



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, May 21, 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
MAY 21, 2024
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Page

Public Hearings:

- 1. Annexation Request: SST Properties (ANX-21-04):** SST Properties has petitioned to voluntarily annex 15.26-acres (a portion of the parcel with the Johnston County Tax ID# 15077033C), located north of M. Durwood Stephenson Parkway and East of US Highway 70 Business West into the Town of Smithfield Corporate Limits
(Planning Director – Stephen Wensman) See attached information.....1
- 2. Rezoning Request – Johnston County (RZ-24-02):** Johnston County is requesting a zoning map amendment to rezone two properties, 86.2 acres and 5.53 acres in size (Johnston County Tax IDs 15L11014A and 15L11014E) located approximately 1,100 feet east of the Yelverton Grove Road and US Highway 70 Business East intersection from B-3 (Business) and R-20A (Residential-Agriculture) to O/I (Office/Institutional).
(Planning Director – Stephen Wensman) See attached information.....13
- 3. Rezoning Request – 1558 West Market Street (RZ-24-03):** Lena Parks Patterson is requesting a zoning map amendment to rezone 2.41 acres of land (Johnston County Tax ID 15077033B), located at 1558 West Market Street between M. Durwood Stephenson Parkway and Fareway Drive from R-20A (Residential-Agriculture) to B-3 (Highway Entranceway Business).
(Planning Director – Stephen Wensman) See attached information.....43
- 4. Rezoning Request – Heavner Properties (RZ-24-04):** TerraEden Landscape & Design, LLC. is requesting a Zoning map amendment to rezone 9.61 acres of land (.806 acres located north of Powell Street and west of Adams Street with Johnston County Tax ID 15089019A) (8.77 acres located north of Hartley Drive, between Adams Street and Coats Drive, and south of M. Durwood Stephenson Parkway with Johnston County Tax IDs 15K09010A & 15K09010P) from R-10 (Single-Family Residential) and R-20A (Residential-Agriculture) and to R-8 (Single, Two, and Multi-Family Residential).
(Planning Director – Stephen Wensman) See attached information.....55

- 5. Conditional Zoning Request – Local 70 PUD (CZ-24-02):** 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.
(Planning Director – Stephen Wensman) See attached information.....67

Citizens Comments

Consent Agenda Items:

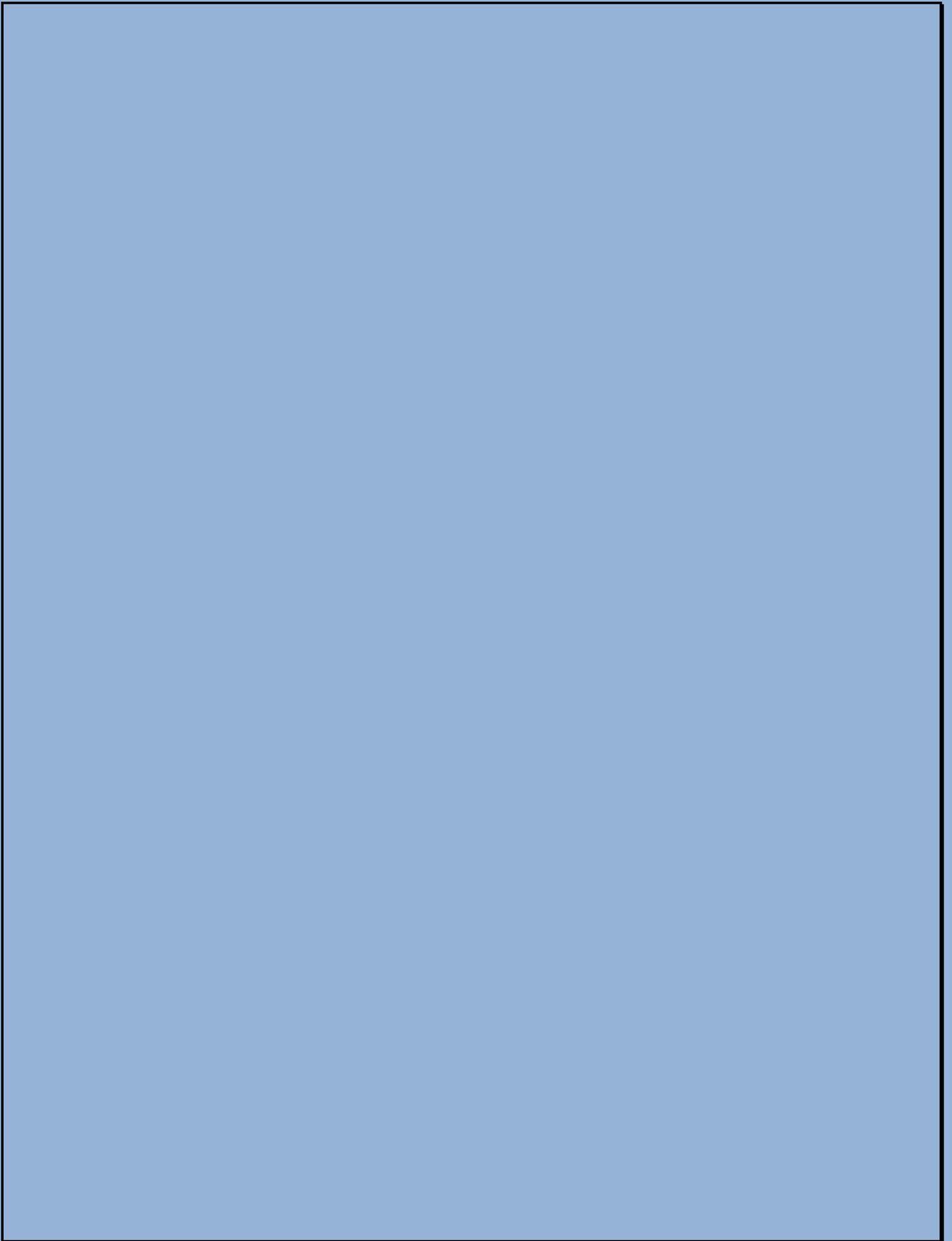
- 1. Consideration and request for approval to adopt Resolution No. 750 (11-2024) authorizing the exchange of property pursuant to NCGS 160A-271**
(Town Manager – Michael Scott) See attached information.....113
- 2. Consideration and request for approval to authorize the placement of a Historical Marker in the 200 block of Johnston Street, commemorating the desegregation of the Smithfield Library in 1957**
(Town Manager – Michael Scott) See attached information.....129

Business Items:

- 1. Consideration and request for approval to adopt Ordinance No. 518-2023 creating a Social District in Downtown Smithfield**
(Town Manager – Michael Scott) See attached information.....133
- 2. FY 2024-2025 Continued Budget Discussion**
(Town Manager – Michael Scott)

Adjourn/Recess (to a date time certain)

Public Hearings





Request for Town Council Action

**Public
Hearing:** ANX-24-01
Date: 05/21/2024

Subject: Contiguous Annexation Petition
Department: Planning & Administration
Presented by: Planning Director – Stephen Wensman
Presentation: Public Hearing

Issue Statement

SST Properties (Samet Properties) have submitted a petition to voluntarily annex 15.26 acres to the Town of Smithfield.

Financial Impact

The annexation will result in the entire developable site to be within the corporate limits.

Action Needed

The Town Council is asked to consider adoption of Ordinance No. 519-2024 extending the Corporate Limits of the Town of Smithfield. This can be done immediately or within six months.

Recommendation

Consider adopting Ordinance No. 519-2024 Extending the Corporate Limits of the Town of Smithfield.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Annexation Petition
3. Ordinance No. 519-2024
4. Affidavit of Publication
5. Maps



Staff Report

Public Hearing: ANX-24-01

OVERVIEW:

SST Properties (Samet Properties) have submitted a petition to voluntarily annex 15.26 acres of a 47.21-acre parcel into the Town of Smithfield (a portion of the parcel with the Johnston County Tax ID# 15077033C) located north of M. Durwood Stephenson Parkway and East of US Highway 70 Business West.

The annexation will complete the annexation of all parcels owned by Samet Properties. When this parcel was purchased by Samet, most of the property was in the corporate limits of the town, but this 15.26-acre portion of it remained in the ETJ. With this annexation, the entire 47.21-acre parcel will be within the corporate limits. Samet is planning for the subdivision of their property to dedicate the existing road in the West Smithfield Industrial Park to the public.

PAST ACTIONS ON PETITION:

On April 2, 2024, the Town Council adopted a resolution directing the Town Clerk to investigate the sufficiency of the petition.

On May 7, 2024, the Town Council adopted a resolution setting the date for the Public Hearing for May 21, 2024.

ANALYSIS:

Utilities. Smithfield will provide sewer and water utilities which will be extended into the site to service future industrial development. This extension was planned with the annexation, ANX-21-01, for Project XD and the West Smithfield Industrial area.

Police. The Town Police Department is already providing police protection in that area.

Fire Protection. The area is already within the Town's fire district.

Public Works. Trash and yard pickup are not services provided to Industrial properties. The future public street will be NCDOT maintained.

Code Enforcement. The Town is already providing code enforcement in that area.

Annexation Statute:

Per NCGS 160A-31 (d),

At the public hearing persons resident or owning property in the area described in the petition and persons resident or owning property in the municipality shall be given an opportunity to be heard. The governing board shall then determine whether the petition meets the requirements of this section. Upon a finding that the petition that was not submitted under subsection (b1) or (j) of this section meets the requirements of this section, the governing board shall have authority to pass an ordinance annexing the territory described in the petition. The governing board shall have authority to make the annexing ordinance effective immediately or on the June 30 after the date of the passage of the ordinance or the June 30 of the following year after the date of passage of the ordinance.

ACTION REQUESTED:

Pursuant to NCGS 160A-31, the Town Council shall accept public comments and consider adopting Ordinance No.519-2024 extending the Corporate Limits of the Town of Smithfield. The Ordinance may be adopted immediately.

The Town Council has three options:

1. Approve the contiguous annexation petition and adopt Ordinance No. 519-2024
2. Table the decision for no longer than 6 months
3. Deny the annexation petition.



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

Annexation Petition
 Submittal Checklist

Please include all of the following (check off). If any information is missing from the application package, you will be asked to complete the application and re-submit the petition, so please check the list below carefully before you submit:

<input checked="" type="checkbox"/>	Electronic Word document of the written metes and bounds must be e-mailed to: Stephen.Wensman@smithfield-nc.com or Mark.Heimer@smithfield-nc.com .	
<input checked="" type="checkbox"/>	Boundary Survey to be recorded upon approval or an existing recorded plat showing the above written metes and bounds description of the property to be annexed. This document must be submitted electronically in .pdf format.	
<input type="checkbox"/> N/A	Copy of Approved Preliminary Site Plan or Final Site Plan showing Town Permit number (Z-__-__, etc.) or	Copy of Subdivision Plat submitted for lot recording approval with Town file number (S-__-__, etc.)
<input type="checkbox"/> N/A	Projected Market Value of Development at build-out (land and improvements).	
<input type="checkbox"/> N/A	General Annexation Area Data: Linear feet of public streets, total annexation area acreage, number of proposed residential units or square footage of commercial space, type of utility connections involved, specific land uses proposed.	
<input checked="" type="checkbox"/>	This application form completed, <u>dated and signed</u> by the property owner(s) and attested submitted by the deadlines.	
Required, but often missing information. Please make sure to include the following:		
<input checked="" type="checkbox"/>	Correct Parcel Identification Number(s) (PIN). Call Johnston County Geographic Information Services at 919-989-5153, if there is any question about the parcel identifier. This is very important. Please indicate if the property being requested for annexation is only a portion of an existing parcel.	
<input checked="" type="checkbox"/>	Owner's Signatures and Date of Signatures. See page 3 of this application. All real property owners must sign the application, and the <u>date of signature MUST be filled in!</u>	
<input checked="" type="checkbox"/>	Corporate Seal for property owned by a corporation.	
<input type="checkbox"/> N/A	Rezoning Application , if the property is currently outside Town of Smithfield.	

Annexation Petition

Submittal Deadlines

Petitions for annexation are accepted by the Town of Smithfield Planning Department at any time. There is no fee required for submittal of an annexation petition. The annexation will become effective immediately upon adoption of the annexation ordinance at the scheduled public hearing unless notified otherwise by the Town Clerk.

(The Town of Smithfield reserves the right to make exceptions to this general processing schedule when necessary.)

Summary Information / Metes and Bounds Descriptions

Development Project Name ANNEXATION PLAT FOR TOWN OF SMITHFIELD OF SST PROPERTIES LLC				
Street Address W Market Street				
Town of Smithfield Subdivision approval # (S- _____ - _____) or		Building Permit Transaction # _____ or		Site Plan approval # for multi-family (SP- _____ - _____)
Johnston County Property Identification Number(s) list below				
P.I.N. PART OF 15077033C		P.I.N.		P.I.N.
P.I.N.		P.I.N.		P.I.N.
Acreeage of Annexation Site 15.626			Linear Feet of Public Streets within Annexation Boundaries 0	
Annexation site is requesting Town of Smithfield Water and/or Sewer WATER AND SEWER				
Number of proposed dwelling units 0				
Type of Units:	Single Family _____	Townhouse _____	Condo _____	Apartment _____
Building Square Footage of Non-Residential Space N/A				
Specific proposed use (office, retail, warehouse, school, etc.) TO BE DETERMINED				
Projected market value at build-out (land and improvements) \$ TO BE DETERMINED				
Person to contact if there are questions about the petition				
Name Chuck Piratzky				
Address 101 W Main Street, Suite 202, Garner NC 27529				
Phone 919-779-4854		Fax # 919-779-4056		Email cpiratzky@rwkpa.com

Annexation Petition

State of North Carolina, County of Johnston, Petition of Annexation of Property to the Town of Smithfield, North Carolina

Part 1 The undersigned, being all the owners of the real property described in this application respectfully request the annexation of said property to the Town of Smithfield, North Carolina. The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Unified Development Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners. The property to be annexed is:

Contiguous to the present corporate limits of the Town Of Smithfield, North Carolina, or

Not Contiguous to the municipal limits of the Town of Smithfield, North Carolina, not closer to the limits of any other municipality and is located within three miles of the municipal limits of the Town of Smithfield, North Carolina (pursuant to Chapter 989 of the Sessions Law of North Carolina, 1967)

Part 2 NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S.160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? Yes **No**

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this 11th day of MARCH, 2024 by the owners of the property described in Section C.

Owner's Signature(s)
 Signature  Date 3-11-24
 Signature _____ Date _____
 Signature _____ Date _____
 Signature _____ Date _____

Corporate Seal

Print owner name(s) and information
 Name SST PROPERTIES, LLC Phone 336-544-2600
 Address 309 GALLIMORE DAIRY RD STE 102 GREENSBORO, NC 27409-9316
 Name _____ Phone _____
 Address _____
 Name _____ Phone _____
 Address _____
 Name _____ Phone _____
 Address _____

Joshua Dye 3-11-24

Above signature(s) attested by Joshua Dye - Development Manager - Sanct Corp 336-264-1174

Received by the Town of Smithfield, North Carolina, this 2nd day of April, 2024, at a Council meeting duly held.
 Signature of Town Clerk Shanay Parrish



February 28, 2024

SST PROPERTIES, LLC ANNEXATION - LAND DESCRIPTION

ALL THAT CERTAIN PARCEL OF LAND LYING IN JOHNSTON COUNTY, NORTH CAROLINA BEING THE WESTERN PORTION OF THE PREMISES SHOWN IN PB 67 PG 40 TITLED "RECOMBINATION MAP FOR JOSEPH IRA LEE, JR. HANNAH RUTH JOHNSON LEE" AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE AT THE NORTHERNMOST CORNER OF LOT 9 WESTVIEW SUBDIVISION RECORDED IN PB 14 PG 119 AND IN THE COMMON LINE OF LOT 2 OF A MAP TITLED "RECOMBINATION PLAT RDU2" RECORDED IN PB 93 PG 241 AND THE WEST LINE OF LAND SHOWN IN PB 67 PG 40 AND WITH SAID COMMON LINE RUNS;

THENCE, N 02°01'53" E A DISTANCE OF 828.46' AN EXISTING IRON PIPE AT A COMMON CORNER OF PB 93 PG 241 AND PB 67 PG 40, AND RUNS;

THENCE, S 89°00'24" E A DISTANCE OF 576.84' TO AN EXISTING IRON PIPE AT A COMMON CORNER OF PB 93 PG 241 AND PB 67 PG 40, AND RUNS;

THENCE, N 01°43'58" E CROSSING AN IRON PIPE AT THE CORNER OF LOT 1 OF PB 93 PG 241 AT 363.45' AND CONTINUING FOR A TOTAL DISTANCE OF 883.39' TO AN EXISTING IRON PIPE IN LANDS DESCRIBED IN DB 1897 PG 945 NOW OR FORMERLY IN THE NAME OF HEATH STREET #215 LIMITED PARTNERSHIP AND RUNS;

THENCE, S 88°59'06" E A DISTANCE OF 816.01' WITH HEATH STREET TO AN EXISTING IRON PIPE IN LANDS DESCRIBED IN DB 5184 PG 467 NOW OR FORMERLY IN THE NAME OF KALSBECK, AND RUNS;

THENCE, THROUGH SAID PARCEL OF LAND SHOWN IN PB 67 PG 40, S 40°39'47" W A DISTANCE OF 2,223.28' THE POINT AND PLACE OF BEGINNING AND HAVING AN AREA OF 680,683 SQUARE FEET, OR 15.626 ACRES to be the same MORE or LESS.

PRELIMINARY

**TOWN OF SMITHFIELD
North Carolina**

**ORDINANCE NO. 519-2024 TO EXTEND THE
CORPORATE LIMITS OF THE TOWN OF SMITHFIELD**

WHEREAS, the Town Council has been petitioned under NCGS 160A-31 to annex the area described below;
and

WHEREAS, a public hearing on the question of this annexation was held in the Smithfield Town Hall Council Chamber located at 350 East Market Street, Smithfield, North Carolina at approximately 7:00 pm on May 21, 2024, after due notice; and

WHEREAS, the Town Council finds that the petition meets the requirements of NCGS 160A-31.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield that:

Section 1. By virtue of the authority granted by NCGS 160A-31, the following described contiguous property owned by the Town of Smithfield is hereby annexed and made a part of the Town of Smithfield effective immediately.

SST PROPERTIES, LLC ANNEXATION - LAND DESCRIPTION

ALL THAT CERTAIN PARCEL OF LAND LYING IN JOHNSTON COUNTY, NORTH CAROLINA BEING THE WESTERN PORTION OF THE PREMISES SHOWN IN PB 67 PG 40 TITLED "RECOMBINATION MAP FOR JOSEPH IRA LEE, JR. HANNAH RUTH JOHNSON LEE" AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE AT THE NORTHERNMOST CORNER OF LOT 9 WESTVIEW SUBDIVISION RECORDED IN PB 14 PG 119 AND IN THE COMMON LINE OF LOT 2 OF A MAP TITLED "RECOMBINATION PLAT RDU2" RECORDED IN PB 93 PG 241 AND THE WEST LINE OF LAND SHOWN IN PB 67 PG 40 AND WITH SAID COMMON LINE RUNS;

THENCE, N 02°01'53" E A DISTANCE OF 828.46' AN EXISTING IRON PIPE AT A COMMON CORNER OF PB 93 PG 241 AND PB 67 PG 40, AND RUNS;

THENCE, S 89°00'24" E A DISTANCE OF 576.84' TO AN EXISTING IRON PIPE AT A COMMON CORNER OF PB 93 PG 241 AND PB 67 PG 40, AND RUNS;

THENCE, N 01°43'58" E CROSSING AN IRON PIPE AT THE CORNER OF LOT 1 OF PB 93 PG 241 AT 363.45' AND CONTINUING FOR A TOTAL DISTANCE OF 883.39' TO AN EXISTING IRON PIPE IN LANDS DESCRIBED IN DB 1897 PG 945 NOW OR FORMERLY IN THE NAME OF HEATH STREET #215 LIMITED PARTNERSHIP AND RUNS;

THENCE, S 88°59'06" E A DISTANCE OF 816.01' WITH HEATH STREET TO AN EXISTING IRON PIPE IN LANDS DESCRIBED IN DB 5184 PG 467 NOW OR FORMERLY IN THE NAME OF KALSBECK, AND RUNS;

THENCE, THROUGH SAID PARCEL OF LAND SHOWN IN PB 67 PG 40, S 40°39'47" W A DISTANCE OF 2,223.28' THE POINT AND PLACE OF BEGINNING AND HAVING AN AREA OF 680,683 SQUARE FEET, OR 15.626 ACRES to be the same MORE or LESS.

Section 2. The Mayor of the Town of Smithfield shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State in Raleigh, North Carolina an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall be delivered to the Johnston County Board of Elections, as required by NCGS 163-288.1

Adopted this the 21st day of May, 2024

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

APPROVED AS TO FORM:

Robert Spence, Jr., Town Attorney

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 - (Johnston County), 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:
May. 8, 2024

NOTICE ID: pNtpUMZooKhOzjjkzcn
NOTICE NAME: Public Hearing - ANX 24-01
Publication Fee: 54.50

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: 05/08/2024

Shanea H. Holmes

Notary Public
Notarized remotely online using communication technology via P of.

**TOWN OF SMITHFIELD
NOTICE OF PUBLIC HEARING
ON REQUEST FOR CONTIGU-
OUS ANNEXATION (ANX 24-01)**

The public will take notice that the Town Council of the Town of Smithfield has called for a public hearing at 7:00 pm on May 21, 2024 in the Smithfield Town Hall Council Chambers located at 350 East Market Street, Smithfield, North Carolina on the question of annexing the following described territory, requested by petition filed pursuant to G.S. 160A-31:

Description: 15.626 acres on US Highway 70 Business West (NC Pin #15077033C)

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.
The Johnstonian
May 8, 2024

File Number:
ANX-24-01

Project Name:
SST Properties

Location:
W Market St

Tax ID#:
15077033C

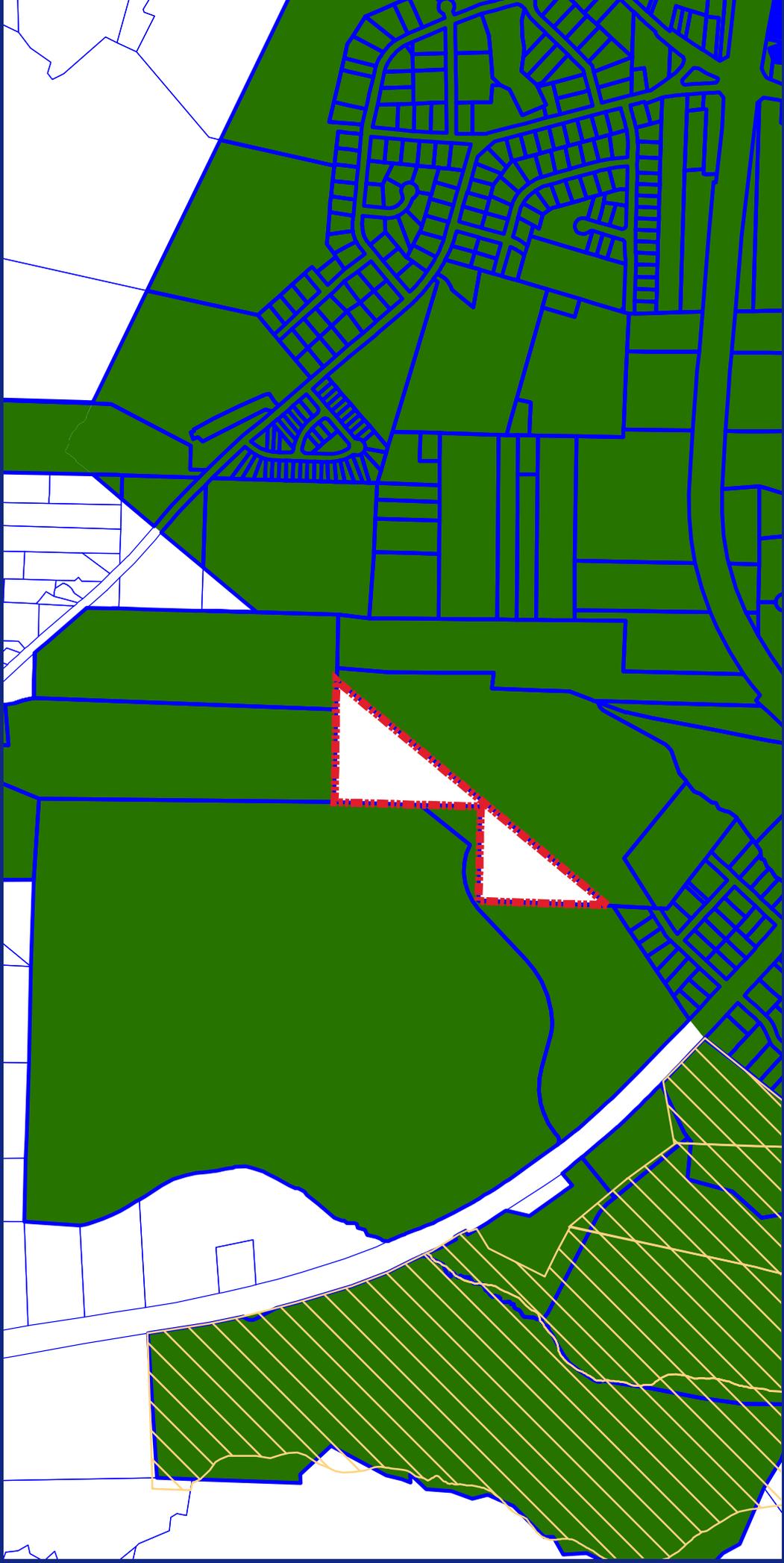
Existing Zoning:
LI (Light Industrial)

Owner:
SST Properties, LLC

Applicant:
Legion Land
Development



1 in = 875 ft
Map created by Chloe Allen
Planner 1 on 4/25/24





Request for Town Council Action

**Public
Hearing:** RZ-24-02
Date: 05/21/2024

Subject: Zoning Map Amendment
Department: Planning Department
Presented by: Planning Director – Stephen Wensman
Presentation: Public Hearing

Issue Statement

Johnston County requests a zoning map amendment to rezone 86.2 and 5.53 acres of property located approximately 1,100 feet east of the Yelverton Grove Road and US Highway 70 Business East intersection from B-3 (Business) and R-20A (Residential-Agriculture) to O/I (Office/Institutional).

Financial Impact

None

Action Needed

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

Recommendation

Planning Staff recommends approval of the rezoning, RZ-24-02, with a statement declaring the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan, as hereby amended, and the Town's other adopted plans and is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Consistency Statement
3. Application
4. Zoning Map
5. Draft Planning Board Minutes
6. Affidavit of Publication



Staff Report

Public Hearing: RZ-24-02

REQUEST:

Johnston County requests a zoning map amendment to rezone 86.2 and 5.53 acres of property from B-3 (Business) and R-20A (Residential-Agriculture) to O/I (Office/Institutional).

PROPERTY LOCATION:

The properties are located to the east of the existing Johnston County Public Safety Center and Detention Center approximately 1,100 feet east of the Yelverton Grove Road and US Highway 70 Business East intersection.

SITE DATA:

Tax ID#	15L11014A and 15L11014E
Acreage:	+/- 86.2 and 5.53
Present Zoning:	B-3 (Highway Entranceway Business) and R-20A (Residential/Agricultural)
Proposed Zoning:	O/I (Office/Institutional)
Existing Use:	Farming and former manufactured home park
Proposed Use	Government offices and uses.
Town/ETJ:	ETJ (Town with planned Annexation)
Fire District:	Smithfield
School Impacts:	None
Parks and Recreation:	None
Water Provider:	Smithfield
Sewer Provider:	Smithfield
Electric Provider:	Duke

EXISTING CONDITIONS/ENVIRONMENTAL:

The larger tract, south of US Highway 70 Business East has a blue line stream that bisects the property north to south.

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

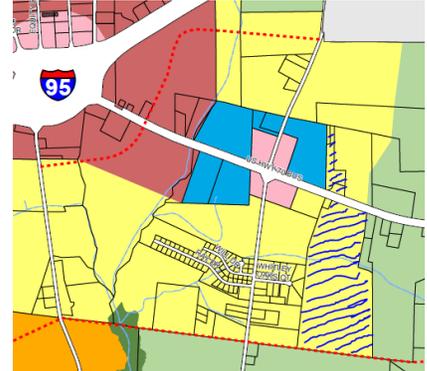
	Zoning	Existing Land Uses
North	R-20A	Farmland
South	R-20A	Farmland
East	R-20A/B-3	Farmland/Woodland/Residential
West	O/I/R-20A/B-3	Farmland/Residential/Government Uses

ANNEXATION:

The County is planning to petition for annexation into the Town of Smithfield. With annexation, the water and sewer utility provider would be Town of Smithfield.

ANALYSIS:

- **Comprehensive Plan.** The Comprehensive Plan envisioned a larger Office/Residential area (in blue) near the Yelverton Grove Road/US 70 Business East intersection, but not these exact parcels. These parcels are guided for Low Density Residential (in yellow), however, Staff would argue that the proposed rezoning is generally consistent with the comprehensive plan for the area. The proposed rezoning would subsequently amend the comprehensive plan.



- **Proposed Zoning.** In the proposed Office/Institutional zoning district, the following governmental uses are permitted:
 - Government Offices.
 - Government Public Safety.
 - Public utility/Public Works Storage and Service Yards (with supplementary standards).
 - Pump stations.

CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** - *The comprehensive plan designation is low density residential, however, the comprehensive plan envisioned a larger Office/Residential area in the area comprised of mostly government uses. Staff finds the rezoning is generally consistent with the comprehensive and the comp plan map will be hereby amended by the rezoning.*
- **Consistency with the Unified Development Code** – *The site will be developed in accordance with the town standards.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning is adjacent to the developing governmental campus and is compatible.*

RECOMMENDATION:

Planning Staff recommends approval of the rezoning, RZ-24-02, with a statement declaring the rezoning consistent with the Town of Smithfield Comprehensive Growth Management

Plan as hereby amended and consistent with the Town's other adopted plans and is reasonable and in the public interest.

RECOMMENDED MOTION:

Staff recommends the following motion:

"Move to approve zoning map amendment, RZ-24-02, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan as hereby amended and other adopted plans, and that the amendment is reasonable and in the public interest."

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

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-24-02 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the 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-24-02 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning 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: Johnston County Government Buildings II Acreage of Property: 86.2 +/-; 5.53
 Parcel ID Number: 260300-75-0660; 260300-77-0141 Tax ID: 15L11014A; 15L11014E
 Deed Book: _____ Deed Page(s): _____
 Address: 3080 US Hwy 70 Bus Smithfield, NC 27577; 2951 US Hwy 70 Bus Smithfield, NC 27577
 Location: Intersection of US Hwy 70 Bus and Yelverton Grove Road

Existing Use: Agriculture/Wooded Proposed Use: Government Uses
 Existing Zoning District: B-3 and R-20A
 Requested Zoning District: O&I
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

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

APPLICANT AFFIDAVIT

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

Rick Hester
Print Name

[Signature]
Signature of Applicant

3-20-24
Date



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

OWNER'S CONSENT FORM

Name of Project: Johnston County Government Buildings II Submittal Date: _____

OWNERS AUTHORIZATION

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

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

Signature of Owner *Print Name* *Date*

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

 Rick Hester 3-20-24
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY

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



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: Johnston County Government Buildings II Submittal Date: _____

OWNER'S AUTHORIZATION

I hereby give CONSENT to Jennifer Slusser/Johnston County (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.

Glenda Massey Signature of Owner Glenda Massey Print Name 03/01/2024 Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

Glenda Massey Signature of Owner/Applicant Glenda Massey Print Name 03/01/2024 Date

FOR OFFICE USE ONLY

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



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: Johnston County Government Buildings II

Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to Jennifer Slusser/Johnston County (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.

Robert L. Thorton
 Signature of Owner

Robert L. Thorton, Trustee of Robert L. Thorton & Clara S. Thorton Revocable Trust
 Print Name

3.20.24
 Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

Robert L. Thorton
 Signature of Owner/Applicant

Robert L. Thorton, Trustee of Robert L. Thorton & Clara S. Thorton Revocable Trust
 Print Name

3.20.24
 Date

FOR OFFICE USE ONLY

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



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: Johnston County Government Buildings II Submittal Date: _____

OWNERS AUTHORITY/ACTION

I hereby give CONSENT to Jennifer Slusser/Johnston County (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] Sue Kirkpatrick 03/01/2024
 Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

[Signature] Sue Kirkpatrick 03/01/2024
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

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



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: Johnston County Government Buildings II Submittal Date: _____

OWNER'S AUTHORIZATION

I hereby give CONSENT to Jennifer Slusser/Johnston County (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.

Carolyn Stallings Carolyn N. Stallings 03/06/2024
 Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

Carolyn Stallings Carolyn N. Stallings 03/06/2024
 Signature of Owner/Applicant Print Name Date

FOR OFFICIAL USE ONLY

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



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: Johnston County Government Buildings II Submittal Date: _____

OWNER'S AUTHORIZATION

I hereby give CONSENT to Jennifer Slusser/Johnston County (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.

Linda Stallings Linda Stallings 3-14-24
 Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

Linda Stallings Linda Stallings 3-14-24
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

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



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: Johnston County Government Buildings II Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to Jennifer Slusser/Johnston County (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.

Cameron Stallings Cameron Stallings 03/01/2024
 Signature of Owner Print Name Date

COMMUNICATION OF APPLICANT AND/OR PROPERTY OWNERS

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.

Cameron Stallings Cameron Stallings 03/01/2024
 Signature of Owner/Applicant Print Name Date

TOWN OFFICE USE ONLY

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



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: Johnston County Government Buildings II Submittal Date: _____

OWNERS STATEMENT/AVAILABILITY

I hereby give CONSENT to Jennifer Slusser/Johnston County (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.

Eric Stallings _____ Eric Stallings _____ 03/04/2024
 Signature of Owner Print Name Date

COMMUNICATION OF APPLICANT AND/OR PROPERTY OWNER

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

Eric Stallings _____ Eric Stallings _____ 03/04/2024
 Signature of Owner/Applicant Print Name Date

FOR OFFICIAL USE ONLY

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

TOWN OF SMITHFIELD

REZONING REQUEST BY COUNTY OF JOHNSTON FOR TAX ID 15L11014A and 15L11014E

STATEMENT OF JUSTIFICATION

The property is located off of U.S. Hwy 70 Business East in the Town of Smithfield ETJ close to the intersection of U.S. Hwy 70 Business East and Yelverton Grove Road. County of Johnston seeks to rezone the 86.2 acre and 5.53 acre tracts of land from Town of Smithfield B-3 (Highway Entranceway Business District) and (R-20A (Residential-Agriculture) zoning district to the O/I (Office/Institutional) zoning district. The proposed use is Institutional - Government Offices and incidental Accessory Uses for Government Offices. Johnston County desires to construct county facilities at these locations to support growing County operation in order to better serve the citizens of Johnston County. This location is in close proximity to other county facilities.

