

**Draft  
Town of Smithfield  
Planning Board Minutes  
Thursday, July 14th, 2022  
Town Hall Council Chambers  
6:00 PM**

Members Present:

Chairman Stephen Upton  
Vice-Chairman Mark Lane  
Debbie Howard  
Doris Wallace  
Alisa Bizzell

Members Absent:

Ashley Spain

Staff Present:

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

**CALL TO ORDER**

**APPROVAL OF MINUTES FOR May 5th, 2022**

Mark Lane made a motion to approve the minutes, seconded by Alisa Bizzell. Unanimously approved.

**NEW BUSINESS**

**CZ-22-03 Blue Line Aviation:** The applicant is requesting rezoning of a 14.43-acre tract of land from an R-20A (Residential) zoning district to a PUD (Conditional Zoning) district. The property considered for approval is located on the west side of Swift Creek Road approximately 650 feet north of its intersection with Airport Industrial Drive and further identified as Johnston County Tax ID# 15J08015B.

Mark Helmer stated that Blue Line Aviation is requesting a conditional rezoning of 14.43 acres of land from R-20A to PUD-CZ with a master plan for a planned development consisting of a mix of uses: residential dormitory, classroom/office, hotel and flex industrial/office. The property is located at the west side of Swift Creek Road approximately 650 feet north of its intersection with Airport Industrial Drive. The property was recently cleared of trees. The front ½ acre to 1 acre has been graded and a gravel parking lot was installed. In the center of the site is the remnants of a former gravel storage yard. There have been no permits for any development on the site and none of the paving/impervious was approved. The developer has submitted a voluntary annexation petition with the development of the site. If accepted, the annexed land will be a satellite to the primary corporate limits. The developer has proposed a phasing plan, it has been broken up into phase 1 and future phases giving it a total of 4 potential phases. Phase 1 includes a parking lot for Blue Line facility on the airport property and a 28-room dormitory/classroom structure, expandable for additional 24 rooms and associated parking.

The developer has proposed PUD District Design and Dimensional Standards that include a list

of permitted uses. With a PUD, the uses on the master plan are the permitted uses. Accessory uses are typically those associated with the uses on the master plan and are regulated by the UDO. The listed land uses are not shown on the PUD Masterplan and are not permitted:

- **Recreational uses**, there are no outdoor recreation areas shown on the plan. Only indoor recreation or entertainment within a flex industrial building or a fitness center in an office building or a flex industrial building or hotel building are permitted.
- **Manufacturing and Industrial uses** – the master plan does not show a contractor building with outdoor storage. Outdoor storage is not permitted if not shown on the master plan.
- **Retail Sales and Services** – Food trucks are an accessory use regulated by Article 7, Section 7.25.
- **Wholesale sales and Warehousing** – Outdoor sales, service or storage areas as a principal use are not shown on the master plan and therefore are not permitted uses.
- **Accessory Uses (Article 6)**– Accessory uses are also subject to the supplementary standards in Article 7 of the UDO.
- **Nonpermitted Uses** – outdoor storage should be listed as a non-permitted use.

The access to the development will be off of Swift Creek Road. A traffic impact study was prepared and reviewed by NCDOT and will require left turn lane into the development and ADA accessible crosswalks tying the development into the airport property. Given the dangerous conditions that include hills, curves and poor visibility, staff recommends flashing lights or other safety equipment be installed, as permitted by NCDOT, to ensure public safety is achieved. NCDOT required turn lanes are not shown on the master plan.

### **Streets and Right-of-Way**

- The project proposes 27' wide b/b streets within a 50' right-of-way. The Town's standard right-of-way width is 60' wide (UDO Section 10.110.9) but a 50' wide right-of-way can be approved by the Town Council. The 50' public right-of-way may be appropriate given the narrowness of the development site. Wider right-of-way may restrict the ability to develop the site.
- Lateral connections to the adjacent vacant parcel are appropriate and meet the UDO requirements.
- Throughout the development, minimum building setbacks from the public right-of-way are substantially reduced.  
Future building in phase 1 and the future 2-story office/classroom are shown to have a 15' setback from the proposed right-of-way.
- The first driveway off of Swift Creek Road should be moved further back from Swift Creek Road for safety and to allow stacking when traffic exits the development.
- Sidewalks are shown on the north side of the proposed street.
- A five-foot sidewalk is required along Swift Creek Road.

