

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, October 2, 2014*

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

Meeting Place: *Council Chambers, Smithfield Town Hall*

**AGENDA
PLANNING BOARD
REGULAR MEETING
OCTOBER 2, 2014
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Approval of the minutes for September 4, 2014.

Public Hearing

CUP-14-07 Guy C. Lee Manufacturing Company: The applicant is requesting a conditional use permit to operate an automobile 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, September 4, 2014
6:00 P.M., Town Hall, Council Room

Members Present:

Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner (Alt)
Mark Lane
Jack Matthews
Ashley Spain
Teresa Daughtry

Members Absent:

Chairman Eddie Foy

Staff Present:

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

Staff Absent:

CALL TO ORDER

Mr. Upton stated due to Mr. Foy's absence, Mr. Joyner will be a voting member this evening.

APPROVAL OF MINUTES FROM AUGUST 7, 2014.

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

Public Hearings:

After all persons giving testimony were duly sworn, Mr. Upton opened the public hearing.

CUP-14-07 Guy C. Lee Manufacturing Company:

Mr. Helmer stated 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.

Mr. Helmer stated 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. 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.

Mr. Helmer stated 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 are 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 a 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.

Mr. Helmer stated 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.

Mr. Helmer stated storm water facilities are shown 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 to current NCDOT driveway standards. The applicant will be required to submit a detailed landscape plan, lighting plan and storm water plan prior to final site plan approval and zoning permit. 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. Automobile sales and vehicle storage are permitted uses within B-3 (Business) zoning district with a valid conditional use permit. Manufactured homes sales are not and should not be considered for permitting at this time.

Mr. Helmer stated 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 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. The site has an existing ground sign that appears to qualify for a permit that would allow the sign to be refaced. The Town will provide fire protection as well as water and sewer. Duke Progress Energy will provide electric.

Mr. Helmer stated 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 UDO.

The applicant has provided a revised plan that was submitted today meeting minimum development standards. Mr. Helmer stated that the applicant has just submitted a revised plan that appears to meet minimum development standards. However, the plan indicates gravel storage area which does not meet minimum development standards.

Mr. Upton asked if anyone wanted to speak for or against the proposal.

Mark Lane stated it was his understanding that the Planning Board received a letter from Mr. Lampe tonight to withdraw his request for a Conditional Use Permit for used auto sales.

Mr. Ross Lampe, Crescent Drive Smithfield, stated he purchased the above said property in June and since then has been trying to find someone to rent the property to. There has been little success in doing that; however, the only interest that has been received was a possible tenant that wants to store repossessed cars in the back lot. The back lot is fenced off separately from the front lot. He stated he is optimistic to have two people interested in the storage of repossessed cars in the back lot at this time. Mr. Lampe stated he would like to withdraw his request involving a used car sales lot in the front lot due to the lack of decent tenant inquiries. Mr. Lampe also stated he has found out that next year the Town must submit a Phase II small NS4 permit which may or may not change regulations, so now is a good time to delay the front portion of the project since changes may need to be made.

Mr. Lampe stated he has hired Clayton Narron, Landscape Architect, to place a buffer strip around the whole 5.99 acres and would like to proceed with the landscaping at this time as well as pave the back lot and install a retention pond.

Mark Lane asked if a retention pond is required.

Mr. Helmer stated it is required and should be able to hold at least the first two inches of rain water.

Mr. Lampe stated he would like to go ahead and install the retention pond and place landscaping in the front as well as the back lots to hide the repossessed cars. Right now West Smithfield has some closed shopping centers and a few used car sales lots that don't present a good picture.

Daniel Sanders asked if the retention pond would be affected if the vehicles had any oil or gas leaks.

Mr. Lampe stated the tenant would be collecting repossessed vehicles not crashed vehicles but cannot guarantee there would be no leaks.

Mr. Upton asked if the vehicles would be stored for longevity or just short periods of time.

Mr. Lampe stated the vehicles would only be there for short periods of time. The tenant is trying to expand their territory and just need space for storage.

Mark Lane stated that according to the site plan, access to the back lot looks pretty difficult to get to from Highway 70 with a tow truck.

Mr. Lampe stated the front driveway has gravel and that all he wants to do right now is install a buffer strip and landscaping to the front lot.

Teresa Daughtry asked if this proposal were to get approved, what would keep the applicant from expanding the land use and just not come back to the Board.

Mr. Helmer stated that any difference made to the site would require the applicant to come back.

Teresa Daughtry asked if the Planning Department goes by the acreage that the applicant tells them he is going to use.

Mr. Helmer stated that was correct. The applicant has to clearly show boundaries on their site plan.

Mr. Lampe stated the area he will be using is fenced in with a screen and a separate gate.

Teresa Daughtry stated that the Planning Board has been through something similar to this in the past, how you would allow someone to go through a parking lot that is unpaved like it is now into one that has to be paved.

Mr. Helmer stated the ordinance clearly states it has to be paved.

Teresa Daughtry asked if the whole parking lot has to be paved.

Mr. Helmer stated that is correct if the parking lot is being used for parked cars.

Teresa Daughtry stated the whole lot should have to be paved, but what the site plan is showing now is that the front driveway will stay as is.

Mr. Helmer stated that according to the site plan submitted before the meeting that was correct.

Mr. Lampe stated the front portion is gravel and flat and would be able to be driven across to get to the back lot.

Mr. Helmer stated that if the applicant is paving the back according to code for this particular Conditional Use Permit the gravel driveway might be sufficient, but internal circulation is lacking.

Teresa Daughtry asked if a retention pond would have to be installed.

Mr. Helmer stated it is unclear at this point.

Teresa Daughtry asked how you can plan for the future if it says you have to have a pond for this piece of property.

Mr. Helmer stated the applicant is planning for the future by showing a location that's reserved for a pond.

Teresa Daughtry asked if the applicant can come back for something different then what he is asking for right now.

Mr. Lampe stated he would come back for the front part of the lot with whoever the tenant may be and whatever their use will be whether it's a strip mall, drugstore, or mini storage.

Mark Lane stated a retention pond is not needed for that site.

Mr. Helmer stated again he is not certain but if the applicant is only doing the back lot at this time he may not trigger storm water regulations. If not, the pond can be removed from the plan.

Mr. Lampe stated he would like to go ahead and do the design for the whole 5.99 acres including the pond because at some point the Town will have to resubmit a plan for Phase II MS4 storm water regulations.

Mr. Spain asked who would be responsible for any leak of antifreeze and such in the soil and river since it will be paved there could be runoff.

Mr. Lampe stated that could be true for any parking lot and a lot of shopping centers have retention ponds.

Mr. Embler stated that the State of North Carolina monitors quantity not quality. The pond would be designed for removal of nitrogen. It's only prudent planning that we include retention pond so that if Mr. Lampe wants to come back for the front. If there is a polluted point of view it will be investigated. For Phase II MS4 permitting we were monitored and audited.

Clayton Narron, 451 South Fourth Street Smithfield, asked if anyone had any questions for him.

