

# TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



**Chairman:** Eddie Foy

**Vice-Chairman:** Stephen Upton

## **Members:**

Mark Lane	Gerald Joyner (Alt.)
Jack Matthews	Daniel Sanders
Ashley Spain	Teresa Daughtry

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

**Meeting Date:** *Thursday, November 5, 2015*  
**Meeting Time:** *6:00 p.m.*  
**Meeting Place:** *Council Chambers, Smithfield Town Hall*

**AGENDA  
PLANNING BOARD  
REGULAR MEETING  
NOVEMBER 5, 2015  
MEETING TIME: 6:00 PM  
TOWN HALL**

**Call to Order.**

**Identify voting members**

**Approval of the minutes for October 1, 2015.**

**Public Hearings**

**RZ-15-05 Steven H. Gower:** The applicant is requesting to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the east side of US 70 Highway Business West approximately 220 feet north of its intersection with Cloverdale Drive. The property is further identifies as Johnston County Tax ID# 17J08004.

**Old Business.**

**New Business.**

**Adjournment.**

**DRAFT**  
**Smithfield Planning Board Minutes**  
**Thursday, October 1, 2015**  
**6:00 P.M., Town Hall, Council Room**

**Members Present:**

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

**Members Absent:**

**Staff Present:**

Mark Helmer, Senior Planner  
Veronica Hardaway, Administrative Support Specialist

**Staff Absent:**

**CALL TO ORDER**

**APPROVAL OF MINUTES FROM SEPTEMBER, 2015.**

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

Chairman Foy identified Gerald Joyner as a nonvoting member of the Board due to no absences. Chairman Foy encouraged Mr. Joyner to participate in the proceedings despite not having a formal vote.

**Public Hearings:**

After all persons giving testimony were duly sworn.

**RZ-15-05 Steven H. Gower:**

Mr. Foy opened the public hearing.

Mr. Helmer stated the applicant is requesting to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the east side of US 70 Highway Business West approximately 220 feet north of its intersection with Cloverdale Drive. The property is further identified as Johnston County Tax ID# 17J08004.

Mr. Helmer stated the property considered for a rezoning contains environmentally sensitive areas to include wetlands and the Little Poplar Creek floodplain. The property is also located

within the watershed protected area of the Town of Smithfield. Any further development proposal will be encouraged to limit encroachment into these areas and to maintain a maximum built upon area of 24% or less.

Mr. Helmer stated the property proposed for rezoning is currently being used for agricultural endeavors. The property contains 1 residential structure and 2 accessory structures which are located on the northeast side of the property. The eastern most property boundary is the approximate centerline of Little Poplar Creek. The 110 lot residential subdivision of Whitley Height is adjacent to and south of the property considered for rezoning. The 62 lot residential subdivision of Wedgewood is not adjacent to the property proposed for rezoning but is in close proximity and located to northeast and just across Little Poplar Creek. Adjacent to and north of the property considered for rezoning is an existing LI (Light Industrial) zoning district which is approximately 45 acres in area. Existing tenants include North American Van Lines located in a 70 thousand square foot facility and Technion Studio located in a 55 square foot facility. Other Light Industrial parks in the area include an unnamed facility that is the home of OPW Containment and Airport Industrial Park located off Swift Creek Road and adjacent to the airport. All of these facilities are located within the Town of Smithfield Planning and Zoning Jurisdiction.

Mr. Helmer stated the proposed rezoning to the LI (Light Industrial) zoning district is not consistent with the Strategic Growth Plan which recommends the property be zoned for low density residential development. However the property adjacent to an existing LI zoning district and the proposed rezoning is a logical extension of this district. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance (UDO) provided that all proposed future land uses and developments are constructed in accordance with minimum development standards. The property considered for a rezoning is located on a major corridor entering the Town from the west and is in close proximity to other like zoning districts. Rezoning this property from residential to a Light Industrial zoning district will not create any compatibility issues with the adjacent residential uses to the south provided that adequate buffers are installed as part of any future land use plan or subdivision. The Town of Smithfield will provide water and sewer, Duke Energy Progress will provide electric.

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately 47.78 acres of land from an R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district.

The Planning Board is requested to review the petition to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district and make a recommendation to Town Council based on the approval criteria for a rezoning.

Mr. Foy asked if anyone wanted to speak for or against the proposed rezoning.

Mr. Helmer stated the proposed project is part of a proposed certified Industrial site being assembled by Johnston County Economic Development Department. The applicant has been

contacted but is not present. Mr. Helmer requested that the Board hear the case despite the applicant not being present.

Daniel Sanders asked if the proposed rezoning was the strip of land between Swift Creek Road and Cloverdale.

