

**Draft
Town of Smithfield
Planning Board Minutes
Thursday, May 2, 2019
6:00 P.M., Town Hall, Council Chambers**

Members Present:

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

Members Absent:

Vice Chairman Mark Lane
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 asked each board member to acknowledge themselves.

APPROVAL OF MINUTES from March 7, 2019

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

APPROVAL OF THE AGENDA

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

NEW BUSINESS

RZ-19-02 Town of Smithfield:

Mr. Helmer stated that the Planning Department is requesting an amendment to the UDO Article 6, Section 6.5 Table of Uses and Activities to allow food trucks in the O/I (Office/Institutional), B-1 (Business), and B-2 (Business) zoning districts and Article 7, Section 7.25 Food Trucks to revise the supplemental standards. Currently, food trucks are only permitted in the B-3 zoning district with supplementary standards. Food Trucks have currently been operating in Town parks and other commercial districts with Town Council issued special events permit. In 2016 the revised UDO had added the food truck ordinance. Prior to that, we had a food cart vending ordinance which allowed food carts on sidewalks in major shopping centers, but no food trucks in the parking lots except at flea markets with a special use permit for outdoor sales.

The Article 7, Section 7.25 Supplementary Standard for Food Trucks is proposed to be amended with the following changes:

- Amended to clarify exceptions to the supplementary standards
- 7.25.1, Food trucks to be permitted to operate from Town property or closed public right of way during a Town-sponsored civic event or Town Council approved special event.

- 7.25.2, Amending the duration of a food truck zoning permit from 20 days, three individual weekend events, to 90 days per calendar year. The change will be easier to monitor for Staff and would provide an opportunity for seasonal food trucks in some locations.
- 7.25.3, Added to location for food trucks that they must be at least 100 feet from the front door of a restaurant or dining area during business hours and changed the text to allow within 5' of a public sidewalk.
- 7.25.4, With the zoning permit, the Town will require a Johnston County Application for a Mobile Food Unit when applicable, NC Sales and Use Certificate, NC Department of Agriculture Permit when applicable, location of approved grease disposal facility, proof of food truck storage location and a copy of the vehicle or trailer registration.
- 7.25.7, Allowing a small sandwich board sign for food trucks, similar to what is allowed for other businesses in town. Food trucks often have the menu on such signs.
- 7.25.8, Increased the area in which food trucks must keep the property clean.
- 7.25.9.1, Created an exception for food trucks operating at the flea market. The Town has currently been allowing such food trucks to operate under the zoning permit of the flea market like other vendors utilizing the same hours of operation.
- 7.25.9.2, Created an exception on the number of food trucks and location of food trucks operating under a Town-sponsored civic event or Town Council approved special event.

Mr. Helmer said that the zoning text amendment as proposed is 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.

Planning Staff recommends the Planning Board recommend approval of the zoning text amendment ZA-19-02 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Mrs. Daughtry had a question concerning 7.25 and 7.25.9.2. She would like to know how the event put on by local attorneys each year would fall under this revised ordinance. It isn't a civic group, just citizens holding on event.

Mr. Helmer said there are three classes. One would be food trucks parked in a shopping center parking lot, then you have town sponsored events such as Ham and Yam or an event held at Smithfield Community Park. The third class would be a gentleman that wants to throw a party and have a food truck on private property. That's a special event, probably used in connection with live music; in that case special events aren't permitted to have food trucks in the public right-of-way.

Mr. Oliver Johnson referenced 7.25.4 and asked when a Johnston County Application for a Mobile Food Unit wouldn't be applicable.

Mr. Helmer said food trucks that use prepared foods such as a taco truck, are regulated by Johnston County Environmental Health and held to a similar standard such as a restaurant. They have to be associated with a commissary and have somewhere to go to clean their equipment. There is an inspection process similar to the way restaurants have to comply. There

are cases where Johnston County doesn't issue a permit, but the sale of the product is regulated through the Department of Agriculture. Packaged foods wouldn't be regulated by Johnston County Environmental Health.

