

SPECIAL USE PERMIT APPLICATION

File #
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Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh
Contact (919) 856-6335 for additional information.

Complete with required information (write "n/a" if information is not applicable to proposal).

Type of Special Use (be as specific as possible and cite code section listing use as permitted special use)

Accessory to 4-25-6 Telecommunication Facility. Proposal is for a Solar Farm

Modification of previously issued Special Use Permit? () Yes (X) No

If Yes, provide relevant Special Use Permit Number: _____

Property

Parcel Identification Number: 1740 01 9040

Address: 3201 Transmitter Rd

Location: south side of Highway 70, at/between
(north, east, south, west) (street)

Transmitter Rd and Guy Rd
(street) (street)

Total site area in square feet and acres: 5,462,860 square feet 125.41 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: _____

HD - 58.15 acres, R-30 70.77 acres

List Conditions of any Conditional Use Zoning Districts: _____

none

Present land use(s): Telecommunication Facility

How is this proposed use a public necessity? The proposed facility will provide a non-polluting source of energy

What is impact on surrounding neighborhood and adjacent properties? none

Land Owner

Land Owner Name: CBC Real Estate Company, Inc.

Business Operator Name (if different from Land Owner): Capital Broadcasting Company, Inc.

Address: 2619 Western Blvd.

City: Raleigh State: NC Zip Code: 27606

E-mail Address: mgoodmon@cbc-raleigh.com Fax: 919-433-4278

Telephone Number: 919-433-1568

Applicant (person to whom all correspondence will be sent)

Name: K&L Gates, c/o Mr. Jason Barron
 Address: 4350 Lassiter at North Hills Ave., Ste 300
 City: Raleigh State: NC Zip Code: 27619
 E-mail Address: jason.barron@klgates.com Fax: 919.516.2043
 Telephone Number: 919.743.7343 Relationship to Owner: Attorney

Proposal

Max. allowable floor area ratio (see applicable zoning district/use regulation): N/A

Proposed total floor area: 17,200 ex + sf Proposed floor area ratio (floor area/site area): 0.003

Max. allowable impervious surface coverage (see applicable zoning district/use regulation): 30 %

Proposed impervious surfaces area: 118,467 sf

Proposed impervious surface coverage (impervious surfaces area/site area x 100): 2.17 %

Required transitional bufferyard types and depths (see Article 16):

Front () 40' Type C ft Left () 40' Type C ft Right () 40' Type C ft Rear () 40' Type C ft

Proposed transitional bufferyard types and depths (see Article 16):

Front () 40' Type C ft Left () 40' Type C ft Right () 40' Type C ft Rear () 40' Type C ft

Min. yard depths (see applicable district/use regulation):

Front 50 ft Corner side 50 ft Side 50 ft Rear 40 ft

Proposed yard depths: Front ft Corner side ft Side ft Rear ft

Max. building height (see applicable district/use regulation): 35 ft

Proposed building height: 20 ft

Min. parking space standard (see Article 15): 2 spaces per Facility

Min. no. of parking spaces: 2 Proposed no. of parking spaces 2

Number of employees: 0 Hours of operation: N/A

Vehicular Access:

Names of access street(s) and number of access points along each: One access from Transmitter Road off of US 70

Name of access or adjacent street	Right-of-way width (ft)	Pavement width (ft)	No. of lanes	Paved? (Y or N)	Roadway design capacity ¹	Traffic volume (ADT) ²	Est. traffic generated (ADT) ³
HWY 70'	200'	75'	4	Y			

¹ See NCDOT Highway Capacity Manual or most recent Wake County Thoroughfare Plan Appendix

² See CAMPO web site (www.raleigh-nc.org/campo) or NCDOT Traffic Survey Unit

³ Base on Institute of Transportation Engineers ratios - ratio used for estimate (e.g. x trips per y sf)

Estimated traffic generated by heavy vehicles (vehicles other than automobiles and light trucks):

Type of vehicle: None ADT: _____

Type of vehicle: _____ ADT: _____

Utilities and Services:

Water supply provided by: () municipal system : _____

() community system – specify type: _____ (x) individual well(s)

Est. total water demand: 25 gpd

Wastewater collection/treatment provided by: () municipal system: _____

() community system – specify type: _____

NA - no ww (x) individual on-site system

Est. total wastewater discharge: discharge gpd

Solid waste collection provided by: Private

Electrical service provided by: Progress Energy Underground () yes (x) no

Natural gas service provided by: NA

Telephone service provided by: NA Underground () yes () no

Cable television service provided by: NA Underground () yes () no

Fire protection provided by: _____

Miscellaneous:

Generalized slope of site 2-5%

Valuable natural features (rare plant community, wildlife habitat, lake, stream, geology, etc.) on or adjoining site: Streams adjacent to the project area will be buffered.

Valuable historic resources (homestead, mill, archeological site) on or adjoining site: _____

Land Use Plan Classifications

General Classification (note associated municipality and/or watershed):

() Short-Range Urban Services Area/Water Supply Watershed _____

() Short-Range Urban Services Area _____

() Long-Range Urban Services Area/Water Supply Watershed _____

() Long-Range Urban Services Area _____

() Non-Urban Area/Water Supply Watershed _____

() Non-Urban Area

Land Use Classification(s) (Note Area Land Use Plan, if applicable):

Applicant's statement of compliance with county, municipal and joint Land Use Plans (How is proposal consistent with Land Use Plan objectives for planning area, Land Use classification, activity centers, locational standards and transitional urban development standards?)

The proposed solar development is in the shadow of a 2,000-ft communication tower, outside the border of a community activity center and in a residential district for which the land use plan calls for greater than eight units per acre. The existing zoning districts of HD and R-30 do allow the development of a solar facility. The Wake County Land Use Plan for this Area is more greatly defined by the Fuquay-Varina/Garner Area Land Use Plan, which supports the same.

Other information (additional relevant information about the site or proposal you wish to note or cite)

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: [Handwritten Signature] Date: 4/15/11

Signature: _____ Date: _____

Signature: _____ Date: _____

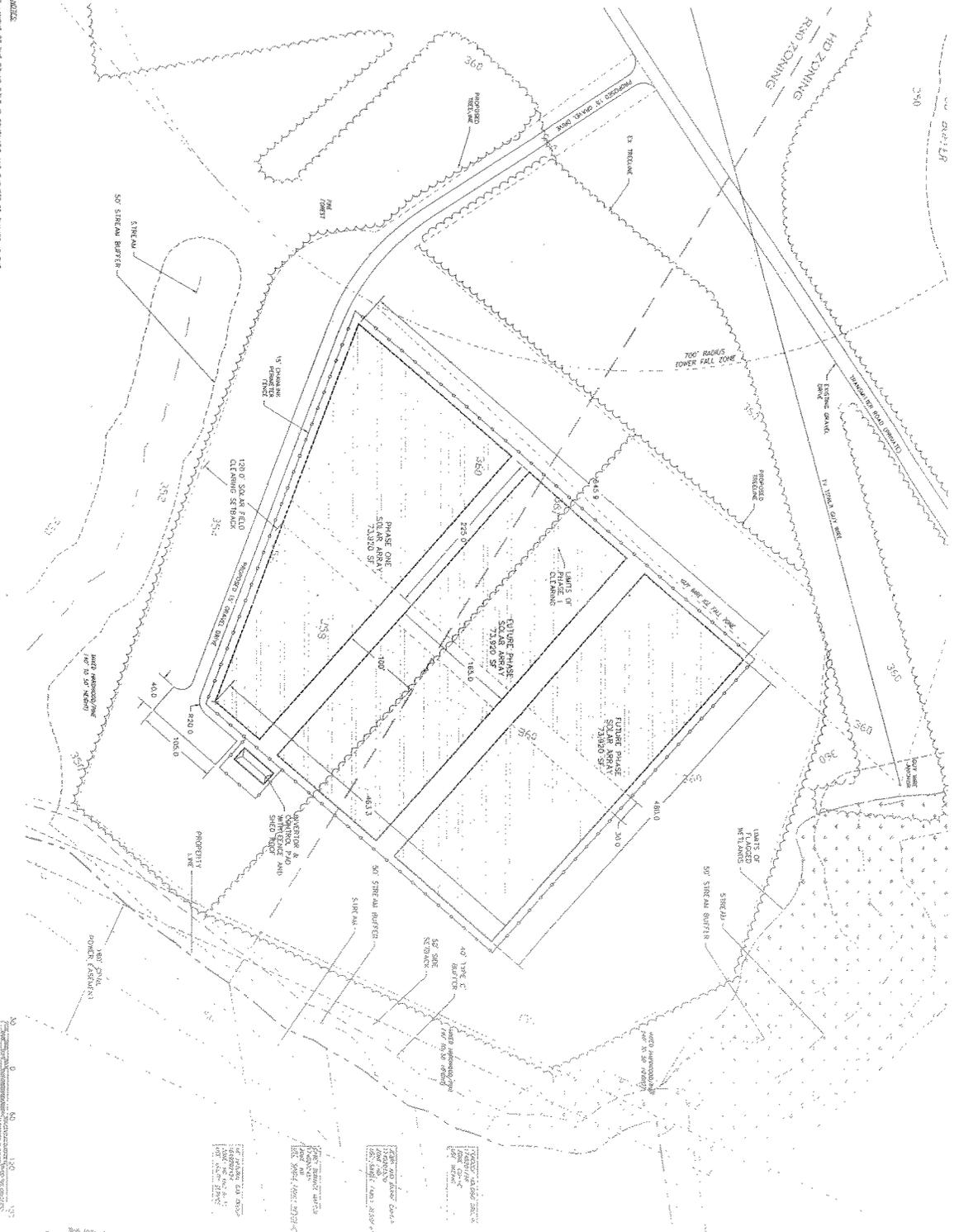
The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: [Handwritten Signature] Date: 4/18/11

Notes: All documents and maps submitted as required become the property of Wake County. The Wake County Unified Development Ordinance is on the web at www.wakegov.com

APP-2.0
 SITE LAYOUT PLAN
 SCALE: 1" = 50'

GENERAL NOTES:
 1. THE AMOUNT OF THE SOLAR FIELD IS GOVERNED AND SUBJECT TO CHANGE AT THE DISCRETION OF THE ENGINEER.
 2. PROPOSED GRADE IS NOT SHOWN AT THIS SCALE BUT IS ANTICIPATED TO BE MAINTAINED AS EXISTING TO MAINTAIN GRADE AS POSSIBLE.



APP-2.0
 SITE LAYOUT PLAN
 SCALE: 1" = 50'

ENGINEER
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF CALIFORNIA
 NO. 10000

PROJECT NO. 10000
 DATE: 10/15/2014

Special Use Permit

Statement of Justification

Proposed Solar Collector Facility

3201 Transmitter Rd.

PIN 1740019040

RE ID 0072910

Statement of Facts to support the 5 required conclusions:

1) *The proposed Development will not materially endanger the public health or safety*

The proposed solar farm is a very low intensity use that will involve only a very modest impact on existing infrastructure. The facility will not be regularly staffed, but instead only require occasional (weekly or less) maintenance and inspection. This translates into no traffic impact on the adjacent road system. The facility will be accessed by using the existing driveway into the property, so no additional intersections or curb cuts will be created. The proposed facility will not require water, sewer or trash collection. The facility will generate more electricity than is need for operations, so there will actually be a positive impact on the local power grid. Access to the facility will accommodate fire and other emergency vehicles. There will be no short or long term sedimentation or environmental impacts, as temporary S&E measures will be installed and maintained during construction, and permanent ground cover (grass) will be planted and maintained. The clearing will respect and maintain existing nearby wetland and stream buffers. The facility will not use or generate any hazardous chemicals, materials and waste, and combine with the fact that none of the proposed facilities are underground except for footings and cabling there will be no impact on surface or ground waters and particularly public water supplies. Based upon the foregoing, as well as other facts that may be introduced in hearing, the proposed Development will not materially endanger the public health or safety.

2) *The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of Special Use or Class of Special Uses.*

The proposed solar farm is a permitted use (with a Special Use Permit) in both of the zoning districts that encompasses the site. Minimum lot width and frontage, setbacks, bufferyards and limitations on access points are met. Maximum impervious surface coverage is met, and adequate parking is provided as required by the UDO. All other provisions of the UDO are met. The proposal falls within the use category "Telecommunications Facilities". Use Regulations within this section of the ordinance primarily apply to towers. No additional towers are proposed with this current request. The specific requirement that does apply to this proposed facility is to provide a bufferyard, which will be done. Based upon the foregoing, as well as other facts that may be introduced in hearing, the proposed Development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of Special Use or Class of Special Uses

3) *The proposed development will not substantially injure the value of adjoining property, or is a public necessity.*

The proposed solar farm is on a property that has for many years been used as a transmitter site with multiple tall telecommunications towers and will continue to be used as such. The new facility will be located within the radius of the guy wires of one of the towers. Because the bulk of the improvements (solar panels) are very low, the proposed facility will not be visible from adjacent properties. There will be no noise, odor or traffic problems associated with the new facility. Therefore, the location and characteristics of the proposed facility will not substantially injure the value of adjoining properties.

In addition, this proposal by its very nature will provide a benefit to the larger community through generating electricity in a non-polluting, environmentally friendly manner. This electricity will be transferred directly to the "power grid" and utilized by everyone. In summary, the electricity generated by this solar facility will be that much less power that might be generated by more harmful methods, and could therefore be argued to provide a public benefit. Based upon the foregoing, as well as other facts that may be introduced in hearing, the proposed Development will not substantially injure the value of adjoining property, or is a public necessity.

4) *The proposed development will be in harmony with the area in which it is located.*

As previously stated, the character of the proposed facility, which is low to the ground, generates no odor, noise or appreciable traffic, and is not visible from adjacent properties inherently makes it harmonious with the general surrounding area. In addition, the fact that it is located entirely within the guy wire radius of an existing very tall telecommunications tower, but will not interfere with the operations of that tower, is served by existing roads and located in an area already partially cleared will be in harmony and not in conflict with the existing facilities and uses on the property. Based upon the foregoing, as well as other facts that may be introduced in hearing, the proposed Development will be in harmony with the area in which it is located.

5) *The proposed development will be consistent with the Wake County Land Use Plan.*

The proposed solar development is in the shadow of a 2,000-ft communication tower, outside the border of a community activity center and in a residential district for which the land use plan calls for greater than eight units per acre. The existing zoning districts of HD and R-30 do allow the development of a solar facility. The Wake County Land Use Plan for this Area is more greatly defined by the Fuquay-Varina/Garner Area Land Use Plan, which supports the same. Based upon the foregoing, as well as other facts that may be introduced in hearing, the proposed Development will be consistent with the Wake County Land Use Plan.