Mr. Helmer stated the property is approximately 220 feet north of Cloverdale Drive.

Mr. Foy asked if there was any opposition.

Mr. Helmer stated he was not aware of any opposition.

Daniel Sanders asked how this project would affect the two churches near the property.

Mr. Helmer stated the churches were not notified of the project as they are not immediately adjacent properties.

Mark Lane asked how this property would be compatible to established neighborhood patterns.

Mr. Helmer stated that rezoning the property would not create conflicts providing that any use creating noise, dust, odor, and glare would only be permitted by Town Council as conditional use. The property will also be buffered from the adjacent residential subdivision and will not be accessible from Cloverdale Drive. Mr. Helmer also stated that there are two existing Industrial parks nearby and the current proposal is an expansion of an existing light industrial zoning district.

Teresa Daughtry asked if the applicant owned the large warehouse in that area.

Mr. Helmer stated the applicant does not.

Mark Lane asked if giving up residential land is a good decision.

Mr. Helmer stated the area is appropriate for this project and a residential development may not be the most appropriate use given the property is in such close proximity to the airport.

Mr. Helmer stated that if there is any future interest in a residential project on the subject property, the property could be rezoned back to an appropriate residential zoning district.

Teresa Daughtry asked if there would be any cost to the Town.

Mr. Helmer stated this land is not within the corporate limits and I'm not aware of any cost to the Town.

Mr. Foy stated he was aware it is not required for applicants to be present during the public hearings, however there are questions that need to be answered and would think someone would be representing this project.

Teresa Daughtry stated her concerns about the applicant not being present. She stated that the Board and possibly the neighboring property owners would have questions that only the applicant can answer. Teresa Daughtry stated that given the quasi-judicial nature of the case, she did not feel comfortable giving a recommendation until the applicant or his agent is present for examination.

Lois Cannon, 303 Pelham St. Selma, stated she is the executor of her mother's estate and 108 Cloverdale Drive was left to her and her siblings. She asked how this project would affect the property given that many manufacturing facilities use hazardous materials.

Mr. Helmer stated in LI (Light Industrial) zoning district, heavy chemicals are not used and toxic waste is generally not created. Mr. Helmer also stated the Smithfield Town Council will have approving authority for any future use involving bulk storage of chemicals or fuels.

Lois Cannon asked if the proposed zoning would affect property value in the area.

Mr. Helmer stated that any future manufacturing facility would be required to buffer itself from adjacent land uses.

Daniel Sanders asked if the applicant would have to come back if any changes are made.

Mr. Helmer stated that any future land use requiring a conditional use permit would also require a review and recommendation from the Planning Board.

Teresa Daughtry asked what the protocol is if the applicant isn't present.

Mr. Helmer stated that zoning regulations do not require the applicant to be present however; it is helpful if the applicant is present and all but impossible for any opposition to cross examine if the applicant is not present.

Jack Matthews stated his concerns about the applicant being absent from the proceeding and stated he had questions for the applicant.

Mr. Helmer stated the owner does not live in the area.

Mark Lane stated Chris Johnson should be present as the owner's agent.

Teresa Daughtry made a motion, seconded by Jack Matthews to table RZ-15-05 and continue the public hearing at the next regularly scheduled November meeting. Unanimous.

**ZA-15-03 Ross W. Lampe:**

Mr. Foy opened the public hearing.

Mr. Helmer stated the Mr. Lampe is requesting to amend the Town of Smithfield Unified Development Ordinance, Article 10, Section 10-1, Table of Permitted/Conditional Use Districts to allow for Contractor Vehicle Storage yards as a conditional use within the B-3 (Highway Entrance Business) zoning district.

Mr. Helmer stated the applicant is requesting that storage yards be permitted by conditional use in the B-3 (Entrance Highway Business) and B-2 (Business) zoning districts and permitted by right in the HI (Heavy Industrial) zoning district and be limited to contractor storage yards, insurance claim yards for vehicles and holding yards for repossessed vehicles. Storage yards shall be for the purpose of storage only and shall not be used for construction, demolition, salvage, repair, maintenance or any activities other than storage.

In addition to the above, storage yards shall be held to the following minimum development standards.

1. Storage yards shall be limited to a maximum size of 3 acres not including the access drive.
2. Storage yards shall be located at least 300 feet from the public street right of way.
3. Storage yards shall be accessed by a minimum 24 foot wide drive. The first 75 feet of the drive from the public street shall be paved to Town standards; the remainder of the drive and the storage yard can either be paved or graveled to Town standards.
4. Any individual vehicles shall not remain more than 180 days in either an insurance claim yard for vehicles or a holding yard for repossessed vehicles.
5. All storage yards shall be enclosed in a minimum 6 foot high galvanized schedule 40 chain link fence with 9 gauge fabric, two strains of barbed wire and lockable gates.
6. The fenced perimeter of the storage yard shall be screened from public view by an opaque evergreen vegetative screen that will reach a mature maintained height of at least 6 feet within three years of planting. This opaque evergreen vegetative screen shall be in addition to the normal landscape requirements set forth in the Article 18 of the UDO.

