

The Smithfield Town Council met in regular session on Tuesday, May 21, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

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

Councilmen Absent

Stephen Rabil, At-Large

Administrative Staff Present

Michael Scott, Town Manager  
Ted Credle, Public Utilities Director  
Jeremey Daughtry, Fire Chief  
Lawrence Davis, Public Works Director  
Andrew Harris, Assistant Finance Director  
Pete Hedrick, Chief of Police  
Gary Johnson, Parks & Rec Director  
Tim Kerigan, Human Resources  
Shannan Parrish, Town Clerk  
Greg Siler, Finance Director  
Stephen Wensman, Planning Director

Also Present

Bob Spene, Jr., Town Attorney

Administrative Staff Absent

**Call To Order**

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

**Invocation**

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

**Approval of the Agenda**

Councilman Dunn made a motion, seconded by Mayor Pro-Tem Wood, to approve the agenda with the following changes:

**Remove from the Business Items**

1. Consideration and request for approval to adopt Ordinance No. 518-2023 creating a Social District in Downtown Smithfield

**Move Citizens Comments to before the Public Hearings**

Unanimously approved.

**Citizens Comments:**

- Edward Barfield of North Fourth Street expressed frustration for flooding in his area. He explained that the issues persists because the Town will not fix the drainage in the area.
- Robert Stanley reiterated the concerns raised by Mr. Barfield regarding the drainage and flooding issues. As a trustee of First Missionary Baptist Church, Stanley explained that they have to sandbag around their doors to prevent flooding. Last Saturday, May 18th, around 9 PM, the water was well above his ankles when he went to check on the church. The drainage system has been inadequate. He emphasized the need for help to resolve this problem.
- Barbara Monk, Deaconess of First Missionary Baptist Church, stated she felt that the drainage issues of Fourth and Caswell Streets are not a priority to the Town.
- Tracey Sanders expressed concerns about a proposed rehabilitation home for substance abuse in our established neighborhood. I'm not against providing second chances, but this neighborhood has been a close-knit, welcoming community for over 20 years. My concerns include the potential turnover rate and the impact on families with children, including my own grandchildren and neighbors' kids. I'm worried about the potential risks, such as relapses and safety issues, that might arise. This was not properly communicated to us, and I urge someone to look into this matter and consider the community's concerns.
- Julianna Martin reiterated Mr. Sanders concerns stating she did not feel safe with a men's recovery house in the well-established neighborhood she called home.

**Public Hearings:**

1. **Annexation Request - SST Properties (ANX-21-04):** SST Properties has petitioned to voluntarily annex 15.26-acres (a portion of the parcel with the Johnston County Tax ID# 15077033C), located north of M. Durwood Stephenson Parkway and East of US Highway 70 Business West into the Town of Smithfield Corporate Limits

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

Planning Director Stephen Wensman explained that SSD Properties (Samet) was requesting annexation for a section of the Western Smithfield Industrial Park. This annexation involved extending the town's corporate boundaries to include areas previously left out, especially the southern line with two triangular sections. This property was critical for the development and marketing of the West Smithfield Industrial Park.

The annexation would ensure the entire development site was within the town's limits, facilitating proper development. Smithfield will provide public water and sewer services, and the Police Department already offers protection. Fire protection is managed by the town's Fire District, while Public Works will not be impacted since they don't service industrial properties. The future road will be maintained by NCDOT upon public dedication.

The annexation complies with legal requirements and necessitates a public hearing. The Council has three options: approve the annexation and adopt ordinance 519-2024, table the decision for up to six months, or deny the petition.

Mayor Moore asked if there were any questions by the Council.

Councilman Scott inquired about the zoning of the property. Mr. Wensman responded it was zoned Light-Industrial.

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

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

Councilman Barbour made a motion, seconded by Councilman Stevens, to adopt Ordinance No. 519-2024 approving the annexation request.

**Town of Smithfield  
North Carolina  
ORDINANCE No. 519-2024 to extend the  
corporate limits of the Town of Smithfield**

WHEREAS, the Town Council has been petitioned under NCGS 160A-31 to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was held in the Smithfield Town Hall Council Chamber located at 350 East Market Street, Smithfield, North Carolina at approximately 7:00 pm on May 21, 2024, after due notice; and

WHEREAS, the Town Council finds that the petition meets the requirements of NCGS 160A-31.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Smithfield that:

Section 1. By virtue of the authority granted by NCGS 160A-31, the following described contiguous property owned by the Town of Smithfield is hereby annexed and made a part of the Town of Smithfield effective immediately.

