

**Town of Smithfield
Planning Board Minutes
Thursday, September 1st, 2022
Town Hall Council Chambers
6:00 PM**

Members Present:

Chairman Mark Lane
Vice-Chairman Debbie Howard
Ashley Spain
Debbie Howard
Wiley Narron
Alisa Bizzell

Members Absent:

Doris Wallace
Brian Stanley

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA Debbie Howard made a motion to approve the agenda; seconded by Ashley Spain. Unanimously approved

APPROVAL OF MINUTES for September 1st, 2022

Debbie Howard made a motion to approve the minutes, seconded by Ashley Spain. Unanimously approved.

NEW BUSINESS

ZA-22-03 Town of Smithfield: The applicant is requesting an amendment to Unified Development Ordinances, Article 8, Section 8.13.6 to allow for a maximum building height of 100 feet when located within a B-3 (Highway Entrance Business) zoning district and within 660 feet of Interstate Highway 95.

Mark Helmer presented ZA-22-03 stating the Planning Board had requested staff to draft an amendment to the Unified Development Ordinance (UDO) so that special use permits for height greater than 40' up to 100' would no longer be required. Each zoning district has specific dimensional standards including a standard for building height in Article 8 of the UDO. Section 8.13 contains notes to the Zoning District Standards including the note:

Section 8.13.5 Building height may be increased above 40 feet up to a maximum of 100 feet through the issuance of a special use permit.

This note does not specify to which districts it applies, but the only districts that currently allow building heights of 40 feet are the commercial and industrial districts. The Town recently amended the UDO to allow buildings up to 80' in height in the Light Industrial District. All of the special use permits for height over 40 feet have been within 660 feet of I-95 and all have been for hotels. In all cases, no special conditions were placed on special use permits.

The draft UDO amendment would amend Section 8.9.1, by adding a reference to Section 8.13.6 and amending Section 8.13.6, by striking SUP requirement for buildings over 40' to 100' and allowing buildings height up to 100' within 660 feet of the I-95 corridor in the B-3 zoning district. This amendment would eliminate the ability to construct buildings over 40 feet in the other commercial districts and the heavy industrial district unless the additional building height were allowed through a conditional zoning application.

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. Planning Staff recommend the Planning Board recommend approval of the zoning text amendment, ZA-22-03, 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 there was any other B-3 zone besides the hotel district?

Mark Helmer said yes there are other B-3 zones and he showed them on the map.

Debbie Howard made a motion to recommend approval of zoning text amendment, ZA-22-03, 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

ZA-22-01 Town of Smithfield: The applicant is requesting an amendment to Unified Development Ordinances, Article 10, Section 10.114 as it pertains to recreation and park dedication requirements for major subdivisions, commercial developments and industrial parks.

Mark Helmer stated staff is requesting the Planning Board recommend approval of an amendment to the Unified Development Ordinance, Article 10, Section 10.114 as it pertains to recreation and park dedication requirements for major subdivisions.

The Town Council directed staff to review park dedication requirements in the Unified Development Ordinance. As a result, Park Director, Gary Johnson, had the parks consultants, McAdams, to review the Town's Park dedication fee-in-lieu requirements (See attached

Report). The report found the Town's fee in lieu, currently at 1.75%, to be the lowest in a comparison with peer communities. The report also found the Town's regulation to be out of compliance with the recent 160D enabling legislation. The report suggests the need to increase fee-in-lieu requirements to address parks and recreation needs into the future and provides examples showing fee increases to 2.25% and 3%. Staff has augmented the examples showing increases up to 10% (See the attached Park Dedication Fee-in-Lieu Comparisons). Staff has drafted the ordinance with a 7% park dedication requirement. This can be amended by the Council at the public hearing changing the amount to a greater or lesser figure.

Other changes to Article 10, Section 10.114 Recreation include:

- Changed required fee-in-lieu to be based on appraised tax value. The current ordinance requires the fee to be based on an independent appraisal.
- Aligned the applicability section to more closely match the 160D as it pertains to applying park dedication funds to improvements to the "immediate area".
- Amended the exceptions section. Eliminated the subsection that pertains to land dedication less than 2000 sq. ft. Parks that small won't be able to meet recreation needs and the Town Council already has the ability to require park fee in lieu.
- Amends section 10.114.2.3 pertaining to greenway connections. The Council reviews plats and can already conditionalize connections to adjacent greenways. The dimensions in the ordinance are too rigid and the requirement should be left to the discretion of the Town Council.
- Removed all sections related to commercial park dedication or fee in lieu. Staff could find no other community in North Carolina that requires commercial park dedication.
- Off-street Parking section was deleted and now refers to the Article 10, Part I Off-Street Parking and Loading Requirements.
- In Section 10.114.7, the required recommendation by Recreation and Parks Advisory Council was deleted. Plat review by the Advisory Board has not been a town practice for a very long time.
- In Section 10.114.7 the provision that gives park dedication credit for private parks has been deleted. The 160D legislation implies that park dedication should be for the subdivision and "Immediate area" and private parks would not meet that public purpose.
- The section that allows fees to be paid 1-year after preliminary plat was deleted. The Town has no process to collect fee-in-lieu except at final plat.

Wiley Narron asked what was meant by peer communities?

Mark Helmer said we look to other communities like our size to see what they are doing. We probably checked out Knightdale, Garner and Wilson. We have the lowest fees to anyone around us.

Wiley Narron asked if 10.114.8 Payments in Lieu of Dedication is the tax value of the acreage necessary for that subdivision?

Mark Helmer said the fee-in-lieu is calculated based on what a private appraiser hired by the property owners says it's worth. But we are proposing to change it and base the fee-in-lieu on what the tax office says it is worth.

Debbie Howard said right now land values are much higher than what tax values are.

Mark Helmer said at this point and time yes, however that isn't always the case.

Wiley Narron asked if by going by the appraised tax value that it provided a happy medium?

Mark Helmer said it's just more cut and drier. It eliminates any discrepancies from multiple appraisers and is a statutory requirement.

Debbie Howard asked if a developer came in with a subdivision request would they not be required to have open space?

Mark Helmer said they would still have to meet all other development requirements. In addition, developments must dedicate property for park space or pay fee-in-lieu.

Debbie Howard said she didn't have a problem with this request other than going from 1.75 to 10%. She feels that we are making a huge jump all at one time. We want to control development and make smart development. We've had some developments come in over the last few years that we've had no control over because we had to go by the books.

Mark Helmer said the reason we go out and look at the other numbers is because we want to be competitive with other communities. They want to be sure development is paying their way. One of those ways is to make sure we have a park system that is capable of serving the community now and into the future. If we don't require these developers to help us with the infrastructure then how else are we going to pay for it. It seems like a lot because we haven't been getting what we should have.

Ashley Spain agrees that current fees are too low. If we are receiving fee-in-lieu where is the land going to be located for these parks.

Mark Helmer said the way state statutes requires that the park dedication be used for parks in the immediate area around the development.

Mark Lane suggested that Debbie Howard gather some questions about this.

Debbie Howard stated that she would like to see ZA-22-01 tabled for at least one month to allow her time to digest this request.

Mark Helmer said we've had this ordinance in place for a long time. We've increased the fees to match what other surrounding towns are doing.

Debbie Howard made a motion to table ZA-22-01 until the next Planning Board meeting on November 3, 2022; seconded by Wiley Narron. Unanimously approved

OLD BUSINESS: None

Adjournment

Being no further business, Ashley Spain 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 signature is written in a cursive, flowing style.

Julie Edmonds
Administrative Support Specialist