

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 (Alt)

Stephen Wensman, AICP, ALA, Planning Director

Mark Helmer, AICP, Senior Planner

Julie Edmonds, Administrative Assistant

Meeting Date: *Thursday, February 1, 2018*

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

Meeting Place: *Council Chambers, Smithfield Town Hall*

**AGENDA
PLANNING BOARD
REGULAR MEETING
FEBRUARY 1, 2018
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Identify voting members

Approval of the agenda.

Approval of the minutes for December 7, 2017

Old Business

ZA-17-06 Town of Smithfield: The Planning Department is requesting amendments to Town of Smithfield Unified Development Ordinance (UDO), to establish clear standards for maximum cul-de-sacs lengths and concise minimum lot standards for flag shaped lots.

New Business

RZ-18-04 and SUP-18-02: The applicant is requesting approval of a Planned Unit Development Special Use District rezoning, rezoning an R-8 Single, Two , and Multi-Family Residential District to R-8 PUD (rezoning) and approval of a special use permit for the PUD master site plan.

ZA-17-07 Steve Bryant: The applicant is requesting an amendment to Town of Smithfield Unified Development Ordinance (UDO) Article 6.5, Table of Uses and Activities to allow for restaurants as a permitted use by right within the OI (Office & Institutional) zoning district.

ZA-18-01 Town of Smithfield: The applicant is requesting an ordinance amendment to Appendix A, Planned Unit Development definition that removes the minimum development size and encourages a mix of uses within a Planning Unit Development that may include commercial and noncommercial uses.

RZ-18-01 Tom Medlin: The applicant is requesting to rezone two tracts of land totaling approximately 1 acre from the OI (Office-Institutional) zoning district to the B-2 (Business) zoning district. The properties considered for rezoning are located on the southeast side of the intersection with North Brightleaf Boulevard and Hancock Street and further identified as Johnston County Tax ID#15015036 and 15015047.

RZ-18-02 TIMA LLC: The applicant is requesting to rezone two parcels of land totaling approximately 7.03 acres from a B-3 (Business) to HI (Heavy Industrial) zoning district. The properties considered for rezoning are located on the west

side of the intersection of Brogden Road and Wal-Pat Road and further identified as Johnston County Tax ID# 15K11012 and 15K11012C

RZ-18-03 W. Frank Lee: The applicant is requesting to rezone four tracts of land totaling approximately 2.26 acres from the R-20A (Residential-Agricultural) zoning district to the B-3 (Business) zoning district. The properties considered for rezoning are located on the east side of Buffalo Road approximately 160 feet south of its intersection with Booker Dairy Road and further identified as Johnston County Tax ID# 14075030G, 14075030F, 14075027 and 14075028

Administrative Actions report

Land Use Permit Report for November, 2017

Site plans currently in review as of January 2, 2018

- Dollar General, West Market Street
- Vehicle Reconditioning Facility(by SUP), South Brightleaf Boulevard

Adjournment

DRAFT
Smithfield Planning Board Minutes
Thursday, December 7, 2017
6:00 P.M., Town Hall, Council Chambers

Members Present:

Chairman Stephen Upton
Oliver Johnson
Michael Taylor
Eddie Foy

Members Absent:

Daniel Sanders
Teresa Daughtry
Mark Lane
Ashley Spain

Staff Present:

Mark Helmer, Senior Planner
Julie Edmonds, Administrative Assistant
Stephen Wensman, Planning Director

Staff Absent:

CALL TO ORDER

Mr. Upton identified the members of the board. He asked that each board member please pull microphones down and speak loudly and clearly into them. Mr. Upton also reminded the board that the next Town Council Meeting would be held on January 2, 2018 at 7pm and the next Planning Department Meeting would be held January 4, 2018 at 6pm.

AMENDMENTS TO THE AGENDA

Planning Board member Mark Lane requested the minutes from November 2, 2017; case RZ-17-04 Thomas Concrete be corrected. The record states the motion to approve was unanimous. This is incorrect as he voted no. The correct changes have been made.

APPROVAL OF MINUTES FROM November 2, 2017

Eddie Foy made a motion, seconded by Oliver Johnson to approve the minutes as written.
Unanimous

INTRODUCTION OF STEPHEN WENSMAN, AICP, ALA, PLANNING DIRECTOR

APPROVAL TO OPEN THE PUBLIC HEARING ZA-17-05

Eddie Foy made a motion, seconded by Michael Taylor to open the Public Hearing.
Unanimous

ZA-17-05 Town of Smithfield:

Mr. Helmer stated the applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance Article 5, which will allow for administrative approval of site plans and final plats when found to meet or exceed minimum development standards of the UDO. The proposed ordinance amendment will be a return to the process that was in place prior to UDO updates that were adopted on August 2, 2017. The proposed zoning ordinance amendment will serve to create:

- A time and cost saving development friendly process
- Simplified review process that is allowed by State statute
- Opportunities for express review of existing development expansions
- A reduction in City Council's work load
- A reduction in required paper work for both applicant and staff

Major preliminary subdivisions and planned unit developments will still require Planning Board review and Town Council approval. Special Use permits will still require Town Council approval with no Planning Board review and recommendation required.

A multi-disciplinary technical review committee as described in Article 5.5.4, that may include but is not necessarily limited to, the City Manager, Planning Department, Public Utilities Department, Fire Department, Johnston County Building Inspections and the North Carolina Department of Transportation will continue to review major site plans for compliance with published standards. Upon site plan approval, the UDO Administrator will issue a certificate of zoning compliance in accordance with Article 5.5.5 of the Town of Smithfield UDO.

Mr. Foy asked who the UDO Administrator was.

Mr. Wensman stated that he was the UDO Administrator.

Mr. Foy asked if the Planning Board was deciding to accept the amendment to the UDO or were they recommending it to Town Council.

Mr. Helmer stated the board would review and recommend the amendment of the UDO.

Mr. Foy requested that the board be notified when changes take place such as this text amendment and any approvals approved by Town Council.

Mr. Wensman said it was his intention to give regular updates to the Planning Board about what staff has been doing. We typically give reports to the administrator every week; we can condense that down and give those same reports to you all for what we've done in terms of approvals.

Mr. Upton asked what was considered a major subdivision.

Mr. Helmer said a major subdivision is one that creates more than three lots or requires an extension of public infrastructure.

Eddie Foy made a motion to close the Public Hearing for ZA-17-05, seconded by Michael Taylor Unanimous

Oliver Johnson made a motion to approve ZA-17-05, seconded by Eddie Foy.

Old Business:

No Report

New Business:

A presentation and discussion on upcoming text amendments that will include development standards for flag lots and cul-de-sac street lengths.

Mr. Wensman said as you all know we have a new UDO. We're supposed to review the UDO on a quarterly basis for needed changes. I have a growing list of items that need clarification and possible changes. The changes are typographical errors, definitions that don't align with the use table which can cause confusion and questions for both staff and applicants. There are uses that should be defined that aren't; which again can leave a lot of questions. There are parts of the code that are in conflict with each other. Standards are different in different parts of the code which contradict one another. Tonight, staff would like to begin to initiate that process. We would like to begin doing so as time allots on agendas, not necessarily waiting to make changes once per quarter. We have quite a few things we want to get through, throughout the New Year. You'll see this process where we're going to introduce the topic, hopefully deal with it at the next meeting for recommendation to the Town Council. I recently have dealt with a subdivision of a flag lot that led to some questions.

Mr. Upton asked where the subdivision was located.

Mr. Wensman said his geography of the city was weak but it is located in the ETJ, in South Smithfield off Mallard Rd. In this case we were trying to determine if the flag lot had the appropriate width on the street. As you'll see in my presentation it wasn't entirely clear, my mandate as Planning Director is to go with the least of standards according to the code, that's what I followed. We would like to clarify what those standards are. Everyone should have a copy of this presentation; I've tweaked it a little since it was submitted in your packet. I have an existing definition of a flag lot, it basically says flag lots have non-conforming frontage. The design standards in the code say flag lots are conforming.

Mr. Upton and Mr. Taylor spoke up and said they didn't see a copy of the presentation. Mr. Wensman said it was emailed to each board member. Mr. Upton asked that emails be handed to him instead of emailed. Mr. Johnson asked that the email be resent to him, he can't locate it.

Mr. Wensman stated this section of the code 10.108.147, is saying that flag lots have to meet all standards. However the definition states it doesn't have to meet standards. So they're in conflict with each other. I didn't have a lot of other parts of the code to go on, there's no definition of what street frontage actually is. When you look at the code, it has three or four different standards attached to it depending on the situation. In one case it is ten foot, in another twenty five and forty in another. It's hard to know which to go with, so in this particular situation we went with the least. We can talk about it tonight or at the next meeting, should we change the flag lot definition or should flag lots even be allowed? Some cities don't allow them, some do. If we're going to have a minimum street frontage, should it be ten feet, twenty five,

forty or some other width? Does it apply in all cases or should it be standard when it can be reduced.

Mr. Foy said he thought a flag lot was in a pie shape.

Mr. Wensman said no, it's a lot behind another lot with a small skinny handle to get to it. Essentially you'll have someone's front yard is someone's back yard.

So these are some of the questions we need to answer, we're going to make suggestions for an ordinance next month, at that point we would be looking for a recommendation.

Mr. Upton asked if Mr. Wensman is going to continue on or are we going to stop and continue later.

Mr. Wensman said following this meeting he will resend the presentation so you'll have the questions.

Mr. Wensman said the second text amendment we want to consider is for design standards for cul-de-sacs. Cul-de-sacs shall not exceed 750 feet according to 10.108.18. In the Engineering Design Standards it is 500 feet. In the Supplemental Regulations for Manufactured Home Parks it is 600 feet. That dimension is usually tied to, if the street is blocked, how far a firetruck can fight fire. I spoke with the Fire Chief John Blanton; he said anything fewer than 900 feet would be doable. It comes down to what length the Town prefers. 750 feet is probably more conservative to ensure the fire hose can reach there. Some towns like their cul-de-sacs to be shorter.

Mr. Foy asked if the cul-de-sac starts from when you turn in to the center point of the end.

Mr. Wensman said yes.

Mr. Upton asked if there was any need for the Planning Board to receive this when it was a safety issue.

Mr. Foy spoke up and said yes, I would like to take care of this at the next meeting.

Mr. Foy asked Mr. Wensman what length he personally would suggest and he said 750 feet is what's in our code, it's the minimum standard where others are more restrictive making them shorter.

Mr. Foy asked if there was a difference between a cul-de-sac and a dead-end.

Mr. Wensman said no, except in some cases dead-ends predate the current code where you put a cul-de-sac on it where you can turn around. There are dead-ends that don't have turn arounds on them.

We hope at our next meeting if our agenda allows we will bring text amendments forward on these two items and introduce other items. I'll give examples of what we will cover during the next meeting. We have something in our code that says street trees are required. It gives you a size of the street tree but then they can be substituted for under story trees. Under story trees are half the cost of a street tree. I imagine by default we're going to end up with under story trees instead of street trees throughout our city. We need to clarify what we want, ask for it and if there's an alternative, that it be the right alternative. We still have places in our code that mention conditional use permits instead of special use permits, so those are text errors. There are problems with the non-conforming use code. Minimum acreage for a PUD, is it 5 acres in one section and 25 acres in another, which is it? This is something I am taking seriously and we would like to get through the most important ones before they cause problems for all of us.

Oliver Johnson made a motion to adjourn, seconded by Eddie Foy. Unanimous.

Next Planning Board Meeting:

Our next Planning Board Meeting is scheduled for January 4, 2018 at 6:00 pm.

Oliver Johnson made a motion to adjourn the meeting, seconded by Eddie Foy.

Submitted this 8th day of December, 2017

Julie Edmonds
Administrative Assistant
Planning Department

ZA-17-06

Cul-De-Sacs & Flag Lots

Town of Smithfield



Request for Planning Board Action

**Application
for Unified
Development
Ordinance
Text
Amendment
ZA-17-06**

Date: 01/04/2017

Subject: Unified Development Ordinance Text Amendment
Department: Planning
Presented by: Stephen Wensman ALA, AICP, Planning Director
Presentation: Business Item

Issue Statement

The Planning Department is requesting an amendment to the Unified Development Ordinance (UDO) that will correct inconsistencies with the flag lot standards and cul-de-sac street standards.

Financial Impact

There will be no financial impact to the Town.

Action Needed

To review the requested application and to make a recommendation to the Town Council for the proposed Unified Development Ordinance text amendment.

Recommendations

The Planning Department recommends approval of the proposed amendments to Appendix A, Article 7 and Article 10 of the UDO and recommends that the Planning Board approve a statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: City Manager City Attorney

Attachments:

1. Staff Report
2. Ordinance
3. Application and Petition for Amendment to the UDO



Staff Report

Application
for Unified
Development
Ordinance
Text
Amendment
ZA-17-06

The Planning Department is requesting text amendments to Appendix A, Article 7 and Article 10 of the Town of Smithfield Unified Development Ordinance (UDO) that removes inconsistencies within the text and clarifies development standards as they pertain to flag lots and cul-de-sac streets.

Analysis:

The proposed zoning ordinance amendment will clarify development standards by:

- Creating a more descriptive definition of a flag lot;
- Eliminating inconsistent standards concerning flag lots;
- Establishing a flag lot width that can accommodate a standard public right-of-way and that will not hinder future planning and development efforts;
- Revising maximum cul-de-sac lengths within manufactured home parks.

Flag Lots:

Flag lots are so named because of the long, slender strips of land resembling flag poles that extend from the typically rectangular main sections of these lots — or the “flags” — out to the street. Each “flag pole” typically provides just enough street frontage for vehicle access and is often shared by several neighbors. Flag lots can also be thought of as permitted lots with reduced street frontage that allow access to otherwise landlocked parcel acreage. Use of flag lots recognizes the environmental and economic advantages in substituting private drive lengths to tap land that would require additional street length and potentially greater disturbance and infrastructure costs.

The negative attributes of flag lots include potential burden on property owners to maintain longer driveways or private streets lengths, potential access constraints for emergency vehicles, and possible house-to-house relationships as flag lot dwellings may be perceived to be in the rear yards of the adjacent residences. In most cases however, the biggest drawback from creating flag lots is that no further land divisions or intensive land uses can occur when the property does not and cannot ever front on a public street due to inadequate land reserves needed for the construction of a public street from the existing

public street to the flag portion of the lot to be divided. However, judicious use of flag lot arrangements can provide distinct benefits in residential design when its use, resulting lot size, dwelling orientation and access considerations are based on sound planning and community design criteria.

With these considerations in mind, the Town of Smithfield Unified Development Ordinance has retained language allowing for newly created flag lots. The proposed amendment clarifies the existing flag lot provisions by creating a better definition of a flag lot. It will require flag lot dimensions to meet or exceed the underlying zoning district dimensional standards and sets the flag pole portion of the lot to a minimum width of 60' measured at the public right-of-way and where the pole portion of the lot intersects the flag portion of the lot.

Cul-De-Sacs Street:

Cul-de-sac lots street frontage requirements will remain at 25'. The proposed ordinance amendment will clarify conflicting cul-de-sac length standards by increasing the maximum cul-de-sac length within planned manufactured home parks to 750 linear feet making them identical to traditional subdivisions standards.

**DRAFT ORDINANCE # ZA-17-06
AN ORDINANCE TO AMEND
APPENDIX A, ARTICLE 7 AND ARTICLE 10
OF THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE
TO CLARIFY MINIMUM LOT WIDTH AND MAXIMUM LENGTH OF A CUL-DE-SAC.**

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to set unified standard for flag lots and maximum cul-de-sac lengths.

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

Part 1

[Revise APPENDIX A. DEFINITIONS content as it pertains to flag lots and lot width]

APPENDIX A. DEFINITIONS

[Definitions not listed remain unchanged]

Lot, Flag

~~Lots or parcels with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontage.~~

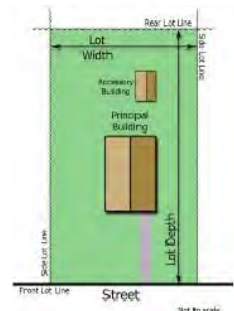
A lot with two distinct parts:

- The flag, which typically contains building site; and is located behind another lot; and
- The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than or equal to the minimum lot width for the zone.

And

Lot Width

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot, at the place where the access strip joins the main portion of the lot) shall not be less than ~~60 feet~~ eighty percent (80%) of the required lot width, except in the case of the turning circle of cul-de-sacs ~~where the eighty percent (80%) requirement shall not apply.~~



And

Section 10.108 Streets

[Revises Article 10 by referring to Article 8 for required minimum lot widths]

10.108.1.4.2. Lot Width and Depth. All lots shall have a minimum width and street frontage at ~~the building line of 70 feet as required in Article 8, except in the case of the turning circle of cul-de-sacs and a~~ where a minimum width at the street right-of-way line of 25 feet is permissible. Corner lots shall have an extra width of 10 feet to permit adequate setback from side streets. The minimum lot depth of single tier lots (when approved) shall be 125 feet. All other lots shall be 110 feet in depth. Additional lot width and depth shall be required when:

10.108.1.4.2.1. A lot is served by either public water or sewer, but not both: Lot width - 100 feet; Lot depth - 200 feet.

10.108.1.4.2.2. A lot is not served by either public water or sewer: Lot width - 125 feet; Lot depth - 200 feet.

And

Section 10.108 Streets

[Revise Article 10 to refer to Article 8 for required minimum lots width]

10.108.1.4.4. Every lot shall maintain required street frontage as required in Article 8 ~~abut at least 25 feet on one of the following:~~

10.108.1.4.4.1. A public street dedicated to and maintained by the Town of Smithfield or the North Carolina Department of Transportation.

10.108.1.4.4.2. A street constructed to the standards of the Town or Smithfield or the North Carolina Department of Transportation, with a written agreement concerning the future maintenance of the street.

And

Section 10.108 Streets

[Revises Article 10 and sets minimum flag lot street frontage at 60 feet]

10.108.1.4.7. Flag-shaped lots shall only be permitted in cases where the minimum ~~area, lot width, lot depth, and street frontage requirements~~ lot width, lot depth, and street frontage requirements of this Ordinance are complied with and the lot has a minimum street frontage of at least 60 feet in width. ~~If the standards of the zoning district in which the property is located are more stringent, the stricter requirement shall govern.~~

And

Section 7.34 Residential Cluster Developments

[Revises Article 7 and sets minimum lot frontage to 40 feet for lots within a cluster subdivision]

7.34.4.2. Lot Width. 40 feet. ~~On a case-by-case basis, flag lots may be allowed with a minimum street frontage of 10 feet.~~

And

Section 7.18 Manufactured Home Parks.

[Revises maximum cul-de-sac lengths within Manufactured Home Parks]

7.18.14.1. Cul-De-Sacs. Any interior drive designed to be closed shall have a turnaround at the closed end with a minimum right-of-way diameter of 100 feet. The entire right-of-way of such turnaround shall be graded and usable for the turning of motor vehicles. Cul-de-sacs shall not exceed ~~600~~ 750 feet in length.

PART 2

That the Unified Development Ordinance shall be page number as necessary to accommodate these changes.

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the 6th day of February, 2018.

M. Andy Moore, Mayor

ATTEST

_ Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
TEXT AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
ZA-17-06**

Whereas the Smithfield Planning Board, upon acting on a text amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Planning Board, upon acting on a text amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT RECCOMENDED FOR ADOPTION BY THE SMITHFIELD PLANNING BOARD AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE IS ADOPTED,

That the final action regarding text amendment ZA-17-06 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public hearing; and

It is the objective of the Town of Smithfield Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The text amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Planning Board and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE FAILS,

That the final action regarding text amendment ZA-17-06 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The text amendment does not promote this and therefore is neither reasonable nor in the public interest.



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

Petition for Amendment to the Unified Development Ordinance

Pursuant to Article 4 of the Town of Smithfield 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. The application for any amendment shall contain a description of the proposed zoning regulation.

APPLICANT INFORMATION:

Petitioner's Name

Address or PO Box

City, State, Zip Code

Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

(Attach additional sheets as necessary)

This application must be accompanied by a Statement of Justification which addresses the following:

1. How the amendment proposed would serve the public interest or correct an obvious error in the existing ordinance.
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body.

The undersigned hereby authorizes the filing of this petition and certifies that the information contained herein stands alone based on the merits of this request and is accurate to the best of their knowledge and belief.

Signature of Petitioner

Date

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Amount Paid: _____

RZ-18-04 & SUP-18-02

Adams & Hodge Engineering, LLC



**Request
for
Planning Board Action**

**Presentation: Application for
Rezoning RZ-18-
04 and Special Use
Permit SUP-18-02**

Subject: Planned Unit Development Special Use District
Rezoning and Special Use Permit for PUD
master plan

Department: Planning

Presented by: Stephen Wensman, Planning Director

Presentation: Public Hearing

Issue Statement:

Adams and Hodge Engineering, PC is requesting a Rezoning from R8 to R8 Planned Unit Development (PUD) Special Use District and a Special Use Permit (SUP) for a PUD master plan for a proposed 298-lot residential subdivision at 1899 Buffalo Road.

Financial Impact:

None at this time, however, If the development were to proceed with platting and construction, the Town would benefit by an increase in property tax base.

Action Needed:

To review the application for an R-8 Planned Unit Development Special Use District and Special Use Permit for a PUD Master Plan, and make a recommendation to the Town Board with reasonable and appropriate conditions or safeguards.

Recommendation:

The Planning Department recommends approval of the rezoning to R8-PUD and the associated special use permit with 10 conditions; and recommends that the Town Council approve a consistency statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and findings of fact that the request is reasonable and in the public interest.

Approved: City Manager City Attorney

Attachments:

1. Staff Report for RZ-18-04 and SUP-18-02
2. Application
3. Development Plans (Master Plan)



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-18-04 and SUP-18-02
Project Name: Buffalo Road Tract
TAX ID number: 169520-80-0490
Town Limits/ETJ: ETJ
Applicant: Adams and Hodge Engineering, PC
Property Owner: Frank Lee
Agents: N/A

LOCATION: 1899 Buffalo Road (north of M.Durwood Stephenson Highway).

REQUEST: The applicant is requesting a rezoning to R8-PUD and a Special Use Permit for a 298-unit residential planned unit development on 67.88 acres.

SITE/DEVELOPMENT DATA:

Address: 1899 Buffalo Road
Tax ID: 169520-80-0490
Acreage: 67.88 acres
Present Zoning: R-8 Single, Two and Multi-Family Residential District, and WS IV-PA Water Supply Watershed Protection Overlay District
Existing Uses: Agricultural/Residential
Proposed Use: Single-family residential/Residential townhome development.
Fire Protection: Town of Smithfield
School Impacts: Potentially adding students to the schools.
Parks and Recreation: Additional trails and parkland.
Access: Buffalo Road
Water and Sewer Provider: Town of Smithfield with Annexation
Electric Provider: Town of Smithfield with Annexation

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R20-A Residential/Agriculture District
	Existing Use:	Agriculture/Residential
South:	Zoning:	Residential/Agriculture District
	Existing Use:	Agriculture/Residential
East:	Zoning:	R-10 Single-Family Residential District
	Existing Use:	Vacant
West:	Zoning:	R20-A Residential/Agriculture District
	Existing Use:	Agriculture/Residential

PROJECT HISTORY/DESCRIPTION:

On January 8, 2008, the Town Council approved a rezoning to R8 Single, Two and Multi-Family Residential District and a special use permit, SUP-07-19 for a residential Planned Unit Development (PUD). At that time, PUDs were allowed in the R-8 zoning district by Special Use Permit. No conditional district or PUD rezoning was required. Also, allowed uses within the PUD were required to be the same as those in the R20-A, R8 and R10 Districts. That SUP expired after 5 five years with no subsequent development and the property remains zoned R-8.

On October 3, 2017, the Town of Smithfield approved a new Uniform Development Ordinance (UDO). The new UDO allows PUDs, but as a Special Use District rezoning. The new UDO also only allows PUDs if they are mixed use. Adams and Hodge Engineering, PC have submitted application for a Special Use Permit and Rezoning to a Special Use District (R8-PUD) for a 298-unit single-family and townhouse residential development on 67.88 acres, 54.62 acres on the west side of Buffalo Road and 13.27 acres on the east side of Buffalo Road.

EXISTING CONDITIONS:

The proposed development site is divided east-west by Buffalo Road. The west side of the development site is surrounded by the Neuse River on the west, and agricultural/residential properties to the north and south. The east side of the development site is surrounded by a smaller residential property to the north, a vacant forested site to the east, and a smaller residential property and the SCEC Credit Union site to the south. A gas line easement crosses along the north boundary of the property. A drainage way crosses the southwest boundary of the site within the tree line near the Neuse River.

The west side consists of open farm land that slopes toward the Neuse River. The low land and steeper slopes near the Neuse River are covered with a mostly deciduous forest. Near Buffalo Road, surrounded by open field is a single family home with a few smaller accessory buildings and large trees. There is a drainage way that flows from the home site across the open field towards a small pond/wetland near the Neuse River in the forested area.

The portion of the site east of Buffalo Road consists of mixed forest with a smaller area of farm fields and another smaller residential site with mature trees. Within the forested area is a small wetland-pond. The site slopes away from Buffalo Road towards the northeast and the pond.

PUD/REZONING:

The applicant is requesting rezoning from R8 to R8-PUD. With the new UDO a PUD rezoning is essentially a Conditional District rezoning by another name, requiring an approved master site plan showing how the site will be developed with a mixture of land uses, residential and nonresidential. A PUD is a negotiated approach to a legislative decision allowing flexibility to tailor regulations to a particular site and project. It can offer a developer greater flexibility in dimensional standards (such as lot sizes and setbacks) with the approval of the master plan rather than following strict typical rigid separation of different land uses. Allowed uses are limited to those in the R8 Zoning District. With the approval of the masterplan the site specific standards, zoning regulations and conditions for the development are approved. The Town, in the negotiation, needs to ensure the development meets or exceeds the standards in the UDO as is appropriate. For instance, the developer may provide private recreational amenities, enhanced landscaping and buffering, and the required enhanced street, sidewalk and trail network. Through this PUD master plan the developer is seeking flexibility to allow:

- To determine the type of unit and location with each phase, not to exceed the overall lot/unit count. This is not a dimensional flexibility allowed by a PUD.
- Reduced setbacks.
- A smaller lot area requirement.
- Lesser lot frontage requirement.
- Lesser building separation requirement.

SPECIAL USE PUD MASTER PLAN:

Land Use. As mentioned previously, the definition of PUD in the new UDO requires a mix of residential and nonresidential uses. The current proposal has no commercial component and all land uses are single family. Multi-family is defined in the UDO as two or more units per lot. The proposed development does propose a mix of single family residential dwelling types including detached single family, attached single family (triplex) and single family townhome (row house). Staff has initiated an ordinance amendment to be approved concurrently with this planned unit development special use district zoning, which will encourage mixed use, but not make it mandatory. Without the approval of the ordinance amendment, this master planned unit development does not comply with the UDO and should not be approved.

Unit Type/Quantity. As mentioned previously, the proposed development proposes a mix of single family residential dwelling types including detached single family, attached single family (triplex) and single family townhome (row house). The master plan shows “typical” details for each type on a “typical” lot, but does not show where each type of unit will be constructed, other than the 35 townhomes. The narrative states that there will be up to 263 single family homes of which up to 76 of them may be attached units (triplexes). There will be up to 35 townhouse units on the east side of the development. As the project is constructed in phases, the developer is requesting flexibility to determine the type of unit and location with each phase, not to exceed the overall unit/lot count. This is not an allowed PUD flexibility. Staff recommends making it a condition of approval to have the developer update the master plan to identify the type and placement of each unit on a lot.

Environmental. The proposed development site is outside of the floodplain and there should be no environmental threats.

Supply Watershed Protection Overlay District. Much of the proposed PUD development is within the WS IV-PA Overlay District. This overlay district provides an extra layer of regulation

intended to protect the water supply watershed from pollution caused primarily from stormwater runoff. Within the WS IV-PA lot sizes are limited to ½ acre lots, unless cluster subdivision standards are followed (UDO Section 7.34). Impervious surfaces are limited to 24% unless the High Density Option is utilized (UDO Section 10.92.6.2.3). With the High Density Option, higher level of stormwater management controls is required. The proposed development is proposing lots smaller than ½ acre in size and will be utilizing the cluster subdivision standards, although modified through the PUD.

