

**Town of Smithfield
Planning Board Minutes
Thursday, March 7th, 2024
Town Hall Council Chambers
6:00 PM**

Members Present:

Chairman Mark Lane
Vice-Chairman Debbie Howard
Bryan Stanley
Alisa Bizzell
Doris Wallace
Ashley Spain
Wiley Narron

Members Absent:

Staff Present:

Stephen Wensman, Planning Director
Chloe Allen, Planner I
Julie Edmonds, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA Doris Wallace made a motion to approve the change, seconded by Bryan Stanley. Unanimously approved.

APPROVAL OF MINUTES December 7th, 2023

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

NEW BUSINESS

S-24-01 Jubilee Creek Subdivision: CMH Homes Inc. is requesting approval of the preliminary plat of a 4.83-acre parcel (Johnston County Tax ID# 15I09034M), located southwest of the Galilee Road and Hwy 210 Intersection, adjacent to and north of the West Smithfield Elementary School into a 7-lot single-family residential subdivision.

***This agenda item was quasi-judicial so the minutes aren't available. ***

CZ-24-01 CarMax Conditional Zoning: requesting approval of a rezoning of a 13.13-acre property (Johnston County Tax ID# 15L10061) located at 1131 Outlet Center Drive in the Smithfield Business Center, east of the Carolina Premium Outlets and approximately 2,200 feet west of the Selma corporate boundary from B-3 to B-3 CZ (Conditional Zoning District).

Chloe Allen stated CarMax is requesting approval of a rezoning of 13.13 acres located at 1131 Outlet Center Drive from B-3 to B-3 CZ (Conditional Zoning). There is a 50-ft. wide gas easement along the west property line and a 20' wide Town electrical easement along the frontage of the property. The property is mostly wooded with some open field. The proposed dealership will share an existing entrance off Outlet Center Drive with the Smithfield Business Park.

CarMax is proposing to develop the 7.56 acres of a 13.13-acre site with a public retail used vehicle sales and service building with a sales display area to hold 222 vehicles, a private carwash, a private auction facility, a vehicle storage/staging area and employee/customer parking lot. A detention pond will be located on the north side of the site to meet on-site stormwater requirements. The vehicle sales/display area will be fenced. CarMax plans to comply with all B-3 and UDO Performance Standards except for a few standards if approved with this rezoning.

With conditional zoning, this is an opportunity for the developer and the Town to agree to deviations from Zoning and Performance Standards of the UDO. The requested deviations from parking lot dimensions and reduced Street Yard calculations are acceptable to the Planning Department given the unique organization of the CarMax site and the wide gas easement. Customers can only access the vehicle sales display area by foot and driving in that area is restricted to CarMax staff.

The deviation from the parking lot islands and internal parking lot landscaping is acceptable to the Planning Department. The landscape islands at the ends of parking rows in part has the purpose of protecting parked cars. In this case, driving in the vehicle sales/display area is restricted to CarMax staff. Although trees in landscape islands provide a cooling effect, provide shade and lessen stormwater runoff, the elimination of landscape islands is limited to this area where trees also result in more bird droppings and leaf litter, etc., on displayed vehicles. The trade-off with greater Street Yard and Buffer plantings appears reasonable. The vehicle display/sales area will be fenced. The organization of the CarMax site is unique to this company and therefore will not necessarily set a precedent for other car sales lots in the Town.

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 consistent with the comprehensive plan.*
- **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 with the additional conditions of approval.*

Planning Staff recommend the Planning Board recommend approval of CZ-24-01 with the following conditions:

1. That the future development plans for the project be in accordance with the approved Master Plan, B-3 Zoning District, and other UDO regulations with the following deviations:

Standard	B-3/UDO Requirements.	Proposed
Section 10.13 Parking Facility Requirements	<ul style="list-style-type: none"> ● Landscape islands required every 15 parking stalls and at the ends of all parking rows 	<ul style="list-style-type: none"> ● No landscape islands within the vehicle display area.
Section 10.2.4 Parking Space Arrangement and Dimensions; & Section 7.44.3	<ul style="list-style-type: none"> ● 9-ft. wide by 18-ft. deep ● 8-ft. wide by 16-ft deep for compact cars. 	<ul style="list-style-type: none"> ● 9-ft. wide by 17-ft. deep
	<ul style="list-style-type: none"> ● 24-ft. wide drive lanes 	<ul style="list-style-type: none"> ● 20-ft. wide drive lanes
Exclude gas easement from Street Yard calculations	<ul style="list-style-type: none"> ● Landscape Code requires all 633' be used to calculate Street Yard requirements 	<ul style="list-style-type: none"> ● Proposed Street Yard based on 633'-73' (gas easement) =560'

2. That the required trees and shrubs eliminated from the vehicle display/sales yard be planted in the Street Yard and Buffer Yards.

Mark Lane asked why there were so many deviations?

Stephen Wensman stated CarMax is unique in where they want to display their cars. Only employees can operate vehicles in that area. It isn't like other dealerships where you can drive throughout the entire lot. Car dealers don't want trees over their vehicles that are displayed. Smithfield is prepared to allow that in this situation due to the

uniqueness of the site. They're relocating the all the trees close by and there will be significant landscaping on the front of Outlet Center Drive. We think this is a reasonable concession to make for this site.

Debbie Howard stated that she was glad the applicant was improving the landscaping with buffer plantings.

Scott Dallam of CenterPoint Integrated Solutions stated CarMax will develop 7.56 acres on the proposed 13.13-acre site. He explained the deviations they were asking for from the UDO. They are planning to comply with the landscaping requirements. He stated he would work with Stephen Wensman to maintain the preservation of existing landscaping. In summary, he stated CarMax is seeking conditional use zoning approval for these minor changes.

Debbie Howard asked Scott if they planned to leave as many current trees as possible?

Scott Dallam said yes

Debbie Howard made a motion to approve zoning map amendment, CZ-24-01, with the two 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 Alisa Bizzell. Approved by Debbie Howard, Doris Wallace, Bryan Stanley, Wiley Narron, Ashley Spain and Alisa Bizzell. Opposed by Mark Lane.

Proactive Rezoning: Staff is requesting the Planning Board review the zoning map and comprehensive plan map and determine whether the town should proactively rezone property in accordance with the comprehensive plan.

Stephen Wensman stated there is an R-20A property on Booker Dairy Road that has received a lot of complaints. Residence have stated that having a mobile home in this area is very inconsistent with the other houses surrounding it. There are properties zoned R-20A within the Town corporate limits that are guided medium density residential by the Comprehensive Growth Management Plan. Manufactured homes are permitted in the R-20A district. Should the Town proactively rezone properties zoned R-20A within the town in accordance with the Comprehensive Plan? Elsewhere along corridors in and leading into Town, there are properties zoned for B-3 business that are guided for low or medium density residential. Prior to the Town's control of the ETJ, these corridors were zoned for business. When the ETJ was expanded, the Town kept the existing zoning in place. Since then, the Town's Comprehensive Plan was adopted, and the focus has changed to create nodes of business and density rather than strip zoning entire corridors for business.

Mark Lane asked Stephen Wensman to explain what proactive zoning is.

Stephen Wensman said that's when the Town rezones a property without the applicant asking for it.

Debbie Howard asked if the Town would notify the property owner?

Stephen Wensman said yes, they would be notified, there would be a hearing.

Ashley Spain asked how the Town had a right to rezone someone's property if they decided to decline?

Stephen Wensman said we have the right to, because it meets the comprehensive plan. The Town Council can decide whether or not to rezone it.

Doris Wallace asked how the property owner would be notified?

Stephen Wensman said they would receive a letter in the mail, adjacent property owners would be notified by mail, it would be advertised in the local newspaper 10 days before the hearing and it would be posted online and a sign would be at the property notifying everyone of a public hearing.

Pam Lampe of 415 N. Second Street came forward to speak. She isn't in favor of proactive zoning in Smithfield. She feels it diminishes property owners rights and gives more power to Town officials.

Mrs. Lampe stated that the Comprehensive Growth Management Plan is a wish list made up of consultants. The citizen participation in this process was very low. She prefers that proactive rezoning be done parcel by parcel basis so neighbors can voice their opinions. This type of rezoning increases property taxes because it's changing the property values around them. She asks that the Planning Board vote no to proactive rezoning.

Emma Gemmell of 207 Hancock Street came forward to speak on the issue. She stated she was at the meeting as a concerned citizen over proactive rezoning. She feels rezoning such as this will allow more density, less neighborhood control and it would give developers the ability to change the character of Smithfield's neighbors and Town. She too is concerned that taxes would be higher after rezoning these properties. She stated that the Comprehensive Growth Management Plan wasn't a legal document that was binding. She said this proactive rezoning was initiated by the Planning Department not citizens.

Mark Lane said the Comprehensive Growth Management Plan is useless. He said we amend it; we don't go by it and we didn't tonight in CZ-24-01. Mr. Lane has an issue with going to a property owner and telling them the Town wants to rezone their land. He said the property owner should have some say so because it belongs to them.

Ashley Spain stated that it should be up to the property owner whether or not he wanted his property rezoned. He said if a property owner wants to place a mobile home on his property, he has all the right in the world to do so and no one should be able to change that. If someone next door lives in a 500,000-dollar home they should put up a fence to block their view.

Alisa Bizzell asked if this was coming from citizens and not the Town of Smithfield?

Stephen Wensman said a number of citizens have complained from Eden Woods Subdivision. They asked how and why it could happen that a mobile home would be set up in their neighborhood? Also, a couple Town Council members expressed a concern and asked how this was allowed?

Alisa Bizzell said no, she doesn't support this. Anyone should be allowed to have the type of home on their personal property without being told they can't.

Adjournment

Debbie Howard made a motion to adjourn, seconded by Alisa Bizzell. Unanimously approved.

Next Planning Board meeting is April 4th, 2024 at 6pm.

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist