

TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



Chairman: Stephen Upton

Vice-Chairman: Daniel Sanders

Members:

Mark Lane	Gerald Joyner (Alt.)
Jack Matthews	Eddie Foy
Ashley Spain	Teresa Daughtry

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

Meeting Date: *Thursday, November 3, 2016*
Meeting Time: *6:00 p.m.*
Meeting Place: *Council Chambers, Smithfield Town Hall*

**AGENDA
PLANNING BOARD
REGULAR MEETING
NOVEMBER 3, 2016
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Identify voting members

Approval of the minutes for October 6, 2016

Public Hearings

CUP-16-11 Oakey Grove Missionary Baptist Church: The applicant is requesting a conditional use permit to allow for a daycare center on a .85 acre tract of land and located within an R-20A (Residential-Agricultural) zoning district. The property considered for a conditional use permit is located on the northwest side of the intersection of US Hwy 70 Business and Little Creek Church Road. The property is further identified as Johnston County Tax ID# 15J08009I.

CUP-16-12 Amalia Felix Mireles: The applicant is requesting a conditional use permit to allow for an automotive repair facility with tire sales on a 1.1 acre tract of land located within a B-3 (Business) zoning district. The property considered for a conditional use permit is located on the southwest side of the intersection of South Brightleaf Boulevard and Wal-Pat Road and further identified as Johnston County Tax ID# 15A61047D.

Old Business

New Business

Adjournment

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

Members Present:

Chairman-Eddie Foy
Vice-Chairman Stephen Upton
Mark Lane
Daniel Sanders
Gerald Joyner

Members Absent:

Teresa Daughtry
Jack Matthews
Ashley Spain

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Admin

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM SEPTEMBER 1, 2016.

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

Public Hearings:

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

RZ-16-03 John A Whitley:

Mr. Helmer stated the applicant is requesting to rezone one tract of land totaling approximately .11 acres from the R-8 (Residential) zoning district to the OI (Office-Institutional) zoning district. The property considered for rezoning classification is located on the northeast side on the intersection of South Third Street and Woodall Street. The property is further identified as Johnston County Tax ID# 15030016.

Mr. Helmer stated all permitted uses within the OI (Office-Institutional) zoning district may be considered for future site plan approval and permitting. There are no known environmentally sensitive areas to include wetlands and 100 year floodplain. The property is not located within the watershed protection area of the Town of Smithfield. The property considered for rezoning is a .11 acre tract of land with an existing single-family dwelling that has approximately 55 feet of street frontage on South Third Street. The subject property has approximately 88 feet of street frontage on Woodall Street and can be used to access the properties on-site parking needs. The adjacent property to the south, east and west are currently zoned for residential uses. The adjacent property to the north was rezoned OI in 1990. Two other properties to include the property owned by Terra Dunn and First Presbyterian Church were rezoned to the OI zoning district in 2004 and 2007 respectively.

Mr. Helmer stated the proposed rezoning to the OI (Office-Institutional) district is not consistent with the Strategic Growth Plan which identifies this property as being in a conservation overlay area due to its close proximity to Spring Branch. 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. The property considered for a rezoning is located on a busy portion of South Third Street and is adjacent to Downtown Municipal Service District. Potential compatibility issues should be minimal given the probable uses of the OI district and size of the property and structure contained therein. The Town of Smithfield will provide fire protection, electric and water/sewer services.

The Planning Department recommends approval of the request to rezone approximately .11 acres of land from the R-8 (Residential) zoning district to the OI (Office-Institutional) zoning district.

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 .11 acres of land from the R-8 (Residential) zoning district to the OI (Office-Institutional) zoning district.

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

Mr. Foy asked if there was any opposition to the proposal.

Mr. Helmer stated he has not heard any opposition and there isn't anyone present to speak against the proposal.

Mr. Upton asked if this proposal is for a rezoning only.

Mr. Helmer stated that is correct.

Mr. Upton asked if further site planning on this project would be brought to the planning staff or before the board.

Mr. Helmer stated any further site planning would be administrative in nature and would be approved by planning staff.

Mr. Upton expressed his concerns with parking on the street and obstructing view of oncoming traffic.

Mr. Helmer stated due to the type of business operating at this location, traffic would probably not be an issue. As long as there is no sign that stated "no parking", vehicles may park there.

Mr. Upton requested to view the site plan when it becomes available.

John A. Whitley, 219 Johnson St Smithfield, stated he has been an attorney for 37 years and is currently located in Levinson's office building. He stated he is looking for a standalone office. Mr. Whitley invited the board to tour the proposed office and assured them he takes care of his properties. He stated there will be no parking on Woodall Street and will tell clients as such. He stated he agreed on street parking could prove to be dangerous. He stated he rarely has 2-3 clients at one time and the majority of his business is conducted via phone. He stated vehicle traffic is not heavy and should not pose a problem.

Being no further questions, Mr. Foy closed the public meeting for RZ-16-03.

Stephen Upton made a motion, seconded by Daniel Sanders, to move to the Finding of Fact.

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 Planning Board shall recommend and 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. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

The physical structure will not be altered in any way but for a projected awning over the back door, signage beside the front door and /or signage within the private yard beside the sidewalk compatible with that of Travel Odyssey. Interior and exterior improvements promote the public health, safety and general welfare; vehicular access will not materially endanger the public health, safety, or general welfare in that sufficient public parking is available along and on either side of Third Street from Courthouse Square south to the subject property.

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

The subject property is the only property fronting on the eastern side of S. Third Street from Woodall Street north to Johnston Street which is not zoned commercial (O&I). Because the property corners on S. Third Street and Woodall Street, the roadways are man-made divides between home owners immediately across Third Street and Woodall Street. All properties fronting the western side of S. Third Street south of Johnston Street to the creek are zoned commercial (O&I). The pattern of commercial properties in areas outlying the Courthouse area must grow to accommodate expansion warranted by the ever expanding County Government.

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

Reference is hereby made to the discussion in numbered paragraph 2 hereinabove for this applicant's response to this issue.

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

The renovation and restoration of the subject property certainly enhances the curb appeal of S. Third Street and Woodall Street. Both of these roadways have enjoyed a substantial structural renaissance of most of the fixtures thereon but for the subject property formerly and just a few remaining properties. The impetus to well maintain a commercial property is much greater than that to well maintain a tenement. Bordering on an area of residential repose, this general ledger practitioner of nearly 64 years of age will not be engaging in a raucous night life upon the premises.

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

While this request may technically constitute "Spot Zoning", that being the application of zoning to a specific parcel within a larger zoned area when the rezoning is at odds with the city's master plan and current zoning restrictions; courts have held that "Spot Zoning" is only invalid when there is an "arbitrary", capricious and unreasonable treatment of a specific parcel within a larger zoned area. As previously discussed, while the predominate zoned use of the property surrounding the subject property is residential (R-8), all but one property fronting S. Third Street on either side from Johnston Street south to Woodall Street is zoned commercial (O&I).

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

The subject property is presently zoned residential (R-8). While the subject property certainly can be readily rented, the projected goal for the said property has always been that of relocating the law office.

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

Utility and trash collection demands will be less from this property for commercial use than they would be for residential use. As previously discussed there is sufficient public parking for this sole proprietorship. (Although not previously discussed, this attorney and his secretary would park both of their cars within the rear of the subject property).

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

As previously discussed, the physical structure upon the subject premises has not and will not be expanded. The subject property is presently suitable for either residential or commercial use.

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;

Stephen Upton made a motion, seconded by Daniel Sanders to rezone one tract of land totaling approximately .11 acres from the R-8 (Residential) zoning district to the OI (Office-Institutional) zoning district.

CUP-16-10 Victor Hugo Garcia Rizo:

Mr. Embler stated the applicant is requesting a conditional use permit to allow for a residential use within a B-3 (Business) zoning district. The property considered for a conditional use permit is located on the southwest side of West Market Street approximately 190 feet southeast of its intersection with Park Avenue. The property is further identified as Johnston County Tax ID# 15077025.