### **Building Setbacks**

- The future building in phase 1 and the future 2-story office/classroom are shown to have a 15' setback from the proposed right-of-way.
- The dorm facility in phase 1 is shown to have a 26' rear setback

- The future hotel in the future phase is shown to have a 28' rear setback
- The setback from Swift Creek Road is 50', not 30' as shown on the plan.

Mark Lane asked what setback does the UDO require?

Mark Helmer said because it's a PUD it is its own district. Therefore, it doesn't have setbacks so all we can do is compare to like districts based on the uses.

**Landscaping and Buffering**

- The Master Plan shows trees in the street yard and parking islands and identifies the street and buffer yards. There are no details on shrub plantings.
- The buffer yard for the flex industrial/office should have a Type C planting, not a Type A.
- The rear loading area of the flex industrial/office should be screened from the residentially zoned property to the north with an opaque fence, wall or solid vegetated buffer.
- Foundation plantings and interior parking lot island shrubs are not shown.

**PUD CONDITIONAL ZONING**

The UDO lacks specific PUD standards except for PUD Streets found in UDO Section 10.110.19. These standard addresses pedestrian and vehicular connectivity. In the absence of specific standards, staff has evaluated the mixed-use development based on the overall mix of uses and the dimensional regulations typically associated with those uses. For instance, institutional uses found in the O/I district have setbacks that different than those found in commercial uses found in the B-3 zoning district. Industrial standards are again slightly different.

**Deviations from UDO.** Because there are no specific PUD standards, there are no specific deviations requested from the UDO, however there are clearly several standards shown that should be considered:

Standard	UDO Typical	Proposed
Front Yard Setbacks	O/I = 25' B-3 =35' LI = 50'	<ul style="list-style-type: none"> <li>• Institutional-15'</li> <li>• Hotel – 30'</li> <li>• Industrial flex – 30'</li> </ul>
Parking Requirements	<ul style="list-style-type: none"> <li>• Office uses 4/1000</li> <li>• Hotel 1/guest = 120</li> </ul>	a. 3/1000 (still a deficit of parking unless used by phase 1 guests) b. Hotel provided +/-49
Architectural Standards	None required, but typically provided with Conditional Zoning	None provided

Right-of-way/Street	Transportation Plan Street Typology recommends a 34' b/b in 60' right-of-way.	27' b/b street in 50' right-of- way.
Sidewalk	5' sidewalk on Swift Creek Road	

With the approval of the rezoning, the 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 development is not consistent with the comprehensive plan. If approved, the Council should acknowledge that the comprehensive plan is hereby amended guiding the property for Mixed Use development.*
- **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses.*

**Parking** The master plan shows 138 parking stalls in phase 1 and 154 in future phases. Based on all the uses and building areas there is a total parking deficit of approximately 57 spaces. The site is not well suited to shared parking so when each use is considered on its own, there is inadequate parking for the uses and building areas shown:

- In phase 1, there are 52 dorm units and 2 beds per unit. If each student has their own vehicle, 104 parking spaces are need. The master plan shows 138 parking spaces between the two parking lots. That leaves an excess of roughly 34 spaces as overflow for the Blueline facility on the airport property.
- The future 2 story office/classroom building is shown to have roughly 25,200 sq. ft of floor area which would require 101 parking spaces (4 parking spaces per 1000 sq. ft.) The property is deficient roughly 60 parking stalls. If the office and classrooms are for the guests in phase 1, the reduction in parking maybe appropriate.
- The future 3-story hotel is described as having +/- 120 rooms. The parking requirement would therefore be +/- 125 parking stalls (1 per room employees). The master plan shows approximately 50 parking stalls. The property is deficient approximately 75 parking stalls.
- The flex industrial property requires 1 parking stall per employee for industrial, but 4 spaces/1000 sq. ft. for office. The Master Plan shows 65 parking spaces which may be in excess of what is needed depending on how the building is used.

