

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: *Tuesday, December 13, 2016*
Meeting Time: *6:00 p.m.*
Meeting Place: *Council Chambers, Smithfield Town Hall*

**AGENDA
PLANNING BOARD
REGULAR MEETING
DECEMBER 13, 2016
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Identify voting members

Approval of the minutes for November 3, 2016

Public Hearings

RZ-16-04 Sue Warrick: The applicant is requesting to rezone approximately 19.18 acres of land from the R-20A (Residential-Agricultural) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the north side of Barbour Road approximately 1300 feet east of its intersection with US Hwy Business 70 West. The property is further identified as Johnston County Tax ID# 15079006B.

Old Business

New Business

Approval of the 2017 Planning Board Schedule

Adjournment

DRAFT
Smithfield Planning Board Minutes
Thursday, November 3, 2016
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman-Stephen Upton
Vice-Chairman Daniel Sanders
Ashley Spain
Eddie Foy
Gerald Joyner
Jack Matthews

Members Absent:

Teresa Daughtry
Mark Lane

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Admin

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM OCTOBER 6, 2016.

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

Presentations:

Chairman Foy administered the Oath of Office to the new Chairman of the Board, Stephen Upton.

Chairman Upton administered the Oath of Office to the new Vice-Chairman of the Board, Daniel Sanders.

Public Hearings:

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

CUP-16-11 Oakey Grove Missionary Baptist Church:

Mr. Helmer stated 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-20 (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.

Mr. Helmer stated 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 storm water facility located on the site and none is

required at this time. 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 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. Daycare facilities are permitted uses within a 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. A daycare center at this existing church site should not pose a compatibility issue with surrounding land uses. The proposed daycare will qualify for a free standing sign on Little Creek Church Road. Fire protection will be provided by Wilson's Mills, Water/Sewer services will be provided by the Town of Smithfield, and electric will be provided by Duke Progress Energy.

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.

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.

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

Eddie Foy asked if the applicant has submitted how large the daycare will be.

Mr. Helmer stated the applicant is proposing a before and after school program at this time, but then will extend its services to a full time daycare.

Eddie Foy asked if the applicant would still have to meet state regulations in this situation.

Mr. Helmer stated yes they would still have to meet state requirements.

Daniel Sanders asked how traffic would be in the proposed area with school buses picking up and dropping children off.

Michael Martin, Pastor at Oakey Grove Baptist Church, stated that right now it will be set up for a before and after school care program and then will work toward becoming a full daycare. Buses will not pose a problem in this case because children will be dropped off in the mornings by their parents and the church will provide transportation to the school. In the afternoons the church will provide transportation back to the church where parents will pick up the children.

Gerald Joyner asked approximately how many children would be enrolled in this program.

Mr. Martin stated approximately 15 children to start.

Being no further questions, Mr. Upton closed the public meeting for CUP-16-11

Eddie Foy 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.***

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

- 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.***

It is the applicant's intent that the property will meet all state and local ordinance conditions and specifications.

- 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 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. *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 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 projects as required by GS 160A-382(b).

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;

Eddie Foy made a motion, seconded by Daniel Sanders to allow for a daycare center on a .85 acre tract of land and located within an R-20A (Residential-Agricultural) zoning district.

CUP-16-12 Amalia Felix Mireles:

Mr. Embler stated 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# 15A1047D.

Mr. Helmer stated the applicant has submitted a phased preliminary sketch plan showing a proposed 2,800 square foot building with 4 garage bays and 13 parking spots being constructed as part of phase one. Phase two indicates 3,250 square feet of additional building space and 20 additional parking spaces. The site will be served by a proposed 30 foot wide NCDOT approved driveway accessing South Brightleaf Boulevard. No access to Wal-Pat Road 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. 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 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. Automotive repair facilities are permitted uses within B-3 (Business) zoning districts 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. An automotive repair facility at this location should not pose a compatibility issue with surrounding land uses. The proposed automotive repair facility will qualify for a free standing sign on South Brightleaf Boulevard. The Town of Smithfield will provide fire protection, water/sewer, and electric.

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

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

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

Mr. Upton asked why there is no access to Wal-Pat Road.

Mr. Helmer explained there is not enough road frontage.

Mr. Upton expressed his concern with the heavy traffic due to the flea market.

Mr. Helmer stated it is very congested in that area; however the proposal is a low traffic generating use. He stated he is aware there is parking over spill on the proposed site due to the flea market, but the applicant is willing to work with the Town on this issue.