Mr. Upton asked just for clarification regarding the access from the Highway to the recovery area if it was going to be paved.

Clayton Narron stated that was not included in the plan and there should not be any problems locating the recovery area from the access driveway. Trees can be moved around according to the UDO.

Teresa Daughtry asked if there is supposed to be some type of screening along with the use of the trees.

Mr. Helmer stated landscape requirements are a little different for storage yards. There has to be a solid visual barrier to include a fence between the storage yard and the cemetery.

Clayton Narron stated evergreen shrubs and small trees so you can't see the vehicles. The detailed site plan will show the names of the plantings.

Teresa Daughtry asked what kind of buffer will be used across the front.

Clayton Narron stated the buffer would run the entire length of the fence and the depth would be about 6-8 feet wide. It will meet the minimum requirements.

Mr. Embler stated that plantings should provide an opaque buffer within two years.

Mark Lane stated he is concerned that the retirement center would have to stare at a lot full of cars.

Clayton Narron stated there are no windows on the backs of those retirement units facing the lot and that there will be more buffer plantings added.

Daniel Sanders asked if someone were in the cemetery would they be able to see the vehicles.

Clayton Narron stated they would not be able to see the vehicles. There are crepe myrtles down the side but evergreens will also be added.

Teresa Daughtry stated she keeps hearing the applicant say meet the minimum requirements. According to the site plan is the applicant going to keep the plan to the bare minimum?

Clayton Narron stated they are meeting the buffer requirements but if Mr. Lampe agrees to widen the buffer according to what the Town would like we can do that. Mr. Narron stated the plan provided is a conceptual plan, if they move forward with the proposal a more detailed plan will be provided to Planning staff.

Gerald Joyner asked if there will be any security to prevent theft of parts or vehicles.

Mr. Helmer stated that would be a good question for the operator of the facility.

Clayton Narron stated there is lighting in the facility as well as a six foot fence with three strands of barbed wire at the top, but that this is something that needed to be addressed with the tenant.

Jack Matthews asked if there would be a size limit of the vehicles being repossessed such as boats, RV's, and trailers.

Mr. Lampe stated he was not sure.

Daniel Sanders asked what the difference was between this plan than the other two plans that came before the Board previously.

Mr. Helmer stated the other two plans previous to this plan were denied due to adverse impacts to adjacent properties.

Mark Lane stated he liked what Mr. Lampe was doing to try to improve the Town.

Teresa Daughtry stated she disagreed although she feels Mr. Lampe means well, she thinks the proposed project should not be within city limits.

Mark Lane asked what the Planning Departments thoughts were about the project.

Mr. Helmer stated the Board needed to find that no impacts on adjacent properties will occur. If so, recommend conditions to alleviate the impacts. A decision must be made based on factual evidence submitted at the hearing.

Daniel Sanders asked if there could be an agreement between Mr. Lampe and the tenant regarding a time limit for how long the vehicles would sit.

Mr. Lampe stated if he knew more about the repo business he would have a better answer for the Board.

Mr. Embler stated that if the Board has any concerns with the proposal they can place conditions on the permit.

Teresa Daughtry made a motion to table the proposed project for thirty days for the Board to have time to review the case. Teresa Daughtry, Gerald Joyner, Jack Matthews, and Stephen Upton voted in favor of the motion. Ashley Spain, Mark Lane, and Daniel Sanders voted against the motion. Motion passed 4-3.

The Planning Board had discussion reviewing Articles 6 through 10 of the Unified Development Ordinance.

14. This amendment will reduce the burden on staff for notifying complainants in writing.

Section 7-1: Complaints Regarding Violations

Whenever the Administrator receives a ~~written, signed~~ complaint alleging a violation of this Ordinance, he shall investigate the complaint, take whatever action is warranted, ~~and inform the complainant in writing what actions have been or will be taken.~~

15. The Planning Board is requested to send written violations

Section 7-3: Procedures Upon Discovery of Violations

(A) If the Administrator finds that any provision of this Ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.

16. The Planning Board is requested to have open discussions with staff regarding the need for certified/registered mail. This proposed amendment will allow notice of violation by first class mail.

Section 7-4: Remedies and Penalties for Violations

(B) Civil Penalty. Violation of this Ordinance subjects the violator to a civil penalty in the amount of one hundred dollars (\$100.00). The Administrator may impose a civil penalty by giving the violator a written citation, either in person or by certified or registered mail, return receipt requested **or first class delivery by US Postal Service.** The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the Town within ten (10) days of the date the citation is received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, the Administrator may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the correction order (or the receipt of the citation itself in the case of emergency enforcement) shall constitute a separate violation that subjects the violator to additional civil ~~penalty~~ **penalties per violation per day.**

17. The Planning Board is requested to discuss with staff the following ordinance which sets the clock running for the thirty day window in which an aggrieved party has to file for an appeal to superior court for a review of a Board of Adjustment decisions. The question is whether recorded actions should be included in this list.

Section 7-6: Judicial Review

(A) Every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Johnston County by proceedings in the nature of certiorari.

(B) The petition for the writ of certiorari must be filed with the Johnston County Clerk of Court within 30 days after the later of the following occurrences:

(1) A written copy of the board's decision (see Section 6-6) has been filed in the office of the Planning Department, and

(2) A written copy of the board's decision (see Section 6-6) has been delivered by personal service or certified mail, return receipt requested **or first class delivery by US Postal Service**, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.

(C) A copy of the writ of certiorari shall be served upon the Town of Smithfield.

- 18. This paragraph appears to empower the Board of Adjustment to issue a use permit for nonconforming use. However, at its core, it is really authorizing the Board of Adjustment to grant a variance from the permitted use chart in violation of North Carolina state law which explicitly forbids use variances.**

Section 8-4: Change in Kind of Nonconforming Use

~~(C) A nonconforming use may be changed to another nonconforming use only in accordance with a use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the application is made for the permit.~~

- 19. This amendment reflects the City Managers proper title.**

Section 9-4: Maintenance of the Official Zoning Map

Upon notification by the Town Council that a zoning change has been made, the ~~Town~~ **City** Manager shall cause to be made the necessary changes on the official zoning map within fourteen (14) calendar days of notification. The Planning Director shall be responsible for the maintenance and revision of the official zoning map after being notified by the ~~Town~~ **City** Manager.

- 20. This amendment reflects Town Policy by requiring an additional 25% to bond amounts to cover contingencies and inflation.**

Section 19-8: Improvements Bond

No final certificate of occupancy/compliance for a commercial, residential, or manufactured home park or planned building group will be issued until all required site improvements have been completed. In lieu of completion of required site improvements, the developer of the planned group may enter into a contract with the Town of Smithfield providing for the installation of required improvements within a designated period of time. Performance of said contract shall be secured by a cash or surety bond which will cover the total estimated cost of the improvements **plus 25%** as determined by the Town of Smithfield; provided, however, that said bond may be waived by the Town Council within its discretion.

21. This proposed amendment clarifies and makes distinctions between building setbacks yards, landscape yards, and open space.

