

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, December 3, 2015*
Meeting Time: *6:00 p.m.*
Meeting Place: *Council Chambers, Smithfield Town Hall*

**AGENDA
PLANNING BOARD
REGULAR MEETING
DECEMBER 3, 2015
MEETING TIME: 6:00 PM
TOWN HALL**

Call to Order.

Identify voting members

Approval of the minutes for November 5, 2015.

Public Hearings

CUP-15-04 Triangle Marketing Associates, Inc: The applicant is requesting a conditional use permit to allow for the construction and operation of a 30 foot radio antenna with studio on property located within a LI (Light Industrial) zoning district. The property considered for approval is located on the east side of Airport Industrial Drive and approximately 450 feet north of its intersection with Swift Creek Road. The property is further identified as Johnston County Tax ID# 15J08017F.

CUP-15-05 GrayCliff Enterprises, Inc: The applicant is requesting a conditional use permit to allow for one residential housing unit on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for approval is located on the north side of Powell Street and approximately 240 feet east of its intersection with Computer Drive. The property is further identified as Johnston County Tax ID# 15J08071.

Old Business.

New Business.

Adjournment.

DRAFT
Smithfield Planning Board Minutes
Thursday, November 5, 2015
6:00 P.M., Town Hall, Council Room

Members Present:

Vice-Chairman Stephen Upton
Daniel Sanders
Mark Lane
Jack Matthews
Teresa Daughtry

Members Absent:

Eddie Foy
Ashley Spain
Gerald Joyner (Alt.)

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM OCTOBER, 2015.

Teresa Daughtry made a motion, seconded by Mark Lane to approve the minutes as written. Unanimous.

Public Hearings:

After all persons giving testimony were duly sworn, Stephen Upton opened the public hearing.

RZ-15-05 Steven H. Gower:

Mr. Helmer stated the applicant is requesting to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district. The property considered for rezoning is located on the east side of US 70 Highway Business West approximately 220 feet north of its intersection with Cloverdale Drive. The property is further identified as Johnston County Tax ID# 17J08004.

Mr. Helmer stated the property considered for a rezoning contains environmentally sensitive areas to include wetlands and the Little Poplar Creek floodplain. The property is also located within the watershed protected area of the Town of Smithfield. Any further development proposal will be encouraged to limit encroachment into these areas and to maintain a maximum built upon are of 24% or less.

Mr. Helmer stated the property proposed for rezoning is currently being used for agricultural endeavors. The property contains 1 residential structure and 2 accessory structures which are located on the northeast side of the property. The eastern most property boundary is the approximate centerline of Little Poplar Creek. The 110 lot residential subdivision of Whitley Height is adjacent to and south of the property considered for rezoning. The 62 lot residential

subdivision of Wedgewood is not adjacent to the property proposed for rezoning but is in close proximity and located to northeast and just across Little Poplar Creek. Adjacent to and north of the property considered for rezoning is an existing LI (Light Industrial) zoning district which is approximately 45 acres in area. Existing tenants include North American Van Lines located in a 70 thousand square foot facility and Technion Studio located in a 55 square foot facility. Other Light Industrial parks in the area include an unnamed facility that is the home of OPW Containment and Airport Industrial Park located off Swift Creek Road and adjacent to the airport. All of these facilities are located within the Town of Smithfield Planning and Zoning Jurisdiction.

Mr. Helmer stated the proposed rezoning to the LI (Light Industrial) zoning district is not consistent with the Strategic Growth Plan which recommends the property be zoned for low density residential development. However the property adjacent to an existing LI zoning district and the proposed rezoning is a logical extension of this district. The rezoning will be consistent with the Town of Smithfield Unified Development Ordinance (UDO) provided that all proposed future land uses and developments are constructed in accordance with minimum development standards. The property considered for a rezoning is located on a major corridor entering the Town from the west and is in close proximity to other like zoning districts. Rezoning this property from residential to a Light Industrial zoning district will not create any compatibility issues with the adjacent residential uses to the south provided that adequate buffers are installed as part of any future land use plan or subdivision. The Town of Smithfield will provide water and sewer, Duke Energy Progress will provide electric. Mr. Helmer stated some of the permitted uses that can be considered for future approval if the property is rezoned to the LI (Light Industrial) zoning district would include:

- Building Materials Sales and Storage
- Clothing and Finished Fabric Products, Manufacture of
- Contractors, Building (with Storage)
- Contractors, Equipment
- Contractors, Heavy Construction
- Contractors, Special Trades (No Storage)
- Clothing and Finished Fabric Products, Manufacture of
- Electric Motor Repair
- Fuel and Ice Dealers
- Gas Companies with Propane/Bulk Storage
- Industrial Uses not having an injurious effect on the Town and not otherwise listed/identified
- Light Manufacturing uses involving fewer than 35 employees and not otherwise listed/identified
- Industrial Research offices and laboratories

Mr. Helmer stated the Planning Department recommends approval of the request to rezone approximately 47.78 acres of land from an R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district.

The Planning Board is requested to review the petition to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district and make a recommendation to Town Council based on the approval criteria for a rezoning.

Stephen Upton asked if anyone wanted to speak for or against the proposed rezoning.

After all persons giving testimony were duly sworn, Stephen Upton continued the public hearing.

Mr. Helmer gave his presentation of RZ-15-05, Steven A. Gower that was originally given on October 1, 2015 and offered answers to any questions the Smithfield Planning Board may have.

Stephen Upton asked if anyone wanted to speak for or against the proposed rezoning.

Stephen Upton reminded the board that this hearing is only considering the rezoning of the subject property and possible uses permitted in the requested district and that no site specific development plan is being considered for approval at this time.

Mark Lane asked how a site specific development would be approved and whether the Planning Board would conduct a separate hearing.

Mr. Helmer stated there is a list of permitted uses within the LI (Light Industrial) with some uses being a use by right and approved by staff and others being permitted by conditional use. Those uses approved by CUP process would require a recommendation by Planning Board and approved by Town Council. Mr. Helmer also stated that major subdivisions, which are those requiring extension of public infrastructure, require Town Council approval.

Mark Lane asked if buffer requirement would be triggered adjacent to the existing residential development to the south.

Mr. Helmer stated that buffers would be required as part of any future proposed site development plan.

Daniel Sanders asked if Cloverdale Drive would be impacted.

Mr. Helmer stated Cloverdale Drive runs east, west and has direct access to US Business Hwy 70 and that any future industrial use would not have access to Cloverdale Drive which is a residential street within residentially zoned development.

Teresa Daughtry stated that the front portion of the property is currently zoned B-3 Business.

Mr. Helmer stated that with LI (Light Industrial) zoning district comes the added benefit of getting manufacturing and job creating business located on the property.

Chris Johnson, 3149 Swift Creek Rd, who is the Johnston County Economic Developer, apologized that he was not present at last month's meeting. He was aware of the application but was not aware of the date of the meeting until the day after. He apologized to any of the citizens that showed up and for everyone's time. He stated he wanted to make sure we don't put the cart before the horse on what is going on. There's no project, there's no industry, there's no anything looking at this site right now. What economic development is trying to do is make Johnston County more attractive just like the pharmaceutical project. He stated his office was fortunate to win a site application grant. With this grant a 75 acre tract of land was needed. Unfortunately, there wasn't anything in Johnston County that fit that criteria of having highway infrastructure in place except with this tract of land in conjunction with area businesses and will be marketing for the whole entire tract. Obviously, different drawings such as subdivisions and a large facility have been looked at but just want to make sure he is not over selling what is trying to be done. He believes this board has already approved another certified site on Brogden Road. He stated that what happens when you make application with the state there's a list of criteria that needs to be met and having the property rezoned is one of those items. With all of that being said, he would be more than happy to answer any questions the board may have.

Stephen Upton stated that was a nice presentation and he is aware that site specific plans are not in place but, the board must consider the impacts of all permitted uses of the light industrial zoning district and the impacts they may have on the residential zoned property to the south.

Lois Cannon, 303 Pelham St Selma, stated Doris Cannon was her mother and that her only concern was she has to sell her mother's house on Cloverdale Drive and was asking if the property value would decrease.

Stephen Upton responded that it was hard to say as to what may come, right now the applicant is just rezoning and that any future land use would be required to minimize negative impacts through proper site design.

Ms. Cannon agreed.

Chris Johnson stated that a certification only lasts two years. If someone comes that wants to build a residential development during that time, the property owner can take advantage of any viable proposal.

Mark Lane asked Chris Johnson what happens after two years.

Chris Johnson responded that economic development would have to reapply after two years.

Teresa Daughtry asked how long the industrial certification would take after Town Council approval.

Chris Johnson stated the State Department of Commerce meets quarterly and it depends on when economic development is on the rotation of when their full board meets. Chris stated he thinks they will meet some time in December but not sure. The great thing about this project is Duke Energy is paying for half of the site certification.

Teresa Daughtry asked if the price is set in stone.

Chris Johnson responded the option to purchase is set so the price can't go any higher but it can always be negotiated down. The price of the land is \$50,000 per acre.

Teresa Daughtry asked if the land can tap into the natural gas line.

