

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD
February 8, 2011

The Franklin County Planning Board held its regular monthly meeting on Tuesday, February 8, 2011 at the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

Present: Willie Bartholomew, Fannie Brown, William Holden, Richard Hoyle, Phillip Jeffreys, Mark McArn, Robert Mann, Henry Nelms, Ronnie Pearce, Mary Solomon, and William Wallace.

Absent: Ricky May

Staff: Scott Hammerbacher, Jason Rogers, and Donna Wood

Chairman Henry Nelms called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance. Willie Bartholomew gave the invocation. William Wallace made a motion, seconded by Mary Solomon to approve the minutes from the September 14, 2010 meeting. The motion passed unanimously.

Agenda Items:

1. Map Amendment: Franklin County Schools, 8146 NC 56 Hwy, 3.79 Acres, Heavy Industrial (HI) to Office & Institutional (O&I), Louisburg Township.

Scott Hammerbacher stated there is an Emergency Services Building and Maintenance Facilities building located on the property. The Franklin County UDO states the purpose of the Office & Institutional District is to provide for the development of high quality office development. The district generally would tend to be developed with a mixture of office types and institutional uses, along with some supporting services uses. This district should be transitional between industrial and residential areas, and/or it could be mixed with commercial/industrial areas. The adjacent properties are zoned Office & Institutional. He explained that Franklin County Schools is proposing this rezoning to allow for a modular school building to be located at the rear of this property. He stated the proposed rezoning is in harmony with the surrounding zoning and is in conformance with the Franklin County Land Use Plan. Mr. Hammerbacher stated this rezoning will correct an error on the zoning map since all surrounding property is zoned O&I.

William Holden made a motion, seconded by Fannie Brown to recommend approval of the map amendment. The motion passed unanimously.

2. Rezoning Amendment: David A. Thomas, 1089 NC Hwy 56 East, 18+/- Acres, Conditional Use Highway Business (CU-HB), to allow churches as an allowed use, Louisburg Township.

Donna Wood explained that on November 17, 1997, the Franklin County Board of Commissioners approved a rezoning petition for Conditional Highway Business for this property with the following allowed uses: Assembly halls, coliseums, gymnasiums, and similar structures, Automobile service stations, including self-service gas pumps, Catering establishments, Florist and gift shops, Food and grocery stores, Office for business, professional, and personal services, Restaurants, Retail plant

nurseries/lawn and garden stores, Parks & open space (public & private), Hardware stores, and Special Use Permit – Shopping Center. In addition, the following conditions were placed on the Conditional Highway Business rezoning: Access for Lot 41 be limited to Forest Lakes Road, Access to Lot 42 be limited to the existing driveway on Lot 1, with an easement to Lot 42, and Access to Lot 1 be limited to Forest Lakes Road or existing driveway. Mrs. Wood stated the proposed additional use is similar to existing listed uses such as assembly halls, coliseums, gymnasiums, and similar structures.

Willie Bartholomew made a motion, seconded by Phillip Jeffreys, to recommend approval of the amendment to the Conditional Highway Business zoning to allow churches as an allowed use. The motion passed unanimously.

3. UDO Text Amendment: Temporary Uses

Jason Rogers stated Planning Staff is proposing to amend the UDO to allow for Temporary Uses as a permitted use within the following zoning districts: Agricultural Residential (AR), Residential-1 (R-1), Residential-8 (R-8), Residential-15 (R-15), Residential-30 (R-30), Residential-40 (R-40), Residential-80 (R-80), Neighborhood Business (NB), Rural Business (RB), Highway Business (HB), General Business (GB), TND, Office-Institutional (O/I), Light Industrial (LI), Heavy Industrial (HI), Conservation-District (CON-D), and PUD zoning districts. Staff has received several inquiries regarding temporary uses within the County's jurisdiction. Staff has reviewed a number of ordinances from surrounding counties to see how temporary uses are treated and how they need to be regulated within the County. He stated the proposed amendment is in conformance with criteria established within the Comprehensive Land Use Plan in addition to regulations for the AR, R-1, R-8, R-15, R-30, R-40, R-80, NB, RB, HB, GB, O/I, LI, HI, CON-D, and PUD zoning districts as established within the UDO.

Mr. Rogers reviewed the proposed amendment, and stated that Christmas tree lots and garage or yard sales (which cannot exceed three consecutive days) are exempt from having to obtain a permit.

Scott Hammerbacher stated one time only events such as carnivals, revivals, and non-profit special events can be handled through this process.

Mr. Wallace questioned these uses being a use by right, and Mr. Hammerbacher explained the applicant will have to seek administrative approval and a zoning permit.

Mary Solomon made a motion, seconded by Richard Hoyle, to recommend approval of the proposed text amendment for temporary uses. The motion passed unanimously.

4. UDO Text Amendment: Removal of Chapter Four – Adequate Public Schools Ordinance.

Scott Hammerbacher stated that Planning Staff is proposing to remove Chapter Four Adequate Public Schools Ordinance of the UDO. He explained that the Adequate Public Schools Ordinance was adopted on June 19, 2006. On October 7, 2010 the North Carolina Supreme Court ruled against Union County that imposing fees for schools on the development community was illegal. In order to adhere to this recent ruling, Planning Staff feels that this proposed UDO amendment is necessary in order to be consistent with current North Carolina Law. The Franklin County Board of Commissioners voted in closed session on November 15, 2010 to refund all fees collected in addition to interest accrued. Mr. Hammerbacher stated approximately \$800,000 has been refunded.

Willie Bartholomew made a motion, seconded by Robert Mann, to recommend approval of the proposed text amendment to remove Chapter Four: Adequate Public Schools Ordinance. The motion passed unanimously.

5. UDO Text Amendment: Article 16. Off-Street Parking and Loading Requirements

Donna Wood stated that Planning Staff is proposing to amend Article 16. Off-Street Parking and Loading Requirements of the Franklin County Unified Development Ordinance (UDO). Staff feels the need to review the criteria for parking in order to update and make revisions to the parking requirements. Mrs. Wood reviewed the proposed changes including a statement allowing the Administrator to deviate from Article 16, Off-Street Parking and Loading Requirements, if it is determined that requirements set forth will result in either excessive or inadequate parking and or loading spaces. Any deviation shall be clearly noted on the permit in addition to the justifications for any deviation.

Mary Solomon made a motion, seconded by Richard Hoyle, to recommend approval of the proposed amendment to the off-street parking and loading requirements. The motion passed unanimously.

6. Other Business/Reports/Discussion

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

Scott Hammerbacher distributed copies of the bylaws for the operation of the Planning Board. The board discussed the large size of the Planning Board and quorum requirements, removing term limits, and changing the designated time of the election of officers from September to February. It was suggested the requirement that each commissioner will have two nominations to the board could be modified with a possibility of seven regular board members, with alternate members. Mr. Hammerbacher explained that some requirements are by general statute and cannot be changed. The board suggested drafting proposed changes to the bylaws and having them reviewed by the County Attorney.

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

Henry Nelms – Chairman
Franklin County Planning Board

Donna Wood – Clerk
Franklin County Planning Board