



Mayor

M. Andy Moore

Mayor Pro-Tem

Roger A. Wood

Council Members

Marlon Lee

Sloan Stevens

Travis Scott

David Barbour

John A. Dunn

Stephen Rabil

Town Attorney

Robert Spence, Jr.

Town Manager

Michael L. Scott

Finance Director

Greg Siler

Town Clerk

Shannan Parrish

## Town Council

## Agenda

## Packet

Meeting Date: Tuesday, April 16, 2024

Meeting Time: 7:00 p.m.

Meeting Place: Town Hall Council Chambers

350 East Market Street

Smithfield, NC 27577





**TOWN OF SMITHFIELD  
TOWN COUNCIL AGENDA  
APRIL 16, 2024  
7:00 PM**

**Call to Order**

**Invocation**

**Pledge of Allegiance**

**Approval of Agenda**

**Page**

**Presentation**

- 1. 2024 Ham & Yam Tee Shirt & Poster Design Award**  
(Town Manager – Michael Scott) See attached information.....1

**Public Hearings:**

- 1. RZ-24-01 Swift Creek Property Rezoning:** Harrison Tulloss/ Aaron Grosclouse are requesting the rezoning of two parcels (0.72 acre and 14.30 acres) located on north side of Swift Creek Road near the entrance to the Johnston County Regional Airport from R20-A (Residential-Agriculture) to LI (Light Industrial). The properties are further identified as Johnston County Tax ID Nos. 15J08015B and 15J08014C. (Planner – Chloe Allen) See attached information.....3
- 2. S-24-02 Hillcrest Dr/Poplar Dr/Riverdale Cir Subdivision:** BRL Engineering and Surveying is requesting approval of the preliminary plat of a 33.99-acre parcel into a 10-lot single-family residential subdivision in the R-10 zoning districts. The property is further identified as Johnston County Tax ID No.15083049B (Planner – Chloe Allen) See attached information.....25

**Citizens Comments**

**Consent Agenda Items:**

- 1. Consideration and request for approval to adopt Resolution No. 745 (06-2024) to submit a grant application for the College Pond Retrofit project**  
(Town Manager – Michael Scott) See attached information.....47
- 2. Consideration and request for approval to adopt Resolution No. 746 (07-2027) accepting \$900,000 in state appropriated grant funds**  
(Town Manager – Michael Scott) See attached information.....51

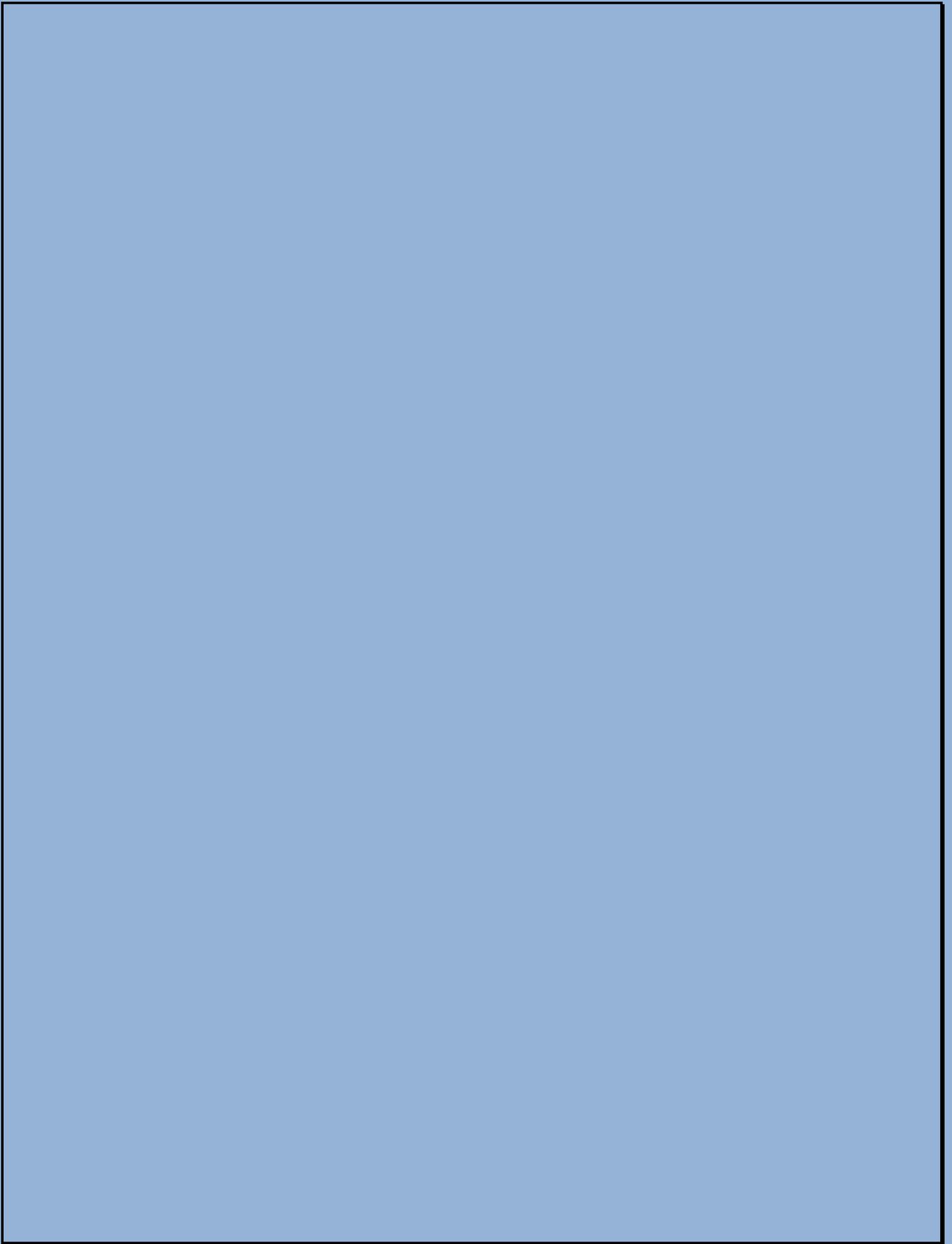
- 3. Consideration and request for approval to adopt Resolution No. 747 (08-2024) accepting \$6,250,000 in state appropriated water infrastructure grant funds**  
(Town Manager – Michael Scott) See attached information.....55

**Business Items:**

- 1. FY 2024-2025 Continued Budget Discussion**  
(Town Manager – Michael Scott)

**Adjourn**

# Presentation





# Request for Town Council Action

**Presentation** **Ham & Yam**  
**Agenda** **Award**  
**Item:** **Winner**  
**Date:** 04/16/2024

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**Subject:** Present Award for Ham & Yam Tee Shirt and Poster Design  
**Department:** General Government  
**Presented by:** Michael L. Scott & DSDC  
**Presentation:** Presentations

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## Issue Statement

In January, 2024 the DSDC invited all Johnston County High Schools to participate in an art contest to create this year's Ham & Yam tee shirt and poster designs. The winner of the contest, Mariyah Allen, of South Johnston High School will be recognized as the winner.

## Financial Impact

None

## Action Needed

Complete Presentation and recognize the winner of the Ham & Yam Art Contest.

## Recommendation

Complete Presentation and recognize the winner of the Ham & Yam Art Contest.

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report



# Staff Report

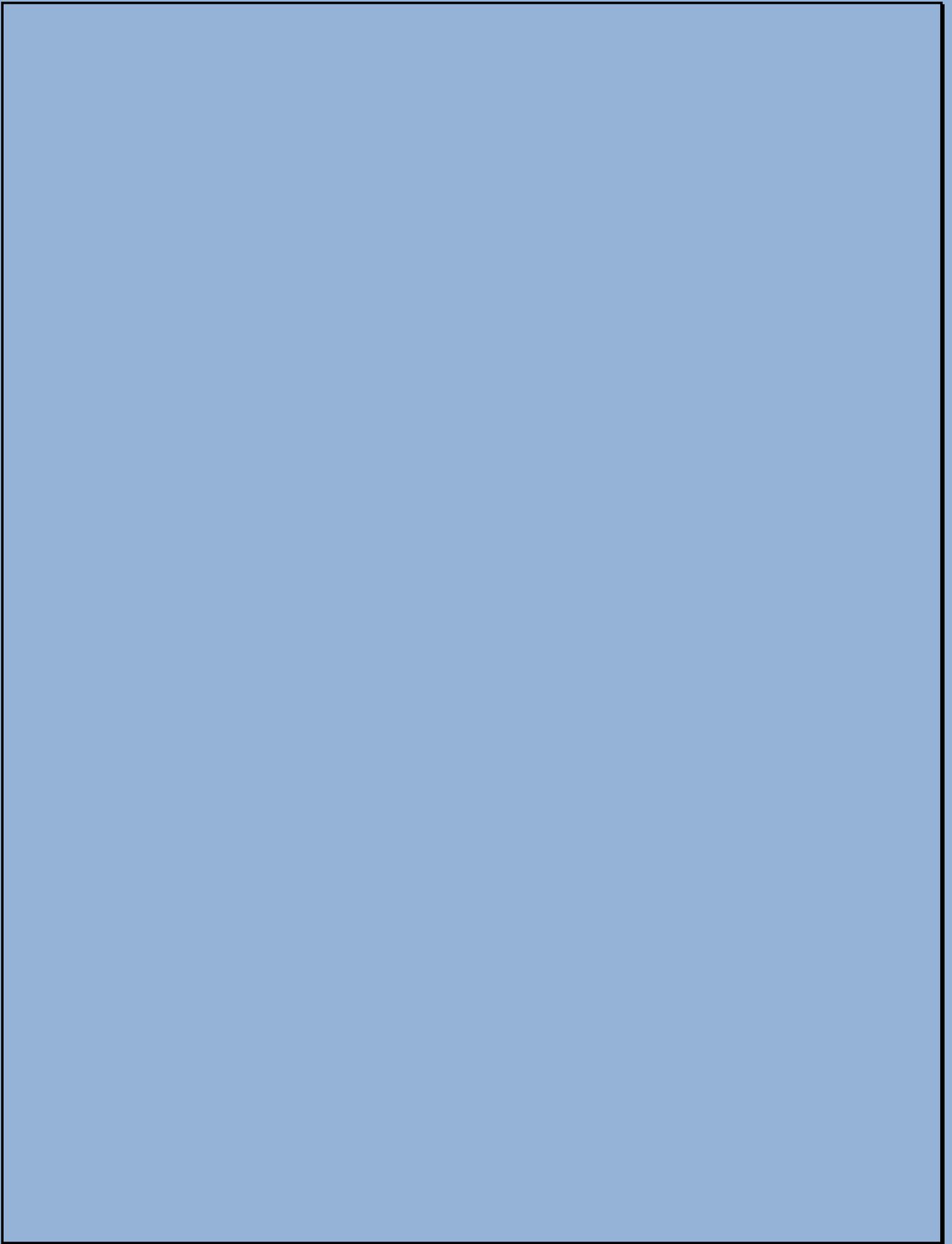
**Presentation** Ham & Yam  
**Agenda** Design  
**Item:** Winner

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In January, 2024 the DSDC invited all Johnston County High Schools to participate in an art contest to create this year's Ham & Yam tee shirt and poster designs. The winner of the contest, Mariyah Allen, a sophomore at South Johnston High School, will be recognized.

The winning design will be displayed during the presentation.

# Public Hearings





# Request for Town Council Action

**Public  
Hearing: RZ-24-01**  
Date: 04/16/2024

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**Subject:** Zoning Map Amendment  
**Department:** Planning Department  
**Presented by:** Planner I – Chloe Allen  
**Presentation:** Public Hearing

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## Issue Statement

Harrison Tulloss and Allen Grosclose are requesting a zoning map amendment to rezone two properties, a 0.72-acre property and 14.30-acre, located on Swift Creek Road north of Johnston County Regional Airport from R-20A (Residential-Agriculture) to LI (Light Industrial).

## Financial Impact

None.

## Action Needed

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

## Recommendation

Planning Staff and the Planning Board recommend approval of the rezoning, RZ-24-01, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, and other adopted plans, and that the request is reasonable and in the public interest.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Consistency Statement
3. Application
4. Recorded Annexation
5. Adjacent Property Owner Listing
6. Planning Board Minutes
7. Affidavit of Publication
8. Zoning Map



# Staff Report

**Public Hearing: RZ-24-01**

## REQUEST:

Harrison Tulloss and Allen Groscluse are requesting the rezoning of two parcels owned by Blueline Aviation, a 0.72 and 14.30 acres from R-20A (Residential/Agriculture) to LI (Light Industrial).

## PROPERTY LOCATION:

The property is located on Swift Creek Road across from the main terminal of the Johnston County Regional Airport and east of the Airport Industrial Park.