Mr. Helmer stated the property is a small .292 acre tract of land with an existing single family dwelling which has been converted to accommodate commercial uses. However, no parking lot was ever constructed. A large accessory building is located in the rear of the principle structure. A horse shoe shaped driveway provides access to West Market Street. The property is adjacent to Heidi's Two Wheel Café to the Northwest and a single family dwelling to the southeast. 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.

Mr. Helmer stated the property considered for approval contains a single family dwelling that has been converted to commercial to capitalize on the existing B-3 (Business) zoning district. Several commercial uses have cycled through the property over the last 10 years. The property has now been vacant for several years and has been recently been marketed for residential. The property has now sold and the new owner is requested the property be permitted for residential purposes. The Town of Smithfield Unified Development Ordinance allows for residential uses within the B-3 (Business) zoning district with a valid conditional use permit which must be recommended by the Planning Board and approved by Town Council. The proposed residential dwelling is not consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of West Market Street and Park Avenue.

Mr. Helmer stated residential land uses are permitted uses within B-3 (Business) zoning district with a valid conditional use permit. Adequate parking exists for a single family dwelling and no other site improvements are requested at this time. A residential use at this location should not pose a compatibility issue with surrounding land uses. The proposed residential use at this location will not qualify for a sign. Town of Smithfield will provide fire protection and water/sewer services. Duke Progress Energy will provide electric.

The Planning Department recommends approval of the request for a conditional use permit to allow for a residential use on property located within a B-3 (Business) zoning district.

The Planning Board is requested to review the petition for a residential use within a B-3 zoning district and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.

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

Mr. Foy asked if there was any opposition to the proposal.

Mr. Helmer stated he has not heard any opposition and there isn't anyone present to speak against the proposal.

Daniel Sanders asked if this would be a working permit to run renovations.

Mr. Helmer stated there is existing parking on the site and would be used as a single family dwelling. No construction would be required; if so the applicant would have to acquire a building permit.

Mr. Upton asked what the building is next to the proposal.

Mr. Helmer stated it is an existing residential single family dwelling.

Being no further questions, Mr. Foy closed the public meeting for CUP-16-10.

Stephen Upton made a motion, seconded by Daniel Sanders, 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 residential land use at this location will not materially endanger the public were shown because the residential structure will not emit smoke, dust, odor or vibration and will not contain toxic material that may be harmful to adjacent properties or the area at large.

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 residential land use at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances. The existing structure was originally constructed for residential purposes and has adequate parking to serve the requested use.

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 residential land use 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. Having a resident occupying this structure will have long term benefits to this property, adjacent properties and the area at large.

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 residential land use 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. The property was originally intended to serve the residential needs of the area. The property is best suited for residential uses until such time that the property is designed and redeveloped for commercial uses

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;

Daniel Sanders made a motion, seconded by Stephen Upton to allow for a residential use within a B-3 (Business) zoning district.

Old Business:

New Business:

By nomination and vote, it was the consensus of the Board to induct Stephen Upton as the new Chairman of the Board and Daniel Sanders as the new Vice Chairman of the Board.

Eddie Foy made a motion to adjourn, seconded by Daniel Sanders. Unanimous.

Submitted this 6th day of October, 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-16-11
Project Name: Oakey Grove Missionary Baptist Church
TAX ID number: 15J08009I
Town Limits/ETJ: ETJ
Applicant: Oakey Grove Missionary Baptist Church
Owners: Oakey Grove Missionary Baptist Church
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: Northwest side of the intersection of US Hwy 70 Business and Little Creek Church Road.

REQUEST: The applicant is requesting a conditional use permit to allow for a daycare center on a .85 acre tract of land and located within an R-20A (Residential-Agricultural) zoning district.

SITE DATA:

Acreage: .85 acres
Present Zoning: R-20A (Residential-Agricultural)
Proposed Zoning: N/A
Existing Use / Previous: Place of Worship

DEVELOPMENT DATA: The property is a .85 acre tract of land which contains one permanent structure. A small amount of improved parking is available to include a handicap accessible parking space with handicap ramp. The property is served by two existing driveways accessing Little Creek Church Road. There is no stormwater facility located on the site and none is required at this time.

Proposed Use: Daycare Facility

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:

Northeast: Zoning: B-3 (Business)
Existing Use: Woodlands

Northwest: Zoning: B-3 (Business)
Existing Use: Place of Worship

Southeast: Zoning: B-3 (Business)
Existing Use: Woodland / Undeveloped

Southwest: Zoning: B-3 and R-20A (Residential-Agricultural)
Existing Use: Residential / Farm land

○ **Consistency with the Strategic Growth Plan**

The proposed daycare facility is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for office and institutional land uses near the intersection of Little Creek Church Road and US Hwy 70 Business.

○ **Consistency with the Unified Development Code**

Daycare facilities are permitted uses within B-3 (Business) zoning district with a valid conditional use permit. Adequate parking exists for a small daycare center and no other site improvements are proposed or requested at this time.

○ **Compatibility with Surrounding Land Uses**

A daycare center at this existing church site should not pose a compatibility issue with surrounding land uses.

○ **Signs**

The proposed daycare will qualify for a free standing sign on Little Creek Church Road.

OTHER:

FIRE PROTECTION: Wilson's Mills

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: Little Creek Church Road

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Duke Progress Energy

Planning Department Recommendations:

The Planning Department recommends approval of the request for a conditional use permit to allow for a daycare facility on property located within a B-3 (Business) zoning district.

Planning Board Recommendations:

The Planning Board is requested to review the petition for a daycare facility within a B-3 zoning district 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-16-11 **Name:** Oakey Grove Baptist Church

Request: Applicant seeks a CUP for daycare facility on property located within a B-3 zoning district.

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.

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.)

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.

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:

3. Finding Three of Four:

CUP-16-11

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.

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.

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.

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.)

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-16-11*

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-16-11 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-16-11 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.

Steve Upton, 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: Cahey Grove Church Daycare Acreage of Property: .85 AC
 Parcel ID Number: 16505-18-3478 Tax ID: 15J08009I
 Deed Book: 754 Deed Page(s): 456
 Address: 3525 US 70 BUS
 Location: US 70E AND LITTLE CREEK CHURCH RD.

Existing Use: church Proposed Use: church/Daycare
 Existing Zoning District: B-3 (Business)
 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-16-11 Date Received: 10/6/14 Amount Paid: \$300.00

OWNER INFORMATION:

Name: Oakey Grove Missionary Baptist Church

Mailing Address: 3525 U.S Business 70 at Little Creek Church Road

Phone Number: 919-934-3816

Fax: _____

Email Address: pastor@oakeygrovebaptistchurch.com

APPLICANT INFORMATION:

Applicant: Oakey Grove Missionary Baptist Church

Mailing Address: 3525 U.S Business 70 at Little Creek Church Road

Phone Number: (919) 633-8844 / (919) 610-5891

Fax: _____

Contact Person: Delores Badger / Charles Pulley

Email Address: deloresbadger919@gmail.com / delores.m.badger.mil@mail.mil

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

All required plans *(please see the plan requirements checklist)*.

A signed and sealed traffic impact analysis.

Verification of wastewater allocation *(granted or requested)*.

Driveway permits *(Town of Smithfield or NCDOT encroachment with associated documentation)*.

Other applicable documentation: _____

STATEMENT OF JUSTIFICATION

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

It is our desire to start a fully licensed daycare center

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;

Establishing a daycare center on this will not endanger the public health, safety, or general welfare. The requirements that the state is mandating will mitigate any such dangers.

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

It is our intent that the property will meet all state and local ordinance conditions and specification.

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

The use will not adversely affect the use or any physical attributes of adjoining or abutting property. Property is located on the corner of 70 Bus HWY and Little Creek Church Road. Property is adjacent to a field housing cows and near the property line of a parking lot of Johnston Union Baptist Church, directly across the street is undeveloped property.

