

**Smithfield Planning Board  
Minutes  
Thursday, April 2, 2009  
6:30 P.M., Town Hall, Council Room**

**Members Present:**

Eddie Foy  
Mike Gibbons  
Harold Mitchell  
Ed Self  
Daniel Sanders  
Stephen Upton

**Members Absent:**

Max Gardner

**Staff Present:**

Mark Helmer  
Lola Andrews

Vice Chairman Foy opened the public meeting.

APPROVAL OF MINUTES FROM January 8, 2009.

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

All persons wishing to speak were duly sworn.

Vice Chairman Foy opened the public hearing.

**CUP-09-02 Larry Stancil:** The applicant is requesting a conditional use permit to allow for a convenience store with gas pumps on property within a B-2 (Business) zoning district. The property in question is located on the on the northeast side of the intersection of East Market Street and north Seventh Street and further identified as Johnston County Tax ID # 15021032, 15021032 and 15021030.

Mr. Helmer stated that the proposed project consists of a 6000 square foot building on a 1.59-acre tract of land that will contain a convenience store and restaurant with outdoor seating. A canopy with five fuel pumps is proposed adjacent to East Market Street.

Mr. Helmer stated that public utilities will be available at the site and the project will tie into existing water and sewer mains found within the right-of-way of North Seventh Street. Mr. Helmer also stated that the project is exempt for stormwater retention and is not within the 100-year flood plain and is free from flood prone soils. Landscaping will be provided in accordance with the Town's Unified Development Ordinance.

Mr. Self asked about the removal of the existing building and the existing fuel tanks.

Mr. Stancil stated that the old building would be removed and the existing tanks, which were installed in 1994, still meet state regulations. One new double-walled, fiberglass tank would be installed.

Stephen Upton made a motion seconded by Eddie Foy to move to the Finding of Facts.

Upon reviewing the Finding of Fact, the Board has made the following determination:

- (a) That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved. *All members stated true.*
- (b) That the use meets all required conditions and specifications. *All members stated true.*
- (c) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity. *All members stated true.*
- (d) That the location and charter of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The condition use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by GS 160A-382(b). *All members stated true.*

Stephen Upton made a motion, seconded by Daniel Sanders to recommend approval of the conditional use permit to allow for a convenience store with gas pumps on property within a B-2 (Business) zoning district. Unanimous.

**Old Business.**

There was none.

**New Business.**

There was none.

**Adjournment.**

Mr. Mitchell made a motion that was seconded by Mr. Sanders to adjourn. The vote was unanimous.