



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, November 5, 2020

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

PLANNING BOARD AGENDA

FOR REGULAR MEETING

NOVEMBER 5, 2020

MEETING TIME: 6:00 PM

TOWN HALL COUNCIL CHAMBERS

Call to Order.

Identify voting members.

Approval of the agenda.

Approval of the minutes for October 1, 2020.

New Business.

RZ-20-07 East River PUD: The applicant is requesting substantial changes to the previously approved East River Planned Unit Development. The subject property is located on the east and west side of Buffalo Road approximately 490 feet north of its intersection with Booker Dairy Road. The property is further identified as Johnston county Tax ID# 14075013.

RZ-20-06 Partners Commercial Reality: The applicant is requesting to rezone two tracks of land totaling approximately 1.98 acres from the B-2 (Business) zoning district and R-8 (Residential) zoning district to the B-3 (Business Highway Entrance) zoning district. The properties considered for rezoning are located on the west side of the intersection of North Brightleaf Boulevard and Waddell Dr. The properties are further identified as Johnston county Tax ID 15005042 and 15005041.

Old Business.

Adjournment.

**Draft
Town of Smithfield
Planning Board Minutes
Thursday, October 1, 2020
Town Council Chambers
6:00 PM**

Members Present:

Chairman Stephen Upton
Vice Chairman Mark Lane
Teresa Daughtry
Michael Johnson
Debbie Howard

Members Absent:

Alisa Bizzell
Ashley Spain
Doris Wallace

Staff Present:

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

Staff Absent:

CALL TO ORDER

IDENTIFY VOTING MEMBERS

APPROVAL OF AGENDA

Michael Johnson made a motion, seconded by Teresa Daughtry to approve the agenda.
Unanimously approved

APPROVAL OF MINUTES from August 6, 2020

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

NEW BUSINESS

ZA-20-03 Town of Smithfield the applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance (UDO) Articles 3, 4, 5, 6 and 7 to allow conditional zoning, provide for quasi-judicial approvals of preliminary subdivision plats, adoption of Historic Preservation Commission regulations, incorporating of 160D enabling legislation changes and corrections to text designed to reduce ambiguities and provide additional clarity.

Mr. Wensman stated that conditional zoning was a negotiated approach to a legislative decision (rezoning) allows maximum flexibility to tailor regulations to a site and project. Essentially, it's like our PUD ordinance that is a type of conditional zoning that we already have. We will also change Major Preliminary Plat approvals from Administrative to Quasi-Judicial. This will allow the Town Council to conditionalize subdivision approvals and provide for public comment/expert comments.

This change will also allow developers to submit preliminary plats without complete engineered construction plans as currently required. The Town Council approval of plats will allow for conditions to be incorporated into the preliminary plat approval, such as requiring construction drawings conform to the UDO. As mentioned earlier, adopting 160D enabling legislation by July 1st, 2021. We also want to adopt the Historic Preservation Commission and its regulations into the UDO. Some of the key points for tonight are conditional zoning will follow the same process as rezoning. The Planning Board will review the rezoning's and make recommendation to the Town Council. For Special Use Permits and Preliminary Subdivisions; these are both Quasi-Judicial. The current draft before you have the same process for both Subdivisions and Special Use Permits. There will be noticed public meetings, so adjacent property owners will be notified. This will provide an opportunity for community involvement outside of the quasi-judicial process. The Town Council will hold the quasi-judicial hearing and the Planning Board will hold an informal hearing for people to talk. The developer will receive feedback, neighbors will be allowed to express their concerns and the Planning Board will be able to direct them to what you think is a more palatable project. The feedback will go to the developer but not to the Town Council.

Mr. Lane asked if this was for Special Use Permits only.

Mr. Wensman said no, this is for Preliminary Plats and Special Use Permits.

Mr. Lane said how about Conditional Zoning.

Mr. Wensman said Conditional Zoning is legislative and it's what we do now with PUDs.

Mr. Lane asked if the public would still be invited to attend.

Mr. Wensman said the current code doesn't have any notice requirements.

Mr. Upton asked why not.

Mr. Wensman said it just isn't in the code that way.

Mr. Upton asked could it be added to the code.

Mr. Wensman said it could be but it's not a Quasi-Judicial process at the Council so people can speak freely at the Council. Our concern was people didn't have a say in these decisions because their locked out of the process because they aren't expert witnesses. With a legislative decision they can conduct business at the Council.

Mr. Wensman said this board can make a recommendation to the Town Council that you want the same notification for all application types.

Mr. Lane doesn't want to make a recommendation he wants it added into the UDO. It was his understanding after the August 24th meeting with Town Council that the Planning Board would have public hearings for legislative cases. For Quasi-Judicial cases they would have a public forum. They

would listen to the people and Stephen would take something to the Town Council but the Planning Board wouldn't actually make a recommendation because it was Quasi-Judicial.

Debbie Howard said she thought it was decided that the Planning Board would have public hearings on about anything but we wouldn't make a recommendation. Stephen would then present the boards thoughts and feelings to the Town Council.

Mr. Wensman said yes for Quasi-Judicial I would. For legislative we never really talked about a hearing requirement. There's already a legislative hearing at Town Council.

Mr. Upton said in his opinion the August 24th meeting with Town Council was supposed to be an opportunity to come to a conclusion along these lines.

Mrs. Daughtry said she thought they were trying to shorten the waiting period for the applicants.

Mr. Lane said it doesn't bother him that an applicant has to wait an extra 30 days for the citizens to come out and make their comments twice. The citizens are who we're supposed to be representing.

Mrs. Daughtry agrees with the some of the things that will be done in house. She agrees with Mr. Lane about the public being heard but they want growth. Developers work on a timeframe and if we can't work fast, we lose them.

Mr. Lane asked when Town Council could hear the amendment before us tonight.

Mr. Helmer said next month. It requires 30 days between Planning Board and Town Council to meet the legal requirements for notification.

Mr. Upton said all this board is looking for is for is a hearing with the public showing up before this board with a notice.

Mr. Wensman said yes, a noticed hearing before this board on all applications.

Mr. Wensman got back to the key points of this meeting. He said in the current draft major final plats will be administratively approved; currently they go to Town Council. The public dedications will still go to Council. The Final Plat is just a stamp saying it looks the same as a Preliminary Plat. If for reason a final plat is denied and the denial is appealed, the appeal would be heard by Board of Adjustments.

The current draft reestablishing the R-6 zoning district as an active zoning district to which land could be rezoned to it. Right now, it's an historic district, it's a placeholder for existing R-6 districts that no one else can rezone land to.

Multi-family residential development currently requires a special use permit and there are no standards. Mr. Wensman was going to make this a permitted use with supplementary standards but since we're having similar hearings for Special Use Permits as we are for Rezoning it will require two

stops in both cases; there really isn't a reason not to keep it as a Special Use, providing Council control in shaping approvals in both cases.

Mr. Wensman said there are proposed changes to the Table of Uses and he would like many special uses turned into permitted uses with supplemental standards. He asked the board if there were any specific uses, they would like to see remain special uses.

Mr. Wensman said he would suggest this board request noticed meetings for all rezoning's and text amendments. He also suggests that the board request multi-family become a special use.

After further review, Mr. Wensman agrees that all quasi-judicial should be treated the same way for consistency in process. He's in full agreement that if we if we are going to have Planning Board quasi-judicial reviews of plats, it should be the same process for quasi-judicial special use permits.

Mr. Wensman stated that some members of the Planning Board could attend the Town Council meeting as long as they didn't have a quorum. No more than 3 could attend.

Debbie Howard made a motion to recommend approval of ZA-20-03 with the addition of noticed public meetings for rezonings and zoning text amendments finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adoptive plans and the amendment is reasonable in the public interest; seconded by Teresa Daughtry. 4 Yay and 1 Nay. Mark Lane voted against the motion because he was told Planning Board wouldn't hold public hearings for legislative matters.

Pam Lampe came forward and stated she didn't understand the conditional zoning. She asked could it be used in everything but residential zoning.

Mr. Wensman said it's a process where it is parallel to the existing district. So, all districts would be subject to that option.

Mrs. Lampe asked why even allow conditional zoning when you have existing zoning that protects you.

Mr. Wensman said it is least likely to impact existing neighborhoods unless you're on the edge of the Town. It is in the growth areas where this would likely be utilized most or for redevelopment.

Mrs. Lampe asked what other towns were doing as far as Conditional Use zones.

Mr. Wensman said most towns have a conditional zoning option and quasi-judicial subdivision processes.

Mrs. Lampe asked what a Special Use Permit and Conditional Zoning were.

Mr. Wensman said there is an extra degree of scrutiny over quasi-judicial hearing where the Council can add conditions to an approval. Special use permits are typically required for daycares, multi-

family and any use that could be problematic. Conditional Zoning is a rezoning, a legislative process. People can speak freely; it is not like a court proceeding. In government we have legislative, quasi-judicial and administrative type decisions. Administrative is typically done by staff, zoning decisions are legislative and special use permits and preliminary plats are typically quasi-judicial processes. Final plats are most often administrative.

Mrs. Lampe asked if anything in a conditional zone would be considered a special use.

Mr. Wensman said no, but they are similar in that conditions can be placed on both. Currently our code lists some uses as special uses requiring a special use permit. They are listed in the Table of Uses.

Mr. Helmer said an easy way to understand conditional zoning is that you get to see the plan with the rezoning request. If you don't like the plan you can deny it for any reason or can conditionalize the approval.

Mr. Wensman said you can't necessarily deny a special use permit but you can put conditions on it. You have to base decisions on findings of fact.

Mrs. Lampe said so you're saying you don't have to do findings of fact on conditional zoning.

Mr. Wensman said no, you can reject it for any reason.

Mrs. Lampe asked what do you get when someone submits a preliminary plat.

Mr. Wensman said a preliminary plat shows the lot lines, elevations and typical lot layouts.

Mrs. Lampe said the minutes from the legislative meetings should go to Town Council.

Mr. Wensman said quasi-judicial minutes can't go to Town Council but for everything else they will.

Emma Gemmell asked what HPC stood for.

Mr. Wensman said Historic Preservation Commission.

Mrs. Gemmell said from the State level down it is pro-development; it's not for citizens, individuals and communities that are older. She and Mrs. Lampe have tried to point out the older places in Smithfield that aren't necessarily in historic districts but they are smaller lots. They keep their houses looking nice. She thinks we need to continue being careful and allow the public to give input. When you do quasi-judicial you have expenses and the people, I'm talking about don't have that kind of money. They are having a hard time even paying their light bills. The harder and more complicated you make things; they won't show up if they need to. So, by allowing a longer window of time for the process to take place and making it more open; people will appreciate what the town is doing for them. If you cut them out, they don't even have a voice. I feel like that is happening now. She doesn't mind telling the Mayor that he is wrong when all that he wants is quick.

One issue that Mr. Wensman said there were no regulations for are the occupancy in a single-family home. She said in some homes specifically on Hancock Street, there may be 8 to 10 trucks at one residence.

Mr. Wensman said it's possible to control where people park. He thinks there can be driveways standards where they must be paved and people couldn't park all over the yard.

Mrs. Gemmell said appearance makes a big difference and nothing is being done about it. She does appreciate the notifications being sent; she thinks it is important for longer periods of time. The less you have quasi-judicial the more people can actually discuss and carry on a conversation. Unless you have some communication going on, they have no idea what is going on.

Mrs. Daughtry asked how far ahead does the public get a notice to the Planning Board meetings.

Mr. Helmer said 10 to 25 days.

Mr. Wensman said public hearings are held at Town Council meetings so the public gets a notice. Planning Board meetings don't require a public notice according to statute.

See page 4 for the voting of ZA-20-03

ZA-20-04 Town of Smithfield: The applicant is requesting an amendment to Article 6, Table 6.5 Table of Uses and Activities to allow columbarium as an accessory use to Churches/Places of Worship with supplemental regulations in the O/I Office- Institutional Zoning District and adding two definitions to Appendix A.

Mr. Helmer said staff is requesting the amendment to Article 6, Table 6.5 Table of Uses and Activities to allow columbarium as an accessory use to Churches/Places of Worship in the O/I Office-Institutional. Zoning District. A Columbarium is defined as a structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of a deceased person. A Columbarium is typically associated with a cemetery and in fact, GS 65-48 (3) defines cemetery as: "Cemetery" means any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes:

- a. A burial park, for earth interment.
- b. A mausoleum.
- c. A columbarium.

The Town recently had an inquiry about adding a columbarium to a church and after researching the issue found that there are at least 2 columbaria's already on church property in the town. The Episcopal Church has an urn plot in a small garden setting and the presbyterian church as an even larger columbarium. Upon research of other towns, there seems to be columbarium on church properties throughout Raleigh and in many other smaller towns across North Carolina and across the Nation. Some jurisdictions are regulating columbaria on church properties to address potential issues, such as:

- Internment of cremated remains require maintenance in perpetuity just as with a cemetery plot. A church with a columbarium could be abandoned at some future date leaving the fate of the deceased remains in question.
- The location of a columbarium adjacent to residential property could become a nuisance when there are ceremonies, or the columbarium is large.
- Internment of remains in a columbarium can be expensive, \$1200 or more, and could become a potential revenue source for a small congregation. Regulation on the size of the columbarium might be needed so it does not become fundamentally a cemetery.

The attached UDO Amendment would make columbaria accessory to churches and places of worship in the O/I Zoning District with supplemental regulations. The O/I District contains most of the towns large places of worship and is where the existing columbaria are known to exist presently. The placement of columbaria with places of worship in the O/I District are unlikely to be a nuisance or cause problems for adjacent properties, unlike with places of worship located in residential districts. The amendment addresses the various columbarium situations: an indoor or outdoor columbarium, or an urn plot. The supplemental regulations include regulations to address long term maintenance costs and alternate plans for future internment, dimensional considerations, number of allowed interments, appearance, and signage. The ordinance amends Table 6.5 Table of Uses and Activities, Article 7 Supplemental Regulations, and Appendix A Definitions.

Debbie Howard asked if restrictions could be placed on these columbarium's in the event that 75 or 100 years from now the Church has been abandoned.

Mr. Wensman said well this is saying there would be a maintenance plan and a future internment plan should something happen to the columbarium.

Mrs. Howard asked if a restriction can be placed on the size of the columbarium.

Mr. Helmer said it is in the text here in your agenda in Section 7.35.

Planning Staff recommends the Planning Board recommend approval of the zoning text amendment ZA-20-04 with a statement declaring the request is consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Debbie Howard made a motion to recommend approval of zoning text amendment ZA-20-04, adding Columbarium as an accessory use to Churches/ Places of worship with supplementary standards finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest; seconded by Teresa Daughtry. Unanimously approved

Old Business: None

Adjournment

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

Next Planning Board meeting is November 5th, 2020 at 6pm.

Respectfully Submitted,

Julie Edmonds

Julie Edmonds
Administrative Support Specialist

DRAFT



Request for Planning Board Action

Agenda RZ-20-
Item: 07
Date: 11/5/20

Subject: PUD Master Plan
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Business Item

Issue Statement

David DeYoung, RiverWild, is requesting the Planning Board to review the East River PUD Master Plan Revision and make a recommendation to the Town Council.