Mark Lane asked if Phase 1 was in compliance?

Mark Helmer said Phase 1 is technically in compliance, however the project wouldn't be able to go forward to Phase 2 without counting the excess parking in Phase 1.

Mark Lane asked if anyone else was using the parking space in Phase 1?

Mark Helmer said he didn't know, that would be a question for the applicant.

Mark Lane asked if the applicant would be constructing sidewalks on Swift Creek Road?

Mark Helmer said, the applicant has proposed sidewalks on one side of the proposed street and staff has recommended that sidewalks be constructed on Swift Creek Road.

Mark Lane asked if the Fire Marshall says the streets are adequate for emergency vehicles.

Mark Helmer said the fire marshal is generally fine with the Town of Smithfield standards in this case for access, however he has identified access around the educational/dormitory building. He wants full access around that building and fire lanes as well.

Mark Lane asked if this plan met the Comprehensive Growth Management Plan?

Mark Helmer said currently the Comprehensive Growth Management Plan calls for this property to be used for industrial purposes not commercial/office uses.

Mark Lane asked if any changes can be made to this plan if Town Council approves it?

Mark Helmer said no substantial changes could be made. Minor tweaks between the master plan and the preliminary plan.

Mark Lane asked if there would be enough sewer capacity with the proposed hotel?

Mark Helmer said the project will tie into a metered line within Swift Creek Rd. There is a certain amount of capacity for phase 1, however the other 3 phases would have to wait until additional capacity was achieved.

Debbie Howard asked if the driveway permit mentioned in the attorneys' letter was addressed to Blue Line on behalf of NCDOT?

Mark Helmer said the applicant said they have an approved by NCDOT temporary construction driveway permit but also stated that it would be unusual for NCDOT to issue such permits without site plan approval issued by the Town of Smithfield.

Debbie Howard asked why it wasn't added to the conditions that a fire access road be required?

Mark Helmer said the condition is placed on the project at this time and that fire lanes will be required on upcoming revisions. The applicant was consulted by the Smithfield Fire Department well in advance of this meeting.

Patrick Byker of 700 W. Main Street Durham, NC 27701 spoke on behalf of Morningstar Law Group. He is representing the applicant, Blue Line Aviation. He thanked Planning Staff for their guidance and they are fine with the 12 conditions they proposed. Blue Line prides itself on being a first-class aviation school to train future pilots.

Adam Walters, President of Blue Line stated their company was founded approximately 10 years ago by a former Raleigh law enforcement officer. At Blue Line we train the next

generation of aviators. They are on track to train about 120 students this year, and plan to increase that number to 200 next year. They look forward to this opportunity to grow in Johnston County and they appreciate the boards cooperation.

Patrick Byker stated that Blue Line operates Low and Slow Smokehouse at the airport. They had a parking problem. Between the employees and customers there was simply not enough parking onsite. They were careful when choosing parking across the street to not go below the erosion control area. The school facility is the first phase of the project. They are limited on this phase by the sewer capacity but after meeting with Town Manager, Michael Scott they were able to secure 6,000 gallons per day for phase 1. They can't build anything beyond phase 1 in the foreseeable future until the sewer plant has been constructed. There is a desperate need for more pilots. He hopes the board will consider the need for this training school.

Debbie Howard addressed the parking issue and asked where employees are allowed to park now?

Patrick Byker said they use their own property for employee parking.

Debbie Howard asked if Blue Line had a contract with the Johnston County Airport to stay long term and see this project through?

Patrick Byker said yes there is a contract between the two, Blue Line plans to be in for the long haul.

Emma Gemmel of 207 Hancock Street asked what the benefits or incentives as a town would be for approving this project?

Mark Helmer said a benefit would be having a flight school locally and if annexed in, their sewer rates would be in town rates. There would be tap fees associated to hook onto the system.

