

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

JANUARY 10, 2006

The Franklin County Planning Board held its regular monthly meeting on Tuesday, January 10, 2006 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

Members Present: Melvin Cheaves, Terry Gilliam, Phillip Jeffreys, Richard Hoyle, Clara Frazier, Willie Bartholomew, Henry Nelms, Mark McArn, William Holden, Philip Bues and William Wallace.

Members Absent: Ronnie Pearce, Mary Solomon and Renee McCormick.

Others Present: Katie Ertmer, Donna Wood, Pat Young, Tammy Davis and Jason Rogers.

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

Willie Bartholomew gave the invocation.

The agenda was unanimously adopted as presented.

Upon motion by Clara Frazier, seconded by Phillip Jeffreys to approve the minutes from the December 13, 2005 meeting. The motion passed unanimously.

Agenda Items

- #1. Subdivision Request: Whispering Pines Subdivision, Preliminary Plat, Franklinton Township, Cedar Creek & Hicks Road, R-15 Zoning, 402 Lots.

Katie Ertmer stated this item was tabled at the December 2005 meeting until representatives from the Franklin County Board of Education could be in attendance to discuss the proposed school site. She stated the proposed subdivision would be served by County water and sewer. She stated the developer proposes to make a payment in lieu for recreation purposes. She stated the Technical Review Committee and the Planning Staff reviewed the proposed subdivision plan and made the following recommendations for conditions of approval:

- Stormwater will not be allowed to be piped directly into the creeks. Diffused flow will be required for all stormwater outlets. All stormwater calculations and construction drawings for Best Management Practices for stormwater mitigation will be required to be approved by a third party engineer contracted with the state.

- All utility plans will be approved by the Public Utilities Department prior to construction.
- A left turn lane at the southern intersection of Hicks and Cedar Creek Roads will need to be installed when 33% (133 lots) have construction started on them.
- Pursuant to Section 27-2 of the County's Unified Development Ordinance (UDO), the Franklin County Board of Education (BOE) has requested to reserve this property as a potential new school site. Pursuant to the attached December 21, 2005, correspondence between Franklin County BOE and the Applicant, both parties have agreed to a reservation of the property for ninety (90) days from preliminary subdivision approval (Item #1.2), rather than the 18 months allowed under the County's UDO.
- If the Planning Board approves the preliminary subdivision approval, Planning Department staff is requesting that it be approved with the condition that no improvements may be made to the property for ninety days to allow the Board of Education an option to acquire the site. Development of the property may proceed if they find an alternative school site and notify the Planning Board, or if the 90 days pass without acquisition of the site by the Board of Education or initiation of condemnation proceedings.
- All other standard conditions of subdivision approval are listed in the Franklin County UDO.

Pat Young stated a mutual agreement has been made by the School Board and the applicant. Mr. Young stated staff supports the agreement of a ninety (90) day reservation on the property instead of the eighteen (18) months. Mark McArn stated he would have to exclude himself from voting on the matter since he represents the applicant in the matter.

Philip Bues made a motion, seconded by Willie Bartholomew to approve the subdivision request with the conditions presented by staff. The motion passed by majority vote with Clara Frazier voting against the request.

#2. Subdivision Request: Berkeley Hills Subdivision, Preliminary Plat, Youngsville Township, Mays Crossroads Road, R-15 Zoning, 165 Lots.

Katie Ertmer stated the Planning Board previously approved the proposed subdivision at the October meeting and it consisted of 147 lots. She stated the current revisions have changed road locations and increased the number of lots to 165 and it will be served by County water and sewer. She stated the developer proposes to either dedicate recreation land or do a combination of payment in lieu and recreation on site for recreation purposes. She stated the subdivision was reviewed by the Technical Review Committee and Planning Staff and it appears to meet the requirements of the UDO with the following conditions:

- Per the stormwater calculation worksheets submitted, stormwater nutrient removal is required for the site. All best management practice devices

(BMPs) will be required to be reviewed via a third party engineer contracted with the County. All costs for this review will be passed through to the developer.

- Per the Department of Transportation, a driveway permit will only be issued for Phase I at final. Phase II may require turn lanes on Mays Crossroads Road.
- All onsite recreation must be approved by the Department of Parks and Recreation in order to meet the recreation requirements of the UDO.
- All utility plans will be approved by the Public Utilities Department prior to construction.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.