Daniel Sanders asked how many vehicle bays there are.

Mr. Helmer stated there are four bays in the newly constructed building. The building backs up to CSX railroad and all landscaping yards are shown on the plan. Additional landscaping will be required on all sides of the building.

Daniel Sanders asked what the hours of operation will be.

Amalia Felix Mireles, 10517 US Hwy 70 W Clayton, stated he is the owner of the proposed business. He stated he currently owns and operates a garage in Clayton and is usually open 7 days a week, but if the Town needs him to adjust his hours he will do so.

Daniel Sanders explained the weekend traffic is extremely heavy due to the flea market.

Brian Leonard, 112 E Johnston Street, stated he is the engineer working on the proposal. He stated the site itself is not a traffic generator and the garage will be working solely on site.

Daniel Sanders asked what their plans are about the parking overage coming from the flea market.

Mr. Leonard stated they would be willing to either block it off completely to outside parking if the Town thinks it's necessary or leave it open if that would make it easier.

Mr. Upton asked how many parking spaces would be available.

Mr. Helmer stated the site plan is showing 13 parking spaces.

Mr. Leonard stated the site plan shows more than 13, it's actually closer to 23 parking spaces.

Ashley Spain asked if the parking spaces will be paved and marked.

Mr. Leonard stated all parking spaces will be paved and marked appropriately.

Mr. Upton asked the applicant if he's been in this business before.

Mr. Mireles stated he runs a similar business in Clayton.

Mr. Upton asked if the site plan would come before the Planning Board.

Mr. Helmer stated the site plan will be approved administratively by the Planning Department.

Being no further questions, Mr. Upton closed the public meeting for CUP-16-12.

Eddie Foy 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 site layout and building plans 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. 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.***

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 Permit request. The approval/permitting process with various agencies/departments includes, but is not limited to, NCDOT Driveway approval; site plan approval and zoning permit by Planning Department; 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. ***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 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 a 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. ***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 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 the 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 permit 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.

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;

Eddie Foy made a motion, seconded by Daniel Sanders 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.

Old Business:

New Business:

Mr. Upton expressed his appreciation to Eddie Foy for his years of service to the Planning Board as Chairman.

Jack Matthews made a motion to adjourn, seconded by Ashley Spain. Unanimous.

Submitted this 3rd day of November, 2016.

Veronica Hardaway
Administrative Support Specialist
Planning Department

DRAFT



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

Application Number: RZ-15-04
Project Name: Sue Warwick Rezoning
TAX ID number: 15079006B
Town Limits/ETJ: ETJ
Applicant: Sue Warwick
Owners: Sue Warwick
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: North side of Barbour Road approximately 1300 feet east of its intersection with US Hwy Business 70 West.

REQUEST: The applicant is requesting to rezone approximately 19.18 acres of land from the R-20A (Residential-Agricultural) zoning district to the LI (Light Industrial) zoning district.

SITE DATA:

Acreage: 19.18 acres
Present Zoning: R-20A (Residential-Agricultural)
Proposed Zoning: LI (Light Industrial)
Existing Use: Agricultural / Woodlands
Proposed Use: None

DEVELOPMENT DATA:

Proposed Use: The applicant is not requesting site development plan review or a conditional use permit at this time. The applicant is only requesting the subject property to be rezoned to the Light Industrial zoning district. If the rezoning request is approved, all uses permitted within the Light Industrial zoning district may be considered for future approvals.

ENVIRONMENTAL: 1.59 acres of the subject property is located within a 100 year flood plain. This area is located adjacent to the rear property line and all land disturbing activities in this area should be discouraged.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R-20A (Residential-Agricultural)
	Existing Use:	Residential / Horse Pasture
South:	Zoning:	R-20A (Residential-Agricultural)
	Existing Use:	Residential / Agricultural fields
East:	Zoning:	R-20A (Residential-Agricultural)
	Existing Use:	Residential / Agricultural fields
West:	Zoning:	LI (Light Industrial) and R-20A (Residential-Agricultural)
	Existing Use:	Undeveloped lot within an existing industrial park / agricultural fields

STAFF ANALYSIS AND COMMENTARY:

The property considered for rezoning is 19.18 acre property immediately adjacent to an existing industrial park to the west and is home to OPW Containment Systems, Carolina Electronic Assemblers, and Gates Concrete and Construction Company. Town of Smithfield water service is available within the right-of-way of Barbour Road. Sewer service is approximately 700 feet to the northwest of the property. A 50 foot Colonial Pipeline easement and gas main is located on the northern most portion of the property. The subject property at its closest point is approximately 1,850 feet from the Town of Smithfield corporate limit line.

