



PLANNING BOARD AGENDA

Members:

Chairman: Stephen Upton (Town)
Vice-Chairman: Vacant

Teresa Daughtry (Town)	Ashley Spain (ETJ)
Oliver Johnson (Town)	Mark Lane (ETJ)
Michael Johnson (Town Alt)	Vacant (Town)

Stephen Wensman, AICP, ALA, Planning Director
Mark Helmer, AICP, CZO, Senior Planner
Shannan Parrish, CMC, Town Clerk

Meeting Date: Thursday, October 4, 2018
Meeting Time: 6:00 p.m.
Meeting Place: Council Chambers, Smithfield Town Hall

**AGENDA
PLANNING BOARD
REGULAR MEETING
OCTOBER 4, 2018
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Identify voting members

Approval of the agenda.

Approval of the minutes for September 6, 2018

New Business

ZA-18-09 Stephenson General Contractors: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 6, Section 6.5 Tables of Uses and Activities, to allow for Licensed Facilities: Child Care Facilities as a special use with supplemental standards in the O/I (Office/Institution) zoning district.

S-18-02 Last Investment LLC: The applicant is requesting preliminary subdivision approval of a 110 lot residential development on approximately 100 acres of land located within an R-20A (Residential-Agricultural) zoning district. The property considered for preliminary subdivision approval is located on southwest side of the intersection of Swift Creek Road and Cleveland Road and further identified as Johnston County Tax ID# 15I08020.

RZ-18-08 Johnston County: The applicant is requesting to rezone a 24.50 acre tract of land from the Town of Smithfield R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district. Portions of the property considered for rezoning are located on northwest and southwest quadrant of the intersection of a US Hwy 70 Business East and Yelverton Grove Road and another portion is located on the east side of Yelverton Grove Road approximately 790 feet north of its intersection with US Hwy 70 Business East. The property is further identified as Johnston County Tax ID# 15L11011.

Old Business

Administrative Actions report

Land Use Permit Report for August, 2018
Board Actions Report for August, 2018

Adjournment

Draft
Smithfield Planning Board Minutes
Thursday, September 6, 2018
6:00 P.M., Town Hall, Council Chambers

Members Present:

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

Members Absent:

Vice Chair-Daniel Sanders

Staff Present:

Stephen Wensman, Director
Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

Michael Johnson was sworn in by Stephen Upton as a new Planning Board member.

Mr. Upton asked the Planning Board members to identify themselves and he identified Planning Department staff.

AMENDMENTS TO THE AGENDA

None

APPROVAL OF AGENDA

Oliver Johnson made a motion to approve the agenda, seconded by Mark Lane. Unanimous

APPROVAL OF MINUTES from August 2, 2018

Ashley Spain made a motion, seconded by Mark Lane to approve the minutes as written.
Unanimous

HONORING OF EDDIE FOY: Stephen Upton presented Mr. Foy with two plaques for his 15 years of service on the Planning Board and Board of Adjustment.

New Business

RZ-18-08 Navaho Investment Company LLC: The applicant is requesting to rezone a 32.88 tract of land from Johnston County AR (Agricultural-Residential) zoning district to the Town of Smithfield R-20A (Residential-Agriculture) zoning district. The property considered for rezoning is located on Black Creek Road approximately 1700 feet southwest of its intersection with NC Highway 210. The property is further identified as Johnston County Tax ID# 15I09011B.

Mr. Stephen Wensman came forward to present RZ-18-08. He showed an exhibit of the property stated it was near West Smithfield Elementary School. He said about 12 acres of the property was in the Town of Smithfield ETJ the remainder of the property to be rezoned is in the County. Sometime between 2007 and 2008 both parts of this property were preliminary plated by the County. Then the Town of Smithfield expanded its ETJ. More recently the developer revised the preliminary plat with the County and plated the western half due to it sitting in the County; they received plan approval for it. They then came to us and asked to develop the portion of the property that is in the Town. The County doesn't want to serve this property with their utilities. The County told the Town's Utilities Director to serve the whole development. An annexation petition has been put together by the applicant. The Smithfield Town Council instructed the Town Clerk to certify the petition. The next step would be to call a public hearing. If the Town chooses to annex it, then we would bring the rezoning forward at the same meeting for the Town Council to hear. Whatever is decided tonight would be contingent on annexation, because it isn't in the Town right now. Mr. Wensman checked with the School of Government in Chapel Hill about whether or not the Town can bring up the rezoning with the Planning Board given it is still in the County. They said it is fine because this is a recommended body. The Town can recommend the rezoning but it will not take effect until after annexation. Our concern is if this portion gets annexed, what should the zoning should be. The applicant is requesting R-20A which is the lowest density residential category which is the same as the other portion of the site. The portion they're rezoning has invested rights associated with it. It was developed under the County under AR zoning rules. If the Town does accept the annexation, it's not going to meet our current standards, it would be County standards. It'll be a DOT road standard.

Mr. Lane asked why we wouldn't approve it under the Unified Development Ordinance.

Mr. Wensman said because it comes with vested rights. That will be an issue the Town Council will have to take on.

Mr. Spain asked if part of the site is not within the Town's ETJ, then they have nothing to do with governing the property. So it would go back to the County correct?

Mr. Wensman answered yes that is correct.

Mr. Lane asked if this was one lot or two.

Mr. Wensman said it is one lot divided by a creek.

Mr. Lane said you can have a lot that is half in the ETJ and the other half not in the ETJ.

Mr. Wensman said yes that is what happened.

Mr. Lane said that isn't right because I know people that couldn't get in the ETJ because all of their property wasn't in it.

Mr. Spain asked how this situation can be considered but not the same way on the East side.

Mr. Helmer said it must not have been picked up on, that this property was split into part County and part Town.

Mr. Spain asked if the Town annexes this property in, why should it not conform or have to conform to the Town and couldn't the question be answered before a decision is made.

Mr. Wensman said if the Council thinks the property should conform then the applicant more than likely wants to become part of the Town. He will make more money if he stays in the County. We need to choose the land that we annex wisely. If this property becomes part of the Town, we would have to serve it with utilities, police, fire and garbage.

Mrs. Daughtry said if we say we don't want to rezone the property just leave it as is, are we hurting the applicant.

Mr. Wensman said if the property does get annexed into the Town then we need to rezone it into something. It can't be in the ETJ and have County zoning.

Mr. Lane said in his opinion the Town of Smithfield has nothing to do with either piece of this property.

Mr. Helmer said the applicant wants something to do with the Town though.

Mr. Lane said it isn't going to conform to the UDO; he has a problem with that. He understands the Town wants them as a customer. The Council has a lot of decisions to make.

Mark Lane made a motion to table RZ-18-08 until it has been annexed, seconded by Teresa Daughtry. Unanimous

ZA-18-03 Town of Smithfield:

The Town of Smithfield Planning Department is requesting an amendment to the Unified Development Ordinance (UDO) to incorporate the Town of Smithfield Code of Ordinances, Chapter 15, Planning, Article III, Historic Properties Commission into the Unified Development Ordinance, Article 3, and to amend the UDO Administrator's duties, and to amend the Board of Adjustments voting procedure to reflect statutory requirements, and other minor updates to Article 3.

The proposed ordinance amendment to the Unified Development Ordinance (UDO) will:

1) Incorporate the Town of Smithfield Code of Ordinances, Chapter 15, Planning, Article III, Historic Properties Commission (HPC) into the Unified Development Ordinance, Article 3 with a few minor changes:

- Title of the Historic Properties Commission is recommended to be renamed to Historic Preservation Commission. Renaming the Commission will be consistent with the title of the

Town of Smithfield Historic Preservation Design Guidelines manual and more accurately reflect the intent and mission of the Commission as defined by Section 3.5.1.

- The proposed ordinance amendment will require the Commission to meet a minimum of one time per calendar year.

2) Provide needed corrections and clarifications including:

- Minor edits to UDO Administrator's duties to reflect code changes.
- Add Historic Preservation Commission throughout Article 3 as needed.
- Correcting the Board of Adjustments quorum and voting procedure (3.4.2.4.1) to reflect state statutes.
- Minor additions and deletions as needed to reflect Town operations and code changes, (i.e., eliminating reference to Town Building Inspector as secretary for boards).
- To amend the procedural requirement for Town Council approval of site-specific development plan.

Mr. Upton asked if we could postpone future Board of Adjustment meetings knowing everyone can't attend them.

Mr. Helmer said if you don't have the ability to have a 4/5th vote then you can't hear the case.

Mr. Upton asked if the BOA didn't have a quorum at the last BOA meeting held on July 26, 2018.

Mr. Helmer said yes you had a quorum for the meeting, but you didn't have a unanimous vote.

Mr. Lane said I understand statues; I have emailed every legislature I can find. I know that two BOA votes have been reversed, this one was held onto. The new ordinance needs to state if the full board is not present; the applicant is to be notified and can table their request. It doesn't apply to vacant seats or recused members.

Mark Lane made a motion to add if the full board is not present the applicant will be notified and can table the request. Vacant and recused seats do not apply, seconded by Teresa Daughtry. Unanimous

Mr. Wensman presented some ordinance amendments he has proposed for Article 10. He said he wanted to just go through the highlighted areas and give everyone some of his ideas. This first one is on page 10-4, rather than state what's in 10.94 possibly in different words I prefer to reference it and have rules in one place. The first striking here is just getting rid of the ordinance language where the parking and loading should be. Just say it needs to comply with 10.94 where that language sits. Then further down the strike through would be where it says No required off-street parking shall be located on any public right-of-way or encroach by more than 50% on any required setback, or into any required streetyard. According to Mr. Helmer this has never been enforced or used. To enforce it would create hardship that others didn't have to comply with. Also it would create different setbacks within the same corridor, depending on the site.

Mr. Oliver Johnson asked Mr. Wensman to go back to page 10-4, it mentions 10.94, where is that.

Mr. Wensman said Section 10.94 is on page 10-125. He asked Mr. Helmer to explain this strike through. It's conflicting because we have a building setback then we have a required streetyard. Essentially what this says is you can use 50% of the building setback but that is not what the landscape code says. It says you can't be in the 50%, and this is saying you can't even have pavement in there.

Mrs. Daughtry said it was a lot to absorb when we're given all these changes. Could we not pick a night when we focus on these changes only in a different setting? I feel like we are going back and creating a whole new UDO like before that took 18 months.

Mr. Wensman said his original intent was to do small little bits. He realized it would be confusing so he thinks the best way is to make the changes article by article. He talked with Town Manager, Michael Scott and he thinks the Town Council would want to do this in a workshop setting instead of the way Planning Board meetings are held.

Mr. Helmer said he noticed something unusual about this UDO and the previous one. The stuff is engrained throughout the entire document, like the site plan review stuff. It is in 5 or 6 articles, to make one change you have to make many changes in various places.

Mr. Wensman said until you use the code like Mr. Helmer and I do, you probably never grasp it. We learn as we use it ourselves.

Mr. Upton asked the Planning Board how they felt about having separate sessions to meet on these ordinance changes.

Mr. Oliver Johnson said it would be more beneficial in a workshop setting.

Mr. Wensman said it might be a good idea to ask the Town Manager about the UDO committee and Planning Board reconvening and starting over with the UDO.

Mrs. Daughtry said I know you have worked hard on correcting this UDO and to be honest it is more than what we learned when we were in the UDO committee sessions.

Mr. Upton asked what would be wrong with having the Planning Board on the UDO Committee if they choose to be.

Mr. Wensman said well you wouldn't want a quorum of the Planning Board.

Mr. Helmer said anytime we are all together to meet as a board we have to advertise it.

Mrs. Daughtry said it would be fine with her for Planning staff to clean up the UDO completely and tell her and anyone else on the UDO committee a date and time to meet. She says they

need to be focused and take a vote of who is willing to be on the committee from the Planning Board.

Mr. Wensman said he wasn't sure if the Town Council would want to be part of a committee but he has a feeling they may want to come along to the meetings as well.

Mrs. Daughtry said they did this for nothing the first time. She is willing to go through these UDO meetings again for nothing, although food would be nice.

Mr. Wensman said it makes sense to reform the UDO committee; however he needs to talk to the Town Manager first to see if that is the approach he would like to take. He had expressed an interest in a few members of each group discussing these changes in a workshop setting.

Old Business

Mrs. Daughtry asked how Mr. Daniel Sanders was doing, if there had been any updates on his condition. I spoke up and told the board there had not been any change.

Mr. Upton said a flower would be sent on behalf of the Planning Board should Mr. Sanders pass away.

Adjournment

Ashley Spain made a motion to adjourn, seconded by Teresa Daughtry. Unanimous

Submitted this 7th day of September, 2018

Julie Edmonds
Administrative Assistant
Planning Department



Request for Planning Board Action

**Application
for
Agenda Item: Zoning Text
Amendment
Date: 10/4/18**

Subject: Unified Development Ordinance Text Amendment

Department: Planning

Presented by: Stephen Wensman, Planning Director

Presentation: Business Item

Issue Statement

Durwood Stephenson is requesting an amendment to the Unified Development Ordinance (UDO) to allow licensed child care centers in the Office/Institutional zoning district as special uses with supplementary standards.

Financial Impact

None

Action Needed

To review the zoning text amendment, ZA-18-09, and make a recommendation to the Town Council

Recommendation

Planning Staff recommends the Planning Board recommend approval of zoning text amendment ZA-18-09 with a consistency 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: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Consistency Statement
3. Draft Ordinance Amendment
4. Application



Staff Report

Agenda
Item:
Date:

Application
for Zoning
Text
Amendment
10/4/18

REQUEST:

Durwood Stephenson is requesting an amendment to the Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow licensed child care centers in the Office/Institutional zoning district as special uses with supplementary standards.

ANALYSIS:

The UDO allows licensed child care centers in the commercial business districts and industrial districts. Licensed child care centers will be as compatible or more compatible with permitted uses in the O/I zoning district as compared with permitted uses in those commercial and industrial zoning districts. For instance, most typically, daycare uses in industrial districts are only allowed as accessory to a principal use. Daycare in the O/I zoning district will not displace retail activities (pedestrian and vehicular traffic) as it often does in commercial business districts.

Licensed child care center use is supportive of office and institutional uses by providing child care services for workers in the area and nearby residential areas without causing disruption.

CONSISTENCY STATEMENT:

The zoning text amendment as proposed is consistency with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

RECOMMENDATION:

Planning Staff recommends the Planning Board recommend approval of zoning text amendment ZA-18-09 with a consistency 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 with the following motion:

"Move to recommend the Town Council approve ZA-18-09 amending the Town of Smithfield Unified Development Code, Article 6, Section 6.5 Table of Uses and Activities to allow licensed child care centers in the O/I zoning district as a special use with supplemental standards, finding the amendment consistent with

the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest."

DRAFT ORDINANCE # ZA-18-09
AN ORDINANCE TO AMEND THE TOWN OF
SMITHFIELD UNIFIED DEVELOPMENT
ORDINANCE ARTICLE 6. SECTION 6.5 TABLE
OF USES AND ACTIVITIES

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 allow for churches/places of worship and clubs or private lodges meeting halls within shopping centers providing additional supplemental standards can be met.

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:

[Revise Article 6, Zoning Districts, Section 6.5 Table of Uses and Activities to allow for Child Care Centers as a special use with supplemental standards within the O/I (Office and Institutional) Zoning District.]

Excerpt of Article 6, Zoning Districts, Section 6.5 Table of Uses and Activities to be amended as follows.

Uses	O/I	B-1	B-2	B-3	LI	HI	Supplemental Regulations
Child care center	<u>SS</u>	SS	SS	SS	SS	SS	Section 7.41

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 ____ day of _____, 20__.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

DRAFT

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
TEXT AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
ZA-18-09**

Whereas the Smithfield Town Council, 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 Town Council, 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 TOWN COUNCIL AS APPROPRIATE:

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

That the recommended approval of text amendment ZA-18-09 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 meeting; 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 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 Town Council and information provided at the public meeting. Therefore, the amendment is reasonable and in the public interest.

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

That the recommended approval of text amendment ZA-18-09 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:

M. Durwood Stephenson - Berkshire Road I, LLC	Post Office Box 1187
Petitioner's Name	Address or PO Box
Smithfield, NC 27577	919-934-6651
City, State, Zip Code	Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:
Allow childcare facility as licensed by State of N.C. in O & I zoning jurisdiction
 (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. **See Attached**
2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body. **See Attached**

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.

Berkshire Road I, LLC
M. Durwood Stephenson
 Signature of Petitioner _____ Date **September 19, 2018**
 M. Durwood Stephenson

FOR OFFICE USE ONLY

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

ATTACHMENT
PETITION FOR AMENDMENT TO UNIFIED DEVELOPMENT ORDINANCE
DATED SEPTEMBER 19, 2018
FORM 2/2017

Address: 861 Berkshire Road
Smithfield, North Carolina 27577

Zoning: O & I

1. An amendment to allow childcare facilities within O & I would conform to several objectives of permitted uses of O & I Zoning and would enhance the community and not be disruptive to the neighborhood nor any of the permitted uses. Ref. Office and Institutional District "A" is intended to encourage structures with ample open space i.e. playground and for facilities rendering specialized services including public and private schools, community centers and community services.
2. Allowing child care facilities will enhance the community and serve the public interest by providing childcare activities for office workers and/or residents of permitted R-6 residential. In lieu of disruption of any permitted activities, child care facilities would enhance and support neighborhood rendering specialized services in a safe, neighborhood friendly environment.

COMMENT

It appears the failure to include child care as a permitted use with O & I was an oversight as it is obvious this service would provide a necessary and invaluable service, but without any disruptive or negative neighborhood impacts.

We have made numerous inquiries regarding O & I permitted uses and find it is generally a permitted use in most jurisdictions.

Thank you for your consideration.



Request for Planning Board Action

Agenda
Item: S-18-02
Date: 10/4/18

Subject: Preliminary Subdivision Plat
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Business Item

Issue Statement

Last Investments, LLC is requesting a Preliminary Subdivision Plat for Swift Creek Road Tract, a proposed 110 lot single-family detached residential development on a 97.57 acre parcel in the R-20A zoning district located at 1337 Cleveland Road.

Financial Impact

The Utility Department will provide water to the development at the out of town rate.

Action Needed

To review the Preliminary Subdivision Plat and make a recommendation to the Town Council.

Recommendation

Planning Staff recommends the Planning Board recommend approval of the Swift Creek Tract subdivision with the 8 conditions of approval.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Application
3. Preliminary Plat and Plans



Staff Report

**Agenda S-18-
Item: 02**

Application Number: S-18-02
Project Name: Swift Creek Tract Preliminary Plat
TAX ID number: 15I08020
NCPin number: 167400-55-9454
Town Limits/ETJ: ETJ
Applicant: Last Investments, LLC
Property Owner: Ira Telfair Ogburn StewardshipTrust
Agents: Lee. R. Hines, Jr., PE

LOCATION: 1337 Cleveland Road (SE corner of Cleveland Road and Swift Creek Road)

REQUEST: Last Investments, LLC is requesting a Preliminary Subdivision Plat for Swift Creek Road Tract, a proposed 110 lot single-family detached residential development on a 97.57 acre parcel in the R-20A zoning district.

SITE/DEVELOPMENT DATA:

Address: 1337 Cleveland Road
 Tax ID: 15I08020
 Acreage: 97.57 acres
 Present Zoning: R-20A District
 Existing Uses: Agricultural/Residential
 Proposed Use: Single-family detached residential subdivision
 Fire Protection: Town of Smithfield
 School Impacts: Potentially adding students to the schools.
 Parks and Recreation: N/A.
 Access: Swift Creek Road
 Water Provider: Town of Smithfield
 Sewer Provider: Individual on-site septic systems
 Electric Provider: Duke Energy

ADJACENT ZONING AND LAND USES:

	Zoning	Existing Use
North	R20-A Residential/Agriculture	Agriculture
South	R20-A Residential/Agriculture	Agriculture
East	R20-A Residential/Agriculture	Agriculture
West	AR Residential/Agriculture (County Zoning)	Agriculture/Cemetery

EXISTING CONDITIONS:

The 97.57 acre tract is currently used for agriculture. The property generally slopes away from Swift Creek and Cleveland Roads towards a riparian area at the southwest property line. In addition, a drainage ditch crosses near the center the property in an east-west direction. A second riparian area exists near the south-eastern corner of the property near Swift Creek Road. The property is mostly open farm field with some wooded area near the edges and in low areas. A small cemetery is shown on the survey about 750 feet south of Cleveland Road on the west property line. Access to the cemetery is shown to be from Cleveland Road over a 30 ft. wide access easement centered on the west property line.

PRELIMINARY PLAT/PLANS ANALYSIS:

Unit Type/Density/Lot Size. The applicant is proposing to preliminary plat 110 detached single-family residential homes on the 97.57 acre parcel with a gross density of 1.13 units per acre. The lots range in size from 0.46 acres to . The UDO Article 10, Section 10.110.1.4.1.1 requires a minimum lot size of 20,000 sq. ft. (0.46 acres) for on-site septic. All the lots meet this requirement. The minimum lot dimensions are 100 ft. x 200 ft. Lot 86 is slightly less than 200 ft. long, but meets the requirements otherwise. Lots 92 and 93 do not meet the Town's lot requirements. UDO Section 10.108.1.4.3. states that lot size, shape, and location shall be made with due consideration to topographic conditions, contemplated use, and the surrounding area. Staff believes the hook shapes are an issue for surrounding properties. These areas will be difficult to maintain and may not be maintained appropriately so nearly detached from the main parcel. In addition, the County does not enforce nuisance complaints, so the hooks are likely going to be an enforcement issue for the surrounding homeowners. UDO Section 10.108.1.4.6. requires that Side lot lines be substantially at right angles or radial to street lines. The hook lots do not conform to this code provision. The minimum frontage for cul-de-sacs is 25'. All the cul-de-sac lots conform to this requirement.

Environmental. The development property contains a low wetland area on the southwest corner of the property and a blueline stream near the southeast corner of the property. The required 50 ft. riparian buffer is shown on the preliminary plans. There is also an existing ditch crossing the property in a north-south direction with an area of poor draining soils. There are several lots in the development that appear to be located on poorly draining soils that may not be suitable for on-site septic. The applicant has not yet conducted soil borings to verify adequate septic sites for each lot. It is likely that the applicant will lose some lots once the soils investigations are complete.

Cemetery. There is a cemetery on the north edge of the property. Access to the cemetery is shown to be over a 30 ft. wide easement centered on the property line. Planning Staff did receive comments from a member of the Avera family claiming that the 30' access easement was not properly executed. Staff researched the County recorder's files for the easement and could not find a recorded deed of easement. A condition of approval is recommended requiring the developer to provide documentation that there is a legal easement to the cemetery.

Utilities. The development will be served by Town of Smithfield water with a mastermeter on the County's water line as an out-of-town customer. Each lot will have on-site septic systems to treat sewage (See Environmental above). Electricity will be provided by Duke Progress Energy.

Road Access. The proposed road access to the development is from a single access on Sift Creek Road about 525 feet north of the Swift Creek Road and Cleveland Road intersection. According to the applicant, NCDOT prefers the single entrance in that location because of the safety considerations. NCDOT is conducting a traffic count on Swift Creek Road to determine whether a turn lane will be needed to help mitigate the traffic the future development is expected to generate. An NCDOT access permit will be needed for the road access.

Traffic Impact Study. The threshold for a traffic impact study is 800 cars per day. The proposed development is very near that threshold, but none will be required by Planning Staff. The NCDOT is conducting its own traffic counts and will most likely be requiring turn lanes. A traffic impact study is therefore unnecessary.

Streets and Sidewalks. The applicant is proposing 8,031 lineal feet of public street. The road surface will be 20 foot wide public streets with drainage swales and a 5 ft. public sidewalk on one side of the street in a 60 ft. right-of-way consistent with UDO requirements. Five foot sidewalks will also be constructed along Swift Creek and Cleveland Roads.

Lateral Street Access. The preliminary plat when first submitted showed lateral access to both the north and south sides of the plat as required. The lateral access on the south side led to a blue line stream. Staff had this access removed from the plans. The entire south edge of the plat appears to be wet lowland and the adjacent area most likely unbuildable. The lateral access to the north will provide an appropriate access to the adjacent property should it develop in the future. The adjacent property to the north is outside the Town's ETJ.

Park Dedication. According to 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. Alternatively, the Town can accept a fee in lieu of parkland. There are no Town plans for parks in this area and the applicant is proposing fee in lieu of parkland dedication. The fee in lieu will be due prior to recording the final plat, based on the number of lots within each platted phase.

Open Space. The proposed preliminary plat shows 11.93 acres of open space containing the wetland and mostly within the 100 year flood elevation. The open space will be owned in common by a homeowner's association. An access strip has been provided that is 20 feet wide shown between Lots 25 and 26. The developer has not provided any HOA documents for review by the Town Attorney as required. A condition of approval has been added to the recommendation requiring submittal of HOA documents for Town Attorney review.

Grading and Erosion Control. The applicant has submitted a sediment and erosion control plan with proposed grading. A sediment and erosion control permit will be required from the NCDEQ.

Stormwater Management. The applicant has submitted a stormwater management plan that indicates the development will be exempt from stormwater retention because the impervious area will be under the 15% impervious threshold. The applicant will be required to purchase nitrogen credits in lieu of managing stormwater quality on site. The individual lots will be limited to 3,803.8 sq. ft. of impervious surface (home, driveway, sidewalk, patio and shed, etc.).

Landscaping and Tree Preservation. There are no specific landscaping and tree preservation standards for single family residential development. No landscaping or tree preservation plans have been provided.

