

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, August 4, 2016*
Meeting Time: *6:00 p.m.*
Meeting Place: *Council Chambers, Smithfield Town Hall*

**AGENDA
PLANNING BOARD
REGULAR MEETING
AUGUST 4, 2016
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Identify voting members

Approval of the minutes for June 2, 2016

Public Hearings

CUP-16-06 Car Service of Four Oaks: The applicant is requesting a conditional use permit to operate an automotive sales lot designed to accommodate no more than 10 automobiles for sale on property located within a B-3 (Business) zoning district. The property considered for approval is located on the south side of East Edgerton Street approximately 430 feet south of its intersection with North Brightleaf Boulevard. The property is further identified as Johnston County Tax ID# 15006015.

Old Business

New Business

Nomination of Chairman

Nomination of Vice Chairman

Adjournment

DRAFT
Smithfield Planning Board Minutes
Thursday, June 2, 2016
6:00 P.M., Town Hall, Council Room

Members Present:

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

Members Absent:

Eddie Foy

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

Also Present:

Bob Spence, Town Attorney
Paul Emblar, Planning Director

CALL TO ORDER

APPROVAL OF MINUTES FROM APRIL 7, 2016.

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

Public Hearings:

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

Mr. Upton identified Gerald Joyner as a voting member of the board due to a board members absence.

CUP-16-04 Grodproductions:

Mr. Helmer stated the applicant is requesting a conditional use permit to conduct a studio for the performing arts on property located within a B-2 (Business) zoning district. The property considered for approval is located on the south side of East Market Street approximately 200 feet southeast of its intersection with Bright Leaf Boulevard. The property is further identified as Johnston County Tax ID# 15027026.

Mr. Helmer stated the property considered for approval contained a large residential structure which fronts on Ninth Street and a smaller building which fronts on East Market Street. This smaller building contains a residential unit on the second floor and the first floor will contain the requested recording studio. Parking is provided in the rear of the building. The proposed use is a studio for audio and video recording of performing arts.

Mr. Helmer stated 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 recording studio is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of Bright Leaf Boulevard and Market Street. A recording studio is a permitted use within a B-2 (Business) zoning district with a valid Conditional Use Permit. Adequate parking exists in the rear of the structure and no other site improvements are requested at this time.

Mr. Helmer stated a recording studio at this location should not pose a compatibility issue with surrounding land uses providing that all noise ordinances are adhered to. The proposed recording studio will qualify for one wall sign. There does not appear to be adequate space on lot for a ground sign. The Town of Smithfield will provide fire protection as well as water/sewer and electric services.

Planning staff recommends approval of the Conditional Use Permit request to allow for the operation of a recording studio on property located within a B-2 (Business) zoning district.

The Planning Board is requested to review the petition and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit to allow for a recording studio on property located within a B-2 (Business) zoning district.

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

Mark Lane asked if the applicant was present.

Mr. Helmer stated the applicant was present.

Gerald Sanders, 103 Britt Street Smithfield, stated he was the applicant of the performing arts studio.

Daniel Sanders asked the applicant how the neighbors in the area felt about the recording studio coming to their neighborhood.

Gerald Sanders stated he spoke with the resident upstairs and requested him to let Mr. Sanders know if he was being too loud. Mr. Sanders stated the equipment that is used is mainly headphones and not large speakers and that loud noise should not pose a problem.

Mark Lane stated he was concerned with the level of noise.

Gerald Sanders stated the studio is more for recording and lots of outside noise can actually interfere with the music. You can do this type of work in a house, but this is more for commercial use.

Teresa Daughtry asked with there being a residence upstairs and commercial downstairs if the building met the fire code.

Mr. Helmer stated when the upstairs apartment was converted residential and the downstairs unit was rehabilitated for commercial uses; the fire inspector inspected the structure.

Teresa Daughtry asked if the project would still have to pass an inspection prior to permitting.

Mr. Helmer stated yes the applicant would have to get an inspection prior to occupying the space.

Daniel Sanders asked how Hugh Sanders, the funeral home owner, felt about the applicant moving in next door.

Gerald Sanders stated he hasn't had any problems with Hugh Sanders. He stated there's a separation between him and the funeral home. He stated he really hasn't had the time to speak with surrounding neighbors since there's a process to try and get everything for approval.

Teresa Daughtry asked if the studio would be open to the public and what would be the hours of operation.

Gerald Sanders stated the studio would be open to the public. He stated he has a full time job so starting off the studio would be open by appointment in the evenings.

Teresa Daughtry asked what evening time meant.

Gerald Sanders stated about 3 or 4 pm until 9pm.

Mark Lane asked if the house next door located on Ninth Street was vacant.

Gerald Sanders stated that house was occupied.

Mr. Helmer stated he did drive by the area and looked at the property. All three structures are owned by Bonnie Mac LLC and did see some activity and some personal items on the porch and looked as though it was occupied.

Mr. Helmer asked in modifying the internal space of the building if a sound proof booth would be constructed and control room.

Gerald Sanders stated yes, but there wouldn't be too much modification.

Teresa Daughtry stated she would like to know the definition of an art studio.

Gerald Sanders stated the art is more like open mic poetry, gospel, R&B, or someone who wants to express themselves through music.

Teresa Daughtry asked if it was a group of people gathering together.

Gerald Sanders stated no. He stated you really want to keep the sound down so that it doesn't interfere with the music because the microphones pick up so much.

Ashley Spain asked if it was more by appointment only.

Gerald Sanders stated that was correct.

Stephen Upton asked what the latest hour the studio would be open.

Gerald Sanders stated 9pm.

Mark Lane asked what the earliest hours he would be open.

Gerald Sanders stated 12pm.

Teresa Daughtry stated conditions should be placed on the permit for hours of operation.

Teresa Daughtry asked if 11pm was the noise ordinance time.

Stephen Upton stated 11pm.

Daniel Sanders asked the applicant what his hours would be if there is a viewing at the funeral home going on next door.

Gerald Sanders stated he would be conscious of what other businesses in the area have going on. Noise would not be going on in the studio since headphones are being used. The only time sound would come out is during playback.

Teresa Daughtry asked how many parking spaces are allowed and was that requirement being met.

Mr. Helmer stated the building was rehabbed a while back and at that time 8 parking spaces were allowed.

Ashley Spain asked with the building being a commercial setting, would it have to be handicap accessible internally and externally.

Mr. Helmer stated that was addressed at the time of rehab of the building. It is a building code issue and can be addressed at the time of inspection.

Gerald Sanders stated there was a ramp located at the back of the building.

Mark Lane asked if the building would pass handicap inspection.

Mr. Helmer stated the older buildings have to meet handicap accessibility as much as practical and most of those buildings do not have enough room.

Gerald Joyner asked if there will be any employees and if so how many. Mr. Joyner also asked how many cars would be in the parking lot at one time.

Gerald Sanders stated he would be the only employee and at most there will be two cars at one time.

Daniel Sanders asked the town attorney, Bob Spence, if the board could place time limits on the businesses operation hours.