Mark McArn made a motion, seconded by Willie Bartholomew to approve the subdivision request. The motion passed by majority vote with Clara Frazier voting against the request.

- #3. Subdivision Request: Cobblestone Subdivision, Preliminary Plat, Youngsville Township, Tarboro Road, R-40 Zoning, 19 Lots.

Katie Ertmer stated the proposed subdivision is located in a Watershed II (WS II) area and may not have a greater density than one unit per 40,000 square feet. She stated the overall density of the site meets the requirements for WS II. She stated the proposed development would be served by County water and community septic system. She stated the developer proposes a payment in lieu for recreation purposes. She stated the subdivision plan was reviewed by the Technical Review Committee and Planning Staff and appears to meet the requirements of the UDO with the following conditions of approval:

- All road designs must meet DOT standards.
- All stream crossings must be approved by the Division of Water Quality prior to any grading or installation of roads.
- The design of the community septic system must be approved by the Environmental Health department prior to installation. Provisions for maintenance/upkeep of the system must be in the Deed Restrictions/Covenants.
- The majority of soils on site are HEB (Helena), which increase the risk for a shrink/swell effect on the site. Prior to any improvement on site, an engineer must certify acknowledgement of this risk.
- All utility plans will be approved by the Public Utilities Department prior to construction.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.

Clara Frazier questioned if County sewer is provided to the proposed site. Mrs. Ertmer stated no that the developer will put in a community septic system. Mark

McArn questioned if the community septic system is a requirement by the County standards. Mrs. Ertmer stated no that the community septic system is the developers choice. William Holden questioned if the additional two (2) acres shown on the proposed map had been acquired by the developer. Mrs. Ertmer stated the developer had acquired the two (2) acres.

Melvin Cheaves made a motion, seconded by Willie Bartholomew to approve the subdivision request. The motion passed by majority vote with Clara Frazier voting against the request.

#4. Map Amendment: Elmo, Ricky & Stuart May, 79.54 Acres, Harris Township, Joe Denton Road, R-1 Zoning to R-30 Zoning.

Pat Young stated according to the Future Land Use Plan, the property is identified as low-medium density residential. He stated public water is available 850-feet on M.C. Wilder Road. He stated the surrounding properties are zoned R-1 and R-30. He stated the surrounding uses are primarily agricultural and residential uses. He stated the following findings are supporting a favorable recommendation of the request:

- A majority of the area proximate to the subject site is zoned R-30, including a directly abutting parcel owned by the applicant (to the south)
- The only substantial difference between R-1 zoning and R-30 zoning is that the R-1 district does not allow manufactured housing. Numerous manufactured housing units exist in the area proximate to the subject site on properties currently zoned R-30
- A quality, site-built (i.e.: non-manufactured homes) development (Wilder's Crossing) has been developed in an R-30 zone just east of the subject site, despite the existence of abutting mobile home properties.

Mr. Young stated the following findings support an unfavorable recommendation for the request:

- The County has made a substantial investment in a 12" water line running parallel to M.C. Wilder Road, with the partial intent of providing infrastructure for high-value, site-built residential development in this area. Such development, through their higher ad valorem tax values, would help to effectively recoup the high cost of infrastructure (i.e.: water line) provision. Allowing uses less than the "highest and best use" supportable by the market at this site undermines the County's investment in public water, by possibly reducing (over optimum) the taxable value of property in the area and thus future tax receipts, and possibly reducing the number of likely future connections.
- A small node of R-1 zoning surrounds the subject site. To rezone the subject site could arguably injure the value of adjacent properties, since the requested R-30 zoning allows manufactured housing, and rezoning the subject site

significantly reduces the original intent of the R-1 zoning district for all abutters and nearby property owners with the R-1 zoning.

- *NOTE: The effect of manufactured housing on adjacent and nearby property values is complex, and generally varies on the specific characteristics of the manufactured housing in question (e.g.: age, site appearance, siding, roof pitch, etc.). Manufactured housing does generate significantly lower local tax revenue per unit than site built housing, on average.*

William Holden questioned the number of mobile homes that could be put on the property. Mr. Young stated the applicant has expressed intent to expand agricultural operations and put a small number of mobile homes on the property. He stated the applicants could only put two (2) mobile homes by right, which is one per lot without the notification of the public. He stated a mobile home park is approved by the Board of Adjustment as a conditional use permit. He stated a mobile home subdivision where individual lots are sold to individuals would have to be submitted before the Planning Board.