Some of the permitted uses that can be considered for future approval if the property is rezoned to the HI (Heavy Industrial) zoning district would include:

- Building, government
- Clothing And Finished Fabric Products, Manufacture Of
- Contractors, Special Trades (No Storage)
- Clothing And Finished Fabric Products, Manufacture Of
- Manufacturing of clothing and finished fabric products
- Fuel And Ice Dealers
- Greenhouses and Plant Nurseries
- Office, professional
- Light Manufacturing Uses Involving Fewer Than 35 Employees And Not Otherwise Listed/Identified
- Industrial Research Offices And Laboratories
- **Consistency with the Strategic Growth Plan**

The proposed rezoning to the LI (Light Industrial) zoning district is consistent with the Future Land Use Plan which recommends the property be zoned industrial uses.

- **Consistency with the Unified Development Code**

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance providing that any proposed land uses makes the necessary site improvements to include landscaped buffer yards adjacent to neighboring residential uses and zoning districts.

- **Compatibility with Surrounding Land Uses**

The property considered for a rezoning is located in an area along South Brightleaf Boulevard were manufacturing, warehousing and service related business have a strong presence. The adjacent residential use to the north should not be negatively impacted providing that any future use does not generate excess dust, noise or vibration and does not contain bulk storage of flammable material.

OTHER:

FIRE PROTECTION: Wilsons Mills will provide fire protection.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: The property has approximately 345 feet of road frontage on Barbour Road.

WATER/SEWER PROVIDER: Town of Smithfield allocation

ELECTRIC PROVIDER: Duke Progress Energy

FINDINGS:

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

Planning Department Recommendation: The Planning Department recommends approval of the request to rezone approximately 19.18 acres of land from the R-20A (Residential-Agricultural) zoning district to the LI (Light Industrial) zoning district.

Planning Board Recommendation: The Planning Board, is requested to review the petition and make a recombination in accordance with the approval criteria for the rezoning of approximately 19.18 acres of land from the R-20A (Residential-Agricultural) zoning district to the LI (Light Industrial) zoning district.

Town of Smithfield

Rezoning Permit Application

Approval Criteria

Application No. RZ-14-04 Name: Sue Warwick

Request: Zoning reclassification from R-20A (Residential-Agricultural) to the LI (Light-Industrial) zoning district.

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

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

1. Finding One of Eight:

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

Circle One

A. Agree

The rezoning request from the low density residential zoning district to a light industrial zoning district is consistent with the recommendations of the Future Land Use Plan which calls for industrial uses at this location. Expanding the existing light industrial zoning district to the subject property will create opportunities for future job growth in the area.

B. Disagree

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

2. Finding Two of Eight

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

Circle One

A. Agree

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

B. Disagree

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

3. Finding Three of Eight

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

Circle One

A. Agree

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

B. Disagree

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

4. Finding Four of Eight

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

A. Agree

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

B. Disagree

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

5. Finding Five of Eight

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

A. Agree

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

B. Disagree

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

6. Finding Six of Eight

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

A. Agree

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

B. Disagree

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

7. Finding Seven of Eight

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

A. Agree

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

B Disagree

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

8. Finding Eight of Eight

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

A. Agree

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

B. Disagree

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

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

Motion to Approve: Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant’s representative I move to recommend approval of rezoning petition RZ-16-04.

Motion to Deny: Based upon the failure to adequately address all of the above stated eight findings and for the reasons stated therein, I move to recommend denial of Rezoning Petition RZ-16-04.

10. Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Planning Board, rezoning petition RZ-16-04 is hereby recommended for:

Check one

_____ **Approval for the following reasons:**

_____ **Denial for the following reasons:**

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

Mr. 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

REZONING APPLICATION

Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00 for a rezoning to a Standard District.

