

# TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



**Chairman:** Stephen Upton

**Vice-Chairman:** Daniel Sanders

## **Members:**

Mark Lane

Ashley Spain

Michael Taylor

Eddie Foy

Teresa Daughtry

Oliver Johnson

Mark Helmer, Senior Planner

Julie Edmonds, Administrative Assistant

*Meeting Date: Thursday, October 5, 2017*

*Meeting Time: 6:00 p.m.*

*Meeting Place: Council Chambers, Smithfield Town Hall*

**AGENDA  
PLANNING BOARD  
REGULAR MEETING  
OCTOBER 5, 2017  
MEETING TIME: 6:00 PM  
TOWN HALL**

**Call to Order.**

**Identify voting members**

**Approval of the agenda.**

**Approval of the minutes for September 7, 2017**

**Public Hearings**

**RZ-17-02 Twin States Farming:** The applicant is requesting to rezone approximately 8.25 acres of land from the R-20A (Residential-Agricultural) to the B-3 (Business) zoning district. The property considered for approval is located on the south side of West Market Street approximately 1950 feet northwest of its intersection with Front Street and further identified as Johnston County Tax ID#15080062.

**Old Business**

**New Business**

**SP-17-13 Atlantic Coast Pipeline:** The applicant is requesting site plan approval of a 42 acre temporary contractor storage yard on property located within an R-20A (Residential-Agricultural) zoning district. The property considered for approval is located the northwest side of Mallard Road approximately 600 feet northeast of its intersection with Old Mallard Road. The property is further identified as a portion of Johnston County Tax ID# 15K11019F.

**Site Plan Review Training**

**Adjournment**

**DRAFT**  
**Smithfield Planning Board Minutes**  
**Thursday, September 7, 2017**  
**6:00 P.M., Town Hall, Conference Room**

**Members Present:**

Chairman Stephen Upton  
Oliver Johnson  
Michael Taylor  
Mark Lane  
Eddie Foy  
Teresa Daughtry

**Members Absent:**

Ashley Spain  
Daniel Sanders

**Staff Present:**

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Assistant  
Steve Medlin, Interim Planning Director

**Staff Absent:**

**CALL TO ORDER**

**INTRODUCTION OF MICHAEL TAYLOR**

Oliver Johnson came forward and was sworn in as a Planning Board Member by Mr. Steve Upton.

**APPROVAL OF AGENDA**

Mark Lane made a motion, seconded by Eddie Foy to approve the agenda. Unanimous.

**APPROVAL OF MINUTES FROM AUGUST 10, 2017**

Eddie Foy made a motion, seconded by Teresa Daughtry to approve the minutes. Unanimous.

**APPROVAL TO OPEN THE PUBLIC HEARING**

Teresa Daughtry made a motion, seconded by Oliver Johnson to open the Public Hearing. Unanimous.

**TX-17-04 Town of Smithfield Planning Department is requesting to amend the Unified Development Ordinance:**

Steve Medlin stated the Unified Development Ordinance was recently adopted by Town Council at their August 1, 2017 meeting. However, at the time of drafting the UDO, the consultant tried to incorporate all the text amendments necessary based on what he knew was pending before the General Assembly. Unfortunately he wasn't able to include them all. Part of what you'll be looking at this evening is a text amendment to incorporate those required elements that the General Assembly passed that we're required to incorporate into the UDO. There's a second piece that I will get into in a few moments, dealing with modifications to the current Watershed

Restrictions for Smithfield. The Town is asking for the ability to modify the Watershed Ordinance to allow what is commonly referred to as High Density Option which would allow for an increase in impervious services. Currently in the general statute there's a list of things that are subdivision exemptions. The Town of Smithfield has historically followed that, but this year the General Assembly added a fifth exemption which is for division of properties in probated wills. Practice wise we've always done that throughout the state but this makes it law that everyone has to adhere to.

Teresa Daughtry asked if these changes would be added into the newly adopted UDO.

Mr. Medlin said once the Council adopts it, it'll be integrated into the ordinance and we'll send out revised pages with those modifications as well as update the website. As you're familiar in the new UDO, you'll have a quarterly process where you'll be evaluating the UDO. Hopefully these things will be coming on more of a quarterly basis, because of the changes being mandated we felt like we needed to go ahead and get them in there.

Mr. Medlin stated the next modification is to our enforcement provisions as it relates to land use violations. The General Assembly established there's a Statute of Limitations for local jurisdictions to be able to enforce land use violations. They put a two-tiered version of enforcement responsibilities in. A town has to enforce an issue in reasonable time; the General Assembly has now established what that reasonable time frame is. First time is five years once known to the governing bodies. If you know there's a violation the Town has to enforce it within five years. After five years once that threshold passes then the use becomes a non-complying excusal. The 2<sup>nd</sup> threshold is the seven year when it is reasonably apparent from a public right-of-way or a place where the public has reasonable access. Generally what this is trying to do is make sure that local government doesn't come back on property that has been operating for years knowingly and then try to enforce an ordinance on those properties. This is the first time that the General Assembly has spent time on this and I think it is important that from the land use, planning and enforcement perspective we now have clear guides that we have lacked for a long time.

Mr. Medlin discussed the next modification, Small Wireless Communication Infrastructure Facilities. Basically they're the next generation of Wireless Communication that gets attached to poles. You'll stop seeing as many big towers, you'll see these instead. If they meet these parameters in size the actual equipment can be no more than 6 cubic feet, they can be put up by right with no local government review.

Mr. Medlin stated currently as you're aware we have an area in North Smithfield that is in a Watershed Protection Area and Watershed Protection Critical Area that currently caps the maximum impervious surface allowed to 24% of the overall sight. When the Town adopted that Watershed Ordinance years ago it didn't have a Storm water Program in place which was critical in order to take advantage of the high density option provisions. Obviously since the time of the initial ordinance the Town does now have a storm water program. It is now able to take advantage of these provisions in the state code that allow for properties within the watershed area to go up to 70% provided that there are engineered storm water devices put on site.

At some point the Town would probably need to put in an inspection program on an annual and bi-annual basis to go out and make sure they're operating properly.

Mrs. Daughtry asked what brought this about.

Mr. Medlin said I think it was a realization that the Town was actually able to take advantage of it. It's voluntary, there's nothing that forces anyone to do this. It was something that had been identified by staff; former Planning Director Paul Embler had been looking at this for a period of time. One of the first things I was handed as the interim was to explore this and carry it forward.

Mrs. Daughtry asked what have been the issues to bring this forward.

Mr. Medlin said he wasn't aware of a specific property, I am aware of a number of properties that may take advantage of it. There are some properties on Buffalo Road that potentially could take advantage of this. One thing I didn't tell you that I worked for the City/ County of Durham for over 30 years. 2/3 of the city is covered by water shed protection overlays which is huge. Obviously in order to develop and create that economic condition that you want to create you had to create alternatives to allow for the impervious surface increases. This doesn't mean you get any more density necessarily it just means you can have more impervious surfaces. Your density is still capped by your underlined zoning requirements.

