

TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



Chairman: Eddie Foy

Vice-Chairman: Stephen Upton

Members:

Mark Lane	Gerald Joyner (Alt.)
Jack Matthews	Daniel Sanders
Ashley Spain	Teresa Daughtry

Paul Embler, Planning Director
Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Assistant

Meeting Date: *Thursday, August 6, 2015*
Meeting Time: *6:00 p.m.*
Meeting Place: *Council Chambers, Smithfield Town Hall*

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

Call to Order.

Approval of the minutes for May 7, 2015.

Public Hearing

CUP-15-03 CHI Smithfield, LLC: The applicant is requesting a conditional use permit to allow for the construction of a 30 foot high rise business identification sign on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for approval is located on the northeast side of the intersection of Outlet Center Drive and South Equity Drive and further identified as Johnston County Tax ID# 15008045T.

Old Business.

New Business.

2015 Proposed Unified Development Ordinance updates

Adjournment.

DRAFT
Smithfield Planning Board Minutes
Thursday, May 7, 2015
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner
Mark Lane
Jack Matthews
Ashley Spain
Teresa Daughtry

Members Absent:

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM APRIL 2, 2015.

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

Public Hearings:

After all persons giving testimony were duly sworn, Mr. Foy opened the public hearing.

CUP-15-02 Smithfield Solar, LLC:

Mr. Helmer stated 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.

Mr. Helmer stated the proposed use is a 5 mega-watt, fixed tilt, photovoltaic solar farm with electrical power inverters, electrical transformers and buried conduit. The proposed facility will tie into Duke Energy power grid. Mr. Helmer stated 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.

Mr. Helmer stated 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. The Strategic Growth Plan has identified this area as being suitable for low density residential and agricultural land uses. 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. The existing and surrounding land uses are low density residential and agricultural in nature. It is unlikely that negative impacts on existing and future surrounding uses will occur providing the site is properly buffered in accordance with the Town of Smithfield Unified Development Ordinance (UDO) regulations. Sign requirements will be minimal for the requested use.

Mr. Helmer stated the Town will provide fire protection. A private well and septic as needed and Duke Energy progress will provide electric.

Mr. Helmer stated 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.
5. Provide an access easement plat suitable for recording be submitted for review and approval prior to site plan approval.

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

Mr. Foy asked if anyone wanted to speak for or against the proposed rezoning.

Stephen Upton asked if there was any documentation from the FAA since this project is near the airport.

Mr. Helmer stated there may have been an application submitted but there has been no response from the FAA to date.

Teresa Daughtry asked how this project would be approved if no response from the FAA has been given.

Mr. Helmer stated that he will ensure that FAA documentation will be received prior to final site plan approval.

Mr. Foy responded that conditions would have to be placed on the project.

Daniel Sanders asked if the panels would interfere with aircraft communication.

Mr. Helmer stated no signals are emitted from the panels that would affect aircraft communication.

Mr. Foy asked if the request for a 50 foot buffer is a requirement of the UDO.

Mr. Helmer stated the 50 foot buffer requirement comes from the UDO due to the project being a non-residential use and adjacent to residential zoned property. The proposed project will receive credit for existing trees and the security fence around the project will be approximately 10 feet in height.

Stephen Upton asked if conditions have to be met prior to presenting to Council.

Mr. Helmer stated that most conditions are already shown on the plan as being met while other documentation could be submitted prior to final site plan approval.

Teresa Daughtry asked how this property would be maintained.

Mr. Helmer stated the applicant is better suited to answer that question.

Stephen Upton responded that the property would have to be supervised.

Mr. Foy asked if the County or Town would enforce maintenance.

Mr. Helmer stated since the project was in the ETJ enforcement of development regulations would fall on the Town of Smithfield.

Daniel Sanders asked how the buffer will work if there are a lot of wetlands in the area.

Mr. Helmer stated if lands are too wet for plant material, the plants could be planted elsewhere on the site.

Ashley Spain stated these projects are heavily scrutinized by DENR and the wetlands may be an issue.

Chris Killenberg, 140 Franklin St, Chapel Hill, representative for proposed solar farm, stated this project is a 40 acre space of land. A dirt path serves this property. There will be some cleaning out of trees before this project takes place. The wetland portion of this property will not be touching the area where the solar panels will be. This location will be 3 nautical miles from the airport and will have to submit an application regarding construction in the area. The FAA wants to know things like how high the panels will be, if there is any glare or reflection, if there will be communication issues, and if there are any emissions. Which, there are none of these. Mr. Killenberg stated the solar farm company will be working with the landowner as far as the

type of buffer they will be using. The grounds of the property will be maintained because if the grass and weeds grow higher than the panels, they will be losing money.