Section 9-6: Minimum **building setbacks yards, landscape** yards or other open spaces required by this Ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

22. The following ordinance will increase the side yard building setbacks for accessory structures from 8 feet to 10 feet.

Article 10-Table of Permitted Uses

Note 5. Accessory Uses or Structures.

...No accessory building or use shall be erected in any required front or side yard or within ten (10) feet of the rear lot line (unless the rear line abuts navigable waters), or within **ten (10)** feet of any side lot line, and no separate accessory building or use shall be erected within ten (10) feet of any other accessory building unless on same property. No accessory building or use may be erected or installed on any lot where a principal building does not exist. No lot shall have in excess of one accessory building. Accessory building numbers limitation on property are exempt if the property is identified as having farm tax identification number. The side and rear setbacks for farm property shall be the same as other accessory buildings.

23. This amendment will call for a variance when varying from the published standard requiring manufactured homes to be placed with the longest side of the home parallel to the front property line.

Note 13: Manufactured Home on Individual Lots

(A) (7) Manufactured homes, Class A shall be placed so that the longest side of the home is parallel to the front property line of the lot. The Board of Adjustment shall be

authorized to consider, as a ~~conditional use~~ **variance request**, a modification to this parallel orientation standard.

24. This amendment eliminates the incorrect paragraph that was inserted by mistake.

~~(B) Existing manufactured homes, Class B, which are located within the R-6 district on the effective date of this Ordinance may be continued and maintained as a nonconforming use provided that any such existing home shall only be replaced by a manufactured home, Class A, which complies with all applicable requirements of this Ordinance. Other manufactured homes existing on the effective date of this Ordinance which are nonconforming uses within the zoning districts in which they are located, may be continued and maintained provided that upon their removal, they shall only be replaced with a use permitted within that district.~~

~~(C) (B)~~ Existing manufactured homes, Class A and Class B, which are located within the R-6 district on the effective date of this Ordinance may be continued and maintained as a nonconforming use provided that any such existing home upon their removal, shall only be replaced with a use permitted within the R-6 district. Other manufactured homes existing on the effective date of this ordinance which are nonconforming uses within the zoning districts in which they are located, may be continued and maintained provided that upon their removal, they shall only be replaced with a use permitted within that district.

~~(D) (C)~~ Existing manufactured homes, Class A and Class B, which are located within the R-6 district on the effective date of this Ordinance which are damaged or destroyed by fire or an act of God may be replaced and shall comply with the yard, height, parking, loading, access, lot width, lot area, and lot coverage provisions of this Ordinance for the district in which such structure is located unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply, or unless the incomplete nature of the damage would make it more feasible to rebuild in the previous location, in which case the Board of Adjustment is authorized to consider a variance to allow the reconstruction or replacement. In considering the variance, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of the Ordinance.

25. This amendment reflects the intent of the above paragraph (B).

Section 8-3: Extension or Enlargement of Nonconformities

~~(G) (F)~~ Notwithstanding paragraph (E), any structure **(except manufactured homes)** used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. ~~In particular, a manufactured home may be replaced with a larger manufactured home, and a "single wide" manufactured home~~

~~may be replaced with a “double wide”. This paragraph is subject to the limitations stated in Section 8-5 on abandonment and discontinuance of nonconformities.~~

Old Business:

Mr. Embler stated the Town Council has approved raises for the Planning Board in the amount of \$50 per month and for the Board of Adjustments \$25 per meeting.

New Business:

Mr. Helmer stated the new committee report will be included in packets every month.

Mark Lane made a motion to adjourn, seconded by Jack Matthews. Unanimous.

Submitted this 4th day of September, 2014.

Veronica Hardaway
Administrative Support Specialist
Planning Department

DRAFT

**Vehicular Storage 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 E

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: Vehicular Storage Lot
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 vehicular storage lot 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: Vehicular storage lot

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 had originally 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 lot in the rear of the lot. The applicant provided staff with a letter dated September 2, 2014 stating his intent to remove automobile sales from consideration at this time. Manufactured home sales is not a permitted use within the B-3 (Business) zoning district and must not be considered for approval at this time.

The applicant has provided a revised preliminary site plan with landscape plan on September 2, 2014. The plan indicates that 234 cars can safely be accommodated on the rear portion of this 6.04 acre tract of land. The preliminary site plan indicates the existing fence will remain and no office building location is shown on the plan. The applicant has stated that the front portion of the lot will not be improved beyond perimeter landscape yards at this time and it is unclear from the site plan how paved access from the West Market Street to the vehicle storage lot will be executed.

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. The applicant's intention is to not plant any interior landscaping on the front portion of the lot until such time that a tenant for this portion of the property has been secured.

Vehicle storage is considered a commercial parking lot 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 shown at the rear of the lot and will be constructed if required. Access will be provided by an NCDOT approved driveway located on West Market Street and will be required to conform to current NCDOT driveway standards. The applicant will be required to submit a detailed landscape plan, lighting plan and stormwater permit application 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**

Vehicle storage lots are permitted uses within B-3 (Business) zoning district with a valid conditional use permit. Manufactured homes sales are 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 Boards Actions:

The Planning Board at its September 4th, 2014 meeting vote 4 to 3 to table the request for thirty days. The Planning Board requested the proposed tenant of the vehicle storage lot to appear before the Planning Board at its October 2nd, 2014 public hearing.

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 Requested Action:

The Planning Board is requested to review the application for vehicular storage lot 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 vehicle storage lot 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 vehicle storage lot 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 vehicle storage lot 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 vehicle storage 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 vehicle storage lot 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 vehicle storage lot 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 234 automobile are on the lot at any given time.

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 vehicle storage lot 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 vehicle storage 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 pavement of storage areas, landscaping, lighting and 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 vehicle storage lot 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 because the applicant has failed to show a site plan that meets minimum development standards to include paved areas for the storage of vehicles.

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 **9-16-14**.



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

16th day of September, 2014

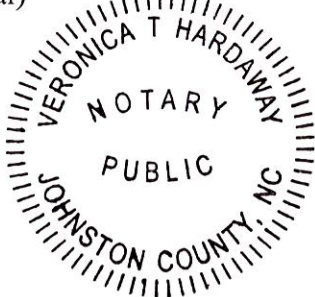


Notary Public Signature

Veronica T Hardaway

Notary Public Name

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



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



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, October 2, 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 automobile 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 9/17/14 and 9/24/14



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

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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.

Exhibit E
Conditional Use Permit Application

ROSS W. LAMPE
President

GUY LEE LAMPE
Vice-President

THOMAS A. STEPHENSON
Treasurer

JOHN H. LAMPE, II
Secretary

ANN P. PARRISH
Asst. Secretary

Guy C. Lee Mfg. Company

P.O. Box 1457, SMITHFIELD, NORTH CAROLINA 27577

Telephone
919-934-6195
FAX 934-6101

235 E. Market Street

Service Agent For:
GUY C. LEE BUILDING MATERIALS
Apex, Kitty Hawk, Morehead City,
Mt. Pleasant, Shallotte, Sneads Ferry,
New Bern
GUY C. LEE MILLWORK
GUY C. LEE BUILDING MATERIALS
OF SMITHFIELD, INC.
LAMPE AND MALPHRUS
LUMBER COMPANY, INC.
LAMPE LEASING, LLC

September 4, 2014

Planning Board
Town of Smithfield

Dear Sirs:

We have submitted an application to the Planning Board for the use of 5.99 acres in West Smithfield. The back half of the property will be used for storage of repossessed vehicles, and the front half for a used car sales lot.

