

**DRAFT**  
**Smithfield Planning Board Minutes**  
**Thursday, February 02, 2017**  
**6:00 P.M., Town Hall, Council Room**

**Members Present:**

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

**Members Absent:**

Teresa Daughtry

**Staff Present:**

Mark Helmer, Senior Planner  
Veronica Hardaway, Deputy Clerk

**Staff Absent:**

**CALL TO ORDER**

**APPROVAL OF MINUTES FROM DECEMBER 5, 2016.**

Jack Matthews 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. Upton opened the public hearing.

**CUP-17-01 Nelson and Shonda Covington:**

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for a commercial daycare center on a .98 acre tract of land located within a B-2 (Business) zoning district. The property considered for approval is located on the southwest side of the intersection of North Seventh Street and Bridge Street and further identified as Johnston County Tax ID# 15021012.

Mr. Helmer stated the property is a .98 acre tract of land which contains three permanent structures to include the main sanctuary, parsonage and a Sunday school classroom building. The property has access to North Sixth Street by a horse shoe shaped driveway that will accommodate safe loading and unloading of children. On-site parking is provided by sixteen standard parking spaces. However, ADA accessible parking spaces and handicap ramp will need to be provided prior to operation of the daycare facility. The site does contain a fenced area that appears to meet State requirements for required fenced outdoor play space. No storm water facilities are located on the site and none are required at this time. No additional site improvements are requested 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 North Seventh and Bridge Street. Daycare facilities are permitted uses within a B-2 (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 facility 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 North Sixth Street. The Town of Smithfield will provide fire protection, water/sewer, and electric services.

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-2 (Business) zoning district.

The Planning Board is requested to review the petition within a B-2 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 if the handicap ramp needs to be installed prior to permit.

Mr. Helmer stated that handicap parking spaces and a handicap ramp would need to be installed after the zoning permit is issued and before occupying the building.

Mr. Upton asked if any minor work needs to be done such as landscaping.

Mr. Helmer stated staff is satisfied the proposed project meets requirements.

Eddie Foy asked if there has been any opposition.

Mr. Helmer stated he is not aware of any.

Ashley Spain asked if only one building is being used.

Mr. Helmer stated yes.

Nelson Covington, 1916 Cartier Ruby Ln, Raleigh, stated he and his wife own an existing daycare in Raleigh and the hours of operation would be consistent with the current location being 6am-6pm. He stated in the future they are looking to have extended hours for 3<sup>rd</sup> shift parents. The ages of the children accepted into daycare will be 1-12 years of age.

Gerald Joyner asked how many children they would have in the program.

Mr. Covington stated approximately 30 children.

Eddie Foy asked if Mr. Covington is enrolled in the star system.

Mr. Covington stated he is enrolled in the star system; right now they are at 3 stars. He stated his wife is almost done with schooling for them to reach 4 stars.

Being no further questions, Daniel Sanders made a motion, seconded by Eddie Foy to close the public meeting for CUP-17-01.

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.***

No, the current location of this property will not endanger the public health, safety, or general welfare because this property is located within a couple of miles where daycare center are currently up and running. Also its located within minutes of Johnston County courthouse as well as the Town Hall.

- 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 meets all required conditions and specifications to operate a child care center at this location. Minor work has to be done in the facility as well as the landscape but there are no hindrances to complete the task.

- 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 property is located at an intersection with only one side of a joining 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 child care will be in harmony with the area considering that there are multiple child care centers within the same vicinity.

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;

Mark Lane made a motion, seconded by Eddie Foy to allow for a commercial daycare center on a .98 acre tract of land located within a B-2 (Business) zoning district.

**CUP-17-02 Linda Caulder:**

Mr. Upton stated the applicant has requested a 30 day continuance.

**CUP-17-03 Classic Ford:**

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for automotive sales on a 7.75 acre tract of land located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the southwest side of the intersection of North Brightleaf Boulevard and Ava Gardner Avenue and further identified as Johnston County Tax ID# 14074005.

Mr. Helmer stated the applicant has submitted a sketch plan of the proposed facility. This version of the plan indicated two requested access points to Brightleaf Boulevard as well as two access points to a private access easement on the adjacent property to the west. The sketch plan shows the location of a 33,992 square foot building as well as 26 customer parking spaces, 40 employee parking spaces and 390 parking spaces for display of vehicles for sale. Landscaping includes standard street yards and transition yards as well as required interior parking lot planting islands. Required storm water facilities will be constructed in the rear portion of the lot. Lighting plans and signage plans will be produced prior to site plan approval.

Mr. Helmer 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 automobile sales dealership is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of Brightleaf Boulevard and Ava Gardner Avenue. An automobile sales dealership is a permitted use within a B-3 (Business) zoning district with a valid conditional use permit. All applicable development regulations are to include parking, access, landscaping, and storm water regulations can and will be met prior to site plan approval and issuance of a valid zoning permit.

Mr. Helmer stated an automobile sales dealership at this location should not pose a compatibility issue with surrounding land uses providing required on-site parking is constructed and required landscaping and buffers are installed as per the Town of Smithfield UDO. The proposed automobile sales dealership will qualify for wall and ground signs on the Brightleaf Boulevard side of the property. The Town of Smithfield will provide fire protection, water/sewer, and electric services.

The Planning Department recommends approval of the request for a conditional use permit to allow for an automobile sales dealership on a 7.75 acre tract of land and located within the B-3 (Business) zoning district.

The Planning Board is requested to review the petition 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.

Daniel Sanders stated the site plan shows 390 cars and asked if that was an error.

Mr. Helmer stated 390 spaces are clearly marked and have plenty of space.

Eddie Foy asked about traffic and if NCDOT needs to conduct a traffic study.

Mr. Helmer stated that NCDOT has studied traffic in the area and is in the process of creating a super street plan for the northern portion of Brightleaf Boulevard.

Jack Matthews asked if this building is an extension of the current Classic Ford.

Scott Calhoun, Classic Ford, stated it is unclear what will happen with the current facility but they are upgrading the facility and location. The owner feels they need a bigger newer facility.

Daniel Sanders asked if the property needs to be repaved.

Mr. Calhoun stated foundations will be removed, site grading will be done and the property will be repaved and landscaped.

Being no further questions, Ashley Spain made a motion, seconded by Eddie Foy to close the public meeting for CUP-17-03.

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 subject property is currently zoned for business use and the proposed development will meet all current land use requirements.

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 development will meet all conditional use requirements for an automobile dealership.

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 be compatible with current adjacent property uses.

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.***

A state of the art new Ford sales and service facility will be constructed to be in harmony with the surrounding business uses and to conform with the current land use plan.

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;

Ashley Spain made a motion, seconded by Eddie Foy to allow for automotive sales on a 7.75 acre tract of land located within a B-3 (Highway Entrance Business) zoning district.

**Old Business:**

No Report.

**New Business:**

Mr. Upton reviewed Article 3; Section 3-2: Planning and Zoning Board Rules of Conduct. Mr. Upton requested the Deputy Clerk to send the Article to all members of the Board by mail.

Eddie Foy made a motion to adjourn, seconded by Daniel Sanders. Unanimous.

Submitted this 2<sup>nd</sup> day of February, 2017.

Veronica Hardaway  
Deputy Clerk