Cluster Subdivision Standards. PUDs are considered cluster developments under the UDO. The proposed development will comply with the Cluster Subdivision Standards (UDO Section 7.34) with some exceptions. The development master plan shows slightly more open space than is required and complies with the density requirements, with a proposed density is 4.38 units per acre. The development appears to differ from the cluster regulations as follows:

- The development will include detached single family dwellings and townhomes, rather than only detached single family dwellings.
- The open space can only be used for recreation, not stormwater management or other utility facilities. The developer has indicated that a lift station may be located in an area near Lots 203-207. Stormwater facilities are also needed and would likely be located in the proposed open space. This will likely further the size of the open space provided (UDO Section 7.34.2.3).
- Maximum density must be calculated on a net basis, netting out dedicated street R/W. The developer has indicated that 431,740 sq. ft will be dedicated R/W. If this amount is subtracted from the gross acreage, 2,525,983, the net acreage is 2,525,983. To determine allowed maximum density, this number is divided by 8,000=316 units. The proposed density is 4.38 units/acre.
- Lot size under the clustering standards cannot be less than 4,800 sq. ft. (60% of 8,000) (UDO Section 7.34.4.1). Many of the lots are under 4,800 sq. ft. in size:
 - Single-family Detached – 3,145 sq. ft.
 - Single family attached (tri-plex) units – 2,000 sq. ft.
 - Townhome units – 1,400 sq. ft.
- Minimum lot width and lot frontage cannot be less than 40 feet. Many of the lots are less than 40 feet wide (UDO Section 7.34.4.2) (UDO Section 7.34.4.3):
 - Single-family detached – 37 ft.
 - Single family attached (tri-plex) units – 25 ft.
 - Townhome units – 17.5 ft.
- The side yard setbacks cannot be less than 6 feet. If a zero lot line lot, the other setback is required to be 12 feet. A zero lot line cannot be more than one side of the lot. The proposed development does not comply with the side yard setback requirements (UDO Section 7.34.4.5). The development proposes:
 - Single-family detached – 5 ft.
 - Single family attached (tri-plex) units – 0 ft. on two sides/6 ft.
 - Townhome units – 0 ft. on two sides/6 ft.
- The building separation minimum is 12 ft. The proposed development is proposing a 10 ft. building separation (UDO Section 7.34.4.7).

The NC State Division of Energy, Mineral and Land Resources has reviewed the proposed master plan for conformance with the Watershed Protection rules and has provided general comment which have been paraphrased below and attached to this report:

- The development is not doing enough to manage stormwater by sheet flow through vegetated areas.

- The site is heavily developed and the concentrated development should be shifted away from surface waters as much as possible.
- There is inadequate information to ensure the development will comply with the 100' vegetated setback requirement from the Neuse River.
- Stormwater management information is needed to show how they plan to treat stormwater consistent with the high density option.
- The master plan should address efforts to minimize impervious surfaces.

PUD Standards. In the UDO, there are certain requirements that PUDs are expected to meet:

- Have a mix of land uses. The development is a mix of detached single-family and attached single-family triplex, and town house development, all single-family residential uses. An ordinance amendment is being initiated by Town staff concurrently with this application to remove the mixed use requirement.
- PUDs should have a dense network of narrow interconnected streets designed to minimize through traffic by the design of the street and the location of land uses. (UDO Section 10.108.19.1). The proposed development does not meet this requirement.
- PUDs should have a high proportion of sidewalks, and paths (UDO Section 10.108.19.2). The proposed development has sidewalks on both sides of streets and a robust trail network, although sidewalks are also required along both sides of the Buffalo Road Right-of-Way.

State Road Dedication and Access. The proposed development takes access off of Buffalo Road. The Buffalo Road R/W is presently 120 feet wide. The developer is showing dedication of additional 200 feet, 100 feet on each frontage. The master plan does not show any proposed improvements such as additional travel lanes, turn lanes or pedestrian facilities in the NCDOT R/W. The west side of the development takes access in two locations and the east side in one location. All access to Buffalo Road will require an NCDOT permit. NCDOT approval of the proposed R/W dedication is also needed.

Traffic Impact Study. According to UDO Section 10.38, a traffic Impact Study is required for all special use permits, site plans, PUDs that estimate traffic generation that exceeds 800 trips/day. The purpose is to affect internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation including signal timing, and transit service improvements. All physical roadway improvements shall be shown on the site plan. Because this was not submitted with the special use permit application, this study should be made a condition of approval.

Streets. The master plan shows a mix of 50 foot and 60 foot wide public R/W. The outer loop road on the west side of the development is shown as a 60 foot R/W, whereas, the remainder of the R/W is proposed to be 50 feet wide. The streets appear to be 24' wide with surmountable curb and gutter.

The UDO requires neighborhood blocks to be between 400 -1000 feet in length. The proposed masterplan shows long rows of housing blocks divided by the greenway trails. Even with the separation by greenway trails, the length of the blocks are nearly 1,000 feet in length or more. According to the UDO, PUDs should have a dense network of streets. Given the length of the blocks, an additional east-west street near the center of the development may be warranted and should be made a condition of approval.

The masterplan shows no lateral connections to adjacent undeveloped properties. Additional connections are required (UDO Section 10.109.3) and should be made a condition of approval.

Sidewalks. As stated previously, the master plan shows sidewalks on both sides of each street, meeting the PUD requirements. Sidewalks are also required along Buffalo Road, (UDO Section 10.110.3) and should be made a condition of approval.

Parks and Trails. The development preserves 41.23% of the site as common open space. Much of it will remain as undisturbed woodland and in the remainder will be a network of trails including a connection to the Mountains to Sea Greenway Trail. According to Park Dedication Requirements of the UDO, Section 10.112.3, at least one fifty-seventh of an acre (1/57) shall be dedicated for each dwelling unit planned or provided for in the subdivision plan, except where land is located in the flood plain of a stream or river as indicated by the flood plain maps of the Federal Insurance Administration and/or is characterized by steep slopes (15% or greater), then at least one-twentieth (1/20) of an acre of such land shall be dedicated for each dwelling unit. For the proposed 298-unit subdivision, approximately 5.22 acres of land or fee in lieu of parkland will be required. The master plan does not indicate whether a portion of the open space will be dedicated to satisfy the dedication requirements. If public park or trails are to be provided, it should be a condition that they be shown on the master plan.

The proposed trail on the north side of the development appears to be located within the gas line easement. It is doubtful that the gas company will allow the trail to encroach within the easement. If it were allowed, it would be subject to an encroachment agreement that would no doubt assume no responsibility for the trail if it were damaged due to construction or maintenance of the gas line.

Private Park Facilities. The PUD narrative mentions the development of pocket parks within the common open space. The proposed pocket parks appear to be the long green strips between streets on the master plan. No detail given for amenities in the pocket parks, however the developer indicates that the pocket parks will include paved pedestrian trails and attractive landscape and may be used for soccer, football, cornhole, horseshoes, fire pits and cook outs. These pocket parks should be clearly identified on the master plan.

Grading and Erosion Control. No grading or erosion control plans have been submitted. The plans are needed to ensure the site storm drainage is planned effectively and that the building sites will be buildable. Grading plans also communicate the extent of the proposed development, impact to trees and to ensure no impact to adjacent properties.

Public Utilities. The applicant has not provided a utilities plan for review. The applicant has indicated that water and sewer services would be requested from the Town of Smithfield after voluntary annexation into the Town. The developer is estimating waste water flow for the development to be 113,400 gallons per day. According to the developer, the development is expected to be completed in 9 phases with phases 1, 2, 7, 8 & 9 to be serviceable by connection to the existing gravity sewer line along Buffalo Rd. The remaining phases are anticipated to require a wastewater pump station located just beyond the cul-de-sac in Phase 6. The wastewater pump station will be required to meet Town standards with appropriate public access for maintenance. The Town Engineer would like the plans to be updated to reflect the location of the pump station and some information showing that the 1, 2, 7, 8 & 9 can be served by a gravity system to Buffalo Road.

Public water is available to the site via an existing 12" water main along Buffalo Rd. Connections to the existing 12" main will be made and extended throughout the development. This level of inner-connectivity shall provide for adequate domestic water as well appropriate fire protection flow. The Town Engineer would like to see a hydraulic analysis of the proposed water distribution system for the entire development to ensure adequate fire flow and peak flow residual pressures.

Utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development, including proposed landscaping. Also easements will be required over utilities limiting encroachment by homes and other structures and landscaping. The utilities will need to be designed such that that extension can be made conveniently and without undue burden or expense to serve future adjacent development.

Stormwater Management. The applicant has indicated that the High Density Option for development within the WS-IV-PA. The developer will need to incorporate enhance stormwater management into the plans. No stormwater management plans have been provided for review. Stormwater runoff control measures will be required including peak flow reduction and nitrogen reduction. The developer has indicated that the stormwater system for the development will consist of drainage swales and stormwater pipe systems that run throughout the project. The stormwater flow from the development will eventually make its way to discharge into respective tributaries of the Neuse River. As indicated previously, the stormwater treatment areas cannot be located in required open space. The Town Engineer has reviewed the submitted plans and recommends an overall stormwater management plan be submitted that shows where discharge points and ponds, are located and how the plan will meet State and Town requirements.

Landscaping. No landscaping plan has been provided. The master plans shows very conceptually that landscaping will be provided within the common open space. The master plan indicates the development will include a +/-50' perimeter landscaped Type A buffer. The road section details show street trees in the R/W. A landscape plan will be required with the development that meets or exceeds the Town's UDO landscape standards.

Tree Preservation. No tree preservation plans have been provided. The site is mostly open farmland with the exception of trees on the slopes near the Neuse River and around the existing houses. Without a grading plan it is unclear whether there will be any disturbance to the trees and how the tree replacement requirement will be addressed.

Lighting. No lighting plan has been provided. A lighting plan is required complying with the Town's UDO. Proposed lighting, landscaping and utilities will need to be coordinated as a plan is prepared.

Phasing. The development will be constructed in phases over about 9 years (approximately 40 units per phase), one phase per year depending on the market. The approximate phase lines are shown on the master plan but are subject to change based on construction plan/site design. As proposed, the unit mix with each phase will also depend on the market, but the overall unit/type will not be exceeded. The necessary infrastructure is proposed to be constructed as needed for each phase and designed for build-out.

Annexation. The master plan has been prepared with the intent to connect to the Town's municipal utilities. In order to access municipal services, the development will have to voluntarily annex into the Town limits. Prior to subdivision application or with the application the applicant should request annexation so that the development construction is not delayed. This should be made a condition of approval.

Site Plan Requirements. UDO Section 5.7 stipulates all the required submittals for a special use permit application. The application was lacking many of the required submittals such as utility plans, grading and erosion control plans, tree preservation plans, landscaping plans, lighting plans, stormwater plan and a traffic impact study among other items. Without all the required plans, Town staff is limited in its ability to evaluate the proposed master plan for the PUD. For example, it is uncertain whether the stormwater management plan or utility plans will function correctly or will be sized accordingly to meet requirements. There will likely be a lift station, requiring easements and other provisions that are not shown on the plans. It is not clear whether the tree preservation or landscaping requirements can be met with the current design layout. If approved, the subsequent subdivision development will need to comply with the master plan. Any material change to the plan such as moving roads and lots deemed a material changes as result of the subdivision process will require a new special use permit. This should be made a condition of approval.

Signs. The applicant is proposing entrance signs at all three entrances to the subdivision. Any new signs shall be permitted in accordance with the Town of Smithfield Unified Development Ordinance prior to construction.

REZONING CONSISTENCY WITH PLANS AND POLICIES:

- **Consistency with the Strategic Growth Plan**

The proposed Planned Residential Development is consistent with the recommendations of the Comprehensive Growth Management Plan Future Land Use Map.

- **Consistency with the Unified Development Code**

A Planned Residential Development Special Use District is allowed with a rezoning and valid special use permit issued by Town Council.

- **Compatibility with Surrounding Land Uses**

Planned Residential Development at this location should not pose a compatibility issue with surrounding land uses as the residential development will be developed with required buffer areas and landscaping.

SPECIAL USE PERMIT FINDINGS OF FACT:

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that **(Staff findings are in Bold and Italics)**:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. ***If constructed to the approved master plan for the site, the use should not endanger health, safety or general welfare.***
 2. The special use will be in harmony with the existing development and uses within the area in which it is to be located. ***If constructed to the approved master plan for the site, the use should be properly buffered and should blend in with the area.***
 3. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. ***With the approval of the master plan for the site, the use will not impede the normal and orderly development and improvement of surrounding properties.***
 4. Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided. ***Adequate utilities, access roads, drainage, parking, or necessary facilities are conditions of approval for the master plan for the site.***
 5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. ***The applicant will be required to obtain NCDOT permits for the proposed access and will be required to provide all necessary improvements for the ingress and egress to the development.***
 6. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. ***The special use will conform to all the applicable regulations of the Special Use District.***
 7. Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern. ***The use will have public access in accordance to the Towns Plans.***
 8. The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council. ***The use will be in conformance with the Town's Plans with the approval of a PUD master plan and when constructed accordingly.***
-

PLANNING DEPARTMENT RECOMMENDATIONS:

The Planning Department recommends approval of the:

- Rezoning, RZ-18-04, from R8 to R8 PUD based on consistency with the Town's plans and policies; and
- The special use permit, SP-08-02, based on the findings of fact with the following conditions:
 - 1) That a Traffic Impact Study be conducted and the PUD Master Plan be updated to reflect any recommended internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic

- signal installation and operation including signal timing, and transit service improvements.
- 2) That the applicant submit a request for voluntary annexation prior to subdivision application if connection to Town water and sewer are to be requested with the subdivision.
 - 3) That the developer obtains a NCDOT Right-of-Way Permit for the street accesses onto Buffalo Road.
 - 4) That an additional east-west street be incorporated into the site plan on the west side of the development consistent with the PUD requirements of the UDO.
 - 5) That lateral connections to adjacent developable parcels be incorporated into the PUD masterplan.
 - 6) That public sidewalks along Buffalo Road be incorporated into the PUD Master Plan.
 - 7) That any area to be dedicated for public parks or trails be identified on the PUD master plan.
 - 8) That the PUD master plan be updated to identify the type and placement of each unit type on a lot.
 - 9) That all changes resulting from Town review of the required subdivision and construction plan review process, including, but not limited to utility, tree preservation, landscaping, lighting, stormwater management, grading and erosion control plans will be incorporated into the PUD master plan and resubmitted for final approval by Town staff.
 - 10) Any material change to the plan such as moving roads and lots deemed a material changes as result of the subdivision process will require a new special use permit.

PLANNING BOARD ACTION REQUESTED:

The Planning Board is requested to review the petition and make a recommendation for:

- 1) The rezoning from R8 to R8 PUD for the property located at 1899 Buffalo Road based on its consistency with the Town's plans and policies; and
- 2) A special use permit SUP-18-04 for a Planned Unit Development located in the located at 1899 Buffalo Road based on the findings of fact.



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

SPECIAL USE PERMIT APPLICATION

Pursuant to Article 4, 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 Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Special Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans and one (1) digital copy of all required documents, 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: Buffalo Road Tract Acreage of Property: 67.88
 Parcel ID Number: 169520-80-0490 Tax ID: 14075013
 Deed Book: 3556 Deed Page(s): 0084
 Address: 1899 Buffalo Road Smithfield, NC 27577
 Location: Adjacent to NCSECU

Existing Use: Farm Land Proposed Use: PUD
 Existing Zoning District: R8

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): Water Supply Watershed

FOR OFFICE USE ONLY

File Number: SUP-18-02 Date Submitted: 12/1/17 Date Received: 12/1/17 Amount Paid: 300.00

REQUIRED FINDING OF FACT

Article 4 of the Town of Smithfield Unified Development Ordinance requires applications for a Special Use Permit to address the following findings. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which this section requires. The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
The development has been designed such that it will not be detrimental to or endanger or general welfare.
- 2) The special use will be in harmony with the existing development and uses within the area in which it is to be located.
This project combines the walkability of the Downtown Smithfield residential areas with a significant amount of open space. Some of the old and some of the new.
- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
The project combines the walkability of the Downtown Smithfield residential areas with significant amount of open space. Some of the old and some of the new.
- 4) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
There are available facilities and services in the area to serve the proposed development.
- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
This development has been designed to promote traffic flow and avoid congestion with
- 6) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
After researching the UDO, this development was designed to follow the requirements and policies of the Town.
- 7) Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
After researching the UDO, this development was designed to follow the requirements and policies of the Town.
- 8) The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.
Yes, the proposed use will be in conformity with the land use plan, thoroughfare plan, and adopted by Town Council.

REQUIRED SITE PLAN INFORMATION

Article 5 of the Town of Smithfield Unified Development Ordinance requires a site plan be prepared by a professional engineer, registered land surveyor, or licensed architect and shall be drawn to scale of not less than one inch equals 30 feet. The site plan shall be based on the latest tax map information and shall be of a size as required by each individual site plan. The site plan shall contain the following information, if applicable as determined by the UDO Administrator:

- 1) A key map of the site with reference to surrounding areas and existing street locations.
- 2) The name and address of the owner and site plan applicant, together with the names of the owners of all contiguous land and of property directly across the street as shown by the most recent tax records.
- 3) Parcel Identification Numbers (PIN) for site and adjacent properties.
- 4) Deed book and page reference demonstrating ownership of property.
- 5) Location of all existing and proposed structures, including their outside dimensions and elevations, streets, entrances, and exits on the site, on contiguous property, and on property directly across the street.
- 6) Building setback, side line, and rear yard distances.
- 7) Location of watercourses, ponds, flood zones, water supply watershed areas, and riparian buffers.
- 8) All existing physical features, including existing trees greater than eight (8) inches in diameter measured four and one-half (4.5) feet above ground level, and significant soil conditions.
- 9) Topography showing existing and proposed contours at no greater than ten (10) foot intervals. All reference benchmarks shall be clearly designated.
- 10) The zoning of the property, including zoning district lines where applicable.
- 11) Lot line dimensions and property lines of the tract to be developed (with dimensions identified), adjacent property lines (including corporate limits, Town boundaries, and county lines).
- 12) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles, and curb radii per the requirements of Article 10, Part I.
- 13) Types of surfaces for drives, sidewalks, and parking areas.
- 14) Location and design of existing and proposed sanitary waste disposal systems, water mains and appurtenances (including fire hydrants) on or adjacent to the parcel.
- 15) Other utility lines both under- and above-ground, including electric power, telephone, gas, cable television.
- 16) Location of all US Clean Water Act Section 404 wetland areas, located of detention/retention ponds (Best Management Practices), riparian buffers and impervious surface areas with area dimensions, and ratios of impervious surface to the total size of the lot.
- 17) The location of all common areas.
- 18) The location and dimensions of all areas intended as usable open space, including all recreational areas. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
- 19) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees, and dimensions, approximate time of planting, and maintenance plans per the requirements of Article 10, Part II. The plan shall include the tree line of wooded areas and individual trees eight (8) inches in diameter or more, identified by common or scientific name.
- 20) Proposed site lighting.

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 Special 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.

Downie Adams, PE
Print Name

[Handwritten Signature]
Signature of Applicant

12/1/2017
Date

MASTER PLAN

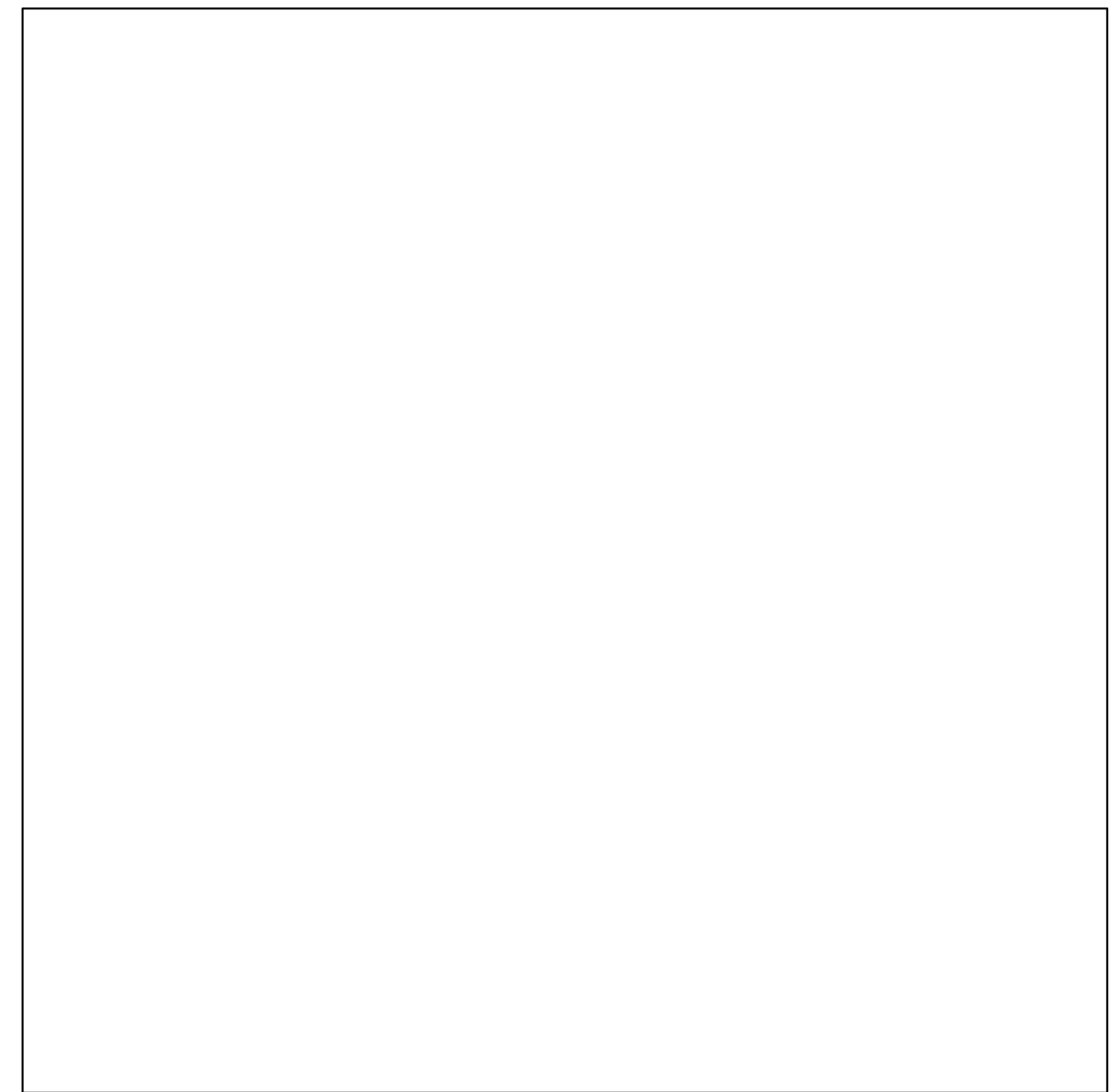
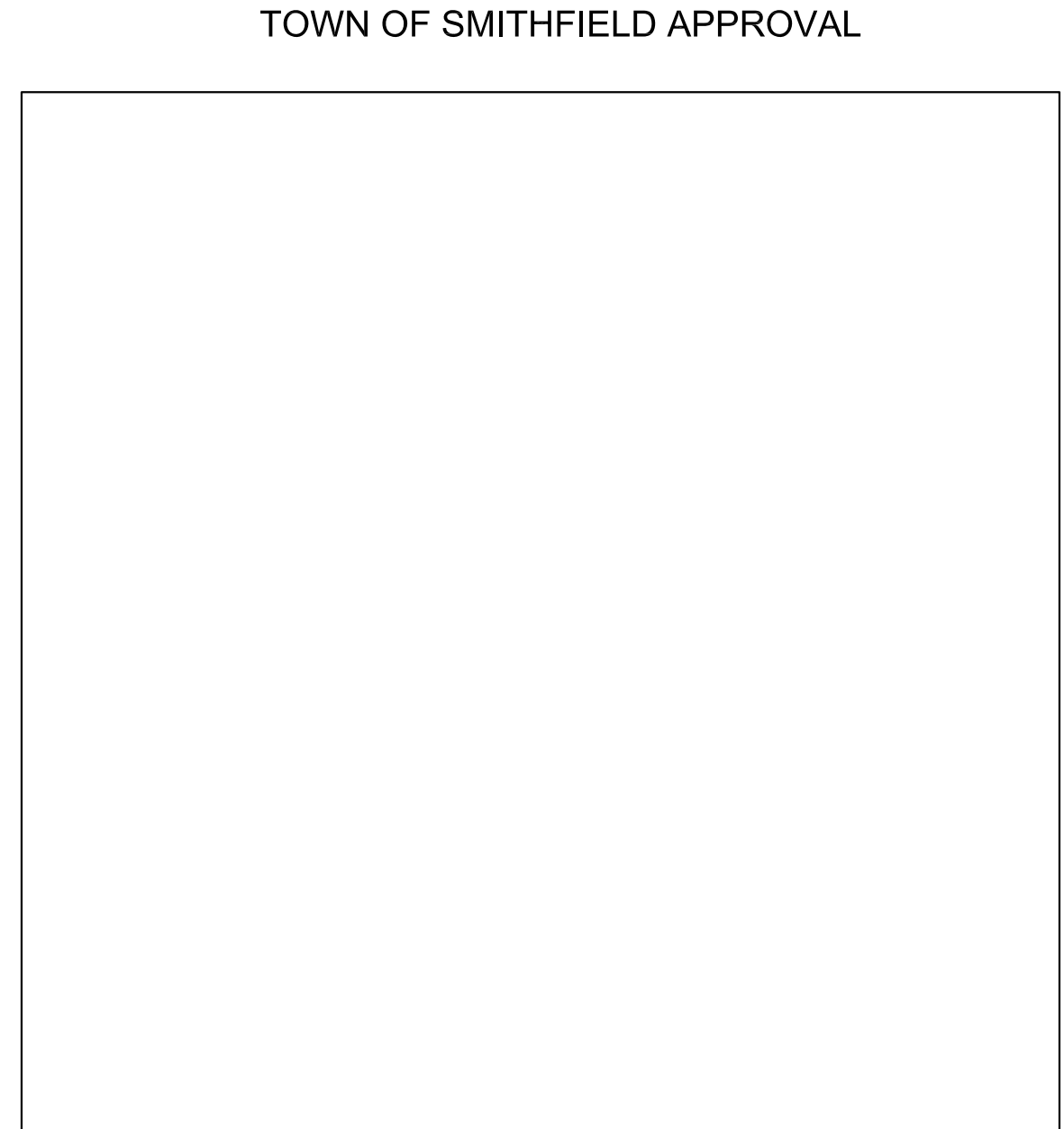
BUFFALO ROAD TRACT

IN

TOWN OF SMITHFIELD



SITE VICINITY MAP
NOT TO SCALE



SHEET INDEX

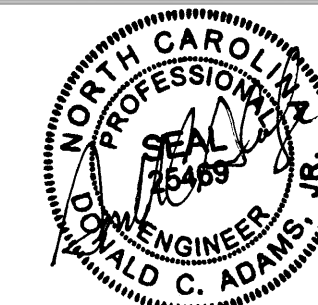
DEVELOPER/APPLICANT:

SAM'S BRANCH DEVELOPMENT
114 W. MAIN ST
CLAYTON, NC 27520

CONTACT/AGENT: DONNIE C. ADAMS, PE
919 763-7278

SHEET TITLE	SHEET No.
EXISTING CONDITIONS.....	PD01
EXISTING OWNERS.....	PD02
MASTER SUBDIVISION PLAN.....	PD03
PEDESTRIAN & VEHICULAR ROUTING.....	PD04
SITE PLAN-1.....	PD05
SITE PLAN-2.....	PD06
UTILITY PLAN-1.....	PD07
UTILITY PLAN-2.....	PD08
REGULATORY STANDARDS.....	PD09

NOT RELEASED FOR
CONSTRUCTION



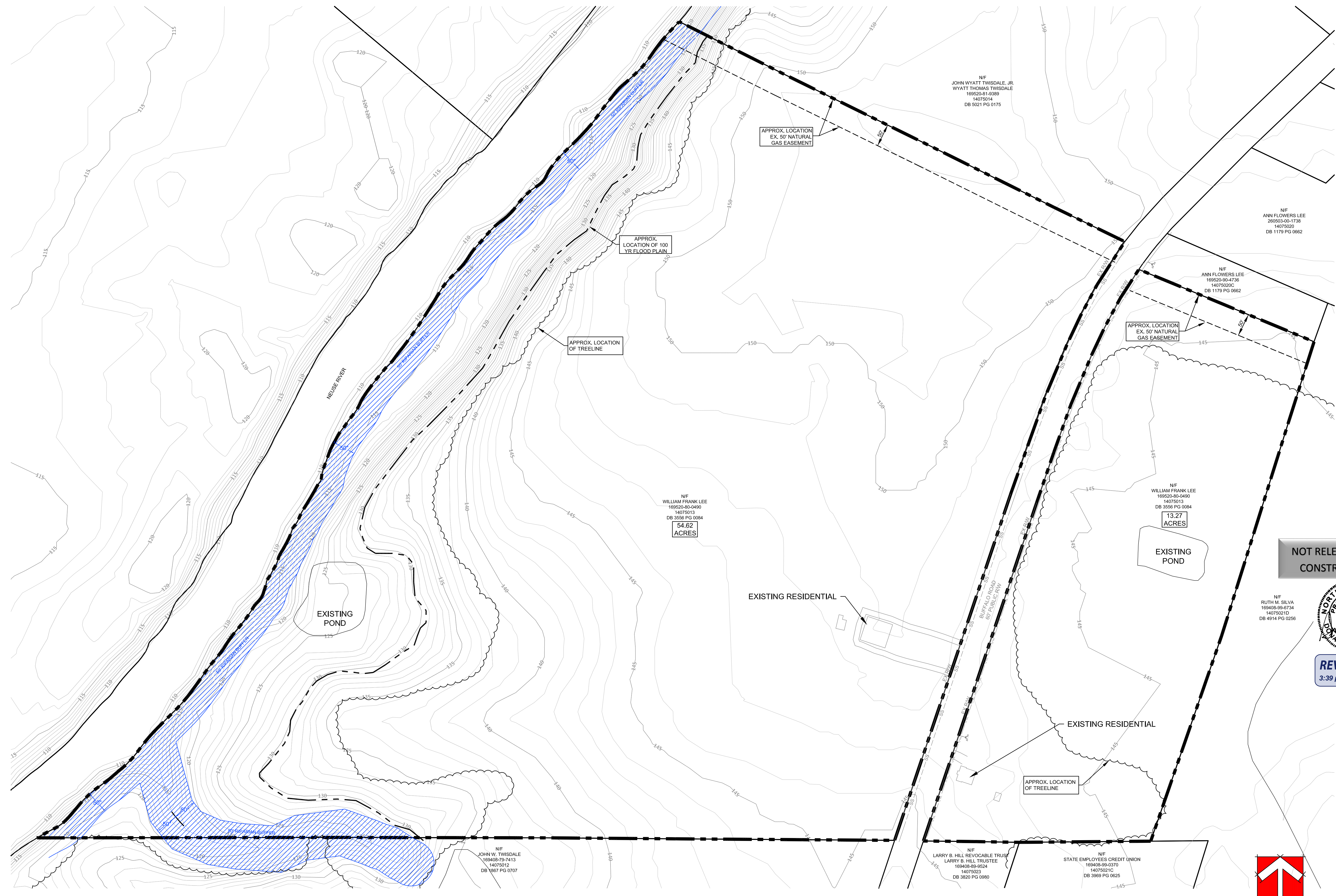
REVISED
3:37 pm, Jan 05, 2018

314 East Main Street
Clayton, NC 27520
919-243-1332 donnie@adamsandhodge.com
FIRM # C-4187

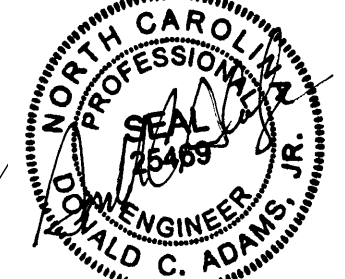
BUFFALO ROAD TRACT

SMITHFIELD, JOHNSTON COUNTY, NC

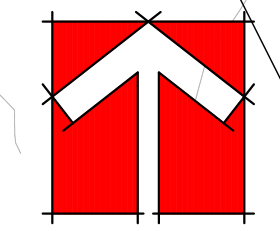
JANUARY 05, 2018



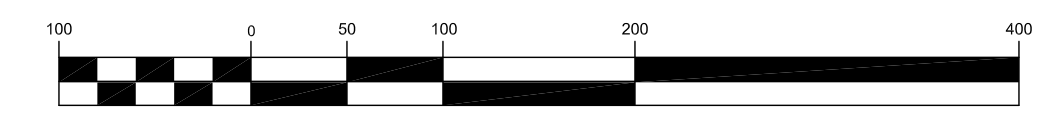
NOT RELEASED FOR CONSTRUCTION



REVISED
3:39 pm, Jan 05, 2018



GRAPHIC SCALE



(IN FEET)
1 Inch = 100 Ft.