Lighting. No lighting plan has been provided. A lighting plan is required complying with the Town's UDO. In this case, Duke will be providing the lighting for the development

Phasing. The developer has not specifically identified a phasing plan, but has indicated that the first phase will likely consist of about 20 lots.

Signs. The applicant has not proposed any subdivision entrance signs. Such signs will require a sign permit prior to construction and will need to comply with the Town of Smithfield Unified Development Ordinance.

PLANNING DEPARTMENT RECOMMENDATIONS:

The Planning Department recommends the Planning Board recommend approval of the preliminary plat of the Swift Creek Tract (S-18-02) with the following conditions:

1. That the suitability for on-site septic be proven for each lot prior to final plat.
 2. That the preliminary plat be revised to eliminate the hook lots, Lots 93 and 94.
 3. That the open space be either owned in common by a homeowners association with community access or broken up into private ownership by extending the lot lines of lots 25-34.
 4. That HOA documents be submitted for review by the Town Attorney prior to final plat approval.
 5. That a lighting plan be submitted for Town review prior to construction.
 6. That a phasing plan be provided.
 7. That the applicant obtains a NCDOT Permit for the access to Swift Creek Road prior to construction.
 8. That the applicant provide proof of legal access to the cemetery.
-

ACTION REQUESTED:

The Planning Board is requested to review the preliminary plat application and make a recommendation to the Town Council.

Suggested motion:

“Move to recommend approval of the preliminary plat of the Swift Creek Road Tract subdivision (S-18-02) with 8 conditions”



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

**Preliminary Subdivision Application
 General Information**

Development Name **Swift Creek Road Tract**

Proposed Use **Residential Subdivision**

Property Address(es) **1337 Cleveland School Road
 Smithfield, NC 27577**

Johnston County Property Identification Number(s) and Tax ID Number (s) for each parcel to which these guidelines will apply:

PIN# 167400-55-9495	TAX ID# 15108020
----------------------------	-------------------------

Project type? Single Family Townhouse Multi-Family Non-Residential Planned Unit Development (PUD)

OWNER/DEVELOPER INFORMATION

Company Name LAST Investments, LLC	Owner/Developer Name Scott and Laura Lee
Address 104 State Avenue, Suite 103 Clayton, NC 27520	
Phone 919 369 1937	Email scott@scottleehomes.com Fax 919

CONSULTANT/CONTACT PERSON FOR PLANS

Company Name Lee R. Hines, Jr., PE	Contact Name Richie Hines
Address 630 Aiken Parkway Fuquay-Varina, NC 27526	
Phone 919 422 8011	Email richiehinespe@nc.rr.com Fax N/A

DEVELOPMENT TYPE AND SITE DATE TABLE (Applicable to all developments)

ZONING INFORMATION

Zoning District(s) **R-20A**

If more than one district, provide the acreage of each: **N/A**

Overlay District? Yes No

Inside City Limits? Yes No

FOR OFFICE USE ONLY

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

STORMWATER INFORMATION

Existing Impervious Surface	<u>0</u> acres/sf acres	Flood Hazard Area	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Proposed Impervious Surface	<u>14.64</u> acres/sf acres	Neuse River Buffer	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Watershed protection Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Wetlands	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If in a Flood Hazard Area, provide the FEMA Map Panel # and Base Flood Elevation 3720167400 K | 2014-04-30; 126.0

NUMBER OF LOTS AND DENSITY

Total # of Single Family Lots	<u>110</u>	Overall Unit(s)/Acre Densities Per Zoning Districts
Total # of Townhouse Lots	<u>0</u>	Acreage in active open space <u>0</u>
Total # of All Lots	<u>110</u>	Acreage in passive open space <u>0</u>

SIGNATURE BLOCK (Applicable to all developments)

In filing this plan as the property owner(s), I/we do hereby agree and firmly bind ourselves, my/our heirs, executors, administrators, successors and assigns jointly and severally to construct all improvements and make all dedications as shown on this proposed subdivision plan as approved by the Town.

I hereby designate Lee R. Hines, Jr. (Richie), PE to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meeting regarding this application.

I/we have read, acknowledge, and affirm that this project is conforming to all application requirements applicable with the proposed development use.

Signature Date 8-28-18
 Signature Date 8-28-18

REVIEW FEES

<input checked="" type="checkbox"/> Major Subdivision (Submit 7 paper copies & 1 Digital copy on CD)	\$250.00 + \$5.00 a lot \$255.00 minimum
<input type="checkbox"/> Minor Subdivision (Submit 4 paper copies & 1 Digital copy on CD)	\$50.00 + \$5.00 a lot \$55.00 minimum
<input type="checkbox"/> Recombination Plat (Submit 2 paper copies & 1 Digital copy on CD)	\$50.00

FOR OFFICE USE ONLY

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

INFORMATION TO BE PROVIDED ON PRELIMINARY AND FINAL PLATS.

The preliminary and final plats shall depict or contain the information indicated in the following table. An "X" indicates that the information is required.

Information	Preliminary Plat	Final Plat
Vicinity map (6" W x 4" H) showing location of subdivision in relation to neighboring tracts, subdivision, roads, and waterways (to include streets and lots of adjacent developed or platted properties). Also include corporate limits, Town boundaries, county lines if on or near subdivision tract.	X	
Boundaries of tract and portion to be subdivided, including total acreage to be subdivided, distinctly and accurately represented with all bearings and distances shown.	X	X
Proposed street layout and right-of-way width, lot layout and size of each lot. Number lots consecutively throughout the subdivision.	X	X
Name of proposed subdivision.	X	X
Statement from the Johnston County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision, AND/OR statement from the County Public Utilities that application has been made for public water and/or sewer permits.	X	
Graphic scale.	X	X
North arrow and orientation.	X	X
Concurrent with submission of the Preliminary Plat to the Town, the subdivider or planner shall submit copies of the Preliminary Plat and any accompanying material to any other applicable agencies concerned with new development, including, but not limited to: District Highway Engineer, County Board of Education, U.S. Army Corps of Engineers, State Department of Natural Resources and Community Development, for review and recommendation.	X	
List the proposed construction sequence.	X	
Storm water plan – see Article 10, Part VI.	X	
Show existing contour lines with no larger than five-foot contour intervals.	X	
New contour lines resulting from earth movement (shown as solid lines) with no larger than five-foot contour intervals (existing lines should be shown as dotted lines).	X	
Survey plat, date(s) survey was conducted and plat prepared, the name, address, phone number, registration number and seal of the Registered Land Surveyor.	X	X
Names, addresses, and telephone numbers of all owners, mortgagees, land planners, architects, landscape architects and professional engineers responsible for the subdivision (include registration numbers and seals, where applicable).	X	X
Date of the drawing(s) and latest revision date(s).	X	X

Information	Preliminary Plat	Final Plat
The owner's name(s) of adjoining properties and Zoning District of each parcel within 100' of the proposed site.	X	
State on plans any variance request(s).	X	
Show existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining. Show wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site.	X	
The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or FIRM maps (FEMA). State the base flood elevation data for subdivision.	X	X
Show the minimum building setback lines for each lot.	X	X
Provide grading and landscape plans. Proposed plantings or construction of other devices to comply with the screening requirements of Article 10, Part II.	X	
Show location of all proposed entrance or subdivision signage (see Section 10.23.1).	X	
Show pump station detail including any tower, if applicable.	X	
Show area which will not be disturbed of natural vegetation (percentage of total site).	X	
Label all buffer areas, if any, and provide percentage of total site.	X	X
Show all riparian buffer areas.	X	X
Show all watershed protection and management areas per Article 10, Part VI.	X	X
Soil erosion plan.	X	
Show temporary construction access pad.	X	
Outdoor illumination with lighting fixtures and name of electricity provider.	X	
The following data concerning proposed streets:		
Streets, labeled by classification (see Town of Smithfield construction standards) and street name showing linear feet, whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths, approximate grades and typical street cross-sections. Private roads in subdivisions shall also be shown and clearly labeled as such.	X	X
Traffic signage location and detail.	X	
Design engineering data for all corners and curves.	X	X
For office review; a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage.	X	