Chris Johnson stated there's a line in the back but they will not be able to do that off the back. But there is a natural gas line that comes down to the stop light. He stated he's not sure if the natural gas feeds into the neighborhood but obviously that's something that would benefit the neighbors with the extension of that gas line especially Cloverdale Drive.

Teresa Daughtry asked if this would be something they could obtain in the future.

Chris Johnson stated feeder lines for natural gas are pretty easy to tap into. There were no further questions.

Steve Upton closed the public hearing

Stephen Upton made a motion, seconded by Jack Matthews, to move to the Finding of Fact. Unanimous.

Article 13 Section 13-17 of the Town of Smithfield Unified Development Ordinance requires all applications for a zoning map amendment to address the following eight findings. The burden of proof is on the applicant and failure to adequately address the findings may result in denial of the application.

The governing body has the responsibility to determine if the zoning map amendment is warranted. The Planning Board shall recommend and the Town Council of the Town of Smithfield shall decide the matter of this rezoning application by motion and vote on each of the following eight findings of fact. Any motion to find against the application must be supported by statement of specific reason or conclusions reached in support of the motion.

The Smithfield Planning Board unanimously made the following finding:

1. That the rezoning request from the B-3 (Highway Entrance Business) to the LI (light Industrial) zoning district generally meets all the Town's plans and policies and will blend in well with the

adjacent land uses provided that required buffering is installed on the north side of property adjacent to the residential project.

2. That the rezoning request is compatible with established neighborhood patterns which includes a commercial zoning district to the south and to the west of the subject property. An existing light industrial zoning district is directly to the east of the subject property.

3. That the rezoning petition is compatible with the changing neighborhood conditions that might warrant a rezoning because a demand for manufacturing facilities is creating a need for additional zoning districts that can support such uses.

4. That the rezoning will allow for an additional industrial zoning district that can support manufacturing jobs while rehabilitating and underdeveloped and underutilized property located on a major commercial corridor. The redevelopment that will occur from the rezoning will increase the tax base as an additional benefit.

5. That since adjacent nearby properties are presently zoned light Industrial (Light Industrial) then it is unlikely an argument could be made for “spot zoning” or “small scale” zoning.

6. That the property is currently zoned B-3 (Highway Entrance Business). Manufacturing uses and the jobs they may bring cannot occur unless the property is rezoned to the LI (Light Industrial) zoning district and the current zoning district is too restrictive.

7. That in addition to public water and sewer being available to the site, the property is served by Duke Progress with electricity. CenturyLink and Time Warner also serve the area with phone and cable respectively.

8. That much of the property is not affected by physical restraints such as wetlands, stream buffers, potential flood hazard areas and storm water. There is no limiting geological and hydrological formation that would prohibit development (rock outcrops, lakes, etc.).

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

Teresa Daughtry made a motion, seconded by Daniel Sanders to recommend approval to rezone approximately 47.78 acres of land from the R-20A (Residential-Agricultural) zoning district and the B-3 (Highway Entrance Business) zoning district to the LI (Light Industrial) zoning district. 5-2 vote passes.

Old Business:

No report.

New Business:

No Report

Teresa Daughtry made a motion to adjourn, seconded by Jack Matthews. Unanimous.

Submitted this 5th day of November, 2015.

Veronica Hardaway
Administrative Support Specialist
Planning Department

DRAFT



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-15-04
Project Name: Radio station with 30 foot antenna
TAX ID number: 15J08017F
Town Limits/ETJ: ETJ
Applicant: Triangle Marketing Associates, Inc
Owners: Carolina Property Systems, LLC
Agents: none
Neighborhood Meeting: none

PROJECT LOCATION: East side of Airport Industrial Drive and approximately 450 feet north of its intersection with Swift Creek Road.

REQUEST: The applicant is seeking a conditional use permit to allow for a radio station with a 30 foot high antenna on property located within a light industrial zoning district.

SITE DATA:

Acreage: 1.1 acres
Present Zoning: LI (Light Industrial)
Proposed Zoning: N/A
Existing Use / Previous: Various / multi-tenant development

DEVELOPMENT DATA:

Proposed Use: An existing multi-building, multi-tenant development is seeking a conditional use permit to allow for a radio station studio with a 30 foot radio antenna.

ENVIRONMENTAL: The proposed location of the proposed radio station with 30 tall foot antenna does not appear to be within the boundaries of the designated wetlands or flood plains.