Emma Gemmel asked what the risks of this expansion would be to the Town?

Mark Helmer said there are managed risks associated with flying as well as living near an airport. The risk is not as great as one may think.

Emma Gemmel asked why this training school wasn't constructed on the airport property?

Mark Helmer said the Blue Line Aviation's fixed base of operation was approved by the Town of Smithfield and included classrooms, hangars, offices, and a restaurant with ample parking for all proposed uses. They are now requesting to expand their operation off-site to include dormitories.

Emma Gemmel asked what would happen if all phases weren't constructed?

Patrick Byker said then it would just be a training school and associated parking.

Mike Proffitt of 116 Sunset Pointe Drive Clayton. His property backs up to the west side of the airport property. When he purchased his home in 2014 there were a lot of woods, therefore he expected growth to take place eventually. He says the flights coming from that airport now have increased significantly. He believes the training school and expansion would be great for many but they should take into consideration the residents that live next to it. He has planes that go overhead that are definitely below 500 feet. He has to deal with noises from drilling therefore his house vibrates. When the lot was cleared out the trees were burnt and the ash from the fire came down on his house, cars, shed and camper. This proposed project is a huge tax base for the town and county but as a resident he thinks it's not a good idea. He doesn't agree that Blue Line should be allowed to deviate from the plan. He said the parking lot mentioned earlier for employees has 40 to 50 vehicles parked in it each day. The students walk across the street which is a hazard. Currently they aren't in compliance but that's being overlooked. A few years back I built a 12'x15' shed and I wasn't allowed to deviate from that plan. He's all for growth but he doesn't agree with everything that comes along with a project of this size. The noise, the traffic and the lights it brings are a huge disturbance.

Bob Hugel of 700 Olivia Way Selma came forward. He thanked the Planning Board for all of their questions. He is a pilot and flies from Johnston County Airport. He's there almost every weekend. There are rules for flights and sometimes they are not followed. He encouraged any resident present to report any deviations from rules to the airport. No pilots want to cause problems for the community they want to be a good steward.

Pam Lampe of 415 N. Second Street came forward. She thanked Blue Line for their work in training so many students. She asked Mark Helmer if the property was currently zoned R-20?

Mark Helmer said yes.

Pam Lampe said so the applicant wants to build on this property because of the flight school. She asked Mark Helmer if a project such as this would be allowed in an R-20 zoning district?

Mark Helmer said no.

Pam Lampe said this appears to be a very sophisticated operation and the owners of this company bought this and knowing it was in an R-20 zoning district. They hoped when the time came, they could have that changed. She asked Mark Helmer if we could say no to that if it was something we didn't want done?

Mark Helmer said yes.

Pam Lampe said the property was zoned the way it is for a reason and she doesn't understand why we would deviate from that. She said they have been using property for parking and that isn't allowed but nothing has been done to enforce it. She asked Mark Helmer why it has been allowed?

Mark Helmer said they did notify the owners of the violation. Both pieces of property were cited for illegal parking. They also had an illegal sign. They stopped parking on one lot and removed the illegal sign.

Pam Lampe asked Mark Helmer if the applicant was aware of the \$11/gallon fee they would be required to pay for the 6,000 gallons of sewer capacity?

Mark Helmer said yes, all development fees are public record.

Pam Lampe said we made the zoning what it is with purpose and she doesn't know why we would deviate from that.

Mark Lane asked Mark Helmer if we as a board are voting on this as a planned unit?

Mark Helmer said yes, we are looking at the conditional zoning request for this which is PUD CZ. The approval criteria for that would be to find that the project is compliant with the Comprehensive Land Use Plan, meets all requirements of the UDO and is compatible with surrounding land uses.

Mark Lane made a motion to deny CZ-22-03 based on inadequate parking, pedestrian safety concerns, fire safety concerns and inconstancy with the comprehensive land use plan. Seconded by Stephen Upton. A show of hands indicated that CZ-22-03 was unanimously recommended for denial by all members.

**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  
Administrative Support Specialist