

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, Deputy Town Clerk

Meeting Date: Thursday, March 2, 2016
Meeting Time: 6:00 p.m.
Meeting Place: Council Chambers, Smithfield Town Hall

**AGENDA
PLANNING BOARD
REGULAR MEETING
MARCH 2, 2017
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Identify voting members

Approval of the minutes for February 2, 2016

Public Hearings

CUP-17-02 Linda Caulder: The applicant is requesting a conditional use permit to allow for a private nightclub on a .46 acre tract of land located within a B-2 (Business) zoning district. The property considered for approval is located on the west side of the North Brightleaf Boulevard approximately 260 feet north of its intersection with East Market Street. The property is further identified as Johnston County Tax ID# 15022007.

ZA-07-01 Town of Smithfield: The Planning Department is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Table of Permitted Uses to allow for the sale of agricultural products as an administratively approved use by right within the B-2 (Business) and B-3 (Highway Entrance Business) zoning districts.

ZA-17-02 Rob's Hydraulics: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Table of Permitted Uses to allow for contractors with equipment yards as an administratively approved use by right within the and B-3 (Highway Entrance Business) zoning district.

Old Business

New Business

Adjournment

DRAFT
Smithfield Planning Board Minutes
Thursday, February 02, 2017
6:00 P.M., Town Hall, Council Room

Members Present:

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

Members Absent:

Teresa Daughtry

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Deputy Clerk

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM DECEMBER 5, 2016.

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

Public Hearings:

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

CUP-17-01 Nelson and Shonda Covington:

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for a commercial daycare center on a .98 acre tract of land located within a B-2 (Business) zoning district. The property considered for approval is located on the southwest side of the intersection of North Seventh Street and Bridge Street and further identified as Johnston County Tax ID# 15021012.

Mr. Helmer stated the property is a .98 acre tract of land which contains three permanent structures to include the main sanctuary, parsonage and a Sunday school classroom building. The property has access to North Sixth Street by a horse shoe shaped driveway that will accommodate safe loading and unloading of children. On-site parking is provided by sixteen standard parking spaces. However, ADA accessible parking spaces and handicap ramp will need to be provided prior to operation of the daycare facility. The site does contain a fenced area that appears to meet State requirements for required fenced outdoor play space. No storm water facilities are located on the site and none are required at this time. No additional site improvements are requested 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 North Seventh and Bridge Street. Daycare facilities are permitted uses within a B-2 (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 facility 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 North Sixth Street. The Town of Smithfield will provide fire protection, water/sewer, and electric services.

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-2 (Business) zoning district.

The Planning Board is requested to review the petition within a B-2 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 if the handicap ramp needs to be installed prior to permit.

Mr. Helmer stated that handicap parking spaces and a handicap ramp would need to be installed after the zoning permit is issued and before occupying the building.

Mr. Upton asked if any minor work needs to be done such as landscaping.

Mr. Helmer stated staff is satisfied the proposed project meets requirements.

Eddie Foy asked if there has been any opposition.

Mr. Helmer stated he is not aware of any.

Ashley Spain asked if only one building is being used.

Mr. Helmer stated yes.

Nelson Covington, 1916 Cartier Ruby Ln, Raleigh, stated he and his wife own an existing daycare in Raleigh and the hours of operation would be consistent with the current location being 6am-6pm. He stated in the future they are looking to have extended hours for 3rd shift parents. The ages of the children accepted into daycare will be 1-12 years of age.

Gerald Joyner asked how many children they would have in the program.

Mr. Covington stated approximately 30 children.

Eddie Foy asked if Mr. Covington is enrolled in the star system.

Mr. Covington stated he is enrolled in the star system; right now they are at 3 stars. He stated his wife is almost done with schooling for them to reach 4 stars.

Being no further questions, Daniel Sanders made a motion, seconded by Eddie Foy to close the public meeting for CUP-17-01.

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.***

No, the current location of this property will not endanger the public health, safety, or general welfare because this property is located within a couple of miles where daycare center are currently up and running. Also its located within minutes of Johnston County courthouse as well as the Town Hall.

- 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 meets all required conditions and specifications to operate a child care center at this location. Minor work has to be done in the facility as well as the landscape but there are no hindrances to complete the task.

- 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 property is located at an intersection with only one side of a joining 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 child care will be in harmony with the area considering that there are multiple child care centers within the same vicinity.

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;

Mark Lane made a motion, seconded by Eddie Foy to allow for a commercial daycare center on a .98 acre tract of land located within a B-2 (Business) zoning district.

CUP-17-02 Linda Caulder:

Mr. Upton stated the applicant has requested a 30 day continuance.

CUP-17-03 Classic Ford:

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for automotive sales on a 7.75 acre tract of land located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the southwest side of the intersection of North Brightleaf Boulevard and Ava Gardner Avenue and further identified as Johnston County Tax ID# 14074005.

Mr. Helmer stated the applicant has submitted a sketch plan of the proposed facility. This version of the plan indicated two requested access points to Brightleaf Boulevard as well as two access points to a private access easement on the adjacent property to the west. The sketch plan shows the location of a 33,992 square foot building as well as 26 customer parking spaces, 40 employee parking spaces and 390 parking spaces for display of vehicles for sale. Landscaping includes standard street yards and transition yards as well as required interior parking lot planting islands. Required storm water facilities will be constructed in the rear portion of the lot. Lighting plans and signage plans will be produced prior to site plan approval.

