



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, May 5, 2022

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

PLANNING BOARD

REGULAR MEETING AGENDA

MAY 5, 2022 MEETING TIME: 6:00 PM

TOWN HALL COUNCIL CHAMBERS

Call to Order.

Identify voting members.

Approval of the agenda.

Approval of the minutes for April 7, 2022.

New Business.

RZ-22-03 Wood & Warrick: The applicants are requesting to rezone three parcels of land totaling approximately 42.1 acres from the R-20A (Residential-Agricultural) and B-3 (Business) zoning districts to the LI (Light Industrial) zoning district. The properties considered for rezoning are located on the northeast side of the intersection Barbour Road and US Hwy 70 West Smithfield. The properties are further identified as Johnston County Tax ID# 15079004, 15079004A and 15079006.

RZ-22-04 TLC Estates, LLC: The applicant is requesting to rezone .48 acres of land from the R-20A (Residential-Agricultural) zoning district to the R-8 (Residential) zoning district. The property considered for rezoning is located on the east side of Buffalo Road approximately 480 feet south of its intersection with Holland Drive and further identified as Johnston County Tax ID# 14A03004.

CZ-22-02 Woodleaf: The applicant is requesting to rezone 491.2 -acres of land from R-20A zoning district to R-8 CZ zoning district with a master plan for a planned development consisting of 490 detached single-family lots, 691 attached single-family townhome lots, a 564 unit 3-story multifamily development and a 260-unit four-story multifamily development. The properties are located on Mallard Road between its intersections with Brogden Road and US 70 Business East and further identified as Johnston County Tax ID# 15K11019D, 15K11019F, 15L11043, 15K11017, 15K11047C, 15K11047F, 15K11047, 15L11042B

S-22-03 Whitley Towns: J&J Flowers Finch Inc. is requesting preliminary subdivision approval for the construction of a 70 unit single-family attached townhome development. The properties considered for approval are located on the northeast side of West Market Street approximately 300 feet southeast of its intersection with Britt Street. The properties are further identified as Johnston County Tax ID# 15084001 and a portion of 15084003A.

Old Business.

Public Comment.

Adjournment.

**Town of Smithfield
Planning Board Minutes
Thursday, April 7, 2022
Town Hall Council Chambers
6:00 PM**

Members Present:

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

Members Absent:

Alisa Bizzell

Staff Present:

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

Staff Absent:

CALL TO ORDER

APPROVAL OF AGENDA

Doris Wallace made a motion to approve the agenda, seconded by Mark Lane. Unanimously approved.

APPROVAL OF MINUTES FOR MARCH 3rd, 2022

Doris Wallace made a motion to approve the minutes, seconded by. Unanimously approved.

NEW BUSINESS

RZ-22-01 Roger Stanley: The applicant is requesting to rezone .35 acres of land from the B-3 (Business) zoning district to the R-8 (Residential) zoning district. The properties considered for rezoning are located on the west side of East Edgerton Street approximately 360 feet south of its intersection with North Brightleaf Boulevard. The properties are further identified as Johnston County Tax ID# 15006008, 15099030 and a portion of 15006006 and 15006004.

Stephen Wensman stated that Roger Stanley is requesting the rezoning of two properties and a portion of a third from B-3 Highway, Entranceway Business to R-8 Single, Two and Multi-family Residential representing 16,000 sq. ft in area. Roger is planning for an expansion of the car dealership and would like to move the detached single-family home from the dealership property to a vacant property he owns. The current zoning does not allow detached single-family residential so a rezoning to R-8 is being requested to facilitate the moving of the house. The R-8 district would allow detached single family uses. Roger is also requesting the rezoning of the property which has an existing home on it to make it a conforming lot. He is requesting the rezoning of a portion of both properties 1 & 2 3,000 and 550 sq. ft. respectively, then recombine the rezoned land into two 70' wide, 8,000 sq. ft. R-8 lots. The rezoning

would facilitate the removal of a non-conforming residential use from the B-3 zoning district, however there are other issues to consider:

Spot Zoning. Rezoning of only two residential lots would be considered a spot zoning. Although spot zoning is not illegal, it must be reasonable and in the public interest. Considerations should include:

- Physical characteristics that make is more suitable for residential (utilities, topography, soils, etc.).
- Relationship to comprehensive plan designation.
- Is the rezoning in harmony with the legitimate expectations of neighbors.
- What is the implication for future development on surrounding parcels.

Staff does not believe the rezoning is reasonable or in the public interest.

Existing Nonconforming/Lot Recombination. The lots requested for rezoning do not meet the R-8 dimensional requirements, lot width and size. The applicant plans to recombine the property after the rezoning to make them conform dimensionally.

Lot Frontage. The vacant lot (property #4) being proposed to receive the moved single-family home lacks public street frontage. That segment of East Edgerton is a private driveway serving the warehouse buildings and the Town cemetery.

Non-conformity to remain. If rezoned to R-8, the existing house on property #3 will not meet the 30' front yard setback requirement. The house setback approximately 24' from East Edgerton right-of-way.

Comprehensive Plan Guidance. The Comprehensive Growth Management Plan guides these properties for commercial uses.

CONSISTENCY STATEMENT (Staff Opinion):

With a rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is or is not consistent with adopted comprehensive plan and other applicable adopted plans and whether the action is or is not reasonable and in the public interest. Planning Staff considers the action to be inconsistent and not reasonable nor in the public interest:

- **Consistency with the Comprehensive Growth Management Plan** -The rezoning is not consistent with the Comprehensive Growth Management Plan. The Plan guides the property for Commercial.

- **Consistency with the Unified Development Code** – The existing property proposed for rezoning do not meet the R-8 District standards. The owner intends to recombine the lots after approval of the rezoning to make them conforming dimensionally; however, UDO requires developed lots to have frontage on a public or private street. The property planned to receive the single-family home has no street frontage meeting UDO requirements.

- **Compatibility with Surrounding Land Uses** - The property considered for rezoning will be incompatible with the commercial land uses surrounding the parcels.

Mark Lane asked if the house presently located on lot 3 was occupied?

Stephen Wensman said yes, it is.

Mark Lane asked if the house to be moved was occupied?

Stephen Wensman said he didn't know the current status of that.

Mark Lane asked where the street legally stops?

Stephen Wensman said it's where lot 4 begins, you can see a white line on the pavement at Edgerton Street.

Sloan Stevens asked if these homes were in non-conformity as they are zoned now?

Stephen Wensman said yes, they are single-family lots in a B-3 district, which is a non-conformity.

Sloan Stevens asked if the public road extended, would it help the situation.

Stephen Wensman said if the road frontage extended it would be more in compliance with the UDO.

Debbie Howard asked what size the lot currently was.

Stephen Wensman said he believes it is 50 feet wide.

Debbie Howard said looking at the yellow house, it doesn't look like it would fit on the lot and meet the setbacks on the sides.

Paul Embler of 11 Kentwood Drive, Smithfield came forward to represent the applicant. He gave some history on the property from years back. The house closest to Hwy 301 which is the one to be relocated has had improvements made to it such as a new roof and interior improvements. They are proposing to leave the house furthest away from Hwy 301 where it is. The property owner wants to clean up the front side of the property, therefore he can make improvements to the car lot, build a showroom and a garage. The proposed lot where the yellow house is, will have partial frontage. It will probably be 35 to 40 'max. There will be some road frontage on that lot so some driveway access could get to Edgerton St.

Stephen Wensman said if the current lot is 50', then you're wanting to add 20' to make it legal not 35' to 40'. He has been looking for the easement for Edgerton Street but hasn't been able to locate it. He doesn't know if it was ever recorded properly.

Mark Lane said if Mr. Stanley does what he proposes, does the road frontage become a non-issue?

Stephen Wensman said he can get a driveway if he puts it on the 20' but the lot will still be nonconforming because it doesn't have 70' of road frontage.

Mark Lane made a motion to recommend approval of zoning map amendment, RZ-22-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Ashley Spain.

Approved by Sloan Stevens and Debbie Howard (Denied by Doris Wallace and Michael Johnson). Motion passed.

RZ-22-02 Henry Howley: The applicant is requesting to rezone a 1.73-acre tract of land from the B-2 (Business) zoning district to the R-20A (Residential-Agricultural) zoning district. The property considered for rezoning is located on the northeast side of the intersection of NC Hwy 210 and Swift Creek Rd and further identified as Johnston County Tax ID# 15I09015M.

Mark Helmer stated that Henry Howler is requesting the rezoning of his property located at 2222 NC Highway 210 from B-2 General Business to R-20A Residential-Agriculture. The property to be rezoned is located at 2222 NC Highway 210 which is located at the northeast corner of NC Highway 210 and Swift Creek Road. The property was zoned to B-2 many years ago. According to the applicant, the property is only being used for residential. The applicant wishes to rezone the property back to residential.

ANALYSIS:

- The proposed rezoning is consistent with the Comprehensive Growth Management Plan guides this property for rural residential uses.
- The proposed rezoning will have no impact on the non-conforming second dwelling on the property.
- The property exceeds the minimum requirements of the R-20A zoning district.

CONSISTENCY STATEMENT (Staff Opinion):

With a rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and whether the action is reasonable and in the public interest. Planning Staff considers the action to be consistent, reasonable and in the public interest:

- **Consistency with the Comprehensive Growth Management Plan** -The rezoning is consistent with the Comprehensive Growth Management Plan.
- **Consistency with the Unified Development Code** – The property exceeds the minimum requirements of the R-20A District standards. The rezoning will have no impact on the existing non-conforming secondary dwelling that exists on the property.
- **Compatibility with Surrounding Land Uses** - The property considered for rezoning will be compatible with the surrounding land uses. The properties use will not change.

Debbie Howard made a motion to recommend approval of zoning map amendment, RZ-22-02, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Doris Wallace. Unanimously approved.

S-22-02 Floyds Landing: The CE Group is requesting preliminary subdivision approval for a 199.8-acre tract of land located within an R-8 CZ (Residential Conditional Zoning) district for the construction of a 698-unit residential development. The properties considered for approval are located on the west side of US Highway 70 Business West approximately 300 feet northwest of its intersection with South Rodgers Drive. The properties are further identified as Johnston County Tax ID# 15079014 15078012B and a portion of Johnston County Tax ID#15078012, 15077035C and 15077035H.

Stephen Wensman stated that CE Group Inc. is requesting a preliminary subdivision of 199.8-acres into 89 detached single-family residential lots and 220 single-family attached townhouse lots. The property

was rezoned to R-8 CZ with a master plan for the Floyds Landing development on 09/27/21 by the Town Council. The preliminary plat is consistent with the approved master plan with one significant change:

- Since approval of the masterplan with the rezoning to R-8 CZ, NCDOT has finalized its design for US 70 Hwy Business as it pertains to Floyd Landing and Amazon. There will be a semi-truck turnaround constructed in the location of the planned northern entrance of the Floyd Landing development. As a result, the northern Floyd Landing entrance has shifted to the south in a location where there is no break in the highway median. This entrance is not a right-in/right-out. Furthermore, the move of the entrance has resulted in a long cul-de-sac with 71 single family homes.
- The berm and buffering behind Lots 13-16 in phase 1 will be reduced in size accordingly. The applicant plans to increase the plantings in this area.

FINDING OF FACT (STAFF OPINION):

To approve a preliminary plat, the Town Council shall make the following finding (staff’s opinion in Bold/Italic):

1. The plat is consistent with the adopted plans and policies of the town; The plat is consistent with the adopted plans and policies of the town.
2. The plat complies with all applicable requirements of this ordinance; The plan complies with all applicable requirements of this ordinance and the R-8 Conditional Zoning Master Plan
3. There exists adequate infrastructure (transportation and utilities) to support the plat as proposed. There is adequate infrastructure for the phased development.
4. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

Planning Staff recommends the Planning Board recommend approval of S-22-02 with the following conditions:

That the development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the following deviations:

Item	R-8 CZ
SF Min. lot size	5,175 sq. ft. (.12 ac.)
SF Min. lot width	45 feet
SF Min. front setback	20 feet
SF Min. Side Setback	5 feet
SF Min Rear Setback	20 feet
TH Min Rear Setback	10 feet
Max. Bldg. Height	50 feet (3 story apartments)
Building Separation	30’ building separation
Townhouse Streets	27’ wide back-to-back with 3’ utility strips in 50’ R/W
Single Family Streets	31’ wide back-to-back
Sidewalks	8’ trail along US Hwy 70 Bus.
Multi-family storage Spaces	

2. That trash and recycling roll off containers in the townhouse areas be stored within the garages or in the rear yards.
3. Decorative Street lighting and decorative street signs be provided by the development throughout the site.
4. Provide subdivision signs made from robust material with landscaping equal to the area of the sign at all entrances into the development.
5. Provide a complete landscape and buffering plan.
6. All land held in common ownership that is adjacent to a public right-of-way shall be planted with a minimum of 2 shade trees per 100 feet linear feet of road frontage. These trees shall be planted adjacent to and outside of the public right-of-way and shall be maintained by the HOA.
7. That additional opaque tree and shrub plantings be provided behind the truck turnaround with phase
8. The required landscaping berms and fencing shall be installed with each phase of the development.
9. Public right-of-way serving the townhouse portion of the development be posted a no parking zone.
10. That the parking lot entrances be constructed in accordance with the town's standard driveway apron detail.
11. That the commercial area open space be deed restricted such that no commercial development can occur in the open space.
12. That park dedication fees in lieu be paid prior to recording the final plat in accordance with the UDO Section 10.114.8.

Debbie Howard made a motion to recommend approval of zoning map amendment, S-22-02, with 15-conditions based on the finding of fact for preliminary subdivision, seconded by Ashley Spain. Unanimously approved.

Joe Faulkner of 301 Glenwood Avenue, Suite 220 Raleigh, NC 27603 came forward. He was present on behalf of CE Group, Inc. He stated where the buffer is being reduced, the house lot will sit lower by 5 or 6 feet than the roadway. They will add a weave to the sidewalk so it's not a straight shot and the berm will be weaved too.

Mark Lane asked when the group would like to break ground.

Mr. Faulkner said this Fall.

Cindy Smith 306 S. Rogers Drive, Smithfield came forward. She expressed her concerns for this development coming into her backyard. She loves her quiet peaceful neighborhood and would like to keep it that way. She doesn't want all the noise, traffic and pollution that comes along with such a large development such as this one. She and her husband moved here from up north some years ago to retire. They left the city for the country for a reason.

OLD BUSINESS: Stephen Upton asked the board to express their personal input on why they would like a full-time code enforcement officer.

Sloan Stevens said as the town grows, there are more roofs tops and one part-time code enforcement officer can't handle all of the town.

Mark Lane said we need to also make sure regulations are being followed and it's not being done right now. Tommy can't handle the whole Town on his own.

Adjournment

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

Respectfully Submitted,

A handwritten signature in black ink that reads "Julie Edmonds". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Julie Edmonds
Administrative Support Specialist



Request for Planning Board Action

Agenda
Item: RZ-22-03
Date: 05/05/22

Subject: Zoning Map Amendment
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Public meeting

Issue Statement

Ann Wood and Sue Warrick are requesting the rezoning of 3 properties (42.1-acres) in the R-20A - Residential/Agriculture and B-3 - Highway Entranceway Business to LI - Light Industrial.

Financial Impact

None.

Action Needed

The Planning Board is respectfully requested to hold a public meeting to review the rezoning and to make a recommendation to the Town Council to approve or deny the request.

Recommendation

Planning Staff recommends approval of the rezoning RZ-22-03 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, 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 RZ-
Item: 22-03**

REQUEST:

Ann Wood and Sue Warrick are requesting the rezoning of 3 properties (42.1-acres) in the R-20A - Residential/Agriculture and B-3 - Highway Entranceway Business to LI - Light Industrial.

PROPERTY LOCATION:

The properties are located at the intersection of US 70 Business West and Barbour Road.

SITE DATA:

Tax ID# 15079006, 15079004A and 15079004
 Acreage: 42.1-acres
 Present Zoning: R-20A and B-3
 Proposed Zoning: LI
 Existing Use: Residential and Agriculture
 Proposed Use: Light Industrial
 Town/ETJ: ETJ
 Fire District: Wilsons Mills
 School Impacts: None
 Parks and Recreation: None
 Water Provider: Smithfield
 Sewer Provider: Smithfield
 Electric Provider: Duke

EXISTING CONDITIONS/ENVIRONMENTAL:

The property is not located within a floodplain. The property is a mix of open agricultural fields, woodlands with residential homes on the two smaller properties.

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

	Zoning	Existing Land Uses
North	LI	Industrial
South	B-3 and LI	Single-family residential/Industrial
East	LI & R-20A	Single-family residential/Industrial
West	B-3 & LI	Residential/Agriculture

ANALYSIS:

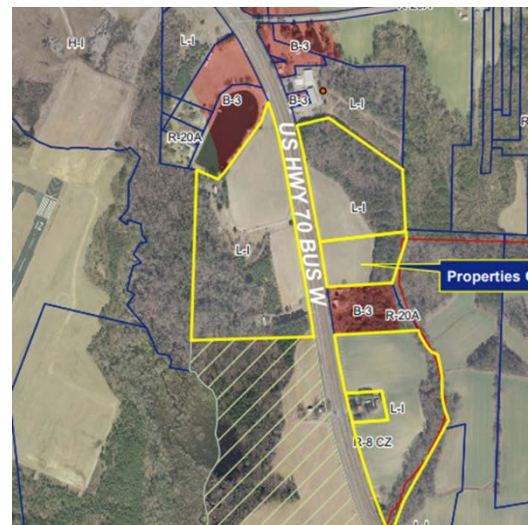
The applicant is requesting the rezoning to be in conformance with the comprehensive plan and to be prepared to market the property. There are no specific industrial uses yet identified for the property.

- **Comprehensive Plan.** The comprehensive plan identifies this property for Industrial/Employment. The rezoning is in accordance with the plan.



- **Other Considerations:**

- The land requested for rezoning is adjacent to existing Light Industrial property
- The land requested for rezoning has frontage on Barbour Road and US Highway 70 Business.
- The area has been transitioning toward industrial land uses with the development of the Amazon facility and recent adjacent rezoning (image to the right).



CONSISTENCY STATEMENT (Staff Opinion):

With approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

- **Consistency with the Comprehensive Growth Management Plan - The Comprehensive Plan guides the area for Industrial/Employment.**

- **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses which are transitioning to Industrial.*

RECOMMENDATION:

Planning Staff recommends approval of RZ-22-03 with a statement declaring the request 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.

RECOMMENDED MOTION:

Staff recommends the following motion:

“move to recommend approval of zoning map amendment, RZ-22-03, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
RZ-22-03**

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

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

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

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

That the final action regarding zoning map amendment RZ-22-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public meeting; and

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

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

That the final action regarding zoning map amendment RZ-22-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



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

REZONING APPLICATION

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

Name of Project: Wood / Warrick Site Acreage of Property: 42.1
 Parcel ID Number: 15079006, 15079004A and 15079004 Tax ID: 15079006, 15079004A and 15079004
 Deed Book: _____ Deed Page(s): _____
 Address: 2475 Barbour Rd Smithfield NC
 Location: 2 lots along US 70 Business West and property located on Barbour Rd

Existing Use: Residential and Agricultural Proposed Use: Residential and Farm until determined
 Existing Zoning District: B3 and R20A
 Requested Zoning District: Light Industrial
 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): Commercial Business

FOR OFFICE USE ONLY

File Number: _____ Date Received: 11-12-2021 Amount Paid: \$ 400.00
CK # 779



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: Wood Warrick Property

Submittal Date: November 10, 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.

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.

