

DRAFT
Smithfield Planning Board Minutes
Thursday, August 10, 2017
6:00 P.M., Town Hall, Council Chambers

Members Present:

Chairman Stephen Upton
Vice-Chairman Daniel Sanders
Michael Taylor
Mark Lane
Eddie Foy
Ashley Spain

Members Absent:

Teresa Daughtry

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant
Mike Scott, Town Manager
Steve Medlin, Interim Planning Director

Staff Absent:

CALL TO ORDER

Mr. Upton asked the board if anyone had amendments to the agenda. There were none. Mr. Upton then gave a brief purpose of the Planning Board to the audience. He reminded everyone that the recommendation from the Planning Board would meet before Town Council on September 5th, 2017 at 7pm.

INTRODUCTION OF MICHAEL TAYLOR

Michael Taylor came forward and was sworn in as a Planning Board Member by Mr. Steve Upton.

APPROVAL OF MINUTES FROM July 13, 2017

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

APPROVAL TO OPEN THE PUBLIC HEARING

Ashley Spain made a motion, seconded by Mark Lane to open the Public Hearing.
Unanimous.

Public Hearings:

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

CUP-17-08 Theron Lee McLamb:

Mr. Helmer stated the applicant is requesting a conditional use permit to construct and operate a recreational vehicle park that will accommodate 148 RV sites and 48 rental cabins on 30.15 acres of land located within a B-3 (Business) zoning district. The properties considered for

approval are generally bound to the north by CSX Railway, south by Equity Park Subdivision, east by Magnolia Drive and west by Pine Acres Subdivision. The properties are further identified as Johnston County Tax ID# 15L11008K and 15O99002H. Included in your packet is an area map highlighting the subject property. RV parks are a permitted use within the B-3 zoning district with a valid Conditional Use Permit. The Future Land Use Plan has identified this being reasonable for commercial development. There will be amenities located toward the entrance to include a swimming pool, retail sales, restroom facilities and a playground. There is one access point being proposed on Magnolia Drive. Six parking spaces will be available at the entrance, adjacent to the welcome center. There will be a 50 foot landscape buffer with fence on the western property line and along the northern property line. Utilities are located within the right-of-way of Magnolia Drive to include water, sewer and electric. The property will qualify for a freestanding sign. The applicant has submitted a preliminary site plan. The site has one way drive aisles for pull thru sites, around the perimeter there will be back in sites. There will be two areas within this site to accommodate small cabins, the northeast corner, as well as the southern portion of the plan. A dog park will be located toward the center of the property. The applicant has shown a utility plan that would tie into existing Town of Smithfield water, sewer and electric. There will be a sewer main extension into the property to include water and sewage.

Mr. Daniel Sanders asked if an RV park business is a new thing coming into a B-3/ residential zoning district.

Mark Helmer said RV parks are everywhere and each community has to decide what zoning districts they want these parks to be in. Some allow them in residential zoning districts and some like the Town of Smithfield allow them in commercial zoning districts.

Mr. Daniel Sanders asked if the NCDOT has said anything about this project.

Mr. Helmer said Magnolia Dr. which is the street the applicant is proposing to have access to, is maintained by the Town of Smithfield, so any driveway permitting would be done by the Town of Smithfield, not NCDOT.

Mr. Foy asked if there was going to be a detention pond.

Mr. Helmer said currently there isn't one planned.

Mr. Foy asked where the rain water would go.

Mr. Helmer said that question is best suited for the engineer.

Mr. Foy asked what kind of condition Magnolia Drive was in. Was it repaved when Venture Drive was repaved and is Magnolia Drive the only entrance to this proposed RV Park?

Mr. Helmer said no, Magnolia Drive wasn't part of the Venture Drive repaving project and Magnolia is the only entrance in the current plan.

Mr. Lane asked if there were setbacks on the cabins.

Mr. Helmer said yes and no, our current ordinance doesn't have standards for that but our current UDO does address a minimum of 20 feet from one cabin to another. It does appear the current plan does meet those standards.

Mr. Sanders asked if the water runoff was going to go into the Town of Smithfield drainage or go down beside the railroad.

Mr. Helmer stated that question would be best suited for the engineer.

Mr. Spain asked if the landscape buffer also included a fence.

Mr. Helmer stated yes a fence is shown on the plan.

Mr. Sanders asked if the fence and shrubbery would cut down on noise from running generators.

Mr. Helmer said each site would have electric hook-ups, so the need for a generator would be significantly reduced. The facility may have regulations against the use of generators as well.