Mr. Helmer stated there does not appear to be any environmentally sensitive areas on the property considered for a Conditional Use Permit to include flood plains or designated wetlands. The proposed automobile sales dealership is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of Brightleaf Boulevard and Ava Gardner Avenue. An automobile sales dealership is a permitted use within a B-3 (Business) zoning district with a valid conditional use permit. All applicable development regulations are to include parking, access, landscaping, and storm water regulations can and will be met prior to site plan approval and issuance of a valid zoning permit.

Mr. Helmer stated an automobile sales dealership at this location should not pose a compatibility issue with surrounding land uses providing required on-site parking is constructed and required landscaping and buffers are installed as per the Town of Smithfield UDO. The proposed automobile sales dealership will qualify for wall and ground signs on the Brightleaf Boulevard side of the property. The Town of Smithfield will provide fire protection, water/sewer, and electric services.

The Planning Department recommends approval of the request for a conditional use permit to allow for an automobile sales dealership on a 7.75 acre tract of land and located within the B-3 (Business) zoning district.

The Planning Board is requested to review the petition 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.

Daniel Sanders stated the site plan shows 390 cars and asked if that was an error.

Mr. Helmer stated 390 spaces are clearly marked and have plenty of space.

Eddie Foy asked about traffic and if NCDOT needs to conduct a traffic study.

Mr. Helmer stated that NCDOT has studied traffic in the area and is in the process of creating a super street plan for the northern portion of Brightleaf Boulevard.

Jack Matthews asked if this building is an extension of the current Classic Ford.

Scott Calhoun, Classic Ford, stated it is unclear what will happen with the current facility but they are upgrading the facility and location. The owner feels they need a bigger newer facility.

Daniel Sanders asked if the property needs to be repaved.

Mr. Calhoun stated foundations will be removed, site grading will be done and the property will be repaved and landscaped.

Being no further questions, Ashley Spain made a motion, seconded by Eddie Foy to close the public meeting for CUP-17-03.

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 subject property is currently zoned for business use and the proposed development will meet all current land use requirements.

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 development will meet all conditional use requirements for an automobile dealership.

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 be compatible with current adjacent property uses.

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.***

A state of the art new Ford sales and service facility will be constructed to be in harmony with the surrounding business uses and to conform with the current land use plan.

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;

Ashley Spain made a motion, seconded by Eddie Foy to allow for automotive sales on a 7.75 acre tract of land located within a B-3 (Highway Entrance Business) zoning district.

Old Business:

No Report.

New Business:

Mr. Upton reviewed Article 3; Section 3-2: Planning and Zoning Board Rules of Conduct. Mr. Upton requested the Deputy Clerk to send the Article to all members of the Board by mail.

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

Submitted this 2nd day of February, 2017.

Veronica Hardaway
Deputy Clerk



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-17-02
Project Name: Saddle Up Saloon
TAX ID number: 15022007
Town Limits/ETJ: City
Applicant: Linda M. Caulder
Owners: Bon-RIC LLP
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: West side of the North Brightleaf Boulevard approximately 260 feet north of its intersection with East Market Street.

REQUEST: The applicant is requesting a conditional use permit to allow for a private club on a .46 acre tract of land located within a B-2 (Business) zoning district.

SITE DATA:

Acreage: .46 acres
Present Zoning: B-2 (Business)
Proposed Zoning: N/A
Existing Use / Previous: Existing establishment with approved ABC permits for beer and wine sales.

DEVELOPMENT DATA: The property is the former home of Betty's Bar and has been in continuous operation as a bar for many years. The new owner is seeking to expand the business to include mixed drinks by the glass without prepared food service. North Carolina Alcohol and Beverage Control can issue full ABC permits if the establishment is a private club with membership requirements.

The Town of Smithfield Unified Development, Article 10, Table of Permitted Uses has identified private clubs as a permitted use within the B-2 (Business) zoning district with a valid Conditional Use Permit issued by Town Council. The request for a private club also represents a change of use and triggers full compliance with the Town of Smithfield Unified Development Ordinance to include on-site parking, landscaping and buffering from adjacent residential land uses. It is recommended that a site plan showing the parking layout and landscaping be reviewed by the Planning Board prior to forwarding a favorable recommendation to Town Council.

Proposed Use: Private club with full service ABC permits.

ENVIRONMENTAL: There does not appear to be any environmentally sensitive areas on the property considered for a Conditional Use permit to include flood plains or designated wetlands.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	B-2(Business)
	Existing Use:	Commercial / Single family dwelling
South:	Zoning:	B-2 (Business)
	Existing Use:	Vacant
East:	Zoning:	B-2 (Business)
	Existing Use:	Automotive parts sales
West:	Zoning:	B-2 (Business)
	Existing Use:	Convenience store with fuel

- **Consistency with the Strategic Growth Plan**

The proposed private club is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of Brightleaf Boulevard and Market Street.

- **Consistency with the Unified Development Code**

Private clubs are permitted uses within B-2 (Business) zoning district with a valid conditional use permit. On-site parking with landscaping NCDOT driveway permits will need to be constructed prior to or a small daycare center and no other site improvements are proposed or requested at this time.

- **Compatibility with Surrounding Land Uses**

A Private club at this location should not pose a compatibility issue with surrounding land uses providing required on-site parking is constructed and required landscaping and buffers are installed as per the Town of Smithfield Unified Development Ordinance.

- **Signs**

The proposed night club will qualify for a wall sign on the Brightleaf Boulevard building elevation.

OTHER:

FIRE PROTECTION: Town of Smithfield

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: North 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 private club providing a site plan showing adequate on-site parking, landscaping and buffering is approved and constructed prior to operating as a private club.

Planning Board Action Requested:

The Planning Board is requested to review the petition for a private club within a B-2 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-17-02 **Name:** Saddle Up Saloon

Request: Applicant seeks a CUP for a day care facility on property located within a B-2 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:

Circle One

A. Approval:

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

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-17-02*

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-17-02 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-17-02 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: Saddle Up Saloon Acreage of Property: .463
 Parcel ID Number: 69419-60-4983 Tax ID: 600800713 15022007
 Deed Book: 01898 Deed Page(s): 0248
 Address: 113 N. Briantleaf Blvd Smithfield NC 27577
 Location: acrossed from Advance Auto
next door to City Barber Shop
 Existing Use: Beer + Wine Proposed Use: Mixed Beverage
 Existing Zoning District: B-2 (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): Entry Corridor

FOR OFFICE USE ONLY

File Number: CUP-17-02 Date Received: 1/5/17 Amount Paid: 300.00

OWNER INFORMATION:

Name: Linda M. Caulder
Mailing Address: 707 Garner Rd.
Phone Number: 919 333 5890 Fax: N/A
Email Address: caulderlinda@yahoo.com

APPLICANT INFORMATION:

Applicant: Linda Caulder
Mailing Address: 707 Garner Rd
Phone Number: 919 333 5890 Fax: N/A
Contact Person: _____
Email Address: caulderlinda@yahoo.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 Saddle Up Saloon has already been registered as a private club with the ABC Commission and have met all requirements for a private club, which include:
private membership - application on file.
completed the Alcohol Training program w/ ABC
obtained ~~to~~ a certificate of compliance from ABC
all government, local & State requirement have been met, and the fire marshal, town inspection office, and Chief of Smithfield Police have already signed off in acceptance to my request of a mixed Beverage licence to accompany my malt beverage & wine licence

#300 check

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;

I do not intend to cause damage or obstruction surrounding businesses. I have made several improvements on the exterior of the building as well as within, and this property is no longer an eyesore.

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

I have met all required conditions & specifications requested of me by local, government, county organizations.

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

all the properties is fenced off around the rear of the building, and there is no exit from the rear of this location either.

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).

Saddle Up Saloon is a bar that is going to attract a mature clientele with a rustic atmosphere with no intentions of being a "club" atmosphere.

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.

Linda Caulder
Print Name

Linda Caulder
Signature of Applicant

12-22-2016
Date



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

OWNER'S CONSENT FORM

Name of Project: Saddle Up Saloon Submittal Date: 12-22-2016

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.

Linda Caulder Linda Caulder 12-22-2016
 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.

DR Godwin DAVID RICKY GODWIN 12/28/16
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: CP-1702 Date Received: 1/5/17 Parcel ID Number: 169419-60-4983

SURVEYOR'S DISCLAIMER:

THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED; HOWEVER, A NORTH CAROLINA LICENSED ATTORNEY SHOULD BE CONSULTED CONCERNING CORRECT OWNERSHIP, WIDTH, AND LOCATIONS OF ANY EASEMENTS, RIGHTS OF WAY, CEMETERIES OR FAMILY BURIAL GROUNDS NOT SHOWN ON RECORDED MAPS OR DEEDS MADE AVAILABLE TO THIS SURVEYOR BY THE RECENT OWNER(S) AT THE TIME OF THIS SURVEY AND OTHER QUESTIONS THAT MAY BE REVEALED BY THE TITLE EXAMINATION INCLUDING ANY RESTRICTIVE COVENANTS. ALSO THIS SURVEYOR HAS NO KNOWLEDGE OF THE OWNERSHIP OR MAINTENANCE RESPONSIBILITIES OF ANY FENCES ON OR NEAR THE BOUNDARY LINES. NO RESPONSIBILITY OF ANY NATURE IS ASSUMED BY THIS SURVEYOR FOR ANY CONDITIONS WHICH MAY PRESENTLY EXIST BUT ARE UNKNOWN, SUCH AS CEMETERIES, FAMILY BURIAL GROUNDS, TOXIC OR HAZARDOUS WASTE MATERIALS/SITES, WETLANDS, FLOOD HAZARD AREAS/SOILS, ETC., OR ANYTHING ELSE THAT MAY BE IN THE RESTRICTIVE COVENANTS. ALSO AS USED IN THE SURVEYOR'S CERTIFICATION HEREON, THE WORD "CERTIFY" MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF CONDITIONS REGARDING THOSE FACTS OR FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED. THE MAP OR PLAT SHOWN HEREON SHALL NOT BE USED WITH AN AFFIDAVIT OR LETTER OF ANY KIND FOR REUSE INCLUDING, BUT NOT LIMITED TO FUTURE LOAN CLOSINGS, PLOT PLANS, CONSTRUCTION, LANDSCAPING, PERMITTING, ETC., IT IS A VIOLATION OF THE FEDERAL COPYRIGHT ACT TO COPY OR MODIFY AND REUSE THIS SURVEY BEYOND THE DATE AND SCOPE NOTED ON THE MAP. JIMMY BARBOUR SURVEYING, PA., ITS ASSOCIATES, AND/OR AGENTS SHALL NOT BE LIABLE FOR USE OF THIS SURVEY BY ANY OTHER ENTITIES OR PERSONS FOR ANY PURPOSE BEYOND THE DATE AND SCOPE AS NOTED ON THIS MAP OR PLAT.