Ann U. Wood/Sue U. Warrick
Signature of Owner/Applicant

Ann U. Wood/Sue U. Warrick
Print Name

11/11/21
Date

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Parcel ID Number: _____

US Highway 70 Business West

File Number:
RZ-22-03

Project Name:
Wood-Warrick
Rezoning

Location: US Hwy 70
Business
West Smithfield

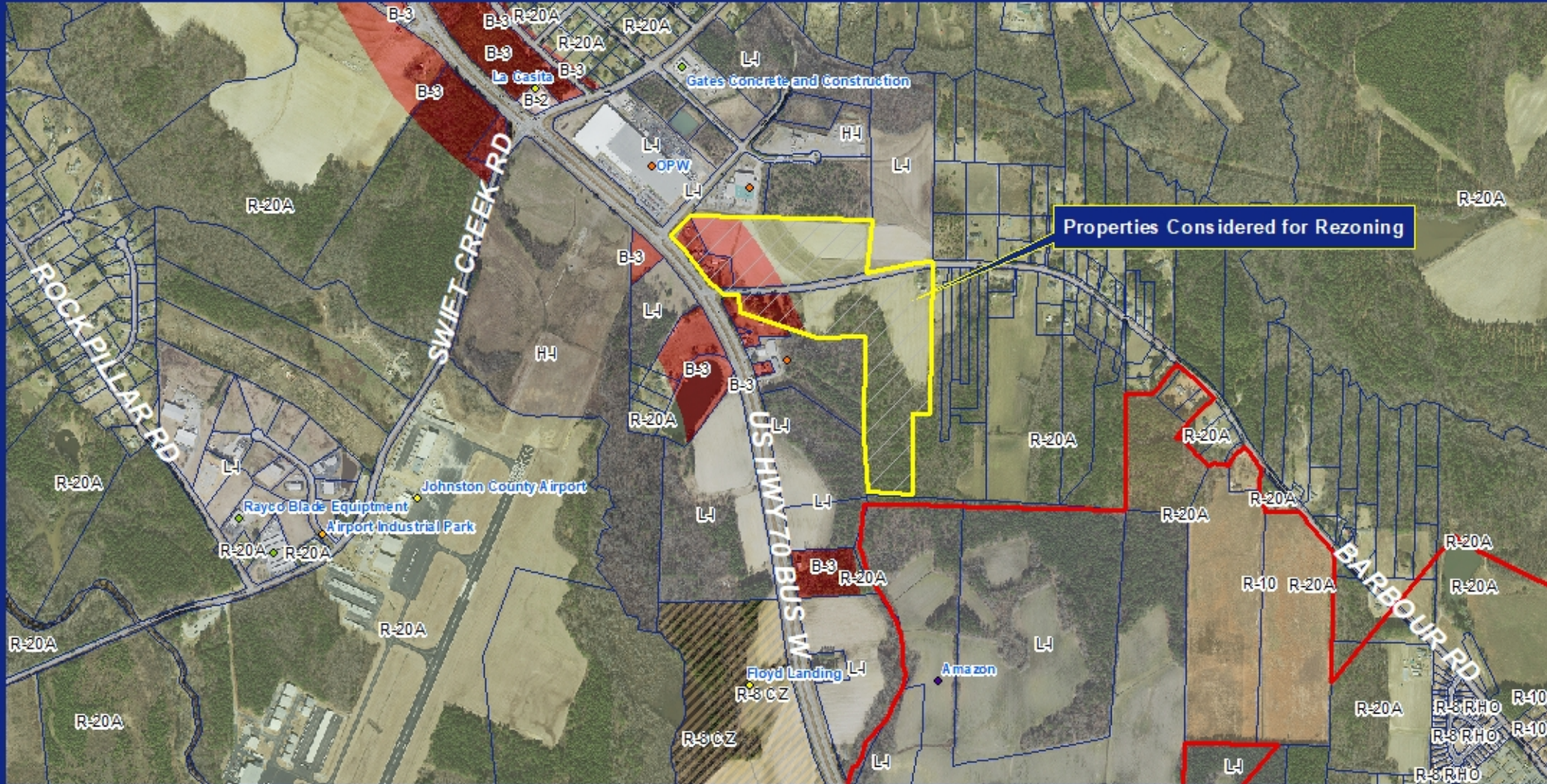
Tax ID#:
15079004, 15079004A
& 15079006

Existing Zoning: B-3 and
R-20A Residential

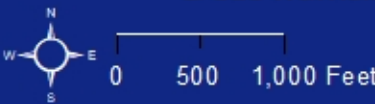
Proposed Zoning:
LI (Light Industrial)

Owner:
Ann Wood
& Sue Warrick

Applicant:
Ann Wood
& Sue Warrick



Properties Considered for Rezoning



Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 4/26/2022

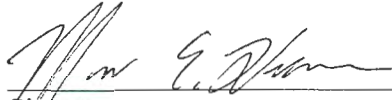


PLANNING DEPARTMENT

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, RZ-22-03, were notified by First Class Mail on 4-20-22.



Signature

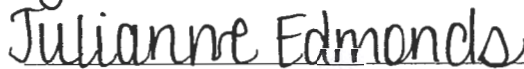
Johnston County, North Carolina

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

20th day of April, 2022



Notary Public Signature



Notary Public Name

My Commission expires on January 15, 2023



Adjacent Property Owners of
RZ-22-03

TAG	PIN	NAME	ADDRESS	CITY	STATE	ZIPCODE
15079001B	168510-37-2383	STAG SMITHFIELD LLC	1 FEDERAL ST 23RD FLOOR	BOSTON	MA	02110-2013
15078022E	168511-56-7670	BELL BENTON, JACQUELYN	6607 WOODSTREAM DRIVE	LANHAM	MD	20706-0000
15078019B	168510-45-2930	PRINCE HOLDINGS LLC	951 CRANBERRY DR	LEWISVILLE	NC	27023-9823
15078019	168510-45-7613	PRINCE HOLDINGS LLC	951 CRANBERRY DR	LEWISVILLE	NC	27023-9823
15078011	168500-63-4559	ASP SMITHFIELD LLC	309 GALLIMORE DAIRY RD STE 102	GREENSBORO	NC	27409-9316
15079005D	168510-47-8027	HIGHWAY 70 QOZB, L.L.C.	442 1/2 E MAIN ST	CLAYTON	NC	27520-2500
15079006B	168511-57-4009	WARRICK, SUE U	145 LITTLE CREEK CHURCH ROAD	CLAYTON	NC	27520-6833
15079004A	168510-36-9314	WOOD, ANN U.	286 LITTLE CREEK CHURCH RD	CLAYTON	NC	27520-6834
15079006	168511-46-9039	WOOD, ANN U.	286 LITTLE CREEK CHURCH RD	CLAYTON	NC	27520-6834
15079004	168510-36-7544	WOOD, ANN U.	286 LITTLE CREEK CHURCH RD	CLAYTON	NC	27520-6834
15078015	168511-55-6774	BELL, EULA MAE LIFE ESTATE	2437 BARBOUR RD	SMITHFIELD	NC	27577-0000
15079005B	168510-47-1066	SCA VENTURES LLC	132 CITATION LN	SMITHFIELD	NC	27577-0000
15078019D	168500-44-7903	JOHNSON, KIMBERLY GOWER	516 S 4TH ST	SMITHFIELD	NC	27577-4454
15078019F	168500-44-7360	JOHNSON, KIMBERLY GOWER	516 S 4TH ST	SMITHFIELD	NC	27577-4454
15079003	168510-36-3467	JOHNSTON COUNTY AIRPORT AUTH	3146 SWIFT CREEK RD	SMITHFIELD	NC	27577-9803
15079005	168510-36-5188	JOHNSTON COUNTY AIRPORT AUTH	3146 SWIFT CREEK RD	SMITHFIELD	NC	27577-9803
15079003A	168510-35-7869	GOWER, STEVEN HOWARD	1707 WINDSOR RD	KINSTON	NC	28504-0000



Request for Planning Board Action

Agenda
Item: RZ-22-04
Date: 05/05/22

Subject: Zoning Map Amendment
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Public meeting

Issue Statement

TLC Estate, LLC is requesting the rezoning of a .48-acre property at 1136 Buffalo Road from R20-A to R-8.

Financial Impact

None.

Action Needed

The Planning Board is respectfully requested to hold a public meeting to review the rezoning and to make a recommendation to the Town Council to approve or deny the request.

Recommendation

Planning Staff recommends approval of the rezoning RZ-22-04 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, 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 RZ-
Item: 22-04

REQUEST:

TLC Estate, LLC is requesting the rezoning of a .47-acre property at 1136 Buffalo Road from R20-A to R-8.

PROPERTY LOCATION:

The properties are located at 1136 Buffalo Road approximately 500 feet south of the Holland Drive/Buffalo Road intersection.

SITE DATA:

Tax ID#	14A03004
Acreage:	0.47
Present Zoning:	R-20A
Proposed Zoning:	R-8
Existing Use:	Residential (2 buildings)
Proposed Use	Residential
Town/ETJ:	Town
Fire District:	Smithfield
School Impacts:	None
Parks and Recreation:	None
Water Provider:	Smithfield
Sewer Provider:	Smithfield
Electric Provider:	Smithfield

EXISTING CONDITIONS/ENVIRONMENTAL:

The property is not located within a floodplain. The property is nonconforming as it has 2 homes on 1 property. The house on the south side of the property is nonconforming because the front setback is approximately 10 feet from the public right-of-way.

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

	Zoning	Existing Land Uses
North	R-20A	Residential
South	R-20 A	Residential
East	R-20A	Vacant - woodland/wetland
West	R-20A	Agriculture

ANALYSIS:

The property is the former location of Harbor House. The property has 2 buildings on it, one that was used for mostly administrative purposes and the other for a domestic abuse shelter. Both structures are habitable from a residential perspective and the property has been vacant for some time. The applicant wishes to rezone the parcel to the R-8 district in order to subdivide into 2 single-family residential lots.

- **Comprehensive Plan.** The comprehensive plan identifies this property for medium density residential. The proposed R-8 zoning is in conformance with the Plan.
- **Non-Conforming.** The property is non-conforming with 2 houses on a single lot. The southernmost building does not meet front setbacks (10' from right-of-way). The rezoning and subsequent lot split will lessen the non-conformities.
- **Spot Zoning.** Rezoning of could be considered a spot zoning. Although spot zoning is not illegal, it must be reasonable and in the public interest. Considerations should include:
 - Physical characteristics that make is more suitable for R-8 (utilities, topography, soils, etc.).
 - Relationship to comprehensive plan designation.
 - Is the rezoning in harmony with the legitimate expectations of neighbors.
 - What is the implication for future development on surrounding parcels?

The rezoning is consistent with the comprehensive plan. The rezoning is in harmony with the legitimate expectations of the neighbors. The rezoning and subsequent lot split would lessen the nonconforming nature of the property and would result in similarly sized residential lots as exist nearby. There is R-8 zoning in the area and future R-8 zoning and development has been considered in the area surrounding the property.

CONSISTENCY STATEMENT (Staff Opinion):

With approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning Staff considers the action to be consistent and reasonable:

- **Consistency with the Comprehensive Growth Management Plan - *The Comprehensive Plan guides the area for medium density residential.***
- **Consistency with the Unified Development Code – *the subsequent minor subdivision of the property will lessen the nonconforming nature of the property.***
- **Compatibility with Surrounding Land Uses - *The property considered for rezoning will be compatible with the surrounding land uses which are transitioning to medium density residential.***

RECOMMENDATION:

Planning Staff recommends approval of RZ-22-04 with a statement declaring the request 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.

RECOMMENDED MOTION:

Staff recommends the following motion:

“move to recommend approval of zoning map amendment, RZ-22-04, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
RZ-22-04**

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

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

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

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

That the final action regarding zoning map amendment RZ-22-04 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public meeting; and

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

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

That the final action regarding zoning map amendment RZ-22-04 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



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

REZONING APPLICATION

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

Name of Project: Sub 1136/1148 Buffalo Acreage of Property: 0.48 acres
 Parcel ID Number: 14A03004 Tax ID: _____
 Deed Book: 1601 / 194 Deed Page(s): _____
 Address: 1136 Buffalo Rd. Smithfield, NC 275
 Location: 35.524002* / -78.336021*

Existing Use: Res Homesite paved Proposed Use: Residential (2 single family houses)
 Existing Zoning District: R-20A
 Requested Zoning District: R-8
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: _____	Date Received: <u>4-5-2022</u>	Amount Paid: <u>\$400.⁰⁰</u>
--------------------	--------------------------------	---

OWNER INFORMATION:

Name: Harbor, Inc.

Mailing Address: 110 Skyland Dr, Smithfield NC 27577

Phone Number: (919) 938-6566

Fax: _____

Email Address: kjohnson@harborshelter.org

APPLICANT INFORMATION:

Applicant: TLC Estate, LLC (Evangeline Raiskaya)

Mailing Address: 237 Swann Trl., Clayton, NC 27527

Phone Number: 347-931-1866

Fax: _____

Contact Person: Evangeline Raiskaya

Email Address: tlc.estate@yahoo.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a rezoning application. This information is required to be present on all plans, except where otherwise noted:

- A map with metes and bounds description of the property proposed for reclassification.
- A list of adjacent property owners.
- A statement of justification.
- Other applicable documentation: _____

STATEMENT OF JUSTIFICATION

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

The applicant (TLC Estate; the buyer) is requesting preliminary subdivision approval to divide a 0.48 acre lot of land into 2 lots. The request is for the 0.48 acre (Parcel ID #: 14A03004) parcel located at 1136 Buffalo Rd, Smithfield NC 27577 (Location: 35.524002* / -78.336021*. The subject property was owned by Harbor Inc, and been used as an office and support services (building 1) and residential facility for shelter's clients serving Johnston County (a two-story Building # 2) Zoning for this parcel on map is R-20A. We are requesting that the subject property be re-zoned as R-8.

There are no wetlands or natural areas being affected and the proposed use is residential, which Is the same as the surrounding properties.

This proposal will not place a burden on roads traffic or utilities since these lots will keep the same structures. (It will be two single family houses on two separate lots)



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: Rezoning to R8 Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to TLC Estate, 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.

Katrusia B. Johnson Katrusia Johnson, Executive Director 03/28/2022
Signature of Owner *Print Name* *Date*

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: _____ Date Received: _____ Parcel ID Number: _____

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.

Evangeline Raiskaya

Print Name

Evangeline Raiskaya

Signature of Applicant

Date

1100 Block of Buffalo Road

File Number:
RZ-22-04

Project Name:
TLC Estate, LLC

Location:
1148 Buffalo Road

Tax ID#:
14A03004

Existing Zoning:
R-20A Residential

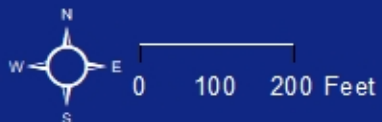
Proposed Zoning:
R-8 (Residential)

Owner:
Harbor, Inc.

Applicant:
TLC Estate, LLC



Property Considered for Rezoning



Adjacent Property Owners of
CZ-22-04

TAG	PIN	NAME	ADDRESS	CITY	STATE	ZIPCODE
14001021	169411-65-0647	PERKINS, GEORGE R. JR.	2075 JUNIPER RD	WEST END	NC	27376
14A03004	169411-76-4262	HARBOR INCORPORATED	PO BOX 1903	SMITHFIELD	NC	27577-0000
14A03005	260412-06-3802	LAMPE, GUY L.	PO BOX 608	SMITHFIELD	NC	27577-0608



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, **RZ-22-04**, were notified by First Class Mail on **4-20-22**.



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

20th day of April, 2022


Notary Public Signature


Notary Public Name

My Commission expires on January 15, 2023





Request for Planning Board Action

Agenda CZ-22-
Item: 02
Date: 5/5/22

Subject: Woodleaf R-8 Conditional Zoning Map Amendment
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Public Meeting

Issue Statement

NRP Ventures LLC is requesting a conditional rezoning of 491.2 -acres of land from R-20A to R-8 CZ with a master plan for a planned development consisting of 490 detached single-family lots, 691 attached single-family townhome lots, a 564 unit 3-story multifamily development and a 260-unit four-story multifamily development.

Financial Impact

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

Action Needed

The Planning Board is respectfully requested to review the conditional rezoning request to and to decide whether to recommend approval, approval with conditions, or denial.

Recommendation

Planning Staff recommends approval of CZ-22-02 with ___ 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
4. Master Plan
5. Traffic Impact Study



Staff Report

Agenda CZ-
Item: 22-02

REQUEST:

NRP Ventures LLC is requesting a conditional rezoning of 491.2 -acres of land from R-20A to R-8 CZ with a master plan for a planned development consisting of 490 detached single-family lots, 691 attached single-family townhome lots, a 564-unit 3-story multifamily development and a 260-unit 4-story multifamily development.

PROPERTY LOCATION:

The property is on both sides of Mallard Road from Old Mallard Road extending about 2-miles east.

APPLICATION DATA:

Applicant: NRP Ventures LLC
 Subdivision Name: Woodleaf
 Parcel ID/Property Owners/Acreage/Owners:

Parcel ID	Acreage	Owner
15K11019D *	55.427 (38.449 acres outside town limits)*	Julian and William Marshall
15K11019F *	44.076 (42.405 acres outside town limits)*	Marshall, Inc.
15L11043	109.253	Kenneth A Talton Trust
15K11017	124.417	William I Talton Revocable Trust and Irene Lee Talton Revocable Trust
15K11047C	5.279	William I Talton Family Estate Trust, Irene Lee Talton, Trustee
15K11047F	39.475	William I Talton Family Estate Trust, Irene Lee Talton, Trustee
15K11047	30.559	William I Talton Revocable Trust and Irene Lee Talton Revocable Trust
15L11042B	83.31	Robert Kent Hill and Karen Hill Crocker
	473.147	

Present Zoning: R-20A
 Proposed Zoning: R-8 CZ
 Existing Use: Residential and farmland
 Proposed Use: Medium density residential
 Fire District: Town of Smithfield
 School Impacts: Many additional students
 Parks and Recreation: Park Dedication Fee in Lieu
 Water and Sewer Provider: Town of Smithfield
 Electric Provider: Duke
 Active/Managed Open Space: 24.5 acres
 Passive/Unmanaged Open Space: 42.3 acres
 New roads: 44,000 lin. feet
 Public R/W: 51 acres
 Development Density: 2,005 units - 4.08 dwelling units./acre

ADJACENT ZONING AND LAND USES:
(see attached map)

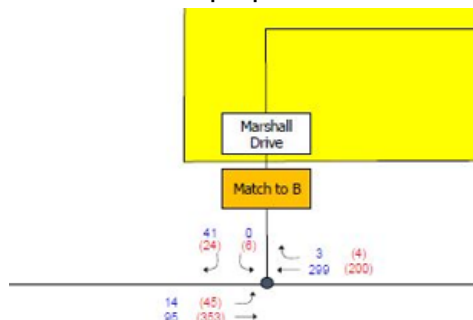
	Zoning	Existing Land Uses
North	R-20A	Rural Residential/Agricultural.
South	R-20A	Rural Residential/Agricultural.
East	R-20A	Rural Residential/Agricultural.
West	R-20A	Rural Residential/Agricultural.

EXISTING CONDITIONS/ENVIRONMENTAL:

The property considered for approval is a mix of residential and agricultural land with woodlands, wetlands and fields. There are also blueline streams present throughout the south side of Mallard Road. A Duke powerline bi-sects the development from east-to-west.

MASTER PLAN/ANALYSIS:

- **Comprehensive Land Use Plan and Density.** The proposed development is not supported by the Town’s Comprehensive Growth Management Plan. The Comprehensive Plan guides the site for low density residential. Approval of the rezoning would be considered an amendment to the Comprehensive Plan.
- **Voluntary Annexation.** The developer has indicated he will be submitting a voluntary annexation petition with the development of the site. If accepted, the annexed land will be a satellite.
- **Site Access and Traffic.** The access to the development will be off of Mallard Road with lateral access to the Green Meadows Subdivision on Marshall Road (20’ wide road with no gutters). The master plan shows 6 intersections onto Mallard Road to serve the development. A traffic impact study was prepared and NCDOT will requiring turn lanes on Mallard Road with the development of the 4 phases. To accommodate NCDOT required improvements on Mallard Road, 0.51 acres of the site will be dedicated to NCDOT right-of-way. Highlights of the TIA include:
 - 2031 Build Traffic Volumes on Marshall Road show 41 trips per hour Peak AM outbound, and 45 trips per hour Peak PM inbound.



- NCDOT required improvements by phase:

Phase 1
Mallard Road / Site Access 2 / Site Access 3
<ul style="list-style-type: none"> ○ Construction of a 50-foot northbound left-turn lane (with appropriate taper) ○ Construction of a 75-foot southbound left-turn lane (with appropriate taper) ○ Construction of a 75-foot southbound right-turn lane (with appropriate taper)
Mallard Road / Site Access 4 / Site Access 5
<ul style="list-style-type: none"> ○ Construction of a 50-foot northbound left-turn lane (with appropriate taper) ○ Construction of a 50-foot southbound left-turn lane (with appropriate taper)
Phase 2
Mallard Road / Site Access 9 / Site Access 10
<ul style="list-style-type: none"> ○ Construction of a 50-foot northbound left-turn lane (with appropriate taper) ○ Construction of a 50-foot southbound left-turn lane (with appropriate taper) ○ Construction of a 50-foot southbound right-turn lane (with appropriate taper)
Mallard Connector Road / US-70 Business
<ul style="list-style-type: none"> ○ Intersection Signalization
Phase 3
Mallard Road / Site Access 13
<ul style="list-style-type: none"> ○ Construction of a 50-foot southbound right-turn lane (with appropriate taper)
Phase 4
Mallard Connector Road / US-70 Business
<ul style="list-style-type: none"> ○ Construction of a 100-foot northbound right-turn lane (with appropriate taper)

- **Streets.** The developer is proposing 27' wide b/b streets in 50' wide public right-of-way throughout the development except at some entrances where there will be divided lanes of traffic with landscape median in 80' wide public right-of-way. The locations of the wider lanes are implied in the master plan, but not specifically labeled.
 - The Town's standard right-of-way width is 60' wide (UDO Section 10.110.9) but 50' wide right-of-way can be approved by the Town Council.
 - The 27' wide b/b streets may be appropriate in some locations, but staff recommends a hierarchy of street widths be determined; where higher traffic streets are wider and short streets and cul-de-sacs be considered for narrower streets.

- There are numerous long stretches of streets that will carry greater traffic and most likely at higher speeds. Staff recommends the developer consider traffic calming measures, but not necessarily speed bumps, to slow traffic.
 - The development provides adequate lateral access to adjacent properties that might develop in the future.
 - There are numerous cul-de-sacs shown on the plans and supported by the Town's standard detail. Several appear elongated without any design detail. Cul-de-sacs such as these often become used as parking lots and should be discouraged. Others appear too short to meet fire code.
 - Street trees are not allowed within the Town's public right-of-way. The Street details should be revised showing the street trees being located adjacent to the right-of-way.
- **Curb and gutter.** The developer is proposing standard B6-12 curb and gutter with the exception of in front of and within 10' of a townhouse where valley curbs are proposed. This is a standard approved with previous planned townhouse developments.
 - **Trails and Sidewalks.** The developer is proposing 5' sidewalks on both sides of each residential street. Sidewalks are also required along Mallard Road frontage. The draft Pedestrian Plan suggests a multi-use trail on the west side of Mallard Road rather than sidewalk. Sidewalks on both sides of local streets within a 50' public right-of-way is extremely narrow and does not adequately allow space for utilities.
 - Staff recommends the developer create a hierarchy of street and right-of-way widths in consideration of traffic volumes, sidewalks, utilities and traffic calming measures.
 - **Utilities.** The proposed development is not possible without public sewer and water. The developer is proposing to construct a large pump station to pump sewer directly to the treatment plant. The developer is also proposing to extend water service to the site and construct a large water tower. In developing the site, the utilities will need to be constructed in both the west and east sides of the development with the first phase. Water is coming from US 70 Business East and sewer utilities need to be built out from the sewer plant and down Brogden Road.

