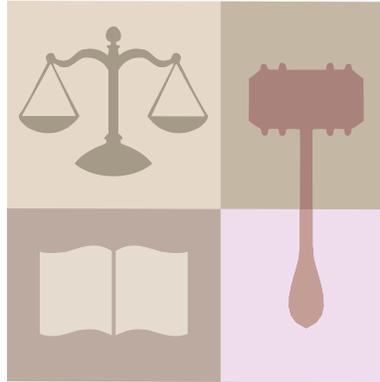


# TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



**Chairman:** Eddie Foy

**Vice-Chairman:** Stephen Upton

## **Members:**

Mark Lane	Gerald Joyner (Alt.)
Jack Matthews	Daniel Sanders
Ashley Spain	Teresa Daughtry

Paul Embler, Planning Director  
Mark Helmer, Senior Planner  
Veronica Hardaway, Administrative Assistant

**Meeting Date:** *Thursday, September 3, 2015*  
**Meeting Time:** *6:00 p.m.*  
**Meeting Place:** *Council Chambers, Smithfield Town Hall*

**AGENDA  
PLANNING BOARD  
REGULAR MEETING  
SEPTEMBER 3, 2015  
MEETING TIME: 6:00 PM  
TOWN HALL**

**Call to Order.**

**Approval of the minutes for August 6, 2015.**

**Public Hearing**

**RZ-15-03 McFayden and Company, LLC:** The applicant is requesting to rezone approximately .150 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

**RZ-15-04 Atlantic Resources Incorporated:** The applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive. The property is further identified as Johnston County Tax ID# 15060031.

**Old Business.**

**New Business.**

**2015 Proposed Unified Development Ordinance updates**

**Adjournment.**

**DRAFT**  
**Smithfield Planning Board Minutes**  
**Thursday, August 6, 2015**  
**6:00 P.M., Town Hall, Council Room**

**Members Present:**

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

**Members Absent:**

Ashley Spain

**Staff Present:**

Mark Helmer, Senior Planner  
Veronica Hardaway, Administrative Support Specialist

**Staff Absent:**

**CALL TO ORDER**

**APPROVAL OF MINUTES FROM MAY 7, 2015.**

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

**Public Hearings:**

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

**CUP-15-03 CHI Smithfield, LLC:**

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for the construction of a 30 foot high rise business identification sign on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for approval is located on the northeast side of the intersection of Outlet Center Drive and South Equity Drive and further identified as Johnston County Tax ID# 15008045T.

Mr. Helmer stated the proposed use is a multi-building, multi-tenant development is seeking a 30 foot high-rise business identification sign on property adjacent to Interstate Highway 95. The proposed location of the sign does not appear to be within the boundaries of the designated wetlands that are located on the eastern side of the subject property. The proposed high rise business identification sign is for the future home of Starbucks, Chipotle and Buffalo Wild Wings Grill and Bar. The applicant is proposing the 30 foot structure on the southeast side of the property and adjacent to Outlet Center Drive.

Mr. Helmer stated the proposed high rise business identification sign is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial

uses near the intersection of South Equity Drive and Outlet Center Drive. A high rise identification sign is a permitted use within B-3 (Business) zoning district with a valid conditional use permit. The site is also within the high rise sign overlay district which extends to all properties within 1000 feet of the I-95 corridor. A high rise identification sign at this location should not pose a compatibility issue with surrounding land uses providing the proposed sign does not block the view of other businesses and signs. The subject property will be permitted one additional monument sign adjacent to South Equity Drive as well as directional signs located near driveway entrances.

Mr. Helmer stated the Town will provide fire protection as well as water and sewer. Duke Energy Progress will provide electric.

Mr. Helmer stated planning staff recommends approval of the Conditional Use Permit for a high rise business identification sign in accordance with the Town of Smithfield Unified Development Ordinance.

The Planning Board is requested to review the application for a high rise business identification sign and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.

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

Teresa Daughtry asked if the proposed sign would affect the billboard that is located in the same area.

Mr. Herring, 4306 Old Whiteville Rd, Lumberton, representative for CHI, stated there would be no negative impact.

Mr. Helmer stated the billboard will be seen clearly from a distance but may be a bit difficult to see as you get closer, but can't be helped due to the busy area.

Daniel Sanders asked if the proposed project meets standards.

Mr. Helmer stated that the project meets the regulations that were in place at the time of application and, planning staff committed to this sign project prior to the new text amendment.

Mr. Foy closed the public meeting for CUP-15-02.

