

**Town of Smithfield
Planning Board Minutes
Thursday, July 8th, 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

Members Absent:

Ashley Spain
Michael Johnson

Staff Present:

Mark Helmer, Senior Planner
Director
Julie Edmonds, Administrative Assistant

Staff Absent:

Stephen Wensman, Planning

CALL TO ORDER

Chairman Stephen Upton suggested that the board vote to amend the agenda and hear CZ-21-04 third and move CZ-21-03 to the last item of the night. CZ-21-05 that's on the original agenda has been omitted.

AMENDED AGENDA

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

APPROVAL OF MINUTES from May 6, 2021

Debbie Howard made a motion, seconded by Sloan Stevens to approve the minutes as written. Unanimously approved

NEW BUSINESS:

RZ-21-01 Rhonda Miller: Rhonda Miller is requesting the rezoning of two properties consisting of Tract 2 (3.58 acres) and Tract 3 (6.579 acres) from B-3 to R-20A. The properties are located near the southwest corner of Hill Road and US 70 East Business. Tract 2 starts approximately 360 feet south of the intersection and Tract 3 is about 600 feet south of the intersection. The properties are not located within a floodplain. The parcels, Tract 2 and Tract 3, are split zoned between the B-3 and R 20A.

The applicant is planning to construct detached single-family homes on each lot and would like the properties to be zoned R-20A. The applicant also owns Tract 1 with a B-3 zoning and would like to retain the existing zoning designation. She intends to use the property for an agriculture

related retail business. The Comprehensive Growth Management Plan guides these properties for Rural Residential, including Tract 1 (not part of this application). The rezoning is consistent with the comprehensive plan. The tracts will be served with public water and on-site septic. Johnston County has water lines on Hill Road.

Planning Staff recommends the Planning Board approve RZ-21-01 with a statement declaring the request 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.

Debbie Howard made a motion to recommend approval of zoning map amendment, RZ-21-01, 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 Doris Wallace. Unanimously approved

S-21-02 Spring Branch Commons: TerraEden Landscape and Design, LLC, is requesting 10-lot detached single-family residential preliminary plat of a 1.21-acre parcel in the R-8 CZ district. The property is located on the 600 block of East Johnston Street between South Seventh and South Sixth Street.

Mr. Helmer The site is currently vacant. Sometime before 2005, a +/- 1300 sq. ft. warehouse sat on the corner of S. Sixth and East Johnson along with 3 silo-type structures. That structure is gone, but about 290 feet of valley curb remain at the corner of S. Sixth and E Johnson Street adjacent to where the warehouse once stood. The curbing on the rest of the block is a B6- 12 type. Overhead electric utilities run along the right-of-way on S. Sixth Street. Streetlights attached to the power poles are located at both street corners. The property was rezoned to R8-CZ on May 4, 2021, with a master plan for a 10-detached single-family residential subdivision. The preliminary plat is consistent with the approved master plan.

Mr. Helmer stated the applicant is proposing a compact urban infill development in a semi-distressed part of Smithfield near downtown. The development supports walkability to downtown with a sidewalk along the street frontages and with attractive pedestrian scale architecture – one-story homes with porches and a fence along the public street frontage. Although the individual lots are small, the common open space provides usable amenities: playground, picnic shelter, picnic tables, trash receptacles, and landscaping that will create a mini-neighborhood within the greater downtown and Brooklyn neighborhoods.

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.**

Staff recommends approval with the following conditions:

1. That the driveway aprons be constructed in accordance with the Town's Standard Specifications and Details.
2. That concrete pads for trash bins be shown on the master plan and construction plans.
3. That the valley curb in the public right-of-way be replaced with B6-12 curb.
4. That the Homeowner's Association be responsible for fences and landscaping.
5. That subdivision construction plans be submitted in accordance with the standards of the Unified Development Ordinance for Town Staff approval.

Doris Wallace made a motion to approve the Spring Branch Commons Preliminary Plat, S-21-02, with 5-conditions based on the finding of fact for preliminary subdivisions, seconded by Mark Lane. Unanimously approved.

