

**Smithfield Planning Board
Minutes
Thursday, August 3, 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 JULY 6, 2006.

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

All persons wishing to speak were duly sworn.

RZ-06-03 Dale H. Sparks: The applicant is requesting to rezone 3 tracts of land totaling 11.33 acres from R-20-A (Residential Agricultural) to O&I (Office and Institution) zoning district. The property is located on the northeast end of Dogwood Street approximately 200 feet northeast of its intersection with Aspen Street. The properties are further identified as NCPIN# 2604-11-1631, 2604-12-3147 and 2064-12-4179.

An analysis of the rezoning petition by the Planning Staff finds the following general conditions. These conditions are important to consider prior to the approval of the rezoning request.

1. The Comprehensive Growth Management Plan has identified this area as being suitable for office & institutional endeavors and high-density residential land uses.
2. The adjacent zoning includes commercial zoning districts to the south and east. The trend has been for available properties in the area to develop as commercial uses.

3. The property is currently zoned R-20A (Residential-Agricultural). It is unlikely that the property will be developed as low density residential and, the area is urban in nature and not suitable for agricultural endeavors.
4. The O&I (Office & Institutional) zoning district will serve as a buffer between the potential high intensity uses of the B-3 (Business) zoning district to the east from the low density uses of the R-10 (Residential) uses to the west.
5. It is unlikely that an argument for spot zoning could be made because the proposal is large scale and involves multiple tracts.
6. The property is currently zoned R-20A. This zoning district is inconsistent with the Comprehensive Land Use Plan, which calls for high-density residential uses such as apartment buildings or office and institutional uses such as doctors and insurance sales offices.
7. The area in question would appear to be underserved in terms of available office and institutional zoned property.
8. Both water and sewer are available at or near the site.
9. Do land values prohibit this tract from being developed at low densities as required by the R-20A zoning district?

Mr. Helmer stated that The Planning Board is requested to review the petition and recommend action to the Town Council for the approval of a rezoning classification.

Mr. Helmer asked if there were any questions. If so, he would be glad to answer them at this time, Mr. Helmer stated the applicant is present as well.

Chairman Gardner asked if anyone from the Board had questions? There were none.

Chairman Gardner opened the public hearing.

Dan Simmons, being duly sworn, stated that he represented Mr. Dale Sparks who could not be here. The owner is looking for a zoning district that will serve as a buffer between the R-10 and B-3 zoning district.

Mr. Simmons stated the intent for this property is to have no access through Pines Acres and have no enter-connection with Pine Acres. Traffic to any proposed development will be served internal from Mr. McLamb's property. The infrastructure necessary for this tract would also come through Mr. McLamb's property and in the existing I-95 Plaza Development. Our intent is to rezone for Office and Institutional uses, and to subdivide the land to create parcels for the uses allowed in Office and Institutional district as permitted by code. Mr. Simmons stated he would be glad to answer any questions.

Chairman Gardner asked if there were any questions from the Board.

There were no questions.

Toney Nixon resides at 8 Cedar Drive (Pine Acres), being duly sworn, stated he was speaking on behalf of the Pine Acres Home Owners Association. He stated this was a great honor to be before the Board and address the concerns of the community of Pine Acres. Pine Acres is a diverse and stable neighborhood and has a rich history. Eighty-five percent of the homes in Pine Acres are owner occupied and the majority of the residents of Pine Acres are retired. The residents retired in Pine Acres to enjoy peace and tranquility. In speaking with the neighbors I have heard a great many concerns as it pertains to the rezoning of the property located behind Aspen Street and Dogwood. As you look through the audience many of you are familiar with some of our neighbors on a professional level, personal level, or both. Mr. Nixon stated he had a petition signed by many of the neighbors of Pine Acres. The petition was given to the Board.

Mr. Nixon stated some residents have chosen Pine Acres to get away from such actions that are before the board this evening rezoning, change the natural make-up of the land. These residents have retired here from major metropolitan areas to enjoy the quite quality of life and we do not need another rezoning adjacent to us that can be used for offices, institutional uses or anything that is compatible to that. What we need is stable residential growth. There are ample office sites in the immediate area of the 95 corridor to name a few, there are two tracks beside Andrews, there are four lots on Peedin Road that rang from .85 to over an acre. There is 1100 square feet on Peedin Road behind the outlet center; there are office buildings on Partners Equity Park, approximately 15 acres of Industrial Park Drive south of the outlet center and Venture Place has 1750 square feet of flex space. We are already bound on three sides by commercial, B-3, or railroad, which locks Pine Acres in and does not allow for any other future growth of the residential area.

Mr. Nixon stated we do need another thriving neighborhood that can embrace the rich and proud heritage of Pine Acres. We need to be able to encourage the uses of existing lots within Pine Acres to be developed into more residences and not to be detrimental to that end. We need to enhance the quite residential nature of the area within the R-10 zoning district we're currently living in and keep the R-20-A zoning adjacent to Pine Acres, which can potentially be developed. I'm sure there are other instances within the town boards that boast the same concerns. One case and point is the South Smithfield area; has acres undeveloped residential land to the south which will allow for more residential growth not O&I, why can't we? Think of what you would want for your family if this situation was at your back door and deny this application for rezoning change. We are all neighbors in this great community of Smithfield, and deserve your no recommendation. Thank you for your time and indulgence.

Chairman Gardner thanked Mr. Nixon and asked if anyone else wishing to speak to come forward and state your name.

Carl Evans who resides at 23 Cedar Drive (Pine Acres), being duly sworn, stated he was a new comer back to his family home, Smithfield, NC.

Chairman Gardner welcomed Mr. Evans back to the area.

Mr. Evans stated he was happy to come before the Board and wanted to look at this situation from a business standpoint. Mr. Evans stated that he sees a tremendous downtown development; surely there is office space and availability there. Also, there are tremendous things happening on Venture Drive and towards the I-95 corridor. To understand the necessity of maintaining this community and the balance it currently has, is to wakeup in the morning and be able to hear the serenity of a community that's well within its on boundaries.

Mr. Evans stated you have to understand that this community is being squeezed; you have the railroad that separates the community from the other side of the I-95 corridor. If we take a look down the road at the master plan, I'm sure that there's going to be more development with that. In the late evening you can hear the noise coming from the other side of the railroad track. More traffic, more office space, and everything else will only increases that. One of the things we should ask these gentlemen as developers is what their intentions, in terms of what is it that they want to do?

Mr. Evans asked Mr. Simmons what is it that you're planning to put on the property if permission is given from the Town Council to do so?

Mr. Simmons stated all permitted uses allowed by the Town and code could be put there.

Mr. Evans stated what that would do is leave us in the situation of a total vacuum in terms of what these gentlemen are presenting and what it is they are talking about bringing here. Surely, you talked about the availability of space for development and surely within the Town of Smithfield there are tremendous areas for development. The serenity of this neighborhood need not be disemboweled which is what it would be if O&I is permitted. The vehicular traffic would surely affect the community. Anything coming off from the Community College, Market Street, or anything else would surely affect the Pine Acres community. Pine Acres is a tremendous community and it needs to be maintained, there needs to be some flavor to the city of Smithfield that is maintained the way that it currently is. Our city is growing by leaps and bounds and it's going to continue but to disrupt the community of Pines Acres for those parcels of property would be an injustice to our community. Therefore, I think that Board should take a long look at exposing a long stable and healthy community like Pine Acres. I appreciate your consideration of my concerns in this matter.

Mr. Patterson asked what type of Office & Institutional development would you be opposed to?

Mr. Evans stated that at this time he would have to say he was opposed to all of it. He would have preferred and what a lot of the citizens in the community would have

preferred is some sort of master plan laid out to us in terms of what the property owners want to do. Ultimately, whatever it is that they are going to do is going to be based upon economic concerns. It's going to be based upon where they can generate the necessary capital to get the best return on this property. This is what any businessperson would do. This is simply not the place to do it. However, any discussions with the Pine Acres community would have better served the community if it had occurred before coming to this Board. I'm not in the position to tell anyone how to handle his or her business. But, I am in the position to tell you what it is that I think, and what I think a lot of my neighbors think about this particular situation. We have got to maintain some community somewhere for our people. As we move about, there are gated communities all over this country in urban areas as well as rural areas. We are not a gated community but we are a stable community and we would like to stay that way.

Mr. Foy asked Mr. Evans does the property backup to the theater?

Mr. Nixon stated that the property does back up to the theater. He stated that the property is between the theater and Aspen Street, the beginning part of Pine Acres on the Eastern side.

Mr. Foy stated that Mr. Evans makes a good point as far as understanding what might go there. Maybe with the appropriate O&I situation I could possibly see that it might be a nice buffer between the residential and a situation like the theater.

Mr. Nixon stated that it is a nice buffer there now. The Town of Smithfield has already locked us in. On the town side we're locked in by commercial, we're locked in by CSX Railroad on the North side and on the South we're locked in by the College and now you want to lock us in on the Eastern side, so there's no more growth for the community.

Mr. Foy asked so your intent would be that nothing be built here?

Mr. Nixon stated no, this is not the intent; the intent would be to leave it residential and invite more residences to come in. The average homes in Pine Acres are 1200 to 5000 square feet, and the home prices range from \$75,000 to \$250,000. We've taken other properties in the corporate limits of Smithfield, and developed them into upscale neighborhoods which has enhanced the property values, which has given those neighborhoods a sense of dignity and pride but we are the forgotten neighborhood. We are locked in and if you look at the map, you can see other areas of Smithfield that are not quite as bound in by commercial or residential. As stated earlier, South Smithfield has only one O&I and that is the Elementary School, which is one of the elements of O&I. O&I zoning district has a list of uses that are permitted.

Mr. Foy stated that he was sympathetic with question of what might be there because there is a list of possibilities.

Mr. Nixon stated that we don't want to be misled to say that O&I is okay when you have a list of things that O&I could be.

Mr. Foy asked is there the possibility as to whether residential housing is going to be built right next to the theater and if there is some question about that is an appropriate buffer a possibility verses the fact that maybe no one would want to build a house there.

Mr. Evans stated that if you look at the geographic patterns that have taken place in this country, for people who live in the Northeast who are returning back down the corridor on I-95 to be able to buy a stable home at a decent rate. That is a question that is beyond my thought. In terms of a place to live, in terms education, and in terms of being able to buy a stable home at a medium rate, you cannot beat the state of North Carolina. So, if I had to wager on what would be the possibility, most definitely there will be people looking to buy property within Pine Acres and the common built.

Chairman Gardner asked Mr. Helmer to point out the theater on the map and to point out the ditch that runs behind the theater.

Chairman Gardner asked Mr. Simmons where would a road go into the area in question.

Mr. Simmons stated either road would access from the B-3 area as a condition of any subdivision. The Town Council has a right to restrict that access as a condition of approval. Mr. Simmons stated that the other thing that might be looked at is the use by right, that's the uses that goes in with strictly site plan approval and does not come back to this Board or the Board of Adjustments. The uses that are allowed by right are: offices, places of worship, schools, library, museums, art galleries, parks, playgrounds, community centers, cemeteries, government buildings, financial institutions, etc. these are the only uses that are uses by right that will go in with a site plan approval. Any other Office and Institutional use will come back before this Board or before the Board of Adjustment for scrutiny of the site plan. At that time, a public hearing will be held and conditions of approval can be placed on the project.

Mr. Foy asked Mr. Simmons where a road might go dealing with this property?

Mr. Simmons stated that road access would come from within the site. There has been a traffic study adopted by the Town for the roads in the area. Any project would have to conform legally with what the study dictates and what the Council dictates to us.

Chairman Gardner asked if anyone else wanted to speak.

Flora Grantham, at 400 Dogwood Street (Pine Acres), being duly sworn, stated that she lives next to the property in question. She stated that there are a lot of questions not being answered, one being where are the 11.33 acres?

Mr. Simmons showed Mrs. Grantham where the property in question was on the map. He stated the tract of land that is being rezoned is a total of 3 parcels.

Mrs. Grantham asked Mr. Simmons to show her where the ditch was on the map.

Mr. Simmons pointed out the ditch on the map for Mrs. Grantham and stated that the ditch was blocked off.

Mrs. Grantham asked if any wetlands would be drained.

Mr. Simmons stated their intention would be to permit the wetlands for development.

Mrs. Grantham asked when would you be able to show us what is going to be placed on the property?

Mr. Simmons stated he did not think that they could. We would like to subdivide the property and offer those lots for sale to potential users and at that point and time those users would look at the code for what can go on the property.

Mrs. Grantham asked what is your idea of separating O&I from the residential area, a tree line, a buffer, what?

Mr. Simmons stated the next phase after rezoning; is to come back with a subdivision plan. At that time, The Planning Board and the Town Council will have the right to require a buffer of what they feel will adequately protect the neighbors of Pine Acres. Our intent is to have no traffic go through Dogwood Street to get to the property.

Mrs. Grantham stated that at the present time there is a buffer behind Dogwood Street, which is a 50-foot buffer and it is simply not enough.

Mr. Simmons stated once we decide what is going to be put on the property, we will come back before this Board. At that time, you will be able to voice your concerns and ask The Planning Board and Town Council for a buffer you think should be approved.

Mr. Evans stated that office space would go to the highest bidder for their best use. From a marketing standpoint they have no commitment to Pine Acres and no commitment to the Town of Smithfield. The tenants that will end up owning or renting these properties will not come with the history and knowledge of Pine Acres. The activity that will be required to sustain these offices will require different types of traffic based upon the 30 to 40 different uses. Basically, to sell the idea based upon the fact that there will be a buffer in no way shape or form will do anything to reduce the long-term impact that it will cause on our community. We are asking the Board not to consider what could potentially happen down the road and give us opportunity then to have to come in and fight additional battles.

Mr. Foy asked Mr. Evans if he felt there was any type of buffer that would make it work?

Mr. Evans stated that there is no control over what is going to be put on this property, when there are so many different uses available.

Mr. Foy asked if this Board and the Town Council were to make a condition, requiring a buffer, would it be enough to satisfy the adjacent landowners and allow the developer to move forward. Would a 20-foot buffer that would keep the noise out or keep the community from being seen work?

Mr. Evans stated that what you do not understand and what you are not hearing from the community is we are not interested in changing our community, based upon what we consider to be a grave sacrifice. It would be a tremendous sacrifice to give up our community for 11.3 acres of parcel.

Mr. Foy asked Mr. Helmer what would be the required setback for such a situation?

Mr. Helmer stated that O&I district has a 15 foot rear setback. There is also a 16 foot vegetated buffer consisting of 2 trees and 20 shrubs per 100 feet between residential and nonresidential uses. That will be required with any site-specific development plan approval.

Mr. Foy asked if that was the minimum and if the Board had the authority to require more than the minimum?

Mr. Helmer stated that the condition would probably be enforceable.

Mr. Foy stated the he would not vote on the rezoning unless I was assured of some sort of buffer.

Mr. Helmer stated the Board could not place an enforceable condition when the applicant is not requesting rezoning to a special use district.

Mr. Gardner asked if anyone else wanted to speak?

Mike McLamb, being duly sworn, stated that he and his father (Lee McLamb) helped Mr. Sparks develop the properties a long Venture Drive. There were two phases of the development and what I did was help them market those properties and they were very careful to put restrictions and convenient in place on the properties that would not allow any type of poor quality developments. Mr. McLamb stated that we are all citizen that live in Smithfield and we want to see great thing happen for this town and no, there is no specific plan in place for the property in question. We own property and do not want to see rubbish businesses come to this area. Mr. McLamb stated that he have businesses in the town of Smithfield and did not want to upset anyone.

Chairman Gardner asked if anyone else wanted to speak. No one came forward.

Chairman Gardner closed the Public Hearing

Mr. Foy stated that he want to make a motion and privies that motion with a couple of things.

- All the members of the Board are very sympathetic to the concerns of the people of Pine Acres.
- The fact that you have come out in numbers with a signed petition and seem to be very much against the rezoning is appreciated.
- We feel that the owners have financial value in their property and the right to develop the property.
- In our country we should be allowed to realize the financial value to something we have purchased.
- If it were his property he would also have concerns about what would be in eyesight and ear sight of his property and the suitable way to make that happen.

Mr. Foy made a motion that the rezoning from Residential to O&I be approved with the stipulation that a 20-foot earthen vegetated berm be built between the two properties. Given that I would like to make a motion that the rezoning to O&I be approved with the stipulations thus stated.

Chairman Gardner accepted the motion from Mr. Foy and asked for the motion to be seconded. Mr. Gibbons seconded the motion. The vote was unanimous.

Chairman Gardner stated that the case would go before the Smithfield Town Council at their next scheduled meeting with recommendation for approval of the rezoning with the stipulations placed on there forth.

Chairman Gardner stated that Mr. Self brought up the fact that the 20-foot berm would be in height and not in width.

CASE NO. S-06-05 I-95 Plaza, Phs. II: Lee McLamb is requesting preliminary subdivision to divide 5 tracts of land totaling approximately 36 acres into 19 parcels. The properties to be divided are located adjacent to and west of Venture Drive near its intersection with Peedin Road. The properties are further identified as NCPIN# 2604-12-3949, 2604-11-7649, 2604-11-7649, 2604-11-1631, 2604-12-3147 and 2604-12-4179.

Mr. Helmer addressed the Board stating that the applicant has petitioned the Town of Smithfield for preliminary subdivision approval. Mr. Helmer stated that he would answer any questions the Board may have and the applicant was present as well.

Chairman Gardner asked if there were any questions for Mr. Helmer from the Board?

Mr. Patterson asked Mr. Helmer who would be responsible for the additional roads?

Mr. Helmer stated that generally speaking, the developer builds the streets in accordance with approved plans and the Town accepts the streets for maintenance.

Chairman Gardner asked if the signal lights shown on the Traffic Assessment and Roadway Improvement Plan. It shows one light coming out at the end of Peedin Road and one light at the end of the proposed street.

Mr. Helmer stated that two signal lights are shown on the traffic assessment roadway improvement plan for the I-95 area.

Chairman Gardner stated that he did not see the lights shown on the preliminary subdivision plot.

Mr. Simmons stated that this subdivision request on its own does not justify installation of the signals and the Town or NCDOT should install the traffic signal a later date at the taxpayer's expense.

Chairman Gardner asked Mr. Simmon if he was saying that the Town or DOT would be responsible for the signal lights and not the developer?

Mr. Simmons stated yes.

Mr. Foy asked Mr. Helmer if the overhead map of the Town of Smithfield Traffic Assessment and Roadway Improvement plan for Industrial Park Drive Area is what the Town is recommending?

Mr. Helmer stated that the Town hired a consultant to do a traffic study of the area and this traffic study was evaluated by staff and ultimately with various stakeholders within the area. Planning staff went forward to Town Council to consider alternate number one, which was one proposal of several and council acted on alternate one as the preferred alignment for these proposed roadway alignments and that alternate number one is included in the agenda packet.

Mr. Foy asked if this was what the Town would like to see happen?

Mr. Helmer stated that Town Council did vote on this and they did agree that this alternate was preferred.

Mr. Foy asked if this was 5 years, 10 years from now?

Mr. Helmer stated that as the properties developed, we would hope that all the developers would do their part to realize the approved transportation plan.

Mr. Evans asked who would pay for this infrastructure?

Mr. Helmer stated that ultimately it is the responsibility of the developer. He stated the Town would be an active participant but was unsure as to what extent.

Mr. Evans asked how many parcels are we talking about and where are these parcels.

Mr. Helmer stated 19 parcels and pointed out on the map where the parcels were located.

Mr. Evans asked what is the timetable for the developer?

Mr. Simmons stated that he could not say what the timetable was.

Mr. Foy stated that the map is showing that the road is going between the back of the theater, the property that was rezoned, and Pine Acres. Is that right?

Mr. Helmer stated that is correct.

Mr. Foy stated that he did not see where the road was for that road.

Mr. Simmons pointed out on the map where the roads would be and where they would stop and stated that the rest would be up to the Town at some future date.

Mr. Foy asked if they were going to stop it once it gets to the newly planned O&I section and the rest of it is somebody else problem?

Mr. Simmons stated yes, and they would dedicate the right a way to be on their portion of land.

Mr. Foy asked which side of the ditch would the road be on?

Mr. John Shallcross, Jr. being duly sworn, stated that he wanted to speak on behalf of Partners Equity Group which developed the 45 acre subdivision that starts at the Texas Steak House and goes to the Super 8 Motel, to Smithfield Cinemas back to the Factory Stores of America Corporate office buildings.

Mr. Shallcross stated we petitioned the Town in 1994 to have this property rezoned and met with the residence of Pine Acres and worked out an amicable deal. The Town of Smithfield also told us that for our development we would have to access all of our property through internal drives. Starting at the back of the property we worked our way forward to Industrial Park Drive and have predicated the whole subdivision to being driven towards Industrial Park Drive where the highest and best use of the property is.

Mr. Shallcross stated that he understood that when they called the property owners together, they had done a projected traffic study that would address the potential impact. He stated that the traffic problem still remains, on Industrial Park Drive and with their attempt to move the interchange from I 95 and Industrial Park Drive further west on 70 to enter through the Smithfield Crossing Subdivision. We have a jewel here in our

community, close to a half million square feet of shopping that accounts for a significant amount of money that this town and county uses to operate with. Mr. Shallcross stated that there is 132 feet between the property line and the back of the theater. I don't think that if this subdivision plan is approved and that road end up going 80 feet behind the screen of my theater, it is going to have a very detrimental impact on the quality of sound and presentation.

Mr. Shallcross stated that he takes exception to that being an approved thoroughfare plan and in his opinion it is just a concept plan. There were other alternatives and my concern is that if we get that road to far away from Industrial Park Drive, the people will lose site of the outlet center. When the traveling public get to far away from the Interstate they get nervous. I don't think it is in the best interest to have the road going back behind the theater. It would be to detrimental.

Mr. Foy stated that his issue is we have gone against the wishes of the good people of Pine Acres by rezoning a piece of property they did not want to be rezoned and now it looks like we are trying to run a road right beside where they are. If that has already been approved, I would like to know before I make any decision.

Mr. Helmer stated that this plan is a conceptual plan and the alternates have been looked at and will continue to be looked at until all parties are satisfied. Council has seen it, voted on it and has shown that they prefer alternate route number one.

Mrs. Grantham stated that her residence would be affected because the road would take away the 50-foot buffer. My property and Schallcross property are inches apart and the plan shows that it would take away most of the wood area behind my house. It would be right at my yard. Where would you put the 20-foot buffer if we were to ask for that? I would suggest that the members of the Board postpone a decision at this time until further assessment is made.

Mrs. Grantham invited the Board to come on her property to see first hand the area of discussion, suggested that they should get with the residents and having a meeting in the neighborhood so they might see what the situation is.

Chairman Gardner thanked Mrs. Grantham for her comments and asked if anyone else wanted to speak.

Mr. Davis Woodard, attorney of Wilson, NC, being duly sworn, stated he wanted to clarify about the conceptual road situation. I represent and I am one of the owners of the Smithfield Crossing property. We held off on developing this property for over a year and a half waiting for the conceptual traffic development plans for Industrial Drive area. Mr. Woodard stated that Mr. Ethridge, Mr. Sutton met with the Town Manager, the Mayor, Mr. Embler, several members of City Council and himself to discuss the situation and see if we could workout something that would work for us as well as the Town of Smithfield. The conceptual plan does not work for us, if it is approved it will keep us from developing our properties. We have an alternative plan that we can submit by your

next meeting and we would respectively request that the petition tonight be tabled so that alternatives can be looked at.

