

TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



Chairman: Eddie Foy

Vice-Chairman: Stephen Upton

Members:

Mark Lane

Jack Matthews

Ashley Spain

Gerald Joyner

Daniel Sanders

Teresa Daughtry

Paul Embler, Planning Director

Mark Helmer, Senior Planner

Meeting Date: *Thursday, September 4, 2014*

Meeting Time: *6:00 p.m.*

Meeting Place: *Council Chambers, Smithfield Town Hall*

**AGENDA
PLANNING BOARD
REGULAR MEETING
SEPTEMBER 4, 2014
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Approval of the minutes for August 7, 2014.

Public Hearing

CUP-14-07 Guy C. Lee Manufacturing Company: The applicant is requesting a conditional use permit to operate an automotive sales lot, a manufactured home sales lot and an outdoor storage yard on property located within a B-3 (Business) zoning district. The property considered for approval is located on the west side of West Market Street approximately 350 feet south of its intersection with Wilson's Mills Road and further identified as Johnston County Tax ID# 15078199K.

Old Business.

New Business.

2014 Proposed Unified Development Ordinance updates:

Adjournment.

DRAFT
Smithfield Planning Board Minutes
Thursday, August 7, 2014
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman-Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner
Mark Lane
Teresa Daughtry
Jack Matthews
Ashley Spain

Members Absent:

Staff Present:

Paul Embler, Planning Director
Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM JULY 3, 2014.

Stephen Upton made a motion, seconded by Daniel Sanders to approve the minutes as written. Unanimous.

The Planning Board had discussion reviewing the first, six Articles of the Unified Development Ordinance.

1. The following amendment reflects changes brought on by the recent ETJ expansion.

Section 1-4: Jurisdiction

(A) This Ordinance shall be effective throughout the Town's planning jurisdiction. The Town's planning jurisdiction comprises the area within the corporate boundaries of the Town as well as the ~~one~~ **two** mile extraterritorial area as shown on the "Official Zoning Map" for the Town of Smithfield. Such planning jurisdiction may be modified from time to time in accordance with NCGS 160A-360.

2. This amendment adds the effective date to the ordinance.

Section 1-5: Effective Date

The provisions in this Ordinance were originally adopted on December 2, 2008 became effective on February 1, 2009.

3. The proposed amendment will add language to allow for newly created lots on easements within the ETJ or R-20A zoning districts.

Section 1-16: Street Access

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a business district or in a planned project in a residential district, a building may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

The Planning Board decided to table this particular item and will revisit at a later date.

Mark Helmer suggested to the Board to review the subdivision area of the UDO and read definitions.

4. This amendment renames Article 3, Part 1.

ARTICLE 3. ADMINISTRATIVE MECHANISMS
PART I. PLANNING AND ZONING BOARD

5. This amendment makes minor adjustments by removing the word zoning from the Planning Board's title.

Section 3-3: Meetings

(A) Meetings of the Planning and Zoning Board will normally occur on the first Thursday of the month at a time and place designated by the Board and shall be open to the public. A quorum shall consist of four (4) members of the Board.

6. This amendment reflects the City Managers proper title.

Section 3-10: Public Facilities

The Planning Board shall review with the ~~Town~~ City Manager and other town officials and report as recommendations to the Town Council upon the extent, location, and design of all public structures and facilities, on the acquisition and disposal of public properties, and on the establishment of building lines, mapped street lines, and proposals to change existing street lines. However, in the absence of a recommendation from the Planning Board, the Town Council may, if it deems wise, after the expiration of thirty (30) days from the date on which the questions has been submitted in writing to the Planning Board for review and recommendation, take final action.

7. This amendment shows exactly how the Planning Board works.

Section 3-14: Creating the Zoning Board of Adjustment

~~A Zoning Board of Adjustment is hereby established and continued. The Board of Adjustment of Smithfield shall consist of _____ (____) regular members. _____ (____) members are to be in town residents who are appointed by the Smithfield Town Council. _____ (____) regular members are to be residents from the area of extraterritorial jurisdiction surrounding the Town of Smithfield who is appointed by the Board of Commissioners of Johnston County. _____ (____) alternate members shall also serve on the Board of Adjustment and the members of the Planning Board shall be additional alternate members of the Board of Adjustment to serve in the unavailability of needed other alternates on a specific date. _____ (____) alternate members shall be in town residents appointed by the Town Council. The remaining alternate members shall be residents from the area of extraterritorial jurisdiction surrounding the Town of Smithfield and shall be appointed by the Board of Commissioners of Johnston County.~~

The Board of Adjustment is hereby established and continued. The Board of Adjustment shall consist of seven (7) members and two (2) alternate members. Five (5) members and one (1) alternate member shall be citizens and residents of the town and shall be appointed by the Town Council. Two (2) members and (1) alternate member shall be citizens and residents of the extraterritorial jurisdiction of the town as described pursuant to GS 160A-362 et seq. and shall be appointed by the County Board of Commissioners. Alternate members shall not be entitled to vote on matters before the Board of Adjustment except when a regular Board of Adjustment member is absent from a duly called meeting. In that situation, the alternate shall have the same privileges as the regular members and may count for quorum purposes and vote if a regular member is absent.

8. The following change will create a regularly scheduled BOA meeting day.

Section 3-15: Meetings

The Board shall elect one of its members as Chairman and another as Vice-Chairman who shall serve for one (1) year. The Administrator shall serve as secretary to the Board of Adjustment. The Board shall draw up and adopt the rules of procedures under which it will operate. ~~Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.~~ **Meetings of the Board of Adjustment will normally occur on the last Thursday of the month at a time and place designated by the Board and shall be open to the public. A quorum shall consist of four (4) members of the Board.** The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote,

indicating such fact, and also keep records of its examination and any other official action.

9. This amendment reflects a recent prohibition on moratoria of residential uses.

Section 3-20: Powers and Duties

Town Council may ~~be~~ adopt temporary moratoria on any Town development approval required by law **except for the purpose of developing and adopting new or amended plans or ordinances as to residential uses.** The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the Town Council shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, is subject to the notice and hearing requirements of G.S 160A-364. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160A-417 is outstanding, to any project for which a conditional use permit application or special use permit application has been accepted, to development set forth in a site specific or phased development plan approved pursuant to G.S. 160A-385.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the Town prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the Town prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

10. The following proposed amendment will adjust the application deadlines to reflect current policy and to allow adequate time to meet North Carolina State law concerning adjacent property notification and local newspaper publication requirements for public meetings and hearings.

Section 4-1: Amending this Ordinance

(A) Application. An application for any amendment shall contain a description of the proposed zoning regulation or district boundary to be applied. Such application shall be filed with the Administrator ~~not later than ten (10) working days prior to the Planning Board meeting at which the application is to be considered.~~ **no later than the first Friday of the month preceding the month which the application is to be considered.**

11. This amendment to the UDO will increase the amount of time before a denied map amendment or text amendment can be resubmitted when no substantial change is made to the proposal.

Section 4-5: Resubmission of a Denial Petition

No resubmission of a denial petition may be resubmitted within ~~one hundred eighty~~ **seven hundred thirty (180) (730)** calendar days of its previous denial.

12. The following proposed amendment will adjust the application deadlines to reflect current policy and to allow adequate time to meet North Carolina State law concerning adjacent property notification and local newspaper publication requirements for public meetings and hearings.

Section 6-2: Notice of Hearing

(A) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice ~~not later than 10 days before the hearing.~~ **no sooner than 25 days and no later than 10 days from the date of public hearing.**

13. The following amendment will place a requirement on staff to record the Board of Adjustment decisions with the Johnston County Board Register of Deeds within 30 days.

Section 6-6: Written Decision

In addition to a statement of the Board's ultimate disposition of the case and any other information deemed appropriate, the written decision shall state the Board's findings and conclusion, as well as supporting reasons or facts, whenever this Ordinance requires the same as prerequisite to taking action. **All variances from the Smithfield UDO granted by the Board of Adjustments shall be filed with the Johnston County Register of Deeds within 30 days of the Board's action.**

Old Business:

No Report.

Stephen Upton made a motion to adjourn, seconded by Daniel Sanders. Unanimous.

Submitted this 3rd day of July, 2014.

Veronica Hardaway
Administrative Support Specialist
Planning Department

**Automotive Sales Lot
CUP-14-07**

For Properties Located at:

West side of West Market Street approximately 350 feet south of its intersection with Wilson's Mills Road and further identified as Johnston County Tax ID# 15078199K.

**Property Owner:
Guy C. Lee Mfg. Co.**

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Exhibit A
Staff Report



Town of Smithfield
Planning Department
350 East Market Street
P.O. Box 761
Smithfield, NC 27577
Phone: 919-934-2116
Fax: 919-934-1134

STAFF REPORT

Application Number: CUP-14-07
Project Name: Car Lot-XYZ / Automobile Storage Yard
TAX ID number: 15078199K
Town Limits/ETJ: City
Applicant: Guy C. Lee MFG. Company
Owners: Guy C. Lee MFG. Company
Agents: A.W. Hodge Engineering, PE
Neighborhood Meeting: none

PROJECT LOCATION: West side of West Market Street approximately 350 feet south of its intersection Wilson's Mills Road.

REQUEST: The applicant is seeking a conditional use permit to allow for an automobile sales lot and vehicle storage on property located within a B-3 (Business) zoning district.

SITE DATA:

Acreage: 6.05 acres
Present Zoning: B-3 (Business)
Proposed Zoning: N/A
Existing Use / Previous: Unimproved gravel lot / manufactured home sales lot
Proposed Use: Automobile sales lot and automobile storage yard

ENVIRONMENTAL: There does not appear to be any environmentally sensitive areas on the property considered for a Conditional Use permit to include flood plains or designated wetlands. The proposed facility may be required to comply with Town of Smithfield storm water regulations to include detention and nitrogen offset payments.

ADJACENT ZONING AND LAND USES:

North: Zoning: B-3 (Business)
Existing Use: Commercial Strip Center

South: Zoning: O&I (Office & Institutional)
Existing Use: Cemetery

East: Zoning: B-3 (Business) R-6 (Residential)
Existing Use: Commercial and Residential

West: Zoning: O&I (Office & Institutional)
Existing Use: Multi-family Residential & Assisted Living Housing

STAFF ANALYSIS AND COMMENTARY: The applicant has provided a sketch plan for an automobile sales lot or a manufactured home sales lot in the front portion adjacent to West Market Street and a vehicle storage yard in the rear of the lot. Upon staff review of the proposal and in accordance with Article 10 and Article 13 of the Smithfield Unified Development Ordinance (UDO), it does not appear as though manufactured homes sales is a permitted use in the B-3 (Business) zoning district. Therefore, the applicant must remove manufactured home sales from consideration at this time. The applicant may, at a future date, request a formal zoning text amendment. If such a text amendment is approved by Town Council, the applicant may request an amendment to an approved conditional use permit to allow for manufactured home sales at this location.

Although few details are provided on the number of automobiles this 6.04 acre tract will accommodate, it can be estimated that as many as 450 cars can be displayed for sale and stored on the lot after interior landscaping and perimeter buffer yards are taken into consideration.

Buffer yards are shown on the sketch plan and appear to meet minimum development standards as found in Article 17 of the Smithfield UDO. This includes a 15 foot street yard adjacent to West Market Street, 10 foot buffer yard adjacent to Sunset Memorial Cemetery, a 12.5 foot transition yard adjacent to Windsor Place Housing Development, a 40 foot buffer yard adjacent to an undeveloped residential zoned property in the rear and an 8 foot transition yard adjacent to the commercial strip center to the north.

Both proposed uses to include automobile sales and vehicle storage are considered commercial parking lots by definition as found in Article 2 of the Smithfield UDO and must be graded and surfaced with blacktop, concrete, brick, or other such surfacing material to ensure a dustless surface condition in accordance with Article 18 of the Smithfield UDO.

Stormwater facilities are show at the rear of the lot. Access will be provided by an NCDOT approved driveway located on West Market Street and will be required to conform current NCDOT driveway standards. The applicant will be required to submit a detailed landscape plan, lighting plan and stormwater plan prior to final site plan approval and zoning permit.

- **Consistency with the Strategic Growth Plan**

The comprehensive growth plan has identified the majority of the property as being suitable for commercial uses and the very rear of the property being reserved for a buffer.

- **Consistency with the Unified Development Ordinance**

Automobile sales and vehicle storage are permitted uses within B-3 (Business) zoning district with a valid conditional use permit. Manufactured homes sales is not and should

not be considered for permitting at this time. The applicant will be responsible for submitting a preliminary site plan that shows all applicable minimum development standards can and will be met prior to site plan approval and issuance of a valid zoning permit.

- **Compatibility with Surrounding Land Uses**

Compatibilities issues with surrounding land uses can be anticipated given the type size and intensity of the proposed automobile sales lot / vehicle storage given its close proximity to adjacent senior living facility and cemetery.

- **Signs**

The site has an existing ground sign that appears to qualify for a permit that would allow the sign to be refaced.

OTHER:

FIRE PROTECTION: Town of Smithfield

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: US Hwy 70 Business West / West Market Street

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Duke Energy

Planning Department Recommendations:

The Planning Department recommends that the Planning Board make a determination if any adverse impacts on adjacent land uses will occur and that the site plan meets or exceeds all minimum development standards to include adequate buffers as required by the Town of Smithfield Unified Development Ordinance.

Planning Board Action Requested:

The Planning Board is requested to review the application for an automobiles sales lot and vehicular storage yard on property within a B-3 (Business) zoning district and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit. If the Planning Board determines that adverse impacts are created by the request, then the Planning Board shall make a recommendation to either deny part or all of the request or place conditions on the conditional use permit that will mitigate such impacts.

Exhibit B

Finding of Fact/Approval Criteria

Town of Smithfield
Conditional Use Permit Application
Finding of Fact / Approval Criteria
Draft & Subject to Town Attorney Review

Application Number: CUP-14-07 **Name:** Car Lot-XYZ

Request: Applicant seeks a CUP for an automotive sales and automobile storage lot.

The Smithfield Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

1. Finding One of Four:

Circle One

A. Approval:

Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.

The proposed automobile sales lot and vehicle storage at this location will not materially endanger the public were shown because the site has adequate parking available and layout of the site facilitates safe movement of automobiles and pedestrian traffic with little additional congestion.

B. Denial: (If denied, must include facts supporting denial)

Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: (Applicant fails to meet the criteria for approval.)

The proposed automobile sales lot and vehicle storage at this location may endanger the public were shown if more automobiles exist on the lot than what the site is designed to safely hold resulting in automobiles parking within the public right-of-way and within designated landscape yards and required buffer yards. The storage of crashed and inoperative vehicles will attract mosquitos and create hazardous conditions through the release of oil, fuel and radiator coolant.

2. Finding Two of Four:

Circle One

A. Approval:

Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

The proposed automobile sales lot and vehicle storage at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances providing the applicant submits a detailed site plan for planning staff approval that shows required landscaping, lighting, stormwater retention and utility connections prior to issuance of site plan approval and issuance of a valid zoning permit for an automobile sales lot.

B. Denial: (If denied, must include facts supporting denial)

Based on the evidence and testimony presented it is the finding of the Planning Board that the application, fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations in the following ways or for the following reasons:

The proposed automobile sales lot and vehicle storage at this location does not conform to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances because the applicant has not provided a detailed site plan that shows required landscaping, lighting, storm water retention, utility connections and does not address adverse impacts to adjacent properties.

3. Finding Three of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.

The proposed automobile sales lot and vehicle storage at this location will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses providing required landscape buffers and street yards are installed and maintained in accordance with minimum development standards and that no more than 450 automobile are on the lot at any given time. Automobiles for sale shall be no closure than 15 feet from the right-of-way of West Market Street in accordance with the Town of Smithfield Unified Development Ordinance.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons.

The proposed automobile sales lot and vehicle storage at this location may be detrimental to the adjacent residential land use to the due to increased traffic, light pollution and noise generated by activities associated with automobiles sales and storage of inoperative vehicles witch in essence is a junk yard in the entrance corridor to Smithfield.

4. Finding Four of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.

The proposed automobile sales lot at this location will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development proving all minimum development standards are met to include landscaping, lighting, storm water detention.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the Planning Board that the application, if approved, would adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties in the following ways or for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

The proposed automobile sales lot and vehicle storage at this location will adversely affect the adopted plans and policies of the Town of Smithfield, and violate the character of existing standards for development if automobile sales occurs without minimum development standards being met to include landscaping, lighting, storm water detention.

5. Once all findings have been decided one of the two following motions must be made:

Motion to Approve: *Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to recommend approval of Conditional Use Permit Application # CUP-14-07.*

Motion to Deny: *Based upon failure to meet all of the above four stated findings and for reasons stated therein, I move to recommend denial of Conditional Use Permit Application # CUP-14-07 for the following stated reason:*

6. Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Planning Board Conditional Use Permit Application Number CUP-14-07 is hereby:

_____ recommended for approval upon acceptance and conformity with the following conditions; or,

_____ recommended for denial for the noted reasons.

Decision made this _____ day of _____, 20____ while in regular session.

Eddie Foy, Planning Board Chairman

ATTEST:

Mark E. Helmer, AICP, CZO
Senior Planner

Exhibit C
Planning Board Minutes/Actions

Exhibit D
Adjoining Property Owner Certification

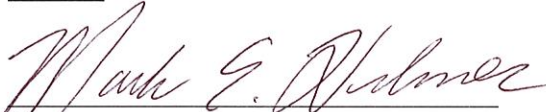


PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, CUP-14-07, were notified by First Class Mail on 8-20-14.

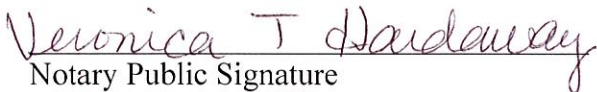


Signature

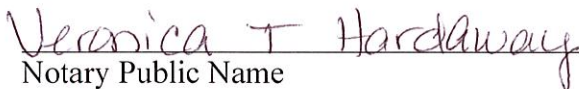
Johnston County, North Carolina

I, Veronica Hardaway, a Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

20th day of August, 2014

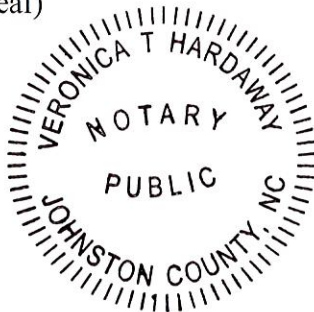


Notary Public Signature



Notary Public Name

My Commission expires on 1-14-18
(Seal)





PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

Notice Of Public Hearing

Notice is hereby given that a public hearing will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, September 4, 2014 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

CUP-14-07 Guy C. Lee Manufacturing Company: The applicant is requesting a conditional use permit to operate an automotive sales lot, a manufactured home sales lot and an outdoor storage yard on property located within a B-3 (Business) zoning district. The property considered for approval is located on the west side of West Market Street approximately 350 feet south of its intersection with Wilson's Mills Road and further identified as Johnston County Tax ID# 15078199K.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at www.smithfield-nc.com.

Run "Legal Ad" in the Smithfield Herald on 8/20/14 and 8/27/14



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

Notice Of Public Hearing

Notice is hereby given that a public hearing will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, September 4, 2014 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

CUP-14-07 Guy C. Lee Manufacturing Company: The applicant is requesting a conditional use permit to operate an automotive sales lot, a manufactured home sales lot and an outdoor storage yard on property located within a B-3 (Business) zoning district. The property considered for approval is located on the west side of West Market Street approximately 350 feet south of its intersection with Wilson's Mills Road and further identified as Johnston County Tax ID# 15078199K.

You have been identified as a property owner in the area specified above and are being advised of this meeting as you may have interest in this matter. You are welcome to attend; however, you are not required to in order for the Board to act on this request. Additional information may be obtained by contacting the Town of Smithfield Planning Department at 919-934-2116.

Adjacent Property Owners of
CUP-14-07

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15078199H	168400-94-5055	MEADOWVIEW AL INVESTORS LLC	301	ROANOKE	VA	24014
15078199K	169413-04-2581	Guy C Lee Mfg. Co	PO Box 150	Smithfield	NC	27577
15077011B	169413-04-4077	JOHNSTON COUNTY CEMETERY				00000-0000
15077011F	168400-94-6386	L & D DEVELOPMENT PROPERTIES A	P O BOX 1187	SMITHFIELD	NC	27577-1187
15078199U	168400-94-8171	WINDSOR PLACE HOUSING, INC	P O BOX 1254	DUNN	NC	28335-0000
15080033	169409-05-8086	MARKET STREET INVESTMENTS	205	CORNELIUS	NC	28031-5639
15081003	169413-04-9824	SANDERS, LIONEL	C/O SANDERS, PAULINE	SMITHFIELD	NC	27577-0000
15081042	169413-04-8642	DODD, MARY HEIRS	C/O FREDERICK DODD	SMITHFIELD	NC	27577-3301
15081043	169413-04-8488	BURNING BUSH HOLINESS	PO BOX 1086	SMITHFIELD	NC	27577-0000
15081045	169413-04-8395	WEST, HELENEASE M	738 W MARKET STREET	SMITHFIELD	NC	27577-0000
15081046	169413-04-9209	BURNING BUSH HOLINESS	P O BOX 1086	SMITHFIELD	NC	27577-1086
15084003	169409-05-8740	KMSMITHFIELD LLC	10982 ROEBLING AVE #107	LOS ANGELES	CA	90024-0000
15081004A	169413-04-9896	SMITH, ARMELIA HEIRS	103 HILL ST	SMITHFIELD	NC	27577-0000
15081002	169413-04-8824	MARKET STREET INVESTMENTS	C/O JOHN DUPREE	CORNELIUS	NC	28031
15084003B	169409-05-8339	F&D HUEBNER LLC	52 GLENN RD SUITE 101	GARNER	NC	27529-0000
15077012A	169413-04-2857	SMITHFIELD NC NG LLC	PO BOX 1929	EASLEY	SC	29641-0000
15081059	169413-04-8566	ROYAL, JANICE DODD	PO BOX 2063	SMITHFIELD	NC	27577-0000
15077011C	169413-04-5745	REALTY VANC LLC	263 WAGNER PLACE	MEMPHIS	TN	38103-3808
15077011E	168412-95-6037	PINE KNOLL ELDERLY ASSOC LTD	P O BOX 1187	SMITHFIELD	NC	27577-0000
15077011D	168400-94-6668	PINE KNOLL DEVELOPMENT CO	P O BOX 1187	SMITHFIELD	NC	27577-0000
15081044	169413-04-8490	BURNING BUSH HOLINESS CHURCH	P O BOX 1086	SMITHFIELD	NC	27577-0000

Exhibit E
Conditional Use Permit Application



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Article 13, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Conditional Use. Conditional Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Conditional Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00. All fees are due when the application is submitted.

SITE INFORMATION:

Name of Project: CAR LOT - XYZ Acreage of Property: 5.99ac
 Parcel ID Number: 169413-04-2581 Tax ID: 15078199K
 Deed Book: 04073 Deed Page(s): 0228
 Address: 787 W. MARKET STREET
 Location: WEST SIDE OF US70W BUSINESS @ WILSON MILLS ROAD ADJACENT TO SUNSET HILLS CEMETERY
 Existing Use: VACANT/FORMER CAR LOT Proposed Use: CAR LOT/MOBILE HOME LOT OUTDOOR STORAGE
 Existing Zoning District: B-3
 Requested Zoning District: N/A
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): ENTRY CORRIDOR

FOR OFFICE USE ONLY

File Number: <u>CUP-14-07</u>	Date Received: <u>8/8/14</u>	Amount Paid: <u>\$300⁰⁰</u>
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OWNER INFORMATION:

Name: GUY C. LEE MFG. CO.
Mailing Address: PO BOX 150, SMITHFIELD, NC 27577
Phone Number: 919 938 4900 Fax: 919 934 6101
Email Address: LAMPER @ GuyCLee.com

APPLICANT INFORMATION:

Applicant: GUY C. LEE MFG. CO.
Mailing Address: PO BOX 150, SMITHFIELD, NC 27577
Phone Number: 919 938 4900 Fax: 919 934 6101
Contact Person: BOSS LAMPE
Email Address: A PARRISH @ GUYCLee.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a Conditional Use Permit application. This information is required to be present on all plans, except where otherwise noted:

- All required plans (please see the plan requirements checklist).
- A signed and sealed traffic impact analysis.
- Verification of wastewater allocation (granted or requested).
- Driveway permits (Town of Smithfield or NCDOT encroachment with associated documentation).
- Other applicable documentation: _____

STATEMENT OF JUSTIFICATION

Please provide **detailed information** concerning all requests. Attach additional sheets if necessary.

A REQUEST IS BEING MADE FOR A CONDITIONAL USE PERMIT THAT WILL ALLOW THE FRONT 3/4 AC +/- TO BE UTILIZED AS EITHER AN AUTOMOBILE SALES LOT OR A MOBILE HOME SALES LOT. THE REMAINDER OF THE PROPERTY APPROXIMATELY 2 3/4 AC IS REQUESTED TO BE PERMITTED FOR OUTDOOR STORAGE OF INSURANCE CLAIM AND REPOSSESSED VEHICLES.

REQUIRED FINDINGS OF FACT

Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for a Conditional Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

The 5.99 Acre is being rented in 2 PARTS
PART A - 3.25 Acre For Sales of Used cars, mobile
Homes, outdoor equipment, Boats, etc
PART B - 2.74 Acre For Storage of Repossed cars + Trucks.

2. That the use meets all required conditions and specifications;

Zoned 3-B Commercial
Surrounded by shopping centers and Apartments.

3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

North of property: Food Lion
West of property: Pine Knoll Manor II Apart.
Windsor Place Apart.
South of Property: Sunset Elementary
East of Property: Hwy 70 West
all Commercial.

4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by GS 160A-382(b).

This property was previously used for mobile home
sales.
It is surrounded by Commercial use and
Abandoned Wendys Fast Food.
The intended use will be storage and sales.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject Conditional Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

Guy C Lee mfg Co.
by Ross W Lampe

Print Name


Signature of Applicant

Aug 20 2014
Date



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

OWNER'S CONSENT FORM

Name of Project: Car Lot - XYZ

Submittal Date: Aug 20 2014

OWNERS AUTHORIZATION

I hereby give CONSENT to Ross W. Lampe (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Ross Lampe Pres. Ross W. Lampe P-2014
 Signature of Owner Print Name Date
Guy C Lee Mfg Co.

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

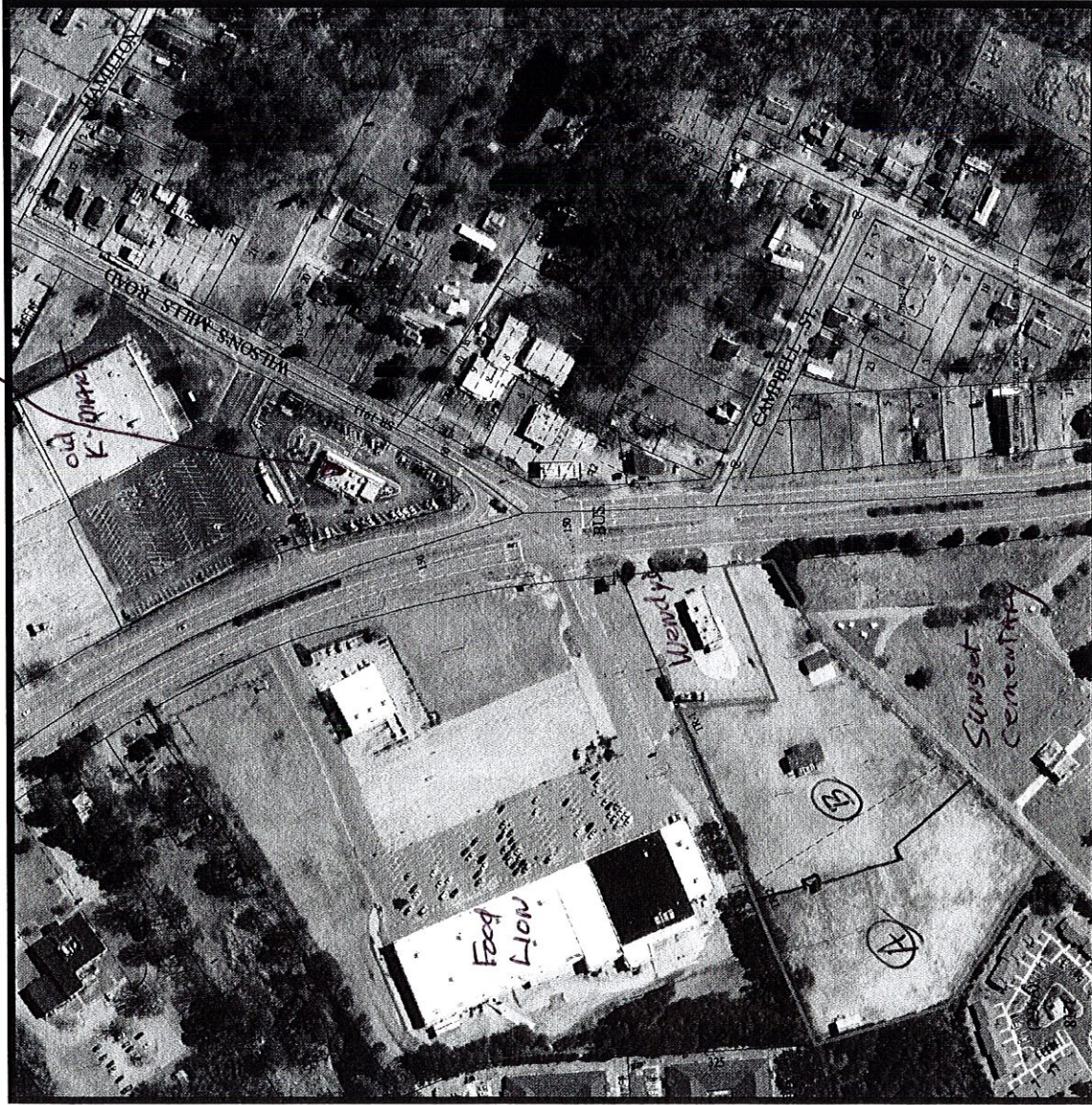
I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

Guy C Lee Mfg Co. Ross W. Lampe P-2014
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: CVP-14-07 Date Received: 8/8/14 Parcel ID Number: 15078199K

McDonald's



Auto →

*** DISCLAIMER ***
Johnston County assumes no legal responsibility for the information.

Query Parcel 1

Tag: 15078199K
 NCPin: 169413-04-2581
 Mapsheet No: 169413
 Owner Name1: FOUR-OAKS-BANK & TRUST
 Owner Name2: *Guy C Lee mfg Co.*
 Mail Address1:
 Mail Address2: PO BOX 309
 Mail Address3: FOUR OAKS NC 27524-0309
 Site Address1: 787 W MARKET ST
 Site Address2: SMITHFIELD NC 27577-
 Book: 04073
 Page: 0228
 Market Value: 312950
 Assessed Acreage: 6.05
 Calc Acreage: 5.99
 Sale Price: 247000
 Sale Date: 2012-01-26

1 inch = 301 feet

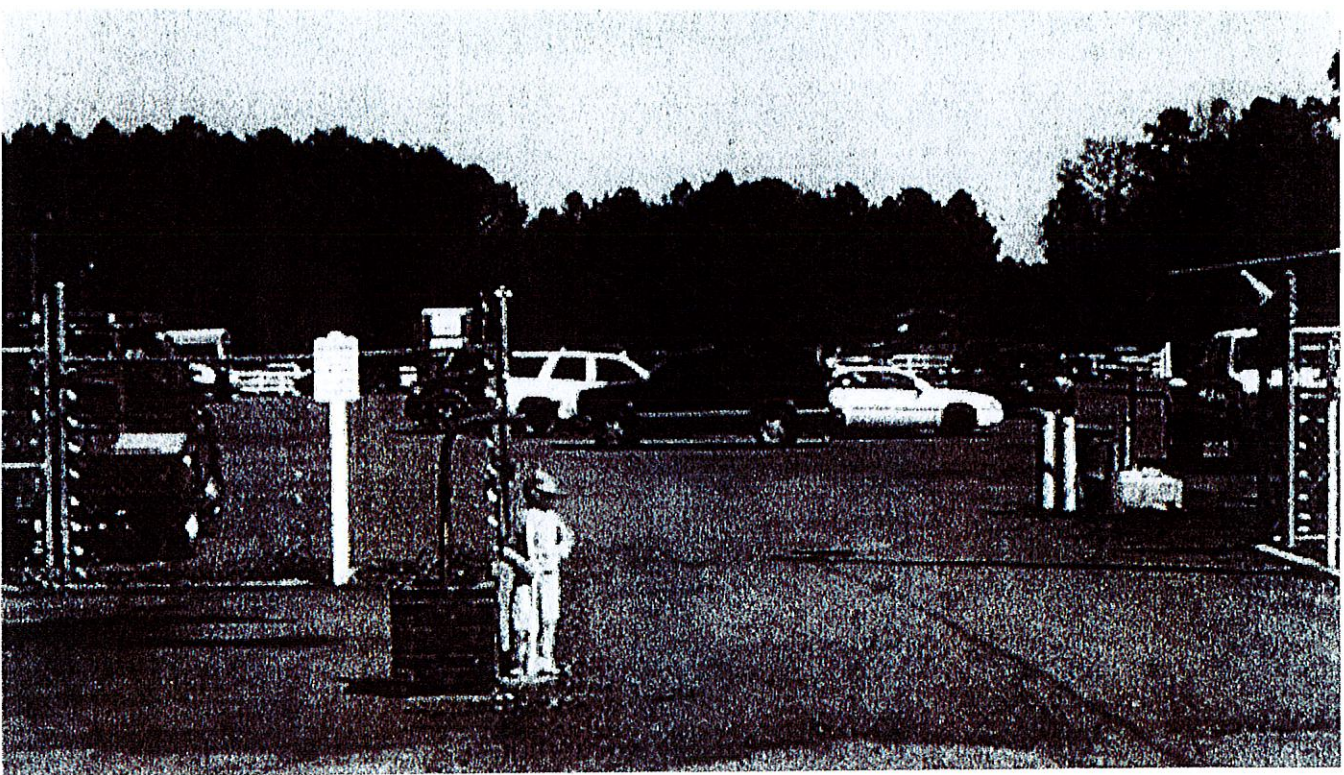
(The scale is only accurate when printed landscape on a 8.5x11in size sheet with page scaling set to none.)

Date June 23, 2014



Section A - Professional Auto Recovery - (Storage) 2.74 Acre

Section B - Used Car Sales (Tenant unknown) 3.25 Acre



Welcome to Professional Auto Recovery

Professional Auto Recovery specializes in tracking down and safely returning vehicles and other collateral back to our clients. Through training, knowledge and technology, we strive to provide our customers with top-notch service throughout their process with us.

We work with clients in an array of fields, including customers in the banking, financial and loan industries. With a full skip tracing service available, we are able to assist our clients from the start to finish of their asset recovery. Not only will we track down the whereabouts of Trailers, boats and vehicles are among the many different types of collateral we recover. However, we have recuperated a wide range of different assets, and we'll customize our services to meet your specific needs.

We service clients throughout the Carolinas, as we have offices in Myrtle Beach, Summerville, Greenville and Columbia, South Carolina, and offices in Fayetteville and Charlotte, North Carolina. Additionally, our corporate office is located in Florence, SC.

Please give us a call if you have any questions, or if you would like to learn more about the assortment of services we offer.

CONTACT US

Name *

First

Last

Email *

Phone *

Comments

You may receive future messages from Professional Auto Recovery, LLC after submitting this form.

Submit

Permits Issued with Summary

 Options:

From: 07/01/2014

To: 07/31/2014

Permit#	Permit Type	Sub Type	Business Name	Project Address	Business Phone	Issue Date
	Site Plan	Minor Site Plan	275.00	4		
	Zoning	Land Use	900.00	9		
	Zoning	Sign	350.00	7		
		Report Period Total:	1,525.00	20		
		YTD Total:	2,725.00	36		
Z14-000001	Zoning	Land Use	Mariner Finance	1267 North BRIGHTLEAF Boulevard		07/07/2014
Z14-000002	Zoning	Sign	Mariner Finance Wall Sign	1267 North BRIGHTLEAF Boulevard		07/09/2014
Z14-000003	Zoning	Sign	UNC Healthcare Sign Plan	509 North BRIGHTLEAF Boulevard		07/10/2014
Z14-000004	Zoning	Sign	The Armstrong Law Firm Ground Sign	602 South Third		07/10/2014
Z14-000005	Zoning	Land Use	JE Wilson Banquet Hall	135 North THIRD Street	919-934-2421	07/11/2014
Z14-000006	Zoning	Land Use	Brightleaf Insurance	1709 South BRIGHTLEAF Boulevard	919-631-3222	07/11/2014
Z14-000007	Zoning	Land Use	The Meeting Place	117 North THIRD Street	919-934-2421	07/11/2014
Z14-000008	Zoning	Sign	Brightleaf Insurance ground sign	1709 South BRIGHTLEAF Boulevard	919-631-3222	07/11/2014
Z14-000009	Zoning	Land Use	DJ Auto Park Lighting Plan	1130 North BRIGHTLEAF Boulevard		07/14/2014
Z14-000010	Zoning	Land Use	Hastings House Front Porch	200 front Street	919-934-2116	07/15/2014
Z14-000011	Zoning	Land Use	Little Brown Jug	101 West market Street	847-826-7094	07/16/2014
SP14-000003	Site Plan	Minor Site Plan		986 ROCK PILLAR Road	919-369-3289	07/21/2014
Z14-000012	Zoning	Land Use	Shear Design	412 HANCOCK Street	919-413-3198	07/22/2014
Z14-000013	Zoning	Sign	Deacon Jones Wall Sign	North BRIGHTLEAF Boulevard	919-330-7679	07/22/2014
Z14-000014	Zoning	Land Use	Mid-East Acceptance	1247 North brightleaf Boulevard	919-934-5008	07/23/2014
Z14-000015	Zoning	Sign	Mid-East Acceptance Co	1247 North brightleaf Boulevard	919-934-5008	07/23/2014
Z14-000016	Zoning	Land Use	Utopia Home Care	1327 North Brightleaf Boulevard		07/23/2014
SP14-000004	Site Plan	Minor Site Plan		37 Peedin Road		07/24/2014
SP14-000005	Site Plan	Minor Site Plan		3900 US 70 BUS Highway		07/24/2014
Z14-000017	Zoning	Land Use	Tiend Y Taqueria	3207 South Brightleaf Boulevard	168207-58-1751	07/24/2014
SP14-000006	Site Plan	Minor Site Plan		120 Juniper	919-274-4854	07/24/2014
Z14-000019	Zoning	Sign	Johnston County Pediatrics wall sign	11 Berkshire Road		07/29/2014
Z14-000020	Zoning	Land Use	Alltel Communication Antenna	110 Fifth Street	919-934-2116	07/29/2014
Z14-000021	Zoning	Land Use	Wake Radiolgy MRI	234 Venture Drive	919-801-4629	07/29/2014