Mr. Oliver Johnson asked if food trucks are allowed to sell beer and wine.

Mr. Helmer said they are allowed but he doesn't know under what restrictions or guidelines. He will look into it and report back to the board.

Mr. Upton said the ABC Commission of NC would have to issue a permit for beer or wine.

Mrs. Daughtry asked if an applicant would have to show their permit to sell beer or wine to the Town.

Mr. Helmer answered yes they would. At the end of the day it is like a restaurant on wheels and we're trying to get the ordinance changed so that uses involving alcohol may be easier to get approved.

Mr. Spain asked if a food truck applicant would be required to have a certain amount of seating.

Mr. Helmer said no, it isn't required they would be allowed to have some seating.

Teresa Daughtry made a motion to recommend the Town Council approve ZA-19-02, amending Article 6, Section 6.5, and Article 7, Section 7.25., 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 Oliver Johnson. Unanimously approved.

Old Business

Mr. Upton brought up the meeting between the Planning Board and the Town Council that took place on February 21st about the UDO. He would like an update on the Planning Board holding public hearings again.

Mr. Helmer stated it was a complicated request. We have a couple ideas and we're trying to evaluate the approach that we should take. We need to be mindful that we chose a process that will actually be used. Right now staff isn't clear how we could move forward with another process that would put quasi-judicial hearings in front of Planning Board.

Mr. Upton stated there are other towns that hold these public hearings and are doing it legally; therefore it is hard for him personally to understand why the decision is taking so long. You either do it or you don't, it's as simple as that.

Mr. Helmer stated the Town is exploring its options. He said if we went with the conditional use districts as in the past, we have to ask why people didn't take advantage of it.

Mr. Upton stated that applicants have a choice, they can come to a public hearing or not. The choice belongs to them.

Mrs. Daughtry said she doesn't see what's so hard in saying we're going to do it or not. She said we always seem to never get a clear answer and things are muddled around.

Mr. Upton asked Mr. Helmer if he would discuss this with the Town Manager or the Planning Department and let us know by email before our next meeting if possible.

Mr. Helmer said I know you mentioned about other towns using this process but when staff went back and reviewed the towns' ordinances it didn't seem to staff it was the best route to take.

Mr. Upton asked if Mr. Helmer could give reasons for the statements he was bringing before everyone so they will better understand. We as a board have heard nothing.

Mr. Helmer said we just need a process that will be beneficial to all parties and we will expedite all these reviews. We don't want a process that adds additional time without getting a better product in the end.

Mr. Upton said you're talking about additional time and this board here gives their time which is commendable to the Town of Smithfield. If the public doesn't come then they just don't but if they do they deserve our time to receive more info and input on the situation before them.

Mr. Helmer said legislative type decisions are a straightforward change we could make right away. As far as quasi-judicial we still have that question of ex parte communication.

Mr. Upton said just because they come here and give their opinions doesn't mean we give them recommendations; we give those to the Town Council.

Mrs. Daughtry said I see growth all over and if this process didn't work in other Towns they wouldn't be doing it. Smithfield must get on the bandwagon and make it easier for the public and developers.

Mr. Helmer mentioned the site plan for American Pride Express Carwash. He stated it was an administrative site plan approval, comments have been sent out. We're now waiting for the applicant to respond. The applicant is talking about tearing down the existing self wash and adding in a tunnel.

Mrs. Lazarus mentioned at the last Planning Board meeting John Whitley's rezoning passed at the most recent Town Council meeting. She wanted to point out that the Planning Board votes came up at the meeting that night. She said even though she voted against it, the votes did matter. She said what we do here as a board might not make a big difference but it does matter. We need to look at what the UDO says now not previously before it was amended. We need to follow that so we don't have mishmash and hinder growth.

Adjournment

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

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist