

DRAFT
Smithfield Planning Board Minutes
Thursday, March 2, 2017
6:00 P.M., Town Hall, Council Room

Members Present:

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

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Deputy Clerk

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM FEBRUARY 2, 2017.

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

Mr. Upton reminded the Board the next Town Council meeting will be held March 7, 2017 at 7:00pm.

Public Hearings:

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

CUP-17-02 Linda Caulder:

Teresa Daughtry recused herself from this public hearing.

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for a private nightclub on a .46 acre tract of land located within a B-2 (Business) zoning district. The property considered for approval is located on the west side of North Brightleaf Boulevard approximately 260 feet north of its intersection with East Market Street. The property is further identified as Johnston County Tax ID# 15022007.

Mr. Helmer stated the property is the former home of Betty's Bar and has been in continuous operation as a bar for many years. The new owner is seeking to expand the business to include mixed drinks by the glass without prepared food service. North Carolina Alcohol and Beverage Control can issue full ABC permits if the establishment is a private club with membership

requirements. The Town of Smithfield Unified Development, Article 10, Table of Permitted Uses has identified private clubs as a permitted use within the B-2 (Business) zoning district with a valid Conditional Use Permit issued by Town Council. The request for a private club also represents a change of use and triggers full compliance with the Town of Smithfield UDO to include on-site parking, landscaping and buffering from adjacent residential land uses. It is recommended that a site plan showing the parking layout and landscaping be reviewed by the Planning Board prior to forwarding a favorable recommendation to Town Council. There does not appear to be environmentally sensitive areas on the property considered for a Conditional Use Permit to include flood plains or designated wetlands.

Mr. Helmer stated the proposed private club is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of Brightleaf Boulevard and Market Street. Private clubs are permitted uses within a B-2 (Business) zoning district with a valid conditional use permit. On-site parking with landscaping and NCDOT driveway permits will need to be constructed prior to operation. A private club 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 night club will qualify for a wall sign on the Brightleaf Boulevard building elevation. The Town of Smithfield will provide fire protection, water/sewer, and electric services.

Mr. Helmer informed the Board the applicant has submitted a site plan.

The Planning Department recommends approval of the request for a conditional use permit to allow for a private club providing a site plan showing adequate on-site parking, landscaping and buffering is approved and constructed prior to operating as a private club.

The Planning Board is requested to review the petition for a private club within a B-2 (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.

Mark Lane asked if the applicant would be able to benefit from the new landscaping requirements.

Mr. Helmer stated at this time the plan would have to be approved according to the current ordinance.

Mark Lane expressed the current ordinance is shows landscaping to be cluttered.

Mr. Helmer stated that for this proposed plan the ordinance is asking for 1 tree and 20 shrubs which would not overwhelm the yard.

Eddie Foy asked if the UDO committee is considering reducing landscape requirements.

Mr. Helmer stated yes.

Daniel Sanders asked if shrubs will be planted along the 24ft driveway.

Mr. Helmer stated yes.

Mr. Upton asked if two cars would fit down the driveway.

Mr. Helmer stated it will be a tight fit, but would be able to be done.

Daniel Sanders asked how parking will be in front of the building.

Mr. Helmer stated the concrete in front of the building will be removed and replaced with landscaping.

Mr. Upton asked what the hours of operation will be.

Linda Caulder, 707 Garner Road, stated the hours of operation would be Sunday – Tuesday from 12pm-12am; Wednesday – Friday 12pm-2am.

Ashley Spain asked if the applicant would have to provide the full buffer amount.

Mr. Helmer stated the applicant will not have to be able to provide a full buffer as the side yard tapers down from 8ft to 5ft but a privacy fence is proposed in addition to the required plant material.

Mark Lane expressed that the adjacent vacant lot could benefit off of the applicants buffer.

Daniel Sanders asked about open container laws.

Ms. Caulder stated she is well aware of the open container laws. She stated she will not allow anyone out front or around the sides of the building visible to the public with open containers however, she did state there is a covered back patio where patrons can only smoke as she prohibits alcohol out there as well.

Mr. Helmer asked if there will be any offsite sales.

Ms. Caulder stated no.

Eddie Foy asked what the membership process is.

Ms. Caulder stated in order to be considered a private club it's the law that if you don't have a kitchen serving food it has to be private. She stated in order to be private you have to be a

member's only club, but she does not charge a membership fee. Members have to have an application on file and are given house rules as well as sign a register when they are present.

Being no further questions, Mr. Upton closed the public meeting for CUP-17-02.

Daniel Sanders made a motion, seconded by Eddie Foy, to move to the Finding of Fact.

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.

- 1. *Based on 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 applicant does not intend to cause damage or obstruction to surrounding businesses and has made several improvements on the exterior as well as the interior of the building.

- 2. *Based on 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 applicant has met all required conditions and specifications requested by local and county government.

- 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.***

All properties are fenced off around the rear of the building and there is no exit from the rear of this location.

- 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.***

Saddle Up Saloon is a bar that is going to attract a mature clientele with a rustic atmosphere with no intentions of being a “club” atmosphere.

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;

Daniel Sanders made a motion, seconded by Eddie Foy to allow for a private club on a .46 acre tract of land located within a B-2 (Business) zoning district.

ZA-07-01 Town of Smithfield:

Mr. Helmer stated the applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Table of Permitted Uses to allow for the sale of agricultural products as an administratively approved use by right within the B-2 (Business) and B-3 (Highway Entrance Business) zoning districts.

Mr. Helmer stated the Town Council at its February meeting directed the planning staff to draft a proposed ordinance for consideration of temporary agricultural sales of locally grown produce in the B-2 and B-2 zoning districts. Council further directed staff to remove the requirement of a conditional use permit for agricultural sales and replace the conditional use requirement with various permit conditions to further regulate as a right of use within the B-2 and B-3 zoning districts.

Mr. Helmer stated the proposed draft defines what agricultural sales are, where the sales can be conducted, how many of the sales sites can occur on a given property, how the sales can be conducted, how the sales sites can be signed and what safety precautions must be taken. With the adoption of the ordinance amendment by the Town Council, agricultural sales can be allowed on any property located in the B-2 and B-3 districts by obtaining an annual permit from the planning department.

***DRAFT ORDINANCE # _____
TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE, ARTICLE
10, TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS, TEMPORARY SALES OF
AGRICULTURAL PRODUCTS***

BE IT ORDAINED by the Town Council of the Town of Smithfield that Article 10, Section 10-1, Table of Permitted/Conditional Use Districts, is hereby amended to allow for the temporary sale of locally grown agricultural products grown off-site as a temporary use by right within the B-3 (Highway Entrance Business) and B-2 (Business) zoning districts and shall read in its entirety as follows: (new line to be inserted into the permitted use chart)

ARTICLE 10. TABLE OF PERMITTED / CONDITIONAL USE DISTRICTS																	
PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LI****	HI****	AD	OS
TEMPORARY SALE OF LOCALLY GROWN AGRICULTURAL PRODUCTS GROWN OFF- SITE											P	P					

ALSO BE IT ORDAINED by the Town Council of the Town of Smithfield that Article 10, Section 10-2, Notes to the Table of Permitted/Conditional Use Districts, Note 19, Temporary uses is hereby amended to allow for the Temporary Sale of Locally Grown Agricultural Products Grown Off-Site as a use by right and shall read in its entirety as follows: (text to be deleted is struck through and new text is underlined)

Note 19. Temporary Uses. The ~~Board~~ Town Council shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use. Temporary office units shall meet the requirements of Note 12. Temporary Sale of Locally Grown Agricultural Products Grown Off-Site shall be a use by right and permitted in accordance with Note 19, Temporary Uses, (E) Temporary Sale of Locally Grown Agricultural Products Grown Off-Site.

ALSO BE IT ORDAINED by the Town Council of the Town of Smithfield that Article 10, Section 10-2, Notes to the Table of Permitted/Conditional Use Districts, Note 19, (E) Sale of Agricultural Products Grown Off-Site is hereby amended and shall read in its entirety as follows: (text to be deleted is struck through and new text is underlined)

(E) Temporary Sale of Locally Grown 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 locally grown agricultural products may occur from a vacant lot.

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

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

(4) Temporary sales of locally grown agricultural products within the street right-of-way and required landscape yards shall be prohibited. Location of temporary sales of locally grown agricultural products must provide for safe vehicular access and adequate parking.

(5) The quantity of temporary sales of locally grown agricultural products shall be limited to one vendor for every 75 linear feet of road frontage per lot.

~~(4)-(6) The temporary sale of locally grown 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 only by purchase of an annual permit which shall expire on December 31st of each calendar year.~~

(7) A permit application for temporary sales of locally grown agricultural products must include a signed and notarized written letter of permission from the property owner allowing the applicant to conduct temporary sales of locally grown agricultural products on the property considered for approval. The application shall also include a scaled site plan.

~~(F)~~ (8) ~~Agricultural~~ Temporary Sign. Signs advertising the temporary sale of locally grown agricultural products for sale shall be allowed provided that they meet the requirements of Article 19, Regulations for Signs, and the following:

~~(1)~~ (a) On properties where ~~temporary agricultural products for sale~~ temporary sales of locally grown agricultural products are grown and sold, one ground sign is allowed facing each road on which the property has frontage or;

~~(2)~~ (b) On other ~~private~~ properties where temporary sales of locally grown agricultural products are permitted and with the permission of the property owner, provided that:

~~(a)~~ (1) Only temporary sales of locally grown agricultural goods products ~~grown on property located within Smithfield or its extraterritorial jurisdiction may be sold~~ are eligible for a temporary sign.

~~(b)~~ (2) No more than one such sign may be erected ~~on any other single piece of property~~ for any permitted locally grown agricultural sales site.

~~(3) No person, entity, or family shall be entitled to permits for more than four off-premises agricultural signs for any sale location.~~

~~(3)~~ (c) Such signs may be ~~up~~ displayed only during the season while locally grown agricultural products are actually for sale at the location and shall in no case remain in place for more than ~~90~~ 180 days.