The PUD zoning and Preliminary Plat were approved on December 4, 2018 and then revised and approved on April 7, 2020. This application is for a 3rd revision.

Financial Impact

None with revision.

Action Needed

To review the PUD Master Plan and make a recommendation to the Town Council.

Recommendation

The Planning Department recommends approval of the amended PUD Master Plan with 7 conditions.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Application
3. Approved PUD Master Plan
4. Revised PUD Master Plan



Staff Report

Agenda RZ-
Items: 20-07

OVERVIEW:

The Town Council approved the East River PUD Master Plan on December 4, 2018 with up to 280 detached single family lots of which up to 76 of them may be attached units (triplexes) and up to 35 townhouse units on the east side of Buffalo Road. A revised preliminary plat was submitted and approved on April 7, 2020 to address major changes to the stormwater management consisting of 188 detached single-family residential lots, 75 attached single-family triplex lots and 30 townhouse lots. This submittal revises the PUD Master Plan and will result in a total unit count of 293 lots of which 168 are detached single family residential lots, 60 attached single-family triplex lots and 65 townhouse lots. The phasing has changed from 9 phases to 7 (phases 1 and 2 are under construction and will not be affected). The PUD Plan revises the stormwater management infrastructure, adds a new central park feature, new mail kiosk area, guest parking for the tri-plex lots, and improves the routing of the greenway away from the cul-de-sac and pump station.

Application Number:	RZ-20-07
Project Name:	East River
NC Pin:	169520-80-3415 and 169420-79-4697
Town Limits/ETJ:	Town of Smithfield
Applicant:	RiverWild
Property Owner:	Buffalo Road, LLC
Agents:	David DeYound, RiverWild

LOCATION: roughly 1400 feet north of M.Durwood Stephenson Parkway.

SITE/DEVELOPMENT DATA:

Acreage:	54.97 acres (affects phases 3-7)
Present Zoning:	PUD Planned Unit Development/WS IV-PA Overlay
Proposed Zoning:	PUD Planned Unit Development/WS IV-PA Overlay
Existing Uses:	Single-Family Residential
Proposed Use:	Detached Single-Family Residential/Attached Single Family Triplexes/Townhomes
Fire Protection:	Town of Smithfield
Parks and Recreation:	Public use trails/greenway.
Access:	Buffalo Road
Utilities:	Town of Smithfield

Unit Type/Density. The revised preliminary plat (third) will result in a total PUD lot count of 293 lots of which 168 are detached single family residential lots, 60 attached single-family triplex lots and 65 townhouse lots.

Environmental. The proposed development site is outside of the floodplain and there should be no environmental threats. The Neuse River and a blue line stream on the south edge of the site will require buffering. There are existing wetlands on the property. As a result of being in the WS IV-PA Water Supply Watershed Protection Overlay District and utilizing the high-density option, the buffers are increased from 50 feet to 100 feet. The proposed greenway trail along the Neuse River is shown to be outside the blue line stream along the southern property boundary. The greenway trail is shown to be partially within the 100-foot buffer of the Neuse River.

Water Supply Watershed Protection Overlay District. Much of the proposed PUD development is within the WS IV-PA Overlay District. This overlay district provides an extra layer of regulation intended to protect the water supply watershed from pollution caused primarily from stormwater runoff. Within the WS IV-PA lot sizes are limited to ½ acre lots, unless cluster subdivision standards are followed (UDO Section 7.34). Impervious surfaces are limited to 24% unless the high-density option is utilized (UDO Section 10.92.6.2.3). With the high-density option, higher level of stormwater management controls is required and allows up to 75% impervious limit. The development plans generally follow the cluster subdivision standards.

Cluster Subdivision Standards. The proposed development is subject to the Supplementary Standards for Cluster Subdivision (UDO Section 7.34) with some exceptions. The development is in compliance with the cluster requirements:

- Required open space is equal or greater to the reduction of the lot sizes from the underlying zoning district requirements when including Phases 1 and 2 that are currently under construction.
- Under the Cluster regulations, lot size cannot be less than 4,800 sq. ft. (60% of 8,000) Many of the lots are under 4,800 sq. ft. in size, but were approved with the original PUD Plan:
 - Single-family detached – 3,145 sq. ft.
 - Single family attached (tri-plex) units – 2,000 sq. ft.
 - Townhome units – 1,400 sq. ft.
- Minimum lot width and lot frontage cannot be less than 40 feet. Many of the lots are less than 40 feet wide but were approved with the original PUD Plan.
 - Single-family detached – 37 ft.
 - Single family attached (tri-plex) units – 25 ft.
 - Townhome units – 17.5 ft.
- The side yard setbacks cannot be less than 6 feet. If a zero lot line lot, the other setback is required to be 12 feet. A zero lot line cannot be more than one side of the lot. The Council approved a deviation from the cluster provisions with the original PUD plan:
 - Single-family detached – 5 ft.
 - Single family attached (tri-plex) units – 0 ft. on two sides/6 ft.
 - Townhome units – 0 ft. on two sides/6 ft.
- The building separation minimum is 12 ft. The proposed development is proposing a 10 ft. building separation (UDO Section 7.34.4.7). The Council approved this deviation from the cluster provisions with the approval of the PUD master plan.

State Road Dedication and Access. The revised PUD plans shows road access off Buffalo Road in two locations on both sides of Buffalo Road. The previous plans had two entrances on the east side and a single entrance on the west side. NCDOT approval will be required for each entrance prior to construction of the entrances. The developer has dedicated public right of way for Buffalo Road as required by the NCDOT.

Streets.

- The subdivision shows a mix of 50 foot and 60-foot-wide public R/W. The outer loop road is shown as a 60-foot R/W, whereas, the remainder of the R/W is proposed to be 50 feet wide. The streets are 24' wide with mountable valley curb.
- The west side of the development was reconfigured with the tri-plex lots aligned on a 50' wide right-of-way that loops around a central park as an organizing theme with the remainder of the lots being detached single family residential.
- The previous PUD Plan for the east side of the development had a mix of detached single family and townhouse lots with a single entrance off of Buffalo Road. The PUD Plan now has all the townhouse lots located here with two access points off of Buffalo Road.
- The roads on the east side of Buffalo Road are proposed as Town roads but maintained by the HOA. The Town Staff does not support town ownership of the parking lots and recommends ending the public roads before the first parking stall.

Sidewalks & Trails.

- Sidewalks are shown on both sides of each street throughout the development which is consistent with the original PUD Plans.
- Sidewalks are required along Buffalo Road; however, the developer is proposing a 10' trails rather than a sidewalk that weaves in and out of the Buffalo Road right-of-way on both frontages. Staff is supportive of this because Buffalo Road is the identified alternate route for the Mountains to Sea Trail if a river edge greenway is not realized.
- A public greenway segment is provided in the center of the development connecting the Buffalo Road trail to the central park and to Neuse River trail. A portion of the Neuse River Trail provides a walking loop that will be constructed by the developer in a public easement, however the dead-end segment extending north will not be constructed by the developer. That segment will be constructed by the Town in the future if the river front greenway trail is realized with future development.
- Sidewalk/trails within the of Buffalo Road right-of-way require an NCDOT encroachment permit.

Parks Dedication. According to Park Dedication Requirements of the UDO, Section 10.112.3, at least one fifty-seventh of an acre (1/57) shall be dedicated for each dwelling unit planned or provided for in the subdivision plan, or a fee in lieu of park land dedication. No parkland has been identified in the comprehensive plan for this area. Fee in lieu of park land dedication will be required based on the number of lots in each final plat.