Mrs. Daughtry asked if there's not an HOA then the property owner will be required to maintain it that will never change where it would fall on the Town.

Mr. Medlin said correct, you will enter into an agreement that has to have the Town as a third party; if for some reason that entity goes belly up. That's the reason you have a performance pond. If done correctly it will minimize the exposure of the Town.

Part of this will also allow for what is commonly referred to as transferred impervious surfaces from non-contiguous properties.

Eddie Foy asked in a town situation like this is there any issue as to how close those properties have to be.

Mr. Medlin said they have to be in the same water shed. It's a way of allowing for more intensification as well without having to do a high density option. One of the things the City Manager asked me when I came on board is what are some things we can do to make Smithfield more sophisticated in how we do business and what opportunities are available for people to come in and do business. The cost of a storm water facility is not cheap so that's part of the factor that every developer will take into consideration; the perpetual maintenance and bonding.

Mrs. Daughtry asked if it was enforceable for Towns to be made to do the higher density.

Mr. Medlin said no it is not, it is a voluntary approach.

Brian Leonard from BRL Engineering and Surveying said this is voluntary on the town to enact; it's not voluntary on the property owner to do this. It will increase impervious area limitation; it increases the development area of a site. The town has opted to do this to allow more development on a particular site.

Mr. Helmer asked if the property that you're transferring impervious surfaces from has been encumbered by conservation easements do those have to be in our jurisdiction.

Mr. Medlin answered yes; it has to be in our zoning jurisdiction.

One of the good things about water shed protection overlays are you can now do cluster subdivisions. There are no minimum lot sizes. You want people to cluster homes. It's a design alternative.

Mr. Lane asked if the lot size setbacks would remain the same.

Mr. Medlin said they're basically prorated based on the size of the lot, so the setbacks could be less.

Finally, because of all these modifications mandated by the legislative actions and watershed actions we have to add a lot of additional definitions to bring our current code into compliance.

Mr. Foy asked why the mandatory changes to the ordinance can't just be put in.

Mr. Medlin said because legally we were advised to do it that way. Any time there's modification to state legislation you should always modify your codes.

Mr. Johnson asked if there were any health or safety concerns regarding the Small Wireless Communication.

Mr. Medlin said basically the wireless communication is regulated the be federal government for the most part and the State too to some degree. Both of those entities have said there is no health issue associated with wireless communication.

Eddie Foy made a motion, to approve text amendments Section 1.3.4.3, Section 1.8.7.1 and Section 10.84.4 seconded by Teresa Daughtry. Unanimous.

Teresa Daughtry made a motion to approve text amendments Sections 10.90.2, 10.90.6.2.3, 10.90.7.2.2, 10.90.7.2.3, 10.90.8, 10.90.9 and 10.90.16, seconded by Eddie Foy. Unanimous.

Teresa Daughtry made a motion to close TX-17-04, seconded by Eddie Foy. Unanimous

**SP-17-09 Tire and Wheels Service Shop:** Mr. Helmer stated the applicant is requesting site plan approval of an automotive tire and wheel shop on property within a B-3 (Business) zoning district and located at 2301 South Brightleaf Boulevard. The Planning Board is requested to review the preliminary site plan for compliance with the Town of Smithfield Unified Development Ordinance minimum development standards. Planning Staff recommends approval of the site plan with the condition that all Unified Development Ordinance standards are met prior to issuance of final site plan approval and issuance of a valid zoning permit. On December 2, 2016, the Smithfield Town Council approved CUP-16-12 to allow Amalia Felix Mireles to construct an automobile repair facility with tire sales and service on property located within the B-3 (Business) zoning district. The property which received the conditional use permit is located on the southwest corner of Wal-Pat Road and South Brightleaf Boulevard and further identified as Johnston County Tax ID#15A61047D.

On August 8, 2017, BRL Engineering submitted a site plan for an automotive repair facility. The site plan as submitted generally meets the requirements of the UDO and provides paved parking, required landscaping and one access point on South Brightleaf Boulevard. Key site elements include: 2,830 square foot building, paved parking provided as required by current development standards, access provided by one proposed driveway to be permitted by NCDOT, required landscape yards, public utilities connections and screened dumpsters.

Mrs. Daughtry asked how many feet the stoplight was from the entrance to this proposed facility.

Mr. Helmer said it was DOT right-of-way so they would be the one permitting that location.

Mr. Upton asked if there were stipulations for curb and gutters.

Mr. Helmer said DOT is not requiring the applicant to put curb and gutters in. Our code does speak to required landscaping and parking. It's not shown on the plan but some kind of barrier on this particular plan would need to be installed. Usually concrete curb stops would be used.

Mr. Upton asked if the flea market was still using this property as a parking lot.

Mr. Helmer said not that he was aware of, that the applicant would have to answer that.

Mrs. Daughtry asked where the applicant would be storing their tires.

Mr. Helmer said the applicants conditional use permit does not allow for outdoor storage of tires. They can be displayed but after hours they must be removed.

Mr. Lane asked what the rule was about vehicles being left in the parking lot overnight.

Mr. Helmer stated it was a private parking lot and if the applicant wanted to leave vehicles there he could. He can have as many cars on the lot as he has parking spaces.

Mr. Foy asked if the existing 2,930 sq. ft. building was going to stay or go.

Mr. Helmer said it would be torn down.

Mr. Lane asked if the proposed landscape plans were from the old UDO.

Mr. Helmer said yes they appear to meet the outgoing UDO standards. The applicant submitted the plan after council adopted the new UDO.

Mr. Medlin said the law as it relates to submittal of application is that you have to meet the ordinance in that at the time you submit your application. However if an ordinance is modified after you submit, it is to your advantage.

Brian Leonard came forward and introduced himself. He said they were not aware that they could reduce some of the plantings for landscaping so he would bring the plans back before the landscape architect. In reference to the question about the driveway and stoplight, Mr. Leonard said the entrance could be shifted. We basically centered it up with the site and building. We can revisit the plan and get with DOT about it. Mr. Leonard stated they applied for a conditional use permit to be able to store tires and they're fully aware they can't be stored outside.

Mrs. Daughtry asked if the dumpsters are enclosed.

Mr. Helmer said dumpster screening is required.

Mr. Foy asked what is required of the Planning Board. I know we are requested to review the site plan, but are we required to vote on anything.

Mr. Medlin said in the planning world there are three types of processes, Legislative, quasi-judicial and administrative. This is an administrative approval and there's no discretion. The Town's job is to review the application for compliance with the ordinances and development standards. If the applicant has satisfied all those standards you have to approve the plan.

Mr. Foy asked if the board would still make recommendations and vote on them.

Mr. Upton said yes we do.

Mr. Foy asked if it was correct that planning staff has reviewed the site plan and after their review they feel the site plan has met requirements.