Stuart May was sworn in and stated he really wanted to rezone the property to AR but was told by Planning Staff that was not possible. He stated he plans to run tobacco rows on the property. He stated he discovered a mobile home couldn't be placed on the property when he came in to pull permits to replace an existing mobile home that once was located on the property. Richard Hoyle questioned Mr. May on how far R-30 zoning was located from the proposed property. Mr. May stated approximately 3-4 miles.

Don DeYoung was sworn in and stated he is an adjoining property owner. He stated there are two mobile home parks located down the road from the property. He stated he feels the rezoning will affect the value of his property. He stated he would like to see a stickbuilt home or a modular home placed on the property. He stated this would give the County a better tax base and he asked that the matter be postponed until the Land Use Plan could be updated.

James Hunt was sworn in and stated his wife owns the farm that is adjacent to the proposed property. He stated he is opposed to mobile homes being placed on the property. He stated he feels it would affect the value of his wife's property. Clara Frazier stated she had received several calls from concerned citizens who are opposed to a mobile home park being placed on the property.

Clara Frazier made a motion, seconded by William Wallace to deny the rezoning request. The motion passed by majority vote with Mark McArn, Phillip Jeffreys, Melvin Cheaves and Richard Hoyle voting against the motion.

- #5. Special Use Permit: Timothy Wrenn, 5 Acres, Louisburg Township, US Hwy 401 & NC Hwy 39, AR Zoning, Expansion to an Existing Self-Storage Facility.

Pat Young stated a special use permit was issued to Mr. Wrenn on August 7, 2000 for a mini-storage facility on five acres on US 401/NC Hwy 39. He stated the following conditions were placed on the special use permit in August 2000: all existing vegetation remain intact, hours of operation be 6:00 a.m. until 8:00 p.m., low impact lighting (not cast on nearby properties), rental agreements prohibit hazardous wastes or any environmental threat to streams, no loud noise, and signs be limited to 30 square feet. He stated Mr. Wrenn wishes to expand the three (3) existing buildings on the property. He stated the new facilities will be within the limits of the previously graded, graveled, and fenced area as reflected on a site survey on file with the Planning office. He stated if the special use permit were approved, the expanded facility would operate under the same conditions of the original (August, 2000) special use permit for this site.

Richard Hoyle made a motion, seconded by Willie Bartholomew to approve the Special Use Permit with the previous conditions. The motion passed unanimously.

- #6. Special Use Permit: Judy Downey/Church of Jesus Christ of Latter Day Saints, 4.10 Acres, Louisburg Township, Dyking Road, AR Zoning, Outdoor Drama.

Pat Young stated the petitioner is asking for a church pageant (outdoor drama) to be held two nights by the church, up to one (1) time per year. He stated according to the Future Land Use Plan, the property is identified as agricultural residential. He stated the adjoining properties are zoned AR and R-40, with agricultural and residential uses. He stated the average daily traffic for Dyking Road is 1800 vehicles per day.

Mr. Young stated the information submitted with the petitions states that the pageant would be designed to attract an audience of about 300 each night and hosts a cast of 30 - 50, and a crew of about 25 - 30 individuals. He stated Planning staff recommends the following conditions due to concerns for litter, noise, and safety for the participants and the adjoining property owners.

Special Use Conditions

- No parking within 50 feet of the road
- Parking area to be staffed by volunteers/employees directing traffic to parking spaces. All parking volunteers/employees shall wear fluorescent vests for safety at all times.
- Crossing guard in fluorescent vest to regulate crossing of Dyking Road by pedestrians, in conformance with all State laws pertaining to roadway crossing
- Provide adequate trash receptacles and dumpsters and remove all trash from site within 24 hours of event

- If necessary, all concession stands, tents, or buildings shall be approved by the Environmental Health and Building Inspections departments

Willie Bartholomew made a motion, seconded by Clara Frazier to approve the Special Use Permit. The motion passed unanimously.

- #7. Other Business Reports/Discussion
- A.) Departmental Report
 - B.) Other Business/Reports/Open Forum

With there being no further business before the Board, the meeting was adjourned at 7:45 P.M.

Henry Nelms, Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board