

DRAFT
Smithfield Planning Board Minutes
Thursday, July 3, 2014
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman-Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner
Mark Lane

Members Absent:

Teresa Daughtry
Jack Matthews
Ashley Spain

Staff Present:

Paul Embler, Planning Director
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

Mark Helmer, Senior Planner

CALL TO ORDER

APPROVAL OF MINUTES FROM MAY 1, 2014.

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

Public Hearings:

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

CUP-14-06 Olivia Holding:

Mr. Embler stated the applicant is requesting a conditional use permit to operate an automotive sales lot on property located within a B-3 (Business) zoning district. The property considered for approval is located on the south side of South Bright Leaf Boulevard approximately 200 feet northeast of its intersection with South Fifth Street and further identified as Johnston County Tax ID# 15041020C.

Mr. Embler stated 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. The proposed facility will be required to comply with Town of Smithfield storm water regulations to include detention and nitrogen offset.

Mr. Embler stated the proposed automobile sales lot is a permitted use within a B-3 (Business) zoning district with a Town Council approved Conditional Use Permit. The applicant has provided a sketch plan of the 1.77 acre site showing improvements to the property to include paved display area for 55 automobiles and 8 required parking spaces. A 36 foot wide driveway is proposed allowing access from South Bright Leaf Boulevard. Cross access will be provided between the proposed car lot and proposed future retail store to the west. Landscaping will be provided in accordance with the Unified Development Ordinance (UDO) and will include a

twenty foot landscape buffer with a privacy fence along East Dundee Street. A storm water pond is proposed at the rear of the lot that will be engineered to serve the subject lot and the adjacent lot to the east. A location for a modular constructed building is shown on the plan as well as an accessory structure labeled as a “shop”. No building elevations have been provided by the applicant at this time. A lighting plan will be required showing all lamp fixture locations with required full cutoff design. This required lighting plan must also show that no more than 2 foot candles of light will be leaving the property at any given time.

Mr. Embler stated the proposed automobile sales lot is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of South Bright Leaf Boulevard and South Fifth Street. An automobile sales lot is a permitted use within a B-3 (Business) zoning district with a valid Conditional Use Permit. The applicant will be responsible for submitting preliminary site plan that shows all applicable minimum development standards can and will be met prior to site plan approval and issuance of valid zoning permit. An automobile sales lot at this location should not pose a compatibility issue with surrounding land uses given that will be located on a commercial corridor and adequately buffered from adjacent residential structures. There is existing offsite advertisement/billboard sign that will remain on the site. The subject automobile sales lot will qualify for one ground sign and one wall sign in accordance with the Town of Smithfield UDO. The Town of Smithfield will provide fire protection, electric, and water sewer services.

Mr. Embler stated the Planning Department recommends approval of the proposed automobile sales lot providing that all storage areas and parking spaces are paved with landscaping and that all minimum development standards are met in accordance with the Town of Smithfield UDO.

Mr. Embler requested the Planning Board to review the application for an automobile sales lot within a B-3 (Business) zoning district and make a recommendation to the 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. There were none.

Mr. Upton asked what the foot candles are on other existing car lots.

Mr. Embler stated the UDO requirement is a maximum of 2 foot candles of illumination at the property line to prevent light spreading.

Mark Lane asked what is supposed to be the building setback along US301.

Mr. Embler stated it’s normally 35ft but the setback for a major shopping center would require 50 feet.

Daniel Sanders stated that the area of the proposed project floods out when it rains. He asked would the detention pond help with the flooding.

Mr. Embler stated he would have to ask Lenny Branch, Public Works Director, about the flooding because of the uncertainty of where the water discharges. The applicant would be required to construct a pond that will detain a two year storm event and release the detained water over 48 hours. In addition the pond will need to be designed for nutrient removal.

Andrew Hodge, of AW Hodge Engineering 723 S Third Street, stated the project will comply with all landscaping requirements and the driveway permit has already been applied for from NCDOT.

