

The Smithfield Town Council met in regular session on Tuesday, February 17, 2026 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall. Mayor M. Andy Moore presided.

Council Members Present:  
 Mayor Pro Tem Sloan Stevens  
 Dr. Gettys Cohen, Jr., District 1  
 Travis Scott, District 3  
 Doris L. Wallace, District 4  
 Stephen Rabil, At-Large  
 John Dunn, At-Large  
 Roger Wood, At-Large

Council Members Absent:

Administrative Staff Present  
 Michael Scott, Town Manager  
 Kimberly Pickett, Assistant Town Mgr.  
 Elaine Andrews, Town Clerk  
 Jeremy Daughtry, Fire Chief  
 Ted Credle, Public Utilities Director  
 Lawrence Davis Public Works Director  
 Pete Hedrick, Chief of Police  
 Gary Johnson, Parks & Rec Director  
 Shannan Parrish, HR Director  
 Micah Woodard, Interim Planning Dir.

Also Present:  
 Robert Spence, Jr., Town Attorney

Administrative Staff Absent:

**CALL TO ORDER**

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

**INVOCATION**

The invocation was given by Councilman Gettys Cohen, Jr. followed by the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

*Councilwoman Doris Wallace made a motion, seconded by Councilman Gettys Cohen, Jr., to approve the agenda as amended. Unanimously approved.*

Remove from Consent Agenda:

From Item No. 1

- Closed Session Minutes 1-20-26 for further review

Add to the Consent Agenda:

Item No. 8

- Housing Authority BOC Appointment of Latasha Stancil by Mayor M. Andy Moore

Item No. 9

- Temporary Use Permit request for Active Threat Responder Training on February 24-25, 2026 from 2:30 pm to 4:30 pm each day. It was announced that training was moved to the boat ramp, rather than being held at the Amphitheatre as originally requested. North Front Street will be closed.

*Councilman Travis Scott made mention of the updated staff report for public hearing item No. 3, CZ-25-06. Interim Town Manager Kim Pickett informed him these pages were to replace the existing pages in the agenda, starting on page 49.*

**Presentations: None**

**Public Hearings:**

**1. Conditional Rezoning Request – CZ-25-07 – West Smithfield**

**Amazon Entrance:** Real Zeal Property Group, LLC. requests a conditional rezoning of +/- 3 acres of land from LI-Light Industrial to B-3 CZ-Highway Entranceway Business Conditional District with a site plan for a convenience store. Staff respectfully requests the town council to hold the public hearing to consider the conditional rezoning request.

*Councilman Roger Wood made a motion, seconded by Councilman John Dunn to open the public hearing. Unanimously approved.*

Interim Planning Director addressed the Council stating Real Zeal Property Group, LLC requested a conditional rezoning (CZ-25-07) of approximately 3 acres from LI – Light Industrial to B-3 CZ – Highway Entranceway Business Conditional District in order to develop a convenience store with a future restaurant and drive-through. While commercial uses are not specifically listed as supporting uses, the applicant proposes the convenience store to serve the adjacent and planned industrial development, specifically the nearby Amazon facility, by providing fuel, restaurant, and convenience items for employees. Staff considers the proposed convenience store to function as an accessory use to the industrial development.

Woodard further stated that the proposed development includes right-in/right-out access from US 70 Highway Business West with a new turn lane for ingress, as well as secondary access from the future industrial road across from the Amazon driveway. A sidewalk will be required along the US 70 Business frontage. The site plan shows 40 parking spaces, including accessible spaces, for the 6,139-square-foot building, meeting the restaurant parking standard of one space per 150 square feet. No semi tractor-trailer parking is shown; however, staff noted that similar facilities attract truck traffic and suggested consideration of short-term accommodations. A dumpster enclosure is shown at the northeast corner of the site. The plan also includes adequate drive-through stacking and identifies a location for a future stormwater facility, which will be required at site plan approval. The existing stormwater facility at the corner of US 70 Business West and the industrial road was constructed with the road project and will be retained by Samet and a future industrial lot. No signage has been proposed, as signs require a separate permit process.

It was noted that following zoning approval, the applicant must submit a formal site plan meeting Unified Development Code (UDO) standards, including lighting, curb and gutter, landscaping, grading and erosion control, sidewalk installation, driveway aprons, wheel stops, and stormwater management. Conditional zoning allows for negotiated deviations from UDO standards in exchange for other improvements; a potential deviation discussed was the elimination of foundation plantings, if agreed upon as a condition.

Interim Planning Director Woodard stated that staff found the request to be consistent with the Town's Comprehensive Growth Management Plan, as the convenience store is intended to support industrial development and serve as an accessory use within the Industrial/Employment category. Staff also found the request consistent with the Unified Development Code conditional zoning provisions and compatible with surrounding light industrial uses. Staff recommended approval of CZ-25-07 with one condition: that the applicant complete a minor subdivision to separate the lot from the parent parcel, and that Council adopt a statement finding the request consistent with the Town's adopted plans and reasonable and in the public interest. Upon detailing staff's consistency statement and recommendations for approval below, Woodard accepted feedback and any questions from the Town Council.

**Consistency Statement (Staff Opinion):**

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

**Consistency with the Comprehensive Growth Management Plan** – *The development is consistent with the comprehensive plan. The convenience store is intended to serve industrial development and is an accessory use to the Industrial/Employment land use category in the Town Plan.*

**Consistency with the Unified Development Code** – *The property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.*

**Compatibility with Surrounding Land Uses** – *The property considered for rezoning will be compatible with the surrounding land uses. The convenience store will be contained within the light industrial zoning/development.*

**Recommendation:**

Staff respectfully recommend the Town Council approve the rezoning, CZ-25-07, with the following condition(s):

1. *A minor subdivision be prepared by the applicant to separate the lot from the parent parcel.*
2. *Eliminate foundation planting requirement.*

Councilman Travis Scott asked how parking for large vehicles would be addressed. Woodard stated this was addressed at the Planning Board meeting, and there may be an expansion of the site within reason if this becomes an issue down the line. Councilman Scott stated he reviewed the Planning Board minutes, and it was noted that one of the plans to address the issue was to not sell diesel fuel. Councilman Scott further inquired if they would have room for large truck parking, and who has jurisdiction over the shared driveway. Woodard noted the driveway was still owned by SST. Woodard stated that street leads to a cul-de-sac, and he and town attorney Bob Spence, Jr. are working to obtain an easement agreement to allow a future road going north off the cul-de-sac. Woodard stated this would be an NC DOT maintained road. Councilman Travis Scott noted that, given the number of large trucks operating in the area, they are likely to continue parking along the road until additional measures are implemented. He stated that the council had asked the applicant to provide additional parking to help address this issue, while also indicating that he did not disagree with staff's professional opinion on the matter.

The applicant, John Featherston, developer with Real Zeal Property Group introduced himself and explained that the site is being developed specifically for a Sheetz convenience store. He stated that Sheetz will sell diesel fuel suitable for cars and light trucks but will not provide high-speed diesel fueling for tractor-trailers, and he distinguished this location from a Sheetz near I-95 that serves more of the long-haul truck traffic. Featherston noted that their study of the 70 Bus West corridor does not indicate significant long-haul trucking or overnight truck activity at this location.

Mayor Pro Tem Sloan Stevens then expressed concern that if the site unintentionally accommodates semi-trucks, it could become a staging or parking area for truck drivers arriving early for warehouse appointments, which he believes would negatively impact customer and pedestrian activity. He stated his preference would be to discourage semi-truck parking at this convenience store.

In response, Featherston agreed that the site is not designed to be truck-friendly, explaining that the circulation pattern and turning radii would make it difficult for full tractor-trailers to maneuver and that a truck driver might try it once but likely would not repeat it. He further emphasized that Sheetz' business model is to serve short-duration customers rather than provide long-term truck parking. Councilman Stevens reiterated that, where space exists, trucks tend to stage, and he would rather that type of staging occur elsewhere and not at this location. Featherston stated he did not observe this as being an issue for this area, or along that road.

Councilman John Dunn asked if recommendation 2, to eliminate foundation planting was a Staff decision. Interim Planning Director, Micah Woodard stated staff has no objection to working with the developer on removing the foundation planting requirement. He explained that he and Stephen believe foundation plantings can sometimes be excessive for certain developments and projects, and that there are ongoing maintenance concerns because such plantings are often not properly maintained.

Mayor Andy Moore asked if there was anyone in the audience who wished to speak on the matter. There was no one.

Councilman Travis Scott wanted to note that he recognized that the trucks lined along the road, and parking is not the developer's issue, but a Town problem that has to be regulated.

Mayor Andy Moore asked if there could be no parking designated for the road along that area.

Interim Planning Director Micah Woodard stated this was not a town or state road. Mayor Andy Moore asked if this could be an added condition. There was discussion for whether the condition be added to place the no parking signs, and whether it is was agreeable for the developer.

Developer John Featherston stated that his company is under contract with Samet, which owns the access road and has binding agreements with Amazon. Because of Amazon's major investment and operational needs, he believes it is unlikely that the developer can significantly change or restrict use of that road, although Samet may be willing to discuss adjustments that help meet town standards. Interim Director Micah Woodard added that when the easement is turned over, which he hopes to be within a few months, parking could be enforced.

Mayor Pro Tem Sloan Stevens asked if there could be a condition added to not allow semi-truck parking within the development. Attorney Bob Spence, Jr. stated the Board had more control over the development, than the neighboring road, but it would have to be negotiated with Samet.

There was no representative from Samet, the property owners, at the meeting to speak to the issue.

Mayor Pro Tem Sloan Stevens reiterated that he did not want part of the development to become a truck staging area. Featherston stated that Sheetz was a business to serve customers, who move quickly in and out. It is not a business that has extended stay parking. He stated that as an operating practice the manager on duty would not let truck drivers stay on their lot for six hours, and would encourage them to move along. He further noted that there were no places, nor room for trucks to park. It was discussed that once the Town acquires the easement, these issues can be addressed, that truck drivers are aware of parking standards for Sheetz being typically enforced, and that parking as an issue would not be a long-term problem.

*Councilman Roger Wood made a motion, seconded by Councilman Stephen Rabil to close the public hearing. Unanimously approved.*

*Councilman Travis Scott made a motion, seconded by Councilwoman Doris Wallace to approve the conditional zoning request CZ-25-07 with the two conditions as presented by staff, who presented the development as being consistent with the Town of Smithfield's Comprehensive Growth Development and other adopted plans, and that the amendment is reasonable and in the public interest. Unanimously approved.*

Conditions listed:

1. *A minor subdivision be prepared by the applicant to separate the lot from the parent parcel.*
2. *Eliminate foundation planting requirement.*

**2. Conditional Rezoning Request – CZ-25-08 – East Market Between 6<sup>th</sup> & 7<sup>th</sup> Streets:** Dalton Engineering is requesting the rezoning of a 1.15

acres property located on the north side of East Market Street between 6<sup>th</sup> and 7<sup>th</sup> Street from B-2 to B-2 Conditional with a master plan for a flex commercial building and site development. Staff respectfully requests the town council to hold the public hearing to consider the conditional rezoning request.

*Councilwoman Doris Wallace made a motion, seconded by Councilman John Dunn to open the public hearing. Unanimous.*

Interim Planning Director Micah Woodard presented CZ-25-08, a request by Dalton Engineering to rezone the former Pontiac site on East Market Street between Sixth and Seventh Streets from B-2 to B-2 CZ for a three-story flex commercial building. He explained that the plan is to construct a new mixed-use building close to the street with parking at the rear, retain an existing three-bay garage, and provide access between Sixth and Seventh Streets. The concept includes ground-floor retail/restaurant space, a second-floor restaurant, and a third-floor event space, consistent with the Comprehensive Plan's "Downtown Support" designation and recent downtown policies encouraging active street-level uses and urban-style form. Woodard noted key deviations from standard B-2 requirements, including additional building height, reduced setbacks, and significantly fewer on-site parking spaces than the UDO would normally require, but he emphasized that parking demand would vary by use and time of day and that remote/shared parking in nearby underutilized lots is allowed by ordinance. He highlighted proposed streetscape enhancements, such as a wider sidewalk, street trees, and planters, and removal of existing blight. Woodard concluded that the request is generally consistent with the Comprehensive Plan and recommended approval of CZ-25-08 with one condition acknowledging the specific deviations. Upon detailing staff's consistency statement and recommendations for approval below, Woodard accepted feedback and any questions from the Town Council.

**Consistency Statement (Staff Opinion):**

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

**Consistency with the Comprehensive Growth Management Plan** – *The development is consistent with the comprehensive plan. The proposed use is in accordance with numerous objectives and policies for the Downtown Support guidance.*

**Consistency with the Unified Development Code** – *The property will be developed in conformance with the UDO conditional zoning provisions that allows a good faith negotiation of development standards.*

**Compatibility with Surrounding Land Uses** - *The property considered for rezoning will be compatible with the surrounding land uses. The development is being designed to be an extension of the downtown core.*

**Recommendation:**

Staff recommend the Town Council recommend approval of the rezoning, CZ-25-08, with the following conditions:

1. Allow the deviations proposed in this report for the B-2 Conditional Rezoning.

Councilman Travis Scott asked if the buffer between the rear yard and the daycare has been discussed, as it is important. Interim Planning Director Micah Woodard responded that he would need to verify the exact requirement, but did not anticipate it being a significant issue, explaining that the buffer between the project and the adjacent daycare would likely be a standard Type A commercial-to-commercial buffer consisting of shrubs and trees per 100 linear feet. He noted that a full landscaping plan has not yet been prepared but stated that the required buffer between the two properties can certainly be addressed at the site plan stage.

Councilman John Dunn wanted to know how deep was the right-of-way with regard to the setbacks from the edge of the road—and whether there was a set average 8 or 5 feet. It was noted that the development would be set back was seven feet off the road.

Councilman Dunn also questioned the parking. He noted that because the building is flex-space and specific tenants are not yet known, future uses could require more parking than currently shown. He pointed out that the deviation from the UDO parking requirement is substantial and referenced the recent downtown streetscape project, which will reduce on-street spaces on Market Street; he observed that some of the same nearby underutilized lots being suggested as shared parking for this project may already be relied on by existing downtown businesses, heightening his concern about overall parking capacity and wanted more information from the developer.

Patty Griffin, who resides in Wendell, NC, and the petitioner for the conditional rezoning request addressed the Council. Specifically, Councilman Dunn's question regarding deviation from the UDO for the flex-space parking. Griffin stated they were actively working with the community to try to obtain additional parking across the street and beside the development.

Griffin presented a PowerPoint presentation to the Board. She stated that she is a co-owner of Grace Homemade and resides in Wendell; Grace Homemade will occupy at least 51% of the building. Griffin outlined the following points regarding the project:

The project redevelops a long-neglected, prominent downtown site with a new three-story mixed-use building and improved streetscape (wider sidewalks, landscaping, lighting).

*First floor concept:*

- An open breezeway design to create an inviting ground-level space.
- A brewery in one corner.
- Additional ground-floor space to be leased to small-scale manufacturing / artisan uses, such as a bakery producing artisan breads and French pastries.

*Second floor concept:*

- A more “upper-class” restaurant operated by Grace Homemade, intended to serve growing local demand for higher-end dining and business/social functions.
- An outdoor dining area facing the street.
- Flexible space that can also be used for corporate luncheons or tea-room–style service on certain days.

*Third floor concept (“Gabriel Hall”):*

- A venue space designed for corporate events, training sessions, weddings, and formal events, with a planned maximum of about 200 guests. All using state of the art technology.
- A flexible ballroom with movable partitions to create up to three separate meeting/training rooms during the business day, convertible to one large event space.
- A lounge area for breaks and overflow from the restaurant, where guests can wait with a drink.
- A kitchen to support in-house catering for events.

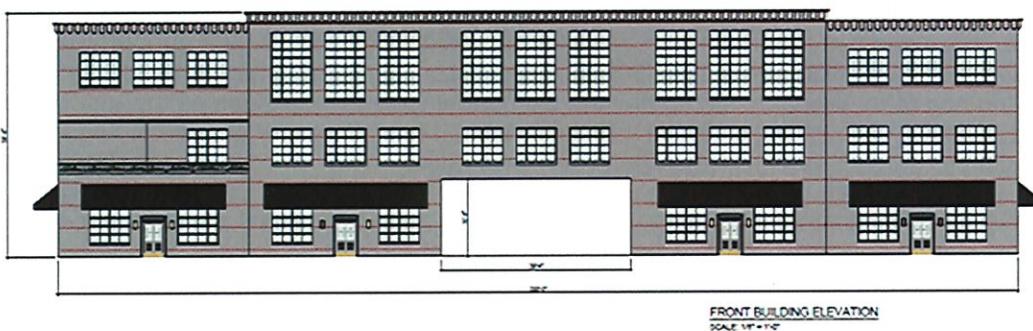
*Operational vision:*

- Grace Homemade will manage both the second-floor restaurant and third-floor venue, with a strong focus on scratch-made, farm-to-table menus and partnerships with local farmers.
- Larger formal events are expected to come six to eight months after opening, with many such events scheduled in the evenings when parking demand is lower.
- The third-floor lounge may serve as additional space for restaurant patrons during peak times (e.g., busy Saturday nights).

*Building features and access:*

- The building will include both a public/passenger elevator and a service elevator.
- The rear portion of the building, including the stair core, will be fully enclosed (not an open breezeway at upper levels).

*Proposed Building Design:*



Griffin thanked the Board for allowing her to make the presentation, and asked if there were any questions.

Councilman Rabil confirmed that with all three sections, there will not be a maximum of 200 guests. Griffin stated that's what they propose.

Councilman Travis Scott requested that the petitioner's presentation be added to the record. He also asked if an elevator was part of the design. Griffin stated yes, there would be a service elevator (right side of the building) as well as a regular elevator for guests (left side of building). Councilman Scott also sought clarification of the enclosed stairway, and awnings in the proposed design, with Griffin noting the stairway would be enclosed, and the awnings were only a preliminary design for presentation.

Mayor Andy Moore asked if there was anyone in the audience wishing to speak on the issue. There was no one.

*Councilwoman Doris Wallace made a motion, seconded by Mayor Pro Tem Sloan Stevens to close the public hearing. Unanimously approved.*

*Councilwoman Doris Wallace made a motion, seconded by Mayor Pro Tem Sloan Stevens to approve conditional rezoning request CZ-25-08 with the one condition, finding the request consistent with the Town of Smithfield's Growth Management and other adopted plans, and that the request is reasonable and in the public interest. Unanimously approved.*

Restated Condition:

1. Allow the deviations proposed in this report for the B-2 conditional rezoning.

**3. Conditional Rezoning Request – CZ-25-06 – Bellamy:** Rock Tower Partners LLC is requesting approval of Bellamy, an R-8 conditional rezoning master plan consisting of 1,076 units of residential: 885 detached single-family residential lots and 191-townhouse lots over +/-500-acres of land. Staff respectfully requests the Council to hold the public hearing to consider the approval of the conditional zoning request.

*Councilman John Dunn made a motion, seconded by Councilman Roger Wood to open the public hearing. Unanimously approved.*

Interim Planning Director Micah Woodard addressed the Council stating that Rock Tower Partners is requesting to rezone approximately 498–500 acres off West Smithfield Road and Lee Youngblood Road from R-20A and AG to RA CZ for a master-planned, 1,076-unit residential community (885 single-family lots and 191 townhomes) proposed for annexation. He explained that this is a revised plan following a prior denial, with changes including a reduction in total units, removal of a northern townhome pod, a 30% reduction in townhomes, a higher proportion of larger 60- and 70-foot-wide lots with increased side setbacks, and a new 500-foot separation and end-phase timing for lots nearest the existing hog farm. Woodard stated that the Comprehensive Plan designates the site for low-density residential at 1–4 units per acre and that the proposed overall density of about 2.2 units per acre is consistent, subject to one policy exception on housing type. He described existing conditions (agricultural land with streams, floodplain and a gas line easement), proposed utilities (town water and sewer with developer-funded extensions and Duke electric), and the transportation layout of roughly 46,000 linear feet of public streets with 50-foot rights-of-way, two main access points on Lee Youngblood Road, multiple future street stubs including to the Trailee subdivision, and a required traffic impact analysis at platting.

Interim Director Woodard outlined stormwater requirements in the protected watershed with up to 30% built-upon area, a five-acre private central amenity with pool and clubhouse, nine pocket parks, a soft-surface trail within the gas easement (subject to approval), approximately 135 acres of passive open space for potential park/trail dedication, and a 30-foot public trail easement for a future Greenway.

Woodard further noted proposed buffers and landscaping, including natural floodplain buffers, a planted and earthen berm street yard with a six-foot fence along Lee Youngblood Road near the hog farm, and a 20-foot buffer on the north boundary, as well as parking and design standards providing at least two spaces per dwelling plus guest parking for townhome buildings, clustered mail, and architectural commitments such as front-loaded garages, covered porches, masonry accents, and varied rooflines. He summarized requested deviations from RA and UDO standards for lot size and width, right-of-way width, built-upon area and townhome allowance, balanced by enhanced open space, amenities, buffers, guest parking, architectural standards, and an offer to donate about seven acres along Lee Youngblood Road for potential town facilities. Woodard concluded that staff finds the request generally consistent with the Comprehensive Plan and conditional zoning provisions of the UDO, that compatibility is addressed through expanded buffers and design conditions, and recommended Council consider approval of CZ-25-06 with eleven specified conditions. Woodard provided illustrations of the petitioner's request in his staff report and

presentations which were incorporated in his entire record and provided to the Town Council in written form as part of their February 17, 2026 agenda packet. He outlined staff's opinion of the consistency statement, and recommendations for approval as follows:

#### **CONSISTENCY STATEMENT (Staff Opinion):**

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

- **Consistency with the Comprehensive Growth Management Plan** – The development is consistent with the comprehensive plan.
- **Consistency with the Unified Development Code** – The property will be developed in conformance with the UDO conditional zoning provisions that allows flexibility in development standards on a site-by-site basis based on design considerations.
- **Compatibility with Surrounding Land Uses** - The proposed development will be compatible with surrounding land uses with the expanded buffers.

#### **RECOMMENDATION:**

*Planning Staff recommends the Planning Board recommend approval of CZ-25-06 with the following conditions:*

1. *That the trash and recycling roll-off containers in the single family and townhouses units be screened from the public right-of-way or stored within a garage or the rear yards and enforced by the HOA.*
2. *Public sidewalks shall be a minimum of 5' wide.*
3. *Public sidewalks shall be provided along the Wilson's Mills Road and Lee-Youngblood Road frontages.*
4. *That the architectural standards be included in the HOA declarations.*
5. *That an HOA be responsible for the ownership and maintenance of all private open space and recreational amenities, SCMs, parking areas, mail kiosks, etc.*
6. *The HOA declarations be submitted for review by the Town Attorney with the preliminary plat.*
7. *A disclosure notice shall be added to the HOA declarations disclosing the Hog Farm operations.*
8. *That residential driveways be a minimum of 12' wide.*
9. *Dedicated a 30' wide public trail easement for the future Johnston County Trail.*
10. *The phase closest to the Hog farm operations shall be the last phase of the development*
11. *A berm and 6' white vinyl fence shall be added to the Lee Youngblood Road Street Yard.*

Mayor Andy Moore asked the Board if there were any questions. There were no questions from the Board.

Mayor Moore addressed the audience, asking for potential speakers to identify themselves by raising their hand. Five people raised their hands. Upon acknowledgement, he made mention that the Board is aware of concerns from the public, having already been presented with this case at a prior meeting. The mayor respectfully asked for consideration of limiting comments in the interest of moving things forward quickly. Attorney Bob Spence, Jr. advised that, while not trying to limit anyone's time, each side would be given up to thirty minutes, speakers should focus their remarks on specific, relevant issues rather than broad opinions. He noted that some elements of the UDO are fully met and others are proposed to be relaxed for this project, which is the purpose of conditional zoning. The Board concurred.

David Bergmark of McAdams Engineering Firm of Hillsboro Street, Raleigh, NC addressed the Council.

*The Board took a five-minute recess from approximately 8:29 pm to allow staff to retrieve the developer's presentation, which he stated had been emailed to Micah Woodard. The mayor called the meeting back to order at approximately 8:37 pm.*

David Bergmark of McAdams, representing the Bellamy applicant, explained that the revised R-8 conditional rezoning was redesigned in direct response to concerns raised at the October denial, including reducing total units and townhomes, increasing the proportion and setbacks of larger single-family lots, eliminating one townhome pod, adding a 500-foot separation and stronger buffering to the adjacent hog farm, retaining Lee Youngblood Road instead of partially abandoning it, and shifting the area nearest the hog farm to the last phase of development. He described the plan's overall low density (about 2.2 units per acre), its mix of housing types, extensive open space and private amenities, multiple stub streets and required traffic improvements, and an offer to donate roughly seven acres along Lee Youngblood Road for potential town facilities. Bergmark emphasized that only a few specific UDO standards (townhome allowance, lot dimensions, built-upon area, and right-of-way width) are being modified under the conditional zoning framework, that these deviations are offset by enhanced buffering, architectural standards, and recreational

amenities, and that the request is consistent with the Comprehensive Plan and comparable or more conservative than other recent R-8 conditional rezonings previously approved by the town. He stated he and his team were there to answer questions. Bergmark stated there was an attorney for Rock Tower Partners, LLC also present, and he would like to reserve time at the end of the evening for them to speak as well. He asked if the Board would like to ask questions now, or reserve questions until the end. Mr. Bergmark's presentation was incorporated into the official record of the Town Clerk.

Mayor Andy Moore asked if there was anyone in the audience wishing to speak in favor of the project at this time. There was no one. Mayor Moore asked the Board if there were any questions.

Councilman Travis Scott asked project representative David Bergmark what prompted the decision to increase the setback to 500 feet from the hog farm lagoon and barns, whether new homeowners were taken into account, also whether state regulations governing minimum separation distances for new hog farms (N.C. Gen. Stat. § 106-803) influenced that change. Bergmark replied that the increased buffer was primarily a response to concerns raised at the prior hearing and reflected what the team felt was a reasonable, feasible increase in separation, while acknowledging that the statute technically applies to siting new hog operations rather than new residential development.

Councilman Scott then questioned whether the same 2,500-foot standard that applies to new parks near hog farms should guide the town's evaluation of proposed residential and recreational areas—particularly given the location of spray fields and the project's planned amenities—and noted that other recent rezonings he supported were not adjacent to hog farms. Bergmark cautioned that applying those setbacks in reverse could effectively render portions of adjacent properties unusable, which he feels is not the intent.

Councilman Scott asked where the recreational areas were in proximity to the hog farm. Bergmark stated roughly 650 feet, noting that some spaces are not pocket parks, but more passive areas.

Councilman Scott asked when the last piece of property that made up this development project was obtained, and was it obtained after the hog farm was there. Bergmark deferred the question to his other team members, and stated he assumed the answer was yes.

Councilman Roger Wood, acknowledging Councilman Travis Scott's concerns about the hog farm odors, suggested that perhaps something could be written in homeowner's HOA covenants about the hog farms emittance of noxious odors, for residents' acknowledgment. Wood, referencing the Attorney, confirmed that this could be written into HOA covenants. Bergmark noted that they would have no objection to a notice in the covenants about the hog farm odors. He stated there was some language in there, but if they need to elaborate on that, they would be willing to do so. Councilman Wood added that he knows there is legislation to protect against such, but he would hate to see a business owner sued for a smell, or an environmental issue related to the hog farm.

Attorney Sam Slater, for the applicant, added that the Right to Farm Act provides strong legal protections for the existing hog operation, limiting nuisance claims by future residents and capping potential damages, and reiterated that a 500-foot buffer plus phasing the closest lots last was intended as a good-faith response to compatibility concerns. However, Slater stated that applying a 2,500-foot separation from the spray field, as suggested, would effectively eliminate residential development on portions of the site that are already zoned for housing, reducing those perimeter areas to having virtually no viable residential use for the portions in the parameters discussed.

Mayor Pro Tem Sloan Stevens remarked that a 500-foot setback is still very close for such a large residential development next to an existing hog farm, calling this situation unusually intensive compared to elsewhere in the state. He expressed concern about the precedent it could set for similar encroachments on agricultural operations in other towns and questioned how the council could reasonably assure the Youngblood family that they will be able to continue their long-standing farming operation, and for another generation, without interference from nearby new residents—even if the buffer were increased by another couple of hundred feet.

Councilman Gettys Cohen, Jr. discussed the effect of the Bellamy development on the existing hog farm, inquiring whether federal or state regulators (such as EPA) could force the farm to close, or whether nearby homeowners could sue to remove it. Attorney Sam Slater, responded that the property in question is already zoned residential (R-20) in the town's ETJ and that North Carolina's Right to Farm Act provides strong protections for the existing hog operation. He explained that federal or state regulators would not shut down the farm merely because residential development occurs nearby, and that nuisance lawsuits by future residents are tightly limited: claims must meet narrow statutory conditions, are subject to strict time limits, and any damages are capped at the proven reduction in property value, with no ability to force the farm to close. Slater emphasized that, while complaints could still occur, the law is designed to prevent someone who "came to the nuisance" from using litigation to end a long-standing farm operation. Slater added that he is concerned with hearing concerns expressed that a residential development has no business being there, when the property is residentially zoned, when in his opinion, they are proposing a really good plan.

Attorney Andy Petesch of Petesch Law at 1217 Stowage Drive in Cary, NC addressed the Council. He stated he represent the Youngblood Farm, Ben Youngblood, Jr., Ben Youngblood, III and also Will Stephenson. Attorney Petesch presented a presentation to the Council. In it, he argued that the Bellamy RA CZ plan is effectively an R-6, medium-density project that conflicts with the Comprehensive Plan's low-density designation and the intent of the R-20A/R-8 districts. He

contended that the requested reductions in lot size and width, higher impervious area, and significant parking and traffic impacts—especially on Wilson's Mills Road and at Lee Youngblood Loop—are not adequately evaluated without a full traffic impact analysis and would strain a road classified as a low-volume rural collector. Petesch emphasized the proximity of proposed homes, parks, and a pool to the hog lagoon, barns, and spray fields, citing state setback standards for new hog farms as guidance on appropriate separation even if they do not strictly apply in reverse. He warned that dense residential development this close to the operation would likely generate complaints and pressure on the farm and its contracts, and cost money with attempts to alleviate the site—threatening a long-established agricultural use, and urged the council to deny the rezoning in order to protect the Youngblood family's ability to continue farming. Mr. Petesch's presentation was added and is included in the official records of the Town Clerk.

Charles Brewer of Wilsons Mills Road addressed the Council, to speak in opposition to the Bellamy development, expressing concern that the project does not adequately account for its impacts on existing residents and services. He emphasized safety issues related to significantly increased traffic, particularly around school bus stops and for emergency vehicles, noting he already observes long queues of cars backing up behind stopped buses and had recently witnessed a near-miss involving his daughter. Brewer cautioned that thousands of additional daily vehicle trips from more than 1,000 new homes would worsen these conditions, place added burdens on fire, police, and transportation agencies, and strain water and infrastructure resources for current citizens and businesses. He highlighted health and environmental concerns related to increased stormwater runoff from additional hard surfaces and traffic, emphasizing potential impacts on wells and water quality for himself and neighboring residents.

Brewer further stated that, over the past several months, he has shared the project materials with mayors, council members, planning officials, builders, and contractors from various towns and counties. According to Brewer, the general consensus among those professionals was that the project, as currently proposed, would not be approved and, if it were, it would set a dangerous precedent by effectively allowing future developments to ignore UDO and zoning standards and to disregard agricultural uses and impacts on existing farm residents.

Rick Buckner of 106 Cobblestone Court thanked Councilman Travis Scott for "asking the hard questions". Buckner stated that no residents have expressed support for the proposed development and that its primary backers appear to be the developer and those connected to real estate interests. He urged the council to view the decision as a matter of "could versus should" and "right versus wrong," arguing that if members would not want such a project next to their own homes, they should not approve it for others. He also referenced prior over-approval of annexations and residential growth, warning that this proposal continues a pattern that strains local services. Buckner referenced another case before the Council regarding zoning map amendments due to large growth, stating it further represents "cart before the horse." He asked the council to slow the process rather than approve the rezoning as presented.

Wendy Oldham of Wilsons Mills Rd., Smithfield, the Planning Director of the Town of Wilsons Mills addressed the Council alongside Marvin Dodd, who is the Assistant Planning Director of Wilsons Mills. Oldham stated that she has spoken with the fire department and police chief about the proposal and acknowledged that the subdivision design itself is a "wonderful neighborhood." She questioned, however, whether this is the appropriate location for it, noting that although the property could ultimately be in either Wilson's Mills or Smithfield, it is physically closer to Wilson's Mills. She emphasized that in emergencies—such as house fires or domestic incidents—Wilson's Mills Fire Department and Police Department would likely be the first responders, as agencies monitor each other's calls and the closest unit responds to protect public safety.

Mr. Dodd stated that Johnston County needs jobs, not additional subdivisions, emphasizing that new residential developments are already widespread. He questioned how many permanent long-term jobs this proposed subdivision would create once construction is complete, arguing that the county needs projects that bring employers and long-term employment opportunities, rather than more housing where people only sleep and leave to work elsewhere.

Mayor Andy Moore asked if there were any new subdivisions being proposed in the town of Wilsons Mills at this time. Oldham stated the Town of Wilsons Mills is not entertaining any more residential development at this point. Mayor Moore further questioned, noting Oldham's complement for the subdivision, if it was proposed for Wilson's Mills, would their Town approve it. Oldham stated under today's circumstances no, five years ago, probably. Mayor Moore asked Oldham how many residential subdivisions they have planned so far. Oldham replied counting the ones that are being built out as we speak, there are six with about five thousand homes in process.

Sonny Howard of Woodlawn Drive addressed the Council stating he knew the Youngbloods well as life-long farmers. Howard described his background in agriculture and emphasized his support for local farmers. He explained that his wife is a real estate agent and raised the issue of mandatory disclosure in home sales, asking whether agents must inform prospective buyers in later phases of the subdivision that they would be purchasing near an active hog farm and lagoon. He stressed that, if such conditions are properly disclosed and buyers still choose to purchase, they do so knowingly and should not later be able to sue over farm-related impacts.

Brent Renfrow of Eden Woods subdivision in Smithfield addressed the Council. Mr. Renfro noted the rezoning has already failed multiple times before the planning board and council and that minor

lot reductions have not resolved core problems. He argued the project would create a de facto satellite annexation, overburden aging town infrastructure and roads, and conflict with the town's goal of managed growth. He warned it would likely destroy the neighboring hog farm's livelihood and urged the council, as a long-time resident and taxpayer, to "do the right thing" by existing citizens and deny this request. He asked the Council to consider the decision made tonight, which will have long standing affects going forward.

Attorney Sam Slater presented his closing remarks regarding the request. He reiterated that the Youngblood farm property will not remain in agriculture and will be developed for housing regardless of the rezoning outcome, noting the town's plans already designate it for low-density residential use. He contended that approving the conditional rezoning would produce a better-designed, master-planned neighborhood with buffers, architectural standards, amenities, town water/sewer extensions, and an estimated \$3 million in annual tax revenue for Smithfield. Alternatively, he stated that the Board's denial may lead to a lower-quality "by-right" county subdivision that still generates complaints but yields no town taxes or regulatory control. He emphasized that the proposal meets the town's comprehensive plan and transportation goals, offers a variety of housing types and price points to support affordability, and will create long-term Smithfield citizens whose presence will help attract desired commercial and industrial growth.

In rebuttal, Attorney Andy Petesch criticized the developer's "by-right subdivision" plan as a threat tactic inconsistent with their claim to be offering a high-quality project, noting it abandons the very amenities and design standards they tout. He argued the 500-foot buffer from the hog farm is arbitrary and unsupported by expert evidence, and emphasized that any by-right subdivision would still face a quasi-judicial review where the town must consider harm to adjacent properties—so approval is not guaranteed. Petesch also contended the property need not be locked into residential use only; he suggested more creative, context-sensitive alternatives, such as light industrial or other uses more compatible with intensive agriculture, and reiterated that townhomes are not consistent with the low-density residential designation in the Town's Comprehensive Plan. Petesch added that regardless of any disclosures, disclosures do not stop people from complaining, and complaints are a detriment to his client.

Councilman Travis Scott, referring to Slater's presentation of a "by-right" development sketch, asked if it was a proposed compromise. Scott noted density of the by-right proposal. Slater stated the sketch was only reflective of what a by-right development would be. Mayor Moore added that the rendering was a reflection of what a development could look like in the R-20A, as the property is currently zoned, and it would not come before the Council. It was clarified that preliminary plats would come before the Board for approval, but noted that the developer would have the right under the current zoning to develop as per the by-right development exhibit.

Councilman Scott then pressed why the example plan did not appear to reflect the same public welfare considerations (such as buffers from the hog farm) that the developer claimed to prioritize in the conditional rezoning, suggesting an inconsistency. Slater replied that the purpose of the document was simply to show what is legally permissible today under existing zoning if the rezoning is denied, not to propose an alternative negotiated plan.

Town Attorney Bob Spence confirmed that, under current law, property in the ETJ but not annexed is governed by county zoning; the town only becomes involved if rezoning/annexation is requested. He clarified that a future subdivision plan under existing zoning would come back as a quasi-judicial matter where, if all ordinance standards are met, the board would have limited discretion to deny it.

The by-right development rendering was received for filing, and is in the official records of the Town Clerk.

Mayor Pro Tem Sloan Stevens stated that if the developer had redesigned the project to honor the larger state-recommended separation distances from hog and poultry operations (e.g., around 1,500 feet), this would be a very different discussion. He emphasized that the proposal still intrudes too far into the farming operation, and that while he understands the positive aspects the development could bring to Smithfield, the board did not adequately account for the unique difficulty of building around an intensive hog farm.

Councilwoman Doris Wallace asked the Attorney Slater if they planned to put mobile homes on the property. Slater stated there are no current plans for this. It was discussed that mobile homes are allowable in an R-20 zoning district. Slater stated he did not think his team wished for that to happen.

Attorney Bob Spence, Jr. stated the purpose of a conditional zoning case is to negotiate a good subdivision. He asked if there have been any negotiations made between the developer and the neighboring property owners. Slater stated he contacted Petesch, explaining the concept of the by right development plan. Adjustments were made, with proposals to phasing—and the end result was there was nothing that could be said to get the neighbors to agree with this.

Councilman Gettys Cohen, Jr. questioned Attorney Sam Slater about the "by-right" subdivision exhibit—describing it as a "can of worms", asking why would the town have any role in approving a development, if such a proposal was possible. Attorney Slater explained that the exhibit was only an example of what could be developed under existing county R-20 zoning if the rezoning and annexation were denied, and that in that scenario the project would proceed under county

jurisdiction within the town's ETJ, not as a town subdivision. He stated that his development team wanted to build the subdivision in their request—one best for the town and best for the site, and not one built by-right. However, if the rezoning is denied, it forces the developer to review alternative options. Slater again reiterated that if such a development were to happen there would be a huge development existing without added tax revenue going to the Town, and with citizens still calling on the Town's emergency services for assistance, as he has witnessed as being difficult in other jurisdictions.

Councilman Roger Wood pointed out that the "by-right" subdivision sketch differs from the conditional plan only in quality, not in the town's tax benefit. Wood characterized the exhibit as showing that the developer could lawfully build a large number of uniform, "monopoly house"–style homes with fewer architectural standards, whereas the conditional rezoning would deliver a better product for the town.

Attorney Andrew Petesch briefly responded, stressing he did not want a prolonged back-and-forth. Petesch felt the developers were offering a false choice when it came to the by-right proposal, noting the board could hear a completely different proposal in a quasi-judicial setting. When asked by the council whether he had tried to negotiate, Petesch confirmed that he had met at length with the developer's team and that his clients were not absolutely opposed to any development; rather, he believed the only realistic way to make a project workable near the hog farm would be to respect the state-recommended separation distances (e.g., around 1,500 feet), which would substantially reduce the subdivision's density and footprint. He doubted the developer would realistically accept such a reduction and therefore saw no practical path to agreement under the current proposal.

*Councilman Travis Scott made a motion, seconded by Councilman John Dunn to close the public hearing. Unanimously approved.*

*Councilman Travis Scott made a motion, seconded by Councilman Steven Rabil to deny the conditional rezoning request, finding that the request, CZ-25-06 is not consistent with the Town's Comprehensive Growth Plan, it does not conform to the UDO, and is not compatible with surrounding land uses and proposes a potential health concern to the public deny the request.*

In added discussion, Mayor Pro Tem Sloan Stevens reiterated that if the project had been redesigned to respect state-recommended buffer distances from the hog farm (around 1,500 feet), the conversation might be different; as proposed, he felt it intruded too far on the farm, which is vital and has been here. Stevens added the project did not adequately balance agricultural and development interests, which is why he was not in favor of the item passing approval.

Councilman Roger Wood responded that, in his view, the council was effectively denying the property owner's reasonable right to develop, arguing that the project would likely have passed "if it did not involve a hog farm." He emphasized that both the developer and the neighboring farmer have property rights, and that while the farm operator must be considered, the adjacent landowner also deserves a fair opportunity to use their property. He stated he did not think that there could be any development proposed near the farm that would satisfy the neighboring owner's desire to keep it the way it is—but that there should be a happy-medium.

Councilman John Dunn noted the extreme sensitivity of the situation, acknowledging both the farm's livelihood concerns and the developer's contractual and financial risks, and stressed that all parties' property rights must be weighed. Dunn noted his concern about unduly restricting the adjacent landowner's ability to develop their property.

*Mayor Moore reiterated that there was a motion and a second on the floor, and called for a vote.*

*The motion to deny the conditional rezoning petition CZ-25-06 passed in a 5 to 2 vote, with Councilmen Roger Wood and John Dunn voting against the denial.*

***Upon the denial of the Conditional Zoning request for the Bellamy subdivision, the applicant's attorney Sam Slater asked for approval from the Board to withdraw the Annexation petition ANX-25-05, Item 4 Public Hearing from the agenda for consideration.***

*Councilman Stephen Rabil made a motion, seconded by Councilman Roger Wood to accept the withdrawal of the Annexation request. Unanimously approved.*

**Withdrawn:**

**~~4. Annexation Request — ANX-25-05 — Bellamy and Adoption of Annexation Ordinance No. 530-2026:~~** E&F Properties has submitted a petition for voluntarily annexation of the +/- 500 acres (Johnston County Tax ID 17K08039A and 17K08032) to the Town of Smithfield. Staff respectfully requests the Council hold the public hearing to consider the adoption of the annexation ordinance, extending the corporate limits of the Town of Smithfield.

- 5. Comprehensive Map Plan Update Request – CA-25-01:** Staff respectfully requests changes to the Town’s Comprehensive Growth Plan and a minor update to the Pedestrian Plan. Recent rezonings, annexations, and expansion have resulted in growth not anticipated in the Town’s Comprehensive Plan. The proposed changes stem from interdepartmental coordination among Public Utilities, Planning, Parks and Recreation, and the Interim Town Manager.

*Councilman John Dunn made a motion, seconded by Councilman Roger Wood to open the public hearing. Unanimously approved.*

Interim Town Manager Kim Pickett asked if, due to time constraints, the Board could leave this public hearing open and continue this item to the next agenda date of March 3, 2026.

*Councilman Travis Scott made a motion, seconded by Councilman Roger Wood to honor the Manager’s request, and continue the time to the next Council meeting. Unanimously approved*

### **Citizens Comments:**

*There were no citizens comments at the time they were called upon.*

*Councilwoman Doris Wallace made a motion, seconded by Councilman John Dunn, to approve the Consent agenda as amended as follows. Unanimously approved.*

### **Consent Agenda Items:**

- 1. Approval of Minutes**
  - a. **1/20/2026 – Regular Session**
  - b. ~~1/20/2026 – Closed Session (under a separate cover)~~
- 2. Donation of Sick Leave to an Employee:** Staff respectfully requests the consideration and approval from the town council for the donation of sick leave to one employee.
- 3. Career Ladder Promotion – Firefighter I to Firefighter II:** In keeping with the goals of retaining qualified employees, the Fire Department interviewed a well-qualified in-house candidate to fill a budgeted Firefighter II vacancy. Council approval of the promotion is respectfully requested.
- 4. Career Ladder Promotion – Firefighter I to Firefighter II:** In keeping with the goals of retaining qualified employees, the Fire Department interviewed another well-qualified in-house candidate to fill a budgeted Firefighter II vacancy. Council approval of the promotion is respectfully requested.
- 5. Resolution No. 799 (07-2026) Awarding Badge and Service Weapon to a Retiring Police Lieutenant:** Lt. Samuel Jones will be retiring on February 28, 2026, with 30 years of service with the Smithfield Police Department. It is respectfully requested that Lt. Jones be allowed to purchase his service weapon and badge for the cost of \$1.00, in accordance with NC G.S. 17F-20(a)(2).
- 6. Consideration for the Purchase of a Fire Inspection Vehicle:** The Fire Department is requesting the purchase of a new vehicle to serve as the primary means of transportation for the Fire Inspector while traveling to Smithfield area properties to perform fire inspections and fire prevention efforts.
- 7. Consideration for the Purchase of a GHSP Grant Vehicle:** The police department is requesting to purchase a vehicle for the Governors Highway Safety Program (GHSP). The grant will cover the cost of the vehicle. The vehicle is a 2026 Dodge Durango for **\$42,536.28** from Deacon Jones. The bids were from the North Carolina Sheriff’s Association statewide bidding process.

**Added**

**8. Housing Authority Board of Commissioners Appointment:** In accordance with NC G.S. 157-5 (a)(iii), Housing Authority Board of Commissioners shall be appointed by the mayor. Latasha Stancil respectfully requests consideration for appointment.  
(Interim Town Manager – Kimberly Pickett) See attached information

**9. Active Threat Responder Training:** MedicalTraining.me has requested to conduct Active Threat Responder Training at 150 S. Front Street on February 24<sup>th</sup> and 25<sup>th</sup>, 2026 from 2:30 pm to 4:30 pm each day. This training will provide a free trauma medical and safety exercise for law enforcement officers and SWAT team medics. They have requested temporary closure of South Front Street between Johnston and Market Streets during training hours.  
(Interim Planning Director – Micah Woodard) See attached information

**Business Items: NONE**

### **Councilmember's Comments**

- Councilwoman Doris Wallace noted that she liked seeing the Council dressed uniformly in red, and that she admired how the mayor ran the meetings according to Robert's Rules of Order.
- Mayor Andy Moore noted thanked the Council for wearing their red pullovers, honoring "All in Red" for heart health during the month of February.
- Councilman Travis Scott thanked the Town Clerk for providing the red pullovers for Town Council. He also commented on the proposed baseball park plans emailed by the Town Manager, noting he would like to have further discussion on the issue. Interim Manager Pickett noted that she had received recently updated plans to share as well. The mayor agreed. Councilman Scott also requested a brief update regarding the Market Street Parking issue. Pickett stated another meeting was to take place between a subcommittee of the task force and NCDOT, with a presentation to present to the Town Council on March 3. Councilman Scott received confirmation for the date and time of that meeting.
- Councilwoman Doris Wallace thanked the Manager for the financial report presented at the meeting.
- Mayor Andy Moore commented and explained that he interrupted a speaker in the audience not to silence public input but to prevent the speaker from directing specific, individual questions—especially about real estate—to council members or citizens in a way that could put them in an inappropriate or uncomfortable position. He stated that the only reason he intervened was to decline to answer those types of questions and to maintain proper procedure, noting that the speaker's questions could just as easily have been aimed at any council member and that such questioning is not the intended purpose of public comment. His goal being to keep order in the meeting. He added that the Board had a good meeting, commended the Board for the professionalism.
- Councilman Roger Wood stated he works hard as a member of the Town Council. He reiterated that all members should show respect and courtesy, and to not interrupt each other.
- Councilman Travis Scott agreed the Council should be able to say their part with all due respect, and following Robert's Rules. He states he always asks for the floor from the chair before speaking, but it does get confusing sometimes in some discussions.

### **Town Manager's Report**

- Interim Town Manager Pickett mentioned that the Martin Luther King Jr. Parade will be held on Saturday, February 21, 2026 with town hall open to the public.
- The Town will start their chlorine burnout for routine maintenance of the town's water system starting on February 26, 2026.
- Pickett asked the Board if they would be willing to consider recessing this meeting to a budget session to be held on Tuesday, February 24, 2026 at 6:30pm if the Council is agreeable. Councilman Travis Scott asked the Manager to submit the budget data to the Board prior to the meeting. Pickett agreed.

**RECESS:**

Councilman Travis Scott made a motion, seconded by Councilman John Dunn to recess this meeting and to reconvene into a budget session on Tuesday, February 24, 2026 at 6:30 pm. Unanimously approved.

  
M. Andy Moore, Mayor

ATTEST:

  
Elaine Andrews, Town Clerk