REVISIONS:
314 East Main Street
Clayton, NC 27520
dominic@adamsandhodge.com
919-243-1332
FIRM # C-187

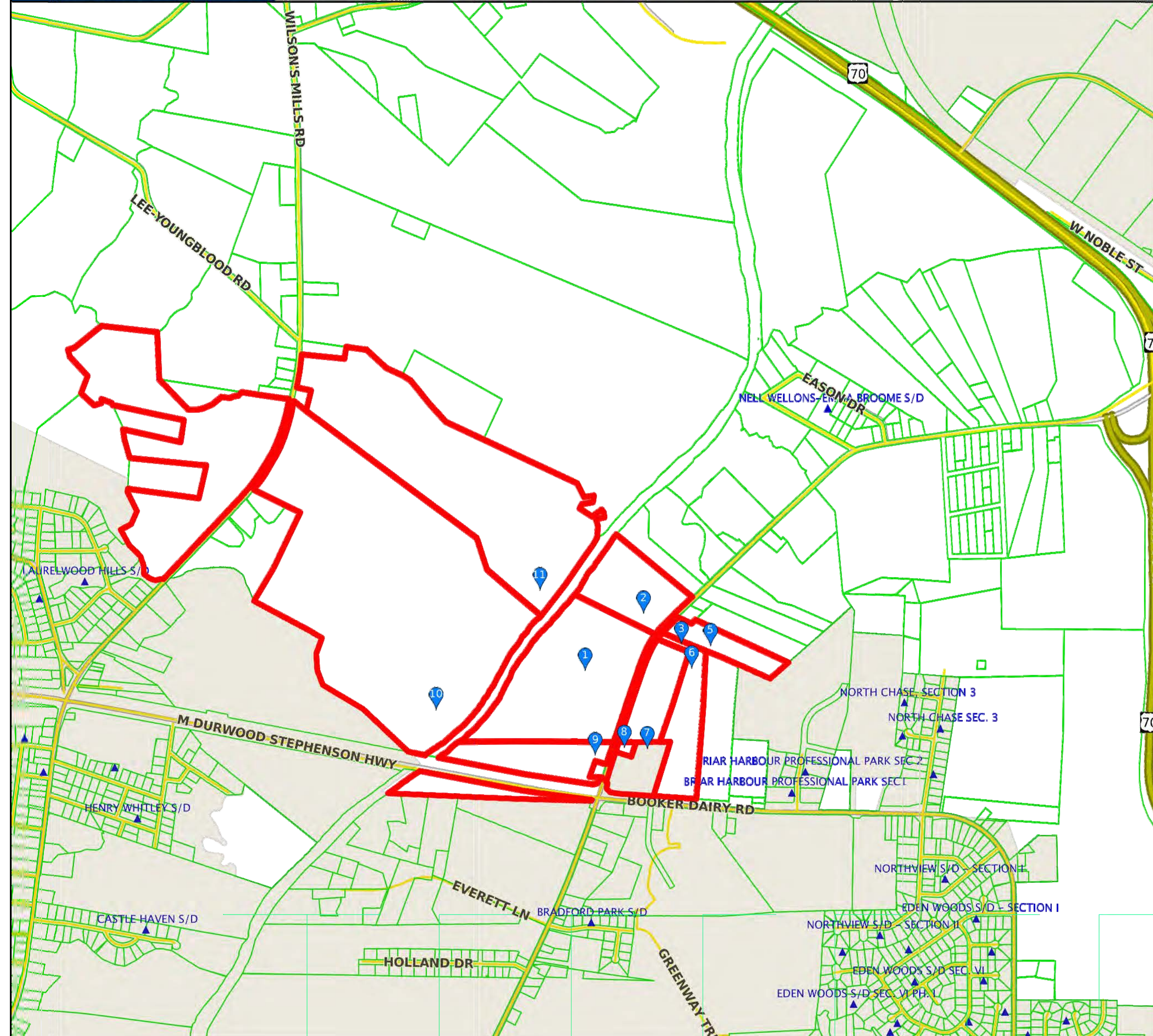
A&H **ADAMS & HODGE**
ENGINEERING, PC

BUFFALO ROAD TRACT
SMITHFIELD, JOHNSTON COUNTY, NC

EXISTING CONDITIONS

DESIGN: OCA
DRAWN: ADS
CHECKED: OCA
HORIZONTAL SCALE: SEE GRAPHIC SCALE
VERTICAL SCALE: N/A
DATE: 01/05/2018
JOB NO: AH-
SHEET

PD01



Result 1	Result 2
id: 14075013 Tag: 14075013 Tax Unique Id: 4680981 NCPin: 169520-80-0490 Mapsheet No: 169520 Owner Name 1: LEE, WILLIAM FRANK Owner Name 2: Mail Address 1: Mail Address 2: P O BOX 148 Mail Address 3: SMITHFIELD, NC 27577-0148 Site Address 1: 1899 BUFFALO RD Site Address 2: SMITHFIELD, NC 27577- Book: 03556 Page: 0084 Market Value: 384720 Assessed Acreage: 68 Calc. Acreage: 67.88 Sales Price: 1836000 Sale Date: 2008-06-03	id: 14075014 Tag: 14075014 Tax Unique Id: 4635034 NCPin: 169520-81-9389 Mapsheet No: 169520 Owner Name 1: TWISDALE, JOHN WYATT JR. Owner Name 2: TWISDALE, WYATT THOMAS Mail Address 1: 1616 NESFIELD PL Mail Address 2: Mail Address 3: RALEIGH, NC 27606-4608 Site Address 1: 2117 BUFFALO RD Site Address 2: SMITHFIELD, NC 27577- Book: 05021 Page: 0175 Market Value: 155980 Assessed Acreage: 18.8 Calc. Acreage: 19.574 Sales Price: 0 Sale Date: 2017-09-05

Result 3	Result 4
id: 14075020C Tag: 14075020C Tax Unique Id: 4678040 NCPin: 169520-90-4736 Mapsheet No: 169520 Owner Name 1: LEE, ANN FLOWERS Owner Name 2: Mail Address 1: 2172 BUFFALO RD Mail Address 2: Mail Address 3: SMITHFIELD, NC 27577-0000 Site Address 1: 2098 BUFFALO RD Site Address 2: SMITHFIELD, NC 27577- Book: 01179 Page: 0662 Market Value: 68260 Assessed Acreage: 1 Calc. Acreage: 0.85 Sales Price: 0 Sale Date: 1990-08-29	id: 14075020 Tag: 14075020 Tax Unique Id: 4719830 NCPin: 260503-00-1738 Mapsheet No: 260503 Owner Name 1: LEE, ANN FLOWERS Owner Name 2: Mail Address 1: 2172 BUFFALO RD Mail Address 2: Mail Address 3: SMITHFIELD, NC 27577-0000 Site Address 1: 2138 BUFFALO RD Site Address 2: SMITHFIELD, NC 27577- Book: 01179 Page: 0662 Market Value: 132400 Assessed Acreage: 9 Calc. Acreage: 9.02 Sales Price: 0 Sale Date: 1990-08-29

Result 5	Result 6
id: 14075020 Tag: 14075020 Tax Unique Id: 4719830 NCPin: 260503-00-1738 Mapsheet No: 260503 Owner Name 1: LEE, ANN FLOWERS Owner Name 2: Mail Address 1: 2172 BUFFALO RD Mail Address 2: Mail Address 3: SMITHFIELD, NC 27577-0000 Site Address 1: 2110 BUFFALO RD Site Address 2: SMITHFIELD, NC 27577- Book: 01179 Page: 0662 Market Value: 132400 Assessed Acreage: 9 Calc. Acreage: 9.02 Sales Price: 0 Sale Date: 1990-08-29	id: 14075021D Tag: 14075021D Tax Unique Id: 4678372 NCPin: 169408-99-6734 Mapsheet No: 169408 Owner Name 1: SILVA, RUTH M Owner Name 2: Mail Address 1: 12 HAZELWOOD CT Mail Address 2: Mail Address 3: SMITHFIELD, NC 27577-0000 Site Address 1: Site Address 2: Book: 04914 Page: 0256 Market Value: 53570 Assessed Acreage: 16.08 Calc. Acreage: 15.76 Sales Price: 0 Sale Date: 2017-02-22

Result 7
id: 14075021C Tag: 14075021C Tax Unique Id: 4706788 NCPin: 169408-99-0370 Mapsheet No: 169408 Owner Name 1: STATE EMPLOYEES CREDIT UNION Owner Name 2: Mail Address 1: Mail Address 2: PO BOX 26807 Mail Address 3: RALEIGH, NC 27611-6807 Site Address 1: 401 BOOKER DAIRY RD Site Address 2: SMITHFIELD, NC 27577- Book: 03969 Page: 0625 Market Value: 2844490 Assessed Acreage: 8.22 Calc. Acreage: 8.24 Sales Price: 1200000 Sale Date: 2011-04-04

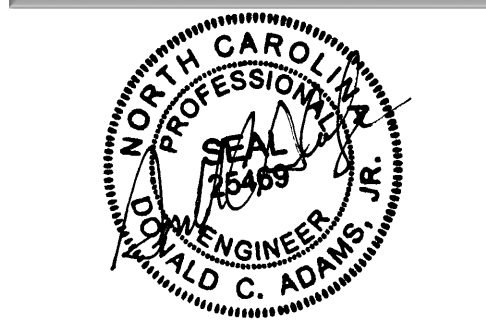
Result 8
id: 14075023 Tag: 14075023 Tax Unique Id: 4664606 NCPin: 169408-89-9524 Mapsheet No: 169408 Owner Name 1: LARRY B HILL REVOCABLE TRUST Owner Name 2: HILL, LARRY B TRUSTEE Mail Address 1: 2899 BUFFALO RD Mail Address 2: Mail Address 3: SMITHFIELD, NC 27577-0000 Site Address 1: 1812 BUFFALO RD Site Address 2: SMITHFIELD, NC 27577- Book: 03820 Page: 0980 Market Value: 76280 Assessed Acreage: 1 Calc. Acreage: 0.72 Sales Price: 0 Sale Date: 2010-03-10

Result 9
id: 14075012 Tag: 14075012 Tax Unique Id: 4681657 NCPin: 169408-79-7413 Mapsheet No: 169408 Owner Name 1: TWISDALE, JOHN W Owner Name 2: Mail Address 1: 1755 BUFFALO RD Mail Address 2: Mail Address 3: SMITHFIELD, NC 27577-7434 Site Address 1: 1791 BUFFALO RD Site Address 2: SMITHFIELD, NC 27577- Book: 01867 Page: 0707 Market Value: 194220 Assessed Acreage: 24.64 Calc. Acreage: 24.64 Sales Price: 0 Sale Date: 1999-09-09

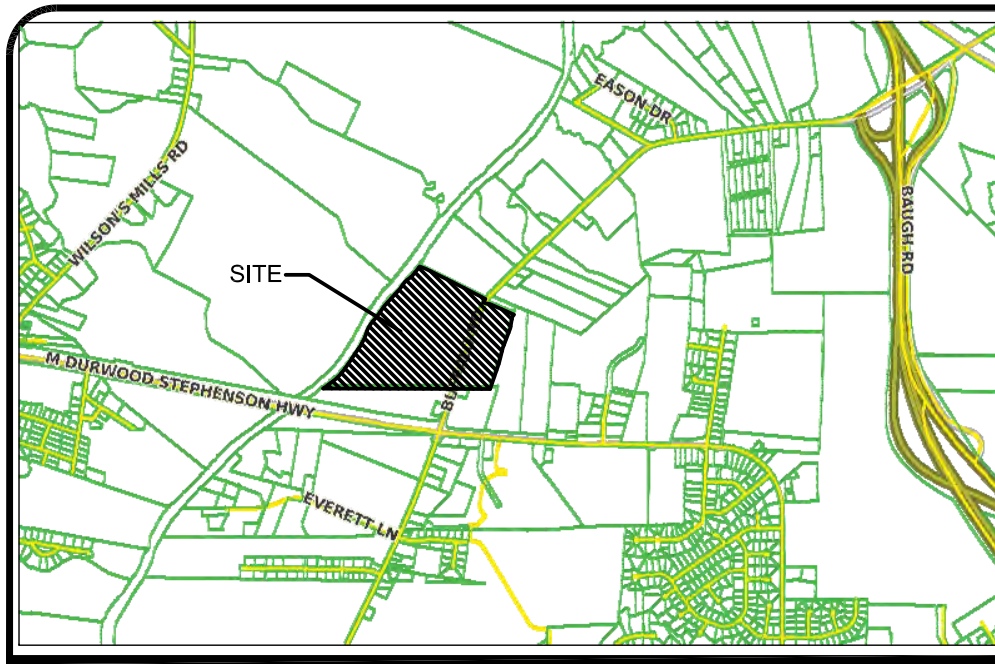
Result 10
id: 17K09008 Tag: 17K09008 Tax Unique Id: 4706043 NCPin: 169519-61-0427 Mapsheet No: 169519 Owner Name 1: WILSON 1995 FAMILY LIMITED PARTNERSHIP Owner Name 2: Mail Address 1: 101 E JOHNSTON ST Mail Address 2: Mail Address 3: SMITHFIELD, NC 27577-4559 Site Address 1: Site Address 2: Book: 04080 Page: 0790 Market Value: 715940 Assessed Acreage: 250.01 Calc. Acreage: 250.67 Sales Price: 0 Sale Date: 2012-02-15

Result 11
id: 17K09005 Tag: 17K09005 Tax Unique Id: 4632018 NCPin: 169500-62-8888 Mapsheet No: 1695 Owner Name 1: MELDIPH LLC Owner Name 2: Mail Address 1: 2123 WILLOW HILL LN Mail Address 2: Mail Address 3: CLAYTON, NC 27520 Site Address 1: Site Address 2: Book: 04573 Page: 0446 Market Value: 385930 Assessed Acreage: 101.8 Calc. Acreage: 101.64 Sales Price: 0 Sale Date: 2015-03-25

NOT RELEASED FOR CONSTRUCTION



REVISED
3:43 pm, Jan 05, 2018



VICINITY MAP
NO SCALE

SITE PLAN INFORMATION:

OWNER:	WILLIAM FRANK LEE PO BOX 148 SMITHFIELD, NC 27577
PARCEL IDENTIFICATION NUMBER:	14075013
NCPIN NUMBER:	169520-80-0490
TAX NUMBER:	4680981
PROPERTY SIZE (SF):	2,957,896 SF/67.90 ACS
TOTAL OPEN SPACE (SF):	1,246,251 SF/28.61 ACS
PROPERTY LOCATION:	INSIDE TOWN ETJ
EXISTING/PROPOSED ZONING:	R-8 (RUD)
OVERLAY DISTRICT:	WS-IV-PA
EXISTING USE:	AGRICULTURAL/RESIDENTIAL
PROPOSED USE:	RESIDENTIAL SINGLE-FAMILY DETACHED UNITS = 280 UNITS
PROPOSED USE:	RESIDENTIAL TOWNHOME UNITS = 35 UNITS
PROPOSED UNITS/LOTS:	315/315
PROPOSED DENSITY:	4.64 UNITS PER ACRE
EXISTING INTENSITY:	N/A
MAXIMUM IMPERVIOUS AREA:	70%
PROPOSED IMPERVIOUS AREA:	70%
BUILDING HEIGHT (NUMBER OF STORIES & FEET):	2 STORY BLDGS / 35'-0"
REQUIRED/PROPOSED PARKING (TOWNHOMES):	62 SPACES/70 SPACES
REQUIRED/PROPOSED PARKING (DETACHED):	560 SPACES/572 SPACES
REQUIRED/PROPOSED ACCESSIBLE PARKING (TOWNHOMES):	3 / 3 ACCESSIBLE SPACES
ELECTRIC PROVIDER:	TOWN OF SMITHFIELD
WATER PROVIDER:	TOWN OF SMITHFIELD
SEWER PROVIDER:	JOHNSTON COUNTY
ANTICIPATED DAILY WASTEWATER FLOW:	116,640 GPD

*THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN AND LAND USE BUFFER.

IMPERVIOUS AREA CALCULATIONS*

	TOTAL AREA (SQUARE FEET)	% OF TOTAL SITE	IMPERVIOUS AREA (SQUARE FEET)	% IMPERVIOUS AREA
RESIDENTIAL LOTS	1,193,171	40.34%	894,879	
RIGHT-OF-WAYS**	431,740	14.60%	327,740	
RIPARIAN BUFFERS & 100YR FLOOD PLAIN***	113,166	3.83%	50,000	
TOTAL OPEN SPACE****	1,219,646	41.24%	797,785	
TOTAL AREA	2,957,723	100.00%	2,070,404	70.00%

*NOTE: AREAS AND CALCULATIONS SHOWN ARE APPROXIMATE AS THIS IS A MASTER PLAN. ACTUAL ACREAGE WILL BE DETERMINED DURING THE MINOR SUBDIVISION/MINOR SITE PLAN APPLICATION SUBMITTAL PROCESS

**NOTE: RIGHTS-OF-WAY INCLUDES STREETS AND SIDEWALKS

***NOTE: RESOURCE CONSERVATION AREAS INCLUDE RIPARIAN BUFFER AREAS, OPEN WATER BODIES AND 100 YEAR FLOOD PLAIN

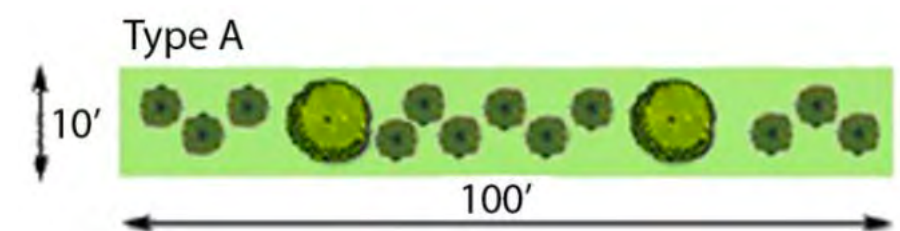
****NOTE: OPEN SPACE INCLUDES CLUBHOUSE, AMENITIES, GREENWAYS, INTERNAL SIDEWALKS, FEATURES IN PARKS PARKS, ACTIVE AND PASSIVE SPACES, ETC.

LEGEND:

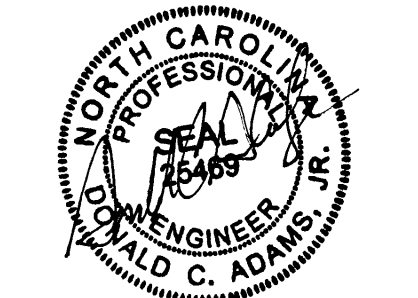
- OPEN SPACE
- SIDEWALKS
- 10' ASPHALT GREENWAY
- 100 YR FLOOD PLAIN
- RIPARIAN BUFFER AREA
- EXISTING POND
- PHASE LINE
- CANOPY TREE
- UNDERSTORY TREE
- SHRUBS



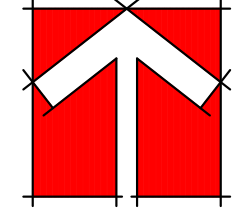
Type A Bufferyard Screening.
Minimum of 10 feet wide. For every 1,000 square feet, the screen shall consist of a combination of a minimum of 2 Canopy Trees and 12 Shrubs distributed evenly throughout the Bufferyard. (Shrubs shall be 3' minimum at planting and 6' minimum at maturity.)



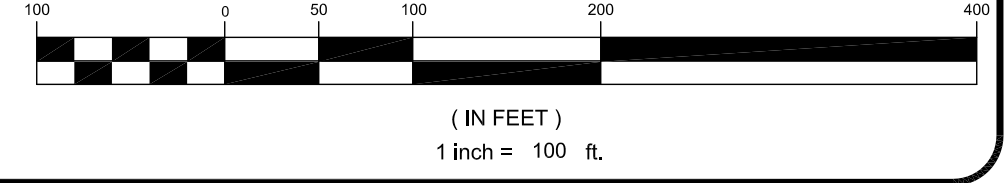
NOT RELEASED FOR CONSTRUCTION



REVISED
4:15 pm, Jan 05, 2018

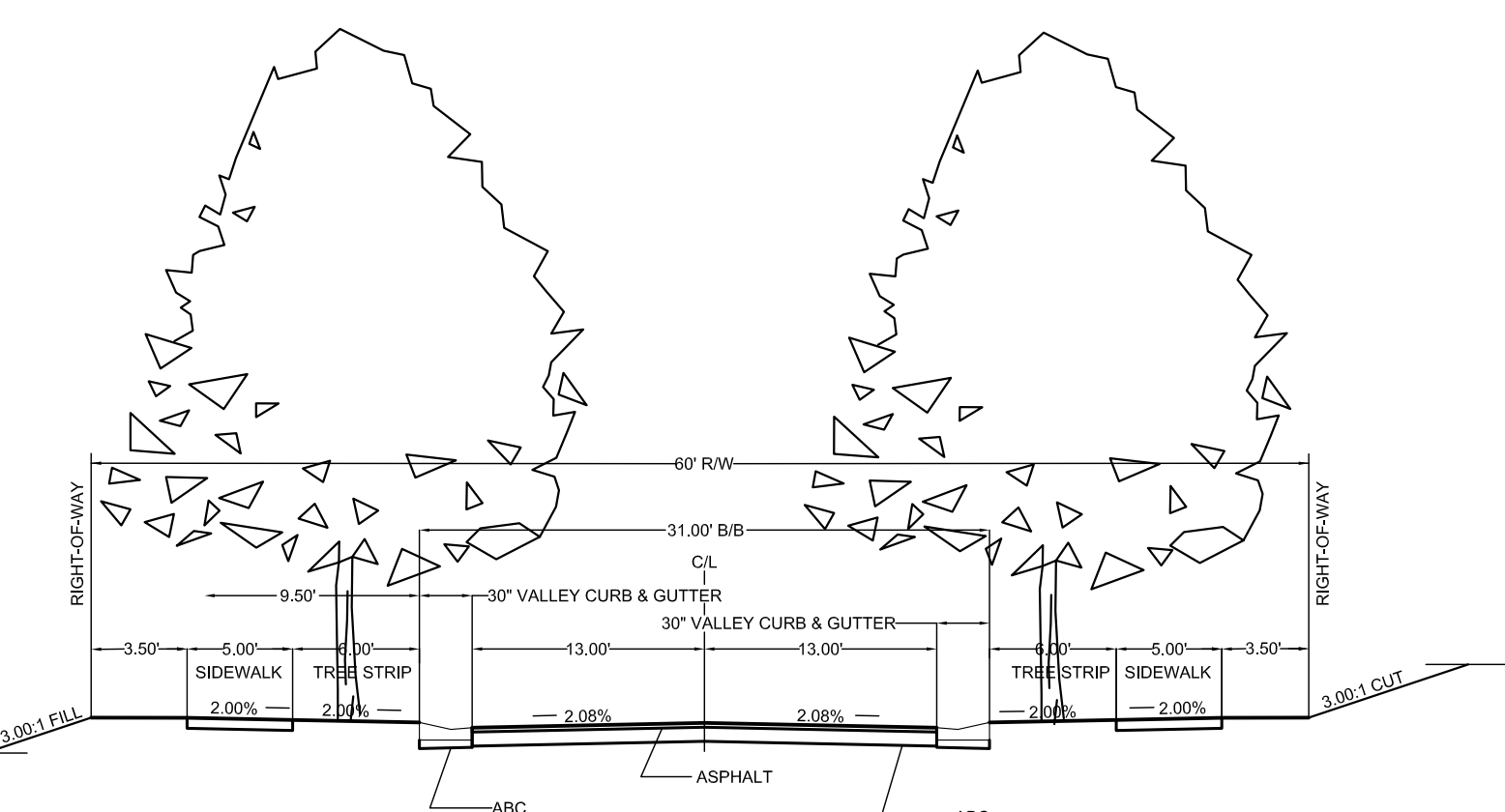


GRAPHIC SCALE

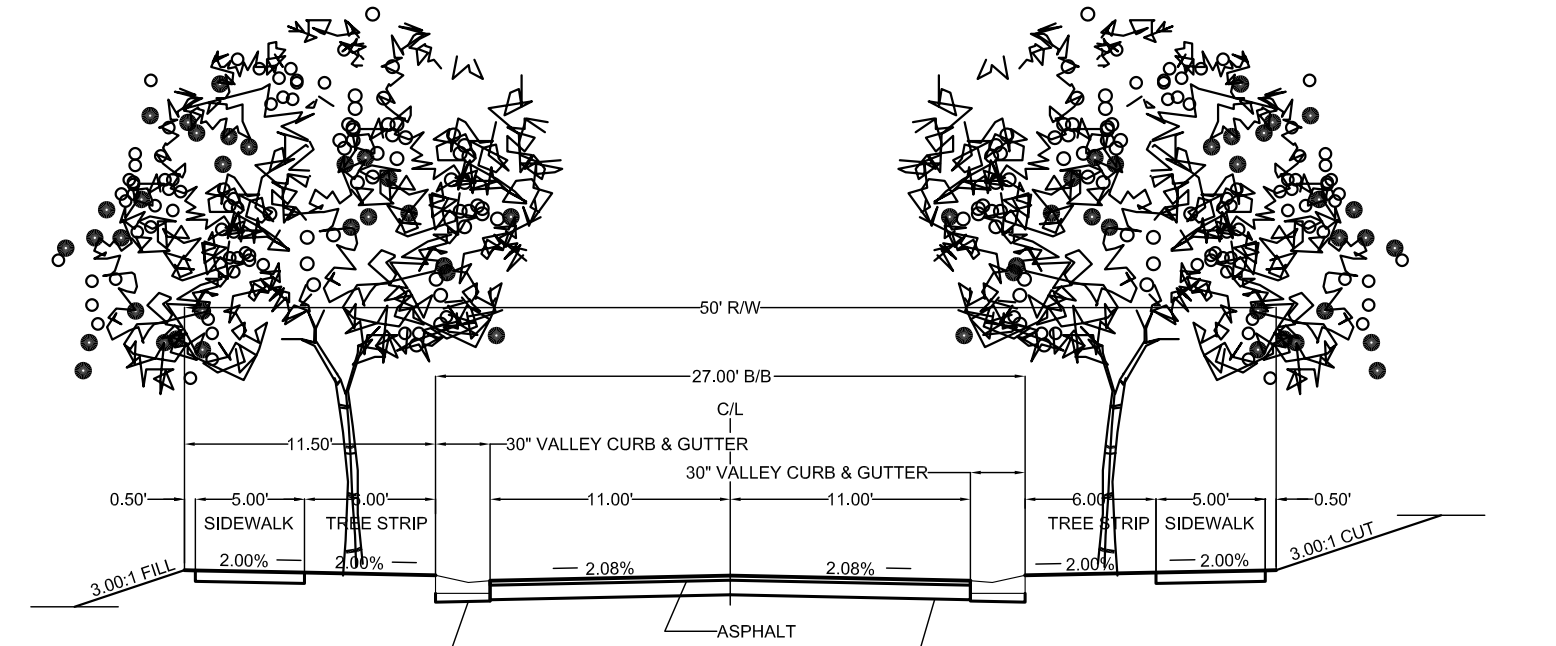


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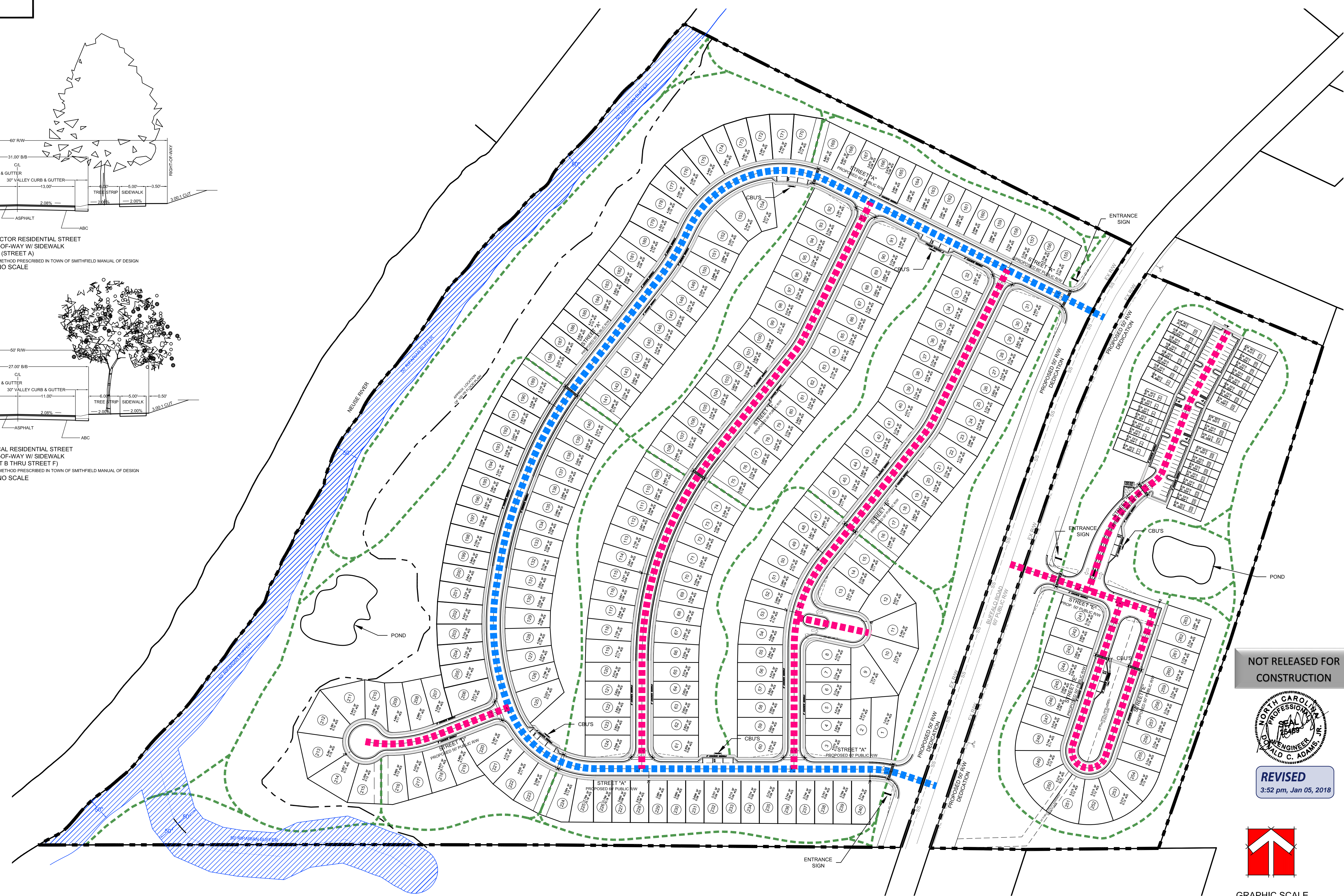
- COLLECTOR STREET
- RESIDENTIAL STREET
- SIDEWALKS
- 10' ASPHALT GREENWAY



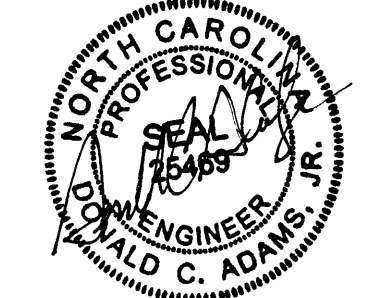
*PAVEMENT STRUCTURE TO BE DETERMINED BY METHOD PRESCRIBED IN TOWN OF SMITHFIELD MANUAL OF DESIGN
NO SCALE



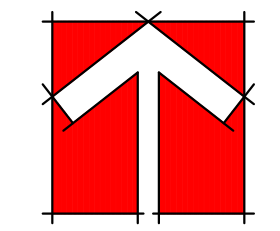
*PAVEMENT STRUCTURE TO BE DETERMINED BY METHOD PRESCRIBED IN TOWN OF SMITHFIELD MANUAL OF DESIGN
NO SCALE



NOT RELEASED FOR CONSTRUCTION



REVISED
3:52 pm, Jan 05, 2018



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

REVISIONS:
314 East Main Street
Clayton, NC 27520
dominic@adamsandhodge.com
919-243-1332
FIRM # C-187

ADAMS & HODGE
ENGINEERING, PC

BUFFALO ROAD TRACT
SMITHFIELD, JOHNSTON COUNTY, NC

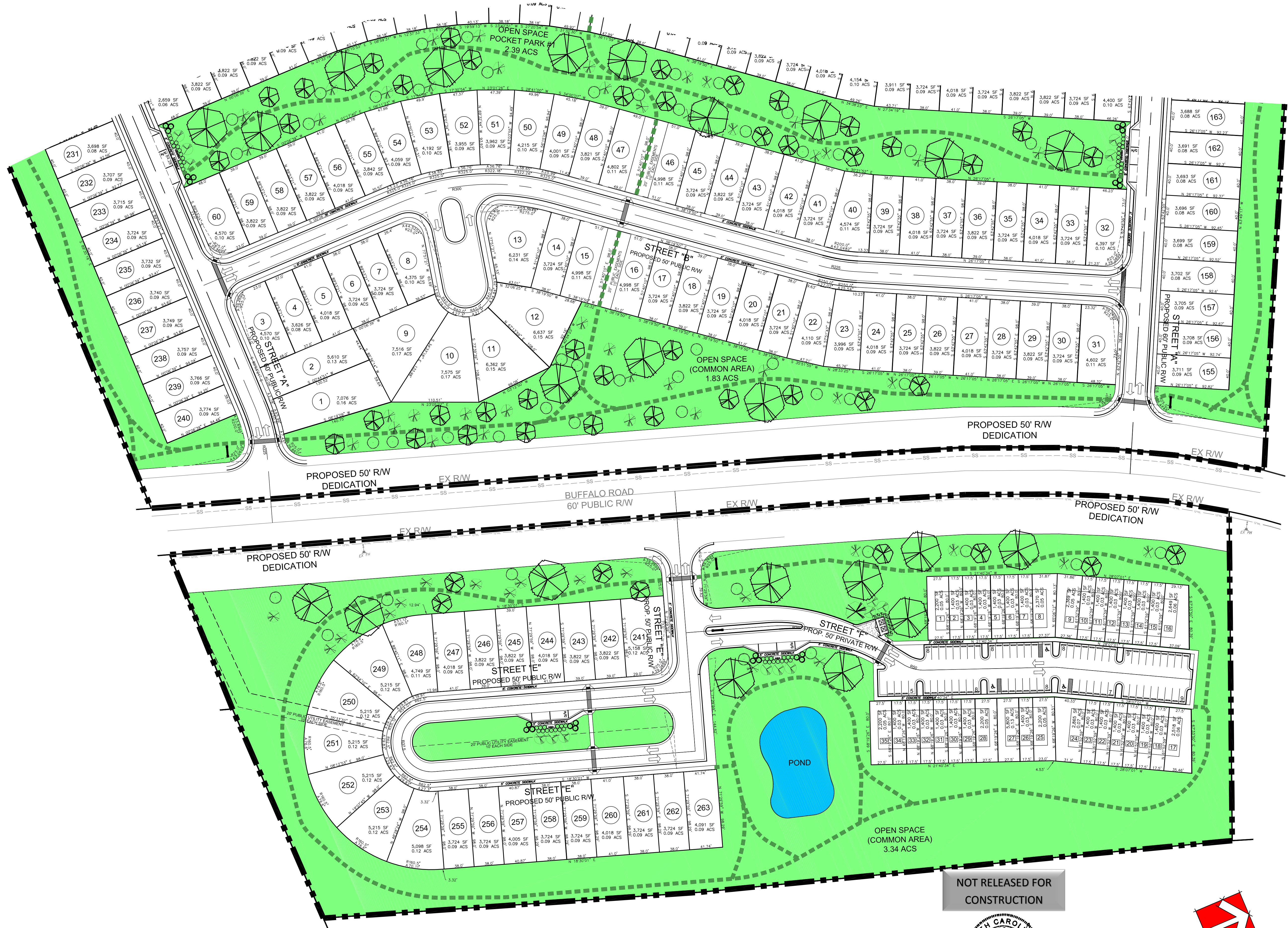
PEDESTRIAN & VEHICULAR ROUTING

DESIGN: DCA
DRAWN: ADS
CHECKED: DCA
HORIZONTAL SCALE: SEE GRAPHIC SCALE
VERTICAL SCALE: N/A
DATE: 01/05/2018
JOB NO: AH-
SHEET

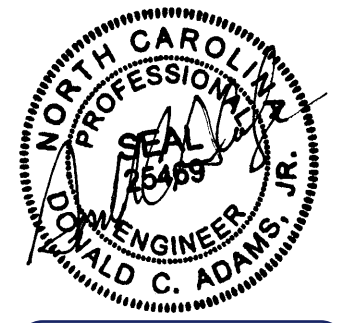
PD04

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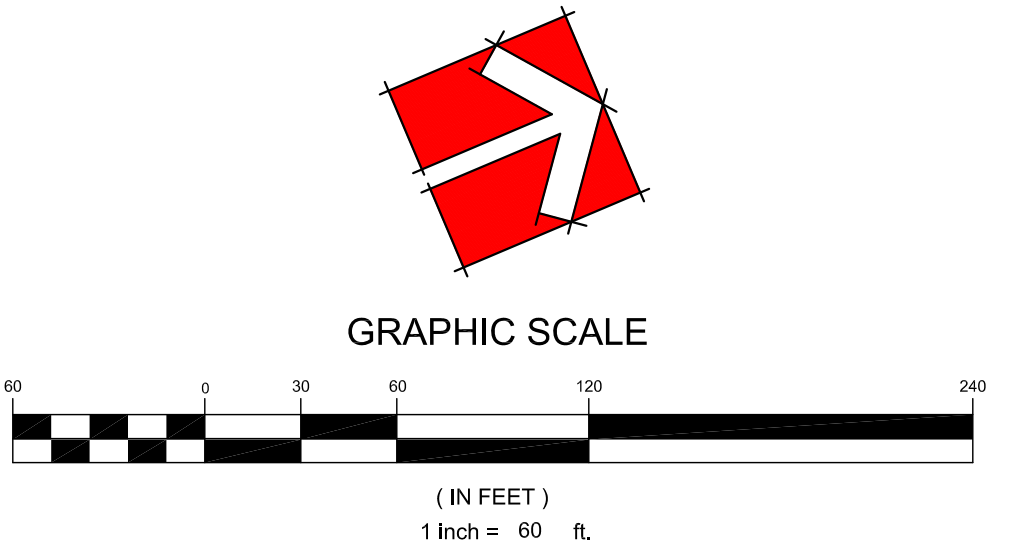
- OPEN SPACE
- SIDEWALKS
- 10' ASPHALT GREENWAY
- 100 YR FLOOD PLAIN
- RIPARIAN BUFFER AREA
- EXISTING POND
- PHASE LINE
- CANOPY TREE
- UNDERSTORY TREE
- SHRUBS



NOT RELEASED FOR CONSTRUCTION



REVISED
3:58 pm, Jan 05, 2018



314 East Main Street
Clayton, NC 27520
dominic@adamsandhodge.com
919-243-1332
FIRM # C-187

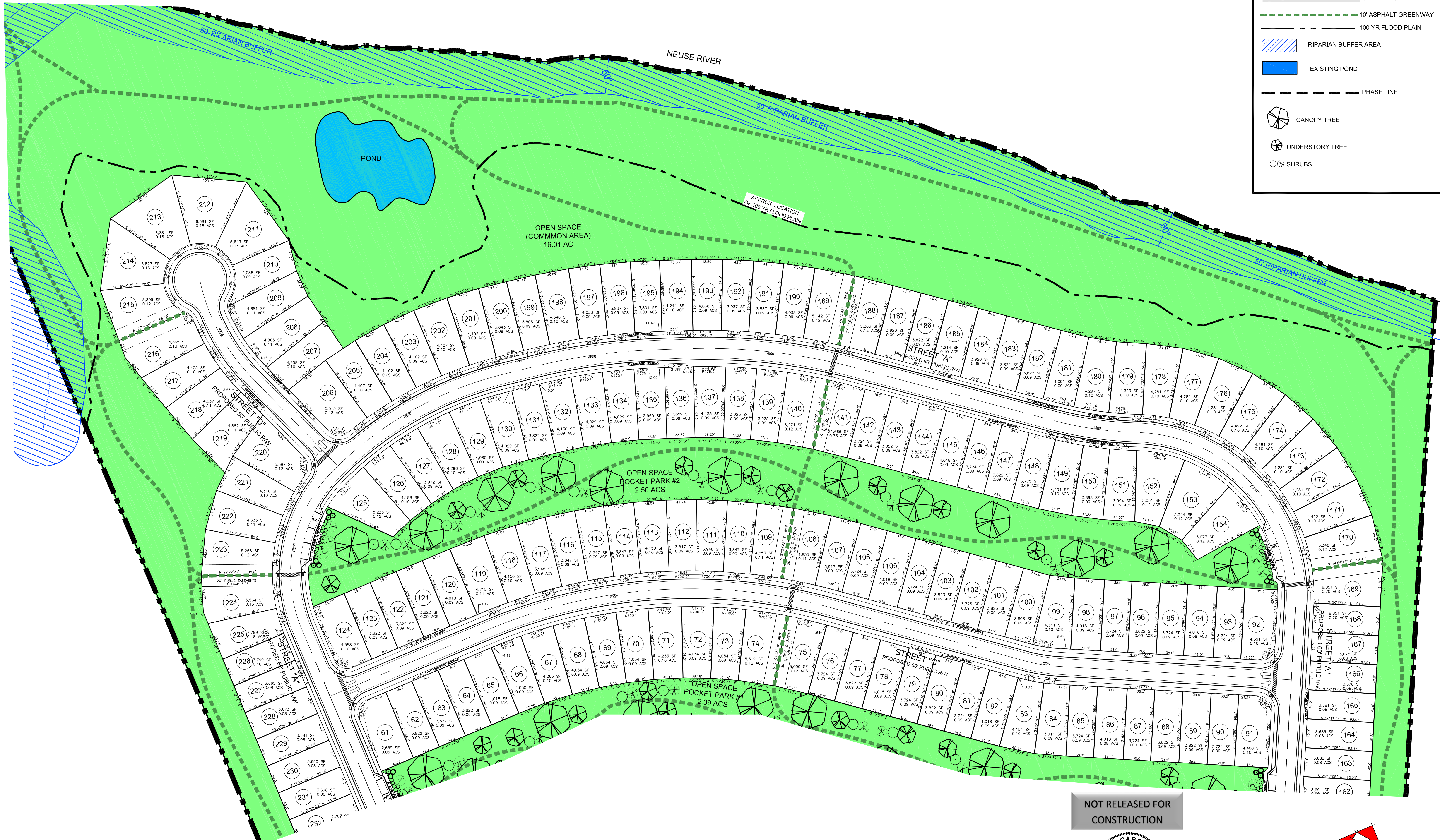
ADAMS & HODGE
ENGINEERING, PC

A&H
BUFFALO ROAD TRACT
SMITHFIELD, JOHNSTON COUNTY, NC

SITE PLAN - 1

DESIGN: OCA
DRAWN: ADS
CHECKED: OCA
HORIZONTAL SCALE: SEE GRAPHIC SCALE
VERTICAL SCALE: N/A
DATE: 01/05/2018
JOB NO: AH-
SHEET

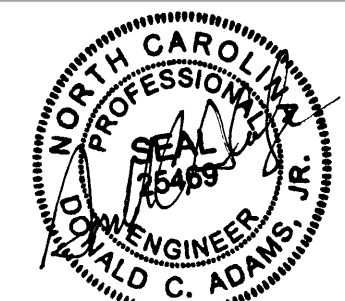
PD05



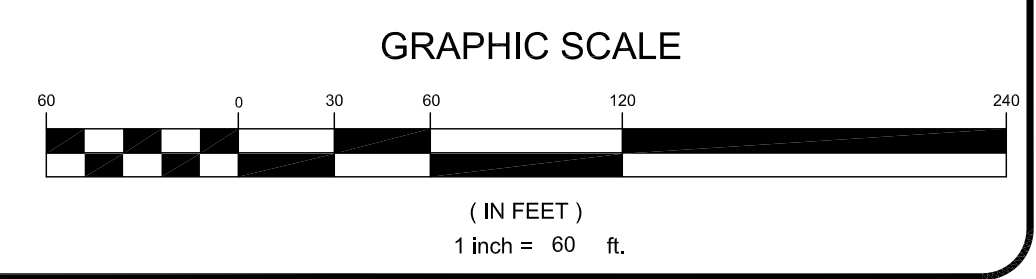
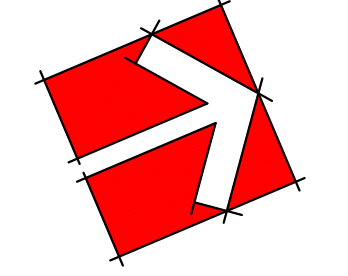
LEGEND:

- OPEN SPACE (ACTIVE/PASSIVE)
- SIDEWALKS
- 10' ASPHALT GREENWAY
- 100 YR FLOOD PLAIN
- RIPARIAN BUFFER AREA
- EXISTING POND
- PHASE LINE
- CANOPY TREE
- UNDERSTORY TREE
- SHRUBS

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REVISED
4:01 pm, Jan 05, 2018



314 East Main Street
Clayton, NC 27520
dominic@adamsandhodge.com
919-243-1332
FIRM # C-187

ADAMS & HODGE
ENGINEERING, P.C.

BUFFALO ROAD TRACT
SMITHFIELD, JOHNSTON COUNTY, NC

SITE PLAN - 2

DESIGN: DCA
DRAWN: ADS
CHECKED: DCA
HORIZONTAL SCALE: SEE GRAPHIC SCALE
VERTICAL SCALE: N/A
DATE: 01/05/2018
JOB NO: AH-
SHEET

PD06

WATER SYSTEM PROJECT SUMMARY:

1. THERE ARE 35 SINGLE FAMILY TOWNHOME LOTS AND 280 SINGLE FAMILY HOME LOTS SERVED BY THIS WATER SYSTEM EXTENSION.
2. THE LENGTHS AND SIZES OF WATER MAIN EXTENSIONS ARE AS FOLLOWS:
±7770 LF OF 6" PVC MAIN

SEWER SYSTEM PROJECT SUMMARY:

1. THERE ARE 35 SINGLE FAMILY TOWNHOME LOTS AND 280 SINGLE FAMILY LOTS SERVED BY THIS GRAVITY SEWER SYSTEM EXTENSION.
2. THE LENGTHS AND SIZES OF SEWER MAIN EXTENSIONS ARE AS FOLLOWS:
± 7307 LF OF 8" PVC MAIN

STREET SUMMARY:

1. THE TOTAL LINEAR OF STREETS:
±7753 LF

NOTES:

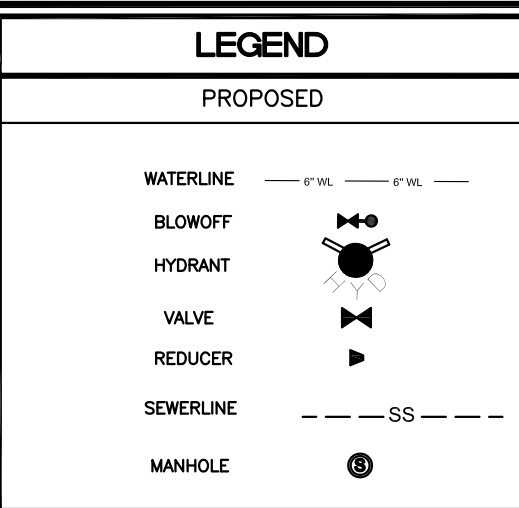
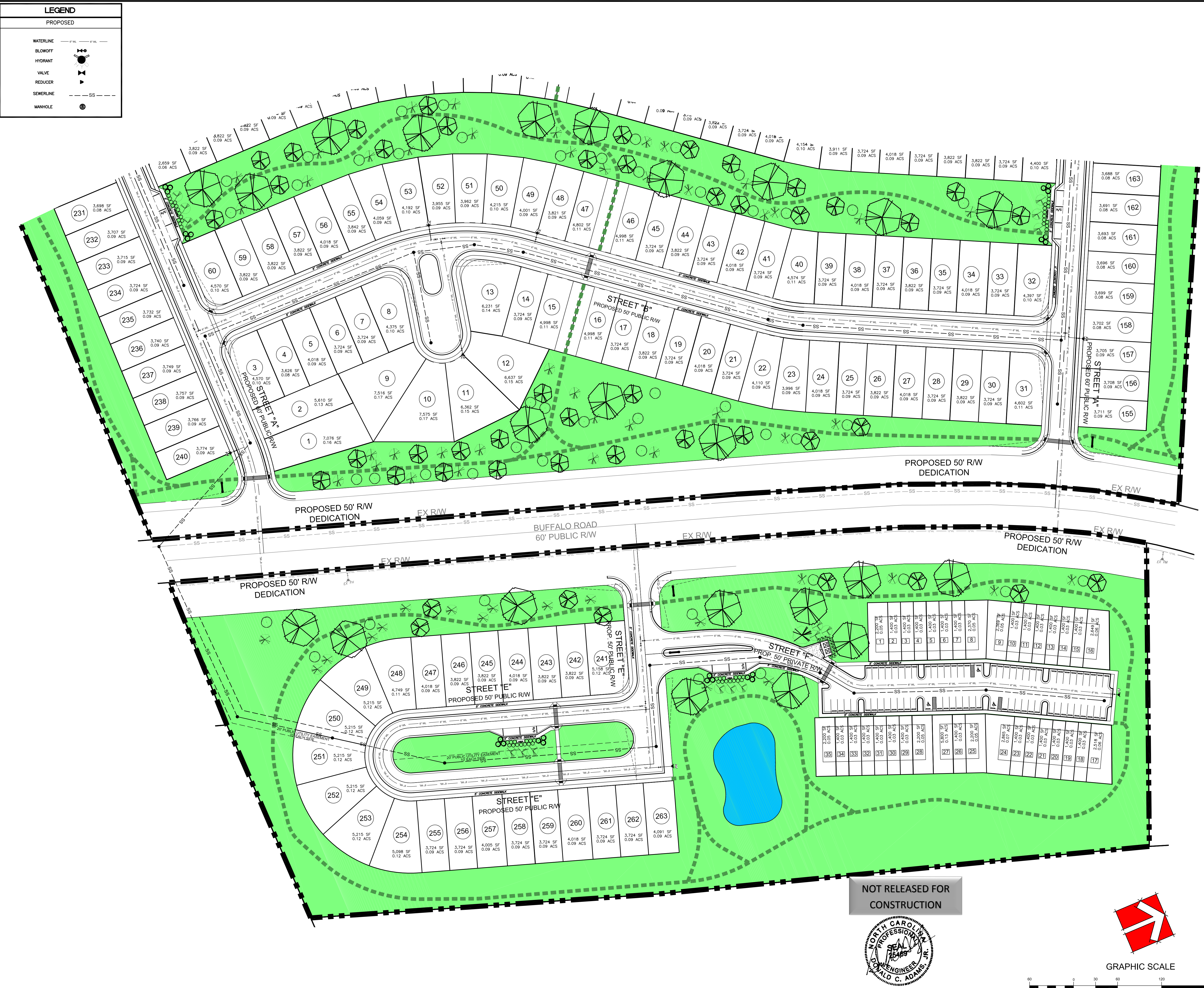
1. ALL PUBLIC WATER AND SEWER UTILITY MATERIALS AND METHODS OF INSTALLATION TO BE IN ACCORDANCE WITH TOWN OF SMITHFIELD STANDARDS AND SPECIFICATIONS AND MEET APPLICABLE NC PLUMBING CODES.
2. CONTRACTOR SHALL CALL NC CALL ONE AT 1-800-632-4949 TO VERIFY LOCATION OF EXISTING SERVICES BEFORE BEGINNING CONSTRUCTION.
3. CONTRACTOR SHALL REPAIR ALL AREAS DISTURBED TO THEIR ORIGINAL CONDITIONS. THIS INCLUDES ANY EXISTING UTILITY DAMAGE AND REPAIR OF ANY PAVEMENT, WALKWAYS, OR STRUCTURAL ITEMS, INCLUDING BUT NOT LIMITED TO: WATER, SEWER, ELECTRIC, GAS, IRRIGATION, CATV, FIBER OPTIC, TELEPHONE, LANDSCAPING, PAVEMENT, SIDEWALKS AND CURB & GUTTER.
4. INTERNAL SIDEWALKS TO BE INSTALLED BY BUILDER
5. ALL ACCESS TO OUTFALL WATER AND SEWER EASEMENTS SHALL HAVE A MAXIMUM SLOPE OF 4:1(H:V) AND A MAXIMUM CROSS SLOPE OF 4%.
6. OWNERSHIP AND MAINTENANCE FOR PERMANENT STORM WATER FACILITIES TO BE IN ACCORDANCE WITH TOWN OF SMITHFIELD REQUIREMENTS. +

NOTE:

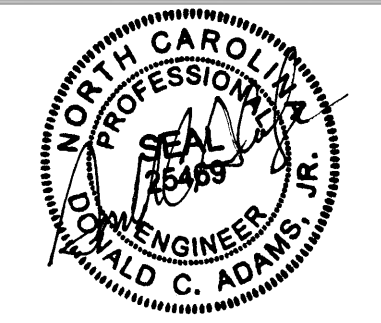
A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR WATER, SEWER, EROSION CONTROL, GRADING AND STREET EXTENSION TO BE SUBMITTED TO AND APPROVED BY TOWN'S ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.