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

The Smithfield Planning Board shall recommend and the Town Council of the Town of Smithfield 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 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 high rise business identification sign will not materially endanger the public health, safety, or general welfare because the sign will be constructed to meet all plans and specifications as required by Johnston County Building Inspections to include engineered footings. ***All members stated true.***

2. ***Based on the evidence and testimony presented it is the finding of the 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 high rise business identification sign conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance and meets all zoning regulations that were in place at the time the applicant first contacted the Town of Smithfield. ***All members stated true.***

3. ***Based on the evidence and testimony presented it is the finding of the 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 proposed high rise business identification sign will not adversely affect the use or any physical attribute of adjoining or abutting properties. The proposed sign will blend in with all other free standing and pylon signs in the area and is located within the overlay district that allows for high rise business identification signs. ***All members stated true.***

4. ***Based on evidence and testimony presented it is the finding of the 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 additional stated conditions:***

The proposed high rise business identification sign will 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 because the sign is located adjacent to a public right-of-way that will probably never be widened. ***All members stated true.***

Based upon satisfactory compliance with the above stated four findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;

Stephen Upton made a motion, seconded by Daniel Sanders to recommend approval requesting a conditional use permit to allow for the construction of a 30 foot high rise business identification sign on property located within a B-3 (Business Highway Entrance) zoning district.

**Old Business:**

No report.

**New Business:**

No report.

Stephen Upton made a motion to adjourn, seconded by Daniel Sanders. Unanimous.

Submitted this 6th day of August, 2015.

Veronica Hardaway  
Administrative Support Specialist  
Planning Department

**McFayden and Company LLC**  
**RZ-15-03**

**For Properties Located at:**

The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

**Property Owner:**  
**McFayden and Company LLC**

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**Rezoning Request**  
**RZ-15-03**

**Staff Report**

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**Adjoining Property Owners Certification**

**Exhibit D**

**Rezoning Application**

**Exhibit E**

**Exhibit A**  
**Staff Report**



Town of Smithfield  
Planning Department  
350 East Market Street  
P.O. Box 761  
Smithfield, NC 27577  
Phone: 919-934-2116  
Fax: 919-934-1134

## STAFF REPORT

**Application Number:** RZ-15-03  
**Project Name:** McFayden and Company, LLC  
**TAX ID number:** 15052031  
**Town Limits/ETJ:** City  
**Applicant:** McFayden and Company, LLC  
**Owners:** McFayden and Company, LLC  
**Agents:** none  
**Neighborhood Meeting:** none

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**PROJECT LOCATION:** East side of the intersection of Brogden Road and South Fifth Street.

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**REQUEST:** The applicant is requesting to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district.

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**SITE DATA:**

Acreage: .113 acres  
Present Zoning: R-6(Residential)  
Proposed Zoning: B-3 (Business)  
Existing Use: Vacant  
Proposed Use: None

**DEVELOPMENT DATA:**

Proposed Use: N/A

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**ENVIRONMENTAL:** The property considered for a rezoning does not appear to contain environmentally sensitive areas such as regulated streams or designated wetlands.

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**ADJACENT ZONING AND LAND USES:**

North:	Zoning:	R-6 (Residential)
	Existing Use:	Residential
South:	Zoning:	B-3 (Business)
	Existing Use:	Automotive Repair Shop
East:	Zoning:	R-6 (Residential)
	Existing Use:	Vacant
West:	Zoning:	B-3 (Business)
	Existing Use:	Restaurant

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**STAFF ANALYSIS AND COMMENTARY:**

The applicant is proposing to rezone approximately .113 acres of a 1.69 acre tract of land which is located at the intersection of Brogden Road, South Fifth Street and Crump Street. The property is currently split zoned with the largest portion being zoned B-3 (Business) and the remainder being zoned R-6 (Residential). The property contains 3 nonconforming uses on one tract of land to include Crazy Taco Restaurant, Jesus Automotive Repair and LaBamba Nightclub. The applicant is proposing to divide out a .113 portion of the R-6 (Residential) zoned area to create a buildable residential lot fronting on Crump Street. The .113 acre remainder of the R-6 (Residential) zoned area is the portion considered for rezoning and will added to a proposed .275 acre lot in which Crazy Taco Restaurant is located. The proposed rezoning in combination with the land division will create a more conforming situation in terms of multiple uses on a single lot while creating a more viable lot in terms of redevelopment.

- **Consistency with the Strategic Growth Plan**

The proposed rezoning to the B-3 (Business) zoning district is consistent with the Future Land Use Plan which recommends the property be zoned for commercial uses.

- **Consistency with the Unified Development Code**

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance provided that all proposed future land uses construct the minimum required parking and meet ADA accessibility standards. Any use requiring outdoor storage will require conditional use permit approval by Town Council.

- **Compatibility with Surrounding Land Uses**

The property considered for a rezoning is located near South Fifth Street and Brogden Road and is an existing commercial node. Rezoning this property from residential to commercial district will not create compatibility issues with the adjacent residential uses providing that buffers are installed as part of any redevelopment plan in the area.

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**OTHER:**

**FIRE PROTECTION:** The Town of Smithfield Fire Department will provide fire protection.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: If approved, Crazy Taco Restaurant will have approximately 124 feet of road frontage on Crump Street and 96.7 feet of road frontage on South Fifth Street

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Town of Smithfield

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**FINDINGS:**

In connection with a legislative decision for a rezoning request, the Town council may consider certain approval criteria. Please refer to attached "Approval Criteria". Planning Staff generally accepts these findings as fact as part of a complete application submitted by the petitioner.

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**Planning Department Recommendations:** The Planning Department recommends approval of the request to rezone approximately .113 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district.

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**Planning Board Action Requested:** The Planning Board is requested to review the petition to rezone a .133 acre portion of a 1.69 acre tract of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district and make a recommendation to Town Council in accordance with the approval criteria for a rezoning.

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**Exhibit B**  
**Approval Criteria**

**Town of Smithfield  
Rezoning Permit Application  
Approval Criteria**

**Application No.** RZ-15-03 **Name:** George McFayden and Company LLC

**Request:** Zoning reclassification from R-6 (Residential) to B-3 (Business)

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application.

The governing body has the responsibility to determine if the zoning map amendment is warranted. The Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this rezoning application by motion and vote on each of the following eight findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

**1. The zoning petition is in compliance with all applicable plans and policies of the Town of**

**Smithfield:**

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**2. The zoning petition is compatible with established neighborhood patterns of the surrounding area:**

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**3. The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:**

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**4. The rezoning request is in the community interest:**

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**5. The request does not constitute "Spot Zoning":**

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**6. Present regulations deny or restrict the economic use of the property:**

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**7. The availability of public services allows consideration of this rezoning request:**

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**8. Physical characteristics of the site prohibit development under present regulations:**

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**9. Once all findings have been decided one of the two following motions must be made.**

**Motion to Approve:** Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant’s representative I move to approve the Rezoning Petition RZ-15-03.

**Motion to Deny:** Based upon the failure to adequately address all of the above stated eight findings and for the reasons stated therein, I move to deny the Rezoning Petition RZ-15-03.

**10. Record of Decision:**

**Based on a motion and majority vote of the Town of Smithfield Planning Board, Rezoning Petition RZ-15-03 is hereby recommended for:**

**Check one**

**Approval for the following reasons:**

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\_\_\_\_\_ Denial for the following reasons:

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Decision made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ while in regular session.

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**Mr. Eddie Foy, Planning Board Chairman**

**Attest:**

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**Mark E. Helmer, AICP, CZO**  
**Senior Planner**

**Exhibit C**  
**Planning Board Minutes/Actions**

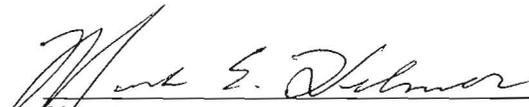
**Exhibit D**  
**Adjoining Property Owner Certification**



PLANNING DEPARTMENT  
Paul C. Embler, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, RZ-15-03, were notified by First Class Mail on 8-21-15.

  
Signature

Johnston County, North Carolina

I, Shannan L Williams, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

21<sup>st</sup> day of August, 2015

  
Notary Public Signature

Shannan L. Williams  
Notary Public Name



My Commission expires on 5-20-2017  
(Seal)

