

**Smithfield Planning Board
Minutes
Thursday, February 1, 2007
7:00 P.M., Town Hall, Council Room**

Members Present:

Joe Patterson
Suzanne Carter
Eddie Foy
Mike Gibbons
Chris Howell
Harold Mitchell
Ed Self

Members Absent:

Max Gardner

Staff Present:

Mark Helmer
Latanya Merritt
Paul Embler

Vice-Chairman Patterson opened the public meeting and was followed by the Invocation and the Pledge of Allegiance led by Vice-Chairman Patterson.

APPROVAL OF MINUTES FROM JANUARY 11, 2007.

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

Mr. Helmer stated that case RZ-07-02 Frank and Tina Lee has been removed from the agenda and we request that the Voluntary Annexation be moved to the last item on the agenda.

All persons wishing to speak were duly sworn.

RZ-07-01 Johnston County Ambulance Service

Mr. Helmer addressed the Board stating that the applicant is requesting to rezone one tract of land totaling approximately 1.45 acres from R-10 (Residential) to B-3 (Business). The property is located on the north side of the intersection of West Market Street and Strickland Drive and further identified as NCPIN# 168412-97-7044.

Mr. Helmer asked the Board to review the petition and make recommendation to Town Council for a rezoning request.

Mr. stated that he would answer any questions and stated that the applicant was present.

Mr. Foy asked if there were any opposition to the request?

Mr. Helmer stated no.

Vice-Chairman Patterson opened the public hearing and asked for comments.

Being no comments, Vice-Chairman Patterson closed the public meeting.

Mr. Foy made motion that was seconded by Mrs. Carter to approval the rezoning request. The vote was unanimous.

Vice-Chairman Patterson stated that the case would go before the Town Council on March 6, 2007.

SUP-07-02 Johnston Properties Inc

Mr. Helmer addressed the Board stating that the applicant is requesting a special use permit to allow for the construction and operation of a commercial establishment with a drive-thru window. The property is located on north side of North Bright Leaf Boulevard approximately 510 feet northeast of its intersection with Hospital Road. The property is further identified as NCPIN# 169416-93-4126.

Mr. Helmer stated the applicant/developer/owner has petitioned the town for a special use permit for the construction of a New Pizza Hut Restaurant with a drive-thru window. The new facility will be adjacent to the existing Pizza Hut Restaurant, which is located in the parking lot of Pine Needles Shopping Center.

Mr. Helmer asked the Board to review the petition and make a recommendation to Town Council based on the finding of fact for a special use permit for a site plan with a drive-thru window.

Vice-Chairman Patterson asked if the applicant planned to operate the existing Pizza Hut while the construction is underway?

Mr. Helmer stated yes, it is a phased project. Once the new building is completed the old building will be demolished before they can complete the approved plan.

Mr. Helmer stated the developer is present and can answer any questions regarding time frame.

Vice-Chairman Patterson opened the public hearing.

Mr. Scott Mummert, being duly sworn, stated that he was a representative of The Bradford Corporation and Pizza Hut

Mr. Foy asked if the applicant had to have a special use permit to construct another Pizza Hut too replace the one they have.

Mr. Helmer stated that the project would need a special use permit for several reasons. One being a commercial establishment with multiple buildings on a single lot, also, the Town of Smithfield has a zoning requirement that states, all establishments with drive-thru windows require a special use permit.

Mr. Foy asked if the main item for approval is the drive-thru?

Mr. Helmer stated yes.

Mrs. Carter asked what is the turn around time to have this project completed?

Mr. Mummert stated it would take four month to construct a new building and less than thirty days for the demo and to get the parking lot back in place. Mr. Mummert stated that they would be building the new Pizza Hut over thirty feet from the existing Pizza Hut and putting a drive-thru lane in.

Mrs. Carter asked if the drive-thru would cause any problems for the other establishments with the traffic entering the shopping center at the right entrance?

Mr. Mummert stated that he would be meeting with a Surveyor Architect to discuss these issues and submit a final site plan with all the details.

Mr. Foy asked what landscaping requirements are there?

Mr. Helmer stated that there would be minimum landscaping required by code along the perimeter with parking lot trees, and vehicular surface screening. The owner of the shopping center has agreed to comply with the street yard landscaping on US 301 and Hospital Road.

Vice-Chairman Patterson asked if there would be adequate lighting?

Mr. Mummert stated that they would remove a four head pole in the parking lot and put six light poles around the new property, adding two more than what is there now.

Vice-Chairman Patterson closed the public hearing.

