

March 1, 2021

The Board of Commissioners of Franklin County, North Carolina, met for a Special Called Meeting at 7:00 P.M. in the Hamilton Hobgood Courthouse Annex with the following Commissioners present: Chairman Michael Schriver, Vice-Chairman David Bunn, Harry L. Foy, Jr., Cedric K. Jones, Sr., Mark Speed, Kelli London and Danny Pearce.

The public was allowed to physically attend this meeting in a socially distanced manner in order to participate in the quasi-judicial hearing. The meeting was also livestreamed on YouTube at <http://franklincounty.today>.

Chairman Schriver called the meeting to order. The purpose of the meeting was to conduct a quasi-judicial hearing regarding a Special Use Permit request by Sonny Properties, LLC to construct an RV/Boat Storage Facility on 4 acres located off Hicks Road (SR 1125) in the Youngsville Township (Parcel ID: 1864-01-0922 / 1864-01-0721).

County Attorney Boyd Sturges began the meeting by outlining the quasi-judicial hearing process.

Chairman Schriver then stated that because of the Covid-19 pandemic, each witness would be sworn by affirmation.

Chairman Schriver then opened the public hearing.

## 1. PUBLIC HEARING

### Request for Rezoning 21-SUP-01

The Board was asked to consider approval of a Special Use permit request by Sonny Properties, LLC to construct an RV/Boat Storage Facility on 4 acres located off Hicks Rd (SR 1125) in the Youngsville Township.

*Each witness was sworn by affirmation by County Attorney Boyd Sturges.*

### **Scott Hammerbacher, 215 East Nash Street, Louisburg, NC**

- Mr. Hammerbacher serves as Planning & Inspections Director. He stated the four-acre parcel is zoned Mixed Use and is currently undeveloped at this time and primarily wooded. He said the petitioner's request is for an RV/Boat Storage Facility. A traffic count by the North Carolina Department of Transportation is 1,000 trips per day on Hicks Road. He stated the site would be fenced with minimal lighting to affect adjoining properties. The applicant proposes to use existing vegetation where feasible and has submitted a landscape plan along Hicks Road outlining plans for additional vegetation. Mr. Hammerbacher stated the application was properly advertised. He stated the request was reviewed and denied by the Franklin County Planning Board with a 6-2 vote. Should the Board of Commissioners choose to approve the Special Use request, he recommended the following conditions suggested by planning staff.

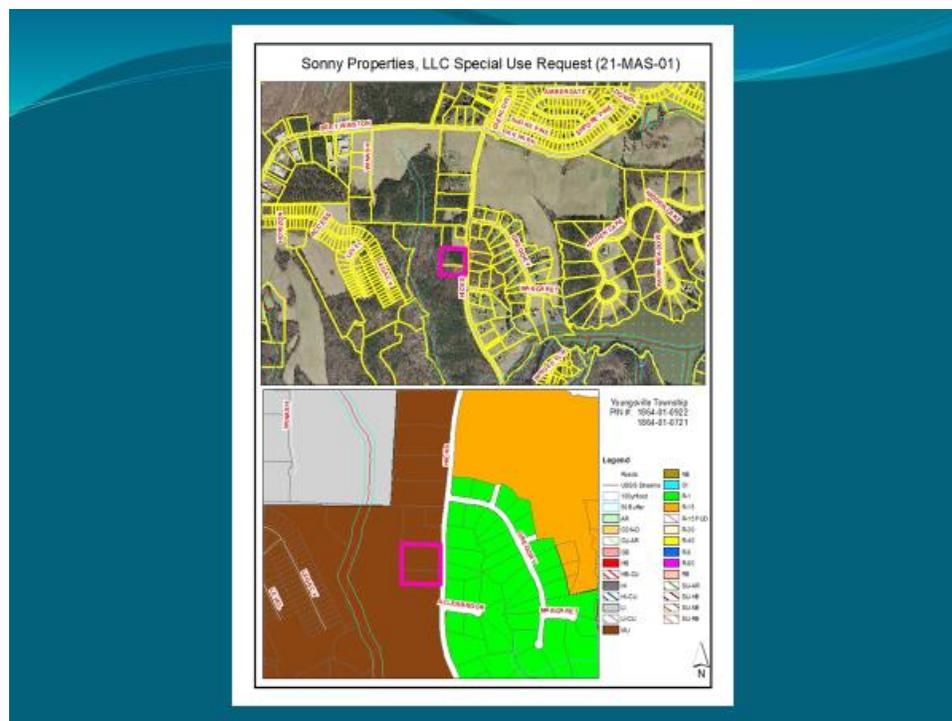
### Conditions of Approval:

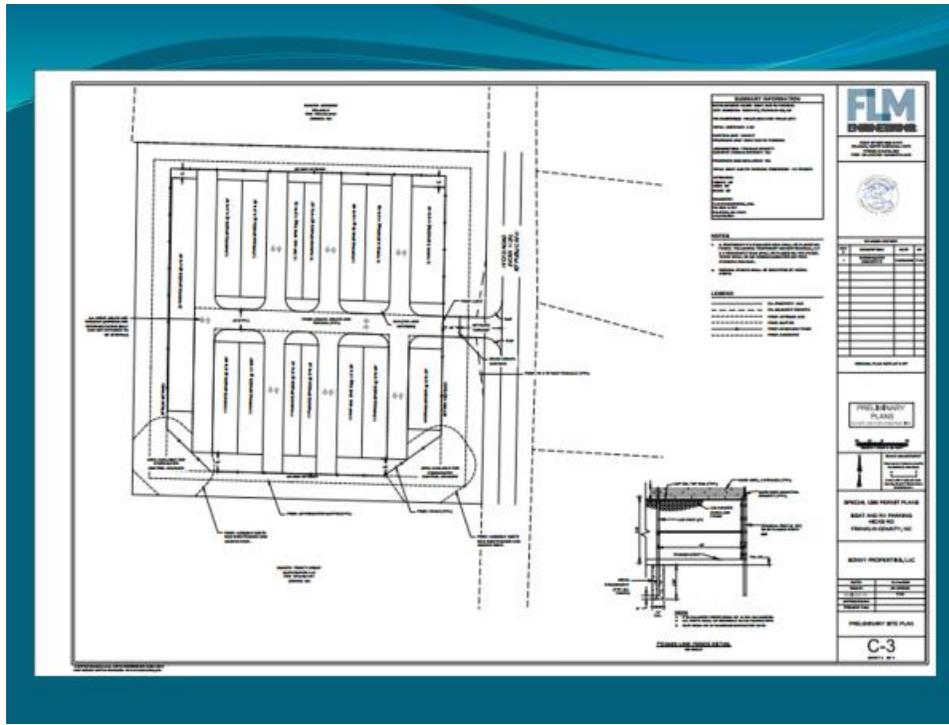
1. Final Tar/Pamlico stormwater plan approval.
2. Adherence to the approved NC Department of Transportation driveway permit.
3. Lighting shall be directed so that it does not spill over onto adjacent property or right-of-way. All lighting is subject to approval by the Franklin County Planning & Inspections Department.
4. Screening shall conform to Article 14. Landscape Requirements and Article 8., Section 8-1, Note 6. Buffer Strips. (As shown on the site plan, existing vegetation is being used where feasible to satisfy this requirement. It shall remain in place or landscaping shall be installed at a minimum of six (6) feet

tall at time of planting.) Planning Staff may require additional landscape buffering around the perimeter of the site if existing vegetation is not sufficient. This shall be installed prior to final inspection and approval.

5. North Carolina Department of Environmental Quality Sedimentation and Erosion Control plan approval.
6. Additional buffer plantings shall be installed along the frontage of the property per the planting detail on the site plan.
7. A recombination survey must be recorded combining parcels 1864-01-0922 and 1864-01-0721.

Mr. Hammerbacher's PowerPoint presentation follows.





### Conditions of Approval

1. Final Tar/Pamlico stormwater plan approval.
2. Adherence to the approved NC Department of Transportation driveway permit.
3. Lighting shall be directed so that it does not spill over onto adjacent property or right-of-way. All lighting is subject to approval by the Franklin County Planning & Inspections Department.
4. Screening shall conform to Article 14. Landscape Requirements and Article 8., Section 8-1, Note 6. Buffer Strips. (As shown on the site plan, existing vegetation is being used where feasible to satisfy this requirement. It shall remain in place or landscaping shall be installed at a minimum of six (6) feet tall at time of planting.) Planning Staff may require additional landscape buffering around the perimeter of the site if existing vegetation is not sufficient. This shall be installed prior to final inspection and approval.
5. North Carolina Department of Environmental Quality Sedimentation and Erosion Control plan approval.
6. A recombination survey must be recorded combining parcels 1864-01-0922 and 1864-01-0721.

### Findings of Fact:

A. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare;

Yes\_\_\_ No\_\_\_

B. The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations;

Yes\_\_\_ No\_\_\_

C. The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity;

Yes\_\_\_ No\_\_\_

D. The use or development conforms with general plans for the physical development of the County's planning jurisdiction as embodied in this chapter, the Franklin County Comprehensive Development Plan, or other development policies as adopted by the Board of Commissioners;

Yes \_\_\_ No \_\_\_

E. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts;

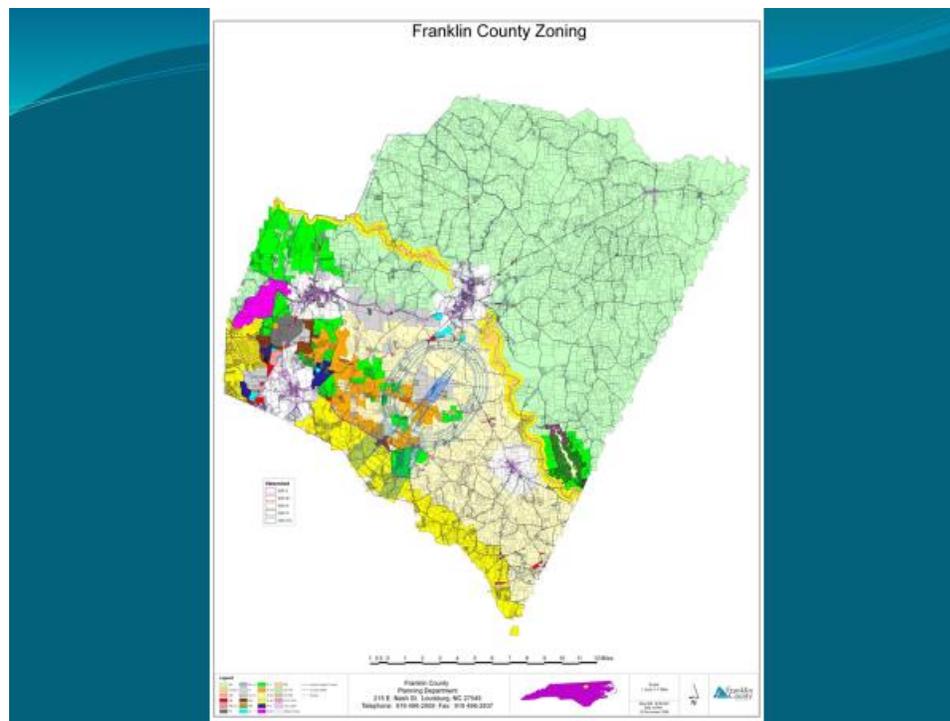
Yes \_\_\_ No \_\_\_

F. The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impact on adjoining properties or the neighborhood;

Yes \_\_\_ No \_\_\_

G. Utilities, school, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;

Yes \_\_\_ No \_\_\_



Chairman Schriver then offered time for Board questions.

Commissioner Foy inquired if the request is approved, can it later be revoked if the petitioner is found in violation. Mr. Hammerbacher and Mr. Sturges stated the permit could only be revoked if they were found in violation of the ordinance or special use permit rules as set out by the board.

Commissioner Jones asked staff to elaborate on reasons the Planning Board denied the request. Mr. Hammerbacher stated quite a few neighbors had expressed concerns regarding visual impacts with regards to lighting and landscaping.

Commissioner Pearce asked if the Planning Board used the criteria guidelines (known as Findings of Fact) when reviewing the request. Mr. Hammerbacher stated the Planning Board does not review findings of fact. He stated findings of fact are reviewed by the Board of Commissioners during the quasi-judicial hearing process.

Commissioner Jones asked if the petitioner had already remedied the Planning Board's concerns with lighting. Mr. Hammerbacher said he was unaware of changes, but that a supplemental plan for landscaping had been introduced that goes beyond UDO (Unified Development Ordinance) requirements.

T. Allen Gardner, 201 Court Street, Louisburg, NC

- Mr. Gardner is an attorney representing the petitioners (Sonny Properties, LLC – Missy and Dan Dodrill). He stated the engineer (John Frazier) would serve as a technical witness later in the hearing. Mr. Gardner provided some history of the property and what the petitioners wish to accomplish on the site. He stated Hicks Road is located near Bert Winston Road in an area experiencing exponential growth in Franklin County. The petitioners initially planned to use this property for their electrical supply and installation office which was instead located in the industrial park. He stated the petitioners live just down the road from the wooded property in question that has been owned by them for approximately ten years. He said the idea for the storage facility is to serve homeowners nearby who live in subdivisions where property owner’s associations do not allow for yard storage of items such as boats and RVs. He said only these types of items would be stored here and that no buildings would be located in the organized and flat gravel lot. He stated NCDOT had approved the driveway permit for the project that would not require a turn lane. He also stated there is a 30-foot buffer around the site with natural vegetation already in place. With regard to lighting concerns, Mr. Gardner said the petitioners would modify plans as the Board required, possibly placing lighting on a timer for motion lights for security purposes. Mr. Gardner stated the storage lot would be located in front of the future Legacy Subdivision. He said there are 500-600 lots being developed and that homeowners nearby would benefit. He said the lot would be completely fenced and would be covered by a buffer. He also stated that anyone who pays to use the lot would have keys to the gated area. Mr. Gardner then reviewed the following findings of fact which was also included in the agenda package. He also presented a letter of support (referred to as Exhibit 1) from nearby property owners who were in support of the special use permit request.

- (A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare;

Yes X No \_\_\_

The proposed boat & RV parking facility will be fenced for security, will be buffered/fenced to lessen visual impact, and will not be a significant generator of traffic and thus, is not anticipated to adversely affect public health, safety, or general welfare.

- (B) The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations;

Yes X No \_\_\_

The site plan has been designed in accordance with applicable Franklin County Unified Development Ordinance standards and regulations.

- (C) The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or that use or development is a public necessity;

Yes X No \_\_\_

Boat and RV parking facilities are a public necessity, and the facility will be fenced for security and buffered to lessen visual impact and thus, is not anticipated to adversely affect the value of contiguous property.

- (D) The use or development conforms with general plans for the physical development of the County’s planning jurisdiction as embodied in this chapter, the Franklin County Comprehensive Development Plan, or other development policies as adopted by the Board of Commissioners;

Yes X No     

The subject properties are zoned Mixed Use (MU) and designated Suburban Residential within the MU district and the use will support the suburban residential development in the area and thus, conforms with the general plans of the county.

- (E) The location and arrangement of the use on the site, screening, buffering, landscaping, and and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts;

Yes X No     

The facility will be fenced for security and buffered to lessen visual impact and thus, will be in harmony with adjoining properties and will minimize adverse impacts.

- (F) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties of the neighborhood;

Yes X No     

The facility is not anticipated to be a significant generator of traffic, will not be manned and thus, is not anticipated to have a significant adverse effect on adjoining properties.

- (G) Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;

Yes X No     

The facility will require minimal utilities and will not require schools and needed police and fire services should be minimal; thus, the existing facilities and services should be adequate for the proposed use.

Exhibit 1

EXHIBIT 1 :

Re: Special Use Permit – 4-acre lot - Hicks Road RV/Boat Parking (Parcel ID 1864-01-0922 & 1864-01-0721) by:

Sonny Properties, LLC  
Missy & Dan Dodrill  
104 Gregory Manor  
Youngsville, NC 27596

As a nearby property owner of the above referenced property I would like to provide my support for the special use permit requested by "Sonny Properties LLC" for RV/Boat parking there. I do not object to the requested use as long as the visual buffer requirements of the Franklin County Planning Department are met. Since the property is already zoned mixed-use I think this is an acceptable use for the property.

Signature	Print Name	Address	Date
<i>Anne Phillips</i>	Anne Cullen	108 Gregory Manor	2/24/2021
<i>Kathleen Gregory</i>	Kathleen Gregory	105 Gregory Manor	2/24/21
<i>Furman Burnette</i>	Furman Burnette	101 Gregory Manor	2/24/21
<i>Carol Struwe</i>	Carol Struwe	100 Gregory Manor	2-24-21
<i>Jeffrey Struwe</i>	Jeffrey Struwe	100 Gregory Manor	2-24-21

**John Frazier, FLM Engineering, 8218 Creedmoor Road, Raleigh, NC**

- Mr. Frazier serves as civil engineer for the project. He added detail to the discussion regarding lighting and landscaping concerns. He said plans already include four post mounted lights recessed into the property so that light projected off the property is minimal to adjacent properties. He said the original landscaping plan included the county required street trees planted every 40 feet along Hicks Road. Those plans have now been augmented to include an extended landscape buffer with additional trees and shrubbery around all sides of the lot.

*Chairman Schriver then provided an opportunity for those to speak in opposition of the request.*

**Michael Johnson, 1084 Hicks Road, Youngsville, NC**

- Mr. Johnson stated he attended the Planning Board meeting where the project was denied. He stated he is in opposition of the project and feels it is misplaced. Once farmland, he said Hicks Road is now experiencing rapid growth with housing and subdivisions. He stated the property across from his home is slated to be developed as well. He agreed citizens need places to house their items but did not feel this location was suitable. He suggested a chain link fence housing 50-80 boats and RVs could be “dressed up” with buffers and better lighting and it would still be a parking lot and eye sore filled with people’s “toys.” Since the Planning Board meeting to consider the request, he said two homes directly across the street from the property have gone on the market and sold or are under contract. He felt the property owners were run off from the idea of the eye sore. He said the property could lend itself to some commercial uses but not this particular use. He reminded the Board the Planning Board had recommended denial of the request and encouraged Commissioners to do the same.

**Kathryn Capps, 1211 Hicks Road, Youngsville, NC**

- Mrs. Capps stated her comments were also made on behalf of her neighbor Darcy Duguid (1203 Hicks Road) who was ill and unable to attend. Mrs. Capps said her home is directly across the street from the property requesting the special use permit. She said the proposed driveway is located directly across from her drive. She stated she felt three of the criteria listed as “findings of fact” have not been met with this project. Despite traffic studies by NCDOT, she said slow moving vehicles entering and exiting the lot on Hicks Road would likely pose a safety hazard to vehicles travelling on Hicks Road making it hard for them to see and stop. Mrs. Capps stated the request would adversely affect the use of her property, that lighting would affect her night views and that fencing boats and RVs would be an eye sore. She said the very reason a special use permit exists is to allow potentially undesirable uses of property where certain conditions are met. She said the storage lot qualifies as a very undesirable use and that the responsibility is on Sonny Properties to prove it won’t have a detrimental effect on adjacent properties. Mrs. Capps stated she has not seen a study concerning property values of residential properties located next to a boat and RV storage site. She said she can only assume a study hasn’t been done and that the burden of proof rests with the petitioner. Mrs. Capps stated the requested use is not in harmony as uses on all sides are single family residential. She added not very many neighbors are in support of the special use as evidenced by the Planning Board hearing and based upon the testimony being offered this evening. She requested Commissioners deny the permit based upon the findings of fact and said development requests like this would be better suited as commercially zoned property.

**Jim Moss, 217 North College Street, Youngsville, NC**

- Mr. Moss stated he had questions about the modus operandi of the meeting. He said the area in question is identified as Suburban Residential within the county’s Comprehensive Development Plan. He asked for the “meaning” of both “Suburban Residential” and “Comprehensive Development Plan.” He said the petitioner’s counsel had stated the Board isn’t bound by the past within the quasi-judicial hearing and said he needed elaboration on that and what it means. He also stated some of the aspects of the project appear to be somewhat “half baked.” He commented on the Planning Board’s vote of 6-2 against the request. He said he was not in attendance at the Planning Board meeting but understands there were many

who testified. He asked the Board to consider the minutes of that meeting as part of its decision.

*Chairman Schriver then offered time for the petitioners to offer rebuttal.*

In reference to Mr. Moss' comments, Attorney Gardner stated the quasi-judicial hearing is to be heard offering facts and evidence and how the special use request fits within policy. He said the Board has no precedent it is required to comply with. He said physical evidence and technical testimony has been presented that shows the project complies with the findings of fact required for approval. He feels it is clear the use is completely non-adversarial to people living in the area and feels it would be a very good neighbor. He asked the Board to consider favorable approval of the special use.

**Missy Dodrill, 104 Gregory Manor, Youngsville, NC**

- Mrs. Dodrill is the petitioner. She stated she would accommodate the lighting needs of the neighbors. She stated she does not expect the property would typically be used after dark. She lives in the neighborhood of the proposed special use and said she too does not want an eye sore or to adversely impact anyone's way of living. When asked by Commissioner Bunn how many vehicles could be located on the lot, she stated approximately 181. Mrs. Dodrill stated this property was Mixed Use when it was purchased in 2006 and feels there are many allowable uses within Mixed Use zoning that are much less appropriate than rv/boat storage.

With no additional comments, Chairman Schriver closed the public hearing at 7:53pm.

Mr. Hammerbacher reminded the Board that in considering issuance of a special use permit, it must review the Findings of Fact checklist detailed on the following page.

**SPECIAL USE PERMIT CHECKLIST**

In order to issue a Special Use Permit, the Board shall consider each of the following conditions, and based on the evidence presented at the hearing(s) make findings of fact in regards to each and must find that the issuance of the Special Permit is in the best interest of the County.

- (A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare;

✓ Yes\_\_ No\_\_

*The Board voted in the affirmative based upon testimony submitted by the petitioner.*

- (B) The use or the development complies with all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations;

✓ Yes\_\_ No\_\_

*The Board voted in the affirmative based upon testimony submitted by the petitioner.*

- (C) The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity;

✓ Yes\_\_ No\_\_

*The Board voted in the affirmative based upon testimony submitted by the petitioner.*

- (D) The use or development conforms with general plans for the physical development of the County's planning jurisdiction as embodied in this chapter, the Franklin County Comprehensive Development Plan, or other development policies as adopted by the Board of Commissioners;

✓ Yes\_\_ No\_\_

*The Board voted in the affirmative based upon testimony submitted by the petitioner.*

- (E) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts;

✓ Yes\_\_ No\_\_

*The Board voted in the affirmative based upon testimony submitted by the petitioner.*

- (F) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impact on adjoining properties or the neighborhood;

✓ Yes\_\_ No\_\_

*The Board voted in the affirmative based upon testimony submitted by the petitioner.*

- (G) Utilities, school, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;

✓ Yes\_\_ No\_\_

*The Board voted in the affirmative based upon testimony submitted by the petitioner.*

Commissioner Foy then made a motion to approve the special use permit request (with the seven conditions listed below), seconded by Commissioner Bunn. The motion duly carried approval with all present voting "AYE."

SUMMARY OF EVIDENCE  
REQUEST FOR SPECIAL USE PERMIT SONNY PROPERTIES, LLC (21-SUP-01)

On March 1 2021, the Franklin County Board of Commissioners held a public hearing and by a vote of 7 to 0, approved the special use permit filed by Sonny Properties, LLC, for a RV/Boat storage facility on 4 +/- acres located off Hicks Rd (SR 1125) in the Mixed Use (MU) Zoning District in the Youngsville Township.

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application should be approved and is complete and complies with Article 9, (E), (1) of the Franklin County Unified Development Ordinance. The Board made the following findings as presented at the public hearing:

- a) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety and general welfare.

The proposed boat & RV parking facility will be fenced for security, will be buffered/fenced to lessen visual impact, and will not be a significant generator of traffic and thus, is not anticipated to adversely affect public health, safety and general welfare.

- The Board voted in the affirmative based upon testimony submitted by the petitioner.

- b) The use or the development complies will all required regulations of this Unified Development Ordinance and all applicable specific standards and regulations.

The site plan has been designed in accordance with applicable Franklin County Unified Development Ordinance standards and regulations.

- The Board voted in the affirmative based upon testimony submitted by the petitioner.

- c) The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of contiguous property, or that use or development is a public necessity.

Boat and RV parking facilities are a public necessity, and the facility will be fenced for security and buffered to lessen visual impact and thus, is not anticipated to adversely affect the value of contiguous property.

- The Board voted in the affirmative based upon testimony submitted by the petitioner.

- d) The use or development conforms with general plans for the physical development of the County's planning jurisdiction as embodied in the chapter, the Franklin County Comprehensive Development Plan, or other development policies as adopted by the Board of Commissioners.

The subject properties are zoned Mixed Use (MU) and designated Suburban Residential within the MU district and the use will support the suburban residential development in the area and thus, conforms with the general plans of the county.

- The Board voted in the affirmative based upon testimony submitted by the petitioner.

- e) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts.

The facility will be fenced for security and buffered to lessen visual impact and thus, will be in harmony with adjoining properties and will minimize adverse impacts.

- The Board voted in the affirmative based upon testimony submitted by the petitioner.



At 8:09 P.M., Commissioner Bunn then made a motion to adjourn, seconded by Commissioner Speed. The motion duly carried approval with all present voting "AYE."

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Michael S. Schriver, Chairman

Kristen G. King, Clerk to the Board