Adjacent Property Owners of  
RZ-15-03

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15052033	169310-46-0746	MASSENGILL, GRACE S	C/O MASSENGILL, W C	FOUR OAKS	NC	27524-0000
15052038	169310-36-5887	SMITHFIELD HOUSING AUTHORITY	801 S 5TH ST	SMITHFIELD	NC	27577-0000
15052037	169310-36-7814	SMITHFIELD HOUSING AUTHORITY	801 S 5TH ST	SMITHFIELD	NC	27577-0000
15062035	169310-46-1586	SAPP, ZEDDIE JR	COLONIAL PARK STATION	NEW YORK	NY	10039-0932
15064066	169310-46-2610	SANDERS, OSCAR	321 BAIN BRIDGE CIRCLE	GARNER	NC	27529-0000
15052031A	169310-36-6688	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052031B	169310-36-7647	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052031C	169310-36-8617	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052031D	169310-36-8686	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052031E	169310-36-9645	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15052020	169310-36-2662	WILLIAMS, JERRY G & SON INC	P O BOX 2430	SMITHFIELD	NC	27577-2430
15052029	169310-36-6427	GEORGE C MCLAMB PROPERTIES LLC	5494 WILSONS MILLS RD	CLAYTON	NC	27520-0000
15052028	169310-36-6377	GEORGE C MCLAMB PROPERTIES LLC	5494 WILSONS MILLS RD	CLAYTON	NC	27520-0000
15052041	169310-36-4958	LMR RENTALS	5	SMITHFIELD	NC	27577-0000
15052021	169310-36-3500	JERRY G WILLIAMS & SONS INC	P O BOX 2430	SMITHFIELD	NC	27577-2430
15062038	169310-36-9392	RAMSEY, CHRISTOPHER A	924 RAND ST	SMITHFIELD	NC	27577-5346
15062036	169310-46-1419	JOHNSON, MICHAEL E	1004 SOUTH CRESCENT DRIVE	SMITHFIELD	NC	27577-0000
15062035A	169310-46-1552	COX, GERALDINE RUSS	6638 SPANISH OAK DR	RURAL HALL	NC	27045-9794
15052031	169310-36-5653	MCFADYEN AND COMPANY LLC	225 HILLCREST ROAD	RALEIGH	NC	27502-0000
15062037	169310-46-0473	RAMSEY, MABELEAN J	924 RAND ST	SMITHFIELD	NC	27577-0000
		McFayden and Company, LLC	225 Hillcrest Road	Raleigh	NC	27520



## PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

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### **Notice Of Public Hearings**

Notice is hereby given that public hearings will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, September 3, 2015 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

**RZ-15-03 McFayden and Company, LLC:** The applicant is requesting to rezone approximately .150 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

**RZ-15-04 Atlantic Resources Incorporated:** The applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive. The property is further identified as Johnston County Tax ID# 15060031.

You have been identified as a property owner in the area specified above and are being advised of this meeting as you may have interest in this matter. You are welcome to attend; however, you are not required to in order for the Board to act on this request. Additional information may be obtained by contacting the Town of Smithfield Planning Department at 919-934-2116.



## PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

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### **Notice Of Public Hearings**

Notice is hereby given that public hearings will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, September 3, 2015 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

**RZ-15-03 McFayden and Company, LLC:** The applicant is requesting to rezone approximately .150 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

**RZ-15-04 Atlantic Resources Incorporated:** The applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive. The property is further identified as Johnston County Tax ID# 15060031.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at [www.smithfield-nc.com](http://www.smithfield-nc.com).

**Run "Legal Ad" in the Smithfield Herald on 8/19/15 and 8/26/15**

**Exhibit E**  
**Rezoning Application**



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

## REZONING APPLICATION

*Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00 for a rezoning to a Standard District.*

Name of Project: McFayden & Company, LLC Acreage of Property: 12,000 SF  
 Parcel ID Number: 169310-36-5653 Tax ID: 15052031  
 Deed Book: 2681 Deed Page(s): 34  
 Address: 911 S Fifth Street, Smithfield, NC  
 Location: intersection of Fifth Street and Crump Street

Existing Use: Food Vendor Proposed Use: Food Vendor  
 Existing Zoning District: B-3 and R-6  
 Requested Zoning District: B-3  
 Is project within a Planned Development:  Yes  No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:  Yes  No  
 Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: <u>RZ-15-03</u>	Date Received: <u>8/7/15</u>	Amount Paid: <u>\$300.00</u>
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**REQUIRED FINDINGS OF FACT**

*Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for zoning map amendment to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.*

- 1. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

This lot meet the zoning requirements for B-3 zoning  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. *The zoning petition is compatible with established neighborhood patterns of the surrounding area:*

This lot is in compliance with the zoning regulations for B-3 at this time. It is an existing business.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4. *The rezoning request is in the community interest:*

This tract had mixed zoning located on it. With this rezoning this tract will have only one zoning.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 5. *The request does not constitute "Spot Zoning":*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. *Present regulations deny or restrict the economic use of the property:*

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7. *The availability of public services allows consideration of this rezoning request:*

Everything is already in existence. Just trying to bring it under one Zoning.

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8. *Physical characteristics of the site prohibit development under present regulations:*

This tract has mixed zoning at present. With this rezoning it will be under one Zone, B-3. which allows for the use already in existence.

