

DRAFT
Smithfield Planning Board Minutes
Thursday, January 2, 2014
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman-Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner
Mark Lane
Teresa Daughtry
Jack Matthews

Members Absent:

Ashley Spain

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM NOVEMBER 7, 2013.

Jack Matthews made a motion, seconded by Stephen Upton to approve the minutes as written.
Unanimous.

Public Hearings:

After all persons giving testimony were duly sworn, Mr. Foy opened the public hearing.

CUP-13-10 Michael Exum Johnson:

Mr. Helmer stated the applicant is seeking a conditional use permit to operate a pest exterminating service on property located within a B-3 (Business) zoning district. The property considered for approval is located on West Market Street, approximately 230 feet southeast of its intersection with Whitley Drive. The property is further identified as Johnston County Tax ID# 15086048.

Mr. Helmer stated the proposed extermination service office does not appear to be near any environmentally sensitive areas on the property considered to include flood plains or designated wetlands. However, the proposed parking is in close proximity to an existing drainage ditch. The previous use of the building was carpet sales with warehousing of new product and a change in use to an exterminating service will trigger full compliance with parking and landscape requirements.

Mr. Helmer stated the proposed B-3 (Business) zoning district and uses permitted in that district are consistent with the Strategic Growth Plan. Exterminating services are permitted uses within B-3 (Business) zoning district with a valid conditional use permit. However, in

accordance with the Town of Smithfield Unified Development Ordinance (UDO), Article 18, Section 18-3 exterminating services shall provide a minimum of 3 parking spaces per 1000 square feet of gross floor area. The building in question is approximately 7000 square feet in area and would require 21 parking spaces. The site plan provided by the applicant indicates 16 proposed parking spaces or approximately 76% of the minimum required parking. Off-site parking is not available at or near the site considered for a conditional use permit. Staff recommends approval of the conditional use permit request if the use of the property is strictly limited to an exterminating service facility. If the property is operated as an exterminating service facility then staff recommends limiting the number of fleet vehicles to allow for adequate customer parking.

Mr. Helmer stated an exterminating service at this location should not pose a compatibility issue with surrounding uses given it is located on a very busy commercial corridor and not immediately adjacent to residential homes. However, the location is adjacent to a public park and should be landscaped according to minimum requirements of the UDO. The site plan as proposed by the applicant does not indicate required buffers and landscape yards as required by the Town of Smithfield UDO. The property has an existing on-site free standing ground sign that appears to qualify for a permit that would allow the sign to be refaced. There is also an existing off-site advertisement sign (billboard) located on the site. The Town of Smithfield will provide fire protection as well as water/sewer services. Duke Energy Progress will provide electric.

Mr. Helmer stated the Planning Staff recommends approval of the conditional use permit request to allow for an extermination service on property located within a B-3 (Business) zoning district with the condition that the property is used strictly for the extermination services and that a minimum of 16 parking spaces are provided prior to operations.

Mr. Foy asked if anyone wanted to speak for or against the proposal.

Mark Lane asked what landscaping needs to be done.

Mr. Helmer stated there is no landscaping on the adjacent side of the park. The front of the building and the sides seem to be acceptable.

Stephen Upton asked what they would need as far as landscaping to be in compliance.

Mr. Helmer stated there is a question as to whether a few trees will bring it into compliance. The side adjacent to the park is really all that is needed to be landscaped.

Eddie Foy asked that being it's an exterminating business where chemicals are involved, is there a need to have the different colored signs.

Mr. Helmer stated the Board will need to address that question to the applicant.

Michael Johnson, 1004 S Crescent Drive, stated he can look into the signs and that he is not sure if he is required to have them.

Stephen Upton asked if trucks will be kept on the premises.

Mr. Johnson stated no trucks will be left on the premise the technicians keep them at home.

Stephen Upton asked if this location is just an office for operations.

Mr. Johnson stated that was correct.

Mr. Foy stated that from what he was reading, the location is really just going to be an office used for paperwork. Is that correct?

Mr. Johnson stated that was correct.

Mr. Foy asked if trucks will be repaired on site and would they be used for storing chemicals.

Mr. Johnson stated that there would be no truck repairs on site and chemicals get picked up at their supplier in Garner on an as needed basis.

Daniel Sanders asked if trucks will be parked there overnight.

Mr. Johnson stated normally trucks will not be stored there and are usually kept at the technician's home. He stated that there may be occasions a truck might be stored there but would be a rare instance.

Stephen Upton stated he assumed that when a truck is left on the premise that it would be kept in the garage area.

Mr. Johnson stated that was correct.

Stephen Upton asked if the chemicals are kept safe.

Mr. Johnson stated the chemicals are kept safe and are under lock and key on the trucks.

Mr. Johnson voiced his concern that the Town uses the land by the park and that often children are seen hanging on the trees and feels he may be wasting money planting trees for landscaping.

Mr. Helmer stated that he doesn't see that being an issue.

Raymond Cochran, 2447 Lee's Union Church Road, stated he had an easy solution to the problem of the trees. He stated the Town should put up a fence on the property line and do away with the 30 feet they have been using in the last 8-9 years then he'll put up the two trees

that are asked to be put up. There is a fence all the way around the property except for the side where the Town is using the property.

Mr. Foy stated he understands Mr. Cochran's concerns and given the fact chemicals are not being stored, trucks are not going to be kept on the premise, and the site will be inspected by the state pesticide people, we should recommend the CUP as submitted and let the Council make any additional changes.

Mr. Foy closed the public meeting for CUP-13-10 and asked for a motion.

Jack Matthews made a motion, seconded by Stephen Upton, to move to the Finding of Fact.

In connection with a legislative decision for a rezoning request, the Planning Board may consider certain approval criteria. Planning staff generally accepts these findings as fact as part of the complete application submitted by the petitioner.

The Town of Smithfield Planning Board shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

- 1. Based on the evidence and testimony presented it is the finding of the Town of Smithfield Planning Board that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.***

The proposed extermination service will not materially endanger the public where shown because the site has adequate parking available and the layout of the site facilitates safe movement of automobile and pedestrian traffic with little additional congestion.

- 2. Based on the evidence and testimony presented it is the finding of the Town of Smithfield Planning Board that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield UDO or other applicable regulations or is approved with the following additional stated conditions.***

The proposed extermination service and associated plan will conform to the Town of Smithfield Unified Development Ordinance.

- 3. Based on the evidence and testimony presented it is the finding of the Town of Smithfield Planning Board that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the***

use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.

The adjacent properties will not be injured in value because the subject properties have provided all required improvements to include buffering, landscaping, and adequate parking in accordance with the Unified Development Ordinance.

- 4. *Based on the evidence and testimony presented it is the finding of the Town of Smithfield Planning Board that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following stated conditions.***

An extermination service at this location will not be in conflict with existing adopted plans and development standards provided minimum parking, landscape and buffer standards are met.

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative it is recommended to approve the Conditional Use Permit Application CUP-13-10.

Jack Matthews made a motion, seconded by Stephen Upton, to recommend approval to allow a conditional use permit of an extermination service office on property located within a B-3 (Business) zoning district. Unanimous.

Old Business:

No Report.

New Business:

Mr. Helmer distributed the 2013 North Carolina Legislative Update.

Submitted this 2nd day of January, 2014.

Veronica Hardaway
Administrative Support Specialist
Planning Department