Mr. Medlin said if you get a site plan before you and there are no outstanding technical corrections necessary then the staff is going to recommend approval. If there are issues that come before you on that site plan we're going to enumerate those for you so you can see what those conditions are.

Eddie Foy made a motion for a recommendation of approval of site plan SP-17-09, seconded by Teresa Daughtry. Unanimous.



## Site Plan Review Training

### **Old Business:**

No Report

### **New Business:**

Our next Planning Board Meeting is scheduled for October 5th, 2017.

Mark Lane made a motion to adjourn, seconded by Eddie Foy.  
Unanimous.

Submitted this 8<sup>th</sup> day of September, 2017.

Julie Edmonds  
Administrative Assistant  
Planning Department

DRAFT



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

## STAFF REPORT

**Application Number:** RZ-17-02  
**Project Name:** Twin States Farming, Inc  
**TAX ID number:** 47533009  
**Town Limits / ETJ:** Corporate Limits  
**Applicant:** Adams & Hodge Engineering, PC  
**Owners:** Olivia Holding  
**Agents:** none  
**Neighborhood Meeting:** none

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**PROJECT LOCATION:** The property is located on the south side of West Market Street approximately 1950 feet northwest of its intersection with Front Street.

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**REQUEST:** The applicant is requesting to rezone approximately 8.25 acres of land from the R-20A (Residential-Agricultural) to the B-3 (Business) zoning district

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### SITE DATA:

**Acreage:** 8.25 acres  
**Present Zoning:** R-20A (Residential-Agricultural),  
**Proposed Zoning:** B-3 (Business)  
**Existing Use:** Undeveloped land  
**Proposed Use:** n/a

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**ENVIRONMENTAL:** The portion of the property considered for rezoning is within a 100 year floodplain but does not appear to be within the floodway. Any future development of the property would be subject to the Town of Smithfield Food Damage Prevention ordinances.

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### ADJACENT ZONING AND LAND USES:

**North:**      **Zoning:**      B-3 (Highway Entrance Business)  
                 **Existing Use:** Residential and Agriculture

**South:**      **Zoning:**      R-20A (Residential-Agricultural)  
                 **Existing Use:** Vacant Land

**East:**        **Zoning:**      B-3 (Highway Entrance Business)  
                 **Existing Use:** Wallace Welding

West:                   Zoning:            B-3 (Highway Entrance Business)  
Existing Use: Plan B Bar

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**STAFF ANALYSIS AND COMMENTARY:**

o **Consistency with the Strategic Growth Plan**

The Future Land Use Plan has identified this property as being a conservation district. However, adjacent properties within this corridor are currently zoned and developed as commercial.

o **Consistency with the Unified Development Code**

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance provided that all proposed future land uses and site specific development plans meet the minimum development standards of the Town of Smithfield Unified Development Ordinance.

o **Compatibility with Surrounding Land Uses**

The property considered for a rezoning is immediately adjacent to other B-3 (Highway Entrance Business) zoned properties. Compatibility issues are unlikely providing that any future development is commercial in nature.

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**OTHER:**

FIRE PROTECTION:            The Town of Smithfield Fire Department will provide fire protection.

SCHOOL IMPACTS:            NA

PARKS AND RECREATION:    NA

ACCESS/STREETS:            Direct Access to West Market Street

WATER/SEWER PROVIDER:    Town of Smithfield

ELECTRIC PROVIDER:        Town of Smithfield

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**Planning Department Recommendations:**

The Planning Department has determined that the application is consistent with applicable adopted plans, policies and ordinances.

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**Planning Board Action Requested:**

The Smithfield Planning Board is requested to review the petition of the rezoning request of approximately 8.25 acres of land from the R-20A (Residential-Agricultural) to the B-3 (Business) zoning district and make a recommendation to Town Council.

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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

## REZONING APPLICATION

*Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning 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 for a rezoning to a Standard District.*

Name of Project: Hwy 70 Bus Property      Acreage of Property: +/-8.25 AC  
Parcel ID Number: 169413-12-6816      Tax ID: 4667400  
Deed Book: 01040      Deed Page(s): 0383  
Address: 457 West Market Street, Smithfield, NC 27577  
Location: On the south side of US70 Bus +/-900lf from the NC210 & US70 intersection

Existing Use: Vacant      Proposed Use: To Be Determined  
Existing Zoning District: R-20A  
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>R2-17-02</u>	Date Received: <u>8/31/17</u>	Amount Paid: <u>\$300.00</u>
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**OWNER INFORMATION:**

**Name:** Olivia Holding, Twin States Farming, Inc  
**Mailing Address:** P.O. Box 1352, Smithfield, NC 27577  
**Phone Number:** 919-414-2515 **Fax:** N/A  
**Email Address:** oholding@nc.rr.com

**APPLICANT INFORMATION:**

**Applicant:** Adams & Hodge Engineering, PC  
**Mailing Address:** 335 Athletic Club Boulevard, Clayton, NC 27527  
**Phone Number:** 919-369-1938 **Fax:** N/A  
**Contact Person:** Andrew Hodge, PE  
**Email Address:** andrew@adamsandhodge.com

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

*The following items must accompany a Conditional Use Permit application. This information is required to be present on all plans, except where otherwise noted:*

- A map with metes and bounds description of the property proposed for reclassification.
- A list of adjacent property owners.
- A statement of justification.
- Other applicable documentation: GIS map showing subject property and adjacent property owners

**STATEMENT OF JUSTIFICATION**

*Please provide detailed information concerning all requests. Attach additional sheets if necessary.*  
N/A

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**REQUIRED FINDINGS OF FACT**

*Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for zoning map amendment 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. *The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:*

The petition for the subject property will maintain compliance with any and all applicable plans and policies of theTown of Smithfield.

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- 2. *The zoning petition is compatible with established neighborhood patterns of the surrounding area:*

The subject property has existing B-3 zoning on each side and in front on the north side of US70 Bus

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- 3. *The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:*

The subject property abuts property adjacent to the Hwy 70 corridor that is already zoned as B-3 and is located in an area that is seeing neighborhood conditions that are evolving from residential uses to business and commercial uses.

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- 4. *The rezoning request is in the community interest:*

This zoning request reflects the growing trend of having a mix of residential, retail, commercial and office/institutional uses

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- 5. *The request does not constitute "Spot Zoning":*

The subject property abuts property that is already zoned B-3 and many tracts of land in the immediate area are zoned B-3.

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6. *Present regulations deny or restrict the economic use of the property:*

There are no present regulations that deny or restrict the economic use of the property

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7. *The availability of public services allows consideration of this rezoning request:*

The subject property easily has access to a variety of public services that allows consideration of this rezoning request

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8. *Physical characteristics of the site prohibit development under present regulations:*

The location of the subject property is adjacent to the Hwy 70 corridors where a majority of the properties are already zoned B-3. This physical characteristic of "location" prohibits the site from development under it's current residential zoning classification and lends itself to development under the proposed B-3 rezoning request.

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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: Hwy 70 Bus Property

Submittal Date: 8/31/17

**OWNERS AUTHORIZATION**

I hereby give CONSENT to Adams & Hodge Engineering, PC (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.

Olivia Holding  
*Signature of Owner*

Olivia Holding  
*Print Name*

08/31/17  
*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.

Olivia Holding  
*Signature of Owner/Applicant*

Olivia Holding  
*Print Name*

08/31/17  
*Date*

**FOR OFFICE USE ONLY**

File Number: R2-17-02 Date Received: 8/31/17 Parcel ID Number: 15080062

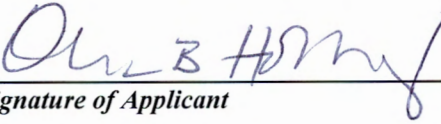


**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject zoning map amendment. 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.*

**Olivia Holding**

*Print Name*



*Signature of Applicant*

08/31/17

*Date*

# 400 Block of West Market Street



Project Name:  
Twin States  
Farming Inc.  
Rezoning

File Number:  
RZ-17-02

Existing Zoning: R-20A  
Residential-Agricultural

Proposed Zoning:  
B-3 (Business)

Property Owner:  
Twin States  
Farming, Inc

Applicant:  
Olivia Holding

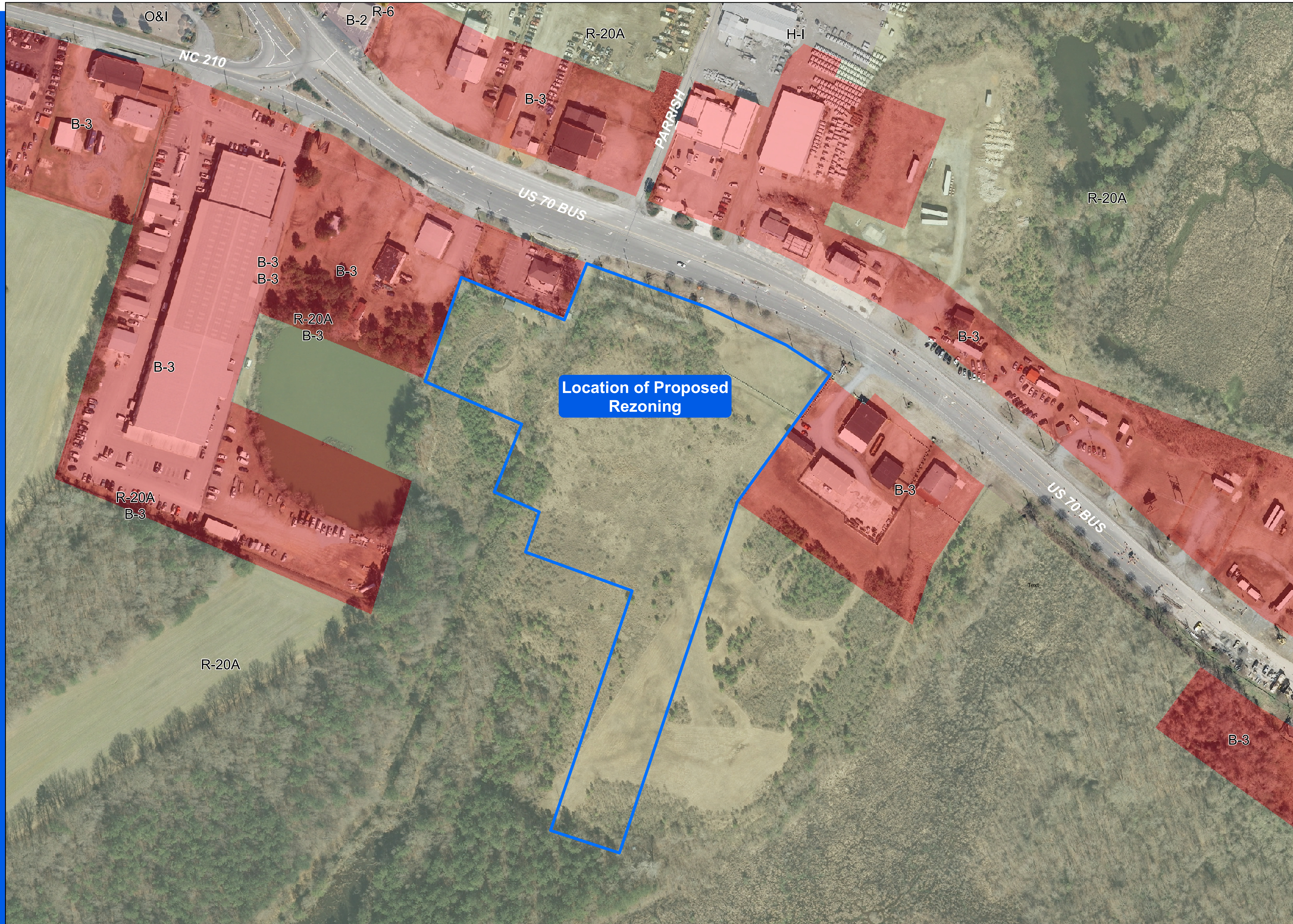
Tax ID#  
15080062

Location:  
West Market Street

Map created by the  
Mark E. Helmer, AICP  
Senior Planner,  
GIS Specialist  
on 9/26/2017

0 40 80 160 240 Feet

1 inch = 80 feet






PLANNING DEPARTMENT  
Paul C. Emblar, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **RZ-17-02**, were notified by First Class Mail on **9-18-17**.

  
\_\_\_\_\_  
Signature  
Johnston County, North Carolina

I, Melissa Rodriguez, 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

18 day of September, 2017

  
\_\_\_\_\_  
Notary Public Signature  
Melissa Rodriguez  
\_\_\_\_\_  
Notary Public Name