Teresa Daughtry asked what the plans are for this project once the lease is up.

Mr. Killenberg stated that as long as the landowner is fine with the project, it will continue. However, if the landowner states they want the items removed from their property, the equipment will be disassembled and salvaged.

Teresa Daughtry asked if there was a lot of copper in the equipment and how will they prevent theft.

Mr. Killenberg stated there is copper and a barbed wire fence will be surrounding the property. The project is 1,000ft from the road so it will be visible with lights. The facility will be monitored 24 hours a day. If any of the equipment is tampered with, an alarm sends a signal to show that it is not working properly.

Teresa Daughtry asked if a person could get shocked or injured while tampering with the equipment.

Mr. Killenberg stated that most of the wiring is low voltage and it is possible but you would have to try really hard.

Stephen Upton stated he has had solar panels installed on his home and has had them since the 80's that are still working.

Daniel Sanders asked if there were laws placed against having barbed wire fences.

Mr. Helmer stated he was not aware of any UDO requirements prohibiting barbed wire.

Gerald Joyner asked how long construction will take and will it affect traffic.

Mr. Killenberg stated the project should take approximately 4 months and it will be busy during that time with a minimum of about 15 employees. However, once the project is completed there will only be approximately 3 vehicles per month coming and going.

Mr. Foy closed the public meeting for CUP-15-02.

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. ***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. ***All members stated true.***

2. ***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 UDO 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. ***All members stated true.***

3. ***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. ***All members stated true.***

4. ***Based on 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. ***All members stated true.***

Based upon satisfactory compliance with the above stated four findings and fully contingent upon full incorporation of all statements entered into the record by the testimony of the applicant and applicant's representative;

Stephen Upton made a motion, seconded by Teresa Daughtry to recommend approval requesting a conditional use permit to construct and operate a 5 mega-watt solar farm on approximately 40 acres of land located within an R-20A (residential-agricultural) zoning district, with staff recommended conditions.

ZA-15-02 Town of Smithfield:

Mr. Helmer stated the Planning Department is requesting to amend the Town of Smithfield UDO, 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 high rise business identification sign.

Mr. Helmer stated 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.

Mr. Helmer stated 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.

Mr. Helmer stated 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.

Mr. Helmer stated 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.

Mr. Helmer stated Planning Staff recommend amending the UDO to create a minimum height requirement of 50 feet for a sign to be considered a high rise identification sign and eligible for a conditional use permit. 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.

Stephen Upton made a motion, seconded by Jack Matthews to recommend approval of the request to amend the Town of Smithfield UDO, 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 high rise business identification sign.

Old Business:

No report.

New Business:

No report.

Daniel Sanders made a motion to adjourn, seconded by Stephen Upton. Unanimous.

Submitted this 5th day of March, 2015.

Veronica Hardaway
Administrative Support Specialist
Planning Department

Smithfield Solar, LLC
CUP-15-03

For Properties Located at:

Northeast side of the intersection of Outlet Center Drive and South Equity Drive and further identified as Johnston County Tax ID# 15008045T.

Property Owner:
CHI SMITHFIELD LLC

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CUP-15-03

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Exhibit A
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-15-03
Project Name: CHI Smithfield LLC
TAX ID number: 15008045T
Town Limits/ETJ: City
Applicant: CHI Smithfield LLC
Owners: CHI Smithfield LLC
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: Northeast side of the intersection of Outlet Center Drive and South Equity Drive

REQUEST: The applicant is seeking a conditional use permit to allow for a high rise business identification sign on property located within 1000 feet of the I-95 corridor.

SITE DATA:

Acreage: 2.62 acres
Present Zoning: B-3 (Business)
Proposed Zoning: N/A
Existing Use / Previous: Restaurant / Vacant

DEVELOPMENT DATA:

Proposed Use: A multi-building, multi-tenant development is seeking a 30 foot high-rise business identification sign on property adjacent to Interstate Highway 95.

ENVIRONMENTAL: The proposed location of the sign does not appear to be within the boundaries of the designated wetlands that are located on the eastern side of the subject property.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	B-3 (Business)
	Existing Use:	Retail Center
South:	Zoning:	B-3 (Business)
	Existing Use:	I-95
East:	Zoning:	B-3 (Business)
	Existing Use:	Retail Center
West:	Zoning:	B-3 (Business)
	Existing Use:	Retail - Restaurant

STAFF ANALYSIS AND COMMENTARY: The proposed high rise business identification sign is proposed for the future home of Starbucks, Chipotle and Buffalo Wild Wings Grill and Bar. The applicant is proposing the 30 foot structure on the southeast side of the property and adjacent to Outlet Center Drive.

- **Consistency with the Strategic Growth Plan**

The proposed high rise business identification sign is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of south Equity Drive and Outlet Center Drive.

- **Consistency with the Unified Development Code**

A high rise identification sign is a permitted uses within B-3 (Business) zoning district with a valid conditional use permit. The site is also within the high rise sign overlay district wch extends to all properties within 1000 feet of the I-95 corridor.

- **Compatibility with Surrounding Land Uses**

A high rise identification sign at this location should not pose a compatibility issue with surrounding land uses given that providing it does not block the view of other business and signs.

- **Signs**

The subject property will be permitted one addition monument sign adjacent to South Equity Drive as well as directional signs located near driveway entrances.

OTHER:

FIRE PROTECTION: The Town of Smithfield Fire Department will provide fire protection.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: US Hwy 70 Business West / West Market Street

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Duke Energy

Planning Department Recommendations:

Planning staff recommends approval of the Conditional Use Permit for a high rise business identification sign in accordance with the Town of Smithfield Unified Development Ordinance.

Planning Board Requested Actions:

The Planning Board is requested to review the request for a high-rise business identification sign and make a 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-15-03 **Name:** CHI Smithfield LLC

Request: Applicant seeks a CUP for a High Rise Business Identification Sign.

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 high rise business identification sign will not materially endanger the public health safety or general welfare because the sign will be constructed to meet all plans and specification as required by Johnston County Building Inspections to include engineered footings.

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 high rise business identification sign as submitted will be detrimental to the adjacent land uses due to the type and size of the sign. The height of the sign is only 30 feet and will be supported by multiple pylons. The height, design and location of the proposed sign will interfere with site distances of adjacent properties and signs.

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 proposed high rise business identification sign conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance and meets all zoning regulations that were in place at the time the applicant first contacted the Town of Smithfield.

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 high rise business identification sign as submitted fails to conform to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance because the sign fails to meet the spirit and intent of current sign standards and fails to meet the minimum setbacks.

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 proposed high rise business identification sign will not adversely affect the use or any physical attribute of adjoining or abutting properties. The proposed sign will blend in with all the other free standing and pylon signs in the area and is located within the overlay district that allows for high rise business identification signs.

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 high rise business identification sign will substantially injure the value of adjoining or abutting properties and/or will be detrimental to the use or development of adjacent properties or other neighborhood uses because the proposed high rise business identification sign will block the view of adjacent uses and billboard sign.

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 proposed high rise business identification sign will 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 because the sign is located adjacent to a public right-of-way that will probably never be widened.

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 proposed high rise business identification sign will 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 because the sign is located adjacent to close to a public right-of-way.

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-15-03*

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-15-03 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-15-03 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

Notice Of Public Hearing

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

CUP-15-03 CHI Smithfield, LLC: The applicant is requesting a conditional use permit to allow for the construction of a 30 foot high rise business identification sign on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for approval is located on the northeast side of the intersection of Outlet Center Drive and South Equity Drive and further identified as Johnston County Tax ID# 15008045T.

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.



PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

Notice Of Public Hearing

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

CUP-15-03 CHI Smithfield, LLC: The applicant is requesting a conditional use permit to allow for the construction of a 30 foot high rise business identification sign on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for approval is located on the northeast side of the intersection of Outlet Center Drive and South Equity Drive and further identified as Johnston County Tax ID# 15008045T.

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 7/22/15 and 7/29/15



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-15-03, were notified by First Class Mail on 7-24-15.

Mark E. Helmer

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

24th day of July, 2015

Veronica T Hardaway

Notary Public Signature

Veronica T Hardaway

Notary Public Name

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

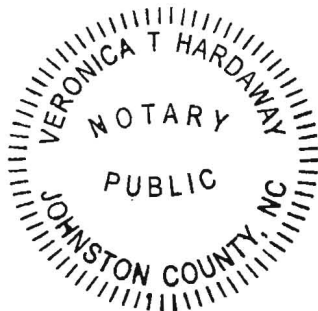


Exhibit E
Conditional Use Permit Application



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: RETAIL STORE AT Acreage of Property: 2.62 ACRES
 Parcel ID Number: SOUTH EQUITY Tax ID: _____
130080455
 Deed Book: 1295 Deed Page(s): 911
 Address: 110, 120, 130 SOUTH EQUITY DRIVE
 Location: EQUITY PARK

Existing Use: VACANT Proposed Use: COMMERCIAL
 Existing Zoning District: B-3
 Requested Zoning District: _____

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: <u>CUP-15-03</u>	Date Received: _____	Amount Paid: _____
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OWNER INFORMATION:

Name: CHL. SMITHFIELD, LLC
Mailing Address: P.O. Box 25909, GREENVILLE SC 29616
Phone Number: 864 272 0088 Fax: 864 272 0078
Email Address: DAVE.WATKINS@CHLBUILDINGS.COM

APPLICANT INFORMATION:

Applicant: SAWE
Mailing Address: _____
Phone Number: _____ Fax: _____
Contact Person: _____
Email Address: _____

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.

WE ARE REQUESTING (1) HIGH RISE MULTI TENANT
PULP SKD.
HEIGHT OF SIGN TO BE BETWEEN MINIMUM AND
MAXIMUM HEIGHT AS ALLOWED PER TOWN OF
SMITHFIELD SIGN ORDINANCE

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;

NO IMPACT

- 2. That the use meets all 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

NO IMPACT

- 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).

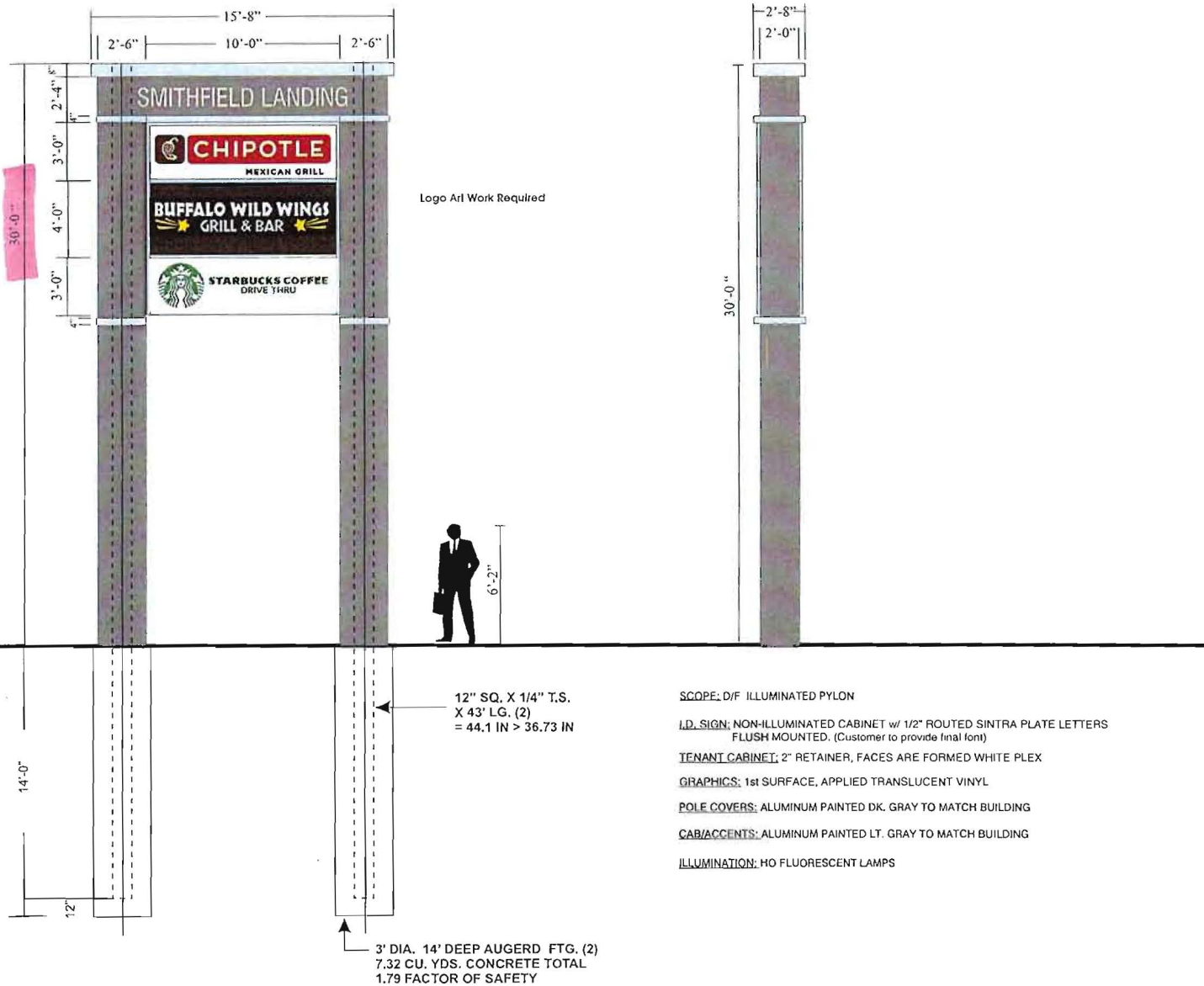
APPLICANT AFFIDAVIT

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.

DAE WARD
Print Name

[Handwritten Signature]
Signature of Applicant

6/26/15
Date



	LT. GRAY TO MATCH BUILDING
	DK. GRAY TO MATCH BUILDING
	FIVE GUYS: 3M Gerber Dk. Red 230-73

SCOPE: D/F ILLUMINATED PYLON

LD. SIGN: NON-ILLUMINATED CABINET w/ 1/2" ROUTED SINTRA PLATE LETTERS FLUSH MOUNTED. (Customer to provide final font)

TENANT CABINET: 2" RETAINER, FACES ARE FORMED WHITE PLEX

GRAPHICS: 1st SURFACE, APPLIED TRANSLUCENT VINYL

POLE COVERS: ALUMINUM PAINTED DK. GRAY TO MATCH BUILDING

CAB/ACCENTS: ALUMINUM PAINTED LT. GRAY TO MATCH BUILDING

ILLUMINATION: HO FLUORESCENT LAMPS

QID 14-25661

JOB NAME:
 Carolina Holdings, Inc.

LOCATION:
 Smithfield NC

CUSTOMER CONTACT:

SALESMAN / PM
 Colette Manganello

DESIGNER:
 Jesse Black

DWG. DATE:
 09-15-14

REV. DATES:
 9-26-14
 4-20-15 BS
 5-6-15 BS / ADD FTG
 5-8-15 CW

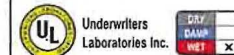
SCALE:
 1/8" = 1'

FILE:
 2014/CarolinaHoldings/
 Smithfield GA/14-25661
 /Ch Smithfield NC

DESIGN SPECIFICATIONS ACCEPTED BY:

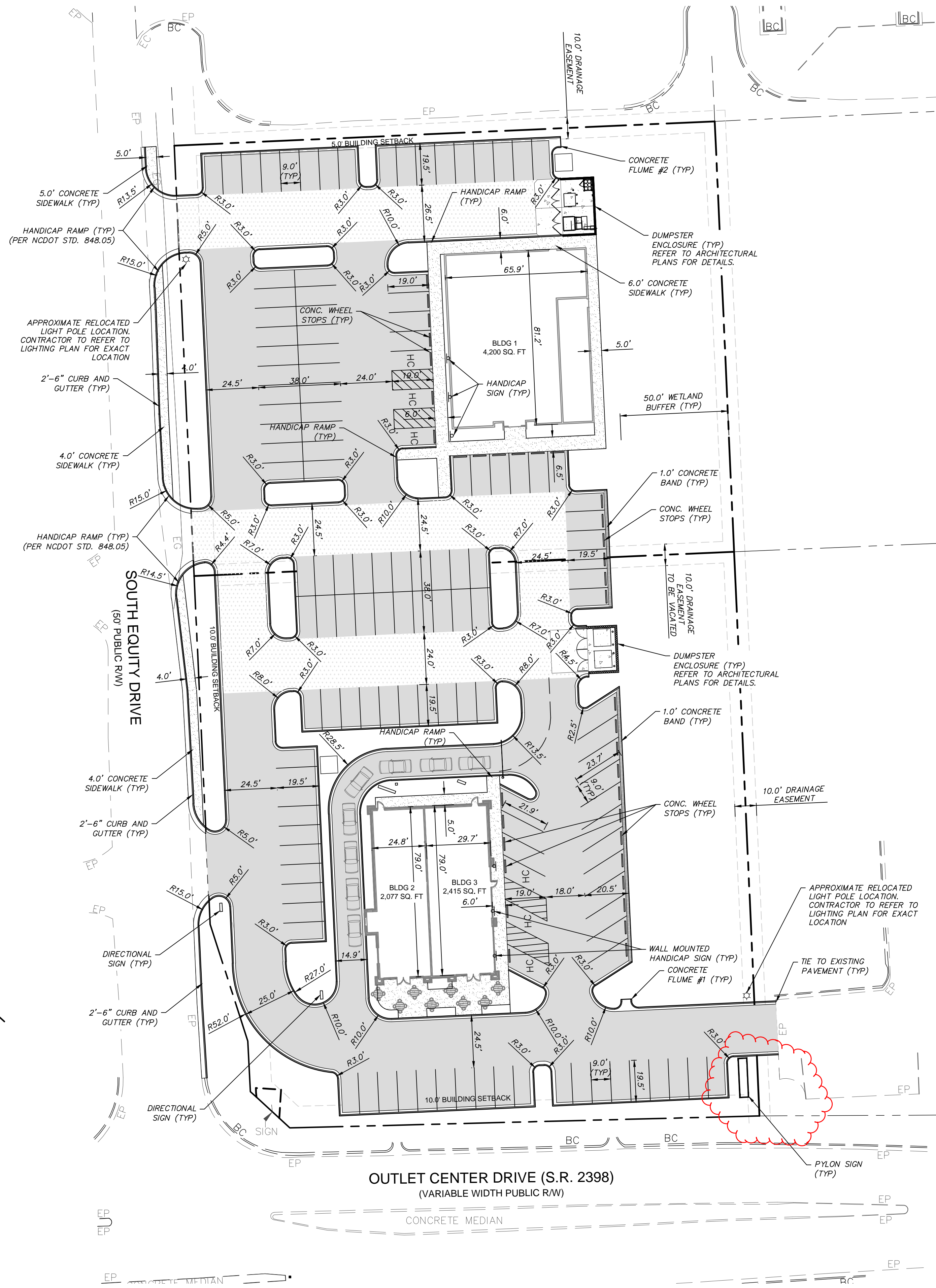
EST:	CLIENT:
SLS/PM:	LANDLORD:

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE. DUE TO VARIATIONS IN PRINTING DEVICES AND SUBSTRATES, THE FINISHED PRODUCT MAY DIFFER SLIGHTLY FROM DRAWING.



SITE DATA TABLE

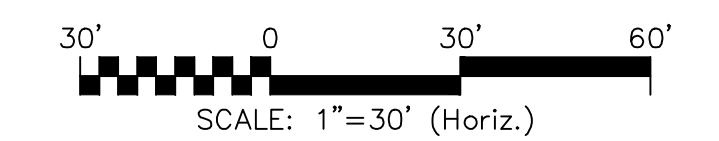
1. PROPERTY OWNER: PARTNERS EQUITY GROUP	
2. PROPERTY ADDRESS: 110 S. EQUITY DRIVE SMITHFIELD, NC 27577	
3. PROPERTY IDENTIFICATION NUMBER: 260417-10-8014 & 260305-19-9816	
4. REAL ESTATE ID NUMBER: 150080455 & 150080451	
5. ACREAGE: 1.152 (LOT 18) & 1.468 (LOT 19)	
6. ZONING: B-3 CUD (CONDITIONAL USE DISTRICT)	
7. ETJ: SMITHFIELD	
8. SETBACKS: FRONT (ALONG PRIMARY STREETS) 50' FRONT (ALONG SECONDARY STREETS) 35' REAR 25' SIDE 15'	
9. PARKING SPACES:	
REQUIRED PARKING:	1 SP/100 SF FLOOR AREA
BUILDING #1	4,200 SF
BUILDING #2	2,077 SF
BUILDING #3	2,415 SF
TOTAL BLDG SQUARE FOOTAGE	8,692 SF
REQUIRED PARKING SPACES	8,692 SF / 100 = 87 SPACES
REQUIRED HANDICAP SPACES	4 SPACES, 1 VAN
PARKING PROVIDED:	129 SPACES
HANDICAP SPACES PROVIDED:	4 SPACES, 2 VAN
TOTAL PARKING PROVIDED:	135 SPACES TOTAL
10. IMPERVIOUS SUMMARY:	
IMPERVIOUS AREAS:	
BUILDINGS:	8,692 SF
PARKING/DRIVES:	57,896 SF
SIDEWALKS:	3,977 SF
DUMPSTER ENCLOSURES:	1,382 SF
TOTAL NEW IMPERVIOUS:	71,947 SF (1.65 ACRES)
TOTAL IMPERVIOUS AREA:	1.65 ACRES
TOTAL IMPERVIOUS PERCENTAGE:	63.0 %
11. DISTURBANCE SUMMARY:	
TOTAL DISTURBED AREA:	2.36 ACRES
12. LENGTH OF WATERLINE: 150 LF	
13. LENGTH OF SEWER LINE: 0 LF	
14. LENGTH OF FIRE LANE: 0 LF	
15. NUMBER OF SEWER TAPS: 3	
16. NUMBER OF WATER TAPS:	
DOMESTIC WATER TAPS	3
FIRE SUPPRESSION TAPS	1



