

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

AUGUST 8, 2006

The Franklin County Planning Board held its regular monthly meeting on Tuesday, August 8, 2006 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

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

Members Absent: Ricky May, Philip Bues and Terry Gilliam.

Others: Scott Hammerbacher, Tammy Davis, Pat Young, Jason Rogers and Bryan Batton.

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

William Wallace gave the invocation.

Ronnie Pearce made a motion, seconded by Phillip Jeffreys to approve the agenda as presented. The motion passed unanimously.

Mary Solomon made a motion, seconded by William Holden to approve the minutes from the July 11, 2006 meeting. The motion passed unanimously.

Agenda Items:

- #1. Subdivision Request: Fairfield Subdivision, Preliminary Plat, Youngsville Township, State Road 1111 (Cooke Road), R-30 District, WS IV Watershed, 24 Lots.

Scott Hammerbacher stated the preliminary plan is for an approximately 35-acre tract into 24 residential lots. He stated the average lot size is 1.17 acres. He stated an exemption of road standards has been requested to allow the proposed cul-de-sac street, Fairfield Drive, to exceed the allowable length of 1,200 square feet. He stated the proposed development would be served by County water and individual septic tanks. He stated the plan indicates several lots containing large amounts of unsuitable soils for septic systems. He stated the developer proposes a payment in lieu for recreation purposes. He stated the development would be subject to the Adequate Public Schools Ordinance and a Certificate of Adequate Public Schools would be required prior to securing building permits. He stated the recommendations for conditions of approval are as follows:

- All road design and entrances must meet 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.

Mr. Hammerbacher stated staff wouldn't support a variance if the developer runs into problems with septic tanks and existing riparian buffers. Mark McArn questioned if lots 14-16 contain a stream. Mr. Hammerbacher stated it contains a riparian buffer and no one can build within the buffer area. William Wallace questioned how there would be an access road on these lots. Pat Young stated all the lots in the development have road frontage. He stated they barely met the road frontage requirements on lot 15 and 16. Mr. Wallace questioned if the driveway would be located on unsuitable soil. Mr. Young stated that was correct but they had the option of recombining lots. Mark McArn made a motion, seconded by Ronnie Pearce to approve the subdivision request with the conditions. The motion passed by majority vote with Clara Frazier voting against the request.

- #2. Subdivision Request: Woodcroft Estates Subdivision, Preliminary Plat, Franklinton Township, off State Road 1139 (Sid Mitchell Road), R-40 District, 52 Lots.

Scott Hammerbacher stated the proposed subdivision is an extension of Woodcroft Subdivision. He stated the preliminary plan is for the subdivision of approximately 57-acre tract into 52 residential lots. He stated the average lot size within the development is .996 acres. He stated the development would be served by County water and individual septic tanks. He stated the development would be subject to the Adequate Public Schools Ordinance and a Certificate of Adequate Public Schools would be required prior to securing building permits. He stated the recommendations for conditions of approval are as follows:

- Prior to issuance of residential building permits, a Utility Construction Fee will be required and must be noted on final plat as well.
- All road design and entrances must meet 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.

William Holden questioned if there were any riparian buffers located on this project. Mr. Hammerbacher stated no but there is some unsuitable soils. William Holden made a motion, seconded by Phillip Jeffreys to approve the subdivision request with the conditions. The motion passed by majority vote with Clara Frazier voting against the request.

- #3. Subdivision Request: Magnolia Springs Subdivision, Preliminary Plat, Harris Township, State Road 1713 (Mitchell Store Road), R-40 District, 5 Lots.

Scott Hammerbacher stated the preliminary plan is for an approximately 6.27 acre tract into 5 residential lots. He stated the average lot size within the development is 1.1 acres. He stated the proposed development would be served by individual wells and septic tanks. He stated the developer proposes a payment in lieu for recreation purposes. He stated the development would be subject to the Adequate Public Schools Ordinance and a Certificate of Adequate Public Schools would be required prior to securing building permits. He stated the recommendations for conditions of approval are as follows:

- All road design and entrances must meet NC DOT standards.
- Prior to final plat, documentation shall be submitted that Magnolia Lane can be extended as proposed to the adjacent property.
- All utility plans will be approved by the Public Utilities Department prior to construction.
- Prior to recording, submit documentation from NC DOT that roads can be built as shown on plat.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.

