

PLANNING BOARD AGENDA

Members:

Chairman: Stephen Upton (Town) Vice-Chairman: Mark Lane (ETJ)

Teresa Daughtry (Town) Oliver Johnson (Town) Michael Johnson (Town) Ashley Spain (ETJ) Leslie Lazarus (Town) Alisa Bizzell (Town Alt)

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

Meeting Date: Thursday, May 2, 2019Meeting Time: 6:00 p.m.Meeting Place: Council Chambers, Smithfield Town Hall

PLANNING BOARD

AGENDA FOR REGULAR MEETING

MAY 2, 2019

6:00 PM TOWN HALL

Call to Order.

Identify voting members

Approval of the agenda

Approval of the minutes for March 7, 2019

New Business

RZ-19-02 Town of Smithfield: The Planning Department is requesting an amendment to the UDO Article 6, Section 6.5 Table of Uses and Activities to allow food trucks in the O/I (Office/Institutional), B-1 (Business), and B-2 (Business) zoning districts and Article 7, Section 7.25 Food Trucks to revise the supplemental standards for food trucks.

Old Business

Administrative Actions report

Land Use Permit Report for March, 2019 Board Actions Report for March, 2019 Site Plan for American Pride Express Carwash

Adjournment

Draft Town of Smithfield Planning Board Minutes Thursday, March 7, 2019 6:00 P.M., Town Hall, Council Chambers

Members Present:

Members Absent:

Teresa Daughtry

Chairman Stephen Upton Vice Chairman Mark Lane Oliver Johnson Ashley Spain Leslie Lazarus Michael Johnson

Mark Helmer, Senior Planner

Staff Present:

Staff Absent: Stephen Wensman, Planning Director

CALL TO ORDER

Chairman Stephen Upton asked each board member to acknowledge themselves.

APPROVAL OF MINUTES from February 7, 2019

Julie Edmonds, Administrative Support Specialist

Leslie Lazarus made a motion, seconded by Oliver Johnson, to approve the minutes as written. Unanimously approved

APPROVAL OF THE AGENDA

Mark Lane made a motion, seconded by Leslie Lazarus. Unanimously approved

REVIEW OF PLANNING BOARD MINUTES FROM OCTOBER 6th, 2016

The October 6, 2016 Planning Board Minutes were passed out. Chairman Stephen Upton requested that each member please review RZ-16-03 for a few moments before beginning the new business.

NEW BUSINESS

RZ-19-01 John A. Whitley:

The applicant is requesting to rezone a 0.11 acre tract of land from an R-8 (Residential) zoning district to the O/I (Office Institutional) zoning district. The property considered for rezoning is located on the northeast corner of the intersection of South Third Street and Woodall Street and further identified as Johnston County Tax ID# 15030016. The property is located within the 100 year floodplain.

Mark Helmer pointed out that Mr. Whitley made application to rezone this same property on October 6, 2016 and on October 17, 2016 he withdrew his request. Mr. Whitley was undecided whether to rent the home out or use for commercial use in the wake of Hurricane Matthew.

Mr. Lane asked if Mr. Whitley withdrew his rezoning at that time because he was undecided on what he should do with it.

Mr. Helmer answered yes, after Hurricane Matthew he wanted to reevaluate the situation.

The property considered for rezoning to O/I is small (0.11 acres), shares a driveway with the residential property to the east, is entirely within the 100 year floodplain and would likely be considered a spot zoning. Staff recommends denial of the rezoning for the following reasons:

- The rezoning would result in a non-conforming O/I lot. The minimum lot size in the O/I district is 6,000 sq. feet; the subject parcel is only 4,792 sq. feet. The existing structure (home) would not meet the structure setbacks in the O/I district.
- Off-street parking and handicap accessible parking meeting UDO requirements for an office use would likely be difficult to provide given the small size of the lot.
- The property to the north is zoned O/I CUD, which is a different and district zoning district and could be considered a spot zone given its size. The zoning of this parcel to O/I would likely be a spot zoning which is prohibited.
- The proposed office use would be an intensification of land use in the 100 year flood zone.
- Office uses should be buffered from residential uses with a Type B landscape buffer which would be difficult given the small size of the lot and the configuration of the shared parking access on the rear of the lot.
- The rezoning is inconsistent with the comprehensive land use plan. The Plan guides the property as medium density residential.
- The rezoning would be an encroachment of commercial uses into a residentially zoned and guided area.

In order to approve the rezoning, the Town Council must find the rezoning consistent with Town Plans and Policies:

Consistency with the Strategic Growth Plan

The subject property is not consistent with the Strategic Growth Plan. The Plan guides the property as medium density residential.

Consistency with the Unified Development Code

The rezoning would create inconsistencies with the UDO creating nonconformities such as side yard setbacks, minimum lot sizes for the O/I District, buffer yards and potentially off-street parking.

Compatibility with Surrounding Land Uses

The property to the north is an office use and would be compatible, but the other properties surrounding the parcel are all residential and incompatible given the lack of buffering, shared driveway access to the east.

Mr. Helmer stated that The Planning Department recommends denial of the Zoning Map Amendment; and recommend that the Planning Board recommend denial with a statement declaring the request to be inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is not reasonable nor in the public interest. He opened the floor up for any questions board members might have.

Mr. Lane said in 2016 we approved this same request. What has changed since then?

Mr. Helmer said I think the Planning Department has gained a healthier respect for the Comprehensive Land Use Plan. We have a greater respect for the complications that come with rezoning.

Mr. Lane said I understand what you're saying, but the applicant knows what he is getting into being he was flooded from Hurricane Matthew. If it was approved in 2016, I don't see why it should be denied this time around.

Mr. Helmer stated the Planning Departments recommendation may have changed but he doesn't think their reservations about the rezoning have changed. We've always been concerned about the number of variances needed from the Board of Adjustments; to get a site plan that provides off-street parking in accordance with the UDO. When you rezone, you're creating all these nonconformities. They are detrimental to the property in the long run. It's a good idea to avoid rezoning's that will create nonconformities and a need for variances. The development plan for commercial is going to require parking. He read the minutes from the previous meeting in October 2016 about parking in the street and that doesn't satisfy parking requirements for the UDO.

Mr. Lane asked if it satisfied requirements in 2016.

Mr. Helmer said no and he clearly stated that.

Mr. Lane asked why he didn't recommend denial at that time.

Mr. Helmer said the Planning Department is under different leadership now; we're trying to do it correctly. We have to give our best professional judgement.

Mr. Upton said in October 2016 this board listened to all that was said and analyzed the information given to them. They took the recommendations and asked Mr. Whitley about the parking situation.

Mrs. Lazarus said despite the fact the rezoning was previously approved, it also was withdrawn. I think now we have to reconsider it. We have to reanalyze it now and see if it complies with the UDO.

Mr. Oliver Johnson stated he was not on the Planning Board at the previous meeting in 2016, but asked if any adjacent property owners had shown any concerns.

Mr. Helmer said no not yet.

Mrs. Lazarus asked if they had been notified.

Mr. Helmer said no, the property was posted which is above what we're required to do.

Mr. Spain asked if there was something specific that was different now than in October 2016.

Mr. Helmer stated perhaps he made an error then, when reviewing the plan thinking the property was outside the 100 year floodplan. The maps have changed since then, we've adopted new ones. They are higher resolution, much easier to read now.

Mr. Spain said if the applicant is aware of the flooding and this property being in the 100 year flood plan, shouldn't that responsibility fall upon him.

Mr. Helmer said the structure is there, regardless what it is zoned it could suffer damages and we can't do anything about that. When you look at it in terms of the Comprehensive Land Use Plan it talks about the conservation district and the intensity of its land uses and preventing additional land development. If you rezone the property there could be an increase in value and an increase in loss.

Mr. Upton asked the applicant, Mr. Whitley to come forward for questions.

Mr. Spain asked Mr. Whitley if he had talked with any neighbors about his intentions to rezone his property.

Mr. Whitley stated yes that he had talked with Travel Odyssey which is beside his property. He also has talked with his adjoining property owner, Thomas Berkau and he is present at tonight's meeting as well.

Mr. Lane stated so you already have a business beside you.

Mr. Whitley said yes that is correct.

Mr. Whitley said his neighbors across the street Jonathan & Jennifer Gaskins are certainly aware of the rezoning.

Mr. Spain asked who shares the driveway with Mr. Whitley.

Mr. Whitley said I share a driveway with Mr. Thomas Berkau.

Mr. Spain asked if Mr. Berkau's house was residential and if so, if it was a rental house.

Mr. Berkau said yes it is a rental house.

Mr. Spain asked Mr. Whitley if the tenant living in Mr. Berkau's house had been talked to about the rezoning.

Mr. Whitley said he had not talked with the tenant.

Mr. Lane asked if Mr. Whitley could address the parking issues.

Mr. Whitley said his law business doesn't generate a lot of vehicular traffic at all. He predominately does business by phone, email and fax. Besides his car and his secretary's car, there should never be more than a couple cars at the business at any given time.

Mr. Upton asked where the cars would park that did come.

Mr. Whitley said the courthouse, one block away provides parking. He wouldn't encourage any parking on Woodall Street because there is no room. He would even put a no parking sign out by the office if needed. The only other option would be to park on Third Street.

Mr. Lane asked how many cars the rear of the property would hold.

Mr. Whitley said two cars

Mr. Oliver Johnson stated as a member of the UDO Sub-Committee, they make updates and edits to the Unified Development Ordinance (UDO). Individuals and businesses that might be

affected by those changes or edits are grandfathered in. He suggests that the Planning Board take the same approach with the issue before them.

Mr. Lane stated really there haven't been any changes in the UDO, just in leadership.

Mr. Helmer stated that was correct, we are enforcing the UDO as it is written.

Mrs. Lazarus asked Mr. Helmer what kind of buffer is considered a Type B landscape buffer.

Mr. Helmer said Type B is a 20 foot buffer with 12 shrubs per 100 Sq. feet. You count the linear feet of the lot line and multiply that by 100 which gives you the square feet and divide by 12 to get to total.

Mrs. Lazarus said not only is the lot size too small for an O/I zoning district but it also wouldn't meet the landscaping regulations in the UDO.

Mr. Helmer said I have not seen a site plan but it is only 0.11 acre lot. Parking in general as well as handicap parking accessibility would be a challenge and the ability to do landscaping. He would anticipate those three items needing a variance from the Board of Adjustment.

Mr. Upton asked if it was possible for the site plan to be presented to the Planning Department.

Mr. Helmer said no it would go before the Board of Adjustment for a variance.

Mr. Lane said so the Planning Department wouldn't see the site plan first.

Mr. Helmer said yes the Planning Department would receive the site plan for staff review. We wouldn't be able to approve it because it doesn't meet code. The applicant would then need to request a variance.

Mr. Spain asked Mr. Whitley if he had a site plan.

Mr. Whitley said no he did not at this time.

Mr. Whitley said he would like to address the handi-cap accessibility. The front of the property is ground level. He doesn't plan to change that. It can be made handicap accessible very easily. He brought a map of the surrounding properties and showed to the Planning Board. He said a buffer was mentioned earlier and Woodall Street is a man-made buffer.

Mr. Whitley said it's not about the money he has spent improving the home. It's about him trying to enhance an area he can be proud of. The house has been repainted; he added a metal roof on top. He plans to do some landscaping at some point. He is aware there will need to be a variance due to the size of the property. The business he owns will not be open late therefore it will be very compatible with the residential area.

Mr. Spain asked Mr. Helmer wouldn't the handicap parking and access be a requirement.

Mr. Helmer said the UDO will require on-site parking; the handicap accessibility is different because it falls under building code.

Mr. Upton stated that he thinks the site plan will answer a lot of questions once it has been reviewed.

Mr. Lane made a motion to recommend the Town Council approve the rezoning, RZ-19-01, from the R-8 (Single, Two and Multifamily Residential) zoning district to the O/I (Office/Institutional) zoning district finding 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, seconded by Oliver Johnson. *Mark Lane, Stephen Upton, Oliver Johnson, Michael Johnson, Ashley Spain, and Alisa Bizzell's vote is to approve. Leslie Lazarus's vote is to deny. Vote: 6-1 to approve. Motion passed.*

Mr. Upton stated to the applicant that their next meeting would be with the Town Council on Tuesday, April 2nd, 2019 at 7pm in Town Hall Council Chambers.

Old Business

Mr. Lane mentioned at the special meeting held on January 21st, the Town Council approved the recommendation from the Planning Board to include public hearings. He was under the impression it would have gone before Town Council on March 5th.

Mr. Helmer said no we will have a revised ordinance and bring it back to the UDO Sub-Committee.

Mr. Helmer said the Hampton Inn site has been approved and construction will begin in the next couple of months. It will be located beside Golden Corral restaurant in Smithfield Business Park. He also stated he did a final inspection on Classic Ford and they were denied because they made modifications to their lighting plan that wasn't reflected on the plan they provided to the Planning Department. There were also some storm water/erosion issues that needed to be addressed.

Adjournment

Being no further business, Ashley Spain made a motion seconded by Leslie Lazarus to adjourn the meeting. Unanimous approved.

Respectfully Submitted,

Julie Gdmonds

Julie Edmonds Administrative Support Specialist



Request for Planning Board Action



Subject:Zoning Text AmendmentDepartment:PlanningPresented by:Stephen Wensman, Planning DirectorPresentation:Business Item

Issue Statement

The Planning Department is requesting an amendment to the UDO Article 6, Section 6.5 Table of Uses and Activities and the supplementary standards for food trucks, Article 7, Section 7.25.

Financial Impact

None.

Action Needed

The Planning Board is respectfully requested to review the request for the zoning text amendment and to make a recommendation to the Town Council.

Recommendation

Planning Staff recommends the Planning Board recommend approval of the zoning text amendment ZA-19-02 with a statement declaring the request 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. Draft Zoning Text Amendment
- 2. Consistency Statement
- 3. Application



Staff Report

REQUEST:

The Planning Department is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Article 6, Section 6.5 Table of Uses and Activities to allow Food Trucks in the O/I District, B-1 District, and B-2 District as a permitted use with supplementary standards.

ANALYSIS:

Currently, food trucks are only permitted in the B-3 Zoning District with supplementary standards, Section 7.25). A recent request for a Temporary Event Permit in the O/I District was denied because it included a request for a food truck. Soon after the denial, Staff learned that the Parks Department routinely has food trucks or slushy trucks operating in Town parks, in the O/I Zoning District. Food Trucks have also been in the B-1 and B-2 Districts with various events in the past, such as with the Ham and Yam festival and some Town Council approved special events. This caused the Planning Department to review the Food Truck regulations and to request an amendment to the Table of Uses and Activities to allow food trucks in all the commercial districts.

Staff reviewed the supplementary standards, Section 7.25, and found a number of issues with the ordinance and has recommended a number of changes to reflect how Food Trucks have been regulated in the past and to make improvements to the standards.

Outside of temporary events and the flea market, there has been only one food truck operating in Town, at it is located at the Carolina Premium Outlets, in a B-3 Zoning District. Another is proposed in West Smithfield, also in the B-3.

PROPOSED AMENDMENT:

The Article 6, SECTION 6.5 TABLE OF USES AND ACTIVITIES is proposed to be amended to read as follows:

Uses	O/I	B-1	B-2	В-3	Supplemental Regulations
Food Trucks	<u>PS</u>	<u>PS</u>	<u>PS</u>	PS	Section 7.25

The Article 7, Section 7.25 Supplementary Standard for Food Trucks is proposed to be amended with the following changes (See attached draft text amendment):

• Amended to clarify exceptions to the supplementary standards

- 7.25.1, Food trucks to be permitted to operate from Town property or closed public right of way during a Town-sponsored civic event or Town Council approved special event.
- 7.25.2, Amending the duration of a food truck zoning permit from 20 days, three individual weekends events, to 90 days per calendar year. The change will be easier to monitor for Staff and would provide an opportunity for seasonal food trucks in some locations.
- 7.25.3, added to location for food trucks that they must be at least 100 feet from the front door of a restaurant or dining area during business hours and changed the text to allow within 5' of a public sidewalk.
- 7.25.4, with the zoning permit, the Town will require a Johnston County Application for a Mobile Food Unit when applicable, NC Sales and Use Certificate, NC Department of Agriculture Permit when applicable, location of approved grease disposal facility, proof of food truck storage location and a copy of the vehicle or trailer registration.
- 7.25.7, allowing a small sandwich board sign for food trucks, similar to what is allowed for other businesses in town. Food trucks often have the menu on such signs.
- 7.25.8, increased the area in which food trucks must keep the property clean.
- 7.25.9.1, created an exception for food trucks operating at the flea market. The Town has currently been allowing such food trucks to operate under the zoning permit of the flea market like other vendors utilizing the same hours of operation.
- 7.25.9.2, created an exception on the number of food trucks and location of food trucks operating under a Town-sponsored civic event or Town Council approved special event.

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 the zoning text amendment ZA-19-02 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

RECOMMENDED MOTION:

"Move to recommend the Town Council approve ZA-19-02, amending Article 6, Section 6.5, and Article 7, Section 7.25., finding it 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-19-02 AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE ARTICLE 6, SECTION 6.5, TABLE OF USES AND ACTIVITIES AND ARTICLE 7.25 FOOD TRUCKS

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 expanded use of Food Trucks in all the O/I (Office Institutional) B-1 (Business) and B-2 (Business) and other Town sponsored events and other special events.

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, Section 6.5, to allow for the expanded use of Food Trucks in all the O/I (Office Institutional) B-1 (Business) and B-2 (Business) zoning districts and revise Article 7.25 Food Trucks that allow for the permitting of Food Trucks at Town sponsored events, Town Council approved special events and refinements to the supplemental standards for Food Trucks]

PART 1

SECTION 6.5 TABLE OF USES AND ACTIVITIES.

Uses	0/1	B-1	B-2	B-3	Supplemental Regulations
Food Trucks	<u>PS</u>	₽ <u>S</u>	<u>PS</u>	PS	Section 7.25

PART 2

SECTION 7.25 FOOD TRUCKS.

Food trucks shall be permitted in accordance with <u>Section 6.5</u> the Table of Uses and Activities, <u>and</u> subject to the following standards:

7.25.1. Exceptions to the Process.**7.25.1.1.** Food trucks may conduct sales while parked on a public street when the Town Council has approved a temporary street closing or <u>on property owned by the Town</u> for a Town-sponsored or civic event such as a street festival/fair, <u>or Town Council approved special event.</u>

7.25.1.2. Food trucks may operate on an individual private property for a maximum of twenty (20) days, three individual weekend events, or both <u>90 days</u>, each calendar year when utilizing a temporary event permit for each individual parcel on which the food truck is located.

7.25.23. Food Truck Location.

Food trucks must be located at least 100 feet from the front door of any restaurant and outdoor dining area <u>during restaurant business hours</u> and at least 50 feet from any permitted mobile food vending cart location. Additionally, food trucks <u>are prohibited</u> must be from parkinged <u>closer than</u> at least 15 feet <u>of a</u> to any fire hydrant, and <u>closer than</u> 5 feet of a from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit, or emergency call box. These minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered point, or in the case of a restaurant measured from the closest point of the restaurants main entrance. If a zoning permit is issued and a restaurant subsequently opens within 100 feet (measured from the restaurants main entrance) of the approved food truck location, the food truck may continue to operate until the permit expires.

7.25.34. Zoning Permit.

A zoning permit is required for each site and must be signed by the property owner, and completed and submitted along with a site plan or plot plan. If a property owner has a property large enough to accommodate more than one food truck, only one zoning permit is required to be submitted showing the location of all food trucks. The plot plan must show the limits of the property, the location(s) of the proposed food truck, and label adjoining uses on neighboring properties. The applicant must also submit a copy of <u>a Johnston County Application for a Mobile Food Unit when applicable</u>, NC Sales and Use Certificate, NC Department of Agriculture Permit <u>when applicable</u>, location of approved grease disposal facility, proof of food truck storage location and a copy of the vehicle or trailer registration.

7.25.45. Parking.

Food trucks may not occupy any required parking stall for the primary use while the primary use is open to the public. Food trucks and the primary use may share parking spaces when having separate hours of operation. Parking stalls that are overflow or extra according to the regulations in the UDO may be used to park a food truck; however, parking stalls leased to another business or adjacent use may not be used unless the food truck is operating under separate hours of operation. Food trucks may not park in handicapped accessible parking spaces, nor can they park in access or drive aisles. The approved location for the parking trucks, as shown on the zoning permit, must be physically marked. The food truck parking space can be marked with paint, tape or other easily identifiable material. Food trucks may not be parked in an approved location after hours of operation.

7.25.56. Hours of Operation.

Food trucks may operate between the hours of 6 a.m. and 10 p.m., unless the food truck is located within 150 feet of a property with a single- or two-family residential dwelling. When located within 150 feet of this residential dwelling, the hours of operation shall be between 7 a.m. and 6 p.m. This measurement is taken from the property line of the residential dwelling in a straight line to the closest point of the approved food truck location.

7.25.67. Prohibitions.

Food trucks may not use audio amplification. or Freestanding signage <u>shall be limited to a single</u> <u>sandwich board sign of a maximum height of four (4) feet and a maximum length of three (3) feet</u>. All equipment <u>and signage</u> associated with the food trucks must be located within three (3) feet of the food truck. The food truck operator is responsible for disposing of all trash associated with the operation of the food truck. Town trash receptacles may not be used to dispose trash or waste. All areas within <u>fifteen (15)</u> five (5) feet of the food truck must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets. Food trucks are all subject to the Town-wide noise ordinance.

7.25.78. Maximum Number of Trucks Per Property.

7.25.-78.1. Maximum of two (2) food trucks on lots of one-half acres or less.

7.25.-78.2. Maximum of three (3) food trucks on lots between one-half acre and 1 acre.

7.25.-78.3. Maximum of four (4) food trucks on lots greater than 1 acre.

7.25.-78.4. Outdoor seating associated with a food truck is only permitted on lots at least two acres in size or greater.

7.25.9. Exceptions.

7.25.9.1. Food Trucks when located at outdoor flea markets are exempt from Section 7.25.2 and Section 7.25.4. Food trucks at outdoor flea markets shall operate under a valid zoning permit for the flea market and are permitted to operate under the same hours of operation.

