



PLANNING BOARD AGENDA

Members:

Chairman: Mark Lane (ETJ)

Vice-Chairman: Debbie Howard (Town)

Doris Wallace(Town)

Ashley Spain (ETJ)

Bryan Stanley(Town)

Alisa Bizzell (Town)

Wiley Narron (Alternate)

Stephen Wensman, AICP, ALA, Planning Director

Mark Helmer, AICP, CFM, Senior Planner

Julie Edmonds, Administrative Assistant

Meeting Date: Thursday, July 13, 2023

Meeting Time: 6:00 p.m.

Meeting Place: Council Chambers, Smithfield Town Hall

PLANNING BOARD AGENDA

FOR REGULAR MEETING

July 13, 2023

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 May 4, 2023.

New Business.

RZ-23-01 Johnston County: The applicant is requesting to rezone a 49.02-acre tract of land from the R-20A (Residential-Agricultural) zoning district to the O/I (Office/Institutional) zoning district. The property considered for rezoning is located on the east and west side of Yelverton Grove Road, approximately 480 feet south of its intersection with US 70 Highway Business East Smithfield and further identified as Johnston County Tax ID# 15L11012.

ZA-23-07 Town of Smithfield: The applicant is requesting an amendment to the Unified Development Ordinances, Article 2 for the creation of a side-walk fee in lieu policy and program.

Old Business.

Adjournment.

**Town of Smithfield
Planning Board Minutes
Thursday, May 4th, 2023
Town Hall Council Chambers
6:00 PM**

Members Present:

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

Members Absent:

Bryan Stanley

Staff Present:

Stephen Wensman, Planning Director
Mark Helmer, Senior Planner
Julie Edmonds, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES for April 6th, 2023

Doris Wallace made a motion to approve the minutes, seconded by Debbie Howard. Unanimously approved.

NEW BUSINESS

ZA-23-06 Town of Smithfield: The applicant is requesting an amendment to the Unified Development Ordinances, Article 10, Performance Standards and Article 2, General Regulations.

Stephen Wensman stated in 2018 the Planning Board had reviewed the proposed amendments to Article 10 for feedback. It has been finetuned since then and the engineering standards have been developed but not yet adopted. As part of the Article 10 updates, Staff “performance items” from Article 2 are being moved to Article 10. Appendix A is being amended for 160D and to better reflect terms in the table of uses and activities and performance standards.

The following summarizes the changes to each section:

Article 2 - General Regulations

- Moves performance standards to Article 10.
- Section 2.21, references the Town’s Standard Detail and Specifications Manual.
- Updates 2.22 to provide clarifications.

Article 10- Performance Standards - Part I. Off-Street Parking

- 10.2 - Clarifying, updating and breaking up this section to be more readable.
- 10.2.1.1 – Requiring paved parking (no gravel parking).
- 10.2.3.1 – Requires new residential driveways to be paved, except in R20A, and aligns junk vehicle exception with administrative code.
- 10.2.4.6 – Adds a standard for semi-tractor and trailer parking.
- 10.2.5 – Updates parking lot requirement.
- 10.2.5.5 – Clarifies curb requirements.
- 10.2.5.7 – Updates bumper requirement.
- 10.2.5.9 – Updated and adds a reference.
- 10.2.8 – Adds proof of parking section to minimize paving where it may not be necessary for the particular land use.
- 10.2.8 – Adds curbing requirement to protect pedestrian ways.
- 10.2.10 – Adds UDO administrator’s ability to waive lateral access if it provides no public benefit or if no feasible. The BOA does not make adjustments, rather it handles appeals and variances.
- 10.2.13.1 – Struck section on BOA. Appeals are already codified elsewhere.
- 10.2.13.2 – Appeals of the UDO Administrator’s decision are already codified elsewhere.
- 10.3 – The UDO Administrator will determine parking requirements when the 10.3 does not provide clear requirements.
- 10.5.1.3 – Unnecessary section stricken.
- 10.5.2 – Strengthened off-street loading section.
- 10.5.3 – Text stricken - the BOA hears variances and appeals.
- 10.6 – Updates section. Requires paving for driveways including residential driveways, except within the R-20A.
 - Broke up the section for readability.
 - 10.6.4 – Updated to be aligned with Engineering Standards.
 - 10.6.6 – Delete’s brick driveway section. Brick driveways are not permitted within the public right of way, but are permitted on private property with a standard concrete driveway apron.

Article 10- Performance Standards - Part II. Landscape Requirements

- 10.8 Applicability – Clarifies applicability.
- 10.9 – Clarified Tree Resource Management and requires a zoning permit for forestry activities to ensure compliance with State and local ordinances.
- 10.9.1.8 – Clarifies SF exemption from Tree Resource Management and removes the misplaced section car dealerships. Prior to final plat, the lots do not exist.
- 10.10.2 – The planting details are moved from Appendix B of the UDO to the Standard Specification and Details Manual
- 10.13.1.8 – Fixes a typo in the Street yard requirements.
- 10.14 – Adds dimensions to Type C and D buffer yards and removes the reference to PRD (no longer exists in UDO)
- 10.15.3 – Dumpster regulations moved from Section 2.27 and updated
- 10.15.4 - Clarified section.
- 10.15.5 – Creates buffer requirements for double fronted lots

- 10.16 – Added requirement that landscape plans identify planting bed edges, bed material, sod and seeded areas, identify irrigation if applicable, and landscape notes or planting instructions.

