

# TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



**Chairman:** Stephen Upton

**Vice-Chairman:** Daniel Sanders

## **Members:**

|               |                      |
|---------------|----------------------|
| Mark Lane     | Gerald Joyner (Alt.) |
| Jack Matthews | Eddie Foy            |
| Ashley Spain  | Teresa Daughtry      |

Paul Embler, Planning Director  
Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Assistant

**Meeting Date:** *Thursday, April 6, 2017*  
**Meeting Time:** *6:00 p.m.*  
**Meeting Place:** *Council Chambers, Smithfield Town Hall*

**AGENDA  
PLANNING BOARD  
REGULAR MEETING  
APRIL 6, 2017  
MEETING TIME: 6:00 PM  
TOWN HALL**

**Call to Order.**

**Identify voting members**

**Approval of the minutes for March 2, 2017**

**Public Hearings**

**CUP-17-04 Ample Storage:** The applicant is requesting a conditional use permit to allow for a mini-storage facility on a 4.31 acre tract of land located within a B-3 (Business) zoning district. The property considered for approval is located on the west side of US 70 Highway Business approximately 150 feet south of its intersection with Wilson's Mills Road. The property is further identified as Johnston County Tax ID# 15077011C and a portion of 15078199K.

**Old Business**

**New Business**

Annual training

**Adjournment**

**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<br>LOCALLY GROWN<br>AGRICULTURAL<br>PRODUCTS GROWN OFF-<br>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 31<sup>st</sup> 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 2<sup>nd</sup> day of March, 2017.

Veronica Hardaway  
Deputy Clerk  
Planning Department

**Town of Smithfield**  
**Conditional Use Permit Application**  
**Finding of Fact / Approval Criteria**

**Application Number:** CUP-17-04    **Name:** Ample Storage

**Request:** Applicant seeks a CUP for a mini-storage facility on property located within a B-3 zoning district.

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. Finding One of Four:**

Circle One

**A. Approval:**

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.

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**B. Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: (Applicant fails to meet the criteria for approval.)

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**Finding Two of Four:**

Circle One

**A. Approval:**

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.

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**B. Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations in the following ways or for the following reasons:

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**3. Finding Three of Four:**

Circle One

**A. Approval:**

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.

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**B. Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons.

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**4. Finding Four of Four:**

Circle One

**A. Approval:**

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.

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**B. Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, would 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 in the following ways or for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

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**4. Once all findings have been decided one of the two following motions must be made:**

**Motion to Approve:** *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 I move to recommend approval of Conditional Use Permit Application # CUP-17-04*

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**Motion to Deny:** *Based upon failure to meet all of the above four stated findings and for reasons stated therein, I move to recommend denial of Conditional Use Permit Application # CUP-17-04 for the following stated reason:*

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**5. Record of Decision:**

**Based on a motion and majority vote of the Town of Smithfield Planning Board Conditional Use Permit Application Number CUP-17-04 is hereby:**

\_\_\_\_\_ recommended for approval upon acceptance and conformity with the following conditions; or,

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\_\_\_\_\_ recommended for denial for the noted reasons.

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Decision made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ while in regular session.

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**Steve Upton, Planning Board Chairman**

**ATTEST:**

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**Mark E. Helmer, AICP, CZO**  
**Senior Planner**





Town of Smithfield  
 Planning Department  
 350 E. Market St Smithfield, NC 27577  
 P.O. Box 761, Smithfield, NC 27577  
 Phone: 919-934-2116  
 Fax: 919-934-1134

## CONDITIONAL USE PERMIT APPLICATION

*Pursuant to Article 13, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Conditional Use. Conditional Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.*

*Conditional Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00. All fees are due when the application is submitted.*

### SITE INFORMATION:

Name of Project: Ample Storage      Acreage of Property: (5.985) (.976)  
 Parcel ID Number: (169413-04-2581)(169413-04-5745)      Tax ID: (4750137)(4742210)  
 Deed Book: (04882)(04795)      Deed Page(s): (0294)(0847)  
 Address: (787 W. Market St Smithfield, NC)(807 W. Market St Smithfield, NC)  
 Location: Business 70 West

Existing Use: Vacant      Proposed Use: Self Storage  
 Existing Zoning District: B-3  
 Requested Zoning District: B-3  
 Is project within a Planned Development:       Yes       No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:       Yes       No  
 Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

|                             |                              |                              |
|-----------------------------|------------------------------|------------------------------|
| File Number: <u>2017-04</u> | Date Received: <u>3/2/17</u> | Amount Paid: <u>\$300.00</u> |
|-----------------------------|------------------------------|------------------------------|





**REQUIRED FINDINGS OF FACT**

*Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for a Conditional Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.*

- 1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

The proposed use is for a self-storage facility. The two lots will be recombined to create two large lots. The existing driveway entrances will be maintained and there will be no additional driveways.

The proposed facility will include four enclosed buildings and two T-Sheds. The facility will be fenced and a 35' landscape buffer will be provided between it and the R-8 zoning to the west. Self-storage generates significantly less traffic than the previous uses which were fast food and a mobile home sales lot. The proposed use will not endanger public health, safety or general welfare.

- 2. That the use meets all required conditions and specifications;

The proposed facility will be designed to meet all Town of Smithfield standards and specifications.

- 3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

The property to the north of this site is an existing strip mall. A landscape buffer will be provided between the self-storage and the strip mall. The property to the west is vacant and zoned R-8. A 35' landscaped buffer will be provided between this site and the R-8 property. When the lots are recombined, lot number 2 will be left vacant for future development.

- 4. That the location and character of the use, if developed according to the plan as submitted and approved, 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 or other plan in effect at the time and address impacts of the project as required by GS 160A-382(b).

The area currently has a mix of commercial uses including a strip mall, fast food, gas station/mini mart and an office building. The Comprehensive Growth Management Plan calls for Commercial use on this site with a buffer to the west and south. A 35' buffer will be provided to the west on Lot 1. The future development on Lot 2 will address the buffer to the south. The proposed self-storage facility will have a brick facade on the faces adjacent to the right-of-way. This will be aesthetically pleasing and will blend, and perhaps improve, the overall look of the area. The T-Sheds will be at the rear of the site and will not be visible from the right-of-way.

**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject Conditional Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.*

Terry Wethington  
*Print Name*

  
*Signature of Applicant*

3/2/2017  
*Date*





Town of Smithfield  
Planning Department  
350 E. Market St Smithfield, NC 27577  
P.O. Box 761, Smithfield, NC 27577  
Phone: 919-934-2116  
Fax: 919-934-1134

## OWNER'S CONSENT FORM


Name of Project: Ample Storage

Submittal Date: March 3, 2017

### OWNERS AUTHORIZATION

I hereby give CONSENT to \_\_\_\_\_ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

  
Signature of Owner

Guy Lampe  
Print Name

3/2/2017  
Date

### CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

  
Signature of Owner/Applicant

Guy Lampe  
Print Name

3/2/2017  
Date

### FOR OFFICE USE ONLY

File Number: CP-17-04 Date Received: 3/2/17 Parcel ID Number: (169413-04-2581)(169413-04-5745)



# LAMPE MANAGEMENT COMPANY

P.O. Box 608  
225 Peedin Road  
Smithfield, NC 27577  
(919) 934-3041

March 28, 2017

Mr. Mark Helmer, AICP  
Town Hall  
350 East Market Street  
P.O. Box 761  
Smithfield, NC 27577

Re: Statement of Justification  
Ample Storage West Smithfield Project

Dear Mr. Helmer,

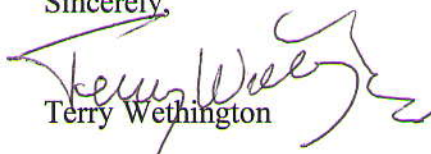
Ample Storage's corporate office is located in Smithfield, North Carolina. We have been in the storage business for over 32 years with 69 facilities located in North Carolina, Virginia, and Florida.

