

FRANKLIN COUNTY PLANNING BOARD

January 12, 2016

The Franklin County Planning Board held its regular monthly meeting on Tuesday, January 12, 2016 in the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

Present: William Wallace, Mark McArn, Steven Buescher, William Holden, Richard Hoyle, Carolyn Paylor, Ricky May, Mary Solomon, Ronnie Pearce
Staff: Scott Hammerbacher, Donna Wood, and Katie Rhyne.

Chairman William Wallace called the meeting to order at 7:00 P.M., and welcomed everyone in attendance. Mark McArn gave the invocation. Mr. Wallace polled the attendees at the meeting and suggested that the agenda be reordered to reflect the following:

1. 16-SUP-02
2. 16-REZ-02
3. 16-REZ-01
4. 16-REZ-03
5. 16-SUP-01
6. 16-SUP-03
7. 16-UDO-01
8. 16-UDO-02
9. 16-UDO-03

A motion was made to approve the revisions to the agenda by Richard Hoyle, seconded by Steven Buescher. The motion passed unanimously.

A motion to approve the minutes from October 13, 2015, was made by Mary Solomon, seconded by Carolyn Paylor. The motion passed unanimously.

New Business

Election of Officers: A motion was made by Steven Buescher to nominate William Wallace as Chairman, Mark McArn as Vice Chairman, and Steven Buescher as Secretary. The motion was seconded by Ronnie Pearce. The motion passed unanimously.

Agenda Items:

1. 16_SUP_02 The applicant proposed to construct a solar energy farm on 33 +/- acres on a 56.26-acre tract located off Dukes Ln. in the Youngsville Township. The application stated the solar facility would be built to meet all local, state, and fire codes. The site would be visited by Technicians once a quarter to ensure safety and proper operation.

The grounds would be properly maintained to ensure aesthetics. The facility would pose minimum impact to the parcel and the land could easily be restored to its original use upon completion of the lease. Additionally, within the application, the applicant provided a financial assurance of decommissioning. Some tree removal would be required in the southwestern portion of the property. Removal of the facility would not cause any changes to the site as it exists now.

The submitted site plan indicates there would be no outdoor lighting, and reflects the landscaping and buffer strips, fencing, and required parking.

In addition to requirements listed in the Franklin County UDO, the following items would be required if the special use permit is approved. Evidence of approval of erosion control from the North Carolina Department of Environment & Natural Resources, the subject property is located within the Tar-Pamlico River basin and is required to meet nutrient regulations for nitrates and phosphates for new improvements exceeding one-half acre, North Carolina Department of Transportation driveway permit, approval from the North Carolina Utilities Commission, approval from the local fire department of a Knox box, and an engineering estimate for the removal of the solar facility would need to be submitted in addition to a financial surety prior to issuance of building permits.

Gerry Dudzick (139 Kingston Dr. Chapel Hill, North Carolina) representing Carolina Solar and George Retschie (221 Providence Rd, Chapel Hill, North Carolina) explained that the solar facility would be for a five (5) Mega Watt (mW) array. The panels would be fixed tilt ground mount arrays with no moving parts. They would have polycrystalline panels that would be non-reflective and would be set up with steel poles. The applicants explained that there would be no concrete, no added lighting, and very little traffic generated by the proposed facility. The site would maintain the existing trees and would add a buffer to shield the use from the road. The electricity generated by the facility would be sold to Duke Energy Progress on a 15 year, renewable contract, and the land would be leased for a period of thirty (30) years, after which the facility would be completely removed. A landscape company would be hired to maintain the grass that would grow on the site and a maintenance truck would be sent quarterly to maintain the facility.

William Wallace opened the meeting to the public with a four (4) minute time limit..

