

**Smithfield Planning Board  
Minutes  
Thursday, July 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  
Latanya Merritt

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

APPROVAL OF MINUTES FROM APRIL 6, 2006.

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

All persons wishing to speak were duly sworn.

**CASE NO. ZA 06-01 J.E. Wilson Jr.** The applicant is requesting a zoning ordinance amendment to section 307.1, Table of Permitted Uses to allow for auction houses within the B-3, B-2 and B-1 (Business) zoning districts.

Mr. Helmer addressed the Board stating that current ordinance do not allow for auction houses. Auction Houses have been permitted in the past by using the “any other use” provisions within the ordinance but it may be time to amendment ordinance to explicitly allow for auction houses within the business-zoning district.

Chairman Gardner asked is there are any requirements for number of parking spaces that relate to an auction house.

Mr. Helmer stated within the B1 zoning district there are no parking requirements. B2 and B3 zoning district would use the standard parking equation, which is for 250 to 500, one space per square feet of building space.

Chairman Gardner asked how tobacco auction warehouses were assessed for parking?

Mr. Helmer stated 1 space per 500 square feet would be low to mid traffic generating type of use.

Chairman Gardner asked what sort of auction would we be talking about, auction of anything, real estate, personal property?

Mr. Helmer stated the amendment would allow for several types of auctions but envisioned auction houses for items for retail sale such as furniture, estate type auctions. Temporary auctions in residential neighborhood have been allowed with a permit.

Mr. Gibbons asked have anyone spoken to the police; do we involve them purely because of traffic control?

Mr. Helmer stated that he had not received any feed back from the police or fire department on access in the event of an emergency; if there were any safety issues they would come forward with comment.

Mr. Gibbons stated he was concern with what would be auctioned off? If for example, painting are being auctioned it would attract more people than bits and pieces out of a home.

Mr. Helmer stated what's going to limit the number of people is the size of the structure that is being used as an auction house. Mr. Helmer stated the Planning Department would assess the parking needs based on square footage of the building or space.

Chairman Gardner opened the public hearing.

Mr. Wilson, being duly sworn, stated he is the he was the property owner and that Mr. James Wise will be renting the space and operating the auction.

Mr. Wise being duly sworn, stated that he would have high-end antiques and not a bunch of junk. He intended to have a good auction house, family oriented for people to enjoy.

Chairman Gardner asked how often would the auction house be opened?

Mr. Wise stated he planned to open once a week, on Saturday.

Chairman Gardner asked would there be advertising or would there be a listing somewhere of what is being auctioned?

Mr. Wise stated he planned to have a listing of the most popular items.

Chairman Gardner stated it sounds like a great idea because the amendment is creating and statues rather than just individual exemption.

Mr. Helmer stated that this ordinance would apply to anyone who wants to have an auction house.

Mr. Wise stated the proposed location is at 117 North Third Street.

Mr. Gibbons asked does the same thing apply in other auctions? What would happen if I had an item that did not sale, would I have to pick the item up from you, do you keep the item, what happens to the item? Mr. Wise stated that he would not keep the item. He stated he would give him a fair offer for the item and if not the item would be returned to the owner.

Mrs. Carter asked would it be similar to the auction house in Four Oaks and are you asking for a location to be approved to continue a weekly auction. Mr. Wise stated yes.

Chairman Gardner asked if there were any other questions.

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

Chairman Gardner moved for a recommendation for a zoning ordinance amendment to section 307.1 Table of permitted uses in a B3, B2, B1 zoning district

Mr. Self made a motioned that was seconded by Mr. Foy for approval to the Town Council. The vote was unanimous.

Chairman Gardner stated it would go before the Town Council at their next meeting (August 1, 2006)

**ZA-06-02 Town Of Smithfield:** The Planning Department is requesting an zoning ordinance amendment that will make various changes to Section 501.5, Permitted Sign Table, to allow for expanded use and control of banners, sports field sign, window signs, folding signs and mobile signs.

Mr. Helmer addressed the board stating that The Planning Department is requesting an zoning ordinance amendment that will make various changes to Section 501.5, Permitted Sign Table, to allow for expanded use and control of banners, sports field sign, window signs, folding signs and mobile signs.

Mr. Helmer stated that are four proposed changes within the permitted table for signs.

The addition of a new use, Ball Field Fencing Signs. We have had requests for fences on ball fields and want to get it in the ordinance as being something that we can allow and actually permit. The proposed standards will be 32 sq. feet maximum. The intention of this ordinance is to allow for fences that are as high as 4 feet. The proposed sign would be allowed in all districts that allow for ballparks.

Mr. Self asked what would the time limit on the permit?

Mr. Helmer stated that this particular type of permit does would not have a time limit.

Mr. Gibbons asked are we trying to establish the criteria for the size of the various sign?

Mark Helmer stated we are getting it in the ordinance to set up the standards that we will permit or hold them too.

Chairman Gardner asked why is this being addressed in this manner rather than in our process of redoing all of our UDO.

Mark Helmer stated that there have been requests in the pass for these types of signs and staff is having a hard time finding a way to legally permit them, plus additional field (soccer) are coming on the line that would receive benefits with this type of ordinance.

Chairman Gardner stated that there was no need to do this right now since we have the UDO going on, but if it needs to be done now we'll go along with it, but it should be for UDO.

Mark Helmer stated we are being asked to provide banner signs on a more frequent basis for businesses in town. As it currently works, banner signs are permitted for new businesses only and no-profits fun raising events. Mr. Helmer stated the Planning Department is being asked to re-evaluate our policies and present an ordinance that will allow for businesses to use banner signs more frequently and help smaller business create opportunities through the use of temporary signs.

Mr. Helmer said the proposed ordinance would allow banner signs on building fronts with conditions that they can't project from the face of the building or be fastened to poll stake, wires or any other item. This ordinance would only allow the banner to be put on the face of the building with a maximum display of 120 days and be allowed only four times per year.

Mr. Gibbons stated that 120 days is a long time to have a banner strung out somewhere. He stated that 120 day is a long time and maybe we should consider a shorter time frame.

Mr. Helmer stated that if the board feels that 120 days is too much or not enough you can make a recommendation to Council that this ordinance be adjusted. As it is written, 120 is proposed.

Chairman Gardner asked if ball-field and fencing signs, could that be a banner type?

Mr. Helmer said yes.

Mr. Helmer stated a banner sign is a vinyl type sign that can be rolled up or framed ridged, permanent fixed type sign with a maximum 32 sq. feet maximum height 4 feet. The banner pennant streamers including portable commercial signs maximum 16 sq feet permitted B1, B2, B3, O&I, allowed to be mounted on the face of the building for up to 120 days, four times a year with a max of 120 days that is the second part of this amendment.

Mr. Helmer stated the third proposed change is to allow the folding signs or sandwich type signs that can be folded up and brought in during non-business hours. There has never been an ordinance to allow staff to permit these. They are popping up everywhere and this ordinance is allowing for these type signs by code with the dimensional standard of 8 sq. feet maximum and maximum height of 4 feet. The amendment is

proposing to allow for them in the Downtown Overlay District. These signs would be limited to downtown overlay district only, the folding signs can be displayed when the business is open to the public, upon closing for the day the sign shall be removed and stored from public view, the fold-in sign should be located in such a way so it is allowed for handicapped accessibility and shall not be placed to be a hazard to vehicular traffic.

Mr. Self asked if we would add language to allow for folding signs only when the business is open to public.

Mr. Helmer said staff would add additional the language to the proposal.

Mr. Self explained that folding sign should be located in such a way so is to allow for handicap accessibility around the sign.

Chairman Gardner asked if one can assume that if the ordinance is passed, it would be included in the UDO.

Mr. Helmer said yes, in some shape or form this will be all brought over to the UDO

Mr. Helmer stated the next proposed change will create provision for the signs on vehicular. Signs on vehicle will be permitted with on more than 6 sq. feet per side of vehicle and or trailer; these sign would permit in all districts. Under other requirements signs placed on vehicles or trailers, which are, parked or located for the purpose of displaying said signs are prohibited, this does not include temporary construction site vehicles on active construction sites.

Vehicles in or trailers associated with commercial property that have fixed copy signs that exceeds 6 square feet per side and total area shall not be parked in one location after normal business hours for more than 1 hour in a 24 hour period. If said vehicle and or trailer is parked after business hour for more than 1 hour in a 24 hour period, is shall be parked a minimum distance of 100 feet from the right-way or behind a rear building line of a primary structure on the parcels, which ever is greater distance.

Motor vehicles are prohibited from parking or navigation around town of Smithfield while displaying any movable, changeable copies, or advertisement for the owner of a vehicle or any other business parked or service not associated with the owner of the vehicle except as described below:

1. Such vehicles make be parked temporarily for routine service to the vehicle. However, such vehicle shall discontinue any movement of copy during the said service visit.
2. Such vehicles maybe parked in one spot for no more than 1hour in a 24-hour period. However, such vehicle shall discontinue of any movement of copy during the stock.

Mr. Self stated that some trucks are parked in parking lots up against the street with signs on both sides of the truck.

Mr. Helmer said we have a new breed of signs and they are called trucks. What they are doing is taking these trucks off site and parking them on the other side of Town. What we have is a billboard on the back of the truck. This ordinance is specifically trying to address is if you're going to have a sign on the side of the truck that succeeds 6 square feet, you're not going to be able to park it across town. And if you are parking it in association with your building and it succeeds 6 square feet. The truck must be setback 100 feet from the road.

Mr. Foy said he disagreed with this and could not support it. Have talked to Paul and I disagree because they do it in Clayton and we should also be allowed to do it here in Smithfield.

Mr. Helmer would you agree or disagree that signs on the back of trucks is a way of circumventing the sign ordinance?

Chairman Gardner I disagrees, I have them on my trucks and I'm not trying to circumvent any sign ordinance.

Mr. Helmer asked what is the difference between building a monopole billboard sign and parking a tractor-trailer out in the parking lot?

Mr. Foy said one is mobile and the other is not. It is a form of advertisement for a business and it should be allowed.

Mr. Helmer said the proposed ordinance would allow for them with conditions and responsibilities.

Mr. Helmer sated that window signs is the type of sign that has yet to be regulated. There have been instances of abuse this policy throughout the town. In most other communities window signs are considered as part of the total signage for a given facade. We are now proposing to regulate window signs and the dimensional maximum area in square feet will be limited to the maximum allowed for the wall which is 1.25, which is a very generous number. We allow 1.25 square feet of wall sign per running foot of a wall; most communities are about half that.

Staff believes by regulating widow signs, limiting them to the 1.25 square feet per linear foot off wall total and, including all other the wall signs we will be creating a fair ordinance that will adequately address all types of wall signs. This proposal will apply to all properties within the OI, B1, B2, B3 and IND zoning districts. The proposed ordinance will allow for window signs and shall not exceed the total allowable square footage for the wall signs, including all other wall signs. Window signs shall include all text and images that are attached to the window either on the exterior surface of the glass or the interior surface of the glass, which can be viewed from the exterior of the structure.

Mr. Self how is this going to apply to theaters?

Mr. Helmer stated it will create a standard that is fair for all façades. Not regulating window signs are a disadvantage to those businesses that do not have windows. It is designed to eliminate people from jamming their windows full of visual clutter.

Chairman Gardner opened the public hearing.

Mr. Dupree asked if a banner permit would be good for four applications a year?

Mr. Helmer said yes.

Mr. John Dupree asked if this is a 4x8 sign.

Mr. Helmer said banners will be limited to 16 square feet.

Mr. John Dupree spoke in opposition to allow for banners stating that as a landlord he knows that everybody in town is going to have banners.

**SUP-06-09 John Dupree:** The applicant is requesting a special use permit to operate a restaurant establishment with two pool tables within a B-3 SUD (Business-Special Use) zoning district. The property is located at 150 South Equity Drive approximately 520 feet north of its intersection with Industrial Park Drive. The property is further identified as NCPIN# 2604-10-8211.