ADJACENT ZONING AND LAND USES:

North:	Zoning: LI (Light Industrial) Existing Use: Commercial
South:	Zoning: LI (Light Industrial) Existing Use: Vacant / Undeveloped
East:	Zoning: R-20A (Residential-Agricultural) Existing Use: Vacant
West:	Zoning: LI (Light Industrial) Existing Use: Vacant

STAFF ANALYSIS AND COMMENTARY: The radio station is located within a three bay multi-tenant building located within Airport Industrial Park. Automobile parking is ample and the building is setback far enough so that if the antenna was to collapse it would not land within any public right-of-way or environmentally sensitive areas. The location of the antenna is within close proximity to Johnston County Airport. Therefore, FAA (Federal Aviation Administration) approval is required. The applicant has submitted documentation from the FAA showing that a determination has been made that the antenna will not create a hazard to flight operation occurring in the area.

- **Consistency with the Strategic Growth Plan**

The proposed radio station with a 30 foot antenna is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for industrial / commercial uses near the vicinity of Johnston County Airport.

- **Consistency with the Unified Development Code**

Radio stations are a permitted use within LI (Light Industrial) zoning district with a valid conditional use permit. The existing site was approved by Johnston County Planning Department and has since become a part of the Town of Smithfield Extra Territorial Zoning Jurisdiction. The site appears to have been constructed to modern zoning standards in terms of building setback, parking and landscaping.

- **Compatibility with Surrounding Land Uses**

A radio station at this location should not pose a compatibility issue with surrounding land uses providing the applicant is comfortable being located in an industrial park where light manufacturing is permitted.

- **Signs**

The subject use can be permitted one monument sign and one wall sign facing Airport Industrial Drive.

OTHER:

FIRE PROTECTION: The Town of Wilsons Mills.

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: 170 feet of Road frontage along Airport Industrial Drive.

WATER/SEWER PROVIDER: Johnston County

ELECTRIC PROVIDER: Duke Progress Energy

Planning Department Recommendations:

Planning staff recommends approval of a Conditional Use Permit request to allow for the operation of a radio station and construction of a 30 foot high antenna on property located within a LI (Light Industrial) zoning district.

Planning Board Requested Actions:

The Planning Board is requested to review the request for radio station with a 30 foot high antenna and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.



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: Radio Station use Acreage of Property: 1.11 AC
 Parcel ID Number: 168500-04-8569 Tax ID: 15J08017F
 Deed Book: 1816 Deed Page(s): 43
 Address: 104 Airport Industrial Drive, Suite 102
 Location: _____

Existing Use: Radio Station Studio Site Proposed Use: Radio Station Studio Site
 Existing Zoning District: L1
 Requested Zoning District: L1
 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: CU-15-04 Date Received: 11/6/15 Amount Paid: \$300.00

OWNER INFORMATION:

Name: Caroline Property Systems LLC
Mailing Address: 128 Airport Industrial Drive
Phone Number: 919 934-8911 Fax: _____
Email Address: _____

APPLICANT INFORMATION:

Applicant: Triangle Marketing Associates, Inc.
Mailing Address: 104 Airport Industrial Drive, Suite 102
Phone Number: 919-989-1122 Fax: Clayton, NC 27520
Contact Person: Rick Heilmann
Email Address: rick@countryss.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: FAA Approval Notice

STATEMENT OF JUSTIFICATION

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

just became aware of fact that we were located within the extraterritorial jurisdiction of Smithfield NC. Located radio station studio at this site in Dec 2014. Permitted office and studio buildout of warehouse building with Johnston County, and completed in Feb 2015.

Wish to erect a 30 foot tower at rear of building to place microwave transmit dish for audio signal to transmitter 3.3 miles away.

Seeking town council approval for radio station operation at this site, and approval to erect antenna tower.

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 radio station is primarily an office-type environment, which includes two studios. There is no RF at the office location. The audio for the station is microwaved to a transmitter site already existing on Little Creek Church Road, (Built in 2009), which is a leased facility.

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

The FAA has approved this project and certification. It does not interfere with flight operations at Johnston County Airport. (attached)

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 radio station is licensed by the FCC as ~~Smithfield~~ to serve the community of Smithfield. ("City of License"). It is the only FM license for the Smithfield community. The two adjoining suites ~~are~~ have no objection to the use of this location as a radio station. ~~But~~ The property owner has no objection to this use or the construction of a 30' tower.

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 radio station studio is an office type building. There is no RF transmission. That is done at a remote site 3 miles away. Only data will be sent through the proposed microwave low level RF link. The tower is far smaller than surrounding trees in the area.

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.

Richard Heilman
Print Name


Signature of Applicant

7/20/15
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: Triangle Marketing Assoc. Submittal Date: 11/6/15

OWNERS AUTHORIZATION

I hereby give CONSENT to N/A (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.

[Signature] Richard Konnie Stephens 11/4/15
 Signature of Owner 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.

[Signature] Richard Heilmann 7/20/15
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: COP-15-04 Date Received: 11/6/15 Parcel ID Number: 160500-04-8569



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2015-ASO-12856-OE

Issued Date: 10/07/2015

Rick Heilmann
 Rick Heilmann
 104 Airport Industrial Drive
 Suite 102
 Clayton, NC 27520

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower Antenna Tower
 Location: smithfield,nc, NC
 Latitude: 35-32-50.35N NAD 83
 Longitude: 78-23-30.09W
 Heights: 154 feet site elevation (SE)
 30 feet above ground level (AGL)
 184 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 04/07/2017 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (718) 553-4546. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-ASO-12856-OE.

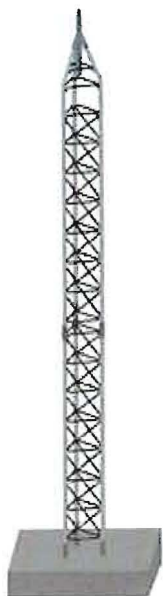
Signature Control No: 260586376-267911520

(DNE)

Robert Alexander
Specialist

cc: FCC

October 5, 2015



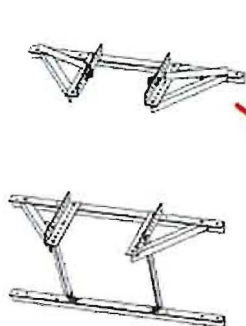
30' tower

3-10 foot high sections
triangular 12" sides

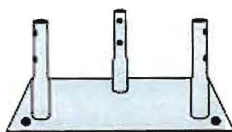
Freestanding, but
anchored at 11 feet.

The ROHN R-25SS040 40ft freestanding tower is built using the popular ROHN 25G guyed tower sections. All sections are 5ft or 10ft in length with 1.25in OD 16GA wall pipe legs and 5/16in solid serpentine bracing. [More >](#)

- Tower Height: 40 ft (we don't need the full 40', will use 3 10' sections)
- Type of Line Support: N/A - Attach directly to bracing members
- Maximum Sidearm Length (ft.): 6
- Tower Type: Freestanding
- Sector Mount Compatible: No



WALL MOUNT
25GWM
INCLUDES BASE PLATE TO
MOUNT 25G SECTION.



**CONCRETE BASE PLATE
WITH ANCHORS**
25GSSB
FOR USE WITH SELF-SUPPORTING
25G TOWERS.

ALTERNATIVE TO USING SHORT BASE.
BASE BOLTS & TEMPLATE MUST
BE ORDERED SEPARATELY.



Wall Mount
Anchored at 11'
height to
Horizontal Steel
Beam inside
Building



Exterior View
Rear of Building
Tower Anchored at
11' height via Wall
Mount to Horizontal
Steel Beam inside



Aerial View
North ↑
Right side of
photo is Airport



Front of Building
18' in height on
front side
(Tree shown is 27' SE of
proposed tower location)

Hardware Overview

Innovative Mechanical Design

- Small profile, heavy duty, the tower's mechanical design meets or exceeds the design of the dish's base and provides a secure, reliable connection.
- Customized for use with the RD-SG30-LW. This is the only tower for easy alignment.
- Provides electrical adjustment of the RD-SG30-LW. The RD-SG30-LW is a high precision, quality for use and high performance.

