



**NASHVILLE TOWN COUNCIL
AGENDA MEETING AGENDA
WEDNESDAY, APRIL 27, 2016
7:00 PM
NASHVILLE TOWN COUNCIL CHAMBERS**

- I. Call to Order by Mayor Street - 7:00 PM**
- II. Public Hearing:**
 - a. SE 2016-02: Public Hearing to receive comments on the consideration of a request for an Application for Permit for Street Event for the Nashville Elementary 5K, One Mile Run and Kid Dash to be held September 10, 2016.**
 - b. Z (SU) 2016-02: Public Hearing to receive comments on the consideration of a request to rezone property located at 1139 Old Bailey Highway from A-1 (Agricultural Zoning District) to I-1 (Industrial) SU (Special Use) Zoning District. This parcel contains approximately 37 acres and is identified by Nash County Tax Parcel Number 380010457779.**
 - c. SU 2016-02: Public Hearing to receive comments on the consideration of a Special Use request for a Solar Farm located on property at 1139 Old Bailey Highway. The proposed Solar Farm is approximately 25 acres in size and located on property identified by Nash County Parcel Number 380010457779.**
- III. Council Comments**
- IV. Adjourn**

TOWN OF NASHVILLE



APPLICATION FOR PERMIT FOR STREET EVENT (Nashville Town Code of Ordinances – Chapter 14, Article IV)

•Explanation of Planned Activities of the Event:

Nashville Elementary and the Town of Nashville will partner on a 5K, one mile run, and kid dash.

•Name, Address, and Phone of Person, Organization, or Entity Seeking to conduct or Sponsor the Event:

Quintin Mangano, Nashville Elementary Principal
209 East Virginia Avenue
Nashville, NC 27856
(252) 451-2877

•Name, Address, and Phone of Individual in Charge of the Event:

Same as above

•Propose Date and Time Period of the Event:

The race will be held rain or shine on September 10, 2016. The 5K will begin at 7:30, followed by the one mile run at 8:30, and the kids dash at 9:00. The event will be complete by 10:00.

•Proposed Streets to be Closed or Obstructed:

S. First Street, Center Street, S. Fort Street, E. Church Street, Simbelyn Drive, Park Avenue, E. Green Street, W. Green Street, Joyner Street, Lucille Street, W. Cross Street, Barnes Street, Womble Street, W. Church Street, Boddie Street, S. Alston Street, and Virginia Avenue. ***These streets will only be obstructed at intersections during the 5K and one mile run.***

•Approximate Number of People Expected to Attend Event: Approximately 250

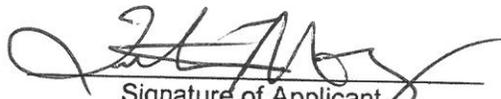
Required Attachments to Accompany this Application:

1. A fee of \$125.00 to defray costs of Legal Notices.
2. Sketch map showing: The area where the event is to take place – Streets to be closed or obstructed – Barriers or traffic control devices that will be erected – Locations of concession stands, booths, or temporary structures or facilities – Location of proposed fences, stands, platforms.

3. Request for special services to be provided by the Town such as police, fire, public works personnel/equipment, etc.

The Town Council, at its discretion, may require any or all of the following before a permit is issued for an event:

1. That the applicant obtains a comprehensive general liability insurance policy or comparable special events liability insurance policy.
2. That the applicant pays to the Town a fee sufficient to reimburse the Town for the costs of services and/or equipment provided.
3. That the applicant modifies its application to remove any objections to the issuance of the permit.
4. That the applicant posts a bond or other sufficient security to insure that the area where the event takes place is returned to the condition that existed prior to the event.
5. Applicant is responsible for obtaining North Carolina Department of Transportation Special Event Request Form – Revised 4/18/13, completing , and providing a copy of the documentation of North Carolina Department of Transportation granting approval to applicant no less than 30 days prior to the event and attach with this form to the Town of Nashville.
6. Applicant is responsible for any cost incurred from the North Carolina Department of Transportation.



Signature of Applicant

4-7-16

Date

Signature of Town Official

Date

EVENTAPPLICATION.Forms

Tom Bashore
Chief of Police

Joseph W. Corbett III
Patrol Lieutenant



NASHVILLE POLICE DEPARTMENT

P.O. Drawer 987
Nashville, North Carolina 27856
Phone: (252) 459-4545
Fax: (252) 459-4279

March 29, 2016

Quintin Mangano
Principal
Nash Rocky Mount Schools
209 E. Virginia St
Nashville, NC 27856

Dear Mr. Mangano:

The Nashville Police Department is fully supportive of the Nashville Elementary School's upcoming 5K and 1 mile runs on September 10th, 2016. The security for this event will be managed by the Nashville Police Department to monitor traffic to ensure the safety of participants. No roads will be blocked but rather manned by police personnel to allow for the runners to cross intersections on the race route.

A handwritten signature in black ink, appearing to read "Tom Bashore", with a long horizontal flourish extending to the right.

Thomas A. Bashore
Chief of Police
Town of Nashville

\$175.00



APPLICATION FOR A SPECIAL USE PERMIT TOWN OF NASHVILLE, NORTH CAROLINA

Date submitted: 1-7-16
(To be completed by Town staff)

Case #: 2016-02 / SU 2016-02
(To be assigned by Town staff)

I (we), the undersigned, being the owner(s) of the property, do hereby make application for a Special Use Permit as herein requested.

- The property where the request is to be located has the following street address (or description if no street address has been assigned): 1387 Old Bailey HWY Nashville, NC 27856
1139
The property is identified by the following map, block, and parcel number 003103
_____ of the Nash County property ownership map (tax records) and contains approximately 37 acres. A map of the property boundaries is attached to this application.

Note: If any plans or details are required for the special use request, they must be submitted for this application to be complete.

- This special use permit is requested for the following reason or purpose: _____
To install a 5 MW AC ground mounted Solar Farm only.

Based on Division 4, Section 18-115 & 116 of the Nashville Zoning Ordinance, the specific special use category that is being requested is Solar Farm

The zoning district of the property where the special use is being requested is I1 has been requested [For residential uses, indicate the number of dwelling units per acre being proposed (NA du/acre).]

- The special use permit fee (\$175.00) is included with this application.
- The following are all individuals, firms, or corporations owning property within 100 feet of the property where the special use is being requested. (Attach an additional sheet(s) if needed.)

Tax Id # (Parcel)	Name	Mailing Address
<u>380010468625U</u>	<u>Three Mr LTD Partnership</u>	<u>2687 Old Bailey HWY</u>
<u>380011655350U</u>	<u>Willye A LEWIS</u>	<u>Alexandia, VA 22312</u>
<u>380000432690U</u>	<u>Batchelor Family LTD Partnership</u>	<u>753 N Old Franklin Rd</u>
<u>380011663134</u>	<u>Louisa R. McBeth ETAL</u>	<u>Nashville, NC 27856</u>

I certify that all information furnished in this application is accurate to the best of my knowledge. In addition, I give the Town permission to visit the property where this special use is being requested, prior to action by the Town Council.

Property Owner(s) _____ Owners representative (if applicable) _____
Printed Name(s): Michael Wallace - Sunlight Partners

Signature(s): *Michael Wallace*

Mailing Address(s): 27 Pearl Street FL 4 Portland ME 04101

Phone number(s): 207-899-1123

#175 or



APPLICATION FOR SPECIAL USE DISTRICT TOWN OF NASHVILLE, NORTH CAROLINA

Date submitted: 1-7-16 Case #: 2 2016-02/SC 2016-02
(This section to be completed by Town staff)

I, the undersigned, do hereby make application to change the Official Zoning Atlas of the Town of Nashville as herein requested.

1. A general description of the area requested to be rezoned is as follows: _____
A 37 acre plot zoned as A-1 used for Agricultural farming.
The address of the property is ¹¹³⁹~~1387~~ Old Bailey HWY; _____ The property is identified by the following map, block, and parcel number _____ Nashville NC, 27856 Parcel ID: 003103
of the Nash County property ownership map (tax records). The size of the area requested for rezoning contains approximately 37 acres. A map of the property along with a legal description of the property boundaries is attached to this application.

2. It is desired and requested that the foregoing property be rezoned from A-1 district to I-1 district for the following reason or purpose: To install a 5 MW AC Solar Farm Only.

3. The following are all individuals, firms, or corporations owning property within 100' of the property sought to be rezoned. Attach an additional sheet if needed.

Parcel #	Name	Mailing Address
380010468625U	Three Mr LTD Partnership	2687 Old Bailey HWY
380011655350U	WillYE A LEWIS	Alexandia, VA 22312
380000432690U	Batchelor Family LTD Partnership	753 N Old Franklin Rd
380011663134	Louisa R. McBeth ETAL	Nashville, NC 27856

I certify that all information furnished in this application is accurate to the best of my knowledge.

APPLICANT (printed name): Michael Wallace

Signature of applicant: _____

Mailing Address: 27 Pearl St. FL 4 Portland ME 04101

Phone number (s) 207-899-1123

Town of Nashville

DONALD B. STREET
MAYOR
HENRY E. RAPER
TOWN MANAGER



LOUISE W. HINTON
MICHAEL W. COLEMAN
CHARLES P. TAYLOR
LARRY D. TAYLOR

The following rules apply to the quasi-judicial public hearing (2016-02, Special Use Permit, Solar Farm):

This application for a special use permit requires an evidentiary hearing on the application, which will be heard by Council acting as a quasi-judicial board. The purpose of the hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the applicable ordinance. The purpose is not to gather public opinion about the desirability of the project. Council should not discuss or receive information about the merits of the case from the parties, or members of the public, before the hearing. All testimony before Council must be "sworn" testimony. All persons wishing to speak on this matter must be sworn in. Applicants may elect to be represented by legal counsel.

The applicant has the burden of producing sufficient substantial, competent and material evidence for the Council to conclude that the criteria of the applicable ordinance(s) have been met.

PROCEDURE FOR THE HEARING

There is a two-hour time limit for this hearing. At the conclusion of the two-hour limit, the council may take one of the following actions:

- (1) Extend the time limit and continue with the public hearing; or
- (2) Table the item until the end of the meeting, at which time the hearing will continue;
or
- (3) Refer the item to the next Council agenda meeting, at which time the hearing will continue.

The procedure for hearing this case is as follows:

- Anyone who wants to speak at this quasi-judicial public hearing should sign in with the town clerk and be sworn in to speak.
- The hearing is opened and preliminary matters are addressed.
- A staff representative presents a preliminary statement.
- The applicant is called on to present the argument and evidence in support of the application, followed by others who wish to speak in support of the application.
- Council and members of the planning board may pose questions to the applicant and the speakers who spoke in support of the application.
- Persons opposed to the application are invited to speak.
- Council and members of the planning board may pose questions to the persons who spoke in opposition to the request.

- Both sides are permitted to question the other side and present rebuttals.
- The Mayor closes the period for public discussion.
- Council and the planning board deliberate. In the course of the deliberation, the members of the council and the planning board may ask questions of the staff, the applicant or others who have testified, but beyond that, additional comments from the floor will be admitted only at the discretion of the Mayor. Additional cross-examination and rebuttals may be made only on new evidence presented.
- The hearing is closed.
- The planning board will make a written recommendation to the town council before the next regular council meeting. The town council will render a decision at the next regular council meeting.

RULES FOR PUBLIC HEARING SPEAKERS

- All speakers should speak from the podium.
- The applicant should present their argument and evidence to show that the standards of the applicable ordinance(s) have been met as concisely and efficiently as possible. Other speakers should endeavor to limit their testimony to five (5) minutes. The mayor may extend this time limit if the speaker needs more time to present additional new evidence.
- All speakers should address the approval criteria and must avoid inflammatory, irrelevant or repetitious testimony. Groups are encouraged to select a spokesperson to speak about general matters for the group.
- Speakers may introduce exhibits only to support their testimony at the hearing. Letters from individuals who do not appear at the hearing and petitions are considered unsworn testimony or hearsay, and cannot be considered by council.
- All speakers should ensure their testimony (i) is relevant to the criteria, (ii) consists of statements and facts about which the speaker can personally testify, and not the statements or words of others who are not testifying and (iii) is not speculative opinions or generalized objections without supporting facts.
- Only speakers who are qualified as experts in the appropriate field should testify about (i) how the use of property in a particular way would affect the value of other property, (ii) how the increase of vehicular traffic resulting from the proposed development would pose a danger to the public safety, or (iii) other matters that would require expert testimony under the rules of evidence.
- All speakers should direct their testimony to the criteria that must be met for the particular application. For this special use permit approval the criteria are:
 - A. Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.
 - B. Use meets all required conditions and specifications.
 - C. Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
 - D. 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 and in general conformity with the plan of development for the Town.

taxing or assessing governmental authority a portion of such taxes assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of sites in the development. If such sum is not paid by the owner within 30 days following receipt of notice of the amount due, then such sum shall become a continuing lien on the site of the owner, his heirs, devisees, personal representatives, and assigns, and the taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the lien or may elect to foreclose the lien against the lot of the owner.

- The owners' association shall be empowered to levy assessments against the owners of sites within the development for the payment of expenditures made by the owners' association for the items set forth in the preceding paragraph and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the site of the owner.
- Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a site.
- All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction damages shall be established.

(34) *Internet café.*

- a. Approved by: Town council.
- b. Special use districts: B-1.
- c. Parking and loading: one space per computer located on the premises.
- d. Other requirements:
 1. Separation from other uses. Any structure in which an internet café is operating shall be separated by a distance of at least 500 feet (determined by a straight line and not street distance, without regard to intervening structures or objects) from any residential zoning district, or other zoning district in which residential use is a use by right, any school, church, childcare center, public park, or playground. The distance for the separation from residential zoning and other protected uses shall be measured from the closest edge of the building occupied by an internet café to the nearest property line of the residential zoning district or other zoning district in which residential use is a use by right, or to the property line of a protected use.
 2. Such internet café uses shall only be allowed as principal or primary use and shall not be permitted as an accessory use to any other principal or primary use.

(35) *Solar farm.*

- a. Approved by: Town council.
- b. Special use districts: I-1.
- c. Parking and loading: Exempt from parking requirements if there is no commercial or office building component.
- d. Minimum lot size: Ten acres.
- e. Other requirements:
 1. Separation from other uses: 100 feet from any residential zoning district.
 2. Setbacks: Same as underlying district.
 3. Fencing: Enclosed with security fence at least six feet in height around the perimeter of facility.
 4. Height: Solar panels shall be a maximum of 20 feet in height as measured from the grade at the base of the structure to the apex of the structure (excludes antennas or utility poles). Rooftop facilities are exempt as long as they blend in with character of building or are not visible from ground level.
 5. Glare-resistant solar panels shall be used if the facility is within 100 feet of a public road right-of-way.
 6. The Town of Nashville shall be given copies of the lease agreement and the plan for removal of the facility/equipment. The plan for removal shall designate the party who is responsible for removal and shall estimate the cost of removal. The town shall be given an irrevocable letter of credit for the estimated cost of removal.
 7. Abandonment: The facility/equipment shall be removed by the responsible party at their expense, within 180 days of a determination by the planning director that the facility is no longer being maintained in an operable state of good repair for its intended use.

(Ord. of 1-5-1993, art. V, § 2; Ord. of 10-11-1994; Ord. Amend. 2003-03, 7-1-2003; Ord. Amend. 2004-01, § 1), 5-4-2004; Ord. Amend. 2005-04, 7-5-2005; Ord. of 4-6-2010, § C; Ord. of 2-3-2015(2), § C)

Editor's note— Ord. of 2-3-2015(2), § C, added provisions pertaining to solar farm designated (34), but inasmuch as provisions so designated already existed, said provisions have been renumbered (35).

Footnotes:

--- (3) ---

Screening is not required for dwellings that are located in a zoning district (B-1, B-2, and I-1) that does not permit it.

--- (4) ---

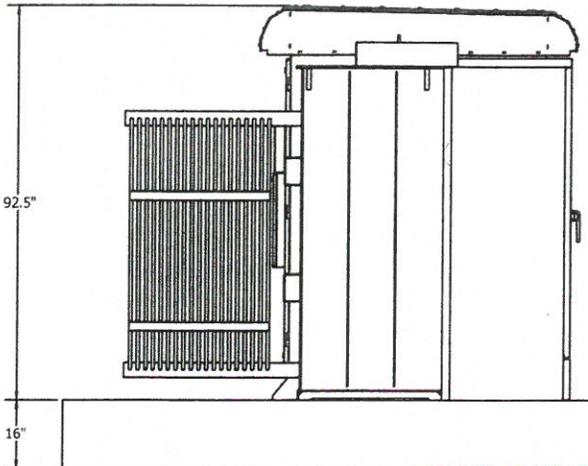
Screening is not required for dwellings that are located in a zoning district (B-1, B-2, and I-1) that does not permit it.

ENGINEER'S NOTE

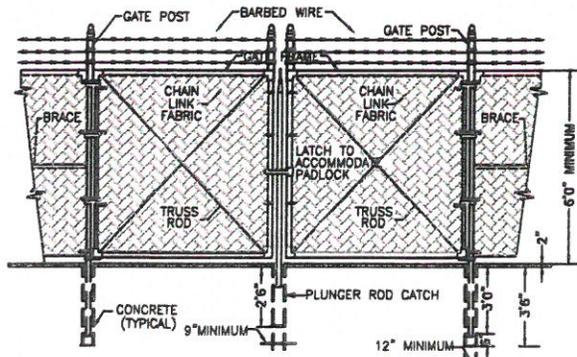
1. DUE TO THE LOW TRAFFIC VOLUME, MINIMAL PARKING WILL BE PROVIDED UPON BUILD OUT OF THIS DEVELOPMENT. TEMPORARY MAINTENANCE CREW SHALL UTILIZE THE GRAVEL ACCESS WAY FOR PARKING.
2. THE PURPOSE OF THIS PLAN IS FOR A SPECIAL USE PERMIT APPLICATION FOR REVIEW AND APPROVAL BY THE NASHVILLE TOWN COUNCIL TO CONSTRUCT A SOLAR ELECTRIC POWER PLANT. THE LOCATION OF PROPOSED IMPROVEMENTS INCLUDING BUT NOT LIMITED TO; FENCING, SOLAR ARRAY, RACKING, INVERTERS, OVERHEAD POLES AND LINES ETC. SHOWN IS APPROXIMATE AND MAY BE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS. ADDITIONAL PERMITTING REQUIREMENTS (NCDOT, NCDENR, USACOE, 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.
3. THE ONLY UTILITY PROPOSED FOR THIS SITE SHALL BE PROGRESS. NO OTHER UTILITIES SHALL BE EMPLOYED OR PROPOSED FOR THIS PROJECT.
4. MINIMAL SIGNAGE IS PROPOSED AT THIS TIME.
5. LIGHTING IS REQUIRED AT THE ENTRANCE AND TURNAROUND POINT OF THE SOLAR FARM. ALL LIGHTING SHALL MEET THE TOWN OF NASHVILLE'S REQUIREMENTS AND WILL BE PROVIDED AT BOTH LOCATIONS.
6. DURING GRADING AND CONSTRUCTION, DUST CONTROL WILL BE PROVIDED BY WATERING AND CONTROLLED VEHICULAR SPEEDS. AFTER CONSTRUCTION, DUST CONTROL WILL BE IMPLEMENTED BY INSTALLING GRAVEL ROADS AS WELL AS REDUCING THE VEHICULAR SPEEDS. THE SOLAR PANELS WILL ACT AS WIND BREAKS, THE PERIMETER FENCING WILL ACT AS A WIND BREAK.
7. WEED AND NOXIOUS PLANTS SHALL BE ROUTINELY REMOVED FROM THE SITE. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO REGULARLY PROVIDE THIS SERVICE TO THE SITE.
8. STRUCTURES WILL NOT EXCEED 20- FEET IN HEIGHT AS MEASURED FROM GRADE AT THE BASE OF THE STRUCTURE TO ITS HIGHEST POINT.
9. NO PERMANENT STRUCTURES ARE PROPOSED FOR THIS PROJECT.
10. PROPOSED SECURITY FENCE WILL BE TOPPED WITH BARBED WIRE PER THE DEVELOPMENT STANDARDS.
11. 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
12. 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 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 THREE (3) CONCRETE SLABS, TOTALING LESS THAN 100 SF AT EACH INVERTER.
13. PROPERTY LINE DATA SHOWN AS OBTAINED FROM NASH COUNTY PARCEL GIS DATABASE.
14. A KNOX BOX IS REQUIRED FOR THE GATE OF THIS SITE AND WILL BE PURCHASED FROM THE TOWN OF NASHVILLE'S FIRE CHIEF.
15. A NCDOT DRIVEWAY PERMIT WILL BE COMPLETED AND APPROVED BY THE TOWN OF NASHVILLE BEFORE CONSTRUCTION.

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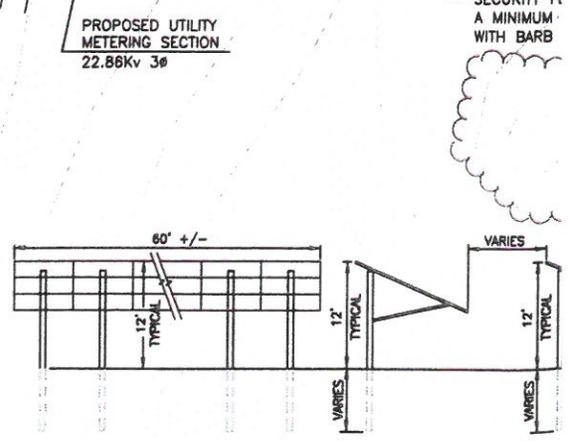
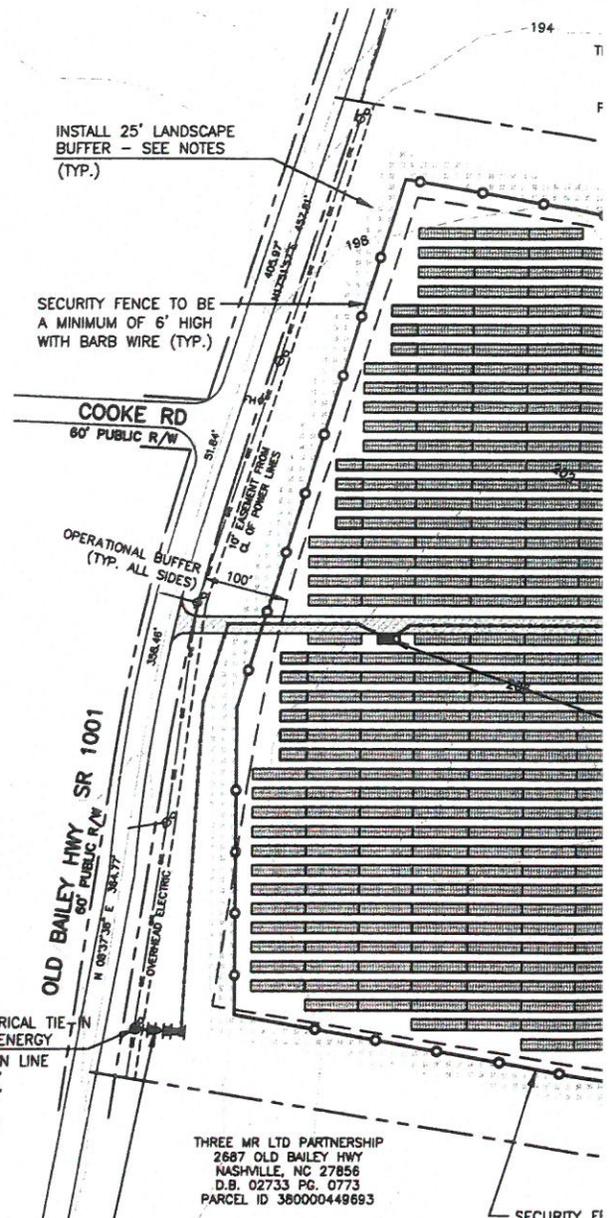
"CLAYTON SOLAR LI
NASH
NASH COUN



INVERTER ELEVATION
1"=20'-0"



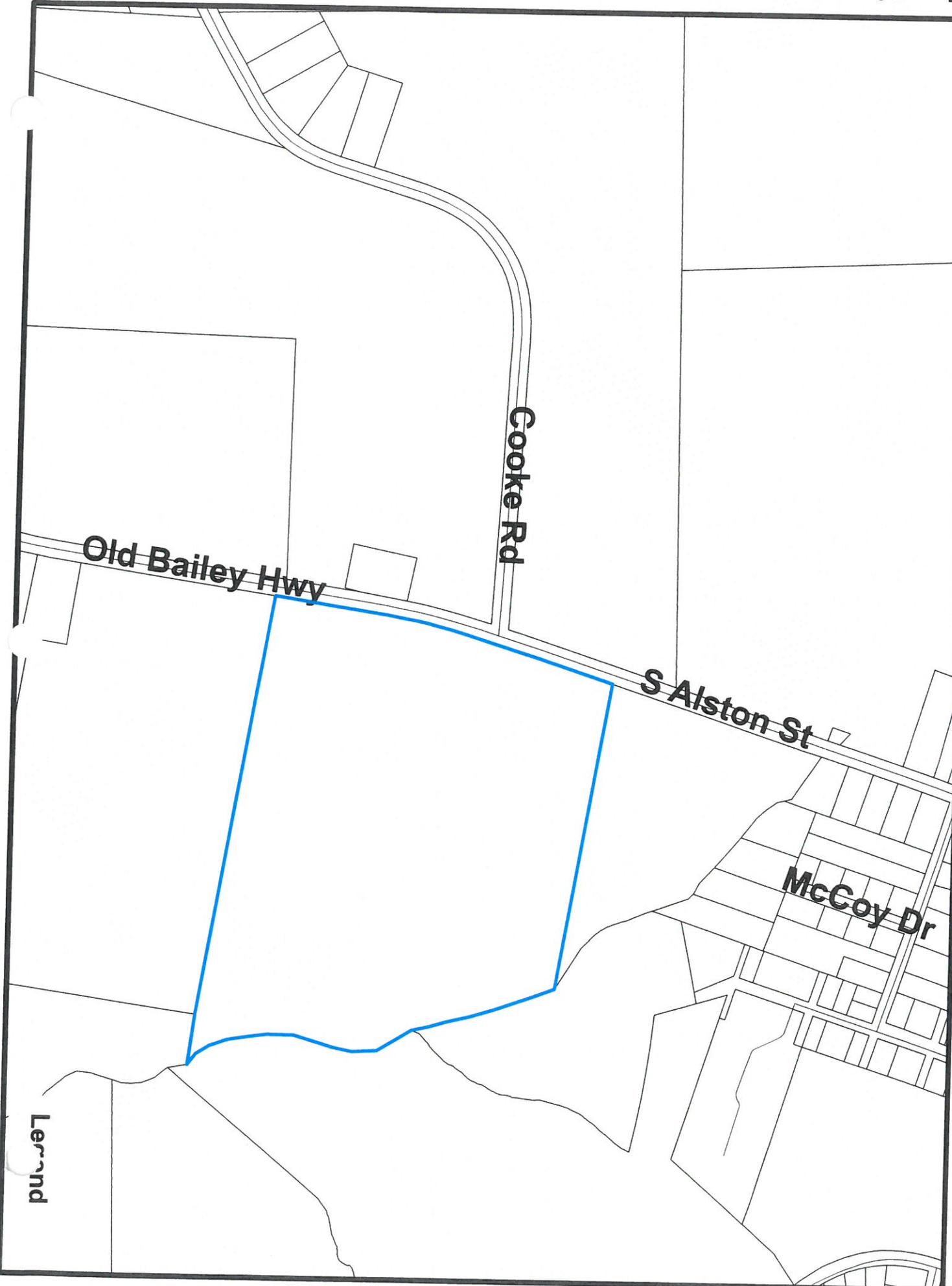
DOUBLE SWING GATE
N.T.S



TYPICAL PANEL ELEVATION
1"=10'-0"



Special Use Rezoning & Special Use Permit Location



Old Bailey Hwy

Cooke Rd

S Alston St

McCoy Dr

Leland