

Smithfield Planning Board Minutes
Thursday, March 3, 2016
6:00 P.M., Town Hall, Council Room

Members Present:

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

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Paul Embler, Planning Director

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM FEBRUARY 4, 2016.

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 continued the Public Hearing from the February 4, 2016 Planning Board Meeting.

CUP-16-01 Extra Mile Motors:

Mr. Helmer stated the applicant is requesting a conditional use permit to operate an automotive sales lot designed to accommodate 10 vehicles and located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the north side of West Market Street approximately 500 feet east of its intersection with NC Hwy 210. The property is further identified as Johnston County Tax ID# 15080019.

Mr. Helmer stated the applicant is requesting a conditional use permit to operate an automotive sales lot designed to accommodate 10 vehicles and located within a B-3 (Highway Entrance Business) zoning district. There appears to be an environmentally sensitive area and is located within the 100 year flood plain. The proposed automobile sales lot is a permitted use within the B-3 (Business) zoning district with a Town Council approved Conditional Use Permit. The applicant has provided a revised sketch plan on February 26, 2016 showing improvements to the property to include a paved parking area for 13 automobiles and a designated area for the parking of tractor trailers. The site plan also indicates that an unpaved area in the rear of the existing building that is not being improved for the parking of automobiles. Landscape

improvements shown on the site plan include screening of the storage area, screening of the tractor trailers and loading zoning. NCDOT right-of-way improvements are properly addressed on the sketch plan. The proposed automobile sales lot is inconsistent with the recommendations of the Comprehensive Growth Management Plan which calls for Conservation/Open Space land uses in areas where there is the potential for flooding (100 year floodplain) or the need to become conflicting land uses. The future land use map indicates areas having the potential existence of wetlands. Any development in these areas should be at low density and closely coordinated with regulations governing wetlands development.

Mr. Helmer stated an automobile sales lot is a permitted use within the B-3 (Highway Entrance Business) zoning district with a valid conditional use permit. The applicant will be responsible for submitting a preliminary site plan that shows all applicable minimum development standards can and will be met prior to site plan approval and issuance of a valid zoning permit to include paved parking and paved vehicular storage with screening. An automobile sales lot at this location will pose a compatibility issue with surrounding land uses and may contribute to the urban blight found throughout this portion of the entrance corridor. Signs shall be permitted in accordance with the UDO which will allow for a maximum height of 6 feet and 75 square feet in area for all ground signs located within the B-3 (Highway Entrance Business) zoning district. The Town of Smithfield will provide fire protection as well as water/sewer, and electric services.

Mr. Helmer stated the Planning Department recommends approval of the proposed automobile sales lot providing that all parking spaces are paved and screening of the storage yard is installed in accordance with the minimum development standards of the Town of Smithfield UDO.

The Planning Board is requested to review the petition for an automobile sales lot on property located within the B-3 (Highway Entrance Business) corridor 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 proposal.

Paul Embler, Planning Director, stated he prepared the exhibit located in the agenda packet based on the information that was faxed to him by the applicant. He stated the applicant is a charter boat captain and is in the Florida Keys. He stated the applicant sent a revised sketch to the Planning Department. Similar to the one you saw last month but with some modifications.

Teresa Daughtry asked about the water runoff and drainage.

Paul Embler stated based on preliminary investigations done on the property, the water is moving away from Highway 70.

Daniel Sanders asked if the property was in the flood zone.

Paul Embler stated yes.

Teresa Daughtry asked if there is a ditch in the back of the property.

Paul Embler stated there was many years ago but has since been filled in.

Being no further questions, Mr. Foy closed the public meeting for CUP-16-01.

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

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. 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 automobile sales lot at this location will not materially endanger the public where shown because the site has adequate parking available and layout of the site facilitates safe movement of automobiles and pedestrian traffic with little additional congestion.

- 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 automobile sales lot at this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances providing the applicant submits a detailed site plan for planning staff approval that shows required landscaping and paved parking prior to issuance of site plan approval and issuance of a valid zoning permit for an automobile sales lot.

- 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 automobile sales lot at this location 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 providing required landscape buffers and street yards are installed and maintained in accordance with minimum development standards and that no more than 10 automobiles for sale are on the lot at any given time.

- 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 automobile sales lot at this location will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development proving all minimum development standards are met to include landscaping, lighting, paved parking and all other minimum development standards.

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 operate an automotive sales lot designed to accommodate 10 vehicles and located within a B-3 (Highway Entrance Business) zoning district.

Old Business:

New Business:

Stephen Upton made a motion to adjourn, seconded by Jack Matthews. Unanimous.

Submitted this 3rd day of March, 2016.

Veronica Hardaway
Administrative Support Specialist
Planning Department