

The Smithfield Town Council reconvened its December 1, 2020 meeting on December 7, 2020 at 6:30 pm in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:
John Dunn, Mayor Pro-Tem
David Stevens, District 2
Travis Scott, District 3
Dr. David Barbour, District 4
Stephen Rabil, At-Large
Roger Wood, At-Large

Councilmen Absent
Marlon Lee, District 1

Administrative Staff Present
Michael Scott, Town Manager
Shannan Parrish, Town Clerk
Stephen Wensman, Planning Director

Reconvene the December 1, 2020 regular meeting

Mayor Moore reconvened the meeting at 6:31 pm.

Consideration and request for approval to adopt ZA-20-03 (Amendments to the UDO)

Planning Director Stephen Wensman informed the Council that ZA-20-03 affected Articles 3,4,5,6 and 7 of the Unified Development Ordinance (UDO). He explained the current Special Use Permit Application process. The proposed process would send the request to the Planning Board to hold a noticed meeting for the applicant and adjacent property owners. Minutes of these meetings would not be sent to the Council, but a major concepts from those meetings would be conveyed by staff to the Town Council. Mr. Wensman explained the conditional zoning process would be the same, but it would be a rezoning (legislative in process) instead of a quasi-judicial process. The Planning Board would hold a noticed meeting to review and make recommendations to the Council. Minutes of those meetings would be sent to the Council and the Council would conduct the public hearing.

Mr. Wensman highlighted the changes to Article 3 stating that most of the changes were due to the NCGS 160D. The Town's code must match the new provision of the State law. Included was the Planning Board's review of quasi-judicial decisions. The Historic Properties Commission would also be removed from the Administrative Code of Ordinances and added to the UDO.

Mr. Wensman highlighted changes to Article 4. Staff added a chart outlining the types of permits and the permit processes. It provides more clarity to the permit process. Included were expirations of Special Use Permits in the event the use ceases for six months. This would allow staff to ensure that the uses are brought into compliance. The Council suggested amending the permit/process table to further clarify the abbreviations. Mr. Wensman explained the Town Attorney had requested that the Finding of Fact be reduced from eight finding to four. Council requested clarification on the additional meeting being proposed for the Special Use Permit Process. Mr. Wensman responded the Planning Board would hold a workshop type forum with the applicant and adjacent property owners to determine if there were any issues. This would allow both the applicant and the adjacent property owners to hire expert witnesses for the quasi-judicial hearing held before the Town Council. No recommendation or minutes from those meetings would be sent to the Council because it could be considered as ex parte communication. Mr. Wensman explained that the table of permitted uses supports conditional zoning but because the processes are the similar, applicants will be able to choose if they want to pursue the conditional zoning permit process or the special use permit process.

Mr. Wensman highlighted changed to Article 5. He explained that Article 5 was the development review process. Staff reorganized some of the information to make it understandable. Also, preliminary plat approval will be a quasi-judicial process.

Mr. Wensman highlighted changes to Article 6. The proposed amendment allows for the R-6 rezoning. It was the consensus of the Council to keep the prohibition on the new rezoning to R-6 except in unusual circumstances. Mr. Wensman reviewed the changes to the table of permitted uses. It was the consensus of the Council to make the following changes to the table of permitted uses:

- Added Propane filling stations as an accessory use separate from bulk fuel stations.
- Kept Community Colleges as SUP in all Commercial and Industrial Districts except permitted in O/I
- Schools kept as SUPs in residential districts

- Cemeteries kept as SUP in R-20A
- Clubs, public or private amended to be Club or Bar, private to reflect new ABC rules
- Amended Crematory to read as Crematory, human and added districts permitted to match funeral homes. Did not combine categories because they may occur as separate land uses.
- Amended Government Public Safety to keep as special uses in residential districts.
- Amended Public Utility/Public Works Storage and Service Yards to be permitted in the LI District.
- Created a separate land use for Waste water treatment that is a SUP in all districts.
- Amended Building materials manufacturing sales and storage
- Added Pharmaceutical manufacturing as a special use with standards in LI and Permitted with standards in HI.
- Clarified the land use category: Textiles
- Amended Loft and Studio Apartments to reference the same supplemental standard as Dwelling in Principal Business as an Accessory Use.
- Added "State Sponsored" behind category ABC Stores.
- Added Drug Stores as a Permitted Use with Standards to the O/I District because hospitals often have drug stores within them.
- Amended category Flea Markets making it a special use with standards in the B-3 District.
- Amended Parking Lots, Commercial as a Principal Use to be SUPs in the commercial districts.
- Kept Tattoo and Body Piercing as special uses.
- Amended Taxi Stands to be permitted use in the B-2 District.
- Kept Wholesale Merchants as Permitted Uses in the B-1 and B-2 Districts
- Kept Solar Farms as Special Uses in the R-20A, LI and HI Districts
- Kept Wholesale of gasoline, chemical and bulk terminal plants as special uses in the HI District having separated Propane Filling Stations as an Accessory Use.

Mr. Wensman highlighted changes to Article 7 explaining these were the supplemental regulations.

Council asked that the changes discussed be incorporated and provided to Council prior to the January meeting. This would be placed on the January regular agenda for consideration.

Adjourn

Councilman Barbour made a motion, seconded by Councilman Stevens, to adjourn the meeting. The meeting adjourned at approximately 9:14 pm.

ATTEST:

M. Andy Moore, Mayor

Shannan L. Parrish, Town Clerk