



## **PLANNING BOARD AGENDA**

### ***Members:***

***Chairman: Stephen Upton (Town)***

***Vice-Chairman: Mark Lane (ETJ)***

***Teresa Daughtry (Town)***

***Ashley Spain (ETJ)***

***Doris Wallace (Town Alt)***

***Alisa Bizzell (Town)***

***Michael Johnson (Town)***

***Debbie Howard (Town)***

***Stephen Wensman, AICP, ALA, Planning Director***

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

***Julie Edmonds, Administrative Assistant***

***Meeting Date: Thursday, June 4, 2020***

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

***Meeting Place: Council Chambers, Smithfield Town Hall***

**PLANNING BOARD AGENDA  
FOR REGULAR MEETING  
JUNE 4, 2020  
MEETING TIME: 6:00 PM TOWN HALL**

**Call to Order.**

**Identify voting members.**

**Approval of the agenda.**

**Approval of the minutes for May 7, 2020.**

**New Business.**

**RZ-20-03 Kiddie College of Canterbury:** The applicant is requesting to rezone one tract of land totaling approximately .454 acres from an R-8 (Residential) to an OI (Office and Institutional) zoning district. The property considered for rezoning is located on the west side of Canterbury Road, approximately 190 feet south its intersection with Berkshire Road and further identified as Johnston County Tax ID# 15004023A.

**ZA-20-01 Mosquito Squad of Raleigh:** The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 6, Table 6.5 Table of Uses and Activities to allow Exterminating Services as a use by right in the Light Industrial (LI) zoning district.

**Old Business.**

Development Report for May, 2020.

**Adjournment.**

**Draft  
Town of Smithfield  
Planning Board Minutes  
Thursday, May 7, 2020  
6:00 P.M. Online with Cisco Webex**

**Members Present:**

Chairman Stephen Upton  
Vice-Chair Mark Lane  
Debbie Howard  
Michael Johnson  
Alisa Bizzell

**Members Absent:**

Ashley Spain  
Teresa Daughtry  
Doris Wallace

**Staff Present:**

Stephen Wensman, Planning Director

**Staff Absent:**

Mark Helmer, Senior Planner  
Julie Edmonds, Administrative Assistant

**CALL TO ORDER**

After all participating board members and staff logged in to Webex and communication checks were conducted; Chairman Stephen Upton called the meeting to order.

**IDENTIFY VOTING MEMBERS**

**APPROVAL OF AGENDA**

Debbie Howard made a motion, seconded by Alisa Bizzell to approve the agenda. Unanimously approved

**APPROVAL OF MINUTES from April 2, 2020**

Alisa Bizzell made a motion, seconded by Michael Johnson to approve the minutes as written. Unanimously approved

**NEW BUSINESS**

Chairman Steve Upton introduced S-19-01 - Twin Creeks Phase 2 Preliminary Subdivision Plat and opened the floor to the Town of Smithfield Planning Director, Steve Wensman.

Mr. Wensman stated that Stewart-Proctor, PLLC is requesting approval of the Twin Creeks Phase 2 Preliminary Subdivision Plat on behalf of Navaho Investment Company, LLC which consists of a proposed 28-lot attached single-family residential lots on 11.61 acres of land in the R-20A Zoning District. The subject property is within the corporate limits of Smithfield and

located at 6054 Black Creek Road approximately 2000 linear feet south of its intersection with Galilee Road. The property is further identified as Johnston County Tax ID# 15I09011B.

Mr. Wensman stated that Twin Creeks Phase 2 cluster subdivision site is currently being used for agriculture and located adjacent to West Smithfield Elementary School. The site slopes from Galilee Road towards a creek (which is the division line between Phase 1 and Phase 2). A drainage ditch bisects the field and flows toward the creek. Along the northern and southern property lines are rows of existing conifer trees.

The developer is proposing to construct (28) single family detached residential lots. The average lot size is 0.25 acres in size (0.21-0.35 acres in size) with 2.94 acres of preserved open space containing the stormwater control measure (SCM) and a trail to be owned in common ownership by the homeowner's association. The minimum lot size in the R-20A zoning district is 15,000 sq. ft. (0.34 acres); however, the cluster regulations allow for 60% reduction in lot size or 9000 sq. ft. (.21 acres). Minimum lot width in the R-20A zoning district is 75 feet. However, the cluster regulations allow for a minimum lot width of 40 feet (40 ft).