The developer has an option of either the Town of Smithfield electric or Duke Energy. The developer intends to utilize Town electric utilities if it is feasible in the time-frame it is needed. Duke has transmission lines already crossing the site and will be readily able to serve the development in a shorter time-frame than the Town.

- **Open Space and Site Amenities.**
 - There are no public parks dedicated in the development, only private. The current Town's Parks Master Plan does not address future annexation areas in the ETJ.

- Fee in lieu will be required at the equivalent of the appraised value x a rate of 1/57th an acre per # lots in the development (for Woodleaf, approximately \$637,344 or **\$317.88 per lot**). A 40-acre community park land purchase in this area would cost around 725,000. Development of such a park would cost 3-4 x more.
 - The development includes significant passive/unmanaged open space and managed open space. Within the managed open space, the developer proposes:
 - 2 +/- 8,000 sq. ft. club houses with fitness centers, lounges, meeting rooms, fireplaces, and community activity areas. A swimming pool is proposed in the northern most clubhouse within the apartment development area.
 - With the master plan, the developer has shown images of community amenities to be provided with the development which include playground equipment, dog park, gazebo, decorative fencing, shade shelters, and lawn sports. These are not shown on the master plan.
- **Tree Preservation.** A tree preservation plan will be required with the subdivision application.
- **Landscaping and Buffering.** The master plan provides little detail on the proposed landscaping and buffering for the development. The developer is requesting a deviation from the minimum buffer requirements of the UDO.
 - The street details show street trees within the public right-of-way. The Town currently does not permit trees within public rights-of-way. The details will need to be updated to reflect this.
 - Streetyards and Bufferyards are required with multi-family development. Staff does not recommend any waiver from this requirement.
 - Staff recommends a landscaped berm with a decorative fence along Mallard Road where there are double fronted lots and the berm be a minimum of 3' high on average to screen rear yards. In areas without double fronted lots, staff recommends a typical street yard be provided.
 - Staff recommends the developer provide landscaping and buffering as required by the UDO as applicable throughout the remainder of the subdivision.
- **Stormwater Management.** The developer has shown conceptual stormwater control measures (SCMs) throughout the development with maintenance access considered. A stormwater management plan will be required with the development of the site.
- **Trash and Recycling.** The master plan does not address trash and recycling. Multi-family apartments require dumpster screens with the construction plans for the apartments.

- Staff recommends a condition of approval that the HOA declarations require trash and recycling roll-offs be screened from the public right-of-way or stored in garages or rear yards.
- **Subdivision Signs.** Ground mounted subdivisions signs are required features of subdivisions. The master plan does not show where these will go, but the developer provided an image of a typical sign they might construct.
- **Homeowner’s Association.** An HOA will own and maintain the recreation and open space areas and amenities, stormwater facilities, walking trails, landscaping and property maintenance for all residents of the development.
 - The HOA should also manage on-street parking.
 - The HOA declarations need to be submitted for review by the Town Attorney prior to final plat.
- **Development Phasing.** The project is anticipated to be completed in four phases, with the first phase beginning construction in early 2023, and final completion expected in 2028. Different product types will be constructed in each phase spreading out the mixture of uses and bringing with them the needed infrastructure, including roadway, water, sewer, and electrical service, to fully serve each phase as it becomes available.
- **Detached Single-Family Residential.** The applicant is proposing 490 - 50’ wide, 6,000 sq. ft. detached single-family residential lots. The proposed minimum standards are:

	R-8 Zoning	Proposed R-8 CZ
Lot area	8000 sq. ft.	6,000 sq. ft.
Lot width	70 ft.	50 ft.
Front setback	30 ft.	25 ft.
Side setback	10 ft.	5 ft.
Rear setback	25 ft.	15 ft.

Min. unit size	1600 sq. ft.
Garages*	One car
Off-street parking	2 spaces/home

*All the home examples provided show 2-car garages; however, all homes will have at least a 1-car garage.

- No rear yard patio or deck has been proposed. Staff recommends a usable rear deck or patio be included with each unit of at least 120 sq. ft. in size.
- **Townhouses.** The applicant is proposing 691 attached single-family townhouses. In accordance with UDO, townhouses development requires a special use permit. The

conditional zoning is an alternative to the special use permit process. The proposed minimum standards are:

	R-8 Zoning	Proposed R-8 CZ
Lot area	N/A	2,000 sq. ft
Lot width	N/A	20 ft.
Front setback	30 ft.	25 ft.
Building separation	40 ft.	20 ft.
Rear setback	25 ft.	15 ft.

Min. unit size for 2 br/ 2 bath	1,400-1,500 sq. ft.
Min. unit size for 3 br/ 2.5 bath	1,600 sq. ft.
Garages	One car
Off street parking per unit (on lot)	2 spaces/lot
Off-street overflow parking	275
Total Off-street parking per unit*	2.39 spaces/unit

* Overflow parking is not conveniently located for all units. The UDO allows commercial remote parking within 400' of a commercial business – a suitable standard to go by for overflow parking.

* The amount of off-street parking meets the UDO standards, but is less than similar proposed developments recently approved by the Town Council:

Development	Total Off-street Parking per unit
Floyds Landing	2.62 spaces/unit
Marin Woods	3.05 spaces/unit
Harvest Run	3 spaces/unit on lot
Franklin Townes	3.33 spaces/unit

- The developer has provided an elevation and image of a typical townhouse proposed for the development. There are 691 units proposed in over 100 townhouse buildings. Additional architectural styles should be provided of similar quality and character to provide visual interest throughout the development.
- No rear yard patios or decks have been proposed. Staff recommends a usable rear deck or patio be included with each unit of at least 120 sq. ft. in size.
- **Multi-family Apartments.** The developer is proposing 564 units in (22) 3-story apartments and 260 units in (3) 4-story apartments. In accordance with UDO, multi-family development requires a special use permit. The conditional zoning is an alternative to the special use permit process. The proposed minimum standards are:

Min. unit size for 1 br/ 1 bath	750-900 sq. ft.
Min. unit size for 2 br/ 2 bath	1,000-1,200 sq. ft.

Multi-family storage	None
Garages	None
Off street parking per unit	1.5 spaces/1 bedroom and 1.75 spaces /2 bedroom

- the master plan and supporting information for the multi-family apartments is lacking sufficient information to determine if the standards and supplemental standards for multi-family development are being met (UDO Section 8.13 and Section 7.35).
- **Architectural Standards.** The developer has not articulated any architectural standards; rather he has indicated that all unit types, single-family, townhouse and apartments will be comprised of Class A materials.
- **Interior materials.** The interior will be comprised of stainless-steel appliances, granite counter tops, luxury vinyl tile or engineered wood floors.
- **Exterior materials.** The exterior of the buildings will be comprised of hardiplank siding, brick and stucco.
 - No details have been provided for individual front or rear yard walks, patios or landscaping
 - No details have been provided for townhouse end units facades or rear facades.
 - Façade modulations and colors are unknown.
 - Architectural elements and roof line changes are unknown

CONDITIONAL ZONING:

- For the multi-family development, townhouses and apartments, special use permits are required or they can be approved through this conditional zoning process. Multi-family must be developed in accordance with supplementary standards found in the UDO Section 7.35. Regardless the process the same application data is required. In the case of the multi-family development, the key data needed to properly evaluate the development is:
 - Parking.
 - Landscaping.
 - Trash and recycling enclosures and screening.
 - Architectural floor plans and elevations and building materials.
 - Setbacks and other dimensional information.
 - Pedestrian circulation.
 - Recreation areas and amenities (4-story apartments only).

The Woodleaf masterplan and supporting materials are lacking this data, limiting Staff and other's ability to fully review the proposal. The Town Council has the option to approve the rezoning with the master plan, table the master plan and request additional

information, or require a special use permit for the Townhouse and/or apartment developments.

- Requested Deviations from UDO.** The developer is seeking deviations from the UDO as part of the rezoning. 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
Multi-family storage (UDO 7.35.1.3)	24 sq. ft of storage area.	None
Single family minimum lot area (UDO Section 8.3.1)	8,000 sq. ft	6,000 sq. ft.
Single family minimum lot frontage (UDO Section 8.3.1)	70'	50'
Min. front setback for TH and SF (UDO Section 8.3.1)	30 ft	20'
Min. side setback SF (UDO Section 8.3.1)	10'	5'
Min. rear setback SF (UDO Section 8.3.1)	25'	15'
Max. building Height for TH and Apartments (UDO Section	35'	>35' * exact height needed is unknown
Building separation for TH and Apartments (UDO Section)	25'-40' depending on heights	20' for TH and Unknown for Apartments.
Min bufferyard requirements (UDO Section 10.14)	varies according to adjacent use	No min. bufferyard requirement.
Min. local street right-of-way width (10.110.9)	60'	50'
Curb and Gutter (Standard Detail 3.02 D)	B-6-12 curb and gutter	Valley curbs in front of townhouses and within 10' of the end unit.

- Proposed Standards Exceeding UDO Requirements.**
 - Parking at exceeds minimum requirements for townhouses
 - Sidewalks on both sides of subdivision streets.
 - Clubhouses exceed open space/recreation requirements of Section 7.35
 - Class A building materials exceed UDO requirements.

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 development is not consistent with the comprehensive plan. If approved, the Council should acknowledge that the comprehensive plan is hereby amended guiding the property for medium density residential.*
- **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses.*

RECOMMENDATION:

Planning Staff recommends approval of CZ-22-02 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:

Item	R-8/UDO	R-8 CZ
Multi-family storage (UDO 7.35.1.3)	24 sq. ft of storage area.	None
Single family minimum lot area (UDO Section 8.3.1)	8,000 sq. ft	6,000 sq. ft.
Single family minimum lot frontage (UDO Section 8.3.1)	70'	50'
Min. front setback for TH and SF (UDO Section 8.3.1):	30 ft	20' <u>25'</u>
Min. side setback SF (UDO Section 8.3.1):	10'	5'
Min. rear setback SF (UDO Section 8.3.1):	25'	15'
Max. building Height for TH and Apartments (UDO Section	35'	<u>>35' for TH and not to exceed 4-stories for apartments.</u>

Building separation for TH and Apartments (UDO Section)	25'-40' depending on heights	20' for TH and Unknown for Apartments.
Min. bufferyard requirements (UDO Section 10.14)	varies according to adjacent use	No min. bufferyard requirement.
Min. local street right-of-way width (10.110.9)	60'	50'
Curb and Gutter (Standard Detail 3.02 D)	B-6-12 curb and gutter	Valley curbs in front of townhouses and within 10' of the end unit.

2. That the parking lot entrances be constructed in accordance with the town's standard driveway apron detail.
3. That a tree preservation plan be provided that identifies the trees to be preserved.
4. That the trash and recycling roll-off containers in the single family and townhouses units be screened from the public right-of-way or stored within a garage or the rear yards and enforced by the HOA.
5. That the landscape plan be provided meeting minimum requirements of the UDO Part III and include:
 - a. A 3' average height - landscaped berm with decorative fence be provided between Mallard Road and rear property lines where there are double fronted lots.
 - b. A standard street yard or greater shall be along Mallard Road frontage.
 - c. Multi-family apartments shall comply all landscaping and buffering requirements.
 - d. Townhouse (multi-family) shall maintain a Type A buffer or greater from existing single-family detached residential development.
6. A 5' wide public sidewalk shall be provided on the west side of Mallard Road and an 8' wide multi-use trail shall be provided on the east side of Mallard Road. The sidewalks/trails shall be located outside of the ditch within the Mallard Road right-of-way or within a public easement on HOA property adjacent to the Mallard Road right-of-way.
7. The HOA declarations need to be submitted for review by the Town Attorney prior to final plat.
8. That architectural standards be drafted and included in the HOA declarations.
9. That an HOA be responsible for the ownership and maintenance of all common amenities including landscaping and property maintenance for the entire development, the stormwater SCM, parking lots, recreational amenities, and open space, parking enforcement and trash and recycling roll-off storage/screening.

10. That a hierarchy of streets be provided; where higher traffic streets are wider and short streets and cul-de-sacs be considered for narrower streets.
11. That traffic calming measures, but not necessarily speed bumps, to slow traffic be incorporated into the subdivision.
12. That cul-de-sacs be revised to meet the Town's standard details for cul-de-sacs.
13. That the minimum front setback be no less than 25' for townhouses and detached single-family homes.
14. That overflow parking be provided within 400' of each townhouse building.
15. That several additional architectural styles for townhouses be provided of similar quality and character to provide visual interest throughout the development.
16. That all single-family homes and townhomes have rear decks or patios of at least 120 sq. ft. in size.
17. Street trees shall be adjacent to the public right-of-way – the master plan should be update accordingly.
18. A special use permit shall be required for the multi-family developments identified on the conditional zoning master plan.

RECOMMENDED MOTION:

“move to approve the zoning map amendment, CZ-22-02, with the 17 conditions of approval, finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan as amended and other adopted plans, and that the amendment is reasonable and in the public interest.”

Mallard Road and Vicinity

File Number:
CZ-22-02

Project Name:
Woodleaf

Developer:
NRP Ventures

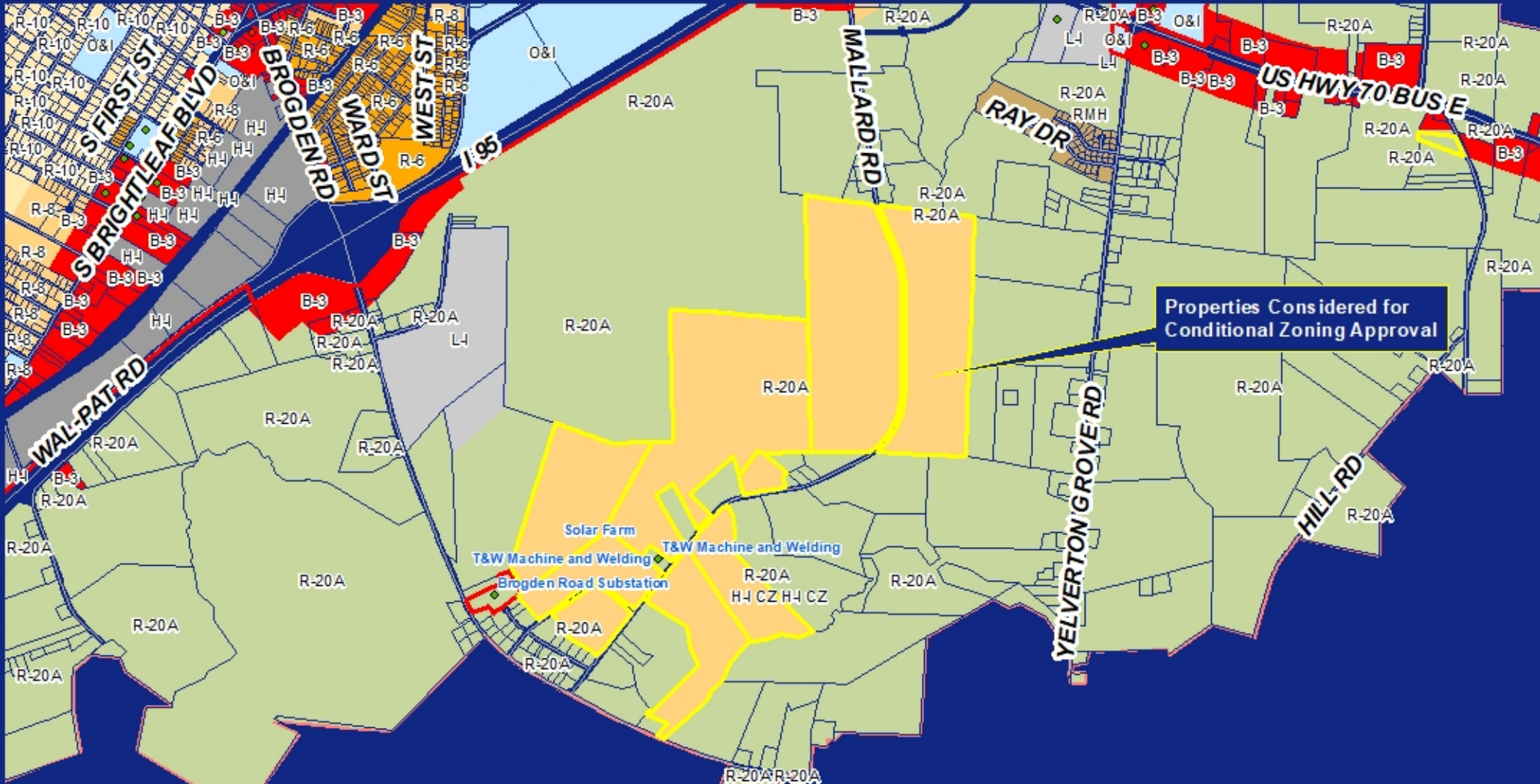
Engineer:
Timmons Group

Location:
Mallard Road

Tax ID#:
15K11047F, 15K11017,
15K11047, 15K11019D,
15L11043, 15L11042B,
15K11047C & 15K11019F

Existing Zoning:
R-20A

Proposed Zoning:
R-8 CZ



Properties Considered for
Conditional Zoning Approval

Map created by
Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 4/27/2022



WOODLEAF

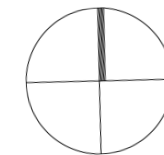
REZONING SUBMITTAL
PREPARED FOR:
TOWN OF SMITHFIELD
APRIL, 2022

ENGINEERING FIRM:
TIMMONS GROUP
5401 TRINITY RD, SUITE 102
RALEIGH | NC 27607



SITE DATA TABLE

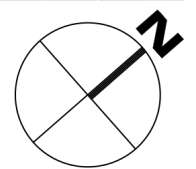
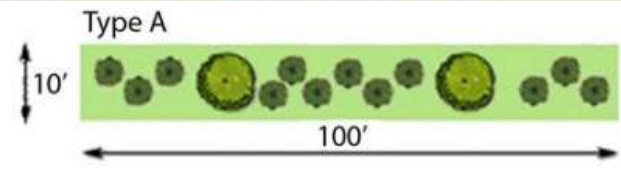
PROJECT:	WOODLEAF
ENGINEER:	TIMMONS GROUP BETH BLACKMON, PE 5410 TRINITY ROAD, STE. 102 RALEIGH, NC 27607 PHONE: (919) 866-4509 FAX: (919) 859-5663 EMAIL: BETH.BLACKMON@TIMMONS.COM
DEVELOPER:	NRP VENTURES, LLC RAY PERKINS 112 WOODLEAF DRIVE CHAPEL HILL, NC 27516 PHONE: (919) 370-1744 EMAIL: RAYP@NRPVENTURESLLC.COM
LAND OWNER:	JULIAN & WILLIAM MARSHALL 837 S BRIGHTLEAF BLVD SMITHFIELD, NC 27577 MARSHALL INC. 837 S BRIGHTLEAF BLVD SMITHFIELD, NC 27577 KENNETH A TALTON TRUST 2750 HWY NORTH SELMA, NC 27576 WILLIAM I TALTON REVOCABLE TRUST & IRENE LEE TALTON REVOCABLE TRUST 1666 MALLARD RD SMITHFIELD, NC 27577 WILLIAM I TALTON FAMILY ESTATE TRUST, IRENE LEE TALTON, TRUSTEE 1666 MALLARD RD SMITHFIELD, NC 27577 ROBERT KENT HILL & KAREN HILL CROCKER 305 SKINNER RD FOUR OAKS, NC 27524
TAX ID:	169300-70-7509, 169202-79-9657, 260300-13-6423, 169300-91-8831, 260300-00-3877, 169202-98-6620, 260200-09-2086, 260300-23-8022
DEED REFERENCE:	DB5452 PG599; DB4373 PG141; DB4374 PG903; DB4342 PG849; DB4342 PG849; DB4374 PG903; DB4865 PG421
TOWNSHIP:	SMITHFIELD
EXISTING ZONING:	R-20A & H-I CZ
CURRENT USE:	VACANT
PROPOSED USE:	MIXED-USE
PROPOSED ZONING:	R-8 CONDITIONAL
TOTAL PROJECT AREA:	491.2 ACRES
PROPOSED DENSITY:	4.08 DU/A
RIVER BASIN:	NEUSE
SURFACE WATER CLASSIFICATION:	C; NSW
WATERSHED:	NONE