Information	Preliminary Plat	Final Plat
Type of street dedication; all streets must be designated public. (Where public streets are involved which will be dedicated to the Town, the subdivider must submit all street plans to the UDO Administrator for approval prior to preliminary plat approval).	X	X
When streets have been accepted into the municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with the Town of Smithfield construction standards.	X	X
If any street is proposed to intersect with a state maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations. (1) Evidence that the subdivider has applied for such approval. (2) Evidence that the subdivider has obtained such approval.	X X X	
The location and dimensions of all:		
Utility and other easements.	X	X
Pedestrian and bicycle paths.	X	X
Areas to be dedicated to or reserved for public use.	X	X
The future ownership (dedication or reservation for public use to governmental body or for owners to duly constituted homeowners' association) of recreation and open space lands.	X	X
Required riparian and stream buffer per Article 10, Part VI.	X	X
The site/civil plans for utility layouts including:		
Sanitary sewers, invert elevations at manhole (include profiles).	X	
Storm sewers, invert elevations at manhole (include profiles).	X	
Best management practices (BMPs)	X	
Stormwater control structures	X	
Other drainage facilities, if any.	X	
Impervious surface ratios	X	
Water distribution lines, including line sizes, the location of fire hydrants, blow offs, manholes, force mains, and gate valves.	X	
Gas lines.	X	
Telephone lines.	X	
Electric lines.	X	
Plans for individual water supply and sewage disposal systems, if any.	X	
Provide site calculations including:		
Acreage in buffering/recreation/open space requirements.	X	X
Linear feet in streets and acreage.	X	X
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places.	X	X

Information	Preliminary Plat	Final Plat
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles and tangent distance for the center line of curved property lines that is not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.	X	X
The accurate locations and descriptions of all monuments, markers, and control points.	X	X
Proposed deed restrictions or covenants to be imposed upon newly created lots. Such restrictions are mandatory when private recreation areas are established. Must include statement of compliance with state, local, and federal regulations.	X	X
A copy of the erosion control plan submitted to the Regional Office of NC-DNRCD, when land disturbing activity amounts to one acre or more.	X	
All certifications required in Section 10.117.	X	X
Any other information considered by either the subdivider, UDO Administrator, Planning Board, or Town Council to be pertinent to the review of the plat.	X	X
Improvements guarantees (see Section 5.8.2.6).		X

FOR OFFICE USE ONLY			
File Number: _____	Date Submitted: _____	Date Received: _____	Amount Paid: _____

Project Narrative

As part of a complete application, a written project narrative that provides detailed information regarding your proposal must be included. On a separate sheet of paper, please address each of the lettered items listed below (answers must be submitted in both hard copy and electronic copy using the Adobe .PDF or MS Word .DOCX file formats):

- a) A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates;
- b) A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PIN), and current legal description(s);
- c) A listing of general information including: the proposed name of the subdivision, the number of proposed lots, acreage dedicated for open space or public use, acreage dedicated within rights of way;
- d) A narrative explaining the intent of the project and/or your original or revised vision for the finished product;
- e) A statement showing the proposed density of the project with the method of calculating said density shown;
- f) Discuss proposed infrastructure improvements and phasing thereof (i.e. proposed roadways, sewer systems, water systems, sidewalks/trails, parking, etc.) necessary to serve the subdivision;
- g) A narrative addressing concerns/issues raised by neighboring properties (discussing your proposal with the neighboring land owners is recommended to get a sense of what issues may arise as your application is processed);
- h) A description of how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated;
- i) Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area;
- j) A description of proposed parks and/or open space. Please include a brief statement on the proposed ownership and maintenance of said areas;
- k) A proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas).

The Swift Creek Road Tract Project Narrative

a) Owner of Record

Ira Telfair Ogburn Stewardship Trust
3900 South Overland Avenue
Springfield, MO 65807

Developer

Scott and Laura Lee
Last Investments, LLC
104 State Avenue, Suite 103
Clayton, NC 27520-5116

Engineer

Lee. R. Hines, Jr., PE
630 Aiken Parkway
Fuquay-Varina, NC. 27526
919 422 8011

Surveyor

Jerry Ball Land Surveying, PPC
205 South Pollock Street
Selma, NC 27576-3023
919 965-0077

b) 1337 Cleveland Road Smithfield, NC 27577

R20-A
97.57 Acres (4,250,149.2 sf)
PIN 167400-55-9495
Legal Description

c) The Swift Creek Road Tract 110 lots Fee is Proposed In Lieu of Open Space 11.14 Acres in Right of Way

d) The Developer proposes a community of 110 single family lots constructed along approximately 8,031 linear feet of street. The subdivision will be served by water provided by the Town of Smithfield and will have sidewalk along one side of the proposed streets, as well as sidewalk on Cleveland School Road and Swift Creek Road.

e) There are 110 lots proposed on the 97.57 acre parcel, which is a yield of approximately 1.13 units per acre.

The Swift Creek Road Tract Project Narrative

f) The Developer proposes approximately 8,031 lf of streets, 8,071 lf of waterline, and individual septic tanks permitted by Johnston County. Concrete sidewalks five feet in width are proposed on one side of each roadway to help accommodate pedestrians within the subdivision. The Developer may elect to do a small first phase of approximately twenty lots.

g) There are no known concerns or issues with neighboring property owners.

h) Stub streets have been provided to adjacent properties to the north and south that appear to be suitable for future development. There are no conflicts expected with nearby land use. Impact to the riparian buffers and wetlands are avoided in this development by extending the right of way line to the adjacent property, but stopping the actual street short of these areas.

i) There is not a driveway access proposed on Cleveland School Road so that traffic impacts on that route can be minimized. The DOT is obtaining current traffic counts on Swift Creek Road to determine if a turn lane will be necessary for the proposed driveway access to help mitigate the traffic the site is expected to generate. The Engineer has been in contact with the Department of Transportation to discuss the safest location for the proposed driveway. It was also determined that there is not a very safe location for an additional driveway access along Swift Creek Road, so the site will be served by one driveway. It is not expected that a subdivision of this size will place an excessive burden on water supply, parks, schools, police, or other public facilities in the area.

j) A fee is proposed in lieu of open space because there are no areas that lend themselves to either active or passive activities.

k) The Developer proposes to begin construction in the fall of 2018 and should complete it in the spring of 2019.



August 23, 2018

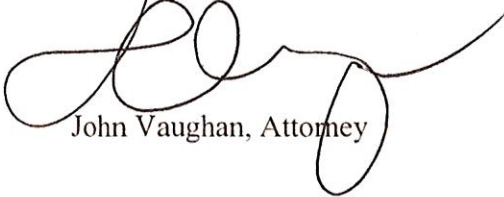
North Carolina Department of Environmental Quality
217 W Jones Street
Raleigh, NC 27603

RE: 1337 Cleveland Road, Smithfield, NC - Permission

To Whom It May Concern:

Assemblies of God Foundation, as Trustee of the Ira T. and Debbie W. Ogburn Charitable Remainder Unitrust #2, and owner of the property referenced above, does hereby provide this letter of consent to North Carolina Department of Environmental Quality. The intent of this letter is to grant to Last Investments, LLC, as potential purchaser of the property referenced above, rights to pursue permitting the land disturbance on the property to pursue due diligence and other inspections before closing of the purchase of the above referenced property.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Vaughan', written over the typed name below it.

John Vaughan, Attorney

Swift Creek Preliminary Subdivision



Project Name:
Swift Creek
Subdivision

Proposed Use:
110 lot Residential
Subdivision

File Number:
S-18-02

Property Owner:
Last Investment, LLC

Applicant:
Lee R. Hines, Jr., PE

Location:
Swift Creek Road

Tax ID#
15108020

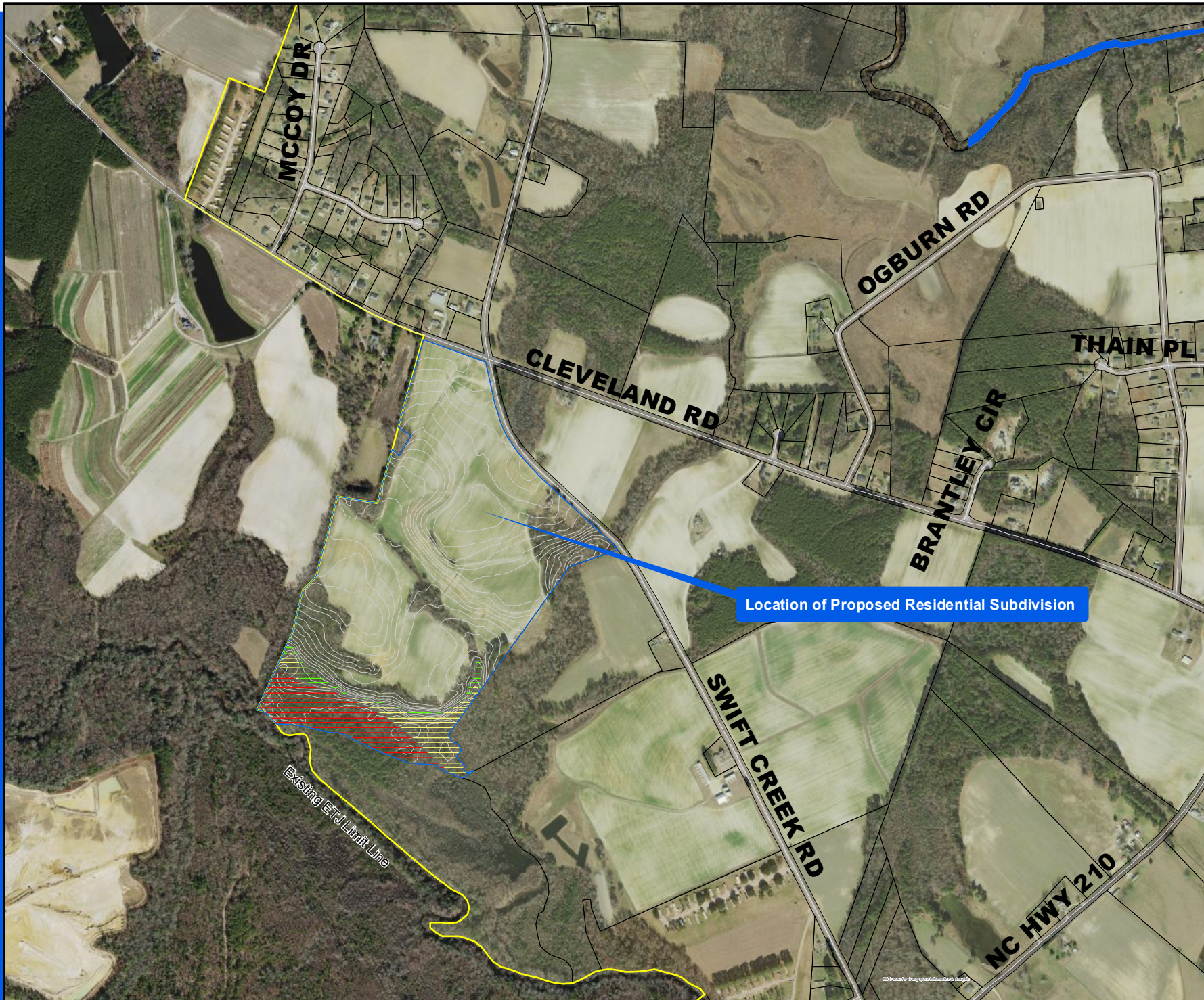
Zoning District:
R-20A
(Residential-
Agriculture)

- Project Location
- ETJ Limit Line
- 2ft contours
- 100 Year Flood
- 500 Year Flood
- Floodway



1 inch = 1,000 feet

Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 9/20/2018





Request for Planning Board Recommendation

Agenda RZ-18-
Item: 08
Date: 10/4/18

Subject: Zoning Map Amendment
Department: Planning
Presented by: Mark E. Helmer, Senior Planner
Presentation: Business Item

Issue Statement

Johnston County is requesting to a 24.50 acre tract of land from the Town of Smithfield R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district.

Financial Impact

There will be no financial impact to the Town.

Action Needed

To review the application for rezoning, hold a public hearing and make a decision whether to approve or deny the request with a statement declaring its consistency with the Town of Smithfield Comprehensive Growth Management Plan and whether it's reasonable and in the public interest.

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

Agenda Item: **RZ-18-08**

Application Number: RZ-18-08
Project Name: Johnston County Rezoning
TAX ID number: 15L11011
City Limits / ETJ: ETJ
Applicant: Johnston County
Owners: Old Brogden Farms, LLC
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: The property is located on northwest and southwest quadrant of the intersection of a US Hwy 70 Business East and Yelverton Grove Road and another portion is located on the east side of Yelverton Grove Road approximately 790 feet north of its intersection with US Hwy 70 Business East.

REQUEST: The applicant is requesting to rezone approximately 24.50 acre tract of land from the Town of Smithfield R-20A (Residential-Agriculture) and B-3 (Highway Entrance Business) zoning districts to the O/I (Office/Institutional) zoning district.

SITE DATA:

Acreage: 24.50 acres
Present Zoning: R-20A (residential-agricultural) & B-3 (Highway Entrance Business)
Proposed Zoning: O/I (Office/Institutional)
Existing Use: Farm land / Pasture
Proposed Use: Government Institution / Safety Center - All uses permitted within the O/I (Office / Institutional) zoning district can be considered for future approval.

OTHER DATA:

Fire District: Town of Smithfield
School Impacts: NA
Parks and Recreation: NA

Access/Streets: All the portions of land could have access points from US 70 Business West and Yelverton Grove Road
 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: (see attached map for complete listing)

	Zoning	Existing Land Uses
North	R-20A (Residential-Agricultural)	Woodlands Agriculture
South	R-20A (Residential-Agricultural)	AgCarolina Farm Credit Voluntarily Annexed in 2007
East	R-20A (Residential-Agricultural & B-3 (Highway Entrance Business)	Woodlands Manufactured Home park
West	R-20A (Residential-Agricultural) & LI (Light Industrial)	Yelverton Grove Free Will Baptist Church

STAFF ANALYSIS AND COMMENTARY:

The property considered for rezoning has a single parcel number but can really be thought of as three distinct tracts of land that were created by default when the right-of-ways of US 70 Business and Yelverton Grove Road were originally recorded.

The largest tract being approximately 16.84 acres in area with approximately 768 feet of road frontage on US Highway 70 Business East and 300 feet of road frontage along Yelverton Grove Road. The property is immediately adjacent to East Coast Equipment, LLC located to the south and an existing manufactured home park to the east. There does not appear to be any environmentally sensitive areas to include wetlands or floodplain on the property. However, there is a cross country power line with a 100 foot utility easement that intersects the northwest corner of the property. Principle and accessory structures are not be permitted within this 100 foot utility easement. Water and sewer services are available at or near the site considered for rezoning.

The portion of property located on the northwest quadrant of US Hwy 70 Business and Yelverton Grove is approximately 5.23 acres in size. It is a corner lot with access to both US Hwy 70 Business and Yelverton Grove Road. There does not appear to be any environmentally sensitive areas to include wetlands or floodplain. Water and sewer services are available at or near the site considered for rezoning.

The smallest portion of the parcel is located on the southeast quadrant of US Hwy 70 Business and Yelverton Grove is approximately 2.31 acres in size. The property does

contain a 100 foot utility easement but does appear to be a buildable lot providing all structures are located outside of this easement.

If the property is rezoned to OI (Office / Institutional) zoning district, all permitted uses allowed in the OI zoning district could be considered for future approval to include governmental buildings, governmental uses such as fire, police, sheriff offices, parks, recreational facilities and restaurants which are all uses by right and can be administratively approved.

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:

- **Consistency with the Comprehensive Growth Management Plan** -The Future Land Use Map has identified this property as guided for low density residential land uses. However, the area is zoned for mix of R-20A and B-3, of which, the B-3 zoning district is not consistent with the land use plan. Adjacent properties within this corridor are currently zoned and developed as commercial so the use of this site for non-residential is contextually consistent and appropriate.
- **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 O/I (Office / Institutional) and, all future land uses will be permitted in accordance with Article 6 of the Town of Smithfield Unified Development Ordinance.
- **Compatibility with Surrounding Land Uses** - The property considered for a rezoning is immediately adjacent to B-3 (Highway Entrance Business) zoned properties. Compatibility issues are unlikely provided that any future redevelopment in the area is non-residential in nature.

RECOMMENDATIONS:

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

ACTION REQUESTED:

To review the application for rezoning and make a recommendation to Town Council whether to approve or deny the request with a statement declaring its consistency with the Town of Smithfield Comprehensive Growth Management Plan and whether it's reasonable and in the public interest.

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-18-08**

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 zoning map amendment RZ-18-08 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-18-08 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

\$300 + 2x10 = \$320

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), (1) electronic submittal and the application fee. The application fee is \$300.00 for the first 5 acres and \$10.00 for each additional 10 acres or portion thereof.

JOHNSTON COUNTY
 Name of Project: PUBLIC SAFETY CENTER Acreage of Property: 24.50
 Parcel ID Number: 260300-67-6920 Tax ID: 15L11011
 Deed Book: 5178 Deed Page(s): 843-852
 Address: _____
 Location: INTERSECTION OF US HWY 70 BUS AND YELVERTONE
CRANE ROAD
 Existing Use: AGRICULTURE/WOODED Proposed Use: GOVERNMENT USES
 Existing Zoning District: B-3 / RA-20
 Requested Zoning District: O # 1
 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: <u>9.10.18</u>	Amount Paid: <u>\$320.⁰⁰</u>
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OWNER INFORMATION:

Name: OLD BRIDGEN FARMS, LLC
Mailing Address: 6317 BAYSWATER TRAIL, RALEIGH, NC 27612-6608
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: JOHNSTON COUNTY
Mailing Address: PO BOX 1049, SMITHFIELD, NC 27577
Phone Number: 919-989-5100 Fax: 919-989-5179
Contact Person: Rick Hester
Email Address: rick.hester@johnstonnc.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: _____

STATEMENT OF JUSTIFICATION

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

SEE ATTACHED

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.

Rick Hester
Print Name


Signature of Applicant

9-7-18
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: JOHNSTON COUNTY PUBLIC SAFETY CENTER Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to Rick Hester / Johnston County (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.

Alex P. Smith Alexander P. Smith 10/2/18
 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.

Rick Hester Rick J Hester 10-2-18
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
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Johnston County Public Safety Center

Rezoning Justification Statement

Yelverton Grove Road/US 70 Business Site

09/10/18

Johnston County desires to construct a public safety center at this location to support growing County public safety operations. Initially, a +/- 600 bed detention facility is planned near the center-rear of the largest of the parcel's three tracts. There is sufficient space on this tract to locate future support services for the detention facility. This location also provides excellent connectivity for public safety services to quickly reach all regions of the County. US Highway 70 and Interstate 95 are in close proximity and provide optimal East-West and North-South access, respectively.

The current land use map, adopted in 2002, calls for the tract to remain open or low density residential. However, several other existing uses near the subject intersection are neither open, nor, low density residential. To the immediate east is a mobile home park with a total of 10 units over 3.79 acres for a density of 2.64 units per acre. To the immediate west is an agricultural implement sales and service business with built upon area ratio of about 88%. To the northwest, across Yelverton Grove Road, is an existing light industrial use. To the southwest, across US 70 Business, is an existing bank branch. These nearby commercial uses are inconsistent with an open/low density residential use. Also, there is explicit acknowledgement of non-residential use on this tract through the Town's assignment of a B-3 zoning district to portions of the tract.

Furthermore, the existing traffic load on US 70 Business does not lend itself to adjacent open or low density residential uses. Much of this traffic is attributable to the very large retail center only 1.5 miles from the subject parcel. US Highway 70 Business carries an Average Annual Daily Traffic of 7,000 vehicles per day.

2800 Block of US Hwy 70 Business East



Project Name:
Johnston
County Public
Safety Center

Proposed Use:
County Jail

File Number:
RZ-18-08

Property Owner:
Old Brogden
Farms LLC

Applicant:
Johnston County

Location:
US 70 Bus East &
Yelverton Grove
Road

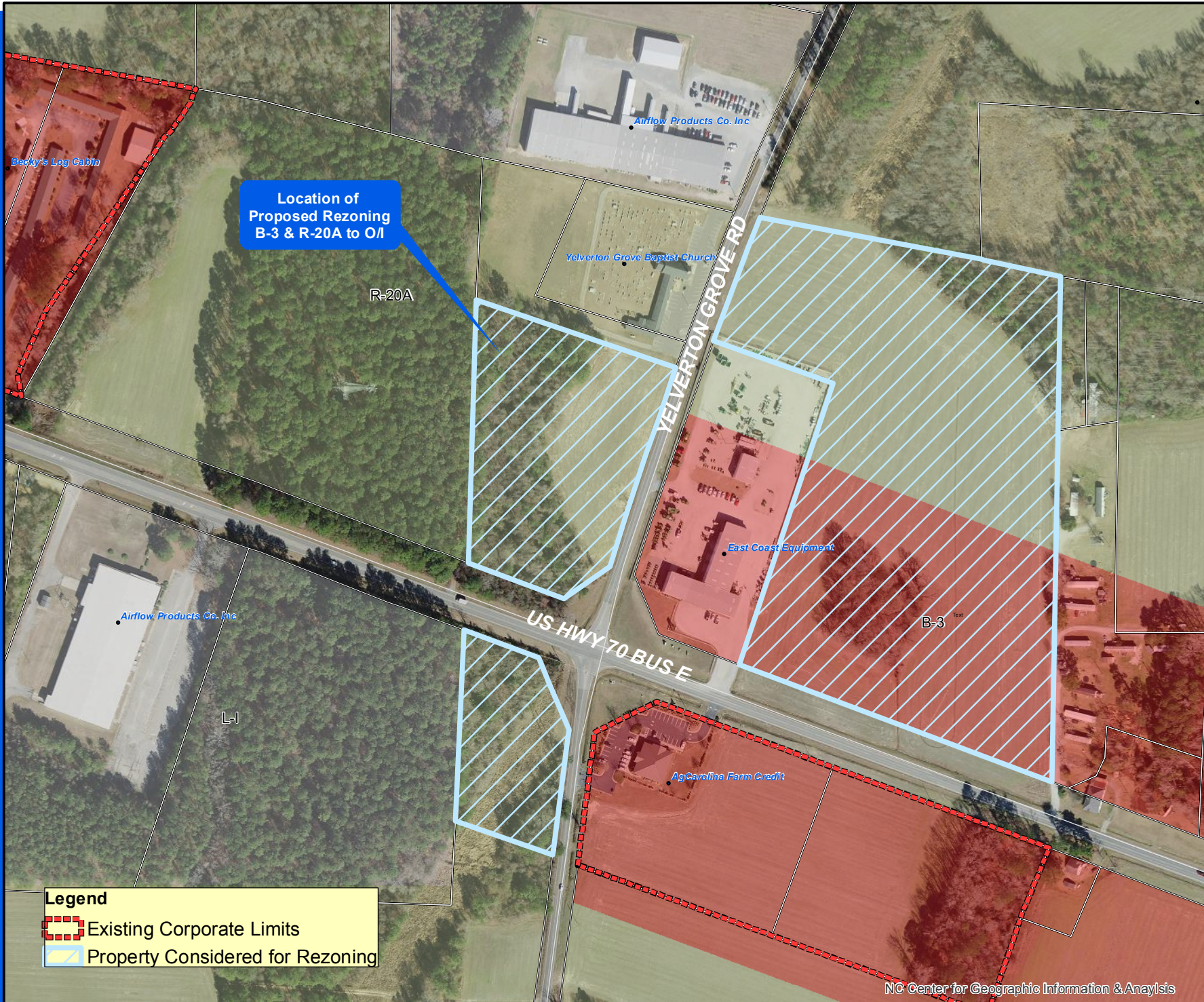
Tax ID#
15L11011

Zoning District:
B-3 (Highway
Entrance Business) &
R-20A (Residential-
Agriculture)



Map created by the
Mark E. Helmer, AICP
Senior Planner,
GIS Specialist
on 9/18/2018



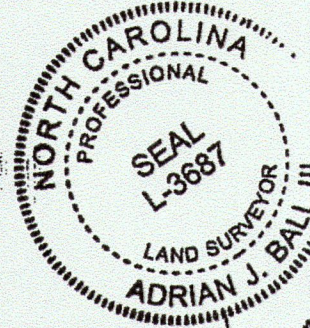
1 inch = 300 feet



Legend

-  Existing Corporate Limits
-  Property Considered for Rezoning

I, ADRIAN J. BALL III, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN EXISTING RECORDS AS NOTED; THAT THE RATION OF PRECISION AS CALCULATED IS 1:10000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 31ST DAY OF JULY 2018 AD.



ADRIAN J. BALL III, PROFESSIONAL LAND SURVEYOR No. L-3687

RONNIE WAYNE GARDNER DB 756, PG. 212

RONNIE WAYNE GARDNER DB 756, PG. 212

BEVERLY ALLEN SUTTON CAROLYN ALLEN DAVIS DB 2845, PG. 489

ROBERTS & WELLONS INC. NO REF.

5.721 ACRES INCLUDING R/W SR 2301
5.223 ACRES EXCLUDING R/W SR 2301

JANE P SMITH D.B. 4203 PG. 90
17.045 ACRES INCLUDING R/W SR 2301
17.836 ACRES INCLUDING R/W SR 2301

ROBERTS & WELLONS INC. NO REF.

2.627 ACRES INCLUDING R/W SR 2508
2.232 ACRES EXCLUDING R/W SR 2508

AG CAROLINA FARM CREDIT FLCA DB 3172, PG. 232

A PORTION OF THE PROPERTY SHOWN IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEMA/FIRM COMMUNITY PANEL NO. 3720260200 K REVISED 6-20-18.

ADRIAN J. BALL III, PROFESSIONAL LAND SURVEYOR No. L-3687

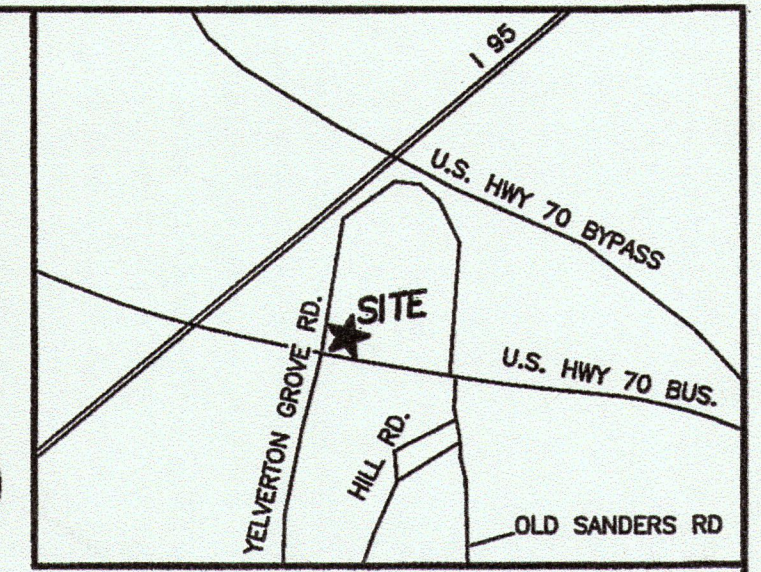
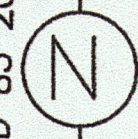
AG CAROLINA FARM CREDIT FLCA DB 3147, PG. 71

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. FOR THE PURPOSES OF THIS SUBSECTION, AN "EXISTING PARCEL" OR "EXISTING EASEMENT" IS AN AREA OF LAND DESCRIBED IN A SINGLE, LEGAL DESCRIPTION OR LEGALLY CONVEYED TO A NEW OWNER BY DEED IN ITS EXISTING CONFIGURATION.

ADRIAN J. BALL III, PROFESSIONAL LAND SURVEYOR No. L-3687

JOHN TIMOTHY HUGHES JAMES WILLIAM HUGHES D.B. 1355, PG. 974

NC GRID NORTH (NAD 83 2011)



VICINITY MAP - NO SCALE

LEGEND

EMN	EXISTING MAG NAIL
EP	EXISTING IRON PIPE
EIS	EXISTING IRON STAKE
ISS	IRON STAKE SET
R/W	RIGHT-OF-WAY
PKS	PK NAIL SET
F/O	FIBER OPTIC WITNESS

AREAS ARE COMPUTED BY COORDINATE METHOD. UNLESS OTHERWISE NOTED ALL DISTANCES SHOWN ARE GROUND HORIZONTAL DISTANCES. NO NCGS MONUMENTS FOUND WITHIN 2000 FEET.

NO WETLAND SURVEY WAS PERFORMED FOR THE PREPARATION OF THIS PLAT.

NO UNDERGROUND UTILITIES WERE LOCATED AS A PART OF THIS SURVEY

BEING A SURVEY AND MAP OF ALL THE PROPERTY SHOWN AS TRACT 1 IN D.B. 5178, PGS 843-852 OF THE JOHNSTON COUNTY REGISTER OF DEEDS OFFICE.

PARCEL #15L11011

- PLAT REFERENCES:
1. PB 38, PG. 359
 2. PB 50, PG. 495
 3. PB 69, PG. 458
 4. OLD R/W PLANS FROM GOLDSBORO NCDOT OFFICE OF YELVERTON GROVE AND US 70 INTERSECTION.

THIS PLAT IS A CORRECT REPRESENTATION OF THE LANDS SURVEYED; HOWEVER A NORTH CAROLINA LICENSED ATTORNEY SHOULD BE CONSULTED CONCERNING CORRECT OWNERSHIP, WIDTH AND LOCATION OF ANY EASEMENTS, ANY CEMETERIES, OR FAMILY BURIAL GROUNDS NOT SHOWN ON RECORDED MAPS OR DEEDS MADE AVAILABLE TO THIS SURVEYOR BY THE RECENT OWNERS AT THE TIME OF THIS SURVEY AND OTHER TITLE QUESTIONS REVEALED BY TITLE EXAMINATION. NO RESPONSIBILITY OF ANY NATURE IS ASSUMED BY THIS SURVEYOR FOR ANY CONDITIONS WHICH MAY EXIST BUT ARE UNKNOWN, SUCH AS: CEMETERIES, FAMILY BURIAL GROUNDS, TOXIC OR HAZARDOUS WASTE MATERIAL, UNDERGROUND TANKS, ETC.

LARRY COX D.B. 3831 PG.907

STATE OF NORTH CAROLINA, JOHNSTON COUNTY
FILED FOR REGISTRATION AT, _____ M.,
OF DEEDS OFFICE. 20 ____ IN THE REGISTER
RECORDED IN BOOK _____ PAGE _____
CRAIG OLIVE
REGISTER OF DEEDS

BY: _____

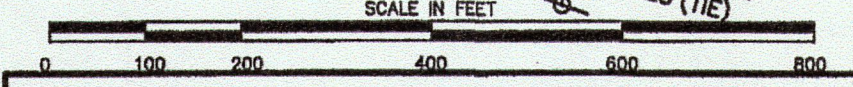
OWNER: OLD BROGDEN FARMS, LLC.
POB 916
GOLDSBORO NC 27533

SURVEY FOR
THE COUNTY OF JOHNSTON
ON THE PROPERTY OF
OLD BROGDEN FARMS, LLC.

SMITHFIELD JOHNSTON COUNTY SCALE: 1" = 200'
TOWNSHIP NORTH CAROLINA DWN. BY: LSS

07-18-18

JERRY BALL LAND SURVEYING, P.C.
205 S. POLLOCK ST.
SELMA, N. C. 27576
(919) 965-0077





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 August 2018

				Permit Fees	Permits Issued
Site Plan	Major Site Plan			100.00	1
Site Plan	Minor Site Plan			\$350.00	5
Zoning	Land Use			\$1,100.00	11
Zoning	Sign			\$350.00	7
Report Period Total:				\$1,900.00	24
Fiscal YTD Total:				\$4,125.00	57
Z18-000154	Zoning	Sign	Ample Storage		787 West Market Street
Z18-000155	Zoning	Sign	Steve's Carpet & Flooring Wall Signs		506 South Brightleaf Blvd
SP18-000023	Site Plan	Minor Site Plan	SFD Addition		306 Smith Street
Z18-000156	Zoning	Sign	Utopia Natural Wellness		259-F Venture Drive
Z18-000157	Zoning	Sign	Sweet Southern Snoballs, LLC		1507 West Market Street
Z18-000158	Zoning	Land Use	Ingredient Restaurant		250 Venture Drive
SP18-000026	Site Plan	Minor Site Plan	Building Additions		1209 West Market Street
SP18-000003	Site Plan	Major Site Plan	Penn Compression Moulding		309 Components Drive
Z18-000159	Zoning	Sign	Body Fit		259 Venture Drive
Z18-000161	Zoning	Land Use	Village Motor Lodge		198 Mallard Road
Z18-000160	Zoning	Sign	The Pink Pineapple Boutique		129 North Second Street
SP18-000027	Site Plan	Minor Site Plan	Residential Duplex		208 North Fourth Street
SP18-000028	Site Plan	Minor Site Plan	LifeSpring Church		1250 North Brightleaf Blvd
Z18-000162	Zoning	Land Use	Super 8 Hotel		735 Outlet Center Drive
Z18-000163	Zoning	Land Use	Capital Sign Solutions		700 East Booker Dairy Road
Z18-000164	Zoning	Land Use	Kellogg's Food Truck		1299 North Brightleaf Blvd
Z18-000166	Zoning	Land Use	Hollywood Nails Salon		721 Suite North Brightleaf Blvd
Z18-000165	Zoning	Sign	MCDonald's		1209 North Brightleaf Blvd

Z18-000167	Zoning	Land Use	Twisted Sister Restaurant & Bar	709 South Third Street
SP18-000030	Site Plan	Minor Site Plan	New Construction/SFD	2249 Brogden Road
Z18-000168	Zoning	Land Use	Barbeque Provision Company	1025 Outlet Center Drive Suite F-5
Z18-000169	Zoning	Land Use	Fieldale Apartments	2 Fieldale Drive
Z18-000170	Zoning	Land Use	Sunbelt Rentals, Inc.	1209 West Market
Z18-000171	Zoning	Land Use	Galiz Apparel	414-C South Brightleaf Blvd



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BOARD ACTIONS REPORT - 2018

	August	Calendar Year to date
Town Council		
Zoning Map Ammendments	0	6
Special Use Permit	2	9
Zoning Ordinance Amendments	2	7
Major Subdivisions	0	0
Annexations	0	0
Special Events	2	14
Site Plan	0	0
Planning Board		
Zoning Map Amendments	0	6
Zoning Ordinance Ammendments	2	10
Major Subdivisions	0	0
Board of Adjustment		
Variance	0	4
Admin Appeal	0	0
Historic Properties Commission		
Certificate of Appropriateness	0	0
Historic Landmarks	0	0