

DRAFT
Smithfield Planning Board Minutes
Thursday, December 3, 2015
6:00 P.M., Town Hall, Council Room

Members Present:

Vice-Chairman Stephen Upton
Daniel Sanders
Mark Lane
Jack Matthews
Teresa Daughtry
Gerald Joyner (Alt.)

Members Absent:

Eddie Foy
Ashley Spain

Staff Present:

Mark Helmer, Senior Planner

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM NOVEMBER, 2015.

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

Public Hearings:

After all persons giving testimony were duly sworn, Stephen Upton opened the public hearing.

CUP-15-04 Triangle Marketing Associates, Inc.:

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for the construction and operation of a 30 foot radio antenna with studio on property located within a LI (Light Industrial) zoning district. The property considered for approval is located on the east side of Airport Industrial Drive and approximately 450 feet north of its intersection with Swift Creek Road. The property is further identified as Johnston County Tax ID# 15J08017F.

Mr. Helmer stated an existing multi-building, multi-tenant development is seeking a conditional use permit to allow for a radio station studio with a 30 foot radio antenna. The location of the proposed radio station with a 30 foot tall antenna does not appear to be within the boundaries of the designated wetlands or flood plains.

Mr. Helmer stated the radio station is located within a three bay multi-tenant building located within Airport Industrial Park. Automobile parking is ample and the building is setback far enough so that if the antenna was to collapse it would not land within any public right-of-way or environmentally sensitive areas. The location of the antenna is within close proximity to Johnston County Airport. Therefore, FAA (Federal Aviation Administration) approval is required. The applicant has submitted documentation from the FAA showing that a

determination has been made that the antenna will not create a hazard to flight operation occurring in the area. The proposed radio station with a 30 foot antenna is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for industrial/commercial uses near the vicinity of Johnston County Airport.

Mr. Helmer stated radio stations are a permitted use within a LI (Light Industrial) zoning district with a valid conditional use permit. The existing site was approved by Johnston County Planning Department and has since become a part of the Town of Smithfield Extra Territorial Zoning Jurisdiction. The site appears to have been constructed to modern zoning standards in terms of building setback, parking and landscaping. A radio station at this location should not pose a compatibility issue with surrounding land uses providing the applicant is comfortable being located in an industrial park where light manufacturing is permitted. The subject use can be permitted one monument sign and one wall sign facing Airport Industrial Drive.

Mr. Helmer stated the Town of Wilsons Mills will provide fire protection, Johnston County will provide water and sewer, and Duke Progress Energy will provide electric services.

Mr. Helmer stated the planning staff recommends approval of a Conditional Use Permit request to allow for the operation of a radio station and construction of a 30 foot high antenna on property located within a LI (Light Industrial) zoning district. The Planning Board is requested to review the request for a radio station with a 30 foot high antenna and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.

Mr. Upton asked if anyone wanted to speak for or against the proposal. There were none.

Teresa Daughtry asked what the recourse would be if the proposed project is already conducting business.

Mr. Helmer stated that radio station is in operation. Mr. Helmer stated that the record indicated that a building permit for an interior fit-up was issued without a proper zoning permit from the Smithfield Planning Department first being issued. Mr. Helmer also stated that it doesn't happen often but that the Smithfield UDO allows for permits issued in error to be corrected by a valid conditional use permit issued by Town Council.

Daniel Sanders asked if the project was to be expanded would they have to come back to the board.

Mr. Helmer stated that the Smithfield UDO requires major changes to the type, size and intensity of use requiring a conditional use permit to be re-reviewed by the Town of Smithfield Planning Board and Town council.

Victor Heilman, 225 Bell Dr, Garner, stated he had gone to the Town of Clayton and they told him it was in Johnston County's jurisdiction. Johnston County then reviewed the plans for interior modification and building permits were issued. It wasn't until sometime later that a building permit for the tower was requested and I was informed by Johnston County that the

Town of Smithfield would need to approve it first. After speaking with Mr. Helmer, I was informed that a conditional use permit for a radio station in the light industrial zoning district was required.

Mr. Upton asked what the stations call letters are.

Mr. Heilman stated the call letters are WKJO 102.3FM, Johnston County's only licensed FM station.

Mr Upton Ask if there were any other questions. There were none.

Steve Upton closed the public hearing

Teresa Daughtry made a motion, seconded by Jack Matthews, to move to the Finding of Fact. Unanimous.

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for a Conditional Use Permit 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.

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 radio station with a 30 foot antenna will not materially endanger the public health safety or general welfare because the antenna will be constructed to meet all plans and specifications as required by Johnston County Building Inspections to include engineered footings. The FAA has made a determination that the proposed tower will not create a hazard to flight operation occurring within the vicinity of Johnston County Airport.

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 Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

The proposed radio station with a 30 foot antenna 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.

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 radio station with a 30 foot antenna will not adversely affect the use or any physical attribute of adjoining or abutting properties. The radio station will blend in with all the other businesses within Airport Industrial Park.

4. Based on the 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 radio station with a 30 foot antenna will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development given that it will occur within an existing multitenant development which has adequate parking, landscaping, and generally meets all other modern development standards.

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;

Jack Matthews made a motion, seconded by Teresa Daughtry to recommend approval requesting a conditional use permit to allow for the operation of a radio station and construction of a 30 foot high antenna on property located within a LI (Light Industrial) zoning district. Unanimous

CUP-15-05 GrayCliff Enterprises, Inc.:

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for one residential housing unit on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for approval is located on the north side of Powell Street and approximately 240 feet east of its intersection with Computer Drive. The property is further identified as Johnston County Tax ID# 15J08071.

Mr. Helmer stated the applicant is requesting to use an existing building on the property for residential purposes so that on-site around the clock security of the storage yard can occur. There are no environmental issues on the site that would prohibit the use of the existing structure for residential purposes. The property is home of GrayCliff Enterprises LLC whose primary business is in support of the cable industry through the installation of fiber optic cable throughout the area. The property has a large storage in the rear and two structures with parking in the front on the site. The applicant is seeking a conditional use permit to allow for the smaller of the two buildings to be used for the housing quarters for security and staff. Residential uses are permitted within the B-3 (Business) zoning district providing that a conditional use permit is issued by Town Council.

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. Residential housing units are a permitted use within the B-3 (Business) zoning district with a valid conditional use permit. A residential housing unit at this location should not pose a compatibility issue with surrounding land uses providing the use is accessory to GrayCliff Enterprises LLC contractors and that upon such time that GrayCliff Enterprises LLC ceases to exist at this location, so shall the residential use. The subject property will be permitted one monument sign adjacent to Powell Street as well as a wall sign on the Powell Street side of the building.

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

Mr. Helmer stated planning staff recommends approval of the conditional use permit to allow GrayCliff Enterprises LLC to operate one residential unit for the housing of on-site security and employees only. The Planning Board is requested to review the request for GrayCliff Enterprises LLC to operate one residential housing unit for the housing of on-site security and employees only and make a recommendation to the Town Council in accordance with the finding of fact for a conditional use permit.

Steve Upton closed the public hearing.

Mr. Upton asked if anyone wanted to speak for or against the proposal. There were none.

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

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for a Conditional Use Permit 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.

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 accessory residential unit will not materially endanger the public health safety or general welfare because the structure will meet all plans and specifications as required by Johnston County Building Inspections. Adequate infrastructure to include water, sewer, electric and on-site parking exists at the site.

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 Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

The accessory residential unit conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance and meets all zoning regulations to include parking and landscaping.

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 accessory residential unit will not adversely affect the use or any physical attribute of adjoining or abutting properties. The requested accessory use is adjacent to an existing residential zoning district and compatibility issues are unlikely.

4. Based on the 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 accessory residential unit will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development given that it will occur only as an accessory use to the principle use of contractor's office of GrayCliff Enterprises Inc.

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 GrayCliff Enterprises LLC to operate one residential unit for the housing of on-site security and employees only. Unanimous

Old Business:

No report.

New Business:

No Report

Teresa Daughtry made a motion to adjourn, seconded by Jack Matthews. Unanimous.

Submitted this 3rd day of December, 2015.

Veronica Hardaway
Administrative Support Specialist
Planning Department