



**SPECIAL USE PERMIT APPLICATION**

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.

File # SU-2174-12  
Fee \_\_\_\_\_  
Amt Paid \_\_\_\_\_  
Check # \_\_\_\_\_  
Rec'd Date \_\_\_\_\_  
Rec'd By \_\_\_\_\_

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 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: 1730817315

Address: 5033 TV Tower Rd.

Location: south side of Highway 70, at/between  
(north, east, south, west) (street)  
Transmitter Rd and TV Tower Rd  
(street) (street)

Total site area in square feet and acres: 3,920,400 square feet 90 acres

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

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: Auburn Tower Partnership

Business Operator Name (if different from Land Owner): Auburn Tower Partnership

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: Jason Pfister  
 Address: 430 Davis Drive, Ste 400  
 City: Morrisville State: NC Zip Code: 27560  
 E-mail Address: jason.pfister@klgates.com Fax: 919.516.2139  
 Telephone Number: 919.466.1109 Relationship to Owner: Attorney

**Proposal**

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

Proposed total floor area: 16,500 ex + 2,600 sf new sf Proposed floor area ratio (floor area/site area): 0.49

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

Proposed impervious surfaces area: 11,100 sf

Proposed impervious surface coverage (impervious surfaces area/site area x 100): 0.28 %

**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 6

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

**Vehicular Access:**

Names of access street(s) and number of access points along each: Access from TV Tower 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 <sup>1</sup>	Traffic volume (ADT) <sup>2</sup>	Est. traffic generated (ADT) <sup>3</sup>
HWY 70'	200'	75'	4	Y			

<sup>1</sup> See NCDOT Highway Capacity Manual or most recent Wake County Thoroughfare Plan Appendix  
<sup>2</sup> See CAMPO web site (www.raleigh-nc.org/campo) or NCDOT Traffic Survey Unit  
<sup>3</sup> 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: 100 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 1.5-10% (project area)

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 \_\_\_\_\_

(x) Short-Range Urban Services Area Town of Garner

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

(x) Long-Range Urban Services Area Town of Garner

( ) 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 phased solar development is planned near the two 2,000-ft communication towers, 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 district of HD allows 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: [Signature] Date: 10/2/12

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: [Signature] Date: 10/2/12

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](http://www.wakegov.com).

**Special Use Permit**

**Statement of Justification**

Proposed Solar Collector Facility

5033 TV Tower Rd.

1730817315

RE ID 0182308

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 needed 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. Soil and erosion control measures will be installed 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 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 outside the radius 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 be visible from adjacent properties inherently makes it harmonious with the general surrounding area. In addition, the fact that it is located in proximity 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 previously harvested timber 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 two 2,000-ft communication towers, 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.

# TRANSMITTER SITE - SOLAR FARM 3

## WAKE COUNTY, NORTH CAROLINA

### SPECIAL USE PERMIT



Coulter  
Jewell  
Thames, P.A.

111 West Main Street  
Durham, N.C. 27701  
p 919.682.0368  
f 919.688.5646  
www.cjtpa.com

#### PROJECT DATA

PROJECT: TRANSMITTER SITE - SOLAR FARM  
PROJECT ADDRESS: 5033 TV Tower Rd  
GARNER, NC 27529

OWNER: Auburn Tower Partnership

OWNER CONTACT: Capital Broadcasting Company, Inc. 2619 Western Blvd.  
RALEIGH, NC 27606

TOTAL PROPERTY AREA: 90 ACRES / 3,920,400 SF (TAKEN FROM DEED)  
TOTAL DISTURBED AREA: 38 ACRES / 1,641,772 SF

100 YEAR FLOOD PLAIN: N/A  
FEMA FLOOD PANELS: 3720164900J & 3720174000J

PIN: 1730-81-7315  
DEED & PLAT REFERENCE: DB 700 PG 0450

EXISTING USE: TRANSMISSION TOWER  
PROPOSED USE: SOLAR FARM AND TRANSMISSION TOWER

EXISTING ZONING: HD (HIGHWAY DISTRICT)

RIVER BASIN: HEUSE FEAR

EXISTING BUILDING SIZE: 16,500 SF  
PROPOSED ADDITIONAL BUILDING SF: 2,600 SF

MAXIMUM BUILDING HEIGHT: 35'  
PROPOSED BUILDING HEIGHT: 20'

TRANSITIONAL BUFFERYARD: 40' TYPE C - ALL PROPERTY LINES

MIN. YARD DEPTHS  
FRONT: 50'  
CORNER SIDE: 50'  
SIDE: 50'  
REAR: 40'

PROVIDED TREE PROTECTION: MIN. 25' BOUNDARY BUFFER, 50' AT PUBLIC ROW

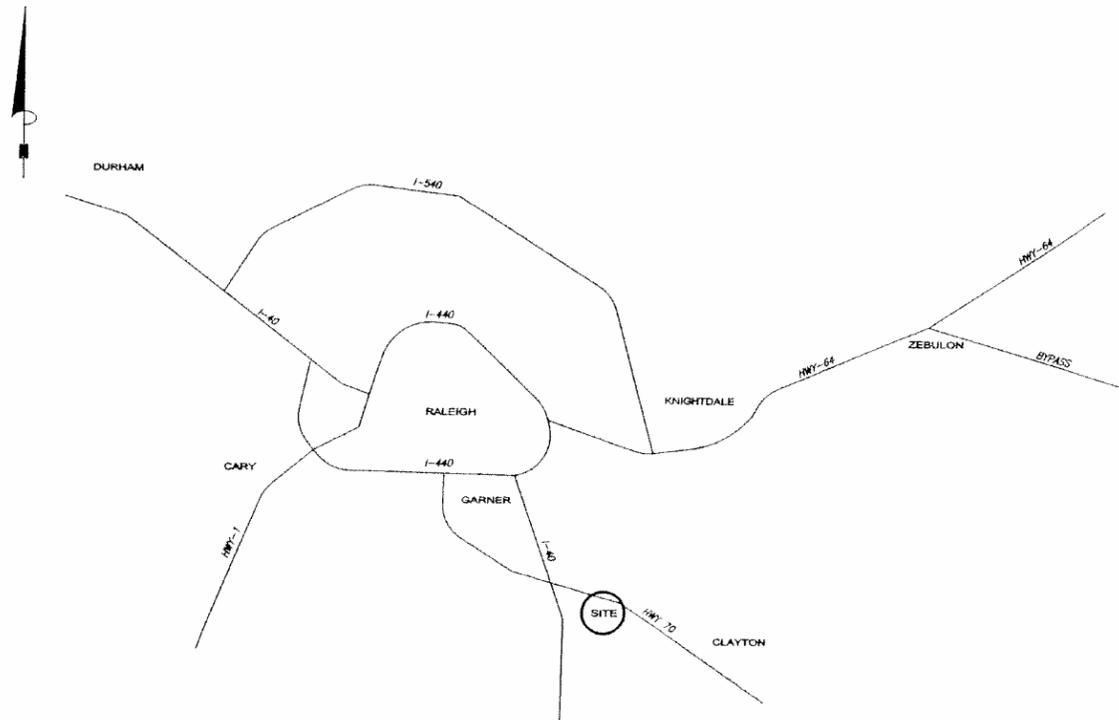
PARKING:  
PROPOSED PARKING SPACES: 2 SPACES PER SOLAR FIELD

IMPERVIOUS SURFACE: TOTAL: 80,188 SF (2.04%)  
EXISTING IMPERVIOUS SURFACE: 69,088 SF (1.76%)  
PROPOSED IMPERVIOUS SURFACE: 11,100 SF (0.28%)

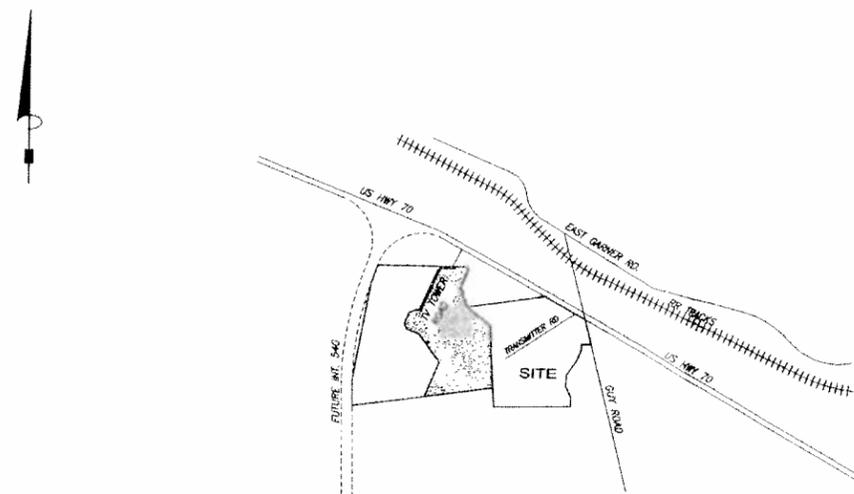
#### PROJECT NOTES

BOUNDARY AND TOPOGRAPHIC INFORMATION BASED ON WAKE COUNTY GIS INFORMATION DOWNLOADED SEPT. 2009. ADJACENT PROPERTY OWNER INFORMATION WAS UPDATED IN MARCH 2011.

SUPPLEMENTAL SURVEY INFORMATION WAS TAKEN FROM AL PRINCE & ASSOCIATES, PA DATED JULY 1997.



CONTEXT MAP



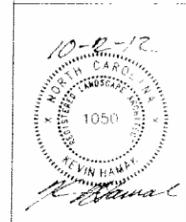
VICINITY MAP

#### SUBMITTALS:

INITIAL SUP: 10-02-12

#### LIST OF SHEETS

- SD-0.0 COVER
- SD-1.0 EXISTING CONDITIONS PLAN
- SD-2.0 SITE LAYOUT PLAN



Project  
**TRANSMITTER SITE - SOLAR FARM**

TV TOWER ROAD  
GARNER, NC  
1730-81-7315

OWNER:  
CAPITAL CITIES COMMUNICATIONS INC.  
2619 WESTERN BLVD.  
RALEIGH NC 27606

Job Number: 0938

Drawn: NRS  
Checked: DSA, ASJ  
Date: 10-01-12  
Revisions: ...

NOT RELEASED FOR CONSTRUCTION

Sheet Title  
**COVER SHEET**

Sheet Number  
**SD-0.0**