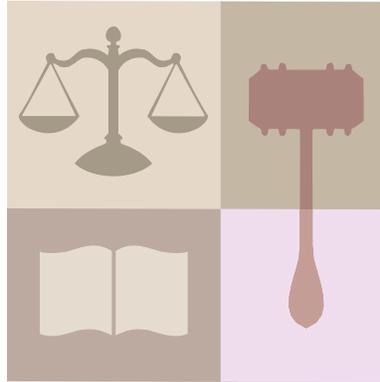


# TOWN OF SMITHFIELD PLANNING BOARD AGENDA PACKET



**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, June 2, 2016*  
**Meeting Time:** *6:00 p.m.*  
**Meeting Place:** *Council Chambers, Smithfield Town Hall*

**AGENDA  
PLANNING BOARD  
REGULAR MEETING  
JUNE 2, 2016  
MEETING TIME: 6:00 PM  
TOWN HALL**

**Call to Order.**

**Identify voting members**

**Approval of the minutes for April 7, 2016**

**Public Hearings**

**CUP-16-04 Grodproductions:** The applicant is requesting a conditional use permit to conduct a studio for the performing arts on property located within a B-2 (Business) zoning district. The property considered for approval is located on the south side of East Market Street approximately 200 feet southeast of its intersection with Brightleaf Boulevard. The property is further identified as Johnston County Tax ID# 15027026.

**CUP-16-05 Canon Farm, LLC:** The applicant is requesting a conditional use permit to construct and operate a solar farm on property located within an R-20A (Residential-Agricultural) zoning district. The property considered for approval is located on the southeast side of the intersection of Lee-Youngblood Road and Wilsons Mills Road. The property is further identified as Johnston County Tax ID# 17K09005.

**Old Business**

**New Business**

**Adjournment**

**DRAFT**  
**Smithfield Planning Board Minutes**  
**Thursday, April 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  
Mark Lane  
Teresa Daughtry

**Members Absent:**

**Staff Present:**

Mark Helmer, Senior Planner  
Veronica Hardaway, Administrative Support Specialist

**Staff Absent:**

**CALL TO ORDER**

**APPROVAL OF MINUTES FROM MARCH 3, 2016.**

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

**Public Hearings:**

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

**CUP-16-03 Carroll Cottle Farms:**

Mr. Helmer stated the applicant is requesting a conditional use permit to conduct temporary outdoor sales of agricultural products on property located within a B-3 (Highway Entrance Business) zoning district. The property considered for approval is located on the south side of North Brightleaf Boulevard and approximately 500 feet northeast of its intersection with Hospital Road. The property is further identified as Johnston County Tax ID# 15006002.

Mr. Helmer stated the applicant will be conducting temporary sales of fresh picked strawberries during the spring harvest season. The proposed site does not appear to be located within the boundaries of any designated wetlands or flood plains.

**Article 10, Table of Permitted/Conditional Use Districts, Note 19, Temporary Uses states that the Board shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use. (E) Sale of Agricultural Products Grown Off-Site. For purpose of this section, agricultural products are defined as products obtained primarily through farming or agricultural activities, including but not limited**

**to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pine straw; bees and beekeeping products; seafood; dairy products, any USDA-recognized agricultural product. For purposes of this section, processed or prepared food products of any kind shall not be considered as agricultural products. Additionally:**

**(1) As well as locations listed above, the temporary sale of agricultural products may occur from a vacant lot.**

**(2) The temporary sale of agricultural products is exempt from the requirement to be similar to the products of the principal use.**

**(3) The temporary sale of agricultural products may be accomplished from a vehicle, trailer, or shipping container.**

**(4) The temporary sale of agricultural products shall be allowed on an individual parcel or site for no more than 180 total days per calendar year, and no more than three events per calendar year.**

Mr. Helmer stated that temporary sale of agricultural products at this location is inconsistent with the recommendations of the Comprehensive Growth Management Plan which calls for office/institutional and high density residential uses. However, given the commercial nature of the North Brightleaf Boulevard corridor, commercial endeavor such as temporary sale of agricultural products on a vacant lot is a reasonable interim use of the property.

Mr. Helmer stated the Town of Smithfield Unified Development Ordinance (UDO) allows for temporary sale of agricultural products with a valid conditional permit in all zoning districts provided that all requirements of Article 10, Note 19 (E) are met. There is an existing temporary sale of agricultural products retailer conducting business on the subject property. The site is large enough to safely accommodate the existing and proposed retailer and adequate on-site parking is available. Safe ingress and egress to the property exists in the form of a loop driveway with two driveway access points to North Brightleaf Boulevard.

Mr. Helmer stated temporary agricultural sales signs may be up only during the season while agricultural products are actually for sale at the location and shall in no case remain in place for more than 90 days. The Town of Smithfield will provide water/sewer services as well as electric and fire protection.

Planning staff recommends approval of the Conditional Use Permit request to allow for temporary sale of agricultural products on property located within a B-3 (Highway Entranceway Business) zoning district in accordance with Article 10, Table of Permitted/Conditional Use Districts, Note 19 (E).

The Planning Board is requested to review the petition and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit to allow for the temporary sale of agricultural products located within a B-3 (Highway Entranceway Business) zoning district.

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

Teresa Daughtry asked if the proposed CUP was similar to a previous public hearing with a gentleman that wanted to sell corn.

Mr. Helmer stated that was correct.

Daniel Sanders asked where on the property the sale items will be located.

Mr. Helmer stated if you're looking at the property from the road, it will be to the far left.

Daniel Sanders asked if this proposed CUP will affect the entrance.

Mr. Helmer stated it will not. There are horseshoe like entrances for easy ingress and egress.

Being no further questions, Mr. Foy closed the public meeting for CUP-16-01.

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

The 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 reason 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 temporary sale of agricultural products at this location will not materially endanger the public where located because the subject property contains adequate parking and safe access. There is one existing retailer conducting temporary sales of agricultural products on the site and no safety concerns have been noted.

- 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 Unified Development Ordinance or other applicable regulations or is approved with the following additional stated conditions.***

The application conforms to the standard and practices of sound land use planning due to the fact that it conforms to the Town of Smithfield Unified Development Ordinance. Adaptive reuse of the underperforming properties is desired and encouraged.

- 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 adjacent properties will not be injured in value because the subject property has provided all necessary improvements to include adequate parking and safe access in accordance with the Town of Smithfield Unified Development Ordinance.

- 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.***

An additional vendor of agricultural products at this location will not be in conflict with existing adopted plans and development standards due to the fact that the Town of Smithfield Unified Development Ordinance allows for temporary sale of agricultural products provided all published standards are met.

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 Daniel Sanders to recommended approval of the Conditional Use Permit request to allow for temporary outdoor sales of agricultural products on property located within a B-3 (Highway Entrance Business) zoning district. Unanimous

**Old Business:** None

**New Business:** None

Stephen Upton made a motion to adjourn, seconded by Teresa Daughtry. Unanimous.

Submitted this 7<sup>th</sup> day of April, 2016.

Veronica Hardaway  
Administrative Support Specialist  
Planning Department



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-16-04  
**Project Name:** Grodproductions  
**TAX ID number:** 15027026  
**Town Limits/ETJ:** City  
**Applicant:** Gerald Lamont Sanders Sr.  
**Owners:** Bonnie Godwin  
**Agents:** none  
**Neighborhood Meeting:** none

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**PROJECT LOCATION:** South side of East Market Street approximately 200 feet southeast of its intersection with Brightleaf Boulevard.

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**REQUEST:** The applicant is requesting a conditional use permit to operate a performing arts / recording studio on property located within a B-2 (Business) zoning district.

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### SITE DATA:

Acreage: .14 acres  
Present Zoning: B-2 (Business)  
Proposed Zoning: N/A  
Existing Use / Previous: Residential on 2<sup>nd</sup> floor and retail / vacant ground floor

**DEVELOPMENT DATA:** The property considered for approval contains a large residential structure which fronts on Ninth Street and a smaller building which fronts on East Market Street. This smaller building contains a residential unit on the second floor and the first floor will contain the requested recording studio. Parking is provided in the rear of the building.

**Proposed Use:** Studio for audio and video recording of performing arts.

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**ENVIRONMENTAL:** There does not appear to be any environmentally sensitive areas on the property considered for a Conditional Use permit to include flood plains or designated wetlands.

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## ADJACENT ZONING AND LAND USES:

North:	Zoning:	B-2 (Business)
	Existing Use:	Drug store
South:	Zoning:	B-2 (Business)
	Existing Use:	Commercial Tanning
East:	Zoning:	B-2 (Business)
	Existing Use:	Residential
West:	Zoning:	B-2 (Business)
	Existing Use:	Funeral Home

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## STAFF ANALYSIS AND COMMENTARY: The proposed

- **Consistency with the Strategic Growth Plan**

The proposed recording studio is consistent with the recommendations of the Comprehensive Growth Management Plan which calls for commercial uses near the intersection of Bright Leaf Boulevard and Market Street.

- **Consistency with the Unified Development Code**

A recording studio is a permitted uses within B-2 (Business) zoning district with a valid conditional use permit. Adequate parking exists in the rear of the structure and no other site improvements are requested at this time.

- **Compatibility with Surrounding Land Uses**

A recording studio at this location should not pose a compatibility issue with surrounding land uses providing that all noise ordinances are adhered to.

- **Signs**

The proposed recording studio will qualify for one wall sign. There does not appear to be adequate space on the lot for a ground sign.

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## OTHER:

FIRE PROTECTION:	Town of Smithfield
SCHOOL IMPACTS:	NA
PARKS AND RECREATION:	NA

ACCESS/STREETS: West Market Street

WATER/SEWER PROVIDER: Town of Smithfield

ELECTRIC PROVIDER: Town of Smithfield

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**Planning Department Recommendations:**

The Planning Department recommends approval of the request for a conditional use permit to allow for the operation of a recording studio on property located within a B-2 (Business) zoning district.

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**Planning Board Recommendations:**

The Planning Board is requested to review the petition for a recording studio on property located within a B-2 zoning district and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.

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

**Application Number:** CUP-16-04    **Name:** Grodproductions

**Request:** Applicant seeks a CUP for a recording studio for the performing arts.

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 studio for the performing arts at this location will not materially endanger the public were shown because the site has existing parking available and layout of the site facilitates safe movement of automobiles and pedestrian traffic with little additional congestion.

**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 studio for the performing arts may endanger the public were shown if more automobiles exist on the lot than what the site is designed to safely hold.

## 2. Finding Two of Four:

Circle One

### A. **Approval:**

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

The proposed studio for the performing arts this location conforms to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances providing a conditional use permit is secured and a valid zoning permit issued.

### 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 studio for the performing arts this location does not conform to standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinances because the intensity of the use is great enough to exceed the available on-site parking.

### 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 studio for the performing arts this location 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 providing noise does not exceed the published noise ordinance standards.

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 studio for the performing arts at this location may be detrimental to the adjacent residential land use to the above and to the east due to increased traffic and noise generated by activities associated with a recording studio.

#### 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 studio for the performing arts at this location will not adversely affect the adopted plans and policies of the Town of Smithfield, or violate the character of existing standards for development proving all minimum development standards are met to include minimum parking standards.

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 studio for the performing arts at this location will adversely affect the adopted plans and policies of the Town of Smithfield, and violate the character of existing standards for development if the demand for parking exceeds the limited parking available at the site.

**5. 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-16-04.*

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**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-16-04 for the following stated reason:*

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**6. Record of Decision:**

**Based on a motion and majority vote of the Town of Smithfield Planning Board, Conditional Use Permit Application Number CUP-16-04 is hereby:**

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

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\_\_\_\_\_ recommended for denial for the noted reasons.

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Decision made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ while in regular session.

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**Eddie Foy, Planning Board Chairman**

**ATTEST:**

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**Mark E. Helmer, AICP, CZO**  
**Senior Planner**



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: GEODPRODUCTIONS      Acreage of Property: .14 AC  
 Parcel ID Number: 169419-60-7485      Tax ID: 35-2432419 15027026  
 Deed Book: 3222      Deed Page(s): PAGE 117-117  
 Address: 810 E MARKET STR SMITHFIELD NC 27577  
 Location: \_\_\_\_\_

Existing Use: vacant / residential      Proposed Use: Performing Arts studio  
 Existing Zoning District: B-2  
 Requested Zoning District: N/A  
 Is project within a Planned Development:       Yes       No  
 Planned Development District (if applicable): \_\_\_\_\_  
 Is project within an Overlay District:       Yes       No  
 Overlay District (if applicable): Entry Corridor

### FOR OFFICE USE ONLY

File Number: <u>CU9-16-07</u>	Date Received: <u>5/6/16</u>	Amount Paid: <u>\$300.00</u>
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**OWNER INFORMATION:**

Name: BONNIE Godwin  
Mailing Address: PO Box 815  
Phone Number: ~~919-320-7146~~ Fax: 919-202-5149  
Email Address: bonniegodwin1@gmail.com

**APPLICANT INFORMATION:**

Applicant: GERALD LAMONT SANDERS SR. / GRODPRODUCTIONS  
Mailing Address: 103 BLITT STREET SMITHFIELD NC 27577  
Phone Number: 919 631-5591 Fax: \_\_\_\_\_  
Contact Person: OWNER / GRODPRODUCTIONS GERALD SANDERS  
Email Address: GERALDSANDERS80@GMAIL.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.

I GERALD SANDERS AM APPLYING FOR THIS CONDITIONAL USE PERMIT TO PROMOTE A SERVICE IN THE STUDIO RECORDING BUSINESS. IT MAY CONSIST OF MUSIC PRODUCTION, VIDEO PRODUCTION, VIDEO EDITING AND ARTIST DEVELOPMENTS. GRODPRODUCTIONS IS LOOKING TO PROVIDE A SERVICE TO HELP MUSICAL ARTISTS WITH LEARNING THE FUNDAMENTALS OF RECORDING AND ENTENDING THEIR CRAFTS AS ARTIST. GRODPRODUCTIONS WILL PROVIDE STUDIO TIME TO RECORD MATERIAL OF ARTISTS CHOICE. ALSO I WILL PROMOTE ARTIST THROUGHOUT OF PROCESS OF JOINING BUSINESS AND WORKING TOGETHER.

## 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;

MY BUSINESS IS ENVIRONMENTAL FRIENDLY IT REQUIRES NO CHEMICAL OR HAZARDOUS WASTE OF ANY SORT. NO PHYSICAL OR MENTAL HAZARDS. IT ONLY REQUIRES PROPER SOUND FRIENDLY EQUIPMENT SUCH HEADPHONES AND SOUND MONITORS THAT ARE NOT HAZARDOUS PLAYER AT THE PERM VOLUMES.

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

THE RECORDING STUDIO CAN AND WILL MEET ALL CONDITIONS AND SPECIFICATIONS REQUIRED

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

I HAVE SPOKEN WITH THE ADJOINING PROPERTY OWNER/TENANT ABOUT THE PROPOSED PLAN TO HAVE THE RECORDING STUDIO. THERE WAS NO PROBLEM CONCERNING NOISE ISSUES. JUST KEEP HIM INFORMED IF THERE WOULD BE. OTHER THAN THE ADJOINING TENANT, THERE SHOULD BE NO ISSUES WITH THE NOISE OR BUSINESS AFFECTING THE LOCAL COMMUNITY.

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).

I SOLELY SPEAK ON BEHALF OF THE PROPOSED PLAN. THE RECORDING STUDIO WILL BE IN ACCORDANCE WITH THE AREA OF OPERATION. IT WILL DEMONSTRATE AND ACT PROFESSIONALLY IN THE AREA AND IN COMPARISON TO OTHER BUSINESSES 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.*

GREGORY C SANDERS SL  
Print Name

  
Signature of Applicant

MAY 9 2016  
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: GRADIMATIONS

Submittal Date: MAY 9 2016

**OWNERS AUTHORIZATION**

I hereby give CONSENT to \_\_\_\_\_ (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.

Bonnie Godwin  
 Signature of Owner

Bonnie Godwin  
 Print Name

4-9-16  
 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.

Gerard L. Sanders  
 Signature of Owner/Applicant

GERARD L SANDERS  
 Print Name

MAY 9 2016  
 Date

**FOR OFFICE USE ONLY**

File Number: COR16-04      Date Received: 5/6/16      Parcel ID Number: 30

# 800 Block of East Market Street



Project Name:  
Groproductions

Proposed Use:  
Recording Studio

File Number:  
CUP-16-04

Property Owner:  
Bonnie Mac, LLC

Applicant:  
Gerald Lamont  
Sanders Sr.

Location:  
800 Block of  
East Market Street

Tax ID#  
15027026

Zoning District:  
B-2

Map created by the  
Mark E. Helmer, AICP  
Senior Planner,  
GIS Specialist  
on 5/26/2016

1 inch = 20 feet or





**PLANNING DEPARTMENT**  
Paul C. Embler, Jr., Director

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**ADJOINING PROPERTY OWNERS CERTIFICATION**

I, **Mark E. Helmer**, hereby certify that the property owner and adjacent property owners of the following petition, CUP-16-04, were notified by First Class Mail on **5-20-16**.

Mark E. Helmer  
Signature

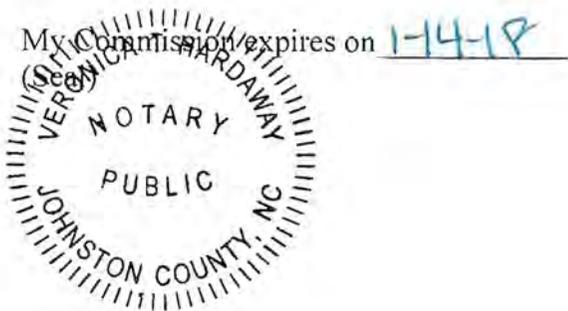
Johnston County, North Carolina

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

20th day of May, 2016

Veronica T Hardaway  
Notary Public Signature

Veronica T Hardaway  
Notary Public Name



Adjacent Property Owners of  
CUP-16-04

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
15027022	169419-60-5398	SANDERS, MYRTLE P	303 PINE ST	SMITHFIELD	NC	27577-0000
15023016	169419-70-1520	NOLAND PROPERTIES INC	3110 KETTERING BLVD	DAYTON	OH	45439
15022025	169419-60-7632	CROSTOWN SMITHFIELD LLC	594 BROADWAY SUITE 1010	NEW YORK	NY	10012-0000
15027027	169419-60-7359	BONNIE MAC LLC	PO BOX 815	SELMA	NC	27576-0000
15027026	169419-60-7485	BONNIE MAC LLC	PO BOX 815	SELMA	NC	27576-0000



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-16-05  
**Project Name:** Canon Farm LLC  
**TAX ID number:** 17K09005  
**Town Limits / ETJ:** ETJ  
**Applicant:** Canon Farm LLC  
**Owners:** Meldiph, LLC  
**Agents:** Beth Trahos  
**Neighborhood Meeting:** none

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**PROJECT LOCATION:** Southeast side of the intersection of Lee-Youngblood Road and Wilsons Mills Road.

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

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### SITE DATA:

**Acreage:** 30± acres portion of a 101.5 acre track of land  
**Present Zoning:** R-20A (Residential-Agricultural)  
**Proposed Zoning:** N/A  
**Existing Use / Previous:** Agriculture / Wooded

### DEVELOPMENT DATA:

**Proposed Use:** Fixed tilt, photovoltaic solar farm with electrical power inverters, electrical transformers, buried conduit, security fence and planted buffer yards. The propose facility will tie into Duke Energy power grid.

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**ENVIRONMENTAL:** There are environmentally sensitive areas on the property considered for a Conditional Use Permit to include a jurisdictional stream. The development will be encouraged to limit its encroachment in these areas. The property is within the Watershed Protection Overlay District and within close proximity to the Neuse River Conservation Overlay District.

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## ADJACENT ZONING AND LAND USES:

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

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

- **Consistency with the Strategic Growth Plan**

The Strategic Growth Plan has identified this area as being suitable for low density residential and agricultural land uses. The Strategic Growth Plan has identified a commercial node on Wilson's Mills Road north of the subject property. A new commercial node has been created with the construction of the Durwood Stephenson Highway. Thus, the residential / commercial corridor should be reserved for future development as the comprehensive land use plan states.

- **Consistency with the Unified Development Code**

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

- **Compatibility with Surrounding Land Uses**

The existing and surrounding land uses are low density residential and agricultural in nature. It is unlikely that negative impacts on existing farm uses will occur providing the site is properly buffered in accordance with the Town of Smithfield Unified Development Regulations. Existing residences will experience immediate aesthetic impacts due to the construction of the array. Future land uses will be hampered because of an industrial type use being located in a transportation corridor identified for future commercial and residential uses.

- **Signs**

Sign requirements will be minimal for the requested use.

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**OTHER:**

FIRE PROTECTION: Wilson's Mills Fire District  
SCHOOL IMPACTS: NA  
PARKS AND RECREATION: NA  
ACCESS/STREETS: 400 feet of road frontage along Wilson's Mills Road  
WATER/SEWER PROVIDER: Private well and septic as needed  
ELECTRIC PROVIDER: Duke Progress Energy

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**Planning Department Recommendations:**

The Planning Department recommends that **IF** the application is recommended for approval by the Planning Board, that the following conditions be placed on the project:

1. Provide a minimum 50 foot landscape buffer with required plant material and 100 foot buffer with required plant material were adjacent to residential homes.
  2. Install security fence with gate prior to operation of the facility.
  3. Secure an approved NCDOT driveway permit prior to construction of facility.
- 

**Planning Board Action Requested:**

The Planning Board is requested to review the petition for a solar farm on property located in the R-20A (Residential-Agricultural) zoning district and make a recommendation to Town Council in accordance with the finding of fact for a conditional use permit.

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

**Application Number:** CUP-16-05    **Name:** Canon Farm, LLC

**Request:** Applicant seeks a CUP for a solar farm.

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

**1. Finding One of Four:**

Circle One

**A. Approval:**

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

The proposed Solar Farm will not materially endanger the public health or safety. The site will generate almost no traffic. The solar farm will not be staffed daily; employees are expected to visit the property periodically to check and maintain the equipment, mow the grass and make repairs. The proposed solar farm will meet requirements of the Water Supply Watershed Overlay District. The proposed Solar Farm will protect against soil erosion and sedimentation. Care is taken to minimize grading on the site by individually setting poles to support the solar cells. The areas beneath the solar panels will be planted with grass to stabilize the site. During construction, erosion control measures will be maintained in accordance with the state and local regulations. The site will comply with state and local storm water regulations. As there will be no employees on site, there is no need for utilities. State environmental buffers will be maintained and respected.

**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 solar array alignment is southwest which matches the alignment of Wilson's Mill road. Therefore, approaching the array from the south, glare would be directly in the eyes of drivers during certain periods of the day. The proposed solar farm as submitted will be detrimental to the adjacent land uses due to the type size and intensity of the project. Adjacent land and residential use will suffer from reduce land values due loss in desirability of their land that is in close proximity to a major utility. Potential danger exists from the arrays close proximity to natural gas main and Wilson's Mills Road and the wetlands associated with the Neuse River. The array is located in a Watershed Protected Area and could degrade the water supply to the intake of Smithfield water treatment plant.

## 2. Finding Two of Four:

Circle One

### A. **Approval:**

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

The proposed Solar Farm meets all height requirements. As such, no system, equipment or solar arrays will exceed 25 feet in height excluding electrical transmission lines and utility poles. Power transmission lines will be located underground to the extent practical. The proposed Solar Farm meets all landscape and fencing requirements. Setbacks will be at least fifty feet (50') from street right-of-way and all external property boundaries. The active portion of the site containing equipment will be enclosed and secured by a fence. It will be accessible by emergency officials 24/7 via a gated entrance. Extensive tree cover/vegetation exists along the rear of the proposed Solar Farm site and will remain as shown on the site plan. Where existing vegetation does not meet code standards, a plant materials meeting code requirements will be installed. As noted on the accompanying site plan, no lighting is proposed for this site. The only sound occurs during daylight hours with the quiet hum of electrical transformers, inverters, and substation delivering solar power to the power grid. At night, when the sun is not available, there is no energy being created and no noise on the site. The proposed project is designed to conform to-and will be installed in compliance with all building and electrical codes set forth by the state and local governments. All solar system components will have a UL listing and anti-reflective coating(s). Individual arrays / solar panels will be designed and located to prevent glare toward any inhabited buildings and street rights-of-way.

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

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

The proposed solar farm as submitted generally conforms to the standards and practices of sound land use planning and the Town of Smithfield Unified Development Ordinance. However, the requested landscape buffer will be inadequate in protecting adjacent land values from perceived devaluation due to their close proximity to such a large utility facility. Sound generated by the transformers / inverters has not been adequately addressed.

**3. Finding Three of Four:**

Circle One

**A. Approval:**

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

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

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

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

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

#### 4. Finding Four of Four:

Circle One

A. **Approval:**

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

The proposed use will not adversely affect the use or any physical attribute of adjoining or abutting properties, nor will it injure the value of adjoining or abutting properties. Solar farms are quiet. The solar arrays have no moving parts. The only sound occurs during daylight hours with the quiet hum of electrical transformers, inverters and substation delivering solar power to the power grid. Similar facilities are located in neighborhoods to deliver power to homes. At night there is no energy being created and no noise on the site. Employees visit periodically, generating fewer vehicles trips than the average home. Solar panels are designed to absorb light, rather than reflect it. Solar energy is a public necessity. Demand for electricity has increased in recent years, and our society is dependent upon conventional sources of power such as coal, gas, and nuclear energy. Conventional sources of electricity are expensive, finite resources that require significant environmental disruption and public safety risk to maintain or extract. Solar energy is a clean, inexpensive, unlimited resource with little environmental impact.

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

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

The solar farm as proposed has failed to provide adequate buffers that will ensure adjacent land uses will be protected from real or perceived harmful effects from being in such close proximity to such a large utility service. The solar farm is located in a future development corridor as identified in the Smithfield Comprehensive Land Use Plan (2001). Wilson's Mills Road has been identified as having a commercial node to the north of the array. Water, sewer, electric, gas and fiber optics services are all in close proximity of the array for the purpose of supporting residential / commercial growth. With the new

designation of US70 as a future interstate highway, the growth corridor identified in the Growth Management Plan must be preserved.

**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-16-05*

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**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-16-05 for the following stated reason:*

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**5. Record of Decision:**

**Based on a motion and majority vote of the Town of Smithfield Planning Board Conditional Use Permit Application Number CUP-16-05 is hereby:**

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

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\_\_\_\_\_ recommended for denial for the noted reasons.

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Decision made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ while in regular session.

\_\_\_\_\_  
**Eddie Foy, Planning Board Chairman**

**ATTEST:**

\_\_\_\_\_  
**Mark E. Helmer, AICP, CZO**  
**Senior Planner**



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: Canon Farm, LLC Acreage of Property: 30± acres (project area)  
Parcel ID Number: 17K09005 Tax ID: 4279407  
Deed Book: 04573 Deed Page(s): 0446  
Address: 1948 Wilsons Mills Road, Smithfield, NC 27577  
Location: off Wilsons Mills Road southeast of the juncture of Lee-Youngblood Road with Wilsons Mills Road  
Existing Use: agricultural/woodland Proposed Use: Public Utility Substation/Switching Station (solar farm)  
Existing Zoning District: R-20A  
Requested Zoning District n/a  
Is project within a Planned Development:  Yes  No  
Planned Development District (if applicable): n/a  
Is project within an Overlay District:  Yes  No  
Overlay District (if applicable): Water Supply Watershed Protection Overlay District (partial)

### FOR OFFICE USE ONLY

File Number: 207-16-05 Date Received: 5/6/14 Amount Paid: \$300.00



**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;

Please see attached.

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

Please see attached.

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- 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

Please see attached.

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- 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).

Please see attached.

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**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.*

Canon Farm, LLC

Print Name

Signature of Applicant

5/9/16  
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: Canon Farm, LLC Submittal Date: \_\_\_\_\_

**OWNERS AUTHORIZATION**

I hereby give CONSENT to Canon Farm, LLC (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 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.

                     Markus Wilhelm                      5/9/16  
*Signature of Owner/Applicant*                      *Print Name*                      *Date*

**FOR OFFICE USE ONLY**

File Number: CUF-16-05      Date Received: 5/6/16      Parcel ID Number: 17K09005

STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON

BEFORE THE TOWN COUNCIL FOR  
THE TOWN OF SMITHFIELD

**CONDITIONAL USE PERMIT  
APPLICATION FOR SOLAR FARM**

**IN RE: Canon Farm, LLC and Meldiph, LLC  
Proposed Public Utility Substation/Switching Station (Solar Farm)  
Johnston County PIN: 17K09005  
Address: 1948 Wilsons Mills Road, Smithfield, North Carolina**

**STATEMENT OF JUSTIFICATION IN SUPPORT OF THE  
CONDITIONAL USE PERMIT APPLICATION**

NOW COMES THE PETITIONER, by and through counsel of record, and respectfully requests approval of its application for a conditional use permit to operate a Solar Farm. In support of this request, Petitioner provides the following information:

**I. Introduction**

Canon Farm, LLC, a subsidiary of Strata Solar, LLC proposes to construct a Public Utility/Substation/Switching Station (“Solar Farm”) on 30± acres of a larger tract of land owned by Meldiph, LLC located in the southeast quadrant of the intersection of Lee-Youngblood and Wilsons Mills Roads. The portion of the property where the Solar Farm will be located is cleared and the balance of the property is wooded. The property is currently zoned Residential-Agricultural District (“R-20A”) with the Water Supply Watershed Overlay District on a portion of the property. Adjacent and nearby properties are utilized for homes, farmland, and woodlands.

A Solar Farm is permitted in the R-20A zoning district under the use category “Public Utility/Substation/Switching Station” with a conditional use permit approved by the Town Council. The application, including this brief, site plan, and draft decommissioning plan submitted contemporaneously with the application form, is complete and complies with the requirements of the Town of Smithfield Unified Development Ordinance (“UDO”).

The Solar Farm will contain rows of Photovoltaic (PV) cells mounted on posts set in the ground individually. The posts are set individually in an effort to minimize the amount of grading on site. These rows of PV cells are referred to as “solar arrays.” The solar arrays will be fixed in place facing south in order to receive the maximum amount of solar energy. This configuration contains no moving parts. The power generated from the solar farm will be connected to the power grid for use by consumers.

## II. Statement in Support of Application

This Conditional Use Permit application for a Solar Farm meets all the general standards for approval as required under the UDO. Detailed information is provided about each requirement below.

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

The proposed Solar Farm will not materially endanger the public health or safety. The site will generate almost no traffic. The solar farm will not be staffed daily; employees are expected to visit the property periodically to check and maintain the equipment, mow the grass and make repairs.

The proposed solar farm will meet requirements of the Water Supply Watershed Overlay District. The proposed Solar Farm will protect against soil erosion and sedimentation. Care is taken to minimize grading on the site by individually setting poles to support the solar cells. The areas beneath the solar panels will be planted with grass to stabilize the site. During construction, erosion control measures will be maintained in accordance with the state and local regulations. The site will comply with state and local stormwater regulations.

As there will be no employees on site, there is no need for utilities. State environmental buffers will be maintained and respected.

The proposed solar farm will consume practically no town or county services: no seats in schools or on school buses, virtually no refuse or recycling needs, no special police protection, no demand for water from depleted aquifers and no sewage disposal. Further, there is no light pollution or emissions of any kind.

B. The use meets all required conditions and specifications.

The proposed Solar Farm meets all height requirements. As such, no system, equipment or solar arrays will exceed 25 feet in height excluding electrical transmission lines and utility poles. Power transmission lines will be located underground to the extent practical.

The proposed Solar Farm meets all landscape and fencing requirements. Setbacks will be at least fifty feet (50') from street right-of-way and all external property boundaries. The active portion of the site containing equipment will be enclosed and secured by a fence. It will be accessible by emergency officials 24/7 via a gated entrance. Extensive tree cover/vegetation exists along the rear of the proposed Solar Farm site and will remain as shown on the site plan. Where existing vegetation does not meet code standards, a plant materials meeting code requirements will be installed.

As noted on the accompanying site plan, no lighting is proposed for this site. The only sound occurs during daylight hours with the quiet hum of electrical transformers, inverters, and

substation delivering solar power to the power grid. At night, when the sun is not available, there is no energy being created and no noise on the site.

The proposed Project is designed to conform to- and will be installed in compliance with all building and electrical codes set forth by the state and local governments. All solar system components will have a UL listing and anti-reflective coating(s). Individual arrays/solar panels will be designed and located to prevent glare toward any inhabited buildings and street rights-of-way.

C. 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.

The proposed use will not adversely affect the use or any physical attribute of adjoining or abutting properties, nor will it or injure the value of adjoining or abutting properties. Solar farms are quiet. The solar arrays have no moving parts. The only sound occurs during daylight hours with the quiet hum of electrical transformers, inverters and substation delivering solar power to the power grid. Similar facilities are located in neighborhoods to deliver power to homes. At night there is no energy being created and no noise on the site. Employees visit the periodically generating fewer vehicles trips than the average home. Solar panels are designed to absorb light, rather than reflect it.

Solar energy is a public necessity. Demand for electricity has increased in recent years, and our society is dependent upon conventional sources of power such as coal, gas, and nuclear energy. Conventional sources of electricity are expensive, finite resources that require significant environmental disruption and public safety risk to maintain or extract. Solar energy is a clean, inexpensive, unlimited resource with little environmental impact.

D. 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 16A-382(b).

The proposed Solar Farm will be in harmony with the residential and agricultural land use pattern that exists in the area today. Solar farms make good neighbors: they are quiet and they do not create dust or odor as other permitted uses can.

The proposed Solar Farm is consistent with the Comprehensive Growth Management Plan for the Town of Smithfield ("Land Use Plan"). The Land Use Plan designates the site as Open Space/ Low Density Residential. Solar farms are low intensity land uses that are compatible with low density residential, designed and constructed in an environmentally friendly fashion, and do not need public utilities.

Further, a goal of the Plan is to optimize resources. The proposed Solar Farm embodies this goal. The proposed Project is non-obtrusive, environmentally friendly, and advances the public necessity of adopting renewable sourcing of electricity. Issuance of a conditional use permit for the proposed Project demonstrates the Town's commitment to sustainable growth.

The proposed Solar Farm meets all locational criteria, and is consistent with the Town of Smithfield's Growth Management Plan.

**Canon Farm, LLC**  
**Decommissioning Plan**  
**Canon Farm Solar Electric Power Plant**  
**Wilson's Mill Rd, Smithfield, NC**

As required by Town of Smithfield, NC as a condition of a Conditional Use Permit to construct the Canon Farm Solar Electric Power Plant on Wilson's Mill Rd., (the Facility), Canon Farm, LLC submits this Decommissioning Plan.

Decommissioning will occur as a result of any of the following conditions:

1. The useful life of the farm expires and the land lease is not renewed. Useful life with original equipment is approximately 30 years, however equipment may be replaced to extend the useful life.
2. The Facility ceases to produce energy on a continuous basis for twelve months, unless substantial evidence is provided to the Zoning Administrator to maintain and reinstate the operation of the Facility.

The Facility Owner will perform the following to decommission the project:

1. Immediately notify the Town of Smithfield in writing upon cessation of operation.
2. Remove all equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
3. Remove all graveled areas and access roads unless the owner of leased real estate requests in writing for it to stay in place.
4. Restore the land to a condition reasonably similar to its condition before solar generation facility development.
5. Revegetate any cleared areas with warm season grasses that are native to the region unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.

The owner shall be responsible for the decommissioning of the facility within twelve months from the date the applicant ceases use of the facility or the facility becomes obsolete.

The Facility Owner will provide the Town Administrator and the Register of Deeds with an updated signed decommissioning plan within 30 days of change in ownership.

This plan may be modified from time to time and a copy of any modified plans will be provided to the Town Administrator and filed with the Register of Deeds by the party responsible for decommissioning.

Signed:

Facility Owner:

Canon Farm, LLC \_\_\_\_\_  
Jackson Naftel, Director of Development

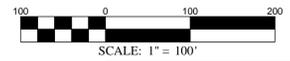
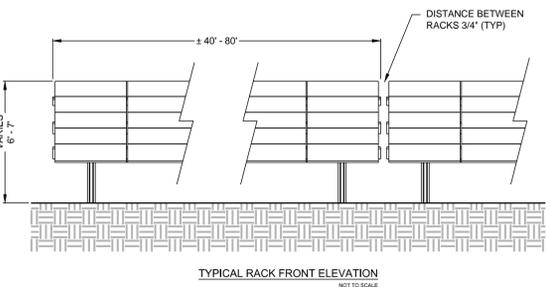
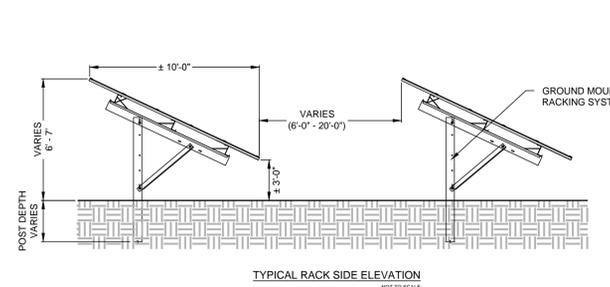
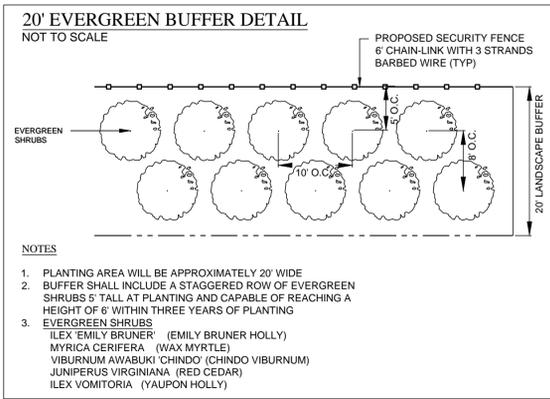