~~(4)~~ (d) Such off-site signs shall not exceed 42" in height and 4 square feet in area.

The Planning Department recommends approval of the above UDO draft ordinance.

The Planning Board is requested to review the petition to allow for temporary sales of locally grown agricultural products located on B-2 and B-3 zoning districts.

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

Daniel Sanders asked anyone can set up as long as they pay \$50 permit fee.

Mr. Helmer stated yes.

Teresa Daughtry asked how anyone would know if someone from another state comes through with a truck selling produce.

Mr. Helmer stated the produce is supposed to be locally grown and it hasn't been a problem in the past.

Mark Lane stated there should be language in the amendment that limits the amount of locations that can be set up by an individual.

Being no further questions, Mr. Upton closed the public meeting for ZA-17-01.

Mark Lane made a motion, seconded by Eddie Foy to allow for the text amendment with the provision that an individual have no more than 2 locations at a time.

ZA-17-02 Rob's Hydraulics:

Mr. Helmer stated the applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 10, Table of Permitted Uses to allow for contractors with equipment yards as an administratively approved use by right within the B-3 (Highway Entrance Business) zoning district.

Mr. Helmer stated Lynch Leasing Incorporated has requested the expanded use of and a streamlined process for, contractors with outdoor storage yards. Currently, contractors with outdoor storage yards are only permitted with the HI (Heavy Industrial) zoning district as a staff approved use by right. Expanding contractors with storage yards to the B-3 (Business) and LI (Light Industrial) will create opportunity for additional businesses and jobs within and around the city.

Mr. Helmer stated the amendment will allow for contractor yards with a staff approved land use permit and a \$100.00 permit fee for each location. The amendment will reduce the need to amend the zoning map and eliminate the need for a conditional use permit for a savings of \$600.00 in filing fees and 60 days in process time. Contractors with outdoor storage within the B-3 (Business) and (LI) Light Industrial zoning district will be required to meet Article 17, Landscape and Buffer Requirements, Section 17-3: (E) Screening of Dumpsters, Junkyards and Outdoor Storage Areas.

Mark Lane made a motion, seconded by Ashley Spain to deny the requested amendment. ***In favor; Mark Lane, Ashley Spain. Opposed; Stephen Upton, Daniel Sanders, Jack Matthews, Eddie Foy, Teresa Daughtry. Motion fails 2-5.***

DRAFT ORDINANCE # _____
TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE, ARTICLE 10, TABLE OF PERMITTED/CONDITIONAL USE DISTRICTS, CONTRACTORS WITH STORAGE YARDS

BE IT ORDAINED by the Town Council of the Town of Smithfield that Article 10, Section 10-1, Table of Permitted/Conditional Use Districts, is hereby amended to allow for the contractors with storage yards as a use by right within the B-3 (Highway Entrance Business) LI (Light Industrial) and HI (Heavy Industrial) zoning districts and shall read in its entirety as follows: (new text is underlined)

ARTICLE 10. TABLE OF PERMITTED / CONDITIONAL USE DISTRICTS																	
PERMITTED USES	ICS*	R-6	R-8	R-10	R-20A	R-MH	PUD**	RHO***	O/I	B-1	B-2	B-3	ECOD***	LI****	HI****	AD	OS
CONTRACTORS, BUILDING (with storage yard)												<u>P</u>		<u>P</u>	P		
CONTRACTORS, EQUIPMENT, (with storage yard)												<u>P</u>		<u>P</u>	P		
CONTRACTORS, HEAVY CONSTRUCTION (with storage yard)												<u>P</u>		<u>P</u>	P		

The Planning Department recommends approval of the above UDO draft ordinance.

The Planning Board is requested to review the petition to allow for the expanded use of contractor with storage yards within the LI (Light Industrial) and B-3 (Business) zoning districts.

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

Eddie Foy asked if Lynch Leasing is getting ready to do a major project.

Mr. Helmer stated he was not aware of any, but it seems that way.

Being no further questions, Mr. Upton closed the public meeting for ZA-17-02.

Eddie Foy made a motion, seconded by Teresa Daughtry to allow for the expanded use of contractor with storage yards within the LI (Light Industrial) and B-3 (Business) zoning districts. ***In favor; Eddie Foy, Teresa Daughtry, Stephen Upton, Daniel Sanders, Jack Matthews. Opposed; Mark Lane, Ashley Spain. Motion passes 5-2.***

Old Business:

Eddie Foy stated a West Smithfield business is looking real nice.

New Business:

Daniel Sanders suggested the Planning Board, Planning Department, and the Town Council should put more effort in enforcing codes. Mr. Sanders stated he talked to the Town Manager regarding landlord tenants and the appearance of their houses.

Mr. Upton stated there is a great deal of administrative paperwork that needs to be done to enforce codes as well as a budgetary restraints placed on staff and staffs willingness to conduct code enforcement activities is not the problem.

Jack Matthews made a motion to adjourn, seconded by Teresa Daughtry. Unanimous.

Submitted this 2nd day of March, 2017.

Veronica Hardaway
Deputy Clerk
Planning Department