

**Town of Smithfield  
Planning Board Minutes  
Thursday, January 6<sup>th</sup>, 2022  
Town Hall Council Chambers  
6:00 PM**

Members Present:

Chairman Stephen Upton  
Vice-Chairman Mark Lane  
Debbie Howard  
Sloan Stevens  
Ashley Spain  
Doris Wallace

Members Absent:

Alisa Bizzell  
Michael Johnson

Staff Present:

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

Staff Absent:

**CALL TO ORDER**

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES FOR DECEMBER 2<sup>nd</sup>, 2021**

Debbie Howard made a motion to approve the minutes for December 2, 2021, seconded by Sloan Stevens. Unanimously approved.

**NEW BUSINESS**

**Town Plan Amendment:** The Town of Smithfield is requesting an amendment to update the Transportation and Growth Management Plan in response to rapid growth in the West Smithfield area.

Stephen Wensman stated that staff is requesting an amendment to the town's Transportation Comprehensive Growth Management Plan, collectively called the Town Plan. The Town approved the current Town Plan on February 4, 2020. Comprehensive Plans are typically long-range planning documents and are typically renewed every ten years. Smithfield has been experiencing unprecedented growth that has rendered portions of the plan in need of an update. The Town Plan guided approximately 389 acres of land to Industrial/Employment of which nearly all has been rezoned to light industrial including the 240-acre planned West Smithfield Business Park (WSBP) (of which 170 is under construction for Amazon) and future industrial road. According to the town's economic development consultants, additional industrial land is needed and in demand.

The Town Plan envisioned an industrial park and connectivity through the block of land bordered by US Highway 70 Business, M. Durwood Stephenson Parkway and Barbour Road and a road connection to M. Durwood Stephenson Parkway, but this will not be allowed by NCDOT. The Plan did not anticipate the Amazon site and the proposed WSBP industrial road which is different than what was envisioned.

Staff is recommending the Town amend the Comprehensive Growth Management Plan to guide 2 parcels of land, 51.64-acres, (Johnston County Tax IDs 15078199W and 15078199V) for Industrial/Employment. The land is adjacent to the planned WSBP development and would allow for an expansion of the industrial park in the future. The land is relatively flat and open and suitable for industrial development and currently used for agriculture. Staff is recommending the Town amend its Transportation Plan to allow for a future extension of the WSBP road infrastructure through 4 parcels of land Johnston County Tax IDs 15078011G, 15077033C, 15078199W 15078199V to prepare for a collector road between US 70 Business West and Barbour Road for future development in the area. The Plan also proposes local connector roads to create a local network of streets.

Mark Lane asked where the additional road was that he was proposing?

Stephen Wensman pointed on the map and stated it's a single road coming up through the North. With what Amazon is proposing what we have will never cut it. We can't get access to Durwood Stephenson Parkway as a road corner. The NCDOT will not give us access.

Mark Lane asked if any of the area property owners had been contacted.

Stephen Wensman said no, this is a comprehensive plan guidance so there will be a hearing for it next month at the Town Council meeting.

Mark Lane said he didn't like making decisions such as these without public input.

Stephen Wensman said the public was notified by the newspaper.

Debbie Howard asked we are only making a recommendation, correct?

Stephen Wensman said correct.

Mark Helmer said individual property owners are not required by the state statute to be notified by first class mail because the plan affects all people and property within the limits of the plan. It is not practical to send out first class mail to all citizen and property owners.

Mark Lane asked if the area property owners would be notified when this recommendation went before Town Council.

Stephen Wensman said no, it will be for a public hearing advertised through the newspaper and website.

Stephen Upton asked what the timeframe was for this to take place?

Stephen Wensman said these are considered 10-year plans. At the end of the 10 years, you reevaluate what's happened and make changes. In this case, we redid the comp plan two years ago. However, with Amazon coming we have to look at this area in more detail and realize what we have doesn't work. If someone came and developed behind Amazon, we wouldn't ever get us through road. This will ensure us that we will have a transportation network that provides for future growth.

Pam Lampe of 415 N. Second Street agreed that this amendment to the Town Plan was needed but she feels area property owners should be notified of any changes.

Emma Gemmel of 207 Hancock St asked if she misunderstood that this was a rezoning.

Stephen Wensman said it's not a rezoning but a comprehensive plan amendment. It guides future rezoning's.

Emma Gemmel said but you mentioned it couldn't be residential.

Stephen Wensman said if the property were being rezoned to something different, you'd have to follow the plan. With our new subdivision standards, they have to be compliant with the comprehensive plan which is one of the four findings of fact. It would make it hard to be a residential development if it was non-compliant with the comprehensive plan.

Emma Gemmel asked what about the property now?

Stephen Wensman said without this amendment this property could become a residential development.

Debbie Howard made a motion to recommend the Town Council approve the proposed amendments to the Transportation Plan and Comprehensive Growth Management Plan, seconded by Sloan Stevens. Denied by Doris Wallace, Mark Lane, Stephen Upton and Ashley Spain.

Stephen Wensman asked if those opposed were due to the first call mail notification concerns. They answered yes.

**ZA-21-08 Regulations for Signs:** Staff is proposing an amendment to Town of Smithfield Unified Development Ordinance, Article 10, Part III Regulations for Signs.

Mark Helmer stated that the Town of Smithfield Planning Department is proposing an update to the Sign Code to allow additional wall signs for commercial business. The proposed ordinance provides for additional wall signs for commercial properties and other amendments.

Mark Lane asked if the ordinance amendment would eliminate the need for the Board of Adjustment to issue sign variances?

Mark Helmer said the ordinance amendment will allow for additional sign opportunities but some land uses will always want more than what is currently allowed.

Mr. Helmer also stated that the proposed amendment does not reduce sign setback requirements due to safety concerns.

Mr. Helmer stated the proposed sign amendment makes the following changes:

- Allows for wall signs on all side of commercial buildings that have approved parking or internal drives.
- Provides additional sign area on secondary wall and secondary ground mounted signs.
- Provides a more relaxed ground mounted sign standard that will allow for sign content to be within 24 inches of the adjacent grade. Up from 12 inches.
- Allows larger ground mounted residential development sign and requires residential development signs at a minimum of two entrances when applicable.
- Updates permit requirements including eliminating late fee provision.
- Consolidates regulation for signs into distinct sections, i.e., Pole Sign area calculations have been moved to Section 10.21.1 Computation of Sign Area.
- Updates standards for all permitted signs.
- Eliminates contradicting or differing regulations for the same sign.

- Updates and clarifies temporary sign regulations.
- Moves Entry Corridor Overlay District sign regulations into the sign code.
- Updates Permitted District Signs.
- Adds high-rise signs to the commercial signage tables.
- Eliminates all the footnotes to the commercial signage tables.
- Updates pole sign regulations (billboards) to ensure conformance with NCDOT regulations.
- Improves order of regulations with signs not requiring permits and exempt signs moved to the end of the ordinance.
- Consolidates all regulations for sign lighting.

Mark Helmer reviewed changes in the sign code by section.

Mark Lane asked about the height of the sign from the ground to the bottom of the sign. He said say it's 12 inches and we're going to allow 24 inches.

Mark Helmer said the height of the sign doesn't change, it's still 6ft maximum height. If the area of the text is smaller than the maximum we allow for, it easily allows them to move the bottom of the sign up and allow them to create a larger base.

Mark Lane asked if it went to 24 inches would it be feasible to require landscaping?

Mark Helmer said the proposed amendment will allow for better landscaping around the base of monument signs but required landscaping for signs in not proposed with the current revision of the sign ordinance. In the past, sign contractor's execution of landscape plans and installation have been lacking.

Doris Wallace made a motion to recommend approval of zoning text amendment, ZA-21-08, 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

## **OLD BUSINESS**

**ZA-21-06 Short Term Rental:** The Town of Smithfield is requesting an amendment to Article 6 and Article 7 of the Unified Development Ordinance to allow for short term rental units and to create standards for which they must meet to be considered for approval.

Stephen Wensman said he wanted to bring this back before the board since it was tabled at the last Planning Board meeting. He requested feedback from the board.

Doris Wallace said it seems as though there is nothing, we can do about these short-term rentals.

Stephen Upton asked if there was anything we could do not ban these short-term rentals?

Stephen Wensman said they are not allowed in our zoning code but they exist. They are hard to enforce. We have a complaint-based code, if anyone does complain we can try to shut them down. They are almost statutorily protected.

Mark Lane asked why we couldn't shut them down if they are out of compliance?

Stephen Wensman said because we have a complaint-based code. We did have one come in and apply for a zoning permit as a BnB because we didn't have any Airbnb regulations. I can't prove they are a true

BnB because we don't work on the weekends to make sure they are serving breakfast and living on the premises.

Stephen Upton asked if there was anyone that could do that on the weekends?

Stephen Wensman said Tommy Choe, our code enforcement officer said at one time that he would. He works off hours and is part-time so he really can't be here then.

Mark Lane feels if this passes it is opening the door to others to open short term rentals.

Debbie Howard asked how tough is it to enforce when the operators post pictures of their houses online advertising their home.

Stephen Wensman said we could enforce it but no one has asked us to. We are complaint based so until we get a complaint there's not much we can do.

Sloan Stevens asked what kind of taxes the home owners pay operating as an Airbnb?

Stephen Wensman said they have to pay the occupancy tax.

Mark Lane asked if it gets inspected by the health department?

Stephen Wensman said he doesn't know.

Stephen Wensman said if the board is split on this, he isn't going to take it to the Town Council. If later in the future this board wants to revisit this we can.

Stephen Upton asked for a motion and no one made one. He said it dies from a lack of a motion.

### **Adjournment**

Being no further business, Ashley Spain made a motion seconded by Mark Lane to adjourn the meeting. Unanimously approved.

Respectfully Submitted,



Julie Edmonds  
Administrative Support Specialist