Weather-proof Design

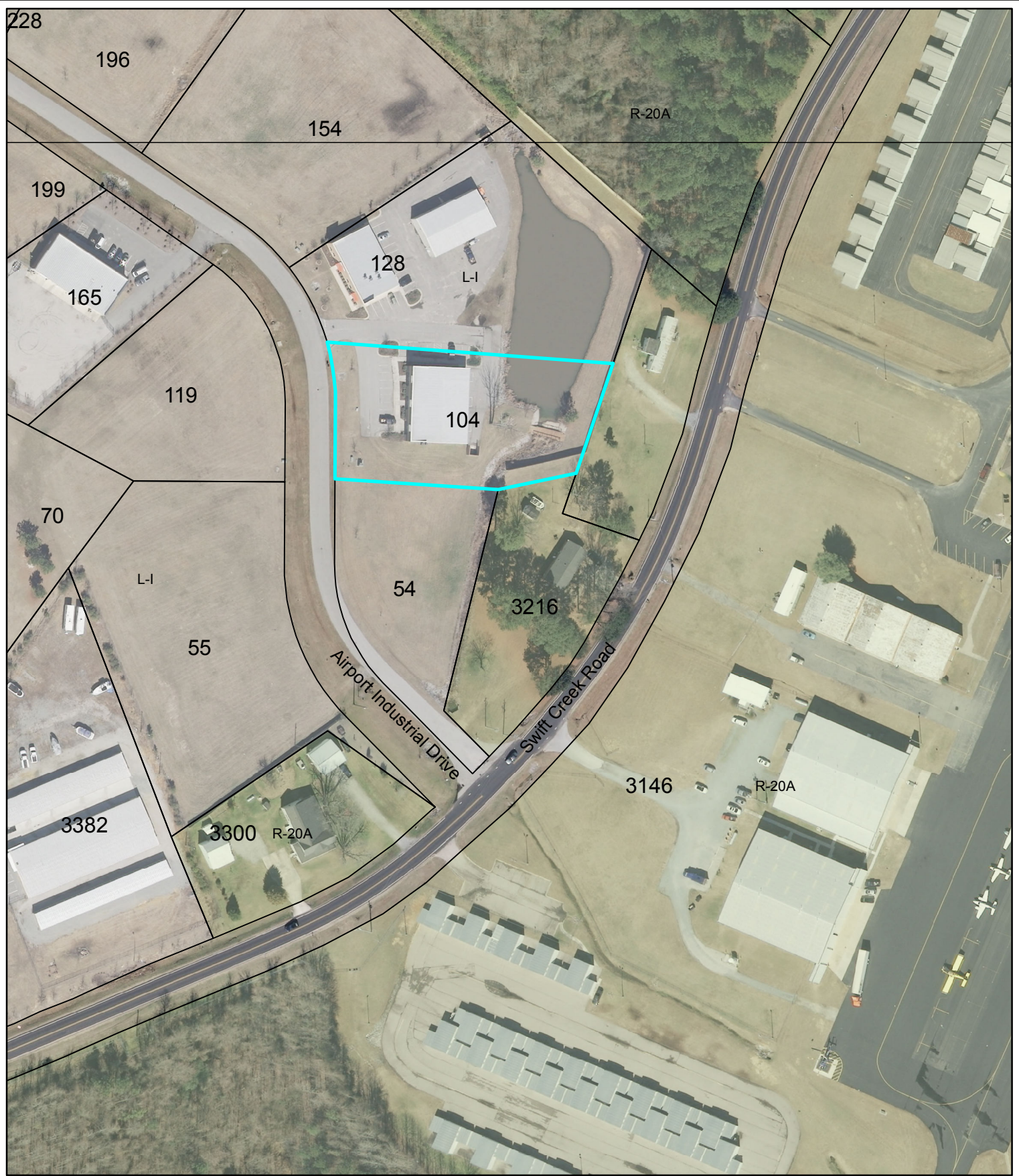
- The weather-resistant design of the tower's mechanical design meets or exceeds the design of the dish's base and provides a secure, reliable connection.
- The design of the RD-SG30-LW is a high precision, quality for use and high performance.
- The design of the RD-SG30-LW is a high precision, quality for use and high performance.

Ubiquity Networks Rocket Dish RD-SG30-LW

Attachment to tower	Dish size
700mm x 700mm x 185 mm mounted at 30' level facing NW	700 mm x 700 mm x 185 mm

©2014 Ubiquity Networks, Inc. All rights reserved.

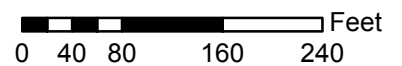
This additional information submitted by
Richard Heilmann, President,
Triangle Marketing Associates, Inc.
October 5, 2015
919-989-1122
rick@countryss.com



Vicinity Map for:
CUP-15-04
Applicant:
Triangle Marketing
Associates, Inc.



Map Created by The
Town of Smithfield
Geographic Information Services



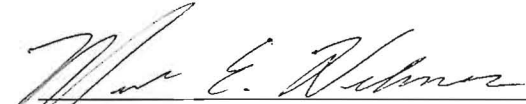


PLANNING DEPARTMENT

Paul C. Embler, Jr., Director

ADJOINING PROPERTY OWNERS CERTIFICATION

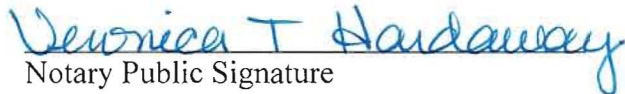
I, Mark E. Helmer, hereby certify that the property owner and adjacent property owners of the following petition, CUP-15-04 were notified by First Class Mail on 11-18-15.

