

**Town of Smithfield  
Planning Board Minutes  
Thursday, April 7, 2022  
Town Hall Council Chambers  
6:00 PM**

Members Present:

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

Members Absent:

Alisa Bizzell

Staff Present:

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

Staff Absent:

**CALL TO ORDER**

**APPROVAL OF AGENDA**

Doris Wallace made a motion to approve the agenda, seconded by Mark Lane. Unanimously approved.

**APPROVAL OF MINUTES FOR MARCH 3<sup>rd</sup>, 2022**

Doris Wallace made a motion to approve the minutes, seconded by. Unanimously approved.

**NEW BUSINESS**

**RZ-22-01 Roger Stanley:** The applicant is requesting to rezone .35 acres of land from the B-3 (Business) zoning district to the R-8 (Residential) zoning district. The properties considered for rezoning are located on the west side of East Edgerton Street approximately 360 feet south of its intersection with North Brightleaf Boulevard. The properties are further identified as Johnston County Tax ID# 15006008, 15099030 and a portion of 15006006 and 15006004.

Stephen Wensman stated that Roger Stanley is requesting the rezoning of two properties and a portion of a third from B-3 Highway, Entranceway Business to R-8 Single, Two and Multi-family Residential representing 16,000 sq. ft in area. Roger is planning for an expansion of the car dealership and would like to move the detached single-family home from the dealership property to a vacant property he owns. The current zoning does not allow detached single-family residential so a rezoning to R-8 is being requested to facilitate the moving of the house. The R-8 district would allow detached single family uses. Roger is also requesting the rezoning of the property which has an existing home on it to make it a conforming lot. He is requesting the rezoning of a portion of both properties 1 & 2 3,000 and 550 sq. ft. respectively, then recombine the rezoned land into two 70' wide, 8,000 sq. ft. R-8 lots. The rezoning

would facilitate the removal of a non-conforming residential use from the B-3 zoning district, however there are other issues to consider:

**Spot Zoning.** Rezoning of only two residential lots would be considered a spot zoning. Although spot zoning is not illegal, it must be reasonable and in the public interest. Considerations should include:

- Physical characteristics that make is more suitable for residential (utilities, topography, soils, etc.).
- Relationship to comprehensive plan designation.
- Is the rezoning in harmony with the legitimate expectations of neighbors.
- What is the implication for future development on surrounding parcels.

Staff does not believe the rezoning is reasonable or in the public interest.

**Existing Nonconforming/Lot Recombination.** The lots requested for rezoning do not meet the R-8 dimensional requirements, lot width and size. The applicant plans to recombine the property after the rezoning to make them conform dimensionally.

**Lot Frontage.** The vacant lot (property #4) being proposed to receive the moved single-family home lacks public street frontage. That segment of East Edgerton is a private driveway serving the warehouse buildings and the Town cemetery.

**Non-conformity to remain.** If rezoned to R-8, the existing house on property #3 will not meet the 30' front yard setback requirement. The house setback approximately 24' from East Edgerton right-of-way.

**Comprehensive Plan Guidance.** The Comprehensive Growth Management Plan guides these properties for commercial uses.

**CONSISTENCY STATEMENT (Staff Opinion):**

With a rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is or is not consistent with adopted comprehensive plan and other applicable adopted plans and whether the action is or is not reasonable and in the public interest. Planning Staff considers the action to be inconsistent and not reasonable nor in the public interest:

- **Consistency with the Comprehensive Growth Management Plan** -The rezoning is not consistent with the Comprehensive Growth Management Plan. The Plan guides the property for Commercial.

- **Consistency with the Unified Development Code** – The existing property proposed for rezoning do not meet the R-8 District standards. The owner intends to recombine the lots after approval of the rezoning to make them conforming dimensionally; however, UDO requires developed lots to have frontage on a public or private street. The property planned to receive the single-family home has no street frontage meeting UDO requirements.

- **Compatibility with Surrounding Land Uses** - The property considered for rezoning will be incompatible with the commercial land uses surrounding the parcels.

Mark Lane asked if the house presently located on lot 3 was occupied?

Stephen Wensman said yes, it is.

Mark Lane asked if the house to be moved was occupied?

Stephen Wensman said he didn't know the current status of that.

Mark Lane asked where the street legally stops?

Stephen Wensman said it's where lot 4 begins, you can see a white line on the pavement at Edgerton Street.

Sloan Stevens asked if these homes were in non-conformity as they are zoned now?

Stephen Wensman said yes, they are single-family lots in a B-3 district, which is a non-conformity.

Sloan Stevens asked if the public road extended, would it help the situation.

Stephen Wensman said if the road frontage extended it would be more in compliance with the UDO.

Debbie Howard asked what size the lot currently was.

Stephen Wensman said he believes it is 50 feet wide.

Debbie Howard said looking at the yellow house, it doesn't look like it would fit on the lot and meet the setbacks on the sides.

Paul Embler of 11 Kentwood Drive, Smithfield came forward to represent the applicant. He gave some history on the property from years back. The house closest to Hwy 301 which is the one to be relocated has had improvements made to it such as a new roof and interior improvements. They are proposing to leave the house furthest away from Hwy 301 where it is. The property owner wants to clean up the front side of the property, therefore he can make improvements to the car lot, build a showroom and a garage. The proposed lot where the yellow house is, will have partial frontage. It will probably be 35 to 40 'max. There will be some road frontage on that lot so some driveway access could get to Edgerton St.

Stephen Wensman said if the current lot is 50', then you're wanting to add 20' to make it legal not 35' to 40'. He has been looking for the easement for Edgerton Street but hasn't been able to locate it. He doesn't know if it was ever recorded properly.

Mark Lane said if Mr. Stanley does what he proposes, does the road frontage become a non-issue?

Stephen Wensman said he can get a driveway if he puts it on the 20' but the lot will still be nonconforming because it doesn't have 70' of road frontage.

Mark Lane made a motion to recommend approval of zoning map amendment, RZ-22-01, 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 Ashley Spain.

Approved by Sloan Stevens and Debbie Howard (Denied by Doris Wallace and Michael Johnson). Motion passed.

**RZ-22-02 Henry Howley:** The applicant is requesting to rezone a 1.73-acre tract of land from the B-2 (Business) zoning district to the R-20A (Residential-Agricultural) zoning district. The property considered for rezoning is located on the northeast side of the intersection of NC Hwy 210 and Swift Creek Rd and further identified as Johnston County Tax ID# 15I09015M.

Mark Helmer stated that Henry Howler is requesting the rezoning of his property located at 2222 NC Highway 210 from B-2 General Business to R-20A Residential-Agriculture. The property to be rezoned is located at 2222 NC Highway 210 which is located at the northeast corner of NC Highway 210 and Swift Creek Road. The property was zoned to B-2 many years ago. According to the applicant, the property is only being used for residential. The applicant wishes to rezone the property back to residential.

**ANALYSIS:**

- The proposed rezoning is consistent with the Comprehensive Growth Management Plan guides this property for rural residential uses.
- The proposed rezoning will have no impact on the non-conforming second dwelling on the property.
- The property exceeds the minimum requirements of the R-20A zoning district.

**CONSISTENCY STATEMENT (Staff Opinion):**

With a 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 whether the action is reasonable and in the public interest. Planning Staff considers the action to be consistent, reasonable and in the public interest:

- **Consistency with the Comprehensive Growth Management Plan** -The rezoning is consistent with the Comprehensive Growth Management Plan.
- **Consistency with the Unified Development Code** – The property exceeds the minimum requirements of the R-20A District standards. The rezoning will have no impact on the existing non-conforming secondary dwelling that exists on the property.
- **Compatibility with Surrounding Land Uses** - The property considered for rezoning will be compatible with the surrounding land uses. The properties use will not change.

Debbie Howard made a motion to recommend approval of zoning map amendment, RZ-22-02, 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-22-02 Floyds Landing:** The CE Group is requesting preliminary subdivision approval for a 199.8-acre tract of land located within an R-8 CZ (Residential Conditional Zoning) district for the construction of a 698-unit residential development. The properties considered for approval are located on the west side of US Highway 70 Business West approximately 300 feet northwest of its intersection with South Rodgers Drive. The properties are further identified as Johnston County Tax ID# 15079014 15078012B and a portion of Johnston County Tax ID#15078012, 15077035C and 15077035H.