SITE NOTES:

INFORMATION TAKEN FROM SMITHFIELD DEVELOPMENT ORDINANCE ARTICLE / SECTION 12 (SETBACKS) AND SECTION / ARTICLE 17 (LANDSCAPING)

PROPERTY IS ZONED B-2 (GENERAL BUSINESS)

LANDSCAPING REQUIREMENTS
 FOR LANDSCAPING FRONT YARD BUFFER
 1 CANOPY TREE PER EVERY 50 LF
 20 SHRUBS PER EVERY 100 LF
 FOR LANDSCAPING SIDE YARD BUFFERS
 1 CANOPY TREE PER EVERY 50 LF or
 1 UNDERSTORY TREE PER EVERY 25 LF
 20 SHRUBS PER EVERY 100 LF

MINIMUM BUILDING SETBACKS FOR B-2 ZONING
 FRONT-20'
 SIDE-8' **
 REAR-15'

** NONE REQUIRED, PROVIDED HOWEVER, THAT IF A SIDE YARD IS PROVIDED, IT SHALL BE AT LEAST 8 FEET WIDE.

PARKING SPACE CALCULATIONS
 CLUB-2,520 SF= 26 SPACES
 BARBER SHOP-2 SPACES PER CHAIR= 4 SPACES

TOTAL NUMBER OF PARKING SPACES REQUIRED 30
 28 REGULAR PARKING SPACES
 2 HANDICAP PARKING SPACES

GRID NOTES
 NCGS VRS
 NAD 1983 (2011)
 GEOID 12 A
 COMBINED FACTOR-0.99988088

REFERENCES:
 DEED BOOK 1898, PAGE 248

PARCEL ID NO. 15022007

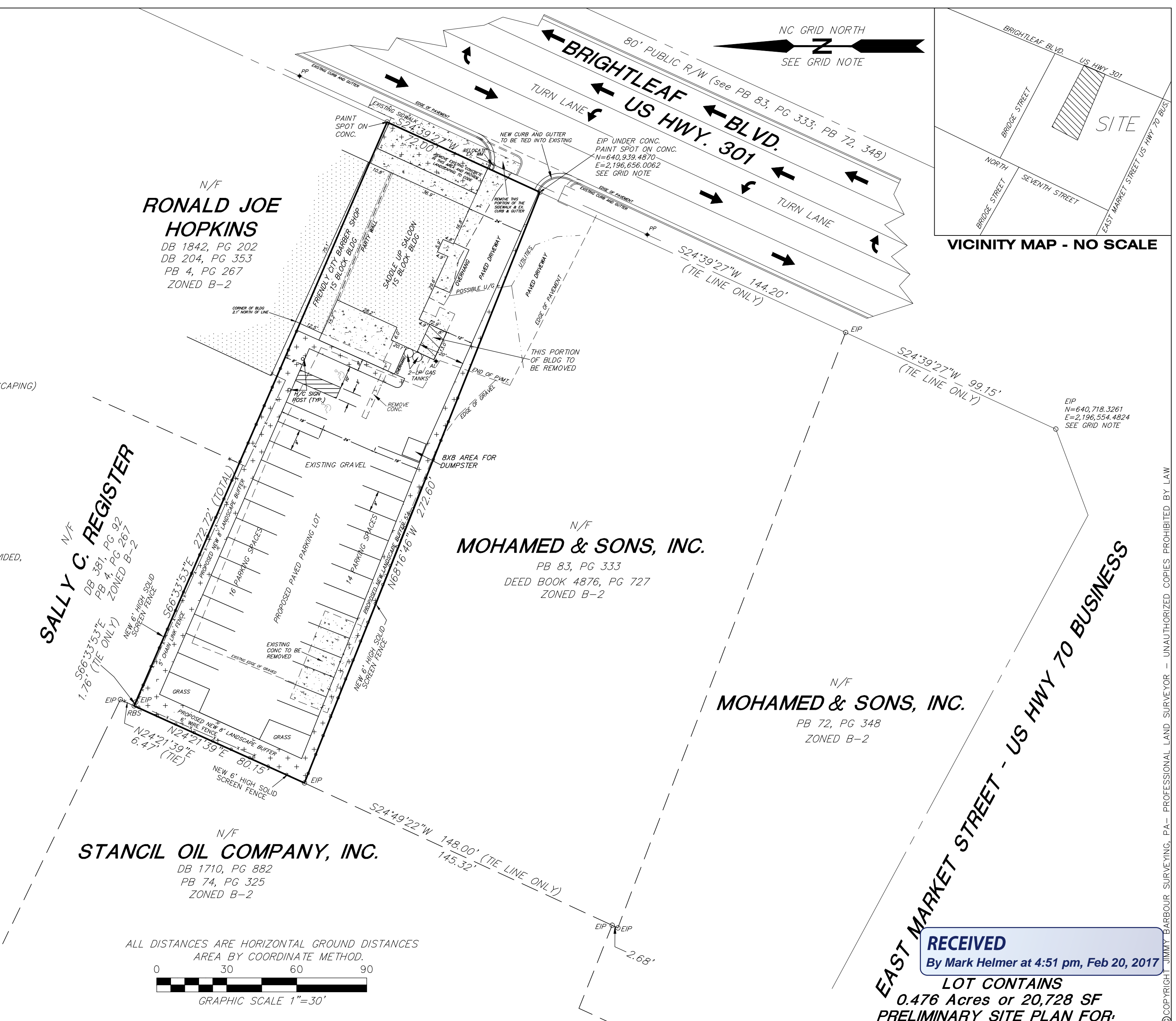
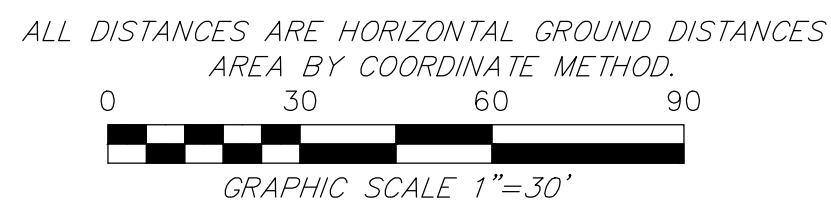
ALSO SEE PLAT BOOK 4, PAGE 267
 PLAT BOOK 83, PAGE 333
 PLAT BOOK 74, PAGE 325

