



## **PLANNING BOARD AGENDA**

### ***Members:***

***Chairman: Mark Lane (ETJ)***

***Vice-Chairman: Debbie Howard (Town)***

***Doris Wallace (Town)***

***Ashley Spain (ETJ)***

***Alisa Bizzell (Town)***

***Stephen Wensman, AICP, ALA, Planning Director***

***Micah Woodard, CZO, Planner I***

***Julie Edmonds, Administrative Support Specialist***

***Meeting Date: Thursday, August 7<sup>th</sup>, 2025***

***Meeting Time: 6:00 p.m.***

***Meeting Place: Council Chambers, Smithfield Town Hall***



## **PLANNING BOARD AGENDA**

### **FOR REGULAR MEETING**

**AUGUST 7, 2025**

**MEETING TIME: 6:00 PM**

**TOWN HALL COUNCIL CHAMBERS**

**Call to Order.**

**Pledge of Allegiance.**

**Identify voting members.**

**Approval of the agenda.**

**Approval of the minutes for July 10, 2025.**

**New Business.**

**RZ-25-03 Mitchell Concrete B-3/R-20A to H-I:** Mitchell Concrete is requesting the rezoning of +/- 13 acres of land adjacent on the east and west of their existing facility from Highway Entranceway Business (B-3) and Residential-Agriculture (R-20A) to Heavy Industrial (HI). Further identified by Johnston County Tax ID's 15O99004J, and 15080012. Their request is for only part of the aforementioned parcels.

**CZ-25-04 Local 70 PUD Map Amendment:** Smithfield Growth, LLC is requesting an amendment to the PUD Conditional Zoning master plan to allow two (2) detached single family flag lots associated with the development of the property with the Johnston County Tax ID 14057011Y adjacent and on the East side of Booker Dairy Road, about 550' south of Eden Drive.

**ZA-25-03 Downtown Overlay Ordinance:** Planning Department staff is asking the Planning Board to review the proposed amendment to the Unified Development Ordinance UDO Article 6, Section 6.51 and Section 10.94 to repeal the Rowhouse Overlay District and replace it with the Downtown Overlay District and regulations.

**RZ-25-02 Downtown Overlay Map Amendment:** Planning Department staff is asking the Planning Board to review the proposed amendment to the zoning map to create a Downtown Overlay District.

**ZA-25-04 Private Clubs in B-1 with supplementary standards:** Request by the Planning Department staff and Smithfield Downtown Development Corporation (DSDC) to amend the UDO Section 6.6 Table of Uses and Activities to allow private clubs/bars in the B-1 and O/I zoning districts as a special use with supplementary standards (new section 7.47).

**Old Business.**

**Adjournment.**

**Draft  
Town of Smithfield  
Planning Board Minutes  
Thursday, July 10<sup>th</sup>, 2025  
Council Chambers  
6:00 PM**

Members Present:

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

Members Absent:

Wiley Narron

Staff Present:

Micah Woodard, Planner I  
Julie Edmonds, Administrative Support Specialist

Staff Absent:

Stephen Wensman, Planning Director

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**IDENTIFY VOTING MEMBERS**

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

**APPROVAL OF MINUTES May 1<sup>st</sup>, 2025**

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

**NEW BUSINESS**

**ZA-25-02 B-3 Maximum Building Height Text Amendment:** Unified Development Ordinance (UDO) text amendment request by Brown Investment Properties, Inc to amend UDO Article 8, Section 8.91. to increase the maximum height in the B-3 Highway Entranceway Business District from forty feet (40') to fifty (50').

Planner Micah Woodard stated Brown Investment Properties, Inc. has requested to amend the Unified Development Ordinance Article 8, Section 8.91 to increase the maximum height in the B-3 Highway Entranceway Business District from 40 feet to 50 feet. He pointed out the maximum height in the B-3 Highway Entranceway Business District is currently 40 feet. The definition of building height in the UDO is: The vertical distance from the average finished grade (prior to the addition of any fill) of the building lot to the highest point of the building. The average grade will be based on the condition of the lot prior to the date of adoption of this ordinance.

The applicant received a special use permit for Stadler Station Apartments and found the existing maximum height regulation to be too restrictive for their project. The applicant is planning to utilize fill soil to raise the site and plans on utilizing a 4:12 or 5:12 pitched roof for the apartment buildings which will result in a building height that exceeds current town standards. Without the increase in building height, the planned three-story apartment would not be feasible. The Town's definition of building height differs from the 2018 NC State Building Code's definition; rather than measuring to the peak of the roof, NC State Building Code measures to the midpoint of the roof. The town's definition is consistent with those of several other towns in Johnston County.

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

ZA-25-02, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and, in the public, interest.

Debbie Howard asked if the property was already within 660 ft of Interstate 95?

Micah Woodard said no I don't believe so.

Mark Lane asked if the board was amending the UDO (Unified Development Ordinance)?

Micah Woodard said you're recommending the Town Council amend the UDO.

Mark Lane asked what consists of B-3 Highway Entranceway Business District?

Micah Woodard said any parcel in the B-3 zoning district.

Mark Lane said we're looking to change the UDO for all of B-3 zoning district for just one project?

Micah Woodard answered correct.

Mark Lane doesn't like amending the UDO for one project.

Ashley Spain asked why the applicant didn't apply for a conditional zoning?

Micah Woodard stated we are past the point of time where a conditional zoning would be necessary. The project was already approved in 2024. He stated another option could be a variance but this was the option that was pursued.

James Todd came forward, he's the attorney for the applicant Brown Investment Properties, Inc. They're requesting this change to the UDO so the applicant can build pitched roof three story apartments instead of three stories with a flat roof. It would cost over a million dollars more to build a flat roof. He feels it's a better fit for the B-3 district because it allows you to offer a more affordable multi-family product.

Matt Ansley of ISG Architects came forward to speak. He's the architect over this project. He stated due to the nature of the site they needed to raise the grade by 3 feet. That only leaves 37 ft to the peak of the roof. For a three-story project this presents a challenge. When doing multi-family there are quite a bit of infrastructure costs so a third story helps spread those infrastructure investments across more units and make the project financially more viable.

Mark Lane asked why they didn't go to the Board of Adjustments instead of trying to change the UDO?

James Todd said after speaking with staff, they felt this was a change the Town's Comprehensive Plan predicted.

Debbie Howard made a motion to amend Article 8, Section 8.9.1 of the Town of Smithfield Comprehensive Growth Management Plan to allow maximum height in the B-3 Highway Entranceway Business District from 40 feet to 50 feet, but not to exceed 3 stories and it will require a 4/12 and 5/12 roof pitch only applied to multi-family; seconded by Doris Wallace. Ashley Spain voted no, Bryan Howard voted no, Mark Lane voted no and Alisa Bizzell voted no. 2 in favor, 4 against.

**RZ-25-01 Clarius Industrial Park:** Clarius Partners, LLC is requesting a general rezoning of 75.61-acre tract located on US Highway 70 Business W, at the north edge of the Town's extra-territorial jurisdiction (ETJ) identified by Johnston County Tax ID 17J07032 from the existing B-3 (Highway Business) / R-20A (Residential Agricultural) Zoning Districts to LI (Light Industrial).

Micah Woodard stated the applicant Clarius Partners, LLC is requesting a zoning map amendment to rezone a 75.61-acre parcel, located on US Highway 70 Business W, at the north edge of the Town's extra-territorial jurisdiction (ETJ) and with the Johnston County Tax ID 17J07032, from R-20A (Residential-Agriculture) to LI (Light Industrial). The Town is unable to annex land in this area without cooperation of Wilsons Mills and they have

adjacency. Johnston County has sewer and water in the area if utilities are available for connection. There is a single 67-acre agricultural property to the south that separates the proposed industrial site from TK Studio, Advance Tec within an existing light industrial zoning district. The applicant has submitted a concept plan for Clarius Park, a warehouse distribution development that they hope to build on the site. The developers have already completed a traffic impact study and NCDOT has agreed to allow them a full movement driveway with a traffic signal that allows left and right turns into the site and turn lanes on the highway.

Planning Staff recommends approval of RZ-25-01 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan as amended by the rezoning, and other adopted plans, and that the amendment is reasonable and in the public interest.

Ashley Spain asked how the blue line stream crossing the northern portion of the property would be addressed.

Craig Dannegger of Clarius Partners, LLC spoke on behalf of this project. He said they aren't overlaid on the blue line stream. He stated they would need to cross the blue line stream in a location.

Matt Gross a Project Manager of Kimley-Horn came forward. He stated they would be staying out of the 50-foot buffer to preserve it. They will apply for appropriate permits when the time comes.

Doris Wallace made a motion to recommend approval of zoning map amendment, RZ-25-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan as amended by the rezoning and other adopted plans, and that the amendment is reasonable and in the public interest; seconded by Debbie Howard. Unanimously approved.

#### **CZ-25-03 Mallard Crossing**

Mallard Smithfield NC, LLC is requesting approval of an amended R-8 conditional rezoning master plan of 491.2 acres of land which will include 1,327 residential units: 873 single-family detached, 454 single-family attached (townhomes).

Micah Woodard stated On June 7, 2022, the Town Council approved an R-8 Conditional rezoning for the Woodleaf Development which consisted of 2,005 residential units: 490 detached single-family lots, 691 attached single-family townhome lots, a 564-unit 3-story multifamily development and a 260-unit 4-story multifamily development.

Chairman Mark Lane paused the meeting to ask Planning Board member Ashley Spain if he owned any adjoining land to this tract on Mallard Rd. Ashley Spain said he hadn't received a notice in the mail but he must own adjoining property since his name was on the list of adjoining property owners. Mark Lane asked if Mr. Spain needed to recuse himself?

Micah Woodard said he didn't see the need for Mr. Spain to recuse himself.

Micah Woodard stated a new developer is requesting an amendment to the masterplan with the following changes:

- Reduction in the acreage because the solar farm has been removed from the development site.
- A reduction in the number of residential units from 2,005 to 1,327
- Eliminated all 824 apartment units from the plan
- Introducing age-targeted units
- A total of 5 distinct residential product lines.
- Plans include 2 clubhouses and swimming pools
- Electric by the Town of Smithfield
- Architectural materials include premium vinyl siding.
- Proposing valley curb in front of all lots that are less than 50' wide
- There will be overflow parking in the townhouse areas, but not within 500' of each building as was approved with Woodleaf.

Micah explained the master plan. He explained utilities would be with the Town of Smithfield. He stated a traffic impact study was prepared and NCDOT would require turn lanes on Mallard Rd. Micah continued explaining the amenities of the new development.

Planning staff recommends approval of CZ-25-03 with the following conditions:

1. That the trash and recycling roll-off containers in the single family and townhouses units be screened from the public right-of-way or stored within a garage or the rear yards and enforced by the HOA.
2. That the landscape plan be provided meeting minimum requirements of the UDO Part III and include:
  - a. A 3' average height - landscaped berm with decorative fence be provided between Mallard Road and rear property lines where there are double fronted lots.
3. The HOA declarations be submitted for review by the Town Attorney with the preliminary plat.
4. That an HOA be responsible for the ownership and maintenance of all common amenities including landscaping and property maintenance for the entire development, the stormwater SCM, parking lots, recreational amenities, and open space, parking enforcement and trash and recycling roll-off storage/screening.
5. That architectural standards be drafted and included in the HOA declarations to include: A variation in exterior finishes, including cottage style elements including a mix of premium vinyl siding styles, including horizontal lap siding, shake shingle accent siding and board and batten style siding. Each of the products will also have garages, with each garage door having either carriage style adornments or windows. The age-targeted product lines will also include stone elements on the exterior.
6. That all single-family homes and townhomes have rear decks or patios of at least 100 sq ft. in size.

Paul Luck, the developer on this project gave an overview of the history of the property when it was brought before the Town as Woodleaf. They have decided to scrap the original plan and start over. Mallard Crossing will have 700 units less than Woodleaf. They removed 824 apartments; he stated this site wasn't meant for apartments. They have collaborated with Ryan Homes, the builder for this project. They've set this development up so you have an age targeted area and traditional conventional on the other side. Each area will have its own amenities.

Doris Wallace made a motion to recommend approval of the zoning map amendment, CZ-25-03, with 7 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; seconded by Ashley Spain. Unanimously approved.

#### **Old Business**

None

#### **Adjournment**

Debbie Howard made a motion to adjourn; seconded by Ashley Spain. Unanimously approved.

Next Planning Board meeting is August 7th, 2025, at 6pm.

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist





# Request for Planning Board Action

**Agenda Item:** RZ-25-03  
**Date:** 8/7/25

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**Subject:** Zoning Map Amendment  
**Department:** Planning  
**Presented by:** Micah Woodard, Planner I  
**Presentation:** Public meeting

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## Issue Statement

Mitchell Concrete is requesting the rezoning of +/- 13 acres of land adjacent on the east and west of their existing facility from Highway Entranceway Business (B-3) and Residential-Agriculture (R-20A) to Heavy Industrial (HI).

## Financial Impact

None.

## Action Needed

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

## Recommendation

Planning Staff recommends approval of the rezoning, RZ-25-03, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan, and other adopted plans, and that the request is reasonable and in the public interest.

Approved: ☐ Town Manager ☐ Town Attorney

## Attachments:

1. Staff report
2. Consistency Statement
3. Application
4. Survey





# Staff Report

Agenda RZ-  
Item: 25-03

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## REQUEST:

Mitchell Concrete is requesting the rezoning of +/- 13 acres of land adjacent to the east and west of their existing facility from Highway Entranceway Business (B-3) and Residential-Agriculture (R-20A) to Heavy Industrial (HI).

## PROPERTY LOCATION:

The property to be rezoned is located off of Parish Drive, a private street that intersects with West Market Street, approximately 2000 feet west of the Neuse River.

## SITE DATA:

Tax ID#	Parts of 15099004J and 15080012
Acreage:	+/- 13 acres
Present Zoning:	Highway Entranceway Business (B-3) / Residential/Agricultural (R-20A)
Proposed Zoning:	HI (Light Industrial)
Existing Use:	Industrial Storage/vacant
Proposed Use	Heavy Industrial (industrial storage)
Town/ETJ:	Town
Fire District:	Town
School Impacts:	None
Parks and Recreation:	None
Water/Sewer Provider:	Town
Electric Provider:	Duke

## EXISTING CONDITIONS/ENVIRONMENTAL:

The parcel is entirely within the 100-year floodplain. Portions of the site are currently used for storage of concrete tanks with some open grassy areas and woods. There do not appear to be any wetlands on the proposed area to be rezoned.

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

	Zoning	Existing Land Uses
North	Heavy Industrial	Industrial storage
South	R-20A and B-3	Vacant gravel parking area, vacant grass and woodland areas. Commercial business.
East	R-20A	Vacant floodplain
West	R-20A	Gravel parking – vehicle storage.

## ANALYSIS:

The applicant is Marshall Concrete, which manufactures concrete septic tanks. The concrete septic tanks are formed then stored to cure on site. Marshall Concrete has outgrown its current space and is leasing adjacent space for storage but plans to further expand its storage area to keep up with demand.

The existing Marshall Concrete is located about 400 feet off of West Market Street on Parish Drive (a private gravel road), behind Whitley Grocery & Supply Inc. Marshall Concrete is currently zoned Heavy Industrial and is adjacent to a Ready-Mix Concrete plant, also zoned Heavy Industrial. The area between Marshall Concrete and West Market Street is zoned B-3.

The areas to be rezoned are to the east and west of the exiting Marshall Concrete plant (currently zoned B-3 and R-20A). The rezoning will bring the land use into compliance with zoning.

As indicated above, the area to be rezoned is 100-year floodplain and is relatively unbuildable under current regulations. The storage use may be the highest and best use of the land.

**Comprehensive Plan.** The area is guided in the Comprehensive Plan for Conservation/Open Space given its location in the 100-year flood plain.

## CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** - *The development is inconsistent with the town's comprehensive plan and the rezoning will result in an amendment to the Town's plan.*
- **Consistency with the Unified Development Code** – *The site will be developed in accordance with the Heavy Industrial standards.*
- **Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with surrounding land uses. Portions of the land to be rezoned are already used for industrial storage and the area to be rezoned will result in a larger Heavy Industrial zoning district.*

## RECOMMENDATION:

Planning Staff recommends approval of RZ-25-03 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan as amended by the rezoning, and other adopted plans, and that the amendment is reasonable and in the public interest.

**RECOMMENDED MOTION:**

Staff recommends the following motion:

"move to recommend approval of zoning map amendment, RZ-25-03, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan as amended by the rezoning and other adopted plans, and that the amendment is reasonable and in the public interest."

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
RZ-25-03**

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

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

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

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

That the Town Council recommendation regarding text amendment RZ-25-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public hearing; and

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

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

That the final recommendation regarding zoning map amendment RZ-25-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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

## RZ-25-03 Mitchell Concrete

**File Number:**  
RZ-25-03

**Project Name:**  
Mitchell Concrete

**Location:**  
Parrish Dr.

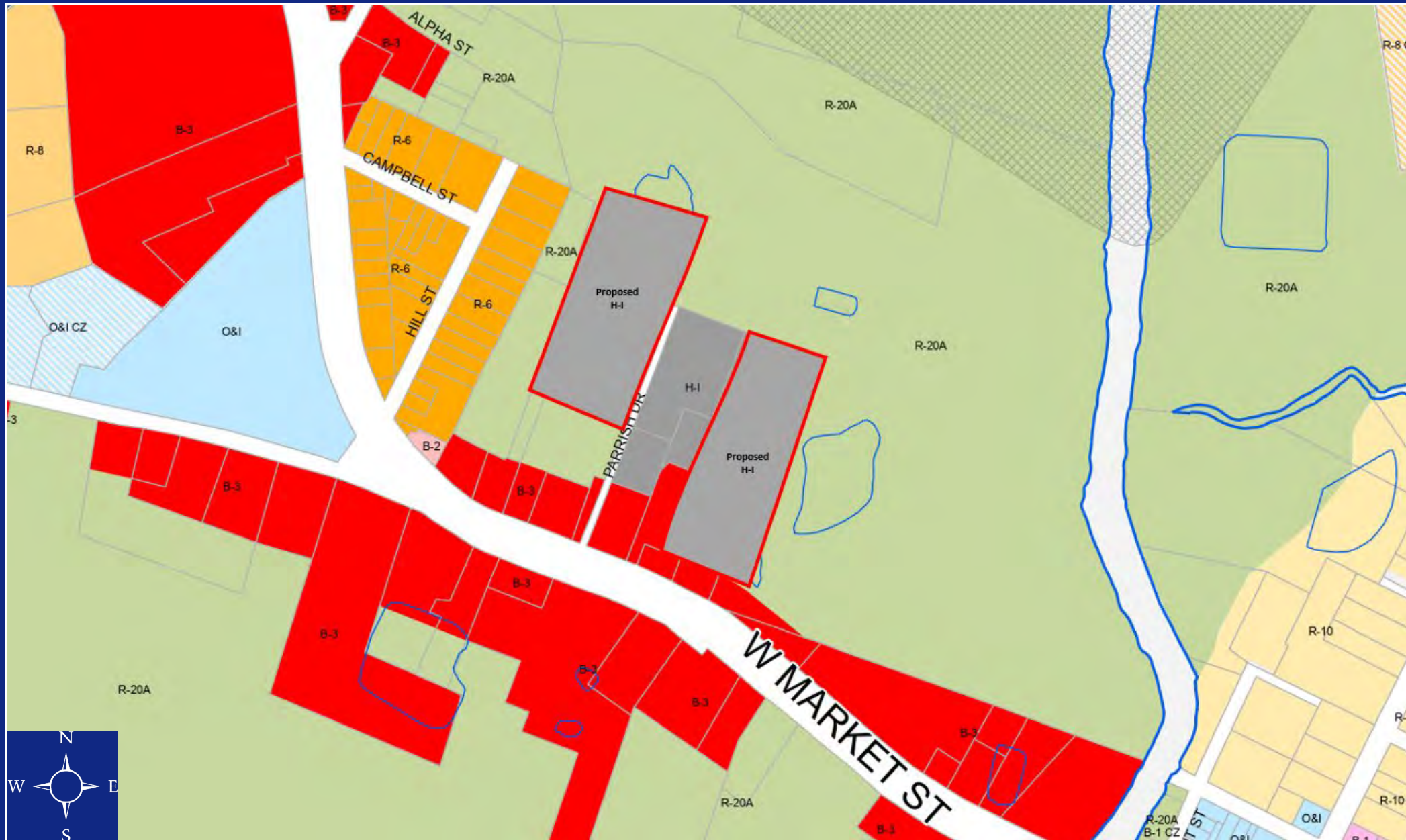
**Tax ID#:**  
15080012

**Existing Zoning:**  
B-3, R-20A

**Property Owner:**  
HOBBS, TINA  
SHIRLEY

**Applicant:**  
Jamie Mitchell

**City/ETJ:**  
City



Map created by Micah Woodard,  
Planner I on 7/30/2025

Map Scale  
1" = 280'





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

## REZONING APPLICATION

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

Name of Project: Mitchell Concrete Acreage of Property: +/- 13 acres  
Parcel ID Number: 150990045; 15040012 Tax ID: \_\_\_\_\_  
Deed Book: 01024 Deed Page(s): 0149  
Address: 428 W Market St, Smithfield, NC 27577  
Location: approximately 13 acres on the east & west side of Mitchell Concrete  
ID 150990045 +/- 1.25 acres; ID 15040012 +/- 11.75 acres  
Existing Use: Agricultural Proposed Use: outdoor storage for concrete materials  
Existing Zoning District: R-20A; B-3  
Requested Zoning District: Heavy Industrial - HI  
Is project within a Planned Development: ☐ Yes ☒ No  
Planned Development District (if applicable): n/a  
Is project within an Overlay District: ☐ Yes ☒ No  
Overlay District (if applicable): n/a

### FOR OFFICE USE ONLY

File Number: RZ-25-03 Date Received: 6-27-2025 Amount Paid: \$400.00



**OWNER INFORMATION:**

Name: Tina Shirley Hobbs  
Mailing Address: 616 Hancock St. Smithfield, NC 27577  
Phone Number: 919 630 0213 Fax: \_\_\_\_\_  
Email Address: tsobbs156@gmail.com

**APPLICANT INFORMATION:**

Applicant: 39 NC 210 LLC

Mailing Address: PO Box 585, Smithfield, NC 27577

Phone Number: 919 868 3385 Fax: \_\_\_\_\_

Contact Person: Janie Mitchell

Email Address: mcpconcrete1970@gmail.com

## REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

## STATEMENT OF JUSTIFICATION

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

See Attached.

## APPLICANT AFFIDAVIT

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

Jamie Mitchell  
Print Name

Jamie Mitchell  
Signature of Applicant

6/27/25  
Date





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

## OWNER'S CONSENT FORM

Name of Project: Mitchell Concrete

Submittal Date: 6/27/25

### OWNERS AUTHORIZATION

I hereby give CONSENT to 39 NC 210 LLC (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

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

Signed by: Tina Hobbs Tina Shirley Hobbs 6/27/2025  
 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 of Owner/Applicant Print Name Date

### FOR OFFICE USE ONLY

File Number: Date Received: Parcel ID Number:

**Exhibit A**  
**Property Description**

Being a portion of tax parcel #15080012, NC PIN: 169414-23-6883, for a total of +/- 13 acres in Johnston County, North Carolina, as depicted below.



ACTUAL LEGAL DESCRIPTION OF THE PROPERTY SHALL BE DETERMINED AT A LATER DATE BY RECORDED SURVEY. THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.



## STATEMENT OF JUSTIFICATION

Mitchell Concrete Products is requesting to rezone approximately 13 acres of land from R-20A to Heavy Industrial (HI) to accommodate future expansion of its operations. This rezoning represents a strategic and necessary step to support the continued growth and long-term viability of the company in this location.

### **Justification:**

1. **Business Expansion and Economic Development:**

The requested rezoning will provide Mitchell Concrete Company with the space needed to expand its facilities, increase production capacity, and create additional employment opportunities. This expansion will contribute positively to the local economy through job creation, increased tax revenue, and support for related industries.

2. **Proximity to Existing Operations:**

The acreage in question is directly adjacent to the company's current location, making it the most logical and efficient area for expansion. Consolidating operations in a contiguous area minimizes disruption, reduces transportation costs, and promotes cohesive site management.

3. **Consistency with Surrounding Land Use Trends:**

While the subject properties are currently zoned R-20A, the proposed HI rezoning is consistent with adjacent properties and leverages the infrastructure already in place to support such uses.

4. **Minimal Impact on Residential Areas:**

The parcel proposed for rezoning is not located near high-density residential neighborhoods. Appropriate buffering, screening, and operational controls will be implemented to minimize any potential impacts on nearby properties.

### **Conclusion:**

Mitchell Concrete Company respectfully requests approval of this rezoning application to support its strategic business growth, reinforce local economic development, and ensure the continued success of its operations. The proposed change is consistent with the surrounding industrial context.

Sincerely,

Jamie Mitchell

Mitchell Concrete Products



**PLANNING DEPARTMENT**

Micah Woodard, Planner I

**ADJOINING PROPERTY OWNERS CERTIFICATION**

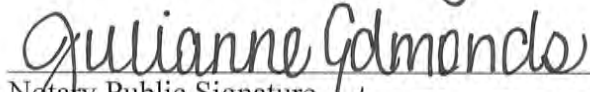
I, Micah Woodard, hereby certify that the property owner and adjacent property owners of the following petition(s), CZ-25-04, ZA-25-03, RZ-25-02, ZA-25-04 and RZ-25-03 were notified by First Class Mail on 7/24/25 of the Public Meeting on August 7<sup>th</sup>, 2025.