CANON 5/05/2016	
AC SYSTEM SIZE (MW)	5.0
DC SYSTEM SIZE (MW)	TARGET 7.0
DC SYSTEM SIZE (MW)	ACTUAL 5.76±
SYSTEM VOLTAGE	1500V
INVERTER	GE 1MW
RACK CONFIGURATION	5L15
PANEL	110W
MODULE INCLINATION	20°
AZIMUTH	180°
ROW SPACING	8'
AVERAGE ROW PITCH	5.146m
RACKS REQUIRED	849
RACKS PROVIDED	899

- NOTES**
- EXISTING PROPERTY INFORMATION
  - THE PURPOSE OF THIS PLAN IS FOR A CONDITIONAL USE PERMIT APPLICATION FOR REVIEW AND APPROVAL BY THE TOWN OF SMITHFIELD TO CONSTRUCT A SOLAR ELECTRIC POWER PLANT. THE LOCATION OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: FENCING, SOLAR ARRAY RACKING, INVERTERS, OVERHEAD POLES & LINES, ETC., SHOWN IS APPROXIMATE AND MAY BE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS (NCDOT, NCEQ, USACE, ETC.), EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS. ANY REVISIONS WILL BE SUBMITTED FOR STAFF APPROVAL PRIOR TO CONSTRUCTION TO VERIFY COMPLIANCE WITH ZONING REQUIREMENTS AND CONDITIONS AS APPROVED.
  - TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER NCDOT LIDAR TOPOGRAPHY, JOHNSTON COUNTY GIS AND AERIAL IMAGERY.
  - WATERS OF THE US SHOWN PER USGS QUAD MAP, USDA-NRCS WEB SOIL SURVEY, USDA-NRCS NC ONLINE SOIL SURVEY MANUSCRIPTS AND US FISH & WILDLIFE-SERVICE NATIONAL WETLANDS INVENTORY.
  - A PORTION OF THE PROPERTY SHOWN HEREON DOES CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP PANEL NO. 3720169500J EFFECTIVE DATE 12/02/05.
  - ALL RIGHT-OF-WAYS ARE PUBLIC, UNLESS NOTED OTHERWISE.
  - UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL NC ONE CALL CENTER BEFORE DIGGING AT 811.
  - COPIES OF ALL PERMITS AND APPROVED PLANS MUST BE KEPT ON-SITE IN A PERMIT BOX THAT IS CONSPICUOUSLY LOCATED AND EASILY ACCESSIBLE DURING CONSTRUCTION.
  - A SEDIMENT AND EROSION CONTROL PLAN WILL BE APPROVED BY NCEQ-LOGS PRIOR TO BEGINNING CONSTRUCTION.
  - A DRIVEWAY PERMIT WILL BE APPROVED BY NCDOT PRIOR TO BEGINNING CONSTRUCTION.
  - PROJECT AREA, INCLUDING CONSTRUCTION STAGING AREAS, WILL BE CLEARED AND GRUBBED AS NECESSARY, RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS (I.E. NO MASS GRADING). A PORTION OF PROJECT AREAS MAY CONSIST OF TREE CLEARING ONLY (NO GRUBBING) TO ALLEVIATE SHADING OF THE ARRAY, AS INDICATED ON THE SITE PLAN. MINOR GRADING ONLY WILL OCCUR AROUND INVERTER AREAS TO DIVERT SURFACE DRAINAGE. CONSTRUCTION STAGING AND AREAS SUBJECT TO RUTTING DURING CONSTRUCTION WILL BE TEMPORARILY STABILIZED WITH LOGGING MATS, WHICH WILL BE REMOVED FOLLOWING CONSTRUCTION. THE ONLY PERMANENT IMPERVIOUS SURFACES WILL BE LESS THAN 200 SF OF CONCRETE AT EACH INVERTER AREA.
  - PROPOSED TEMPORARY LAYDOWN YARD/CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION. A PORTION OF THIS AREA (HATCHED) WILL BE COVERED WITH LOGGING MATS TO ALLOW DELIVERY OF CONSTRUCTION MATERIALS. PRIOR TO CONSTRUCTION, THIS AREA WILL BE COMPACTED BY A SMOOTH DRUM ROLLER TO REDUCE/PREVENT RUTTING. FOLLOWING CONSTRUCTION, THE LOGGING MATS ARE REMOVED AND THE ENTIRE AREA IS RESTORED TO PRE-CONSTRUCTION CONDITIONS.
  - ACCESS AISLES ARE COMPACTED BY A SMOOTH DRUM ROLLER TO REDUCE/PREVENT RUTTING. LOGGING MATS MAY BE PLACED IN HIGH TRAFFIC OR POORLY DRAINING AREAS DURING CONSTRUCTION ACTIVITIES TO IMPROVE ACCESS. NO PERMANENT IMPROVEMENTS OR IMPERVIOUS SURFACES (I.E. GRAVEL OR ASPHALT) WILL BE INSTALLED IN ACCESS AISLES FOR CONSTRUCTION OR MAINTENANCE ACTIVITIES.
  - PROPOSED 24' ACCESS GATE (TWO 12' SECTIONS) IS 6' TALL CHAIN LINK WITH 3 STRANDS OF BARBED WIRE. GATE WILL BE LOCKED WITH STANDARD KEYS OR COMBINATION LOCK. EMERGENCY PERSONNEL (AS DESIGNATED BY TOWN OF SMITHFIELD COUNTY) WILL BE PROVIDED A KEY OR COMBINATION FOR ACCESS.
  - NO LIGHTING IS PROPOSED FOR THIS SITE.
  - ALUMINUM SIGNS ("DANGER - HIGH VOLTAGE" AND "DANGER - NO TRESPASSING") MEASURING 14" X 10" IN SIZE, WILL BE PLACED ON PERMANENT SECURITY FENCING, ALTERNATING EVERY 100' AROUND THE ARRAY.
  - SYSTEMS, EQUIPMENT AND STRUCTURES WILL NOT EXCEED FIFTEEN (15) FEET IN HEIGHT WHEN GROUND MOUNTED. EXCLUDED FROM THIS HEIGHT REQUIREMENT, HOWEVER, ARE OVERHEAD ELECTRIC DISTRIBUTION LINES AND UTILITY POLES.

**SITE PLAN LEGEND**

EXISTING PROPERTY LINE	---
EXISTING PROPERTY LINE (NOT SURVEYED)	- - - -
EXISTING RIGHT-OF-WAY	R/W
EXISTING SETBACK	---
PROPOSED LEASE LINE	---
EXISTING FENCE LINE	---
PERMANENT SECURITY FENCE (6' CHAIN-LINK WITH 3 STRANDS BARBED WIRE)	---o---o---o---
TEMPORARY SECURITY FENCE (6' CHAIN-LINK)	---o---o---o---
EXISTING OVERHEAD POWER LINE	---E---
PROPOSED OVERHEAD MEDIUM VOLTAGE LINE	---E---
PROPOSED UNDERGROUND MEDIUM VOLTAGE LINE	---E---
EXISTING TREE LINE	---o---o---o---
PROPOSED TREE LINE	---o---o---o---
PROPOSED SOLAR ARRAY	---o---o---o---
PROPOSED INVERTER AREA	---o---o---
EXISTING UTILITY POLE	o
PROPOSED UTILITY POLE (BY STRATA)	o
PROPOSED UTILITY POLE (BY OTHERS)	o
PROPOSED GUY WIRE	---



REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
	5/05/2016				

**PRELIMINARY SITE PLAN**

**CANON SOLAR PROJECT**  
SOLAR ELECTRIC POWER PLANT  
WILSONS MILL RD.  
SMITHFIELD, N.C.  
JOHNSTON COUNTY

PROJECT NAME AND ADDRESS: WILSONS MILL RD., SMITHFIELD, N.C. 27587  
 PROJ NO.: C-409-15-CAN  
 SIZE: 24.0' x 36.0'  
 SCALE: 1" = 100'  
 DRAWING NO.: C2.1  
 REVISION: 0

PROJ: RBJ  
 CHKD: BTN  
 ENGR: JMH

DATE: 5/05/2016  
 SCALE: 1" = 100'  
 NC License No.: D-0298



# 1900 Block of Wilson's Mills Road



Project Name:  
Canon Farm, LLC

Proposed Use:  
Solar Farm

File Number:  
CUP-16-05

Property Owner:  
Meldiph, LLC

Applicant:  
Canon Farm, LLC

Location:  
1900 Block of  
Wilson's Mills Road

Tax ID#  
17K09005

Zoning District:  
R-20A

Map created by the  
Mark E. Helmer, AICP  
Senior Planner,  
GIS Specialist  
on 5/25/2016

1 inch = 200 feet or  
0 100 200 400 600 Feet





**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-16-05, were notified by First Class Mail on 5-20-16.

*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

20th day of May, 2016

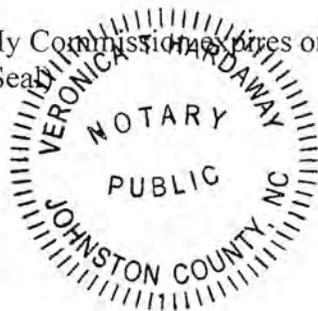
*Veronica T Hardaway*

Notary Public Signature

*Veronica T Hardaway*

Notary Public Name

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



Adjacent Property Owners of  
CUP-16-05

TAG	PIN	NAME1	ADDRESS1	CITY	STATE	ZIPCODE
17K09005	169500-62-8888	MELDIPH LLC	2123 WILLOW HILL LN	CLAYTON	NC	27520
14075014	169520-81-9389	DOUG AND JANE MOE REV TRUST	13 ARNOLD PALMER	SAN ANTONIO	TX	78257-1722
14075019	169520-91-2747	JONES, CALLIE S	2270 BUFFALO RD	SMITHFIELD	NC	27577-0000
17Q99007	169500-43-6729	COX, ALVIN E	1839 WILSONS MILLS RD	SMITHFIELD	NC	27577-7668
17K09007B	169500-44-7423	KEEN, PAMELA ROSE	1853 WILSON'S MILLS ROAD	SMITHFIELD	NC	27577-0000
17K09007	169500-44-7030	KEEN, REBECCA WHITLEY LIFE ESTATE	1853 WILSONS MILLS RD	SMITHFIELD	NC	27577-0000
17K09005B	169500-53-0709	STEPHENSON, WILLIAM EDWARD II	1824 WILSONS MILLS RD	SMITHFIELD	NC	27577-7667
17K09007C	169500-43-7808	KEEN, REBECCA WHITLEY LIFE ESTATE	1853 WILSONS MILLS RD	SMITHFIELD	NC	27577-0000
14075013	169520-80-0490	LEE, WILLIAM FRANK	P O BOX 148	SMITHFIELD	NC	27577-0148
17K09007D	169500-44-7133	WHITLEY, ELLEN MARIE	1899 WILSONS MILLS ROAD	SMITHFIELD	NC	27577-7668
17K09005A	169500-54-2368	BYRD, ELAINE	P O BOX 1015	SMITHFIELD	NC	27577-1015
17K09004C	169500-74-6294	PARTNERSHIP	2080 WILSONS MILLS RD	SMITHFIELD	NC	27577-7657
17K09004A	169500-63-8719	SPRING MEADOW FARMS OF JO CO	2080 WILSONS MILLS RD	SMITHFIELD	NC	27577-7657
17K09008	169519-61-0427	PARTNERSHIP	101 E JOHNSTON ST	SMITHFIELD	NC	27577-4559
17K09007A	169500-34-9404	KEEN, TERRY M	PO BOX 943	SELMA	NC	27576-0943



**PLANNING DEPARTMENT**

Paul C. Emblar, Jr., Director

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**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, June 2, 2016 at 6:00 P.M., in the Town Hall Council Chambers located at 350 East Market Street to consider the following requests:

**CUP-16-04 Grodproductions:** The applicant is requesting a conditional use permit to conduct a studio for the performing arts on property located within a B-2 (Business) zoning district. The property considered for approval is located on the south side of East Market Street approximately 200 feet southeast of its intersection with Brightleaf Boulevard. The property is further identified as Johnston County Tax ID# 15027026.

**CUP-16-05 Canon Farm, LLC:** The applicant is requesting a conditional use permit to construct and operate a solar farm on property located within an R-20A (Residential-Agricultural) zoning district. The property considered for approval is located on the southeast side of the intersection of Lee-Youngblood Road and Wilsons Mills Road. The property is further identified as Johnston County Tax ID# 17K09005.

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](http://www.smithfield-nc.com).

**Run "Legal Ad" in the Smithfield Herald on 5/18/16 and 5/25/16**



## PLANNING DEPARTMENT

Paul C. Emblar, Jr., Director

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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.