

# MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

APRIL 11, 2006

The Franklin County Planning Board held its regular monthly meeting on Tuesday, April 11, 2006 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

**Members Present:** Henry Nelms, William Holden, Melvin Cheaves, Mary Solomon, Willie Bartholomew, William Wallace, Mark McArn, Clara Frazier and Ronnie Pearce.

**Members Absent:** Richard Hoyle, Terry Gilliam, Phillip Jeffreys and Philip Bues.

**Others:** Pat Young, Tammy Davis, Jason Rogers, Donna Wood and Bryan Batton.

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

William Wallace gave the invocation.

Chairman Nelms announced that item 3 on the agenda had been withdrawn and items 7-9 needed to be added to the agenda because they were omitted from the agenda packets that was sent to the Board members. The agenda was unanimously approved with the changes.

William Wallace made a motion, seconded by Willie Bartholomew to approve the minutes from the March 21, 2006 meeting. The motion passed unanimously.

## **Agenda Items:**

- #1. Subdivision Request: Lance Ridge Subdivision, Preliminary Plat, Youngsville Township, State Road 1147 (Holden Road), R-40 District, 19 Lots.

Donna Wood stated the proposed subdivision plan was reviewed by the Technical Review Committee (TRC) and Planning Staff and it appeared to meet the requirements of the Unified Development Ordinance. She stated the following items were recommended as conditions for approval:

- All road design and entrances must meet the NC DOT standards.
- 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.

Mrs. Wood stated the only change from the proposed subdivision plat that was mailed to the Board members in their agenda packets would be the temporary turn-around at the end of Lance Drive was corrected by the surveyor. Willie Bartholomew made a motion, seconded by Mary Solomon to approve the

subdivision request. The motion passed by majority vote with Clara Frazier voting against the request.

- #2. Revised Subdivision Request: Ashberry Subdivision, Preliminary Plat, Franklinton/Youngsville Townships, State Road 1124 (Long Mill Road), R-1 District, 104 Lots.

Donna Wood stated an extension of the preliminary plan was approved on March 21, 2006 Planning Board meeting with 104 lots. She stated the revised plan eliminates the previous entrance onto Long Mill Road and modifies the lot layout. She stated there are two (2) proposed entrances into Ashberry Subdivision from Olde Liberty Subdivision. She stated the number of lots has increased to 116. She stated the following items would be required prior to the final plat approval:

- Recordation of revisions and additions of streets and entrances in Olde Liberty Subdivision.
- Sedimentation and erosion control approval.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Recreation fee payment in lieu.
- All utility plans will be approved by the Public Utilities Department prior to construction.
- Final approval by the NC DOT on streets and entrances in Ashberry Subdivision and Olde Liberty Subdivision.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.

William Holden questioned if the Ashberry Lane would remain as the entrance to Olde Liberty. Pat Young stated it would because staff feels this would be a beneficial site for the entrance. William Wallace questioned what the actual number of lots would be. Mr. Young stated the revised map has only 115 lots. Mr. Young stated he feels the revised plan is an improvement since the entrance into Olde Liberty is no longer on Long Mill Road. Ronnie Pearce made a motion, seconded by Mark McArn to approve the revised preliminary subdivision plan with the conditions. The motion passed by majority vote with Clara Frazier voting against the request.

- #3. The petitioner withdrew this item.
- #4. Zoning Map Amendment: Grey Oaks LLC, 23.60 Acres, Youngsville Township, State Road 1133 (Bert Winston Road), Light Industrial (LI) to Mixed Use (MU).

Pat Young stated according to the Future Land Use Plan the property is identified as Mixed Use. He stated water and sewer is available to this proposed site. He stated the surrounding properties are currently zoned Mixed Use, Heavy Industrial, and General Business. He stated the properties located directly to the south in the Town of Youngsville's ETJ are zoned Mixed Use. He stated the

property is located in a critical area of the County. He stated that rather than having surrounding residents to go to US Hwy 1 into Wake Forest and Franklinton, the petitioner is proposing to have retail services in close proximity to the existing subdivisions and future developments. He stated the applicant has expressed retail use for the surrounding area so they can walk instead of relying on automobiles, which would decrease the traffic in the area.

Clara Frazier made a motion, seconded by William Wallace to approve the zoning map amendment. The motion passed unanimously.

- #5. Zoning Map Amendment: Ahmad Al-Omari d/b/a Royal Mini Mart, 2.01 Acres, Harris Township, US Hwy 401 & Clifton Pond Road, R-30 & Neighborhood Business (NB) to Highway Business (HB).

Pat Young stated the Future Land Use Plan has the property identified as office institutional. He stated water and sewer are available to the site. He stated the surrounding properties are currently zoned Highway Business, R-15 and R-30. He stated the amendment would correct an error in the zoning map, which does not include the parcel occupied by the existing store in the commercial district. He stated all other commercial properties in this vicinity are currently zoned Highway Business. He stated the applicant is concerned with the expansion of Highway 401. He stated the applicant would like to have the option to relocate and make selling the property easier.

Willie Bartholomew made a motion, seconded by William Wallace to approve the zoning map amendment. The motion passed unanimously.

- #6. Zoning Map Amendment: North State Investment Group, 1.25 Acres, Dunn Township, NC Hwy 39 South, R-30 to Rural Business (RB).

Pat Young stated according to the Future Land Use Plan the property is identified as low to medium density residential with nearby office institutional. He stated water is available to the site. He stated the surrounding properties are currently zoned Rural Business, Neighborhood Business, and R-30. He stated rural business allows less than one hundred (100) uses. He stated the petitioner is proposing an ambulance service. He stated the ambulance service would provide assistance to the County's ambulance service. William Wallace made a motion, seconded by Ronnie Pearce to approve the zoning map amendment. The motion passed unanimously.

- #7. Zoning Map Amendment: Oliver Newell Jr., 6 Acres, Louisburg Township, Country Club Drive (off East River Road-State Road 1600), AR to Highway Business (HB).

Pat Young stated according to the Land Use Plan the property is identified as agricultural residential. He stated the land use plan maintains the current

residential character but it should be noted that nearby property is currently zoned Conditional Use Highway Business. He stated the Land Use Plan recommends that highway business districts be created at intersections in a nodal fashion rather than along corridors in a strip development style. He stated the Highway Business designation is the broadest most inclusive zoning district within the County. He stated given the rural character of the surrounding community many of the allowable uses under highway business are not compatible. He stated Planning staff feels that due to the residential nature of the area, no nodal development, and the limited highway capacity of the road that Highway Business is not an appropriate zoning classification.

He stated staff is recommending denial due to the following reasons:

- Residential area.
- Highway Business has almost 300 uses.
- No water and sewer infrastructure.
- No proper ingress/egress available.
- Highway capacity.

Mr. Young stated the petitioner is proposing to open a sports bar and highway business is the only district, which allows the intended use. Oliver Newell Jr. stated he wants a sports bar with swimming pool and basketball courts in the future. He stated he was under the impression the property was zoned commercial when he purchased it. He stated he would have never purchased the property if he knew it wasn't zoned for commercial use. Mr. Young stated the property has been zoned residential since 1987. He stated that prior to 1987 there was no zoning in place. Mr. Young stated staff feels the use is just not suitable for the area. William Wallace made a motion, seconded by Willie Bartholomew to deny the request. The motion passed unanimously.

- #8. Special Use Permit Petition: Dennis Kidd, 3.5 Acres, State Road 1237 (Beasley Road), Louisburg Township, AR District, Inert Debris Reclamation.

Pat Young stated Mr. Kidd wants to use the property for the personal dumping of stumps, limbs and brush related to his lot clearing business. He stated if the Board of Commissioners approves the special use petition, the petitioner would be required to apply for additional permits through the Division of Waste Management. He stated the Future Land Use Plan has the property identified as agricultural residential. He stated the surrounding uses are primarily agricultural and residential. Mr. Young stated if the Special Use Permit is approved Planning Staff recommends the following conditions be placed on the permit:

- Asbestos or any other material identified by the Division of Waste Management as hazardous, nuclear, chemical, or toxic shall not be permitted to enter the site.
- The tonnage of trucks that will be using the dumpsite shall not exceed the standards of the NC DOT roads to the dumpsite.
- Access shall be controlled with a gate, chains, fences, and/or vegetation to prevent unregulated dumping.

- All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
- Buffer of twenty (20) feet shall be established and maintained according to the requirements of Section 8-1, Note 6. Buffer Strips.
- Hours of operation shall be limited to 7:00 a. m. to 7:00 p.m. (including chipping and grinding)
- Burning of materials is prohibited.
- Exterior lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line does not exceed 0.3 onto adjacent residential property
- No third party contractors are allowed.
- If the Special Use Permit is approved, the petitioner shall submit a final site development plan, which meets the requirements of the Franklin County Unified Development Ordinance (UDO), and any specified conditions of the special use permit.

Mr. Young stated no commercial sales being allowed needs to be added as a condition to the Special Use Permit. Clara Frazier questioned if there is any potential harm to forestry animals if approved. Mr. Young stated he feels there wouldn't be any substantial effect on animals if approved. Boyd Sturges (Attorney for Mr. Kidd) stated his client had no problems with conditions. Mr. Sturges stated his client wants to voluntarily amend the hours of operation condition. He stated Mr. Kidd will start operation on Saturdays no earlier than 10:00 A.M. and will not operate his business on Sundays.

Willie Bartholomew made a motion, seconded by Ronnie Pearce to approve the Special Use Permit with the conditions suggested by the Planning Staff along with the additional conditions concerning hours of operation suggested by the petitioner. The motion passed unanimously.

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

With there being no further business before the Board, Chairman Nelms adjourned the meeting at 7:50 P.M.

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Henry Nelms, Chairman  
Franklin County Planning Board

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Tammy Davis, Clerk  
Franklin County Planning Board