

**Town of Smithfield  
Planning Board Minutes  
Thursday, August 1, 2024  
Town Hall Council Chambers  
6:00 PM**

Members Present:

Chairman Mark Lane  
Vice-Chairman Debbie Howard  
Doris Wallace  
Ashley Spain  
Wiley Narron  
Bryan Stanley  
Tara Meyer

Members Absent:

Alisa Bizzell

Staff Present:

Chloe Allen, Planner I  
Andrew Harris, Finance Director

Staff Absent:

Stephen Wensman, Planning Director  
Julie Edmonds, Administrative Support Specialist

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**IDENTIFY VOTING MEMBERS**

**APPROVAL OF AGENDA** Doris Wallace made a motion to approve the agenda, seconded by Ashley Spain.

**APPROVAL OF MINUTES July 11th, 2024**

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

**NEW BUSINESS**

**CZ-24-04 Massey Street Subdivision:** Adams & Hodge Engineering, PC is requesting the rezoning of approximately 0.38 acres of land located on Massey Street on the block between South Sixth Street and South Seventh Street, also identified by the Johnston County Tax ID 15026054 and 15026055, from R-8 to R-8 Conditional with a plan for three detached single-family residential homes.

Chloe Allen stated the applicant Adams & Hodge Engineering, PC is requesting the rezoning of approximately 0.38 acres of land from R-8 to R-8 Conditional with a plan for three detached single-family residential homes. The proposed development is a 3-lot single-family residential lot subdivision that is being proposed as an extension of the Spring Branch Commons Phase 2 with matching lots size, setbacks, architecture, and utilizing the Spring Branch Commons Phase 2 alley for access.

The proposed three lots will have street frontage on Massey Street (41' of frontage minimum) with vehicular access and parking in the rear with a 16' wide private alley. The alley is an extension of the Spring Branch Commons Phase 2 alley. Spring Branch Commons Phase 2 has not been constructed; therefore, a condition of approval should be that an access easement be secured for alley access to S. Sixth Street.

**Deviations from Town Requirements:**

- o Minimum lot frontage reduction from 70 feet to 41 feet.
- o Minimum lot area reduction from 8,000 sf. to 3,444 sf.
- o Driveway (alley width) 16 feet.
- o Front Setback from 30 feet to 10 feet.
- o Side Setback from 10 feet to 5.5 feet.
- o Rear Setback from 25 feet to 20 feet.

Standards Exceeding UDO Requirements:

- o Rear loaded lots (alley vehicular access)

**Planning Staff recommends the Planning Board recommend approval of CZ-24-04 with the following**

**conditions:**

1. That the future development plans for the project be in accordance with the approved Master Plan and other UDO regulations with the deviations:
  - Minimum lot frontage reduction from 70 feet to 41 feet.
  - Minimum lot area reduction from 8,000 sf. to 3,444 sf.
  - Driveway (alley width) 16 feet.
  - Front Setback from 30 feet to 10 feet.
  - Side Setback from 10 feet to 5.5 feet.
  - Rear Setback from 25 feet to 20 feet.
2. That an access easement be obtained for the alley access to S Sixth Street.
3. That the approval be contingent on the construction of the Spring Branch Commons Phase 2 development and Agreement by Spring Branch Commons Phase 2 to share the mail kiosk and driveway.
4. That an HOA be established to maintain common areas and amenities.
5. That architectural standards be provided and incorporated in a homeowner's association (HOA) documents.
6. Stormwater management be addressed with the future preliminary subdivision plat and construction plans.
7. Fencing be installed along the street frontage matching those in Spring Branch Commons Phase 2.
8. Storage pads for trash and recycling rollouts shall be provided along the rear façade of each home.

Mark Lane stated we have a minimum lot size of 3,444 sf. He asked what size house would go on a lot that small?

Chloe Allen said similar to the houses that have gone in Spring Branch Commons Phase 2 lots.

Donnie Adams of Adams & Hodge Engineering came forward. He pointed out that this project is a continuation of Spring Branch Common Phase 2, however it has different owners and developers. He stated these three homes would be two story. They have no issues with the conditions placed on these lots.

Mark Lane asked Mr. Adams what type of construction materials would be used on the exterior of the homes?

