

FRANKLIN COUNTY PLANNING BOARD

March 9, 2021

The Franklin County Planning Board held its regular monthly meeting on Tuesday, February 9, 2021 via Microsoft Teams Meeting, Meeting ID: 893 869 961#

Present: Mark McArn, Robert Mann, Melissa Cogliati, Ricky May, Fannie W. Brown, Mary Solomon, John Sledge, Kelly Harris, Richard Hoyle, Steve Mitchell, William E. Holden, and Martha Mobley,

Staff: Scott Hammerbacher, Jason Rogers, and Tracy Walthour

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

John Sledge made a motion to approve the minutes from the January 12, 2021 meeting. Ricky May seconded the motion. The motion was approved by a vote of 12-0.

Agenda Items:

1. 21-MAS-03: Jason Rogers presented a preliminary plan has been submitted for Carters Place Subdivision. This property is located off Tarboro Road (SR 1100) in the Youngsville Township in the Residential-40 (R-40) Zoning District. The preliminary plan is for the subdivision of approximately 49.592 acres into 40 lots with an average lot size of 0.854 acres. The subdivision is designed to be served by private wells and septic systems.

The Land Use Plan has this property designated as Agriculture.

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

The proposed subdivision is located off Tarboro Rd (SR 1100). The average daily traffic count for this section of Tarboro Road is approximately 2,800 vehicles per day.

This property is located in the WS II Neuse River Basin. The maximum impervious surface allowed within this area is 12%.

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

Jason Rogers stated that staff suggested approval 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.
- 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.
- Subject property is located within the Voluntary Agriculture District. The following note shall be placed on the preliminary and final plat: Note: These parcels are located within one (1) mile of an Existing Voluntary Agricultural District or Enhanced Voluntary Agricultural District. Normal agricultural operations may conflict with residential use.

NC Law (General Statutes Section 106-701) provides some protection for existing agricultural operations.

- 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 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.

Jason Rogers asked the Board if there were any questions.

There were no further questions.

John Sledge made a motion to approve the subdivision with conditions as submitted by Planning Staff. Robert Mann seconded the motion, the motion passed by a vote of 12-0.

2. 21-MAS-05: Jason Rogers presented a preliminary plan has been submitted for Woodland Park Phase 3 Subdivision. This property is located off Tom Wright Road (SR 1142) and Gordon Moore Rd (SR 1141) in the Franklinton Township in the Agriculture Residential (AR) Zoning District. The preliminary plan is for the subdivision of approximately 67.74 acres into 64 lots with an average lot size of 0.996 acres/42,095 square feet. The subdivision is designed to be served by private wells and septic systems.

The Land Use Plan has this property designated as Rural.

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

The proposed subdivision is located off Tom Wright Road (SR1142) and Gordon Moore Rd (SR 1141)

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.

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

Jason Rogers stated as you can see on the plans the developer is proposing stub roads as required by the Ordinance. One is stubbing to the property to the North, there is one stub to the South and one stub that will ultimately connect to Gordon Moore Rd. I point those out because there has been some talk of eliminating one of the stubs due to do concerns of the adjacent property, which is under a land conservancy agreement with The Tar River Land Conservancy. The stub that you see along the Southwest corner maybe, ultimately eliminated. The engineer on this project who is on this call as well may shed some light on that as well, but they have looked at some alternatives too allowing that stub. Since that property has limited developmental potential due to the fact it is in a conservation easement.

Jason Rogers stated that staff suggested approval 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.
- 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.

- This plan must be revised if the developer does not obtain an encroachment agreement/easement with the property owners of parcel 010186 for attachment to Gordon Moore Road (SR 1142).

- Pursuant to section 29-5: Streets (A) Public Streets. All roads in existing recorded phase(s) (Woodland Park Phase 2) of the subdivision 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 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.

Jason Rogers asked the Board if there were any questions.

Marc McArn asked who the engineer for the project was.

Jason Rogers replied Preston Royster is the engineer on this project with, Coulter Jewell Thames.

Preston Royster-Coulter Jewell Thames-111 West Main Street Durham, NC, 27701

Mr. Royster stated as Jason Rogers mentioned, we have looked at the proposed stub at the Southwest corner of the site that currently stubs to the Whitefield property and we presented an alternate design and choose a cul-de-sac at this location. To eliminate that stub and any concerns about any unwanted traffic on that property since it is in a conservation easement. Other than that, it is just an extension of the previous two phases of the project to the East and we are working with DOT and The Tar River Land Conservancy to make the connection to Gordon Moore Rd. work for everyone.

Amy Edge-Tar River Land Conservancy- 121 N. Main St., Louisburg, NC, 27549

Ms. Edge stated looking at the staff report to the Planning Board and I believe it is the 8th item that states the plan must be revised if we do not obtain an encroachment agreement easement with the property owners for attachment to Gordon Moore Rd. It was correctly stated that we do have a conservation easement on this property, this easement was part of a project with what was then, The Clean Water Management Trust Fund. This easement is very limited to as to what permissions that we can give for any sort of encroachment. There are two parties in this track, Ms. Whitfield, who is the underline feet owner and then it is us (The Tar River Land Conservancy) as the conservation easement holder on the property. This was a property that was done as a clean water management trust fund project, there were exactly two easements done at this time as part of that whole project. I have given Clean Water notice, it is now The Land and Water Conservation Fund, that this issue has arisen. That is not permission that we can readily give under the terms of the conservation easement.

Ron Penney-1742 Pocomoke Rd., Franklinton, NC 27525-Speaking on behalf of Sarah Whitfield

Mr. Penney stated that I am here to speak on behalf of Ms. Sarah Whitfield with permission, she is the joining landowner where they propose to connect to Gordon Moore Rd, she has property between the edge of the development and Gordon Moore Rd. She has not approved any connection across her property on Gordon Moore. Rd, nor does she plan to do so in the future.