Mr. Wensman stated that the proposed subdivision will preserve 2.94 acres (26.3%) of open space; with 0.81 acres serving as a buffer from Galilee Road and the remaining 2.13 acres along the creek and that the development meets or exceeds each of the following required open space requirements of the cluster subdivision regulations:

- Greater or equal in area to the total amount of area by which each lot was reduced below the minimum lot size
- Not less than 15% of the gross acreage as common open space
- Capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation or for horticulture (meets this requirement if SCM is not included).
- Legally and practically accessible to the residents of the development.
- A minimum of one-half of the required open space shall be contained in one continuous undivided part.
- Perpetually owned and maintained for the purposes of this section by a homeowners association.

Mr. Wensman stated that one of the intended purposes of open space is to preserve views. These views can be from the site and views to the site. This subdivision will substantially change the views of the site from Galilee Road. A berm and landscape buffer along Galilee Road would minimize the impact to the views that currently exist. Mr. Wensman stated that the cluster subdivision will mitigate potential flooding by providing a by-pass storm pipe for the existing drainage ditch that currently bisect the property. The HOA should maintain the stormwater bypass as part of the open space and SCM maintenance.

Mr. Wensman stated the subdivision will be served by a cul-de-sac that accesses Galilee Road. The access requires an NCDOT Permit. The developer is showing a 27' back to back street with curb and gutter and a sidewalk on one side of the street in a 50-foot-wide right-of-way and a sidewalk along the frontage of Galilee Road. The cul-de-sac is temporary and will be removed when the street is extended to the vacant parcel to the south when it develops.

Mr. Wensman stated the applicant has submitted a stormwater management plan and is proposing to construction a SCM in the open space near the creek. A stormwater maintenance agreement will be executed to ensure the developer / HOA is responsible for the ongoing maintenance of the pond. A tree preservation plan is required, but none has been yet submitted by the developer. The tree preservation plan will identify perimeter trees and significant trees that are required for preservation or mitigation.

Mr. Wensman stated the development will be served by Town of Smithfield water and sewer with a master meter on Johnston County's water system. A sewage lift station is proposed in Phase 1 to pump sewage to the Johnston County's sewer lines. Electricity will be provided by Duke Progress Energy. A street lighting plan was submitted with the construction drawings in compliance with the Town's standards.

Mr. Wensman stated that in accordance with the town of Smithfield Unified Development Ordinance, Article 10, 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 will be required to pay a 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 in the plat (28).

Mr. Wensman stated that the Planning Department recommends approval of the preliminary cluster subdivision plat (S-19-01) with the following conditions:

1. That a special use permit be approved by the Town Council for the cluster subdivision.
2. That a NCDOT Permit be provided for the road access and sidewalk encroachment in the NCDOT right-of-way.
3. That the Town's stormwater management facility maintenance agreement be executed prior to final plat recordation.
4. That the HOA declarations and covenants be submitted for Town Attorney review and recorded with the final plat.
5. That a park dedication fee in lieu be paid for the 28 residential lots prior to final plat recordation in accordance with the UDO, Section 10.10.114.8.
6. That the trail maintenance shall be the responsibility of the homeowners association.
7. That a tree preservation plan be submitted showing complinace with UDO Section 10.9.

Mr. Wensman requested the Planning Board to review the preliminary subdivision plat application and make a recommendation to the Town Council.

Mr. Upton opened the item up for discussion by the Planning Board members. There were no comments.

Mark Lane made a motion to recommend approval of S-19-01, Twins Creeks Phase 2 cluster subdivision; the item was seconded by Alisa Bizzell. Unanimously Approved

**Old Business**

None

**Adjournment**

Being no further business, Mark Lane made a motion seconded by Debbie Howard to adjourn the meeting. Unanimously approved

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist

DRAFT



# Request for Planning Board Action

Agenda  
Item: RZ-20-03  
Date: 06/04/20

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

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## Issue Statement

Request to rezone the Kiddie Kollege of Canterbury property from R-8 Residential to O/I – Office/Institutional.

