

The Smithfield Town Council met in regular session on Tuesday, August 20, 2024 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor Pro-Tem Roger Wood presided.

Councilmen Present:

Travis Scott, District 3
Dr. David Barbour, District 4
John Dunn, At-Large
Stephen Rabil, At-Large

Councilmen Absent

M. Andy Moore, Mayor
Marlon Lee, District 1
Sloan Stevens, District 2

Administrative Staff Present

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

Also Present

Robert Spence, Jr., Town Attorney

Administrative Staff Absent

CALL TO ORDER

Mayor Pro-Tem Wood called the meeting to order at 7:00 pm

INVOCATION

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

APPROVAL OF AGENDA:

Councilman Scott made a motion, seconded by Councilman Barbour, to approve the agenda amended as follows:

Remove from the Public Hearings: Item 3: *Special Use Permit Request – Heritage Townes at Waddell (SUP-24-02): Samuel O'Brien (Shovel Ready Johnson, Inc) is requesting a special use permit for Heritage Townes at Waddell, a 16-unit townhouse development on 1.88 acres of land in the R-8 Zoning District. The proposed development is located 19 and 21 Waddell Drive, approximately 460 feet north of the Brightleaf Boulevard and Waddell Drive intersection, and further identified by the Johnston County Tax ID#s 15005023, 15005022, and 15005022A.*

Add to the Consent Agenda: Item 2. *Special Event Amendment: Consideration and request for approval to amend the DSDC Oktoberfest event to include closing a portion of the 200 block of Johnston Street to add additional children's events.*

Add Councilmember's Comments

Unanimously approved.

PUBLIC HEARINGS:

- 1. Conditional Zoning Request - Massey Street Subdivision (CZ-24-04):** Adams & Hodge Engineering, PC is requesting the rezoning of approximately 0.38 acres of land located on Massey Street on the block between South Sixth Street and South Seventh Street, also identified by the Johnston County Tax ID 15026054 and 15026055, from R-8 to R-8 Conditional with a plan for three detached single-family residential homes

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

Planning Director Stephen Wensman explained that Adams and Hodge submitted a conditional zoning request to rezone 0.38 acres of land on Massey Street, located between South Sixth and South Seventh Streets (identified by Johnson County IDs 1506054 and 15026055), from R8 to R8 conditional. The proposal included the development of three detached, single-family homes designed as an extension of the nearby Spring Branch Commons Phase Two. These homes would feature two-story architecture with board and batten lap siding and shakes, more elaborate than those in the existing Phase Two, and would be accessed via a private 16-foot-wide alley, providing rear vehicular access. The development would match the lot sizes and setbacks of Spring Branch Phase Two.

The comprehensive plan guides this area for medium-density residential development, supporting a density of 9.68 units per acre, while this proposal offers a slightly lower density of eight units per acre. Each of the three lots would have frontage on Massey Street, and the development would be walkable to downtown, potentially reducing the need for vehicles. Two parking spaces per home would be provided in the rear, along with roll-out trash bins to be screened from public view.

Key elements of the plan included sidewalks in the Massey Street public right-of-way, shared open space

(likely used for stormwater management), and a condition for matching fencing with Spring Branch Phase Two. Conditions for approval also included securing an access easement for the alley connecting to South Sixth Street, ensuring stormwater management, and incorporating HOA agreements for the shared maintenance of amenities. Staff found the development consistent with the town's Comprehensive Plan and unified development code, recommending approval with eight conditions.

Mayor Pro-Tem Wood asked if there were any questions from Council.

Councilman Scott asked for clarification on the driveway situation, wondering if the developer would be responsible for building it. Stephen Wensman explained that the development couldn't proceed without access via an easement on the adjacent property. If the neighboring development (Spring Branch Commons Phase Two) wasn't completed first, the developer would need to build the driveway and negotiate an easement and shared maintenance of amenities.

Mayor Pro-Tem Wood asked for clarification on the wording of a condition, and Wensman confirmed it should state that the project is contingent on the construction of Spring Branch Commons Phase Two or the developer constructing the driveway and handling shared maintenance.

Councilman Barbour raised concerns about the passive open space, noting it seemed to be designated for stormwater management. Mr. Wensman acknowledged that while the space was labeled as passive open space in the master plan, it would likely be used for stormwater. Councilman Barbour also inquired if the developer would pay a fee in lieu of providing public parks, and Mr. Wensman confirmed that this would be addressed during the plat process.

Councilman Scott inquired whether there were any objections from other property owners regarding the rezoning of the Massey Street block. Stephen Wensman responded that Paul Embler, who represented the neighboring property owner, had made them aware of the project. While there weren't any formal objections, there hadn't been extensive face-to-face discussions. At the time of their last conversation, no promises or requests had been made. Councilman Scott noted that it would likely be in the best interest of the neighboring property owner to collaborate with the developer.

Councilman Barbour commented that the proposed design for the development complemented the surrounding block, suggesting it would add value and likely not face objections from neighboring property owners. He noted the design seemed compatible and did not detract from existing properties.

Stephen Wensman agreed, mentioning that as long as details like shared maintenance were worked out through the easement, it should proceed smoothly. Councilman Dunn then asked about an existing house shown in the presentation, to which Wensman confirmed it was built during Phase One, with Phase Two set to have similar homes.

Councilman Dunn expressed concerns that the fencing and architectural designs previously shown might not match what was promised, particularly in terms of shutters and window treatments. He suggested this should be addressed now to ensure the development meets the town's expectations for upgraded architecture. Mr. Wensman agreed to double-check the architectural details, emphasizing the importance of maintaining higher standards to improve the town's appearance.

Councilman Dunn expressed that he may have misunderstood the original design plan for the development, particularly regarding architectural details. He suggested adding design requirements, such as contrasting materials like vinyl and board and batten siding, to reflect what was previously shown. Councilman Barbour supported this, indicating the houses being built seemed consistent with what was presented, but agreed additional clarity would help.

Stephen Wensman confirmed that the design shown, including shaker siding, would be held to the presented images, and Councilman Dunn recommended adding a condition to ensure the homes reflect the architectural design shown in the presentation.

Further discussion focused on setbacks and fencing. Mr. Wensman explained that the fencing was consistent with Spring Branch Phase One and that the setback on one side of the property was due to a buffer with a neighboring property. Councilman Scott clarified that the space between homes would be 11 feet, with additional buffer space on the right side for the neighboring property.

Mayor Pro-Tem Wood asked if there was anyone in attendance that wished to speak on the matter. There was no one in attendance that wished to speak on the matter.

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

Councilman Scott emphasized the importance of communication between the developers of Phase One and Phase Two of the project, considering the tight space and potential differences between them. He suggested this coordination should either be a condition or clearly noted in the record. Stephen Wensman assured that communication with the adjacent landowner would be essential for the project's success, as they need to secure access. Without an agreement, the project could not proceed.

Councilman Barbour proposed including a formal condition requiring a signed agreement, to ensure access is legally recorded. Wensman confirmed that such a condition was already included, ensuring the necessary easement and agreements.

Mr. Wensman then reviewed the conditions for approval: codifying changes, securing a recorded access easement, removing the shared mail kiosk, requiring an HOA to maintain common areas, addressing

architectural standards, managing stormwater, matching fencing to Spring Branch Phase Two, providing trash/recycling storage at the rear of homes, and ensuring the design shown in the presentation matches what is built.

Councilman Dunn suggested that the new condition about architectural design be included under the architectural standards condition. Lastly, Councilman Scott raised a concern about the HOA structure, noting the potential issue of having separate HOAs for Phase One and the three houses in Phase Two. Wensman clarified that the three homes would have their own HOA unless they chose to combine with the larger subdivision, which would require legal agreements.

Town Attorney Bob Spence clarified that for the three-lot development, restrictive covenants might be more appropriate than an HOA, especially given the small number of homes. These covenants would ensure shared responsibilities, such as repaving a common driveway or maintaining a stormwater pond, without the need for a formal HOA. Mr. Wensman agreed that the condition regarding an HOA could be amended to include restrictive covenants as an alternative.

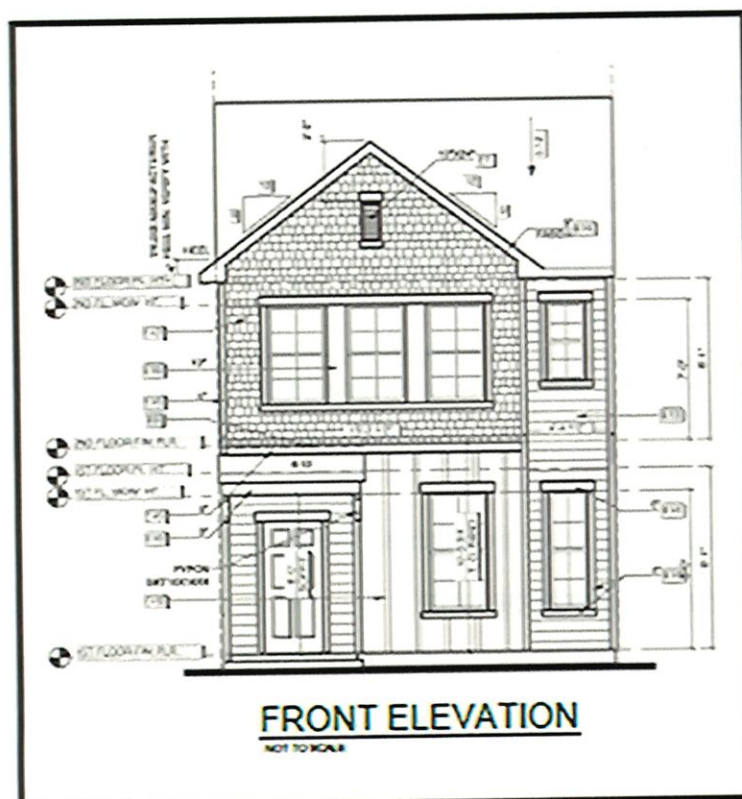
Councilman Barbour raised concerns about the long-term viability of having two separate HOAs (for Phase One and the new development), suggesting it would benefit future homeowners if the two projects were combined under one HOA. Mr. Wensman agreed to discuss this with the developers but noted it couldn't be enforced. Barbour emphasized that a single, unified HOA would help avoid future issues, as smaller HOAs often struggle with management and maintenance responsibilities.

The conversation also touched on stormwater management, with Mr. Wensman assuring that there are mechanisms in place for yearly stormwater reports and code enforcement if maintenance lapses. Councilman Barbour and Mr. Spence discussed the legal options available if the HOA or homeowners fail to maintain the stormwater pond, including the town stepping in and placing a lien on the property to cover costs.

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve approval of the conditional zoning map amendment, CZ-24-04, with 8 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. Unanimously approved.

In accordance with Article 4, Part II, the Town of Smithfield Town Council imposes the following 8 additional conditions on this Conditional Zoning request:

1. That the future development plans for the project be in accordance with the approved Master Plan and other UDO regulations with the deviations:
 - Minimum lot frontage reduction from 70 feet to 41 feet.
 - Minimum lot area reduction from 8,000 sf. to 3,444 sf.
 - Driveway (alley width) 16 feet.
 - Front Setback from 30 feet to 10 feet.
 - Side Setback from 10 feet to 5.5 feet.
 - Rear Setback from 25 feet to 20 feet.
2. That a recorded access easement be obtained for the alley access to S Sixth Street.
3. That the approval be contingent on the construction of the Spring Branch Commons Phase 2 development or permission to construct the driveway within an easement.
4. That an HOA or restrictive covenants be established to maintain common areas and amenities.
5. That architectural standards be provided and incorporated in a homeowner's association (HOA) documents and the homes will be built as depicted in the image below:



6. Stormwater management be addressed with the future preliminary subdivision plat and construction plans.
7. Fencing be installed along the street frontage matching that in Spring Branch Commons Phase 2
8. Storage pads for trash and recycling rollouts shall be provided along the rear façade of each home.

Town Clerk Shannan Parrish administered affirmations to those wishing to offer testimony during the Public Hearing.

2. Special Use Permit Request – Hartley Drive Townhomes (SUP-24-01): TerraEden Landscape & Design LLC is requesting a special use permit for Hartley Drive Townhomes, a 94-unit townhouse development on 9.611 acres of land in the R-8 Zoning District. The property is located north-west of the Hartley Drive and Coates Drive intersection, also identified by the Johnston County Tax ID 15K09010A, 15K09010P, and 15089019A.

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

Planning Director Stephen Wensman presented a special use permit request for a proposed townhouse development consisting of 94 units on 9.611 acres in the R8 zoning district. Multifamily housing is allowed through a special use permit in this district, meaning the project must adhere to all UDO (Unified Development Ordinance) codes. Unlike conditional zoning, which allows flexibility, the developer must strictly follow the established rules.

The development is located near Hartley Drive, which currently ends at an intersection and needs to be extended to provide access to the property. Though Coates right-of-way also exists nearby, it is currently unbuilt and used as a residential driveway. The developer chose to extend Hartley Drive for access rather than use Coates. The surrounding area includes industrial, R20, R8, and R10 zoning districts. Water and sewer will be provided by the Town of Smithfield, while Duke Energy will supply electricity.

The site, currently vacant and wooded, features drainage ditches running east to west, with no wetlands or floodplains present. A 20-foot sanitary sewer easement runs along the western edge of the site, and there are landlocked parcels nearby, but they do not affect the project's access or development. While the developer isn't required to provide access to these landlocked properties, some future development might negotiate additional access points.

The proposed layout includes two entrances from Hartley Drive and three rows of townhouses. The development will include a private parking lot, mail kiosk, and amenity area. The design complies with the UDO, with a Type A buffer on the sides and rear of the property and a Type C screening fence along the industrial boundary. The townhouses will be set back 40 feet from the perimeter, and there will be a 30-foot separation between buildings, adhering to building height requirements.

Hartley Drive, currently a 20-foot-wide DOT standard road, will be widened to 27 feet to meet the town's local street standards, with ditches for drainage. The road extension will include a "hammerhead" turnaround for large vehicles, which has been approved by the fire marshal. Sidewalks will be constructed along Hartley Drive. Each townhouse will have small entrance porches, patios, and storage areas, with façade modulations to break up the mass of the units. The materials will be a combination of vinyl, brick, and stone, but specific materials have not been fully identified.

The 17.5-foot-wide townhouses will be among the narrowest in the town, similar to those at East River. The buildings will be 30 feet tall, and each townhouse will have over 36 square feet of storage space, exceeding the requirements. Rollout trash containers will be stored in the rear of the buildings and moved to designated medians for trash pickup.

The development includes a 5,000-square-foot recreation area at the northern end, with parking and a mail kiosk. While there is no current plan for a playground or tot lot, the recreation area meets the requirements of the UDO. The project will have an impervious surface of 42.8%, necessitating the construction of a stormwater pond, which has been provided in the plans. The HOA will maintain the stormwater system and other common amenities.

The developer plans to run public water and sanitary sewer lines to the individual units, requiring a 30-foot-wide easement for these utilities. Although no signs have been proposed yet, if they are included, they will be placed in the open space near the entrance. A traffic study will be required because the development is projected to generate more than 800 trips per day. This study will determine whether additional streets are necessary to manage the increased traffic.

Mr. Wensman reviewed staff's opinion of the findings. They are as follows:

STAFF'S OPINION ON THE FINDINGS OF FACT

4.9.4.5.1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare. ***The project will not be detrimental to or endanger the public health, safety or general welfare. There are no environmental impacts, public utilities will be provided, stormwater managed, and adjacent properties will be buffered.***

4.9.4.5.2 The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. ***The project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

4.9.4.5.3. Adequate utilities, drainage, parking, or necessary facilities have been or are being provided. ***The development will provide adequate utilities, drainage, parking and necessary facilities.***

4.9.4.5.4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas. ***The use will not create such nuisances.***

4.9.4.5.5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. ***Proper ingress and egress will be provided. A traffic study will be required as part of the development of the site to determine if there are any other traffic or roadway improvements necessary.***

4.9.4.5.6. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property. ***The use will have no adverse impacts on the abutting or adjoining properties.***

4.9.4.5.7. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. ***The location and character of the use will be in harmony with the area which consists of medium density residential, both single family and townhomes in the area.***

4.9.4.5.8. The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. ***The special use will meet all applicable regulations.***

Planning Staff recommends approval of SUP-24-01 with the following conditions:

1. That the parking lot entrances be constructed in accordance with the Town's standard driveway detail.
2. That a traffic impact study be conducted prior to the preliminary plat.
3. That a 30' wide public utility easement be provided over the proposed water and sewer lines.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the August 20, 2024 agenda packet.

Mayor Pro-Tem Wood asked if there were any questions from the Council.

Councilman Barbour asked Mr. Wensman to display the area of the proposed development on Google Maps or a GIS tool to better understand the roads and current conditions, particularly Coates Road and Hartley Drive. Mr. Wensman explained that Coates Road was paved until it intersects with Hartley Drive, at which point it becomes a residential driveway and is unbuilt to the north. Similarly, Hartley Drive degenerates into a gravel trail with a large ditch near its end.

Councilman Scott inquired about the planned locations for trash receptacles, which Mr. Wensman clarified would be placed in designated medians between parking stalls on trash day, ensuring the cans aren't scattered. The trash receptacles will be stored behind the homes when not in use.

Councilman Dunn raised a concern about whether end-unit townhouses might install fences that could block the access for middle units to take out their trash. Wensman confirmed that each unit would have access to common open space behind the homes, preventing such issues, and that fencing restrictions could be managed by the HOA.

The discussion then returned to stormwater management, with Councilman Barbour highlighting that a significant amount of water flows through the area, especially from nearby apartments, creating a drainage issue. Wensman explained that the stormwater would be managed by a retention pond on the development site and confirmed that the flow of water would be directed away from the existing neighborhood. Councilman Barbour emphasized that addressing these drainage issues would likely improve conditions for the surrounding community, which had raised concerns about flooding.

Mr. Wensman discussed a utility easement that runs alongside the proposed development, explaining that it must be respected within the design plan. Councilman Barbour then asked about a large cul-de-sac and access road near the end of Hartley Drive, which had previously required cleanup due to water damage. Mr. Wensman confirmed that Hartley Drive, in its undeveloped state, currently consists of a gravel drive and that the traffic study could potentially require further road development, including the extension of Hartley Drive and Adams Road to help disperse traffic.

Mr. Wensman clarified that the developers would extend Hartley Drive as part of the project, but it was not clear whether the entire length of Hartley and Adams should be built out, which was something that would depend on the results of the traffic impact analysis (TIA). He highlighted that Adams Road is currently paved for about 20-30 feet before transitioning into an undeveloped area.

Mayor Pro-Tem Wood asked the applicant if he agreed with the testimony provided by Mr. Wensman and if he had additional testimony to offer. Paul Embler testified that he was in agreement with the testimony offered by Mr. Wensman.

Paul Embler testified that the project met all the town's ordinance requirements for multifamily development associated with townhomes under the special use permit request. He added clarification regarding Hartley Drive, explaining that the properties fronting Hartley Drive, opposite the project, are actually owned by residents living on Powell Street. These property owners bought the land behind their homes, and the accessory buildings on those properties are associated with their Powell Street homes, a detail that wasn't clear from the tax map.

Embler offered to answer any questions and noted that the project's surveyor and engineer were present to address any specific inquiries regarding stormwater and utility needs.

Councilman Scott raised a concern about the long-term impact of trash collection for the proposed townhome development, particularly regarding the potential wear and tear on the parking lot from trash trucks. He asked Mr. Embler whether the development could consider a centralized dumpster kiosk instead of individual trash cans for each unit. Embler explained that while a dumpster could be an option, the current design of the parking lot would handle the weight of trash trucks if needed, as it would be built to support that traffic. However, due to the linear nature of the development, having individual trash pickup near each building was considered more practical, as residents are less likely to walk long distances to a centralized dumpster and might instead use their vehicles to drive trash over.

Mr. Embler then showed the design for the trash bin areas, explaining that each row of townhomes would have designated trash areas between units, with a sidewalk and roll curb for easy placement of bins. These areas would be large enough to accommodate up to eight bins, and each bin would be numbered for specific units. He also noted that the design allows for easy access to the trash areas without excessive walking.

Councilman Scott and Councilman Dunn both inquired about the potential for end-unit residents to install fences that might block access to these trash areas. Mr. Embler recommended that the development not allow fences in a townhome setting for this very reason. He confirmed that behind each unit, there would be a storage building with a screened area for trash bins, ensuring the bins are hidden when not in use. The homeowners' association (HOA) would also have rules in place to prevent individual fencing that could obstruct access to shared spaces.

Mr. Embler further explained that the development would be governed by an HOA to maintain the appearance and long-term functionality of the units.

Councilman Barbour then remarked that the location of the development, being in West Smithfield and off the main roads, would likely result in lower traffic. He noted that the area was not a high-traffic zone and primarily served the people who live there, reinforcing the idea that the development's location would be somewhat secluded from public view.

Mr. Embler explained that the traffic impact from the proposed townhome development would be minimal, as most residents would likely head toward Wake County for work in the morning and return in the evening. He noted that only around eight to ten homes in the residential area would be impacted by traffic, as most of it would pass through the nearby commercial and industrial areas. Additionally, there would be no access from Derwood Stevenson Road due to its controlled access status.

Councilman Barbour asked if it was the developers' intent to pave Hartley Drive, to which Mr. Embler confirmed that they plan to pave the road up to the second entrance to the park, including curbing and guttering. He also clarified that the drainage ditches along the road would be piped to properly manage stormwater runoff.

Mayor Pro-Tem Wood asked if there was anyone in attendance that was duly sworn in who wished to testify on the matter. There was no one in attendance who wished to testify on the matter.

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

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve Special Use Permit SUP-24-01 for Hartley Drive Townhomes, a 94-unit townhouse development on 9.611 acres of land in the R-8 Zoning District with 3 conditions based on the finding of fact for special use permits. Unanimously approved.

Conditions of Approval are as follows:

1. That the parking lot entrances be constructed in accordance with the Town's standard driveway detail.
2. That a traffic impact study be conducted prior to the preliminary plat.
3. That a 30' wide public utility easement be provided over the proposed water and sewer lines.

CITIZEN'S COMMENTS: None

CONSENT AGENDA:

Councilman Barbour made a motion, seconded by Councilman Dunn, to approve the following items as listed on the Consent Agenda:

1. Minutes
 - a. July 9, 2024 – Regular Session
 - b. July 9, 2024 – Closed Session
 - c. July 11, 2024 – Special Session with DSDC

- 2. Special Event Amendment: Approval was granted to amend the DSDC Octoberfest event to include closing a portion of the 200 block of Johnston Street to add additional children's events.

BUSINESS ITEMS: None

Councilmembers Comments:

- Councilman Scott Councilman Scott briefly expressed his appreciation to the Smithfield Police Department, specifically Officer Julie Carrol, for organizing a successful National Night Out event, despite challenges with rescheduling due to rain. He acknowledged the effort and involvement of others in making the event well-organized.

Town Manager's Report:

Town Manager Michael Scott provided a brief update to the Council on the following items:

- Cancellation of the River Rat Regatta due to the high waters in the Neuse River.
- DSDC event on Friday Evening

Adjourn

Councilman Barbour made a motion, seconded by Councilman Dunn, to adjourn the meeting. The meeting adjourned at approximately 8:20 pm.



M. Andy Moore, Mayor

ATTEST:



Shannan L. Parrish, Town Clerk