We have been unable to secure a tenant for the used car sales lot, however, we believe we have a tenant for the back portion of the property. We would like to withdraw our request for the conditional use permit for the used car sales lot in the front portion of the 5.99 acres.

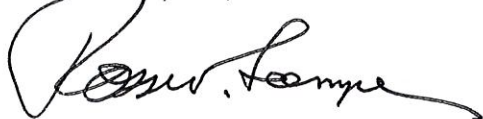
We would like to proceed with the back half of the lot for storing repossessed cars and to that extent we will pave the back half as required by the Town ordinances.

Mr. Clayton Narron is submitting a landscape plan for the entire 5.99 acres. We would like for the landscape plan to be used as shown for the back portion. For the front portion, we would like to limit the landscaping to the perimeter of the 10' buffer strip. We feel it is important to plant, maintain and grow the buffer strip as soon as possible until such time as we are able to secure a tenant and request a conditional use permit for the front half.

Furthermore, since the Town of Smithfield must submit a Phase II Small MS4 Permit next year, we are willing to wait until such time as the regulations are written for a non-point pollution plan. Perhaps, at that time we can obtain a tenant for the front portion of this property and build it to the new standards which may or may not be more stringent. Hence, our objective today is to landscape the buffer strip for the 5.99 acres and to completely landscape, pave and construct a retention pond on the back half of this property.

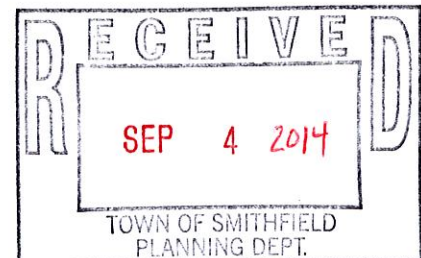
If you have any questions, please let me know.

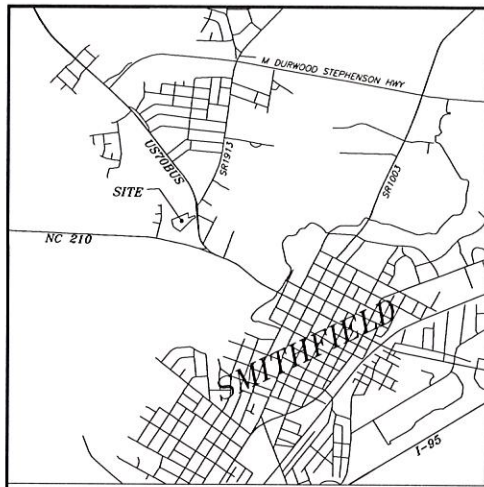
Sincerely yours,



Ross W. Lampe

RWL:app



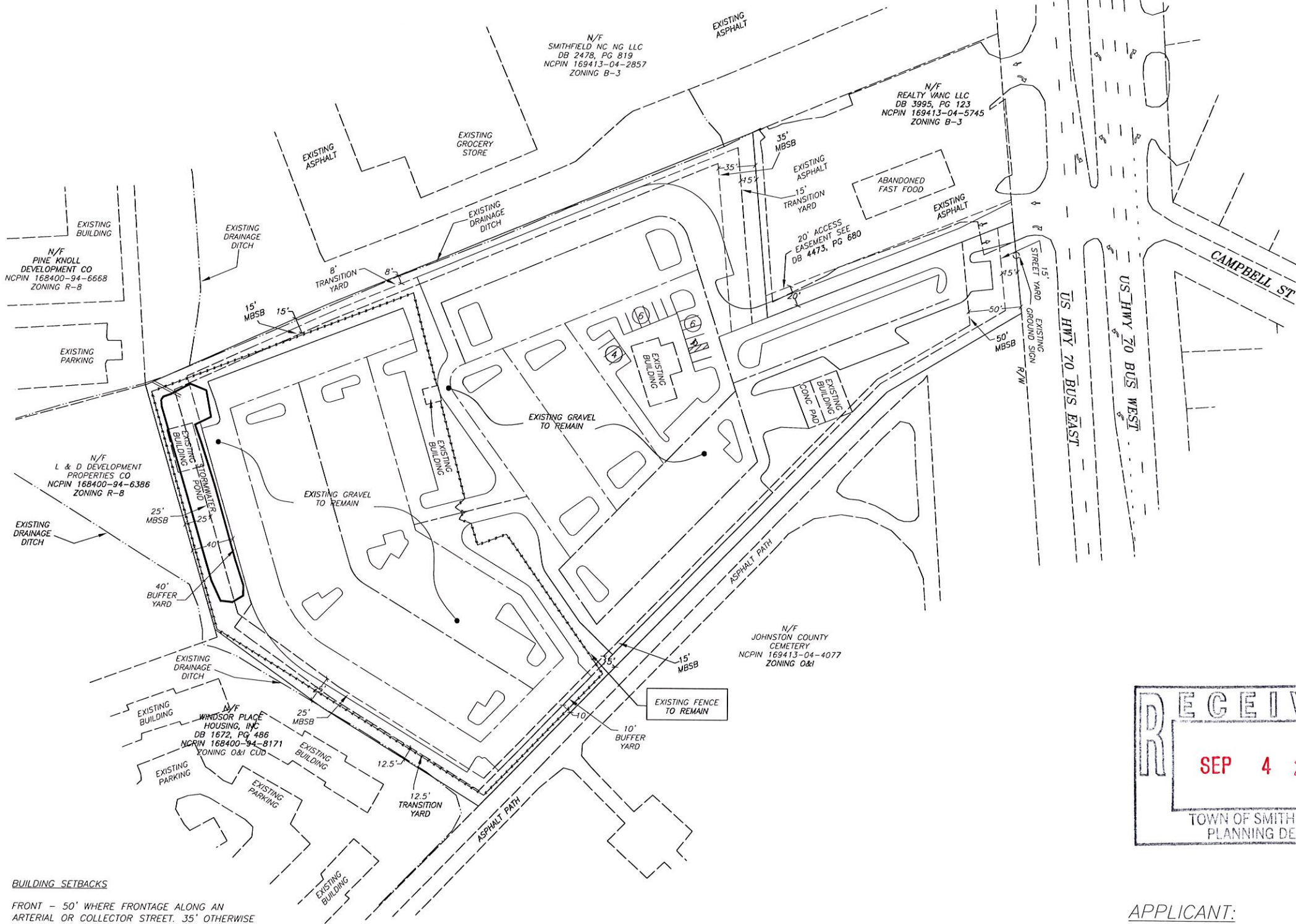


VICINITY MAP
NO SCALE

SITE NOTES:

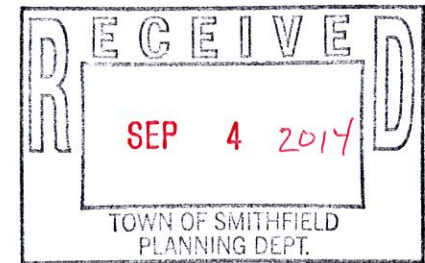
- 1) SITE ADDRESS:
787 WEST MARKET STREET
SMITHFIELD, NC 27577
- 2) CURRENT PROPERTY OWNER:
GUY C. LEE MFG. COMPANY
PO BOX 1457
SMITHFIELD, NC 27577
- 3) CURRENT ZONING: B-3
- 4) NCPIN 169413-04-2581
- 5) PARCEL AREA = 6.046 AC
ACCORDING TO DB 4473, PG 680
- 6) 16 PARKING SPACES FOR STAFF AND CUSTOMERS; INCLUDING 1 HC SPACE THERE ARE PROPOSED 226 SALES DISPLAY SPACES AND 234 SPACES FOR THE PROFESSIONAL AUTO RECOVERY.
- 7) A STORMWATER PLAN WILL BE SUBMITTED TO MEET THE TOWNS ORDINANCE; AS A RESULT THE PROPOSED STORMWATER POND SHOWN MAY NOT BE REQUIRED, BECAUSE THIS PROJECT MAY REDUCE THE AMOUNT OF IMPERVIOUS AREA FROM EXISTING.
- 8) A LANDSCAPING PLAN WILL BE SUBMITTED TO MEET OR EXCEED THE TOWN OF SMITHFIELD'S ORDINANCE.
- 9) PROPOSED +/- 4.17 AC OF IMPERVIOUS AREA; +/- 68.9% OF SITE.

NOTE:
PARCEL LINES WERE TAKEN FROM JOHNSTON COUNTY GIS. NO SURVEY HAS BEEN DONE. EXISTING CONDITIONS HAVE BEEN DRAWN FROM 2005 ORTHOS.



BUILDING SETBACKS

FRONT - 50' WHERE FRONTAGE ALONG AN ARTERIAL OR COLLECTOR STREET. 35' OTHERWISE
SIDE - 15'
REAR - 25'



APPLICANT:
GUY C LEE MFG COMPANY
PO BOX 1457
SMITHFIELD, NC 27577

REV. NO.	REVISION DESCRIPTION	DATE	ENGINEER
1	ADDRESS TOWN COMMENTS	09/01/14	

DRAWN BY: AWH
ENGINEER:
DATE:

ANDREW W HODGE, PE
A W HODGE ENGINEERING
ENGINEERING • LAND DEVELOPMENT CONSULTING
PO BOX 1401, SMITHFIELD, NC 27577
PHONE: 919-934-3490
FIRM # C-3998

CLIENT:
GUY C. LEE MFG. COMPANY
SHEET TITLE:
CONCEPTUAL PLAN

PROJECT:
CAR LOT-XYZ
HORIZONTAL SCALE: 1" = 50'
VERTICAL SCALE: N/A
DATE: 08/20/14
DWG #: 14-11
SHEET: 1 of 1



Shopping Center Property

Fast Food Property

Hwy 70

Auto Display/Sales

Auto Storage

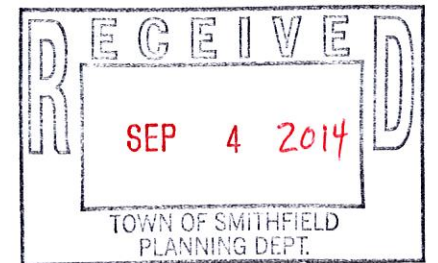
9-5-14

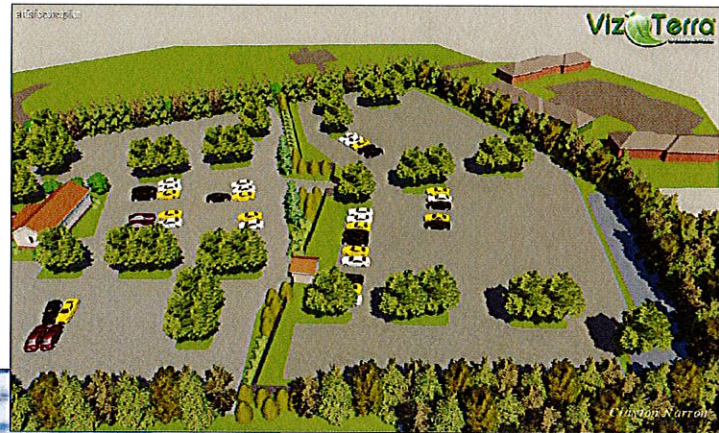
Master Planting Plan
Lampe Project
Hwy. 70 West
Smithfield, NC

Clayton Narron
Landscape Architect
919-464-9329

Cemetery Property

Apartment Property

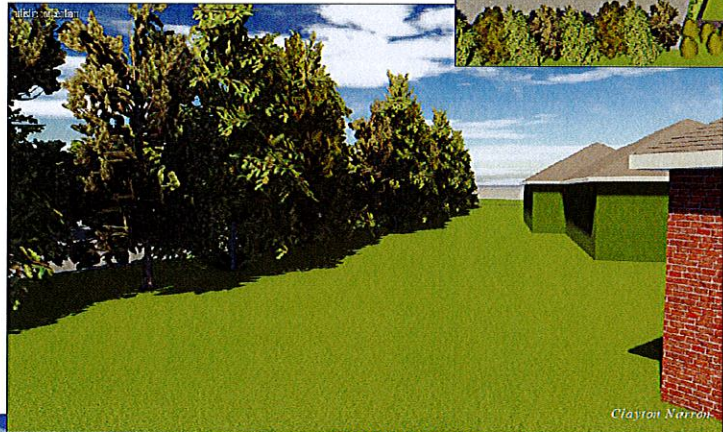
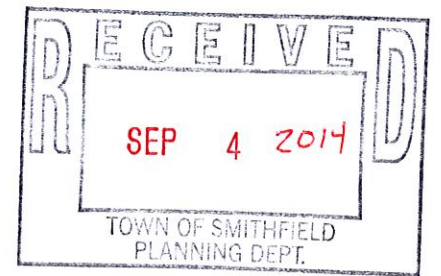




