

**Smithfield Planning Board  
Minutes  
Thursday, April 6, 2006  
7:00 P.M., Town Hall, Council Room**

**Members Present:**

Max Gardner  
Joe Patterson  
Ed Self  
Eddie Foy  
Leo Fetzer  
Mike Gibbons

**Members Absent:**

Chris Howell  
Suzanne Carter

**Staff Present:**

Mark Helmer, AICP  
Shelley Hare

Chairman Gardner opened the public meeting 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 MARCH 2006.

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

**Case No. SUP-06-07 Ricky Brady**

Mr. Helmer addressed the Board stating that the applicant is requesting a special use permit to operate a truck rental establishment on property within a B-3 (Business) zoning district. The property is located on the west side of the intersection of Whitley Drive and West Market Street and is further identified as NCPIN# 1684-87-5386.

Mr. Helmer asked the Board to review the request and take appropriate action in accordance with the Finding of Fact.

Chairman Gardner opened the public hearing and asked for comments.

Mr. Foy asked about clarification about the sight triangle. Mr. Helmer stated that the sight triangle is an area directly around the entrances and exits that cannot be impeded by signage or landscaping.

Mr. Patterson inquired about signage for the U-Haul business. Mr. Helmer stated that any signs will have to be permitted separately by Planning Staff.

Mr. Ricky Brady, spoke in favor of the request. Mr. Brady stated that mini storage and U-Haul work together because most people that need a U-Haul truck will also need a storage unit.

Mr. Foy asked why Mr. Brady was back before the Board again with this request because he has had U-Hauls there in the past.

Mr. Brady stated that he stopped having U-Hauls a while back because he had some health problems but now he is ready to have them again.

Chairman Gardner asked where the trucks would be parked? Mr. Brady stated that he planned to have a couple out front and any other trucks will be parked around the back of the building but that he had only planned to have about 3-4 trucks at the most.

Mr. Patterson asked he planned to have fuel tanks on the property? Mr. Brady stated that no he did not want to have fuel tanks.

Mr. Self asked if he planned to have trucks and trailers? Mr. Brady stated that he would only have trucks.

Chairman Gardner asked about drop-offs after hours and whether or not there would be enough room when the gate is closed. Mr. Brady stated that he thought that there would be plenty of room for trucks and he thought that he would not have more than 1 truck dropped off after hours.

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

The Board reviewed the Finding of Fact, (a) all applicable specific conditions pertaining to the proposed use have or will be satisfied; (b) access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency; (c) off-street parking, loading, refuse, and other services are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood; (d) utilities, schools, fire, police and other necessary public and private facilities and other services will be adequate to handle the proposed use; (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; (f) and the type, size and intensity of the proposed use, including such considerations as the hours of operation and the number of people who are likely to utilize or be attracted to the use, will not have a significant adverse impacts on adjoining properties or the neighborhood.

After reviewing the Finding of Fact, Mr. Foy made a motion that was seconded by Mr. Fetzer to recommend approval of the request. The vote was unanimous.

**Case No. SUP-06-08 Marcelo Payamps**

Mr. Helmer addressed the Board stating that the applicant is requesting a special use permit to allow for a private nightclub on property within a B-3 (Business) zoning district. The property is located on the south side of West Market Street, approximately 320 feet southeast of its intersection with NC Hwy 210 and is further identified as NCPIN# 1694-13-2025.

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. Foy asked why the parking lot had to be paved? Mr. Helmer stated that any parking lot with more than 20 spaces was required to be paved.

Mr. Marcelo Payamps, stated that the requirements made by the Planning Staff would not be a problem.

Chairman Gardner asked who would be responsible for the improvements? Mr. Payamps stated that he and the property owner will work together to make sure that it is done.

Mr. Self inquired about additional lighting. Mr. Payamps stated that he thought that there was sufficient lighting already on the property.

Mr. Patterson asked about the kind of entertainment that the club would have? Mr. Payamps stated that they planned to have pool tables, arcade games, a jukebox and would serve alcohol.

Mr. Self asked about the hours of operation. Mr. Payamps stated that he was not sure right now but hopefully 2 p.m. until 2 a.m..

Mr. Patterson asked about the threat of potential trouble in the parking lot because of alcohol? Mr. Payamps stated that they planned to contract with the Police Department for off-duty officers to serve as security, and if a person causes trouble then they will have to deal with the Police Department.

Mr. Payamps stated that in regards to the parking, that Conrad's was right next door and they have less parking than the proposed site and that parking has not been an issue for them.

Mr. Self asked if this would be a dance club? Mr. Payamps stated that it would not, it would be more of a sports bar/club.

Mr. Gibbons stated that he believed that the security that will be hired should be bi-lingual in order to avoid potential problems. Mr. Payamps stated that he or his partner

that are bilingual will be at the door and will be able to communicate in the event of language problems.

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

The Board reviewed the Finding of Fact, (a) all applicable specific conditions pertaining to the proposed use have or will be satisfied; (b) access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency; (c) off-street parking, loading, refuse, and other services are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood; (d) utilities, schools, fire, police and other necessary public and private facilities and other services will be adequate to handle the proposed use; (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; (f) and the type, size and intensity of the proposed use, including such considerations as the hours of operation and the number of people who are likely to utilize or be attracted to the use, will not have a significant adverse impacts on adjoining properties or the neighborhood.

After reviewing the Finding of Fact, Mr. Foy made a motion that was seconded by Mr. Patterson to recommend approval of the request. The vote was unanimous.

#### **OLD BUSINESS.**

There was none.

#### **NEW BUSINESS.**

The Board had a discussion about the UDO process and how important it is to the Town.

Mr. Helmer stated to the Board that the special use permit application has been modified to include language that requires the applicant be present at all required public hearings or risk have there request delayed. This action has been taken at the request of Chairman Gardner's.

#### **ADJOURNMENT.**

Being nothing further, the meeting was adjourned.