CZ-21-04 ALA Charter School: Johnston CD, LLC (Jim Way) is requesting a conditional rezoning of 48.783 acres from Light Industrial to Office/Institutional Conditional Zone to construct American Leadership Academy Johnston (ALA Johnston), a K-12 charter school. The property is located about 2500 lineal feet north of the Swift Creek and US 70 Business west intersection and north of the Whitley Heights Subdivision. The site is currently used for agriculture. The site gently slopes from US 70 Business West to the east to the Poplar Branch. The floodway and flood zones of the Poplar Branch extend about 145' from the eastern property line. The industrial property to the north is buffered from the site by existing trees. There is an existing tree line between the farm field and the Whitley Heights subdivision.

Conditional Zoning is a rezoning with a master plan. The conditional zoning process allows a give and take approach to zoning regulations. In this case, the ALA Johnston Charter School is not requesting any deviations from the underlying Office/Institutional zoning district regulations. With the approval of the rezoning and master plan, the school is the only approved land use for the site. The property falls within the WS-IV-PA (Protected Area Watershed Overlay District) which imposes some additional stormwater regulations on the property. The development as a charter school will have less impervious than most residential or other non-residential uses and the watershed regulations will not have any significant impact on the proposal. The sketch plan - diagram shows a looped driveway with two access driveways onto US 70 Business West. The plans show two school buildings, an elementary school and a high school. Each school is shown to have its own play area/greenspace area and drop off areas. The schools share a common parking lot located south of the schools, a looped drive around the site and a shared bus drop-off/service area. The plans show a large stadium area and stormwater management areas to the east of the schools.

The plans are still in a preliminary sketch plan phase and subject to change, however, the basic elements are all shown. The proposed development will have two driveway accesses onto US 70 Business West. An NCDOT driveway permit will be required for both driveways. A 5' wide public sidewalk will be required along the US 70 Business West right-of-way. The current plan is to serve the site with town water and sewer utilities with a master meters on a county line.

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 – schools are allowed in residential areas and the comprehensive plan guides the site for low density residential.

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-21-04 with 1 condition:

The site plans/construction plans be submitted for review in accordance with the Town's Unified Development Ordinance; and 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.

Mark Lane asked if in future this parcel of land is annexed into the Town of Smithfield city limits, would it affect our ETJ boundaries?

Mark Helmer said they are two different things but the applicant is in our ETJ so it's the Town's planning jurisdiction so we have plan approval authority on this piece of property here.

Mark Lane asked if satellite annexation had anything to do with the ETJ?

Mark Helmer said no it doesn't. But if Town Council chose to annex this property they could do so.

David Powlen of Little Diversified Architectural Consulting came forward. He showed the Planning Board an imagine of what the school is projected to look like. He said one building would be grades K-6 and the second building would be grades 7-12. The projected student enrollment will be 1,925. Initial enrollment should be 1,425, by year 2 it should be 1,625 then by year 3 meeting

the 1,925. They hope to be under construction by the end of this year. The school is expected to be open in the Fall of 2022.

Sloan Stevens asked what the American Leadership Academy was?

Dawn Carol of 902 E. Joyner Street Clayton, NC came forward on behalf of the American Leadership Academy. She is chairman of the board for Leadership Schools of Johnston County.

Dawn Carol stated as far as this board goes this is their first school opening. They are working with Charter Management Organization called Charter One. They have 12 charter schools similar to this one in Arizona. They are working with some charter schools here in North Carolina.

Mark Lane asked if the proposed charter school was a for profit school?

Dawn Carol said no it is not.

Doris Wallace asked how much tuition would be.

Dawn Carol said there is not any tuition.

Debbie Howard asked if bus transportation would be provided?

Dawn Carol said yes, within a 30-mile radius.

Mark Lane asked if lunch would be provided?

Dawn Carol said they intended to provide a cafeteria service that students could purchase meals from.

Mark Helmer asked how the admissions process worked?

Dawn Carol said it's done by using a lottery. It's an open application process that will likely start in the late Fall of this year. They have been through the full process with the State Board of Education and awarded the NC Access Grant which will give them quite a bit of funding to get started. They have received permission to open in the Fall of 2022 as long as they meet all of the requirements.

Sloan Stevens asked other than through grants, how is this project funded?

Dawn Carol said they lease the building from the development company and eventually will buy it back through a bond process. They also receive normal school state funding per student.

Doris Wallace made a motion to recommend approval of zoning map amendment, CZ-21-04, with 1 condition finding the rezoning to be consistent with the Town of Smithfield Comprehensive

Growth Management Plan as to be and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Sloan Stevens. Unanimously approved.