Stephen Wensman stated that CE Group Inc. is requesting a preliminary subdivision of 199.8-acres into 89 detached single-family residential lots and 220 single-family attached townhouse lots. The property

was rezoned to R-8 CZ with a master plan for the Floyds Landing development on 09/27/21 by the Town Council. The preliminary plat is consistent with the approved master plan with one significant change:

- Since approval of the masterplan with the rezoning to R-8 CZ, NCDOT has finalized its design for US 70 Hwy Business as it pertains to Floyd Landing and Amazon. There will be a semi-truck turnaround constructed in the location of the planned northern entrance of the Floyd Landing development. As a result, the northern Floyd Landing entrance has shifted to the south in a location where there is no break in the highway median. This entrance is not a right-in/right-out. Furthermore, the move of the entrance has resulted in a long cul-de-sac with 71 single family homes.
- The berm and buffering behind Lots 13-16 in phase 1 will be reduced in size accordingly. The applicant plans to increase the plantings in this area.

**FINDING OF FACT (STAFF OPINION):**

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

1. The plat is consistent with the adopted plans and policies of the town; The plat is consistent with the adopted plans and policies of the town.
2. The plat complies with all applicable requirements of this ordinance; The plan complies with all applicable requirements of this ordinance and the R-8 Conditional Zoning Master Plan
3. There exists adequate infrastructure (transportation and utilities) to support the plat as proposed. There is adequate infrastructure for the phased development.
4. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Planning Staff recommends the Planning Board recommend approval of S-22-02 with the following conditions:

That the 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	5,175 sq. ft. (.12 ac.)
SF Min. lot width	45 feet
SF Min. front setback	20 feet
SF Min. Side Setback	5 feet
SF Min Rear Setback	20 feet
TH Min Rear Setback	10 feet
Max. Bldg. Height	50 feet (3 story apartments)
Building Separation	30’ building separation
Townhouse Streets	27’ wide back-to-back with 3’ utility strips in 50’ R/W
Single Family Streets	31’ wide back-to-back
Sidewalks	8’ trail along US Hwy 70 Bus.
Multi-family storage Spaces	

2. That trash and recycling roll off containers in the townhouse areas be stored within the garages or in the rear yards.
3. Decorative Street lighting and decorative street signs be provided by the development throughout the site.
4. Provide subdivision signs made from robust material with landscaping equal to the area of the sign at all entrances into the development.
5. Provide a complete landscape and buffering plan.
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. That additional opaque tree and shrub plantings be provided behind the truck turnaround with phase
8. The required landscaping berms and fencing shall be installed with each phase of the development.
9. Public right-of-way serving the townhouse portion of the development be posted a no parking zone.
10. That the parking lot entrances be constructed in accordance with the town's standard driveway apron detail.
11. That the commercial area open space be deed restricted such that no commercial development can occur in the open space.
12. That park dedication fees in lieu be paid prior to recording the final plat in accordance with the UDO Section 10.114.8.

Debbie Howard made a motion to recommend approval of zoning map amendment, S-22-02, with 15-conditions based on the finding of fact for preliminary subdivision, seconded by Ashley Spain. Unanimously approved.

Joe Faulkner of 301 Glenwood Avenue, Suite 220 Raleigh, NC 27603 came forward. He was present on behalf of CE Group, Inc. He stated where the buffer is being reduced, the house lot will sit lower by 5 or 6 feet than the roadway. They will add a weave to the sidewalk so it's not a straight shot and the berm will be weaved too.

Mark Lane asked when the group would like to break ground.

Mr. Faulkner said this Fall.

Cindy Smith 306 S. Rogers Drive, Smithfield came forward. She expressed her concerns for this development coming into her backyard. She loves her quiet peaceful neighborhood and would like to keep it that way. She doesn't want all the noise, traffic and pollution that comes along with such a large development such as this one. She and her husband moved here from up north some years ago to retire. They left the city for the country for a reason.

**OLD BUSINESS:** Stephen Upton asked the board to express their personal input on why they would like a full-time code enforcement officer.

Sloan Stevens said as the town grows, there are more roofs tops and one part-time code enforcement officer can't handle all of the town.

Mark Lane said we need to also make sure regulations are being followed and it's not being done right now. Tommy can't handle the whole Town on his own.

**Adjournment**

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

Respectfully Submitted,

A handwritten signature in black ink that reads "Julie Edmonds". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Julie Edmonds  
Administrative Support Specialist