Adjacent Property Owners of  
RZ-17-02

TAX ID#	PIN	NAME1	ADDRESS2	CITY	STATE	ZIPCODE
15080019	169413-13-5475	WHITLEY, ROY WILLARD	P O BOX 777	HATTERAS	NC	27943-0000
15080017	169413-13-7490	JOHNSON, JAMES RANDY	1671 GALILEE RD	SMITHFIELD	NC	27577-7713
15080062	169413-12-6816	TWIN STATES FARMING INC	P O BOX 1352	SMITHFIELD	NC	27577-1352
15080055	169413-13-6484	WHITLEY, ROY WILLARD	P O BOX 777	HATTERAS	NC	27943-0000
15080061	169413-13-9244	BYRD, C A JR	3777 US HIGHWAY 70 BUS W	CLAYTON	NC	27520-0000
15080062A	169413-13-2025	GODWIN LLP	PO BOX 607	SELMA	NC	27576-0000
15080062C	169413-12-9516	WALLACE, DONALD E	777 NC HWY 210	SMITHFIELD	NC	27577-0000
15080062D	169413-13-0290	OMER, EARL V	P O BOX 1017	MILLERSVILLE	MD	21108-4017
15080062E	169417-12-8039	WALLACE, DONALD E	777 NC HWY 210	SMITHFIELD	NC	27577-0000
15080064	169413-13-9431	39 NC 210 LLC	PO BOX 585	SMITHFIELD	NC	27577-0585
15076022	169413-03-7065	EDUCATIO	P O BOX 1336	SMITHFIELD	NC	27577-1336
15080062B	169413-22-0745	WALLACE, JUNE H	747 NC 210 HWY	SMITHFIELD	NC	27577-0000
15080012	169414-23-6883	HOBBS, TINA SHIRLEY	616 HANCOCK STREET	SMITHFIELD	NC	27577
15080010	169413-23-4024	HOBBS, TINA SHIRLEY	616 HANCOCK STREET	SMITHFIELD	NC	27577
15080065	169413-13-4136	LIABILITY PARTNERSHIP	PO BOX 607	SELMA	NC	27576-0000
15080011	169417-22-4098	DEVELOPMENT CORPORATION	200 S FRONT ST	SMITHFIELD	NC	27577-0000
15080013	169413-23-0177	HOBBS, TINA SHIRLEY	616 HANCOCK STREET	SMITHFIELD	NC	27577
15076016	169417-02-1022	HEAVNER, CECIL B.	PO BOX 2346	SMITHFIELD	NC	27577



**PLANNING DEPARTMENT**

Steve Medlin

Interim Planning 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, October 5, 2017 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

**RZ-17-02 Twin States Farming:** The applicant is requesting to rezone approximately 8.25 acres of land from the R-20A (Residential-Agricultural) to the B-3 (Business) zoning district. The property considered for approval is located on the south side of West Market Street approximately 1950 feet northwest of its intersection with Front Street and further identified as Johnston County Tax ID#15080062.

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.



**PLANNING DEPARTMENT**

Steve Medlin

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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 9/20/17 and 9/27/17**



# Request for Planning Board Action

**Business**  
**Agenda** SP-17-13  
**Item:**  
**Date:** 10/5/17

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**Subject:** SP-17-13 Temporary Contactor Storage Yard

**Department:** Planning

**Presented by:** Mark E. Helmer, AICP Senior Planner

**Presentation:**

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**Issue Statement** Atlantic Coast Pipeline, LLC is requesting site plan review and approval of a contractor storage yard on property located within a R-20A (Residential-Agricultural) zoning district.

**Financial Impact:** none

**Action Needed** The Planning Board is requested to review the site plan for compliance with the Town of Smithfield Unified Development Ordinance minimum development standards.

**Recommendation** Planning staff recommends approval of the site plan with the condition that a complete storm water management plan is approved prior to issuance of a valid zoning permit.

Approved:  City Manager  City Attorney

Attachments:



# Staff Report

**Business  
Agenda SP-17-13  
Item:**

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The Smithfield Town Council will consider the associated special use permit (SUP-17-09) at their October 3, 2017 meeting. Planning staff will provide the Planning Board with the status of this permit request and forward any additional information or conditions of approval.

The proposed contractor yard will be used in support of the construction of the Atlantic Coast Pipeline. The applicant has submitted a site plan indicating approximately 29 acres of the 42 acre tract of land will be used for the proposed use. Approximately 13 acres will consist of impervious gravel surfaces to include the parking and work areas. The site is bisected by a jurisdictional stream and riparian buffer. The plan indicates that the existing vegetation within this buffer will remain and serve as a visual screen from the residential subdivision to the West. The plan indicates that no land uses and land disturbing activities are proposed between the riparian buffer and existing residential subdivision. All proposed land uses will exist between the riparian buffer to the west, Duke Progress Energy utility easement to the North and a 60 foot access easement on the west to serving the existing solar farm.

13 acres of topsoil will be removed and stockpiled in the northwest corner of the property. The area cleared of top soil will be graveled to provide 7.6 acres of parking and 5 (five) acres of general purpose work area. The northern most portion of the property is identified as equipment storage.

Given the temporary nature of the proposed use, the applicant is requesting to install a chain link fence with screening in lieu of a planted street yard on Mallard Road and the transition yard on the eastern property line. The project is requesting Johnston County water service and is proposing portable facilities.

Access to the site will be provided by 3 (three) proposed driveways to be approved and permitted by NCDOT. Above ground fuel tanks with secondary fuel containment is shown on the plan and detailed construction plans shall be reviewed and permitted by the Town of Smithfield Fire Department prior to construction. The site will contain temporary storage containers and are a permitted use by right. Temporary construction trailers are permitted in accordance with Section 7.13 Modular Office Units/Temporary Office Units which allows temporary office units by right in any district on construction sites only, for a time period of six (6) months, which may be extended for an additional six (6) months by reapplication to the UDO Administrator, with no additional fee. In accordance with Section 7.30 Temporary Uses. The Town Council shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use. A detailed site plan to include a storm water management plan shall be reviewed by the Planning Board and approved by Town Council under a separate site plan review process.



## **Key site elements**

- Compliance with the building setbacks requirements of the R-20A zoning district
- 3 (three) driveways on Mallard Road
- Approximately 13 acres of graveled impervious surfaces
- Multiple conex storage containers
- Above ground fuel tanks with secondary containment
- 7 Modular office units
- Fence and natural woodlands to serve a visual screen from outdoor storage
- No public utilities connections – portable facilities
- 4 (four) storm water detention basins proposed

**The Planning Department recommends approval of the preliminary site plan with the condition that a complete storm water management plan is approved prior to issuance of a valid zoning permit.**



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

**APPLICATION FOR SITE PLAN/SUBDIVISION REVIEW**

Date Submitted: 9/1/2017  
 Applicant: Atlantic Coast Pipeline, LLC  
 Address: 925 White Oaks Blvd., Bridgeport, WV 26330  
 Project Contact: Min So  
 Phone: (681) 842-3465  
 Fax: \_\_\_\_\_  
 Location: 1900 Mallard Road  
 No. of Lots Proposed: 0  
 Existing Impervious Surface Area: 0  
 Total Acreage 42.0  
 Project Name: ACP Contractor Yard SP09  
 Street Name(s): Mallard Road

NCPIN: 169202-79-9657  
 Property Owner: Marshall Incorporated  
 Address: 837 S. Brightleaf Blvd., Smithfield, NC 27577  
 Phone: (919) 934-6505  
 Fax: \_\_\_\_\_  
 Zoning: R-20A  
 Linear Footage of Proposed Streets: 0  
 Average Lot Sizes: 0  
 Proposed Impervious Surface Area: \_\_\_\_\_  
 Total Disturbed Area: 36.8 acs

*(Continue on additional sheet, if necessary)*

Estimate of Water Allocation Required: 0  
 Estimate of Sewer Allocation Required: 0