The Planning Board is requested to review the petition, conduct a public hearing and make a recommendation to Town Council for a zoning text amendment to allow for contractor storage yards, insurance claim yards for vehicles and holding yards for repossessed vehicles on unpaved lots within the B-3 (Entrance Highway Business) and B-2 (Business) and HI (Heavy Industrial) zoning districts.

Mr. Foy asked if anyone wanted to speak for or against the proposed zoning ordinance amendment.

Teresa Daughtry asked if the UDO is changed, will it be changed just for this property.

Mr. Helmer stated that if the proposed ordinance amendment is adopted, any project meeting the new minimum standard could take advantage of the new ordinance.

Teresa Daughtry stated the Board has been here before. She stated the board had expressed its concerns in the past about certain projects not meeting minimum standards. I feel this zoning amendment is the same thing that was proposed to us before only a different approach is being taken this time around. We're trying to change some of the businesses practices that created problems along our corridors in the past. Lowering development standards for these businesses will not make anything better.

Ross Lampe stated the problem arose last year when a prospective tenant wanted to store repossessed cars and the Town Ordinance required for it to be paved and landscaped just as if it were right off the main road. Mark has helped draw up a proposal for the project to be more than 300 feet from the street so it wouldn't have to be paved. There is no tenant available nor is there one in mind to rent. The property would be available in case someone wanted it. Basically the only difference from last year to this year is it doesn't have to be paved now.

Mr. Foy asked Mr. Helmer if this is just a simple vote to recommend or not recommend.

Mr. Helmer stated that is correct.

Daniel Sanders stated his concerns saying that once the ordinance is changed, anyone meeting the new standard can come to the Board and say I want to store junked and crashed cars on a gravel lot.

Stephen Upton stated his concerns saying that if you have a storage yard full of cars meeting the size requirement and another request comes in next door then the total affect is amplified.

Mr. Helmer stated prior to the UDO adoption in 2008, a lot of people were trying to get around the requirements to build a proper parking lots by stating storage of cars and even display of cars for sale was not considered as parking and was not required to meet parking standards. When the UDO was adopted, a definition of parking was adopted that read any space used for storage of a vehicle was considered parking and had to meet the minimum published standards for parking. Mr. Helmer stated the downside to this is that a bona fide junk yard is going to have a difficult time getting permitted without adopting an ordinance for junked, crashed or salvaged car yards.

Mr. Lampe stated the significant thing here is stated in the first paragraph of the last sentence. "Storage yards shall be for the purpose of storage only and shall not be used for construction, demolition, salvage, repair, maintenance or any activities other than storage".



Daniel Sanders stated if this proposal is adopted, the Board could potentially be changing things back to allow for gravel storage yards full of cars.

Teresa Daughtry stated if this ordinance is adopted, we'll have someone in here all the time wanting to do this.

Mark Lane stated he had concerns about the changing of the ordinance. Mark Lane asked Mr. Helmer if there has ever been another case similar to this.

Mr. Helmer stated that zoning text amendments are common and perfecting regulations is an ongoing task. However, the lowering of a standard as fundamental as parking is seldom seen.

Stephen Upton stated if the zoning amendment was adopted, the applicant would still have to come back and at that time additional conditions could be placed on the project.

Mr. Foy if there were any other questions or comments. There were none.

Mr. Foy closed the public meeting for RZ-15-04.

Teresa Daughtry made a motion, seconded by Jack Matthews to recommend denial requesting to amend the Town of Smithfield Unified Development Ordinance, Article 10, Section 10-1, Table of Permitted/Conditional Use Districts to allow for Contractor Vehicle Storage Yards as a conditional use within the B-3 (Highway Entrance Business) zoning district. **For Denial; Teresa Daughtry, Daniel Sanders, Ashley Spain, Mark Lane, Jack Matthews. Opposed; Stephen Upton, Eddie Foy. Motion passed 5-2.**

**Old Business:**

No report.

**New Business:**

No report.

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

Submitted this 1<sup>st</sup> day of October, 2015.

Veronica Hardaway  
Administrative Support Specialist  
Planning Department

**Steven H. Gower**  
**RZ-15-05**

**For Properties Located at:**

The property considered for rezoning is located on the east side of US 70 Highway Business West approximately 220 feet north of its intersection with Cloverdale Drive. The property is further identifies as Johnston County Tax ID# 17J08004.

