

Smithfield Planning Board Minutes
Thursday, April 7, 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
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM MARCH 3, 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 opened the public hearing.

CUP-16-03 Carroll Cottle Farms:

Mr. Helmer stated the applicant is requesting a conditional use permit to conduct temporary outdoor sales of agricultural products on property located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the south side of North Brightleaf Boulevard and approximately 500 feet northeast of its intersection with Hospital Road. The property is further identified as Johnston County Tax ID# 15006002.

Mr. Helmer stated the applicant will be conducting temporary sales of fresh picked strawberries during the spring harvest season. The proposed site does not appear to be located within the boundaries of any designated wetlands or flood plains.

Article 10, Table of Permitted/Conditional Use Districts, Note 19, Temporary Uses states that the Board shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use. (E) Sale of Agricultural Products Grown Off-Site. For purpose of this section, agricultural products are defined as products obtained primarily through farming or agricultural activities, including but not limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral,

ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products, any USDA-recognized agricultural product. For purposes of this section, processed or prepared food products of any kind shall not be considered as agricultural products. Additionally:

(1) As well as locations listed above, the temporary sale of agricultural products may occur from a vacant lot.

(2) The temporary sale of agricultural products is exempt from the requirement to be similar to the products of the principal use.

(3) The temporary sale of agricultural products may be accomplished from a vehicle, trailer, or shipping container.

(4) The temporary sale of agricultural products shall be allowed on an individual parcel or site for no more than 180 total days per calendar year, and no more than three events per calendar year.

Mr. Helmer stated that temporary sale of agricultural products at this location is inconsistent with the recommendations of the Comprehensive Growth Management Plan which calls for office/institutional and high density residential uses. However, given the commercial nature of the North Brightleaf Boulevard corridor, commercial endeavor such as temporary sale of agricultural products on a vacant lot is a reasonable interim use of the property.

Mr. Helmer stated the Town of Smithfield Unified Development Ordinance (UDO) allows for temporary sale of agricultural products with a valid conditional permit in all zoning districts provided that all requirements of Article 10, Note 19 (E) are met. There is an existing temporary sale of agricultural products retailer conducting business on the subject property. The site is large enough to safely accommodate the existing and proposed retailer and adequate on-site parking is available. Safe ingress and egress to the property exists in the form of a loop driveway with two driveway access points to North Brightleaf Boulevard.

Mr. Helmer stated temporary agricultural sales signs may be up only during the season while agricultural products are actually for sale at the location and shall in no case remain in place for more than 90 days. The Town of Smithfield will provide water/sewer services as well as electric and fire protection.

Planning staff recommends approval of the Conditional Use Permit request to allow for temporary sale of agricultural products on property located within a B-3 (Highway Entranceway Business) zoning district in accordance with Article 10, Table of Permitted/Conditional Use Districts, Note 19 (E).

The Planning Board is requested to review the petition and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit to allow for the

temporary sale of agricultural products located within a B-3 (Highway Entranceway Business) zoning district.

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

Teresa Daughtry asked if the proposed CUP was similar to a previous public hearing with a gentleman that wanted to sell corn.

Mr. Helmer stated that was correct.

Daniel Sanders asked where on the property the sale items will be located.

Mr. Helmer stated if you're looking at the property from the road, it will be to the far left.

Daniel Sanders asked if this proposed CUP will affect the entrance.

Mr. Helmer stated it will not. There are horseshoe like entrances for easy ingress and egress.

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.

The 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 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 temporary sale of agricultural products at this location will not materially endanger the public where located because the subject property contains adequate parking and safe access. There is one existing retailer conducting temporary sales of agricultural products on the site and no safety concerns have been noted.

- 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 application conforms to the standard and practices of sound land use planning due to the fact that it conforms to the Town of Smithfield Unified Development Ordinance. Adaptive reuse of the underperforming properties is desired and encouraged.

- 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 adjacent properties will not be injured in value because the subject property has provided all necessary improvements to include adequate parking and safe access in accordance with the Town of Smithfield Unified Development Ordinance.

- 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.***

An additional vendor of agricultural products at this location will not be in conflict with existing adopted plans and development standards due to the fact that the Town of Smithfield Unified Development Ordinance allows for temporary sale of agricultural products provided all published standards are met.

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 conduct temporary outdoor sales of agricultural products on property located within a B-3 (Highway Entrance Business) zoning district.

Old Business:

New Business:

Stephen Upton made a motion to adjourn, seconded by Teresa Daughtry. Unanimous.

Submitted this 7th day of April, 2016.

Veronica Hardaway
Administrative Support Specialist
Planning Department