

**Smithfield Planning Board
Minutes
Thursday, July 5, 2007
7:00 P.M., Town Hall, Council Room**

Members Present:

Max Gardner
Eddie Foy
Suzanne Carter
Chris Howell
Mike Gibbons
Harold Mitchell
Ed Self

Members Absent:

Joe Patterson

Staff Present:

Mark Helmer
Latanya Merritt

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

APPROVAL OF MINUTES FROM MAY 3, 2007.

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

All persons wishing to speak were duly sworn.

RZ-07-06 Town of Smithfield: Mr. Helmer stated the Town of Smithfield is requesting to rezone 30 tracts of land from Johnston County zoning districts to similar Town of Smithfield zoning districts. The properties to be rezoned are within the area recently annexed into the Town of Smithfield corporate limits and are located at or near the intersection of South Bright Leaf Boulevard and Country Club Road. A map of the area to be rezoned is filed with the Smithfield Town Clerk and is available for public inspection prior to the public hearing.

Mr. Helmer stated the area has recently been annexed by the Town of Smithfield and became effective July 1, 2007. The property must be rezoned to a Smithfield zoning classification in order for the Town to have zoning authority and site plan development approval authority.

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

Chairman Gardner opened the public meeting.

Mr. Helmer stated that Article III. District Regulations (Town of Smithfield) and Division II. District Regulations (Johnston County) are available for members of the audience to compare the uses of both districts.

Chairman Gardner asked if there were any questions.

Mr. David Johnson a resident of 125 Cypress Point, being duly sworn asked how do you distinguish the differences between the two districts?

Mr. Helmer stated the focus needed to be on the permitted uses for the proposed districts. Office and Institutional for the County is very similar to Office and Institutional for the Town.

Mr. William Ragsdale a resident of 194 Packing Plant Road, being duly sworn asked as far as O&I, which district would have a more stringent regulation the County or the Town?

Mr. Helmer stated he could not say.

Mr. Helmer stated that it's a list of permitted uses and the list could be amended. There are gamut of uses that are permitted in the towns O&I district and the county is very similar.

Mr. William Ragsdale a resident of 194 Packing Plant Road asked if the setbacks for the town and county were the same.

Mr. Helmer stated that the Towns setback requirements for O&I single family are 25 front, 8 side, and 15 rear. In B-3 the setbacks are 50 front, 10 sides, 25 rear.

Mr. Alfred Moore a resident at 525 S. Third Street, being duly sworn requested that his property be rezoned to B-3.

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

Mrs. Carter made a motion, seconded by Mr. Mitchell to recommend approval of the proposed rezoning classification to include Mr. Moore's request for his property to be rezoned to B-3 (Business). The vote was unanimous.

Chairman Gardner stated that the case would go before Town Council for recommendation at its August 7, 2007 meeting.

RZ-07-07 Kenneth Canady: Mr. Helmer stated the applicant is requesting to rezone 1 tract of land totaling approximately .59 acres from R-20A (Residential–Agricultural) to B-3 (Business) zoning district. The property is located on US Hwy 210 approximately

200 feet east of its intersection with Skylane Drive and further identified as NCPIN# 168400-93-5628.

Mr. Helmer stated if the property was rezoned to B-3 (Business) all permitted uses within the B-3 district could be considered.

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

Chairman Garner opened the public meeting.

Mr. Kenneth Canady the applicant, being duly sworn stated that he is working with Mr. Helmer to obtain a site plan showing all the required details.

Mr. Canady stated that he had submitted an application to NCDOT regarding turning lanes.

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

Mr. Foy made a motion, seconded by Mr. Self to approve the rezoning request. The vote was unanimous.

Chairman Gardner stated that the case would go before Town Council for recommendation at its August 7, 2007 meeting.

SUP-07-09 Kenneth Canady: Mr. Helmer stated the applicant is requesting special use permit for the construction and operation of a retail establishment with outdoor sales. The property is located on US Hwy 210 approximately 200 feet east of its intersection with Skylane Drive and further identified as NCPIN# 168400-93-5628.