Private Park Facilities. The revised PUD Plan is organized around a private central park which is surrounded by the triplex lots, then detached single family units beyond. The central park has walking concrete paths, a playground, mailboxes. The guest parking stalls around located around the park. The public greenway trail crosses through the park.

Public Utilities. The development will be served by Town water, sewer and electrical service. The developer estimated wastewater flow for the development to be 113,400 gallons per day. A portion of the development will be served by gravity wastewater flow and a portion will require a wastewater

pump station which is to be located just beyond the Shore Court cul-de-sac. The wastewater pump station will be required to meet Town standards with appropriate public access for maintenance.

The pump station is shown to be located near future residential homes and potentially interfering with the required stormwater SCM maintenance accessway. More detail is needed of both and this area may need to be modified to meet stormwater management requirements and utility requirements.

Stormwater Management. The stormwater management has been modified again with this revised PUD Plan. In the original PUD Plan, the exiting pond near the Neuse River was to be used as a SCM. In the approved 2nd revision, the PUD open space was going to be dominated by SCM which was a concern for the Town Council. In this revised PUD Plan, two stormwater SCMs are shown to be located near the exiting ponds in the open space and another on the east side of Buffalo Road which will serve the townhouse area. The larger SCM is located behind the wastewater pump station and maintenance access to the SCM may be in conflict with the pump station.

Landscaping. There are no specific landscaping standards for residential development. The original master plan showed a conceptual plan the included street trees and landscaping within open space. The developer is installing landscaping in the first and second phases and that them will be continued throughout the development.

Parking. The UDO requires 2 parking stalls per unit for single family residential. This requirement will be accommodated with the garages and driveways. The Multifamily dwellings require 1.5 spaces per 1-bedroom units, 1.75 spaces per unit for 2-bedroom units, and 2 spaces for 3 or more-bedroom units. The exact number of bedrooms in each unit is unknown. Parking will be reviewed with each phase of construction to ensure parking compliance. The revised PUD Plan includes guest parking around the Central Park which will relieve parking congestion anticipated in this area. Furthermore, developer has incorporated into the HOA declarations a prohibition on street parking.

Street Lighting. A preliminary lighting plan has been provided with the light poles within easements located just beyond the public rights-of-ways.

Phasing. The developer has revised the phasing plan from 9 phases to 7 phases.

Homeowners Association Documents. The development is a maintenance free development with the HOA responsible for maintenance of yards and shared open space and amenities. The Town Attorney approved the HOA documents prior to recording the final plat for the first phase. With each successive phase the HOA documents will be modified to incorporate new phases.

Signs. Subdivision signs are regulated by the Town of Smithfield Unified Development Ordinance and prior to construction a separate sign permit from the Planning Department will be required.

COMPREHENSIVE PLAN GUIDANCE:

The proposed PUD Plan is consistent with the comprehensive plan that was in place in 2018. The current Comprehensive plan outlines some development guidelines including a prohibition of single-family lots that are less than 45 feet in width. Both comprehensive plans embrace the PUD process to provide flexibility in the development code. Given that the Council has previously approved narrower lots for this development when it was in conformance with the previous comprehensive plan and because phases 1 and 2 are already under construction, Staff recommends the Council accept this nonconformance with the current comprehensive plan.

PLANNING DEPARTMENT RECOMMENDATIONS:

The Planning Department recommends the Planning Board recommend approval of the Amended PUD Master Plan for the East River subdivision with the following conditions:

- 1) That the developer obtains a NCDOT Permits for the street access onto Buffalo Road and any trail or sidewalk encroachments prior to construction approval.
 - 2) That all phases of the subdivision shall be incorporated into the Homeowners Association deed restrictions and covenants prior to final plat of each phase.
 - 3) That a park dedication fee in lieu of parkland be paid prior to recording the final plat approval of each phase of the development consistent with Article 10, Section 10.112.8.
 - 4) That the public trail be constructed successively with each phase of the development in public right-of-way or within public easements as shown on the PUD Plan, with the exception of the dead-end section of the greenway trail by the Neuse River extending to the north extent of the development and a small segment to connect to the southern extent of the development.
 - 5) That the pump station and all SCM accessways be designed to meet Town's UDO requirements and to the satisfaction of the Town Engineer and Public Utilities Director's satisfaction.
 - 6) The utilities shall be designed such that that extension can be made conveniently and without undue burden or expense to serve future adjacent development.
 - 7) That landscaping be incorporated into each phase of the development consistent with phase 1 landscaping and that additional landscaping be placed along the edges of the development in phase 6 to provide for additional buffering.
 - 8) That the public streets in phases 6 and 7 terminate before the first parking stall such that they are not inclusive of the townhouse parking.
-

CONSISTENCY STATEMENT (STAFF OPINION):

With approval of the rezoning, the decision body is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and that 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 development is consistent with the comprehensive plan that was in place in 2018 when the development was first approved. The current Comprehensive plan outlines some development guidelines including a prohibition of single-family lots that are less than 45 feet in width. Both comprehensive plans embrace the PUD process to provide flexibility in the development code.*
 - **Consistency with the Unified Development Code** – *With the rezoning, the lot will be in conformance with the standards of the PUD, except for the lateral access requirements.*
 - **Compatibility with Surrounding Land Uses** - *The property considered for a rezoning is will be compatible with adjacent development. The Comprehensive Plan guides the adjacent lands for residential development.*
-

RECOMMENDED ACTION:

Staff respectfully requests that the Planning Board review the PUD Master Plan and make a recommendation to the Town Council.

RECOMMENDED MOTION:

“Move to recommend approval of the revised PUD Master Plan, RZ-20-07, with 7 conditions of approval 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.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
RZ-20-07**

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-20-07 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public meeting; and

It is the objective of the Town of Smithfield Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The 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-20-07 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The 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: East River PUD Acreage of Property: 54.97 AC
 Parcel ID Number: 169520-80-3415, 169420-79-4697 Tax ID: 14075013, 14075014Q
 Deed Book: 5612 Deed Page(s): 276
 Address: 1899 Buffalo Road, Smithfield, NC 27577
 Location: East and West sides of Buffalo Road (adjacent to the Neuse River), just north of Booker Dairy Road.

Existing Use: Residential Planned Development Proposed Use: Residential Planned Development
 Existing Zoning District: PUD
 Requested Zoning District PUD
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): PD-R
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): WS IV-PA WSWP Overlay District

FOR OFFICE USE ONLY

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

OWNER INFORMATION:

Name: Buffalo Road, LLC
Mailing Address: 114 W. Main Street, Ste. 102 Clayton, NC 27520
Phone Number: (919)901-3178 Fax: NA
Email Address: david@theriverwildteam.com

APPLICANT INFORMATION:

Applicant: David DeYoung, AICP - RiverWild
Mailing Address: 114 W. Main Street, Clayton, NC 27520
Phone Number: 919-901-3178 Fax: NA
Contact Person: Same as above
Email Address: david@theriverwildteam.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.
The purpose of this request is to amend/revise the rezoning for the East River PUD to allow for an enhanced design and overall layout of the master plan. Modifications include but are not limited to: Improved residential amenities included a new "central park" area with a dog park, tot lot, green space, picnic pavilion and centralized mail facility. Walking trails continue to play an important role and now connect through central park. Many environmental concerns have been addressed including the removal of linear drainage swales that ran between the lots. To address parking concerns, additional parking is now provided within the townhome sections and around central park. Once completed, the revised master plan delivers a higher quality development to the Town of Smithfield and its residents.

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.

David DeYoung
Print Name


Signature of Applicant

10/1/20
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: East River PUD Submittal Date: 10/2/2020

OWNERS AUTHORIZATION

I hereby give CONSENT to David DeYoung, AICP and Cindy Szwarcokop, AICP (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] Reid Smith 10/1/20
 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.

