



PLANNING BOARD AGENDA

Members:

Chairman: Mark Lane (ETJ)

Vice-Chairman: Debbie Howard (Town)

Doris Wallace (Town)

Ashley Spain (ETJ)

Bryan Stanley (Town)

Alisa Bizzell (Town)

Wiley Narron (Alternate)

Stephen Wensman, AICP, ALA, Planning Director

Chloe Allen, Planner I

Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, December 7, 2023

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

PLANNING BOARD AGENDA

FOR REGULAR MEETING

DECEMBER 12, 2023

MEETING TIME: 6:00 PM

TOWN HALL COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Identify voting members.

Approval of the agenda.

Approval of the minutes for November 2, 2023.

Approval of the 2024 Planning Board Meeting Schedule

New Business.

ZA-23-09 Watershed Ordinance: The Town of Smithfield is proposing an amendment to the Unified Development Code, Section 10.92, and associated definitions in Appendix A as an update to the Water Supply Watershed Protection Overlay District regulations in accordance with changes in the general statutes, NCGS 143-214.5.

Old Business.

CZ-23-01 Buffalo Road: The applicant is requesting to rezone a 138.63-acre tract of land from the R-20A, R-10 and R-8 Residential zoning districts to the R-8 Conditional Zoning district with a master plan consisting of 217 single-family residential lots. The property considered for rezoning is located on the east side of Buffalo Road, approximately 300 south of its intersection with Holland Drive and further identified as Johnston County Tax ID# 14A03005.

Adjournment.

**Town of Smithfield
Planning Board Minutes
Thursday, November 2nd, 2023
Town Hall Council Chambers
6:00 PM**

Members Present:

Chairman Mark Lane
Vice-Chairman Debbie Howard
Bryan Stanley
Alisa Bizzell
Doris Wallace
Wiley Narron

Members Absent:

Ashley Spain

Staff Present:

Stephen Wensman, Planning Director
Michael Scott, Town Manager

Staff Absent:

Julie Edmonds, Administrative Support Specialist

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA Debbie Howard made a motion to approve the agenda; seconded by Doris Wallace. Unanimously approved

APPROVAL OF MINUTES for September 7th, 2023

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

Chairman Mark Lane addressed everyone in attendance and explained the roll of the Planning Board and the format of the meeting.

NEW BUSINESS

CZ-23-01 Buffalo Road: The applicant is requesting to rezone a 138.63-acre tract of land from the R-20A, R-10 and R-8 Residential zoning districts to the R-8 Conditional Zoning district with a master plan consisting of 217 single-family residential lots. The property considered for rezoning is located on the east side of Buffalo Road, approximately 300 south of its intersection with Holland Drive and further identified as Johnston County Tax ID# 14A03005.

Stephen Wensman stated Adams and Hodge Engineering, PC, is requesting a conditional rezoning of 138.63-acres of land from R-8 and R-20A to R8-CZ with a master plan for a planned development consisting of 217 single family lots. Mr. Wensman explained that a previous neighborhood meeting was held with the developer. A summary of concerns was brought up by the Bradford Park residents and was given to the board. They are located on page 3 of the agenda packet.

Stephen Wensman stated an additional condition of approval should be added such that the developer must provide access to a land locked lot owned by the Worley Family, parcel number 14K09007. He went on to say that Buffalo Rd was a state maintained/owned road and that an NCDOT permit will be required for all proposed/required access and traffic improvements.

Mr. Wensman explained the new development needs to connect to Parkway Drive in the Bradford Park neighborhood to meet the UDO and fire code and the development would also need to provide access to a 25-acre parcel to the South to accommodate future development as per UDO requirements. He also explained that sidewalks are proposed for both sides of the streets within the development. The proposed cul-de-sac bulbs are shown as having a 40-foot radius when a 48 ft radius was required by the fire code and one is longer than allowed by the UDO.

Mr. Wensman further explained the road coming from Bradford Park will transition from the existing 38-foot width to the proposed 31-foot width. Staff also recommends round-a-bouts at each three-way intersection as a traffic calming measure, whereas the developer proposes three way stops using stop signs at intersections.

Mr. Wensman explained the proposed lot sizes are 4300 sq. ft. Staff had requested larger lots where the new development meets Bradford Park to transition to smaller homes. This recommendation is not reflected in the current plans.

Mr. Wensman stated an HOA will be responsible for the common areas and storm ponds, of which there were two, mail kiosks and parking lots. Each lot will be designed with the ability to park 3-vehicles with overflow parking for an additional 98 vehicles on street in parking bays and in HOA parking lots. He went on to say that sewer access wouldn't be available until Spring 2025, the timeline for opening the new county sewer plant.

Mr. Wensman provided the Board with a consistency statement and 11 conditions of approval as provided on pages 8 and 9 of the agenda. Number 11 is the access requirement for parcel 14K09007, the Worley lot.

Mark Lane inquired if the density of the proposed subdivision was smaller than other developments that had already been approved.

Mr. Wensman explained the lots at the East River Subdivision were smaller. Mark Lane also brought up a concern about the length of the cul-de-sacs.

Debbie Howard inquired if Staff's recommended curbing on Buffalo Rd could be replaced with a valley curb to improve storm drainage. Mr. Wensman explained that NCDOT would make that determination.

At 6:40 Donnie Adams of Adams and Hodge began addressing the Board.

Adams explained the entire development was slightly less than 140 acres. Adams implied there was a 30-acre parcel behind the development that could have been developed for additional residential properties, increasing the overall density of this project.

Adams addressed the cul-de-sac radius explaining that the fire marshal had indicated the 40 ft. radius was adequate for the shorter cul-de-sac. Adams indicated the fire marshal felt the parking lot could be used to turn around a fire engine for the longer street with the second cul-de-sac, making the 40-foot radius adequate at that location as well.

Adams explained he understood about the issue of providing access to the Worley lot as a condition and he did not have a problem providing that.

Adams discussed the stub out road and opposed that condition as people are generally opposed to connecting to that in the future.

Adams said he would be glad to provide written architectural standards to accompany the pictures and information already provided.

Adams explained that Buffalo Road was a state road and all decisions, including adding curb and gutter should be left in the hands of NCDOT.

Adams addressed the traffic calming features of the staff recommended roundabouts, but felt that the three-way stops were sufficient to slow traffic.

Adams discussed the connection to Bradford Park saying that he did not oppose, not connecting to Bradford Park but that was Town required. Adams discussed the open space at that location and the greenway trail and felt that transition met the current code.

Mark Lane clarified with Adams, that Adams did not agree with all the conditions of approval.

Bryan Stanley asked what the density would be if the wetlands were not considered as part of the equation. Adams stated he did not know but ball parking it, he felt about 15% of the site were wetlands. Stanley further asked for the depth of each house. Adams stated they were a 30 ft. by 60 ft. box. Stanley asked if the storm water ponds were wet or dry. Adams stated they were wet ponds. Stanley also asked if masonry could be added to the fronts of the houses.

Debbie Howard asked that some stone or brick accent the front of the homes, but not cover the entire front of each house.

Mark Lane asked the Planning Director how the Board could address lot sizes.

Mr. Wensman stated the Board could reject the plan then make recommendations to the Council and explain what is too small. He further explained that this was predominately an R-8 zoning district prior to rezoning, so 8000 sq. ft. lots were to be the starting point. From there, the conditional zoning process was to be a give and take culminating in a negotiated plan.

At 7:05 Adams ended his time in front of the board and the citizens who desired to speak were provided an opportunity.

Rick Buckner of Bradford Park addressed the Board. Buckner explained that all the neighbors in Bradford Park looked out for one another. If 300 houses were added they could no longer do that. Buckner explained traffic concerns and the impact of traffic on other matters like kids walking to school was a concern. Buckner also felt that the small lot sizes would decrease his property value and felt that NCDOT would approve the subdivision. Buckner voiced concerns with either the three way stop signs or the roundabouts because he felt either option would create additional vehicle noise. He also felt the subdivision would increase traffic everywhere and would compound school staffing issues. Buckner felt the board should not vote on an incomplete plan.

Scott Gandolf of Bradford Park addressed the Board. Gandolf questioned the fire department requirement since Eden Woods and East River only had two access points. He reiterated that the required tie in was the biggest issue for Bradford Park residents. He questioned the wisdom of adding 400 cars onto Buffalo Road and felt if a tie in had to occur it would be better to tie into Canterbury Road and access Highway 301 rather than Buffalo Rd.

Gandolf expressed concerns of storm water drainage stating that residents often have standing water in their back yards. He felt nothing stated in the staff recommendations addressed the concerns of the residents of Bradford Park and explained that the residents bought into a subdivision with R-10 lots in order to keep the subdivision small.

Karen Grubbs of Bradford Park addressed the Board. Her issues were listed as traffic, drainage and the fact she had lived in Bradford Park for 25 years. She assumed the subdivision would remain small. She explained her lot was over ½ acre in size and the lots in the new subdivision were only 1/10 of an acre. She stated she had 30 years invested in her house.

Gene Bruten of Cobblestone Drive addressed the Board. His concerns included drainage and the potential decrease in his home's value. He felt if homes needed to be built, they should be comparable in size to those in Bradford Park. He felt new residents with a lower income than the residents of Bradford Park would bring problems. He also felt the additional cars may harm pedestrians and children in the area. He reiterated that he asked the lot sizes be increased and the connection to Bradford Park be eliminated.

Larry Hunnicut of Cobblestone Court addressed the Board. He asked if the ditch behind his property would be improved. Wensman stated that the storm drainage had not been engineered yet. Hunnicut voiced concerns about lot size and the potential for the subdivision to turn into a slum area. He asked that cars not be allowed to go through their subdivision.

Vinnie Lupo of Cobblestone Court addressed the Board. He voiced complaints about the East River Subdivision and the lot size of the proposed subdivision.

Steven Hart of a home near the subdivision addressed the Board. He stated his backyard is wet and he was concerned about storm drainage.

Wendy Lupo of Cobblestone Court addressed the Board. She stated she was part of a nice neighborhood. She was concerned about the lot size and the proposed tie into Bradford Park. She also had traffic concerns and how the development would negatively impact problems with already overcrowded schools.

Rick Buckner of Bradford Park addressed the Board for a second time. He introduced an article on ABC 11 news that described Smithfield as a gradual growth town. He stated this type of development would take away from that designation. He further explained that Smithfield did not want to be Clayton.

Glenn Weeks spoke for the developer then addressed the Board. Weeks explained in 2008 he began building houses and built out Bella Square when no one would build houses in Smithfield. He discussed the housing market and the demand for products like were built in Bella Square and believed that the properties in Bradford Park would increase in value because this subdivision would increase the cost of homes per square foot in the area. Weeks further stated he would prefer to eliminate the tie into Bradford Park and if so, would eliminate the homes north of the small cul-de-sac.

Mark Lane asked if there were other connections to the new development that might work. Week's felt the radio tower property would be an alternative but stated the developer did not own that property.

Debbie Howard asked if the stub out was part of the existing plan for future development and if future development would need to tie into that stub out. Wensman explained that it was. Howard then asked if the stub out that exists in Bradford Park was created for a future development tie in? Wensman stated that it was.

Glenn Weeks then asked if the trail system might be improved to create an emergency entrance for a fire engine. Mr. Wensman said the fire chief did not want emergency entrances and exits or knock down gates. Mr. Wensman then explained to the Board this was not the venue for developing new plans to the existing proposal.

Debbie Howard asked if the request could be tabled until the December meeting. Weeks and Adams expressed approval for the request to be tabled and perhaps further evaluate the tie into Bradford Park and what alternatives might exist.

Doris Wallace made a motion to table the request until the December 7th meeting. Seconded by Debbie Howard. All present were in favor, no one opposed.

Old Business: None

Adjournment

Alisa Bizzell made a motion to adjourn, seconded by Debbie Howard. Unanimous for adjournment. Time 8:05 pm.

Respectfully Submitted,

Julie Edmonds

Julie Edmonds
Administrative Support Specialist

DRAFT



2024
Planning Board Meeting Schedule

Thursday, January 4, 2024

Thursday, February 1, 2024

Thursday, March 7, 2024

Thursday, April 4, 2024

Thursday, May 2, 2024

Thursday, June 6, 2024

Thursday, July 11, 2024

Thursday, August 1, 2024

Thursday, September 5, 2024

Thursday, October 3, 2024

Thursday, November 14, 2024

Thursday, December 5, 2024

****All meetings begin at 6:00pm and are located inside the Council Chambers****



Request for Planning Board Action

**Agenda
Item:** ZA-23-09
Date: 12/07/23

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

Issue Statement

Request to amend the Unified Development Ordinance (UDO), Article 10, Section 10.92, Water Supply Watershed Protection Overlay District ordinance and associated definitions in the UDO Appendix A.

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-23-09 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Draft Zoning Text Amendment
2. Consistency Statement
3. Application



Staff Report

Agenda ZA-
Item: 23-09

OVERVIEW:

The update to the Water Supply Watershed Protection Overlay District ordinance and associated definitions are in response to changes in the general statutes, NCGS 143-214.5. The Town is required to adopt watershed protection ordinances in accordance with the general statutes. The Town has updated its ordinance based on the model ordinance provided by the North Carolina Department of Environmental Quality (NCDEQ). This draft ordinance has been reviewed by NCDEQ and when adopted by the Town, the adopted ordinance will be forwarded to NCDEQ as proof of compliance.

ANALYSIS:

The updated ordinance follows the same general format as the old with the following key changes:

- Added Section 10.92.4 Exceptions to Applicability.
- Added Section 10.92.5 Violations of Water Supply Watershed Protection Overlay District Ordinance which outlines civil penalties by the N.C. Environmental Management Commission if a violation occurs.
- Added Section 10.92.6 Effective Date, which will be the date of adoption.
- Updated Section 10.92.9 Development Regulations – WS-IV-CA with:
 - Updated Allowed Uses language.
 - Updated density and built-upon limits for low-and high-density projects.
 - Updated stormwater control requirements.
 - Updated method to calculate density.
- Updated Section 10.92.10. Development Regulations—WS-IV-PA District with:
 - Updated Allowed Uses language.
 - Updated density and built-upon limits for low-and high-density projects.
 - Updated stormwater control requirements.
 - Updated method to calculate density.
- Updated Section 10.92.8 Density Averaging, to replace Impervious Surface Transfer Credit.
- Updated Section 10.81.11 Buffer Areas Required.
- Updated Variance procedure (Section 10.92.12) that is unique to this ordinance.
- Updated associated definitions in the UDO, Appendix A.

CONSISTENCY STATEMENT (STAFF OPINION):

Staff finds the zoning text amendment as 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.

RECOMMENDATION:

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-23-9, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

RECOMMENED MOTION:

Staff recommends the following motions:

“move to recommend approval of zoning text amendment, ZA-23-09, amending Article 10, Section 10.92, Water Supply Watershed Protection Overlay District ordinance and associated definitions in the UDO Appendix A., finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
ZA-23-09**

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

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

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

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

That the final action regarding zoning ordinance amendment ZA-23-09 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the regularly scheduled meeting of Planning Board; and

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

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

That the final action regarding zoning ordinance amendment ZA-23-09 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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

ORDINANCE # ZA-23-09
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 10, SECTION 10.92 WATER SUPPLY WATERSHED PROTECTION
OVERLAY DISTRICTS, SECTION 10.119 FINAL PLAT CERTIFICATIONS AND
OTHER DOCUMENTATION AND APPENDIX A, DEFINITIONS.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 10, Section 10.92, Water Supply Watershed Protection Overlay Districts, Article 10, Section 10.119 Final plat certifications and other documentation, and Appendix A Definitions to be in compliance with general statutes, NCGS 143-214.5.

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

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

[Amend Article 10, Section 10.92]

PART 1

Sec. 10.92. Water Supply Watershed Protection Overlay Districts.

10.92.1. Purpose.

The purpose of this section is to regulate development and land use activities in a manner which will limit exposure of water supply watersheds to pollution. Sources of pollution include leachate from septic tank nitrification fields, storm water runoff, accidental spillage from residential, commercial, and industrial activities, and discharge of process and cooling water, among others.

As required by the Water Supply Watershed Protection Act of 1989, the State of North Carolina has reclassified each of the state's drinking water supply watersheds to its most appropriate classification. The Neuse River watershed is classified as WS-IV which are protected water supply watersheds which are generally moderate to highly developed. Water supply watershed protection is a proactive approach to the preservation and treatment of drinking water supplies rather than a reactive approach of treatment prior to consumption.

10.92.2. Authority.

Statutory authority for this section is derived from G.S. § 160D-702, ~~and~~ G.S. § 160D-703, and G.S. § 160D-926.

10.92.3. Jurisdiction.

The regulations established shall apply within areas designated as a Public Water Supply Watershed by the North Carolina Environmental Management Commission and the boundaries of the watershed areas shall be as noted on the Town of Smithfield Zoning Map and is hereby made a part of this Ordinance, a map adopted in conjunction with these regulations.

10.92.4 Exceptions to Applicability.

10.92.4.1. Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance.

10.92.4.2. Expansions to existing development must meet the requirements of this ordinance, except single family residential development or unless expansion is part of common plan of development. In an expansion, the built-upon area of the existing development is not required to be included in the density calculations. Where there is a net increase of built upon area, only the area of net increase is subject to this ordinance. Where existing development is being replaced with new built upon area, and there is net increase of built upon area, only areas of net increase shall be subject to this ordinance.

10.92.4.3. Any lot or parcel created as part of a Family Subdivision after the effective date of these rules shall be exempt from these rules if it is developed for one single-family detached residence and if it is exempt from subdivision regulation.

10.92.4.4. Any lot or parcel created as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.

10.92.4.5. An applicant may exceed the density limits in Sections 10.92.6 and 10.927 if all of the following circumstances apply:

10.92.4.5.1. The property was developed prior to the effective date of the local water supply watershed program.

10.92.4.5.2. The property has not been combined with additional lots after January 1, 2021.

10.92.4.5.3. The property has not been a participant in a density averaging transaction under G.S. 143214.5(d2).

10.92.4.5.4. The current use of the property is nonresidential.

10.92.4.5.5. In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, state, and federal laws and regulations.

10.92.4.5.6. The remaining vegetated buffers on the property are preserved in accordance with the requirements of this Ordinance.

10.92.5. Violations of Water Supply Watershed Protection Overlay District Ordinance.

In addition to the enforcement provisions in Section 1.8, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

10.92.6. Effective Date.

This Ordinance shall take effect and be in force on **January 2024**.

10.92.7. Standards.

The standards of both the Water Supply Watershed Protection Overlay Districts and the underlying zoning district shall apply. Where these standards differ, the standards of the Overlay Districts shall govern.

10.92.8. Establishment of Watershed Areas.

For the purposes of this section, the Town of Smithfield and its extraterritorial jurisdiction are divided into the following Water Supply Watershed Protection Overlay Districts:

10.92.8.1. WS-IV-CA Critical Area Overlay District.

10.92.8.2. WS-IV-PA Protected Area Overlay District.

10.92.9. Development Regulations—WS-IV-CA District.

Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this ordinance when located in a WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area.

The following regulations shall apply within the WS-IV-CA:

10.92.9.1. Allowed Uses.

~~10.92.9.1.1. Agricultural uses are not subject to the stormwater requirements of this ordinance. (Amended 10/3/2017)~~ Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.

10.92.9.1.2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209).

10.92.9.1.3. Residential uses.

~~10.92.6.1.4. Non-residential development, excluding: 1) landfills and 2) sites for land application of residuals or petroleum contaminated soils. Expansions to existing nonresidential development in accordance with Section 10.92.9.~~

10.92.9.2. Density and Built-Upon Limits. (Amended 10/3/2017)

~~10.92.9.2.1. Single-Family Residential-Minimum Lot Size. Where neither public water nor sewer are available, the minimum lot size shall be forty thousand (40,000) square feet, or as determined by the Johnston County Division of Environmental Health. Where either public water or sewer, or both, are available, the minimum lot size shall be one-half (1/2) acre or twenty one thousand seven hundred eighty (21,780) square feet. Development shall not exceed two dwelling units per acre on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding roadway right-of-way), except within an approved cluster development.~~

~~10.92.9.2.2. All Other Residential and Non-Residential--development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. Impervious Surface Limitations. Development shall not exceed twenty-four (24) percent built upon area on a project by project basis unless the high density option is utilized. For the purpose of calculating the built upon area, total project area shall include the gross acreage in the tract on which the project is to be developed.~~

~~10.92.9.2.3. High Density Option. High Density Option. Impervious surfaces may be increased up to a maximum of seventy (70) percent subject to the following requirements: In addition to the development allowed under sections 10.92.9.2.1 and 10.92.9.2.2 above, the Town Council may approve new development and expansions to existing development utilizing the high-density option with up to fifty percent (50%) built-upon area on a project-by-project basis. Projects must, to the maximum extent~~

practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed:

10.92.9.3. Stormwater Control Requirements. Where development proposes intensity greater than twenty-four (24) percent engineered stormwater controls shall be used to control stormwater runoff from the first inch of rainfall in order to meet water quality concerns.

10.92.6.2.3.2. Ownership, Design, and Maintenance of Engineered Stormwater Controls.

10.92.6.2.3.2.1. Unless otherwise approved, ownership of the engineered stormwater controls shall remain with the property owner or a property owners' association, which shall be responsible for the continued care and maintenance of such controls.

10.92.6.2.3.2.2. Engineer stormwater controls shall be designed and constructed in accordance with standards and specifications established by the Town of Smithfield and to the state's minimum standards. The BMP design criteria shall require eighty five (85) percent average annual removal of total suspended solids and the discharge rate must meet one (1) of the following criteria:

10.92.6.2.3.2.2.1. The discharge rate following the one-inch design storm shall be such that the runoff draws down to the pre-storm design within five (5) days, but not less than two (2) days; or

10.92.6.2.3.2.2.2. The post development peak discharge rate shall equal the predevelopment rate for the one-year, twenty-four-hour storm.

10.92.6.2.3.2.3. Except as allowed in paragraph 10.92.6.2.3.2.3.3 below, no building permit shall be issued for a site proposed for development, until:

10.92.6.2.3.2.3.1. UDO Administrator has approved plans and specifications for the proposed engineered stormwater controls and the property owner has entered into an agreement and covenants or operation and maintenance agreement with the town in accordance with the terms established by the town including being referenced on a final plat which must be recorded along with the agreement in the Johnston County Register of Deeds; and

10.92.6.2.3.2.3.2. The property owner has posted a performance bond, other surety instrument, or other payment in acceptable form to the town in an amount determined by the UDO Administrator as appropriate to assure construction, maintenance, repair, and/or reconstruction necessary for adequate performance of the engineered stormwater controls.

10.92.6.2.3.2.3.3. For multi-family projects, building permits may be issued; but construction drawing approval, or water and sewer permit approval, shall be withheld until compliance with paragraphs 10.92.6.2.3.2.3.1 and 10.92.6.2.3.2.3.2 above.

10.92.6.2.3.2.3.4. The agreement and covenants or operation and maintenance agreement required under paragraph 10.92.6.2.3.2.3.1 above, may be required prior to site plan or preliminary plat approval.

10.92.6.2.3.2.4. No certificate of compliance/occupancy shall be issued for any structure constructed within a site proposed for development, other than as allowed below, until the UDO Administrator has approved construction of the engineered stormwater controls and after review and approval of "as-built" drawings. Notwithstanding this requirement, the UDO Administrator may allow for delay in approval of construction of stormwater controls and submission and approval of as-built drawings for single-family housing and other developments requiring multiple certificates of occupancy.

10.92.9.3.1. Low Density Projects. In addition to complying with the project density requirements, low density projects shall comply with the following:

10.92.9.3.1.1. Vegetative Conveyances. Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances shall meet the following:

10.92.9.3.1.1.1. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the local government that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation.

10.92.9.3.1.1.2. The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.

10.92.9.3.1.2. Curb Outlet Systems. In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:

10.92.9.3.1.2.1. The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity.

10.92.9.3.1.2.2. The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided.

10.92.9.3.1.2.3. The swale's cross section shall be trapezoidal with a minimum bottom width of two feet.

10.92.9.3.1.2.4. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical).

10.92.9.3.1.2.5. The minimum length of the swale or vegetated area shall be 100 feet;

10.92.9.3.1.2.6. Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in 10.92.9.3.1.2.1 through 10.92.9.3.1.2.5.

10.92.9.3.2. High Density Projects.

10.92.9.3.2.1. Stormwater Control Measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 02B .0621;

10.92.9.3.2.2. For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;

10.92.9.3.2.3. Stormwater runoff from off-site areas and Existing Development, shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;

10.92.9.3.2.4. SCMs shall meet the relevant Minimum Design Criteria set forth in 15A NCAC 02H .1050 through .1062

10.92.9.3.2.5. Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

10.92.9.4. Posting of Financial Security Required. All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the stormwater control structures in accordance with Article 5, Section 5.7.8.10

10.92.9.5. Stormwater SCM Operation and Maintenance Agreement. The permit applicant shall enter into the binding Operation and Maintenance Agreement between the Town of Smithfield and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Johnston County Register of Deeds.

10.92.9.6. Calculation of Density.

10.92.9.6.1. Project density shall be calculated as the total built-upon area divided by the total project area.

10.92.9.6.2. A project with "Existing Development," as defined in this ordinance, may use the calculation method in 10.92.9.2.1. or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.

10.92.9.6.3 Expansions to Existing Development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).

10.92.9.6.4. Where there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.

10.92.9.6.5. Where Existing Development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits

10.92.9.6.6. Total project area shall exclude the following:

10.92.9.6.6.1. Areas below the Normal High Water Line (NHWL).

10.92.9.6.6.2. Areas defined as "coastal wetlands" pursuant to 15A NCAC 07H .0205, herein incorporated by reference, including subsequent amendments and editions, and available at no cost at <http://reports.oah.state.nc.us/ncac.asp>, as measured landward from the NHWL.

10.92.9.6.7. Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high and low density areas based on one or more of the following criteria:

10.92.9.6.7.1 Natural drainage area boundaries.

10.92.9.6.7.2. Variations in land use throughout the project.

10.92.9.6.7.3. Construction phasing.

10.92.10. Development Regulations—WS-IV-PA District.

Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this ordinance when located in a WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed at a

maximum of twenty-four percent (24%) built-upon area. New residuals application sites and landfills are specifically prohibited.

The following regulations shall apply within the WS-IV-PA:

10.92.10.1. Allowed Uses.

10.92.10.1.1. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. Agricultural uses are not subject to the stormwater requirements of this ordinance. (Amended 10/3/2017)

10.92.10.1.2. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.0101-.0209).

10.92.10.1.3. Residential development.

10.92.10.1.4. Nonresidential development, excluding storage of toxic and hazardous materials unless a spill containment plan is implemented.

10.92.10.2. Density and Built-Upon Limits. (Amended 10/3/2017)

10.92.10.2.1. Single Family Residential--development shall not exceed two (2) dwelling units per acre, as defined on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 square feet excluding roadway right-of-way), or one-third (1/3) acre for projects without a curb and gutter street system, except within an approved cluster development. Single-Family Residential Minimum Lot Size. Where neither public water nor sewer are available, the minimum lot size shall be forty thousand (40,000) square feet, or as determined by the Johnston County Division of Environmental Health. Where either public water or sewer, or both, are available, the minimum lot size shall be one-half (½) acre or twenty one thousand seven hundred eighty (21,780) square feet.

10.92.10.2.2 All Other Residential and Non-Residential--development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed. Impervious Surfaces. Development shall not exceed twenty-four (24) percent built upon area on a project by project basis unless the high density option is utilized.

For the purpose of calculating the built upon area, total project area shall include the gross acreage in the tract on which the project is to be developed.

10.92.10.2.3. High Density Option. In addition to the development allowed under paragraphs 10.92.10.2.1 and 10.92.10.2.2 above, the Town Council may approve new development and expansions to existing development utilizing the high-density option with up to seventy percent (70%) built-upon area on a project-by-project basis. Projects must, to the maximum extent practicable, minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. Impervious surfaces may be increased up to a maximum of seventy (70) percent subject to the following requirements:

10.92.10.3. Stormwater Control Requirements. Where development proposes intensity greater than twenty-four (24) percent engineered stormwater controls shall be used to control stormwater runoff from the first inch of rainfall in order to meet water quality concerns.

~~10.92.7.2.3.2. Ownership, Design, and Maintenance of Engineered Stormwater Controls.~~

~~10.92.7.2.3.2.1.~~ Unless otherwise approved, ownership of the engineered stormwater controls shall remain with the property owner or a property owners' association, which shall be responsible for the continued care and maintenance of such controls.

~~10.92.7.2.3.2.2.~~ Engineer stormwater controls shall be designed and constructed in accordance with standards and specifications established by the Town of Smithfield and to the state's minimum standards. The BMP design criteria shall require eighty five (85) percent average annual removal of total suspended solids and the discharge rate must meet one (1) of the following criteria:

~~10.92.7.2.3.2.2.1.~~ The discharge rate following the one inch design storm shall be such that the runoff draws down to the pre-storm design within five (5) days, but not less than two (2) days; or

~~10.92.7.2.3.2.2.2.~~ The post development peak discharge rate shall equal the predevelopment rate for the one year, twenty four hour storm.

~~10.92.7.2.3.2.3.~~ Except as allowed in paragraph 10.92.7.2.3.2.3.3 below, no building permit shall be issued for a site proposed for development, until:

~~10.92.7.2.3.2.3.1.~~ UDO Administrator has approved plans and specifications for the proposed engineered stormwater controls and the property owner has entered into an agreement and covenants or operation and maintenance agreement with the town in accordance with the terms established by the town including being referenced on a final plat which must be recorded along with the agreement in the Johnston County Register of Deeds; and

~~10.92.7.2.3.2.3.2.~~ The property owner has posted a performance bond, other surety instrument, or other payment in acceptable form to the town in an amount determined by the UDO Administrator as appropriate to assure construction, maintenance, repair, and/or reconstruction necessary for adequate performance of the engineered stormwater controls.

~~10.92.7.2.3.2.3.3.~~ For office, institutional, commercial, industrial, and multi family projects, building permits may be issued; but construction drawing approval, or water and sewer permit approval, shall be withheld until compliance with paragraphs 10.92.7.2.3.2.3.1 and 10.92.7.2.3.2.3.2 above.

~~10.92.7.2.3.2.3.4.~~ The agreement and covenants or operation and maintenance agreement required under paragraph 10.92.7.2.3.2.3.1 above, may be required prior to site plan or preliminary plat approval.

~~10.92.7.2.3.2.4.~~ No certificate of compliance/occupancy shall be issued for any structure constructed within a site proposed for development, other than as allowed below, until the UDO Administrator has approved construction of the engineered stormwater controls and after review and approval of "as-built" drawings. Notwithstanding this requirement, the UDO Administrator may allow for delay in approval of construction of stormwater controls and submission and approval of as-built drawings for single family housing and other developments requiring multiple certificates of occupancy.

10.92.10.3.1. Low Density Projects. In addition to complying with the project density requirements, low density projects shall comply with the following:

10.92.10.3.1.1. Vegetative Conveyances. Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances shall meet the following:

10.92.10.3.1.1.1. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the local government that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation.

10.92.10.3.1.1.2. The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.

10.92.10.3.1.2. Curb Outlet Systems. In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:

10.92.10.3.1.2.1. The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;

10.92.10.3.1.2.2. The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;

10.92.10.3.1.2.3. The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;

10.92.10.3.1.2.4. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);

10.92.10.3.1.2.5. The minimum length of the swale or vegetated area shall be 100 feet

10.92.10.3.1.2.6. Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in 10.92.9.3.1.2.1 through 10.92.9.3.1.2.5.

10.92.10.3.2. High Density Projects.

10.92.10.3.2.1. Stormwater Control Measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 02B .0621; (

10.92.10.3.2.2. For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;

10.92.10.3.2.3. Stormwater runoff from off-site areas and Existing Development, shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;

10.92.10.3.2.4. SCMs shall meet the relevant Minimum Design Criteria set forth in 15A NCAC 02H .1050 through .1062

10.92.10.3.2.5. Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.

10.92.10.4. Posting of Financial Security Required. All new stormwater control structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs, or reconstruction necessary for adequate performance of the stormwater control structures in accordance with Article 5, Section 5.7.8.10

10.92.10.5. Stormwater SCM Operation and Maintenance Agreement. The permit applicant shall enter into the binding Operation and Maintenance Agreement between the Town of Smithfield and all interests in the development. Said Agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the stormwater control structure in accordance with the operation management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Johnston County Register of Deeds.

10.92.10.6. Calculation of Density.

10.92.10.6.1. Project density shall be calculated as the total built-upon area divided by the total project area.

10.92.10.6.2. A project with "Existing Development," as defined in this ordinance, may use the calculation method in 10.92.9.2.1. or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.

10.92.10.6.3 Expansions to Existing Development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule15A NCAC 02B .0622 (1)(d).

10.92.10.6.4. Where there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.

10.92.10.6.5. Where Existing Development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits

10.92.10.6.6. Total project area shall exclude the following:

10.92.10.6.6.1. Areas below the Normal High Water Line (NHWL).

10.92.10.6.6.2. Areas defined as "coastal wetlands" pursuant to 15A NCAC 07H .0205, herein incorporated by reference, including subsequent amendments and editions, and available at no cost at <http://reports.oah.state.nc.us/ncac.asp>, as measured landward from the NHWL.

10.92.10.6.7. Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high and low density areas based on one or more of the following criteria:

10.92.10.6.7.1 Natural drainage area boundaries.

10.92.10.6.7.2. Variations in land use throughout the project.

10.92.10.6.7.3. Construction phasing.

10.92.11. ~~Impervious Surface Transfer Credit. (Amended 10/3/2017)~~ Density Averaging.

Two non-contiguous parcels can shall be treated as one single parcel to meet the built-upon area/density requirements of the WSWP rules and this ordinance. These parcels can be under the same or separate ownership. Density averaging of non-contiguous parcels for purposes of complying with local Water Supply programs is permitted with the following minimum requirements.

The impervious-surface limit provisions of this section can be exceeded through an impervious-surface credit transfer. Credit for the impervious-surfaces allowed on one (1) or more parcels ("donor parcels") can be transferred to non-contiguous parcels ("receiving parcels"), such that the amount of impervious-surface available for a development project would be the total of what is normally allowed on the receiving parcel plus what is transferred from the donor parcel(s). Impervious-surface credit transfer is subject to the following provisions:

10.92.11.1. The donor parcel and receiving parcel shall be located within the same water supply watershed. **If one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.**

10.92.11.2. The impervious surface credit transfer shall not be from a donor parcel in protected area to a receiving parcel in critical area.

10.92.11.3. Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.

10.92.11.4. Vegetated buffers on both properties meet the minimum buffer requirements in accordance with Sections 10.55d and 10.92.11.of this ordinance.

10.92.11.5. Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

10.92.11.6. Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.

10.92.11.7. The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to the Town as a park or greenway with Town Council approval, or placed under a permanent conservation or farmland preservation easement, or with deed restrictions. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable. .The portion of the donor parcel which is restricted from development as part of the impervious surface credit transfer shall remain in a vegetated or natural. The portion of the donor site restricted from development shall be protected from all future development through use of a permanent conservation easement in favor of either:

10.92.8.3.1. Town of Smithfield; or

10.92.8.3.2. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements (the organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer to the town in the event the organization becomes unable to carry out its functions). If the entity accepting the easement is not the town then a third right of enforcement favoring the town shall be included in the easement.

10.92.11.8. Development permitted under density averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable

10.92.11.9. The impervious surface credit transfer density averaging shall be reviewed and approved through use of the site plan process.

10.92.8.5. The donor parcel shall be deemed appropriate for acceptance by the town under the Town of Smithfield Review Criteria for Acceptance of Conservation Easements for Impervious Surface Transfer.

10.92.12. Buffer Areas Required. (~~Amended 10/3/2017~~)

10.92.12.1 A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low-density option; otherwise, a minimum fifty (50) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted. For all new development activities proposed within the WS-IV-CA or WS-IV-PA Districts, a minimum fifty feet vegetative buffer is required, unless the high density option is utilized in which case the minimum buffer will be one hundred (100) feet, adjacent to all perennial waters as indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by other reliable sources. Vegetation within such buffers shall remain undisturbed except as permitted by state rules and as may be necessary to accommodate any of the following uses:

10.92.12.2 No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

~~10.92.9.1. Boat docks, ramps, piers, or similar structures.~~

~~10.92.9.2. Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places.~~

~~10.92.9.3. Roads, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees.~~

~~10.92.9.4. Other public projects, where no practical alternative exists.~~

10.92.10. Existing Single Family Development Exempt.

Existing single family dwelling units or proposed additions or expansions to existing single family dwelling units shall be exempt from these regulations.

10.92.13. Other Existing Development.

~~Existing development as defined in this ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations. Existing development as defined herein (other than single family residential development) which does not currently comply with these provisions, may be continued and maintained without penalty. Proposed expansions to structures classified as existing development, including nonresidential development within the critical area, which would qualify as permitted uses within the underlying zoning district may be allowed but shall be required to comply fully with these requirements. The existing built-upon area shall not be required to be included when calculating permissible density.~~

~~10.92.13.1. Uses of Land. This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:~~

~~10.92.13.1.1 When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.~~

~~10.92.13.1.2. Such use of land shall be changed only to an allowed use.~~

~~10.92.13.1.3. When such use ceases for a period of at least one year, it shall not be reestablished.~~

10.92.12. Existing Vacant Lots.

Existing vacant lots, for which plats or deeds have been recorded in the Johnston County Register of Deeds office prior to the adoption of these regulations, may be used for any of the permissible uses allowed in the watershed area in which it is located, provided that whenever two (2) or more contiguous residential lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, then such lots shall be considered as a single property for the purpose of compliance with these requirements.

10.92.13. Occupied Lots.

Lots occupied for residential purposes at the effective date of these regulations may continue to be used, provided that whenever two (2) or more contiguous lots of record, one (1) of which is occupied, are in single ownership on the effective date of these regulations, and such lots individually or together have less area than required by the minimum standards, then such lots shall be considered as a single property for the purpose of compliance with these requirements.

10.92.14. Swale Street Systems.

Within the WS-IV-CA and WS-IV-PA Districts, the Town Council may authorize development which would utilize a swale rather than a curb and gutter street system provided such streets are designed and constructed in accordance with the NCDOT Division of Highways manual entitled "Minimum Construction Standards for Subdivision Roads," as amended, or its successor document, for the classification of street proposed. Additionally, best management practices (BMPs) as prescribed in the NCDOT manual "Water Supply Watershed Best Management Practices" shall be utilized for all new roadway construction within watershed areas.

10.92.15. Planned Unit Development within Watershed Areas.

For planned unit developments proposed within water supply watershed areas, development densities shall comply with the regulations established under this section.

10.92.14. Variances.

The Board of Adjustment shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the town shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

10.92.14.1. Applications. Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

10.92.14.1.1. A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

10.92.14.1.2. A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.

10.92.14.1.3. The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Comments received by each local government shall become a part of the record of proceedings of the Watershed Review Board.

10.92.14.2. Required Findings. Before the Board of Adjustment may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the

factual reasons on which they are based:

10.92.14.2.1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:

10.92.14.2.1.1. If the applicant complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.

10.92.14.2.1.2. The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.

10.92.14.2.1.3. The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

10.92.14.2.1.4. The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.

10.92.14.2.1.5. The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others and would not promote equal justice.

10.92.14.2.2. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

10.92.14.2.3. In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

10.92.14.3. In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

10.92.14.4. The Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

10.92.14.5. A variance issued in accordance with this Section shall be issued a zoning permit and such permit shall expire if a Building Permit or a Certificate of Occupancy for such use is not obtained by the applicant within six (6) months from the date of the decision.

10.92.14.6. If the application calls for the granting of a major variance, and if the Board of Adjustments decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

~~10.92.12.1. Whenever an application is filed for a variance to the provisions contained in this section the town shall notify the other local governments having jurisdiction within the watershed and any entity using the water supply for consumption purposes to allow these parties an opportunity to comment on the application.~~

~~10.92.12.2. The Board of Adjustment shall conduct a hearing on the application in accordance with Section 4.10, the procedures established under this ordinance. The Board of Adjustment shall have the power to~~

authorize, in specific cases, minor variances, as defined herein, from the terms of this section as will not be contrary to the public interest.

10.92.12.3. If the application for a variance calls for the granting of a major variance, as defined herein, and if the Board of Adjustment decides in favor of granting the variance, a preliminary record of the hearing shall be prepared within thirty (30) days. The preliminary record shall include:

10.92.12.3.1. The variance application;

10.92.12.3.2. The hearing notices;

10.92.12.3.3. The evidence presented;

10.92.12.3.4. Motions, offers of proof, objections to evidence, and rulings on them;

10.92.12.3.5. Proposed findings and exceptions;

10.92.12.3.2. The proposed decision, including any conditions proposed to be added to the permit.

10.92.14.7. The preliminary record shall be sent to the Environmental Management Commission (EMC) for review as follows:

10.92.14.7.1. If the EMC concludes from the preliminary record that the variance qualifies as a major variance and that (a) the property owner can secure no reasonable return from nor make any proposed variance is granted, and (b) the variance, if granted, will not result in a threat to the water supply, then the EMC shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Town Board of Adjustments. If the Commission approves the variance as proposed, the Board of Adjustments shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board of Adjustments shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

10.92.14.7.2. If the EMC concludes from the preliminary record that the variance qualifies as a major variance and that (a) the property owner can secure a reasonable return from or make a practical use of the property without the variance or, (b) the variance, if granted, will result in a serious threat to the water supply, then the EMC shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Town Board of Adjustment. The Board of Adjustment shall prepare a final decision denying the variance as proposed.

10.92.16.5. The EMC shall prepare a final Commission decision relative to the proposed variance and transmit it to the Board of Adjustment. The Board shall advise the applicant for the proposed variance of the EMC's final decision.

10.92.16.6. A record of all variances granted during a calendar shall be transmitted to the Division of Environmental Management on or before January 1st of the following year.

10.92.15. Cluster Subdivisions. (Amended 10/3/2017)

Cluster development is allowed in all watershed areas under the following conditions:

10.92.15.1. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Sections 10.92.6 and 10.92.7. Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed or protected area, whichever applies.

10.92.15.2. All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

10.92.15.3. Areas concentrated density development shall be located in upland area and away, to the maximum extent practicable, from surface waters and drainage ways.

10.92.15.4. The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management; to the Town of Smithfield for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

10.92.15.5. Cluster developments that meet the applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

10.92.16. Rules Governing the Interpretation of Watershed Area Boundaries.

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

10.92.16.1. Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

10.92.16.2. Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the town as evidence that one or more properties along these boundaries do not lie within the watershed area.

10.92.16.3. Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.

10.92.16.4. Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

10.92.16.5. Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Board of Adjustment.

10.92.17. Changes and Amendments to Water Supply Watershed Protection Ordinance Regulations.

The Town Council may, on its own motion or upon a properly filed petition, amend, supplement, or modify the watershed regulations set forth under this section in accordance with the procedures established under Article 4 of this ordinance, provided that no amendments shall be adopted which shall cause these regulations to violate the minimum watershed protection rules adopted by the North Carolina Environmental Management Commission. All amendments shall subsequently be filed with the North Carolina Division of Environmental Management, the North Carolina Division of Environmental Health, and the North Carolina Division of Community Assistance.

10.92.17.1. The Town Council may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

10.92.17.2. No action shall be taken until the proposal has been submitted to the Planning Board for review and recommendations. If no recommendation has been received from the Planning Board within forty-five (45) days after submission of the proposal to the Chairman of the Planning Board, the Town Council may proceed as though a favorable report had been received.

10.92.17.3. Under no circumstances shall the Town Council adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Water Quality, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

10.92.19. Summary of Water Supply Watershed Protection Rules.

The following table summarizes the water supply watershed protection regulations contained herein, which were adopted by the Smithfield Town Council on August 2, 2017; to become effective and in force from that day forward.

| Classifications | Dischargers | Residential Density Low Density Option | Nonresidential Development | Sludge Application | Landfills | Hazardous Materials | Sewer Lines |
|---------------------|-------------------------|--|------------------------------|--------------------|-----------|-------------------------|-------------|
| WS-IV Critical Area | None | 2du/1ac** | No new development | None | None | None | Allow |
| Protected Area | Domestic and Industrial | Same | Allow maximum 24% built upon | None | None | Inventory spill/failure | Allow |

NOTES:

** Minimum lot size where public water or sewer is not available shall be forty thousand (40,000) square feet.

- (1) Critical area is one (1) mile draining to river intake or to the ridgeline, whichever is greater.
- (2) Protected area is ten (10) miles upstream draining to river intake or to the ridgeline, whichever is greatest.
- (3) For residential and nonresidential development, a minimum buffer width of fifty (50) feet shall be provided adjacent to all perennial waters.
- (4) Spill containment structures are required for new industry where hazardous materials are used, stored, or manufactured.
- (5) Storm water control structures shall not be employed within the critical or protected portion of the watershed as a means to exceed the minimum criteria established herein.
- (6) Agricultural activities are subject to provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation, and Trade Act of 1990. In critical area agricultural activities must maintain a ten-foot vegetated buffer or equivalent control. Animal operations with greater than one hundred (100) animals must use BMPs as determined by the Soil and Water Conservation Commission.
- (7) Forestry activities are subject to the provisions of the forest practices guidelines related to water quality (15A NCAC 11.0101 -0209).
- (8) The Department of Transportation must use BMPs as described in their document, "Water Supply Watershed Best Management Practices."
- (9) Swale street systems constructed in accordance with NCDOT standards may be permissible within the critical and protected areas.

[Amend Article 10, Section 10.119 adding a Watershed Protection Approval Certification]

PART 2

10.119.1.6. Watershed Protection Approval Certification. I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Town Council for recording in the Johnston County Register of Deeds office.

Date

Watershed Administrator

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

[Amend Appendix A, as it pertains to Watershed definitions]

PART 3

Development (watershed). Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Family Subdivision. Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

Major variance (watershed). A variance that is not a Minor Variance as defined in this ordinance.

Minor variance (watershed). ~~Minor variance (watershed). (Amended 10/3/2017) A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option.~~ A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option. For variances to a vegetated setback requirement, the percent variation shall be calculated using the foot print of built-upon area proposed to encroach with the vegetated setback divided by the total area of vegetated setback within the project.

Variance (watershed). A permission to develop or use property granted by the Board of Adjustments relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

PART

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

PART 5

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

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

Duly adopted this the _____ day of January 2024.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk



Request for Planning Board Action

**Agenda CZ-23-
Item: 01
Date: 12/7/23**

Subject: Buffalo Road Subdivision- Conditional Zoning Map
Amendment

Department: Planning

Presented by: Mark Helmer, Senior Planner

Presentation: Public Meeting

Issue Statement

Adams and Hodge Engineering, PC, is requesting a conditional rezoning of 138.63 - acres of land from R-8 and R-20A to R8-CZ with a master plan for a planned development consisting of ~~217~~ (now 222) single family lots.

Financial Impact

If constructed, the development will add to the town's tax base.

Action Needed

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

Recommendation

Planning Staff recommends the Planning Board recommend denial of CZ-23-01 with a statement declaring the request inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans and that the request is not reasonable nor in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Consistency Statement
3. Application
4. Master Plan revised 12/7



Staff Report

Agenda CZ-
Item: 23-01

DECEMBER 7 - REVISION SUMMARY:

The Planning Board tabled the item at the November meeting to allow the developer the ability to make design changes in response to neighborhood and Planning Board concerns.

The primary changes to the development plans since the November meeting include:

- An additional 5 lots
- No direct road connection to Parkway Drive – now a cul-de-sac with a Fire Access trail between the developments.
- All Public right-of-way is now 60' wide.
- Street A Cul-de-sac bulb has a 48' radius as required; other cul-de-sacs have been eliminated.
- Street F is no longer a cul-de-sac, rather it is now a stub road to the 4-acre Johnson Broadcast Ventures LTD property (NC PIN 169412-86-3947).
- Street F now provides future access to the landlocked Worley parcel (NC PIN 169412-86-4751).
- Street D now provides road access to the Franco property (NC PIN 169412-86-3947).
- The homes around the Street A cul-de-sac are now slightly larger than the rest of the development (.15 to .16 acres vs. .10 to .11 acres).
- The greenway connector trail is now a single trail (the sidewalk becomes a trail where the two meet).

STAFF ANALYSIS:

The UDO, Town Engineering Standards and Fire Code do not support the Street A cul-de-sac. Staff recommends the connection to the Parkway Drive be reestablished; however, the developer should explore an alternative to a direct connection to Street A.

In general, the developer is proposing a development with lots that are nearly a 53% smaller than the R-8-8,000 sq ft. lot size with nearly a 60% reduction in lot frontage as opposed to the Bradford Park development that has a minimum of 10,000 sq. ft. lots and 75 lineal feet of road frontage.

The developer is providing the following standards that exceed UDO requirements.

- Greenway trail connection to Buffalo Road

- Landscaped berm along Buffalo Road with fence
- Sidewalks on both sides of the streets, only one side is required.
- Residential architectural guidelines (not yet articulated).

HOA amenities are provided, but these are typical of such developments, and these are private amenities. Staff does not believe the developer has provided enough to the Town to justify the small lots with limited lot frontage as part of this conditional zoning process. If the Planning Board wishes to recommend approval and would like to see additional developer concessions, options include:

- Larger lots or a combination of small and larger lots
- HOA maintenance of the trail connection from the Buffalo Creek Greenway to Buffalo Road.
- More enhanced landscaping at the entrances.
- Provide decorative lighting.
- Provide decorative street signage.
- Greater sideyard setbacks on corner lots.
- Have the greenway connector trail be separated from the sidewalk.
- Provide traffic calming for Street A in the form of traffic circles at key intersections.

CONSISTENCY STATEMENT (Staff Opinion):

With the approval of the rezoning, the 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 INconsistent and NOTreasonable:

- **Consistency with the Comprehensive Growth Management Plan** – *the development is consistent with the comprehensive plan.*
- **Consistency with the Unified Development Code** – *the property will NOT be developed in conformance with the UDO. The development does not conform to the connectivity requirements.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will is not compatible. The lot sizes are considerably smaller than the adjacent development.*

NOTE:

The remainder of the report is from the November meeting and has not been changed except Staff has crossed out previous recommended conditions that have been addressed by the new submittal.

REPORT FROM NOVEMBER MEETING

REQUEST:

Adams and Hodge Engineering, PC, is requesting a conditional rezoning of 138.63 - acres of land from R-8 (Single, Two and Multi-family), R-10 (Single Family) and R-20A (Residential-Agriculture) to R8-Conditional Zone with a master plan for a planned development consisting of ~~217~~ 222 single-family lots.

PROPERTY LOCATION:

1200 and 1176 Buffalo Road (East side of Buffalo Road approximately 2000 feet north of its intersection with Hospital Road).

APPLICATION DATA:

| | |
|----------------------------|--|
| Applicant: | Adams and Hodge Engineering, PC. |
| Project Name: | Buffalo Road Subdivision |
| Parcel ID | 14A03005 |
| Property Owners | Guy and Ross Lampe |
| Acreage | +/- 138.63 |
| Present Zoning: | R-20A/R-8 |
| Proposed Zoning: | R8-CZ |
| Town/ETJ: | Town |
| Existing Use: | Mostly woods, wetlands and some former home sites. |
| Proposed Use: | Single-family residential |
| Fire District: | Smithfield |
| School Impacts: | Additional students |
| Parks and Recreation: | Fee in lieu, connection to Buffalo Creek Greenway |
| Water and Sewer Provider: | Town of Smithfield |
| Electric Provider: | Town of Smithfield |
| New roads: | 2,200 linear feet |
| Public R/W: | 9.85 ac. |
| Development Density: | 1.57 d.u.a. |
| Minimum Proposed Lot Size: | 4200 sq. ft. (42' x 100') |

ADJACENT ZONING AND LAND USES:

(see attached map)

| | Zoning | Existing Land Uses |
|--------------|--------------|---|
| North | R-10 and O/I | Radio Station and Single-family residential |
| South | R-20A | Vacant woodland |
| East | R-10/R-20A | Single family residential |
| West | R-20A | Residential/Agricultural. |

NEIGHBORHOOD MEETING:

The developer held a neighborhood meeting prior to making formal application. The meeting was well attended. The neighbors:

- Are nearly unanimously opposed to the road connection to Parkway Drive.
- Have concerns about the small lots especially up against Bradford Park.

- Wanted more buffer between Bradford Park and the new development.
- Had concerns about drainage and that the development might worsen the already poor drainage in their back yards.
- Had concerns about potential cut through to Buffalo Road through Bradford Park and speeding.
- Have concerns about increased traffic congestion on Buffalo Road and adjacent roadways because of new development.

EXISTING CONDITIONS/ENVIRONMENTAL:

The property consists of woodland and wetland areas, 500-yr and 100-yr floodplain, and a buffered blueline stream.

MASTER PLAN/ANALYSIS:

- **Comprehensive Land Use Plan.** The comprehensive plan guides this property for medium density residential, therefore the R-8 CZ zoning is appropriate.
- **Development Phasing.** No phasing has been proposed at this time, but would be required with a subdivision plat.
- **Site Access and Traffic.** The residential development is proposing two access points to Buffalo Road with approximately 620 feet between them. The nearest intersection is Holland Drive, approximately 415 feet to the north. The development will also connect to the Bradford Park neighborhood as an extension of Parkway Drive.
 - With the future subdivision application, a Traffic Impact Study will be required.
 - Buffalo Road is state maintained roadway and all proposed access points will require NCDOT approval and compliance with state design criteria to include spacing requirements, turn lanes or other traffic controls.
 - The connection to Parkway Drive and to the developable parcel is required per UDO Section 10.111:

Sec. 10.111. Street Connectivity Requirements.

10.111.1. [Interconnected Street System.]

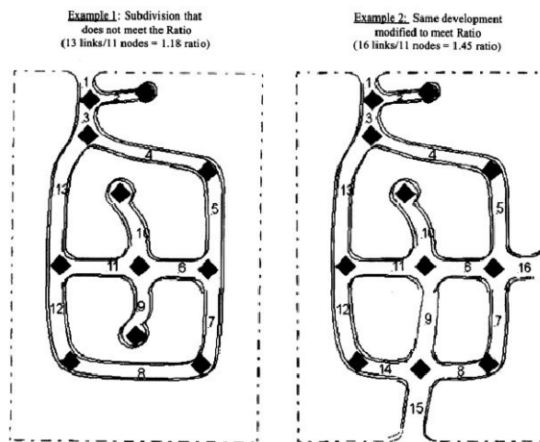
An interconnected street system is necessary in order to protect the public health, safety, and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance nonvehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes. All proposed new streets shall be platted according to the current town thoroughfare plan. In areas where such plans have not been completed, the streets shall be designated and located in relation to existing and proposed streets, the topography, to natural features such as streams and tree cover, to public safety and convenience, and to the proposed use of land to be served by such streets.

10.111.2. [Continuation and Connectivity.]

All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.

10.111.3. [Connectivity Ratio.]

The street network for any subdivision shall achieve a connectivity ratio of not less than one and forty-five hundredths (1.45) (see example below).



- The Bradford Park neighborhood is mostly opposed to the Parkway Drive connection. Staff recommended the developer try to break the direct connection of Parkway Drive to Street A by creating a cul-de-sac at the end of Parkway Drive with an intersection connection to Street A.
- Staff recommended a street connection to the 75-acre parcel to the south, owned by MAC 2008 LLC (Tax ID 14A03007). The developer provided right-of-way, but not a road as required. There exists almost 30-acres of developable area to the south that will be difficult to develop without the road connection. Right-of-way without a road would put an undue burden on the next development and likely result greater resistance from adjacent neighbors when connected to than shown by Bradford Park neighbors.

- **Streets and Right-of-Way Design.**

- The masterplan shows a combination of 60' and 50' wide public rights-of-ways. Staff is recommending a minimum width of 60' wide as proposed in the draft Standard Details and Specifications Manual.
- Streets A & B are proposed to be 31' wide B/B with sidewalks on both sides of the road. Sidewalks are only required on one side. The recommended minimum street standard in the draft Standard Details and Specifications Manual is 27' wide B/B with a sidewalk on one side, so these streets exceed the Town's standards.
- Streets C, D, E, F and G are proposed to be 27' wide B/B with sidewalks on both sides. This follows the draft Standard Details and Specifications Manual but with sidewalks on both sides rather than just one.
- The cul-de-sac bulbs are shown to have a 40' radius, whereas Fire Code and the draft Standard Details require a 48' radius. The cul-de-sac (Street F) exceeds the 750 feet maximum length in the UDO. The length of cul-de-sac's in the UDO was determined by the maximum allowed per Fire Code, however the private HOA parking lot satisfies the Fire Code concerns.
- Parkway Drive is 36' back-to-back and its extension (Street A) is 31' back-to-back. The developer is showing the curb line as tapering from 36' to 31'.
- Staff and the Bradford Park residents have a shared concern about potential speeding on the long stretch of Street A. Staff had recommended the developer install round-a-bouts at the intersections to calm traffic. This is not reflected in the submitted plans. Stop signs are often ignored and speed bumps are not preferred by police and fire services.
- Buffalo Road is currently a rural road design with ditches. Staff recommends the road have curb and gutter with the drainage be piped and the required sidewalk be behind the curb in or near the public right-of-way. The sidewalk along Buffalo Road is consistent with Pedestrian Plan.
- The developer has provided additional right-of-way width at the entrance.

- **Lots and Setbacks.**

- The R-8 minimum lot size is 8,000 sq. ft. (70' wide street frontage). The proposed minimum lot size of 4,200 sq. ft (42' wide street frontage). This represents nearly a 53% reduction in lot area and 60% reduction in lot frontage.
- The R-8 minimum setbacks are: 30' front, 10' side, and 25' rear. The proposed minimum setbacks are: 18' front (garages 25'), 5' side, and 12' rear.
- The proposed 12' rear setback provides limited space for patios or sheds.
- Small lots up against the Bradford Park neighborhood was a concern of the Bradford Park residents. Staff had recommended the developer provide a variety of lot sizes with larger lots near the Bradford Park neighborhood to serve as a transition from the

large lots in Bradford Park to the 4200 sq. ft. lots. This request is not reflected in the submitted plans.

- **Utilities.** Water, Sewer and Electric will be Town of Smithfield. Utilities will not likely be available for the project until spring of 2025.
- **Landscaping and Buffering.**
 - A Standard Street yard, berm with 6' fence are proposed along Buffalo Road in the common open space. The lots are setback 70 feet from the right-of-way. There is ample room to provide a large berm in this area to screen the backs of the future homes and yards. The developer has provided details of each in the plan set. This is consistent with what has been approved for other developments with conditional zoning.
 - Street trees are shown in accordance with the landscape ordinance.
 - Existing trees will provide the buffer adjacent to existing development where applicable. Where additional buffer is needed, a Standard Type A buffer is proposed.
- **HOA/Amenities.**
 - A Homeowner's Association will own and maintain the open space and amenities which include: stormwater ponds, internal trails, parking, pickleball court, mail kiosk and street yard buffers.
 - A proposed trail will connect Buffalo Road to the Buffalo Creek Greenway through the development. The greenway trail is broken at the creek unnecessarily. This is not a buffered stream, and the trail should be revised to be continuous.
 - The mail kiosk is located adjacent to a parking lot that also services the pickleball courts.
- **Parking.**
 - The master plan note indicates there will be 3 parking spaces per dwelling and 98 overflow spaces. This exceeds the required 2 spaces per dwelling unit.
 - Overflow parking is located within 2 overflow parking lots and in street bump-outs dispersed at various locations in the development, more convenient to use for some lots than others.
 - Each lot will provide parking for 2 cars within a driveway and one or two stall garages that will be a minimum of 12' x 20' or 20' x 20', large enough to fit one or two standard sized vehicles.
- **Stormwater Management.** The developer has shown 2 stormwater ponds in the open space that will be maintained by the HOA.
 - The plans call for a maximum impervious of 50% per lot.

- **Subdivision Signs.** The Masterplan shows locations for 2 ground mounted subdivision signs at the entrances from Buffalo Road.
- **Architectural Standards.** The developer has provided example elevations of homes and a standard lot detail. No specific architectural standards for materials or architectural details have been provided other than on corners, the corner sides will have the same standards as the fronts with vinyl siding, shingles, shutters and architectural trim. Staff recommends more detailed architectural standards be provided.
- **Deviations from UDO.** With conditional zoning, there is an opportunity for the developer and the Town to agree to deviations from the R8 Zoning and Subdivision Requirements. The developer is requesting the following deviations:

| Standard | R-8 Zoning/Subdivision Requirements. | Proposed |
|--------------------|--|---|
| Setbacks | <ul style="list-style-type: none"> • Front=30' • Corner side = 15' • Side=10' • Rear = 25' | <ul style="list-style-type: none"> • Front Home=18' • Front Garage = 25' • Side = 5' • Rear = 12' |
| Lot Size | <ul style="list-style-type: none"> • 8,000 sq. ft. | <ul style="list-style-type: none"> • 4,200 sq. ft. |
| Lot Frontage | <ul style="list-style-type: none"> • 70 feet | <ul style="list-style-type: none"> • 42 feet |
| Cul-de-sac | <ul style="list-style-type: none"> • 750' long | <ul style="list-style-type: none"> • > 750' long |
| Lateral Connection | <ul style="list-style-type: none"> • R/W- Road and Sidewalk | <ul style="list-style-type: none"> • Only R/W |
| R/W | <ul style="list-style-type: none"> • 60' wide | <ul style="list-style-type: none"> • 50' and 60' wide |

The applicant's narrative also calls out deviations from the collector street standard and interior street tree requirements. Staff does not consider Street A to be a collector street and considers it meeting town standards.

- **Proposed Standards Exceeding UDO Requirements.**

| Standard | R-8 Zoning/Subdivision Requirements | Proposed |
|-------------------|---|--|
| Sidewalks | <ul style="list-style-type: none"> • One side of subdivision streets | <ul style="list-style-type: none"> • On both sides of subdivision streets |
| Streetyard Buffer | <ul style="list-style-type: none"> • Standard 15' Streetyard on Buffalo Road | <ul style="list-style-type: none"> • Standard 15' Streetyard, berm and fence and +/- 50 feet open space |
| Site Amenities | <ul style="list-style-type: none"> • None required | <ul style="list-style-type: none"> • +/- 4728 lin. ft. of trail • Pickleball court |
| Parking | <ul style="list-style-type: none"> • 2 spaces per lot | <ul style="list-style-type: none"> • 2 spaces per lot and 1 overflow off site. |
| Greenway trail | <ul style="list-style-type: none"> • Connection to trail | <ul style="list-style-type: none"> • Providing trail across the development to Buffalo Road. |

| | | |
|----------|--------------------|---------------------------------|
| Lighting | • No specification | • Providing decorative lighting |
|----------|--------------------|---------------------------------|

Staff recommends additional standards that exceed requirements be considered if the rezoning is to be approved (added to the conditions of approval):

- Provide detailed architectural standards describing the example elevations provided.
- Provide traffic calming for Street A in the form of traffic circles at key intersections.
- Provide a continuous trail from the Buffalo Creek Greenway to Buffalo Road
- Provide concrete curb and gutter along Buffalo Road (piping the ditch) as allowed by NCDOT.
- Provide a minimum right-of-way width of 60 feet for all lots.
- Modify the road connection to Parkway Drive so that it is not a direct connection to Street A.
- Provide a greater variety of lot widths with larger lots adjacent to the Bradford Park neighborhood.
- Provide street and sidewalk in the lateral road connection to the south.

CONSISTENCY STATEMENT (Staff Opinion):

With the approval of the rezoning, the 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 consistent with the comprehensive plan.*
- **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 with the additional conditions of approval.*

RECOMMENDATION:

Planning Staff recommend the Planning Board recommend approval of CZ-23-01 with the following conditions:

1. The driveway aprons to the parking lot and residential lots should conform to the town’s standard details.

- ~~2. All public rights of way shall be a minimum of 60' wide.~~
- ~~3. Provide lateral street connections to the Johnson Broadcast Ventures LTD (Tax ID 14075035) and MAC 2008 LLC (Tax ID 14A03007) properties that includes the street and sidewalks.~~
- ~~4. Cul-de-sac bulbs shall have a minimum radius of 48 feet.~~
5. Provide written architectural standards should be provided to match the example elevations provided on the master plan.
- ~~6. Provide a continuous trail between Buffalo Creek Greenway and Buffalo Road.~~
7. Provide concrete curb and gutter along Buffalo Road (piping the ditch) with NCDOT approval.
8. Provide traffic calming for Street A in the form of traffic circles at key intersections.
9. Provide a greater variety of lot widths with larger lots adjacent to the Bradford Park neighborhood.
10. Modify the road connection to Parkway Drive so that it is not a direct connection to Street A.

RECOMMENDED MOTION:

“Move to recommend approval of the zoning map amendment, CZ-23-01, with the 10 conditions of approval, finding the rezoning 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.”

1100 Block of Buffalo Raod

File Number:
CZ-23-01

Project Name:
Buffalo Road
Subdivision

Existing Zoning:
R-20A, R-10
& R-8 Residential

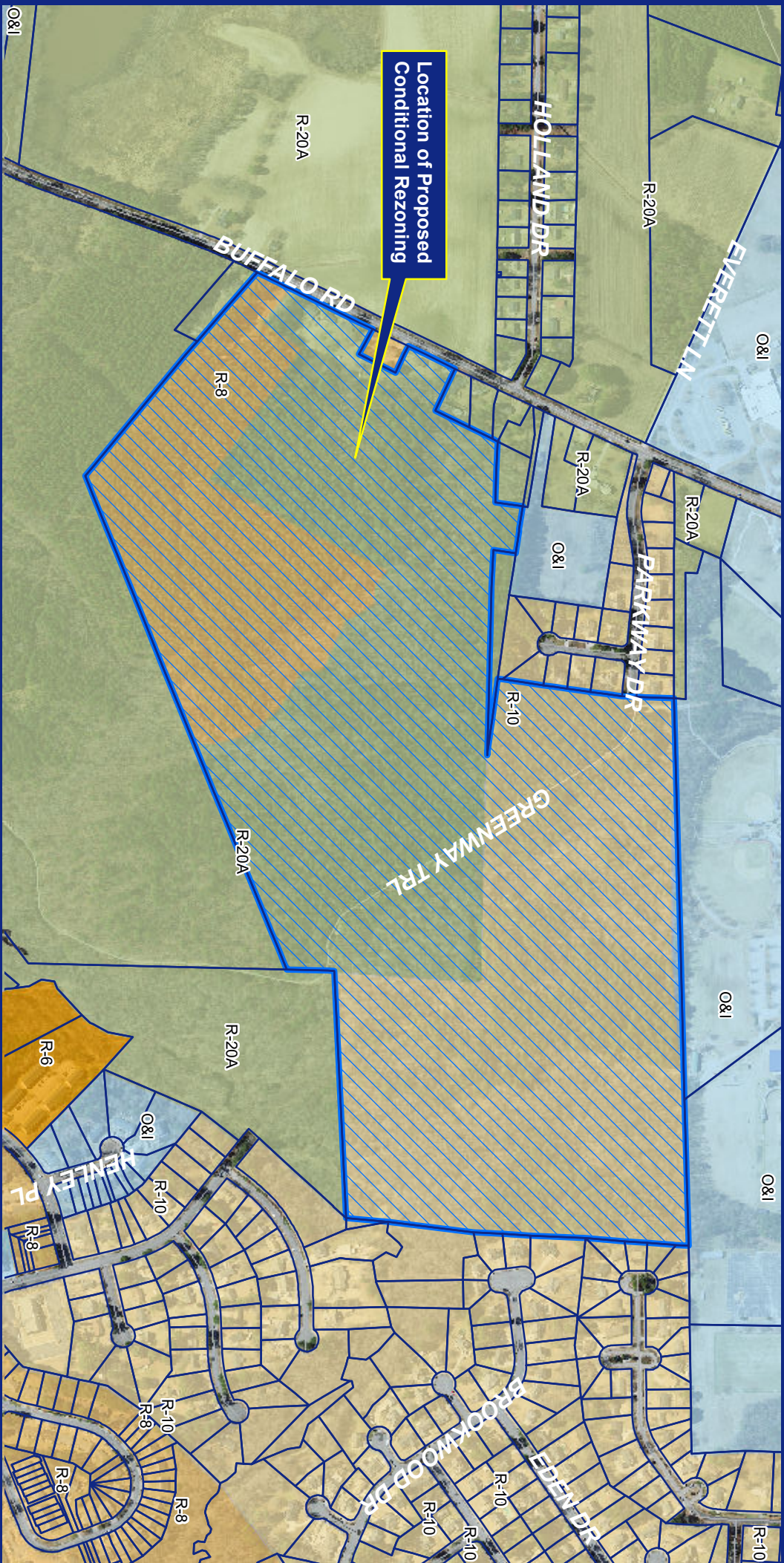
Proposed Zoning:
R-8 CZ Residential
Conditional Zoning

Exsiting Land Use:
Woodland

Tax ID#:
14A03005

Owner:
Guy & Ross Lampe

Applicant:
Guy & Ross Lampe



1 in = 600 ft

Map created by the Mark E. Heilmer, AICP
Senior Planner, GIS Specialist on 7/26/2023

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
CZ-23-01**

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,

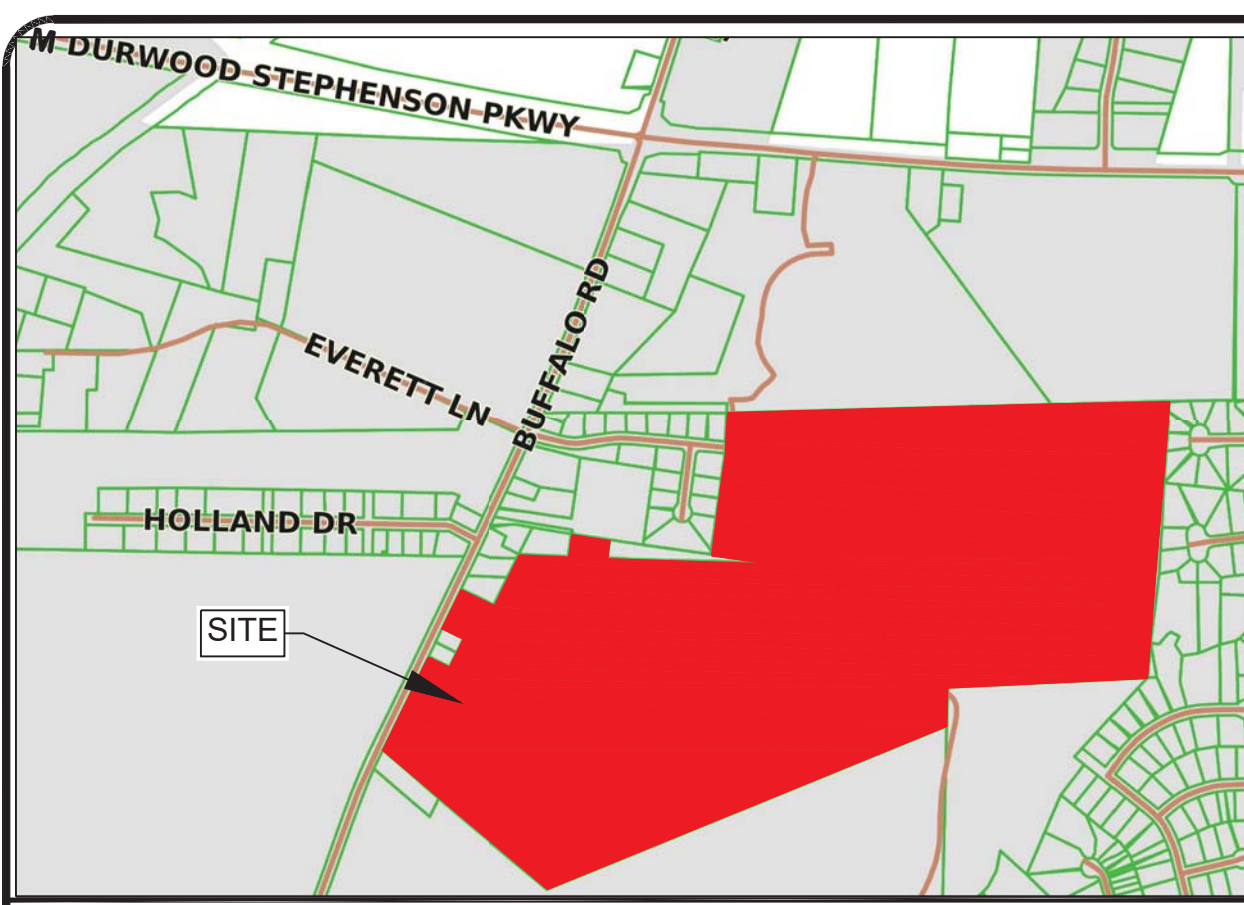
That the final action regarding zoning map amendment CZ-23-01 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the 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 CZ-23-01 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



PARKING CALCULATIONS:
 REQUIRED PARKING 2 SPACES PER DWELLING = 222 LOTS = 444
 REQUIRED SPACES
 PROPOSED PARKING SPACES = 760 SPACES (3 SPACES/DWELLING &
 94 OVERFLOW PARKING SPACES)
 REQUIRED ADA PARKING = 1 SPACES
 PROPOSED ADA PARKING - 1 SPACES

| OPEN SPACE TABLE | |
|-----------------------------|-------------|
| | SQUARE FEET |
| PROPOSED ACTIVE OPEN SPACE | 68,619 |
| PROPOSED PASSIVE OPEN SPACE | 4,446,244 |
| OPEN SPACE PROVIDED | 4,514,863 |

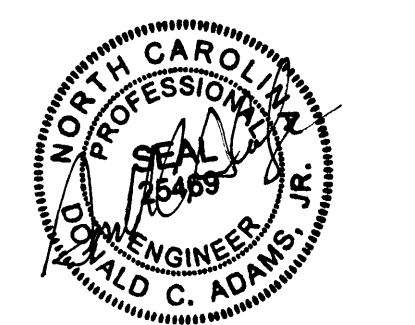
*NOTE: ACREAGE SHOWN IS APPROXIMATE AS THIS IS A MAJOR SITE PLAN.

| BUFFALO ROAD SITE DATA CHART | |
|--|--|
| PARCEL OWNER | GUY & ROSS LAMPE |
| PARCEL OWNER ADDRESS | PO BOX 608, SMITHFIELD, NC 27577 |
| PARCEL IDENTIFICATION | 260412-06-3802 / 14A03005 |
| PROPERTY SIZE (SF) | 138.63 AC / 6,038,914 SF |
| PROPERTY LOCATION | TOWN OF SMITHFIELD |
| EXISTING/PROPOSED ZONING | R-20A/R-8-CZ |
| EXISTING USE | VACANT |
| PROPOSED USE | SINGLE-FAMILY DWELLINGS |
| PROPOSED NUMBER OF SINGLE FAMILY LOTS | 222 LOTS |
| PROPOSED GROSS DENSITY | 222 UNITS / 138.63 ACS = 1.60 UNITS PER AC |
| PROPOSED IMPERVIOUS AREA (% OF TOTAL SITE) | MAXIMUM PROPOSED 4,227,239 SF / 70% |
| ELECTRIC PROVIDER | TOWN OF SMITHFIELD |
| WATER PROVIDER | TOWN OF SMITHFIELD |
| SEWER PROVIDER | TOWN OF SMITHFIELD |
| FIRM MAP AND DATE | 3720169400K DATED 06/20/2018 |
| FLOOD CLASSIFICATION | 100-YEAR FLOOD PLAIN LOCATED ON SITE |
| WATER SUPPLY WATERSHED PROTECTION AREA | NO |

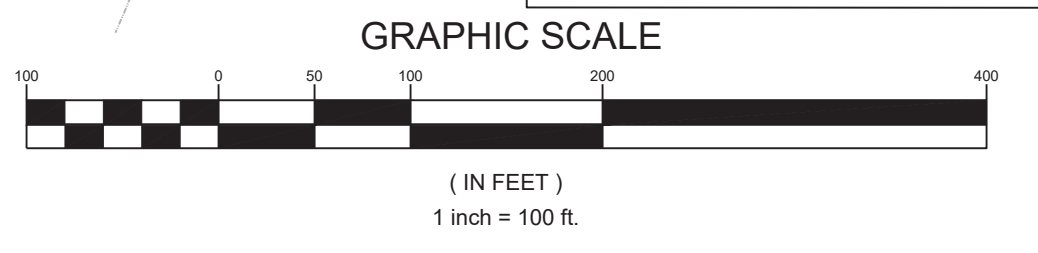
LEGEND

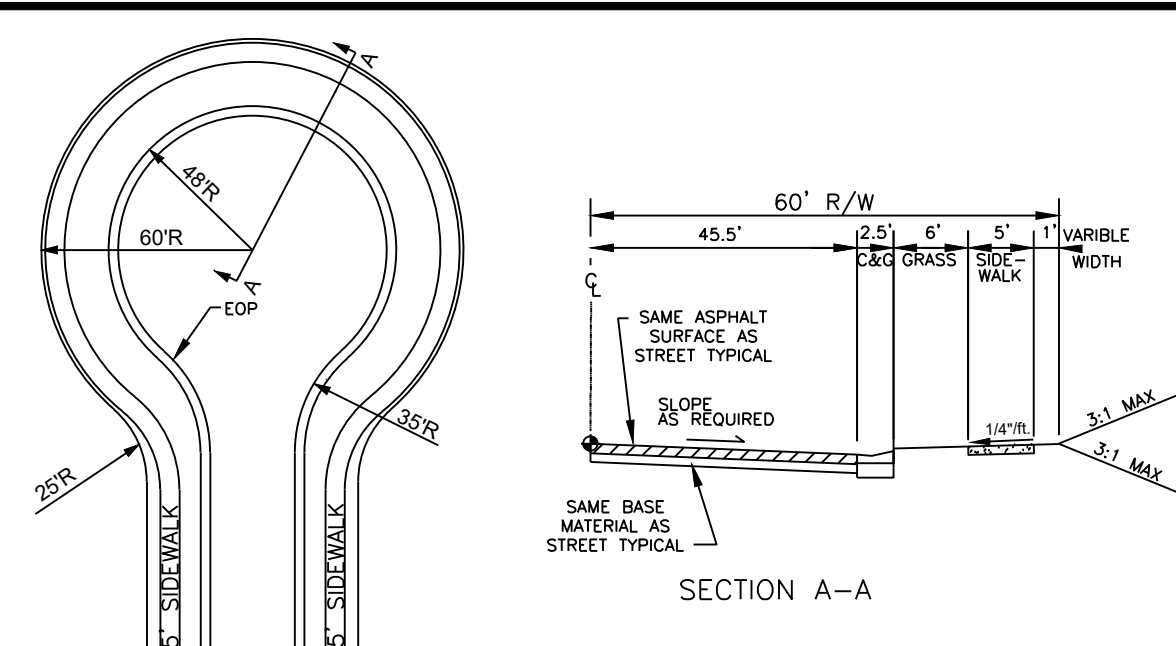
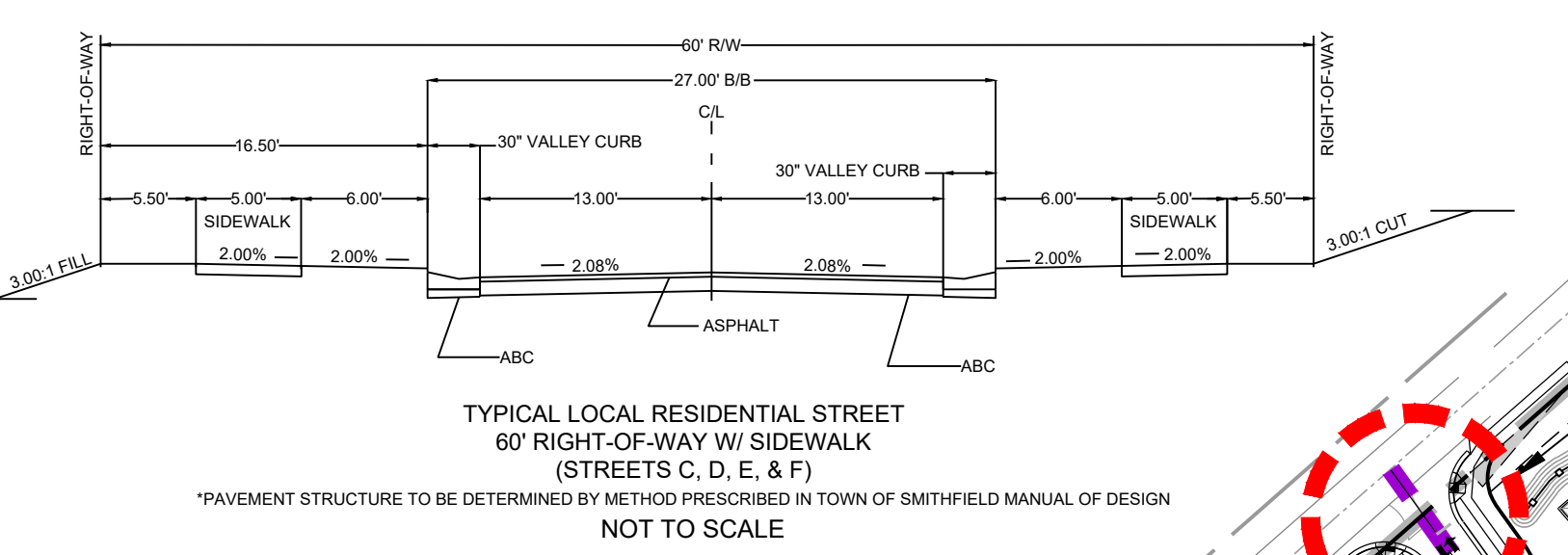
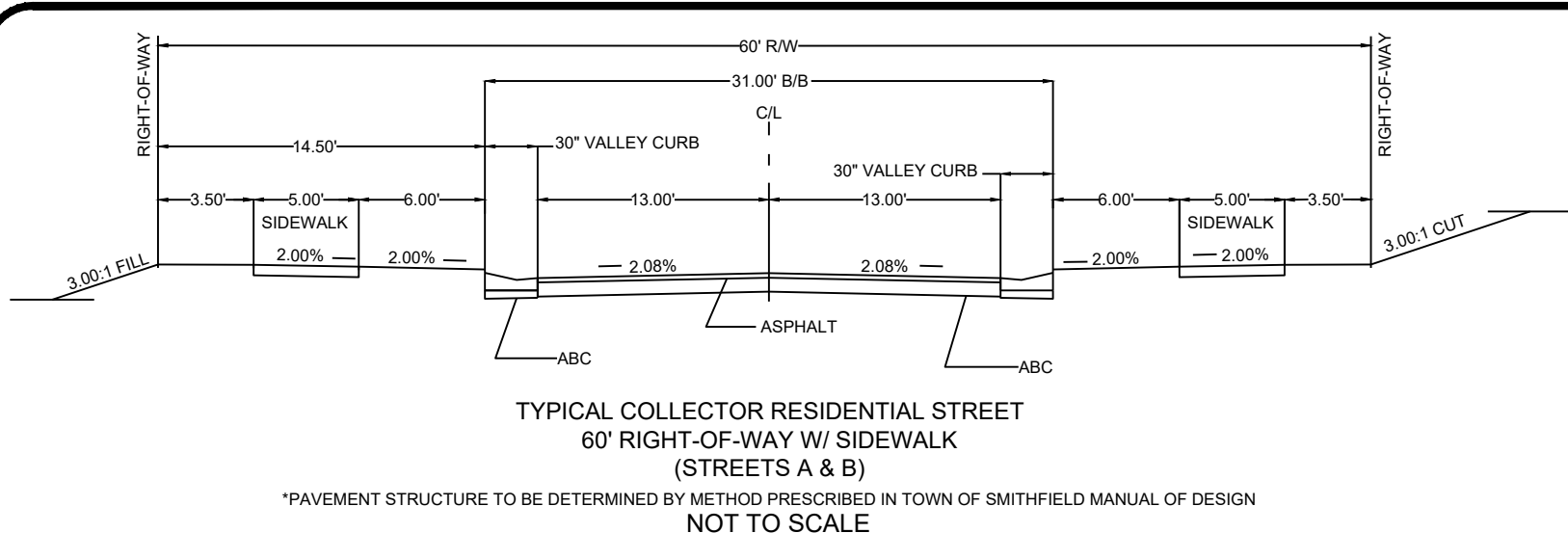
| | | |
|----------|---------------------|----------|
| EXISTING | PROJECT BOUNDARY | PROPOSED |
| --- | ROW | --- |
| --- | EASEMENTS | --- |
| N/A | LOT LINE | --- |
| N/A | HANDICAP PARKING | --- |
| N/A | HANDICAP RAMP | --- |
| N/A | ADA ACCESS AISLE | --- |
| N/A | 16-UNIT MAIL KIOSK | --- |
| N/A | PEDESTRIAN CROSSING | --- |
| N/A | CONCRETE WALK | --- |
| --- | WETLANDS | N/A |
| --- | RIPARIAN BUFFERS | N/A |
| N/A | OPEN SPACE | --- |
| N/A | SCM POND | --- |
| --- | GREENWAY TRAIL | --- |

VICINITY MAP
SCALE: 1"=1000'



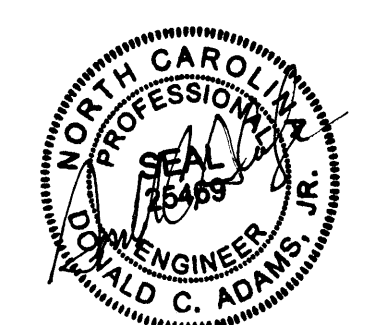
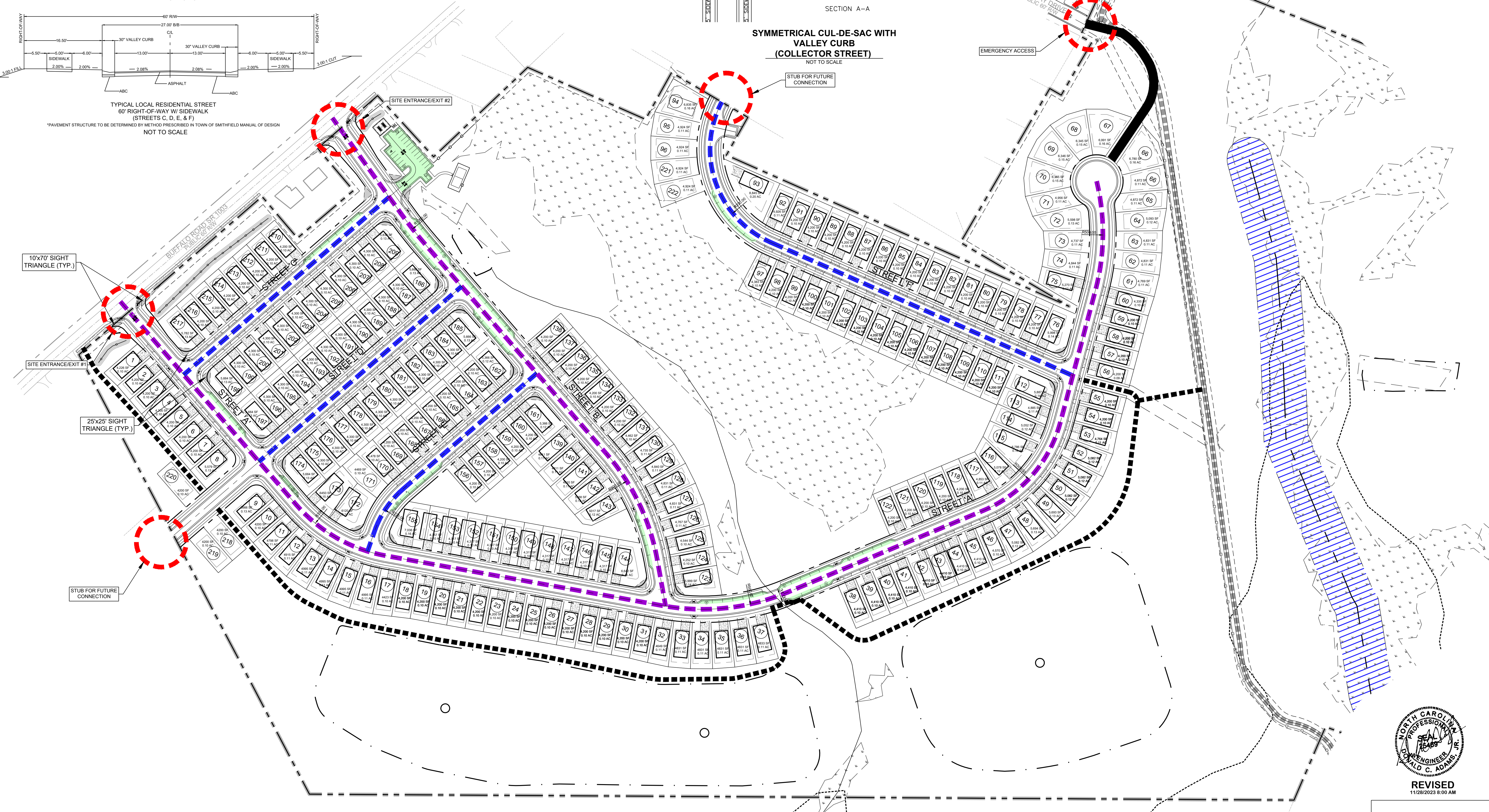
REVISED
11/27/2023 2:07 PM
PRELIMINARY





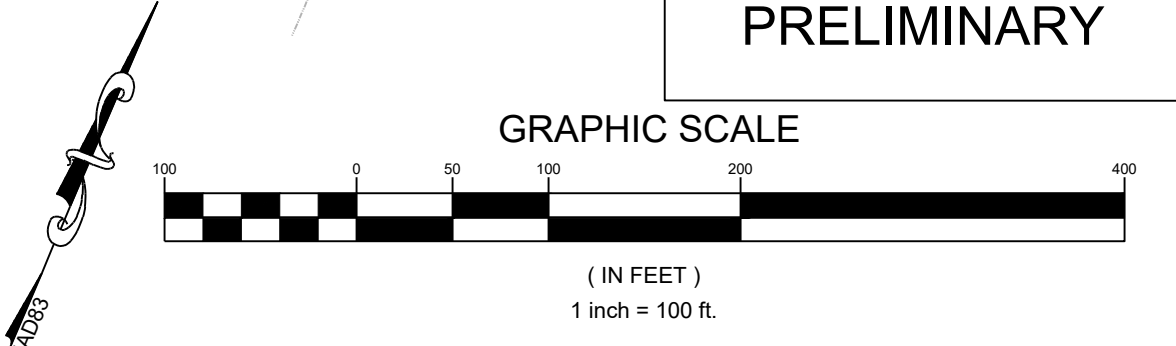
LEGEND

- PARKING AREAS
- LOCAL STREETS
- COLLECTOR STREETS
- PROPOSED 10' WALKING TRAILS
- EXISTING 10' GREENWAY TRAIL



REVISED
11/28/2023 8:00 AM

PRELIMINARY





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: Buffalo Road Acreage of Property: 138.63ac
Parcel ID Number: 260412-06-3802 Tax ID: 14A03005
Deed Book: 6360 Deed Page(s): 474
Address: 1176 Buffalo Road, Smithfield, NC 27577
Location: On the right side of Buffalo Road, about 1/3 miles north of Hospital Road

Existing Use: Mostly vacant with a few single-family dwellings Proposed Use: Single-family
Existing Zoning District: R-20A
Requested Zoning District R-8 CZ
Is project within a Planned Development: Yes No
Planned Development District (if applicable): _____
Is project within an Overlay District: Yes No
Overlay District (if applicable): _____

FOR OFFICE USE ONLY

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

OWNER INFORMATION:

Name: Guy and Ross Lampe
Mailing Address: PO Box 608, Smithfield, NC 27577
Phone Number: _____ Fax: _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: Adams and Hodge Engineering, PC
Mailing Address: 314 E. Main Street, Clayton, NC 27520
Phone Number: 919-243-1332 Fax: N/A
Contact Person: Amy Stancil
Email Address: info@adamsandhodge.com / amy@adamsandhodge.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 Buffalo Road Subdivision is a +/- 138.63 acre site proposing 217 single-family lots. The roads are designed with collector streets and residential streets. There is overflow parking in locations scattered along most of the subdivision streets with 2 parking areas located within the proposed site. There are three (3) proposed entrances, two (2) main entrances off Buffalo Road and the third entrance is an extension of Parkway Drive from Bradford Park Subdivision. The proposed subdivision will include extensive open space areas incorporating a pickleball court, a tot lot, open play areas and extensive walking trails designed to connect to the Town of Smithfield's Green way trail system. The proposal of public sewer is connecting to the Town's existing sewer system that is located on site, adjacent to the Town of Smithfield's greenway trail. Public water is available via an extending 12" water main along Buffalo Road.

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.

Amy Stancil

Print Name



Signature of Applicant

6/30/2023

Date



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

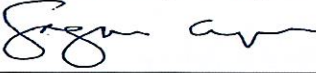
OWNER'S CONSENT FORM

Name of Project: Buffalo Road Submittal Date: 6/30/2023

OWNERS AUTHORIZATION

I hereby give CONSENT to Adams & Hodge Engineering, P.C. (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.

 Sagan Lampe 6/27/2023
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.

 Amy STANICIL 6/30/2023
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

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

PROJECT NARRATIVE

The plan for Buffalo Road Subdivision promotes a neighborhood form established by a relaxed grid defined largely by the existing wetlands and road connection. This pattern establishes a hierarchy of neighborhood streets and sidewalks which support a pedestrian friendly environment adapted to the landform. This is a +/- 138.63 acre parcel consisting of +/- 217 single family lots.

Throughout the development are large open space areas incorporating active areas such as a pickleball court, a tot lot, open play areas, and extensive walking trails with a connection to the Town of Smithfield Greenway Trail.

Contacts

Engineering Firm: Adams & Hodge Engineering, P.C.

Address: 314 E Main Street
Clayton, NC 27520

Phone Number: 919-243-1332

Email address: info@adamsandhodge.com

Owner: Guy & Ross Lampe

Address: PO Box 608
Smithfield, NC 27577

Phone Number: Sagan Lampe 919-631-9524

Email address: sagan@vestaenterprises.com

Surveyor: Stokes Surveying & Mapping, PLLC

Address: 1425-105 B Rock Quarry Road
Raleigh, NC 27610

Phone Number: Mike Stokes, 919-971-7897

Email address: mike@stokes-surveying.com

Site Data

NC Pin: 260412-06-3802

Tax ID: 14A03005

Parcel Size: 138.63 acres/6,038,914 sf

Parcel Zoning: R-20A

General Information

Name: Buffalo Road

Parcel Size: 138.63 acres/6,038,914 sf

Proposed Lots: 217 Lots (Single-Family)

Proposed Density: 217 lots/138.63 acres = 1.57 units/acre

Proposed Impervious Area of Total Site: 31.87 acres/ 1,388,274 sf/23%

Required Open Space (7% of an acre per dwelling): 15.19 acres/661,674 sf

Proposed Open Space: 102.93 acres/4,483,520 sf

Proposed Rights of Way: 9.85 acres/428,847 sf

Proposed Infrastructure

No phasing is proposed at this time.

Proposed Roadways: There are three (3) proposed entrances to the proposed subdivision. This includes two (2) main entrances off Buffalo Road and a third, secondary entrance, through the existing Bradford Park subdivision which will be an extension of Parkway Drive.

The proposed Typical Collector Street has 60' Proposed Public Rights of Way, 31' back of curb to back of curb, and sidewalks on both sides of all collector streets.

The proposed Typical Residential Street has 50' Proposed Public Rights of Way, 27' back of curb to back of curb, and 5' sidewalks on both sides of all residential streets.

The proposed pedestrian system will include approximately 15,101 linear feet of sidewalks and 4,728 linear feet of walking trails. The walking trails are to be 10' wide with connections to the Town of Smithfield Greenway Trail.

Parking: Per the Town's UDO, the required parking for a single-family residential subdivision is 2 spaces per dwelling. 217 dwellings equal 434 parking spaces. There are at least 759 proposed parking spaces within this subdivision, which is at least 325 spaces more than required per Town's ordinance. Each dwelling will have a minimum of a 1 car garage with a 2-car parking pad, providing at least 3 spaces per dwelling. There is overflow parking in the amount of +/- 108 spaces located and scattered along most of the subdivision streets with 2 parking areas located within the site.

Mail Kiosks: The mail kiosks are located close to the second entrance, adjacent to a proposed parking area with at least one ADA space. The parking lot will also accommodate parking for use of active open space areas as well as the access walking trails.

Public Sewer: The estimated wastewater flow is 78, 120 gallons per day. Proposing +/- 7,439 linear feet of sewer main extensions, connecting to the Town's existing sewer system that is located on site, adjacent to the Town of Smithfield's greenway trail to the east of the proposed project. Prior to construction, the system shall be approved by the Town's Engineering Department in accordance with the general guidelines and regulations of the Town and permitted by the State.

Public Water: Public water is available via an existing 12" water main along Buffalo Road. There are +/- 6,742 linear feet of proposed waterline. Connections to the existing 12" main shall be made and extended throughout the development. The level of inner connectivity shall provide for adequate domestic water as well as appropriate fire protection flow. Prior to construction, the system shall be approved by the Town's Engineering Department in accordance with the general guidelines and regulations of the Town and permitted by the State.

CONCERNS

There may be concern with adjacent property owners for the location of the proposed subdivision. However, this concern is mitigated by the 10' Class 'A' landscape buffer proposed internally along the boundary of all adjacent properties. There is also passive open space along with the 10' Class 'A' landscape buffer behind the property owners in the Bradford Park subdivision, giving more separation from the lots within the proposed subdivision.

OPEN SPACE

The required open space for the proposed subdivision is 7 percent of an acre per dwelling. This equates to 15.19 acres. +/- 102.93 acres of open space are proposed for this subdivision. Within the +/- of 102.93 acres, there will be +/- 1.13 acres of active open space including a pickleball court, a tot lot, and open play areas as well as extensive walking trails which will connect to the Town of Smithfield's Greenway trail. Maintenance of the open space areas will be the responsibility of the HOA.

CONDITIONS FOR APPROVAL

Deviation from Town's minimum UDO requirements

Lot Setbacks: Front 18 ft

Sides 5 ft

Side Streets 18 ft

Rear 12 ft

Minimum Lot Area: 4,200 sf

Minimum Lot Frontage: 42 ft

All garages are a minimum of 25' from the back of sidewalk.

Collector Street with 60' Right of Way to have 31' back of curb to back of curb.

Street yard (Interior Streets): 1 deciduous or evergreen tree and 3 shrubs planted no more than 15' away from the street rights of way. (Due to length of street frontage.)

Improvement that exceeds Town's minimum UDO requirements

Sidewalks on both sides of all streets.

Arterial Street Frontage +/- 50 Perimeter Buffer, including the 15' planting strip.

+/- 87.73 acres of open space

+/- 4,728 lf of walking trails with connection to existing Town of Smithfield's Greenway Trail

Minimum parking (3) spaces for each dwelling.

Specified locations for overflow parking.

JUSTIFICATION THAT PROPOSAL WILL NOT PLACE BURDEN ON SURROUNDINGS

The distribution of traffic has been given much consideration when laying out the site's access point to serve the subdivision. Considerations were given to simplifying the traffic pattern in order to focus on safety by adding two (2) entrances in the vicinity of Buffalo Road and a third entrance by extending Parkway Drive. Care has been exercised in the subdivision to protect the environment by prudent use of buffers and landscaping. The public's safety and health have been addressed by providing public water and sewer that meet the Town and State requirements. The road system is so designed as to be safe for pedestrians and vehicles alike by providing adequate separation, traffic control and lighting. The public's health and welfare are further addressed by the proposed subdivision providing passive and active recreation opportunities offsite utilizing municipal recreation facilities via recreation assessment fees.

DEVELOPMENT SCHEDULING

If the project is approved, the construction drawings will begin as soon as we have planning approval. After construction drawing approval and all other permits have been successfully acquired, the subdivision construction will begin immediately.

Adjacent Property Owners of
CZ-23-01

| TAG | PIN | NAME | ADDRESS | CITY | STATE | ZIP CODE |
|-----------|----------------|-----------------------------|--------------------------|-------------|-------|------------|
| 14A03007 | 169412-95-4286 | MAC 2008 LLC | 2790 MARRIOTTSVILLE RD | MARRIOTTSVL | MD | 21104-1626 |
| 14001021 | 169411-65-0647 | SMITHFIELD LAND GROUP, LLC | 2075 JUNIPER LAKE RD | WEST END | NC | 27376-8919 |
| 14075037 | 169412-86-0705 | BRYAN, MICHAEL D | 188 W ALEX DR | CLAYTON | NC | 27520-0000 |
| 14075038B | 169412-76-8749 | BRYAN, KATHY M. | 188 W ALEX DR | CLAYTON | NC | 27520-4444 |
| 14075040 | 169412-76-7724 | BRYAN, KATHY M. | 188 W ALEX DR | CLAYTON | NC | 27520-4444 |
| 14A03004A | 169412-76-5373 | TLC ESTATE, LLC | 237 SWANN TRL | CLAYTON | NC | 27527-6502 |
| 14057154T | 260409-17-4141 | STELZNER, DAVID R. | 1305 LYNNWOOD RD | KNIGHTDALE | NC | 27545-9705 |
| 14A03001 | 169412-76-7623 | KLEIN, CRYSTAL GAIL CORBETT | 55 BATTEN POND RD | SELMA | NC | 27576-8597 |
| 14A01020 | 169411-76-4765 | ULLOA, ROBERTO | 1247 BUFFALO RD | SMITHFIELD | NC | 27577 |
| 14A03004 | 169411-76-4262 | DIAZ, CESARIO | 1136 BUFFALO RD | SMITHFIELD | NC | 27577 |
| 15004009 | 260409-16-4183 | BRENNAN, THOMAS | 11 RUNNEYSMEDE PL | SMITHFIELD | NC | 27577 |
| 14075038N | 169412-87-7396 | GODWIN, DEBRA WINDHAM | 201 PARKWAY DR | SMITHFIELD | NC | 27577-0000 |
| 14057010R | 260409-16-4630 | AUBER, SYLVESTER FREDRICK | 83 BROOKWOOD DRIVE | SMITHFIELD | NC | 27577-0000 |
| 14057009I | 260409-16-4358 | AUBER, SYLVESTER F | 83 BROOKWOOD DRIVE | SMITHFIELD | NC | 27577-0000 |
| 14057010M | 260409-16-4915 | LOYE, TONY M | 84 BROOKWOOD DR | SMITHFIELD | NC | 27577-0000 |
| 14075038K | 169412-87-0114 | HART, STEPHEN J | 1374 BUFFALO RD | SMITHFIELD | NC | 27577-0000 |
| 14075033 | 260405-08-9280 | JOHNSTON COUNTY BOARD OF | PO BOX 1336 | SMITHFIELD | NC | 27577-0000 |
| 14057154N | 260409-17-3433 | BEGEAL, JEFFREY PAUL | 62 WHITE OAK DR | SMITHFIELD | NC | 27577-0000 |
| 14075038R | 169412-86-7867 | HONEYCUTT, LARRY D | 109 COBBLESTONE COURT | SMITHFIELD | NC | 27577-0000 |
| 14075030E | 169408-98-6016 | TOWN OF SMITHFIELD | PO BOX 761 | SMITHFIELD | NC | 27577-0000 |
| 14075038F | 169412-87-6397 | GANDOLPH, SCOTT S | 111 PARKWAY DR | SMITHFIELD | NC | 27577-0000 |
| 14K09007 | 169412-86-4751 | WORLEY, RONALD GLENN | 108 QUAIL RUN | SMITHFIELD | NC | 27577-0000 |
| 14075030A | 169408-87-7853 | TOWN OF SMITHFIELD | PO BOX 761 | SMITHFIELD | NC | 27577-0000 |
| 14075029B | 169412-87-3457 | HINNANT, WILLARD B JR | 105 PARKWAY DRIVE | SMITHFIELD | NC | 27577-0000 |
| 15004020A | 260409-05-5629 | TOWN OF SMITHFIELD | P O BOX 761 | SMITHFIELD | NC | 27577-0000 |
| 15004018V | 260409-15-0822 | FAIRFIELD DEVELOPMENT CO | PO BOX 150 | SMITHFIELD | NC | 27577-0000 |
| 14075035 | 169412-86-3947 | VENTURES, LTD. | PO BOX 305 | SMITHFIELD | NC | 27577-0305 |
| 14A03011A | 169412-76-9815 | LAMPE, GUY L. | PO BOX 305 | SMITHFIELD | NC | 27577-0608 |
| 14A03005 | 260412-06-3802 | LAMPE, GUY L. | PO BOX 608 | SMITHFIELD | NC | 27577-0608 |
| 14057013B | 260409-16-2481 | VESTA ENTERPRISES, INC. | PO BOX 1457 | SMITHFIELD | NC | 27577-1457 |
| 14075038A | 169412-86-0946 | L M R RENTALS | 201 S BRIGHTLEAF BLVD #1 | SMITHFIELD | NC | 27577-4077 |
| 14057154S | 260409-17-3143 | PETRY, MAHLEN D | 63 WHITE OAK DR | SMITHFIELD | NC | 27577-4806 |

Adjacent Property Owners of
CZ-23-01

| | | | | | | |
|-----------|----------------|--------------------------|----------------------|--------------|----|------------|
| 14057154R | 260409-17-2178 | BOARDMAN, KELSEY P. | 65 WHITE OAK DR | SMITHFIELD | NC | 27577-4806 |
| 14057154U | 260409-17-5119 | TENANTS (WROS) | 59 WHITE OAK DR | SMITHFIELD | NC | 27577-4806 |
| 14057154Q | 260409-17-2298 | DOWNS, FAYE D. | 66 WHITE OAK DR | SMITHFIELD | NC | 27577-4807 |
| 14057154P | 260409-17-2396 | DOWNS, FAYE D. | 66 WHITE OAK DR | SMITHFIELD | NC | 27577-4807 |
| 14057010O | 260409-16-2778 | DIMSDALE, B KEITH | 92 BROOKWOOD DRIVE | SMITHFIELD | NC | 27577-4863 |
| 14057010N | 260409-16-2973 | SAIDI, MOHAMED NAIT | 88 BROOKWOOD DR | SMITHFIELD | NC | 27577-4863 |
| 14057010Y | 260409-16-5817 | HOLLOMAN, ZEBBIE SCOTT | 82 BROOKWOOD DR | SMITHFIELD | NC | 27577-4863 |
| 14057010P | 260409-16-2677 | MORGAN, GARNELL A. | 91 BROOKWOOD DR | SMITHFIELD | NC | 27577-4864 |
| 14057010Q | 260409-16-3650 | GRANADOS, RICARDO | 87 BROOKWOOD DR | SMITHFIELD | NC | 27577-4864 |
| 14057010S | 260409-16-5626 | WASHINGTON, BRIAN | 79 BROOKWOOD DR | SMITHFIELD | NC | 27577-4864 |
| 14075031C | 169412-87-8156 | GRUBBS, JAMES FRANKLIN | 101 COBBLESTONE CT | SMITHFIELD | NC | 27577-7102 |
| 14075031F | 169412-86-5887 | LUPO, VINCENT ANGELO | 108 COBBLESTONE CT | SMITHFIELD | NC | 27577-7102 |
| 14075038O | 169412-86-8925 | BRUTON, EUGENE | 105 COBBLESTONE CT | SMITHFIELD | NC | 27577-7102 |
| 14075038P | 169412-86-8824 | FRAYRE, MARIBEL | 107 COBBLESTONE CT | SMITHFIELD | NC | 27577-7102 |
| 14075038I | 169412-87-8034 | BRYANT, WANDA B. | 103 COBBLESTONE CT | SMITHFIELD | NC | 27577-7102 |
| 14075038M | 169412-87-6037 | SAPP, BERNARD | 104 COBBLESTONE CT | SMITHFIELD | NC | 27577-7102 |
| 14075038S | 169412-86-6918 | BUCKNER, RICHARD | 106 COBBLESTONE CT | SMITHFIELD | NC | 27577-7102 |
| 14A03002 | 169412-76-6582 | BARBOUR, B LINCOLN | 1222 BUFFALO RD | SMITHFIELD | NC | 27577-7443 |
| 14A03006 | 169411-75-2562 | FRANCO, PASCUAL | 1020 BUFFALO ROAD | SMITHFIELD | NC | 27577-7447 |
| 14075031D | 169412-87-6159 | RICHBURG | 104 PARKWAY DR | SMITHFIELD | NC | 27577-8331 |
| 14075038G | 169412-87-8396 | LAUDIE, RICHARD L. | 203 PARKWAY DR | SMITHFIELD | NC | 27577-8334 |
| 14N99001A | 169411-76-3795 | COUNTY, LLC | 300 CITATION LN | SMITHFIELD | NC | 27577-8738 |
| 14057154M | 260409-17-4413 | HAGINS, HARRIETT DIANE | 11 BRADFORD ST | SMITHFIELD | NC | 27577-9412 |
| 15004009D | 260409-16-1059 | DAVIDSON, SAMANTHA | 901 MERLIN CT | JACKSONVILLE | NC | 28546-6409 |
| 15004009E | 260409-16-3128 | DAVIDSON, SAMANTHA | 901 MERLIN CT | JACKSONVILLE | NC | 28546-6409 |
| 15004021J | 260409-16-2053 | DAVIDSON, SAMANTHA | 901 MERLIN CT | JACKSONVILLE | NC | 28546-6409 |
| 14057154L | 260409-17-4399 | ARMM ASSET COMPANY 1 LLC | 5001 PLAZA ON THE LK | AUSTIN | TX | 78746-1053 |



PLANNING DEPARTMENT

Mark E. Helmer, AICP, CFM
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, November 2, 2023 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

CZ-23-01 Buffalo Road: The applicant is requesting to rezone a 138.63-acre tract of land from the R-20A (Residential-Agricultural) zoning district to the R-8 CZ zoning district with a master plan consisting of 217 single-family residential lots. The property considered for rezoning is located on the east side of Buffalo Road, approximately 300 feet south of its intersection with Holland Drive and further identified as Johnston County Tax ID# 14A03005.

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 News and Observer on October 18, 2023 and October 25, 2023