Robert Whit (112 Ryan's Run Youngsville, North Carolina) presented a petition from the Homestead Subdivision and Rudd Road. Mr. Whit explained that the community wished for the Solar Farm to be denied. He continued to state that allowing for the use of a solar farm would bring a commercial use to a residential area. There were concerns of spot zoning. Mr. Whit explained that the use could have harmful impacts to the property values of the homes. He went on to explain that the covenants of the subdivision state that the traffic on Dukes Lane was to only serve the subdivision and that the proposed facility was not a part of the subdivision. Robert Whit asked if the solar panels would reflect light during sunrise or sunset.

Gerry Dudzick answered by stating that previously their company had been approved to install a solar facility near airfields. Carolina Solar had conducted a study on the reflectivity of the panels for safety concerns. The reflectivity was proven to be the same intensity as a pond. Mr. Dudzick went on to explain that the purpose of solar panels was to absorb light. The panels are constructed with a material designed to limit the reflectivity as much as possible.

James Ball (138 Ryan's Run, Youngsville, North Carolina) asked the petitioners if either of them lived with a solar facility behind their homes.

Gerry Dudzick answered by stating that there was not enough open space near his subdivision to support a solar facility.

Mr. Ball asked if the applicants had walked the property.

Gerry Dudzick responded by stating they had.

Mr. Ball asked what the pilings that would mount the solar panels would be constructed of.

Gerry Dudzick responded by stating that the pilings would be constructed of steel.

John Hill (703 Tarboro Rd, Youngsville, North Carolina) explained that he was previously the chairman of the planning board. He stated that the zoning was Agricultural Residential (AR) and that many of the homeowners would not have relocated to the subdivision if they knew that a solar facility would be built there. John Hill explained that zoning was meant to protect property and he felt that solar facilities were harmless but that the wrong location had been selected.

Steven Winstead (116 Ryan's Run, Youngsville, North Carolina) explained that Solar Farms were not a public necessity.

Josh Ferrell (108 Ryan's Run, Youngsville, North Carolina) asked who would ensure that the trees would stay standing if an ice storm hit.

Gerry Dudzick responded by stating that there would be a landscaping company hired to tend to the lawn and trees would be replaced within sixty (60) days or during the growing season.

Peter Decilles (65 Holding Young Rd, Youngsville, North Carolina) asked if the applicants had selected a secondary site in the case that this application was denied.

Gerry Dudzick responded by saying that there had not been a second site that was selected.

Robert Connelly (133 Ryan's Run, Youngsville, North Carolina) asked why the plans did not allow for Tarboro Road to be the access point instead of Duke's Ln.

Gerry Dudzick responded by stating that they could change the plans to reflect that.

Wesley Carol (855 Tarboro Rd, Youngsville, North Carolina) explained that he had previously owned a home in California that was located nearby an electrical facility and had found it difficult to sell the home. He felt that if a solar facility were to locate nearby, it would harm the ability of the property owners to sell their homes if they so desired.

William Wallace closed the public hearing and opened up questions from the board.

Ronnie Pearce asked about the duration of the property being utilized.

Gerry Dudzick responded by stating that the lease would be for thirty (30) years, after which time the property would be restored to its current state by Carolina Solar.

Scott Hammerbacher stated that it was a requirement for the Special Use Permit that the applicant provide a financial surety to ensure that the facility would be removed within the thirty (30) year period.

Mark McArn stated that there had not been an appraiser present at the meeting who could confirm that solar farms were a detriment to neighboring property values. He reminded the attendees that the Board of Commissioners meeting was a Quasi-Judicial process that required evidence to be submitted.

Steven Beuscher asked how much the solar facility would generate in taxes each year.

Gerry Dudzick responded by giving an estimate of \$24,000 – \$26,000 per year.

Mark McArn made a motion to approve the request. There was no second.

Steven Beuscher suggested that they change the requirements to reflect on the application that the entry should be from Tarborro Rd instead of Duke's Ln.

William Holden made a motion for the board to recommend denial of the application. The motion was seconded by Ronnie Pearce. The motion passed with a vote of 6-1.

2. 16_REZ_01 Harold H. Reddick, Jr. requested to rezone 185.85 acres on Sid Mitchell Road and Green Road in the Youngsville Township from Residential-40 and Light Industrial (LI) to Residential-1 (R-1).

