

**Smithfield Planning Board  
Minutes  
Thursday, November 6, 2008  
7:00 P.M., Town Hall, Council Room**

**Members Present:**

Max Gardner  
Eddie Foy  
Mike Gibbons  
Daniel Sanders  
Stephen Upton

**Members Absent:**

Suzanne Carter  
Harold Mitchell  
Ed Self

**Staff Present:**

Mark Helmer  
Latanya Merritt

Chairman Gardner opened the public meeting and was followed by the Invocation.

APPROVAL OF MINUTES FROM October 2, 2008.

Mr. Upton made a motion, seconded by Mr. Foy to approve the minutes as written.  
Unanimous.

All persons wishing to speak were duly sworn.

Chairperson Gardner opened the public hearing.

**SUP-08-06 Smithfield Financial Services:** The applicant is requesting a special use permit to allow for outdoor sales of automobiles on property within a B-3 (Business) zoning district. The property in question is located on the south side of Peedin Road approximately 280 feet east of its intersection with Venture Drive and further identified as Johnston County Tax ID# 15L1100BI.

Mr. Helmer gave a project history stating that Smithfield Financial Services initially requested and was approved for a special use permit for outdoor storage of automobiles behind the principle structure at their Peedin Road location on March 5, 2002, case number (SUP-02-04).

Mr. Helmer stated that Smithfield Financial Services agreed with the conditions place on the application and has refrained from parking automobiles for sale in the front of the establishment.

Mr. Helmer asked the Board to review the petition and recommend action to the Town Council for a special use permit for automobile sales.

Mr. Sanders asked how many handicap parking spaces were available.

Mr. Helmer stated only one handicap parking space was available.

Mr. Gordon Woodruff, of 509 Rosewood Drive and a representative of Smithfield Financial Services stated that they are not in the car business, however they are in the secondary lending business.

Mr. Woodruff stated with the state of the economy, Smithfield Financial Services have had several automobiles returned and need somewhere to store and sell automobiles.

Mr. Woodruff stated because of the flood of automobiles being repossessed, the area permitted in the back of the property is inadequate and that is why they are asking for a permit to sell automobiles in the front of the property.

Mr. Woodruff stated that having these automobiles in the parking lot in front of the property would not be a permanent situation. It will be for a limited time only, and Smithfield Financial Services would abide by any restrictions placed on them by the Board.

Mr. Foy stated that he had no problem with having the automobiles parked in front of the establishment however, his concern is the method that Smithfield Financial Services would use to encourage potential buyers they had automobiles for sale.

Mr. Woodruff thanked the Board for their time.

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

Mr. Foy asked Mr. Helmer if Smithfield Financial Services initially requested a special use permit for outdoor sales behind the principle structure.

Mr. Helmer stated the original permit was for storage of automobiles in a graveled storage yard behind the principle structure

Mr. Helmer stated the current request was for a special use permit to allow for an automobile sales lot in front of the principle structure.

Mr. Foy asked if there were any opposition.

Mr. Helmer stated that there was no opposition.

After reviewing the Finding of Fact:

- (a) All applicable specific conditions pertaining to the proposed use have been or will be satisfied; *all members stated true.*

- (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; *all members stated false.*

*Mr. Upton stated he was not in favor of the request because the site was designed with a parking lot and not a storage yard for automobiles. He expressed concerns that utilizing the parking lot for storage would interfere with the ADA accessibility requirements, access for emergency vehicles and required parking for employees and customers.*

- (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; *all members stated false.*

- (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 not adequate.*

- (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; *all members stated false.*

*Mr. Sanders stated he was not in favor of the request because Peedin Road is designed as a minor collector road with only a 22-foot wide driving surface. Mr. Sanders was concerned that the additional traffic demands placed on Peedin Road by the requested use would create unsafe traffic conditions. Mr. Sanders was also concerned with the proposed use and its close proximity with the recently approved 164 unit multifamily residential project, stating it would create additional conflicts within the Peedin Road Corridor.*

- (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 false.*

Mr. Foy made a motion to grant Smithfield Financial Services a special use permit to allow 5 parking spaces for outdoor sales of automobiles on property within a B-3 (Business) zoning district.

Being no second to Mr. Foy's motion, Mr. Upton made a motion seconded by Mr. Sander to recommend denial for a special use permit to allow for outdoor sales of automobiles on property within a B-3 (Business) zoning district.

