

## MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

MARCH 13, 2007

The Franklin County Planning Board held its regular monthly meeting on Tuesday, March 13, 2007 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

**Members Present:** Robert VanGraafeiland, Melvin Cheaves, Fannie Brown, Mary Solomon, Willie Bartholomew, Henry Nelms, Ricky May, William Holden, William Wallace and Philip Bues.

**Members Absent:** Richard Hoyle, Phillip Jeffreys, Ronnie Pearce and Mark McArn.

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

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

William Wallace gave the invocation.

Chairman Nelms introduced new board members Robert VanGraafeiland and Fannie Brown.

Pat Young stated it was time for the Board to hold their election of officers. William Wallace made a motion, seconded by Ricky May to nominate Henry Nelms as Chairman. The motion passed unanimously. Henry Nelms made a motion, seconded by Ricky May to nominate Willie Bartholomew as Vice Chairman. The motion passed unanimously.

Tammy Davis (Clerk to the Board) swore in the members of the Planning Board.

William Wallace made a motion, seconded by Mary Solomon to approve the minutes from the February 13, 2007 meeting. The motion passed unanimously.

### #1. Capital Area Metropolitan Organization (CAMPO) US 1 Corridor Study

Pat Young stated in the Fall of 2005, CAMPO in conjunction with NC DOT, City of Raleigh and the Town of Wake Forest initiated a comprehensive transportation corridor study of the US 1 Corridor from I-540 in Raleigh to US Hwy 1A in Youngsville. He stated Franklin County was invited to participate in the corridor study process and he had participated in approximately 8 project planning meetings with CAMPO and consultant staff. He stated the corridor study group evaluated five alternative roadway development alternatives against criteria of effectiveness in maintaining or improving mobility, cost and land access. He stated a series of public meetings were held and several Commissioners attended the July, 2006 workshop on this corridor study.

He stated the study concluded that developing a series of two-way frontage and backage roads parallel to US 1 to provide access to land adjacent to US 1 and limiting direct access to US 1 to interchanges was the preferred option to ensure mobility into Wake County over the long term (20+ years). He stated CAMPO adopted the corridor study in November of 2006. He stated CAMPO's consultant, RS&H of Charlotte, recommended that the entire project be implemented over a 25-year timeframe, primarily through the Transportation Improvement Plan (TIP) process.

Kenneth Withrow, Senior Planner with CAMPO, gave a powerpoint presentation on the overview of the US 1 Corridor Study and its recommendations. William Holden questioned who would be in charge of the project. Mr. Young stated NC DOT would basically be in charge of where funding would be distributed.

## #2. Forthcoming Franklin County Comprehensive Transportation Plan (CTP) Update

Pat Young stated the NC DOT Planning Branch with the assistance of CAMPO, Kerr-Tar Rural Planning Organization (RPO), County Staff and Municipal Staff is beginning the process of updating the County's CTP. He stated the purpose of the CTP is to identify the purpose and need for future transportation projects that may become funded Transportation Improvement Program (TIP) projects, including bicycle/pedestrian, transit and transportation projects, as well as traditional roadway projects.

Julie Bollinger and Scott Walston of the NCDOT Planning Branch gave a powerpoint presentation on the overview of the CTP Planning process.

## #3. Subdivision Request: Tamaran Subdivision, Expired Preliminary Plat, Dunn Township, Old US Hwy 64 (State Road 1770), R-30 District, 9 Lots.

Scott Hammerbacher stated the preliminary plat was originally approved by the Board on February 10, 2004, and expired in February 2006. He stated the original plan was approved with curbs and gutters, and Lot 1 was allowed to maintain its established frontage on Old US Hwy 64 due to the existing house location. He stated the revised plan reflects a residential road with no curb and gutter. He stated the preliminary plan is for the subdivision of an approximately 11.67 acre tract into 9 lots. He stated the average lot size within the development is 1.2 acres. He stated the subdivision will be served by private wells and individual septic systems. He stated the developer will make a payment in lieu for recreation purposes and the development will be subject to the recently adopted Adequate Public Schools Ordinance. He stated the proposed plan meets the requirements of the UDO with the following recommendations for conditions of approvals are as follows:

- All road design and entrances must meet NC DOT standards.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.