The petitioner indicated his property is bordered to the south and west by residential zoning districts, as well as a portion of the neighboring parcel to the east. Additionally, the Falls Lake Watershed rules limit industrial development of the parcels and therefore there was limited demand for industrial use. County sewer service is not available in the area, another

limiting factor when considering industrial development. The topography of the land was more conducive to residential development, which had been prevalent in the area.

The applicant requested the rezoning of two parcels. The parcel located at 1843-83-2501 is 82.95 acres and abuts Woodcroft Estates subdivision. Horse Creek run abuts the property line of 1843-03-9365. It would serve as a buffer for potential Light Industrial uses on the adjacent tract.

William Wallace opened the session to questions from the board.

Mark McArn had concerns about rezoning the Industrial property. He explained that Wake Forest no longer has any Industrial properties which limits the uses of the jurisdiction.

Scott Hammerbacher explained that the property was located within the watershed which limited the development potential.

Mr. Wallace invited the petitioner to speak.

Harold Reddick (8811 Cypress Lakes Dr., Raleigh, North Carolina) explained that the land had been in his family for many years and was initially zoned for Residential. He stated that he would be welcome to an Industry to utilize the land, but there had been no interest. Mr. Reddick explained that the setback requirements were better for developments in R-1 than R-40 and that he wanted to have a quality development locate on the property. He also stated that he was unsure if the existing road was developed enough to support an Industrial use.

Mr. Wallace opened the meeting to the public.

Chris Guim (475 Marlowe Dr. Youngsville, North Carolina) asked if the current owner was interested in protecting the land. He stated that he would be in favor of a new development that used covenants.

Dennis Olsen (25 Ardmore Crt. Youngsville, North Carolina) asked what the difference between Residential-1 (R-1) and Residential-40 (R-40) zoning districts were.

Scott Hammerbacher responded by explaining that Residential-1 was a more restrictive district that did not allow for manufactured homes. He stated that the two zoning districts had an identical density requirement but the setbacks for Residential-40 (R-40) Zoning had fifty (50) foot front setbacks whereas the Residential-1 District allowed for a thirty (30) foot front setback.

John Wolfe (25 Torrance Wy. Youngsville, North Carolina) had concerns about the increase in traffic that would be generated due to the extension of the development off of his road.

Scott Hammerbacher explained that the Unified Development Ordinance required interconnectivity off of stump roads to allow for multiple points of access for emergency vehicles and school buses.

Mr. Wolfe explained that many of the property owners within the subdivision would have felt more comfortable with one acre tracts with the rezoning.

Scott Hammerbacher explained that each of the lots would be restricted on soil suitability for septic systems. Each lot would be required to have a repair area in place in case the septic system became faulty. He explained that certain provisions within the ordinance allowed for half acre lots in both zoning districts but would be limited to twenty-four percent (24%) impervious surface to be developed on each lot due to the property being located in a Watershed IV.

Richard Hoyle made a motion to approve the rezoning with a second by Mary Solomon. The motion passed unanimously.

3. 16_REZ_03 Gate Keeper Storage & Rental, Inc. has requested to rezone 10.627 acres off US 401 HWY in the Harris Township from Mixed Use (MU) to Highway Business (HB).

The application states that the present zoning restricted the needed/proposed area of storage space required to construct a mini storage facility. According to the Future Landuse Plan, the subject property was intended for Office Institutional uses. However, the property is located within a commercial node. Commercial nodes serve as commercial focus areas. In the attempt to avoid strip commercialization, commercial land uses have been provided in nodes located at the intersection of thoroughfares. There have been recent zoning amendments to parcels located at the intersection of US 401 HWY and Tarboro Rd. (SR 1100) from Mixed Use (MU) to Highway Business (HB). This property is approximately 1000 feet from the center of the commercial node, therefore staff felt that Neighborhood Business (NB) provided a more appropriate transition to adjoining residential properties. Highway Business (HB) allows uses that could result in a negative impact on adjoining property owners. These uses include but not limited to sexually oriented business, bar/night club, tavern, and truck/trailer repair.