I, JIMMY C. BARBOUR, PLS, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____ ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THE GLOBAL POSITIONING ACCURACY (GPA) OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS, PART 2: STANDARDS FOR GEODETIC NETWORKS AT 1 CENTIMETER ACCURACY CLASSIFICATION (95% CONFIDENCE) USING RTK NETWORK; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.0001-01); I, THE SURVEYOR, AND SEAL THIS _____ DAY OF _____, 2017.

JIMMY C. BARBOUR, PROFESSIONAL LAND SURVEYOR, NC NO. 2855

FH	DASHED LINES	FIRE HYDRANT	MNS	MAGNETIC NAIL SET
WM / WV	EXISTING CONCRETE MONUMENT FOUND	ERB	EXISTING IRON REBAR	EXISTING IRON REBAR
EIP	EXISTING IRON PIPE FOUND	RRSS	RAILROAD SPIKE SET	RAILROAD SPIKE SET
EIS	EXISTING IRON STAKE FOUND	N/F	NOW OR FORMERLY	NOW OR FORMERLY
ECM	EXISTING CONCRETE MONUMENT FOUND	PP/SP/AL	POWER POLE/SERVICE POLE/AREA LIGHT	POWER POLE/SERVICE POLE/AREA LIGHT
C/L	CENTERLINE OF ROAD	OHPL	OVERHEAD POWER LINE	OVERHEAD POWER LINE
EPK	EXISTING PARKER-KALON NAIL FOUND	CP	COMPUTED POINT FROM REFERENCED SOURCES	COMPUTED POINT FROM REFERENCED SOURCES
ERRS	EXISTING RAILROAD SPIKE FOUND	CSS	COTTON SPINDLE SET	COTTON SPINDLE SET
EIA	EXISTING IRON AXLE FOUND	R/W	RIGHT OF WAY	RIGHT OF WAY
RBS	#5 IRON REBAR FOUND WITH RED PLASTIC CAP			
ECS	EXISTING COTTON SPINDLE FOUND			
EMN	EXISTING MAGNETIC NAIL FOUND			

PROPERTY SHOWN HEREON IS NOT LOCATED IN A 100 YR. FLOOD ZONE ACCORDING TO FEMA PANEL NO. 3720169400 J DATED 12-2-2005.



RECEIVED
 By Mark Helmer at 4:51 pm, Feb 20, 2017

LOT CONTAINS
 0.476 Acres or 20,728 SF
 PRELIMINARY SITE PLAN FOR:

SADDLE UP SALOON		
OWNER	N/F BON-RIC, LLP	
TOWNSHIP	SMITHFIELD	COUNTY JOHNSTON STATE NC
SURVEYED BY	J SIMMONS	DRAWN BY CINDA MOORE
DATE SURVEYED	2-16-17	SCALE 1"=30'
DRAWING NO.	17-030	