Mr. Lane asked what kind of land was between the proposed RV Park and Pine Acres Subdivision.

Mr. Helmer said that area has existing vegetation and the first 50 feet could be used to satisfy the buffer requirements if the trees are in good condition.

Mr. Sanders asked if there were any wetlands in that area.

Mr. Helmer said he wasn't aware of any delineated wetlands. The Comprehensive Plan did show some land that was wet but it may be poorly draining soil. That question would be best suited for the applicant.

Dan Simmons came forward introduced himself and began by stating the size of the largest RV site would be about 2,950 sq. feet and 2550 sq. feet for the smallest. The UDO states the minimum is 2000 sq. feet so we have exceeded that. Each space will have water, electric, sewer, Wi-Fi and cable TV. This is to be a first class family oriented KOA park. There will be designated quiet times; no noise will be allowed or you will be made to leave. The area between Pine Acres and the proposed RV Park is immature pine trees. The plan is the leave them there and allow them to act as a buffer as well as add shrubs, a screened opaque fence that can't be seen through and a knock down gate which is required by Duke Energy. This allows them access to power lines and the Fire Department or EMS in case emergency. The knock down gate would be kept locked at all times. Storm water will not go through Pine Acres it will go where is naturally goes now. It is split in two directions, part goes to the railroad and part goes to the pond that John Shallcross built. We will look into expanding that pond or we

will install a new facility that meets the Town of Smithfield Storm Water Ordinance. Roads within the park will be chip-seal. Each site will have a fire-pit, picnic table and a grill. We have to meet KOA standards and they're very strict. We have to be competitive with what's around here. Mr. Simmons designed Raleigh Oaks in Four Oaks off Hwy 701. It is considered a 4-Star RV park. The RV Park they've proposed in Smithfield will provide a safe, fenced in family oriented place for people to stay. It will bring business to the area by shopping and dining. The RV today is either a 5th wheel or an enclosed motor home. You're talking about someone spending in excess of \$100,000. The people you're getting in are people that can afford to do that. The 48 cabins will be treated just like a motel room; occupants will pay motel tax on them when they rent them out. Some of these cabins have kitchens, some do not. Linens would be provided by the owner. Two commercial laundry areas will also be provided for the cabins.

Mr. Sanders asked if anyone had gotten approval from CSX to allow the rain water to run along the railroad.

Mr. Simmons said the rainwater is going there now. They can't stop from where water is going today. The Town of Smithfield Ordinance requires us to detain the first 2 inches of rainfall. The bulk of the site will go toward the pond and into the storm water drain system on Magnolia Drive into the pond the developers of I-95 plaza built. We are looking back at those calculations to see how much of this area was taken into account when that pond was built.

Mr. Foy asked if the 48 cabins would be used for long-term stays.

Mr. Simmons asked what you would consider long-term.

Mr. Foy said maybe a couple months. I don't want to see undesirable people take up in these cabins on a long-term basis and create trouble.

Mr. Simmons said you have people who travel and work in pipeline type work and would stay a couple months. They foresee people renting these cabins that would be respectful and follow the rules. This is not like renting a house, you don't give them 30 days, you put them out right then.

Mr. Upton asked if the amenities for the sites have paved driveways.

Mr. Simmons said yes they will have the chip seal.

Mr. Upton asked how traffic would be impacted.

Mr. Simmons said he didn't foresee a tremendous traffic impact. Your typical RV isn't near as heavy as these big trucks transporting stone that's been running up and down Venture Drive.

Mr. Upton asked if a traffic impact study had been done for this proposed RV Park.

Mr. Simmons said no, a traffic impact study hasn't been done. He also designed the KOA in New Bern. It is similar in size and similar in the amount of cabins to the one we're proposing here. They don't have a tremendous traffic problem, you have people in and out but it is staggered. If you look at the entrance, we can put 4 or 5 in there at one time waiting to get their assignment.

Mr. Upton asked is the RV Park would be managed and monitored by KOA.

Mr. Simmons said it has to meet KOA standards given to them to go by in operation and amenities.

Mr. Foy asked if the only entrance and exit would be located at Magnolia Drive.

Mr. Simmons said yes that is the only entrance and exit. You don't need more than one entrance, you need to control who is coming in and going out.

Mr. Sanders asked what would be underneath the RV's for long-term use.

Mr. Simmons said each RV would be sitting on the chip-seal pavement not dirt and stabilizers would be used to hold them in place.