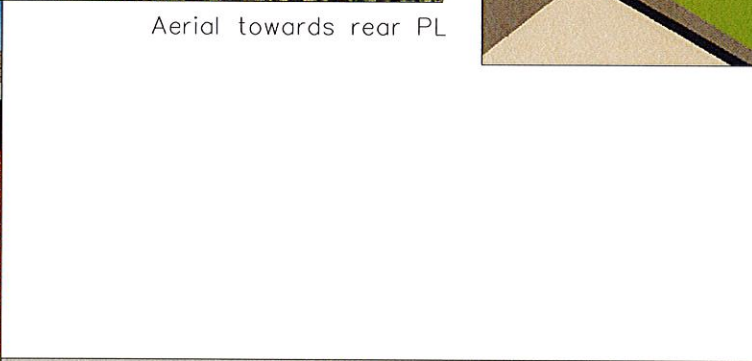
View from apartments



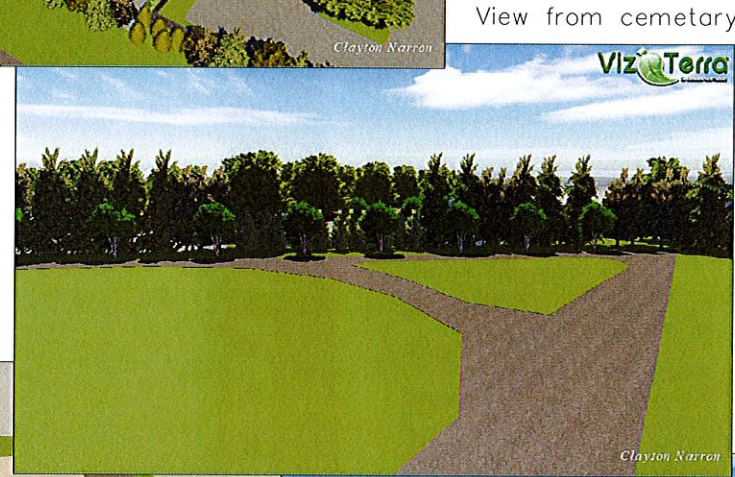
Aerial towards Hwy 70



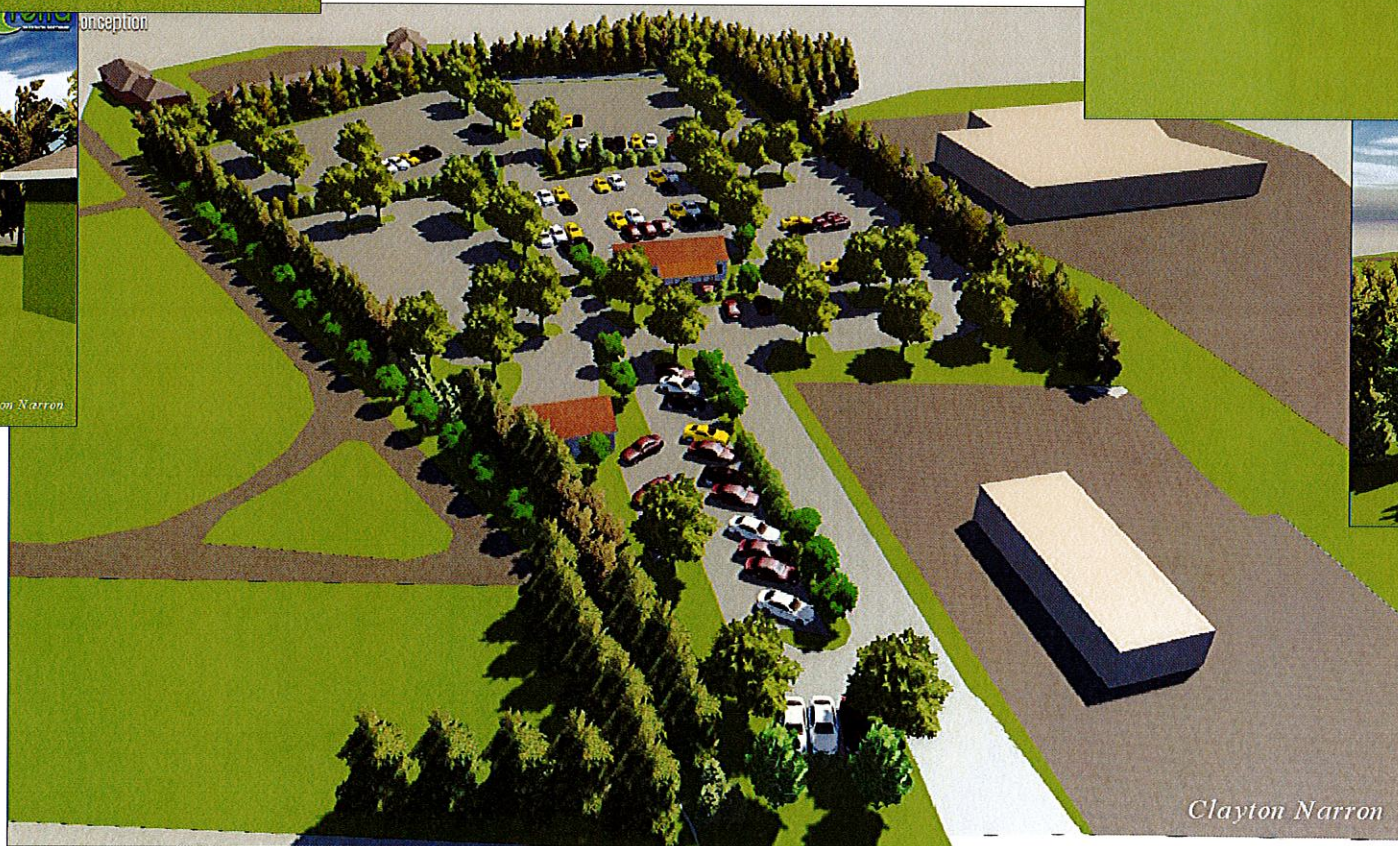
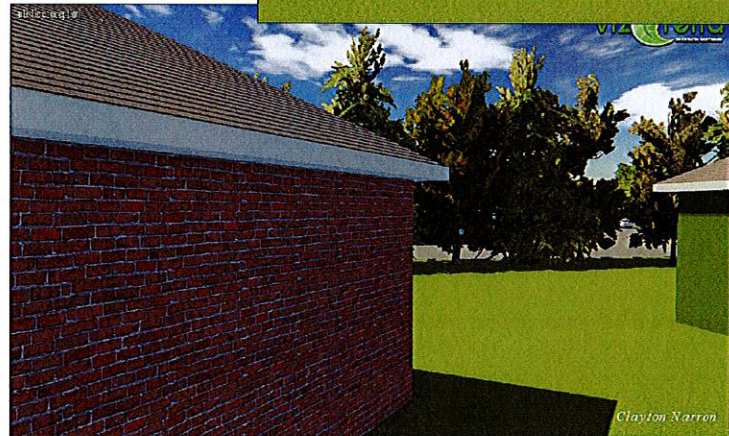
View from apartments



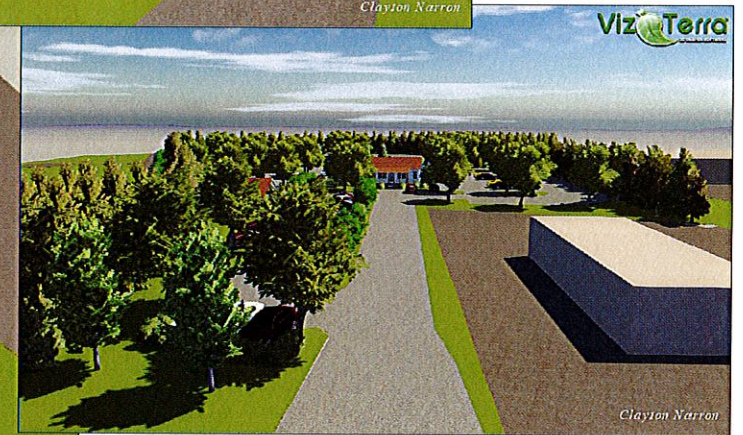
Aerial towards rear PL



View from cemetery



Master Planting Plan



View from Hwy 70



Clayton Narron
Landscape Architect
919.464.9329 9-5-14

9-5-14
Master Planting Plan

Lompe Project
Hwy 70W
Smithfield, NC



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>
-------------------------------	------------------------------	--

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 Repassed 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

Ross Lampe

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.