The view from the road of our building will be a brick and glass front. Our sites are gated with a "Fortress Style" designed for the security of our customers and their belongings. This also assures our neighbors that no one from our facility will be able to trespass from our facility onto neighbor's property. We will have security cameras in place to record and save video of onsite activities. We will also provide a manager's apartment on site, again, for the security of our customers and neighbors. Our gate hours will be 6:00am to 10:00pm and our managers will keep regular business hours 6 days a week.

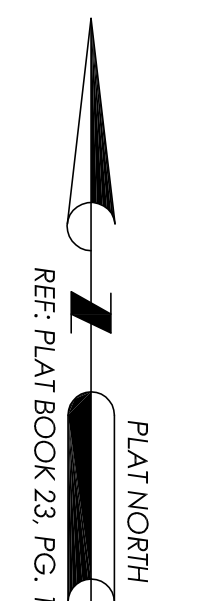
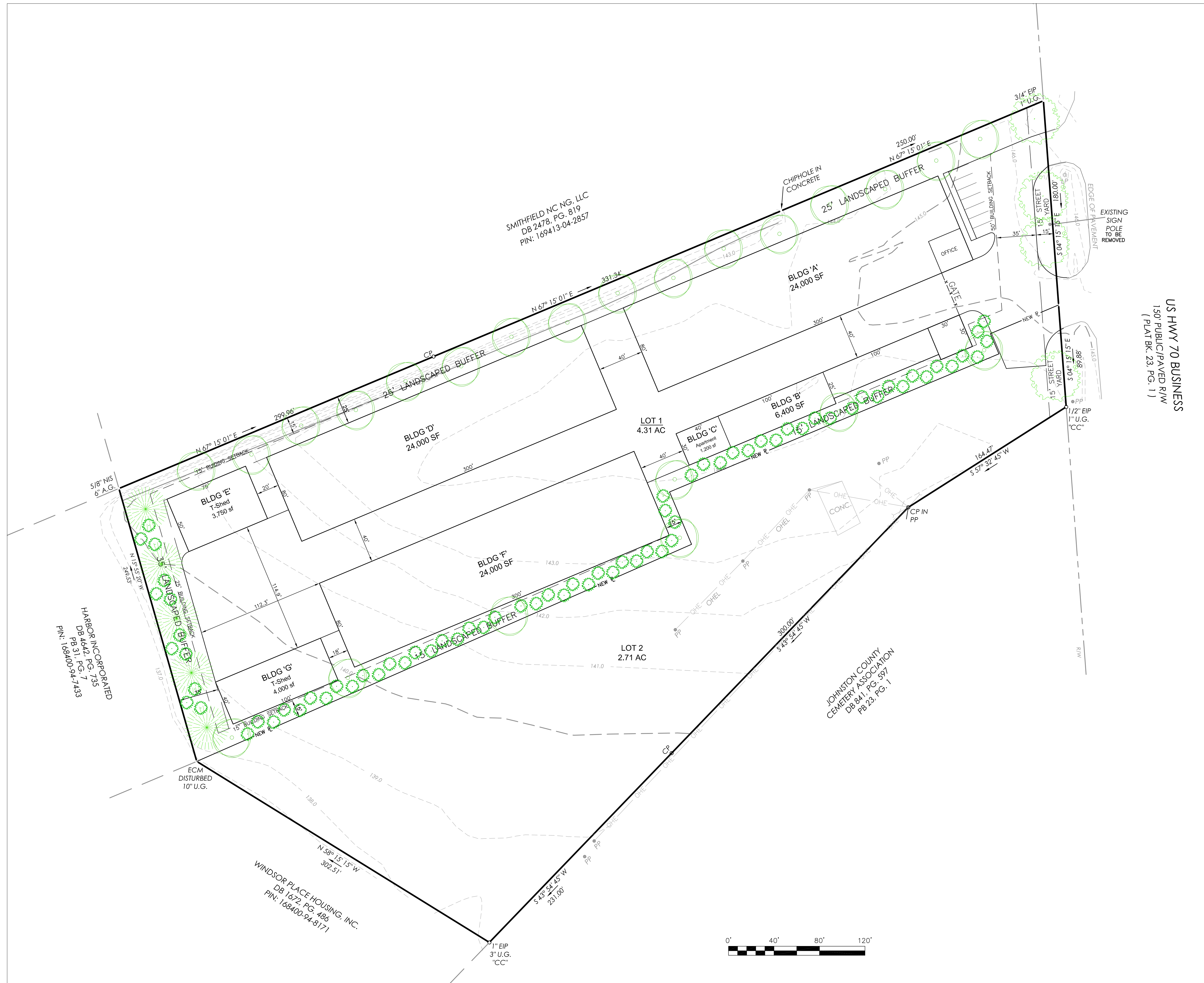
This facility will be a low impact business, as to traffic and the infrastructure (water-sewer), for the Town of Smithfield. But it will also be a great economical boost to West Smithfield.