NOTE:

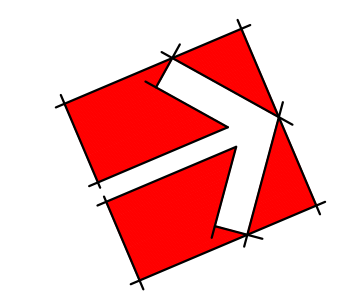
ALL VEGETATION THAT IS TO REMAIN WILL BE DELINEATED AND PRIOR TO GRADING WILL BE SEPARATED FROM CONSTRUCTION AREAS WITH ORANGE FENCING AND WILL BE SIGNED AS "TREE PROTECTION AREA"



NOT RELEASED FOR CONSTRUCTION



REVISED
4:03 pm, Jan 05, 2018



GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

REVISIONS:
314 East Main Street
Clayton, NC 27520
dominic@adamsandhodge.com
919-243-1332
FIRM # C-187

ADAMS & HODGE
ENGINEERING, PC

BUFFALO ROAD TRACT
SMITHFIELD, JOHNSTON COUNTY, NC

UTILITY PLAN - 1

DESIGN: DCA
DRAWN: ADS
CHECKED: DCA
HORIZONTAL SCALE: SEE GRAPHIC SCALE
VERTICAL SCALE: N/A
DATE: 01/05/2018
JOB NO: AH-
SHEET

PD07

LEGEND

PROPOSED

WATERLINE --- F.W. --- F.W. ---

BLOWOFF --- B.O. ---

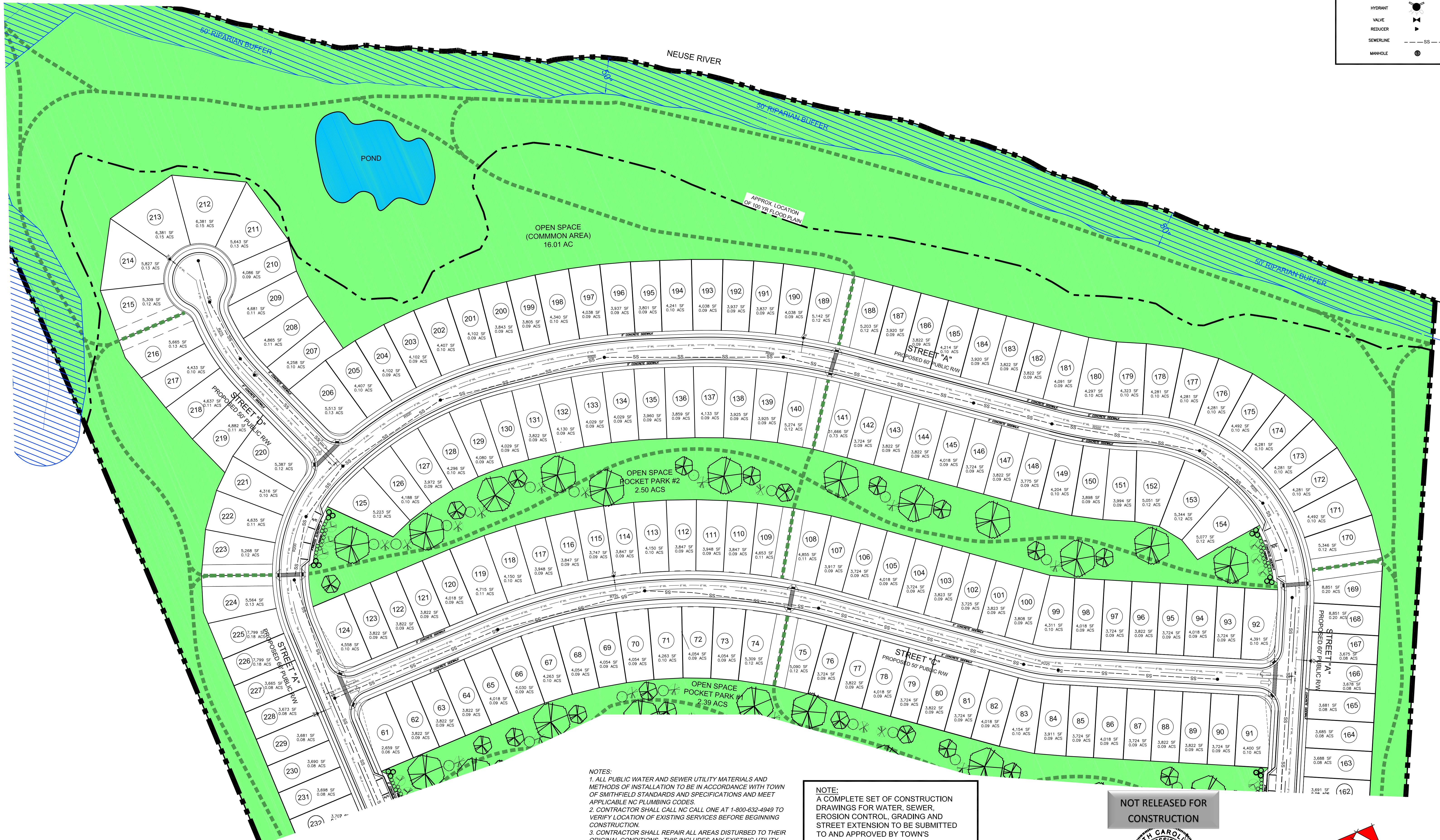
HYDRANT --- H. ---

VALVE --- V. ---

REDUCER --- R. ---

SEWERLINE --- S.S. ---

MANHOLE --- M.H. ---



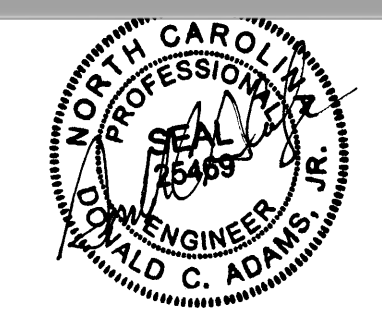
NOTES:

1. ALL PUBLIC WATER AND SEWER UTILITY MATERIALS AND METHODS OF INSTALLATION TO BE IN ACCORDANCE WITH TOWN OF SMITHFIELD STANDARDS AND SPECIFICATIONS AND MEET APPLICABLE NC PLUMBING CODES.
2. CONTRACTOR SHALL CALL NC CALL ONE AT 1-800-632-4949 TO VERIFY LOCATION OF EXISTING SERVICES BEFORE BEGINNING CONSTRUCTION.
3. CONTRACTOR SHALL REPAIR ALL AREAS DISTURBED TO THEIR ORIGINAL CONDITIONS. THIS INCLUDES ANY EXISTING UTILITY DAMAGE AND REPAIR OF ANY PAVEMENT, WALKWAYS, OR STRUCTURAL ITEMS. INCLUDING BUT NOT LIMITED TO: WATER, SEWER, ELECTRIC, GAS, IRRIGATION, CATV, FIBER OPTIC, TELEPHONE, LANDSCAPING, PAVEMENT, SIDEWALKS AND CURB & GUTTER.
4. INTERNAL SIDEWALKS TO BE INSTALLED BY BUILDER
5. ALL ACCESS TO OUTFALL WATER AND SEWER EASEMENTS SHALL HAVE A MAXIMUM SLOPE OF 4:1(H:V) AND A MAXIMUM CROSS SLOPE OF 4%.
6. OWNERSHIP AND MAINTENANCE FOR PERMANENT STORM WATER FACILITIES TO BE IN ACCORDANCE WITH TOWN OF SMITHFIELD REQUIREMENTS.+

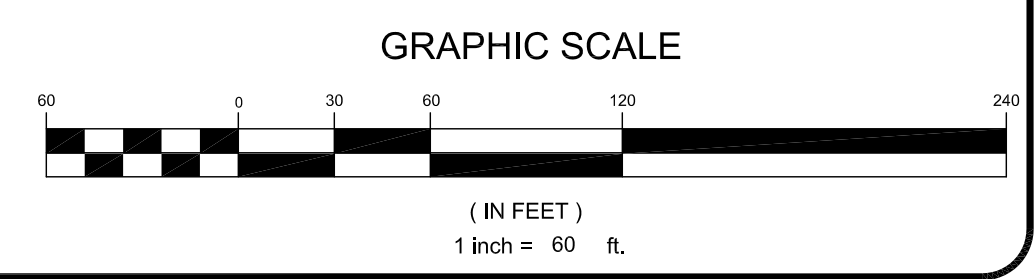
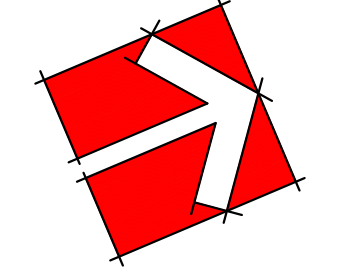
NOTE:
A COMPLETE SET OF CONSTRUCTION DRAWINGS FOR WATER, SEWER, EROSION CONTROL, GRADING AND STREET EXTENSION TO BE SUBMITTED TO AND APPROVED BY TOWN'S ENGINEERING DEPARTMENT PRIOR TO CONSTRUCTION.

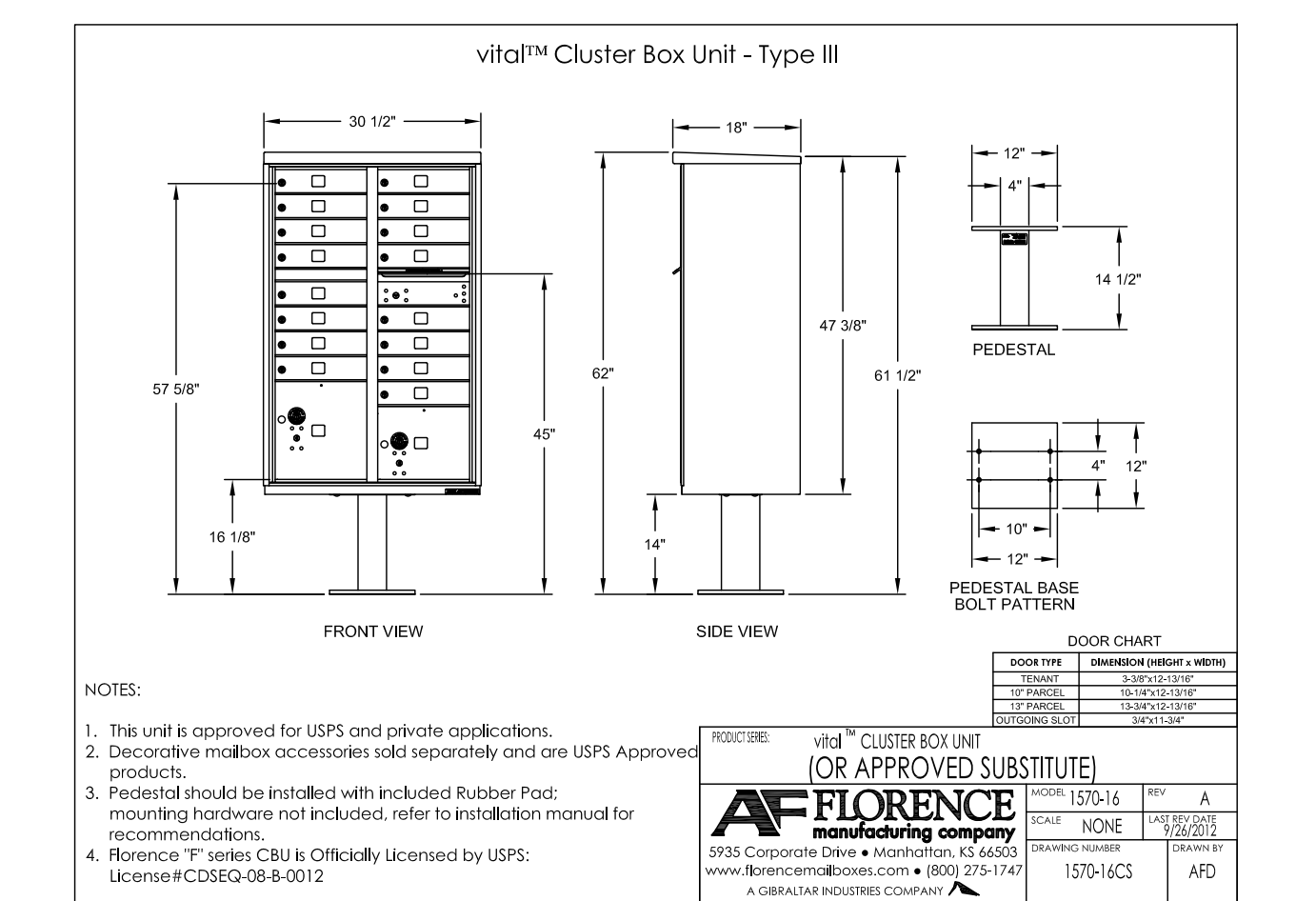
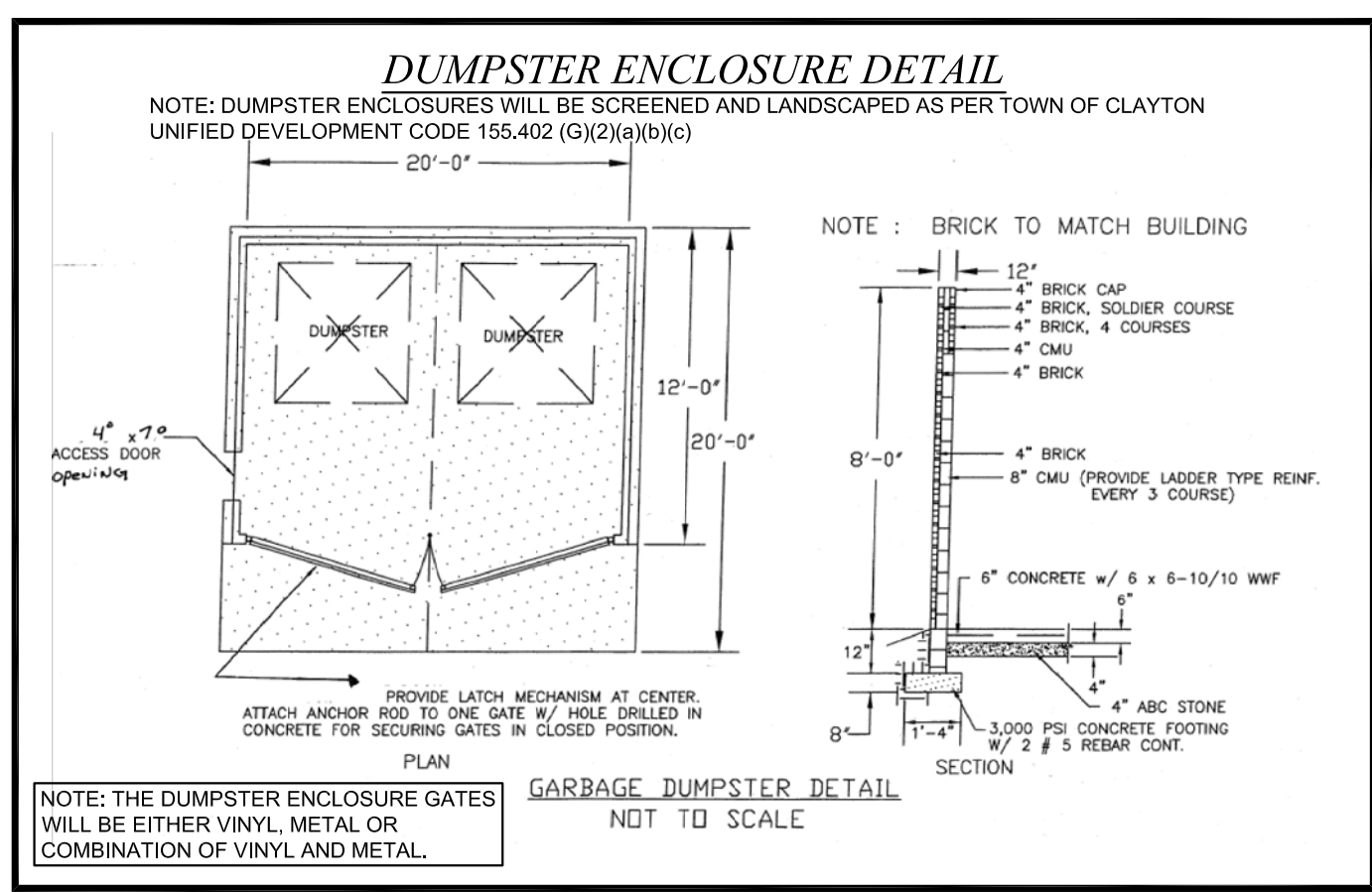
NOTE:
ALL VEGETATION THAT IS TO REMAIN WILL BE DELINEATED AND PRIOR TO GRADING WILL BE SEPARATED FROM CONSTRUCTION AREAS WITH ORANGE FENCING AND WILL BE SIGNED AS "TREE PROTECTION AREA"

NOT RELEASED FOR CONSTRUCTION

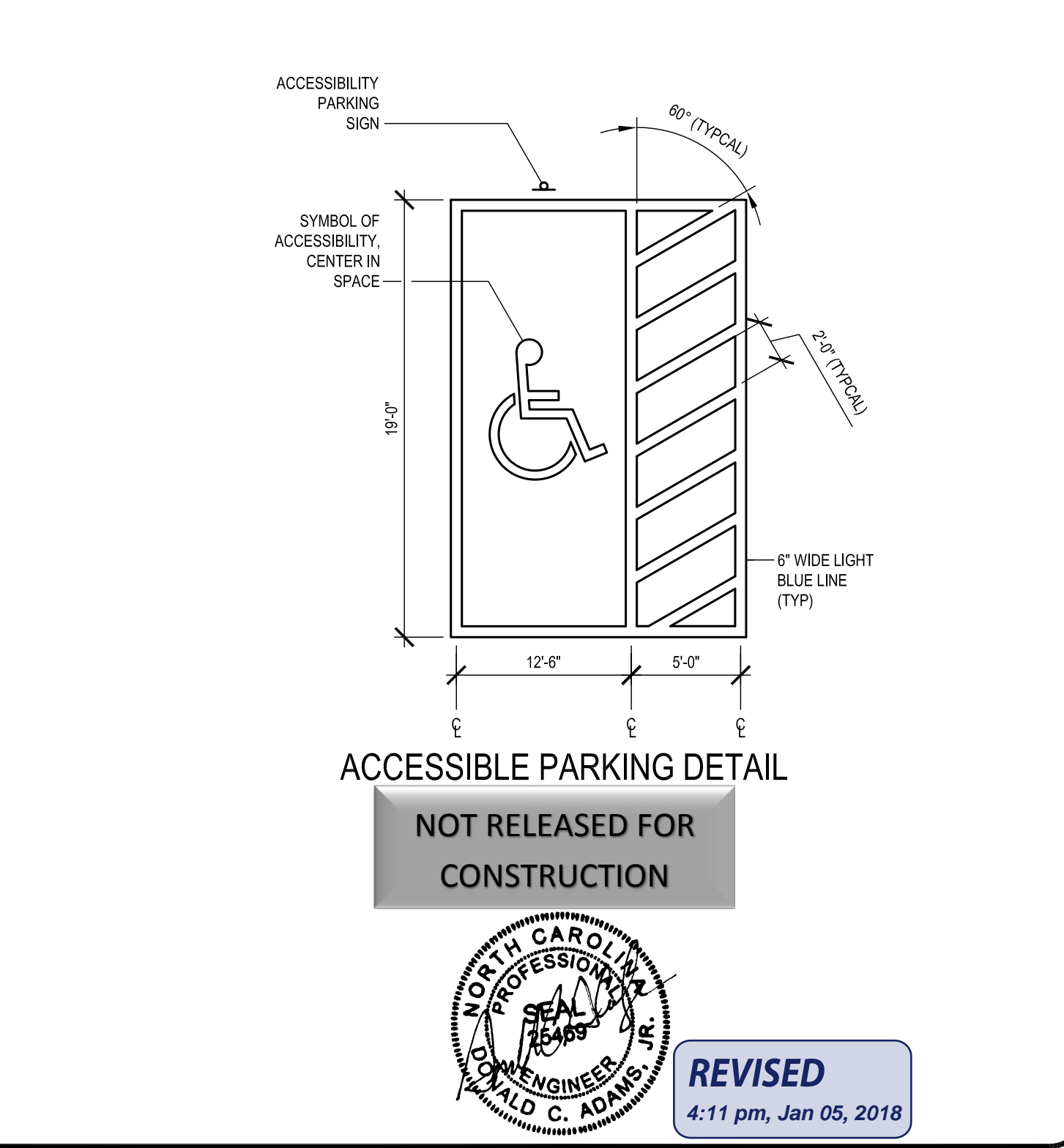
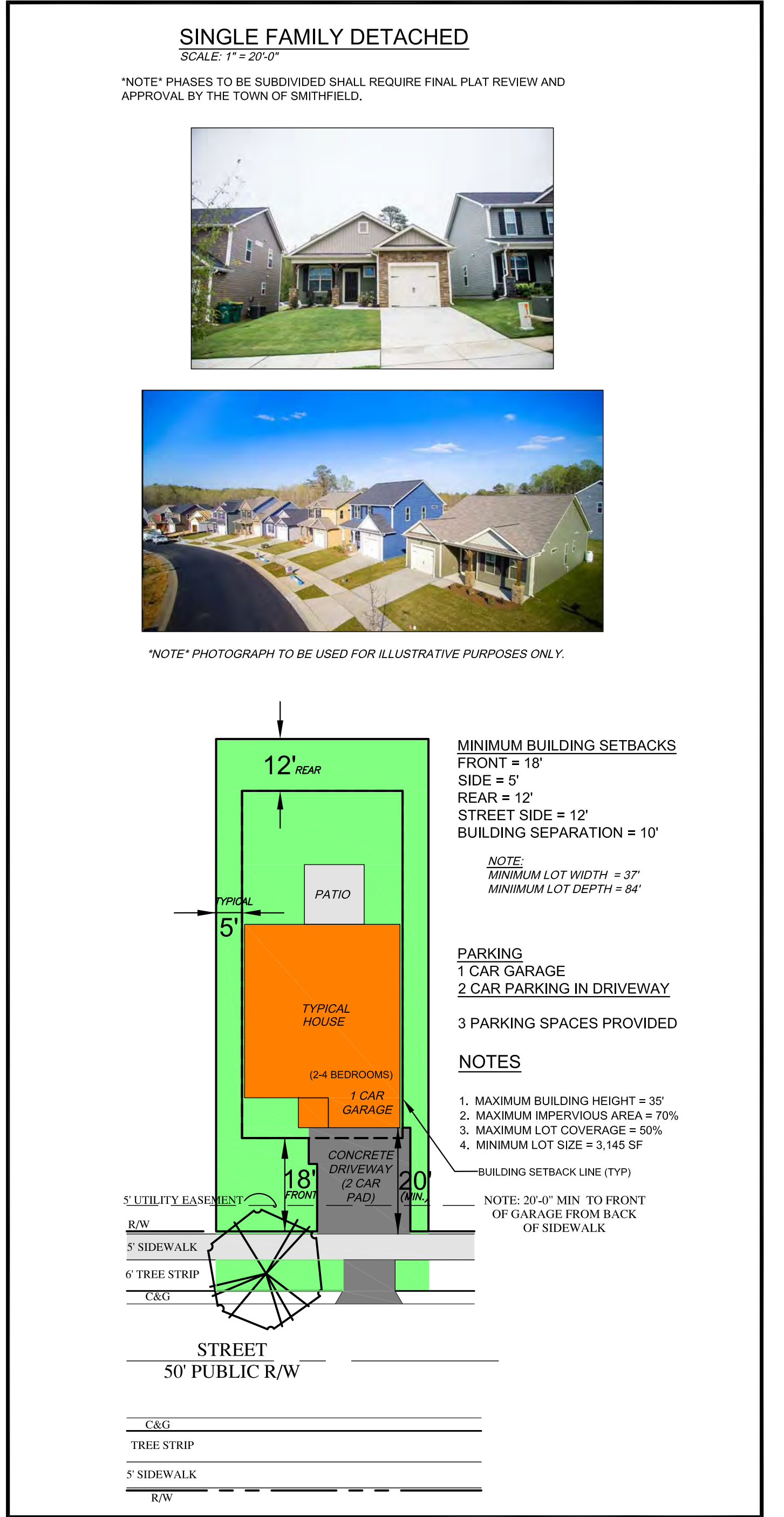
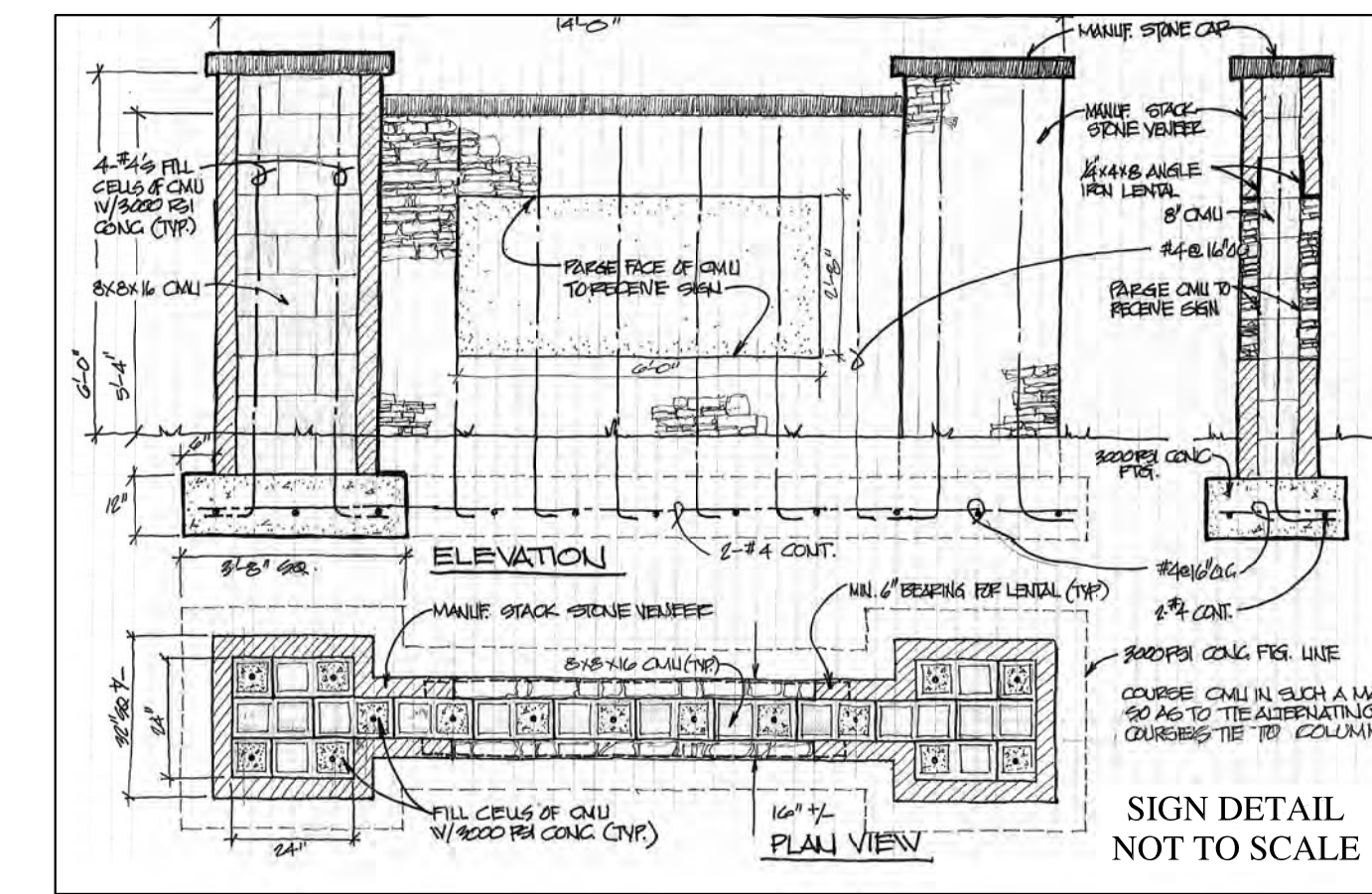


REVISED
4:06 pm, Jan 05, 2018





CLUSTER MAILBOX UNIT
NOT TO SCALE



Buffalo Road Tract - Smithfield, North Carolina

January 05, 2018

SAM'S BRANCH
DEVELOPMENT



1/5/2018



SITE PLAN INFORMATION:

OWNER:	WILLIAM FRANK LEE PO BOX 148 SMITHFIELD, NC 27577
PARCEL IDENTIFICATION NUMBER:	14075013
NCPIN NUMBER:	169520-80-0490
TAX NUMBER:	4680981
PROPERTY SIZE (SF):	2,957,896 SF/67.90 ACS
TOTAL OPEN SPACE (SF):	1,246,251 SF/28.61 ACS
PROPERTY LOCATION:	INSIDE TOWN ETJ
EXISTING/PROPOSED ZONING:	R-8 (PUD)
OVERLAY DISTRICT:	WS-IV-PA
EXISTING USE:	AGRICULTURAL/RESIDENTIAL
PROPOSED USE:	RESIDENTIAL SINGLE-FAMILY DETACHED UNITS = 280 UNITS
PROPOSED USE:	RESIDENTIAL TOWNHOME UNITS = 35 UNITS
PROPOSED UNITS/LOTS:	315/315
PROPOSED DENSITY:	4.64 UNITS PER ACRE
EXISTING INTENSITY:	N/A
MAXIMUM IMPERVIOUS AREA:	70%
PROPOSED IMPERVIOUS AREA:	70%
BUILDING HEIGHT (NUMBER OF STORIES & FEET):	2 STORY BLDGS / 35'-0"
REQUIRED/PROPOSED PARKING (TOWNHOMES):	62 SPACES/70 SPACES
REQUIRED/PROPOSED PARKING (DETACHED):	560 SPACES/572 SPACES
REQUIRED/PROPOSED ACCESSIBLE PARKING (TOWNHOMES):	3 / 3 ACCESSIBLE SPACES
ELECTRIC PROVIDER:	TOWN OF SMITHFIELD
WATER PROVIDER:	TOWN OF SMITHFIELD
SEWER PROVIDER:	JOHNSTON COUNTY
ANTICIPATED DAILY WASTEWATER FLOW:	116,640 GPD

*THE DEVELOPER WILL BE RESPONSIBLE FOR THE REPLACEMENT OF ANY DAMAGED TREES WITHIN AND LAND USE BUFFER.

IMPERVIOUS AREA CALCULATIONS*				
	TOTAL AREA (SQUARE FEET)	% OF TOTAL SITE	IMPERVIOUS AREA (SQUARE FEET)	% IMPERVIOUS AREA
RESIDENTIAL LOTS	1,193,171	40.34%	894,879	
RIGHT-OF-WAYS**	431,740	14.60%	327,740	
RIPARIAN BUFFERS & 100YR FLOOD PLAIN***	113,166	3.83%	50,000	
TOTAL OPEN SPACE****	1,219,646	41.24%	797,785	
TOTAL AREA	2,957,723	100.00%	2,070,404	70.00%

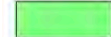









*NOTE: AREAS AND CALCULATIONS SHOWN ARE APPROXIMATE AS THIS IS A MASTER PLAN. ACTUAL ACREAGE WILL BE DETERMINED DURING THE MINOR SUBDIVISION/MINOR SITE PLAN APPLICATION SUBMITTAL PROCESS

**NOTE: RIGHTS-OF-WAY INCLUDES STREETS AND SIDEWALKS

***NOTE: RESOURCE CONSERVATION AREAS INCLUDE RIPARIAN BUFFER AREAS, OPEN WATER BODIES AND 100 YEAR FLOOD PLAIN

****NOTE: OPEN SPACE INCLUDES CLUBHOUSE, AMENITIES, GREENWAYS, INTERNAL SIDEWALKS, FEATURES IN PARKS PARKS, ACTIVE AND PASSIVE SPACES, ETC.

LEGEND:

-  OPEN SPACE
-  SIDEWALKS
-  10' ASPHALT GREENWAY
-  100 YR FLOOD PLAIN
-  RIPARIAN BUFFER AREA
-  EXISTING POND
-  PHASE LINE
-  CANOPY TREE
-  UNDERSTORY TREE
-  SHRUBS



CONDITIONS OF APPROVAL

This is a master plan for the PUD. As such, there are several detailed engineering and design requirements that are not intended to be addressed by this master plan. All applicable items associated with a typical subdivision/site plan will be provided during the subdivision/construction plan review process and are accepted by the developer as "Conditions of Approval" for this master plan. These items may include but are not limited to utility plan, landscaping, lighting, tree preservation, voluntary

Project Narrative:

The Buffalo Road Tract is a Planned Unit Development with a neighborhood form established by a relaxed grid pattern defined mainly by the bluffs along the Neuse River. The development will provide a mixture of residential uses such as detached single family, attached single family and townhomes. This +/-67.9 acre site is designed to be a walkable neighborhood that creates a sense of place including:

- Up to 280 single family homes (may include up to 76 attached single family units (triplexes) without changing overall proposed density)
- Up to 35 townhome units
- A significant amount of functional open space (more than 40% of total site area)
- An extensive greenway trail network that includes future connection to the Mountains to the Sea Trail.
- Sidewalks on both sides of all streets
- Neighborhood pocket parks
- Cluster units located at trail head connections
- Attractive entrance signage at all three entrances

Phasing

This development will be constructed in phases (approximately 40 units per phase). The anticipated build out rate is roughly one phase per year (the market will dictate the actual rate). The approximate phase lines are shown on the master plan but are subject to change based on construction plan/site design

Proposed Design Standards:

(Proposed PUD Standard / UDO Cluster Standard)



- **Single family detached units on individual lots with a one-car garage and a two-car parking pad/driveway:**
 - Minimum Lot Area: 3145 sf / 4800 sf
 - Minimum Lot Frontage: 37' / 40'
 - Front Yard Setback: 18' / 15'
 - Side Yard Setback: 5' / 6'
 - Rear Yard Setback: 12' / 12'
 - Maximum Building Height: 35' / 35'
 - Building Separation: 10' / 12'

- **Single family attached (tri-plex) units -each unit will be on an individual lot and will include a one-car garage and a two-car parking pad/driveway:**
 - Minimum Lot Area: 2000 sf / 4800 sf
 - Minimum Lot Frontage: 25' / 40'
 - Front Yard Setback: 18' / 15'
 - Side Yard Setback: 0' / 6'
 - Rear Yard Setback: 12' / 12'
 - Maximum Building Height: 35' / 35'
 - Building Separation: 10' / 12'

- **Townhomes – each unit will be on an individual lot:**
 - Minimum Lot Area: 1400 sf / 5400 sf
 - Minimum Lot Frontage: 17.5' / 40'
 - Front Yard Setback: 18' / 15'
 - Side Yard Setback: 0' / 6'
 - Rear Yard Setback: 12' / 12'
 - Maximum Building Height: 35' / 35'
 - Building Separation: 20' / 12'

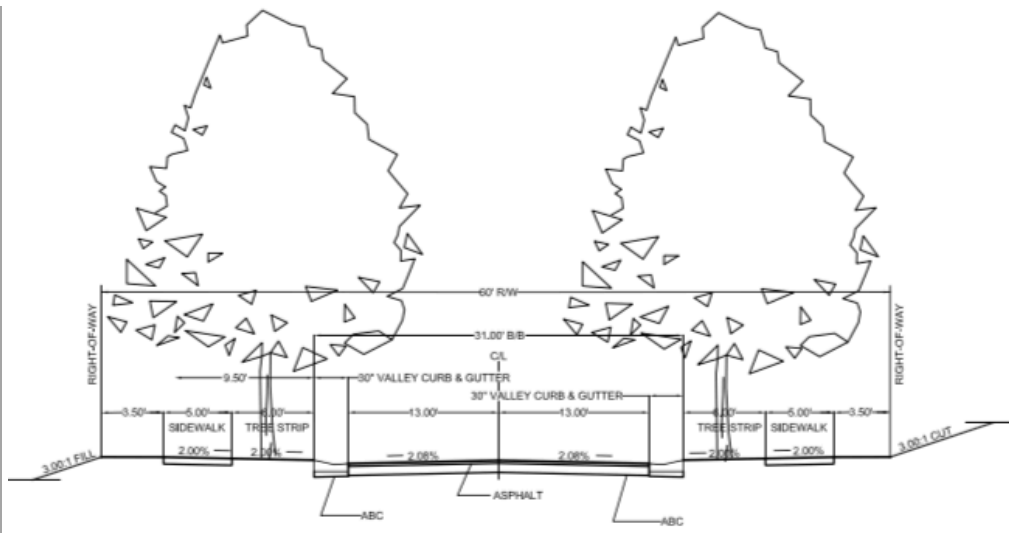
Pedestrian and Vehicular Routing

This development is truly a walkable neighborhood design. There are nearly 3.5 miles of paved greenway trails that perimeter the entire tract as well as internal connections running north/south and east/west. The portion of the greenway trail network along the Neuse River and/or the Buffalo Rd right of way provide a couple of alternatives for future extension of the Mountains to the Sea Trail. In addition to the greenway trail network, there are concrete sidewalks on both sides of the streets.

The street network is designed to provide the necessary emergency and service vehicle access while creating a safe pedestrian friendly neighborhood. The pattern of interconnected streets provides excellent flow within the development as well as connectivity to Buffalo Rd. There are three entrances – one to the east and two to the west. The block length is longer than the standard mentioned in the UDO; however, this extended length allows for two long, continuous pocket parks that create a sense of community and pedestrian connectivity.

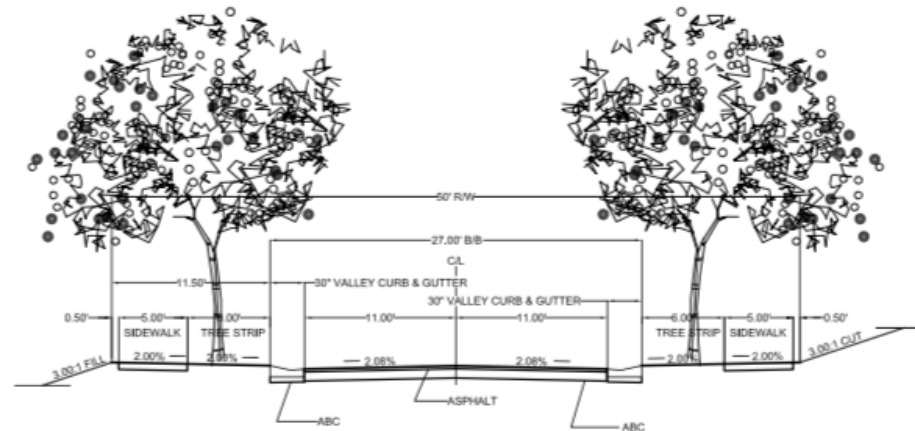
The proposed typical sections (see above left) for both the Residential Collector Street and the Local Residential Street differ from the Town of Smithfield's typical sections as follows:

- 30" valley curb & gutter to eliminate the need for driveway cuts in the curb line
- 6' tree strip between sidewalk and curb to create an old town style streetscape



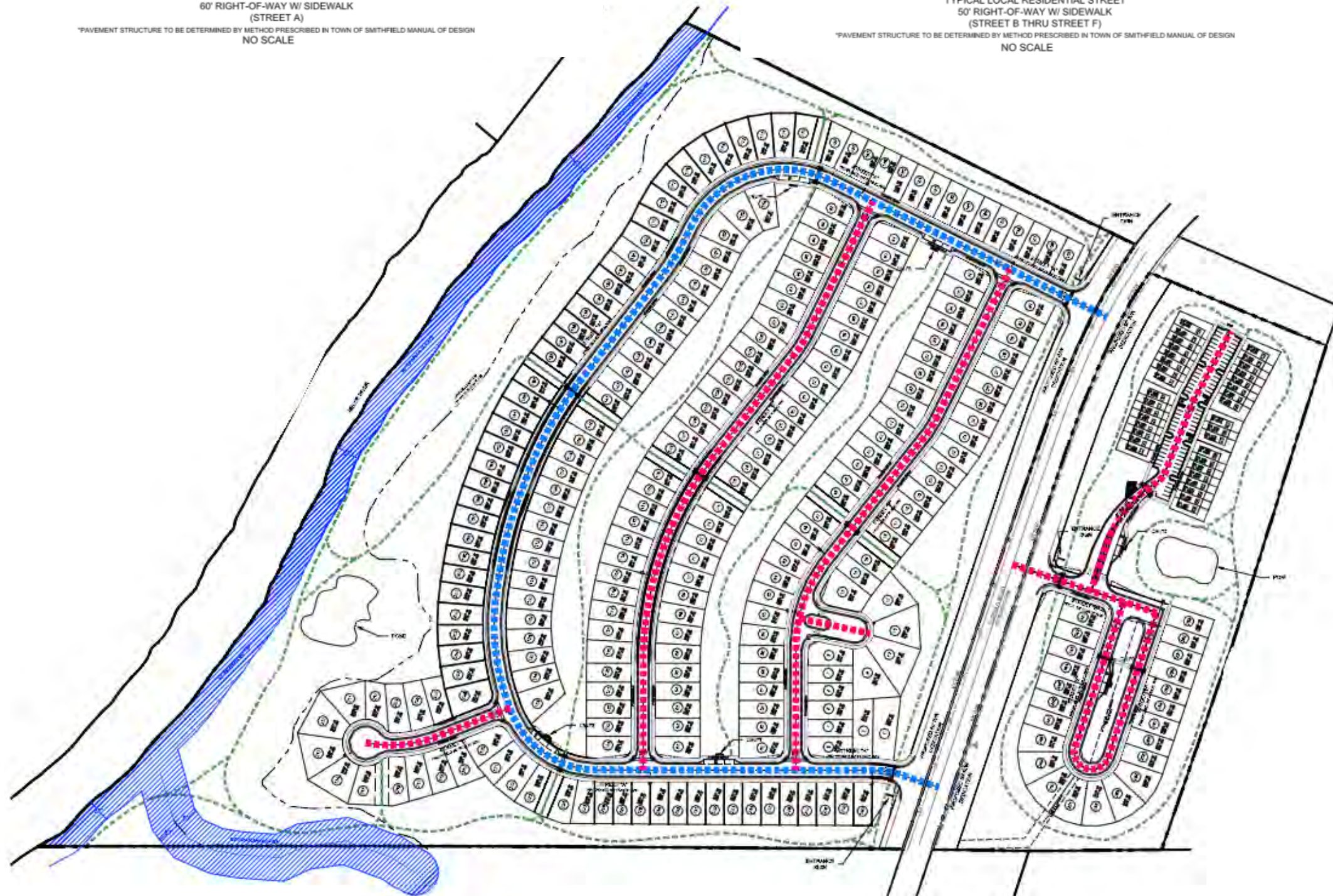
TYPICAL COLLECTOR RESIDENTIAL STREET
60' RIGHT-OF-WAY W/ SIDEWALK
(STREET A)

*PAVEMENT STRUCTURE TO BE DETERMINED BY METHOD PRESCRIBED IN TOWN OF SMITHFIELD MANUAL OF DESIGN
NO SCALE



TYPICAL LOCAL RESIDENTIAL STREET
50' RIGHT-OF-WAY W/ SIDEWALK
(STREET B THRU STREET F)

*PAVEMENT STRUCTURE TO BE DETERMINED BY METHOD PRESCRIBED IN TOWN OF SMITHFIELD MANUAL OF DESIGN
NO SCALE



LEGEND:

- OPEN SPACE
- SIDEWALKS
- 10' ASPHALT GREENWAY
- 100 YR FLOOD PLAIN
- RIPARIAN BUFFER AREA
- EXISTING POND
- PHASE LINE
- CANOPY TREE
- UNDERSTORY TREE
- SHRUBS



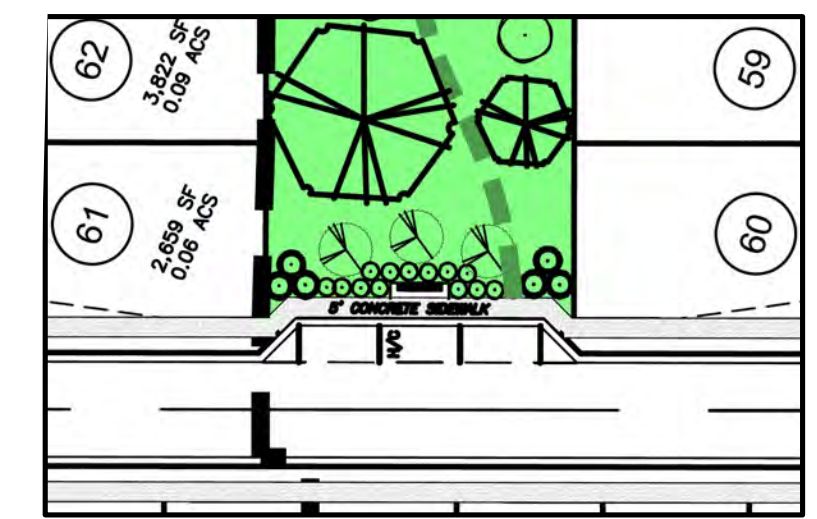
NEIGHBORHOOD POCKET PARKS

Throughout the development a combination of greenway trails and sidewalks provide easy access to the pocket parks. These pocket parks will include a paved pedestrian trail and attractive landscape designed by a RLSA. They are also an excellent spot for neighborhood activities such as soccer, football, cornhole, horseshoes, fire pits and a cook out area that can create a sense of community.

	TOTAL AREA (SQUARE FEET)	% OF TOTAL SITE
RESIDENTIAL LOTS	1,193,171	40.34%
RIGHT-OF-WAYS**	431,740	14.60%
RIPARIAN BUFFRS & 100YR FLOOD PLAIN***	113,166	3.83%
TOTAL OPEN SPACE****	1,219,646	41.24%
TOTAL AREA	2,957,723	100.00%

MAILBOX CLUSTER UNITS

There are several mailbox cluster units located throughout the neighborhood. The combination of the greenway network and the sidewalks provide a comfortable walking distance from all residences. There are also parking spaces (including an ADA space at each mailbox cluster unit). A tasteful landscape plan will be prepared by a RLSA.

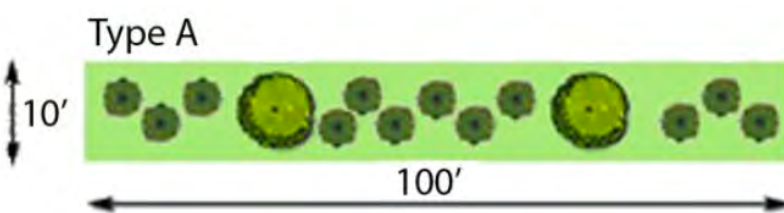


PERIMETER BUFFER

This development will include a +/-50' perimeter buffer. A tasteful landscape plan will be prepared by a RLSA that meets the 10' wide Type A bufferyard. The remainder of the buffer will include grassed area and paved greenway trails.

Type A Bufferyard Screening.

Minimum of 10 feet wide. For every 1,000 square feet, the screen shall consist of a combination of a minimum of 2 Canopy Trees and 12 Shrubs distributed evenly throughout the Bufferyard. (Shrubs shall be 3' minimum at planting and 6' minimum at maturity.)



PUBLIC UTILITIES AND INFRASTRUCTURE

Required improvements shall be made as development occurs. Infrastructure will be designed so that it will accommodate the entire community at total build-out. At the time of construction plan submittal, the developer will meet with Town Staff to determine critical areas (if any) for phased utility improvements as development occurs.

PUBLIC SEWER

The estimated waste water flow for this development is 113,400 gallons per day. It is anticipated to develop this project in approximately 9 phases of construction. Sewer main extensions and service connections to the Town's sewer systems must be approved, prior to construction, by the Engineering Department and in accordance with the general guidelines and regulations of the Town. Phases 1, 2, 7, 8 & 9 are expected to be serviceable by connection to the existing gravity sewer line along Buffalo Rd; however, the remaining phases will require a wastewater pump station. This new pump station will most likely be located just beyond the cul-de-sac in Phase 6. The developer and engineer will work with the Town of Smithfield to properly locate and size the pump station.

PUBLIC WATER

Public water is available to the site via an existing 12" water main along Buffalo Rd. Connections to the existing 12" main will be made and extended throughout the development. This level of inner-connectivity shall provide for adequate domestic water as well appropriate fire protection flow.

STORMWATER AND NITROGEN CONTROLS

The stormwater system for the development will include drainage swales and stormwater pipe systems that run throughout the project. The stormwater flow from the development will eventually make its way to discharge into respective tributaries of the Neuse River. Stormwater runoff control measures including peak flow reduction and nitrogen reduction will be required. The developer will provide evidence that this project complies with all applicable stormwater requirements set in place by the Town of Smithfield and the State. These measures may be physically located outside of the phase so long as the above noted requirements are met for the entire site.

ZA-17-07

Steve Bryant



Request for Planning Board Action

**Application
for Unified
Development
Ordinance
Text
Amendment
ZA-17-07**

Date: 01/04/2017

Subject: Unified Development Ordinance Text Amendment
Department: Planning
Presented by: Stephen Wensman ALA, AICP, Planning Director
Presentation: Business Item

Issue Statement

Steve Bryant is requesting the an amendment to the Unified Development Ordinance (UDO) that would allow for restaurants as a permitted use in the O/I Office/Institutional District.

Financial Impact

There will be no financial impact to the Town.

Action Needed

To review the requested application and to make a recommendation to the Town Council for the proposed Unified Development Ordinance text amendment.

Recommendations

The Planning Department recommends approval of the proposed amendment to Article 6 of the UDO and recommends that the Planning Board approve a statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: City Manager City Attorney

Attachments:

1. Staff Report
2. Ordinance
3. Application and Petition for Amendment to the UDO



Staff Report

Application
for Unified
Development
Ordinance
Text
Amendment
ZA-17-07

Steve Bryant is requesting a text amendment to Article 6 of the Town of Smithfield Unified Development Ordinance (UDO) that will allow restaurants as a permitted use in the O/I Office/Institutional District.

Analysis:

The proposed zoning ordinance amendment will allow an additional use in the Office/Institutional District that:

- Supports the O/I District;
- Provides another option for reuse of existing structures within the District, thus preserves the historically significant structures which reflect the town's heritage;
- Preserves the character of the neighborhood (old period homes);
- Supportive of the Central Business District; and
- Creates no land use conflicts.

The current comprehensive land use plan guides Office/Institutional land uses in areas that have already been developed or require buffering to prevent potential conflicting land uses. The O/I District is intended to buffer residential areas from commercial ones. The Comprehensive Land Use Plan provides caution about commercial infringement into established residential neighborhoods. The Plan states the infringement, "can damage the appearance of the neighborhood, diminish community pride, and cause unsafe traffic conditions for both motorists and pedestrians. Rezoning adjacent to residential uses, particularly those in conflict with the future land use map contained in this plan, should be done with great caution".

Much of the existing O/I District is comprised of existing homes converted into office uses adjacent to the Central Business District. Other areas in the zoning district are in locations

of parks, schools, the Johnston County Community College, the hospital and clinics, and government offices. There remain some single family homes within the O/I District in the area adjacent to the Central Business District. Staff believes restaurants to be a compatible use within the O/I District in that it will serve the district by providing eating options within walking distance while providing another opportunity to utilize the existing homes for non-residential use, thus preserving the existing character of the area. The allowance of restaurants will also contribute to the vitality of the nearby Central Business District.

Staff also believes that allowing restaurants in the O/I District will not create a nuisance or create traffic that is detrimental to the area. The district is well served with roads, on-street parking, sidewalks and other urban amenities such that the use will blend in with the current mix of land uses.

DRAFT ORDINANCE # ZA-17-07
AN ORDINANCE TO AMEND ARTICLE 6 OF THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT
ORDINANCE TO ALLOW RESTAURANTS AS A PERMITTED USE IN THE O/I OFFICE/INSTITUTIONAL
DISTRICT.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to Article 6 to allow restaurants as a permitted use in the O/I District; and

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

PART 1

ARTICLE 6. ZONING DISTRICTS

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

S - Special Use

SS - Special Use with Supplemental Regulations

Uses	Primary Zoning Districts												Overlay Districts		Supplemental Regulations		
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD	OS		RHO	ECO
ACCESSORY USES/BUILDINGS																	
Accessory structures/buildings	P	P	P	P	P		P	P	P	P	P	P	P		P		
Accessory uses incidental to any permitted use	PS	PS	PS	PS	PS		PS	PS	PS	PS	PS	PS	PS	PS			Section 7.3
Child care center (as an accessory use for a principal business)							PS	SS	SS	SS	PS	PS					Section 7.4.1
Dwelling in principal business as an accessory use							SS	SS	SS	SS							Section 7.5
Granny pods/temporary health care structures	PS	PS	PS	PS	PS		PS								PS		Section 7.6
Home occupations	PS	PS	PS	PS	PS		PS	PS	PS						PS		Section 7.7
Public or neighborhood swimming pools	S	S	S	S	S		S								S		
Public or private neighborhood tennis courts	S	S	S	S	S		S	P	P	P					S		
Public or private neighborhood basketball courts	S	S	S	S	S		S	P	P	P					S		
Solar energy generating facility, accessory	PS	PS	PS	PS	PS		PS	PS	PS	PS	PS	PS					Section 7.8
Temporary storage facility (portable storage units)	PS	PS	PS	PS	PS		PS	PS	PS	PS	PS	PS					Section 7.9
Wind energy generating facility, accessory	PS	PS	PS	PS	PS		PS	PS	PS	PS	PS	PS					Section 7.10
EDUCATIONAL																	
Community college	S						S	S	S	S	S	S					

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Libraries							P	P	P	P							
Schools, public and private	S	S	S	S	S		P		P								
INSTITUTIONAL																	
Armories							P										
Buildings, governmental							P	P	P	P	P	P	P				
Cemeteries	S						P										
Churches/places of worship	S	S	S	S	S		S		SS	SS							Section 7.32
Civic and fraternal meeting halls							S		S	S							
Clubs, public or private									S	S							
Community centers							P										
Country clubs	S	S	S	S	S												
Crematory										P	P	P					P
Electric substations	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	
Governmental uses (i.e., police, fire)	S	S	S	S	S		P	P	P	P	P	P					
Hospitals							P		P	P							
Public uses not otherwise listed	S	S	S	S	S		S	S	S	S	S	S	S	S			
Public utility storage or service yards										S	S	P					
Public utility substations/switching stations	S	S	S	S	S		S	S	S	S	S	S	S	S			
Pump stations (municipally owned)	P	P	P	P	P		P	P	P	P	P	P	P	P			
US postal services							S	S	P	P	P	P					

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Utility stations	S	S	S	S	S		S	S	S	S	P	P	S	S				
MANUFACTURING AND INDUSTRIAL																		
Asphalt and concrete batch plant												P						
Artisan=s workshop (3,000 square feet or less)	PS						PS	PS	PS	PS	PS							Section 7.11
Artisan=s workshop (greater than 3,000 square feet)										SS	SS	SS						Section 7.11
Bakery products, candy, confectionary manufacturing									S	S	P	P						
Building materials sales and storage									S	S	P	P						
Carpet and upholstery cleaners										P	P							
Clothing and finished fabric products, manufacture of											P	P						
Contractors, building (with outdoor storage)										P	P	P						
Contractors, building (no outside storage)							P	P	P									
Contractors, equipment													P					
Contractors, heavy construction													P					
Contractors, special trades (no storage)								P	P	P	P	P						
Electric motor repair													P					
Electrical and electrical machinery, equipment and supplies								S	S				P					

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Food processing facilities												P					
Fuel and ice dealers											S	S					
Gas companies with propane/bulk storage										S		S					
Industrial research offices and laboratories											P	P					
Industrial uses not having an injurious effect on the town and not otherwise listed/identified												S					
Light manufacturing uses involving fewer than 35 employees and not otherwise listed/identified									S	S	P						
Lumber and wood products, sales										P		P					
Machinery (engines, construction tools)									S	S		P					
Manufacturing (textiles, clothing, scientific instruments, and small machine assembly)												P					
Manufacturing, processing, or warehousing or transportation use or public use or utility												PS	SS				Section 7.12
Modular office units/temporary office units							PS	SS	SS	SS	PS	PS					Section 7.13
Motion picture production and distribution											P	P					
Motor freight terminals											P	P					
Outlet stores for industrial manufacturing establishments										PS	PS	PS					Section 7.14
Paperboard containers and boxes												P					

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Refrigeration, heating, and air conditioning machinery (production)									S	S		P					
Research laboratories							S	P	P		P	P					
Screw machine products (bolts, nuts, screws)												P					
Small engine repair									S	P		P					
Tanning, leather												S					
Textiles												P					
Welding repair									S	S		P					
OFFICES, PROFESSIONAL AND SERVICES																	
Clinics							P		P	P							
Electronic data processing							P	P	P	P	P	P					
Engineering, architectural, and surveying offices							P	P	P	P	P						
Financial institutions							P	P	P	P							
Labor unions							P	P	P	P							
Office, computing and accounting machines (sales)							P	P	P	P							
Office, professional							P	P	P	P	S						
Offices (primary uses, not accessory)							P	P	P	P	P						
Opticians and optical goods							P	P	P	P							

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RECREATIONAL																	
Billiard and pool halls							S	S	S	S							
Boat ramps	S	S	S	S	S		S	S	S	S				S			
Bowling alleys							S	S	S	S							
Dinner theatres							S	S	S	S							
Fairgrounds	SS													SS			Section 7.15
Golf courses	S	S	S	S	S												
Health clubs							P	P	P	P	P						
Mechanical rides (ferris wheels, roller coasters, bumper cars, etc.)									S	S							
Miniature golf/driving ranges									S	S							
Movie theaters								P	P	P							
Nature observation points	S	S	S	S	S		S	S	S	S				S			
Parks and recreation areas	S	S	S	S	S		P	P	P	P							
Playgrounds	S	S	S	S	S		P	P	P	P							
Recreation buildings and facilities for residential developments	S	S	S	S	S					S							
Skating rinks							S	S	S	S							
Video arcades							S	S	S	S							
RESIDENTIAL																	

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Blank - Not Permitted

Uses	Primary Zoning Districts												Overlay Districts		Supplemental Regulations		
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD	OS		RHO	ECO
Dwelling, multi-family/townhouses/ condominiums			S	S	S			S	S	S							
Dwelling, single-family	P	P	P	P	P		S	S	S				P		P		
Dwelling, two family			P	P	P			S	S								
<u>Licensable Facilities:</u> Adult care home	S		S	S													
Family care home	PS	PS	PS	PS	PS		PS										Section 7.16
Family child care home	SS	SS	SS	SS	SS		SS										Section 7.4.2
Family foster home	S	S	S	S													
Multi-unit assisted housing with services	S						S										
Residential child-care facility				S													
Small child care center		PS	PS	PS													Section 7.4.2
Loft and studio apartments							S	S	S								
Manufactured home, Class A on individual lot	PS				PS												Section 7.17
Manufactured home, Class B on individual lot	SS				PS												Section 7.17
Manufactured home park					SS												Section 7.18
Mixed use developments and unified commercial developments								S	S	S							
Planned residential development	S	S	S	S	S		S	S	S								
Recreational vehicle parks											PS						Section 7.33

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use
S - Special Use

PS - Permitted Use with Supplemental Regulations
SS - Special Use with Supplemental Regulations

Blank - Not Permitted

Uses	<i>Primary Zoning Districts</i>												<i>Overlay Districts</i>		<i>Supplemental Regulations</i>			
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD	OS		RHO	ECO	
Residential cluster development	SS	SS	SS	SS														Section 7.34
Temporary emergency, construction, and repair residences	SS	SS	SS	SS	SS		PS	PS	PS	PS	PS	PS						Section 7.19
Tiny houses				PS														Section 7.20
RETAIL SALES AND SERVICES																		
Adult businesses												SS						Section 7.21
Animal hospitals/ veterinarians									S	S	S							
Antique shops								P	P	P								
Any use which employs, as incidental or subordinate to the primary use of the property, more than 5 coin-operated amusement devices								S	S	S								
Art galleries							P	P	P	P								
Automobile and truck dealers									S	S								
Automobile parts and supply store								P	P	P								
Automobile renting and leasing									S	S								
Automobile sales and automobile broker									S	S								
Automobile service stations									PS	PS		PS						Section 7.22
Barber or beauty shops							P	P	P	P								
Battery charging station							PS	PS	PS	PS	PS	PS						Section 7.23
Battery exchange station							PS	PS	PS	PS	PS	PS						Section 7.23

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use
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SS - Special Use with Supplemental Regulations

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Uses	<i>Primary Zoning Districts</i>												<i>Overlay Districts</i>		<i>Supplemental Regulations</i>		
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD	OS		RHO	ECO
Bed and breakfast	S	S	S	S	S		S	S	S	S							
Boat sales and service									S	S							
Car washes									P	P							
Carpet and rug dealers								P	P	P							
Catering establishments								P	P	S	P						
Commercial animal kennels/boarding facilities including accessory grooming (indoor facilities only)	S								S	S							
Commercial animal kennels/boarding facilities, outdoor kennels										P	S						
Commercial condominiums									S	S							
Convenience food stores								P	P	P							
Convenience stores with gas pumps								S	S	S							
Distilleries								PS		SS	PS						Section 7.24
Drug stores							S	P	P	P							
Exterminating services									S	S		P					
Farmer=s market								S	S	S							
Flea markets/vendor markets									S	S							
Floral and gift shops								P	P	P							
Food stores								P	P	P							
Food trucks										PS							Section 7.25

ARTICLE 6. ZONING DISTRICTS

P - Permitted Use
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SS - Special Use with Supplemental Regulations

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Uses	<i>Primary Zoning Districts</i>											<i>Overlay Districts</i>		<i>Supplemental Regulations</i>			
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD		OS	RHO	ECO
Fortune tellers (to include palm readers, crystal ball reading, tarot card reading, and similar fortune telling techniques).										S							
Funeral homes							S		S	S	S						
Furniture and fixtures								P	P	P							
Gas pumping stations (unmanned, credit cards only)									PS	PS							Section 7.22
Glass and mirror repair sales									P	P		P					
Greenhouses and plant nurseries	P								S	S	P	P					
Hardware stores								S	S	S							
Kennels, private	S																
Laundry and dry cleaning establishments with drive-in windows								SS	SS	SS							Section 7.26
Laundry and dry cleaning establishments without drive-in windows								PS	PS	PS	PS						Section 7.26
Lawn and garden stores									P	P							
Leather products (no tanning or production)								P	P	P							
<u>Licensable Facilities:</u> Child care center								SS	SS	SS	SS	SS					Section 7.4.1
Day care facilities, adult								S	S	S	S	S					
Nursing homes	S		S				S		S	S							
Locksmith, gunsmith								P	P	P	P						

ARTICLE 6. ZONING DISTRICTS

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SS - Special Use with Supplemental Regulations

Blank - Not Permitted

Uses	Primary Zoning Districts												Overlay Districts		Supplemental Regulations		
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD	OS		RHO	ECO
Measuring, analyzing, controlling, and optical goods, watches, clocks								P	P	P	P						
Microbrewery								PS	SS	SS							Section 7.24
Mobile food vending cart								PS	PS	PS	PS	PS					Section 7.3.2
Motels/hotels							S	S	S	S							
Motorcycle sales and services									S	S							
Movers, van lines, and storage										S	P	P					
Museums							P	P	P	P							
Newspaper printing and publishing services								S	S	S	P	P					
Package delivery services, commercial								S	S	S		P					
Parking lots, commercial							S	S	S	S	P	P					
Parking structures and underground parking garages, commercial							S	S	S	S	S	S					
Pawnshop or used merchandise store								P	P	P							
Photographers							P	P	P	P							
Pottery and related products								P	P	P	P	P					
Printing and publishing								P	P	P	P	P					
Radio and television broadcasting studios							P	P	P	P	S	P					
Repair shops (radio, television, small appliances, shoes, etc.)								P	P	P							
Restaurants							P	P	P	P							

ARTICLE 6. ZONING DISTRICTS

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SS - Special Use with Supplemental Regulations

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Uses	<i>Primary Zoning Districts</i>												<i>Overlay Districts</i>		<i>Supplemental Regulations</i>		
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD	OS		RHO	ECO
Restaurants and cafeterias primarily for employees, patients, or students located in same building as another use and having no outside advertising or drive-in facilities							P	P	P	P	P	P					
Retail businesses								P	P	P							
Shopping center, major									S	S							
Shopping center, minor									P	P							
Signs in accordance with Article 10, Part III	P	P	P	P	P		P	P	P	P	P	P					
Street vendors								PS									Section 7.27
Studios for artists, designers, and photographers, and studios for the performing arts							P	S	S	S	S	S					
Tattoo and body piercing establishments									S	S							
Tire dealers and service								S	S	S		P					
Upholstery shops								S	P	P		P					
Vehicle storage in conjunction with repair									S	S		P					
Video rental								P	P	P							
TRANSPORTATION																	
Bus stations									P	P							
Taxi stands limited to 5 taxis								S	S	S							
Tool, car, truck rental								S	S	S		P					
Towing services										S		P					

ARTICLE 6. ZONING DISTRICTS

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Uses	<i>Primary Zoning Districts</i>												<i>Overlay Districts</i>		<i>Supplemental Regulations</i>		
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD	OS		RHO	ECO
WHOLESALE SALES AND WAREHOUSING																	
Automobile junkyards												S					
Boat storage									S	S							
Fruit and vegetable markets, wholesale									P	P							
Outdoor sales, service, or storage areas								S	S	S	P	P					
Salvage yards												S					
Warehousing uses, including mini-storage									S	S	S	P	S				
Wholesale merchants									P	P		P					
Wholesale storage of gasoline or bulk terminal plants												S					
OTHER USES																	
Agricultural and forestry uses	P													P			
Bona fide farms and their customary appurtenances	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS			Section 7.28
Solar farms	SS										SS	SS					Section 7.29
Telecommunication facilities	S	S	S	S	S		S	S	S	S	S	S	S	S			
Temporary office units	PS	PS	PS	PS	PS		PS	PS	PS	PS	SS	SS	SS	SS			Section 7.13
Temporary uses	SS	SS	SS	SS	SS		SS	SS	SS	SS	SS	SS	SS	SS	SS	SS	Section 7.30
Wind farms	SS										SS	SS	SS				Section 7.31

PART 2

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the 6th day of February, 2018.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
TEXT AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
ZA-17-07**

Whereas the Smithfield Planning Board, upon acting on a text amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Planning Board, upon acting on a text amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT RECOMMENDED FOR ADOPTION BY THE SMITHFIELD PLANNING BOARD AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE IS ADOPTED,

That the final action regarding text amendment ZA-17-07 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public meeting; and

It is the objective of the Town of Smithfield Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The text amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Planning Board and information provided at the public meeting. Therefore, the amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE FAILS,

That the final action regarding text amendment ZA-17-07 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The text amendment does not promote this and therefore is neither reasonable nor in the public interest.

\$ 300.00 FEE



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

Petition for Amendment to the Unified Development Ordinance

Pursuant to Article 4 of the Town of Smithfield 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. The application for any amendment shall contain a description of the proposed zoning regulation.

APPLICANT INFORMATION:

<u>Steve Bryant</u> Petitioner's Name	<u>252 Lakeview Hills Drive</u> Address or PO Box
<u>Four Oaks NC 27524</u> City, State, Zip Code	<u>919 8154631</u> Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

Please see attachment.

(Attach additional sheets as necessary)

This application must be accompanied by a Statement of Justification which addresses the following:

1. How the amendment proposed would serve the public interest or correct an obvious error in the existing ordinance.
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body.

The undersigned hereby authorizes the filing of this petition and certifies that the information contained herein stands alone based on the merits of this request and is accurate to the best of their knowledge and belief.

<u>[Signature]</u> Signature of Petitioner	<u>12/14/17</u> Date
<u>OWNER</u> <u>owner</u>	<u>12/14/17</u>

FOR OFFICE USE ONLY

File Number: _____	Date Received: <u>12/14/17</u> ^{SW}	Amount Paid: <u>\$300.00</u>
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Petition for Amendment to the Unified Development Ordinance

Petitioner: Steve Bryant, 252 Lakeview Drive, Four Oaks, N.C. 27524

Current property owners: Bobby J. and Anne P. Eason, 716 Chestnut Drive, Smithfield, N.C. 27577

Property: 216 S. Third St., Smithfield, N.C. 27577
The property is for sale and is now under contract.

Zoning: Office and Institution (O&I)

Request is made by the buyer, Steve Bryant, to allow a restaurant in this zoning. The current owners have agreed to this request.

Statement of Justification.

In keeping with a goal of the Town of Smithfield to encourage quality development in the downtown business area, this petitioner seeks to advance the goal with a re-use of an existing building. The petitioner plans to have a restaurant. It will not create a conflicting use within the district but an enhancement. It will serve the public interest by providing a complementary use and service to the existing businesses and people already there.

It is hoped that this re-use of a building--in an area already developed--will strengthen the district and become a model that could encourage other property owners to do the same with their existing buildings. It may also encourage more creative uses for existing structures in the district.

ZA-18-01

Town of Smithfield



Request for Planning Board Action

Application for
Unified
Development
Ordinance Text
Amendment ZA-
18-01

Date: 02/01/2018

Subject: Unified Development Ordinance Text Amendment
Department: Planning
Presented by: Mark E. Helmer, Senior Planning
Presentation: Business Item

Issue Statement

The Planning Department is requesting an amendment to the Unified Development Ordinance (UDO) that will correct inconsistencies with minimum development size of a Planned Unit Development (PUD) and allow for additional flexibility in the required mix of uses.

Financial Impact

There will be no financial impact to the Town.

Action Needed

To review the requested application and to make a recommendation to the Town Council for the proposed Unified Development Ordinance text amendment.

Recommendations

The Planning Department recommends approval of the proposed amendments to Appendix A and Article 6 of the UDO and recommends that the Planning Board approve a statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: City Manager City Attorney

Attachments:

1. Staff Report
2. Ordinance
3. Application and Petition for Amendment to the UDO



Staff Report

Application for
Unified
Development
Ordinance
Text
Amendment
ZA-18-01

Public
meeting:

The Planning Department is requesting text amendments to Appendix A and Article 6 of the Town of Smithfield Unified Development Ordinance (UDO) that removes inconsistencies within the text and clarifies development standards as they pertain to Planned Unit Developments (PUD).

Analysis:

The proposed zoning ordinance amendment will refined and clarify development standards as they pertains to a PUD by:

- Eliminating inconsistent standards concerning minimum PUD size;
- Removing the requirement that a PUD must contain a mix of residential and nonresidential land uses.

Minimum PUD size:

Conflicting minimum PUD size exists between the definitions of a PUD as found in APPENDIX A. DEFINITIONS, PUDS which requires a twenty-five acre minimum tract size while Article 6.3.6 PUDS allows for a five (5) acre minimum tract size. The Planning Department recommends extending the advantages of PUD developments to 5 acre tracts were greater flexibility in dimensional standards (such as lot sizes and setbacks) will serve to promote a better designed built environment.

Mixed of uses within PUD:

Conflicting mix of use requirements within a PUD exists between the definitions of a PUD as found in APPENDIX A. DEFINITIONS, PUDS which requires a mix of residential and nonresidential land uses while Article 6.3.6 PUDS allows for a mix of residential and nonresidential land uses but does not mandate such a mix of uses. The Planning Department recommends approval of the amendment to APPENDIX A. DEFINITIONS, PUDS which supports a more relaxed and less restrictive mix of land uses.

PLANNING DEPARTMENT RECOMMENDATIONS:

The Planning Department recommends approval of the proposed ordinance amendment to allow for PUD developments on tracts as small as five (5) acres and that's promotes a wide range of uses without mandating a mix of residential and nonresidential land uses to qualify as a PUD.

PLANNING BOARD ACTION REQUESTED:

To review the proposed ordinance amendment and to make a recommendation to the Town Council supporting further refinements to the PUD standards.

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
ZA-18-01**

Whereas the Smithfield Planning Board, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Planning Board, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD PLANNING BOARD AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE AMENDMENT,

That the final action regarding zoning ordinance amendment ZA-18-01 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the regularly scheduled meeting of Planning Board; and

It is the objective of the Town of Smithfield Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Planning Board at their regularly scheduled meeting. Therefore, the ordinance amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO RECOMMEND APPROVAL OF THE ORDINANCE FAILS,

That the final action regarding zoning ordinance amendment ZA-18-01 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning ordinance amendment does not promote this and therefore is neither reasonable nor in the public interest.

**DRAFT ORDINANCE # ZA-18-01
AN ORDINANCE TO AMEND
APPENDIX A AND ARTICLE 6
OF THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE
TO CLARIFY MINIMUM SIZE AND REQUIRED MIX OF USES OF A PLANNED UNIT DEVELOPMENT.**

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to set unified standard for Planned Unit Developments (PUD).

WHEREAS, it is the objective of the Smithfield Town Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that the following Articles are amended to make the following changes set forth in the deletions (strikethroughs) and additions (double underlining) below:

Part 1

[Revise APPENDIX A. DEFINITIONS content as it pertains to minimum size of a Planned Unit Development and allows for residential

APPENDIX A. DEFINITIONS

[Definitions not listed remain unchanged]

Planned unit development (PUD)

A development constructed on a tract of land ~~of at least 25 acres~~ under single ownership, planned and developed as an integral unit, and may consist ~~ing~~ of a combination of residential and nonresidential uses on and within a PUD special zoning district in accordance with Section 6.3.6.

And

6.3.6. PUDS Planned Unit Development Special Zoning District.

The PUDS district allows a large site to be developed with a mixture of land uses according to an approved overall site plan. For example, a large tract may be developed with a mix of single-family and multi-family housing, with part of the site also devoted to commercial and office uses. The PUDS district allows for greater flexibility in dimensional standards (such as lot sizes and setbacks) upon approval of an overall master plan for the entire development. The district does not require a rigid separation of different land uses. Uses are limited to the uses identified in the Table of Uses and Activities. All of the site specific standards and conditions, including a site plan are incorporated into the zoning district regulations for the PUDS. Approval of the site plan will establish all zoning requirements for the subject property. A PUDS district shall not be less than five (5) acres in area.

This negotiated approach to a legislative decision allows maximum flexibility to tailor regulations to a particular site and project. But it also has great potential for abuse - both in terms of impacts on individual landowners seeking approval and their neighbors and on the public interests zoning is supposed to promote. Thus, special restrictions have been placed on special zoning. Special zoning may only occur at the owner's request and cannot be imposed without the owner's agreement. The individual conditions and site-specific standards that can be imposed are limited to those that are needed to bring a project into compliance with town ordinances and adopted plans and to those addressing the impacts reasonably expected to be generated by use of the site. The town must assure that all of the factors defining reasonable spot zoning are fully considered and that the public hearing record reflects that consideration.

Special zoning provides important opportunities to carefully tailor regulations to address the interest of the landowner, the neighbors, and the public. The town may use special zoning when it concludes that a particular project should be approved but that the standards in the comparable conventional zoning district(s) are insufficient to protect neighbors or public interests (perhaps because the conventional zoning allows other uses not suitable for the site or dimensional standards inadequate to preserve the neighborhood). Special zoning often allows a developer to proceed with a project in a way that addresses site-specific concerns of neighbors and the Town of Smithfield.

PART 2

That the Unified Development Ordinance shall be page numbered and revision dated as necessary to accommodate these changes.

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the 6th day of March, 2018.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

RZ-18-01

Tom Medlin



Request for Planning Board Action

**Application
for Zoning
Map
Amendment
RZ-18-01
Date: (02/01/18)**

Subject: Zoning Map Amendment

Department: Planning

Presented by: Mark E. Helmer, Senior Planner

Presentation: Business Item

Issue Statement

Stephen T. Medlin is requesting approval of a zoning map amendment to rezone approximately 1.02 acres of land from O/I (Office / Institutional) zoning district to the B-2 (General Business) zoning district.

Financial Impact

There will be no financial impact to the Town.

Action Needed

To review the application for rezoning, and make a recommendation to the Town Council.

Recommendation

The Planning Department recommends approval of the Zoning Map Amendment; and recommend that the Planning Board approve a consistency statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: City Manager City Attorney

Attachments:

1. Staff Report
2. Planning Board Consistency Statement



Staff Report

**(Application
for Zoning
Presentations: Map
Amendment
RZ-18-01**

STAFF REPORT

Application Number: RZ-18-01
Project Name: Medlin Property Rezoning
TAX ID number: 15015036 & 15015047
City Limits / ETJ: City
Applicant: Stephen T. Medlin
Owners: Stephen T. Medlin
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: The property is located on southeast side of the intersection of North Brightleaf Boulevard and Hancock Street.

REQUEST: The applicant is requesting to rezone approximately 1.2 acres of land from O/I (Office/Institutional) zoning district to the B-2 (General Business) zoning district.

SITE DATA:

Acreage: 1.02 acres
Present Zoning: O/I (Office/Institutional)
Proposed Zoning: B-2 (General Business)
Existing Use: Office Strip Center
Proposed Use: Commercial Strip Center - All uses permitted within the B-2 (General Business) zoning district can be considered for future approval.

OTHER DATA:

Fire District: Town of Smithfield
School Impacts: NA
Parks and Recreation: NA
Access/Streets: 2 direct access points from Hancock Street
Water and Sewer Provider: Town of Smithfield

Electric Provider: Town of Smithfield

ENVIRONMENTAL:

The property is not located within a floodplain and no delineated wetlands exist on or near property considered for rezoning.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	O/I (Office/Institutional)
	Existing Use:	Under Developed
South:	Zoning:	B-2 (General Business)
	Existing Use:	Retail with recycling / Salvation Army
East:	Zoning:	HI (Heavy Industrial)
	Existing Use:	Industrial / Lampe Malphrus Lumber
West:	Zoning:	O/I (Office/Institutional)
	Existing Use:	Place of Worship / Freedom Baptist Church

STAFF ANALYSIS AND COMMENTARY:

In 2001, Stephen Medlin received site plan approval for the construction of Brightleaf Business Center which is a multi-phased project spanning across two properties. The properties contain two free standing buildings with a combined total of 8,800 square feet of leasable space. The property was developed a strip center using modern zoning standards that were in place at the time of plan approval and includes 33 parking spaces with standard landscape yards. A variance was issued from the Town of Smithfield Board of Adjustment to allow for a reduction of minimum building setbacks on North Brightleaf Boulevard.

With the existing configuration there are 6 leasable units between the two buildings with three of them currently occupied by Allstate Insurance, Labcorp and Avada Hearing Care Center. Most professional office uses are permitted within the requested B-2 (General Business) zoning district and no nonconformities will be created if the property is rezoned. However, retail uses are not permitted uses in the existing OI (Office-Institutional) zoning district. The applicant is seeking to attract a wider range of tenants and uses that are permitted within B-2 (General Business) zoning district in hopes of reducing vacancy rates.

Some of the permitted uses in the requested B-2 (General Business) zoning districts as identified by Article 6 of the Town of Smithfield Unified Development Ordinance include; convenience stores, floral and gift shops, hardware stores, barber and beauty shops, and restaurants.

CONSISTENCY STATEMENT:

With approval of the rezoning, the Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and theta the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and is reasonable:

- o **Consistency with the Comprehensive Growth Management Plan**

The Future Land Use Map has identified this property as guided for industrial uses, however, the area is zoned a mix of O/I and B-2, none of which are consistent with the land use plan. Similar rezoning's have occurred in the area despite of the land use designation. Adjacent properties within this corridor are currently zoned and developed as commercial so the use of this site for commercial is contextually consistent and appropriate.

- o **Consistency with the Unified Development Code**

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance as all existing land uses on the subject property are permitted in the B-2 (General Business) and, all future land uses will be permitted in accordance with Article 6 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-2 (General Business) zoned properties. Compatibility issues are unlikely provided that any future redevelopment in the area

PLANNING DEPARTMENT RECOMMENDATIONS:

The Planning Department has determined that the application is consistent with applicable adopted plans, policies and ordinances and recommends approval of the rezoning request.

PLANNING BOARD ACTION REQUESTED:

The Smithfield Planning Board is requested to review the petition and make a recommendation on the rezoning request of approximately 1.02 acres of land from the OI (Office Institutional) to the B-3 (Business) zoning district.

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-18-01**

Whereas the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Planning Board, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD PLANNING BOARD AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE IS ADOPTED,

That the final action regarding zoning map amendment RZ-18-02 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public hearing; and

It is the objective of the Town of Smithfield Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Planning Board and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE FAILS,

That the final action regarding zoning map amendment RZ-18-02 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment does not promote this and therefore is neither reasonable nor in the public interest.



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: MEDLIN PROPERTY REZONE Acreage of Property: 1.02
Parcel ID Number: 15015036&15015047 Tax ID: 169419-71-3772& 169419-71-1770
Deed Book: _____ Deed Page(s): _____
Address: 324 & 332 N BRIGHTLEAF BLVD SMITHFIELD NC 27577
Location: CORNER OF HANCOCK ST & BRIGHTLEAF BLVD

Existing Use: O&I Proposed Use: B-2
Existing Zoning District: O&I
Requested Zoning District B-2
Is project within a Planned Development: Yes No
Planned Development District (if applicable): NA
Is project within an Overlay District: Yes No
Overlay District (if applicable): _____

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File Number: _____	Date Received: _____	Amount Paid: _____
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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 is in compliance with all applicable plans and policies of the Town of Smithfield

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

the zoning petition is compatible with established neighborhood patterns and brings the property in line with the zoning of adjacent properties

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

the rezoning is compatible with the changing conditions of the neighborhood.

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

the rezoning request is in the community interest as it opens the property up for a broader use of the property

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

the request does not constitute "spot zoning". In fact, it brings the property into alignment with neighboring properties

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

Current O&I zoning restricts the best and highest value use of the property. B-2 zoning allows for a better and greater use of the property. Also, makes the property more competitive with like properties

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

all public services are available at the property

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

the physical characteristics limit any further development

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.

Stephen T Medlin Jr

Print Name



Signature of Applicant

01/04/2018

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: Medlin Property Rezoning Submittal Date: 01/04/2018

OWNERS AUTHORIZATION

I hereby give CONSENT to Stephen T Medlin Jr (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.

Stephen T Medlin Jr Stephen T Medlin Jr 01/04/2018
Signature of Owner *Print Name* *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.

Stephen T Medlin Jr Stephen T Medlin Jr 01/04/2018
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

RZ-18-02

Frank W. Lee



Request for Planning Board Action

**Application
for Zoning
Map
Amendment
RZ-18-02
Date: (02/01/18)**

Subject: Zoning Map Amendment
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Business Item

Issue Statement

Frank Lee is requesting approval of a zoning map amendment to rezone approximately 26.57 acres of land from B-3 Highway Entranceway Business District to HI Heavy Industrial Zoning.

Financial Impact

There will be no financial impact to the Town.

Action Needed

To review the application for rezoning, and make a recommendation to the Town Council.

Recommendation

The Planning Department recommends approval of the Zoning Map Amendment; and recommend that the Town Council approve a consistency statement declaring the request to be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: City Manager City Attorney

Attachments:

1. Staff Report
2. Planning Application



Staff Report

(Application for Zoning Map Amendment RZ-18-02)
Presentations:

Application Number: RZ-18-02
Project Name: Wal-pat Road Rezoning
TAX ID numbers: 15K11012C and 15K11012
Town Limits / ETJ: Town Limits
Applicant: Frank Lee
Owners: Mable Wallace Hamilton, Brian Thomas Grant and Todd Hamilton Grant
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: The properties proposed for the rezoning are located at the northwest corner of Wal-pat Road and Brogden Roads.

REQUEST: The applicant is requesting to rezone approximately 26.57 acres of land from B-3 Highway Entranceway Business District to HI Heavy Industrial Zoning.

SITE DATA:

Acreage: 26.57 (19.57+7.03) acres
Present Zoning: B-3 Highway Entranceway Business District
Proposed Zoning: Heavy Industrial District
Existing Use: Vacant/Outdoor Storage
Proposed Use: Undetermined/Outdoor Storage

School Impacts: NA
Parks and Recreation: NA
Fire District: Town of Smithfield
Water and Sewer Provider: Town of Smithfield
Electric Provider: Town of Smithfield

ENVIRONMENTAL: The property is not located within a floodplain and no delineated wetlands exist on or near property considered for rezoning.

ADJACENT ZONING AND LAND USES:

North: Zoning: HI Heavy Industrial District

Existing Use: Industrial

South: Zoning: NA – I-95
Existing Use: NA – I-95

East: Zoning: B-3 Highway Entranceway Business District
Existing Use: Single Family Residential and Business

West: Zoning: HI Heavy Industrial District
Existing Use: Industrial

STAFF ANALYSIS AND COMMENTARY:

The applicant stated in his application narrative that a conditional use permit (CUP) was approved on February 1, 2010 to allow an outdoor storage area in association with a materials handling facility over both properties. The 7.03 acre property was later split off from the larger parcel and was used for outdoor storage in association with the adjacent industrial business located at 1420 Wal-pat Road. With the CUP approval, the applicant was supposed to submit site development plans including landscaping, lighting and parking to comply with the Uniform Development Ordinance (UDO) prior to issuance of a zoning permit. No such plans were ever submitted and the zoning permit was never issued. The larger parcel has been vacant since the CUP approval and the smaller parcel has been used for outdoor storage in violation of the CUP conditions. Therefore, prior to issuance of a zoning permit for the use of the site for outdoor storage, the required landscaping, lighting and parking will be required.

- **Consistency with the Strategic Growth Plan**

The Future Land Use Map guides this property as Industrial.

- **Consistency with the Unified Development Code**

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

- **Compatibility with Surrounding Land Uses**

The property considered for a rezoning is adjacent to heavy industrial uses on the north and west and land zoned as B-3, but guided as industrial across Brogden Road. There could be some compatibility issues in the short term between the proposed industrial zoned properties and the existing residential properties along Brogden Road until the time they redevelop to industrial uses as guided.

