

**Town of Smithfield
Planning Board Minutes
Thursday, October 3, 2019
6:00 P.M., Town Hall, Council Chambers**

Members Present:

Chairman Stephen Upton
Vice-Chair Mark Lane
Teresa Daughtry
Debbie Howard
Michael Johnson

Members Absent:

Alisa Bizzell
Ashley Spain

Staff Present:

Stephen Wensman, Planning Director
Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

SWEARING IN OF DEBBIE HOWARD

IDENTIFY VOTING MEMBERS

APPROVAL OF MINUTES from August 1, 2019

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

APPROVAL OF THE AGENDA

Mark Lane made a motion to approve the agenda, seconded by Teresa Daughtry. Unanimously approved

NEW BUSINESS

Smithfield Town Plan

The Planning Department is requesting the Planning Board review the draft Town Plan and make a recommendation to the Town Council.

Stephen Wensman said the purpose of the Town Plan is to establish a vision for the transportation land use in the Town of Smithfield. It would process the needs and deficiencies in town. It's to guide growth and development into the future. The plan recommends specific projects and strategies and action. He has provided everyone with any formatting changes within the Town Plan. The future land use map has been updated numerous times; specifically the boundaries of the Downtown Support. There were issues about whether or not that should expand beyond Bridge Street. We brought that boundary to Bridge Street and shortened it as you get to Brightleaf Blvd.

Mr. Lane asked if Mr. Wensman could point out on the Future Land Use Map where the boundary was. He asked if it was only on Bridge Street.

Mr. Wensman said the boundary follows Bridge Street and goes to the North and cuts over.

Mr. Upton said these changes to the map were done by the recommendation of the public and their comments.

Mr. Wensman said yes, this was one of the points of contention at our last meeting. We have addressed it and using the streets as a boundary, opposed to mid-block. The purpose for even going there was due to vacant land and the potential for redevelopment. However the public comment didn't want that to be part

of the Downtown Support. We pulled it back to areas where there are likely to be some multi-family or commercial redevelopment that's supportive of downtown, that wouldn't really impact single-family neighborhoods.

Mr. Lane said we had talked about having the map read from Bridge Street over to Hancock Street down to Hwy 301.

Mr. Wensman said in the updated plan there isn't a trail along the river. It's following the same alignment as the Mountains to Sea Trail. The kiddie park at the end of the greenway shows a neighborhood connection that reaches through the neighborhood and ultimately will go to Smith-Collins Park. It would meet up with some type of street connection and over to Johnston Community College. The goal is to provide more access to the Greenway through various neighborhoods as well as provide opportunities for redevelopment.

Mr. Wensman gave a summary of the updates. In Volume 1 of the Town Plan, there were some updates of growth projections for Smithfield. The National Register of Historic Districts was clarified. There were some proposed ones instead of actual ones that haven't been studied yet and some maps were confused. Distinction between major and minor collectors was changed. As mentioned before, the Mountains to Sea map was added to the introduction to show that the current Mountains to Sea map is in the existing conditions. The Comprehensive Plan has mixed use concept plans for several gateways. He mentioned an example using Rose Manor Shopping Center. It's currently used for storage and often is subject to comments from people passing through saying your gateways don't look good because it's a mall without any life. This could potentially be a mixed use of office, commercial and multi-family homes. There is also vacant land by Johnston Community College that there is a vision for developing someday.

Mr. Wensman stated the last several updates to the Town Plan haven't been printed because it is simply way too much paper. He did want to give this summary of the changes to help everyone better understand where he is coming from. Once this Town Plan is adopted we will begin contacting property owners to see where we can get this trail to go and start making proposals.

Mrs. Howard asked if anything proposed in the Town Plan would go before Town Council for approval.

Mr. Wensman said yes, this is going to be a living document and not binding. It is a starting point for us.

The Town has a grant application in to do a stormwater streambank improvement project, funded by the AG's office. It wouldn't require the use of any Town money. This would allow us to have ponds on the FEMA properties that have been acquired by the Town. With that vision there would be a trail component supported by the Visitor's Bureau. We're looking into getting wetland credits, when you build ponds you get credits from the State.

Mr. Wensman said if this board recommends the Town Plan tonight, he will get with the Town Manager and the Mayor about putting this on the November 12th Town Council agenda. From there, we will advertise the public hearing. We hope before the end of the year it will be adopted by Town Council.

Mr. Lane brought up the imaginary boundary line on Bridge Street from the river to Hwy 301. He would like to know if that separates downtown from North Smithfield.

Mr. Wensman said no not essentially. The area in brown on the map is not downtown or even commercial. Land Use Guidance is a set of policies applicable to that area. There are probably 3 different zoning districts there.

Mr. Lane asked if new businesses would be allowed to open in that area.

Mr. Wensman said that would be up to Town Council. This plan is not advocating for new businesses. The area in brown which has been of much discussion is really an area that says there's a series of policy recommendations. They are supportive of downtown whether it is mixed use housing, park amenities or improved sidewalks. To make that happen there could be zoning changes, overlay zoning or simply

changes to existing code. The downtown area is very important to the community and the desire for more activities, improvements to façades and improving dilapidated property are just some of the requests from the public.

Mr. Lane said that he was concerned about the trail from Second to Wellons Street. He would like to know if this board can put a condition on the approval of the Town Plan, and that the Town Council takes a closer look at that concern.

Mr. Wensman said by having it in the plan we're saying take a look at this. He suggested less busy streets for the trail but it was objected. Once we take up the planning of this project, there will be dialog and funding requirements. How do you put a trail on an existing street? You would need some type of striping and signage which both take money. In order for these things to happen it will take Council involvement.

Mr. Lane said there are no sidewalks.

Mr. Wensman said so we'd have to construct them and that will take money. The trail is important to the community and the current one has been very popular. There is a desire to complete it by connecting to Clayton and North. You can't condition it but you can place wording in it that says it must be less impactful to residents. However it has to go somewhere and regardless to its location someone is going to object.

Emma Gemmell of 207 Hancock Street came forward to speak. She stated that she and Pam Lampe have had concerns about the Town Plan. Some of those concerns have been stated at an earlier Planning Board Meeting. They have had several conversations with Stephen Wensman, Gary Johnson and Sarah Edwards. They asked for the ordinance creating the Municipal Service Tax District in the downtown area for the last 3 weeks and received it yesterday October 2nd.

#1 We're requesting to take out the map in Volume 1 Demographics. It infers that we are part of the downtown area just because of proximities. Their neighborhood wants to stay North Smithfield not downtown even if it's inferred.

#2 We're requesting to take out the words and any illustrations regarding MSTD (Municipal Service Tax District). Downtown is an area as stated in the ordinance of April 2, 1985. The district is the Municipal Service Tax District, not downtown area which is clearly stated in the ordinance. They don't want to be in either the downtown area or the downtown Service Tax District.

#3 In the Appendix of the Growth Plan in comments, the question was asked why we (Town) have a Municipal Service Tax District to tax businesses. It is not an enhancer for businesses to come. It also seems that Municipal Service Tax District credits will be better for the Town than Utility Credits. Taxing isn't a good recruiting tool. Real and personal property is being taxed at a rate of 20 cents on \$100. Sarah said the businesses in downtown had 5 years to object to the personal tax. It wasn't objected, so it is now a permanent tax. She wonders if these businesses were told about having the right to object.

#4 They would also like a hard line for no encroaching into their North Smithfield neighborhood from Downtown or Downtown Support, which is the brown area on the map. The correct downtown area from the ordinance map needs to be put in the Growth Plan map. The hard line can run from Front Street to Seventh Street. Our neighborhoods North of Market and South of Market feel the same way about their neighborhoods. They want protection and no encroaching from businesses and higher density projects.

Our neighbors on Fourth through Seventh Streets are single family homeowners and want protection just like Second and Third Street single family homeowners. We are asking for less density & protection for our neighborhoods North of Market in close proximity to downtown. Taking us out of the downtown area and Municipal Service Tax District, will help us achieve more of a hard line for development. It seems like the developers are given more freedom, less restrictions and easier zoning to encroach into neighborhoods. It hasn't been easy for us to ask for these things for the single family homeowners near the downtown area from Bridge to Seventh Street. We're requesting to lower our zoning from medium

Density to Low Density. We are in a medium density zoning which is very broad. It allows single family to multi-family. We have asked for less dense zoning but Stephen says we have to go to a Planning Board meeting to get it. I'm here, so therefore I am asking.

#5 In the Parks section the word consider is used quite frequently and it seems like it means top priority not CONSIDER. The dictionary meaning is to think carefully about especially in order to make a decision; contemplate, reflect on. Nowhere does this word mean action before input. The Town staff seems to have the input. Most don't even live here. They work here so they aren't affected by most of their directives. There needs to be a "big box" in all Volumes which has the word consider with its definition for people coming in the future using this Growth Plan.

This is just an example, before Parks & Recreation considers a park improvement initiative there needs to be a process that includes Town residences before spending so much money. This has happened with the amphitheater with questions still needing answered by FEMA, Flood Insurance and any restrictions for paying back loans if the amphitheater is damaged or destroyed.

In closing, neighborhoods North and probably South of Market Street want the Planning Board to protect us by doing the things we have requested.

#1 Removing the Map in Volume 1 inferring proximity to downtown as a part of the downtown area and its Municipal Service Tax District into a 5th District. There are 4 districts North, South, East & West. Again, downtown is an area not a district.

#2 Removing in Volume 2 any wording regarding Municipal Service Tax District or Municipal Service District.

#3 Removing downtown as a 5th District and staying a downtown area except for the map from the Ordinance where it shows the Municipal Service Tax District. Our neighborhoods want to be in the North Smithfield District not the Downtown area or District.

The ordinance has a special service tax for the downtown area. Stephen put us in the downtown area. He said it was just words but words matter to him. They will use this to gain real and personal property taxes in addition to regular taxes.

Thanks for listening and we hope you understand our concerns and vote to remove these unwanted pieces of the 2019 Town Growth Plan.

Mrs. Gemmell stated that she agreed with Teresa Daughtry in saying the Town Council needs to take their time in order to digest the Growth Plan. It is difficult to understand.

Mr. Lane asked Mrs. Gemmell if all or most of those conditions are met, would you be ok with the Town Plan being approved for recommendation tonight.

Mrs. Gemmell said she thinks so.

Mrs. Daughtry asked Mrs. Gemmell out of the four things she has requested what would be the top thing she would pick.

Mrs. Gemmell said I guess I don't understand but the 5th District was very concerning to her. In reading the ordinance it spoke of the downtown area and the Municipal Service Tax District. There was too much open-endedness. It doesn't say that tax is mandatory so if they creep into North Smithfield and we're part of that district, we can be taxed. If we're single family residents we will not be taxed. If we're multi-family or duplexes we will be. It will be towards people who can't afford it as much.

Pam Lampe of 415 N. Second Street came forward to speak. She said she and Mrs. Gemmell had talked to Smith Raynor about the Mountains to Sea Trail. Mrs. Lampe feels that the trail should be put on the West Side of the river. She has read the Town Plan several times and studied it in great detail. She is

deeply concerned about the municipal service district. She would like Sarah Edwards to address where she wants it to grow. We don't want it growing into South Smithfield or North Smithfield. We know single family residential is excluded.

Sarah Edwards of 1282-E Packing Plant Rd and Executive Director of Downtown Smithfield Development Corporation came forward to speak. She mentioned Mrs. Lampe's previous comment about the Mountains to Sea Trail. The Downtown Smithfield Development Corporation does own 25 acres on the other side of the river and we have said if it makes sense to have the trail on the other side of the river we would entertain that. We will evaluate what can be done on the property. It could be that the property is wet all the time and we would need to make a high ropes course out of it.

Ms. Edwards also wanted to point out that sidewalks do exist on Second Street down to Parker Street. As far as the maps are concerned, downtown is distinctive in character from other areas in town. You have a mix of commercial and residential properties in close proximity that drives traffic between each other. We have 51 residential units downtown. That separates downtown from any other area. The Downtown Smithfield Municipal Service District is entirely different from the Downtown area or the Downtown Support Area on your map. The Downtown Smithfield Municipal Service District is just a tax district. It runs from the Neuse River Bridge to Hwy 301, it just crosses Hwy 301 to pick up the Rite-Aid property. It then runs to the Advance Auto Parts property down towards Bridge Street. It basically goes from Bridge Street to Church Street, then a block in either direction of Market Street. There is an exception of Third Street where it goes down to Woodall Street. The property owners in that district pay an additional 0.19 cent per \$100 evaluation. That district was created in the 1980's at the request of the property owners within that district. At that time property owners were required to agree at a certain threshold in order for the Town Council to create the district. At least 2/3 of the property owners had to agree and the rate 85 to 90%. For those not in Smithfield at the time, downtown still had the canopies that still exist in some places today. This was done to give Downtown Smithfield a shopping mall feel.

There has been more than 40 million dollars of investment in Downtown Smithfield since the Municipal Services District started. Those are rough numbers and don't represent everything. The only way the Municipal Service District can be expanded is to take in properties adjacent to the district. The district currently ends at the old Rite Aid building and if the business behind them named WinSupply wanted to come into the district they could apply to do so because they are adjacent. The Kangaroo gas station at the intersection of Hospital Rd and Buffalo Rd wouldn't be able to come into the district because they don't share a border.

The amphitheater study is a fresh proposal. At this point there has only been a conceptual drawing done. There is a study that has to be done to see if the current amphitheater can be renovated. We would need to consider materials that could withstand flooding. There will be more opportunities for public input but it can't move forward until this Town Plan moves forward.

Mr. Lane said he feels the new amphitheater will happen but maybe not in its current location.

Mrs. Gemmell said that she wanted to clarify that the Service Tax District Map be put on the map that's going in this plan and removing the 5th District. There is no need to have a 5th District when Downtown is not a district in the ordinance, it is only an area.

Mr. Wensman asked the Planning Board to turn to the Intro document in Volume 1 on page 14. This map is a description of the Town. When the consultants started to describe various parts of the Town they recognized there was a West, South, North and East side. Originally they said downtown which included North Smithfield and historic neighborhoods because they were integral to the original Downtown. They are walkable to the Downtown area. They did a comparative analysis to the different areas. This map is only an analysis; it's not policy or a recommendation.

Mr. Wensman said you can promote the benefits of Municipal Service District and encourage businesses to come into the district. It's in the recommendations of the Downtown Support. If you want to support your downtown, you want to grow your Municipal Service District. It's a key piece to why we have a strong downtown and why it looks as good as it does. People often say you have a great downtown. As the

population grows there will be more opportunity for more density and redevelopment. There are some recommendations about the Town potentially refunding utility fees or waiving utility fees to encourage development. We are now putting connection fees into place. The Town does have a way to waive those fees as means to support development. Mrs. Gemmell mentioned that we should credit the tax as a way to encourage development rather than utilities. I don't believe the Town even could credit that tax. There is a recommendation in the plan that says we should support development initiatives when appropriate through credit or fees.

Mr. Wensman said as far as encroaching into the neighborhoods, this document is loaded with recommendations for improving our buffers between land uses and no encroachment into residential areas. Those recommendations are likely in there because of Mrs. Gemmell and Mrs. Lampe's comments at the public hearings. They were heard and reflected in the document. It's loud and clear and we don't want to continue encroaching into residential areas. We have business areas now underutilized, why would you spread them out into more residential areas. The Municipal Service District is not a threat to the residential districts. The Downtown Support Area is not a threat to the residential districts; it's a series of policies that's supportive of downtown.

Mr. Wensman said to achieve medium density you can have R-6, R-8 and R-10 zoning. North Smithfield is R-10 which is the lowest of the medium density ranges. In that R-10 zoning district you can't have multi-family, it's not allowed. In R-8 zoning you can have multi-family with a special use permit. By right, where you can have single-family homes you can have duplexes. We can't say we're going to guide an area for low-density when it's already built to a medium density. The homes are already there and the land is already subdivided. The vacant properties could be developed in medium density with multi-family if it's zoned R-8 or within that neighborhood support area we should look at ways through zoning to allow mixed use, multi-family or other uses supportive of downtown. The brown area on the map is a set of goals and policies to achieve downtown support.

Mr. Wensman said to answer Mrs. Gemmell's comment on the word consider, he said we want to analyze before we act. It is used throughout the plan and we want consistent language in this plan. Some things we want to consider are an analysis of parks, zoning, and trails. We want them to be considered. Once their considered we will either move forward or we won't. It's going to take community input, the Planning Board, Town Council and Public Hearings. He would like to commend Mrs. Lampe and Mrs. Gemmell on all of the work they have done. Once this plan is passed to Town Council, they will have comments and criticisms.

Mr. Wensman said the Mountains to Sea Trail are more in people's front yards than back yards. If it's along the river it's more likely to be in people's back yards. There will be striping on the road that helps people know they are in the right place or signage saying Mountains to Sea Trail. They will either bike on the sidewalks, on the shoulder or walk. The Mountains to Sea could be a dirt path in the woods, a bike trail or a sidewalk. The State will fund the trail sections but not the street sections. That would be left to the Town to fund as well as the sidewalks. It would take an act of Town Council to recommend routes.

Mr. Upton thanked the Planning Department Staff as well as the Planning Board for their hard work. He said that he felt it was time for this board to come to some conclusion on a decision to recommend the Town Plan to the Town Council.

Mark Lane made a motion that the Planning Board recommends the Town Plan to the Town Council with the exception of the Mountains to Sea Trail from Bob Wallace Park South to be removed. With no second the motion died.

Teresa Daughtry made a motion that the Planning Board recommends the Town Plan to Town Council, seconded by Michael Johnson. For the motion: Stephen Upton, Teresa Daughtry, Michael Johnson and Debbie Howard. Against the motion: Mark Lane.

ZA-19-04 Town of Smithfield

The Planning Department is requesting an amendment to Article 3, Article 4, and Article 6 and Article 7 of the Smithfield Unified Development Ordinance (UDO).

Mr. Wensman said as you all know we have been talking about conditional zoning for some time as an alternative to special use quasi-judicial processes. The Town Council did hire an attorney to review the ordinance amendments that are currently drafted and are ready to be adopted. We haven't heard back yet from that attorney. Mr. Wensman spoke with a Planner and Assistant Manager for another Town near Charlotte doing the same thing this board is proposing to do; using the Table of Uses to remove special uses and require conditional zoning through the use table. They kept a hand full of special uses.

Mr. Lane asked if the attorney had received the information yet.

Mr. Wensman said yes.

Adjournment

Being no further business, Michael Johnson made a motion seconded by Teresa Daughtry to adjourn the meeting. Unanimously approved

Next Planning Board meeting is November 7th, 2019 at 6:00 pm.

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist