

## FRANKLIN COUNTY PLANNING BOARD

June 9, 2020

The Franklin County Planning Board held its regular monthly meeting on Tuesday, June 9, 2020 via Zoom Meeting, Meeting ID: 816 5802 2875

**Present:** Mark McArn, Steve Mitchell, Melissa Cogliati, Mary Solomon, Kelly Harris, Robert Mann, Fannie Brown, Richard Hoyle, Martha Mobley, William E. Holden  
**Staff:** Scott Hammerbacher, Jason Rogers, Brad Thompson, and Tracy Walthour

Chairman Mark McArn called the meeting to order at 7:00 P.M., and welcomed everyone in attendance.

Robert Mann made a motion to approve the minutes from the March 10 meeting. Steve Mitchell seconded the motion. The motion was approved by a vote of 10-0.

### Agenda Items:

1. 18-MAS-08: Jason Rogers presented a preliminary plan for Parkers Gate Subdivision one-year extension request. The subdivision was originally approved back in June 2018 and plans have not changed. It is located off US 401 Hwy in Harris Township in the Residential-1 (R-1) Zoning District for 97.315 acres into 49 lots. The average lot size in this subdivision is 1.792 acres with 19.513 acres of dedicated open space.

The subdivision is designed to be served by a community water system and private/individual septic systems.

The proposed subdivision is located off US 401 Hwy. The 2016 average daily traffic count for this section of US 401 Hwy is approximately 10,000 vehicles per day.

This property is located in the Tar/Pamlico River Basin.

Royal Elementary, Bunn Middle, and Bunn High are the schools that will serve this subdivision.

Jason Rogers stated that staff suggested approval of the subdivision with the following conditions:

- Sedimentation and erosion control plan approval.

- All wetlands shall be delineated prior to Final Plat approval.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Pursuant to Section 29-8: Buffering. In addition to the landscaping and screen requirements in Article 14, in residential subdivisions, a buffer strip at least fifty (50) feet in depth in addition to the normal lot size and depth required shall be provided adjacent to all railroads, limited access highways, and major thoroughfares. The following statement shall be placed on the preliminary and final plat: This strip reserved for the planting of trees or shrubs by the owners; building of structures hereon is prohibited.
- Approval by the NC Department of Transportation (North Carolina Department of Transportation Built to Standards Letter)
- All road designs and entrances must meet NCDOT standards
- Approved NCDOT Driveway Permit
- Turn lanes shall be installed prior to recording the first phase.
- Pursuant to section 29-5: Streets (A) Public Streets. All roads in existing recorded phase(s) of subdivisions shall be incorporated into the NCDOT Secondary Road Maintenance Program prior to recording future phase(s) of the subdivision.
- Stub road to Manners property PIN; 1891-08-1786 shall be constructed/built to the property line and dedicated as Type III Public R/W.
- Future street must be constructed within Sweetbriar subdivision to provide the required connection with Parkers Gate.
- Developer shall provide a minimum of one separate/individual strip of land for access to open space.
- The following disclosure statement shall be placed on the final plat: All roadways in the subdivision are declared public and shall be maintained by the developer. It shall be their responsibility to bring these roads up to the standards of the North Carolina Department of Transportation to meet the requirements for petitioning addition of these roadways to the North Carolina Department of Transportation's maintained roads system.
- Prior to Final Plat, ensure all lots can accommodate on-site septic treatment and disposal. If a variance of UDO development standards is applied for in the future, a hardship will not be present.

- No off-site septic systems or easements.
- Community wells and 100' radius for Sweetbriar Subdivision and Parkers Gate Subdivision shall be reflected on final plat. Setbacks from the well must be maintained. If a variance of UDO development standards is applied for in the future, a hardship will not be present.
- Developer must provide final approval of community water system/well from the Division of Water Quality, NC Department of Environmental, Natural Resources.
- The following note shall be placed on the Final Plat: The stormwater control measures shown hereon are required on the property to meet County and state stormwater regulations. Property Owner may be subject to enforcement actions if the stormwater control measure is removed, relocated or altered without prior County approval.
- Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
- Subject property is located within the Airport Height Overlay District. The following statement shall be on the final plat: Property shown on this plan/plat is within the Franklin County Airport Conical Zone – AHOC and all or portion of the property described hereon is within an area that is subject to average noise level near to or exceeding 55 DNL.
- Minimum fire code access requirements shall be maintained throughout construction for residents whose current access is Shearin Lane.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.
- Prior to final plat, the following items shall be submitted:
  - Landscape Plan
  - Recorded Covenants with provision for road maintenance and open space
  - Street lighting plan
  - Mail center is subject to County approval and shall be constructed as part of the first phase.

Jason Rogers asked the Board if there were any questions.

Ms. Melissa Cogliati asked if there was county water that runs up US 401.

Mr. Rogers stated no, there was not county water in that area. But there is County water located at Flat Rock Church Rd, MC Wilder, and Tarboro Rd. But there is no County water running North and South between those two points.

There were no further questions.

William E. Holden made a motion to approve the subdivision with conditions as submitted by Planning Staff. Kelly Harris seconded the motion, the motion passed by a vote of 10-0.

2. 20-MAS-03: Jason Rogers presented a preliminary plan for Horace Baker Subdivision located off Horace Baker Rd. in Dunn Township in the Residential-40 (R-40) zoning district for the subdivision of approximately 14.419 acres into 9 lots. The average lot size in this subdivision is 1.5 acres.

The subdivision is designed to be served by private wells and septic systems.

The proposed subdivision is located off Horace Baker Rd (SR 1746).

This property is located in the Neuse River Basin.

Bunn Elementary, Bunn Middle, and Bunn High are the schools that will serve this subdivision.

Jason Rogers stated that staff suggested approval of the subdivision with the following conditions:

- Sedimentation and erosion control plan approval.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Approval by the NC Department of Transportation (North Carolina Department of Transportation Built to Standards Letter)
- All road designs and entrances must meet NC DOT standards.
- All stub roads/streets shall be constructed to the adjoining property line.

- Approved NCDOT driveway permit.
- Pursuant to section 29-5: Streets (A) Public Streets. All roads in existing recorded phase(s) of subdivisions shall be incorporated into the NCDOT Secondary Road Maintenance Program prior to recording future phase(s) of the subdivision.
- The following disclosure statement shall be placed on the final plat: All roadways in the subdivision are declared public and shall be maintained by the developer. It shall be their responsibility to bring these roads up to the standards of the North Carolina Department of Transportation to meet the requirements for petitioning addition of these roadways to the North Carolina Department of Transportation's maintained roads system.
- Prior to Final Plat, ensure all lots can accommodate on-site septic treatment and disposal. If a variance of UDO development standards is applied for in the future, a hardship will not be present.
- No off-site septic systems or easements.
- Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.
- Prior to final plat, the following items shall be submitted:
  - Landscape Plan
  - Recorded Covenants with provision for road maintenance and open space
  - Street lighting plan
  - Mail kiosks are subject to County approval and shall be constructed as part of the first phase.

Mr. Rogers asked the Board if there were any questions.

William E. Holden asked where will the mail kiosk be located.

Scott Hammerbacher stated that the mail kiosk will be located between lots 2 and 3 of the subdivision.

Mr. Rogers also stated that with a subdivision this size, parking requirements can be waived being that it is 9 lots in a walkable community and sidewalks would be provided to access the mail kiosk.

Chairman Mark McArn asked the board if there were any questions for Mr. Rogers.

There were no further questions.

William E. Holden made a motion to approve the subdivision with conditions as submitted by Planning Staff. Melissa Cogliati seconded the motion, the motion passed by a vote of 10-0.

3. 20-MAS-04: Jason Rogers presented a preliminary plan for Golden Ridge Subdivision which was reviewed and approved by the Board back in November of 2017, located on Mays Crossroads Rd. in Youngsville Township in the Residential-15 (R-15) Zoning District of approximately 35.65 acres into 77 lots with 8.51 acres of dedicated open space. The proposed average lot size is 12,175 sq. ft. The subject property is also located within the Voluntary Agricultural District. The developer is proposing a 10' landscape easement/buffer along Mays Crossroads Rd. to be maintained by the Homeowner's Association.

The development is designed to be served by County Water and Sewer.

The proposed subdivision is located off Mays Crossroads Rd. The 2018 average daily traffic count for this section of Mays Crossroads Rd is 1,900 vehicles per day.

The Tar-Pamlico storm water management review for the preliminary plan has been submitted and reviewed by Appian Consulting Engineers, with additional items required prior to final plat approval.

Youngsville Elementary, Cedar Creek Middle, and Franklinton High are the schools that will serve this subdivision.

Jason Rogers stated that staff suggested re-approval of the subdivision with the following conditions:

- Sedimentation and erosion control plan approval.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Approval by the NC DOT. (North Carolina Department of Transportation Built to Standards Letter) All road designs and entrances must meet NC DOT standards.

- Approved NCDOT Driveway Permit
- Installation of left-turn lane on Mays Crossroads Rd. prior to recording the 50<sup>th</sup> lot. Pursuant to Section 29-5 Streets (I) (5) Turning Lanes
- The following disclosure statement shall be placed on the final plat: All roadways in the subdivision are declared public and shall be maintained by the developer. It shall be their responsibility to bring these roads up to the standards of the North Carolina Department of Transportation to meet the requirements for petitioning addition of these roadways to the North Carolina Department of Transportation's maintained roads system.
- The following disclosure statements shall be placed on the final plat: The storm water control measures shown hereon are required on the property to meet County and state storm water regulations. Property owner may be subject to enforcement actions if the storm water control measure is removed, relocated or altered without Prior County approval.
- Pursuant to section 29-5: Streets (A) Public Streets. All roads in existing recorded phase/s of subdivisions shall be incorporated into the NC DOT Secondary Road Maintenance Program prior to recording future phase/s of subdivision.
- All utility plans shall be approved by the Franklin County Public Utilities Department.
- All utility easements shall be extended/constructed to the property line.
- All stub roads/streets shall be built/constructed to the property line.
- Allocation of water and sewer shall be approved by the Board of County Commissioners prior to the expiration of the preliminary plat and prior to any water meters being set. All System Development Fees need to be paid prior to recording of the plat to the Public Utilities Office in the form of cash, credit card, or check.
- As-builts and Engineer's certification for all storm water management facilities shall be submitted prior to recording the final plat.
- Operation & Maintenance Plan and Legal O & M Agreement for all storm water controls/devices shall be submitted and recorded with the final plat.
- Receipt of the Mitigation Credit Transfer Certificate.

- Provide a letter of approval/acceptance for the Mail Kiosk and box assignments from the Post Office prior to recording the final plat.
- Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
- The following statement shall be on the final plat: These parcels are located within one (1) mile of an existing voluntary agricultural district. Normal agricultural operations may conflict with residential use. NC Law (General Statute Section 106-701) provides protection for existing agricultural operations.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.
- Prior to final plat, the following items shall be submitted:
  - Landscape Plan
  - Recorded Covenants with provision for road, open space, and drainage easement maintenance.
  - Street lighting plan
  - Mail center/kiosk is subject to County approval and shall be constructed as part of the first phase.

Mr. Rogers asked the Board if there were any questions.

William E. Holden asked if there was sewer from Mays Crossroads all the way down or is the sewage located only in that one area.

Mr. Rogers stated that this subdivision had to obtain quite a few offsite sewer easements to connect to this property. The sewer runs along the rear of the property of lots 44 and 45, that is where they will be connecting.

Jon Frazier-FLM Engineering, PO Box 91727, Raleigh, NC 27675

Mr. Frazier stated there was three offsite easements that had to be obtained for this project and one of the easements that the property changed owners three times, causing a slowdown of the acquisitions of the easements but now all are currently in hand. In addition to the easement property change, the seller of the property passed away and the heirs were figuring out the legal aspects. The developer is now actively moving forward.

William E. Holden asked if there was going to be a buffer added around the property.

Mr. Frazier stated that the lots are deep on the south side and that there is some open space on the north side of the property.

Mr. Rogers also added that the ordinance does not require that a buffer be installed in between the two properties, for residential use that is adjacent to residential use, the ordinance does not require a buffer in this case.

There were no further questions.

Kelly Harris made a motion to approve the subdivision with conditions as submitted by Planning Staff. Fannie Brown seconded the motion, the motion passed by a vote of 10-0.

4. 20-MAS-05- Jason Rogers presented a preliminary plan for Highway 56 Subdivision located off NC 56 Hwy in Franklinton Township in the Agriculture Residential Zoning District (AR). The preliminary plan is for the subdivision of approximately 96.424 acres into 56 lots. The average lot size in this subdivision is 1.6 acres.

The subdivision is designed to be served by private wells and septic systems.

The proposed subdivision is located off NC 56 Hwy. The 2018 average daily traffic count for this section of NC 56 Hwy is approximately 8,100 vehicles per day.

The subject property is located within the Tar-Pamlico basin and is required to meet nutrient regulations for nitrates and phosphates for new improvements exceeding one-half acre. Two streams with Tar-Pamlico Riparian Buffers bisect this property. The developer will be required to secure NCDEQ approval for all stream crossings.

Franklinton Elementary, Franklinton Middle, and Franklinton High are the schools that will serve this subdivision.

Jason Rogers stated that Staff suggested re-approval of the subdivision with the following conditions:

- NCDEQ Erosion and Sedimentation control permit.
- NCDEQ approval for impacts to riparian buffers.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Pursuant to Section 29-8: Buffering. In addition to the landscaping and screen requirements in Article 14, in residential subdivisions, a buffer strip at least fifty (50) feet in depth in addition to the normal lot size and depth required shall be provided adjacent to

all railroads, limited access highways, and major thoroughfares. The following statement shall be placed on the preliminary and final plat: This strip reserved for the planting of trees or shrubs by the owners; building of structures hereon is prohibited.

- Approval by the NC Department of Transportation (North Carolina Department of Transportation Built to Standards Letter)
- All road designs and entrances must meet NC DOT standards
- Left and right turn lanes shall be installed for each entrance prior to recording the first phase
- All stub roads/streets shall be constructed to the adjoining property line.
- Approved NCDOT driveway permit.
- Pursuant to section 29-5: Streets (A) Public Streets. All roads in existing recorded phase(s) of subdivisions shall be incorporated into the NCDOT Secondary Road Maintenance Program prior to recording future phase(s) of the subdivision.
- The following disclosure statement shall be placed on the final plat: All roadways in the subdivision are declared public and shall be maintained by the developer. It shall be their responsibility to bring these roads up to the standards of the North Carolina Department of Transportation to meet the requirements for petitioning addition of these roadways to the North Carolina Department of Transportation's maintained roads system.
- Prior to Final Plat, ensure all lots can accommodate on-site septic treatment and disposal. If a variance of UDO development standards is applied for in the future, a hardship will not be present.
- No off-site septic systems or easements.
- Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
- Provide a letter of approval/acceptance for the Mail Kiosk and Mail Kiosk box assignment from the Post Office.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.
- Prior to final plat, the following items shall be submitted:

- Landscape Plan
- Recorded Covenants with provision for road maintenance and open space
- Street lighting plan
- Mail center is subject to County approval and shall be constructed as part of the first phase.

Chairman Mark McArn asked the Board if there were any questions.

Kelly Harris asked if Mr. Rogers stated that it did require turn lanes.

Mr. Rogers stated that yes, there was a discussion with NCDOT and they are supporting turn lanes as well. As of right now NCDOT is unable to get an accurate traffic count do to the less number of people on the highways due to the Coronavirus, but due to the existing traffic count that they have had for a year or so, that left and right turn lanes were warranted at these intersections of these entrances. The Franklin County Ordinance states that it can require them, or any subdivision located off of a major thoroughfare, the county is using that provision within the ordinance to have the support of NCDOT.

William E. Holden asked if Lot 18 goes behind Lots 20 and 21.

Mr. Rogers stated that yes, it does. There are several lots like this. This design is so that they can get to some suitable soil and it be a portion of their lot. The County would like to see an offsite septic system, this will allow it to be maintained on the lot and be controlled on the actual property. Lots 9, 10, and 11 are in a similar design, maybe a little more extensive than 18. Environmental health shared some concerns when it was brought to their attention by Mr. Rogers, and stated that it could be troublesome to get back to certain areas of those lots but there is not a provision in the ordinance to prohibit this.

Mike Moss, Cawthron, Moss & Panciera, 333 White St. Wake Forest, NC

Mr. Moss asked for permission to speak and offered an explanation stating that he felt they could provide an all-weather access to each of these areas and it was designed this way so that an offsite septic would not be required and it could be owned and maintained in the area the septic system is located.

Melissa Cogliati asked if there is a pump system.

Mr. Moss stated that yes, there will be pump systems that will have to be designed by an engineer and possibly approved by the state, he was not sure if Franklin County approved pumps systems of this design, it is a fairly common occurrence in other municipalities and has been tested in other areas.

Richard Hoyle asked if there was a repair area if the septic system was to fail.

Mr. Moss stated that there will be enough area on each lot for a septic system and a repair area.

There were no further questions.

Kelly Harris made a motion to approve the subdivision with conditions as submitted by Planning Staff. Steve Mitchell seconded the motion, the motion passed by a vote of 10-0.

5. 20-REZ-02- Jason Rogers presented a zone map change request by Summit Design and Engineering Services requesting to rezone 4.57 acres at 6814 NC 96 Hwy W in Youngsville Township from Residential-40 (R-40) to Neighborhood Business (NB).

The Future Land Use Plan indicates that this property is intended for Agricultural/Residential Uses.

The application states that the proposed zoning change would allow for storage facilities. The residential growth in the immediate area has created a need for more storage facilities. The Future Land Use plan has this property designated for Agricultural/Residential uses. The property is located along a major thoroughfare where there are existing Neighborhood Business zoned parcels. Public water is available to this site. The Neighborhood Business (NB) zoning district is established for business development serving the needs of the rural community. The Neighborhood Business (NB) standards are designed to promote low impact commercial development, and to protect nearby areas from undesirable aspects of commercial development. Landscape buffering is required for commercial projects located in this district adjacent to residential zoned parcels.

Public Water is available to this site.

The subject property is located off NC 96 Hwy W. The average daily traffic along this section of NC 96 Hwy W is approximately 5,100 vehicles per day.

The subject property is located within the Tar-Pamlico basin and is required to meet nutrient regulations for nitrates and phosphates for new improvements exceeding one-half acre.

Should this be rezoned and ultimately a commercial development submitted, whether it be a storage site, a convenience store, and or any other use that would be a commercial use, a 20-foot evergreen buffer would be required around the perimeter of the site.

Sara Wilson 1016 Canterbury Rd, Raleigh, NC

Mrs. Wilson who owns two storage units in the proposed rezoning area expressed her concerns of having too many storage units in one area and the increase in traffic volume. She also asked with the re-zoning how will the parking be allocated and mini storage units?

Mr. Rogers stated that he does not know because a plan has not been submitted as of yet. They are currently going through the process to see if the rezoning will pass and move forward.

Mrs. Wilson asked who requested the rezoning?

Mr. Rogers stated Summit Design and Engineering Services was the applicant.

Mrs. Wilson asked if Summit Engineering would be the owner.

Mr. Rogers stated that no, the owner is Larry Thomas Mitchell.

Scott Hammerbacher stated that he would like to remind the Board that they are in charge on making recommendations to the Board of Commissioners on whether the rezoning of this property from Residential-40 (R-40) to Neighborhood Business (NB), considering all applicable uses and development trends in this area, is appropriate.

Tim Smith, Summit Design and Engineering Services, 320 Executive Court, Hillsborough NC 27278

Mr. Smith stated that his company is looking to help his client, Dorothy, with the rezoning and that this was the potential use indicated but not sure if this will be the area it will be placed but was the initial use that was proposed for getting the property rezoned. In either case they would like to rezone the property to Neighborhood Business (NB).

David Wilson 1016 Canterbury Rd, Raleigh, NC

Mr. Wilson asked that without submitting a drawing it is not a given that this will be a mini storage at all and their concerns maybe too early.

Mr. Rogers stated that that was correct and as of now it has been identified as a potential use and something they were considering within the application. A property could be rezoned and ultimately sold to another developer and they could consider a host of uses such as agriculture shop, kindergarten daycare, grocery store. There are many uses for this zoning district.

Mrs. Wilson asked whether the R-40 Zoning District have more uses than neighborhood business or less.

Mr. Rogers stated that currently it is zoned as R-40 which is a residential zoning district, single family homes. What is proposed now is the neighborhood business which typically is supposed to blend in with a neighborhood, low intensity commercial development.

Chairman Mark McArn asked the Board if there were any questions for Staff or the applicant.

Richard Hoyle asked wouldn't it be consistent with the current zoning in that area to rezone.

Mr. Rogers stated that he felt it is constant with the existing developing patterns along that section of NC 96 just based on the existing zoning in place.

Brent Edwards resident of Olde Liberty, no address given

Mr. Edwards asked how far up NC 96 would this property go. The adjacent property is also R-40; does that continue to get changed to potential commercial or does it stay R-40. Mr. Edwards asked is the county have utilities that would be able to handle these types of development.

Mr. Rogers stated as for utilities it would be dependent on the use the developer proposes. If it was a mini storage facility the amount of utilities it would require would be minimal. It does not go too far up NC 96 just from the entrance of Olde Liberty over to the existing Neighborhood Business (NB) parcel and extends back against the lights of Olde Liberty.

Chairman Mark McArn asked if there were any further questions.

Doug Little 90 Olde Liberty, Youngsville, NC

Expressed his concerns of the traffic that will come. Adding a facility or business the board will need to consider doing extensive studies on traffic. There is no light at Olde Liberty for turning, before considering to change the zoning some type of study should be conducted on the traffic flow.

Mr. Rogers stated that during the commercial plan review NCDOT would have to evaluate any entrance of driveway and be required to get a driveway permit. Depending on the use, NCDOT may require left and right turn lanes.

Scott Hammerbacher pointed out once again for clarification that the Planning Board's role this evening is as an advisor to the Board of Commissioner. They do not have the ability to approve or deny this zoning request. Mr. Hammerbacher stated that this rezoning request is anticipated to go before the Board of Commissioners on August 3<sup>rd</sup>, 2020 in which adjacent property owners will be sent notices for public comments. Furthermore, the anticipated August 3<sup>rd</sup> meeting will determine the outcome of the rezoning request.

William E. Holden made a motion to approve. Richard Hoyle seconded the motion, the motion passed by a vote of 10-0.

6. In other business, Scott Hammerbacher stated the Comprehensive Developmental Plan was approved. The County has a fully updated comprehensive plan moving forward. The county also received funding this year and proposals have been put out for consultant to assist the county in updating the Unified Developmental Ordinance (UDO) in accordance with the comprehensive plan. This will be ongoing for the next year. Lastly, building permits have been going strong in spite of all that has been going on. There has been more permit activity than the county has seen in this point in time.

With there being no further business before the board, Chairman Mark McArn adjourned the meeting at 7:47 P.M

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Mark McArn- Chair  
Franklin County Planning Board

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Tracy Walthour – Planning Technician  
Franklin County Planning Board