Donnie Adams stated no architectural design standards have been proposed; however, the master plan drawings show the front elevation of a future two-story home with lap, board and batten and shakes, that is different than the homes planned for the Spring Branch Phase 2.

Mark Lane asked that anyone coming forward from the audience to speak, not give their address. He stated their name and community would suffice.

Pam Lampe came forward to ask what the developer would be allowed to do if conditional zoning wasn't allowed? How many houses would they be allowed to build?

Chloe Allen said they would have to either come back and reapply or build something permitted by right. Currently these lots are zoned R-8, therefore they would have to be built on 8,000 sq foot lots. Chloe said possibly two homes could be built on that size lot, depending on how they were arranged.

Pam Lampe said it seems we're giving more than we're receiving. It appears all we are getting is an alley way behind these homes.

Chloe Allen said it depends on the conditions that we choose. You can place architectural standards on there, or that an HOA be established.

Mark Lane stated that he agreed with the conditions put in place. He said we never seem to get what we give.

Tom Jancuska came forward and spoke as the owner of Spring Branch Commons Phase 1 and Phase 2. The product he's building is all vinyl. He has fireproof material going down the soffit where the homes are closest to each other as required by code. He's aware and agrees there's a housing shortage. He's trying to stay under \$300,000 as a price point for these homes. If he's required to use hardie plank siding, he will not absorb that additional cost. It will be passed along to the consumers.

Mark Lane isn't a fan of conditional zoning; he thinks it was a mistake that the Town chose it.

Debbie Howard said she likes conditional zoning; it allows conditions to be placed on the projects. Debbie Howard made a motion to recommend approval of the zoning map amendment, CZ-24-04, with 8 conditions of approval, finding the rezoning 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.

**SUP-24-01 Hartley Drive Townhomes:** TerraEden Landscape & Design LLC is requesting a special use permit for Hartley Drive Townhomes, a 94-unit townhouse development on 9.611 acres of land in the R-8 Zoning District. The property is located north-west of the Hartley Drive and Coates Drive intersection, also identified by the Johnston County Tax ID 15K09010A, 15K09010P, and 15089019A.

Chloe Allen stated TerraEden Landscape & Design, LLC is requesting a special use permit for Hartley Drive Townhomes, a 94-unit townhouse development on 9.611 acres of land in the R-8 Zoning District. This property is currently zoned R-8 and is vacant and covered with woods. There is a deep drainage ditch running east to west near the Hartley Drive right-of-way. There are no wetlands or floodplain on the property. An existing 20' sanitary sewer easement runs north-south on the west edge of the development site. There are several vacant landlocked parcels surrounding this proposed development. The UDO Section 10.111 requires street connectivity to adjacent properties. This development is not proposing any public streets, rather the townhouses will front on private/HOA parking facility. Sidewalks will be constructed along the edge of Hartley Drive at the back of the curb which will be connected continuously across the fronts of all townhomes.

- The individual townhomes will have a 2-foot modulation to break off the mass and bulk of the units.
- There will be entrance porches
- Corner sidewalks will have a ground floor and upper floor window.
- Each unit will have a patio and storage area.
- Building materials (vinyl, brick, stone, etc.) have not been identified
- Unit width will be 17.5 feet
- Individual lots will be 17.5' wide by 53.5' deep (936025 sq. ft.)
- The building height will be approximately 30'.
- Townhouse buildings will be 6-8 units each.
- Each unit will have 36.75 sq. ft. of storage, greater than required.
- Each townhouse will have multiple building materials and colors.

Planning Staff recommends approval of SUP-24-01 with the following conditions: 1. That the parking lot entrances be constructed in accordance with the town's standard driveway detail. 2. That a traffic impact study be conducted prior to the preliminary plat. 3. That a 30' wide public utility easement be provided over the proposed water and sewer lines.

Debbie Howard asked if this development would be done in phases?

Chloe Allen said that she didn't know.

Paul Embler with TerraEden Landscaping & Design LLC came forward. He stated it hadn't been decided yet if the development would be built in phases. If it were to be phased it would have to start at the road and work back. Mr. Embler emphasized that this project meets all requirements that the Town currently has in its UDO.

Mark Lane asked if this project was being contracted out? Is the land being developed and sold?

Paul Embler said that would be a question for the owner.

Brian Leonard of BRL Engineering came forward. He doesn't know the type of lines being used underground. Public Utilities would be able to address that. He also doesn't know if this property will be phased or if it will be developed then sold.

Brian Leonard asked Chloe Allen why there was a 30' utility easement over the proposed water and sewer lines as a condition? He said he surveyed and mapped the property already and he didn't find any records of an existing utility easement. On their map they showed a 20' easement and dedicated it on that plat.

Chloe Allen said she assumed it was something that was standard for the Town. She doesn't recall seeing any comments from Ted Credle, Public Utilities Director concerning that.

Brian Leonard suggested maybe getting more information on this before the recommendation goes before Town Council to see if it is necessary.

Paul Embler suggested to Planning staff, that a street type turn in would be more appropriate; it gives a much smoother turn than the driveway type turn in. He will get with Stephen Wensman in regard to it.

Paul Embler pointed out that Planning staff listed the TIA (Traffic Impact Analysis) be done prior to the acceptance of the plat. He stated that was short notice because this project goes before Town Council at their next meeting. He would like to know if that can be rolled back to the construction phase drawings.

Chloe Allen asked if Paul Embler could get it initiated at the very least.

Paul Embler said they might could get it initiated but it would be rather difficult to get it under contract in that short amount of time.

Debbie Howard asked who pays for the TIA to be done? Is it the developer?

Chloe Allen said yes, the developer.

Debbie Howard asked what happens if the TIA indicates the development will generate over 1000 trips per day?

Chloe Allen said it could determine the turn ins for the driveways or the number of entrances they need.

No recommended motion is needed from Planning Board.

**SUP-24-02 Heritage Townes at Waddell:** Samuel O'Brien (Shovel Ready Johnson, Inc) is requesting a special use permit for Heritage Townes at Waddell, a 16-unit townhouse development on 1.88 acres of land in the R-8 Zoning District. The proposed development is located 19 and 21 Waddell Drive, approximately 460 feet north of the Brightleaf Boulevard and Waddell Drive intersection, and further identified by the Johnston County Tax ID#s 15005023, 15005022, and 15005022A.

Chloe Allen stated Shovel Ready Johnson, Inc. is requesting a special use permit for Heritage Townes at Waddell, a 16-unit townhouse development on 1.88 acres of land in the R-8 Zoning District.

The property considered for approval is comprised of 3-detached single family residential lots. There is an existing home and shed that will be removed by this project.

- There is a perennial stream requiring a 50' riparian buffer near the west property line. Along the stream corridor are large existing trees and other vegetation.
- An existing 3' high metal/barbed wire fence runs along the east property line.
- An existing 20' wide sanitary sewer easement runs north-west from Waddell Drive toward the rear of the lot towards the Nursing Home on Berkshire Drive.
- Waddell Drive is an 18'-wide road with drainage ditches on the sides without sidewalks.

Chloe Allen stated that multi-family residential is a special use with supplemental standards in the R-8 Zoning District according to Article 6, Table 6.6 of the Unified Development Ordinance. The supplementary standards for multi-family are found in UDO Article 7, Section 7.35. There are 3-townhouse buildings proposed (3-unit, 6-unit and 7-unit each). The townhome development is being designed to have a central driveway leading to the rear of the units (parking courtyard). Each unit will have a 2-car garage. In the parking area is a landscape island with 7 overflow parking spaces and a kiosk mailbox. The fronts of the townhouses face outward towards the sides and rear lot lines. Each unit will have a front yard area linked to a shared sidewalk that encircles the buildings. Each unit will have 3 bedrooms with 2-baths.

**Planning Staff recommends approval of SUP-24-02 with the following conditions:**

1. That the driveway be constructed in accordance with the Town's driveway apron detail.
2. That the existing sanitary sewer line and easement be relocated with the approval of the Town's Public Utilities Director.
3. That rollout trash containers be screened from the public right of way or stored within the garages.
4. That the developer constructs a 5' wide public sidewalk in the public right of way, or in an easement for the sidewalk along the right of way.
5. There shall be a homeowner's association to own and maintain all common amenities such as the parking lot, sidewalks, landscaping, mail kiosk, and stormwater management facility.

