



PLANNING BOARD AGENDA

Members:

Chairman: Stephen Upton (Town)

Vice-Chairman: Mark Lane (ETJ)

Doris Wallace (Town)

Ashley Spain (ETJ)

Michael Johnson (Town)

Alisa Bizzell (Town)

Sloan Stevens (Town Alt)

Debbie Howard (Town)

Stephen Wensman, AICP, ALA, Planning Director

Mark Helmer, AICP, CZO, Senior Planner

Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, April 1, 2021

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

PLANNING BOARD AGENDA

FOR REGULAR MEETING

APRIL 1, 2021

MEETING TIME: 6:00 PM

TOWN HALL COUNCIL CHAMBERS

Call to Order.

Swearing in of Sloan Stevens.

Identify voting members.

Approval of the agenda.

Approval of the minutes for March 4, 2021.

New Business.

CZ-21-02 Spring Branch Commons: The applicant is seeking conditional zoning approval to rezone a 1.2 acre tract of land from the R-8 (Residential) zoning district to the R-8 CZ (Conditional Zoning) district for the creation of 10 single family dwellings units. The property considered for rezoning is located on the southeast side of the intersection of South Sixth Street and East Johnston Street. The property is further identified as Johnston County Tax ID#15026060.

SUP-21-03 Bonnie Godwin: The applicant is seeking a special use permit to allow for a single-family residential dwelling within a OI (Office & Institutional) zoning district. The property considered for approval is located on the north side of Wilkins Street approximately 175 feet east of its intersection with North Seventh Street and further identified as Johnston County Tax ID# 15010038.

ZA-21-03 Town of Smithfield: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 7, Section 7.2 Accessory Uses or Structures to allow for fences as an accessory structure in all zoning districts.

Old Business.

Development Report for March 23, 2021.

Permit Report for February, 2021.

Adjournment.

**Draft
Town of Smithfield
Planning Board Minutes
Thursday, March 4, 2021
Town Hall Council Chambers
6:00 PM**

Members Present:

Chairman Stephen Upton
Vice Chairman Mark Lane
Debbie Howard
Michael Johnson
Doris Wallace
Ashley Spain

Members Absent:

Alisa Bizzell
Teresa Daughtry

Staff Present:

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

Staff Absent:

CALL TO ORDER

Chairman Stephen Upton requested to move ZA-21-02 to the last item and CZ-21-01 as the first item to be heard.

APPROVAL OF AGENDA

Michael Johnson made a motion, seconded by Doris Wallace to approve the agenda. Unanimously approved

APPROVAL OF MINUTES from January 7th, 2021

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

NEW BUSINESS:

CZ-21-01 Courtyard Cabins at White Swan:

The applicant is seeking conditional zoning approval for the creation of 14 additional cabin units on two parcels of land totaling approximately 2.68 acres and located within a B-3 and R-20A zoning district. The properties considered for rezoning are located on Galilee Road approximately 400 feet northeast of its intersection with South Brightleaf Boulevard and further identified as Johnston County Tax ID#15J10061W and 15J10061F.

Stephen Wensman said that Demarest Company Landscape Architects is requesting a zoning map amendment (conditional rezoning) for the Courtyard Cabins at White Swan, rezoning a 0.3-acre property from R-20A to B-3 CZ, and a 2.53-acre property from B-3 to B-3CZ. Water and sewer are

provided by the Town of Smithfield and Duke Energy provides the electric. The site is currently developed with a motel and (4)-400 sq. ft. stand-alone cabins on 2.53 acres with street access from S. Brightleaf Boulevard and Galilee Road. The property surrounds White Swan Barbecue at the corner of South Brightleaf Boulevard and Galilee Road.

The proposed rezoning is accompanied with a plan for the expansion and upgrade of the site with an additional (14)-598 sq. ft. cabins on 2.83-acres of land to be developed in three phases. The expansion includes the redevelopment of an existing 0.3-acre residential property that will be combined with the larger property through a lot recombination.

The site improvements include:

- A new one-way vehicular drive consisting of two 30" wide concrete wheel runners, 44" apart to accommodate all vehicles including emergency service vehicles.
- Reduced and minimized impervious surfaces to lessen impact on stormwater management (center of vehicular drive will include #57 stone, 2' deep with a 6" sock pipe for drainage and infiltration.
- Preservation of existing large trees on the site
- Landscaping to meet UDO requirements
- Improved road access, limiting access to defined driveways.
- Upgraded motel parking.
- Concrete parking pad (for single vehicle) for each cabin
- Paved motel parking lot for 7- vehicles and 9 stalls on angled pads accessible by one-way drive lane consisting of two 30" wheel runners.
- Easement for future sidewalk along S. Brightleaf Boulevard.

Mr. Wensman stated the purpose of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve a desired project that both the developer and town mutually can be satisfied with. The Courtyard Cabins at White Swan are seeking deviations from the following UDO Requirements:

- Driveway paving. The site plan shows the drive lane consisting of two 30" wide concrete wheel runners, 44" apart, intended to accommodate all vehicles including emergency service vehicles. The Fire Code and the Standard Detail and Specifications Manual both require a minimum 20-foot-wide driveway for non-residential one-way drive-lanes. The UDO requires the driveway be paved with bituminous or concrete.
- Sidewalk easements are proposed along S. Brightleaf Boulevard and Galilee Road for future sidewalk, but no sidewalks are being proposed for construction as required in UDO Section 2.22.
- The motel parking lot is proposed with ribbon curb and no wheel-stops rather than concrete curb and gutter as required by the UDO.
- The angled motel parking is proposed as gravel parking rather than paved.
- Cabin parking is proposed as gravel rather than paved.
- The entrance driveways, except the motel entrance are proposed as gravel (#57 stone).

Mark Lane asked what would need to be paved in B-3 without Conditional Zoning?

Mr. Wensman stated everything would have to be paved with bituminous, concrete or something similar such as brick or stone. Conditional zoning does allow deviations from the standards. It does allow you to add conditions or standards that you feel are lacking such as fencing or sidewalks.

Mr. Lane asked if the shown landscape plan was an updated version.

Mr. Wensman said no, but he listed some of the deviations. Those will be required in the final landscape plan.

Debbie Howard asked what the walkways to the units from the street were proposed to be and if they were concrete?

Mr. Wensman said yes, they are concrete.

Ashley Spain asked where the drainage pipes would go and what would protect them if a big truck were to cross over them?

Mr. Wensman said that was a question better suited for the landscape architect.

Scott Stewart of 6933 Running Brook Terrace Wilmington, NC 28411 came forward to introduce himself as the landscape architect on this project. He stated he was requesting recommendation from this board to the Town Council for this rezoning.

Mark Lane asked Mr. Stewart how wide the lane would be for emergency vehicle access?

Mr. Stewart said there will be a 12-foot width lane with a 30-foot turning radius for the emergency vehicles.

Debbie Howard made a motion to recommend approval of zoning map amendment, CZ-21-01, with 8-conditions finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan as to be and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Mark Lane. Unanimously approved.

SUP-21-01 Scooter's Coffee:

The applicant is seeking a special use permit to construct and operate a drive thru coffee shop within an existing shopping center on property and located within a B-3 zoning district. The property is located on the northeast side of the intersection of Hospital Road and North Brightleaf Boulevard and further identified as Johnston County Tax ID# 15004024C.

Mr. Wensman stated that major shopping centers are a special use in the B-3 zoning district. The addition of Scooter's represents a change therefore a special use permit is required. The location of the project is at the corner of Hospital Rd and N. Brightleaf Blvd in the parking lot of Pine Needles Square. The applicant is looking to subdivide a portion of the property for the Scooter's development, which would be reconfiguring existing parking and drive lane patterns. The shopping center has been

undergoing renovations by its owners with façade, lighting and changes to the tenant mix. The shopping center has mature landscaping around its perimeter although lacks parking lot landscaping and foundation plantings. The stormwater for the site sheet flows to adjacent ditches and catch basins at the side and rear of the property. The site for the Scooter's Coffee is at the south west corner of the mall in the paved parking lot. The vehicular access to the coffee shop will be through the Pine Needles Square parking lot. There will be no new driveway access onto adjacent roads. A cross access easement will be required to provide shared use of that access.

According to Section 10.4 of the UDO, restaurants require stacking for 6 vehicles for the order box. The Scooter's site plan shows stacking space for 4 vehicles. Between the order box and pickup window, there should be stacking for 4 vehicles. The Scooter's plans show space for 4 vehicles. The Starbucks Coffee on Equity Drive has stacking for 3 vehicles at the order box and 4 vehicles between the order box and pickup window and backs up into the parking lot at peak hours. The stacking space for the coffee shop is less than ideal, but the parking area in which the coffee shop is to be located is currently underutilized.

No signs have been proposed at this time. Outparcels in shopping centers are entitled to one 75 sq. ft. – 6 ft. high ground mounted monument sign and wall signs on two sides of the building facing public roads.

Scooter's will have 10 parking stalls on its property for the use of the coffee shop. the construction of the coffee shop will displace 27 existing parking stalls currently used by the Pine Needles Square. Based on the data from the owner of Pine Needles Square, there is approximately 106,529 sq. ft. of retail space. Required parking for retail is calculated as 1 parking stall per 600 sq. ft. The Pine Needles Square retail requires roughly 178 parking spaces and has 472 parking spaces. The loss of 27 parking spaces for the coffee shop construction will have no impact on required parking. The coffee shop will be lit by the Pine Needles Square parking lot lights and downcast wall lighting. A new pedestrian access will be created from the sidewalk on Brightleaf Boulevard.

The UDO, Article 4, sets forth eight findings of fact that are required for approval of a special use permit through a quasi-judicial process. (Please see the attached application which contains the applicant's findings of fact). Staff's opinion for each finding are shown in bold/ Italics below:

4.9.3.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. The proposed development will not be detrimental to or endanger the public health, safety, or general welfare.

4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The coffee shop is a normal development and will benefit the surrounding property with additional commercial traffic and customers and provide a service/ product that benefits adjacent residents and workers.

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. The coffee shop development will utilize existing utilities, drainage, and parking.

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. It will not.

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The use has adequate ingress and egress within the Pine Needles Square shopping center and will not impact public streets.

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. The use will not adversely affect the use or physical attribute of adjoining or abutting property. The use will benefit adjoining or abutting properties by providing a desired product and customers.

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The plan will be in harmony with the renovations in the shopping center.

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

Mr. Upton asked if the parking at Scooter's would have parking lot lighting?

Mr. Wensman said they will have wall pack lighting but not parking lot lighting.

Mark McDonnell of 1116 Neuse Ridge Drive, Clayton NC spoke on behalf of Patando II, LLC the property owner. He said when their company purchased the shopping center their goal was to improve the quality of it and the tenant mix to meet the needs of the community. One of the first things they did, was reach out to the hospital with a survey asking what they would like to see. He said they requested convenience foods and coffee. This is a first step in providing that request to the hospital employees.

Doris Wallace made a motion to approve SUP-21-01 based on the Finding of Facts and 4 conditions, seconded by Debbie Howard. Unanimously approved.

SUP-21-02 East River Phase 6 & 7:

The applicant is seeking a special use permit to construct a 65-unit townhouse complex on approximately 11.97-acre tract of land and located within an existing PUD zoning district. The property considered for approval is located on the east side of Buffalo Road approximately 690 feet north of its intersection with M. Durwood Stephenson Parkway and further identified as Johnston County Tax ID# 14075015X.

Mr. Wensman stated the East River Planned Unit Development Master Plan was originally approved by the Town Council in December 2018. A revised PUD Master Plan was approved by the Town Council in December 2020. The revised PUD improved the stormwater management infrastructure, added a new Central Park feature, a new mail kiosk area, improved the parking layout, and rerouted the greenway/trail. The detailed site plans for the multi-family development were not included in

the PUD plans or preliminary plat construction plans approved by the Town Council. A condition of plat approval was on the application of a special use permit for the multi-family development in phases 6 and 7. This application is for the final two phases (6 & 7) that include the development of 65 townhomes.

