



PLANNING BOARD AGENDA

Members:

Chairman: Stephen Upton (Town)

Vice-Chairman: Mark Lane (ETJ)

Doris Wallace (Town)

Ashley Spain (ETJ)

Michael Johnson (Town)

Alisa Bizzell (Town)

Sloan Stevens (Town Alt)

Debbie Howard (Town)

Stephen Wensman, AICP, ALA, Planning Director

Mark Helmer, AICP, CZO, Senior Planner

Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, July 8, 2021

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

PLANNING BOARD AGENDA

FOR REGULAR MEETING

July 8, 2021

MEETING TIME: 6:00 PM

TOWN HALL COUNCIL CHAMBERS

Call to Order.

Identify voting members.

Approval of the agenda.

Approval of the minutes for May 6, 2021.

New Business.

RZ-21-01 Rhonda Miller: The applicant is requesting to rezone a portion of two parcels of land totaling approximately .64 acres from the B-3 (Highway Entrance Business) zoning district to the R-20A (Residential-Agricultural) zoning district. The properties considered for approval are located on the southwest side of the Hill Road approximately 230 feet southeast of its intersection with US Highway 70 Business East. The properties are further identified as a portion of Johnston County Tax ID#15L11051 and 15L11051D.

S-21-02 Spring Branch Commons: The applicant is seeking approval of a 10-lot residential subdivision on property located within an R-8 CZ (Residential Conditional Zoning) district. The property considered for approval is located on the southeast side of the intersection of South Sixth Street and East Johnston Street. The property is further identified as Johnston County Tax ID#15026060.

CZ-21-03 Floyd's Landing: The CE Group is requesting conditional rezoning of a portion of five parcels of land totaling approximately 199.8 acres from the R-20A (Residential-Agricultural) and B-3 (Highway Entrance Business) zoning districts to the R-8 CZ (Residential Conditional Zoning) district for the construction of a 598-unit residential development. The properties considered for approval are located on the west side of US Highway 70 Business West approximately 300 feet northwest of its intersection with South Rodgers Drive. The properties are further identified as Johnston County Tax ID# 15079014 15078012B and a portion of Johnston County Tax ID#15078012, 15077035C and 15077035H.

CZ-21-04 ALA Charter School: The applicant is requesting conditional rezoning of a 47.78-acre parcel of land from the LI (Light Industrial) zoning district to the OI CZ (Office Institutional Conditional Zoning) district for the construction of a charter school. The property considered for approval is located on the east side of US Highway 70 Business West approximately 230 feet north of Cloverdale Drive and further identified Johnston County Tax ID# 17J08004.

Old Business.

Adjournment.

DRAFT
Town of Smithfield
Planning Board Minutes
Thursday, May 6th, 2021
Town Hall
Council Chambers
6:00 PM

Members Present:

Chairman Stephen Upton
Vice Chairman Mark Lane
Debbie Howard
Doris Wallace
Sloan Stevens
Alisa Bizzell

Members Absent:

Ashley Spain
Michael Johnson

Staff Present:

Stephen Wensman, Planning Director
Julie Edmonds, Administrative Assistant

Staff Absent:

Mark Helmer

CALL TO ORDER

APPROVAL OF AGENDA

Doris Wallace made a motion, seconded by Debbie Howard to approve the agenda. Unanimously approved

APPROVAL OF MINUTES from April 1, 2021

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

NEW BUSINESS:

SUP-21-04 Saint Ann Catholic Church: The applicant is seeking a special use permit to allow for an outdoor columbaria on a 15.2-acre tract of land located within the B-3 (Highway Entrance Business) and R-20A (Residential-Agricultural) zoning districts. The property considered for approval is located on the west side US Highway 70 Business West approximately 2,100 feet north of its intersection with Cloverdale Drive and further identified as Johnston County Tax ID# 17Q99003.

Stephen Wensman said Terraeden Landscape and Design, LLC is requesting a special use permit on behalf of St. Ann's Church, to construct columbaria on the church property located at 4057 US Highway 70 Business. Columbaria in the B-3 zoning district and those with over 200 niches require a special use permit. The area planned for the columbaria is adjacent the church between the church and parking lot (phase 1) and between the church and the Chapel addition (phase 2). The area is comprised of turfgrass and landscaping.

The Town recently adopted regulations for columbaria and had been aware of St. Ann's planned columbaria project. The regulations were recently amended by St. Ann's to refine the regulations and to make adjustments needed to accommodate this application. The columbaria are comprised of 2 phases. Phase 1 contains 1460 niches located between the parking lot and the church. The site is organized with the columbaria arranged in a cross shaped wall, surrounded by 4 ornamental trees and more columbaria in a circle arrangement around the cross with paving and benches. The columbaria are identified as being 5'-6" tall on the plans. The approach to the columbaria is a walkway passing through an 8'-6" tall memorial plaque wall and scripture wall with a statue and fountain. Phase 2 contains 2,540 niches located between the church and the chapel addition. Phase 2 will be visible from US 70 Business West. The site is organized with single sided columbaria walls that form the edge of the columbaria site and create a wall or barrier from US 70 Business West. Within the walls are three linear columbaria walls within a plaza with trees and benches. The columbaria are identified as being 5'-6" tall on the plans, consistent with Phase 1. The columbaria are in accordance with the standards of Section 7.35 as follows:

- Adequate access is provided for maintenance. The columbaria are accessible from the St. Ann's parking lot.
- St. Ann's will be creating perpetual care and maintenance trust fund in the amount of 15% of the sales price.
- The church has a clear title to the land.
- The columbaria are shown as 5'-6" tall, less than the maximum allowed
- They comply with setbacks
- The columbaria are made of stone that complement the church.
- Commemorative plaques will conform to the standards.
- There are over 200 niches, therefore approval of the Special Use Permit will allow the greater number of niches.

Mark Lane asked if this plan had come before this board already?

Stephen Wensman said you looked at the request before yes.

Mark Lane asked why Saint Ann's Church needed to come back before this board with this same plan?

Stephen Wensman said that was part of the text amendment. We created the regulations, the Church offered changes to the text amendment. You were able to see it a second time, now their coming forward with the actual project.

Paul Emblar of 11 Kentwood Drive Smithfield, NC spoke on behalf of Saint Ann's Church. He said originally the ordinance only allowed a maximum of 200 niches. Their Church has approximately 7,300 members, with 100 births and 100 deaths each year. If they were limited to only 200 niches, they would be out of space in 2 years. They hope to break ground on this new plan by the end of the summer.

Flora Grantham of 400 Dogwood Street Smithfield, came forward. She owns the property to the West of Saint Ann's Church. She enjoys being a neighbor to this property.

OLD BUSINESS:

None

Adjournment

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

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist

DRAFT



Request for Planning Board Action

Agenda RZ-21-
Item: 01
Date: 7/8/21

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

Issue Statement

Rhonda Miller is requesting the rezoning of two properties, 10.459 acres, from B-3 to R-20A.

Financial Impact

None.

Action Needed

The Planning Board is respectfully requested to review the rezoning and to decide whether to recommend approval or denial of the request.

Recommendation

Planning Staff recommends approval of the rezoning RZ-21-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the action is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Consistency Statement
3. Application and Statement of Justification
4. Survey



Staff Report

REQUEST:

Rhonda Miller is requesting the rezoning of two properties consisting of Tract 2 (3.58 acres) and Tract 3 (6.579 acres) from B-3 to R-20A.

PROPERTY LOCATION:

The properties are located near the southwest corner of Hill Road and US 70 East Business. Tract 2 starts approximately 360 feet south of the intersection and Tract 3 is about 600 feet south of the intersection.

SITE DATA:

Tax ID#	15L11051 and 15L11051D
Acreage:	10.459 (3.58+ 6.579) acres
Present Zoning:	Split zoned B-3 and R-20A
Proposed Zoning:	R-20A
Existing Use:	Agriculture
Proposed Use	Residential
Fire District:	Pine Level
School Impacts:	None
Parks and Recreation:	None
Water Provider:	Johnston County
Sewer Provider:	N/A
Electric Provider:	Duke

ENVIRONMENTAL:

The properties are not located within a floodplain.

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

	Zoning	Existing Land Uses
North	B-3 (Gateway Highway Business)	Agriculture/Residential
South	R-20A (Residential-Agriculture)	Agricultural
East	R-20A (Residential-Agriculture)	Agriculture
West	R-20A (Residential-Agriculture)	Agriculture

ANALYSIS:

The parcels, Tract 2 and Tract 3, are split zoned between the B-3 and R-20A. The applicant is planning to construct detached single-family homes on each lot and would like the properties to be zoned R-20A. The applicant also owns Tract 1 with a B-3 zoning and would

like to retain the existing zoning designation. She intends to use the property for an agriculture related retail business.

COMPREHENSIVE PLAN GUIDANCE:

The Comprehensive Growth Management Plan guides these properties for Rural Residential, including Tract 1 (not part of this application). The rezoning is consistent with the comprehensive plan.

UTILITIES:

The tracts will be served with public water and on-site septic. Johnston County has water lines on Hill Road.

CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** - *The Comprehensive Plan guides the area for Rural Residential.*
- **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the rural residential and agricultural land uses surrounding the parcels.*

RECOMMENDATION:

Planning Staff recommends the Planning Board approve RZ-21-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

RECOMMENDED MOTION:

Staff recommends the following motion:

“move to recommend approval of zoning map amendment, RZ-21-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
RZ-21-01**

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 RZ-21-01 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 RZ-21-01 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.



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: Ronda S. Miller Hill Road Tracts 2 & 3 rezoning Acreage of Property: Tract 2=3.580 & Tract 3=6.579
 Parcel ID Number: 261300-05-3907 Tax ID: 15211051 & 15211057D
 Deed Book: 5778 Deed Page(s): 672
 Address: Hill Road, Smithfield, NC
 Location: (See map)

Existing Use: Agricultural Proposed Use: Residential-Agricultural
 Existing Zoning District: B-3 and R-20A
 Requested Zoning District: R-20A (remove B-3 zoned areas on Tracts 2 & 3)
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: _____	Date Received: <u>5.27.2021</u>	Amount Paid: <u>\$400.⁰⁰</u>
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APPLICANT AFFIDAVIT

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

Ronda S. Miller
Print Name


Signature of Applicant

5/27/21
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: Ronda S. Miller Hill Road Tracts 2 & 3 rezoning Submittal Date: 5/27/21

OWNERS AUTHORIZATION

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

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

[Signature] Ronda S. Miller 5/27/21
 Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

[Signature] Ronda S. Miller 5/27/21
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: _____ Date Received: 5.27.2021 Parcel ID Number: _____

**Statement of Justification and Additional Information from Ronda S. Miller Hill Road
Smithfield 5-27-2021**

- 1) Contact information including names, addresses and phone numbers of the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates:

Current owner of entire property; future owner of only Tracts 1 & 2:

Ronda S. Miller
148 Curragh Cove
Fuquay-Varina, NC 27526
Cell: 919-880-1983
Email: happychicknc@yahoo.com

Future owners of Tract 3:

Mark D. & Jill M. Williamson (Jill is my sister)
10 Beaconridge Drive
Angier, NC 27501
Mark cell: 252-363-4309; Jill cell: 252-373-1463
Mark email: rangerz212012@gmail.com; Jill email: jillmw1203@gmail.com

Survey company (submitted survey docs for recording on my behalf):

True Line Surveying
205 West Main St.
Clayton, NC 27520
Phone: 919-359-0427
Fax: 919-359-0428

Soil Scientist (evaluated building feasibility, soil quality, & septic system placements for me):

Stephen W. Bristow
38 Austin Pond Road
Clayton, NC 27520
Cell: 919-906-4737
Email: Stevebristow57@gmail.com
NC License #: 1167

Current land loan holder:

Southern Bank
116 E. Main Street
Mount Olive, NC
Phone: 919-658-7000

- 2) Address, current zoning, parcel size in acres and square feet, property identification number(s) (PIN), and current legal description(s):

There are no formal addresses for these tracts that have been assigned at this time. See plat map with details submitted by True Line Surveying that has been recorded by the Johnston County

Register of Deeds on 3-19-2021. The land was being used solely for farming prior to my purchase. Zoning for Tract 2 & Tract 3 on map related to this request is mixed: R-20A and B-3. (Tract 1 will remain B-3.)

3) General information regarding subdivision and lots:

This is not a formal subdivision; it would not be named. It will be family residences/home lots on Tracts 2 & 3 for two sisters and their families. Previously, the land was owned by the Garner family and was being used to grow agricultural crops. I am requesting that Tracts 2 & 3 on the map be re-zoned as R-20A in their entireties. I do not want residual B-3 zoning to remain within our two home lots.

4) Neighboring properties:

Neighbor Johnathan Mcartan, who owns the home at 3492 Hwy 70 is aware of our plans related to this property. He is also a licensed builder and is working with me on construction proposals/quotes for my home and also a barn/shop. All other properties surrounding these tracts are wooded or are being used for agriculture crops; there are no residences that adjoin these tracts.

5) Description of how conflicts with nearby land uses and/or disturbances to wetlands or natural areas are being avoided or mitigated:

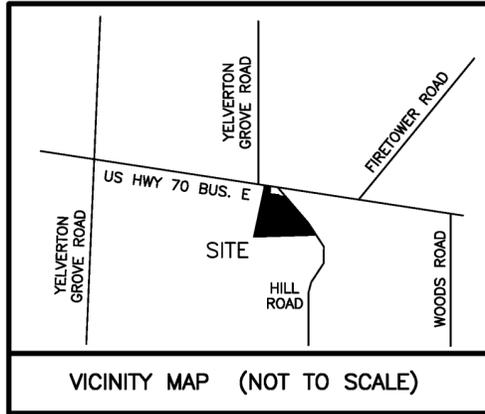
This plan will enhance the area and help to increase other residential property values. There will be no disturbances to natural forested areas or any wetlands with any of the construction planned. I plan to have several hives of bees on my residential property which would benefit farm crops in the area.

6) Proposed development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed:

The schedule to start construction is dependent on the current COVID-19 situation and our builders' availability for working on the quotes, obtaining scarce building materials, etc. Hopefully, we could begin construction on one or both of the homes by the end of 2021.

Filed in JOHNSTON COUNTY, NC CRAIG OLIVE, Register of Deeds Filed 03/19/2021 04:27:55 PM
PLAT BOOK: 93 PAGE: 121 INSTRUMENT # 2021739309
Deputy/Assistant Register of Deeds: Lynn Kirby

Submitted electronically by "True Line Surveying" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Johnston County Register of Deeds.



CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF SMITHFIELD, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION.
3/18/2021 DATE
Ronda Miller OWNER

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGES IN EXISTING PUBLIC STREET, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE UDO ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE JOHNSTON COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW.
3/19/2021 DATE
Stephen Wensman UDO ADMINISTRATOR

- NOTES:
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES
 - 2) AREAS COMPUTED BY COORDINATE METHOD.
 - 3) PROPERTY SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 - 4) NO. 5 REBAR IRON STAKES WITH CAPS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
 - 5) ZONING: R-20A & B-3
 - 6) NC PIN NO. 261300-05-2666
 - 7) PARCEL NO. 15L11051
 - 8) PARENT TRACT DB 5778 PG 672
 - 9) TRACT 1, 2, & 3 HAVE NOT BEEN EVALUATED BY JOHNSTON COUNTY ENVIRONMENTAL HEALTH

- REFERENCES:
- DB 5778 PG 672
 - DB 5806 PG 287
 - DB 929 PG 188
 - DB 4470 PG 506

LINE	BEARING	DISTANCE
L1	N26°22'02"E	109.63'
L2	S70°37'53"E	102.07'
L3	S21°49'17"E	99.26'
L4	S19°38'29"E	98.51'
L5	S14°52'01"E	124.82'
L6	S11°40'00"E	61.10'
L7	N89°00'38"W	58.47'
L8	S89°09'53"E	62.76'

- THIS SURVEY:
- A. CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - B. IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - C. IS ONE OF THE FOLLOWING:
 - 1) IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - 2) IS OF AN EXISTING FEATURE, SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
 - 3) IS A CONTROL SURVEY
 - 4) IS OF A PROPOSED EASEMENT FOR A PUBLIC UTILITY AS DEFINED IN G.S. 62-3.
 - D. IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
 - E. THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

3-17-21 DATE
SURVEYOR

PROPERTY SHOWN HEREON IS XXXX IS NOT LOCATED IN A FEMA DESIGNATED FLOOD ZONE. FEMA FLOOD HAZARD PANEL NO. 3720260200 K EFFECTIVE DATE: JUNE 20, 2018

3-17-21 DATE
SURVEYOR

SURVEYOR'S DISCLAIMER: NO ATTEMPT WAS MADE TO LOCATE ANY CEMETERIES, WETLANDS, HAZARDOUS MATERIAL SITES, UNDERGROUND UTILITIES OR ANY OTHER FEATURES ABOVE OR BELOW GROUND OTHER THAN THOSE SHOWN.

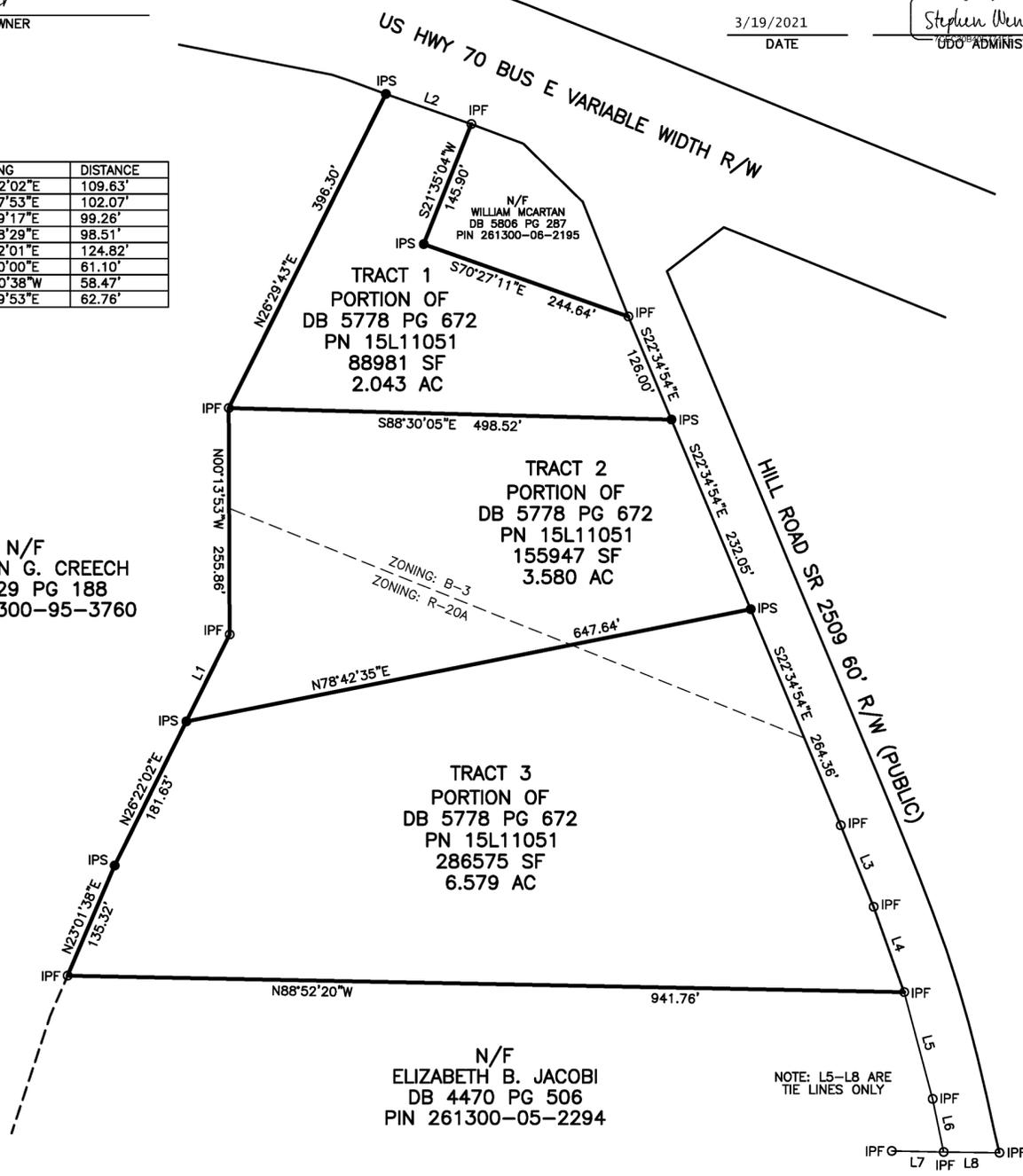
3-17-21 DATE
SURVEYOR

STATE OF NORTH CAROLINA, JOHNSTON COUNTY, I, CURK T. LANE, DO HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5778, PAGE 672, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 5778, PAGE 672, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. THAT THIS PLAT MEETS THE REQUIREMENT OF G.S. 47-30 SECTION F-11-A. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 17TH DAY OF MARCH, A.D. 2021



3-19-2021 DATE
L-3990 LICENSE NUMBER
SURVEYOR

REVIEW OFFICER'S CERTIFICATE
I, Joni Sanderford, REVIEW OFFICER OF JOHNSTON COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
3/19/2021 DATE
Joni Sanderford REVIEW OFFICER

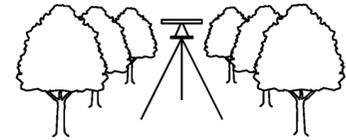


- LEGEND
- IPF IRON PIPE FOUND
 - IPS IRON PIPE SET
 - CMF CONCRETE MONUMENT FOUND
 - PKNF PARKER-KALON NAIL FOUND
 - PKNS PARKER-KALON NAIL SET
 - RRS RAILROAD SPIKE
 - CSF COTTON SPIKE FOUND
 - CSS COTTON SPIKE SET
 - CC CONTROL CORNER
 - CP COMPUTED POINT
 - P/P POWER POLE
 - OPW OVERHEAD POWER LINE
 - R/W RIGHT OF WAY
 - S.F. SQUARE FEET
 - AC ACRE
 - DB DEED BOOK
 - PB PLAT BOOK
 - BOM BOOK OF MAPS
 - PG PAGE
 - LF LINEAR FEET
 - 1SS LOT HAS OFFSITE SEWER
 - 1SSL OFFSITE SEWER LOT
 - 1SR RECOMBINATION LOT
 - [100] STREET ADDRESS
 - LINES NOT SURVEYED

SURVEYED BY:	DYLAN
DRAWN BY:	MATT
CHECKED BY:	CURK
DRAWING NAME:	SUBD.DWG
SURVEY DATE:	01-29-2021
JOB NO.	4142.001

RONDA S. MILLER
SMITHFIELD TOWNSHIP, JOHNSTON COUNTY
NORTH CAROLINA
MARCH 17, 2021

TRUE LINE SURVEYING, P.C.



205 WEST MAIN STREET
CLAYTON, N.C. 27520
TELEPHONE: (919) 359-0427
FAX: (919) 359-0428
www.truelinesurveying.com

3700 Block of US Highway 70 Business West

File Number:
RZ-21-01

Project Name:
Rhonda Miller
Rezoning

Location:
100 Hill Road

Tax ID#:
15L11051

Existing Zoning:
B-3 (Highway
Entrance Business)

Proposed Zoning:
R-20A (Residential
-Agricultural)

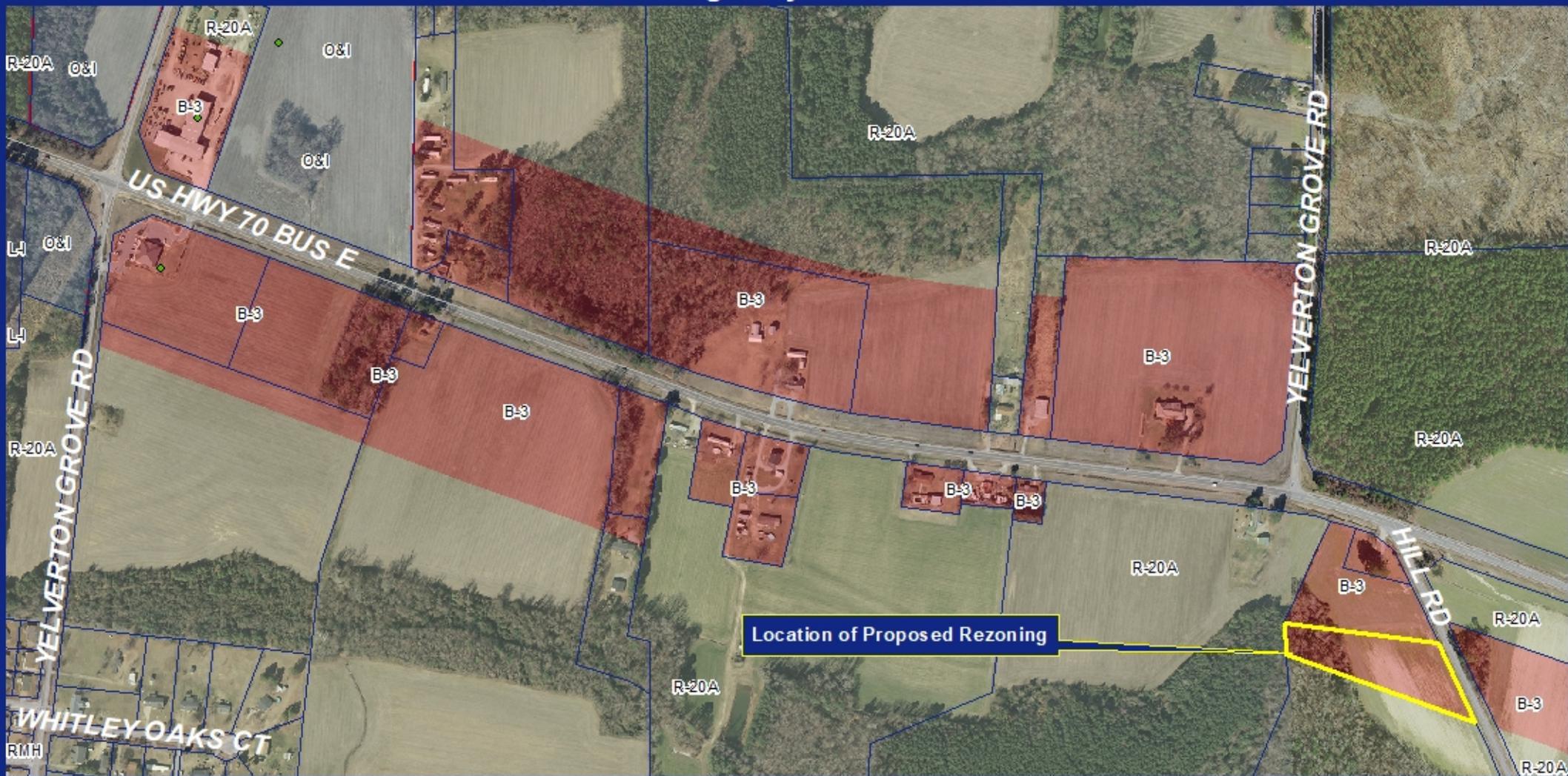
Owner:
Rhonda Miller

Applicant:
Rhonda Miller



1 in = 500 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 6/22/2021



Adjacent Property Owners of
RZ-21-01

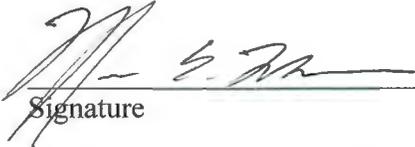
TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15L11051C	261300-05-7827	JACOBI, ELIZABETH B	607 EMORY DR	CHAPEL HILL	NC	27517-2517
15L11051B	261300-05-2294	JACOBI, ELIZABETH B	607 EMORY DR	CHAPEL HILL	NC	27517-2517
15L11051	261300-05-2666	MILLER, RONDA S.	148 CURRAGH CV	FUQUAY VARINA	NC	27526-8795
15L11051D	261300-05-3407	MILLER, RONDA S.	148 CURRAGH CV	FUQUAY VARINA	NC	27526-8795
15L11051E	261300-06-2023	MILLER, RONDA S.	148 CURRAGH CV	FUQUAY VARINA	NC	27526-8795
15L11017	260300-95-3760	CREECH, MERLEON G	PO BOX 39	PINE LEVEL	NC	27568
15L11051A	261300-05-8584	BAKER, CLINTON JR	P O BOX 605	PINE LEVEL	NC	27568-0605



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **RZ-21-01**, were notified by First Class Mail on **6-18-21**.

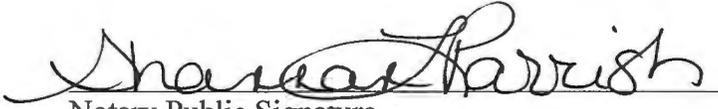


Signature

Johnston County, North Carolina

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

18th day of June, 2021



Notary Public Signature

Shannan L. Parrish

Notary Public Name

My Commission expires on 5-20-2022





Request for Planning Board Action

Agenda
Item: S-21-02
Date: 7/8/21

Subject: Spring Branch Commons Preliminary Plat
Department: Planning
Presented by: Mark Helmer, Senior Planner
Presentation: Public Meeting

Issue Statement

TerraEden Landscape and Design, LLC, is requesting 10-lot detached single-family residential preliminary plat of a 1.21-acre parcel in the R-8 CZ district.

Financial Impact

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

Action Needed

The Planning Board is respectfully requested to hold a public meeting to review the preliminary plat and to decide whether to recommend approval, approval with conditions, or denial of the request.

Recommendation

Planning Staff recommend approval of S-21-02 with 5-conditions based on finding of fact for subdivisions.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Finding of fact
3. Application
4. Preliminary Plat



Staff Report

REQUEST:

TerraEden Landscape and Design, LLC, is requesting 10-lot detached single-family residential preliminary plat of a 1.21-acre parcel in the R-8 CZ district.

PROPERTY LOCATION:

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

SITE DATA:

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

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

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

EXISTING CONDITIONS:

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

ENVIRONMENTAL:

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

R-8 CONDITIONAL ZONING MASTER PLAN:

The applicant had the property rezoned to R8-CZ on May 4, 2021, with a master plan for a 10-detached single-family residential subdivision. The preliminary plat is consistent with the approved master plan. The masterplan and plat consist of the following:

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

Parking. There are 2 parking spaces per residence as required and 6-guest parking spaces (1 handicap accessible).

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

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

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

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

Single-family homes: Min. 1,290 sq. ft. single-story homes (average approximately 3,770 sq. ft. in size), with full-width front porch, three bedrooms, and two bathrooms. A small storage area will be attached to the rear of each home.

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

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

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

Accessory buildings. No accessory buildings will be allowed.

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

R-8 CZ STANDARDS:

With the approval of the rezoning master plan, the development shall comply with the standards of the R-8 zoning district except for the following:

Item	R-8 CZ
Min. lot size	3,444 sq. ft. (.079 ac.)
Min. lot width	41 feet
Min. front setback	15 feet
Min. Side Setback	5.5 feet
Accessory Bldg. Setback	None allowed
Min. corner lot setback	12 feet
Driveway width	16 feet
Sight triangle	23 feet x 23 feet

ANALYSIS:

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

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

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

FINDING OF FACT (Staff Opinion):

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

1. The plan is consistent with the adopted plans and policies of the town; ***The plan is consistent with the adopted plans and policies of the town.***
2. The plan complies with all applicable requirements of this ordinance; ***The plan complies with all applicable requirements of this ordinance and the R-8 Conditional Zoning District.***
3. There exists adequate infrastructure (transportation and utilities) to support the plan as proposed. ***There is adequate infrastructure.***

4. The plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses. *The plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses.*

RECOMMENDATION

Staff recommends approval with the following conditions:

1. That the driveway aprons be constructed in accordance with the Town's Standard Specifications and Details.
2. That concrete pads for trash bins be shown on the master plan and construction plans.
3. That the valley curb in the public right-of-way be replaced with B6-12 curb.
4. That the Homeowner's Association be responsible for fences and landscaping.
5. That subdivision construction plans be submitted in accordance with the standards of the Unified Development Ordinance for Town Staff approval.

RECOMMENDED MOTION:

Staff recommends the following motion:

"move to approve the Spring Branch Commons Preliminary Plat, S-21-02, with 5-conditions based on the finding of fact for preliminary subdivisions".



Town of Smithfield

Planning Department

350 E. Market St Smithfield, NC 27577

P.O. Box 761, Smithfield, NC 27577

Phone 919-934-2116

Fax: 919-934-1134

**Preliminary Subdivision Application
General Information**

Development Name **Spring Branch Commons**

Proposed Use **Single family residential**

Property Address(es) **602 E Johnston Street**

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

PIN# **169419-50-6175**

TAX ID# **15026060**

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

OWNER/DEVELOPER INFORMATION

Company Name **Twin States Farming**

Owner/Developer Name **Oliva Holding**

Address **PO Box 1352 Smithfield, NC 27577**

Phone **919 414 2515**

Email

Fax

CONSULTANT/CONTACT PERSON FOR PLANS

Company Name **Terraeden Landscape & Design, LLC**

Contact Name **Paul Embler**

Address **11 Kentwood Drive Smithfield, NC 27577**

Phone **919 219 3410**

Email **pcembler@gmail.com**

Fax

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

ZONING INFORMATION

Zoning District(s) **CZ R-8**

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

Overlay District? Yes No

Inside City Limits? Yes No

FOR OFFICE USE ONLY

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

STORMWATER INFORMATION

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

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

NUMBER OF LOTS AND DENSITY

Total # of Single Family Lots	10	Overall Unit(s)/Acre Densities Per Zoning Districts
Total # of Townhouse Lots	n/a	Acreage in active open space
Total # of All Lots	11	Acreage in passive open space
		n/a

SIGNATURE BLOCK (Applicable to all developments)

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

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

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

Signature _____ Date _____

Signature _____ Date _____

REVIEW FEES

- Major Subdivision (Submit 7 paper copies & 1 Digital copy on CD) \$500.00 + \$5.00 a lot
- Minor Subdivision (Submit 4 paper copies & 1 Digital copy on CD) \$100.00 + \$5.00 a lot
- Recombination Plat (Submit 2 paper copies & 1 Digital copy on CD) \$50.00

FOR OFFICE USE ONLY

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



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

OWNER'S CONSENT FORM

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

OWNERS AUTHORIZATION

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

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

Oliver B. Holding, President Oliver B. Holding 3/3/2021
 Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

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

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

STATEMENT OF JUSTIFICATION FOR SPRING BRANCH COMMONS:

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

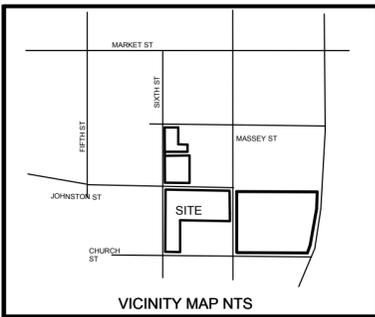
Spring Branch Commons will provide new housing stock to a neighborhood that has not seen any new home construction in approximately 15 to 20 years. The homes that are proposed will be single story 1,290 sf homes with a full width front porch, three bedrooms and two baths constructed on lots averaging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

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

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

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

PRELIMINARY PLAT: NOT FOR RECORDATION, SALES OR CONVEYANCES



I ALSEY J. GILBERT PLS CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DB 455 PG 521) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN (SEE ADJACENT REFERENCES) THAT THE RATIO OF PRECISION IS 1:36702 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 6TH DAY OF MAY AD 2021



SEE PB 89 PG 13

ALSEY J. GILBERT PLS

REG. NO. 3701

- A/G THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- b. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- c. ANY ONE OF THE FOLLOWING:
1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 2. THAT THE SURVEY IS OF AN EXISTING FEATURE SUCH AS A BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
 3. THAT THE SURVEY IS A CONTROL SURVEY.
 4. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
 5. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS IN (a) THROUGH (d) ABOVE.

5/06/2021

DATE SURVEYOR

- LEGEND:
- EIP...EXISTING IRON PIPE
 - IPS...IRON PIPE SET
 - EIS...EXISTING IRON STAKE
 - ISS...IRON STAKE SET
 - RW...RIGHT OF WAY
 - PK...PARKER KALON NAIL
 - FCM...EXISTING CONC MONUMENT
 - CMS...CONCRETE MONUMENT SET
 - FH...FIRE HYDRANT
 - SC...SEWER CLEAN-OUT
 - TE...TELEPHONE BOX
 - CB...CABLE BOX
 - TR...TRANSFORMER
 - WM...WATER METER
 - SSMH...SANITARY SEWER MANHOLE
 - NF...NOW OR FORMERLY
 - RC...BACK OF CURB
 - CP...COMPUTED POINT
 - GM...GEODECTIC MONUMENT
 - RCP...REINFORCED CONCRETE PIPE
 - PB...PARCEL BOUNDARY
 - RL...RIGHT OF WAY
 - TL...TIE LINE
 - FE...FEATURE
 - SW...STREAM (BE WATER COURSE)
 - NS...NOT SURVEYED
 - PL...POWER LINE
 - FL...FLOOD PLAIN

AREA BY COORDINATE METHOD
TITLE BY LAWYER
PROPERTY SUBJECT TO EASEMENT OF RECORD

NCGS CEM
NSRS 2011 COORDINATES
AS SHOT 01/22/18
N=643971.72'
E=2190703.44'
COMBINED FACTOR
0.99988193

REVIEW OFFICER
OF JOHNSTON COUNTY, CERTIFY THAT THE MAP
OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

REVIEW OFFICER

I hereby certify that I am (we are) the owner(s) of the property shown and described herein,
which property is within the subdivision regulation jurisdiction of the Town of Smithfield,
and that I freely adopt this plan of subdivision.

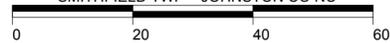
Owner(s) Date

I hereby certify that the Town of Smithfield has approved this plat for recording in the office of the Johnston County
Register of Deeds, and accepts the dedication of streets, easements, rights-of-way, and public lands shown
thereon, but assumes no responsibility to open or maintain the same until, in the opinion of the Smithfield
Town Council, it is in the public interest to do so.

Town Manager Date

FINAL PLAT
SPRING BRANCH
COMMONS

SCALE 1"=20' DATE 02/09/2021
SMITHFIELD TWP JOHNSTON CO NC



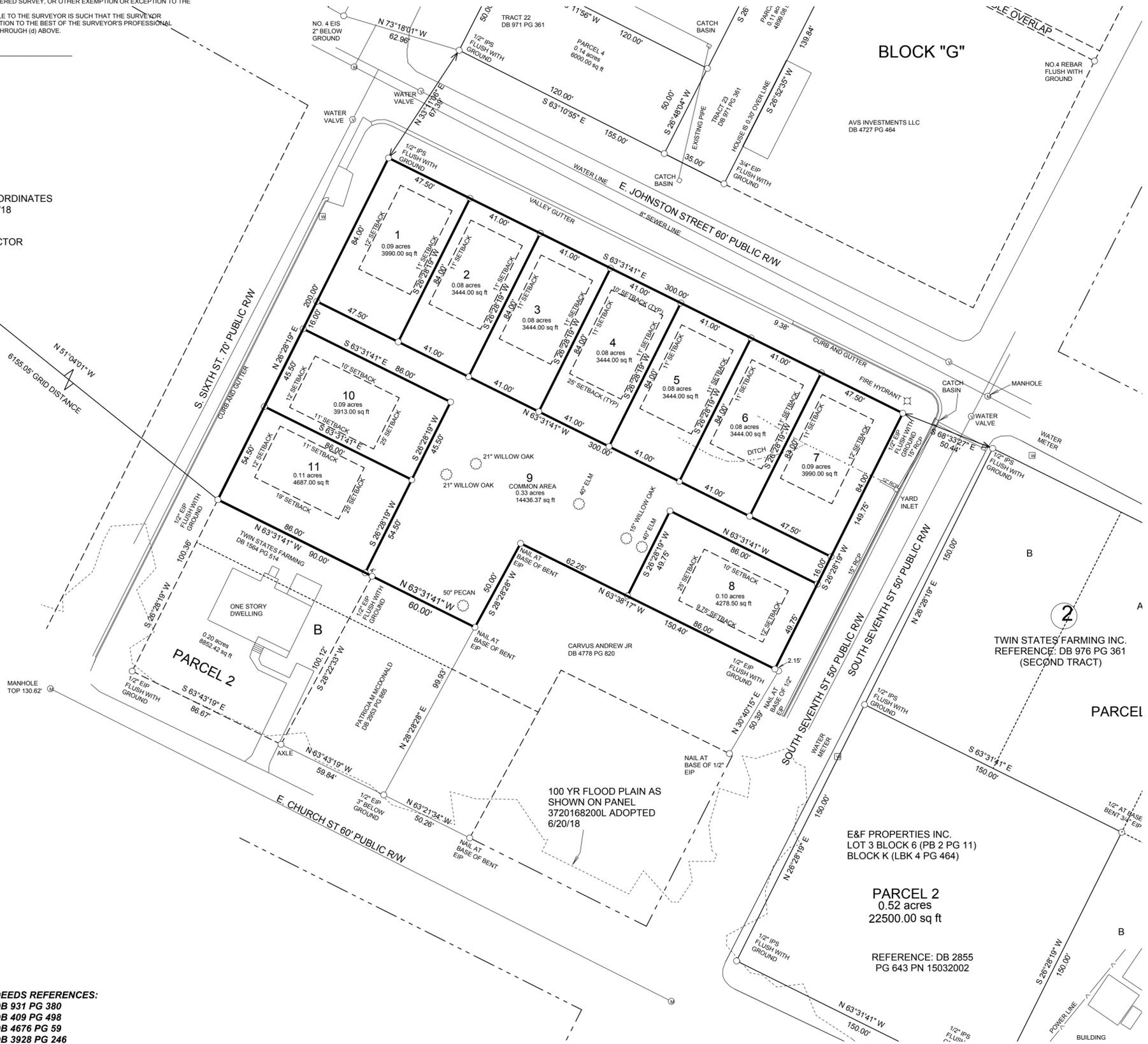
ALL DISTANCES ARE HORIZONTAL DISTANCES



- DEEDS REFERENCES:
- DB 931 PG 380
 - DB 409 PG 498
 - DB 4676 PG 59
 - DB 3928 PG 246
 - PB 2 PG 111
 - LBK 4 PG 464
 - DB 455 PG 121
 - DB 971 PG 361

ALSEY J. GILBERT PLS
442 1/2 EAST MAIN ST.
CLAYTON NC 27520
PHONE 919/553-5104
FAX:919/553-3663

OWNERS ADDRESS:
PO BOX 1352
SMITHFIELD NC 27577



BLOCK "G"

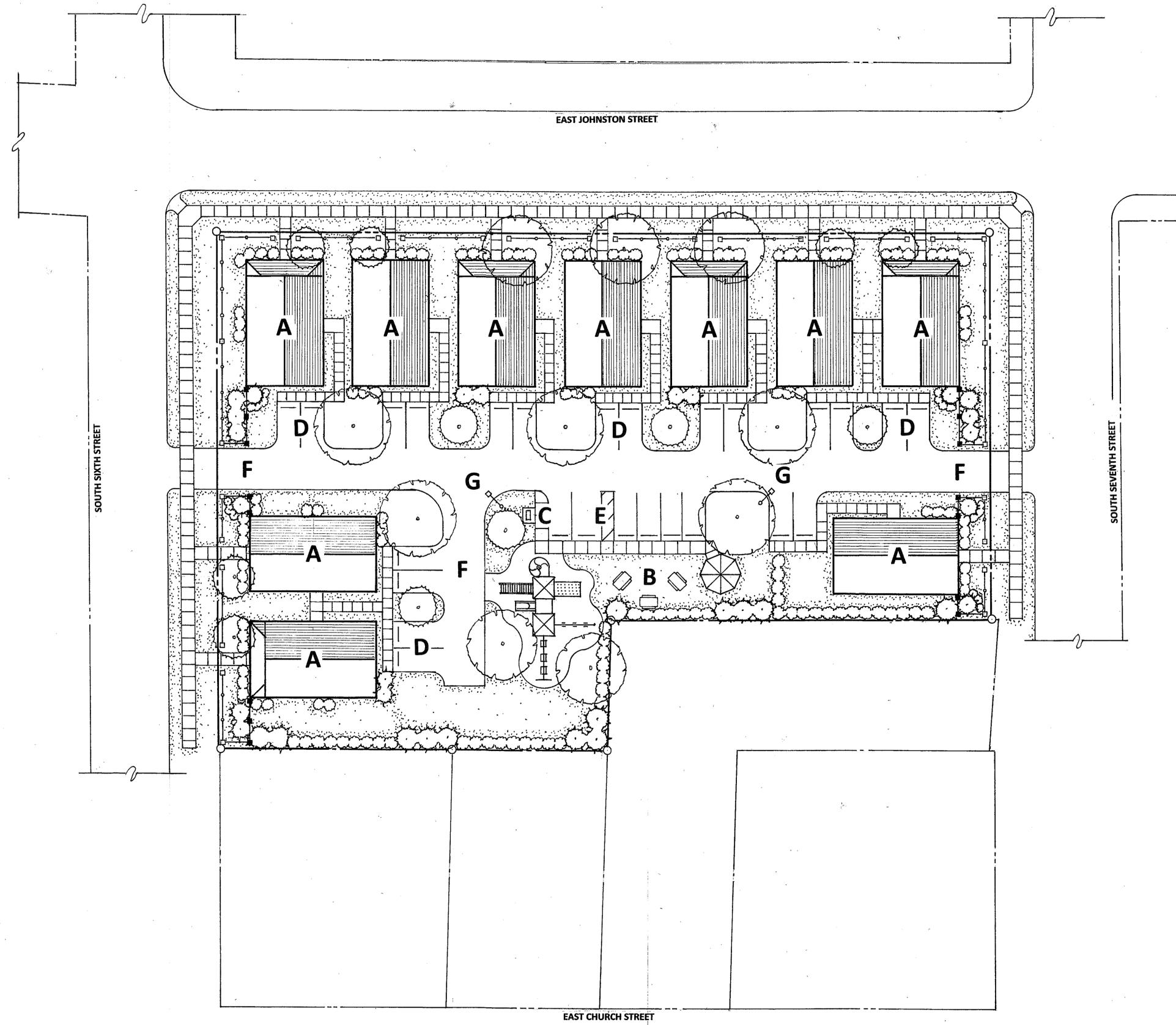
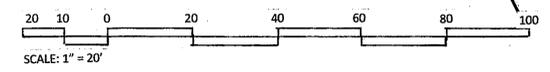
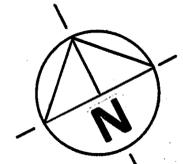


TWIN STATES FARMING INC.
REFERENCE: DB 976 PG 361
(SECOND TRACT)

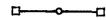
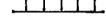
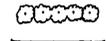
E&F PROPERTIES INC.
LOT 3 BLOCK 6 (PB 2 PG 11)
BLOCK K (LBK 4 PG 464)

PARCEL 2
0.52 acres
22500.00 sq ft

REFERENCE: DB 2855
PG 643 PN 15032002



LEGEND

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

11 KENTWOOD DRIVE
SMITHFIELD, NC 27577
919.218.3410
LAA-278

TERRAEDEN
LANDSCAPE & DESIGN, LLC
LANDSCAPE ARCHITECTS - PLANNERS



SPRING BRANCH COMMONS
SMITHFIELD, NORTH CAROLINA

CONCEPTUAL MASTER PLAN

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

600 Block of East Johnston Street

File Number:
S-21-02

Project Name:
Spring Branch
Commons

Location:
600 Block of
E. Johnston St.

Tax ID#:
15026060

Existing Zoning:
R-8 CZ
(Conditional Zoning)

Property Owner:
Twin States Farming

Applicant:
Terra Eden Landscape
& Design, LLC



1 in = 200 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 6/22/2021



Adjacent Property Owners of
S-21-02

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



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, S-21-02, were notified by First Class Mail on 6-18-21.



Signature

Johnston County, North Carolina

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

18th day of June, 2021



Notary Public Signature

Shannan L. Parrish

Notary Public Name

My Commission expires on 5-20-2022





Request for Planning Board Action

Agenda CZ-21-
Item: 03
Date: 7/8/21

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

Issue Statement

CE Group Inc. is requesting a conditional rezoning request of 5 properties, 199.8-acres, from R-20A and B-3 to R-8 CZ with a master plan for a subdivision consisting of 118 detached single-family homes, 220 Townhomes and 360 apartment units (698 total number of dwelling units).

Financial Impact

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

Action Needed

The Planning Board is respectfully requested to review the conditional rezoning of properties from R-20A and B-3 to R-8 CZ and to decide whether to recommend approval, approval with conditions, or denial of the request.

Recommendation

Planning Staff recommends the Planning Board recommend approval of CZ-21-03 with 2-conditions with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan as to be amended and that the request is reasonable and in the public interest

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Consistency Statement
3. Application
4. Master Plan



Staff Report

Agenda CZ-
Item: 21-03

REQUEST:

CE Group Inc. is requesting a conditional rezoning request of 5 properties, 199.8-acres, from R-20A and B-3 to R-8 CZ with a master plan for a subdivision consisting of 118 detached single-family homes, 220 Townhomes and 360 apartment units (698 total number of dwelling units).

PROPERTY LOCATION:

The property is located just north of the Smithfield Corporate Limits on the south side of US Highway 70 Bus W.

SITE DATA:

Subdivision Name: Floyd Landing
 Tax ID# 15078012, 15077035C, 15077035H, 15079014 and 15078012B
 Acreage: 199.8 acres
 Present Zoning: B-3 and R-20A
 Proposed Zoning: R-8 CZ
 Existing Use: Agriculture/Residential
 Proposed Use: Detached single-family, Attached single-family (townhouses) and Multi-family.
 Fire District: Town of Smithfield
 School Impacts: Potential students
 Parks and Recreation: Park Dedication Fee In Lieu
 Water and Sewer Provider: Town of Smithfield
 Electric Provider: Duke

ADJACENT ZONING AND LAND USES: (see attached map)

	Zoning	Existing Land Uses
North	R-20A/B-3	Detached single-family residential and Agriculture
South	R-10	Detached single-family residential
East	B-3/Light Industrial	Detached single-family/ Commercial/Industrial
West	R-20A	Vacant

EXISTING CONDITIONS/ENVIRONMENTAL:

The site is within the Neuse River Basin and drains into the Reedy Branch and Swift Creek. The site generally slopes away from US Hwy 70 Business W. From north to south, the site is broken up into 3 developable areas by blue line streams. More than half the site is within the 100-year floodplain. The land is currently used for residential and agriculture purposes. An existing commercial billboard and the Town's Wayfinding Gateway sign are located on the property identified as Tract 1. The site is a mix of open agricultural fields and wooded areas with several single-family homes. The existing homes will be removed from the site. The commercial/residential property owned by Zane and Betty Williams is not included in the rezoning and is not part of the development property.

CURRENT ZONING:

The site is currently zoned R-20A except for a 500' strip along US Hwy 70 Bus W that is zoned B-3. The strip of B-3 was incorporated into the Town's zoning when the ETJ was created. All the major corridors have remnant strips of commercial along them. With the rezoning, the applicant is excluding a portion of the B-3 from rezoning to create a small commercial development.

ANNEXATION:

The applicant will petition for voluntarily annexation of the development into the Town of Smithfield prior to final plat approval.

MASTER PLAN/ANALYSIS:

The applicant is proposing a master plan with a mix of detached single-family residential, townhomes and apartments.

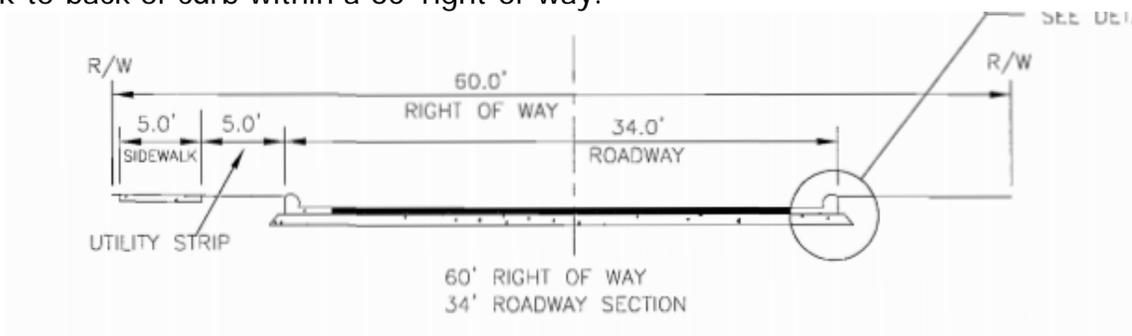
Comprehensive Land Use Plan and Density. The Town's land use plan guides the site for low density (north) and medium density residential (south) and conservation (west) where there is floodplain. The overall development will have an average density of 3.5 units per acre.

- The property identified as Tract 4 is guided for low density residential (corresponds with R-10 zoning) and allows a density of up to 4.36 units per acre ($97.79 \text{ acres} \times 4.35 = 425$ single family units). The developer is proposing 118 detached single-family and 155 townhomes (273 total units) About 44% of Tract 4 is within the floodplain and undevelopable. The proposed development is consistent with the low-density guidance of the comprehensive plan.
- The remainder of the development site is guided for medium density residential with a maximum allowed density of 9.68 units per acre, or 4500 sq. ft. per unit. About 50% of the remaining medium density area is within the floodplain and undevelopable.

The proposed landuses and densities match the Town's comprehensive plan and are consistent with R-8 zoning. The developer has excluded portions of the affected tracts of land from the rezoning and has chosen to retain the B-3 zoning that exists for future commercial uses along the main entrance to the development. Although the B-3 zoning is inconsistent with the Town's land use plan, the requested rezoning is consistent with the Town's land use plan.

Highway Access. The proposed development will access the highway in 3 locations where there are existing breaks in the median. The Amazon is under development across US Hwy 70 Bus West and will also access the highway at the two southernmost median breaks. A Traffic Impact Analysis (TIA) is being prepared for this development and one has been prepared for the Amazon development. It is likely that the middle access will be a right-in/right-out. Other highway improvements are likely including right-turn deceleration lanes at each entrance to the development. The TIA will be available before the preliminary plat.

Streets. All the roads within the development will be public with 60' right-of-way. The roads by the townhomes and detached single family homes are proposed as 27' wide back-to-back of curb. The entry roads and behind the commercial area are proposed as 35' back-to-back of curb. The Town's Standard Street Detail calls out a 34' wide road back-to-back of curb within a 60' right-of-way.



The curbing is shown as B6-12 type matching the Town's Standard Detail.

The parking lot for the apartments and the overflow parking for the townhomes will be private.

Open space. Approximately 151.4 acres or 75% of the site will remain undeveloped open space. This area will be comprised of streams, wetlands, ponds, flood plain and buffers.

Riparian Buffers. The master plan shows 50' riparian buffers as required along blue line streams.

Lot Size, Unit Size and Dimensions.

Detached Single-family Lot Size and Dimensions.

- Proposed minimum lot size is 4,829 sq. ft. for the detached single-family (R-10 (low density residential) requires 10,000 sq. ft. R-8 is 8,000 sq. ft.).

- Average lot size will be 5,150 sq. ft.
- The typical lot will be 42' wide x 115' deep (R-10 min lot width is 75/ R-8 min lot width is 60')
- Homes will be 3 bedroom and will range in size from 1,600-2,100 sq. ft.

Townhomes.

- The developer is proposing 4-6 unit 1400-1600 sq. ft. townhomes.
- The typical townhouse lot will be 20' wide x 100' deep. As a comparison, the approved East River Triplexes had a minimum lot width of 25' and end lots were wider.

Apartments.

- The property lines for the apartments are not yet defined.
- The apartments will be 1-3 bedrooms ranging from 800 sq. ft. to 1,500 sq. ft. in size:
 - 1BD/1BA – 800sf-1,000sf
 - 2BD/2BA – 1,050sf-1,250sf
 - 3BD/2BA – 1,300sf-1,500sf

Garages.

- 1-car garage will have a 9' wide garage door and will be 11'-6" wide x 19' deep.
- 2-car garage will have a 16' wide garage door and will be 18'-9" wide x 19'-6" deep.

Estimated Sales Price/Rental Price.

- Single-family Home estimated sales price is the mid \$200,000s.
- Townhouses estimated sales price is between \$180,000-low \$200,000s.
- Apartment rental price will be:
 - 1BD/1BA - \$850-\$1,050 per month
 - 2BD/2BA - \$1,100-\$1,300 per month
 - 3BD/2BA –\$1,400-\$1,600 per monthly

Building Heights. The proposed apartments will have a building height of 50 feet (35' max per R-8 standards).

Setbacks. (See proposed deviations from R-8 Zoning)

Public Sidewalks. 5' wide public sidewalk will be constructed in the public right-of-way along both sides of all subdivision streets.

Public Trail. An 8' asphalt multi-purpose trail is proposed along the US Hwy 70 Business W. (5' sidewalk is required by UDO).

Parking. Two parking spaces are proposed for each single-family residential unit (detached and attached) within an enclosed garage and driveway. Additional parking is provided in overflow parking areas. Multi-family parking will comply with the UDO

requirements. There will be limited on-street parking within the townhouse developments given the separation between driveways. Within the townhome areas, there are estimated to be approximately 24 on-street parking spots in the larger area and 6 in the smaller because of the narrow street width and driveway locations.

Driveways to Intersections. Residential driveways are prohibited from being within 20' of an intersection corner. Its unclear whether the townhouse development complies with this requirement.

Recreational Amenities. The projects will have several private parks with playground structures and passive lawn areas for informal use.

Landscaping and Bufferyards. Adjacent to US Hwy 70 Business W a 50' buffer with berm and landscaping is proposed. Adjacent to the norther boundary of the site a 50' landscaped buffer is proposed. Adjacent to the southern boundary of the site a 100' landscaped buffer is proposed. Within the public right-of-way, street trees are proposed. The Townhouse and Apartment developments will be required to meet the landscape requirements of the Unified Development Ordinance (UDO).

Dumpster/Trash facilities. No dumpster or trash facilities are shown but will be required with the multi-family developments.

Stormwater Management. The development will comply with the Town's stormwater management ordinance utilizing a combination of water quality ponds, bioretention areas and other approved measures to treat and control stormwater runoff. As much as possible, the stormwater measures will be within the open space areas and positioned and landscaped to be an amenity for the project.

Signs. A master sign plan will be submitted with the future preliminary plat.

Town Wayfinding Monument Sign. The existing monument sign located at the south end of Tract 1 is within the proposed 100' landscape buffer. There is no plan to move it with the development. With annexation the town's corporate limits will move further north. The developer is willing to allow the sign to be moved by the Town.

HOA. An HOA will provide common ownership and maintenance of the shared open space, stormwater SCMs and amenities.

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

- Requested Deviations from UDO Requirements

Item	R-8/UDO	R-8 CZ
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SF Min. lot size	10,000 sq. ft. (.23 ac.)	4,829 sq. ft. (.11 ac.)
SF Min. lot width	70 feet	42 feet
SF Min. front setback	30 feet	20 feet
SF Min. Side Setback	10 feet	5 feet
SF Min Rear Setback	25 feet	20 feet
TH Min. front setback	30 feet	20 feet
TH Min. Side Setback	10 feet	0 feet
TH Min Rear Setback	25 feet	10 feet
Max. Bldg. Height	35 feet	50 feet (3 story apartments)
Street	34' wide back-to-back with 5' utility strip at the back of curb, sidewalk on one side.	27' wide back-to-back with 5' utility strips and sidewalks on both sides of the street.
Sidewalks	1 side of each street and along US Hwy 70	2 sides of each street and an 8' trail along US Hwy 70
Multi-family storage Spaces	24 SF enclosed storage space per unit.	Storage may be included in garage units and be available for rent. Not shown on Master Plan.

- Proposed Improvements Exceeding UDO requirements:
 - 50-foot landscape buffer along north side
 - 50-foot bermed landscape buffer along east side
 - 100-foot landscaped buffer along south side
 - 8' multi-use trail along US Hwy 70 W vs. 5' sidewalk
 - Undisturbed open space within floodplain and common owned areas.

CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan – *the comprehensive plan supports flexibility in zoning regulations.***

- **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO conditional zoning provisions.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses.*

RECOMMENDATION:

Planning Staff recommends the Planning Board recommend approval of CZ-21-03 with the following conditions:

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

Item	R-8 CZ
SF Min. lot size	4,829 sq. ft. (.11 ac.)
SF Min. lot width	42 feet
SF Min. front setback	20 feet
SF Min. Side Setback	5 feet
SF Min Rear Setback	20 feet
TH Min. front setback	20 feet
TH Min. Side Setback	0 feet
TH Min Rear Setback	10 feet
Max. Bldg. Height	50 feet (3 story apartments)
Street	27' wide back-to-back with 5' utility strips and sidewalks on both sides of the street.
Sidewalks	2 sides of each street and an 8' trail along US Hwy 70
Multi-family storage Spaces	Storage may be included in garage units and be available for rent. Not shown on Master Plan.

2. That the public street at the south end of the subdivision terminate with 96' diameter cul-de-sac bulbs to meet Fire Code.

RECOMMENDED MOTION:

“move to recommend approval of zoning map amendment, CZ-21-03, with 2-conditions 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.”

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

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

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

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

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

That the final action regarding zoning map amendment CZ-21-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public hearing; 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 hearing. Therefore, the amendment is reasonable and in the public interest.

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

That the final action regarding zoning map amendment CZ-21-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



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

REZONING APPLICATION

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

Name of Project: _____ Acreage of Property: _____

Parcel ID Number: _____ Tax ID: _____

Deed Book: _____ Deed Page(s): _____

Address: _____

Location: _____

Existing Use: _____ Proposed Use: _____

Existing Zoning District: _____

Requested Zoning District _____

Is project within a Planned Development: Yes No

Planned Development District (if applicable): _____

Is project within an Overlay District: Yes No

Overlay District (if applicable): _____

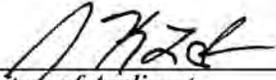
FOR OFFICE USE ONLY

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

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

Kirby LaForce
Print Name


Signature of Applicant

6/4/2021
Date

Floyd Landing, Smithfield NC

Property Owner Information:

Tract 1: 15078012

ASP SMITHFIELD LLC: Attn Brian Hall
309 GALLIMORE DAIRY RD STE 102
GREENSBORO, NC 27409-9316

Tract 2: 15077035C

Joyce Gourley and Janice Rose
309 HARDWOOD RIDGE
CLAYTON, NC 27520-0000

Tract 3: 15077035H

FAY T BARNES REVOCABLE TRUST: Attn Fay Barnes
PO BOX 1332
SMITHFIELD, NC 27577-1332

Tract 4: 15079014

Elizabeth Batten
87 Water Street
Aurora, NC 27806-9223

Tract 5: 15078012B

ASP SMITHFIELD LLC: Attn Brian Hall
309 GALLIMORE DAIRY RD STE 102
GREENSBORO, NC 27409-9316



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: Floyd Landing

Submittal Date: 5/7/21

OWNERS AUTHORIZATION

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

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

[Signature]
 Signature of Owner

Brian Hall, Senior Properties Director of Development
 Print Name

5/19/21
 Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

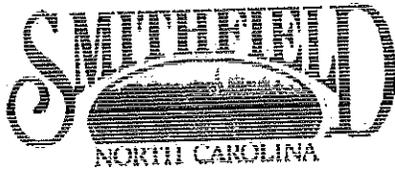
 Signature of Owner/Applicant

 Print Name

 Date

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
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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: 2119 HS 70 Buz Smithfield NC 27577 Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to Carolina Land Group (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.

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Janice M. Rose Janice M Rose 05/03/2021 04/30/2021
Jay Crowley Joyce M Gambley Date
 Signature of Owner Print Name

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Janice M. Rose Janice M Rose 05/03/2021 04/30/2021
Jay Crowley Joyce M Gambley Date
 Signature of Owner/Applicant Print Name

FOR OFFICE USE ONLY

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



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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: _____

Submittal Date: _____

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Fay T. Burnes
Signature of Owner

Fay T. Burnes, Trustee of the
Fay T. Burnes Revocable Trust
Print Name

4-28-2021
Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

Signature of Owner/Applicant

Print Name

Date

FOR OFFICE USE ONLY

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

TRXGT 4



Town of Smithfield
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OWNER'S CONSENT FORM

Name of Project: Floyd Landing Submittal Date: 5/7/21

OWNERS AUTHORIZATION

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Bridgett Wilder Bonner
dotloop verified
04/28/21 9:21 AM EDT
SN2U-BKOM-9LP4-KTGK

Briggett Bonner

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.

Bridgett Wilder Bonner
dotloop verified
04/28/21 9:21 AM EDT
MVZA-JBXN-YTMD-NNUJ

Briggett Bonner

Signature of Owner/Applicant

Print Name

Date

FOR OFFICE USE ONLY

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

PROPERTY ID: 15079014, 15077035H, & 15077035C, 15078012, & 15078012B
 EXISTING ZONING= R-20A & B-3
 PROPOSED ZONING= R-6 CONDITIONAL

TOTAL PROJECT AREA= ± 199.8 AC
 TOTAL DWELLING UNITS= ± 698

SINGLE FAMILY
 UNITS= ± 118
 AVERAGE UNIT SIZE= ± 1,600 - 2,100 SF
 AVERAGE # BEDS= ± 3 BEDROOMS
 AVERAGE LOT SIZE= ± 5,150 SF
 MAX. BUILDING HT.= ± 35'

TOWNHOMES
 UNITS= ± 220
 MAX. BUILDING HT.= ± 35' (3 STORY)
 AVERAGE # BEDS= ± 2 - 3 BEDROOMS
 AVERAGE SIZE= ± 1,400 - 1,600 SF

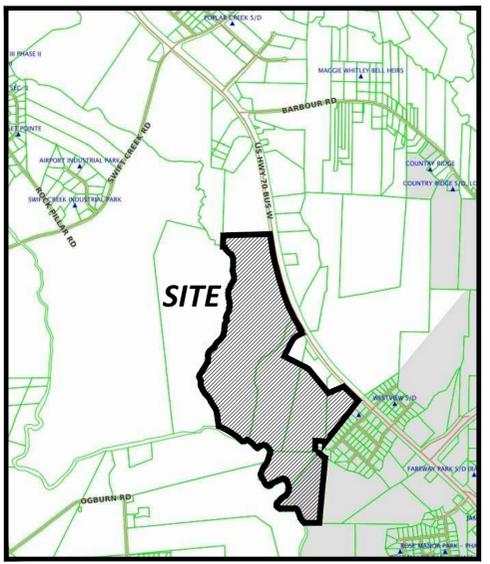
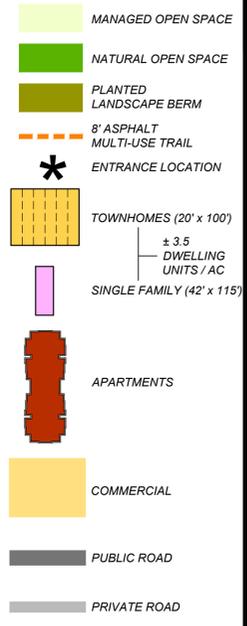
APARTMENTS
 UNITS= ± 360
 MAX. BUILDING HT.= ± 50'

BUILDING TYPES:
 TYPE 1= (12 - 2BR, 12 - 3BR)
 TYPE 2= (12 - 1BR, 12 - 2BR)

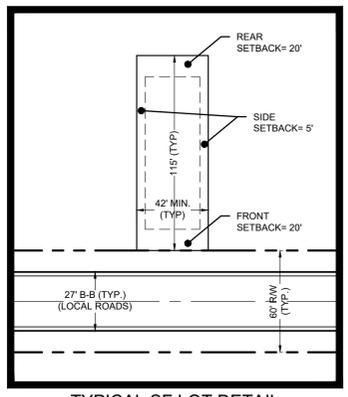
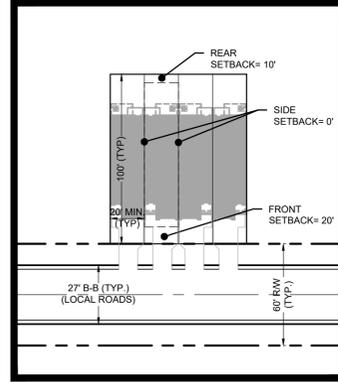
1 BEDROOM UNIT= ± 800 - 1,000 SF
 2 BEDROOM UNIT= ± 1,050 - 1,250 SF
 3 BEDROOM UNIT= ± 1,300 - 1,500 SF

SINGLE FAMILY
 TOTAL AREA= ± 43.00 AC
 OPEN SPACE= ± 29.6 AC
 (AREA WITHIN STREAMS, WETLANDS, PONDS, BUFFERS, FLOODPLAIN, ETC.)
 REMAINDER AREA= ± 13.4 AC

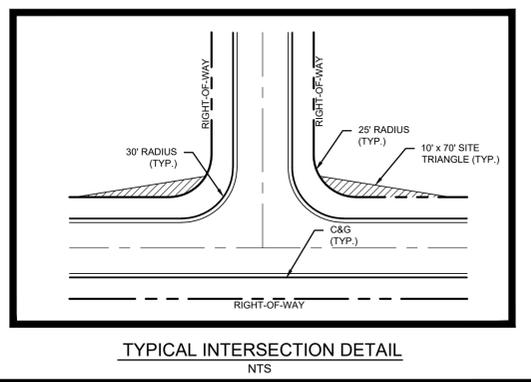
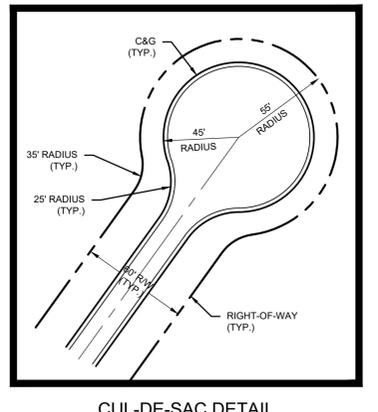
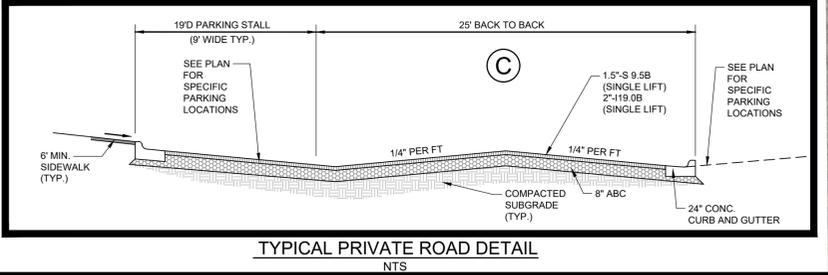
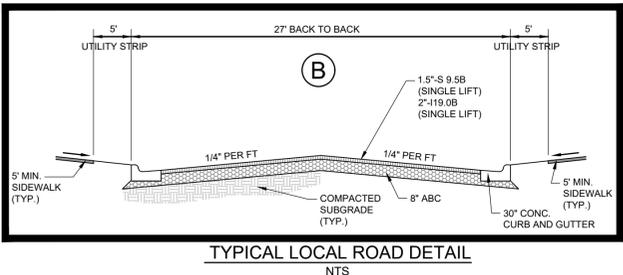
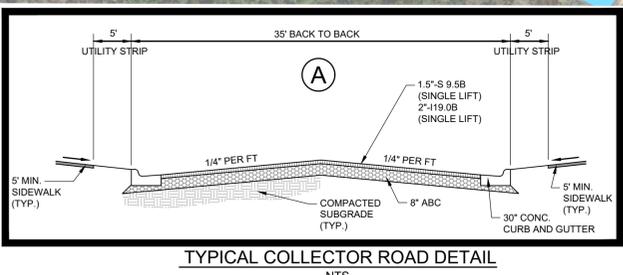
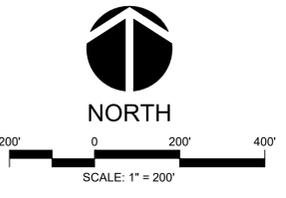
TH / MULTI FAMILY
 TOTAL AREA= ± 156.8 AC
 OPEN SPACE= ± 121.8 AC
 (AREA WITHIN STREAMS, WETLANDS, PONDS, BUFFERS, FLOODPLAIN, ETC.)
 REMAINDER AREA= ± 35.0 AC
 PUBLIC STREETS= ± 12,000 LF
 PRIVATE STREETS= ± 5,700 LF



NTS
FLOYD LANDING
PRELIMINARY
MASTER PLAN
 SMITHFIELD, NORTH CAROLINA
 JUNE 11, 2021



CE GROUP
 301 GLENWOOD AVE. SUITE 220
 RALEIGH, NC 27603
 PHONE: 919-367-8790
 www.cegroupinc.com
 License # C-1739



FLOYD LANDING LAND USE EXHIBIT

SMITHFIELD, NORTH CAROLINA
JUNE 11, 2021

TOTAL PROJECT AREA= ±199.8 AC

ID: 15079014, 15077035H, 15077035C, 15078012, & 15078012B

Table 1: Residential Product by Future Land Use Class

FUTURE LAND USE CLASS	DESCRIPTION	RESIDENTIAL		
		MULTI-FAMILY (>6 UNITS)	ATTACHED RESIDENTIAL (<=6 UNITS)	SINGLE FAMILY RESIDENTIAL
Medium Density Residential	3-8 du/acre, primarily single family residential, with some smaller, context-sensitive multi-family developments	No	*	Yes
Low Density Residential	1-4 du/acre, primarily single family detached residential, with context-sensitive attached units (duplex or townhomes) rarely	No	No	Yes
Conservation	Agriculture, timber operations, conservation, parks, outdoor or passive recreation. Cluster residential may be appropriate if buildings elevated and clustered	No	No	*

Conservation & Open Space

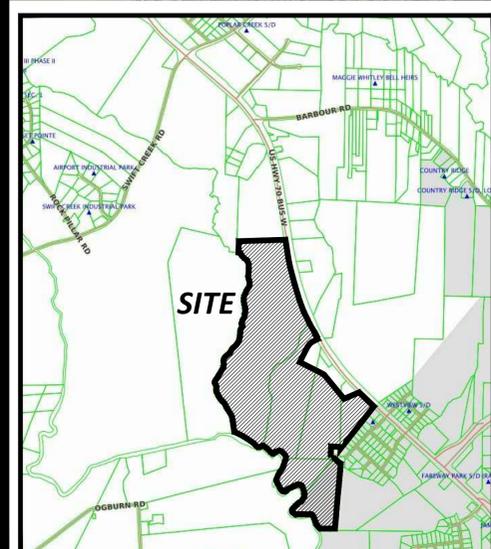
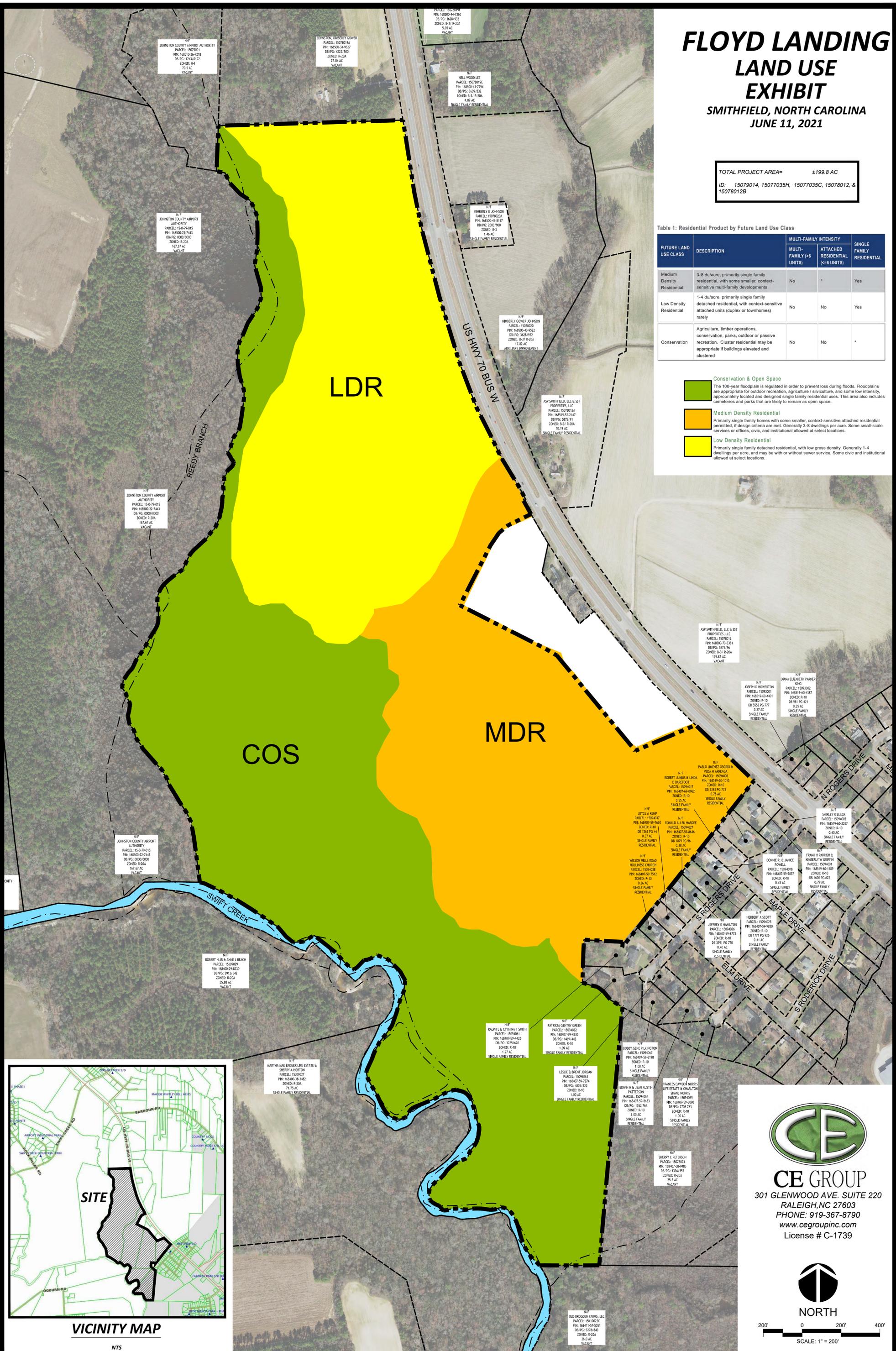
The 100-year floodplain is regulated in order to prevent loss during floods. Floodplains are appropriate for outdoor recreation, agriculture / silviculture, and some low intensity, appropriately located and designed single family residential uses. This area also includes cemeteries and parks that are likely to remain as open space.

Medium Density Residential

Primarily single family homes with some smaller, context-sensitive attached residential permitted, if design criteria are met. Generally 3-8 dwellings per acre. Some small-scale services or offices, civic, and institutional allowed at select locations.

Low Density Residential

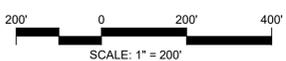
Primarily single family detached residential, with low gross density. Generally 1-4 dwellings per acre, and may be with or without sewer service. Some civic and institutional allowed at select locations.



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NORTH





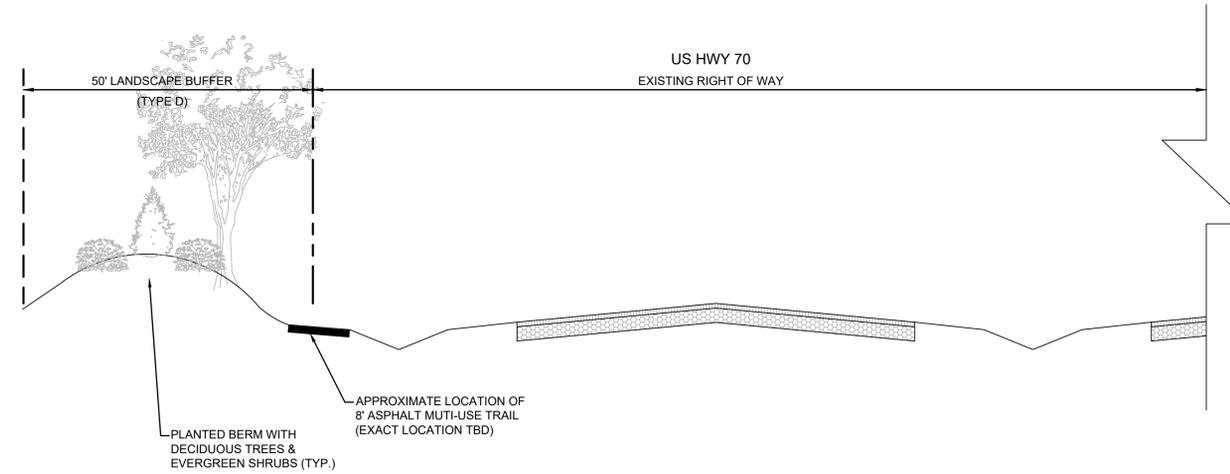
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FLOYD LANDING

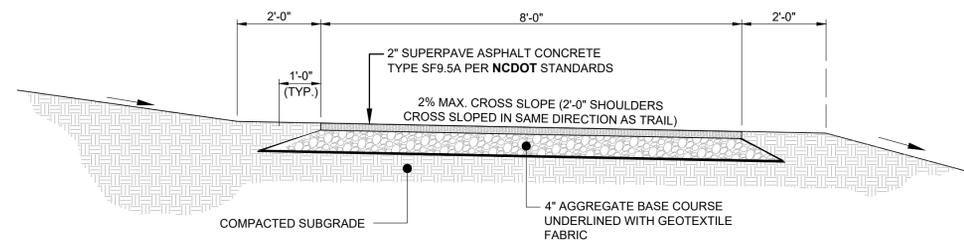
PRELIMINARY

SITE DETAILS

SMITHFIELD, NORTH CAROLINA
 JUNE 11, 2021



LANDSCAPE BERM / 8' ASPHALT MULTI-USE TRAIL
 (PROFILE VIEW)
 NOT TO SCALE



- NOTES:**
1. CONTRACTOR IS RESPONSIBLE FOR RE-ESTABLISHING ALL SLOPES DISTURBED BY CONSTRUCTION.
 2. NO ABOVE GROUND UTILITIES OR UTILITY SURFACE COVERS/PLATES/MANHOLES SHALL BE LOCATED WITHIN TRAIL AND SHALL BE MINIMUM 2 FEET FROM THE EDGE OF TRAIL. RAISED MANHOLES SHALL BE MINIMUM 4 FEET FROM TRAIL EDGE.
 3. ALL TRAILS SHALL BE LOCATED MINIMUM 5 FEET FROM THE BACK OF CURB OR EDGE OF PAVEMENT.
 4. SIDE SLOPES SHALL NOT EXCEED 3:1. CUT & FILL SLOPES SHALL TIE INTO EXISTING SLOPES TO CREATE AN EVEN TRANSITION.
 5. CROSS SLOPE TYPICALLY TO LOW SIDE BUT CROSS SLOPE TO INSIDE OF DOWNHILL CURVES, WITH GRADUAL TRANSITIONS BETWEEN ANY CROSS SLOPE DIRECTION CHANGES.
 6. TRAIL TO BE LOCATED AWAY FROM ALL TREE ROOT ZONES.

STANDARD 8-FT ASPHALT MULTI-USE TRAIL
 NOT TO SCALE

2200 Block of US Highway 70 Business West

File Number:
CZ-21-03

Project Name:
Floyd's Landing

Location:
2200 US Hwy 70
Business West

Tax ID#:
15079014, 15077035H,
15077035C, 1507801,
15078012C

Proposed Zoning:
R-8 CZ
(Conditional Zoning)

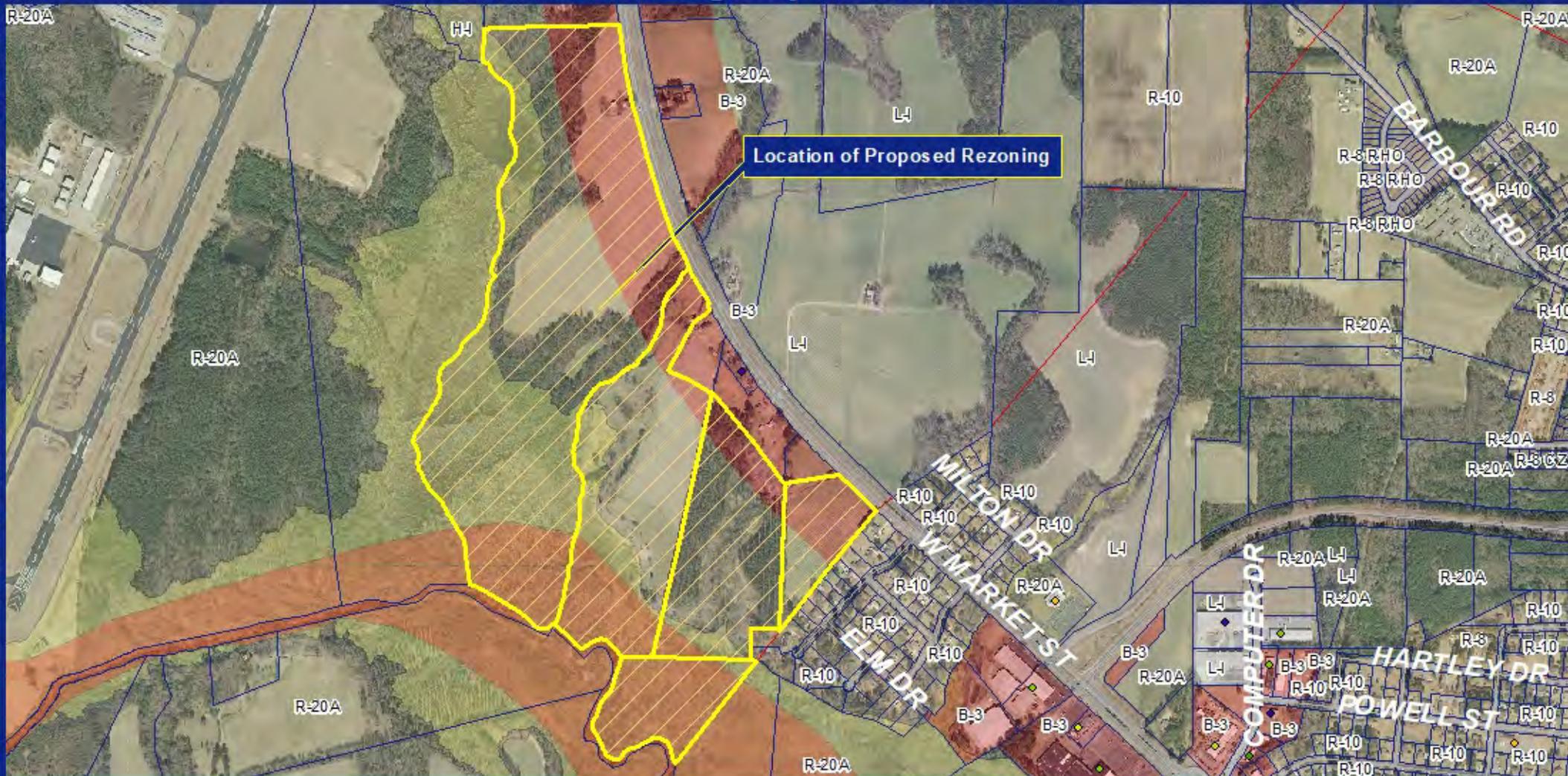
Property Owner:
A SP, Gourley, Rose,
Barnes, Batten

Applicant:
CE Group



1 in = 1,000 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 6/22/2021

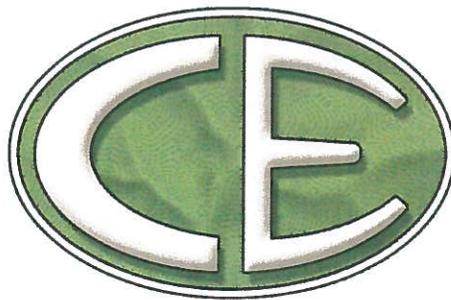


Floyd Landing
Residential Community
Smithfield, NC

Developer: Carolina Land Group LLC

June 4, 2021

Updated June 11, 2021



CE GROUP

301 GLENWOOD AVENUE, SUITE 220, RALEIGH, NC 27603
Phone: (919) 367-8790 **Liscense # C-1739**

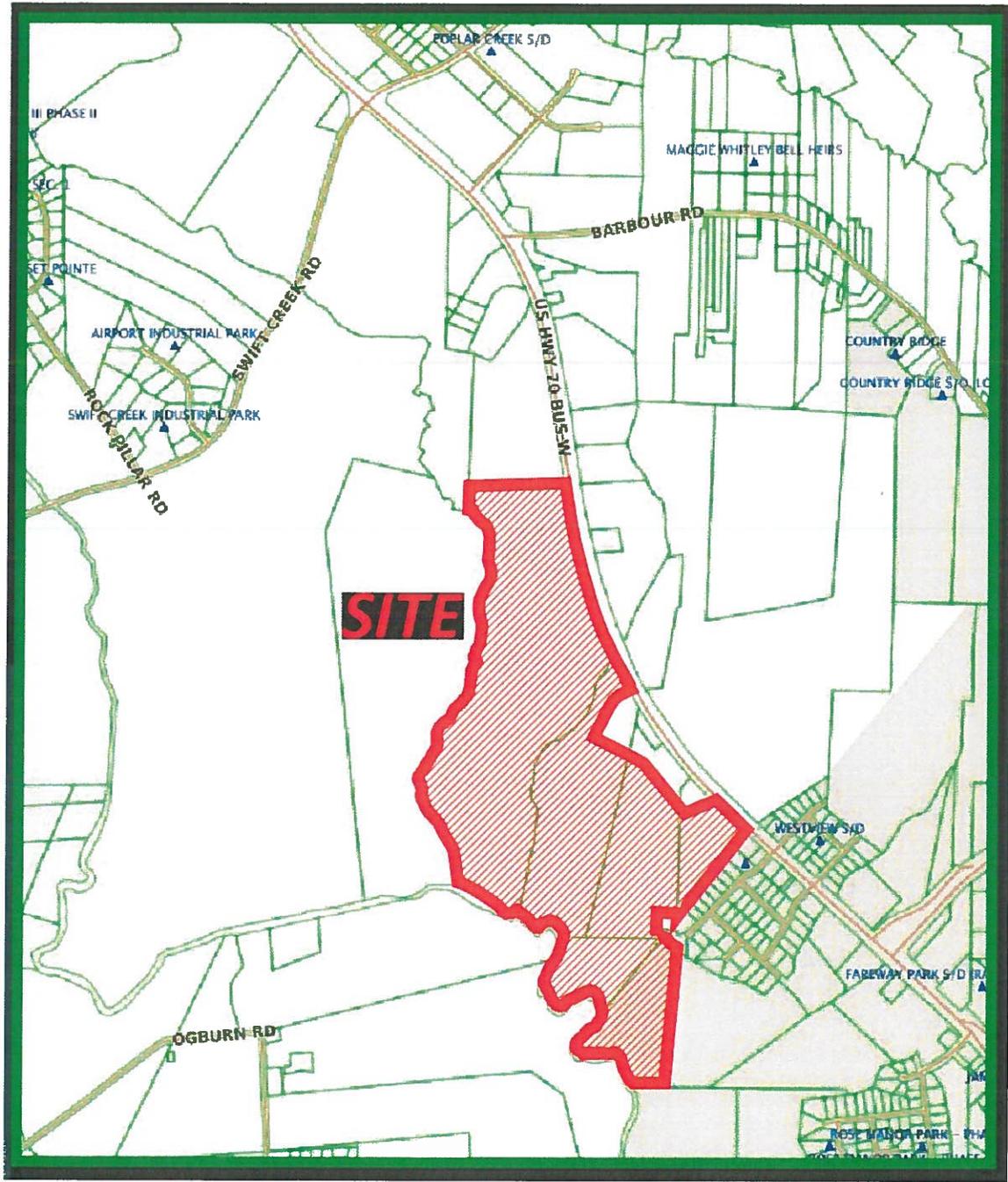
PROVIDING CIVIL / SITE & INFRASTRUCTURE CONSULTING SERVICES SINCE 1998

SECTION 1: TABLE OF CONTENTS

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Attachment: Example Elevations

SECTION 2: VICINITY MAP



SECTION 3: PROJECT DATA

Project Name: Floyd Landing

Developer: Carolina Land Group, LLC
Attn: Kirby LaForce
PO Box 1328
Cary, NC 27512

Prepared By: CE Group, Inc
301 Glenwood Avenue, Suite 220
Raleigh, NC 27603

Designated Point of Contact Mark Ashness (CE Group, Inc.)

Current and Proposed Zoning
Current: R-20A & B-3 (Smithfield)
Proposed: R-8 Conditional Zoning

Current and Proposed Land Use
Current: Residential and Vacant
Proposed: Low Density & Medium Density Residential

SECTION 4: PURPOSE STATEMENT

Floyd Landing is a proposed residential development under the Town of Smithfield UDO Ordinance. The property is currently located within Town's Planning jurisdiction. The project is located off US 70 US Business (W. Market Street) with (3) existing direct access points.

The proposed project is in conformity with the Town's Land Use Map. The northern part of the project is designated as "Low Density Residential" which allows for primarily single family residential with up to 4 units/AC. The southern portion of the project is designated as "Medium Density Residential" which allows single family and attached residential with densities up to 8 units/AC.

The entire western side of the project is designated as Conservation and Open Space. The blended density for the entire project is 3.5 dwelling units per acre. The project will provide flexibility in lot size and residential building type. The average single family lot size will exceed 5150 SF. A 50' landscaped (or existing vegetated) perimeter buffer is planned along the north and east sides and 100' landscaped (or existing vegetated) perimeter buffer long south side of the project (where adjacent to existing neighborhood). Existing conservation open space is located to the west (which acts as a perimeter buffer).

The project will have sidewalks on both sides of the street providing for a pedestrian friendly environment. The project will be complimentary with adjoining uses providing high quality residential single-family homes, townhomes, and garden style apartments.

Given the amount of acreage set aside in active and passive open space; we are seeking (thru conditional use zoning) to reduce single family lots sizes and setbacks internally to provide a more compact pedestrian friendly community. The additional lot size typically required to meet the R-8 zoning had been left in both common and passive open space.

The R-8 Zoning also allows for townhome and multi-family development with adherence to supplemental regulations. Section 15 lists any exceptions to the UDO standards.

SECTION 5: PERMITTED USES

The Project includes residential uses and residential support uses including:

- 1) Single Family and Townhomes
- 2) (3) Story Garden Style Apartments
- 3) Park (Active)
- 4) Park (Passive)

SECTION 6: DESIGN CONTROLS

A. Maximum Density for the Project is 3.5 units per gross acre.

B. Minimum Building Setbacks
All Types: From Buffer 10'

Single Family:

Front Yard	20'
Side Yard	5' (No Aggregate)
Rear Yard	20'
Driveways from Sidewalk to Garage	20'
Building Height:	35'

Townhomes:

Front Yard	20'
Side Yard	0'
Rear Yard	10'
Driveways from Sidewalk to Garage	20'
Building Height:	35'

Apartments:

Front Yard	N/A
Side Yard	N/A
Rear Yard	N/A
Building from Parking Area	10'
Building Height:	50' (3 Story Max)

- C. Percentage of Impervious Area Will not Exceed 50% for Entire Project
- D. Perimeter Buffer 50' (100' adjacent to Lots on S. Rogers Drive)

SECTION 7: OFF-STREET PARKING

Each Single Family and Townhome Residence will have at least (2) paved parking spaces. The Spaces will either be within an enclosed garage, driveway, or as designated parking pad. Parking and Loading will comply with all applicable requirements of UDO

SECTION 8: SIGNS

The Developer will submit a master sign plan that shows the location of signage with details at master subdivision phase. Signage for this project will comply with the UDO. Each entry point from US 70 Business will have ground signs.

SECTION 9: NATURAL RESOURCE AND ENVIRONMENTAL PROTECTION

- A. Floyd Landing is located in the Neuse River Basin and drains into Reedy Branch or Swift Creek
- B. There is FEMA mapped Floodplain within the project limits see Existing Conditions Map
- C. There are no known historic structures within the project limits.

SECTION 10: STORMWATER MANAGEMENT

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

SECTION 11: PARKS AND RECREATION

The project will have several internal private parks. Playground structures are planned along with passive lawns for informal play. No trails are planned beyond the Multi-Use Trail along US 70 Business and sidewalks along each side of roadway.

SECTION 12: PUBLIC FACILITIES

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

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

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

SECTION 13: PHASING

Phasing will be determined prior to submission of the preliminary plat.

SECTION 14: CONSISTENCY

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

SECTION 15: COMPLIANCE WITH UDO & EXCEPTIONS

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

Single Family:

- | | |
|--------------------------|---------|
| 1. Minimum Lot Area: | 4730 sf |
| 2. Minimum Lot Frontage: | 42 ft |
| 3. Front Yard Setback: | 20 ft |
| 4. Side Yard Width: | 5 ft |
| 5. Rear Yard Depth: | 20 ft |

Multi-Family Apartment Complexes:

1. Individual Storage Spaces (It is likely that individual garage units might be constructed in portions of the parking field and be available for rent). The garages will not be counted as parking spaces.

SECTION 16: LAND USE NOTES

- A. The project will require the formation of a Property Owners Association which will handle the maintenance and ownership of common areas, buffers, recreation facilities, and stormwater quality features.
- B. The existing homesite(s) and structures on the property will either be relocated or removed from the project.











ELEVATION 2





ELEVATION 1

ELEVATION 3

ELEVATION 2

ELEVATION 6

ELEVATION 4

ELEVATION 5



Adjacent Property Owners of
CZ-21-03

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15078012B	168407-58-1487	ASP SMITHFIELD LLC	309 GALLIMORE DAIRY RD STE 102	GREENSBORO	NC	27409-9316
15078011G	168519-61-6073	Hall	309 GALLIMORE DAIRY RD STE 102	GREENSBORO	NC	27409-9316
15078012	168500-73-3381	ASP SMITHFIELD LLC	309 GALLIMORE DAIRY RD STE 102	GREENSBORO	NC	27409-9316
15078012A	168519-52-2147	ASP SMITHFIELD LLC	309 GALLIMORE DAIRY RD STE 102	GREENSBORO	NC	27409-9316
15078011	168500-63-4559	ASP SMITHFIELD LLC	309 GALLIMORE DAIRY RD STE 102	GREENSBORO	NC	27409-9316
15077035C	168519-50-2545	GOURLEY, JOYCE MARTIN	309 HARDWOOD RIDGE	CLAYTON	NC	27520-0000
15078020A	168500-43-8117	JOHNSON, KIMBERLY G	516 S FOURTH ST	SMITHFIELD	NC	27577-0000
15077035	168519-51-2249	WILLIAMS, ZANE G	PO BOX 2590	SMITHFIELD	NC	27577-0000
15J09029	168400-29-8230	BEACH, ROBERT H JR	620 OGBURN ROAD	SMITHFIELD	NC	27577-0000
15094008	168519-60-1015	OSORIO, PABLO JIMENEZ	102 S ROGERS DRIVE	SMITHFIELD	NC	27577-0000
15094026	168407-59-8772	HAMILTON, JEFFERY K	204 S ROGERS DRIVE	SMITHFIELD	NC	27577-0000
15J09027	168400-38-3482	ESTATE	556 OGBURN RD	SMITHFIELD	NC	27577-0000
15077035H	168500-40-6654	FAY T BARNES REVOCABLE TRUST	PO BOX 1332	SMITHFIELD	NC	27577-1332
15094061	168407-59-4432	SMITH, RALPH L	PO BOX 1463	SMITHFIELD	NC	27577-1453
15094017	168407-69-0962	BAREFOOT, ROBERT JUNIUS	104 S ROGERS DR	SMITHFIELD	NC	27577-3047
15094018	168407-59-9897	POWELL, DONNIE R	200 S RODGERS DRIVE	SMITHFIELD	NC	27577-3049
15094027	168407-59-8636	HARDEE, RONALD ALLEN	206 S ROGERS DR	SMITHFIELD	NC	27577-3049
15094025	168407-59-9830	SCOTT, HERBERT A	202 S ROGERS DRIVE	SMITHFIELD	NC	27577-3049
15094062	168407-59-4330	GREEN, PATRICIA GENTRY	308 S. ROGERS DR	SMITHFIELD	NC	27577-3050
15094037	168407-59-7660	KEMP, JOYCE A	300 S ROGERS DR	SMITHFIELD	NC	27577-3050
15093001	168519-60-4401	HOWERTON, JOSEPH D.	1946 W MARKET ST	SMITHFIELD	NC	27577-3065
15093002	168519-60-4387	KING, DIANA ELIZABETH PARKER	1930 W MARKET ST	SMITHFIELD	NC	27577-3065
15094001	168519-60-1189	PARRISH, FRANK H	1943 W MARKET ST	SMITHFIELD	NC	27577-3066
15078020	168500-43-9522	JOHNSON, KIMBERLY GOWER	516 S 4TH ST	SMITHFIELD	NC	27577-4454
15078019A	168500-34-9527	JOHNSON, KIMBERLY GOWER	516 S 4TH ST	SMITHFIELD	NC	27577-4454
15078019C	168500-43-7994	LEE, NELL WOOD	579 LEE FARM LN	SMITHFIELD	NC	27577-9318
15079001	168510-26-7218	AUTH	3146 SWIFT CREEK RD	SMITHFIELD	NC	27577-9803
15079017D	168500-12-1015	AUTH	3146 SWIFT CREEK RD	SMITHFIELD	NC	27577-9803
15079015	168500-22-7443	AUTH	3146 SWIFT CREEK RD	SMITHFIELD	NC	27577-9803
		BATTEN, ELIZABETH G	87 WATER ST	AURORA	NC	27806-9223
		Fay T Barnes	PO Box 1332	Smithfield	NC	27577



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

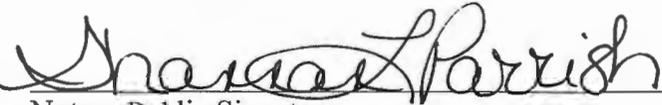
I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, CZ-21-03, were notified by First Class Mail on 6-18-21.



Signature
Johnston County, North Carolina

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

18th day of June, 2021



Notary Public Signature

Shannan L. Parrish

Notary Public Name

My Commission expires on 5-20-2022





Request for Planning Board Action

Agenda CZ-21-
Item: 04
Date: 7/8/21

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

Issue Statement

Johnston CD, LLC (Jim Way) is requesting a conditional rezoning of 48.783 acres from Light Industrial to Office/Institutional Conditional Zone to construct American Leadership Academy Johnston, a K-12 charter school.

Financial Impact

The applicant plans to voluntarily annex the property into the town.

Action Needed

The Planning Board is respectfully requested to review the conditional rezoning of 48.783 acres from LI to O/I CZ and to decide whether to recommend approval, approval with conditions, or denial of the request.

Recommendation

Planning Staff recommends the Planning Board recommend approval of CZ-21-04 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. Consistency Statement
3. Application
4. Sketch Plan



Staff Report

REQUEST:

Johnston CD, LLC (Jim Way) is requesting a conditional rezoning of 48.783 acres from Light Industrial to Office/Institutional Conditional Zone to construct American Leadership Academy Johnston (ALA Johnston), a K-12 charter school.

PROPERTY LOCATION:

The property is located about 2500 lineal feet north of the Swift Creek and US 70 Business W intersection and north of the Whitley Heights Subdivision.

SITE DATA:

Tax ID#	170J08004
Acreage:	48.783 acres
Present Zoning:	LI (Light Industrial) and WS-IV-PA (Protected Area Watershed Overlay District)
Proposed Zoning:	O/I CZ
Existing Use:	Agriculture
Proposed Use	Charter school
Fire District:	Wilson's Mills
School Impacts:	New K-12 school
Parks and Recreation:	N/A
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Duke

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

	Zoning	Existing Land Uses
North	LI (Light Industrial)	Industrial
South	R-20A (Residential)	Low density single-family
East	R-20A (Residential)	Vacant
West	B-3 (Commercial)	Agriculture

EXISTING CONDITIONS/ENVIRONMENTAL:

The site is currently used for agriculture. The site gently slopes from US 70 Business West to the east to the Poplar Branch. The floodway and flood zones of the Poplar Branch extend

about 145' from the eastern property line. The industrial property to the north is buffered from the site by existing trees. There is an existing tree line between the farm field and the Whitley Heights subdivision.

MASTER PLAN ANALYSIS:

Conditional Zoning is a rezoning with a master plan. The conditional zoning process allows a give and take approach to zoning regulations. In this case, the ALA Johnston charter school is not requesting any deviations from the underlying Office/Institutional zoning district regulations. With the approval of the rezoning and master plan, the school is the only approved land use for the site.

WS-IV-PA overlay zoning. The property falls within the WS-IV-PA (Protected Area Watershed Overlay District) which imposes some additional stormwater regulations on the property. The development as a charter school will have less impervious than most residential or other non-residential uses and the watershed regulations will not have any significant impact on the proposal.

Site Amenities. The sketch plan - diagram shows a looped driveway with two access driveways onto US 70 Business West. The plans show two school buildings, an elementary school and a high school. Each school is shown to have its own play area/greenspace area and drop off areas. The schools share a common parking lot located south of the schools, a looped drive around the site and a shared bus drop-off/service area. The plans show a large stadium area and stormwater management areas to the east of the schools. The plans are still in a preliminary sketch plan phase and subject to change, however, the basic elements are all shown.

Driveway access. The proposed development will have two driveway accesses onto US 70 Business West. An NCDOT driveway permit will be required for both driveways.

Parking. The sketch plan identifies a large parking area to the south of the future school site that will service both the Elementary School and High School. Two smaller parking lots are shown providing additional parking for the children's play/greenspace and a stadium.

Setbacks. All required setbacks will be complied with.

Public sidewalks. A 5' wide public sidewalk will be required along the US 70 Business West right-of-way.

Landscaping/buffering. The sketch plans conceptually identify a Type A buffer to the north and a Type B buffer to the south. A 15' street yard will be required along US 70 Business West.

Accessory buildings. No accessory buildings identified at this time.

Utilities. The current plan is to serve the site with town water and sewer utilities with a master meters on a County lines.

Stormwater management. Two stormwater basins are shown on the east side of the site. Stormwater management is required.

REQUESTED DEVIATIONS FROM UDO REQUIREMENTS:

One of the purposes of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant has not identified any deviations from the O/I regulations. By choosing a conditional rezoning, the use of the site can only be as shown on the plans.

CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** – *schools are allowed in residential areas and the comprehensive plan guides the site for low density residential.*
- **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO conditional zoning provisions.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses.*

RECOMMENDATION:

Planning Staff recommends the Planning Board recommend approval of CZ-21-04 with 1 condition:

1. That the site plans/construction plans be submitted for review in accordance with the Town’s Unified Development Ordinance.

And with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

RECOMMENDED MOTION:

Staff recommends the following motion:

“Move to recommend approval of zoning map amendment, CZ-21-04, with 1-condition finding the rezoning to be consistent with the Town of Smithfield

Comprehensive Growth Management Plan as to be and other adopted plans, and that the amendment is reasonable and in the public interest."

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
CZ-21-04**

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

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

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

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

That the final action regarding zoning map amendment CZ-21-04 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public hearing; 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 hearing. Therefore, the amendment is reasonable and in the public interest.

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

That the final action regarding zoning map amendment CZ-21-04 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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

3700 Block of US Highway 70 Business West

File Number:
CZ-21-04

Project Name:
ALA Charter School

Location:
3700 US Hwy 70
Business West

Tax ID#:
17J08004

Existing Zoning:
LI
(Light Industrial)

Proposed Zoning:
OI CZ
(Office-Institutional
Conditional Zoning)

Property Owner:
Steven Gower

Applicant:
Johnston CD, LLC



1 in = 422 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 6/22/2021



Project Narrative

TO: Town of Smithfield
FROM: Little Diversified Architectural Consulting
TODAY'S DATE: June 1st, 2021
PROJECT: American Leadership Academy Johnston

The following documents address the new American Leadership Academy Johnston which includes new Elementary and High School buildings, a stadium, bus drop-off area, parent drop-off area and stacking lanes, play fields, parking, stormwater collection basins, and amenity spaces.

American Leadership Academy Johnston will provide the best educational experience, to as many students as possible, in a moral and wholesome environment. ALA Johnston infuses moral and wholesome leadership principles into academics through the R.A.I.S.E. (Respect, Accountability, Integrity, Service, and Excellence) curriculum that facilitates student achievement. This approach will prepare students to successfully graduate high school and be prepared for college and their careers. Each aspect of the instructional program promotes student ownership of the learning community, kindles a love for learning, provides cultural literacy, enhances social skills, and instills a moral and wholesome character. This will prepare students to be leaders on college campuses, in professional organizations, in their community, and in the world.

ALA Johnston will provide education services for Kindergarten - 12th grade programming. We intend to co-locate our campuses on the same property but conduct K-6 and 7-12 operations in two separate facilities.



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: ALA Johnston Charter School Acreage of Property: 48.783
Parcel ID Number: 17J08004 Tax ID: 17J08004
Deed Book: 01135 Deed Page(s): 0382
Address: 3770 US HWY 70 BUS Clayton, NC 27520
Location: Smithfield ETJ, US HWY BUS 70, North of Swift Creek Rd.

Existing Use: Farm Land Proposed Use: Charter School
Existing Zoning District: LI: Light Industrial District
Requested Zoning District: O/I Office Institutional District
Is project within a Planned Development: Yes No
Planned Development District (if applicable): _____
Is project within an Overlay District: Yes No
Overlay District (if applicable): _____

FOR OFFICE USE ONLY

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

Name: Steven Howard Gower and Susan Alexander Gower

Mailing Address: 1707 Windsor Rd, Kinston, North Carolina 28504

Phone Number: (910)988-0617

Fax:

Email Address: sgower51@hotmail.com

APPLICANT INFORMATION:

Applicant: Johnston CD, LLC (Jim Way)

Mailing Address: 3115 E Lion Lane, Suite 300 Salt lake City, Utah 84121

Phone Number: 702-528-1514

Fax:

Contact Person: Jim Way

Email Address: Jim@schooldev.us

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: Conceptual Site Plan

STATEMENT OF JUSTIFICATION

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

The site is currently zoned Light Industrial and is bordered to the north by other LI zoned properties that are being utilized as industrial properties. The properties to the south are zoned B-3 or residential, but are being used as residential. The current use of this property is agriculture. The intended use under this rezoning is for a school which is a good transitional use between the industrial use and residential use. We are requesting to rezone the property to O/I (Office/Institutional) as that is one of the zoning districts that allow a school by right. We intend to plant the required buffers as spelled out in the UDO and protect and retain as many of the existing trees along the eastern portion of the property as possible. All parking and stacking requirements will be met on-site per the UDO.

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.

<u> </u> Steven Howard Gower	<i>Steven Howard Gower</i>	<u> </u> 05-31-2021
<i>Print Name</i>	<i>Signature of Applicant</i>	<i>Date</i>

Susan Alexander Gower	<i>Susan Alexander Gower</i>	05-31-2021
	<i>James (Jim) way</i>	6-1-2021



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: ALA Johnston Charter School

Submittal Date: 6-1-2021

OWNERS AUTHORIZATION

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

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

Signature of Owner: [Handwritten Signature] Print Name: Steven Howard Gower Date: 06/01/2021

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

Signature of Owner/Applicant: [Handwritten Signature] Print Name: Steven Howard Gower Date: 05-31-2021
[Handwritten Signature] Print Name: Susan Alexander Gower Date: 05-31-2021

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:



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<u> </u> Steven Howard Gower	<i>Steven Howard Gower</i>	<u> </u> 05-31-2021
<i>Print Name</i>	<i>Signature of Applicant</i>	<i>Date</i>

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	<i>James (Jim) way</i>	6-1-2021



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Submittal Date: 6-1-2021

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

Signature of Owner: [Handwritten Signature] Print Name: Steven Howard Gower Date: 06/01/2021

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

Signature of Owner/Applicant: [Handwritten Signature] Print Name: Steven Howard Gower Date: 05-31-2021
Signature of Applicant: [Handwritten Signature] Print Name: Susan Alexander Gower Date: 05-31-2021

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

Adjacent Property Owners of
CZ-21-04

TAX ID#	PIN	NAME	ADDRESS	CITY	STATE	ZIP CODE
15J08090N	168506-39-5442	SFR XII RALEIGH OWNER 1, L.P.	4645 HAWTHORNE LN NW	WASHINGTON	DC	20016-3437
15095012	168505-29-3455	TUCKER, SUSAN H	304 CLOVERDALE DR	CLAYTON	NC	27520-0000
15095007B	168505-19-9475	GODWIN, BILLY HOWARD	204 CLOVERDALE DR	CLAYTON	NC	27520-0000
15095013	168505-29-4454	ROELOFS, BENJAMIN	308 CLOVERDALE DRIVE	CLAYTON	NC	27520-0000
15095009	168505-29-0455	THOMPSON, NATHANIEL JR	212 CLOVERDALE DRIVE	CLAYTON	NC	27520-0000
15095007	168505-19-8455	GODWIN, BILLY HOWARD	204 CLOVERDALE DR	CLAYTON	NC	27520-0000
15095007A	168505-19-9425	GODWIN, BILLY HOWARD	204 CLOVERDALE DR	CLAYTON	NC	27520-0000
17J08003A	168617-00-5191	BYRD, C A III	3777 US HIGHWAY 70 BUS W	CLAYTON	NC	27520-0000
15095017	168506-29-8454	FORD, RONALD E SR	324 CLOVERDALE DR	CLAYTON	NC	27520-0000
17J08003	168505-09-7984	BYRD, C A III	3777 US HIGHWAY 70 BUS W	CLAYTON	NC	27520-0000
15095014	168506-29-5445	GADDIS, SHEENA	312 CLOVERDALE DR	CLAYTON	NC	27520-6803
15096020	168506-39-1494	RHODES, BONNIE S	410 CLOVERDALE DR	CLAYTON	NC	27520-6805
15J08090M	168506-39-2493	CASTILLO, JOAQUIN ANTONIO CAMPOS	416 CLOVERDALE DR	CLAYTON	NC	27520-6805
15J08090A	168506-29-7444	BYRD, C A III	3777 US 70 BUS HWY W	CLAYTON	NC	27520-6826
15095002	168505-19-2581	PASSER, GREGORY ROLF	3650 US 70 BUS HWY W	CLAYTON	NC	27520-6827
15J08009G	168505-09-5521	ANN U WOOD REVOCABLE TRUST	286 LITTLE CREEK CHURCH RD	CLAYTON	NC	27520-6834
15J08090F	168505-19-4455	ABAYA, JOSE R	104 CLOVERDALE DR	CLAYTON	NC	27520-9754
15095006	168505-19-7456	BRYANT, JOY LEE	114 CLOVERDALE DR	CLAYTON	NC	27520-9754
15095004	168505-19-5456	WHITE, CHRISTOPHER	108 CLOVERDALE DR	CLAYTON	NC	27520-9754
15095010	168505-29-1445	CRUZ, ELEAZAR RAMIREZ	216 CLOVERDALE DR	CLAYTON	NC	27520-9788
15095011	168505-29-2444	BEST, KYLE SPENCER	220 CLOVERDALE DR	CLAYTON	NC	27520-9788
15096019	168506-39-0475	DICKENS, WILLARD V	3414 NC HIGHWAY 222 W	KENLY	NC	27542-0000
17J07027A	168617-00-7341	COUNTY OF JOHNSTON	PO BOX 1049	SMITHFIELD	NC	27577-0000
17J08001C	168617-10-2609	HARGIS, RUSSELL STEVE	1199 CRANTOCK RD	SMITHFIELD	NC	27577-0000
17J08001D	168618-20-5729	HARGIS, R STEVE	1199 CRANTOCK ROAD	SMITHFIELD	NC	27577-0000
17J08001	168617-10-7725	HARGIS, R STEVE	1199 CRANTOCK ROAD	SMITHFIELD	NC	27577-0000
17J07027	167600-90-2721	GIRSBERGER INDUSTRIES INC	P O BOX 1476	SMITHFIELD	NC	27577-0000
17J08007	168618-40-4084	LIVING TRUST	110 MAPLE DR	SMITHFIELD	NC	27577-3020
17J07024H	168618-30-6281	LMR RENTALS	201 S BRIGHTLEAF BLVD STE 1	SMITHFIELD	NC	27577-4077
17J07026K	168618-30-6541	JERRY GOWER CONSTRUCTION CO IN	7400 SIEMENS RD STE D	WENDELL	NC	27591-6756
15096018	168506-29-9454	SECU*RE	119 N SALISBURY ST	RALEIGH	NC	27603-1739

Adjacent Property Owners of
CZ-21-04

15095015	168506-29-6444	CEPEDA, JAVIER	8008 BREWINGTON CT	RALEIGH	NC	27615-2901
15096025	168506-39-6473	WALLIN, CATHERINE C	PO BOX 114	KURE BEACH	NC	28449-0114
17J08004	168505-19-8748	GOWER, STEVEN HOWARD	1707 WINDSOR RD	KINSTON	NC	28504-0000
15O99003J	168505-19-6456	CULPEPPER, JAMES	20 SMOKE RISE DR	MURPHY	NC	28906-7046
15096023	168506-39-4414	ORPIN, MARY LOU	PO BOX 144	MARSHALL	AR	72650-0144



PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

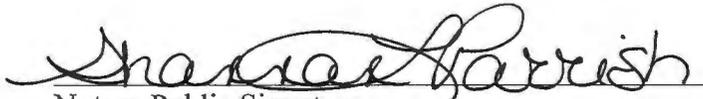
I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **CZ-21-04**, were notified by First Class Mail on **6-18-21**.


Signature

Johnston County, North Carolina

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

18th day of June, 2021


Notary Public Signature

Shannan L. Parrish
Notary Public Name

My Commission expires on 5-20-2022





PLANNING DEPARTMENT

Mark E. Helmer, AICP
Senior Planner

Notice of Public Meeting

Notice is hereby given that a public meeting will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, July 8, 2021 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

CZ-21-03 Floyd's Landing: The CE Group is requesting conditional rezoning of a portion of five parcels of land totaling approximately 199.8 acres from the R-20A (Residential-Agricultural) and B-3 (Highway Entrance Business) zoning districts to the R-8 CZ (Residential Conditional Zoning) district for the construction of a 598-unit residential development. The properties considered for approval are located on the west side of US Highway 70 Business West approximately 300 feet northwest of its intersection with South Rodgers Drive. The properties are further identified as Johnston County Tax ID# 15079014 15078012B and a portion of Johnston County Tax ID#15078012, 15077035C and 15077035H.

CZ-21-04 ALA Charter School: The applicant is requesting conditional rezoning of a 47.78-acre parcel of land from the LI (Light Industrial) zoning district to the OI CZ (Office Institutional Conditional Zoning) district for the construction of a charter school. The property considered for approval is located on the east side of US Highway 70 Business West approximately 230 feet north of its intersection with Cloverdale Drive and further identified Johnston County Tax ID# 17J08004.

RZ-21-01 Rhonda Miller: The applicant is requesting to rezone a portion of two parcels of land totaling approximately .64 acres from the B-3 (Highway Entrance Business) zoning district to the R-20A (Residential-Agricultural) zoning district. The properties considered for approval are located on the southwest side of the Hill Road approximately 230 feet southeast of its intersection with US Highway 70 Business East. The properties are further identified as a portion of Johnston County Tax ID#15L11051 and 15L11051D.

S-21-02 Spring Branch Commons: The applicant is seeking approval of a 10-lot residential subdivision on property located within an R-8 CZ (Residential Conditional Zoning) district. The property considered for approval is located on the southeast side of the intersection of South Sixth Street and East Johnston Street. The property is further identified as Johnston County Tax ID#15026060.

CZ-21-05 Smithfield Police Department: The applicant is requesting conditional rezoning of two parcels of land totaling .64 acres from the R-8 (Residential) zoning district to O&I CZ (Office-Institutional Conditional zoning) district for the expansion of the existing police department facilities. The properties considered for approval are located on the west side of South Fifth Street approximately 340 feet south of its intersection with East Market Street. The properties are further identified as Johnston County Tax ID# 15025051 and 15025052B.

You have been identified as a property owner in the area specified above and are being advised of this meeting as you may have interest in this matter. You are welcome to attend; however, you are not required to in order for the Board to act on this request. Additional information may be obtained by contacting the Town of Smithfield Planning Department at 919-934-2116.



PLANNING DEPARTMENT

Mark E. Helmer, AICP
Senior Planner

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RZ-21-01 Rhonda Miller: The applicant is requesting to rezone a portion of two parcels of land totaling approximately .64 acres from the B-3 (Highway Entrance Business) zoning district to the R-20A (Residential-Agricultural) zoning district. The properties considered for approval are located on the southwest side of the Hill Road approximately 230 feet southeast of its intersection with US Highway 70 Business East. The properties are further identified as a portion of Johnston County Tax ID#15L11051 and 15L11051D.

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

Run Legal ad in the Johnstonian News on June 23, 2021.