William Wallace questioned what would be done to compensate since the curb and gutter was taken out. Mr. Hammerbacher stated the UDO doesn't require anything. William Wallace made a motion, seconded by Willie Bartholomew to approve the subdivision request. The motion passed unanimously.

- #4. Subdivision Request: Forest City Subdivision, Revised Preliminary Plat, Franklinton Township, Lane Store Road (State Road 1118) & Cedar Creek Road (State Road 1116), R-1 & R-15 Districts, 367 Lots.

Scott Hammerbacher stated the original preliminary plan consisted of 244.14 acres and 518 lots. He stated approximately 76 acres on the southern portion of the property has been acquired by the Franklin County Board of Education to be used for a new high school site, and has been removed from the plan. He stated the revised preliminary plan is for the subdivision of an approximately 167.43 acres tract into 367 lots. He stated the average lot size is 10,688 square feet. He stated the subdivision will be served by County water and sewer. He stated the proposed subdivision provides a street connection with Lane Store Road that will allow for a potential crossing of Cedar Creek which will eventually connect the Forest City development with the Oak Park subdivision. He stated the developer proposes a payment in lieu for recreation purposes and the development will be subject to the recently adopted Adequate Public Schools Ordinance. He stated the plan appears to meet the requirements of the UDO with the following recommendations for conditions of approval:

- 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.

Mary Solomon questioned the average size of the lot. Mr. Hammerbacher stated they are approximately a quarter of an acre. William Wallace stated he noticed several lots located in the 100 year floodplain. Mr. Hammerbacher stated the elevation levels have to be shown on the recorded plats and these lots would have to be at a higher level.

William Holden made a motion, seconded by Philip Bues to approve the revised preliminary subdivision plan. The motion passed unanimously.

- #5. Map Amendment: Leslie Joyner, Franklinton Township, 729 Green Hill Road, R-1 Residential to AR (Agricultural Residential), 58 Acres.

Pat Young stated the County's adopted land use plan has the area designated as AR which is areas primarily located in the northern portion of the County. He stated according to the Land Use Plan, Agricultural Residential promotes development at low densities while preserving areas for agricultural uses. He stated the subject property is

adjacent to properties currently zoned AR. He stated the primary distinction between the R-1 and AR districts is that manufactured homes are permitted in the AR district and are prohibited in the R-1 District. He stated there are several existing manufactured homes along Green Hill Road within the immediate vicinity. He stated it is important for the County to deliberate as to how this area should further be developed in the future since water is in relative proximity (9,000 feet away to the east along US 1) to several large tracts of undeveloped land.

Willie Bartholomew made a motion, seconded by Mary Solomon to recommend approval of the map amendment. The motion passed unanimously.

#6. UDO Text Amendment: Sexually Oriented Businesses.

Pat Young stated sexually oriented businesses may be permitted within the Highway Business zoning district subject to the applicant obtaining a Special Use Permit which requires Planning Board review for recommendation and Board of Commissioner consideration following a public hearing. He stated the Comprehensive Land Use Plan stipulates that commercial uses should be located at intersections of thoroughfares in addition to having access to water and sewer services. Mr. Young went over the proposed text amendment with the board which included clarifying the definitions, etc.

William Wallace made a motion, seconded by Ricky May to recommend approval of the UDO text amendment. The motion passed unanimously.

#7. Family Exception Discussion: UDO Section 27-4 (Shane Brantley)

Pat Young stated Shane Brantley was petitioning the Board to provide input on current UDO requirements as related to road standards and family exception provisions. Mr. Young then turned the presentation portion of the proposal over to Scott Hammerbacher. Mr. Hammerbacher stated Mr. Brantley submitted a letter of suggestions for amending the family exception regulations within the UDO. He stated based upon the letter submitted, a summary of the revisions are as follows:

- The number of residential lots that could be created within the family exception provision would be increased to 30 lots without road improvements such as gravel and asphalt. A 45 foot right-of-way would still be required when a piece of land can accommodate said right-of-way.
  - Staff Discussion: Current UDO requirements for family exceptions require that up to five lots may be created without road improvements. The creation of six to nine lots requires four inches of gravel and ten or more lots require that roadways be surfaced with asphalt. Staff feels that newly created roads should have certain roadway improvements based upon the number of lots and the allowance of potentially thirty homes on an unimproved road would create a problematic situation. More specifically, for the road to ever be taken over by NCDOT the road would have to be designed and constructed to their

standards. Additionally, staff has observed that it is often times very difficult to have all property owners along a roadway to agree upon an acceptable maintenance program for a roadway.

- Family exceptions would only have to have a legal right-of-way to their property in order to qualify for this exception.
  - Staff Discussion: Current UDO standards require right-of-ways to meet NCDOT standards. The purpose of this requirement is to allow all new residential lots to be accessed from roadways that have the potential to be maintained by NCDOT.

Mr. Hammerbacher stated when the UDO was revised in October 2001; it did not include provisions for family exception regulations. He stated on December 15, 2003, the Commissioners amended the UDO to include provisions to allow for reduced road standards for subdivisions intended for linear family members (parents, their children and their grandchildren). He stated family exception regulations were recommended for incorporation into the UDO by Mary Solomon (Planning Board member). He stated the family exception provision was drafted to address safety concerns while providing for an alternative type of development to meeting the needs of the community.

Mr. Hammerbacher stated altering the current family exception provision based upon Mr. Brantley's request would be inappropriate for the County to knowingly create conditions that would encourage or aid in the creation of hazardous conditions. He stated that although individuals utilizing the family exception provision are required to own the lot for a minimum of three years following recordation of the plat, a lot may be sold in the future to someone outside of the family which could create issues with road maintenance and access to their property. He stated staff has researched other County's and have found that their ordinances do not have such a provision and that deviating from minimum NCDOT standards is highly inadvisable due to maintenance issues, property owner conflicts and the potential for certain individuals to abuse this exception.

Pat Young stated road standards are set by DOT and not by the county. He stated DOT owns the roads, not the county. Shane Brantley stated he knew of three cases that went before the Board of Adjustment requesting variances from the road standard requirements. He stated the Board denied the variances in those cases and he would like to see the county do something that would help those people and future cases. He stated he feels a person should be able to give his or her children land to better themselves and not have to pave roads. William Wallace stated he feels for the individuals involved. He stated he is involved with Meals on Wheels and they have two homes that they can't serve due to poor roads. He stated he feels the county needs road standards.

Robert VanGraafeiland stated he agrees the ordinance is needed for purpose. He suggested maybe limiting the number of parcels done within a certain timeframe. Willie

Bartholomew stated he feels if a person wants to give their children land, they should be able to do so. He suggested looking at the issue on a case by case basis. Mary Solomon questioned if other counties had alternatives. Mr. Hammerbacher stated most counties don't recommend this. He stated he found numerous counties in the eastern part of the state that modeled their ordinance after Franklin County's. Chairman Nelms stated he wouldn't have a problem if roads and road shoulders were maintained. He stated the problem seems to be that a lot of roads are not maintained. He stated he wouldn't have a problem if something was in place to maintain roads, for example a road maintenance agreement.

Valerie Mitchell stated she purchases 10 acres in 2000. She stated she lives in the middle of a 300 acre farm. She stated she applied for a variance because they couldn't acquire additional land for a right-of-way from adjoining property owner. She expressed concern that the Board approves subdivisions with hundreds of lots but they won't approve a mother/father trying to give their son property to build a home and start a family. Portia Harris questioned if the Board goes out and looks at the roads that are being questioned. Wanda Foster stated she has 23 acres that her son is currently living on. She stated she wants to move on the property and let her daughter also move on the property. She stated she only has a 17-foot easement. She stated due to the current regulations, they will not be able to move onto her own property. She stated she would have no problem adhering to a road maintenance agreement so she could have reasonable use of her property.

Ricky May stated he wants to see the Board come up with something that will help the people to be able to give land to their children. Pat Young stated the County doesn't have the legal ability to do a case by case consideration. He stated there would have to be a standard in place that would apply to everyone. Philip Bues stated he would like to see the issue investigated further. William Wallace stated he would like to see staff come back to the next meeting with a report.

- #8. 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 9:15 P.M.

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Henry Nelms, Chairman  
Franklin County Planning Board

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Tammy Davis, Clerk  
Franklin County Planning Board