Bob Spence stated yes as long as it has a reason related to noise etc.

Mark Lane asked if a noise problem arises could the permit be pulled.

Bob Spence responded that the permit could be pulled but it would be more difficult.

Being no further questions, Mr. Upton closed the public meeting for CUP-16-04.

Mark Lane made a motion, seconded by Jack Matthews, to move to the Finding of Fact.

The 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 reason or conclusions reached in support of the motion.

1. *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 studio for the performing arts at this location will not materially endanger the public where shown because the site has existing parking available and layout of the site facilities safe movement of automobiles and pedestrian traffic with little additional congestion. *All members stated true.*

2. *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 studio for the performing arts at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance providing a conditional use permit is secured and a valid zoning permit issued. *All members stated true.*

3. *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 studio for the performing arts 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 noise does not exceed the published noise ordinance standards. *All members stated true.*

4. *Based on 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 studio for the performing arts 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 minimum parking standards. *All members stated true.*

Based upon satisfactory compliance with the above stated four findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;

Teresa Daughtry made a motion, seconded by Mark Lane to recommend approval of a conditional use permit to conduct a studio for the performing arts on property located within a B-2 (Business) zoning district with the following conditions:

1. The hours of operation are set at 12pm-9pm.

Unanimous.

CUP-16-05 Canon Farm, LLC:

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

Mr. Helmer stated the applicant is requesting a Conditional Use Permit to construct and operate a solar farm on property located within an R-20A (Residential-Agricultural) zoning district. The property considered for approval is located on the southeast side of the intersection of Lee-Youngblood Road and Wilsons Mills Road. The property is further identified as Johnston County Tax ID# 17K09005.

Mr. Helmer stated the proposed use is a fixed tilt, photovoltaic solar farm with electrical power inverters, electrical transformers, buried conduit, security fence and planted buffer yards. The proposed facility will tie into Duke Energy power grid. There are environmentally sensitive areas on the property considered for a Conditional Use Permit which include (1) a jurisdictional buffer stream; (2) the Watershed Protection Overlay District and (3) close proximity to the Neuse River Conservation Overlay District.

Mr. Helmer stated the proposed solar facility is considered a utility and permitted in all zoning districts with a Town of Smithfield Town Council approved Conditional Use Permit. The entire facility will be fenced and gated and a fifty foot landscape buffer outside of the fence line. Access to the site will be from a private drive off of Wilson's Mills Road. NCDOT driveway permits will be required. The property will be served by private well and septic if needed. The

Strategic Growth Plan has identified this area as being suitable for low density residential and agricultural land uses. The Strategic Growth Plan has identified a commercial node on Wilson's Mills Road north of the subject property. A new commercial node has been created with the construction of the Durwood Stephenson Highway. Thus, the residential/commercial corridor should be reserved for future development as the comprehensive land use plan states.

Mr. Helmer stated public utilities type uses are permitted in all zoning districts with an approved conditional use permit and will be subject to any reasonable condition that may be placed on the project. The existing and surrounding land uses are low density residential and agricultural in nature. It is unlikely that negative impacts on existing farm uses will occur providing the site is properly buffered in accordance with the Town of Smithfield Unified Development Regulations. Existing residences will experience immediate aesthetic impacts due to the construction of the array. Future land uses will be hampered because of an industrial type use being located in a transportation corridor identified for future commercial and residential uses. Sign requirements will be minimal for the requested use. Wilson's Mills will provide fire protection, a private well and septic as needed, and Duke Progress Energy will provide electric services.

The Planning Department recommends that if the application is recommended for approval by the Planning Board, that the following conditions be placed on the project:

1. Provide a minimum 50 foot landscape buffer with required plant material and 100 foot buffer with required plant material where adjacent to residential homes.
2. Install security fence with gate prior to operation of the facility.
3. Secure an approved NCDOT driveway permit prior to construction of facility.

The Planning Board was requested to review the petition for a solar farm on property located in the R-20A (Residential-Agricultural) zoning district and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.

Witnesses for the hearing were sworn.

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

Brett Hannah, attorney with Smith Moore & Leatherwood representing Canon Farm LLC, stated he has a few people with him representing this project. Sam Judd and Jim Haley who are engineers, Rich Kirkland an NC licensed appraiser, and Beth Trahos; law partner. Mr. Hannah stated he can tell by the crowd the solar farm is not popular with the audience but he believes it is nevertheless an ideal use for this property in that it does not disturb the land very much as far as the Watershed is concerned. The way these arrays are constructed, the poles are placed by hand in the ground so there is minimal grading required. Also, it is not an impermeable surface so there is little property runoff. Looking at the plan and thinking of the use, the use will not materially endanger the public or general welfare. It generates less traffic then a single family residence in a week. During the construction phase of approximately 6 months, there will be traffic but lasts a short time. The solar farm is not manned so there will not be anyone there on a regular basis. Someone does come by once a week to maintain the property. The property will be surrounded by a fence that is required. The applicant does not want to grade the site nor get

rid of trees. The design meets the Town of Smithfield Unified Development Ordinance requirements. There will be no structures except utility poles on the site that are higher than 25ft. When these solar farms are built they are usually hard to see from the road and will blend in more with the surrounding areas of the site. There are no lights and there is a low hum noise from collecting energy only during daylight hours. There will be no glare coming from the panels and the use will not injure the attributes of adjoining properties. Mr. Hannah stated the use is very quiet and passive. The use will also be in harmony with the surrounding area and will not create any activities that would be adverse to the abutting properties.

Mark Lane asked Mr. Hannah if he had any expertise in the solar industry.

Mr. Hannah stated he has gained expertise in representing many solar developers for three years. He stated he has represented and got approval of approximately 200 solar farms across North Carolina, including Johnston County.

Teresa Daughtry asked if they could share with the board where the solar farm locations are in Johnston County.

Mr. Hannah stated the solar farms located in Johnston County are who he represents and are not Strata Solar developers.

Teresa Daughtry asked if Strata Solar has been anywhere in the area.

Sam Judd, Development Manager, stated the closest farm they have is in Nash County. He stated Strata Solar has approximately 100 farms either built or are currently in construction across the state.

Mark Lane asked what happens when the lifetime of the panels has expired in 25 years.

Jim Halley, Licensed Engineer, stated what Strata Solar thinks will happen is when new technology is created, the old panels will be replaced with new panels that will produce twice the amount of energy.

Teresa Daughtry asked if a traffic study was conducted and how are locations chosen.

Sam Judd stated there are certain things that have to be in place such as electrical infrastructure, including heavy gauge 3 phase Duke Progress wire and the site has to be in a certain proximity of a substation with enough capacity to accommodate one of these projects. He stated this site is the only property Strata could make contract with.

Mark Lane asked what if in 25 years Strata decides they don't want this property.

Jim Halley stated if the owner does not want to renew the lease after 25 years Strata comes in and pulls off all of the panels and recycle them, the posts and inverters come out and is easily reverted back to a farm field.

Mark Lane asked who would be responsible for the cost of the decommissioning.