The site plan is arranged into two phases with 42 townhomes in phase 6 and 23 townhomes in phase 7. Phases 6 and 7 are separated by the existing pond and wetland. Sixty-four 2-bedroom townhouses are planned; 42 units in phase; 23 units in phase 7. The end units will have windows on the façade. Each unit has a small front and rear yard. Each unit has an entry canopy in the front yard. Each unit has a small storage structure and concrete patio in the rear yard. Sidewalks will be connected to a 10' wide trail on Buffalo Road and to phases 1-5. The proposed sidewalks in phase 6 should extend to the trail along Buffalo Road wherever practicable and should line up with the crosswalk across Buffalo Road. The street yard has been provided; however, a short section is lacking on the plans. Sections of the buffer yard have been provided in the rear and sides of the townhouse development except where existing natural vegetation is shown. A tree inventory is required and credit towards the buffer requirements may be applicable. Parking lot and foundation plantings have been provided in accordance with the UDO. Additional foundation plantings should be provided alongside facades facing the public right of-way. The street yard should be bermed to provide greater screening of the back sides of the townhouses along Buffalo Road.

The UDO, Article 4, sets forth eight finding of fact that are required for approval of a special use permit through a quasi-judicial process. Staff's opinion for each finding are shown in Bold/ Italics below:

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. **The special use will not be a detriment or endanger the public health, safety, or general welfare.**

4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. **The special use permit is part of the orderly development of the PUD and was part of the original PUD Master Plan.**

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. **All have been provided for.**

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. **No noxious or offensive uses proposed.**

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. **Adequate ingress and egress have been provided for and have been approved by NCDOT.**

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. **The use will not adversely affect the use or physical attributes of adjoining or**

abutting property. Adequate buffer yards will be provided, and adjacent zoning is residential or commercial.

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. **The plan is in harmony with the PUD Master Plan.**

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. **The use conforms with the PUD Plans and applicable UDO regulations with conditions.**

Mr. Wensman said the Planning Department recommends the Town Council approve SUP-21-02 based on the findings of fact with 15 conditions.

1. That a site plan be submitted for review in accordance with the Town's Unified Development Ordinance.
2. Provide an additional 2 dumpster enclosures in phase 6.
3. The proposed sidewalks in phase 6 should extend to the trail along Buffalo Road and should line up with the crosswalk across Buffalo Road.
4. A tree protection plan shall be provided as required by Section 10.9.2. Existing vegetation cannot be used as a required buffer yard unless trees are documented on a tree preservation inventory.
5. The landscape plan shall be revised to provide foundation shrubs where end units face the public right-of-way, and to provide a street yard that extends to the southern boundary of the site.
6. The Street yard shall be bermed to provide greater screening of the rear facades facing Buffalo Road.
7. SCM access easements shall be provided in accordance with Town standards
8. Provide an Operations and Maintenance Agreement for the Stormwater SCMs.
9. Fire hydrants shall be shown on the construction plans and the center of Pumper Connection on the fire hydrants shall be a minimum of 18" above finished grade.
10. Provide NCDOT driveway permits for signature prior to construction plan approval.
11. Sign permits are required prior to installation of signs.
12. The applicant shall provide a soil and erosion control plan with the construction plans.
13. A lighting plan be submitted with construction documents for review.
14. Provide 30' wide public easements over public utilities.
15. Provide NCDOT driveway permits for signature prior to plan approval.

Mark Lane asked if the County had approved all of this where sewer capacity is concerned.

Mr. Wensman isn't entirely sure but through the construction approval process they will have to provide all the permits.

Mark Lane asked if there was a fund for the stormwater for the other phases.

Mr. Wensman said there are funds collected through HOA fees, he doesn't know if there are any dedicated directly toward maintenance.

Mark Lane asked if there would be landscape screening for adjacent properties.

Mr. Wensman said they have landscape buffers but they are relying on existing vegetation which is fine but we need to verify what's there.

David DeYoung of 114 W. Main Street Clayton, NC came on behalf of RiverWild. These are the last two phases of the project. Phase 1 is complete; Phase 2 is under construction and all of the houses have been sold. The CD's have been approved for phases 3-5. We will build those phases quickly.

Debbie Howard made a motion to approve SUP-21-02 based on the finding of fact and with 15 conditions as proposed from the Planning Department, seconded by Doris Wallace. Unanimously approved.

ZA-21-02 Town of Smithfield

Staff is requesting the Planning Board recommend approval of the following amendments to the Unified Development Ordinance:

1. Article 6, Section 6.6 to change pharmaceutical manufacturing to a permitted use in the Light Industrial District; and
2. Article 8, Section 8.10 to change the maximum building height to 80 feet in the Light Industrial District.

Mark Helmer said the applicant would like to amend Article 6, Section 6.6 to change pharmaceutical manufacturing from a special use to a permitted use in the Light Industrial District. Pharmaceutical manufacturing was called out in the table of uses as a special use to allow the Town the ability to address any adverse issues with wastewater. The NC Department of Environmental Quality already reviews such uses for adverse impacts; therefore, the Town's review is duplicative and puts the town at a disadvantage when trying to attract such manufacturing. Article 8, Section 8.10 limits light industrial buildings to 40-feet and up to 100-feet with a special use permit. Many industrial users are looking for taller buildings, up to 80-feet. A review of past special use permits for building height shows the town has approved them without specific conditions mitigating the impacts of taller buildings. Taller buildings have the potential to cast long shadows on adjacent properties and can be an issue for fire protection. The Fire Department is equipped with ladder trucks for fighting fires in tall buildings. The special use permit for buildings over 40-feet is an impediment to marketing the light industrial properties in the town.

Staff finds the zoning text amendment as proposed 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.

Doris Wallace asked where the pharmaceutical company would be located?

Mark Helmer stated at this time we haven't had a pharmaceutical company make application. This zoning ordinance will allow them as a permitted use, should one want to come to the Light Industrial District.

Stephen Wensman stated the Town has been working closely with Chris Johnson to help market industrial sites within the Town of Smithfield. The West Smithfield Industrial Development was recently rezoned and we're expecting a subdivision plan real soon. Chris gets a lot of request for information, most being from Pharmaceutical and other industrial users. Through that process they ask many questions and building height requirements are one of them. The developers often times are looking for sites that are shovel ready. If the Town wants to be competitive, we need to design our code so that we can be.

Debbie Howard made a motion to recommend approval of zoning text amendment, ZA-21-02, amending Article 6, Section 6.6 to change pharmaceutical manufacturing to a permitted use in the Light Industrial District; and Article 8, Section 8.10 to change the maximum building height to 80 feet in the Light Industrial District. 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 Ashley Spain. Unanimously approved

OLD BUSINESS:

Chairman Stephen Upton recognized upcoming new member Sloan Stevens.

Mr. Upton asked Mr. Wensman on an update for the Public Hearing proceedings for the Planning Board.

Mr. Wensman said you had Special Use Permits tonight with an audience for applicants. The minutes of this proceeding will not go to Town Council but any issues identified will be brought into his staff report.

Mr. Helmer wanted to mention that he sent out 200 letters for tonight's meeting but none of those property owners showed up.

Mark Lane said at least the people were notified.

Mark Lane asked for an update on any new development coming to the area.

Mark Helmer said the Planning Department had recently received an application for 10 units on Johnston Street. We will also have a text amendment for fence standards at the next meeting.

Adjournment

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

Next Planning Board meeting is April 1st, 2021 at 6pm.

Respectfully Submitted,

Julie Edmonds

Julie Edmonds
Administrative Support Specialist

DRAFT



Request for Planning Board Action

Agenda CZ-21-
Item: 02
Date: 4/1/21

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

Issue Statement

TerraEden Landscape and Design, LLC, is requesting a conditional rezoning request of a 1.21-acre parcel in the R-8 Zoning District to R-8 CZ with a master plan for a 10-lot detached single-family residential development.

Financial Impact

The 10-lot subdivision will add to the town's tax base.

Action Needed

The Planning Board is respectfully requested to review the conditional rezoning of properties from R-8 to R-8 CZ and to decide whether to recommend approval, approval with conditions, or denial of the request.

Recommendation

Planning Staff recommends the Planning Board recommend approval of CZ-21-02 with 3-conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan as to be amended 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



Staff Report

Agenda CZ-
Item: 21-02

REQUEST:

TerraEden Landscape and Design, LLC, is requesting a conditional rezoning request of a 1.21-acre parcel in the R-8 Zoning District to R-8 CZ with a master plan for a 10-lot detached single-family residential development.

PROPERTY LOCATION:

The property is located on East Johnston Street between South Seventh and South Sixth Street.

SITE DATA:

Tax ID# 15026060
Acreage: 1.21 acres
Present Zoning: R-8
Proposed Zoning: R-8 CZ
Existing Use: vacant
Proposed Use: detached single-family residential
Fire District: Town of Smithfield
School Impacts: Potential students
Parks and Recreation: Park Dedication Fee In Lieu
Water and Sewer Provider: Town of Smithfield
Electric Provider: Town of Smithfield

ADJACENT ZONING AND LAND USES: (see attached map for complete listing)

	Zoning	Existing Land Uses
North	R-8 (Residential)	Detached single-family residential and vacant land
South	R-8 (Residential)	Detached single-family residential
East	B-2 (General Business)	Vacant
West	R-8 (Residential)	Detached single-family residential

EXISTING CONDITIONS:

The site is currently vacant. Sometime before 2005, a +/- 1300 sq. ft. warehouse sat on the corner of S. Sixth and East Johnson along with 3 silo-type structures. That structure is gone, but about 290 feet of valley curb wraps the corner of S. Sixth and E Johnson Street adjacent to where the warehouse once stood. The curbing on the rest of the block is a B6-12 type. Overhead electric utilities run along the right-of-way on S. Sixth Street. Streetlights attached to the power poles are located at both street corners.

ENVIRONMENTAL:

There are no wetlands or other environmentally sensitive features on the property.

MASTER PLAN:

The applicant is proposing to redevelop a 1.21-acre parcel into a 10-detached single-family residential subdivision with the following:

Driveway access. All the lots are accessed from the rear of the property by a private driveway. The driveway is shown as being 16 feet wide.

Open space. The applicant is proposing 0.34-acres of common open space providing driveway access to residential parking, guest/handicap parking, mail kiosk, picnic shelter, picnic tables, play structure, and 2 area lights.

Min. lot size. The 10-lots range from 3,444 sq. ft. (.079-aces) to 4,343 sq. ft. (.1 acres in size).

Lot dimensions. The minimum lot size is 41' x 84' and the largest lot is 54.50' x 86'.

Setbacks. The setbacks are 10' – front, 5.5' -side (11' between homes), 25'-rear.

Single-family homes: Min. 1,290 sq. ft. single-story homes (average approximately 3,770 sq. ft. in size), with full-width front porch, three bedrooms, and two bathrooms.

Public sidewalks. 5' wide public sidewalk will be constructed in the public right-of-way along the front property line.

Decorative fencing. Decorative fencing will be installed along the street frontage on each lot.

Landscaping. the lots and open space will be landscaped with grass, trees, and shrubs.

Accessory buildings. No accessory buildings will be allowed.

HOA. An HOA will provide common ownership and maintenance of the shared open space.

REQUESTED DEVIATIONS FROM UDO REQUIREMENTS:

The purpose of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant is seeking the following deviations from the following UDO Requirements:

Item	R-8/UDO	R-8 CZ
------	---------	--------

Min. lot size	8,000 sq. ft. (.18 ac.)	3,444 sq. ft. (.079 ac.)
Min. lot width	70 feet	41 feet
Min. front setback	10 feet	30 feet
Min. Side Setback	10 feet	5.5 feet
Accessory Bldg. Setback	10 feet	None allowed
Min. corner lot setback	15 feet	12 feet
Driveway width	20 feet	16 feet
Sight triangle	25 feet x 25 feet	23 feet x 23 feet

ANALYSIS:

The applicant is proposing a compact urban infill development in a semi-distressed part of Smithfield near its downtown. The development supports walkability to downtown with a sidewalk along the street frontages and with attractive pedestrian scale architecture – one-story homes with porches and a fence along the public street frontage. Although the individual lots are small, the common open space provides usable amenities: playground, picnic shelter, picnic tables, trash receptacles, and landscaping that will create a mini-neighborhood within the greater downtown and Brooklyn neighborhoods.

Reduced setbacks. The reduced setbacks are typical of an urban pedestrian-oriented or traditional neighborhood development and supported by pedestrian-scaled elements, porches, and fences. East Johnson Street right-of-way is approximately 66 feet wide, whereas, most residential rights-of-way are 60 feet. Some are even 50 feet in width. The extra-wide right-of-way results in a slightly wider grass boulevard which will lessen the effect of the reduced front setback. Furthermore, the porches and fence provide a pedestrian scale element that separates the public and private realms and emphasizes the public sidewalk. The development is intended to be walkable taking advantage of nearby downtown, government services, the spring branch, and greenway trail.

Driveway. The master plan shows a shared driveway on common open space to residential parking and guest/overflow parking. The shared driveway is shown with no curb and gutter. The shared driveway eliminates the need for individual driveways on each lot and supports the pedestrian character of the development. Driveway within the public right-of-way will need to be constructed in accordance with the Town’s standard detail for driveways. The driveway width is 16’ wide to discourage cut-through traffic and to slow traffic on the alley. The 16’ width has been used in Clayton at the Moss Creek development for a similar number of units without issues.

Trash receptacles. The master plan does not show locations for trash, an unsightly but necessary fixture in residential development. The Master Plan should plan for and identify concrete pads for individual trash receptacles for each lot.

Curb and gutter. Town streets typically have B6-12 concrete curbs. About 290 lineal feet of curb is valley curb that will need to be replaced with B6-12 curb.

Landscaping. the master plan shows the landscaping of the open space and residential lots. The UDO requires no residential landscaping.

Stormwater Management. The impervious surfaces that existed in 2001 are considered “grandfathered” according to stormwater regulations. As a result, the development will be exempt from stormwater retention. No stormwater SCM is required.

Utilities. The development will utilize existing utilities, water, and sewer, located in adjacent streets.

RECOMMENDATION

Staff recommends approval with the following conditions:

1. That the driveway aprons be constructed in accordance with the Town’s Standard Specifications and Details.
2. That concrete pads for trash bins be shown on the master plan.
3. That the valley curb in the public right-of-way be replaced with B6-12 curb.

CONSISTENCY STATEMENT (Staff Opinion):

With the approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with the 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 supports flexibility in zoning regulations.*
- **Consistency with the Unified Development Code –** *the property will be developed in conformance with the UDO conditional zoning provisions.*
- **Compatibility with Surrounding Land Uses -** *The property considered for rezoning is will be compatible with the surrounding land uses.*

RECOMMENDATION:

Planning Staff recommends the Planning Board recommend approval of CZ-21-02 with 3-conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan as to be amended 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, CZ-21-02, with 3-conditions finding is consistent with the Town of Smithfield Comprehensive Growth Management Plan as to be 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 TOWN COUNCIL
CZ-21-02**

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

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

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

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

That the final action regarding zoning map amendment CZ-21-02 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public hearing; and

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

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

That the final action regarding zoning map amendment CZ-21-02 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning 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: Spring Branch Commons Acreage of Property: 1.21 ac
Parcel ID Number: 169419-50-6175 Tax ID: 15026060
Deed Book: 00455 Deed Page(s): 0521
Address: 602 E. Johnston Street
Location: E Johnston Street to the north, S Sixth Street to the west and S Seventh Street to the east.
Existing Use: Vacant Proposed Use: Single family residential
Existing Zoning District: R-8 Residential
Requested Zoning District Conditional Zoning District (CZ)
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: _____
--------------------	----------------------	--------------------

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.

PAUL C. EMBLER, JR.
Print Name


Signature of Applicant

3/3/21
Date

Terra Eden Landscape & Design, LLC



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: Spring Branch Commons Submittal Date: March 5, 2021 ^{3/3/21}

OWNERS AUTHORIZATION

I hereby give CONSENT to TerraEden Landscape & Design, LLC (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.

Olivia B. Holding, President Olivia B. Holding 3/3/2021
 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.

Paul C. Embley, Jr. PAUL C. EMBLEY, JR. 3/3/2021
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

STATEMENT OF JUSTIFICATION FOR SPRING BRANCH COMMONS:

The request for the Condition Use Zoning for Spring Branch Commons is made to facilitate the initial development of an infill project that will re-introduce affordable single-family homes within walking distance of Smithfield's Downtown Core. The project will not place much stress on Town resources since the development will be incorporating existing under-used streets, water, sewer and electrical, thus saving the tax payers money by not having to build additional capacity into the Town's utility systems. The location of Spring Branch Commons is in easy walking distance of both the Town and County governmental offices, businesses, banks, restaurants, medical facilities, churches, the greenway and Town Parks. The proposed development of Spring Branch Commons will comply with the Town's Unified Development Ordinance and construction specifications as they relate to site development roads, utilities, storm water and erosion control.

Spring Branch Commons will provide new housing stock to a neighborhood that has not seen any new home construction in approximately 15 to 20 years. The homes that are proposed will be single story 1,290 sf homes with a full width front porch, three bedrooms and two baths constructed on lots averaging approximately 3,770 sf in size. All the lots front existing public streets, parking will be to the rear of the homes and accessed by a paved private drive. Spring Branch Commons is designed to provide two and one-half vehicular spaces for each home. During holidays and other times of high use additional parking can be found on the adjacent streets.

By incorporating smaller lots with rear loaded parking Spring Branch Commons will provide approximately 53% open space that will allow space for an amenity area and landscaping. The spaced allotted for the amenity includes a large multipurpose play structure, picnic tables, litter containers and a shelter. In order to further utilize the amenity area, the mail kiosk has been incorporated along with two area lights. Visual appearance will be optimized by the vehicle parking being located to the rear of the homes and screened from view from the public streets. The entire development will be landscaped for visual appeal so as to provide shade and landscape buffer to the streetscape and adjacent properties.

In order to assure that Spring Branch Commons will be maintained, and homes are kept in good repair a home owners association (HOA) will be incorporated at the outset of the recording of the Final Plat with a written/recorded set of restrictive covenants. The developer will maintain some control of the HOA until project close-out, at that time the HOA will be turned over to the members.

Spring Branch Commons is designed to be the seed that can stop urban deterioration by re-establishing affordable homes near the core of Smithfield Downtown by utilizing existing infill lots that offer existing infrastructure and create a walkable neighborhood that is easily accessible to government services, businesses and other community facilities.

The following table summarizes the requested district modifications from the present R-8 Single-Family Residential to a Condition Use Single Family Zoning that will facilitate the development of Spring Branch Commons. The changes are also shown graphically on the Sketch Plan, the Conceptual Master Plan and the Conceptual Plat.

<u>Item</u>	<u>Traditional R-8 District</u>	<u>Requested Conditional Use Zoning</u>
1. Use	Single Family Residential	Single Family Residential
2. Min. Lot Size	8,000 sf.	3,444 sf.
3. Min. Lot Width	70 ft.	41 ft.
4. Min. Front Setback	30 ft.	10 ft.
5. Min. Side Setback	10 ft.	5.5'
6. Min. Rear Setback	25 ft.	25 ft.
7. Min. Height	35 ft.	35 ft.
8. Access. Bldg. Setback	10 ft.	No accessory building allowed
9. Signs	Art. 10. Part III	Art. 10. Part III
10. Parking Art. 10. Part I	2 spaces/dwelling unit	2.5 spaces/dwelling (9'x19')w/16' drive
11. Corner lot (8.13.3.2)	50% of front setback (15 ft.)	12 ft.
12. Sight triangle	10'x70' w/max. ht. of 30"	10'x70' w/max. ht. of 30"

SPRING BRANCH COMMONS

SMITHFIELD, NORTH CAROLINA

600 Block of East Johnston Street

File Number:
CZ-21-02

Project Name:
Spring Branch
Commons

Location:
600 Block of
E. Johnston St.

Tax ID#:
15026060

Existing Zoning:
R-8 (Residential)
R-8 CZ
(Conditional Zoning)

Property Owner:
Twin States Farming

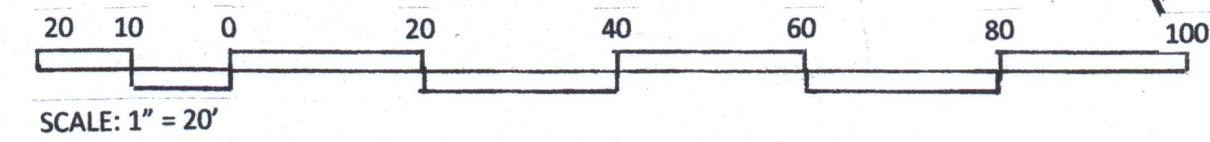
Applicant:
Terra Eden Landscape
& Design, LLC





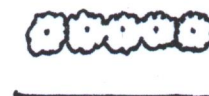


1 in = 200 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 3/24/2021





LEGEND

- A SINGLE FAMILY RESIDENTIAL
- B AMENITY AREA
- C MAIL KIOSK
- D PAVED PARKING
- E HANDICAPPED PARKING
- F PAVED DRIVEWAY
- G AREA LIGHT
-  30" PICKETT FENCE
-  6 FT. SCREEN FENCE
-  CONCRETE WALK
-  CANOPY TREE
-  UNDERSTORY TREE
-  SHRUBS/HEDGE
-  GRASS

REVISIONS
 11 KENTWOOD DRIVE
 SMITHFIELD, NC 27577
 pemhke@tterraeden.com
 919-219-3410
 LAF - 279