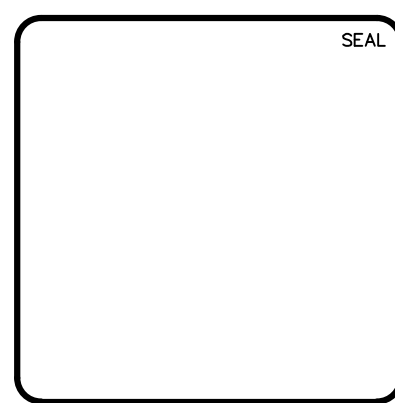
SITE GENERAL NOTES:

- ALL CONSTRUCTION MUST BE PERFORMED IN ACCORDANCE WITH THE CURRENT TOWN OF SMITHFIELD STANDARD DETAIL AND SPECIFICATIONS MANUAL.
- UTILITY AND PIPELINE EASEMENTS SHALL BE RECORDED AFTER CONSTRUCTION IS COMPLETED AS PART OF THE SUBDIVISION PLAT.
- DESIGN BASED ON TOPOGRAPHIC SURVEY BY MCKIM & CREED, INC.
- CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. LOCATION OF EXISTING UTILITIES SHOWN ON PLANS IS BASED ON BEST AVAILABLE INFORMATION BUT CAN BE CONSIDERED ONLY AS APPROXIMATE.
- ALL INTERIOR CURB AND GUTTER TO BE 1'-6". ALL CURB AND GUTTER INSIDE OF RIGHT-OF-WAY TO BE 2'-6".
- ALL HANDICAP RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH CURRENT TOWN OF SMITHFIELD STANDARD DETAILS # 317A & 317B.
- ALL LOCATIONS WHICH ARE DESIGNATED FOR PEDESTRIAN TRAFFIC CROSSINGS SHALL BE DESIGNATED AS A CROSSWALK WITH PAVEMENT MARKING AND SIGNAGE IN ACCORDANCE WITH MUTCD.
- ALL DIMENSIONS SHOWN ARE BACK OF CURB TO BACK OF CURB UNLESS OTHERWISE NOTED.
- THIS PROJECT IS REQUIRED TO MEET ALL OF THE REQUIREMENTS RELATIVE TO BEST MANAGEMENT PRACTICES AND ENGINEERED STORM WATER CONTROL STRUCTURES AS OUTLINED IN THE TOWN OF SMITHFIELD STANDARD DETAIL AND SPECIFICATIONS MANUAL.
- ALL DIMENSIONS AND GRADES SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY OWNER IF ANY DISCREPANCIES EXIST PRIOR TO CONSTRUCTION. NO ADDITIONAL COMPENSATION WILL BE PAID TO THE CONTRACTOR FOR ANY WORK DONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.
- CONTRACTOR TO REFER TO GEOTECHNICAL REPORT COMPLETED BY TERRACON DATED DECEMBER 9, 2014.
- SIGNAGE IS A SEPARATE APPROVAL PROCESS AND HAS NOT BEEN REVIEWED OR APPROVED AS A PART OF THIS SITE PLAN. THE DEVELOPER IS REQUIRED TO SUBMIT A SIGNAGE PLAN FOR REVIEW AND APPROVAL BY THE TOWN OF SMITHFIELD PLANNING DEPARTMENT.