[Signature] David DeYoung 10/1/20
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

1800 Block of Buffalo Road

Project Name:
East River PUD

File Number:
RZ-20-07

Existing Zoning:
PUD

Proposed Zoning:
PUD

Property Owner:
Buffalo Road LLC

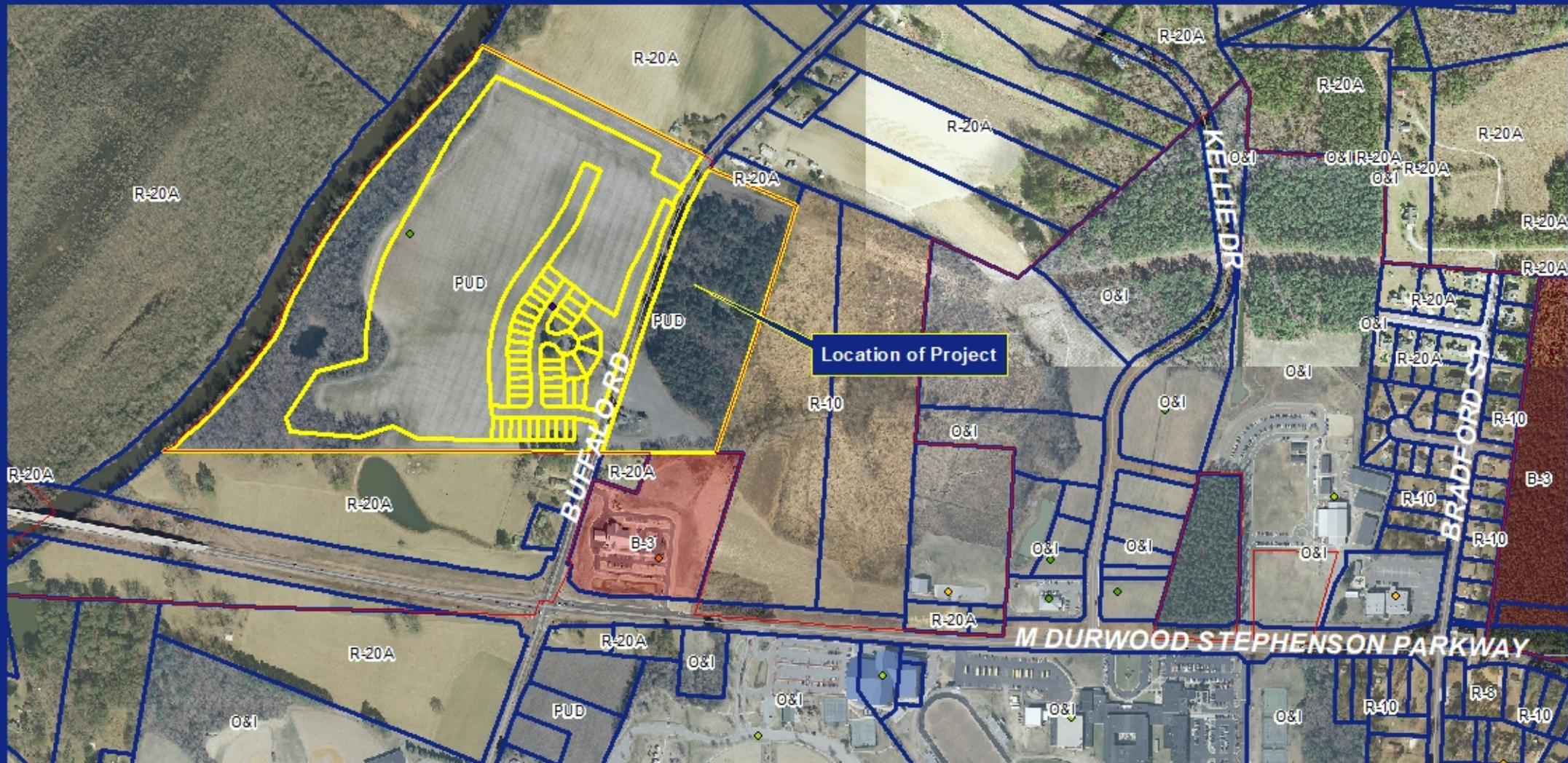
Location:
1800 Buffalo Road

Tax ID#



1 in = 616 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 10/30/2020





Request for Planning Board Action

Agenda RZ-20-
Item: 06
Date: 11/5/20

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

Issue Statement

Request to rezone a 1.98-acre property located at 40 Waddell Drive with the Johnston County ID# 15005042 from R-8 Single, Two and Multi-Family to B-2 General Business.

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, or denial of the request.

Recommendation

Planning Staff recommends approval of the zoning map amendment RZ-20-06 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. Property Survey
2. Consistency Statement
3. Application



Staff Report

REQUEST:

Partners Commercial Realty is requesting on behalf of the owner, Mohamed & Sons, Inc. to rezone a 0.53-acre property located at 40 Waddell Drive with the Johnston County ID# 15005042 from R-8 Single, Two and Multi-Family to B-2 General Business.

PROPERTY LOCATION:

The property is located at 40 Waddell Drive, approximately 141 feet north of the Waddell Drive and N. Brightleaf Boulevard intersection – eastern end of the loop road.

SITE DATA:

Tax ID# 15005042
Acreage: 0.53 acres
Present Zoning: R-8 Single, Two and Multi-Family Residential
Proposed Zoning: B-2 General Business
Existing Use: Vacant (house was torn down)
Proposed Use: Commercial Strip Center
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)

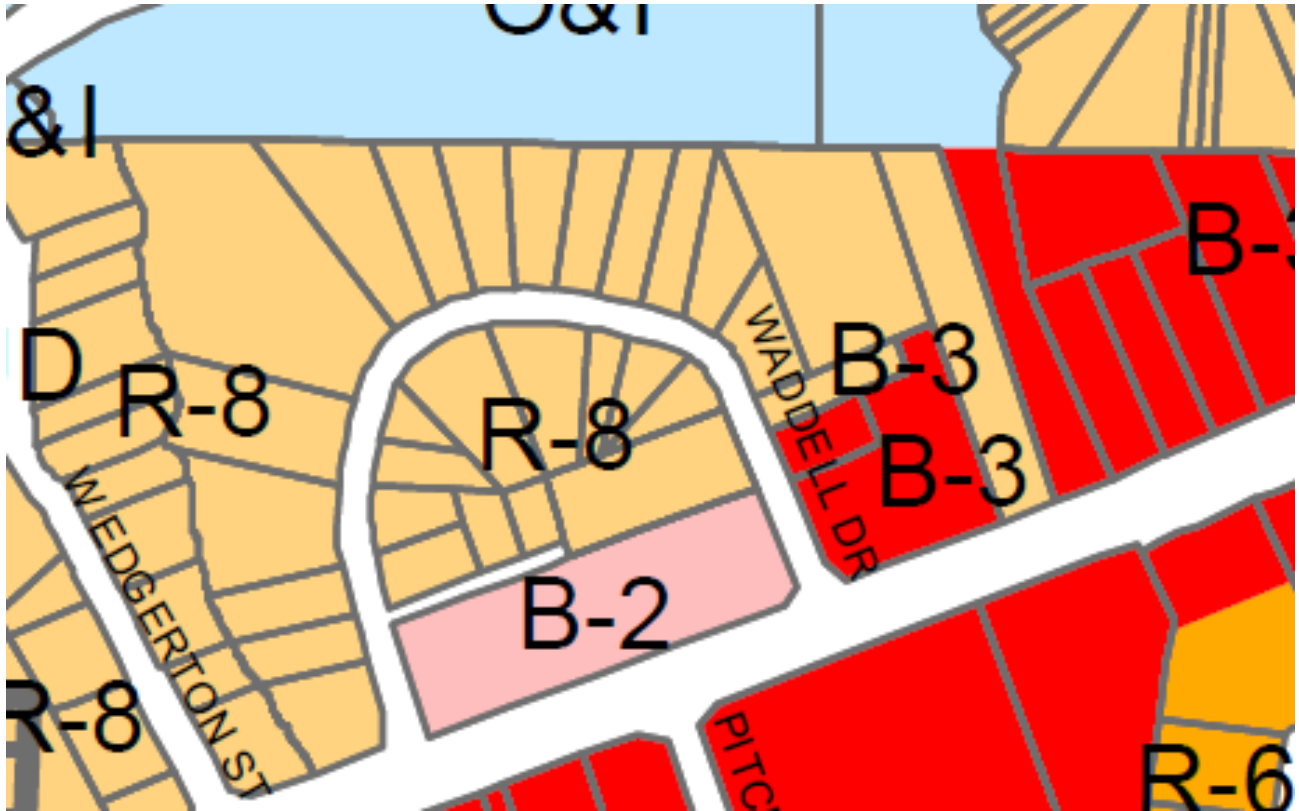
	Zoning	Existing Land Uses
North	R-8 (Residential)	Residential
South	B-3 (Business)	Business (Car Rental)
East	B-3 (Business)/R-8 (Residential)	Business (Sun Auto Wash) /Single Family Residential
West	R-8 (Residential)	Residential

