

**Smithfield Planning Board
Minutes
Thursday, January 5, 2006
7:00 p.m., Town Hall, Council Chambers**

Members Present:

Max Gardner
Joe Patterson
Chris Howell
Suzanne Carter
Eddie Foy
Leo Fetzer
Mike Gibbons

Members Absent:

Ed Self

Staff Present:

Mark Helmer
Shelley Hare

Chairman Gardner opened the public hearing and was followed by the Pledge of Allegiance and Invocation led by Chairman Gardner.

All persons wishing to speak were duly sworn.

APPROVAL OF MINUTES FROM DECEMBER 2005.

Mr. Foy made a motion that was seconded by Mr. Patterson to approve the minutes as written. The vote was unanimous.

Case No. SUP-06-01 Joe Yanulevich

Mr. Helmer addressed the Board stating that the petitioner is requesting a special use permit to operate an automobile sales establishment with outdoor sales on property within the B-3 (Business) zoning district. The property is located approximately 350 feet southwest of the intersection of North Bright Leaf Boulevard and Canterbury Road and is further identified as NCPIN# 2604-13-5723.

Mr. Helmer asked the Board to review the request and take appropriate action in accordance with the Finding of Fact for a special use permit.

Chairman Gardner opened the public hearing and asked for comments.

Mr. Patterson asked what would happen to the canopies on site? Mr. Helmer stated that the canopies would remain on site only menu boards would be removed.

Mr. Gibbons asked if the landscaping on site was in compliance with the Town's standards? Mr. Helmer stated that most of the site was in compliance with the exception of a few trees and shrubs that were dead.

Mr. Gibbons asked if there would be enough room for emergency vehicles to get through the parking lot with the proposed layout of display vehicles and customer cars. Mr. Helmer stated that the customer parking could be parallel to the curb and would have adequate room for emergency vehicles.

Mr. Patterson asked if more lighting was proposed and the hours of operation? Mr. Helmer stated that the petitioner is not proposing anymore lighting for the site. The hours of operation would be 9:00 until 6:00 Monday thru Friday and 10:00 until 3:00 on Saturday.

Ms. Carter asked if cars would be displayed in the landscaped area at the front of the property. The petitioner stated that he planned to display cars under the canopy and not at the front of the property.

Mr. Patterson asked about the number of cars on site at any given time. The petitioner stated that he planned to have no more than 20 cars at a time..

Mr. Gibbons stated that he felt that the Board needed a better site plan prior to approval and that he wanted the Fire Department to review the parking lot to make sure that it was in compliance. Mr. Helmer stated that the site is existing so no other site plan would be required by Planning Staff and that prior to issuance of a zoning permit all departments would review the request and make recommendations and compliance would have to be met before a certificate of occupancy would be issued.

Being no further comments, Chairman Gardner closed the public hearing.

After reviewing the Finding of Fact, Ms. Carter made a motion that was seconded by Mr. Foy to recommend approval of the request. The vote was 6 for and 1 against. Mr. Howell voted against the request based on the Finding of Fact item E, the location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general areas and minimize adverse impacts. Mr. Howell stated he did not feel that the use was in the best interest of the Town.

Case No. SUP-06-02 Checkers Restaurant

Mr. Helmer addressed the Board stating that the petitioner is requesting a special use permit to allow for the construction and operation of a digital sign on property within a B-3 SUD (Business-Special Use) zoning district. The property is located at the northeast side of the intersection of East Market Street and Smithfield Crossing Drive and is further identified as NCPIN# 2603-09-5691.

Mr. Helmer asked the Board to review the request and take appropriate action in accordance with the Finding of Fact for a special use permit.

Chairman Gardner opened the public hearing and asked for comments.

Mr. Howell asked why this request was before the Board? Mr. Helmer stated that an on site computerized message board requires a special use permit/.

Mitchell Messer, of the Messer Group, being duly sworn, spoke in favor of the request. He stated that the sign would display time and temperature, community events, some graphics and would have only red in color.

Mr. Gibbons asked if this request was for the location of the sign. Mr. Helmer stated that the sign could have been placed anywhere on the site as long as it met the requirements of the NC DOT and Town of Smithfield and shown on the site plan.

Being no further comments, Chairman Gardner closed the public hearing.

After reviewing the Finding of Fact for a special use permit, Mr. Gibbons made a motion that was seconded by Ms. Carter to recommend approval of the special use permit. The vote was unanimous.

Case No. SUP-06-03 Wal-Mart

Mr. Helmer addressed the Board stating that the petitioner is requesting a special use permit to construct and operate an establishment with bulk storage of volatile material on property with a B-3 (Business) zoning district. The property is located approximately 200 feet northeast of the intersection of North Bright Leaf Boulevard and Pine Street and is further identified as NCPIN# 2604-55-3715.

Mr. Helmer asked the Board to review the request and take appropriate action in accordance with the Finding of Fact for a special use permit.

Chairman Gardner opened the public hearing and asked for comments.

Mr. Howell asked if the Planning Staff was concerned with the number of parking spaces that would be lost. Mr. Helmer stated that 888 spaces would remain, he didn't think that parking would be an issue and that the parking lot at this location is one the largest of all the local Wal-Marts.

Mr. Gibbons stated that he thought that the landscaping problems need to be addressed. Mr. Helmer stated that the technical review staff would look at the site and all improvements would need to be made and the buffer at the rear of

the property would need to be repaired and screening planted now in order to make for future development at the rear of the property.

Vincent Bredickas, of Wal-Mart, being duly sworn spoke in favor of the request. He stated that the site plan that was submitted shows the truck route of the fuel trucks on the site.

Mr. Patterson stated that the proposed use would be placed in the space being held for future expansion so would expansion still be considered.

Mr. Bredickas stated that if this project is approved then no further expansion would be considered.

Mr. Fetzer asked about contamination in the event of an accidental spill.

Mr. Bredickas stated that the attendants of the gas station would be able to handle small spills and in the event of a large spill then the Fire Department would be called in to assist in the cleanup efforts. He stated that any spills would have to travel about 120 feet before it got to the pond and more than likely cleanup would already be underway before then.

Mr. Helmer stated to the Board that the pond at Wal-Mart is a retention pond and would be a safety measure to keep any contamination from getting directly into the stream.

Being nothing further, Chairman Gardner closed the public hearing.

After reviewing the Finding of Fact, Mr. Gibbons made a motion that was seconded by Mr. Patterson to recommend approval of the special use permit with the conditions that the applicant bring the site back into full compliance with the parking lot landscaping requirements and address the screening requirements for outdoor sales and storage within the parking lot and storage behind the building. The vote was unanimous.

Old Business.

Chairman Gardner asked the Board to discuss ways to insure that applicants and/or representatives are present for public hearings.

Chairman Gardner stated that he felt that anyone requesting a special use permit should be present or a representative and if not then the Board should be tabled or denied.

Mr. Howell stated that he felt citizen concerns could not be addressed if applicants are not present but the Board should take it as a case by case basis and not table or deny every request just because applicants are not present. The Board should look at the supporting documentation to make sure that there is enough evidence or information to make a decision and if not then table or deny the request.

Mr. Fetzer stated that the Board needed to be consistent every time and not table or deny some requests and approve others. He stated that he felt that applicants should be made aware that if they do not attend the public hearing then the request will be tabled and if they do not attend the next time then it will be denied.

After much discussion, Mr. Fetzer made a motion that was seconded by Mr. Patterson to table the discussion until the next meeting, The vote was unanimous.

New Business.

There was none.

Adjournment.

Being nothing further, the meeting was adjourned.