

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

Members Present:

Chairman-Stephen Upton
Vice-Chairman Daniel Sanders
Ashley Spain
Eddie Foy
Gerald Joyner
Jack Matthews

Members Absent:

Teresa Daughtry
Mark Lane

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Admin

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM OCTOBER 6, 2016.

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

Presentations:

Chairman Foy administered the Oath of Office to the new Chairman of the Board, Stephen Upton.

Chairman Upton administered the Oath of Office to the new Vice-Chairman of the Board, Daniel Sanders.

Public Hearings:

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

CUP-16-11 Oakey Grove Missionary Baptist Church:

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for a daycare center on a .85 acre tract of land and located within an R-20 (Residential-Agricultural) zoning district. The property considered for a conditional use permit is located on the northwest side of the intersection of US Hwy 70 Business and Little Creek Church Road. The property is further identified as Johnston County Tax ID# 15J08009I.

Mr. Helmer stated the property is a .85 acre tract of land which contains one permanent structure. A small amount of improved parking is available to include a handicap accessible parking space with handicap ramp. The property is served by two existing driveways accessing Little Creek Church Road. There is no storm water facility located on the site and none is

required at this time. There does not appear to be any environmentally sensitive areas on the property considered for a conditional use permit to include flood plains or designated wetlands.

Mr. Helmer stated the proposed daycare facility is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for office and institutional land uses near the intersection of Little Creek Church Road and US Hwy 70 Business. Daycare facilities are permitted uses within a B-3 (Business) zoning district with a valid conditional use permit. Adequate parking exists for a small daycare center and no other site improvements are proposed or requested at this time. A daycare center at this existing church site should not pose a compatibility issue with surrounding land uses. The proposed daycare will qualify for a free standing sign on Little Creek Church Road. Fire protection will be provided by Wilson's Mills, Water/Sewer services will be provided by the Town of Smithfield, and electric will be provided by Duke Progress Energy.

The Planning Department recommends approval of the request for a conditional use permit to allow for a daycare facility on property located within a B-3 (Business) zoning district.

The Planning Board is requested to review the petition for a daycare facility within a B-3 zoning district 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.

Eddie Foy asked if the applicant has submitted how large the daycare will be.

Mr. Helmer stated the applicant is proposing a before and after school program at this time, but then will extend its services to a full time daycare.

Eddie Foy asked if the applicant would still have to meet state regulations in this situation.

Mr. Helmer stated yes they would still have to meet state requirements.

Daniel Sanders asked how traffic would be in the proposed area with school buses picking up and dropping children off.

Michael Martin, Pastor at Oakey Grove Baptist Church, stated that right now it will be set up for a before and after school care program and then will work toward becoming a full daycare. Buses will not pose a problem in this case because children will be dropped off in the mornings by their parents and the church will provide transportation to the school. In the afternoons the church will provide transportation back to the church where parents will pick up the children.

Gerald Joyner asked approximately how many children would be enrolled in this program.

Mr. Martin stated approximately 15 children to start.

Being no further questions, Mr. Upton closed the public meeting for CUP-16-11

Eddie Foy made a motion, seconded by Daniel Sanders, 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.***

Establishing a daycare center at this site will not endanger the public health, safety, or general welfare. The requirements that the state is mandating will mitigate any such dangers.

- 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.***

It is the applicant's intent that the property will meet all state and local ordinance conditions and specifications.

- 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 use will not adversely affect the use or any physical attributes of adjoining or abutting property. Property is located on the corner of 70 Bus Hwy and Little Creek Church Road. Property is adjacent to a field housing cows and near the property line of a parking lot of Johnston Union Baptist Church, directly across the street is undeveloped property.

- 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 location and character of the use will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan. It will not impact other projects as required by GS 160A-382(b).

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;

Eddie Foy made a motion, seconded by Daniel Sanders to allow for a daycare center on a .85 acre tract of land and located within an R-20A (Residential-Agricultural) zoning district.

CUP-16-12 Amalia Felix Mireles:

Mr. Embler stated the applicant is requesting a conditional use permit to allow for an automotive repair facility with tire sales on a 1.1 acre tract of land located within a B-3 (Business) zoning district. The property considered for a conditional use permit is located on the southwest side of the intersection of South Brightleaf Boulevard and Wal-Pat Road and further identified as Johnston County Tax ID# 15A1047D.

Mr. Helmer stated the applicant has submitted a phased preliminary sketch plan showing a proposed 2,800 square foot building with 4 garage bays and 13 parking spots being constructed as part of phase one. Phase two indicates 3,250 square feet of additional building space and 20 additional parking spaces. The site will be served by a proposed 30 foot wide NCDOT approved driveway accessing South Brightleaf Boulevard. No access to Wal-Pat Road will be permitted. It appears that all Town of Smithfield landscape requirements can and will be met prior to site plan approval and issuance of a valid zoning permit. There does not appear to be any environmentally sensitive areas on the property considered for a Conditional Use Permit to include flood plains or designated wetlands.