Mr. Helmer asked the Board to review the petition and make a recommendation to Town Council in accordance with the Finding of Fact for a special use permit for an automobile sales lot.

Chairman Gardner opened the public meeting.

Mr. Kenneth Canady the applicant, being duly sworn stated that he is willing to do whatever necessary to bring the site plan in compliance with the ordinance.

Mr. Gibbons asked if there were any intent to have a repair service/shop along with the sales of automobiles.

Mr. Canady stated there would be no repair shop, only an automobile sales lot.

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

Mr. Foy made a motion, seconded by Mrs. Carter, to move to the Findings of Fact.

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; *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; *members stated yes.*

Mrs. Carter made a motion, seconded by Mr. Foy to approve the special use permit request for the construction and operation of a retail establishment with outdoor sales. The vote was unanimous.

Chairman Gardner stated that the case would go before Town Council for recommendation at its August 7, 2007 meeting.

SUP-07-10 Malton Baker: Mr. Helmer stated the applicant is requesting a special use permit to operate a retail establishment with outdoor sales. The property is located on the southeast side of the intersection of Bright Leaf Boulevard and Dail Street. The property is further identified as NCPIN# 260413-13-6459.

Mr. Helmer stated that site plan does show automobile display areas within the street yard, which is not permitted by the Town of Smithfield development regulations. So, any

recommendation to approve should include a condition that removes the automobile display area within the required landscaped area.

Mr. Helmer asked the Board to review the petition and make recommendations to the Town Council in accordance with the Finding of Fact for a special use permit for an automobile sales lot.

Chairman Gardner opened the public meeting.

Being no comment, Chairman Gardner closed the public meeting.

Upon discussion, the Board concluded that the site plan does not give adequate information to make a decision at this time.

Mr. Foy made a motion, seconded by Mr. Mitchell to table the application until a more detailed site plan is submitted. The vote was unanimous.

SUP-07-11 Final Notice Recovery: Mr. Helmer stated the applicant is requesting a special use permit to use 1 acre of larger parcel as a fenced outdoor storage yard for repossessed vehicles. The property is located on the north side of East Edgerton Street behind Clark's Equipment Rental. The property is further identified as NCPIN# 2160417-02-2237.

Mr. Helmer asked the Board to review the petition and make recommendations to the Town Council in accordance with the Finding of Fact for a special use permit for an automobile storage facility.

Mr. Self asked if the cars were wrecked cars.

Mr. Helmer stated the planning staff recommends limiting the number of cars to only those in operational conditions.

Chairman Gardner asked if IND (Industrial) allow for outdoor storage yards.

Mr. Helmer stated yes, providing proper screening requirements are met.

Chairman Gardner opened the public meeting.

Being no comment, Chairman Gardner closed the public meeting.

Mr. Mitchell made a motion, seconded by Mr. Foy to table the application until a more detailed site plan is submitted and the applicant could answer questions from Board. The vote was unanimous.

ZA-07-03 Town Of Smithfield: Mr. Helmer stated the Town of Smithfield Planning Board is requesting to amend the Town of Smithfield Zoning Ordinance to create standards that will specifically allow for outdoor food vending carts only where deemed appropriate.

Mr. Helmer stated highlights of the amendments include:

- Create a definition for outdoor mobile food carts.
- Allow for an accessory use only.
- Dimensional standards
- Performance standard are created to include location within the site, hours of operation, signs, and limitations on goods for sale.
- Determines maximum number of outdoor mobile vending carts permitted based on acreage of tract.
- Allows for outdoor mobile vending carts not meeting the establish definition or dimensional requirements to be permitted at flee-markets that are approved for outdoor sales.
- Amends the permitted use chart as such.

Mr. Helmer stated we want to get the ordinance clear enough and have the standards set in such a way that staff can write a permit and not have to come before this Board or Town Council.

Upon discussion, the Board asked Mr. Helmer to further study the standards and appropriate costs that will specifically allow for outdoor food vending carts.

Old Business.

There was none.

New Business.

There was none.

Adjournment.

Mr. Gibbons made a motion that was seconded by Mr. Foy to adjourn. The vote was unanimous. The next Planning Board meeting will be held on August 2, 2007.