Jim Halley stated Strata Solar.

Stephen Upton asked who is the beneficiary is of the solar power.

Sam Judd stated the power is produced at the farm and transferred over to the substation and then distributed to the local community.

Stephen Upton asked who the owner of the substation is.

Sam Judd stated Duke Energy.

Daniel Sanders asked what the setback is from Wilson's Mills Road.

Sam Judd stated 50ft.

Stephen Upton asked if the setback can be pushed back.

Sam Judd stated at the request of the board it can be.

Mr. Hannah added the closest panel from a residence is 215 feet.

Rich Kirkland, 9408 Northfield Ct Raleigh, stated he is a Certified General Appraiser for 20 years and is also a member of the National Appraiser Institute. He referenced a subdivision located in Goldsboro that is next door to a solar farm, he stated those homes in that subdivision have been sold before and after the construction of the farm. Data shows there have been no impact on property values in that area. Mr. Kirkland referenced two agricultural pieces of property; one in Orange County and one in Person County, both of which did not have any negative impacts on property values. He stated it was his professional opinion that the adjoining properties will not be negatively impacted and that the farm would be a harmonious use. There are no foul odors emitted from the farm and there's minimal noise. The height of the panels would be shorter than a single story house and are easily screened.

Daniel Sanders excused himself from the meeting due to a family emergency.

Mark Lane asked if any of the land values of the sites Mr. Kirkland referenced were impacted.

Mr. Kirkland stated the land values were not negatively impacted.

Mark Lane asked if the Wilson's Mills Road site was the only property that was looked at for the project.

Mr. Kirkland stated no.

Teresa Daughtry stated she has been told that some solar farms have had issues in the morning when the sun is shining bright and the panels heat up that birds have died. Ms. Daughtry asked if this has ever been an issue.

Jim Halley stated he has been employed with Strata for 2 ½ years and has been involved with approximately 80 farms and has never experienced this issue.

Karen Keen Casey, 922 Crocker Rd. Smithfield, stated she is an heir to the Roy Keen property which is directly across the street from the proposed project. Ms. Casey stated the solar farm located on Yelverton Grove Road in Smithfield has been maintained poorly with overgrown grass. She stated that representing the Keen family, they are satisfied with the agriculture and residents out there now and do not want the solar farm mainly because of the appearance. She stated everyone enjoys the wildlife that is there and wonder how the fencing will affect that wildlife. Ms. Casey is concerned with the traffic in this area due to fast approaching vehicles. She stated that when the solar farm on Yelverton Grove Road was constructed, cars were parked all over the side of the road and that will cause a dangerous situation.

Will Stephenson, 1824 Wilson's Mills Road, stated his property borders the southwest corner of the proposed site. He stated his main concern was the negative impacts on property values. He bought his house two years ago and at that time there were no plans of a solar farm. He noted of the properties the appraiser referenced earlier that they were subdivisions and believes the owners in this area would be impacted differently. Mr. Stephenson stated in the site plan, the solar panels vary in height between 6 and 7 feet, it shows a chain-link fence at 6 feet with barbed wire above, along with shrubs at a height of 6 feet after 3 years of growth. He stated the topography of the area where the solar panels will be placed is higher in the center which means he won't have much of a buffer. Mr. Stephenson asked if this project is comparable to a utility or is there a city ordinance specific to a solar farm.

Mr. Helmer stated as far as buffer standards, the Town of Smithfield has a matrix. On one end of the spectrum is residential and the other end is industrial. The closer to the two uses are the wider the buffer gets. The Town of Smithfield Unified Development Regulations currently requires a 40 foot planted buffer between residential and industrial. The Planning Board can recommend and the Town Council can approve buffers that exceed the minimum buffers required.

Jim Wilson, 1679 Wilson's Mills Road, stated he had a petition protesting this project signed by all of the adjacent property owners in the area. He stated he is more concerned about the future development prospects and the potential of the property in the ETJ. The Future Land Use Plan has commercial zoning less than a mile from the project which is not good for future development. It is his strong belief that the future of our town is west by the 70 corridor, Buffalo Road, and Wilson's Mills Road. Wilson's Mills Road has County water, fiber optic cable, natural gas, and sewer. He stated Durwood Stephenson Highway was developed to induce commercial growth. This project will deter future growth of the town, will depress property values, will become a safety issue, and does not conform.

Beth Trahos, attorney with Smith Moore & Leatherwood representing Canon Farm LLC, stated for purposes of the record this hearing is unique being it's quasi-judicial. It is understood that the Planning Board makes a recommendation to the Town Council but in the interest of maintaining the formalities that are required of the quasi-judicial process on behalf of the project we would object to the inclusion of a petition in the record as hearsay. Evidence not permitted to be admitted in a quasi-judicial hearing we would also object to the testimony that has been heard about impact on property values, traffic generation, safety, and other topics which the individuals

speaking to you are not qualified experts. She stated she would like a standing objection to be held.

Bob Spence stated everyone can appear before the Board, these cases come here for an advisory opinion. The Town keeps a formal record that is later used for appealed cases. At that time the Judge excludes all evidence that is not competent. NC, unlike some states, permits lay persons to give opinions on effects on fair market value of real property but the witness must have particular knowledge of the property as it relates to the issue involved. If a witness is unaware what competent evidence is, they should find someone with expertise to help you.

Alec Wilson, 1663 Wilson's Mills Road, stated he lives next to the proposed project. He stated there are many other locations around Johnston County that are a better fit for the solar farm. Mr. Wilson asked what benefit the solar farm will bring to this neighborhood. He stated the only benefit he can see is a property tax benefit for the County. The power will be sold through Duke Energy and that wouldn't mean lower power bills for the area.

Elaine Byrd, 1948 Wilson's Mills Road, stated she bought her property four years ago. She stated she is concerned with the drainage and who will maintain the farm. She stated she has known of some solar farms using animals to help maintain the grass.

Mr. Hannah stated most of the comments heard are mutually exclusive. He stated the traffic would be more limited than any other development in that area. There will be construction traffic but would only be for a short time. A site is hard to find with such a low impermeable surface such as this property. The appearance and screening will be addressed and are willing to work with the surrounding neighbors. Regarding the panels and heat, it's just like having a car heating up in the sun but the panels do not produce heat nor will it cause a glare.

Stephen Upton asked which way the panels will be facing.

Mr. Hannah stated south.

Stephen Upton asked if any projects have run longer than 30 years.

Sam Judd stated some farms have been running since the 1970's in the western part of the US.

Stephen Upton asked if any of the farms have had any adverse effects.

Sam Judd stated there have not been any that he knows of.

Stephen Upton asked if there will be any issues with the gas line.

Sam Judd stated they would receive help from the gas company and that it should not pose a problem.

Mark Lane stated the Unified Development Ordinance does not speak of solar farms.

Paul Emblar stated that is correct.

Mark Lane stated he has a problem voting on the project without having an ordinance in place. He stated a solar farm ordinance was asked by Council 1 ½ years ago.

Mr. Embler stated the Town has for some months now been working on major revisions to the UDO.

Bob Spence stated solar farm ordinances are frequently produced by the solar farm industry or its opponents so such specific ordinances are not inherently superior to the current UDO and suggested the members deal with the ordinance we have and the factual issues as applied to it. The board has to proceed under the current ordinance.

Teresa Daughtry stated by looking at the Comprehensive Strategic Growth Plan there was a slow rate of growth at one time however, a lot has happened since then. A new bridge is about to be constructed at Highway 70 and will make way for heavier traffic counts. This will be bringing in commercial and industrial businesses along this corridor. Also, west Smithfield is in the process of having a residential complex constructed which will bring in more growth and the tax base is important for every growing town. Ms. Daughtry also referred to the NCDOT traffic pattern and according to their plan; a traffic count that goes over 9,000 vehicles requires two movement lanes with one turn lane. The Durwood Stephenson Bridge was constructed to promote growth to that part of town. At the time of construction, it was also planned that Wilson's Mills Road have an intersection. She stated she is looking out for the future growth of the town. The proposed site has water, sewer, and gas already set up for future growth. She stated the Planning Board has approved solar farm projects in the past, but looking at this particular site it does not conform to the future growth plan set in place. If the four corners of Wilson's Mills are taken away, growth will be stunted for residential and commercial. The Comprehensive Strategic Growth Plan has a plan for the town's future.

Ashley Spain stated everyone should look at the big picture. He stated when projects are proposed you can't make everyone happy. He stated the project is open to interpretation.

Jack Matthews stated if an industrial site was constructed at this site, more traffic would be coming and going compared to only a short time of the construction period for the solar farm.

Being no further questions, Mr. Upton closed the public meeting for CUP-16-05.

Mark Lane made a motion, seconded by Teresa Daughtry, to move to the Finding of Fact.

The 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 reason or conclusions reached in support of the motion.

- 1. 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 Solar Farm will not materially endanger the public health or safety. The site will generate almost no traffic. The solar farm will not be staffed daily; employees are expected to visit the property periodically to check and maintain the equipment, mow the grass and make repairs. The proposed solar farm will meet requirements of the Water Supply Watershed Overlay District. The proposed Solar Farm will protect against soil erosion and sedimentation. Care is taken to minimize grading on the site by individually setting poles to support the solar cells. The areas beneath the solar panels will be planted with grass to stabilize the site. During construction, erosion control measures will be maintained in accordance with the state and local regulations. The site will comply with state and local storm water regulations. As there will be no employees on site, there is no need for utilities. State environmental buffers will be maintained and respected. *All members stated true to approve.*

2. *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 Solar Farm meets all height requirements. As such, no system, equipment or solar arrays will exceed 25 feet in height excluding electrical transmission lines and utility poles. Power transmission lines will be located underground to the extent practical. The proposed Solar Farm meets all landscape and fencing requirements. Setbacks will be at least fifty feet (50') from street right-of-way and all external property boundaries. The active portion of the site containing equipment will be enclosed and secured by a fence. It will be accessible by emergency officials 24/7 via a gated entrance. Extensive tree cover/vegetation exists along the rear of the proposed Solar Farm site and will remain as shown on the site plan. Where existing vegetation does not meet code standards, a plant materials meeting code requirements will be installed. As noted on the accompanying site plan, no lighting is proposed for this site. The only sound occurs during daylight hours with the quiet hum of electrical transformers, inverters, and substation delivering solar power to the power grid. At night, when the sun is not available, there is no energy being created and no noise on the site. The proposed project is designed to conform to and will be installed in compliance with all building and electrical codes set forth by the state and local governments. All solar system components will have a UL listing and anti-reflective coating(s). Individual arrays/solar panels will be designed and located to prevent glare toward any inhabited buildings and street right-of-way. *Gerald Joyner, Jack Matthews, Ashley Spain, and Daniel Sanders vote is in the affirmative. Mark Lane, Stephen Upton, and Teresa Daughtry's vote is in the negative. Vote: 4-3 to approve.*

3. *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 solar farm will not adversely affect the use or any physical attribute of adjoining or abutting property. It will be completely screened by a landscape buffer, it will be fenced in and locked so there is no debris or emission coming from the site, and dependable, renewable energy along with creation of new jobs is a benefit to the public. All members stated true to approve.

However the board felt that even with buffering adequate for the “existing” residential and agricultural uses the buffering as designed for such an residential agricultural area is inadequate in the light of the current future use of this area along the corridor and buffering cannot compensate for the inconsistency of this use in this area as stated in the findings as to issue 4 hereinafter.

4. *Based on 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 appropriate land uses of this area have changed during the past two decades due to the increased residential and commercial traffic flow that will be concentrated here with the new interstate highway extension to Kinston on this side of Highway 70 on this very Wilson Mills Road. A major node is planned at Wilson Mills Road less than half a mile away. Thus now the solar farm is located in a future development corridor as identified in the past decade in the Smithfield Comprehensive Land Use Plan (2001) which prioritizes commercial development along Wilson Mills Road at this point because of its close proximity to the anticipated future growth corridors along Wilson Mills Road and Booker Dairy Road. Furthermore the Town developed the Land Use Plan in 2001 well before it know of the even greater eventual intensity of use in this area with commercial and retail development due to the planned interstate expansion. Therefore buffers which might be consistent with current uses cannot adequately protect this area from the inconsistency of this solar farm as an industrial use in this prime corridor in the heart of our growth corridor. A solar farm at this location simply conflicts with the desired long term pattern of uses for this area based on the Land Use Plan and even more due to the interstate expansion.

Rather than be commercial development which will be consistent with and support the commercial and retail business which are anticipated to be densely developing at this traffic node, this solar panel utility and industrial use provides a rather passive, nonsupportive use covering a large area right near this traffic node and the inconsistency of this use cannot be buffered away. Water, Sewer, electric, gas and fiber optics services is all in close proximity of the array for the purpose of supporting residential/retail/commercial growth. However with the new designation of US 70 as a future interstate highway, the growth corridor identified in the Growth Management Plan must be preserved and a large industrial use such as the solar farm is inconsistent with these needs at this time. (Applicant fails to meet the criteria necessary for approval) Teresa Daughtry, Gerald Joyner, Mark Lane, Jack Matthews, Stephen Upton’s vote is in the affirmative to deny. Ashley Spain and Daniel Sanders vote is in the negative to approve. Vote: 5-2 to deny.

Based upon failure to meet all of the above four stated findings and for reasons stated therein the Planning Board recommends denial of the Conditional Use Permit Application CUP-16-05.

Teresa Daughtry made a motion, seconded by Jack Matthews to recommend denial of a conditional use permit to construct and operate a solar farm on property located within an R-20A (Residential-Agricultural) zoning district. Unanimous.

Old Business:

New Business:

Stephen Upton made a motion to adjourn, seconded by Teresa Daughtry. Unanimous.

Submitted this 2nd day of June, 2016.

Veronica Hardaway
Administrative Support Specialist
Planning Department



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-16-06
Project Name: Car Service of Four Oaks
TAX ID number: 15006015
Town Limits/ETJ: Town Limits
Applicant: Car Service of Four Oaks
Owners: New Vision Partners LLC
Agents: N/A

PROJECT LOCATION: South side of East Edgerton Street approximately 430 feet south of its intersection with North Brightleaf Boulevard

REQUEST: The applicant is requesting a conditional use permit to operate an automotive sales lot designed to accommodate 10 vehicles and located within a B-3 (Highway Entrance Business) zoning district.

SITE DATA:

Acreage: A portion of a 7.72 acre parcel
Present Zoning: B-3 (Highway Entrance Business)
Proposed Zoning: N/A
Existing Use / Previous: Car Service of Four Oaks / Automotive Repair Shop

DEVELOPMENT DATA:

Proposed Use: Automobile Sales 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.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	B-3 (Highway Entrance Business)
	Existing Use:	Perfect Ride Auto Sales and Ram Rent All
South:	Zoning:	R-10 (Residential)
	Existing Use:	CSX Railway and Pine Acres Subdivision
East:	Zoning:	B-3 (Highway Entrance Business)
	Existing Use:	American Legion club and baseball fields
West:	Zoning:	OI (Office-Institutional)
	Existing Use:	Resthaven Cemetery

STAFF ANALYSIS AND COMMENTARY: Car Service of Four Oaks is an existing automotive repair business located at 36 East Edgerton Street. Car Service of Four Oaks is requesting a conditional use permit to allow for automobile sales at this location.

The property considered for approval is located within a B-3 (Business) zoning district. The parcel is approximately 7.72 acre in size and contains two warehouses totaling approximately 60,000 square feet in area. The property contains approximately 20,000 square feet of paved area that can safely accommodate 25 standard parking spaces. The property contains approximately 9,000 square feet of graveled area and approximately 25,000 square foot grassed and fenced storage yard that was constructed after receiving a valid conditional use permit for an automobile storage yard. The automobile storage yard appears to have ceased operations for more than 180 days. Additional approved land uses for this property include a low traffic generating indoor mini-storage facility.

An automobile sales lot is a permitted use within the B-3 (Business) zoning district with a Town Council approved conditional use permit. The applicant has provided a sketch plan identifying 10 paved parking spaces being designated for automobile sales. The remaining paved parking area would be available for customer and employee parking. Paved parking for employees and customers should remain available providing the automobiles for sale are limited to a maximum of 10 and a reasonable number of car parked at the site await repairs and pickup are kept to a minimum.

- **Consistency with the Strategic Growth Plan**

The proposed automobile sales lot is inconsistent with the recommendations of the Comprehensive Growth Management Plan which recommends industrials at this location.

- **Consistency with the Unified Development Code**

An automobile sales lot is a permitted use within the B-3 (Highway Entrance Business) zoning district with a valid conditional use permit. The applicant has submitted a site plan that shows adequate paved parking is available at the site and the maximum number of automobiles will be limited to the total number of paved parking spaces available to the requested use AND automotive repair shop.

- **Compatibility with Surrounding Land Uses**

An automobile sales lot at this location should not pose a compatibility issue with surrounding land uses to include Resthaven Cemetery and the American Legion baseball fields providing that inoperative and partially dismantled automobiles are not allowed to accumulate or be stored outdoors without proper screening from the public right-of-way and adjacent land uses.

- **Signs**

Signs shall be permitted in accordance with the Town of Smithfield Unified Development Ordinance which will allow the existing free standing sign to be refaced as needed.

OTHER:

FIRE PROTECTION: Town of Smithfield
SCHOOL IMPACTS: NA
PARKS AND RECREATION: NA
ACCESS/STREETS: East Edgerton Street
WATER/SEWER PROVIDER: Town of Smithfield
ELECTRIC PROVIDER: Town of Smithfield

Planning Department Recommendations:

The Planning Department recommends approval of the proposed automobile sales lot providing that all parking spaces used for the sale of automobile sales are paved and that the use is limited to a maximum of ten automobiles for sale at any given time.

Planning Board Recommendations:

The Planning Board is requested to review the petition for an automobile sales lot on property located within the B-3 (Highway Entrance Business) corridor and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.

Town of Smithfield
Conditional Use Permit Application
Finding of Fact / Approval Criteria

Application Number: CUP-16-06 **Name:** Car Service of Four Oaks

Request: Applicant seeks a CUP for automotive sales with outdoor storage of automobiles.

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

1. Finding One of Four:

Circle One

A. Approval:

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

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

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

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

The proposed automobile sales lot 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.

Finding Two of Four:

Circle One

A. Approval:

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

The proposed automobile sales lot 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 and paved parking prior to issuance of site plan approval and issuance of a valid zoning permit for an automobile sales lot.

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

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

The proposed automobile sales lot at this location does not conform to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances because an additional 10 automobile in this parking lot will consume required parking for other tenants and their employees.

3. Finding Three of Four:

CUP-16-06

A. Approval:

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

The proposed automobile sales lot 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 no more than 10 automobile sales for sale 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 automobile sales lot at this location may be detrimental to the adjacent land uses due to increased traffic and noise generated by activities associated with automobiles sales. An automobile sales lot in such close proximity to a cemetery will be detrimental to the peace and tranquility associated with cemeteries.

4. Finding Four of Four:

Circle One

A. **Approval:**

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

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

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

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

The proposed automobile sales lot at this location will adversely affect the adopted plans and policies of the Town of Smithfield, and violate the character of existing standards for development if automobile sales occur without minimum development standards being met to include paved parking.

4. 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-16-06*

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-16-06 for the following stated reason:*

5. Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Planning Board Conditional Use Permit Application Number CUP-16-06 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



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 Service of Four Oaks, LLC DBA Import Car Service Acreage of Property: 7.72
 Parcel ID Number: 15006015 Tax ID: 4428653
 Deed Book: 04477 Deed Page(s): 0776
 Address: 36 E Edgerton Street, Smithfield, NC 27577
 Location: 36 E Edgerton Street, Unit C, D, and E Smithfield, NC 27577

Existing Use: Automotive Repair Proposed Use: Used Motor Vehicle Dealer
 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): _____

FOR OFFICE USE ONLY

File Number: CUP-16-06 Date Received: 6/24/16 Amount Paid: \$300.00

OWNER INFORMATION:

Name: Mohamed Ali Darar

Mailing Address: 1205 Kinsdale Drive, Raleigh NC 27614

Phone Number: 919-422-3586 **Fax:** 919-957-5101

Email Address: mohamed@newvisionllc.net

APPLICANT INFORMATION:

Applicant: Car Service of Four Oaks, LLC DBA Import Car Service

Mailing Address: 36 East Edgerton St, Unit C, Smithfield, NC 27577

Phone Number: 919-205-1133 **Fax:** NA

Contact Person: Aleksandar Trajanovski

Email Address: importcarservice2@gmail.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: Areal drawing of Parking Area

STATEMENT OF JUSTIFICATION

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

At the present, we lease the majority of the warehouse located at this address and engage in the business of automotive repair.

We have identified a potential in expanding our services by offering our clients vehicles for sale at this location.

The only way our business expansion is going to have an impact on the area is by having additional ten to fifteen vehicles displayed on our property for sale. According to our lease agreement, we have a total of thirty parking spaces on the property. Twelve of those spaces are on a properly marked asphalt pavement which we hope the planning board will find sufficient for this Conditional Use Permit. (please see attached technical area drawing).

The use of the property will physically not change in any way form or fashion from existing use.

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 current business is engaged in auto repair and the use of the proposed parking area is absolutely the same as it will be with the business expansion.

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

Property has paved and marked parking spaces.

- 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

Closest property land line is more than fifty feet away from proposed parking / display space.

- 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).

Property is very secluded from passing by traffic and is situated on a "Dead End" street on which property is the last structure and is surrounded by tall vegetation which makes it practically invisible from surrounding properties.

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.

ALEXANDAR TRAJANOVSKI
Print Name


Signature of Applicant

6-24-2016
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 Service of Four Oaks LLC DBA Import Car Service, Submittal Date: 6/22/16

OWNERS AUTHORIZATION

I hereby give CONSENT to Aleksandar Trajanovski (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.

Mohamed A. Darar MOMAMED A. DARAR 6/21/16
 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.

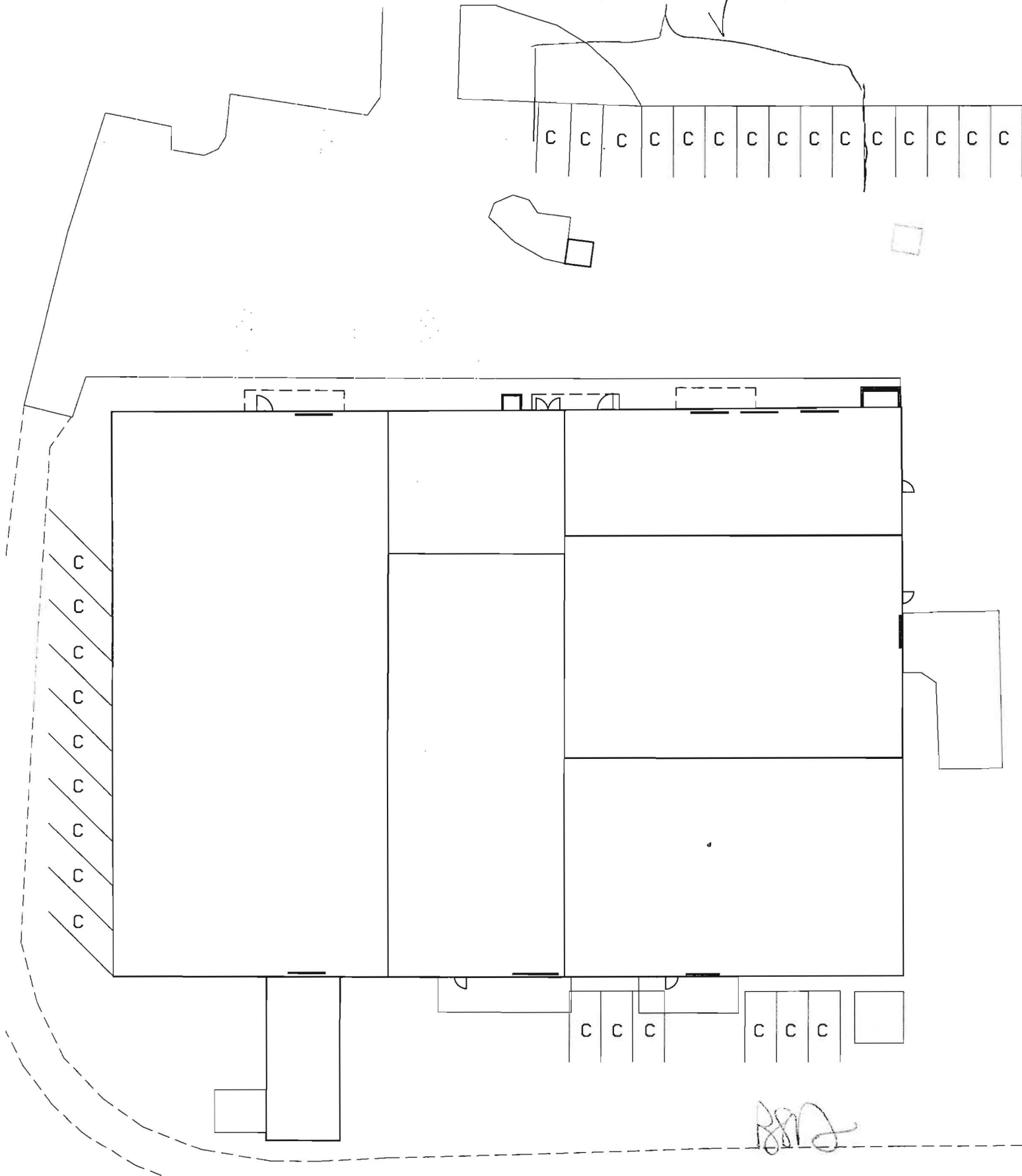
Mohamed A. Darar MOMAMED A. DARAR 06/21/16
 Signature of Owner/Applicant Print Name Date

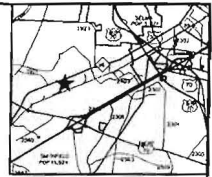
FOR OFFICE USE ONLY

File Number: CVP-16-06 Date Received: 6/24/16 Parcel ID Number: 15006015

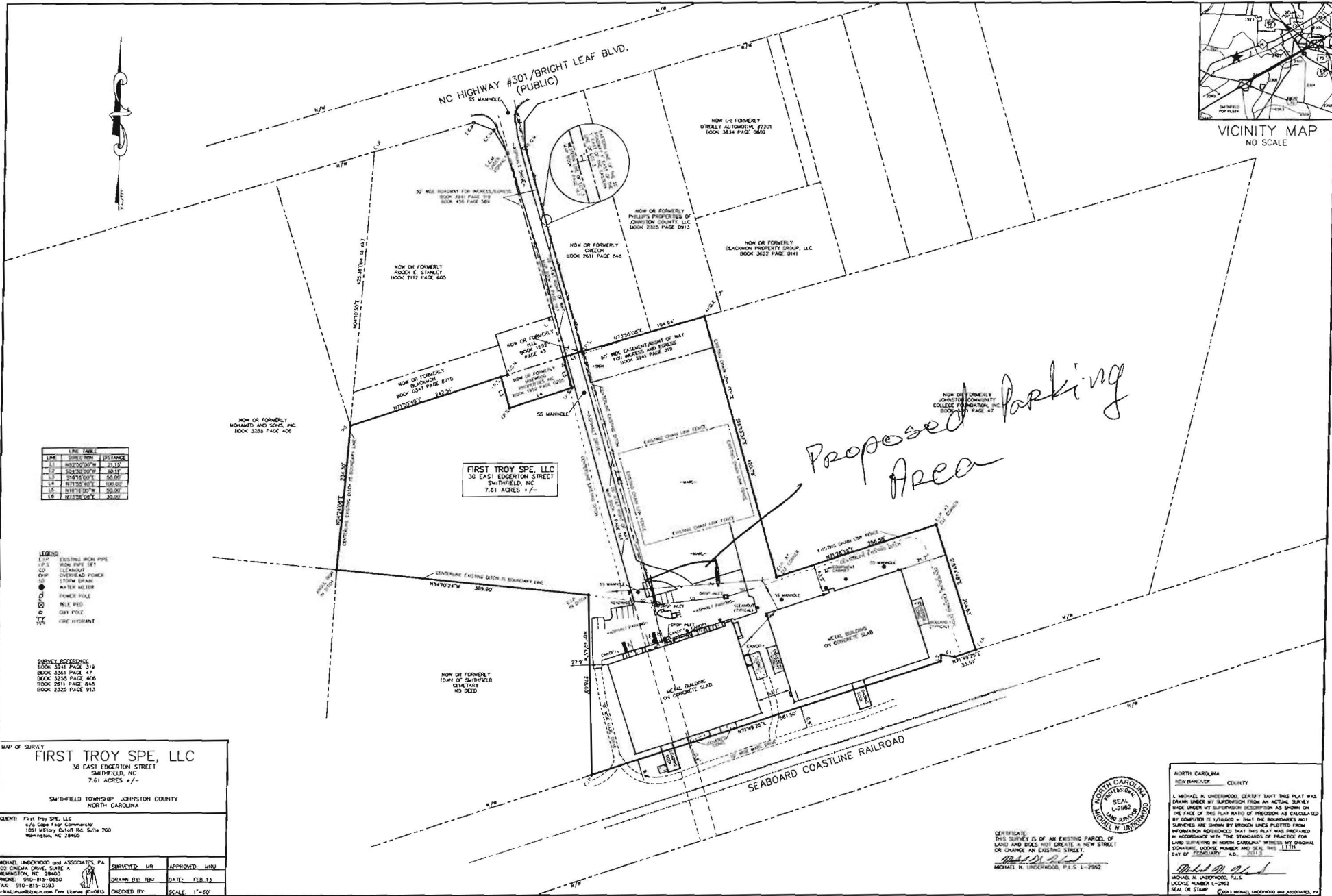
Exhibit A

*Proposed Display
Parking Area*





VICINITY MAP
NO SCALE



LINE TABLE

LINE	DIRECTION	DISTANCE
13	180°00'00" W	23.13'
17	300°00'00" W	20.82'
13	270°00'00" W	50.00'
14	315°00'00" W	110.00'
15	315°00'00" W	20.00'
16	315°00'00" W	30.00'

- LEGEND
- 1" = EXISTING IRON PIPE
 - 1" = IRON PIPE SET
 - CD = CLEARWAY
 - CHP = OVERHEAD POWER
 - STW = STORM SEWER
 - WM = WATER METER
 - PF = POWER POLE
 - TR = TELE POLE
 - GP = GAS POLE
 - HY = FIRE HYDRANT

- BOUNDARY EASEMENTS
- BOOK 2841 PAGE 319
 - BOOK 3301 PAGE 49
 - BOOK 3225 PAGE 406
 - BOOK 2811 PAGE 648
 - BOOK 3232 PAGE 813

MAP OF SURVEY
FIRST TROY SPE, LLC
36 EAST EDGERSON STREET
SMITHFIELD, NC
7.61 ACRES +/-

SMITHFIELD TOWNSHIP JOHNSTON COUNTY
NORTH CAROLINA

CLIENT: First Troy Spe, LLC
1/2 Oak Fair Commercial
1021 W. Cary Drive, Suite 200
Wilmington, NC 28405

MICHAEL UNDERWOOD and ASSOCIATES, P.A. 102 OCEANA DRIVE, SUITE 1A WILMINGTON, NC 28403 PHONE: 910-815-0800 FAX: 910-815-0333 E-MAIL: MUA@MUA-CO.COM Firm License E-0453	DRAWN BY: HR	APPROVED: MNU
CHECKED BY:	DATE: FEB 13	SCALE: 1"=60'



CERTIFICATE
THIS SURVEY IS OF AN EXISTING PARCEL OF
LAND AND DOES NOT CREATE A NEW STREET
OR CHANGE AN EXISTING STREET.

Michael K. Underwood, P.L.L.C. L-2962

NORTH CAROLINA
NEW HAMPSHIRE COUNTY

I, MICHAEL K. UNDERWOOD, CERTIFY THAT THIS PLAT WAS
DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY
MADE UNDER MY SUPERVISOR'S REGISTRATION AS SHOWN ON
THE FACE OF THIS PLAT. RANGES OF PROVISION ARE CALCULATED
BY COMPARING PLAT VALUES TO THAT THE BOUNDARIES NOT
SURVEYED ARE SHOWN BY DOTTED LINES PLATTED FROM
INFORMATION REFERENCED THAT THIS PLAT WAS PREPARED
IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR
LAND SURVEYING IN NORTH CAROLINA. WITNESS MY ORIGINAL
SIGNATURE, LICENSE NUMBER AND SEAL, THIS 11TH
DAY OF FEBRUARY, A.D. 2013.

Michael K. Underwood, P.L.L.C.
LICENSE NUMBER L-2962
SEAL OR STAMP: MICHAEL UNDERWOOD and ASSOCIATES, P.A.