**Type of Project: (check one)**

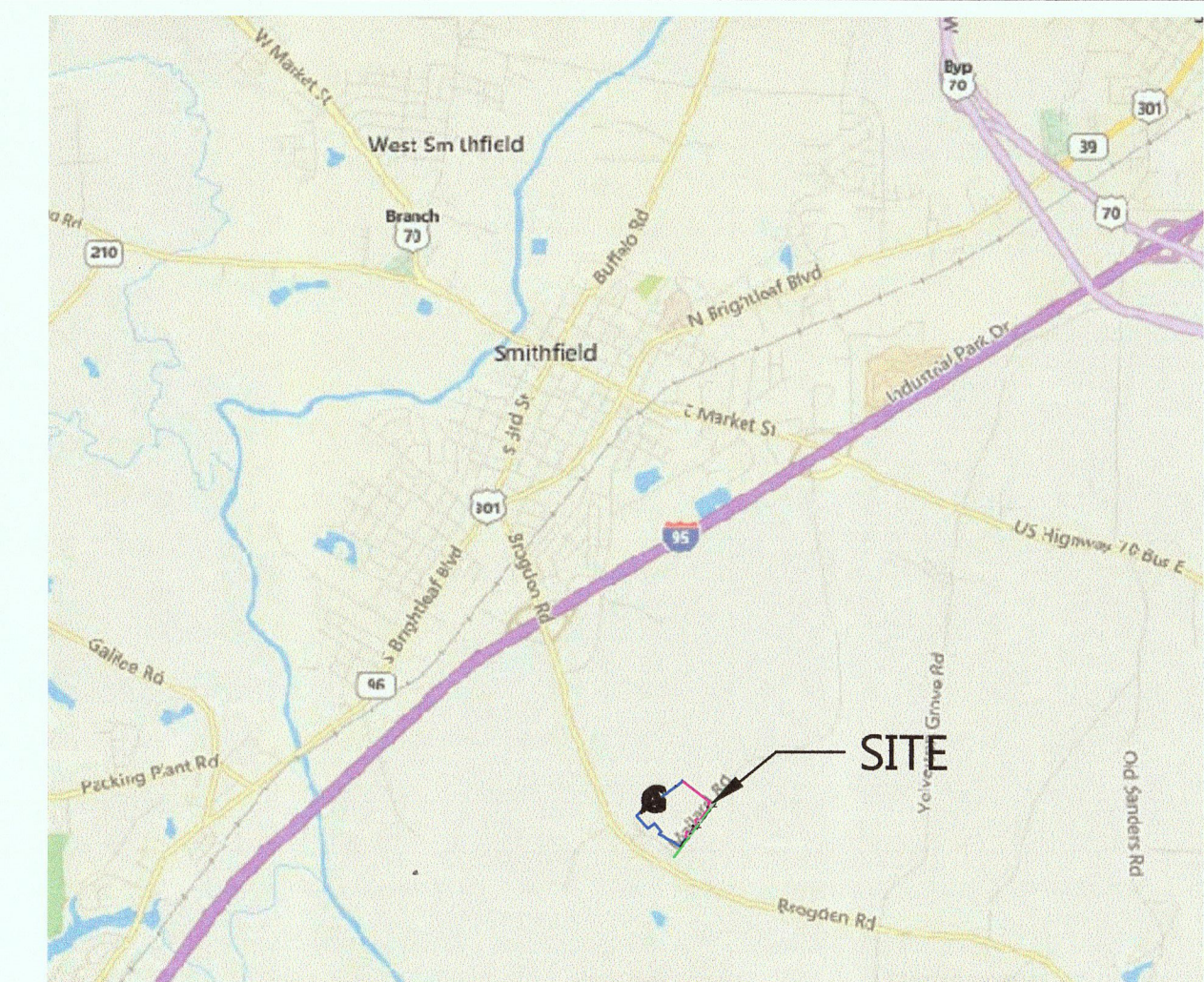
- Exempt Subdivision (Submit 2 paper copies & 1 Digital copy on CD)
- Minor Subdivision (Submit 2 paper copies & 1 Digital copy on CD)
- Major Subdivision (Submit 4 paper copies & 1 Digital copy on CD)
- Recombination (Submit 2 paper copies & 1 Digital copy on CD)
- Site Plan (Submit 4 paper copies & 1 Digital copy on CD)

**Application Fee:**

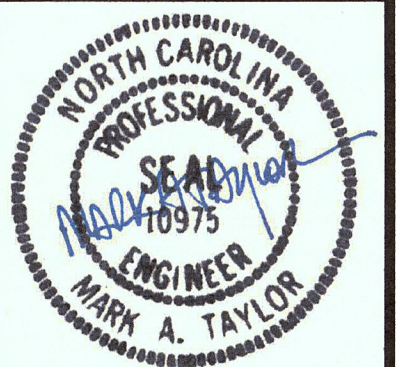
<input type="checkbox"/> Minor Subdivision	(\$50.00) + \$5.00 a lot (\$55.00 min).....	_____
<input type="checkbox"/> Major Subdivision	(\$250.00) + \$5.00 a lot (\$255.00 min) .....	_____
<input type="checkbox"/> Number of Lots _____	x \$5.00/lot .....	_____
<input checked="" type="checkbox"/> Site Plan (\$150.00) + \$50.00 an acre (\$200.00 min) .....		<b>\$2,250.00</b>
	Total	_____

File Number: SP-17-13

**FLOOD PLAIN REFERENCE**  
 THE PROPERTY IS LOCATED IN ZONE X AS SHOWN ON THE FLOOD INSURANCE RATE MAP, 372016 JOHNSON COUNTY, NC, INCORPORATED AREAS, PANEL NUMBER 8200K. EFFECTIVE DATE JANUARY 5, 2007.  
 ZONE X IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.  
 LIMITS AS SHOWN ON MAP BASED ON REFERENCE MAP.