According to the Town of Smithfield Official Zoning Map, the subject properties are immediately adjacent to properties currently zoned Office/Institutional, B-3 Highway Entranceway Business District and RA-20A Residential-Agricultural District. The subject properties are guided for low density residential, but the Comprehensive Plan does guide additional Office/Residential land use in the general area. Further, the Office/Institutional District is designed for uses at low to moderate densities and should be used as a transitional zone between areas of conflicting land uses, which the proposed rezoning accomplishes. Because adjacent properties within this corridor are currently zoned and developed as industrial and commercial, the use of this site for non-residential is contextually consistent and appropriate. Compatibility issues with surrounding land uses are unlikely.

The site will be developed in conformance with the Town's Unified Development Ordinance. The proposed governmental uses are permitted uses in the Unified Development Ordinance. The property considered for rezoning will be compatible with the surrounding land uses. The rezoning expands upon the County's government campus in the area.

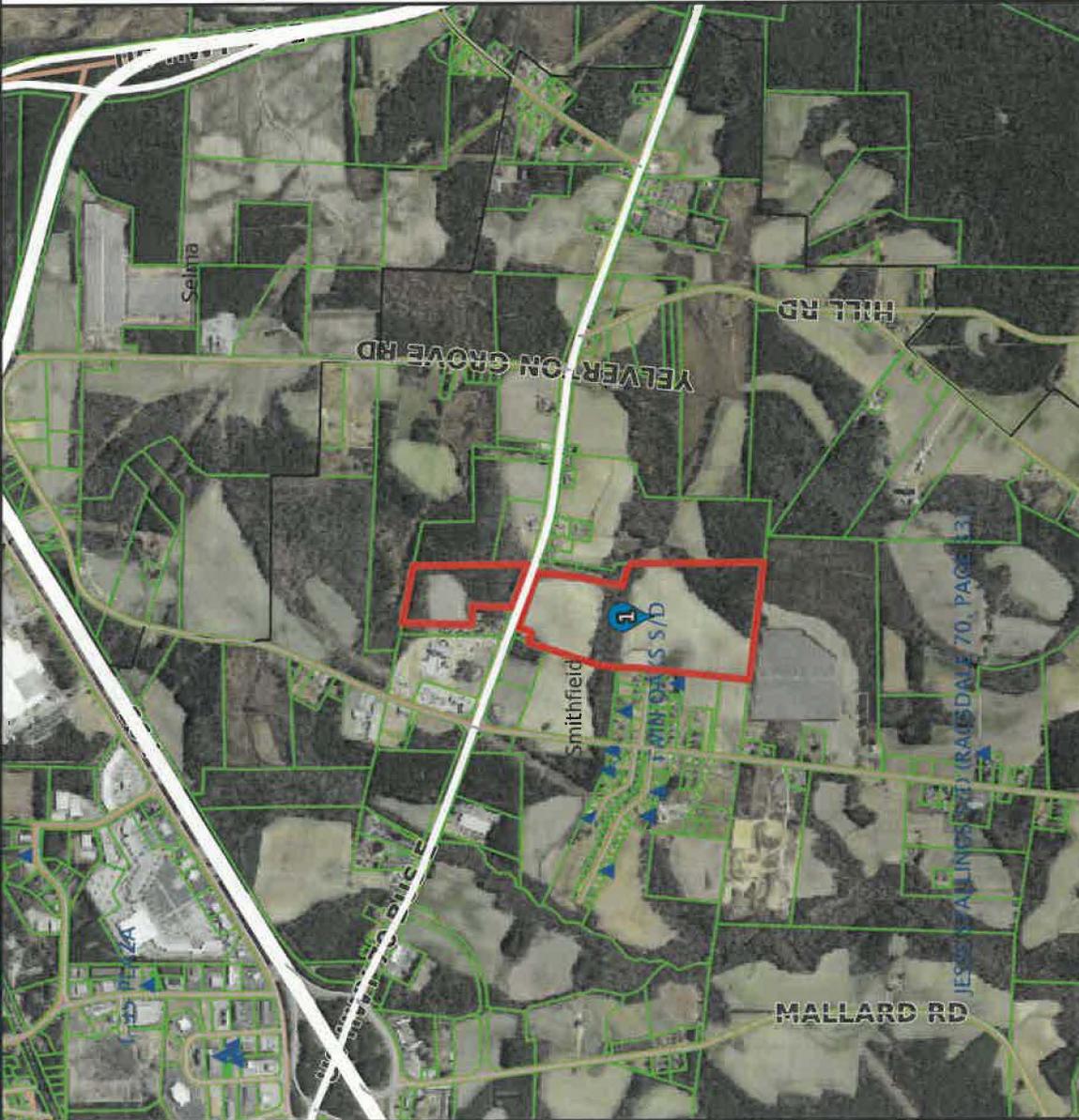
County (Cox) Tract - Johnston County

Owner Name(s)	Acres	PIN	Zoning
County of Johnston	16.84	260300-67-5886	O&I
Christopher C. Parrish	66.76	260300-88-4008	R-20A
Glenda Massey, et al	86.2	260300-75-0660	B-3 & R-20A



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result

id: 15L11014A

Tag: 15L11014A

NCPin: 260300-75-0660

Mapsheet No: 2603

Owner Name 1: MASSEY, GLENDA ARANETA
PHILLIPS

Owner Name 2: STALLINGS, HAROLD
DOUGLAS

Mail Address 1: 1064A 7 LAKES DR

Mail Address 2:

Mail Address 3: WEST END, NC 27376-9081

Site Address 1: 3080 US HWY 70 BUS

Site Address 2: SMITHFIELD, NC 27577-

Book:

Page:

Market Value: 613000

Assessed Acreage: 86.220

Calc. Acreage: 86.170

Sales Price: 0

Sale Date:

Scale: 1:24024 - 1 in. = 2001.97 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

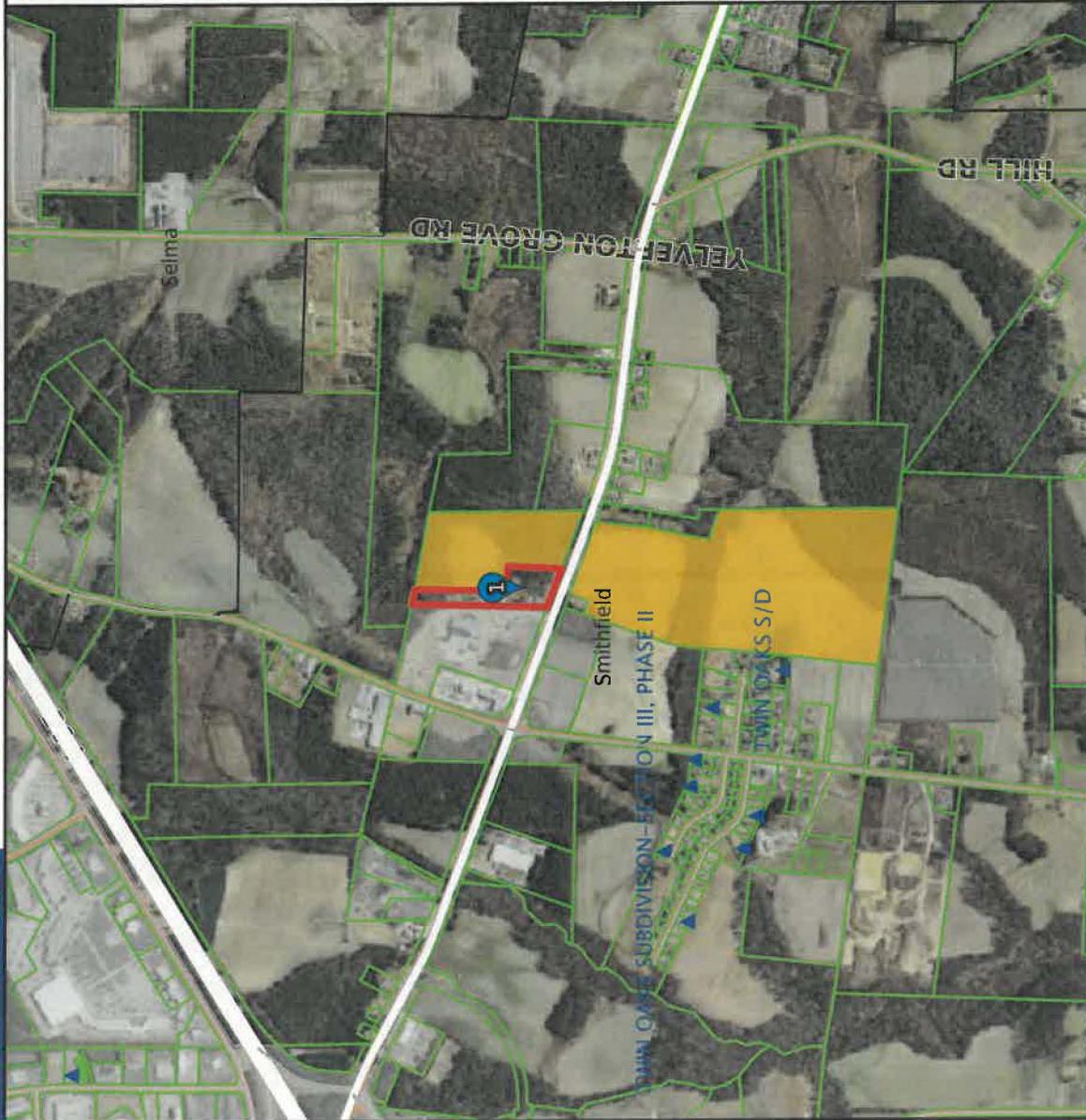


Johnston County GIS
March 20, 2024



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result

id: 15L11014E

Tag: 15L11014E

NCPin: 260300-77-0141

Mapsheet No: 2603

Owner Name 1: COUNTY OF JOHNSTON

Owner Name 2:

Mail Address 1:

Mail Address 2: PO BOX 1049

Mail Address 3: SMITHFIELD, NC 27577-0000

Site Address 1: 2951 US HWY 70 BUS

Site Address 2: SMITHFIELD, NC 27577-

Book: 06284

Page: 0747

Market Value: 268480

Assessed Acreage: 5.530

Calc. Acreage: 5.530

Sales Price: 450000

Sale Date: 2022-06-21

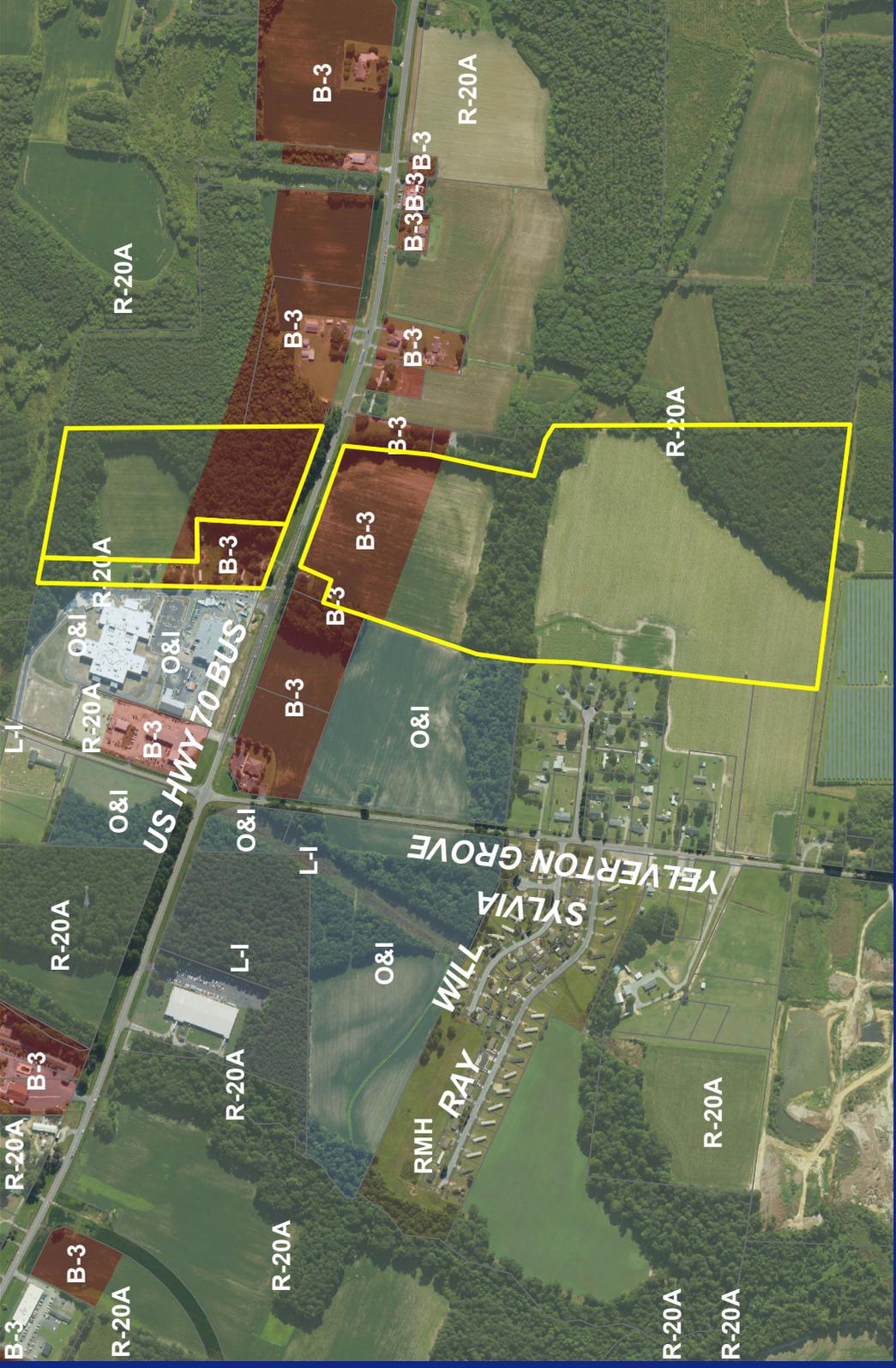


Scale: 1:17896 - 1 in. = 1491.33 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Johnston County GIS
March 20, 2024

JoCo Massey Tract to OI



File Number:
RZ-24-02

Project Name:
JoCo Massey
Tract to OI

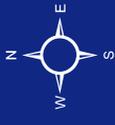
Location:
Adjacent to Public
Safety Building

Tax ID#:
15L11014A
15L11014E

Existing Zoning:
R-20A / B-3

Owner:
Glenda Massey &
Johnston County

Applicant:
Johnston County



1 in = 84.7 ft
Map created by Chloe Allen
Planner on 4/22/24

**Town of Smithfield
Planning Board Minutes
Thursday, May 2nd, 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:

Chloe Allen, Planner I
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

CALL TO ORDER

PLEDGE OF ALLEGIANCE

IDENTIFY VOTING MEMBERS

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

APPROVAL OF MINUTES April 4th, 2023

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

Ashley Spain mentioned that he owned property that joined the backend of the property in case RZ-24-02. He asked if he needed to recuse himself from the meeting. Mark Lane asked if his decision would influence the outcome of this case?

Debbie Howard made a motion to allow Ashley Spain to sit in on the meeting seconded by Bryan Stanley. Unanimously approved.

NEW BUSINESS

RZ-24-02 Johnston County: Johnston County is requesting a zoning map amendment to rezone 86.2 and 5.53 acres of property located approximately 1,100 ft east of the Yelverton Grove Road and US Highway 70 Business East intersection from B-3 (Business) and R-20A (Residential-Agriculture) to O/I (Office/Institutional).

Chloe Allen presented and she stated that Johnston County was seeking to rezone the property from B-3 and R-20A to O/I. The property is being proposed for government and office uses. She stated the larger tract, south of US Highway 70 Business East has a blue line stream that bisects the property north and south.

With approval of the rezoning, the Planning Board/Town Council is required to adopt a statement describing whether the action is consistent with adopted comprehensive plan and other applicable adopted plans and that the action is reasonable and in the public interest. Planning staff considers the action to be consistent and reasonable. Planning staff recommends approval of RZ-24-02

Brian Leonard of BRL Engineering and Surveying located at 112 E. Johnson Street Smithfield, came forward to represent the applicant. He stated Johnston County currently holds an option on the 86-acre tract of land. It's currently owned by Glenda Massey. Johnston County is making this request to expand their government uses for a future campus for its administrative and service-based facilities. We're referring to office space and accessory uses to the office uses. As of now there isn't a detailed site plan for this property. It could potentially be a couple years before a specific plan is put into place. Traffic counts have been conducted on Yelverton Grove Road, 1200 vehicles per day according to the DOT in their 2022 traffic study. It's been unchanged in the last several years. US Highway 70 Business West at the Yelverton Road intersection and on the East side had traffic counts conducted. The West side of the intersection there were 11,000 vehicles per day, 9,000 vehicles per day in the East bound. An extensive traffic study will be required. The future traffic counts will depend on the future uses that this property has.

Mark Lane expressed his concern of the current traffic issues. He said something must be done especially with the future growth that's coming.

Debbie Howard made a motion to recommend approval of zoning map amendment, RZ-24-02, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Doris Wallace. Unanimously approved.

RZ-24-03 1558 W Market Street: Zoning map amendment to rezone 2.41 acres of land (Johnston County Tax ID 15077033B), located at 1558 West Market Street between M. Durwood Stephenson Parkway and Fareway Drive from R-20A (Residential-Agriculture) to B-3 (Highway Entranceway Business).

Chloe Allen presented and stated Lena Patterson Parks is requesting a zoning map amendment to rezone 2.41 acres of land located at 1558 West Market Street, between M. Durwood Stephenson Parkway and Fareway Drive from R-20A (Residential-Agriculture) to B-3 (Highway Entranceway Business). Planning Staff recommends approval of RZ-24-03 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Susan Lassiter with Fonville Morisey Realty spoke on behalf of the applicant. She stated the applicant feels that a B-3 zoning would make this property more sellable. There are no current plans for this property.

Doris Wallace recommended approval of zoning map amendment, RZ-24-03, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Bryan Stanley. Unanimously approved.

RZ-24-04 Heavner Properties: Zoning map amendment to rezone 9.61 acres of land (.806 acres located north of Powell Street and west of Adams Street with Johnston County Tax ID 15089019A) (8.77 acres located north of Hartley Drive, between Adams Street and Coats Drive, and south of M. Durwood Stephenson Parkway with Johnston County Tax IDs 15K09010A & 15K09010P) from R-10 (Single-Family Residential) and R-20A (Residential-Agriculture) and to R-8 (Single, Two, and Multi-Family Residential).

Chloe Allen stated the applicant Paul Embler is requesting a zoning map amendment to rezone 9.61 acres of land (.806 acres located north of Powell Street and west of Adams Street with Johnston County Tax ID 15089019A) (8.77 acres located north of Hartley Drive, between Adams Street and Coats Drive, and south of M. Durwood Stephenson Parkway with Johnston County Tax IDs 15K09010A & 15K09010P) from R-10 (Single-Family Residential) and R-20A (Residential-Agriculture) and to R-8 (Single, Two, and Multi-Family Residential). The parcel with the Johnston County Tax ID#15089019A will be split zoned. The 2.326-acre parcel is currently zoned R-10 and is physically split by Powell Street. A portion of the property north of Powell Street (.806 acres) will be recombined with parcels to the north with future development. The remainder south of Powell Street will be retained by the owner and has no plan for future development. The proposed R-8 zoning will adjoin an adjacent 5–6-acre R-8 zoning district area.

Paul Embler of 11 Kentwood Drive Smithfield, came forward representing the applicant. Since making application they have had a streamed delineation as well as wetlands. No wetlands were found on the site or any stream buffers. Water and sewer are already present, no line extensions are necessary. R-8 is a more compatible zoning in their opinion.

Debbie Howard recommended approval of zoning map amendment, RZ-24-04, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest, seconded by Doris Wallace. Unanimously approved.

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 this item was tabled at the April 4th, 2024 Planning Board meeting. This application was tabled to give the applicant time to make revisions to the application; specifically, to identify specifics on streets, lot size, lot width, density. The revised application is requesting approval for 627 dwelling units consisting of 324 multi-family, 94 townhouse and 209 detached single-family. The overall residential density will range from 7.23 dwelling units per acre, down from 9.58. The minimum lot size is 4,200 sq. ft. (40' x 105') rather than 3,800 sq. ft. in the previous plan. The plan shows where front and rear access lots are located. The revised plan provides a subdivision plan rather than character districts with defined lots, streets, and units. The revised application provides a revised roadway, opens space, building typology, lot size and garage access and block diagrams.

The proposed development has a density of 7.23 dwelling units per acre over 86.67 acres (Character Districts 3A, 3B, and 4). The Maximum allowed by the UDO is 9.68. The developer is proposing 60' wide, 56' wide, 50' wide public rights of way, and private streets and alleys. A traffic study has been completed and the applicant is in communication with NCDOT regarding a transportation plan. The Local 70 plans show 40 foot wide, 42 foot wide and 50-foot-wide single-family lots with all front-loaded lots being at least 42 feet wide.

Proposed Standards Exceeding UDO Requirements.

- o Architectural guidelines with higher quality materials.
- o Street trees in the R/W maintained by the HOA.
- o Sidewalks on both sides of all streets.
- o Central Park and open space trails (private, not dedicated).
- o Shorter residential blocks.
- o Some rear loaded residential units.

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 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. Non-Residential development shall have parking on the side and rear of the principal structure if the building is setback less than 50' from the front property line.
5. That a 50' setback be maintained along M. Durwood Stephenson Parkway and 30' setback along Booker Dairy Road.
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 development shall comply with the town's street intersection site visibility requirements.
8. Residential garages shall be at least 14' x 22' to accommodate a standard vehicle.
9. All setback dimensions shall be to the property line, rather than from public sidewalk or edge of road.
10. All trees in the public right of way shall be maintained & replaced when needed by a Homeowners/Property Owners Association.

Jody Leidolf a Local 70 property owner came forward. He reiterated much of what Chloe Allen explained in her presentation. He pointed out the changes made to the plan that Planning Board expressed concern about at the April 4th, 2024 meeting.

Debbie Howard asked if there were proposed berms on Booker Dairy Road where the family lots butt up against this new phase?

Jody Leidolf said they've allowed additional buffer yard on Booker Dairy Rd. They believe street trees or nice hedges would be more consistent with the character.

Mark Lane asked if the back of the homes would be visible from Durwood Stephenson Parkway?

Jody Leidolf stated there are no plans for any berms.

Ashley Spain asked if any driveways would come to Booker Dairy Rd?

Jody Leidolf answered no.

Tara Meyer asked, with the 621 dwellings will there be adequate flow for sewer?

Chloe Allen stated there would be plenty of sewer capacity, there's no limitations.

Tara Meyer asked if fire flow testing had been done?

Corey Mabus with Carolina Commercial Contractors will be assisting Smithfield Growth LLC with this project. He stated water studies and fire flow have been done. He spoke with Ted Credle, Smithfield Public Works Director and there's a 16" water main going down Durwood Stephenson Parkway. There is adequate water supply, as far as multi-family goes, they can get the water there but they will need to do something to the booster pump.

Tara Meyer asked if the development would be loop fed?

Corey Mabus said yes it will be.

Tara Meyer asked if the sewer was terracotta or PVC?

Corey Mabus said they will use whatever the Town Utility Department requires.

Christine Norris of 8 Bradford Street came forward. She has concerns about the traffic. She stated it is already really bad now. She's curious if there will be a traffic study and will more traffic lights be installed? The current schools are overflowing. She asked if they could handle the increase in enrollment?

Chloe Allen said adding additional traffic lights would be up to the DOT. She wasn't aware of any additional schools being built.

Charles Williams of 12 Bradford Street came forward. He asked if his property adjoined to this proposed property? He wasn't aware of this project.

Chloe Allen said no, his property didn't adjoin to this proposed development.

Tara Meyer asked who the developer was on this project?

Corey Mabus said Smithfield Growth, LLC is the land owner and developer to this parcel. Everything to the South they will develop. They will partner with a builder to develop the single-family. They have interviewed 4 different builders.

Pam Lampe of 415 N. Second Street came forward. She is worried about the small lot sizes. It doesn't meet the UDO. The lack of adequate parking for all of these units is another concern. She wants Chloe to explain how Bayhill Drive will be used. She asked who would pay for Booker Dairy Road to be widened?

Chloe Allen said Bayhill Drive will open up and allow residents to exit another way.

Pam Lampe asked who owns Booker Dairy Rd?

Chloe Allen said it is owned by the NCDOT.

Mark Lane said Bayhill Drive was a concern for him too, but it dead ends for a reason. It was built as a stub road for future development.

Chloe Allen suggested a buffer could be added between the single-family homes on Bayhill Drive and the new townhomes.

Tara Meyer asked which would be built first? Single-Family, Townhomes or Apartments?

Corey Mabus said he didn't know yet. It will depend on infrastructure and whether they can bring in sewer or water first.

Mark Lane suggested the Planning Board go through the summary analysis points on page 14 of their agenda. They reviewed each question and talked together as a group.

Emma Gemmel of 207 Hancock Street came forward. She asked why we wouldn't want berms?

Ashley Spain said they are hard to maintain. You have to mow them. He asked who would mow the backside of them?

Emma Gemmel said the pavement on Bayhill Drive is currently in disrepair. If that street is opened up who will be responsible for the repairs? How do you know the developer will build these homes to the quality they are promising?

Ashley Spain said you have to look at the reputability of the builders and any past projects they have done.

Tara Meyer asked who some of the builders are that have been interviewed?

Jody Leidolf said they've talked with David Weekly Homes, Smith Douglas, Garmin Homes and Meritage Homes. They've made a significant investment in the land so they ensure the development is the nicest one in Smithfield. This is possibly a 5 or 6-year project.

Mark Lane said since the development will be using Bayhill Drive every day, the board would like to put a condition on the applicant to pave Bayhill Drive.

Bryan Stanley stated he felt it was fair to the current residence on Bayhill Drive to get some type of maintenance on that road.

Corey Mabus understands the request; however, he stated the only reason they're making the connection to Bayhill Drive is to suffice the fire access requirement given by Smithfield Fire Department. The lack of maintenance over time by the Town isn't their responsibility to repair, it would be the Town's.

Pam Lampe asked how you can control the multi-family to uphold its high standards if the developer sells to another owner?

Bryan Stanley said these conditions we place on this project will go with the property. As they develop the different parcels the conditions will follow.

Bryan Stanley recommends approval of the zoning map amendment, CZ-24-02, with the 13 conditions of approval as follows:

1. Future development plans of the project be in accordance to the approved master plan, B-3 zoning district and other UDO regulations and deviations listed to be approved.
2. The residential lots with front setbacks less than 25 ft provide alley access in the rear.
3. In non-residential areas with 14 ft setbacks, a hybrid street yard that incorporates foundation shrubs be required.
4. Non-residential development should have parking on the side and rear of the principal structure if the building setback is less than 50 ft from the front property line.

5. That 50 ft setback be maintained along Durwood Stephenson Parkway and a 30ft setback along Booker Dairy Road.
6. Townhomes that are less than 20 ft wide shall have vehicular access from the rear by alley or front on a parking lot.
7. The development shall comply with the town street intersection site visibility requirements.
8. Residential garages should be 14 'x 22' to accommodate a standard vehicle.
9. All setback dimensions should be to the property line rather than from the public sidewalk or edge of the road.
10. All trees in the public right of way shall be maintained or replaced by the HOA or property owners' association.
11. Add a fence buffer along lots that front Booker Dairy Rd.
12. Add a landscaping buffer at block W.
13. Improve the pavement conditions on Bayhill Drive.

finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and, in the public interest, seconded by Doris Wallace. Passes 5 to 1.

Bryan Stanley-Yes
Mark Lane-No
Debbie Howard-Yes
Doris Wallace-Yes
Ashley Spain-Yes
Tara Meyer-Yes

Old Business: None

Adjournment

Doris Wallace made a motion to adjourn, seconded by Bryan Stanley. Unanimously approved.

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

Respectfully Submitted,



Julie Edmonds
Administrative Support Specialist

TOWN OF SMITHFIELD NOTICE OF PUBLIC HEARINGS

AFFIDAVIT OF PUBLICATION

State of Texas, County of Bexar, ss:

Laquansay Nickson Watkins, 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 - (Johnston County), 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 2 with the full text of the sworn-to notice set forth on the pages that follow, and the hereto attached:

PUBLICATION DATES:

May, 8, 2024

NOTICE ID: wj235qhqltxap3lk6576

NOTICE NAME: TC- PH 05/21/2024

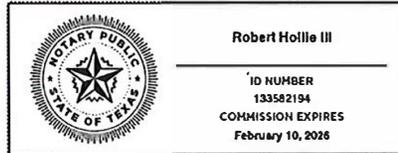
Publication Fee: 127.10

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

(Signed) Laquansay Nickson Watkins

VERIFICATION

State of Texas
County of Bexar



Subscribed in my presence and sworn to before me on this: 05/09/2024

Notary Public
Electronically signed and notarized online using the Proof platform.

Notice is hereby given that a public hearing will be held before the Town of Smithfield, N.C., on Tuesday, May 21, 2024, at 7:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following request:

RZ-24-02 Johnston County: Zoning map amendment to rezone two properties, 86.2 acres and 5.53 acres in size (Johnston County Tax IDs 15L11014A and 15L11014E) located approximately 1,100 feet east of the Yelverton Grove Road and US Highway 70 Business East Intersection from B-3 (Business) and R-20A (Residential-Agriculture) to O/I (Office/Institutional).

RZ-24-03 1658 W Market Street: Zoning map amendment to rezone 2.41 acres of land (Johnston County Tax ID 15077033B), located at 1558 West Market Street between M. Durwood Stephenson Parkway and Fareway Drive from R-20A (Residential-Agriculture) to B-3 (Highway Entranceway Business).

RZ-24-04 Heavner Properties: Zoning map amendment to rezone 9.61 acres of land (.806 acres located north of Powell Street and west of Adams Street with Johnston County Tax ID 15089019A) (8.77 acres located north of Hartley Drive, between Adams Street and Coats Drive, and south of M. Durwood Stephenson Parkway with Johnston County Tax IDs 15K09010A & 15K09010P) from R-10 (Single-Family Residential) and R-20A (Residential-Agriculture) and to R-8 (Single, Two, and Multi-Family Residential).

CZ-24-02 Local 70 PUD Conditional Zoning: Smithfield Growth LLC is requesting approval of a rezoning of a 163.62-acre 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.

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



Request for Planning Board Action

**Public
Hearing: RZ-24-03**
Date: 05/21/2024

Subject: Zoning Map Amendment
Department: Planning Department
Presented by: Planning Director – Stephen Wensman
Presentation: Public Hearing

Issue Statement

Lena Patterson Parks requests a zoning map amendment to rezone 2.41 acres of land located at 1558 West Market Street, between M. Durwood Stephenson Parkway and Fareway Drive from R-20A (Residential-Agriculture) to B-3 (Highway Entranceway Business).

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommends approval of the rezoning, RZ-24-03, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, and other adopted plans, and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Consistency Statement
3. Application
4. Zoning Map



Staff Report

Public Hearing: RZ-24-03

REQUEST:

Lena Patterson Parks requests a zoning map amendment to rezone 2.41 acres of land located at 1558 West Market Street, between M. Durwood Stephenson Parkway and Fareway Drive from R-20A (Residential-Agriculture) to B-3 (Highway Entranceway Business).

PROPERTY LOCATION:

1558 West Market Street, between M. Durwood Stephenson Parkway and Fareway Drive.

SITE DATA:

Owner: Rose Grantham Patterson Trust and Lena Patterson Parks
Tax ID#: 15077033B
Acreage: 2.41 acres
Present Zoning: R-20A (Residential/Agricultural)
Proposed Zoning: B-3 (Highway Entranceway Business)
Existing Use: Vacant
Proposed Use: Business
Town/ETJ: Town
Fire District: Smithfield
School Impacts: None
Parks and Recreation: None
Water Provider: Smithfield
Sewer Provider: Smithfield
Electric Provider: Duke

EXISTING CONDITIONS/ENVIRONMENTAL:

There are no known environmentally sensitive areas on this property.

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

	Zoning	Existing Land Uses
North	R-20A	Vacant
South	N/A	N/A
East	B-3 and LI	Warehousing and Auto sales and salvage yard
West	B-3	Commercial

ANALYSIS:

- **Comprehensive Plan.** The Comprehensive Plan guidance for this property is mixed use. The commercial zoning and land use is consistent with the comprehensive plan.
- **Proposed Zoning.** The B-3 zoning district is the most expansive commercial district with many permitted and special uses.

CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** - *The rezoning is consistent with the mixed-use land use designation.*
- **Consistency with the Unified Development Code** – *The site will be developed in accordance with the town standards.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning is adjacent to a mix of land uses including commercial and industrial.*

RECOMMENDATION:

Planning Staff recommends approval of the rezoning, RZ-24-03, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, and other adopted plans, and that the request is reasonable and in the public interest.

RECOMMENDED MOTION:

Staff recommends the following motion:

“Move to approve zoning map amendment, RZ-24-03, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-24-03**

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-24-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the 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-24-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the 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: Rezone Acreage of Property: 2.41 acres
 Parcel ID Number: 15077033B Tax ID: 2000166940
 Deed Book: 04184 Plat book PG 737 Deed Page(s): Plat book PG 77 PG 439
 Address: 1558 West Market St., Smithfield NC 27577
 Location: North side of West Market St across from Rose Manor Shopping Center
between Durwood Stephenson Parkway and Fareway Dr.
 Existing Use: Vacant land Proposed Use: Potential commercial use
 Existing Zoning District: R-20A
 Requested Zoning District: B-3
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number _____ Date Received _____ Amount Paid: \$400.00



APPLICANT AFFIDAVIT

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

Lina P. Parks  03/28/2024
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: Rezone Submittal Date: March 28, 2024
 Parcel ID 15077033B

OWNERS AUTHORIZATION

I hereby give CONSENT to Susan Lassiter (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.

Lena Patterson Parks Lena Patterson Parks March 28, 2024
 Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

Lena P Parks Lena P Parks 03/28/2024
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

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

ROSE GRANTHAM PATTERSON TRUST PARKS, LENA PATTERSON

Parcel ID: 15-0-77-033-B-
SPLIT FROM ID

PLAT: 77/439 UNIQ ID 440710
ID NO: 168408-88-3802

CARD NO. 1 of 1
2.4100 AC
TW-15 CL-51 FR-44

COUNTY TAX (100), SMITHFIELD TAX (100)
77/439

Reval Year: 2019 Tax Year: 2022
Appraised By: on 01/01/2019 00012 SECTION OF HWY 70 BUS

EX- SRC= Inspection AT- LAST ACTION 20200515

CONSTRUCTION DETAIL

TOTAL POINT VALUE	USE	MOD	EFF. AREA	QUAL	BASE RATE	RCN	EYB	AYB	% GOOD	DEPRECIATION	CREDENCE TO	MARKET
0	97	00								INORM	DEPR. BUILDING VALUE - CARD	0
0											DEPR. OB/XF VALUE - CARD	48,440
0											MARKET LAND VALUE - CARD	48,440
0											TOTAL MARKET VALUE - CARD	48,440
0											TOTAL APPRAISED VALUE - CARD	48,440
0											TOTAL APPRAISED VALUE - PARCEL	48,440
0											TOTAL PRESENT USE VALUE - LAND	0
0											TOTAL VALUE DEFERRED - PARCEL	0
0											TOTAL TAXABLE VALUE - PARCEL	48,440

TOTAL ADJUSTMENT FACTOR 0 VACANT STYLE:

TOTAL QUALITY INDEX 0

BUILDING VALUE	OBXF VALUE	LAND VALUE	PRESENT USE VALUE	DEFERRED VALUE	TOTAL VALUE	SALES DATA
0	0	48,440	0	0	48,440	
0	0	48,440	0	0	48,440	
0	0	48,440	0	0	48,440	
0	0	48,440	0	0	48,440	

OFF. RECORD BOOK	DATE MO	DEED YR	TYPE	O/U	V/I	INDICATE SALES PRICE
04184	0737	10	2012	ED	U	1

TYPE	GS AREA	PCT	RPL CS	CODE	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG #	AYB	EYB	DEP SCH	OVR	% COND	OB /XF DEPR. VALUE	
TOTALS				0	TOTAL OB/XF VALUE														

HIGHEST AND BEST USE	LOCAL CODE	ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	COND MOD	COND FACT	OTHER ADJ/NOTES	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNIT TYPE	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
RES HOMESITE PAVED	0200	RAG	0	0	0.6700	0	1.0000			30,000.00	2.410	AC	0.670	20,100.00	48441	0	
TOTAL MARKET LAND DATA											2.41				48441		
TOTAL PRESENT USE DATA																	

15-0-77-033-B- 3/16/2022 9:59:48 AM.

R-20A

Adjacent Property Owners

Parcel ID

15J08065 15J08065A	KDS Enterprises LLC (Saul's Motors)	304 Fareway Dr Smithfield NC 27577
15J08066	Market St. 1500 LLC	203 Computer Dr Smithfield NC 27577
15077033A	Mary Lilly Talton Wilkins and Rebecca Talton Kalsbeek	2111 Fairview Rd, Raleigh NC 27608

1558 W Market St

File Number:
RZ-24-03

Project Name:
1558 W Market St

Location:
W Market St
near Durwood
Stephenson Pkwy

Tax ID#:
15077033B

Existing Zoning:
R-20A

Owner:
Rose Grantham
Patterson Trust

Applicant:
Lena Patterson Parks



1 in = 119 ft
Map created by Chloe Allen
Planner 1 on 3/25/24





Request for Town Council Action

**Public
Hearing:** RZ-24-04
Date: 05/21/2024

Subject: Zoning Map Amendment
Department: Planning Department
Presented by: Planning Director – Stephen Wensman
Presentation: Public Hearing

Issue Statement

Paul Embler/TerraEden Landscape & Design, LLC. requests a zoning map amendment to rezone 9.611 acres of land located at the intersections of Adams Street and Hartley Drive and Coates Drive and Hartley Drive and south of M. Durwood Stephenson Parkway from R-20A (Residential-Agriculture) and R-10 (Single-Family Residential) to R-8 (Single, Two, and Multi-Family Residential).

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommends approval of the rezoning, RZ-24-04, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, and other adopted plans, and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Consistency Statement
3. Application
4. Site Plan
5. Zoning Map



Staff Report

Public Hearing: RZ-24-04

REQUEST:

Paul Embler/TerraEden requests a zoning map amendment to rezone 9.61 acres of land (.806 acres located north of Powell Street and west of Adams Street with Johnston County Tax ID 15089019A) (8.77 acres located north of Hartley Drive, between Adams Street and Coats Drive, and south of M. Durwood Stephenson Parkway with Johnston County Tax IDs 15K09010A & 15K09010P) from R-10 (Single-Family Residential) and R-20A (Residential-Agriculture) and to R-8 (Single, Two, and Multi-Family Residential).

PROPERTY LOCATION:

The property is north and west of the intersections of Adams Street and Hartley Drive and between Hartley Drive and M. Durwood Stephenson Parkway.

SITE DATA:

Agent:	Paul Embler, TerraEden
Owner:	Brightleaf #2004-II-LLC and Four Heavners, LLC
Tax ID#	15K09010A, 15K09010P and a portion of 15089019A (.806 acres).
Acreage:	9.61 acres
Present Zoning:	R-20A (Residential/Agricultural) and R-10 (Single-Family Residential)
Proposed Zoning:	R-8 (Single, Two, and Multi-Family Residential)
Existing Use:	Vacant
Proposed Use:	Residential
Town/ETJ:	Town
Fire District:	Smithfield
School Impacts:	None
Parks and Recreation:	None
Water Provider:	Smithfield
Sewer Provider:	Smithfield
Electric Provider:	Duke Energy

EXISTING CONDITIONS/ENVIRONMENTAL:

There are no known environmentally sensitive areas on this property.

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

	Zoning	Existing Land Uses
North	N/A	N/A
South	R-10	Single Family Residential
East	R-8/R-10/R-20A	Single Family Residential and vacant
West	B-3/Light Industrial	Commercial Contractors and vacant

ANALYSIS:

- **Comprehensive Plan.** The Comprehensive Plan guidance for this property is medium density residential. The proposed zoning is consistent with the comprehensive plan.
- **Proposed Zoning.**
 - The parcel with the Johnston County Tax ID#15089019A will be split zoned. The 2.326-acre parcel is currently zoned R-10 and is physically split by Powell Street. A portion of the property north of Powell Street (.806 acres) will be recombined with parcels to the north with future development. The remainder south of Powell Street will be retained by the owner and has no plan for future development.
 - The proposed R-8 zoning will adjoin an adjacent 5–6-acre R-8 zoning district area.

CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** - *the rezoning is consistent with the land use designation.*
- **Consistency with the Unified Development Code** – *The site will be developed in accordance with the town standards with future development.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning is adjacent to R-8 zoning and residential land uses.*

RECOMMENDATION:

Planning Staff recommends approval of the rezoning, RZ-24-04, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

RECOMMENDED MOTION:

Staff recommends the following motion:

“Move to approve zoning map amendment, RZ-24-04, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD TOWN COUNCIL
RZ-24-04**

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-24-04 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the 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-24-04 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

It is the objective of the 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: Heavner Property Rezoning Acreage of Property: 9.611 acres
 Parcel ID Number: 168408-99-6687/7311/168408-98-2872 Tax ID: 15K09010A/15K09010P/15089019A
 Deed Book: 06038 and 06149 Deed Page(s): 0287/0287 and 0603
 Address: No address is assigned
 Location: Northwest quadrant of the intersection of Hartley Drive and Coats Street.
Copried of two parcels and a portion of a third parcel.
 Existing Use: vacant land Proposed Use: residential
 Existing Zoning District: Approx. 8.655 ac or R-20A and approx. 0.956 ac of R-10
 Requested Zoning District: R-8
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): n/a
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): n/a

FOR OFFICE USE ONLY

File Number: RZ-24-04 Date Received: 4.5.24 Amount Paid: \$400.⁰⁰



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: Heavner Property Rezoning Submittal Date: 04/05/2024.....

OWNERS AUTHORIZATION

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

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

Daniel L Heavner DANIEL L HEAVNER 4-4-24
 Signature of Owner Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

PAUL C. EMBLER, JR *Paul C Embley* 4/5/2024
 Signature of Owner/Applicant Print Name Date

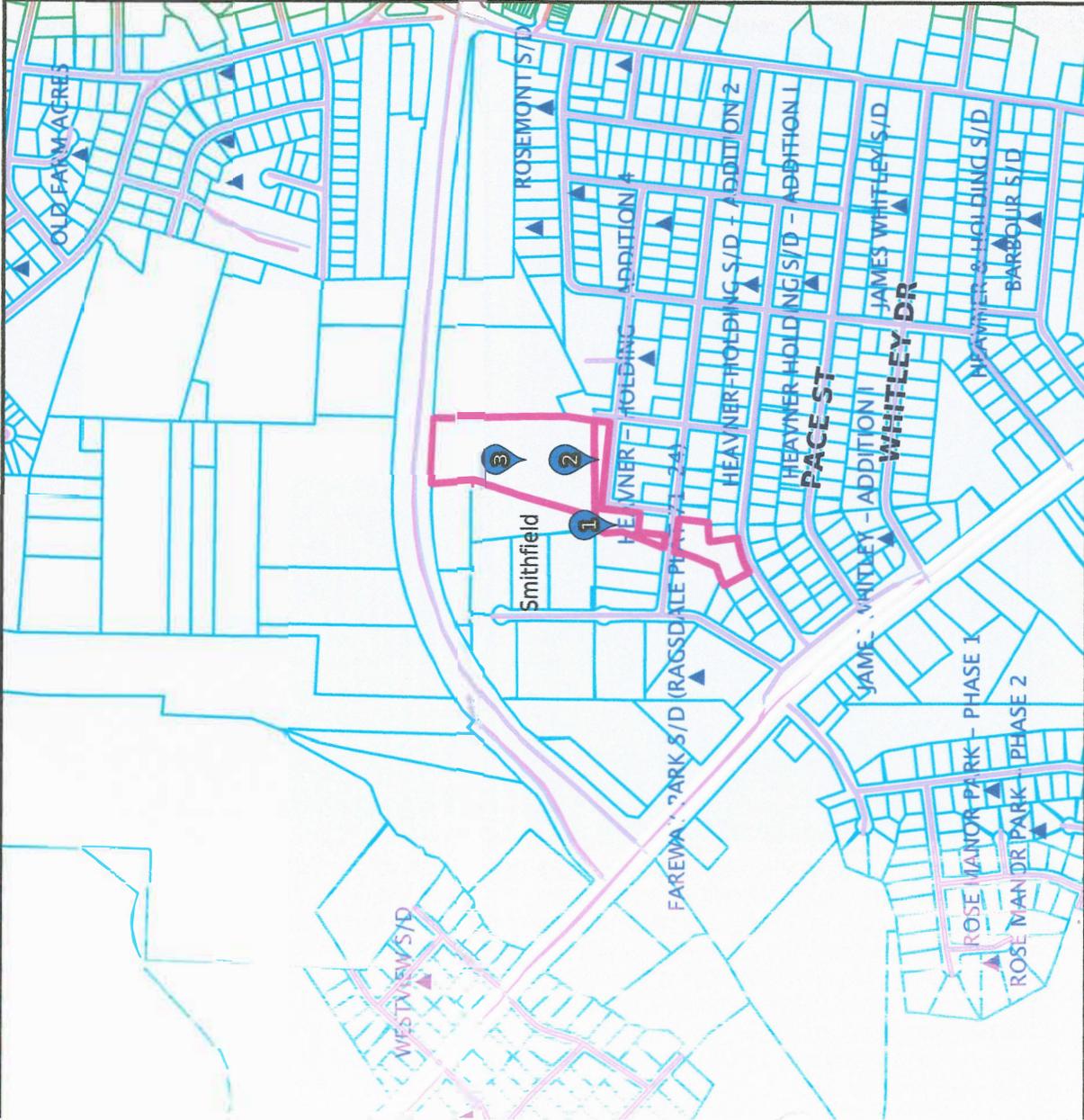
FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Result

id: 15089019A
 Tag: 15089019A
 NCPin: 168408-98-2872
 Mapsheet No: 168408
 Owner Name 1: FOUR HEAVNERS, LLC
 Owner Name 2: BRIGHTLEAF #2004-II, LLC
 Mail Address 1:
 Mail Address 2: PO BOX 2346
 Mail Address 3: SMITHFIELD, NC 27577-2346
 Site Address 1:
 Site Address 2:

Book: 06149
 Page: 0603
 Market Value: 51600
 Assessed Acreage: 2.340
 Calc. Acreage: 2.326
 Sales Price: 800000
 Sale Date: 2021-12-30



Scale: 1:10929 - 1 in. = 910.75 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page scaling.)

Heavner Properties



File Number:
RZ-24-04

Project Name:
Heavner Properties

Location:
Powell Street
Adams Street
Hartley Drive

Tax ID#:
15089019A
15K09010A
15K09010P

Existing Zoning:
R-20A / R-10

Owner:
Four Heavners, LLC
Brightleaf #2004-II, LLC

Applicant:
Paul Embler,
TerraEden



1 in = 333 ft
Map created by Chloe Allen
Planner 1 on 4/22/24



Request for Town Council Action

**Public
Hearing:** CZ-24-02
Date: 05/21/2024

Subject: Local 70 PUD Conditional Zoning Map Amendment
Department: Planning Department
Presented by: Planning Director – Stephen Wensman
Presentation: Public Hearing

Issue Statement

Smithfield Growth, LLC 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 Planned Unit Development (PUD) Conditional for a mixed-use development.

Financial Impact

The future development will contribute to the town's tax base.

Action Needed

The Town Council is respectfully requested to hold a public hearing to review the PUD conditional rezoning and to decide whether to approve, approve with conditions or deny the request.

Recommendation

Planning Staff recommends approval of the rezoning, CZ-24-02, with 10 conditions 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, Deed & Survey
4. Local 70 CZ PUD Narrative
5. Local 70 Application Exhibits (Separate Attachment)
6. Local 70 Design Code
7. Local 70 Revised Presentation (Separate Attachment)
8. Adjacent Property Owner List
9. Zoning Map



Staff Report

Public Hearing: CZ-24-02

REQUEST OVERVIEW:

Smithfield Growth, LLC 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 Planned Unit Development (PUD) Conditional for a mixed-use development.

The PUD will have a residential density of 7.23 dwelling units per acre over roughly 87 acres with 627 dwelling units consisting of 324 multi-family units, 94 townhouse lots and 209 detached single-family lots.

The PUD is designed with a minimum single-family lot size of 4,200 sq. ft. (40' x 105') and minimum townhouse lots size of 1890 sq. ft. (18' x 105') with a mixture of front yard street accessed and rear yard alley accessed lots as shown on the attached Master Plan documents.

The master plan shows character districts with defined lots, streets, and units, roadway, opens space, building typology, lot size and garage access, block diagrams, landscape buffers, and open space.

PROPERTY LOCATION:

The property is mostly located on both sides of M. Durwood Stephenson Parkway, bordered by Booker Dairy Road on the west and Highway 70 Bypass on the east, north of the Walmart.

APPLICATION DATA:

Applicant:	Smithfield Growth LLC
Project Name:	Local 70
Tax ID:	14057011X, 14057011Y and 14057011Z
Property Owners:	Smithfield Growth LLC
Acreage:	163.62-acres
Present Zoning:	R-8 (Single, Two, and Multi-Family Residential), and B-3 (Highway Entranceway Business)
Proposed Zoning:	PUD-CZ (Planned Unit Development Conditional District)
Town/ETJ:	ETJ (Town with Annexation)
Existing Use:	Vacant Woods/open field
Proposed Use:	Mixed Use PUD
Fire District:	Smithfield
School Impacts:	Additional households with school-age children
Parks and Recreation:	No parks proposed – fee in lieu
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Town of Smithfield

ADJACENT ZONING AND LAND USES: (SEE ATTACHED MAP)

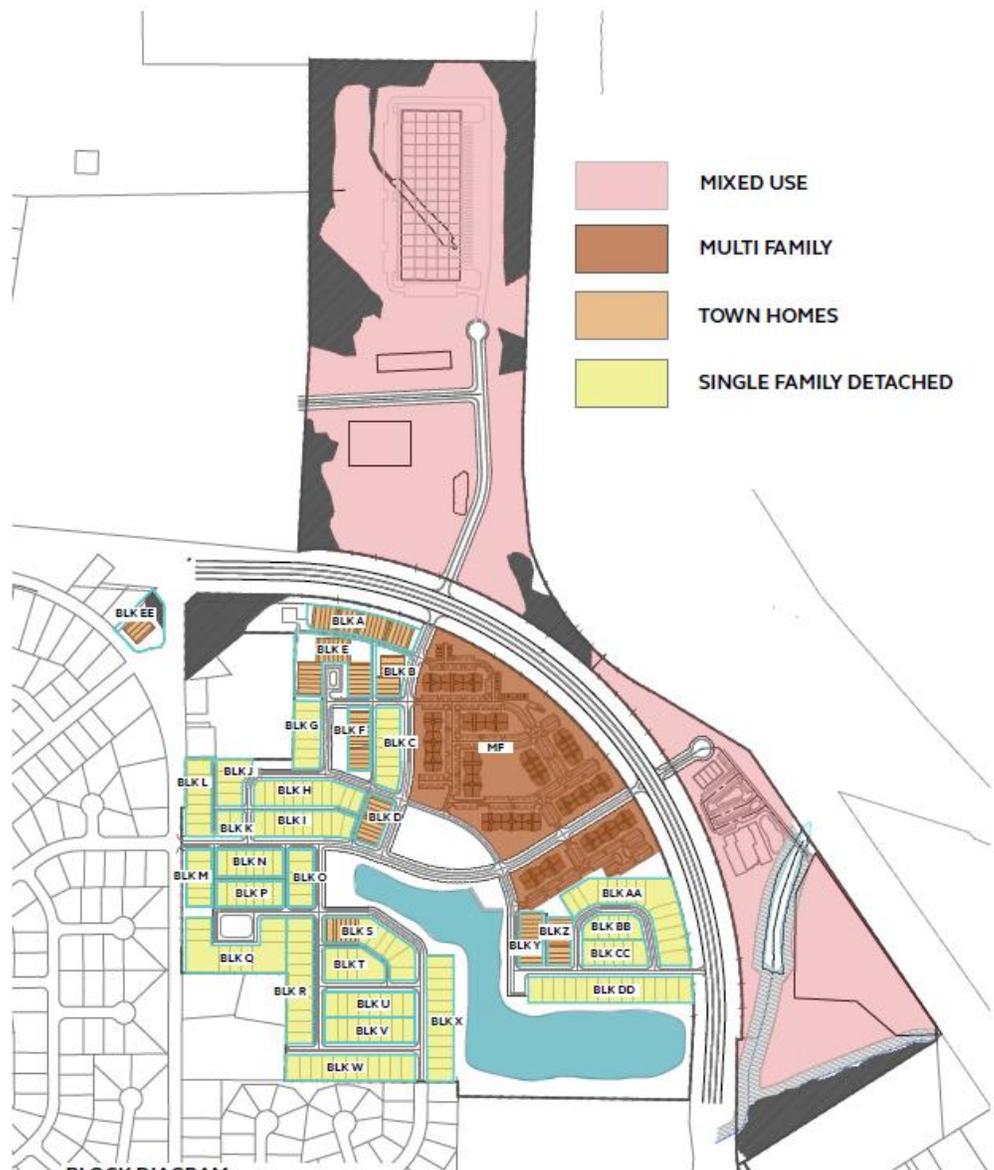
	Zoning	Existing Land Uses
North	B-3	Vacant
South	B-3	Retail Commercial
West	R-10 Single Family Residential	Single Family Residential
East	N/A	N/A

EXISTING CONDITIONS/ENVIRONMENTAL:

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.

PROPOSED DEVELOPMENT OVERVIEW:

The PUD 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 (see attached Local 70 Design Code).



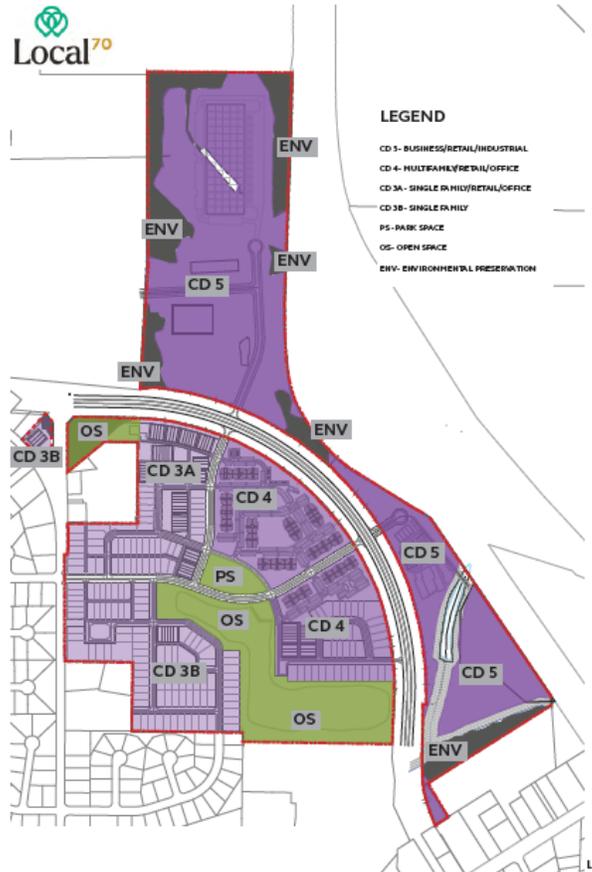
The Character Area Map (*found in the application and below*) shows a transition of building intensity and building/land uses with the highest densities and most complex building uses at the north portion

of the neighborhood to more single-family residential uses abutting the existing single-family detached residential in the southwest corner of the site. Seven Character Districts are proposed and described below:

LOCAL 70 CHARACTER DISTRICTS- ESTABLISHING TRANSITIONS IN BUILDING USE, BUILDING INTENSITY, AND OPEN SPACE

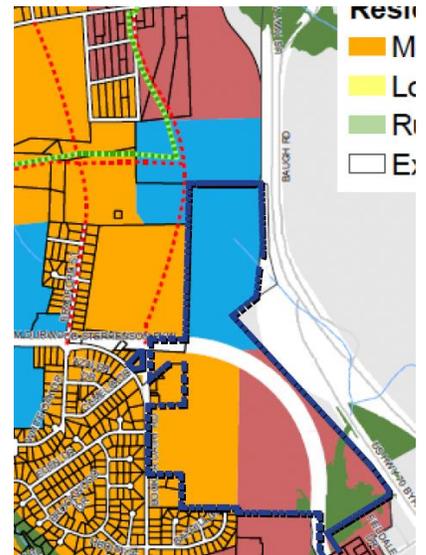
THE CHARACTER DISTRICTS ESTABLISH BUILDING TYPOLOGY, BUILDING USE, LEVELS OF DENSITY AND TRANSITIONS OF USES TO ADJOINING NEIGHBORHOODS.

LOCAL 70 CHARACTER DISTRICTS			
CHARACTER DISTRICT	PRIMARY LAND USE	ACCESSORY USES	ACRE/DENSITY
CD 1	Institutional	Residential	0.1 ACRES
	Manufacturing/Industrial	Park/Open Space	900,000 SF
	Office/Professional Services	Amenity Structures	0.25 D.U.R
	Recreational	Trails, Walking Paths	
	Wholesale/Wholesaling		
CD 4	Multi Family (Apartments)	Garages	25.8 Acres
	Retail Sales and Services	Amenity Structures/Pool	224 RES (residential)
		Clubhouse	68 SQ FT
		Pavilion	25,000 sf (non-residential)
		Park/Open Space	
		Amenity Structures	
		Trails, Walking Paths	
CD 3A	Single Family Detached	Accessory Dwelling Units (ADU)	11.3 Acres
	Single Family Attached (Includes Duplexes and Triplex Arrangements)	Pavilion	120-du (residential)
	Quadplexes	Park/Open Space	11,000 sf (non-residential)
	Retail Sales and Services	Amenity Structures	
		Trails, Walking Paths	
CD 3B	Single Family Detached	Accessory Dwelling Units (ADU)	18.7 Acres
	Single Family Attached	Pavilion	115 du (residential)
		Park/Open Space	
		Amenity Structures	
		Trails, Walking Paths	
OS	Open Space	Lakes/Ponds	16.0 Acres
		Storm Water Management	
		Trails, Walking Paths	
		Temporary Retail Structures	
		Playground Equipment	
		Park Structures	
		Benches	
		Lakes/Ponds	
PS	Park Space	Storm Water Management	1.8 Acres
		Trails, Walking Paths	
		Temporary Retail Structures	
		Playground Equipment	
		Park Structures	
		Benches	
		Lakes/Ponds	
ENV	Environmental Areas	Wetlands	24.71 Acres
		Streams	(14.3 A cre of Wetlands)
		Benches	
		Temporary Retail Structures	
		Playground Equipment	
		Park Structures	



Comprehensive Land Use Plan. The PUD Plan is compliant with the comprehensive plan guidance. The Comprehensive Plan guides the area south and west of M. Durwood Stephenson Parkway for Mixed Use and Medium Density Residential and the area north and east of M. Durwood Stephenson Parkway for Office/Residential and Mixed Use.

- Industrial / Employment
- Mixed Use Center
- Office / Residential
- Residential Character Areas**
- Medium Density Residential
- Low Density Residential
- Rural Residential

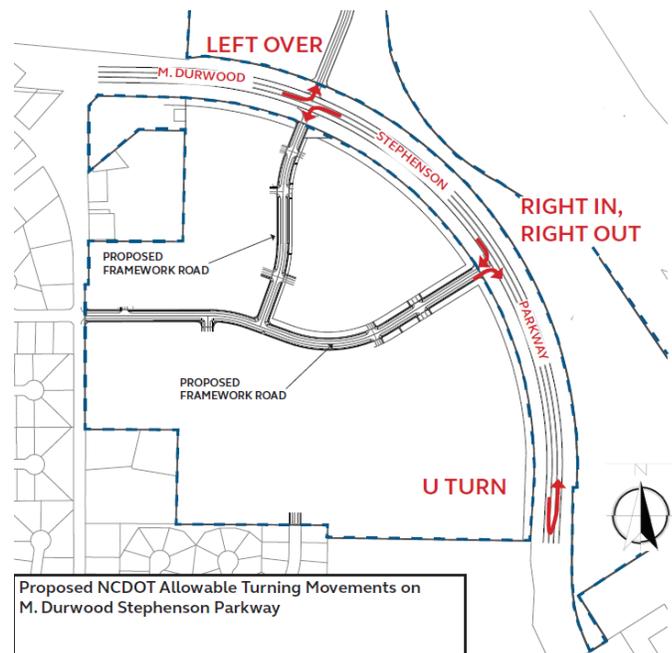
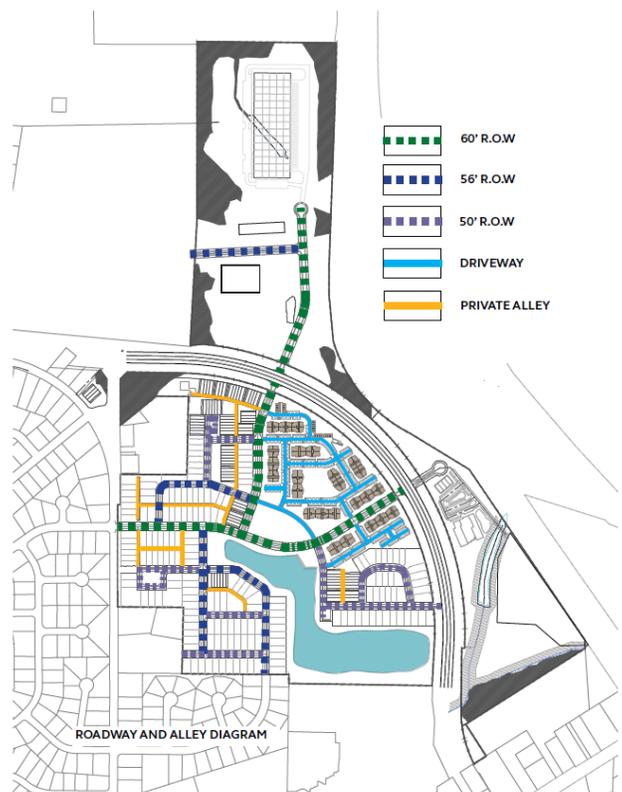


Density. The proposed development density is 7.23 dwelling units per acre over 86.67 acres (Character Districts 3A, 3B, and 4). The Maximum allowed by the UDO is 9.68. The applicant is requesting approval for 627 dwelling units that includes 324 multi-family units, 94 townhouse lots and 209 detached single-family lots.

Site Access and Street Design. The overall site is divided by M. Durwood Stephenson Parkway with the CD5 Business District land use area to the north and east and the CD 3A, CD 3B and CD4 residential areas to the south and west.

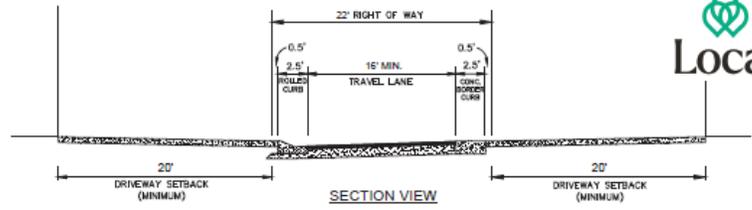
The developer is proposing 60' wide, 56' wide, 50' wide public rights of way, and private streets and alleys:

- The CD5 Business District north and east of the M. Durwood Stephenson Parkway will have access off of M. Durwood Stephenson Parkway from a proposed street in 60' wide R/W and a cul-de-sac.
- CD-4, CD- 3A, & CD-3B (residential areas) will have access from M. Durwood Stephenson Parkway, Booker Dairy Road at the Eden Drive intersection and from Bayhill Drive in the south. A new right in and right-out intersection has been proposed onto M. Durwood Stephenson Parkway behind the Walmart.
- Four (4) townhouses are proposed on the existing Old Booker Dairy Road to the west of Booker Dairy Road.
- Access off of M. Durwood Stephenson and Booker Dairy Road is controlled by NCDOT. The developer has been in discussion with NCDOT about several options for access. A traffic study will be completed in cooperation with NCDOT.
- The proposed street access is shown on the right:



- The primary streets shown in green are to be 27' wide b/b (back of curb to back of curb) in a 60' wide public right of way, in accordance with the town's local street standard. The secondary streets shown in dark blue and purple above will be either 27' wide b/b in a 50' wide R/W (no parking or 33' wide b/b in a 56' wide public R/W (possibly 60' wide).

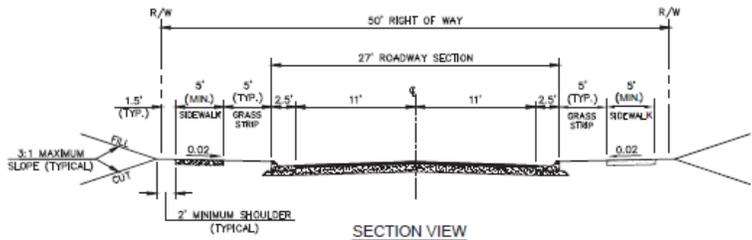
EXHIBIT F - STREET SECTIONS



MINIMUM PAVEMENT DESIGN
3" SS 5 B
8" A.B.C.

Local 70 Standard Alley Section - 16'-0" Travel Section - Private Streets, Maintained by HOA

- The streets shown in light blue are mostly private driveways within parking lots. One private street is shown in light blue. Private streets are required to meet town standards. It is unclear what standard that street will be built to.

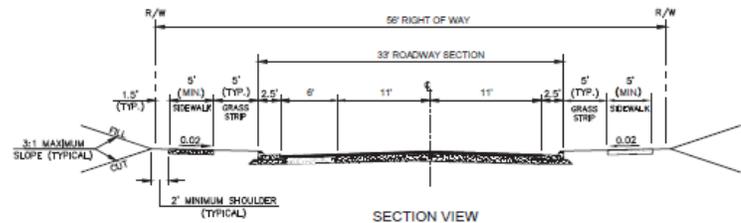


MINIMUM PAVEMENT DESIGN
3" SS 5 B
8" A.B.C.

Local 70 Standard 50'-0" Right of Way Local Street Section

*Note: Trees to be planted with grass strip - Local 70 Home Owners Association will Maintain

- Private alleys are shown in gold. These are to be 16' wide in a 22' wide private R/W. The alleys provide rear access to some residential lots in the single family and townhouse areas.



MINIMUM PAVEMENT DESIGN
3" SS 5 B
8" A.B.C.

Local 70 Standard 56'-0" Right of Way Local Street Section with Parallel Parking on One Side

*Note: Trees to be planted with grass strip - Local 70 Home Owners Association will Maintain

- Sidewalks are proposed on both sides of local streets.
- 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.
- A public sidewalk is required along Booker Dairy 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.
- There developer is proposing sidewalks on both sides of the local streets where the town standard is only on one side.

Open Space. The Smithfield Parks Plan does not recommend any town parks in this area. The site is well connected to the town's parks system with sidewalks along most of M. Durwood Stephenson Parkway and the development site is about a half-mile from the Smithfield Recreation and Aquatic Center. Staff recommends fee in lieu of park land dedication.

Although no parks are required, the developer is proposing significant private open space shown as small parklets and around the large stormwater pond shown in green (below). The open spaces will

be connected by public sidewalks and a multi-use trail is proposed to loop around the stormwater pond.

LOCAL 70 RESIDENTIAL FABRIC AND CENTRAL PARK



DEVELOPMENT STANDARDS:

- **Lot sizes:** The Local 70 plans show 40 foot wide, 42 foot wide and 50-foot-wide single-family lots with all front-loaded lots being at least 42 feet wide.

The diagram to the right shows the location and width of lots.

Townhomes are proposed to be from 18' to 24' in width.

The exhibit to the right shows proposed lot widths and front vs. rear loading.



Detached Single-Family Residential	
LOT STANDARDS	
Minimum Lot Area	4200 sq. ft.
Minimum Lot Width—Rear Loaded	40'
Minimum Lot Width—Front Loaded	42'
SETBACKS	
Min. Building Setback from M. Durwood Stephenson	50'
Min. Building Setback from Booker Dairy Road	30'
Min. Rear Loaded Front Yard Setback	10'
Min. Front Loaded Front Yard Setback	25'
Min. Side Yard	5' (10' between homes)
Min. Rear Yard	15'
Min. Corner Side Yard	10'
Min. Detached Garage Setback from Alley R/W	1' (4' from pavement) or 19' (22' from pavement)
BUILDING HEIGHT	
Max. Building Height	60'

Townhouse Residential

LOT STANDARDS	
Min. Building Setback from M. Durwood Stephenson	50'
Min. Building Setback from Booker Dairy Road	30'
Minimum Lot Area	1,890 sq. ft.
Minimum Lot Width	18'
SETBACKS	
Min. Rear Loaded Front Yard Setback	10'
Min. Front Loaded Front Yard Setback	25'
Min. Side Yard	0'
Min. Building Separation	20'
Min. Corner Side Yard	10'
Min. Detached Garage Setback from Alley R/W	1' (4' from pavement)
BUILDING HEIGHT	
Max. Building Height	60'

Multi-Family Apartments	
LOT STANDARDS	
Minimum Lot Area	N/A
Minimum Lot Width	N/A
SETBACKS	
Min. Building Setback from M. Durwood Stephenson	50'
Min. Building Setback from Booker Dairy Road	30'
Min. Front Yard Setback	14'
Min. Rear Yard Setback	15'
Min. Corner Side Yard Setback	16'
Min. Building Separation	
o < 20' building height	16'
o 20'-25' building height	25'
o 26'-30' building height	30'
o 31'-68' building height	40'
BUILDING HEIGHT	
Max. Building Height	68'

Non-Residential Standards	
LOT STANDARDS	
Minimum Lot Area	N/A
Minimum Lot Width	N/A
SETBACKS	
Min. Front Yard Setback	14'
Min. Rear Yard Setback	10'
Min. Side Yard	0'
Min. Corner Side Yard	0'
Min. Corner Side Yard	10'
BUILDING HEIGHT	
Max. Building Height	72'

- o **Single-Family Detached Lot Standards Analysis:**

The proposed minimum lot area is a 48% reduction from R-8 Standards and is slightly larger than the lots in the East River Development which are as small as 3,700 sq. ft. Staff finds the reduced lot area and setbacks to be appropriate for an urban development with strong architecture, street design with short blocks, street trees and much of the parking in the back of units with alley access.

The minimum side yard setbacks at 5' are consistent with other recent subdivisions including East River, Marin Woods and Harvest Run.

The proposed building height (60') is almost double the Town's standard (35'), however the additional height is consistent with the urban character of the neighborhood described by the applicant.

○ **Townhouse Lot Standards Analysis:**

The proposed minimum townhouse lot width is the same as was approved in East River in phases 6 & 7. These are the narrowest of townhouses that exist in the town (see image). Since the East River development, all new townhomes have been at least 20 feet or greater in width. Narrow townhouses should be on a private parking lot or have vehicular access from an alley. The development plans only show 20' and 24' wide townhomes, but the developer wants flexibility to have some 18' wide townhouses.



The UDO Section 8.13.1.2 stipulates variable separation standards depending on the height of the townhome. Franklin Townes and similar projects have been approved through conditional zoning with a minimum of 20' between buildings. The proposed maximum building height is 60', is much taller than the R-8 district height (35'), however, given the urban character proposed, staff is in agreement with the 20' building separation.

A minimum corner sideyard setback of 10 feet is proposed. This setback is the same as the front yard setback, therefore Staff is supportive as long as the street intersection site visibility requirements are maintained.

The reduced front yard setbacks are appropriate when the parking is in the rear from an alley and with the urban character proposed. A 25' front yard setback with parking in the front yard is the minimum that Staff finds acceptable.

○ **Multi-Family Apartment Standards Analysis:**

The maximum building height in the R-8 Zoning District is 35 feet, in the B-3 District it is 40 feet or up to 100 feet when within 660 feet of the I-95 corridor. As with building height in the proposed CD-5 Business District, most of the site is within 660 feet of the US Highway 70 Bypass (Future I-42) and the 72' maximum height will not impact off site properties. Staff is supportive of this standard.

- **Non-Residential Standards Analysis:**

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 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.

ARCHITECTURAL DESIGN STANDARDS (see attached Local 70 Design Code):

- **Townhouses – Front Loaded (parking in the front).**
 - Buildings with no more than 7 units.
 - Single or double garages.
 - Garages setback 25' from the back of the public sidewalk.
 - Units to be unique through the use of exterior materials, entrance features, house and trim colors.
 - Front façade setbacks will stagger.
 - Front facades will be cementitious siding, masonry, EIFS or a combination of materials.
 - Building trim, soffits, railings and shutters may be of low maintenance materials.
 - Garage door must have windows and visible hardware – doors will vary from door to door (style and color).
 - Porches, if provided, will be a minimum of 4'-6' in depth.
- **Townhouses – Rear Loaded (parking in the rear).**
 - Front setback - minimum of 10'-0" from public sidewalk.
 - Garages must be either 4'-0" from edge of ally pavement or min. 20'-0" from alley pavement.
 - Units shall be individualized through the use of exterior materials, entrance features, primary house color, trim color.
 - Front facades facing a public street, pedestrian pathway, or open space the materials may be cementitious siding, masonry, EIFS or a combination of materials.
- **Single-family Detached Homes – Front Loaded (parking in front).**
 - Front elevations on the same side of the street may only be repeated every fourth home.
 - Garage doors must be a minimum of 25'-0" from back of public sidewalk or R.O.W.

- It is encouraged to have the garage door recede a minimum of 2'-0" from the primary front facade of the home or have the front porch project past the front elevation of the garage.
 - Homes shall be individualized through the use of exterior materials, entrance features, primary house color, trim color.
 - Primary building materials: For frontages facing a public street, pedestrian pathway, or open space the materials may be cementitious siding, masonry, EIFS or a combination of materials.
 - It is encouraged to individualize each home with unique garage doors appropriate to the architectural style of the home. Garage doors must have windows and encouraged to have visible hardware.
 - If front porches are provided they must be a minimum of 6'-0" in depth.
- **Single-family Detached Homes – Rear Loaded (parking in rear).**
 - Front elevations on the same side of the street may only be repeated every fourth home.
 - Homes are encouraged to be sited so that the front expression of the home (porch/stoop) is place a minimum of 10'-0" from the back of the public sidewalk.
 - Garages must be either 4'-0" from edge of alley pavement or min. 20'-0" from alley pavement.
 - The same color may not be repeated on homes next door to each other. The exception is the "Three Sister" rule allowing that within a mid-block application three homes may have the same elevation and color.
 - Homes shall be individualized through the use of exterior materials, entrance features, primary house color, trim color.
 - Primary building materials: For frontages facing a public street, pedestrian pathway, or open space the materials may be cementitious siding, masonry, or a combination of the two materials.
 - It is encouraged to individualize each home with unique garage doors appropriate to the architectural style of the home.
 - If front porches are provided, they must be a minimum of 6'-0" in depth.
- **Multi-Family Residential.**
 - Multi-family buildings facing a public right-of-way must be set back a minimum of 14'-0" from the public sidewalk.
 - For multi-family buildings with ground floor storefronts and uses other than residential the building may be placed a minimum of 14'-0" from the back of the public sidewalk.
 - Primary building materials may be a combination of the following materials; Stucco/EIFS, masonry, cementitious siding, metal panels or vinyl siding. Note that buildings fronting on public streets, pathways or open space vinyl siding may be used only on the second floor and above.
 - Architecture and building design should promote a consistent language across each building. Care should be taken to place windows, balconies, and entryways in an organized fashion.
 - Buildings are encouraged to have elevations that articulate features of the buildings, creating shadow lines and breaks within the overall facade.
 - Entries facing public streets, open spaces or pathways should be celebrated with additional architectural feature.

UTILITIES:

Water, Sewer and Electric will be Town of Smithfield.

STORMWATER:

The proposed storm water management ponds are being designed to become a focal point of the master plan with pedestrian trails along the outside of the ponds connecting back to the internal sidewalk network and the proposed multi-use trail along the south side of M. Durwood Stephenson Parkway.

DEVIATIONS FROM UNIFIED DEVELOPMENT ORDINANCE (SUMMARY):

With conditional zoning, there is an opportunity for the developer and the Town to agree to deviations from Zoning and Performance Standards of the UDO. The developer is requesting the following deviations (see applicant narrative attached to this report):

Standard	B-3/R-8/UDO/Engineering Requirements	Proposed
Street Design Standards	<ul style="list-style-type: none"> 60' wide R/W 	<ul style="list-style-type: none"> 50' and 56' wide R/W
Non-Residential Standards		
Non-Residential Lot Area/Width	<ul style="list-style-type: none"> 12,000 sq. ft. 125 lin. Ft. 	<ul style="list-style-type: none"> N/A N/A
Non-Residential Minimum Setbacks	<ul style="list-style-type: none"> Front = 50' from arterial Front = 35' Side = 8' Rear = 25' Corner Side 50'/35' 	<ul style="list-style-type: none"> Front = 14' setback Side = 0' setback Rear = 0' setback Corner Side = 0' setback
Non-Residential Building Height	<ul style="list-style-type: none"> 40' 	<ul style="list-style-type: none"> 72'
Single Family Detached Lot Standards		
Minimum Lot Area	<ul style="list-style-type: none"> 8000 sq. ft. 	<ul style="list-style-type: none"> 4,200 sq. ft.
Minimum Lot Width	<ul style="list-style-type: none"> 70' 	<ul style="list-style-type: none"> 40' rear loaded/42' front loaded
Minimum Setbacks	<ul style="list-style-type: none"> Front = 30' Rear = 25' Side = 10' Corner side = 15' 	<ul style="list-style-type: none"> Front = 10' setback rear loaded Front = 25' setback front loaded Rear = 15' Side = 5' Corner side = 10' setback Garage from Alley – 1- or 19' from alley R/W
Max Building Height	<ul style="list-style-type: none"> 35' 	<ul style="list-style-type: none"> 60'
Townhouses (Single-Family Attached)		
Min Lot Size	<ul style="list-style-type: none"> 4500 sq. ft. gross 	<ul style="list-style-type: none"> 1,890 sq. ft lot
Min. Lot Width	<ul style="list-style-type: none"> N/A 	<ul style="list-style-type: none"> 18'
Minimum Setbacks	<ul style="list-style-type: none"> Front = 30' Rear = 25' Side = 10' Corner Side = 15' Building Separation <ul style="list-style-type: none"> Building Ht <20' = 16' Building Ht 20.1'-25' = 25' 	<ul style="list-style-type: none"> Front = 10' setback rear loaded Front = 25' setback front loaded Rear = 15' setback Corner Side = 10' setback Building Separation = 20' Accessory = 1' from rear

	<ul style="list-style-type: none"> ○ Building Ht 25.1-30'=30' ○ Building Ht 30.1-35'=40' ● Accessory = 10' from rear or side 	
Max. Building Height	● 35'	● 60'
Multi-Family Standards		
Min Lot Area	● 4500 sq. ft. gross	● N/A
Min. Lot Width	● N/A	● N/A
Minimum Setbacks	<ul style="list-style-type: none"> ● All Setbacks <ul style="list-style-type: none"> ○ 3-10 units =30' ○ 11-30 units = 35' ○ 31+ units = 40' 	<ul style="list-style-type: none"> ● Front = 14' setback ● Rear = 15' setback ● Side <ul style="list-style-type: none"> ○ Building Ht <20'=16' setback ○ Building Ht ≤25'=25' setback ○ Building Ht ≤30'=30' setback ○ Building Ht ≤68'=40' setback ● Corner Side = 16' setback
Max. Building Height	● 40	● 68'

● **Proposed Standards Exceeding UDO Requirements.**

- Architectural guidelines with higher quality materials.
- Street trees in the R/W maintained by the HOA.
- Sidewalks on both sides of all streets.
- Central park and open space trails (private, not dedicated).
- Shorter residential blocks.
- Some rear loaded residential units.

SUMMARY ANALYSIS:

The Town Council should review the rezoning request and consider the following:

- 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 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 there be buffers where lot sizes vary?
- Are there any additional conditions needed for approval?

PLANNING BOARD SUMMARY:

The Planning Board reviewed the conditional zoning proposal and discussed lot sizes, parking, building height and other topics and added 3 conditions:

1. Landscape buffer be provided between the Local 70 development and the side yards of 373 and 388 Bayhill Drive.- ***This condition has been satisfied in the revised documents.***
2. That a fence be provided along Booker Dairy Road right-of-way. – ***This condition has been satisfied in the revised documents.***

3. That the developer pave Bayhill Drive. - ***Staff do not believe this condition is warranted. Bayhill Drive is a town-maintained road. The developer does not plan on using it for access and it is only a secondary access for vehicular travel and there are many more direct routes out of the development.***

CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** – *The development is consistent with the comprehensive plan.*
- **Consistency with the Unified Development Code** – *The property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses with the additional conditions of approval.*

RECOMMENDATION:

Planning Staff and the Planning Board recommend the Town Council approve the rezoning, 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 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. Non-Residential development shall have parking on the side and rear of the principal structure if the building is setback less than 50' from the front property line.
5. That a 50' setback be maintained along M. Durwood Stephenson Parkway and 30' setback along Booker Dairy Road.
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 development shall comply with the town's street intersection site visibility requirements.
8. Residential garages shall be at least 14' x 22' to accommodate a standard vehicle.
9. All setback dimensions shall be to the property line, rather than from public sidewalk or edge of road.
10. All trees in the public right of way shall be maintained & replaced when needed by a Homeowners/Property Owners Association.

RECOMMENDED MOTION:

“Move to approve the zoning map amendment, CZ-24-02, with the 10 conditions, finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.”

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

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 APPROVE THE ORDINANCE IS ADOPTED,

That the final action regarding zoning map amendment CZ-24-02 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public meeting; 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 meeting. Therefore, the amendment is reasonable and in the public interest.

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

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

It is the objective of the Town Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning 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
Smithfield-NC.com 919-934-2116

CONDITIONAL ZONING APPLICATION

Development Name **Local 70**

Proposed Use **Mixed-use Community; Residential (MF, SFD, SFA) Industrial, Retail, Commercial, Office**

Project location or address **M. Durwood Stephenson Parkway**

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

PIN# 260410-47-7462, 260407-49-8884, 260406-38-4591	TAX ID# 14057011Y, 145057011X, 14057011Y
--	---

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

PROPERTY OWNER INFORMATION

Name **Smithfield Growth LLC**

Address **1600 Colon Road, Sanford, NC 27330-9577**

Phone 919.776.4641	Email Corey@Carolinacommercialinc.com
---------------------------	--

OWNER/DEVELOPER INFORMATION

Company Name Smithfield Growth LLC	Contact Name Corey Mabus
---	---------------------------------

Address **1600 Colon Road, Sanford, NC 27330-9577**

Phone 919.776.4641	Email Corey@Carolinacommercialinc.com
---------------------------	--

CONSULTANT/ENGINEERING FIRM

Company Name Legion	Contact Name Jody Leidolf
----------------------------	----------------------------------

Address **481 Bennett Mtn. Trce, Chapel Hill, NC 27516**

Phone 919.937.0702	Email Jody@legionnc.net
---------------------------	--------------------------------

ZONING INFORMATION

Existing Zoning District B-3, R-8	Proposed Zoning District CZ-PUD
--	--

If more than one district, provide the acreage of each: **R-8: 10.35 acres, B-3: 153.27 acres**

Overlay District? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Inside City Limits? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

ENVIRONMENTAL QUALITY DATA INFORMATION

Existing Impervious Surface acres/sf 163.23 acres	Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Proposed Impervious Surface acres/sf	Neuse River Buffer <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Watershed Protection Area <small>16.44 acres in WPA IV-PA - North portion of site</small>	Wetlands <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
FEMA Map Panel 3720260400K	Base Flood Elevation 144

SITE DATA

Total # of single-family lots Not to Exceed 200 du	Total densities per zoning district 9.6 du/acre
Total # of townhouse lots Not to Exceed 130 du	Acres in active open space 1.6 acres
Total # of all lots 830 including MF	Acres in passive open space 42.46 acres
Linear feet of new roadways Approx. 12,100	Linear feet of new sewer mains Approx. 5,200
Linear feet of new water mains Approx. 5,200	Linear feet of new sidewalks Approx. 18,000
Proposed sewer allocation Est. 186,000 gpd daily flow	Linear feet in new trails Approx. 3,500

SIGNATURE BLOCK (Applicable to all developments)

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

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

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

Signature 	Date 2/29/24
Signature	Date

APPLICATION FEES

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

Application Date

Application Number

Application Fee

OWNER AUTHORIZATION

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

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

Signature of Owner [Handwritten Signature] Printed Name of Owner W. CARTER KELLER

NC
(State)
Lee
(County)

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

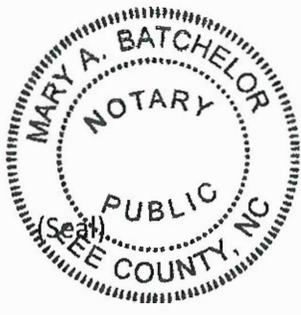
Witness my hand and notarial seal this the 29 day of Feb 2024.

Notary Public: Mary A. Batchelor

(Printed Name)

Mary A. Batchelor

(Signature)



County of Commission: Lee

Commission Expires: 4-24-2027

PROJECT NARRATIVE

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

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

INFORMATION TO BE PROVIDED ON PLAN

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

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

Existing Conditions:

- The total area (acreage), and the exterior boundary of all land included in the request for approval (defined by metes and bounds, with the source of all boundary information referenced). All adjoining property lines should also be shown.
- Location of all existing structures, including their outside dimensions and elevations, streets, entrances, and exits on the site, on contiguous property, and on property directly across the street.
- Required setbacks, setback lines, or typical lots.
- Location, width and identification of all existing easements (public and private), defined by centerline bearings, distances and ties to property corners (with standard notes).
- Location of existing watercourses, ponds, flood zones, water supply watershed areas, and riparian buffers.
- Show all existing physical features, including existing trees greater than eight (8) inches in diameter measured four and one-half (4.5) feet above ground level include the tree line of wooded areas and individual trees eight (8) inches in diameter or more, identified by common or scientific name, and significant soil conditions.
- Topography showing existing contours at no greater than ten (10) foot intervals. All reference benchmarks shall be clearly designated.
- Existing zoning of the property, including zoning district lines where applicable.
- Location of existing sanitary waste disposal systems, water mains and appurtenances (including fire hydrants) on or adjacent to the parcel.
- Other utility lines both under- and above-ground, including electric power, telephone, gas, cable television
- Existing open space and any other common areas.
- Existing parking and loading areas.

Proposed Conditions:

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

This instrument should be mailed to: Grantee
Prepared by: Kenneth R Jones

Brief Index Description

Multiple Tracts, Selma Township

Parcel Identifier Number: out of 14057009

Excise Tax: \$10,400.00

Deed Prep Only, no Title or Tax Advice Provided

NORTH CAROLINA GENERAL WARRANTY DEED

THIS WARRANTY DEED is made December 29, 2021 by and between:

**Nell M Howell Trustee of the
Nell M Howell Revocable Trust u/a/d May 3, 2006**

(hereinafter referred to in the neuter singular as "the Grantor") and

Smithfield Growth LLC
a North Carolina Limited Liability Company
1600 Colon Road
Sanford, NC 27330

Property is located on Ava Gardner Ave and/or M Durwood Stephenson Parkway, Smithfield, NC 27577

(hereinafter referred to in the neuter singular as "the Grantee") :

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does hereby give, grant, bargain, sell and convey unto the Grantee, its heirs, successors, administrators and assigns, all of that certain piece, parcel or tract of land situated, in Selma township of said Johnston County, North Carolina, and more particularly described as follows:

Being all of Tracts 1, 2 and 3 as shown, and being more particularly described in a survey entitled "Boundary Survey Property of Nell M Howell Revocable Trust", prepared by CE Group, dated December 23, 2021 and recorded in Plat Book 95, Pages 115 & 116, Johnston County Registry, reference to said plat is made for a more complete and accurate description.

Submitted electronically by "Bradshaw Robinson Slawter LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Johnston County Register of Deeds.

The property herein described was acquired by the Grantor by deed recorded in Book 3334 Page 883.

The property described above was not the primary home of the Grantors.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the following exceptions:

- 1. Public Utility Easements for Local Service.
- 2. Restrictive covenants of record.
- 3. 2021 ad valorem taxes and all subsequent years.

IN WITNESS WHEREOF, the Grantor has set its hand and seal and does adopt the printed word "SEAL" as its lawful seal.

Nell M. Howell Trustee (Seal)

_____ (Seal)

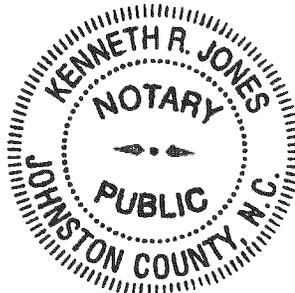
Nell M Howell Trustee
Nell M Howell Revocable Trust u/a/d May 3, 2006

North Carolina, Johnston County

I, a Notary Public of the County and State aforesaid, certify that Nell M Howell Trustee, Grantors, personally came before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 29 day of December, 2021.

Kenneth R Jones
Notary public -

My commission expires: 7-6-24



NO.	REV.	DATE

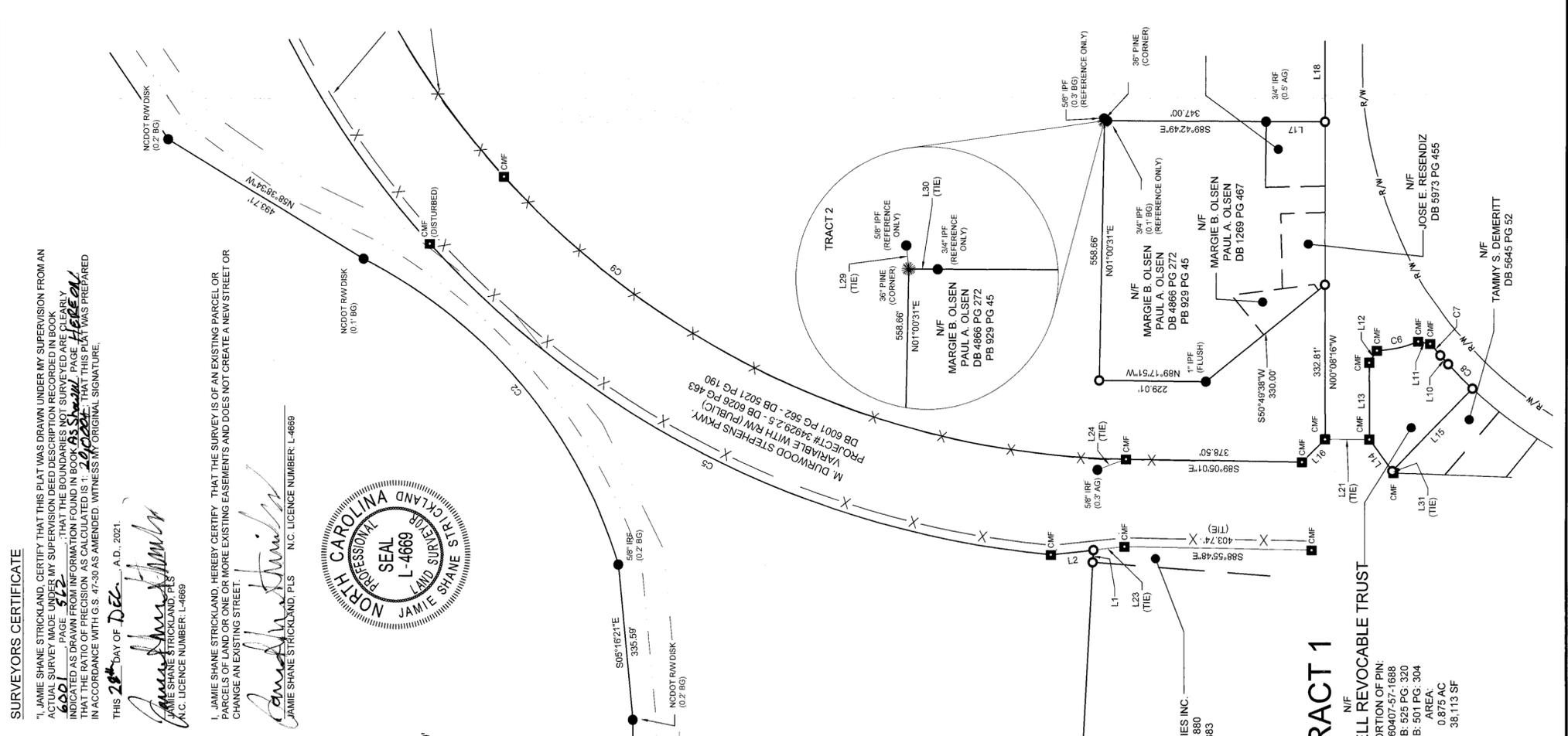
Filed in JOHNSTON COUNTY, NC
 CRAIG OLIVE, Register of Deeds
 PLAT B: 95 P: 115
 Dep/Asst ebyrd



CE GROUP
 307 GLENWOOD AVE. 220
 RALEIGH, NC 27603
 PHONE: 919-367-8790
 FAX: 919-233-0032
 www.cegroupinc.com
 License # C-1739

BOUNDARY SURVEY
 PROPERTY OF
NELL M. HOWELL REVOCABLE TRUST
 FOR CAROLINA COMMERCIAL CONTRACTORS, INC.
 SELMA TOWNSHIP - COUNTY OF JOHNSTON - NORTH CAROLINA

Date: DEC. 28, 2021
 Scale: 1" = 200'
 Drawn: WEM
 Checked: JSS
 Project No: 12B-03
 Computer Draw Name: 12B-03_Surveys_Only
 Sheet No: **1** Of 2



SURVEYORS CERTIFICATE

I, JAMIE SHANE STRICKLAND, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION DEED DESCRIPTION RECORDED IN BOOK 6001 PAGE 512. THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS SHOWN HEREIN. THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 20,022. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, THIS 28th DAY OF DEC., A.D., 2021.

Jamie Shane Strickland
 JAMIE SHANE STRICKLAND, PLS
 N.C. LICENSE NUMBER: L-4669

I, JAMIE SHANE STRICKLAND, HEREBY CERTIFY THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

Jamie Shane Strickland
 JAMIE SHANE STRICKLAND, PLS
 N.C. LICENSE NUMBER: L-4669

Curve Table

Curve #	Radius	Length	Chord Bearing	Ch. Length
C1	11459.16'	357.59'	N1°09'38"E	357.57'
C2	1091.35'	881.98'	S89°52'35"E	858.18'
C3	830.00'	344.04'	S14°46'32"E	341.56'
C4	2065.00'	1571.83'	N20°20'27"W	1534.16'
C5	2065.00'	1551.37'	N63°24'14"W	1496.54'
C6	290.00'	91.41'	S77°38'17"W	90.90'
C7	530.00'	33.22'	N40°30'01"W	33.21'
C8	930.00'	74.15'	N44°45'20"W	74.13'
C9	1850.00'	1514.58'	S85°38'14"E	1472.64'
C10	1850.00'	1408.48'	S20°19'22"E	1374.71'

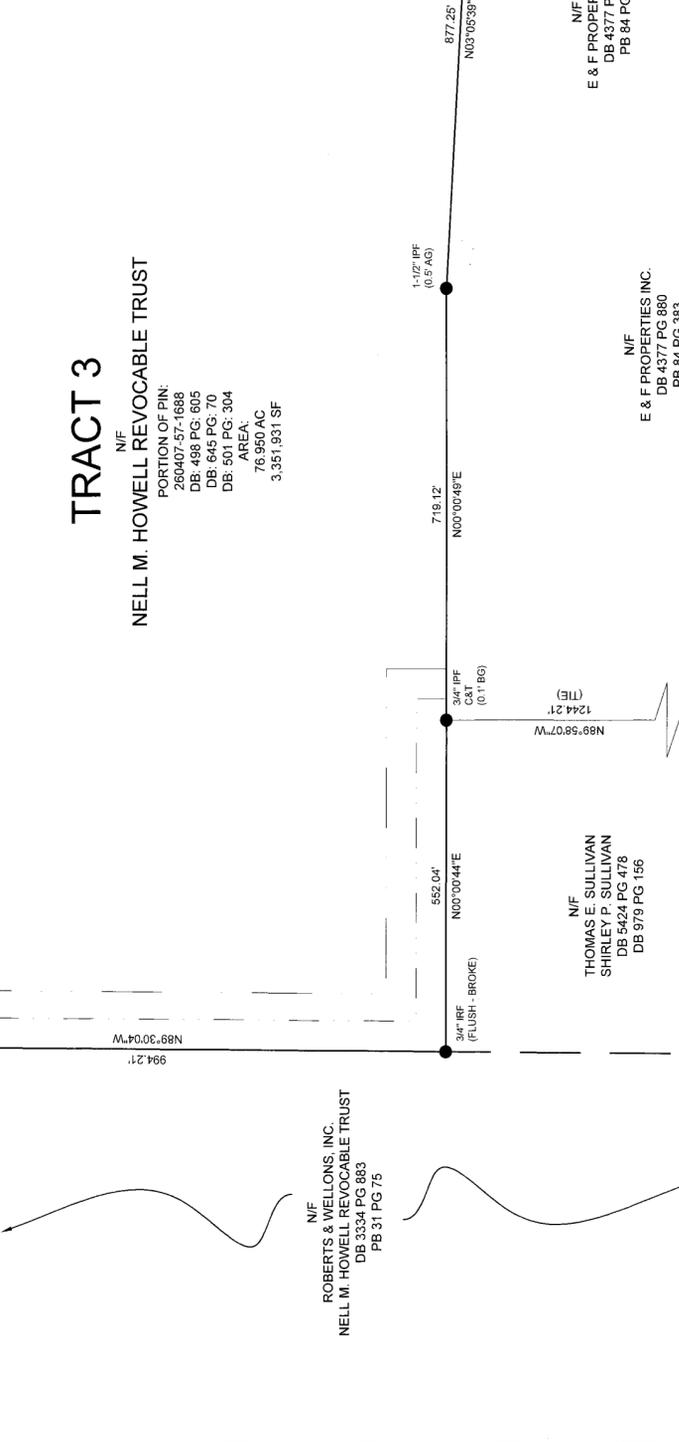
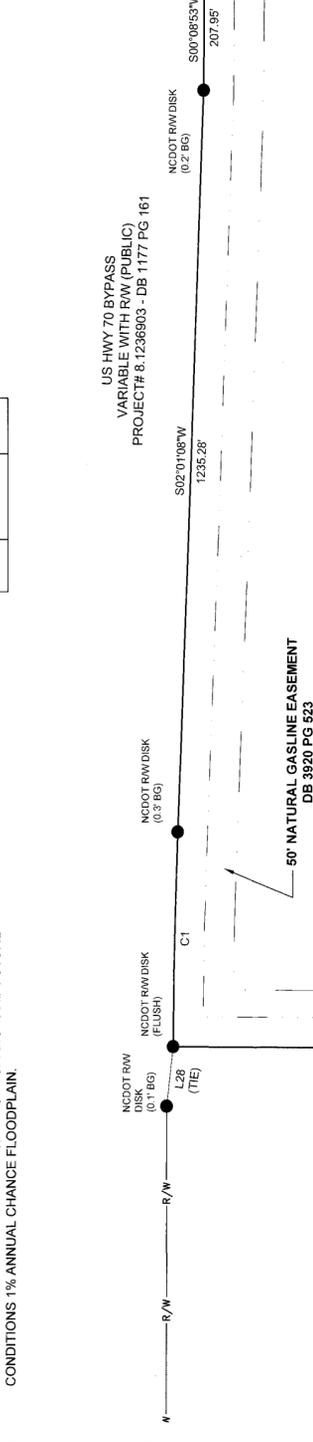
Line Table

Line #	Direction	Length
L21 (TIE)	S89°52'45"W	95.31'
L22 (TIE)	S88°19'25"W	60.75'
L23 (TIE)	S83°48'28"W	67.26'
L24 (TIE)	S89°27'34"W	65.01'
L25 (TIE)	N41°22'03"E	160.96'
L26	S30°04'34"E	132.46'
L27 (TIE)	S04°22'42"E	229.63'
L28 (TIE)	N05°09'04"E	99.36'
L29 (TIE)	N05°44'48"W	5.07'
L30 (TIE)	N89°30'56"W	6.28'
L31 (TIE)	S35°47'17"E	4.88'
L32 (TIE)	S01°20'07"W	28.73'
L33 (TIE)	S00°50'52"W	104.68'



FLOOD CERTIFICATION

UPON EXAMINATION OF FLOOD INSURANCE RATE MAPS, PANEL NUMBER 3720 OF COMMUNITY NUMBER 260400 (JOHNSTON COUNTY), BEARING MAP # 3720260400 K, DATED APRIL 30, 2014, THE SUBJECT PROPERTY LIES PARTIAL IN ZONE "AE", WHICH IS AN AREA DETERMINED TO BE INSIDE THE 0.2% ANNUAL CHANCE AND FUTURE CONDITIONS 1% ANNUAL CHANCE FLOODPLAIN.



GENERAL NOTES

- THE PURPOSE OF THIS PLAT IS TO PERFORM A BOUNDARY SURVEY ON THE PROPERTIES OF NELL M. HOWELL REVOCABLE TRUST, LOCATED WEST OF US HWY 70 IN SELMA TOWNSHIP, TOWN OF SMITHFIELD ETJ, JOHNSTON COUNTY, NORTH CAROLINA. BEARING PIN: 260407-57-1688 (DEED BOOK 6001 PG 562). THIS BOUNDARY SHOWS 3 SEPARATE TRACTS WITHIN THE TRUST.
- PROPERTIES SHOWN HEREON ARE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD THAT WOULD BE REVEALED BY A THOROUGH TITLE SEARCH. THIS PLAT SHOULD NOT BE RELIED UPON AS A COMPLETE RECORD OF ALL EASEMENTS THAT MAY AFFECT THESE PROPERTIES.
- THE UNIT OF MEASUREMENT IS U.S. SURVEY FEET (FT) UNLESS SPECIFICALLY NOTED AS METERS (M).
- ALL DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED. GROUND INFORMATION, UNLESS SPECIFICALLY NOTED AS "GRID".
- AREA(S) CALCULATED BY THE COORDINATE METHOD.
- NO NCGS MONUMENT WAS FOUND WITHIN 2000 FEET OF THE SITE. GRID TIE BY GPS / VRS.
- THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NONEXISTENCE OF ANY UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
- ALL PROPERTY CORNERS SET ARE 5/8" IRON PIPES SET (IPS) FLUSH WITH EXISTING GROUND UNLESS OTHERWISE NOTED.
- ALL PROPERTY CORNERS FOUND AND SHOWN HEREON WITHOUT A DESCRIPTION ARE 5/8" IRON REBAR POUND FLUSH WITH THE EXISTING GROUND UNLESS OTHERWISE NOTED.
- NO CEMETERY WAS FOUND DURING THE COURSE OF THIS SURVEY.
- SEE SHEET 2 FOR GRID TIE INFORMATION.
- SEE SHEET 2 FOR SURVEY REFERENCES.
- SEE SHEET 2 FOR ABBREVIATION TABLE.

GENERAL NOTES

1. THE PURPOSE OF THIS PLAT IS TO PERFORM A BOUNDARY SURVEY ON THE PROPERTIES OF NELL M. HOWELL REVOCABLE TRUST, LOCATED WEST OF US HWY 70 IN SELMA TOWNSHIP, TOWN OF SMITHFIELD ETJ, JOHNSTON COUNTY, NORTH CAROLINA, BEARING PIN: 260407-57-1688 (DEED BOOK 6001 PG 562). THIS BOUNDARY SHOWS 3 SEPARATE TRACTS WITHIN THE TRUST.
2. PROPERTIES SHOWN HEREON ARE SUBJECTED TO EASEMENTS AND RESTRICTIONS OF RECORD THAT WOULD BE REVEALED BY A THOROUGH TITLE SEARCH. THIS PLAT SHOULD NOT BE RELIED UPON AS A COMPLETE RECORD OF ALL EASEMENTS THAT MAY AFFECT THESE PROPERTIES.
3. THE UNIT OF MEASUREMENT IS U.S. SURVEY FEET (FT) UNLESS SPECIFICALLY NOTED AS METERS (M).
4. ALL DISTANCES AND COORDINATES SHOWN HEREON ARE LOCALIZED. GROUND INFORMATION, UNLESS SPECIFICALLY NOTED AS "GRID".
5. NO NCGS MONUMENT WAS FOUND WITHIN 2000 FEET OF THE SITE. GRID TIE BY GPS / VRS
6. THIS SURVEY DOES NOT CERTIFY TO THE EXISTENCE OR NONEXISTENCE OF ANY UNDERGROUND UTILITIES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
7. ALL PROPERTY CORNERS SET ARE 5/8" IRON PIPES SET (IPS) FLUSH WITH EXISTING GROUND UNLESS OTHERWISE NOTED.
8. ALL PROPERTY CORNERS FOUND AND SHOWN HEREON WITHOUT A DESCRIPTION ARE 5/8" IRON REBAR FOUND FLUSH WITH THE EXISTING GROUND UNLESS OTHERWISE NOTED.
9. NO CEMETERY WAS FOUND DURING THE COURSE OF THIS SURVEY.
10. SEE SHEET 1 FOR LINE AND CURVE TABLES.
11. SEE SHEET 1 FOR VICINITY MAP.
- 12.

VRS SURVEY TIES:

THE CONTROL LINE SHOWN HEREON WAS ESTABLISHED BY GPS SURVEY METHODOLOGIES USING THE NORTH CAROLINA COUNTY CENTER OF MASS (CCM) VIRTUAL REFERENCE SYSTEM (VRS), WHICH IS BASED UPON THE CONTINUALLY OPERATING REFERENCE STATIONS (CORS). NO NCGS MONUMENT WAS FOUND WITHIN 2000 FEET OF THE SITE. SURVEY METADATA IS AS FOLLOWS:

HORIZONTAL DATUM: NAD83 (NSRS2011) NC STATE PLANE COORDINATE SYSTEM
 POINT OF LOCALIZATION: CONTROL POINT # 1
 COMBINED FACTOR: 0.999884119
 DATE OF GPS SURVEY: 18/2020
 UNITS OF GPS SURVEY: U.S. SURVEY FEET
 GPS ANTENNA: SPECTRA SP80 (SERIAL # 5913550088)
 GPS TECHNIQUE: REAL TIME KINEMATIC
 FIXED STATION HELD FOR THE SURVEY:
 NAME: A SMITHFIELD CORP ARP PID: DK6525
 LATITUDE: 35.334860882 ELLIPSOID HEIGHT: 24.482 m
 LONGITUDE: 78.201086502 GEOID HEIGHT: -34.188 m
 ELEVATION: 192.59 sft
 ADJUSTMENT: SURVEY DATA WAS POST PROCESSED WITH TRIMBLE BUSINESS CENTER (TBC) VER. 4.x USING A NETWORK LEAST SQUARES ADJUSTMENT AT THE 95% CONFIDENCE LEVEL.
 POSITIONAL ACCURACY: HORIZONTAL: 0.016" VERTICAL: 0.027"
 CLASS OF SURVEY: CLASS AA

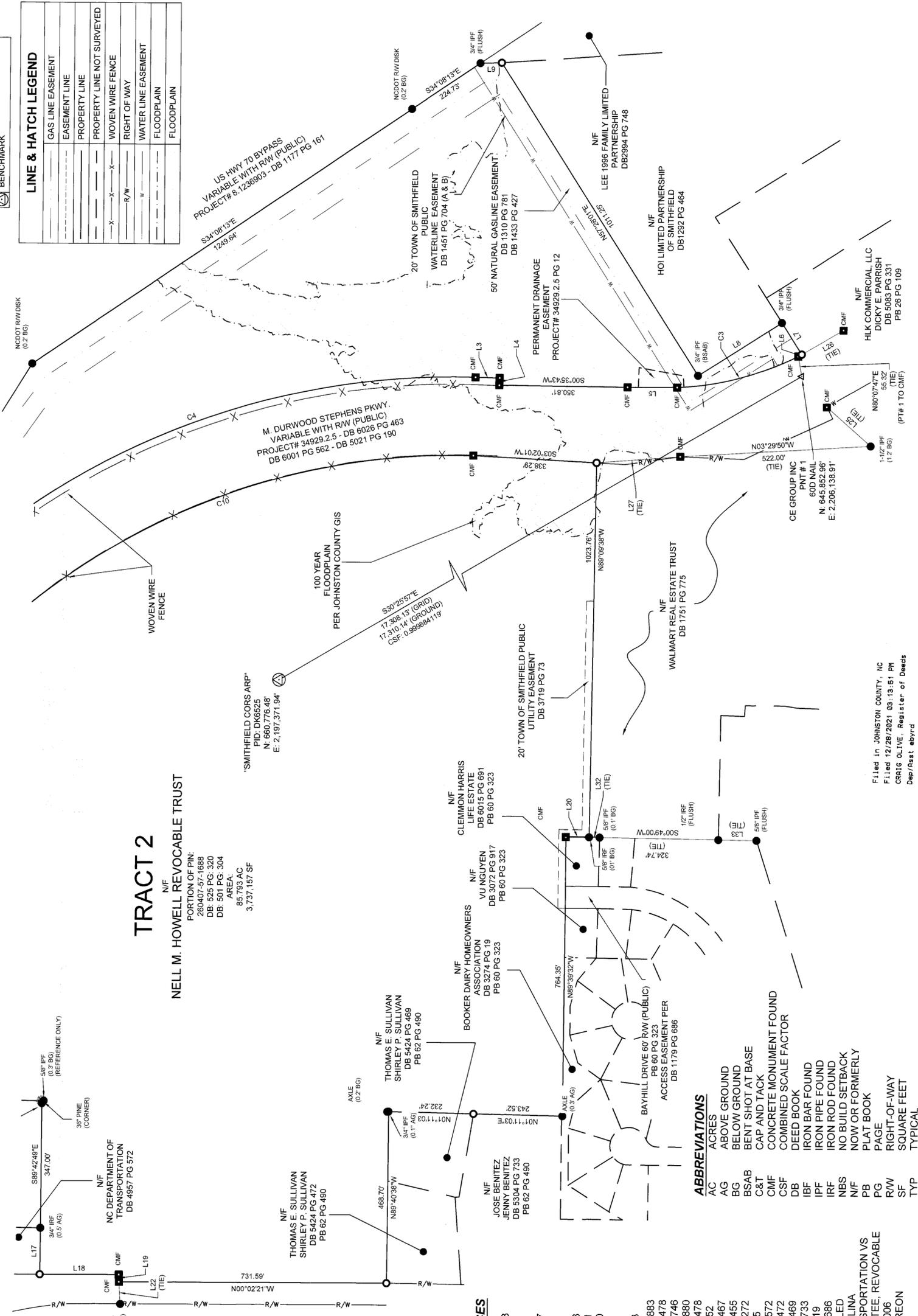


SYMBOL LEGEND

△	COMPUTED POINT
●	PROPERTY CORNER FOUND
○	PROPERTY CORNER SET
■	CONCRETE MONUMENT FOUND
□	BENCHMARK

LINE & HATCH LEGEND

---	GAS LINE EASEMENT
---	EASEMENT LINE
---	PROPERTY LINE
---	PROPERTY LINE NOT SURVEYED
---	WOVEN WIRE FENCE
---	RIGHT OF WAY
---	WATER LINE EASEMENT
---	FLOODPLAIN



- SURVEY REFERENCES**
- PLAT BOOK 28 PAGE 49
 - PLAT BOOK 29 PAGE 153
 - PLAT BOOK 31 PAGE 75
 - PLAT BOOK 34 PAGE 11
 - PLAT BOOK 34 PAGE 197
 - PLAT BOOK 40 PAGE 13
 - PLAT BOOK 54 PAGE 13
 - PLAT BOOK 60 PAGE 323
 - PLAT BOOK 62 PAGE 441
 - PLAT BOOK 62 PAGE 490
 - PLAT BOOK 63 PAGE 62
 - PLAT BOOK 66 PAGE 93
 - PLAT BOOK 84 PAGE 383
 - DEED BOOK 3334 PAGE 883
 - DEED BOOK 3424 PAGE 478
 - DEED BOOK 2994 PAGE 746
 - DEED BOOK 4377 PAGE 880
 - DEED BOOK 5424 PAGE 478
 - DEED BOOK 5645 PAGE 52
 - DEED BOOK 1289 PAGE 467
 - DEED BOOK 5973 PAGE 455
 - DEED BOOK 4866 PAGE 272
 - DEED BOOK 929 PAGE 45
 - DEED BOOK 4957 PAGE 572
 - DEED BOOK 5424 PAGE 472
 - DEED BOOK 5304 PAGE 733
 - DEED BOOK 3274 PAGE 19
 - DEED BOOK 1179 PAGE 686
- UNRECORDED PLAT TITLED
 DEPARTMENT OF TRANSPORTATION VS
 STATE OF NORTH CAROLINA
 NELL M. HOWELL, TRUSTEE, REVOCABLE
 TRUST, DATED MAY 3, 2006
 OTHERS AS SHOWN HEREON

ABBREVIATIONS

AC	ACRES
AG	ABOVE GROUND
BS	BELOW GROUND
BSAB	BENT SHOT AT BASE
C&T	CAP AND TACK
CMF	CONCRETE MONUMENT FOUND
CSF	COMBINED SCALE FACTOR
DB	DEED BOOK
IBF	IRON BAR FOUND
IPF	IRON PIPE FOUND
IRF	IRON ROD FOUND
NBS	NO BUILD SETBACK
NIF	NOW OR FORMERLY
PB	PLAT BOOK
PG	PAGE
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
TYP	TYPICAL
W/	WITH

Filed in JOHNSTON COUNTY, NC
 Filed 12/29/2021 03:13:51 PM
 CRRIG OLIVE, Register of Deeds
 Dep/Asst ebyrd
PLAT B: 95 P: 116

Local 70

Town of Smithfield

Conditional Zoning Application – Planned Unit Development

Submittal Date: March 1, 2024

Application to modify the existing lands from a B-3 and R-8 zoning district(s) to a Planned Unit Development with Conditional Approvals

CZ-PUD Community Name: Local 70

Local 70 Parcel Ownership:

Smithfield Growth LLC

1600 Colon Road

Sanford, North Carolina

Contact: Corey Mabus

corey@carolinacommercialinc.com

Survey

CE Group

367 Freedom Parkway

Pittsboro, North Carolina

Local 70 Authorized Agent:

Jody Leidolf

Legion Land and Development

Jody@legionnc.net

919.937.0702

Master Planning

Planworx

5711 Six Forks Road Suite 100

Raleigh, NC 27609

Parcel:	Acreage:	Ex. Zoning
260410-47-7462	85.790	B-3, R-8
260407-49-8884	76.550	B-3
260406-38-4591	0.880	B-3

INTRODUCTION

The proposed neighborhood, Local 70, is intended to be a mixed-use, neighborhood scaled community reflective of the Town of Smithfield Future Land Use Plan (Exhibit B). The community will encompass 163.62 acres of undeveloped lands on either side of M. Durwood Stephenson Parkway, boarded by Booker Dairy Road on the west and I-70 on the east.

This new neighborhood for the Town of Smithfield will encompass land uses ranging from single family homes for sale, townhomes, apartments, commercial/retail, medical office and potential industrial spaces. The request for the Planned Unit Development (PUD) zoning allows for flexibility within the master plan to meet the needs of the future residents of Smithfield as well as allow for new businesses to locate near existing Town and County facilities.

Transitions of building intensities and of building uses is described through the use of the Character Area Map - Exhibit F. The intent is to transition from the highest densities and most complex building uses at the north portion of the neighborhood to more single family residential uses abutting the existing single family detached residential fabric in the southwest corner. The Local 70 plan provides for seven Character Districts. They are as follows:

- CD-5 – Business District: This district allows for multiple non-residential land uses as described on the chart on page 3
- CD-4 – High Density Residential: This portion of the neighborhood is envisioned to be primarily Multi-family housing with Retail uses incorporated into the building fabric
- CD – 3A – Moderate Density Residential: Single Family Attached (includes duplex and triplex arrangements) and Single Family Detached, Quadplex MF, and Commercial/Retail uses available
- CD-3B – Residential, single family detached and single family attached. This zone is reflective on the existing residential fabric Local 70 will be integrating into
- PS – Public Park Space: Active and passive open recreational space
- OS – Open Space: Passive open space including storm water management facilities, trails, and buffers
- ENV – Environmental Protection Areas: Wetlands, streams, and buffers

With a mixture of building uses, home typologies, and open space networks, the non-residential entitlement request is 845,000 sf. The residential request is 830 front doors/density units (du) utilizing a mixture of multi-family, single family attached and single family detached.

DENSITY CALCULATIONS:

Parcel 260410-47-7462: 85.790 acres

Parcel 260406-38-4591: 0.880 acres

Total Acreage for residential development: 86.67 acres

Requested Residential Density: 830 du

Residential Acreage: 86.67 acres

Density: 9.58 du/acres

EXISTING ZONING AND FUTURE LAND USE

The existing zoning is predominately B-3, Highway Entranceway Business District with 10.35 acres out of the 163.62 acres zoned R-8, Single-, Two-, and Multi Family Residential District (Exhibit A). The Future Land Use Plan denotes a transition to more residential incorporated

within the anticipated business uses. We believe that the proposed land use mix within this request meets the intent for this portion of the Town of Smithfield.

PROPOSED LAND USE MIX



LOCAL 70 CHARACTER DISTRICTS

CHARACTER DISTRICT	PRIMARY LAND USE	ACCESSORY USES	ACRES/DENSITY
CD 5	Institutional Manufacturing/Industrial Office/Professional Services Recreational Wholesale/Warehousing	Residential Parks/Open Space Amenity Structures Trails, Walking Paths	52.1 ACRES 800,000 SF 0.35 FAR
CD 4	Multi Family (Apartments) Retail Sales and Services	Garages Amenity/Swimming Pool Clubhouse Pavilion Parks/Open Space Amenity Structures Trails, Walking Paths	26.8 Acres 500 MF (residential) - 18.7 du/ac 30,000 sf (non-residential)
CD 3A	Single Family Detached Single Family Attached (includes Duplexes and Triplex Arrangments) Quadplexes Retail Sales and Services	Accessory Dwelling Units (ADU) Pavilion Parks/Open Space Amenity Structures Trails, Walking Paths	15.3 Acres 200 du (residential) - 13.1 du/ac 15,000 sf (non-residential)
CD 3B	Single Family Detached Single Family Attached	Accessory Dwelling Units (ADU) Pavilion Parks/Open Space Amenity Structures Trails, Walking Paths	19.7 Acres 130 du (residential) - 6.6 du/ac
OS	Open Space	Lakes/Ponds Storm Water Management Trails, Walking Paths Temporary Retail Structures Playground Equipment Park Structures Buffers	16.0 Acres
PS	Park Space	Lakes/Ponds Storm Water Management Trails, Walking Paths Temporary Retail Structures Playground Equipment Park Structures	1.6 Acres
ENV	Environmental Areas	Wetlands Streams Buffers Temporary Retail Structures Playground Equipment Park Structures	24.71 Acres (14.3 Acres of Wetlands)

SUMMARY

RESIDENTIAL	830 DU
NON-RESIDENTIAL	845,000 SF

INFRASTRUCTURE

The new Local 70 community vehicular and pedestrian access will be primarily from M. Durwood Stephenson Parkway. Proposed connectivity will include vehicular and pedestrian connections to Booker Diary Road, Bayhill Drive and a future inter-parcel roadway connection running east/west north of M. Durwood Stephenson Parkway. The Comprehensive Pedestrian Plan suggests a new sidewalk along the east side of Booker Diary Road that the Local 70 pedestrian network may tie into at the appropriate time. The Pedestrian plan also considers a multi-use trail on the south side of M. Durwood Stephenson Road which the master plan allows for.

Local 70 is looking to extend the roadway fabric of the Town of Smithfield through primary framework roads. The framework roads provide for an implied grid system integrating with the existing roadway network. Within the south village of Local 70, two framework roads are proposed meeting in the middle of the village. To the north of M. Durwood Stephenson Parkway the master plan denotes a primary north/south road terminating in a cul-de-sac with a branch running west to provide inter parcel connectivity at the appropriate time. The framework roads will be public roads utilizing a 60' right-of-way. Additional secondary streets both public roads and private roads will be a combination of 60' rights-of-way, 56' rights-of-way with parallel parking on one side of the street and 50' rights-of-way. The private roads will be constructed to meet the Town of Smithfield's street standards. Alleys are being considered within the residential fabric. A typical Alley section has been provided. Sidewalks are proposed on both sides of the streets (but not alleys).

The creation of storm water management ponds will introduce additional open space to benefit the community. The ponds are being designed to become a focal point of the master plan with pedestrian trails along the outside of the ponds connecting back to the internal sidewalk network and the proposed multi-use trail along the south side of M. Durwood Stephenson Parkway.

Local 70 exists on either side of the recently constructed M. Durwood Stephenson Parkway. Primary access to the site will be provided by M. Durwood Stephenson Parkway. A traffic impact analysis (TIA) draft report has been created to look at the connections, turning movements and impacts to the local and regional roadway systems. The TIA is being completed by DRMP. Local 70 is currently adjusting the projections based on the proposed density mix.

WATER AND SEWER

Water and sewer are anticipated to be provided by the Town of Smithfield and Johnston County. Early sewer allocations show an anticipated range of 140,000 gpd to 200,000 gpd of average daily flows. Peak flows may range from 450,000 gpd to 550,000 gpd. This will occur over a five to six year build out of the community.

ENVIRONMENTAL FEATURES

Local 70 received a Jurisdictional Determination of the wetlands that exist within the site in December, 2023. The master planning for this project seeks to protect the wetlands and allow

for buffering against the wetlands. Thought will be given to the relationship of stormwater management devises, roadways, and pedestrian networks to not infringe upon the wetlands.

LIVABILITY – EXISTING TOWN OF SMITHFIELD FABRIC

The proposed community of Local 70's intent is to integrate into the existing building fabric of the Town of Smithfield. Local 70 lies at the western end of the Town and abuts Highway 70. The community is just north of North Brightleaf Boulevard, a major retail destination serving both the Town of Smithfield residents and commuters along I-95. The existing 4-lane divided M. Stephenson Parkway provides connections to existing Town and County facilities, schools and local shopping. With existing infrastructure in place and existing land uses constructed neighboring the site, the Local 70 will moderate the building intensities, fabric and uses to in essence complete the western end of the Town of Smithfield.

The goal of the community is to support additional housing needs in both rental and home ownership, provide new open spaces and park spaces, extend the pedestrian network and allow for new commercial uses.

LOCAL 70 INTEGRATION INTO THE TOWN OF SMITHFIELD

The location of the proposed community is served by infrastructure already in place. The proposed community by its location alone has existing services in place. Close proximity to schools, fire stations, existing retail and business services, community amenities.

INTEGRATION WITH EXISTING LAND USES

The north village of Local 70 currently does not have any development neighboring the property lines aside from Highway 70 running along the eastern edge of the property. The land uses proposed for this portion of land range from large retail stores, medical offices, commercial services, and industrial uses. Given the wetlands at the edges of the property, we do not foresee any conflicts with future development patterns should they occur.

For the south village of Local 70, we share a property line with an existing Walmart and single family detached neighborhoods. Our intent is to connect the roadway fabric with Bayhill Drive, extending the single family detached housing into Local 70. With any inter-parcel connectivity to existing neighborhoods, there is a chance that existing residents will object. We feel that life safety (fire and EMS) access is enhanced through inter parcel connectivity. The pedestrian system allows for the residents of the existing neighborhood walking access to the open space, trails and services being provided within Local 70. Additionally, the Character Districts reinforce the same building pattern in the community – transition of single family attached to single family detached.

PARKS AND OPEN SPACE

The proposed master plan of Local 70 will introduce a network of open spaces, parks, buffers, trails and sidewalks to provide recreational opportunities. The multi-family will provide its own internal amenity programs of parks, tot lots, dog parks and swimming facilities.

The plan targets rough 26% of the land to be open space whether it be preservation of existing environmental features, creation of buffers and screening, storm water ponds, passive open space and programmed community parks.

APPROXIMATE DEVELOPMENT SCHEDULE

Start of Construction: 4Q2024
Southern Village Framework Roads: 1Q2025
Phase 1 of Multi Family: 3Q2025
Phase 1 of Residential Lot Construction: 3Q2025
Phase 2 of Multi Family: 2Q2026
Phase 2 Residential lot construction: 2Q2026
First Housing completed: 3Q2026
Final Completion of the Community: 2031

DEVIATIONS FROM THE TOWN OF SMITHFIELD’S UNIFIED DEVELOPMENT ORDINANCE

The following is an excerpt from the Town of Smithfield’s Unified Development Ordinance. Within the Planned Unit Development, we have crafted residential lot standards to be more in line with the market and provide a greater range of housing opportunities. An excerpt from the UDO is provided below as well as the new lot standards on page 7 of this document.

Two new roadway standards are being introduced:

- Alley section of 22’-0” Right of Way and minimum 16’-0” paving/travel section
- 56’-0” Right of Way section allowing for parallel parking on one side of the street

6.4.2. Planned Unit Development Conditional Zoning District (PUD).

(Amended 3/6/2018) The PUD District allows a large site to be developed with a mixture of land uses according to an approved overall site plan. For example, a large tract may be developed with a mix of single-family and multi-family housing, with part of the site also devoted to commercial and office uses. The PUD District allows for greater flexibility in dimensional standards than general use district zoning, or other conditional district zoning (such as lot sizes and setbacks) upon approval of an overall master plan for the entire development. The PUD conditional zoning standards are not specifically tied to any single general use district and does not require a rigid separation of different land uses. Streets within a PUD Conditional Zoning District shall comply with 10.110.19. Uses are limited to the uses identified in the mixed-use site development plan along with all site specific standards, and conditions. With an approval of a PUD conditional zoning application, an ordinance authorizing the requested use with such reasonable conditions as are mutually approved by the applicant and Town Council and determined to be desirable in promoting public health, safety and general welfare, or to mitigate impacts reasonably expected to be generated by use of the site. A PUD District shall not be less than five (5) acres in area and are permitted only in areas guided as mixed use centers on the adopted comprehensive land use plan map.

Local 70 is applying for a conditional zoning, planned unit development. The following Lot Standards will be established for residential and non-residential land uses.

**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"

RESIDENTIAL USES

Single Family Detached Lots		PROPOSED
LOT STANDARDS		SFD
Minimum Lot Area		3,800 sf
Minimum Lot Width		38'-0"
SETBACKS		SFD
Minimum Front Yard		10'-0"
Minimum Rear Yard		15'-0"
Minimum Side Yard		
	0'-0" - 42'-0" Lot Width	3'-0"
	43'-0" - 60'-0" Lot Width	4'-0"
	60'-0" - 80'-0" Lot Width	5'-0"
	80'-0" plus Lot Width	7'-0"
Minimum Corner Yard		10'-0"
BUILDING STANDARDS		SFD
*Note: For Lots 42'-0" in lot frontage or less, the homes will be served by an alley.		
Maximum Building Height		60'-0"

Attached Single Family (Townhomes)		PROPOSED
LOT STANDARDS		SFA
Minimum Lot Area		1,800 sf
Minimum Lot Width		18'-0"
SETBACKS		SFA
Minimum Front Yard		10'-0"
Minimum Rear Yard		15'-0"
Minimum Side Yard		6'-0"
Minimum Corner Yard		10'-0"
BUILDING STANDARDS		SFA
Maximum Building Height		60'-0"

Multi-Family (includes quadplexes)		PROPOSED
LOT STANDARDS		MF
Minimum Lot Area		N/A
Minimum Lot Width		N/A
SETBACKS		MF
Minimum Front Yard		14'-0"
Minimum Rear Yard		15'-0"
Minimum Side Yard		
	BLDG Height 20'-0" or less	16'-0"
	BLDG Height 25'-0" or less	25'-0"
	BLDG Height 30'-0" or less	30'-0"
	BLDG Height Up To 68'-0"	40'-0"
Minimum Corner Yard		16'-0"
BUILDING STANDARDS		MF
Maximum Building Height		68'-0"

IMPROVEMENTS EXCEEDING THE TOWN OF SMITHFIELD'S UNIFIED DEVELOPMENT ORDINANCE

The Town of Smithfield does not have an open space requirement within the UDO. Local 70 will provide 26% of the gross land area as open space. The open space will be a combination of active and passive design as well as protecting environmentally sensitive areas. A 1.6-acre dedicated park space will be provided in the heart of the community. As noted in the application approximately 2,500 linear feet of new trails will be provided along with sidewalks along the new roadways.

Improvements Exceeding UDO include:

- A community Design Code for building placement, materials, scale and integration with the public realm
- Single Family Detached and Single Family Attached repetition policy for elevations, garage doors and material usage including color
- Commitment to material standards for all building use categories
- Trail and Open Space connectivity

EXPECTED SALES AND RENTAL PRICES

The established Character Districts provide flexibility to meet the market needs as the project is developed over the next six years. The intent of the residential mix is to provide a range of housing opportunities for the residents of Smithfield. The apartments will have studios, one bedroom, 2-bedroom and 3-bedroom units. Townhomes are expected to have three unique sizes ranging in price and for the single family homes the current segmentation allows for four to five sizes of homes, ranging from 1,500 sf to 3,500 sf.

Currently, pricing of homes and rental rates are hard to pin down as construction costs, builder partners, market studies and timing will influence the pricing at time of completion and entering the market.

ARCHITECTURAL STANDARDS

A master planned community such as Local 70 anticipates having a mix of residential, retail, commercial, office, medical and industrial buildings. Each of these uses allows for different expressions of architecture and exterior material compensation. Local 70, with a master developer will have a design review board which will review and approve architectural appropriateness for the community prior to the individual developer submitting to the Town of Smithfield. With a focus on building good streets, focusing on relationships of building frontages to streets, integration of different building uses adjacent to each other and the quality of the landscape with parks and open space, the development as a whole is intended to be a positive addition to the Town of Smithfield's current community fabric.

The developers, Edward Holmes (Holmes Companies and the Keller Family (Carolina Commercial), have a track record of building, developing, owning and operating quality communities - places for individuals to live and work.

A Design Code for the Community is attached as Exhibit H.

EXAMPLES OF PROJECTS COMPLETED BY THE DEVELOPERS OF LOCAL 70:

The Landings, Town of Smithfield

The Crossings, Town of Smithfield

Amelia Station – Multi Family, Clayton, North Carolina

Powell Place – Master Planned Community, Pittsboro, North Carolina

South Park – Multi Family, Sanford, North Carolina

The Sanctuary at Powell Place – Multi Family, Pittsboro, North Carolina

The Medley Apartments at Northwood Landing, Pittsboro, North Carolina

LIST OF EXHIBITS

Exhibit A – Town of Smithfield Current Zoning Map

Exhibit B – Town of Smithfield Future Land Use Plan

Exhibit C – Parcel Map

Exhibit D – FEMA Flood Map

Exhibit E – Character District Map

Exhibit F – Proposed Street Sections

Exhibit G – M. Durwood Stephenson Parkway Turning Movements

Exhibit H – Local 70 Design Code

Urban Design

Local 70 is a mixed-use community integrating into existing street patterns within the Town of Smithfield. The organization of streets provides for primary framework establishing a grid pattern within the proposed community. The implied grid will allow for inter-parcel connectivity and ease of wayfinding for visitors and residents. At the intersection of the primary framework streets in the Southern Village, a 1.6-acre park will be the focal point of the community.

Focus has been placed on building frontages, building setbacks, streetscapes and planting to define the public realm of the project. The primary framework streets will moderate different building uses as well as change in building heights. Sidewalks are planned for each side of the street providing pedestrian access to buildings and homes. Trails are designed to leverage the open space components of the community.

Streets and Alleys

Connecting to the framework streets is a system of local streets and alleys. The intent is to have shorter block patterns reminiscent of the historic street patterns within the Town of Smithfield. An alley system will be incorporated within portions of the residential neighborhoods to allow parking behind the residential units, limit vehicular conflicts on the framework streets and local streets while strengthening the pedestrian environment. Alleys allow for unique home styles as well as incorporating various home types such as town homes and single family detached units.

Building Placement/Building Frontage

A primary design principle incorporated into Local 70 is defining a strong public realm through the thoughtful placement of buildings, building entrances and utilizing architectural elements such as porches and awnings to create a welcoming pedestrian environment.

Integration of Building Uses

The Planned Unit Development request for Local 70 allows for the integration of multiple building typologies. Building types from residential town homes to large footprint retailers and even industrial type buildings will be organized within the Character Districts. Accommodating the change in architectural form, building heights, building scale, and building materials.



*Open Space Example, Powell Place Pittsboro, NC
Co-developed by Holmes Companies, Co Applicant for Local 70*

Town Home Design Code

Front Load Town Homes

Town Home attached units may not be greater than seven (7) units in one block

For town homes with garages access public streets, the units may have either a single garage or a double garage.

Garage doors must be a minimum of 25'-0" from back of public sidewalk and/or R.O.W. to allow for parking in front o the home.

Units shall be individualized through the use of exterior materials, entrance features, primary house color, trim color.

It is encouraged to stagger the front setbacks of each individual unit

Primary building materials: For frontages facing a public street, pedestrian pathway, or open space the materials may be cementitious siding (Hardy Board or sim product), masonry, EIFS or a combination of materials.

Building trim, soffits, railings, and shutters may be of non-natural materials

No two neighboring unit's garage doors may be of the same style and/or color.

Garage doors must have windows and be encourage to have visible hardware.

If porches are provided they must be a minimum of 4'-6" in depth.

Rear Load Town Homes

For town homes with garage access from the alleys the building frontage may be a minimum of 10'-0" from the back of the public sidewalk.

Garages must be either 4'-0" from edge of ally pavement or min. 20'-0" from alley pavement.

Units shall be individualized through the use of exterior materials, entrance features, primary house color, trim color. If of architecturally of merit the individual units within run may have the same elevation with variations in trim color. See example provided below.

Primary building materials: For frontages facing a public street, pedestrian pathway, or open space the materials may be cementitious siding (Hardy Board or sim product), masonry, EIFS or a combination of materials.



Front Load Town Homes w/ Single and Two Car Garages - Chahtam Park, Plttsboro, NC



Rear Load Town Homes - Example of Architectural Consistency - Single Expression Briar Chapel, Chatham County, NC



Rear Load Town Homes - Powell Place, Pittsboro, NC - Co-developed by Holmes Companies

Single Family Detached Homes Design Code

Front Load Homes

Front elevations on the same side of the street may only be repeated every fourth home.

Garage doors must be a minimum of 25'-0" from back of public sidewalk or R.O.W. to allow for parking in front of the home. It is encouraged to have the garage door recede a minimum of 2'-0" from the primary front facade of the home or have the front porch project past the front elevation of the garage.

Homes shall be individualized through the use of exterior materials, entrance features, primary house color, trim color.

Primary building materials: For frontages facing a public street, pedestrian pathway, or open space the materials may be cementitious siding (Hardy Board or sim product), masonry, EIFS or a combination materials.

It is encouraged to individualize each home with unique garage doors appropriate to the architectural style of the home. Garage doors must have windows and encouraged to have visible hardware.

If front porches are provided they must be a minimum of 6'-0" in depth.

Rear Load Homes

Front elevations on the same side of the street may only be repeated every fourth home.

Homes are encouraged to be sited so that the front expression of the home (porch/stoop) is placed a minimum of 10'-0" from the back of the public sidewalk.

Garages must be either 4'-0" from edge of ally pavement or min. 20'-0" from alley pavement.

The same color may not be repeated on homes next door to each other. The exception is the "Three Sister" rule allowing that within a mid-block application three homes may have the same elevation and color.

Homes shall be individualized through the use of exterior materials, entrance features, primary house color, trim color.

Primary building materials: For frontages facing a public street, pedestrian pathway, or open space the materials may be cementitious siding (Hardy Board or sim product), masonry, or a combination of the two materials.

It is encouraged to individualize each home with unique garage doors appropriate to the architectural style of the home.

If front porches are provided they must be a minimum of 6'-0" in depth.



Examples of Front Loaded Garage Homes and Rear Loaded Garage Homes

Multi Family Residential

Multi family buildings facing a public right-of-way must be set back a minimum of 14'-0" from the public sidewalk.

For multi family buildings with ground floor storefronts and uses other than residential the building may be placed a minimum of 14'-0" from the back of the public sidewalk.

Primary building materials may be a combination of the following materials; Stucco/EIFS, masonry, cementitious siding (Hardy Board or sim), metal panels or vinyl siding. Note that buildings fronting on public streets, pathways or open space vinyl siding may be used only on the second floor and above. Architecture and building design should promote a consistent language across each building. Care should be taken to place windows, balconies and entryways in an organized fashion.

Buildings are encourage to develop elevations that articulate features of the buildings, creating shadow lines and breaks within the overall facade.

Entries facing public streets, open spaces or pathways should be celebrated with additional architectural feature.



*Sanctuary at Powell Place, Pittsboro, NC
Developed by Carolina Commercial and Holmes Companies,
Applicant*



*Medley Apartments, Pittsboro, NC
Developed by Carolina Commercial
Currently Under Construction
Applicant*



*South Park, Sanford, NC
Developed by Carolina Commercial
Applicant*

Mixed-Use Buildings

A mixed-use building should be an urban component to the overall community. Building frontages should be setback a maximum of 14'-0" from the back of the public sidewalk. Retail storefronts in mixed-use buildings shall be a minimum of 11'-0" in height. Retail spaces shall be a min of 14'-0" in height. Primary building materials may be a combination of the following materials; Stucco/EIFS, masonry, cementitious siding (Hardy Board or sim), metal panels or vinyl siding. Note, vinyl siding may only be used on the "backs" of the building. Building entrances should be highlighted architecturally. Facade arrangement should have at minimum 50% porosity in windows and openings. Awnings, balconies, projections are encouraged.

Retail and Service Buildings

Retail buildings and service buildings should engage the pedestrian network and compliment the building frontage along streets. Building frontages should be setback a maximum of 14'-0" from the back of the public sidewalk. Retail storefronts in mixed-use buildings shall be a minimum of 11'-0" in height. Retail spaces shall be a min of 14'-0" in height. Primary building materials may be a combination of the following materials; Stucco/EIFS, masonry, cementitious siding (Hardy Board or sim), metal panels or vinyl siding. Care should be given to individualize each retail space. Awnings, balconies, projections are encouraged.



Examples of Material Usage in Retail and Mixed-use Buildings

Office and Flex Office

This building typology is generally consistent in material usage.

The building should articulate entrances and thresholds.

By the nature of the use, these building may sit back from the street with adequate parking in front of the building.

Primary building materials may be a combination of the following materials; Stucco/EIFS, masonry, cementitious siding (Hardy Board or sim), metal panels or vinyl siding.

Organization of windows and doors are encouraged to present a thoughtful architectural response.

For buildings with elongated elevations thought should be given to breaking up the facade by either the use of materials, expression in the water table, or articulations in the facade by means of stepping the building wall.

Industrial and Large Footprint Retail Buildings

This building typology is of a scale that needs a unique response to break up extended elevations.

Service, access, and loading should be considered in site placement.

Generally these buildings are set back from the road and allow parking adjacent to the building.

Primary building materials may be a combination of the following materials; Stucco/EIFS, masonry, cementitious siding (Hardy Board or sim), metal panels or vinyl siding.

Thought should be give to regular patterns of material usage, openings, and lighting.

Entrances and thresholds shall be highlighted architecturally.



Examples of Material Usage in Industrial and Large Footprint Retail Buildings

ParcelID	Name1	Name2	Name3	Address1	Address2	CityStateZip
14057011Y	SMITHFIELD GROWTH LLC			1600 COLON RD		SANFORD, NC 27330-9577
14057012	OLSEN, MARGIE B	OLSEN, PAUL A		1211 E BOOKER DAIRY RD		SMITHFIELD, NC 27577-9419
14057013	JUAREZ, ELIZABETH CORTES	PEREZ, JUAN MANUEL		525 DEVILS RACETRACK RD		FOUR OAKS, NC 27524-9304
14057012B	RESENDIZ, JOSE E.			215 LITTLE DOVE RD		PIKEVILLE, NC 27863-8341
14057004B	DEMERRIT, TAMMY SANDRA			1111 E BOOKER DAIRY RD		SMITHFIELD, NC 27577-9417
14057011X	SMITHFIELD GROWTH LLC			1600 COLON RD		SANFORD, NC 27330-9577
14057004J	VENTURE CAPITAL PARTNERS LLC			64 TIMOTHY DR		SMITHFIELD, NC 27577-7743
14056004	LMR RENTALS			201 S BRIGHTLEAF BLVD STE 1		SMITHFIELD, NC 27577-4077
14M09029A	GEORGE C MCLAMB PROPERTIES LLC			5494 WILSONS MILLS RD		CLAYTON, NC 27520-0000
14056003	AUSTIN, DALE L	AUSTIN, SANDRA W		1116 OLD BOOKER DAIRY RD		SMITHFIELD, NC 27577-9416
14056002	NORRIS, NELDA ELAINE WRIGHT LIFE ESTATE	NORRIS, BRANDY MICHELLE REMAINDER		1204 OLD BOOKER DAIRY RD		SMITHFIELD, NC 27577-3751
14057151L	MOORE, JAMES H JR	MOORE, YVONNE C		713 CHESTNUT DR		SMITHFIELD, NC 27577-0000
14057151K	CHAPPELL, LUCILLE			1302 BOOKER DAIRY RD		SMITHFIELD, NC 27577
14057151A	JIMENEZ, LILA GUADALUPE GUTIERREZ	CASTRO, OSVALDO DIAZ		2 EDEN DR		SMITHFIELD, NC 27577-4805
14057151S	HEATH, NICOLE JOINT TENANTS (WROS)	HEATH, WYATT JOINT TENANTS (WROS)		2 EDEN DR		SMITHFIELD, NC 27577-4805
14057152G	QUICK, MICHAEL IRVIN	QUICK, MINNIE CANO		7 ALPINE CT		SMITHFIELD, NC 27577-4818
14057152F	TAYLOR, LESLIE L III			200 PARK AT NORTH HILLS ST APT 1603		RALEIGH, NC 27609-2656
14057152E	BEAN, LYNDAY			10 ALPINE CT		SMITHFIELD, NC 27577-4818
14057196C	LITTLEFIELD, MARGIE B. LIFE ESTATE	LITTLEFIELD, MICHAEL B. REMAINDER		7 SHERWOOD CT		SMITHFIELD, NC 27577-4835
14057152D	MARTIN, TABITHA LYNETTE			8 ALPINE CT		SMITHFIELD, NC 27577-4818
14057008G	GILMORE, RODNEY	GILMORE, JENNIFER		9 SHERWOOD CT		SMITHFIELD, NC 27577-4835
14057009J	SILVA, RUTH M			12 HAZELWOOD CT		SMITHFIELD, NC 27577-0000
14057196	HIGGENBOTTOM, MICHAEL DAVID			8 SHERWOOD CT		SMITHFIELD, NC 27577-4835
14057015	SULLIVAN, SHIRLEY P. JOINT TENANTS (WROS)	MUSTGRAVE, TANYA S. JOINT TENANTS (WROS)		1505 E BOOKER DAIRY RD		SMITHFIELD, NC 27577-9472
14057016A	SULLIVAN, SHIRLEY P. JOINT TENANTS (WROS)	MUSTGRAVE, TANYA S. JOINT TENANTS (WROS)		1505 E BOOKER DAIRY RD		SMITHFIELD, NC 27577-9472
14057016	BENITEZ, JOSE	BENITEZ, JENNY		482 WARREN ST		WESTBURY, NY 11590-1307
14074002X	TITMUS, JENRY EDWARD	TITMUS, SANELA BEKTIC		169 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
14074002Y	GRIFFIN, BETH CAPPS	OLIVER, LAURA TALTON		161 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
14074002W	CORDON, GERBER DE IESUS REINOSO			172 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
14074002M	BOOKER DAIRY HOMEOWNERS ASSOCIATION			154 BAYHILL DR		SMITHFIELD, NC 27577-8936
14074002N	PITTMAN, HARRY M	PITTMAN, NELLIE G		151 VALLEYWOOD CIR		SMITHFIELD, NC 27577-9435
14074002L	ATKINSON, FRANZ C.			PO BOX 70407		BROOKLYN, NY 11207-0407
14074002K	NGUYEN, TRONG MINH	TRAN, PHUONG		152 VALLEYWOOD CIR		SMITHFIELD, NC 27577-9435
14074002E	NGUYEN, VU			373 BAYHILL DR		SMITHFIELD, NC 27577-9434
14074002D	HARRIS, CLEMIMON LIFE ESTATE	MEDINA, TANISHA C. REMAINDER		388 BAYHILL DR		SMITHFIELD, NC 27577-9433
14074002C	PACHECO, FAUSTO H.			368 BAYHILL DR		SMITHFIELD, NC 27577-9433
14057012D	WALMART REAL ESTATE TRUST	SAM M WALTON DEVELOPMENT COMPLEX		PO BOX 8050M		BENTONVILLE, AR 72712
14057011Z	SMITHFIELD GROWTH LLC			1600 COLON RD		SANFORD, NC 27330-9577
14057020C	TRMIHA LLC			240 LAKEVIEW HILLS DR		FOUR OAKS, NC 27524-8443
14057020	HLK COMMERCIAL LLC	DICKY EVERETT PARRISH REVOCABLE TRUST		2533 LITTLE DIVINE RD		SELMA, NC 27576-7833
14L10080	H O I LIMITED PARTNERSHIP OF SMITHFIELD			PO BOX 26405		GREENSBORO, NC 27404-0000
14057032B	LEE 1996 FAMILY LTD PTNRP			PO BOX 237		SMITHFIELD, NC 27577-0237
14057009	NELL M HOWELL REVOCABLE TRUST	HOWELL, NELL M TRUSTEE		PO BOX 528		SMITHFIELD, NC 27577-0000
14001015	TMG WC CCH SELMA 35, LLC			1700 W HIGGINS RD STE 400		DES PLAINES, IL 60018

14054010P	SYSCO FOOD SERVICES OF RAL LLC		1390 ENCLAVE PKWY	HOUSTON, TX 77077-2025
14054010F	ROBERTS & WELLONS, INC.	NELL M. HOWELL REVOCABLE TRUST	PO BOX 1046A	SMITHFIELD, NC 27577
14057001A	SULLIVAN, SHIRLEY P. JOINT TENANTS (WROS)	MUSTGRAVE, TANYA S. JOINT TENANTS (WROS)	1505 E BOOKER DAIRY RD	SMITHFIELD, NC 27577-9472
14057004D	WC JOCO 50 LLC		10 PARKWAY NORTH BLVD STE 120	DEERFIELD, IL 60015-2526

Local 70 CZ Map Amendment

File Number:
CZ-24-02

Project Name:
Local 70

Location:
M. Durwood
Stephenson Pkwy

Tax ID#:
14057011Y
14057011X
14057011Y

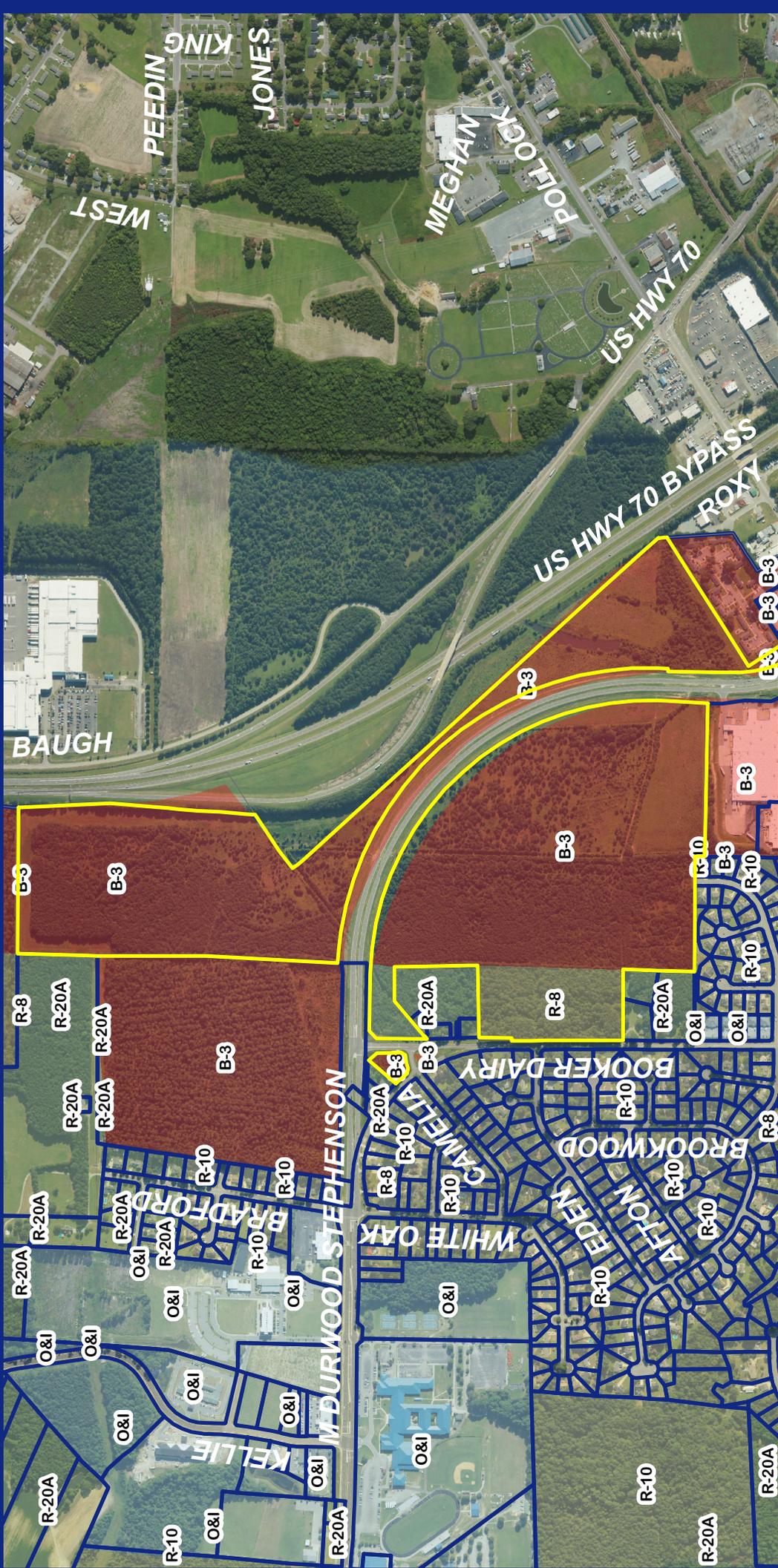
Existing Zoning:
R-8 and B-3

Owner:
Smithfield
Growth, LLC

Applicant:
Legion Land
Development

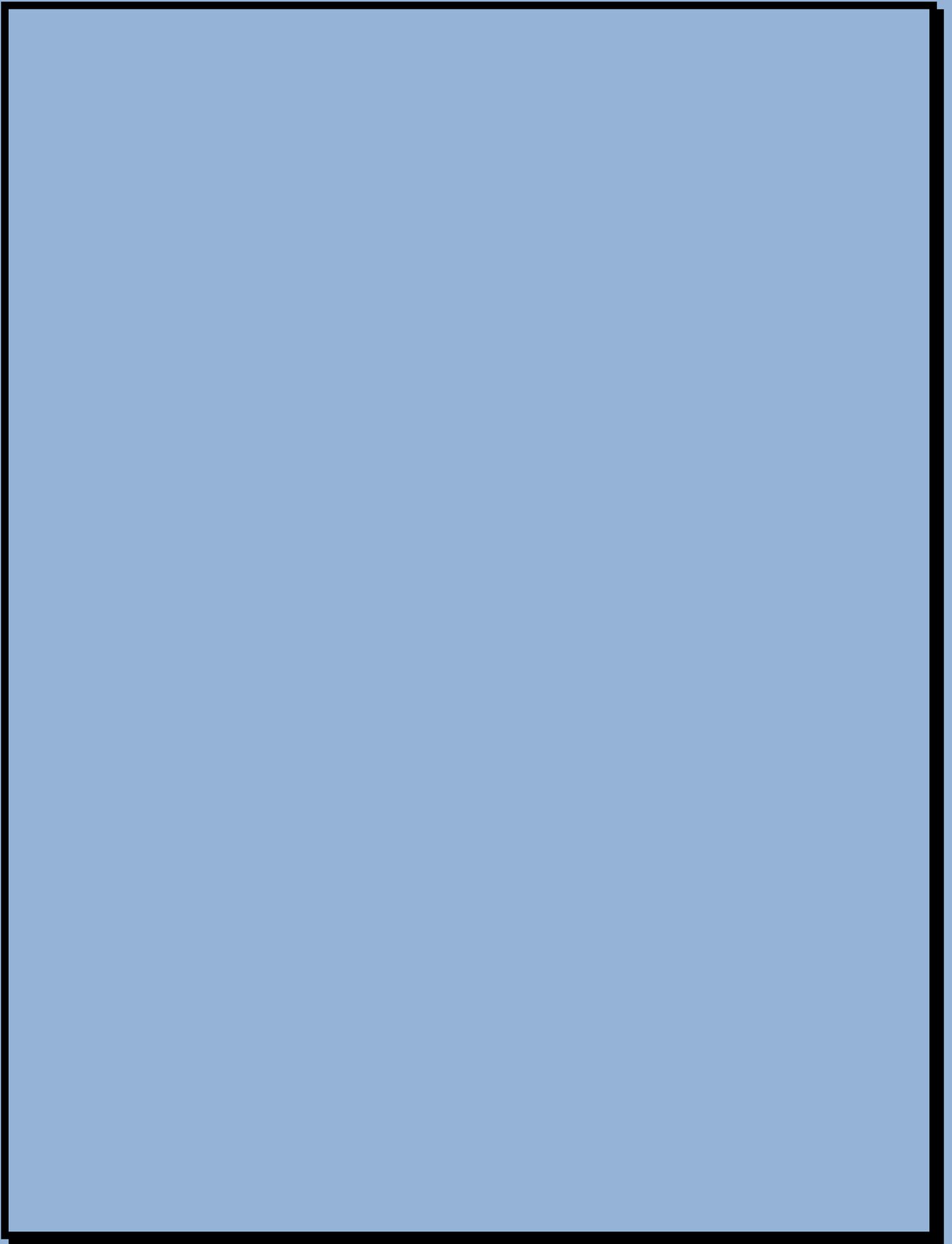


1 in = 942 ft
Map created by Chloe Allen
Planner 1 on 2/12/24



Consent

Agenda Items





Request for Town Council Action

Consent **Real**
Agenda **Property**
Item: **Exchange**
Date: 05/21/2024

Subject: Real Property Exchange
Department: General Government
Presented by: Town Manager – Michael Scott & Town Attorney – Bob Spence
Presentation: Consent Agenda Item

Issue Statement

The Town of Smithfield and Heath Street #215 Limited Partnership find it mutually beneficial to exchange the ownership of properties identified by Tax ID numbers 15078011h and 17k09016j.

Financial Impact

The Town will receive property 17k09016j and the difference in property value, \$44,400, in exchange for the Town's property, 1507811h.

Action Needed

Approve Resolution 750 (11-2024).

Recommendation

Approve resolution 750 (11-2024).

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Agreement to exchange properties
3. Resolution 750 (11-2024)
4. Notice of Publication



Staff Report

**Consent
Agenda
Item: Property
Exchange**

NCGS 160A-271, authorizes a town may exchange any real or personal property belonging to the city for other real or personal property by private negotiation if the city receives a full and fair consideration in exchange for its property.

The Town of Smithfield owns a 16.02-acre tract of land, also known as Johnston County Tax Id 15078011h, located on Barbour Road in Smithfield, NC, and valued at \$160,200.

Heath Street #215 Limited Partnership, owns a 11.580-acre tract of land also known as Johnston County Tax Id 17k09016j, and valued at \$115,800.

The Town of Smithfield and Heath Street #215 Limited Partnership wish to exchange the two described properties with terms and conditions set forth in more detail in the agreement between the two parties.

As part of the agreement, the town retains a utility easement along the western line of the 16.02 acres as well as an area for a sewer pump station, but the town agrees for five years from the agreement to grant Heath Street #215 Limited Partnership taps to the town utilities free of charge, and to waive of Town System Development Fees on up to 45 lots on the adjoining parcels defined as current County GIS parcels 15078009k, 15078009j, and 15078009i. Any waiving of County Sewer Capacity fees are not part of this agreement.

See attached resolution and agreement.

CONTINGENT SETTLEMENT AGREEMENT

THIS CONTINGENT SETTLEMENT AGREEMENT (hereinafter the "Agreement") is made and entered into this 2nd day of May, 2024, by and between Heath Street #215 Limited Partnership ("Heath Street") and the Town of Smithfield (Town) collectively referred to hereinafter as the "Parties."

WHEREAS, the Town; and Heath Street are parties to an eminent domain action in Johnston County North Carolina in Superior Court file 23cvs000093-500;

WHEREAS, the Town of Smithfield took title by eminent domain to approximately 16.02 acres on Barbour Road, Smithfield, NC 27577 (tax id 15078011h), hereinafter referenced as the 16.02 acres and more particularly described by the following metes and bounds description and from the survey of Jerry Ball:

BEGINNING at an existing iron stake in the centerline of Barbour Road (SR 1918) being the Southeast corner of the Alma Moore (Deed Book 3972, Page 535/Plat Book 88, Page 234, Johnston Registry) property and the southwest corner of this property; thence along the line of Alma Moore North 01 degrees 35 minutes 52 seconds West 41.25 feet to the northern right of way of Barbour Road, thence continuing with said line North 01 degrees 35 minutes 52 seconds East 490 feet to an existing iron stake; continuing along the Moore line North 01 degrees 35 minutes 52 seconds East 17.59 feet to an existing iron stake; thence along the line of Moses L. Moore North 00 degrees 59 minutes 31 seconds East 240.81 feet to an existing iron stake, thence continuing said direction and with the Moore line 203.75 feet to an existing iron stake, Ronald Williams southeast corner; thence along the Ronald Williams and Dennis Moore lines, respectively, North 00 degrees 53 minutes 26 seconds East 926.73 feet to an existing iron stake; a corner with E&F Properties, Inc., thence with the property line of E&F Properties, Inc. and with Poplar Creek the following distances: South 57 degrees 26 minutes 50 seconds East 255.94 feet; North 85 degrees 52 minutes 58 seconds East 122.65 feet; South 64 degrees 52 minutes 10 seconds East 65.98 feet; South 19 degrees 21 minutes 58 seconds West 45.14 feet; and South 57 degrees 15 minutes 50 seconds East 73.85 feet to a new corner; thence along the new property line created hereby shared with Heath Street #215 Limited Partnership the following distances: South 01 degrees 40 minutes 26 seconds West 1,090.37 feet; South 27 degrees 03 minutes 29 seconds West 551.06 feet; and North 88 degrees 59 minutes 15 seconds West 146.54 feet; thence along this new line with Heath Street #215 Limited Partnership South 01 degrees 40 minutes 25 seconds West 151.34 feet to an existing iron stake in the centerline of Barbour Road (SR 1918); thence along the centerline North 43 degrees 39 minutes 38 seconds West 21.02 feet; thence continuing with the centerline North 45 degrees 08 minutes 54 seconds West 47.99 feet to the point and place of beginning containing 16.020 acres, including the right of way, as shown on that plat entitled "Survey for the Town of Smithfield on the Lands of Heath Street #255 Limited Partnership", surveyed by Jerry Ball Land Surveying, PC, dated 1 5 2023. See Plat Book 98, page 100 showing the entire 16.020 acres, also showing the 10.09 portion annexed in 2023.

WHEREAS, the parties hereto desire to resolve all issues involved in the action between them in Superior Court file 23cvs000093-500 by swapping the 16.02 acre tract described above for an approximate 11.580 acres (namely parcel 17k09016j; NC Pin 168500-85-2901; being tract 10, 11.58 acres shown on the Map for KEB Associates in Plat Book 55 pages 230-235 on sheets 2

and 4) that Heath Street owns on the north side of Barbour Road and located further west on Barbour Road with the parties valuing both tracts (the 16.02 acre tract and the 11.580 acre tract) at Ten Thousand Dollars per acre so that Heath Street pays the town for the difference in acreage between the two tracts at the rate of Ten Thousand Dollars per acre;

NOW, THEREFORE, for and in consideration of the mutual covenants set forth in this Agreement, the receipt and sufficiency of which are hereby acknowledged, the Parties agree that:

1. **Swap & Purchase Price.** The Town agrees to swap the **16.02-acre** parcel 150780009k for the **11.580 acres** Heath Street owns to the west on the north side of Barbour Road, namely parcel 17k09016j. The parties have agreed to value both at \$10,000 per acre for the purpose of this swap with the parties further agreeing that Heath Street will pay the Town the difference in acreage at the rate of \$10,000 per acre at closing. The difference is approximately 4.44 acres so Heath Street will pay the Town \$40,440.00 at Closing since the parcel the town receives is 4.44 acres larger. Heath Street will make this payment from the funds Smithfield posted with the Clerk during the condemnation. The Town will execute a Special Warranty Deed for the **16.02 acres** taken in eminent domain from Heath Street since Heath Street was the prior owner and the latter will convey the **11.580** acres by General Warranty Deed.

2. **Definitions.**

- (a) **“Closing”** shall mean the date of the completion of the process for inspection of the **11.580 acres**, this process being primarily referenced in Section 11 of NC Bar Association and Board of Realtor’s form 580-T, revised 7/2022. Closing shall occur on or before August 1, 2024.
- (b) **“Contract Date”** means the date this Agreement has been fully executed by both Buyer and Seller.
- (c) **“Examination Period”** shall mean the period beginning on the first day after the Contract Date and extending through 5:00 pm weekday (Monday through Friday) that is **sixty (60)** or more days from the Contract Date.
- (d) **“Heath Street Notice Address”** shall be to Chip Hewett at Hewett Law Group, P.A. 101 Blackstone Lane, PO Box 369, Selma, NC 27576 and both by email to him at chip@hlgpa.com and by text to his cellphone.
- (e) **“Town Notice Address”** shall be to Robert Spence at Spence, Carter, & Reed, P.A. 212 South Second Street, PO Box 1335, Smithfield, NC 27577 and both by email to him at spence@sst-law.com and by text to his cell phone.

3. Town Retains Easements. The Town will retain an easement for a Sewer Line and Pump Station on the **16.02-acres** for the Town to construct and maintain underground utility lines, manholes, water and sewerage lines to conduct sewage from the area, as part of the municipal sewerage system (hereinafter, “the System”) as well as such future utility lines and improvements as are reasonably necessary in the discretion of

the Town for the maintenance and improvement of the system. For this purpose, the Town will retain a 30-foot-wide permanent sewer easement and 40-foot-wide construction easement along the “**Burdened Easement Area**” extending from southwest corner of the 16.02-acres with the western line of the easement being along the western line of the 16.02-acres and extending out in width due east 30 feet for the permanent sewer easement and 40 feet in width for the construction easement. Thus, the construction easement will extend out in width ten feet beyond the permanent sewer easement. The western line of the sewer easements will be along the western line of the 16.02-acres from the southwest corner of said tract in the centerline of Barbour Road to the northwest corner of the tract in Popular Branch in the line of E&F Properties, NC Pin 168500-97-7612. Said western line is more particularly described as follows along the western boundary of the 16.02-acres from the southwest corner of the 16.02-acres in Barbour Road to the northwest corner of the 16.02-acres.

BEGINNING at an existing iron stake in the centerline of Barbour Road (SR 1918) being the Southeast corner of the Alma Moore (Deed Book 3972, Page 535/Plat Book 88, Page 234, Johnston Registry) property and the southwest corner of this property; thence along the line of Alma Moore North 01 degrees 35 minutes 52 seconds West 41.25 feet to the northern right of way of Barbour Road, thence continuing with said line North 01 degrees 35 minutes 52 seconds East 490 feet to an existing iron stake; continuing along the Moore line North 01 degrees 35 minutes 52 seconds East 17.59 feet to an existing iron stake; thence along the line of Moses L. Moore North 00 degrees 59 minutes 31 seconds East 240.81 feet to an existing iron stake, thence continuing said direction and with the Moore line 203.75 feet to an existing iron stake, Ronald Williams southeast corner; thence along the Ronald Williams and Dennis Moore lines, respectively, North 00 degrees 53 minutes 26 seconds East 926.73 feet to an existing iron stake; a corner with E&F Properties, Inc..

The Town will also retain a fifty-foot wide by fifty-foot-wide square easement tract for a Pumping Station cornering at the point where the northeast corner of the Dorothy Moore property (parcel 15078001b; Lot 1, Plat Book 69, page 118; 2.00 acres) and the southeast corner of the Williams property (parcel 15078002d, Lot 2 Plat Book 69, page 118) corner in the western line of the 16.01 acre tract and: extending south in length 50 feet along the western line of the 16.02-acre tract with the eastern line of Lot 1, Plat Book 69, page 118 and extending east in width fifty feet perpendicular to the fifty-foot western line of the square with lot 1.

Therefore, the deed will contain a reservation of the easement in the granting and habendum clause for both the easement and the pump station area as set forth herein:

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, *subject to the reservation of easement attached as Exhibit A*, all that certain lot or parcel of land situated in Smithfield Township, Johnston County, North Carolina and more particularly described as follows:

[Insert description here]

The property hereinabove described was devised to Grantor by instrument recorded in Book _____, page _____, Johnston County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple, *subject to the Reservation of Easement as attached as Exhibit A. (See easement terms at the beginning of this paragraph 3 for easement reservation which may appear as exhibit A in the deed or be incorporated in the body of the deed.*

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

- 4. Heath Street Receives Tap.** For the parcels adjoining the **16.02-acres** tract, namely parcels with current County Tax Numbers 15078009k, 15078009j, and 15078009i, the Town will transfer free taps to the Town Sewer System at tap points on Barbour Road where its lines currently exist for a period of 5 years from the date of this Settlement Agreement.

As additional consideration for this Settlement Agreement and for a period of 5 years from the execution of this Settlement Agreement, the Town will waive the Town System Development Fee as to any lot subdivided from the adjoining parcels for up to a maximum of 45 lots. This waiver, limited by recipient, parcel, number and time, will extend to Heath Street but not to any assignee of Heath Street as the latter would have to pay the System Development Fee of the Town. The adjoining parcels are defined as current County GIS parcels 15078009k, 15078009j, and 15078009i.

- 5. Annexation of 37.28 Acres.** As soon as the exchange of properties herein agreed upon has been executed by recorded deeds, Heath Street asks and will ask the Town to annex the remaining portion of the 37.28 Acres (parcel 15078009k) into the city limits of Smithfield and will not withdraw the petition to do so until the Town has annexed the parcel.
- 6. Due Diligence Period.** The Town has 60 days of due diligence to inspect the **11.580 acres** and may withdraw and declare this contract void within those 60 days at no cost to either party, and without prejudice.

7. **Disclosures.** Heath Street will give the Town a full disclosure of any knowledge it or its principals have of the prior use of the 11.580 acres including the prior excavation and earth removal apparent there.
8. **Deliveries:** Heath Street agrees to use best efforts to deliver to Town, as soon as reasonably possible after the Contract Date, copies of all material information relevant to the 11.580 acres in the possession of Heath Street, including but not limited to: title insurance policies (and copies of any documents referenced therein), surveys, soil test reports, environmental surveys or reports, site plans, civil drawings, building plans, maintenance records and copies of all presently effective warranties or service contracts related to the 11.580 acres. Heath Street authorizes (1) any attorney presently or previously representing Heath Street to release and disclose any title insurance policy in such attorney's file to Town and both Town's and Heath Street's agents and attorneys; and (2) the Property's title insurer or its agent to release and disclose all materials in the Property's title insurer's (or title insurer's agent's) file to Town and both Town's and Heath Street's agents and attorneys. If Town does not consummate the Closing for any reason other than Heath Street default, then Town shall return to Heath Street all hard copy materials delivered by Heath Street to Town pursuant to this Section 4 (or Section 7, if applicable), if any, and shall, upon Heath Street's request, provide to Heath Street copies of (subject to the ownership and copyright interests of the preparer thereof) any and all studies, reports, surveys and other information relating directly to the 11.580 acres prepared by or at the request of Town, its employees and agents, without any warranty or representation by Town as to the contents, accuracy or correctness thereof.
9. **Evidence of Title:** Heath Street agrees to convey fee simple insurable title to the 11.580 acres without exception for mechanics' liens, free and clear of all liens, encumbrances and defects of title other than: (a) zoning ordinances affecting the Property, (b) Leases and (c) specific instruments on the public record at the Contract Date agreed to by Town (not objected to by Town prior to the end of the Examination Period) , which specific instruments shall be enumerated in the deed to the Town of the 11.580 acres, being collectively, "Permitted Exceptions", provided that Heath Street shall be required to satisfy, at or prior to Closing, any encumbrances that may be satisfied by the payment of a fixed sum of money, such as deeds of trust, mortgages or statutory liens.
10. **Conditions:** This Agreement and the rights and obligations of the parties under this Agreement are hereby made expressly conditioned upon fulfillment (or waiver by Town, whether explicit or implied) of the following conditions:
 - (a) **Title Examination:** After the Contract Date, Town shall, at Town's expense, cause a title examination to be made of the 11.580 acres before the end of the Examination Period. If such title examination shall show that Heath Street's title is not fee simple insurable, subject only to Permitted Exceptions under paragraph 9 above,

then Town shall promptly notify Heath Street in writing of all such title defects and exceptions, in no case later than the end of the Examination Period, and Heath Street shall have thirty (30) days to cure said noticed defects. If Heath Street does not cure the defects or objections within thirty (30) days of notice thereof, then Town may terminate this Agreement (notwithstanding that the Examination Period may have expired). If Town is to purchase title insurance, the insuring company must be licensed to do business in the state in which the 11.580 acres is located. Title to the 11.580 acres must be insurable at regular rates, subject only to standard exceptions and Permitted Exceptions.

(b) **Same Condition:** If the 11.580 acres is not in substantially the same condition at Closing as of the date of the offer, reasonable wear and tear excepted, then the Town may (i) terminate this Agreement or (ii) proceed to Closing whereupon Town shall be entitled to receive, in addition to the 11.580 acres, any of the Heath Street's insurance proceeds payable on account of the damage or destruction applicable to the 11.580 acres.

(c) **Inspections:** Town, its agents or representatives, at Town's expense and at reasonable times during normal business hours, shall have the right to enter upon the 11.580 acres for the purpose of inspecting, examining, conducting timber cruises, examining the subsoil and any soil or other thing located in or under the soil and surveying the 11.580 acres; provided, however, Heath Street understands that the town will conduct invasive subsoil and environmental testing on the 11.580 acres due to the indication of fill or other work on the site. The Town shall conduct all such on-site inspections, digging, examinations, testing, timber cruises and surveying of the 11.580 acres in a good and workmanlike manner, at Town's expense, shall repair any damage to the 11.580 acres caused by Town's entry and on-site inspections and shall conduct same in a manner that does not unreasonably interfere with Heath Street's use and enjoyment of the 11.580 acres. Town shall not need to give any advance notice to Heath Street of the testing since it is to clearly occur during the Examination Period as the Town can schedule the same. Town shall also have a right to review and inspect all contracts or other agreements affecting or related directly to the 11.580 acres and shall be entitled to review such books and records of Heath Street that relate directly to the operation and maintenance of the 11.580 acres, provided, however, that Town shall not disclose any information regarding this 11.580 acres (or any tenant therein) unless required by law, and the same shall be regarded as confidential, to any person, except to its attorneys, accountants, lenders, property inspectors, environmentalists, soil analysts and other professional advisors, in which case Town shall obtain their agreement to maintain such confidentiality, except as limited by the Public Records statutes as referenced in paragraph 12. Town assumes all responsibility for the acts of itself and its agents or representatives in exercising its rights under this Section and agrees to indemnify and hold Heath Street harmless from any damages resulting

therefrom. This indemnification obligation of Town shall survive the Closing or earlier termination of this Agreement. **Town shall have from the Contract Date through the end of the Examination Period to perform the above inspections, examinations and testing.** IF TOWN CHOOSES NOT TO PURCHASE THE 11.580 ACRES, FOR ANY REASON OR NO REASON, AND PROVIDES WRITTEN NOTICE TO HEATH STREET THEREOF PRIOR TO THE EXPIRATION OF THE EXAMINATION PERIOD, THEN THIS AGREEMENT SHALL TERMINATE WITH NEITHER PARTY LIABLE TO THE OTHER DUE TO THE TERMINATION.

(d) **Earnest Money/ Due Diligence.** The parties have elected not to have Earnest Money or Due Diligence Fees to secure the mutual covenants herein expressed.

11. **Voluntary Dismissal.** the Town of Smithfield agrees to execute and file a Voluntary Dismissal with Prejudice of the Civil Action upon Closing of the transactions herein contemplated including Heath Street's conveyance of the **11.580 acres** to the Town, the Town's reconveyance of the **16.58 acres** to Heath Street and the payment to the Town. Prior to the dismissal, the Town will cooperate with Heath Street for the release of the deposit to be used to fund this Agreement.

12. **Confidentiality.** In addition to the consideration noted above, the Parties agree to treat the terms of this Agreement, as well as the facts, contentions and circumstances surrounding this litigation (the "Confidential Information") however it appears not to be confidential under the Public Records Chapter of our statute and the Town may release the information upon receiving a public records request.

13. **Mutual Non-Disparagement.** Each of the Parties covenant and agree that neither they nor any of their respective agents, subsidiaries, affiliates, successors, assigns, officers or directors, shall in any way, directly or indirectly, alone or in concert with others, cause, express or cause to be expressed in a public manner, orally or in writing, any remarks, statements, comments or criticisms that disparage, call into disrepute, defame, slander or which can reasonably be construed to be defamatory or slanderous to the other Parties or such other Parties' subsidiaries, affiliates, successors, assigns, officers (including any current officer of a party or a parties' subsidiaries who no longer serves in such capacity following the execution of this Agreement), directors (including any current director of a party or a parties' subsidiaries who no longer serves in such capacity following the execution of this Agreement), employees, stockholders, agents, attorneys or representatives, or any of their products or services

14. **Further Assurances.** The Parties agree to take all reasonable steps necessary to effectuate the terms of this Agreement.

15. **Severability.** In the event that any provision of this Agreement is deemed to be invalid or unenforceable, such determination shall not affect the validity of the remaining provisions of this Agreement, and the remaining provisions of this Agreement shall continue in full force and effect.

16. **No Waiver.** The failure of any Party to immediately demand performance of any term of this Agreement by any other Party shall not be construed as a waiver of said Party's right to performance or said Party's right to demand, at any time, full performance of the terms of this Agreement.

17. **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of North Carolina with a Johnston County venue.

18. **Interpretation.** No provisions of this Agreement shall be interpreted for or against any party because that party or the party's agent or legal representative drafted the Agreement or the particular provision, and the parties hereby unconditionally waive such defense or claim regarding this Agreement. The Parties are deemed to have cooperated in the drafting and preparation of this Agreement. This stipulation may be used in court regarding any claims or defenses based on this Agreement. Additionally, the captions and headings contained herein are merely for ease of reference and are not intended to create any additional terms or substantive meanings to any provisions of this Agreement.

19. **Complete Agreement.** This Agreement contains the complete agreement between the Parties and supersedes any prior understandings, agreements, or representations by or between the Parties, written or oral. The Parties affirmatively state and represent that no statement, representation, or warranty not contained in this Agreement has been relied upon to affix their signatures hereto or to agree to any of the terms, conditions or provisions of this Agreement. The terms of this Agreement may not be contradicted by evidence of any prior or contemporaneous agreement, and no extrinsic evidence may be introduced in any subsequent judicial proceeding to interpret this Agreement.

20. **No Oral Amendment.** No word, sentence, term, section, provision, or condition of this Agreement may be altered, modified, or changed in any way whatsoever except by virtue of a writing signed by all Parties hereto.

21. **Competency and Capacity.** Each Party represents, warrants, and covenants to the other as follows: (i) that it has the capacity and authority to execute this Agreement on its own behalf and on behalf of all other entities described in this Agreement as being bound by such party's execution; and (ii) that it has not assigned or subrogated or granted any third party any interest in any of the claims or liabilities released hereunder or pertaining to allegations or claims that were asserted or could have been asserted by the Parties in this Action, or authorized any other person or entity to assert any claim or liability in their stead or on their behalf.

22. **Advice of Counsel.** The Parties acknowledge that this Agreement has been voluntarily entered into and that each such Party has had the opportunity to consult with and review this Agreement with competent counsel. The Parties hereto further represent and declare that they have carefully read this Agreement and know the terms, conditions, warranties and Each Party shall bear their own attorney's fees and costs.

23. **Successors and Assigns.** This Agreement shall inure to the benefit of the Parties' respective heirs, successors and assigns, and each such party is hereby deemed a third-party beneficiary of this Agreement.

24. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

25. **Pre-Audit Certification.** This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act to assure compliance with NCGS 159-28.


Greg Siler, Town Budget Officer

26. **160A-271 Exchange Compliance.** The "Contract Date" is the date the last of the two parties signs this contract so that the contract is effective and binding from that date subject to the terms and conditions herein, some of which terminate the contract upon defined actions. However, this contract is subject to the terms of GS 160A-271 which requires a town to enter an exchange contract such as this only after the adoption of a resolution by the Board upon 10 days' notice of the hearing on passing the resolution as well as a defined notice by publication of the hearing. Therefore, Heath Street will execute this Agreement as will the Town to establish the Contract Date upon which the contract is binding upon the parties subject to the other provisions herein allowing the Town to then begin the notice and advertisement required by this statute to allow the Town to approve the transaction herein reflected per the statute. After the resolution, the appropriate Town officials will execute the contract and proceed to due diligence for a closing. If the Town does not approve the resolution after said notice, then the Contract becomes void immediately.

27. **Electronic Signatures** (Uniform Electronic Transactions Act, Chapter 66, Article 40). The electronic signature of a party to this Agreement or any of the other transaction documents shall be as valid as an original signature of such party and shall be effective to bind such party to such document. The Parties agree that any electronically signed document (including this Agreement) shall be deemed (i) to be "written" or "in writing," (ii) to have been signed, and (iii) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. Such paper copies or "printouts," if introduced as evidence in any proceeding, will be admissible as between the parties to the same extent and under the same conditions as other original business records created and maintained in documentary form. No party shall contest the admissibility of true and accurate copies of electronically signed documents on the basis of the best evidence rule or as not satisfying the business records exception to the hearsay rule. For purposes hereof, "electronic signature" means a manually signed original signature that is then transmitted via the internet as a "pdf" (portable document format) or other replicating image attached to an e-mail message, and "electronically signed document" means a document transmitted via e-mail containing an electronic signature.

IN WITNESS WHEREOF, the Parties hereby execute this Agreement as of the day and year set forth above.

Michael Scott (SEAL)
Michael Scott, Town Manager
Town of Smithfield

Russell Barefoot (SEAL)
Russell Barefoot, General Partner
Heath Street #215 Limited Partnership

STATE OF NORTH CAROLINA

COUNTY OF Johnston

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Michael Scott personally came before me this day and acknowledged that he is the Town Manager of the town of Smithfield, a North Carolina Municipality, and that he as town manager being authorized to do so, executed the foregoing on behalf of the municipality..

Witness my hand and official seal this the 2nd day of May, 2024.

My Commission expires: 10-19-25

Marcus C Burrell (NP)

STATE OF NORTH CAROLINA

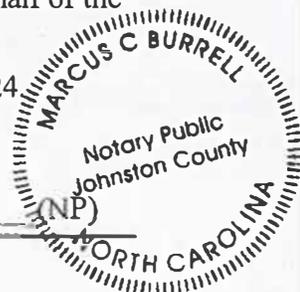
COUNTY OF JOHNSTON

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Russell Barefoot personally came before me this day and acknowledged that he is the General Partner of Heath Street #215 Limited Partnership a North Carolina limited partnership, and that he as general partner, being authorized to do so, executed the foregoing on behalf of the limited partnership.

Witness my hand and official seal this the 2nd day of May 2024.

My Commission expires: 05/04/2026

Marcus C Burrell



Town of Smithfield
Resolution No. 750 (11-2024)
Authorizing the Exchange of Property Pursuant to NCGS 160A-271

Whereas, the Town of Smithfield owns a 16.02-acre tract of land, also known as Johnston County Tax Id 15078011h, located on Barbour Road in Smithfield, NC, and valued at \$160,200.00; and

Whereas, Heath Street #215 Limited Partnership, owns a 11.580-acre tract of land also known as Johnston County Tax Id 17k09016j, and valued at \$115,800.00; and

Whereas, the Town of Smithfield and Heath Street #215 Limited Partnership wish to exchange the two described properties with terms and conditions set forth in more detail in the agreement between the two parties;

Whereas, as part of the agreement, the town retains a utility easement along the western line of the 16.02 acres as well as an area for a sewer pump station, but the town agrees for five years from the agreement to grant Heath Street #215 Limited Partnership taps to the town utilities free of charge, and to waive of Town System Development Fees on up to 45 lots on the adjoining parcels defined as current County GIS parcels 15078009k, 15078009j, and 15078009i; and

Whereas, North Carolina General Statute § 160A-271 authorizes the Town to make such an exchange if authorized by the Town Council by a resolution adopted at a regular meeting of the Council upon at least 10 days public notice based on a full and fair exchange of the fair market value of the two properties; and

Whereas, the Town has given the required public notice, and the board is convened in a regular meeting.

Now therefore, the Town Council of the Town of Smithfield resolves that:

1. The exchange of properties described above and outlined in an agreement between the Town of Smithfield and Heath Street #215 Limited Partnership is authorized.
2. The appropriate Town officials are directed to execute the appropriate instruments necessary to carry out the exchange.

Adopted this the 21st day of May, 2024 in Smithfield, North Carolina.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk



TOWN OF SMITHFIELD

PUBLIC NOTICE EXCHANGE OF REAL ESTATE

Pursuant to North Carolina General Statute § 160A-271, the Smithfield Town Council states its intention to authorize the exchange of certain Town-owned property for certain property currently owned by Heath Street #215 Limited Partnership. The exchange is to give full and fair consideration to both parties to the exchange with equal value received by each party. The exchange involves the following:

The Town owns a tract of land totaling approximately 16.02 acres and being located on Barbour Road. (Johnston County Tax id 15078011h); See Plat Book 98, page 100 showing the entire 16.020 acres, also showing the 10.09 portion annexed in 2023, and obtained in an eminent domain suit of record which this exchange is designed to resolve. The town property is currently valued at \$160,200.00. Both properties as exchanged are valued by the parties at \$10,000.00 per acre.

Heath Street #215 Limited Partnership owns a tract of land totaling approximately 11.580 acres on Barbour Road (Johnston County Tax id 17k09016j), currently valued at \$115,800.00.

The Town will be conveying the 16.02 acres in exchange for the 11.580 acres owned by Heath Street #215 Limited Partnership. In the exchange the Town will receive an additional \$40,440.00 since the parcel received by the Town will be 4.4 acres less than the currently owned property. Furthermore, in the conveyance of the 16.02-acre tract the town will reserve a 30-foot-wide permanent utility easement, a 40-foot-wide construction easement and a 50 foot by 50-foot pump station lot. The easement extends along the western boundary of the 16.02 acres from Barbour Road to the property to its north and the pump station is located cornering at the point where the northeast corner of the Dorothy Moore property (parcel 15078001b; Lot 1, Plat Book 69, page 118; 2.00 acres) and the southeast corner of the Williams property (parcel 15078002d, Lot 2 Plat Book 69, page 118) corner in the western line of the 16.01 acre tract and: extending south in length 50 feet along the western line of the 16.02-acre tract with the eastern line of Lot 1, Plat Book 69, page 118 and extending east in width fifty feet perpendicular to the fifty-foot western line of the square with Lot 1.

The Smithfield Town Council intends to authorize the exchange of properties described above at its regular meeting on May 21, 2024 at Town Hall at 7 pm. The Exchange is subject to due diligence rights of the Town to inspect the 11.580 acres on the site and on the public records.

A copy of the settlement agreement is available in full at town hall.

W00000000

May 10 2024

Post Date: 05/10 12:00 AM

Refcode: #IPL0172576



Request for Town Council Action

**Consent
Agenda
Item:** Historical
Marker
Date: 05/21/2024

Subject: Placement of Historical Marker
Department: General Government
Presented by: Town Manager - Michael L. Scott
Presentation: Consent Agenda Item

Issue Statement

The Johnston County Heritage Commission is requesting the Town of Smithfield authorize the placement of a Historical Marker in the 200 block of Johnston Street, commemorating the desegregation of the Smithfield Library in 1957.

Financial Impact

No financial impact for the Town.

Action Needed

Approve placement of Historical Marker in the 200 block of Johnston Street

Recommendation

Approve placement of Historical Marker in the 200 block of Johnston Street

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Picture of Marker



Staff Report

**Consent
Agenda
Item:** **Historical
Marker**

The Black History Committee of the Johnston County Heritage Commission is interested in applying for a historical marker from the North Carolina African American Heritage Commission through the "North Carolina Civil Rights Trail" program to commemorate the desegregation of the Smithfield Public Library in 1957.

In July of 1957, John Bryant, Hank Matthews, Florene Williams, and Beatrice Penny, all African American residents of Smithfield, went to the Smithfield Public Library in the 200 block of Johnston Street to check out library books. They were refused the ability to check out books based on their race. In August, Attorney Samuel S. Mitchell spoke before Smithfield Town Officials requesting all African American Smithfield citizens be allowed equal access to the Smithfield Public Library and threatened a law suit. In October, the Smithfield Library trustees amended the Library's policy, thus providing equal access to the Town's Library for all people of all races (Johnston County Heritage Commission, 2024).

The marker will be similar to the one attached and will be placed in the boulevard, between the street and the sidewalk, in the 200 block of Johnston, on the south side of the street near the County parking lot entrance.

Reference: *Johnston County Heritage Commission*, retrieved May, 2024.



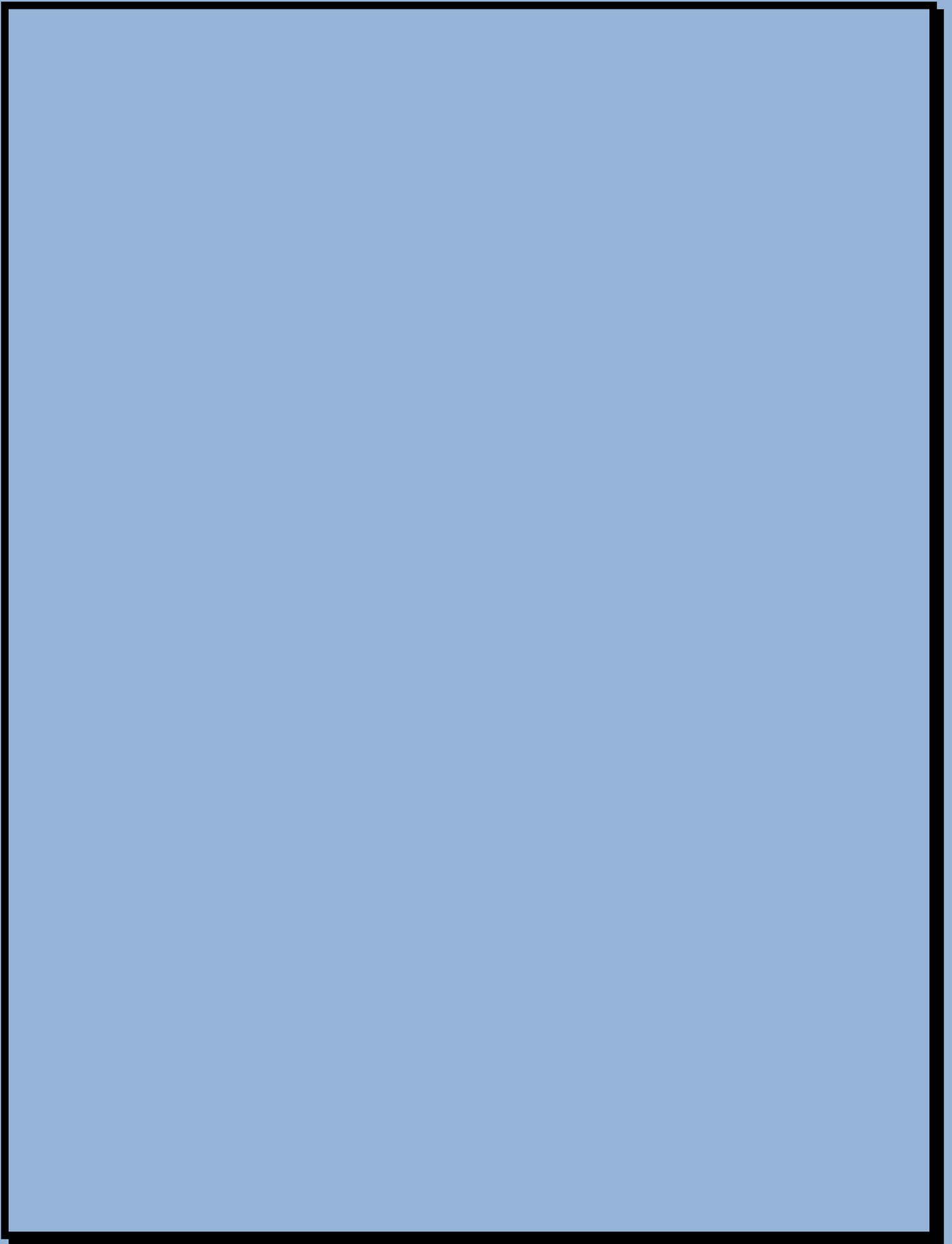
1963 PROTESTS BY FAYETTEVILLE STATE AND COMMUNITY ORGANIZATIONS, MARCHES & SIT-INS LEADING TO END DISCRIMINATION AGAINST BLACK BUSINESS



MORE VIDEOS

Play (k)

Business Item





Request for Town Council Action

Business **Downtown**
Agenda **Social**
Item: **District**
Date: 05/21/2024

Subject: Downtown Social District
Department: General Government
Presented by: Michael Scott – Town Manager and DSDC
Presentation: Business Item

Issue Statement

The Downtown Smithfield Development Corporation, DSDC is requesting an area of downtown be designated as a "Social District" to permit alcohol, beer and wine to be carried open and consumed under the parameters approved for a social district by NC Statute 18B-300.1. The accompanying information titled, "*Social Districts, Downtown Smithfield Development Corporation,*" is information provided by DSDC and has not been fully vetted by Town Staff.

Financial Impact

Signage will need to be added to the downtown area indicating the social district boundaries. Website requirements for a social district will need to be created and maintained, cup design will need to be created, as well as business stickers allowing or refusing to participate in the social district. DSDC is responsible for these costs. Each organization within the social district distributing alcoholic beverages will need to utilize these cups with their unique business name affixed to each cup.

Action Needed

Approve or deny request.

Recommendation

Approve request.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. NC G.S. 18B-300.1
3. Minutes from the September 5, 2023 Council Meeting
4. Draft Ordinance
5. DSDC Report (Separate Attachment)



Staff Report

Business Agenda Item:	Downtown Social District
--------------------------------------	---

The Downtown Smithfield Development Corporation (DSDC) is requesting the Town Council designate a social district within the downtown area as permitted by NC G.S 18B-300.1, attached.

The ordinance was first read on September 5, 2023. On the first reading of the ordinance a simple majority of council members voted in favor of the social district. However, on the first reading a two-thirds majority is required, therefore the motion failed. The matter has hence been delayed at the request of the Downtown Smithfield Development Corporation. Now comes the second reading of the ordinance, which will require a simple majority vote of the sitting council to pass or deny the social district request.

Staff has adjusted the draft ordinance to reflect the hours of 12:00 pm (noon) to 10:00 pm, Monday through Saturday. Staff is recommending the Social District not be in operation on Sundays. Special events requiring alcohol on Sunday can occur at the discretion of the Council, as an event permit. DSDC is requesting Sunday hours from 12:00 pm (noon) to 10:00 pm.

DSDC is also requesting that the ordinance delete verbiage that requires organizations to rope off events or identify exits from a roped off area within the social district. Staff is recommending this verbiage remain, however these requirements within the social district would be at the discretion of the Chief of Police.

DSDC has adjusted the social district perimeter and boundaries. An amended map accompanies this information. Staff is not offering an opinion on these boundaries.

Please refer to accompanying reports for additional information.

§ 18B-300.1. Authorization and regulation of social districts.

(a) Policy. – The intent of this section is to regulate open containers of alcoholic beverages that customers of a permittee take from the permittee's licensed premises into another area where consumption of the alcoholic beverages is allowed. This section shall not in any way limit the consumption or possession of alcoholic beverages otherwise allowed under this Chapter.

(b) Definitions. – The following definitions apply in this section:

- (1) Customer. – A person who purchases an alcoholic beverage from a permittee that is in a social district.
- (2) Non-permittee business. – A business that is located in a social district and does not hold any ABC permit.
- (3) Permittee. – An establishment holding any of the following permits issued by the Commission:
 - a. An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
 - b. An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
 - c. An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
 - d. A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
 - e. A wine shop permit issued pursuant to G.S. 18B-1001(16).
 - f. A distillery permit issued pursuant to G.S. 18B-1100(5).
- (4) Social district. – A defined area in which a person may consume alcoholic beverages sold by a permittee. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours set by the local government by ordinance pursuant to subsection (d) of this section. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in G.S. 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.

(c) Local Ordinances Authorized. – Pursuant to G.S. 153A-145.9, a county may adopt an ordinance designating one or more social districts in the parts of the county outside any city. Pursuant to G.S. 160A-205.4, a city may adopt an ordinance designating one or more social districts.

(d) Requirements for Designation. – A social district designated under this section shall meet all of the following requirements:

- (1) The social district shall be clearly defined with signs posted in a conspicuous location indicating which area is included in the social district, the days and hours during which alcoholic beverages may be consumed in the social district, the telephone number for the ALE Division and the local law enforcement agency with jurisdiction over the area comprising the social district, and a clear statement that an alcoholic beverage purchased from a permittee for consumption in a social district shall (i) only be consumed in the social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits the social district. The hours set by a city or county during which customer-purchased alcoholic beverages may be consumed in a social district shall be in accordance with G.S. 18B-1004.
- (2) The city or county, or the city's or county's designee, shall establish or approve management and maintenance plans for the social district and post these plans, along with a rendering of the boundaries of the social district and days and

hours during which alcoholic beverages may be consumed in the social district, on the website for the city or county. The city's or county's designee may include a private entity, including a property owner or property owner's association. Any plan established under this subdivision shall be approved by the governing body of the city or county. The social district shall be maintained in a manner that protects the health and safety of the general public. The city or county may establish guidelines in the ordinance establishing the social district or in its management and maintenance plan to allow for suspension of regular days and hours of alcohol consumption in all or part of a social district during events requiring other permits pursuant to subsection (j) of this section.

- (3) Before allowing consumption of alcoholic beverages in a social district, the city or county shall submit to the Commission a detailed map of the social district with the boundaries of the social district clearly marked, and the days and hours during which alcoholic beverages may be consumed in the social district. The city or county shall only be required to submit a revised map to the Commission if the city or county amends the geographic footprint of a social district. A permittee may be included in the social district even if it chooses to exclude open containers of alcoholic beverages purchased from other permittees in the social district.
- (4) The city or county, or the city's or county's designee, shall develop or approve uniform signs indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active and distribute the signs to non-permittee businesses that are included in the social district. The city's or county's designee may include a private entity, including a property owner or property owner's association. The signs may be in the form of a sticker, placard, or other format as deemed appropriate by the city or county. A participating non-permittee business shall display the uniform sign at all times during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign. No non-permittee business shall be required to participate or be included in a social district or to allow customers to bring alcohol onto its premises.

(e) **Open Containers Sold by Permittees.** – A permittee located in a social district may sell open containers of alcoholic beverages and allow customers to exit its licensed premises to the social district in accordance with the following requirements:

- (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (2) The permittee shall only sell an open container of an alcoholic beverage for consumption in the social district and off the premises of the permittee in a container that meets all of the following requirements:
 - a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - b. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
 - c. The container is not comprised of glass.
 - d. The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."
 - e. The container shall not hold more than 16 fluid ounces.

- (3) Nothing in this subsection shall be construed to authorize the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. 18B-1010.

(f) Limitations on Open Containers. – Except where otherwise allowed by local ordinance, the possession and consumption of an open container of an alcoholic beverage in a social district is subject to all of the following requirements:

- (1) A customer may only possess and consume open containers of alcoholic beverages that were purchased from a permittee located in the social district.
- (2) Customer-purchased open containers of alcoholic beverages in the social district shall only be in containers meeting the requirements set forth in subsection (e) of this section, except for open containers sold by a permittee for consumption on the permittee's premises.
- (3) A customer may only possess and consume open containers of alcoholic beverages in the social district during the days and hours set by the city or county in accordance with subsection (b) of this section, not to exceed the hours for consumption authorized pursuant to G.S. 18B-1004.
- (4) A customer shall not possess at one time open containers of alcoholic beverages in the social district in excess of the number of alcoholic beverages that may be sold and delivered by a retail permittee as set forth in G.S. 18B-1010.
- (5) A customer shall dispose of any open container of an alcoholic beverage purchased from a permittee in the customer's possession prior to exiting the social district unless the customer is reentering the licensed premises of the permittee where the customer purchased the alcoholic beverage.
- (6) Notwithstanding G.S. 18B-300 and G.S. 18B-301, a permittee or non-permittee business may allow a customer to possess and consume on the business's premises alcoholic beverages purchased from a permittee in the social district.

(g) Limitations on Closed Containers. – A person, including a customer who is in possession of an open container of an alcoholic beverage authorized under this section, may possess alcoholic beverages in closed containers in a social district to the extent allowed by law.

(h) Responsibilities of Non-Permittee Businesses. – A non-permittee business that is part of a social district and that allows customers to bring alcoholic beverages onto its premises shall not be responsible for enforcement of this Chapter. All non-permittee businesses that are part of a social district and that allow customers to bring alcoholic beverages onto their premises shall clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point. During the days and hours when the social district is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises shall allow law enforcement officers access to the areas of the premises accessible by customers.

(i) Multi-Tenant Establishments Located in a Social District. – Permittees and non-permittee businesses in a multi-tenant establishment located within a social district may participate in the social district regardless of whether the multi-tenant establishment has a common area entertainment permit.

(j) Interaction with Other Permits. – The Commission shall issue permits for special events occurring partially or entirely within the boundaries of a social district as follows:

- (1) The Commission may issue special one-time permits pursuant to G.S. 18B-1002(a)(2) or (a)(5) for events occurring on premises located partially or entirely within the boundaries of a social district. If the event is scheduled to occur during hours when alcoholic beverages may be consumed

in the social district, the event permittee shall, in addition to obtaining such signed law enforcement notification as may be required under the Commission's rules, include in such notification a statement that the event is to occur in a social district during days and hours designated for consumption of alcoholic beverages.

- (2) A permittee holding a winery special event permit, malt beverage special event permit, or spirituous liquor special event permit pursuant to G.S. 18B-1114.1, 18B-1114.5, and 18B-1114.7, respectively, may sell and serve products at special events taking place in a social district.
- (3) A permittee holding a mixed beverages catering permit pursuant to G.S. 18B-1001(12) may serve spirituous liquor to guests at events taking place in a social district. (2022-49, s. 3(f).)

The Smithfield Town Council met in regular session on Tuesday, September 5, 2023 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

John A. Dunn, Mayor Pro-Tem
Marlon Lee, District 1
Sloan Stevens, District 2
Dr. David Barbour, District 4
Roger Wood, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Travis Scott, District 3

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Lawrence Davis, Public Works Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Tim Kerigan, Human Resources
Eric McDowell, IT Director
Shannan Parrish, Town Clerk
Greg Siler, Finance Director
Stephen Wensman, Planning Director

Also Present

Michael Carter, Attorney
Robert Spence, Jr., Town Attorney

Administrative Staff Absent

CALL TO ORDER

Mayor Moore called the meeting to order at 7:00 pm.

INVOCATION

The invocation was given by Councilman Barbour followed by the Pledge of Allegiance.

APPROVAL OF AGENDA:

Councilman Wood made a motion, seconded by Councilman Barbour, to approve the agenda with the following amendments:

Remove from the Consent Agenda:

7. Consideration and request for approval to allocate funds to the Downtown Smithfield Development Corporation for additional planters

Remove from the Consent Agenda and add to Business Items:

5. Consideration and request for approval to restructure the Police Department by adding a Deputy Chief position and eliminating the vacant Captain position.

Add to the Consent Agenda:

10. Consideration and request for approval to adopt Resolution No. 738 (21-2023) Accepting the NCDEQ LASII ARPA Stormwater Grant Funding
11. Special Event: Ava Gardner Festival: The Ava Gardner Museum is requesting approval to hold an event (movie) at the Neuse River Amphitheater on October, 6, 2023 from 6:30 pm until 9:30 pm. This request includes the use of amplified sound and food trucks. Staff is requesting that the Ava Gardner Festival be approved as an annual event.
12. Special Event: SSS Homecoming Parade: Smithfield Selma High school is requesting to hold a homecoming parade on October 6, 2023 from 4:30 pm until 5:30 pm. The Police Department will work with SSS to evaluate road closures on Kelly Drive and M. Durwood Stephenson Parkway.

Add Section (3) to the Closed Session Statute

Unanimously approved

PRESENTATIONS:

1. **Proclamation: Declaring September 17-23,2023 as Constitution Week in the Town of Smithfield**

Mayor Moore presented the following Proclamation to the Smith-Bryan Chapter of the Daughters of the American Revolution.

Proclamation
Constitution Week
September 17 – 23, 2023
In the Town of Smithfield, North Carolina

Whereas, September 17, 2023 marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

Whereas, Public Law 915 guarantees the issuing of a Proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield do hereby proclaim September 17th through the 23rd, 2023 to be

CONSTITUTION WEEK

in the Town of Smithfield and ask our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

2. Appearance Commissions Annual Report

Chairperson Kaitlyn Tarley presented the Appearance Commission's Annual Report to the Town Council.

PUBLIC HEARINGS: None

CITIZEN'S COMMENTS:

- Ed Barfield addressed the Council about drainage issues and flooding on North 4th Street near Caswell Street. He stated the residents do not want their houses or their cars flooded. He asked the Council to correct this issue. Mr. Barfield also provided a petition from members of the First Missionary Baptist Church who were aware of the flooding in the area near the church.

- Christopher White stated he was in agreement with Mr. Barfield. He further stated the problem was because there were only storm drains on one side of the street. He asked for this issue to be corrected.

Mayor Moore asked Town Manager Michael Scott to have the Town Engineer investigate the matter

- Elizabeth Temple provided some historical information to concerning the Town of Smithfield. She asked the Council to consider doing an archeological excavation and preservation of some Indian burial grounds in South Smithfield.
- Pam Lampe expressed her concerns to the Council about the proposed social district in downtown Smithfield.
- Emma Gemmel requested a list of complete and incomplete items as it related to the water plant expansion project. She expressed her concerns about the Comprehensive Growth Plan stating she felt the decision to adopt the plan was hurried. She also expressed her concerns about the proposed social district in downtown Smithfield.

CONSENT AGENDA:

Councilman Barbour made a motion, seconded by Councilman Wood, to approve the following items as listed on the Consent Agenda:

1. The following minutes were approved:
 - August 8, 2023 – Regular Meeting
 - August 8, 2023 – Closed Session
2. Special Event – Help Thy Neighbor Poker Run: Approval was granted to allow Angela Roberts of Help Thy Neighbor Johnston County to hold an event at 1043 Outlet Center Drive on September 16, 2023 from 9:00 am until 5:00 pm. Amplified sound, good sales and alcohol sales were also approved.
3. Special Event – Family Days Super Carnival: Approval was granted to allow the Inners Shows, Inc. to hold a carnival at Carolina Premium Outlets October 18 – 29, 2023.
4. Special Event – JoCo Works Career Expo: Approval was granted to allow the Triangle East Economic Development Foundation to hold a career expo November 2-3, 2023 from 8:00 am until 3:00 pm at Johnston Community College. Amplified sound was also approved. This event was approved as an annual event.
5. Bid was awarded to JP Edwards, Inc. in the amount of \$21,138 to repair drainage issues at the Community

Park soccer field.

6. Board Appointments

- Tara Meyer was appointed to serve a first term on the Planning Board as an In-Town Alternate member.
- Allison Boyd was appointed to serve a first term on the Recreation Advisory Committee.
- Whitley Kate Moore was appointed to serve a two-year term on the Recreation Advisory Committee as a high school representative.
- John Arthur Gaskins was appointed to serve a two-year term on the Recreation Advisory Committee as a high school representative.

7. New Hire Report

Recently Hired	Department	Budget Line	Rate of Pay
Crew Leader	PW – Gen/Appearance	10-60-5500-5100-0200	\$20.97/hr. (\$43,617.60/yr.)
Police Chief	Police	10-20-5100-5100-0200	\$49.00/hr. (\$101,920.00/yr.)
Police Officer (BLET)	Police	10-20-5100-5100-0200	\$22.26/hr. (\$49,773.36/yr.)
P/T SRAC Staff - General	P&R – Aquatics	10-60-6220-5100-0210	\$12.00/hr.
P/T Athletic Staff	P&R – Recreation	10-60-6200-5300-0210	\$10.00/hr.

Current Vacancies	Department	Budget Line
Facility Maintenance Specialist	P&R – Recreation	10-60-6200-5100-0200
Fire Chief	Fire	10-20-5300-5100-0200
Police Officer	Police	10-20-5100-5100-0200
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200

8. Adoption of Resolution No. 738 (21-2023) Accepting the NCDEQ LASII ARPA Stormwater Grant Funding

TOWN OF SMITHFIELD
RESOLUTION NO. 738 (21-2023)
BY GOVERNING BODY OF RECIPIENT

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 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 has offered LASII_ARPA funding in the amount of \$500,000 to perform the work detailed in the submitted application, and

WHEREAS, the Town of Smithfield intends to perform said project in accordance with the agreed scope 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 ARPA grant offer of \$500,000; 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.

9. Special Event: Ava Gardner Festival: Approval was granted to allow the Ava Gardner Museum to hold an event (movie) at the Neuse River Amphitheater on October 6, 2023 from 6:30 pm until 9:30 pm. Amplified sound was also approved. The Ava Gardner Festival was approved as an annual event.

10. Special Event: SSS Homecoming Parade: Approval was granted to allow Smithfield Selma High School to hold a homecoming parade on October 6, 2023 from 4:30 pm until 5:30 pm. Approval to close area roads was also approved.

BUSINESS ITEMS:

1. **Consideration and request for approval to adopt Ordinance No. 518-2023 creating a Social District in the downtown area**
Downtown Smithfield Development Corporation (DSDC) Executive Director Sarah Edwards address the

Council on a request by the DSDC Board of Directors to create a Social District in the downtown area. She explained the following: the legislation that created social districts, the requirements enabling the social district, and the proposed downtown Smithfield social district.

A social district was a defined area in which a person could purchase alcohol from a permitted business permitted by the North Carolina ABC commission, and they are permitted to carry that alcohol within that district. It could include both indoor and outdoor areas of businesses within or contiguous to the different area of the social district during the days and hours set by the local government. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments as well as public streets, crosswalks, or parking areas whether the streets or parking areas are closed to vehicle traffic.

The legislation enabling social districts was first introduced in September 2021, as a response to the COVID 19 pandemic. There was clarification in July of 2022 based questioned by a number of communities that enacted or were considering enacting a social district. Under the legislation, a city/town can adopt an ordinance to designate an area within the municipal limits as a social district. The local government can also eliminate that social district by ordinance after it's created.

More than 30 communities have established social districts. They have reported positive impacts for economic development, reasonable and responsible action by participants and increased foot traffic in their downtowns.

The social district requirements are clearly spelled out in the legislation. Requirements include: signage must be placed within the district that identifies its geographical location, days and hours in which alcohol can be consumed in the social district, the telephone number for the ALE Division and local law enforcement, and a clear statement that an alcoholic beverage purchased for consumption in a social district shall: only be consumed within the social district and be disposed of before the person possessing the alcoholic beverage exits the social district unless the person is reentering the licensed ABC premises where the alcoholic beverage was purchased.

Social districts are only allowed to operate during hours defined under G.S. 18B- 1004: from 7:00 am until 2:00 am Monday - Saturday; and From Noon until 2:00 am on Sunday. If the local government has allowed for earlier Sunday sales, a social district may operate beginning at 10:00 am on Sunday. The local government can set the hours of the social district according to their community's needs. The local government may establish guidelines in their social district allowing for suspension of regular days and hours of alcohol consumption in all or part of a social district during events require special events ABC permits.

A local government creating a social district is required to establish management and maintenance plans for the social district and post these plans, along with a drawing of the boundaries and the applicable days and hours of the social district, on the local government's website. A social district must be maintained in a manner that protects the health and safety of the general public. A local government can delegate the management and maintenance of the social district to a private entity, such as a downtown development organization.

A local government was required to develop or approve uniform signs indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active and distribute the signs to non-permittee businesses that are included in the social district. A non-permittee participating in the social district and allowing alcohol on their premises is required to always display the uniform sign during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign. The DSDC can create the signs for participating and non-participating businesses.

A local government may adopt an ordinance that allows consumers to bring an alcoholic beverage purchased at one ABC permittee onto the premises of another ABC permittee. But the DSDC was not requesting to allow consumers to bring alcoholic beverage purchased at one ABC permittee onto the premises of another ABC permittee. After the Council adopts an ordinance creating the social district, it must submit to the North Carolina Alcoholic Beverage Control (ABC) Commission a detailed map of the social district with the boundaries clearly marked and the days and hours during which alcoholic beverages can be consumed. Any business in the social district that holds any type of ABC permit, can sell alcohol to be consumed in the social district.

Alcoholic beverages sold to be consumed in a social district must be sold in a container that meets all the following requirements: The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased, the container clearly displays a logo or mark that is unique to the social district in which it will be consumed, the container is not made of glass, the container displays, in no less than 12- point font, the statement "Drink Responsibly - Be 21", and the container cannot hold more than sixteen fluid ounces. In speaking with Captain Grady, he felt that printed cups instead of stickers was better and more enforceable.

A person can only possess and consume alcoholic beverages purchased from an ABC permittee located in, or contiguous to, the social district. A person cannot bring their own personal beer or wine into the social district for consumption. A person, including a customer who is in possession of an open container of an alcoholic beverage, may possess alcoholic beverages in closed containers in a social district to the extent allowed by law. Any alcoholic beverages consumed in the social district must be consumed from the required container as previously described, and cannot be poured into another container. Alcoholic beverages shall only be possessed and consumed in the social district during the days and hours set by the town. Alcoholic beverages may only be taken into businesses that have signage indicating that alcoholic beverages are allowed in their business.

The sale and delivery in a social district are subject to the same limitations for sales and deliveries of alcohol in North Carolina: No more than two malt beverages or wine drinks at one time to a single patron and no more than one mixed beverage or spiritous liquor drink at one time to a single patron. A person is required to dispose

of any alcoholic beverage in the person's possession prior to exiting the social district.

A social district does not create a right for people to break laws. It doesn't encourage people to be drunk in public or overconsume. It does not encourage underage drinking. It doesn't allow people to bring their own alcohol to the social district.

A social district is an economic development tool that encourages people to extend their stay in our downtown. Additional foot traffic downtown improves safety and has a positive economic impact on our small businesses. A social district is another amenity to encourage people to visit our downtown.

The recommendations from the DSDC Board of Directors are as follows:

- Social District Hours would be 10:00am until 10:00pm Monday-Sunday,
- Boundaries would include the downtown core: Market Street between the Neuse River and Fourth Streets, 100 blocks of N. and S. Third Street, and the Neuse River Amphitheater
- Businesses would have the opportunity to opt into participating in the social district, and allowing people to bring alcohol purchased from a permitted business into their non-permitted business.

For the management of the social district, the DSDC will: work with the downtown business community and Town staff to implement the social district, design & provide signage for the Downtown Smithfield Social District, purchase signage for the Downtown Smithfield Social District Design signage for businesses selling alcoholic beverages within the social district, businesses allowing customers to bring in alcoholic beverages purchased within the social district and businesses not allowing customers to bring in alcoholic beverages purchased within the social district.

The DSDC will also provide facilitate the design of containers that meet the requirements of North Carolina law, and sell social district containers to entities holding a winery, malt beverage, and spirituous liquor special event permits and mixed beverages catering permit who want to conduct sales within the social district during special events.

The DSDC will further maintain a Social District page on the DSDC website that can be linked to the Town's website, work with Town staff to respond to needs that arise from the social district, work with Town staff and downtown businesses to evaluate the social district and any changes that are needed, and provide a report six months after district creation regarding the impacts of the social district, as well as any identified issues.

As for liability, the businesses that hold ABC permits are ultimately responsible for the people they are serving. If they choose to overserve a customer, their ABC permit could be in jeopardy.

Mayor Pro-Tem Dunn questioned if he purchased a beverage from one business could he not enter another business within the social district that also sold alcoholic beverages. Ms. Edwards responded that was correct.

Mayor Pro-Tem Dunn stated that several areas in the proposed social district encompassed parking lots. He questioned what measures would be put into place to ensure that customers weren't refilling their approved social district cups with their own beverages. Ms. Edwards responded that was a question better answered by Police personnel. She further stated she believed the Police Department would investigate the matter.

Councilman Lee expressed his concerns about the potential issue raised by Mayor Pro-Tem Dunn.

Councilman Wood questioned if there would be a dedicated Police Officer assigned to the social district in the event any issues arise. Ms. Edwards responded the proposal did not include a dedicated officer. Councilman Wood further expressed his concerns because he felt a dedicated officer should be assigned to the social district.

Mayor Moore stated that while he understood Councilman Wood's concerns, a Police Officer was not required to be in every establishment that sold alcohol.

DSDC Chairperson Troy Bridle stated he did not believe by establishing a social district it would cause people to start drinking from 10 am until 10 pm every day. The purpose of those hours was to make it consistent with the current hours businesses with ABC permits were able to sell alcohol. As a business owner, they were ultimately responsible for their consumers. If someone takes an approved social district cup and refills it in a parking lot, then the business assumes the risk not the Town.

Mayor Pro-Tem Dunn questioned if the hours of the social district could be modified. Ms. Edwards responded that the goal was to have consistent hours to make it easier to manage, but the Council could modify the hours.

Councilman Wood clarified his original question about security in the social district. He questioned if a dedicated officer would be required in the social district for events. Ms. Edwards responded that for any event whereby alcohol was served, security was required.

Councilman Wood stated he would not like for alcohol to be served during the Ham and Yam Festival since it was a family event. Ms. Edwards responded that for the Ham and Yam Festival, they could consider doing a beer/wine garden that was cordoned off from the other attraction and monitored by security.

Mayor Moore questioned how many establishments within the social district currently had ABC permits. Ms. Edwards responded there were six businesses within the social district that had ABC permits.

Councilman Barbour provided data from the UNC Injury Prevention Research Center concerning social districts. He read the following excerpt

“Over time these alcohol social districts may also indirectly impact other alcohol environment dynamics, including: increasing outlet density, expanding hours of sale, more alcohol promotions, and increasing exposure of youth and adults to advertising and cultural normalization of alcohol use. Why should we care? Changes to alcohol policy can have real, measurable public health impacts. Seemingly “small” changes - like increasing hours of sale, advertising, or adding a few more alcohol selling businesses in an area – have been measured as negatively impacting alcohol-related car crashes, chronic diseases, violent crime, and deaths, largely through the pathway of enabling easier excessive alcohol consumption of adults and youth. These health impacts also have huge social costs. Alcohol costs North Carolina over \$7 billion dollars at the last estimate in lost productivity, healthcare costs, criminal justice expenses, and motor vehicle crash costs. Although considered a motivation for alcohol social district development, increased business revenue and downtown foot traffic may not offset the enforcement and public health costs of expanding access to alcohol. The Center for Disease Control and Prevention Community Guide 1 summarizes the researched impacts of alcohol laws and policies on health. There is little known (yet) on the impact of social alcohol districts by name. However, breaking social alcohol districts down into their direct and indirect impacts, here’s what we know: Increased alcohol outlet density negatively impacts health. Social districts may promote new alcohol-centered businesses, increasing outlet density. Increased hours of sale (such as adding happy hours) negatively impact health. This includes independent efforts to expand happy hours, and any downstream impacts to promote alcohol sales by expanding hours in social districts. Price discounts and promotions negatively impact health. These make it easier to purchase larger quantities of alcohol at the same time. Youth are sensitive to alcohol advertising, normalizing, and exposure. Proximity of social districts to schools and teen social areas can negatively impact youth drinking behaviors. Increasing excessive alcohol consumption has a high social cost. While proponents of social alcohol districts may claim it will increase local business or tax revenue, that is yet to be shown. However, it is known that alcohol-related harms cost local NC communities over 10 billion each year. People in recovery can be particularly sensitive to increased promotion and normalization of drinking. Alcohol related harms and policies often disproportionately impact Black, Indigenous, and People of Color (BIPOC) communities.”

Councilman Barbour explained that while everyone was speaking about the positives of establishing a social district, no one was speaking about the negatives.

Councilman Lee questioned why the Town of Clayton who currently has a vibrant downtown has not established a social district. He further questioned how establishing a social district would increase the economic development of the downtown. He further expressed his concerns about traffic on Market Street and the potential hazard of those partaking in the social district. He questioned who would be policing those people that didn’t adhere to the rules and regulations of the social district. Ms. Edwards responded that it was the responsibility of the business owner to make sure they are not overserving or serving someone who was intoxicated. She further responded that the Town of Clayton was considering establishing a social district. The DSDC will follow the examples of many successful cities to ensure that the social district was not detrimental to the downtown area.

Mayor Pro-Tem Dunn questioned if the DSDC had received any feedback from the businesses that do not currently sell alcohol. Ms. Edwards responded that she spoke with all the businesses on Market Street and did not receive any negative feedback.

Mayor Pro-Tem Dunn further questioned how difficult it would be to expand the social district or amend the days and/or hours of the social district. Ms. Edwards responded there were not any plans to expand the district because once you pass Fourth Street, it did not make sense for the social district to go any farther.

Mayor Pro-Tem Dunn questioned why North Third Street was included in the proposed district. Ms. Edwards responded that area was included because of the potential for businesses in that area. He further questioned if the parking lot behind the library was included in the social district. Ms. Edwards responded it would not be included.

Councilman Stevens stated the point of the social district was to get more people downtown and get them to stay downtown. The businesses needed the support of foot traffic in downtown.

Mayor Pro-Tem Dunn suggested amending the days and/or hours of the social district. It was suggested that the hours could be 12 pm until 10 pm instead of 10 am until 10 pm. He further suggested a more conservative plan as a trial period.

Mayor Moore explained to the Council that since this was considered the first reading of the ordinance, the motion to approve would have to pass by a 2/3 majority of the Council; therefore, five votes in the affirmative would be needed to adopt the ordinance.

Councilman Stevens questioned if the ordinance was not adopted at this meeting, would it not be brought back for consideration. Mayor Moore responded that it could be brought back for consideration and would only need a simple majority to adopt the ordinance.

Councilman Stevens made a motion, seconded by Councilman Wood, to adopt Ordinance No. 518-2023 creating a social district with the amended hours of 12 pm until 10 pm. Councilman Stevens, Councilman Wood, Mayor Pro-Tem Dunn and Councilman Rabil voted in favor of the motion. Councilman Lee and Councilman Barbour voted against the motion. Motion failed.

Since this was the first reading of the ordinance a 2/3 majority of the Council was needed which equated to five members voting in the affirmative. Motion failed due to only four members voting in the affirmative.

2. Discussion concerning trash services for the downtown area

Town Manager Michael Scott addressed the Council on the issue of trash in the downtown area. He explained that at some point in history, it has been reported there were discussions between the downtown businesses and government leaders permitting businesses in the 100 block of South Third Street and the 200 and 300 blocks of Market Street to set their trash products on the sidewalk or inside the pedestrian cans for no charge pick-up. This may have occurred during the last street scape project when the power lines were buried in the downtown area. History has clouded this issue and the Town has no council meeting minutes it can locate regarding this matter.

The trash has become out of control and was creating a nuisance in this area of downtown and the matter requires formal changes. Staff was recommending that businesses in this area be permitted to become sanitation customers at a cost, and within the requirements of, what is approved in the fee schedule each year. Back door pick-up however would not be available at these locations. Participating businesses would be required to bring their trash cans to the curb the morning or prior evening of their trash day and return their cans to behind their businesses following morning pick-up. All materials must be in a designated receptacle. All other materials, such as construction debris, plastic, appliances, furniture, yard debris, hazardous materials, grease, or electronic equipment must be disposed of by other means and was the responsibility of the business owner. Participating businesses would not be charged the yard waste fee.

Leaving business trash, such as bags and boxes outside a designated trash receptacle would become unlawful and would be considered littering.

Businesses would not be required to use Town services and would be permitted to have a dumpster from a private sanitation company or receptacle pick-up from a private sanitation company, as long as trash receptacles are not left on the street or sidewalk during normal business hours or on the weekends from 8:00 am to 5:00 pm. New customers would be required to sign-up for this service and would be invoiced as part of their monthly utility billing.

The Town Manager stated staff believed they could manage these new sanitation customers. Some of the pedestrian trash can could be removed from the middle of the blocks making it less likely for the businesses to use the cans or new cans could be purchased with secured lids.

Mayor Pro-Tem Dunn stated that if only two businesses were using the sidewalk trash cans then they should be informed that practice was no longer permitted. The Town Manager responded the businesses using the sidewalk cans believe they are allowed to use them for their business.

Councilman Stevens questioned if there was adequate storage for the trash can behind the businesses. The Town Manager responded that he and Public Works Director Lawrence Davis walked the area to determine if there was adequate storage and there was.

Mayor Moore questioned if the trash would be collected once a week. The Town Manager responded it would be collected once a week. The businesses would have the option to have more than one trash can, but they would be charged for each can.

Mayor Pro-Tem Dunn asked if the Town Manager envisioned this would be an issue for other commercial businesses in the downtown area since the same service was not being offered to all commercial businesses. The Town Manager responded staff was only trying to deal with the businesses that felt they were awarded some type of benefit from a previous counsel. If you weren't one of those businesses, the Town was not going to offer trash services to other commercial businesses. Staff was trying to solve a problem in the downtown area.

Mayor Moore stated he was forwarded some photos of the trash cans and the area was becoming unsightly.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Dunn, to permit sanitation services to businesses downtown that face the 200 and 300 blocks of Market Street and the 100 block of South Third Street rather than leave their trash product on the sidewalk or in the pedestrian cans. Unanimously approved.

3. Consideration and request for approval to adopt Ordinance No. 517-2023 repealing and enacting speed limits on NC 210 in Smithfield

Planning Director Stephen Wensman addressed the Council on a request to adopt Ordinance No. 517-2023 for speed limits in the Town. Mr. Wensman explained at the August Town Council meeting, the Council asked Staff to request a speed limit change on West Market Street between the Neuse River Bridge and NC Highway 210 from 45 miles per hour to 35 miles per hour. The NCDOT reviewed the issue and agreed to the change.

The ordinance repeals the 45 MPH speed limit between the Neuse River Bridge and M. Durwood Stephenson Parkway and replaces it with a 45 MPH speed limit from the NC Highway 210 to M. Durwood Stephenson Parkway, the remainder of West Market Street between NC Highway 210 and the Neuse River Bridge therefore defaults to the local speed limit of 35 MPH.

The Council needed to adopt the attached ordinances to make the reduced speed limit changes effective.

Mayor Moore questioned if the speed limit would be reduced from 45 mph to 35 mph from Marin Woods subdivision on NC 210 to the Neuse River Bridge. Mr. Wensman stated that was correct.

Councilman Barbour made a motion, seconded by Councilman Wood, to adopt Ordinance No.

517-2023. Unanimously approved.

TOWN OF SMITHFIELD
ORDINANCE NO. 517-2023

AN ORDINANCE CONCURRING WITH THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION FOR SPEED LIMIT REVISIONS INSIDE THE CORPORATE LIMITS OF
SMITHFIELD, NORTH CAROLINA

WHEREAS, the Town of Smithfield requested from the North Carolina Department of Transportation for the approval of certification ordinance implementing speed limit modifications on certain state roads within the Corporate Limits; and

WHEREAS, the Town and the State must concur in this action to modify the speed limits on any state highway located within the limits of the town; and

WHEREAS, the Town Council desires to cooperate with the Department of Transportation in the designation of speed limit modifications as requested.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, NORTH CAROLINA:

Section 1. Based upon the authority granted by GS 20-141(f), the speed zone modifications proposed by the Department of Transportation (DOT) are hereby approved as follows:

DECLARE THE FOLLOWING SPEED LIMITS ON NC 210

Speed Limit	Route	Description
35 MPH	NC 210	Between 0.18 mile east of SR 1010 and US 70.

RESCIND THE FOLLOWING SPEED LIMITS ON NC 210

Speed Limit	Route	Description
45 MPH	NC 210	NC 210 from a point 0.18 mile east of SR 1010, eastward for 1.12 mile in Smithfield

Section 2.

DECLARE THE FOLLOWING SPEED LIMITS ON US 70 Business

Speed Limit	Route	Description
45 MPH	US 70 BUS.	Between 0.28 mile east of SR 1969 and NC 210

RESCIND THE FOLLOWING SPEED LIMITS ON US 70 Business

Speed Limit	Route	Description
45 MPH	US 70 BUS.	From a point 0.28 mile east of SR 1969, eastward to a point 0.50 mile east of NC210

Section 3. The Town Clerk is hereby authorized and directed to cause this Ordinance, and the attached DOT ordinance certifications as ATTACHMENTS A - D, to be certified and forwarded to the Department of Transportation for its use and files for purposes effectuating the stated speed zone modifications.

Section 4. The Town Manager or his designees are hereby authorized to execute the applicable documents associated with this ordinance.

Section 5. This ordinance shall become effective upon its adoption and approval both by Town and Department of Transportation.

4. Consideration and request for approval to restructure the Police Department by adding a Deputy Chief position and eliminating the vacant Captain Position

Mayor Moore stated this item was removed from the consent agenda at the request of Councilman Lee.

Councilman Lee questioned if the Police Department ever had a Deputy Chief position. Town Manager Michael Scott responded the department has never had this position.

Councilman Lee further questioned if the Chief had someone in mind for the newly created position. Chief of Police Pete Hendrick responded that in his short time with the Police Department he has been encouraged. He stated that while they were down a significant amount of manpower, there were good men and women that remained with the agency. He stated he was going to concentrate on hiring quality people quickly. Having a Deputy Chief with experience enabled him to be able to concentrate on hiring qualified candidates. He further stated this was a common practice.

Councilman Barbour made a motion, seconded by Councilman Lee, to approve the restructuring of the Police Department by adding a Deputy Chief position and eliminating the vacant Captain position. Unanimously approve.

Councilmembers Comments:

- Councilman Barbour informed the Council that the Third Annual Drone Fly In event would be held in October. He encouraged everyone to attend.
- Councilman Lee expressed his appreciation to the Town Manager and the Planning Department for adding Smithfield Selma High School's request for a Homecoming Parade to the agenda. He encouraged all alumni to participate or help in any way. Councilman Lee stated he was informed by a resident who participated in the CDBG Housing rehabilitation program that she was treated unprofessionally by members of Town staff. He requested that Skip Green attend the October meeting to provide an update on the project.
- Mayor Pro-Tem Dunn welcomed the Chief of Police to Smithfield and looked forward to working with him. Mayor Pro-Tem Dunn stated the area on Buffalo Road near the soccer park was unsightly. He questioned in NCDOT was responsible for maintaining the grass in the area. Mayor Pro-Tem Dunn further stated that there was empty space on the back sides of the pedestal Wayfinding signs. He questioned if something could be done to enhance that side of the sign. The Town Manager responded that he could take this suggestion to the Wayfinding sign committee.

Town Manager's Report:

Town Manager Michael Scott gave a brief update to the Council on the following items:

- With the anticipated increase in temperatures this week, we are leaving the splash pad open until such time as the temperatures cool. The splash pad was scheduled to close for the season on Labor Day.
- The lights included in this year's budget for the dog park have been constructed and are operational. The remaining items in the budget for the dog park will be constructed this fall.
- Smithfield Selma Highschool will be holding their 9-11 memorial service event this year on September 11th. The time is uncertain, however traditionally the time has been 7:30 am.
- All fall Parks and Rec sports are scheduled to begin this week. The Fall swim program also begins this week.

Closed Session: Pursuant to NCGS 143-318.11 (a) (3) & (6)

Councilman Barbour made a motion, seconded by Councilman Stevens, to go into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 9:14 pm.

Reconvene in Open Session

Councilman Barbour made a motion, seconded by Councilman Wood, to reconvene the meeting in Open Session. Unanimously approved at approximately 10:20 pm

No action taken following the Closed Session.

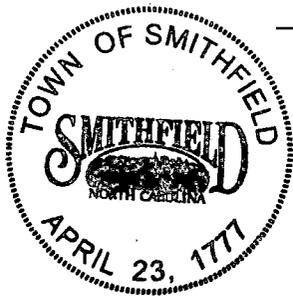
Adjourn

Councilman Barbour made a motion, seconded by Councilman Wood, to adjourn the meeting. The meeting adjourned at approximately 10:21 pm.


 M. Andy Moore, Mayor

ATTEST:

 Shannan L. Parrish, Town Clerk



DRAFT
TOWN OF SMITHFIELD
ORDINANCE NO. 518-2023

**TO AMEND CHAPTER 17 OF THE TOWN OF SMITHFIELD CODE OF
ORDINANCES: STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES TO ALLOW
FOR A SOCIAL DISTRICT**

WHEREAS, N.C.G.S. 160A-205.4 authorizes local governments to create and designate one or more “social districts” under N.C.G.S § 18B-300.1 within their jurisdictions; and

WHEREAS, a “social district” under N.C.G.S § 18B-300.1 is “a defined outdoor area in which a person may consume alcoholic beverages sold by” businesses holding one or more permits issued by the Alcoholic Beverage Commission; and

WHEREAS, local business owners within Downtown Smithfield have expressed interest in creating a social district to aid in economic development and downtown revitalization, and

WHEREAS, the Downtown Smithfield Social District shall be created and managed by the Town of Smithfield; and

WHEREAS, the Town of Smithfield desires to limit its social district to a walkable geographic area in the downtown where local restaurants and bars can sell alcoholic beverages to be consumed throughout the district, subject to certain rules and limitations; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Smithfield, North Carolina, that it does hereby adopt and approve the Ordinance amending Section 17-7 “Alcohol Consumption on Public Property” and creating section 17-8 “Social District” as follows:

(All new language is denoted in red)

Section 17-7 is written as follows:

Sec. 17-7. - Alcohol consumption on public property.

Except as permitted in the Downtown Social District in Section 17-8 below, it shall be illegal to sell, serve, or otherwise consume any alcoholic beverage on any property or rights-of-way or other area owned or in the possession of the Town of Smithfield unless the town specifically authorizes such by the issuance of a special events permit and such conduct is not otherwise prohibited by law. Upon the filing of a special events application with the town's planning department, the Smithfield Town Council shall consider the approval of a special events permit at the first meeting that is more than two (2) weeks after

the filing of the application. The town council shall consider the nature, location, time, impact of adjoining properties, parking availability, and public health and safety factors when considering the issuance of a special events permit. The town council shall authorize the permit only if the event is compatible with the proposed time and location according to the factors in the preceding sentence. The town will issue a special event permit upon the following procedure and subject to the following conditions:

(1) This section applies only to the downtown business district, defined, for the purpose of this section, as the properties and areas between and including Fifth Street to Front Street and Bridge Street to Johnston Street in Smithfield, North Carolina.

(2) The event coordinator applies for and is issued a special events permit from the town. Upon approval by the town council, the city manager is authorized to issue the permit upon compliance with the applicable requirements of this section and state law.

(3) The event coordinator applies for and has been issued all necessary health department and ABC licenses and permits as required by law.

(4) The permit issued by the town clearly states and defines the area for which the alcoholic beverages may be sold or served and the boundaries of the area are clearly delineated in the application and the times of the event. No event shall continue past 12:00 a.m. The event coordinator is responsible for providing waiters or servers for the beverages so that those consuming the same are not serving themselves. The application must specify the location of the event with a drawing of sufficient detail for the town to locate the boundaries of the event on the ground. Before commencement of the event, the event coordinator must have visibly roped or ribboned boundaries surrounding the event area. Signs will be visible at all exit points that it is unlawful to remove alcoholic beverages in open and unsealed containers from the premises. **If the event is held entirely within the boundaries of the Downtown Smithfield Social District, it is at the discretion of the Chief of Police to determine if rope/ribbon boundaries surrounding an event area or signs at exits are required.**

(5) The application must specify in the drawing the location of all tables, chairs, signs and other furnishings during the event. The event coordinator must remove such personally within two (2) hours after the event closes and may not install the items until twelve (12) hours before the event. If such items are not removed within two (2) hours after the event, the town shall have the right to remove such items that will become upon removal the property of the town and subject to discard as trash.

(6) The event coordinator is responsible for maintaining decorum and order and shall provide adequate security staff. A security plan will be presented to the chief of police prior to approval of a permit. The chief of police will then forward his/her approval/recommendations to the city manager for consideration.

(7) The area on town property where alcoholic beverages are proposed to be served or sold must not restrict access or interfere with the operation of any business in the immediate vicinity.

(8) All alcohol shall be poured into or otherwise consumed from non-breakable cups or shatterproof glasses. **If the event is held within the boundaries of the Downtown Smithfield Social District, the containers must meet the requirements as outlined in Section 17-8.** All empty bottles or cans shall be handled and stored in such a manner as not to be broken or left on town property. The event coordinator shall be responsible for the complete cleanup of the event area and shall have all trash or debris collected and removed from the area immediately following the end of the event.

(9) The event coordinator must possess or secure for the special event liability insurance with liquor or alcoholic beverage coverage with minimum limits of one million dollars (\$1,000,000.00) per claimant and with aggregate coverage of not less than three million dollars (\$3,000,000.00). When the event is conducted on a town property or right-of-way, the town shall be identified as an additional insured on the referenced insurance policy. The event coordinator shall also agree to hold harmless and indemnify the Town of Smithfield from any liability arising from the event.

(10) Violation of any of the terms and conditions of the permit will entitle the town to immediately terminate the permit and order the immediate disbandment of all persons, as well as serve as a possible prohibition for future special event permitting for the event coordinator.

(11) The event coordinator must assume full personal responsibility in the written application for the reasonable operation of the event and agrees to indemnify town from any reasonably foreseeable damage to the town or third parties.

(12) The event coordinator shall not allow any permanent alteration or encroachment on property owned or possessed by the town. The event coordinator will be responsible for repairing any incidental damage to town property from the event.

(13) The event coordinator shall post a five-hundred-dollar (\$500.00) cash bond with the town as security for the faithful management of the event and the obligation of the

event coordinator to take reasonable measures to prevent damage to town property or to third parties.

(14) A permit may be denied if it is found that the granting of the permit would not be in the public interest, lack of harmony of the event as planned with the neighborhood at the time requested; or

(15) The city manager or his designee may revoke a permit issued pursuant to this section, if he finds that the event coordinator has:

- a. Deliberately misrepresented or provided false information in the permit application;
- b. Violated any provision of this Code;
- c. Violated any law, regulation or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances;
- d. Operated the event or prior events in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety or welfare, specifically including failure to keep the sidewalk cafe area clean and free of refuse; and/or
- e. Failed to maintain any health, business or other permit or license required by law for the operation of a business. Before the revocation of a permit, the city manager shall notify the permit holder of his intent to revoke the permit and the reasons therefore and shall afford the permit holder an immediate opportunity to appear and be heard on the question of such revocation.
- f. The town must protect its properties from perceived emergencies and thus the town may within its sole discretion in extraordinary circumstances cancel the event and remove event property at any time without notice and without justifying cause. While this may be harsh, any applicant agrees to this condition.

(16) Permits issued in accordance with the provisions of this section shall:

- a. Be issued separately for each event;
- b. Not be transferable or assignable.

Sec. 17-8. - Social District.

Pursuant to the provisions of North Carolina Statute 160A-205.4, one or more social districts may be created within the municipal limits of the Town of Smithfield. The Downtown Smithfield Social District shall be created, designated and managed in accordance with the requirements contained in N.C.G.S. 160A-205.4. The boundaries of the Downtown Smithfield Social District are designated as shown on the map contained within the Downtown Smithfield Social District Management and Maintenance Plan, which is available in Town Hall and on the Town's website.

(a) Definitions. The following definitions shall apply in this section:

- (1) Social District. A defined outdoor area in which a citizen may consume alcoholic beverages sold by a permittee. This term does not include the permittee’s licensed premise, or an extended area allowed under N.C.G.S. 18B-904(h).
 - (2) Permittee. A person holding any of the following ABC permits issued by the North Carolina Alcoholic Beverage Control Commission established under N.C.G.S. 18B-200:
 - (i) An on-premises malt beverage permit issued pursuant to N.C.G.S. 18B-1001(1).
 - (ii) An on-premises unfortified wine permit issued pursuant to N.C.G.S. 18B-1001(3).
 - (iii) An on-premises fortified wine permit issue pursuant to N.C.G.S. 18B-1001(5).
 - (iv) A mixed beverages permit issued pursuant to N.C.G.S. 18B-1001(10).
 - (v) A distillery permit issued pursuant to N.C.G.S. 18B-1001(5).
- (b) Application.
- (1) The provisions and terms contained in Section 17-8 shall be applicable between the hours of 12:00 pm and 10:00 p.m., Monday through Saturday. At all other times, the provisions and terms contained in this Article are not in effect and all provisions of State and local laws concerning the possession and consumption of alcohol shall be in full force and effect.
 - (2) Any alcoholic beverage purchased for consumption in the Downtown Smithfield Social District shall:
 - (i) Only be consumed in the Downtown Smithfield Social District.
 - (ii) Be disposed of before the person in possession of the alcoholic beverage exits the Downtown Smithfield Social District.
 - (iii) Establishments within the Downtown Smithfield Social District may opt-out of allowing alcoholic beverages purchased within the Social District to be brought into their establishments.
- (c) Requirements for the Sale of Alcoholic Beverages.
- (1) A permittee located in or contiguous to the Downtown Smithfield Social District may sell alcoholic beverages for consumption within the Downtown Smithfield Social District it is located in or contiguous to in accordance with the following requirements:
 - (i) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
 - (ii) The permittee shall only sell alcoholic beverages for consumption in the Downtown Smithfield Social District that meets all of the following requirements:
 - a) The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - b) The container clearly displays a logo or some other mark that is unique to the Downtown Smithfield Social District.
 - c) The container is not comprised of glass.
 - d) The container displays, in no less than 12-point font, the statement, “Drink Responsibly - Be 21.”
 - e) The container shall not hold more than 16 fluid ounces.

- (iii) Nothing in this section shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in N.C.G.S. 18B-1010.
- (d) Requirements for Possession and Consumption of Alcoholic Beverages.
 - (1) Only alcoholic beverages purchased from a permittee located in or contiguous to the Downtown Smithfield Social District may be possessed and consumed.
 - (2) Alcoholic beverages shall only be in containers meeting the requirements set forth in this section.
 - (3) Alcoholic beverages shall only be possessed and consumed within the boundaries of the Downtown Smithfield Social District during the days and hours set forth in this section.
 - (4) Nothing in this section shall be construed as authorizing the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in N.C.G.S. 18B-1010.
 - (5) A person shall dispose of any alcoholic beverage in the person's possession prior to exiting the Downtown Smithfield Social District.
- (e) Requirements for the Sale and Serving of Alcoholic Beverages at Special Events.
 - (1) The NC ABC Commission may issue special one-time permits to a nonprofit organization to allow the retail sale of malt beverages, unfortified wine, fortified wine, or to allow brown bagging, at a single fund-raising event of that organization.
 - (i) Events issued special one-time permits from the NC ABC Commission must meet the requirements set forth in Section 17-7.
 - (2) Alcoholic beverage drinks may be sold or served by permittees holding a winery special event permit, malt beverage special event permit, or spirituous liquor special event permit at special events taking place in the Downtown Smithfield Social District. A permittee holding a mixed beverages catering permit may serve spirituous liquor to guests at events taking place in a social district.
 - (3) Holders of special one-time permits, winery special event permits, malt beverage special event permits, spirituous liquor special event permits, and mixed beverages catering permits will be required to purchase Social District containers meeting the requirements set forth in this section from the Downtown Smithfield Development Corporation, and affix a sticker to each container sold to a customer that identifies from where the alcoholic beverage was purchased.

Adopted by a motion made by Councilman _____, seconded by Councilman _____ and approved by a vote of _____ in favor and _____ against.

Adopted this the _____ day of _____, 2024.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish
Town Clerk