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).

The location and character of the use 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. It will not impact other project as required by GS 160A-382(b)

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.

CHARLES PULLEY
Print Name

Charles Pulley
Signature of Applicant

9-26-16
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: Oakley Grove Church Daycare Submittal Date: 10/6/14

OWNERS AUTHORIZATION

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

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

Signature of Owner *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.

Charles Pullay CHARLES PULLAY 9-26-14
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: <u>CO7-16-11</u>	Date Received: <u>10/6/14</u>	Parcel ID Number: <u>168505-18-347B</u>
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3500 Block of US Hwy 70 Business West



Project Name:
Oakey Grove Baptist
Church Daycare

Proposed Use:
Before & After
Daycare Program

File Number:
CUP-16-11

Owner:
Oakey Grove Church

Applicant:
Oakey Grove Church

Location:
3520 US Hwy 70
Business West

Tax ID#
15J08009I

Zoning District:
B-3

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 10/20/2016

1 inch = 80 feet

0 50 100 200 Feet



B-2




PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, CUP-16-11, were notified by First Class Mail on 10-20-16.

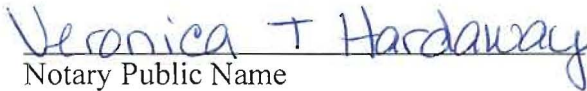

Signature

Johnston County, North Carolina

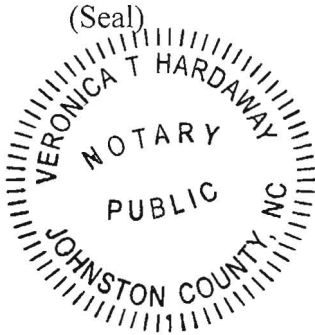
I, Veronica Hardaway, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

21st day of October, 2016


Notary Public Signature


Notary Public Name

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



Adjacent Property Owners of
CUP-16-11

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15J08009E	168505-18-1740	JOHNSTON UNION CHURCH	3575 US HWY 70 BUS	CLAYTON	NC	27520
15J08008A	168505-07-9753	WARRICK, SUE U	145 LITTLE CREEK CHURCH ROAD	CLAYTON	NC	27520-6833
15J08009J	168505-08-8880	JOHNSTON UNION CHURCH	3575 US HWY 70 BUS	CLAYTON	NC	27520
15J08090	168505-18-6872	EARLY BIRD INVESTMENTS LLC	736 CHERRY STREET SUITE 200	CHATTANOOGA	TN	37402-0000
15J08008C	168505-08-8700	WARRICK, SUE U	145 LITTLE CREEK CHURCH ROAD	CLAYTON	NC	27520-6833
15J08009I	168505-18-3478	OAKY GROVE CHURCH	3525 US 70 Business	Clayton	NC	27520



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-16-12
Project Name: Amalia Felix Mireles
TAX ID number: 15A61047D
Town Limits/ETJ: City
Applicant: Amalia Felix Mireles
Owners: Amalia Felix Mireles
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: Southwest side of the intersection of South Brightleaf Boulevard and Wal-Pat Road

REQUEST: The applicant is requesting a conditional use permit to allow for an automotive repair facility with tire sales on a 1.1 acre tract of land located within a B-3 (Business) zoning district.

SITE DATA:

Acreage: 1.1 acres
Present Zoning: B-3 (Business)
Proposed Zoning: N/A
Existing Use / Previous: Vacant Block Building / Automotive Repair Facility

DEVELOPMENT DATA: The applicant has submitted a phased preliminary sketch plan showing a proposed 2,800 square foot building with 4 garage bays and 13 parking being constructed as part of phase one. Phase two indicates 3,250 square feet of additional building space and 20 additional parking space. The site will be served by a proposed 30 foot wide NCDOT approved driveway accessing South Brightleaf Boulevard. No access to Wal-Pat will be permitted. It appears that all Town of Smithfield landscape requirements can and will be met prior to site plan approval and issuance of a valid zoning permit.

Proposed Use: Automotive Repair Facility

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:	R-8 (Residential)
	Existing Use:	Multifamily housing & single family dwellings
South:	Zoning:	HI (Heavy Industrial)
	Existing Use:	Omnisource Southeast Recycling
East:	Zoning:	B-3 (Business)
	Existing Use:	Vacant – undeveloped
West:	Zoning:	B-3 (Business)
	Existing Use:	Automotive repair & cell tower

○ **Consistency with the Strategic Growth Plan**

The proposed automotive repair facility is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial land uses near the intersection of South Brightleaf Boulevard and Wal-Pat Road.

○ **Consistency with the Unified Development Code**

Automotive repair facilities are permitted uses within B-3 (Business) zoning district with a valid conditional use permit. The site plan indicates that all Town of Smithfield development regulations can and will be met prior to site plan approval and permitting.

○ **Compatibility with Surrounding Land Uses**

An automotive repair facility at this location should not pose a compatibility issue with surrounding land uses.

○ **Signs**

The proposed automotive repair facility will qualify for a free standing sign on South Brightleaf Boulevard.

OTHER:

FIRE PROTECTION: Town of Smithfield

SCHOOL IMPACTS: NA
PARKS AND RECREATION: NA
ACCESS/STREETS: South Brightleaf Boulevard
WATER/SEWER PROVIDER: Town of Smithfield
ELECTRIC PROVIDER: Town of Smithfield

Planning Department Recommendations:

The Planning Department recommends approval of the request for a conditional use permit to allow for a automotive repair facility on property located within a B-3 (Business) zoning district.

Planning Board Recommendations:

The Planning Board is requested to review the petition for a automotive repair facility within a B-3 zoning district 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-16-12 **Name:** Automotive repair facility

Request: Applicant seeks a CUP for automotive repair facility on property located within a B-3 zoning district.

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.

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.)

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.

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:

3. Finding Three of Four:

CUP-16-12

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.

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.

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.

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.)

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-16-12*

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-16-12 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-16-12 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.

Steve Upton, 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: Site Plan for Tire & Wheels Shop Acreage of Property: 1.429 Acre
 Parcel ID Number: 168320-91-0637 & 168320-91-2834 Tax ID: 4357516 & 4340974
 Deed Book: 4788 Deed Page(s): 936
 Address: 2301 & 2314 South Brightleaf Boulevard, Smithfield, NC 27577
 Location: Southwest quadrant of intersection of S. Brightleaf Blvd. (US 301) & Walpat Road (SR 2500)

Existing Use: Vacant Block Building Proposed Use: Auto Repair w/Future Buildings
 Existing Zoning District: B-3
 Requested Zoning District: B-3
 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: _____	Date Received: _____	Amount Paid: _____
--------------------	----------------------	--------------------

OWNER INFORMATION:

Name: Amalia Felix Mireles

Mailing Address: 10517 US Highway 70 West, Clayton, NC 27520

Phone Number: 919 553-5557

Fax: _____

Email Address: alfonzoiler@aol.com

APPLICANT INFORMATION:

Applicant: Amalia Felix Mireles

Mailing Address: 10517 US Highway 70 West, Clayton, NC 27520

Phone Number: 919 553-5557 (W) or 919 320-4831 (M)

Fax: _____

Contact Person: Alfonzo Iler

Email Address: alfonzoiler@aol.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

STATEMENT OF JUSTIFICATION

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

The site plan indicates a master-planned layout for a current/proposed use for "Auto Repair"; and also indicates future buildings for lease or speculative purposes. The auto repair is an allowed use in the existing B-3 zoning; and any future uses in the future buildings are anticipated to be allowed uses for the B-3 zoning (although such future uses will be required to meet the applicable zoning requirements at the time they are proposed). The proposed use by itself does not require a conditional use permit; however, after discussions with the Planning Department it was discovered that uses with associated "tire sales" or with overnight vehicle storage over 6 vehicles require a conditional use permit. The proposed auto repair use WILL sell tires, which is the primary reason for the Applicant's request for this Conditional Use Permit. The applicant intends to address and comply with the Town's requirements for tire sales and storage. It should be stated, however that the Applicant will NOT store more than 6 vehicles overnight on-site and is NOT requesting the Conditional Use based on this condition. This auto repair business is more suited for relatively expeditious repair work such as tire changes, alignments, oil changes, etc. and not typically for major repairs that require longer term vehicle storage.