RECOMMENDATION:

The Planning Department recommends approval of the Zoning Map Amendment; and recommend that the Town Council approve a consistency statement declaring the request to

be consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

PLANNING BOARD RECOMMENDED ACTION:

The Planning Board is respectfully requested to review the petition and make a recommendation to the Town Council whether to approve or deny the rezoning of approximately 26.57 acres from B-3 Highway Entranceway Business District to HI Heavy Industrial Zoning

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-18-03**

Whereas the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE IS ADOPTED,

That the final action regarding text amendment RZ-18-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public hearing; and

It is the objective of the Town of Smithfield Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Town Council and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE FAILS,

That the final action regarding zoning map amendment RZ-18-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment does not promote this and therefore is neither reasonable nor in the public interest.



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: Wal-Pat Road Rezoning Acreage of Property: 19.57 ac
Parcel ID Number: 169310-35-5200 Tax ID: 15K11012C
Deed Book: 03507 Deed Page(s): 0052
Address: ???? Brogden Road
Location: Northwest quadrant of I-95 and Brogden Road

Existing Use: Vacant-farmland Proposed Use: Industrial
Existing Zoning District: B-3 Commercial
Requested Zoning District HI Heavy Industrial
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): _____

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File Number: _____	Date Received: _____	Amount Paid: _____
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OWNER INFORMATION:

Name: TIMA LLC

Mailing Address: PO Box 148

Phone Number: 919.934.2700

Fax: _____

Email Address: annette@centralcompaniesinc.com

APPLICANT INFORMATION:

Applicant: TIMA LLC

Mailing Address: PO Box 148

Phone Number: 919.934.2700

Fax: _____

Contact Person: Frank Lee

Email Address: annette@centralcompaniesinc.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: Zoning Map

STATEMENT OF JUSTIFICATION

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

See attachment A

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:*

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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.

W. Frank Lee

Print Name



Signature of Applicant

1-5-2018
42/27117
WFL

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: _____ Submittal Date: _____

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 *Print Name* *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.

W. Frank Lee W. Frank Lee 1-5-2018
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Parcel ID Number: _____



Town of Smithfield
Planning Department
350 E. Market St Smithfield, NC 27577
P.O. Box 761, Smithfield, NC 27577
Phone: 919-934-2116
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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: Wal-Pat Road Rezoning Acreage of Property: 7.03 ac
Parcel ID Number: 169314-34-1645 Tax ID: 15K11012
Deed Book: 05057 Deed Page(s): 0838
Address: ???? Wal-Pat Road
Location: Northwest quadrant of I-95 and Brogden Road

Existing Use: Outdoor storage-trailers Proposed Use: Industrial
Existing Zoning District: B-3 Commercial w/ Conditional Use Permit, Outdoor Storage
Requested Zoning District: H1 Heavy Industrial
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: _____	Date Received: _____	Amount Paid: _____
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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:*

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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.

W. Frank Lee

Print Name



Signature of Applicant

1-5-2016
~~12/21/15~~

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: _____ Submittal Date: _____

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 *Print Name* *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.

W. Frank Lee W. Frank Lee 1-5-2018
Signature of Owner/Applicant *Print Name* *Date*
 12/27/2017

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Parcel ID Number: _____

Attachment A

Statement of Justification

Wal-Pat Road Rezoning

The rezoning requests that two parcels of land presently zoned B-3 highway entranceway business district be rezoned to HI heavy industrial district. The parcel located at the intersection of Brogden Road and Wal-Pat Road contains 19.57 acres and is presently being used as agricultural land. The other parcel to the south contains approximately 7.03 acres and is presently being used for outdoor storage that was permitted through the issuance of conditional use permit by the Town Council on February 1, 2010. The outdoor storage (trailers) is in support of the adjacent industrial site that houses the Alliance One International Tobacco Station that services a 150-mile radius.

The Town's Comprehensive Land Use Plan adopted in 2003 shows that the two parcels' land use should be industrial instead of commercial as allowed by the present B-3 zoning. ***The Town Council by rezoning the property will be afforded the opportunity to bring the zoning/use into compliance with the Comprehensive Land Use Plan.***

The rezoning will eliminate the district zoning line falling on a property line as it presently does between the industrial and commercial properties. When district lines run jointly with property lines it can become problematic if the property is ever subdivided by creating two zonings on the same property. ***The rezoning will eliminate the chance of ever having two zonings on a parcel.***

The bulk of the land south of Brogden Road and adjacent to the parcels proposed for rezoning are presently zoned heavy commercial. The one exception is a property zoned B-3 located across the railroad tracts to the west, which is being used as a warehouse at the present time. ***By rezoning to HI, the zoning of the parcels will be aligned to the actual uses of the adjacent properties.***

Over the last 15 to 20 years, the zoning to the north of Brogden Road has slowly changed from R-6 residential to B-3 commercial. In-fact there are only two residential zoned properties adjacent to Brogden Road that exist from Brightleaf Blvd. to I-95. One of the two parcels is a substandard lot and the other parcel has a previously condemned structure located on the property. Although the use of the majority of the properties on the north side of Brogden Road remains residential it is clearly evident that the majority of property owners and past Town Councils have envisioned that the highest and best use of the north side of Brogden Road as commercial. ***Therefore, the rezoning request when granted will have very little negative impact, if any, to the existing commercially zoned properties, but rather should create commercial opportunities to be developed in support of any industry that may choose to locate to the property.***

Attachment B

Finding of Fact

Wal-Pat Road Rezoning

The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:

The rezoning if granted will bring the zoning/use into compliance with the Town of Smithfield Comprehensive Land Use Plan adopted in 2003.

When the actual development of the property occurs it will be designed, permitted and constructed in accordance with the Town of Smithfield Unified Development Ordinance, 2017.

The zoning petition is compatible with established neighborhood patterns of the surrounding area:

Since the adoption of zoning by the Town of Smithfield in the late 60's the use and zoning of the land on the southside of Brogden Road has been primarily industrial with commercial closer to US 301. On the north side of Brogden Road the use has been a mix of about 50/50 commercial and residential. Approximate 15 to 20 years ago the property owners on the north side of Brogden Road started petitioning the Town to rezone their properties to commercial. Today approximately 95% of all land on the north side of Brogden Road is zoned commercial, however the use remains approximate 50/50 commercial and residential. To the south along Wal-Pat Road, over the last 20 to 30 years several industrial facilities have been constructed as well as major additions constructed to existing industrial facilities. The proposed rezoning is very compatible with the established neighborhood patterns (industrial and commercial) as they have evolved over time.

The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:

Today only two residential zoned properties remain on the north side of Brogden Road. The parcel on the corner of Rand Street is vacant land with no structures. The other parcel at the corner of Blount Street has a single-family wood frame home that is in a deteriorated condition. The building inspector posted

the house several years ago as being unsafe. Presently the Town is in the process of obtaining permission from the property owner to burn the house down for fire department training purposes. It could be reasonable to assumed that these parcels in the future will also be rezoned to B-3 commercial so as to be zoned in accord with other properties fronting the north side of Brogden Road. In the future when the two residential parcels are rezoned to commercial then the requested industrial rezoning will be totally compatible with all the changing neighborhood conditions.

The rezoning request is in the community interest:

The proposed rezoning will allow for the development of the land into a viable industrial use that will create jobs, improve the infrastructure, increase the tax base and put the land in a position to be used for its highest and best use (industrial). Not only will the local community along Brogden and Wal-Pat Roads directly benefit but the Town as a whole will benefit indirectly by increasing the utility service revenue and tax revenue allowing the Town to reduce operating cost over a larger base.

The request does not constitute "Spot Zoning":

The rezoning request does not constitute "Spot Zoning" because there is an existing HI heavy industrial zoning immediately adjacent to the property to the north, west and south. Therefore, the request is an expansion of an existing contagious zoning district not a "Spot Zoning".

Present regulations deny or restrict the economic use of the property:

The present zoning, B-3 commercial does inhibit the development of the property as an industrial site. Since one of the two parcels requested to be rezoned is already serving the adjacently industry with outdoor storage via an existing condition use permit then the rezoning will in effect eliminate the conflict of a commercial property being used for an industrial use. Since the bulk of the property to the south west and north is already industrial property, it makes little sense, from a zoning point of view, that the corner of Brogden Road and Wal-Pat Road remain commercially zoned property. With industry on three sides the ability to develop the property as a via commercial site is very limited because of the existing land uses.

The availability of public services allows consideration of this rezoning request:

The parcels requested for rezoning are already served by water, sewer, and electric provided by the Town of Smithfield. Natural gas provided by Piedmont Natural Gas is also available to the property. Telecommunications/cable service are provided by CenturyLink and Spectrum. Johnston County Public Utilities also can serve the property with “gray water” which can be used for irrigation or non-potable process water via a distribution line located in Brogden Road. Due to the close proximity to I-95 the property has direct access via a full-service interchange (Exit 93).

Physical characteristics of the site prohibit development under present regulations:

There are no physical characteristics that would prohibit the development of the site under present regulations. However, there is an existing storm drainage outfall that carries storm water (generated upstream of the property) parallel to Brogden Road and then turns to the south paralleling the railroad to a discharge point. The storm water carried by the outfall will need to be incorporated into the design of the site improvements whether the property remains commercial and is developed or is rezoned to industrial and then developed. The design of the outfall will be site specific and will be permitted as part of the site development process.

RZ-18-03

Frank Lee



Request for Planning Board Action

**Application
for Zoning
Map
Amendment
RZ-18-03
Date: (02/01/18)**

Subject: Zoning Map Amendment
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Business Item

Issue Statement

Frank Lee is requesting approval of a zoning map amendment to rezone approximately 6.8 acres of land from R20A Residential-Agricultural to B-3 Highway Entranceway Business District Zoning.

Financial Impact

There will be no financial impact to the Town.

Action Needed

To review the application for rezoning, and make a recommendation to the Town Council.

Recommendation

The Planning Department recommends denial of the Zoning Map Amendment; and recommend that the Town Council approve a consistency statement declaring the request to be inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is not reasonable and not in the public interest.

Approved: City Manager City Attorney

Attachments:

1. Staff Report
2. Planning Application



Staff Report

(Application for Zoning Map Amendment RZ-18-03)
Presentations

Application Number: RZ-18-03
Project Name: Buffalo Road Rezoning
TAX ID numbers: 14075030G, 14075030F, 14075027 and 14075028
Town Limits / ETJ: Town Limits
Applicant: Frank Lee
Owners: Mable Wallace Hamilton, Brian Thomas Grant and Todd Hamilton Grant
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: The property is located approximately 160 feet southeast of the intersection of Buffalo Road and Booker Dairy Road.

REQUEST: The applicant is requesting to rezone approximately 6.80 acres of land from R20A Residential-Agricultural to B-3 Highway Entranceway Business District Zoning.

SITE DATA:

Acreage: 6.80 acres
Present Zoning: R20A Residential-Agricultural
Proposed Zoning: B-3 Highway Entranceway Business District
Existing Use: Residential/Agricultural
Proposed Use: Undetermined Business Use.

School Impacts: NA
Parks and Recreation: Adjacent to SRAC and park
Fire District: Town of Smithfield
Water and Sewer Provider: Town of Smithfield
Electric Provider: Town of Smithfield

ENVIRONMENTAL: The property is not located within a floodplain and no delineated wetlands exist on or near property considered for rezoning.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R20-A Residential-Agriculture District
	Existing Use:	Undeveloped and Single Family Residential
South:	Zoning:	R20-A Residential-Agriculture District
	Existing Use:	Undeveloped and Single Family Residential
East:	Zoning:	O/I Office/Institutional District
	Existing Use:	Town Park Property
West:	Zoning:	R20-A Residential-Agriculture and O/I Office/Institutional Districts
	Existing Use:	Agriculture and the Johnston County Board of Education Office

STAFF ANALYSIS AND COMMENTARY:

o **Consistency with the Strategic Growth Plan**

The Future Land Use Map guides this property and the surrounding properties as a Commercial Service Node. In the Comprehensive Growth Management Plan, a Commercial Service Node is envisioned as a mixed use - limited commercial focus area to service the neighborhood. The Town has no “mixed use district”, but does allow PUD zoning to allow for mixed use development (a form of conditional zoning). In order to ensure consistency with the Comprehensive Growth Management Plan, only a mixed use PUD rezoning with a master plan should be approved for these nodes. B-3PUD would likely be consistent with the Comprehensive Growth Management Plan.

The Growth Management Plan guides these Commercial Service Nodes as follows:

- Are intended to be buffered from surrounding areas by office/institutional/high density residential land uses. The exact size of the required buffer should be determined when the ultimate extent of the commercial node is known.
- Shall have Pedestrian connections developed between sites within.
- Shall be compatible in size and scale with surrounding development.
- Shall encourage shared vehicular access between adjacent commercial businesses.
- Shall have specific area development plans prepared prior to the initiation of development.

The Comprehensive Growth Management Plan’s Implementation Strategies also provide guidance relevant to this rezoning request:

Objective 3: Preserve and enhance Smithfield’s land use form.

Implementation Strategy b) Establish a mixed use district. A Mixed Use District is intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections in Smithfield. They should be designed to facilitate stated public policies to encourage design which emphasizes lively, people oriented environments and

compatible, visually interesting development. This district provides areas where moderate scale mixed use centers can locate with an emphasis on development of a balance of residential, office, and commercial uses. It is further intended that the Mixed Use Districts shall encourage development within which mutually supporting residential, commercial, and office uses are scaled, balanced, and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian circulation systems and mass transit to further reduce the need for private automobile usage. Mixed Use Districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. When such districts adjoin residential development or residential zoning districts, it is intended that arrangement of buildings, uses, open space, and vehicular or pedestrian access shall provide appropriate transition and reduce potentially adverse effects. The service nodes which are delineated on the Future Land Use Map (Map 18) should be mixed use districts.

Implementation Strategy h) Office/Institutional/Multi-family development should be used as a buffer between light industrial and commercial development and adjacent residential land uses.

Objective 4: Discourage strip commercial development on major and minor thoroughfares that allows each lot to have direct vehicular access to the highway.

Implementation Strategy c) Commercial development should be encouraged at the intersections of major roads (i.e., in a nodal fashion) consistent with the town's future land use map.

The Comprehensive Growth Management Plan also provides an illustration of a Commercial Service Node. The Comprehensive Growth Management Plan also discourages strip development in these node areas.

Therefore, the proposed rezoning will be inconsistent with the Town of Smithfield's Growth Management Plan. A straight B-3 zoning will allow all the commercial uses within a B-3 district, but will not ensure the commercial node's serve the neighborhood, buffers the adjacent residential, nor provide for the access or connectivity envisioned in the Comprehensive Growth Management Plan.

- **Consistency with the Unified Development Code**

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

- **Compatibility with Surrounding Land Uses**

The property considered for a rezoning is adjacent to low density residentially zoned properties. A commercial property exists to the northeast of Booker Dairy Road which is physically disconnected from the proposed commercial site. Without the buffers and access control as guided by the Comprehensive Plan, compatibility issues are likely.

RECOMMENDATION:

The Planning Department recommends denial of the Zoning Map Amendment; and recommend that the Town Council approve a consistency statement declaring the request to be inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is not reasonable and not in the public interest.

PLANNING BOARD RECOMMENDED ACTION:

The Planning Board is respectfully requested to review the petition and make a recommendation to the Town Council whether to approve or deny the rezoning of approximately 6.8 acres from R20A Residential-Agricultural to B-3 Highway Entranceway Business District Zoning.

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-18-03**

Whereas the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Town Council, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD TOWN COUNCIL AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE IS ADOPTED,

That the final action regarding text amendment RZ-18-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public hearing; and

It is the objective of the Town of Smithfield Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the Town of Smithfield as supported by the staff report and attachments provided to the Town Council and information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE FAILS,

That the final action regarding zoning map amendment RZ-18-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment does not promote this and therefore is neither reasonable nor in the public interest.



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: Buffalo Road Rezoning Acreage of Property: 2.26 ac
Parcel ID Number: 14075030G Tax ID: 169408-88-7663
Deed Book: 01360 Deed Page(s): 0057
Address: 1418 Buffalo Road
Location: Southeast quadrant of the intersection of Buffalo Road and Booker Dairy Road, approx. 300 feet south.
Existing Use: Farmland Proposed Use: Commercial
Existing Zoning District: R20-A
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: _____ Date Received: _____ Amount Paid: _____

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:*

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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.

W. Frank Lee

Print Name



Signature of Applicant

1/4/18

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: Buffalo Road Rezoning Submittal Date: 1/5/2018

OWNERS AUTHORIZATION

I hereby give CONSENT to W. Frank Lee (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.

Mable Hamilton MABLE HAMILTON 1-3-2018
 Signature of Owner Print Name 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.

W. Frank Lee
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number: 14075030G



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350 E. Market St Smithfield, NC 27577
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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: Buffalo Road Rezoning Acreage of Property: 2.78 ac, .892 ac, .883ac
Parcel ID Number: 14075030F, 14075027, 14075028 Tax ID: 169408-88-6292, 169408-88-4278, 169408-88-4124
Deed Book: 02058, 02057, 02058 Deed Page(s): 0614, 0614, 0614
Address: 1560 Buffalo Road
Location: Southeast quadrant of the intersection of Buffalo Road and Booker Dairy Road, approx. 500 feet south.
Existing Use: Farmland/Residential Proposed Use: Commercial
Existing Zoning District: R20-A
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: _____ Date Received: _____ Amount Paid: _____

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:*

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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

See Attachment B

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.

W. Frank Lee

Print Name



Signature of Applicant

1/4/18

Date



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 350 E. Market St Smithfield, NC 27577
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 Phone: 919-934-2116
 Fax: 919-934-1134

OWNER'S CONSENT FORM

Name of Project: Buffalo Road Rezoning

Submittal Date: 1/5/2018

OWNERS AUTHORIZATION

I hereby give CONSENT to W. Frank Lee (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.

J. Grant Brian Grant TOPP GRANT BRIAN GRANT
 Signature of Owner Print Name Date 01/03/2018 01/03/2018

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.

W. Frank Lee
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Parcel ID Number: _____

Signature Certificate

 Document Reference: 5NLIJIJH4IXIY3NVVNVREV

RightSignature
Easy Online Document Signing



Brian Grant
Party ID: R78R28JTLKUE9RX5JVVJLF
IP Address: 209.124.240.64
VERIFIED EMAIL: bnn1218@bellsouth.net

Multi-Factor
Digital Fingerprint Checksum

db6c781e6fe7b1f174e0ccb2f377895fb2742ee8



Todd Grant
Party ID: V9L4N9IWFK6NMNUG3ZH3LT
IP Address: 71.1.28.217
VERIFIED EMAIL: tgrant@seaboardsurveying.com

Multi-Factor
Digital Fingerprint Checksum

c1a5e2e643571de0c4f1dcc4f3eb2150ca520faa



Timestamp

2018-01-03 11:48:53 -0800
2018-01-03 11:48:52 -0800
2018-01-03 11:47:14 -0800
2018-01-03 05:25:04 -0800
2018-01-03 05:21:30 -0800
2018-01-02 15:14:01 -0800

Audit

All parties have signed document. Signed copies sent to: Brian Grant, Todd Grant, and Wayne Strickland.
Document signed by Brian Grant (bnn1218@bellsouth.net) with drawn signature. - 209.124.240.64
Document viewed by Brian Grant (bnn1218@bellsouth.net). - 209.124.240.64
Document signed by Todd Grant (tgrant@seaboardsurveying.com) with drawn signature. - 71.1.28.217
Document viewed by Todd Grant (tgrant@seaboardsurveying.com). - 71.1.28.217
Document created by Wayne Strickland (wstick8725@aol.com). - 96.10.35.214



This signature page provides a record of the online activity executing this contract.

Attachment A

Statement of Justification

Buffalo Road Rezoning

The rezoning requests that four parcels of land located in the southeastern quadrant of the intersection of Buffalo Road and Booker Dairy Road be rezoned from R20-A residential/agricultural to B-3 commercial. The four parcels of land total approximately 6.815 acres. Three of the parcels have no structures and in the recent past have been tended for agricultural purposes. The remaining parcel has a stick frame single family house with approximately 1300 to 1500 sf heated area. The house has not been unoccupied for a number of years and the condition of the house is unknown.

The Town's Comprehensive Land Use Plan adopted in 2003 designates the general area associated with the intersection of Buffalo Road and Booker Dairy Road as a Commercial Service Node. According to the Land Use plan the Node should contain uses and zoning that would support the development of commercial, office/institutional and high density residential developments. By the Town Council granting the rezoning request the Council will be fulfilling the planning put forth some 15 years ago in the Comprehensive Land Use Plan. A previous Council approved the rezoning of the northeast quadrant of the intersection of Buffalo and Booker Dairy Roads with the resulting development being the State Employees Credit Union. Other recent re-zonings in the area have resulted in the development of a doctor's office, a church and the Charter School. Additional development proposals that Town staff have already received include another medical office building, an assisted living facility and a residential development.

The existing rezoning and development that has already occurred can be directly attributed to the construction of Phase 1 Booker Dairy Road (the Durwood Stephenson Highway) and the 2003 Comprehensive Land Use Plan. Now the second phase of the Booker Dairy Road Extension (from the SECU to US 301 at Wal-Mart) will begin by NCDOT letting the bid in February 2018. The Town Council needs to continue working at the implementation of the Comprehensive Land Use Plan as additional properties are rezoned, entitlements obtained and positioned for development. These new developments will need the Commercial Service Node to provide those businesses and services that will support the office/institution and residential growth.

In addition, US 70 has been designated as Future Interstate 42, the only interchange that Smithfield will have on I-42 is Buffalo Road. NCDOT, in the recently adopted County Transportation Plan, designated Buffalo Road to be up graded to a four-lane roadway with a median. With the upgrading of Buffalo Road and the completion of Phase 2 Booker Dairy Road Extension the proposed Commercial Service Node needs to be put into play by the Town Council approving the rezoning request.

Attachment B

Finding of Fact

Buffalo Road Rezoning

The zoning petition is in compliance with all applicable plans and policies of the Town of Smithfield:

The rezoning if granted will bring the zoning and use into compliance with the Town of Smithfield Comprehensive Land Use Plan adopted in 2003 by enabling the establishment of a Commercial Service Node at the intersection of Booker Dairy Road and Buffalo Road.

When the development of the rezoned parcels occurs the Town through the permitting process will be afforded the opportunity to establish right of way and roadway improvements designated in the NCDOT County Transportation Plan.

As new development occurs on the rezoned property the new construction will be designed, permitted and constructed in accordance with the Town of Smithfield Unified Development Ordinance, 2017.

The zoning petition is compatible with established neighborhood patterns of the surrounding area:

Historically, the land use and zoning in the general vicinity of the Buffalo Road/Booker Dairy Road intersection has been residential/ agricultural with two exceptions, SSS High School and Smithfield Middle School. As rezoning petitions and development proposals have been submitted over the last 15 years planning staff used the Comprehensive Land Use Plan adopted in 2003 as a guide for establishing zoning and establishing uses. The office/institution use encompasses more area than originally envisioned due to the development of the Neuse Charter School (which started as a church school which grew dramatically) and the development of an office park adjacent to the charter school. The SECU by locating in the northeast quadrant of the intersection of Booker Dairy and Buffalo Road provided the initial commercial piece of development for the Commercial Service Node that is shown in the Comprehensive Land Use Plan. In general, it can be said that the rezoning and establishment of land uses has been consistent with the Comprehensive Land Use Plan.

By granting the rezoning the Town Council will move to further establish the Comprehensive Land Use Plan by allowing another piece of the Commercial Service Node be developed. The rezoning will enforce and enhance the work started by prior Council by further supporting the establishment of the neighborhood pattern envisioned in 2003.

The rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning:

The neighborhood is obviously changing from primarily a residential/agriculture use to an office/institutional use (schools, churches, parks, and offices) with some commercial use (SECU). Since the existing predominate zoning is R20-A residential/agriculture, rezoning will be required in order to facilitate any continued development. R20-A zoning will not support any commercial, office/institution or high density residential development, therefore rezoning will be required for almost any changing neighborhood condition.

The rezoning request is in the community interest:

The proposed rezoning will be a benefit to the community by allowing commercial business that can support the nearby homes, schools and businesses with services needed for maintaining the quality of life without having to travel a long distance. In addition, any business constructed after the implementation of the rezoning will create jobs, improve the infrastructure and build the tax base of the Town of Smithfield.

The request does not constitute "Spot Zoning":

The rezoning does not constitute "Spot Zoning". Immediately to the north across Booker Dairy Road is the State Employees Credit Union which is zoned B-3 Commercial. The land that lies between the SECU and the subject property is either NCDOT right of way or land owned by NCDOT though condemnation. By law, lands held by NCDOT are not considered as barriers to contiguous zoning. Therefore, the rezoning does not constitute "Spot Zoning". In addition, the 2003 Comprehensive Land Use Plan indicates that commercial rezoning is desirable by the establishment of a Commercial Service Node.

Present regulations deny or restrict the economic use of the property:

The existing zoning (R20-A) definitely restricts the development of the property for economic gain other than what can be realized from farming and light residential use. The R20-A zoning allows for almost no commercial activities except those normally associated with agriculture.

The availability of public services allows consideration of this rezoning request:

The parcels requesting for rezoning when developed will become Town of Smithfield electric, water and sewer customers. These existing utility lines are located in Buffalo Road right of way. Telecommunications are provided by CenturyLink and Spectrum. Access to the property will be provided from Buffalo Road SR 1003.

Physical characteristics of the site prohibit development under the present regulations:

There are no known physical characteristics (rock outcrops, buffered streams, etc.) that would prohibit the development of the site under the present regulations. The primary limitation associated with the development of the properties is related to the existing zoning not physical or regulatory limitations.



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

Permit Issued for November 2017

					Permit Fees	Permits Issued
Major Site Plan					\$100.00	1
Land Use					\$1,350.00	15
Sign					\$450.00	9
Report Period Total:					\$1,900.00	25
Fiscal YTD Total:					\$7,775.00	113
Z17-000207	Zoning	Land Use	Carolina Pickers	938 North Brightleaf Blvd		
Z17-000206	Zoning	Land Use	Clayton Homes of Goldsboro	1346 Barbour Rd		
Z17-000209	Zoning	Sign	The Black Bell Gallery & Lounge	329 East Market Street		
Z17-000211	Zoning	Land Use	Carolina Outreach, LLC	831 South Brightleaf Blvd		
Z17-000210	Zoning	Land Use	Automobile Sales	1803 South Brightleaf Blvd		
Z17-000212	Zoning	Sign	Auto Trader Sales & Service LLC.	1195 Brogden Road		
Z17-000214	Zoning	Land Use	Ready Set Escape	1304-E West Market Street		
Z17-000213	Zoning	Sign	Raynor Shine Auto Works, Inc.	119 Airport Industrial Drive		
Z17-000215	Zoning	Sign	United Community Bank	128 North Second Street		
Z17-000216	Zoning	Sign	United Community Bank	403 South Brightleaf Blvd		
Z17-000218	Zoning	Land Use	Wildside Clothing	1025 Outlet Center Dr Ste 740		
Z17-000217	Zoning	Land Use	McDonald's	884 West Market Street		
Z17-000219	Zoning	Sign	Wildside Clothing	1025 Outlet Center Dr Ste 740		
Z17-000220	Zoning	Land Use	Reliable Income Tax Service	506 South Seventh Street		
Z17-000221	Zoning	Land Use	Nutrition Club	1307 North Brightleaf Blvd		
Z17-000222	Zoning	Land Use	SFD Addition	456 Cloverdale Drive		
Z17-000223	Zoning	Sign	Carter's	1025 Outlet Center Dr Ste 740		
Z17-000226	Zoning	Land Use	Spanky's Christmas Trees	404 North Brightleaf Blvd		
Z17-000224	Zoning	Land Use	Uprep Outfitters/Uprimp Boutique	1304-E West Market Street		
Z17-000229	Zoning	Sign	Haines Vision Care	1319 North Brightleaf Blvd		
Z17-000228	Zoning	Land Use	enclosed carport	102 East WILSON Street		
Z17-000227	Zoning	Sign	Reliable Income Tax Service	506 South Seventh Street		
Z17-000230	Zoning	Land Use	Johnston County Liquidations	36-A East Edgerton Street		
SP17-000048	Site Plan	Major Site Plan	Classic Ford	1324 North Brightleaf Blvd		
Z17-000231	Zoning	Land Use	Hair Salon/Home Occupation	710 Wilsons Mills Road		



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

BOARD ACTIONS REPORT - 2017

	November	Calendar Year to date
Town Council		
Rezoning	1	3
Conditional Use / Special Use	1	11
Ordinance Amendment	0	4
Major Subdivisions	0	0
Annexations	0	0
Special Events	3	12
Site Plan	1	2
Planning Board		
Rezoning	1	5
Condition Use	0	8
Ordinance Amendment	0	3
Subdivisions	0	0
Annexations	0	0
Major Site Plan	1	2
Board of Adjustment		
Variance	0	1
Admin Appeal	0	0
Historic Properties Commission		
Certificate of Appropriateness	0	0
Historic Landmarks	0	0