LEGEND	
	ROADWAY CENTERLINE
	ROW
	LOT LINE
	DRAINAGE EASEMENT
	SETBACK EASEMENT
	50' WETLAND EASEMENT
	PYLON SIGN
	HANDICAP SIGN
	CONCRETE WHEEL STOP
	NEW PAVEMENT (LIGHT DUTY ASPHALT)
	NEW PAVEMENT (HEAVY DUTY ASPHALT)
	NEW SIDEWALK
	NEW CONCRETE PAVEMENT
	CONCRETE BAND



REV. NO.	DESCRIPTIONS	DATE
B	REVISED PER TOWN OF SMITHFIELD COMMENTS DATED JANUARY 20, 2015	1/23/2015
A	REVISED PER NCDOT COMMENTS	1/16/2015



MCKIM & CREED
 1730 Varsity Drive, Suite 500
 Raleigh, North Carolina 27606
 Phone: (919)233-8091, Fax: (919)233-8031
 F-1222
 www.mckimcreed.com

CHI
 CAROLINA HOLDINGS, INC.
 300 NORTH MAIN STREET
 SUITE 402
 GREENVILLE, SC 29601
 TEL (864) 272-0088
 FAX (864) 458-9549

PARTNERS EQUITY LOTS 18 & 19

SITE PLAN

DATE: DECEMBER 17, 2014	SCALE: 1" = 30'	M&C FILE NUMBER: C1.X
MCE PROJ. # 06810-0001	HORIZONTAL: 1" = 30'	DRAWING NUMBER: C1.1
DRAWN: DJB	VERTICAL: NA	
DESIGNED: DJB		
CHECKED: GML		
PROJ. MGR.: GML		

STATUS: **FINAL DRAWINGS FOR REVIEW PURPOSES ONLY**



SECURITY DR

OUTLET CENTER DR

Approximate Location of
Proposed
High Rise Business Identification Sign

Vicinity Map for:
CUP-15-03
Applicant:
Carolina Holdings, LLC



Map Created by Town of Smithfield
Geographic Information Services



0 50 100 Feet

Adjacent Property Owners of
CUP-15-03

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15008045E	260417-10-5101	JER/JAMESON NC PROPERTIES LP	C/O SSI PMG LLC	SMYRNA	GA	30080-0000
15K11014F	260306-28-6552	SMITH, WILLIAM WHITFIELD JR	C/O JOHN C HINE	GOLDSBORO	NC	27533-0916
15L11001B	260305-19-1134	SUNOCO INC	1900 DALROCK RD	ROWLETTE	TX	75086-0000
15008045R	260417-10-8296	SOUTH EQUITY DRIVE PLAZA PROPE	816 WEST MARKET ST	SMITHFIELD	NC	27577-0000
15008045T	260305-19-9816	PARTNERS EQUITY GROUP	P O BOX 1524	SMITHFIELD	NC	27577-0000
15008045S	260417-10-8014	PARTNERS EQUITY GROUP	P O BOX 1524	SMITHFIELD	NC	27577-0000
15L11002B	260305-18-4276	DANBAR LIMITED PARTNERSHIP	P O BOX 1333	SMITHFIELD	NC	27577-0000
15008045F	260417-10-4371	HOTEL VENTURES OF SMITHFIELD	P O BOX 7537	FLORENCE	SC	29502-0000
15008045M	260417-20-0263	PTNRP	816 WEST MARKET STREET	SMITHFIELD	NC	27577-0000
15008045K	260305-29-1867	MOHAMED & SONS INC	PO BOX 1236	SMITHFIELD	NC	27577-0000
15008045D	260305-19-5835	STORE MASTER FUNDING II LLC	1101 W WATERLOO RD	EDMOND	OK	73025-1899
15L11199	260305-28-1111	SHRI SAIBABA LLC	197 MALLARD RD	SMITHFIELD	NC	27577-0000
15008045L	260417-20-0065	MARKET STREET INVESTMENTS	16930 W CATAWBA AVE STE 205	CORNELIUS	NC	28031-5639
15L11008F	260306-29-9025	GUIN, REBECCA L	2491 US HIGHWAY 70 BUS E	SMITHFIELD	NC	27577-7788
15L11002A	260305-17-0922	VRG, LLC.	198 MALLARD RD	SMITHFIELD	NC	27577-0000