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 site layout and building plans for this site shall be designed and subsequently approved by all applicable agencies, including the Town of Smithfield. Therefore, all applicable engineering guidelines and principles will be followed for designing and constructing a safe, functioning facility. The use itself will benefit the general welfare by providing a viable need to the public for automobile repair.

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

As described above, the site layout and building plans will be designed and approved by all applicable agencies. The Applicant intends to obtain all approvals and/or permits as required, beginning with this Conditional Use request. The approval/permitting process with various agencies/departments includes, but is not limited to, NCDOT Driveway Approval; site plan approval & Zoning Permit by Planning Dept.; utility approval/inspections of water/sewer services by Public Works; Building Permit by Inspection Dept.; NC Erosion Control approval (if required); and any other approvals/permits as required. The use itself will be operated by the Owner in accordance with all local or state regulations as required.

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

The site layout and subsequent construction will physically take place within the overall property boundary of the site and along the property frontage. As mentioned in the Applicant's statement above, the proposed use is actually "allowed" in the current zoning district, however, the associated use of "tire sales" requires this Conditional Use permit. The Applicant intends to comply with any special conditions or requirements that are typically imposed for tire sales/storage at other similar uses, for the purpose of minimizing any impact to adjacent properties.

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).

The adjacent properties to this site are like-zoned and this auto repair use would be consistent with other allowed uses in this zoning district. In fact, another auto repair shop is located directly adjacent to this site. As stated previously, the proposed use is allowed in this zoning district, making it compatible with the surrounding area; however, its association with tire sales is the sole reason for this conditional use request. Therefore, as the Applicant demonstrates compliance with the Town's requirements for tire sales, then this use would be in harmony with the surrounding area, and in compliance with all other zoning requirements.

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.

Amalia Felix Mireles

Print Name

Amalia J. Mireles

Signature of Applicant

10/4/12

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: Site Plan for Tires & Wheels Shop

Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to Brian R. Leonard (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.

Amalia Felix Mireles
Signature of Owner

Amalia Felix Mireles
Print Name

10/4/10
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.

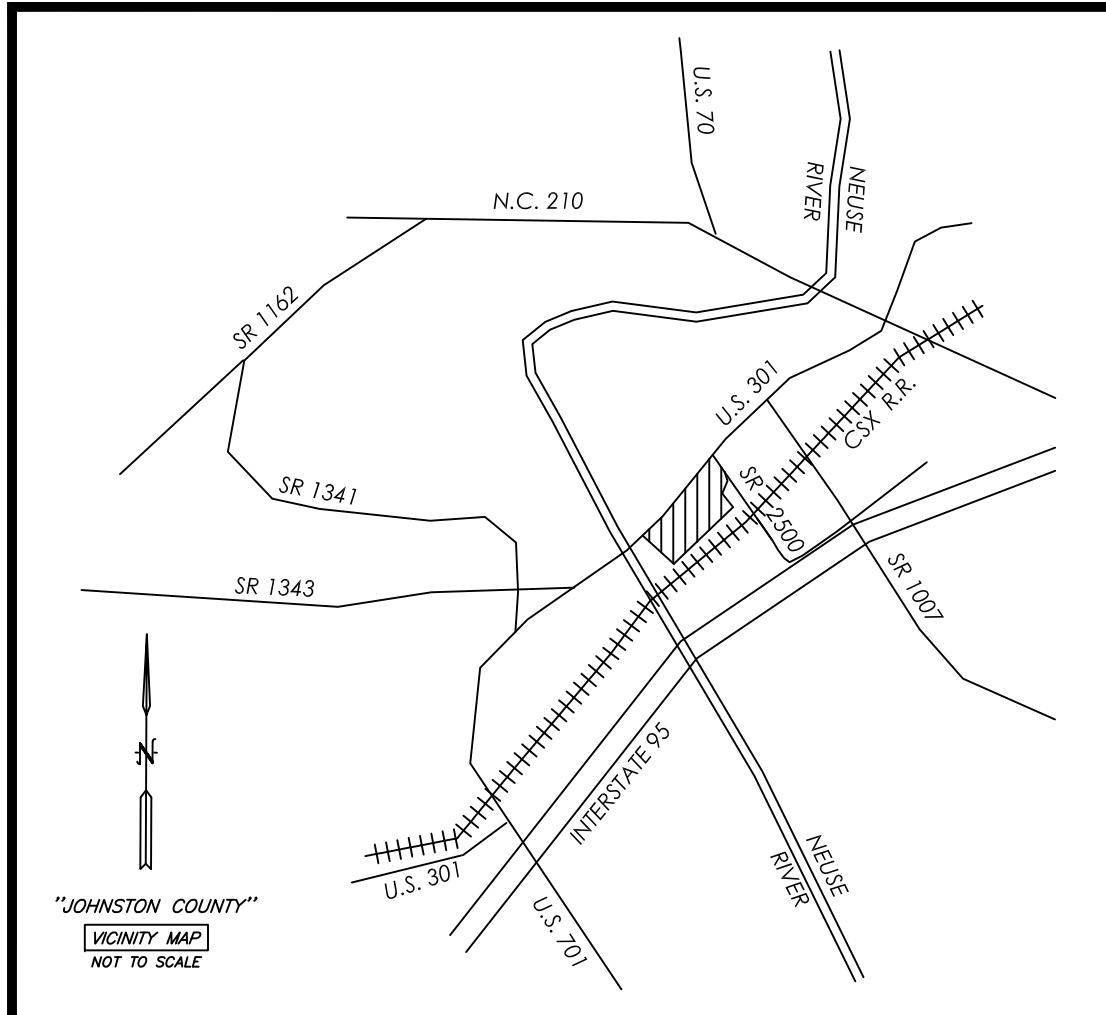
Amalia Felix Mireles
Signature of Owner/Applicant

Amalia Felix Mireles
Print Name

10/4/10
Date

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Parcel ID Number: 168320-91-0637 & 168320-91-2834



SITE PLAN INFORMATION FOR TOWN OF SMITHFIELD

Proposed Project Name: SITE PLAN FOR TIRES & WHEELS SERVICE SHOP WITH FUTURE OFFICE/LEASE SPACE
 Current Property Owner of Record: AMALIA FELIX MIRELES
 Developer/Applicant: AMALIA FELIX MIRELES
 Zoning: B-3
 Existing Use: VACANT BLOCK BUILDING (TO BE DEMOLISHED), REMAINING OPEN LOT
 Proposed Use: COMMERCIAL - AUTO MAINTENANCE/REPAIR & FUTURE OFFICE/LEASE SPACE
 Electricity Provider: TOWN OF SMITHFIELD
 Other Known Utility/Telecom Providers (not limited to): CENTURY LINK; TIMEWARNER; AT&T

Total Boundary Area = 1,621 AC
 Area in Existing NCDOT R/W = 0.192 AC
 Net Usable/Buildable Site Area = 1,429 AC (Clear of RW)

Existing Building/Structure Sq.Ft. = 2,830 Sq.Ft. +/- (From Survey Footprint)
 Proposed Building/Structure Sq.Ft. = 2,800 Sq.Ft. (Max Proposed Bldg)
 + 3,250 Sq. Ft. (Max Future Bldgs)

Parking Spaces Required = 4 Current/Proposed (1 space per Bay x 4 Bays at Front Max) (Ref: UDO 18-3)
 + 33 Future (1 space per 100 sq.ft. typical max req'd of most B-3 uses x 3250 sq.ft Max) (Ref: UDO 18-3)
 37 Total

Parking Spaces Provided = 49
 Handicap Spaces Required = 2 (NC Accessibility Code 4.2.1)
 Handicap Spaces Provided = 2

Existing Impervious Area = 0.428 AC (18,660 sq.ft., - ref, PB 83, PG 380)
 Proposed Impervious Area = 0.913 AC (39,751 sq.ft.) -- INCLUDES CURRENT + FUTURE
 Made up of... (2,800 Max Sq.Ft. - Proposed Bldg)
 (3,250 Max Sq.Ft. - Future Bldgs)
 (33,701 Sq.Ft. - Remaining Vehicular Areas)

Net New/Additional Impervious Area = 0.484 AC (21,091 sq.ft.)
 NOTE for Town Stormwater: < 0.5 AC New Impervious - No Attenuation Required
 < 1.0 AC New Impervious - No Nitrogen Calculations Required
 See Grading/Drainage/Erosion Plan for Any Additional/Detailed Stormwater Info

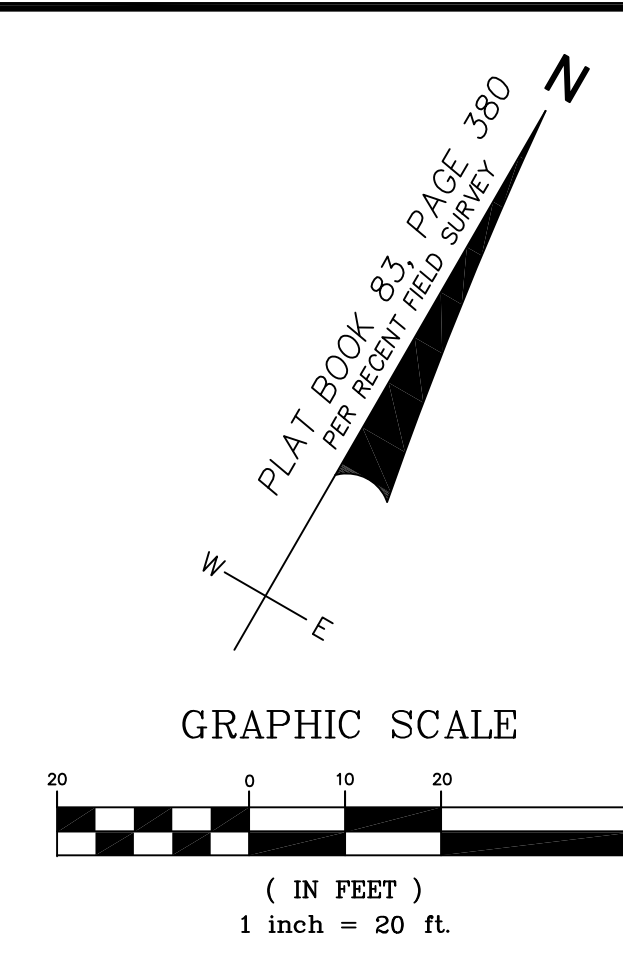
MINIMUM SETBACK/YARD REQUIREMENTS & REQ'D LANDSCAPE AREAS

Minimum Bldg. Yards (Ref: UDO 12-1)
 Minimum Building Yard at Front = 5' (at US 301 Arterial)
 Minimum Building Yard at Side(s) = 15' (35' Corner/Side at SR 2500 Collector per Planning Dept.)
 Minimum Building Yard at Rear = 25'

Minimum Landscape Areas:

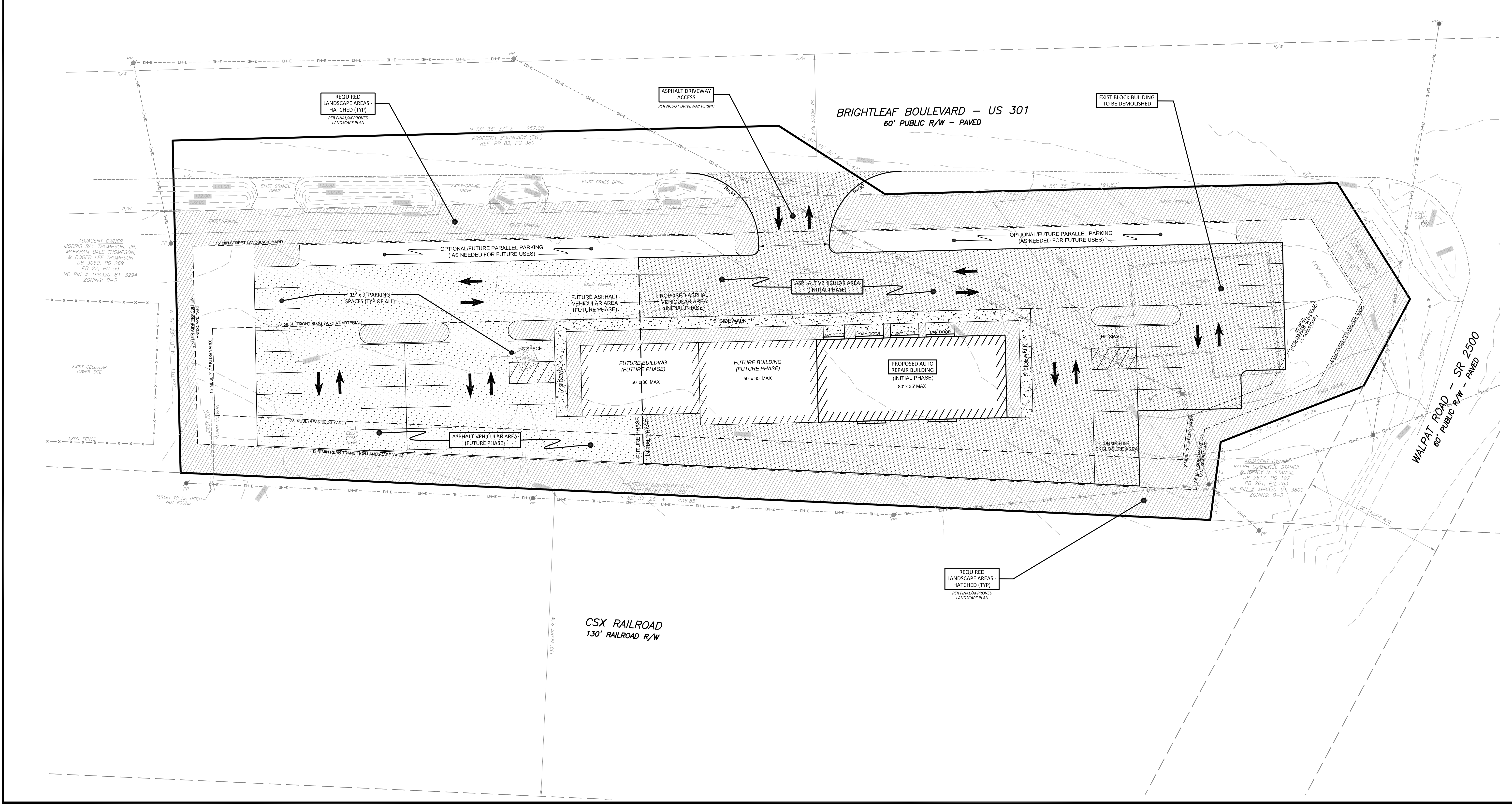
- Buffer Strips (Ref: UDO 17-3(A)(6) Table)
 None Req'd for Similar, Adjacent Zoning
- General Landscaping (Ref: UDO 17-2(C)(1))
 Total Landscape Area: 0.288 AC Min. (> 20% of Gross Site Area)
 Width: 15' (50% of Front Bldg Yard, but only 15' Max per Planning Dept.)
 Plantings: > 1 Tree/50 LF; 20 Shrubs/100 LF of road frontage
- Transition Yards (Side & Rear) (Ref: UDO 17-2(C)(8))
 Width: Side - 7.5' Min. (50% of Side Bldg Yard)
 Rear - 12.5' Min. (50% of Rear Bldg Yard)
 Plantings: > 1 Tree/50 LF; 20 Shrubs/100 LF
- Vehicular Surface Area Plantings (Ref: UDO 17-2(C)(7))
 Vehicular Landscape Area: 3002 sq.ft. Min. (> 9% of Gross Site Paved Area)
 Plantings: Minimum > 1 Tree > 6 Shrubs
 Other:
 All spaces within 50' of a tree
 Peninsulas at least every 15 spaces and at ends
 Peninsulas at least 8' wide and > 100 sq.ft.
 If < 24 total spaces can provide perimeter landscaping instead of
 interior plantings above
- Foundation (Building) Plantings (Ref: UDO 17-2(C)(9))
 Foundation Landscape Area: To Be Determined by Final Building Plan
 (Min. Planting Area is > 12% of Building (Face) Area
 adjacent to vehicular area)
- Other Landscaping (Ref: UDO 7.1.M)

