

DRAFT
Smithfield Planning Board Minutes
Thursday, January 7, 2016
6:00 P.M., Town Hall, Council Room

Members Present:

Chairman Eddie Foy
Vice-Chairman Stephen Upton
Daniel Sanders
Gerald Joyner
Jack Matthews
Ashley Spain

Members Absent:

Teresa Daughtry
Mark Lane

Staff Present:

Mark Helmer, Senior Planner
Veronica Hardaway, Administrative Support Specialist

Staff Absent:

CALL TO ORDER

APPROVAL OF MINUTES FROM DECEMBER 3, 2015.

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

Public Hearings:

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

CUP-15-06 Caliber Development, Inc.:

Mr. Helmer stated the applicant is requesting a conditional use permit to allow for the construction of an 80 foot high pole with a radio antenna on property located within a B-3 (Business) zoning district. The property considered for approval is located on the southeast side of the intersection of Powell Street and Computer Drive and further identified as Johnston County Tax ID# 15J08067.

Mr. Helmer stated the applicant is seeking a conditional use permit to allow for an 80 foot high utility pole with an antenna on property located within a B-3 (Business) zoning district. The 80 foot high utility pole with a radio antenna will be located within the interior of the site. The pole does not appear to be located within the boundaries of any designated wetlands or flood plains. Radio stations and studios are permitted uses by right within the B-3 (Business) zoning district with a valid zoning permit issued by planning staff. However, any structure that is over forty feet in height shall be permitted as a conditional use within the B-3 (Business) zoning district. WTSB Radio is requesting a conditional use permit for the construction of an 80 foot tall utility pole with a radio antenna. The utility pole with antenna will be located on the north side of the existing office building and will be situated in such a manner that if a collapse was to occur, damage would be contained within the boundaries of the subject property.

Mr. Helmer stated the proposed radio station with an 80 foot utility pole and antenna is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for office and institutional uses at the southeast side of the intersection of Computer Drive and Powell Street. The Town of Smithfield Unified Development Ordinance allows for structure over 40 feet with a valid conditional use permit. The proposed structure will be required to meet all applicable building and electrical codes as well as FCC regulations concerning radio station transmissions. A radio station antenna at this location should not pose a compatibility issue with surrounding land uses providing that adequate fall zones for the utility pole is provided for the safety of adjacent properties and the public in general. The subject use can be permitted one additional ground sign on the Powell Street side of the subject property.

Mr. Helmer stated the Town of Smithfield will provide water and sewer services. Duke Energy Progress will provide electric.

Mr. Helmer stated the Planning Department recommends approval of a conditional use permit request to allow for the construction of an 80 foot utility pole with an antenna on property located within a B-3 (Business) zoning district.

The Planning Board is requested to review the petition and make recommendation in accordance with the finding of fact for a conditional use permit to allow for an 80 foot high antenna on property located within the B-3 (Business) zoning district.

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

Daniel Sanders asked what the average height for a pole like this is.

Mr. Helmer stated the applicant can answer that best.

Mickey Lamm, 2191 Benson Road Clayton, is the applicant who represents Caliber Development and WTSB. He explained this is a receiving antenna and is not a transmitting antenna. He stated the radio station is located on Powhatan Road in Clayton. He explained height is needed on the antenna to be able to receive remote broadcasts. For example WTSB has a business in Smithfield that has a transmitter the size of a very small suitcase that sends a signal back to the radio station. Also, First Baptist Church located on South Fourth Street goes live every Sunday for their 12:00 Worship Service. Mr. Lamm stated there are no RF transmissions and the engineer working on this project thinks they can get by with the pole being 72 feet. However, they are asking for 80 feet in case they might need more length they will not be in violation.

Daniel Sanders asked if this proposed project would require a fence.

Mr. Helmer stated from a development regulation standard it would not require a fence.

Mr. Lamm stated the FCC would require a transmission antenna to have a perimeter fence however; there are no regulations on a receiving antenna. He stated WTSB has similar situations at their present locations with a large telephone pole with a 20ft receiving antenna on top of that.

Mr. Upton asked if the antenna Mr. Lamm was speaking of the same as their present location.

Mr. Lamm stated it is identical.

Mr. Helmer asked if there will be any other electronic equipment.

Mr. Lamm stated there will be no electronic equipment but there will be a black cable that will run down the pole into a conduit so it is secure.

Michael McLamb, Four Oaks, stated he was neither for nor against the proposed project. He stated the proposal is located in a manufacturing district and wasn't sure if this could cause hardship on him or Mr. Lamm.

Mr. McLamb read off a list of manufacturing jobs that have been going on around the proposed property.

Jack Matthews asked what this would have anything to do with the antenna.

Mr. McLamb stated he is not sure that it will have anything to do with the antenna or that it won't.

Joseph Hobbs stated his only concern is if the antenna was a transmission antenna. He stated he bought a house with an alarm that was getting set off by a key fob that wasn't his. He just wanted the Town to be aware.

Daniel Sanders asked if there was any opposition.

Mr. Helmer stated anyone that wanted to speak was here tonight.

Mr. Foy closed the public meeting for CUP-15-06.

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

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.

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 installation of a utility pole with antenna attached is on property currently zoned B-3 whose permitted use is for radio station broadcasting business. The utility pole with antenna attached is standard equipment for a radio station. The height and location of the utility pole poses no imminent danger to any other structure if it were to fall.

All members stated true.

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 Unified Development Ordinance plus state and federal regulations. An engineer contracted to locate the utility pole and connect the antenna to the radio broadcasting equipment. A contractor will be hired to place the pole on the property.

All members stated true.

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 proposed use will not adversely affect the use or any physical attribute of adjoining or abutting property. The utility pole will be in context with existing above ground utility poles in the area. The proposed use will also be in context with existing properties in the area, which includes a warehouse, auto repair shop, cleaning business and a car dealership. No structure changes are required. There are no historical or architectural properties of interest on adjoining properties.

All members stated true.

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):

Property is currently zoned as a B-3 use and this is a continuance of that permitted land use and in harmony with existing businesses such as an auto repair business, a

warehouse, a car dealership and a cleaning business. Closest residential structure has existing tree cover and there is approximately 400 feet between the properties.

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 Jack Matthews to recommend approval requesting a conditional use permit to allow for the construction of an 80 foot high pole with a radio antenna on property located within a B-3 (Business) zoning district.

Old Business:

No report.

New Business:

Mr. Helmer stated a 2016 meeting calendar will be sent out to all members.

Mr. Helmer handed out the 2015 NC Legislative updates and will go over at the next meeting.

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

Submitted this 7th day of January, 2016.

Veronica Hardaway
Administrative Support Specialist
Planning Department