**Property Owner:**  
**Steven H. Gower**

**Table of Contents**  
**Rezoning Request**  
**RZ-15-05**

**Staff Report**

**Exhibit A**

**Approval Criteria**

**Exhibit B**

**Planning Board Report / Actions**

**Exhibit C**

**Adjoining Property Owners Certification**

**Exhibit D**

**Rezoning Application**

**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:** RZ-15-05  
**Project Name:** n/a  
**TAX ID number:** 17J08004  
**Town Limits / ETJ:** ETJ and within 2 miles of Smithfield Corporate Limits  
**Applicant:** Steven H. Gower  
**Owners:** Steven H. Gower  
**Agents:** none  
**Neighborhood Meeting:** none

---

**PROJECT LOCATION:** East side of US 70 Highway Business West approximately 220 feet north of its intersection with Cloverdale Drive

---

**REQUEST:** Rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district

### SITE DATA:

**Acreage:** 47.78 acres  
**Present Zoning:** R-20A (Residential-Agricultural) B-3 (Business)  
**Proposed Zoning:** LI (Light Industrial)  
**Existing Use:** Agriculture / Residential  
**Proposed Use:** N/A

### DEVELOPMENT DATA:

**Proposed Use:** N/A - All uses permitted with in the LI (Light Industrial) zoning district may be considered for future site plan approval.

---

**ENVIRONMENTAL:** The eastern most portion of property contains environmentally sensitive areas to include wetlands and the Little Poplar Creek year floodplain. The property is also located within the watershed protected area of the Town of Smithfield. Any future development proposal will be encouraged to limit encroachment into these areas and to maintain a maximum built upon are of 24% or less.

---

## ADJACENT ZONING AND LAND USES:

North:	Zoning: LI (Light Industrial) Existing Use: Warehousing / Wooded
South:	Zoning: B-3 (Business) and R-20A (Residential-Agricultural) Existing Use: Whitley Heights Subdivision
East:	Zoning: R-20A (Residential-Agricultural) Existing Use: Vacant / Wooded
West:	Zoning: R-20A (Residential-Agricultural) and B-3 (Business) Existing Use: Agriculture / Byrd's Wholesale

---

## STAFF ANALYSIS AND COMMENTARY:

The property considered for rezoning is currently being used for agricultural endeavors. The property contains 1 residential structure and 2 accessory structures which are located on the northeast side of the property. The eastern most property boundary is the approximate centerline of Little Poplar Creek. The 110 lot residential subdivision of Whitley Height is adjacent to and south of the property considered for rezoning. The 62 lot residential subdivision of Wedgewood is not adjacent to the property proposed for rezoning but is in close proximity and located to northeast and just across Little Poplar Creek.

Adjacent to and north of the property considered for rezoning is an existing LI (Light Industrial) zoning district which is approximately 45 acres in area. Existing tenants include North American Van Lines located in a 70 thousand square foot facility and Technion Studio located in a 55 square foot facility. Other Light Industrial parks in the area include an unnamed facility that is the home of OPW Containment and Airport Industrial Park located off Swift creek Road and adjacent to the airport. All of these facilities are located within the Town of Smithfield Planning and Zoning Jurisdiction.

### **Consistency with the Strategic Growth Plan**

The proposed rezoning to the LI (Light Industrial) zoning district is not consistent with the Strategic Growth Plan which recommends the property be zoned for low density residential development. However the property is adjacent to an existing LI zoning district and the proposed rezoning is a logical extension of this district.

#### ○ **Consistency with the Unified Development Code**

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance provided that all proposed future land uses and developments are constructed in accordance with minimum development standards.

#### ○ **Compatibility with Surrounding Land Uses**

The property considered for a rezoning is located on a major corridor entering the Town from the west and is in close proximity to other like zoning districts. Rezoning this property from residential to a Light Industrial zoning district will not create any compatibility issues with the adjacent residential uses to the south provided that adequate buffers are installed as part of any future land use plan or subdivision.

---

**OTHER:**

FIRE PROTECTION: The Town of Wilsons Mills will provide fire protection.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: Approximately 740 feet or road frontage along US 70 Highway Business West.

WATER/SEWER PROVIDER: Town of Smithfield water and sewer allocation

ELECTRIC PROVIDER: Duke Energy

---

**FINDINGS:**

In connection with a legislative decision for a rezoning request, the Town council may consider certain approval criteria. Please refer to attached "Approval Criteria". Planning Staff generally accepts these findings as fact as part of a complete application submitted by the petitioner.

---

**Planning Department Recommendations:** The Planning Department recommends approval of the request to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district

---

**Planning Board Actions:** The Planning Board, at its October 1, 2015 meeting, unanimously voted to table the rezoning request until the November 5, 2015 meeting of the Planning Board.

---

**Planning Board Actions:** The Planning Board is requested to review the petition and make a recommendation to Town Council in accordance with the approval criteria for the rezoning of approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district

---

**Exhibit B**  
**Approval Criteria**



# Town of Smithfield

## Rezoning Permit Application

### Approval Criteria

Application No. RZ-15-05 Name: Steven H. Gower

**Request: Zoning reclassification from R-20A (Residential-Agricultural) and B-3 (Highway Business Entrance) to the LI (Light-Industrial) zoning district.**

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application.

The Council has the responsibility to determine if the zoning map amendment is warranted. The Town Council of the Town of Smithfield shall decide the matter of this rezoning application by motion and vote on each of the following eight findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

#### 1. Finding One of Eight:

*....The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield....*

Circle One

A. Agree

The rezoning request from the low density residential zoning district to a light industrial zoning district is not consistent with the recommendations of the Future Land Use Plan which calls for low density residential uses. However, expanding the existing light industrial zoning district to the subject property will create opportunities for future job growth in the area.

B. Disagree

The Future land use plan has identified this property as being suitable for low density residential development and open space. The additional commercial activity and the traffic generated by such intensive uses offered by the light industrial zoning district will allow for harmful and adverse impacts on the area, particularly to the adjacent residential properties to the south.

## 2. Finding Two of Eight

***....The rezoning petition is compatible with established neighborhood patterns of the surrounding area....***

Circle One

A. Agree

The rezoning petition is compatible with established neighborhood patterns of the surrounding area. This area contains some of the most productive industrial properties located within the Town of Smithfield Planning and Zoning Jurisdiction.

B. Disagree

Although no known compatibility issues with adjacent land uses have occurred in the past, rezoning the property to the light industrial zoning district could create the potential for additional congestion along US Hwy 70 in the form of additional retail shopping centers, restaurants, gas stations and urban sprawl in general.

## 3. Finding Three of Eight

***....The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning....***

Circle One

A. Agree

The rezoning request from the low density residential and highway entrance business zoning districts to a light industrial zoning district is consistent with historical trends suggesting that some industrial and manufacturing facilities prefer to be located in close proximity to Johnston County Airport.

B. Disagree

The rezoning petition is NOT compatible with the changing neighborhood conditions that might warrant a rezoning because recently constructed residential subdivisions have been built along Swift Creek Road and within the airport overlay zoning district.

## 4. Finding Four of Eight

2 of 5

RZ-15-05

***....The rezoning request is in the community interest....***

A. Agree

The rezoning will allow for a wider range of commercial and light industrial uses and provide additional area for consideration of large scale manufacturing uses and developments. Any development that will occur from the rezoning will increase the tax base as an additional benefit.

B. Disagree

The denial of the rezoning will be in the best interest of Smithfield because it will maintain a reservoir of low density residential properties for future development.

## **5. Finding Five of Eight**

***....The request does not constitute "Spot Zoning"....***

A. Agree

It is unlikely an argument could be made for "spot zoning" or "small scale" since the rezoning will be expanding on an already existing light industrial zoning district.

B. Disagree

Since the rezoning does not meet the definition of spot zoning then there is no valid basis for denial.

## **6. Finding Six of Eight**

***....Present regulations deny or restrict the economic use of the property....***

A. Agree

The property is currently zoned for residential and agricultural uses. Additional manufacturing and industrial uses such as those permitted in the light industrial zoning district cannot occur unless the property is rezoned.

B. Disagree

There are no considerations for residential development in the light industrial zoning district. Residential uses should be pursued in more depth prior to rezoning to light industrial.

## **7. Finding Seven of Eight**

**....the availability of public services allows consideration of this rezoning request....**

A. Agree

In addition to public water and sewer being available to the site, the property is served with electricity by Duke Energy. CenturyLink and Time Warner also serve the area with phone and cable respectively.

B. Disagree

Since all the above utilities serve the area then there can be no justification to deny the petition.

## **8. Finding Eight of Eight**

**....Physical characteristics of the site prohibit development under present regulations....**

A. Agree

There are no physical restraints to the area considered for rezoning such as wetlands, stream buffers, potential flood hazard areas and storm water that would outright prohibit development of the property. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.).

B. Disagree

Since there are no physical features such as rock out crops that would render the rezoned *area undevelopable and given the fact that proper permits more than likely can be obtained then there is no basis for denial based on physical characteristics.*

**9. 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 stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative I move to approve the Rezoning Petition RZ-15-05.

