



Mayor

M. Andy Moore

Mayor Pro-Tem

Roger A. Wood

Council Members

Marlon Lee

Sloan Stevens

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Stephen Rabil

Town Attorney

Robert Spence, Jr.

Town Manager

Michael L. Scott

Finance Director

Andrew Harris

Town Clerk

Elaine Andrews

Town Council

Agenda

Packet

Meeting Date: Tuesday, November 19, 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
REGULAR MEETING NOVEMBER 19, 2024
7:00 PM**

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Page

Public Hearings:

1. **Special Use Permit Request - Country Club Townhomes (SUP SUP-24-03):** Brian Leonard (BRL Engineering) is requesting a special use permit for Country Club Townhomes, a 60-unit townhome development on 8.06 acres in the B-3 (Highway Entranceway Business District). The proposed development is located at the northwest intersection of South Brightleaf Boulevard and Country Club Road, identified by the Johnston County Tax ID#s 15J11023.
(Planning Director – Stephen Wensman) See attached information.....1
2. **Special Use Permit Request - Stadler Station Apartments (SUP-24-05):** Brown Investment Properties is requesting a special use permit for Stadler Station, a 168-unit residential apartment project on 13.17 acres of land in the B-3 Highway Entranceway Zoning District. The proposed development is located at the intersection of Peedin Road and Components Drive with the Johnston County Tax ID# 15074012E.
(Planning Director – Stephen Wensman) See attached information.....39

- 3. **Special Use Permit Request - Heritage Townes at Waddell (SUP-24-02):** Samuel O’Brien (Shovel Ready Johnson, Inc) is requesting a special use permit for Heritage Townes at Waddell, a 17-unit townhouse development on 1.88 acres of land in the R-8 Zoning District. The proposed development is located 19 and 21 Waddell Drive, approximately 460 feet north of the Brightleaf Boulevard and Waddell Drive intersection, and further identified by the Johnston County Tax ID#s 15005023, 15005022, and 15005022A.
(Planning Director – Stephen Wensman) See attached information.....79

- 4. **Subdivision Request - Powell Tract (S-24-05):** Lanny Clifton (Lan Development, LLC) is requesting approval of a preliminary plat for a 9-lot single family subdivision on 11.1 acres. The proposed development is on Swift Creek Road approximately 2300 feet north of the Cleveland Road intersection. This property is further identified by the Johnston County Tax ID# 15I08014.
(Planning Director – Stephen Wensman) See attached information.....109

Citizens Comments

Consent Agenda Items:

- 1. Minutes
 - a. September 17, 2024 – Regular and Closed Session.....131
 - b. October 1, 2024 – Regular Session.....139
 - c. October 15, 2024 – Regular Session.....147

- 2. Resolution No. 758 (20-2024) and Grant Project Ordinance for the Town of Smithfield Spring Branch Drainage Repairs – 2nd Street and 4th Street Project (Project #SRP-S-134-0013)
(Finance Director – Andrew Harris) See attached information.....161

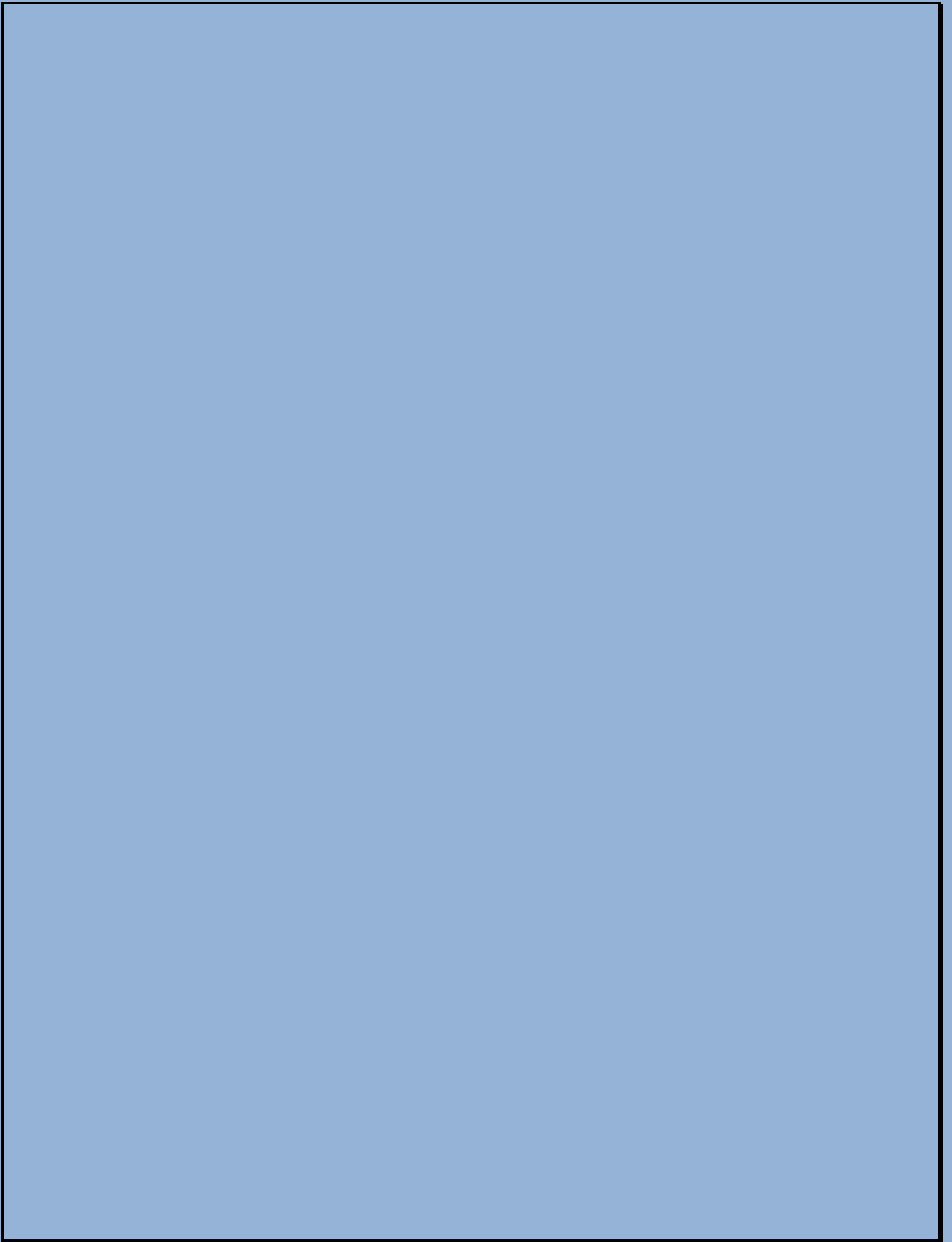
- 3. Resolution No. 757 (21-2024) and Grant Acceptance for the Town of Smithfield—East Smithfield Water Main Project (#SRP-D-134-0037)
(Finance Director – Andrew Harris) See attached information.....167

Business Items:

None

Adjourn

Public Hearings





Request for Town Council Action

Public
Hearing: SUP-24-03
Date: 11/19/24

Subject: Country Club Road Townhomes Special Use Permit
Department: Planning Department
Presented by: Planning Director - Stephen Wensman
Presentation: Public Hearing

Issue Statement

To review a special use permit for Country Club Road Townhomes, a 60-unit townhome development on 8.06 acres in the B-3 (Highway Entranceway Business District).

Financial Impact

The development will **add to the town's tax base.**

Action Needed

The Town Council is respectfully requested to hold a public hearing and decide whether to approve, approve with conditions or to deny the special use permit, SUP-24-03, based on the finding of fact for special use permits.

Recommendation

None

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Finding of fact
3. Application and narrative
4. Site plans revised
5. Site plans original
6. Relevant UDO citations



Staff Report

Public Hearing: SUP-24-03

REQUEST:

Crantock Land, LLC (represented by Brian Leonard (BRL Engineering)) is requesting a special use permit for Country Club Townhomes, a 60-unit townhome development on 8.06 acres in the B-3 (Highway Entranceway Business District).

PROPERTY LOCATION:

The proposed development is located at the northwest intersection of South Brightleaf Boulevard and Country Club Road, identified by the Johnston County Tax ID#s 15J11023.

APPLICATION DATA:

Applicant:	Crantock Land, LLC
Engineer:	Brian Leonard, BRL Engineering
Property Owners:	Edward E. Sutton, Jr., Kelly C. Sutton, James Keith Smith, and Edna Lynn Smith
Tax ID#s	15J11023
Acreage:	9.08 or 8.026 excluding R/W
Present Zoning:	B-3
Existing Use:	Vacant
Proposed Use:	Townhomes (multi-family)
Fire District:	Town of Smithfield
Parks/Recreation:	Fee in lieu of parkland dedication with subdivision
School Impacts:	Potentially students in schools
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Duke
Development Density:	7.48 dwelling units per acre
Proposed Street:	1,416 Lin. Ft. (private)

ADJACENT ZONING AND LAND USES: (see attached map)

	Zoning	Existing Land Uses
North	O/I and R-10	Commercial/Residential
South	N/A	N/A
East	R-20A	Vacant
West	R-10	Detached single-family residential

EXISTING CONDITIONS/ENVIRONMENTAL:

- The property considered for approval is located on Holts Lake. There is floodplain and **a 50' Riparian Buffer.**

SPECIAL USE PERMIT REQUIREMENT:

When the application was submitted, multi-family residential required a special use with supplemental standards in the B-3 Zoning District according to Article 6, Table 6.6 of the Unified Development Ordinance. The supplementary standards for multi-family are found in UDO Article 7, Section 7.35. Since application, the multi-family land use was removed from the B-3 district.

DEVELOPMENT PLAN OVERVIEW:

The developer is proposing 60 townhouse units on 8.026 acres of land on a private street with access from Country Club Road. The development consists of 12 townhouse buildings with 8 to 3 units per building. The project will be by town sewer and water. A pump station and forced main will be constructed to serve the development.

When first submitted the development was proposed with a public street and 25' front setbacks. The UDO requires front setbacks of 35' and corner side yard setbacks of 17.5' (per B-3 zoning). In response to comments, the development plans now show the street as private with front property lines extending into the street. Staff review comments resulted in no physical change to the development, rather the public street became private, the setbacks are now within a private street easement. Staff recommends approval of the special use permit with the original plan with 25' setbacks from public street right-of-way.

- Comprehensive Plan/Density. The Town Plan guides this property and others nearby as a Mixed-use Center. Mixed-use Centers are described as context-appropriate commercial, office, multi-family and single-family residential uses, located near major intersections with connected streets with short block lengths and pedestrian facilities. Within a Mixed-use Center, high and density townhomes and multi-family are encouraged along with commercial uses.
- Architecture/Building Materials. With special use permits, the town has no authority over architecture or building materials. The project plans show 2 and 3 story townhomes with a combination of lap, board and baton and brick siding, shingle and metal roofing, and windowed side walls on end units facing the street.
- Proposed Townhome Dimensions:
 - Townhouse and Townhouse Lot width. **22' wide with single car garages,** and 26 with double car garages. 7 of the 60 units will have double car garages.
 - Townhouse depth. Approximately 38.5 feet.
 - Townhouse Lot depth. **100' minimum.**
 - Notes to Typical Townhome Lots indicate the size and building footprints may vary with final development.

- Building Setbacks:
 - UDO Section **8.13.1.4** requires townhouses front and corner side yards to be **35'** (same as general district). The definition of Townhouse indicates only the **perimeter yard is required. The applicant's first submittal showed a public street with a 25' setbacks. Because** of UDO Section 8.13.1.4, the plans were revised **with a 35' setback with the properties extending into a private road** easement.
 - For multi-family developments with more than 31 units **a 40' perimeter yard is** required which satisfies the rear and side setbacks (UDO Section 8.13.1.4.).
- Building Separations. For units that are 25.1 to **30' in height, a 30' building** separation is required. All proposed townhouse buildings maintain the required building separation.
- Landscaping and Buffers. The plans show compliance with street yard and buffer requirements.
- Right-of-way. **UDO requires 60' wide R/W (may be no less than 50 if approved by** Council due to special conditions).
- Streets.
 - The development plans label the "streets" as private drive. The definition of **private drive is a roadway serving 2 or fewer lots. The "streets" are not a parking lot, so the "street" must be a private street and is required by definition** to have right-of-way. Section 2.19 permits the construction of homes on lots that abut common area owned by a property owners association (see attached "**Relevant UDO Citations**").
 - The private streets are shown as **27'-wide, back of curb to back of curb, with a utility easement that extend over the street and over individual property lines.**
 - Staff recommends a condition **requiring public streets with a 25' front setbacks** as proposed in the original application submittal.
 - **If the "streets" remain private,** staff recommends a written agreement with the police department to allow the town to enforce parking on the private street and the street be signed no parking on one side.
- Driveways.
 - Section **2.20.2** requires driveways to be **36' from intersections in commercial zones. Section 10.6.4** requires driveways to be **25' from intersections.** The driveways are in conformance with Section 10.6.4.
 - Section 10.6.4 prohibits driveways from exceeding 50% of the property frontage. Townhomes generally cannot meet this requirement.
- Sidewalks.
 - A **5' wide** public sidewalk is shown along Country Club Road
 - A **10' wide multi-use** trail is shown along S Brightleaf Boulevard and Country Club Road within an easement.
 - Sidewalks are shown on both sides of the internal streets.

- Trash.
 - The developer has not provided any details for trash rollout storage, but residential trash collection is a town public service.
 - If applicable, a condition of approval should be added to allow town trash trucks to trespass onto the private streets and not to be held liable for normal wear-and-tear on the streets.
- Parking. The site plan provides 3 parking stalls per unit and 16 overflow parking spaces, exceeding town standards. If the streets remain private, a condition should be added to allow the police department to enforce parking on the private street should be a condition of approval to ensure emergency service vehicles can access all units.
- Stormwater/Buffer. The site plan shows a stormwater management facility (pond) adjacent to Holts Lake. This pond is partially within the riparian buffer requiring NCDEQ approval. A retaining wall is also within the riparian buffer and according to NCDEQ, this also needs special approval. The applicant will need to address these issues prior to construction plan approval.
- HOA. A **homeowner's** association will be required to maintain all the common areas and amenities including the parking lot, sidewalks, stormwater facility, mail kiosk, signs, landscaping, streets.
- Utilities. The developer is planning to install a pump station and forced main to provide service to the development. The Town will provide water and sewer. The site is within the Duke power service area.
- Signage. The application indicates future development identification signs will be in accordance with UDO requirements.
- Traffic. The amount of traffic generated by this development is below the threshold for a traffic study.

FINDING OF FACT (Staff Opinion):

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that **(Staff's opinion in Bold/Italic)**:

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. *The project will not be detrimental to or endanger the public health, safety or general welfare. The development will adhere to all Town requirements.*

4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. *The project will not impede the normal and orderly development and improvement of the surrounding properties. The townhomes provide a transition from*

commercial uses to the existing detached single family uses. Townhouses in and adjacent to mixed use centers are encouraged in the Town Plan.

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. *The development will provide adequate utilities, drainage, parking and necessary facilities. For this project to proceed, the developer will extend a forced main and construct a pump station.*

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. *The use will not create such nuisances.*

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. *Proper ingress and egress will be provided with a single access road onto Country Club Road that meets Town of Smithfield standards.*

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. *The use will have no adverse impacts on the abutting or adjoining properties. The adjacent properties are residential, and the townhouse development will provide a 40-foot perimeter buffer with landscaping.*

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The proposed townhomes will be complementary and in harmony with the adjacent homes. The architectural style will blend well and dormers will break up the scale of the buildings.

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. The special use will meet all applicable regulations.

RECOMMENDATION TO TOWN COUNCIL:

Planning Staff recommends approval of SUP-24-03 with the following conditions:

If the desire is to have public streets:

1. **That the "streets" be dedicated to the public and the front setbacks shall be a minimum of 25 feet (accepting the original plan submittal).**
2. **There shall be a homeowner's association to own and maintain all common amenities such as the parking lot, sidewalks, landscaping, mail kiosk, and stormwater management facility.**
3. That NCDEQ approval be obtained for the stormwater management facility and retaining wall within the riparian buffer.

If the desire is to allow the private streets:

- 1. That an agreement be in place or within the HOA documents that permit Town trash vehicles to trespass onto the private road for trash collection without liability for normal wear and tear.
- 2. There shall be a **homeowner's** association to own and maintain all common amenities such as the parking lot, sidewalks, landscaping, mail kiosk, and stormwater management facility.
- 3. That a written agreement to allow the town police department to enforce parking on the private street and the street be signed no parking on one side.
- 4. That NCDEQ approval be obtained for the stormwater management facility within the riparian buffer.
- 5. **That site plan be modified to adhere to UDO Section 2.21 to maintain a 36' distance between a driveway and intersection.**

RECOMMENDED MOTION:

Planning Staff recommends approval of the special use permit, SUP-24-03, with 3 conditions based on the finding of fact for special use permits.

**Town of Smithfield
Special Use Permit Application
Finding of Fact / Approval Criteria**

Application Number: SUP-24-03 **Name:** Country Club Road Townhomes

Request: The applicant seeks a special use permit to utilize property located within the R-8 (Single, Two, and Multi-Family) zoning district for a Townhouse development. The property considered for approval is located at the northwest intersection of South Brightleaf Boulevard and Country Club Road, identified by the Johnston County Tax ID#s 15J11023.

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

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

- 4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
- 4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided.
- 4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
- 4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property.
- 4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.
- 4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

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

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant’s representative, I move to approve Special Use Permit Application #SUP-24-03 with the following condition(s):*

1. That the “streets” be dedicated to the public and the front setbacks shall be a minimum of 25 feet.
2. There shall be a homeowner’s association to own and maintain all common amenities such as the parking lot, sidewalks, landscaping, mail kiosk, and stormwater management facility.
3. That NCDEQ approval be obtained for the stormwater management facility and retaining wall within the riparian buffer.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Special Use Permit Application #SUP-24-03 for the following stated reason:*

1. _____

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council for the Special Use Permit Application Number SUP-24-03 is hereby:

_____ **approved upon acceptance and conformity with the following conditions:**

1. That the “streets” be dedicated to the public and the front setbacks shall be a minimum of 25 feet.
2. There shall be a homeowner’s association to own and maintain all common amenities such as the parking lot, sidewalks, landscaping, mail kiosk, and stormwater management facility.
3. That NCDEQ approval be obtained for the stormwater management facility and retaining wall within the riparian buffer.

_____ **denied for the noted reasons.**

1. _____

Decision made this _ day of _____, 2024, while in regular session.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk



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

SPECIAL USE PERMIT APPLICATION

Pursuant to Article 4, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Special Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans and one (1) digital copy of all required documents, an Owner's Consent Form (attached) and the application fee.

SITE INFORMATION:

Name of Project: Country Club Road Townhomes (Prelim) **Acreage of Property:** 9.080 Ac. (Total); 8.026 Ac. (Clear of R/W)
Parcel ID Number: 168210-36-1843 **Tax ID:** 15J11023
Deed Book: 3192 **Deed Page(s):** 134 - 136
Address: No address assigned
Location: Subject property is located on the corner at the intersection of Country Club Road (SR 1345) and US 301

Existing Use: Vacant **Proposed Use:** Residential/Townhomes
Existing Zoning District: B-3

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: _____ Date Submitted: _____ Date Received: _____ Amount Paid: _____

OWNER INFORMATION:

Name: Edward E. Sutton, Jr; Kelly C. Sutton; James Keith Smith; Edna Lynn Smith

Mailing Address: 150 Autumn Drive, Four Oaks, NC 27524

Phone Number: 919 730-7692

Fax:

Email Address: keithsmithfarms@aol.com

APPLICANT INFORMATION:

Applicant: Crantock Land, LLC

Mailing Address: 5160 NC Highway 42 West, Garner, NC 27529

Phone Number: 919 971-5353

Fax:

Contact Person: Lanny Clifton

Email Address: lannycliftonbuilder@gmail.com

STATEMENT OF JUSTIFICATION

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

This project is located at the intersection of US 301 (an arterial connector between Smithfield and Four Oaks) and Country Club Road (a local residential road with access to the Johnston County Country Club). The property is zoned B-3 and is situated adjacent, eastward from R-10 (existing single-family residential subdivision); and across Country Club Road, southward from R-10 (existing single-family) and O&I (vacant & existing office uses); and across US 301, westward from B-3 (existing business) and R-20A (vacant). Generally speaking, the property is surrounded by a mix of residential and commercial zoning and uses. This is consistent with the Town's Land Use Plan and Growth Management Plan which identifies this tract and surrounding parcels as a "Mixed Use Center". The Town Plan goes on to describe Mixed Use Centers as "...commercial centers mixed with multi-family and (possibly) single-family residential." The proposed use as laid out according to the attached Preliminary Site Plan will be multi-family townhome units. The proposed townhome use fits perfectly within the definition of Mixed Use Center as this area has been designated. Other more intense commercial uses are allowed within the B-3 zoning district; however, we believe that multi-family residential is a more natural transition between the adjacent single-family zoning/uses and the surrounding commercial zoning/uses; AND that multi-family residential is a more appropriate highest and best use for this property.

The plan as proposed intends to meet the Findings of Fact as described below and has been laid out to meet the current requirements, standards and regulations of the Town of Smithfield. All other local, state or federal regulations shall be addressed and followed as construction drawings are prepared and developed.

REQUIRED FINDING OF FACT

Article 4 of the Town of Smithfield Unified Development Ordinance requires applications for a Special Use Permit to address the following findings. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which this section requires. The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
(See Findings of Fact Attachment Sheet)

- 2) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
(See Findings of Fact Attachment Sheet)

- 3) Adequate utilities, drainage, parking, or necessary facilities have been or are being provided
(See Findings of Fact Attachment Sheet)

- 4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
(See Findings of Fact Attachment Sheet)

- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
(See Findings of Fact Attachment Sheet)

- 6) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property.
(See Findings of Fact Attachment Sheet)

- 7) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.
(See Findings of Fact Attachment Sheet)

- 8) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
(See Findings of Fact Attachment Sheet)

REQUIRED SITE PLAN INFORMATION

Article 5 of the Town of Smithfield Unified Development Ordinance requires a site plan be prepared by a professional engineer, registered land surveyor, or licensed architect and shall be drawn to scale of not less than one inch equals 30 feet. 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. The site plan shall contain the following information, if applicable as determined by the UDO Administrator:

- 1) A key map of the site with reference to surrounding areas and existing street locations.
- 2) 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.
- 3) Parcel Identification Numbers (PIN) for site and adjacent properties.
- 4) Deed book and page reference demonstrating ownership of property.
- 5) Location of all existing and proposed structures, including their outside dimensions and elevations, streets, entrances, and exits on the site, on contiguous property, and on property directly across the street.
- 6) Building setback, side line, and rear yard distances.
- 7) Location of watercourses, ponds, flood zones, water supply watershed areas, and riparian buffers.
- 8) 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, and significant soil conditions.
- 9) Topography showing existing and proposed contours at no greater than ten (10) foot intervals. All reference benchmarks shall be clearly designated.
- 10) The zoning of the property, including zoning district lines where applicable.
- 11) Lot line dimensions and property lines of the tract to be developed (with dimensions identified), adjacent property lines (including corporate limits, Town boundaries, and county lines).
- 12) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles, and curb radii per the requirements of Article 10, Part I.
- 13) Types of surfaces for drives, sidewalks, and parking areas.
- 14) Location and design of existing and proposed sanitary waste disposal systems, water mains and appurtenances (including fire hydrants) on or adjacent to the parcel.
- 15) Other utility lines both under- and above-ground, including electric power, telephone, gas, cable television.
- 16) Location of all US Clean Water Act Section 404 wetland areas, located of 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.
- 17) The location of all common areas.
- 18) The location and dimensions of all areas intended as usable open space, including all recreational areas. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
- 19) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees, and dimensions, approximate time of planting, and maintenance plans per the requirements of Article 10, Part II. The plan shall include the tree line of wooded areas and individual trees eight (8) inches in diameter or more, identified by common or scientific name.
- 20) Proposed site lighting.

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 Special Use Permit. 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.

Lanny Clifton (Agent for Crantock Land, LLC)

Print Name

Lanny Clifton *8-1-24*
Signature of Applicant *Date*

OWNER'S CONSENT FORM

Name of Project: Country Club Road Townhomes Submittal Date: 8/1/24

OWNERS AUTHORIZATION

I hereby give CONSENT to BRL Engineering & Surveying (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.

Keith Smith Keith Smith 8-1-24
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.

Lanny K. Afton LANNY K. AFTON 8-1-24
Signature of Owner/Applicant *Print Name* *Date*

FOR OFFICE USE ONLY		
File Number: _____	Date submitted: _____	Date received: _____

SPECIAL USE PERMIT - FINDINGS OF FACT ATTACHMENT SHEET

for

COUNTRY CLUB ROAD TOWNHOMES (Preliminary Site Plan)

- 1) *The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.*

The plan will be required to meet all applicable standards, regulations & codes which are in place to help ensure that NO detrimental impacts or dangers are incurred. Concerns related to the environment, stormwater, traffic, etc. are either addressed directly on the attached Preliminary Site Plan, or shall be addressed with future submittal of construction drawings, all prior to any construction taking place (some of these concerns are also addressed below). All applicable regulations shall be met or exceeded by the proposed development.

- 2) *The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The proposed townhomes are a natural transition between existing, surrounding residential zoning/uses and commercial zoning/uses. Furthermore, this area is designated as a "Mixed Use Center" as defined in the Town's Land Use Plan which recommends this area to be "...commercial centers mixed with multi-family and (possibly) single-family residential." So, the proposed townhomes "fit" this recommendation precisely. More intense uses are certainly allowed within the current B-3 zoning; however, we believe townhomes present a more logical transition and less intense use compared to other possible and allowable uses in the B-3 zoning district.

- 3) *Adequate utilities, drainage, parking, or necessary facilities have been or are being provided.*

Regarding drainage, a network of standard inlets and pipes will be installed within the streets to convey on-site runoff toward a designed/engineered stormwater pond, all in accordance with Town standards and regulations. The proposed stormwater pond is also indicated on the Preliminary Site Plan. Regarding utilities, both water and sewer (including a proposed pump station) are also indicated on the Preliminary Site Plan, in accordance with Town standards and regulations. Regarding parking, on-site driveways have been widened in front of the front-loading garages on each lot to provide at least 2-car on-site parking "outside" of the unit, PLUS an additional space "inside" the garage (3 total spaces on each lot). Additional parking and overflow parking is also provided in the center of the site dedicated for active open space, temporary access to mail kiosks, and for potential overflow event parking. Any other facilities as required shall be designed to meet all applicable codes and regulations.

- 4) *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.*

The townhome use does not propose any known sources of such nuisances. Such nuisances would generally be attributed to more intense commercial or industrial uses and not generally associated with a multi-family townhome project.

- 5) *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

A single drive entrance is proposed from the townhome project onto Country Club Road (SR 1345). Because the entrance will connect to an existing NCDOT road, all requirements for an NCDOT driveway connection and permit must be met (including requirements for sight distance, drainage and safe traffic movements). Although preliminary investigations do not indicate that special road improvements will be necessary, the NCDOT reserves the right to require improvements as final construction drawings are developed and permits are requested.

- 6) *That the use will not adversely affect the use or any physical attribute of adjoining or abutting property*

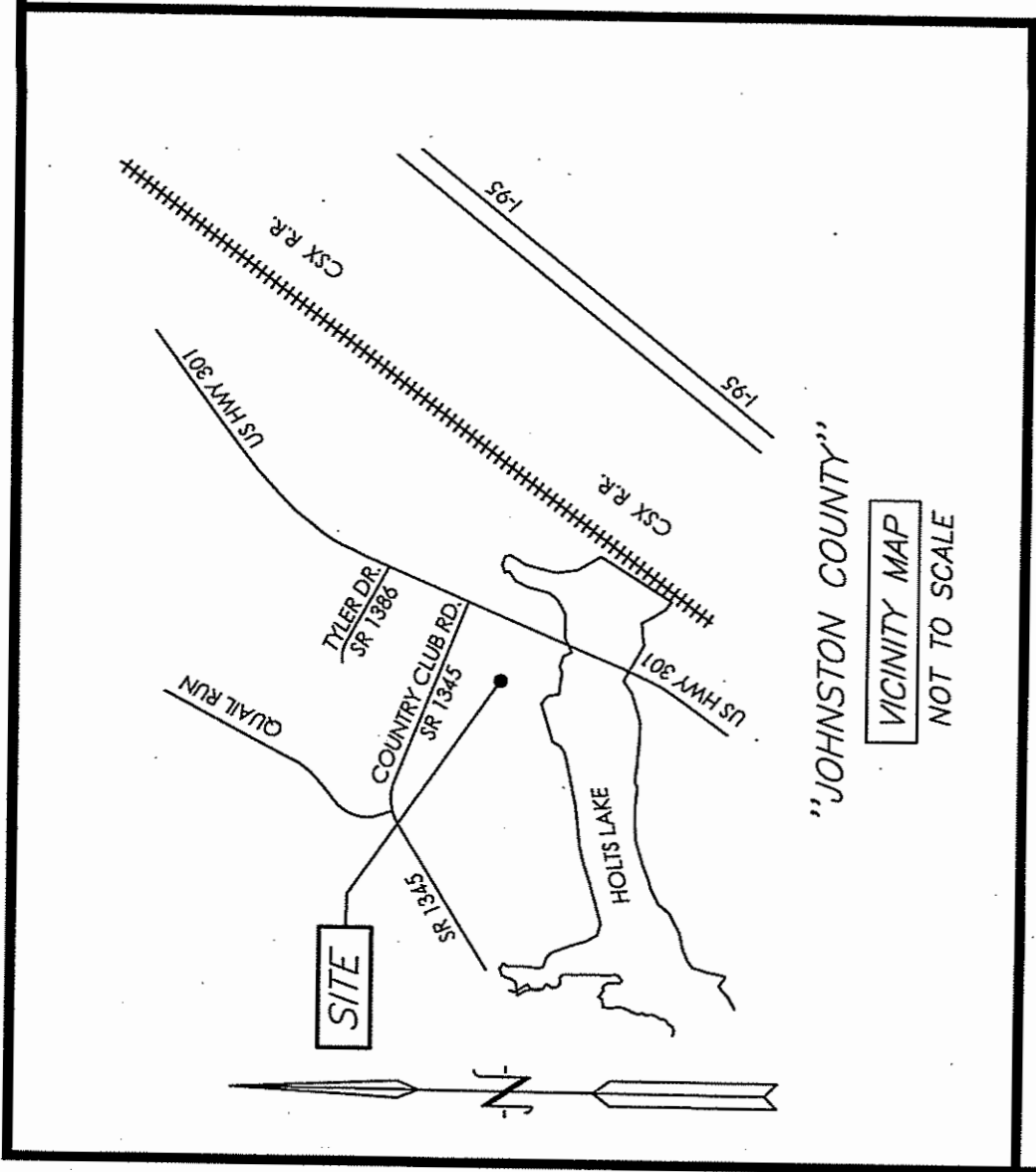
The project is bordered by Country Club Road along the north and US 301 along the east (both NCDOT roads), and it is bordered by Holts Lake along the south. This leaves only the existing Lakeside subdivision bordered on the west of the property as a potential area for adjacent property impacts. It appears only 4 lots from the subdivision back up to the common line with the project. This common/shared line with the subdivision is defined by an existing, mostly dry ditch bed for drainage. It is anticipated that the final grading plan for the project will direct runoff from the townhomes back toward the proposed streets internal to the project, thereby reducing impact of runoff toward this ditch feature. Any drainage from the development toward this ditch will be analyzed for flow capacity and velocity according to current erosion control standards and best engineering practices. Additionally, a Type A landscape buffer is required along this side and is indicated on the Preliminary Site Plan. The landscape buffer will be in addition to existing vegetation which shall be preserved to the maximum extent possible near the property line, creating a visual barrier between the adjacent properties.

- 7) *That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located*

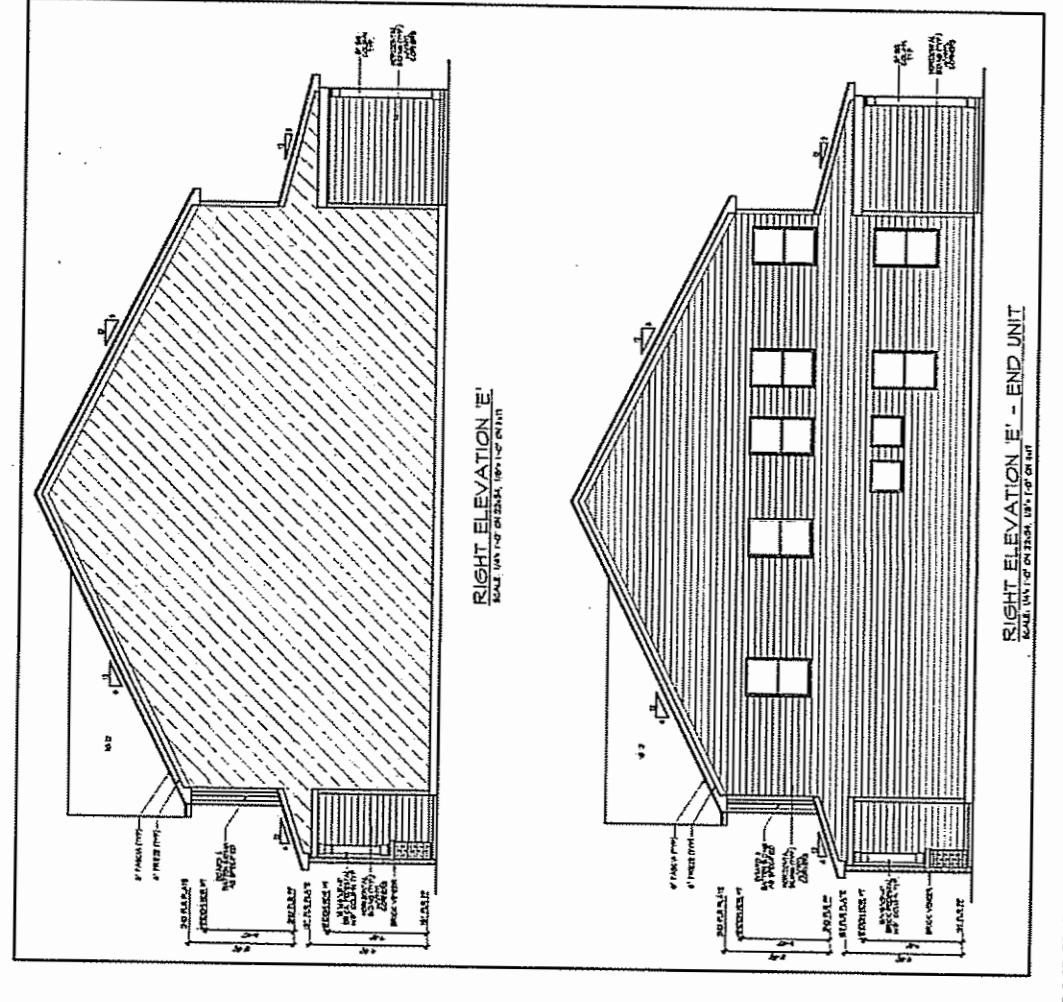
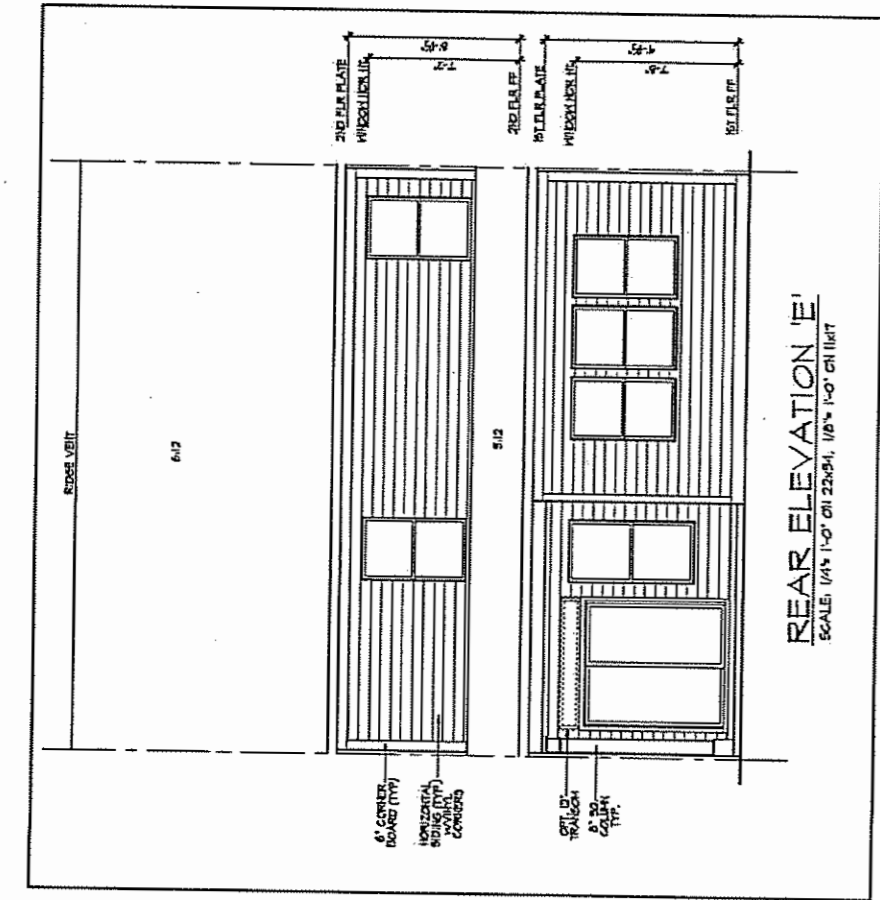
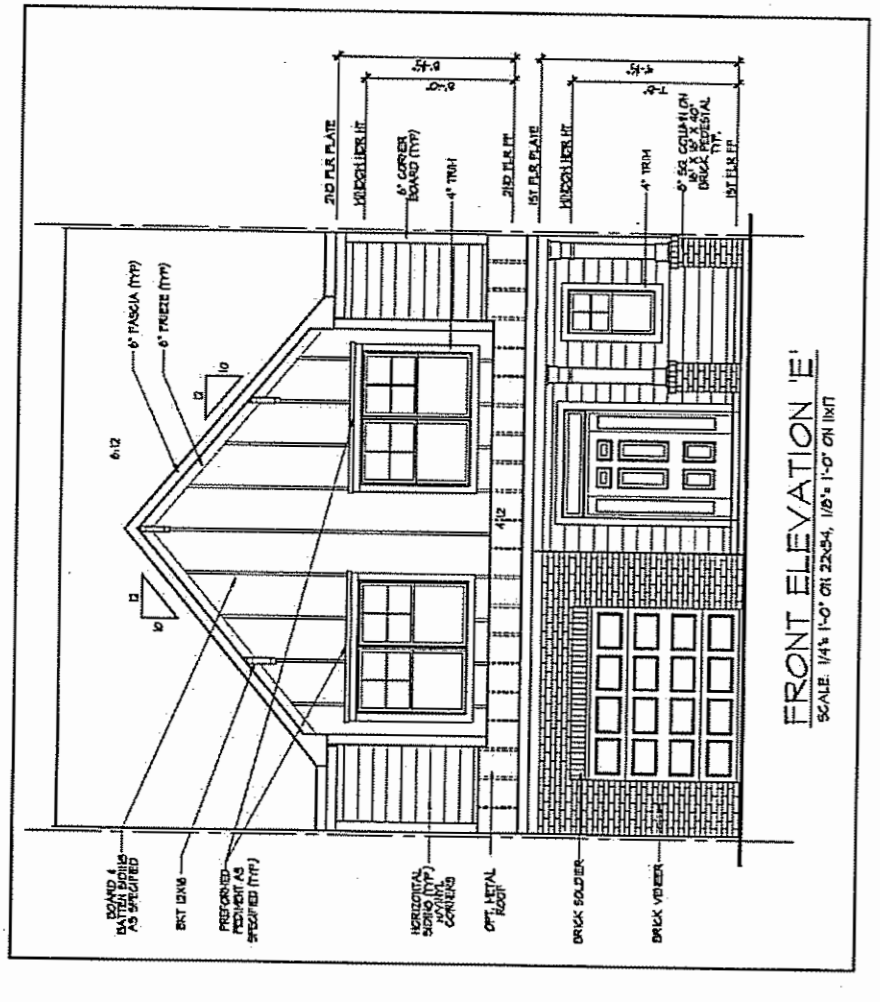
It has already been stated that this plan is consistent with the Town's definition of future land use for this site and surrounding properties (ref: Finding of Fact #2 above). Furthermore, the townhomes will be located between existing single-family uses to west and existing commercial/future-zoned-commercial to the east at the intersection of Country Club Road and US 301. Therefore, the multi-family townhomes present a logical transition between the single-family residential uses and the office/commercial uses & zoning (from west to east).

- 8) *The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.*

As mentioned already in several responses above, this project is required to meet, and shall conform to, all applicable federal, state and local regulations as required. This applies throughout the entire cycle and processes of the project, from this Preliminary Site Plan for Special Use permitting, to design of detailed/engineered Construction Drawings, to actual construction and project close out. Numerous agency reviews and inspections at various levels helps to ensure the project meets all regulations from beginning to end of the project.

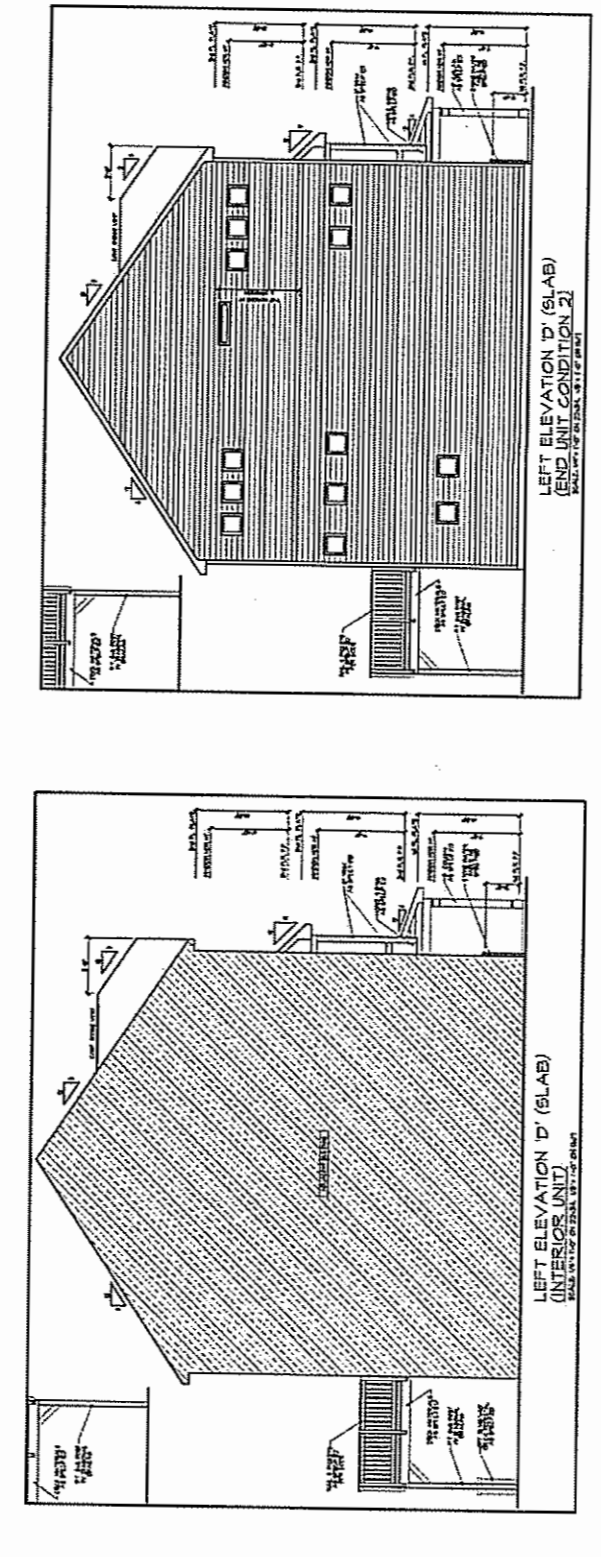
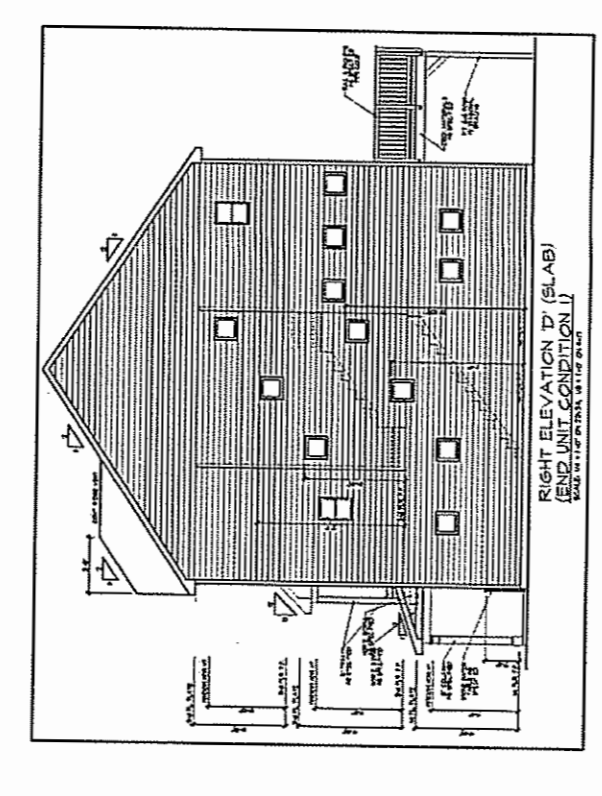
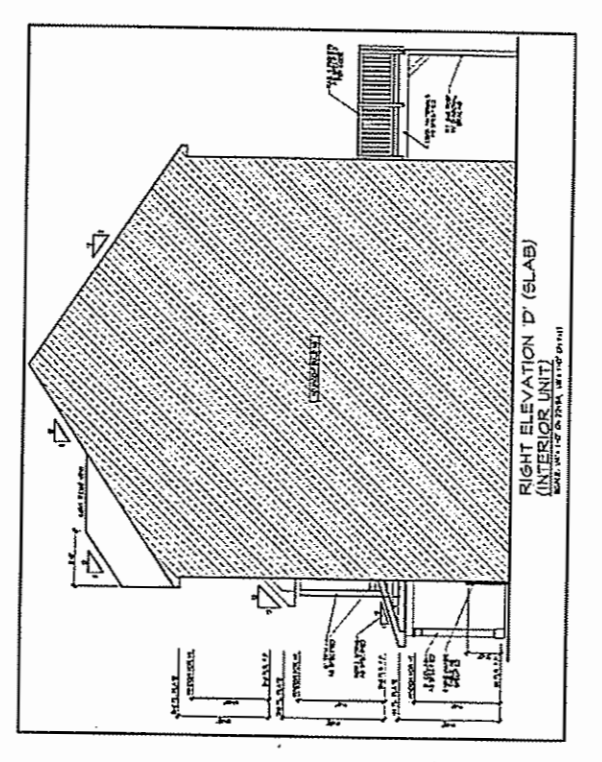
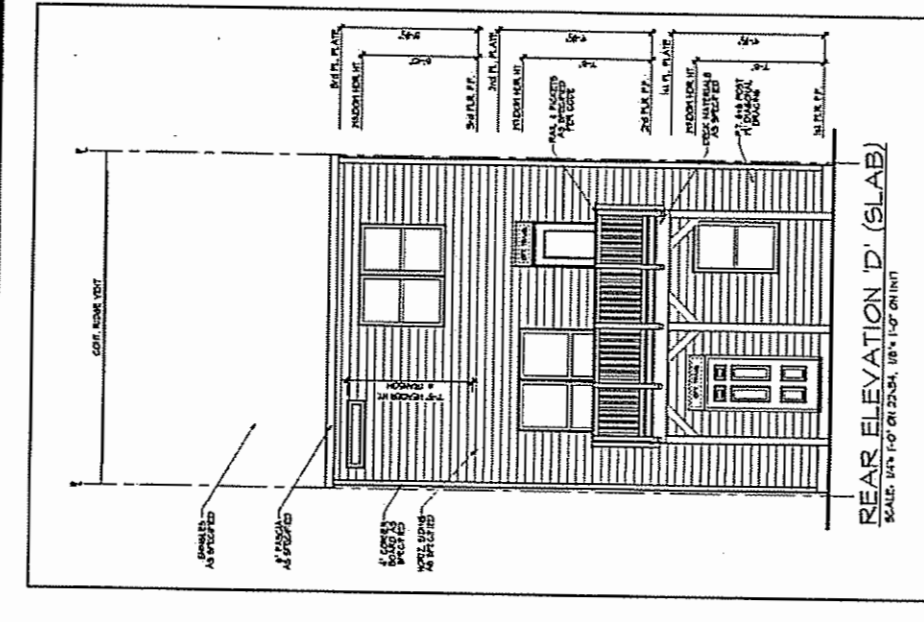
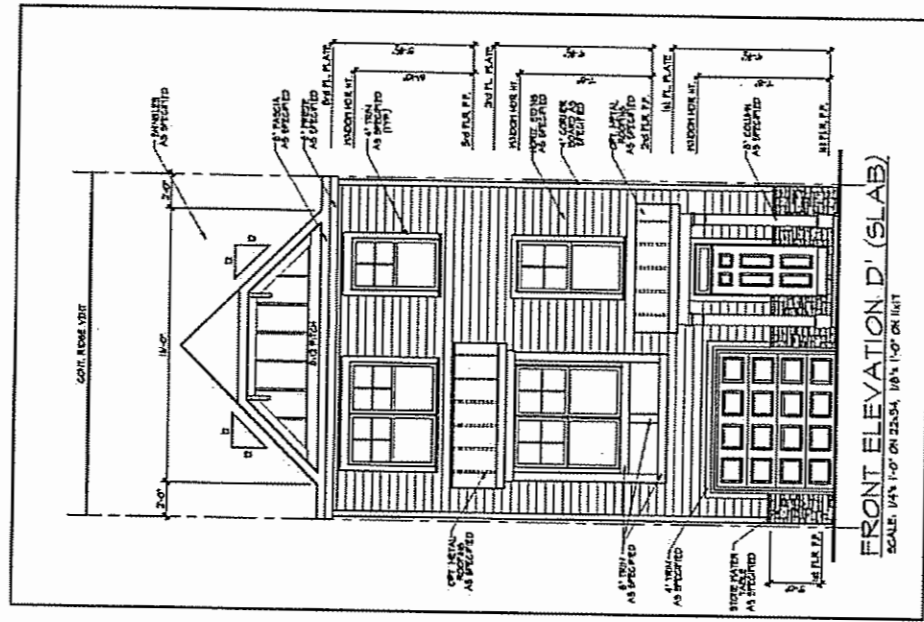


**FINAL DRAWING - FOR
REVIEW PURPOSES ONLY**
(NOT RELEASED FOR CONSTRUCTION)



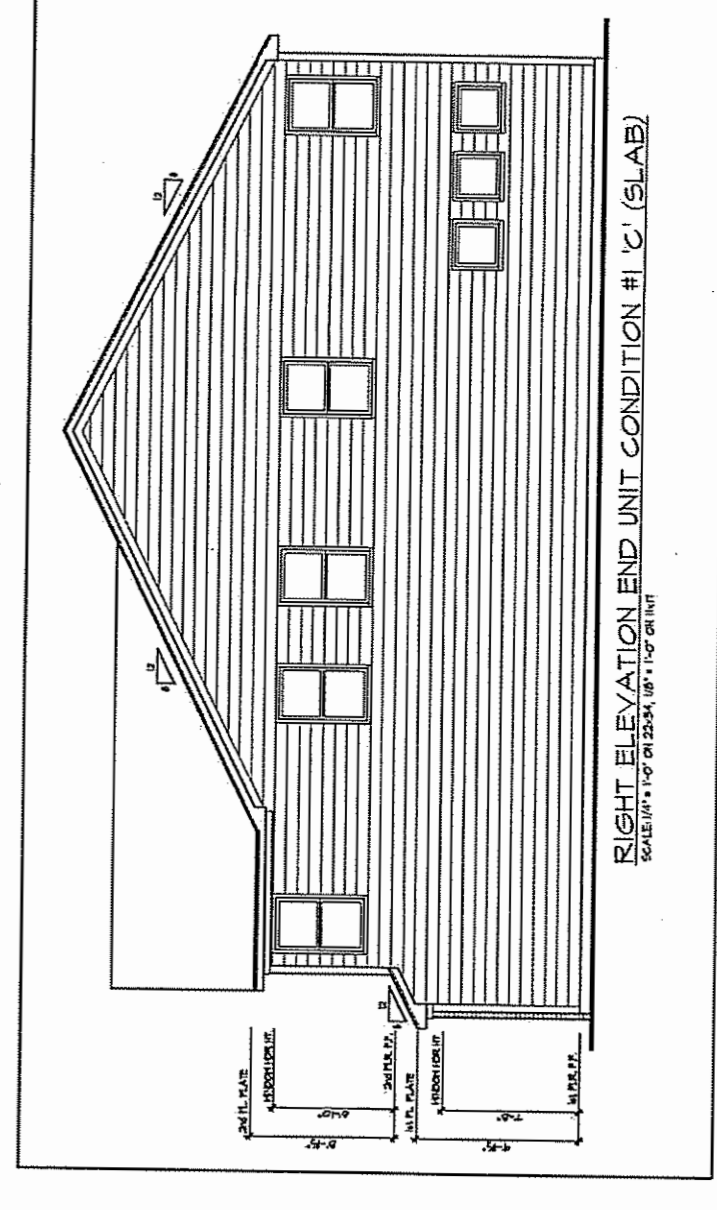
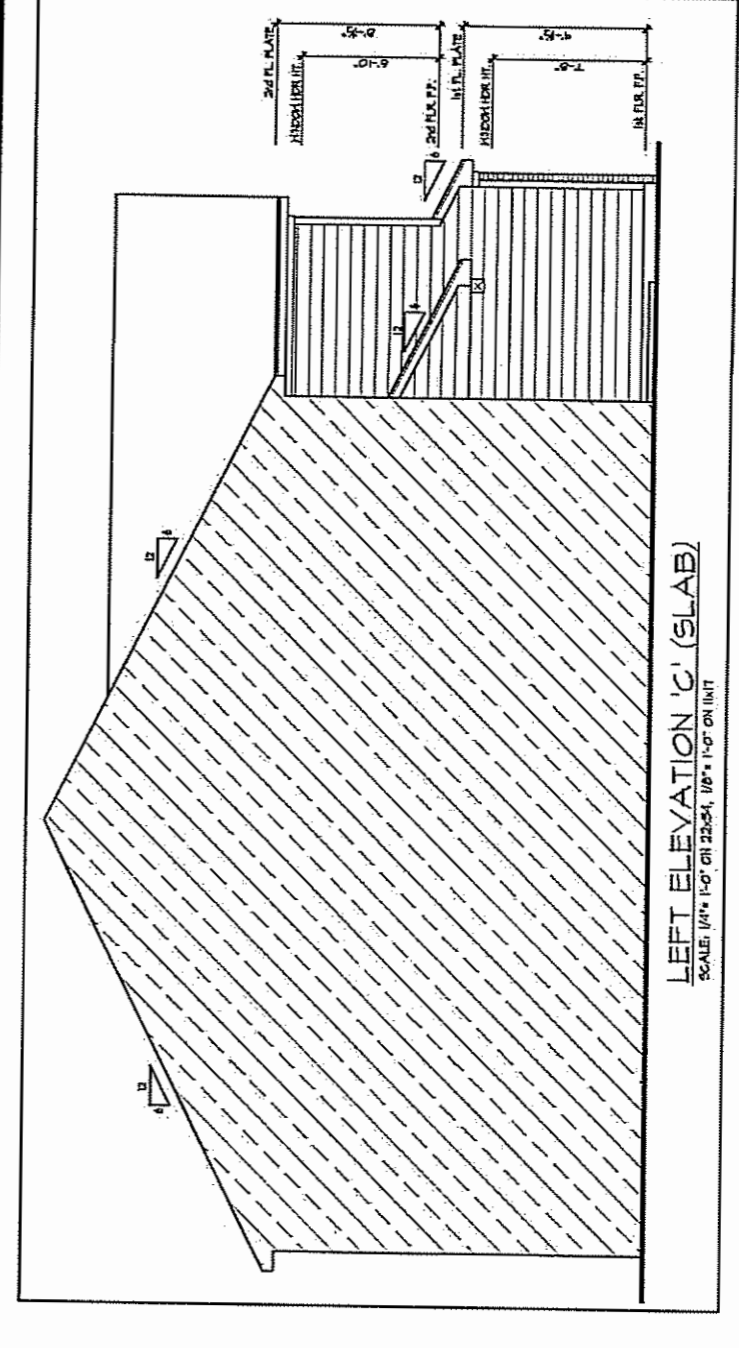
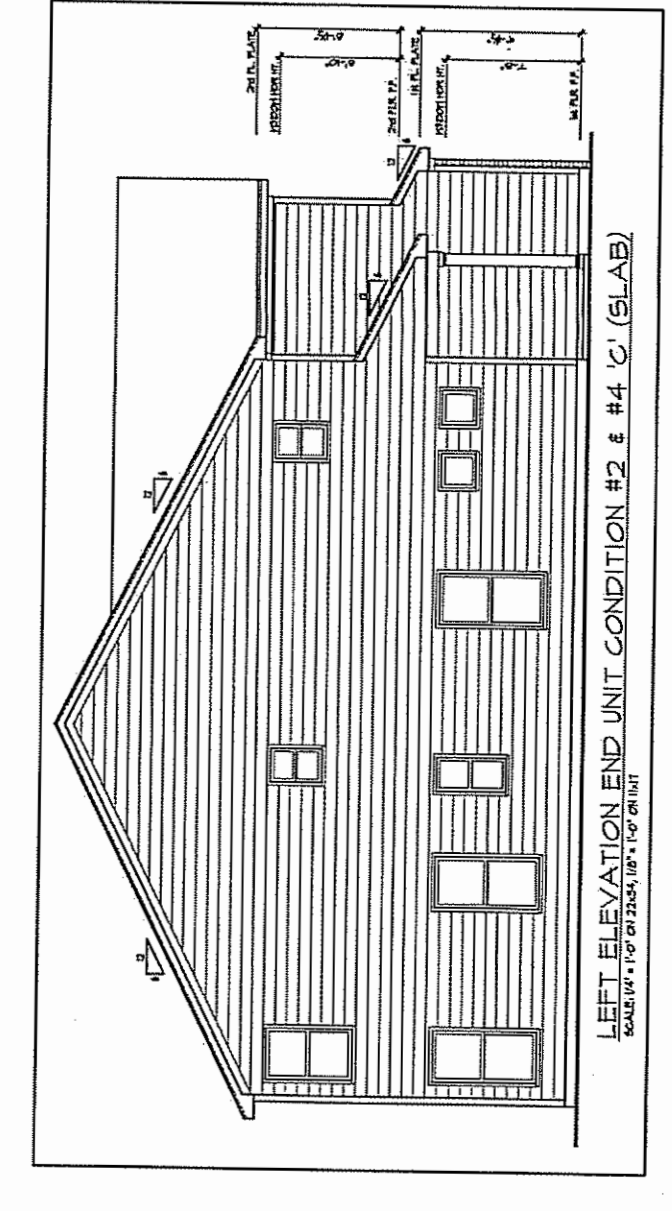
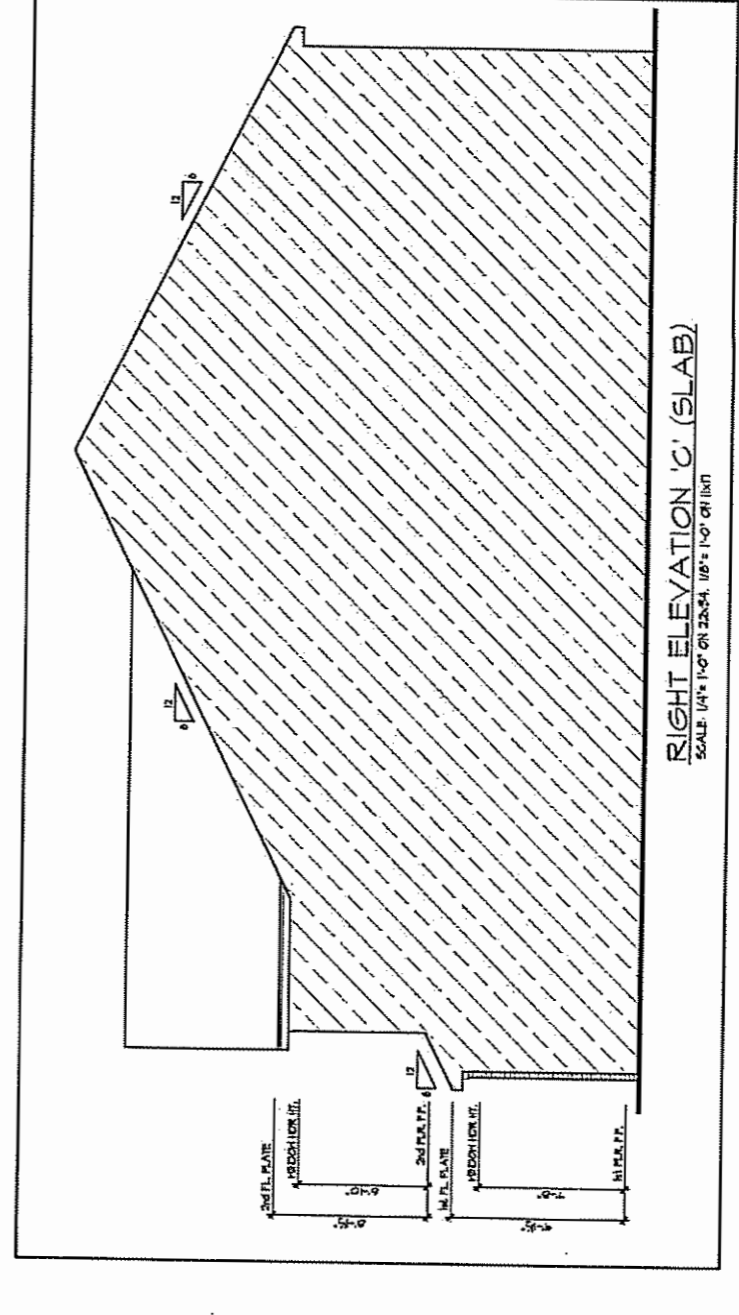
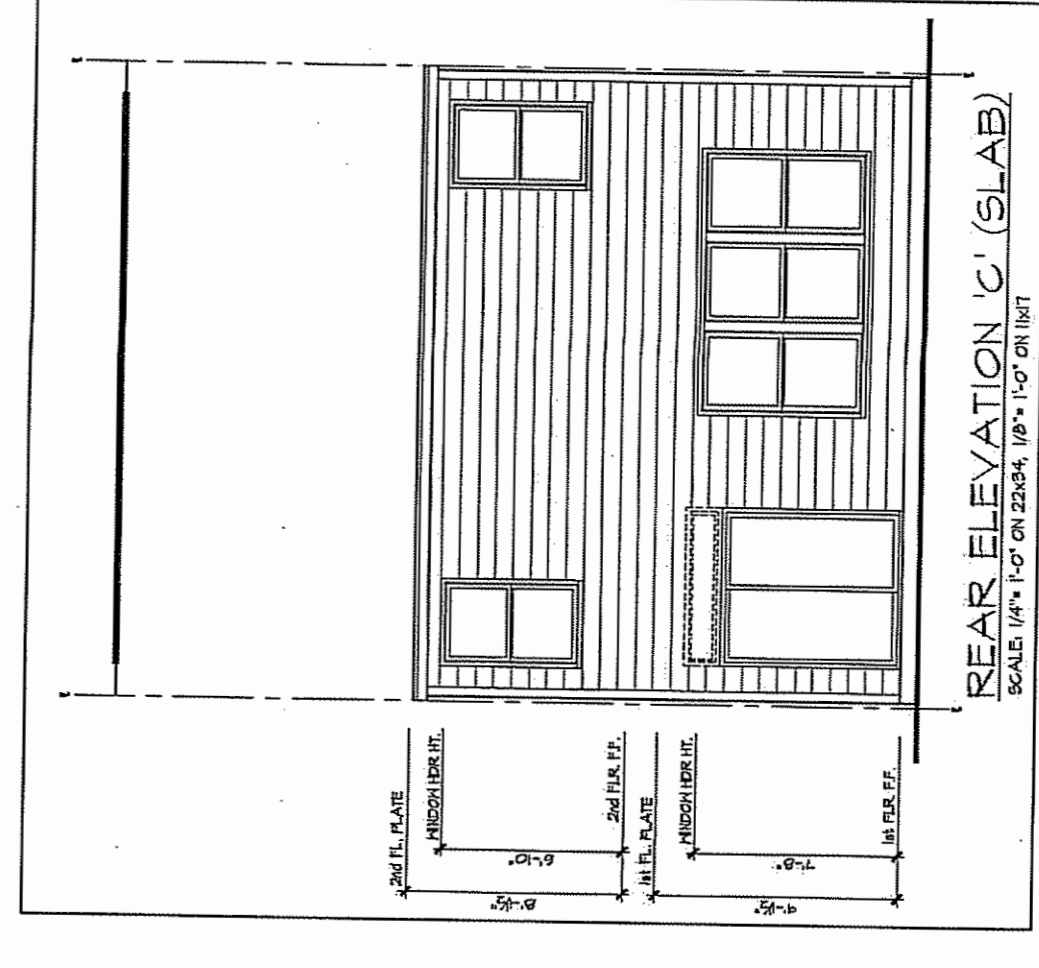
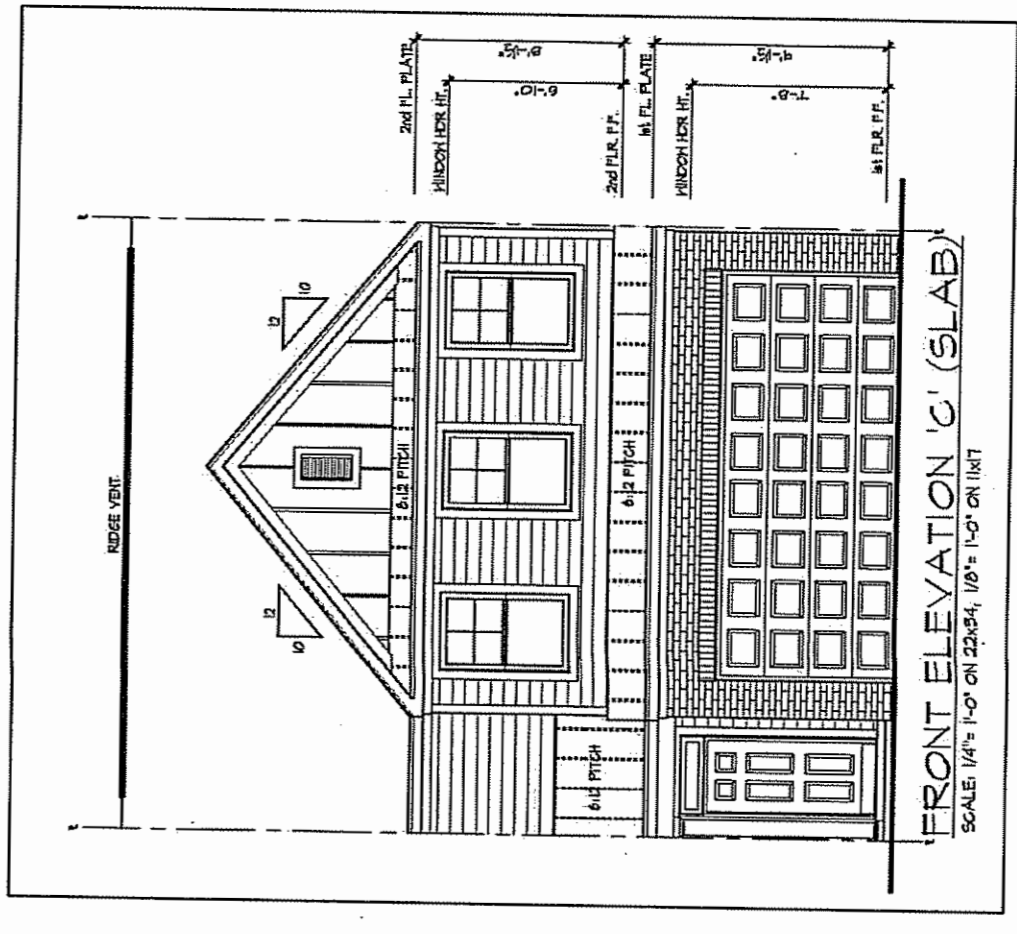
TARGET 2-STORY 1-CAR TOWNHOME ELEVATION

- NO SCALE
- NOTES:
- Plans and Elevations provided by Eastwood Homes.
 - Information on this plan is provided for informational purposes only. Future builder and final building details have not yet been determined at this preliminary stage of design and permitting.
 - Target Units reflect the current potential and probable unit styles for final construction and layout. The product and its details are subject to change without notice.
 - Materials for the front facade on all units in this project are intended to be brick or stone as the primary front facade material, mixed with other rigid horizontal or vertical siding or shingle feature.



TARGET 3-STORY 1-CAR TOWNHOME ELEVATION

- NO SCALE
- NOTES:
- Plans and Elevations provided by Eastwood Homes.
 - Information on this plan is provided for informational purposes only. Future builder and final building details have not yet been determined at this preliminary stage of design and permitting.
 - Target Units reflect the current potential and probable unit styles for final construction and layout. The product and its details are subject to change without notice.
 - Materials for the front facade on all units in this project are intended to be brick or stone as the primary front facade material, mixed with other rigid horizontal or vertical siding or shingle feature.



TARGET 2-STORY 2-CAR TOWNHOME ELEVATION

- NO SCALE
- NOTES:
- Plans and Elevations provided by Eastwood Homes.
 - Information on this plan is provided for informational purposes only. Future builder and final building details have not yet been determined at this preliminary stage of design and permitting.
 - Target Units reflect the current potential and probable unit styles for final construction and layout. The product and its details are subject to change without notice.
 - Materials for the front facade on all units in this project are intended to be brick or stone as the primary front facade material, mixed with other rigid horizontal or vertical siding or shingle feature.

PRELIMINARY STORMWATER STATEMENT / NARRATIVE

for

COUNTRY CLUB ROAD TOWNHOMES

- LOCATION:** This Site is located in the Town of Smithfield Corporate Limits, at the southern intersection of US 301 and Country Club Road (SR 1345) and backs up to Holts Lake; approximately 500 ft South from the intersection of US 301 and Tyler Drive (SR 1386).
- DEVELOPER:** Crantock Land, LLC
5160 NC Highway 42 West
Garner, NC 27529
- CONSULTANT:** BRL Engineering & Surveying

BACKGROUND & OVERALL STORMWATER APPROACH:***SPECIAL SECTION REGARDING APPLICABLE REGULATIONS:***

The Town of Smithfield has two separate sections of stormwater regulations found in its UDO. Both of these programs are handed down from the State and enforced by the Town. The first program (which is Town-wide) is the Neuse Basin Nutrient Stormwater Strategies of 15A NCAC 02B.0711 / Town UDO Sect. 10.50. The other program (which is specific to the protected and critical watershed areas in Town) is the Water Supply Watershed Protection Program of 15A NCAC 02B.0620 / Town UDO Sect. 10.92. Only the Neuse Basin Nutrient Stormwater Strategies regulations appear to be applicable to this project (the site is located outside of the Water Supply Watershed Area). In general, both of these regulations limit low-density sites to be at or below 24% impervious area, which this project intends to meet (see sections below). Low density sites are not required to install structural stormwater control measures (SCM's) that high-density projects must install. Also, the Neuse Basin Nutrient Strategies limit the amount of nitrogen to 3.6 lb/ac/yr leaving the site. This project also intends to be below this nitrogen limit (see sections below).

GENERAL SITE INFO / STORMWATER NARRATIVE-APPROACH:

The Preliminary Site Plan as currently laid out by our office depicts 60 new townhome lots on a vacant parcel of land. The townhome lots will be laid out along new/internal town streets which will extend from a single entrance off Country Club Road. This project requires new/proposed extensions of public infrastructure (ie. streets, water and sewer, including a new town sewage pump station). After construction and acceptance of the new infrastructure by the Town, then a final survey will be recorded at the courthouse and the new townhome lots established for future home construction by a builder. The initial/total property boundary currently encompasses approximately **8.026 acres +/-** (clear of existing road rights-of-way) *which shall be the basis for overall site compliance with the Town's zoning regulations as well as stormwater regulations.* The proposed 60-lots will be laid out on relatively high ground outside of wetlands and riparian buffer areas and also outside/above the 100-year floodplain. Calculations provided below indicate relatively high density and impervious areas for stormwater purposes, making this a "high-density" project (which requires additional structural measures or devices for treatment). The calculations also indicate that nitrogen loading rates are above minimum thresholds (requiring additional treatment or mitigation measures). The property is zoned B-3 which allows townhome units with a Special Use Permit (which this preliminary statement is written for) and all lot sizes and density requirements shall comply with Town of Smithfield zoning regulations, as applicable. The total site is currently lightly wooded on most of the site with more

heavily wooded portion along the western property where a dry drainage ditch separates this property from several lots in an adjacent subdivision. The site backs up to Holts Lake at the south and is moderately sloped draining directly toward the lake, with environmental areas (wetlands and buffers) near the lake shore, as well as a 100-yr floodplain. Regarding Neuse Riparian Buffers, the lake itself as well as the dry ditch to the west are indicated as drainage “features” on either the County Soils Map or the USGS Quad Map; however, the dry ditch feature to the west was determined to NOT be considered a riparian buffered stream and therefore this feature is not indicated on the Preliminary Site Plan. This determination was made by Brown’s Environmental Group, Selma, NC and confirmed by NCDEQ (ref: DWR Project #24-226, dated 7/22/24). No townhome lots or other public infrastructure impacts the buffers at the lake, however a retaining wall is intended to be constructed just beyond Zone 1 of the buffer in order to elevate the future lots above the 100-year floodplain and/or other major flood events. This retaining wall is indicated on the Preliminary Site Plan. Wetlands have also been identified by Brown’s Environmental Group as being a small area close to the lakeshore as indicated on the Preliminary Site Plan. No impacts to buffers are currently anticipated as indicated by this Preliminary Site Plan. Grading or filling to the elevate lots in the floodplain may require a FEMA LOMR-F approval. Also future townhome construction (after the development) could also require individual elevation certificates prior construction of townhomes. All construction in the floodplain must comply with all requirements of the Town’s local floodplain regulations. After approval of this Preliminary Plan and the related Special Use Permit by the Town, then Final Construction Drawings for this project should be developed in general conformance with this approved plan. Although some adjustments to this plan may be necessary during the life cycle of the project, all current and future plans must be consistent and in compliance with all Town and other required regulations.

IMPERVIOUS AREA and OTHER PROJECT AREAS:

Total impervious area for this site was pre-computed at 3.862 acres for the project, which includes the Townhome lots, as well as streets, curb, sidewalk, parking areas, etc. (see impervious areas below). Relative to the total project boundary, this impervious exceeds the 24% threshold for a low-density site, making this project a high-density site which requires structural volume storage/containment/treatment measures (SCM’s). Nitrogen Loading was also calculated to exceed the minimum 3.6 lb/ac/yr nitrogen which may require additional treatment and/or offset/mitigation fees. Disturbed Area has not been computed for this preliminary plan; however, this site will certainly exceed the 1.0 acre permitting threshold and therefore WOULD require State Erosion Control Plans & Permitting. A more detailed breakdown of impervious area and other project areas for this development are as follows:

OVERALL PROJECT AREAS:

- 2.328 Ac +/- (Townhome Lots)
- 1.528 Ac +/- (Internal Street R/W)
- 0.260 Ac +/- (Active Open Space – 11,315 sq.ft +/-)
- 3.845 Ac +/- (Passive Open Space, includes Public Parking/Vehicular Areas)
- 0.065 Ac +/- (Other Areas: Town Pump Station – 2,815 sq.ft +/-)
- 8.026 Ac TOTAL SITE**

IMPERVIOUS AREAS: (24% Threshold for "Low-vs-High Density" Site)

1.735 Ac +/- (Conserv)(Street/Asphalt/Sidewalk/Driveway-Portions – in New/Proposed R/W)

2.027 Ac +/- (Conserv) (Townhome Lots) *(Pre-computed, see below)

0.100 Ac +/- (Conserv) (Active Open Space/Playground/Recreation, Pump Station, etc)**3.862 Ac +/- (Conserv) TOTAL IMPERVIOUS**Percentage: 3.862 Ac / 8.026 Ac Total Site = **48.1% (Meets "High-Density")***Impervious PER LOT: 1,440 sq.ft. (for 1-Car Garage, Standard TH Unit) X 52 Lots
1,675 sq.ft. (for 2-Car Garage, Large TH Unit) X 8 Lots**PERMANENT/UNDISTURBED AREAS:**0.522 Ac (Passive Open Space; Mostly Wetlands & Zone 1 Buffers – Not Impacted This Plan)**0.522 Ac TOTAL PERMANENT/UNDISTURBED AREA**Percentage: 0.522 Ac / 8.026 Ac Total Site = **6.5%****PERMANENT/MANAGED AREAS:**

0.301 Ac (Grass and Other Managed Areas Remaining on TH Lots)

3.341 Ac (Grass and Other Managed Areas Remaining on Open Space)**3.642 Ac TOTAL PERMANENT/MANAGED**Percentage: 3.642 Ac / 8.026 Ac Total Site = **45.4%****PEAK RUNOFF REDUCTION:**

As stated above, total impervious is ABOVE the allowable 24% threshold, making it a "high-density" project (from a stormwater perspective) and therefore a stormwater volume containment/treatment measure (SCM) is required. A preliminary sized stormwater wet pond (SCM) is indicated on the Preliminary Site Plan in order to meet the stormwater requirements.

NITROGEN LOADING ESTIMATE:

Total Nitrogen Export WITHOUT TREATMENT from this subdivision is estimated to be **10.785 lb/ac/yr** (see attached calculations – "Method 2"). This IS ABOVE the allowable limit of 3.600 lb/ac/yr, and it slightly exceeds the maximum "buy-down threshold" of 10.0 lb/ac/yr. Therefore, some minimal nitrogen "treatment" (at the SCM) will be required to reduce nitrogen below the 10.0 lb/ac/yr threshold, AND THEN the remaining nitrogen may be "bought-down" by payment of the required mitigation fee.

EXISTING DRAINAGEWAYS, RUNOFF PATTERNS, and DOWNSTREAM/UPSTREAM ANALYSIS:

This site is situated adjacent to the northern lakeshore of Holts Lake. Relative to the property, the lake borders along the south, US 301 borders along the east, Country Club Road borders along the north, and an existing, normally-dry ditch borders to the east where lots from the adjacent Lakeside Subdivision back up to. The site is moderately sloped toward the lake, and most offsite drainage generally bypasses the site by draining either along the ditch to the east OR along the adjacent roadside ditches of US 301 and Country Club Road. Generally speaking, very little offsite runoff drains to this site, and on-site runoff from this site flows gently but directly toward Holts Lake. There is a 100-year floodplain along the shore of Holts Lake, therefore any proposed development, grading, filling, buildings, etc. shall be designed and constructed in conformance with all Town floodplain regulations. Because very little offsite runoff is directed across this site, no apparent impacts are anticipated to upstream properties. Regarding downstream impacts, the final construction drawings for this development should be graded so that by in large the townhome lots drain toward the street

storm drainage network, and the street storm network conveys both lot runoff and street runoff to the proposed stormwater containment pond for treatment and attenuation as required to meet Town stormwater requirements. If this grading pattern is followed and the pond is designed to meet current stormwater standards, then the runoff should be acceptably "treated" for water quality and "managed" for water quantity, thereby mitigating downstream impacts to properties, or the lake in this case. As stated, because the project is located along a 100-year floodplain, any site construction, including grading and filling in the floodplain shall comply with the local floodplain regulations. Future townhome units or other buildings are NOT part of this plan and we, nor the applicant/developer, while target unit types are illustrated on this Preliminary Plan, the specific final unit is to-be-determined and future builders are responsible for any rough or fine grading of the lots for proper drainage. Therefore, each lot should be graded by on-site builders in conformance with current building code and industry standards and regulations. Runoff should be directed by future builders from each lot either toward the adjacent street curbline. Sheet flow should be maintained from ALL proposed lots to the maximum extent practical. Again, this project is designed to be a "high-density" stormwater design and grading most of the runoff toward the designed stormwater pond will help ensure that negative downstream impacts are mitigated prior to leaving the site.

Sincerely,



BRL ENGINEERING & SURVEYING

Brian R. Leonard, PE, PLS
BRL/brl

Cc: None
Attachments: None



NITROGEN LOADING - METHOD 2 (Known Impervious Area/Building Footprint)			
Type of Land Cover	Area (acres)	TN export coefficient (lbs/ac/yr)	TN export from use (lbs/yr)
Permanently protected undisturbed open space (forest, unmown meadow, wetlands, buffers)	0.522	0.6	0.313
Permanently protected managed open space (grass, landscaping, etc.)	3.642	1.2	4.370
Impervious surfaces (roads, parking lots, driveways, roofs, paved or graveled storage areas, graveled roads, etc.)	3.862	21.2	81.874
TOTAL	8.026	----	86.558
NITROGEN LOADING RATE (lbs/ac/yr)			10.785

Impervious %: 48.1%

Project: Hartley Drive Townhomes

Description: 60Townhome Units on 60 Indiv. Lots

By: BRL

Date: 8/1/24

Buy-Down to 3.6 lbs/ac/yr:	7.185	lb/ac/yr
X ac. X 30 yr:	1,729.9	Total LBS. Buy Down

Multiply This by the Current Nitrogen Mitigation Rate

Country Club Townhome SUP

File Number:
SUP-24-03

Project Name:
Country Club TH

Location:
Country Club Road

Tax ID#:
15J11023

Existing Zoning:
B-3

Owner:
Edward & Kelly Sutton
James & Edna Smith

Applicant:
Brian Leonard
BRL Engineering



1 in = 208 ft
Map created by Chloe Allen
Planner I on 8/12/24



Sec. 2.19. Public Access to Property.

Every building or structure hereafter erected shall be located on a lot and the lot shall abut a public street or have access to an approved private street, or the lot shall abut a common area properly restricted through deed restrictions and/or property owners' association at least partly owned by the owner of the building, structure, or portion thereof.

Sec. 7.35. Multi-Family/Townhouse/Apartment/Condominium

7.35.1. Multi-family Apartment Complexes.

Multi-family apartment complexes shall comply with the following standards:

7.35.1.1. No off-street parking space shall be located closer than ten (10) feet to any residential building wall.

7.35.1.2. Sidewalks shall be constructed within the interior of the development to link residential buildings with other destinations such as, but not limited to: parking, adjoining streets, mailboxes, trash disposal, adjoining sidewalks or greenways and on-site amenities such as recreation areas.

7.35.1.3. Individual storage space containing at least twenty-four (24) square feet of enclosed floor area with a minimum height of seven (7) feet shall be provided for each dwelling unit in a multi-family development. Such storage space shall be located either in the same building as the dwelling unit it serves or in an accessory building that may also house parking, recreational, laundry, or other facilities that serve the residents of the development

7.35.1.4. Multi-family Apartment Complex Building Design and Appearance Requirements.

All buildings, including community building/club house, storage buildings, maintenance buildings, garages and buildings containing dwelling units shall be constructed with at least four (4) of the following five (5) building design and appearance requirements:

7.35.1.4.1. Multiple building materials (e.g., brick, fieldstone, limestone, marble, granite, textured block, architectural pre-cast concrete, concrete composite siding, wood clapboard siding, wood beaded siding, stucco, E.F.I.S., aluminum siding, etc.); Multiple surface textures (e.g., rough, striated, imprinted, etc.);

7.35.1.4.2. Multiple surface textures (e.g., rough, striated, imprinted, etc.);

7.35.1.4.3. Façade modulations (e.g., building off-sets of at least two (2) feet in depth for every forty (40) feet of building wall length);

7.35.1.4.4. Architectural elements (e.g., quoins, pilasters, soldier courses, friezes, cornices, dentils, etc.) or roof line changes (e.g., changes in direction of ridge, changes in elevation of ridge, inclusion of dormers, etc.);

7.35.1.4.5. Multiple colors (the maximum number of colors shall not be limited, provided however, that there shall be no more than three (3) discernable colors and the primary color shall constitute a minimum of sixty (60) percent of the façade (excluding windows, doors, roofing, fascia materials, or soffit materials).

7.35.1.4.6. All multi-family or apartment complex developments with one (1) or more dumpsters or a trash compactor must provide a recycling area and a cardboard dumpster; both shall be screened with similar materials to the dumpster or compactor enclosure.

7.35.1.5. Open Space (Recreation) Area Requirements. New multifamily developments of twenty-five (25) units or more shall be required, as a condition of site plan approval, to provide a minimum of eight hundred (800) square feet of unpaved, usable open space with lawn or other soft surface for an outdoor children's play area, plus an additional fifty (50) square feet of usable open space for each additional unit beyond the initial ten (10) units, up to a maximum of ten thousand (10,000) square feet, except that this requirement does not apply to multifamily development located downtown or to developments devoted exclusively to senior citizens.

7.35.1.5.1. The features and spaces should enhance the building and center as integral parts of the community. The use of such features as plazas, patios, and courtyards should be used when practical.

7.35.1.5.2. Active open space shall meet the minimum design criteria:

7.35.1.5.2.1. The minimum dimension shall be twenty-five (25) feet; and

7.35.1.5.2.2. Earth berms, vegetative screening, or fencing should separate the play area from driving and parking areas; and

7.35.1.5.2.3. Residents should have convenient access; and

7.35.1.5.2.4. The design should invite a variety of active and passive recreational activities appropriate for children by utilizing unique natural features, creating gentle slopes or berms, and providing other amenities such as seating benches or play equipment.

7.35.1.5.3. The children's play area shall not be located in any required landscape yard or buffer.

7.35.1.5.4. The children's play area may be dispersed on the site; provided, that the minimum size of each area is five hundred (500) square feet or larger.

7.35.2. Townhouses and Condominiums.

Townhouses and condominiums shall comply with the following standards:

7.35.2.1. Maintenance. A property owners association shall be established and shall maintain everything on the outside of the townhouses, including, but not limited to, open space, landscaping, siding, roofing, porches, trim, mailboxes, driveways, and alleys.

7.35.2.2. The applicant shall file in the Johnston County Register of Deeds office at the time of site development approval, legal documents which shall provide guarantees for reserving the use of open space for the use and enjoyment of the residents of the development and provide:

7.35.2.2.1. Continuity of proper maintenance for those portions of open space land requiring maintenance;

7.35.2.2.2. Availability of funds required for such maintenance;

7.35.2.2.3. Adequate insurance protection; and

7.35.2.2.4. Recovery for loss sustained by casualty, condemnation, or otherwise.

Sec. 8.13. Notes to the Zoning District Design Standards.

8.13.1. Multi-Family Dwellings.

8.13.1.1. Density. Maximum allowable density shall not exceed four thousand five hundred (4,500) square feet of gross site area per dwelling unit.

8.13.1.2. Building Separation. More than one (1) building may be located on the site provided that building separation shall be determined as follows:

Height of Taller Building	Minimum Horizontal Distance Between Vertical Projections
20 feet or less	16 feet
Between 20.1 and 25.0 feet	25 feet
Between 25.1 and 30.0 feet	30 feet
Between 30.1 and 35.0 feet	40 feet

8.13.1.3. Distance Related to Windows. The minimum distance between the centers of facing windows shall be twenty (20) feet.

8.13.1.4. Yard Requirements. Front Yard—general district setback shall apply; Corner Side Yard—same as front yard; Other Yards—a perimeter yard shall be provided around the perimeter of the site (other than front and corner side yards) in accordance with the following based on the number of units proposed.

Number of Units	Width of Required Yard
3 to 10 units	30 feet
11 to 30 units	35 feet
31 or more units	40 feet

10.110.1.4. Lots. The size, shape, and orientation of non-residential lots shall be such as the Planning Board and Town Council deem appropriate for the type of development or use proposed; however, residential, as well as non-residential lots, shall comply with the following minimum requirements:

10.110.1.4.1. Lot Area. All lots shall have a minimum gross area of at least eight thousand (8,000) square feet. Additional lot area shall be required when:

10.110.1.4.1.1. A lot is served by either public water or sewer, but not both—Twenty thousand (20,000) square feet.

10.110.1.4.1.2. A lot is not served by either public water or sewer—Twenty-five thousand (25,000) square feet.

10.110.1.4.2. Lot Width and Depth. All lots shall have a minimum width and street frontage as required in Article 8, except in the case of the turning circle of cul-de-sacs where a minimum width at the street right-of-way line of twenty-five (25) feet is permissible. Corner lots shall have an extra width of ten (10) feet to permit adequate setback from side streets. The minimum lot depth of single tier lots (when approved) shall be one hundred twenty-five (125) feet. All other lots shall be one hundred ten (110) feet in depth. Additional lot width and depth shall be required when: (Amended 4/3/2018)

10.110.1.4.2.1. A lot is served by either public water or sewer, but not both: Lot width—One hundred (100) feet; Lot depth—Two hundred (200) feet.

10.110.1.4.2.2. A lot is not served by either public water or sewer: Lot width—One hundred twenty-five (125) feet; Lot depth—Two hundred (200) feet.

10.110.1.4.3. Lot size, shape, and location shall be made with due consideration to topographic conditions, contemplated use, and the surrounding area.

10.110.1.4.4. Every lot shall maintain required street frontage as required in Article 8 on one (1) of the following (Amended 4/3/2018):

10.110.1.4.4.1. A public street dedicated to and maintained by the Town of Smithfield or the North Carolina Department of Transportation.

10.110.1.4.4.2. A street constructed to the standards of the Town or Smithfield or the North Carolina Department of Transportation, with a written agreement concerning the future maintenance of the street.

10.110.2. Private Streets.

10.110.2.1. Streets designated as private **may be allowed in subdivisions** when in the opinion of the Town Council they provide adequate ingress and egress onto collector streets, and sufficient assurance is provided through a legally established Homeowners' association, that the street shall be properly maintained.

10.110.2.2. All such streets shall be designated a "private street" on the preliminary plans and final plats. Whenever a private street intersects a U.S. or North Carolina highway or North Carolina secondary road, a statement of approval for the intersection, signed by the District Engineer, North Carolina Department of Transportation, Division of Highways for Johnston County, shall be submitted concurrent with the final plat.

10.110.2.3. **All private streets must meet Department of Transportation standards for construction and maintenance.**

10.110.2.4. A Homeowners' association shall be established for each subdivision containing private streets and drainage systems. The final plat for each such subdivision shall contain a certificate indicating the book and page number of the Homeowners' association covenants, conditions, and restrictions. The covenants, conditions, and restrictions shall specify lot owners' responsibilities for maintenance of private streets and drainage systems, and shall provide for assessments to finance all maintenance activities. Covenants shall provide that the Homeowners' association will construct all stub streets prior to offering any connecting for acceptance by NCDOT or the town. Final plats for subdivisions containing private streets and drainage improvements will not be approved until the subdivider's homeowners' association documents have been submitted and approved by the Town Council.

Sec. 10.3. Minimum/Maximum Parking Requirements.

The minimum number of required off-street parking spaces shall be calculated as follows. In the case of a building or use not expressly provided for, the number of off-street access spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one (1) use in a single structure, or on a single tract, or two (2) or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, except for shopping centers which are expressly provided for.

Classification	Off-Street Parking Requirement
RESIDENTIAL	
Dwelling, Single-Family	2 spaces
Dwelling, Manufactured Home	2 spaces
Dwelling, Multi-Family	
- One bedroom	1.5 spaces per unit
- Two bedrooms	1.75 spaces per unit
- Three bedrooms or more	2 spaces per unit
ACCESSORY USES/BUILDINGS	
Accessory Business or Residential Unit (Incl. Home Occupations)	2 spaces per business or residence
Accessory Buildings	Same ratio as the principal use
EDUCATIONAL, OFFICE/INSTITUTIONAL, AND RETAIL SALES AND SERVICES	
Retail, Enclosed	1 space per 200 square feet
Retail, Outdoor (incl. commercial recreation)	1 space per 600 square feet of parcel area
Restaurant	1 space per 150 square feet enclosed floor area
Office (including medical clinics)	4 spaces per 1,000 square feet
Lodging	1 space per room plus 1 space per employee
Institutional/Civic	5 spaces per 1,000 square feet
Hospital	1.5 spaces per patient room plus 3 spaces per 1,000 square feet of office area.
Child care facility/adult day care facility	1 space per 4 persons of licensed capacity.
Schools, Elementary or Junior High	3 spaces for each room used for administration offices, class instruction, or 1 space for each 6 seats in auditorium and other places of assembly or facilities available for the public, whichever is greater
Schools, Senior High	1 space per school employee and 1 space per 4 students
Assembly	1 space per 3 fixed seats plus 1 space per 3 movable seats

Other	Determined by the UDO Administrator in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering
MANUFACTURING AND INDUSTRIAL USES	
Adult and sexually oriented businesses	1 space per 500 square feet of gross floor area
All other industrial uses	1 space per employee
RECREATION USES	
The most applicable of the following standards shall apply for all recreational uses, including auditoriums, assembly halls, or stadiums:	1 space per 4 fixed seats; 1 space for each 40 square feet of floor area available in establishment as a meeting room; 1 space for each 150 square feet of gross floor area; 1 space per 600 square feet of parcel area.
TEMPORARY USES/STRUCTURES	
To be determined by the UDO Administrator based on the site specific conditions and principal use.	
AGRICULTURAL USES	
To be determined by the UDO Administrator based on the site specific conditions.	

Note: The maximum parking allowed shall not exceed one hundred fifty (150) percent of the minimum parking specified in this section.

Special situations which are not covered by the above shall be handled by the Board of Adjustment. The Board of Adjustment shall make the final determination as to the number of spaces to be required, but shall in all cases give due consideration to the needs therefor.

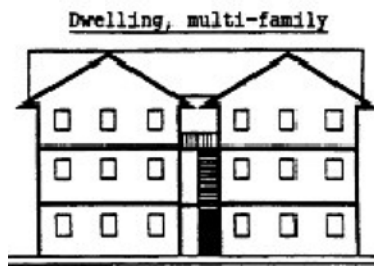
Sec. A.3. Definitions.

A

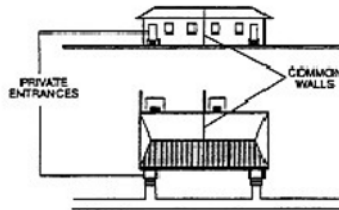
Apartment. A room or suite of one (1) or more rooms, each of which has kitchen facilities and is designed or intended to be used, as an independent unit, on a rental basis.

Driveway. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Dwelling, multiple family. A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.



Dwelling, two family (duplex). A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families. Units must share a common wall.



Frontage. All property abutting on one (1) side of a street measured along the street line.

Major and/or multi-unit development. Development consisting of:

- (1) Structures on a tract of two (2) acres or more, or
- (2) Nonresidential structures having a total floor area of ten thousand (10,000) square feet or more.

Multifamily development. A single building on a single lot or tract containing more than two (2) dwelling units.

Parking facility, commercial. Any area (except an accessory use), either open or enclosed, structural or natural, for the storage of a vehicle or vehicles. Each parking facility shall have an approved means or ingress and egress. A parking lot is a subclassification of a parking facility.

Parking lot, commercial. An open area (except as an accessory use), outside of the public right-of-way, for the storage of a vehicle or vehicles. The term "parking area" shall be included in this definition. Each parking lot shall have an approved means of ingress and egress.

Parking space, off street. For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. No required off-street parking shall be located on any public right-of-way.

Private driveway. A roadway serving two (2) or fewer lots, building sites, or other division of land, and not intended to be public ingress or egress.

Private street. An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.

Right-of-way. A strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

Right-of-way (town). (Amended 10/3/2017) A right-of-way owned, leased, or operated by the Town of Smithfield, including any public street or alley that is not part of the state highway system.

Setback. The minimum required distance existing between the abutting street right-of-way line (if no street right-of-way line is involved, the subject property line) and the minimum building line as specified in Article 8, Zoning District Development Standards.

Street. A public thoroughfare which affords access to abutting property and is recorded as such in the office of the Johnston County Register of Deeds. The following classifications apply:

- (1) **Superhighway.** Major thoroughfares consisting of interstates, freeways, expressways, or parkway links that are characterized by limited access control.
- (2) **Major arterial.** A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic. It is designed to carry more than twelve thousand (12,000) but less than twenty-four thousand (24,000) trips per day.
- (3) **Minor arterial.** A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic. It is designed to carry more than five thousand (5,000) but less than twelve thousand (12,000) trips per day.
- (4) **Collector.** A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It is designed to carry more than two thousand five hundred (2,500) but less than five thousand (5,000) trips per day. Typically, a collector is able to serve, directly or indirectly, between two hundred and fifty (250) and five hundred (500) dwelling units.
- (5) **Subcollector.** A street whose principal functions are both to carry traffic between minor and local streets and collectors, or to join two (2) collectors, or a collector and an arterial, and to serve abutting properties. It is designed to carry more than five hundred (500) but less than two thousand five hundred (2,500) trips per day. Typically, a subcollector is able to serve, directly or indirectly, between fifty (50) and two hundred fifty (250) dwelling units.
- (6) **Local road.** A street whose sole function is to provide access to abutting properties. It is designed to carry more than one hundred fifty (150) but less than five hundred (500) trips per day. Typically, a local road is able to serve, directly or indirectly, between fifteen (15) and fifty (50) dwelling units.
- (7) **Minor street.** A street whose sole function is to provide access to abutting properties. It is designed to carry one hundred fifty (150) or less trips per day. Typically, a minor street serves fifteen (15) or fewer dwelling units.

- (8) **Alley.** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

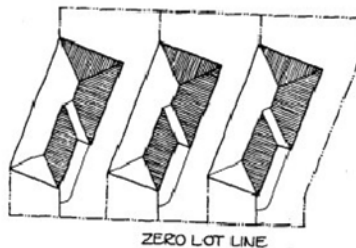
Street line. The right-of-way boundary of a street.

Townhouse. A principal structure containing two (2) or more single-family attached dwelling units with each unit on its own individual lot. All townhouse developments shall be subject to multiple family dwelling provisions of this chapter, with the following exceptions:

- (1) All townhouse developments shall comply with the multiple family density requirements of Article 8 of this ordinance; this standard can be met by individual lot area, by provision of common open space, or by a combination of lot area and common open space.
- (2) No unit shall be connected on more than two (2) sides by common walls.
- (3) All yard dimensional requirements shall apply to the property lines of the entire development. No individual unit shall be required to meet the yard dimensions.

Z

Zero lot line housing unit. A single-family detached housing unit placed on a lot such that a windowless wall is placed on one (1) side property line and the footage required for two (2) side yards is placed on the other side property line as the total side yard requirement for the lot.





Request for Town Council Action

Public
Hearing: SUP-24-05
Date: 11/19/24

Subject: Stadler Station Special Use Permit
Department: Planning Department
Presented by: Planning Director - Stephen Wensman
Presentation: Public Hearing

Issue Statement

Brown Investment Properties is requesting a special use permit for Stadler Station, a 168-unit residential apartment project on 13.17 acres of land in the B-3 Highway Entranceway Zoning District.

Financial Impact

The development will **add to the town's tax base.**

Action Needed

The Town Council is respectfully requested to hold a public hearing for the special use permit request and decide to approve, approve with conditions or deny the application based on the finding of fact for special use permits.

Recommendation

Staff recommend approval of SUP-24-05 with one condition based on the finding of fact for special use permits.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Finding of fact
3. Application and narrative
4. Site plans
5. Variance Approval
6. TIA exempt memo



Staff Report

Public Hearing: SUP-24-05

REQUEST:

Brown Investment Properties is requesting a special use permit for Stadler Station, a 168-unit residential apartment project on 13.17 acres of land in the B-3 Highway Entranceway Zoning District.

PROPERTY LOCATION:

The proposed development is located at the intersection of Peedin Road and Components Drive with the Johnston County Tax ID 15074012E.

APPLICATION DATA:

Applicant: Brown Investment Properties
 Property Owners: Shalang, a North Carolina Partnership
 Tax ID#s 15074012E
 Rezoning Acreage: 13.7 acres
 Present Zoning: B-3
 Existing Use: Vacant
 Proposed Use: Apartments (Multi-Family)
 Fire District: Town of Smithfield
 Parks/Recreation: Fee in lieu of parkland dedication
 School Impacts: Potentially students in schools
 Water and Sewer Provider: Town of Smithfield
 Electric Provider: Town of Smithfield
 Development Density: 12.75 dwelling units per acre

**ADJACENT ZONING AND LAND USES:
 (see attached map)**

	Zoning	Existing Land Uses
North	B-3 and LI	Vacant
South	HI	Industrial (Penn Compression)
East	B-3 CZ	vacant
West	LI	Vacant and Industrial

EXISTING CONDITIONS/ENVIRONMENTAL:

Approximately 3.55 acres of the property is within the 100-floodplain. The edges of the property are wooded.

SPECIAL USE PERMIT REVIEW:

Multi-family residential was a special use with supplemental standards in the B-3 Zoning District according to Article 6, Table 6.6 of the Unified Development Ordinance when the application was submitted. The supplementary standards for multi-family are found in UDO Article 7, Section 7.35.

- Development Plan Overview. The proposed development will contain 168 multi-family units located at the intersection of Component Drive and Peedin Road for a density of 12.75 dwelling units per acre (a density variance was granted on September 29, 2011). The site plan identifies approximately 31,686 square feet of open space, 271 standard parking spaces, and 10 handicap parking spaces. Water and sewer will be **provided by extension to the Town's utilities.**
- Comprehensive Plan/Density. The Town Plan guides this property for industrial/employment. The UDO allows a maximum density of 9.68 units per acre; however, a density variance was approved in 2011 allowing a density up to 12.92 units per acre.
- Apartments. 7 apartment buildings are proposed; 6 buildings will be comprised of 12-1 bedroom and 12-2-bedroom apartments and 1 building with 12-1-bedroom 12-3-bedroom apartments for a total of 168 units.

The town has no architectural standards; therefore, with a special use permit, the town cannot require them.

- Street Access/Frontage. Components Drive stops at the Peedin Road intersection, but the right of way continues to the north. The development will be served by 2 driveways, one aligned with Peedin Road and a second to the north accessed by an extension of Components Drive. The extension will be a town street and the plans show a street that meets town standards.
- Street Yard/Buffers. The site plans identify the correct buffer yards for the development.
- Building Setbacks. **A perimeter setback of 40' is shown in accordance with the standards for multi-family, Section 8.13.1.4. The front yard setback is 50'** (from the existing Peedin Road public right of way), **35' from the Peedin extension.** The plans conform to the setback requirements.
- Building Separations. **A min. 40' building separation is shown** in accordance with the standards for multi-family, Section 8.12.1.2.

- Sidewalks. The site plans show the required sidewalk along Components Drive as well as sidewalks internally connecting all the buildings to the parking and amenities.
- Trash. The site plans show a dumpster enclosure at the main entrance to the development.
- Parking. The development plans show 290 parking stalls (10 handicap), exceeding minimum requirements:

PARKING CALCULATIONS			
USE	# OF UNITS	SPACES PER UNIT	REQUIRED
1 BEDROOM UNITS	84	1.5	126
2 BEDROOM UNITS	72	1.75	126
3 BEDROOM UNITS	12	2	24
CLUBHOUSE	1	8	8
TOTAL REQUIRED			284
TOTAL PROVIDED			290 (280 STD. + 10 ADA)

- Stormwater. The site plan provides an area in the north of the site for a stormwater management facility.
- Utilities. Water, sewer and electric will be with the Town of Smithfield.
- Signage. No signs have been proposed at this time. A sign permit will be required.
- Traffic. The 168-unit development will generate 914 trips per day according to the ITE Trip Generation Manual, 10th Edition. The UDO requires a Traffic Impact Study (TIS) at 800 trips per day. NCDOT is not requiring a TIS and the impacted roads are NCDOT's. **The UDO has 4 exemptions to a TIS, the 4th being "material is submitted to demonstrate that traffic created ... will not result in a need for transportation improvements". Staff do not see the benefit of a TIS because the impacted streets are all NCDOT's and there should be no local intersections impacted.** The applicant hired Davenport to prepare a memo to demonstrate that the project is exempt from needing a TIS (see attached).

FINDING OF FACT (Staff Opinion):

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that **(Staff's opinion in Bold/Italic)**:

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. *The project will not be detrimental to or endanger the public health, safety or general welfare. The development will adhere to all Town requirements.*

4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the

district. *The project will not impede the normal and orderly development and improvement of the surrounding properties. Most of the adjacent industrial properties are low intensity industrial/office uses. Several undeveloped light industrial parcels remain to be developed, but there is nothing to suggest the development would hinder future development of the area. The site is well buffered by vegetation.*

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. *The development will provide adequate utilities, drainage, parking and necessary facilities. Components Drive will be extended to provide a secondary entrance.*

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. *The use will not create such nuisances.*

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. *Proper ingress and egress will be provided with an extension of Components Drive. NCDOT is not requesting any improvements to their infrastructure with this development.*

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. *The use will have no adverse impacts on the abutting or adjoining properties. The site will have required buffers and setbacks and there is adequate existing vegetation that will contribute to the buffer.*

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. *The development will be in harmony with the area. The development is well buffered from the adjacent industrial sites and located adjacent to commercial development which will be a likely destination for tenants.*

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. The special use will meet all applicable regulations.

RECOMMENDATION TO TOWN COUNCIL:

Planning Staff recommends approval of SUP-24-05 with 1 condition:

1. That the parking lot entrances be constructed in accordance with the **Town's** standard driveway detail.

RECOMMENDED MOTION:

"Move to approve SUP-24-05 for Stadler Station with one condition based on the finding of fact for special use permits".

**Town of Smithfield
Special Use Permit Application
Finding of Fact / Approval Criteria**

Application Number: SUP-24-05 **Name:** Stadler Station

Request: The applicant seeks a special use permit to utilize property located within the B-3 (Entranceway, Highway Business) zoning district for a residential apartment development. The property considered for approval is located at the intersection of Peedin Road and Components Drive, and further identified by the Johnston County Tax ID# 15074012E.

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

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

- 4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
- 4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided.
- 4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
- 4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property.
- 4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.
- 4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

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

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Special Use Permit Application #SUP-24-05 with the following condition(s):*

1. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Special Use Permit Application #SUP-24-05 for the following stated reason:*

1. _____

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council for the Special Use Permit Application Number SUP-24-05 is hereby:

_____ **approved upon acceptance and conformity with the following conditions:**

1. That the parking lot entrances be constructed in accordance with the town's standard driveway detail.

_____ **denied for the noted reasons.**

1. _____

Decision made this __ day of _____, 2024, while in regular session.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk



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

SPECIAL USE PERMIT APPLICATION

Pursuant to Article 4, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Special Use Permit applications must be accompanied by one (1) signed application, three (3) sets of required plans and one (1) digital copy of all required documents, including the Owner's Consent Form (attached) and the application fee.

SITE INFORMATION:

Name of Project: Stadler Station Acreage of Property: 13.17
 Parcel ID Number: 260414-42-8845 Tax ID: 15074012E
 Deed Book: 1070 Deed Page(s): 568
 Address: Intersection of Peedin Road and Components Drive
 Location: Intersection of Peedin Road and Components Drive

Existing Use: Vacant Proposed Use: Multifamily
 Existing Zoning District: Highway Entranceway Business 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 Submitted: _____ Date Received: _____ Amount Paid: _____



Revised Statement of Justification
Special Use Permit Application
for Stadler Station

The applicant requests a Special Use Permit (“SUP”) under Sections 4.9 and 6.6 of the Town of Smithfield (“Town”) Unified Development Ordinance (“UDO”) for the development of Multi-Family Apartment Complex (“MF Use”) in the Highway Entranceway Business District (“B-3”) zoning district. Pursuant to the Table of Uses and Activities – Primary Zoning Districts contained in Section 6.6 of the UDO, MF Use is permitted in the B-3 district with a SUP and subject to additional development regulations codified in Section 7.35.1.

The proposed development will be named “Stadler Station.” It is proposed to contain 168 multi-family units located on an approximately 13.17 acre parcel of land located at the intersection of Component Drive and Peedin Road (PIN 260414-42-8845) (the “Property”) for a density of 12.75 dwelling units per acre. The attached site plan identifies approximately 31,500 square feet of open space, 271 standard parking spaces, and 10 handicap parking spaces. Water and sewer will be provided by extension to the Town’s utilities.

The Property is adjacent to the Smithfield Business Park, and the outlet shopping malls located within the park. It is located north of Highway 95, and south of N Brightleaf Boulevard and the commercial uses occupying that area. The development of the MF Use in near proximity to these existing commercial uses will benefit future residents who will have nearby access to restaurants, shopping, and employment opportunities, as well as providing appropriate density to support these commercial uses. Appropriate side yard buffers and setbacks will mitigate any conflict between adjacent uses, while retaining the benefits of close proximity to complementary commercial uses.

The Smithfield Town Plan encourages multi-family uses near gateways to the Town. The Town’s Future Land Use Map does not predict multi-family uses on this particular parcel, but the Property is in close proximity to parcels identified for Mixed-Use development. Adding additional housing choice and well-designed residential density will provide additional options to current and future Town residents, while the SUP and supplemental multi-family regulations will ensure that the residential character of the proposed development is protected and an appropriate balance to nearby commercial uses is maintained.

REQUIRED FINDING OF FACT

Article 4 of the Town of Smithfield Unified Development Ordinance requires applications for a Special Use Permit to address the following findings. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which this section requires. The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
Traffic generated by the proposed apartments will not be detrimental or otherwise endanger public health, safety, or general welfare.
- 2) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
The proposed apartment development would not impede the normal and orderly development of the surrounding property. The surrounding properties are developed for retail uses (Carolina Premium Outlets) and industrial uses. A car dealership is being built on property to the southeast.
- 3) Adequate utilities, drainage, parking, or necessary facilities have been or are being provided
Adequate utilities are available. The attached plan for the apartments shows there will be adequate drainage, parking and other necessary facilities.
- 4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
The proposed apartment development will not generate noxious or offensive vibration, noise, odor, dust, smoke, or gas.
- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
Adequate measures will be taken to ensure that ingress and egress to the site is designed to minimize traffic congestion.
- 6) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property.
The proposed use will not adversely effect the use or physical attribute of adjoining or abutting property.
- 7) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.
Multifamily uses are permitted as a special use in the B-3 zoning district, which established harmony as a matter of law. The proposed apartments are located adjacent to a mixed-use center and will provide housing in an area that currently lacks housing.
- 8) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
The proposed use will conform to applicable regulations of the B-3 zoning district.

REQUIRED SITE PLAN INFORMATION

Article 5 of the Town of Smithfield Unified Development Ordinance requires a site plan be prepared by a professional engineer, registered land surveyor, or licensed architect and shall be drawn to scale of not less than one inch equals 30 feet. 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. The site plan shall contain the following information, if applicable as determined by the UDO Administrator:

- 1) A key map of the site with reference to surrounding areas and existing street locations.
- 2) 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.
- 3) Parcel Identification Numbers (PIN) for site and adjacent properties.
- 4) Deed book and page reference demonstrating ownership of property.
- 5) Location of all existing and proposed structures, including their outside dimensions and elevations, streets, entrances, and exits on the site, on contiguous property, and on property directly across the street.
- 6) Building setback, side line, and rear yard distances.
- 7) Location of watercourses, ponds, flood zones, water supply watershed areas, and riparian buffers.
- 8) 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, and significant soil conditions.
- 9) Topography showing existing and proposed contours at no greater than ten (10) foot intervals. All reference benchmarks shall be clearly designated.
- 10) The zoning of the property, including zoning district lines where applicable.
- 11) Lot line dimensions and property lines of the tract to be developed (with dimensions identified), adjacent property lines (including corporate limits, Town boundaries, and county lines).
- 12) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles, and curb radii per the requirements of Article 10, Part I.
- 13) Types of surfaces for drives, sidewalks, and parking areas.
- 14) Location and design of existing and proposed sanitary waste disposal systems, water mains and appurtenances (including fire hydrants) on or adjacent to the parcel.
- 15) Other utility lines both under- and above-ground, including electric power, telephone, gas, cable television.
- 16) Location of all US Clean Water Act Section 404 wetland areas, located of 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.
- 17) The location of all common areas.
- 18) The location and dimensions of all areas intended as usable open space, including all recreational areas. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
- 19) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees, and dimensions, approximate time of planting, and maintenance plans per the requirements of Article 10, Part II. The plan shall include the tree line of wooded areas and individual trees eight (8) inches in diameter or more, identified by common or scientific name.
- 20) Proposed site lighting.

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 Special Use Permit. 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.

Chester H. Brown, III
Print Name


Signature of Applicant

8/12/24
Date

OWNER'S CONSENT FORM

Name of Project: Stadler Station Submittal Date: _____

OWNERS AUTHORIZATION

I hereby give CONSENT to Chester Brown, III, Brown Investment Properties (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.

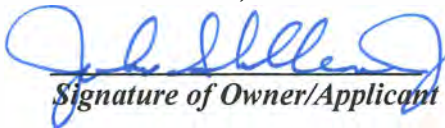

Signature of Owner

John Shallcross Jr
Print Name

8-12-2024
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.


Signature of Owner/Applicant

John Shallcross Jr
Print Name

8-12-2024
Date

FOR OFFICE USE ONLY

File Number: _____ Date submitted: _____ Date received: _____



LKLC Engineering, PLLC
 140 Aqua Shed Court
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 O: 910.420.1437
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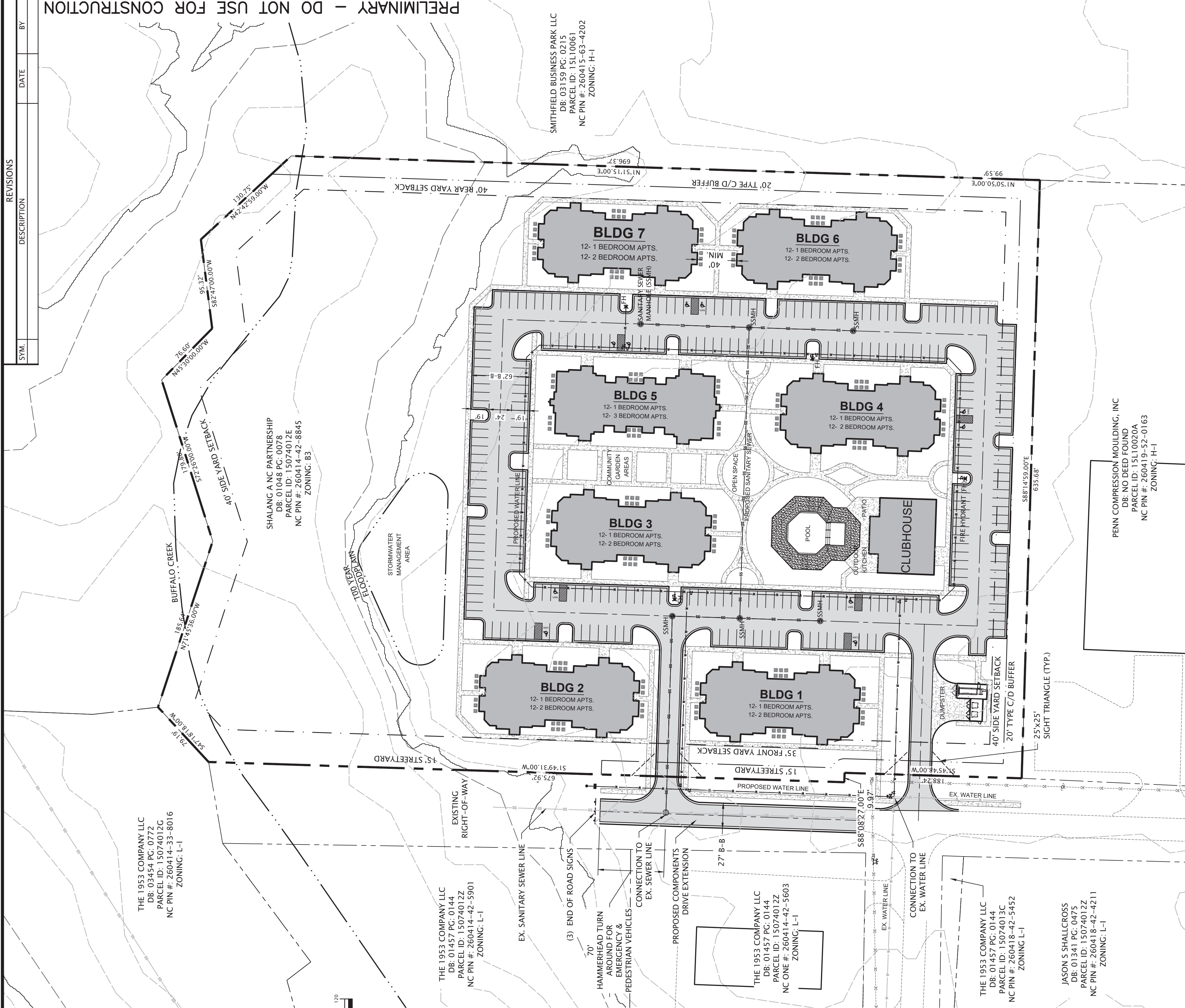
PRELIMINARY SITE PLAN

STADLER STATION

Smithfield, North Carolina

DATE: AUG. 1, 2024
 DESIGNED: LWS
 DRAWN: BS
 CHECKED: PAP
 NO.

L-1.0



SYMBOL	DESCRIPTION	DATE	BY

PRELIMINARY - DO NOT USE FOR CONSTRUCTION

THE 1953 COMPANY LLC
 DB: 03454 PG: 0772
 PARCEL ID: 15074012G
 NC PIN #: 260414-33-8016
 ZONING: L-1

SHALANG & NC PARTNERSHIP
 DB: 01048 PG: 0078
 PARCEL ID: 15074012F
 NC PIN #: 260414-42-8845
 ZONING: B3

SMITHFIELD BUSINESS PARK LLC
 DB: 03159 PG: 0215
 PARCEL ID: 15110061
 NC PIN #: 260415-63-4202
 ZONING: H-1

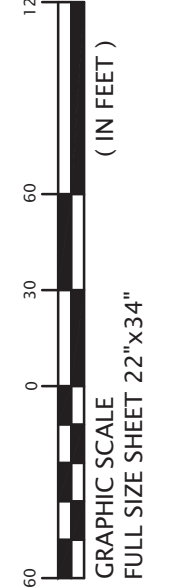
THE 1953 COMPANY LLC
 DB: 01457 PG: 0144
 PARCEL ID: 15074012Z
 NC PIN #: 260414-42-5901
 ZONING: L-1

THE 1953 COMPANY LLC
 DB: 01457 PG: 0144
 PARCEL ID: 15074012Z
 NC ONE #: 260414-42-5603
 ZONING: L-1

THE 1953 COMPANY LLC
 DB: 01457 PG: 0144
 PARCEL ID: 15074013C
 NC PIN #: 260418-42-5452
 ZONING: L-1

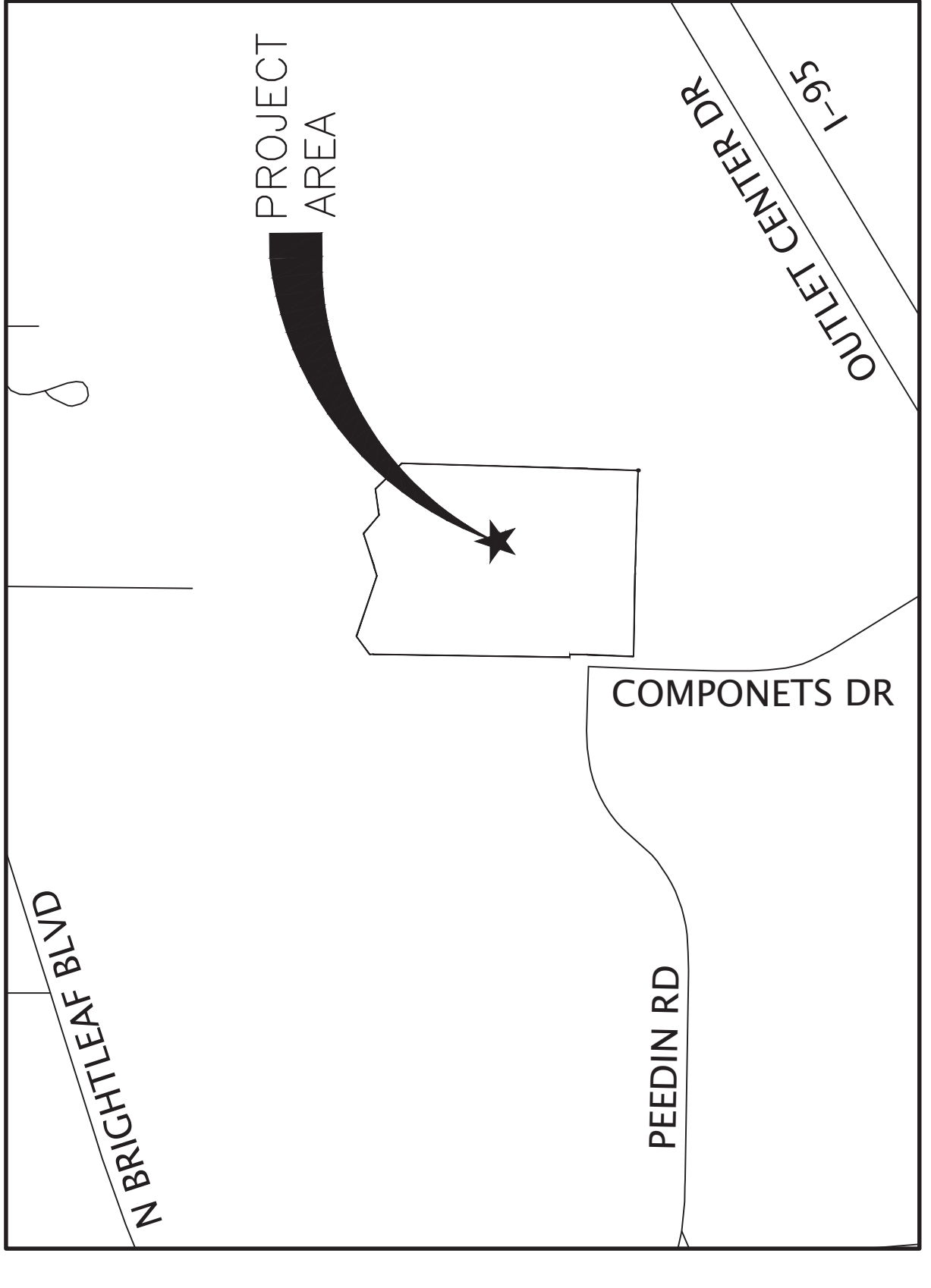
JASON S SHALLGROSS
 DB: 01341 PG: 0475
 PARCEL ID: 15074012Z
 NC PIN #: 260418-42-4211
 ZONING: L-1

PENN COMPRESSION MOULDING, INC
 DB: NO DEED FOUND
 PARCEL ID: 15110020A
 NC PIN #: 260419-52-0163
 ZONING: H-1



ADDITIONAL NOTES FOR PRELIMINARY SITE PLAN

- PURPOSE: THE PURPOSE OF THIS PRELIMINARY SITE PLAN IS TO DEPICT A PRELIMINARY, OVERALL LAYOUT OF THE PROJECT WITH SPECIAL DETAIL GIVEN TO IMPORTANT DIMENSIONS AND LOCAL PLANNING/ZONING REQUIREMENTS. IN ORDER TO OBTAIN A SPECIAL USE APPROVAL FROM THE TOWN OF SMITHFIELD, THIS DRAWING IS NOT FOR CONSTRUCTION. FINAL LAYOUT OF THE SITE AND DETAILED CONSTRUCTION DRAWINGS SHALL BE PREPARED LATER AND RE-SUBMITTED TO THE TOWN AND ALL OTHER AGENCIES FOR CONSTRUCTION APPROVALS, PRIOR TO ANY CONSTRUCTION TAKING PLACE.
- ENVIRONMENTAL AREAS AND/OR DETERMINATIONS (WETLANDS, STREAMS & RIPARIAN BUFFERS), WETLANDS, JURISDICTIONAL STREAMS AND RIPARIAN BUFFER INFORMATION AS INDICATED (IF ANY) ARE TAKEN FROM JOHNSTON COUNTY GIS.
- PROPERTY BOUNDARY, EXISTING CONDITIONS AND TOPOGRAPHY: PROPERTY, SITE FEATURES, AND TOPOGRAPHY AS INDICATED ARE TAKEN FROM JOHNSTON COUNTY GIS.
- EXISTING STREETS RIGHTS-OF-WAY: EXISTING RIGHT-OF-WAYS SHALL BE DEDICATED FROM JOHNSTON COUNTY GIS. ANY PROPOSED RIGHT-OF-WAYS SHALL ESTABLISH THE FINAL PROPERTY BOUNDARIES AND RIGHT-OF-WAYS FOR THIS PROJECT. OWNER SHOULD VERIFY ANY LOCAL SETBACKS FROM RIGHT-OF-WAY WITH THE LOCAL PLANNING & ZONING DEPARTMENT.
- EXISTING UTILITIES: EXISTING UTILITIES INDICATED ARE TAKEN FROM JOHNSTON COUNTY GIS. THIS SITE OR PROPERTY DOES APPEAR TO BE IN A 100-YR FLOOD PER JOHNSTON COUNTY GIS.
- ACCESSIBILITY: ANY CONSTRUCTION FOR HANDICAP ACCESSIBILITY RELATED TO THIS PLAN SHALL CONFORM TO ADA REGULATIONS.
- WATER & SANITARY SEWER SYSTEM SHALL BE CONSTRUCTED PER TOWN OF SMITHFIELD UTILITY STANDARDS.
- OPEN SPACE: OPEN SPACE IS PROVIDED IN ACCORDANCE WITH TOWN OF SMITHFIELD REQUIREMENTS FOR APARTMENT DEVELOPMENT. SEE SITE INFORMATION/DATA REQUIREMENTS.
- UTILITY RELOCATION: OWNER/DEVELOPER SHALL COORDINATE RELOCATION OF EXISTING OVERHEAD LINE AND ANY OTHER UTILITY RELOCATIONS AS REQUIRED WITH THE UTILITY PROVIDER.
- SITE LIGHTING SHALL BE IN ACCORDANCE WITH TOWN OF SMITHFIELD STANDARDS.



SITE INFORMATION

PROPOSED PROPERTY NAME: STADLER STATION
 CURRENT PROPERTY OWNER OF RECORD: SHALANG & NC PARTNERSHIP
 DEVELOPER/APPLICANT: BROWN INVESTMENT PROPERTIES, INC.
 ZONING: B3
 EXISTING USE: VACANT
 PROPOSED USE: MULTI-FAMILY APARTMENTS
 ELECTRICITY PROVIDER: TOWN OF SMITHFIELD

EXISTING PROPERTY INFORMATION

TOTAL BOUNDARY AREA: 13.17 AC. (PER COUNTY GIS)
 AREA IN EXISTING TOWN NCDOT ROW: 0.0 AC.
 AREA IN ADJTL DEDICATED OR RESERVED TOWN NCDOT ROW: 0.0 AC.
 AREA IN 100 YR FLOOD ZONE: 3.55 AC.
 NET USABLE BUILDABLE SITE AREA: 9.62 AC. +/-

LOT & ZONING REQUIREMENTS AND SITE CALCULATIONS

MAX UNIT DENSITY PER ACRE: 12.92 UNITS/AC
 MAX NUMBER OF UNITS: 170 UNITS (12.92 UNITS X 13.17 AC)
 MAX IMPERVIOUS: N/A (SEE STORMWATER INFO)
 MIN BUILDING SETBACK LINES: SEE TABLE
 MIN "PERIMETER" YARD WIDTH (EXCLUDES FRONT YARD) FOR APARTMENTS: 40FT (REF: UDO 8.3.1.4 FOR '31 OR MORE' UNITS)
 MIN DISTANCE BETWEEN BUILDINGS FOR APARTMENTS: 40FT
 MIN AREA IN TOTAL OPEN SPACE: 8,700 SF
 MIN HANDICAP PARKING SPACES: 7 (PER ADA)
 MIN PARKING SPACES: 76

PROPOSED OPEN SPACE

PROPOSED AREA IN ACTIVE OPEN SPACE: 5,715 SF
 PROPOSED AREA IN PASSIVE OPEN SPACE: 25,971 SF
 TOTAL OPEN SPACE: 31,686 SF

PROPOSED SITE CALCULATIONS

PROPOSED NUMBER OF UNITS: 168 APARTMENT UNITS
 PROPOSED DENSITY: 12.75 (168 UNITS/13.17 AC)
 PROPOSED PARKING SPACES: 271 STANDARD
 PROPOSED HANDICAP PARKING SPACES: 10

PROPOSED SITE INFORMATION

EXISTING IMPERVIOUS: 0.0 AC
 PROPOSED PARKING AND DRIVEWAY IMPERVIOUS: 98,938.12 SF (2.27 AC)
 PROPOSED BUILDING IMPERVIOUS: 81,555.19 SF (1.87 AC)
 PROPOSED SIDEWALK AND CONCRETE AREAS IMPERVIOUS: 42,835.32 SF (0.98 AC)
 PROPOSED IMPERVIOUS IN ROW: 12,056.91 SF (0.28 AC)

WATER & SEWER INFORMATION

PROPOSED WATER: PUBLIC WATER SYSTEM EXTENSION (TOWN WATER)
 PROPOSED SEWER: PUBLIC SEWER SYSTEM EXTENSION (TOWN SEWER)

STORMWATER INFORMATION

TOWN OF SMITHFIELD STORMWATER REGULATIONS SHALL APPLY TO THIS SITE WHICH INCLUDES NITROGEN NUTRIENT STORMWATER STRATEGIES OF 15A NCAC 02B.0271 / TOWN UDO SEC. 10.50 AND 15A NCAC 02B.0620 / TOWN UDO SEC. 10.92. ADDITIONAL STATE STORMWATER REQUIREMENTS APPLY (IE. 404.401 PERMITTING) WHEN APPLICABLE.

NET AREA FOR STORMWATER: 9.62 AC. +/-

IMPERVIOUS: 2.27 AC. (PARKING AND VEHICULAR AREAS)
 +1.87 AC. (BUILDINGS)
 +0.98 AC. (SIDEWALK AND CONCRETE AREAS)
 =5.12 AC. TOTAL IMPERVIOUS
 IMPERVIOUS %: 38.9% (5.12 AC IMPERVIOUS / 13.17 AC TOTAL SITE)

BECAUSE PROJECT IMPERVIOUS > 24%, PROJECT IS CONSIDERED "HIGH DENSITY" THEREFORE, SCM'S (STORMWATER CONTROL MEASURES) ARE REQUIRED. ADDITIONALLY, THE PROJECT SHALL MEET THE NITROGEN STORMWATER REQUIREMENTS PER SEC. 10.50 OF THE UDO.

USE	# OF UNITS	SPACES PER UNIT	REQUIRED
1 BEDROOM UNITS	84	1.5	126
2 BEDROOM UNITS	72	1.75	126
3 BEDROOM UNITS	12	2.0	24
CLUBHOUSE	1		8
TOTAL REQUIRED			284
TOTAL PROVIDED			290 (280 STD. + 10 ADA)

MIN. BLDG. YARD SETBACK LINES	
FRONT	35 FT
SIDE	40 FT
REAR	40 FT

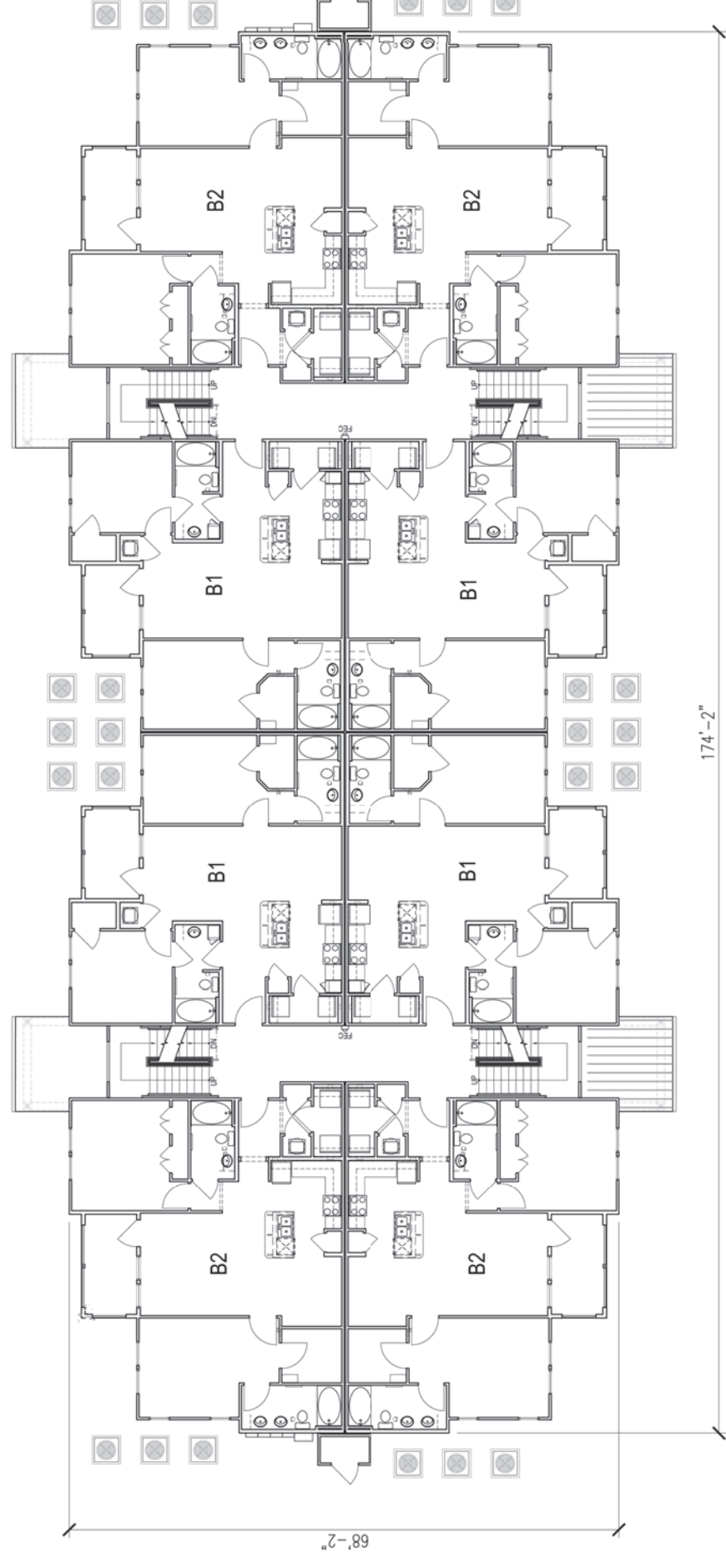


Brown Investment Properties

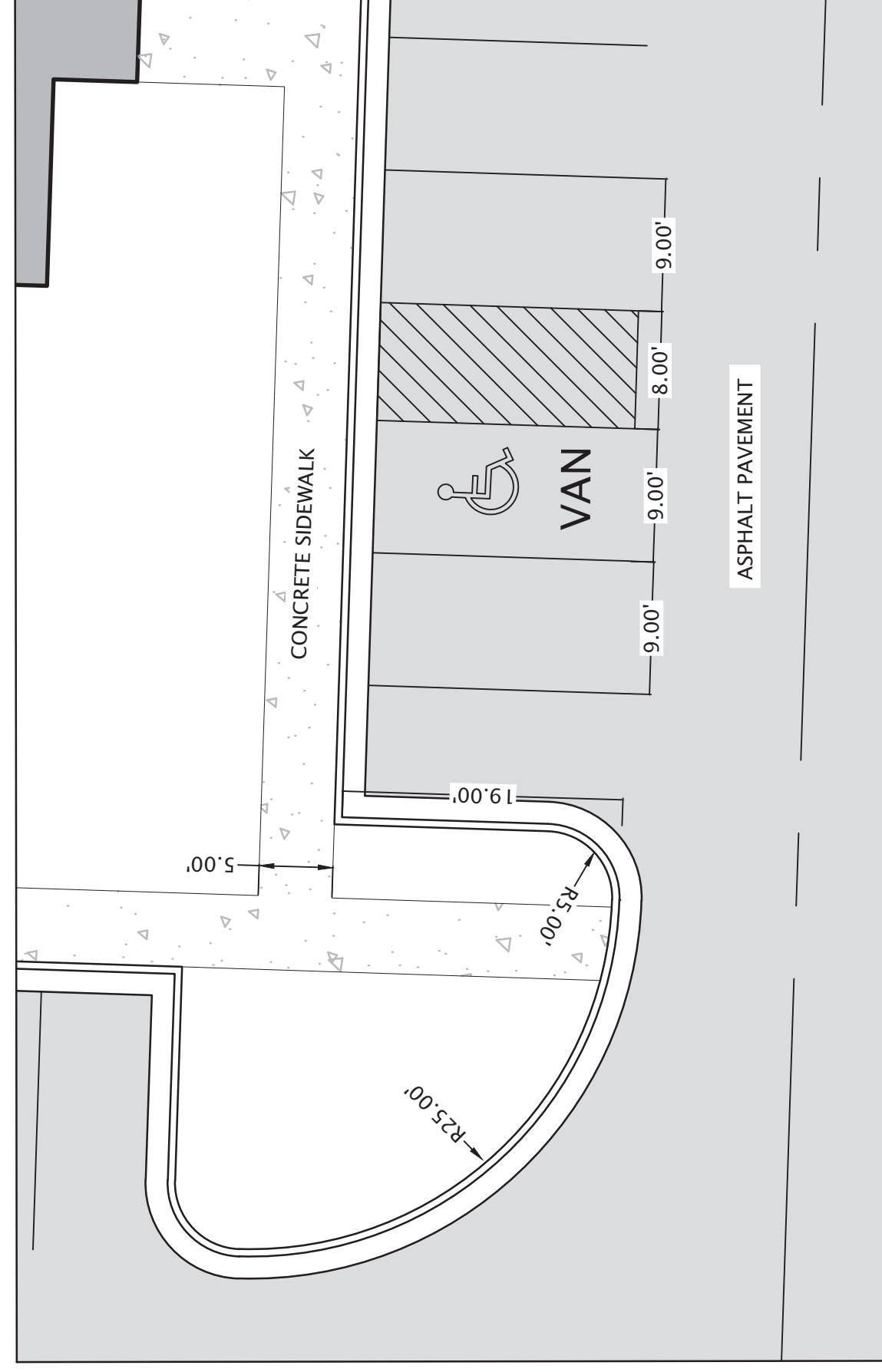
Smithfield Apartments
Smithfield, NC



BUILDING ELEVATION VIEW
NO SCALE

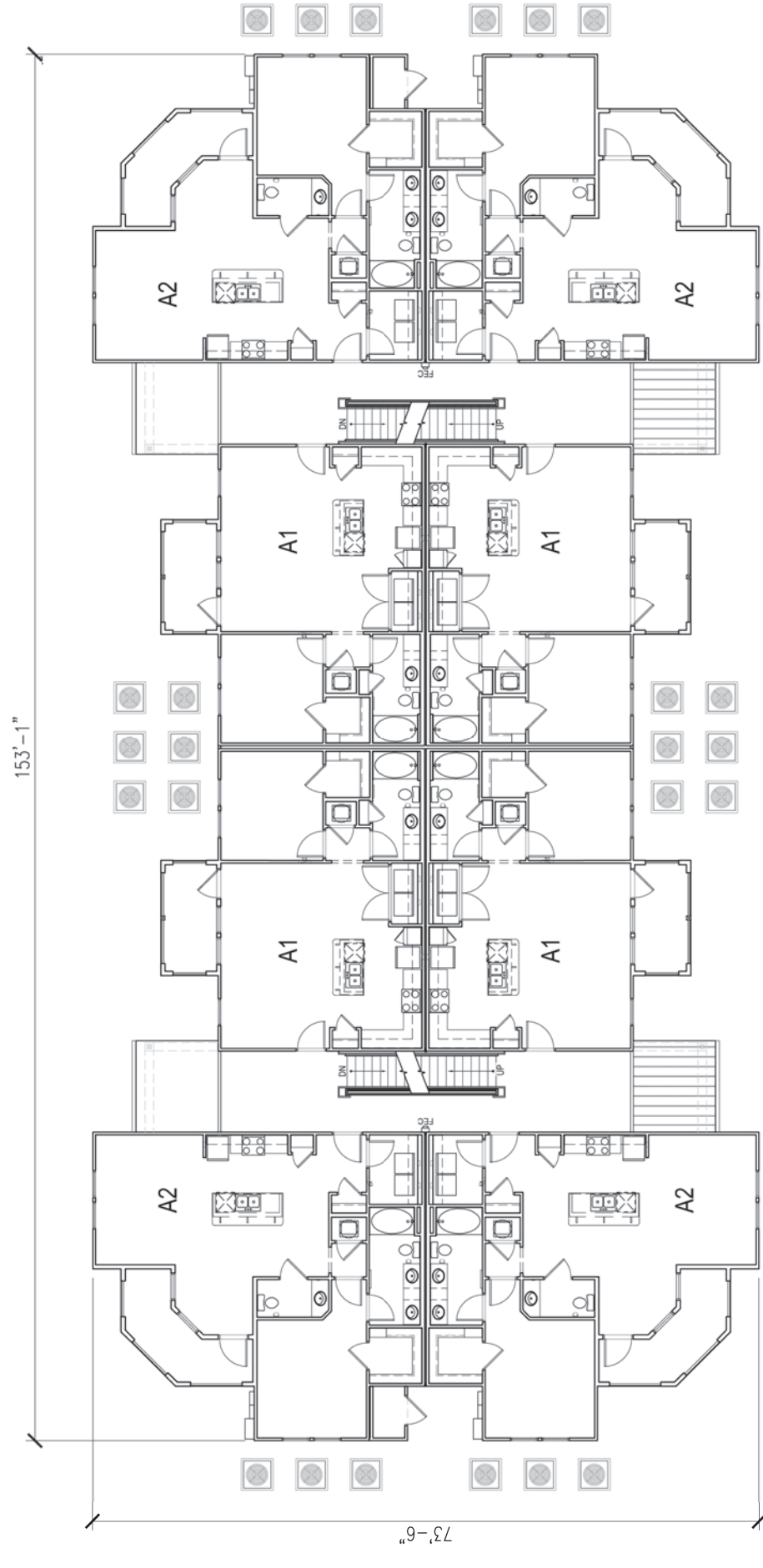


BUILDING TYPE 4
NO SCALE

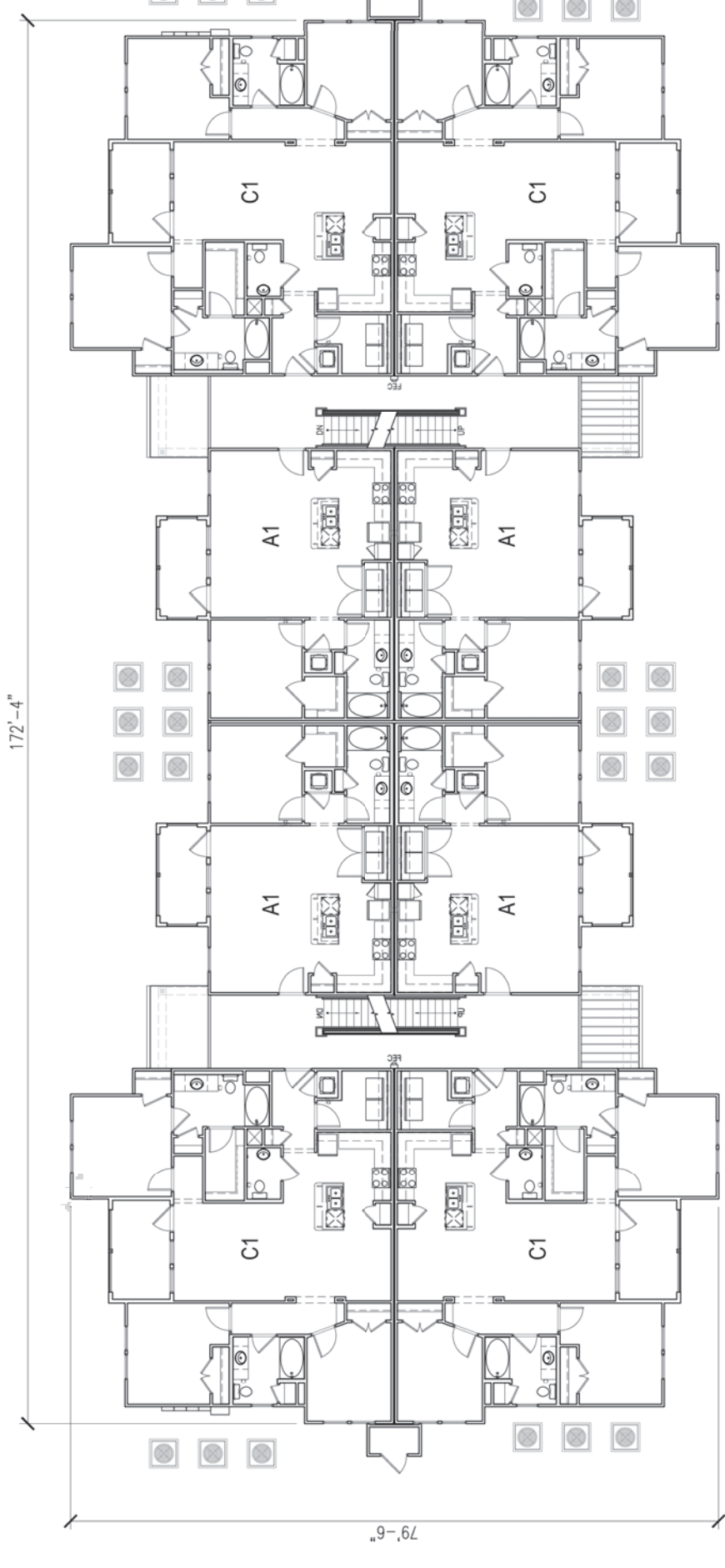


TYPICAL PARKING DIMENSIONS
SCALE 1/4"=1'-0"

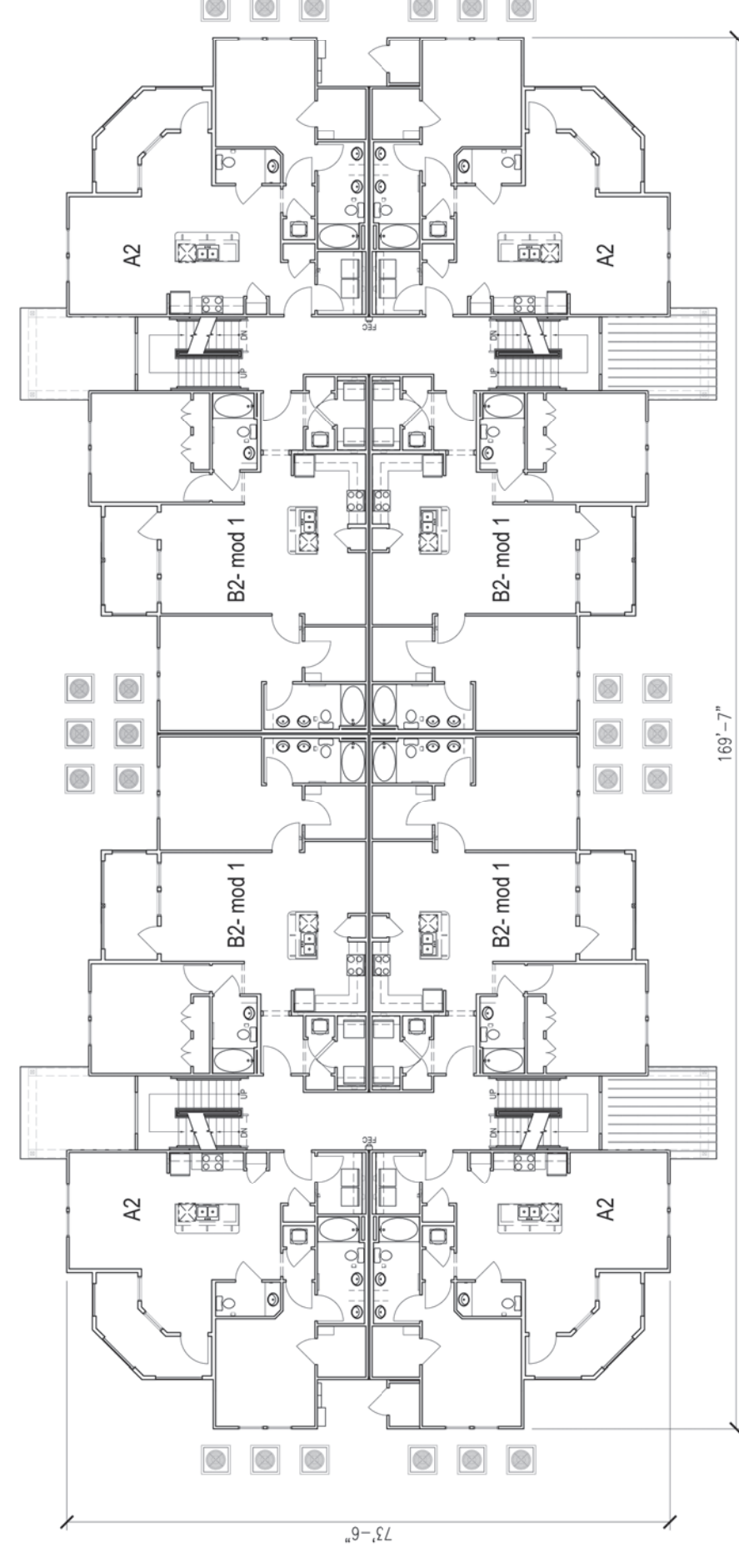
ALL BUILDING PLANS AND ELEVATIONS PROVIDED BY JDAVIS ARCHITECTS



BUILDING TYPE 1
NO SCALE



BUILDING TYPE 2
NO SCALE



BUILDING TYPE 3
NO SCALE

SYMBOL	DESCRIPTION	DATE	BY

PRELIMINARY – DO NOT USE FOR CONSTRUCTION

LKC Engineering, PLLC
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkengineering.com
License No. P-1095

Engineering
Landscape Architecture
Surveying



PRELIMINARY BUILDING PLANS
& ELEVATIONS

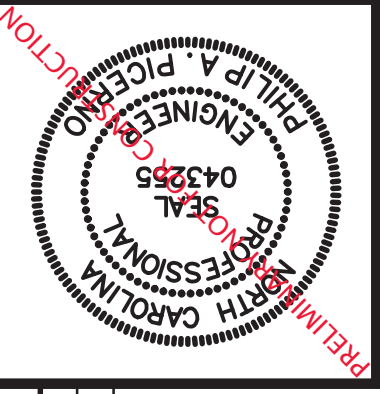
STADLER STATION

Smithfield, North Carolina

DATE: AUG. 2024
DESIGNED: LWS
DRAWN: BS
CHECKED: PAP
NO.

L-2.0





LKC Engineering, PLLC
 140 Aqua Shed Court
 Aberdeen, NC 28315
 O: 910.420.1437
 F: 910.637.0096
 lkceengineering.com
 License No. P-1095

Engineering
 Landscape Architecture
 Surveying



PRELIMINARY LANDSCAPE
 PLAN

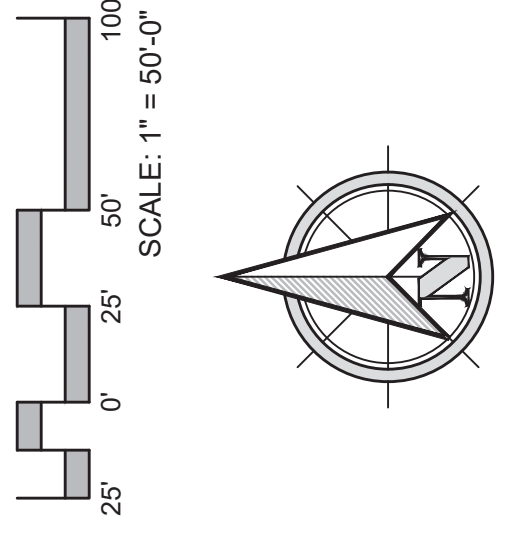
STADLER STATION
 Smithfield, North Carolina

DATE: AUG. 2024
 DESIGNED: LWS
 DRAWN: BS
 CHECKED: PAP
 NO.

L-3.0

SYMBOL	DESCRIPTION	DATE	BY

PRELIMINARY - DO NOT USE FOR CONSTRUCTION



100 YEAR FLOODPLAIN:

*EXISTING VEGETATION TO REMAIN

OPEN SPACE:

- *8700sf REQUIRED
- *22,971sf PASSIVE OPEN SPACE (LAWN & GARDEN AREAS)
- *5715sf ACTIVE OPEN SPACE (POOL AREA)
- *31,686sf TOTAL OPEN SPACE

TYPE C or D BUFFER YARD:

- *FENCE (TYPE C) OR BERM (TYPE D)
- *3 CANOPY TREES AND 12 SHRUBS PER 100 LF
- *523 LF (MINUS EXISTING FLOODPLANE VEGETATION)
- *16 TREES REQ., 63 SHRUBS REQ.

PLANTING ISLANDS (25 ISLANDS):

- *15 CONTIGUOUS SPACES MAX.
- *1 CANOPY TREE OR TENDERSTORY TREE PER ISLAND
- *6 SHRUBS PER ISLAND
- *27 TREES REQ., 162 SHRUBS REQ.

FOUNDATION PLANTING:

*AREA EQUIVALENT TO 12% OF BUILDING FACADE ADJACENT TO PARKING

TYPE C or D BUFFER YARD:

- *FENCE (TYPE C) OR BERM (TYPE D)
- *3 CANOPY TREES AND 12 SHRUBS PER 100 LF
- *635 LF
- *19 TREES REQ., 77 SHRUBS REQ.



SIDE YARD:

*NO BUFFER REQUIRED

SITE TRIANGLES:

*25' X 25'

STREET YARD:

- *15' MAXIMUM DEPTH
- *2 CANOPY TREES AND 20 SHRUBS PER 100 LF
- *447 LF (TO END OF ROAD EXTENSION)
- *10 TREES REQ., 90 SHRUBS REQ.

SITE TRIANGLES:

*25' X 25'

SERVICE YARD:

*SCREENED WITH WALL, FENCE, OR SOLID VEGETATION



PLANNING DEPARTMENT
Paul C. Embler, Jr., Director

September 30, 2011

Atlantic Pines, LLC
6009 Tenbury Court
Raleigh, NC 27606

Dear Mr. Strapec:

The Town of Smithfield Planning Department is happy to inform you that the Town of Smithfield Board of Adjustment, at its September 29, 2011 meeting, unanimously voted to approve your request for an increase in the maximum permitted density from 9.68 units per acre to 12.92 units per acre for a multi-family development located within a B-3 (Business) zoning district. The property that received the variance is located on the northeast side of the intersection of Components Drive and Peedin Road and further identified as Johnston county Tax ID# 15074012E.

Thank you for your time. If you have any questions please do not hesitate to contact me at 919 934-2116 ext. 1114.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul C. Embler, Jr.", written in a cursive style.

Paul C. Embler, Jr., ASLA
Planning Director

mh

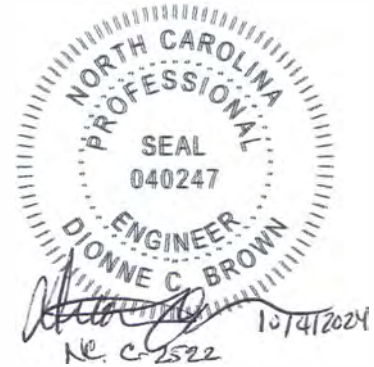
Technical Memorandum

To: Chester Brown, III
Brown Investment Properties

From: Dionne C. Brown, P.E., DAVENPORT
John Davenport, III, DAVENPORT

Date: October 01, 2024

Subject: Stadler Station
Smithfield, NC
DAVENPORT Project Number 240209



1.0 Introduction

DAVENPORT has prepared this technical memorandum to assess the traffic impacts of the proposed multifamily residential development. The development is located in the northeast corner of Component Drive and Peedin Road in Smithfield, North Carolina, and will consist of up to 168 low-rise apartment units. Based on the site plan, two (2) full movement access points are proposed on Components Drive. The expected build out year of the development is 2026.

As part of the zoning approval process with the Town of Smithfield, a traffic memorandum was required by the agency. During a coordination meeting, it was determined that the scope of the project would entail the capacity and impacts to Outlet Center Drive at Components Drive and Peedin Road at Components Drive.

2.0 Existing Conditions and Traffic Volumes

Outlet Center Drive is a three-lane road and approximately 36 feet wide with a speed limit of 45 MPH. Components Drive is a two-lane road and approximately 22 feet wide with a speed limit of 35 MPH. The predominant land uses in the study area are retail and commercial. The AADT on Outlet Center Drive is 7,500 vehicles per day in 2021. Components Drive and Peedin Road do not have listed AADTs.

Peak hour (7-9 AM and 4-6 PM) turning movement counts were collected by Quality Counts on Tuesday, September 24, 2024 at the intersection of Outlet Center Drive and Components Drive.

3.0 Trip Generation, Distribution and Assignment

The trip generation potential of this site was projected based on the 11th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual and guidance from NCDOT Congestion Management on the selection of appropriate variables. The results are presented in Table 1.

Table 1 - ITE Trip Generation 11th Edition											
Average Weekday Driveway Volumes				24-Hour Two-Way	AM Peak Hour			PM Peak Hour			
Land Use	ITE Land Use Code	Size		Method	Volume	Enter	Exit	Total	Enter	Exit	Total
Multifamily Housing (Low-Rise)	220	168	Dwelling Units	Adjacent/ Equation	1,152	18	57	75	58	35	93
Total Unadjusted Trips					1,152	18	57	75	58	35	93

Site trips for this proposed development were assigned based on the existing traffic patterns and engineering judgment. The directional distribution for site trips is:

- 50% to/from the west via Outlet Center Drive
- 45% to/from the east via Outlet Center Drive
- 5% to/from the west via Peedin Road

4.0 Future Traffic Volumes

2026 Future No Build traffic volumes were computed by applying a two percent (2%) compounded annual growth rate to the 2024 Existing volumes. 2026 Future Build volumes were computed by adding projected site trips to the 2026 Future No Build volumes.

5.0 Capacity Analysis

The Transportation Research Board's *Highway Capacity Manual* (HCM) utilizes a term "level of service" (LOS) to measure how traffic operates in intersections and on roadway segments. There are six levels of service ranging from A to F as shown in Table 2. Level of service "A" represents low-volume traffic operations and level of service "F" represents high-volume, oversaturated traffic operations. Synchro traffic modeling software is used to determine the LOS and delay for study intersections.

Table 2 – Highway Capacity Manual			
Levels of Service and Control Delay Criteria			
Signalized Intersection		Unsignalized Intersection	
Level of Service	Control Delay Per vehicle (seconds)	Level of Service	Delay Range (seconds)
A	≤ 10	A	≤ 10
B	> 10 and ≤ 20	B	> 10 and ≤ 15
C	> 20 and ≤ 35	C	> 15 and ≤ 25
D	> 35 and ≤ 55	D	> 25 and ≤ 35
E	> 55 and ≤ 80	E	> 35 and ≤ 50
F	> 80	F	> 50

The results of the capacity analyses are discussed by intersection in the sections below and summarized in Tables 3 and 4.

Outlet Center Drive at Components Drive (unsignalized)

The worst approach of the unsignalized intersection operates at LOS B. No improvements are recommended.

Table 3 – Outlet Center Drive at Components Drive				
Scenario	LOS of Worst Approach	Level of Service by Approach (delay in seconds/vehicle)		
		Eastbound	Westbound	Southbound
AM Peak Hour				
2024 Existing	B (10.5) SB Approach	A (0.5)	A (0.0)	B (10.5)
2026 Future No Build	B (10.6) SB Approach	A (0.5)	A (0.0)	B (10.6)
2026 Future Build	B (11.0) SB Approach	A (1.0)	A (0.0)	B (11.0)
PM Peak Hour				
2024 Existing	B (13.2) SB Approach	A (0.4)	A (0.0)	B (13.2)
2026 Future No Build	B (13.5) SB Approach	A (0.4)	A (0.0)	B (13.5)
2026 Future Build	B (14.9) SB Approach	A (1.0)	A (0.0)	B (14.9)

Peedin Road/Site Access 1 at Components Drive/Site Access 2 (unsignalized)

The worst approach of the unsignalized intersection operates at LOS B. No improvements are recommended.

Table 4 - Peedin Road/Site Access 1 at Components Drive/Site Access 2					
Scenario	LOS of Worst Approach	Level of Service by Approach (delay in seconds/vehicle)			
		Eastbound	Westbound	Northbound	Southbound
AM Peak Hour					
2026 Future Build	B (10.1) WB Approach	A (9.0)	B (10.1)	A (5.6)	A (0.9)
PM Peak Hour					
2026 Future Build	B (10.9) WB Approach	A (9.0)	B (10.9)	A (4.0)	A (1.2)

6.0 Recommendations

Based on the projected volumes, the site accesses will not warrant any turn lanes according to the NCDOT Driveway Manual. The southbound queue on Components Drive is expected to maximize at 144 feet. The southern site access does not conflict with the southbound queue since the site access is located 1475' feet from the intersection of Outlet Center Drive.

7.0 Conclusion

This study has assessed the traffic impacts of the proposed multifamily residential development and determined that no improvements are required to accommodate the traffic generated by the development.



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k@lkc.com

Engineering
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Surveying



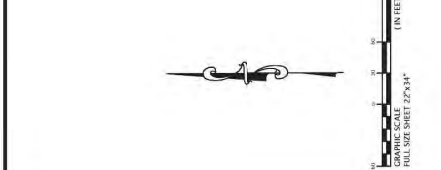
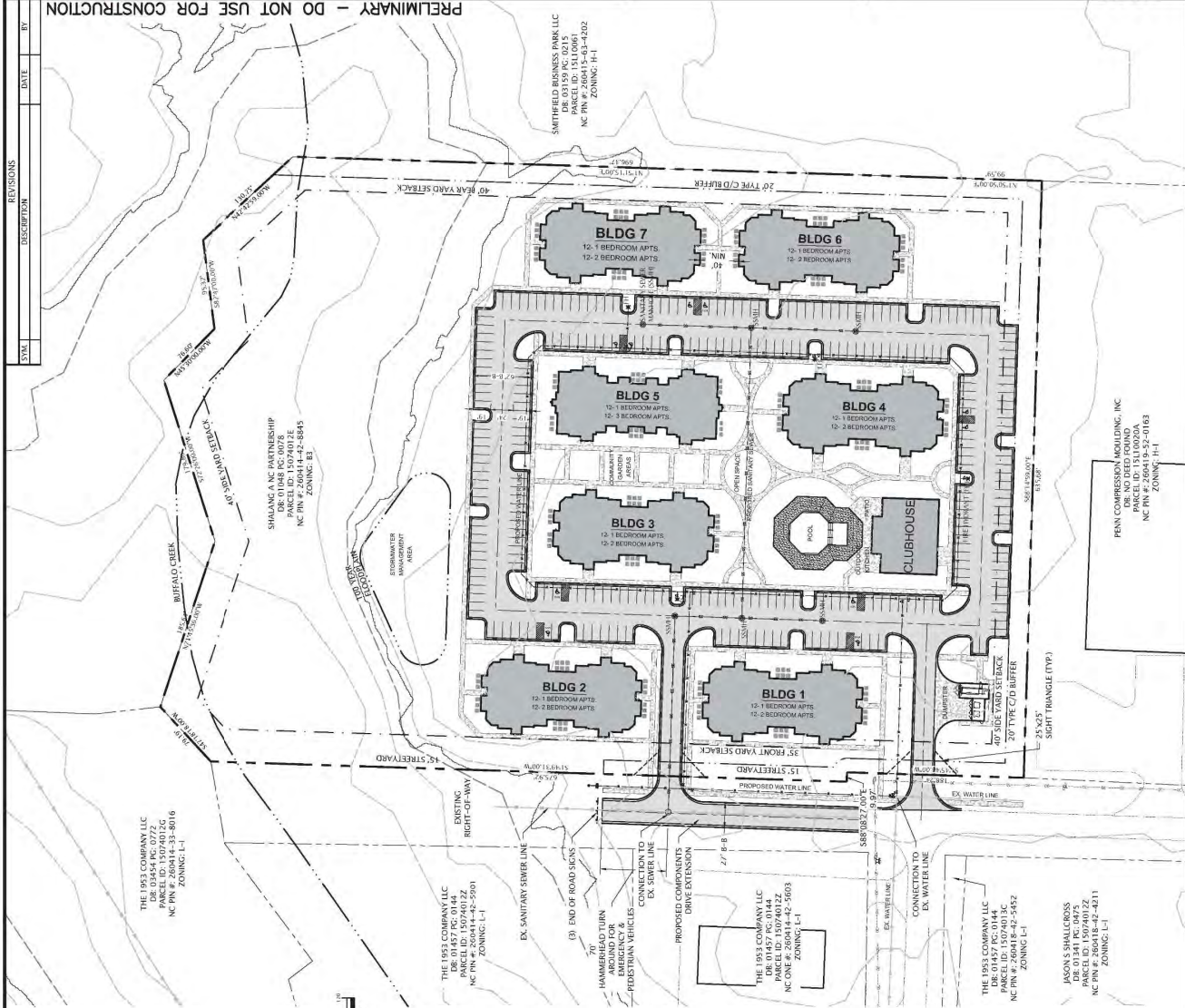
PRELIMINARY SITE PLAN

STADLER STATION

Smithfield, North Carolina

DATE: AUG. 2024
DESIGNED: LRS
DRAWN: AS
CHECKED: JWB
NO.

L-1.0



ADDITIONAL NOTES FOR PRELIMINARY SITE PLAN

- THE PURPOSE OF THIS PRELIMINARY SITE PLAN IS TO SUBMIT A PRELIMINARY CONCEPTUAL SITE PLAN TO THE TOWN OF SMITHFIELD FOR REVIEW AND COMMENT. THIS PLAN IS NOT TO BE CONSIDERED A FINAL DESIGN OR CONSTRUCTION DOCUMENT. ANY CHANGES TO THIS PLAN SHALL BE THE RESPONSIBILITY OF THE APPLICANT.
- THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE TOWN OF SMITHFIELD AND ANY OTHER AFFECTING AGENCIES.
- THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE TOWN OF SMITHFIELD AND ANY OTHER AFFECTING AGENCIES.
- EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED. ANY CHANGES TO EXISTING UTILITIES SHALL BE THE RESPONSIBILITY OF THE APPLICANT.
- THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE TOWN OF SMITHFIELD AND ANY OTHER AFFECTING AGENCIES.
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SITE INFORMATION

PROPOSED PROPERTY NAME: STADLER STATION
 DEVELOPER/APPLICANT: BROWN INVESTMENT PROPERTIES, LLC
 EXISTING USE: VACANT
 PROPOSED USE: MULTI-FAMILY APARTMENTS
 ELECTRICAL PROVIDER: TOWN OF SMITHFIELD

EXISTING PROPERTY INFORMATION

TOTAL BOUNDARY AREA: 131.7 AC. (PER COUNTY GIS)
 AREA IN EXISTING ZONING DISTRICT: 60.0 AC.
 AREA IN 2019 FLOOD ZONE: 4.55 AC.
 NET DEVELOPABLE SITE AREA: 662 AC. +/-

LOT & ZONING REQUIREMENTS AND SITE CALCULATIONS

MAXIMUM DENSITY PER ACRE: 12.0 UNITS/AC.
 MAXIMUM NUMBER OF UNITS: 1,700 UNITS (12.0 UNITS X 131.7 AC.)
 MINIMUM PERMITTED YARD WITH EXCLUSIONS FRONT YARD FOR APARTMENTS: 8 FT. REEF
 MINIMUM DISTANCE BETWEEN BUILDINGS FOR APARTMENTS: 8 FT.
 MINIMUM AREA IN TOTAL OPEN SPACE: 57,000 SF
 MINIMUM HANDICAP PARKING SPACES: 8 (PER ADA)

PROPOSED OPEN SPACE

PROPOSED AREA IN ACTIVE OPEN SPACE: 5,715 SF
 PROPOSED AREA IN PASSIVE OPEN SPACE: 75,277 SF
 TOTAL OPEN SPACE: 81,000 SF

PROPOSED SITE CALCULATIONS

PROPOSED NUMBER OF UNITS: 168 APARTMENT UNITS
 PROPOSED DENSITY: 12.78 UNITS/AC (168 UNITS/13.17 AC.)
 PROPOSED HANDICAP PARKING SPACES: 10

PROPOSED SITE INFORMATION

EXISTING IMPROVEMENTS: 0.0 AC.
 PROPOSED IMPROVEMENTS: 98,988.12 SF (2.27 AC.)
 PROPOSED BUILDING IMPROVEMENTS: 81,555.19 SF (1.87 AC.)
 PROPOSED PAVEMENT IMPROVEMENTS: 12,655.91 SF (0.29 AC.)

PARKING CALCULATIONS

USE	# OF UNITS	SPACES PER UNIT	REQUIRED
1 BEDROOM UNITS	84	1.5	126
2 BEDROOM UNITS	72	1.75	126
3 BEDROOM UNITS	12	2.0	24
CLUBHOUSE	1	24	24
TOTAL REQUIRED			284
TOTAL PROVIDED			280 (280 STD. - 10 ADA)

MIN. BLDG. YARD SETBACK LINES

FRONT	35 FT.
SIDE	40 FT.
REAR	40 FT.

WATER & SEWER INFORMATION

PROPOSED WATER PUBLIC WATER SYSTEM EXTENSION (TOWN WATER)
 PROPOSED SEWER PUBLIC SEWER SYSTEM EXTENSION (TOWN SEWER)

STORMWATER INFORMATION

TOWN OF SMITHFIELD STORMWATER REGULATIONS SHALL APPLY TO THIS SITE WHICH INCLUDES:
 NARRA BASIN NUTRIENT STORMWATER STANDARDS (P. 154 A.C. (2007)) / TOWN OF SMITHFIELD
 REQUIREMENTS APPLY (IE. 101-140) PERMITTING WHEN APPLICABLE.

NET AREA OVER STORMWATER: 982 AC. +/-
 IMPROVEMENTS: 1.87 AC. (BUILDINGS)
 1.06 AC. (SEWER AND CONCRETE AREAS)
 IMPROVEMENTS: 30.96 AC. (AC. IMPROVEMENTS) / 131.7 AC. TOTAL SITE
 BECAUSE PROJECT IMPROVEMENTS > 2 AC. PROJECT IS CONSIDERED "HIGH DENSITY" THEREFORE, STATE
 STORMWATER CONTROL REQUIREMENTS APPLY. ADDITIONAL REQUIREMENTS: PROJECT SHALL MEET
 THE NUTRIENT STORMWATER REQUIREMENTS PER S.C. 105.0 OF THE CODE.

Stadler Station Development
 Project Number 240209

FIGURE 1
 CONCEPTUAL SITE PLAN





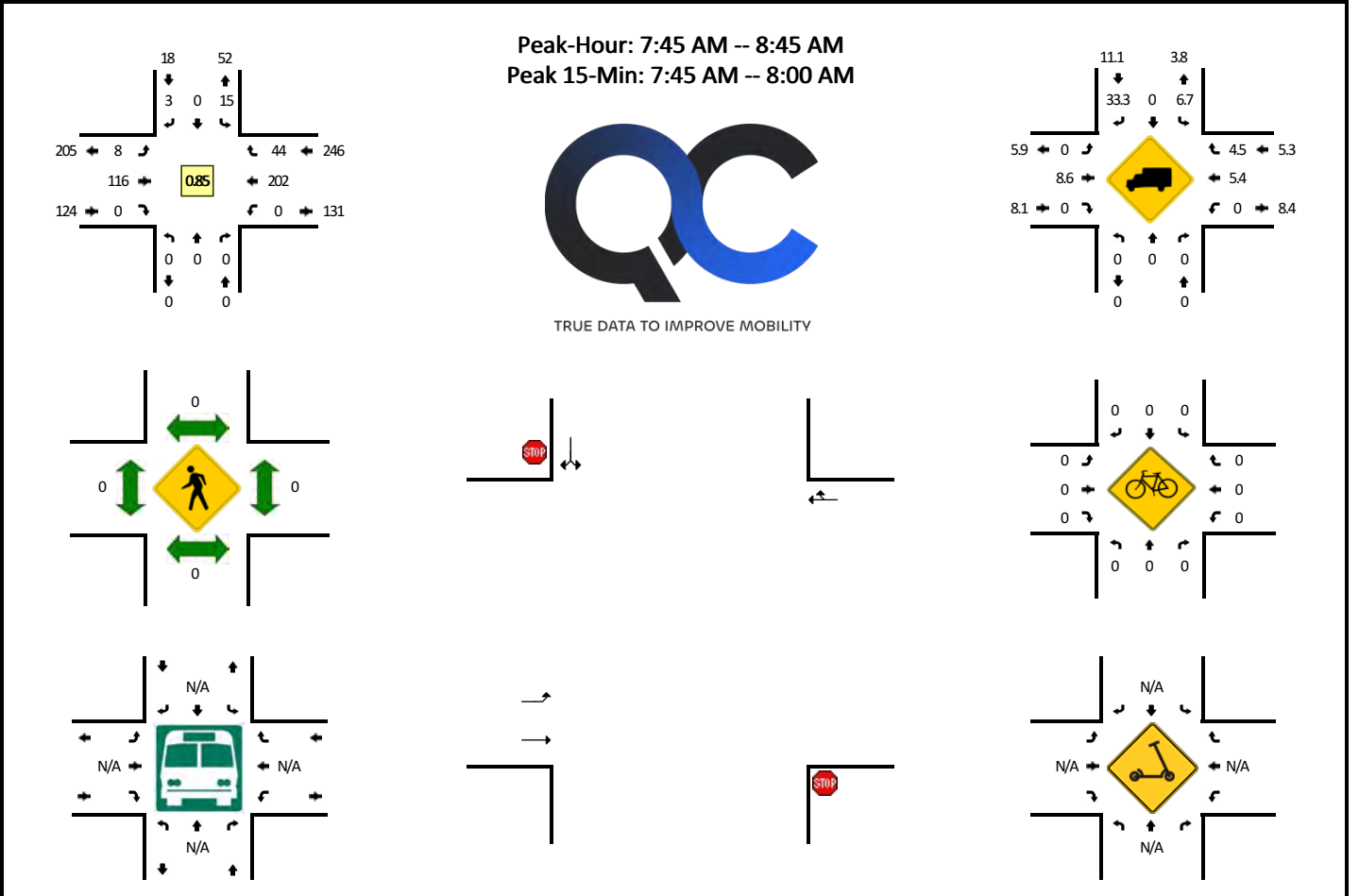
SITE INDICATOR

FIGURE 2
SITE LOCATION MAP



LOCATION: Component Dr -- Outlet Center Dr
CITY/STATE: Smithfield, NC

QC JOB #: 16763301
DATE: Tue, Sep 24 2024

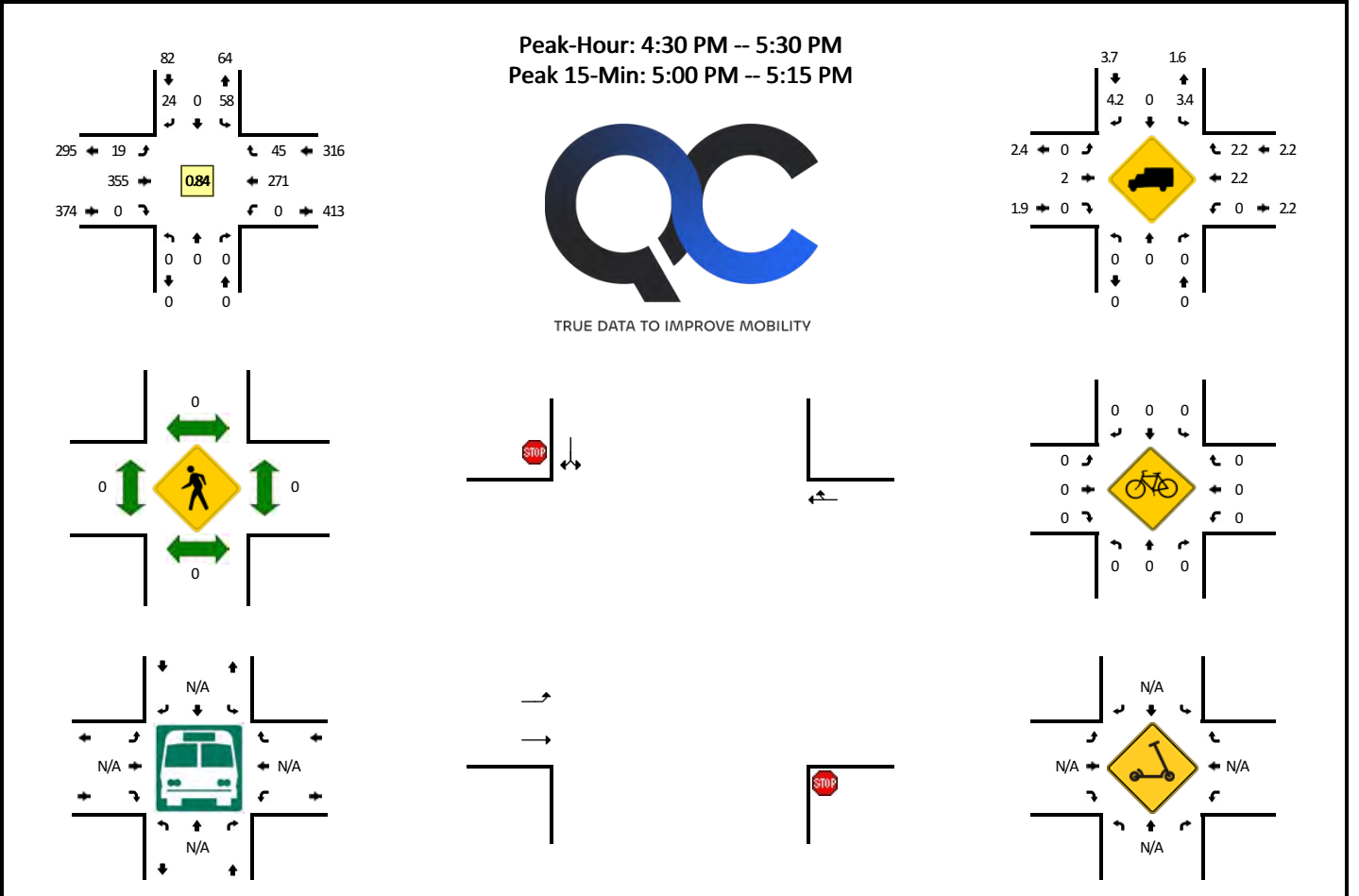


15-Min Count Period Beginning At	Component Dr (Northbound)				Component Dr (Southbound)				Outlet Center Dr (Eastbound)				Outlet Center Dr (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	0	0	0	6	0	1	0	3	24	0	0	0	17	13	0	64	
7:15 AM	0	0	0	0	3	0	1	0	0	24	0	0	0	32	5	0	65	
7:30 AM	0	0	0	0	2	0	1	0	2	25	0	0	0	32	13	0	75	
7:45 AM	0	0	0	0	6	0	0	0	2	35	0	0	0	59	12	0	114	318
8:00 AM	0	0	0	0	2	0	0	0	1	27	0	0	0	45	8	0	83	337
8:15 AM	0	0	0	0	3	0	1	0	3	31	0	0	0	39	15	0	92	364
8:30 AM	0	0	0	0	4	0	2	0	2	23	0	0	0	59	9	0	99	388
8:45 AM	0	0	0	0	4	0	0	0	5	37	0	0	0	52	10	0	108	382
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	24	0	0	0	8	140	0	0	0	236	48	0	456	
Heavy Trucks	0	0	0	0	4	0	0	0	0	12	0	0	0	4	4	0	24	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scooters																	0	

Comments:

LOCATION: Component Dr -- Outlet Center Dr
CITY/STATE: Smithfield, NC

QC JOB #: 16763302
DATE: Tue, Sep 24 2024



15-Min Count Period Beginning At	Component Dr (Northbound)				Component Dr (Southbound)				Outlet Center Dr (Eastbound)				Outlet Center Dr (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	14	0	3	0	4	68	0	0	0	45	14	0	148	
4:15 PM	0	0	0	0	20	0	6	0	4	64	0	0	0	60	9	0	163	
4:30 PM	0	0	0	0	18	0	11	0	7	79	0	0	0	74	14	0	203	
4:45 PM	0	0	0	0	9	0	1	0	4	76	0	0	0	69	9	0	168	682
5:00 PM	0	0	0	0	19	0	6	0	3	118	0	0	0	68	17	0	231	765
5:15 PM	0	0	0	0	12	0	6	0	5	82	0	0	0	60	5	0	170	772
5:30 PM	0	0	0	0	11	0	6	0	2	78	0	0	0	67	13	0	177	746
5:45 PM	0	0	0	0	11	0	5	0	4	57	0	0	0	86	9	0	172	750
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	76	0	24	0	12	472	0	0	0	272	68	0	924	
Heavy Trucks	0	0	0	0	0	0	0	0	0	16	0	0	0	4	0	0	20	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

HCM 6th TWSC
 3: Outlet Center Drive & Components Drive

09/30/2024

Intersection						
Int Delay, s/veh	0.7					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations	↘	↑	↗		↘	
Traffic Vol, veh/h	8	116	202	44	15	4
Future Vol, veh/h	8	116	202	44	15	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	9	129	224	49	17	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	273	0	-	0	396 249
Stage 1	-	-	-	-	249 -
Stage 2	-	-	-	-	147 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1290	-	-	-	609 790
Stage 1	-	-	-	-	792 -
Stage 2	-	-	-	-	880 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1290	-	-	-	605 790
Mov Cap-2 Maneuver	-	-	-	-	652 -
Stage 1	-	-	-	-	786 -
Stage 2	-	-	-	-	880 -

Approach	EB	WB	SB
HCM Control Delay, s	0.5	0	10.5
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1290	-	-	-	677
HCM Lane V/C Ratio	0.007	-	-	-	0.031
HCM Control Delay (s)	7.8	-	-	-	10.5
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.1

HCM 6th TWSC
 3: Outlet Center Drive & Components Drive

09/30/2024

Intersection						
Int Delay, s/veh	1.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	19	355	271	45	58	24
Future Vol, veh/h	19	355	271	45	58	24
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	21	394	301	50	64	27

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	351	0	-	0	762 326
Stage 1	-	-	-	-	326 -
Stage 2	-	-	-	-	436 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1208	-	-	-	373 715
Stage 1	-	-	-	-	731 -
Stage 2	-	-	-	-	652 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1208	-	-	-	367 715
Mov Cap-2 Maneuver	-	-	-	-	479 -
Stage 1	-	-	-	-	719 -
Stage 2	-	-	-	-	652 -

Approach	EB	WB	SB
HCM Control Delay, s	0.4	0	13.2
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1208	-	-	-	530
HCM Lane V/C Ratio	0.017	-	-	-	0.172
HCM Control Delay (s)	8	-	-	-	13.2
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.6

HCM 6th TWSC
 3: Outlet Center Drive & Components Drive

09/30/2024

Intersection						
Int Delay, s/veh	0.7					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	8	121	210	46	16	4
Future Vol, veh/h	8	121	210	46	16	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	9	134	233	51	18	4

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	284	0	-	0	411 259
Stage 1	-	-	-	-	259 -
Stage 2	-	-	-	-	152 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1278	-	-	-	597 780
Stage 1	-	-	-	-	784 -
Stage 2	-	-	-	-	876 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1278	-	-	-	593 780
Mov Cap-2 Maneuver	-	-	-	-	644 -
Stage 1	-	-	-	-	779 -
Stage 2	-	-	-	-	876 -

Approach	EB	WB	SB
HCM Control Delay, s	0.5	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1278	-	-	-	667
HCM Lane V/C Ratio	0.007	-	-	-	0.033
HCM Control Delay (s)	7.8	-	-	-	10.6
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.1

HCM 6th TWSC
 3: Outlet Center Drive & Components Drive

09/30/2024

Intersection						
Int Delay, s/veh	1.6					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	20	369	282	47	60	25
Future Vol, veh/h	20	369	282	47	60	25
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	22	410	313	52	67	28

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	365	0	-	0	793 339
Stage 1	-	-	-	-	339 -
Stage 2	-	-	-	-	454 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1194	-	-	-	358 703
Stage 1	-	-	-	-	722 -
Stage 2	-	-	-	-	640 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1194	-	-	-	352 703
Mov Cap-2 Maneuver	-	-	-	-	467 -
Stage 1	-	-	-	-	709 -
Stage 2	-	-	-	-	640 -

Approach	EB	WB	SB
HCM Control Delay, s	0.4	0	13.5
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1194	-	-	-	518
HCM Lane V/C Ratio	0.019	-	-	-	0.182
HCM Control Delay (s)	8.1	-	-	-	13.5
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	0.7

HCM 6th TWSC
3: Outlet Center Drive & Components Drive

09/30/2024

Intersection						
Int Delay, s/veh	2					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	17	121	210	54	42	32
Future Vol, veh/h	17	121	210	54	42	32
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	19	134	233	60	47	36

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	293	0	-	0	435 263
Stage 1	-	-	-	-	263 -
Stage 2	-	-	-	-	172 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1269	-	-	-	578 776
Stage 1	-	-	-	-	781 -
Stage 2	-	-	-	-	858 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1269	-	-	-	569 776
Mov Cap-2 Maneuver	-	-	-	-	627 -
Stage 1	-	-	-	-	769 -
Stage 2	-	-	-	-	858 -

Approach	EB	WB	SB
HCM Control Delay, s	1	0	11
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1269	-	-	-	684
HCM Lane V/C Ratio	0.015	-	-	-	0.12
HCM Control Delay (s)	7.9	-	-	-	11
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0.4

Intersection												
Int Delay, s/veh	6.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	4	4	19	29	4	4	54	8	9	4	26	4
Future Vol, veh/h	4	4	19	29	4	4	54	8	9	4	26	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	4	21	32	4	4	60	9	10	4	29	4

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	177	178	31	186	175	14	33	0	0	19	0	0
Stage 1	39	39	-	134	134	-	-	-	-	-	-	-
Stage 2	138	139	-	52	41	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	785	716	1043	775	718	1066	1579	-	-	1597	-	-
Stage 1	976	862	-	869	785	-	-	-	-	-	-	-
Stage 2	865	782	-	961	861	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	754	687	1043	732	689	1066	1579	-	-	1597	-	-
Mov Cap-2 Maneuver	754	687	-	732	689	-	-	-	-	-	-	-
Stage 1	939	859	-	836	755	-	-	-	-	-	-	-
Stage 2	824	752	-	934	858	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	9		10.1		5.6		0.9	
HCM LOS	A		B					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1579	-	-	920	752	1597	-	-
HCM Lane V/C Ratio	0.038	-	-	0.033	0.055	0.003	-	-
HCM Control Delay (s)	7.4	0	-	9	10.1	7.3	0	-
HCM Lane LOS	A	A	-	A	B	A	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.1	0.2	0	-	-

HCM 6th TWSC
 3: Outlet Center Drive & Components Drive

09/30/2024

Intersection						
Int Delay, s/veh	2.5					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	49	369	282	73	76	43
Future Vol, veh/h	49	369	282	73	76	43
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	54	410	313	81	84	48

Major/Minor	Major1	Major2	Minor2		
Conflicting Flow All	394	0	-	0	872 354
Stage 1	-	-	-	-	354 -
Stage 2	-	-	-	-	518 -
Critical Hdwy	4.12	-	-	-	6.42 6.22
Critical Hdwy Stg 1	-	-	-	-	5.42 -
Critical Hdwy Stg 2	-	-	-	-	5.42 -
Follow-up Hdwy	2.218	-	-	-	3.518 3.318
Pot Cap-1 Maneuver	1165	-	-	-	321 690
Stage 1	-	-	-	-	710 -
Stage 2	-	-	-	-	598 -
Platoon blocked, %		-	-	-	
Mov Cap-1 Maneuver	1165	-	-	-	306 690
Mov Cap-2 Maneuver	-	-	-	-	428 -
Stage 1	-	-	-	-	677 -
Stage 2	-	-	-	-	598 -

Approach	EB	WB	SB
HCM Control Delay, s	1	0	14.9
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1165	-	-	-	496
HCM Lane V/C Ratio	0.047	-	-	-	0.267
HCM Control Delay (s)	8.2	-	-	-	14.9
HCM Lane LOS	A	-	-	-	B
HCM 95th %tile Q(veh)	0.1	-	-	-	1.1

Intersection												
Int Delay, s/veh	6.2											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	4	4	85	18	4	4	67	26	29	4	16	4
Future Vol, veh/h	4	4	85	18	4	4	67	26	29	4	16	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	4	94	20	4	4	74	29	32	4	18	4

Major/Minor	Minor2		Minor1		Major1			Major2				
Conflicting Flow All	225	237	20	270	223	45	22	0	0	61	0	0
Stage 1	28	28	-	193	193	-	-	-	-	-	-	-
Stage 2	197	209	-	77	30	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	730	664	1058	683	676	1025	1593	-	-	1542	-	-
Stage 1	989	872	-	809	741	-	-	-	-	-	-	-
Stage 2	805	729	-	932	870	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	695	630	1058	595	642	1025	1593	-	-	1542	-	-
Mov Cap-2 Maneuver	695	630	-	595	642	-	-	-	-	-	-	-
Stage 1	942	869	-	770	705	-	-	-	-	-	-	-
Stage 2	758	694	-	842	867	-	-	-	-	-	-	-

Approach	EB		WB		NB		SB	
HCM Control Delay, s	9		10.9		4		1.2	
HCM LOS	A		B					

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1593	-	-	1006	644	1542	-	-
HCM Lane V/C Ratio	0.047	-	-	0.103	0.045	0.003	-	-
HCM Control Delay (s)	7.4	0	-	9	10.9	7.3	0	-
HCM Lane LOS	A	A	-	A	B	A	A	-
HCM 95th %tile Q(veh)	0.1	-	-	0.3	0.1	0	-	-

Intersection: 3: Outlet Center Drive & Components Drive

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	30	30
Average Queue (ft)	4	12
95th Queue (ft)	20	35
Link Distance (ft)	990	1422
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 3: Outlet Center Drive & Components Drive

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	28	74
Average Queue (ft)	5	33
95th Queue (ft)	22	60
Link Distance (ft)	990	1422
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 3: Outlet Center Drive & Components Drive

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	30	30
Average Queue (ft)	4	13
95th Queue (ft)	20	36
Link Distance (ft)	990	1422
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 3: Outlet Center Drive & Components Drive

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	28	76
Average Queue (ft)	5	35
95th Queue (ft)	22	66
Link Distance (ft)	990	1422
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 3: Outlet Center Drive & Components Drive

Movement	EB	SB
Directions Served	L	LR
Maximum Queue (ft)	27	54
Average Queue (ft)	4	29
95th Queue (ft)	21	53
Link Distance (ft)	990	1417
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 5: Components Drive/Site Access 2 & Peedin Road/Site Access 1

Movement	EB	WB
Directions Served	LTR	LTR
Maximum Queue (ft)	29	70
Average Queue (ft)	17	23
95th Queue (ft)	38	52
Link Distance (ft)	1377	995
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

Intersection: 3: Outlet Center Drive & Components Drive

Movement	EB	WB	SB
Directions Served	L	TR	LR
Maximum Queue (ft)	31	22	144
Average Queue (ft)	11	1	47
95th Queue (ft)	33	7	87
Link Distance (ft)	990	1100	1417
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 5: Components Drive/Site Access 2 & Peedin Road/Site Access 1

Movement	EB	WB	NB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	77	51	27
Average Queue (ft)	33	20	1
95th Queue (ft)	54	44	9
Link Distance (ft)	1377	995	1417
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Network Summary

Network wide Queuing Penalty: 0



Request for Town Council Action

Public
Hearing: SUP-24-02
Date: 11/19/24

Subject: Heritage Townes at Waddell Special Use Permit
Department: Planning Department
Presented by: Planning Director - Stephen Wensman
Presentation: Public Hearing

Issue Statement

Samuel O'Brien (Shovel Ready Johnson, Inc) is requesting a special use permit for Heritage Townes at Waddell, a 17-unit townhouse development on 1.88 acres of land in the R-8 Zoning District.

Financial Impact

The development will **add to the town's tax base.**

Action Needed

The Town Council is respectfully requested to hold a public hearing and to approve, approve with conditions or deny the special use permit request based on finding of fact for special use permits.

Recommendation

Staff recommends approval of SUP-24-02, with 5 conditions based on the finding of fact for special use permits

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Finding of fact
3. Application and narrative
4. Site plans



Staff Report

Public Hearing: SUP-24-02

REQUEST:

Samuel O'Brien (Shovel Ready Johnson, Inc) is requesting a special use permit for Heritage Townes at Waddell, a 17-unit townhouse development on 1.88 acres of land in the R-8 Zoning District.

PROPERTY LOCATION:

The proposed development is located 19 and 21 Waddell Drive, approximately 460 feet north of the Brightleaf Boulevard and Waddell Drive intersection, and further identified by the Johnston County Tax ID#s 15005023, 15005022, 15005022A

APPLICATION DATA:

Applicant:	Samuel O'Brien (Shovel Ready Johnson, Inc).
Engineer:	Dan Danvers, RLA (Bohler Engineering NC, PLLC)
Property Owners:	Heritage Townes at Waddell, Inc.
Tax ID#s	15005023, 15005022, 15005022A
Rezoning Acreage:	1.88 acres.
Present Zoning:	R-8
Existing Use:	Detached single-family residential
Proposed Use:	Townhomes (multi-family)
Fire District:	Town of Smithfield
Parks/Recreation:	Fee in lieu of parkland dedication
School Impacts:	Potentially students in schools
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Town of Smithfield
Development Density:	9.44 dwelling units per acre

**ADJACENT ZONING AND LAND USES:
(see attached map)**

	Zoning	Existing Land Uses
North	O/I	Nursing Home
South	R-8	Detached single-family residential
East	R-8	Detached single-family residential
West	R-8	Detached single-family residential

EXISTING CONDITIONS/ENVIRONMENTAL:

- The property considered for approval is comprised of 3-detached single family residential lots. There is an existing home and shed that will be removed by this project.
- **An existing 3' high metal/barbed wire fence runs along the east property line.**
- An existing **20'** wide drainage and utility easement that runs north-west from Waddell Drive toward the rear of the lot towards the Nursing Home on Berkshire Drive.
- **Waddell Drive is an 18'**-wide road with drainage ditches on the sides without sidewalks. Both ends of Waddell Drive at N Brightleaf Boulevard are unsignalized.

SPECIAL USE PERMIT REVIEW:

Multi-family residential is a special use with supplemental standards in the R-8 Zoning District according to Article 6, Table 6.6 of the Unified Development Ordinance. The supplementary standards for multi-family are found in UDO Article 7, Section 7.35.

- Development Plan Overview. There are 3-townhouse buildings proposed (3-unit, 6-unit and 8-unit each). The townhome development is being designed to have a central driveway leading to the rear of the units (parking courtyard). Each unit will have a 2-car garage for parking. Seven (7) overflow parking spaces are to be provided in a center island with a cluster mailbox. The fronts of the townhouses face outward towards the sides and rear lot lines. Each unit will have a front yard area linked to a shared sidewalk that encircles the buildings.
- Comprehensive Plan/Density. The Town Plan guides this property for medium density residential with a maximum density of 9.68 units per acre. This proposal will have a density of 9.44 units per acre.
- Townhomes. Each townhouse on both the front and back will be differentiated by its own shed roof-dormer. Each front yard will have its own fenced area. The architectural materials will be comprised of composite lap siding, vertical siding, board and batten vertical siding, composite fascia with corner trim made by Tamlyn (metal product).
 - Unit dimensions. **22' wide x 28' deep.**
 - Lot dimensions. **22' wide x 63' deep.**
 - Each unit will have 3 bedrooms with 2 baths.
- Street Access/Frontage. The development site has frontage on Waddell Drive and access to the site will be from a shared single driveway off Waddell Drive.

- Street Yard/Buffers. The proposed development plans show a **10' wide Type A** buffer along the sides and rear of the site **and a 15' Street Yard Landscaping** along the front property line as required.
- Building Setbacks. **The development has provided a 35' perimeter setback** as required for multi-family developments with 11 to 30 units.
- Building Separations. **All proposed townhouse buildings maintain the required 30'** building separation for buildings ranging 25.1' to **30'** in height.
- Sidewalks. Multi-family developments are required to construct sidewalks along the public right of way or in an easement on the development property. The site plans show a sidewalk near the Waddell Drive frontage, but the sidewalks should go from property line to property line. This sidewalk is a condition of approval.
- Trash. The developer has not provided any details for trash rollout storage. A condition of approval should be added that the containers be screened from the public right of way.
- Parking. Minimum parking requirements for three-bedroom units are 2 spaces per unit. The development provides spaces for 2 cars per unit + 7 overflow.
- Stormwater. The site plan provides an area in the northwest corner of the site for a stormwater management facility.
- HOA. A **homeowner's** association will be required to maintain all the common areas and amenities including the parking lot, sidewalks, stormwater facility, mail kiosk, signs, etc.
- Utilities. The developer is planning on relocating and upgrading the existing sanitary sewer line. The existing sanitary sewer easement crossing the site will be relocated. There are no details shown for how this will be accomplished. The relocation of the sewer line and easement is a condition of approval.
- Signage. A monument sign is shown on the site plan. The location meets the required setbacks.
- Traffic. The amount of traffic generated by this development is below the threshold **for a traffic study. Waddell Drive is a substandard road (18' wide with drainage ditches)** and neither intersection onto Brightleaf Boulevard have traffic signals. No improvements to Waddell Drive are proposed.

FINDING OF FACT (Staff Opinion):

The Town Council shall issue a special use permit if it has evaluated an application through a quasi-**judicial process and determined that (Staff's opinion in Bold/Italic)**:

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. *The project will not be detrimental to or endanger the public health, safety or general welfare. The development will adhere to all Town requirements.*

4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. *The project will not impede the normal and orderly development and improvement of the surrounding properties. The neighborhood is fully developed with only redevelopment occurring, this townhouse project and commercial development along Brightleaf Boulevard. This development will potentially provide new customers in walking distance to the Brightleaf commercial establishments.*

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. *The development will provide adequate utilities, drainage, parking and necessary facilities. For this project to proceed, an existing sanitary sewer line and easement will need to be relocated.*

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. *The use will not create such nuisances.*

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. *Proper ingress and egress will be provided with a single driveway onto Waddell Drive. The developer will likely install a stop sign at the exit lane to Waddell Drive.*

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. *The use will have no adverse impacts on the abutting or adjoining properties. The adjacent properties are residential. The design of the proposed buildings will be complementary to the mostly single-story homes surrounding with dormers that break up the scale of the buildings. Furthermore, the site will be well buffered along all property lines. The design of the home will be such that the front (good) side faces outward. All vehicular access is toward the center of the site.*

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The proposed townhomes will be complementary and in harmony

with the adjacent homes. The architectural style will blend well and dormers will break up the scale of the buildings. The buildings will be positioned such that they will have minimal impact from the street.

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. The special use will meet all applicable regulations.

RECOMMENDATION TO TOWN COUNCIL:

Planning Staff recommends approval of SUP-24-02 with the following conditions:

1. That the **driveway be constructed in accordance with the Town's driveway apron** detail.
2. That the existing sanitary sewer line and easement be relocated with the approval of **the Town's Public Utilities Director.**
3. That rollout trash containers be screened from the public right of way or stored within the garages.
4. That the developer constructs **a 5' wide public sidewalk in the public right of way, or** in an easement for the sidewalk along the right of way.
5. There shall be a **homeowner's** association to own and maintain all common amenities such as the parking lot, sidewalks, landscaping, mail kiosk, and stormwater management facility.

RECOMMENDED MOTION:

"move to approve SUP-24-02 with 5 conditions of approval based on the finding of fact for special use permits."

**Town of Smithfield
Special Use Permit Application
Finding of Fact / Approval Criteria**

Application Number: SUP-24-02 **Name:** Heritage Townes at Waddell

Request: The applicant seeks a special use permit to utilize property located within the R-8 (Single, Two, and Multi-Family) zoning district for a Townhouse development. The property considered for approval is located at 19 and 21 Waddell Drive, approximately 460 feet north of the Brightleaf Boulevard and Waddell Drive intersection, and further identified by the Johnston County Tax ID#s 15005023, 15005022A.

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

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

- 4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
- 4.9.4.5.2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided.
- 4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
- 4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property.
- 4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.
- 4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

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

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

1. That the driveway be constructed in accordance with the Town's driveway apron detail.
2. That the existing sanitary sewer line and easement be relocated with the approval of the Town's Public Utilities Director.
3. That rollout trash containers be screened from the public right of way or stored within the garages.
4. That the developer constructs a 5' wide public sidewalk in the public right of way, or in an easement for the sidewalk along the right of way.
5. There shall be a homeowner's association to own and maintain all common amenities such as the parking lot, sidewalks, landscaping, mail kiosk, and stormwater management facility.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Special Use Permit Application #SUP-24-02 for the following stated reason:*

1. _____

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council for the Special Use Permit Application Number SUP-24-02 is hereby:

_____ **approved upon acceptance and conformity with the following conditions:**

1. That the driveway be constructed in accordance with the Town's driveway apron detail.
2. That the existing sanitary sewer line and easement be relocated with the approval of the Town's Public Utilities Director.
3. That rollout trash containers be screened from the public right of way or stored within the garages.
4. That the developer constructs a 5' wide public sidewalk in the public right of way, or in an easement for the sidewalk along the right of way.
5. There shall be a homeowner's association to own and maintain all common amenities such as the parking lot, sidewalks, landscaping, mail kiosk, and stormwater management facility.

_____ **denied for the noted reasons.**

1. _____

Decision made this __ day of _____, 2024, while in regular session.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk



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

SPECIAL USE PERMIT APPLICATION

Pursuant to Article 4, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Special Use. Special Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

one (1) copy requested by S.Wensmen

Special Use Permit applications must be accompanied by one (1) signed application, ~~three (3) sets of~~ required plans and one (1) digital copy of all required documents, including the Owner's Consent Form (attached) and the application fee.

SITE INFORMATION:

Name of Project: _____ Acreage of Property: _____

Parcel ID Number: _____ Tax ID: _____

Deed Book: _____ Deed Page(s): _____

Address: _____

Location: _____

Existing Use: _____ Proposed Use: _____

Existing Zoning District: _____

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 Submitted: _____	Date Received: _____	Amount Paid: _____
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REQUIRED FINDING OF FACT

Article 4 of the Town of Smithfield Unified Development Ordinance requires applications for a Special Use Permit to address the following findings. The applicant has the burden of producing competent, substantial evidence tending to establish the facts and conditions which this section requires. The Town Council shall issue a special use permit if it has evaluated an application through a quasi-judicial process and determined that:

- 1) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.

- 2) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

- 3) Adequate utilities, drainage, parking, or necessary facilities have been or are being provided

- 4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

- 5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

- 6) That the use will not adversely affect the use or any physical attribute of adjoining or abutting property.

- 7) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.

- 8) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.

REQUIRED SITE PLAN INFORMATION

Article 5 of the Town of Smithfield Unified Development Ordinance requires a site plan be prepared by a professional engineer, registered land surveyor, or licensed architect and shall be drawn to scale of not less than one inch equals 30 feet. 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. The site plan shall contain the following information, if applicable as determined by the UDO Administrator:

- 1) A key map of the site with reference to surrounding areas and existing street locations.
- 2) 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.
- 3) Parcel Identification Numbers (PIN) for site and adjacent properties.
- 4) Deed book and page reference demonstrating ownership of property.
- 5) Location of all existing and proposed structures, including their outside dimensions and elevations, streets, entrances, and exits on the site, on contiguous property, and on property directly across the street.
- 6) Building setback, side line, and rear yard distances.
- 7) Location of watercourses, ponds, flood zones, water supply watershed areas, and riparian buffers.
- 8) 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, and significant soil conditions.
- 9) Topography showing existing and proposed contours at no greater than ten (10) foot intervals. All reference benchmarks shall be clearly designated.
- 10) The zoning of the property, including zoning district lines where applicable.
- 11) Lot line dimensions and property lines of the tract to be developed (with dimensions identified), adjacent property lines (including corporate limits, Town boundaries, and county lines).
- 12) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles, and curb radii per the requirements of Article 10, Part I.
- 13) Types of surfaces for drives, sidewalks, and parking areas.
- 14) Location and design of existing and proposed sanitary waste disposal systems, water mains and appurtenances (including fire hydrants) on or adjacent to the parcel.
- 15) Other utility lines both under- and above-ground, including electric power, telephone, gas, cable television.
- 16) Location of all US Clean Water Act Section 404 wetland areas, located of 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.
- 17) The location of all common areas.
- 18) The location and dimensions of all areas intended as usable open space, including all recreational areas. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
- 19) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees, and dimensions, approximate time of planting, and maintenance plans per the requirements of Article 10, Part II. The plan shall include the tree line of wooded areas and individual trees eight (8) inches in diameter or more, identified by common or scientific name.
- 20) Proposed site lighting.

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 Special Use Permit. 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.

Sam Brown
Print Name

[Signature]
Signature of Applicant

7/3/24
Date

OWNER'S CONSENT FORM

Name of Project: Heritage Townes at Waddell Submittal Date: 7/03/2024

OWNERS AUTHORIZATION

I hereby give CONSENT to Bohler (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] Sam Brown 7/3/24
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.

[Signature] Sam Brown 7/3/24
Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY		
File Number: _____	Date submitted: _____	Date received: _____

To: Town of Smithfield
Planning Department
309 E. Market Street
Smithfield, NC 27577

From: Bohler Engineering
4130 Parklake Ave, Ste. 200
Raleigh, NC 27612

Date: September 6th, 2024

Subject: Special Use Application: Statement of Justification

The enclosed application documents have been revised based on additional information obtained by the Applicant after the previous approval. The enclosed documents describe a townhome development proposed on a 1.88 ac site within the R-8 Zone. As supported at the time of this application, Article 6 within the UDO shows townhomes as an allowable special use per supplemental regulations. We have prepared this narrative describing the project's adherence to these supplemental regulations.

This project has been revised to include seventeen (17) dwelling units positioned within three townhome blocks. Per the UDO, a maximum density of 4,500sf per dwelling unit is acceptable, currently, the applicant is utilizing 4,818 sf per dwelling unit, providing slightly less than the maximum density. The design team has paid specific attention to positioning the buildings to minimize their appearance from Waddell Drive, in keeping with the scale of development surrounding the project. These townhomes were designed to accommodate solid waste, and two cars per unit in a garage directly adjacent to the driveway. Per discussion with Town Staff, the applicant is currently anticipated that municipally available waste management services will serve this project. The applicant is considering pedestrian-scale lighting, a central planted open area, and a **community trail that surrounds the project**. Specific programming of the open areas has not been finalized at this time but will be further described through the planning process. A notable revision between the two applications is related to the west side of the site. Originally the applicant presented that the drainage path delineated by a licensed professional qualified as a buffered waterway. After further review, the project team has determined that buffers were not required per 10.92.9 and consequently been removed from the plans. However, the applicant continues to adhere to the required landscape buffer, building setback, and yard requirements along the western side. All disturbed areas will be revegetated in alignment with the ordinance.

Per UDO section 8.13.1 specific layout guidance is provided. The applicant is currently proposing buildings between **25.1' and 30' tall** and therefore, **buildings are separated a minimum of 30'**. Please see the Site plan (C-301) for specific dimensions. Additionally, **A 35' yard** is provided between each townhome and the nearest property lines. Allowing for a mix of private fenced-in space per unit, and a common walkway amenity for the project. Additionally, landscape buffers have been considered and provided per UDO Article 10. Within Article 7 of the UDO, there are supplemental regulations specifically identified for townhome developments. The applicant will comply with all of these regulations as outlined below:

- 7.35.2.1- Maintenance. The applicant will establish a **homeowner's association** to be responsible for the maintenance of all common/shared-use areas outside of the townhome and per-unit amenities.
- 7.35.2.2- The applicant will file in the Johnson County Registry of Deeds, at the time of site development approval, required legal documents providing guarantees reserving the use of open space for the residents. Additionally, the applicant will include documentation proving satisfactory alignment for 7.35.2.2.1-7.35.2.2.4 (Maintenance agreement for all open space and shared site features, Proof of funds required for such maintenance, Proof of insurance coverage, and provisions for recovery for loss sustained by casualty, condemnation or otherwise).



The applicant is excited to discuss the revisions, present this project to the Town of Smithfield, and looks forward to discussing the merits of this proposed development, alignment with the UDO, and compliance with all supplemental requirements required.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read "Dan Danvers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dan Danvers, RLA
Sr. Project Manager | Land Development | Bohler

PROP. SITE PLAN DOCUMENTS

HERITAGE TOWNES AT WADDELL

FOR _____

SHOVEL READY JOHNSON, INC.,

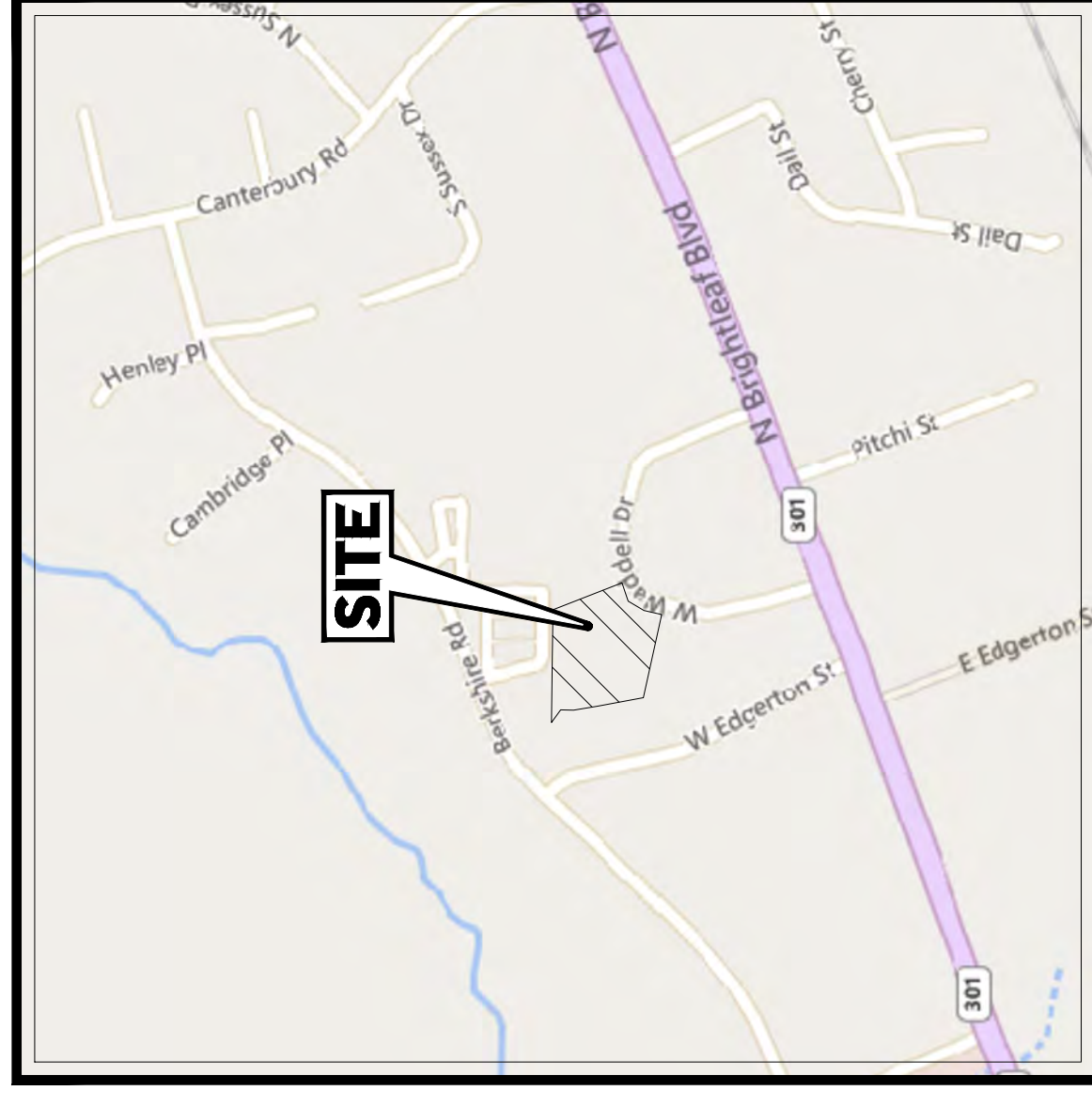
19 AND 21 W WADDELL DR
SMITHFIELD, NC 27577
JOHNSTON COUNTY

REFERENCES AND CONTACTS

<p>REFERENCES</p> <ul style="list-style-type: none"> • BOUNDARY & TOPOGRAPHIC SURVEY: BOHLER ENGINEERING, INC. DATED: 04/12/24 (REV. 1) DRAWN BY: DDM ELEVATIONS: NAD 83 / NSRS 2011 • GEOTECHNICAL INVESTIGATION REPORT: TO BE DETERMINED • ARCHITECTURAL PLAN: "HERITAGE TOWNES AT WADDELL" CENTER STUDIO ARCHITECTURE DATED: 06/25/24 	<p>GOVERNING AGENCIES</p> <ul style="list-style-type: none"> • PLANNING DEPARTMENT JOHNSTON COUNTY PLANNING DIRECTOR 300 EAST MARKET ST. SMITHFIELD, NC 27577 PHONE: (919) 924-2796 FAX: (919) 924-1134 • PUBLIC UTILITIES DEPARTMENT TED CRENLE, PUBLIC UTILITIES DIRECTOR SMITHFIELD, NC 27577 PHONE: (919) 924-2796 FAX: (919) 924-2796 • FIRE DEPARTMENT BLAKE HOLLOWAY, FIRE MARSHALL 111 SOUTH FOURTH ST. SMITHFIELD, NC 27577 PHONE: (919) 924-2469 FAX: (919) 924-0996
--	--

THE ABOVE REFERENCED DOCUMENTS ARE INCORPORATED BY REFERENCE AS PART OF THESE PLANS. HOWEVER, BOHLER ENGINEERING IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION DERIVED FROM THESE DOCUMENTS, BY OTHERS.

GENERAL NOTE:
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO THE START OF CONSTRUCTION. INCLUDED IN THE CONTRACTOR'S OBLIGATIONS WITH THESE DOCUMENTS IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO THE START OF CONSTRUCTION.



LOCATION MAP
SCALE: 1" = 500'

OWNER
HERITAGE TOWNES AT WADDELL, INC.
PO BOX 30292
RALEIGH, NC 27612-0292

DEVELOPER
SHOVEL READY JOHNSON, INC.
4500 PARKWAY DRIVE, SUITE 251
RALEIGH, NC 27612
PHONE: 989-761-4688

PREPARED BY

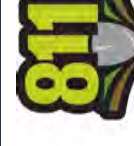


CONTACT: DAN DANVERS, R.L.A.

PHONE : (919) 578 - 3400

EMAIL: DDANVERS@BOHLERENG.COM

SHEET INDEX	
SHEET TITLE	NUMBER
COVER SHEET	C-101
GENERAL NOTES AND LEGEND	C-102
EXISTING CONDITIONS/ DEMOLITION PLAN	C-201
SITE PLAN	C-301
GRADING AND DRAINAGE PLAN	C-401
UTILITY PLAN	C-501
LANDSCAPE PLAN	L-101
LIGHTING PLAN	L-201



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Call before you dig.
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ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL

THIS DOCUMENT IS FOR REVIEW ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. REVIEW AND APPROVAL SHALL BE OBTAINED FROM THE APPLICABLE AGENCY. DOCUMENT NUMBERS INDICATED OTHERWISE.

PROJECT No.: NCB240021
DRAWN BY: DDM/AVSH
CHECKED BY: DDM/AVSH
DATE: 07/25/24
CAD ID: P-CIVL-CNS

PROP. SITE PLAN DOCUMENTS

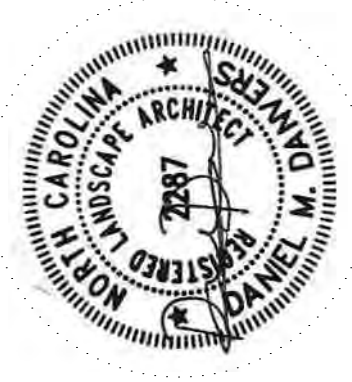
FOR
SHOVEL READY JOHNSON, INC.

HERITAGE TOWNES AT WADDELL

19 AND 21 WADDELL DR
SMITHFIELD, NC 27577
JOHNSTON COUNTY



BOHLER ENGINEERING, INC. PLLC
MEMBERS SINCE 1952
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com



SHEET TITLE:

COVER SHEET

SHEET NUMBER:

C-101

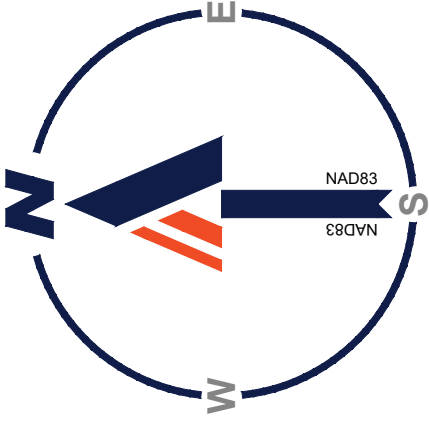
REVISION 1 - 09/06/24

BOHLER ENGINEERING NC, PLLC
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
SCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

THE INFORMATION, DESIGN AND CONTENT OF THIS DRAWING AND ALL OTHER INFORMATION CONTAINED HEREIN IS THE PROPERTY OF BOHLER ENGINEERING, INC. AND SHALL BE KEPT IN CONFIDENTIALITY. NO REPRODUCTION OR TRANSMISSION OF THIS INFORMATION IS PERMITTED WITHOUT THE WRITTEN PERMISSION OF BOHLER ENGINEERING, INC.

REV	DATE	COMMENT	ISSUED BY	DATE
1	09/06/24	MSUP UPDATE	DD	DD

REVISIONS



BOHLER ENGINEERING NC, PLLC
SITING CIVIL AND CONSULTING ENGINEERING
LAND MANAGEMENT
PROGRAM ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REV	DATE	COMMENT	ISSUED BY	AW/DOB	DD
1	06/06/24	MSUP UPDATE			

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ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL

PROJECT No.: NC0624002-140A
DRAWN BY: DB/AW/SH
CHECKED BY: GTR/EAC
SCALE: P-CIVIL-EXIST

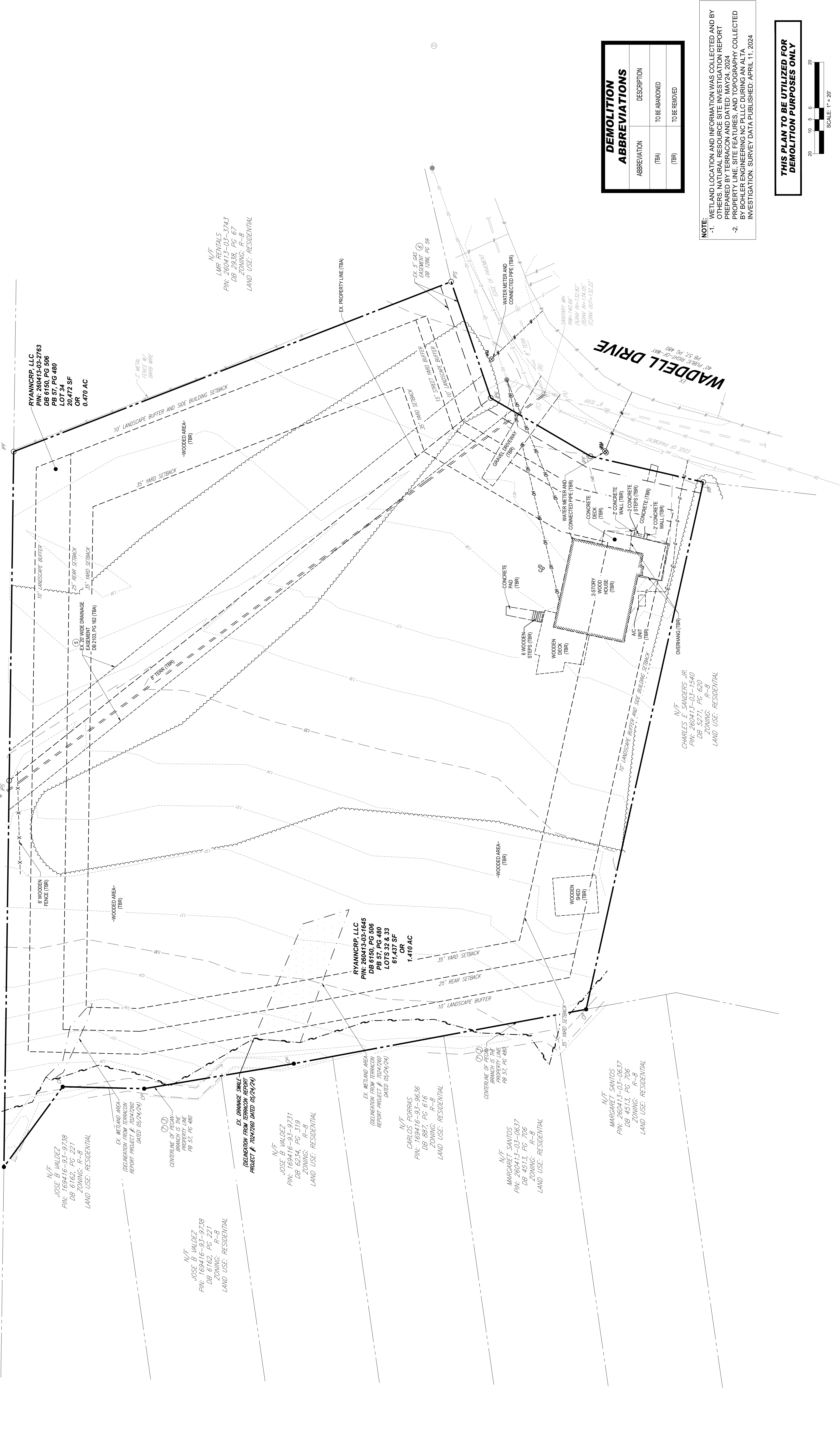
PROP. SITE PLAN DOCUMENTS FOR
SHOVEL READY JOHNSON, INC.
HERITAGE TOWNES AT WADDELL
19 AND 21 WADDELL DR
SMITHFIELD, NC 27577
JOHNSTON COUNTY

BOHLER ENGINEERING NC, PLLC
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 676-9000
NC@BohlerEng.com



EXISTING CONDITIONS/DEMOLITION PLAN
SHEET NUMBER:
C-201

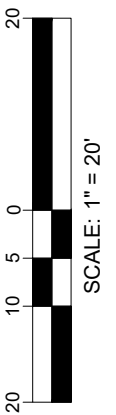
REVISION 1 - 09/06/24

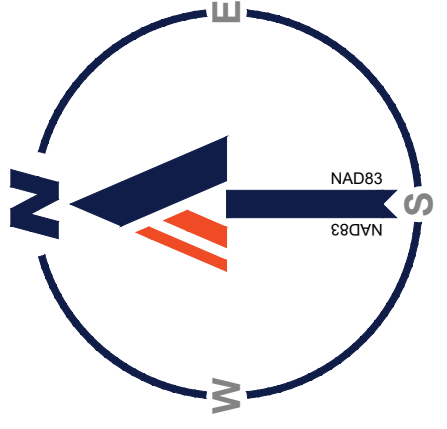


DEMOLITION ABBREVIATIONS	
ABBREVIATION	DESCRIPTION
(TBA)	TO BE ABANDONED
(TBR)	TO BE REMOVED

NOTE:
-1. WETLAND LOCATION AND INFORMATION WAS COLLECTED AND BY OTHERS - NATURAL RESOURCE SITE INVESTIGATION REPORT PREPARED BY TERRACON AND DATED: MAY 24, 2024.
-2. PROPERTY LINE, SITE FEATURES, AND TOPOGRAPHY COLLECTED BY BOHLER ENGINEERING NC, PLLC THROUGH TOPOGRAPHIC SURVEY INVESTIGATION. SURVEY DATA PUBLISHED: APRIL 11, 2024.

THIS PLAN TO BE UTILIZED FOR DEMOLITION PURPOSES ONLY





N/F
ARIN INVESTMENT
PROPERTIES LLC
PIN: 260413-03-4918
DB 3023, PG 394
ZONING: R-8
LAND USE: MEDICAL

N/F
JOSE B VALDEZ
PIN: 169416-93-9731
DB 6234, PG 319
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
JOSE B VALDEZ
PIN: 169416-93-9731
DB 6234, PG 319
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
JOSE B VALDEZ
PIN: 169416-93-9731
DB 6234, PG 319
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
JOSE B VALDEZ
PIN: 169416-93-9731
DB 6234, PG 319
ZONING: R-8
LAND USE: RESIDENTIAL

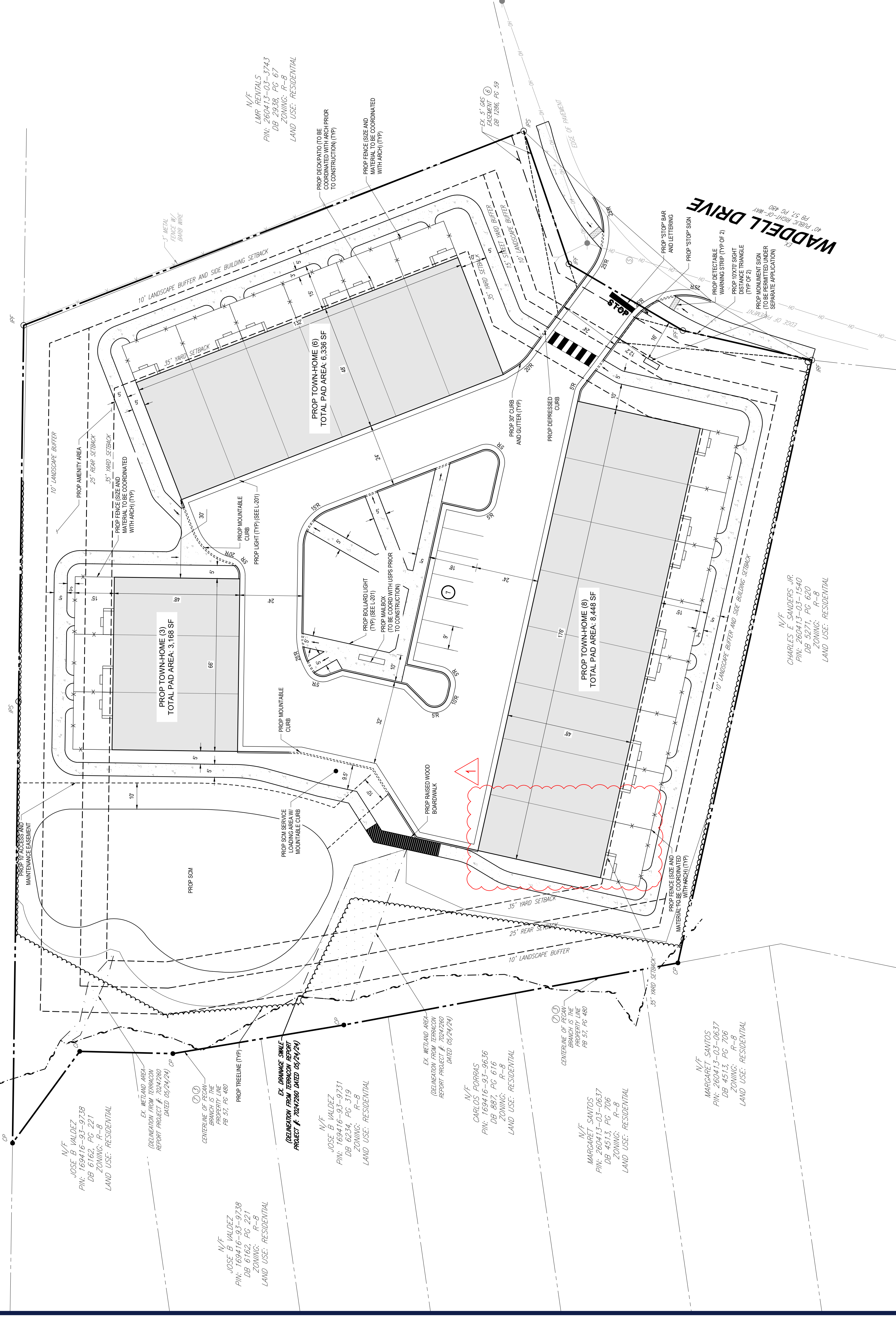
N/F
CARLOS FORRAS
PIN: 169416-93-9636
DB 6891, PG 706
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
MARGARET SANTOS
PIN: 260413-03-0637
DB 4513, PG 706
ZONING: R-8
LAND USE: RESIDENTIAL

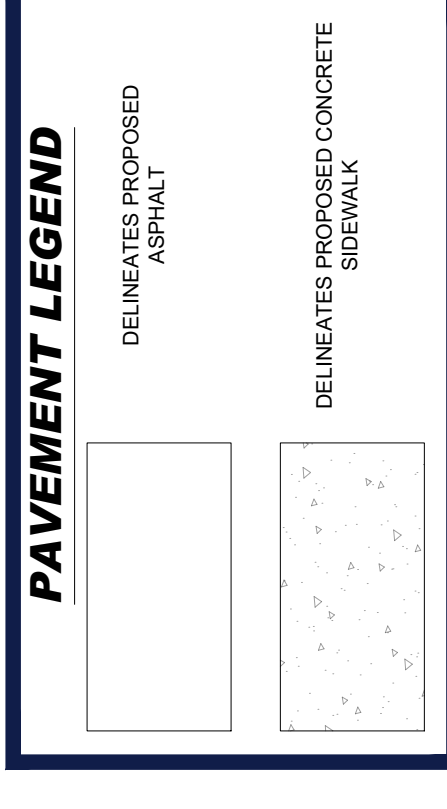
N/F
MARGARET SANTOS
PIN: 260413-03-0637
DB 4513, PG 706
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
CHARLES E SANDERS JR
PIN: 260413-03-1540
DB 2011, PG 20
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
ARIN INVESTMENT
PROPERTIES LLC
PIN: 260413-03-4918
DB 3023, PG 394
ZONING: R-8
LAND USE: MEDICAL



SITE DATA TABLE	
ADDRESS	W WADDELL DR, SMITHFIELD, NC 27577
NC PIN	260413-03-1646, 260413-03-2763
AREA (SF)	81,893 (1.88 AC)
ZONING	R-8
WETLANDS	PRESENT (SEE C-201)
EX. LAND USE	RESIDENTIAL
PROP. LAND USE	RESIDENTIAL
BUILDING DATA	
TYPE OF BUILDING	TOWN-HOME
MAX. ALLOWABLE HEIGHT	35'-0"
PROP. HEIGHT	28'-3"
MIN. BUILDING SEPARATION	30'-0"
AREA PER TOWN-HOME FOOTPRINT (SF)	1,656
TOTAL BUILDING FOOTPRINT AREA (SF)	16,896
PROP. UNITS	17
HEATED AREA PER UNIT (SF)	1,497
BEDROOMS PER UNIT	3
REQUIRED BUILDING SETBACKS	
FRONT	30'-0"
REAR	25'-0"
SIDE	10'-0"
REQUIRED LANDSCAPE BUFFER	
FRONT	10'-0"
SIDE	10'-0"
REAR	10'-0"
PARKING	
REQUIRED PARKING (3 BED)	2 SPACES PER UNIT (16X2 = 32 SPACES)
PROP. PARKING	39 SPACES
IMPERVIOUS	
IMPERVIOUS AREA (SF)	38,710
IMPERVIOUS PERCENTAGE	54%



THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY

SCALE: 1" = 20'

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
LAND MANAGEMENT
PROGRAM ARCHITECTURE
LANDSCAPE ARCHITECTURE
PERMITTING SERVICES
SUSTAINABLE DESIGN
TRANSPORTATION SERVICES

REVISIONS		
REV	DATE	COMMENT
1	06/06/24	MSUP UPDATE

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ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL

PROJECT No.: NCE2402143A
DRAWN BY: DB/AVB
CHECKED BY: CTR/SCD
CAD ID.: P-CIVL-SITE

PROP. SITE PLAN DOCUMENTS
FOR
SHOVEL READY JOHNSON, INC.
HERITAGE TOWNES AT WADDELL
19 AND 21 WADDELL DR
SMITHFIELD, NC 27577
JOHNSTON COUNTY

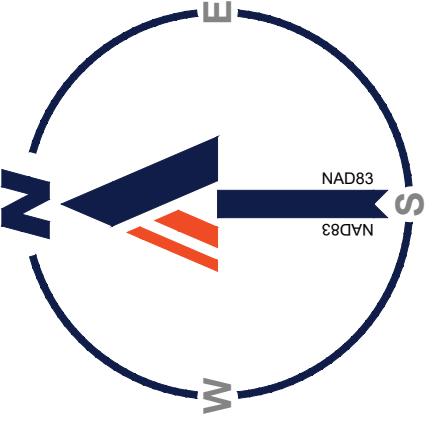
BOHLER
BOHLER ENGINEERING, INC. PLLC
MEMBER SINCE 1952
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 678-9000
NC@BohlerEng.com



SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C-301

REVISION 1 - 09/06/24



N/F
ARVIN INVESTMENT
PROPERTIES LLC
PIN: 260413-03-4918
DB 3073, PG 394
ZONING: O&I
LAND USE: MEDICAL

N/F
ARVIN INVESTMENT
PROPERTIES LLC
PIN: 260413-03-4918
DB 3073, PG 394
ZONING: O&I
LAND USE: MEDICAL

N/F
JOSE B VALDEZ
PIN: 169416-93-9738
DB 6762, PG 221
ZONING: R-8
LAND USE: RESIDENTIAL

EX. METLAND AREA
(DELINQUENT FROM TERRACON
REPORT PROJECT # 1624280
DATED 05/24/24) OF
CENTRELINE OF ROAD
BRANCH IS THE
PROPERTY LINE
PG 51, PG 480

EX. DRAINAGE SWALE
(DELINQUENT FROM TERRACON REPORT
PROJECT # 7024280 DATED 05/24/24)

N/F
JOSE B VALDEZ
PIN: 169416-93-9731
DB 6234, PG 319
ZONING: R-8
LAND USE: RESIDENTIAL

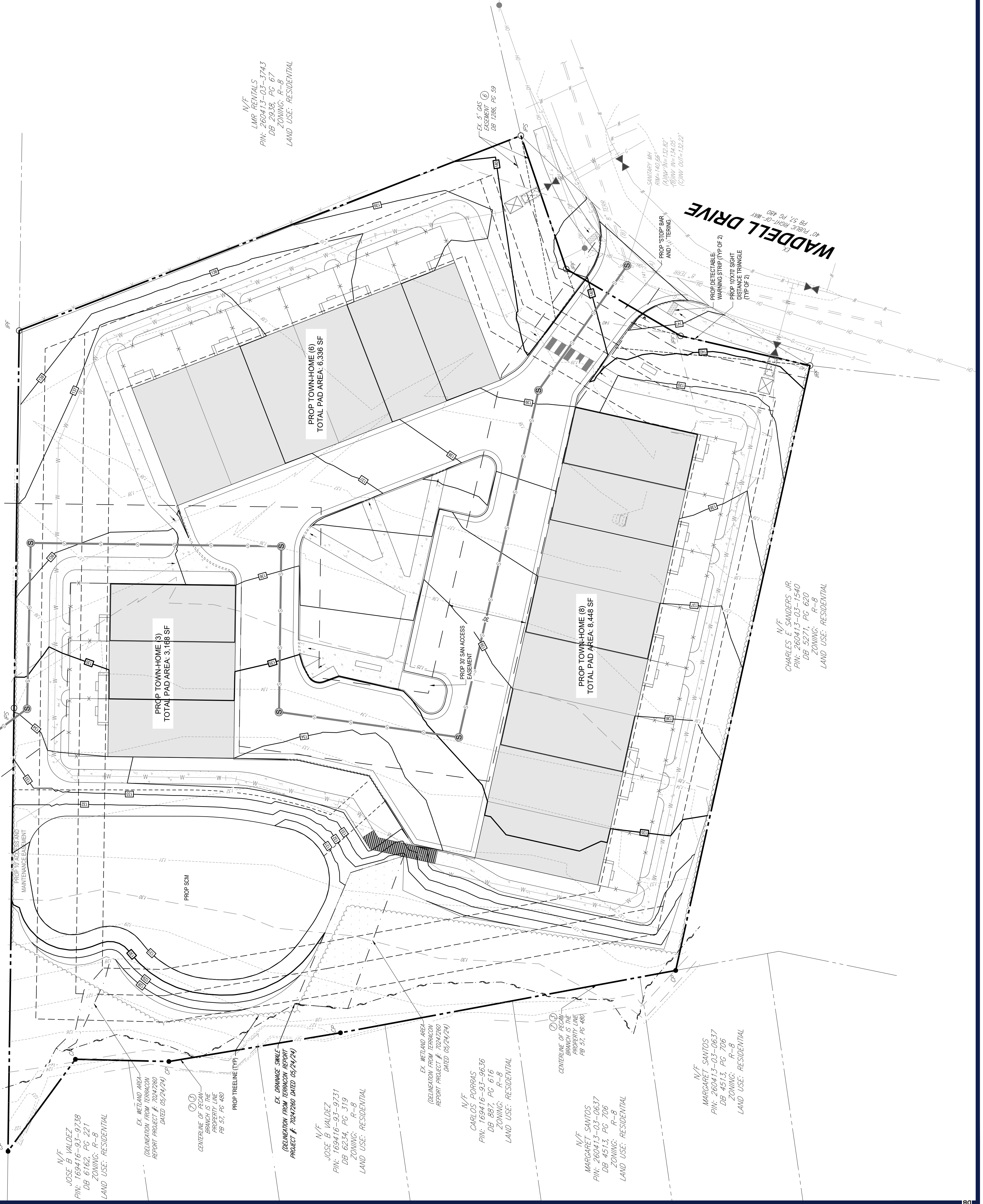
EX. METLAND AREA
(DELINQUENT FROM TERRACON
REPORT PROJECT # 1624280
DATED 05/24/24)

N/F
CARLOS PORRAS
PIN: 169416-93-9636
DB 887, PG 616
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
MARGARET SANTOS
PIN: 169416-93-9637
DB 4513, PG 706
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
MARGARET SANTOS
PIN: 169416-93-9637
DB 4513, PG 706
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
CHARLES E SANDERS JR.
PIN: 260413-03-1540
DB 5271, PG 620
ZONING: R-8
LAND USE: RESIDENTIAL



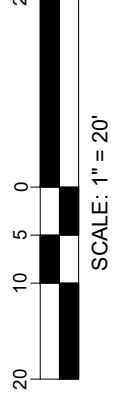
N/F
LMP RENTALS
PIN: 260413-03-3743
DB 3073, PG 394
ZONING: R-8
LAND USE: RESIDENTIAL

EX. 4' 0\"/>
DB 1286, PG 59

SANITARY MAIN
PIPE=14.00\"/>
DB 3000, PG 134.05\"/>
(CONV. O&I=132.22\"/>

WADDELL DRIVE
PROP. STOP BAR
AND LIGHTING
PROP. DETECTABLE
WARNING STRIP (TYP OF 2)
PROP. 10'X10' SIGN
DISTANCE TRIANGLE
(TYP OF 2)

THIS PLAN TO BE UTILIZED FOR
GRADING, DRAINAGE AND UTILITIES
PURPOSES ONLY



GRADING AND DRAINAGE PLAN

SHEET NUMBER:
C-401



BOHLER
BOHLER ENGINEERING, INC. PLLC
MEMBER SINCE 1992
4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 678-9000
NC@BohlerEng.com

FOR
**SHOVEL READY
DOCUMENTS**

**PROP.
SITE PLAN
DOCUMENTS**

PROJECT:
P-CIVL-GRAD
CHECKED BY:
DRAWN BY:
PROJECT No.:
NCE240215-A
DB/AVISH
C/TE/SP
CAD ID:

**ISSUED FOR MUNICIPAL &
AGENCY REVIEW & APPROVAL**

REV	DATE	COMMENT
1	08/06/24	MSUP UPDATE

BOHLER
BOHLER ENGINEERING, INC. PLLC
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN AND REPORTING THEREON SHALL BE CONSIDERED TO BE THE PROPERTY OF BOHLER ENGINEERING, INC. AND SHALL BE USED ONLY FOR THE PROJECT AND PURPOSES SPECIFICALLY IDENTIFIED THEREIN. NO PART OF THIS PLAN OR REPORT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BOHLER ENGINEERING, INC.



N/F
ARNN INVESTMENT
PROPERTIES LLC
PIN: 260413-03-4918
DB 3073, PG 394
ZONING: O&I
LAND USE: MEDICAL

N/F
ARNN INVESTMENT
PROPERTIES LLC
PIN: 260413-03-4918
DB 3073, PG 394
ZONING: O&I
LAND USE: MEDICAL

N/F
JOSE B VALDEZ
PIN: 169416-93-9738
DB 6162, PG 221
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
JOSE B VALDEZ
PIN: 169416-93-9738
DB 6162, PG 221
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
JOSE B VALDEZ
PIN: 169416-93-9731
DB 6234, PG 319
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
CARLOS PORRAS
PIN: 169416-93-9636
DB 887, PG 616
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
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PIN: 260413-03-0637
DB 4513, PG 706
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
MARGARET SANTOS
PIN: 260413-03-0637
DB 4513, PG 706
ZONING: R-8
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N/F
CHARLES E SANDERS JR.
PIN: 260413-03-1540
DB 5271, PG 620
ZONING: R-8
LAND USE: RESIDENTIAL

RYANCRP, LLC
PIN: 260413-03-2763
DB 6150, PG 506
PB 57, PG 480
LOT 34
20,472 SF
OR
0.470 AC

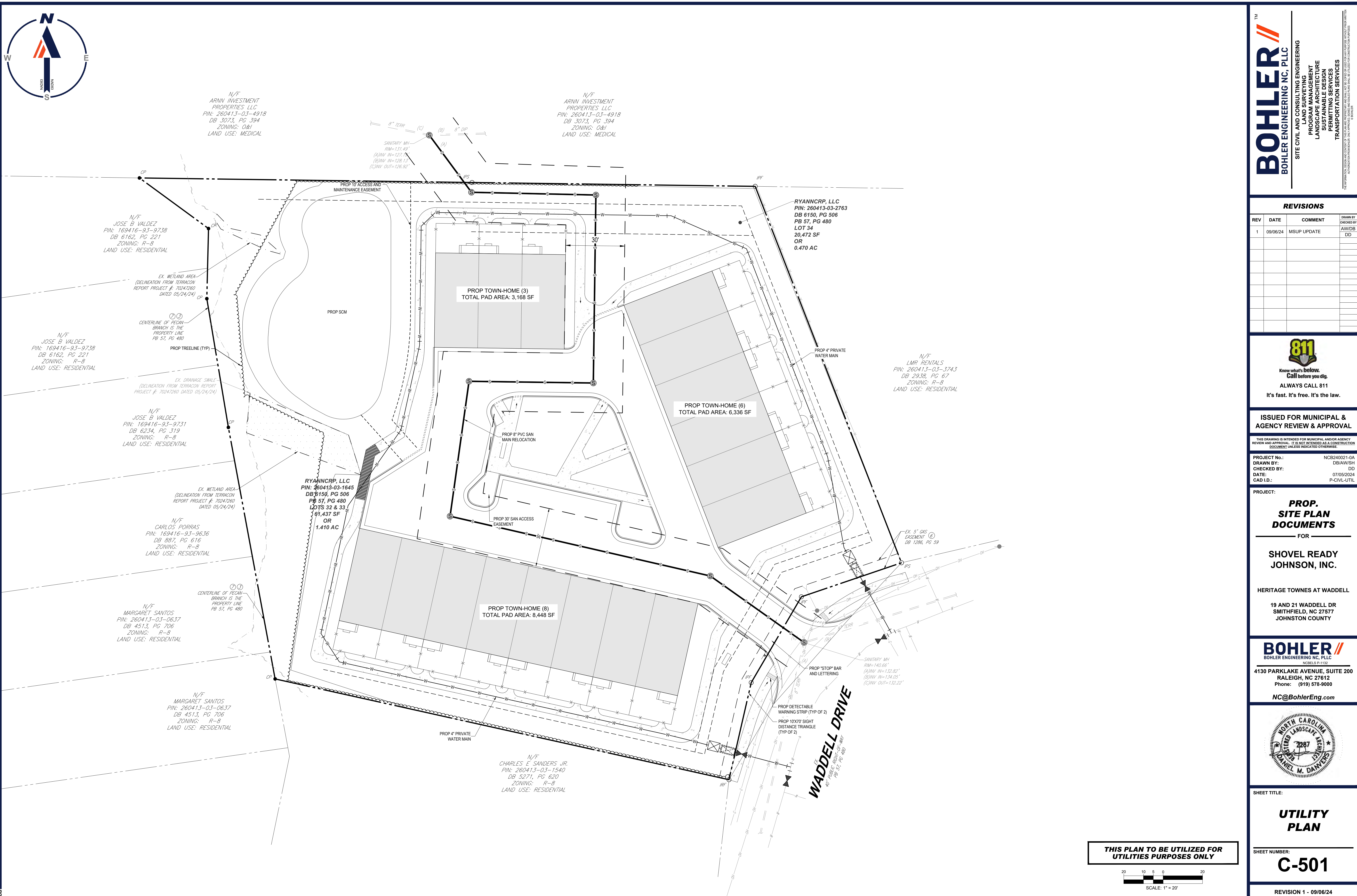
N/F
LMR RENTALS
PIN: 260413-03-3743
DB 2938, PG 67
ZONING: R-8
LAND USE: RESIDENTIAL

RYANCRP, LLC
PIN: 260413-03-1645
DB 5150, PG 506
PB 57, PG 480
LOTS 32 & 33
61,437 SF
OR
1.410 AC

PROP TOWN-HOME (3)
TOTAL PAD AREA: 3,168 SF

PROP TOWN-HOME (6)
TOTAL PAD AREA: 6,336 SF

PROP TOWN-HOME (8)
TOTAL PAD AREA: 6,448 SF



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SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

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REVISIONS				
REV	DATE	COMMENT	CHECKED BY	DRAWN BY
1	09/06/24	MSUP UPDATE	AW/DB	DD

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PROJECT No.: NCB240021-0A
DRAWN BY: DB/AW/SH
CHECKED BY: DD
DATE: 07/05/2024
CAD ID: P-CIVIL-UTIL

PROJECT:
PROP. SITE PLAN DOCUMENTS
FOR
SHOVEL READY JOHNSON, INC.

HERITAGE TOWNES AT WADDELL

19 AND 21 WADDELL DR
SMITHFIELD, NC 27577
JOHNSTON COUNTY

BOHLER
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132

4130 PARKLAKE AVENUE, SUITE 200
RALEIGH, NC 27612
Phone: (919) 578-9000
NC@BohlerEng.com



SHEET TITLE:
UTILITY PLAN

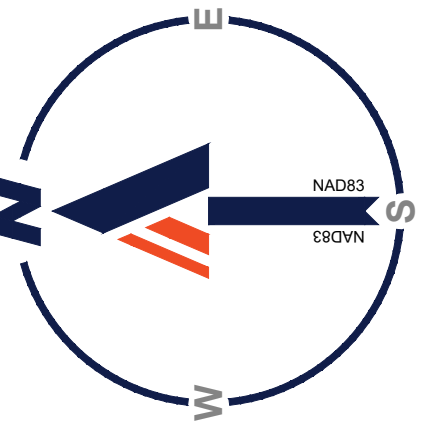
SHEET NUMBER:
C-501

REVISION 1 - 09/06/24

THIS PLAN TO BE UTILIZED FOR UTILITIES PURPOSES ONLY

SCALE: 1" = 20'

8/16/24 11:02:42 AM C:\DRAWINGS\PLAN SET\SP-CIVIL-UTIL\NCB240021-0A\JAYOUT-C-501.UTIL



N/F
ARVIN INVESTMENT
PROPERTIES LLC
PIN: 260413-03-4918
DB 3073, PG 394
ZONING: O&I
LAND USE: MEDICAL

N/F
JOSE B VALDEZ
PIN: 169416-93-9738
DB 6162, PG 221
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
EX. METLAND AREA
RELOCATION FROM TERRACE
REPORT PROJECT # 7024280
DATED 05/24/24

N/F
EX. DRAINAGE SWALE
RELOCATION FROM TERRACE
REPORT PROJECT # 7024280
DATED 05/24/24

N/F
JOSE B VALDEZ
PIN: 169416-93-9731
DB 6234, PG 319
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
CARLOS PORRAS
PIN: 169416-93-9636
DB 687, PG 616
ZONING: R-8
LAND USE: RESIDENTIAL

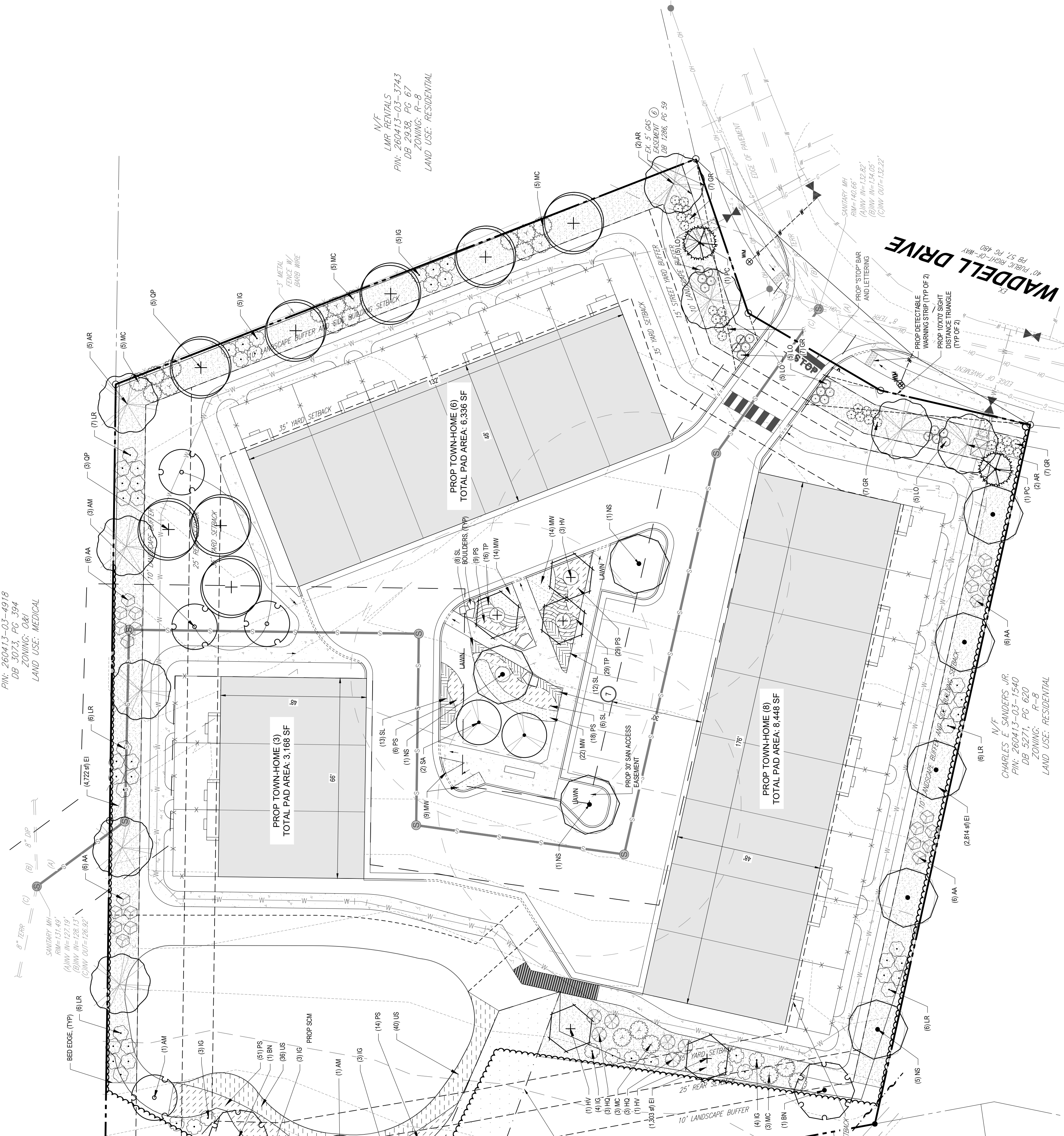
N/F
MARGARET SAMIOS
PIN: 169416-93-9637
DB 4513, PG 706
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
MARGARET SAMIOS
PIN: 169416-93-9637
DB 4513, PG 706
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
CHARLES E SANDERS JR.
PIN: 260413-03-1540
DB 5271, PG 620
ZONING: R-8
LAND USE: RESIDENTIAL

N/F
ARVIN INVESTMENT
PROPERTIES LLC
PIN: 260413-03-4918
DB 3073, PG 394
ZONING: O&I
LAND USE: MEDICAL

N/F
L.M.R. RENTALS
DB 3073, PG 394
LAND USE: RESIDENTIAL



LANDSCAPE COMPLIANCE CHART

SECTION	REQUIREMENT	PROVIDED
10.13.1.8.2 STREET YARDS	MINIMUM DEPTH OF 15' WHEN ADJACENT TO MAJOR OR MINOR ARTERIAL STREETS, CONTAINING 2 CANOPY TREES, ONE EVERGREEN TREE, AND 30 SHRUBS PER 100 LF. WADDELL DR: 165 LF 2 EVERGREEN TREES REQUIRED 4 CANOPY TREES REQUIRED 1.55 X 30 = 46.5 47 SHRUBS REQUIRED	4 CANOPY TREES, 2 EVERGREEN TREES, AND 48 SHRUBS PROVIDED
10.13.2 FOUNDATION PLANTINGS	A MINIMUM OF 12% AREA OF BUILDING WALL FACE ADJACENT TO PARKING AREA OR INTERNAL DRIVE ISLE SHALL BE LANDSCAPED WITH A VARIETY OF PLANT MATERIALS.	EXEMPTION FROM 10.13.2.2.2
10.14 BUFFERYARD REQUIREMENTS	TYPE A BUFFERYARD: 2 CANOPY TREES AND 12 SHRUBS PER 1,000 SF OF BUFFERYARD ALONG LOT LINE. NORTH BUFFER: 313 LF 3.13 X 2 = 6.26 3 CANOPY TREES REQUIRED 33 SHRUBS REQUIRED EAST BUFFER: 205 LF 2.05 X 2 = 4.10 5 CANOPY TREES REQUIRED 25 SHRUBS REQUIRED SOUTH BUFFER: 236 LF 2.36 X 2 = 4.72 5 CANOPY TREES REQUIRED 29 SHRUBS REQUIRED WEST BUFFER: 275 LF 2.75 X 2 = 5.5 5 CANOPY TREES REQUIRED 275 X 12 = 33 33 SHRUBS REQUIRED	NORTH BUFFER: 5 CANOPY TREES AND 31 SHRUBS PROVIDED EAST BUFFER: 5 CANOPY TREES AND 25 SHRUBS PROVIDED SOUTH BUFFER: 4 CANOPY TREES AND 18 SHRUBS PROVIDED WEST BUFFER: ALL VEGETATION REQUIRED WITH SUPPLEMENTAL EXISTING VEGETATION

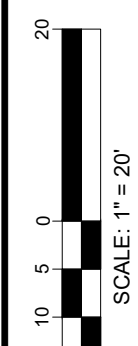
PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	
AR	3	ACER RUBRUM	RED MAPLE	7 CAL	BIB	
BR	2	BETULA PULVERULENTA	YELLOW BIRCH	7 CAL	BIB	
SR	2	SORBUS ALBA	SORBUS	7 CAL	BIB	
OP	3	QUERCUS PHellos	WALNUT	7 CAL	BIB	
PC	2	PRUNUS CERASIFERA	CAROLINA LAUREL CHERRY	7 CAL	BIB	
AM	3	AMELANSIA CANADENSIS	CANADA REDBERRY BLACKBERRY	7 CAL	BIB	
HA	1	HAMMILL'S ORNAMENTAL	AMERICAN SNOWBELL	7 CAL	BIB	
SA	2	STRALYRIA AMERICANA	AMERICAN SNOWBELL	7 CAL	BIB	
HQ	6	HORNEMANNIA GIBBERNA	DAWLEAF FERNWAX	3 HT	CONTAINER	
AA	35	ANEMONE FRANSOSA	FRANCO ANEMONE	3 HT	CONTAINER	
GA	27	GERANIUM ANGIOLATIFOLIUM	GERANIUM	3 HT	CONTAINER	
GG	27	GERANIUM ANGIOLATIFOLIUM	GERANIUM	3 HT	CONTAINER	
LO	20	LOROPETALUM CHINENSE	PURPLE FLOWER	3 HT	CONTAINER	
LR	31	LOROPETALUM CHINENSE	PURPLE FLOWER	3 HT	CONTAINER	
MC	21	IMPATIENS	IMPATIENS	3 HT	CONTAINER	
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
	WH	39	MULCHBERG CARULUS WIFE CLOUT	WHITE CLOUD WIFE GRASS	1 GAL	CONTAINER
	PS	107	PANICUM VIRGATUM	SWAMP GRASS	1 GAL	CONTAINER
	TL	36	TRICHOPHYLLUM	SHRUB	1 GAL	CONTAINER
	SP	45	SPARGANGLIA	SPARGANGLIA	1 GAL	CONTAINER
	US	76	UNDA-PANDULATA	UNDA-PANDULATA	1 GAL	CONTAINER
	B	8838 SF	ERNST SAUTHEST ANNUAL FEBRUARY MIX	ERNST SAUTHEST ANNUAL FEBRUARY MIX		SEED

PLANTING NOTES:

- ALL LANDSCAPE AREAS ARE TO RECEIVE A MINIMUM OF 4" OF TOPSOIL.
- ALL PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE OF PEST AND DISEASE.
- ALL PLANT MATERIAL SHALL BE CONTAINER GROWN OR BALLED & BURLAPPED AS INDICATED IN THE PLANT LIST.
- LAWN AREAS SHALL BE SEED WITH LOCALLY GROWN FESCUE SEED MIX MEETING THE LATEST NORTH CAROLINA DEPT. OF AGRICULTURE STANDARD FOR SEED AND PLANT CERTIFICATION. CONSULT LOCAL N.C. S.U. AGRICULTURAL EXTENSION OFFICE FOR PROPER FERTILIZER AND LIME APPLICATION RATES FOR LAWN.
- ALL TREES SHALL TRUNK FULL HEAD, AND MEET ALL REQUIREMENTS SPECIFIED.
- AFTER INSTALLATION, ALL TREES SHALL BE WATERED AS SHOWN IN THE DETAILS.
- FOR PROTECTION OF PLANTS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF WORK. LOCATIONS OF UTILITIES SHALL BE IDENTIFIED TO THE CONTRACTOR BY THE OWNER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF UTILITY LINES ADJACENT TO THE WORK AREA TO PROTECT ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD 3) TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE OR ADJACENT PROPERTIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE DELIVERY OF THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DELIVERY, STORAGE, AND PROTECTION BETWEEN DELIVERY AND PLANTING PER SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.
- THE CONTRACTOR SHALL COMPLETELY GUARANTEE AND BE RESPONSIBLE FOR FULLY MAINTAINING (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC) ALL OF THE PLANT ANY PLANT MATERIAL WHICH IS DISEASED, DISTRESSED, DEAD, OR REJECTED PRIOR TO SUBSTANTIAL COMPLETION SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, SIZE, AND QUALITY AS SPECIFIED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND STANDARDS FOR PLANT MATERIAL.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND STANDARDS FOR PLANT MATERIAL. SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENT FOR PLANT MATERIAL. WHERE SHOWN ON THE PLANS AND DETAILS, PLANTING BEDS ARE TO BE COMPLETELY COVERED WITH A MULCH. MULCH SHALL BE APPLIED TO ALL MULCH SOURCE COVERED WITH A SUSTAINABLE MULCH.
- ALL LANDSCAPING SHALL AVOID CONFLICT WITH UNDERGROUND STORMWATER MANAGEMENT MEASURES.
- ALL TRANSFORMERS AND AIR HANDLERS TO BE SCREENED WITH SHAMROCK, IMPERIAL HOLLY, AND DWARF BURFORD HOLLY. VARIETIES OF SPECIES BETWEEN DIFFERENT UNITS.

THIS PLAN TO BE UTILIZED FOR LANDSCAPE PURPOSES ONLY



LANDSCAPE PLAN

L-101

REVISION 1 - 09/06/24



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MEMBER SINCE 1992
4130 PARKLAKE AVENUE, SUITE 200
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NC@BohlerEng.com

PROJECT:
PROP. SITE PLAN DOCUMENTS
FOR
SHOVEL READY JOHNSON, INC.
HERITAGE TOWNES AT WADDELL
19 AND 21 WADDELL DR
SMITHFIELD, NC 27577
JOHNSTON COUNTY

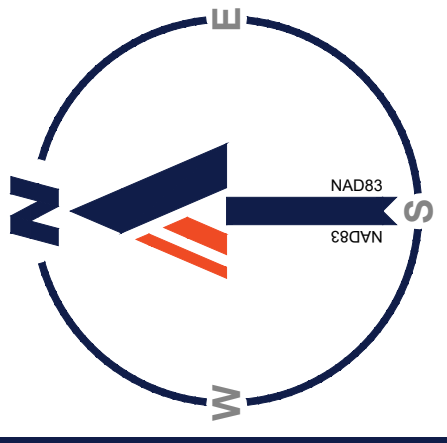
ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL
REVISION 1 - 09/06/24
DRAWN BY: NCB24002343A
CHECKED BY: DRIAMWISH
DATE: 09/06/24
CAD ID: P-02443SCP

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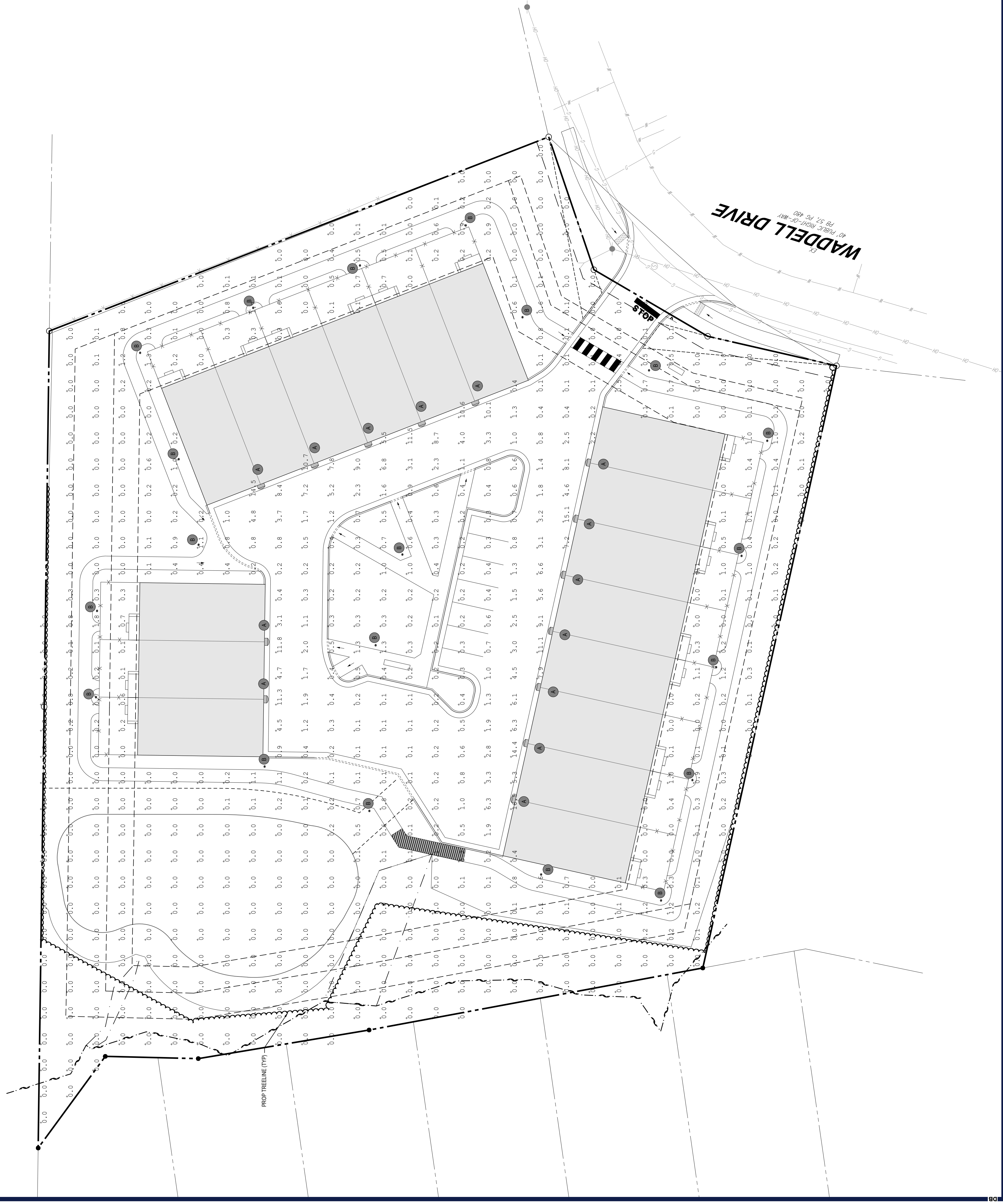
REVISIONS

REV	DATE	COMMENT	AW/OB	DD
1	09/06/24	MSUP UPDATE		DD

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PROGRAM ARCHITECTURE
LANDSCAPE ARCHITECTURE
PERMITTING SERVICES
TRANSPORTATION SERVICES



LIGHTING SCHEDULE			
SYMBOL	QTY.	LABEL	MOUNTING HEIGHT
A	14	RAB02600 SINGLE	REFER TO ARCH DRAWINGS
B	20	B30-8R-10L3K SINGLE	3'



LIGHTING NOTES:

- THE LIGHTING PLAN DEPICTS PROPOSED SUSTAINED ILLUMINATION LEVELS CALCULATED USING DATA PROVIDED BY THE NOTED MANUFACTURERS. ACTUAL SUSTAINED SITE ILLUMINATION LEVELS AND PERFORMANCE OF LUMINAIRES MAY VARY DUE TO VARIATIONS IN WEATHER, ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS, THE SERVICE LIFE OF EQUIPMENT AND LUMINAIRES AND OTHER RELATED VARIABLE FIELD CONDITIONS.
- THE LIGHT LOSS FACTORS USED IN THESE LIGHTING CALCULATIONS ARE 0.90 FOR ALL LED LUMINAIRES, 0.80 FOR ALL HIGH BAY LUMINAIRES AND 0.85 FOR ALL OTHER LUMINAIRES UNLESS OTHERWISE SPECIFIED. THESE FACTORS ARE INDICATIVE OF TYPICAL LIGHTING INDUSTRY MODELING STANDARDS.
- THE LIGHTING VALUES AND CALCULATION POINTS DEPICTED ON THE PLAN ARE ALL ANALYZED ON A HORIZONTAL GEOMETRIC FOOTCANDLE. ANY NON ZERO (GROUND LEVEL) UNLESS OTHERWISE NOTED. THE VALUES DEPICTED ON THE PLAN ARE IN FOOTCANDLES.
- THE LUMINAIRES, LAMPS AND LENSES MUST BE REGULARLY INSPECTED/MAINTAINED TO ENSURE THAT THEY FUNCTION PROPERLY. THIS WORK SHOULD INCLUDE BUT NOT BE LIMITED TO, FREQUENT VISUAL INSPECTIONS, CLEANING OF LENSES, AND REPLACING (IF NECESSARY) AT LEAST ONCE EVERY SIX (6) MONTHS. FAILURE TO FOLLOW THE ABOVE STEPS COULD CAUSE THE LUMINAIRES, LAMPS AND LENSES TO FAIL OR PROPERLY FUNCTION.
- WHERE APPLICABLE, THE EXISTING CONDITION LIGHT LEVELS ILLUSTRATED ARE REPRESENTATIVE OF AN APPROXIMATION UTILIZING LABORATORY DATA FOR SIMILAR FIXTURES UNLESS ACTUAL FIELD MEASUREMENTS ARE TAKEN WITH A LIGHT METER AND APPROPRIATE CORRECTIONS ARE MADE. FACTORS SUCH AS SURFACE REFLECTANCE, SURFACE FINISH, SURFACE TOLERANCES, WEATHER CONDITIONS, ETC. ACTUAL LIGHT LEVELS MAY DIFFER. EXISTING LIGHT LEVELS DEPICTED ON THIS PLAN SHOULD BE CONSIDERED APPROXIMATE.
- THE LIGHTING PLAN IS INTENDED TO SHOW THE LOCATIONS AND TYPE OF LUMINAIRES ONLY. POWER SYSTEM, CONDUITS, WIRING, VOLTAGES AND OTHER ELECTRICAL COMPONENTS ARE THE RESPONSIBILITY OF THE ARCHITECT, MEP AND/OR LIGHTING CONTRACTOR AS INDICATED IN THE CONSTRUCTION CONTRACT DOCUMENTS. THESE ITEMS MUST BE INSTALLED AS REQUIRED BY STATE AND LOCAL REGULATORY AGENCIES. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING LIGHTING FIXTURES AND ADJUSTING TO CONFORMANCE WITH ALL APPLICABLE BUILDING AND ELECTRICAL CODES AND ALL OTHER APPLICABLE RULES, REGULATIONS, LAWS AND STATUTES.
- CONTRACTOR MUST BRING TO DESIGNER'S ATTENTION, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, ANY LIGHT LOCATIONS THAT CONFLICT WITH DRAINAGE UTILITIES OR OTHER STRUCTURES.
- IT IS LIGHTING CONTRACTORS RESPONSIBILITY TO COORDINATE WITH THE PROJECT ARCHITECT OR OWNER REGARDING THE POWER(SOURCES) FROM WITHIN THE BUILDING, AND TIMING DEVICES NECESSARY TO MEET THE DESIGN INTENT.
- THE LIGHTING CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CONTRACTOR REQUIREMENTS INDICATED IN THE SITE PLAN, INCLUDING BUT NOT LIMITED TO, THE LOCAL ELECTRICAL CODES, LOCAL ORDINANCES, GRADING AND UTILITY NOTES, SITE SAFETY, AND ALL GOVERNMENTAL RULES, LAWS, ORDINANCES, REGULATIONS AND THE LIKE.
- THE CONTRACTOR MUST VERIFY THAT INSTALLATION OF LIGHTING FIXTURES COMPLIES WITH THE REQUIREMENTS FOR SEPARATION FROM OVERHEAD ELECTRICAL WIRES AS INDICATED IN THE HIGH VOLTAGE PROXIMITY REGULATIONS N.J.A.C. 12-168.
- UPON OWNERS ACCEPTANCE OF THE COMPLETED PROJECT, THE OWNER SHALL BE RESPONSIBLE FOR ALL MAINTENANCE, TO INCLUDE BUT NOT LIMITED TO, THE REPLACEMENT OF LAMP(S), ELECTRICAL COMPONENTS AND RELATED SYSTEMS, TO ENSURE ADEQUATE LIGHTING LEVELS ARE PRESENT AND FUNCTIONING AT ALL TIMES.

REVISIONS		
REV	DATE	COMMENT
1	08/08/24	MSUP UPDATE

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PROJECT No.: NCB24002-53A
 DRAWN BY: DB/AMW/SH
 CHECKED BY: GTR/SC/PL
 CAD ID.: P-CV/LIGHT

PROP. SITE PLAN DOCUMENTS
 FOR
SHOVEL READY JOHNSON, INC.
 HERITAGE TOWNES AT WADDELL
 19 AND 21 WADDELL DR
 SMITHFIELD, NC 27577
 JOHNSTON COUNTY

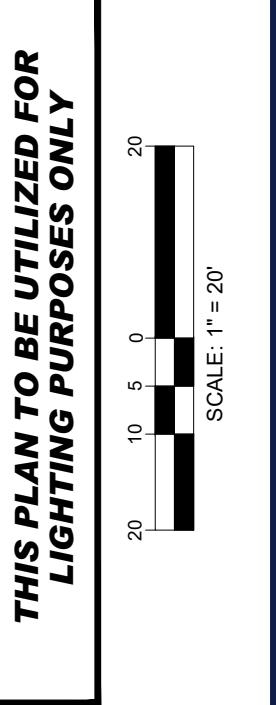
BOHLER
 BOHLER ENGINEERING, INC. PLLC
 LICENSES #1-1532
 4130 PARKLAKE AVENUE, SUITE 200
 RALEIGH, NC 27612
 Phone: (919) 678-9000
 NC@BohlerEng.com



SHEET TITLE: **LIGHTING PLAN**

SHEET NUMBER: **L-201**

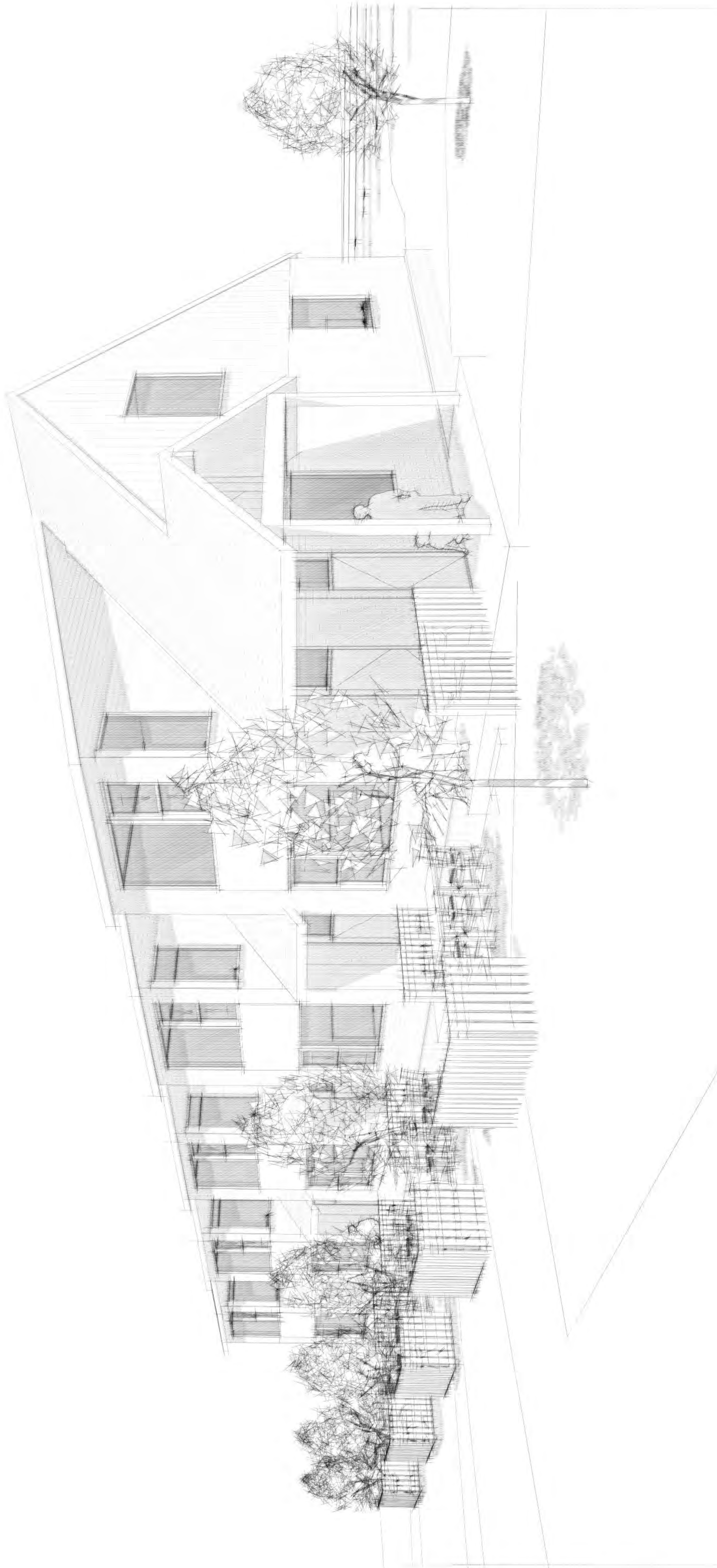
REVISION 1 - 09/06/24



THIS PLAN TO BE UTILIZED FOR LIGHTING PURPOSES ONLY

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 4130 PARKLAKE AVENUE, SUITE 200
 RALEIGH, NC 27612
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elevation key notes

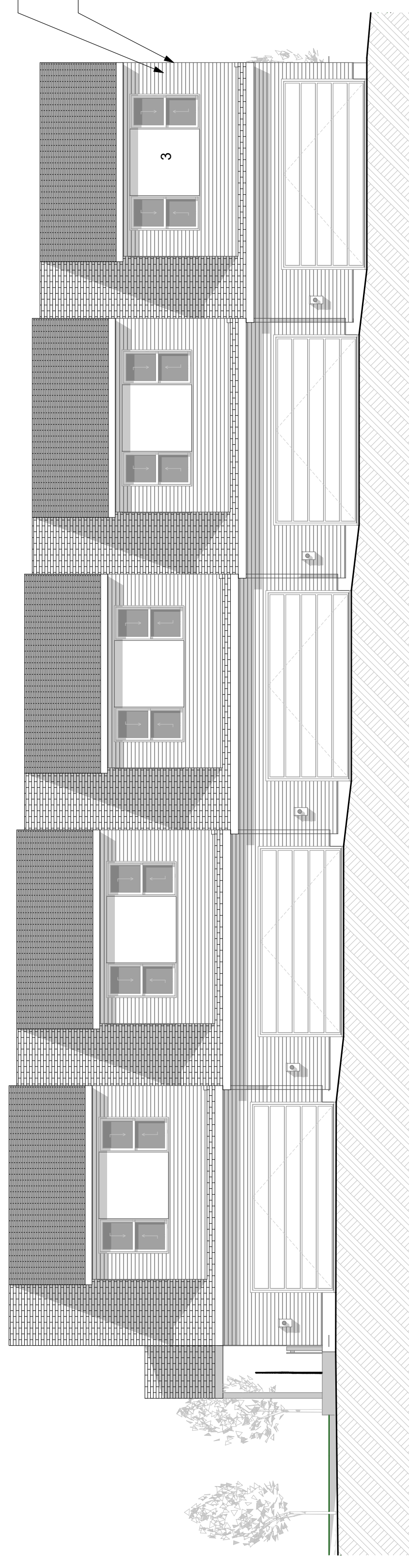
- 1 - architectural asphalt shingles
- 2 - composite lap siding
- 3 - composite vertical siding
- 4 - composite board and batten vertical siding
- 5 - composite fascia
- 6 - exterior corner trim - Tamlyn
- 7 - porch at end unit(s) painted trim wrapped wood beams, painted exposed rafters
- 8 - foundation wall w/ rigid insulation



1 exterior elevation - pedestrian side

SCALE: 1/8" = 1'-0"

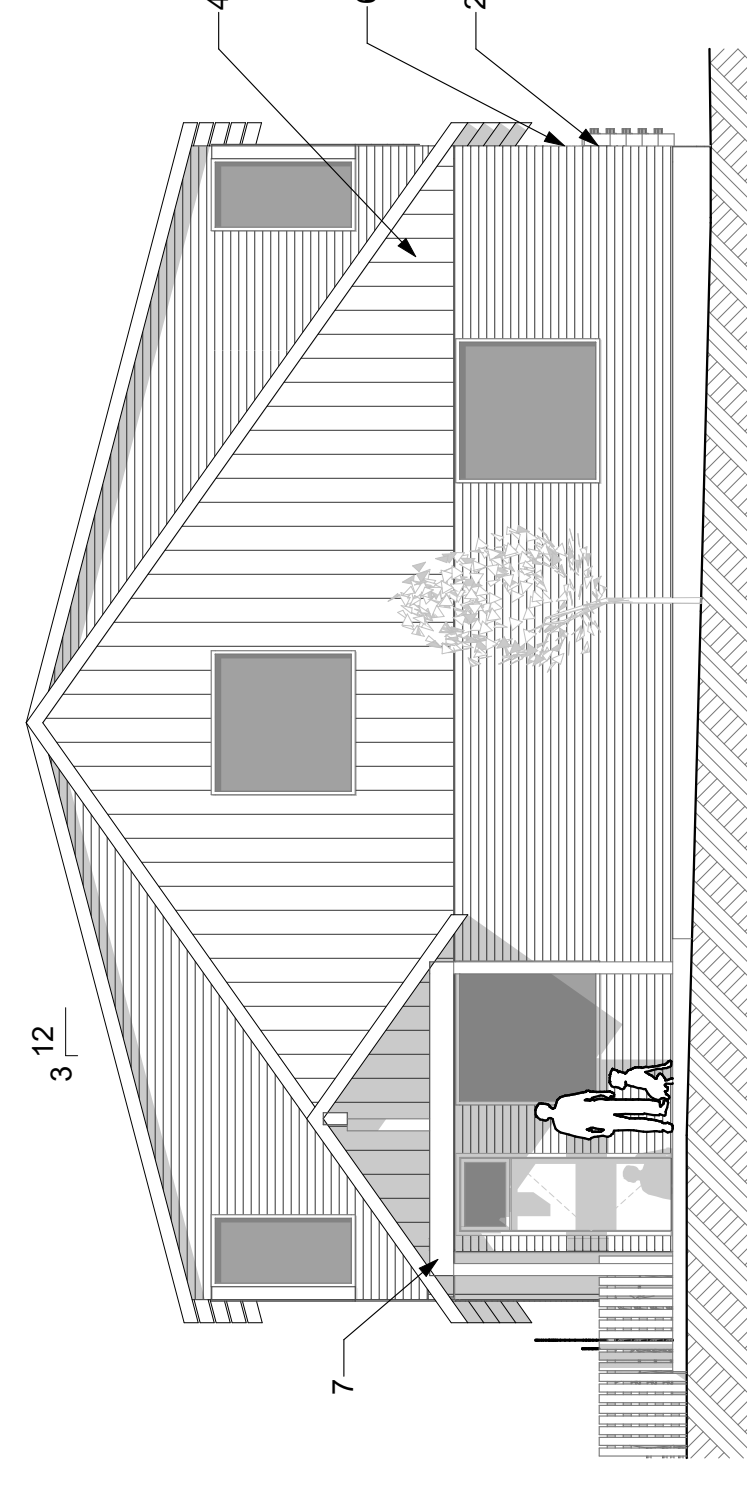
1
A2.01



2 exterior elevation - car side

SCALE: 1/8" = 1'-0"

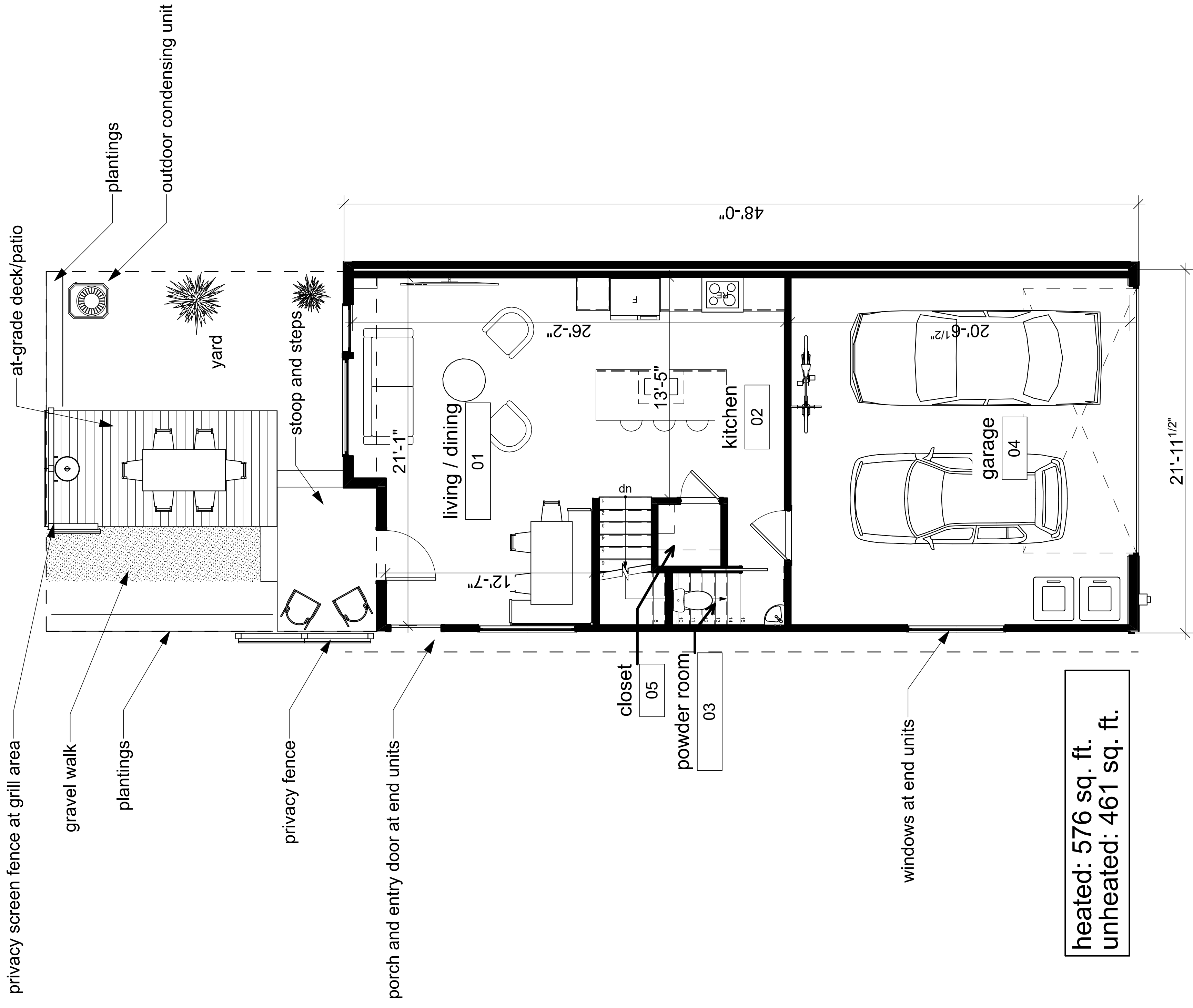
2
A2.01



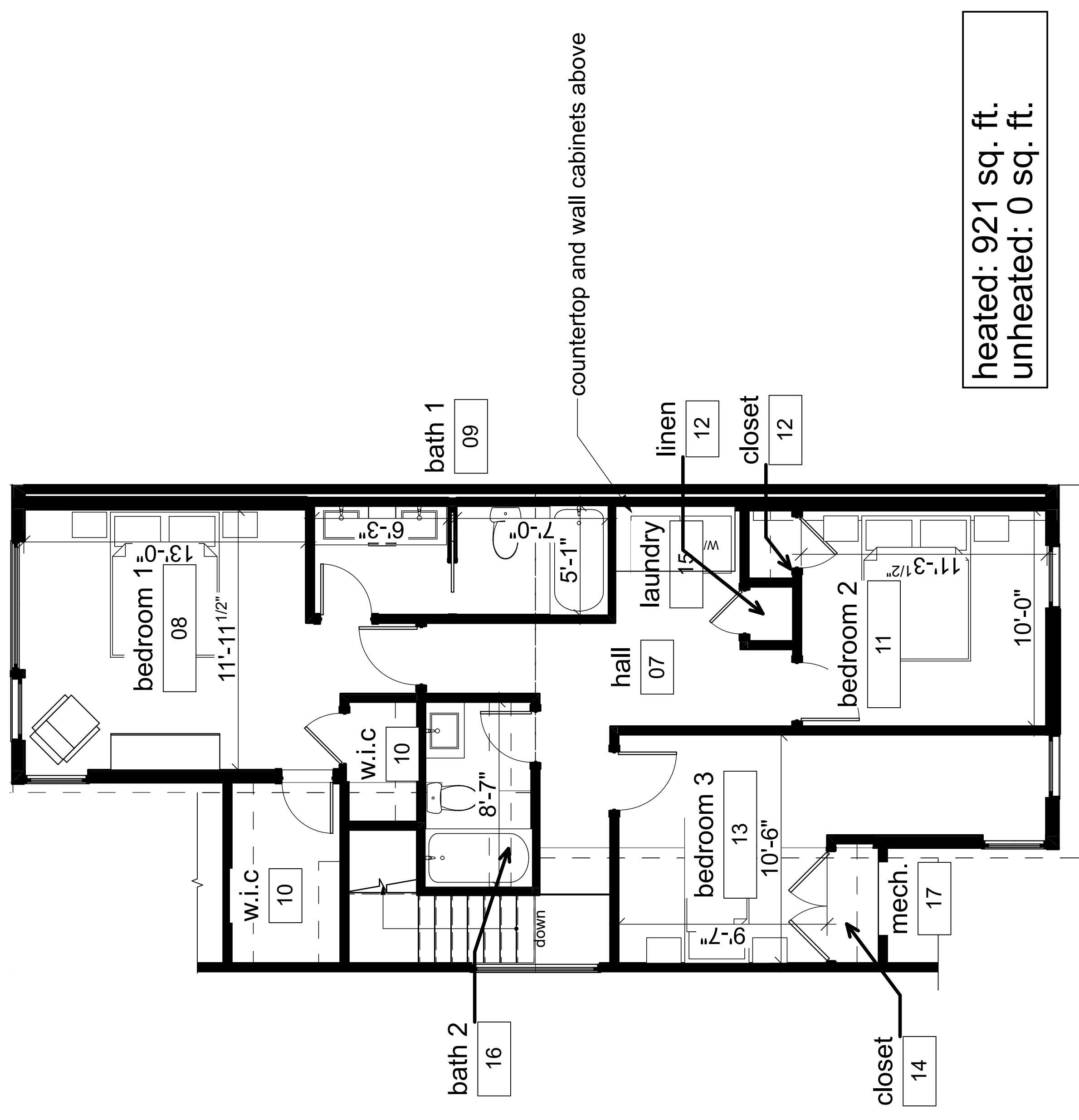
3 exterior elevation - end unit

SCALE: 1/8" = 1'-0"

3
A2.01



first floor plan



second floor plan

DRAFT FLOOR PLAN FOR
 CONCEPTUAL CONSIDERATION
 ONLY. SUBJECT TO REVISIONS

Heritage Townes at Waddell

19 W Waddell Dr
 Smithfield, NC 27577

CENTER
 STUDIO
 ARCHITECTURE

www.centerstudioarchitecture.com
 downtown durham, nc 919.686.2700

floor plan SD0.1

date 6/25/24

Heritage Townes SUP

File Number:
SUP-24-02

Project Name:
Heritage Townes
at Waddell SUP

Location:
19 and 21
Waddell Dr

Tax ID#:
15005023
15005022
15005022A

Existing Zoning:
R-8

Owner:
Heritage Townes at
Waddell, Inc

Applicant:
Samuel O'Brien
(Shovel Ready
Johnson, Inc)



1 in = 62 ft

Map created by Chloe Allen
Planner on 7/23/24





Request for Town Council Action

Public
Hearing: S-24-05
Date: 11/19/24

Subject: Powell Tract Subdivision
Department: Planning Department
Presented by: Planning Director - Stephen Wensman
Presentation: Public Hearing

Issue Statement

Swift Creek Road – Lan Development, LLC is requesting approval of a preliminary plat for an 18-lot single family subdivision on 11.1 acres in the R-20A Zoning District.

Financial Impact

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

Action Needed

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

Recommendation

Staff recommend approval of S-24-05, the Powell Tract Subdivision preliminary plat with 4 conditions based on the finding of fact for subdivisions.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Draft Finding of Fact
3. Application
4. Project Narrative
4. Preliminary Plat



Staff Report

Public
Hearing: S-24-05

REQUEST:

Swift Creek Road – Lan Development, LLC is requesting approval of a preliminary plat for an 18-lot single family subdivision on 11.1 acres in the R-20A Zoning District.

PROPERTY LOCATION:

The property is located on Swift Creek Road approximately 2,300 feet north of the Cleveland Road intersection.

APPLICATION DATA:

Applicant: Swift Creek Road- Lan Development, LLC
Property Owners: Lanny Clifton
Subdivision Name: Powell Tract Subdivision
Tax IDs: 15I08014
Acreage: 11.1 acres
Present Zoning: R-20A
Existing Use: Vacant Land
Proposed Use: Single-Family Residential
Fire District: **Wilson's Mills**
School Impacts: No Impact
Parks and Recreation: Park Dedication Fee in Lieu
Water/Sewer Provider: Johnston County Water/Individual Septic
Electric Provider: Duke Energy
New Public R/W: 750 linear feet
Proposed Density: 1.62 D.U.A

ENVIRONMENTAL:

There are no environmental concerns for this development.

PRELIMINARY PLAT/ANALYSIS:

Overview. The proposed subdivision will create a new **750' long cul-de-sac** street in a **60'** wide public right-of-way to create 18 new lots with public water with private septic systems.

R-20A District Regulations. The development conforms to the dimensional requirements of the district.

(A) Minimum Lot Area	15,000 sq ft	
(B) Minimum Lot Frontage	75 lin ft	
(C) Front Yard Setback	30 ft	
(D) Side Yard Setback	10 ft	
(E) Rear Yard Setback	25 ft	
(F) Maximum Building Height	35 ft	
(G) Accessory Buildings Setback	10 ft (see Note 8.13.2)	

On septic lots, the street frontage requirements are **100'**. On cul-de-sacs, the frontage requirement is reduced to **25'**.

Streets/right-of-way.

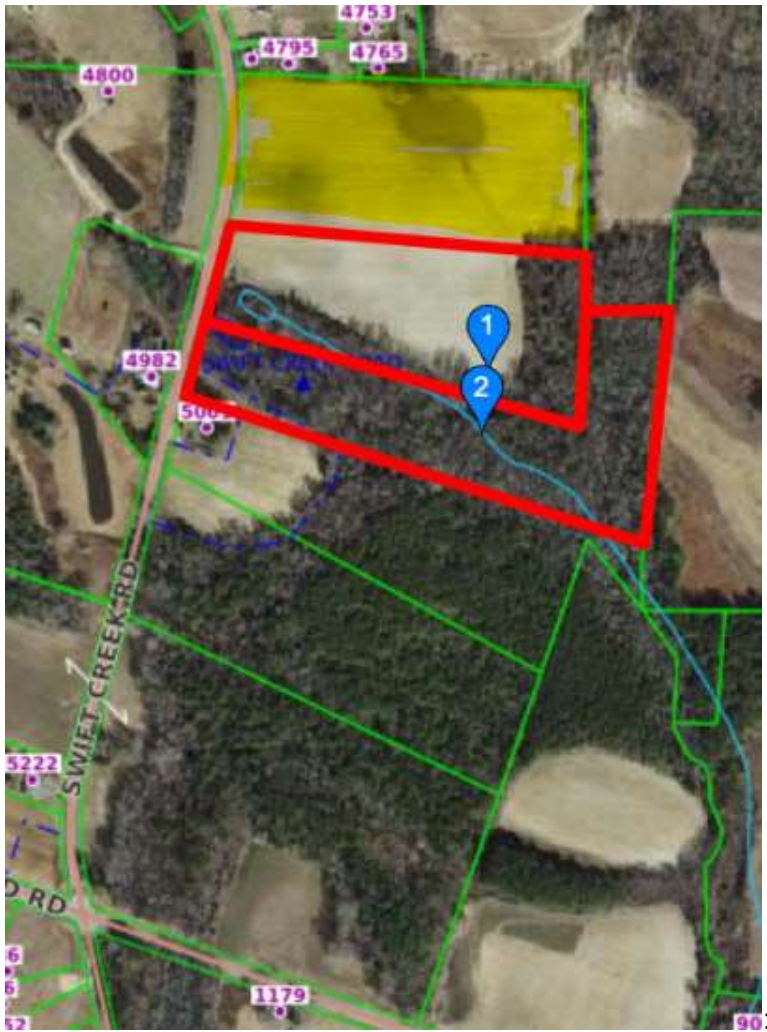
- The proposed subdivision would create a new **750' long, 27' b/b wide street ending** with a cul-de-sac in a 60-foot-wide right-of-way.
- The proposed cul-de-sac has a **96' diameter** meeting Fire Code.
- Standard curb and gutter have been provided.
- The developer has indicated that NCDOT is not going to require any turn lanes or other improvements on Swift Creek Road. An NCDOT permit is required to connect the new road to Swift Creek Road.

Street Connectivity Requirements. The UDO Section 10.11 requires connectivity to adjacent undeveloped parcels. Staff recommend no lateral access be required. There is limited potential for future development to the north and south of the planned subdivision.

- To the north MCL Properties of NC owns 3 properties (see image below), approximately 31 acres of land in total. There is developable land, however, the limited number of lots that could be creative may not be cost effective for development. The current owner is not interested in developing.



- To the south, the developer has sold the two properties, 10.13 and 10.32 acres, for single-family homes. The soils in the wooded areas are not suitable for septic, so further development of the properties is highly unlikely.



Sidewalks.

- The recently adopted **NCGS Bill 166** restricts the town’s ability to require the construction of sidewalks unless the town coordinates with NCDOT for long-term maintenance of them.
- The preliminary plat shows a sidewalk on one side of the cul-de-sac street. As a result of the recent legislation, the staff is not recommending a sidewalk along Swift Creek Road. An HOA will be required to negotiate with NCDOT for the future maintenance of the sidewalk along the cul-de-sac street.

Cluster mailbox. A mailbox kiosk is proposed outside the public right-of-way in an easement with parallel parking.

Public Utilities. The development will be served by Johnston County water services, Duke Energy electric services will be extended to serve the lots.

Septic systems lots. Each lot meets the 20,000 square feet minimum lot size to accommodate septic systems.

Stormwater Management. The development is below the 24% impervious threshold for impoundment of stormwater. Staff has reviewed the stormwater management plan to ensure there is adequate impervious area per lot for future homeowners to construction typical amenities such as swimming pool patios and structures, sheds, additional parking or patios.

Landscaping and Buffers.

- A **15' streetscape yard** is required along the Swift Creek Road should be protected by an easement with maintenance responsibilities identified in restrictive covenants.
- Also required is a **15' streetscape yard** along the new street outside of public right-of-way consisting of 2 deciduous and one evergreen tree per lot and a requirement for 3 foundation shrubs per lot.

Subdivision Identification. An easement has been identified on the preliminary plat for a future subdivision identification sign

Phasing. The project would be developed in a single phase.

FINDING OF FACT (STAFF OPINION):

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

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

TOWN COUNCIL RECOMMENDATION:

Staff recommend approval of the Powell Tract preliminary plat, S-24-05, with the following conditions:

1. That the subdivision approval be contingent on approval of the construction drawings and meeting all UDO requirements except with no lateral stub streets.

2. **There shall be a homeowners' association** or affirmative restrictive covenants to maintain the development common amenities such as street yard landscaping, mailbox kiosk and sidewalk.
3. The public sidewalks be maintained by the HOA or property owners with affirmative restrictive covenants and approved by NCDOT.
4. That landscape plantings be provided in accordance with UDO Article 10, Section 10.13.1.8.2.
5. **The required 15' wide street yard plantings along Swift Creek Road shall be within a 15' wide easement.**

RECOMMENDED MOTION:

"Move to approve S-24-05, the Powell Tract Subdivision preliminary plat with 5 conditions based on the finding of fact for subdivisions."

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

Application Number: S-24-05 **Project Name:** Powell Tract Subdivision

Request: Swift Creek Road – Lan Development, LLC is requesting approval of a preliminary plat for a 19-lot single family subdivision on 11.1 acres in the R-20A Zoning District. The property considered for approval is located on Swift Creek Road approximately 2,300 feet north of the Cleveland Road intersection, Smithfield NC 27577, further identified as Johnston County Tax ID 15I08014.

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

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

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

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

Motion to Approve: *Based upon satisfactory compliance with the above stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative, I move to approve Preliminary Plat Application # S-24-05 with the following conditions:*

1. That the subdivision approval be contingent on approval of the construction drawings and meeting all UDO requirements with no lateral stub streets.
2. There shall be a homeowners' association or affirmative restrictive covenants to maintain the development common amenities such as street yard landscaping, mailbox kiosk and sidewalk.
3. The public sidewalks be maintained by the HOA or property owners with affirmative restrictive covenants and approved by NCDOT.
4. That landscape plantings be provided in accordance with UDO Article 10, Section 10.13.1.8.2.
5. The required 15' wide street yard plantings along Swift Creek Road shall be within a 15' wide easement.

Motion to Deny: *Based upon failure to meet all of the above stated findings and for reasons stated therein, I move to deny Preliminary Plat Application # S-24-05 for the following stated reason:*

Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Town Council for the Preliminary Plat Application # S-24-05 is hereby:

_____ **approved upon acceptance and conformity with the following conditions:**

1. That the subdivision approval be contingent on approval of the construction drawings and meeting all UDO requirements with no lateral stub streets.
2. There shall be a homeowners' association or affirmative restrictive covenants to maintain the development common amenities such as street yard landscaping, mailbox kiosk and sidewalk.
3. The public sidewalks be maintained by the HOA or property owners with affirmative restrictive covenants and approved by NCDOT.
4. That landscape plantings be provided in accordance with UDO Article 10, Section 10.13.1.8.2.
5. The required 15' wide street yard plantings along Swift Creek Road shall be within a 15' wide easement.

_____ **denied for the noted reasons.**

Decision made this _____ day of _____, 2024 while in regular session.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk



Town of Smithfield

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

**Preliminary Subdivision Application
 General Information**

Development Name **Powell Tract Subdivision**

Proposed Use **Single Family Residential Subdivision**

Property Address(es) **4800 Block of Swift Creek Road. The property address is not listed on Johnston County G.I.S.**

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

PIN# 167400-78-3454	TAX ID# 15108014
----------------------------	-------------------------

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

OWNER/DEVELOPER INFORMATION

Company Name Swift Creek Road - Lan Development, L.L.C.	Owner/Developer Name Lanny Clifton
Address 5160 NC Highway 42 West Garner, NC 27529	
Phone (919) 971 - 5353	Email lannycliftonbuilder@gmail.com Fax (919) 934 - 3100

CONSULTANT/CONTACT PERSON FOR PLANS

Company Name Dalton Engineering and Associates, P.A.	Contact Name Jerry Dalton
Address P.O. Box 426 Clayton, NC 27528	
Phone (919) 550 - 4740	Email jdalton@daltonengineering.com Fax (919) 550 - 4741

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

ZONING INFORMATION

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

If more than one district, provide the acreage of each: **N/A**

Overlay District? Yes No

Inside City Limits? Yes No

FOR OFFICE USE ONLY

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

Project Narrative

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

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

STORMWATER INFORMATION

Existing Impervious Surface **0.00 / 0** acres/sf

Flood Hazard Area Yes No

Proposed Impervious Surface **2.67 / 116,291** acres/sf

Neuse River Buffer Yes No

Watershed protection Area Yes No

Wetlands Yes No

If in a Flood Hazard Area, provide the FEMA Map Panel # and Base Flood Elevation **N/A AS PER MAP NUMBER 3720167400K**

NUMBER OF LOTS AND DENSITY

Total # of Single Family Lots **19**

Overall Unit(s)/Acre Densities Per Zoning Districts **1.7**

Total # of Townhouse Lots **0**

Acreage in active open space **0.00**

Total # of All Lots **19**

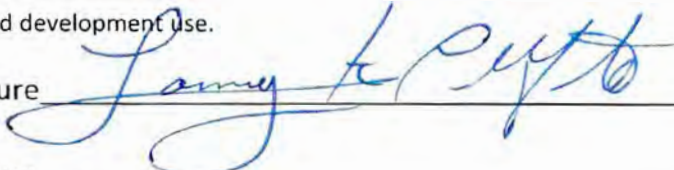
Acreage in passive open space **0.00**

SIGNATURE BLOCK (Applicable to all developments)

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

I hereby designate Dalton Engineering and Assoc., P.A. 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 8/22/24

Signature _____ Date _____

REVIEW FEES

Major Subdivision (Submit 7 paper copies & **1 Digital copy on CD**) \$500.00 + \$5.00 a lot

FOR OFFICE USE ONLY

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

INFORMATION TO BE PROVIDED ON PRELIMINARY AND FINAL PLATS.

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

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

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

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

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

FOR OFFICE USE ONLY			
File Number: _____	Date Submitted: _____	Date Received: _____	Amount Paid: _____

REQUIRED FINDING OF FACT

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

- 1) The plan is consistent with the adopted plans and policies of the town;
The Preliminary Subdivision Application for the Powell Tract Subdivision is consistent with the
Town of Smithfield's plans and policies for the area proposed to be developed. The proposed use of
the parcel, a Single Family Residential Subdivision, is a permitted use for the current zoning district
(R-20A). A rezoning request for the proposed use is not required or requested.

- 2) The plan complies with all applicable requirements of this ordinance;
The Preliminary Subdivision Application for the Powell Tract Subdivision complies with the Town's
subdivision regulations, as described in the Unified Development Ordinance. The proposed use of the
parcel is a permitted use for the parcel's current zoning district. The proposed use, as well as lot
sizes, minimum building setbacks, landscape and buffer requirements and site improvements meet
the requirements shown in the Town's UDO.

- 3) There exists adequate infrastructure (transportation and utilities) to support the plan as proposed;
and
The proposed project would tie to an existing, paved, N.C.D.O.T. maintained roadway, Swift Creek
Road. The project meets the Town's requirements for the number of ingress / egress points and a
Driveway Access Permit would be submitted to both the Town and N.C.D.O.T. for review and approval
prior to the commencement of construction.
The project would also utilize an extension of Johnston County's infrastructure to provide water
service to the residents of the subdivision.

- 4) The plan will not be detrimental to the use or development of adjacent properties or other
neighborhood uses.
The proposed project is consistent with the existing residential development located near the
intersection of Swift Creek Road and Cleveland Road. Gin Branch Estates in an existing, single family
residential subdivision located southwest of the proposed project. All of the parcels located directly
adjacent to the proposed project site are currently zoned R-20A. The proposed project would not be a
detriment to the development of the adjacent parcels.



**Powell Tract Subdivision -
Project Narrative :**

- A. Owner :
Swift Creek Road – Lan Development, L.L.C.
5160 NC Highway 42 West
Garner, NC 27529
(919) 971 - 5353
- Surveyor :
True Line Surveying
305 West Main Street
Clayton, NC 27520
(919) 359 - 0427
- Engineer :
Dalton Engineering and Associates, P.A.
P.O. Box 426
Clayton, NC 27528
(919) 550 – 4740
- B. Address : 4800 Block of Swift Creek Road. Note : The site address for the property is not listed on Johnston County G.I.S.
Current zoning : R-20A
Parcel size in acres : 11.11
Parcel size in square feet : +/- 483,952
Property identification number(s) (PIN) : 167400-78-3454
- C. Proposed name of subdivision : Powell Tract Subdivision
Number of proposed lots : 18
Acreage dedicated for open space or public use : 0.00
Acreage dedicated within right of way : 1.05
- D. Intent of project : Single family residential subdivision
- E. Proposed density of project : 18 dwelling units / 11.11 acres = 1.6 units per acre.

- F. Proposed infrastructure improvements and phasing thereof necessary to serve the subdivision : It is anticipated that the proposed project would be developed in a single phase. The proposed improvements include a paved subdivision street with curb and gutter, storm drainage and sidewalk. Each lot would be served with public water from Johnston County and would have individual septic systems, approved by the Johnston County Environmental Health Department. Electrical service for the lots would be provided by an extension of Duke Energy's infrastructure. A mailbox kiosk with a paved parking area is also proposed for the project.
- G. Concerns / issues raised by neighboring properties : The concerns voiced by neighboring properties include the property being developed into a single-family residential subdivision, the proposed development being expanded in the future, the stormwater runoff from the project and the speed of vehicles traveling on Swift Creek Road.
- H. Conflicts with nearby land uses and/or disturbances to wetlands or natural areas : There are no known conflicts with nearby land uses. The subject parcel, as well as the parcels located directly adjacent to the subject parcel, are all zoned R-20A. As per the Town of Smithfield's Unified Development Ordinance, the proposed land use is a permitted land use for the R-20A Zoning District. There are no wetlands or buffered streams located on the subject parcel.
- I. Justification that the proposal will not place an excessive burden on roads, sewage, water supply, parks, schools, fire, police, or other public services (including traffic flows) in the area : The proposed project has been reviewed by N.C.D.O.T. Due to the low traffic along this section of Swift Creek Road, a turn lane or other roadway improvements are not required for this project. Due to the limited amount of development that has taken place in this area of the Town's ETJ, burdens have not been placed on public services.
- J. Description of proposed parks and/or open space : There are no parks or open space being proposed within the subject project.
- K. Proposed development schedule indicating the approximate date when construction of the project can be expected to begin and be completed : It is anticipated that construction would begin in early 2025 and would be completed near the end of 2026.

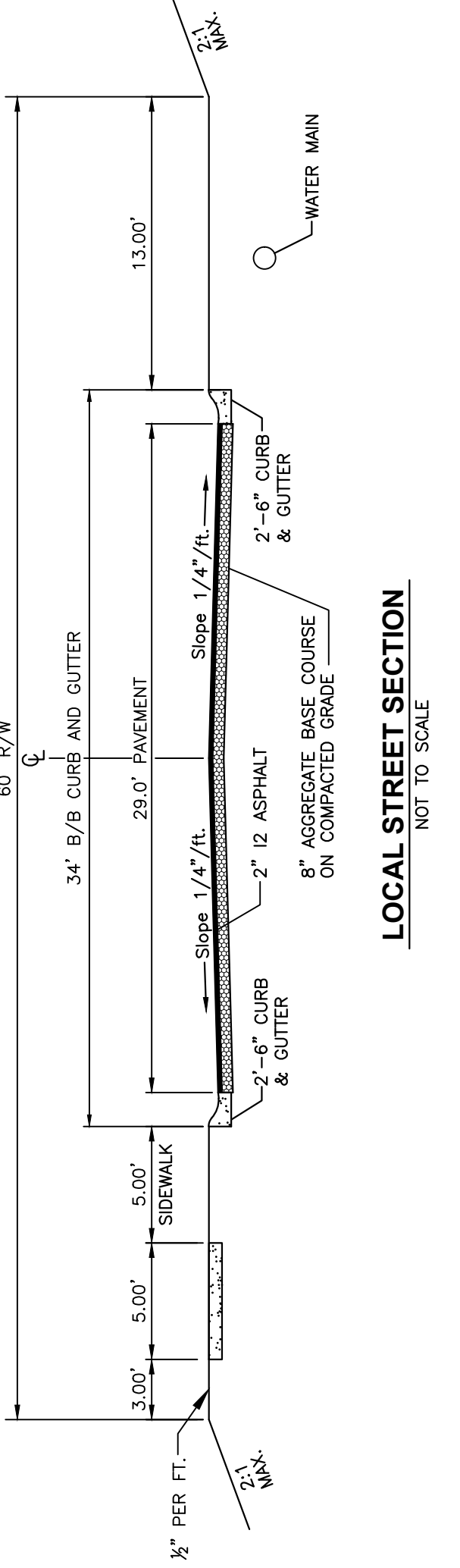
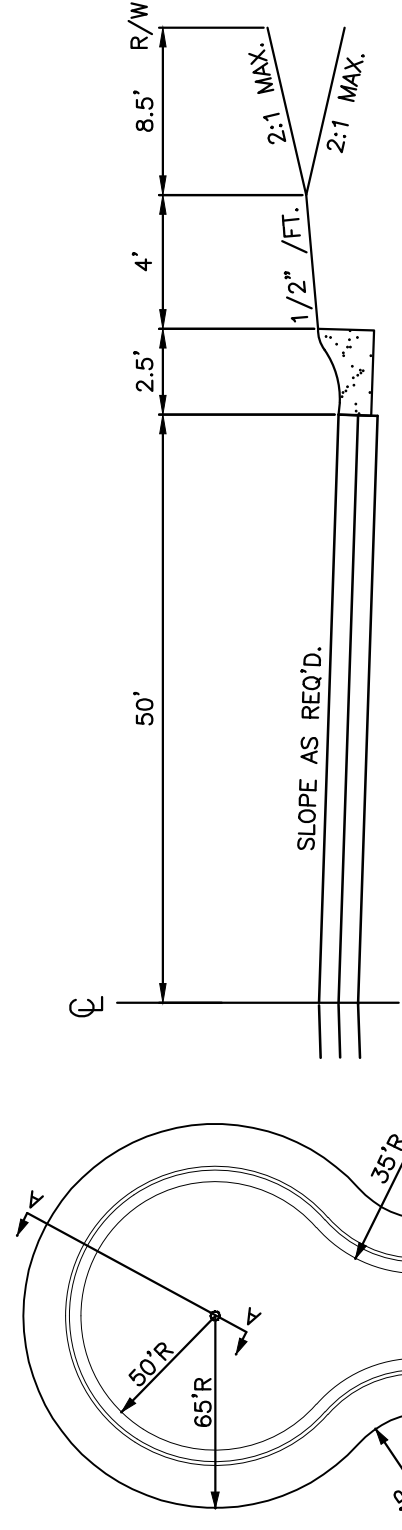
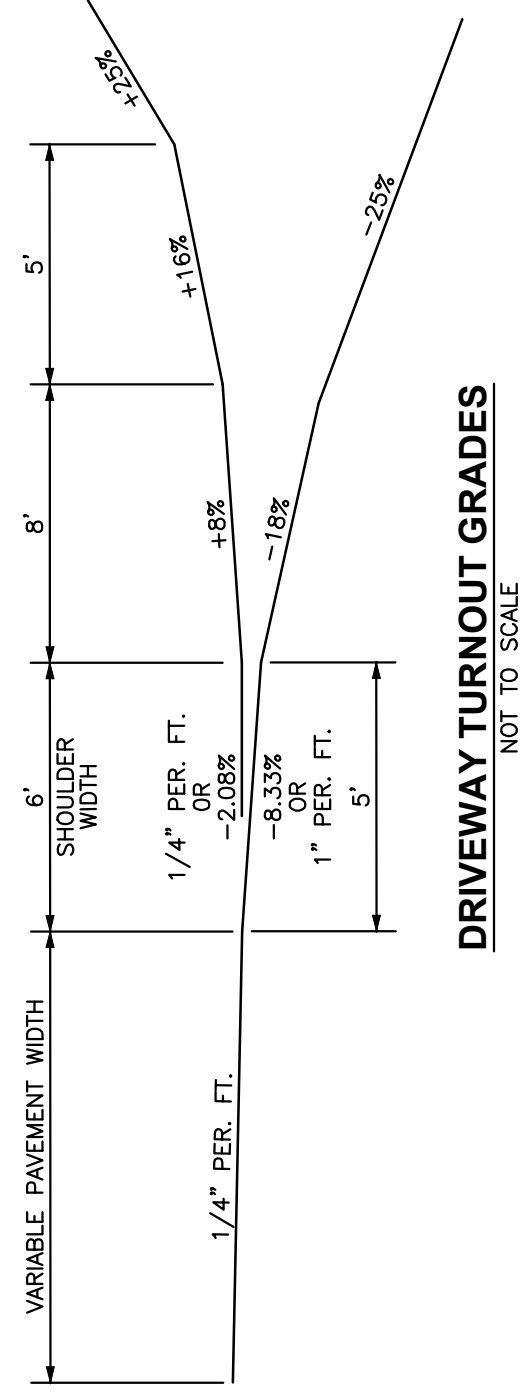
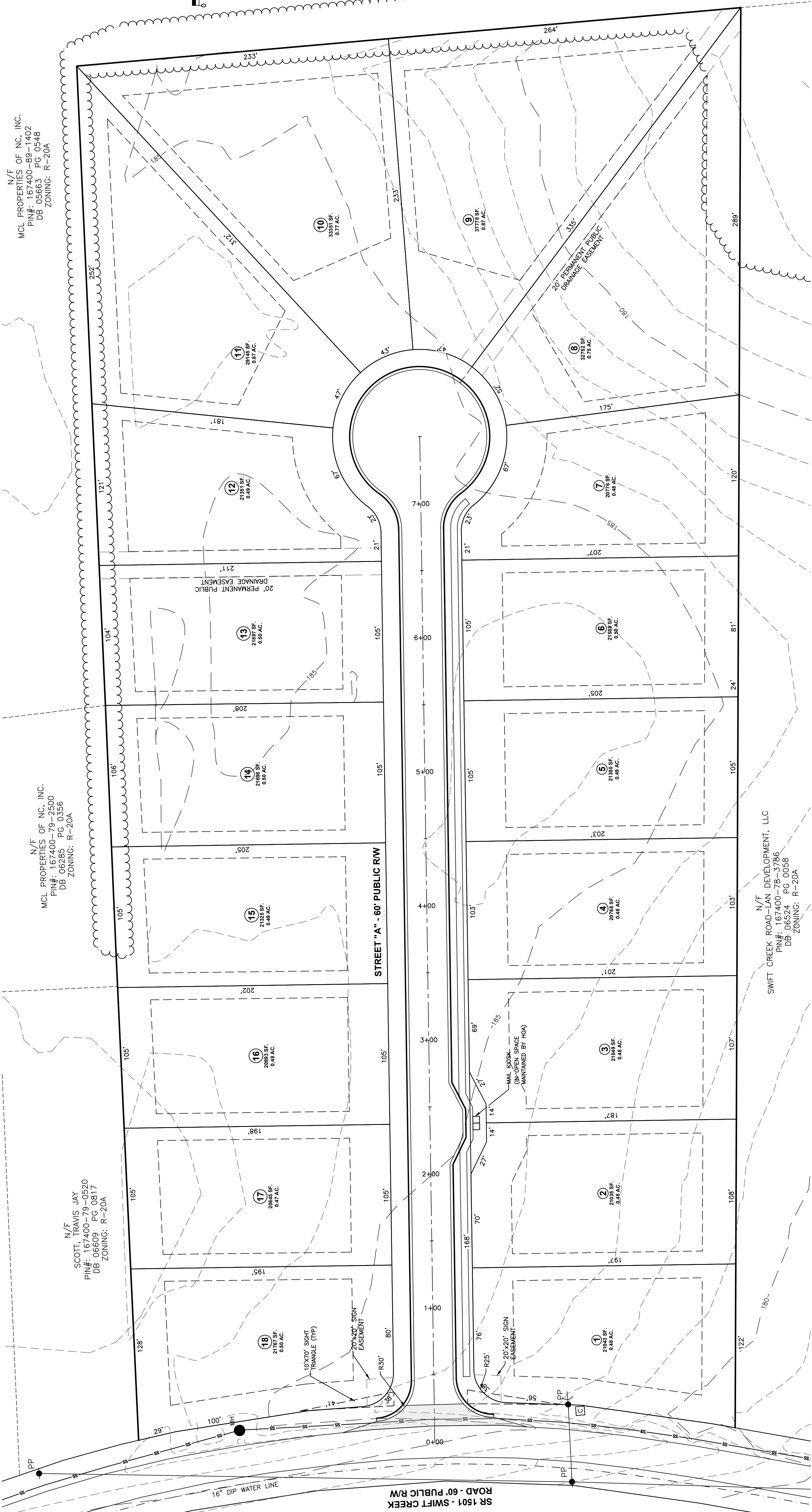
N/F
MCL PROPERTIES OF NC, INC.
PIN#: 167400-89-1402
DB 05663 PG 0548
ZONING: R-20A

N/F
MCL PROPERTIES OF NC, INC.
PIN#: 167400-79-2500
DB 06285 PG 0356
ZONING: R-20A

N/F
SCOTT, TRAVIS JAY
PIN#: 167400-79-0520
DB 08609 PG 0817
ZONING: R-20A

SCALE: 1" = 40'
0 20 40 80

SETBACK REQUIREMENTS
FRONT: 30'
REAR: 25'
SIDE: 10'



PRELIMINARY PLAN
FOR
POWELL TRACT SUBDIVISION
TOWN OF SMITHFIELD - JOHNSTON COUNTY, N.C.



Dalton Engineering and Associates, P. A.
446 East Main Street
P.O. Box 426
Clayton, NC 27520

(919) 550-4740
Fax (919) 550-4741

Job: 23017
Date: 6/14/24
Drawn: WJB
Revision: 001
Sheet: 2 OF 11

CALL BEFORE YOU DIG!
NORTH CAROLINA LAW REQUIRES NOTIFICATION OF THE LOCATION OF ALL UTILITIES AT LEAST 14 BUSINESS DAYS PRIOR TO EXCAVATION OR DEMOLITION WORKING DAYS.



North Carolina One-Call Center, Inc.
www.ncocc.org
1-800-832-4849

Nitrogen Calculations --- RESIDENTIAL SITE PLANS

Project: **Powell Tract Subdivision**
 Project #: **23017**
 Date: **10/2/2024**

Enter Data for high-lited cells
 Calculated results

Type of Land Cover

	Area (acres)	TN Export Coeff. (lbs/ac/yr)	TN Export for use (lbs/ac/yr)
Permanently protected undisturbed open space (forest, un-mown, meadow, etc.)	0	0.6	0.00
Permanently protected managed open space (lawn, grass, landscaping, etc.)	0.00	1.2	0.00
Right-of_way (read TN export from Graph 1)	1.05	10.5	11.03
Lots (read TN export from Graph 2)	10.06	3.8	38.23
TOTAL	11.11		49.25

Number of Lots	18	Roadway	32,216.00 sqft	0.74 acres
Units per acre	1.8	S/W & Trail	3,293.00 sqft	0.08 acres
		Amenities	0.00 sqft	0.00 acres
Total impervious area planned	2.67 acres	Per lot	4,500.00 sqft	1.86 acres
Right-of-way area	45,843 sqft			Total 2.67 acres
Pavement area	33,431 sqft	1.05 acres		
% of ROW in Pavement	72.92%	0.77 acres		

Inside ESD?	NO			
Maximum allowable impervious percentage (Johnston County)		24 percent	or	2.67 acres
Amount of impervious planned		24 percent	or	2.67 acres
Additional land purchase required based on planned development		0.0 acres	(based on factor of 2.5)	
Required Johnston County land buy-down fee per acre				

Developer cost for land buy-down ----- **\$0.00**

Maximum yearly nitrogen transport - based on use	6 lb/ac/yr
Required lower nitrogen buy-down limit	3.6 lb/ac/yr
Total nitrogen transport based on planned use	4.43 lb/ac/yr

Powell Tract Subdivision



File Number:
S-24-05

Project Name:
Powell Tract Subdivision

Location:
2300+/- ft north of
Cleveland Rd
Intersection

Tax ID#:
15108014

Existing Zoning:
R-20A

Owner:
Lanny Clifton

Applicant:
Swift Creek Road-
Lan Development, LLC



1 in = 804 ft.
Map created by Chloe Allen
Planner 1 on 9/16/2024

Consent

Agenda Items



The Smithfield Town Council met in regular session on Tuesday, September 17, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Roger Wood, Mayor Pro-Tem
Marlon Lee, District 1
Sloan Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Jeremey Daughtry, Fire Chief
Michael Sliger, Public Works Superintendent
Andrew Harris, Finance Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Shannan Parrish, HR Director/ Town Clerk
Stephen Wensman, Planning Director

Also Present

Robert Spence, Jr., Town Attorney

Administrative Staff Absent

Lawrence Davis – Public Works Director

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 Barbour made a motion, seconded by Mayor Pro-Tem Wood, to approve the agenda as submitted/ amended as follows:

Add to the Presentations: 2. Presentation by Lumos Fiber

Remove from the Public Hearings: 2. Special Use Permit Request – Country Club TH (SUP-24-03): Brian Leonard (BRL Engineering) is requesting a special use permit for Country Club Townhomes, a 60-unit townhome development on 8.06 acres in the B-3 (Highway Entranceway Business District). The proposed development is located at the northwest intersection of South Brightleaf Boulevard and Country Club Road, identified by the Johnston County Tax ID#s 15J11023.

Unanimously approved.

PRESENTATIONS:

1. Administering the Oath of Office to newly hired Police Officers

Mayor Moore administered the Oath of Office to Sargent Matthew Parrish, Master Police Officer Stephanie Archino, Master Police Officer Kevin Johnson, Police Officer II Steven Gibson, Police Officer I Aubrey Banks, Police Officer I Brandin Bass, Police Officer I Kayla Taylor, Police Officer I Thomas McKay, Police Officer I Brandon Thornton and Police Officer I Austin Vojtko. He welcomed them to the Town of Smithfield.

2. Presentation by Lumos Fiber

Representatives from Lumos Fiber presented to the Smithfield Town Council to update on their fiber internet expansion project in Johnston and Harnett counties, a \$50 million private investment. They announced that after coordinating with Town Manager Michael Scott and other team members over the past year, they were ready to start construction and deliver services in Smithfield.

Senior Director Marlon Brown shared that the initial phase would focus on underserved areas in the town. To keep residents informed, Lumos would distribute mailers, door hangers, and place branded signs in neighborhoods, while their construction team would closely manage operations. Brown thanked Smithfield for being the first town to approve permits, allowing them to begin construction immediately.

Lumos highlighted the benefits of their fiber services, noting that it offers symmetrical download and upload speeds, crucial for multiple streaming activities. They also stated that access to fiber could enhance property values and provide more internet options for residents, increasing competition. The council raised questions about service availability, price comparisons, and construction processes. Lumos responded with details on pricing tiers, fiber installation plans, and efforts to minimize environmental impact. They projected the project to extend into the second or third quarter of 2025 and assured the council that updates would be regularly provided.

The council expressed interest in a schedule to inform residents about service availability, which Lumos agreed to provide, noting that their website also offers location-specific notifications.

PUBLIC HEARING:

- 1. Rezoning Request – 606 South Third Street (RZ-24-08):** Syed Rizvi (New Vision Trust Custodian) is requesting the rezoning of 606 S. Third Street from R-8 (Single, Two, and Multi-family) to O/I (Office-Institutional). The property is located on South Third Street, 105 feet south of Rose Street and adjacent to the Armstrong Law Office.

Mayor Pro-Tem Wood made a motion, seconded by Councilman Dunn, to open the public hearing unanimously approved.

Planning Director Stephen Wensman presented a rezoning request from applicant Syed Rizvi for a 0.23-acre residential lot adjacent to Armstrong Law Firm. The applicant sought to rezone the R8 residential lot to office-institutional (OI) zoning to allow for office use. Mr. Wensman noted that the Comprehensive Plan designated this property for medium-density residential use and discourages commercial uses in residential neighborhoods. He stated that the proposed rezoning was not aligned with the Comprehensive Plan.

The subject property did not meet the minimum lot width for OI zoning, which required 60 feet, as the lot was only 52.5 feet wide. Mr. Wensman explained that accommodating parking, buffer yards, stormwater management, and other code requirements would be challenging due to the structure's existing layout and proximity to the front of the lot. He illustrated that setbacks and buffer yards would significantly limit the building's footprint without variances.

Mr. Wensman suggested that conditional zoning would provide better clarity on the applicant's intentions and allow a more detailed review of the development's impact. He presented a consistency statement recommending denial, as the rezoning request was inconsistent with the Comprehensive Plan due to the nonconforming lot size and development limitations. He emphasized that the rezoning could lead to incompatible land use with surrounding properties. Consequently, planning staff recommended denial of the rezoning request, deeming it inconsistent with the Comprehensive Plan and not in the public interest.

Consistency Statement (Staff's Opinion):

- **Consistency with the Comprehensive Growth Management Plan** - *The map amendment is NOT consistent with the comprehensive growth management plan.*
- **Consistency with the Unified Development Code (UDO)** – *Because of the nonconforming lot size, it is not clear whether the site can be developed in accordance with the UDO addressing landscaping, buffers, stormwater, parking, dumpster screening, etc.*
- **Compatibility with Surrounding Land Uses** – *the map amendment may result in a development that is incompatible with surrounding land uses. Because of the narrow lot width, required parking for a new building would push the building toward the back of the lot, which may be incompatible with the adjacent residential uses.*

Planning Director Stephen Wensman has included all pertinent information in the September 17, 2024, agenda packet and provided it to the Council in written form.

Mayor Moore asked if there were any questions from Council.

Councilman Stevens inquired about the applicant's intentions, asking if the plan was to retain the existing residential structure for office use rather than tear it down, while noting that the current setbacks would not meet zoning requirements. Mr. Wensman clarified that, based on statements at the Planning Board meeting, the applicant seemed interested in reusing the existing structure rather than demolishing it, though either approach would face challenges due to the lot's limitations.

Councilman Stevens expressed that, while the location could be suitable given nearby offices and businesses, he wanted the zoning process handled correctly. He acknowledged that rezoning to OI would still result in a nonconforming lot. Mr. Wensman reiterated that staff recommended conditional zoning to provide clarity on the applicant's plans and ensure code compliance. He noted that staff had previously discussed this with the applicant, but no application changes were made.

Councilman Stevens highlighted parking as a concern, to which Mr. Wensman responded that the current lot dimensions posed challenges for accommodating parking. Mayor Andy Moore agreed that the lot offered limited parking space as it stood.

Mayor Moore asked if there was anyone in attendance that wished to speak on the matter. No one in attendance wished to speak on the matter.

Mayor Pro-Tem Wood made a motion, seconded by Councilman Dunn, to close the public hearing unanimously approved.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to deny zoning map amendment, RZ-24-08, finding it inconsistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is NOT reasonable NOR in the public interest. Unanimously approved.

2. **Conditional Zoning Request – Buffalo Ridge (CZ-24-05):** Smithfield Land Group, LLC., is requesting the rezoning of approximately 140 acres of land located at 1041 Buffalo Road, also identified by the Johnston County Tax ID 140001021, from R-20A to R-8 Conditional with a masterplan for a 210-lot detached single-family residential development. The property is located at 1041 Buffalo Road, north of Buffalo Creek on the west side of Buffalo Road.

Prior to opening the public hearing, Councilman Scott advised against reopening the public hearing, noting the council had already voted against this case on June 18, and that decision should stand.

Mayor Pro-Tem Wood made a motion, seconded by Councilman Stevens, to open the public hearing unanimously approved.

Planning Director Stephen Wensman explained Stephen Wensman presented a development proposal on Buffalo Road near the Neuse River, detailing the layout, environmental considerations, and compliance with zoning and floodplain requirements. The proposed residential development included 10 lots with two entrances on Buffalo Road, connecting to Holland Drive, with sidewalks and trails planned throughout. Key updates since the last review included a 25-foot rear setback for lots backing up to Holland Drive, a 3-foot berm along Buffalo Road, architectural standards, and two stormwater ponds.

The project would involve elevating 64 lots in the 100-year floodplain to meet zoning requirements. Wensman noted that stormwater runoff would be directed to ponds designed to mitigate 10-year storm events. A traffic impact analysis (TIA) would be required due to concerns about increased traffic on Buffalo Road.

Further conditions included setbacks, minimum lot sizes, architectural standards, and an opaque vinyl fence along Buffalo Road and Holland Drive. Staff recommended approval with 12 conditions, addressing compatibility with the Comprehensive Plan and ensuring conformity with the Unified Development Ordinance (UDO). Wensman highlighted two modifications to the conditions, striking condition eight, as it was shown

on the plans, and adding specifics for a vinyl fence and architectural standards in homeowners' association documents.

Consistency Statement (Staff's Opinion):

- **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.*

Planning Director Stephen Wensman has included all pertinent information in the September 17, 2024, agenda packet and provided it to the Council in written form.

Mayor Moore asked if there were any questions from Council.

Councilman Scott raised questions about changes to the development's conditions, noting a reduction from 17 to 12 conditions since the June 18th review, and inquired about the development's phased timeline from 2025 to 2030. Mr. Wensman confirmed these adjustments, explaining some conditions were incorporated into the drawings.

Councilman Scott emphasized the importance of addressing future traffic concerns, given Buffalo Road's proximity to schools and its expected increase in usage after Highway 42 completion.

Councilman Barbour requested clarification on the Planning Board's recommendation for a six-foot vinyl fence along Holland Drive. Mr. Wensman explained that while the Planning Board preferred a fence, preserving existing natural vegetation was also considered, as installing a fence might require removing trees and dense undergrowth.

Councilman Barbour discussed the adequacy of the current vegetation as a barrier, with mixed views on whether a fence or enhanced vegetation would better shield residents from the new development. Mr. Wensman noted the proposal to fill gaps in the natural growth with shrubs and smaller trees, though some council members expressed preference for a more immediate visual buffer.

Councilman Scott discussed stormwater management and floodplain considerations for the Buffalo Road development project. Councilman Scott questioned why stormwater ponds were now included when the project's impervious area didn't technically require them. Mr. Wensman clarified that although the project didn't meet the 24% impervious threshold for mandatory storm ponds, the developer voluntarily added two ponds to manage stormwater runoff, which would capture and slow the release of stormwater from the development.

Councilman Barbour noted that the addition of stormwater ponds might help mitigate existing runoff issues, potentially benefiting the area's flood resilience. Mr. Wensman confirmed that 62 of the lots would be elevated in the 100-year floodplain, with all runoff directed to the ponds, although the roads would remain at current elevation. Councilman Barbour stressed that potential buyers should be informed of flood risks affecting nearby roads.

Mayor Moore asked if there was anyone in attendance that wished to speak on the matter.

Emma Gemmel, of 207 Hancock Street, raised concerns about Smithfield's growth direction, urging the council to prioritize fair treatment, transparency, and quality development. She highlighted issues with high-density projects, traffic congestion, and the need for proactive planning. She further suggested setting stricter standards for density, conducting thorough traffic studies, and creating a clear plan to manage growth sustainably, ensuring a better future for residents.

Mark Lane, a resident of Smithfield's ETJ area, expressed concerns about the lack of backyard screening in recent developments, which has led to numerous complaints. He noted that the Planning Board

recommended a fence along Holland Drive to provide adequate separation from neighboring properties. Mr. Lane mentioned that, while the applicant suggested that the existing wooded buffer might be sufficient, the Planning Board kept the fence condition, as there was no visual representation of the buffer for review. He emphasized that if new property owners clear the wooded area, it would expose backyards, potentially diminishing privacy.

Rick Buckner of Cobblestone Court voiced concerns about approving new developments in flood-prone areas, questioning if proper due diligence was done to assess impacts. He highlighted the risks of increased flooding and traffic, noting recent accidents and potential loss of quality time due to longer commutes. Buckner urged the council to prioritize responsible planning, suggesting a pedestrian walkway under Buffalo Road if the development proceeds. He concluded by questioning the suitability of building in high-risk flood areas.

Attorney Rihanna Smith, representing the developer, addressed the council, emphasizing that significant changes were made to the development proposal to address community concerns. She noted that rezoning approval was required before investing in costly studies and assured that all required federal, state, and local standards would be met. Ms. Smith referenced Smithfield's growth management plan, noting the proposed development aligned with the future land use map's medium-density residential designation. She highlighted the developer's commitment to responsible building, compliance with traffic and environmental safeguards, and maintaining neighborhood aesthetics through HOA standards. Ms. Smith requested the council consider these points when voting, emphasizing the project's compatibility with Smithfield's growth plans and the increased lot sizes compared to prior plans.

Greg Stewart, project manager for the proposed development, explained his role in overseeing permitting, environmental testing, and compliance, working closely with planning staff to address issues. He assured the council that all work would meet regulatory standards set by agencies like DEQ and DOT, acting as final safeguards. Mr. Stewart acknowledged the council's preference for single-family homes over townhomes, prompting the developer to adapt the project design to meet the town's feedback, including adding architectural standards and varied lot sizes.

He highlighted that, while the minimum lot size was 6,000 square feet, many lots exceeded this, with an average size of 6,850 square feet. Mr. Stewart noted that detailed landscaping plans for the Holland Drive buffer would be refined once survey data becomes available. He emphasized the developer's commitment to work in good faith to create an effective buffer and offered their engineer, Scott Brown, to address any technical questions from the council regarding stormwater and design.

Scott Brown, engineer for the project, explained that the rezoning request was an early stage in the development process, with further steps such as a Traffic Impact Analysis (TIA) and detailed stormwater planning to follow if the project received approval. Although the project's impervious surface was below the threshold that required stormwater treatment, Brown confirmed that two stormwater ponds would be included to manage runoff as if the threshold had been exceeded. He addressed concerns about building in the 100-year floodplain, noting that development was allowed with adherence to elevation and insurance regulations. Mr. Brown acknowledged potential traffic and sewer capacity issues, stating that these would be addressed as the project progressed. He requested that the council consider staff and planning board recommendations along with recent adjustments to the proposal and offered to answer any further questions.

Councilman Scott asked engineer Scott Brown if there was an option to redirect water flow on the property to prevent it from draining towards Buffalo Road. Brown explained that current drainage patterns, which funnel water toward a low point rather than directly towards Buffalo Road, would be maintained as altering them could cause issues for downstream properties. He noted that the development would incorporate stormwater ponds to manage runoff from new impervious surfaces like rooftops and driveways, adhering to the town's stormwater guidelines even though the project is technically exempt. He emphasized that redirecting drainage patterns was not part of the development plan.

Mayor Moore asked if there was anyone else in attendance that wished to speak on the matter.

Pam Lampe, of 415 North Second Street, thanked the developers for recent improvements but requested that the council postpone its decision on the Buffalo Ridge subdivision until a comprehensive traffic study could be conducted. She highlighted concerns over the cumulative impact of approved developments, which would bring a total of 1,059 housing units to the area if Buffalo Ridge proceeds. Mrs. Lampe stressed that the influx of cars and students could overwhelm roads near three local schools, calling for a strategic traffic

plan to ensure smooth and safe traffic flow. She raised specific questions about bus stop locations, potential infrastructure upgrades for school access, and whether additional turning lanes or signals would be required. She also inquired about the preliminary feedback from the Department of Transportation (DOT) and asked if the town would adopt the subdivision's roads, particularly given concerns about potential flooding.

Councilman Barbour asked if the Department of Transportation (DOT) accounted for future housing projections in their Traffic Impact Analysis (TIA). Stephen Wensman confirmed that DOT considered average growth and approved developments in their studies but typically excluded unapproved projects. Councilman Barbour suggested adding a condition requiring the developer to request DOT approval for a turn lane to address traffic concerns.

Attorney Smith, representing the developer, confirmed they would comply with DOT's recommendations but noted that final decisions on road improvements, such as turn lanes, would ultimately be made by DOT. Council members discussed the conditional rezoning process, with Town Attorney Bob Spence explaining that further details from DOT and other agencies would be addressed during the preliminary plat stage.

Mayor Andy Moore expressed concerns over off-street parking due to reduced setbacks, questioning whether all homes would have double garages to mitigate parking issues. The developer explained that varying garage sizes would allow flexibility without making all homes identical. Mayor Moore also emphasized the importance of safe traffic flow and confirmed that the subdivision's four access points—two on Buffalo Road and two on Holland Drive—met emergency service access requirements.

The council debated whether to impose additional traffic mitigation conditions immediately or revisit them after the TIA and preliminary plat review, with a focus on maintaining flexibility to address DOT's findings.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to close the public hearing unanimously approved.

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to approve zoning map amendment, CZ-24-05, with the 14 conditions of approval, finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Councilman Barbour, Mayor Pro-Tem Wood, Councilman Stevens and Councilman Dunn voted in favor of the motion. Councilman Lee, Councilman Scott and Councilman Rabil voted against the motion. Motion passed 4 to 3.

Conditions of Approval for CZ-24-05

1. That the future development plans for the project be in accordance with the approved Master Plan, R-8 Zoning District, and other UDO regulations with the following deviations:
 - Minimum lot width reduction from 70 feet to 50 feet.
 - Minimum lot area reduction from 8,000 sf. to 6,000 sf.
 - Front Setback from 30-feet to 25-feet.
 - Side Setback from 10-feet to 5-feet.
 - Rear Setback from 25-feet to 12-feet, except along Holland Drive properties where the setback will be 25-feet.
2. The minimum corner side yard setback shall be equal to the minimum front setback:
3. That a minimum 3' high landscaped berm with a 6-foot-high opaque vinyl fence be provided along Buffalo Road where back yards face the state road.
4. That the development plans be in accordance with WA-IV-CA Overlay regulations.
5. That curb and gutter and underground drainage be provided along Buffalo Road in accordance with NCDOT requirements.
6. Garages shall be no smaller than 12' x 22' in size.
7. A standard concrete driveway apron be provided for all residential driveways and the kiosk mailbox parking lot entrance.
8. A multi-purpose trail be provided that connects the buffalo Road trail through the open space and extends to the northern property line near lot 38.
9. That the architectural standards be incorporated in a homeowner's association (HOA) documents and include with the standards: a minimum of 1 window per side of each home, corner lots will be required to have no less than (2) windows on each visible side of the residence, and all garages shall have windows or decorative hardware.

10. That the open space amenities, kiosk, parking lot and stormwater management be owned and maintained by an HOA.
11. A traffic study shall be conducted in accordance with the Town's UDO and NCDOT requirements prior to preliminary plat approval.
12. That there be a 6-high opaque vinyl fence along the rear of Holland Drive lots.
13. That sewer capacity for the entire project be obtained from the County at the beginning of the project and not phased with the project.
14. That there would be no on-street parking throughout the subdivision.

CITIZEN'S COMMENTS:

- Lindsay Bean of Alpine court expressed concerns about the vacant property adjacent to her home.

CONSENT AGENDA:

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

1. Board Reappointments
 - a. Monique Austin was reappointed to serve on the Board of Adjustment for a second term and a serve a first term on the Historic Properties Commission
 - b. Jan Branch was reappointed to serve on the Historic Properties Commission for a sixth term
 - c. Mary Nell Ferguson was reappointed to serve on the Historic Properties Commission for a fourth term
 - d. Ashley Spain was reappointed to serve on the Planning Board as an ETJ member for a fifth term
 - e. C. Andrew Byrd was reappointed to serve on the Recreation Advisory Commission for a second term.

BUSINESS ITEMS:

1. Consideration and request for approval to appoint three new members to the Library Board of Trustees

Town Clerk Shannan Parrish informed the council that four applications were received for the library board, with only three openings available. She recommended appointing Mary Aker, Heidi Harris, and Megan Parrish, noting their relevant backgrounds in library and student services. Councilman Barbour expressed agreement with the recommendations

Councilman Barbour made a motion, seconded by Councilman Scott, to appoint Mary Aker, Heidi Harris and Megan Parrish to the Library Board of Trustees. Unanimously approved.

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

Mayor Pro-Tem Wood made a motion, seconded by Councilman Dunn, to go into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 9:24 pm.

Reconvene in Open Session

Councilman Barbour made a motion, seconded by Councilman Stevens, to reconvene the meeting in Open Session. Unanimously approved at approximately 9:43pm

Pay and Classification Study Update

Town Manager Michael Scott provided the Council with an update on the Pay and Classification Study. He explained the process of the study and how each position was evaluated based on a factoring system. He outlined the potential salary increases with an implantation date of January 1, 2025. He recommended a 2% salary adjustment increase for all employees who did not receive a salary increases on July 1, 2024. The Town Manager outlined the financial impact to the overall budgets of the General Fund, the Water/Sewer Fund and the Electric Fund.

The Council discussed the overall study, the impact to the budget and implementation of the potential salary

increases. It was suggested that the Council implement the 2% salary increase effective September 23, 2024 and continue discussions on implementation of the pay and classification study salary increases.

Councilman Scott made a motion, seconded by Mayor Pro-Tem Wood, to implement the 2% salary adjustment increase for all employees that did not receive a salary increase on July 1, 2024 effective September 23, 2024. Unanimously approved.

Adjourn

Councilman Scott made a motion, seconded by Mayor Pro Tem Wood, to adjourn the meeting. The meeting adjourned at approximately 10:55 pm.

M. Andy Moore, Mayor

ATTEST:

Shannan L. Parrish, Town Clerk

The Smithfield Town Council met in regular session on Tuesday, October 1, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Marlon Lee, District 1
Sloan Stevens, District 2
Dr. David Barbour, District 4
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Roger Wood, Mayor Pro-Tem
Travis Scott, District 3

Administrative Staff Present

Michael Scott, Town Manager
Ted Credle, Public Utilities Director
Jeremy Daughtry, Fire Chief
Lawrence Davis, Public Works Director
Andrew Harris, Finance Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Shannan Parrish, HR Director/Town Clerk
Stephen Wensman, Planning Director

Also Present

Robert Spence, Jr., Town Attorney

Administrative Staff Absent

CALL TO ORDER

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

INVOCATION

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

APPROVAL OF AGENDA:

Councilman Barbour made a motion, seconded by Councilman Stevens, to approve the agenda as submitted. Unanimously approved.

PRESENTATIONS:

1. Proclamation – Recognizing October 6-12, 2024 as Fire Prevention Week in the Town of Smithfield

Mayor Moore read the following proclamation into the record and presented it to Fire Chief Jeremy Daughtry.

PROCLAMATION
Recognizing October 6-12, 2024
As Fire Prevention Week
In the Town of Smithfield

WHEREAS, the Town of Smithfield is committed to ensuring the safety and security of all those living in and visiting our community; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, the National Fire Protection Association (NFPA) has designated the week of October 6th through 12th, 2024, as Fire Prevention Week with this year's theme being, "Smoke alarms: Make them work for you.TM," which aims to educate everyone about the simple but important actions they can take to keep themselves and those around them safe from fire; and

WHEREAS, a critical part of fire safety is ensuring that homes are equipped with working smoke alarms, practicing escape plans, and identifying potential fire hazards; and

WHEREAS, the dedicated members of the Smithfield Fire Department are committed to reducing the occurrence of home fires and related injuries through prevention and education efforts, and respond quickly and professionally to emergencies within our community; and

WHEREAS, residents are encouraged to take proactive steps such as installing and maintaining smoke detectors, practicing fire drills, and understanding the dangers of fire to help reduce the risk of fires in their homes and businesses; and

WHEREAS, Fire Prevention Week provides an opportunity to recognize the importance of fire safety practices, and to honor the courageous work of our firefighters and first responders who protect our lives and property from fire and other hazards.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield, do hereby proclaim the week of October 6th through 12th, 2024, as Fire Prevention Week in Smithfield, North Carolina. I urge all residents to actively participate in fire prevention activities at home, work, and school, and to honor the dedicated service of the brave firefighters and public safety personnel who work tirelessly to keep our community safe.

2. Proclamation – Recognizing October 6-12, 2024 as Public Power Week in the Town of Smithfield

Mayor Moore read the following proclamation into the record and presented it to Public Utilities Director Ted Credle.

PROCLAMATION
Recognizing Public Power Week
October 6-12, 2024
In the Town of Smithfield

WHEREAS, public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service, and prompt restoration; and

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country; and

WHEREAS, many of North Carolina's public power cities and towns have been electric providers for more than 100 years, assisting their communities through boom times as well as pandemics and economic downturns; and

WHEREAS, public power meets the electric needs of 49 million Americans, who make up almost 15 percent of electricity consumers; and

WHEREAS, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and

WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community; and

WHEREAS, the Town of Smithfield recognizes Public Power Week and commends the public power cities and towns across our state for their outstanding contributions to our communities.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield, along with the Town Council, do hereby proclaim October 6-12,2024 as Public Power Week in the Town of Smithfield and commends its observation to all citizens.

3. Proclamation – Recognizing November 1, 2024 as Family Literacy Day in the Town of Smithfield

Mayor Moore read the following proclamation into the record.

PROCLAMATION
Recognizing November 1, 2024
As National Family Literacy Day in the Town of Smithfield

WHEREAS, National Family Literacy Day, established by the 103rd Congress in 1994, and now marking its 30th anniversary on November 1, 2024, highlights the importance of reading and learning for the entire family and emphasizes the impact that parents have on their child 's learning; and

WHEREAS, this day is celebrated across America each year, and focuses on special activities and events that showcase the importance of family literacy programs that empower families and build a nation of readers; and

WHEREAS, literacy programs across the United States will observe National Family Literacy Day by holding read-a-thons, book drives, workshops, and family activities at schools, libraries, and community centers to encourage literacy; and

WHEREAS, as many as one in six adults struggle with reading and writing, and by learning to read, individuals can gain self-respect and confidence and strive toward goals that otherwise would not be achievable; and

WHEREAS, the National Society of the Daughters of the American Revolution is a nonprofit, nonpolitical volunteer women's service organization dedicated to promoting patriotism, preserving American history, and securing America' s future through better education for children and adults; and

WHEREAS, education being one of the cornerstones of the National Society of the Daughters of the American Revolution, is committed to increasing literacy by promoting and supporting literacy programs.

NOW, THEREFORE, I, M. Andy Moore, Mayor of the Town of Smithfield, do hereby proclaim November 1, 2024 as National Family Literacy Day to underscore the importance of literacy, celebrate the joy of reading, encourage residents to promote literacy by reading together as a family, and to extend deep appreciation to our local librarians, educators, and literacy service providers for their tireless efforts to strengthen the literacy of our children and our community.

PUBLIC HEARING: None

CITIZEN'S COMMENTS:

- Emma Gemmel of 207 Hancock Street voiced concerns about the town council's lack of transparency and resident engagement in planning decisions. She highlighted issues with high-density developments, reduced housing standards, property rights, and increased traffic. Despite feeling dismissed, she and others continue attending meetings, urging the council to improve communication and involve residents in the decision-making process.
- Maxine Hunter of 915 East Street raised concerns about water issues affecting her property. She noted that while recent street repairs and pipe installations had kept water off the streets, water was now pooling in her yard and under her house. Hunter explained that she hadn't experienced these issues before recent nearby developments and questioned the cause of the water accumulation. She asked if the town could address this new flooding concern. Town Manager Michael Scott informed the Council that staff was investigating the issue.

Councilman Lee stated he had recently visited Ms. Hunter's property and observed what appeared to be a former ditch or easement behind her house. He suggested that the ditch might have once provided drainage from a nearby church down towards the back of Furlong, but may have been covered or built over due to new developments. He indicated that determining the existence and status of the easement could clarify the source of the water issue.

CONSENT AGENDA:

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

1. Special Event: Bike Night – Approval was granted to allow Bulldog Harley Davidson to hold an event at 1045 Outlet Center Drive on October 10, 2024 from 5:00 pm until 8:00 pm. Amplified sound and food trucks were approved for this event.
2. Special Event: Full Throttle Bike Show – Approval was granted to allow Bulldog Harley Davidson to hold an event at 1045 Outlet Center Drive on October 26, 2024 from 11:00 am until 3:00 pm. Amplified sound and food trucks were approved for this event.

3. New Hire Report

Recently Hired	Department	Budget Line	Rate of Pay
Human Resources Director	General Government	10-20-5100-5100-0200 30-71-7220-5100-0200 31-72-7230-5100-0200	\$ 41.83/hr. (\$87,006.40/yr.)
Part-Time Firefighter (5)	Fire Department	10-20-5300-5100-0210	
Part-Time Athletic Staff (2)	Parks and Recreation	10-60-6200-5100-0210	\$10.00/hr.
Part -Time SRAC Staff	P&R – Aquatics	10-60-6220-5100-0210	\$12.00/hr.
Current Vacancies	Department	Budget Line	
Asst. Aquatics Supervisor	P&R – Aquatics	10-60-6220-5100-0200	
Equipment Operator	PU – Streets	10-30-5600-5100-0200	
Facility Maintenance Specialist	PW – Appearance	10-60-5500-5100-0200	
Sanitation Equipment Operator	PW – Sanitation	10-40-5800-5100-0200	
Town Clerk	General Government	10-10-4000-5100-0200 30-71-7220-5100-0200 31-72-7230-5100-0200	
Police Officers (8 positions)	Police	10-20-5100-5100-0200	
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200	

BUSINESS ITEMS:

1. Special Event: The Downtown Smithfield Development Corporation and Smithfield Parks and Recreation is requesting to move the annual tree lighting event to Friday, November 29, 2024. This also requires adoption of Ordinance No. 522-2024 for NCDOT Street Closures

Heidie Gilmond, Director of the Downtown Smithfield Development Corporation (DSDC), proposed moving the annual Christmas tree lighting to Friday, November 29, the day after Thanksgiving, to expand the event into a two-day festival supporting local businesses. The event would feature activities starting at noon, including live performances, children’s activities, and vendor booths on South Third Street. She highlighted the goal of aligning the tree lighting with "Black Friday" and "Small Business Saturday" to attract holiday shoppers to downtown Smithfield.

Council members discussed logistical and attendance concerns. Councilman Barbour raised the potential impact of the holiday weekend on attendance, noting that many families travel for Thanksgiving, while Councilman Stevens suggested the new timing might encourage some residents to stay local. Councilman Barbour also inquired about coordination with local schools, which have previously provided performers. Mrs. Gilmond confirmed outreach efforts with schools and churches to secure participants for the Friday event.

The council discussed the need for an annual approval of street closures for events associated with the lighting, including the Martin Luther King Jr. parade, with Town Manager Michael Scott clarifying that any date changes due to weather would require additional council approval.

Councilman Dunn made a motion, seconded by Councilman Stevens, to approve the request to hold the annual Smithfield Christmas Tree Lighting & Vendor Market on November 29 and 30 ,2024 and adopt Ordinance No. 522. Unanimously approved.

ORDINANCE No. 522-2024

AN ORDINANCE DECLARING ROAD CLOSURES FOR THE ANNUAL CHRISTMAS TREE LIGHTING, THE ANNUAL CHRISTMAS PARADE AND THE ANNUAL MARTIN LUTHER KING, JR. PARADE

WHEREAS, the Town Council of the Town of Smithfield acknowledges a long tradition of providing an annual Christmas Parade and annual Tree Lighting Ceremony for the pleasure of its citizens; and

WHEREAS, the Town Council of the Town of Smithfield acknowledges a new tradition of providing an annual Martin Luther King, Jr. Parade for the pleasure of its citizens; and

WHEREAS, the Town Council of the Town of Smithfield acknowledges its citizens realize a financial benefit from holding these annual events; and

WHEREAS, the Town Council of the Town of Smithfield acknowledges each event requires approximately two hours to install signing and traffic control to be provided by the Smithfield Police Department, and also requires approximately two hours for removing signs, traffic control and litter.

WHEREAS, any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect as an ordinance of the Town of Smithfield from the date of its adoption by the Town Council of the Town of Smithfield.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the days and times set forth below on the following described portion of a State Highway System route:

Annual Tree Lighting Ceremony

Date: The Friday following Thanksgiving
Time: 6:00 pm to 8:00 pm
Route Description: North 3rd Street between Market Street and Bridge Street
Market Street (US70) from 2nd Street to 4th Street.

Annual Christmas Parade

Date: Second Thursday of every December
Time: 5:00 pm to 9:00 pm
Route Description: Market Street (US70) from South 6th Street to South 2nd Street

Annual Martin Luther King, Jr. Parade

Date: Third Saturday of every February
Time: 2:00 pm to 4:00 pm
Route Description: Market Street (US70) from South 6th Street to South 2nd Street

- 2. ZA-23-06 Town of Smithfield: Planning Staff is requesting an amendment to Unified Development Ordinances, Article 2, 10 and Appendix A. The amendment will update existing performance standards, clarify vague wording, and break up large blocks of text into subsections and update definitions.**

Planning Director Stephen Wensman provided an update on Article 10 of the Town's ordinances, addressing performance standards and engineering specifications. He summarized changes, including moving street design specifications from the Unified Development Ordinance (UDO) to the engineering manual and clarifying code references. Notable changes included revising landscaping and buffer standards, implementing a new permit process for forestry projects to ensure riparian buffer compliance, and consolidating dumpster regulations.

Mr. Wensman highlighted the need to eliminate outdated sections, such as the unused Entry Corridor Overlay and Row House Overlay Districts, as they are no longer relevant or effective. He also introduced cluster mailbox standards, emphasizing placement on private property and adequate pedestrian access. Other proposed changes included updating lighting standards, adjusting off-street parking triggers, revising terminology per the Transportation Plan, and increasing the minimum lot size for septic lots to one acre, based on recommendations from Environmental Health due to soil quality concerns. Mr. Wensman invited the council to review the proposed updates and consider their impact on future development standards.

Councilman Barbour sought clarification on septic requirements, asking if Johnson County had a minimum lot size requirement for septic installation. Mr. Wensman clarified that the Town required a minimum lot size of 20,000 square feet and noted that Johnson County's soils presented challenges, likely due to proximity to the Neuse River.

Mr. Wensman continued outlining proposed updates to the UDO, including adding easement requirements for stormwater and trails, addressing fire code updates for temporary turnarounds, and revising requirements for private and PUD streets. He suggested an increase in the minimum lot size for septic lots from 20,000 square feet to one acre, based on feedback from Environmental Health. He also discussed clarifying setbacks for double-fronted lots and removing the council resolution requirement for accepting public dedications once a final plat is approved.

Councilman Stevens asked for clarification on lighting requirements, specifically in regard to site plans, which Mr. Wensman confirmed were no longer reviewed by the Planning Board or Town Council. Councilman Stevens also inquired about double-fronted lots. Mr. Wensman explained that these apply primarily to single-family residences with streets in front and back.

Councilman Barbour then raised questions regarding street lighting requirements for new subdivisions, which Mr. Wensman explained were not currently mandated by the UDO, though any lighting installed would have to meet town standards.

Councilman Barbour suggested that the Unified Development Ordinance (UDO) include minimum lighting requirements for developments, as it currently lacked clear specifications for spacing, type, and coverage of street lighting. He expressed concerns about responsibility for lighting maintenance if Duke Energy or other entities modify or relocate poles, potentially creating dark areas in town, and questioned how non-conforming lighting would be addressed post-development. He recommended setting standards for lighting spacing and bulb type in collaboration with lighting experts to ensure adequate visibility and safety.

Councilman Stevens noted that Smithfield residents could request additional lighting through the town if a nearby pole existed. Councilman Barbour highlighted challenges specific to residents serviced by Duke Energy, stating they often rely on the town to handle these issues.

Mayor Moore asked for clarification on several points, including requirements for tree removal and lighting permits. Mr. Wensman responded that tree permits would apply only to large-scale logging or construction operations and not to individual homeowners removing trees in their yards. He also raised questions about the proposed one-acre minimum lot size for septic installations and requested further consultation with Environmental Health. Mr. Wensman clarified that residential landscaping lighting would not require permits, and he offered to follow up on the lighting standards and septic lot size requirements based on additional discussions with relevant experts.

Mayor Moore expressed concern about the town's minimum lot area requirement for septic systems, questioning if enough soil tests were conducted in Smithfield. He suggested that the Council hold off on approving the ordinance change until they could obtain additional information.

Mayor Moore raised concerns about restaurants potentially expanding their seating capacity after opening without additional parking, which could lead to parking issues. He requested further research on the matter to ensure the parking requirements align with actual seating capacity, including outdoor seating.

Councilman Stevens inquired about the multifamily and restaurant parking standards, seeking clarification on where parking requirements might be unclear. He discussed potential issues related to parking adjustments in the downtown area, especially when space constraints might prevent adherence to parking standards.

Mr. Wensman explained the revised parking requirements, noting that parking would now be tied to seating capacity rather than floor area. He addressed Mayor Moore's concerns, explaining that while new construction and significant renovations could enforce parking compliance, certain situations, like internal restaurant renovations, might not prompt a parking review. Mr. Wensman agreed to further research restaurant seating and parking alignment. Additionally, he clarified that parking requirements could be waived in the downtown area and acknowledged the need for additional research on septic requirements and lighting standards.

Councilman Barbour advocated for the UDO to include specific lighting standards, especially to ensure minimum lighting coverage across developments. He expressed concern about ongoing lighting consistency if lighting structures were modified or removed after development.

Councilman Barbour made a motion, seconded by Councilman Rabil, to table discussion of this amendment until the November 12, 2024 Town Council meeting to ensure adequate time for additional input. Unanimously approved.

Councilmembers Comments:

- Councilman Barbour announced the fourth annual Drone Fly In Day on October 12, 2024 from 11 a.m. to 2 p.m. at Gertrude Johnson Park. He invited attendees to visit Oktoberfest in downtown Smithfield afterward.
- Councilman Lee thanked Town staff for their quick response to an early-morning accident on Martin Luther King Drive involving an intoxicated driver. The cleanup and immediate police action helped to manage a potentially dangerous situation. He also noted that this was the first year without the Annie D. Jones Child enrichment fund, which previously helped cover activity costs for youth participation in Parks and Recreation. He expressed concern for ensuring that children needing financial assistance are still supported, even offering to help cover costs if necessary. Finally, Councilman Lee requested an update from the police chief on the status of body cameras for the department, highlighting the importance of readiness following a recent high-profile incident in a nearby town.
- Councilman Steven stated he would still like to see the Council allocate more funds towards the street resurfacing project. He raised concerns about potholes and road conditions, noting that it was a common complaint he received. He suggested reaching out to Amazon to explore technological solutions to reroute trucks and alleviate traffic on local roads, such as Second Street.

Councilman Lee added that flooding under an overpass often exacerbated truck traffic issues, with Amazon trucks diverting into residential areas like Belmont. He proposed redirecting trucks onto JCC Road to reduce congestion and protect neighborhood streets. He also commended town staff for their quick response and cleanup efforts after a recent accident.

- Mayor Andy Moore expressed gratitude to town staff for their storm preparation efforts, including cleaning drains and preparing emergency services. He extended thoughts and prayers to those affected by recent storms and suggested offering town resources. Mayor Moore also agreed with paving needs and proposed creating a comprehensive plan to address town-wide drainage issues, specifically clogged ditches and driveway culverts. He requested the town manager initiate plans for cleaning and repairing these areas, utilizing in-house or outsourced resources as needed.

Town Manager's Report:

Town Manager Michael Scott reminded everyone that, in addition to the drone fly-in and Oktoberfest on Saturday, October 12, the Chris Hagan Band would be performing at the amphitheater on Friday night, October 11. Regarding the body cameras, he explained that the town was waiting on the federal government to release grant funds. All required paperwork had been completed and accepted, and once approved, the police chief would be ready to proceed with the purchase and implementation of body cameras.

Adjourn

Councilman Barbour made a motion, seconded by Councilman Stevens, to adjourn the meeting until. The meeting adjourned at approximately 8:24 pm.

M. Andy Moore, Mayor

ATTEST:

Shannan Parrish, Town Clerk

The Smithfield Town Council met in regular session on Tuesday, October 15, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

Mayor Pro-Tem Roger Wood
Marlon Lee, District 1
Sloan Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager
Elaine Andrews, Town Clerk
Ted Credle, Public Utilities Director
Jeremey Daughtry, Fire Chief
Lawrence Davis, Public Works Director
Andrew Harris, Finance Director
Pete Hedrick, Chief of Police
Gary Johnson, Parks & Rec Director
Shannan Parrish, HR Director
Stephen Wensman, Planning Director

Also Present

Robert Spence, Jr., Town Attorney

Administrative Staff Absent

CALL TO ORDER

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

INVOCATION

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

APPROVAL OF AGENDA:

Mayor Pro-Tem Roger Wood made a motion, seconded by Councilman John Dunn, to approve the agenda as submitted. Unanimously approved.

PRESENTATIONS: None

PUBLIC HEARING:

- 1. Conditional Zoning Request –Finley Landing Revision (CZ-24-06):** Carolina Land Group, LLC is requesting a rezoning of 47.8 acres within the Finley Landing (formerly Floyd Landing) development. This area was previously proposed to have 360 apartment units, and the revision is proposing 168 townhouse units in place of the apartments. The Finley Landing development is located along US Hwy 70 Business across from the Amazon Warehouse. This property is further identified by Johnston County Tax ID# 15077035H.

Councilman John Dunn made a motion, seconded by Mayor Pro-Tem Roger Wood, to open the public hearing unanimously approved.

Planning Director Stephen Wensman explained that the property was formerly called Floyd Landing, but they have renamed it to Finley Landing. Wensman stated that they are looking at 47.8 acres that used to be the planned apartments portion of the development. He stated with the proposal there will be 3,724 lineal feet of road. The developers are looking for an alternate plan as they may or may not build the apartments as already approved. The original plan for that 47.8-acre area was for 360 3-story garden style apartment units. The alternate plan, if approved, will have 168 townhouse 2 and 3-story units fronting on a 50-foot-

wide public right-of-way. In the alternate plan, the pool house, swimming pool, vehicle maintenance and car wash amenity have been eliminated.

Wensman stated the alternate plan keeps the tot lot and dog park. The developer proposes to provide 128 auxiliary parking stalls in parking lots throughout the development. The apartments will be 19 and 20 foot wide with each unit having a single car garage. There will be 27-foot-wide back-to-back streets with curbing to match the previous approval. Wensman stated that the developer is proposing 50-foot-wide public right of ways as opposed to the standard of 60 foot wide. Wensman pointed out the plan that was originally proposed on the map provided to the Board. The original 360 garden-styled apartments had a pool house, a pool, dog park, tot lot, vehicle maintenance and private parking lots all on a private driveway with no public infrastructure other than water lines.

Mr. Wensman stated that the original plan for townhomes elsewhere in the development, currently under construction, included 2 story town homes with a maximum height of 35 feet in accordance with the R-8 standard. Those town homes were 22 feet wide for the interior homes and 24 foot wide on the end of the units to accommodate two car garages, built with similar materials as the other town homes, just two or three stories with different dimensions.

The Planning Director reiterated that the proposed townhomes associated with the master plan amendment included 2-story and 3-story structures all with one car garages, all 3-bedroom units. He stated they were a maximum height of 40-feet, the interior lot area is 1900 square feet and that the perimeter lot area is 2100 square feet. He stated the minimum interior lot width proposed was 19 feet and the perimeter lot width is 20-feet. The front yard setback was 30 feet, which was what was proposed elsewhere in the development, and the minimum rear yard setback is 20-feet for the interior townhomes, and 15-feet for the perimeter townhomes.

Wensman stated there was a minimum 2 parking spaces per townhome on the lot, plus 128 auxiliary parking spaces on site. He stated the minimum driveway width was 9 feet, however the previous phase had 10-foot-wide driveways. He further stated that with the setback there was room for one car in the garage, one in the driveway with any overflow parking available in auxiliary parking lots. Both master plans used the same access points rather than a private driveway and a parking lot. There would be 3,724 linear feet of new public streets in 50-foot public rights of ways that are proposed. The streets will be 27-foot-wide back-to-back with sidewalks proposed on both sides of public streets. Wensman added that the garage doors would be 8-foot-wide doors, which are smaller but not as small as others in recent developments in town. Decorative street lighting and decorative signs would be installed by the developer at the site. Storm water management is consistent with the previous plan, they have the ponds in the same location, so drainage will be treated the same way. There will be a cluster mailbox in one of the parking lots near the main entrance.

Trash will be in rollout containers that need to be stored in garages or in rear yards. Water and sewer utilities will be the Town and electricity with Duke. Wensman stated landscaping requirements will be the same as in previous phases per the ordinance.

Wensman stated that the developer is asking for a 10-foot reduction in the right-of-way width from 60 feet to 50 feet. A 20-foot reduction in the distance between townhomes from 40 feet to 20 feet, which is consistent with what was approved elsewhere. He stated that the developers are also requesting a 5-foot increase in the maximum height for townhomes and driveway width from 12 feet down to 9 feet. He noted that staff is recommending 10 feet to be consistent with previous approval.

Wensman noted the developer's standards exceeding UDO requirements, sidewalks on both sides of the street. He also stated that the recreational amenities tot lot and dog park are all above standard but are less than what was previously approved in the master plan. He stated the similar buffers that were provided elsewhere in town are still in play, including the walking trail. Wensman outlined that staff finds that this plan is consistent with the comp plan, which supports flexibility in zoning regulations.

- **Consistency with the Comprehensive Growth Management Plan** – *the comprehensive plan supports flexibility in zoning regulations.*
- **Consistency with the Unified Development Code** – *the property will be developed in conformance with the UDO conditional zoning provisions.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses.*

RECOMMENDATION:

Planning Staff recommend approval of the Finley Landing alternate plan, CZ-24-06, with the following condition, which codifies the changes in the standards, while highlighting the architectural standards the developer provided:

1. That the future development plans for the project be in accordance with original CZ-21-03 masterplan and conditions or as hereby amended as an alternate plan for the 47.8 acres area:
 - a. 10-foot reduction in public R/W width (50-foot public rights-of-ways) the streets with townhouses.
 - b. 20-foot reduction in the distance between townhomes (40-feet to 20-feet).
 - c. 5-foot increase in maximum height for townhomes in this area (35-feet to 40-feet).
 - d. 2-foot reduction in driveway widths (12-feet to 10-feet).
 - e. Architectural Standards (amended area only):
 - End units facing a public ROW must include a minimum of two (2) windows.
 - End units facing a public ROW must include screening landscaping the side yard.
 - Façade Treatment: May include a mix of siding types including lap siding, board & batten, shake, stone or brick. Each unit shall include a minimum of two (2) of these elements.
 - Landscaping: Each unit shall include a minimum of one (1) decorative tree and four (4) shrubs.
 - Garage Doors: shall contain decorate details or carriage style adornments
 - Garages are all single car with an 8-foot-wide door.
 - 2 and 3-story townhomes.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the October 15, 2024 agenda packet.

Mayor Andy Moore asked if there were any questions from Council.

Councilman John Dunn asked what the proposed size of the units was. Wensman answered 19 and 20s wide, as opposed to 22 and 24 which you saw in the previous townhomes. Councilman John Dunn questioned the interior square foot and there was further question as to lot size. Wensman stated he will defer these type questions to the developer, who was present. Councilman David Barbour questioned where the mail kiosk would be located. Wensman pointed out that it was in the parking lot next to the main entrance and referred the councilman to the material he provided. Councilman David Barbour referred to the auxiliary parking lot, and inquired whether some of those spaces would be reserved spaces in front of the mailbox for residents to pick up mail. Wensman said he imagined if the lots were all full then the town house association would need to do that would depend on whether the parking lot was partially or fully used as it is hard to know.

Councilman Travis Scott questioned whether the proposed on-site management has changed. Wensman stated that here there would just be an HOA. They would still have a maintenance crew for the common amenities, landscape maintenance, but not on the same level as you would have at an apartment complex.

Councilman David Barbour stated to follow up on what Councilman Travis Scott said, they were told that their intent was to own a certain number of those units that they would manage. He stated, so the question now is, are they still planning to own some of the units as rental units or are they going to sell them. He stated that if they sell to someone who is going to rent, there is nothing they could do about it, but asked if they plan to have a presence there in any capacity. Wensman deferred the question to the developer because it's not really a zoning issue as much. Councilman David Barbour stated that consideration would affect whether they approve it or not as to whether the Board thinks it's appropriate. Wensman stated sure, but that he did not have the answer to that.

Mayor Andy Moore asked the developer to come up at this time so that the Board could ask questions directly.

Joe Faulkner with the CE Group, 301 Glennwood Ave, Raleigh appeared before the Board to discuss the project.

Mr. Faulkner stated that one of the reasons for the change is that the current environment for multi-family lending is a little more challenging than it was when they originally started the project. That coupled with the interest from the current builder out there who wanted to be able to provide another product at another price point, a little lower than what they were hitting on the others. He stated that is one of the reasons for going down to a little bit

smaller size, going to a single garage only and things of that nature. Mr. Faulkner clarified the square footage. He stated there were two different products--one product would have a square footage of 1,858, and the other product has 1,581 square feet of size. They would all be 3 bedrooms with access from below. He confirmed with Councilman David Barbour that they typically do mark off about 5 to 6 of those spaces up front as 5-minute parking to accommodate for mail pickup. He noted that he thought the parking was distributed very well for all the units to access and for extra cars for neighbors or visitors.

Councilman Stevens asked what the reason for the 10-foot reduction in public right-of-way. Mr. Faulkner stated the wider right-of-way was just more area, so what they propose brings the sidewalks a little closer in to give 30 feet from the sidewalk back to the unit for parking. He stated most residents should be able to park two cars without using the garage. He stated even though they had the reduced right of way, they still have the larger front setback. He stated it's really a matter of where the property line exists. Planning Director Stephen Wensman added that the developer is proposing to make the driveway a little bigger, a bit longer.

Councilman David Barbour stated that one of the appeals to him was the overall concept of people who came in as single people living in the apartments, they got married and moved into townhomes and as they got families they moved into a house as a progression through the neighborhood. He made reference to the appeal of three-bedroom townhomes for single people and questioned whether the developer's strategy was now a little different.

Mr. Faulkner stated again that if the lending environment was different, it would all be relative unfortunately, but now the thought process is to get a lower price point to attract younger homeowners to the 19- or 20-foot unit versus the 22- or 24-foot unit. He stated there was interest to the builder for this product. He stated similar products are moving pretty good.

Mayor Andy Moore questioned whether it would be the same builder building the single-family homes to build the townhomes. Mr. Faulkner replied, yes, in the current phases, and they believe it will be the same one here. Mayor Andy Moore questioned who the builder was. Mr. Faulkner stated Lennar.

Councilman Stevens stated that the reason why he got involved with this project was to shape town growth to attract young people to this area to grow and raise families. He stated he liked the idea of the development having a pool, which would be an attraction to the young crowd. Mr. Faulkner stated that typically with a development of this size, because of the cost and who actually uses the pool that the pool usage is lower than what one may think. He stated you have to have it when you have apartments, but when you go with single family homes and town homes they are not as desirable anymore. Faulkner said pools are relative to HOA fees each month and the consideration for a pool is part of keeping cost down. Mr. Stevens stated he understood they are worried about cost, but he's concerned with getting the project right. They have already seen one plan that shows one thing, and now review is requested for a give and take. He further stated he likes this process, but he really likes the idea of having a neighborhood with a pool in town to attract people to this area because there are not many options for that.

There was further discussion between Mr. Faulkner and the Board regarding the pool as it pertains to building one for rental units versus one for units for sale. Councilman Stevens said he liked the idea of amenities put in place to attract a younger crowd. Mr. Faulkner expressed that the pool was only for the apartments and not for the development as a whole. Mayor Andy Moore questioned whether that was stated in the previous proposal.

Councilman John Dunn questioned what the original price point was for the original townhomes versus the smaller townhomes proposed. Mr. Faulkner stated he did not have that exact number. He added that the square footage was lower, so the price point would be lower. He also stated that all the finishes and architectural standards were the same.

Mayor Andy Moore questioned if they were requesting to retain the option to still build the apartments. Mr. Faulkner stated this was correct. Mayor Andy Moore asked if the Board approved this, would they come back and want to do both. Mr. Faulker stated he didn't think there was an option for both relative to the size of area that they have that is developable. He stated it would be a one or the other, and not a combination. He further stated that they are fine with that as a condition.

Councilman David Barbour questioned whether there was any area designated for open space park area for children too old for the tot lot. Faulkner pointed out areas in the development that could be green space. Councilman David Barbour stated that he would encourage the builder to designate the play space for older kids.

The Board had general discussion regarding the layout of the development.

Attorney Bob Spence asked what they do with all the wetland. Faulkner stated that it all remained designated in perpetuity as green open space, and it will be recorded that way.

Councilman John Dunn stated before this and the apartment, there was basically going to be a parking lot that was maintained by the developer and homeowners. Now this will be public roadway that will be turned over to the Town for maintenance. Mr. Faulkner affirmed with the exception of the private parking lots, which will still be maintained by the HOA.

Attorney Bob Spence questioned if the plans showed 33 feet from the sidewalk to the front of the townhouses. Faulkner agreed. Wensman reiterated that the driveway is 33 ½ feet long outside of the sidewalk. Mayor Andy Moore stated the 30-foot setback is our requirement and no different. He asked about the impact of the 60-foot-wide right-of-way being reduced to 50 feet.

Planning Director Stephen Wensman replied right-of-ways in towns are crucial for accommodating various utilities and future projects. Wider right-of-ways are preferred as they simplify the installation and maintenance of utilities like fiber optics, minimize disruption when working around existing infrastructure and trees, and leave room for potential future developments. Narrower right-of-ways, on the other hand, can complicate utility management and restrict options for future town improvements, such as tree planting programs.

Mayor Andy Moore asked even if it were 50 feet could the Town still not build in that area. Wensman answered no.

Councilman John Dunn asked how wide would the street be in that right of way? Wensman stated that the street was 27 feet wide back-to-back, consistent with Town standard. Councilman John Dunn asked if it was the same in the other part of the community. Wensman answered yes. He further explained that the driveway is 30 to 33.5 feet long from garage to sidewalk. In the first phase of townhouses, they moved the sidewalk closer to the curb to try fitting two cars in the driveway, one behind the other.

Councilman Stevens asked Wensman what the benefit was of reducing the right of way. Wensman stated more land to develop if roads were pushed out further but that there was only so much space given the lay of the land.

The developer, Joe Faulkner, stated that the peninsula area has more compacted slopes. The 50-foot right-of-way is usually chosen for local roads in subdivision, and the 60-foot right-of-way typically used for collector roads. The decision aligns with standard practices in similar developments.

Mayor Andy Moore expressed concerns about replacing apartments with townhouses, also with losing approved amenities like the pool, dog park, and tot lot. There was discussion on whether these amenities were meant for the entire subdivision or just the apartments. Planning Director Stephen Wensman replied that there were dog parks and tot lots elsewhere in the development in addition to the ones at this development and that they have retained this one in addition to the others in the development. Mayor Andy Moore questioned whether the dog park and tot lot that was in this area when originally proposed would be for the use of the entire subdivision and not just the apartments. Wensman replied that only those units would be using those facilities. Mayor Andy Moore questioned how that could be controlled. Wensman stated you probably can't control it. The developer, Faulkner, stated regarding the pool the residents typically needed a fob to gain entry.

Councilman Stevens voiced disappointment with project changes, noting initial approval was based on high-quality apartments and amenities. He expressed concern about scaling back due to market conditions, emphasizing his belief in Smithfield and Johnson County's growth, despite market fluctuations he is confident units will be filled. Councilman Stevens expressed understanding of market challenges and increased costs affecting businesses. He acknowledged the developer's need to adapt but voiced concern that cost-cutting measures might compromise the quality of living for potential Smithfield residents. Stevens emphasized the importance of attracting people to Smithfield with high-quality offerings. Despite reservations, he indicated acceptance of the revised proposal as a happy medium solution. The Developer Joe Faulkner asked Councilman Stevens if he'd rather have rental units. Councilman Stevens replied that there was a big need for that too, but he is looking for a happy medium solution.

There was general discussion among the board about how investors are turning developments like these into rental units across other communities.

Councilman Travis Scott asked if the change in the structure to five feet taller would have any impact on the airport. Wensman stated he didn't see it as an issue. Scott asked if the point of the garage door defined the point of setback, or whether it was the whole front of the house. Wensman answered the whole front of the house, at the foundation.

There was general discussion among Wensman and the Board clarifying the minimum 30-foot setback point. Wensman stated that it could encroach as much as three feet where an awning, steps or an open sided stoop was concerned.

Councilman David Barbour asked for clarification of the type of materials approved for the development, referencing the detailed standards and wanting the Town to be pickier about having a nicer looking development, albeit smaller. Wensman stated the same approved materials as previous townhomes same mix of materials in different sizes. Wensman stated materials are the same, only narrower with a one car garage instead of a two-car garage on the end units.

Mayor Andy Moore wanted clarification for the number of single-family homes and the number of townhomes that were proposed when the Board looked at the development the first time. Developer Joe Faulkner answered 87 single family homes and 369 townhomes total, but that the new proposal has a huge reduction in density with only 220 townhomes proposed.

Councilman Stevens stated while he appreciated the process and that the development would be less dense, that he was concerned that the Town was being asked to settle for town homes that will be rentals based on what is seen now.

There was general discussion among the board regarding the size and layout of the originally proposed units compared to the new proposal.

Councilman Stevens asked if there was any record of the number of townhomes sold in Smithfield, and how many of those units turned into rental units, or if they are single family residences. Planning Director Stephen Wensman stated they did not track ownership and did have that information. Councilman David Barbour stated that when the development was approved, it was stressed the Townhomes be family dwellings and not more rental units. He asked Wensman if they could find out for future reference to take into consideration on future developments Wensman stated it could be researched by ownership versus utility billing.

Councilman Travis Scott asked the developer, in his experience, what percentage of townhome apartments end up rental units. Faulkner stated it usually takes years and going through the first level of ownership for that to happen, and it depends on the location. He said it also depends on the covenant of the development to require at least a 12-month lease and no Air BNB short term rentals. Scott asked if he could guarantee that the 12-month lease was a covenant of this development. Faulkner stated yes, it was typically when you have problems when it's not apart of the covenant. Wensman stated that the covenant could be adopted to limit short term rentals, but that it was not necessarily standard, and that he could not clarify that it was in the covenant.

Councilman Stevens stated that he understands there's a need for rentals, but he expressed concern about what developments would look like fifteen years from now and how much the Lenars of the world would care. Mr. Faulkner stated that it could be put as a condition of the development that they make sure that, if there is not already an existing covenant, there be one for this section.

Councilman Travis Scott asked Mr. Faulkner if the Board did not approve the development, what was his contingency plan. Mr. Faulkner stated that the proposal is not intended to eliminate apartments entirely, but rather to adjust the plan based on financial considerations. He explained that there is significant interest from multiple builders in the townhome product, not just from the current builder. This interest is substantial enough to justify reducing the number of units significantly, which he acknowledged as a major trade-off. He also pointed out that committing to apartment construction represents a large financial investment that may not be feasible in the current market. Faulkner stated that if the townhome proposal is not accepted, they may need to return at a later time with an alternative plan that is more acceptable to the council.

Councilman Stevens stated that he like the idea of the apartment complex, stating the need to attract the younger citizens who do not need a three-bedroom townhome. He asked if there was anything the Board could do for the developer to make that development more palatable to keep the apartments as part of the development. He further stated this would be more of a progression for young families who may as a result stay in Smithfield longer.

Joe Faulkner, the developer discussed the financial drawbacks of interest rates today with regard to borrowing. Mayor Andy Moore stated he and the Board were more concerned with the mix of housing in the Town. He stated he was not opposed to the townhomes, but 70 percent of the new construction in Smithfield was townhomes. He also expressed concern for the percentage of single-family homes versus townhomes in the development, citing it was unbalanced.

Councilman Stevens agreed that we need a mix of housing in Town. He stated he was pleased with the development as initially presented, but he was concerned that Smithfield is getting less and less affordable. He stated that if the only thing we are able to offer is townhomes, due to the market changing we may be lowering our standards. Faulkner stated it was not a lowering of standard, but a lowering of expectation of product due to the market changing to be geared toward young ownership with this product.

There was some discussion among the board regarding the price point of the townhomes in Franklin Townhomes.

Councilman Travis Scott asked why the new proposed development would not include single family homes. Mr. Faulkner stated it was due to the density of the development as well as the grading was not conducive to mix with single family homes.

Mayor Andy Moore asked if there were any further questions from Council.

Mayor Andy Moore asked if there was anyone in attendance that wished to speak on the matter.

Angie McClure of 4982 Swift Creek Road stated that she is a long-time Smithfield resident and farmer. She addressed the town planners with gratitude and concern. She thanked them for their efforts in shaping the town's future while expressing worry about the impact of rapid growth on local farms. McClure, whose family has deep roots in the area, urged careful consideration of how development decisions affect long-standing residents. She specifically mentioned the expansion of Johnson Regional Airport as an example of changes affecting the community. She emphasized the challenge of balancing progress with preserving traditional farm life in Smithfield. She stated she hoped that the voices and concerns of her, her neighbors and other constituents will be taken into consideration for future developments. She further expressed concerns about not being able to vote for representatives who make decisions for her community due to living in the ETJ.

Mayor Andy Moore asked if there were any other concerns. There were no further comments from the audience. Moore commented that his concern was parking along the street with the availability of only one one-car garage at each unit. He stated due to that reason he would like to see the larger 12-foot driveways. He conveyed to the Board the current price point of Franklin Town Home units, which were similar in size to the town homes in the Finley development, as well of the number of properties that were pending and sold. Councilman David Barbour noted that there were still plenty more units scheduled to be built in the development.

There were no further comments on the matter.

Councilman John Dunn made a motion seconded by Travis Scott to close the public hearing. Unanimously approved.

Councilman John Dunn made a motion, seconded by Councilman Stevens that the Board deny the request of alternate plans for Finley Development CZ-24-06. Unanimously approved.

CITIZEN'S COMMENTS:

Mayor Andy Moore asked if there were anyone in the audience who would like to speak for Citizen's Comments.

There were no citizen comments.

Mayor Andy Moore stated he would move on to the Consent Agenda.

CONSENT AGENDA:

Councilman David Barbour made a motion, seconded by Councilman John Dunn to approve the consent agenda. Unanimously approved.

1. Minutes
 - a. August 13, 2024 – Regular Meeting
 - b. August 13, 2024 – Closed Session
 - c. August 20, 2024 – Regular Meeting
 - d. September 3, 2024 – Regular Meeting
 - e. September 3, 2024 – Closed Session
2. Special Event: Circus Under the Big Top – Approval was granted to allow Hanneford Circus to operate a circus at 1025 Outlet Center Drive from October 25, 2024 until November 3, 2024 from 1:00 pm until 9:00 pm. Amplified sound was approved for the events.
3. Special Event: Trunk of Treat – Approval was granted to allow First Baptist Church to hold an event at 202 South Fourth Street on October 27, 2024 from 4:00 pm until 6:00 pm. The closure of East Johnston Street between South Fourth and South Fifth Street and one food truck were also approved for this event.
4. Approval was granted to promote the Payroll/Accounts Payable Technician II to the position of Town Clerk.
5. Approval was granted to promote a Street Maintenance Worker to the position of Sanitation Equipment Operator.
6. Approval was granted to authorize the purchase of two used vehicles from Asia Motors in the total amount of \$65,000 for the Police Department
7. Approval was granted to award a contract to Timmons group in the amount of \$49,500.00 for design services for the South Smithfield Water Line Extension Project.

BUSINESS ITEMS:

1. Consideration and request for approval to pursue a Congestion Mitigation & Air Quality Improvement (CMAQ) grant for sidewalks on the west side of Venture Drive from Outlet Center Drive to Peedin Road

Planning Director Stephen Wensman addressed the Council to a request approval to pursue CMAQ funding for a \$1,000,000 grant with a Town 20% match, which is an estimate. He stated the purpose for funding would be to build a CMAQ funded for sidewalks to be installed on the west side of Venture Drive from Outlet Center Drive to Peedin Road.

Councilman David Barbour asked if this would be a sidewalk or a multipurpose path. Wensman stated this was correct. Barbour asked weren't sidewalks there already. Wensman stated there were sidewalks up to Peedin Road, but if you go from Peedin Road all the way down to Outlet Center Drive there were no sidewalks. Wensman further clarified where the sidewalks began and ended to the Board. He added that extra dollars were included in the estimate to make it a safe crossing, and that the details would be worked out once funding was received.

Mayor Andy Moore asked why there were no plans for sidewalks down Outlet Center Drive near hotels where needed. Wensman cited issues with limited right-of-way, where the roads and the ditches eat up all the right-of-way. Wensman stated due to that fact, it may be a much more expensive project.

Councilman David Barbour asked about also installing crosswalks, having concern for access without J-Walking. Wensman said he had no answer for that right now.

Mayor Andy Moore asked about further development along that property, and questioned whether a future developer could bear the cost of installing sidewalks. Further if there was a plan in place to recoup funds for installing sidewalks on property available for future development. Councilman John Dunn questioned if there could be a fee for future developers in lieu of sidewalks. Mayor Andy Moore stated we have time to look into that as a possibility.

Councilman David Barbour asked why the proposed sidewalk was not on the other side of the road where the businesses are, noting no developments near the pond. Wensman stated that sidewalk installation on the other side of the street would be a much more expensive project with a larger cost share to the Town, but it's up to the Town whether to do so. Wensman also stated if the Town moved forward with the grant, he would get alternative estimates for other locations, then change the design to ask for the greater amount of money to cover the costs.

Councilman John Dunn asked if it would make sense to look at things from an easement perspective as to which easements would be easier. Wensman stated that this was considered.

Councilman Travis Scott spoke about the need for the Town to look at how to connect Venture Drive to Equity, stating it needs to be connected. Wensman stated that there was undeveloped land owned by the hotel that is next to the pump station that may be used for that purpose in the future. He stated the Town may have to buy it to do a right of way through there. Councilman Travis Scott stated it would alleviate some of the congestion on Outlet Center Drive if those major intersections were connected.

Councilman David Barbour asked if the Board approved the item today does it mean that changes cannot be made. Wensman stated he would go back and get a cost estimate for the more expensive project, and if the Town gets the money, they could go through the design phase and determine what we want to do. Councilman David Barbour stated he understood, and did not want the Town to lose the chance at obtaining the funding.

Councilman Travis Scott asked if it would be due by budget year next year, and if not, where would the Town pay for the project out of the current budget. Town Manager Mike Scott stated that it would have to come out of fund balance, that we have funds from the American Rescue Plan funds that were not appropriated. A little over a million dollars went into fund balance a couple of meetings ago, so that money is there.

Councilman Travis Scott made a motion, seconded by Councilman John Dunn to approve for the request. Unanimously approved.

2. Consideration and request for approval to award a bid to David Hinton Construction in the amount of \$37,456.00 for the replacement of brickwork with stamped concrete in the 200 and 300 blocks of Market Street

Public Works Director Lawrence Davis addressed the Council. He stated that three contractors were contacted for the project. The initial pricing was incorrect, necessitating a rebid. The revised estimate is \$37,456. If approved, the work will take approximately two weeks, completed in four phases. Phase 1 and 2 will cover the 200 block of the south side of Market Street to the 300 block of Front Street, lasting about a week. Phases 3 and 4 will address the 300 block of North Street from Market Street to the 200 block at Wells Fargo Bank. He further stated that the project involves removing existing bricks and planters, which have caused trip hazards, and replacing them with stamped concrete. The concrete will be poured 6 inches deep to withstand vehicle stress, despite efforts to prevent curb parking. Ideal pouring temperature is 75 degrees or higher for faster setting. Businesses will be notified of work dates, and parking spaces will be blocked during construction. DOT has been contacted as the affected street falls under their jurisdiction. Davis stated that Parking spaces will be blocked during construction. DOT confirmed no encroachment agreement is needed for sidewalk repair, but lane closures must meet NCDOT standards. Dalton Langston, Assistant District Engineer for divisions 4 and 3 in Johnson and Wayne Counties, provided this information. The project is proposed for late May or early June to take advantage of hot weather for concrete setting. Earlier completion was not possible due to pricing issues.

Councilman John Dunn asked for clarification of which planters would be removed. Davis clarified that the bricks around the planters would be removed, the ones near the trees with the up lights, not the planters themselves. Once removed they would replace the grate. Councilman David Barbour recommended that there be an information sign before drivers get to M. Durwood Stephenson highway alerting them of the upcoming one lane highway so that they may take an alternate route to help alleviate traffic. Davis agreed. Councilman John Dunn asked if the curb would be replaced. Mayor Andy Moore also wanted clarification as to whether curb work was factored into the quote. Davis stated the curb work was in the budget to do the sidewalks, and did not affect the quote. Councilman Stevens asked why we couldn't go ahead and move the curb back six inches to avoid mirrors being knocked off in downtown. Davis stated if we did that it would

change the landscape of the poles. He further stated this was a DOT maintained road and that it is their infrastructure. Town Manager Mike Scott added that this could turn into a five hundred-thousand-dollar project with curb work being considered. Davis added that the proposed project was only for four blocks.

Mayor Andy Moore asked Davis if the estimate did include both the 200 and 300 blocks because the measurements were different for each bid. Davis stated that it was for the same area. Mayor Andy Moore stated he was pleased with the much-needed repair work that had been done already and expressed thanks. Mayor Andy Moore asked which would hold up better, the stamped concrete or the poured concrete if we happened to have people parking on it. He further stressed that there be parking enforcement to prevent such. Moore stated he knows they already are, and thanked the Chief of Police, citing parking enforcement has improved, but reiterated that if the Town was spending money to do this work, it needed to be preserved as much as possible.

Mayor Andy Moore asked whether stamped or poured concrete would hold up better. Davis answered that increasing the thickness from 4 inches to 6 inches would make the sidewalks more durable. A cost-saving alternative was proposed: keeping the existing bricks, which are in good condition, and placing them on top of a new concrete base. This method would eliminate the need for sand and potentially reduce expenses. Davis further noted that staff had already addressed some trip hazards by adjusting loose bricks. He stated that a proposed cost-effective solution for the sidewalk renovation was to lift existing bricks, add a 2-inch concrete base, then replace the bricks. He stated this method would maintain parking access, avoid highway encroachment, and increase durability while preserving the sidewalk's appearance.

There was some discussion among the board about which would be the better option, keeping the brick, which had divots that could potentially be a trip hazard, or installing stamped concrete.

Councilman Travis Scott asked for how long the quote was good. Davis answered the contractor informed him that he would honor the quote until springtime, May and June, when the work could be done. Scott asked if the contractor had good references. Davis replied yes, the contractor does work for the Town now.

Councilman David Barbour stated that he liked stamped concrete better for its durability. As a single unit, it's less prone to problems than multi-piece installations. It withstands vehicle traffic better and lasts longer without cracking or coming loose. The installation process is quicker than removing, cleaning, and relaying bricks on concrete. Unlike brick installations where concrete between pieces can break over time, stamped concrete remains solid. This makes it a more efficient and enduring choice overall. Davis agreed, noting that the stamped concrete is one solid piece, so it's less likely to have issues. It holds up better under cars and doesn't crack easily. It's faster to install than dealing with individual bricks. While brick setups can break apart over time, stamped concrete stays intact. This makes it a smarter, longer-lasting option.

Councilman David Barbour made a motion, seconded by Travis Scott to move forward with the project for the bid of \$37,456. Unanimously approved.

3. Consideration and request for approval to award a bid to Vision NC, LLC in the amount of \$5,940.00 a day for a total estimated cost of \$100,000 for ditch cleaning services in Smithfield

Public Works Director Lawrence Davis addressed the Council on a request. He stated that the need for ditch cleaning was confirmed after investigation and discussion. An extensive drive-by inspection of the ditches was conducted, and addresses were noted. The project cost slightly more but offered better hours - 10 instead of 8. This arrangement allowed for an earlier start time. The estimated timeline is up to three weeks, though it could be completed sooner. The contractor allocated 30 minutes per hour for cleaning ditch pipes. This plan is expected to provide sufficient time for thorough completion of the work. He further stated that cleaning process depends on the level of clogging. For severe blockages, including root intrusions, a pipe crawler is used to jet, cut, and clean the pipes. The ditches are also cleaned. A designated dump site in the yard will be used for disposing of the removed dirt and debris.

Mayor Andy Moore asked if any work would be done on the ditches themselves. Davis stated his crew would be doing the work on the ditches. They would work alongside the contractors and do ditch work along with the cleaning. Moore stated that the ditches were probably ok for the most part, but that there are some problem areas.

Councilman David Barbour stated that some of the culverts are clogged and sit lower than the ditches, causing water to pool constantly. While some are completely blocked, most drain slowly due to build up around the pipes over time. This isn't because the pipes are sinking, but rather sediment accumulating on the sides, impeding water flow. Davis stated that we have back hoes, the equipment and manpower to address the issue.

Councilman David Barbour mentioned that with the work entailed in repairs, who would be responsible for replanting grass. Davis stated that he would talk to the manager about getting seed to put out for the grass to grow back, similarly done when other repairs are made by his crew.

Councilman Travis Scott stated that he was not opposed to cleaning out ditches. He asked with the department having added two staff members, why could they not clean the ditches. He also asked what was being done about the church that is flooding on North Street. Davis stated that he had Adam Stuckey go out to look at what could be done about the church, and he passed the information he received back along to the Town Manager. Davis stated that it was up to the Board, and that he received a \$95,000 estimate to address flooding near a church at the corner of Caswell where the church sits. The initial plan was to install 15-inch pipes, but now a larger pipe size is being considered. While the speaker is unsure of the exact new size, they believe the larger pipes will better alleviate the flooding issues in that area.

Councilman David Barbour asked if that was the only solution. Davis stated yes, noting that the problem was similar to the one on East Street, where too much water was coming in for the smaller pipes to handle.

Councilman Travis Scott asked if the two new Public Works positions created during budget session had been filled. Davis answered he has not filled the position but has had interviews and one prospect that would possibly be filling one position. He further stated that he was moving some employees around based on CDL credentials, so the department is basically looking to fill one more position to have a full staff. Councilman Travis Scott stated he understood replacing the pipe at the church may require a contractor's skills, but asked if staff could use the newly purchased jet trailer to clean the ditch. Davis stated the jet they had did not have enough psi to blow out the ditches, but it could be used for maintenance by staff in the future. He also mentioned the \$80,000 vac truck he was looking to purchase may be able to do such work once acquired.

Councilman David Barbour clarified that the contractor was cleaning out the culverts so the water could flow, and that Public Works staff would be doing the ditch repair work, stating preventative maintenance is less expensive than repair work. Davis agreed, and stated staff would maintain the ditches afterwards through routine maintenance schedule.

Councilman David Barbour made a motion seconded by Councilman John Dunn to approve the bid for the ditch cleaning. Unanimously approved.

There was further discussion after the vote. Councilman Travis Scott asked where the Town would move the money from to cover the cost. Town Manager Mike Scott stated that he would recommend taking the \$80,000 from the American Rescue Plan funds so right now it would be the fund balance. Councilman Travis Scott asked if the Town was doing anything to address the other three districts. Mayor Andy Moore stated that should be next. Davis agreed. Councilman Rabil stated that if the Town was spending roughly 100,000 per district, we should have our own equipment and staff to do jobs like this. Davis stated he was hoping the job could be done quicker and less expensive than quoted, so things could be assessed so that maybe other districts can be addressed quicker.

Mayor Andy Moore reiterated that there was a motion and second on the issue, all were in favor, so the motion carried. He further stated that he wanted to get a plan in motion to address each area in Town, stating West Smithfield probably had the most ditches in Town that need to be looked at. Davis agreed.

4. Consideration and request for approval to adopt Resolution No. 754 (15-2024) authorizing the Mayor to execute a quitclaim deed to J29:11 Ventures LLC for conveyance of property at 1008 Fuller Street

Town Attorney Bob Spence addressed the Council. He stated that In the early 1980s, a federally funded Smithfield redevelopment commission aimed to improve poorer neighborhoods designated eligible areas for funding, including the Fuller Street area. Program directors worked to develop a particular block, attempting

to increase lot sizes from 50 to 60 front feet to enhance the neighborhood. The Town Attorney continued, stating further that the town purchased 20-foot strips of land for under \$500 each, redistributing them to adjacent lots. This process was complicated by the lack of personal computers, internet, and comprehensive county mapping in the early 1980s. The lots, originally 50 feet wide and dating back to the Depression era, were re-platted in 1947. A concern was raised by Emory Ashley regarding a 20-foot strip of land. Attorney Bob Spence stated that upon review, the first lot from Fuller and Durham, measuring 70 feet, is owned by Johnson County Community Action. The subsequent two lots were intended to be 30 feet each, totaling 60 feet. Mrs. Richardson owns a mobile home on these lots.

The Town Attorney, Bob Spence continued stating that the lots differ from the original plat, which shows 50-foot frontages. The first lot is 70 feet, leaving 30 feet for the adjacent lot. Ms. Richardson's property comprises two 30-foot lots, totaling 60 feet. The town acquired some land from her, intending to give 20 feet to the adjoining property. However, this 20-foot section was never officially deeded out and remains in the town's name. The house on the affected lot has since been renovated. He stated that a developer or LLC purchased the property in April, discovering issues with the property line. The town-owned 20-foot section encroaches on the house by about 8 feet and affects an 8x12 addition. A survey confirms this. The 20-foot lot, intended to be conveyed to the property's predecessor in the 1980s, was never officially transferred. The current owners have been occupying this section for years. The discrepancy wasn't caught when GIS mapping was implemented around 2000, likely due to the mapper's unfamiliarity with the situation. Spence further stated that The GIS mapping is inaccurate due to the complexity and volume of lots in the county.

The Town Attorney further stated that the lot in question has been occupied for 42 years by owners unaware they didn't legally own the land. Multiple lawyers, including one from Raleigh, failed to catch this discrepancy. On the opposite side of the lot, there's a 10-foot strip that should belong to the neighboring property, as per a deed from the early 1980s. This situation arose from repeatedly dividing and recombining lots of various sizes within the block, leading to confusion in property boundaries. Spence added that a 10-foot strip associated with this lot should belong to the neighboring property, according to a deed from the early 1980s. He stated that similar mistakes have occurred twice, including one on the east side of Fuller Street involving a 10-foot discrepancy. A chain-link fence is approximately 8 feet from where the property line should be based on 1980s deeds, leaving an 8-foot gap. Spence stated that the fence may be two feet beyond the actual property line. Deeds from the 1980s don't show the 10-foot discrepancy because attorneys likely used outdated 1947 plats showing 50-foot frontages, overlooking lot reconfigurations done before computerization. These changes aimed to create more desirable 60-foot lots. Currently, we technically hold title to 20 feet of a small, well-maintained house under 1000 square feet.

Spence stated to avoid potential lawsuits, it's recommended to do a quit claim to transfer the deed to the current occupants, as we inadvertently own a significant portion of their house due to this mistake. Spence stated that think that the directors of community development intended to convey that lot out, but with the numerous ones they were doing, forgot to ever get it done. Spence stated he proposed quitclaiming this property. It's now for sale. An LLC bought it cheaply in April and has renovated it, though the extent is unclear. He stated it is a nice-looking lot on that block.

Councilman Mayor Pro-Tem Roger Wood asked if the correction fixed all of the lots or just the one. Attorney Bob Spence stated that it fixes that lot, however there is a longstanding property discrepancy involving a 10-foot strip of land between two lots. The western property has been incorrectly deeded this strip since the 1980s, while the eastern property has not received proper documentation. This 40-year-old error was overlooked by attorneys and surveyors. The town plans to notify both property owners about the 10-foot error and the mistaken allocation of 20 feet of land. The issue affects both properties and dates back four decades. The town intends to rectify these historical errors in property boundaries.

Councilman David Barbour asked if the Town deeded the property as requested, are we out of it at that point and not hindering or hurting and not involved beyond notification. Attorney Bob Spence answered that was right.

Councilman Marlon Lee asked if Ms. Betty Richardson has been notified of this issue. Attorney Bob Spence stated he was not aware if she had been notified. He stated he spent most of his time trying to figure out the issue. He noted that Ms. Richardson lives in Fayetteville, and he is aware that she owns a mobile home one the lot. Councilman Marlon Lee stated that Ms. Richardson is getting rid of the mobile home and planning to build on the property eventually. Lee stated if she did not know about it, this could become an issue for her. Spence stated that he would try to notify Ms. Richardson by letter, and did not mind calling her to discuss the matter. He further stated that there was a survey of the property available now that shows

Ms. Richardson's lot.

Councilman Travis Scott wanted Spence to clarify which was Ms. Richardson's lot, referring to the supplement on page 24 of the Town Council agenda packet. Spence stated Ms. Richardson's lot could be identified on page 4 of the agenda packet, and further pointed out the property lines to the Board, also showing them the surveys on pages 5, 9 and 15. Mayor Andy Moore got clarification from Spence that during the process of the commission going in, the deeding of the 20 feet never happened. Spence agreed. The Board got further clarification from Spence as to where the property lines were. Spence added that he did not think the land in question belonged to Ms. Richardson, pointing to the stakes on the survey, which he says was done so the property owners could see what was happening. He stated Ms. Richardson still owns her two 30-foot lots.

Councilman David Barbour made a motion a motion, seconded by Councilman John Dunn, to approve the request. Unanimous.

TOWN OF SMITHFIELD
RESOLUTION NO. 754 (15-2024)
RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, NORTH
CAROLINA AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED TO J 29:11
VENTURES, LLC

WHEREAS, the Town of Smithfield is the owner of certain property located adjacent to 1008 Fuller Street, and a portion of this property is no longer needed for municipal purposes; and

WHEREAS, J 29:11 Ventures, LLC, the owner of the property located at 1008 Fuller Street, has requested a quitclaim deed for approximately 20 feet of said property for the purpose of resolving any potential property boundary issues and ensuring the proper use and maintenance of the area; and

WHEREAS, the Town Council has determined that it is in the best interest of the Town to grant a quitclaim deed for the said portion of property to J 29:11 Ventures, LLC, as it will not adversely affect the interests of the Town, as the original plan in 1981 by the Redevelopment Commission appears to have been to make that transfer to the prior owner of the Ventures property as part of modifying the front footage of lots within that block, and as the owner, and its predecessors in title, have apparently paid taxes on the portion as if it were part of their lot for years; and

WHEREAS, the granting of this quitclaim deed will release any claim the Town may have to this portion of the property and transfer whatever interest, if any, the Town may have in it to J 29:11 Ventures, LLC; and

WHEREAS, North Carolina General Statutes authorize municipalities to dispose of real property by quitclaim deed upon resolution of the governing board.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Smithfield, North Carolina, in a duly called and noticed meeting held on the 15th day of October, 2024, that:

1. The Town of Smithfield hereby agrees to transfer by quitclaim deed to J 29:11 Ventures, LLC, any and all interest the Town may have in the 20-foot strip of property adjacent to 1008 Fuller Street.
2. The Mayor of the Town of Smithfield, M. Andy Moore, is hereby authorized and directed to execute a quitclaim deed and any other necessary documents on behalf of the Town of Smithfield to J 29:11 Ventures, LLC, in accordance with the terms of this resolution.
3. This resolution shall take effect immediately upon its adoption.

Town Manager's Report:

Town Manager Mike Scott wanted to remind everyone that the normally scheduled meeting for November 5th, 2024 would be rescheduled to November 12th, 2024, due to the elections. Also, that the next scheduled meeting after that would be on November 19th, 2024.

Adjourn

Councilman John Dunn made a motion, seconded by Councilman Travis Scott to adjourn the meeting until. The meeting adjourned at approximately 9:27pm. Unanimously approved.

M. Andy Moore, Mayor

ATTEST:

Elaine Andrews, Town Clerk



Request for Town Council Action

**Consent
Agenda
Item:** Resolution /
Grant Ordinance
Date: 11/19/24

Subject: NCDEQ Resolution and Grant Project Ordinance for the Town of Smithfield

Department: Finance Department

Presented by: Finance Director - Andrew Harris

Presentation: Consent Agenda Item

Issue Statement: Board needs to approve the attached resolution no. 758 for grant acceptance and grant project ordinances to comply with the General Statue 159-13.2 Project ordinances associated with the NCDEQ Drinking Water/Wastewater State Reserve.

Financial Impact

\$1,400,000 will be received as revenue for this grant and an equal amount will be spent to repair the 4th Street and 2nd Street Spring Branch Drainage infrastructure.

Action Needed:

Accept the Grant for \$1,400,000 by approving the attached resolution and project ordinance.

Recommendation:

Accept the Grant for \$1,400,000 by approving the attached resolution and project ordinance.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Resolution No. 758
3. Grant Project Ordinance for the Spring Branch Drainage Repairs Grant Project



Staff Report

**Consent
Agenda
Item:** **Resolution /
Grant Ordinance**
Date: 11/19/24

The Town received state appropriated funds in FY 2025 for multiple projects from Budget Appropriations. The grant is controlled and administrated by the Department of Environmental Quality (DEQ). The grant will provide \$1.4 million to repair the storm water drainage of Spring Branch under South 2nd Street and South 4th Street.

The State has now appropriated this money as a grant through DEQ. The Council must accept the funds through resolution and approve a project ordinance to allocate the funds as described in the ordinance.

**TOWN OF SMITHFIELD
RESOLUTION NO. 758 (20-2024)**

WHEREAS, the Town of Smithfield has received a Directed Projects grant for the Spring Branch Drainage Repairs 2nd Street and 4th Street Project (SRP-S-134-0013) from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their Stormwater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$1,400,000 to perform 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 2023 Appropriations Act Directed Projects Grant offer of \$1,400,000; 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 Award Offer will be adhered to; 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 Division of Water Infrastructure.

Adopted this the 19th day of November, 2024 in Smithfield, North Carolina.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk

Grant Project Ordinance for the Town of Smithfield Spring Branch Drainage Repairs – 2nd Street and 4th Street Project (Project #SRP-S-134-0013)

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SMITHFIELD, NORTH CAROLINA that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

SECTION 1: This ordinance is to establish a budget for a project to be funded by the North Carolina Department of Environmental Quality (“NCDEQ”) Division of Water Infrastructure Drinking Water / Wastewater Reserve. The project authorized is the rehabilitation of stormwater infrastructure to be financed by state grants and reserves. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. In 2012, the Town commissioned a Phase I Preliminary Engineering Report for the Spring Branch Drainage Basin. In 2013, Phase 2 of the Study was completed. Phase 2 identified recommended stormwater improvements within the drainage basin. Hurricane Matthew caused significant damage to the Spring Branch Wetland Stormwater Facility which is the most downstream structure in the basin and discharges into the Neuse River. The facility was repaired utilizing FEMA funding; however, FEMA funds would not cover the removal of vegetative overgrowth and the replanting of wetland species. The next two upstream improvement recommendations from the 2013 Study are 2nd Street Improvements and 4th Street Improvements.
2. 2nd Street Culvert: This project proposes a new 36-inch diameter parallel culvert across 2nd Street to increase the capacity of the crossing.
3. 4th Street Culvert: This project proposes a 48-inch diameter bypass around 312 S. 4th Street.
4. Restoration of the Spring Branch Wetland Facility: This project will remove the vegetative overgrowth and re-plant the wetland species. The removal of the overgrowth will be a clearing and grubbing operation. Plantings will include trees and shrubs in the high zone and trees, shrubs, marsh, grasses and floating species in the low zone. The original design plans for the Spring Branch Stormwater Wetland Facility include Sheet L-1 Landscape Plan and Sheet L-2 Landscape Details. These original design drawings will be used for the project.

SECTION 2: The officers of the Town are hereby directed to proceed with the capital project within the terms of the resolution and budget contained herein.

SECTION 3: The following amounts are appropriated for the project and authorized for expenditures:

Engineering costs	\$ 200,000
Construction costs	<u>1,200,000</u>
Total	<u>\$ 1,400,000</u>

SECTION 4: The following revenues are anticipated to be available to complete the project:

NC Department of Environmental Quality
Division of Water Infrastructure Drinking Water / Wastewater Reserve \$ 1,400,000

SECTION 5: The Town intends to complete the project in accordance with the Drinking Water / Wastewater State Reserve, Session Law (S.L.) 2023-134. The Town’s scope of work is a complete and concise scope of goods or services supported by this agreement and consistent with language in S.L. 2023-134. The Town agrees to use the funds in the amounts allocated for the budget cost items set forth in the Town’s budget.

SECTION 6: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, grant agreements, and federal regulations. The Town’s accounting and fiscal records shall be maintained during the completion of the project, and these records shall be retained and made available for a period of at least three (3) years following completion of the project.

SECTION 7: Funds may be advanced from the General Fund for the purpose of making payments as due. Disbursement requests should be made to the grantor agency in an orderly and timely manner.

SECTION 8: The Finance Officer is hereby directed to report the financial status of the project to the governing board the appropriations and the total grant / loan revenues received or claimed.

SECTION 9: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this board.

SECTION 10: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to the Town Council.

SECTION 11: This grant project ordinance is effective as of November 19, 2024, and expires when all the NCDEQ funds have been obligated and expended by the Town, whichever occurs sooner.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk



Request for Town Council Action

**Consent
Agenda Resolution /
Item: Grant Acceptance
Date: 11/19/24**

Subject: NCDEQ Resolution for Grant Acceptance
Department: Finance Department
Presented by: Finance Director - Andrew Harris
Presentation: Consent Agenda Item

Issue Statement:

Board needs to approve the attached resolution no. 757 for grant acceptance.

Financial Impact:

\$500,000 will be received as revenue for this grant and an equal amount will be spent to continue an existing waterline in East Smithfield.

Action Needed:

Accept the Grant for \$500,000 by approving the attached resolution.

Recommendation:

Accept the Grant for \$500,000 by approving the attached resolution.

Approved: Town Manager Town Attorney

Attachments:

1. Staff Report
2. Resolution No. 757
3. Grant Information



Staff Report

Consent
Agenda Item: **Resolution / Grant Acceptance**
Date: 11/19/24

The Town received state appropriated funds in FY 2025 for multiple projects from Budget Appropriations. The grant is controlled and administrated by the Department of Environmental Quality (DEQ). The grant will provide \$500,000 for the following scope of work:

1. This project will construct a 12" ductile iron pipe water line along the western right-of-way of the newly constructed, unnamed road that connects US-70 Business Highway and Mallard Road. This connector road is being created as part of a NCDOT interchange project (I-5972) in Smithfield, NC. The water line will provide water to Mallard Road and "loop" the Town water system. The water connection will stabilize water supply and pressure in that area.

The State has now appropriated this money as a grant through DEQ. The Council must accept the funds through resolution.

**TOWN OF SMITHFIELD
RESOLUTION NO. 757 (18-2024)**

WHEREAS, the Town of Smithfield has received a Directed Projects grant for the East Smithfield Water Main Project (SRP-D-134-0037) from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$500,000 to perform 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 2023 Appropriations Act Directed Projects 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 Award Offer will be adhered to; 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 Division of Water Infrastructure.

Adopted this the 19th day of November, 2024 in Smithfield, North Carolina.

M. Andy Moore, Mayor

ATTEST:

Elaine S. Andrews, Town Clerk

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient

Town of Smithfield
PO Box 761
Smithfield, NC 27577

Project Number(s): SRP-D-134-0037

Assistance Listing Number: N/A
Unique Entity ID Number: FCT5P87KGEY3

Funding Program

	<input type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	<input checked="" type="checkbox"/>			
Stormwater	<input type="checkbox"/>			
Wastewater	<input type="checkbox"/>			
State Revolving Fund-Repayable Loan	<input type="checkbox"/>			
State Revolving Fund-Principal Forgiveness	<input type="checkbox"/>			
State Reserve Loan	<input type="checkbox"/>			
State Reserve Grant	<input type="checkbox"/>			
State Reserve Earmark (S.L. 2023-134)*	<input checked="" type="checkbox"/>			\$500,000
American Rescue Plan Act - <i>Choose an item.</i>	<input type="checkbox"/>			

Project Description:

East Smithfield Water Main

Total Financial Assistance Offer: \$ 500,000
Total Project Cost: \$1,014,549
Estimated Closing Fee:** \$ 0.
For Loans
Interest Rate: -- Per Annum
Maximum Loan Term: -- Years

* Federal conditions and requirements will also apply to S.L. 2023-134 projects co-funded with federal funds.
 ** Estimated closing fee calculated based on grant and loan amount.

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina:

**Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

DocuSigned by:  6388A672077B4C5..... Signature	10/24/2024 Date
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On Behalf of: Town of Smithfield
 Name of Representative in Resolution: _____
 Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

_____ Signature	_____ Date
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