

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

Members Present:

Suzanne Carter
Eddie Foy
Mike Gibbons
Harold Mitchell
Daniel Sanders
Stephen Upton

Members Absent:

Max Gardner
Ed Self

Staff Present:

Mark Helmer
Latanya Merritt

Acting Chairman Foy carried out the swearing of Mr. Daniel Sanders and Mr. Stephen Upton as new members appointed by the Town Council to the Planning Board.

Acting Chairman Foy opened the public meeting and was followed by the Invocation and the Pledge of Allegiance led by Mr. Foy.

APPROVAL OF MINUTES FROM JULY 5, 2007.

Mrs. Carter made a motion, seconded by Mr. Upton, to approve the minutes as written. The vote was unanimous.

All persons wishing to speak were duly sworn.

RZ-07-11 Donald Ray Starling: Mr. Helmer stated the applicant is requesting to rezone .62 acres of land from O&I (Office and Institutional) to B-3 (Business) zoning district. The property is located on the southeast side of the intersection of Underwood Avenue and South Bright Leaf Boulevard. The property is further identified as NCPIN# 169313-03-5428.

Mr. Helmer asked the Board to review the petition and take action on a zoning reclassification.

Mr. Foy asked if there were any opposition.

Mr. Helmer stated no. However, some of the adjacent homeowners had called requesting information.

Mr. Sanders asked the location of the property.

Mr. Helmer stated the property is the former location of the Johnston County JCATS facility.

Mrs. Carter asked what were the plans for the property if approved to be rezoned.

Mr. Helmer stated all uses permitted in the B-3 district could be considered.

Mr. Foy opened the public meeting.

Mr. Gibbons asked if Mr. Foy's business had landscaping materials.

Mr. Foy stated yes.

Mr. Foy asked if the property is rezoned to B-3, were there different landscaping requirements.

Mr. Helmer stated the only thing at this point and time that triggers landscaping is a change in use or increase in building area. A rezoning request alone does not trigger improvement to the property.

Mr. Foy opened the public meeting.

Being no comment, Mr. Foy closed the public meeting.

Mrs. Carter made a motion, seconded by Mr. Upton, to recommend approval of a proposed rezoning classification. The vote was unanimous.

Mr. Foy stated the case would go before Town Council December 4, 2007.

SUP-07-18 Donald Ray Starling: Mr. Helmer stated the applicant is requesting a special use permit to allow for outdoor sales and display of merchandise for sale on property within a B-3 zoning district. The property is located on the southeast side of the intersection of Underwood Avenue and South Bright Leaf Boulevard. The property is further identified as NCPIN# 169313-03-5428.

Mr. Helmer stated that staff recommends approval of the special use permit with the conditions that the proposed cargo container be placed behind the rear of the principal structure and all other accessory structures meet the required setback in accordance with Section 206, Accessory Uses.

Mr. Helmer asked the Board to review the petition and make a recommendation to Town Council for a special use permit in accordance with the finding of fact of this request.

Mr. Foy opened the public meeting.

Mr. Donald Starling being duly sworn stated that farm supplies, feed, grain and anything pertaining to garden and farm supplies would be sold.

Mr. Starling stated that he would like to have (2) box trailer in the rear of the building to work out of.

Mr. Foy asked if bulk mulch or soil would be sold.

Mr. Starling stated no.

Mr. Foy closed the public meeting.

Mrs. Carter made a motion seconded by Mr. Gibbons, to move to the finding of fact. The vote was unanimous.

After reviewing the Findings of Fact:

- (a) All applicable specific conditions pertaining to the proposed use have been or will be satisfied; *Mrs. Carter stated yes, if the cargo container are placed behind the rear of the principle structure as stated.*
- (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. Sanders to recommend approval for the special use permit to allow for outdoor sales and display of merchandise for sale on property within a B-3 zoning district. The vote was unanimous.

Mr. Foy stated the case would go before Town Council December 4, 2007.

Old Business.

There was none.

New Business.

Mrs. Carter stated that she had concerns about the letter received from the Mayor's office.

Mrs. Carter stated that the members of the Board take their job very seriously.

Mrs. Carter stated that if there was a problem with a member, that member should be held accountable.

Mrs. Carter read from the Mayor's letter addressed to the Planning Board and Board of Adjustment, "in the future, please plan vacations, business trips and events so that they will not interfere with the regularly scheduled meetings of the board upon which you serve. If by chance you cannot attend a meeting, please notify the Planning Department staff of your absence at least 48 hours before the meeting."

Mrs. Carter stated her employment would take president over the Board. She stated if she could not attend a meeting she would abide by the 48-hour call-in. However, emergencies do come up.

Mrs. Carter stated she would like to see more members of diversity, race, and sex on the Board.

Mr. Helmer stated that we all have a job to do and a responsibility to the citizens and business community.

Mr. Helmer stated staff as well as the Board should be diligent about attending the meetings.

Mr. Helmer stated proposals small and large are submitted to the Town, and this Board is expected to review and forward these proposals.

Mr. Gibbons stated that he would like to receive a yearly calendar listing the regularly scheduled meetings.

Mr. Foy stated we are adults, and we are expected to attend the meeting.

Mr. Foy stated his objection was to a letter that was published in the Smithfield Herald regarding members of Planning Board needing to be held accountable for not attending the meetings.

Mr. Foy moved to the vote for Vice-Chairman.

Mr. Foy stated he would be more than happy to serve as Vice-Chairman.

Mrs. Carter made a motion that was seconded by Mr. Upton to appoint Mr. Foy as Vice-Chairman. The vote was unanimous.

Adjournment.

Mr. Upton made a motion, seconded by Mr. Mitchell, to adjourn. The vote was unanimous. The next Planning Board meeting will be held on December 6, 2007.