Name of Project: LILLIE ^{JACKINS} ~~JACKINS~~ SITE Acreage of Property: 18.58

Parcel ID Number: 15079006B Tax ID: 434069B

Deed Book: 001166 Deed Page(s): 0233

Address: 2400 BARBOUR RD SMITHFIELD

Location: BARBOUR RD / US TOW BUSINESS

Existing Use: R20A Proposed Use: L1

Existing Zoning District: N/A

Requested Zoning District: N/A L1

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: <u>RZ-16-04</u>	Date Received: _____	Amount Paid: <u>\$300.00</u>
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OWNER INFORMATION:

Name: SOE WARRICK
Mailing Address: 145 LITTLE CREEK CHURCH RD. B'CLAYTON NC
Phone Number: 919-934-4094 Fax: _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: (SAME)
Mailing Address: _____
Phone Number: _____ Fax: _____
Contact Person: _____
Email Address: _____

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

STATEMENT OF JUSTIFICATION

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

WORKING WITH JOHNSON COUNTY ECONOMIC DEVELOPMENT OFFICE TO MARK SITE THAT IS CONTIGUOUS TO THE JNK INDUSTRIAL PARK.

APPLICANT AFFIDAVIT

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

Jue U. Warrick

Print Name

Jue U. Warrick

Signature of Applicant

~~2011~~ 11-4-16

Date

REQUIRED FINDINGS OF FACT

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

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

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

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

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

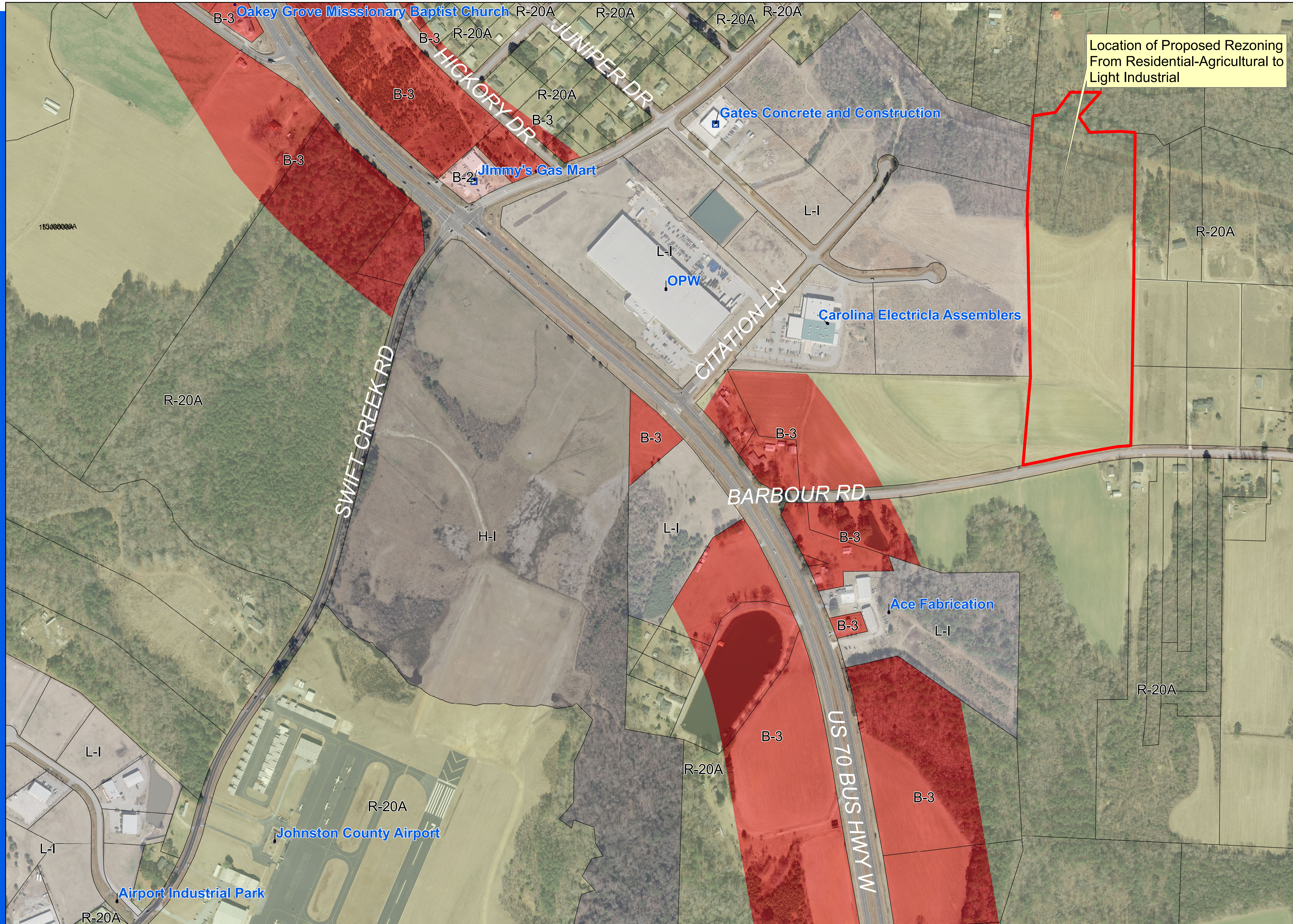
5. *The request does not constitute "Spot Zoning":*