Mrs. Carter made motion that was seconded by Mr. Foy to move to the Finding of Facts.

After reviewing the Findings of Fact:

- (a) All applicable specific conditions pertaining to the proposed use have been or will be satisfied; *members stated yes.*
- (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; *members stated yes.*
- (c) Off-street parking, loading, refuse and other service areas 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 and properties in the general neighborhood; *members stated yes.*
 - (d) Utilities, schools, fire, police and other necessary public and private facilities and other services will be adequate to handle the proposed use; *all members stated yes.*
 - (e) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; *members stated yes.*
 - (f) The type, size and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood; *all members stated yes.*

Mrs. Carter made motion that was seconded by Mr. Howell to approve the special use permit. The vote was unanimous.

Voluntary Annexation of Frank & Tina Lee

Mr. Helmer addressed the Board stating that the applicant is requesting voluntary annexation into the Town of Smithfield Corporate Limits one tract of land totaling approximately 32.12 acres. The property considered for annexation is located on the south side of Galilee Road approximately 1700 feet southeast of its intersection with North Johnson Road. The property is further identified as NCPIN# 167300-93-5784.

Mr. Helmer asked the Board to review the petition and make a recommendation to Town Council for a voluntary annexation.

Mr. Mitchell asked Mr. Helmer if he stated the property could not be a part of the subdivision and are there homes on the subdivision?

Mr. Helmer stated that is correct the property could not be apart of the subdivision and there are no homes, the tract of land that is vacant.

Vice-Chairman Patterson opened the public hearing.

Mrs. Rebecca Riley a representative for RealCorp Development and Frank & Tina Lee, being duly sworn, stated that they are looking for buyer's protection, police and trash pick up from the Town.

Mr. Foy asked are you requesting annexation with the proposal of developing a housing development?

Mr. Riley stated that is correct.

Ms. Lea Blankinship, being duly sworn, stated that she was against the voluntary annexation. She stated that the area has been rural for years and does not think that it would be good for the Town of Smithfield, or Johnston County. It put more stress on the road, the school, and destroys the rural character of the area.

Mr. Howell asked if it is annexed what will it become?

Mr. Helmer stated that the applicant would be required to rezone the property to the Town of Smithfield's zoning classifications and they are interested in residential development.

Mrs. Pat Johnson a resident of 58 Wildberry Road, being duly sworn, asked if the property is annexed would the resident of Wildberry Road and Galilee Road be annexed into the Town of Smithfield?

Mr. Helmer stated that most of the area is currently in our ETJ. Therefore, any development proposal within the ETJ would have to meet the Development standards of the Town of Smithfield.

Mrs. Judith Kolcum a resident of 1603 Galilee Road, being duly sworn, stated that she owned a majority of the property adjacent to the property being annexed and she was against the annexation.

Mrs. Kolcum asked why was the rezoning request withdrawn?

Mr. Paul Embler stated it was withdrawn as the request of the Town.

Mrs. Kolcum stated that most of the residents that live on Galilee Road are living on their family's farms. Mrs. Kolcum stated that she is opposing this annexation because this would set a trend. We live in the country because we do not want to be a part of any town.

Mrs. Kolcum stated that there has never been any request for property development on Galilee Road for volunteer rezoning. She stated that it is okay if development comes, but we do not want the approval of this annexation.

Mr. Foy stated that it is difficult to make a decision on an annexation not knowing what will be developed on the property. But if the applicant is volunteering annexation it is his/her choice.

Mr. Paul Howard, Jr., a resident of Woodlawn Drive, being duly sworn, stated that he was against the annexation and that bigger is not always better. We do not know what types of homes will be going on the 32 acres or what type of development. In closing Mr. Howard stated that to late is the saddest words ever spoken.

Mr. Tommy Boone a resident of 1866 Galilee Road, being duly sworn, stated that not being the owner of property, we have no control of what the owner does with the property. If we put up opposition, the owner may place something on the property we do not want.

Vice-Chairman Patterson closed the public hearing.

Mrs. Carter made motion that was seconded by Mr. Howell to except the request for a volunteer annexation. The vote was unanimous.

Vice-Chairman Patterson stated that the case would go before Town Council on March 6, 2007

Old Business.

Vice-Chairman Patterson presented Mr. Leo Fetzer with a plaque acknowledging his service on the Planning Board.

Mr. Fetzer stated that he was pleased to have served his community and the Planning Board.

New Business.

There was none.

Adjournment.

Being nothing further, the meeting was adjourned. The next Planning Board meeting will be held on March 1, 2007.