## Financial Impact

None

## Action Needed

Review the zoning map amendment and make a recommendation to the Town Council to approve or deny the requested map amendment.

## Recommendation

Staff recommends approval of RZ-20-03 with 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:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Consistency Statement
3. Application
4. Site Location Map



# Staff Report

Agenda Item: RZ-20-03

**OVERVIEW:**

Phil and Barbara Wilkins, the owners of Kiddie Kollege of Canterbury, are requesting the rezoning of their property from R-8 Residential to O/I Office Institutional.

**PROPERTY LOCATION:**

The location of the property to be rezoned is 304 Canterbury Road, further with the Johnston County Tax ID# 15004023A.

**SITE DATA:**

Tax ID#	15004023A
Acreage:	.454 acres
Present Zoning:	R-8 Single, Two and Multi-Family Residential
Proposed Zoning:	O/I Office Institutional
Existing Use:	Childcare Center
Proposed Use	Unknown
Fire District:	Town of Smithfield
School Impacts:	None
Parks and Recreation:	None
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
<b>North</b>	R-8 (Residential)	Residential
<b>South</b>	R-8 (Residential)	Residential
<b>East</b>	R-10 (Residential)	Church
<b>West</b>	R-8 (Residential)	Residential

**JUSTIFICATION:**

The property was originally built as a childcare center in the R-8 zoning district when the development was constructed. The roughly 3,500 sq. ft. building containing the Kiddie Kollege childcare center is a commercial building with multiple rooms and a bathroom designed for the daycare. In the front and side of the building is a +/-5 stall parking lot, with



two driveways off of Canterbury Road, and a playground in the back of the building. The building is well screened from adjacent residential parcels by trees along the property line.

The applicants have stated that they are getting older and they are considering selling the building. By rezoning the property to Office/Institutional, the potential uses of the property would be greater and the owners would have more potential buyers than if zoned for residential. Furthermore, selling the building may take time and if the special use permit goes unused for a year, it technically expires. If the permit expires, the commercial building will be nearly unusable for any commercial use. A childcare center is not a permitted use in the R-8 district.

**R-8 SINGLE, TWO AND MULTI-FAMILY ZONING DISTRICT:**

The R-8 zoning district the only commercial uses allowed are:

- Bed and breakfasts with special use permit
- School with special use permit

**O/I OFFICE INSTITUTIONAL ZONING DISTRICT:**

The O/I zoning district allows the following commercial uses:

- Schools with special use permit
- Church with special use permit
- Artisan’s workshop with special use permit
- Contractor’s office
- Research lab with special use permit
- Office uses
- Optician and optical goods
- Health clinics
- Health club
- Video arcade with special use permit
- Art gallery
- Barber/beauty shop
- Bed and breakfasts with special use permit
- Drug store
- Funeral home with special use permit
- Restaurant
- Artist studio
- Child Care Centers

**LOT CONFORMITY:**

If rezoned, the lot would exceed the minimum lot requirements of the O/I zoning district:

	<b>Existing Lot</b>	<b>O/I Standards</b>
<b>Minimum Lot Area</b>	19,776 sq. ft.	6,000 sq. ft.
<b>Minimum Lot Frontage</b>	+/- 75 feet	60 feet.
<b>Front Yard Setback</b>	+/- 32 feet	25 feet
<b>Side Yard Setback</b>	+/- 30 feet	8 feet
<b>Rear Yard Setback</b>	+/- 80 feet	15 feet

### **SPOT ZONING:**

In North Carolina, spot zoning is not illegal in and of itself, however, it should be clearly supported by a reasonable basis to be upheld. In this case the proposed zoning is office/institutional and directly across the street is a large Church of Latter-Day Saints which is an institutional use in a residential zoning district with a much greater impact on the neighborhood in terms of traffic than this small commercial building would be if zoned to Office/Institutional District.

### **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 reasonable:

- **Consistency with the Comprehensive Growth Management Plan** - *The draft Future Land Use Map guides these properties for medium density residential land uses. The R-6 zoning district is considered medium residential district with a max single-family density of 7.26 units per acre.*
- **Consistency with the Unified Development Code** - *The development of the lots will require compliance with the R-6 District regulations which are a better fit with the min. lot dimensional requirements than the R-10 District.*
- **Compatibility with Surrounding Land Uses** - *The property considered for a rezoning is compatible because the proposed development will be developed at medium densities and the development will serve as a transition from the O/I district (Civitan Field) to the R-10 zoning beyond.*

### **RECOMMENDATION:**

Staff recommends the Planning Board recommend approval of RZ-20-03 finding the rezoning consistent with applicable adopted plans, policies and ordinances.

### **RECOMMENDED MOTION:**

*“Move to recommend approval of RZ-20-03, to rezone the property with the Johnston County Tax ID# 15004023A from R-8 to O/I with 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.”*

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD PLANNING BOARD  
RZ-20-03**

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

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

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

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

That the final action regarding zoning map amendment RZ-20-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public meeting; and

It is the objective of the Town of Smithfield Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The 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 meeting. Therefore, the 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 map amendment RZ-20-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



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

## REZONING APPLICATION

*Pursuant to Article 4, Section 4-1 of the Unified Development Ordinance, proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. Rezoning applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached), (1) electronic submittal and the application fee.*

Name of Project: Kiddie Kollege of Canterbury Acreage of Property: .454  
 Parcel ID Number: 15004023A Tax ID: \_\_\_\_\_  
 Deed Book: 02612 Deed Page(s): 0108  
 Address: 304 Canterbury Road Smithfield NC 27577  
 Location: Legal description Selma Rd 260413-69  
304 Canterbury Road Smithfield NC  
 Existing Use: Daycare Proposed Use: Attorney/CPA/Daycare  
 Existing Zoning District: Residential  
 Requested Zoning District Office and Institutional  
 Is project within a Planned Development:  Yes  No  
 Planned Development District (if applicable): Not sure?  
 Is project within an Overlay District:  Yes  No  
 Overlay District (if applicable): Not sure?

### FOR OFFICE USE ONLY

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

Name: Phil and Barbara Wilkins

Mailing Address: PO Box 585 Four Oaks, NC 27524

Phone Number: 919-628-5179 or 919-524-0377

Fax: \_\_\_\_\_

Email Address: bpwilkins@embarqmail.com

**APPLICANT INFORMATION:**

Applicant: Phil and Barbara Wilkins

Mailing Address: 304 Canterbury Road, Smithfield, NC 27577 (PO Box 585 Four Oaks, NC 27524)

Phone Number: 919-628-5179 or 919-524-0377

Fax: \_\_\_\_\_

Contact Person: Phil or Barbara Wilkins or Kim Stanley 919-796-2070 (daughter)

Email Address: bpwilkins@embarqmail.com

**REQUIRED PLANS AND SUPPLEMENTAL INFORMATION**

*The following items must accompany a rezoning 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.*

It is currently residential zoned and the building on the land is not a house but a building with several rooms with bathrooms created for a daycare but could be useful as a CPA office, Attorney's office, or some type of medical offices possibly. We are getting older and are considering possibly selling. We would like to change it to Office and Institutional zoning in case we decide to sell the property and the property takes longer than 6 months to sell. As a residential zone, after six months only 6/7 children could be legally kept in a couple of buildings built to house 60 plus children. Hopefully, if we decide to sell, we can sell as a daycare but need the zoning changed so it doesn't go back to housing after 6 months of closure. Any help would be greatly appreciated. Thank you so much for taking your time to help us.

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**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.*

*Phil Wilkins*

BARBARA Wilkins  
Print Name

*Phil Wilkins*

Barbara Wilkins  
Signature of Applicant

\_\_\_\_\_  
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: Kiddie Kollege of Canterbury, Inc.

Submittal Date: May 6, 2020

### OWNERS AUTHORIZATION

I hereby give CONSENT to Phil/Barbara Wilkins (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.

Phil Wilkins                      Phil Wilkins  
Barbara Wilkins                Barbara Wilkins                      \_\_\_\_\_  
 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.

Phil Wilkins                      Phil Wilkins  
Barbara Wilkins                Barbara Wilkins                      \_\_\_\_\_  
 Signature of Owner/Applicant                      Print Name                                      Date

### FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
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# 300 Block of Canterbury Road

**Project Name:**  
Kiddie College  
of Canterbury

**File Number:**  
RZ-20-03

**Existing Zoning:**  
R-8 (Residential)

**Proposed Zoning:**  
OI (Office Institutional)

**Property Owner:**  
Phil & Barbara Wilkins

**Location:**  
304 Canterbury Rd.

**Tax ID# 15004023A**



1 in = 250 ft

Map created by the Mark E. Helmer, AICP  
Senior Planner, GIS Specialist on 5/27/2020







# Request for Planning Board Action

Agenda  
Item: ZA-20-01  
Date: 06/04/2020

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**Subject:** Zoning Text Amendment  
**Department:** Planning  
**Presented by:** Mark Helmer, Senior Planner  
**Presentation:** Business Item

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## Issue Statement

Request to amend Article 6, Table 6.5 Table of Uses and Activities to allow Exterminating Services in the Light Industrial District as a permitted use.

## Financial Impact

None.

## Action Needed

Planning Board is respectfully requested to review the zoning text amendment and to make a decision whether to recommend approval, approval with changes, or to recommend denial of the request.

## Recommendation

Planning Staff recommend approval of the zoning text amendment ZA-20-01 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

Agenda ZA-20-  
Item: 01

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## REQUEST:

Michael Lee, the owner of Mosquito Squad, is requesting an amendment to the Unified Development Ordinance, Article 6, Table 6.5, Table of Uses and Activities to allow Exterminating Services in the Light Industrial District as a permitted use.

## ANALYSIS:

Mr. Lee is interested in a light industrial property for his business and was informed that the exterminating services are not permitted in the light industrial districts. They are limited to the B-2 and B-3 Business Districts with a special use permit, and the Heavy Industrial District as a permitted use.

Exterminating Services involve the storage and use of chemicals to exterminate pests. The industry is regulated by the state to ensure safety in the storage and use of chemicals. The use also can involve a fleet of small trucks to dispatch throughout the region. Exterminating services are a good fit for the Heavy Industrial District because of the storage of chemical and fleet vehicles.

Having exterminating services in the B-2 and B-3 Business Districts does very little for commerce. Extermination businesses are rarely a destination that would generate additional business to adjacent commercial properties. The location in the business district is mostly good for exterminating companies to obtain drive by exposure of their company and for the convenience of the business owners and employees. The use is most similar to a contractor's office in terms of how it benefits or generates traffic for adjacent commercial properties. The B-2 District appears intended for intensive business, whereas the B-3 District is more focused on enhancement of trade, tourism, capital investment, and the general welfare. The stated purposes of the B-2, B-3, LI and HI districts are:

### *6.3.8. B-2 General Business District.*

The purpose of this district is to provide for those business areas adjacent to the downtown core as well as other intensive and extensive business areas in Smithfield.

### *6.3.9. B-3 Highway Entranceway Business District.*

The purpose of this district is to allow commercial uses with proper regulations and safeguards to promote the safe and efficient movement of traffic, and the orderly

development of land along major arteries leading into Town, while enhancing and preserving the environmental and aesthetic qualities of these areas. The proper location and development of the uses along these corridors will contribute to and enhance trade, tourism, capital investment, and the general welfare.

**6.3.11 Light Industrial.**

The purpose of this district is to accommodate commercial warehousing and light industrial uses which will be compatible with the Smithfield area and will not cause adverse effects for the area or adjacent uses.

**6.3.12 Heavy Industrial.**

The purpose of this district is to accommodate Commercial, warehousing, and heavy industrial uses which will be compatible with the Smithfield area and will not cause adverse effects for the area or adjacent uses.

Exterminating services are more compatible in the Light Industrial District than in the business districts. The use in the Light Industrial District and are unlikely to cause adverse effects for the area or adjacent industrial uses and there is no expectation for attracting walk-in or drive by customers. The requirement for a special use permit in the B-2 and B-3 makes sense in order to give the Council control over chemical storage and fleet parking and to mitigate any negatives the use might have on other adjacent retail type establishments. Staff does not believe control over chemical storage and fleet parking is needed in the Light Industrial District, and there should be no negative impacts on adjacent industrial business.