Sam O'Brien from Shovel Ready Johnson, Inc came forward. He stated that this project is the first one that he's presented to the Town of Smithfield, but he has been associated in real estate in Smithfield since 2019. He has tried to offer a project that meets the UDO requirements. His vision for this development is to offer a nicer product than what is currently on the market. He's offering things such as gable roofs for a special touch. These townhomes will be approximately 1491 sq. feet. The price point for these homes will run around \$295,000.

Tyler, an engineer on this project came forward to speak on Heritage Townes at Waddell. He pointed out the sidewalks that would be provided as well as rerouting and upgrading the sanitary sewer line. They also will have a stormwater pond in the back which will operate as a managed wetland. It will provide nutrient benefits to the stream in general.

A resident of Smithfield named Richard Alvarez came forward and stated that he lived right behind the stream. He would like to know what kind of buffer will be used there between the dwellings.

Sam O'Brien stated the wetlands mentioned is all really thick forest and they can't impact that at all.

Richard Alvarez asked if these townhomes would ever become rental properties?

Sam O'Brien answered no, but he can't speak for what may happen later in the future.

Richard Alvarez said renters don't always value the neighborhoods. Should these units ever become rentals, it will certainly impact the neighborhood.

No recommended motion is needed from Planning Board.

**Old Business**

**ZA-24-02 Multifamily in B-3 Amendment:** Request by Staff to amend the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to remove the multi-family land use from the B-3 Zoning District entirely.

Chloe Allen stated multi-family is a special use with supplementary standards in most residential and commercial zoning districts including the B-3 zoning district. As an alternative to a special use permit, a developer can request a conditional rezoning (such as B-3 CZ). The B-3 Zoning District is the most expansive zoning district in that it allows the greatest variety of land uses including intensive uses such as car dealerships, contractor yards, warehousing and more, not always appropriate adjacent uses for multifamily residential. This ordinance amendment would remove multi-family as use in the B-3. If a developer wished to pursue such a use, a rezoning to a different zoning district would be required. This ordinance will give the Town Council more control over where multi-family uses can be located. Adoption of this ordinance will result in making some existing multi-family residential legal nonconforming.

Chloe stated that she researched surrounding towns and most of the municipalities do not permit it. Princeton and Benson allow multi-family, Wilson's Mills requires a special use permit, and they only allow it in residential, mixed use and their main street zoning districts which is similar to our B-1 zoning district. They do not allow it in their C-70 district which is like our B-3. Archer Lodge allows multi-family in neighborhood business, O&I and planned developments. Clayton only allows it in conditional zoning. They don't permit special use permits in any particular

zoning district for multi-family. Selma, has it permitted in high-density residential districts, transitional districts, O&I and central business districts which is more like B-1. However, they don't allow multi-family in general or interstate business, which is like our B-3. Pine Level requires a special use permit in single and multi-family residential districts, multi-family is not allowed in commercial districts. Cary only permits it in multi-family and mixed-use overlay districts.

Mark Lane asked Chloe Allen if notices were mailed out to all B-3 property owners?

Chloe Allen said Planning staff consulted with Bob Spence, the Town Attorney and he indicated it wasn't a legal requirement to contact all B-3 property owners for text amendments.

Mark Lane stated in 1985 the General Assembly amended G.S. 153A-343 and 160A-384 to require individual mailed notices to those parties most directly affected by certain legislative zoning decisions: "zoning classification actions." In 1987 this provision was amended to exempt the total rezoning of an entire community from the mailed-notice requirement. After reading that he would like to know why property owners weren't notified by mail?

Chloe Allen said she followed the recommendation of the Town Attorney. She suggested he talk to Stephen Wensman or Bob Spence.

Mark Lane said that is why he asked for them to be present tonight.

Debbie Howard said after reviewing the general statute it states if there are over 50 B-3 properties and there are large scale zoning map amendments being required you don't have to send first-class mail. If there are over 50 at the very least, you're required to place a half page ad in the newspaper. Any property owners not in that circulation area are required to be notified by first-class mail.

Chloe Allen said the Town advertised in The Johnstonian News.

Ashley Spain said at the last Planning Board meeting, the board voted to table this amendment until a study had been conducted. He wanted to know why that wasn't acknowledged as their recommendation.

Chloe Allen said you can still maintain that recommendation. She stated at the last meeting she wasn't aware that Town Council only had to give the Planning Board 30 days to either approve or deny a case before moving forward.

Ashley Spain said he guessed most B-3 property owners are unaware of this change and he doesn't agree with them not being notified by mail. He also doesn't understand what the hurry is to make this change. He asked why it is so important that this change take place after the 30 days of Planning Board asking that it be tabled?

Mark Lane said when he asked Stephen Wensman and Bob Spence this question, he was told because the Mayor, Andy Moore said to add it to the agenda.

Ashley Spain asked who initiated this amendment?

Chloe Allen said the mayor.

Mark Lane asked why the mayor initiated it?

Chloe Allen said she was told the mayor felt it wasn't always an appropriate use to have apartments beside uses such as industrial or car dealerships.

Debbie Howard asked why these B-3 property owners can't be given a voice in this change without telling them what they can and can't do.

Chloe Allen said that can be made a recommendation to Town Council.

Chloe said Planning Staff recommends that Planning Board recommend approval of the zoning text amendment ZA-24-02, 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.

Bonnie White from Johnston County Association of Realtors came forward and spoke on a housing assessment that will be available on September 27<sup>th</sup> and will include a multitude of counties. There will be another one that will focus on Johnston County, but it will not be available for another 6 months. She passed out a handout to each board member outlining the housing assessment.

Perry Harris of Four Oaks came forward. He spoke on the Planning Board tabling ZA-24-02 at their previous meeting. He agreed that was what they should have done until the housing assessment for Johnston County could be completed. As far as sending out notices to B-3 owners affected by this change he said if the town attorney said that wasn't legally required that's one thing but is it the right thing to do? He's certain most B-3 property owners are unaware of this possible change, and they won't be happy about it. They should be contacted about why and when these meetings are taking place.

James Bush came forward on behalf of Johnston County Association of Realtors. He feels this text amendment is questionable. He doesn't see why housing can't be near a dealership or a warehouse. It should be allowed near commercial uses.

Paul Embler of Smithfield came forward to speak. He's in opposition of this text amendment. He stated we do need affordable housing in Smithfield. We need a good variety of housing that meets the needs of each individual. He agrees it's fine to live near a commercial use.

Olita Boone, President of Johnston County Association of Realtors came forward. She came to express the opposition of this amendment on her and the associations behalf. She said there is a growing gap between high- and low-end home buyers. There is a missing middle, and we don't want to create barrier for affordable housing. That missing middle that she mentions includes teachers, nurses, police officers, government employees and other essential workers that live in this community. She stated it was imperative that we make zoning regulations responsibly. She asked the Planning Board to reconsider this proposed amendment so that homes can be more affordable.

Teresa Daughtry, a commercial relator with Partners Realty came forward to speak. She asked what Smithfield wanted, residential or commercial? She stated there are businesses that have come to our town and have said you don't have enough rooftops. Smithfield needs to be a friendlier town. We need a full-time economic development position. Other towns are very welcoming to growth but Smithfield not so much. We need to be better or as a town we will dry up. She stated that the mayor and the planning director should have been present at this meeting.

Pam Lampe of Smithfield asked that the Planning Board deny this text amendment until the Town notifies all property owners that it will affect.

Mark Lane said he spoke to the mayor of Selma, and they allow multi-family, but it has to be 4 or more acres. It can be in business or residential districts. Mark Lane wanted it pointed out that he feels this application is incomplete. He feels it needs to go back to staff and then come back to this board.

Debbie Howard made a motion for Town Council to delay final action on this amendment until such time the Planning Board can present its recommendation to the Town Council, seconded by Doris Wallace. Unanimously approved.

#### **Adjournment**

Doris Wallace made a motion to adjourn, seconded by Debbie Howard. Unanimously approved.

Next Planning Board meeting is September 5th, 2024, at 6pm.

Respectfully Submitted,

Julie Edmonds

Julie Edmonds  
Administrative Support Specialist