JIMMY BARBOUR SURVEYING, PA
 JIMMY C. BARBOUR, PLS, GSI

C-3109
 213 S. SECOND STREET
 P. O. BOX 28
 SMITHFIELD, N.C. 27577
 919 989-6642 919-989-3013
 919 989-6643 FAX

COPYRIGHT JIMMY BARBOUR SURVEYING, PA - PROFESSIONAL LAND SURVEYOR - UNAUTHORIZED COPIES PROHIBITED BY LAW

100 Block of North Brightleaf Boulevard



Project Name:
Saddle Up Saloon

Proposed Use:
Private Nightclub

File Number:
CUP-17-02

Owner:
Bon-Ric LLP

Applicant:
Linda Caulder

Location:
113 North
Brightleaf Blvd

Tax ID#
15022007

Zoning District:
B-2

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 1/23/2017

1 inch = 40 feet

0 20 40 80 120 Feet



Adjacent Property Owners of
CUP-17-02

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15022001	169419-60-3835	MOHAMED & SONS INC	PO BOX 1236	SMITHFIELD	NC	27577-0000
15022002	169419-60-4802	MOHAMED AND SONS INC	P O BOX 1236	SMITHFIELD	NC	27577-0000
15022003	169419-60-5707	TILGHMAN, GRANVILLE M AND OTHERS	27 ANNETTE DR STE 107	BENSON	NC	27504-8045
15022007	169419-60-4983	BON-RIC LLP	P O BOX 607	SELMA	NC	27576-0607
15022009	169419-61-5074	HOPKINS, RONALD JOE	432 E MARKET ST	SMITHFIELD	NC	27577-0000
15022018	169419-60-8905	W T BARTHOLOMEW TRUST	955 NORTH MAIN STREET	LOUISBURG	NC	27549-2148
15022025	169419-60-7632	CROSTOWN SMITHFIELD LLC	594 BROADWAY SUITE 1010	NEW YORK	NY	10012-0000
15022008	169419-61-4140	REGISTER, SALLY C	710 BRIDGE ST	SMITHFIELD	NC	27577-0000
15021032	169419-61-2072	STANCIL OIL COMPANY	PO BOX 188	SELMA	NC	27576-0188
15022024	169419-60-8800	M & F LLC	PO BOX 148	SMITHFIELD	NC	27577-0000
15099031L	169419-61-3107	ANYON, ANDRE G	118 N 7TH STREET	SMITHFIELD	NC	27577-3936
15022006B	169419-60-5822	POPE, MARY T	27 ANNETTE DR	BENSON	NC	27504-8045
15022006A	169419-60-4827	MOHAMED & SONS INC	PO BOX 1236	SMITHFIELD	NC	27577-0000
15022006	169419-60-5902	HYATT, SHERRIE LYNN	3000 WEDGE COURT	MATTHEWS	NC	28104-0000



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

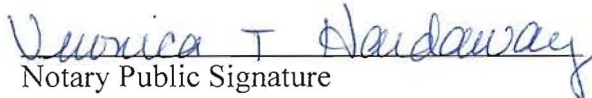
I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, CUP-17-02, were notified by First Class Mail on 2-13-17.

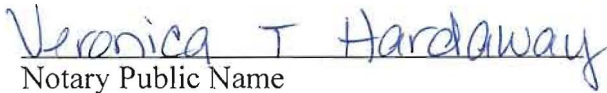

Signature

Johnston County, North Carolina

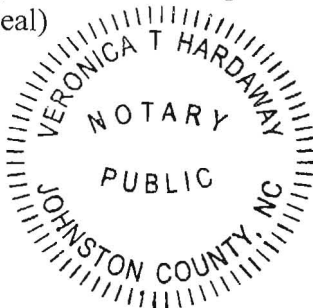
I, Veronica Hardaway, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

13th day of February, 2017


Notary Public Signature


Notary Public Name

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





Request for City Council Action

**Business
Agenda
Item:** **Public
hearing**
Date: 3/7/17

Subject: ZA-17-01 Agricultural Sales

Department: Planning

Presented by: Paul Embler

Presentation:

Issue Statement The Town Council at its February meeting directed planning staff to draft a proposed ordinance amendment to allow for temporary sales of locally grown agriculture products.

Financial Impact The proposal requires a \$50.00 permit fee for each location permitted.

Action Needed The Town Council to conduct a public hearing for the purpose of amending the Unified Development ordinance to allow for the temporary sales of agriculture products.

Recommendation Planning staff and the Planning Board recommend approval of the UDO as per the attached draft ordinance.

Approved: City Manager City Attorney

Attachments:



Staff Report

**Business
Agenda
Item:**

The Town Council at its February meeting directed the planning staff to draft a proposed ordinance for consideration of temporary agricultural sales of locally grown produce in the B-2 and B-3 Zoning Districts. Council further directed staff to remove the requirement of a conditional use permit for agriculture sales and replace the conditional use requirement with various permit conditions to further regulate as a right of use within the B-2 and B-3 zoning districts.

The proposed draft defines what agricultural sales are, where the sales can be conducted, how many of the sales sites can occur on a given property, how the sales can be conducted, how the sales sites can be signed and what safety precautions must be taken. With the adoption of the ordinance amendment by the Town Council, agricultural sales can be allowed on any property located in the B-2 and B-3 districts by obtaining an annual permit from the planning department.



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

Petition for Amendment to the Unified Development Ordinance

Pursuant to Article 4 of the Town of Smithfield 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. The application for any amendment shall contain a description of the proposed zoning regulation.

APPLICANT INFORMATION:

_____	_____
Petitioner's Name	Address or PO Box
_____	_____
City, State, Zip Code	Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

(Attach additional sheets as necessary)

This application must be accompanied by a Statement of Justification which addresses the following:

1. How the amendment proposed would serve the public interest or correct an obvious error in the existing ordinance.
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body.

The undersigned hereby authorizes the filing of this petition and certifies that the information contained herein stands alone based on the merits of this request and is accurate to the best of their knowledge and belief.