Mr. Lane asked if the noise restrictions for the RV Park would stop at 11pm.

Mr. Simmons said yes it is proposed to be 11:00 pm but this is a conditional use permit. If the Town of Smithfield decides it needs to be 10:00 pm then we will comply.

Mr. Mike McLamb came forward and made a statement. He said obviously a lot of people are interested in this project. His job is two-fold, it is to inform people of what their goal is and get feedback. We want our project to be unharmed. Mr. McLamb was born and raised in Smithfield and owns a business in town as well. He said this project isn't being done by someone out of the area. If someone has a concern he wants to know it. Mr. McLamb is a local business owner; this project has his name on it, he is not entering into this lightly and he doesn't want any junk out there.

Mr. McLamb hired a consultant, David Goren to get some advice and insight on developing this RV Park. Mr. McLamb had a feasibility survey done and Mr. Goren stated the proposed RV Park would be a strong enhancement to the Smithfield community and would be a welcome addition to the development that is taking place around the Carolina Outlet Mall. The park will appeal to travelers along I-95 as a stopping point on a longer trip.

Mr. Upton asked what jurisdiction the Town of Smithfield has on the KOA's or the park since it is going to be developed here in town.

Mr. Helmer said once the site plan is approved and the permitting process begins there will be a team of inspectors who inspect the construction of the project to ensure it is being built to the

approved plan. After construction we have an enforcement program that will continue to monitor and maintain the property.

Mr. Lane asked Mr. McLamb where he was with the quiet zone with CSX.

Mr. McLamb said they haven't pursued that yet. The first step would be for the Town of Smithfield to submit a quiet zone application to CSX.

Mr. Foy asked what the plan would be for enforcing security inside the RV Park.

Mr. McLamb said they would have security patrolling inside park. One of the reasons he chose KOA is due to their policies and procedures. They have ongoing training; operate and oversee 500 RV Parks.

Stephanie Avery from 318 Pine Street came forward to express her concerns. Her first concern is the location of this RV Park. She said it is in a floodplain zone. If trees are cut down the rain water will present flooding problems. She is also concerned how this water run-off will impact the town's sewer system. Yes we want more businesses and income but think about the social and environmental impact you will have on the community.

Tony Nixon from 8 Cedar Drive came forward to express a few concerns he and his neighbors have. They aren't opposed to Mr. Mclamb developing his land; certainly as a land owner you have that right. They're opposed to the type of business that would be going in there without some kind of buffering such as office and industrial not just a 50 ft. buffer. They feel RV Parks could have a negative effect on water quality from spills of gasoline or diesel and even septic spillage into the water system. Pollution from the water run-off is another concern. Residents worry about their safety due to the increased traffic. They are concerned about the extra noise and traffic. An RV Park like this would destroy the tranquility that these residents currently enjoy. Ask yourselves how do we have ordinances against mobile homes in the city, yet have an RV Park next to an established neighborhood within the city limits. Would you want this in your backyard?

Mr. Foy asked Mr. Nixon how much of a buffer would be necessary in order for him to be in favor of this project.

Mr. Nixon said there isn't any amount of buffer that would be acceptable to have an RV Park beside their neighborhood.

Matthew Clancy from 320 Dogwood Street came forward to say he doesn't understand what the draw is to someone wanting to build an RV Park in a location such as this. He stated there were way too many RV sites proposed for a 30 acre parcel of land. He said nothing about this project would compel him to visit. He doesn't see it as a family oriented establishment. He sees this as an opportunity for someone to slide some affordable housing in not a campground.

Flora Grantham from 400 Dogwood Street came forward to speak. She said her house is at the end of that street and she'd be highly affected by this RV Park. She asked why a dog park was proposed but not a pond or recreation for humans. Ms. Grantham stated the leaves fall off the trees that are in the proposed 50 foot buffer and would not help keep out noise. Dogwood Street ends with a cul-de-sac, it is a place where people have built their houses, and it is not a commercial area. She stated the Planning Board agreed years ago to install a privacy fence from the Waffle House all the way down to the movie theatre and it isn't hasn't been put in. People still wander around and walk through each other's yard because those fences haven't been installed. She hears big rig trucks running their engines all night long while parked at the movie theatre. A 50 foot buffer will not keep noise out; those trucks are a perfect example. We do not want this near our neighborhood.

Oliver Johnson from 405 Ash Street spoke about his concerns. The size and intensity of the proposed RV Park would be detrimental to the Pine Acres community. Decreased property values, increased noise, increased crime and increased environmental issues are all reasons he doesn't want this park. Citizens and property owners have a right to quiet enjoyment of their properties. The additional noise, lights, traffic and safety and security issues associated with this RV Park would adversely impact that right.