  
\_\_\_\_\_  
Signature

Johnston County, North Carolina

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

24<sup>th</sup> day of July, 2025

  
\_\_\_\_\_  
Notary Public Signature

Julianne Edmonds  
\_\_\_\_\_  
Notary Public Name

My Commission expires on 1-15-2028



Name1	Name2	Address1	Address2	CityStateZip
HOBBS, TINA SHIRLEY		616 HANCOCK STREET		SMITHFIELD, NC 27577
SHULER, JOHN T	SHULER, CATHIE G	136 N FRONT ST		SMITHFIELD, NC 27577-3969
YELLE, MICHAEL GERALD	YELLE, PAMELA GRATION	132 N FRONT ST		SMITHFIELD, NC 27577-3969
JAMES W NARRON REVOCABLE TRUST	NARRON, JAMES W TRUSTEE		PO BOX 1523	SMITHFIELD, NC 27577-1523
TOWN OF SMITHFIELD			PO BOX 761	SMITHFIELD, NC 27577-0000
BLACKMON, WILSON E			PO BOX 2318	SMITHFIELD, NC 27577-2318
SHIRLEY, KEENAN BLAINE	MOORE, CLIFTON RAY	483 FIELDTRIAL CIR		GARNER, NC 27529-6567
LEE & HUDGINS ENTERPRISES, LLC		373 W MARKET ST		SMITHFIELD, NC 27577-3320
WEST SMITHFIELD SANITARY DISTRICT			P O BOX 938	SMITHFIELD, NC 27577-0000
PRIDGEN, TIFFANY JOINT TENANTS (WROS)	ADAMS, PATTY JOINT TENANTS (WROS)	128 N FRONT ST		SMITHFIELD, NC 27577-3969
NARRON, JAMES W	NARRON, JULIA W		PO BOX 1523	SMITHFIELD, NC 27577-1523
OGBURN, JASPER VICTOR III		4009 AMYINGTON DR		CHARLOTTE, NC 28226-4978
RIVERWALK AT SMITHFIELD HOMEOWNERS' ASSOCIATION INC		1161 JONES FRANKLIN RD STE 101		RALEIGH, NC 27606
Z AND J PROPERTIES OF JOHNSTON COUNTY, LLC		204 S ROGERS DR		SMITHFIELD, NC 27577-3049
SHIRLEY, KEENAN BLAINE		483 FIELDTRIAL CIR		GARNER, NC 27529-6567
COX, LLOYD J. JOINT TENANTS (WROS)	COX, LLOYD J. JR. JOINT TENANTS (WROS)	568 W MARKET ST		SMITHFIELD, NC 27577-3323
RAMIREZ ROOFING INC		121 SNOWBERRY LN		SMITHFIELD, NC 27577-9694
SMITH, WILLIE L LIFE ESTATE	SMITH, LENWOOD JAMES REMAINDER	114 HILL ST		SMITHFIELD, NC 27577-3304
JOHNSON, JAMES RANDY		1671 GALILEE RD		SMITHFIELD, NC 27577-7713
SCOTT, ANNETTE		132 HILL ST		SMITHFIELD, NC 27577-3304
HAMILTON, JAMES EDWARD		206 WILSON MILLS RD	PO BOX 818	SELMA, NC 27576-0818
BARFOOT, WAYNE L		258 MEADOWBROOK DR		FOUR OAKS, NC 27524-8550
LILES, EVELYN	SANDERS, LEAMON JR.	6786 AMBERLAKE DR		N CHARLESTON, SC 29418-3668
TOWN OF SMITHFIELD		305 E MARKET ST		SMITHFIELD, NC 27577-0000
DODD, AVIS ELAINE		109 CAMPBELL STREET		SMITHFIELD, NC 27577-0000
DAVIS, TONYA L.		124 HILL ST		SMITHFIELD, NC 27577-3304
SUNRISE CEMETERY GRAYTOWN				
HAMILTON, JAMES EDWARD			P O BOX 818	SELMA, NC 27576-0000
STEVENS, HAROLD	STEVENS, ANTOINETTE	31 BROOKWOOD DR		SMITHFIELD, NC 27577-4814
ROSE, ZENA E HAMILTON			PO BOX 2054	SMITHFIELD, NC 27577-0000
EVANS, THELMA DUBLIN		118 HILL ST		SMITHFIELD, NC 27577-3304
DUBLIN, PEGGY	DUBLIN, CAROLYN	1428 RAYBON DR		WENDELL, NC 27591-9317
DUNSTON, GRETCHEN YVETTE		1217 OLD SMITHFIELD RD		GOLDSBORO, NC 27530-9427
WINSLOW, KATELYN		118 HAMILTON DR		SMITHFIELD, NC 27577-3402
SANDERS, HAZEL F. JOINT TENANTS (WROS)	SANDERS, RODERICK LENEL JOINT TENANTS (WROS)	245 INSPIRATION WAY SW		ATLANTA, GA 30331-6357
SANDERS, HAZEL F. JOINT TENANTS (WROS)	EVANS, CHERYL SANDERS JOINT TENANTS (WROS)	245 INSPIRATION WAY SW		ATLANTA, GA 30331-6357
DUBLIN, PHILLIP DEMORRIS	DUBLIN, CASSANDRA W	122A HILL ST		SMITHFIELD, NC 27577-3304
NEUSE RIVER COMMONS ASSOCIATION INC		1612 MILITARY CUTOFF RD STE 108		WILMINGTON, NC 28403-5741
DOWNTOWN SMITHFIELD DEVELOPMENT CORPORATION		200 S FRONT ST		SMITHFIELD, NC 27577-0000
BLACKMON, SHERRI DENISE			PO DRAWER 2318	SMITHFIELD, NC 27577-2318
ANDRIKA ENTERPRISES, LLC		1720 GALILEE RD		SMITHFIELD, NC 27577-7711
TWIN STATES FARMING INC			P O BOX 1352	SMITHFIELD, NC 27577-1352
WHITLEY, ROY WILLARD		213 GEORGE ST		BEAUFORT, NC 28516-1609
BYRD, C A JR		3777 US HIGHWAY 70 BUS W		CLAYTON, NC 27520-0000
AGREE LIMITED PARTNERSHIP			PO BOX 460389	HOUSTON, TX 77056-8389
MITCHELL, JAMES NELSON	MITCHELL, BRENDA CREECH		P O BOX 585	SMITHFIELD, NC 27577-0000
39 NC 210 LLC			PO BOX 585	SMITHFIELD, NC 27577-0585
BURNING BUSH HOLINESS TABERNAC			P O BOX 1086	SMITHFIELD, NC 27577-1086
BURNING BUSH HOLINESS TABERNACLE	GUPTON, PERRY JR. TRUSTEE		P O BOX 1086	SMITHFIELD, NC 27577-1086
SANDERS, PAULINE	SMITH, MARGARET	126 HILL ST		SMITHFIELD, NC 27577-0000
MITCHELL, JAMES NELSON	MITCHELL, BRENDA		PO BOX 585	SMITHFIELD, NC 27577-0585
LUNDY, EVELYN WEATHERLY		15 RENS RD		POQUOSON, VA 23662-1609
CONCRETE SUPPLY CO., LLC		3823 RALEIGH ST		CHARLOTTE, NC 28206-2042
MGC HOLDINGS, LLC		1533 OLD US HIGHWAY 264		ZEBULON, NC 27597-6922
MILDRED S STRICKLAND TRUST	STRICKLAND, DANIEL ALLEN	7620 RAINWATER RD		RALEIGH, NC 27615-3745





# Request for Planning Board Action

**Agenda  
Item:** CZ-25-04  
**Date:** 8/7/25

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**Subject:** Local 70 PUD Amendment  
**Department:** Planning  
**Presented by:** Micah Woodard, Planner  
**Presentation:** Public Meeting

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## Issue Statement

Smithfield Growth, LLC is requesting an amendment to the PUD Conditional Zoning master plan to allow two detached single family flag lots associated with the development of the property with the Johnston County Tax ID 14057011Y adjacent and on the East side of Booker Dairy Road, about 550' south of Eden Drive.

## Financial Impact

None

## Action Needed

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

## Recommendation

Planning Staff recommends the Planning Board approve the PUD Map amendment, CZ-25-04, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans and that the request is reasonable and in the public interest.

Approved: ☐ Town Manager ☐ Town Attorney

## Attachments:

1. Staff report
2. Consistency Statement
3. Application and Narrative
4. Local 70 PUD Amendment



# Staff Report

Agenda  
Item: CZ-25-04

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## OVERVIEW:

The Local 70 PUD rezoning was approved on 5/21/24, and the preliminary plat was approved on 2/4/25. The approved master plan showed two flag lots on Bosque Court; however, the conditions of approval included a condition requiring minimum street frontages:

- *That required minimum street frontages be provided for all lots in the development consistent with the Rezoning Master Plan Approval.*

The approved PUD minimum street frontage width for front loaded single-family lots is 42'; whereas the flag lots proposed have a 25' frontage. The UDO permits lots fronting on cul-de-sacs to have a minimum width of 25'. The applicant is requesting the same given the unique design of Bosque Court. Bosque Court is not a cul-de-sac, but it is a small rectangular street with 11 lots that is similar to alley access where most of the traffic on it will be to access only these lots. Without this amendment, the lot area will need to be absorbed into adjacent lots and those lots will be disproportionately large for the area.

## PROPERTY LOCATION:

The proposed amendment is associated with the development of a property with the Johnston County Tax ID 14057011Y adjacent and on the East side of Booker Dairy Road, about 550' south of Eden Drive.

## APPLICATION DATA:

Applicant/Owner:	Smithfield Growth LLC
Project Name:	Local 70 Residential
Tax ID:	14057011Y
Acreage:	18.870 -acres
Present Zoning:	PUD-CZ (Planned Unit Development Conditional District)
Proposed Zoning:	PUD-CZ (Planned Unit Development Conditional District)
Town/ETJ:	Town of Smithfield
Existing Use:	Developing subdivision
Proposed Use:	Mixed Use PUD
Fire District:	Smithfield
School Impacts:	Additional households with school-age children
Parks and Recreation:	No parks proposed – fee in lieu
Water and Sewer Provider:	Town of Smithfield
Electric Provider:	Town of Smithfield



## Applicable Approved PUD Standards:

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

## Minimum Lot Width on Cul-de-sacs:

**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.

## Flag Lots:

The proposed flag-lots are unique and do not meet the Town's standards for flag lots:

***Lot, flag.** (A lot with two (2) distinct parts:*

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

Per the Town standards, the minimum lot width of the "pole" is 60'.

## CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan** – *The development is consistent with the comprehensive plan.*

- **Consistency with the Unified Development Code** – *The property will be developed in conformance with the UDO conditional zoning provisions that allows flexibility in development standards on a site by site basis based on design considerations.*
- **Compatibility with Surrounding Land Uses** - *The proposed flag-lots will be more in conformance with surrounding lots if the amendment is approved than if not.*

#### **RECOMMENDATION:**

Planning Staff recommend the Planning Board recommend approval of CZ-25-04 with the following condition:

1. That the two lots on Bosque Court be allowed a 25' minimum lot width and the remainder of the project be developed in accordance with the approval of the earlier CZ-24-02 rezoning.

#### **RECOMMENDED MOTION:**

"Move to recommend approval of the zoning map amendment, CZ-25-04, with the 1 condition 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."



# CZ-25-04 Local 70 PUD Map Amendment

**File Number:**

CZ-25-04

**Project Name:**

Local 70 PUD Map  
Amendment

**Location:**

Off Booker Dairy Rd.

**Tax ID#s:**

14057011Y

**Existing Zoning:**

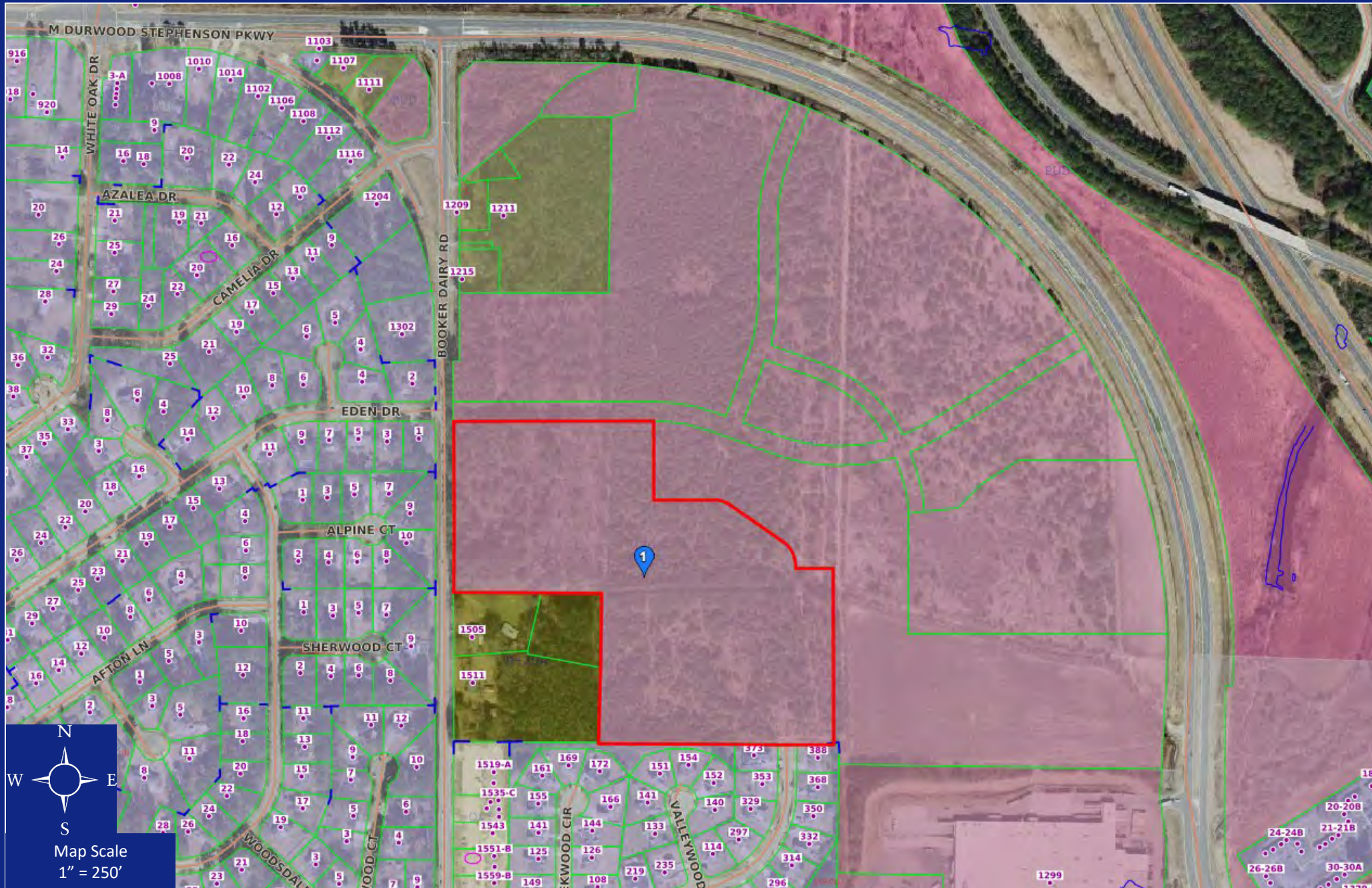
PUD

**Property Owner:**

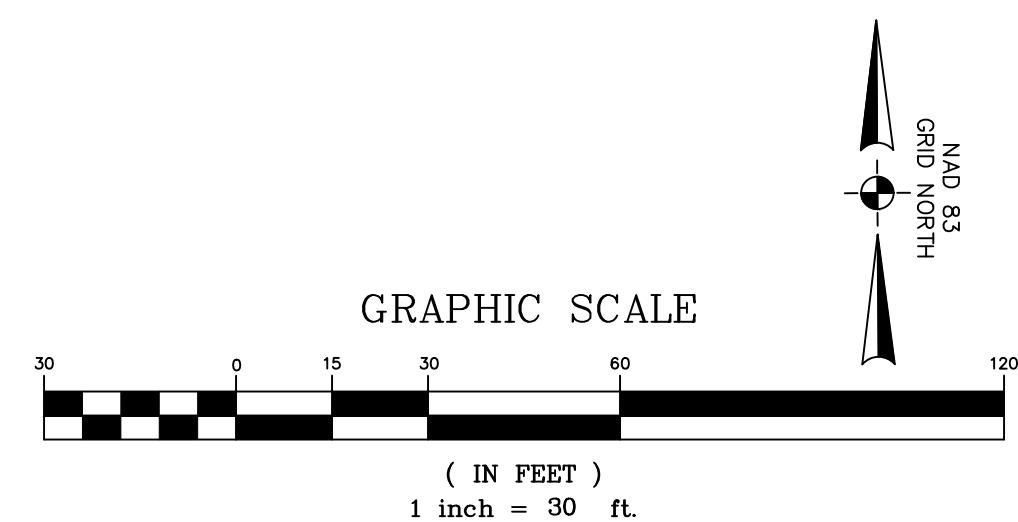
LOCAL 70 AT SMITHFIELD,  
LLC

**Applicant:**

SMITHFIELD GROWTH, LLC







*Summey Engineering Associates, PLLC*  
*Engineering - Consulting - Surveying*

PO Box 968  
Asheboro, NC 27204  
Phone: 336-328-0902 Fax: 336-328-0922  
E-mail: [info@summyengineering.com](mailto:info@summyengineering.com)  
NC Professional Engineering Firm License No. P-0336

No.	Date:	Description:	By:
1	5/22/25	ISSUED FOR CONSTRUCTION	DJB

LOT VARIANCE EXHIBIT

LOCAL 70 RESIDENTIAL DEVELOPMENT

HWY 70

SMITHFIELD - JOHNSTON COUNTY - NORTH CAROLINA

Scale:	AS NOTED
Date:	MAY 2025
Drawn By:	CM/JJM
Checked By:	HMSJ
Job No.:	E-9516

Sheet No. C-3.17



**Town of Smithfield  
Planning Department**

350 E. Market St Smithfield, NC 27577

Smithfield-NC.com

919-934-2116

## CONDITIONAL ZONING APPLICATION

Development Name

Local 70

Proposed Use

No Change

Project location or address

M. Durwood Stephenson Parkway

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

PIN#

TAX ID#

260410-47-7462

14057011Y

Project type?

☐ Single Family

☐ Townhouse

☐ Multi-Family

☐ Non-Residential

☒ PUD/Mixed Use

### PROPERTY OWNER INFORMATION

Name

Smithfield Growth LLC

Address

1600 Colon Road, Sanford, NC 27330-9577

Phone

919-776-4641

Email

corey@carolinacommercialnc.com

### OWNER/DEVELOPER INFORMATION

Company Name

Smithfield Growth LLC

Contact Name

Corey Mabus

Address

1600 Colon Road, Sanford, NC 27330-9577

Phone

919-776-4641

Email

corey@carolinacommercialnc.com

### CONSULTANT/ENGINEERING FIRM

Company Name

Summey Engineering Associates, PLLC

Contact Name

Christian Vestal

Address

P.O. Box 968, Asheboro, NC 27204

Phone

336-328-0902

Email

christian@summeyengineering.com

### ZONING INFORMATION

Existing Zoning District

CZ-PUD

Proposed Zoning District

CZ-PUD

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

Overlay District?

☐ Yes

☒ No

Inside City Limits?

☒ Yes

☐ No



ENVIRONMENTAL QUALITY DATA INFORMATION			
Existing Impervious Surface acres/sf N/A	Flood Hazard Area	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Proposed Impervious Surface acres/sf N/A	Neuse River Buffer	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Watershed Protection Area N/A	Wetlands	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
FEMA Map Panel N/A	Base Flood Elevation		
SITE DATA			
Total # of single-family lots N/A	Total densities per zoning district N/A		
Total # of townhouse lots N/A	Acreage in active open space N/A		
Total # of all lots N/A	Acreage in passive open space N/A		
Linear feet of new roadways N/A	Linear feet of new sewer mains N/A		
Linear feet of new water mains N/A	Linear feet of new sidewalks N/A		
Proposed sewer allocation	Linear feet in new trails		
N/A	N/A		
SIGNATURE BLOCK (Applicable to all developments)			
In filing this plan as the property owner(s), I/we do hereby agree and firmly bind ourselves, my/our heirs, executors, administrators, successors and assigns jointly and severally to construct all improvements and make all dedications as shown on this proposed plan as approved by the Town.			
I hereby designate <u>Corey Mabus</u> 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 <u>Corey Mabus</u>		Date <u>6/19/25</u>	
Signature		Date	
APPLICATION FEES			

Conditional Zoning (1 paper copy of the application, 2 paper copies of plan set & **1 Digital copy of all documents on USB flash drive**)  
\$ 400.00 + \$10 per acre

Application Date

6-24-2025

Application Number

CZ-25-04

Application Fee



## OWNER AUTHORIZATION

I hereby give CONSENT to Corey Mabus (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



Printed Name of Owner

W. Carter Keller

NC

(State)

Lee

(County)

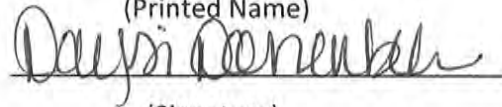
I, Daysi Dossenbach, a Notary Public in and for said County and State, do hereby certify that W. Carter Keller personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this the 23rd day of June 20 25.

Notary Public:

Daysi Dossenbach

(Printed Name)



(Signature)



(Seal)

County of Commission:

Lee

Commission Expires:

6/4/2029



## PROJECT NARRATIVE

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

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



## INFORMATION TO BE PROVIDED ON PLAN

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

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

## Existing Conditions:

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

## Proposed Conditions:

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



## **Conditional Rezoning Amendment Request Narrative**

**Project: Local 70 Residential Development**

**Property Location: Hwy 70 Smithfield, NC**

**Zoning: PUD**

To Whom It May Concern,

We respectfully submit this request for a Conditional Rezoning Amendment pertaining to two residential lots located at the bottom left and right corners of Bosque Court in the Town of Smithfield.

Due to these constraints, adhering strictly to the standard road frontage requirement creates unnecessary design limitations. We are therefore requesting approval to allow a minimum road frontage of 25 feet for Lots 141 and 142.

This layout meets the intent of Section 10.110.1.4.2, which governs lot configurations on a turning cul-de-sac. By definition, this cul-de-sac features an expanding radius that is designed to accommodate a public open space.

The proposed amendment allows for full and reasonable use of the property while continuing to meet or exceed all other dimensional and development standards, including minimum lot area, building setbacks, and open space provisions.

Thank you for your time and consideration. We look forward to presenting this request for your review and feedback.



**PLANNING DEPARTMENT**

Micah Woodard, Planner I

**ADJOINING PROPERTY OWNERS CERTIFICATION**

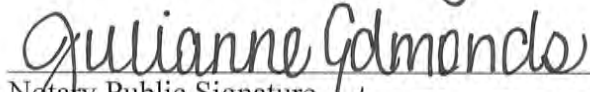
I, Micah Woodard, hereby certify that the property owner and adjacent property owners of the following petition(s), CZ-25-04, ZA-25-03, RZ-25-02, ZA-25-04 and RZ-25-03 were notified by First Class Mail on 7/24/25 of the Public Meeting on August 7<sup>th</sup>, 2025.

  
\_\_\_\_\_  
Signature

Johnston County, North Carolina

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

24<sup>th</sup> day of July, 2025

  
\_\_\_\_\_  
Notary Public Signature

Julianne Edmonds  
\_\_\_\_\_  
Notary Public Name

My Commission expires on 1-15-2028



Name1	Name2	Address1	Address2	CityStateZip
LOCAL 70 AT SMITHFIELD LLC		1600 COLON RD		SANFORD, NC 27330-9577
NGUYEN, VU		373 BAYHILL DR		SMITHFIELD, NC 27577-9434
CORDON, GERBER DE JESUS REINOSO		172 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
SANCHEZ, VICTOR M	MACEDO, ROSDELIA	353 BAYHILL DR		SMITHFIELD, NC 27577-9434
JOHNSON, WILLIE SR	JOHNSON, VELMA HAYER	114 VALLEYWOOD CIR		SMITHFIELD, NC 27577
GRIFFIN, BETH CAPPS	OLIVER, LAURA TALTON	161 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
SULLIVAN, SHIRLEY P. JOINT TENANTS (WROS)	MUSTGRAVE, TANYA S. JOINT TENANTS (WROS)	1505 E BOOKER DAIRY RD		SMITHFIELD, NC 27577-9472
HEATH, NICOLE JOINT TENANTS (WROS)	HEATH, WYATT JOINT TENANTS (WROS)	1 EDEN DR		SMITHFIELD, NC 27577-4804
BLALOCK, CHRISTOPHER LEE	BLALOCK, RHONDA L	314 BAYHILL DR		SMITHFIELD, NC 27577-9433
ELDRIDGE, ANGELYN A		141 CREEKWOOD CIRCLE		SMITHFIELD, NC 27577-0000
JEMMA PROPERTIES LLC		3717 ROLSTON DR		RALEIGH, NC 27609-7226
AMERICAN HOMES 4 RENT TRS, LLC		23975 PARK SORRENTO STE 300		CALABASAS, CA 91302-4012
PARRISH, ALVIN	PARRISH, DELORES	219 BAYHILL DR		SMITHFIELD, NC 27577
JIMENEZ, LILA GUADALUPE GUTIERREZ	CASTRO, OSVALDO DIAZ	2 EDEN DR		SMITHFIELD, NC 27577-4805
DJ'S PROPERTIES INC		1021 NC HIGHWAY 210		SMITHFIELD, NC 27577-9162
CHAPPELL, LUCILLE		1302 BOOKER DAIRY RD		SMITHFIELD, NC 27577
MARIN, ELVA DAMIAN	CHAVEZ, ARTEMIO REYNOSO	5 EDEN DR		SMITHFIELD, NC 27577-4804
WALLWORK, DARREN M	WALLWORK, MARGARET	3 EDEN DR		SMITHFIELD, NC 27577-0000
MARTIN, TABITHA LYNETTE		8 ALPINE CT		SMITHFIELD, NC 27577-4818
ATKINSON, ROBERT WESLEY JR.			PO BOX 1765	SMITHFIELD, NC 27577-1765
RIDLEY, DAMION M.	RIDLEY, SHARON	6 SHERWOOD CT		SMITHFIELD, NC 27577-4835
TWO 23, LLC		2605 BLUE RIDGE RD STE 320		RALEIGH, NC 27607-6475
WOLBERT, MICHAEL A.	WOLBERT, ANGELA D.	126 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
BENITEZ, JOSE	BENITEZ, JENNY	1511 E BOOKER DAIRY RD		SMITHFIELD, NC 27577-9472
HOWELL, AMANDA JONES		4 EDEN DR		SMITHFIELD, NC 27577-4805
MITCHELL, MIRIAM MANGUM		7 EDEN DR		SMITHFIELD, NC 27577-4804
EASON, JEROME W. JR.		5 ALPINE CT		SMITHFIELD, NC 27577-4818
JORDAN, JOHN EDGAR JR	JORDAN, VICKIE H	4 AVON CT		SMITHFIELD, NC 27577-0196
LITTLEFIELD, MARGIE B. LIFE ESTATE	LITTLEFIELD, MICHAEL B. REMAINDER	7 SHERWOOD CT		SMITHFIELD, NC 27577-4835
ADAMSON, JESSE RAY	ADAMSON, JESSICA	3 SHERWOOD CT		SMITHFIELD, NC 27577-4835
QUICK, MICHAEL IRVIN	QUICK, MINNIE CANO	7 ALPINE CT		SMITHFIELD, NC 27577-4818
TITMUS, HENRY EDWARD	TITMUS, SANELA BEKTIC	169 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
ATKINSON, FRANZ C.			PO BOX 70407	BROOKLYN, NY 11207-0407
WALMART REAL ESTATE TRUST	SAM M WALTON DEVELOPMENT COMPLEX		PO BOX 8050M	BENTONVILLE, AR 72712
HARRIS, CLEMMON LIFE ESTATE	MEDINA, TANISHA C. REMAINDER	388 BAYHILL DR		SMITHFIELD, NC 27577-9433
VU, ANH N		350 BAYHILL DR		SMITHFIELD, NC 27577-9433
BOOKER DAIRY HOMEOWNERS ASSOCIATION		154 BAYHILL DR		SMITHFIELD, NC 27577-8936
PACHECO, FAUSTO H.		368 BAYHILL DR		SMITHFIELD, NC 27577-9433
HAMILTON, MARY LEIGH		213 W STEVENS ST		SMITHFIELD, NC 27577-3629
GILMORE, RODNEY	GILMORE, JENNIFER	9 SHERWOOD CT		SMITHFIELD, NC 27577-4835
BEAN, LYND SAY		10 ALPINE CT		SMITHFIELD, NC 27577-4818
HIGGENBOTTOM, MICHAEL DAVID	BRINSON, LINDA CAROL HUNT	8 SHERWOOD CT		SMITHFIELD, NC 27577-4835
JOHNSON, SHIRLEY		6 ALPINE CT		SMITHFIELD, NC 27577-4818
GONZALEZ, JESUS	GONZALEZ, MARGARITA	332 BAYHILL DR		SMITHFIELD, NC 27577-9433
HOLDEN, LEONARD E. SR.	DOZIER-HOLDEN, GWENDOLYN	235 BAYHILL DR		SMITHFIELD, NC 27577-9409
NGUYEN, TRONG MINH	TRAN, PHUONG UYEN NGOC	155 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
THARRINGTON, SARA KATHLEEN	THARRINGTON, BRADLEY RAYMOND	141 VALLEYWOOD CIR		SMITHFIELD, NC 27577-9435
BARBOUR, ANDREW D	BARBOUR, CHRISTINE M	144 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
SMITHFIELD GROWTH LLC		1600 COLON RD		SANFORD, NC 27330-9577
PATEL, MITULKUMAR MOHANBHAI	PATEL, NIRAL J.	329 BAYHILL DR		SMITHFIELD, NC 27577-9434
PITTMAN, HARRY M	PITTMAN, NELLIE G	151 VALLEYWOOD CIR		SMITHFIELD, NC 27577-9435
CLINGERMAN, COLTON JOHN	CLINGERMAN, JENNA	133 VALLEYWOOD CIR		SMITHFIELD, NC 27577-9435
JOHNSON, KERI CORRINE	JOHNSON, JON KELLEN	166 CREEKWOOD CIR		SMITHFIELD, NC 27577-9411
ASC REALTY, LLC			PO BOX 883	CLAYTON, NC 27528-0883
NGUYEN, TRONG MINH	TRAN, PHUONG	152 VALLEYWOOD CIR		SMITHFIELD, NC 27577-9435





# Request for Planning Board Action

**Agenda** ZA-25-  
**Item:** 03  
**Date:** 8/7/25

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**Subject:** Downtown Overlay District  
**Department:** Planning  
**Presented by:** Stephen Wensman, Planning Director  
**Presentation:** Public Meeting

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## Issue Statement

The Planning Board should review the proposed amendment to the Unified Development Ordinance UDO Article 6, Section 6.51 and Section 10.94 to repeal the Rowhouse Overlay District and replace it with the Downtown Overlay District and regulations.

## Financial Impact

None

## Action Needed

The Planning Board is respectfully requested review the zoning text amendment, ZA-25-03, and make a recommendation to the Town Council to approve, approve with changes or deny the amendment.

## Recommendation

Staff recommend the Planning Board recommend approval of UDO Amendment, ZA-25-03, amending Section 6.51 and Section 10.94 to repeal the Rowhouse Overlay District and replace it with the Downtown Overlay District and regulations.

Approved: ☐ Town Manager ☐ Town Attorney

## Attachments:

1. Staff report
2. Draft Ordinance
3. System Statement
4. Downtown Tax District Map



# Staff Report

Agenda ZA-25-  
Item: 03

## OVERVIEW:

The Downtown Smithfield Development Corporation (DSDC) provides support to residents and business within a defined district that includes the historic downtown and Market Street to US301 and some areas east and west (see Downtown Tax District Map). In an effort to expand services and to bolster economic development beyond the historic downtown area, the DSDC and Staff are proposing an overlay district that is intended to:

- Encourage zero lot line commercial development.
- Parking to the side or rear of buildings.
- Allow mixed use development by allowing uses in the B-1 and B-2 District.
- Allow the UDO Director to waive parking minimums.
- Require wider sidewalks.
- Provide architectural standards.
- Have common sign standards.

## HISTORY:

A similar effort was made in 2005 with a previous downtown overlay **that has since been repealed**. That overlay's purpose was:

- Allow for residences within and in close proximity to the downtown.
- Maintain a mixture of land uses to keep downtown vital.
- Encourage zero lot line commercial development with parking lots to the side and rear.

Section 10.94 was struck from the UDO with the updates to Article 10 in November of 2024, however Section 6.51 Row House Overlay District still remains in the UDO to be stricken.

## DOWNZONING:

In late 2024, the NC State Legislature adopted (S.B. 382) that included a downzoning provision that prohibits any zoning amendment that creates any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element. This proposal:

- has no impact on land use – uses permitted in the B-2 district will still be permitted.
- will not create nonconforming lots – existing lots won't change and new would need to conform to the B-2 standards.



**BOUNDARY:**

The boundaries of the Downtown Overlay District shall be shown on the official zoning map, but consist of properties along East Market Street currently zoned B-2 from the downtown to Brightleaf Boulevard.

**CONSISTENCY STATEMENT (STAFF OPINION):**

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

**RECOMMENDATION:**

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-25-03, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

**RECOMMENDED MOTION:**

"Move to recommend approval of zoning text amendment, ZA-25-03, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest."

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
ZA-25-03**

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

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

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

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

That the final action regarding zoning ordinance amendment ZA-25-03 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the regularly scheduled meeting of Town Council; and

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

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

That the final action regarding zoning ordinance amendment ZA-25-03 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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

PROPOSED

**ORDINANCE # ZA-25-03**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 6, SECTION 6.5.1 TO REPEAL THE ROWHOUSE**  
**OVERLAY DISTRICT (RHO) DISTRICT AND REPLACE WITH A**  
**DOWNTOWN OVERLAY DISTRICT (DOD) WITH STANDARDS**  
**IN ARTICLE 10, SECTION 10.94.**

**WHEREAS**, the Smithfield Town Council wishes to amend certain provisions in the Town of Smithfield Unified Development Ordinance by making changes to Unified Development Ordinance Article 6, Section 6.51 and Section 10.94 to repeal the Rowhouse Overlay District and replace it with the Downtown Overlay District.

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

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

**PART 1**

{Repeal 6.5.1 Rowhouse Overlay District (RHO) District and replace with a new Section 6.5.1.  
Downtown Overlay District (DOD)}

**~~6.5.1. RHO Rowhouse Overlay District.~~**

~~A district established to provide development standards for high density single family residential areas which are in addition to those provided by the underlying zoning districts established by the Unified Development Ordinance.~~

**6.5.1. Downtown Overlay District (DOD).**

The primary purpose of the Downtown Overlay District is to create development standards for commercial properties in and adjacent to downtown for new development that occurs after the adoption of this ordinance, <sup>insert date</sup> 2025, that embody the traditional and historic commercial site development patterns and character of downtown Smithfield.

**PART 2**

*{Establish new Sec. 10.94. Downtown Overlay District regulations}*

**Sec. 10.94 Downtown Overlay District.**

**10.94.1 Purpose.**

The primary purpose of the Downtown Overlay District is to create development standards for commercial properties in and adjacent to downtown that embodies the traditional and historic

commercial site development patterns and character of downtown Smithfield. This ordinance applies to all new development after the adoption of this ordinance on <sup>insert date</sup>, 2025.

Specific objectives of the Downtown Overlay District are:

- a) Encourage zero lot line commercial development.
- b) Parking to the side or rear of buildings.
- c) Allow mixed use development.
- d) Allow the UDO Director to waive parking minimums.
- e) Require wider sidewalks.
- f) Provide architectural standards.
- g) Have common sign standards.

#### **10.94.2 Established boundaries.**

The boundaries of the Downtown Overlay District shall be the areas shown on the official zoning map.

#### **10.94.3. Conflicts with other sections.**

Where there is a conflict between these Downtown Overlay District provisions and other sections of the Unified Development Ordinance, these regulations shall govern.

#### **10.94.4. Permitted uses.**

Permitted uses shall be governed by the underlying zoning district in accordance with Section 6.6 Table of Uses and Activities for B-1 uses and B-2 uses.

#### **10.94.5. Building height and building setbacks.**

Maximum building height and building setback standards shall be governed by the Central Business District, Section 8.7.1.and 8.7.2.

#### **10.94.6 Off-street parking and loading.**

Off-street parking and loading shall be located in the side and rear yards and accessed from an alley when available.

The UDO Director may allow a new use to be established in an existing building if all parking requirements of the UDO cannot be met for the new use, provided that as much off-street parking as can reasonably be provided by the use, and no foreseeable traffic congestion problems will be created.

#### **10.94.7 Architectural standards.**

##### 10.94.7.1. Site Design and Character.

10.94.7.1.1. All new buildings shall be placed and designed to present the front and primary façade to the block frontage that is highest in order of precedence and should convey a sense of human scale and visual interest along the street front.

10.94.7.1.2. All new buildings on a corner at the intersection of two streets shall be placed to present a front and primary façade on both street block frontages.

10.94.7.1.3. Windows shall use clear glass or clear low-E glass.

10.94.7.1.4. New buildings shall be scaled to the pedestrian, with a variety of ways to engage activity at the street and sidewalk by incorporating at least three of the following elements:

- Recessed bays
- Protruding or recessed entries.
- Awnings, entry roofing and trellises.
- Architectural elements integrated into the design such as dormers, roof cornices, columns, piers, lintels.
- Change in plane to avoid large building masses.
- Change in building material or siding style.
- Windows (except storefront windows) shall include trim or other design treatment, or alternately be recessed at least two inches from the façade.

10.94.7.1.5. Parking Facilities. Parking structures shall incorporate ground floor features that promote a pedestrian environment.

10.94.7.1.5.1. At street level, the parking structure shall include retail, commercial space, or architectural features that engage the pedestrian experience. The use of awnings, shading devices, and landscaping are a means to provide visual interest to areas otherwise not engaging the pedestrian at street level.

10.94.7.1.5.2. Upper parking levels facing the street shall minimize the visual impact of parked cars. Openings shall have a rhythm and scale similar to buildings in the area. Screens and decorative materials along with railings shall be included to provide visual interest to upper-level openings in the structure to help minimize headlight glare onto adjacent buildings.

10.94.7.1.5.3. The overall design of the parking structure shall be compatible within the area in terms of scale, massing, and rhythm. Vertical and horizontal articulation shall divide the structure to conform with the area. Vertical pedestrian circulation can be a change of material or offset from the façade or elevation in a design similar to buildings in the area. Angled ramps within shall be screened from view from streets or sidewalks.



10.94.7.1.6. Building materials and color. Building materials and color should be compatible or complimentary with buildings in the B-1 zoning district.

**10.94.8. Landscaping Requirements.**

Street Yard and Buffer Requirements may be waived to accommodate zero lot development setbacks.

**10.94.9. Other district standards.**

All other district standards shall be in accordance with the underlying zoning district.

**PART 3**

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

**PART**

That these amendments of the Unified Development Ordinance shall become effective upon adoption.  
Duly adopted this the \_\_ day of \_\_\_\_\_ 2025.

---

M. Andy Moore, Mayor

ATTEST

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Elaine Andrews, Town Clerk

**DRAFT**  
**ORDINANCE TO AMEND APPENDIX B, ZONING REGULATIONS,**  
**ARTICLE III, DISTRICT REGULATIONS**  
**FOR THE CREATION OF**  
**SECTION 310, "DOWNTOWN OVERLAY DISTRICT"**

BE IT ORDAINED by the Town Council of the Town of Smithfield that Article III, District Regulations; be amended to include a new section titled "**Section 310. Downtown Overlay District**" and shall read in its entirety as follows:

*Section 310. Downtown overlay district (DOD).*

*Section 310.1 Purpose.*

The primary purpose of the downtown overlay district (DOD) is to create new opportunities for the development or expansion of properties that do not have B-1 (Business) zoning. The downtown overlay district (DOD) will also provide additional development standards for properties with and without the B-1 (Business) zoning. Specific objectives of the downtown overlay include:

- A. Allow for residence within and in close proximity to the downtown.
- B. Maintain a mixture of land uses to keep downtown vital.
- C. Encourage zero lot line commercial development with parking lots to the side and rear.

*Section 310.2 Established boundaries.*

The boundaries of the downtown overlay District (DOD) shall be the areas shown on the official zoning map.

*Section 310.3 Conflicts with other sections.*

Where there is a conflict between these downtown overlay district provisions and other sections of the Zoning Ordinance, these regulations (Section 310. through 310.7) shall govern development within the downtown overlay district (DOD).

*Section 310.4 Permitted uses.*

Permitted uses shall be governed by the underlying zoning district in accordance with Article III of this code. Any other use, to include single-family dwellings, may be

considered for a special permit and site plan approval with a recommendation by Planning Board and approved by Town Council.

*Section 310.5 Building height and building setbacks*

Maximum building height and building setback standards shall be governed by the underlying zoning district in accordance with Article III of this code. Proposed developments not meeting the building height and building setbacks of the underlying zoning district may be considered for a special use permit and site plan approval with a recommendation by Planning Board and approved by Town Council.

*Section 310.6 Lot size and dimensions.*

Minimum lot size and dimension standards shall be governed by the underlying zoning district in accordance with Article III of this code. A reduction in minimum lot size and dimensions may be considered for a special use permit with recommendation by Planning Board and approved by Town Council when the applicant requests for simultaneous review and approval of a subdivision and associated site plan. All other subdivision requests shall be reviewed and approved in accordance with Appendix A, Subdivision Regulations.

*Section 310.7 Off-street parking and loading requirements.*

Off-street parking and loading spaces of sufficient number to provide for vehicles customarily associated with each building or use shall be provided in accordance with article IV of this Code.

Duly adopted this the 4<sup>th</sup> Day of October 2005.

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William H. Jordan, Jr., Mayor

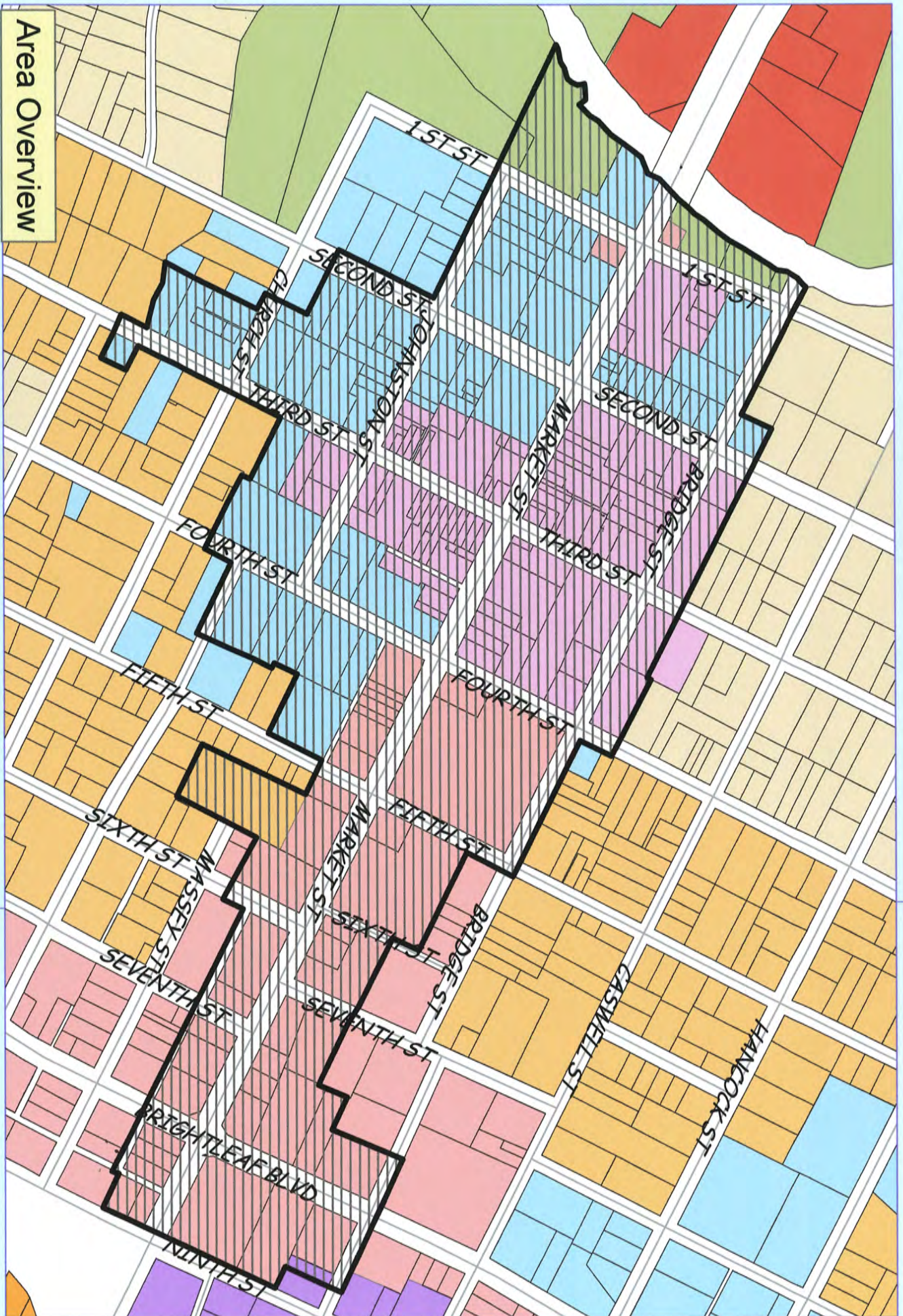
ATTEST

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Debra W. Holmes, Town Clerk



Area Overview







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

## Petition for Amendment to the Unified Development Ordinance

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

### APPLICANT INFORMATION:

\_\_\_\_\_  
Petitioner's Name

\_\_\_\_\_  
Address or PO Box

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

\_\_\_\_\_  
(Attach additional sheets as necessary)

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

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

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

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

### FOR OFFICE USE ONLY

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





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

## Petition for Amendment to the Unified Development Ordinance

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### APPLICANT INFORMATION:

Petitioner's Name

Address or PO Box

City, State, Zip Code

Telephone

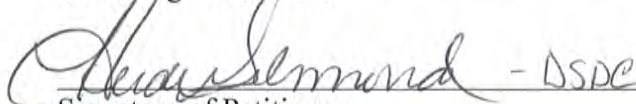
Proposed amendment to the Town of Smithfield Unified Development Ordinance:

(Attach additional sheets as necessary)

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2. How the amendment proposed will enhance or promote the purposes and goals of the adopted plans and policies of the governing body.

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

 - DSDC  
Signature of Petitioner

7/8/2025  
Date

### FOR OFFICE USE ONLY

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



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

## OWNER'S CONSENT FORM

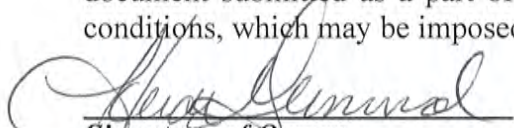
Name of Project: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

### OWNERS AUTHORIZATION

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

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

  
Signature of Owner

  
Print Name

  
Date

### CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

  
Signature of Owner/Applicant

  
Print Name

  
Date

### FOR OFFICE USE ONLY

File Number:

Date Received:

Parcel ID Number:



## APPLICANT AFFIDAVIT

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

Heidi Gilmond  
Print Name

Heidi Gilmond  
Signature of Applicant

7/8/2025  
Date



# Request for Planning Board Action

**Agenda Item:** RZ-25-02  
**Date:** 8/7/25

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**Subject:** Downtown Overlay Zoning Map Amendment  
**Department:** Planning  
**Presented by:** Stephen Wensman, Planning Director  
**Presentation:** Public Meeting

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## Issue Statement

The Planning Board should review the proposed amendment to the zoning map to create a Downtown Overlay District.

## Financial Impact

None

## Action Needed

The Planning Board is respectfully requested to review the zoning map amendment, RZ-25-02, and make a recommendation to the Town Council to approve, approve with changes or deny the amendment.

## Recommendation

Staff recommend the Planning Board to recommend approval of the Zoning Map Amendment, RZ-25-02, to establish the boundary of the Downtown Overlay District.

Approved: ☐ Town Manager ☐ Town Attorney

## Attachments:

1. Staff report
2. Draft Map Amendment
3. Consistency Statement



# Staff Report

Agenda RZ-25-  
Item: 02

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## OVERVIEW:

The zoning map amendment will establish the boundary of the Downtown Overlay Zoning District in association with the text amendment ZA-25-03. The proposed overlay district will contain all the properties along East Market Street from the B-1 Zoning District to Brightleaf Boulevard. For more information, please review the staff report for ZA-25-03.

## CONSISTENCY STATEMENT (Staff Opinion):

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

- Consistency with the Comprehensive Growth Management Plan -The amendment is consistent with the town's comprehensive plan.
- Consistency with the Unified Development Code – the amendment is consistent with the UDO.
- Compatibility with Surrounding Land Uses – the amendment will result in consistency in land uses along East Market Street

## RECOMMENDATION:

Planning Staff recommend the Planning Board to recommend approval of the zoning map amendment, RZ-25-02, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

## RECOMMENDED MOTION:

"Move to recommend approval of zoning map amendment, RZ-25-02, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest."



**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
ZONING MAP AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
RZ-25-02**

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

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

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

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

That the Town Council recommendation regarding text amendment RZ-25-02 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the public hearing; and

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

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

That the final recommendation regarding zoning map amendment RZ-25-02 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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

# RZ-25-02 Downtown Overlay Map Amendment

**File Number:**  
RZ-25-02

**Project Name:**  
Downtown Overlay Map  
Amendment

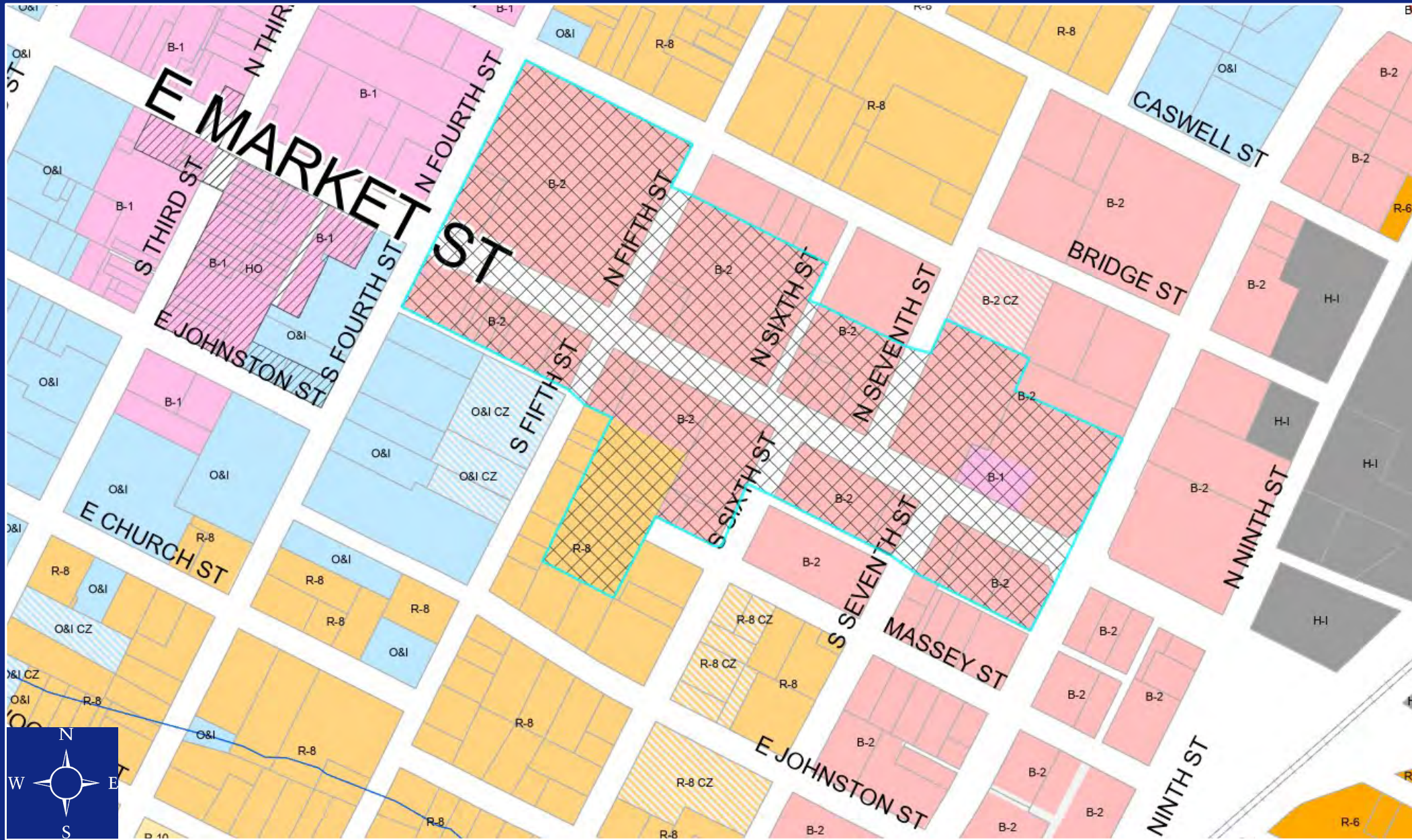
**Location:**  
Corridor along Market St.  
from Brightleaf Blvd. to  
Fourth St.

**Tax ID#:**  
\*Multiple Listed on Next  
Slide

**Existing Zoning:**  
B-2, B-1, R-8

**Property Owner:**  
\*Multiple Listed on Next  
Slide

**Applicant:**  
Stephen  
Wensman/Planning  
Director



Map created by Micah Woodard,  
Planner I on 7/30/2025

Map Scale  
1" = 130'

# Tax ID#s under proposed Downtown Overlay Map Amendment

Tax ID#	Name1	Name2	Address1	Address2	CityStateZip
15027018	BAEKIM LLC		716 E MARKET ST		SMITHFIELD, NC 27577-4040
15027016	ESCAMILLA, GIA	ESCAMILLA-GILONI, MAGALI	230 HARRIS RD		SMITHFIELD, NC 27577-6906
15027015	ESCAMILLA, GIA	ESCAMILLA-GILONI, MAGALI	230 HARRIS RD		SMITHFIELD, NC 27577-6906
15026038	ZACKS PROPERTIES LLC		5 HAZELWOOD CT		SMITHFIELD, NC 27577-8337
15026037	TRIANGLE INSURANCE GROUP PATNR			PO BOX 410	SMITHFIELD, NC 27577-0000
15026033	BHPS, LLC	HOLTON, J. R. JR.		PO BOX 968	SANFORD, NC 27331-0968
15026023	TWIN STATES FARMING INC			P O BOX 1352	SMITHFIELD, NC 27577-1352
15026022	ALLIED COMMERCIAL PROPERTIES	OF JOHNSTON COUNTY		PO BOX 1761	SMITHFIELD, NC 27577-1761
15025063	AVS INVESTMENTS, LLC		440 E MARKET ST		SMITHFIELD, NC 27577-3922
15025068	HOPKINS, RONALD JOE	HOPKINS, SHELIA DIANNE	432 E MARKET ST		SMITHFIELD, NC 27577-0000
15025045	SALVATION DELIVERANCE TEMPLE CHURCH, INC.		422 E MARKET ST		SMITHFIELD, NC 27577-3922
15025044	SALVATION DELIVERANCE TEMPLE CHURCH, INC.		422 E MARKET ST		SMITHFIELD, NC 27577-3922
15025043	PNC BANK NA			PO BOX 850	AURORA, OH 44202-0850
15025042	PNC BANK NA			PO BOX 850	AURORA, OH 44202-0850
15025036	PNC BANK NA			PO BOX 850	AURORA, OH 44202-0850
15020051	DAUGHTRY, N. LEO	DAUGHTRY, KELLY K.		PO BOX 1960	SMITHFIELD, NC 27577-1960
15020056	FIRST CITZENS BANK AND TRUST DAL50			P O BOX 27131	RALEIGH, NC 27611-7131
15021001	LUZADDER, WILLIAM L.		3 INDIAN WAY		HAVELOCK, NC 28532-2916
15021003	KENNEDY PROPERTIES 1996 LTD PARTNERSHIP	DAUGHTRY FARMS, LLC		PO DRAWER 1960	SMITHFIELD, NC 27577
15021009	GRACE HOMEMADE INTERNATIONAL, LLC		879 AIREDALE TRL		GARNER, NC 27529-3887
15021032	SAMPSON-BLADEN OIL COMPANY, INCORPORATED			PO BOX 469	CLINTON, NC 28329-0469
15022003	MOHAMED & SONS INC			PO BOX 1236	SMITHFIELD, NC 27577-1236





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

## Petition for Amendment to the Unified Development Ordinance

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

### APPLICANT INFORMATION:

\_\_\_\_\_  
Petitioner's Name

\_\_\_\_\_  
Address or PO Box

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

\_\_\_\_\_  
(Attach additional sheets as necessary)

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

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

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

\_\_\_\_\_  
Signature of Petitioner

\_\_\_\_\_  
Date

### FOR OFFICE USE ONLY

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



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

## REZONING APPLICATION

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

Name of Project: \_\_\_\_\_ Acreage of Property: \_\_\_\_\_

Parcel ID Number: \_\_\_\_\_ Tax ID: \_\_\_\_\_

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

Address: \_\_\_\_\_

Location: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Existing Zoning District: \_\_\_\_\_

Requested Zoning District \_\_\_\_\_

Is project within a Planned Development: ☐ Yes ☐ No

Planned Development District (if applicable): \_\_\_\_\_

Is project within an Overlay District: ☐ Yes ☐ No

Overlay District (if applicable): \_\_\_\_\_

### FOR OFFICE USE ONLY

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

## OWNER INFORMATION:

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

**Mailing Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**APPLICANT INFORMATION:**

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

**Mailing Address:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

## REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

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

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

## STATEMENT OF JUSTIFICATION

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

[illegible]



## APPLICANT AFFIDAVIT

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

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

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

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



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

## OWNER'S CONSENT FORM

Name of Project: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

### OWNERS AUTHORIZATION

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

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

\_\_\_\_\_  
*Signature of Owner*

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

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

### CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

\_\_\_\_\_  
*Signature of Owner/Applicant*

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

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

### FOR OFFICE USE ONLY

File Number:

Date Received:

Parcel ID Number:



**PLANNING DEPARTMENT**

Micah Woodard, Planner I

**ADJOINING PROPERTY OWNERS CERTIFICATION**


I, Micah Woodard, hereby certify that the property owner and adjacent property owners of the following petition(s), CZ-25-04, ZA-25-03, RZ-25-02, ZA-25-04 and RZ-25-03 were notified by First Class Mail on 7/24/25 of the Public Meeting on August 7<sup>th</sup>, 2025.

  
\_\_\_\_\_  
Signature

Johnston County, North Carolina

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

24<sup>th</sup> day of July, 2025

  
\_\_\_\_\_  
Notary Public Signature

Julianne Edmonds  
\_\_\_\_\_  
Notary Public Name

My Commission expires on 1-15-2028



Name1	Name2	Address1	Address2	CityStateZip
BAEKIM LLC		716 E MARKET ST		SMITHFIELD, NC 27577-4040
MOHAMED & SONS INC			PO BOX 1236	SMITHFIELD, NC 27577-1236
ESCAMILLA, GIA	ESCAMILLA-GILONI, MAGALI	230 HARRIS RD		SMITHFIELD, NC 27577-6906
ZACKS PROPERTIES LLC		5 HAZELWOOD CT		SMITHFIELD, NC 27577-8337
TRIANGLE INSURANCE GROUP PATNR			PO BOX 410	SMITHFIELD, NC 27577-0000
BHPS, LLC	HOLTON, J. R. JR.		PO BOX 968	SANFORD, NC 27331-0968
TWIN STATES FARMING INC			P O BOX 1352	SMITHFIELD, NC 27577-1352
AVS INVESTMENTS, LLC		440 E MARKET ST		SMITHFIELD, NC 27577-3922
HOPKINS, RONALD JOE	HOPKINS, SHELIA DIANNE	432 E MARKET ST		SMITHFIELD, NC 27577-0000
SALVATION DELIVERANCE TEMPLE CHURCH, INC.		422 E MARKET ST		SMITHFIELD, NC 27577-3922
PNC BANK NA			PO BOX 850	AURORA, OH 44202-0850
DAUGHTRY, N. LEO	DAUGHTRY, KELLY K.		PO BOX 1960	SMITHFIELD, NC 27577-1960
FIRST CITIZENS BANK AND TRUST DAL50			P O BOX 27131	RALEIGH, NC 27611-7131
LUZADDER, WILLIAM L.		3 INDIAN WAY		HAVELOCK, NC 28532-2916
KENNEDY PROPERTIES 1996 LTD PARTNERSHIP	DAUGHTRY FARMS, LLC		PO DRAWER 1960	SMITHFIELD, NC 27577
GRACE HOMEMADE INTERNATIONAL, LLC		879 AIREDALE TRL		GARNER, NC 27529-3887
SAMPSON-BLADEN OIL COMPANY, INCORPORATED			PO BOX 469	CLINTON, NC 28329-0469
ALLIED COMMERCIAL PROPERTIES	OF JOHNSTON COUNTY		PO BOX 1761	SMITHFIELD, NC 27577-1761
SANDERS, HUGH L	SANDERS, AYANAH	1106 CHESTNUT DR		SMITHFIELD, NC 27577-3710
ATKINSON, LAFAYETTE		48 SOUTH RD		WHITE PLAINS, NY 10603-2816
BONNIE MAC LLC			PO BOX 815	SELMA, NC 27576-0000
L M R RENTAL		201 S BRIGHTLEAF BLVD SUITE 1		SMITHFIELD, NC 27577-0000
KILLEN, LLC		112 GLENPARK PL		CARY, NC 27511-4216
CONWAY, KATHY NETHERCUTT		806 MASSEY ST		SMITHFIELD, NC 27577-4969
ATKINSON, LAFAYETTE	ATKINSON, MYRA LYNNE	48 SOUTH RD		WHITE PLAINS, NY 10603-2816
BAKER, JULIAN E JR		11 EDEN DRIVE		SMITHFIELD, NC 27577-0000
ATKINSON, LAFAYETTE	ATKINSON, MYRAL L	48 SOUTH RD		WHITE PLAINS, NY 10603-2816
COLLINS INCORP OF JOHNSTON CO		4620 US 70 BUS HWY EAST		SMITHFIELD, NC 27577-0000
TALEGHANI, NASSER VAKILI		908 W WALNUT ST		SELMA, NC 27576-2032
BON-RIC LLP			PO BOX 3068	WILSON, NC 27895-3068
SANDERS, AYANAH	SANDERS, ALEIYAH D.	1106 CHESTNUT DR		SMITHFIELD, NC 27577-3710
FLORES, ANGELA KAYE		4290 LAUREN DR		ROCKY MOUNT, NC 27804-8305
STANCIL OIL COMPANY, INC.			PO BOX 188	SELMA, NC 27576-0188
DUNCAN, VYNETTE GREGORY		104 S 9TH ST		SMITHFIELD, NC 27577-4666
VALENCIA AAP RALEIGH, LLC		18336 FAIRWAY OAKS SQ		LEESBURG, VA 20176-8460
TRIANGLE INSURANCE GROUP PARTNERS LLC			PO BOX 410	SMITHFIELD, NC 27577-0410
WATSON, CARL LIFE ESTATE	WATSON, SHERRY C	107 S 7TH ST		SMITHFIELD, NC 27577-4976
ROBERTS & WELLONS, INC.			PO BOX 1046A	SMITHFIELD, NC 27577
VU, KEVIN		10550 GREENWOOD RD		GLEN ALLEN, VA 23059-4609

HINNANT, KRISTY HILL	HINNANT, JOHN EVERETTE	300 OLD FERRY RD	EMERALD ISLE, NC 28594-2523
BC PROPERTY HOLDINGS, LLC		204 N BRIGHTLEAF BLVD	SMITHFIELD, NC 27577-4670
ANYON, ANDRE G		118 N 7TH STREET	SMITHFIELD, NC 27577-3936
EVANS, TIMOTHY KENT	EVANS, DEBBIE E	207 NORTH BRIGHTLEAF BLVD	SMITHFIELD, NC 27577-0000
W T BARTHOLOMEW TRUST	BARTHOLOMEW, W T TRUSTEE	955 NORTH MAIN STREET	LOUISBURG, NC 27549-2148
HOPKINS, RONALD JOE	HOPKINS, SHEILA D	432 E MARKET ST	SMITHFIELD, NC 27577-0000
MARQUIS, ISAAC LEONARD		710 BRIDGE ST	SMITHFIELD, NC 27577-4038
HIGHER CALLING MINISTRIES AND CHILDCARE, INC.		115 N 7TH ST	SMITHFIELD, NC 27577-3935
LAMPE & MALPHRUS LUMBER COMPANY		PO BOX 150	SMITHFIELD, NC 27577-0150
CLAY PIGEON PROPERTIES, LLC		PO BOX 90427	RALEIGH, NC 27675-0427
TWIN STATES FARMING INCORP		P O BOX 1352	SMITHFIELD, NC 27577-1352
ANRAN PARTNERSHIP		PO BOX 531	SMITHFIELD, NC 27577-0000
E & F PROPERTIES INC		PO BOX 1352	SMITHFIELD, NC 27577-0000
TRUE QUALITY HOMES, INC.		809 DAVIS AVE	DUNN, NC 28334-2656
HARRIS, FREDERICK LAMAR		507 E JOHNSTON ST	SMITHFIELD, NC 27577-4521
SIU, BOM JOINT TENANTS (WROS)	TUCKER, FLORENTINA PEARL JOI	509 E JOHNSTON ST	SMITHFIELD, NC 27577-4521
TOWN OF SMITHFIELD		PO BOX 761	SMITHFIELD, NC 27577-0000
SMITH, BESSIE ANN BECKWITH		17647 N PARADISE PARK DR	PHOENIX, AZ 85032-2061
GOLDEN LINK MASONIC LODGE NO. 205		168 GOVERNMENT RD	CLAYTON, NC 27520-7450
GRAIN, TODD M		PO BOX 22335	SEATTLE, WA 98122-0335
JANCUSKA, THOMAS	JANCUSKA, MILLIE	116 ALLISON WAY	ARCHER LODGE, NC 27527-5717
SMITH, MARLON W	SMITH, BRIAN A	506 EAST JOHNSTON STREET	SMITHFIELD, NC 27577-0000
AGUILAR, ADAN	CONTRERAS, JANELA	121 S 5TH ST	SMITHFIELD, NC 27577-4545
JANCUSKA CONSTRUCTION CO. LLC		116 ALLISON WAY	ARCHER LODGE, NC 27527-5717
PRICE, WILLARD RAY	PRICE, ROSE E	6033 NC HWY 39	SELMA, NC 27576-0000
REYES, CAROLINA SUYAPA MENDES		208 S 6TH ST	SMITHFIELD, NC 27577-4459
SHERMAN, MICHAEL J	SHERMAN, LAURA LEE	PO BOX 1322	FOUR OAKS, NC 27524-0000
SEBA VENTURES, LLC		326 BELLINI DR	CLAYTON, NC 27527-5609
FIRST BAPTIST CHURCH		202 SOUTH FOURTH STREET	SMITHFIELD, NC 27577-0000
PROPERTIES4RENT LLC		11111 BECKSTONE WAY APT 2G	RALEIGH, NC 27614-7399
ADAMS, KENNETH	ADAMS, NANCY	203 S 5TH ST	SMITHFIELD, NC 27577-4547
FIRST BAPTIST CHURCH OF SMITHFIELD		P O BOX 209	SMITHFIELD, NC 27577-0000
JOYNER, GERALD S	JOYNER, WYNEE M	510 E JOHNSTON ST APT A	SMITHFIELD, NC 27577-4522
JIREHTECH, INC.		2600 HISTORIC CIR	MORRISVILLE, NC 27560-8183
ROBERTS & WELLONS INC		PO BOX 1046A	SMITHFIELD, NC 27577
NOVIOMAGUS, LLC		3 BOBCAT CT	DURHAM, NC 27713-9178
TOWN OF SMITHFIELD		116 S 4TH ST	SMITHFIELD, NC 27577-0000
CAROLINA TELEPHONE & TELEGRAPH		720 WESTERN BOULEVARD	TARBORO, NC 27886-0000
AVA GARDNER MUSEUM, INC		325 E MARKET ST	SMITHFIELD, NC 27577-3919
TOWN OF SMITHFIELD	COUNTY OF JOHNSTON	PO BOX 1049	SMITHFIELD, NC 27577



JAMS PROPERTIES LLC		849 PARKRIDGE DR	CLAYTON, NC 27527-5309
OAK CREEK LLC		PO BOX 120	SMITHFIELD, NC 27577-0120
NEW AUSTIN MANOR APARTMENTS OF NC, LLC		PO BOX 23589	COLUMBIA, SC 29224-3589
BILOTT, JOHN ROBERT	BILOTT, THERESA LYNN	139 TOPSAIL ISLAND DR	GARNER, NC 27529-6154
ST MARK AME CHURCH		PO BOX 1751	SMITHFIELD, NC 27577-0000
JOHNSTON COUNTY BUILDING INDUSTRY ASSOCIATION		301 BRIDGE ST	SMITHFIELD, NC 27577-3905
MITCHELL, WILLIE		400 DANTON DR	CARY, NC 27518-9089
WELLONS, WILLIAM B JR	WELLONS, CLARA	310 BRIDGE ST	SMITHFIELD, NC 27577-3906
BRIDGE STREET ASSOCIATES LLC		PO BOX 270	SMITHFIELD, NC 27577-0000
BUNCH, DORIS ANN S		1349 KEYSTONE DR	ASHEBORO, NC 27203-4001
FRANKLIN, JOE LIFE ESTATE	FRANKLIN, GLADYS W LIFE ESTATE	1653 STOKES AVE SW	ATLANTA, GA 30310-0000
WALKER, GWENDOLYN S		508 BRIDGE ST # A	SMITHFIELD, NC 27577-3910
THOMPSON, CLARICE L.		510 BRIDGE ST	SMITHFIELD, NC 27577-3910
BARNES, REGINALD		125 HANOVER LAKES DR	WILMINGTON, NC 28401-4985
D J'S PROPERTIES INC		1001 NC HWY 210	SMITHFIELD, NC 27577-0000
TRIANGLE ELDERLY HOUSING CORP		1363 WEST MARKET STREET	SMITHFIELD, NC 27577-0000
JAG 99 PROPERTIES, LLC		512 WALTERS DR	WAKE FOREST, NC 27587-6177
KENNEDY, WILLIAM T	DAUGHTRY, N LEO	121 W RIVERSIDE DR	SMITHFIELD, NC 27577-0000
K RENTAL PROPERTIES LLC		121 W RIVERSIDE DRIVE	SMITHFIELD, NC 27577-0000
AVERA, CHARLES		216 N 3RD ST	SMITHFIELD, NC 27577-3950
FRINK, JOANN		5328 CHIPSTONE DR	RALEIGH, NC 27610-2573
SANDERS, DORIS P		414 CASWELL ST	SMITHFIELD, NC 27577-3951
MEACHEM/SANDERS INVESTMENTS, LLC		3425 SHERIDAN DR	DURHAM, NC 27707-4643
G&H HOME SWEET HOME, LLC		201 CANTERBURY RD	SMITHFIELD, NC 27577-4822
LEE, DELIA WELLONS		913 S LAKESIDE DR	FOUR OAKS, NC 27524-0000
DAUGHTRY, WILLIAM OTIS	DAUGHTRY, TERESA H	25 WHITE OAK DR	SMITHFIELD, NC 27577-4806
SANDERS, DORIS P. JOINT TENANTS (WROS)	SANDERS, TOREE JOINT TENANT	412 CASWELL ST	SMITHFIELD, NC 27577-3951
DAVIS, WALTER KELLY	DAVIS, SHELVA DEVONE	416 CASWELL ST	SMITHFIELD, NC 27577-3951
JOHNSTON COUNTY BUILDING INDUSTRY ASSOCIATION, INC		301 BRIDGE ST	SMITHFIELD, NC 27577-3905
KENNEDY, WILLIAM T		121 W RIVERSIDE DR	SMITHFIELD, NC 27577-3807





# Request for Planning Board Action

**Agenda  
Item:** ZA-25-04  
**Date:** 8/7/2025

---

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

---

## Issue Statement

Request by the Planning Department and Smithfield Downtown Development Corporation (DSDC) to amend the UDO Section 6.6 Table of Uses and Activities to allow private clubs/bars in the B-1 and O/I zoning districts as a special use with supplementary standards (new section 7.47).

## Financial Impact

None.

## Action Needed

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

## Recommendation

Planning Staff recommend the Planning Board to recommend approval of the zoning text amendment ZA-25-04 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: ☐ Town Manager ☐ Town Attorney

## Attachments:

1. Staff report
2. Draft Zoning Text Amendment
2. Consistency Statement
3. Application
4. Alcohol Sales and Zoning \_ UNC School of Government.pdf



# Staff Report

Agenda  
Item: ZA-25-04

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## **OVERVIEW:**

The DSDC and the Planning Department are requesting an amendment to allow private clubs/bars in the B-1 and O/I zoning districts with special use permits. The purpose of the amendment is to create another use in the B-1 and O/I districts to attract people downtown and to increase economic vitality.

The idea behind the creation of the supplementary standard is to attract private clubs/bars that are small and classy in a downtown space. A bar that is going to sell cheap alcohol and wants to attract large numbers to cover their costs needs more space. By limiting the size of the bar, we can encourage a more upscale environment, while mitigating some of the impacts on the surrounding area (parking, noise, etc.).

## **CONSISTENCY STATEMENT (STAFF OPINION):**

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

## **RECOMMENDATION:**

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-25-04, with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

## **STAFF RECOMMENDED MOTION:**

"Move to recommend approval of zoning text amendment, ZA-25-04, finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest."

**THE TOWN OF SMITHFIELD  
UNIFIED DEVELOPMENT ORDINANCE  
AMENDMENT CONSISTENCY STATEMENT  
BY THE SMITHFIELD TOWN COUNCIL  
ZA-25-04**

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

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

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

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

That the final action regarding zoning ordinance amendment ZA-25-04 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Town Council and information provided at the regularly scheduled meeting of Town Council; and

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

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

That the final action regarding zoning ordinance amendment ZA-25-04 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



**ORDINANCE # ZA-25-04**  
**AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD**  
**UNIFIED DEVELOPMENT ORDINANCE**  
**ARTICLE 10, SECTION 6.6 TABLE OF USES AND ACTIVITIES**  
**TO ALLOW PRIVATE CLUBS OR BARS IN THE B-1 ZONING**  
**DISTRICT AS A PERMITTED USE WITH SUPPLEMENTAL**  
**STANDARDS.**

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

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

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

**PART 1**

[Revise Article 10, Section 6.6 to allow Private Clubs or bars in the B-1 zoning district as a permitted use with supplemental standards]

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

...

Uses	Primary Zoning Districts												
	R-20A	R-10	R-8	R-6	R-MH	O/I	B-1	B-2	B-3	LI (Sect. 7.2)	HI (Sect. 7.2)	AHH	Supplemental Regulations
INSTITUTIONAL													
Community college	S					P	S	S	S	S	S		
Libraries						P	P	P	P				
Schools, public and private	S	S	S	S	S	P		P					
Armories						P							
Event center								PS	PS				Section 7.42
Governmental offices						P	P	P	P				
Cemeteries	S					P							

Churches/places of worship	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		Section 7.32 Section 7.42
Club or private lodge meeting halls						PS		PS	PS				Section 7.42
Club or Bar, private						<u>SS</u>	<u>SS</u>	S	S				<u>Section 7.47</u>
Community centers						PS		SS	SS				Section 7.42
Country clubs, golf courses	P												
Crematory, human								P	P				
Government Public Safety (i.e., police, fire)	S	S	S	S	S	P	P	P	P	P	P		
Hospitals						P		P	P				
Public utility/Public Works storage or service yards						PS				P	P		Section 7.41

...

## PART 2

[Revise Article 7, Section 7.47 to establish supplemental standards for private clubs or bars.]

### Sec. 7.47.

Private clubs or bars in the B-1 and O/I zoning districts shall be no larger than 2500 square feet in size.

## PART 3

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

## PART 4

That these amendments of the Unified Development Ordinance shall become effective upon adoption.  
Duly adopted this the \_\_\_\_\_ of September, 2025.

---

M. Andy Moore, Mayor

ATTEST

---

\_ Elaine 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

## Petition for Amendment to the Unified Development Ordinance

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

### APPLICANT INFORMATION:

Stephen Wensman and Heidi Gilmond

Petitioner's Name

Town of Smithfield/DSDC

Address or PO Box

919-934-2116

City, State, Zip Code

Telephone

Proposed amendment to the Town of Smithfield Unified Development Ordinance:

Amend Table 6.6 Table of uses to allow private clubs or bars in the B-1 with supplementary standards, Section 7.47

(Attach additional sheets as necessary)

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

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

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

Stephen Wensman

Digitally signed by Stephen Wensman  
Date: 2025.07.08 13:00:59 -0400

4/8/25

Signature of Petitioner

Date

### FOR OFFICE USE ONLY

File Number: ZA-25-04

Date Received:

Amount Paid:





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

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### APPLICANT INFORMATION:

Petitioner's Name

Address or PO Box

City, State, Zip Code

Telephone

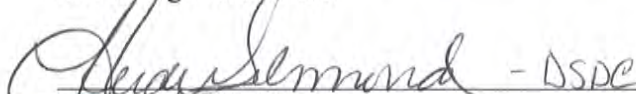
Proposed amendment to the Town of Smithfield Unified Development Ordinance:

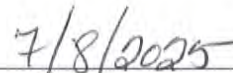
(Attach additional sheets as necessary)

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

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

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

 - DSDC  
Signature of Petitioner

  
Date

### FOR OFFICE USE ONLY

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



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

## OWNER'S CONSENT FORM

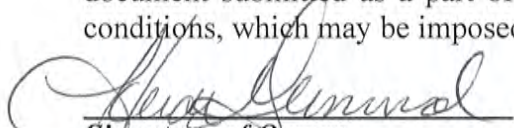
Name of Project: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

### OWNERS AUTHORIZATION

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

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

  
Signature of Owner

  
Print Name

  
Date

### CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

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

  
Signature of Owner/Applicant

  
Print Name

  
Date

### FOR OFFICE USE ONLY

File Number:

Date Received:

Parcel ID Number:



## APPLICANT AFFIDAVIT

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

Heidi Gilmond  
Print Name

Heidi Gilmond  
Signature of Applicant

7/8/2025  
Date

# Alcohol Sales and Zoning

David W. Owens

May, 2023

Legal topic(s)

**Summary:**

*[Adapted from Owens, Land Use Law in North Carolina (4th ed., 2023)]*

Direct state regulation of an activity may be so extensive as to preempt the field, thus effectively preventing local regulation of that activity.

An example is state regulation of alcohol sales. Under North Carolina law, the state Alcoholic Beverage Control (ABC) Commission has the ultimate decision-making authority on most aspects of alcohol sales. The applicable statute, G.S. 18B-901, provides that the ABC Commission issues all ABC permits and sets forth the factors to be considered by the commission in issuing permits. These include several land use factors: the number of places already holding ABC permits within the neighborhood, parking and traffic, the kinds of businesses already in the neighborhood, the proximity of schools and churches,<sup>[1]</sup> zoning, local government recommendations, and potential detriment to the neighborhood.

The statutes require that notice be given to local governments before a decision is made on ABC permit applications.<sup>[2]</sup> The ABC Commission must consider local ordinances but is not bound by them. In 1994, the General Assembly amended G.S. 18B-901(c) to provide that the ABC Commission “shall consider” local zoning and related land use factors in making ABC permit decisions. The statute had previously read that the commission “may consider” zoning. This strengthens the consideration that must be given by the state to local zoning but stops short of mandating consistency. In 2005, this section was further amended to mandate that local governments return a Zoning and Compliance Form to the ABC Commission as part of the permit-review process. This act also expanded the provision relative to potential detriment to neighborhoods to specify that the commission is to consider past revocations, suspensions, and violations of ABC laws within the previous year at the location and evidence of illegal-drug activity, fighting, disorderly conduct, and other dangerous activities (both within the facility and on the associated premises).

Once a liquor merchant has secured a state ABC permit, that merchant is for the most part exempt from zoning restrictions, such as local restrictions on the location of the facility, limits on hours of operation, entertainment within the facility, and even signs advertising alcohol products.

Two North Carolina cases have prohibited local governments from imposing zoning restrictions on alcohol sales over and above those applied by the state. In the first, *Staley v. City of Winston-Salem*,<sup>[3]</sup> a Winston-Salem ordinance restricting wine sales in a nonconforming restaurant in a residential zoning

district was invalidated. In the second, *In re Melkonian*,<sup>[4]</sup> the town of Havelock's denial of a special use permit for a tavern that had secured an ABC license was invalidated.

State ABC licensing laws also address alcohol sales in redevelopment areas. Several cities raised concerns about convenience stores in economically depressed neighborhoods that sold large quantities of beer and wine. Some patrons had a tendency to loiter and consume the alcohol on nearby properties, contributing to crime in the area and impairing neighborhood-revitalization efforts. In response, G.S. 18B-309 was adopted in 1999 to address these concerns. A food business or eating establishment located in a designated urban-redevelopment area is not allowed to have alcohol sales in excess of 50 percent of its total annual sales. A city may request that the state ABC Commission conduct an audit of any such business to determine whether this maximum percentage of alcohol sales is being exceeded, but it may do so only once per year for any individual business. If a business exceeds the maximum percentage, its ABC permits are to be revoked.

State law also limits advertising of alcoholic beverages. G.S. 18B-105(b)(7) authorizes the state ABC Commission to prohibit or regulate advertising of alcoholic beverages on signs. Commission rules limit the size and text of outdoor advertising of beer, wine, and mixed beverages by permittees.<sup>[5]</sup> Industry groups may advertise beer and wine—but not liquor—on billboards.<sup>[6]</sup>

---

[1] G.S. 18B-901(c)(6) specifies that the ABC Commission shall consider whether the proposed location is within fifty feet of a church or school.

[2]. In addition to the matter of notice of permit decisions, the statutes also address the location of ABC stores. G.S. 18B-801 prohibits a local ABC board from locating an ABC store within a city over the objection of the city's governing board. The law does allow the local ABC board to seek an override of this prohibition by the state ABC board. Also see S.L. 2009-295, which allows the ABC board to limit the location of ABC stores within 1000 feet of a school or church in Guilford County.

[3]. 258 N.C. 244, 128 S.E.2d 604 (1962).

[4]. 85 N.C. App. 351, 355 S.E.2d 503, review denied, 320 N.C. 631, 360 S.E.2d 91 (1987).

[5]. 14B N.C.A.C. 15B, § .1006.

[6]. 14B N.C.A.C. 15B, §§ .1007–.1008.

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