

**Draft
Town of Smithfield
Planning Board Minutes
Thursday, March 4, 2021
Town Hall Council Chambers
6:00 PM**

Members Present:

Chairman Stephen Upton
Vice Chairman Mark Lane
Debbie Howard
Michael Johnson
Doris Wallace
Ashley Spain

Members Absent:

Alisa Bizzell
Teresa Daughtry

Staff Present:

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

Staff Absent:

CALL TO ORDER

Chairman Stephen Upton requested to move ZA-21-02 to the last item and CZ-21-01 as the first item to be heard.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES from January 7th, 2021

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

NEW BUSINESS:

CZ-21-01 Courtyard Cabins at White Swan:

The applicant is seeking conditional zoning approval for the creation of 14 additional cabin units on two parcels of land totaling approximately 2.68 acres and located within a B-3 and R-20A zoning district. The properties considered for rezoning are located on Galilee Road approximately 400 feet northeast of its intersection with South Brightleaf Boulevard and further identified as Johnston County Tax ID#15J10061W and 15J10061F.

Stephen Wensman said that Demarest Company Landscape Architects is requesting a zoning map amendment (conditional rezoning) for the Courtyard Cabins at White Swan, rezoning a 0.3-acre property from R-20A to B-3 CZ, and a 2.53-acre property from B-3 to B-3CZ. Water and sewer are

provided by the Town of Smithfield and Duke Energy provides the electric. The site is currently developed with a motel and (4)-400 sq. ft. stand-alone cabins on 2.53 acres with street access from S. Brightleaf Boulevard and Galilee Road. The property surrounds White Swan Barbecue at the corner of South Brightleaf Boulevard and Galilee Road.

The proposed rezoning is accompanied with a plan for the expansion and upgrade of the site with an additional (14)-598 sq. ft. cabins on 2.83-acres of land to be developed in three phases. The expansion includes the redevelopment of an existing 0.3-acre residential property that will be combined with the larger property through a lot recombination.

The site improvements include:

- A new one-way vehicular drive consisting of two 30" wide concrete wheel runners, 44" apart to accommodate all vehicles including emergency service vehicles.
- Reduced and minimized impervious surfaces to lessen impact on stormwater management (center of vehicular drive will include #57 stone, 2' deep with a 6" sock pipe for drainage and infiltration.
- Preservation of existing large trees on the site
- Landscaping to meet UDO requirements
- Improved road access, limiting access to defined driveways.
- Upgraded motel parking.
- Concrete parking pad (for single vehicle) for each cabin
- Paved motel parking lot for 7- vehicles and 9 stalls on angled pads accessible by one-way drive lane consisting of two 30" wheel runners.
- Easement for future sidewalk along S. Brightleaf Boulevard.

Mr. Wensman stated 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 a desired project that both the developer and town mutually can be satisfied with. The Courtyard Cabins at White Swan are seeking deviations from the following UDO Requirements:

- Driveway paving. The site plan shows the drive lane consisting of two 30" wide concrete wheel runners, 44" apart, intended to accommodate all vehicles including emergency service vehicles. The Fire Code and the Standard Detail and Specifications Manual both require a minimum 20-foot-wide driveway for non-residential one-way drive-lanes. The UDO requires the driveway be paved with bituminous or concrete.
- Sidewalk easements are proposed along S. Brightleaf Boulevard and Galilee Road for future sidewalk, but no sidewalks are being proposed for construction as required in UDO Section 2.22.
- The motel parking lot is proposed with ribbon curb and no wheel-stops rather than concrete curb and gutter as required by the UDO.
- The angled motel parking is proposed as gravel parking rather than paved.
- Cabin parking is proposed as gravel rather than paved.
- The entrance driveways, except the motel entrance are proposed as gravel (#57 stone).

Mark Lane asked what would need to be paved in B-3 without Conditional Zoning?

Mr. Wensman stated everything would have to be paved with bituminous, concrete or something similar such as brick or stone. Conditional zoning does allow deviations from the standards. It does allow you to add conditions or standards that you feel are lacking such as fencing or sidewalks.

Mr. Lane asked if the shown landscape plan was an updated version.

Mr. Wensman said no, but he listed some of the deviations. Those will be required in the final landscape plan.

Debbie Howard asked what the walkways to the units from the street were proposed to be and if they were concrete?

Mr. Wensman said yes, they are concrete.

Ashley Spain asked where the drainage pipes would go and what would protect them if a big truck were to cross over them?