Article 10- Performance Standards - Part IV. Lighting Ordinance

- 10.34.3 – Appeals and variances are by BOA. Site Plans are administrative and do not get reviewed by the Town Council.
- 10.34.3.6 – Stricken because it's in conflict with 10.34.3.4 which requires cutoff fixtures.
- 10.34.4 – Updated lighting in parking lots and outdoor areas – PB and Town Council do not review site plans. Appeals and variances are by the BOA.
- 10.34.5 - Update to require recessed lighting for vehicular canopies
- 10.34.7 – Section updated to prohibit flood lights and removes references to PB and TC review and approval. Site plan approvals are administrative.
- 10.34.10 – Clarified section.

Article 10- Performance Standards - Part V. Traffic Impact Study

- 10.41.1 Struck reference to BOA as they have no involvement in Traffic Studies.
- 10.54 - Add reference to buffer requirements in Watersheds.

Article 10- Performance Standards - Part VIX. Overlay Districts

- 90.93 - Updated ECO District regulations per the Town Plan recommendations. These standards should be reviewed carefully. The PB and TC should consider the intent and purpose of the overlay and decide whether the regulations are relevant as currently drafted and whether the draft amendment is appropriate.
- 10.94 – Struck this section because rowhouses can be better achieved through the conditional zoning process.

Article 10- Performance Standards - Part X. Subdivision Regulations

- 10.96 – Added applicability incorporating Section 1.3.4.3 and updating to conform with 160D.
- 10.100 – Update code references in table.
- 10.107 – Update reference from NCDENR to NCDEQ.
- 10.xxx – Add Cluster Mailbox standards.
- 10.110 Streets – added references to Standard Detail and Specifications Manual and updated section.
 - Updated to current terminology.
 - Incorporated Section 2.15.
 - Updated lot area requirements with reference to Article 8.
 - Increased the minimum lot area for septic lots to 1 acre based on a recommendation from Johnston County.
 - Added a minimum depth for double-fronted lots.
- 10.110.1.5 – Updated easement requirements.
- 10.110.2 – Updated private street requirements to reference the Standard Detail and Specifications Manual and HOA documents to be reviewed and approved by the Town Attorney.
- 10.110.3. Updated Marginal Street Access section with updated terminology.

- 10.110.5 – Updated section on half-streets.
- 10.110.9 - 10.110.17- street standards are contained in the Town’s Standard Detail and Specifications Manual referenced herein.
- 10.110.14 – Alley’s section updated.
- 10.110.19 – PUD Streets updated requiring sidewalks on both sides of PUD streets.
- 10.110.20 – Updated to reference Manual.
- 10.111.2. – Updated to match Fire Code.
- 10.111.6 - Updated temporary turnaround requirements to meet Fire Code.
- 10.112 – Updated sidewalk requirements.
- 10.112.3 – Updated and add reference to the Pedestrian Plan.
- 10.113.1. Water and Sewerage Systems.

- 10.116.2 – Updated acceptance of dedications. Acceptance of dedications by resolution has been removed. According to 160D-806. Effect of plat approval on dedications. The approval of a plat shall not be deemed to constitute the acceptance by the local government or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, any governing board may by resolution accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its planning and development regulation jurisdiction.
- 10.117 BOA approves variances per Section 4.10.
- 10.119 Added section on exempt plats and updated certificates.

Appendix A- Definitions

- Added definitions per 160D.
- Added or modified definitions to reflect land use terminology in Section 6.6.

Note: The UDO is a living document that will require continual refinement to address new situations that exist.

Debbie Howard had a question about the required off-street parking. She wanted to know if a house has four or five parking places on a brick surface, would it be allowed?

Stephen Wensman said yes it would be allowed.

Stephen Wensman suggested that the Planning Board make a recommendation to the Town Council. He plans to take it in 3 or 4 steps to help the council digest it better.

Debbie Howard made a motion to recommend approval of zoning text amendment, ZA-23-06, 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, seconded by Ashley Spain. Unanimously approved.

Adjournment

Being no further business, Ashley Spain made a motion to adjourn; seconded by Debbie Howard.

Unanimously approved

Respectfully Submitted,

A handwritten signature in black ink that reads "Julie Edmonds". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Julie Edmonds

Administrative Support Specialist



Request for Planning Board Action

Agenda RZ-23-
Item: 01
Date: 7/13/23

Subject: Zoning Map Amendment
Department: Planning
Presented by: Mark Helmer, Senior Planner
Presentation: Public meeting

Issue Statement

Johnston County is requesting a zoning map amendment to rezone a 49.02-acre property about 430 feet south of the intersection of US Highway 70 Business East and Yelverton Grove Road from R-20A to O/I Office/Institutional for future Government Offices and Storage Buildings and Service Yards.

Financial Impact

Government property is tax-exempt.

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-23-01, 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 request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

1. Staff report
2. Consistency Statement
3. Application



Staff Report

Agenda RZ-
Item: 23-01

REQUEST:

Johnston County is requesting a zoning map amendment to rezone a 49.02-acre property near the intersection of US Highway 70 Business East and Yelverton Grove Road from R-20A to O/I Office/Institutional for future Government Offices and Storage Buildings and Service Yards.

PROPERTY LOCATION:

The property is located roughly 430 feet south of the US 70 Business East and Yelverton Grove Road intersection, on both sides of Yelverton Grove Road.

SITE DATA:

Tax ID#	15L11012
Acreage:	49.02
Present Zoning:	R-20A Residential/Agricultural
Proposed Zoning:	O/I Office Institutional
Existing Use:	Agriculture
Proposed Use	Government Offices/ Storage Building and Service Yard.
Town/ETJ:	ETJ (Town with Annexation)
Fire District:	Smithfield
School Impacts:	None
Parks and Recreation:	None
Water Provider:	Smithfield
Sewer Provider:	Smithfield
Electric Provider:	Duke

EXISTING CONDITIONS/ENVIRONMENTAL:

The property is not located within a floodplain.

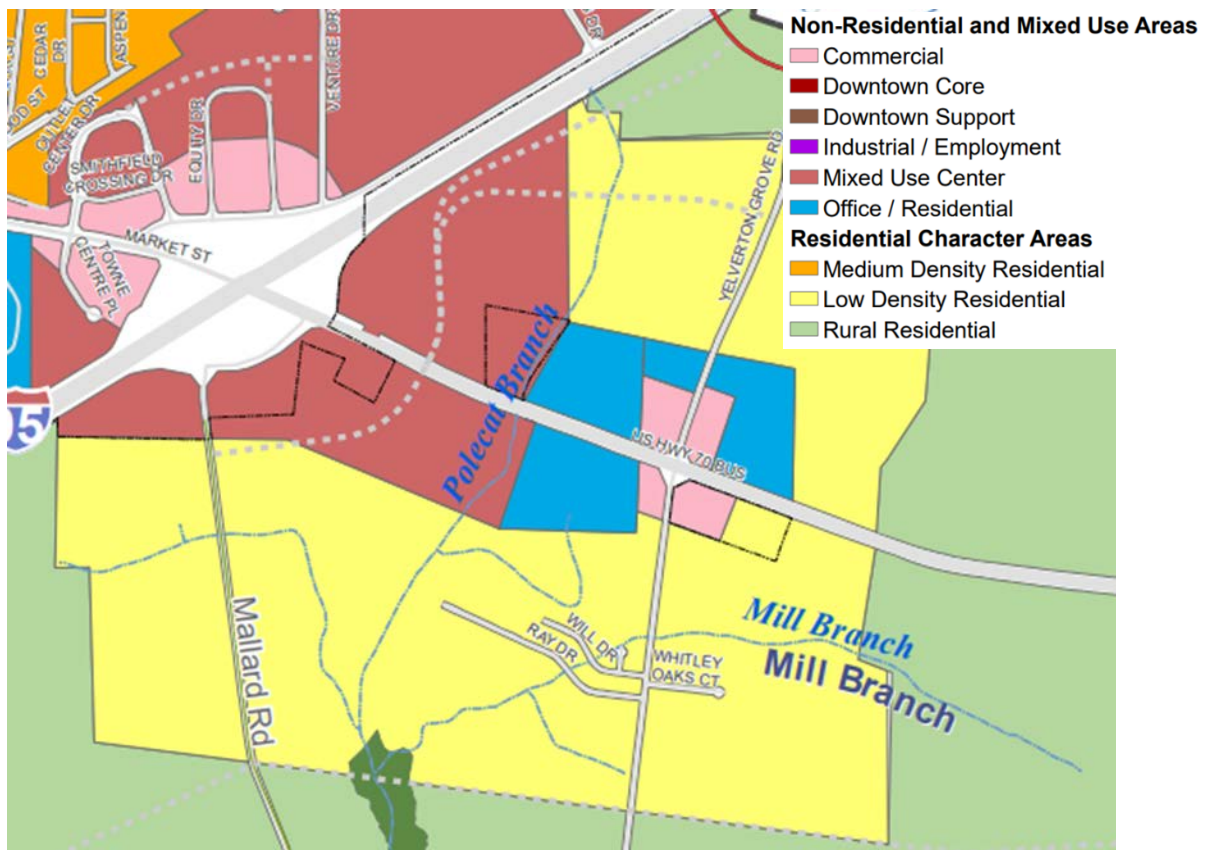
ADJACENT ZONING AND LAND USES: (see attached map for complete listing)

	Zoning	Existing Land Uses
North	B-3/O-I/LI	Manufacturing, Commercial Bank, and vacant properties
South	RMH/R-20A	Rural Residential and Manufactured Home Subdivision
East	R-20A	Agriculture
West	R-20A	Agriculture

ANALYSIS:

The County is requesting the rezoning for an expansion of its government campus East of I-95. In recent years, the County has constructed the Detention Center and Public Safety Center on the north side of US 70 Business East. The land to be rezoned will be used for government offices, storage buildings and service yards. All are permitted uses within the Office/Institutional zoning district.

- **Comprehensive Plan.** The comprehensive plan guides the specific property for Rural Residential and Agriculture, however, the plan did guide for expanded Office/Residential uses adjacent and to the north of the subject property. Approval of the zoning map amendment will automatically amend the comprehensive plan.



CONSISTENCY STATEMENT (Staff Opinion):

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

- **Consistency with the Comprehensive Growth Management Plan -** *The Comprehensive Plan guides the specific property for Low Density Residential but does guide additional Office/Residential land use in the general area.*
- **Consistency with the Unified Development Code –** *the site will be developed in conformance with the UDO. The proposed governmental uses are permitted uses in the UDO.*
- **Compatibility with Surrounding Land Uses -** *The property considered for rezoning will be compatible with the surrounding land uses. The rezoning expands upon the County's government campus in the area.*

RECOMMENDATION:

Planning Staff recommends approval of RZ-23-01 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.

RECOMMENDED MOTION:

Staff recommends the following motion:

“move to recommend approval of zoning map amendment, RZ-23-01, finding it consistent with the Town of Smithfield Comprehensive Growth Management Plan, as hereby amended, and other adopted plans, and that the amendment is reasonable and in the public interest.”

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
RZ-23-01**

Whereas the Smithfield Planning Board, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Planning Board, upon acting on a zoning map amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD PLANNING BOARD AS APPROPRIATE:

IN THE EVENT THAT THE MOTION TO APPROVE THE ORDINANCE IS ADOPTED,

That the final action regarding zoning map amendment RZ-23-01 is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the public meeting; and

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

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

That the final action regarding zoning map amendment RZ-23-01 is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



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

REZONING APPLICATION

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

Name of Project: Johnston County Government Buildings Acreage of Property: 49.02 +/-
 Parcel ID Number: 260300-46-7578 Tax ID: 15L11012
 Deed Book: 1355 Deed Page(s): 974
 Address: _____
 Location: Intersection of US Hwy 70 Bus and Yelverton Grove Road

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

FOR OFFICE USE ONLY

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

Name: John Timothy Hughes
Mailing Address: 2435 US Highway 70 Bus E Smithfield, NC 27577
Phone Number: _____ **Fax:** _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: County of Johnston
Mailing Address: PO Box 1049 Smithfield, NC 27577
Phone Number: 919-989-5100 **Fax:** 919-989-5179
Contact Person: Rick Hester
Email Address: rick.hester@johnstonnc.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.

Debra H

Print Name

Debra H

Signature of Applicant

6-7-23

Date



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

OWNER'S CONSENT FORM

Name of Project: Johnston Co. Government Buildings Submittal Date: 6/7/2023

OWNERS AUTHORIZATION

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

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

Signature of Owner John Timothy Hughes
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 Rick Hester
Print Name _____
Date 6-7-23

FOR OFFICE USE ONLY

File Number:	Date Received:	Parcel ID Number:
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TOWN OF SMITHFIELD

REZONING REQUEST BY COUNTY OF JOHNSTON FOR TAX ID 15L11012

STATEMENT OF JUSTIFICATION

The property is located on Yelverton Grove Road approximately 500 feet south of U.S. Hwy 70 Business East in the Town of Smithfield ETJ. County of Johnston seeks to rezone the 49+/- acre tract of land from Town of Smithfield R-20A (Residential-Agriculture) zoning district to the O/I (Office/Institutional) zoning district. The proposed use is Institutional - Government Offices and incidental Accessory Uses for Government Offices. Johnston County desires to construct county facilities at this location to support growing County operation in order to better serve the citizens of Johnston County. This location is in close proximity to other county facilities.

According to the Town of Smithfield Official Zoning Map, the subject property is immediately adjacent to properties currently zoned Light Industrial, Office/Institutional, B-3 Highway Entranceway Business District to the north, Residential Manufactured Home Residential District to the south, B-3 Highway Entranceway and RA-20A Residential-Agricultural District to east, and RA-20A Residential-Agriculture District to the west. Though the future land use map has identified the subject property as guided for low density residential, it is adjacent to property identified on the future land use map as Office/Institutional and Mixed Use Center. Further, the Office/Institutional District is designed for uses at low to moderate densities and should be used as a transitional zone between areas of conflicting land uses, which the proposed rezoning accomplishes. Because adjacent properties within this corridor are currently zoned and developed as industrial and commercial, the use of this site for non-residential is contextually consistent and appropriate. Compatibility issues with surrounding land uses are unlikely.

The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance as all existing land uses on the subject property are permitted in the Office/Institutional Zoning District and all future land uses will be permitted in accordance with the Town of Smithfield Unified Development Ordinance.

JOHNSTON COUNTY

01-18-94

\$400.00



Real Estate Excise Tax

Excise Tax \$400.00

State of North Carolina, Johnston Co
Filed for Registration at 4.29 P. M.
January 18 19 94 in the
Register of Deeds Office
Recorded in Book 1355 Page 974
By *Phyllis H. Hix*
Register of Deeds

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. 15L11012
Verified by County on the day of 19
by

Mail after recording to Wallace Ashley, Jr., Attorney at Law
P.O. Box 1392, Smithfield, N.C. 27577
This instrument was prepared by Wallace Ashley, Jr., Attorney at Law
Brief description for the Index 45.7 Acres, Smithfield Township

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 18 day of January, 19 94, by and between

GRANTOR	GRANTEE
MARVIN E. HILL AND WIFE, MARY OWENS HILL	JAMES WILLIAM HUGHES (UNMARRIED)
CONVEYANCE OF THIS PROPERTY HAS BEEN DULY NOTED ON THE TAX RECORDS. <i>By 1-18-94</i> TAX SUPERVISOR	2435 U.S. 70 E. Business Smithfield, N.C. 27577

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Smithfield Township,

Johnston County, North Carolina and more particularly described as follows:
BEGINNING at a stake in Pole Cat Branch, John Hughes' corner, and runs with said line South 87 degrees 30 minutes East 1567.5 feet to a stake; thence North 5 degrees East 198 feet to a stake, G.I. Stallings' corner; thence with said line South 76 degrees East 1277.1 feet to a stake in the bank of a ditch; thence with said ditch South 17 degrees West 684.75 feet to a pine stump; thence South 5 degrees West 264 feet to a stake; thence North 83 West 1158.3 feet to a stake; thence North 64 degrees 30 minutes West 1765.5 feet to a black gum in the fun of Pole Cat Branch; thence up said Branch to a stake, the point of BEGINNING, containing 45.7 acres, more or less and being the same tract conveyed to Marvin E. Hill et al dated May 4, 1984 and recorded at 10:00 A.M., May 10, 1984, in Book 956, page 488, Johnston County Registry. This is also the same tract conveyed to Claude Hill in deed from T.J. Cunningham and wife, Susie Cunningham, dated February 24, 1921, and recorded in Book 83, page 488, Johnston County Registry and the same tract devised to H. Grainger Hill in Item Five of the Last Will of Claud Hill dated March 21, 1940 and duly probated in Will Book 16, page 231, Office of the Clerk of Superior Court of Johnston County.

TOGETHER WITH all tobacco and other allotments applicable to the above-described tract designated as Tract No. 6869 under Farm No. 3778 in the Johnston County A.S.C. Office. The 1993 basic tobacco allotment applicable

to the above-described tract was 1.35 acres, 2959 pounds, and 31.5 acres of cropland. Grantor further agrees to execute such documents in the Johnston County A.S.C. Office as may be required of them to transfer the allotments applicable to said tract to the Grantee.

This property is conveyed subject to 1994 County of Johnston ad valorem taxes and Grantee assumes and agrees to pay the same.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 956, page 488, Johnston County Registry

A map showing the above described property is recorded in Plat Book page.....

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

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

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

- (1) Easement to Carolina Power & Light Co. dated August 29, 1945, recorded in Book 447, page 113, Johnston County Registry.
- (2) Right of way of North Carolina Secondary Road No. 2508.
- (3) Riparian rights of adjoining landowners in Pole Cat Branch and ditch.
- (4) 100-foot easement and right of way to Carolina Power and Light Company, dated April 2, 1930, recorded in Book 260, page 43, Johnston County Registry and December 22, 1980, recorded in Book 887, page 202, Johnston County Registry.
- (5) Rural Line Permit to Carolina Telephone & Telegraph Co., dated October 12, 1959, recorded in Book 571, page 246, Johnston County Registry.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

..... (Corporate Name) (SEAL)

By: (SEAL)

..... President

ATTEST: (SEAL)

..... Secretary (Corporate Seal) (SEAL)

USE BLACK INK ONLY



NORTH CAROLINA, JOHNSTON County.

I, a Notary Public of the County and State aforesaid, certify that MARVIN E. HILL AND WIFE, MARY OWENS HILL Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 18th day of January, 1994.

My commission expires: 4-12-1999 Patsy J. Olive Notary Public

SEAL-STAMP NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that he is Secretary of a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary.

Witness my hand and official stamp or seal, this day of 19.....

My commission expires: Notary Public

The foregoing Certificate(s) of Patsy J. Olive N.P.

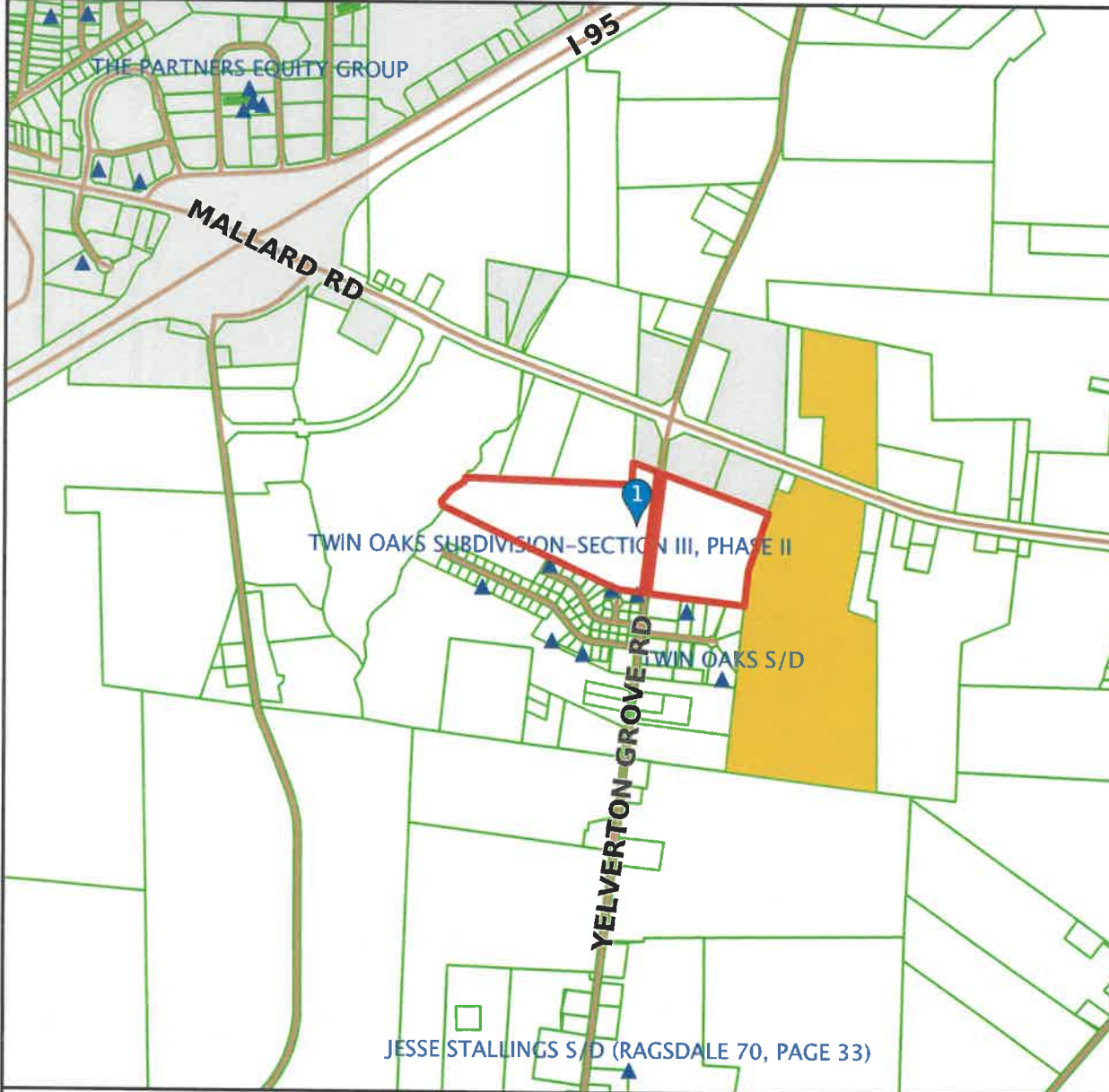
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By Phyllis N. Wall REGISTER OF DEEDS FOR Johnston COUNTY

By Cherry W. Darter Deputy/Assistant - Register of Deeds

Pro. \$ 2.00
 Reg. \$ 8.00
 Stamp \$ 400.00

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



Result

id: 15L11012
Tag: 15L11012
NCPin: 260300-46-7578
Mapsheet No: 2603
Owner Name 1: HUGHES, JOHN TIMOTHY
Owner Name 2:
Mail Address 1: 2435 US HIGHWAY 70 BUS E
Mail Address 2:
Mail Address 3: SMITHFIELD, NC 27577-7788
Site Address 1:
Site Address 2:
Book: 01355
Page: 0974
Market Value: 178650
Assessed Acreage: 49.020
Calc. Acreage: 49.020
Sales Price: 200000
Sale Date: 1994-01-18



Scale: 1:18738 - 1 in. = 1561.52 feet

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

"HUGHES TRACT" - List of Adjacent Property Owners

Owner Name(s)	Deed Book, & Page	Tax ID #	NC PIN	Approx. Ac.
OLD BROGDEN FARMS, LLC	DB 6134, PG 445	15L11005H	260300-37-3200	78.98
ROBERTS & WELLONS INC		15L11009A	260300-58-1246	29.8
TOBACCO ROAD PROPERTIES LLC	DB 5055, PG 690	15L11199A	260300-47-6386	9.33
COUNTY OF JOHNSTON	DB 5272, PG 536	15L11011F	260300-57-6256	2.23
AGCAROLINA FARM CREDIT FLCA	DB 3172, PG 232	15L11011A	260300-67-1100	5.03
AGCAROLINA FARM CREDIT FLCA	DB 3147, PG 71	15L11011D	260300-66-5973	5.0
GLENDA ARANETA PHILLIPS MASSEY, HAROLD DOUGLAS STALLINGS		15L11014A	260300-75-0660	86.22
RANDY LEE MUCCULLEN	DB 4279, PG 813	15J11008O	260300-65-3529	1.28
CHANCE W MASSENGILL, JO ANN R MASSENGILL	DB 1090, PG 314	15J11008I	260300-65-1681	1.05
NATHAN O FIELDS	DB 4679, PG 84	15J11008J	260300-65-0646	0.94
RANDY HICKS, THERESA WEST	DB 4923, PG 700	15J11008L	260300-55-9622	1.0
SPENCE E POWELL III	DB 3383, PG 259	15J11008B	260300-55-6782	1.49
JASON D MURRAY, ALISA F MURRAY	DB 2670, PG 2	15J11009B	260300-55-4881	0.23
JYMCO DEVELOPMENT		15J11009H	260300-55-3891	0.27
JYMCO DEVELOPMENT		15J11009I	260300-55-2833	0.34
JYMCO DEVELOPMENT		15J11010G	260300-55-1827	0.38
JYMCO DEVELOPMENT		15J10010H	260300-55-0952	0.31
JYMCO DEVELOPMENT		15J10010I	260300-45-9967	0.36
JYMCO DEVELOPMENT		15J11010J	260300-46-8063	0.31
JYMCO DEVELOPMENT		15J11010K	260300-46-7078	0.22
JYMCO DEVELOPMENT		15J11010L	260300-46-6182	0.22
JYMCO DEVELOPMENT		15J11008M	260300-46-0287	8.18

1400 Block of Yelverton Grove Road

File Number:
RZ-23-01

Project Name:
Johnston County
Rezoning

Existing Zoning:
R-20A (Residential-
Agricultural)

Proposed Zoning:
OI (Office & Institutional)

Existing Land Use:
Agricultural / Woodland

Tax ID#:
15L11012

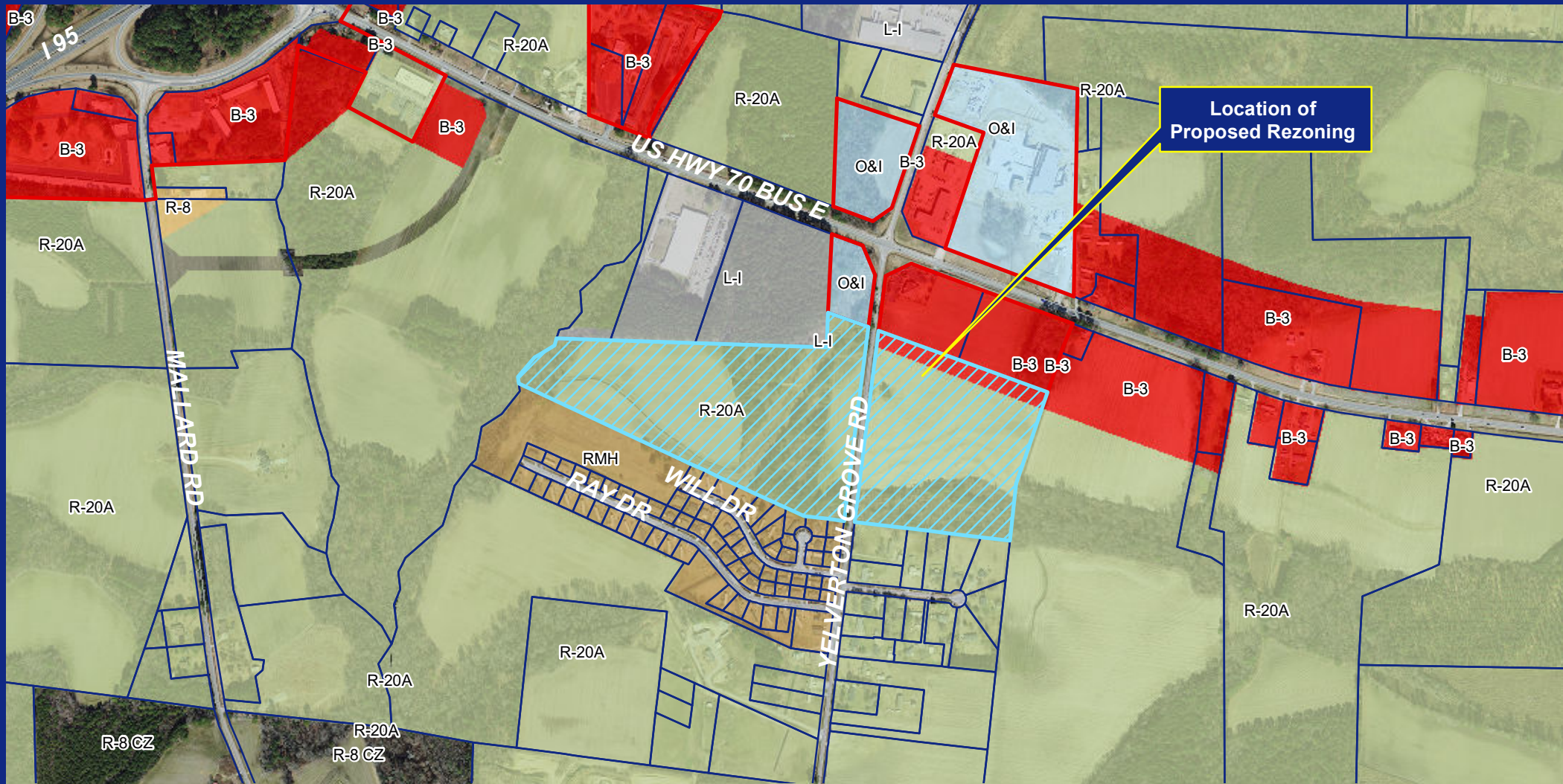
Owner:
John Hughes

Applicant:
Johnston County



1 in = 800 ft

Map created by the Mark E. Helmer, AICP
Senior Planner, GIS Specialist on 7/6/2023

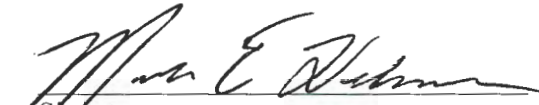




PLANNING DEPARTMENT
Mark E. Helmer, AICP, Senior Planner

ADJOINING PROPERTY OWNERS CERTIFICATION

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, **RZ-23-01**, were notified by First Class Mail on **6-26-23**.



Signature

Johnston County, North Carolina

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

26th day of June, 2023


Notary Public Signature


Notary Public Name

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



Adjacent Property Owners of
RZ-23-01

TAG	PIN	NAME	ADDRESS	CITY	STATE	ZIPCODE
15L11014A	260300-75-0660	MASSEY, GLENDA ARANETA	1064A 7 LAKES DR	WEST END	NC	27376-9081
15L11199A	260300-47-6386	TOBACCO ROAD PROPERTIES	100 OAK TREE DR	SELMA	NC	27576-3540
15L11009A	260300-58-1246	ROBERTS & WELLONS INC	PO BOX 1046A	SMITHFIELD	NC	27577
15J11009B	260300-55-4881	MURRAY, JASON D	1478 YELVERTON GROVE RD	SMITHFIELD	NC	27577-0000
15J11008O	260300-65-3529	MCCULLEN, RANDY LEE	238 BONNIE AVE	SMITHFIELD	NC	27577-0000
15J11008B	260300-55-6782	POWELL, SPENCE E III	1610 B YELVERTON GROVE	SMITHFIELD	NC	27577-0000
15L11011F	260300-57-6256	COUNTY OF JOHNSTON	PO BOX 1049	SMITHFIELD	NC	27577-0000
15J11008M	260300-46-0287	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15J11010K	260300-46-7078	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15J11010I	260300-45-9967	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15J11010F	260300-55-1739	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15J11010H	260300-55-0952	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15J11010J	260300-46-8063	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15J11009I	260300-55-2833	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15J11010G	260300-55-1827	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15J11010L	260300-46-6182	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15J11008I	260300-65-1681	MASSENGILL, CHANCE W	53 WHITLEY OAKS COURT	SMITHFIELD	NC	27577-7583
15J11009H	260300-55-3891	JYMCO DEVELOPMENT	1586 YELVERTON GROVE RD	SMITHFIELD	NC	27577-7583
15L11012	260300-46-7578	HUGHES, JOHN TIMOTHY	2435 US HIGHWAY 70 BUS E	SMITHFIELD	NC	27577-7788
15J11008L	260300-55-9622	HICKS, RANDY	33 WHITLEY OAKS CT	SMITHFIELD	NC	27577-8747
15J11008J	260300-65-0646	FIELDS, NATHAN O	43 WHITLEY OAKS CT	SMITHFIELD	NC	27577-8747
15L11005H	260300-37-3200	OLD BROGDEN FARMS, LLC	6317 BAYSWATER TRL	RALEIGH	NC	27612-6608
15L11011D	260300-66-5973	AGCAROLINA FARM CREDIT	PO BOX 14789	RALEIGH	NC	27620-4789
15L11011A	260300-67-1100	AGCAROLINA FARM CREDIT	PO BOX 14789	RALEIGH	NC	27620-4789



Request for Planning Board Action

Agenda Item: ZA-23-07
Date: July 13, 2023

Subject: Zoning Text Amendment
Department: Planning
Presented by: Mark Helmer, Senior Planner
Presentation: Business Item

Issue Statement

Request to amend the Unified Development Ordinance, Article 2, Section 2.22 to allow payment in lieu of required sidewalk construction with Town Council approval.

Financial Impact

None.

Action Needed

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

Recommendation

Planning Staff recommend the Planning Board recommend approval of the zoning text amendment ZA-23-07 with a statement declaring the request consistent with the Town of Smithfield Comprehensive Growth Management Plan and that the request is reasonable and in the public interest.

Approved: Town Manager Town Attorney

Attachments:

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



Staff Report

Agenda ZA-
Item: 23-07

REQUEST:

Staff is requesting the Planning Board recommend approval of the following amendments to the Unified Development Ordinance, Article 2, Section 2.22 to allow payment in lieu of required sidewalk construction with Town Council approval.

ANALYSIS:

The Town requires a 5' wide sidewalk along all commercial frontages with new construction. Developers and contractors often complain about, "sidewalks to nowhere", because adjacent properties do not have sidewalks. The intent of the requirement is to slowly build a network of sidewalks as sites develop or redevelop, but in some instances, the complaint is valid in that an actual sidewalk network is unlikely to develop or it is so far into the future, the sidewalks do not make practical sense.

This ordinance would allow a fee in lieu of sidewalk construction with Town Council approval on a site-by-site basis when requested. It would base the fee on an engineer's estimate for the actual sidewalk construction and the fee in lieu would be held in separate account to be spent yearly on sidewalks elsewhere in town where they are most needed. The intent would be to use the funds to fill in gaps in existing sidewalk networks and build out from commercial centers as needed. The Town Attorney was sent the amendment for review which is pending.

CONSISTENCY STATEMENT (STAFF OPINION):

Staff finds the zoning text amendment as 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-23-07 for a fee in lieu of sidewalk construction 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:

Staff recommends the following motions:

"move to recommend approval of zoning text amendment, ZA-23-07, amending Article 2, Section 2.22, to allow a fee in lieu of sidewalk construction finding the amendment consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest."

ORDINANCE # ZA-23-07
AN ORDINANCE TO AMEND THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
ARTICLE 2, SECTION 2.22 TO ALLOW A FEE IN LIEU OF SIDEWALK
CONSTRUCTION

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 8, Section 8.9 as it pertains to building height in the B-3 Highway Entranceway Business 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:

[Amend Article 2, Section 2.22, allowing a fee in lieu of sidewalk construction with Town Council approval.]

PART 1

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

SECTION 2.22 SIDEWALKS.

2.22.1. All new O/I (Office/Institutional), B-1 (CBD), B-2 (General Business), and B-3 (Highway Entranceway Business) district construction permitted following the adoption of this Ordinance shall be required to construct five (5) foot sidewalk(s) on the street right-of-way. The sidewalk(s) shall comply with the Town of Smithfield Standards and Specifications document and NCDOT requirements.

2.22.2. Payment in lieu of sidewalk construction may be permitted by the Town Council on a case-by-case basis. When authorized by the Town Council, the developer shall pay to the Town the costs of that required sidewalk construction. When costs are paid in lieu of construction for a project, the developer shall have no further obligation to the Town for sidewalk construction for that project. The Town shall place such fees in a designated fund used by the Town for general sidewalk construction throughout the Town.

PART 2

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

PART 3

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

That these amendments of the Unified Development Ordinance shall become effective upon adoption.

Duly adopted this the _____ day of August 2023.

M. Andy Moore, Mayor

ATTEST

Shannan L. Parrish, Town Clerk

**THE TOWN OF SMITHFIELD
UNIFIED DEVELOPMENT ORDINANCE
AMENDMENT CONSISTENCY STATEMENT
BY THE SMITHFIELD PLANNING BOARD
ZA-23-07**

Whereas the Smithfield Planning Board, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to approve a statement describing how the action is consistent with the Town of Smithfield *Comprehensive Growth Management Plan*; and

Whereas the Smithfield Planning Board, upon acting on a zoning ordinance amendment to the *Unified Development Ordinance* and pursuant to NCGS §160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE SMITHFIELD PLANNING BOARD AS APPROPRIATE:

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

That the final action regarding zoning ordinance amendment, ZA-23-07, is based upon review of and consistency with, the Town of Smithfield *Comprehensive Growth Management Plan* and any other officially adopted plan that is applicable, along with additional agenda information provided to the Planning Board and information provided at the regularly scheduled meeting of Planning Board; and

It is the objective of the Town of Smithfield Planning Board to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The zoning 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 Planning Board 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-23-07, is based upon review of, and consistency, the Town of Smithfield *Comprehensive Growth Management Plan* and other officially adopted plans that are applicable; and

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



PLANNING DEPARTMENT

Mark E. Helmer, AICP, CFM
Senior Planner

Notice of Public Meeting

Notice is hereby given that a public meeting will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, July 13, 2023 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

RZ-23-01 Johnston County: The applicant is requesting to rezone a 49.02-acre tract of land from the R-20A (Residential-Agricultural) zoning district to the O/I (Office/Institutional) zoning district. The property considered for rezoning is located on the east and west side of Yelverton Grove Road, approximately 480 feet south of its intersection with US 70 Highway Business East Smithfield and further identified as Johnston County Tax ID# 15L11012.

ZA-23-07 Town of Smithfield: The applicant is requesting an amendment to the Unified Development Ordinances, Article 2 for the creation of a side-walk fee in lieu policy and program.

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

Run Legal ad in the News and Observer on June 28 and
The Johnstonian on July 5, 2023.