Please call me at 252-670-2664 with any questions or concerns you may have with our Ample Storage West Smithfield project.

Sincerely,

  
Terry Wethington





NOT RELEASED FOR CONSTRUCTION

AMPLE STORAGE  
787 W. MARKET STREET  
SMITHFIELD, NC

CMS Engineering  
743 W. Johnson St., Suite C  
Raleigh, NC 27603  
PHONE: (919) 833-0830  
FAX: (919) 833-1926  
EMAIL: info@cmsengineering.net

|              |                |
|--------------|----------------|
| DWG NAME:    | AMPLE HWY 70-3 |
| DRAWN:       | PDH            |
| CHECKED:     | CMS            |
| PLAN DATE:   | 02/02/2017     |
| DATE ISSUED: | 03/02/2017     |
| SCALE:       | 1"=40'         |



# 700 Block of West Market Street



**Project Name:**  
Ample Storage

**Proposed Use:**  
Mini Storage Facility

**File Number:**  
CUP-17-04

**Owner:**  
Lampe Management

**Applicant:**  
Guy Lampe

**Location:**  
Intersection of  
West Market Street &  
Wilson's Mills Road

**Tax ID#**  
15077011C &  
portion of  
15078199K

**Zoning District:**  
B-3

Map created by the  
Mark E. Helmer, AICP  
Senior Planner,  
GIS Specialist  
on 3/28/2017

1 inch = 50 feet





Adjacent Property Owners of  
CUP-17-04

| TAG       | PIN            | NAME1   | ADDRESS1                       | CITY       | STATE | ZIPCODE    |
|-----------|----------------|---|--------------------------------|------------|-------|------------|
| 15077011B | 169413-04-4077 | JOHNSTON COUNTY CEMETERY ASSOCIATION          |                                |            |       | 00000-0000 |
| 15078199U | 168400-94-8171 | WINDSOR PLACE HOUSING, INC                    | P O BOX 1254                   | DUNN       | NC    | 28335-0000 |
| 15080033  | 169409-05-8086 | MARKET STREET INVESTMENTS                     | 16930 W CATAWBA AVE            | CORNELIUS  | NC    | 28031-5639 |
| 15081003  | 169413-04-9824 | SANDERS, LIONEL                               | 126 HILL STREET                | SMITHFIELD | NC    | 27577-0000 |
| 15081042  | 169413-04-8642 | DODD, MARY HEIRS                              | 109 CAMPBELL ST                | SMITHFIELD | NC    | 27577-3301 |
| 15081002  | 169413-04-8824 | MARKET STREET INVESTMENTS                     | 16930 W CATAWBA AVE<br>STE 205 | CORNELIUS  | NC    | 28031      |
| 15077011C | 169413-04-5745 | REALTY VANC LLC                               | 263 WAGNER PLACE               | MEMPHIS    | TN    | 38103-3808 |
| 15077011D | 168400-94-6668 | PINE KNOLL DEVELOPMENT CO LIMITED PARTNERSHIP | P O BOX 1187                   | SMITHFIELD | NC    | 27577-0000 |
| 15078199K | 169413-04-2581 | GUY C LEE MFG CO                              | PO BOX 1457                    | SMITHFIELD | NC    | 27577-0000 |
| 15077012A | 169413-04-2857 | SMITHFIELD NC NG LLC                          | PO BOX 1929                    | EASLEY     | SC    | 29641-0000 |
| 15077011F | 168400-94-7433 | HARBOR INCORPORATED                           | PO BOX 1903                    | SMITHFIELD | NC    | 27577-0000 |
|           |                |   |                                |            |       |            |