This is only a general summary of the Town Zoning/Landscaping Requirements. Reference Town UDO for additional requirements and more detailed information. Final Landscape Requirements to be coordinated with Smithfield Planning Department. Specific requirements or plantings shall be as indicated on final Plantings Plan or Landscape Plan, as approved by Town of Smithfield.

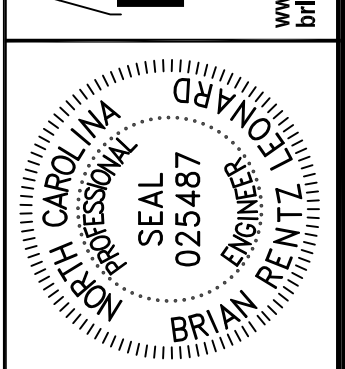


**PRELIMINARY - DO NOT
 USE FOR CONSTRUCTION
 (PROGRESS DRAWING ONLY)**

REVISION:	
DATE:	
ORIG. DATE:	10/4/16
SCALE:	REF: BAR SCALE
DRAWN BY:	BRL
CHECKED BY:	BRL
PROJECT NO.:	116D10.00



BRL ENGINEERING
 112 East Johnston Street
 Smithfield, NC 27577
 Office: (919) 989-9300
 www.brlengineering.com
 ncbels firm No. P-4023

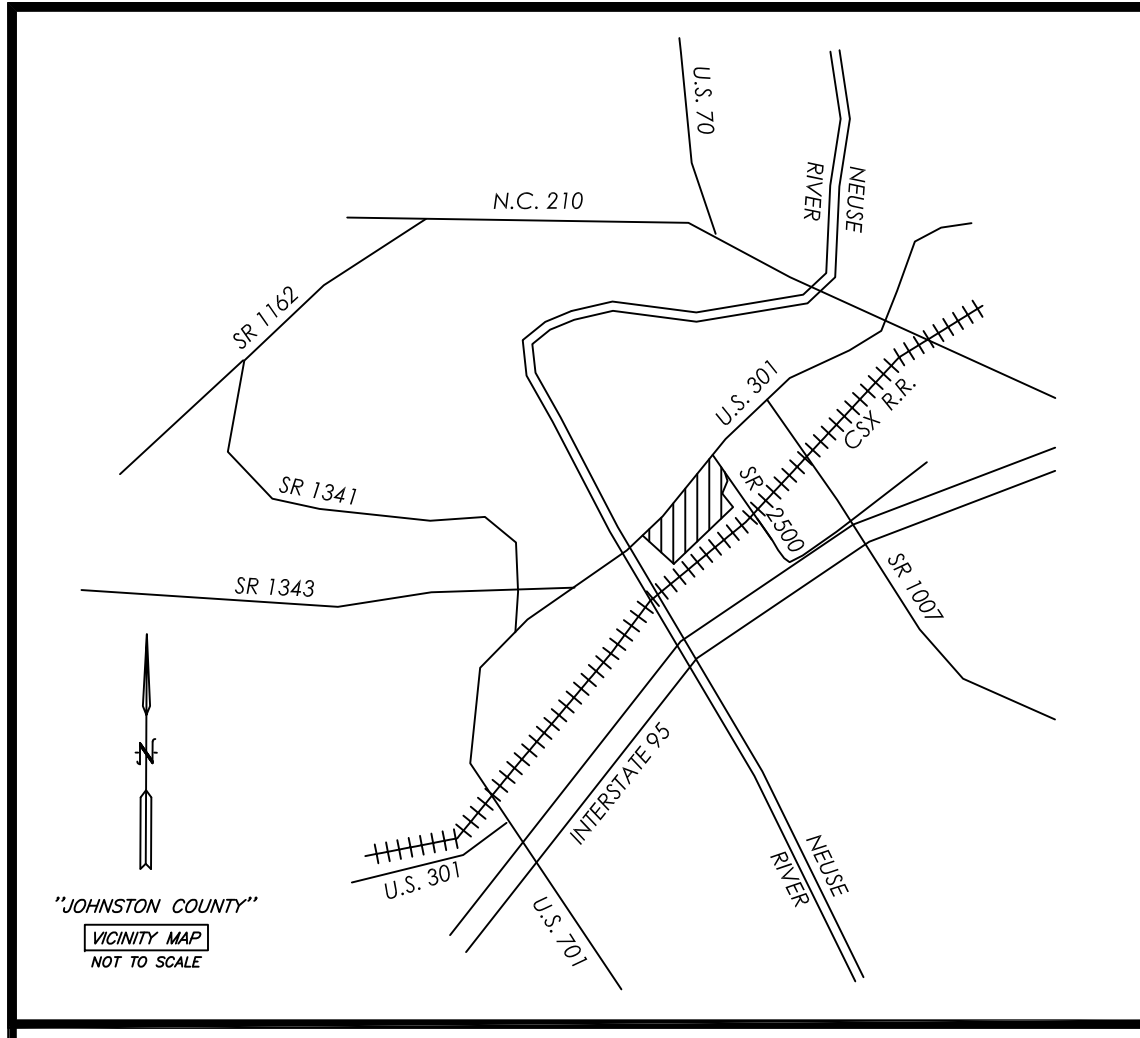


SITE PLAN FOR TIRE & WHEELS SERVICE SHOP w/FUTURE OFFICE/LEASE SPACE

PRELIMINARY SITE PLAN/LAYOUT FOR CONDITIONAL USE PERMIT

SITE INFORMATION
 OWNER/DEVELOPER INFORMATION
 OWNER/DEVELOPER: AMALIA FELIX MIRELES
 CONTACT: ALFONDO LER
 CONTRACT LICENSE NO. 025487
 CITY OR TOWN, COUNTY & STATE: SMITHFIELD; JOHNSTON CO., NC
 TOWNSHIP, COUNTY & STATE: ---
 NC PIN#: 168320-91-0837; 168320-91-2834
 ZONING: B-3