7.25.9.2. The number and location of Food Trucks operating with a Town-sponsored or civic event such as a street festival/fair, or Town Council approved special event shall be regulated with the permit.

PART 3

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

PART 4

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

THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE AMENDMENT CONSISTENCY STATEMENT BY THE SMITHFIELD TOWN COUNCIL ZA-19-02

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

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

That the final action regarding zoning ordinance amendment ZA-19-02 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 Town Council and information provided at the regularly scheduled meeting of Town Council; 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 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 Town Council 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-19-02 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 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 ordinance 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

Telephone

City, State, Zip Code

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.

sher Mensmon Signature of Politioner

Date

FOR OFFICE USE ONLY

File Number: ____

Date Received: _____

____ Amount Paid: ____



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 March 2019

		Permit Fees	Permits Issued
Zoning	Land Use	1,050.00	11
Site Plan	Minor Site Plan	\$175.00	4
Zoning	Sign	\$500.00	10
	Total:	\$1,725.00	25
	Fiscal YTD Total:	\$14,400.00	190

SP19-000014	Site Plan	Minor Site Plan	Tesla Super Charger	1704 East Market Street
SP19-000015	Site Plan	Minor Site Plan	Inground Pool	1064 North Lakeside Drive
Z19-000036	Zoning	Land Use	Jones & Frank/Construction Storage	36 East Edgerton Street Unit G
SP19-000016	Site Plan	Minor Site Plan	Single Family Dwelling	Westerman Place
Z19-000037	Zoning	Sign	Kate Spade	1025 Outlet Center Drive Suite 1015
Z19-000038	Zoning	Sign	Sound Station & Security	713 East Market Street
Z19-000039	Zoning	Land Use	Interior Modification Only/ Existing SFD	825 Midway Street
Z19-000040	Zoning	Land Use	Zack's Chargrill	618-A East Market Street
Z19-000041	Zoning	Land Use	Sound Partners Insurance	133 North Second Street
Z19-000042	Zoning	Land Use	Old Time Grill	388-B Venture Drive
SP19-000017	Site Plan	Minor Site Plan	24' x18' Detached Garage	110 Lakeridge Drive
SP19-000018	Site Plan	Minor Site Plan	Handicap Ramp	1000 WILSON'S MILLS Road
Z19-000043	Zoning	Land Use	Keystone Fireworks	1273 North Brightleaf Boulevard
Z19-000044	Zoning	Sign	Keystone Novelties Fireworks Sales	1273 North Brightleaf Boulevard
Z19-000045	Zoning	Land Use	301 CBD Hemp, Kratom & Vape	600-B South Brightleaf Boulevard
Z19-000046	Zoning	Sign	Haines Vision Care	1319 North Brightleaf Boulevard
Z19-000047	Zoning	Land Use	Inomancy Home Health Care	1304-D West Market Street
Z19-000048	Zoning	Sign	Super 8 Hotel	735 Outlet Center Drive
Z19-000049	Zoning	Sign	301 CBD, Hemp, Kratom & Vape	600-B South Brightleaf Boulevard
Z19-000050	Zoning	Sign	Samsonite Company Stores, LLC	1025 Outlet Center Drive Suite 460
Z19-000051	Zoning	Land Use	Jackson Automotive	206 South Brightleaf Boulevard
Z19-000052	Zoning	Sign	Jackson Automotive	206 South Brightleaf Boulevard
Z19-000053	Zoning	Sign	Billboard Repair / Replace	Whitley Farm Road
Z19-000054	Zoning	Land Use	Johnston County Board of Elections	805-B South Third Street
Z19-000055	Zoning	Land Use	S2Technologies, LLC	115 North Second Street
Z19-000056	Zoning	Sign	AT&T	1319 North Brightleaf Boulevard



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 - 2019

	March
Town Council	
Zoning Map Ammendments	0
Special Use Permit	1
Zoning Ordinance Amendments	1
Major Subdivisions	0
Annexations	0
Special Events	0
Site Plan	0
Planning Board	
Zoning Map Amendments	1
Zoning Ordinace Ammendments	0
Major Subdivisions	0
Board of Adjustment	
Variance	0
Admin Appeal	0
Historic Properties Commission	
Certificate of Appropriateness	0
Historic Landmarks	0

GENERAL CONSTRUCTION NOTES:

 ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT CITY OF SMITHFIELD AND NCDOT STANDARD DETAILS AND SPECIFICATIONS.
 ALL CURB AND GUTTER SHOWN ON SITE IS STANDARD 24" CURB AND GUTTER. ALL GUTTER SHOWN WITHIN RIGHT-OF-WAY SHALL BE STANDARD 30" CURB AND GUTTER.

3. A COMPLETE COORDINATE LISTING AND AUTOCAD DRAWING FILE IS AVAILABLE UPON REQUEST FROM THIS FIRM.
4. THE CONTRACTOR SHALL LOCATE ALL UTILITIES

PRIOR TO COMMENCEMENT OF GRADING ACTIVITIES. CONTACT ULOCO AT 1-800-632-4949 FOR FIELD LOCATION OF UNDERGROUND UTILITIES. 5. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB,

UNLESS OTHERWISE STATED ON PLANS. 6. ALL PAVEMENT ON SITE SHALL BE IN ACCORDANCE WITH SECTION DETAILS ON THIS SHEET.

7. THE SLOPE OF HANDICAP PARKING SPACES
SHALL NOT EXCEED 1/4" PER FOOT. THE LATERAL
SLOPE OF SIDEWALK SHALL NOT EXCEED 2%.
8. UNLESS OTHERWISE NOTED ALL PROPOSED SPOT
ELEVATIONS ARE TOP OF ASPHALT OR FINISHED
SURFACE.

9. SEED ALL AREAS DISTURBED BY CONSTRUCTION, AND NOT INDICATED TO BE PAVED OR PLANTED, UPON COMPLETION OF GRADING ACTIVITIES. USE REBEL 3 FESCUE IN ACCORDANCE WITH SEEDING SCHEDULE ON DETAIL SHEETS.

10. SEE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS AND FEATURES.

11. SEE PLUMBING PLAN FOR LOCATION OF VAULTS, BACKFLOW PROTECTION ON FIRELINES AND PIPE SPECIFICATIONS OF FIRELINES.

12. THE TOPOGRAPHY SHOWN WAS FIELD LOCATEDBY THIS FIRM.13. ALL SANITARY SEWER SLOPES AND PIPE

LENGTHS ARE COMPUTED FROM CENTER OF MANHOLE TO CENTER OF MANHOLE. 14. CONSTRUCT ALL SANITARY SEWER MANHOLES

FLUSH TO FINAL PAVEMENT GRADE OR AS SHOWN IN NON-PAVED AREAS. 15. SEWER LATERALS TO BE PLACED AT A MINIMUM

SLOPE OF 1% ON 4" LINES AND 0.5% ON 6" LINES. CLEANOUTS SHALL BE PLACED AT 50' INTERVALS FOR 4" LINES AND 75' FOR 6" LINES AND AT BEND POINTS. ALL CLEANOUTS IN PAVED AREAS SHALL BE APPROVED LOAD BEARING TYPE. 16. WATER MAINS SHALL HAVE A MINIMUM 3' OF

COVER. WATER SERVICE LINES SHALL HAVE A MINIMU 18" OF COVER. 17. CONSTRUCT ALL FIRE HYDRANTS WITH BASE

FLANGE SIX INCHES ABOVE FINAL GRADE. 18. THE CONTRACTOR IS RESPONSIBLE FOR INSURING POSITIVE DRAINAGE TO ALL STORM STRUCTURES. OWNER AMERICAN PROPERTIES HOLDINGS, LLC PO BOX 20909 RALEIGH, NC 27619-0909 919-847-7700

ARCHITECT DESIGN DEVELOPMENT 800 SALEM WOODS DRIVE, SUITE 102 RALEIGH, NC 27615 919-848-4474

LANDSCAPE ARCHITECT TONY M. TATE LANDSCAPE ARCHITECTURE, PA 5011 SOUTHPARK DRIVE, SUITE 200 DURHAM, NC 27713 919-484-8880

PREPARED BY



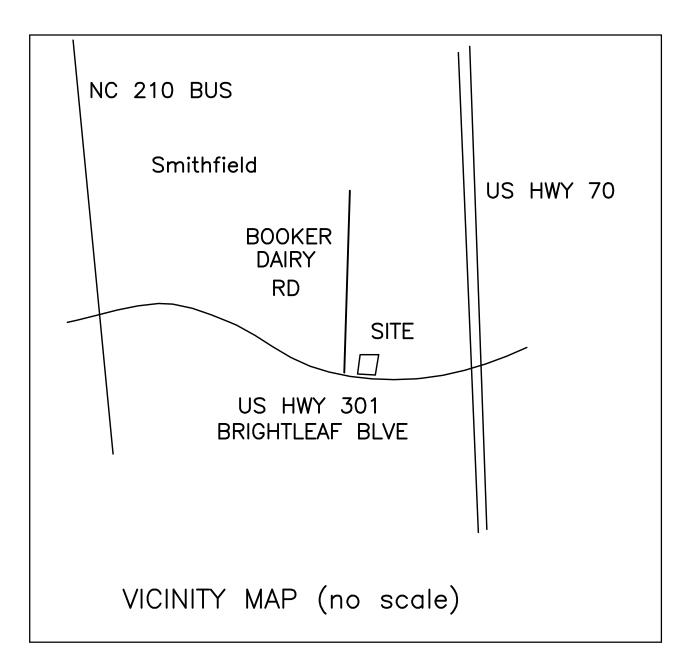
Aiken & Yelle Associates, PA Professional Engineers & Land Surveyors

3755 Benson Drive Raleigh, North Carolina 27609 919-877-9992 Fax 919-877-9979



1203 N. BRIGHTLEAF BOULEVARD SMITHFIELD, NC 27577

DEVELOPER AMERICAN PROPERTIES HOLDINGS, LLC PO BOX 20909 RALEIGH, NC 27619-0909 919-847-7700





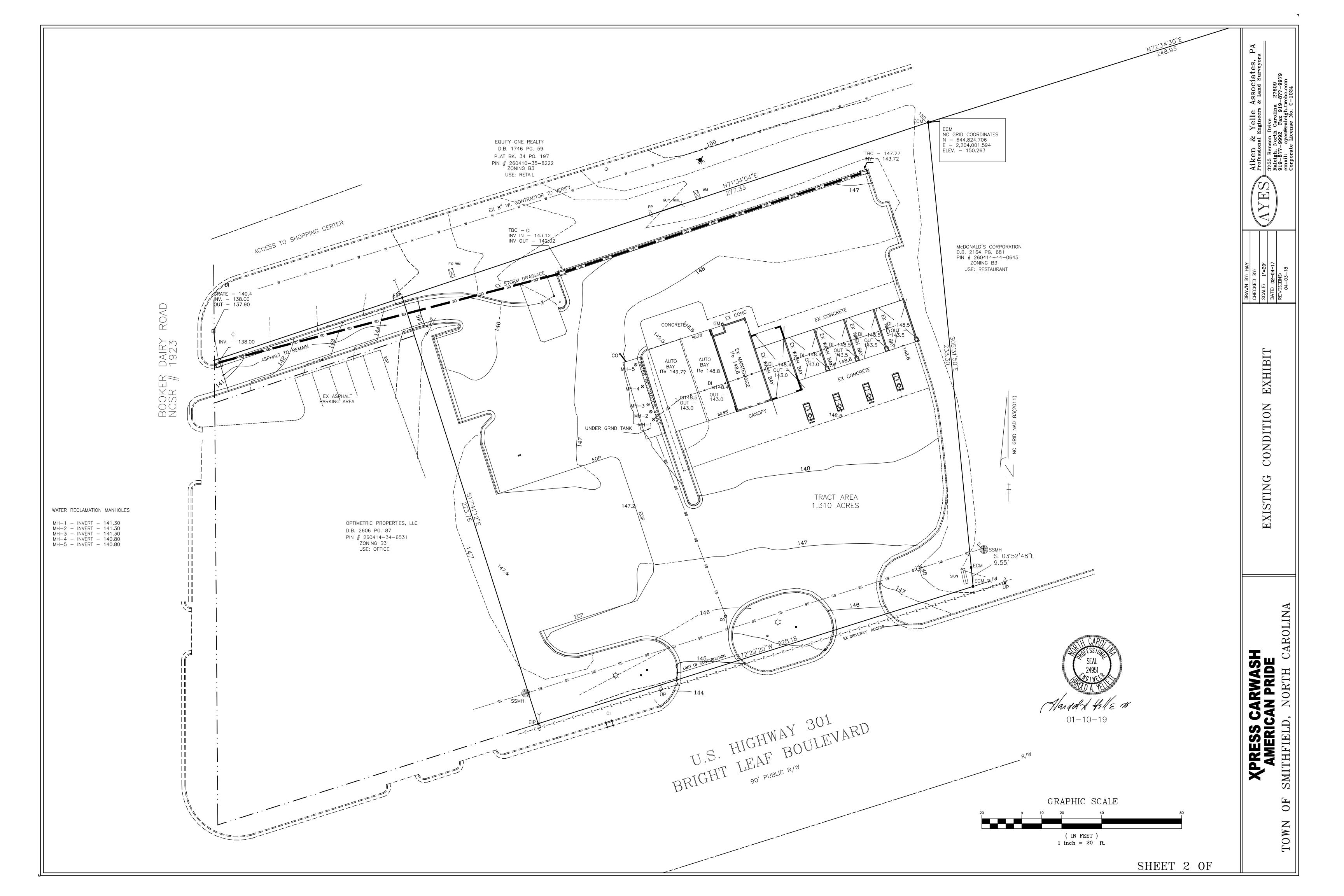
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APPLICANT:	AIKEN & YELLE AS 3755 BENSON DRI RALEIGH, NORTH C	√E		
DEED BOOK 1796 PAGE				
EXISTING SITE AREA 1 EXISTING ZONING	I.310 ACRES B3 - HIGHWAY EN		NESS DISTRICT	
EXISTING ZUNING		NIKANCE BUSI	NESS DISTRICT	
WATER WATERSHED	LOWER NEUSE RIVER			
JURISDICTION:	TOWN OF SMITHFI	ELD		
EXISTING USE PROPOSED USE	WAND CW (CAR WASH) AUTOMATED CAR WASH			
NEW BUILDING	4,560 SF			
REQUIRED PARKING FO	R CAR WASH			
1 SPACE PER EVERY	3 EMPL'S ON THE MAXIMUM	SHIFT = (9	EMPLY'S X 1/3)=	3 SPACES
TOTAL PARKING SPACE	S REQUIRED:			TBD SPACES
PARKING SPACES PROV SPACES FOR SELF SEF REGULAR SPACES: HANDICAP SPACES (VA	RVICE VACUUMING OF VEHI	CLE INTERIO	Ri	24 SPACES 1 SPACE
TOTAL PARKING SPACE				25 SPACES
REQUIRED OPEN SPACE	NDNE REQUIRED			
DISTRICT STANDARDS	(B3 ZDNE) FRONT YARD SIDE YARD REAR YARD MIN. LOT AREA MIN. LOT WIDTH MIN. LOT DEPTH		PROVIDED 164.4' 51.8' 25' 57,063 SF 227.75' 223'	
NEW BUILDING TO BE	DNE STORY			
TOTAL LAND DISTURBA	NCE AREA:		40,724 SF =	0.93 AC
TOTAL EXISTING IMPER			41,077 SF =	
TOTAL PROPOSED IMPE			41,463 SF =	0.95 ACRES
% CHANGE IN IMPER∨I	JUS AREA:		+0.94%	
TOTAL % IMPER∨IOUS	SURFACE (POST CONSTRUCT	(0.57 NDN):	/ 0.75>*100 =	72.6 %
INSTALLATION. SINAG	PORARY SIGNAGE REQUIR! E IS A SEPARATE SUBMIT TMENT. SIGNAGE FOR TH NANCE.	ITAL, REVIEW	AND APPROVAL	PROCESS BY

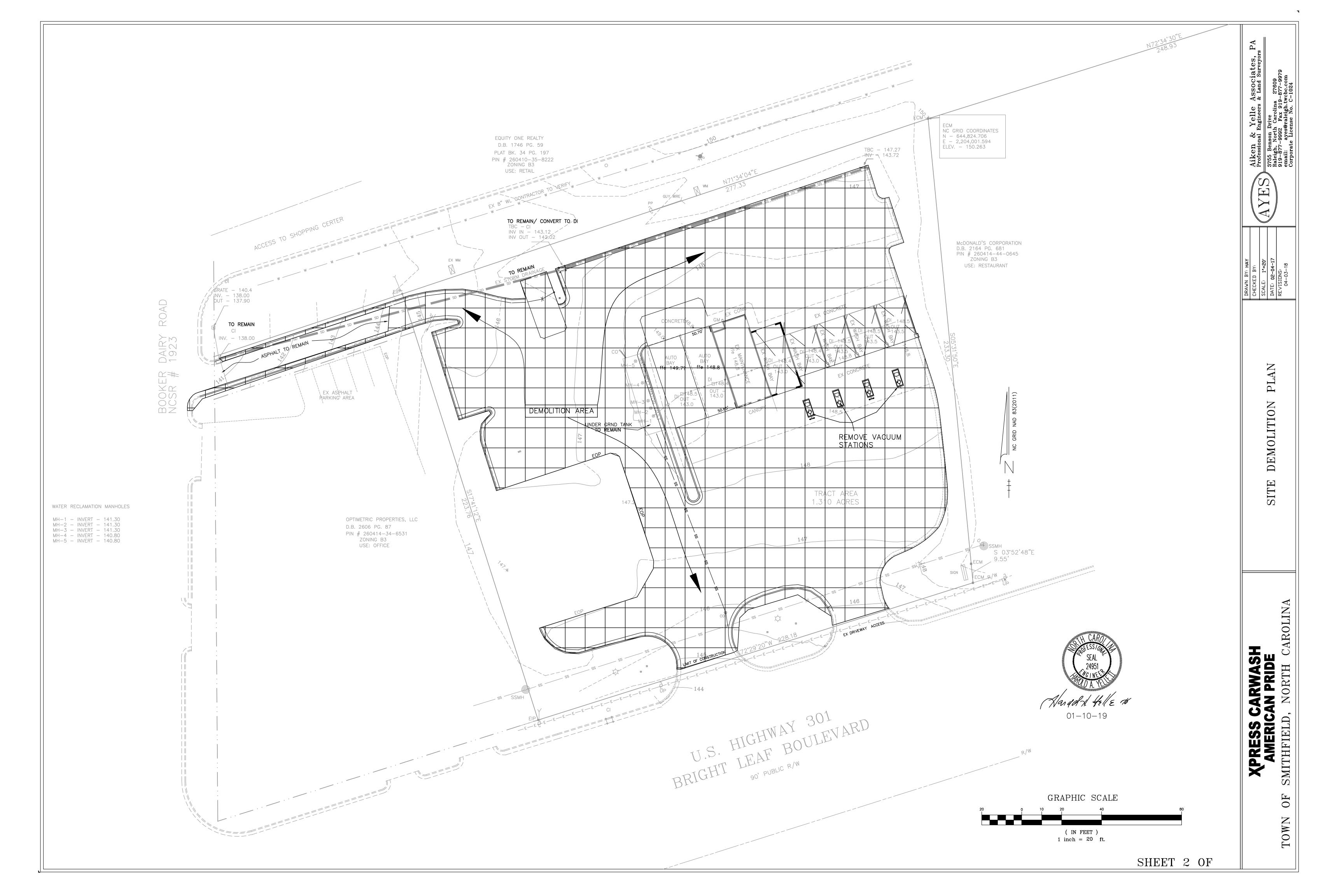
INDEX OF SITE WORK DRAWINGSSHEETTITLE

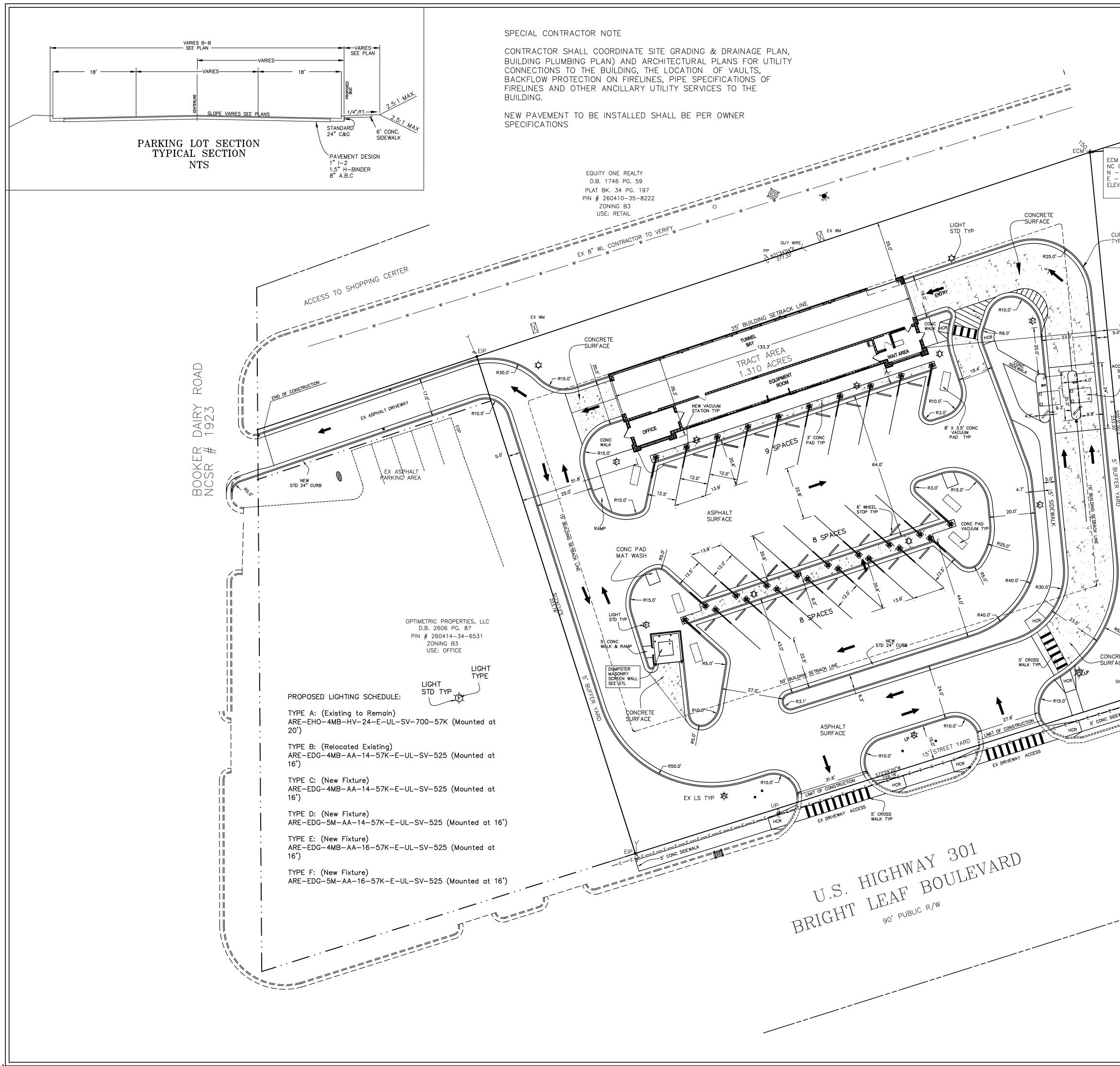
- 1. EXISTING CONDITIONS PLAN
- 2. SITE DEMOLITION PLAN
- 3. SITE LAYOUT PLAN
- 4. SITE GRADING, DRAINAGE AND UTILITY PLAN
- 5. SITE LIGHTING PLAN
- 6. SEDIMENT & EROSION CONTROL PLAN
- 7. SITE DETAILS
- 8. SITE DETAILS
- L-1. SITE LANDSCAPE PLAN
- A1.1. BUILDING FLOOR PLAN
- A2.1. BUILDING ELEV ATIONS

SP-19-01

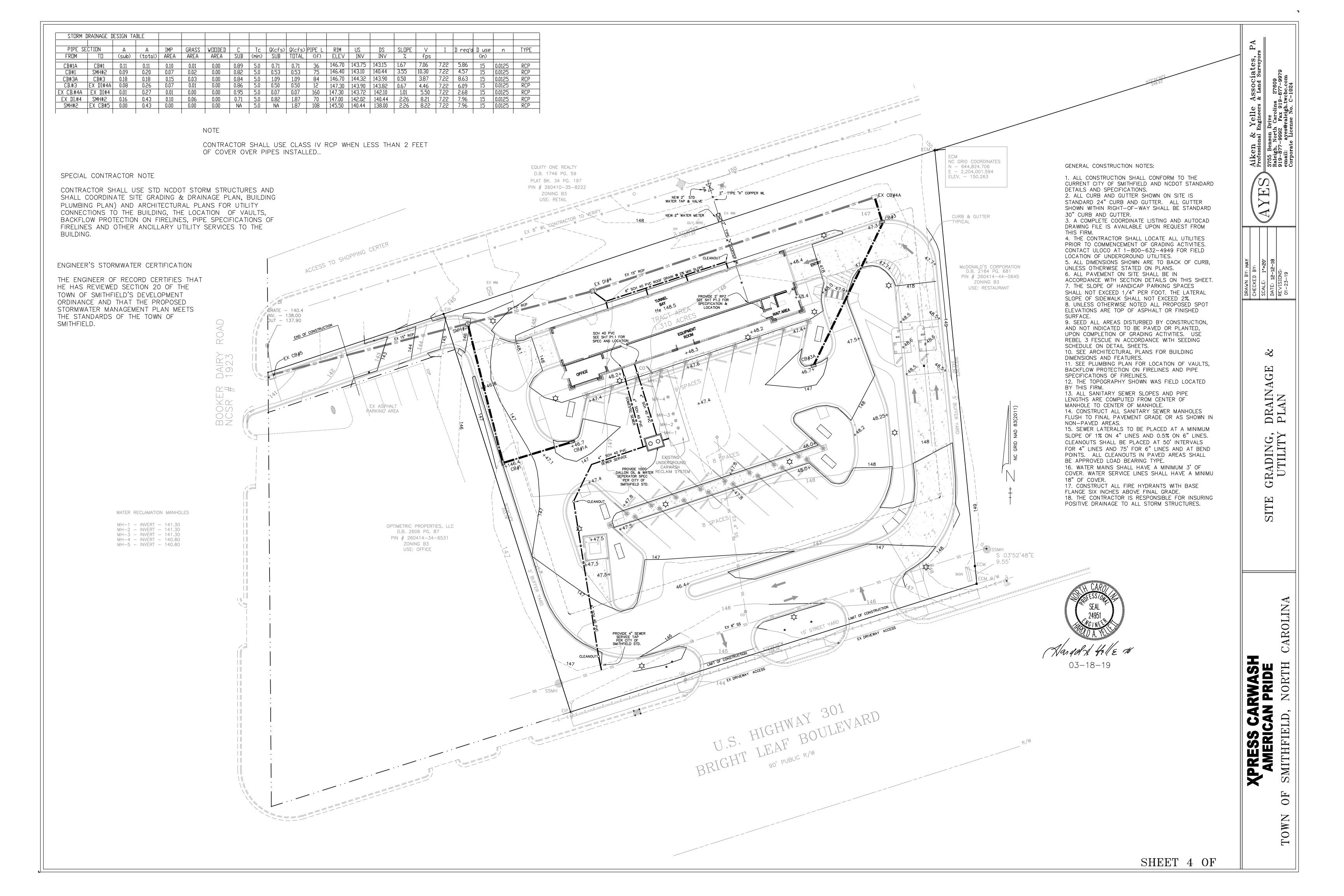
RECEIVED By Mark E. Helmer, AICP at 11:49 am, Mar 27, 2019







	N72:34'30''E 248:93	& Yelle Associates, PA al Engineers & Land Surveyors on Drive orth Carolina 27609 1992 Fax 919-877-9979 tyes@raleigh.twcbc.com License No. C-1024
CM C GRID COORDINATES - 644,824.706 - 2,204,001.594 LEV 150.263 CURB & GUTTER TYPICAL McDONALD'S CORPORATION D.B. 2164 PG. 681 PIN # 260414-44-0645 ZONING B3 80.1' USE: RESTAURANT 5.0'	SITE DATA TABLE SITE ADDRESS: SITE ADDRESS: LEO3 N. BRIGHTLEAF BOULEVARD, SMITHFIELD, NC 27577 DUNER / DEVELOPER MEDICAN PROPERTIES HOLDINGS, LLC PO BOX 20090 APPLICANT: ATEC ION PROPERTIES HOLDINGS, LLC RALEICH, NORTH CARLINA 27609 NEED BOOK 1796 PAGE 100 EXISTING SITE AREA 1.300 ACRES EXISTING SITE AREA 1.300 ACRES DUTIENT COLNTRO COLSPANCES JURISDICTION TOWN DE SMITHFIELD EXISTING SUSE ANDE V CAR VASH VATER VARE SHOLD VARE AVASH VATER VARE SPROVIDED SPACES ACOURED PROVIDED SPACES VANA ACCESSIBLED	DRAWN BY: HAY CHECKED BY: CHECKED BY: SCALE: 1'=20' DATE: 12-12-18 DATE: 12-12-18 DATE: 12-12-18 DATE: 12-12-18 DATE: 12-2-19 Corporate Lic Corporate Lic
The system of the second seco	TUTAL LAND DISTURBANCE AREA: 40,724 SF = 0.93 AC TUTAL EXISTING IMPERVITUS SURFACE: 41,077 SF = 0.94 ACRES Y CHANGE IN IMPERVITUS AREA: 40.942 TUTAL Y IMPERVITUS SURFACE: 41,663 SF = 0.95 ACRES Y CHANGE IN IMPERVITUS AREA: 40.942 TUTAL Y IMPERVITUS SURFACE: 40.972 Model TUTAL Y IMPERVITUS AREA: 40.942 TUTAL Y IMPERVITUS SURFACE: 40.972 Model PERMANENT AND TEMPORARY SIGNAGE REQUIRES AN APPROVES SIGN PERMIT PRIOR TO INSTALLATION, SINAGE IS A SEPARATE SUBMITTAL, REVIEW AND APPROVAL PROCESS BY PERUANNENG DEPARTMENT, SIGNAGE REQUIRES AN APPROVE SIGN PERMIT PRIOR TO INSTALLED AND TEMPORARY SIGNAGE REQUIRES AN APPROVE SIGN PERMIT PRIOR TO SUPPLY THE TOWN WITH A FINAL LETTER OF OCCUPANCY, THE OWNER / BUILDER MUST SUPPLY THE TOWN WITH A FINAL LETTER OF OCCUPANCY, THE OWNER / BUILDER MUST LIGHTING MANUFACTURER OR AUTHORIZED LIGHTING CONTRACTOR VERFYING THAT ALL SITE LIGHTING MANUFACTURER ON AUTHORIZED LIGHTING CONTRACTOR VERFYING THAT ALL SITE LIGHTING IS INSTALLED ACCORDING TO TOWN STANDARDS, THE APPROVED PLANS AND ANY APPLICABLE CONDITIONS.	SITE LAYOUT PLAN
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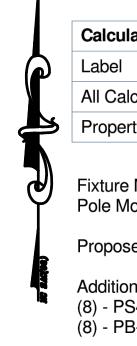
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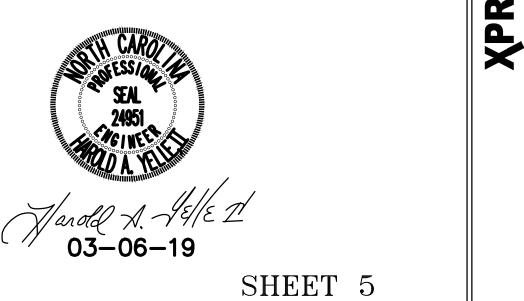
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2	Type C	SINGLE	0.970	18726	252			i-4MB-AA-14				Associates, & Land Surveyors 27609 -877-9979 vcbc.com
- 3	Type F - Alt	SINGLE	0.970	24860	232			i-4M-AA-14-8				<1≈ ↓ĕ
- → ► 2	Type D	SINGLE	0.970	21037	263		ARE-EDG	i-5M-AA-16-5	57K-E-UL-S	/-525		119 119 119 119 119 119 119 119 119 119
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			Pole Mount Proposed P Additional F 8) - PS4S1 8) - PB-1A	unting Height: ed: 8, 16' (15' F Poles Meets 12 Required Equip 5CTSV - (15' × 4SV - (Single V er to verify Colo prior to ordering	0MPH Su ment: x 4" x 0.12 /ertical Te or, Mountin	ustained W 25", Steel S enon, 4" Se	Square Pole, quare Pole, S	Silver)	ıt, Silver)			DRAWN BY: FMM CHECKED BY: HAY SCALE: 1'= 20' DATE: 9-28-17 REVISIDNS:
				21'-6" MDUNTING HEIGHT / 3MB-E AND 4MB-E 18' 15'-6" MDUNTING HEIGHT / 4M-E AND 5M-E EXTENSION		-4.5" NON-TAPER POLE, BRUSHED REINFORCED H4	NTING ARM. ED, ROUND ALUMINUM AMUMINUM FINISH AND HOLE W/ JG OPPOSITE HAND S AS REQUIRED SE EXTENSION PAVING ONLY)					SITE LIGHTING PLAN
	PF	RIOR TO THE RELE JPPLY THE TOWN	EASE OF TH WITH A FIN	IE CERTIFICATE	1'-4" AL POLE B/ TO SCALE	EARTH CONDUITS 6-#6 VERTICAL F #3 TIES @ 12" C. ASE DETAIL	ONCRETE TO BE ST UNDISTURBED REBARS .C (MAX)	BUILDER MUS	Г			RUASH PRIDE North Carolina
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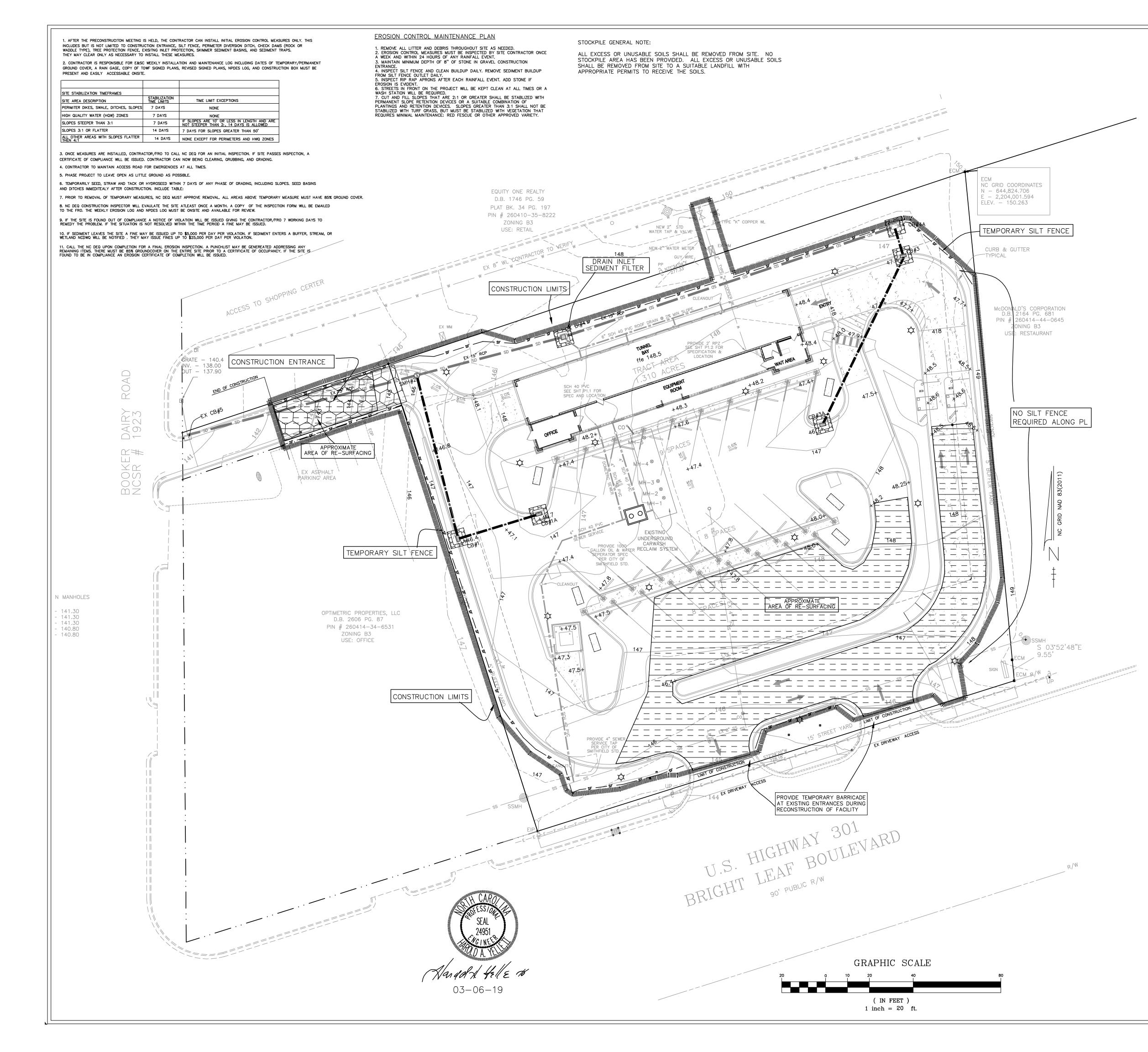
GRAPHIC SCALE (IN FEET) 1 inch = 20 ft.

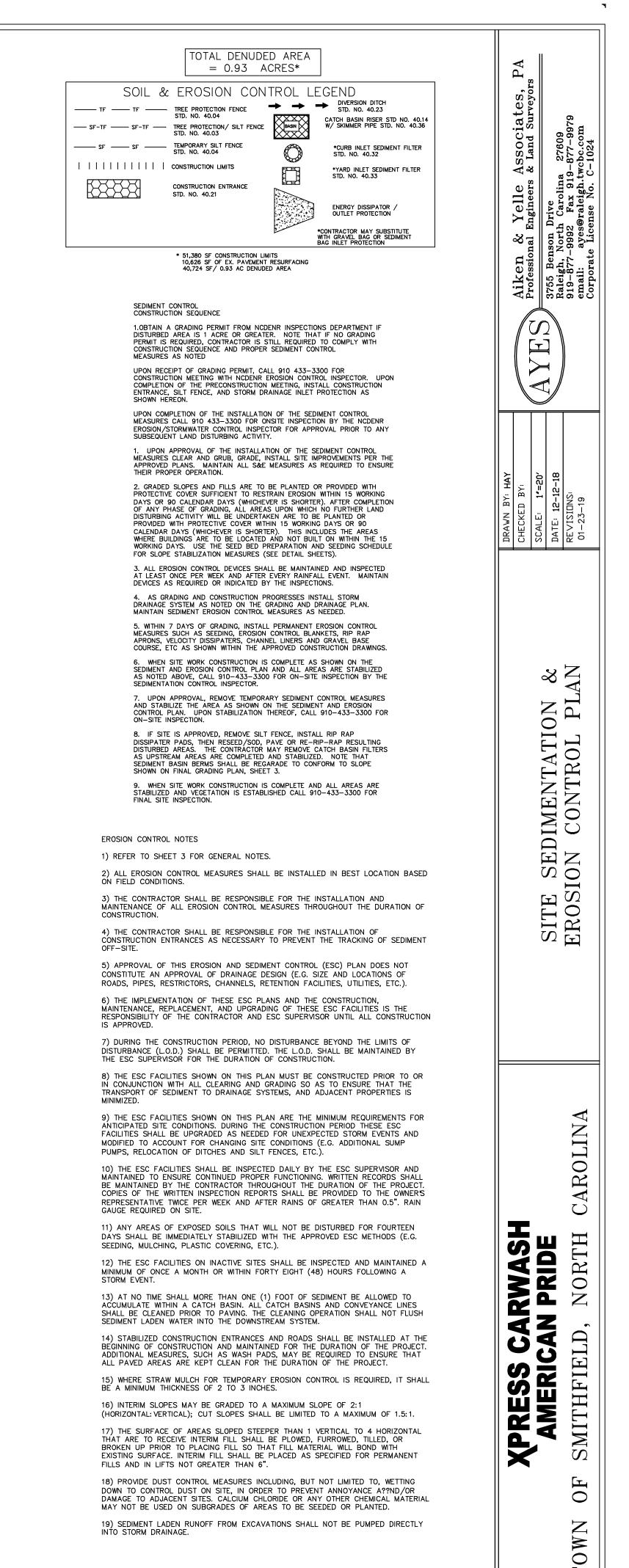
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•4.2 •3.	9 3.7	•4.2	• 5 .9	8. 1	9.5	•9.4	•7.5	4.6	<12 13	• 1.3	• . p	•0 0.8	•0.6	•0.4		
•5.2 5.	0 4.3	•4.5	•5.6	9.4	^{11.9}	8.8	1 7.4	4.7	2,5	 •1_1	233 .00	7 0.5	•0.4	•0.3		
•6.0 •6.			111		· · ·		1 // 1	1.1	\$ 12	~1 1		•0.4				
₹ 7 ,0, 6 ,	75.17	رم • 5.6	•6 .1	•7.9	•10.	10.9	• • • 9.3	`7 •7 .∮	/. /3.1	5 D	1	•0.4				
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5 .5 5 .							11 -	ŝ.∳	· . /	R 0. 7 7				(2011)		
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3 .8 3 .						K	, < ⁷ 1.8	 ↓1.4	1 1	0.7	0.5	•0.3	GRID N	Ĩ		
3 .8 3 .						2.3	2.1	1.9	1.5	0.9	0.6	•0.3	NC C			
• <u>4.2</u> • <u>3</u> .		4.0		3.1		2.8.	<		•2. ³	.4 1.3			•			
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•6.3 •4.				<				6.5	3.7 3.7	•1.6	•0.6					
6.2 3.	8 3.9	6.2	5.0	5.5	4.1	Tyr	oe A	5.9	4.9 -3	°1.4 SSMH	•0.6					
2.9 [•] 2.					•0.4	MH 0.4	1:,20	4	.7 M _{1.7}	-*						
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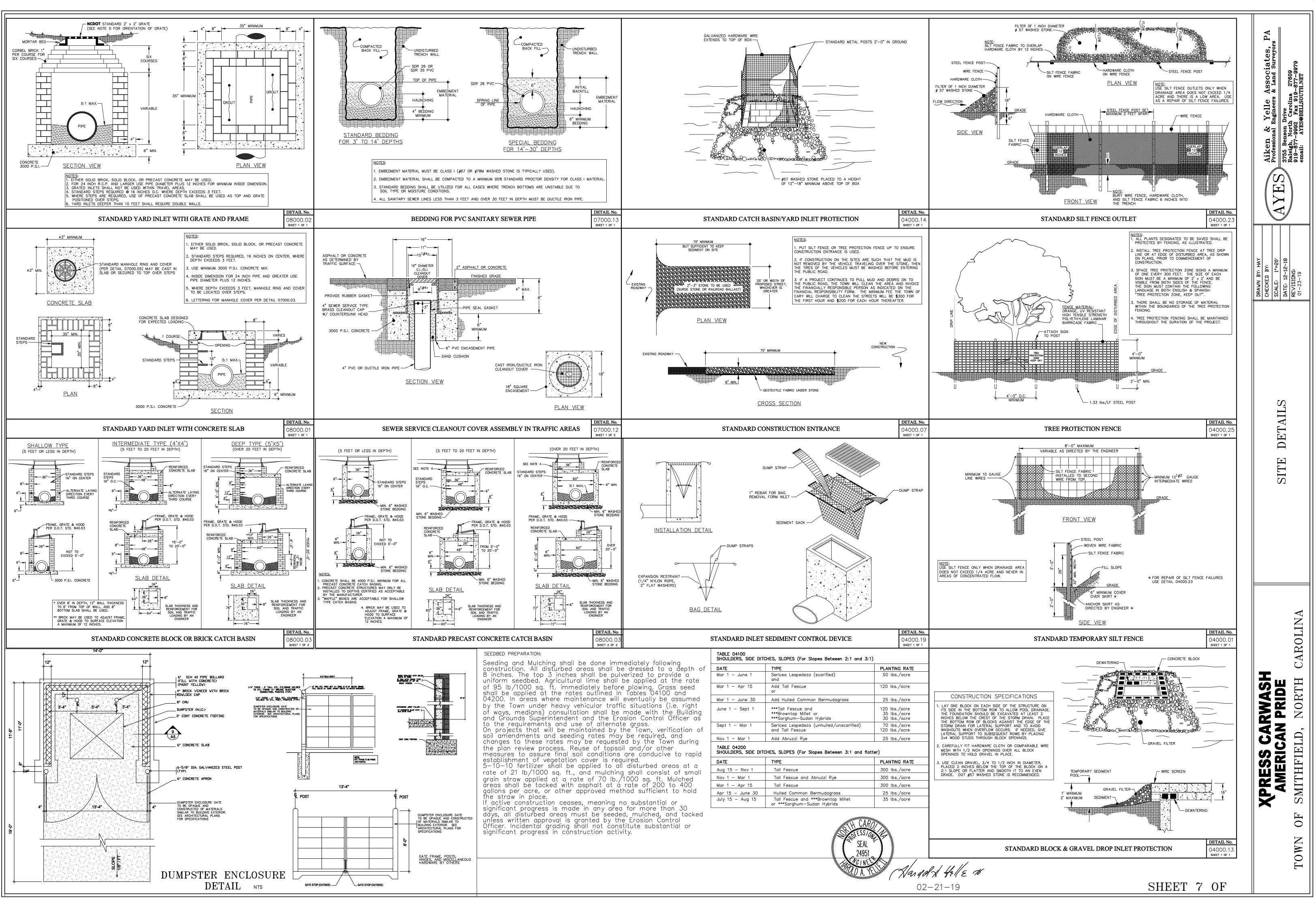
ОF