Melissa Cogliati stated I noticed on the staff sheet down by the bottom it states, payments in lieu of land dedication, is this where they just pay a fee and not go through the Conservatory.

Jason Rogers stated the fee in lieu of land dedication does not have anything to do with the Tar River property this is a requirement that they pay a fee in lieu of recreation facilities throughout the County. They're not proposing recreation amenities on the subdivision site so the developer will elect to pay the recreation payment in lieu which is based on the appraised value of the land times the number of lots. That is a typical approval item with all our subdivisions. Certainly, they will need to acquire any easements if they were to encroach or need to cross anyone's property that would have to be settled before anything can be recorded.

Mr. Royster stated that we do need to get permission to get access across Ms. Whitfield's property and we are actively working through that. That will have to be obtained before construction can occur in that area as well as a final plat with any right of way dedication.

Mark McArn asked Jason, if we do not have what we need from the developer and we approve it, does it still have to have this connection, is that correct.

Jason Rogers stated it does not have to have this connection to proceed as a subdivision. Planning staff worked with Preston because we saw it as a public safety issue, having one entrance to this development having to go up to Tom Wright Rd. to enter the property. The property owners for the subdivision do have frontage along Gordon Moore Rd. however, to meet the site distance they are short a few feet within DOT's right away. We would love to see this connection but ultimately, they would not have to have this connection to meet UDO requirements, there can be an alternative if they are not able to obtain it. That is why it is stated in the communicate that a redesign of this project would be required should they not be able to obtain that easement, and that maybe providing an additional stub to the North, that is yet to be determined. Those changes can be made should they not be able to get that connection.

Scott Hammerbacher stated I would just like to remind this board that we approve subdivisions based on the Developer puts forth a plan and it is incompetent upon them to secure any necessary offsite improvements or easements.

There were no further questions.

William E. Holden made a motion to approve the subdivision with conditions as submitted by Planning Staff. Mary Solomon seconded the motion, the motion passed by a vote of 10-2.

3. 21-MAS-06: Jason Rogers presented a preliminary plan has been submitted for Gill Farm Subdivision Phases 2 & 3. This property is located on Mays Crossroads Rd. in Youngsville Township in the R-30 Residential Zoning District. The subject property is also located within a Voluntary Agricultural District. The preliminary plan is for the subdivision of approximately 40.7 acres into 74 lots. The subdivision is designed to be served by County water and sewer. There are 8.59 acres of dedicated open space in this development. This plan was previously approved by the Planning Board on December 11, 2018.

The Land Use Plan has this property designated as Suburban Residential.

The development is designed to be served by County water and sewer.

The proposed subdivision is located off Mays Crossroads Rd (SR 1105). The 2016 average daily traffic count for Mays Crossroads Rd is 3,100 vehicles per day. A left-turn lane is required as a condition of approval for Gill Farm Phase 1. Additional improvements will be required as conditions of approval for Phases 2 and 3.

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

Louisburg Elementary, Terrell Lane Middle, and Louisburg High are the schools that will serve this subdivision.

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

- The street right-of-way shall be constructed within Cedar Creek West subdivision to provide the required connectivity with Gill Farm Phase 2 & 3 to Cedarhurst Ln.
- Sedimentation and erosion control plan approval.
- Approval from NCDEQ for all stream crossings and impacts to riparian buffers is required prior to recording the final plat.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Approved NC DOT driveway permit.
- Approval by the NC DOT. (North Carolina Department of Transportation Built to Standards Letter) All road designs and entrances must meet NC DOT standards.
- A note shall be placed on the final plat stating that the 20' Sanitary Sewer and Open Space Access Easement will serve as Future Public Greenway.
- All utility plans shall be approved by the Franklin County Public Utilities Department.

- All utility easements shall be extended/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.
- 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.
- Final Tar-Pamlico stormwater Review approval.
- As-builts and Engineer's certification for all stormwater management facilities shall be submitted prior to recording the final plat.
- Operation and Maintenance Plan and Legal O & M Agreement for each stormwater control shall be submitted and recorded with the final plat.
- Receipt of the Mitigation Credit Transfer Certificate.
- Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
- 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.
- 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 statement shall be on the final plat: “These parcels are located within one (1) mile of an existing Voluntary Agricultural District or Enhanced Voluntary Agricultural District. Normal agricultural operations may conflict with residential use. NC Law (General Statutes Section 106-701) provides some protection for existing agricultural operations.

- Approval from COE/DWR for wetland impacts shown.

- 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, open space, and drainage easements.
 - 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.

There were no further questions.

Melissa Cogliati made a motion to approve the subdivision with conditions as submitted by Planning Staff. John Sledge seconded the motion, the motion passed by a vote of 12-0.

4. In other business Scott Hammerbacher gave an update on the current UDO and zoning map revisions that are underway. Currently within the UDO there are 16 different zoning districts, and we are looking to consolidate a lot of those down to 8. We are looking at potentially a little over 16,000 properties that will be affected, when I say 16,000 properties it certainly does sound like a lot, but we have somewhere around 50,000 properties within the counties zoning districts. Really, this is a consolidation and simplification of the existing ordinances. We have also been working on the bike and pedestrian plan for the County. There is a demand from our citizens that they would like to see more greenway amenities throughout the County. Once again despite covid the development activity remains strong throughout the County.

With there being no further business the board, Chairman Mark McArn adjourned the meeting at 7:36pm.

Mark McArn- Chair
Franklin County Planning Board

Tracy Walthour – Planning Technician
Franklin County Planning Board