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

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

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

2400 Block of Barbour Road



Location of Proposed Rezoning
From Residential-Agricultural to
Light Industrial

Project Name:
Sue Warwick Rezoning

Existing Zoning:
R-20A (Residential-Agricultural)

Proposed Zoning:
LI (Light Industrial)

File Number:
RZ-16-04

Owner:
Sue Warwick

Applicant:
Sue Warwick

Location:
2400 Block of
Barbour Road

Tax ID#
15079006B

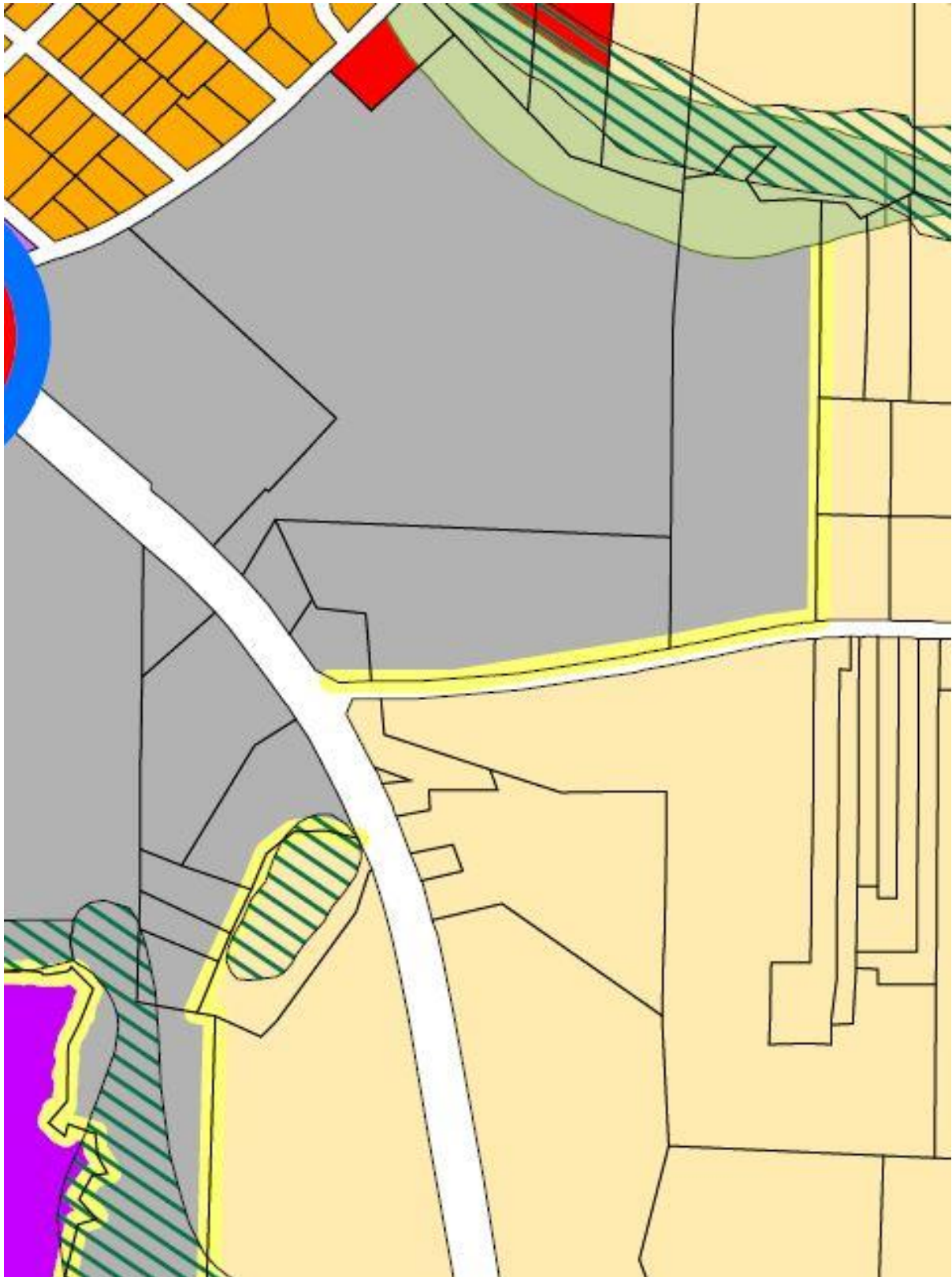
Zoning District:
R-20A to LI

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 12/2/2016

1 inch = 200 feet



Future Land Use Map for US Hwy 70 and Barbour Road





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, **RZ-16-04**, were notified by First Class Mail on **12-1-16**.

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

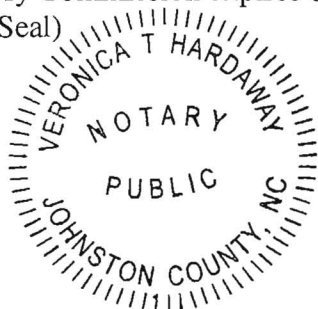
30th day of November, 2016

Notary Public Signature

Notary Public Name

My Commission expires on 1-14-18

(Seal)



Adjacent Property Owners of
RZ-16-04

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15078015	168511-55-6774	BELL, EULA MAE LIFE ESTATE	2437 BARBOUR RD	SMITHFIELD	NC	27577-0000
15078015B	168511-55-8925	SMITH, LULA BELL	1942 ADDISON ROAD SOUTH	HEIGHTS	MD	20747-0000
15079005D	168510-47-7056	SCA VENTURES LLC	132 CITATION LANE	SMITHFIELD	NC	27577-0000
15079005G	168506-47-5802	SCA VENTURES LLC	132 CITATION LN	SMITHFIELD	NC	27577-0000
15079006B	168511-57-4009	WARRICK, SUE U	145 LITTLE CREEK CHURCH ROAD	CLAYTON	NC	27520-6833
15078022B	168511-57-7070	BELL BENTON, JACQUELYN	6607 WOODSTREAM DRIVE	LANHAM	MD	20706-0000
15078022D	168511-57-8396	CAMPBELL, JOYCE MARIE	2440 BARBOUR RD	SMITHFIELD	NC	27577-0000