**PROPOSED AMENDMENT:**

Article 6, Section 6.5 is proposed to be amended to read as follows:

**SECTION 6.5 TABLE OF USES AND ACTIVITIES.**

P - Permitted Use

PS - Permitted Use with Supplemental Regulations

Blank - Not Permitted

S - Special Use

SS - Special Use with Supplemental Regulations

Uses	Primary Zoning Districts													Overlay Districts			Supplemental Regulations	
	R-20A	R-10	R-8	R-6	R-MH	PUDS	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AD AHH	OS	RHO	ECO		
<b>RETAIL SALES AND SERVICES</b>																		
Exterminating services									S	S	<b>P</b>	P						

**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 recommend approval of the zoning text amendment ZA-20-01 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:**

Staff recommends the following motion:

*“move to recommend approval of zoning text amendment ZA-20-01, adding exterminating services as a special use in Article 6, Section 6.5 Table of Uses and Activities 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.”*

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD PLANNING BOARD  
ZA-20-01**

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

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

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

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

That the final action regarding zoning ordinance amendment ZA-20-01 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the regularly scheduled meeting of Planning Board; and

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

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

That the final action regarding zoning ordinance amendment ZA-20-01 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



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:**

Michael Lee  
 Petitioner's Name

523 Club Knolls Rd.  
 Address or PO Box

Dudley, NC 28333  
 City, State, Zip Code

919-658-9110  
 Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

To be able to operate our pest control office  
out of 104 Airport Industrial Dr. Suite 101 Clayton, NC 27520  
 (Attach additional sheets as necessary)

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

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

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

[Signature]  
 Signature of Petitioner

4-22-20  
 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

## SPECIAL USE PERMIT APPLICATION

*Pursuant to Article 4, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.*

*Special Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans and one (1) digital copy of all required documents, an Owner's Consent Form (attached) and the application fee.*

### SITE INFORMATION:

Name of Project: Airport Industrial Park Acreage of Property: 1.106  
 Parcel ID Number: 15J08017F Tax ID: 168500-04-8569  
 Deed Book: 5194 Deed Page(s): 694-695  
 Address: 104 Airport Industrial Drive, Suite 101, Clayton NC 27520  
 Location: Airport Industrial Park.

Existing Use: LI Proposed Use: HI  
 Existing Zoning District: LI

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 Submitted: _____	Date Received: _____	Amount Paid: _____
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**OWNER INFORMATION:**

Name: Ronnie J Stephens  
Mailing Address: 128 Airport Industrial Drive, Clayton NC 27520  
Phone Number: 919-934-8911 Fax: 919-934-5356  
Email Address: rstephens@carolinaconduit.com

**APPLICANT INFORMATION:**

Applicant: Fight the Bite, LLC dba Mosquito Squad of Raleigh  
Mailing Address: 104 Airport Industrial Dr. Suite 101 Clayton, NC 27520  
Phone Number: 919-851-5135 Fax: \_\_\_\_\_  
Contact Person: Michael Lee  
Email Address: mlee@mosquitosquad.com

**STATEMENT OF JUSTIFICATION**

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

The property was leased back in February 2020. We were informed pest control was allowed in this business location. We were later informed pest control could not be in the "LI" district. We feel confident it was just an oversight, because pest control isn't a very broad industry. We are fully insured, and are regulated by the North Carolina Department of Agriculture and Consumer Services. I have a state license to operate pest control. Safety would not be an issue, as we are already heavily regulated by the state of North Carolina. The reason we would like to keep the current location is, its proximity to Raleigh. The bulk of our clients are in Raleigh. We do however, intend to operate in Johnston county as well and support the local area. Currently we have 4 people hired that are residents of Johnston County. We would certainly like to do our part in being productive members of the community.



**REQUIRED FINDING OF FACT**

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

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

No

- 2) The special use will be in harmony with the existing development and uses within the area in which it is to be located.

Yes

- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

No

- 4) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.

Yes

- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Yes

- 6) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

Yes

- 7) Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

Yes

- 8) The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.

Yes

## REQUIRED SITE PLAN INFORMATION

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

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

**APPLICANT AFFIDAVIT**

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

Michael Lu  
Print Name

  
Signature of Applicant

4-22-20  
Date



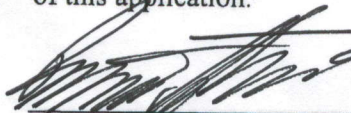
# OWNER'S CONSENT FORM

Name of Project: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

## OWNERS AUTHORIZATION

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

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


  
*Signature of Owner*

Ronnie Stephens  
*Print Name*

4/20/2020  
*Date*

## CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

  
*Signature of Owner/Applicant* Michael Lee  
*Print Name*

4/21/2020  
*Date*

## FOR OFFICE USE ONLY

File Number: \_\_\_\_\_ Date submitted: \_\_\_\_\_ Date received: \_\_\_\_\_



# Planning Department Development Report

Tuesday, May 26, 2020

**Project Name: JCC Engineering Building**  
 Request: 46,365 square foot educational facility  
 Location 245 College Road  
 Tax ID#: 15K10199F PIN#: 159308-87-5887  
 Project Status In First Review  
 Notes: Application not yet complete.

<b>Special Use 2020-05</b>	
Submittal Date:	5/19/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	7/7/2020
Approval Date:	

**Project Name: JCC Engineering Building**  
 Request: 46,365 square foot educational facility  
 Location 245 College Road  
 Tax ID#: 15K10199F PIN#: 159308-87-5887  
 Project Status In First Review  
 Notes:

<b>Site Plan 2020-06</b>	
Submittal Date:	5/19/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

**Project Name: Starling Law Office**  
 Request: Sign Variance  
 Location 405 East Market Street  
 Tax ID#: 15020051 PIN#: 169419-51-0490  
 Project Status In First Review  
 Notes: To allow for the reconstruction of a nonconforming sign.

<b>Variance 2020-03</b>	
Submittal Date:	5/15/2020
Planning Board Review:	
Board of Adjustment Review:	5/28/2020
Town Council Hearing Date:	
Approval Date:	

**Project Name: Twin Creeks Cluster Subdivision**  
 Request: SUP to allow for a 28 lot cluster subdivision  
 Location Galilee Road  
 Tax ID#: 15I09011B PIN#: 167300-56-5565  
 Project Status Second Review Complete  
 Notes: To allow for the use of the cluster subdivision provisions

<b>Special Use 2020-01</b>	
Submittal Date:	5/1/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	6/2/2020
Approval Date:	

**Project Name: Mosquito Squad**

Request: Amend UDO to allow for pest control in the LI zoning district

Location 104 Airport Industri Drive

Tax ID#: 15J08017F PIN#: 168500-04-8569

Project Status In First Review

Notes: Amends UDO to allow for pest control in an LI zoning district as a use by right

**Text Amendment 2020-01**

Submittal Date: 5/1/2020

Planning Board Review: 6/4/2020

Board of Adjustment Review:

Town Council Hearing Date: 7/7/2020

Approval Date:

**Project Name: Mosquito Squad**

Request: SUP to allow Pest control in a LI zoning district

Location 104 Airport Industri Drive

Tax ID#: 15J08017F PIN#: 168500-04-8569

Project Status In First Review

Notes: This application may be withdrawn prior to TC public hearing

**Special Use 2020-02**

Submittal Date: 5/1/2020

Planning Board Review:

Board of Adjustment Review:

Town Council Hearing Date: 7/7/2020

Approval Date:

**Project Name: Kiddie College R-8 to OI**

Request: Amend zoning map to eliminate nonconforming use

Location 304 Canterbury Road

Tax ID#: 15004023A PIN#: 260413-14-2680

Project Status In First Review

Notes: Amends to allow all permitted uses in the OI zoning district to be considered for future approval

**Map Amendment 2020-03**

Submittal Date: 5/1/2020

Planning Board Review: 6/4/2020

Board of Adjustment Review:

Town Council Hearing Date: 7/7/2020

Approval Date:

**Project Name: Tarheel Paper**

Request: SUP to allow Warehousing in a B-3 zoning district

Location 1685 South Brightleaf Boulevard

Tax ID#: 15A61037 PIN#: 169313-13-1587

Project Status In First Review

Notes: To allow for warehouse use in a B-3 zoning district

**Special Use 2020-03**

Submittal Date: 5/1/2020

Planning Board Review:

Board of Adjustment Review:

Town Council Hearing Date: 6/2/2020

Approval Date:

Project Name: **Freedman School House**  
 Request: SUP to allow Other Public Uses in a R-8 zoning district  
 Location 308 North Fourth Street  
 Tax ID#: 15013053 PIN#: 169419-52-6462  
 Project Status In First Review  
 Notes: To allow for Other Public Uses in an R-8 zoning district

<b>Special Use 2020-04</b>	
Submittal Date:	5/1/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	6/2/2020
Approval Date:	

Project Name: **JoCo Correctional Facility**  
 Request: Site Plan Approval  
 Location East US 70 Business Highway  
 Tax ID#: 15L11011 PIN#: 260300-67-6920  
 Project Status First Review Complete  
 Notes: Awaiting revised drawings

<b>Site Plan 2020-02</b>	
Submittal Date:	2/7/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **East River Phase II**  
 Request: 32 lot division / Construction Plan Review  
 Location Buffalo Road  
 Tax ID#: 14075013 PIN#: 169520-80-3415  
 Project Status Approved  
 Notes: Construction not yet started

<b>Subdivision 2018-01</b>	
Submittal Date:	1/29/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	4/20/2020

Project Name: **Johnston Animal Hospital**  
 Request: Free Standing Facility  
 Location 800 North Brightleaf Boulevard  
 Tax ID#: 15005038 PIN#: 260413-02-5950  
 Project Status Second Review Complete  
 Notes: Site Plan approval eminent

<b>Site Plan 2020-01</b>	
Submittal Date:	1/7/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	



Project Name: **Dr. Laura Godwin DDS**  
Request: Medical Office  
Location 121 Kellie Drive  
Tax ID#: 14075021R PIN#: 260405-09-8153  
Project Status **Approved**  
Notes: Final Site Inspection Complete / Passed

<b>Site Plan 2019-08</b>	
Submittal Date:	9/4/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	9/24/2019

Project Name: **Johnston Regional Airport FBO**  
Request: FBO Hanger Addition  
Location 3149 Swift Creek Road  
Tax ID#: 15079017D PIN#: 168500-12-1015  
Project Status **Approved**  
Notes: Under Construction

<b>Site Plan 2019-04</b>	
Submittal Date:	5/22/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/22/2019

Project Name: **College Plaza**  
Request: Retail Center  
Location 1547 East Market Street  
Tax ID#: 15K10023L PIN#: 169308-99-5886  
Project Status **Approved**  
Notes: Final Site Inspection Eminent

<b>Site Plan 2018-10</b>	
Submittal Date:	8/9/2018
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	2/19/2019

Project Name: **Hampton Inn**  
Request: Free Standing Hotel  
Location 160 Towne Centre Place  
Tax ID#: 15L11001G PIN#: 260305-08-5727  
Project Status **Approved**  
Notes: Under Construction

<b>Site Plan 2018-08</b>	
Submittal Date:	8/7/2018
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	3/28/2019



Project Name: **East River Phase 1**

Request: 40 lot division

Location 1899 Buffalo Road

Tax ID#: 14075013 PIN#: 169520-80-0490

Project Status **Approved**

Notes: Final Site Inspection Not Yet Completed

**Subdivision 2018-01**

Submittal Date: 7/9/2018

Planning Board Review:

Board of Adjustment Review:

Town Council Hearing Date:

Approval Date: 2/12/2019

Project Name: **Tires and Wheels**

Request: Auto Repair

Location 2134 South Brightleaf Boulevard

Tax ID#: 15A61047D PIN#: 168320-91-1779

Project Status **Approved**

Notes: Under Construction

**Site Plan 2017-09**

Submittal Date: 8/8/2017

Planning Board Review:

Board of Adjustment Review:

Town Council Hearing Date:

Approval Date: 3/8/2018