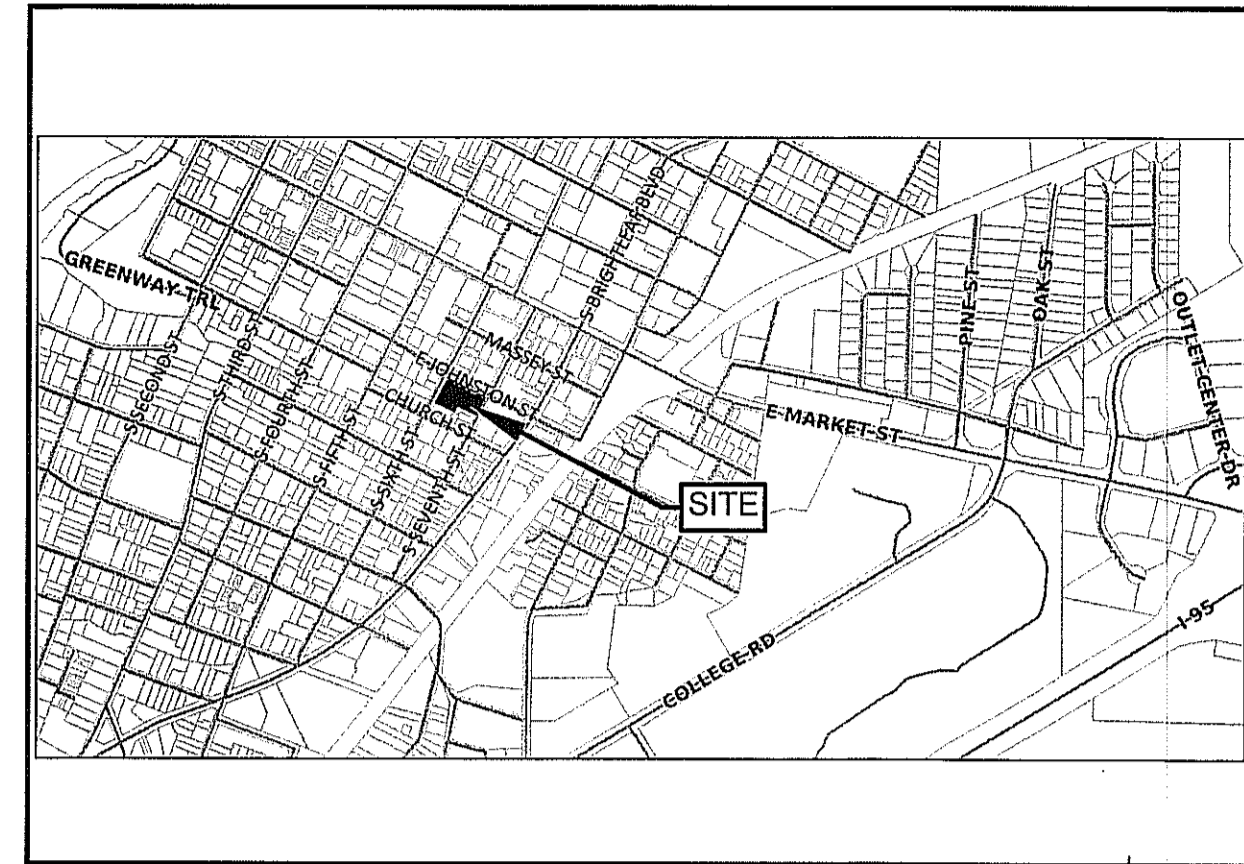
TERRAEDEN
 LANDSCAPE & DESIGN, LLC
 LANDSCAPE ARCHITECTS - PLANNERS



SPRING BRANCH COMMONS
 SMITHFIELD, NORTH CAROLINA

CONCEPTUAL MASTER PLAN

DESIGN
 DRAWN
 CHECKED
 HORIZONTAL SCALE
 SEE GRAPHIC SCALE
 VERTICAL SCALE
 DATE
 JOB NO.
 SHEET



VICINITY MAP
NTS

SPRING BRANCH COMMONS

TOWN OF SMITHFIELD, NORTH CAROLINA

MARCH 5, 2021

DRAWING INDEX

<u>SHEET TITLE</u>	<u>SHEET No.</u>
COVER SHEET	S-1
EXISTING CONDITIONS.....	S-2
SKETCH PLAN	S-3
CONCEPTUAL MASTER PLAN:	S-4
CONCEPTUAL PLAT.....	S-5

PROPERTY OWNER:

TWIN STATE FARMING, INC.
(OLIVIA B. HOLDING)
PO BOX 1352
SMITHFIELD, NC 27577

DEVELOPER:

SPRING BRANCH DEVELOPMENT, LLC
116 ALLISON WAY
CLAYTON, NC 27527

11 KENTWOOD DRIVE
SMITHFIELD, NC 27577
pembler@springbranch.com
919-278-3410
LAF-278

TERRAEDEN
LANDSCAPE ARCHITECTS - PLANNERS
LANDSCAPE & DESIGN, LLC



Spring Branch Commons
TOWN OF SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA

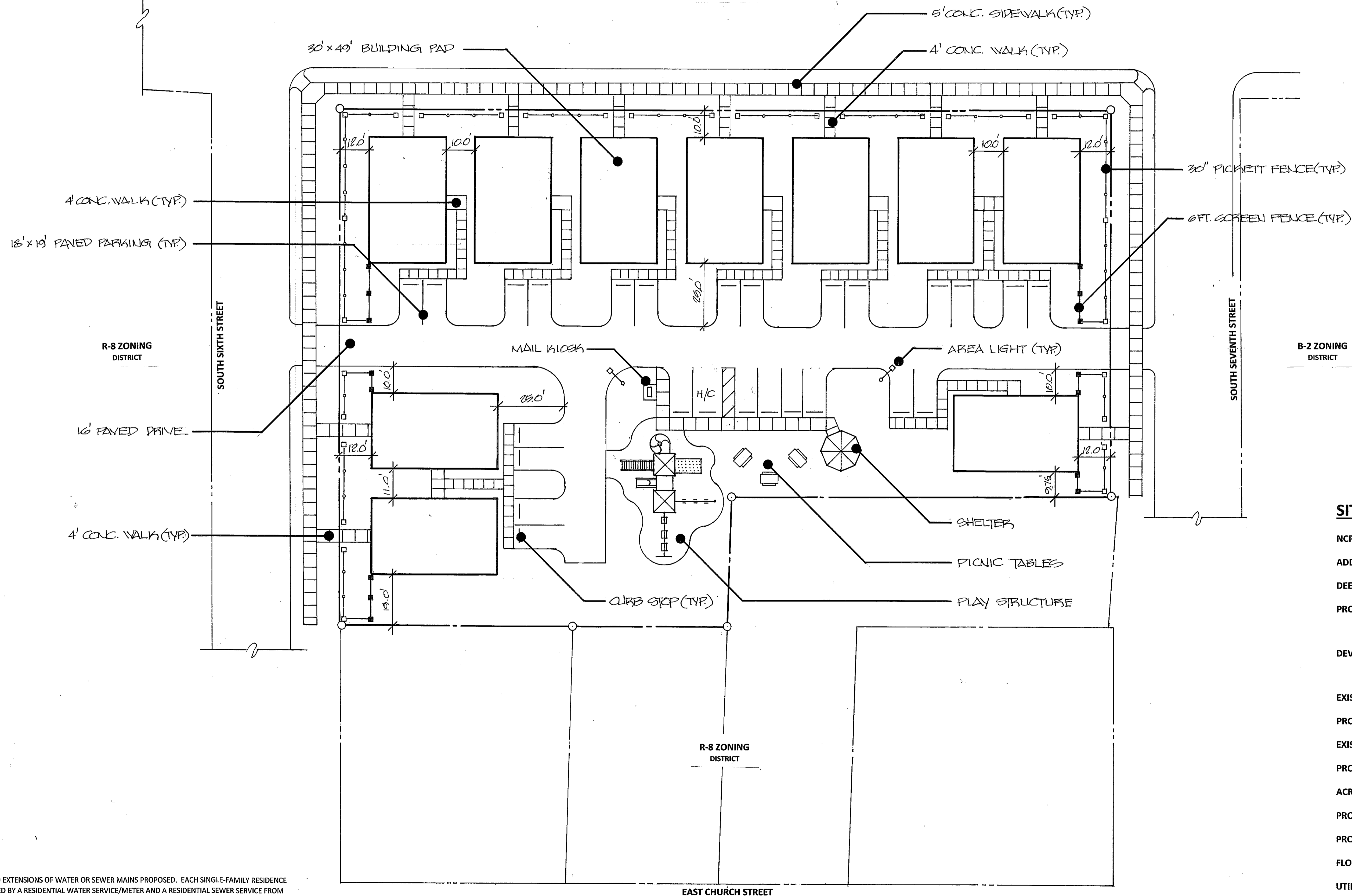
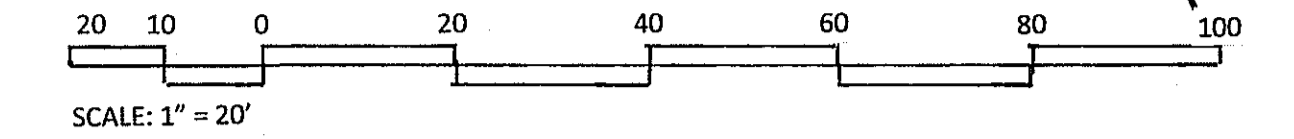
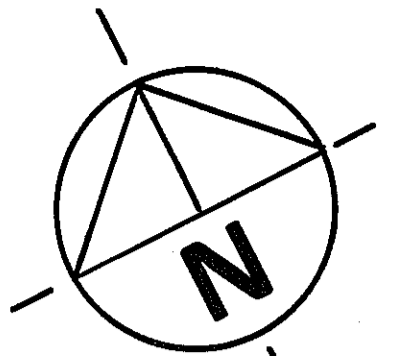
Rezoning Petition

DESIGN PCE
DRAWN PCE
CHECKED PCE
HORIZONTAL SCALE
SEE GRAPHIC SCALE
VERTICAL SCALE
DATE 03/02/2021
JOB NO.
SHEET

R-8 ZONING DISTRICT

R-8 ZONING DISTRICT

R-8 ZONING DISTRICT



SITE DATA

NCPIN:
169419-50-6175

ADDRESS:
602 E. JOHNSTON STREET

DEED BOOK AND PAGE:
BOOK 00455 / PAGE 0521

PROPERTY OWNER:
TWIN STATES FARMING, INC
P O BOX 1352
SMITHFIELD, NC 27577

DEVELOPER:
SPRING BRANCH DEVELOPMENT, LLC
116 ALLISON WAY
CLAYTON, NC 27527

EXISTING ZONING:
R-8 RESIDENTIAL

PROPOSED ZONING:
CONDITION USE

EXISTING LAND USE:
VACANT

PROPOSED LAND USE:
SINGLE FAMILY RESIDENTIAL

ACREAGE:
1.21 ACRES

PROPOSED IMPERVIOUS:
25,073 SF (47.73%)

PROPOSED OPEN SPACE:
27,453.12 SF (52.27%)

FLOOD HAZARD:
THE PROPOSED DEVELOPMENT IS LOCATED OUTSIDE THE AE FLOOD ZONE

UTILITIES:
EXISTING WATER MAINS IN ALL ADJACENT STREETS
EXISTING SEWER COLLECTION IN ALL ADJACENT STREETS
EXISTING STORM DRAINAGE LINE IN S. SEVENTH STREET
EXISTING ELECTRICAL LINES IN ALL ADJACENT STREETS

NOTE:
THERE ARE NO EXTENSIONS OF WATER OR SEWER MAINS PROPOSED. EACH SINGLE-FAMILY RESIDENCE WILL BE SERVED BY A RESIDENTIAL WATER SERVICE/METER AND A RESIDENTIAL SEWER SERVICE FROM THE EXISTING WATER AND SEWER MAINS LOCATED IN EITHER S. SIXTH STREET, S. SEVENTH STREET OR E. JOHNSTON STREET.

REGIONS:
11 KENTWOOD DRIVE
SMITHFIELD, NC 27577
penblier@smbarqmail.com
919-219-3410
LAW - 279

TERRAEDEN
LANDSCAPE & DESIGN, LLC
LANDSCAPE ARCHITECTS - PLANNERS



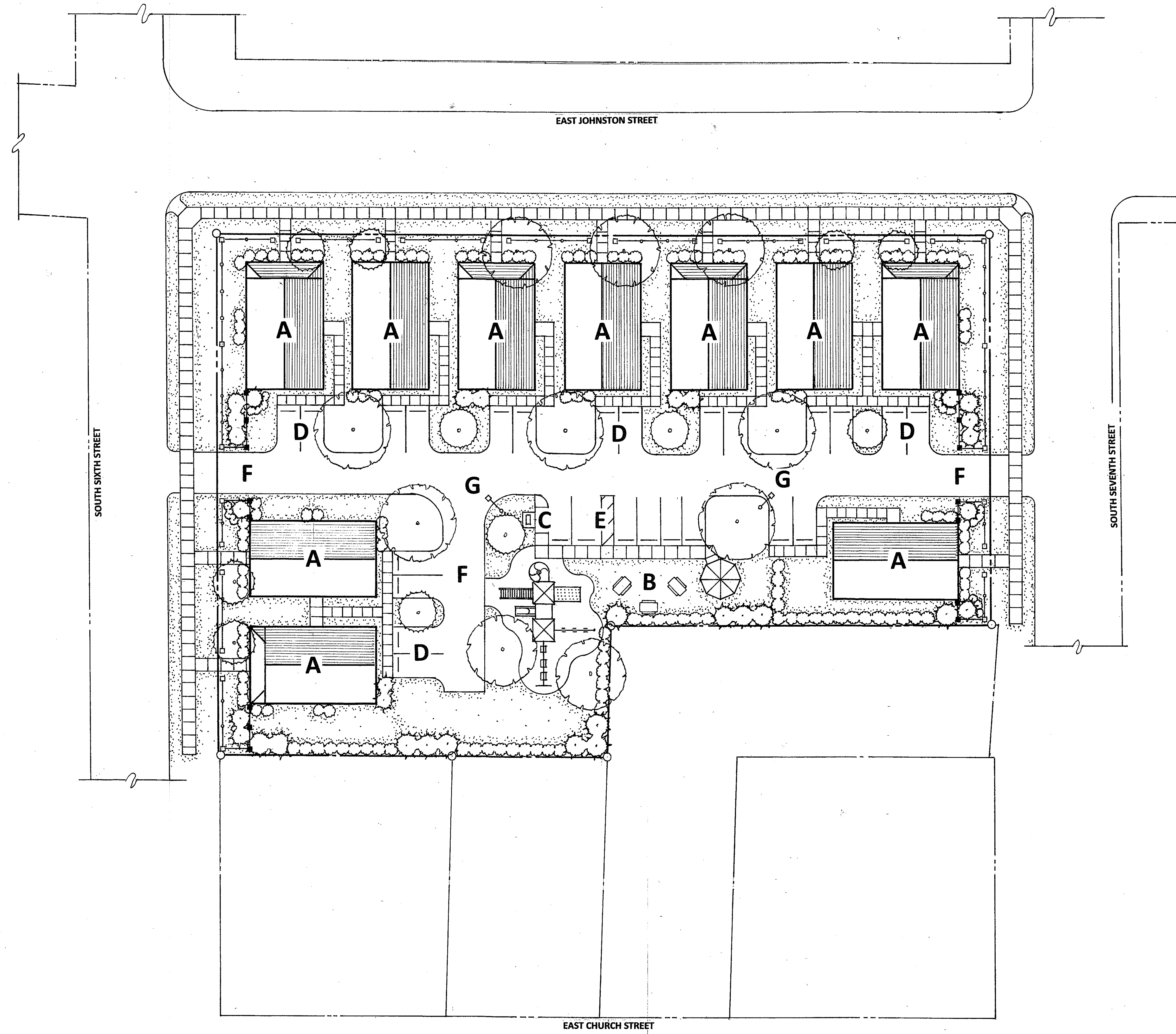
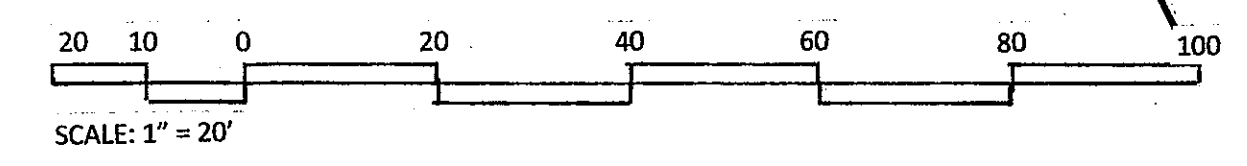
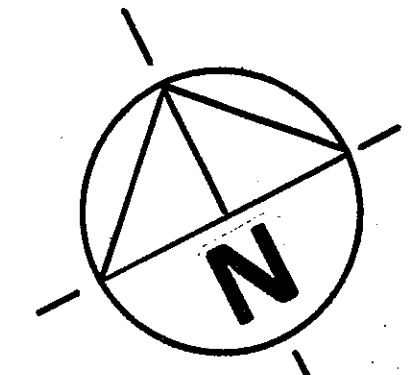
SPRING BRANCH COMMONS
SMITHFIELD, NORTH CAROLINA

SKETCH PLAN

DESIGN: FCE
DRAWN: FCE
CHECKED: FCE
HORIZONTAL SCALE: SEE GRAPHIC SCALE
VERTICAL SCALE:

DATE: 3/2/21
JOB NO.:

SHEET
S-3
3 OF 5



LEGEND

- A SINGLE FAMILY RESIDENTIAL
- B AMENITY AREA
- C MAIL KIOSK
- D PAVED PARKING
- E HANDICAPPED PARKING
- F PAVED DRIVEWAY
- G AREA LIGHT
- 30" PICKETT FENCE
- 6 FT. SCREEN FENCE
- CONCRETE WALK
- CANOPY TREE
- UNDERSTORY TREE
- SHRUBS/HEDGE
- GRASS

11 KENTWOOD DRIVE
SMITHFIELD, NC 27577
919.218.2410
LAA-278

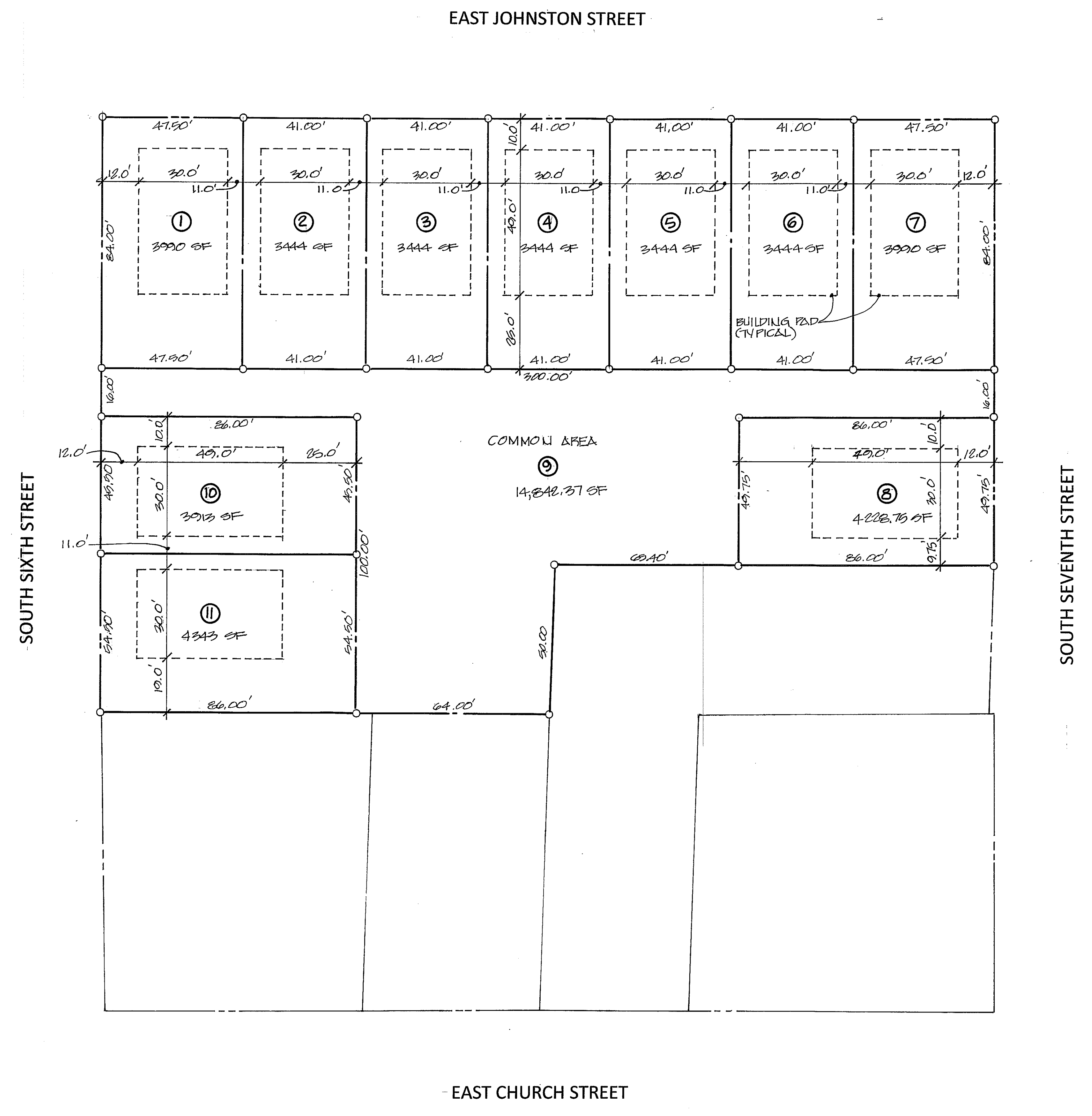
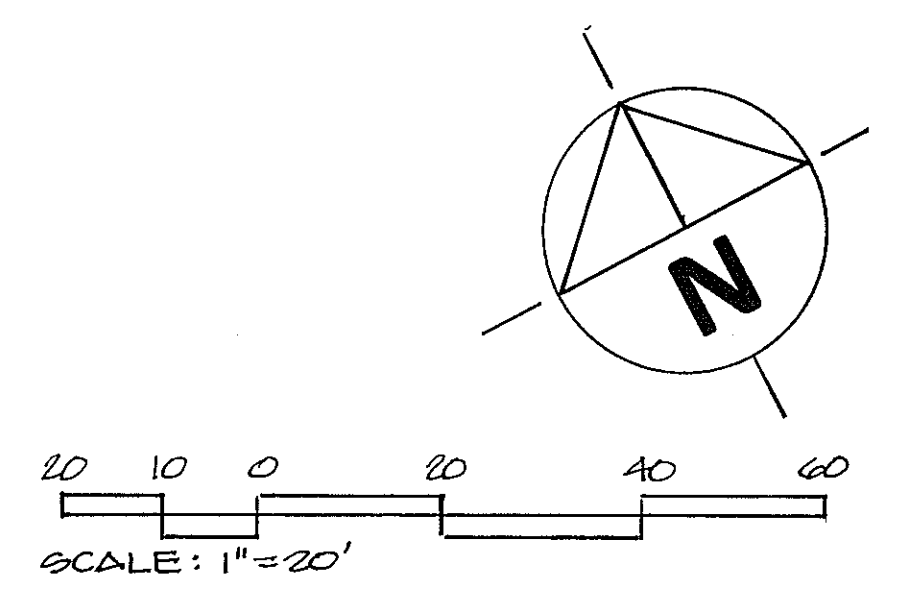
TERRAEDEN
LANDSCAPE & DESIGN, LLC
LANDSCAPE ARCHITECTS - PLANNERS



SPRING BRANCH COMMONS
SMITHFIELD, NORTH CAROLINA

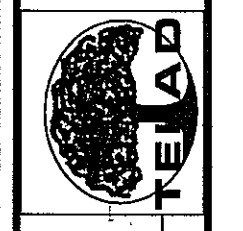
CONCEPTUAL MASTER PLAN

DESIGN: RCE
DRAWN: RCE
CHECKED: RCE
HORIZONTAL SCALE: SEE GRADING SCALE
VERTICAL SCALE:
DATE: 3/2/21
JOB NO:
SHEET



REVISIONS:
 11 KENTWOOD DRIVE
 SMITHFIELD, NC 27577
 pembler@terraeden.com
 919-219-3410
 LA# - 279

TERRAEDEN
 LANDSCAPE & DESIGN, LLC
 LANDSCAPE ARCHITECTS - PLANNERS

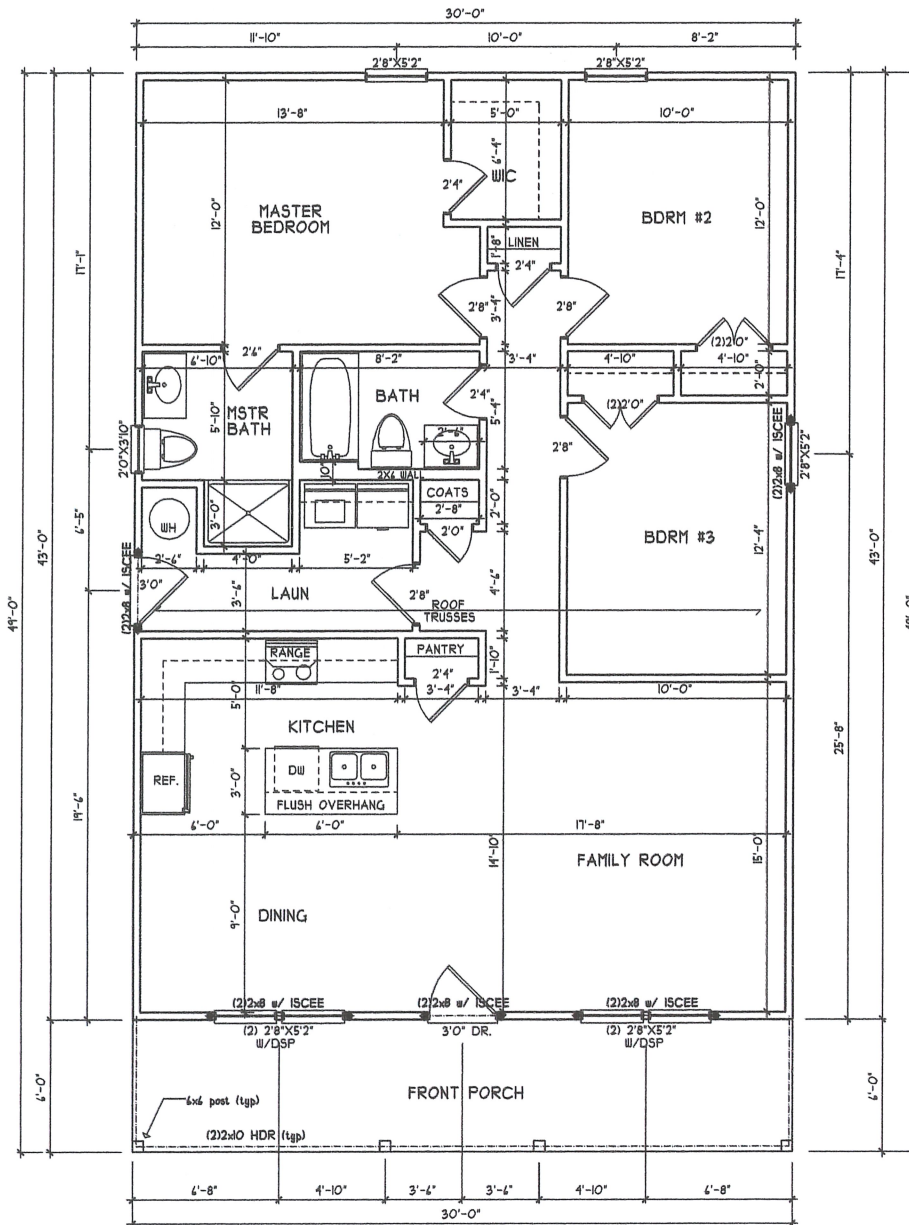


SPRING BRANCH COMMONS
 SMITHFIELD, NORTH CAROLINA
 TOWN OF CLAYTON, JOHNSTON COUNTY, NORTH CAROLINA

CONCEPTUAL PLAT

DESIGN: PEE
 DRAWN: PEE
 CHECKED: PEE
 HORIZONTAL SCALE: SEE GRAPHIC SCALE
 VERTICAL SCALE:
 DATE: 3/2/21
 JOB NO.
 SHEET

S-5
 5 OF 5

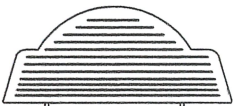


HEADER/BEAM & COLUMN NOTES

- ALL EXTERIOR AND LOAD BEARING HEADERS SHALL BE MIN (2) 2x4 (4" WALL) OR (3) 2x4 (4" WALL) WITH (1) SUPPORT STUD, UNLESS NOTED OTHERWISE.
- THE NUMBER SHOWN AT BEAM AND HEADER SUPPORTS INDICATES THE NUMBER OF SUPPORT STUDS REQUIRED IN STUD POCKET OR COLUMN. THE NUMBER OF KING STUDS AT EACH END OF HEADERS IN EXTERIOR WALLS SHALL BE ACCORDING TO ITEM 1st IN TABLE R402.3(5) OR AS BELOW:
 - UP TO 4' SPAN: (1) KING STUD
 - OVER 4' UP TO 8' SPAN: (2) KING STUDS
 - OVER 8' UP TO 12' SPAN: (3) KING STUDS
 - OVER 12' SPAN: (4) KING STUDS

TRUSS SYSTEM REQUIREMENTS

- TRUSS SYSTEM LAYOUTS (PLACEMENT PLANS) SHALL BE DESIGNED IN ACCORDANCE WITH ROOF TRUSS LAYOUTS AND SEALED PROFILES PROVIDED BY THE ROOF TRUSS MANUFACTURER. ANY NEED TO CHANGE TRUSSES SHALL BE COORDINATED WITH THE ROOF TRUSS MANUFACTURER.
- TRUSS SCHEMATICS (PROFILES) SHALL BE PREPARED AND SEALED BY TRUSS MANUFACTURER.
- ALL TRUSSES SHALL BE DESIGNED FOR BEARING ON SFF #2 OR #3 PLATES OR LEDGERS (UNO).
- ALL REQUIRED ANCHORS FOR TRUSSES DUE TO UPLIFT OR BEARING SHALL MEET THE REQUIREMENTS AS SPECIFIED ON THE TRUSS SCHEMATICS.



"THE JESSE"	
JANCUSKA CONST.	
HEATED FOOTAGE:	#1290
SQUARE FOOTAGE:	1290
	180
DESIGNED BY:	HEATHER OF JOHNATHAN HALL 165 HEATHERSTONE CT BENSON NC 27504 (919) 207-1403
<small>ANY DEVIATION OF THE SPECIFIED MEASUREMENTS OR DIMENSIONS VOID H SQUARED HOME DESIGN, INC.'S LIABILITY.</small>	
<small>THIS PLAN HAS BEEN DRAWN IN ACCORDANCE WITH NORTH CAROLINA STATE RESIDENTIAL BUILDING CODES 2018 EDITION.</small>	
<small>THIS PLAN IS TO ONLY BE BUILT BY THE ABOVE CITED BUILDER OR HOMEOWNER. NOT FOR MULTIPLE BUILDS UNLESS APPROVED BY H SQUARED.</small>	
DATE:	01/22/2020
	1 STORY
FILE:	120119

FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

Adjacent Property Owners of
CZ-21-02

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15026063	169419-50-7003	BYRD, CARVUS ANDREW JR.	3777 US 70 BUS HWY W	CLAYTON	NC	27520-6826
15026027	169419-50-4359	ANRAN PARTNERSHIP	PO BOX 531	SMITHFIELD	NC	27577-0000
15026060	169419-50-6175	TWIN STATES FARMING INCORP	P O BOX 1352	SMITHFIELD	NC	27577-1352
15026058A	169419-50-6383	TWIN STATES FARMING INCORP	P O BOX 1352	SMITHFIELD	NC	27577-1352
15026058B	169419-50-7363	TWIN STATES FARMING INCORP	P O BOX 1352	SMITHFIELD	NC	27577-1352
15032001A	169307-59-9999	TWIN STATES FARMING INC	P O BOX 1352	SMITHFIELD	NC	27577-1352
15026059	169419-50-7271	HOMEMASTER PROPERTIES, LLC	PO BOX 1371	SMITHFIELD	NC	27577-1371
15026060B	169419-50-5014	TWIN STATES FARMING INC	P O BOX 1352	SMITHFIELD	NC	27577-1377
15027001	169419-60-0029	TRUST	216 N 2ND ST	SMITHFIELD	NC	27577-3948
15032002	169307-59-7881	JACKSON, RANDY LEO	206 S BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-4069
15026011	169419-50-3164	REYES, CAROLINA SUYAPA MENDES	509 S 6TH ST	SMITHFIELD	NC	27577-4459
15026008	169419-50-2190	AUSTIN, DELMA GRAY	210 S 6TH ST	SMITHFIELD	NC	27577-4536
15026060A	169419-50-5071	PHAN, LIEM	350 BAYHILL DR	SMITHFIELD	NC	27577-9433
		TerraEden Landscape & Design, LLC	11 Kentwood Dr	SMITHFIELD	NC	27577



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, CZ-21-02, were notified by First Class Mail on 3-17-21.




Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

17th day of March, 2021



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on January 15, 2023





Request for Planning Board Action

Business Item: SUP- 21-03
Date: 04/01/21

Subject: Single Family Residential in O/I District
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Business Item

Issue Statement

The Planning Board is requested to review a Special Use Permit application to permit the use of a property for detached single-family residential in the Office/Institutional District.

Financial Impact

None.

Action Needed

To review the special use permit and provide feedback to the applicant.

Recommendation

Planning Staff is recommending denial of the request.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Findings of Fact
3. Application
4. Site Plans



Staff Report

**Business SUP-
Item: 21-03**

REQUEST:

The applicant is requesting a Special Use Permit to use the property in the O/I District for detached single-family residential. The property considered for approval is located mid-block on the north side of Wilkins Street between N. Seventh Street and N. Brightleaf Boulevard and further identified as Johnston County Tax ID# 15010038

SPECIAL USE:

Detached single-family residential uses in the O/I district require a special use permit.

APPLICATION DATA:

Application Number: SUP-21-03
Location: 707 Wilkins Street
Project Name: North Eighth #515 LP
Parcel ID number: 15010038
Town Limits/ETJ: Town Limits
Applicant: Bonnie Godwin
Property Owner: Bonnie Godwin, North Eight #515 Limited Partnership
Agents: None
Acreage: 1.0 acres
Present Zoning: O/I (Office/ Institutional)
Existing Uses: vacant office
Proposed Use: Detached Single Family Residential
School Impacts: None
Parks and Recreation: None
Utilities Provider: Town of Smithfield

ADJACENT ZONING AND LAND USES:

	Existing Zoning	Existing Use:
North	O/I	Office
South	O/I	Office
West	O/I	Single Family Residential
East	O/I	Office

ANALYSIS:

Existing Conditions. The structure proposed for detached single-family residential was originally constructed and used as a detached single-family residential home then converted to an office many years ago. When converted, the entire yard was paved with concrete for parking. The paved parking is contiguous to parking on adjacent properties including the rear yard of 518 N Seventh Street (a residential property owned by the applicant), 515 N Eighth St (an office property owned by the applicant), and 601 N. Eighth St (an office property owned by William and Suzanne Bizzell). The properties to the west of the subject property are used as detached single-family and mid-block east (including the subject property) have been used as offices. According to the applicant, the office has been vacant for a long time and the property is no longer attractive for office tenants.

The current driveway access spans the width of the property and the parking configuration requires vehicles to back out into the street. The UDO requires commercial vehicles to ingress and egress in a forward motion. The driveway exceeds the maximum driveway width for commercial and residential properties. Vehicle parking in the front yard, encroach on the public right-of-way.

Proposed use. The applicant would like to return the property to its original detached single-family residential use. The applicant has no plans to convert the pavement back to a yard with grass and landscaping as is typical of a detached single-family residential use. There are no proposals to create a barrier to the contiguous commercial parking at the rear of the property. The existing conditions in the yard are to remain the same as they are currently.

Character of the property. Although originally constructed as a single-family residential use, the property no longer has a residential character because of the entire yard being paved. The yard parking is contiguous to adjacent commercial uses in the rear of the property with no differentiation in land uses. The area from the mid-block east has been transitioning toward office development over the years. The return to residential use for this lot is not in harmony with the surrounding development.

Character of the Street. Wilkins Street has taken on a commercial-office character over the years. Unlike N. 7th Street also in the O/I district, the half-block in which the property sits consists of office uses entirely.

Landscape Buffers. There are no buffers between the uses except for a short strip of grassy vegetation separating the property from the office directly to the east and no opportunity to create them because of the concrete paving. The UDO, Section 10.14 requires a Type B bufferyard between commercial and single-family residential uses.

Driveway Access. The ingress and egress to the property infringe on the public right-of-way. The UDO and the Town's Standard Specifications and Details do not allow residential driveways to exceed 24' in width.

PLANNING DEPARTMENT RECOMMENDATION:

The Planning Department recommends denial of the SUP-21-03 based on the findings of fact.

DRAFT FINDINGS OF FACT:

The UDO, Article 4, sets forth eight findings of fact that are required for approval of a special use permit through a quasi-judicial process. (Please see the attached application which contains the applicant's findings of fact). Staff's opinion for each finding is shown in *Bold/Italics* below:

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger public health, safety, or general welfare. *With no landscape buffers in place, the residential use of the property would be a detriment to the public health, safety, or general welfare.*

4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. *The Wilkins Street, mid-block to the east, has been transitioning toward office uses over the years and Wilkins Street has a commercial character, therefore, a residential use would impede the normal and ordinary development and improvement of the surrounding properties.*

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. *There are adequate facilities for the proposed use.*

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. *The use will not be offensive by reason of vibration, noise, odor, dust, smoke, or gas.*

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. *The ingress and egress to the property infringe on the public right-of-way. The UDO and the Town's Standard Specifications and Details do not allow residential driveways to exceed 24' in width.*

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. *The use will adversely affect the commercial uses surrounding the property. All the uses are commercial to the north, south, and east with parking contiguous in the northeast.*

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it

is to be located. *The residential use of the property would not be harmonious with the character of this portion of the block or the street.*

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. *The special use would not conform to the buffer requirements of the UDO.*

RECOMMENDED MOTIONS:

The Planning Board should provide comments to the applicant, but no motions will be carried forward to the Town Council for Quasi-Judicial items.

**Town of Smithfield
Special Use Permit Application
Finding of Fact / Approval Criteria**

Application Number: SUP-21-03 **Name:** North Eighth #515 LP

Request: The applicant seeks a special use permit to add a building to the Johnston Community College located within the O/I Office Intuitional zoning district. The property considered for approval is locate at 707 Wilkins Street, Smithfield NC 27577 further identified as Johnston County Tax IDs 15010038

In approving an application for a special use permit in accordance with the principles, conditions, safeguards, and procedures specified herein, the Town Council may impose reasonable and appropriate conditions and safeguards upon the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. The Town Council shall include in its comments a statement as to the consistency of the application with the Town's currently adopted Comprehensive Plan. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which the below requires.

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

- 4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
- 4.9.4.5.2. 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.
- 4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided.
- 4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
- 4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property.
- 4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.
- 4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

Once all findings have been decided one of the two following motions must be made:

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Special Use Permit Application # SUP-21-03 with the following condition(s):*

1. _____

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Special Use Permit Application # SUP-21-03 for the following stated reason:*

- With no landscape buffers in place, the residential use of the property would be a detriment to the public health, safety, or general welfare.
- The Wilkins Street, mid-block to the east, has been transitioning toward office uses over the years and Wilkins Street has a commercial character, therefore, a residential use would impede the normal and ordinary development and improvement of the surrounding properties.
- The ingress and egress to the property infringe on the public right-of-way. The UDO and the Town's Standard Specifications and Details do not allow residential driveways to exceed 24' in width.
- The use will adversely affect the commercial uses surrounding the property. All the uses are commercial to the north, south, and east with parking contiguous in the northeast.
- The residential use of the property would not be harmonious with the character of this portion of the block or the street.
- The special use would not conform to the buffer requirements of the UDO.

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council for the Special Use Permit Application Number SUP-21-03 is hereby:

_____ **approved upon acceptance and conformity with the following conditions:**

1. _____

_____ **denied for the noted reasons.**

- With no landscape buffers in place, the residential use of the property would be a detriment to the public health, safety, or general welfare.
- The Wilkins Street, mid-block to the east, has been transitioning toward office uses over the years and Wilkins Street has a commercial character, therefore, a residential use would impede the normal and ordinary development and improvement of the surrounding properties.

- The ingress and egress to the property infringe on the public right-of-way. The UDO and the Town's Standard Specifications and Details do not allow residential driveways to exceed 24' in width.
- The use will adversely affect the commercial uses surrounding the property. All the uses are commercial to the north, south, and east with parking contiguous in the northeast.
- The residential use of the property would not be harmonious with the character of this portion of the block or the street.
- The special use would not conform to the buffer requirements of the UDO.

Decision made this 1st day of September 2020 while in regular session.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk



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: NORTH EIGHTH # 515 LP Acreage of Property: 1 AC
 Parcel ID Number: 15010038 Tax ID: _____
 Deed Book: 02204 Deed Page(s): 0508
 Address: 707 WILKINS ST
 Location: SMITHFIELD NC 27577

Existing Use: COMMERICAL Proposed Use: RESIDENTAL
 Existing 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 Submitted: _____ Date Received: _____ Amount Paid: _____

OWNER INFORMATION:

Name: BONNIE GODWIN
Mailing Address: PO BOX 815 SELMA NC 27576
Phone Number: 919-320-7146 Fax: 919-202-5149
Email Address: bonniegodwin1@gmail.com

APPLICANT INFORMATION:

Applicant: SAME AS ABOVE
Mailing Address: _____
Phone Number: _____ Fax: _____
Contact Person: _____
Email Address: _____

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.

707 WIKINS ST HAS NOT BEEN RENTED FOR OVER A YEAR PLUS DR. WATSON HAS OFFERED TO
THE HOSPITAL WITH NO SUCCESS. WE PREPARED HOUSE FOR TARAVEL DOCTOR / NURSES THINKING WITH COVID
IT MIGHT BE USEFUL. THAT HAS NOT BEEN NEEDED.

NORTH EIGHTH OWNS 515 NORTH EIGHTH, 713 WILKINS ST, 516 N SEVENTH ST, AND
518 N SEVENTH ST

THE OLDER HOUSES ARE NOT DESIRABLE RENTALS THIS PROPERTY HAS BEEN EMPTY TOO LONG

PLEASE GIVE CONSIDERATION TO THIS MUCH NEEDED REQUEST

THANK YOU FOR YOUR TIME

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.

- 2) 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.

- 3) Adequate utilities, drainage, parking, or necessary facilities have been or are being provided

- 4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

- 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.

- 6) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property.

- 7) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.

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

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.

BONNIE GODWIN
Print Name

Bonnie Godwin 2-15-2021
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: North Eighth No 515LP Submittal Date: 2-16-2021

OWNERS AUTHORIZATION

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

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

Bonnie C. Godwin Bonnie C. Godwin 2-16-2021
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.

Bonnie C. Godwin Bonnie C. Godwin 2-16-2021
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
--------------	----------------	-------------------

700 Block of Wilkins Street

File Number:
SUP-21-03

Request: Residential
land use in an OI
(Office & Institutional)
Zoning District

Location:
707 Wilkins St.

Tax ID#:
15010038

Existing Zoning:
OI (Office & Institutional)

Property Owner:
Bonnie Godwin

Applicant:
Bonnie Godwin



1 in = 100 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 3/24/2021






PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, SUP-21-03, were notified by First Class Mail on 3-17-21.



Signature

Johnston County, North Carolina

I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

17th day of March, 2021



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on January 15, 2023



Adjacent Property Owners of
SUP-21-03

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
		BONNIE GODWIN	PO BOX 815	SELMA	NC	27576
15010038	169415-72-3799	NORTH EIGHT #515 LIMITED PARTNERSHIP	PO BOX 607	SELMA	NC	27576-0000
15010039	169415-72-4755	NORTH EIGHTH #515 LMTD PRTRSHP	PO BOX 607	SELMA	NC	27576-0607
15010036	169415-72-3803	NORTH EIGHT NO 515 LLP	PO BOX 607	SELMA	NC	27576-0607
15010037	169415-72-2789	PARTNERSHIP	PO BOX 607	SELMA	NC	27576-0607
15010057	169415-72-4870	NORTH EIGHTH #515 LMTD PRTRSHP	PO BOX 607	SELMA	NC	27576-0607
15010034	169415-72-3943	GUTIERREZ, WILMER J	522 NORTH 7TH ST	SMITHFIELD	NC	27577-0000
15010035	169415-72-3828	GROVES, CONRAD	520 N 7TH ST	SMITHFIELD	NC	27577-4638
15010041	169415-72-3644	KOEBLEY, KEVIN B	710 WILKINS ST	SMITHFIELD	NC	27577-4648
15010043	169415-72-2629	ALI, MIR MUMTAZ	706 WILKINS ST STE C	SMITHFIELD	NC	27577-4662
15010031	169416-72-5922	BIZZELL, WILLIAM ROBERT	3423 BUENA VISTA COURT	KINSTON	NC	28504-0000



Request for Planning Board Action

**Agenda
Item:** ZA-21-03
Date: 04/01/2021

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

Issue Statement

Request to amend the Unified Development Ordinance, Article 7, Section 7.3 to create regulations for fences as an accessory structure.

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-21-03 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-
Item: 21-03

REQUEST:

Staff is requesting the Planning Board recommend approval of an amendment to the Unified Development Ordinance, Article 7, Section 7.3 to create regulations for fences as an accessory structure.

ANALYSIS:

There are no fence regulations in the Smithfield Unified Development Ordinance. These appear to have been omitted during the last major update to the UDO in 2016. The purpose of fence regulations is to maintain adequate visibility on private property and in public rights-of-way, to maintain the openness of front and street side yards, to protect the light and air to abutting properties, and to provide adequate screening by regulating the height, location, and design of fences and walls.

Since 2016, the town has received complaints about fences in front yards and without regulations, code enforcement is unable to provide enforcement.

DRAFT ORDINANCE SUMMARY:

The draft ordinance regulates fences and walls such that:

- the height of fences and walls in front yards or in front of principal structures cannot exceed (3) feet in height or be more than 75% solid.
- the height of retaining walls in front yards or in front of principal structures greater than five (5) feet in height
- the height of fences in residential side and rear yards cannot exceed (7) feet in height.
- The height of commercial and industrial fences cannot exceed 10 in height and that part of the fence or wall greater than (7) feet must be open similar to woven wire or wrought iron.
- Fences are exempt from setbacks and can be up to the property line.
- Fences must respect the vision triangle at intersections for public safety reasons.
- Fences and walls that are consistent with the provisions of the ordinance are to be permitted accessory uses not requiring a zoning permit.

CONSISTENCY STATEMENT (STAFF OPINION):

Staff finds the zoning text amendment as proposed 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 the Planning Board recommend approval of the zoning text amendment ZA-21-03 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.

STAFF RECOMMENDED MOTION:

Staff recommends the following motion:

“move to recommend approval of zoning text amendment, ZA-21-03, 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.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
ZA-21-03**

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-21-03 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 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-21-03 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 ordinance amendment does not promote this and therefore is neither reasonable nor in the public interest.

DRAFT ORDINANCE # ZA-____
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 7 SUPPLEMENTAL REGULATIONS AS IT PERTAINS TO FENCES

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Unified Development Ordinance by making changes to the Town of Smithfield Unified Development Ordinance to regulate fences as an accessory structure.

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

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

[Revise Article 7, Section 7.3 Accessory Uses or Structures, to regulate fences as an accessory structure.]

PART 1

7.3.3. Fences

Fences and walls are permitted as accessory uses, require no zoning permit, and shall comply with the following:

7.3.3.1. For the purposes of this Section of this ordinance, a fence is a barrier composed of wire, wood, metal, plastic, or a similar material and a wall is a barrier composed of brick, stone, rock, concrete block, or a similar masonry material.

7.3.3.2. No fence or wall more than three (3) feet in height, or retaining wall more than five (5) feet in height, which is more than seventy-five percent (75%) solid, may be placed in any front yard, including along the side lot line or in the yard to the front of any principal building, unless required or specifically authorized in another Section of this ordinance.

7.3.3.3. Fences may not exceed seven (7) feet in height, except that in commercial and industrial districts, a fence may not exceed ten (10) feet in height. Fences greater than seven (7) feet in height shall be of an open type similar to woven wire or wrought iron. Fences and walls may exceed the height requirements of this Section if required or specifically authorized in another Section of this ordinance.

7.3.3.4. Fences and walls are exempt from the setback requirements of this ordinance.

7.3.3.5. No fence or wall shall impede vision as regulated in Section 2.21 of this ordinance.

7.3.3.6. Fences, if replaced, shall meet the requirements of this Section.

PART 2

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

PART 3

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

Duly adopted this the __ day of May 2021.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

DRAFT



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

Petition for Amendment to the Unified Development Ordinance

Pursuant to Article 4 of the Town of Smithfield Unified Development Ordinance, Proposed amendments may be initiated by the Town Council, Planning Board, Board of Adjustment, members of the public, or by one or more interested parties. The application for any amendment shall contain a description of the proposed zoning regulation.

APPLICANT INFORMATION:

<u>TOS Planning Department</u>	<u>350 E. Market Street</u>
Petitioner's Name	Address or PO Box
<u>Smithfield, NC 27577</u>	<u>919-934-2116, ext. 1114</u>
City, State, Zip Code	Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:
Amend Section 7.3 to add fence regulations.

(Attach additional sheets as necessary)

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

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

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

<u></u>	<u>3/3/21</u>
Signature of Petitioner	Date

FOR OFFICE USE ONLY

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



PLANNING DEPARTMENT

Mark E. Helmer, AICP, CZO

Senior Planner

Notice of Public Meeting

Notice is hereby given that a public meeting will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, April 1, 2021 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

ZA-21-03 Town of Smithfield: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 7, Section 7.2 Accessory Uses or Structures to allow for fences as an accessory structure in all zoning districts.

CZ-21-02 Spring Branch Commons: The applicant is seeking conditional zoning approval to rezone a 1.2 acre tract of land from the R-8 (Residential) zoning district to the R-8 CZ (Conditional Zoning) district for the creation of 10 single family dwellings units. The property considered for rezoning is located on the southeast side of the intersection of South Sixth Street and East Johnston Street. The property is further identified as Johnston County Tax ID#15026060.

SUP-21-03 Bonnie Godwin: The applicant is seeking a special use permit to allow for a single-family residential dwelling within a OI (Office & Institutional) zoning district. The property considered for approval is located on the north side of Wilkins Street approximately 175 feet east of its intersection with North Seventh Street and further identified as Johnston County Tax ID# 15010038.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at www.smithfield-nc.com.



PLANNING DEPARTMENT

Mark E. Helmer, AICP, CZO

Senior Planner

Notice of Public Meeting

Notice is hereby given that a public meeting will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, April 1, 2021 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

ZA-21-03 Town of Smithfield: The applicant is requesting an amendment to the Town of Smithfield Unified Development Ordinance, Article 7, Section 7.2 Accessory Uses or Structures to allow for fences as an accessory structure in all zoning districts.

CZ-21-02 Spring Branch Commons: The applicant is seeking conditional zoning approval to rezone a 1.2 acre tract of land from the R-8 (Residential) zoning district to the R-8 CZ (Conditional Zoning) district for the creation of 10 single family dwellings units. The property considered for rezoning is located on the southeast side of the intersection of South Sixth Street and East Johnston Street. The property is further identified as Johnston County Tax ID#15026060.

SUP-21-03 Bonnie Godwin: The applicant is seeking a special use permit to allow for a single-family residential dwelling within a OI (Office & Institutional) zoning district. The property considered for approval is located on the north side of Wilkins Street approximately 175 feet east of its intersection with North Seventh Street and further identified as Johnston County Tax ID# 15010038.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at www.smithfield-nc.com.

Run Legal ad in the Johnstonian News on March 17, 2021 and March 24, 2021.



Planning Department Development Report

Tuesday, March 23, 2021

Project Name: **Courtyard Cabins at White Swan**
 Request: Motor Lodge Cabin Units
 Location 3158 South Brightleaf Boulevard
 Tax ID#: 15J10061F PIN#: 168207-59-4298
 Project Status Scheduled for Public Hearing
 Notes: PB recommended approval

Conditional Zoning 2021-01	
Submittal Date:	2/5/2021
Planning Board Review:	3/4/2021
Board of Adjustment Review:	
Town Council Hearing Date:	4/6/2021
Approval Date:	

Project Name: **Scooter's Coffee**
 Request: Restaurant
 Location 721 North Brightleaf Boulevard
 Tax ID#: 15004024C PIN#: 169416-93-4124
 Project Status Scheduled for Public Hearing
 Notes: PB recommended approval

Special Use 2021-01	
Submittal Date:	2/5/2021
Planning Board Review:	3/4/2021
Board of Adjustment Review:	
Town Council Hearing Date:	4/6/2021
Approval Date:	

Project Name: **Samet Corporation**
 Request: Major Subdivision Approval
 Location US 70 Bus Wes Highway
 Tax ID#: 15078012 PIN#: 168500-73-3381
 Project Status In First Review
 Notes: Withdrawn

Subdivision 2021-01	
Submittal Date:	2/5/2021
Planning Board Review:	3/4/2021
Board of Adjustment Review:	
Town Council Hearing Date:	4/6/2021
Approval Date:	

Project Name: **Town of Smithfield**
 Request: Amends Art 6.6 to allow Pharmaceuticals in the LI district
 Location
 Tax ID#: PIN#:
 Project Status Scheduled for Public Hearing
 Notes: PB recommended approval

Text Amendment 2021-02	
Submittal Date:	2/5/2021
Planning Board Review:	2/4/2021
Board of Adjustment Review:	
Town Council Hearing Date:	4/6/2021
Approval Date:	

Project Name: **East River Phases 6 & 7**
 Request: 61 Unit Townhouse Complex
 Location 1900 Buffalo Road
 Tax ID#: 14075015X PIN#: 169520-90-2199
 Project Status Scheduled for Public Hearing
 Notes: PB recommended approval

Special Use 2022-02	
Submittal Date:	2/5/2021
Planning Board Review:	3/4/2021
Board of Adjustment Review:	
Town Council Hearing Date:	4/6/2021
Approval Date:	

Project Name: **Town of Smithfield**
 Request: Amends Articles 2, 8, 9, 10, and Appendix A
 Location
 Tax ID#: PIN:
 Project Status In First Review
 Notes: PB recommends approval. Not yet heard by TC

Text Amendment 2020-03	
Submittal Date:	11/5/2020
Planning Board Review:	12/3/2020
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	

Project Name: **Historic Smithfield Foundation**
 Request: Variance to front building setback for Freedman House
 Location 308 North Fourth Street
 Tax ID#: 15013053 PIN#: 169419-52-6462
 Project Status Approved
 Notes: Under construction

BOA 2020-06	
Submittal Date:	8/27/2020
Planning Board Review:	
Board of Adjustment Review:	9/24/2020
Town Council Hearing Date:	
Approval Date:	9/24/2020

Project Name: **Johnston Health Services**
 Request: 5,370 Sq ft addition to Hospital Complex
 Location 512 North Brightleaf Boulevard
 Tax ID#: 15010058 PIN#: 169416-82-0969
 Project Status
 Notes: Construction no yet begun

Site Plan 0202-09	
Submittal Date:	8/24/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	9/4/2020

Project Name: **Ambit Plumbing**
Request: Contractor with outdoor storage
Location 100 Rock Pillar Road
Tax ID#: 5J08017E PIN#: 167500-94-9799
Project Status **Approved**
Notes: Under Construction

Site Plan 2020-08
Submittal Date: 8/11/2020
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 10/16/2020

Project Name: **Daycare Center**
Request: Daycare Center @ existing place of worship
Location 720 Second Avenue
Tax ID#: 15066010 PIN#: 169311-57-2189
Project Status **First Review Complete**
Notes: Construction no yet begun

Special Use 2020-09
Submittal Date: 7/3/2020
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date: 9/1/2020
Approval Date: 9/1/2020

Project Name: **Twin Oaks Subdivision**
Request: 20 lot subdivision
Location Will Drive
Tax ID#: 15J11008M PIN#: 260300-46-0287
Project Status **Approved**
Notes: Construction plans not yet approved

Subdivision 2020-02
Submittal Date: 6/5/2020
Planning Board Review: 7/9/2020
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 8/4/2020

Project Name: **Smithfield Living Facility**
Request: 83 Unit Assisted Living Facility
Location Kellie Drive
Tax ID#: 14075022D PIN#: 260405-09-8645
Project Status **Approved**
Notes: Construction not yet begun

Site Plan 2020-07
Submittal Date: 6/5/2020
Planning Board Review:
Board of Adjustment Review:
Town Council Hearing Date:
Approval Date: 9/10/2020

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 **Approved**
Notes: Under Construction

Site Plan 2020-06	
Submittal Date:	5/19/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	8/24/2020

Project Name: **Tru Hotel**
Request: 4 Story Hotel
Location 167 South Equity Drive
Tax ID#: 15008046c PIN#: 260417-10-4438
Project Status **Approved**
Notes: Under Construction

Site Plan 2020-04	
Submittal Date:	4/29/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/1/2020

Project Name: **Johnston County Detention Center**
Request: Site Plan Approval
Location 1071 Yelverton Grov Road
Tax ID#: 15L11011 PIN#: 260300-67-6920
Project Status **Approved**
Notes: Under Construction

Site Plan 2020-02	
Submittal Date:	2/7/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	7/14/2020

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: All lots permitted for new home construction

Subdivision 2018-01	
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 826 North Brightleaf Boulevard
Tax ID#: 15005038 PIN#: 260413-02-5950
Project Status **Approved**
Notes: Under Construction

Site Plan 2020-01	
Submittal Date:	1/7/2020
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/24/2020

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

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

Project Name: **Kamdon Ranch**
Request: 110 Lot Division
Location Swift Creek Road
Tax ID#: 15108020 PIN#: 167400-55-9495
Project Status **Approved**
Notes: News homes being permitted. 11 total for March 2021

Subdivision 2019-02	
Submittal Date:	4/5/2019
Planning Board Review:	
Board of Adjustment Review:	
Town Council Hearing Date:	
Approval Date:	6/27/2019

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: Built Out

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



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

Permit Issued for February 2021

			Permit Fees	Permits Issued
Zoning	Land Use		\$850.00	9
Site Plan	Minor Site Plan		\$50.00	2
Zoning	Sign		\$300.00	6
Report Period Total:			\$1,200.00	17
Fiscal YTD Total:			\$12,800.00	206

Z21-000016	Zoning	Land Use	Microwave Dish Addition	2491 US 70 Business Highway
Z21-000019	Zoning	Land Use	Cottle Farms	724 N Brightleaf Blvd
Z21-000023	Zoning	Sign	General's Shake Shak	1025 Outlet Center Dr
Z21-000025	Zoning	Sign	Investors Title Insurance	210 E Church Street
SP21-000016	Site Plan	Minor Site Plan	Single Family Dwelling	282 Sunfish St
Z21-000013	Zoning	Land Use	Signature Spas Platinum	1025 Outlet Center Dr
Z21-000014	Zoning	Sign	Johnston County Public Health	517 N Brightleaf Blvd
Z21-000015	Zoning	Sign	Auto Zone	721 N Brightleaf Blvd
Z21-000017	Zoning	Land Use	Beverage Destruction Service	3175 S Brightleaf Blvd
Z21-000018	Zoning	Land Use	A&G Professional Framing, LLC	1559 Booker Dairy Rd
Z21-000020	Zoning	Land Use	Lee Jewelry and Cell Phone	1025 Outlet Center Dr
Z21-000021	Zoning	Land Use	Mart & Smoke Shop	136 S Third St
SP21-000017	Site Plan	Minor Site Plan	Two Family Dwelling Addition	316 Stancil St
Z21-000022	Zoning	Land Use	Pretty My Party	1025 Outlet Center Dr
Z21-000024	Zoning	Sign	Quick Print Solutions	712 N Brightleaf Blvd
Z21-000026	Zoning	Sign	Hollywood Nails	721 N Brightleaf Blvd
Z21-000027	Zoning	Land Use	SFD Modification	216 N Second St