

**Town of Smithfield
Planning Board Minutes
Thursday, July 9, 2020
6:00 P.M. Town Council Chambers**

Members Present:

Chairman Stephen Upton
Vice Chairman Mark Lane
Debbie Howard
Doris Wallace
Michael Johnson

Members Absent:

Alisa Bizzell
Ashley Spain
Teresa Daughtry

Staff Present:

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

Staff Absent:

CALL TO ORDER

IDENTIFY VOTING MEMBERS

APPROVAL OF AGENDA

Doris Wallace made a motion, seconded by Debbie Howard to approve the agenda. Unanimously approved

APPROVAL OF MINUTES from June 4, 2020

Debbie Howard made a motion, seconded by Doris Wallace to approve the minutes as written. Unanimously approved

NEW BUSINESS

RZ-20-04 TIMA, LLC: The applicant is requesting to rezone five tracts of land totaling approximately 7.45 acres from the PUD (Planned Unit Development) and R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district. The properties considered for rezoning are located on the southeast side of the intersection of Buffalo Road and M Durwood Stephenson Parkway and further identified as Johnston County Tax ID# 14075030B, 14075030G, 14075030F, 14075027 and 14075028.

Mr. Wensman stated that Frank Lee is requesting approval of a zoning map amendment to rezone approximately 0.73 acres of land from R20A to B-3 and 6.715 acres of land from Planned Unit Development (PUD) to B-3. The land is currently vacant and the proposed use is for commercial purposes. Mr. Wensman pointed out the location of the property on a map and stated that this same property was reviewed back in 2018 rezoning it to PUD. Since that time there is a piece of property at the corner of Buffalo Rd and Durwood Stephenson Parkway that has been included into this proposal.

In 2008, Frank Lee was interested in zoning the property for commercial. The comprehensive plan at that time guided the property as a mixed-use node, so Staff had supported a rezoning to PUD with a mixed-use plan consisting of office, convenience gas station and apartments. The Plan was not viable as proposed and the applicant is back asking for a rezoning to B-3. The property is not located within a floodplain and no delineated wetlands exist on or near property considered for rezoning.

The Town Plan/Future Land Use Map guides this area as mixed use. The mixed-use guidance is shown on all four corners of the M. Durwood Stephenson Parkway and Buffalo Road intersection. B-3 zoning is the Town's most expansive commercial zoning district that allows a wide variety of commercial land uses and that's what Mr. Lee wants to zone the property to. Staff feels the rezoning will be consistent with the Strategic Growth Plan because of its flexibility. It's consistent with the Unified Development Ordinance. Any plans that come forward will require plat approval and approved against those rules and it will be compatible with surrounding land uses. It's an area that is rapidly growing in residential and there is a commercial need in the area.

Mr. Lane asked what the property was currently zoned as.

Mr. Wensman said a mixed use/PUD (Planned Use Development). They provided a plan that showed a commercial gas station type use, an office residential use and an apartment building. There was never any interest in the property and now there is but as commercial only.

Debbie Howard made a motion to recommend approval of the rezoning of the 0.73 acre parcel from R-20A to B-3 and the 6.815 acre parcel area from PUD to B-3 finding the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan as amended by the rezoning and that the request is reasonable and in the public interest; seconded by Doris Wallace. Unanimously approved

S-20-01 Twin Oaks Subdivision, Section III, Phase VI: The applicant is requesting review and approval of a 20-lot subdivision on an 8.62-acre tract of land that is within an existing RMH (Residential Manufactured Home) zoning district. The property considered for subdivision approval is located on the west end of Will Drive approximately 1,000 feet northwest of its intersection with Yelverton Grove Road. The property is further identified as Johnston County Tax ID# 15J11008M.

Mr. Lane pointed out that he was lifelong friends with the applicant's parents; he grew up beside them and didn't feel the need to recuse himself but did want the board to be aware of the friendship.

Mr. Wensman stated JYMCO Development, Inc. is requesting a preliminary subdivision plat for Twin Oaks Subdivision, Section 3, Phase 6, a proposed 20-lot two-family residential development on 8.62 acres of land in the R-MH Manufactured Home Residential District. Town of Smithfield will provide water and sewer services and Duke Energy will provide power.

The subdivision site is comprised of open field that gently slopes towards a creek located on the west edge of the property. The low area around the creek is woodland. This new development will connect the two dead end streets of Will and Ray Drive. There will be lateral connection to the North and South to provide for potential future development in both directions. Storm ponds are proposed for the open space to the West side of the property. There will be a need for an HOA to manage, maintain and own the storm pond area.