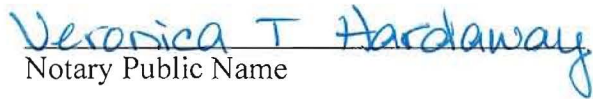

Signature

Johnston County, North Carolina

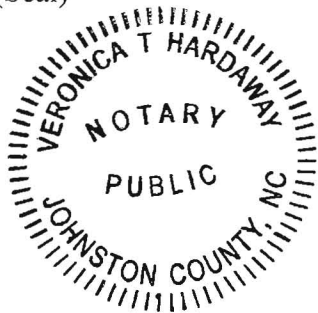
I, Veronica T. Hardaway, a Notary Public for Johnston County and State of North Carolina do hereby certify that Mark E. Helmer personally appeared before me on this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the

18th day of November, 2015


Notary Public Signature


Notary Public Name

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





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-15-05
Project Name: GrayCliff Enterprises LLC
TAX ID number: 15J08071
Town Limits/ETJ: City
Applicant: GrayCliff Enterprises LLC
Owners: The Winstead Building Inc.
Agents: Partners Commercial Reality
Neighborhood Meeting: none

PROJECT LOCATION: North side of Powell Street and approximately 240 feet east of its intersection with Computer Drive.

REQUEST: The applicant is requesting a conditional use permit to allow for one residential housing unit on property located within a B-3 (Business Highway Entrance) zoning district. The residential unit will be an accessory use to the existing contractor's office.

SITE DATA:

Acreage: 1.46 acres
Present Zoning: B-3 (Business)
Proposed Zoning: N/A
Existing Use / Previous: Contractors Office with outdoor storage

DEVELOPMENT DATA:

Proposed Use: The applicant is requesting to use an existing building on the property for residential purposes so that house on-site around the clock security of the storage yard can occur.

ENVIRONMENTAL: There are no environmental issues on the site that would prohibit the use of the existing structure for residential purposes.

ADJACENT ZONING AND LAND USES:

North:	Zoning:	LI (Light Industrial)
	Existing Use:	Warehousing
South:	Zoning:	B-3 (Business)
	Existing Use:	Vacant
East:	Zoning:	R-10 (Residential)
	Existing Use:	Vacant
West:	Zoning:	B-3 (Business)
	Existing Use:	commercial / vacant

STAFF ANALYSIS AND COMMENTARY: The property is home of Graycliff Enterprises LLC whose primary business is in support of the cable industry through the installation of fiber optic cable throughout the area. The property has a large storage in the rear and two structures with parking in the front on the site. The applicant is seeking a conditional use permit to allow for the smaller of the two beings to be used for housing quarters for security and staff. Residential uses are permitted within the B-3 (Business) zoning district providing that a Conditional use permit is issued by Town Council.

- **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**

Residential housing units are a permitted use within the B-3 (Business) zoning district with a valid conditional use permit.

- **Compatibility with Surrounding Land Uses**

A residential housing unit at this location should not pose a compatibility issue with surrounding land uses providing the use is accessory to GrayCliff Enterprises LLC contractors and that upon such time that GrayCliff Enterprises LLC ceases to exist at this location, so shall the residential use.

- **Signs**

The subject property will be permitted one monument sign adjacent to Powell Street as well as wall sign on the Powell Street side of the building.

OTHER:

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

SCHOOL IMPACTS: NA

PARKS AND RECREATION: NA

ACCESS/STREETS: 140 feet of road frontage along Powell Street

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Duke Progress Energy

Planning Department Recommendations:

Planning staff recommends approval of the Conditional Use Permit to allow GrayCliff Enterprises LLC to operate one residential unit for the housing of on-site security and employees only.

Planning Board Requested Actions:

The Planning Board is requested to review the request for GrayCliff Enterprises LLC to operate one residential housing unit for the housing of on-site security and employees only and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.



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: Graycliff Enterprises Acreage of Property: 1.46 AC
 Parcel ID Number: 168408-99-2106 Tax ID: 15J08071
 Deed Book: 3886 Deed Page(s): 37
 Address: 610 A Powell St
 Location: Smithfield NC 27577
located approximately 1/2 mile from Business 70
 Existing Use: Trade contractor with outdoor storage Proposed Use: overnight guests/apartments for employees
 Existing Zoning District: B-3
 Requested Zoning District: B-3 CU
 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-15-05 Date Received: 11/6/15 Amount Paid: \$300.00

OWNER INFORMATION:

Name: The Winstead Building C/O Partners Commercial Realty
Mailing Address: PO Box 1960, Smithfield, NC 27577-1960
Phone Number: 919-585-5321 Fax: 919-585-5321
Email Address: jferricone@partnerscomrc.com

APPLICANT INFORMATION:

Applicant: GrayCliff Enterprises Inc
Mailing Address: 3300 Battleground Ave. Ste 100, Greensboro, NC 27410
Phone Number: 910-632-3948 Fax: 910-399-3380
Contact Person: Tom Moyer
Email Address: tmoyer@graycliffent.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.

We are requesting that existing building of 610 A Powell Street be allowed to be used as an apartment for overnight guests/security.