Mr. Hammerbacher stated that 3 lots have already been approved as a minor subdivision. Mark McArn made a motion, seconded by Ronnie Pearce to approve the request with the conditions. The motion passed by majority vote with Clara Frazier voting against the request.

- #4. Map Amendment: P.S. Tax Service, .78 Acres, Dunn Township, 2165 Old US Hwy 64, R-30 to Neighborhood Business (NB).

Pat Young stated according to the Future Land Use Plan, the property is identified as low density residential. He stated low density residential land use has been provided in the southern half of the county where there is no existing or planned water or sewer services proposed and public water is not available. He stated the surrounding properties are zoned R-30 Residential with a Neighborhood Business zoned parcel approximately three-fourths of a mile to the south west which was zoned prior to the adoption of the Unified Development Ordinance in 2001. He stated the proposed rezoning is not in conformance with the adopted Land Use Plan, which has designated this property for low-density residential development. He stated non-residential land uses are promoted along major thoroughfares at their intersection. He stated approximately three miles from the proposed rezoning, at the intersection of Old US Hwy 64 and NC 39, is an area designated for Commercial and Office & Institutional uses according to the County's Land Use Plan. He stated although the applicant has stated that it is her intent to maintain the existing tax business, rezoning the property to Neighborhood Business would allow for such uses as restaurant and drug store in a predominately residential neighborhood.

Mr. Young stated the existing use wouldn't disturb the area but Neighborhood Business has many uses that aren't consistent with the surrounding area. Mark McArn questioned if the Planning Board has the ability to suggest the Board of County Commissioners to recommend a Special Use District with just this particular use only with any conditions imposed on the property. Mr. Young stated the applicant came in to apply for a rezoning, but she could apply for a Special Use. Mr. Young stated staff is willing to work with the applicant if she would like to come back to apply for a Special Use District. William Wallace questioned if the Special Use District would eliminate the possibility of spot zoning. Mr. Young stated that was correct. William Wallace made a motion, seconded by Phillip Jeffreys to table the matter, which would allow the applicant an opportunity to work with staff on applying for a Special Use District. The motion passed unanimously.

#5. Text Amendment: Article 17, Section 17-5 (F), Off-Premise Directional Signs.

Pat Young recognized Scott Lerew as Chairman of the Board of Adjustment since the text amendment is at the request of the Board of Adjustment. He stated the Board of Adjustment is concerned that current standards were not explicit enough for a conditional use permit for an off-premise sign to be denied. He stated staff has incorporated multiple discussion topics into the proposed amendment. Mr. Young then presented a power point presentation to the Board. Scott Lerew stated the purpose of wanting the moratorium was to have something like what the staff is proposing to be established. He stated the Board of Adjustment felt there wasn't anything in the UDO to justify if the BOA wanted to deny a request for a Conditional Use Permit. He stated directional signs need to only be exactly directional and not advertisement.

Chairman Nelms questioned if someone had to have permission to put up a sign. Mr. Lerew stated the person must work with the owner to put up a sign on their property or it would be considered trespassing. Richard Hoyle questioned what limits the number of signs on a piece of property. Mr. Young stated there is nothing in place at this time except that no sign can be located within the sight triangle and the DOT right-of-way. He stated the Board can suggest a numerical limitation if they choose to do so. Scott Lerew questioned if an existing sign is changed to another business, would the new business have to re-apply for a new permit or does it follow the property. Mr. Young stated they would have to reapply for a Conditional Use Permit. William Wallace made a motion, seconded by Clara Frazier to approve the text amendment. The motion passed unanimously.

#6. Text Amendment: Article 8, Corner Side Setback.

Pat Young stated at the request of the Board of Adjustment, Planning staff is submitting a text amendment to Article 8, of the UDO. He stated the proposed amendment would allow for a reduction of front setback requirements for corner

lots. He stated staff has found that many County zoning ordinances within the state have provisions for a reduction in front setback regulations for corner lots which are listed below for review. He stated staff has determined that regulations for accessory structures are consistent with other zoning ordinances utilized by other Counties throughout the state. He stated Staff is suggesting that a reduction for the secondary front setback for corner lots be allowed to be reduced by one third (1/3) of the required front setback. He stated this reduction would not be permitted for corner lots within cluster subdivisions.

Willie Bartholomew made a motion, seconded by Mary Solomon to approve the text amendment. 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, Chairman Nelms adjourned the meeting at 8:00 P.M.

Henry Nelms, Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board