Debbie Stanley of 404 Oak Street asked how traffic was impacted by the KOA RV Park in New Bern that Mr. Dan Simmons built. Is there a Carolina Outlet Center? Are there eateries or hotels surrounding this RV Park?

Mr. Simmons said one side of the RV Park is residential and the other is commercial. Restaurants are around this RV Park, it is not as intense as the Carolina Outlet Center.

Ms. Stephanie Avery asked if Mr. Simmons or Mr. McLamb planned to conduct a traffic impact study.

Mr. Simmons said right now there aren't plans to conduct a traffic impact analysis but the market study indicated that this area would accommodate the traffic and the flow that was coming in.

Mr. Foy said actually you did a market study based on the fact that so many people were coming and going and this would help you to decide if the area could support a KOA RV Park.

Mr. Simmons said yes that is correct.

Mr. Foy said the thing I am thinking about is there will only be one entrance and exit for the campground and in all fairness I am not sure how that traffic coming and going on that side will affect Pine Acres. That is why I asked so many questions about the water issue. That is the biggest issue I have. I can't tell you I am completely satisfied but if they have to meet DWQ standards then you might be able to get me there. I am still concerned about all this traffic coming in and out of this one location.

Mr. Simmons said Raleigh Oaks in Four Oaks off Hwy 701 has almost 200 locations in there plus all the cabins. It has one entrance in and out on Hwy 701 and it is a lot busier than Venture Drive.

Mr. Nixon stepped forward again saying you have to live there to know what's going on. The traffic pattern at the Outlet Center now is already confusing with the traffic circle. Add someone pulling an RV or boat behind them and that will pose more problems. On a daily basis people come into Pine Acres that have missed the entrance to the Outlet Center. Therefore you're going to be bringing RV's into the neighborhood just to turn around. Kobe Japanese Steak House has already been approved to be built on the corner of Dogwood and Hwy 70 Business that will already increase traffic at the subdivision entrance.

Mr. Lane said whether we agree or not, we have standards to go by. If we pass or deny this project, it doesn't mean we are personally for or against it.

Eddie Foy made a motion to close the public hearing for CUP-17-08 seconded by Daniel Sanders and move to the Finding of Fact for a conditional use permit.

The Smithfield Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact.

1. Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved. or is approved with the following stated conditions.

Mr. Sanders-**Denial** Applicant Failed to Address Storm water Issue for this project.

Mr. Lane: **Approval** with Conditions: Noise must stop at 10pm and a Traffic Impact Study done.

Mr. Foy: **Approval** with Conditions: Noise must stop at 10pm and a Traffic Impact Study done.

Mr. Spain: **Approval**

Mr. Taylor: **Approved**

2. Based on evidence and testimony presented it is the finding of the Planning Board that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

Mr. Sanders- **Denial**: Applicant failed to address storm water and the sound problems that would arise.

Mr. Lane: **Approval**

Mr. Foy: **Approval**

Mr. Spain: **Approval**

Mr. Taylor: **Approval**

3. Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.

Mr. Sanders: **Denial**- Will substantially injure the value of property.

Mr. Foy: **Denial**- Not enough evidence to satisfy him that property value wouldn't be injured.

Mr. Upton: **Denial**- Based on applicant failing to prove project wouldn't injure property values.

Mr. Taylor: **Denial**- Additional noise could potentially injure home values.

Mr. Lane: **Approval**

Mr. Spain: **Approval**

4. Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.

Mr. Sanders: **Denial**- Proposed Park would adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties.

Mr. Foy: **Approved**

Mr. Upton: **Approved**

Mr. Taylor: **Approved**

Mr. Lane: **Approved**

Mr. Spain: **Approved**

Mr. Sanders made a motion for the denial of CUP-17-08, seconded by Mr. Foy.
4 to 3 vote to recommend denial.

Based upon satisfactory compliance with the above stated four findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;

Chairman Steve Upton stated CUP-17-08 has been recommended for denial by the Planning Board and will move to Town Council on September 5, 2017.

Old Business:

No Report

New Business:

Our next Planning Board Meeting is scheduled for September 7, 2017.

Daniel Sanders made a motion to adjourn, seconded by Eddie Foy.
Unanimous.

Submitted this 11th day of August, 2017.

Julie Edmonds
Administrative Assistant
Planning Department