_____	_____
Signature of Petitioner	Date

FOR OFFICE USE ONLY

File Number: _____	Date Received: _____	Amount Paid: _____
--------------------	----------------------	--------------------

DRAFT ORDINANCE # _____
**TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT
ORDINANCE, ARTICLE 10, TABLE OF PERMITTED/CONDITIONAL USE
DISTRICTS, TEMPORARY SALES OF AGRICULTURAL PRODUCTS**

BE IT ORDAINED by the Town Council of the Town of Smithfield that Article 10, Section 10-1, Table of Permitted/Conditional Use Districts, is hereby amended to allow for the temporary sale of locally grown agricultural products grown off-site as a temporary use by right within the B-3 (Highway Entrance Business) and B-2 (Business) zoning districts and shall read in its entirety as follows: (new line to be inserted into the permitted use chart)

ARTICLE 10. TABLE OF PERMITTED / CONDITIONAL USE DISTRICTS																	
PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LI****	HI****	AD	OS
<u>TEMPORARY SALE OF LOCALLY GROWN AGRICULTURAL PRODUCTS GROWN OFF-SITE</u>											P	P					

ALSO BE IT ORDAINED by the Town Council of the Town of Smithfield that Article 10, Section 10-2, Notes to the Table of Permitted/Conditional Use Districts, Note 19, Temporary uses is hereby amended to allow for the Temporary Sale of Locally Grown Agricultural Products Grown Off-Site as a use by right and shall read in its entirety as follows: (text to be deleted is struck through and new text is underlined)

Note 19. Temporary Uses. The ~~Board~~ Town Council shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use. Temporary office units shall meet the requirements of Note 12. Temporary Sale of Locally Grown Agricultural Products Grown Off-Site shall be a use by right and permitted in accordance with Note 19, Temporary Uses, (E) Temporary Sale of Locally Grown Agricultural Products Grown Off-Site.

ALSO BE IT ORDAINED by the Town Council of the Town of Smithfield that Article 10, Section 10-2, Notes to the Table of Permitted/Conditional Use Districts, Note 19, (E) Sale of Agricultural Products Grown Off-Site is hereby amended and shall read in its entirety as follows: (text to be deleted is struck through and new text is underlined)

- (E) Temporary Sale of Locally Grown Agricultural Products Grown Off-Site. For purpose of this section, agricultural products are defined as products obtained primarily through farming or agricultural activities, including but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas

trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products, any USDA-recognized agricultural product. For purposes of this section, processed or prepared food products of any kind shall not be considered as agricultural products. Additionally:

- (1) As well as locations listed above, the temporary sale of locally grown agricultural products may occur from a vacant lot.
- (2) The temporary sale of locally grown agricultural products is exempt from the requirement to be similar to the products of the principal use.
- (3) The temporary sale of locally grown agricultural products ~~may~~ must be accomplished from a vehicle, trailer, or ~~shipping container~~ tent.
- (4) Temporary sales of locally grown agricultural products within the street right-of-way and required landscape yards shall be prohibited. Location of temporary sales of locally grown agricultural products must provide for safe vehicular access and adequate parking.
- (5) The quantity of temporary sales of locally grown agricultural products shall be limited to one vendor for every 75 linear feet of road frontage per lot.
- ~~(4)~~(6) The temporary sale of locally grown agricultural products shall be allowed on an individual parcel or site for no more than 180 total days per calendar year, and no more than three events per calendar year only by purchase of an annual permit which shall expire on December 31st of each calendar year.
- (7) A permit application for temporary sales of locally grown agricultural products must include a signed and notarized written letter of permission from the property owner allowing the applicant to conduct temporary sales of locally grown agricultural products on the property considered for approval. The application shall also include a scaled site plan.
- ~~(F)~~ (8) Agricultural Temporary Sign. Signs advertising the temporary sale of locally grown agricultural products for sale shall be allowed provided that they meet the requirements of Article 19, Regulations for Signs, and the following:
 - ~~(1)~~ (a) On properties where ~~temporary agricultural products for sale~~ temporary sales of locally grown agricultural products are grown and sold, one ground sign is allowed facing each road on which the property has frontage or;
 - ~~(2)~~ (b) On other ~~private~~ properties where temporary sales of locally grown agricultural products are permitted and with the permission of the property owner, provided that:

- (a) (1) Only temporary sales of locally grown agricultural goods products grown on property located within Smithfield or its extraterritorial jurisdiction may be sold are eligible for a temporary sign.
- (b) (2) No more than one such sign may be erected ~~on any other single piece of property~~ for any permitted locally grown agricultural sales site.
- ~~(3) No person, entity, or family shall be entitled to permits for more than four off-premises agricultural signs for any sale location.~~
- (3) (c) Such signs may be ~~up~~ displayed only during the season while locally grown agricultural products are actually for sale at the location and shall in no case remain in place for more than ~~90~~ 180 days.
- (4) (d) Such off-site signs shall not exceed 42" in height and 4 square feet in area.

Duly adopted this the 7th day of March 2017.

M. Andy Moore, Mayor

ATTEST

Shannan L. Williams, Town Clerk



Request for Planning Board Action

**Business
Agenda
Item:**
**Public
hearing**
Date: 3/2/17

Subject: ZA-17-02 Contactors with storage yards
Department: Planning
Presented by: Mark Helmer
Presentation:

Issue Statement Lynch Leasing Incorporated is requesting an amendment to the Unified Development Ordinance to allow for the expanded use of contractor with storage yards within the LI (light Industrial) and B-3 (Business) zoning districts.

