earlier.

Mr. Lane said he would like to see Vermont Street removed from the Town Plan as a collector street. He would also like to see the Historic district on Bridge Street separated from downtown. He believes it should also include the South Smithfield area.

Mrs. Daughtry said if these historic districts are safe from commercialization then homeowners in these districts shouldn't be allowed to request their homes to be rezoned for commercial purposes.

Mr. Wensman pointed out when someone requests to turn residential into commercial they will ask to be rezoned. As a Planning staff, we look to see if the request is appropriate and consistent with our Town Plan. If it isn't consistent we will tell the Town Council. It doesn't bind them but puts them under more pressure to follow the Town Plan. It requires the public to come out and voice their opinions, which influence the Council's decision making.

Mr. Lane said you could always take his recommendation and change it down the road if needed.

Mr. Spain asked as a recommending board how would the changes being discussed tonight be made in the Town Plan. Would the verbiage be changed or would the topics we removed all together.

Mr. Wensman said the suggestion to turn Vermont Street into a collector street came from a Steering Committee meeting. As Planning Board members, you could recommend that the suggestion be removed to the Town Council. We have a split decision that could be highlighted and brought to the Council.

Mr. Upton asked if something of this nature goes before Council, ultimately it is up to them to decide.

Mr. Wensman said the Council does have the final say.

Mr. Lane stated that he didn't think the Planning Board could make a recommendation tonight because many here in attendance just found out about this meeting today. We must find a way to notify the public with information of this importance.

Mr. Wensman said for anyone at all with questions or concerns, please come see us in Planning. We are more than happy to sit down and talk.

Mr. Spain asked if citizens that wanted Vermont Street removed as a collector street, email or come by the Planning Department and voice their opinions.

Mr. Wensman said sure we welcome anyone to come by.

Mr. Spain asked how we would go about removing this.

Mr. Wensman said we are going to have a discussion about the current recommendations, alternate recommendations and we're going to bring it back to this board next month. Once Planning Board makes a recommendation then it will go before Town Council.

Mark Lane made a motion to table the Smithfield Town Plan for 30 days, seconded by Ashley Spain. Unanimously approved.

ZA-19-03 Town of Smithfield:

The Planning Department is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) 10, Section 10.15.4 (Encroachment into Setbacks), striking the section from the UDO.

Mr. Wensman said there is an exemption built into the UDO that needs to be removed.

Recently, Staff reviewed a proposed redevelopment in which the existing structure was demolished and a new building is proposed to be constructed. The demolition and reconstruction triggered full compliance with the landscaping/parking regulations. In the code it was pointed out to us that 10.15.4.1.says

10.15.4.1. If an existing structure is located within a setback where the implementation of the Streetyard and/or Bufferyard requirements are physically impossible and the encroachment into the yard (streetyard or bufferyard) allows for a minimum of three (3) feet of planting area, only the required shrubs shall be planted.

In this case there were curbs and a storm sewer inlet that were in the required buffer yards. This exemption allowed them to keep the current infrastructure which is non-compliant with code in place.

There is the ability in the code for him to make a decision when there is grey area between two codes. We have two parts of the code saying two different things and this could lead to lawsuits. If there is a hardship you have an avenue to request a variance. We're asking that article 10.15.4. encroachment and setbacks be stricken.

Mrs. Daughtry made a motion to approve ZA-19-03, striking Section 10.15.4 from the UDO finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest; seconded by Mark Lane. Unanimously approved

Mr. Lane requested an update from the Planning Staff on holding public hearings at the Planning Board meetings. He mentioned tonight was a prime example of citizens not finding out about meetings until the last minute.

Mr. Wensman said the Planning Department is working through the final changes to implement conditional zoning. Therefore any legislative item would require a hearing before the Planning Board. We're reluctant to put special use permits before the Planning Board because it's not best practices and the School of Government frowns upon it.

Mr. Lane asked if the Town Council had frowned upon it.

Mr. Wensman said no not yet.

Mr. Wensman said we have been discussing this with the UDO Committee. We've gone through and made refinements to the Table of Uses. Currently where it says S for Special Uses it would say CZ for Conditional Zoning. You have to do a Conditional Rezoning which puts it in the legislative rather than quasi-judicial. Planning Board can then have a hearing. We have a few standards that we are still working on. Mr. Wensman has talked with the Town Manager about possibly holding a special meeting in August with Town Council to review this. This touches Articles 3, 4 6 & 7 all at the same time.

Mr. Lane said this has been going on since February and it's now almost August. He isn't satisfied and he wants it like it was before.

Mr. Lane said if the Town of Clayton can hear quasi-judicial then so can the Town of Smithfield.

Mr. Wensman said we have already been subject to lawsuits due to quasi-judicial process. We have been advised by our Town Attorney that the legislative process is a safer bet for the Town. In this case he agrees with the Town Attorney.

Mr. Lane would like to make a motion that the Planning Board recommend to the Town Council that hearings be brought back to the Planning Board, quasi-judicial or otherwise and he wants it heard at the next Town Council meeting; seconded by Ashley Spain. Unanimously approved

Mr. Lane said the Town Council reads our Planning Board minutes so there's a discrepancy there.

Mr. Helmer said if you went back to quasi-judicial then they shouldn't be reading the minutes from Planning Board a meeting; that's ex parte communication.

Mr. Lane said so it is ok for them to read the minutes as long as it isn't a quasi-judicial process.

Mr. Wensman said correct.

Mr. Lane said it's not fair to this board or to the public.

Mrs. Daughtry asked what has taken so long that they haven't gotten an answer yet. It is a simple yes or no.

Mr. Wensman said we have been trying to find a meaningful way to carry out this process without violating best practices and potential lawsuits. The Council doesn't want to hear these large text amendments at their regular monthly meetings. We hope to have a joint Planning Board and Town Council meeting in August to discuss this conditional zoning proposal.

Mr. Lane said the Town Council is elected to come and represent the citizens as long as needed.

Julie Edmonds announced the next Town Council meeting would be held August 13th, 2019 at 7:00 pm.

Administrative Actions report

Planning Department Development Report

Mr. Helmer stated the most recent submittal was the East River voluntary annexation into the Town limits. That will go before Town Council at the September 3rd meeting.

Site plan for Johnston County Waste Water Treatment Plant

The Johnston County Waste Water Treatment Plant has a project approved by Planning and will go to Building Inspections. The plant is raising the dike to protect them from future flooding.

Adjournment

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

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist