

**Draft  
Town of Smithfield  
Planning Board Minutes  
Thursday, February 7, 2019  
6:00 P.M., Town Hall, Council Chambers**

**Members Present:**

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Teresa Daughtry  
Oliver Johnson  
Ashley Spain  
Leslie Lazarus  
Michael Johnson

**Members Absent:**

Alisa Bizzell

**Staff Present:**

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Support Specialist

**Staff Absent:**

Stephen Wensman, Planning Director

**CALL TO ORDER**

Chairman Stephen Upton called each board member by name and asked them to acknowledge themselves.

**APPROVAL OF MINUTES from January 3, 2019**

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

**APPROVAL OF THE AGENDA**

Oliver Johnson made a motion, seconded by Ashley Spain. Unanimously approved

**NEW BUSINESS**

**ZA-19-01 Dan Simmons:**

Dan Simmons is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities that will remove the 34 maximum employee limitation on light manufacturing activities located within the B-2 (Business), B-3 (Highway Entrance Business) and LI (Light Industrial) zoning districts. Mark Helmer stated that the intent of this ordinance was to limit the intensity of land uses; however it is inadequate and probably not enforceable in any practical way.

Planning Staff recommends approval of the proposed amendment to delete the 34 employee limitation placed on light manufacturing uses not otherwise listed or identified in Article 6, Section 6.5 Table of Uses and Activities.

Mr. Lane said he misunderstood what Mr. Helmer said about the ordinance being enforceable.

Mr. Helmer said how do you monitor that the business is remaining within the 35 employee maximum, other than spying and being overly aggressive.

Oliver Johnson asked Mr. Helmer if there was a ceiling above 35.

Mr. Helmer said ultimately site constraints, parking, landscaping and building footprint will dictate the intensity of uses. You only have so much land to build, so much building and only so much space for parking. These things dictate the number of employees a business could hire.

Dan Simmons from 125 Everett Lane Smithfield came forward to say he was making the amendment request for himself. He has been hired by multiple businesses to expand their size. Technically if these businesses have more than 35 employees, Mr. Simmons is supposed to let these companies know that he can't receive zoning permits because they are a non-conforming use.

Dan stated that he is currently representing StudioTK which has over 90 employees. They are looking to build a 100,000 sq. foot building, purchase more land and hire more employees. I can't request a zoning permit knowing I am unable to get one. He feels like the code needs to be fixed so that he isn't put in a bad position having to tell businesses that they are a non-conforming use.

Mrs. Daughtry mentioned that she didn't remember this issue being brought up in previous UDO Committee Meetings. She does agree that the code needs to be fixed.

Mr. Lane asked if this current ordinance stopped anything from happening.

Mr. Simmons said not yet.

Oliver Johnson made a motion to recommend the Town Council approve ZA-19-01, amending Article 6, Section 6.5, 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

**Voluntary Annexation Policy:** The Planning Board is requested to review, discuss and comment on the proposed formal voluntary annexation policy to be adopted by Town Council.

Mr. Helmer stated there isn't a formal presentation about this Voluntary Annexation Policy. However the document contains policy guidelines that are a standard practice in the industry. Ultimately, Town Council will take a look at this policy and make a decision. For example, if anyone wants to develop property, that doesn't reside in the corporate limits and needs sewer, then a request for Voluntary Annexation prior to the Town providing sewer. If Town Council isn't interested in extending sewer then the project would need to have a low density type septic tank lots.

Mr. Lane asked if the applicant would have to pay for the sewer or would the Town pick up that tab.

Mr. Helmer said no, usually the developer pays for the cost of utility extensions.

Mr. Helmer stated the general statute says if we annex we have to provide the same level of service to the satellite annexation that we would if they were in the corporate limits. So sewer would be the big trigger, by choosing to annex we must provide police and fire service and lighting of the streets.

Mrs. Daughtry said it doesn't matter what utilities the applicant will need, if the Town provides any utilities at all, the applicant will have to be annexed into the city limits.

Mr. Helmer stated that forced annexation is a difficult thing to do. When you start talking about forced annexation, you talk about calculating population and built upon areas and distances therefore it is a very complicated process. No one is really doing forced annexations anymore so if we want the Town to grow we have to take every opportunity we have to receive people with our sewer.

Being no further questions, Mr. Helmer moved to a general discussion on the permitted use chart.

Mr. Helmer asked the board to look back at their Article 6, Section 6.5 Table of Uses Chart. There are a list of light manufacturing uses that are permitted, when an applicant comes in, it is staffs responsibility to look at the use table and try to fit a proposed use into one of those classifications that listed in the table. For example, if you look at OPW they are manufacturing and 90% of the space is warehousing. Staff would not be doing their jobs if we said no because you're doing heavy manufacturing in 10% of the plant. We have to look at the use and see where it fits so we can justify issuing a permit or go forward to Town Council to have their request permitted.

Mrs. Daughtry asked if there were a fire and a company employed more than 35 employees, would there be an issue or lawsuit if someone went back and checked the permit that was originally issued.

Mr. Helmer said polling employers with number of employees isn't part of the application process, although maybe it should be. We typically take their word for it because it is hard to enforce. However we haven't intentionally written permits for uses against what the ordinance allows. He agrees the ordinance isn't perfect.

Mr. Helmer briefly discussed SP-18-10 Dupree Strip Center. He showed the site plan and offered some detailed information about the location and size of the strip center.

Mr. Oliver Johnson asked if there were an indication yet of the types of businesses going into this new strip center.

Mr. Helmer said not specifically no, but it will be your typical uses that are permitted in the B-3 zoning district and could include retail uses like restaurants, hair salons or cell phone stores.

Mrs. Daughtry said because this development backs up to a residential neighborhood will the screening trees in this plan be required to be replaced should they die.

Mr. Helmer said yes absolutely.

Mr. Upton requested for himself and on behalf of the Planning Board that any minutes from the Town Council meetings pertaining to decisions made about items brought forth by Planning be included in their Planning Board agenda packets. They would like to know what has been approved or denied.

Mr. Helmer said he would be glad to include those minutes into the Planning Board agendas.

The Public Hearing meeting being held February 21<sup>st</sup> at 6:30pm was announced. Planning Board members are encouraged to attend. There are two text amendments ZA-18-06 and ZA-18-08 that will be discussed.

**Adjournment**

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

Respectfully Submitted,

A handwritten signature in black ink that reads "Julie Edmonds". The script is cursive and fluid.

Julie Edmonds  
Administrative Support Specialist