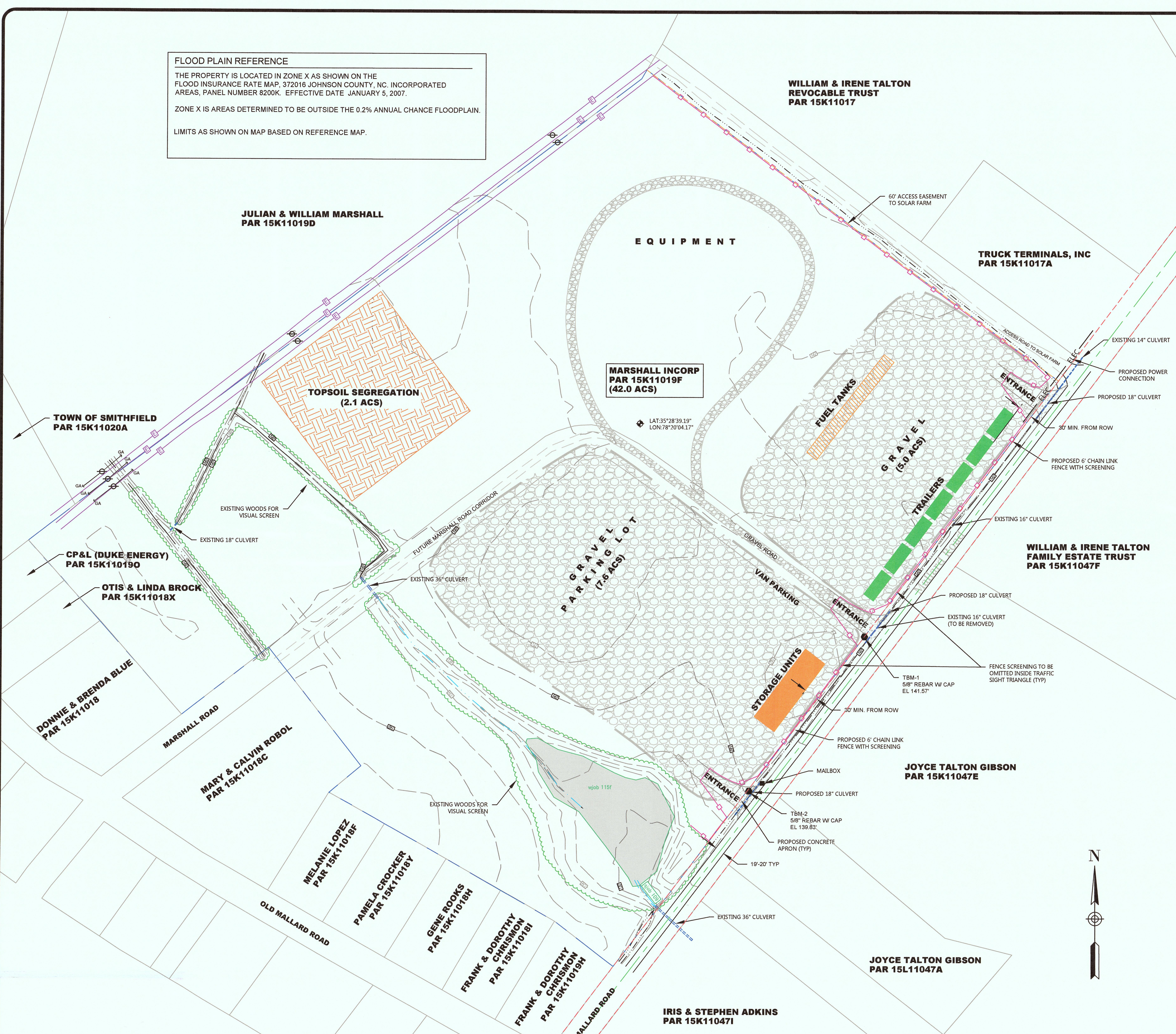
**Atlantic Coast Pipeline**



NO.	DATE	DESCRIPTION	ISSUED FOR REVIEW AND APPROVAL	CHK	BY
0	08/29/17				

**SITE PLAN FOR SPECIAL USE PERMIT**  
 PROPOSED CONTRACTOR YARD (SPREAD 09)  
 ATLANTIC COAST PIPELINE, LLC  
 SMITHFIELD, NORTH CAROLINA

PROJECT NUMBER: 7235-17-008  
 DRAWING: 1 OF 1

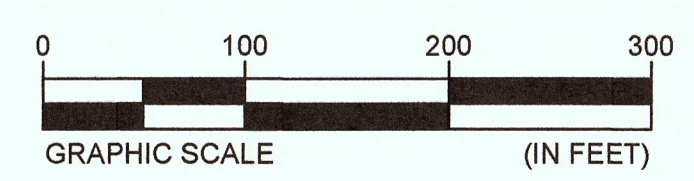


**LEGEND**

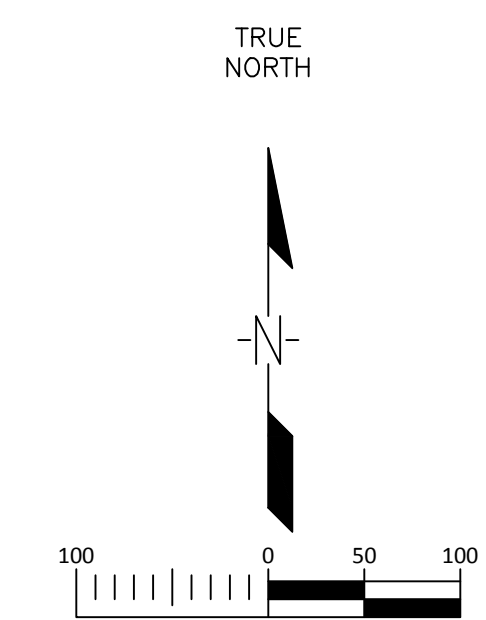
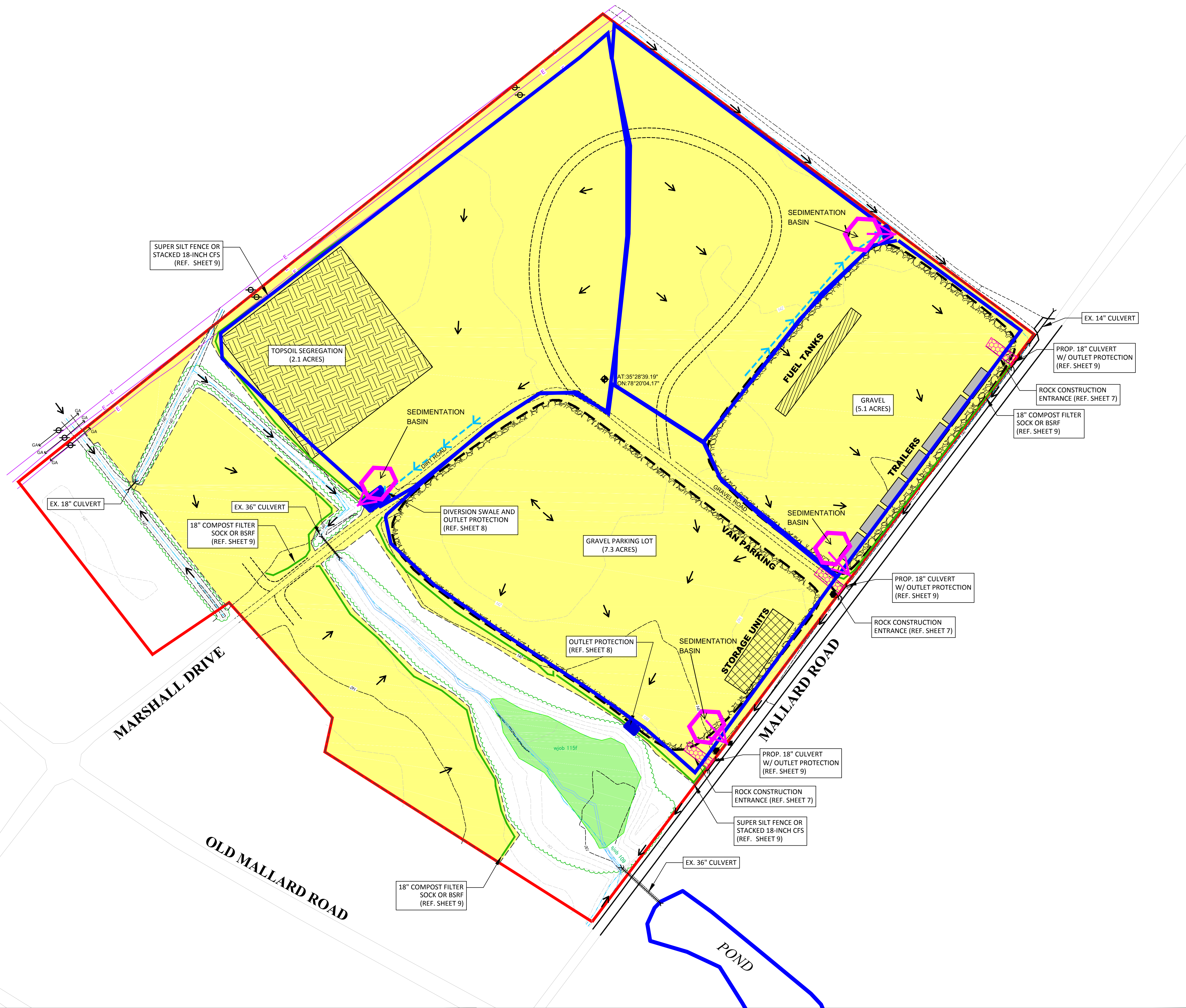
- CONTRACTOR YARD LIMITS
- OVERHEAD ELECTRIC LINE
- X- EXISTING FENCE
- - - DITCH
- STREAM
- CONTOUR
- Wjob 115f WETLAND
- GA UTILITY POLE
- TBM TEMPORARY BENCH MARK
- - - EASEMENTS
- - - NCDOT RIGHT-OF-WAY (EST)
- EXISTING & PROPOSED CULVERTS
- FUEL TANK AREA (25' x 250')
- TRAILER (24' x 60')
- STORAGE UNITS
- TOP SOIL SEGREGATION AREA
- GRAVEL AREA & INTERNAL ROADS
- PROPOSED SCREEN FENCING
- ELEC PROPOSED POWER CONNECTION
- TREE LINE