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**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject zoning map amendment. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

Jimmy C. Barbour, PLS

*Print Name*

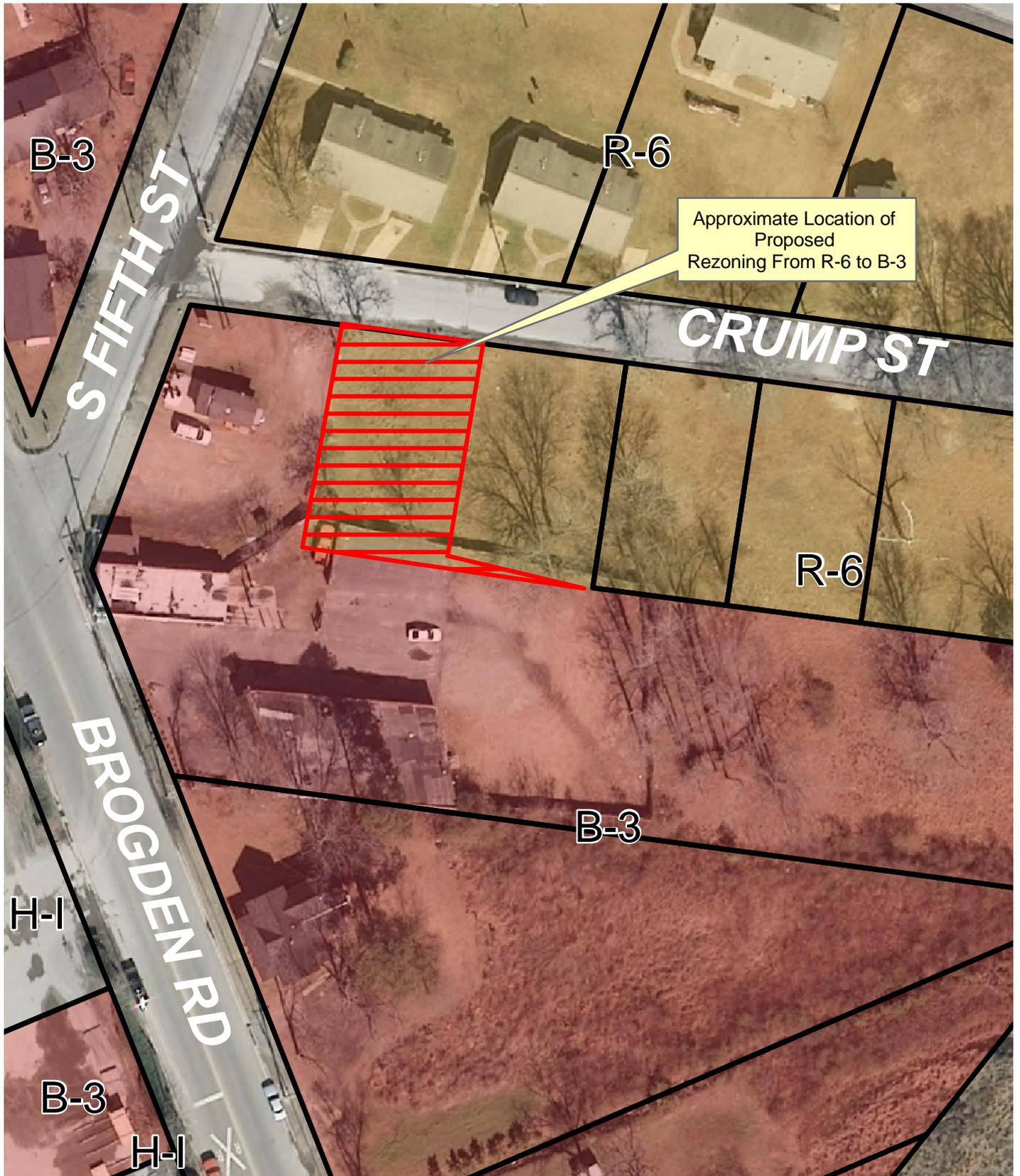
  
*Signature of Applicant*

8-7-2015

*Date*



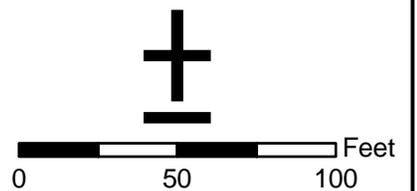




Vicinity Map for:  
RZ-15-03  
Applicant:  
McFayden &  
Company, LLC



Map Created by Town of Smithfield  
Geographic Information Services



**Atlantic Resources Incorporated**  
**RZ-15-04**

**For Properties Located at:**

The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive. The property is further identified as Johnston County Tax ID#15060031.