Mr. Upton asked if the pond will be fenced for safety.

Mr. Hodge stated the retention pond will be built with a level shelf with a 4-1 slope so there would be no requirement for fencing.

Gerald Joyner wanted to know more about the landscaping buffers adjacent to Dundee Street.

Mr. Hodge stated the fence will be approximately 6ft high supplemented with trees and shrubs planting.

Mr. Embler stated Town of Smithfield's UDO requires two things; a buffer which is basically distance and separation, as well as landscape vegetative plantings. The Planning Department is working with Family Dollar and the proposed car lot to make the fence uniform, across both properties.

Mr. Foy closed the public meeting for CUP-14-06 and asked for a motion.

Stephen Upton made a motion, seconded by Mark Lane, to move to the Finding of Fact.

The Planning Board is requested to review the petition for a Conditional Use Permit to allow for the construction and automobile sales lot on property located within a B-3 (Business) zoning district and make a recommendation to the Town Council in accordance with the finding of fact for a Conditional Use Permit.

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 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. **All members agreed.**

- 2. Based on the evidence and testimony presented it is the finding of 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 UDO providing the applicant submits a detailed site plan for planning staff approval that shows required landscaping, lighting, stormwater retention and utility connections prior to issuance of site plan approval and issuance of a valid zoning permit for an automobile sales lot. **All members agreed.**

- 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 55 automobiles for sale are on the lot at any given time. Automobiles for sale shall be no closer than 15 feet from the right-of-way of South Bright Leaf Boulevard in accordance with the Town of Smithfield UDO. **All members agreed.**

- 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 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, and storm water retention. **All members agreed.**

Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements 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 to operate an automobile sales lot on property located within a B-3 (Business) zoning district. Unanimous.

Old Business:

No Report.

New Business:

1. Mr. Foy stated that he made a mistake in the decision that he was only to vote in conditioning circumstances of a tie. However, he was told by the Town Attorney that the Chairman is a voting member. If there's a situation of a tie the Planning Board would have to send that recommendation to Council for a decision or a new motion would have to be made.

Mr. Embler stated the Planning Board vote is by simple majority, all members can vote. The Board of Adjustments has to have at least five voters due to it being quasi-judicial.

2. Mr. Embler stated the Town Council has requested for the draft minutes of the Planning Board within a week after the board has met so they may review the material prior to the Council Agenda going out.
3. Mr. Embler stated there has been discussion amongst the Council to increase Planning Board members pay. Right now the board is receiving \$10 compensation per month. The Council would like to hear the Planning Boards thoughts as to whether they should or should not have an increase in pay. Speak to your Councilman and give them your feedback whether it's collectively or individually. The recommendation that has been discussed is for an increase of up to \$50 per meeting. Mr. Embler stated he only budgeted for a \$10 increase, but the budget is only part of the process. The Council has to authorize all pay increases.
4. Mr. Embler stated the Planning Board needs to keep in mind the decisions that are made are based on testimony given, evidence presented, and what is personally found out. Anything else is hearsay. If by chance you are approached by an applicant or an applicant's representative and talk to them, which is okay, it is up to the Planning Member to state at the hearing "I've had conversations with the applicant but that the conversations will not affect my decision".
5. Mr. Ember stated if for any reason a Planning Board member leaves during a meeting, they must vote before they leave or the departing members vote will automatically go in the affirmative.

6. Mr. Ember stated that Planning Staff needs the assistance of the Planning Board in revising the UDO. The Planning Department will start giving sections of the UDO to the Board in their packets for review. There will be a quick 30 minute discussion either before or after each monthly meeting to review the recommended changes. Once the Planning Board has reviewed all requested changes then a packet will be prepared to Council for approval. The Planning Board was presented and reviewed the definition of what constitutes a minor subdivision.

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

Submitted this 3rd day of July, 2014.

Veronica Hardaway
Administrative Support Specialist
Planning Department