Signature of Owner: [Handwritten Signature] Print Name: Ross W. Lampe Date: 8-20-14
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.

Signature of Owner/Applicant: [Handwritten Signature] Print Name: Ross W. Lampe Date: 8-20-14

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



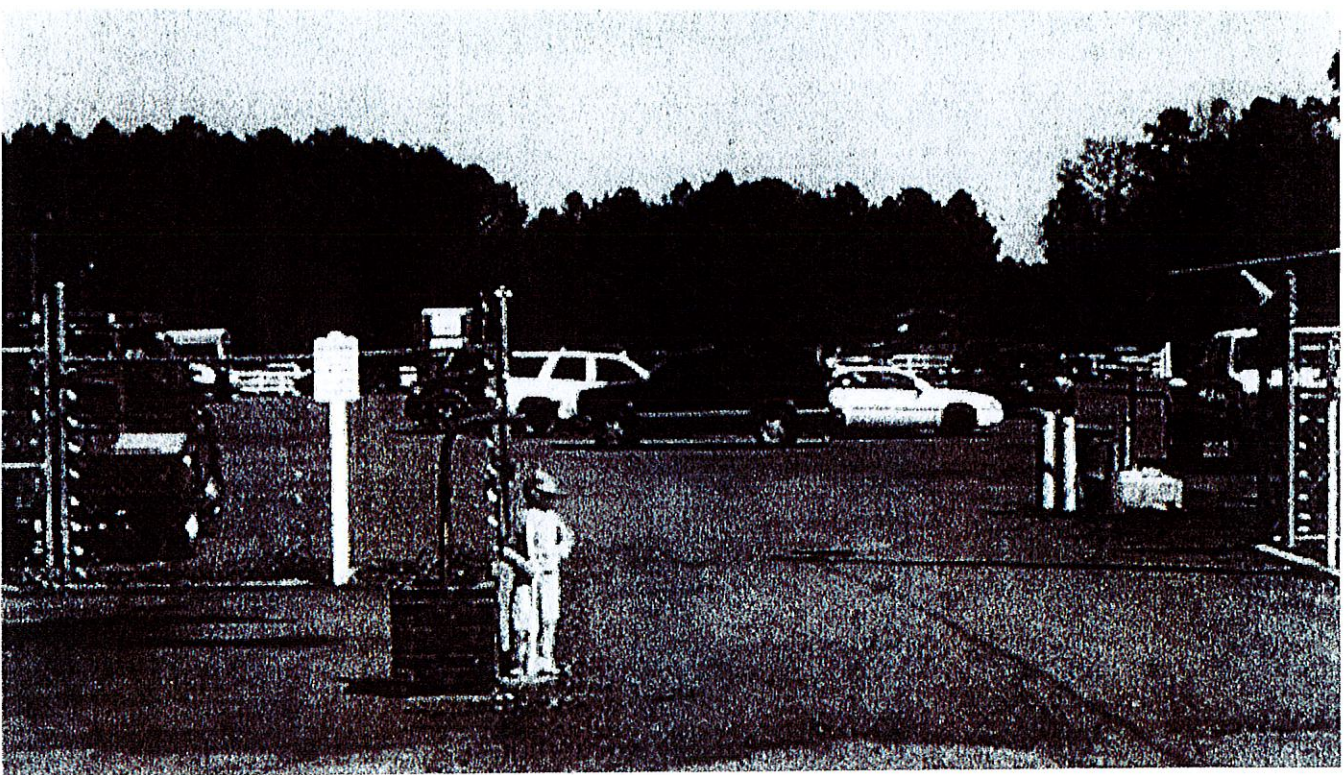
1 inch = 301 feet

(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

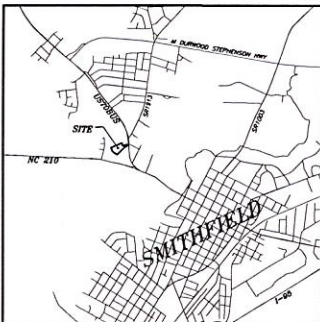
Email *

Phone *

Comments

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

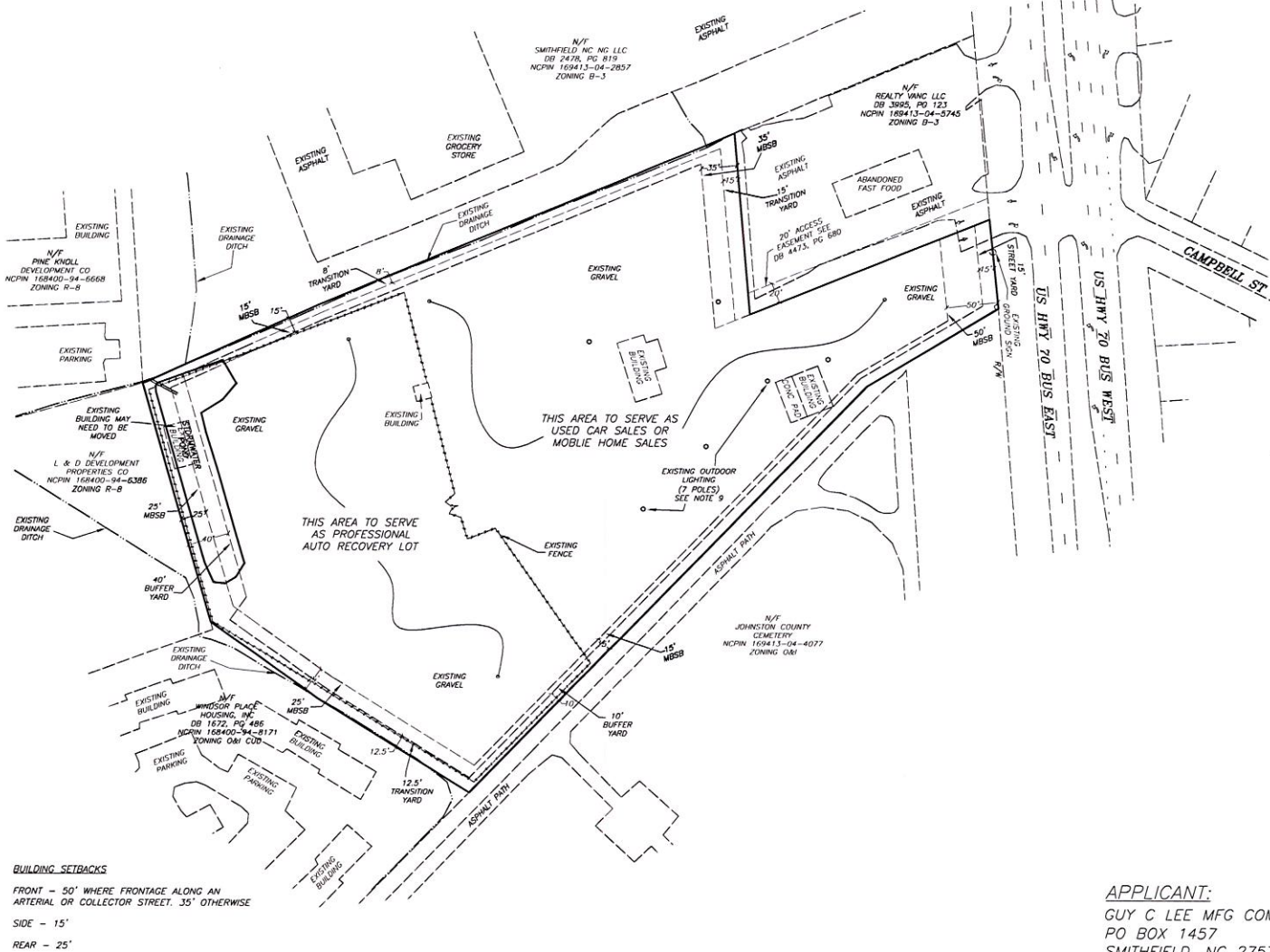
Submit



VICINITY MAP
NO SCALE

SITE NOTES:

- 1) SITE ADDRESS:
787 WEST MARKET STREET
SMITHFIELD, NC 27577
- 2) CURRENT PROPERTY OWNER:
GUY C. LEE MFG. COMPANY
PO BOX 1457
SMITHFIELD, NC 27577
- 3) CURRENT ZONING: B-3
- 4) NCPIN 169413-04-25B1
- 5) PARCEL AREA = 6.046 AC
ACCORDING TO DB 4473, PG 680
- 6) PROPOSED STORMWATER POND WILL BE
BUILD ONLY IF REQUIRED BY TOWN'S
STORMWATER ORDINANCE
- 7) A LANDSCAPING PLAN WILL BE SUBMITTED TO
MEET OR EXCEED THE TOWN OF SMITHFIELD'S
ORDINANCE.
- 8) A LIGHTING PLAN WILL BE SUBMITTED TO
MEET OR EXCEED THE TOWN OF SMITHFIELD'S
ORDINANCE.
- 9) EXISTING LIGHT POLES MAY NEED TO BE
RELOCATED, REMOVED OR REMAIN AS IS,
DEPENDENT ON LAYOUT OF CARLOT OR MOBILE
HOME LOT AND LIGHTING PLAN REQUIREMENTS



BUILDING SETBACKS

FRONT - 50' WHERE FRONTS ALONG AN
ARTERIAL OR COLLECTOR STREET, 35' OTHERWISE

SIDE - 15'

REAR - 25'

NOTE:
PARCEL LINES WERE TAKEN FROM JOHNSTON COUNTY GIS.
NO SURVEY HAS BEEN DONE. EXISTING CONDITIONS HAVE
BEEN DRAWN FROM 2005 ORTHOS.

APPLICANT:

GUY C LEE MFG COMPANY
PO BOX 1457
SMITHFIELD, NC 27577

REV. NO.	REVISION DESCRIPTION	DATE	ENGINEER	CHECKED	DATE	CLIENT:	PROJECT:	HORIZONTAL SCALE:	VERTICAL SCALE:	DATE:	SHEET #	TOTAL SHEETS

ANDREW W HODGE, PE
A W HODGE ENGINEERING
ENGINEERING - LAND DEVELOPMENT CONSULTING
PO BOX 1401, SMITHFIELD, NC 27577
PHONE: 919-934-3490