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 request for conditional use will not endanger the public health, safety, or general welfare for the reason that the change in use is for an existing structure currently zoned B-3. The request is for the function of the building, known as 610 A Powell St, to serve as a residence for employees as security as well as an apartment.

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

The proposed use will meet all required conditions and specifications in accordance with the current building codes for the interior construction of walls, installation of a shower and the demolition of 2 existing walls.

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 portion of the property considered for a conditional use permit is located at 610 A Powell, adjacent to the residence of 600 Powell St with an existing tree barrier. The remainder of the property at 610 Powell St will remain as business. The proposed construction changes to the existing facility will only effect the interior of the structure.

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).

Improvements to the existing facility are Not in a public area, the building is currently not in use awaiting the approval of the conditional use permit for the remodel of the bathroom. All remodel work will be done to meet building codes.

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.

Tom Moyer

Print Name


Signature of Applicant

11/6/15
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: CUR-15-05 Submittal Date: 11/6/15

OWNERS AUTHORIZATION

I hereby give CONSENT to GrayCliff Enterprises Inc (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.

 STEPHEN C. WOODARD, JR 11/2/15
 Signature of Owner 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.

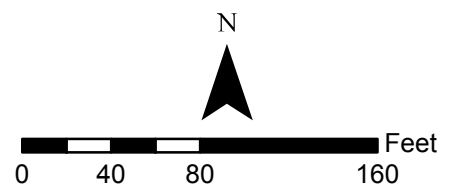
 Tom Moyer 11/6/15
 Signature of Owner/Applicant Print Name Date

FOR OFFICE USE ONLY

File Number: CUR-15-05 Date Received: 11/6/15 Parcel ID Number: 168408-99-2106



Vicinity Map for:
 CUP-15-05
 Applicant:
 GrayCliff Enterprises, Inc.






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-15-05 were notified by First Class Mail on 11-18-15.



Signature

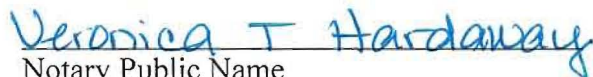
Johnston County, North Carolina

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

18th day of November, 2015

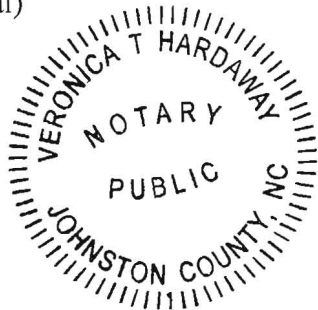


Notary Public Signature



Notary Public Name

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



Adjacent Property Owners of
CUP-15-05

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
		GrayCliff Enterprises Inc	3300 Battleground Ave STE 100	Greensboro	NC	27410
15J08069	168408-89-9157	HOBBS, TINA SHIRLEY	616 HANCOCK STREET	SMITHFIELD	NC	27577
15J08067	168408-88-9873	TR		SMITHFIELD	NC	27577-1175
15J08071	168408-99-2106	WINSTEAD BUILDING	PO BOX 1960	SMITHFIELD	NC	27577-0000
15J08070	168408-99-0156	WINSTEAD BUILDING	PO BOX 1960	SMITHFIELD	NC	27577-0000
15L11005T	168408-99-1593	BAREFOOT, WAYNE L	111 MARIAH DRIVE	FOUR OAKS	NC	27524-0000
15088049	168408-99-3053	PITTMAN, BRYAN S	21 DOGWOOD LANE	FOUR OAKS	NC	27524-0000
15O99005L	168408-98-1801	TR		SMITHFIELD	NC	27577-1175
15089019A	168408-98-2872	HEAVNER, DANIEL L TRUSTEE	PO BOX 2346	SMITHFIELD	NC	27577-0000



PLANNING DEPARTMENT

Paul C. Embler, 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, December 3, 2015 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

CUP-15-04 Triangle Marketing Associates, Inc: The applicant is requesting a conditional use permit to allow for the construction and operation of a 30 foot radio antenna with studio on property located within a LI (Light Industrial) zoning district. The property considered for approval is located on the east side of Airport Industrial Drive and approximately 450 feet north of its intersection with Swift Creek Road. The property is further identified as Johnston County Tax ID# 15J08017F.

CUP-15-05 GrayCliff Enterprises, Inc: The applicant is requesting a conditional use permit to allow for one residential housing unit on property located within a B-3 (Business Highway Entrance) zoning district. The property considered for approval is located on the north side of Powell Street and approximately 240 feet east of its intersection with Computer Drive. The property is further identified as Johnston County Tax ID# 15J08071.

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. Emblar, Jr., Director

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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 11/18/15 and 11/25/15