COMMUNITY MASTER PLAN

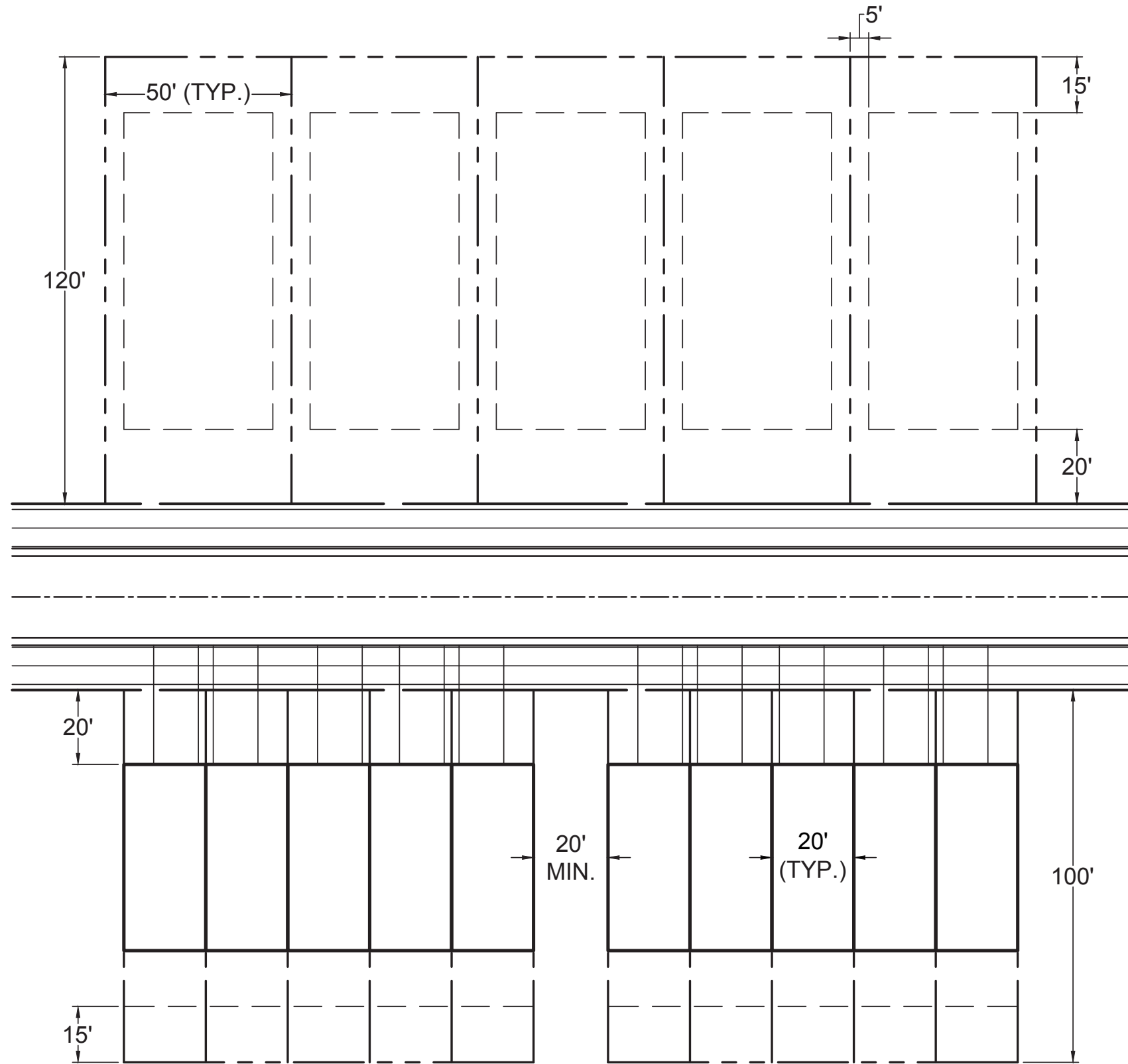


SITE DATA:	
TOTAL AREA	491.2 +/- AC
MULTI-FAMILY (3-STORY) - PARKING	564 2 SP. / UNIT
MULTI-FAMILY (4-STORY) - PARKING	260 2 SP. / UNIT
20' X 100' TOWNHOMES - PARKING	691 2.5 SP. / UNIT
50' X 120' SINGLE FAMILY	490
TOTAL UNITS	2,005
ACTIVE OPEN SPACE REQUIRED (5%)	24.6 +/- AC



SINGLE FAMILY SETBACKS

FRONT	20'
REAR	15'
SIDE	5'
CORNER	15'



TOWNHOME SETBACKS

FRONT	20'
REAR	15'
BUILDING SEPARATION	20'



MULTI-FAMILY ELEVATIONS



5 FRONT ELEVATION
1/8" = 1'-0"

TOWNHOME ELEVATIONS



PLAN 5 - TRADITIONAL

PLAN 1 - CRAFTSMAN

PLAN 3 - FARMHOUSE

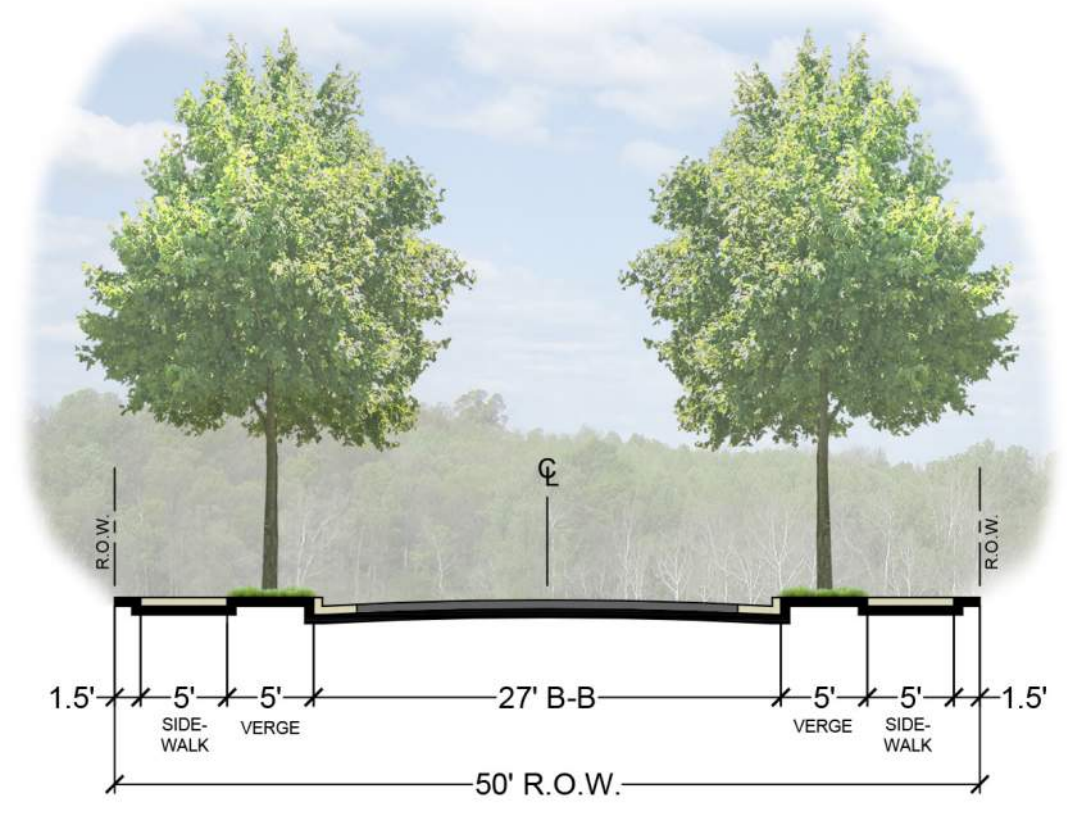


PLAN 6 - CRAFTSMAN

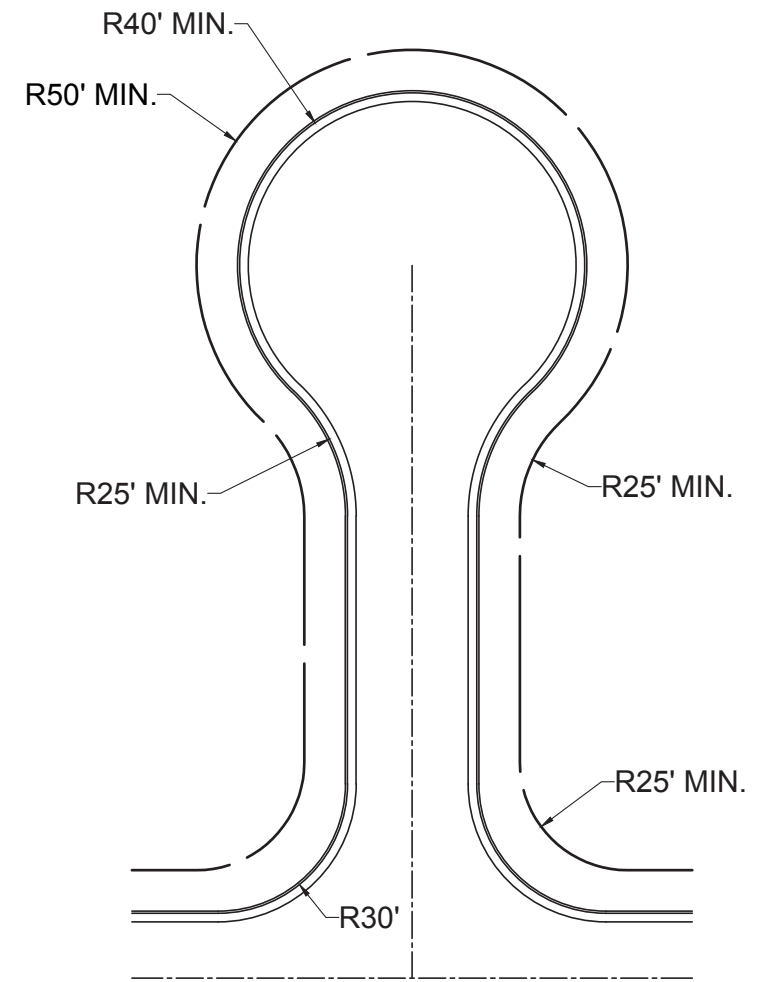
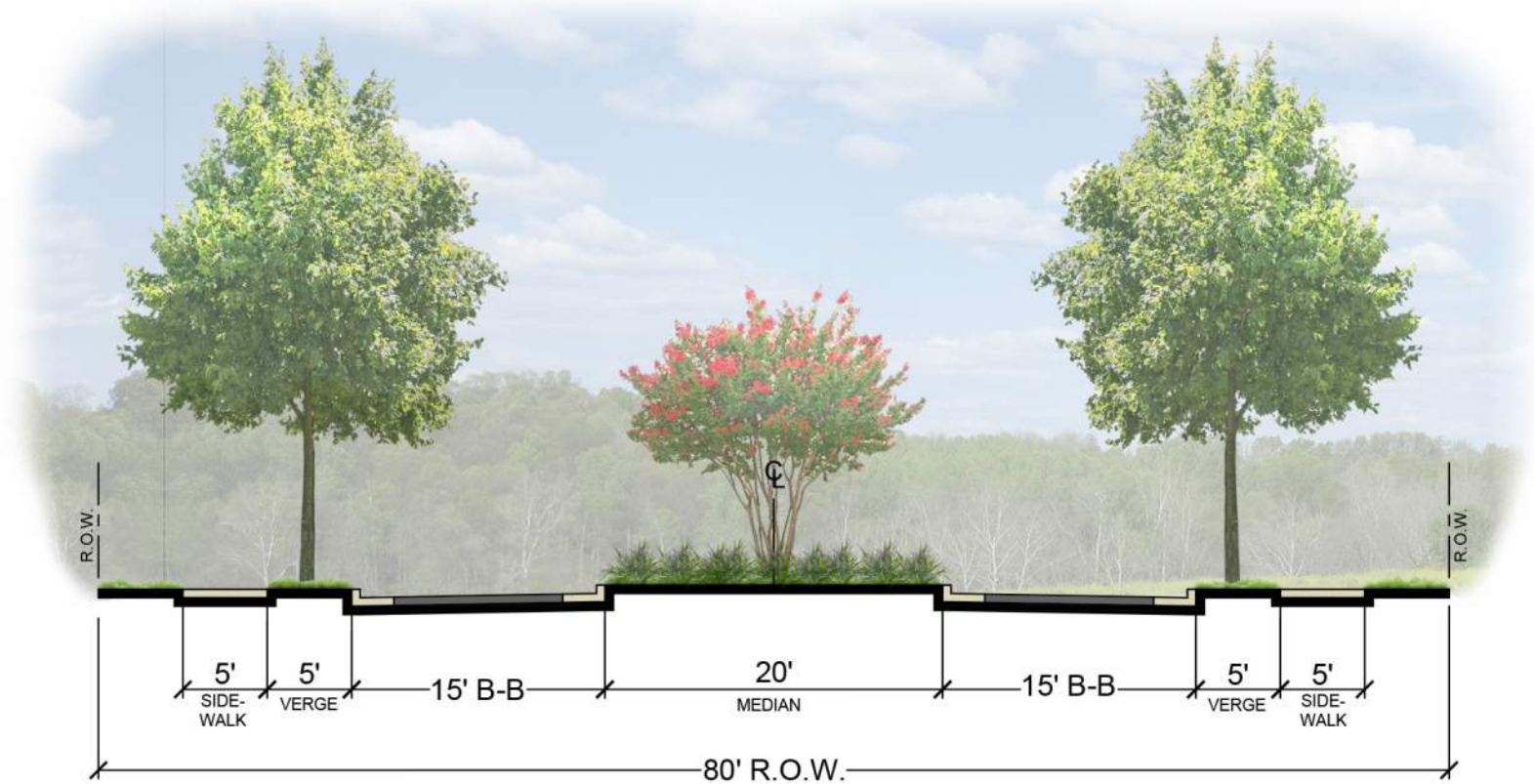
PLAN 2 - FARMHOUSE

PLAN 4 - TRADITIONAL

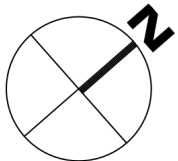
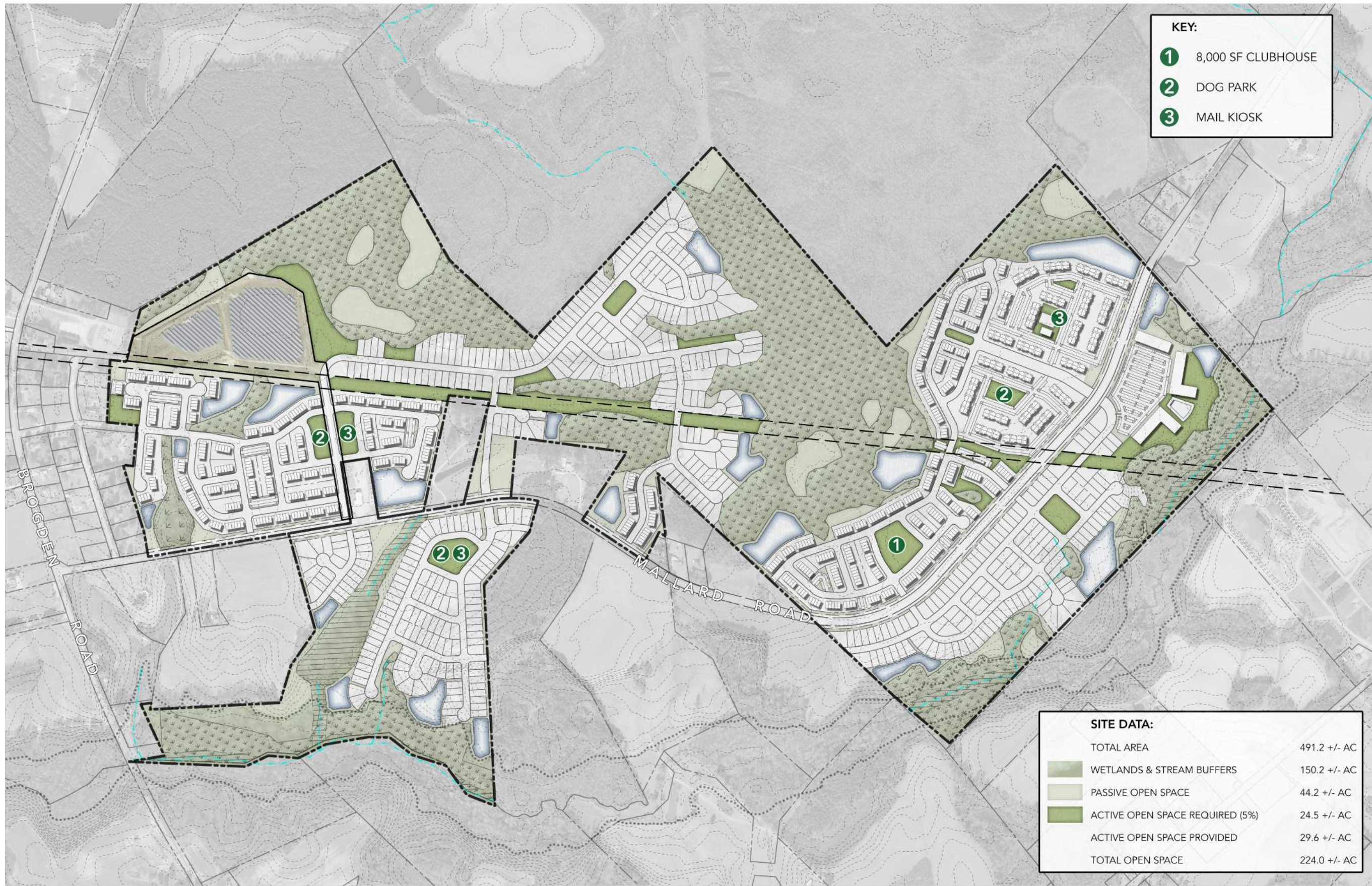
TYPICAL RESIDENTIAL ROAD
NOT TO SCALE