**Property Owner:**  
**Barefoot Property Group**

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**RZ-15-04**

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**Exhibit C**

**Adjoining Property Owners Certification**

**Exhibit D**

**Rezoning Application**

**Exhibit E**

**Exhibit A**  
**Staff Report**



Town of Smithfield  
Planning Department  
350 East Market Street  
P.O. Box 761  
Smithfield, NC 27577  
Phone: 919-934-2116  
Fax: 919-934-1134

## STAFF REPORT

**Application Number:** RZ-15-04  
**Project Name:** Atlantic Resources Incorporated  
**TAX ID number:** 15052031  
**Town Limits/ETJ:** City  
**Applicant:** Atlantic Resources Incorporated  
**Owners:** Barefoot Property Group  
**Agents:** none  
**Neighborhood Meeting:** none

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**PROJECT LOCATION:** Southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive

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**REQUEST:** The applicant is requesting to rezone approximately 6.52 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district

### SITE DATA:

**Acreage:** 6.52 acres  
**Present Zoning:** B-3(Business)  
**Proposed Zoning:** HI (Heavy Industrial)  
**Existing Use:** Warehouse / Flea Market  
**Proposed Use:** Heavy Manufacturing

### DEVELOPMENT DATA:

**Proposed Use:** Atlantic Resources Incorporated is an industrial systems supplier specializing in mechanical systems, PLC (programmable logic controllers), thermal imaging and material handling in many facets of manufacturing and industrial applications.

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**ENVIRONMENTAL:** The property considered for a rezoning does not appear to contain environmentally sensitive areas such as regulated streams or designated wetlands.

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## ADJACENT ZONING AND LAND USES:

North:	Zoning:	B-3 (Business Highway Entrance)
	Existing Use:	Residential / Forbes Manor
South:	Zoning:	B-3 (Business Highway Entrance )
	Existing Use:	Warehousing / Hines Heating and Air Conditioning
East:	Zoning:	HI (Heavy Industrial)
	Existing Use:	Thompson Gas and vacant warehouse
West:	Zoning:	B-3 (Business Highway Entrance)
	Existing Use:	Clegg's Termite and Pest Control, Inc. and Caterpillar Logistic, Inc.

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## STAFF ANALYSIS AND COMMENTARY:

The property considered for rezoning is 6.52 acre facility containing a 75,000 square foot building that was the original home of the Jerold Manufacture Company. The most recent use of the property was for retail purposes and occupied by 301 Flea Market. Some of the permitted uses that can be considered for future approval if the property is rezoned to the HI (Heavy Industrial) zoning district would include:

- Building Materials Sales And Storage
- Clothing And Finished Fabric Products, Manufacture Of
- Contractors, Building (With Storage)
- Contractors, Equipment
- Contractors, Heavy Construction
- Contractors, Special Trades (No Storage)
- Clothing And Finished Fabric Products, Manufacture Of
- Electric Motor Repair
- Fuel And Ice Dealers
- Gas Companies With Propane/Bulk Storage
- Industrial Uses Not Having An Injurious Effect On The Town And Not Otherwise Listed / Identified
- Light Manufacturing Uses Involving Fewer Than 35 Employees And Not Otherwise Listed/Identified
- Industrial Research Offices And Laboratories

- **Consistency with the Strategic Growth Plan**

The proposed rezoning to the HI (Heavy Industrial) zoning district is not consistent with the Future Land Use Plan which recommends the property be zoned for commercial uses. However, limited availability of existing large scale facilities that can accommodate manufacturing may justify the rezoning.

- **Consistency with the Unified Development Code**

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance providing that any proposed land uses makes the necessary site improvements to include landscaped buffer yards adjacent to the neighboring residential development to the north.

- **Compatibility with Surrounding Land Uses**

The property considered for a rezoning is located in an area along South Brightleaf Boulevard where manufacturing, warehousing and service related business have a strong presence. The adjacent residential use to the north should not be negatively impacted providing that any future use does not generate excess dust, noise or vibration and does not contain bulk storage of flammable material.

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**OTHER:**

FIRE PROTECTION: The Town of Smithfield Fire Department will provide fire protection.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: The property has approximately 310 feet of road frontage on South Brightleaf Boulevard

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Town of Smithfield

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**FINDINGS:**

In connection with a legislative decision for a rezoning request, the Town council may consider certain approval criteria. Please refer to attached “Approval Criteria”. Planning Staff generally accepts these findings as fact as part of a complete application submitted by the petitioner.

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**Planning Department Recommendations:** The Planning Department recommends approval of the request to rezone approximately 6.52 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district.

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**Planning Board Action Requested:** The Planning Board is requested to review the petition to rezone a 6.52 acre tract of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district and make a recommendation to Town Council in accordance with the approval criteria for a rezoning.

## **Exhibit B**

### **Approval Criteria**

**Town of Smithfield  
Rezoning Permit Application  
Approval Criteria**

**Application No.** RZ-15-04 **Name:** Atlantic Resources Incorporated

**Request:** Zoning reclassification from B-3 (Business) to HI (Heavy Industrial)

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application.