Mr. Wensman said that was a question better suited for the landscape architect.

Scott Stewart of 6933 Running Brook Terrace Wilmington, NC 28411 came forward to introduce himself as the landscape architect on this project. He stated he was requesting recommendation from this board to the Town Council for this rezoning.

Mark Lane asked Mr. Stewart how wide the lane would be for emergency vehicle access?

Mr. Stewart said there will be a 12-foot width lane with a 30-foot turning radius for the emergency vehicles.

Debbie Howard made a motion to recommend approval of zoning map amendment, CZ-21-01, with 8-conditions finding it 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 Mark Lane. Unanimously approved.

SUP-21-01 Scooter's Coffee:

The applicant is seeking a special use permit to construct and operate a drive thru coffee shop within an existing shopping center on property and located within a B-3 zoning district. The property is located on the northeast side of the intersection of Hospital Road and North Brightleaf Boulevard and further identified as Johnston County Tax ID# 15004024C.

Mr. Wensman stated that major shopping centers are a special use in the B-3 zoning district. The addition of Scooter's represents a change therefore a special use permit is required. The location of the project is at the corner of Hospital Rd and N. Brightleaf Blvd in the parking lot of Pine Needles Square. The applicant is looking to subdivide a portion of the property for the Scooter's development, which would be reconfiguring existing parking and drive lane patterns. The shopping center has been

undergoing renovations by its owners with façade, lighting and changes to the tenant mix. The shopping center has mature landscaping around its perimeter although lacks parking lot landscaping and foundation plantings. The stormwater for the site sheet flows to adjacent ditches and catch basins at the side and rear of the property. The site for the Scooter's Coffee is at the south west corner of the mall in the paved parking lot. The vehicular access to the coffee shop will be through the Pine Needles Square parking lot. There will be no new driveway access onto adjacent roads. A cross access easement will be required to provide shared use of that access.

According to Section 10.4 of the UDO, restaurants require stacking for 6 vehicles for the order box. The Scooter's site plan shows stacking space for 4 vehicles. Between the order box and pickup window, there should be stacking for 4 vehicles. The Scooter's plans show space for 4 vehicles. The Starbucks Coffee on Equity Drive has stacking for 3 vehicles at the order box and 4 vehicles between the order box and pickup window and backs up into the parking lot at peak hours. The stacking space for the coffee shop is less than ideal, but the parking area in which the coffee shop is to be located is currently underutilized.

No signs have been proposed at this time. Outparcels in shopping centers are entitled to one 75 sq. ft. – 6 ft. high ground mounted monument sign and wall signs on two sides of the building facing public roads.

Scooter's will have 10 parking stalls on its property for the use of the coffee shop. the construction of the coffee shop will displace 27 existing parking stalls currently used by the Pine Needles Square. Based on the data from the owner of Pine Needles Square, there is approximately 106,529 sq. ft. of retail space. Required parking for retail is calculated as 1 parking stall per 600 sq. ft. The Pine Needles Square retail requires roughly 178 parking spaces and has 472 parking spaces. The loss of 27 parking spaces for the coffee shop construction will have no impact on required parking. The coffee shop will be lit by the Pine Needles Square parking lot lights and downcast wall lighting. A new pedestrian access will be created from the sidewalk on Brightleaf Boulevard.

The UDO, Article 4, sets forth eight findings of fact that are required for approval of a special use permit through a quasi-judicial process. (Please see the attached application which contains the applicant's findings of fact). Staff's opinion for each finding are shown in bold/ Italics below:

4.9.3.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. The proposed development will not be detrimental to or endanger the public health, safety, or general welfare.

4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The coffee shop is a normal development and will benefit the surrounding property with additional commercial traffic and customers and provide a service/ product that benefits adjacent residents and workers.

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. The coffee shop development will utilize existing utilities, drainage, and parking.

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. It will not.

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The use has adequate ingress and egress within the Pine Needles Square shopping center and will not impact public streets.

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. The use will not adversely affect the use or physical attribute of adjoining or abutting property. The use will benefit adjoining or abutting properties by providing a desired product and customers.

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The plan will be in harmony with the renovations in the shopping center.

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. The use will conform to applicable regulations.

Mr. Upton asked if the parking at Scooter's would have parking lot lighting?

Mr. Wensman said they will have wall pack lighting but not parking lot lighting.