Mr. Helmer stated the proposed automotive repair facility is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial land uses near the intersection of South Brightleaf Boulevard and Wal-Pat Road. Automotive repair facilities are permitted uses within B-3 (Business) zoning districts with a valid conditional use permit. The site plan indicates that all Town of Smithfield development regulations can and will be met prior to site plan approval and permitting. An automotive repair facility at this location should not pose a compatibility issue with surrounding land uses. The proposed automotive repair facility will qualify for a free standing sign on South Brightleaf Boulevard. The Town of Smithfield will provide fire protection, water/sewer, and electric.

The Planning Department recommends approval of the request for a conditional use permit to allow for an automotive repair facility on property located within a B-3 (Business) zoning district.

The Planning Board is requested to review the petition for an automotive repair facility within a B-3 (Business) zoning district 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.

Mr. Upton asked why there is no access to Wal-Pat Road.

Mr. Helmer explained there is not enough road frontage.

Mr. Upton expressed his concern with the heavy traffic due to the flea market.

Mr. Helmer stated it is very congested in that area; however the proposal is a low traffic generating use. He stated he is aware there is parking over spill on the proposed site due to the flea market, but the applicant is willing to work with the Town on this issue.

Daniel Sanders asked how many vehicle bays there are.

Mr. Helmer stated there are four bays in the newly constructed building. The building backs up to CSX railroad and all landscaping yards are shown on the plan. Additional landscaping will be required on all sides of the building.

Daniel Sanders asked what the hours of operation will be.

Amalia Felix Mireles, 10517 US Hwy 70 W Clayton, stated he is the owner of the proposed business. He stated he currently owns and operates a garage in Clayton and is usually open 7 days a week, but if the Town needs him to adjust his hours he will do so.

Daniel Sanders explained the weekend traffic is extremely heavy due to the flea market.

Brian Leonard, 112 E Johnston Street, stated he is the engineer working on the proposal. He stated the site itself is not a traffic generator and the garage will be working solely on site.

Daniel Sanders asked what their plans are about the parking overage coming from the flea market.

Mr. Leonard stated they would be willing to either block it off completely to outside parking if the Town thinks it's necessary or leave it open if that would make it easier.

Mr. Upton asked how many parking spaces would be available.

Mr. Helmer stated the site plan is showing 13 parking spaces.

Mr. Leonard stated the site plan shows more than 13, it's actually closer to 23 parking spaces.

Ashley Spain asked if the parking spaces will be paved and marked.

Mr. Leonard stated all parking spaces will be paved and marked appropriately.

Mr. Upton asked the applicant if he's been in this business before.

Mr. Mireles stated he runs a similar business in Clayton.

Mr. Upton asked if the site plan would come before the Planning Board.

Mr. Helmer stated the site plan will be approved administratively by the Planning Department.

Being no further questions, Mr. Upton closed the public meeting for CUP-16-12.

Eddie Foy made a motion, seconded by Daniel Sanders, 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 site layout and building plans shall be designed and subsequently approved by all applicable agencies, including the Town of Smithfield. Therefore, all applicable engineering guidelines and principles will be followed for designing and constructing a safe, functioning facility. The use itself will benefit the general welfare by providing a viable need to the public for automobile repair.

- 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.***

As described above, the site layout and building plans will be designed and approved by all applicable agencies. The applicant intends to obtain all approvals and/or permits as required, beginning with this Conditional Use Permit request. The approval/permitting process with various agencies/departments includes, but is not limited to, NCDOT Driveway approval; site plan approval and zoning permit by Planning Department; utility approval/inspections of water/sewer services by Public Works; Building Permit by Inspection Dept; NC Erosion Control approval (if required); and any other approvals/permits as required. The use itself will be operated by the owner in accordance with all local or state regulations as required.

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 site layout and subsequent construction will physically take place within the overall property boundary of the site and along the property frontage. As mentioned in the applicant's statement above, the proposed use is actually "allowed" in the current zoning district, however, the associated use of "tire sales" requires a conditional use permit. The applicant intends to comply with any special conditions or requirements that are typically imposed for tire sales/storage at other similar uses, for the purpose of minimizing any impact to adjacent properties.

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 adjacent properties to this site are like-zoned and this auto repair use would be consistent with other allowed uses in this zoning district. In fact, another auto repair shop is located directly adjacent to the site. As stated previously, the proposed use is allowed in this zoning district, making it compatible with the surrounding area; however, its association with tire sales is the sole reason for this conditional use permit request. Therefore, as the applicant demonstrates compliance with the Town's requirements for tire sales, then this use would be in harmony with the surrounding area, and in compliance with all other zoning requirements.

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;

Eddie Foy made a motion, seconded by Daniel Sanders to allow for an automotive repair facility with tire sales on a 1.1 acre tract of land located within a B-3 (Business) zoning district.

Old Business:

New Business:

Mr. Upton expressed his appreciation to Eddie Foy for his years of service to the Planning Board as Chairman.

Jack Matthews made a motion to adjourn, seconded by Ashley Spain. Unanimous.

Submitted this 3rd day of November, 2016.

Veronica Hardaway
Administrative Support Specialist
Planning Department

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