

The Smithfield Town Council met in regular session on Tuesday, September 7, 2021 at 7:00 p.m. in the Council Chambers of the Smithfield Town Hall, Mayor M. Andy Moore presided.

Councilmen Present:

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

Councilmen Absent

Administrative Staff Present

Michael Scott, Town Manager  
Ted Credle, Public Utilities Director  
Jeremey Daughtry, Assistant Fire Chief  
Lawrence Davis, Public Works Director  
Gary Johnson, Parks & Rec Director  
Tim Kerigan, Human Resources/PIO  
Shannan Parrish, Town Clerk  
R. Keith Powell, Chief of Police  
Greg Siler, Finance Director  
Stephen Wensman, Planning Director

Also Present

Bob Spence, Town Attorney  
Bill Dreitzler, Town Engineer

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 lead by Ambassadors of Girl Scout Troop 614. Mayor Moore recognized Valerie Smith for 14 years of dedication to the Girl Scouts, Juana Garcia for 11 years of dedication to the Girl Scouts, and Kaitlyn Hill for 9 years of dedication to the Girl Scouts.

**APPROVAL OF AGENDA:**

Councilman Wood made a motion, seconded by Councilman Stevens, to approve the agenda with the following amendments:

**Add to the Consent Agenda:**

**10. Special Event: Fall Festival** - Consideration and request for approval to allow Compass Community Church to hold a fall festival at Smithfield Community Park on September 25, 2021 from 4:00 pm until 7:00 pm. This request includes amplified sound.

**Closed Session:**

Add Section (a) (3) to discuss potential litigation.

Unanimously approved.

**PRESENTATIONS:**

**1. Proclamation - Declaring September 17<sup>th</sup> through the 23<sup>rd</sup> as Constitution Week in the Town of Smithfield**

Mayor Moore presented the following proclamation to members of the Smith Bryan Chapter of the Daughters of the American Revolution.

**Proclamation  
Constitution Week  
September 17 – 23, 2021  
In the Town of Smithfield, North Carolina**

*Whereas*, September 17, 2021 marks the two hundred and thirty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention;  
- and

*Whereas*, it is fitting and proper to officially recognize this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

*Whereas*, Public Law 915 guarantees the issuing of a Proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

**NOW, THEREFORE, I, M. Andy Moore**, Mayor of the Town of Smithfield do hereby proclaim September 17 through 23, 2021 to be **CONSTITUTION WEEK** in the Town of Smithfield and ask our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

#### CITIZEN'S COMMENTS:

- Pam Lampe of 415 North Second Street expressed her appreciation to the Town Council for directing the Planning Board to add landscape regulations to the UDO for single-family homes. She asked the Council to consider increasing landscape requirements for multi-family homes, commercial and industrial uses with the expanded use of landscape buffers, berms, setbacks and barriers. The Town needs to make sure that berms, setbacks, buffers and fencing are sufficient so that every tax payer is happy with the new growth. She challenged the Council and town staff to develop and new landscape standards for the UDO that will make new development projects good economically and aesthetically pleasing.

#### CONSENT AGENDA:

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

1. The following minutes were approved:
  - August 3, 2021 – Regular Meeting
  - August 3, 2021 – Closed Session
2. Special Event: Carnival – Inners Show gained approval to conduct a Family Fall Fest Super Carnival at 1025 Outlet Center Drive from September 30<sup>th</sup> until October 10<sup>th</sup>
3. Special Event: Revival by the River – Like Morning Dew Ministries gained approval to conduct revival services at the Neuse River Amphitheater on October 1<sup>st</sup> and October 2<sup>nd</sup> from 3:00 pm until 6:00 pm. The use of amplified sound was also approved.
4. Promotion: Approval was granted to promote a Police Officer I to the rank of Police Officer II
5. Approval was granted to adopt Resolution No. 686 (14-2021) authorizing town staff to submit an NCDEQ Asset Inventory Assessment Grant application.

**TOWN OF SMITHFIELD  
RESOLUTION No. 686 (14-2021) BY GOVERNING BODY OF APPLICANT  
WATER ASSET INVENTORY AND ASSESSMENT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of Asset Inventory and Assessment projects for water and sewer systems, and

WHEREAS, The Town of Smithfield has need for and intends to update an asset management plan for its water system described as the *Town of Smithfield Water Asset Management Plan*, including asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for water, and

WHEREAS, The Town of Smithfield intends to request state grant assistance for the project,

**NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL FOR THE TOWN OF SMITHFIELD:**

That Town of Smithfield, the **Applicant**, will arrange financing for all remaining costs of the project, including matching funds, if approved for a State grant award.

That Michael L. Scott, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the development of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th day of September, 2021 at the Town Hall Council Chambers in Smithfield, North Carolina.



6. Approval was granted to adopt Resolution No. 687 (15-2021) supporting NCDOT Economic Development Funding for Amazon/Samet Development

**RESOLUTION No. 687 (15-2021)**  
**TOWN OF SMITHFIELD**  
**IN SUPPORT OF NCDOT ECONOMIC DEVELOPMENT FUNDING**  
**FOR AMAZON/ SAMET DEVELOPMENT**

WHEREAS, Amazon is constructing a distribution facility in the West Smithfield Business Park located in Smithfield, North Carolina; and,

WHEREAS, Amazon proposed to invest \$100 million and to employ at least 500 persons when the facility is fully operational; and

WHEREAS, Amazon plans are consistent with local land uses and state and local transportation plans; and

WHEREAS, Amazon plans conform with all applicable state and local ordinances and policies; and

WHEREAS, the Town of Smithfield is committed to work with the NCDOT in a leadership role to make transportation improvements that address the safety needs of the public, contractors and employees of Amazon; and

NOW, THEREFORE BE IT RESOLVED, by the Smithfield Town Council,

Section 1: The Town of Smithfield supports the location of Amazon in the Town of Smithfield, and confirms that its plans are consistent with and conform with state and local laws, plans and policies.

Section 2: The Town of Smithfield endorses the application of Amazon to request financial support from the North Carolina Department of Transportation to assist in the funding of highway safety improvements at the Amazon site; including by not limited to, truck u-turns and other possible improvements outlined in the Traffic Impact Analysis.

Section 3: The Town of Smithfield commits to work with the NCDOT to make needed transportation improvements necessary to protect the safety of the public, and contractors and employees of Amazon.

7. Approval was granted to adopt the following budget ordinance for American Rescue Plan funds.

**GRANT PROJECT ORDINANCE FOR THE TOWN OF SMITHFIELD**  
**CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

BE IT ORDAINED by the Town of Smithfield Town Council (the "Council") of the Town of Smithfield, North Carolina (the "Town"), that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. This ordinance is to establish a budget for a project(s) to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 ("CSLFRF") also known as the American Rescue Plan Act. The Town has received the first tranche in the amount of \$2,069,143.16 of CSLFRF funds. The total allocation is \$4,138,286.32, with the remainder to be distributed to the Town within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital



wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2. The following amounts are appropriated for the project and authorized for expenditure:

CSLFRF Funds \$ 4,138,286.32

Section 3. The following revenues are anticipated to be available to complete the project:

CSLFRF Projects \$ 4,138,286.32

Section 4. The Town Manager/Finance Director is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 5. The Town Manager/Finance Director is hereby directed to report on the financial status of the project to the Town Council on an annual basis.

Section 6. Copies of this grant project ordinance shall be furnished to the Clerk of the Council, the Budget Officer and the Town Manager/ Finance Director for direction in carrying out this project.

Section 7. This grant project ordinance expires on December 31, 2026, or when all the CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

- 8. Bid was awarded to John Deere in the amount of \$127,832.02 for the purchase of a tractor for the Public Works Department. Bids received are as follows:
  - John Deere \$127,832.02
  - Mower Max \$170,902.30

9. New Hire Report

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>	<u>Rate of Pay</u>
Assistant Finance Director	Finance	10-10-4200-5100-0200	\$27.90/hr. (\$58,032.00/yr.)
Electric Line Technician	PU – Electric	31-72-7230-5100-0200	\$19.57/hr. (\$40,705.60/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$18.97/hr. (\$42,416.94/yr.)
Police Officer I	Police	10-20-5100-5100-0200	\$18.97/hr. (\$42,416.94/yr.)
P/T Collections Assistant	PU – Electric	31-72-7230-5100-0200	\$12.52/hr.
P/T SRAC Staff – General	P&R – Aquatics	10-60-6220-5100-0210	\$9.00/hr.
P/T SRAC Staff – Art Instructor	P&R – Aquatics	10-60-6220-5100-0230	\$15.00/hr.
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200	\$15.18/hr. (\$31,574.40/yr.)

Current Vacancies

<u>Position</u>	<u>Department</u>	<u>Budget Line</u>
Customer Service Representative	Finance	10-10-4200-5100-0200
Fire Chief	Fire	10-20-5300-5100-0200
P/T Fire Inspector (2)	Fire	10-20-5300-5100-0210
IT Support Specialist	General Government	10-10-4100-5100-0200
Police Officer I (3 positions)	Police	10-20-5100-5100-0200
P/T Firefighter I/Responders (Up to 8 positions)	Fire	10-20-5300-5100-0200
P/T Equipment Mechanic	PW – Garage	10-30-5650-5100-0200
Sanitation Equipment Operator (3 positions)	Public Works	10-40-5800-5100-0200
Utility Line Mechanic	PU – Water/Sewer	30-71-7220-5100-0200
Water Plant Operator	PU – Water Plant	30-71-7200-5100-0200

- 10. **Special Event:** Fall Festival – Compass Community Church gained approval to conduct a Fall Festival at Smithfield Community Park on September 25, 2021 from 4:00 pm until 7:00 pm. The use of amplified sound was also approved.

**Business Items:**

- 1. **Conditional Zoning- Floyd’s Landing (CZ-21-03)** The CE Group was requesting conditional rezoning of a portion of five parcels of land totaling approximately 199.8 acres from the R-20A (Residential-Agricultural) and B-3 (Highway Entrance Business) zoning districts to the R-8 CZ (Residential Conditional Zoning) district for the construction of a 598-unit residential development. The properties considered for approval are located on the west side of US Highway 70 Business West approximately 300 feet northwest of its intersection with South Rodgers Drive. The properties are further identified as Johnston County Tax ID# 15079014 15078012B and a portion of Johnston County Tax ID#15078012, 15077035C and 15077035H.

Planning Director Stephen Wensman explained this conditional zoning request was tabled at the August Town Council meeting due to some concerns expressed by the Council. Since that meeting, the developer has made some changes to the plan. Mr. Wensman explained the subdivision now consisted of 89 detached single-family homes, 220 attached single-family townhomes, and 360 apartment units (669 total number of dwelling units). This is a change from the August meeting when



118 detached single-family homes, 220 Townhomes and 360 apartment units (698 total number of dwelling units) were proposed. There are now 29 fewer detached single-family homes.

Mr. Wensman outlined the Summary of Master Plan changes from the August Town Council meeting to the September Town Council Meeting. The changes are as follows:

Overall development density changed from 3.5 to 3.35 dwelling units per acre.  
The number of detached single-family units was reduced from 118 to 89.

#### Townhomes:

- Front setbacks have increased from 20' to 30' to create a distance of 33.5' from the sidewalk to the garage for parking to accommodate more parking.
- Townhouse road right-of-way has decreased in width from 60' to 50'.
- The street utility strip was reduced from 5' to 3' and sidewalk is 2.5' from edge of right-of-way.
- Townhouse lot depths increased from 100' to 110'.
- Townhouse end units increased from 20' wide to 24' wide to accommodate 2-car garages.
- Interior townhouse units increased from 20' wide to 22' wide.
- Each interior unit can accommodate 3 parking spaces with a 1-car garage.
- Each end unit can accommodate 4 parking spaces with a 2-car garage.
- Townhouse 2-car garage units will be priced from \$200,000-220,000.

#### Single-family:

- Lot widths increased from 42-45 feet wide.
- Minimum lot size increased from 4,830 to 5,175 sq. ft.
- Street widths increased to 31 feet back-to-back from 27' back-to-back to allow on street parking.
- Added 7 pullout parallel parking stalls for overflow parking.

#### Apartments:

- Provided additional details on Pool House/Pool
- Maintenance/car wash area

The buffer along US Highway 70 Business West includes landscaping with berm and a fence.

#### Architectural details

##### Single Family Architectural Standards.

- End units facing a public ROW must include a minimum of two (2) windows.
- Façade Treatment: May include a mix of siding types including lap siding, board & batten, shake, stone or brick. Each unit shall include a minimum of two (2) of these elements.
- Landscaping: Each unit shall include a minimum of one (1) decorative tree, one (1) street tree, and six (6) shrubs.
- Each home shall have a minimum of a two-car garage.
- Garage Doors: shall contain decorate details or carriage style adornments.

##### Townhome Architectural Standards

- End units facing a public ROW must include a minimum of two (2) windows.
- End units facing a public ROW must include screening landscaping the side yard.
- Façade Treatment: May include a mix of siding types including lap siding, board & batten, shake, stone or brick.
- Each unit shall include a minimum of two (2) of these elements. Landscaping: Each unit shall include a minimum of one (1) decorative tree and four (4) shrubs.
- A minimum of 50% of the units shall two-car garage.
- Garage Doors: shall contain decorate details or carriage style adornment

Parking- The proposed development now meets or exceeds 2.5 parking spaces/d.u

##### Detached Single-Family

- Two parking spaces in attached garages and two within driveway
- Seven pull-off parallel parking stalls are provided for overflow.
- The public street is 31' wide paved road back-to-back of curb which will allow for on-street parallel parking between residential driveways.

##### Townhomes

- Two parking spaces are proposed for each end unit within garages and 2-4 within driveways
- One parking space is proposed for each interior unit within a garage with 1-2 within the driveway
- 134 overflow/guest parking spaces provided in parking lots
- Townhouse roads are 27' wide back-to-back and not well suited for on-street parking.

##### Apartments

- There is adequate parking in parking lots for the 360 apartments
- There are also 42 garage units that will be available for rent.

Councilman Scott questioned if the townhome end units would have a large garage. Mr. Wensman responded the end units would have 2-car garages.

Councilman Barbour questioned the different types of apartments. Mark Ashness of Carolina Land Group responded there were three types of apartments. Each apartment building would be 3 floors with 8 units on each floor for a total of 24 units per building. There will be one bedroom, two bedroom and three-bedroom apartments.



Councilman Scott questioned the height of the buffer. Mr. Wensman responded that adjacent to the northern boundary of the site a 50' landscaped buffer was proposed. Adjacent to the southern boundary of the site a 100' landscaped buffer/berm was proposed. The Planning Board recommended 100' landscaped berm buffers at both the northern and southern boundaries.

Councilman Barbour questioned the buffer along US Highway 70. Mr. Ashness explained there would be a berm with landscaping and a fence. The goal was to create uniformity along the frontage of the property. The developer elected to add the fence to help enhance the recognition of the community.

Councilman Barbour questioned if there would be a buffer between the adjacent commercial property. Mr. Wensman responded there would be a 50' buffer adjacent to the commercial property, but once the commercial property was developed there would be additional buffer requirements for the developer of that property.

Mark Lane of 2108 Yelverton Grove Road stated that the Planning Board never recommended a berm on the northern side of the property. He further stated that his concern with all this growth in Smithfield was the overcrowding of the schools. Mayor Moore responded staff had recently met with school officials about the growth coming to Smithfield.

Planning Staff recommend approval of CZ-21-03 with the following conditions:

1. That the future preliminary plat and development plans for the subdivision be in accordance with the approved Master Plan, R-8 Zoning District, and UDO regulations with the following deviations:

Item	R-8 CZ
SF Min. lot size	5,175 sq. ft. (.12 ac.)
SF Min. lot width	45 feet
SF Min. front setback	20 feet
SF Min. Side Setback	5 feet
SF Min Rear Setback	20 feet
TH Min Rear Setback	10 feet
Max. Bldg. Height	50 feet (3 story apartments)
Building Separation	30' building separation
Townhouse Streets	27' wide back-to-back with 3' utility strips in 50' R/W
Single Family Streets	31' wide back-to-back
Sidewalks	8' trail along US Hwy 70 Bus.
Multi-family storage Spaces	Storage garage units will be available for rent.

2. That the public street at the south end of the subdivision terminate with 96' diameter cul-de-sac bulbs to meet Fire Code.
3. That trash and recycling roll off containers in the townhouse areas be stored within the garages or in the rear yards.
4. Decorative street lighting and decorative street signs be provided by the development throughout the site.
5. Provide subdivision signs made from robust material with landscaping equal to the area of the sign at all entrances into the development.
6. Provide a complete landscape and buffering plan.
7. All land held in common ownership that is adjacent to a public right-of-way shall be planted with a minimum of 2 shade trees per 100 feet linear feet of road frontage. These trees shall be planted adjacent to and outside of the public right-of-way and shall be maintained by the HOA.
8. That the preliminary plat and construction plans be constructed in accordance with the approved master plan.
9. Landscape buffer on the north end of the development shall be a 50-foot-wide buffer and south end of the development shall be 100 foot wide with planted berm.
10. Public right-of-way serving the townhouse portion of the development be posted a no parking zone.

Councilman Barbour made a motion, seconded by Councilman Scott, to recommend approval of zoning map amendment, CZ-21-03, with the above 10 conditions of approval finding that the zoning amendment is consistent with the Town of Smithfield Comprehensive Growth Management Plan and other adopted plans and the zoning amendment is reasonable and in the public interest. Unanimously approved.

**PUBLIC HEARINGS:**

**1. Contiguous Annexation Petition: ASP Smithfield LLC/SST Properties (Samet Properties) and FNLI Agouti JNX LLC (Amazon) - ANX-21-01**

In accordance with NCGS 160A-31, a public hearing and adoption of Ordinance No. 506 are required before the properties can be annexed into the corporate limits of the Town of Smithfield.

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



Planning Director Stephen Wensman explained the Town of Smithfield received a petition from ASP Smithfield LLC/SST Properties (Samet Properties) to annex 193.027 acres to the west of the Westview Subdivision, beginning approximately 315 ft west of North Rogers Drive. The annexation properties included the 169.674-acre Amazon site and an adjacent 23.353-acre site that will likely be developed into warehouse facilities and future West Smithfield Business Park Road to provide access to the industrial properties. Both parcels have road frontage on US Highway 70 Business. The area to be annexed is comprised of two parcels.

Smithfield will provide sewer and water utilities which will be extended into the site to service the Amazon development. The Town Police Department has indicated that they are able to service the area if annexed into the Town without much additional cost. The area is already within the Town's fire district. Trash and yard pickup are not services provided to Industrial properties. With a future plat, there may be additional public streets to maintain. Code Enforcement can provide enforcement without any additional cost.

On July 8, 2021, the Town Council adopted Resolution No. 683 (11-2021) directing the Town Clerk to investigate the sufficiency of the petition should the Council wish to move forward with the annexation of the property into the corporate Town limits. The Town Clerk investigated the petition and determined it to be sufficient.

On August 3, 2021, the Town Council adopted Resolution No. 685 (13-2021) setting the date for the Public Hearing on September 7, 2021.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the September 7, 2021 agenda packet.

Mayor Moore asked if there were any questions from Council. There were no questions/ comments from the Council.

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

Chris Johnson Johnston County Economic Development Director spoke on behalf of Amazon and Samet stating both companies were in favor of the annexation

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

Councilman Barbour made a motion, seconded by Councilman Rabil, to adopt Ordinance No. 506 extending the corporate limits of the Town of Smithfield. Unanimously approved.

**Town of Smithfield  
North Carolina  
ORDINANCE No. 506 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**, the Town Council has by Resolution No. 683 (11-2021) directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of 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 September 7, 2021, after due notice by the Johnstonian News on August 25, 2021.

**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 territory is hereby annexed and made part of the Town of Smithfield as of September 7, 2021:

RDU2 ANNEXATION -LAND DESCRIPTION  
ALL OF LOTS 1 AND 2 AS SET FORTH ON THAT CERTAIN  
RECOMBINATION PLAT "RDU2", FOR SAMET CORPORATION, RECORDED  
ON APRIL 28, 2021 IN JOHNSTON COUNTY REGISTRY IN PB 93, PAGE 241.

ALSO DESCRIBED AS:

ALL THOSE CERTAIN PARCELS OF LAND LYING IN JOHNSTON COUNTY,  
NORTH CAROLINA ADJOINING THE NORTH SIDE OF WEST MARKET  
STREET (US HWY 70 BUSINESS), AND BEING WEST OF M DURWOOD  
STEPHENS HIGHWAY (NCSR 1923), SAID PROPERTY BEING A PORTION OF  
LANDS IN THE NAME OF ASP SMITHFIELD, LLC & SST PROPERTIES LLC AS  
RECORDED IN THE JOHNSTON COUNTY REGISTRY IN DEED BOOK 5875,  
PAGE 96 AND ALL OF THE PROPERTY IN THE NAME OF ASP SMITHFIELD,  
LLC & SST PROPERTIES, LLC AS DESCRIBED IN DB 5875 PG 91 AND IS



MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERN RIGHT OF WAY OF US HWY 70 BUSINESS AND IN THE SOUTHERN CORNER OF THE COMMON LINE OF LAND IN THE NAME OF NELL WOOD LEE AS RECORDED IN DB 3609 PG 832 AND LAND IN THE NAME OF ASP SMITHFIELD, LLC & SST PROPERTIES LLC AS RECORDED IN DB 5875 PG 77, SAID POINT BEING IN THE CENTERLINE OF A STREAM, AND RUNS;

THENCE, WITH LEE, ALONG A CREEK FOR THE FOLLOWING COURSES, N 07°34'49" EA DISTANCE OF 38.73' TO A POINT, AND RUNS;

THENCE, N 36°14'53" EA DISTANCE OF 16.77' TO A POINT, AND RUNS;  
THENCE, N 17°46'03" EA DISTANCE OF 31.95' TO A POINT, AND RUNS;

THENCE, N 11 °20'00" EA DISTANCE OF 53.07' TO A POINT, AND RUNS;

THENCE, N 62°17'44" EA DISTANCE OF 35.51' TO A POINT, AND RUNS;

THENCE, N 16°18'03" EA DISTANCE OF 45.51' TO A POINT, AND RUNS;

THENCE, N 68°24'38" EA DISTANCE OF 22.13' TO A POINT, AND RUNS;

THENCE, N 24°42'16" EA DISTANCE OF 15.29' TO AN EXISTING IRON PIPE, AND RUNS;

THENCE, N 02°07'47" WA DISTANCE OF 46.26' TO A POINT, AND RUNS;

THENCE, N 47°27'41" EA DISTANCE OF 21.96' TO A POINT, AND RUNS;

THENCE, N 03°00'56" WA DISTANCE OF 14.67' TO A POINT, AND RUNS;

THENCE, N 16°28'16" EA DISTANCE OF 50.37' TO A POINT, AND RUNS;

THENCE, N 40°39'15" EA DISTANCE OF 81.48' TO A POINT, AND RUNS;

THENCE, N 38°40'38" EA DISTANCE OF 48.59' TO A POINT, AND RUNS;

THENCE, N 36°24'47" EA DISTANCE OF 88.18' TO A POINT, AND RUNS;

THENCE, N 50°15'49" EA DISTANCE OF 25.85' TO AN EXISTING IRON PIPE (DISTURBED), AND RUNS;

THENCE, N 26°33'56" EA DISTANCE OF 43.04' TO A POINT, AND RUNS;

THENCE, N 04°46'03" EA DISTANCE OF 16.77' TO A POINT, AND RUNS;

THENCE, N 22°42'38" EA DISTANCE OF 42.17' TO A POINT, AND RUNS;

THENCE, N 26°42'10" EA DISTANCE OF 83.85' TO A POINT, AND RUNS;

THENCE, N 25°40'44" EA DISTANCE OF 94.07' TO A POINT, AND RUNS;

THENCE, N 16°40'31" EA DISTANCE OF 68.61' TO A POINT, AND RUNS;

THENCE, N 11°53'36" EA DISTANCE OF 43.49' TO A POINT, AND RUNS;

THENCE, N 03°26'38" WA DISTANCE OF 66.84' TO A POINT, AND RUNS;

THENCE, N 22°31'17" WA DISTANCE OF 14.50' TO A POINT, AND RUNS;

THENCE, N 11°52'48" WA DISTANCE OF 42.02' TO A POINT, AND RUNS;

THENCE, N 13°01'03" WA DISTANCE OF 56.05' TO A POINT, AND RUNS;

THENCE, N 09°41'04" WA DISTANCE OF 66.62' TO A POINT, AND RUNS;

THENCE, N 06°51'56" WA DISTANCE OF 63.97' TO A POINT, AND RUNS;

THENCE, N 29°35'36" WA DISTANCE OF 3.07' TO A POINT, AND RUNS;

THENCE, N 13°28'22" WA DISTANCE OF 62.12' TO A POINT, AND RUNS;

THENCE, N 17°42'52" WA DISTANCE OF 42.47' TO A POINT, AND RUNS;

THENCE, N 17°20'34" WA DISTANCE OF 38.01' TO A POINT, AND RUNS;

THENCE, N 30°01'11" WA DISTANCE OF 56.74' TO A POINT, AND RUNS;

THENCE, N 28°53'41" WA DISTANCE OF 22.37' TO A POINT, AND RUNS;



THENCE, N 36°36'06" WA DISTANCE OF 49.90' TO A POINT, AND RUNS;

THENCE, N 35°46'40" WA DISTANCE OF 72.63' TO A POINT, AND RUNS;

THENCE, N 30°19'44" WA DISTANCE OF 67.62' TO A POINT, AND RUNS;

THENCE, N 32°48'25" WA DISTANCE OF 48.90' TO A POINT, AND RUNS;

THENCE, N 31°22'56" WA DISTANCE OF 61.88' TO A POINT, AND RUNS;

THENCE, N 27°10'17" WA DISTANCE OF 57.59' TO A POINT, AND RUNS;

THENCE, N 25°42'32" WA DISTANCE OF 58.85' TO A POINT, AND RUNS;

THENCE, N 19°28'35" WA DISTANCE OF 60.49' TO A POINT, AND RUNS;

THENCE, N 18°13'31" WA DISTANCE OF 37.96' TO A POINT, AND RUNS;

THENCE, N 16°18'42" WA DISTANCE OF 26.37' TO A POINT, AND RUNS;

THENCE, N 08°39'31" WA DISTANCE OF 20.45' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAME OF KIMBERLY GOWER JOHNSON AS RECORDED IN DEED BOOK 3628, PAGE 932, AND RUNS;

THENCE, WITH JOHNSON, N 12°27'05" EA DISTANCE OF 354.96' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAME OF ANN U WOOD et al. AS RECORDED IN DEED BOOK 5007, PAGE 850, AND RUNS;

THENCE, WITH WOOD, S 88°41'47" EA DISTANCE OF 387.09' TO AN EXISTING IRON STAKE IN THE CORNER OF LAND IN THE NAME OF EULA MAE BELL LIFE ESTATE AS RECORDED IN DEED BOOK 3661, PAGE 954, AND RUNS;

THENCE, WITH TWO PARCELS IN THE NAME OF BELL, S 88°38'00" EA DISTANCE OF 1,200.90' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAMES OF WILLIE CAROL DAVIS HEIRS, PARCEL ID: 150780238, DEED BOOK AND PAGE UNKNOWN, AND WILBERT EDWARD McCLAMB AS RECORDED IN DEED BOOK 1047 PAGE 73, AND RUNS;

THENCE, WITH McCLAMB, S 88°40'53" EA DISTANCE OF 503.47' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAME OF HEATH STREET #215 LMTD PRTRSHP AS RECORDED IN DEED BOOK 1897 PAGE 945, AND RUNS;

THENCE, WITH HEATH STREET, S 86°28'17"11 EA DISTANCE OF 499.48' TO AN EXISTING IRON PIPE IN THE CORNER OF A SECOND PARCEL OF LAND IN THE NAME HEATH STREET #215 LMTD PRTRSHP AS RECORDED IN DEED BOOK 1897 PAGE 945, AND RUNS;

THENCE, WITH HEATH STREET, S 00°17'44" WA DISTANCE OF 1,824.82' TO AN EXISTING IRON PIPE IN THE CORNER OF LAND IN THE NAME OF RUTH J LEE LIVING TRUST AS RECORDED IN DEED BOOK 5793 PAGE 535, AND RUNS;

THENCE, WITH RUTH J LEE LIVING TRUST FOR THE FOLLOWING 3 COURSES, S 01°43'58" WA DISTANCE OF 883.39' TO A POINT, AND RUNS;

THENCE, N 89°00'24" WA DISTANCE OF 576.84' TO A POINT, AND RUNS;

THENCE, S 02°01'53" WA DISTANCE OF 828.46' TO AN EXISTING IRON PIPE IN THE NORTHWEST CORNER OF LOT 9 OF THE WESTVIEW SUBDIVISION RECORDED IN PLAT BOOK 14 PAGE 119, AND RUNS;

THENCE, WITH THE WESTVIEW SUBDIVISION ALONG LOTS 9, 8, 7, 6, 5, 4 AND 1, S 55°49'06" WA DISTANCE OF 844.89' TO AN IRON PIPE SET IN THE NORTHERN RIGHT OF WAY OF WEST MARKET STREET, (US HIGHWAY 70 BUSINESS), AND RUNS;

THENCE WITH THE RIGHT OF WAY N 47°09'28" WA DISTANCE OF 294.14' TO AN IRON PIPE SET, AND RUNS;

THENCE, CONTINUING WITH THE RIGHT OF WAY, WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 2,016.90', WITH A RADIUS OF 4,837.29', WITH A CHORD BEARING OF N 35°12'47" W, WITH A CHORD LENGTH OF 2,002.32', TO THE POINT AND PLACE OF BEGINNING AND HAVING AN AREA OF 193.027 ACRES 8,408,257 SQUARE FEET, TO BE THE SAME MORE OR LESS.



and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Smithfield and shall be entitled to the same privileges and benefits as other parts of the Town of Smithfield. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10

Section 3. 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: Kimberly Gower Johnson (RZ-21-02):** The applicant was requesting to rezone five parcels of land totaling 69.26 acres from the B-3 (Highway Entrance Business) and R-20A (Residential-Agricultural) zoning district to the LI (Light-Industrial) zoning district. The properties considered for rezoning are located on the east and west side of US Hwy 70 Business West approximately 670 feet south of its intersection with Barbour Road. The properties are further identified as Johnston County Tax ID# 15078019A, 15078019D, 15078019F, 15078020 and 15078020A.

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

Planning Director Stephen Wensman explained all the parcels are split zoned with the area within 500 feet of US Highway 70 Business W zoned B-3 and the remainder zoned R-20A, except for parcel 5 which is fully within the B-3 zoning district. The rezoning is mostly consistent with the Comprehensive Growth Management Plan which guides parcels 2-5 as industrial, however it guides parcel 1 as low density residential. Approval of the rezoning of parcel 1 to Light Industrial would simultaneously amend the comprehensive plan. The industrial zoning in West Smithfield has been part of a long-term economic development initiative that created certified industrial sites and the Amazon development site. The rezoning of parcels 2-5 is a further step towards the realization of a larger industrial area (industrial park) as envisioned in the comprehensive plan. Parcel 1 was not included in that vision, and it was guided for low density residential in the comprehensive plan. The properties to the north and south of parcel 1 are guided and zoned for low density residential. There are 3 existing residential parcels to the north of parcel 1 that would be surrounded by industrial zoning if the map amendment is approved. These properties are buffered from the airport by existing forest and would be buffered from industrial parcel 1 by a man-made pond. The parcels to the south of parcel 1 are currently planned for a residential development. The Johnston County Regional Airport has a long-term vision to develop the south side of the runway with supportive industrial uses. The rezoning of parcel 1 to industrial would support this vision by providing a southern entrance to the airport property. Mr. Wensman explained water and sewer would be provided by the Town of Smithfield. Electric would be provided by Duke Energy Progress and the parcels are in the Wilson's Mills Fire District.

Planning Staff and the Planning Board recommend approval of RZ-21-02 with a statement declaring the request 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.

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council in written form in the September 7, 2021 agenda packet.

Mayor Moore asked if there were any questions from Council. There were no questions/ comments from the Council.

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

Chris Johnson of 516 North 4<sup>th</sup> Street, Smithfield speaking on behalf of his family informed the Council that there were no immediate plans for the properties. They were simply looking into the future for potential uses for the properties.

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

Councilman Scott made a motion, seconded by Councilman Barbour, to approve zoning map amendment, RZ-21-02, 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.

3. **Conditional Zoning Request - Marin Woods (CZ-21-06):** The applicant was requesting to rezone one parcel of land totaling 31.56 acres from the R-8 (Residential) and R-20A (Residential-Agricultural) zoning district to the R-8 CZ (Residential-Conditional Zoning) district for the construction of a 143-lot residential subdivision. The property considered for rezoning is located on the north side of NC Hwy 210 approximately 1,300 feet west of its intersection with Skyland Drive. The property is further identified as Johnston County Tax ID# 15077008

Councilman Wood made a motion, seconded by Councilman Barbour, to open the public



hearing. Unanimously approved.

Planning Director Stephen Wensman explained StrongRock Engineering PPLC was requesting a conditional rezoning request of 31.56-acres of a 57.76-acre parcel, from R-20A and B-3 to R-8 CZ with a master plan for a subdivision consisting of 49 detached single-family homes and 94 Townhomes. (143 lots). The applicant was proposing to split the property with the current owner retaining the remaining 26.2-acres of floodplain.

The property considered for approval is located within the Neuse River Basin and within the floodplain of Swift Creek. The site considered for development is located on the high side of the property which is adjacent to NC Highway 210. As the property slopes away from NC Hwy 210, the elevation drops to below the base flood elevation (BFE) of the 100-year floodplain which is 124.7 feet above sea elevation. All finished grades for each lot will be at a minimum of 2 feet above the BFE. Encroachment into the 100-year floodplain by the stormwater management facility is proposed. A portion of the detached single-family development is within the 500-year flood zone which statistically has a 0.2% chance of annual flooding. The land is currently used for agriculture purposes and is a mix of open agricultural fields, wooded areas and marsh land.

The applicant is proposing a master plan with a mix of detached single-family residential and attached single-family townhomes.

The Town's land use plan guides the site for medium density residential. The overall development will have an average density of 4.53 units per acre. The proposed land uses and densities match the Town's comprehensive plan and are consistent with R-8 zoning.

The proposed development will access to NC Highway 210 at a location across from the Town's driveway access to its parkland. A temporary emergency access is being provided on the eastern edge of the property to meet Fire Code. This access will be removed when the property to the east develops, and a lateral connection can be made (subdivision application expected later this year).

The streets within the development will be publicly maintained with 60' right-of-way, except for the cul-de-sac. All streets will be 34 feet wide, back of curb to back of curb, except for the cul-de-sac and the divided entrance.

- The street entrance into the development will be comprised of two 14' wide paved lanes with a 13' wide median and curbing.
- The proposed cul-de-sac exceeds 750 feet in length allowed by the UDO. The applicant is proposing an enlarged cul-de-sac bulb, Fire Code requires the enlarged cul-de-sac bulb, 94 wide, back of curb to back of curb, in a 120' wide right-of-way because of the cul-de-sac length.
- The developer is proposing valley curbing rather than B6-12 curbing as required by the Town's standard details.
- The intersection of Road D and Road C is at an angle due to the existing wetlands.

Approximately 10.70 acres or 33% of the site will remain undeveloped open space. This area will be comprised of streams, wetlands, ponds, flood plain, buffers and a 0.53-acre total recreation area.

A protected stream with a 50' riparian buffer is shown of the plan. The proposed walking trail is shown crossing this buffer at two locations.

#### Area Information.

- Property area to be developed 1,374,653 SF (31.56 AC)
- Area in lots: 601,224 SF (13.80 AC)
- Area in public right-of-way: 265,708 SF (6.10 AC)
- Area to be dedicated for NC Hwy 210 right-of-way: 38,006 SF (0.87 AC)
- Open space area: 469,715 SF (10.78 AC)

#### Streets and Utilities.

- Streets: 8,188 LF
- Sidewalk: 4,203 LF
- Sewer line: 4,299 LF
- Water line: 4,223 LF

#### Impervious areas.

- Roads and Parking: 155,516 SF (3.57 AC)
- Sidewalks: 22,084 SF (0.51 AC)
- Single-family lots (2,500 SF/LOT): 122,500 SF (2.81 AC)
- Townhouse lots (1,400 SF/LOT): 131,600 SF (3.02 AC)
- Total on-site Impervious: 431,700 SF (9.91 AC)
- Total on-site impervious percent: 31.40%

#### Setbacks.



- Minimum Single Family Residential Setbacks  
Front-20'  
Side – 5'  
Rear – 20'  
Corner Side – 15'  
Garage- 20'
- Minimum Townhome Setbacks:  
Front-20'  
Side – 0'  
Rear – 20'  
Corner Side – 20'  
Garage- 20'

#### Lot Sizes.

##### Single-Family

- Proposed minimum lot size: 5,882 SF (LOT 26)
- Proposed average lot size: 7,593 SF (0.17 AC)
- Proposed maximum lot size: 14,646 SF (LOT 8)
- Minimum proposed lot width: 55'
- 80% of homes will have 2-car garages

##### Townhouses

- Town home units are 20' wide with end lots being 22' wide.
- Minimum proposed lot width: 20'
- Proposed minimum lot size: 2,100 SF
- Proposed average lot size: 2,438 SF (0.17 AC)
- Proposed maximum lot size: 4,417 SF (LOT 8)
- Townhomes will have 1-car garages.

The proposed minimum space between townhome buildings is approximately about 16' feet. The UDO Section 8.13.1.2. requires varying building separation based upon the height of the structures:

The townhomes are likely between 25-35 feet in height which requires a minimum 30-40 feet between townhouse buildings. This represents a deviation from the UDO requirements.

Building Heights. All proposed structures will have a building height of 35 feet or less as permitted by R-8 zoning district standards.

#### Public Sidewalks.

- 5' wide public sidewalks are required along the side of all streets in the public right-of-way along one side of all subdivision streets and along US Hwy 210. There appear to be sections of sidewalk missing in the master plan.
- Sidewalks are shown at the back of curb with no utility strip in some locations. It should be made a condition of approval that the sidewalk be located outside of the 5' utility strip.

Four parking spaces are proposed for each detached single-family residential unit (detached and attached) within an enclosed garage and driveway.

The UDO requires 188 off-street parking stalls (2/unit) for Townhouses. The master plan shows 289 parking spaces (3.05/unit) including on and off-street:

- 188 spaces in townhouse garages and driveway
- 24 in overflow parking lot
- 77 on-street
- With a 20' setback in the Townhouse and Single-Family Home areas, there will be some instances where larger vehicles might overhang into the public right-of-way and may block public sidewalks.
- The overflow parking lot does not meet the UDO parking lot dimensional standards. The Town's standards call for 45 degree or 30-degree parking. The developer is proposing 35 degree. 30-degree parking lots have a minimum drive width of 14', the developer is proposing 12. The parking lot lacks curb and gutter.

The project is proposing 1 tot lot and a natural area with a walking trail. A hedge has been provided to separate the play area from the side yards of the adjacent homes. With the natural walking trail and play area, the master plan exceeds the recreational requirements of 7.35.1.5.

#### Landscaping and Bufferyard.

- The project is proposing a 15 bermed 'landscaped buffer adjacent to US NC Hwy 210.
- The landscape plan provides 1 street tree (outside the public right-of-way) per single family home, and 1 street tree per every 2 townhome lots.
- A perimeter buffer has been provided on the west property line where an existing home is nearby, but not on the east side where an urban development is expected.
- The 13' wide entrance median, at present, is not showing any landscaping. Landscaping of the median with maintenance by the HOA should be made a condition of approval.



No dumpster or trash facilities are shown on the plan. All lots can be served by roll out containers. Trash containers can become a landscape feature in townhouse developments if not planned for. A condition is recommended requiring their storage in the garage or in the rear yard.

A mail kiosk is proposed on Road A with 8 on-street parallel parking stalls.

The development will comply with the Town's stormwater management ordinance. The stormwater pond is shown within the 100-year flood plain.

Subdivision signs will be provided at the entrance drive at NC Highway 210 primarily constructed of brick and stone.

Enhanced street signs and street lighting will be installed with the development.

An HOA will provide common ownership and maintenance of the shared open space, landscaping, stormwater SCMs and amenities.

#### Architectural Standards/Conditions of Approval.

1. Townhomes shall be 2-story with a minimum width of 20 feet and a minimum 1,250 heated sq. ft. and a 1-car garage.
2. All homes (townhome and single family) shall have a combination of 2 or more of the following materials on the front facade: brick, stone, lap siding, shakes or board and batten.
3. All corner units shall contain a window with decorative trim or door for each 30 feet (or fraction of) of continuous side elevation. Any siding break on the side of the home, such as fireplace, side porch, or wall offsets may be used as an alternative to windows.
4. All garages shall have windows or decorative hardware.
5. All single family detached homes shall have a garage with a minimum of 80% having a two-car garage.
6. In order to promote variation in home appearance, no adjacent home may use the same color siding, and for single family detached homes, no front elevation shall be constructed adjacent to or across from an identical elevation. For corner lots, this shall apply to the lots catty-corner across the intersection.
7. A consistent color palette shall be used for both the townhomes and single-family homes.
8. HOA will mandate and enforce hours when trash and recycling rollouts are visible. They shall be stored otherwise in the garage or patio area.
9. Townhome driveways will be clustered to allow for on-street parking.

The developer is seeking deviations from the UDO as part of the rezoning. The purpose of conditional zoning is to provide flexibility from conventional zoning and to allow creative projects to occur through a negotiated (give and take) approach to achieve the desired project that both the developer and town mutually can be satisfied with. The applicant is seeking the following deviations from the following UDO Requirements:

Item	R-8/UDO	R-8 CZ
SF Min. lot size	8,000 sq. ft. (.18ac.)	5,882 sq. ft.
SF Min. lot width	70 feet	55 feet
SF Min. front setback	30 feet	20 feet
SF Min. Side Setback	10 feet	5 feet
SF Min. Rear Setback	25 feet	20 feet
TH Min. front setback	30 feet	20 feet
Distance between townhouses	16 feet	30-40 feet
Curbing	Valley curbs	B6-12 curbs
Cul-de-sac length	750 feet	800 feet

#### Proposed Improvements Exceeding UDO requirements:

- Undisturbed open space except for walking trail.
- Enhanced Street Lights.
- Enhanced Street Signs.
- Landscaped berm along NC Highway 210.
- Street trees.
- Sidewalks on 2-sides of streets.
- Exceeds townhome recreation requirements.
- Proposed decorative entry signage with landscaping.
- Architectural standards provided.
- Enhanced entrance off of Highway NC 210.

Planning Staff recommends the Council table CZ-21-06 to give the developer additional time to revise the rezoning master plan or deny the rezoning finding the inconsistent with the UDO

Planning Director Stephen Wensman has incorporated his entire record and provided it to the Council



in written form in the September 7, 2021 agenda packet.

Zack Anderson of 6801 Falls of Neuse Road, Raleigh, NC made a presentation to the Council on the proposed development. Mr. Anderson explained he received additional feedback from Planning Director that he memorialized in the presentation.

Mr. Anderson stated they were requesting to rezone 31 acres of the larger parcel because the seller would like to retain the lowlands and some uplands. The developer was seeking conditional zoning to construct townhomes and single-family lots. In the 31 acres, 30% of the site would be open space which includes wetlands, flood plains, and common areas that the HOA would maintain.

Mr. Anderson explain they were proposing a large buffer along Highway 210. In addition to the 25 foot right of way, there will be a sidewalk and 15-foot buffer. The buffer proposed was a mix of hardwoods and evergreens, shrubs, and other ground plantings. Within the site, there will be street trees on the property lines which will be enforced by the HOA

Mr. Anderson stated he was aware that parking was a sensitive issue. They were proposing a garage, driveway and an off-street parking of 24 spots. He further explained they were proposing clustering the driveways so there was ample room in front of the units for parking. There will also be room between the buildings for parking. Mr. Anderson explained they were proposing on street parking in front of the units, but there would be no on-street parking in the cul-de-sac.

Mr. Anderson stated they were compromising from their original plan to include two-story townhomes with a minimum width of 20' with a minimum square feet heated area and minimum on-care garage. All homes would have a combination of 2 or more front façade material, all corner units would contain a window with decorative trim for each 30 feet of continuous side elevation. All garages would have windows or decorative hardware. All single-family homes will have a garage with a minimum of 80% having 2-car garages. No adjacent home may use the same color siding and no single-family home front elevation will be identical to adjacent homes or home located across from each other. A consistent color pallet will be used for the town homes and the single-family homes. The HOA will mandate and enforce when trash receptacles are visible. Town home driveways will be clustered to allow for on street parking.

Mr. Anderson explained there were several suggestions made at the Planning Board that they tried to accommodate. He explained that Road A would be extended to road C for better connectivity. A median would be installed on road A. More on-street parking would be added in the townhomes area. There would be increased dedication to 25' on Highway 210 right-of-way to accommodate future widening. They would also provide mountable curb along temporary gravel fire access easement

Mr. Anderson further explained townhome driveways would be clustered together to accommodate on-street parking between units. Adjacent Driveways would be separated by a planting strip containing 2 shrubs and 4 groundcover planting. They increase corner setback for townhomes to 20' and increase rear setback for townhomes to 20'. Street trees would be moved into lots and add conditions that street trees will be maintained and enforced by HOA. A master landscape plan from licensed landscape architect for entirety of site.

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

Mayor Pro-Tem questioned if there was a real difference in functionality between the valley curb and the B6-12 curb. Mr. Anderson responded they would prefer to install one type of curbing throughout the neighborhood. He stated the guidance was to install B6-12 curb throughout the neighborhood and limit the valley curb to the townhomes. He would like to keep the valley curb in front of the townhomes.

Councilman Barbour stated one of the issues with the valley curbs was people would park on the sidewalks, so they aren't parking in the street. Mr. Anderson responded he has developed quite a few neighborhoods with only valley curbs. If there is a strong HOA, parking on the sidewalks would not be an issue. Mr. Wensman stated that normally cars park on the sidewalks when the streets are narrow, but the developer was proposing full size streets so people would not be afraid to park along the street.

Councilman Barbour questioned if parking in the valley curb would hinder storm water flow. Mr. Wensman responded the type of curb would not make a difference if someone was parked along the street.

Mayor Moore questioned if the developer had any issues with installing the B6-12 curb in the neighborhood and the valley curb only in the townhome area. Mr. Anderson stated he was not opposed to that.

Mayor Moore asked Mr. Anderson to explain the 24 additional off-street parking spaces. Mr. Wensman responded those were on-street parking and Mr. Anderson stated there was an off-street parking lot with angled parking. Mr. Anderson further stated there would be 8 lined parking spots in front of the mail kiosk and additional parking in front of the green space. Mayor Moore stated most of the parking would be on-street parking.

Mayor Moore questioned if the parking for the townhomes would allow for 2 vehicles in the driveway. Mr. Wensman responded that with the 25' setback, only one car could be parked in the driveway. With a 25' setback, you would truly have cars off the public right-of-way. Mayor Moore expressed his concerns about potential parking issues. He stated the previous subdivision was approved with 30' setbacks to alleviate potential parking issues.



Councilman Scott stated that the 25' setback would alleviate the problem. Mr. Anderson responded it may not alleviate the problem, but it would make a better driveway. The 25' would allow a vehicle to be parked in the driveway without encroaching on the right-of-way.

Councilman Barbour questioned the berm that would be constructed along 210. He questioned if the developed would consider installing a Class D berm. Mr. Anderson responded that Highway 210 was different than Highway 70. He stated they were proposing a semi opaque buffer that would be very dense. He stated they would be willing to add a type D buffer to add uniformity.

Mayor Pro-Tem Dunn questioned the height of the berm. Mr. Anderson responded it would be about three feet tall with a shelf to plant the upper story trees. The fence would be 6' tall and maintained by the HOA. Everything within the townhome area would be maintained by the HOA.

Mayor Moore questioned if the townhomes would be "for sale" homes. Mr. Anderson responded since they were the developers and not the builders, he was unsure, but believed they would be "for sale" builds.

Mayor Moore stated he thought this was a good project, but he was concerned about the parking. He stated this townhome project was similar to the one just approved, but the developer of that project made some concessions to address the Council's concerns. Mayor Moore understood that Smithfield needed affordable housing, but the Town needed a mix of housing. Mayor Moore further stated that typically with a mixed-use project, 40% of the project was townhomes and 66% of this project was townhomes. He stated the Town had to be mindful of its sewer allocation with this much density.

Mr. Anderson asked for suggestions on how to alleviate the Mayor's concerns about parking. He stated they were proposing full size streets and offsite parking. Mayor Moore stated he was unsure if the Town wanted a neighborhood with cars parked on both sides of the street.

Mayor Moore asked if there was anyone in attendance who 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 Scott, to close the public hearing. Unanimously approved.

Councilman Barbour made a motion, seconded by Councilman Rabil, to table this item until the October meeting. Unanimously approved.

4. **Preliminary Subdivision Request – Marin Woods (S-21-03)**: The applicant requesting preliminary subdivision approval of a 31.56-acre tract of land for the creation of 143 residential lots to be located within an R-8 CZ (Residential-Conditional Zoning) district. The property considered for preliminary subdivision approval is located on the north side of NC Hwy 210 approximately 1,300 feet west of its intersection with Skyland Drive. The property is further identified as Johnston County Tax ID# 15077008

Since the previous agenda item (*Conditional Zoning Request - Marin Woods (CZ-21-06)*) was tabled by the Town Council, this item was also tabled.

Councilman Barbour made a motion, seconded by Councilman Wood, to table discussions on Preliminary Subdivision Request – Marin Woods (S-21-03). Unanimously approved.

#### Citizen Comment

- Mary Moody a resident of Austin Manor provided the Council a copy of Free Triangle Press newspaper she received from the Public Library of Johnston County and Smithfield. She asked the Council to review the material provided.

#### Councilmembers Comments:

- Councilman Lee expressed his appreciation to the Council for approving the Cedar Drive drainage improvements. He expressed concerns about the traffic being routed into Belmont during major rain events. He suggested the traffic be diverted at College Road. During major rain events when the railroad underpass is closed, traffic is diverted into Belmont and it becomes a hassle for those living in that community. Councilman Lee stated he would schedule a meeting with the Town Manager and the Police Chief about some Police personnel concerns. He stated he wanted them to work together to find solutions to some issues
- Councilman Scott expressed his appreciation to the Parks and Recreation Department for another successful River Rat Regatta event. Councilman Scott stated the grass along Buffalo Road and M. Durwood Stephenson Parkway was not being maintained and it was unsightly. He asked if the Town could initiate a conversation or even an agreement with NCDOT whereby allowing the Town to maintain the areas and NCDOT could reimburse the Town for maintenance.
- Councilman Barbour stated he would like to see some movement on the stormwater plan because the Town could not move forward with an investigation of sidewalks along Wilson's Mills Road until the stormwater plan was completed. Councilman Barbour informed the public that the Drone Field has been fenced. On October 2<sup>nd</sup>, there will be a drone fly in event from 1:00 pm until 4:00 pm with a ribbon cutting at 12:00 pm. In the event of inclement weather, the event will be held on October 9<sup>th</sup>.
- Mayor Moore asked the Town Manager to investigate Councilman Lee's suggestion for diverting



traffic away from the Belmont community. Mayor Moore reminded everyone that the 20<sup>th</sup> anniversary of September 11<sup>th</sup> was coming up. He asked everyone to take time to reflect on that event and to also take time to honor emergency service personnel. He expressed his appreciation to all emergency service personnel in the Town, the County, the State and the Country.

#### Town Manager's Report:

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

- The Town will be assisting Doris Wallace in a 9/11 event at the Community Garden. This event will take place on Saturday, 9/11/2022 beginning at 6:00 pm. The event will not last more than one hour. No amplified sound will be used. The event is open to the public.
- The splash pad is being closed for the year. It is scheduled to reopen on Memorial Day, 2022.
- Assistant Finance Director, Ashley Waters started working for Smithfield today. She is beginning her work efforts by familiarizing herself with the Town's protocols and learning how payroll functions.

#### Closed Session Pursuant to NCGS 143-318.11 (a) (4) & (6)

Councilman Barbour made a motion, seconded by Councilman Rabil, to enter into Closed Session pursuant to the aforementioned statute. Unanimously approved at approximately 9:38 pm

#### Reconvene in Open Session

Councilman Rabil made a motion, seconded by Councilman Wood, to reconvene in Open Session. Unanimously approved at approximately 10:30 pm.

No action was taken by the Council following the Closed Session

#### Adjourn

Being no further business, Councilman Rabil made a motion, seconded by Councilman Barbour, to adjourn the meeting. Unanimously approved. The meeting adjourned at approximately 10:31 pm.

ATTEST:

  
Shannan L. Parrish, Town Clerk



  
M. Andy Moore, Mayor