

**Final
Smithfield Planning Board Minutes
Thursday, February 1, 2018
6:00 P.M., Town Hall, Council Chambers**

Members Present:

Chairman Stephen Upton
Oliver Johnson
Michael Taylor
Eddie Foy
Teresa Daughtry
Ashley Spain

Members Absent:

Daniel Sanders
Mark Lane

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant
Stephen Wensman, Planning Director
Mike Scott, Town Manager

Staff Absent:

CALL TO ORDER

Mr. Upton identified Town Manager, Michael Scott as well as former Planning Director, Paul Embler in attendance. The Planning Board members were also identified as well as, Planning Staff. Mr. Upton announced February 6, 2018 as the next Town Council meeting.

AMENDMENTS TO THE AGENDA

Eddie Foy made a motion to change the agenda, seconded by Teresa Daughtry. Unanimous

APPROVAL OF MINUTES from December 7, 2017

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

APPROVAL TO OPEN THE PUBLIC HEARING

Ashley Spain made a motion, seconded by Eddie Foy to open the Public Hearing.
Unanimous

New Business:

ZA-17-07 Steve Bryant:

Mark Helmer stated that Mr. Bryant is requesting a text amendment to Town of Smithfield Unified Development Ordinance (UDO), article 6 and activities to allow for a restaurant within the O/I zoning district. The proposed zoning ordinance amendment will allow an additional use in the Office/Institutional District that: The proposed zoning ordinance amendment will allow an additional use in the

Office/Institutional District that:

- Supports the O/I District;
- Provides another option for reuse of existing structures within the District, thus preserves the historically significant structures which reflect the town's heritage;
- Preserves the character of the neighborhood (old period homes);
- Supportive of the Central Business District; and
- Creates no land use conflicts.

The current comprehensive land use plan, guides Office/Institutional land uses in areas that already have been developed or require buffering to prevent potential conflicting land uses.

The O/I District is intended to buffer residential areas from commercial ones. The Comprehensive Land Use Plan provides caution about commercial infringement into established residential neighborhoods. The plan states the infringement, "can damage the appearance of the neighborhood, diminish community pride, and cause unsafe traffic conditions for both motorists and pedestrians. Rezoning adjacent to residential uses, particularly those in conflict with the future land use map contained in this plan, should be done with great caution". Staff also believes that allowing restaurants in the O/I District will not create a nuisance or create traffic that is detrimental to the area. The district is well served with roads, on-street parking, sidewalks and other urban amenities, such that the use will blend in with the current mix of land uses. In order to approve the zoning text amendment, the planning board must find that the rezoning is consistent with the town plans and policies. Staff finds that the applicant is consistent with the town plans and policies. The zoning text amendment will support the Comprehensive Growth Management Plan for the town. It will be consistent with the Town of Smithfield Unified Development Ordinance. The Planning Department does recommend approval to the proposed amendment to article 6 in the UDO. Mr. Helmer stated he would be happy to answer any questions.

Mr. Upton asked if anyone had questions for Mr. Helmer.

Mr. Foy asked if anyone had opposition to this.

Mr. Helmer stated no

Mr. Upton asked if anyone else present had questions and would like to speak.

No one else wanted to speak.

Mr. Johnson made a motion to approve the consistency statement with staff recommendations, seconded by Ashley Spain.

Mr. Wensman asked Mr. Upton if you approve the findings as staff has found them or had you rather issue your own support of a consistency statement.

Mr. Upton stated he didn't see any finding of fact but would make the announcement.

Mr. Wensman said it is the three consistency statements that Mark stated, that staff finds them consistent. You're required to state how they're consistent in your motion. You can reference staffs findings or issue your own.

Mr. Johnston made a motion to approve ZA-17-07 and adopt the consistency statement with staff recommendations. Unanimous

RZ-18-01 Tom Medlin:

Mr. Foy made a motion to open RZ-18-01. Unanimous

Mr. Helmer stated Stephen T. Medlin is requesting approval of a zoning map amendment to rezone approximately 1.02 acres of land from O/I (Office / Institutional) zoning district to the B-2 (General Business) zoning district. The property is located on southeast side of the intersection of North Brightleaf Boulevard and Hancock Street. In 2001, Stephen Medlin received site plan approval for the construction of Brightleaf Business Center which is a multi-phased project spanning across two properties. The properties contain two free standing buildings with a combined total of 8,800 square feet of leasable space. The property was developed as a strip center using modern zoning standards that were in place at the time of plan approval. It includes 33 parking spaces with standard landscape yards.

A variance was issued from the Town of Smithfield Board of Adjustment to allow for a reduction of minimum building setbacks on North Brightleaf Boulevard. With the existing configuration there are 6 leasable units between the two buildings with three of them currently occupied by Allstate Insurance, LabCorp and Avada Hearing Care Center. Most professional office uses are permitted within the requested B-2 (General Business) zoning district and no nonconformities will be created if the property is rezoned. However, retail uses are not permitted uses in the existing OI (Office-Institutional) zoning district. The applicant is seeking to attract a wider range of tenants and uses that are permitted within B-2 (General Business) zoning district in hopes of reducing vacancy rates. Some of the permitted uses in the requested B-2 (General Business) zoning districts as identified by Article 6 of the Town of Smithfield Unified Development Ordinance include; convenience stores, floral and gift shops, hardware stores, barber and beauty shops, and restaurants.

The Future Land Use Map has identified this property as guided for industrial uses, however, the area is zoned a mix of O/I and B-2, none of which are consistent with the land use plan. Similar rezoning's occurred in the area despite of the land use designation. Adjacent properties within this corridor are currently zoned and developed as commercial, so the use of this site for commercial is contextually consistent and appropriate. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance as all existing land uses on the subject property are permitted in the B-2 (General Business) and, all future land uses will be permitted in accordance with Article 6 of the Town of Smithfield Unified Development Ordinance.

The property considered for a rezoning is immediately adjacent to other B-2 (General Business) zoned properties. Compatibility issues are unlikely provided that any future redevelopment occur in the area.

The Planning Department has determined that the application is consistent with applicable adopted plans, policies and ordinances and recommends approval of the rezoning request.

Mrs. Daughtry asked how the increased traffic through the area would impact the safety of the proposed site.

Mr. Helmer said we're only talking about 6,000 square feet of retail which is small. Mr. Medlin could get a high traffic use in there such as a restaurant, but most retail places aren't considered to generate high traffic.

Mr. Wensman wanted to add that the access to the parking lot is actually off of Hancock Street. The traffic would turn off onto to a side street to get access into the parking lot, so it's a pretty safe situation compared to others.

Mr. Upton stated there are other exits to the site if others learned them.

Mr. Upton asked if the board members or any guests had questions. No one spoke up.

Mr. Foy made a motion to approve the zoning amendment with the consistency statement with the staffs findings and support. Unanimous

Mr. Upton wanted to point out to everyone that the Planning Board is making recommendations to the Town Council not approving anything.

Ashley Spain made a motion to close RZ-18-01, seconded by Teresa Daughtry. Unanimous

ZA-18-01 Town of Smithfield:

The Planning Department is requesting an amendment to the Unified Development Ordinance (UDO) that will correct inconsistencies with minimum development size of a Planned Unit Development (PUD) and allow for additional flexibility in the required mix of uses. The proposed zoning ordinance amendment will redefine and clarify development standards as they pertain to a PUD by:

- Eliminating inconsistent standards concerning minimum PUD size;
- Removing the requirement that a PUD must contain a mix of residential and nonresidential land uses. The definition for PUDS is left over from the previous code set at a minimum of 25 acres. The UDO has been updated and the new minimum size is 5 acres. We had two different minimum size requirements for that code. Planning staff believes that 5 acres is the direction the UDO was meant to go because the new language in the code is 5 acres. Furthermore, 25 acres are geared toward residential development only. A mixed use PUD is likely to occur on smaller properties that are tougher to develop. Our new code requires that a PUD be a mix of residential and non-residential. Another portion of the code doesn't reinforce that and to be flexible staff thinks a mix of residential and non-residential makes sense in many cases. There are also cases where you have a zoning district that may benefit from a planned unit

development that's not a mixed use scenario. A lot of residential districts can't have commercial and those zoning districts would be completely off limits for any PUD without this change. By removing the requirement of it being mixed use, it allows more flexibility in our code, so a developer can vary from our specific standards, such as setbacks and lot size, to increase the ability to come up with a creative project. A PUD is a negotiated zoning district. In order to utilize the PUD code, you do need to have higher standards for streets, pedestrian conductivity. As a project gets more high density there may be need for buffering or some landscaping to mitigate some of that or storm water requirements that need to be addressed. Staff is recommending this change, encouraging mixed use but not mandating it which will allow greater flexibility. Staff believes the text amendment is consistent with the land use plan because PUDS are a flexible zoning district that reflects the land use guidance of a plan. If it's an R-8 property now and you want to do a PUD, it would be rezoned to an R-8 PUD. The uses in that district are the same uses you would find in an underlying zoning district. The only difference is the map is now the guide for setbacks and lot sizes. We are suggesting the Planning Board review this and adopt a consistency statement with their findings as how it is consistent.

Mrs. Daughtry asked why it was set at 5 acres. She feels that takes away flexibility from the developer and putting more into the hands of the town to control.

Mr. Wensman said a developer can have a 5 acre site and use this tool, where if 25 acres, only large land owners could take advantage of this PUD as a tool. It actually makes it more flexible.

Mrs. Daughtry asked what makes it 5 acres though.

Mr. Wensman said the UDO was updated; there was a long process in which the town updated it. I don't know the discussions; I do know there are best practices out there. In Minnesota where I am from, the minimum is 5 acres. Each city determines what they want. Our PUD section prior to the last UDO update was primarily geared toward residential open space PUD. It really was meant for mixed use development, most mixed use sites tend to be smaller, more intensely developed sites. Whether it is 5 or 10 acres it is a community decision. It was already in our code at 5 acres, there's just the conflict between 5 acres and 25 acres.

Mrs. Daughtry asked with a PUD, can the Town have more of a say so on what goes in there than in a B-3.

Mr. Wensman said the land uses are the same that would be in the zoning district that existed before the tool. The tool is an overlay. You've got your B-3; now you want to do a B-3 PUD all that does is say you can vary from dimensional standards. There's a plan that is presented with that PUD, it shows the Town how you're going to vary from those standards then the town gets to say that makes sense. If it makes sense and there is a plan that shows that it does, the Town and Staff can adopt it. That plan becomes the zoning ordinance that establishes setbacks, lot size and anything that differs from the UDO.

Mrs. Daughtry said so tonight we're basically changing the text from 25 to 5 acres and making that recommendation.

Mr. Wensman said yes that is it.

Mrs. Daughtry said she disagrees with the board recommending 5 acres as a minimum. She is looking for 7 to 10 acres as a minimum.

Mr. Wensman stated there must be some confusion. The 5 acres is the minimum requirement. No one can use that tool until they have 5 acres. Most commercial sites will never have a 25 acre site. They're going to have 5 to 10 acres. They have to have a plan that is approvable to go along with that rezoning before it can be approved.

Ashley Spain made a motion to approve the development on tracts as small as 5 acres; it allows a range of uses without mandating a mixed residential, non-residential use on that particular site of land and staff's recommendations. Eddie Foy seconded the motion. Approved by Steve Upton, Eddie Foy, Ashley Spain, Oliver Johnson, opposed by Teresa Daughtry.

Eddie Foy made a motion to close ZA-18-01, seconded by Oliver Johnson. Unanimous

RZ-18-04 and SUP-18-02:

Eddie Foy made a motion to open RZ-18-04 and SUP-18-02, seconded by Ashley Spain. Unanimous

Mr. Wensman wanted to point out that the boards last motion allows RZ-18-04 to move forward. Adams and Hodge Engineering, PC is requesting a Rezoning from R8 to R8 Planned Unit Development (PUD) Special Use District and a Special Use Permit (SUP) for a PUD master plan for a proposed 298-lot residential subdivision at 1899 Buffalo Road. This property is owned by Frank Lee and sits on 67.88 acre tract of land. It is within the watershed district, an overlay district that has some additional rules, governing various storm water aspects primarily to address protection to the watershed. The developer has shown on their site plan 298 homes but requesting flexibility to go up to 315 homes. Water and electricity would be provided by Town of Smithfield which would require annexation. The proposed lot sizes are roughly 3,145 sq. feet for single family detached home, 2,000 sq. feet for Tri-plex Units and 1,400 sq. feet for townhomes. They're proposing 9 phases somewhere close to 40 units per phase.

On October 3, 2017, the Town of Smithfield approved a new Unified Development Ordinance (UDO). The new UDO allows PUDs, but as a Special Use District rezoning. The new UDO also only allows PUDs if they are mixed use. This application for special use rezoning arrived at staff's door on December 1, 2017; planning staff deemed it incomplete for lack of information. They provided more information so we accepted the application on January 5, 2018.

Ashley Spain stated if you look at a project no less than 5 acres and this one in question is 67, it doesn't right to include every single house within that 67 acres as a separate unit.

Mr. Wensman said the whole project is the unit. You're adopting the plan for the whole development. Small changes can be made but the overall plan as a whole should hold together throughout the whole project.

Mrs. Daughtry asked why the developer did not want to put that land in commercial.

Mr. Wensman said the underlying zoning district here is R-8, it doesn't allow commercial. Even if you use a PUD tool you can't introduce new uses. It has to be uses that were already allowed in the underlying district.

Mr. Wensman explained the street requirements. This plan is lacking two things, one it needs another street running down the middle as suggested on the map before everyone. Currently our code states 1000 feet as minimum block sizes, their block sizes exceed 1000 feet. They aren't currently meeting the UDO requirements. A PUD is looking for a higher standard, which means more Interconnectivity. Our code is requiring connection to adjacent development. As the road develops into a four lane road, we don't want each development to have two accesses. It could be hazardous for traffic and safety. By having interconnected streets people don't have to get on the main road to visit a neighbor or pick up a child from a birthday party. The watershed district is an overlay; it's intended to enhance storm water management because you're in a sensitive watershed district. It allows for reduced lot sizes in the watershed but you need to follow the clustering provisions. This proposal meets the open space requirement under the clustering provision under watershed rules. The state had comments where they didn't think it did enough, that it should be further cluttered away. As they increase density from 298 to 315 more open space will be required. The only way to achieve that is to move lots away further from the river.

Mr. Foy asked if those were retention ponds or existing bodies of water on the plan.

Mr. Wensman said there are existing bodies of water. There will be a layer of storm water requirements. It's not on the plan yet.

Mr. Wensman stated minimum lot widths are 40 feet wide, they are requesting PUD flexibility. Side yard setbacks are 6 feet and building separations are 12 feet. NCDOT will have a number of requirements and will want a traffic impact study. That is a condition of approval, required in our UDO.

Mr. Spain asked how it would be permissible for this development to be 50 feet from the river.

Mr. Wensman said that is why we made conditions of approval. There will be a review process, but so far there isn't enough information.

Mr. Foy asked if basically the Planning Board was being asked to give the green light to at least start this process.

Mr. Wensman answered yes

Mr. Foy said he thinks the board at least owes the applicant a chance to see if this can be done. He asked if the town would annex the property. Mr. Wensman answered yes, in order for the developer to move forward the town would have to voluntarily annex the property.

Mr. Foy asked how much the County would be involved in a project like this if it's in the town limits of Smithfield.

Mr. Wensman said he would think very little because this property is in our ETJ.