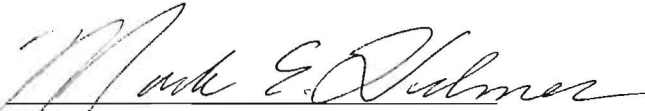


**PLANNING DEPARTMENT**  
Paul C. Embler, Jr., Director

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**ADJOINING PROPERTY OWNERS CERTIFICATION**

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **CUP-17-04**, were notified by First Class Mail on **3-15-17**.

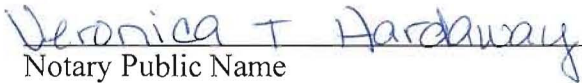
  
Signature

Johnston County, North Carolina

I, Veronica Hardaway, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

15<sup>th</sup> day of March, 2017

  
Notary Public Signature

  
Notary Public Name



My Commission expires on 1-14-18



**PLANNING DEPARTMENT**

Paul C. Embler, Jr., Director

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**Notice Of Public Hearing**

Notice is hereby given that a public hearing will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, April 6, 2017 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**CUP-17-04 Ample Storage:** The applicant is requesting a conditional use permit to allow for a mini-storage facility on a 4.31 acre tract of land located within a B-3 (Business) zoning district. The property considered for approval is located on the west side of US 70 Highway Business approximately 150 feet south of its intersection with Wilson's Mills Road. The property is further identified as Johnston County Tax ID# 15077011C and a portion of 15078199K.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at [www.smithfield-nc.com](http://www.smithfield-nc.com).

**Run "Legal Ad" in the Smithfield Herald on 3/22/17 and 3/29/17**



**PLANNING DEPARTMENT**

Paul C. Embler, Jr., Director

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You have been identified as a property owner in the area specified above and are being advised of this meeting as you may have interest in this matter. You are welcome to attend; however, you are not required to in order for the Board to act on this request. Additional information may be obtained by contacting the Town of Smithfield Planning Department at 919-934-2116.

Click on titles for descriptions or to enroll.

### RECOMMENDED TRAINING

- Title

### ONLINE COURSES

- Land Use Module 01: Introduction to Land Use
- Land Use Module 02: Introduction to Vested Rights
- Land Use Module 03: Conducting an Evidentiary Hearing
- Land Use Module 04: Making a Quasi Judicial Decision
- Land Use Module 05: Variance Standards
- Land Use Module 06: Appeals of Staff Decision and Interpreting the Ordinance
- Land Use Module 07: Process for Ordinance Adoption and Amendment
- Land Use Module 08: Exactions
- Land Use Module 09: Spot Zoning
- Land Use Module 10: Special and Conditional Use Permits
- Land Use Module 11: Group Homes
- Land Use Module 12: Amending Local Development Regulations
- Land Use Module 13: Subdivisions
- Land Use Module 14: Conditional Zoning

## LAND USE



Click on titles for descriptions or to enroll.

### TRAINING SUPPORT

- Title

### RESOURCES

- Important Links

## Search

for course titles by entering keywords in this box and clicking on the magnifying glass



Select Your Result Types:  
Hover your mouse cursor over a checkbox to view its description.

OL

## Ask the Experts

As an employee of one of our valued members, we provide you with access to experts in risk management and loss control. Have a question for which you'd like an answer or a concern you'd like to raise? Type your question here to send it to us and we will respond via email.

Submit