**Motion to Deny:** Based upon the failure to adequately address all of the above stated eight findings and for the reasons stated therein, I move to deny the Rezoning Petition RZ-15-05.

**10. Record of Decision:**

**Based on a motion and majority vote of the Town of Smithfield Town Council, Rezoning Petition RZ-15-05 is hereby:**

**Check one**

\_\_\_\_\_ **Approved for the following reasons:**

---

---

---

\_\_\_\_\_ **Denied for the following reasons:**

---

---

---

**Decision made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ while in regular session.**

---

**Mr. 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. Emblar, Jr., Director

---

**ADJOINING PROPERTY OWNERS CERTIFICATION**

**I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, RZ-15-05, were notified by First Class Mail on 10-12-15.**

\_\_\_\_\_  
Signature

Johnston County, North Carolina

I, Veronica T. 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

\_\_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Notary Public Name

My Commission expires on \_\_\_\_\_  
(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, November 5, 2015 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**RZ-15-05 Steven H. Gower:** The applicant is requesting to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the east side of US 70 Highway Business West approximately 220 feet north of its intersection with Cloverdale Drive. The property is further identifies as Johnston County Tax ID# 17J08004.

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](http://www.smithfield-nc.com).

**Run "Legal Ad" in the Smithfield Herald on 10/21/15 and 10/28/15**



## PLANNING DEPARTMENT

Paul C. Emblar, 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, November 5, 2015 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**RZ-15-05 Steven H. Gower:** The applicant is requesting to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the east side of US 70 Highway Business West approximately 220 feet north of its intersection with Cloverdale Drive. The property is further identifies as Johnston County Tax ID# 17J08004.

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  
RZ-15-05

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15096025	168506-39-6473	WALLIN, CATHERINE C	432 CLOVERDALE DR	CLAYTON	NC	27520-6805
15095017	168506-29-8454	FORD, RONALD E SR	324 CLOVERDALE DR	CLAYTON	NC	27520-0000
17J07024H	168618-30-6281	LMR RENTALS A NC GENERAL PARTN	201 S BRIGHTLEAF BLVD STE 5	SMITHFIELD	NC	27577-4077
17J07026K	168618-30-6541	JERRY GOWER CONSTRUCTION CO IN	7324 SEIMANS ROAD	WENDELL	NC	27591-0000
17J07027	167600-90-2721	GIRSBERGER INDUSTRIES INC	P O BOX 1476	SMITHFIELD	NC	27577-0000
17J07027A	168617-00-7341	COUNTY OF JOHNSTON	PO BOX 1049	SMITHFIELD	NC	27577-0000
15095007B	168505-19-9475	GODWIN, BILLY HOWARD	204 CLOVERDALE DR	CLAYTON	NC	27520-0000
15095009	168505-29-0455	THOMPSON, NATHANIEL JR	212 CLOVERDALE DRIVE	CLAYTON	NC	27520-0000
15095002	168505-19-2581	PASSER, GREGORY ROLF	3650 US 70 W BUS	CLAYTON	NC	27520-9015
15095004	168505-19-5456	CANNON, DORIS R	108 CLOVERDALE DR	CLAYTON	NC	27520-0000
15095006	168505-19-7456	BRYANT, HAZEL LENOY LF EST	114 CLOVERDALE DR	CLAYTON	NC	27520-9618
15095012	168505-29-3455	TUCKER, SUSAN H	304 CLOVERDALE DR	CLAYTON	NC	27520-0000
15095013	168505-29-4454	ROELOFS, BENJAMIN	308 CLOVERDALE DRIVE	CLAYTON	NC	27520-0000
15095014	168506-29-5445	PITTMAN, JIMMIE LINCOLN HEIRS	C/O PITTMAN, MYRTICE E	CLAYTON	NC	27520-0000
15095007	168505-19-8455	GODWIN, BILLY HOWARD	204 CLOVERDALE DR	CLAYTON	NC	27520-0000
15095007A	168505-19-9425	GODWIN, BILLY HOWARD	204 CLOVERDALE DR	CLAYTON	NC	27520-0000
15095015	168506-29-6444	PITTMAN, MYRTICE	316 CLOVERDALE DRIVE	CLAYTON	NC	27520-0000
15096020	168506-39-1494	RHODES, BONNIE S	45 LATOMA DR	ROXBORO	NC	27574-0000
15096019	168506-39-0475	DICKENS, WILLARD V	3414 NC HIGHWAY 222 W	KENLY	NC	27542-0000
15J08090A	168506-29-7444	BYRD, C A III	205 LONGVIEW DR	SMITHFIELD	NC	27577-0000
15J08090F	168505-19-4455	ABAYA, JOSE R	104 CLOVERDALE DRIVE	CLAYTON	NC	27520-0000
15J08090M	168506-39-2493	WOODARD, ANTHONY R	P O BOX 2278	SMITHFIELD	NC	27577-2278
15O99003J	168505-19-6456	CULPEPPER, JAMES	20 SMOKE RISE DR	MURPHY	NC	28906-7046
15J08009G	168505-09-5521	WOOD, ANN U	286 LITTLE CREEK CHURCH ROAD	CLAYTON	NC	27520-0000
15095010	168505-29-1445	LACKEY, ROBERT E	216 CLOVERDALE DR	CLAYTON	NC	27520-0000
17J08007	168618-40-4084	RAYLAND L EATMON REVOCABLE TRT	110 MAPLE DRIVE	SMITHFIELD	NC	27577-0000
15096023	168506-39-4414	ORPIN, MARY LOU	C/O CODY ORPIN	MARSHALL	AR	72650-0144