ANALYSIS:

The applicant's tenant, Enterprise Rental Car, has outgrown its current location and the owner, Mohamed & Sons, Inc., has purchased the residential property behind the business to expand the commercial area. The applicant intends to expand the Brightleaf Plaza

shopping center onto the "Enterprise Rental" lot, removing the existing building and constructing a new commercial strip building that will house Enterprise Car Rental and additional retail businesses. The entire site will be improved to address the parking needs of Enterprise Car Rental and other retail businesses, landscaping, lighting, signs and other required improvements.

The rezoning would create a commercial encroachment into an existing residential development, similar to what exists across Waddell Drive. The property across Waddell Drive contains a single-family home, but the zoning is B-3 (Business).



COMPREHENSIVE GROWTH MANAGEMENT PLAN:

The Comprehensive Plan (Town Plan) identifies 5 goals:

PLAN GOALS



Balanced Growth

Grow in a fiscally responsible way and balance new residential growth with new commercial and industrial development. Maintain and invest in gateways and commercial corridors. Coordinate land use and transportation decisions while respecting environmental features and existing neighborhoods.



Vibrant Downtown

Preserve the historic charm of downtown. Activate downtown by encouraging redevelopment and infill that builds on downtown's existing strengths and connects to the larger community and a variety of visitors through creating unique places and events.



Healthy Neighborhoods

Strengthen neighborhoods by supporting enhancements and reinvestment. Encourage healthy lifestyles by connecting neighborhoods to parks and open space. Maintain a high-quality educational system to give all future generations opportunities for success.



Community Character

Plan, design, and construct spaces and infrastructure that enhance the community's existing small-town identity and promote a unique sense of place.



Move and Connect

Create a balanced transportation system that connects people to destinations with a safe, efficient, and equitable network that accommodates drivers, pedestrians, and bicyclists, with a particular focus on providing safe access for people of all ages.

Under each of the plan goals are objectives and policies intended to guide decision makers in order for the town to reach its goals. Upon reviewing the comprehensive plan for guidance on the applicant's rezoning request, staff found the following applicable objectives and policies:

Goal: Community Character

Objective 3: Preserve and enhance neighborhoods

Policy 3A: Discourage encroachment of commercial uses in established residential neighborhoods.

Strategies:

1. Certain low-impact, small-scale, home-based businesses are an exception.

2. Allow for small-scale commercial uses as part of a new residential development if design criteria are met.

- Sites should be at intersections of collector streets or thoroughfares.
- Site design and lighting choices should reduce impact on existing and planned residential.
- Architectural scale and details should resemble historic patterns of Smithfield.
- Parking and service areas should be adequately screened from public roads and residential areas.

Goal: Balanced Growth

Objective 4: Protect existing neighborhoods

Policy 4A: Discourage encroachment of incompatible commercial uses into residential neighborhoods.

Strategies:

1. Limit rezonings to commercial zoning districts in Medium Density Residential Areas except as part of planned developments.

In summary, the comprehensive plan discourages commercial encroachment into residential districts, and stipulates that if they do, they should meet the specific criteria to minimize its impact on the residential area and should be done as part of planned developments.

At present, the Town has no tool for a single use planned development but is working on such a tool: Conditional Zoning. Even without Conditional Zoning, the applicant is indicating that they desire the rezoning for an expansion of Brightleaf Plaza with Enterprise Rental Car as a tenant. Of course, with a rezoning, the list of potential commercial land uses is expansive and should be considered by the Town Council.

PROPOSED ZONING:

The existing R-8 zoning limits commercial uses to:

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

The proposed B-2 zoning would allow the following commercial uses (See UDO Section 6.5 for a full list):

- Artisan's workshops
- Building materials sale and storage with a special use permit
- Contractors with no outdoor storage
- Electrical machinery, equipment and supplies
- Light manufacturing with a special use permit
- HVAC machinery production with special use permit
- Research labs

- Small engine repair with special use permit
- Welding repair with special use permit
- Professional offices and clinics
- Bowling alleys/pool halls with special use permit
- Health clubs
- Animal hospitals with special use permit
- Car sales with special use permit
- Auto repair
- Retail stores
- Hardware stores with special use permit
- Microbrewery with special use permit
- Restaurants

LOT CONFORMITY:

The property will conform to the B-2 zoning standards on its own, but the applicant plans on combining the property with the adjacent commercial lot.

CONSISTENCY STATEMENT (Staff Opinion):

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 that 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 Comprehensive Plan discourages, but does not prohibit commercial encroachments into residential neighborhoods, but does stipulates that if they do, they should meet the specific criteria to minimize its impact on the residential area. The Town is reasonably sure the property will be developed like the adjacent parcel and the Town has no zoning tools for a single use planned development (Conditional Zoning).*
- **Consistency with the Unified Development Code** – *With the rezoning, the lot will be in conformance with the standards of the B-2 zoning district.*
- **Compatibility with Surrounding Land Uses** - *The property considered for a rezoning is will be compatible with the adjacent Brightleaf Plaza shopping center and the B-3 zoning across Waddell Drive. The UDO requires a landscape buffer between residential and commercial properties, minimizing incompatibilities.*

RECOMMENDATION:

Planning Staff recommend approval of the zoning map amendment RZ-20-06 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 map amendment, RZ-20-06, 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
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
RZ-20-06**

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-20-06 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public 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-20-06 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The 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
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REZONING APPLICATION

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

Name of Project: Brightleaf Plaza Parcel Recombination & Rezoning **Acreeage of Property:** 1.98
Parcel ID Number: 260413-03-5247 (Parcel 1) - 260413-03-5482 (Parcel 2) **Tax ID:** 15005041 (Parcel 1) - 15005042 (Parcel 2)
Deed Book: 2517 (Parcel 1) - 5459 (Parcel 2) **Deed Page(s):** 236 (Parcel 1) - 594 (Parcel 2)
Address: 831 N Brightleaf Blvd, Smithfield NC 27577
Location: N Brightleaf Blvd between the two Waddell Dr intersections.