Mark McDonnell of 1116 Neuse Ridge Drive, Clayton NC spoke on behalf of Patando II, LLC the property owner. He said when their company purchased the shopping center their goal was to improve the quality of it and the tenant mix to meet the needs of the community. One of the first things they did, was reach out to the hospital with a survey asking what they would like to see. He said they requested convenience foods and coffee. This is a first step in providing that request to the hospital employees.

Doris Wallace made a motion to approve SUP-21-01 based on the Finding of Facts and 4 conditions, seconded by Debbie Howard. Unanimously approved.

SUP-21-02 East River Phase 6 & 7:

The applicant is seeking a special use permit to construct a 65-unit townhouse complex on approximately 11.97-acre tract of land and located within an existing PUD zoning district. The property considered for approval is located on the east side of Buffalo Road approximately 690 feet north of its intersection with M. Durwood Stephenson Parkway and further identified as Johnston County Tax ID# 14075015X.

Mr. Wensman stated the East River Planned Unit Development Master Plan was originally approved by the Town Council in December 2018. A revised PUD Master Plan was approved by the Town Council in December 2020. The revised PUD improved the stormwater management infrastructure, added a new Central Park feature, a new mail kiosk area, improved the parking layout, and rerouted the greenway/trail. The detailed site plans for the multi-family development were not included in

the PUD plans or preliminary plat construction plans approved by the Town Council. A condition of plat approval was on the application of a special use permit for the multi-family development in phases 6 and 7. This application is for the final two phases (6 & 7) that include the development of 65 townhomes.

The site plan is arranged into two phases with 42 townhomes in phase 6 and 23 townhomes in phase 7. Phases 6 and 7 are separated by the existing pond and wetland. Sixty-four 2-bedroom townhouses are planned; 42 units in phase; 23 units in phase 7. The end units will have windows on the façade. Each unit has a small front and rear yard. Each unit has an entry canopy in the front yard. Each unit has a small storage structure and concrete patio in the rear yard. Sidewalks will be connected to a 10' wide trail on Buffalo Road and to phases 1-5. The proposed sidewalks in phase 6 should extend to the trail along Buffalo Road wherever practicable and should line up with the crosswalk across Buffalo Road. The street yard has been provided; however, a short section is lacking on the plans. Sections of the buffer yard have been provided in the rear and sides of the townhouse development except where existing natural vegetation is shown. A tree inventory is required and credit towards the buffer requirements may be applicable. Parking lot and foundation plantings have been provided in accordance with the UDO. Additional foundation plantings should be provided alongside facades facing the public right of-way. The street yard should be bermed to provide greater screening of the back sides of the townhouses along Buffalo Road.

The UDO, Article 4, sets forth eight finding of fact that are required for approval of a special use permit through a quasi-judicial process. Staff's opinion for each finding are shown in Bold/ Italics below:

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. **The special use will not be a detriment or endanger the public health, safety, or general welfare.**

4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **The special use permit is part of the orderly development of the PUD and was part of the original PUD Master Plan.**

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. **All have been provided for.**

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. **No noxious or offensive uses proposed.**

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. **Adequate ingress and egress have been provided for and have been approved by NCDOT.**

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. **The use will not adversely affect the use or physical attributes of adjoining or**

abutting property. Adequate buffer yards will be provided, and adjacent zoning is residential or commercial.

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. **The plan is in harmony with the PUD Master Plan.**

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. **The use conforms with the PUD Plans and applicable UDO regulations with conditions.**

Mr. Wensman said the Planning Department recommends the Town Council approve SUP-21-02 based on the findings of fact with 15 conditions.

1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance.
2. Provide an additional 2 dumpster enclosures in phase 6.
3. The proposed sidewalks in phase 6 should extend to the trail along Buffalo Road and should line up with the crosswalk across Buffalo Road.
4. A tree protection plan shall be provided as required by Section 10.9.2. Existing vegetation cannot be used as a required buffer yard unless trees are documented on a tree preservation inventory.
5. The landscape plan shall be revised to provide foundation shrubs where end units face the public right-of-way, and to provide a street yard that extends to the southern boundary of the site.
6. The Street yard shall be bermed to provide greater screening of the rear facades facing Buffalo Road.
7. SCM access easements shall be provided in accordance with Town standards
8. Provide an Operations and Maintenance Agreement for the Stormwater SCMs.
9. Fire hydrants shall be shown on the construction plans and the center of Pumper Connection on the fire hydrants shall be a minimum of 18" above finished grade.
10. Provide NCDOT driveway permits for signature prior to construction plan approval.
11. Sign permits are required prior to installation of signs.
12. The applicant shall provide a soil and erosion control plan with the construction plans.
13. A lighting plan be submitted with construction documents for review.
14. Provide 30' wide public easements over public utilities.
15. Provide NCDOT driveway permits for signature prior to plan approval.

