

**DRAFT**  
**Smithfield Planning Board Minutes**  
**Thursday, May 4, 2017**  
**6:00 P.M., Town Hall, Council Chambers**

**Members Present:**

Chairman Stephen Upton  
Gerald Joyner  
Jack Matthews  
Mark Lane  
Eddie Foy  
Ashley Spain

**Members Absent:**

Teresa Daughtry  
Daniel Sanders

**Staff Present:**

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Assistant

**Staff Absent:**

**CALL TO ORDER**

**APPROVAL OF MINUTES FROM April 6, 2017.**

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

**Public Hearings:**

After all persons given testimony were duly sworn, Mr. Upton opened the public hearing.

Mr. Upton reminded the Board the next Town Council meeting will be held June 6, 2017 at 7:00 p.m.

**RZ-17-01: E&F Properties LLC**

Mr. Helmer stated that the applicant is requesting to rezone approximately 54.95 acres of land from the R-20A (Residential-Agricultural) to the B-3 (Business) zoning district. The property considered for approval is located on the north side of Booker Dairy Road approximately 200 feet east of its intersection with Bradford Street. The property is further identified as Johnston County Tax ID# 14057004D. Property considered for rezoning is a large area of undeveloped land currently being used for agricultural purposes. The property is adjacent to North Chase subdivision to the west and North View Subdivision to the south. The southern-most portion of the property is adjacent to Booker Dairy Road and will have road frontage and access to the proposed Durwood Stephenson Highway extension. Utilities to include water, sewer and electric will be available at or near the site considered for rezoning. Property to east of the subject property was approved for rezoning from residential to commercial by the Smithfield Town Council on March 13, 2015. Including this 55 acre rezoning request, the total combined area zoned for commercial and high density residential land uses in this area will equal

approximately 300 acres. The Town of Smithfield Future Land Use Plan fails to address changes in this area that have occurred since the plan adoption. The recent influx of rezoning requests appear to be in response to NCDOT improvements to Booker Dairy Road and the Durwood Stephenson Highway extension and not in response to any adopted small area plan for this area.

Mr. Helmer stated the Future Land Use Plan has identified this property as being suitable for low density residential land uses. However, the Durwood Stephenson Highway extension is not identified on the plan and it is reasonable to assume that upon its construction this land will be attractive to commercial and high density residential developments.

Mr. Helmer stated the rezoning will be consistent with the Town of Smithfield Unified Development Ordinance provided that all proposed future land uses and site specific development plans meet the minimum development standards of the Town of Smithfield Unified Development Ordinance.

Mr. Helmer stated the portion of the property considered for a rezoning is immediately adjacent to two single family dwelling subdivisions. Compatibility issues can be reduced through proper landscape buffers and careful planning of interconnecting access points.

Mr. Helmer stated the property would be served by the town of Smithfield Fire Department and Police Department as well as Town water, sewer and electric services provided.

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately 54.95 acres of land from the R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district.

Mr. Helmer requested the Planning Board review the petition and make a recommendation to Town Council for the rezoning of 54.95 acres tract of land from the R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district.

Mr. Helmer stated he will be glad to answer any question the Board may have and that Andrew Hodge was present to represent the applicant.

Chairman Steve Upton opened up the floor to anyone that would like to speak.

Mr. Upton stated to everyone that this vote tonight is just a recommendation either way to be addressed by the Town Council on June 6, 2017 at 7pm and you will notified by mail.

Mr. Foy stated that he would like to learn more about the Durwood Stephenson Highway Extension, what are the plans for that?

Mr. Helmer stated this is a state project that will create a 4 lane divided highway between Buffalo Rd down the existing Booker Dairy Rd alinement and will widen the 2 lane divided highway with some traffic signals and will continue and tie into Ava Gardner Avenue. The

existing Booker Dairy Rd that runs north and south will t-intersect with the Durwood Stephenson Highway.

Mr. Foy asked if it was basically going to follow Booker Dairy down to the turn.

Mr. Helmer answered yes.

Mr. Foy asked if it would be four lane or two lanes.

Mr. Helmer said it will be four lane divided with sidewalks

Mr. Foy asked what the timing on that project?

Mr. Helmer said DOT currently is in the right of way acquisition, the design is finished and the right of way acquisition is currently underway and once DOT has acquired all the right of way the project will go to bid. The project will probably start late 2018.

Mr. Foy asked is this property we're considering now is cleared land or wooded.

Mr. Helmer said it is currently planted with pine trees.

Mr. Spain asked if the property was inside the city limits.

Mr. Helmer said it is within the ETJ, not currently in the corporate city limits. As development is proposed and approved voluntary annexation would be required if they were to tie into the Towns water and sewer lines.

Mr. Upton asked if the rezoning would be consistent with the Town of Smithfield UDO.

Mr. Helmer answered yes it will be when a site specific development plan comes forward and is approved.

Mr. Upton asked if whatever does comes will it be buffered.

Mr. Helmer said yes there is standard buffer between commercial and residential. Whatever the use there may be the zoning district dictates the buffer. A lot of uses in the B-3 are by conditional use so there will be additional hearings with additional opportunities for everyone to speak and look at the design. Just looking at the zoning there is a large 40ft buffer between commercial and residential. When development comes, there will be a 40ft strip of land there they can't encroach into. If they clear cuts all the trees the development that comes in will have to put some back, which is part of the buffer requirement.

Mr. Spain asked how they would allow driveways coming off of a divided highway.

Mr. Helmer said this is controlled access corridor which means any future proposed driveway permits would need to be approved by DOT since they own the road.

Mr. Lane asked since it will be a four lane road will there be a fence?

Mr. Helmer said there will be a fence on the western most portion and it will have limited access points. There are predetermined openings in that fence.

Mr. Foy asked Mr. Helmer if he had received any objections from any citizens about this rezoning.

Mr. Helmer stated he is not aware of any opposition to the proposed rezoning.

Beth Gregory who resides at 18 Bradford Street came forward to ask questions about how her property would be affected by a B-3 zoning district.

Mr. Andrew Hodge from Adams and Hodge Engineering came forward and said they don't have any specific plans yet for this property. They just wanted to get it rezoned to match the large tract beside it so when things do come up they will be ready.

Mr. Foy asked Mr. Hodge if the property would be best used either way for residential or business.

Mr. Hodge stated it would be best used for business in this area because the Booker Dairy Rd extension coming and the town already provided water and sewer out there.

Being no further questions, Eddie Foy made a motion to close the public hearing; unanimous

Chairman Upton closed the public hearing.

Eddie Foy made a motion to move to the finding of fact. Seconded by Ashley Spain. Unanimous

Mr. Foy stated that the governing body has the responsibility to determine if the zoning map amendment is warranted. The Planning Board shall recommend and 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.

The Planning Boards finds the rezoning request from a Residential zoning district to a commercial 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 medium density residential land uses. However, the

property is immediately adjacent to, and west of, an existing B-3 (Highway Entrance Business) zoning district. Unanimous

The Planning Board finds the rezoning request is compatible with established neighborhood patterns which includes an existing commercial zoning district immediately east of the subject property. Unanimous

The Planning Board finds the rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because the rezoning will allow for the creation of new commercial zoning district that will promote economic development along the proposed Durwood Stevenson Highway. This area is envisioned by many to be area were the next wave of commercial development will take place. Unanimous

The Planning Board finds rezoning request is in the community interest because the proposed commercial rezoning will allow for economic development opportunities in the area and ultimately increased tax revenue for the Town at large. Unanimous

The Planning Board finds that 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. Unanimous

The Planning Board finds that the property is currently zoned R-20A (Residential-Agricultural) and commercial development of the property cannot occur unless the property is rezoned. Unanimous

The Planning Board finds that water, sewer and electric services will be available at or near the site considered for rezoning. CenturyLink and Spectrum will serve the area with phone and cable respectively. Unanimous

The Planning Boards finds the property is not affected by physical restraints 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.) Unanimous

Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant’s representative The Planning Boards recommends approval the Rezoning Petition RZ-17-01.

**Old Business:**

No Report

**New Business:**

Mr. Upton stated it was Mr. Matthews last planning board meeting. As the board we more than appreciate your participation. If possible we would love Mr. Matthews to attend the next board meeting as the guest of honor. Mr. Matthews said yes he would be glad to.

Mr. Helmer stated cell technology is quickly changing. 5G is quickly approaching and the technology for that is extensive. He has a gentleman who would like to come and present information before the board. The board is in agreement and a presentation on this emerging technology would be useful.

Eddie Foy made a motion to adjourn, seconded by Ashley Spain. Unanimous.

Submitted this 4th day of May, 2017.

Julie Edmonds  
Administrative Assistant  
Planning Department