Existing Use: Parcel 1-Commercial; Parcel 2-Residential **Proposed Use:** Recombine Parcels for Commercial Use
Existing Zoning District: Parcel 1: B-2; Parcel 2: R-8
Requested Zoning District _____
Is project within a Planned Development: Yes No
Planned Development District (if applicable): _____
Is project within an Overlay District: Yes No
Overlay District (if applicable): _____

FOR OFFICE USE ONLY

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

James P. Perricone/Partners Commercial Realty

James P. Perricone

09/28/2020

Print Name

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

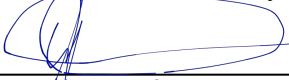
Name of Project: Brightleaf Plaza Parcel Recombination & Rezoning

Submittal Date: 09/28/2020

OWNERS AUTHORIZATION

I hereby give CONSENT to Partners Commercial Realty (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.

 Waiel Mohamad 09/28/2020
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.

James P. Perricone James P. Perricone/Partners Commercial Realty 09/28/2020
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY



File Number:	Date Received:	Parcel ID Number:
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SIGNATURE CERTIFICATE

TRANSACTION DETAILS	DOCUMENT DETAILS
<p>Reference Number 370EDE3B-FD9A-48AB-9BC5-2DC6117F9EF8</p> <p>Transaction Type Signature Request</p> <p>Sent At 09/28/2020 09:59 EDT</p> <p>Executed At 09/28/2020 12:09 EDT</p> <p>Identity Method email</p> <p>Distribution Method email</p> <p>Signed Checksum 30e4a6027833122ce7a88b7a100596d6959c2e515f3868236eea6e2f2fba24b</p> <p>Signer Sequencing Disabled</p> <p>Document Passcode Disabled</p>	<p>Document Name Tos Rezoning Application</p> <p>Filename tos_rezoning_application.pdf</p> <p>Pages 4 pages</p> <p>Content Type application/pdf</p> <p>File Size 78.3 KB</p> <p>Original Checksum e280c365c593704bf89490f0bc2b182b8421b97b41c1dd7b6a8d9c15e421f0a3</p>

SIGNERS

SIGNER	E-SIGNATURE	EVENTS
<p>Name Waiel H. Mohamad</p> <p>Email waiel@soundstationsecurity.net</p> <p>Components 3</p>	<p>Status signed</p> <p>Multi-factor Digital Fingerprint Checksum 9894891c726309efdfa1091f59474bc95db0fb37b7294c197faf37668f4e7f21</p> <p>IP Address 65.190.19.196</p> <p>Device Safari via Mac</p> <p>Drawn Signature </p> <p>Signature Reference ID 58B3B6C3</p> <p>Signature Biometric Count 336</p>	<p>Viewed At 09/28/2020 12:08 EDT</p> <p>Identity Authenticated At 09/28/2020 12:09 EDT</p> <p>Signed At 09/28/2020 12:09 EDT</p>
<p>Name Jim Perricone</p> <p>Email jperricone@partnerscrnc.com</p> <p>Components 6</p>	<p>Status signed</p> <p>Multi-factor Digital Fingerprint Checksum d8f971cea7af12f71e608cc8a2faf2b91b0ae07851bd9333f86288f391c7594c4</p> <p>IP Address 195.181.171.55</p> <p>Device Chrome via Windows</p> <p>Typed Signature </p> <p>Signature Reference ID 6876A781</p>	<p>Viewed At 09/28/2020 10:00 EDT</p> <p>Identity Authenticated At 09/28/2020 10:02 EDT</p> <p>Signed At 09/28/2020 10:02 EDT</p>

AUDITS

TIMESTAMP	AUDIT
09/28/2020 12:09 EDT	Waiel H. Mohamad (waiel@soundstationsecurity.net) signed the document on Safari via Mac from 65.190.19.196.
09/28/2020 12:09 EDT	Waiel H. Mohamad (waiel@soundstationsecurity.net) authenticated via email on Safari via Mac from 65.190.19.196.
09/28/2020 12:08 EDT	Waiel H. Mohamad (waiel@soundstationsecurity.net) viewed the document on Safari via Mac from 65.190.19.196.
09/28/2020 10:02 EDT	Jim Perricone (jperricone@partnerscrnc.com) signed the document on Chrome via Windows from 195.181.171.55.
09/28/2020 10:02 EDT	Jim Perricone (jperricone@partnerscrnc.com) authenticated via email on Chrome via Windows from 195.181.171.55.
09/28/2020 10:00 EDT	Jim Perricone (jperricone@partnerscrnc.com) viewed the document on Chrome via Windows from 195.181.171.55.
09/28/2020 09:59 EDT	Jim Perricone (jperricone@partnerscrnc.com) was emailed a reminder.

TIMESTAMP**AUDIT**

09/28/2020 09:59 EDT

Wael H. Mohamad (wael@soundstationsecurity.net) was emailed a link to sign.

09/28/2020 09:59 EDT

Jim Perricone (jperricone@partnerscnc.com) created document 'tos_rezoning_application.pdf' on Chrome via Windows from 195.181.171.55.

STATE OF NORTH CAROLINA COUNTY _____
 Filed for Registration at _____ M. _____
 Register of Deeds Office _____
 Recorded in Book _____ Page _____ BY _____
 REGISTER OF DEEDS

STATE OF NORTH CAROLINA COUNTY OF _____
 I, _____, Review Officer of _____ County,
 certify that the map or plat to which this certification is
 affixed meets all statutory requirements for recording.
 DATE: _____
 REVIEW OFFICER

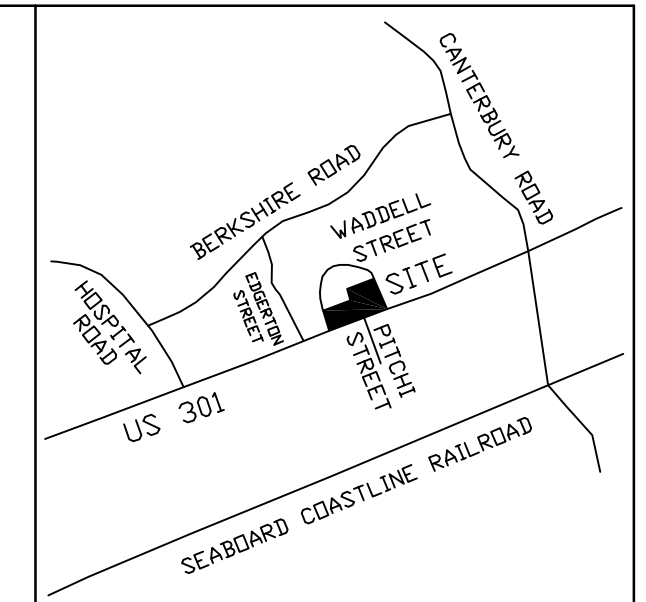
STATE OF NORTH CAROLINA COUNTY JOHNSTON
 CHARLIE T. CARPENTER certify that this plat was drawn
 under my supervision from an actual survey made under my supervision (dead
 description recorded in Book DB 2517 page 326) that the boundaries
 not surveyed are clearly indicated as drawn from information found in book
 SEE BECS page _____ that the ratio of precision as calculated is
 1:10,000 _____ that this plat was prepared in accordance with G.S. 47-30 as
 amended.
 Witness my original signature, registration number and seal this _____ day
 of APRIL A.D., 2020. L-4486
 Land Surveyor Reg. #

NOTES:
 NO N.C.G.S. MONUMENTS FOUND WITHIN 2000 FT.
 ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
 THE SUBJECT PROPERTY GRAPHICALLY DOES NOT
 APPEAR TO BE IN A SPECIAL FLOOD HAZARD
 AREA AS DETERMINED BY FEMA FLOOD MAPS
 COMMUNITY PANEL #3720260400K EFFECTIVE 6/20/2018.
 REFERNECE A PLAT FOR WADDELL HEIGHTS PECAN
 GROVE S/D PLAT BOOK 4 PAGE 205
 THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS
 THE RECOMBINATION OF EXISTING PARCELS, A
 COURT ORDERED SURVEY, OR OTHER EXCEPTION TO
 THE DEFINITION OF SUBDIVISION.