Sheet No. **1** of **1**
PRELIM SITE/LAYOUT



SITE PLAN INFORMATION FOR TOWN OF SMITHFIELD

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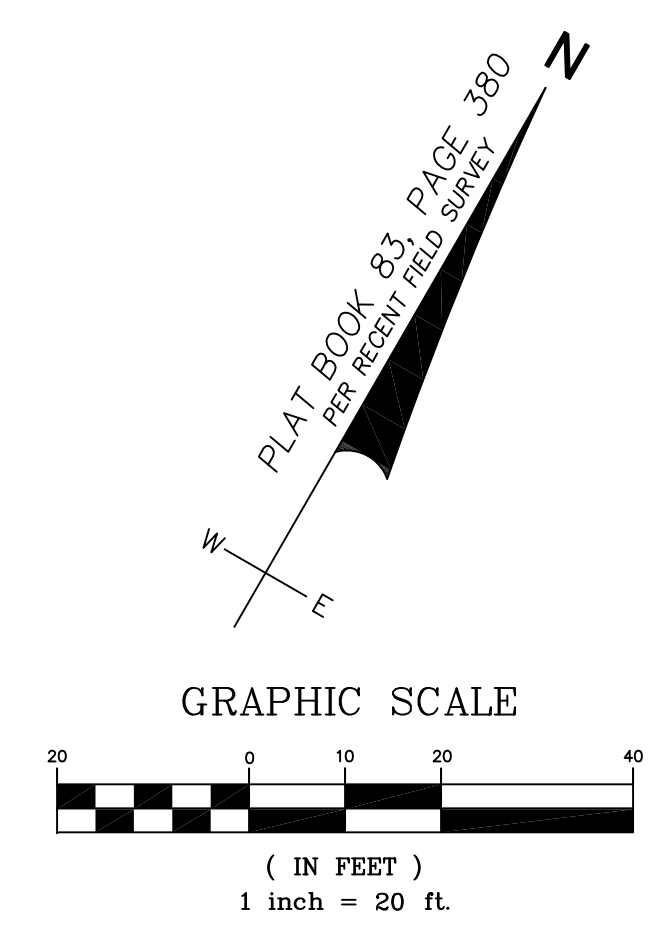
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 Minimum Building Yard at Side(s) = 15' (35' Corner/Side at SR 2500 Collector per Planning Dept.)
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Minimum Landscape Areas:

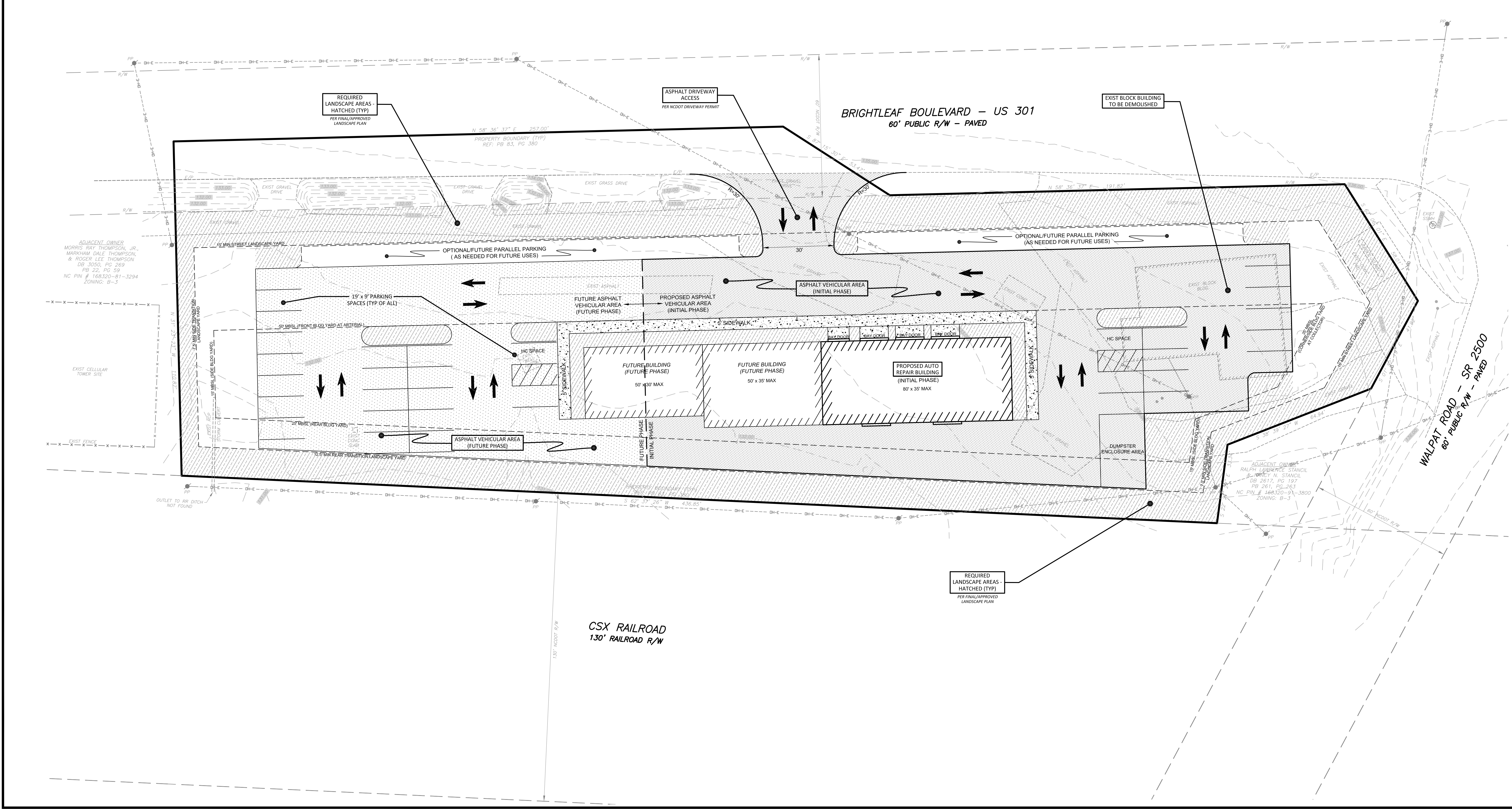
- Buffer Strips (Ref: UDO 17-3(A)(6) Table)
None Req'd for Similar, Adjacent Zoning
- General Landscaping (Ref: UDO 17-2(C)(1))
Total Landscape Area: 0.288 AC Min. (> 20% of Gross Site Area)
- Street Yards (Ref: UDO 17-2(C)(6))
Width: 15' (50% of Front Bldg Yard, but only 15' Max per Planning Dept.)
Plantings: > 1 Tree/50 LF; 20 Shrubs/100 LF of road frontage
- Transition Yards (Side & Rear) (Ref: UDO 17-2(C)(8))
Width: Side - 7.5' Min. (50% of Side Bldg Yard)
Rear - 12.5' Min. (50% of Rear Bldg Yard)
Plantings: > 1 Tree/50 LF; 20 Shrubs/100 LF
- Vehicular Surface Area Plantings (Ref: UDO 17-2(C)(7))
Vehicular Landscape Area: 3002 sq.ft. Min. (> 9% of Gross Site Paved Area)
Plantings: Minimum > 1 Tree > 6 Shrubs
Other:
All spaces within 50' of a tree
Peninsulas at least every 15 spaces and at ends
Peninsulas at least 8' wide and > 100 sq.ft.
If < 24 total spaces can provide perimeter landscaping instead of interior plantings above
- Foundation (Building) Plantings (Ref: UDO 17-2(C)(9))
Foundation Landscape Area: To Be Determined by Final Building Plan
(Min. Planting Area is > 12% of Building (Face) Area adjacent to vehicular area)
- Other Landscaping (Ref: UDO 7.1.M)

This is only a general summary of the Town Zoning/Landscaping Requirements. Reference Town UDO for additional requirements and more detailed information. Final Landscape Requirements to be coordinated with Smithfield Planning Department. Specific requirements or plantings shall be as indicated on final Plantings Plan or Landscape Plan, as approved by Town of Smithfield.