The proposed right-of-way will be a 27' paved road with ditches in a 50' public right-of-way. That road is designed to have sewer down the center, a water line on the side and no sidewalks. The standard for DOT is 20' to 24' but after talking to the developer today, they have letters stating the DOT approved the previous 27' road and anticipate they will again. Will and Ray Drive are not currently accepted by NCDOT. In order for the new phase to be accepted for maintenance, the older phases will also need to be accepted. The applicant is proposing the right-of-way be dedicated to the NCDOT. The new road will tie into the existing Ray and Will Drives which lack public sidewalks. According to UDO Section, 10.112, the Town Council may require sidewalks. In this case, Planning is not recommending them. There are no sidewalks in the earlier phases of the development and none along Yelverton Grove Road.

Debbie Howard asked if the applicant would have to bring the older phase up to DOT standards.

Mr. Wensman said yes, that's correct.

Mr. Lane asked if the applicant was hoping that DOT would maintain all roads.

Mr. Wensman said yes, the previous phase and this new phase.

Mr. Upton asked if the current phase in its present condition now having not been maintained was accepted as is?

Mr. Wensman said no, DOT gives a punch list which included paving the roads which the applicant has done.

Mrs. Howard asked if it was correct that 20 duplexes would be built in this new phase providing homes for 40 families.

Mr. Wensman said yes, duplexes are twin homes and are allowed in that district.

Mrs. Howard asked if they weren't considered multi-family.

Mr. Wensman said no, 3 or more units are considered multi-family.

Mr. Wensman mentioned that sidewalks had been an issue the Town had struggled with. The subdivision ordinance states that Town Council may require applicants to construct a public sidewalk along all new streets. In rural areas that are likely going to stay rural, we wouldn't recommend or require sidewalks.

Mr. Upton asked if that would be updated in the ordinance.

Mr. Wensman said yes, DOT doesn't maintain sidewalks. If a road is truly going to remain DOT and not part of the Town, it puts a burden on homeowners to have that maintenance responsibility.

Mr. Upton asked if the new development down Hwy 210 would have been required to install sidewalks if it were being built now instead of when it was.

Mr. Wensman said yes, they are guided for greater density in our new Comp Plan. It's a walkable area and the Town anticipates that land to come into the city.

Mr. Lane stated that this stipulation on sidewalks needed to be placed in the UDO to prevent problems in the future.

Mrs. Howard stated that she could be why this new phase of Twin Oaks wouldn't need sidewalks.

Mr. Wensman said that Stormwater was being shown in two areas. There will be a cluster mailbox area which is required by the postal service. Park dedication will be required for the 20 lots consistent with the code at the time of final plat. Staff is recommending approval of the preliminary plat. Plats are an administrative approval in this Town. We can't conditionalize them unless a PUD or Special Use Permit.

Mrs. Howard asked if what the applicant was proposing was currently allowed in that district.

Mr. Wensman said yes, that plat is allowed as long as it's approved. The Plat does meet the code requirements.

Mrs. Wallace stated that the plan reads it was amended to allow for 2 parking spaces instead of 1.

Mr. Wensman said yes, we will ensure that all code requirements are met.

Mrs. Howard asked if those parking spaces would be paved.

Mr. Wensman said yes.

Doris Wallace made a motion to recommend approval of the preliminary plat of the Twin Oaks, Section 3, Phase 6 S-20-01; seconded by Debbie Howard. Unanimously approved.

Old Business

Mr. Wensman said he had an update on the Conditional Zoning. The Planning Department had planned to organize a Planning Workshop with the Town Council and Planning Board later this month along with Town Attorney Bob Spence. We also would like to make some changes to the Subdivision Ordinance. Right now, it is administrative and it's cumbersome not being able to address any issues that you see. Someone in Bob's office got sick and has been tested for Covid-19. They have quarantined for 14 days. We haven't been able to schedule anything yet.

Mr. Lane asked how much the hired attorney was able to help in clearing up what could and couldn't be done with the conditional zoning.

Mr. Wensman said she clarified what the Town could and couldn't do. We can't force conditional zoning; it has to be an option. We would need options in our code between quasi-judicial and legislative. We can make it more compelling to do legislative and that's what we're working to do.

Mrs. Howard asked when the two items approved here tonight go before Town Council, will at that time the surrounding property owners be contacted.

Mr. Wensman said our code isn't terribly clear. It's an administrative process and he doesn't think there are any administrative requirements for a hearing.

Mr. Upton asked if there are any municipalities carrying out hearings as this board use to do.

Mr. Wensman doesn't know but the statues don't require advisory quasi-judicial hearings at the Planning Board before the Town Council. They warn that isn't not advisable but it's not prohibited.

Adjournment

Being no further business, Debbie Howard made a motion seconded by Doris Wallace to adjourn the meeting. Unanimously approved

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist