

TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



Chairman: Eddie Foy

Vice-Chairman: Stephen Upton

Members:

Mark Lane

Jack Matthews

Ashley Spain

Gerald Joyner

Daniel Sanders

Teresa Daughtry

Paul Embler, Planning Director

Mark Helmer, Senior Planner

Meeting Date: *Thursday, May 7, 2015*

Meeting Time: *6:00 p.m.*

Meeting Place: *Council Chambers, Smithfield Town Hall*

**AGENDA
PLANNING BOARD
REGULAR MEETING
MAY 7, 2015
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Approval of the minutes for April 2, 2015.

Public Hearing

CUP-15-02 Smithfield Solar, LLC: The applicant is requesting a conditional use permit to construct and operate a 5 megawatt solar farm on approximately 40 acres of land located within an R-20A (Residential-Agricultural) zoning district. The property considered for approval is located on the north side of US Hwy 70 Business West approximately 2300 feet north of its intersection with North Rogers Drive and further identified as Johnston County Tax ID# 15078011.

ZA-15-02 Town of Smithfield: The Planning Department is requesting to amend the Town of Smithfield Unified Development Ordinance, Article 19-4: (B) (5) On-Premise Development Identification Signs to include a minimum sign height of 50 feet in order for a sign to be classified as a high rise business identification sign.

Old Business.

New Business.

2015 Proposed Unified Development Ordinance updates

Adjournment.

DRAFT
Smithfield Planning Board Minutes
Thursday, April 2, 2015
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Jack Matthews
Ashley Spain
Michael Johnson

Members Absent:

Teresa Daughtry
Mark Lane
Gerald Joyner

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM MARCH 5, 2015.

Jack Matthews made a motion, seconded by Stephen Upton to approve the minutes as written. Unanimous.

Mr. Helmer stated that staff was working hard to get applicants to submit complete plans for Board review and wanted to use this time as a work season.

Mr. Helmer stated he would like to talk about landscaping and the four major components of a solid landscape plan which in most cases will include street yards, transition yards, buffer yards and parking lot plantings.

Mr. Helmer went over some items that are common to all landscape plans.

(1) Any site requiring a landscape plan shall provide a total landscaped area of not less than 20% of the gross acreage of the site or more if required by other sections of this Ordinance.

(2) Minimum height and caliper at planting for the following planting categories shall be as follows:

Canopy Tree	10 feet in height; 2 inches in caliper at ½ foot above grade
Understory Tree	6 feet in height; 1-1/2 inches in caliper at ½ foot above grade
Shrubs	Minimum 15 to 18 inches (3-gallon container); N/A

(3) Credit may be given for existing trees located between the proposed principle building and the street right-of-way. The retention of viable natural vegetation is encouraged when practicable. No credit shall be given for any tree which is unhealthy. Credit shall be given on a “tree per tree basis” or “one to one ratio”. A protected ground area corresponding to half the circumference of the spread of the tree as measured radially from the trunk outward shall be provided around trees to be retained for credit.

(4) Notwithstanding the provisions of this Section, nothing shall be planted adjacent to an approved driveway and street connection which would impede vision between a height of 2-1/2 and 10 feet in a triangular area formed by a diagonal line between a point on the driveway perimeter and the curb line or pavement edge of the street, 25 feet from where they intersect.

(5) The following site areas are required to be addressed in accordance with the provisions of this Section for all commercial, office and institutional, industrial, multi-family, and townhouse developments proposed in any of the following districts: O/I, B-2, B-3, LI, and HI districts. Within the B-1 (Central Business District) only the requirements for vehicular surface areas shall apply; however, supplemental landscaping is encouraged.

(a) Street yard.

(b) Vehicular Surface Areas.

(c) Transitional yards (side and rear).

(d) Loading/utility areas/outdoor storage.

(6) Street Yards

(a) A street yard shall be provided with a minimum depth of 50% of the required front or corner side yard as measured perpendicular to the street right-of-way, provided that no street yard in excess of 15 feet in depth shall be required.

(b) Planting requirements. One understory tree per every 50 linear feet of road frontage; 20 shrubs per 100 linear feet of road frontage.

(7) Vehicular Surface Areas

(a) Vehicular surface areas used for parking and circulation, or commercial display or storage of motor vehicles which are located within 50 feet of a street right-of-way must have a planting screen consisting of shrubs a minimum of 18 inches to 24 inches in height when installed with a minimum expected mature

height of 36 inches. Shrubs shall be planted with gaps no greater than five feet. Forty percent of the shrubs may be deciduous. When practicable, plans to meet this requirement may be formulated in conjunction with the requirement of subsection (6)(b) above.

(b) All vehicular surface areas containing more than four spaces shall be landscaped in accordance with the following minimum standards:

(i) At least nine percent of the gross paved areas of a parking facility shall be landscaped and located in the interior. For purposes of this section, interior shall mean the area within the parking facility curb or pavement and extensions that create a common geometric shape such as a square, rectangle or triangle.

(ii) Trees and shrubbery planted pursuant to this section shall include at least one tree a minimum of eight feet in height and six shrubs at least 18 inches in height at planting.

(iii) In support of the above, the following standards shall apply to interior plantings:

- All plantings shall be evenly distributed throughout the parking facility so that no parking stall shall be located farther than 50 feet from the trunk of the tree.
- All interior plantings shall be curbed or otherwise physically protected.
- Consecutive parking spaces shall incorporate landscape peninsulas no more than 15 spaces apart and at least the ends of all parking rows. Peninsulas shall contain at least 100 square feet in area and at least eight feet in width, measured from back of curb/barrier.

(iv) For parking facilities containing 5 to 24 spaces or stalls, a perimeter landscape strip may be provided in lieu of interior landscaping, subject to the following requirements:

- The minimum width of such strip shall be five feet.
- For every 50 linear feet or fraction thereof the perimeter landscape strip shall contain one canopy tree of at least five feet in height, and a continuous row (at least six) of evergreen shrubs at least 18 inches in height.
- Where a perimeter landscape strip overlays a street yard or buffer yard required elsewhere in this section, the more stringent requirements shall apply.

All perimeter landscaping strips shall be planted with a combination of live vegetation, groundcover, grass, trees, and/or shrubs. Vegetation planted pursuant to this section shall be maintained to ensure continued growth.

(v) Where more than 200 parking spaces are required by Code for development, planting areas may be interspersed throughout the site so that no parking stall shall be located farther than 75 feet from the trunk of a shade tree in a planting area with two or more trees, provided a minimum planting area of 400 square feet or more is provided.

(vi) The Planning Board may waive all or part of the requirements of this section for any facility which is limited to periodic or intermittent use for vehicular parking, such as parking lots for churches or recreational facilities, provided the facility is completely covered by grass or otherwise presents a landscaped effect.

(vii) The Planning Board may waive the requirements of this section for temporary parking lots when determined that a waiver is necessary to relieve hardship and will not violate the purposes of this section. Any such waiver shall not exceed one year.

(c) Each planting area provided in accordance with this Section may be counted as one parking space when computing the number of spaces required by this Ordinance, provided that the number of parking spaces required by this Ordinance shall not be reduced in excess of 10%.

(d) Additional or expanded vehicular surface areas shall meet 100% of the requirement of this Section.

(e) With the exception of subsection (a), the provisions of this Section shall not apply to vehicular surface areas used for authorized commercial vehicular display, provided all other requirements of this Section are met or exceeded.

Mr. Helmer stated that a complete site plan can look very busy. But if you break it down into its basic components, site plans are not always as complicated as they may seem.

Mr. Foy asked how is it determined when staff can approve a use permit or when the Council has to approve.

Mr. Helmer stated as long as the requested use is a permitted use by right in a given zoning district it can be approved by staff. If a given use is by conditional use, any reasonable conditions above and beyond minimum development standards can be applied to the use or project by Town Council. If a requested use is not found in the table of permitted uses, then

that use cannot be considered for approval nor can use variances be granted. Uses not listed in the UDO may only be considered after a legislative amendment is made by Town Council.

Mr. Helmer reviewed subdivisions and the types of subdivisions (minor, major, exempt)

Old Business:

No report.

New Business:

No report.

Stephen Upton made a motion to adjourn, seconded by Ashley Spain. Unanimous.

Submitted this 2nd day of April, 2015.

Veronica Hardaway
Administrative Support Specialist
Planning Department

Smithfield Solar, LLC
CUP-15-02

For Properties Located at:

North side of US Hwy 70 Business West approximately 2300 feet north of its intersection with North Rogers Drive and further identified as Johnston County Tax ID# 15078011.

Property Owner:
Robert E. Fleming Family Trust

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CUP-15-02

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Staff Report



Town of Smithfield
Planning Department
350 East Market Street
P.O. Box 761
Smithfield, NC 27577
Phone: 919-934-2116
Fax: 919-934-1134

STAFF REPORT

Application Number: CUP-15-02
Project Name: Smithfield Solar LLC
TAX ID number: 15078011
Town Limits / ETJ: ETJ
Applicant: Smithfield Solar LLC
Owners: Robert E. Fleming Family Trust and Protective Trust
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: North side of US Hwy 70 Business West approximately 2300 feet north of its intersection with North Rogers Drive.

REQUEST: The applicant is requesting a conditional use permit to construct and operate a solar farm.

SITE DATA:

Acreage: 40 acres
Present Zoning: R-20A (Residential-Agricultural)
Proposed Zoning: N/A
Existing Use / Previous: Residential / Agriculture

DEVELOPMENT DATA:

Proposed Use: 5 mega-watt, fixed tilt, photovoltaic solar farm with electrical power inverters, electrical transformers and buried conduit. The propose facility will tie into Duke Energy power grid.

ENVIRONMENTAL: There are environmentally sensitive areas on the property considered for a Conditional Use permit to include designated wetlands. The development will be encouraged to limit its encroachment in these areas.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	R-20A (Residential-Agriculture)
	Existing Use:	Residential & Agriculture
South:	Zoning:	R-20A (Residential-Agriculture)
	Existing Use:	Residential & Agriculture
East:	Zoning:	R-20A (Residential-Agriculture)
	Existing Use:	Woodlands
West:	Zoning:	R-20A (Residential-Agriculture)
	Existing Use:	Residential & Agriculture

STAFF ANALYSIS AND COMMENTARY: The proposed solar facility is considered a utility and permitted in all zoning districts with a Town of Smithfield Town Council approved Conditional use permit. The entire facility will be fenced and gated and a fifty foot landscape buffer outside of the fence line. Access to the site will be from a private access easement off of US Highway 70 Business. NCDOT driveway permits will be required. The property will be served by private well and septic if needed.

- **Consistency with the Strategic Growth Plan**

The Strategic Growth Plan has identified this area as being suitable for low density residential and agricultural land uses.

- **Consistency with the Unified Development Code**

Public Utilities type uses are permitted in all zoning districts with an approved conditional use permit and will be subject to any reasonable condition that may be placed on the project.

- **Compatibility with Surrounding Land Uses**

The existing and surrounding land uses are low density residential and agricultural in nature. It is unlikely that negative impacts on existing and future surroundings uses will occur providing the site is properly buffered in accordance with the Town of Smithfield Unified Development Regulations.

- **Signs**

Sign requirements will be minimal for the requested use.

OTHER:

FIRE PROTECTION: Smithfield Fire District

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: Private access easement / US Hwy 70 Business West

WATER/SEWER PROVIDER: Private well and septic as needed

ELECTRIC PROVIDER: Duke Progress Energy

Planning Department Recommendations:

The Planning Department recommends approval of the Conditional Use Permit for a solar farm with the following conditions of approval:

1. Provide a fifty foot landscape buffer with required plant material.
2. Install security fence with gate prior to operation of the facility.
3. Secure an approved NCDOT driveway permit prior to construction of facility.
4. Provide documentation from the Federal Aviation Administration documenting that glare from facility will not create adverse impacts on flight operations in the vicinity of Johnston County Airport.

Planning Board Requested Actions:

The Planning Board is requested to review the application for a 5 mega-watt solar farm located with a R-20A (residential-Agricultural) zoning district and make recommendation to Town Council in accordance with the finding of fact for a conditional use permit

Exhibit B

Finding of Fact/Approval Criteria

Town of Smithfield
Conditional Use Permit Application
Finding of Fact / Approval Criteria

Application Number: CUP-15-02 **Name:** Smithfield Solar LLC

Request: Applicant seeks a CUP for a solar farm.

The Smithfield Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this Conditional Use Permit Application by motion and vote on each of the following four findings of fact. Any motion to find against the application must be supported by statement of specific reasons or conclusions reached in support of the motion.

1. Finding One of Four:

Circle One

A. Approval:

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted and approved or is approved with the following stated conditions.

The proposed solar farm will not materially endanger the public health safety or general welfare; the panels are low profile, will be screened from view, do not produce sound, do not move and have no emissions. They are completely safe and will be installed following all local electrical and building codes. They will be designed to withstand wind loads and will be fenced in and buffered for safety purposes. They are monitored electronically on a 24 hour basis. There are no lights, so neighbors will not be visually disturbed.

B. Denial: (If denied, must include facts supporting denial)

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved for the following stated reasons: (Applicant fails to meet the criteria for approval.)

The proposed solar farm as submitted will be detrimental to the adjacent land uses due to the type size and intensity of the project. Adjacent land and residential use will suffer from reduce land values due loss in desirability of their land that is in close proximity to a major utility.

2. Finding Two of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, meets all required specifications and conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.

The solar farm will be in complete compliance with local ordinances and; meets required conditions and specifications. The project will be prepared by licensed North Carolina Engineers and constructed by licensed North Carolina Contractors and Electricians.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, fails to meet all required specifications or fails to conform to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance or other applicable regulations in the following ways or for the following reasons:

The proposed solar farm as submitted conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance. However, the requested landscape buffer will be inadequate in protecting adjacent land values from perceived devaluation due to their close proximity to such a large utility facility.

3. Finding Three of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, will not substantially injure the value of adjoining or abutting property and will not be detrimental to the use or development of adjacent properties or other neighborhood uses or is approved with the following additional stated conditions.

The solar farm will not adversely affect the use or any physical attribute of adjoining or abutting property. It will be completely screened by a landscape buffer, it will be fenced in and locked so there is no debris or emission coming from the site, and dependable, renewable energy along with creation of new jobs is a benefit to the public.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, will substantially injure the value of adjoining or abutting property and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses in the following ways or for the following reasons.

The proposed solar farm as submitted will be detrimental to the adjacent land uses due to the type size and intensity of the project. Adjacent land and residential use will suffer from reduce land values due loss in desirability of their land that is in close proximity to a major utility.

4. Finding Four of Four:

Circle One

A. **Approval:**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, would not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties or is approved with the following additional stated conditions.

The screen buffer will be in complete harmony with the area, it will feature large, medium, and small trees and bushes, the solar panels will not be seen from neighboring sites and will not generate any noise or emissions. There are no impacts generated by the solar farm, it does not require sewer or water services, creates no traffic on the roads, does not impact school populations and requires no town services such as police or fire.

B. **Denial: (If denied, must include facts supporting denial)**

Based on the evidence and testimony presented it is the finding of the **Planning Board** that the application, if approved, would adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development of the adjacent properties in the following ways or for the following stated reasons: (Applicant fails to meet the criteria necessary for approval.)

The solar farm as proposed has failed to provide adequate buffers that will ensure adjacent land uses will be protected from perceived harmful effects from being in such close proximity to such a large utility service.

4. Once all findings have been decided one of the two following motions must be made:

Motion to Approve: *Based upon satisfactory compliance with the above four stated findings and fully contingent upon acceptance and compliance with all conditions as previously noted herein and with full incorporation of all statements and agreements entered into the record by the testimony of the applicant and applicant's representative I move to recommend approval of Conditional Use Permit Application # CUP-15-02*

Motion to Deny: *Based upon failure to meet all of the above four stated findings and for reasons stated therein, I move to recommend denial of Conditional Use Permit Application # CUP-15-02 for the following stated reason:*

5. Record of Decision:

Based on a motion and majority vote of the Town of Smithfield Planning Board Conditional Use Permit Application Number CUP-15-02 is hereby:

_____ recommended for approval upon acceptance and conformity with the following conditions; or,

_____ recommended for denial for the noted reasons.

Decision made this ____ day of _____, 20__ while in regular session.

Eddie Foy, Planning Board Chairman

ATTEST:

Mark E. Helmer, AICP, CZO
Senior Planner

Exhibit C
Planning Board Minutes/Actions

Exhibit D
Adjoining Property Owner Certification



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

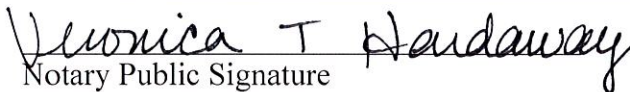
I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, CUP-15-02, were notified by First Class Mail on **4-21-15**.


Signature

Johnston County, North Carolina

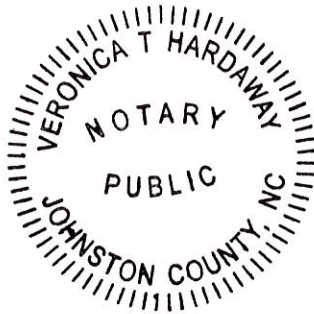
I, Veronica T. Hardaway, a Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

21st day of April, 2015


Notary Public Signature

Veronica T. Hardaway
Notary Public Name

My Commission expires on 1-14-18
(Seal)



Adjacent Property Owners of
CUP-15-02

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15078013	168511-65-3653	BELL, EULA MAE LIFE ESTATE	2437 BARBOUR RD	SMITHFIELD	NC	27577-0000
15078015	168511-55-6774	BELL, EULA MAE LIFE ESTATE	2437 BARBOUR RD	SMITHFIELD	NC	27577-0000
15078023C	168511-75-0254	MCCLAMB, WILBERT EDWARD	201 ELECTRA DR	CARY	NC	27513-0000
15078023B	168511-65-8305	DAVIS, WILLIE CAROL HEIRS	C/O ELLIS, JACKIE D	DURHAM	NC	27709-2503
15078011	168500-63-4559	ROBERT E FLEMING FMLY TRST AND	2004 FOREST DRIVE	CLAYTON	NC	27520-0000
15078012	168500-73-3381	ROBERT E FLEMING FMLY TRST AND	2004 FOREST DRIVE	CLAYTON	NC	27520-0000
15078199I	168500-74-4750	HEATH STREET #215 LMTD PRTRSHP	258 MEADOWBROOK DR	FOUR OAKS	NC	27524-8550



PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

Notice Of Public Hearings

Notice is hereby given that public hearings will be held before the Planning Board of the Town of Smithfield, N.C., on Thursday, May 7, 2015 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

CUP-15-02 Smithfield Solar, LLC: The applicant is requesting a conditional use permit to construct and operate a 5 megawatt solar farm on approximately 40 acres of land located within an R-20A (Residential-Agricultural) zoning district. The property considered for approval is located on the north side of US Hwy 70 Business West approximately 2300 feet north of its intersection with North Rogers Drive and further identified as Johnston County Tax ID# 15078011.

ZA-15-02 Town of Smithfield: The Planning Department is requesting to amend the Town of Smithfield Unified Development Ordinance, Article 19-4: (B) (5) On-Premise Development Identification Signs to include a minimum sign height of 50 feet in order to be classified as a high rise business identification sign.

All interested persons are encouraged to attend. To accommodate disabilities and to comply with ADA regulations, please contact the town office if you need assistance. Further inquiries regarding this matter may be directed to the Smithfield Planning Department at (919) 934-2116 or online at www.smithfield-nc.com.

Run "Legal Ad" in the Smithfield Herald on 4/22/15 and 4/29/15



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

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ZA-15-02 Town of Smithfield: The Planning Department is requesting to amend the Town of Smithfield Unified Development Ordinance, Article 19-4: (B) (5) On-Premise Development Identification Signs to include a minimum sign height of 50 feet in order for a sign to be classified as a high rise business identification sign.

You have been identified as a property owner in the area specified above and are being advised of this meeting as you may have interest in this matter. You are welcome to attend; however, you are not required to in order for the Board to act on this request. Additional information may be obtained by contacting the Town of Smithfield Planning Department at 919-934-2116.

Exhibit E
Conditional Use Permit Application



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Article 13, of the Town of Smithfield Unified Development Ordinance, an owner of land within the jurisdiction of the Town (or a duly authorized agent) may petition the Town Council to allow a Conditional Use. Conditional Uses are uses that may be appropriate in a particular district, but has the potential to create incompatibilities with adjacent uses.

Conditional Use Permit applications must be accompanied by nine (9) sets of the application, nine (9) sets of required plans, an Owner's Consent Form (attached) and the application fee. The application fee is \$300.00. All fees are due when the application is submitted.

SITE INFORMATION:

Name of Project: Smithfield Solar, LLC Acreage of Property: 57
 Parcel ID Number: 15078011 Tax ID: 3858565
 Deed Book: 02591 Deed Page(s): 0775
 Address: US 70 Bus, Smithfield, NC 27577
 Location: Appr. 2.5 miles northwest of Smithfield proper. North of Rogers Rd., south of Barbour Road, east side of 70 Bus. Coordinates: 35.545N, 78.374 W
 Existing Use: Agriculture Proposed Use: Solar Farm
 Existing Zoning District: R-20 A Residential Agricultural
 Requested Zoning District: N/A
 Is project within a Planned Development: Yes No
 Planned Development District (if applicable): _____
 Is project within an Overlay District: Yes No
 Overlay District (if applicable): _____

FOR OFFICE USE ONLY

File Number: CUP-15-02 Date Received: 4/21/15 Amount Paid: \$300.00

OWNER INFORMATION:

Name: Robert E. Fleming Family Trust and Protective Trust (Ellen D. Fleming)
Mailing Address: 2004 Forest Drive, Clayton, NC 27520
Phone Number: (919) 550-0319 **Fax:** N/A
Email Address: jlfclayton@aol.com

APPLICANT INFORMATION:

Applicant: Smithfield Solar LLC
Mailing Address: 151 E. Rosemary Street
Phone Number: (919) 967-7063 **Fax:** N/A
Contact Person: Chris Killenberg
Email Address: ckillenberg@communityenergizing.com

REQUIRED PLANS AND SUPPLEMENTAL INFORMATION

The following items must accompany a Conditional Use Permit application. This information is required to be present on all plans, except where otherwise noted:

- All required plans (*please see the plan requirements checklist*).
- A signed and sealed traffic impact analysis.
- Verification of wastewater allocation (*granted or requested*).
- Driveway permits (*Town of Smithfield or NCDOT encroachment with associated documentation*).
- Other applicable documentation: _____

STATEMENT OF JUSTIFICATION

Please provide detailed information concerning all requests. Attach additional sheets if necessary.

See attached cover sheet.

Traffic impact analysis does not apply to this request, per discussion with Paul Emblar. Estimated traffic to site after construction is 2 to 3 cars per month. Minimal impact on traffic. No additional water or sewer services are required to service the site.

Driveway permit will be obtained prior to project construction.

REQUIRED FINDINGS OF FACT

Article 13, Section 13-17 of the Town of Smithfield Unified Development Ordinance requires applications for a Conditional Use Permit to address the following findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application. Please attach additional pages if necessary.

- 1. That the use will not materially endanger the public health, safety, or general welfare if located where proposed and developed according to the plan as submitted and approved;

The proposed solar farm project will not materially endanger the public health, safety, or general welfare if located at this site.

- 2. That the use meets all required conditions and specifications;

The proposed solar farm project meets all the required conditions and specifications

- 3. That the use will not adversely affect the use or any physical attribute of adjoining or abutting property, or that the use is a public necessity; and

The solar farm project will not adversely affect the use or any physical attribute of adjoining or abutting property.

- 4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located. The conditional use shall demonstrate conformance to the Land Use Plan or other plan in effect at the time and address impacts of the project as required by GS 160A-382(b).

The solar farm project will be in harmony with the area in which it is to be located.

APPLICANT AFFIDAVIT

I/We, the undersigned, do hereby make application and petition to the Town Council of the Town of Smithfield to approve the subject Conditional Use Permit. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

Christopher Killenberg

Print Name



Signature of Applicant

3/31/15

Date



Town of Smithfield
 Planning Department
 350 E. Market St Smithfield, NC 27577
 P.O. Box 761, Smithfield, NC 27577
 Phone: 919-934-2116
 Fax: 919-934-1134

OWNER'S CONSENT FORM

Name of Project: Smithfield Solar LLC Submittal Date: 3/31/15

OWNERS AUTHORIZATION

I hereby give CONSENT to Christopher Killenberg (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application(s) indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify I have full knowledge the property I have an ownership interest in the subject of this application. I understand that any false, inaccurate or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Smithfield to publish, copy or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

Ellen D. Fleming Ellen D. Fleming 3/31/2015
 Signature of Owner *Treasurer* Print Name Date

CERTIFICATION OF APPLICANT AND/OR PROPERTY OWNER

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Smithfield, North Carolina, and will not be returned.

Chris Killenberg CHRISTOPHER KILLENBERG 3-31-15
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: CUP-15-02 Date Received: 4/21/15 Parcel ID Number: 15078011



March 31, 2015

Mark Helmer, Senior Planner
Town of Smithfield, NC Planning Department
350 E. Market Street
Smithfield, NC 27577

Mr. Helmer,

Community Energy is developing a 5 MW solar energy facility in the town of Smithfield ETJ, approximately 2.5 miles northwest of the town, just off US 70 Business. This letter accompanies an application for a Conditional Use Permit submitted on behalf of the applicant, Smithfield Solar LLC. We look forward to presenting this application to the town of Smithfield Planning Board on Thursday, May 7th, 2015.

Enclosed please find the following items:

- Town of Smithfield Conditional Use Permit Application
- \$300 application fee
- Site Plan (3 copies 24x36, 12 copies 11x17)

Summary

The proposed facility is a 5MW (AC) solar energy system to be located approximately 2.5 miles northwest of Smithfield, off US 70 BUS, in the town's ETJ. The design, construction, and operation of this facility will be in compliance with the town of Smithfield Unified Development Ordinance (UDO).

The proposed facility will cover approximately 40 acres of land. The solar electric generating system will be comprised of approximately 21,550 PV modules, attached to a ground-mounted fixed tilt system. The system will utilize 5 pad-mounted inverters, each with a nominal power capacity of 1000 kW (AC). The system will be interconnected to the electrical distribution network operated by Duke Energy Progress. The entire facility will be enclosed within a 6-foot high security fence. The facility will comply with all local building codes, North Carolina utility requirements, North Carolina Department of Environmental and Natural Resources restrictions, and Federal Energy Regulatory Commission requirements to ensure a safe and viable development for the town of Smithfield.

Project Site

The project site is owned by Robert E. Fleming Family Trust (Ellen Fleming) of 2004 Forest Drive, Clayton, NC. Smithfield Solar LLC has a site control agreement in place with the landowners. The property is zoned R-20 A. The town of Smithfield UDO does not specifically address solar farms. They are evaluated as a Utility. Per the UDO, utilities are allowable in this zoning district with a conditional use permit.



Setbacks and Buffering

The proposed facility will comply with the setback requirements in the town UDO. It will be surrounded by a 6' security fence, as well as a 50' class A buffer.

Site Plan

See attached

Community Energy is an experienced solar developer. In North Carolina, eighteen solar farms we developed are now constructed and in operation. Two more are in construction at this time, with roughly twenty more at various stages of development. We're excited to work with the town of Smithfield on this project. Please don't hesitate to contact me in advance of the May 7th meeting if there are any additional items I can provide, or questions I can answer. I appreciate your assistance with this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Killenberg", is written over a light blue horizontal line.

Chris Killenberg | Director, Business Development - Southeast

Community Energy Solar, LLC

P.O. Box 9762

Chapel Hill, North Carolina 27515

O: 919.967.7063 | M: 919.360.9792

ckillenberg@communityenergyinc.com

I, ROBIN L. LEE, PLS L-3759, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM INFORMATION SHOWN IN DEED BOOKS REFERENCED ON MAP AND MAP BOOKS REFERENCED ON MAP; THAT ANY LINES NOT ACTUALLY SURVEYED APPEAR AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS NOTED ON THE PLAT; THAT THE RATIO OF PRECISION AS CALCULATED IS BETTER THAN 1:10,000; THAT THE AREA IS COMPUTED BY COORDINATE METHOD; THIS GPS SURVEY WAS MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORMED THE SURVEY.

CLASS OF SURVEY: AA
 POSITIONAL ACCURACY: 0.04'(HORIZONTAL) AND 0.08'(VERTICAL)
 TYPE OF GPS FIELD PROCEDURES: VRS TO ESTABLISH CONTROL
 DATES OF THE SURVEY: 02/06/2015
 DATUM/EPOCH: NAD 83/2011
 PUBLISHED/FIXED CONTROL USE: FIXED CONTROL
 GEIOD MODEL: GEIOD 12A
 COMBINED GRID FACTOR(S): 0.999962674
 UNITS: US SURVEY FEET
 TYPE AND MODEL OF GPS RECEIVER USED: TRIMBLE R8
 ALL CONTROL POINTS AND OTHER POINTS LOCATED USING VRS WERE LOCALIZED AROUND CONTROL POINT # 2

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS THE DAY OF _____ A.D., 2015.

ROBIN L. LEE L-3759
 PROFESSIONAL LAND SURVEYOR

THIS MAP DOES NOT CONFIRM TO GS. 47-30

N/F
 EULA MAE BELL, LIFE ESTATE
 DB 3661, PG. 954
 PIN # 1685-65-3653
 ZONED R-20A
 LAND USE: AGRICULTURAL



N/F
 EULA MAE BELL, LIFE ESTATE
 DB 3661, PG. 954
 PIN # 1685-65-3653
 ZONED R-20A
 LAND USE: AGRICULTURAL

N/F
 WILLIE CAROL DAVIS, HEIRS
 DB , PG.
 PIN # 1685-65-8305
 ZONED R-20A
 LAND USE: AGRICULTURAL

N/F
 WILBERT E. McLAMB
 DB 1047, PG. 73
 PIN # 1685-75-0254
 ZONED R-20A
 LAND USE: AGRICULTURAL

N/F
 HEATH STREET # 215 LIMITED PARTNERSHIP
 DB 1897, PG. 945
 PB 55, PG. 216
 PIN # 1685-74-4750
 ZONED RMH-CUD
 LAND USE: AGRICULTURAL

N/F
 ROBERT E. FLEMING FAMILY TRUST AND PROTECTIVE TRUST
 DB 1171, PG. 485
 PIN # 1685-73-3381
 ZONED R-20A
 LAND USE: AGRICULTURAL

N/F
 ROBERT E. FLEMING FAMILY TRUST AND PROTECTIVE TRUST
 DB 1171, PG. 485
 PIN # 1685-73-3381
 ZONED R-20A
 LAND USE: AGRICULTURAL

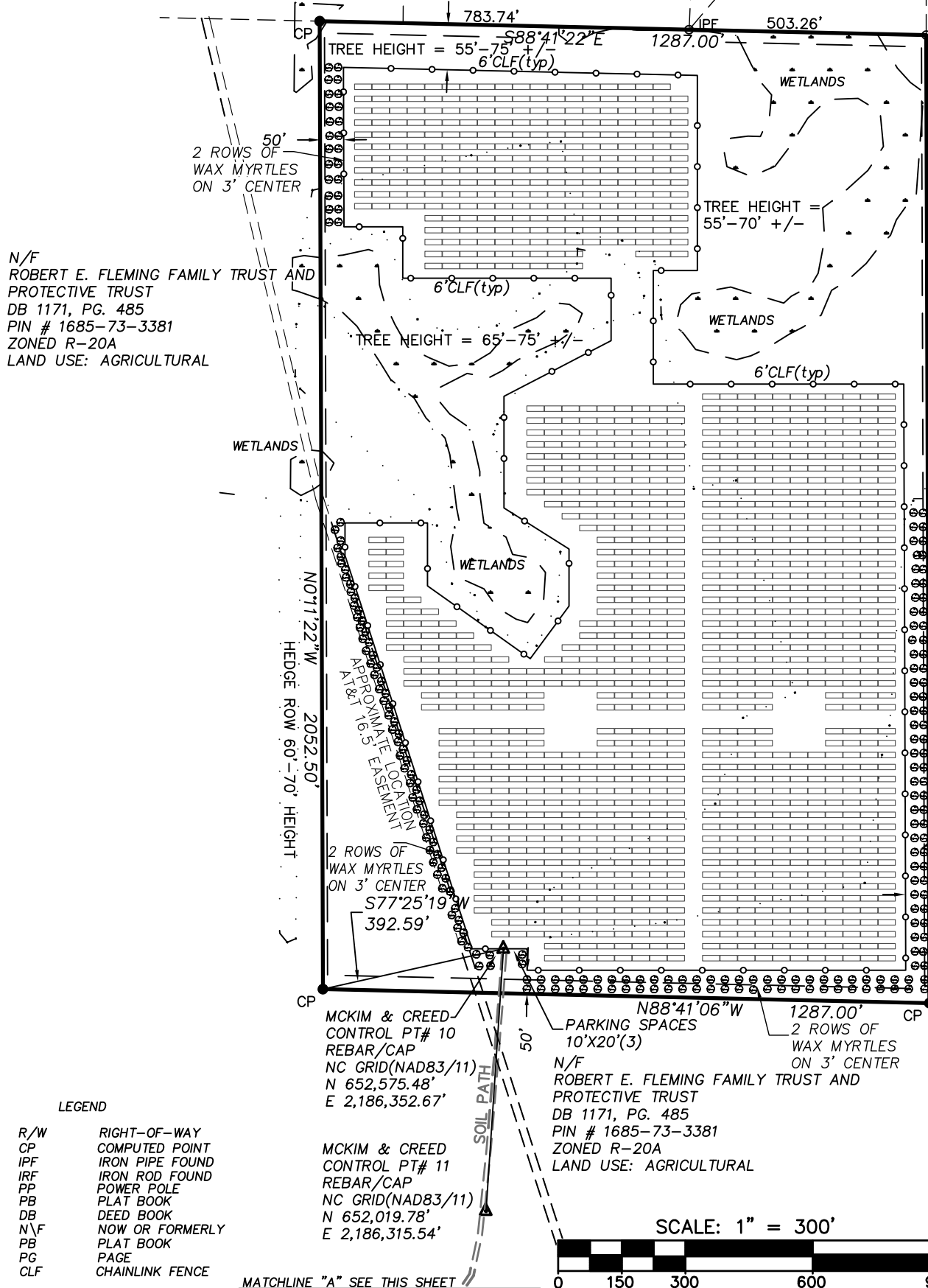
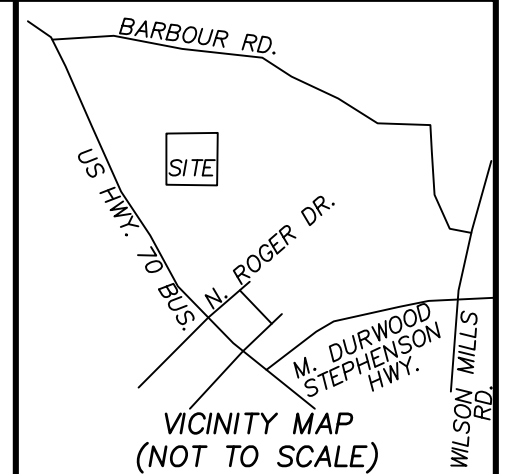
SITE DATA:
 PROPERTY OWNER: ROBERT E. FLEMING FAMILY TRUST and PROTECTIVE TRUST
 2004 FOREST DRIVE
 CLAYTON, NC 27520

DEVELOPER: COMMUNITY ENERGY RENEWABLES, LLC
 P. O. BOX 9762
 CHAPEL HILL, NC 27515
 PHONE: 919-967-7063

PROPERTY DATA: DB 2591, PG. 775
 NC PIN # 1685-63-4559
 SITE ADDRESS: 2150 US HWY. 70 BUSINESS
 SMITHFIELD, NC 27577
 TOTAL TRACT AREA: 60.62 +/- ACRES
 2,640,607 SQ. FT.
 PROJECT AREA: 35.00 +/- ACRES
 1,524,853 SQ. FT.

ZONING: CURRENT ZONING R-20A (AIRPORT OVERLAY)
 NON-RESIDENTIAL USES - MINIMUM 15,000 SQ. FT.
 75' ROAD FRONTAGE
 SETBACKS: FRONT 30'
 SIDE 10'
 REAR 25'
 MAXIMUM HEIGHT: 35'

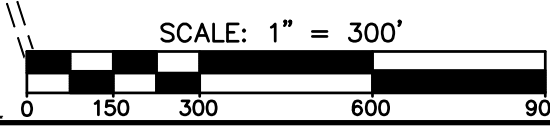
- NOTE:
1. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET. (UNLESS OTHERWISE STATED)
 2. ALL BEARINGS ARE BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 1983/11).
 3. THERE ARE NO BURIAL GROUNDS OR CEMETERIES VISIBLE.
 4. THE CONTOURS SHOWN ON THIS MAP WERE PLOTTED FROM JOHNSTON COUNTY GIS DATA. MCKIM & CREED, INC. HAS NOT PERFORMED A FIELD TOPOGRAPHIC SURVEY.
 5. CONTOURS SHOWN ARE AT TWO FOOT CONTOUR INTERVALS.
 6. THE TOPOGRAPHIC AREA SHOWN IS LOCATED IN FEMA FLOOD HAZARD ZONE X. ZONE X AREAS ARE DETERMINED TO BE BE OUTSIDE OF THE 500-YEAR FLOOD PLAIN ACCORDING TO FLOOD INSURANCE RATE MAP 3720168500J WITH AN EFFECTIVE DATE OF 12/02/2005.
 7. LINES NOT SURVEYED APPEAR AS DASHED LINES
 8. THERE WERE NO NCGS MONUMENTS FOUND WITHIN 2000' OF THIS TRACT.
 9. WETLANDS WERE PROVIDED BY TERRACON FOR THIS PROJECT.



LEGEND

R/W	RIGHT-OF-WAY
CP	COMPUTED POINT
IPF	IRON PIPE FOUND
IRF	IRON ROD FOUND
PP	POWER POLE
PB	PLAT BOOK
DB	DEED BOOK
N\F	NOW OR FORMERLY
PB	PLAT BOOK
PG	PAGE
CLF	CHAINLINK FENCE

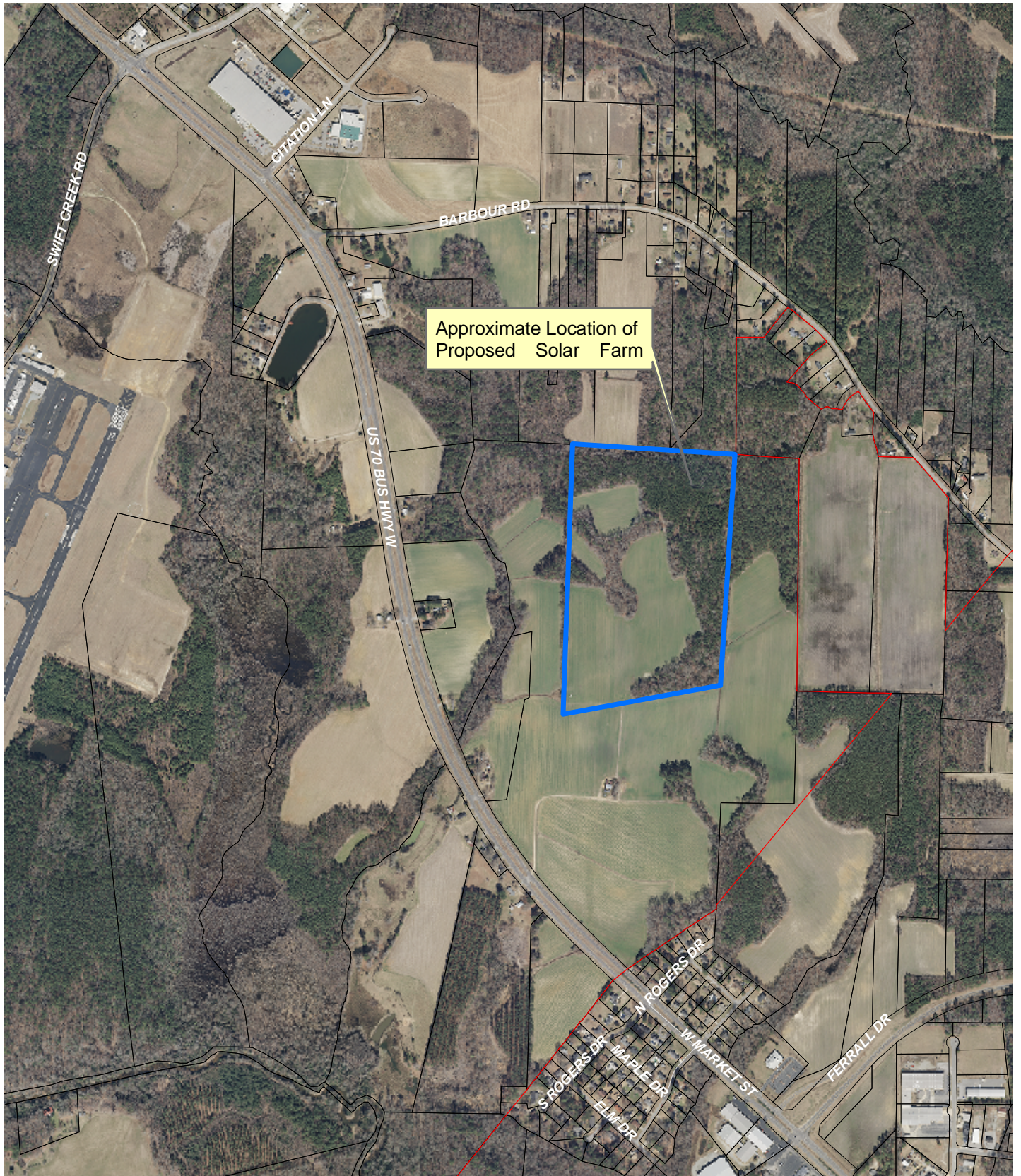
MCKIM & CREED CONTROL PT# 11 REBAR/CAP
 NC GRID(NAD83/11)
 N 652,019.78'
 E 2,186,315.54'



1730 Varsity Drive, Suite 500
 Raleigh, North Carolina 27606
 Phone: (919)233-8091, Fax: (919)233-8031
 NC FIRM # 1222
 Internet Site: <http://www.mckimcreed.com>

SITE PLAN OF
 5.0MW AC SMITHFIELD SOLAR, LLC
 FOR
 COMMUNITY ENERGY, INC
 DATE: 03/4/2015 SCALE: 1" = 300'
 SMITHFIELD TOWNSHIP JOHNSTON COUNTY NORTH CAROLINA

PROJECT # : 6627-0012
 PROJ. SVYR : RLL
 DRAWN BY : RLL
 FIELD BK. : R0927
 COMP. FILE : VB101-66270012
 SHEET # : 1 OF 1
 DWG. # : JOB FOLDER

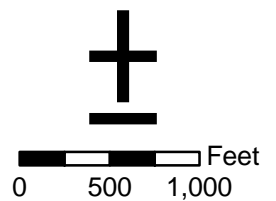


Approximate Location of
Proposed Solar Farm

Vicinity Map for:
CUP-15-02
Applicant:
Smithfield Solar, LLC



Map Created by Town of Smithfield
Geographic Information Services



TOWN OF SMITHFIELD
Town Council
Action Form

ZA-15-02 Town of Smithfield: The Planning Department is requesting to amend the Town of Smithfield Unified Development Ordinance, Article 19-4: (B) (5) On-Premise Development Identification Signs to include a minimum sign height of 50 feet in order for a sign to be classified as a high rise business identification sign.

Date of Meeting: May 7, 2015

Date Prepared: April 21, 2015

Staff Work By: Mark Helmer

Presentation By: Mark Helmer

Petition Description: The Town of Smithfield allows for two types of on-site ground signs for single tenant developments. The first being the traditional monument sign and the other being the high rise business identification sign.

The traditional monument sign is a sign that is designed to be seen from the roadway from which it is oriented towards and when in close proximity to the retailer's driveway. Monument signs can have a maximum height of 8 feet in commercial zoning districts and 6 feet in residential zoning districts. The maximum area of the sign in a commercial zoning district is 50 square feet. Monument signs are approved through administrative review and permitting.

High rise business identification signs are very tall signs designed to be seen from the I-95 corridor. Their purpose is to help travelers identify the retailer while approaching the exit needed to be taken to reach the intended destination. High rise business identification signs can have a maximum height of 100 feet and a maximum sign area of 400 feet per side. Single tenant developments that are within 660 feet of the I-95 corridor may qualify regardless of the zoning district. High rise business identification signs are approved through conditional use permit process.

Conflicts have arisen in the past when an applicant requests zoning approval for a ground sign that exceeds maximum height requirements for a traditional monument sign. The applicant was given the choice of revising the application to meet current height standards or pursue a variance issued by the Town of Smithfield Board of Adjustment. Often the case, the applicant realizes the difficulty in proving hardship and the likelihood of the variance being rejected by the Board of Adjustment and chooses the conditional use permit process under the premise that they are requesting high rise business identification sign. When approved in this fashion, the resulting sign fails to meet minimum standards for a monument sign while also failing to meet the intended purpose of the high rise business sign. An elegant solution to this dilemma is to place a minimum height requirement of 50 feet in order for a sign to be considered a high rise business sign and eligible for a conditional use permit.

Planning Department Recommendations: Planning staff recommend amending the Unified Development Ordinance to create a minimum height requirement of 50 feet for a sign to be considered a high rise business identification sign and eligible for a conditional use permit.

Planning Board Actions Requested: The Planning Board is requested to review the petition, conduct a public hearing and make a recommendation to Town Council for a zoning text amendment to create a minimum height requirement of 50 feet to be considered for a conditional use permit as a high rise business identification sign.

ORDINANCE #
TO AMEND THE TOWN OF SMITHFIELD UNIFIED DEVELOPMENT
ORDINANCE, ARTICLE 19-4 ON-PREMISE SIGNS (B) ON-PREMISE
SIGNS: SINGLE TENANT DEVELOPMENT

BE IT ORDAINED by the Town Council of the Town of Smithfield that Article 19-4 On-Premise Signs (B) On-Premise Signs: Single Tenant Development is amended to require High Rise Business Signs to be a minimum height of fifty feet to be considered as a high rise business sign and shall read in its entirety as follows:.

Article 19-4 On-Premise Signs (B) On-Premise Signs: Single Tenant Development, (5) On-Premise Development Identification Signs. Where a development identification sign is selected, such a sign or signs may be of the following types:

Freestanding: Ground High Rise Business Identification	Attached: Wall Projecting
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The sign(s) shall meet the following requirements based on the zoning district in which it is located.

	Zoning District	<u>Minimum Height Allowed</u>	Maximum Height Allowed	Maximum Square Footage Per Face
Ground	R-20A, R-10, R-8, R-6, R-MH, PUD (Residential)	<u>N/A</u>	6 ft.	25 sq. ft.
	O/I, B-2, B-2, and B-3	<u>N/A</u>	8 ft.	50 sq. ft.
	LI and HI	<u>N/A</u>	25 ft.	187.5 sq. ft.
High Rise Business	Conditional use in all districts when property is adjacent to the I-95 right-of-way and the sign is within six hundred sixty (660) feet of the edge of the I-95 right-of-way	<u>50 Ft.</u>	100 Ft.	400 sq. ft.

Setback for freestanding development identification signs in all zoning districts shall be 15 feet...

Duly adopted this the 2nd day of June 2015.

 John H. Lampe II, Mayor

ATTEST

 Shannan L. Williams, Town Clerk



Typical Monument Sign



Typical Monument Sign



Typical Monument Sign



Typical High Rise Business Sign



Typical High Rise Business Sign



Typical High Rise Business Sign



Typical High Rise Business Sign



Not A Typical High Rise Business Sign