100 Block of East Edgerton Street



Project Name:
Car Service
of Four Oaks

Proposed Use:
Automobile Sales Lot

File Number:
CUP-16-06

Property Owner:
Mohamed Ali Darar

Applicant:
Car Service
of Four Oaks

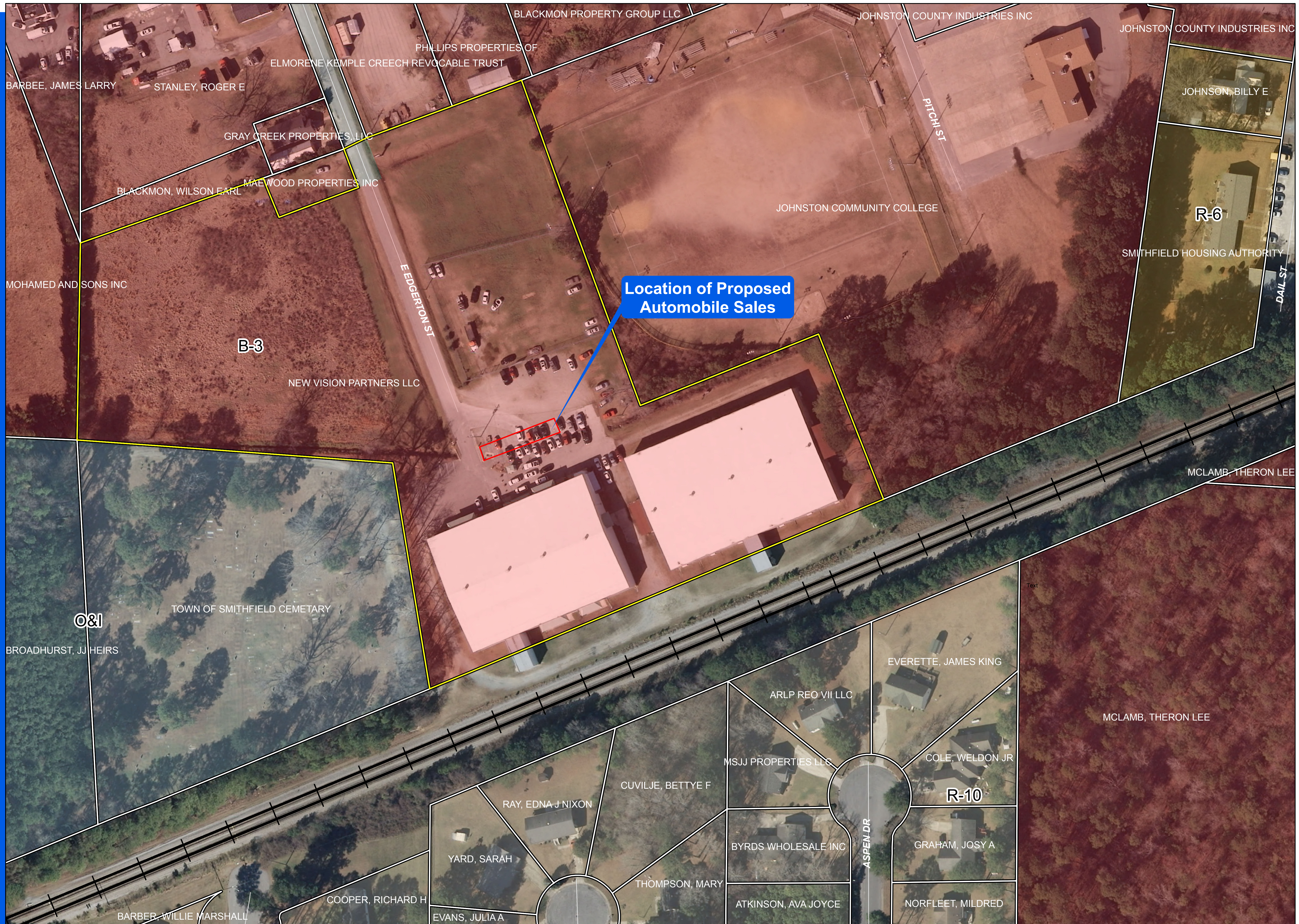
Location:
36 East Edgerton
Street

Tax ID#
15006015

Zoning District:
B-3

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 7/18/2016

1 inch = 50 feet





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, CUP-16-06, were notified by First Class Mail on 7-18-16.


Signature

Johnston County, North Carolina

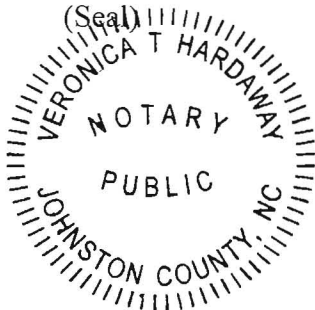
I, Veronica Hardaway, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

18th day of July, 2016


Notary Public Signature


Notary Public Name

My Commission expires on 1-14-18



Adjacent Property Owners of
CUP-16-06

TAG	PIN	NAME1	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
15006010	260413-02-1766	ELMORENE KEMPLE CREECH REVOCABLE TRUST	921 S VERMONT ST		SMITHFIELD	NC	27577-3725
15006016	169420-91-9927	TOWN OF SMITHFIELD CEMETARY					00000-0000
15006002	169416-92-5692	MOHAMED AND SONS INC		P O BOX 1236	SMITHFIELD	NC	27577-0000
15006011	260413-02-2758	PHILLIPS PROPERTIES OF	114 CASTLE DRIVE		SMITHFIELD	NC	27577-0000
15007014	260413-02-8528	JOHNSTON COMMUNITY COLLEGE		P O BOX 2350	SMITHFIELD	NC	27577-2350
15K10152C	260417-01-5726	CUVILLE, BETTYE F	1027 E 232ND ST		BRONX	NY	10466-0000
15K10153D	260417-01-8942	EVERETTE, JAMES KING	20 ASPEN DRIVE		SMITHFIELD	NC	27577-0000
15006004	260413-02-0517	BLACKMON, WILSON EARL		PO DRAWER 2318	SMITHFIELD	NC	27577-2318
15006003	169416-92-7780	BARBEE, JAMES LARRY		P O BOX 526	PINE LEVEL	NC	27568-0646
15099030	260413-02-1588	MAEWOOD PROPERTIES INC	724 S THIRD ST	P O BOX 2318	SMITHFIELD	NC	27577-0000
15008054	260417-01-6860	MSJJ PROPERTIES LLC	1212 CHESNUT DR		SMITHFIELD	NC	27577-0000
15006006	169416-92-9618	STANLEY, ROGER E	732 N BRIGHTLEAF BLVD		SMITHFIELD	NC	27577-0000
15006008	260413-02-0585	GRAY CREEK PROPERTIES, LLC	732 N BRIGHTLEAF BLVD		SMITHFIELD	NC	27577
15006019	260413-02-4743	BLACKMON PROPERTY GROUP LLC		PO DRAWER 2318	SMITHFIELD	NC	27577-2318
15H08100B	260417-01-3795	RAY, EDNA J NIXON	373 BRITT RD		FOUR OAKS	NC	27524-9105
15K10152D	260417-01-3619	YARD, SARAH		PO BOX 1744	SMITHFIELD	NC	27577-1744
15008053	260417-01-7818	IH2 PROPERTY TRS 2 LP	901 MAIN ST STE 4700		DALLAS	TX	75202-3733
15006015	260417-02-2237	NEW VISION PARTNERS LLC	1205 KINSDALE DR		RALEIGH	NC	27614



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, August 4, 2016 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

CUP-16-06 Car Service of Four Oaks: The applicant is requesting a conditional use permit to operate an automotive sales lot designed to accommodate no more than 10 automobiles for sale on property located within a B-3 (Business) zoning district. The property considered for approval is located on the south side of East Edgerton Street approximately 430 feet south of its intersection with North Brightleaf Boulevard. The property is further identified as Johnston County Tax ID# 15006015.

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.



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, August 4, 2016 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

CUP-16-06 Car Service of Four Oaks: The applicant is requesting a conditional use permit to operate an automotive sales lot designed to accommodate no more than 10 automobiles for sale on property located within a B-3 (Business) zoning district. The property considered for approval is located on the south side of East Edgerton Street approximately 430 feet south of its intersection with North Brightleaf Boulevard. The property is further identified as Johnston County Tax ID# 15006015.

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 7/20/16 and 7/27/16