Adjacent Property Owners of  
RZ-15-05

17J08004	168505-19-8748	GOWER, STEVEN HOWARD	1707 WINDSOR RD	KINSTON	NC	28504-0000
17J08001C	168617-10-1628	HARGIS, RUSSELL STEVE	1199 CRANTOCK RD	SMITHFIELD	NC	27577-0000
17J08003	168505-09-7984	BYRD, C A III	3777 US HIGHWAY 70 BUS W	CLAYTON	NC	27520-0000
17J08003A	168617-00-5191	BYRD, C A III	3777 US HIGHWAY 70 BUS W	CLAYTON	NC	27520-0000
15095011	168505-29-2444	ACTION PROPERTY GROUP LLC	503 ZIRCON LN	KNIGHTDALE	NC	27545-7234
15J08090N	168506-39-5442	AMERICAN RESIDENTIAL LEASING	7047 E GREENWAY PARKWAY	SCOTTSDALE	AZ	85254
17J08001	168617-10-5763	HARGIS, R STEVE	1199 CRANTOCK ROAD	SMITHFIELD	NC	27577-0000
17J08001D	168617-20-4947	HARGIS, R STEVE	1199 CRANTOCK ROAD	SMITHFIELD	NC	27577-0000
15096018	168506-29-9454	STATE EMPLOYEES CREDIT UNION	PO BOX 26807	RALEIGH	NC	27611

**Exhibit E**  
**Rezoning 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

## REZONING APPLICATION

*Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning 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 for a rezoning to a Standard District.*

Name of Project: Gower Property Acreage of Property: 47.78  
 Parcel ID Number: 17508004 Tax ID: 4219010  
 Deed Book: 01135 Deed Page(s): 0382  
 Address: 3830 US Hwy 70 BNS CLAYTON, N.C. 27520  
 Location: 4 mi. W of Smithfield

Existing Use: AGRICULTURE Proposed Use: LIGHT INDUSTRIAL  
 Existing Zoning District: R 20 A  
 Requested Zoning District: L-I  
 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): \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: R2-15-05 Date Received: 9/4/15 Amount Paid: \$300<sup>00</sup>

**OWNER INFORMATION:**

Name: STEVEN H. GOWER  
Mailing Address: 1707 WINDSOR RD KINSTON, NC 28504  
Phone Number: 252 522-5293 Fax: \_\_\_\_\_  
Email Address: sgower@PLYGEMWINDOWS.COM

**APPLICANT INFORMATION:**

Applicant: SAME AS ABOVE  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**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:*

- A map with metes and bounds description of the property proposed for reclassification.
- A list of adjacent property owners.
- A statement of justification.
- Other applicable documentation: \_\_\_\_\_

**STATEMENT OF JUSTIFICATION**

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

WORKING WITH COUNTY ECONOMIC DEVELOPEMENT TD  
HAVE SITE CERTIFIED.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REQUIRED FINDINGS OF FACT**

*Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for zoning map amendment 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. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

*Yes*

---

---

---

---

---

- 2. *The zoning petition is compatible with established neighborhood patterns of the surrounding area:*

---

---

---

---

---

- 3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*

---

---

---

---

---

- 4. *The rezoning request is in the community interest:*

---

---

---

---

---

- 5. *The request does not constitute "Spot Zoning":*

---

---

---

---

---



6. *Present regulations deny or restrict the economic use of the property:*

---

---

---

---

---

7. *The availability of public services allows consideration of this rezoning request:*

---

---

---

---

---

8. *Physical characteristics of the site prohibit development under present regulations:*

---

---

---


---

---

**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 zoning map amendment. 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.*