**NOTE:**

- BASE DRAWING AND MAIN YARD FEATURES FROM I3 ENGINEERING AND CONSULTING, LLC (SP9\_CY SPR09-A, REV. B)
- SITE IS CURRENTLY ZONED RESIDENTIAL - AGRICULTURAL (R-20A).
- PROPERTY OWNER:  
MARSHALL INCORP.  
837 SOUTH BRIGHT LEAF  
SMITHFIELD, N.C. 27577  
DEED BOOK 4788, PAGE 912-916
- APPLICANT:  
ATLANTIC COAST PIPELINE, LLC  
925 WHITE OAKS BLVD.  
BRIDGEPORT, WV 26330 (681)842-8000



DRAWING PATH: Q:\7235\17\008\Dominion - ACP Contractor\Yards\Johnson\_Site\ACAD-SITE PLAN ACAD 2013 REV 8-21-17.dwg



**LEGEND**

	LIMITS OF CONSTRUCTION (42.1 ACRES)		CULVERT
	LIMITS OF DISTURBANCE (36.8 ACRES)		FUEL TANK AREA (25' x 250')
	OVERHEAD ELECTRIC LINE		TRAILER (24' x 60')
	FENCE		STORAGE UNITS
	DITCH		TOP SOIL SEGREGATION AREA
	STREAM		GRAVEL AREA
	CONTOUR		FLOW ARROW
	WETLAND		ROCK CONSTRUCTION ENTRANCE (OR APPROVED ALT.)
	UTILITY POLE		OUTLET PROTECTION
	GUY ANCHOR		PROPOSED CULVERT
	TEMPORARY BENCH MARK		PROPOSED DIVERSION SWALE
	PROPOSED COMPOST FILTER SOCK OR SILT FENCE		DRAINAGE AREAS

**GENERAL NOTES AND COMMENTS:**

- CONTOURS AND BASE MAP PROVIDED BY I3 ENGINEERING AND CONSULTING, LLC WITH ADDITIONAL CONTOURS OBTAINED FROM THE USGS NATIONAL ELEVATION DATASET. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ITS ACCURACY.
- DISCREPANCIES FOUND IN THE PROJECT EXISTING CONDITIONS MUST BE REPORTED TO THE PROJECT ENGINEER/OWNER.
- NO GUARANTEE OR ASSURANCE IS GIVEN BY THE OWNER OR ENGINEER AS TO THE ACCURACY, COMPLETENESS, OR VALIDITY OF THE EXISTING UTILITIES. CONTRACTOR TO PERFORM "CALL BEFORE YOU DIG" TO COORDINATE WITH UTILITY COMPANIES, AND LOCATE AND IDENTIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
- DOMINION RESERVES THE RIGHT TO USE EITHER, OR BOTH, 12" COMPOST FILTER SOCK OR STANDARD SILT FENCE, FOR ANY APPLICATION IN WHICH EITHER OF THESE TWO CONTROL MEASURES ARE SPECIFIED.

SYM.	DATE	BY	REVISION INFORMATION	PROJECT/TASK	APP.
△	03/10/17	NJB	ISSUED FOR REVIEW	-	-
△	08/04/17	WTS	ISSUED FOR REVIEW	-	-

<b>ERM NC, INC.</b> License #F-1223 15720 Brissham Hill Ave, Suite 120 Charlotte, NC 28277 (704) 541-8345		<b>Atlantic Coast Pipeline, LLC</b> 925 White Oaks Blvd. Bridgeport, West Virginia 26330 / 681-842-8000	
DRAWN: NJB 08/04/17 CHECKED: - APP. FOR BID: APP. FOR CONST.: SCALE: AS NOTED	TITLE: <b>ATLANTIC COAST PIPELINE          SMITHFIELD CONTRACTOR YARD ESCP</b>	DISTRICT: - COUNTY: JOHNSTON STATE: NC GROUP: - DWG. NO.: 5 OF 9 REV.: 1	DIR/FILE: ACP\North Carolina\

# 1900 Block of Mallard Road



Project Name:  
ACP Temporary  
Contractor Yard

Proposed Use:  
Temporary Use

File Number:  
SP-17-13

Property Owner:  
Julian Marshall

Applicant:  
Atlantic Coast  
Pipeline, LLC

Location:  
Mallard Road

Tax ID#  
15K11019F

Zoning District:  
R-20A

Map created by the  
Mark E. Helmer, AICP  
Senior Planner,  
GIS Specialist  
on 9/22/2017

1 inch = 100 feet