The governing body has the responsibility to determine if the zoning map amendment is warranted. The Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this rezoning application by motion and vote on each of the following eight findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

**1. The zoning petition is in compliance with all applicable plans and policies of the Town of**

**Smithfield:**

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**2. The zoning petition is compatible with established neighborhood patterns of the surrounding area:**

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**3. The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:**

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**4. The rezoning request is in the community interest:**

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**5. The request does not constitute "Spot Zoning":**

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**6. Present regulations deny or restrict the economic use of the property:**

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**7. The availability of public services allows consideration of this rezoning request:**

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**8. Physical characteristics of the site prohibit development under present regulations:**

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**9. Once all findings have been decided one of the two following motions must be made.**

**Motion to Approve:** Based upon satisfactory compliance with the above stated eight findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative I move to approve the Rezoning Petition RZ-15-04.

**Motion to Deny:** Based upon the failure to adequately address all of the above stated eight findings and for the reasons stated therein, I move to deny the Rezoning Petition RZ-15-04.

**10. Record of Decision:**

**Based on a motion and majority vote of the Town of Smithfield Planning Board, Rezoning Petition RZ-15-04 is hereby recommended for:**

**Check one**

**Approval for the following reasons:**

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\_\_\_\_\_ Denial for the following reasons:

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Decision made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ while in regular session.

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**Mr. Eddie Foy, Planning Board Chairman**

**Attest:**

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**Mark E. Helmer, AICP, CZO**  
**Senior Planner**

**Exhibit C**  
**Planning Board Minutes/Actions**

**Exhibit D**  
**Adjoining Property Owner Certification**



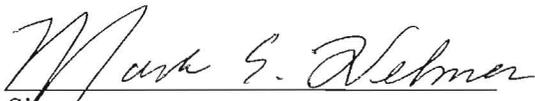
**PLANNING DEPARTMENT**

Paul C. Emblar, Jr., Director

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**ADJOINING PROPERTY OWNERS CERTIFICATION**

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **RZ-15-04**, were notified by First Class Mail on **8-21-15**.

  
Signature

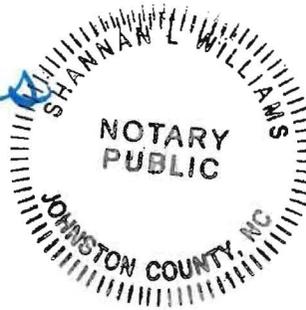
Johnston County, North Carolina

I, Shannan L Williams, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

21<sup>st</sup> day of August, 2015

  
Notary Public Signature

Shannan L. Williams  
Notary Public Name



My Commission expires on 5-20-2017  
(Seal)

Adjacent Property Owners of  
CUP-15-04

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15A61052A	169313-23-4804	IQ14 CLARKTON SMITHFIELD NC LLC	C/O C 111 ASSET MANAGEMENT LLC	IRVING	TX	75039-4414
15060042	169313-14-5334	SMITHFIELD HOUSING AUTHORITY	801 S 5TH ST	SMITHFIELD	NC	27577-0000
15060023	169313-04-7509	WILSON, J E JR	PO BOX 910	SMITHFIELD	NC	27577-0000
15060023D	169313-04-7319	CLEGG'S LIMITED LIABILITY CO	PO BOX 3089	DURHAM	NC	27715-3089
15060052	169313-13-1859	WAREHOUSE PROPERTIES INC	PO BOX 2398	SMITHFIELD	NC	27577-0000
15A61052B	169313-13-8267	WAL-PAT LLC	303 BREMENTON DRIVE	GREENVILLE	NC	27858-0000
15060031	169313-14-3141	MARSHALL, JULIAN F	837 S BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-0000
15060024D	169313-04-4320	IRISH GETAWAY LLC	PO BOX 148	SMITHFIELD	NC	27577-0148
		BAREFOOT PROPERTY GROUP	PO BOX 508	SMITHFIELD	NC	27577



## PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

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### **Notice Of Public Hearings**

Notice is hereby given that public hearings will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, September 3, 2015 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

**RZ-15-03 McFayden and Company, LLC:** The applicant is requesting to rezone approximately .150 acres of land from the R-6 (Residential) zoning district to the B-3 (Business) zoning district. The property considered for rezoning is located on the east side of the intersection of Brogden Road and South Fifth Street. The property is further identified as Johnston County Tax ID# 15052031.

**RZ-15-04 Atlantic Resources Incorporated:** The applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive. The property is further identified as Johnston County Tax ID# 15060031.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at [www.smithfield-nc.com](http://www.smithfield-nc.com).