STEVEN H. GOWER  
Print Name

  
Signature of Applicant

2/6/13  
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: GOWER FARM Submittal Date: 9/4/15

**OWNERS AUTHORIZATION**

I hereby give CONSENT to CHRIS JOHNSON (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] STEVEN H. GOWER 9/4/15  
 Signature of Owner Print Name Date

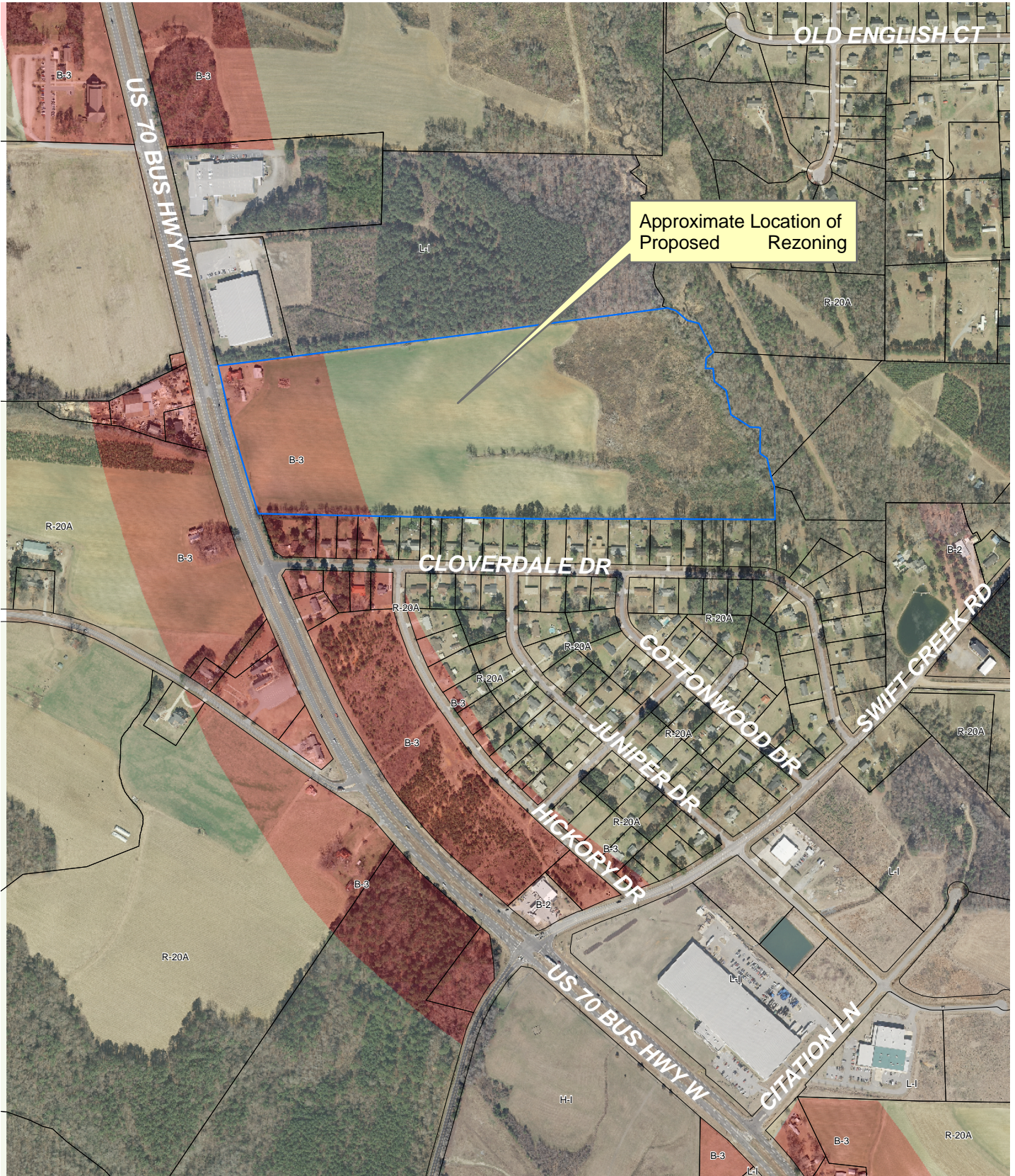
**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

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] STEVEN H. GOWER 9/4/15  
 Signature of Owner/Applicant Print Name Date

**FOR OFFICE USE ONLY**

File Number: RZ-15-05 Date Received: 9/4/15 Parcel ID Number: 17J08004



Vicinity Map for:  
RZ-15-05  
Applicant:  
Steven H. Gower



Map Created by Town of Smithfield  
Geographic Information Services