**SST PROPERTIES, LLC ANNEXATION - LAND DESCRIPTION**

ALL THAT CERTAIN PARCEL OF LAND LYING IN JOHNSTON COUNTY, NORTH CAROLINA BEING THE WESTERN PORTION OF THE PREMISES SHOWN IN PB 67 PG 40 TITLED "RECOMBINATION MAP FOR JOSEPH IRA LEE, JR. HANNAH RUTH JOHNSON LEE" AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE AT THE NORTHERNMOST CORNER OF LOT 9 WESTVIEW SUBDIVISION RECORDED IN PB 14 PG 119 AND IN THE COMMON LINE OF LOT 2 OF A MAP TITLED "RECOMBINATION PLAT RDU2" RECORDED IN PB 93 PG 241 AND THE WEST LINE OF LAND SHOWN IN PB 67 PG 40 AND WITH SAID COMMON LINE RUNS;

THENCE, N 02°01'53" E A DISTANCE OF 828.46' AN EXISTING IRON PIPE AT A COMMON CORNER OF PB 93 PG 241 AND PB 67 PG 40, AND RUNS;

THENCE, S 89°00'24" E A DISTANCE OF 576.84' TO AN EXISTING IRON PIPE AT A COMMON CORNER OF PB 93 PG 241 AND PB 67 PG 40, AND RUNS;

THENCE, N 01°43'58" E CROSSING AN IRON PIPE AT THE CORNER OF LOT 1 OF PB 93 PG 241 AT 363.45' AND CONTINUING FOR A TOTAL DISTANCE OF 883.39' TO AN EXISTING IRON PIPE IN LANDS DESCRIBED IN DB 1897 PG 945 NOW OR FORMERLY IN THE NAME OF HEATH STREET #215 LIMITED PARTNERSHIP AND RUNS;

THENCE, S 88°59'06" E A DISTANCE OF 816.01' WITH HEATH STREET TO AN EXISTING IRON PIPE IN LANDS DESCRIBED IN DB 5184 PG 467 NOW OR FORMERLY IN THE

NAME OF KALSBECK, AND RUNS;

THENCE, THROUGH SAID PARCEL OF LAND SHOWN IN PB 67 PG 40, S 40°39'47" W A DISTANCE OF 2,223.28' THE POINT AND PLACE OF BEGINNING AND HAVING AN AREA OF 680,683 SQUARE FEET, OR 15.626 ACRES to be the same MORE or LESS.

Section 2. The Mayor of the Town of Smithfield shall cause to be recorded in the office of the Register of Deeds of Johnston County, and in the office of the Secretary of State in Raleigh, North Carolina an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall be delivered to the Johnston County Board of Elections, as required by NCGS 163-288.1

2. **Rezoning Request – Johnston County (RZ-24-02):** Johnston County is requesting a zoning map amendment to rezone two properties, 86.2 acres and 5.53 acres in size (Johnston County Tax IDs 15L11014A and 15L11014E) located approximately 1,100 feet east of the Yelverton Grove Road and US Highway 70 Business East intersection from B-3 (Business) and R-20A (Residential-Agriculture) to O/I (Office/Institutional).

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

Planning Director Stephen Wensman explained that the parcel highlighted in yellow is being considered for rezoning to a larger Office and Institutional (O&I) district. This parcel, located near US 70, is currently used for farming and a former Manufactured Home Park. The proposed future use is for government offices and other public uses.

Environmentally, the only major feature is a blue line stream running north to south through the property. The comprehensive plan envisioned a larger O&I zoned area around a commercial node at the intersection, and although the development isn't exactly as planned, it aligned with the goal of creating a larger O&I district.

Permitted uses in the O&I district include government offices, public safety facilities, utility and Public Works storage yards, and pump stations. The staff finds the rezoning request consistent with the comprehensive plan and compatible with surrounding land uses, as it expands the existing O&I district.

Staff recommends approval of rezoning stating it was consistent with the town's comprehensive growth plan, unified development code, and in the public interest.

Mayor Moore asked if there were any questions by the Council. There were none,

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

Brian Leonard with BRL Engineering and Surveying stated he was in attendance to address any questions and provide additional background on the rezoning request by Johnston County for about 86 acres, known as the Massey tract, near the existing detention facility. Johnston County owns a small 5.5-acre tract north of US 70 and has recently rezoned 49 acres to O&I for expanding government facilities. This request aims to rezone the larger Massey tract for future administrative and service-based facilities, such as office space.

Environmental considerations include a stream bisecting the property, which creates a natural buffer to adjacent residential areas. Discussions with public utilities indicate that water and sewer services can be extended to the site, with no current capacity constraints.

Regarding traffic, NC DOT data from 2022 shows consistent vehicle counts on Yelverton Grove Road and US 70. A comprehensive traffic study will be required for future development, including potential signalization and turn lanes. The county is prepared to address these requirements.

In conclusion, we believe this rezoning request aligns with the comprehensive plan and is in the public interest. We appreciate your consideration and are available to answer any questions.

Councilman Stevens questioned if there would be any type of buffer from this property to the adjacent residential area. Mr. Wensman explained that staff would ensure that the proper buffer required in the UDO would be installed.

Mayor Moore inquired if the county had any plans to annex the property into the town. County Manager Rick Hester responded that there are currently no plans for the site and that any annexation considerations would have to be revisited in the future.

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

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to approve zoning map amendment, RZ-24-02, 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. Unanimously approved.

3. **Rezoning Request – 1558 West Market Street (RZ-24-03):** Lena Patterson Parks was requesting a zoning map amendment to rezone 2.41 acres of land (Johnston County Tax ID 15077033B), located at 1558 West Market Street between M. Durwood Stephenson Parkway and Fareway Drive from R-20A (Residential-Agriculture) to B-3 (Highway Entranceway Business).

Councilman Barbour made a motion, seconded by Councilman Dunn, to open the public hearing. Unanimously approved.

Planning Director Stephen Wensman explained that the parcel in question was adjacent to an auto sales salvage yard and R 20-A property to the north, which was designated for light industrial use. The proposed zoning was B-3 Highway Entranceway Business for a currently vacant property intended for business use. This property was serviced by Smithfield water and sewer and Duke electricity, with no known environmental issues.

The Comprehensive Plan guided this property for mixed-use, allowing the market to determine its development. The proposed B-3 zoning aligns with this guidance, as it is the most expansive commercial district with numerous permitted and special uses. Staff finds the application consistent with the growth management plan, the unified development code, and compatible with surrounding land uses. Staff recommends approval, declaring the request consistent with the town of Smithfield Comprehensive Plan and other adopted plans, and that the amendment is reasonable and in the public interest.

Mayor Moore asked if there were any questions by the Council.

Councilman Scott questioned if there would be any access to the highway for this parcel. Mr. Wensman responded he was unsure if there would be highway access.

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

Susan Lassiter explained that the property in question belongs to Lena Patterson Parks, who now resides in Washington State. The home that was on the property has been removed, making it vacant. There is an existing small driveway from US 70, suitable for a home, and potential access could be developed from Fairway Drive if the town desires.

Currently, Ms. Parks has no specific use planned for the property as it is for sale. The future use will depend on the buyer, provided it complies with the zoning code. They are requesting consideration for rezoning the property from residential to a more appropriate commercial use.

Councilman Dunn made a motion, seconded by Councilman Barbour, to close the public hearing. Unanimously approved.

Councilman Dunn made a motion, seconded by Mayor Pro-Tem Wood, to approve zoning map amendment, RZ-24-03, finding it 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. Unanimously approved.

4. **Rezoning Request – Heavner Properties (RZ-24-04):** TerraEden Landscape & Design, LLC. is requesting a Zoning map amendment to rezone 9.61 acres of land (.806 acres located north of Powell Street and west of Adams Street with Johnston County Tax ID 15089019A) (8.77 acres located north of Hartley Drive, between Adams Street and Coats Drive, and south of M. Durwood Stephenson Parkway with Johnston County Tax IDs 15K09010A & 15K09010P) from R-10 (Single-Family Residential) and R-20A (Residential-Agriculture) and to R-8 (Single, Two, and Multi-Family Residential).

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

Planning Director Stephen Wensman explained that the applicant, Paul Ambler, is representing Mr. Heavener in the rezoning of 9.611 acres of land from R-20A and R-10 to R-8. The parcels to be rezoned are highlighted in yellow, while a portion south of Powell will remain R-10. The area is shown on the map and will be retained by the owner.

Surrounding areas include B-3 property to the southwest, industrial zoning to the west, additional R-20A to the east, and R-8 north of Hartley on both sides. Most of the area is currently zoned R-10. The property was within the town, serviced by Smithfield for water and sewer, with Duke providing electricity. There were no known environmentally sensitive areas on this property.

The Comprehensive Plan designated this area for medium-density residential, making the proposed R-8 zoning consistent with this designation. Staff finds the rezoning consistent with the comprehensive growth plan and adjacent land uses. Planning staff recommends approval of rezoning RZ 2404, stating it aligns with the town's comprehensive growth plan and other adopted plans, and is in the public interest.

Mayor Moore asked if there were any questions by the Council.

Councilman Barbour questioned if there was access to the property. Mr. Wensman responded the road would have to be extended and built.

Mayor Moore questioned if there would be access to M. Durwood Stephenson Parkway. Mr. Wensman responded that road was a restricted road and no access would be permitted.

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

Paul Embler speaking on behalf of Mr. Heavner explained that the property has been inspected for wetlands and buffered streams, and both the DWQ and Corps of Engineers confirmed there are no wetlands or buffering streams present.

Access to the site via Durwood Stephenson is not permitted; access will be through Hartley Drive, which is currently a dirt path with only a water line. There are two ditches along Hartley Drive, which converge and direct water down to the bank. Engineering assessments indicate that water flow can be managed.

Regarding the R-10 area along Hartley Drive, the property is owned by those who front Powell Street, with the back portions used only for accessory structures.

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

Councilman Barbour made a motion, seconded by Mayor Pro-Tem Wood, to to approve zoning map amendment, RZ-24-04, finding it 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.

- 5. Conditional Zoning Request – Local 70 PUD (CZ-24-02):** Smithfield Growth LLC is requesting approval of a rezoning of a 163.62-acres of land ( Johnston County Tax IDs 14057011Y, 145057011X and 14057011Y) located on both sides of M. Durwood Stephenson Parkway, bordered by Booker Dairy Road on the west and Highway 70 Bypass on the east, and north of the Smithfield Walmart from R-8 (Single, Two, and Multi-Family Residential) and B-3 (Highway Entranceway Business) to PUD Conditional for a mixed use development.

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

Planning Director Stephen Wensman discussed a conditional zoning request for a large development. The project includes the Walmart B-3 zone in the south and adjacent R-8 zoning to the west. The development aims to create a mixed-use community, integrating traditional and urban patterns with various land uses, building types, and open spaces for a pedestrian-friendly environment.

The project spans approximately 87 acres with a residential density of 7.23 dwelling units per acre, totaling 627 units (324 multifamily, 94 townhouses, and 209 single-family homes). The smallest lot is 40x105 feet with both front street and rear alley access.

The master plan includes lot sizes, streets, units, roadways, open spaces, and building typologies. It emphasizes mixed uses, particularly commercial and light industrial near Highway 70, and residential areas with single-family homes and townhouses around a central park and stormwater management areas.

The site is within the ETJ and will be annexed with development. It has some environmental features, including non-jurisdictional ditches and wetlands, and potentially jurisdictional ponds and streams. Smithfield will provide water, sewer, and electric services. No parks are planned, so a fee in lieu will be expected.

The development proposes a road structure with 27-foot and 33-foot wide streets, 60-foot, 56-foot, and 50-foot rights-of-way, and private driveways and alleys. Sidewalks will be on both sides of every street, with a multipurpose trail along Durwood Stevenson Parkway. Public sidewalks will also be along Booker Dairy Road and on the north side of Durwood Stevenson Parkway.

Street trees will be maintained by the HOA, and the development will have a mix of front and rear-loaded units. The plan aligns with the comprehensive growth plan, aiming to create a walkable, community-oriented development.

Mr. Wensman continued by explaining the development layout. Along Durwood Stevenson Parkway, there is a 50-foot setback from the public right-of-way. Homes along Booker Dairy Road will feature sidewalks, street trees, and evergreen hedges, with homes set back 35 feet from the roadway edge. Homes backing onto Booker Dairy Road will have street trees, a six-foot-tall fence, and landscaping to create a buffer.

The development borders Bay Hill Road and the Booker Dairy Plantation development. Existing open space and stormwater features provide a natural buffer. The developer plans to add a six-foot-high fence along the rear property lines of new units. Additionally, for two homes adjacent to Bay

Hill Drive without existing open space, the developer will install extra landscaping and fencing to ensure separation from the Bay Hill lots.

Mr. Wensman presented an exhibit detailing the proposed setbacks for the development. For homes with rear access, a reduced setback of 10 feet from the property line to the home is proposed, creating a pedestrian-friendly corridor similar to the Spring Branch development. For front-loaded homes, a 25-foot front yard setback is proposed to accommodate a full-sized vehicle in the driveway.

The exhibit also illustrates the layout options for lots, showing both front-loaded and rear-loaded configurations. Options include garages directly on the alley, set back from the alley, connected to the home with a breezeway, or detached. Townhouses are proposed to have a mix of these layout options.

Stephen Wensman explained the mix of single-family and townhouse lots in the development, which interested the planning board. The plan includes 18-foot, 20-foot, and 24-foot wide townhomes, and single-family homes with 40, 42, and 50-foot wide lots, featuring a mix of front and rear-loaded configurations. Examples of product types from other developments, such as those in Chatham County and Pittsboro, were shown for inspiration, with the Riverwalk development in Smithfield serving as a significant reference.

The minimum lot size proposed is 4,200 square feet, a 48% reduction from R-8 standards. Wensman noted that while this reduction has been contentious in the past, it is suitable for this urban, walkable, pedestrian-friendly development. The plan includes infrastructure like street trees, alley access, short blocks, and sidewalks on both sides, creating a dense but well-designed neighborhood.

Architectural standards emphasize high-quality materials like EFIS and Hardy board for the front facades, with unique features and color variety to enhance the streetscape. Garage doors for front-loaded homes will be set back 25 feet from the right-of-way. The proposed building height is 60 feet, which is nearly double the town's standard but aligns with the urban character intended for the development.

Overall, the plan aims to create a cohesive, pedestrian-oriented community with strong architectural design and ample amenities, aligning with new urbanist principles.

Councilman Stevens questioned if the developer was only proposing one side of high-quality building material.

Stephen Wensman explained the proposed development's detailed design and zoning requests. Key points include:

**Setbacks:** Rear-access homes have a 10-foot setback from the property line, promoting pedestrian-friendly streets, similar to the Spring Branch development. Front-loaded homes have a 25-foot setback to accommodate full-size vehicles.

**Lot and Building Mix:** The development includes 18, 20, and 24-foot wide townhomes and single-family homes with 40, 42, and 50-foot wide lots. The architectural inspiration comes from various developments, emphasizing high-quality materials and urban, walkable designs.

**Minimum Lot Sizes and Densities:** The smallest lot is 4,200 square feet, a significant reduction from R-8 standards, deemed appropriate for the urban, pedestrian-focused layout. The proposed building height is 60 feet, consistent with the intended urban character.

**Street and Infrastructure Design:** The development includes street trees, short blocks, sidewalks on both sides, and various amenities, maintained by the HOA. Street designs feature different rights-of-way (50-60 feet), alley access, and parking arrangements.

**Non-Residential Zoning:** Reduced setbacks (14 feet) for non-residential buildings, with a building height of up to 72 feet. Visibility and side yard setbacks are addressed to ensure safety and compliance with sight visibility standards.

**Townhouses and Multifamily Units:** Proposals include a mix of front and rear-loaded townhouses, maintaining a minimum of 20 feet between buildings. Multifamily buildings will have a consistent architectural style and high-quality materials on front facades.

**Conditions and Deviations:** The plan includes several deviations from standard codes, emphasizing the creation of a comprehensively designed neighborhood. Conditions include alley access for narrow townhouses, maintaining sight visibility at intersections, and HOA maintenance of street trees.

**Approval Recommendations:** The planning staff and board recommend approval of the rezoning request, noting its alignment with the comprehensive growth plan and compatibility with surrounding land uses. Conditions for approval ensure adherence to design standards and infrastructure requirements.

Mayor Moore asked if there were any questions from the Council.

John Dunn asked about the recommendation to have setback dimensions measured from the property line rather than from the public sidewalk.

Mr. Wensman explained that the architectural standards discussed measurements from the public sidewalk, but their code measured from the property line. He emphasized the importance of setbacks being measured from property lines because the location of the sidewalk might not be certain in real development, whereas property lines are definite. He noted that this discrepancy highlighted the need for clear communication between creative design and code requirements to ensure future codifications reflect measurements from property lines.

Councilman Scott expressed confusion about the purpose of having a UDF if recommended lot sizes for single-family homes weren't followed. He found the connection to Bay Hill Drive unreasonable and unfair, suggesting it needed improvement. He also raised concerns about traffic, noting that while the area was described as urban and walkable, the adequacy of parking was questionable given the prevalence of car ownership in the region.

Mr. Wensman acknowledged the parking concerns, explaining there were various parking options including alleys, street parking, and a courtyard in the center of townhomes. He pointed out that despite some issues with parking, the development would need to meet code requirements.

Councilman Stevens asked about parking arrangements, noting various options such as open spaces, alleys, rear parking, parking lots, and driveways.

Mr. Wensman acknowledged the lack of detailed information about driveways at the zoning stage, leaving it to the developer to provide more specifics. He highlighted the flexibility allowed by conditional zoning and questioned whether the benefits, such as shorter blocks, street trees, high-quality architectural materials, and cohesive open space concepts, were sufficient. Mr. Wensman emphasized that the code permits flexibility if it's beneficial and questioned what the community would gain in exchange. He noted that features like shorter blocks, street trees, high-quality materials, and a cohesive open space concept were potential benefits, though parking might still need work.

Councilman Stevens expressed a concern about ensuring that high-quality architectural standards presented in plans were actually built. He questioned how to ensure these standards were codified, whether at the current stage or the next, stressing the importance of having quality homes materialize as planned. He mentioned that homes facing public roads should have high-quality materials, and corner lots should also maintain this standard. Stevens acknowledged the challenge of accepting smaller lots but noted that people were willing to live in neighborhoods with smaller lots if the homes were of high quality.

Mr. Wensman clarified that the current architectural standards required high-quality materials on the front of homes but might allow vinyl on the sides and rears. He emphasized that the architectural code would be followed throughout development and suggested that additional details could be included if necessary. He indicated that the developer could address these concerns and that conditions could be applied if needed.

Jody Leidolf the engineer for the project introduced himself to the Council and stated he would respond to any questions.

Councilman Dunn asked about the proposed building heights, noting that the normal limit was 40 feet, while the proposal was for 70 feet for standalone houses and 72 feet for commercial buildings. He questioned the need for such heights.

Mr. Leidolf explained that the standards included 60 feet for single-family homes, with an increase to 63 feet for multifamily homes and 72 feet for commercial buildings. The rationale was that typical homebuilders would construct two-and-a-half-story homes with features like roof peaks and dormers. The building height wasn't a significant issue in this community due to the typical product type and architectural expression. However, they were willing to condition the height to 48 feet if necessary.

Councilman Dunn asked about the lot sizes, noting the minimum was 42 feet but there would be larger ones.

Mr. Leidolf explained that the minimum lot size was 4,200 square feet (40 by 105 feet), with typical lots being 115 feet. Rear-loaded lots could go down to 40 feet. Larger lots allowed for the inclusion of front-load garages, with homes set back 25 feet from the right-of-way to ensure parked cars wouldn't extend over the sidewalk.

Councilman Dunn asked about the parking arrangements in the diagrams, noting that rear-loaded lots had detached garages with a 25-foot setback, allowing for driveway parking, while others had a four-foot setback. He also questioned where residents would park if their garages were used for storage.

Mr. Leidolf explained the goal was to prevent parking that blocked alleys by either placing garages close enough to the alley or far enough away for full car stacking. For lots with a four-foot setback, there would be on-street parking, managed to ensure one lane of parallel parking. Enforcement would be through signage and marking. Roads would be maintained publicly, while alleys would be private and managed by an HOA, which could enforce parking rules.

Mayor Pro-Tem Wood raised concerns about parking on both sides of the street potentially causing

safety issues, especially for emergency vehicle access.

Mr. Leidolf explained that the street width (33 feet) was designed to allow fire trucks to pass even with parking on one side. The design aimed to slow traffic and improve pedestrian safety. The speaker acknowledged the balance between traffic calming and access.

Councilman Scott asked about trash can placement and storage. Mr. Leidolf suggested that trash cans be stored in garages or screened areas.

Councilman Dunn asked about traffic flow and driveway access, specifically concerning right turns and traffic patterns. He also inquired about traffic studies.

Mr. Leidolf responded that a traffic engineer was already engaged, and a full traffic study would be required at the next project stage. He anticipated logical improvements, such as stoplights, to manage traffic flow effectively. The design aimed to integrate well with existing traffic patterns and community needs.

Councilman Scott asked about stormwater management within the development. The developer explained that stormwater management was designed to be a community feature, with enlarged stormwater management ponds integrated into the 30% open space, providing recreation and trails. They noted that ponds extended from indoor areas to the community, and dirt from these ponds would help raise finished floor plans to avoid drainage issues, also addressing water redirection concerns.

David Barbour inquired if the ponds were static containers or had some motion to prevent issues like algae buildup. The developer stated that ponds would likely include fountains to aerate and move water, preventing algae. The design aimed for the ponds to be visually and functionally appealing.

David Barbour expressed concern about maintenance of the ponds if the HOA failed, referencing past issues with similar developments. Mr. Wensman mentioned that new stormwater ordinances required HOAs to maintain escrow accounts for pond maintenance, addressing concerns about future maintenance.

The developer summarized the project's intent to transition zoning consistent with the comprehensive plan, creating a mixed-use community reflective of Smithfield's fabric. They highlighted efforts to balance density with smart growth, maintaining infrastructure and services already in place, and collaboration with the planning board to lower density and adjust lot sizes. They emphasized the importance of connectivity and intentional community design.

Councilman Stevens suggested conditioning the project to exclude vinyl siding to ensure high-quality construction. The developer agreed, stating that builders were willing to use Hardie plank instead of vinyl, and they were open to conditioning the development to exclude vinyl siding.

Mayor Moore expressed concern about maintaining the discussed standards should the developer sell or go out of business, and ensuring the project's quality remains consistent. Stephen Wensman assured that conditions and design codes would run with the property, requiring any future developers to adhere to the same standards unless they sought changes through proper channels. He emphasized that parking and other details would be further addressed at the preliminary plat stage.

Town Attorney Bob Spence asked how many lots would have two car spaces and the types of parking configurations. The developer confirmed that all lots would have two car spaces in the garage. Front-loaded lots would have stacking space in the driveway, and townhomes might have stacked depending on garage placement. It was emphasized that alley-loaded garages with a four-foot setback would still have two car spaces, but placement might vary to allow stacking. The developers agreed to condition no vinyl siding on single-family and townhomes and mentioned that multifamily buildings would not have vinyl on the first floor. They provided examples of similar projects by Carolina Commercial to illustrate this standard. They also committed to addressing stormwater management for Bay Hill Drive.

Mayor Moore emphasized the importance of ensuring that the standards discussed for the property would remain consistent if the property changed ownership.

Mr. Wensman explained that architectural standards would be reviewed in more detail at the preliminary plat stage and included in HOA documents. The process ensured consistency through multiple reviews, including plot plans and zoning permits, with ongoing checks by staff. He shared an example of verifying garage sizes in another development to illustrate their diligence in maintaining standards.

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

Mark Lane, Chairman of the Planning Board, reminded the Council that the Planning Board had initially placed three additional conditions on the project. He noted that he wanted to ensure these conditions were considered, particularly the condition regarding Bay Hill Drive.

Mr. Wensman confirmed that two of the conditions had been addressed in the recent submission. The third condition, which involved repaving Bay Hill Drive, was not included in the conditions of



approval because staff did not support it. Wensman argued that it was unfair to require the developer to repave a public street not directly impacted by their development.

Mr. Lane clarified that while he had voted against the entire project, he wanted to ensure the Council was aware of the Planning Board's concerns. He noted that some Planning Board members felt the developer should contribute more, given the potential use of Bay Hill Drive by large trucks and delivery vehicles. He emphasized that it was up to the Council to decide whether to remove or keep this condition.

Mr. Wensman reiterated that the condition regarding Bay Hill Drive was omitted because staff did not recommend it. He assured that the other conditions had been addressed through redesigns, making them unnecessary as conditions.

Pam Lampe, from 415 North Second Street, thanked the developers, Local 70, for their investment and for listening to community concerns at the planning board meeting. She appreciated the improved buffer and was impressed with the quality of their projects, particularly in the Carolina Colors community in New Bern, North Carolina. She hoped this project would meet similar high architectural standards. She highlighted her main concerns, which included lot size, adequate parking, traffic congestion on Booker Dairy and Bay Hill Street, and the lack of siding on all four sides of houses. She noted that Sloan Stevens had addressed the siding issue. She preferred the UDO-prescribed minimum lot sizes of 8,000 square feet for single-family homes and pointed out that existing subdivisions like Eden Woods and Booker Dairy Plantation had larger lots. She worried about the impact of 677 homes on traffic and parking, especially since many residents drive large vehicles. Lampe questioned whether the district needed to be connected and expressed concerns about maneuverability and parking congestion in the alleys. She urged the Council to consider the needs of future residents and ensure they wouldn't face parking issues.

Emma Gemmel, from 207 Hancock Street, thanked the Council for the improvements made but expressed continued concerns, particularly regarding Bay Hill. She suggested closing Bay Hill to prevent drainage issues caused by runoff from concrete and pavement, as impervious materials were not being used. She questioned what benefits Bay Hill residents and the town would receive, noting the town would need to maintain and stripe the new pavement. She suggested adding another road instead of more houses to reduce the traffic burden and construction issues, noting that developers prioritized monetary gains over community benefits.

It was mentioned that the fire marshal recommended opening up Bay Hill for better accessibility. Mr. Wensman elaborated that connectivity standards in the code required connecting to adjacent properties, with a minimum of two exits for multifamily developments. He noted that Bay Hill currently dead-ends, making it difficult for fire trucks to turn around. Extending the street would allow fire trucks to enter and exit more easily, enhancing safety. He emphasized that the new street network would distribute traffic, with cars potentially using multiple routes rather than solely relying on Bay Hill.

Mayor Pro-Tem Wood questioned whether Bay Hill could be closed off instead. Mr. Wensman responded that the council had the authority to make such decisions but reiterated the importance of connectivity per the code. He mentioned the singular proposed connection to Bay Hill on the south side near the pond.

Councilman Stevens suggested that closing Bay Hill would force all traffic to use Eden or Booker Dairy, potentially overloading those routes. He believed that maintaining connectivity would distribute traffic more evenly and benefit future commercial developments, like a potential Harris Teeter. Stevens advocated for keeping Bay Hill open and fixing the streets.

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

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve zoning map amendment, CZ-24-02, with the 19 conditions of approval, finding the rezoning consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans, and that the amendment is reasonable and in the public interest. Councilman Barbour, Councilman Dunn, Mayor Pro-Tem Wood and Councilman Stevens voted in favor of the motion. Councilman Lee and Councilman Scott voted against the motion. Motion passed four to two.

#### Conditions:

1. That the future Local 70 development be in accordance with the approved Master Plan, and UDO regulations with the with the following deviations:

Standard	Proposed
Street Design Standards	<ul style="list-style-type: none"> <li>• 50', 56 and 60' wide R/W</li> </ul>
<b>Non-Residential Standards</b>	
Non-Residential Minimum Setbacks	<ul style="list-style-type: none"> <li>• Front = 14' setback</li> <li>• Side = 0' setback</li> <li>• Rear = 0' setback</li> <li>• Corner Side = 0' setback</li> </ul>

Non-Residential Building Height	• 72'
<b>Single Family Detached Lot Standards</b>	
Minimum Lot Area	• 4,200 sq. ft.
Minimum Lot Width	• 40' rear loaded/42' front loaded
Minimum Setbacks	<ul style="list-style-type: none"> <li>• Front=10' setback rear loaded</li> <li>• Front =25' setback front loaded</li> <li>• Rear=15'</li> <li>• Side = 5'</li> <li>• Corner side = 10' setback</li> <li>• Garage from Alley – 1- or 19' from alley R/W</li> </ul>
Max Building Height	• 48'
<b>Townhouses (Single-Family Attached)</b>	
Min Lot Size	• 1,890 sq. ft lot
Min. Lot Width	• 18'
Minimum Setbacks	<ul style="list-style-type: none"> <li>• Front = 10' setback rear loaded</li> <li>• Front = 25' setback front loaded</li> <li>• Rear = 15' setback</li> <li>• Corner Side = 10' setback</li> <li>• Building Separation = 20'</li> <li>• Accessory =1' from rear</li> </ul>
Max. Building Height	• 48'
<b>Multi-Family Standards</b>	
Minimum Setbacks	<ul style="list-style-type: none"> <li>• Front = 14' setback</li> <li>• Rear = 15' setback</li> <li>• Side                             <ul style="list-style-type: none"> <li>○ Building Ht ≤20'=16' setback</li> <li>○ Building Ht ≤25'=25' setback</li> <li>○ Building Ht ≤30'=30' setback</li> <li>○ Building Ht ≤68'=40' setback</li> </ul> </li> <li>• Corner Side = 16' setback</li> </ul>
Max. Building Height	• 68'

2. The residential lots with front setbacks less than 25' provide for alley access in the rear.
3. In the non-residential areas with 14' front setback, a hybrid street yard that incorporates foundation shrubs shall be required.
4. Non-Residential development shall have parking on the side and rear of the principal structure if the building is setback less than 50' from the front property line.
5. That a 50' setback be maintained along M. Durwood Stephenson Parkway and 30' setback along Booker Dairy Road.

6. Townhouses that are less than 20' wide shall have vehicular access from the rear by alley or front on a parking lot.
7. The development shall comply with the town's street intersection site visibility requirements.
8. Residential lots with single car garages shall be at least 14' x 22' to accommodate a standard vehicle.
9. All setback dimensions shall be to the property line, rather than from public sidewalk or edge of road.
10. All trees in the public right of way shall be maintained & replaced when needed by a homeowners/property Owners Association.
11. The homeowner's association limit parking to one side of streets where street parking is allowed and that the parking stalls be marked in accordance with NCDOT Standards.
12. That trash rollouts be stored within garages or screened from the public rights-of-way.
13. That the stormwater ponds have fountains in them to prevent algae growth.
14. That all building facades be clad with cementitious siding (Hardy Board or sim product), masonry, EIFS or a combination of materials and that there be no vinyl siding.
15. That all single-family detached homes have standard sized 2-car garages.
16. That there shall be no construction access to Bayhill Drive.
17. The maximum building height for the detached single-family homes and townhomes shall be 48 feet.
18. The fence along Booker Dairy Road and along the Booker Dairy Plantation subdivision be a 6-foot high opaque fence.
19. That fence standards be added to the architectural requirements that will be reviewed at preliminary plat. The standards shall not allow chain link fencing.

### Consent Agenda

Mayor Pro-Tem Wood made a motion, seconded by Councilman Barbour, to approve the item listed on the consent agenda. Unanimously approved.

1. Approval was granted to adopt Resolution No. 750 (11-2024) authorizing the exchange of property pursuant to NCGS 160A-271

Town of Smithfield  
Resolution No. 750 (11-2024)  
Authorizing the Exchange of Property Pursuant to NCGS 160A-271

Whereas, the Town of Smithfield owns a 16.02-acre tract of land, also known as Johnston County Tax Id 15078011h, located on Barbour Road in Smithfield, NC, and valued at \$160,200.00; and

Whereas, Heath Street #215 Limited Partnership, owns a 11.580-acre tract of land also known as Johnston County Tax Id 17k09016j, and valued at \$115,800.00; and

Whereas, the Town of Smithfield and Heath Street #215 Limited Partnership wish to exchange the two described properties with terms and conditions set forth in more detail in the agreement between the two parties;

Whereas, as part of the agreement, the town retains a utility easement along the western line of the 16.02 acres as well as an area for a sewer pump station, but the town agrees for five years from the agreement to grant Heath Street #215 Limited Partnership taps to the town utilities free of charge, and to waive of Town System Development Fees on up to 45 lots on the adjoining parcels defined as current County GIS parcels 15078009k, 15078009j, and 15078009i; and

Whereas, North Carolina General Statute § 160A-271 authorizes the Town to make such an exchange if authorized by the Town Council by a resolution adopted at a regular meeting of the Council upon at least 10 days public notice based on a full and fair exchange of the fair market value of the two properties; and

Whereas, the Town has given the required public notice, and the board is convened in a regular meeting.

Now therefore, the Town Council of the Town of Smithfield resolves that:


1. The exchange of properties described above and outlined in an agreement between the Town of Smithfield and Heath Street #215 Limited Partnership is authorized.
2. The appropriate Town officials are directed to execute the appropriate instruments necessary to carry out the exchange.
3. Approval was granted to authorize the placement of a Historical Marker in the 200 block of Johnston Street, commemorating the desegregation of the Smithfield Library in 1957

### Business Items:

1. **FY 2024-2025 Continued Budget Discussion**  
This item was not discussed

**Adjourn**

Councilman Barbour made a motion, seconded by Councilman Dunn, to adjourn the meeting. The meeting adjourned at approximately 10:11 pm

  
M. Andy Moore, Mayor

ATTEST:  
  
Shannan L. Parrish, Town Clerk