Financial Impact The amendment will allow for contractor yards with a staff approved land use permit and a \$100.00 permit fee for each location. The amendment will reduce the need to amend the zoning map and eliminate the need for a conditional use permit for a savings of \$600.00 in filing fees and 60 days in process time.

Action Needed The Planning Board is requested to conduct a public hearing for the purpose of amending the Unified Development Ordinance to allow for the expanded use of contractors with storage yards as use by right.

Recommendation Planning staff recommends approval of the UDO as per the attached draft ordinance.

Approved: City Manager City Attorney

Attachments:



Staff Report

**Business
Agenda Item:** ZA-17-02

The applicant has requested the expanded use of, and a streamlined process for, contractors with outdoor storage yards. Currently, contractors with outdoor storage yards are only permitted with the HI (Heavy Industrial) zoning district as a staff approved use by right. Expanding contractors with storage yards to the B-3 (Business) and LI (Light-Industrial) will create opportunity for additional businesses and jobs within and around the city.

Contractors with outdoor storage within the B-3 (Business) and (LI) Light Industrial zoning district will be required to meet Article 17, Landscape and Buffer Requirements, Section 17-3: (E) Screening of Dumpsters, Junkyards and Outdoor Storage Areas.



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

Petition for Amendment to the Unified Development Ordinance

Pursuant to Article 4 of the Town of Smithfield 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. The application for any amendment shall contain a description of the proposed zoning regulation.

APPLICANT INFORMATION:

Lynch Leasing, Inc.	PO Box 636
Petitioner's Name	Address or PO Box
Grimesland, NC 27837	252-714-1356
City, State, Zip Code	Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:
 Amend Article 10, Table of Permitted / Conditional Uses, to allow for contractors with equipment yards
 as an administratively approved permitted use by right in the B-3 (Business) zoning district.
 (Attach additional sheets as necessary)

This application must be accompanied by a Statement of Justification which addresses the following:

1. How the amendment proposed would serve the public interest or correct an obvious error in the existing ordinance.
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body.

The undersigned hereby authorizes the filing of this petition and certifies that the information contained herein stands alone based on the merits of this request and is accurate to the best of their knowledge and belief.

 Signature of Petitioner

2/3/17

 Date

FOR OFFICE USE ONLY

File Number: <u>ZA-07-02</u>	Date Received: <u>2/3/17</u>	Amount Paid: <u>\$300.00</u>
------------------------------	------------------------------	------------------------------

DRAFT ORDINANCE # _____
**TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT
ORDINANCE, ARTICLE 10, TABLE OF PERMITTED/CONDITIONAL USE
DISTRICTS, CONTRACTORS WITH STORAGE YARDS**

BE IT ORDAINED by the Town Council of the Town of Smithfield that Article 10, Section 10-1, Table of Permitted/Conditional Use Districts, is hereby amended to allow for the contractors with storage yards as a use by right within the B-3 (Highway Entrance Business) LI (Light Industrial) and HI (Heavy Industrial) zoning districts and shall read in its entirety as follows: (new text is underlined>

ARTICLE 10. TABLE OF PERMITTED / CONDITIONAL USE DISTRICTS																	
PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LI****	HI****	AD	OS
CONTRACTORS, BUILDING (with storage yard)												<u>P</u>		<u>P</u>	P		
CONTRACTORS, EQUIPMENT, (with storage yard)												<u>P</u>		<u>P</u>	P		
CONTRACTORS, HEAVY CONSTRUCTION (with storage yard)												<u>P</u>		<u>P</u>	P		

Duly adopted this the 7th day of March 2017.

M. Andy Moore, Mayor

ATTEST

Shannan L. Williams, Town Clerk



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, March 2, 2017 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

CUP-17-02 Linda Caulder: The applicant is requesting a conditional use permit to allow for a private nightclub on a .46 acre tract of land located within a B-2 (Business) zoning district. The property considered for approval is located on the west side of the North Brightleaf Boulevard approximately 260 feet north of its intersection with East Market Street. The property is further identified as Johnston County Tax ID# 15022007.

ZA-07-01 Town of Smithfield: The Planning Department is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Table of Permitted Uses to allow for the sale of agricultural products as an administratively approved use by right within the B-2 (Business) and B-3 (Highway Entrance Business) zoning districts.

ZA-17-02 Rob's Hydraulics: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Table of Permitted Uses to allow for contractors with equipment yards as an administratively approved use by right within the and B-3 (Highway Entrance Business) zoning district.

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



PLANNING DEPARTMENT

Paul C. 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, March 2, 2017 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

CUP-17-02 Linda Caulder: The applicant is requesting a conditional use permit to allow for a private nightclub on a .46 acre tract of land located within a B-2 (Business) zoning district. The property considered for approval is located on the west side of the North Brightleaf Boulevard approximately 260 feet north of its intersection with East Market Street. The property is further identified as Johnston County Tax ID# 15022007.

ZA-07-01 Town of Smithfield: The Planning Department is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Table of Permitted Uses to allow for the sale of agricultural products as an administratively approved use by right within the B-2 (Business) and B-3 (Highway Entrance Business) zoning districts.

ZA-17-02 Rob's Hydraulics: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Table of Permitted Uses to allow for contractors with equipment yards as an administratively approved use by right within the and B-3 (Highway Entrance Business) zoning district.

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 2/15/17 and 2/22/17