MEDIAN-DIVIDED RESIDENTIAL ROAD
NOT TO SCALE



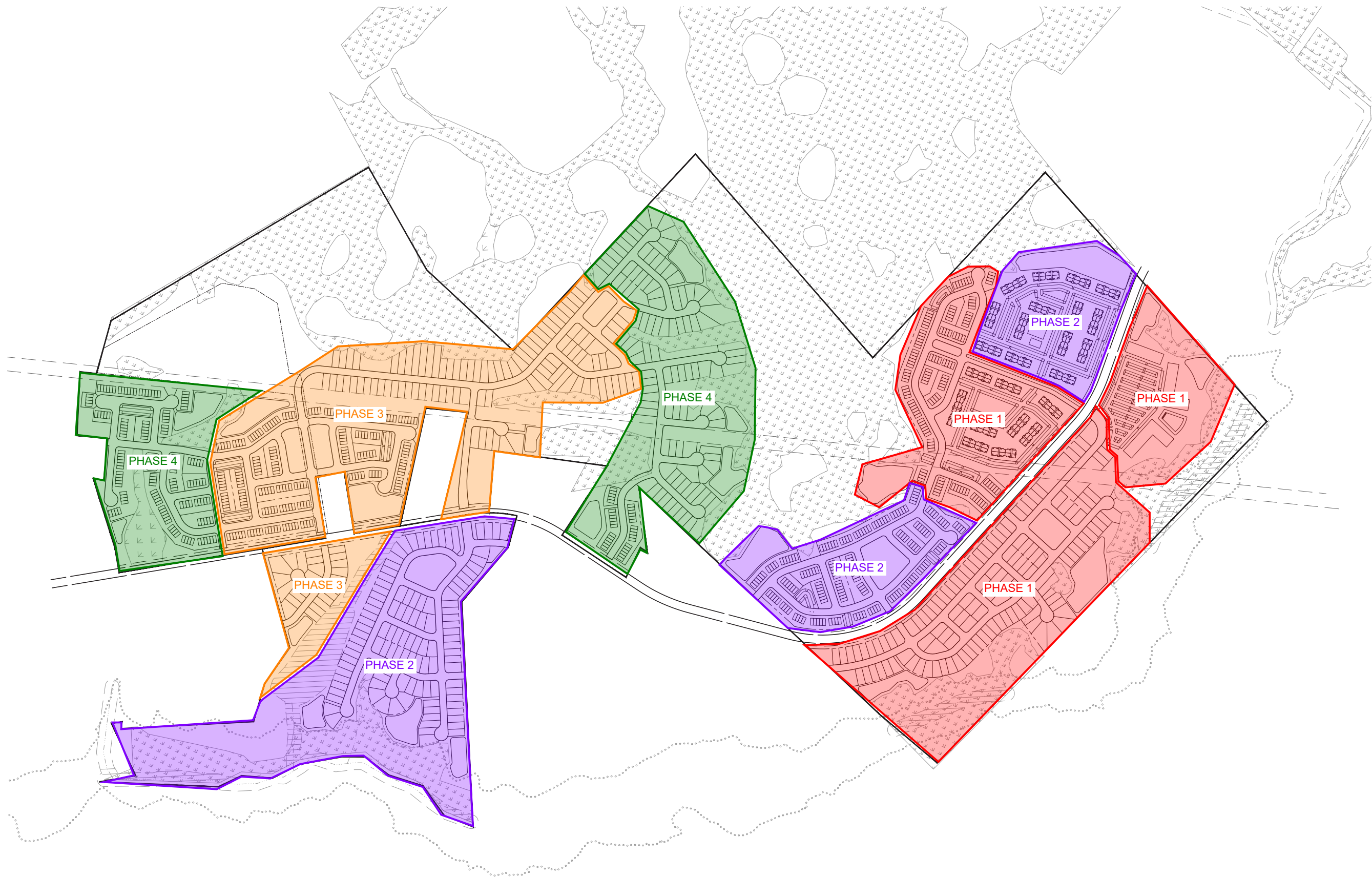
TYPICAL CUL-DE-SAC DETAIL
NOT TO SCALE



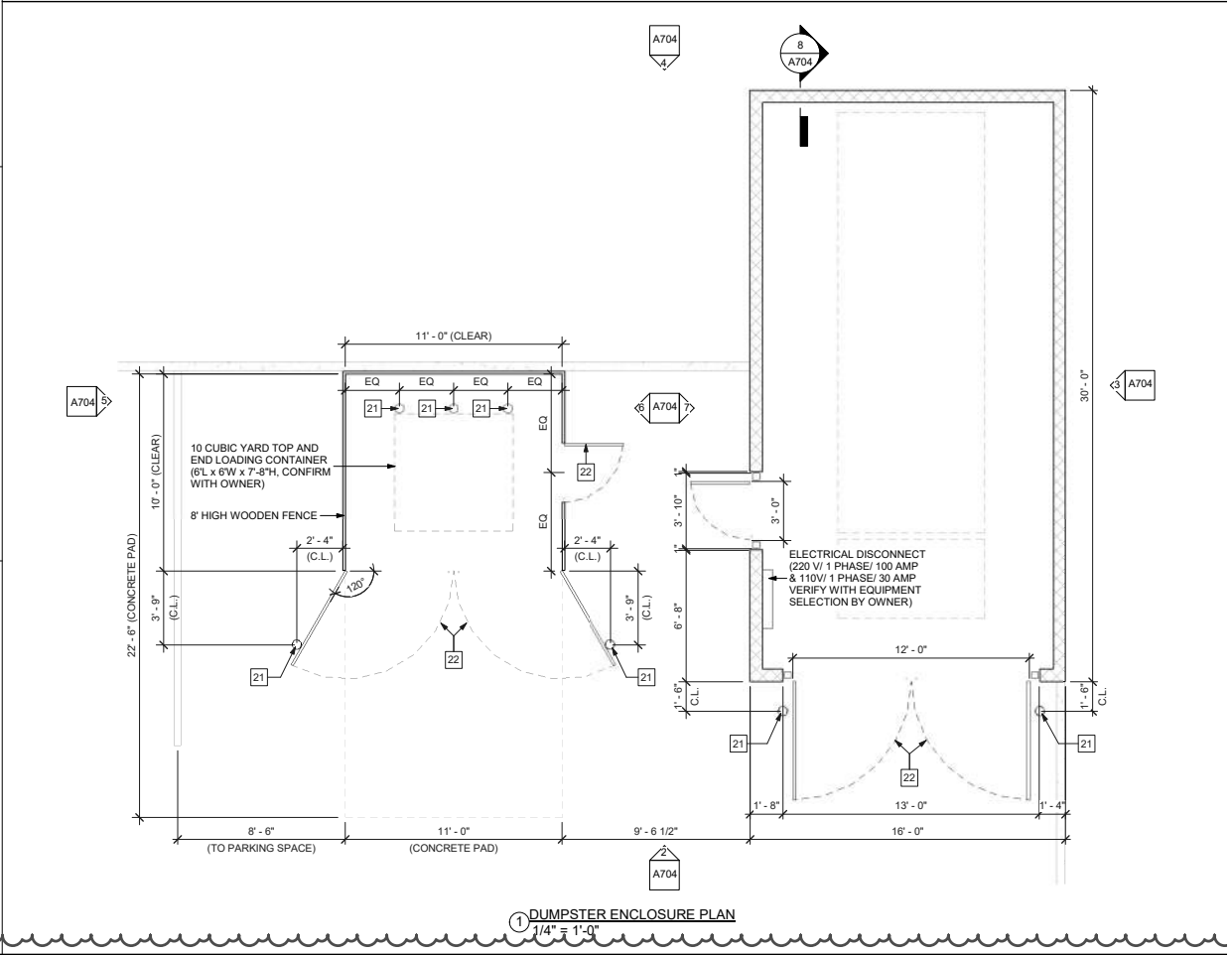
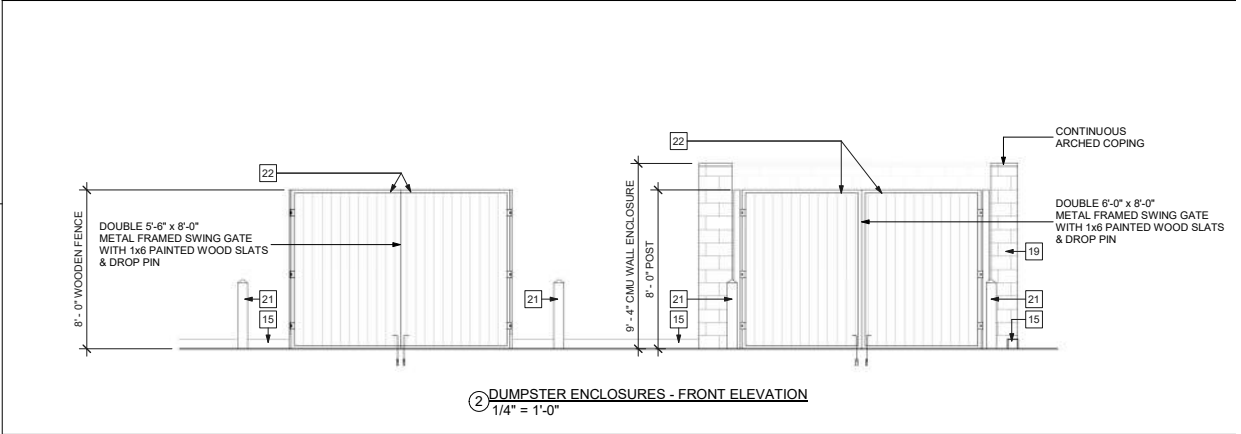
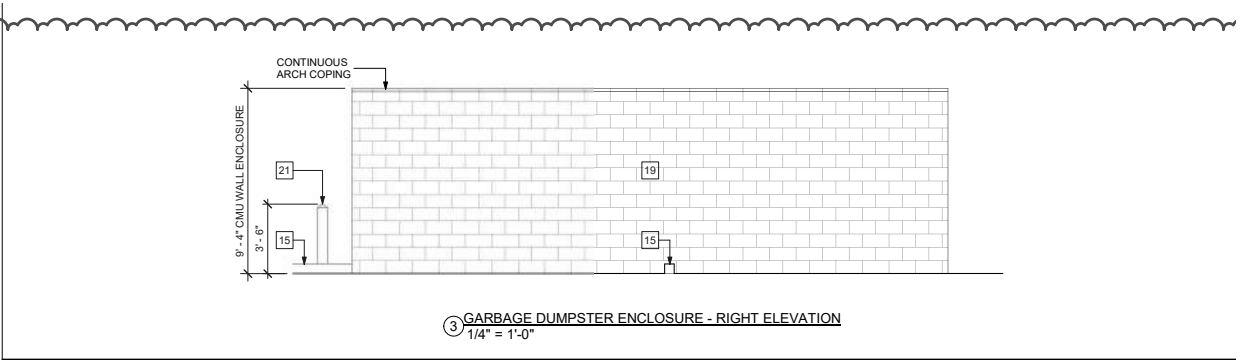
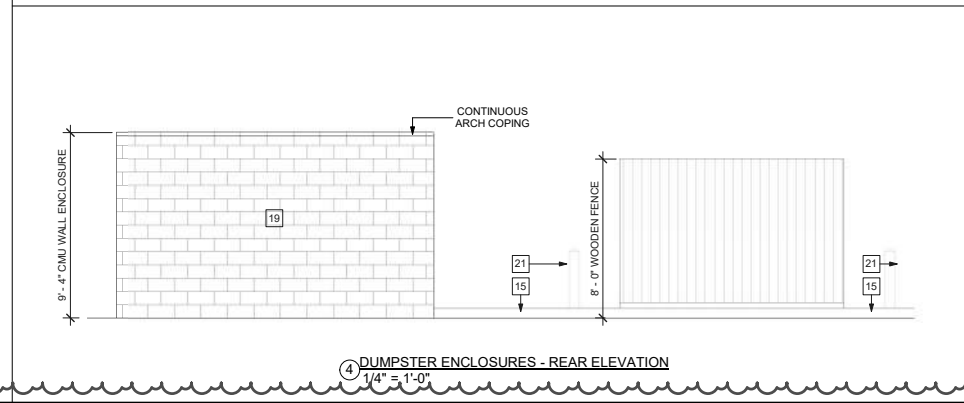
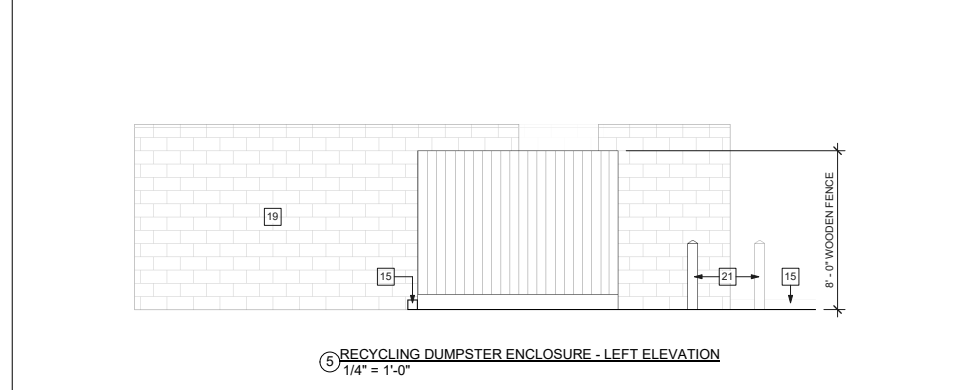
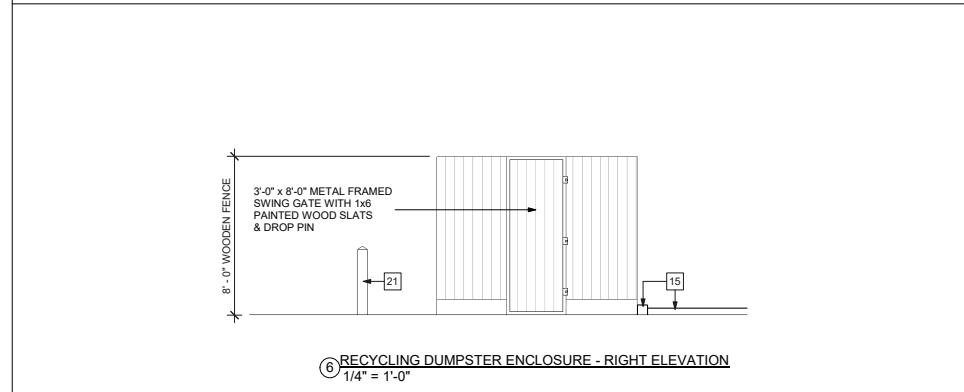
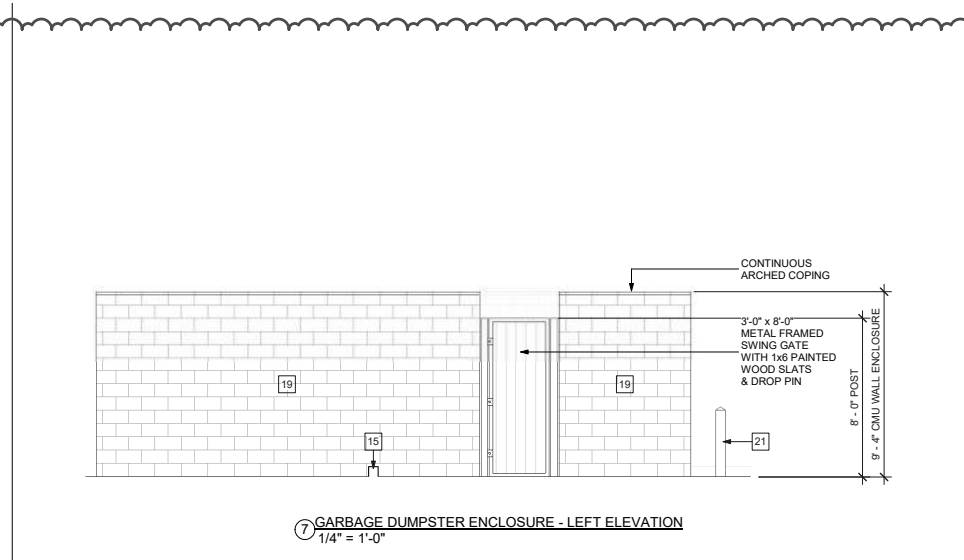
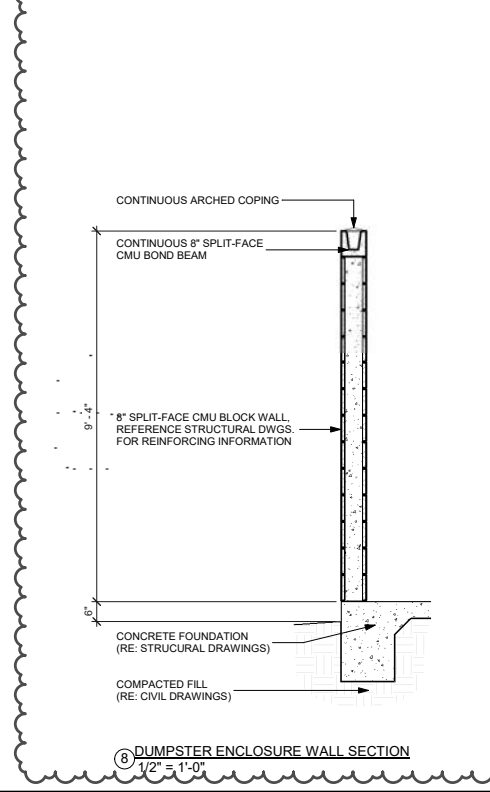
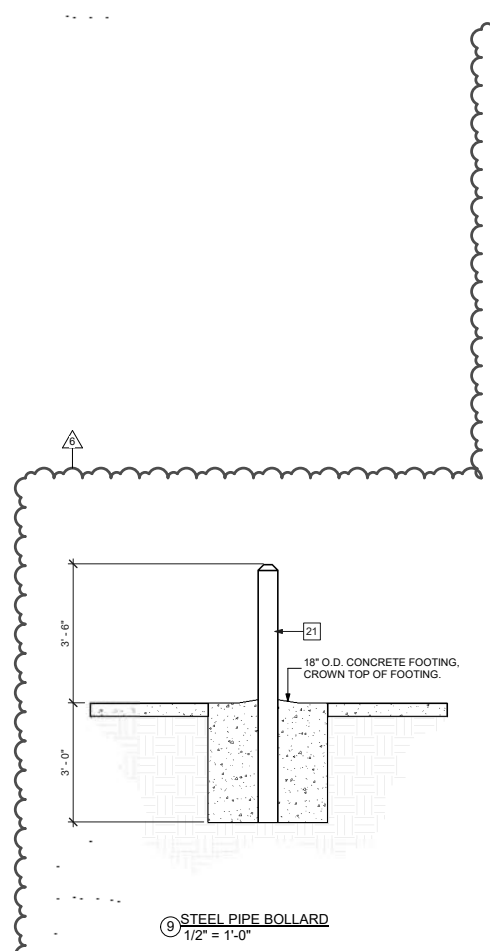
OPEN SPACE & AMENITIES



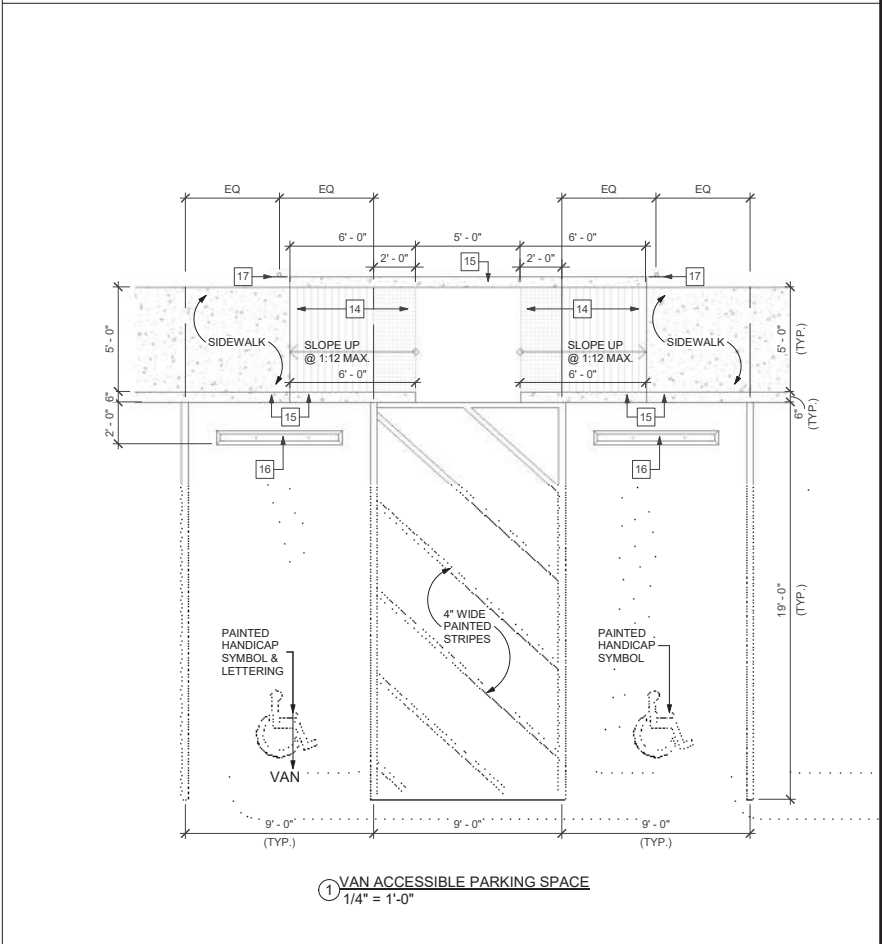
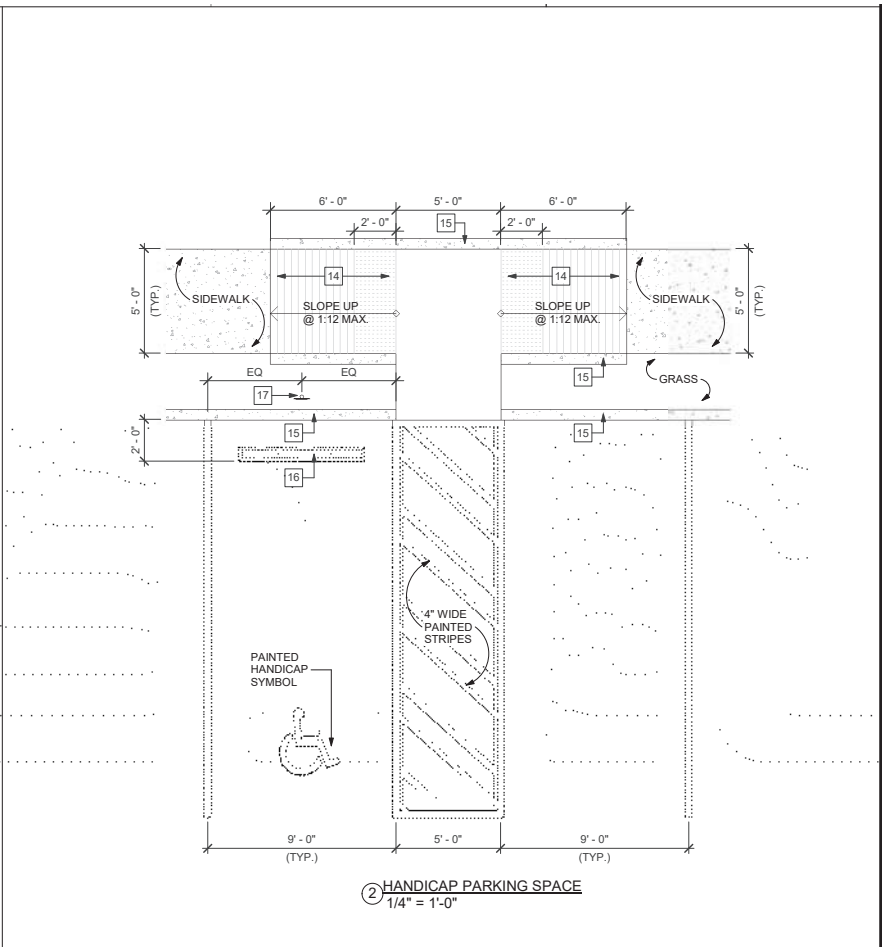
COMMUNITY AMENITIES

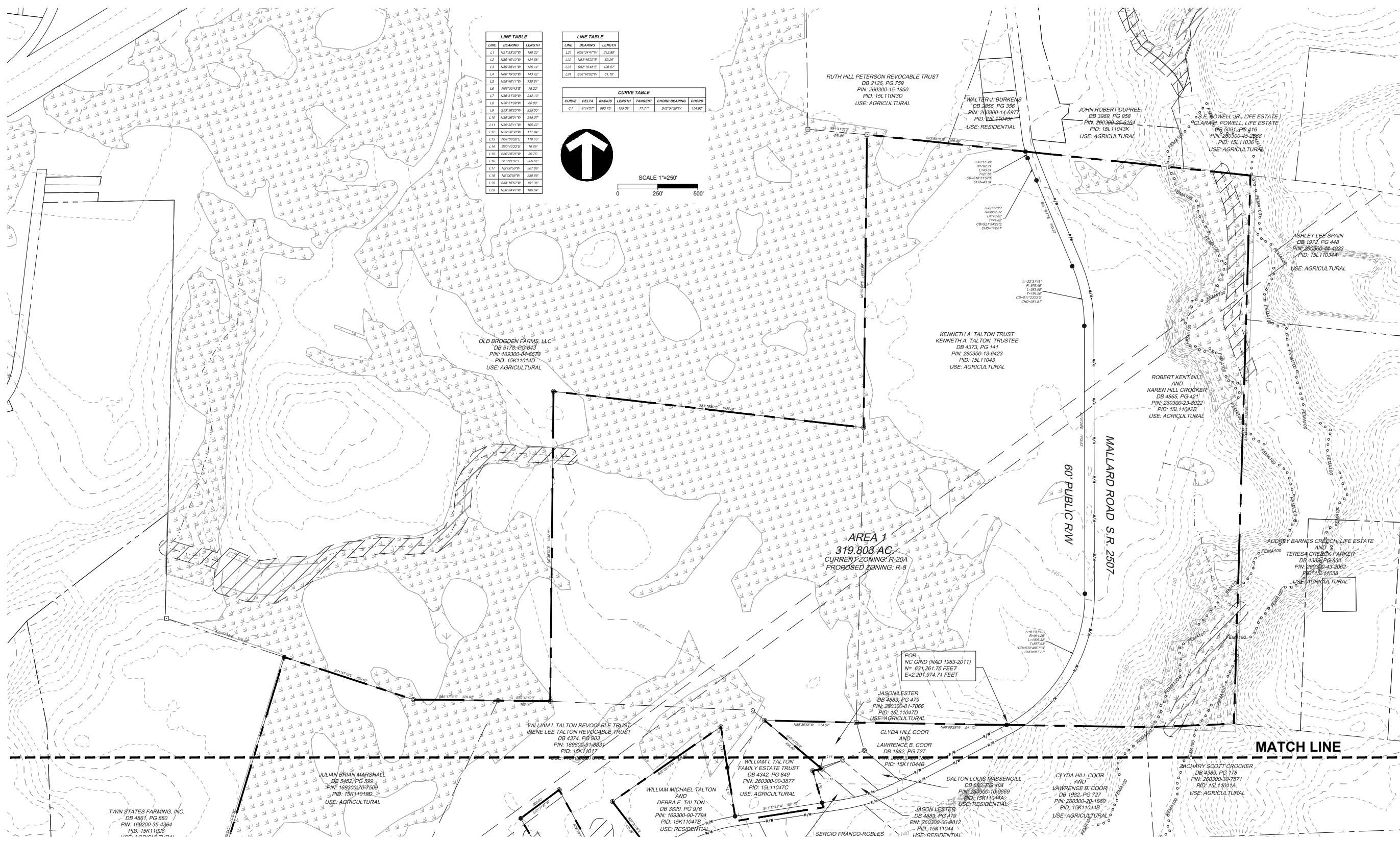


PHASING



<p>406.7 ISLANDS IN CROSSINGS</p>	<p>406.4 LANDINGS AT THE TOP OF CURB RAMPS</p>	<p>406.2 COUNTER SLOPE AT RAMPS</p>
<p>406.6 DIAGONAL OR CORNER TYPE RAMPS</p>	<p>406.3 SIDES OF CURB RAMPS</p>	<p>405.9.2 CURB OR BARRIER EDGE PROTECTION</p>

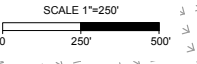




LINE TABLE		
LINE	BEARING	LENGTH
L1	N61°53'31"W	180.23
L2	N59°47'13"W	124.59
L3	N69°29'41"W	126.57
L4	N67°19'29"W	142.42
L5	N55°07'11"W	132.67
L6	N68°51'43"E	79.22
L7	N68°51'09"W	242.12
L8	N68°51'09"W	60.07
L9	S83°38'23"W	228.92
L10	N29°29'31"W	245.07
L11	N69°29'31"W	156.42
L12	N69°29'31"W	111.54
L13	N64°59'29"E	118.59
L14	S89°40'22"E	16.69
L15	S89°22'23"W	58.78
L16	S19°21'32"E	208.67
L17	N69°29'31"W	307.89
L18	N69°29'31"W	256.69
L19	S38°19'32"W	191.69
L20	N68°51'47"W	165.81

LINE TABLE		
LINE	BEARING	LENGTH
L21	N68°34'47"W	212.88
L22	N63°42'22"E	82.29
L23	S32°19'49"E	128.07
L24	S38°19'32"W	81.87

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	8°14'57"	860.79	150.00'	77.71	S42°54'23"W	154.82



TWIN STATES FARMING, INC.
DB 4861, PG 980
PIN: 169200-35-4364
PID: 15K11026

JULIAN BRIAN MARSHALL
DB 5452, PG 589
PIN: 169300-00-7509
PID: 15K11019D
USE: AGRICULTURAL

WILLIAM I. TALTON REVOCABLE TRUST
BENE LEE TALTON REVOCABLE TRUST
DB 4374, PG 903
PIN: 169600-91-8931
PID: 15K11017

WILLIAM MICHAEL TALTON
AND
DEBRA E. TALTON
DB 3829, PG 976
PIN: 169300-90-7794
PID: 15K11047B
USE: RESIDENTIAL

WILLIAM I. TALTON
FAMILY ESTATE TRUST
DB 4342, PG 849
PIN: 260300-00-3877
PID: 15L11047C
USE: AGRICULTURAL

CLYDA HILL COOR
AND
LAWRENCE B. COOR
DB 1982, PG 727
PIN: 260900-00-1366
PID: 15K11044B

DALTON LOUIS MASSENGILL
DB 8807, PG 404
PIN: 260300-10-8369
PID: 15K11044A
USE: RESIDENTIAL

CLYDA HILL COOR
AND
LAWRENCE B. COOR
DB 1982, PG 727
PIN: 260300-20-1880
PID: 15K11044B
USE: AGRICULTURAL

CHARLY SCOTT CROCKER
DB 4389, PG 178
PIN: 260300-30-7671
PID: 15L11041A
USE: AGRICULTURAL

JASON LESTER
DB 4883, PG 479
PIN: 260300-01-7066
PID: 15L11047D
USE: AGRICULTURAL

POB
NC GRID (NAD 1983-2011)
N= 631,261.75 FEET
E= 2,201,974.71 FEET

AREA 1
319.803 AC
CURRENT ZONING: R-20A
PROPOSED ZONING: R-8

KENNETH A. TALTON TRUST
KENNETH A. TALTON, TRUSTEE
DB 4373, PG 141
PIN: 260300-13-6423
PID: 15L11043
USE: AGRICULTURAL

ROBERT KENT HILL
AND
KAREN HILL CROCKER
DB 4865, PG 421
PIN: 260300-23-8022
PID: 15L11042B
USE: AGRICULTURAL

AUDREY BARNES CREECH LIFE ESTATE
AND
TERESA CREECH PARKER
DB 4385, PG 536
PIN: 260300-43-2062
PID: 15L11039
USE: AGRICULTURAL

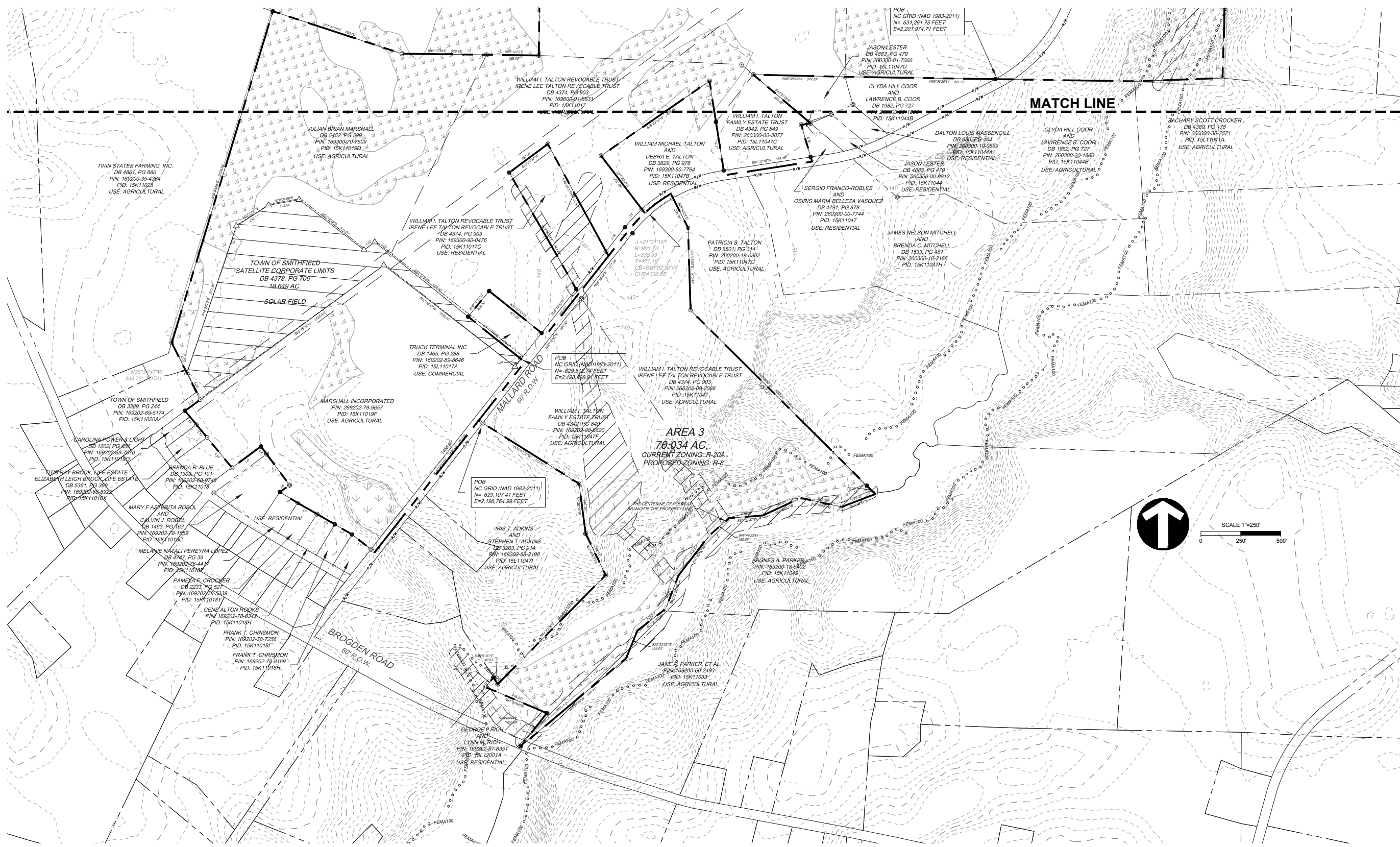
ASHLEY LEE SPAIN
DB 1972, PG 448
PIN: 260300-38-1023
PID: 15L11034A
USE: AGRICULTURAL

OSSE POWELL, JR. LIFE ESTATE
CLARA H. POWELL LIFE ESTATE
DB 5091, PG 416
PIN: 260300-45-2668
PID: 15L11038E
USE: AGRICULTURAL

JOHN ROBERT DUPREE
DB 3909, PG 959
PIN: 260300-25-6164
PID: 15L11043K
USE: AGRICULTURAL

WALTER J. BURKENS
DB 4856, PG 396
PIN: 260300-14-6977
PID: 15L11043F
USE: RESIDENTIAL

RUTH HILL PETERSON REVOCABLE TRUST
DB 2126, PG 759
PIN: 260300-15-1950
PID: 15L11043D
USE: AGRICULTURAL



TWIN STATES FARMING, INC.
DB 4861, PG 880
PIN: 169200-35-4364
PID: 15K11028
USE: AGRICULTURAL

TOWN OF SMITHFIELD
SATELLITE CORPORATE LIMITS
DB 4378, PG 708
18.649 AC.
SOLAR FIELD

AREA 3
78.034 AC.
CURRENT ZONING: R-20A
PROPOSED ZONING: R-8

MATCH LINE



SCALE 1"=250'
0 250' 500'

EXISTING CONDITIONS



CONDITIONAL ZONING APPLICATION

Development Name

Proposed Use

Project location or address

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

PIN#

TAX ID#

Project type? Single Family Townhouse Multi-Family Non-Residential PUD/Mixed Use

PROPERTY OWNER INFORMATION

Name

Address

Phone

Email

OWNER/DEVELOPER INFORMATION

Company Name

Contact Name

Address

Phone

Email

CONSULTANT/ENGINEERING FIRM

Company Name

Contact Name

Address

Phone

Email

ZONING INFORMATION

Existing Zoning District

Proposed Zoning District

If more than one district, provide the acreage of each:

Overlay District?

Yes

No

Inside City Limits?

Yes

No

ENVIRONMENTAL QUALITY DATA INFORMATION

Existing Impervious Surface acres/sf	Flood Hazard Area	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Proposed Impervious Surface acres/sf	Neuse River Buffer	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Watershed Protection Area	Wetlands	<input type="checkbox"/> Yes	<input type="checkbox"/> No
FEMA Map Panel	Base Flood Elevation		

SITE DATA

Total # of single-family lots	Total densities per zoning district
Total # of townhouse lots	Acreage in active open space
Total # of all lots	Acreage in passive open space
Linear feet of new roadways	Linear feet of new sewer mains
Linear feet of new water mains	Linear feet of new sidewalks
Proposed sewer allocation	Linear feet in new trails

SIGNATURE BLOCK (Applicable to all developments)

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

I hereby designate _____ to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meeting regarding this application.

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

Signature	Date
Signature	Date

APPLICATION FEES

Conditional Zoning (4 paper copies & **1 Digital copy of all documents on USB flash drive**) \$400.00 + \$10 per acre
Application Date *Application Number* *Application Fee*

OWNER 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.

Signature of Owner _____ **Printed Name of Owner** _____

(State)

(County)

I, _____, a Notary Public in and for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the _____ day of _____ 20_____.

Notary Public: _____

(Printed Name)

(Signature)

(Seal)

County of Commission: _____

Commission Expires: _____

PROJECT NARRATIVE

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

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

INFORMATION TO BE PROVIDED ON PLAN

The Town of Smithfield Site Plan Requirements is found in Article 5 of the Unified Development Ordinance. Site plans shall contain the following information, if applicable, as determined by the UDO Administrator:

- Preferred sheet size is 24" x 36" for site plans (maximum sheet size of 30" x 42"); if more than one sheet, all sheets should be numbered; should be the same size and scale; and should show match lines, along with an index sheet.
- Submittals should also be made in digital PDF file format.
- The site plan shall be prepared by a professional engineer, registered land surveyor, or licensed architect.
- Engineer's scale – no smaller than 1" = 100' for Site Plans unless approved by staff. Larger scale showing more detail is better. Include both a graphic scale and a numeric scale. 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.
- North arrow or compass rose.
- Date (original and all revisions) should be shown on all sheets.
- A vicinity map of the site with reference to surrounding areas and existing street locations.
- 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
- Proof of ownership - Deed book and page reference demonstrating ownership of property.
- Parcel Identification Numbers (PIN) for site and adjacent properties.

Existing Conditions:

- The total area (acreage), and the exterior boundary of all land included in the request for approval (defined by metes and bounds, with the source of all boundary information referenced). All adjoining property lines should also be shown.
- Location of all existing structures, including their outside dimensions and elevations, streets, entrances, and exits on the site, on contiguous property, and on property directly across the street.
- Required setbacks, setback lines, or typical lots.
- Location, width and identification of all existing easements (public and private), defined by centerline bearings, distances and ties to property corners (with standard notes).
- Location of existing watercourses, ponds, flood zones, water supply watershed areas, and riparian buffers.
- Show 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 include the tree line of wooded areas and individual trees eight (8) inches in diameter or more, identified by common or scientific name, and significant soil conditions.
- Topography showing existing contours at no greater than ten (10) foot intervals. All reference benchmarks shall be clearly designated.
- Existing zoning of the property, including zoning district lines where applicable.
- Location of existing sanitary waste disposal systems, water mains and appurtenances (including fire hydrants) on or adjacent to the parcel.
- Other utility lines both under- and above-ground, including electric power, telephone, gas, cable television
- Existing open space and any other common areas.
- Existing parking and loading areas.

Proposed Conditions:

- All proposed streets, drives, parking areas, fire lanes and access, loading and unloading areas with dimensions, traffic patterns, access aisles, and curb radii per the requirements of Article 10, Part I.
- The total quantity of parking spaces required and the total quantity of parking spaces provided. Indicate uses of buildings.
- Sight distance triangles (minimum 10' by 70' for driveway intersections at ROW lines; or as per NCDOT requirements or Town of Smithfield UDO Section 2.21 at all other intersections)
- Location of all proposed structures, including their outside dimensions and elevations, streets, entrances and exits on the site.
- Sidewalks, trails and other pedestrian ways with locations, dimensions and surfacing, including handicap curb cuts. Internal sidewalks and/or other proposed means of pedestrian access (note: internal pedestrian access should connect with public ROW sidewalk).
- General location and design of proposed sanitary waste disposal systems, water mains and appurtenances (including fire hydrants) on or adjacent to the parcel, as applicable
- Proposed other utility lines both under- and above-ground, including electric power, telephone, gas, cable television.
- Location of all US Clean Water Act Section 404 wetland areas, 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.
- Location of all proposed common areas.
- All parcels of land proposed to be designated, dedicated and/or reserved, for public or private use, shown with total land area and boundary descriptions.
- Distance between buildings and height of buildings.
- Building locations, footprints, entrances area by floor (sq.ft.), finished floor elevation (first).
- Location, dimensions, and details of signs per the requirements of Article 10, Part III.
- Proposed building elevations and floor plans, if applicable.
- Conceptual traffic impact analysis.
- Conceptual grading plan: proposed contours with a maximum of two-foot contour intervals within 100 feet of all buildings and along all driveways, entrances, exits, private streets, parking areas, loading areas, retaining walls and a maximum of ten-foot contour intervals for the remainder of the property. Supplement with spot elevations where necessary. All topography should be referred to permanent benchmarks and referenced to accepted datum.
- Conceptual stormwater management provisions.
- Total impervious surface square footage and percentage calculations for all development.
- Conceptual site lighting plan:
- Dumpster (or any other trash handling facilities) location, proposed screening labeled with height material, dimensions of concrete pad and details of gates, including support. Any dumpster to be used for recycling should be labeled as such.
- Landscape Plan: Include the genus and species, common name, quantity, size and location of all plant material proposed to meet Article 10, Part II requirements. The plan must include a "plant list" (in chart form), which should be coded to the plan. Show all calculations used to determine the quantity of plants required. All proposed planting, should be coordinated with both the utility plan and the grading/storm drainage plan to eliminate conflicts. No landscaping allowed in water or sewer easements.
- Description of all fences, walls and/or berms used to fulfill landscaping or screening requirements with details and cross-sections as needed (all fences over 6 feet must be sealed by a licensed Engineer).

Adjacent Property Owners of
CZ-22-02

TAG	PIN	NAME	ADDRESS	CITY	STATE	ZIPCODE
15L11042B	260300-23-8022	HILL, ROBERT KENT	305 SKINNER RD	FOUR OAKS	NC	27524-8465
15L11043F	260300-14-6977	BURKENS, WALTER J	1500 EVANS ROAD	PRINCETON	NC	27569-0000
15L11043	260300-13-6423	KENNETH A TALTON TRUST	2750 HWY 96 NORTH	SELMA	NC	27576
15K11047D	169202-87-3617	KENNETH A. TALTON TRUST	2750 NC HIGHWAY 96 N	SELMA	NC	27576-6161
15K11018F	169202-78-4417	LOPEZ, MELANIE NATALI PEREYRA	90 OLD MALLARD RD	SMITHFIELD	NC	27577
15L12001A	169202-87-8351	RICH, GEORGE I	2457 BROGDEN ROAD	SMITHFIELD	NC	27577-0000
15K11018Y	169202-78-5339	CROCKER, PAMELA F	72 OLD MALLARD RD	SMITHFIELD	NC	27577-0000
15L11028	260200-29-6431	MITCHELL, NELSON	1225 OLD SANDERS ROAD	SMITHFIELD	NC	27577-0000
15L11047A	169202-88-4383	GIBSON, JOYCE TALTON	4215 BROGDEN RD	SMITHFIELD	NC	27577-0000
15K11020A	169202-69-5174	TOWN OF SMITHFIELD A NC MUNICI	111 S 4TH ST	SMITHFIELD	NC	27577-0000
15K11018I	169202-78-7256	CHRISMON, FRANK T	28 OLD MALLARD RD	SMITHFIELD	NC	27577-0000
15K11047B	169300-90-7794	TALTON, WILLIAM MICHAEL	1666 MALLARD RD	SMITHFIELD	NC	27577-0000
15K11047I	169202-88-2190	ADKINS, IRIS T	2125 MALLARD RD	SMITHFIELD	NC	27577-0000
15L11028C	260200-19-8160	MITCHELL, JAMES NELSON	1225 OLD SANDERS RD	SMITHFIELD	NC	27577-0000
15K11047H	260300-10-2166	MITCHELL, JAMES NELSON	1225 OLD SANDERS RD	SMITHFIELD	NC	27577-0000
15L11028D	260300-20-4154	MITCHELL, JAMES NELSON	1225 OLD SANDERS RD	SMITHFIELD	NC	27577-0000
15K11019H	169202-78-8169	CHRISMON, FRANK T	28 OLD MALLARD RD	SMITHFIELD	NC	27577-0000
15K11047E	169202-88-9332	GIBSON, JOYCE TALTON	4215 BROGDEN RD	SMITHFIELD	NC	27577-0000
15L11043K	260300-25-6164	DUPREE, JOHN ROBERT	170 JP DR	SMITHFIELD	NC	27577-0007
15K11028	169200-35-4364	TWIN STATES FARMING INC	P O BOX 1352	SMITHFIELD	NC	27577-1377
15K11032	169200-51-0067	J&B LOGGING AND TIMBER LLC	PO BOX 2430	SMITHFIELD	NC	27577-2430
15K11019F	169202-79-9657	MARSHALL INCORP	837 S BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-4385
15K11019D	169300-70-7509	MARSHALL, JULIAN BRIAN	837 S BRIGHTLEAF BLVD	SMITHFIELD	NC	27577-4385
15L11044A	260300-10-0869	MASSENGILL, DALTON LOUIS	1472 MALLARD RD	SMITHFIELD	NC	27577-7135
15L11044	260300-00-9812	LESTER, JASON	1500 MALLARD RD	SMITHFIELD	NC	27577-7136
15L11044D	260300-01-7066	LESTER, JASON	1500 MALLARD RD	SMITHFIELD	NC	27577-7136
15L11047	260300-00-7744	FRANCO-ROBLES, SERGIO	1532 MALLARD RD	SMITHFIELD	NC	27577-7136
15K11047	260200-09-2086	WILLIAM I TALTON REVOCABLE TRUST	1666 MALLARD RD	SMITHFIELD	NC	27577-7137
15K11017C	169300-90-0476	WILLIAM I TALTON REVOCABLE TRUST	1666 MALLARD RD	SMITHFIELD	NC	27577-7137
15K11017	169300-91-8831	WILLIAM I TALTON REVOCABLE TRUST	1666 MALLARD RD	SMITHFIELD	NC	27577-7137
15K11047F	169202-98-6620	WILLIAM I TALTON FAMILY ESTATE	1666 MALLARD RD	SMITHFIELD	NC	27577-7137
15K11047C	260300-00-3877	WILLIAM I TALTON FAMILY ESTATE	1666 MALLARD RD	SMITHFIELD	NC	27577-7137
15L11041A	260300-30-7571	CROCKER, ZACHARY SCOTT	2430 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7565
15L11036	260300-45-2668	POWELL, S.E. JR. LIFE ESTATE	1610 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7581
15L11034A	260300-44-4023	SPAIN, ASHLEY LEE	19 BRITISH CT	SMITHFIELD	NC	27577-9422
15K11018H	169202-78-6342	ROOKS, GENE ALTON	52 OLD MALLARD RD	SMITHFIELD	NC	27577-9452
15K11018C	169202-78-1559	ROBOL, MARY F ASTERITA	128 OLD MALLARD ROAD	SMITHFIELD	NC	27577-9453

Adjacent Property Owners of
CZ-22-02

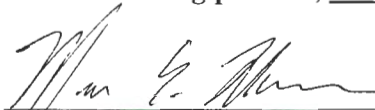
15K11018X	169202-68-8922	BROCK, OTIS RAY LIFE ESTATE	129 OLD MALLARD RD	SMITHFIELD	NC	27577-9454
15K11018	169202-68-9748	BLUE, BRENDA R.	216 OLD MALLARD RD	SMITHFIELD	NC	27577-9455
15K110190	169202-69-7070	CAROLINA POWER & LIGHT	P O BOX 1551	RALEIGH	NC	27602-0000
15K11014D	169300-84-6673	OLD BROGDEN FARMS, LLC	6317 BAYSWATER TRL	RALEIGH	NC	27612-6608
15L11049	260200-18-5402	PARKER, AGNES A	3511 MEADOWRUN DR	DURHAM	NC	27707-0000
15K11033	169200-60-2493	PARKER, JANE A AND OTHERS	3511 MEADOWRUN DR	DURHAM	NC	27707-0000
15L11044B	260300-20-1860	COOR, CLYDA HILL	130 CROW TRL	HERTFORD	NC	27944-9170
15L11038	260300-43-2062	CREECH, AUDREY BARNES LIFE ESTATE	202 LEWIS DR UNIT 1210	CAROLINA	NC	28428-3955
15K11047G	260200-19-0302	TALTON, PATRICIA S	1995 HOODS CREEK DRIVE	NEW BERN	NC	28562-0000
15L11043D	260300-15-1950	RUTH HILL PETERSON REVOCABLE	3433 BENHAM AVE	NASHVILLE	TN	37215-1503
15K11017A	169202-89-8646	TRUCK TERMINALS INC	1901 N NAN AVE	MARBLEHEAD	OH	43440-9799



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-22-02, were notified by First Class Mail on 4-20-22.



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

20th day of April, 2022



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on January 15, 2023





Request for Planning Board Action

Agenda
Item: S-22-03
Date: 5/5/22

Subject: Whitley Townes Preliminary Plat
Department: Planning
Presented by: Stephen Wensman, Planning Director
Presentation: Public Meeting

Issue Statement

J&J Flowers Finch Inc. is requesting preliminary plat of Whitley Townes, a 68-unit attached single-family townhome development on 11.61-acres of land in the B-3 CZ District.

Financial Impact

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

Action Needed

The Planning Board is respectfully requested to review the preliminary plat. No recommendation is required.

Recommendation

Planning Staff recommends approval of the Whitley Townes preliminary subdivision with 10-conditions based on the finding of fact for preliminary subdivisions.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Finding of fact.
3. Application
4. Whitley Townes Preliminary Plat
5. B-3 CZ Master Plan



Staff Report

Agenda S-22-
Item: 03

REQUEST:

J&J Flowers Finch Inc. is requesting preliminary plat of Whitely Townes, a 68-unit attached single-family townhome development on 11.61-acres of land in the B-3 CZ District.

PROPERTY LOCATION:

The property is located on the north side of the West Market Street approximately 1,056 feet west of its intersection with Wilson’s Mills Road and west of the former Heilig-Meyers store.

APPLICATION DATA:

Applicant:	J&J Flowers Finch Inc.
Property Owners:	Twin States Farming, Inc. & Americus Partners Development, LLC
Subdivision Name:	Whitely Townes
Tax ID#	15084001 and 15084003A (a portion of)
Rezoning Acreage:	10.74 + 0.87 (11.61) acres.
Present Zoning:	B-3 CZ
Existing Use:	Vacant Land
Proposed Use:	Attached single-family (townhouses)
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:	Duke

ADJACENT ZONING AND LAND USES:
(see attached map)

	Zoning	Existing Land Uses
North	R-10	Detached single-family residential
South	R-20A / B-3/ O/I	Commercial
East	B-3	Vacant Commercial
West	B-3 / R-10	Single-family / Commercial Office

EXISTING CONDITIONS/ENVIRONMENTAL:

The property considered for approval contains some wetland and a drainage ditch that crosses through the center of the property and along the south edge of the Twin States Farming parcel. The site has not been surveyed. There are no floodplains present.

PRELIMINARY PLAT ANALYSIS:

The property was rezoned to B-3 CZ with a master plan for the Whitley Townes development on 10/5/21 by the Town Council. The preliminary plat is consistent with the approved master plan (See CZ-21-07 Staff Report and Attachments) with the following changes:

- The preliminary plat is designed around the existing drainage ditch crossing the property; whereas the master plan showed the drainage being piped.
- The preliminary plat proposes 38 townhouse units; whereas the master plan showed 70 units.
- The preliminary plat shows 3 Stormwater Control Measures; whereas the master plan showed one. Two of the SCMs will be constructed for bio-retention (planted basins) and the third for dry detention.
- The preliminary plat shows an additional sidewalk along the public street.
- Open space areas are connected by sidewalks.
- A 5' landscaped berm has been provided along W. Market St.
- Four (4) shrubs and one ornamental tree are proposed in front of each unit and shrubs along the rear yard of the units.
- One (1) overstory street tree is proposed for every 50' of public right-of-way along the edge of the right-of-way.
- Proposed open space amenities are shown (subject to change).

FINDING OF FACT (STAFF OPINION):

To approve a preliminary plat, the Town Council shall make the following finding (staff's opinion in Bold/Italic):

1. The plat is consistent with the adopted plans and policies of the town; ***The plat is consistent with the adopted plans and policies of the town.***
2. The plat complies with all applicable requirements of this ordinance; ***The plan complies with all applicable requirements of this ordinance and the B-3 Conditional Zoning Master Plan.***
3. There exists adequate infrastructure (transportation and utilities) to support the plat as proposed. ***There is adequate infrastructure.***
4. The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses. ***The plat will not be detrimental to the use or development of adjacent properties or other neighborhood uses.***

RECOMMENDATION:

Staff recommends approval of the Whitley Townes preliminary plat, S-22-03, with the following conditions based on the finding of fact for preliminary plats:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the with the following deviations:

Item	R-8 CZ
Street	30' wide back-to-back.
Parking Lot Curbing	Valley curbs are proposed in the parking lots.
Distance between buildings	Minimum 20 feet
Perimeter Buffer	25'

2. That the trash/recycling rollouts be stored within garages or rear yards.
3. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.
4. That the 25' perimeter buffer planting be comprised of existing vegetation and landscaping/ and or fencing to ensure at least 60% opacity.
5. That the townhouses be comprised of a mix of siding types such as lap board and batten, shakes and brick and end units be comprised of windows and other architectural details.
6. That a cross access easement be executed for the shared use of the driveway off of West Market Street.
7. That park dedication fees in lieu be paid prior to recording the final plat in accordance with the UDO Section 10.114.8.
8. That all utility fees including system development fees be paid before recording the final plat.
9. That the Town of Smithfield Stormwater Operations and Management agreement with a maintenance plan be submitted and recorded prior to final plat recording.
10. That the HOA declarations and covenants be submitted for Town Attorney review prior to final plat. The HOA shall be responsible for the ownership and maintenance of all common amenities including front, side yard and open space landscaping, the stormwater SCM, parking lots, recreational amenities, and open space, and enforce trash and recycling roll offs to be stored in garages or rear yards.

RECOMMENDED MOTION:

“Move to approve the Whitley Townes preliminary plat, S-22-03, with 10 conditions found in the staff report based on the finding of fact for preliminary plats.”

1000 Block of West Market Street

File Number:
S-22-03

Project Name:
Whitley Towns
Subdivision

Location:
1000 Block of
West Market Street

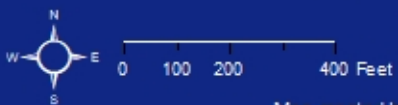
Tax ID#:
15084001 &
15084003A

Existing Zoning:
B-3 CZ

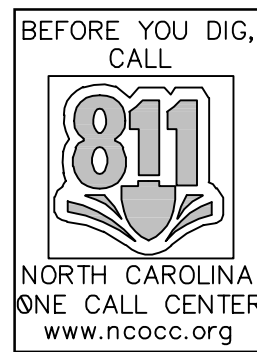
Developer:
J&J Flower Finch Inc.

Engineer:
Stocks Engineering

Property Owner:
Twin States Farming Inc



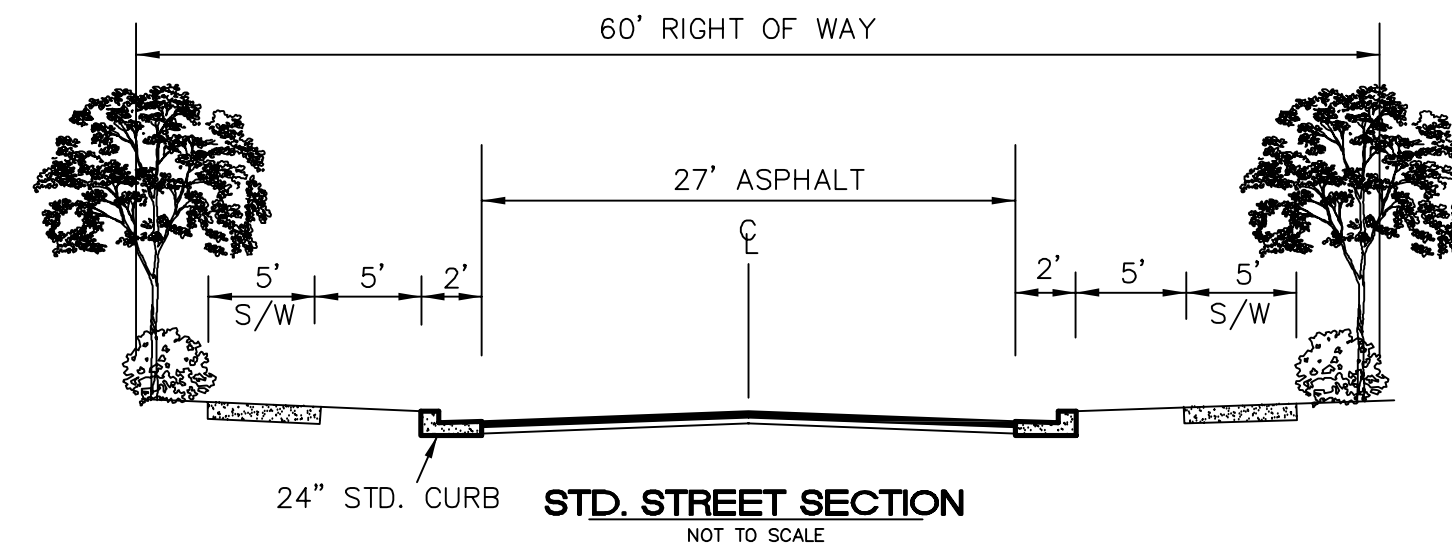
Map created by
Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 4/27/2022



SCALE: 1" = 50'
0 50 100 125 150

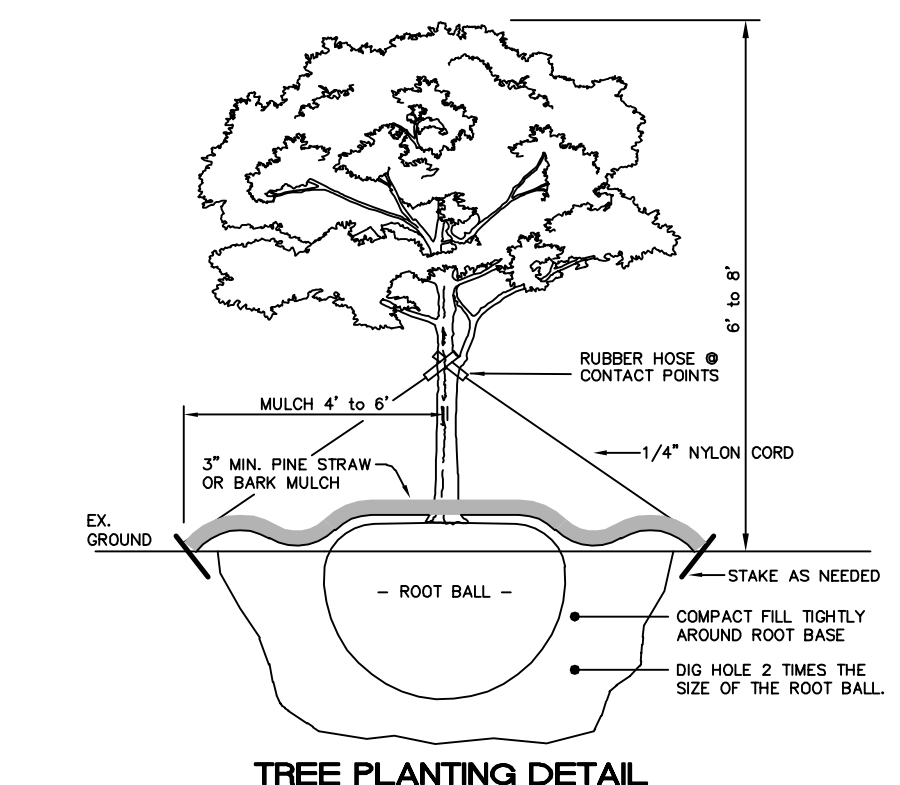
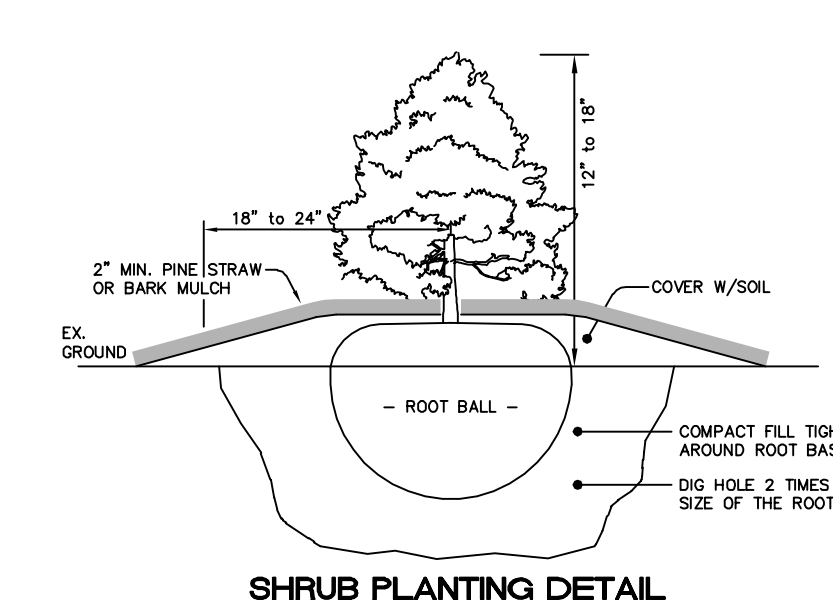
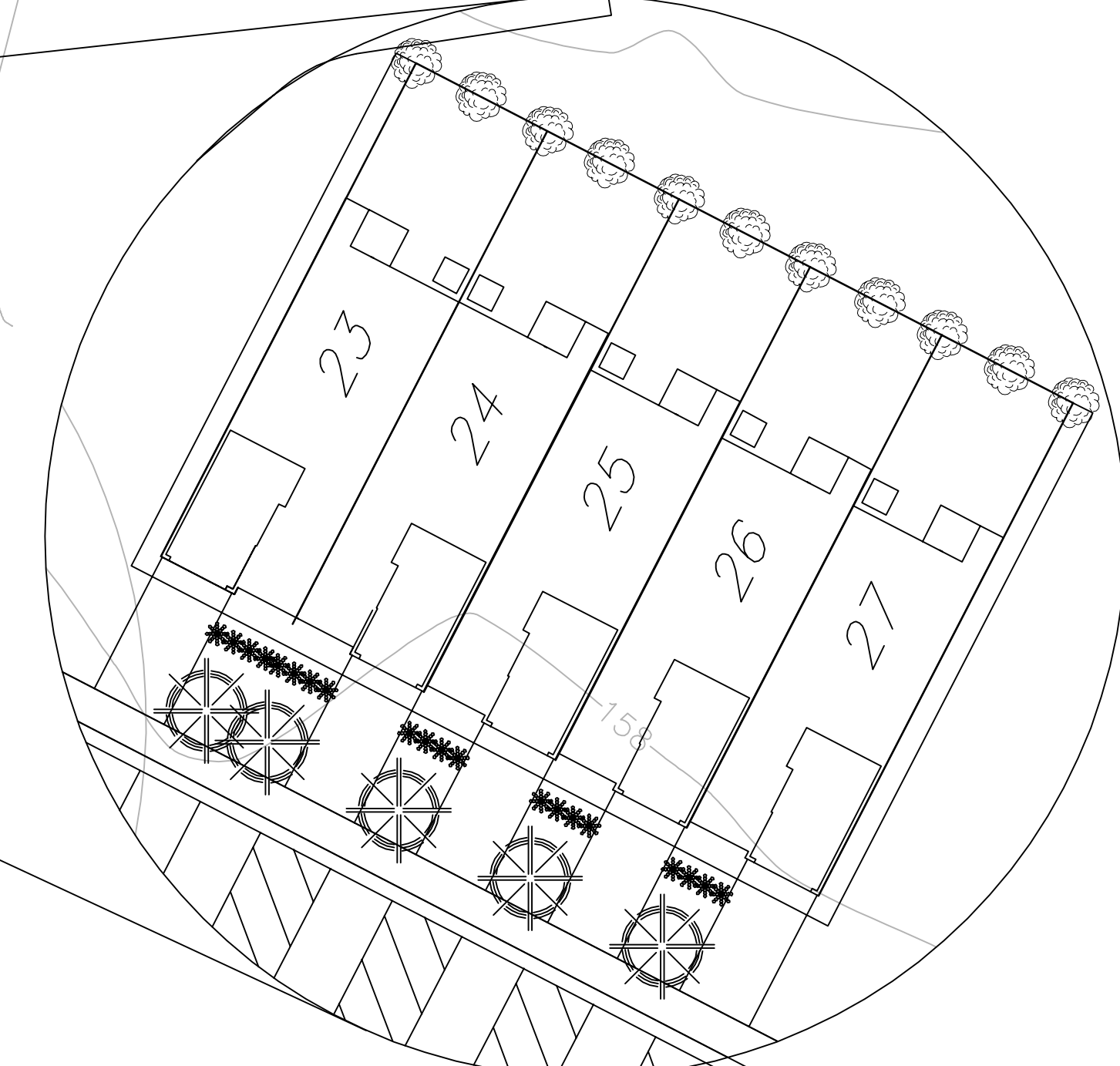


EXISTING TREES TO SERVE AS 60% OPACITY PERIMETER BUFFER. WHERE EXISTING VEGETATION IS NOT SUFFICIENT, ADDITIONAL PLANTINGS WILL BE PROVIDED.



Typical Townhome Landscaping

SCALE: 1" = 20'
0 20 40 50 60



PLANTING LEGEND

- UNDERSTORY TREE (LESS THAN 35' MATURE HEIGHT)
MAFNOLIA SOULANGEANA (SAUCER MAGNOLIA) 8'-10'
- OVERSTORY TREE (GREATER THAN 35' MATURE HEIGHT)
QUERCUS PALUSTRIS (PIN OAK) 2" CAL. 12' TALL
- ORNAMENTAL (LESS THAN 35' MATURE HEIGHT)
ACER PALMATUM 'BLOOD GOOD' (BLOOD GOOD JAPANESE MAPLE) 6'-8'
- LARGE SHRUB (6' MATURE SIZE)
LIGUSTRUM (WAX-LEAF PRIVET)
- CAMELIA SASANQUA (SASANQUA CAMELLIA) 24"
- SHRUB (4'-6' MATURE HEIGHT)
NANDINA DOMESTICA NANA (DWARF NANDINA) 3 GAL.

PLANTING SCHEDULE

QUANTITY	COMMON NAME	LATIN NAME	SIZE @ PLANTING
25	SAUCER MAGNOLIA	Mafnolia Soulangeana	1" CALIPER AND 8" TALL
238	LIGUSTRUM (WAX-LEAF PRIVET)	Ligustrum japonicum	5" TALL
18	SASANQUA CAMELLIA	Camellia sasanqua	24" TALL
28	PIN OAK	Quercus palustris	2" CALIPER AND 12" TALL
272	DWARF NANDINA	Nandina domestica nana	3 GAL
68	BLOODGOOD JAPANESE MAPLE	Acer palmatum 'Bloodgood'	6"-8"

- Legend:**
- * Site Lighting (LED). 17 total.
 - 5' Sidewalk
 - Parking Traffic Pattern
 - Proposed Limits of Disturbance
 - Existing Tree Line

CRESCENT ACRES
10826 RED OAK BATTLEBORO ROAD
BATTLEBORO, NC 27804
(252) 922-4400

PLANTING PLAN
SCALE: 1" = 50'

WHITLEY TOWNES
FILE #2021-001

STOCKS ENGINEERING
801 EAST WASHINGTON STREET
NASHVILLE, N.C. 27556
PHONE: (252) 459-8196
WWW.STOCKSENGINEERING.COM

BLN-C-1874

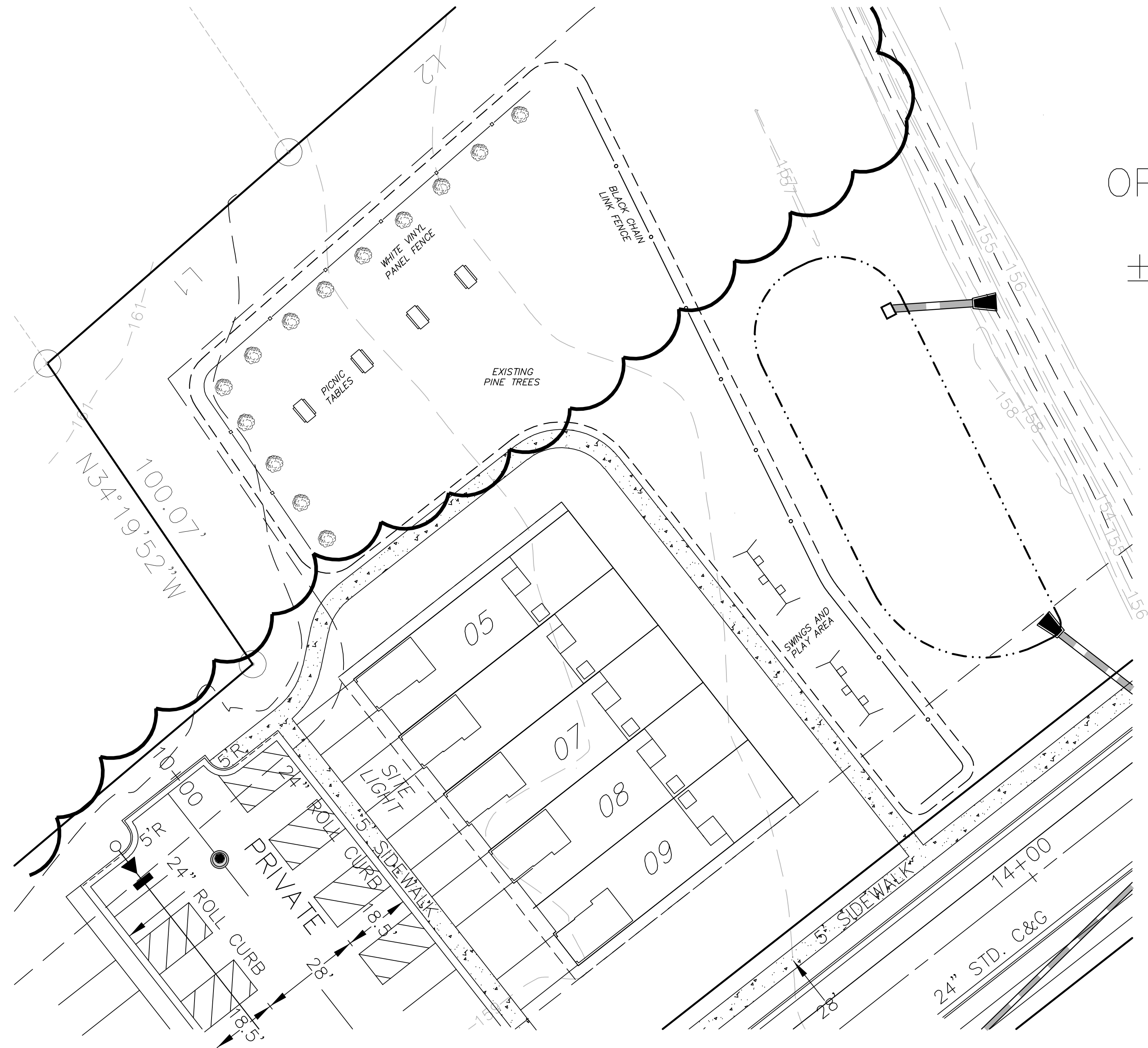
WHITLEY TOWNES - 68 TOWNHOME UNITS
SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA

LANDSCAPE PLAN

REVISIONS

FILE NO. 2021-001
HORZ. SCALE: 1"=50'
VERT. SCALE: NONE

CE-08

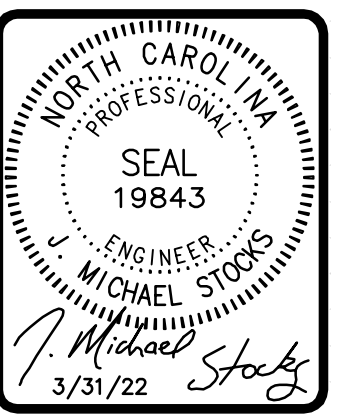


OPEN SPACE
AREA #1
±14,193 SF

NOTES:
OPEN SPACE ELEMENTS SHOWN BELOW ARE REPRESENTATIVE IN NATURE
AND MAY DIFFER FROM WHAT IS SHOWN HOWEVER THE CONCEPT BELOW
REPRESENTS THE DEVELOPERS INTENT OF THIS OPEN SPACE AREA.

BLN-C-1874

WHITLEY TOWNES - 68 TOWNHOME UNITS
SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA



OPEN SPACE
DETAIL

REVISIONS

FILE NO. 2021-001
HORZ. SCALE: 1"=20'
VERT. SCALE: NONE



Town of Smithfield

Planning Department

350 E. Market St Smithfield, NC 27577

P.O. Box 761, Smithfield, NC 27577

Phone 919-934-2116

Fax: 919-934-1134

**Preliminary Subdivision Application
General Information**

Development Name Whitley Townes

Proposed Use Townhome Community

Property Address(es)
West market st Smithfield, NC

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

PIN# <u>15-0-84-001</u>	TAX ID# <u>1609409-06-6525</u>
----------------------------	-----------------------------------

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

OWNER/DEVELOPER INFORMATION

Company Name J+J Flowers Finch Inc. Owner/Developer Name Jordan Finch

Address 4884 NC HWY 92 E

Phone 919 291 4838 Email Jordanffinch@gmail.com Fax _____

CONSULTANT/CONTACT PERSON FOR PLANS

Company Name Stocks Engineering Contact Name Mike Stocks or Ethan

Address 801 EAST WASHINGTON ST. NASHVILLE, NC. 27856

Phone 252-459-8196 Email MStocks@Stocksengineering.com Fax _____

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

ZONING INFORMATION

Zoning District(s) B-3C2

If more than one district, provide the acreage of each:

Overlay District? Yes No

Inside City Limits? Yes No

FOR OFFICE USE ONLY

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

STORMWATER INFORMATION

Existing Impervious Surface	100% acres/sf	Flood Hazard Area	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Proposed Impervious Surface	58% acres/sf	Neuse River Buffer	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Watershed protection Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Wetlands	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If in a Flood Hazard Area, provide the FEMA Map Panel # and Base Flood Elevation

NUMBER OF LOTS AND DENSITY

Total # of Single Family Lots	N/A	Overall Unit(s)/Acre Densities Per Zoning Districts	70 / 11.35 Acres
Total # of Townhouse Lots	70	Acreage in active open space	27,500 SF ^{6 units per Acre}
Total # of All Lots	70	Acreage in passive open space	Same ^{1.631 Acre}

SIGNATURE BLOCK (Applicable to all developments)

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

I hereby designate _____ to serve as my agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf, and to represent me in any public meeting regarding this application.

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

Signature [Signature] Date 3/2/22
 Signature [Signature] Date 3/2/22

REVIEW FEES

<input type="checkbox"/> Major Subdivision (Submit 7 paper copies & 1 Digital copy on CD)	\$500.00 + \$5.00 a lot	350
		5
		\$ 850 ^{total}

FOR OFFICE USE ONLY

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

REQUIRED FINDING OF FACT

Article 4 of the Town of Smithfield Unified Development Ordinance requires applications for a preliminary subdivision plat approval 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 grant preliminary subdivision approval 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.
all self contained & well kept w/ maintenance program
- 2) The special use will be in harmony with the existing development and uses within the area in which it is to be located.
Higher end residential area (it's surroundings)
- 3) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
establishes a defined landscape, signage & Arch Features that help support the town's UDO.
- 4) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
Self contained w/ drainage designed to leave similar to the way it exits the site now.
- 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.
public & private streets, in & out as well as a full notice with Access easement call to guarantee great access in & out.
- 6) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
- 7) Public access shall be provided in accordance with the recommendations of the Town's land use plan and access plan or the present amount of public access and public parking as exists within the Town now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
- 8) The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Council.
latest layout improves 25' rear buffer compared to last on or around units 16-21



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: Whitney Tames Submittal Date: 8/3/21

OWNERS AUTHORIZATION

I hereby give CONSENT to J & S Flowers Finch (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.

Twin States Farming, Inc.
Olivia B. Holding Signature of Owner Olivia B. Holding, President Print Name 7/29/21 Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

[Signature] Signature of Owner/Applicant Jordan Finch Print Name 8/3/21 Date

FOR OFFICE USE ONLY

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

Whitley Townes
Townhome Community
Smithfield, NC

Developer: **J&J Flowers Finch Inc.**
4884 NC HWY 42 E
Clayton, NC 27527

Date 8/5/2021



Section 1: Table of Contents

Section 1: Table of Contents	2
Section 2: Vicinity Map	3
Section 3: Project Data	4
Section 4: Purpose Statement	4
Section 5: Permitted Uses	5
Section 6: Design Controls	5
Section 7: Off-Street Parking	5
Section 8: Signs	5
Section 9: Natural Resources and Environmental Protection	6
Section 10: Storm Water Management	6
Section 11: Parks & Recreation	6
Section 12: Public Facilities	6
Section 13: Consistency	6
Section 14: Compliance with UDO & Exceptions	7
Section 15: Land Use Notes	7
Attachments: Existing Town home community with images from the development, signage example	

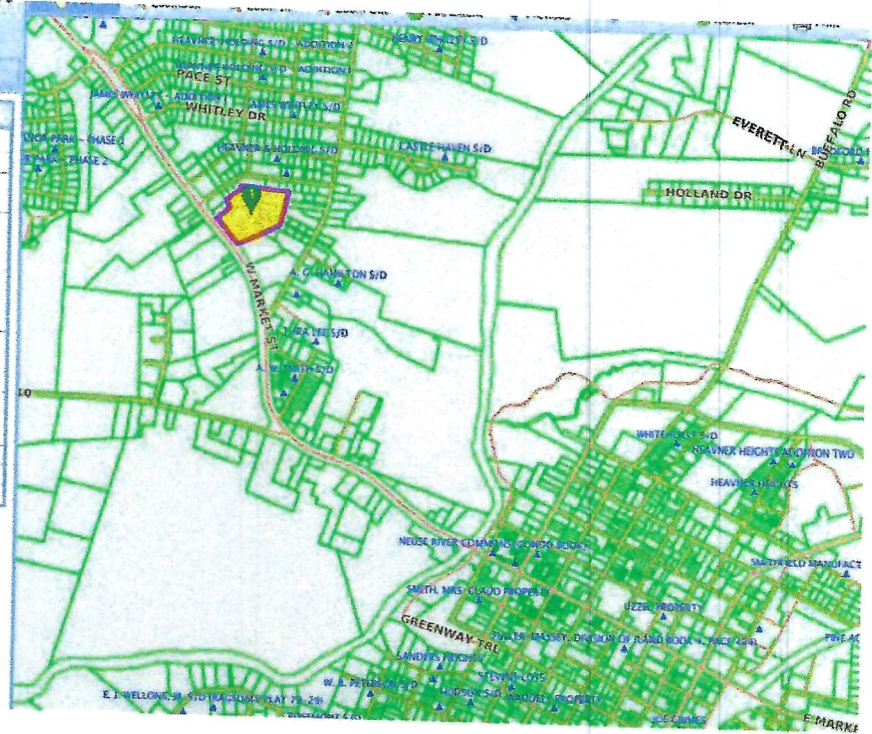
Section 2: Vicinity Map

Single-Parcel Tax Map

Click on a parcel.

Results for item 1

Id	15084001
Tag	15084001
NCPin	169409-06-6525
Mapsheet No	169409
Owner Name 1	TWIN STATES FARMING INC
Owner Name 2	
Mail Address 1	
Mail Address 2	P O BOX 1352
Mail Address 3	SMITHFIELD, NC 27577-1352
Site Address 1	
Site Address 2	
Book	
Page	
Market Value	341660
Assessed Acreage	10.740
Calc. Acreage	10.620
Sales Price	0
Sale Date	



Section 3: Project Data

Project Name: Whitley Townes

Developer: J&J Flowers Finch Inc.
4884 NC HWY 42 E
Clayton, NC. 27527

Prepared By: J&J Flowers Finch Inc.
4884 NC HWY 42 E
Clayton, NC. 27527

Designated Point of Contact: Josh & Jordan Finch (J&J Flowers Finch Inc.)

Current & Proposing Zoning:

Current: B3

Proposed: B3-CZ

Current & Proposed Land Use:

Current: Vacant

Proposes: Townhome

Section 4: Purpose Statement:

Whitley Townes is a proposed residential town home development under the town of Smithfield UDO ordinance. The property is currently located within the Town's Planning jurisdiction. The project is located on US 70 Business (Market Steet) with (1) existing direct access point.

The proposed project is in conformity with the Town's Land Use map. This project is currently designed with 70 townhome units.

The project is 6 units per acre at 58% impervious.

The project will have sidewalks on both sides of the street providing for a pedestrian friendly environment. The project will be complimentary with adjoining uses providing high quality residential townhomes.

Section 5: Permitted Uses

The project includes residential uses and residential support uses including:

- 1) Townhomes
- 2) Private Parking (160)
- 3) Park/Open Space

Section 6: Design Controls

- A. Maximum density for the project is 6.6 units per gross acre.
- B. Minimum Building Setbacks
 - a. All Types: 10' from buffer
 - b. Front Yard: 25'
 - c. Side Yard: 0'
 - d. Rear Yard: 10'
 - e. Driveways from Sidewalk to Garage: 20'
 - f. Building Height: 26'
- C. Percentage of Impervious Area: Will not Exceed 58% for Entire Project
- D. Perimeter Buffer: 25' (50' on Highway 70 Business (Market Steet))

Section 7: Off-Street Parking

Each townhome residence will have at least (2) paved parking spaces as well as (1) driveway and (1) in the garage. Parking and Loading will comply with all applicable requirements of UDO.

Section 8: Signs

The developer will submit a master sign plan that shows the location of signage with details at master subdivision phase. Signage for this project will comply with the UDO. (2) signs on Highway 70 at main entrance and South East corner of the property.

See Images:

Section 9: Natural Resource and Environmental Protection

- A. One small wetland impacted area
- B. There are no known historic structures within the project limits.

Section 10: Storm Water Management

The project will meet all applicable requirements and standards of the Town of Smithfield UDO. This project will meet all storm water quantity and quality reduction requirements. The proposed devices will include water quality ponds, bioretention areas, and other approved measures to treat and control storm water runoff. The devices will be located within open spaces areas and be positioned and landscaped to be an amenity for the project. The Property Owners Association will be responsible for maintaining and operation of these features.

Section 11: Parks and Recreation

The project will have an open space designed as play areas and dog parks.

Section 12: Public Facilities

Water: The project will connect to the Towns Water distribution system. Detailed routing to be determined prior to submission of the preliminary plat.

Sewer: The project will connect to the Townes Sewer collection system. Detailed routing to be determined prior to submission of the preliminary plat.

Road Improvements: Right-turn decals will be added at each entrance on US 70 Business.

Section 13: Consistency

The land plan identifies this location as Low Density and Medium Density Residential. The project as proposed complies with the objectives of the Land Use Plan by proposing residential development. The Town of Smithfield has already identified this area for both water and sewer service. Both Water and Sewer infrastructure are nearby.

Section 14: Compliance with UDO & Exceptions

The proposed plans for the project are in compliance with the Town's UDO with the following exceptions:

Townhome Variances: Townhome lot

1. Minimum Lot Area: 1500 Sq Ft
2. Minimum Lot Frontage: 20'
3. Front Yard Setback: 20'
4. Side Yard Width: 0'
5. Rear Yard Width: 20'
6. Rear Yard Depth: 20'

Section 15: Land Use Notes

- A. The project will require the formation of a Property Owners Association (Home Owner's Association, HOA) which will handle the maintenance and ownership of common areas, buffers, recreation facilities, and storm water quality features.
- B. Existing site is vacant (Open Area & Wooded Area)

Adjacent Property Owners of
S-22-03

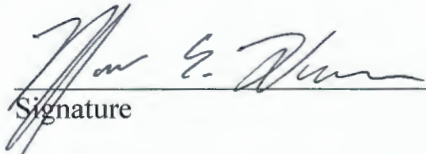
TAG	MAPSHEET	NAME2	ADDRESS2	CITY	ZIPCODE
169409-06-7896	SHARON BAPTIST CHURCH				00000-0000
169409-07-7015	SHARON BAPTIST CHURCH				00000-0000
169409-05-2823	MCLEOD, AMELIA MASSENGILL	210 S SMITH ST	CLAYTON	NC	27520-2537
169409-06-3821	HUNT, TAMMY OWENS	203 BRITT STREET	SMITHFIELD	NC	27577-0000
169409-16-1482	SOLDIERS OF THE CROSS OF	301 BARBOUR ROAD	SMITHFIELD	NC	27577-0000
169409-16-0843	HIGH, CLARENCE MARSHALL JR	109 BRITT ST	SMITHFIELD	NC	27577-0000
168412-96-8305	CROCKER, GLENWOOD P	P O BOX 1202	SMITHFIELD	NC	27577-0000
169409-16-0699	SUBURBAN REAL ESTATE	P O BOX 759	SMITHFIELD	NC	27577-0000
168412-95-8756	1023 WEST MARKET LLC	PO BOX 708	SMITHFIELD	NC	27577-0708
169409-06-2518	BERKSHIRE ROAD I LLC	P O BOX 1187	SMITHFIELD	NC	27577-1187
169409-06-6525	TWIN STATES FARMING INC	P O BOX 1352	SMITHFIELD	NC	27577-1352
169409-06-1658	TWIN STATES FARMING INCORP	P O BOX 1352	SMITHFIELD	NC	27577-1352
168412-96-7033	ALLIED COMMERCIAL PROPERTIES	PO BOX 1761	SMITHFIELD	NC	27577-1761
169409-06-2755	PRICE, LUCILLE P LIFE ESTATE	205 BRITT ST	SMITHFIELD	NC	27577-3101
169409-06-1790	OWENS, ELMER LEON SR.	207 BRITT ST	SMITHFIELD	NC	27577-3101
169409-06-9835	DEBATS, KATHRYN JOHNSON	111 BRITT ST	SMITHFIELD	NC	27577-3201
169409-06-9480	GILMORE, NELSON LAVERN	307C WILSONS MILLS RD	SMITHFIELD	NC	27577-3247
168412-95-1415	OTHERS	8 AFTON LN	SMITHFIELD	NC	27577-3621
169409-06-9259	LMR RENTALS	201 S BRIGHTLEAF BLVD STE 1	SMITHFIELD	NC	27577-4077
169409-16-2557	RODRIGUEZ, RICARDO RUTILLO	374 WEATHERSPOON LN	SMITHFIELD	NC	27577-9653
169409-05-6948	DEVELOPMENT, LLC	7105 GLENWOOD AVE	RALEIGH	NC	27612-7146
169409-06-8201	TELEGRAPH	720 WESTERN BLVD	TARBORO	NC	27886-0000
169409-16-0055	TELEGRAPH	720 WESTERN BLVD	TARBORO	NC	27886-0000
	J & J Flowers Finch, INC.	4884 NC Hwy 42 E	Clayton	NC	27527



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, S-22-03, were notified by First Class Mail on 4-20-22.




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

20th day of April, 2022



Notary Public Signature

Julianne Edmonds

Notary Public Name

My Commission expires on January 15, 2023





PLANNING DEPARTMENT

Mark E. Helmer, AICP
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, May 5, 2022 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

RZ-22-03 Wood & Warrick: The applicants are requesting to rezone three parcels of land totaling approximately 42.1 acres from the R-20A (Residential-Agricultural) and B-3 (Business) zoning districts to the LI (Light Industrial) zoning district. The properties considered for rezoning are located on the northeast side of the intersection Barbour Road and US Hwy 70 West Smithfield. The properties are further identified as Johnston County Tax ID# 15079004, 15079004A and 15079006.

RZ-22-04 TLC Estates, LLC: The applicant is requesting to rezone .48 acres of land from the R-20A (Residential-Agricultural) zoning district to the R-8 (Residential) zoning district. The property considered for rezoning is located on the east side of Buffalo Road approximately 480 feet south of its intersection with Holland Drive and further identified as Johnston County Tax ID# 14A03004.

CZ-22-02 Woodleaf: The applicant is requesting to rezone 491.2 -acres of land from R-20A zoning district to R-8 CZ zoning district with a master plan for a planned development consisting of 490 detached single-family lots, 691 attached single-family townhome lots, a 564 unit 3-story multifamily development and a 260-unit four-story multifamily development. The properties are located on Mallard Road between its intersections with Brogden Road and US 70 Business East and further identified as Johnston County Tax ID# 15K11019D, 15K11019F, 15L11043, 15K11017, 15K11047C, 15K11047F, 15K11047, 15L11042B

S-22-03 Whitley Towns: J&J Flowers Finch Inc. is requesting preliminary subdivision approval for the construction of a 70-unit single-family attached townhome development. The properties considered for approval are located on the northeast side of West Market Street approximately 300 feet southeast of its intersection with Britt Street. The properties are further identified as Johnston County Tax ID# 15084001 and a portion of 15084003A.

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 April 20, 2022 and April 27, 2022.