15078022E	168511-56-7670	BELL BENTON, JACQUELYN	6607 WOODSTREAM DRIVE	LANHAM	MD	20706-0000
15078015E	168511-55-7756	BELL, LEAMON JR AND OTHERS	P O BOX 261	FOUR OAKS	NC	27524-0000
17J08022	168507-58-1424	TROGDON, EDWARD HAROLD	2125A SWIFT CREEK RD	SMITHFIELD	NC	27577-7229
17J08023F	168507-58-4439	SHEA, DANIEL R	216 HOMESTEAD LANE	SMITHFIELD	NC	27577-9395
17J08024I	168507-58-7368	SHEA, DANIEL R	216 HOMESTEAD LANE	SMITHFIELD	NC	27577-9395
15O99006C	168511-57-7336	AVERY, TREVA L	2438 BARBOUR RD	SMITHFIELD	NC	27577-0000
15079006	168510-46-6517	TRUST	3000 US HWY 70 W BUS	SMITHFIELD	NC	27577



PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

Notice Of Public Hearing

Notice is hereby given that a public hearing will be held before the Planning Board of the Town of Smithfield, N.C., on Tuesday, December 13, 2016 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

RZ-16-04 Sue Warrick: The applicant is requesting to rezone approximately 19.18 acres of land from the R-20A (Residential-Agricultural) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the north side of Barbour Road approximately 1300 feet east of its intersection with US Hwy Business 70 West. The property is further identified as Johnston County Tax ID# 15079006B.

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.



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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 11/30/16 and 12/7/16



Planning Board Meeting Schedule 2017

Thursday, January 5th

Thursday, February 2nd

Thursday, March 2nd

Thursday, April 6th

Thursday, May 4th

Thursday, June 1st

Thursday, July 6th

Thursday, August 3rd

Thursday, September 7th

Thursday, October 5th

Thursday, November 2nd

Thursday, December 7th

*****All meetings begin at 6pm*****