



PLANNING BOARD AGENDA

Members:

Chairman: Mark Lane (ETJ)

Vice-Chairman: Debbie Howard (Town)

Doris Wallace (Town)

Ashley Spain (ETJ)

Bryan Stanley (Town)

Alisa Bizzell (Town)

Wiley Narron (Alternate)

Tara Meyer (Alternate)

Stephen Wensman, AICP, ALA, Planning Director

Chloe Allen, Planner I

Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, July 11, 2024

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

**Town of Smithfield
Planning Board Directory
2024**

Chairman:

Mark Lane

2108 Yelverton Grove Rd
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markfd12@aol.com

Vice Chair:

Debbie Howard

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In-Town Members:

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Bryan Stanley

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In-Town Alternate:

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ETJ:

Ashley Spain

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spainfarms1@nc.rr.com



**PLANNING BOARD AGENDA
FOR REGULAR MEETING
JULY 11, 2024
MEETING TIME: 6:00 PM
TOWN HALL COUNCIL CHAMBERS**

Call to Order.

Pledge of Allegiance.

Identify voting members.

Approval of the agenda.

Approval of the minutes for June 6, 2024.

New Business.

RZ-24-06 400 Brightleaf to B-3: David Dupree of Market Street Investments is requesting the rezoning of 3 parcels: a .89-acre parcel (Johnston County Tax ID 15015033) in the O/I-Office Institutional Zoning District, a .15-acre (Johnston County Tax ID 15016033) and .14-acre parcel (Johnston County Tax ID 15016032) in the R-6-High Density Single, Two and Multi-family Zoning District to the B-3-Highway Entranceway Business Zoning District.

ZA-24-02 Multifamily in B-3 Amendment: Request by Staff to amend the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to remove the multi-family land use from the B-3 Zoning District entirely.

Old Business.

None.

Adjournment.

**Town of Smithfield
Planning Board Minutes
Thursday, June 6, 2024
Town Hall Council Chambers
6:00 PM**

Members Present:

Chairman Mark Lane
Vice-Chairman Debbie Howard
Alisa Bizzell
Doris Wallace
Ashley Spain
Tara Meyer
Wiley Narron

Members Absent:

Bryan Stanley

Staff Present:

Chloe Allen, Planner I
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

PLEDGE OF ALLEGIANCE

IDENTIFY VOTING MEMBERS

APPROVAL OF AGENDA Debbie Howard made a motion to approve the agenda, seconded by Alisa Bizzell. Unanimously approved.

APPROVAL OF MINUTES May 2nd, 2024

Alisa Bizzell made a motion to approve the minutes, seconded by Ashley Spain. Unanimously approved.

NEW BUSINESS

CZ-24-03 Buffalo Ridge R-8 CZ Smithfield Land Group, LLC is requesting the rezoning of approximately 140 acres of land located at 1041 Buffalo Road, Smithfield, NC also identified by the Johnston County Tax ID 140001021, from R-20A to R-8 Conditional with a masterplan for a 210-lot detached single-family residential development.

Chloe Allen stated Smithfield Land Group LLC has requested to rezone approximately 140 acres of land located at 1041 Buffalo Rd. This property is also identified by Johnston County Tax ID 140001021. The applicant would like to rezone the land from R-20A to R-8 Conditional Zoning with a masterplan for a 210-lot detached single-family residential development. The proposed local roads are 27' wide back-to-back in a 60' public right of way in accordance with Town standards. The development proposes two access points on Buffalo Road and two lateral street connections to Holland Drive in the residential neighborhood to the north. The development will have public water, sewer, and power. A traffic study will be required for the development prior to preliminary plat approval in cooperation with NCDOT.

Along Buffalo Road, there are 10-lots with backyards facing Buffalo Road. The developer has provided a 24' wide open space area along Buffalo Road and will provide the required landscaping along the road frontage with a landscaped berm and fencing that will screen the backs of these lots. The developer should provide an elevation showing the berm, fence and landscaping that clearly shows the height and extent of the berm. The plans provide a 10' landscape buffer proposed between the new lots that back up to the larger Holland Drive lots to the north (+/- 10,000 sq. ft. lots). The buffer will exist within an easement over the new lots. The developer is proposing enhanced landscaping near the entrances to the development from Buffalo Road. Phase 1 of the development is expected in Spring of 2025 and build out is expected to take approximately 5 years.

Debbie Howard mentioned sidewalks, she asked if they could be made a condition?

Chloe Allen said they could be made a condition

Scott Brown with 4D Site Solutions, Inc located at 409 Chicago Drive Suite 112 Fayetteville, NC came forward. He's the engineer and surveyor for this project. They do propose sidewalks on both sides of the street. They're proposing a 3ft high buffer along Buffalo Rd as well as a fence along the back of the lots. They'd like to use rollback curb instead of high back curb.

Debbie Howard mentioned one of the deviations from the Town's requirements is a rear setback from 25 ft to 12 ft. She asked if that meant a house could be built 24 ft from the back of another house?

Scott Brown said yes but they don't anticipate it being that way.

Richard Vincent of 130 Short Rd Pinehurst, NC came forward. He's here on behalf of the applicant. He stated this deviation gives them more variation with house layouts.

Debbie Howard asked Mr. Vincent if he was proposing single-family dwellings for all of the neighborhood?

Richard Vincent answered yes.

Ashley Spain asked how the site development would be built out?

Scott Brown said they would only open up what they need at the time. It will be built in phases. The economy will drive a lot of that decision.

Tara Meyer expressed her concern for the water and sewer infrastructure. She asked if anyone had thought to bore underneath the wetland to make an additional tap to give the watermain on Buffalo Rd a backup.

Scott Brown said he understood the concern and ideally every development would be looped. They will have meetings with Public Utilities at a later date.

Randy Parrish, a co-owner of 239 Holland Drive expressed his concern for this development. He said traffic will be an issue and he's concerned if this will cost him any money.

Richard Vincent said they were driven by DOT to tie into Holland Drive.

Pam Lampe of 415 N. Second Street spoke on requesting higher architectural standards. She prefers less density and a minimum lot size of 8000 sq. feet. She requested the setbacks be followed by the developer in accordance to the Unified Development Ordinance. She's also concerned about the increase in traffic on Buffalo Rd.

Debbie Howard made a motion to recommend approval of the zoning map amendment, CZ-24-03, with 16 conditions of approval, finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Motion was seconded by Doris Wallace. Unanimously approved. The first 11 conditions shall be as shown below and the additional following 5 conditions read by Debbie Howard.

Planning Staff recommend the Planning Board recommend approval of CZ-24-03 with the following conditions:

1. That future development plans for the project be in accordance with the approved Master Plan, B-3 Zoning District, and other UDO regulations with the deviations: (condition summarizing deviations - to be determined)
2. The minimum corner side yard setback shall be equal to the minimum front setback
3. That the berm along Buffalo Road be three feet in height or greater where back yards face the state road.
4. That the development plans be in accordance with WA-IV-CA Overlay regulations.
5. That curb and gutter and underground drainage be provided along Buffalo Road in accordance with NCDOT requirements.

6. Garages shall be no smaller than 12' x 22' in size.
7. A standard concrete driveway apron be provided for all residential driveways and the kiosk mailbox parking lot entrance.
8. That an 8' wide multi-purpose trail be provided along Buffalo Road in accordance with the Town's Pedestrian Plan and NCDOT requirements.
9. That the architectural standards be incorporated in a homeowner's association (HOA) documents.
10. That the open space amenities, kiosk, parking lot and stormwater management be owned and maintained by an HOA.
11. A traffic study shall be conducted in accordance with the Town's UDO and NCDOT requirements prior to preliminary plat approval.
12. Roll curb to be used throughout the development.
13. Sidewalks shall be on both sides of the streets.
14. Rear setback 20 ft, except lots abutting Holland Drive at 25 ft.
15. Rezone from R20-A to R-8CZ to include Single Family Dwelling only.
16. The development be constructed with the following architectural standards:
 - a. All homes shall have a combination of 2 or more of the following materials on the front façade: brick, stone, lap siding, shakes or board and batten.
 - b. All corner units shall contain a window with decorative trim or door for each 30 feet (or fraction of) of continuous side elevation. Any siding break on the side of the home, such as fireplace, side porch or wall offsets may be used as an alternative to windows.
 - c. All garages shall have windows or decorative hardware.
 - d. In order to promote variation in home appearance, no adjacent home may use the same color siding, and for single family detached homes, no front elevation shall be constructed adjacent to or across from an identical elevation. For corner lots, this shall apply to the lots catty-corner across the intersection.
 - e. A consistent color palette shall be used for the homes.

ZA-24-01 Driveways: Zoning text amendment to the Unified Development Ordinance, Article 10, Section 10.6. Driveways require paving and other regulations.

Chloe Allen stated this request for an update to the driveway standards was previously part of a larger text amendment reviewed by the Planning Board but tabled by the Town Council. At the direction of the Town Manager, Planning Staff was encouraged to bring forward an amendment to the driveway standard, Section 10.6 separate from the full Article 10 update. The ordinance has not changed since the Planning Boards previous review except for driveways in the R-20A Zoning District.

The draft Amendment:

- Requires all driveways to be paved with either asphalt or concrete, or with alternative paving material (e.g., concrete pavers, brick, or similar material (not gravel).
- In the R-20A, driveways exceeding 50' in length, may pave the remainder of the driveway to the public right of way with gravel or similar load bearing material.
- Driveway paving cannot exceed 50% of the front yard area.
- Driveway aprons must conform to the Town's Standard Detail.
- Requires zoning permits for all driveways.

Planning Staff recommends that Planning Board recommend approval of the zoning text amendment ZA-24-01 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.

Doris Wallace made a motion to recommend approval of zoning text amendment, ZA-24-01, amending Article 10, Section 10.6, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management

Plan and other adopted plans and that the amendment is reasonable and in the public interest. Also, to exclude properties in the ETJ (Extra Territorial Jurisdiction). Seconded by Ashley Spain. Unanimously approved.

RZ-24-05 Watershed Overlay Boundary: Staff is requesting a map amendment to change the Watershed Overlay District boundary to be consistent with the boundary established by North Carolina Department of Environmental Quality (NCDEQ).

Chloe Allen said while performing development review, staff discovered discrepancies between the State's mapped watershed boundaries in Smithfield and the boundaries shown on the Town's zoning map. According to NC Statutes, the Town cannot be less restrictive than the State unless the Town can demonstrate that areas drain away from the watershed. The Town Engineer conducted an analysis and recommended adopting the State's mapped watershed boundaries. The amendment will result in some properties being added to the overlay and others removed. The boundary between the critical area and protected area also changes with some properties being moved from the critical area to the protected area (the critical area will be reduced).

Doris Wallace made a motion to recommend approval of zoning map amendment RZ-24-05 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. Motion seconded by Ashley Spain. Unanimously approved.

Old Business: Mark Lane informed the Planning Board that he tried to have the monthly stipend increased for each Planning Board member from \$50 to \$75 but the request was declined by Smithfield Town Council.

Mark Lane notified the Planning Board that at the May 21st Town Council Meeting they heard CZ-24-02 Local 70 PUD. When this same case came before the Planning Board, they placed 13 conditions on this development in the motion to recommend approval. Mark Lane said all 13 conditions were in the Town Council agenda but weren't presented to Town Council in Stephen Wensman's presentation. Mark Lane said he was told that two of the conditions were met and the third one Mr. Wensman didn't agree with which was to repave Bayhill Drive. After discussion the Planning Board stated they wanted all conditions presented to Town Council whether the Planning Director agreed with their decisions or not.

Adjournment

Doris Wallace made a motion to adjourn, seconded by Debbie Howard. Unanimously approved.

Next Planning Board meeting is July 11th, 2024 at 6pm.

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist



Request for Planning Board Action

Agenda
Item: RZ-24-06
Date: 7/11/24

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

Issue Statement

To review the application to rezone 3 parcels; one parcel in the O/I-Office Institutional and two in R-6--High Density Single, Two and Multi-family Zoning District to the B-3-Highway Entranceway Zoning District.

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommends approval of the zoning map amendment, RZ-24-06, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended, and other adopted plans, and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
3. Consistency Statement
4. Application
5. Zoning Map
6. Resolution 673



Staff Report

Agenda Item: RZ-24-06

REQUEST:

David Dupree of Market Street Investments is requesting the rezoning of 3 parcels: a .89-acre parcel (Johnston County Tax ID 15015033) in the O/I-Office Institutional Zoning District, a .15-acre (Johnston County Tax ID 15016033) and .14-acre parcel (Johnston County Tax ID 15016032) in the R-6--High Density Single, Two and Multi-family Zoning District to the B-3-Highway Entranceway Business Zoning District.

PROPERTY LOCATION:

The properties are located at the south-east corner of North Brightleaf Boulevard and Hancock Street.

SITE DATA:

Owner/Applicant:	David Dupree, Market Street Investments
Tax ID#	15015033, 15016033 and 15016032
Acreage:	1.18-acres (.89, .15 and .14 acres)
Present Zoning:	O/I (Office-Institutional) and R-6 (High Density Single, Two and Multi-family)
Proposed Zoning:	B-3 (Highway Entranceway Business)
Existing Use:	Vacant
Proposed Use	Commercial
Town/ETJ:	Town
Fire District:	Smithfield
School Impacts:	None
Parks and Recreation:	None
Water Provider:	Smithfield
Sewer Provider:	Smithfield
Electric Provider:	Smithfield

EXISTING CONDITIONS/ENVIRONMENTAL:

There are no known environmentally sensitive areas on this property.

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

	Zoning	Existing Land Uses
North-West	O/I Office Institutional	Hospital
South	HI-Heavy Industrial	Industrial
East	B-3 Business/R-6 Residential	Drug Store/Single-Family Residential
South-West	B-2 Business	Commercial Contractors and vacant

ANALYSIS:

- **Comprehensive Plan.** The Town Plan (comprehensive plan) guides this property for Medium Density Residential. The property sits at the juncture of several zoning districts and land uses. The intent of the residential land use designation may have to grow and protect the residential area by providing multi-family residential conveniently located by the hospital, drug store and other uses. The size and shape of the development site, required setbacks, existing electrical easement, vehicular access, and the volumes of traffic on Brightleaf make the land uses envisioned in the comprehensive plan unfeasible. The site will be difficult for development of any land use, but commercial-office uses are likely most feasible.
- **Site Analysis Details.**

The proposed rezoning site consists of 3 parcels. The largest was historically used for commercial but has been vacant for years. In 2021, Market Street Investments purchased the adjacent residential parcels to enlarge the development site. Also in 2021, the applicant petitioned for the closure of Nineth Street. In February 2021, the Council adopted Resolution 673 closing N. Nineth Street, although closed, there remains a 30' wide utility easement in the former right-of-way.

The site is triangular and has a 50' building setback from Brightleaf Boulevard, has a 30' utility easement bisecting it, and has vehicular access restrictions. The access to the site will be restricted to the right-in, right-out shared with Walgreens, or from Hancock Street.

The adjacent property located at 903 Hancock Street, to the east of the properties to be rezoned is a vacant residentially zoned parcel owned by Evanston Smithfield II LLC, the same entity that owned the Walgreens site. The house on this property was removed after it was purchased by Evanston Smithfield II LLC in 2011.

Proposed Zoning. The B-3 Zoning District is the town's most expensive and permissive district with many permitted office and commercial uses and some special uses including multi-family. The B-3 zoning being the most permissive which will help the owner market the property for development.

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 map amendment is consistent with the comprehensive growth management plan as hereby amended.*
- **Consistency with the Unified Development Code (UDO)** – *the site will be developed in accordance with the UDO*
- **Compatibility with Surrounding Land Uses** – *the map amendment will not affect the compatibility with surrounding land uses. The site sits at the juncture of several different zoning districts and land uses and the adjacent property is vacant and owned by an LLC.*

RECOMMENDATION:

Planning Staff recommends approval of zoning map amendment, RZ-24-06, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, as hereby amended, and other adopted plans, and that the amendment is reasonable and in the public interest.

RECOMMENDED MOTION:

“Move to recommend approval of zoning map amendment, RZ-24-06, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended and other adopted plans, and that the amendment is reasonable and in the public interest.”

400 N Brightleaf to B-3

File Number:
RZ-24-06

Project Name:
400 Brightleaf to B-3

Location:
NE Intersection of
Hancock and
N Brightleaf

Tax ID#:
15015033
15016033
15016032

Existing Zoning:
O&I / R-6

Owner/Applicant:
David Dupree
Market Street
Investments



1 in = 62 ft

Map created by Chloe Allen
Planner I on 7/1/2024



**TOWN OF SMITHFIELD
RESOLUTION No. 673 (01-2021)
ORDERING THE CLOSING OF THAT PORTION OF
NORTH NINTH STREET FROM HANCOCK STREET TO ITS TERMINATION 102.48 FEET SOUTH OF
BRIGHTLEAF BOULEVARD**

WHEREAS, on the 1st day of December 2020 the Town Council adopted a resolution entitled "Resolution Declaring the Intent of the Town Council of the Town of Smithfield to Consider the Closing of a portion of North Ninth Street extending from Hancock Street to its termination 102.48 feet South of BrightLeaf Boulevard in Smithfield, North Carolina at its next regular monthly meeting, hereinafter "the Meeting", on Tuesday January 5, 2021 at 7 pm at the town hall in Smithfield, NC; and

WHEREAS, pursuant to the Resolution the Town Clerk was directed to publish the Resolution in the Johnstonian News once each week for four successive weeks; and

WHEREAS, the Town Clerk has advised the Town Council that the Resolution was published in the Johnstonian News as directed; and

WHEREAS, pursuant to the Resolution the Town Clerk was directed to notify all persons owning property abutting on that portion of North Second Street between Hancock Street and Brightleaf Boulevard, as shown on the county tax records by certified or registered mail of the Meeting and the purpose thereof; and

WHEREAS, pursuant to the Resolution the Town Clerk was directed to cause adequate notices of the proposed closing and of the public hearing to be posted at two locations on the public way as required by G.S. 160A-299; and

WHEREAS, the Town Clerk has advised the Town Council that adequate notices were posted on the applicable street(s) as required by G.S. 160A-299; and

WHEREAS, pursuant to the Resolution, a public hearing was held on the 5th day of January 2021, at which time all persons were granted full and complete opportunity to appear and be heard on the question of whether or not the closing would be detrimental to the public or the property rights of any individual; and,

WHEREAS, the Town utilities are located within the public right-of way and the Town wishes to retain a utility easement therefore; and,

WHEREAS, after said public hearing and after full and complete consideration of the matter, it now appears to the satisfaction of the Town Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street or in the subdivision in which the street is located, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his or her property; and

NOW, THEREFORE, subject to the reservation of easements to the Town of Smithfield for utility purposes as shown on a map recorded in Book of Maps PLAT B: 92 , page 371 in the office of the Johnston County Register of Deeds, the portion of Ninth Street from Hancock Street extending north to the termination of Ninth Street 102.48 feet South of Bright Leaf Boulevard is hereby closed and abandoned, and all right, title, and interest that may have been vested in the public in said area for street purposes is hereby released and abandoned to the abutting property owners in accordance with the provisions of G.S. 160A-299. The portion of the Street abandoned, subject to the reservation of easements through the abandoned street for utility purposes by the Town of Smithfield, is more particularly described as follows:

Legal Description for Right of Way Closure for a portion of North Ninth Street

Lying and being in the Town of Smithfield, Smithfield Township, Johnston County, North Carolina and being more particularly described as follows:

Being at a Existing Iron Pipe (EIP) a point in the southern property line of Now or Formerly Evanston Smithfield JI, LLC (Walgreens) (see Plat Book 67, Page 179 and Plat Book 67, Page 178) said point having NC Grid Coordinates of

N=641,910.3871, E=2, 197,673.9224 (NCGS VRS, NAO 1983 (2011) GEOID 12A) thence along the southern line of Walgreens, N62°19'38"W 67.33' to an EIP in the eastern Right of Way of N Ninth Street (30' RJW see Plat Book 4, Page393) a comer with now or formerly Lot 102 (PB 4, PG 393; DB 5502, PG 834) the TRUE point of beginning, thence with the eastern right of way of N Ninth Street S27°23'26"W 166. 76' to an EIP on the northern right of way of Hancock Street

(50' RIW, see PB 4, PG 393 and PB 58, PG 322) a comer with Lot 101 (PB 4, PG 393; DB 5502, PG 842) thence N62°03'00"W 30.00' to an EIP on the western RJW of N Ninth Street, a comer with now or formerly Market Street Investors (DB 5498, PG 675) thence with the western right of way of N Ninth Street

N27°23'26"E 166. 61' to an existing iron rebar (ERB), thence S62°19'38"E 15. 00' to a magnetic nail set (MNS), said point being the southwest comer of Walgreens, thence S62°19'38"E 15.00' to the point and place of beginning and containing 5,000 SF± as shown on a plat prepared by Jimmy Barbour Surveying, PA, entitled Recombination Map for: Market Street Investors dated 10-7-2020 and being recorded in Plat Book Page Johnston County Registry.

Upon closing, the right-of-way vests in the adjoining property owners, each taking property from the centerline to their respective boundary. If the owners want to divide the right-of-way differently, they must themselves make that division by boundary agreement or conveyance. Any person aggrieved by the street closing, who has standing, has 30 days to appeal.

The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Johnston County a certified copy of this resolution and order.

This the 5th day of January, 2021, at 7 o'clock p.m.

ATTEST:

Shannan L. Parrish, Town Clerk





M. Andy Moore, Mayor

SURVEYOR'S DISCLAIMER

THIS PLAT IS A CORRECT REPRODUCTION OF THE LAND SURVEYED; HOWEVER, A NORTH CAROLINA LICENSED ATTORNEY SHOULD BE CONSIDERED CONSULTING CORRECT OWNERSHIP WITH THE LOCATIONS OF ANY EASEMENTS, RIGHTS OF WAY, CEMETERIES OR FAMILY BURIAL GROUNDS NOT SHOWN ON RECORDED MAPS OR DEEDS MADE AVAILABLE TO THIS SURVEYOR BY THE RECENT OWNERS) AT THE TIME OF THIS SURVEY AND OTHER OUTSIDERS THAT MAY BE REVEALED BY THE TITLE EXAMINATION INCLUDING ANY RESTRICTIVE COVENANTS. ALSO THIS SURVEYOR HAS NO KNOWLEDGE OF THE OWNERSHIP OR MAINTENANCE RESPONSIBILITIES OF ANY UTILITIES OR NEW OR EXISTING UNDERGROUND UTILITIES, EXISTING OR PROPOSED EASEMENTS OR RIGHT-OF-WAYS, ETC. NOT SHOWN HEREON. THE SURVEYOR'S RESPONSIBILITY IS LIMITED TO THE RIGHT-OF-WAYS OR BUFFERS ASSOCIATED WITH SAID UTILITIES OR FEATURES SHOWN HEREON AND SHOWN ONLY TO WHAT WAS KNOWN OR VISIBLE AT THE TIME OF THIS SURVEY BY THIS SURVEYOR. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RIGHT-OF-WAYS UNKNOWN TO THE SURVEYOR AT THE TIME THAT A COMPLETE TITLE EXAMINATION MAY REVEAL. THIS SURVEYOR IS NOT AN ATTORNEY AT LAW AND IT IS ADMITTED THAT THE OWNER OF THIS PROPERTY CONSULT WITH A LICENSED ATTORNEY AT LAW TO PERFORM A COMPLETE TITLE EXAMINATION TO CONFIRM ALL KNOWN ENCUMBRANCES AND REVEAL ANY POTENTIAL ENCUMBRANCES OR TITLE ISSUES ASSOCIATED WITH THIS PROPERTY OR ANYTHING ELSE THAT MAY BE IN THE RESTRICTIVE COVENANTS, ALSO AS USED IN THE SURVEYOR'S CERTIFICATION HEREON. THE WORD "OWNER" MEANS TO STATE OR DECLARE A PROFESSIONAL OPINION OF OWNERSHIP REGARDING THOSE FACTS OR FINDINGS WHICH ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EITHER EXPRESS OR IMPLIED. THE MAP OR PLAT SHOWN HEREON SHALL NOT BE USED WITH AN AFFIDAVIT OR LETTER OF ANY KIND FOR RECORD INCLUDING, BUT NOT LIMITED TO FUTURE LOAN CLOSINGS, PLAT PLANS, CONSTRUCTION LANSCHSHEWING PERMITTING, ETC. IT IS A VIOLATION OF THE FEDERAL CORPORACTION ACT TO COPY OR MIMICRY AND REUSE THIS SURVEY OR MAP THAT HAS BEEN RECORDED IN THE PUBLIC RECORDS OF BARBOUR SURVEYING, P.A. ITS ASSOCIATES, AND/OR AGENTS SHALL NOT BE LIABLE FOR USE OF THIS SURVEY AT ANY OTHER ENTITIES OR PERSONS FOR ANY PURPOSE BEYOND THE DATE AND SCOPE AS NOTED ON THIS MAP OR PLAT.

LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	N08°03'37"W	21.97'
L2	S34°49'58"E	4.90'
L3	N69°07'32"E	83.43'
L4	N68°39'15"E	22.80'
L5	S27°30'17"W	37.13'
L6	S62°19'38"E	15.00'
L7	N62°03'00"W	30.00'
L8	N62°19'38"W	15.00'
L9	N35°09'17"W	16.89'
L10	N35°09'17"W	11.22'
L11	N50°02'20"W	46.55'
L12	N69°12'28"E	22.39'

CERTIFICATE OF EXEMPTION FROM SUBDIVISION ORDINANCE

THE COMBINATION OR RECOMBINATION OF PORTIONS OF PREVIOUSLY SUBDIVIDED AND RECORDED LOTS WHERE THE TOTAL NUMBER OF LOTS IS NOT INCREASED AND THE RESULTANT LOTS ARE EQUAL TO OR EXCEED THE STANDARDS CONTAINED IN ARTICLE 27 OF THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT ORDINANCE.

PURSUANT TO NC GEN STATUTE 47-30(b) (1) NO APPROVAL IS REQUIRED BY THE TOWN OF SMITHFIELD.

1/14/2021
DATE: *Stephanie C. Wynn*
UDO DIRECTOR, TOWN OF SMITHFIELD, NC

NOTE:

HATCHED AREA IS A JOINT ACCESS EASEMENT AND SIGNAGE EASEMENT. SEE DEED BOOK 2816, PAGE 507 AND DEED BOOK 5498, PAGE 675. AREA IN EASEMENT IS 3,432 SF±.



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND I ADOPT THIS PLAN OF RECOMBINATION WITH MY (OUR) FREE CONSENT.

1-14-2021
DATE: *Stephanie C. Wynn*
OWNER

REVIEW OFFICER'S CERTIFICATE
STATE OF NORTH CAROLINA, COUNTY OF JOHNSTON
Stephanie C. Wynn REVIEW OFFICER OF JOHNSTON COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
1-19-21
DATE: *Stephanie C. Wynn*
REVIEW OFFICER



GRID NOTE
GRID NORTH
CRD. 1983
ELECT. 1985
CEOID 12 A (2011)
COMBINED FACTOR = 0.999988101

- REFERENCES:**
DEED BOOK 5498, PAGE 675
DEED BOOK 5502, PAGE 837
DEED BOOK 5502, PAGE 842
DEED BOOK 2816, PAGE 507
PLAT BOOK 4, PAGE 393
PLAT BOOK 67, PAGE 178
PLAT BOOK 67, PAGE 179
PLAT BOOK 58, PAGE 322

- PARCEL ID NO. 15015033
PARCEL ID NO. 15016033
PARCEL ID NO. 15016032

- NOTES:**
1. A TOWN UTILITY EASEMENT IS RETAINED AND RESERVED FOR EXTENSION OF PUBLIC UTILITIES WITHIN THE AREA TO BE ABANDONED AS A STREET.
2. N. NINTH STREET CLOSURE WAS APPROVED BY THE TOWN COUNCIL ON 1-5-2021, SEE REZONING CASE R2-20-08 RESOLUTION 673 (01-2020)
- HANCOCK STREET R/W REFERENCE:**
PLAT BOOK 4, PAGE 393
PLAT BOOK 58, PAGE 322
and JOHNSTON COUNTY GIS DATA

I, JIMMY C. BARBOUR, PROFESSIONAL LAND SURVEYOR NO. L-2855, CERTIFY THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION IN ACCORDANCE WITH G.S. 47-30.2 (F)(1).
Jimmy C. Barbour
JIMMY C. BARBOUR, PROFESSIONAL LAND SURVEYOR LICENSE NO. L-2855

FB	DASHED LINES	FIRE HYDRANT	IMS	MAGNETIC NAIL SET
WA	WA	WATER METER / WATER VALVE	ERB	EXISTING IRON REBAR
EP	EP	EXISTING IRON PIPE FOUND	RWD	NO DOT RIGHT OF WAY DISC
EN	EN	EXISTING IRON STAKE FOUND	N/F	NOW OR FORMERLY
CP	CP	EXISTING CONCRETE MONUMENT FOUND	PP/SP/AL	POWER POLE/SERVICE POLE/AREA LIGHT OVERHEAD POWER LINE OF
CL	CL	CENTERLINE OF ROAD	CP	COMPUTED POINT FROM REFERENCED SOURCES
EPK	EPK	EXISTING PARKER-KALON NAIL FOUND	SSH	SANITARY SEWER MANHOLE
ERR	ERR	EXISTING RAILROAD SPIKE FOUND	R/W	RIGHT OF WAY
EA	EA	EXISTING IRON AXLE FOUND		
RBS	RBS	#5 IRON REBAR SET WITH RED PLASTIC CAP		
ECS	ECS	EXISTING COTTON SPINDLE FOUND		
EMN	EMN	EXISTING MAGNETIC NAIL FOUND		

JIMMY BARBOUR SURVEYING, PA
JIMMY C. BARBOUR, PLS, GSI

C-3109
213 S. SECOND STREET
P. O. BOX 28
SMITHFIELD, N.C. 27577
919-989-6642 919-989-3013
Email: jimmy@jbsurveying.com

UTILITY EASEMENT, STREET CLOSURE and RECOMBINATION MAP FOR:

MARKET STREET INVESTORS and TOWN OF SMITHFIELD

OWNER	N/F MARKET STREET INVESTORS		
TOWNSHIP	SMITHFIELD	COUNTY	JOHNSTON
STATE	NC		
SURVEYED BY	J SIMMONS	DRAWN BY	CINDA S LASSITER
DATE SURVEYED	10-7-2020	SCALE	1"=40'
DRAWING NO.	20-339		



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 one (1) application, one (1) required plan, an Owner's Consent Form (attached), (1) electronic submittal and the application fee.

Name of Project: 400 Brightleaf Blvd Dupree Acreage of Property: 1.21 acres
Parcel ID Number: 15015033 / 15016033 / 15016032 Tax ID:
Deed Book: 05815 Deed Page(s): 0688
Address: 400 N Brightleaf Blvd
Location: adjacent to Walgreens

Existing Use: empty lot Proposed Use: empty lot
Existing Zoning District: I/O and residential
Requested Zoning District: B3
Is project within a Planned Development: [] Yes [] No
Planned Development District (if applicable):
Is project within an Overlay District: [] Yes [] No
Overlay District (if applicable):

FOR OFFICE USE ONLY

File Number: Date Received: Amount Paid:

OWNER INFORMATION:

Name: MARKET STREET INVESTMENTS
Mailing Address: 18825 W Catawba Ave #250 Cornelius NC 28031
Phone Number: 704-361-4513 Fax: _____
Email Address: david@bcbinvestments.com

APPLICANT INFORMATION:

Applicant: DAVID DUPREE MARKET STREET INVESTMENTS
Mailing Address: 18825 W Catawba Ave 250 Cornelius NC 28031
Phone Number: 704-361-4513 Fax: _____
Contact Person: David Dupree
Email Address: david@bcbinvestments.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

STATEMENT OF JUSTIFICATION

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

would like to rezone to conform to surrounding zoning

APPLICANT AFFIDAVIT

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

DAVID DUPREE
Print Name


Signature of Applicant

5/24/24
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: 400 Brightleaf Blvd - Duplex Submittal Date: 5/24/24

OWNERS AUTHORIZATION

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

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

Signature of Owner *Print Name* *Date*

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

 DAVID DOREE 5/24/24
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
RZ-24-06**

Whereas the Smithfield Planning Board, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160D-605, 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 §160D-605, 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-24-06 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public meeting; and

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

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

That the final action regarding zoning map amendment RZ-24-06 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



PLANNING DEPARTMENT

Stephen Wensman, AICP
Planning Director

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 11, 2024, at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

RZ-24-06 400 Brightleaf to B-3: David Dupree of Market Street Investments is requesting the rezoning of 3 parcels: a .89-acre parcel (Johnston County Tax ID 15015033) in the O/I-Office Institutional Zoning District, a .15-acre (Johnston County Tax ID 15016033) and .14-acre parcel (Johnston County Tax ID 15016032) in the R-6-High Density Single, Two and Multi-family Zoning District to the B-3-Highway Entranceway Business Zoning District.

ZA-24-02 Multifamily in B-3 Amendment: Request by Staff to amend the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to remove the multi-family land use from the B-3 Zoning District entirely.

All interested people 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 Town of Smithfield Planning Department at (919) 934-2116 ext. 1111 or online at www.smithfield-nc.com.

Adjacent Properties Notified of July 11, 2024 Public Meeting

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15015033	MARKET STREET INVESTMENTS		18825 W CATAWBA AVE STE 250		CORNELIUS, NC 28031-5552
15015036	S T MEDLIN PROPERTIES LLC		213 MUIRFIELD LN		CLAYTON, NC 27527-7509
15016032	MARKET STREET INVESTMENTS		18825 W CATAWBA AVE STE 250		CORNELIUS, NC 28031-5552
15015047	S T MEDLIN PROPERTIES LLC		213 MUIRFIELD LN		CLAYTON, NC 27527-7509
15023009	LAMPE & MALPHRUS LUMBER CO INC			PO BOX 150	SMITHFIELD, NC 27577-0000
15016033	MARKET STREET INVESTMENTS		18825 W CATAWBA AVE STE 250		CORNELIUS, NC 28031-5552
15015011	JOHNSTON COUNTY			PO BOX 1049	SMITHFIELD, NC 27577-0000
15015028	JOHNSTON COUNTY				
15016034	EVANSTON SMITHFIELD II LLC		5306 - 101 SIX FORKS RD		RALEIGH, NC 27609
15016038	EVANSTON SMITHFIELD LLC			PO BOX 1159	DEERFIELD, IL 60015-0901



PLANNING DEPARTMENT

Chloe Allen, Planner I

ADJOINING PROPERTY OWNERS CERTIFICATION

I, Chloe Allen, hereby certify that the property owner and adjacent property owners of the following petition, RZ-24-06 were notified by First Class Mail on 6/18/24

Chloe Allen
Signature

Johnston County, North Carolina

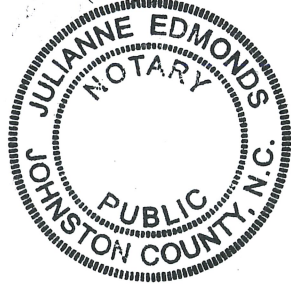
I, Julianne Edmonds, Notary Public for Johnston County and State of North Carolina do hereby certify that Chloe Allen personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

18th day of June, 2024

Julianne Edmonds
Notary Public Signature

Julianne Edmonds
Notary Public Name

My Commission expires on 1-15-2028
(Seal)





Request for Planning Board Action

**Agenda
Item:** ZA-24-02
Date: 07/11/2024

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

Issue Statement

Request by Staff to amend the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to remove multi-family land use from the B-3 Zoning District.

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-24-02 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

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



Staff Report

Agenda Item: **ZA-24-02**

REQUEST:

Request by Staff to amend the Unified Development Ordinance, Article 6, Section 6.6 Table of Uses and Activities to remove the multi-family land use from the B-3 Zoning District entirely.

OVERVIEW:

Multi-Family is a special use with supplementary standards in most residential and commercial zoning districts including the B-3 zoning district. As an alternative to a special use permit, a developer can request a conditional rezoning (such as B-3 CZ). The B-3 Zoning District is the most expansive zoning district in that it allows the greatest variety of land uses including intensive uses such as car dealerships, contractor yards, warehousing and more, not always appropriate adjacent uses for multi-family residential. This ordinance amendment would remove multi-family as use in the B-3. If a developer wished to pursue such a use, a rezoning to a different zoning district would be required. This ordinance will give the Town Council more control over where multi-family uses can be located.

Adoption of this ordinance will result in making some existing multi-family residential legal non-conforming.

DRAFT AMENDMENT:

Sec. 6.6. Tables of Uses and Activities—Primary Zoning Districts.

Uses	Primary Zoning Districts												
	R-20A	R-10	R-8	R-6	R-MH	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AHH	Supplemental Regulations
RESIDENTIAL													
Residential Cluster development	PS	PS	PS										Section 7.34
Dwelling, single-family attached (townhomes)/multi-family/condominiums			SS	SS	SS	SS	SS	SS	98				Section 7.35
Dwelling, single-family detached	P	P	P	P	P	S		S					
Dwelling, two family (duplex) on single lot			P	P		S		S					

CONSISTENCY STATEMENT (STAFF OPINION):

Staff finds the zoning text amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

RECOMMENDATION:

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-24-02, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

STAFF RECOMMENDED MOTION:

“Move to recommend approval of zoning text amendment, ZA-24-02, amending Article 10, Section 6.6, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”

ORDINANCE # ZA-24-02
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 10, SECTION 6.6 TABLE OF USES AND ACTIVITIES
TO STRIKE MULTI-FAMILY LAND USES FROM THE B-3
DISTRICT.

WHEREAS, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 10, Section 6.6 Table of uses and activities.

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

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

PART 1

[Revise Article 10, Section 6.6 to stike multi-family residential land use from the B-3 zoning district]

Sec. 6.6. Tables of Uses and Activities—Primary Zoning Districts.

...

Uses	Primary Zoning Districts												Supplemental Regulations
	R-20A	R-10	R-8	R-6	R-MH	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AHH	
RESIDENTIAL													
Residential Cluster development	PS	PS	PS										Section 7.34
Dwelling, single-family attached (townhomes)/multi-family/condominiums			SS	SS	SS	SS	SS	SS	SS				Section 7.35
Dwelling, single-family detached	P	P	P	P	P	S		S					
Dwelling, two family (duplex) on single lot			P	P		S		S					

...

PART 2

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

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption.
Duly adopted this the _____ of July, 2024.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk



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

Petition for Amendment to the Unified Development Ordinance

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

APPLICANT INFORMATION:

Town of Smithfield	350 East Market Street
_____ Petitioner's Name	_____ Address or PO Box
Smithfield, NC 27577	919-934-2116, ext 1114
_____ City, State, Zip Code	_____ Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:
Amend UDO Section 6.6 removing MF from the B-3 Zoning District

(Attach additional sheets as necessary)

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

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

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



Signature of Petitioner

6/10/24

Date

FOR OFFICE USE ONLY

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

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
ZA-24-02**

Whereas the Smithfield Town Council, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160D-605, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Town Council, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160D-605, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

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

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

That the final action regarding zoning ordinance amendment ZA-24-02 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the regularly scheduled meeting of Town Council; and

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

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

That the final action regarding zoning ordinance amendment ZA-24-02 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



**2024
Planning Board Meeting Schedule**

Thursday, January 4, 2024

Thursday, February 1, 2024

Thursday, March 7, 2024

Thursday, April 4, 2024

Thursday, May 2, 2024

Thursday, June 6, 2024

Thursday, July 11, 2024

Thursday, August 1, 2024

Thursday, September 5, 2024

Thursday, October 3, 2024

Thursday, November 14, 2024

Thursday, December 5, 2024

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