

**Town of Smithfield  
Planning Board Minutes  
Thursday, August 5th, 2021  
Town Hall  
Council Chambers  
6:00 PM**

Members Present:

Chairman Stephen Upton  
Vice Chairman Mark Lane  
Debbie Howard  
Doris Wallace  
Sloan Stevens  
Alisa Bizzell  
Ashley Spain  
Michael Johnson

Members Absent:

Staff Present:

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Assistant

Staff Absent:

Stephen Wensman, Planning Director

**CALL TO ORDER**

Chairman Stephen Upton suggested that the board vote to amend the agenda and hear RZ-21-02 first and move CZ-21-06 to the second item.

**AMENDED AGENDA**

Doris Wallace made a motion to approve the agenda as amended, seconded by Michael Johnson. Unanimously approved.

**APPROVAL OF MINUTES from July 8, 2021**

Doris Wallace made a motion, seconded by Alisa Bizzell to approve the minutes as written. Unanimously approved

**NEW BUSINESS:**

**RZ-21-02 Kimberly Gower Johnson:** The applicant is requesting to rezoning five parcels of land totaling 69.26 acres from the B-3(Highway Entrance Business) and R-20A (Residential-Agricultural) zoning district to the LI (Light-Industrial) zoning district. The properties considered for rezoning are located on the east and west side of US Hwy 70 Business West approximately 670 feet south of its intersection with Barbour Road. The properties are furth identified as Johnston County Tax ID# 15078019A, 15078019D, 15078019F, 15078020 and 15078020A.

Mark Helmer stated that all the parcels are split zoned with the area within 500 feet of US Highway 70 Business W zoned B-3 and the remainder zoned R-20A, except for parcel 5 which is fully within the B-3 zoning district. The rezoning is mostly consistent with the Comprehensive Growth Management Plan which guides parcels 2-5 as industrial, however it guides parcel 1 as low density residential. Approval of the rezoning of parcel 1 to Light Industrial would simultaneously amend the comprehensive plan. The industrial zoning in West Smithfield has been part of a long-term economic development initiative

that created certified industrial sites and the Amazon development site. The rezoning of parcels 2-5 is a further step towards the realization of a larger industrial area as envisioned in the comprehensive plan. Parcel 1 was not included in that vision and it was guided for low density residential in the comprehensive plan.

The properties to the north and south of parcel 1 are guided and zoned for low density residential. There are 3 existing residential parcels to the north of parcel 1 that would be surrounded by industrial zoning if the map amendment is approved. These properties are buffered from the airport by existing forest and would be buffered from industrial parcel 1 by a man-made pond. The parcels to the south of parcel 1 are currently planned for a residential development. The Johnston County Regional Airport has a long-term vision to develop the south side of the runway with supportive industrial uses. The rezoning of parcel 1 to industrial would support this vision by providing a southern entrance to the airport property. The parcels proposed for rezoning are within the Town's ETJ and the Town has first rights to serve them with the Town's water and sewer utilities. Johnston County currently provides water and sewer utilities to the airport and the industrial properties off of Citation Lane. The properties are within Duke's electric service area.

**CONSISTENCY STATEMENT (Staff Opinion):** With approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest.

Planning Staff considers the action to be consistent and reasonable:

**Consistency with the Comprehensive Growth Management Plan** -The Comprehensive Plan guides parcels 2-5 as Industrial and the rezoning is consistent with the Comprehensive Plan. The Rezoning of Parcel 1 to Light Industrial is not consistent with the Comprehensive Plan and the approval of the rezoning would simultaneously result in an amendment to the Plan.

**Consistency with the Unified Development Code** – the properties will be developed in conformance with the UDO.

**Compatibility with Surrounding Land Uses** - The properties considered for rezoning is or will be compatible with the land uses surrounding the parcels. There are or will be natural and planted buffers between the industrial and low-density residential areas.

Mark Helmer said planning staff recommends the Planning Board approve RZ-21-02 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan as being amended and other adopted plans, and that the amendment is reasonable and in the public interest.

Chris Johnson of 516 S. Fourth Street came forward to speak on behalf of his wife Kimberly Gower Johnson. He wanted everyone to know their intend for the properties was to see the opportunity to grow jobs. He currently doesn't have the property under contract or have any clients at this time. It does however shorten the time for any future clients if the property has already been rezoned.

Mark Lane made a motion to recommend approval of zoning map amendment, RZ-21-02, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan as being amended and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Debbie Howard. Unanimously approved

**CZ-21-06 Marin Woods Subdivision:** The applicant is requesting to rezone one parcel of land totaling 31.56 acres from the R-8 (Residential) and R-20A (Residential-Agricultural) zoning district to the R-8 CZ (Residential-Conditional Zoning) district for the construction of a 143-lot residential subdivision. The property considered for rezoning is located on the north side of NC Hwy 210 approximately 1,300 feet west of its intersection with Skyland Drive. The property is further identified as Johnston County Tax ID# 15077008.

Mark Helmer said CE Group Inc. is requesting a conditional rezoning request of 1 property, 31.56-acres, from R-20A and R-8 to R-8 CZ with a master plan for a subdivision consisting of 53 detached single-family homes and 90 townhomes. (143 total number of dwelling units). The property is located on the north side of the NC Hwy 210 approximately 1,300 feet west of its intersection with Skyland Drive. The property considered for approval is located within the Neuse River Basin and within the floodplain of Swift Creek. The site considered for development is located on the high side of the property which is adjacent to NC Highway 210. As the property slopes away from NC Hwy 210, the elevation drops to below the base flood elevation (BFE) of the 100-year floodplain which is 124.7 feet above sea elevation. All finished grades for each lot will be at a minimum of 2 feet above the BFE. Encroachment into the 100-year floodplain by the stormwater management facility is proposed. The land is currently used for agriculture purposes and is a mix of open agricultural fields, wooded areas and marsh land.

The applicant is proposing a master plan with a mix of detached single-family residential and townhomes.

**Comprehensive Land Use Plan and Density.** The Town's land use plan guides the site for medium density residential. The overall development will have an average density of 4.53 units per acre. The proposed land uses and densities match the Town's comprehensive plan and are consistent with R-8 zoning.

**Highway Access.** The proposed development will access the highway in 2 locations where there are existing breaks in the median.

**Streets.** All the roads within the development will be publicly maintained with 60' right-of-way and a 29' back-to-back of curb driving surface. The Town's Standard Street Detail calls out a 34' wide road back-to-back of curb within a 60' right-of-way. The curbing is shown as B6-12 type matching the Town's Standard Detail. Visitor parking for the townhouse section is not proposed by the developer at this time.

**Open space.** Approximately 8.31 acres or 26% of the site will remain undeveloped open space. This area will be comprised of streams, wetlands, ponds, flood plain and buffers.

**Riparian Buffers.** A protected stream with a 50' riparian buffer is shown of the plan. The proposed walking trail is shown crossing this buffer at two locations.

**Garages.**

- 1-car garage will have a 9' wide garage door
- 2-car garage will have a 16' wide garage doors

**Building Heights.** All proposed structures will have a building height of 35 feet or less as permitted by R-8 zoning district standards.

**Public Sidewalks.** 5' wide public sidewalk will be constructed in the public right-of-way along on side of all subdivision streets and along US Hwy 210.

**Parking.** Two parking spaces are proposed for each single-family residential unit (detached and attached) within an enclosed garage and driveway. Multi-family parking will comply with the UDO requirements. There will be limited on-street parking within the townhouse developments given the separation between driveways. Within the townhome areas, it is recommended that additional off-street parking be provided due to excessively narrow street and townhouse lots.

**Driveways to Intersections.** Residential driveways are prohibited from being within 20' of an intersection corner. It's unclear whether the townhouse development complies with this requirement.

**Recreational Amenities.** The project is proposing 1 tot lot and a natural area with a walking trail.

**Landscaping and Bufferyard.** The project is proposing a 10'landscaped buffer adjacent to US NC Hwy 210. Within the townhouse section, this 10' landscape yard will a leave the units with a usable back yard that's is only 15 feet deep.

**Dumpster/Trash facilities.** No dumpster or trash facilities are shown on the plan. All lots can be served by roll out containers.

**Stormwater Management.** The development will comply with the Town's stormwater management ordinance.

**Signs.** Subdivision signs are recommended as part of the approved master plan and not preliminary subdivision approval.

**HOA.** An HOA will provide common ownership and maintenance of the shared open space, stormwater SCMs and amenities.

**Conditional Rezoning.** The developer is seeking deviations from the UDO as part of the rezoning. The purpose of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant is seeking the following deviations from the following UDO Requirements:

- Requested lot dimensions

Item	R-8/UDO	R-8 CZ
SF Min. lot size	10,000 sq. ft. (.23 ac.)	2,161 sq. ft.
SF Min. lot width	70 feet	47 feet
SF Min. front setback	30 feet	20 feet
SF Min. Side Setback	10 feet	5 feet
SF Min Rear Setback	25 feet	25 feet
TH Min. front setback	30 feet	20 feet
TH Min. Side Setback	10 feet	0 feet
TH Min Rear Setback	25 feet	25 feet
Max. Bldg. Height	35 feet	35 feet
Street	34' wide back-to-back with 5' utility strip and sidewalk on one side.	29' wide back-to-back with 5' utility strips and sidewalks on one side.
Sidewalks	1 side of each street	1 side of each street.

Proposed Improvements Exceeding UDO requirements:

- Undisturbed open space except for walking trail.

**CONSISTENCY STATEMENT (Staff Opinion):**

With the approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with the adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest.

Planning Staff considers the action to be consistent and reasonable:

- **Consistency with the Comprehensive Growth Management Plan** – the comprehensive plan supports flexibility in zoning regulations.
- **Consistency with the Unified Development Code** – the property will be developed in conformance with the UDO conditional zoning provisions.
- **Compatibility with Surrounding Land Uses** - The property considered for rezoning will be compatible with the surrounding land uses.

Planning Staff recommends the Planning Board recommend approval of CZ-21-03 with the following conditions:

That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with sated deviations:

Stephen Upton asked Mark Helmer if this recommendation was consistent with CZ-21-06 only or does it also include S-21-03?

Mark Helmer said specifically we're talking about CZ-21-06 but it also applies to S-21-03 as well.

Mark Lane asked what would be between the highway and the back of the residences that face Highway 210?

Mark Helmer said there would be a 15-foot landscape buffer, an easement owned by the HOA, and a sidewalk.

Debbie Howard asked why the Town of Smithfield wouldn't supply the power to this subdivision?

Mark Helmer said essentially it is Duke Powers territory. We can't encroach into their service area.

Zach Anderson of 6801 Falls of the Neuse Rd Raleigh, NC came forward on behalf of Ellis Developments NC, LLC. He stated he was happy to be apart of the growth coming to Smithfield and that he hopes the board will consider their request. They plan to go above and beyond with landscaping and architectural requirements. They will submit a master landscape plan from a licensed landscape architect.

Mark Lane asked if we were ok with the sewer capacity by adding this development on?

Mark Helmer said public utilities has reviewed the plan and has made some minor comments regarding the construction of the plan. There is no concern as far as capacity goes.

Perry Harris of 496 Skinner Rd Four Oaks, NC came forward. He has been working with the property owner in the development of this property. There is a demand for moderately priced homes. He strongly urged the board to recommend the request and help bring these homes to Smithfield.

Doris Wallace made a motion to recommend approval of zoning map amendment, CZ-21-06 with the stated conditions of approval and finding the rezoning 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 Debbie Howard. Unanimously approved.

**S-21-03 Marin Woods Subdivision:** The applicant is requesting preliminary subdivision approval of a 31.56-acre tract of land for the creation of 143 residential lots to be located within an R-8 CZ (Residential-Conditional Zoning) district. The property considered for preliminary subdivision approval is located on the north side of NC Hwy 210 approximately 1,300 feet west of its intersection with Skyland Drive. The property is further identified as Johnston County Tax ID# 15077008.

Mark Helmer stated that CE Group Inc. is requesting a preliminary plat approval of a 143-lot subdivision on property located within a R-8 CZ zoning district. The applicant had the property rezoned to R-8 CZ on September 7, 2021, with a master plan for a 53-lot detached single-family residential lots and 90 townhouse lots. The preliminary plat is consistent with the approved master plan. The masterplan and plat consist of the following:

**Comprehensive Land Use Plan and Density.** The Town's land use plan guides the site for medium density residential. The overall development will have an average density of 4.53 units per acre. The proposed land uses and densities match the Town's comprehensive plan and are consistent with R-8 zoning.

**Highway Access.** The proposed development will one permanent access point on and one emergency entrance on NC Hwy 210. NCDOT road improvements will include a left turn lane and a deceleration lane within the existing right-of-way.

**Streets.** All the roads within the development will be publicly maintained with 60' right of-way and a 29' back-to-back of curb driving surface. The Town's Standard Street Detail calls out a 34' wide road back-to-back of curb within a 60' right-of-way. The curbing is shown as B6-12 type matching the Town's Standard Detail. Visitors parking for the townhouse section is not proposed by the developer at this time.

**Open space.** Approximately 8.31 acres or 26% of the site will remain undeveloped open space. This area will be comprised of streams, wetlands, ponds, flood plain and buffers.

**Riparian Buffers.** A protected stream with a 50' riparian buffer is shown on the plan. The proposed walking trail is shown crossing this buffer at two locations.

**Building Heights.** All proposed structures will have a building height of 35 feet or less as permitted by R-8 zoning district standards.

**Public Sidewalks.** 5' wide public sidewalk will be constructed in the public right-of-way along on side of all subdivision streets and along US Hwy 210.

**Parking.** Two parking spaces are proposed for each single-family residential unit (detached and attached) within an enclosed garage and driveway. Multi-family parking will comply with the UDO requirements. There will be limited on-street parking within the townhouse developments given the separation between driveways. Within the townhome areas, it is recommended that additional off-street parking be provided due to excessively narrow street and townhouse lots.

**Driveways to Intersections.** Residential driveways are prohibited from being within 20' of an intersection corner. It's unclear whether the townhouse development complies with this requirement.

**Recreational Amenities.** The project is proposing 1 tot lot and a natural area with a walking trail.

**Landscaping and Buffer yard.** The project is proposing a 10' landscaped buffer adjacent to US NC Hwy 210. Within the townhouse section, this 10' landscape yard will leave the units with a usable back yard that's only 15 feet deep.

**Dumpster/Trash facilities.** No dumpster or trash facilities are shown on the plan. All lots can be served by roll out containers.

**Stormwater Management.** The development will comply with the Town's stormwater management ordinance.

**HOA.** An HOA will provide common ownership and maintenance of the shared open space, stormwater SCMs and amenities.

**Utilities.** All Lots will be served by public water, sewer and electric.

To approve a preliminary plat, the Planning Board/Town Council shall make the following finding (staff's opinion in Bold/ Italic):

1. The plan is consistent with the adopted plans and policies of the town; **The plan is consistent with the adopted plans and policies of the town.**
2. The plan complies with all applicable requirements of this ordinance; **The plan complies with all applicable requirements of this ordinance and the R-8 Conditional Zoning District.**

3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed. **There is adequate infrastructure.**

4. The plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses. **The plan will not be detrimental to the use or development of adjacent properties or another neighborhood uses.**

Planning Staff recommends the Planning Board recommend approval of S-21-03 with the following conditions:

That the preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with stated deviations and conditions:

Emma Gemmell of 207 Hancock Street Smithfield, NC came forward. She asked if the Wilson's Mills Fire Department was contacted about their responsibilities to the property mentioned earlier, RZ-21-02?

Mark Helmer said no, that isn't a requirement in the process.

Emma Gemmell asked if it wasn't a courtesy?

Mark Helmer said no, it isn't part of the process. In the future as properties are annexed then it would be part of the process to contact the responsible fire department.

Emma Gemmell stated that she felt the turning lane for the entrance of this development need to be extra long coming from the Raleigh side versus the Smithfield side.

Mark Helmer said NC HWY 210 is an NCDOT maintained road and will require improvements in accordance with NCDOT standards. The plan does show a left turn lane traveling east bound and a deceleration lane .

Emma Gemmell asked if the proposed property has flooded in the last 10 years?

Mark Helmer said he didn't know. The flood insurance rate map has established where the 100 year and 500-year flood plain are. All proposed structures will be outside and above the 100-year flood-plane.

Debbie Howard said she has never seen flooding in the area we are talking about.

Emma Gemmell asked how much sewer capacity we were using for this project. She encouraged everyone to be aware of the usage.

Debbie Howard made a motion to recommend approval of zoning map amendment, S-21-03 with the stated conditions of approval and finding the rezoning 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 with the recommendation of staff of 2.5 parking spaces per townhome and all other conditions as mentioned, seconded by Ashley Spain. Unanimously approved.

**OLD BUSINESS**

None

Adjournment

Being no further business, Doris Wallace made a motion seconded by Alisa Bizzell to adjourn the meeting. Unanimously approved

Respectfully Submitted,

A handwritten signature in cursive script that reads "Julie Edmonds".

Julie Edmonds  
Administrative Support Specialist