**Run "Legal Ad" in the Smithfield Herald on 8/19/15 and 8/26/15**



## PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

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**RZ-15-04 Atlantic Resources Incorporated:** The applicant is requesting to rezone approximately 6.521 acres of land from the B-3 (Business) zoning district to the HI (Heavy Industrial) zoning district. The property considered for rezoning is located on the southeast side of South Brightleaf Boulevard approximately 185 feet north of its intersection with Huntley Drive. The property is further identified as Johnston County Tax ID# 15060031.

You have been identified as a property owner in the area specified above and are being advised of this meeting as you may have interest in this matter. You are welcome to attend; however, you are not required to in order for the Board to act on this request. Additional information may be obtained by contacting the Town of Smithfield Planning Department at 919-934-2116.

**Exhibit E**  
**Rezoning Application**



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

## REZONING APPLICATION

*Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00 for a rezoning to a Standard District.*

Name of Project: Atlantic Resources Incorporated    Acreage of Property: 6.5  
 Parcel ID Number: 164313-14-3141    Tax ID: 15060031  
 Deed Book: \_\_\_\_\_    Deed Page(s): \_\_\_\_\_  
 Address: 1515S Brightleaf Blvd Smithfield NC, 27577  
 Location: \_\_\_\_\_

Existing Use: Warehouse/Flea Market    Proposed Use: Manufacturing  
 Existing Zoning District: B-3  
 Requested Zoning District: H-1  
 Is project within a Planned Development:     Yes     No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:     Yes     No  
 Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

File Number: <u>R2-15-04</u>	Date Received: <u>8/17/15</u>	Amount Paid: <u>\$300.00</u>
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**REQUIRED FINDINGS OF FACT**

*Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for zoning map amendment to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.*

- 1. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

Use of building is not at this time compliant with current zoning and is used as warehousing and somewhat of a flea market  
The building will need major upgrades, both interior and exterior to make compliant

- 2. *The zoning petition is compatible with established neighborhood patterns of the surrounding area:*

There are several areas surrounding the property that are currently industrial .

- 3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*

Retail space is more that needed by current market demand for said area of town. Current conditions provide little to no community value  
ARI will bring jobs to Smithfield as well as support the local businesses that are currently customers/clients/vendors of ARI  
ARI will modify the visual presence of the building as it is lacking physical appearance at this time.  
There is a flea market across 301 (Harpers) and another south of the location (Brightleaf) that are well established  
There is little to no community involvement in the facility as it is.  
Property has been poorly maintained by previous owners. ARI/Barefoot Property Group will modify property to standards and appearance

- 4. *The rezoning request is in the community interest:*

Property would be greatly improved from a visual perspective  
Employment will be available to local residents  
Owners are local and support the Smithfield/Four Oaks - Johnston County areas

- 5. *The request does not constitute "Spot Zoning":*

Areas on 2 sides of property are currently used as commercial or heavy industrial. Heavy Industrial neighboring this property

6. *Present regulations deny or restrict the economic use of the property:*

Area is currently surrounded by commercial property. Manufacturing will be necessary to operate business

The current zoning and use of the building is null and the property can be better utilized if rezoned

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7. *The availability of public services allows consideration of this rezoning request:*

Public service would greatly benefit from location. Most utilities are available currently

Owners have met with local utility director, as well as members of emergency services.

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8. *Physical characteristics of the site prohibit development under present regulations:*

Present regulations do not permit this building for Manufacturing

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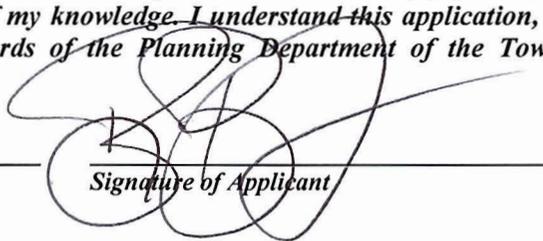
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**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject zoning map amendment. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

**Brian Barefoot**

*Print Name*



*Signature of Applicant*

8-17-15  
~~2015~~

*Date*



Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

**OWNER'S CONSENT FORM**

Name of Project: Atlantic Resources Incorporated

Submittal Date: 8/17/15

**OWNERS AUTHORIZATION**

I hereby give CONSENT to BRIAN BAREFOOT (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

[Signature]  
 Signature of Owner

Brian Barefoot  
 Print Name

8-17-15  
 Date

**CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER**

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

[Signature]  
 Signature of Owner/Applicant

Brian Barefoot  
 Print Name

8-17-15  
 Date

**FOR OFFICE USE ONLY**

File Number: R2-15-04 Date Received: 8/17/15 Parcel ID Number: \_\_\_\_\_



Vicinity Map for:  
RZ-15-04  
Applicant:  
Atlantic Resources  
Incorporated



Map Created by Town of Smithfield  
Geographic Information Services