Mrs. Daughtry asked if this project would come back before the Planning Board again.

Mr. Wensman answered we don't know yet. It would come back to you as a preliminary plat, and at that point the plat will have to be consistent with the master plan.

Mrs. Daughtry suggested the board vote to move forward.

Mr. Upton asked if anyone that came as a guest would like to speak.

Reed Smith from 114 W. Main Street Clayton, NC came forward to speak. He said along with Donnie Adams of Adams & Hodge Engineering and James Lipscomb with Hometown Realty, they're very excited about this project. They're residential developers in the area. Just to name a few, they developed Riverwood, Parkview and various phases of Lionsgate. He said he would like to give a brief vision for the project. They are aware of all the hurdles ahead of them to take on a project of this size. The proposed community is modeled after their Clayton project called Parkview with the same floor plans and concept. They put a lot of pride in their exteriors. They use upgraded siding and stone. They offer ranch plans, 3 bedroom master down stair plans. In working with the Town of Clayton once you get your masterplan approval it doesn't have to go back before the Planning Board and Town Council. With the Town of Smithfield it is more complicated. Once you get your master plan you have to come back before staff, Planning Board and Town Council for every phase. These boards will get another look at this plan as we proceed on. We put this product down for flexibility and to handle different market conditions.

Mr. Upton asked for the address of the development in Clayton.

Mr. Smith said 114 Parkview Drive

Donnie Adams from 314 E. Main Street Clayton, NC came forward. He is from Adams & Hodge Engineering. He commented on a previous buffer question. On the plan before the board they showed where the riparian buffer was. He said they were probably 200 foot from the river. They have a few conditions of approval that they would like to disagree on, First one being the connection over to adjacent property. He agreed problems can occur when developers are required to provide a stub then the next project comes in and the neighborhood comes out in full force and refuses it.

Mr. Spain asked Mr. Helmer if this information wasn't beyond their scope of information.

Mr. Wensman spoke up and said it is pertinent because you guys are going to be making a recommendation whether you agree with staffs conditions or not.

Mr. Adams continued saying out of the 10 conditions of approval, they were ok with all but 4. He already mentioned one, being the connection over to adjacent property. The second one is the east to west connection. They really focused on making this a walkable community. Adding another connector breaks up their continual open space. They break it up with pedestrian trails where the staff is recommending having a road connection. Another condition is the request for sidewalks along Buffalo Road. They aren't against them but already have a greenway trail proposed on both sides. They prefer the trails but if the Town had rather have sidewalks they will comply. Lastly the 4th condition is asking where everything is going. They have already shown plans for the single family detached layout and townhomes but the flexibility part is the Triplex units. They're the same single family units, but three of them put together. They've requested that flexibility; they've identified the maximum number of units they would require.

Mr. Foy made a motion to make a recommendation to the Town Council to rezone the property from R-8 to R-8 PUD based on the fact that it is consistent with the strategic growth plan, consistent with the UDO and compatible with surrounding land uses. The Town of Smithfield Planning Board agrees with staff's findings. Unanimous

SUP-18-02

Mr. Wensman stated he had recommended 10 conditions and they are to present some of the issues presented. The applicant objects to four of them. PUD is essentially a conditional district rezoning; ultimately they have to agree to the conditions. If they don't agree to the conditions, and the city insist on them then it's probably not a project you want to improve. That will be a decision of the council, the conditions they want to put on the project, what are relevant conditions. Staff has made a presentation with 10 conditions that it felt were relevant, four of which the applicant objects to.

Mr. Foy asked which conditions the applicant objected to.

Mr. Wensman said the applicant objects to the following conditions:

- 4) That an additional east-West Street be incorporated into the site plan on the west side of the development consistent with the PUD requirements of the UDO.
- 5) That lateral connections to adjacent developable parcels be incorporated into the PUD masterplan.
- 6) That public sidewalks along Buffalo Road be incorporated into the PUD Master Plan
- 8) That the PUD master plan be updated to identify the type and placement of each unit type on a lot.

Mr. Upton asked the board to reference each condition that needs to be changed and reference them.

Mrs. Daughtry said she would like to change number 5 and recommend the applicant not be expected to connect to the adjoining property.

Mr. Johnson asked what the staff's rationale was for including that provision.

Mr. Wensman said it's a provision in the UDO. He is fine with that condition being struck because it's actually a requirement to the UDO. The reason it was pointed out was to make the board aware of the deficiency in the plan.

Mr. Spain asked if it had to be a special use permit is some changes.

Mr. Wensman said yes that is correct. They would have to amend their special use permit.

Mr. Spain said according to number 9 it covers everything and it is the Planning staff's job to make sure the UDO is followed correctly. He thinks the Board should vote.

Mr. Foy stated given the UDO you don't really need number 5.

Mr. Wensman said this is true, essentially I don't want to fight with a developer in the next phase. I want some clarity that the board understands this plan and the UDO. If they don't show those connections it will come back before you to specifically say we don't want those connections. If the Town Council agrees with you I am not going to push it.

Mr. Taylor stated that as a former firefighter he knows many of these adjacent connections to develop are for future potential issues related to adverse weather conditions, as well as fire safety, personal safety. In the event there is a significant fire at the entrance or multiple fires which is on one end would be an issue. I want to make sure we aren't tying ourselves in future Development that is adjacent to it into the inability to protect our citizens and property.

Mr. Spain asked if the UDO says this has to be done then for it not to be done, the UDO has to be changed.

Mr. Wensman said town council has to approve the plan ultimately. Technically yes, sometimes certain things don't get emphasized as much as others. The process is if you don't like a code, you amend it or appeal to the Board of Adjustments. Staff is going to support the UDO because that is his job.

Mr. Foy made a motion to recommend to Town Council 9 of the 10 conditions, with the exception being number 5. Unanimous

Mr. Foy made a motion to close SUP-18-02

Mrs. Daughtry was excused from the meeting due to a conflict of interest.

RZ-18-02 TIMA LLC:

Oliver Johnson made a motion to open, seconded by Mr. Foy.

Mr. Helmer stated that Frank Lee is requesting approval of a zoning map amendment to rezone approximately 26.57 acres of land from B-3 Highway Entranceway Business District to HI Heavy Industrial Zoning. The properties proposed for the rezoning are located at the Northwest corner of Wal-Pat Road and Brogden Road. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance as all proposed future land uses and site specific development plans must meet the minimum development standards of the Town of Smithfield Unified Development Ordinance. The property considered for a rezoning is adjacent to heavy industrial uses on the North and West and land zoned as B-3, but guided as industrial across Brogden Road. There could be some compatibility issues in the short term between the proposed industrial zoned properties and the existing residential properties along Brogden Road until the time they redevelop to industrial uses as guided.

Mr. Taylor asked Mr. Helmer if the land across from Brogden Rd was already zoned B-3.

Mr. Helmer answered yes, properties adjacent are zoned. As the corridor redevelops all uses within the B-3 zoning district can be considered.

Mr. Foy asked if anyone across from Brogden Rd has had anything to say.

Mr. Helmer said no.

Mr. Foy made a motion that the Planning Board recommends the rezoning to the Town Council based on the fact that there is already industrial Jerry Williams on one side; Frank Lee's Industrial on the other side and I-95 on the other side. There doesn't currently seem to be any opposition from any neighbors, seconded by Oliver Johnson. Unanimous

Ashley Spain made a motion to close RZ-18-02, seconded by Eddie Foy. Unanimous

RZ-18-03 W. Frank Lee:

Eddie Foy opened, seconded by Ashley Spain. Unanimous

Frank Lee is requesting approval of a zoning map amendment to rezone approximately 6.8 acres of land, from R20A Residential-Agricultural to B-3 Highway Entranceway Business District Zoning. The property is located approximately 160 feet southeast of the intersection of Buffalo Road and Booker Dairy Road. The Future Land Use Map guides this property and the surrounding properties as a Commercial Service Node. In the Comprehensive Growth Management Plan, a Commercial Service Node is envisioned as a mixed use - limited commercial focus area to service the neighborhood. The Town has no "mixed use district", but does allow PUD zoning to allow for mixed use development (a form of conditional zoning). In order to ensure consistency with the Comprehensive Growth Management Plan, only a mixed

use PUD rezoning with a master plan should be approved for these nodes. A B-3 PUD would likely be consistent with the Comprehensive Growth Management Plan. The Growth Management Plan guides these Commercial Service Nodes as follows:

- Are intended to be buffered from surrounding areas by office/institutional/high density residential land uses. The exact size of the required buffer should be determined when the ultimate extent of the commercial node is known.
- Shall have Pedestrian connections developed between sites within.
- Shall be compatible in size and scale with surrounding development.
- Shall encourage shared vehicular access between adjacent commercial businesses.
- Shall have specific area development plans prepared prior to the initiation of development.

The Comprehensive Growth Management Plan's Implementation Strategies also provide guidance relevant to this rezoning request:

Objective 3: Preserve and enhance Smithfield's land use form. Implementation Strategy b) Establish a mixed use district. A Mixed Use District is intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections in Smithfield. They should be designed to facilitate stated public policies, to encourage design which emphasizes lively, people oriented environments and compatible, visually interesting development. This district provides areas where moderate scale mixed use centers can locate with an emphasis on development of a balance of residential, office, and commercial uses. It is further intended that the Mixed Use Districts shall encourage development within which mutually supporting residential, commercial, and office uses are scaled, balanced, and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian circulation systems and mass transit to further reduce the need for private automobile usage. Mixed Use Districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. When such districts adjoin residential development or residential zoning districts, it is intended that arrangement of buildings, uses, open space, and vehicular or pedestrian access shall provide appropriate transition and reduce potentially adverse effects. The service nodes which are delineated on the Future Land Use Map (Map 18) should be mixed use districts. Implementation Strategy h) Office/Institutional/Multi-family development should be used as a buffer between light industrial and commercial development and adjacent residential land uses.

Objective 4: Discourage strip commercial development on major and minor thoroughfares that allows each lot to have direct vehicular access to the highway. Implementation Strategy c) Commercial development should be encouraged at the intersections of major roads (i.e., in a nodal fashion) consistent with the town's future land use map. The Comprehensive Growth Management Plan also provides an illustration of a Commercial Service Node. The Comprehensive Growth Management Plan also discourages strip development in these node areas. Therefore, the proposed rezoning will be inconsistent with the Town of Smithfield's Growth Management Plan. A straight B-3 zoning will allow all the commercial uses within a B-3

district, but will not ensure the commercial node's serve the neighborhood, buffers the adjacent residential, nor provide for the access or connectivity envisioned in the Comprehensive Growth Management Plan.

Mr. Wensman said Planning Department staff does find the plan to be consistent with the UDO. The Planning Department recommends denial of the Zoning Map Amendment; and recommends that the Town Council approve a consistency statement declaring the request to be inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is not reasonable and not in the public interest. The Planning Board is respectfully requested to review the petition and make a recommendation to the Town Council whether to approve or deny the rezoning of approximately 6.8 acres from R20A Residential-Agricultural to B-3 Highway Entranceway Business District Zoning.

Mr. Spain asked if this proposed location wouldn't be considered spot zoning a reason for denial. I think if you do a B-3 it opens the door for a gas station or other businesses that operate 24 hours a day.

Mr. Wensman stated he didn't think it would be considered spot zoning. You have the Credit Union zoning to the North. Land use as a whole is saying this can be a business use in this area but with a plan. The Comp Plan is saying it can be B-3 but on the appropriate scale with the requirements associated. Like with the Credit Union to the North, they've left some land around it that could be developed. We have no idea how that is going to be redeveloped.

Mr. Taylor asked if the vision for this plan was similar to the Booker Dairy Plantation location, where it's an office park and shared parking area.

Mr. Helmer said the O/I stuff there; doctor offices and such are a range of uses and would fit the recommendations of the comp plan.

Mr. Taylor asked if that would be appropriate based on the current zoning.

Mr. Wensman said it's not that B-3 uses are an issue here; it's how they are arranged on the site. We're in the process of revising our Land Use Plan and this is a key piece. Whether it survives it to the next rendition of our Land Use map we don't know.

Mr. Paul Embler came forward to speak about concept and entitlement. Entitlement is value that the land has, be it zoning or physical arrangement of the land. Mr. Frank Lee is trying to obtain the entitlement out of the land. As Mr. Wensman said, the Comp Plan entitles it to be commercial. When you read the Comp Plan it does push mixed use development very hard. Mixed use as you can see in the verbiage he put up on the board, it speaks of residential, Office and Institutional and commercial all on 6.8 acres. I dare would say that residential would be a viable use for that corner unless it was high density residential. To say it's going to be a mixed use would be logical, but to come forward now with a plan on a 6.8 acres piece of land, of how it's going to be developed there are too many questions out there that can't be answered right now. We know Booker Dairy Rd is going to what NCDOT refers to as a super road. It has a

median in it, two movement lanes East and West and bunch of turn lanes. The only place you're going to cross those turn lanes is at signalized intersections. One will be at Kellie Drive, one at Booker Dairy and those will be the crossovers. There will be one crossover at the SRAC this isn't signalized. As you come onto Buffalo Road NCDOT through the RPO (Regional Planning Organization) has already designated that Buffalo Road will also be a super road. NCDOT is already building a connector from Kellie Drive looping back around to Buffalo Road. My contention with staff when asking for a PUD rezoning for this, there's no way to do a valid plan that we say DOT is going to buy at the current time. That's why we just asked for a straight B-3 rezoning, rather than tying it to a specific plan. If the plan changes you have to come back through the whole process again. If we were to do a plan for you to evaluate, there's no assurance that the plan could go forward in the future. NCDOT will be one of the big driving forces. That is one thing to take into consideration. Another thing is the size of the site, 6.8 acres in downtown Raleigh is a good viable opportunity for mixed use development, such as North Hills. In Smithfield there could be some mixed use in there, such as commercial and office but no one has done a market study yet. We're just looking for entitlement for a B-3 land use. We're just approaching this from a different angle than what staff has suggested, rather than go with a specific plan for the rezoning; we're looking at it in general terms and that there will be a development plan to come back to the town. If you do a development plan now, it indicates you're doing a subdivision and that may not necessarily be the case. It may possibly be developed as one piece of land. With this things under consideration we would like you to make a recommendation to the Town Council of a straight B-3 rezoning.

Mr. Wensman stated with a straight B-3 zoning as requested by Mr. Embler any development that meets the UDO, staff is going to review it against the UDO and we basically have to approve it.

Oliver Johnson made a motion that the Planning Department recommend the Town Council approve a consistency statement declaring the request to be inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is not reasonable and not in the public interest, seconded by Ashley Spain. Stephen Upton, Oliver Johnson, Ashley Spain and Michael Taylor voted yes, Eddie Foy voted in opposition.

Eddie Foy made a motion to close RZ-18-03. Unanimous

Oliver Johnson made a motion to adjourn, seconded by Eddie Foy. Unanimous

Old Business:

ZA-17-06 Town of Smithfield

The Planning Department is requesting text amendments to Appendix A, Article 7 and Article 10 of the Town of Smithfield Unified Development Ordinance (UDO) that removes inconsistencies within the text and clarifies development standards as they pertain to flag lots and cul-de-sac streets.

Next Planning Board Meeting:

Our next Planning Board Meeting is scheduled for March 1, 2018 at 6:00 pm.

Submitted this 5th day of February, 2018

Julie Edmonds
Administrative Assistant
Planning Department