

**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