Mr. Ron Sutton with Herring Sutton Associates, the engineer of record for Smithfield Crossing, being duly sworn, stated that in 1998 we submitted plans for Smithfield Crossing that were approved by the Planning Board and City Council and development begin on the property and we now have access to the properties by way of private road. About six months ago the this Board approved plans for development across the road and because that development came forth there became a real push to look at the traffic impact on Industrial Drive, the traffic impact on US 70, and how is the Town of Smithfield going to handle the major traffic problem they are faced with in that area.

Mr. Lee McLamb stated that there has been some consideration taken for Pine Acres. He stated that he met with John Shallcross, Ed, and Ron on two occasions. In the meetings John stated that it did not make any difference with him because he wasn't paying for anything and Mr. Etheridge stated that either plan would work for him. Mr. McLamb stated that no one has been blind-sided tonight.

Mr. Mike McLamb stated that the Town of Smithfield and NCDOT said a road is going to happen because they have got to get the traffic off of the southbound exit ramp of I-95. It does not matter if it comes in front or behind the theater but it has to happen to relieve the traffic problem we have.

Mr. Simmons stated that through this plan Mr. McLamb is giving up something the Town has already given him and that is a Special Use Permit for an outdoor amusement center and water park. This is not that Mr. McLamb is trying to take advantage of anyone; his is trying to get the highest use for his property and work within the concepts of the transportation plan that was adopted by the Town.

Mr. Nixon asked Mr. McLamb what would the impact be to his property and would you be responsible for connecting to the five-lane road? Is the Town of Smithfield going to be responsible for getting you access to your property from there?

Mr. McLamb stated that Mr. Shallcross is responsible for building in front of the movie theater. If he is not going to do his part then I am not going to build the road through my property.

Mr. Nixon stated that five lanes will eliminate the congestion on Industrial Park but you will create more congestion in the small area you are working in.

Mr. McLamb stated that the Planning Board should postpone a decision until further studies can be done.

Mr. Foy stated that his concern is in asking the people of Pine Acres to one go through the rezoning and then run a five-lane road right beside of them. He wanted to further consider their concerns.

Chairman Gardner stated Mr. Nixon's concerns should be further addressed before a decision is reached.

Mr. Shallcross stated that his comment about not wanting to pay for the road as proposed was because in 1994 we came forth with a plan and in 1997 we implemented that plan. When the Town came to us and said we have to get this connector through here, we stated, "don't look to us to pay for that because we've already paid for ours and we have no means of recouping additional investments costs." Mr. Shallcross stated that it is not to say that a deal could not be worked out in front of the property were the subdivision could donate the land verses a taking, and doing economic damage to the theater.

Hank Daniels, being duly sworn, stated that he own the Super 8 hotel and the Sleep Inn and he wanted to point out that a lot of property owners have invested money on Industrial Park Drive. He stated that whatever is done should not be allowed to effect their investment. The plan is talking about doing away with the stoplight in front of Burger King. We are concern about that.

Mr. Daniels stated that customers are already finding it hard to get back onto the Interstate as it is.

Mr. Self stated that they will get lost in the maze if they are traveling east on 70 trying to get to the Carolina Premium Outlets because there will be no left turn on the five lane road.

Mr. Sutton stated that this was part of what we looked at. How can we maintain the access into those properties along Industrial Park Drive and do it in a safe manner. This was part of the plan we put together addressed we haven't gotten far enough along yet to set down with a traffic engineer to go through it and get back to the Town for consideration. This is a problem that is going to have to be solved.

Chairman Gardner stated that we are all for development and certainly for pro-business by all means. We do have a problem but will are going to work through it.

Mr. Foy stated that he was in favor of the development plan. We have got to work through some issues before we can make our decision.

Mr. Self stated that maybe we should table this issue until we get the issues with the traffic worked out.

Chairman Gardner asked if anyone else wanted to speak? Being none.

Mr. Self made a motion to table the request until the following month with a recommendation that all parties continue to meet and come back after an agreement on the roadway alignment has been reached.

Mr. Foy seconded the motion.

The vote was unanimous.

Old Business

There was none

New Business

There was none

Adjournment.

Being nothing further, the meeting was adjourned.