Mark Lane asked if the County had approved all of this where sewer capacity is concerned.

Mr. Wensman isn't entirely sure but through the construction approval process they will have to provide all the permits.

Mark Lane asked if there was a fund for the stormwater for the other phases.

Mr. Wensman said there are funds collected through HOA fees, he doesn't know if there are any dedicated directly toward maintenance.

Mark Lane asked if there would be landscape screening for adjacent properties.

Mr. Wensman said they have landscape buffers but they are relying on existing vegetation which is fine but we need to verify what's there.

David DeYoung of 114 W. Main Street Clayton, NC came on behalf of RiverWild. These are the last two phases of the project. Phase 1 is complete; Phase 2 is under construction and all of the houses have been sold. The CD's have been approved for phases 3-5. We will build those phases quickly.

Debbie Howard made a motion to approve SUP-21-02 based on the finding of fact and with 15 conditions as proposed from the Planning Department, seconded by Doris Wallace. Unanimously approved.

ZA-21-02 Town of Smithfield

Staff is requesting the Planning Board recommend approval of the following amendments to the Unified Development Ordinance:

1. Article 6, Section 6.6 to change pharmaceutical manufacturing to a permitted use in the Light Industrial District; and
2. Article 8, Section 8.10 to change the maximum building height to 80 feet in the Light Industrial District.

Mark Helmer said the applicant would like to amend Article 6, Section 6.6 to change pharmaceutical manufacturing from a special use to a permitted use in the Light Industrial District. Pharmaceutical manufacturing was called out in the table of uses as a special use to allow the Town the ability to address any adverse issues with wastewater. The NC Department of Environmental Quality already reviews such uses for adverse impacts; therefore, the Town's review is duplicative and puts the town at a disadvantage when trying to attract such manufacturing. Article 8, Section 8.10 limits light industrial buildings to 40-feet and up to 100-feet with a special use permit. Many industrial users are looking for taller buildings, up to 80-feet. A review of past special use permits for building height shows the town has approved them without specific conditions mitigating the impacts of taller buildings. Taller buildings have the potential to cast long shadows on adjacent properties and can be an issue for fire protection. The Fire Department is equipped with ladder trucks for fighting fires in tall buildings. The special use permit for buildings over 40-feet is an impediment to marketing the light industrial properties in the town.

Staff finds the zoning text amendment as proposed consistency with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Doris Wallace asked where the pharmaceutical company would be located?

Mark Helmer stated at this time we haven't had a pharmaceutical company make application. This zoning ordinance will allow them as a permitted use, should one want to come to the Light Industrial District.

Stephen Wensman stated the Town has been working closely with Chris Johnson to help market industrial sites within the Town of Smithfield. The West Smithfield Industrial Development was recently rezoned and we're expecting a subdivision plan real soon. Chris gets a lot of request for information, most being from Pharmaceutical and other industrial users. Through that process they ask many questions and building height requirements are one of them. The developers often times are looking for sites that are shovel ready. If the Town wants to be competitive, we need to design our code so that we can be.

Debbie Howard made a motion to recommend approval of zoning text amendment, ZA-21-02, amending Article 6, Section 6.6 to change pharmaceutical manufacturing to a permitted use in the Light Industrial District; and Article 8, Section 8.10 to change the maximum building height to 80 feet in the Light Industrial District. Finding the amendment 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 Ashley Spain. Unanimously approved

OLD BUSINESS:

Chairman Stephen Upton recognized upcoming new member Sloan Stevens.

Mr. Upton asked Mr. Wensman on an update for the Public Hearing proceedings for the Planning Board.

Mr. Wensman said you had Special Use Permits tonight with an audience for applicants. The minutes of this proceeding will not go to Town Council but any issues identified will be brought into his staff report.

Mr. Helmer wanted to mention that he sent out 200 letters for tonight's meeting but none of those property owners showed up.

Mark Lane said at least the people were notified.

Mark Lane asked for an update on any new development coming to the area.

Mark Helmer said the Planning Department had recently received an application for 10 units on Johnston Street. We will also have a text amendment for fence standards at the next meeting.

Adjournment

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

Next Planning Board meeting is April 1st, 2021 at 6pm.

Respectfully Submitted,

Julie Edmonds

Julie Edmonds
Administrative Support Specialist

DRAFT