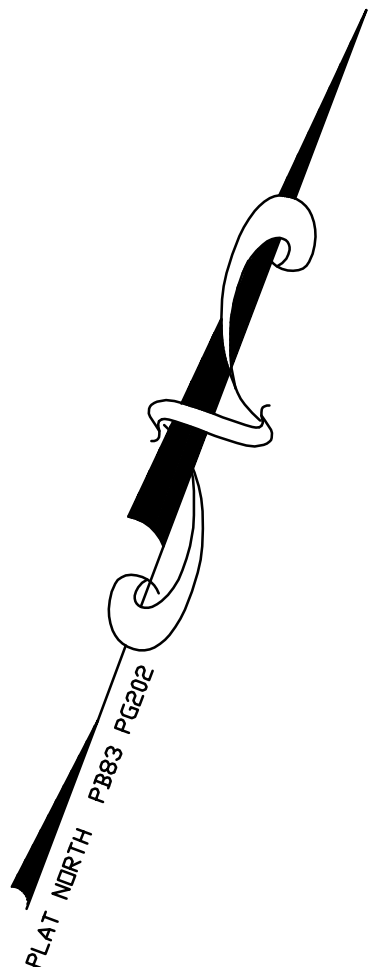
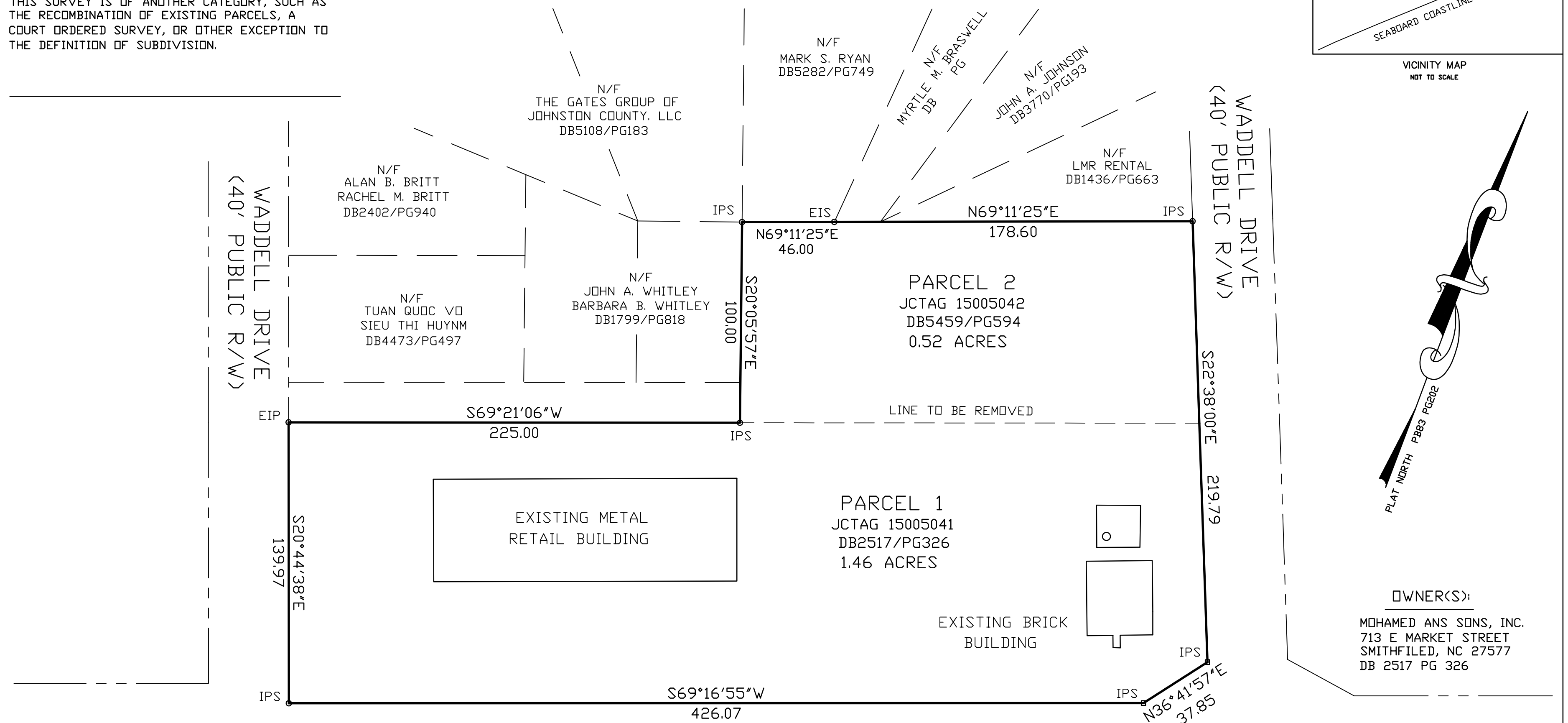
COMBINED AREA
 PARCEL 1 1.46 ACRES
 PARCEL 2 0.52 ACRES
 TOTAL 1.98 ACRES

EXEMPT FROM TOWN OF SMITHFIELD PLANNING BOARD
 RULES AND REGULATIONS GOVERNING SUBDIVISIONS.

PLANNING/ZONING ADMINISTRATOR

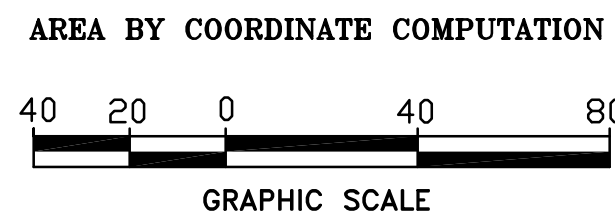


VICINITY MAP
 NOT TO SCALE



OWNER(S):
 MOHAMED ANS SONS, INC.
 713 E MARKET STREET
 SMITHFIELD, NC 27577
 DB 2517 PG 326

PRELIMINARY PLAT
 FOR REVIEW ONLY



- LEGEND
- EIP EXISTING IRON PIPE
 - EIS EXISTING IRON STAKE
 - IPS IRON PIPE SET
 - ECM EXISTING CONCRETE MONUMENT

CHARLIE T. CARPENTER, P.L.S.
 PROFESSIONAL LAND SURVEYOR
 1940 JUNIPER CHURCH ROAD
 FOUR OAKS, NC 27524
 (919) 320-5281
 plsChuck30@yahoo.com

CERTIFICATION OF OWNERSHIP AND DEDICATION:
 I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY SHOWN
 AND DESCRIBED HEREIN, WHICH IS LOCATED IN THE SUBDIVISION
 JURISDICTION OF JOHNSTON COUNTY AND THAT I HEREBY ADOPT THIS
 SUBDIVISION PLAN WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING
 SETBACK LINES, AND DEDICATE ALL STREETS, WALKS, ALLEYS, PARKS AND
 OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.
 DATE _____ OWNER(S) _____

RECOMBINATION SURVEY FOR:		
MOHAMED AND SONS, INC.		
TOWNSHIP	COUNTY	STATE
SMITHFIELD	JOHNSTON	NC
SURVEYED BY	DRAWN BY	
CTC	CTC	
DATE	SCALE	DRAWING NO.
3/15/20	1"=40'	ENTERPRISE