Mr. Helmer stated the applicant is requesting a special use permit to allow for a restaurant with two billiard tables within the retail shopping center named Equity Plaza. The proposed use in question is within a B-3 SUD (Business-Special Use) zoning district and the adjacent land uses include Smithfield Cinemas, Jameson Inn, Best Western Motel, and the newly approved Comfort Inn.

Mr. Helmer stated in accordance with Town of Smithfield Zoning Ordinance, Section 307, Regulations for the districts, any use which employs, as incidental or subordinate to the primary use, coin-operated amusement devices may be permitted with a special use permit. Under the same provisions, billiard halls are permitted as well.

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. John Dupree spoke in favor of the proposal stating his tenant wanted two pool tables in the newly approved restaurant and wanted to get permission from the Boards prior to installing them. Mr. Dupree thanked the Board for their time in consideration of this matter.

Being nothing further, 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

Chairman Gardner stated it would go before the Town Council at their next meeting (August 1, 2006)

**SUP-06-10 Joey Boykin:** The applicant is requesting a special use permit to construct and operate a private sports field on property within a B-3 (Business) zoning district. The property is located on the east side of the intersection of Whitley Farm Road and Brogden Road and further identified as NCPIN# 1693-43-7770

Mr. Helmer stated the applicant has submitted a site plan for staff review indicating 100' x 250' soccer field. Additional parking spaces are proposed specifically for the soccer field. Restroom facilities are proposed and shown on the plan.

Mr. Helmer stated access to the site is from a 50 foot NCDOT approved driveway off Brogden Road. The most southerly driveway will be closed and removed. A minimum drive isle of 24 ft will be shown on the plan for access through the car lot to the soccer field.

Mr. Helmer stated the site plan does not indicate any proposed sports field lighting for the soccer field nor, are any stadium seats proposed at this time. Two 1500 watt flood lights are proposed on existing poles. It is not the intent for these lights to provide sports field lighting, but rather to provide security lighting.

Mr. Helmer said the site is currently served by public utilities within the right-of-way of Brogden Road. Private utility services will be extended to the restroom facilities from within the site.

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.

Lynda Parrish spoke against the proposal stating concerns about the level of noise that would be created by the patrons of the soccer field. She stated she had no problems with the automobile dealership but was concerned with the type of people that would frequent the playing fields.

Being nothing further, 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 with the following conditions:

1. Any addition of field lighting and/or stadium seating be considered a major revision to a special use permit and shall require additional recommendation from the Planning Board and approval by Town Council.

2. Required buffer between commercial and non commercial properties to the south be shown on a site plan and the applicant be encouraged to save old growth trees as practical.
3. Parking be increased from 38 spaces to 80 spaces and that all required parking lot landscaping be shown on the plan in accordance with the Town of Smithfield Zoning Ordinance.
4. A minimum 24' drive isle from the public right-of-way to the required parking be shown on a site plan for approval.

The vote was unanimous.

**SUP-06-11 Joey Boykin:** The applicant is requesting a special use permit to operate a outdoor mobile food vending establishment on property within a B-3 (Business) zoning district. The property is located on the east side of the intersection of Whitley Farm Road and Brogden Road and further identified as NCPIN# 1693-43-7770

Mr. Helmer stated the applicant is requesting to operate food vending establishment near the proposed soccer field. The proposed use will require a special use permit since it is classified as outdoor sales.

Mr. Helmer said that if a special Use Permit is granted, the applicant will be required to obtain a Johnston County Health Department permit, obtain a zoning permit and purchase a valid privilege license prior to conducting business at the proposed location.

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.

Being nothing further, 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 with the following conditions:

1. The proposed mobile food vending establishment location be shown on a site plan and shall not remain in place overnight.
2. Garbage receptacles be made available to the patrons of the mobile vending establishment.

The vote was unanimous.

**New Business.**

There was none.

**Adjournment.**

Being nothing further, the meeting was adjourned.