FIRM # C-3998

CLIENT: **GUY C. LEE MFG. COMPANY**

SHEET TITLE: **CONCEPTUAL PLAN**

PROJECT: **CAR LOT-XYZ**

HORIZONTAL SCALE: 1" = 60'
VERTICAL SCALE: N/A
DATE: 09/28/14
SHEET # 14-11
TOTAL SHEETS 1 of 1

DRAWN BY: AWB, CHECKED BY: AWB, DATE: 09/28/14, SHEET: 1 OF 1



9/23/14

Permits Issued with Summary
Permits Issued with Summary

Permit#	Permit Type	Sub Type	Business Name	Project Address	Business Phone	Issue Date
	Site Plan	Minor Site Plan	250.00	5		
	Zoning	Land Use	800.00	8		
	Zoning	Sign	150.00	3		
		Report Period Total:	1,200.00	16		
		YTD Total:	4,054.50	54		
SP14-000007	Site Plan	Minor Site Plan		712 South Vermont Street		08/04/2014
Z14-000024	Zoning	Land Use	All in One Wireless	817 South THIRD Street		08/04/2014
Z14-000025	Zoning	Land Use	Johnston Counseling Services	113 North Third Street		08/06/2014
SP14-000008	Site Plan	Minor Site Plan		400 LAUREL Drive	919-901-7545	08/06/2014
Z14-000026	Zoning	Land Use	Evans Jewelry	320 East MARKET Street	919-524-7499	08/07/2014
Z14-000027	Zoning	Land Use	Tanning Salon	606 West Market Street		08/08/2014
SP14-000009	Site Plan	Minor Site Plan		4057 US 70 BUS	919-418-9700	08/08/2014
Z14-000028	Zoning	Land Use	Lane Bryant	1049 Outlet Center Drive		08/11/2014
Z14-000029	Zoning	Land Use	City of Oaks Cremation /office only	125 North Second Street	919-934-9377	08/12/2014
SP14-000010	Site Plan	Minor Site Plan		309 Powell Street	919-631-0400	08/12/2014
SP14-000011	Site Plan	Minor Site Plan		110 MAPLE Drive	919-631-7003	08/12/2014
Z14-000030	Zoning	Sign	City of Oaks Cremation Services	125 North Second Street	919-934-9377	08/20/2014
Z14-000031	Zoning	Land Use	Cell Tower Antenna / Crown Castle	2591 US 70 BUS		08/20/2014
Z14-000032	Zoning	Sign	Fuller Street Church	1402 FULLER Street	919-934-4316	08/20/2014
Z14-000033	Zoning	Sign	Sleep Inn & Suites	270 North Equity Drive		08/26/2014
Z14-000034	Zoning	Land Use		706 WILKINS Street		08/26/2014