**RZ-08-03 Anna Kate Nall:** The applicant is requesting to rezone one tract of land totaling approximately .68 acres from R-10 (Residential) to B-3 (Business) zoning district. The property considered for rezoning is located at 1004 South Bright Leaf Boulevard and further identified as Johnston County Tax ID# 15051045.

Mr. Helmer stated if the property is rezoned to the B-3 (Business) zoning district it is important for the Board to understand all permitted uses within the B-3 (Business) zoning district could be considered for future approval.

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

Mr. Foy asked if there were any landscaping requirements.

Mr. Helmer stated when a change of use occurs, a 16 foot landscape buffer would be required between commercial uses and existing residential properties.

Mr. Helmer stated there would be street yard requirements along S. Brightleaf Blvd as well as Sanders Street.

Mr. Helmer stated that parking would be constructed in accordance with current parking standards.

Mr. Sanders asked if the driveway would be considered off street parking.

Mr. Helmer stated when the property has a formal change in use, the business would have to install buffers and will also be required to construct parking within the site. On street parking will not count towards off street parking requirements.

Chairperson Gardner opened the public hearing.

Mr. William Singer a resident of 1003 S. Second Street, being duly sworn, stated that his concerns are the extra garbage, the safety for the children in the neighborhood, and the traffic flow.

Mr. Singer stated that having to make a left off of Sanders Street onto S. Brightleaf Blvd is hazardous and more traffic is not needed in this location.

Mr. Singer stated that he was against the rezoning of the property.

Mrs. Carol Singer a resident of 1003 and 1005 S. Second Street, being duly sworn, stated that her property was directly behind the property being rezoned.

Mr. Singer stated that her concerns are traffic, and the safety of children in this residential location.

Mrs. Singer stated that she opposed the rezoning request and she would like for the Board to take in consideration that she retired and moved to Smithfield, specifically in this location because it is residential.

Ms. Kay Johnson a resident of 1001 S. Second Street, being duly sworn, stated that her property butted the property in question.

Ms. Johnson asked if there would be buffer in the alley.

Mr. Helmer stated no, the buffer would be 16 foot measured from the property line and within that buffer there would be trees and shrubs.

Ms. Johnson stated that she did not want to see the property rezoned because her concerns are increased traffic, parking, and not knowing what the future use of the property would be.

Mrs. Betty Ramos a resident of 1011 Walnut Drive, being duly sworn, stated at the applicants present business there is not enough traffic flow in and out of the business for there to be a substantial concern.

Mrs. Ramos stated there had never been noise or activity of any sort that she would complain about.

Mr. Ramos a resident of 1011 Walnut, being duly sworn, stated that the traffic flow is not that great on Sanders Street however, there is a high volume of traffic on S. Second Street.

Mr. Andy Moore a resident of 203 Woodlawn Drive, being duly sworn, stated that he was before the Board not as a Town of Smithfield Councilman, but as a citizen.

Mr. Moore stated in his opinion, the highest and best use for the property would be business zoning since the property is located on a major highway, with commercial investments located to the north and south.

Mr. Moore stated that he was in favor of the rezoning.

Mr. Singer asked why had the property been on the market for so long and not be sold.

Mr. Moore stated that the property was on the market as residential property, however the property is under contract with the condition that it be rezoned business.

Mr. Moore stated that the purchaser realizes the property is adequate for her business.

Mr. Moore stated that the property is in need of much work and an application was submitted to have a group home placed on the property.

Mr. Moore stated that he had nothing against group home, however he would rather see a business on the property.

Ms. Carolyn Nall a resident of 1107 Chestnut Drive, being duly sworn, stated that traffic should not be a concern. There are only 1 to 2 cars at a time entering the current business and traffic pattern would probably be the same at the proposed location.

Ms. Robin Schwarts, a resident of 708 Chestnut Drive, being duly sworn, stated that she live in the neighborhood and approved of the rezoning.

Chairperson Gardner asked if there were any other comments.

Being no other comments, Chairperson Gardner closed the public hearing

Mr. Gibbons made a motion seconded by Mr. Upton to recommend approval to rezone one tract of land totaling approximately .68 acres from R-10 (Residential) to B-3 (Business) zoning district. Unanimous.

**Old Business.**

There was none.

**New Business.**

Mr. Foy made a motion seconded by Mr. Upton to change the time of the Planning Board meeting from 7:00 p.m. to 6:30 p.m. Unanimous.

**Adjournment.**

Mr. Upton made a motion that was seconded by Mr. Foy to adjourn. Unanimous.