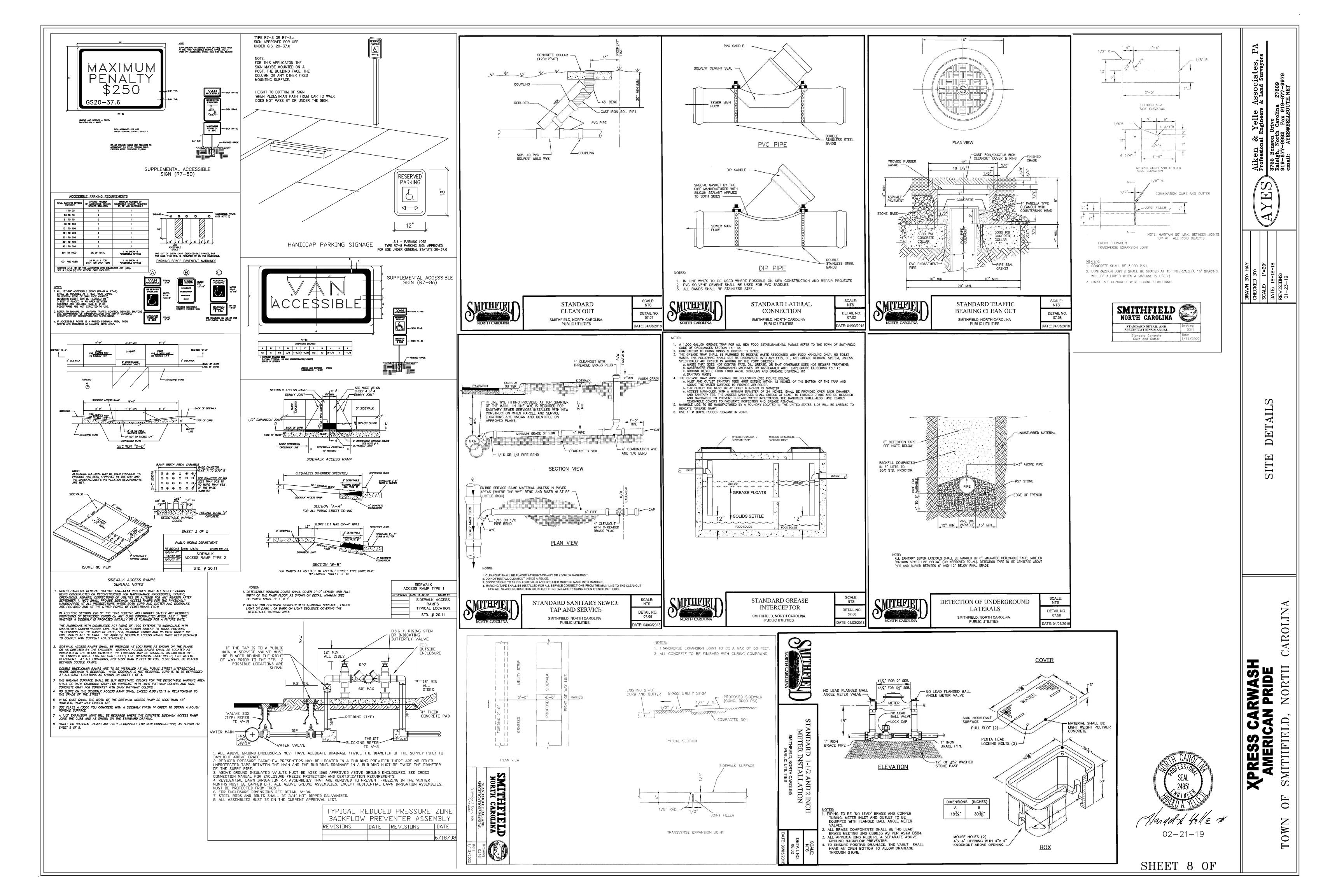
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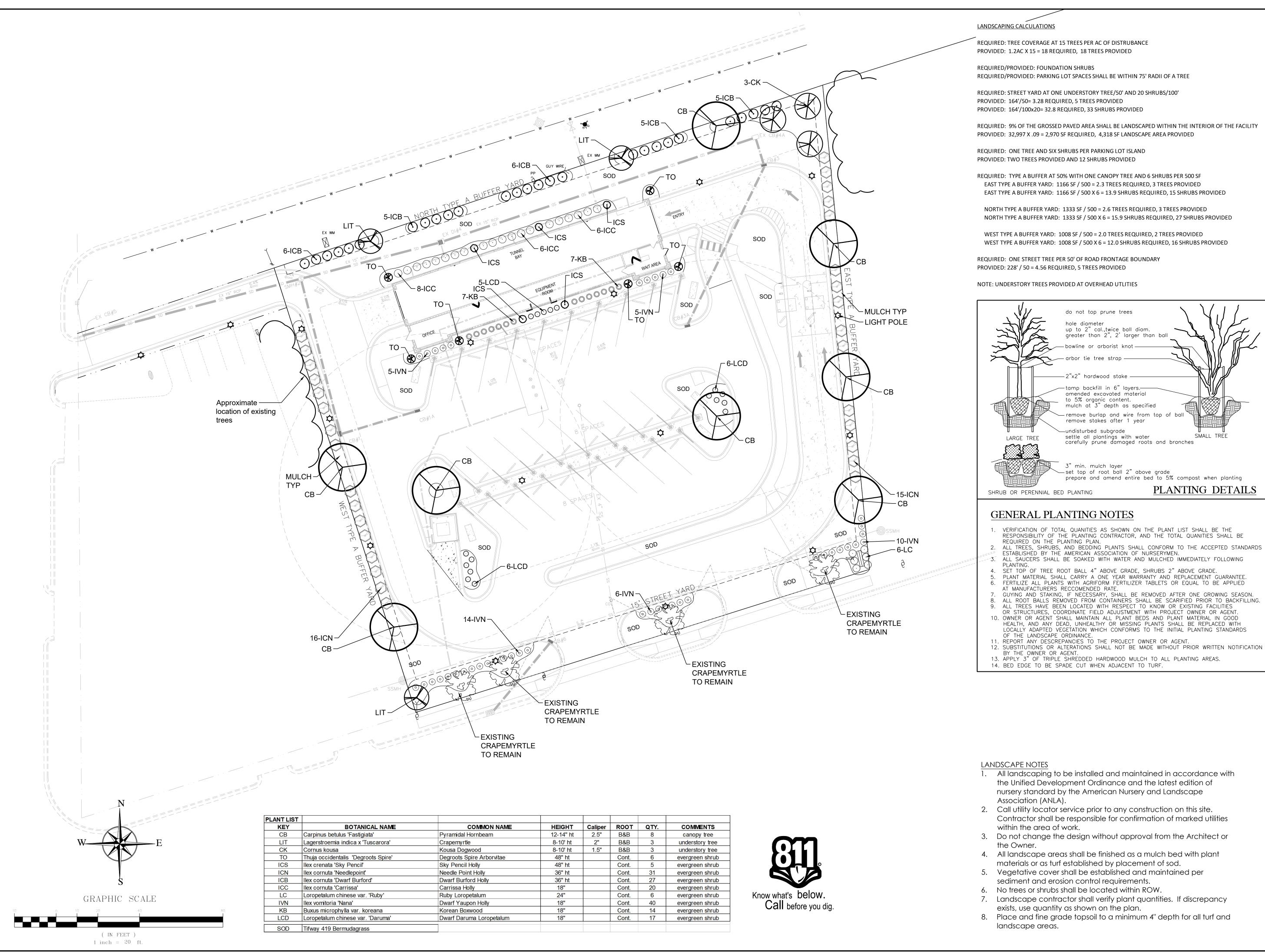




SHEET 6 OF

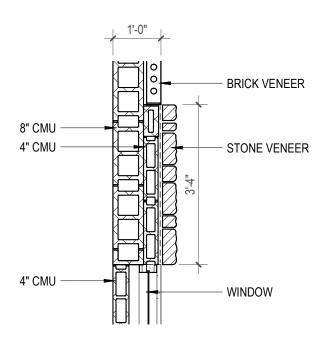


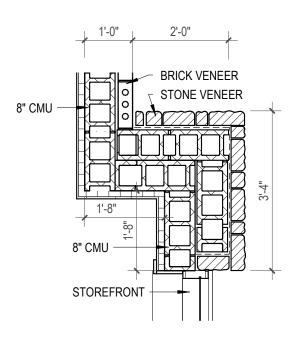




e	8-10' ht	2"	B&B	3	understory tree
wood	8-10' ht	1.5"	B&B	3	understory tree
pire Arborvitae	48" ht		Cont.	6	evergreen shrub
Holly	48" ht		Cont.	5	evergreen shrub
nt Holly	36" ht		Cont.	<mark>31</mark>	evergreen shrub
ord Holly	36" ht		Cont.	27	evergreen shrub
olly	18"		Cont.	20	evergreen shrub
petalum	24"		Cont.	6	evergreen shrub
oon Holly	18"		Cont.	40	evergreen shrub
wood	18"		Cont.	14	evergreen shrub
ima Loropetalum	18"		Cont.	17	evergreen shrub

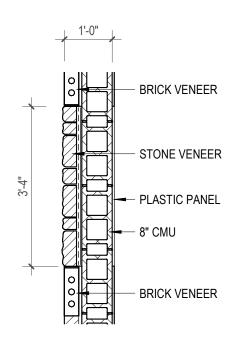




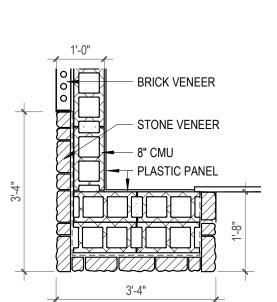


11 PLAN DETAIL 5 1/2" = 1'-0"

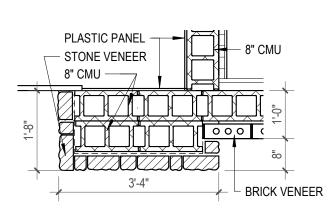
12 PLAN DETAIL 6 1/2" = 1'-0"



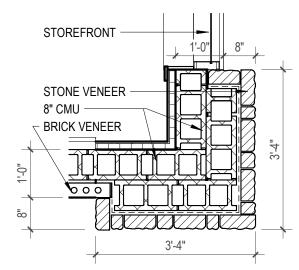
10 PLAN DETAIL 4 1/2" = 1'-0"



9 PLAN DETAIL 3 1/2" = 1'-0"

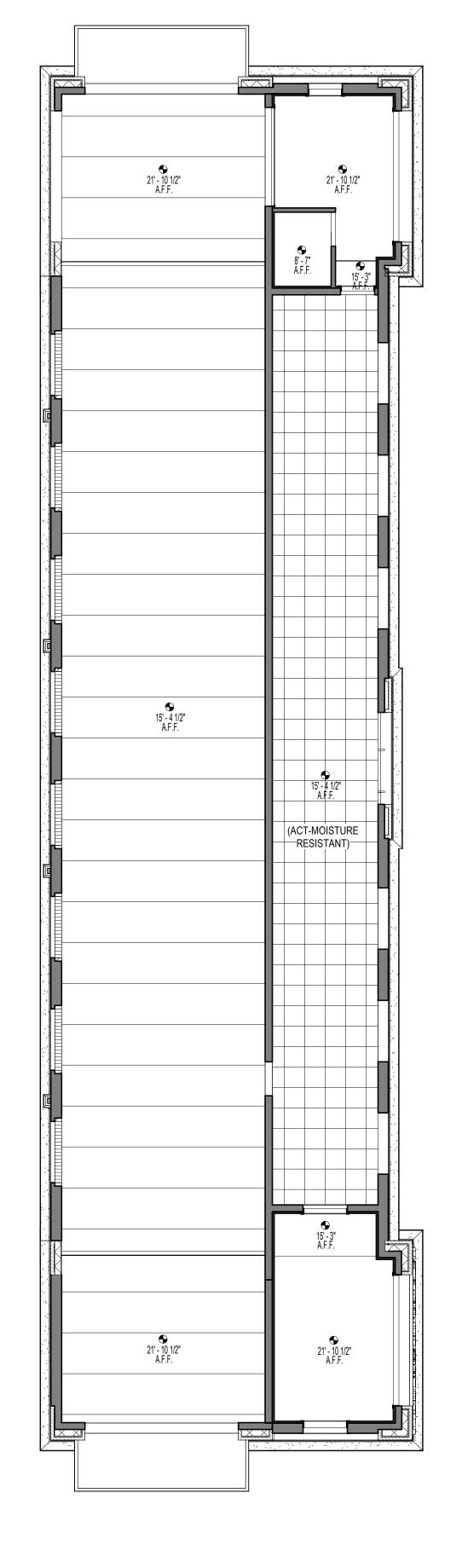


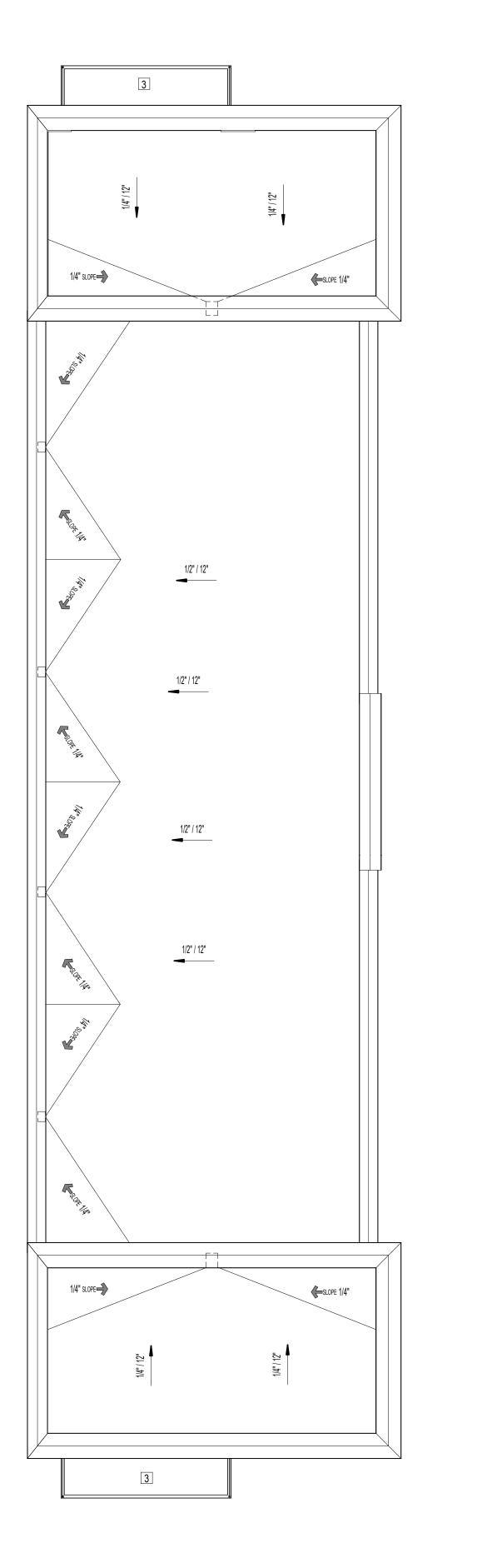




7 PLAN DETAIL 1 1/2" = 1'-0"

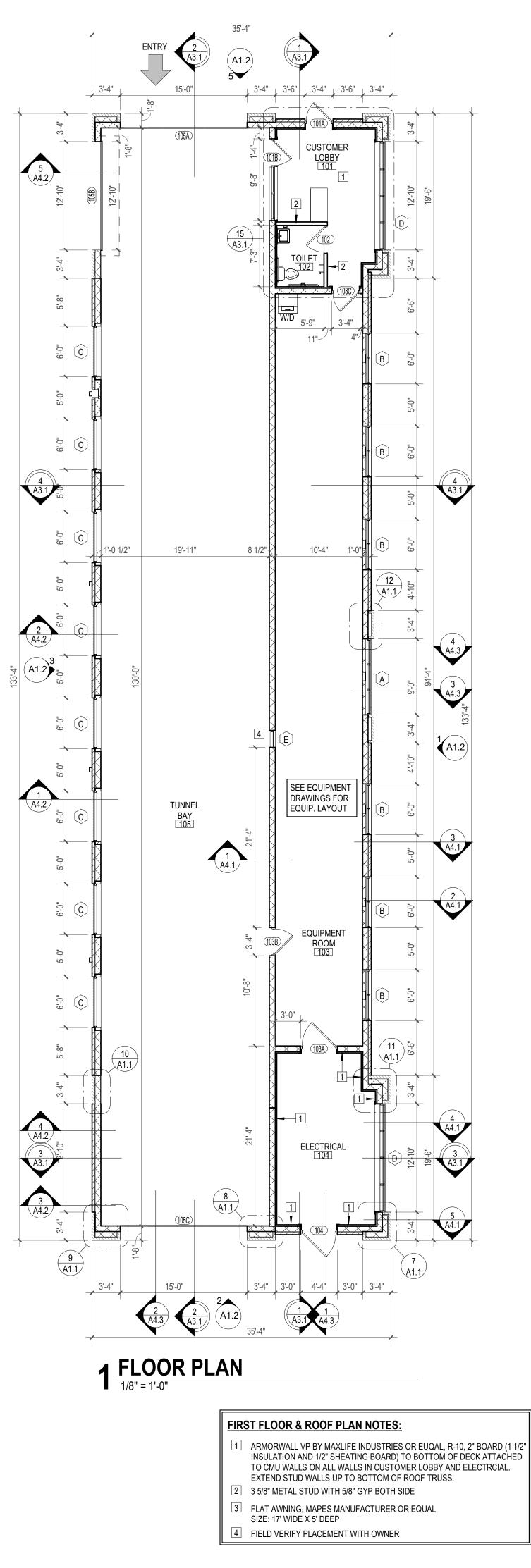
	Room Finish Schedule								
No.	Name	Wall	Floor	Base	Ceiling	Remarks			
101	CUSTOMER LOBBY	PAINTED GYP	VCT	RUBBER	PAINTED GYP				
102	TOILET	PAINTED GYP	VCT	RUBBER	PAINTED GYP	EPOXY PAINT			
103	EQUIPMENT ROOM	PAINTED CMU	SEALED CONCRETE	NONE	ACT	ACT (MOISTURE RESISTANT)			
104	ELECTRICAL	PAINTED GYP	SEALED CONCRETE	NONE	PAINTED GYP				
105	TUNNEL BAY	EXTRUTECH WHITE	NONE	OCTAFORM BLACK					
CEILIN	G NOTE: INSTALL 6 MIL V	APOR BARRIER BEHIND OC							

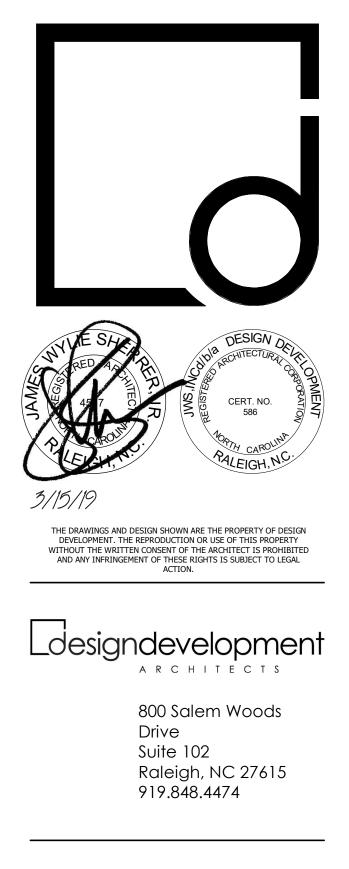




3 REFLECTED CEILING PLAN

2 **ROOF PLAN** 1/8" = 1'-0"





AMERICAN PRIDE **XPRESS** CARWASH

1203 NORTH BRIGHTLEAF BOULEVARD Smithfield, NC



F	PRO.	JEC	T #

19008

DATE:

FLOOR PLAN AND DETAILS



DIGITAL PRINT DATE: 2019-03-15 10:31:15 AM