## SITE DATA:

Tax ID# 15j08015b /15J08014C  
Acreage: 14.30 + .72  
Present Zoning: R-20A (Residential/Agricultural)  
Proposed Zoning: LI (Light Industrial)  
Existing Use: Vacant  
Proposed Use: Light Industrial  
Town/ETJ: Town and ETJ  
Fire District: Wilson's Mills  
School Impacts: None  
Parks and Recreation: None  
Water Provider: Smithfield  
Sewer Provider: Smithfield  
Electric Provider: Duke

## EXISTING CONDITIONS/ENVIRONMENTAL:

The smaller of the parcels was a former residential lot. The larger is vacant but was temporarily used for a gravel parking lot by Blue Line Aviation. There are no wetlands or environmental issues associated with these parcels.

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

	Zoning	Existing Land Uses
North	R-20A	Vacant
South	R-20A	Residential
East	R-20A	Airport
West	Light Industrial	Industrial

**ANALYSIS:**

The 14.30-acre parcel was annexed into the town in 2022. The .072-acre parcel is in the ETJ. The 14.30-acre parcel was previously rezoned to B-3-CZ with a master plan, but that plan is no longer viable, and the owner would like to rezone the property and the 0.72-acre adjacent property to light industrial to market the properties for sale.

- **Comprehensive Plan.** The rezoning is consistent with the Comprehensive Plan.

**CONSISTENCY STATEMENT (Staff Opinion):**

With approval of the rezoning, the 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 properties for Industrial/Employment.*
- **Consistency with the Unified Development Code –** *The site will be developed in accordance with the Light Industrial standards.*
- **Compatibility with Surrounding Land Uses -** *The property considered for rezoning is adjacent to an existing industrial development and across Swift Creek Road from the Johnston County Reginal Airport and will be compatible.*

**RECOMMENDATION:**

Planning Staff and the Planning Board recommend approval of RZ-24-01 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 approve of zoning map amendment, RZ-24-01, 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 TOWN COUNCIL  
RZ-24-01**

**Whereas** the Smithfield Town Council, 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 Town Council, 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 TOWN COUNCIL AS APPROPRIATE:**

**IN THE EVENT THAT THE MOTION TO RECOMMEND THE ORDINANCE IS ADOPTED,**

That the Town Council recommendation regarding text amendment RZ-24-01 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 Town Council and information provided at the public hearing; and

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

**IN THE EVENT THAT THE MOTION TO RECOMMEND THE ORDINANCE FAILS,**

That the final recommendation regarding zoning map amendment RZ-24-01 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 Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning map amendment does not promote this and therefore is neither reasonable nor in the public interest.



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

## REZONING APPLICATION

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

Name of Project: Swift Creek Acreage of Property: 14.30 + .72

Parcel ID Number: 168509-05-2529/ 168500-14 Tax ID: 15j08015b /15J08014C

Deed Book: \_\_\_\_\_ Deed Page(s): \_\_\_\_\_

Address: 0 Swift Creek Rd. Smithfield NC

Location: Across the street from JoCo Airport

Existing Use: Commercial Proposed Use: Industrial

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): \_\_\_\_\_

File Number: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

\_\_\_\_\_

**Name:** Blue Line Aviation LLC/ Imago Dei Ventures LLC

**Mailing Address:** 3149B SWIFT CREEK RD SMITHFIELD, NC 27577

**Phone Number:** 919-369-2683 **Fax:** \_\_\_\_\_

**Email Address:** trey@bluelineusa.com

**APPLICANT INFORMATION:**

**Applicant:** Harrison Tulloss/ Aaron Grosclose

**Mailing Address:** 9051 Strickland Rd. ste 200

**Phone Number:** 919-279-2080/ 678-580-8950 **Fax:** \_\_\_\_\_

**Contact Person:** Harrison Tulloss

**Email Address:** Harrison.Tulloss@hpw.com/ aaron@blueline-usa.com

\_\_\_\_\_

*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: \_\_\_\_\_

\_\_\_\_\_

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

Will provide metes and bounds for 168500-14-1603 in approx. 3 weeks.-

Attached is metes and bounds description for 168509-05-2529

:

Adjacent Property owners-Byrds Wholesale, EMG Properties LLC, DCB Building LLC, Massengill Rental Properties, Arbuttina Investments Smithfield LLC

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*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.*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*



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

## OWNER'S CONSENT FORM

**Name of Project:** \_\_\_\_\_ **Submittal Date:** \_\_\_\_\_

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*

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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## SWIFT CREEK ROAD

### REZONING DESCRIPTION

AN AREA OF LAND NOW OR PREVIOUSLY OWNED BY BLUE LINE AVIATION, LLC (DB 6389 PG 155) AND IMAGO DEI VENTURES, LLC (DB 6387 PG 219) LOCATED IN THE TOWN OF SMITHFIELD, JOHNSTON COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND IRON PIPE ON THE WESTERLY LINE OF SWIFT CREEK ROAD (SR #1501; 60 FOOT PUBLIC RIGHT OF WAY); SAID POINT BEING THE SOUTHERN MOST CORNER OF SAID LANDS OWNED BY BLUE LINE AVIATION, LLC;

THENCE S 15-46-11 W ON THE WEST LINE OF SWIFT CREEK ROAD, A DISTANCE OF 212.99 FEET TO A POINT;

THENCE S 20-41-30 W CONTINUING ON THE WEST LINE OF SWIFT CREEK ROAD, A DISTANCE OF 80.43 FEET TO AN IRON PIN AT THE INTERSECTION WITH THE SOUTH LINE OF SAID LANDS OWNED BY IMAGO DEI VENTURES, LLC;

THENCE N 72-17-05 W ON THE SAID SOUTH LINE OF IMAGO DEI VENTURES, LLC, A DISTANCE OF 93.87 FEET TO AN IRON PIPE;

THENCE N 17-22-05 E ON THE WEST LINE OF IMAGO DEI VENTURES, LLC A DISTANCE OF 332.71 FEET TO AN IRON PIN AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY ARBUTINA INVESTMENTS SMITHFIELD LLC (DB 6472 PG 306);

THENCE N 48-51-54 W ON THE NORTHEASTERLY LINE OF SAID ARBUTINA LANDS, A DISTANCE OF 226.82 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY DCB BLDG LLC (DB 6437 PG 76);

THENCE N 48-53-11 W ON THE NORTHEASTERLY LINE OF SAID DCB BLDG LLC, A DISTANCE OF 338.42 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY MESSENGILL RENTAL (DB 6072 PG 711);

THENCE N 48-50-31 W ON THE NORTHEASTLY LINE OF SAID MASSENGILL RENTAL, A DISTANCE OF 96.51 FEET TO AN IRON BAR;

THENCE N 63-19-20 W ON THE NORTHERLY LINE OF SAID MASSENGIIL RENTAL, AND DCB BLDG, LLC (DB 5894 PG 278) A DISTANCE OF 602.90 FEET TO AN IRON PIPE AT THE EASTERN MOST CORNER OF LANDS NOW OR FORMERLY OWNED BY EMG PROPERTIES, LLC (DB 4542 PG 471);

THENCE N 63-18-15 W ON THE NORTHERLY LINE OF SAID EMG PROPERTIES LLC, A DISTANCE OF 695.95 FEET TO AN IRON PIPE ON THE EAST LINE OF SUNSET POINTE SUBDIVISION;

THENCE N 0-17-51 W ON THE EAST LINE OF SUNSET POINTE SUBDIVISION A DISTANCE OF 325.01 FEET TO AN IRON BAR AT THE INTERSECTION WITH THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OWNED BY BYRDS WHOLESALE INC (DB 1185 PG 278);

THENCE S 63-42-56 E A ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESALE INC, A DISTANCE OF 1446.13 FEET TO AN IRON BAR;

THENCE S 50-21-23 E CONTINUING ON THE SOUTHERLY LINE OF SAID BYRDS WHOLESALE INC, A DISTANCE OF 740.40 FEET TO THE WEST LINE OF SWIFT CREEK ROAD;

THENCE ON THE WEST LINE OF SWIFT CREEK ROAD THE FOLLOWING 4 CALLS:

- (1) S 32-34-33 W A DISTANCE OF 40.76 FEET TO AN IRON BAR;
- (2) S 28-33-01 W A DISTANCE OF 66.55 FEET TO AN IRON BAR;
- (3) S 24-04-37 W A DISTANCE OF 61.71 FEET TO AN IRON BAR;

(4) S 18-59-20 W A DISTANCE OF 156.05 FEET TO THE POINT OF BEGINNING.  
CONTAINING 658,467 SQUARE FEET, OR 15.12 ACRES MORE OR LESS.

OWNER TABLE			
#	OWNER	PIN #	DEED REFERENCE
P1	BLUE LINE AVIATION, LLC	168509-05-2529	DB 6389 PG 155
P2	IMAGO DEI VENTURES, LLC	168500-14-1603	DB 6387 PG 219
			AREA
			628,567 SF
			14.43 AC
			38,508 SF (0.88 AC) (8,608 SF IN R/W)
			NET: 29,900 SF, 0.69 AC
			CURRENT ZONING
			PUD
			R-20A
			PROPOSED ZONING
			INDUSTRIAL
			INDUSTRIAL

SUNSET POINTE  
SUBDIVISION  
PB 67 PG 36  
ZONING: R-20A

VICINITY MAP  
(NOT TO SCALE)

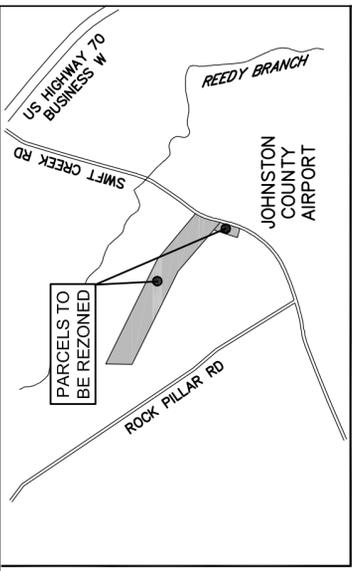
**SURVEYOR'S NOTES**

1. THIS IS A PROPOSED REZONING EXHIBIT
2. AREA SHOWN HEREON COMPUTED BY COORDINATE METHOD.
3. THE BASIS OF THE BEARING SHOWN HEREON IS NC STATE PLANE GRID NORTH;
4. SUBJECT PROPERTIES KNOWN AS PARCEL NUMBERS: AS SHOWN

**LEGEND**

- CALCULATED POINT
- BOUNDARY MONUMENT
- BOUNDARY LINE
- ▨ PROPOSED INDUSTRIAL ZONING

LINE #	BEARING	DISTANCE
L1	N 49°13'59" W	100.89'
L2	S 32°34'33" W	40.76'
L3	S 28°33'01" W	66.55'
L4	S 24°04'37" W	61.71'
L5	S 18°59'20" W	156.05'
L6	N 49°13'59" W	33.10'
L7	S 15°46'11" W	200.29'
L8	S 20°41'30" W	80.16'
L9	N 72°17'05" W	30.04'
L10	N 72°17'05" W	93.87'
L11	S 15°46'11" W	212.99'
L12	S 20°41'30" W	80.43'



N/F  
BYRDS WHOLESALE, INC  
PIN 168509-05-3846  
DB 185 PG 278  
ZONING: R-20A

N/F  
EMG PROPERTIES, LLC  
PIN 167500-05-7398  
DB 4542 PG 471  
ZONING: L-1

N/F  
DCB BLDG, LLC  
PIN 168509-05-1257  
DB 6038 PG 672  
ZONING: L-1

N/F  
DCB BLDG, LLC  
PIN 168509-05-3202  
DB 5884 PG 278  
ZONING: L-1

N/F  
MASSENGILL RENTAL  
PROPERTIES I, LLC  
PIN 168509-05-4180  
DB 6072 PG 711  
ZONING: L-1

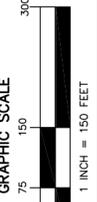
N/F  
DCB BLDG, LLC  
PIN 168500-04-6994  
DB 6437 PG 76  
ZONING: L-1

N/F  
ARBUTINA INVESTMENTS  
SMITHFIELD, LLC  
PIN 168500-04-8796  
DB 6472 PG 306  
ZONING: L-1

N/F  
ARBUTINA  
INVESTMENTS  
SMITHFIELD, LLC  
PIN 168500-04-8569  
DB 6472 PG 306  
ZONING: L-1

N/F  
JAMES & ELIZABETH  
HUDSON  
PIN 168500-04-9346  
DB 5989 PG 212  
ZONING: R-20A

N/F  
IMAGO DEI VENTURES, LLC  
PIN 168500-14-1603  
DB 6387 PG 219  
38,508 SF (0.88 AC)  
8,608 SF IN R/W  
NET: 29,900 (0.69 AC)  
CURRENT ZONING: R-20A



**KCI ASSOCIATES OF N.C.**  
ENGINEERS, SURVEYORS AND PLANNERS  
4505 FALLS OF NEUSE ROAD, FLOOR 4  
RALEIGH, NC 27609  
PHONE (919) 783-9214 • FAX (919) 783-9266

**REZONING EXHIBIT**  
LANDS OF BLUE LINE AVIATION, LLC &  
IMAGO DEI VENTURES, LLC  
TOWN OF SMITHFIELD  
JOHNSTON COUNTY NORTH CAROLINA

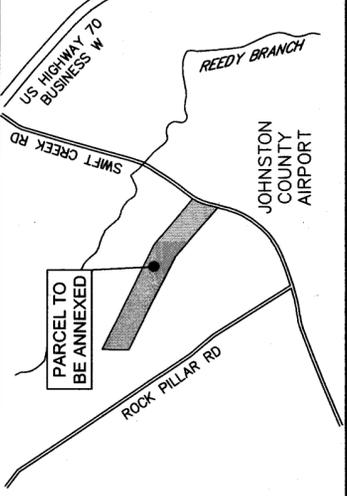
DATE: 2/27/24 SCALE: 1" = 125'  
REVISED: SHEET: 1 OF 1

**GENERAL SURVEY NOTES:**

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH CAROLINA STATE PLANE GRID (NAD83/2011). VERTICAL DATUM BASED ON NAVD88.
2. THIS SURVEY WAS MADE IN ACCORDANCE WITH LAWS AND/OR MINIMUM STANDARDS OF THE STATE OF NORTH CAROLINA.
3. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A REPORT OF TITLE. EASEMENTS AND RESTRICTIONS MAY EXIST THAT ARE NOT SHOWN HEREON.
4. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 3720168500K, WITH AN EFFECTIVE DATE OF JUNE 20, 2018.
5. AREA COMPUTED BY COORDINATE METHOD.
6. NO NCGS MONUMENT FOUND WITHIN 2000' OF SITE.

SUNSET POINTE  
SUBDIVISION  
PB 67 PG 36

VICINITY MAP  
(NOT TO SCALE)



N/F  
BYRDS WHOLESALE INC  
PIN 168509-05-3846  
DB 1185 PG 278

N/F  
BLUE LINE AVIATION, LLC  
PIN 168509-05-2529  
DB 6090 PG 571  
628,967 SQ. FT.  
14.43 ACRES +/-

N/F  
DCB BLDG, LLC  
PIN 168509-05-1257  
DB 6038 PG 672

N/F  
EMG PROPERTIES LLC  
PIN 167500-95-7398  
DB 4542 PG 471

N/F  
MASSENGILL RENTAL  
PROPERTIES I, LLC  
PIN 168509-05-4180  
DB 6072 PG 711

N/F  
CMC REAL ESTATE  
HOLDINGS, LLC  
PIN 168500-04-6994  
DB 5778 PG 880

N/F  
RONNIE J. STEPHENS  
PIN 168500-04-8796  
DB 5194 PG 694

N/F  
RONNIE J. STEPHENS  
PIN 168500-04-8569  
DB 5194 PG 694



- LEGEND**
- IBF
  - IRON PIPE FOUND
  - IRON BAR (PIN) FOUND
  - BOUNDARY MONUMENT
  - UTILITY POLE
  - TELEPHONE PEDESTAL
  - ELEC. HANDHOLE
  - WATER VALVE
  - SIGN
  - SEWER MANHOLE

**OWNER CERTIFICATION**

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

*Shannon Parrish*  
OWNER  
DATE 10/14/2022

**ANNEXATION CERTIFICATION**

I HEREBY CERTIFY THAT THIS PLAT FOR ANNEXATION HAS FOLLOWED ALL REQUIREMENTS AND PROCEDURES AND A PUBLIC HEARING WAS HELD BY THE TOWN TO ANNEX THE PROPERTY HEREIN DESCRIBED. THE TOWN BOARD OF COMMISSIONERS OF THE TOWN OF SMITHFIELD ADOPTED THE RESOLUTION TO ANNEX ON 10/14/2022 WITH THE EFFECTIVE DATE OF ANNEXATION ON 10/14/2022

*Shannon Parrish*  
SHANNON PARRISH, TOWN CLERK

**EXEMPT SUBDIVISION CERTIFICATION**

I HEREBY CERTIFY THAT THIS PLAT IS APPROVE FOR RECORDED, AND IS EXEMPT FROM SMITHFIELD SUBDIVISION REGULATIONS. THE FINAL DATE FOR RECORDING THIS MAP WITH THE REGISTER OF DEEDS IS

THIS \_\_\_ DAY OF \_\_\_\_\_ 2022.

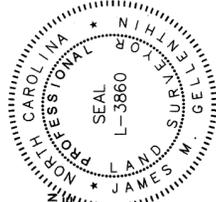
*Shannon Parrish*  
SHANNON PARRISH, TOWN CLERK

**REVIEW OFFICER CERTIFICATION  
STATE OF NORTH CAROLINA,  
COUNTY OF JOHNSTON**

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

REVIEW OFFICER  
JOHNSTON COUNTY

Filed in JOHNSTON COUNTY, NC  
Filed 11/02/2022 10:03:01 AM  
CRIG OLIVE, Register of Deeds  
Dep/Asst proccall  
PLAT B : 97 P : 238



SURVEYOR'S CERTIFICATION  
I, JAMES M. GELLENTHIN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM A SURVEY MADE UNDER MY SUPERVISION; THAT THIS MAP REPRESENTS AN OFFICIAL BOUNDARY SURVEY AND HAS BEEN PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITH MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 14TH DAY OF OCTOBER, 2022.

I ALSO CERTIFY TO THE FOLLOWING AS REQUIRED IN G.S. 47-30 (F)-(11):  
(D) THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

*James M. Gellenthin*  
JAMES M. GELLENTHIN, NC PLS NO. L-3860



**KCI ASSOCIATES OF N.C.**  
ENGINEERS, SURVEYORS AND PLANNERS

4505 FALLS OF NEUSE, FLOOR 4  
RALEIGH, NC 27607  
PHONE (919) 783-9214 \* FAX (919) 783-9266  
rob.baumgartner@kci.com

**ANNEXATION MAP**

PIN 168509-05-2529  
SWIFT CREEK ROAD  
TOWN OF SMITHFIELD  
JOHNSTON COUNTY, NORTH CAROLINA

DATE: OCT 10, 2022  
SCALE: 1" = 125'  
SHEET: 1 OF 1

TOWN OF SMITHFIELD  
ANNEXATION ORDINANCE NO.: 511

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15J08015B	BLUE LINE AVIATION, LLC		3149B SWIFT CREEK RD		SMITHFIELD, NC 27577-6900
15J08014C	IMAGO DEI VENTURES, LLC		3149B SWIFT CREEK RD		SMITHFIELD, NC 27577-6900
15J08017G	ARBUTINA INVESTMENTS SMITHFIELD, LLC		13200 STRICKLAND RD STE 114-303		RALEIGH, NC 27613-5212
15J08017F	ARBUTINA INVESTMENTS SMITHFIELD, LLC		13200 STRICKLAND RD STE 114-303		RALEIGH, NC 27613-5212
15J08014B	HUDSON, JAMES ANTHONY	HUDSON, ELIZABETH PHELPS	3216 SWIFT CREEK RD		CLAYTON, NC 27520-6879
15079017D	JOHNSTON COUNTY AIRPORT AUTH		3146 SWIFT CREEK RD		SMITHFIELD, NC 27577
15J08015A	BYRDS WHOLESale INC		3777 US HIGHWAY 70 BUS W		CLAYTON, NC 27520-0000
15J08013	RIJSBERGEN, WILHELMUS HENDRIKUS VAN	RIJSBERGEN, APRIL ANN VAN	144 SUNSET POINTE DR		CLAYTON, NC 27520-4344
15J08013A	PROFFITT, MICHAEL Z		116 SUNSET POINTE DR		CLAYTON, NC 27520-4344
15J08013B	PREMIER PROPERTIES, LLC		311 NEW BERN AVE UNIT 28317		RALEIGH, NC 27611-0274
15J08017A	EMG PROPERTIES LLC		930 COUNTY ROAD 139		GAINESVILLE, TX 76240-6997
15J08017K	DCB BLDG, LLC		9541 INDUSTRY DR		RALEIGH, NC 27603-8143
15J08017J	DCB BLDG, LLC		9541 INDUSTRY DR		RALEIGH, NC 27603-8143
15J08017I	MASSENGILL RENTAL PROPERTIES I, LLC		181 GRILL RD		CLAYTON, NC 27520-7032
15J08017H	DCB BLDG, LLC		9541 INDUSTRY DR		RALEIGH, NC 27603-8143



**Town of Smithfield  
Planning Board Minutes  
Thursday, April 4th, 2024  
Town Hall Council Chambers  
6:00 PM**

Members Present:

Chairman Mark Lane  
Vice-Chairman Debbie Howard  
Bryan Stanley  
Alisa Bizzell  
Doris Wallace  
Ashley Spain

Members Absent:

Wiley Narron

Staff Present:

Stephen Wensman, Planning Director  
Chloe Allen, Planner I  
Julie Edmonds, Administrative Support Specialist

Staff Absent:

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA** Debbie Howard made a motion to remove swearing in of Tara Meyer from the agenda, seconded by Doris Wallace. Unanimously approved.

**APPROVAL OF MINUTES March 7th, 2023**

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

**NEW BUSINESS**

**S-24-02 Hillcrest Dr/Poplar Dr/Riverdale Cir Subdivision:** BRL Engineering & Surveying is requesting approval of the preliminary plat of a 33.99-acre parcel (Johnston County Tax ID# 15083049B), into a 10-lot single-family residential subdivision in the R-10 zoning district. **\*This agenda item was quasi-judicial so the minutes aren't available.\***

**CZ-24-02 Local 70 PUD Conditional Zoning:** Smithfield Growth LLC is requesting approval of a rezoning of a 163.62-acres of land (Johnston County Tax IDs 14057011Y, 145057011X and 14057011Y) located on both sides of M. Durwood Stephenson Parkway, bordered by Booker Dairy Road on the west and Highway 70 Bypass on the east, and north of the Smithfield Walmart from R-8 (Single, Two, and Multi-Family Residential) and B-3 (Highway Entranceway Business) to PUD Conditional for a mixed-use development.

Chloe Allen stated that the applicant is requesting approval of a rezoning of 163.62-acres of land with the Johnston County Tax IDs 14057011X, 14057011Y and 14057011Z along M. Durwood Stephenson Parkway from R-8 (Single, Two, and Multi-Family Residential) and B-3 (Highway Entranceway Business) to PUD (Planned Unit Development Conditional Zone). The site area south of M. Durwood Stephenson Parkway contains some non-jurisdictional ditches and wetlands. The site area north of M. Durwood Stephenson Parkway contains potentially jurisdictional and non-jurisdictional ponds, ditches, and wetlands. The site area to the east of M. Durwood Stephenson Parkway contains a potentially jurisdictional pond and blue line stream. The proposed master plan is intended to be a mixed-use, pedestrian-oriented, neighborhood scale development reflective of the Town's comprehensive plan. The neighborhood will be comprised of land uses ranging from single-family homes, townhomes, apartments, commercial/retail, medical offices and potentially industrial, private open space and environmental areas.

The proposed development has a density of 9.58 dwelling units per acre. The Maximum allowed by the UDO is 9.68. The developer has indicated that the master plan density is the maximum density they are seeking, but that the final design may be less. The townhouse and single-family areas may be less dense and will be determined in final design when the specific product and builder have been identified. The applicant is requesting approval for 830 dwelling units comprised of a mix of multi-family, single-family attached (townhomes) and single family detached over 86.67 acres of land. The masterplan shows the character areas and concept plan for the development, but actual mix and type of units are subject to change as the applicant selects a specific builder or builders and the condition of the market at that time.

The overall site is divided by M. Durwood Stephenson Parkway with the Business District land use area to the north and east and the primarily residential areas to the south and west. The area north of M. Durwood Stephenson shows road access onto M. Durwood Stephenson Parkway and lateral access to the west. The street and right-of-way design will be determined by the proposed development in this area. The primary streets in the southern area that access M. Durwood Stephenson Parkway will meet the town’s local street standard 27’ wide back-to-back in a 60 ft. right-of-way.

- Sixteen-foot-wide alleys in 22’ wide private R/W are proposed for rear access residential. A 20’ minimum rear setback is proposed from the back of the curb. These will be maintained by an HOA.
- The local public streets (no parking) - 27’ wide b/b in a 50’ wide R/W. The Town standard R/W width is 60’ wide.
- The local streets with on-street parking - 33’ wide b/b in a 56’ wide public right, and possibly 60’ wide. The Town standard R/W width is 60’ wide.
- Sidewalks are proposed on both sides of local streets, whereas the UDO requires only sidewalks on one side. A sidewalk will be required on the north side of M. Durwood Stephenson Road with the development of the non-residential parcels.
- A multi-use trail is proposed on the south side of M. Durwood Stephenson Road.
- The Town’s typical street section is a 60’ wide R/W. Fitting private and public utilities and providing enough space for healthy tree growth, a less than 60’ R/W can be challenging.

**Non-Residential Standards.** The applicant’s proposed non-residential development standards are:

**LOCAL 70 DEVELOPMENT STANDARDS**

**NON-RESIDENTIAL USES**

LOT STANDARDS	Non-Residential
Minimum Lot Area	N/A
Minimum Lot Width	N/A
SETBACKS	Non-Residential
Minimum Front Yard	14’-0”
Minimum Rear Yard	10’-0”
Minimum Side Yard	0’-0”
Minimum Corner Yard	0’-0”
BUILDING STANDARDS	Non-Residential
Maximum Building Height	72’-0”

The Town's corresponding B-3 District standards are:

(C) Front Yard Setback	
• Major shopping center	100/50 ft (see Sec. 8.9.2.1)
• Minor shopping center	50/35 ft (see Sec. 8.9.2.2)
• Other building or use	50/35 ft (see Sec. 8.9.2.2)
(D) Side Yard Setback	
• Major shopping center	50 ft
• Minor shopping center	15 ft (see Sec. 8.8.2.3)
• Other building or use	8 ft (see Sec. 8.8.2.3)
(E) Rear Yard Setback	
• Major shopping center	50 ft
• Minor shopping center	25 ft
• Other building or use	25 ft
(F) Maximum Building Height	40 ft (see Sec. 8.13.6)

The reduced setbacks should be conditioned on off-street parking being located behind or to the side of the principal structure. The landscape ordinance requires a 15' street yard landscaping area, so the reduced setback impacts the street yard by 1'. The town has a foundation planting requirement in addition to the street yard, so the applicant will need to provide a hybrid street yard that includes foundation plantings. The 72' building height exceeds the B-3 Standards. Within the B-3 district, only developments within 660' of I-95 are allowed to have building heights up to 100 feet. Given that the CD 5 Business District is within 660' of the US 70 Bypass, the building height is acceptable to staff. The UDO requires 50' setbacks from arterial roads. This standard should not be deviated from. The UDO requires a corner side yard equal to the front setback. Staff has no objection to the reduced corner side yard setback if the intersection site visibility standards are met.

The proposed minimum lot area is a 47% reduction from R-8 Standards and is comparable to the smallest lots in the East River Development (3700 sq. ft.). The reduced lot area and setbacks appear appropriate for an urban development with strong architecture, street design with street trees and parking in rear off of alleys. The minimum side yard setbacks are less than any subdivision development project in the town. Staff recommends a side yard setback no less than 5' or no less than 10' between houses. The Fire Marshal has expressed concern with the proposed setbacks, and has suggested increasing setbacks, using more non-combustible building materials, or adding residential fire sprinklers to reduce the risk of fire. The increased potential building height (60') is almost double the Town's standard (35'). The potential additional height is consistent with the urban character of the neighborhood described by the applicant.

The Planning Board should review the rezoning request and consider the following:

- Is it appropriate to have a rezoning without a well-defined Master Plan?
- Given the town's standard for 60' wide public right-of-way, is it appropriate to permit a 50' and 56' wide public rights-of-way?
- Are the proposed building heights appropriate for the area?
- Are the reduced Front (10' min) and Side yard (3' min) setbacks appropriate?
- Are the lot size and lot widths appropriate for the development?
- Will there be adequate parking and has the need for parking been adequately addressed?
- Does the rezoning provide a balance of "give and take"?
- Is it appropriate to have street trees if the HOA maintains them? Should they have a requirement to replace them if they die?
- Should there be buffers where lot sizes vary?

Planning Staff recommend the Planning Board recommend approval of CZ-24-02 with the following conditions:

1. That the future development plans for the project be in accordance with the approved Master Plan, B-3 Zoning District, and other UDO regulations with the following deviations:

(To be listed as approved)

2. The residential lots with front setbacks less than 25' provide for alley access in the rear.
3. In the non-residential areas with 14' front setback, a hybrid street yard that incorporates foundation shrubs shall be required.
4. That a 50' setback be maintained along M. Durwood Stephenson Parkway and Booker Dairy Road.
5. In the single-family detached residential areas, the side yard setback shall be no less than 5' from the property line, or 10' min between homes.
6. Townhouses that are less than 20' wide shall have vehicular access from the rear by alley or front on a parking lot.
7. The separation between townhouse buildings shall be no less than 20 feet.
8. The development shall comply with the town's street intersection site visibility requirements.
9. Residential garages shall be at least 14' x 22' to accommodate a standard vehicle (larger than East River).
10. All setback dimensions shall be to the property line, rather than from public sidewalk or edge of road.
11. All trees in the public right of way shall be maintained & replaced when needed by a Homeowners/Property Owners Association.

Debbie Howard asked if there would be a recommendation on height.

Stephen Wensman said the applicant proposed height but it can be conditioned to something different than what they are proposing.

Debbie Howard said she is confused why a single-family dwelling needs a 60 ft height.

Stephen Wensman said there were 50 ft setbacks on Durwood Stephenson Parkway and Booker Dairy Rd. He stated it didn't make sense to have a 50 ft setback along Booker Dairy Rd. Most of the homes are 35 ft from the road. He doesn't think this development should be treated any different. He recommends striking the part of condition number 4 pertaining to Booker Dairy Road.

Doris Wallace asked what Fire Marshall Blake Holloman meant by his concerns with the proposed setbacks?

Stephen Wensman said the Fire Marshall Blake Holloman is concerned with the 3ft setbacks. He felt that anything less than a 5ft setback should have a higher standard of material. It will be dependent on the fire rating of the building.

Mark Lane asked if there was a street connector that connects with Bayhill Drive?

Chloe Allen stated there is a small cul-de-sac.

Debbie Howard said that Bayhill Drive is stub road that was intended for future growth.

Mark Lane asked how this development was consistent with the Comprehensive Growth Management Plan?

Debbie Howard mentioned she was concerned with all of the deviations. She said minimum lot size 3,800 sq ft is way too small.

Mark Lane said a minimum lot size of 3800 sq ft wouldn't have anything to do with the Comp Plan and Chloe Allen said no it wouldn't.

Jody Leidolf with Local 70 stated that they are in full agreement with the conditions put forth by the Planning Department.

He stated they would commit to the 5-yard setbacks between homes, so the 10 ft minimum between structures works for them. They're flexible with the 10 ft front yard setback, if the board felt 12 ft was better, they would be able to make that happen.

Mark Lane asked how wide the alley way is?

Jody Leidolf said there's 22 feet right of way and 16-foot travel lane. They can extent the travel lane to 18 foot if necessary.

Debbie Howard asked on non-residential setbacks, why would there be a request for zero?

Jody Leidolf said so you can put two different buildings next to each other.

Mike Proffitt of 116 Sunset Pointe Drive, Clayton came forward to express his concerns on the impact on the Town with such large communities. He wonders if the sewer or water are up to date. He is also concerned about the increase in traffic. He stated there will be thousands more cars. He mentioned all the deviations to the requirements. He asked how much larger are these communities going to get?

Cyril Parr of 196 Bayhill Drive came forward. He stated his concern over the excess traffic. He's questioning how many homes will be built on Bayhill Drive. He asked if their stormwater ponds were going to be affected by all of these proposed homes? Will the new homes be part of their HOA?

Bryan Stanley asked the applicant if they had done a traffic study? If so, has it been submitted to DOT?

Jody Leidolf said yes, a traffic study had been conducted but it hasn't been submitted to DOT.

Bryan Stanley voiced his concerns over Local 70. He travels Durwood Stephenson Parkway daily taking his kids to daycare. He worries over the increase in traffic.

Stephen Wensman stated that interconnected streets relieve some of the pressure on the main throughfare.

Mark Lane mentioned the minimum lot size going from 8,000 to 3,800.

Debbie Howard asked if that was addressed in the conditions?

Stephen Wensman said we have no condition regarding minimum lot size. He said we have had a lot of proposals in the town for minimum lots sizes that are this size or smaller. It hasn't gone very well for those applicants. This is the first proposal where it makes sense because they are proposing most of the lots being rear loaded. The problem with narrow lot sizes are all of the driveways.

Bryan Stanley said for him, a 40 ft lot and a minimum 5ft setback on each side is a reasonable size for a front-loading home.

Stephen Wensman said the comp plan suggests anything less than 42 ft be rear loaded.

Bryan Stanley is ok with the lot width if the homes are rear loaded. If the homes are front loaded, he doesn't like the lot width.

Mark Lane asked when the traffic study was done?

Corey Mabus said last summer while school was still in session.

Bryan Stanley asked if it was safe to say that the applicant doesn't know the number of single family detached lots they have?

Jody Leidolf said they have two plans; one is 70% townhomes that's at 300 and one that 70% single-family detached that's at 200.

Bryan Stanley said he could give a better recommendation once he has setbacks and lot sizes. He said right now it isn't defined enough for him. This plan is very open ended.

Mark Lane items like building height and reduced front and side yard setbacks can be looked at when a better plan is brought before us. We can put conditions on them.

Stephen Wensman said I would consider the overall concept which is a very compact walkable neighborhood. You can't do that in our standards.

Ashley Spain says the plan they've presented tonight looks good. But we don't know that this is what we will see after completion.

Ashley Spain made a motion to table CZ-24-02, seconded by Bryan Stanley. Unanimously approved.

Mark Lane, we need more information on CD3A, CD3B and CD4 on the map.

**RZ-24-01 Swift Creek Property Rezoning:** Harrison Tulloss / Aaron Groschlose are requesting the rezoning of two parcels (0.72 acre and 14.30 acres) (Johnston County Tax ID Nos. 15J08015B and 15J08014C) located on north side of Swift Creek Road near the entrance to the Johnston County Regional Airport from R20- A (Residential-Agriculture) to LI (Light Industrial).

Chloe Allen stated the applicants are requesting the rezoning of two parcels owned by BlueLine Aviation, 0.72 and 14.30 acres from R-20A (Residential/Agriculture) to LI (Light Industrial). The property is located on Swift Creek Road across from the main terminal of the Johnston County Regional Airport and east of the Airport Industrial Park. The smaller of the parcels was a former residential lot. The larger is vacant but was temporarily used for a gravel parking lot by Blue Line Aviation. There are no wetlands or environmental issues associated with these parcels. The 14.30-acre parcel was annexed into the town in 2022. The .072-acre parcel is in the ETJ. The 14.30-acre parcel was previously rezoned to B-3-CZ with a master plan, but that plan is no longer viable, and the owner would like to rezone the property and the 0.72-acre adjacent property to light industrial to market the properties for sale. The rezoning is consistent with the Comprehensive Plan. Planning Staff recommends approval of RZ-24-01 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.

Mike Proffitt 116 Sunset Pointe Drive, Clayton came forward, he's a resident behind the lot. He understands growth, but his concern is the light industrial. He hears noise and feels vibrations from the work. He fears what noise he will be faced with by whomever buys this lot. He has an issue rezoning a lot to make it sellable.

Bryan Stanley asked Stephen Wensman to explain the setbacks and components of light industrial.

Stephen Wensman said the biggest impact for these folks is their rear buffer. The UDO requires a buffer which I think is 25ft comprised of greenspace with landscaping.

Debbie made a motion to recommend approval of zoning map amendment, RZ-24-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Seconded by Doris Wallace. Unanimously approved.

### **Adjournment**

Doris Wallace made a motion to adjourn, seconded by Ashley Spain. Unanimously approved.

Next Planning Board meeting is May 2nd, 2024 at 6pm.

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist

## AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Hudson, ss:

Nicole Riegert, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Johnstonian News, a newspaper printed and published in the City of Smithfield, County of Johnston, State of North Carolina, and that this affidavit is Page 1 of 1 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

### **PUBLICATION DATES:**

Apr. 3, 2024

**NOTICE ID:** 2OomcMALAzqqfmO0mXLg

**NOTICE NAME:** Public Hearing - April 16th TC

**Publication Fee:** 100.70

I declare under penalty of perjury under the laws of North Carolina that the foregoing is true and correct.

*Nicole Riegert*  
(Signed)

**SHANNEA H HOLMES**  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires August 1, 2026

### **VERIFICATION**

State of New Jersey  
County of Hudson

Subscribed in my presence and sworn to before me on this: 04/03/2024

*Shanea H. Holmes*

Notary Public  
Notarized remotely online using communication technology via Proof.

## **TOWN OF SMITHFIELD NOTICE OF PUBLIC HEARINGS**

Notice is hereby given that the Town Council of the Town of Smithfield will conduct public hearings during the course of their open meeting which starts at 7:00 P.M. on Tuesday, April 16, 2024 in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

**S-24-02 Hillcrest Dr/Poplar Dr/ Riverdale Cir Subdivision:** BRL Engineering & Surveying is requesting approval of the preliminary plat of a 33.99-acre parcel (Johnston County Tax ID# 15083049B), into a 10-lot single-family residential subdivision in the R-10 zoning district.

**CZ-24-02 Local 70 PUD Conditional Zoning:** Smithfield Growth LLC is requesting approval of a rezoning of a 163.62-acres of land ( Johnston County Tax IDs 14057011Y, 145057011X and 14057011Y) located on both sides of M. Durwood Stephenson Parkway, bordered by Booker Dairy Road on the west and Highway 70 Bypass on the east, and north of the Smithfield Walmart from R-8 (Single, Two, and Multi-Family Residential) and B-3 (Highway Entranceway Business) to PUD Conditional for a mixed use development.

**RZ-24-01 Swift Creek Property Rezoning:** Harrison Tulloss / Aaron Groschlose are requesting the rezoning of two parcels (0.72 acre and 14.30 acres) (Johnston County Tax ID Nos. 15J08015B and 15J08014C) located on north side of Swift Creek Road near the entrance to the Johnston County Regional Airport from R20-A (Residential-Agriculture) to LI (Light Industrial).

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](http://www.smithfield-nc.com).

*The Johnstonian*  
April 3, 2024

# Swift Creek Rd Rezoning

**File Number:**  
RZ-24-01

**Project Name:**  
Blueline  
Swift Creek Rd

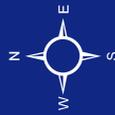
**Location:**  
Swift Creek Rd

**Tax ID#:**  
15J08015B  
15J08014C

**Existing Zoning:**  
R-20A

**Owner:**  
Blueline Aviation

**Applicant:**  
Harrison Tulloss &  
Allen Groschlose



1 in = 342 ft  
Map created by Chloe Allen  
Planner 1 on 3/25/24





# Request for Town Council Action

**Public  
Hearing:** S-24-02  
Date: 04/16/2024

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**Subject:** Hillcrest/Poplar/Riverdale Preliminary Plat  
**Department:** Planning Department  
**Presented by:** Planner I - Chloe Allen  
**Presentation:** Public Hearing (Quasi-Judicial)

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## Issue Statement

BRL Engineering and Surveying is requesting the preliminary plat of Hillcrest/Poplar/Riverdale, a 10-lot Single-Family Residential development on 4.8-acres of land in an R-8 and R-20A Zoning Districts.

## Financial Impact

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

## Action Needed

The Town Council is respectfully requested to hold the public hearing and to decide whether to approve, approve with conditions or deny the subdivision based on the finding of fact for subdivisions.

## Recommendation

Planning Staff recommends approval of the Hillcrest/Poplar/Riverdale preliminary plat based on the finding of fact for subdivision.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Draft Finding of Fact
3. Application
4. Preliminary Plat
5. Adjacent Property Owner Listing
6. Zoning Map



# Staff Report

Agenda Item: S-24-02

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## REQUEST:

BRL Engineering and Surveying is requesting the preliminary plat of Hillcrest/Poplar/Riverdale, a 10-lot Single-Family Residential development on 33.99-acres of land in an R-8 and R-20A Zoning Districts.

## PROPERTY LOCATION:

The property is located at the intersections of Poplar Drive, Hillcrest Drive and Riverdale Circle.

## APPLICATION DATA:

Applicant:	Brian Leonard, BRL Engineering and Surveying
Property Owners:	Market Street 1500, LLC
Subdivision Name:	Hillcrest/Poplar/Riverdale
NC Pin#	169406-48-0447
Rezoning Acreage:	33.99 acres
Present Zoning:	30.84 acres in R-20A, 3.15 acres in R-10
Existing Use:	Vacant Land
Proposed Use:	Single-Family Residential
Fire District:	Town of Smithfield
School Impacts:	Potential students
Parks and Recreation:	Park Dedication Fee in Lieu
Water/Sewer Provider:	Town of Smithfield
Electric Provider:	Duke Energy
Roads:	0 Lin. Feet

## ENVIRONMENTAL:

The property proposed for development has 500-year and 100-year flood plain; however, all the lots are above the 100-year flood elevation except for a portion of Lot 10.

## PRELIMINARY PLAT/ANALYSIS:

This development is proposing no new public infrastructure. Any new water or sewer infrastructure is the responsibility of the developer. County sewer capacity availability is the responsibility of the developer. This application is a major subdivision because it creates more than 3 lots. The new lots will tap on to existing town water and sewer.

This development is exempt from stormwater retention because of the large area in 100-year flood plain that will remain undeveloped. Because this area is part of the development for stormwater purposes, it should be deed restricted from further development.

This parcel is to be developed in conformance with the Growth Management Plan which guides the property for medium density residential.

The lots all fall within the R-10 zoning district and will be developed in accordance with the R-10 District regulations. A portion of Lot 10 is within the 100-year flood plain, however there is adequate land area to construct a home outside of the flood plan. A flood plain certificate will be required when Lot-10 is submitted for a zoning permit to construct the home.

Major residential subdivisions require a sidewalk to be constructed along one side of the streets. The developer is not constructing any streets and staff is therefore not requiring the construction of public sidewalk. There are no sidewalks in the greater area. The existing streets are about 20' wide with ditches for drainage.

Lot 7 has 60 Lin. Ft. of street frontage and is proposed as a flag lot in accordance with the UDO requirements for flag lots.

The rights of way and street infrastructure exist; however, the surveyor could not find any record of public dedication. This issue is being reviewed by the Town Attorney. If there is no public dedication, the developer will formally dedicate the right-of-way.

The subdivision plat shows a "land gap" in front of 102 Riverdale Circle (see note on preliminary plat). The Town Attorney will review this issue and the developer is prepared to deed this gap to the property owner at 102 Riverdale Circle or as public right-of-way depending on the Town Attorney's recommendation.

**R-10 District Regulations.**

(A) Minimum Lot Area	
• Single-family dwelling	8,000 sq ft
• Two-family dwelling	10,000 sq ft
• Multi-family dwelling*	9,000 sq ft
• Other allowable building	10,000 sq ft
(B) Minimum Lot Frontage	70 lin ft
(C) Front Yard Setback	30 ft
(D) Side Yard Setback	10 ft
(E) Rear Yard Setback	25 ft
(F) Maximum Building Height	35 ft
(G) Accessory Buildings Setback	10 ft (see Note <a href="#">8.13.2</a> )

## **Flag Lot Regulations.**

**10.110.1.4.7.** Flag-shaped lots shall only be permitted in cases where the minimum lot width and lot depth of this ordinance are complied with, and the lot has a minimum street frontage of at least sixty (60) feet in width.

**Lot, flag.** (Amended 4/3/2018) A lot with two (2) distinct parts:

- (1) The flag, which typically contains building site; and is located behind another lot; and
- (2) The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than or equal to the minimum lot width for the zone.

### **FINDING OF FACT (STAFF OPINION):**

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

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

### **DRAFT TOWN COUNCIL RECOMMENDATION:**

Staff recommends approval of the Hillcrest/Poplar/Riverdale preliminary plat, S-24-02, with two conditions:

1. That the undeveloped land required for stormwater management be restricted from further development.
2. That the preliminary plat approval be contingent on staff approval of the construction drawings.
3. That the "gap" identified on the preliminary plat be deeded to the adjacent homeowner.

### **RECOMMENDED MOTION:**

"move to approve the Hillcrest/Poplar/Riverdale preliminary plat, S-24-02, with two conditions based on the 4 findings of fact for subdivision"

**Town of Smithfield  
Preliminary Plat  
Finding of Fact / Approval Criteria**

**Application Number:** S-24-02 **Project Name:** Hillcrest/Poplar/Riverdale Subdivision

**Request:** The applicant seeks a preliminary plat of Hillcrest/Poplar/Riverdale, a 10-lot single-family subdivision located within the R-10 and R-20A zoning districts. The property considered for rezoning is located at Hillcrest Drive, Poplar Drive, Riverdale Circle Intersections. The property is further identified as Johnston County Tax ID# 15083049B.

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

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

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

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

**Motion to Approve:** *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Preliminary Plat Application # S-24-02 with the following conditions:*

\_\_\_\_\_ **denied for the noted reasons.**

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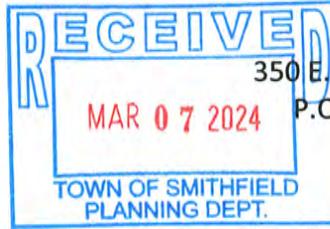
**Decision made this April 16th day of April 2024 while in regular session.**

\_\_\_\_\_  
**M. Andy Moore, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Shannan L. Parrish, Town Clerk**





**Town of Smithfield**

**Planning Department**

350 E. Market St Smithfield, NC 27577

P.O. Box 761, Smithfield, NC 27577

Phone 919-934-2116

Fax: 919-934-1134

**Preliminary Subdivision Application  
General Information**

Development Name **Hillcrest/Poplar/Riverdale Subdivision**

Proposed Use **Single-Family Residential**

Property Address(es) **N/A**

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

PIN# <b>169406-48-0447</b>	TAX ID# <b>15083049B</b>
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Project type?  Single Family  Townhouse  Multi-Family  Non-Residential  Planned Unit Development (PUD)

**OWNER/DEVELOPER INFORMATION**

Company Name <b>Market Street 1500, LLC</b>	Owner/Developer Name <b>Market Street 1500, LLC</b>
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Address **P.O. Box 2346, Smithfield, NC 27577**

Phone <b>919 934-0551</b>	Email <b>info@nc-furniture-market.com</b>	Fax
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**CONSULTANT/CONTACT PERSON FOR PLANS**

Company Name <b>BRL Engineering &amp; Surveying</b>	Contact Name <b>Brian R. Leonard</b>
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Address **112 East Johnston Street, Smithfield, NC 27577**

Phone <b>919 989-9300</b>	Email <b>brlengineering@earthlink.net</b>	Fax
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**DEVELOPMENT TYPE AND SITE DATE TABLE (Applicable to all developments)**

**ZONING INFORMATION**

Zoning District(s) **R-10 & R-20A**

If more than one district, provide the acreage of each: **R-10: 3.15 Ac R-20A: 30.84 Ac +/-**

Overlay District?  Yes  No

Inside City Limits?  Yes  No

**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Submitted: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

## Project Narrative

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

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

**STORMWATER INFORMATION**

Existing Impervious Surface <b>0.0 Ac</b> <u>acres/sf</u>	Flood Hazard Area <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Impervious Surface <b>1.607 Ac</b> <u>acres/sf</u>	Neuse River Buffer <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Watershed protection Area Yes <input checked="" type="checkbox"/> <input type="checkbox"/> No	Wetlands <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If in a Flood Hazard Area, provide the FEMA Map Panel # and Base Flood Elevation **3720169400K - ELEV = 127.7**

**NUMBER OF LOTS AND DENSITY**

Total # of Single Family Lots <b>10</b>	Overall Unit(s)/Acre Densities Per Zoning Districts
Total # of Townhouse Lots	Acreage in active open space <b>0.0</b>
Total # of All Lots <b>10</b>	Acreage in passive open space <b>0.0</b>

**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 **BRL Engineering & Surveying** 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 Dan Heaver Date 3-7-2024

Signature \_\_\_\_\_ Date \_\_\_\_\_

**REVIEW FEES**

<input checked="" type="checkbox"/> Major Subdivision (Submit 7 paper copies & <b>1 Digital copy on CD</b> )	\$500.00 + \$5.00 a lot

**FOR OFFICE USE ONLY**

File Number: \_\_\_\_\_ Date Submitted: \_\_\_\_\_ Date Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

**INFORMATION TO BE PROVIDED ON PRELIMINARY AND FINAL PLATS.**

The preliminary plats shall depict or contain the information indicated in the following table. An "X" indicates that the information is required.

<i>Information</i>	<i>Preliminary Plat</i>
Vicinity map (6" W x 4" H) showing location of subdivision in relation to neighboring tracts, subdivision, roads, and waterways (to include streets and lots of adjacent developed or platted properties). Also include corporate limits, Town boundaries, county lines if on or near subdivision tract.	X
Boundaries of tract and portion to be subdivided, including total acreage to be subdivided, distinctly and accurately represented with all bearings and distances shown.	X
Proposed street layout and right-of-way width, lot layout and size of each lot. Number lots consecutively throughout the subdivision.	X
Name of proposed subdivision.	X
Statement from the Johnston County Health Department that a copy of the sketch plan has been submitted to them, if septic tanks or other onsite water or wastewater systems are to be used in the subdivision, AND/OR statement from the County Public Utilities that application has been made for public water and/or sewer permits.	X
Graphic scale.	X
North arrow and orientation.	X
Concurrent with submission of the Preliminary Plat to the Town, the subdivider or planner shall submit copies of the Preliminary Plat and any accompanying material to any other applicable agencies concerned with new development, including, but not limited to: District Highway Engineer, County Board of Education, U.S. Army Corps of Engineers, State Department of Natural Resources and Community Development, for review and recommendation.	X
List the proposed construction sequence.	X
Storm water plan – see Article 10, Part VI.	X
Show existing contour lines with no larger than five-foot contour intervals.	X
New contour lines resulting from earth movement (shown as solid lines) with no larger than five-foot contour intervals (existing lines should be shown as dotted lines).	X
Survey plat, date(s) survey was conducted and plat prepared, the name, address, phone number, registration number and seal of the Registered Land Surveyor.	X
Names, addresses, and telephone numbers of all owners, mortgagees, land planners, architects, landscape architects and professional engineers responsible for the subdivision (include registration numbers and seals, where applicable).	X
Date of the drawing(s) and latest revision date(s).	X

Information	Preliminary Plat
The owner's name(s) of adjoining properties and Zoning District of each parcel within 100' of the proposed site.	X
State on plans any variance request(s).	X
Show existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining. Show wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site.	X
The exact location of the flood hazard, floodway and floodway fringe areas from the community's FHBM or FIRM maps (FEMA). State the base flood elevation data for subdivision.	X
Show the minimum building setback lines for each lot.	X
Provide grading and landscape plans. Proposed plantings or construction of other devices to comply with the screening requirements of Article 10, Part II.	X
Show location of all proposed entrance or subdivision signage (see Section 10.23.1).	X
Show pump station detail including any tower, if applicable.	X
Show area which will not be disturbed of natural vegetation (percentage of total site).	X
Label all buffer areas, if any, and provide percentage of total site.	X
Show all riparian buffer areas.	X
Show all watershed protection and management areas per Article 10, Part VI.	X
Soil erosion plan.	X
Show temporary construction access pad.	X
Outdoor illumination with lighting fixtures and name of electricity provider.	X
<b>The following data concerning proposed streets:</b>	
Streets, labeled by classification (see Town of Smithfield construction standards) and street name showing linear feet, whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths, approximate grades and typical street cross-sections. Private roads in subdivisions shall also be shown and clearly labeled as such.	X
Traffic signage location and detail.	X
Design engineering data for all corners and curves.	X
For office review; a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed; drainage facilities and drainage.	X

<b>Information</b>	<b>Preliminary Plat</b>
Type of street dedication; all streets must be designated public. (Where public streets are involved which will be dedicated to the Town, the subdivider must submit all street plans to the UDO Administrator for approval prior to preliminary plat approval).	X
When streets have been accepted into the municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with the Town of Smithfield construction standards.	X
If any street is proposed to intersect with a state maintained road, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations. (1) Evidence that the subdivider has applied for such approval. (2) Evidence that the subdivider has obtained such approval.	X X X
<b>The location and dimensions of all:</b>	
Utility and other easements.	X
Pedestrian and bicycle paths.	X
Areas to be dedicated to or reserved for public use.	X
The future ownership (dedication or reservation for public use to governmental body or for owners to duly constituted homeowners' association) of recreation and open space lands.	X
Required riparian and stream buffer per Article 10, Part VI.	X
<b>The site/civil plans for utility layouts including:</b>	
Sanitary sewers, invert elevations at manhole (include profiles).	X
Storm sewers, invert elevations at manhole (include profiles).	X
Best management practices (BMPs)	X
Stormwater control structures	X
Other drainage facilities, if any.	X
Impervious surface ratios	X
Water distribution lines, including line sizes, the location of fire hydrants, blow offs, manholes, force mains, and gate valves.	X
Gas lines.	X
Telephone lines.	X
Electric lines.	X
Plans for individual water supply and sewage disposal systems, if any.	X
<b>Provide site calculations including:</b>	
Acreage in buffering/recreation/open space requirements.	X
Linear feet in streets and acreage.	X
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the US Department of Interior's National Register of Historic Places.	X

<i>Information</i>	<i>Preliminary Plat</i>
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles and tangent distance for the center line of curved property lines that is not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.	X
The accurate locations and descriptions of all monuments, markers, and control points.	X
Proposed deed restrictions or covenants to be imposed upon newly created lots. Such restrictions are mandatory when private recreation areas are established. Must include statement of compliance with state, local, and federal regulations.	X
A copy of the erosion control plan submitted to the Regional Office of NC- DNRCD, when land disturbing activity amounts to one acre or more.	X
All certifications required in Section 10.117.	X
Any other information considered by either the subdivider, UDO Administrator, Planning Board, or Town Council to be pertinent to the review of the plat.	X
Improvements guarantees (see Section 5.8.2.6).	

<b>FOR OFFICE USE ONLY</b>			
File Number: _____	Date Submitted: _____	Date Received: _____	Amount Paid: _____

**REQUIRED FINDING OF FACT**

*Article 4 of the Town of Smithfield Unified Development Ordinance requires applications for a preliminary subdivision plat approval to address the following findings. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which this section requires. The Town Council shall grant preliminary subdivision approval if it has evaluated an application through a quasi-judicial process and determined that:*

- 1) The plan is consistent with the adopted plans and policies of the town;  
This major subdivision plan is unique in that it proposes 10 new lots with frontage to existing Town streets and access to existing Town water & sewer mains. Therefore, no public infrastructure construction or construction/design drawings will be necessary for this project. The lots as proposed must generally only meet the zoning & subdivision regulations as well as the utility connection policies of the Town. These lots have been laid out in order to meet these Town requirements. Upon approval of this preliminary plan, a final plat will be prepared for Town approval and recording.
  
- 2) The plan complies with all applicable requirements of this ordinance;  
As stated above, the lots have been laid out to comply with the Town zoning & subdivision requirements of the UDO. Additionally, the project meets the "low-density" requirements of the Town's Stormwater ordinances. The Project Narrative as submitted with the Preliminary Plan provides additional information and the Preliminary Plan as submitted illustrates dimensional zoning compliance with Town Standards. Additionally, a Stormwater Statement/Narrative was submitted with this Preliminary Plan and this same data/information is summarized on the Preliminary Plan as submitted.
  
- 3) There exists adequate infrastructure (transportation and utilities) to support the plan as proposed; and  
As stated above, there is already access to existing Town streets and Town water/sewer mains. Because no extensions of Public infrastructure is proposed, no additional maintenance cost or burden is imposed to the Town, and the existing Town street and water/sewer systems appears to be adequate for the minor addition of 10 single-family lots. Individual, future driveway connections and water/sewer service connections will be installed according to the Town's current connection standards and policies.
  
- 4) The plan will not be detrimental to the use or development of adjacent properties or other neighborhood uses.  
The proposed lots are of the same zoning as the adjacent/surrounding homes making the proposed use compatible with the surrounding properties. As long as this project and future homes are developed according to current standards and codes, then detrimental affects to adjacent properties should not be incurred.

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**PROJECT NARRATIVE – TOWN OF SMITHFIELD PRELIMINARY SUBDIVISION APPLICATION**

for

**HILLCREST / POPLAR / RIVERDALE SUBDIVISION**

**LOCATION:** Site is located in the Town of Smithfield Corporate Limits, along the frontages of Hillcrest Drive, Poplar Drive & Riverdale Circle.  
Johnston County Tax ID# 15083049B

**OWNER:** Market Street 1500, LLC  
P.O. Box 2346  
Smithfield, NC 27577

**DEVELOPER/APPLICANT:** Market Street 1500, LLC  
P.O. Box 2346  
Smithfield, NC 27577

**CONSULTANT:** BRL Engineering & Surveying  
112 East Johnston Street  
Smithfield, NC 27577

**A. OWNER, AGENT, CONSULTANT INFO:**

See Info above. See also Preliminary Plan (in Site Info Table & Sheet Border).

**B. EXISTING SITE/PARCEL INFO:**

See Info above and Project Narrative (Section D) below. See Also Preliminary Plan (in Site Info Table & Sheet Border).

**C. SUBDIVISION NAME, LOTS, ACREAGES, ETC.:**

See Info above. See Also Preliminary Plan (in Site Info Table).

**D. PROJECT NARRATIVE:**

The Preliminary Subdivision Plan as laid out by our office depicts 10 new single-family residential lots in an *EXISTING* residential area of West Smithfield, with new lots being laid out along the existing street frontages of Hillcrest Drive, Poplar Drive and Riverdale Circle. This project is unique in the sense that while it is a major subdivision, the new lots as laid out already have access to existing Town streets and can be connected to Town water & sewer at these streets. Therefore, no new public infrastructure (ie. streets, water or sewer) are being proposed and engineered construction drawings are not necessary for this project. Instead, after a final field survey and map is prepared and approved by the Town, then the new lots may be recorded at the courthouse and the new lots established for future home construction by individuals/builders. The total property boundary for this project encompasses approximately **33.99 acres +/-** (clear of existing road rights-of-way) *which shall be the basis overall site compliance with the Town's zoning regulations as well as stormwater regulations.*

The proposed 10-lots will only be laid out on a small portion of relatively high ground outside/above the 100-year floodplain. The total area of proposed lots comprises only 3.15 Ac. out of the total 33.99 acres; therefore, the project will be considered “low-density” for Town stormwater permitting and does not require detailed control measures, mitigation or other complex designs that a high-density project would require (see Preliminary Plan for additional details pertaining to stormwater, impervious area and nitrogen calculations). The property is zoned R-10 (for portions outside the floodplain) and R-20A (for portions within the floodplain) and all lot sizes and density requirements shall comply with Town of Smithfield zoning regulations, as applicable. Significantly more lot density could be obtained based solely on zoning criteria for the entire site; however, because only a small portion of this site lies above/outside of the floodplain, as mentioned above, our layout only proposes 10 lots totaling about 3.15 acres on relatively high ground above the 100-year floodplain elevation (a small developed portion of the total 33.99 acres). The total site is currently mostly wooded in the lower-lying floodplain area with a mix of open and wooded portions along the existing streets where the new lots are proposed. The site drains topographically to the nearby Poplar Creek floodplain area with environmental areas (wetlands and buffers) confined to this adjacent floodplain area. Regarding Neuse Riparian Buffers, Poplar Creek is shown as a feature on either the County Soils Map or the USGS Quad Map; however, this stream feature is not indicated on the Preliminary Plan since it is not in close proximity to the proposed lots/development. There are no proposed impacts to stream buffers by this Preliminary Plan. Wetlands have also been identified by Brown’s Environmental Group, Selma NC as being confined within the 100-yr floodplain. Only a single lot (Lot 10) is proposed with a small portion lying in the floodplain. Future home construction on this lot is intended to be on the high ground outside the floodplain. This Preliminary Plan is “preliminary” and is subject to change prior to final Town plat approval and prior to recording.

**E. PROJECT DENSITY:**

See Also Preliminary Plan (in Site Info Table) --- Same info from Plan is copied below ...

Max Density by R-10 Zoning on Proposed 3.15 Ac “Developed Portion” for Proposed Lots:

Min Lot Size (R-10):	10,000 sq.ft. (Ref: Zoning Ordinance 8.2.1)
Max Density/ACRE:	4.36 Lots/AC (43,560 sq.ft./Ac / 10,000 sq.ft. Min Lot)
Max Number of Lots:	17 Lots (3.15 Ac “Developed Portion” X 4.36 Lots/Ac)
Proposed Lots:	10 Residential Lots (Single-Family Only)

Note: 30.84 Ac (Remaining Acreage Mostly in Floodplain Reserved by Owner, Zoned R-20A) — This acreage cannot be practically developed due to floodplain challenges; wetlands, riparian buffers and other environmental issues within the floodplain; access constraints, just to name a few. However, the total acreage is part of the overall development and due to these development constraints, this remaining portion is considered a “protected” portion of the site, which actually helps to reduce overall density as well as overall stormwater, impervious & nitrogen impacts (see also Preliminary Plan - Stormwater Info).

**F. INFRASTRUCTURE IMPROVEMENTS:**

As described in the Project Narrative above, this project is unique in that no new infrastructure is required for the proposed lots. The lots as proposed will have immediate access and frontage to

Public/Town streets, as well as availability to connect to Public/Town water and sewer withing the streets.

**G. NEIGHBORING PROPERTY CONCERNS:**

At this preliminary stage, no known concerns have been raised by neighboring owners or conveyed to us. Our survey crews have been working in this area and some surveying has been conducted on affected adjacent lots along with some initial and open dialog with these adjacent owners. The plan as submitted is intended to meet all regulations of the Town of Smithfield and to be consistent with the current zoning of this established neighborhood, making it compatible with the surrounding properties and zoning.

**H. CONFLICTS WITH NEARBY LAND USES AND WETLAND/ENVIRONMENTAL AVOIDANCE:**

As mentioned above, the developed portion of this site for the proposed single-family lots is interspersed along existing streets and frontages within an established neighborhood. Adjacent homeowners to the proposed lots are understandably used to these open areas around their homes, but this sentiment should not preclude another owner from providing the highest and best use of his property. The proposed lots are of the same zoning as the adjacent/surrounding homes making the proposed use compatible with the surrounding properties. Additionally, as long as this project and future homes are developed according to current standards and codes (which this project is intended to demonstrate) then conflicts with adjacent land uses are inherently avoided and mitigated.

A preliminary wetlands investigation was made in the field by Brown's Environmental Group. That investigation confirmed that wetlands are confined "within the 100-yr floodplain". Out of the 10 proposed lots, only one lot includes a small portion of the floodplain (Lot 10 on Prelim. Plan); and this Lot 10 has sufficient room on the lot to build a future home and driveway without impacting the adjacent floodplain. Therefore, as long as construction on Lot 10 is conducted outside of the floodplain, then ALL LOTS in this development would result in NO IMPACT to the adjacent floodplain or wetlands. Additionally, riparian buffers exist within the larger remaining portion of this tract (along Poplar Creek which is well within the floodplain), however, these buffers are well beyond the proposed lots and there will be no impact to riparian buffers.

**I. BURDEN ON PUBLIC INFRASTRUCTURE:**

As mentioned above, this development requires no new Public infrastructure in the form of Town streets, water or sewer. Therefore, only 10 new driveway connections will be made to the existing Town streets and 10 new water/sewer service connections will be made to the existing public water & sewer mains in the street. Because no new "extensions" of public infrastructure are required (as is the case with most developments) and only 10 individual connections are required to the adjacent infrastructure, then no burden is anticipated on the public infrastructure.

**J. PARKS AND OPEN SPACE:**

In pre-application meetings with Town staff, this project was not discussed as requiring any public park space or open space.

**K. ESTIMATED SCHEDULE:**

Because this project does not require engineered construction drawings or any actual extensions/construction of public infrastructure, then upon approval of this overall plan, a final survey and plat will be prepared for Town approval/acceptance. Subsequently this plat will be recorded at

**BRL ENGINEERING & SURVEYING**

112 East Johnston Street  
Smithfield, NC 27577  
(919) 989-9300

*Providing Surveying & Civil Engineering Services*

[brlengineering@earthlink.net](mailto:brlengineering@earthlink.net)

Brian R. Leonard, PE, PLS  
Sauer R. Roberts, EI

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the county courthouse and the new lots available for sale and future home construction. As such, the estimated schedule to future home construction could occur relatively quickly, possibly as early as the next few months. However, any future home sales or construction will be completely market determined and at the mercy of the local housing market.

Respectfully Submitted,



**BRL ENGINEERING & SURVEYING**

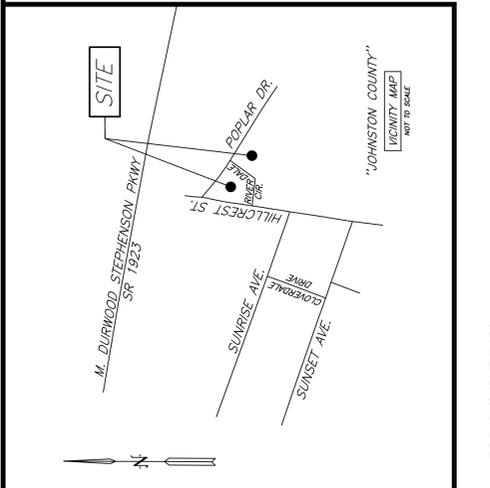
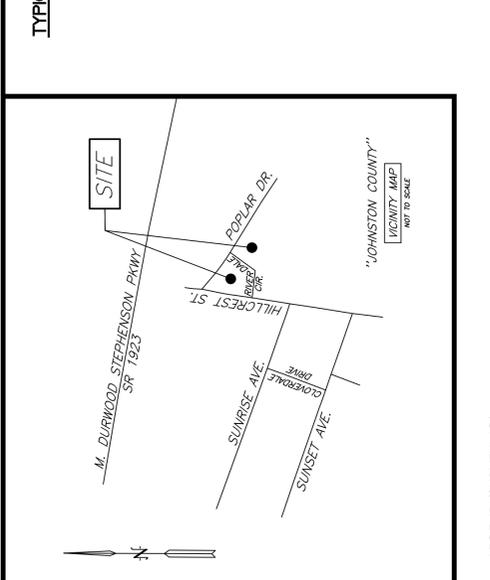
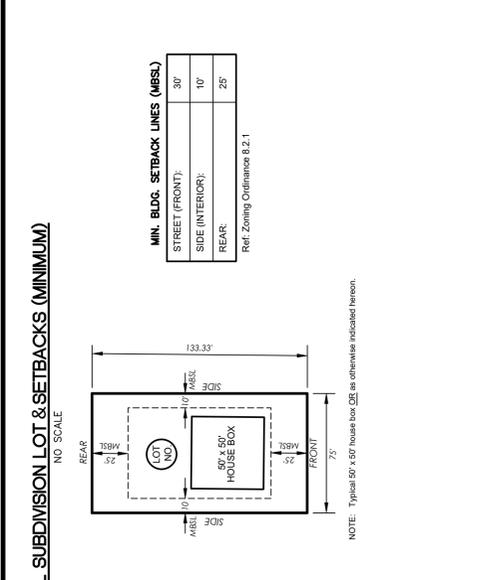
Brian R. Leonard, PE, PLS  
BRL/brl



**811**  
 Know what's below.  
 Call before you dig.

**REVISIONS:**  
 DATE: 3/5/24  
 SCALE: REF: BAR SCALE  
 DRAWN BY: SRR  
 CHECKED BY: BRL  
 PROJECT No.: 123001.04  
 DWG: PrelimSD-1.cad

**REGULATORY NOTES FOR THE PLAN SHEET:**  
 1. Purpose: The purpose of this plan sheet is to depict an overall layout of proposed residential lots and other properties, along with setbacks, proposed house box locations and other information that may be relevant for zoning purposes. Lot layout as shown is subject to final zoning determination. House boxes are shown for informational purposes only. Final lot layout as shown is subject to final zoning determination. This plan sheet is part of a full set of Construction Drawings and should be used in conjunction with the full set that is approved and released for construction.



**PRELIMINARY - DO NOT USE FOR CONSTRUCTION**

ParcelID	Name1	Name2	Address1	Address2	CityStateZip
15041023	BON-RIC LLP			PO BOX 3068	WILSON, NC 27895-3068
15041019	COATS, STANLEY B II	COATS, KELLY LEE	1560 BROGDEN RD		SMITHFIELD, NC 27577-9245
15041002	SMITHFIELD HOUSING AUTHORITY		801 S 5TH ST		SMITHFIELD, NC 27577-0000
15040017A	BRIGHTLEAF #2004, LLC			PO BOX 1266	SMITHFIELD, NC 27577-1266
15040027	PARKER RENTALS, LLC		88 SANDY RD		FOUR OAKS, NC 27524-7844
15040037	XG PROPERTIES I, LLC		402 DIXIE DR		SELMA, NC 27576-2308
15045015	B&B PARADISE HOMES, INC.		10713 NC HIGHWAY 210		FOUR OAKS, NC 27524-9459
15041020B	REDBIRD REAL ESTATE LLC		108 BRADY CT		CARY, NC 27511-4554
15045031A	CARPENTER, WILLIAM CHRISTIAN		3032 YELVERTON GROVE RD		SMITHFIELD, NC 27577-7563
15041020C	CAMEEN INVESTMENTS LLC		816 PARKRIDGE DR		CLAYTON, NC 27527-5312
15K09195A	TOWN OF SMITHFIELD			PO BOX 761	SMITHFIELD, NC 27577-0761
15083100	BERTOLI, KEVIN		203 POPLAR DR		SMITHFIELD, NC 27577-3500
15083049B	MARKET STREET 1500 LLC			PO BOX 2346	SMITHFIELD, NC 27577-2346
15083055	OWENS, MICHAEL J	OWENS, JESSICA M	107 POPLAR DRIVE		SMITHFIELD, NC 27577-3516
15083053	MCLAIN, ARNOLD LEE LIFE ESTATE	WINCHELL, JACOB AARON REMAINDER	105 POPLAR DR		SMITHFIELD, NC 27577-3516
15083049A	MCLAIN, ARNOLD LEE LIFE ESTATE	WINCHELL, JACOB AARON REMAINDER	105 POPLAR DR		SMITHFIELD, NC 27577-3516
15083054	BRYANT, OLIVE	TOWNE, MARION	101 POPLAR DR		SMITHFIELD, NC 27577-0000
15083052E	FTH DEVELOPERS, LLC		1611 JONES FRANKLIN RD STE 101		RALEIGH, NC 27606-3376
15083049C	BRITT, WILMOT N	BRITT, LINDA	405 HILLCREST DR		SMITHFIELD, NC 27577-3514
15083059	CAGLE, LINDA W. LIFE ESTATE	CAGLE, THOMAS BOYD PARAGIN REMAINDER	401 HILLCREST DR		SMITHFIELD, NC 27577-3514
15083060	FAUSEY, JOSHUA		403 HILLCREST DR		SMITHFIELD, NC 27577-3514
15083048B	HARPER, STANNETTE		303 HILLCREST DR		SMITHFIELD, NC 27577-3512
15083048A	BARNES REAL PROPERTY LLC		702 CHESTNUT DR		SMITHFIELD, NC 27577-3836
15083018	SNELL, CAREY	SYKES, CYNTHIA M.	207 HILLCREST DR		SMITHFIELD, NC 27577-3510
15083017	RIDDLE, JEREMY DAVID		206 HILLCREST DR		SMITHFIELD, NC 27577-3511
15083019	COLON, JORGE A.		205 HILLCREST DR		SMITHFIELD, NC 27577-3510
15083016	CAGLE, THOMAS		204 HILLCREST DR		SMITHFIELD, NC 27577-3511
15083015	BRADLEY, JORDAN LEAH		202 HILLCREST DR		SMITHFIELD, NC 27577-3511
15083014	STEPHENSON, LINDA JONES		200 HILLCREST DR		SMITHFIELD, NC 27577-3511
15083012	CAMPBELL, ROBERT CHARLES III	CAMPBELL, NICOLE LYNNE	102 HILLCREST DR		SMITHFIELD, NC 27577-3509
15083011	WILLIAMS, DARIAN	WILLIAMS, MICHELLE	100 HILLCREST DR		SMITHFIELD, NC 27577-3509
15083102	OUTEN, GORDON LOVE	OUTEN, AMY	302 SUNSET AVE		SMITHFIELD, NC 27577-3531
15082002F	DAUGHTRY, CLIFTON IVERY		600 WILSON MILLS RD		SMITHFIELD, NC 27577-3254
14001001	HOLLAND, WILLIAM M JR		228 WILLOWICK AVE		TEMPLE TERRACE, FL 33617-0000
14075003	SIMMONS, DANIEL C.	SIMMONS, MARCELLA K.	1325 FOUR WINDS DR		RALEIGH, NC 27615-4424
14075004B	SIMMONS, STEVEN RUSSELL		201 EVERETTE LN		SMITHFIELD, NC 27577-5572
14075004C	SULLIVAN, JENNIFER W	SIMMONS, HELEN H	205 EVERETT LANE		SMITHFIELD, NC 27577
14075004	SIMMONS, DAVID EARL	SIMMONS, GLORIA WALL	209 EVERETTE LANE		SMITHFIELD, NC 27577-0000

# Hillcrest-Poplar-Riverdale Subdivision

**File Number:**  
S-24-02

**Project Name:**  
Hillcrest-  
Poplar-  
Riverdale

**Location:**  
Hillcrest Dr,  
Poplar Dr,  
Riverdale Cir

**Tax ID#:**  
15083049B

**Existing Zoning:**  
R-20A, R-10A

**Owner:**  
Market Street  
1500, LLC

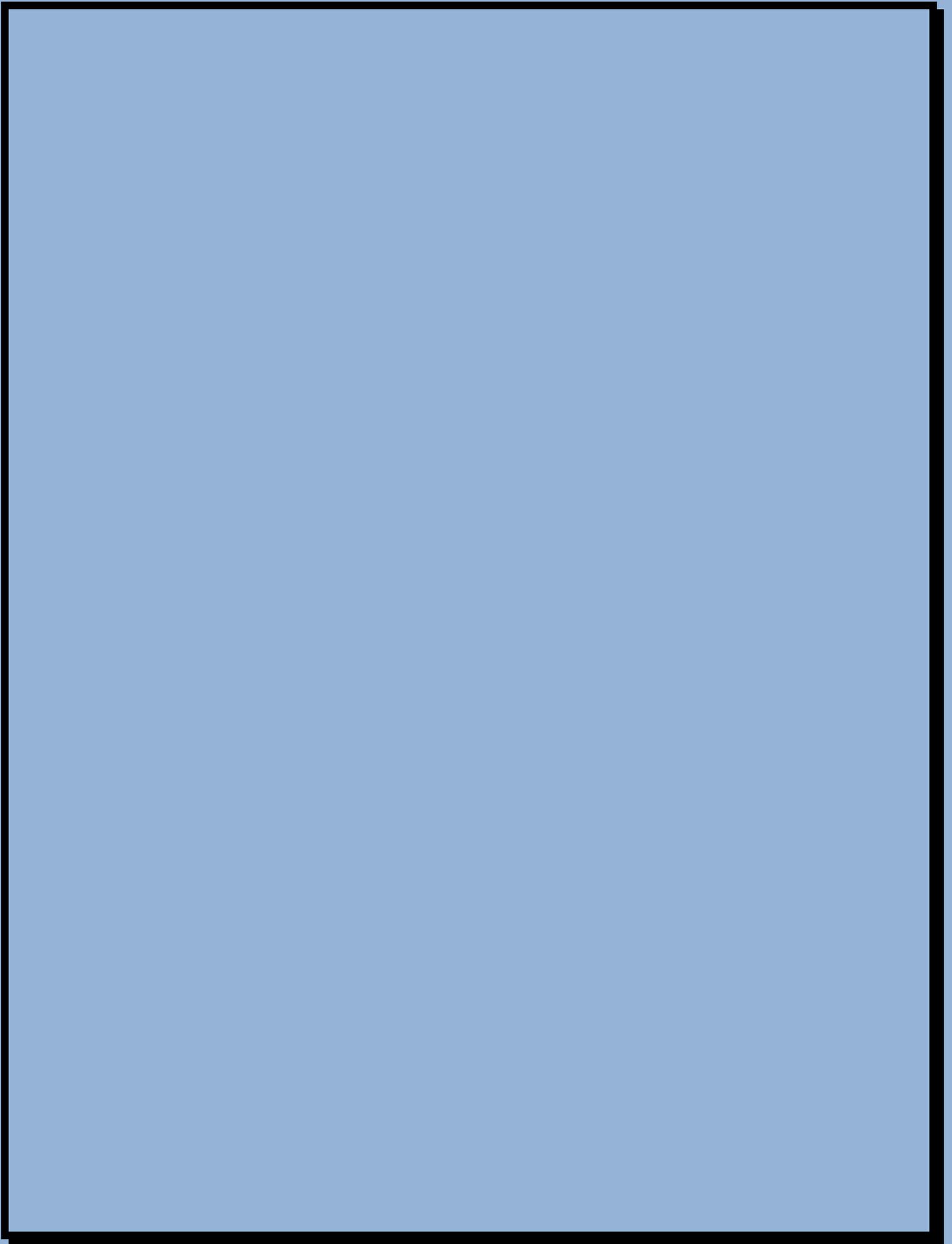
**Applicant:**  
BRL Engineering  
and Surveying



1 in = 323 ft  
Map created by Chloe Allen  
Planner 1 on 3/25/24



# Consent Agenda Items





# Request for Town Council Action

**Consent  
Agenda  
Item:**  
**Resolution  
Supporting  
Grant  
Application**  
Date: 04/16/2024

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**Subject:** DWI LASII Grant Application  
College Pond CMAC Retrofit Project

**Department:** Planning Department

**Presented by:** Town Engineer - Bill Dreitzler, P.E.

**Presentation:** Consent Agenda Item

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## Issue Statement

Staff is preparing the applicable application documents for the Division of Water Infrastructure (DWI) Spring Grant Submittal for a LASII Stormwater project. The College Pond CMAC Retrofit Project was identified as Phase 2 priority as part of the Spring Branch Resiliency Study. The Phase 1 priority is the 2<sup>nd</sup> Street and 4<sup>th</sup> Street Drainage Improvements which is currently in the engineering firm selection phase.

## Financial Impact

The Grant Application is requesting \$750,000 which is the estimated project cost. The application will not request a loan or Town match. If awarded, the project will be entirely funded through the grant.

## Action Needed

Council to adopt the resolution required by the DWI as part of the grant application process.

## Recommendation

Staff recommends adoption of the grant resolution for the College Pond CMAC Retrofit Project.

Approved:  Town Manager  Town Attorney

Attachments:

1. Staff Report
2. Resolution No. 745 (06-2024)



# Staff Report

**Consent  
Agenda  
Item:** **Resolution  
Supporting  
Grant  
Application**

---

The Spring Branch Watershed, located within Smithfield town limits, has been frequently noted by stakeholders and identified in drainage studies as an area of concern for flooding. The Spring Branch watershed is 1.53 sq. miles and includes nearly all of Market Street in the downtown area of Smithfield, and the watershed extends north to North Street, south to Brogden Road, and is bordered to the southeast by Interstate 95. The tributary originates upstream from a stormwater pond and flows northwest through the Town, discharging into the Neuse River.

The Spring Branch tributary has been altered substantially from its natural state. The upper section of the Branch is piped underground while the lower reach of the stream has been straightened and armored with concrete. Stakeholders report severe flooding along the stream and flooding within the Spring Branch corridor begins at the 10-year storm in some locations, likely due to a lack of adequate stormwater infrastructure (Doll et al. 2020). 8 proposed projects were identified to address flooding concerns observed in the baseline existing conditions analysis. This grant will be used to fund the College Pond CMAC retrofit project, which will result in over 22-acre feet of storage. Although the project will not eliminate flooding, it is part of a phased approach that the Town is working towards currently with the Spring Branch Resiliency Planning Project.

Bill Dreitzler, P.E.  
Smithfield Town Engineer

**RESOLUTION NO. 745 (06-2024) BY GOVERNING BODY OF APPLICANT**

WHEREAS, The **Town of Smithfield, NC** has need for and intends to construct, plan for, or conduct a study in a project described as **College Pond CMAC Retrofit Project**, and

WHEREAS, The **Town of Smithfield, NC** intends to request State loan and/or grant assistance for the project,

**NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, NC:**

That **Town of Smithfield, NC**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **Town of Smithfield, NC** to make a scheduled repayment of the loan, to withhold from the **Town of Smithfield, NC** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

If applying for a regional project, that the **Applicant** will partner and work with other units of local government or utilities in conducting the project, including (not applicable).

That **Michael Scott, Town Manager**, the **Authorized Representative** and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Representative**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the **16<sup>th</sup> of April, 2024** at **Council Chambers, Town of Smithfield, North Carolina**.

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**FORM FOR CERTIFICATION BY THE RECORDING OFFICER**

The undersigned duly qualified and acting **Town Clerk** of the **Town of Smithfield, NC** does hereby certify:  
That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the **Smithfield Town Council** duly held on the **16th day of April, 2024**; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this **16th day of April, 2024**.

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Shannan L. Parrish

Town Clerk

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(Title of Recording Officer)



# Request for Town Council Action

**Consent  
Agenda  
Item:**  
**Resolution  
No. 746**  
**Date:** 04/16/2024

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**Subject:** Resolution 746; Accepting NC Grant Funds  
**Department:** General Government  
**Presented by:** Town Manager - Michael L. Scott  
**Presentation:** Consent Agenda Item

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## Issue Statement

In the 2023 State Appropriations Act, Smithfield received a Directed Grant totaling \$900,000. Resolution 746 formally accepts these funds from the State of North Carolina

## Financial Impact

- \$900,000 of grant revenue to include:
- \$300,000 for the construction of restrooms for the Amphitheater;
- \$450,000 for capital improvements and equipment to support community safety and accessibility;
- \$150,000 for a fire suppression system in the Ava Gardner Museum.

## Action Needed

Approve Resolution No. 746, accepting the funds totaling \$900,000.

## Recommendation

Approve Resolution No. 746, accepting the funds totaling \$900,000 for the aforementioned purposes.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Resolution 746 (07-2024)



# Staff Report

**Consent  
Agenda  
Item:** **Resolution  
No. 746**

---

The North Carolina Legislature appropriated a total of \$900,000 in directed grants to the Town of Smithfield for the following projects:

- \$300,000 for the construction of restrooms for the Amphitheater;
- \$450,000 for capital improvements and equipment to support community safety and accessibility;
- \$150,000 for a fire suppression system in the Ava Gardner Museum.

The passing of Resolution 746, as attached, is required to accept these funds for their intended purpose.

**TOWN OF SMITHFIELD  
RESOLUTION NO. 746 (06-2024)  
ACCEPTING NORTH CAROLINA DIRECTED GRANT FUNDS**

**WHEREAS**, in the 2023 State Appropriations Act, the State of North Carolina appropriated directed grants totaling \$900,000 for the Neuse River Amphitheater, Community Safety and the Ava Gardner Museum; and

**WHEREAS**, the Town of Smithfield received \$300,000 for capital costs and equipment associated with renovations at the Neuse River Amphitheater; and

**WHEREAS**, the Town of Smithfield received \$450,000 for capital improvements and equipment to support community safety and accessibility; and

**WHEREAS**, the Town of Smithfield received \$150,000 for a fire suppression system in the Ava Gardner Museum; and

**WHEREAS**, the Town of Smithfield intends to perform said projects in accordance with the agreed scope of work.

**NOW, THEREFORE, BE IT RESOLVED BY THE SMITHFIELD TOWN COUNCIL:**

- That Town of Smithfield does hereby authorize the acceptance of these funds from the State of North Carolina.
- That The Town of Smithfield does hereby give assurance to the State of North Carolina that any conditions or assurances contained in the funding offer and acceptance (award offer) will be adhered to; has substantially complied or will substantially comply, with all that any Conditions or Assurances contained in the Funding Offer and Acceptance (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and
- That the Smithfield Town Council delegates to Michael L. Scott, Town Manager and successors so titled, is hereby authorized and directed to furnish such information as the State of North Carolina may request in connection with these project; to make the assurances as contained above; and to execute such other documents as may be required by the State of North Carolina

Adopted this the 16<sup>th</sup> day of April, 2024

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M. Andy Moore, Mayor

**ATTEST:**

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Shannan L. Parrish, Town Clerk





# Request for Town Council Action

**Consent  
Agenda  
Item:**  
**Resolution  
No. 747**  
**Date:** 04/16/2024

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**Subject:** Resolution 747; Accepting NC Grant Funds  
**Department:** General Government  
**Presented by:** Town Manager - Michael L. Scott  
**Presentation:** Consent Agenda Item

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## Issue Statement

In the 2023 State Appropriations Act, Smithfield received a DEQ Water Infrastructure Fund Grant totaling \$6,250,000. Resolution 747 formally accepts these funds from the State of North Carolina

## Financial Impact

- \$6,250,000 of revenue to complete Smithfield Water, Waste Water and Storm Drainage projects.
- Three percent (3%) of the total award is retained by the Department of Environmental Quality (DEQ) for administrative costs.

## Action Needed

Approve Resolution 747, accepting the funds totaling \$6,250,000.

## Recommendation

Approve Resolution 747, accepting the funds totaling \$6,250,000 for the approved purposes.

Approved:  Town Manager  Town Attorney

## Attachments:

1. Staff Report
2. Resolution 747 (08-2024)



# Staff Report

**Consent  
Agenda  
Item:** **Resolution  
No. 747**

---

The North Carolina Legislature appropriated a total of \$6,250,000 in Water Infrastructure grants to the Town of Smithfield for the following projects:

- \$1,400,000 for Spring Branch Drainage Repairs to 2<sup>nd</sup> Street and 4<sup>th</sup> Street;
- \$1,100,000 for CSX Culvert Improvement project;
- \$2,500,000 to replace aged sanitary sewer infrastructure between Holding and Stevens Street, between Second Street and Crescent Drive and the Pump Station 11 and outfall line improvements;
- \$500,000 for the extension of a water line into East Smithfield to the East Side of Interstate 95 for development along Mallard Road.
- \$562,500, for contingency for the aforementioned projects.
- \$187,500 for DEQ Administrative Costs.

The passing of Resolution 747, as attached, is required to accept these funds for their intended purpose.

**TOWN OF SMITHFIELD  
RESOLUTION NO. 747 (08-2024)  
BY GOVERNING BODY OF RECIPIENT**

**WHEREAS,** the North Carolina General Assembly’s Session law (S.L.) 2023-134 Section 12.2 (e) allocated funding to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs, and

**WHEREAS,** the North Carolina Department of Environmental Quality Division of Water Infrastructure will disburse funding in the amount of \$6,250,000 to perform the work detailed in the submitted applications, and

**WHEREAS,** the Town of Smithfield intends to perform said projects in accordance with the agreed scopes of work.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD:**

That the Town of Smithfield does hereby accept the Water and Wastewater Direct Projects grants outlined in the North Carolina General Assembly’s Session law (S.L.) 2023-134 Section 12.2 (e) offer of \$6,250,000; and

That the Town of Smithfield does hereby give assurance to the North Carolina Department of Environmental Quality that any *Conditions* or *Assurances* contained in the *Funding Offer and Acceptance* (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

That Michael L. Scott, Town Manager and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted and signed this the 16<sup>th</sup> day of April, 2024 in Smithfield, North Carolina.

\_\_\_\_\_  
M. Andy Moore, Mayor

ATTEST:

\_\_\_\_\_  
Shannan L. Parrish, Town Clerk