CZ-21-03 Floyd's Landing: CE Group Inc. is requesting a conditional rezoning request of 5 properties, 199.8-acres, from R-20A and B-3 to R-8 CZ with a master plan for a subdivision consisting of 118 detached single-family homes, 220 Townhomes and 360 apartment units (698 total number of dwelling units).

Mr. Helmer stated the property is located just north of the Smithfield Corporate Limits on the south side of US Highway 70 Bus W. The site is currently zoned R-20A except for a 500' strip along US Hwy 70 Bus W that is zoned B-3. The strip of B-3 was incorporated into the Town's zoning when the ETJ was created. All the major corridors have remnant strips of commercial along them. With the rezoning, the applicant is excluding a portion of the B-3 from rezoning to create a small commercial development. The applicant will petition for voluntarily annexation of the development into the Town of Smithfield prior to final plat approval. The applicant is proposing a master plan with a mix of detached single-family residential, townhomes and apartments.

Comprehensive Land Use Plan and Density. The Town's land use plan guides the site for low density (north) and medium density residential (south) and conservation (west) where there is floodplain. The overall development will have an average density of 3.5 units per acre.

- The property identified as Tract 4 is guided for low density residential (corresponds with R-10 zoning) and allows a density of up to 4.36 units per acre (97.79 acres x 4.35 = 425 single family units). The developer is proposing 118 detached single family and 155 townhomes (273 total units) About 44% of Tract 4 is within the floodplain and undevelopable. The proposed development is consistent with the low-density guidance of the comprehensive plan.
- The remainder of the development site is guided for medium density residential with a maximum allowed density of 9.68 units per acre, or 4500 sq. ft. per unit. About 50% of the remaining medium density area is within the floodplain and undevelopable.

Mr. Helmer stated the proposed land uses and densities match the Town's comprehensive plan and are consistent with R-8 zoning. The developer has excluded portions of the affected tracts of land from the rezoning and has chosen to retain the B-3 zoning that exists for future commercial uses along the main entrance to the development. Although the B-3 zoning is inconsistent with the Town's land use plan, the requested rezoning is consistent with the Town's land use plan.

The proposed development will access the highway in 3 locations where there are existing breaks in the median. The Amazon is under development across US Hwy 70 Bus West and will also access the highway at the two southernmost median breaks. A Traffic Impact Analysis (TIA) is being prepared for this development and one has been prepared for the Amazon development. It is likely that the middle access will be a right-in/right-out. Other highway improvements are likely including right-turn deceleration lanes at each entrance to the development. The TIA will be available before the preliminary plat. All the roads within the development will be public with 60'

right-of-way. The roads by the townhomes and detached single family homes are proposed as 27' wide back-to-back of curb. The entry roads and behind the commercial area are proposed as 35' back-to-back of curb. The Town's Standard Street Detail calls out a 34' wide road back-to-back of curb within a 60' right-of-way. The parking lot for the apartments and the overflow parking for the townhomes will be private.

Detached Single-family Lot Size and Dimensions

- Proposed minimum lot size is 4,829 sq. ft. for the detached single-family (R-10) Low density residential requires 10,000 sq. ft. R-8 is 8,000 sq. ft.).
- Average lot size will be 5,150 sq. ft.
- The typical lot will be 42' wide x 115' deep (R-10 min lot width is 75/ R-8 min lot width is 60')
- Homes will be 3 bedroom and will range in size from 1,600-2,100 sq. ft. townhomes.
- The developer is proposing 4–6-unit 1400-1600 sq. ft. townhomes.
- The typical townhouse lot will be 20' wide x 100' deep. As a comparison, the approved East River Triplexes had a minimum lot width of 25' and end lots were wider.

Apartments

- The property lines for the apartments are not yet defined.
- The apartments will be 1-3 bedrooms ranging from 800 sq. ft. to 1,500 sq. ft. in size:
 - o 1BD/1BA – 800sf-1,000sf
 - o 2BD/2BA – 1,050sf-1,250sf
 - o 3BD/2BA – 1,300sf-1,500sf

Garages

- 1-car garage will have a 9' wide garage door and will be 11'-6" wide x 19' deep.
- 2-car garage will have a 16' wide garage door and will be 18'-9" wide x 19'-6" deep.

Estimated Sales Price/Rental Price

- Single-family Home estimated sales price is the mid \$200,000s.
- Townhouses estimated sales price is between \$180,000-low \$200,000s.
- Apartment rental price will be:
 - o 1BD/1BA - \$850-\$1,050 per month
 - 2BD/2BA - \$1,100-\$1,300 per month
 - 3BD/2BA –\$1,400-\$1,600 per monthly

Building Heights, the proposed apartments will have a building height of 50 feet (35' max per R-8 standards).

Public Sidewalks. 5' wide public sidewalk will be constructed in the public right-of-way along both sides of all subdivision streets.

Public Trail. An 8' asphalt multi-purpose trail is proposed along the US Hwy 70 Business W. (5' sidewalk is required by UDO).

Parking. Two parking spaces are proposed for each single-family residential unit (Detached and attached) within an enclosed garage and driveway. Additional parking is provided in overflow parking areas. 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, there are estimated to be approximately 24 on-street parking spots in the larger area and 6 in the smaller because of the narrow street width and driveway locations.

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 projects will have several private parks with playground structures and passive lawn areas for informal use.

Landscaping and Bufferyards. Adjacent to US Hwy 70 Business W a 50' buffer with berm and landscaping are proposed. Adjacent to the northern boundary of the site a 50' landscaped buffer is proposed. Adjacent to the southern boundary of the site a 100' landscaped buffer is proposed. Within the public right-of-way, street trees are proposed. The Townhouse and Apartment developments will be required to meet the landscape requirements of the Unified Development Ordinance (UDO).

Dumpster/Trash facilities. No dumpster or trash facilities are shown but will be required with the multi-family developments.

Stormwater Management. The development will comply with the Town's stormwater management ordinance utilizing a combination of water quality ponds, bioretention areas and other approved measures to treat and control stormwater runoff. As much as possible, the stormwater measures will be within the open space areas and positioned and landscaped to be an amenity for the project.

Signs. A master sign plan will be submitted with the future preliminary plat.

Town Wayfinding Monument Sign. The existing monument sign located at the south end of Tract is within the proposed 100' landscape buffer. There is no plan to move it with the development. With annexation the town's corporate limits will move further north. The developer is willing to allow the sign to be moved by the Town.

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:

Item	R-8/UDO	R-8 CZ
SF Min. lot size	10,000 sq. ft. (.23 ac.)	4,829 sq. ft. (.11 ac.)
SF Min. lot width	70 feet	42 feet
SF Min. front setback	30 feet	20 feet
SF Min. Side Setback	10 feet	5 feet
SF Min Rear Setback	25 feet	20 feet
TH Min. front setback	30 feet	20 feet
TH Min. Side Setback	10 feet	0 feet
TH Min Rear Setback	25 feet	10 feet
Max. Bldg. Height	35 feet	50 feet (3 story apartments)
Street	34' wide back-to-back with 5' utility strip at the back of curb, sidewalk on one side.	27' wide back-to-back with 5' utility strips and sidewalks on both sides of the street.
Sidewalks	1 side of each street and along US Hwy 70	2 sides of each street and an 8' trail along US Hwy 70
Multi-family storage Spaces	24 SF enclosed storage space per unit.	Storage may be included in garage units and be available for rent. Not shown on Master Plan.

Proposed Improvements Exceeding UDO requirements:

- 50-foot landscape buffer along north side
- 50-foot bermed landscape buffer along east side
- 100-foot landscaped buffer along south side
- 8' multi-use trail along US Hwy 70 W vs. 5' sidewalk
- Undisturbed open space within floodplain and common owned areas.

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.*

RECOMMENDATION:

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 following deviations:

Item	R-8 CZ
SF Min. lot size	4,829 sq. ft. (.11 ac.)
SF Min. lot width	42 feet
SF Min. front setback	20 feet
SF Min. Side Setback	5 feet
SF Min Rear Setback	20 feet
TH Min. front setback	20 feet
TH Min. Side Setback	0 feet
TH Min Rear Setback	10 feet
Max. Bldg. Height	50 feet (3 story apartments)
Street	27' wide back-to-back with 5' utility strips and sidewalks on both sides of the street.
Sidewalks	2 sides of each street and an 8' trail along US Hwy 70

Multi-family storage Spaces	Storage may be included in garage units and be available for rent. Not shown on Master Plan.
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That the public street at the south end of the subdivision terminate with 96' diameter cul-de-sac bulbs to meet Fire Code.

Mark Ashness with the CE Group came forward. They are the planning and engineering firm for this project. He stated the earliest they would have any homes completed would be in late 2023.

Mark Lane asked when the projected timeframe would be for the project to be completed?

Mark Ashness said likely sometime 4 to 5 years after the first homes have been completed.

Sloan Stevens said he was a little concerned about the 5 feet in between homes.

Mark Lane stated that based on drawing presented that on-street parking will block driveways if permitted and recommended that no parking zones be declared.

Mark Ashness said that is becoming the standard across the board in the new developments. They do however offer a lot of open space. That's what the millennials and younger people today want. They prefer to live on a smaller lot and have parks and open space that they don't have to maintain.

Mark Helmer encouraged the board to feel free to make any recommendations on this project.

Stephen Upton asked recommended to the developer consider decorative street lighting and sign post?

Kirby LaForce of Carolina Land Group, LCC came forward to discuss the lamp post lighting. He said Duke Power offers a decorative lamp post option we can select. He said they were in agreement to work with Duke Power and Staff to meet the requested needs.

Stephen Upton asked if there was a way to provide an additional 10 feet of right-of-way on the street into the development to accommodate median landscape islands to be maintained by the HOA?

Kirby LaForce said a 10-foot decorative median on the entrance ways coming in subject to an approved entrance drive at the appropriate distance off into the commercial, could be worked in.

Stephen Upton stated the planning board is requesting landscaped subdivision signs at each entrance.

Kirby LaForce said that would not be a problem and is intended to submit a signage package with the preliminary plat.

Stephen Upton asked if they could provide landscape plans showing one tree per residential lot to be planted outside of the public right-of-way? All other areas of the development should contain 2 trees per 100 linear feet of street.

Kirby LaForce said on the single-family homes he doesn't see this as being a problem but on the townhomes it's too tight and maybe would need to use small trees.

Mark Helmer said the trees would need to be on private property and not within the public right-of-way.

Kirby LaForce said for single-family homes we'll plant street trees for every lot and for the townhomes there would be mid-size trees/shrubs between the units. All other areas of the development should contain 2 trees per 100 linear feet street.

Stephen Upton suggested an 8-foot-wide walking path adjacent to the Hwy 70 West made concrete.

Kirby LaForce said he had done numerous greenways; over time the concrete becomes bumpy and uneven.

Stephen Upton asked what he suggested be used in place of concrete?

Kirby LaForce said asphalt, it's the best material for a multi-use trail.

Debbie Howard asked if asphalt cracked as easily as concrete?

Kirby LaForce said it's more flexible and it can be resurfaced.

Stephen Upton said that concludes his questions. He would like it to be documented that each of those conditions have been accepted by the applicant.

Jeffery Hamilton of Rogers Lane came forward to speak. He has concerns about the first driveway going into the subdivision.

Kirby LaForce said per Ramey Kemp, that the main driveway will be signalized.

Jeffery Hamilton said he would like to suggest some fencing at the town homes as well as the berm that is proposed.

Mark Lane started there was a need for 100-foot-wide planted berms on both ends of the project.

Kirby LaForce was in agreement with this condition.

Stephen Upton asked if anyone else had questions or concerns and no one did. He mentioned that he wanted any recommendations to be mentioned in the minutes and that the applicant had accepted them.

Debbie Howard made a motion to recommend approval of zoning map amendment, CZ-21-03 with the following recommended conditions from the board:

1. Decorative street lighting and decorative street signs be provided by the development throughout the site.
2. Provide an additional 10 feet of right-of-way on streets that serve as entrances into the development for the accommodation of landscaped medians to be installed by the developer and maintained by the HOA.
3. Provide subdivision signs made from robust material with landscaping equal to the area of the sign at all entrances into the development.
4. Provide a complete landscape plan showing one understory tree per residential lot to be planted adjacent to and outside of the public right-of-way.
5. Landscape buffers on the north and south ends of the development shall be 100 foot wide with planted berms.
6. All land held in common ownership that is adjacent to a public right-of-way shall be planted with a minimum of 2 shade trees per 100 feet linear feet of road frontage. These trees shall be planted adjacent to and outside of the public right-of-way and shall be maintained by the HOA.
7. Public right-of-way serving the townhouse portion of the development be declared a no parking zone.

The board finds the rezoning consistent Town of Smithfield Growth Management Plan and other adopted plans and that the amendment is reasonable and in the public interest, seconded by Doris Wallace. Unanimously approved.

OLD BUSINESS:

None

Adjournment

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

Respectfully Submitted,

Julie Edmonds

Julie Edmonds
Administrative Support Specialist