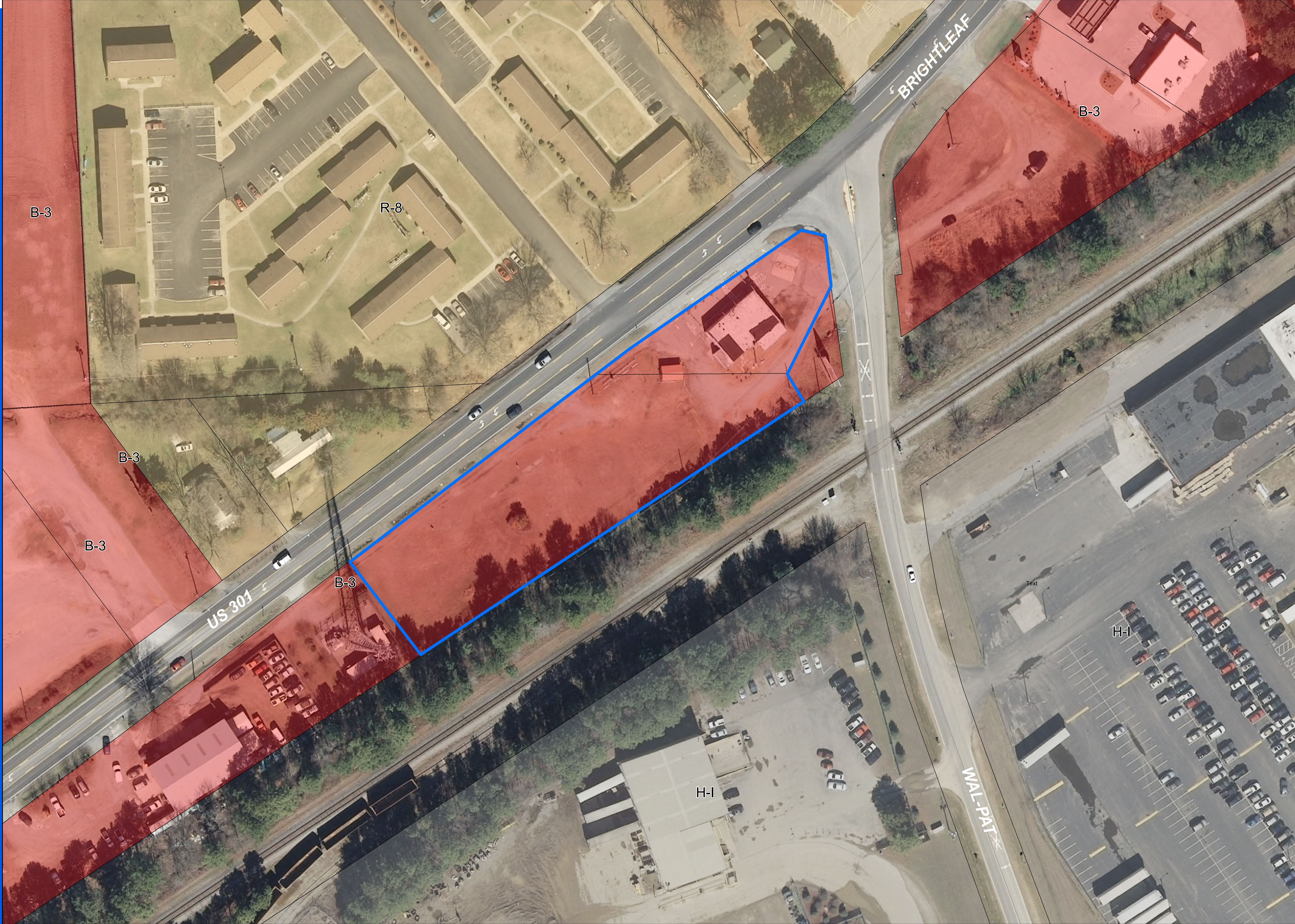


**PRELIMINARY - DO NOT
 USE FOR CONSTRUCTION
 (PROGRESS DRAWING ONLY)**

REVISION:	DATE:	ORIG. DATE:	SCALE:	REF. BAR SCALE:
		10/4/16		
			DRAWN BY:	BRL
			CHECKED BY:	BRL
			PROJECT NO.:	116010.00
BRL ENGINEERING				
112 East Johnston Street Smithfield, NC 27577				
Office: (919) 989-9300 www.brlengineering.com brlengineering@gmail.com				
PRELIMINARY SITE PLAN/LAYOUT FOR CONDITIONAL USE PERMIT				
SITE PLAN FOR TIRE & WHEELS SERVICE SHOP w/FUTURE OFFICE/LEASE SPACE				
OWNER/DEVELOPER INFORMATION				
OWNER/DEVELOPER: AMALIA FELIX MIRELES				
CONTACT: ALFONSO LER				
DEVELOPER ADDRESS: 112 EAST JOHNSTON STREET, SMITHFIELD, NC 27577				
CITY OR TOWN, COUNTY & STATE: SMITHFIELD, JOHNSTON CO., NC				
TOWNSHIP: COUNTY: & STATE: ---				
NC PIN#: 168320-91-0837; 168320-91-2834				
ZONING: B-3				
Sheet No.	1			
of	1			
PRELIM SITE/LAYOUT				



2300 Block of South Brightleaf Boulevard



Project Name:
Amalia Felix Mireles

Proposed Use:
Automotive Repair
Facility

File Number:
CUP-16-12

Owner:
Amalia Felix Mireles

Applicant:
Amalia Felix Mireles

Location:
2301 South
Brightleaf Boulevard

Tax ID#
15A61047D

Zoning District:
B-3

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 10/29/2016

1 inch = 40 feet

0 20 40 80 120 Feet





PLANNING DEPARTMENT
Paul C. Embler, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, CUP-16-12, were notified by First Class Mail on 10-20-16.

Mark E. Helmer

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

21st day of October, 2016

Veronica T Hardaway

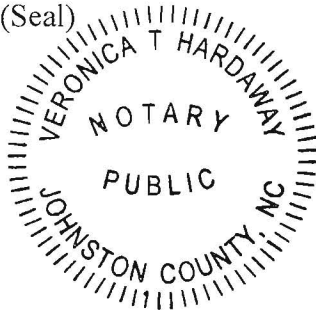
Notary Public Signature

Veronica T Hardaway

Notary Public Name

My Commission expires on 1-4-18

(Seal)



Adjacent Property Owners of
CUP-16-12

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15A61027	168320-92-2121	ANDREWS, WILEY EDWIN BUD	717 CRESCENT DRIVE	SMITHFIELD	NC	27577-3841
15A61029B	168320-91-3800	STANCIL, RALPH LAWRENCE	PO BOX 188	SELMA	NC	27576-0000
15A61031	168320-92-6100	WILLIAMS, WALTER L	539 S MAIN ST	FINDLAY	OH	45840-3229
15A61047D	168320-91-1779	MIRELES, AMALIA FELIX	1677 ROCK PILLAR ROAD	CLAYTON	NC	27577
15A61047C	168320-81-7608	CARRAWAY, JOAN ALLISON	2312 SOUTH BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-0000
15J10013B	168320-80-7689	OMNISOURCE SOUTHEAST LLC	7575 W JEFFERSON BLVD	FORT WAYNE	IN	46804
15A61046	168320-81-8732	ESCOBAR, GLORIA ALBA	2308 S BRIGHT LEAF BLVD.	SMITHFIELD	NC	27577
15J10012B	168320-81-3294	THOMPSON, MORRIS RAY JR	2317 S BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-0000
15A61051	169317-02-4066	FLAN 4	531 FLANDERS FILTERS RD	WASHINGTON	NC	27889
15A61044	168320-82-8068	FFAH JOHNSON COURT, LLC.	384 FOREST AVEUNE SUITE 14	LAGUNA BEACH	CA	92651



PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

Notice Of Public Hearings

Notice is hereby given that public hearings will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, November 3, 2016 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

CUP-16-11 Oakey Grove Missionary Baptist Church: The applicant is requesting a conditional use permit to allow for a daycare center on a .85 acre tract of land and located within an R-20A (Residential-Agricultural) zoning district. The property considered for a conditional use permit is located on the northwest side of the intersection of US Hwy 70 Business and Little Creek Church Road. The property is further identified as Johnston County Tax ID# 15J08009I.

CUP-16-12 Amalia Felix Mireles: The applicant is requesting a conditional use permit to allow for an automotive repair facility with tire sales on a 1.1 acre tract of land located within a B-3 (Business) zoning district. The property considered for a conditional use permit is located on the southwest side of the intersection of South Brightleaf Boulevard and Wal-Pat Road and further identified as Johnston County Tax ID# 15A61047D.

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 10/19/16 and 10/26/16



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

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