The amendment from Mixed Use (MU) to Neighborhood Business (NB) to the zoning map is supported by 1) the Franklin County Comprehensive Land Use Plan, including 2) the Future Lane Use Map dated November 17, 2006; and 3) the recent zoning map amendments for parcels in the area of the subject property.

Scott Hammerbacher added that the property was located in the WSII watershed which restricted development to twelve percent (12%) impervious surface area.

Mark McArn mentioned that storage facilities were allowed in Mixed Use Districts, and asked why the applicant did not proceed with a Zoning Permit.

Scott Hammerbacher responded by explaining that the Mixed Use District had gross square foot floor area restrictions that caused the property to be more difficult to develop.

The petitioner was not present at the meeting.

William Wallace opened the meeting to the public.

Morgan Pierce (2912 Tarboro Rd., Youngsville, North Carolina) presented a petition that stated the residents nearby did not wish for a storage facility to be located on the property. There were concerns of noise and light pollution that would be generated by the facility due to the transient traffic. Mr. Pierce also relayed concerns about spot zoning.

Tom Kuryla (2908 Tarboro Rd. Youngsvile, North Carolina) mentioned that he would have to drive along the back side of the property to access his land. He expressed concerns that the storage facility would bring crime and impact the quality of life of the existing residents. He mentioned that Highway Business (HB) was a use that was not consistent with the Land Use Plan. Mr. Kuryla defined spot zoning as discriminatory zoning that benefits one land owner and stated that this was one such case. He questioned whether any property would be more suitable.

Stanley Wilson (35 Guilford Ln. Youngsville, North Carolina) mentioned that he had worked as a police officer and worked with storage units in drug detection. He mentioned that he had seen many drug dealers store their drugs and guns within storage units and stated that he did not want that to locate near where he resided.

Mr. Wallace closed the public meeting and asked the board for comments or questions.

Mark McArn commented that the Mixed Use (MU) zoning that currently existed supported a lot of uses that could potentially be harmful to the area. He explained that with the upcoming Highway 401 extension there would be more interest in business uses for the property and noted that it was something the neighboring property owners should keep in mind.

Ronnie Pearce made a motion to approve the rezoning as presented. Steven Buescher seconded the motion. The Planning Board vote was 4-5 to recommend denial of the rezoning.

4. 16_REZ_02 Spaulding & Norris, PA requested to rezone 158.32 acres at Cedar Creek Road (SR 1116), Franklinton Township from Residential-1 (R-1) to Residential-8 (R-8).

The application stated per the principles outlined in the Franklin County Comprehensive Land Use Plan, the availability of municipal utility infrastructure in this area, combined with the recent rezoning of nearby parcels to the R-8 designation, supported this application for rezoning. The proposed amendment to the zoning map is supported by 1) the Franklin County Comprehensive Land Use Plan, including 2) the Future Lane Use Map dated

November 17, 2006; and 3) the recent zoning map amendments for parcels in the area of the subject property. The subject property is within one (1) mile of Franklinton High School. The R-8 district requested in this petition, specifically the associated cluster provisions, would allow much greater design flexibility with residential lot sizes and setbacks. The Planning Board approved a 349 lot preliminary subdivision plan on the subject tract on June 9, 2015. The applicant has stated within the petition that smaller lots are in demand at this time.

Staff recommended that the Board use the provided rezoning checklist as a part of the decision making process. Board members are encouraged and required by general statute to consider all allowable uses under the district rather than only the proposed use as presented. In accordance with Section 26-8 (E) of the Unified Development Ordinance staff has sent mailed notices to the adjacent property owners.

Tom Spaulding (972 Trinity Rd, Raleigh, North Carolina) stated that there was already an approved preliminary plan for the site. There was a watershed area that had caused the developer to release lots from the plan. The lots on the approved plan were 70 foot (ft) width lots and 11,000 square feet (sf). A new developer had recently become interested in the property but requested there to be lots with a width of 60 feet (ft). Mr. Spaulding stated that the developer planned on reusing the same plan but wished to add more lots to compensate for the previous loss of lots due to the watershed. He also stated that medium density was what was called for in the Land Use Plan.

Mark McArn asked if there was a desire for more density where the County had utilities in place.

Scott Hammerbacher responded by saying yes.

William Wallace asked if the new zoning would allow for more flexibility.

Scott Hammerbacher responded by saying that the rezoning would allow for more design flexibility in lot design. He explained that varying lot sizes within a single subdivision is encouraged.

Mary Solomon made a motion to approve the rezoning. Ricky May seconded the motion. The motion passed unanimously.

5. 16_SUP_01 The applicant proposed to construct a solar energy farm on 40 +/- acres of a 62 acre parcel located off Tides Ln. located off NC 39 HWY in the Louisburg Township. The application stated that the solar facility would be built to meet all local, state, and fire codes. The site would be visited by Technicians once a quarter to ensure safety and proper operation. The grounds would be properly maintained to ensure aesthetics. The facility would pose minimum impact to the parcel and the land could be easily restored to its original use upon completion of the lease. Additionally, within the application, the applicant has provided a financial assurance of decommissioning. Removal of the facility would not cause any changes to the site as it exists now.

The submitted site plan indicated there would be no outdoor lighting, and reflects the landscaping and buffer strips, fencing, and required parking.

In addition to requirements listed in the Franklin County UDO, the following items would be required if the special use permit were approved. Evidence of approval of erosion control from the North Carolina Department of Environment & Natural Resources, the subject property is located within the Tar-Pamlico River basin and is required to meet nutrient regulations for nitrates and phosphates for new improvements exceeding one-half acre, North Carolina Department of Transportation driveway permit, approval from the North Carolina Utilities Commission, approval from the local fire department of a Knox box, and an engineering estimate for the removal of the solar facility would need to be submitted in addition to a financial surety prior to issuance of building permits.

Gerry Dudzick (139 Kingston Dr. Chapel Hill, North Carolina) and George Retschie (221 Providence Rd, Chapel Hill, North Carolina) explained that the general design of this particular solar farm was the same as the previous solar farm they had presented near Duke's Lane in Youngsville, North Carolina.

Joe Lewis (821 Sid Eaves Rd, Youngsville, North Carolina) asked if the proposed solar farm would affect his access to his parcel.

Ricky May stated that the proposed solar farm would not impede his access.

Ricky May recused himself from voting because the land in question was owned by his mother.

William Holden made a motion to approve the application. Steven Beuscher seconded the motion. The motion passed unanimously.

6. 16_SUP_03 The applicant proposed to construct a solar energy farm on 35 +/- acres on a 138.11 acre tract located at 151 Firetower Rd. in the Cedar Rock Township. The application stated the solar facility will be built to meet all local, state, and fire codes. The grounds would be properly maintained to ensure aesthetics. There is an existing fifteen (15) acre solar facility and cellular communications tower on this property. The proposed facility would pose minimum impact to the parcel and the land could easily be restored to its original use upon completion of the lease. Additionally, within the application, the applicant provided a financial assurance for decommissioning. Removal of the facility would not cause any changes to the site as it exists now.

The submitted site plan indicates there would be no outdoor lighting, and reflects the landscaping and buffer strips, fencing, and required parking.

In addition to requirements listed in the Franklin County UDO, the following items would be required if the special use permit were approved. Evidence of approval of

erosion control from the North Carolina Department of Environment & Natural Resources, the subject property is located within the Tar-Pamlico River basin and is required to meet nutrient regulations for nitrates and phosphates for new improvements exceeding one-half acre, North Carolina Department of Transportation driveway permit, approval from the North Carolina Utilities Commission, approval from the local fire department of a Knox box, and an engineering estimate for the removal of the solar facility would need to be submitted in addition to a financial surety prior to issuance of building permits.

Scott Hammerbacher added that there was a nearby fifteen (15) acre site where the first solar farm in the county had been approved.

Ronnie Pearce asked if the solar farm would be visible from the nearby school.

Scott Hammerbacher responded by explaining that the facility would require a buffer of six (6) foot tall trees at a width of twenty (20) feet to be installed before approval.

Ronnie Pearce made a motion to approve the solar farm application. Ricky May seconded the motion. The motion passed unanimously.

7. 16_UDO_01 At the November 23, 2015 Board of Adjustment Meeting, Mr. Robert Carlson suggested that Planning Staff look at amending the Ordinance to allow for flexibility for accessory buildings on corner lots. The Board has heard a number of variance requests for accessory buildings on corner lots in recent months that have subsequently been passed. It is a common practice that if several variance requests are received and subsequently approved that there is a deficiency within the UDO. Over the past year there have been three variance requests of this nature that have been granted. Additionally, staff has received several calls with similar situations that would require variances.

The Board of Adjustment is recommending that the Planning Board consider recommending to the Board of Commissioners amending current regulations to allow for an accessory structure to be placed past the front or corner façade of the principal structure provided that the accessory structure does not exceed half the heated floor area of the principal structure, does not exceed the height of the principal structure, and is no closer than the required front setback of the underlying zoning district.

Steven Buescher made a motion to approve the amendment. Ricky May seconded the motion. The motion passed unanimously.

8. 16_UDO_02 Staff is proposing to amend the UDO to allow for (Shooting Ranges) as a Special Use within the Agricultural Residential (AR), Light Industrial (LI), and Heavy Industrial (HI) zoning districts. Planning Staff has researched several ordinances across the state in order to establish regulations that it feels would fit within the UDO. Pursuant to North Carolina General Statute G.S. 14-409-.46 existing shooting ranges prior to the adoption of this Ordinance would not be subject to the provisions of this Ordinance. This

proposed amendment will provide Citizens with criteria to regulate the size and location of Shooting Ranges.

Mark McArn asked if this amendment allowed for indoor shooting ranges..

Scott Hammerbacher explained that the amendment was mostly meant for outdoor shooting ranges and stated that staff would look at another amendment to address the lack of indoor shooting ranges.

Steven Buescher made a motion to approve the amendment. The motion was seconded by Ricky May. The motion passed unanimously.

9. 16_UDO_03 Staff is proposing to amend the UDO to allow for (Outdoor Recreation/Entertainment/Events) as a Special Use within the Agricultural Residential (AR), Residential-1 (R-1), Residential-30 (R-30), Residential-40 (R-40), Neighborhood Business (NB), Rural Business (RB), Light Industrial (LI) Office Institutional (OI), Conservation District (CON-D), Highway Business (HB), Mixed Use (MU), and General Business (GB) zoning districts. Staff is recommending to remove Ground and Facilities for Open Air Games and Sporting events from the Table of Permitted Uses. Staff feels that Outdoor Recreation/Entertainment/Events will better address a broader range of potential uses. Planning Staff has researched several ordinances across the state in order to establish regulations that it feels would fit within the UDO. This proposed amendment will provide Planning Staff with criteria to regulate the size and location of Outdoor Recreation/Entertainment/Events. Within this text amendment, staff has proposed the removal of the North American Industry Classification System (NAICS) codes from Table of Permitted Uses. There are over 100,000 NAICS codes. These codes are constantly changing, making it difficult to manage. If the NAICS codes are not removed from the Table of Permitted Uses, it would require staff to name every potential use not specifically listed.

Steven Buescher made a motion to approve the amendment. The motion was seconded by Ricky May. The motion passed unanimously.

10. Scott Hammerbacher passed out the meeting schedule for the upcoming year and updated the Board on Planning and Inspections Staff activities.

With there being no further business before the Planning Board, Mr. Wallace adjourned the meeting at 9:50 P.M.

William Wallace – Chairman
Franklin County Planning Board

Katie Rhyne – Clerk
Franklin County Planning Board