

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

November 10, 2008

The Franklin County Planning Board held its regular scheduled monthly meeting on Tuesday, November 10, 2008 in the Commissioners Meeting Room at the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

Present: Mary Solomon, Willie Bartholomew, William Holden, Fannie Brown, Ricky May, Ronnie Pearce, William Wallace, Melvin Cheaves, Robert VanGraffeland and Mark McArn.
Absent: Richard Hoyle, Henry Nelms, Phillip Jeffreys and Phillip Bues.
Staff: Tammy Davis, Scott Hammerbacher and Jason Rogers.

Vice Chairman Willie Bartholomew called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance. William Wallace gave the invocation. William Wallace made a motion, seconded by Mary Solomon to approve the agenda as presented. The motion passed unanimously. Mary Solomon made a motion, seconded by Fannie Brown to approve the minutes from the October 14, 2008 meeting. The motion passed unanimously.

Agenda Items:

1. Map Amendment: Aubrey S. Tomlinson Jr. (Attorney for Randall & Susan Ward), Franklinton Township, Will Mitchner Road (State Road 1222), LI/AR to AR (Agricultural Residential) District, 525.94 Acres.

Scott Hammerbacher stated the Ward's wish to rezone approximately 328.5 acres of a 525.94 acre tract of land off of Will Mitchner Road from Light Industrial to Agricultural Residential. He stated the Future Land Use Plan has the property identified as Office Institutional (O/I). He stated the majority of the surrounding properties are zoned Light Industrial. He stated the proposed rezoning to a designation allowing single-family dwelling units is not in conformance with the Land Use Plan. He stated industrial operations, with their processes, noises, odors and byproducts that can be inherent to their operations, are in natural conflict with low-density residential land uses. He stated within the immediate vicinity of the subject property are uses such as Katesville Pallet Mill, Carolina Sky Sports and Novozymes which are located on parcels identified for Light Industrial uses.

Mr. Hammerbacher stated the requested rezoning could significantly impede the County's long-standing efforts towards industrial/institutional recruitment in the NC Hwy 56 corridor. He stated of the 24,468 acres of land designated for Light Industrial development in the County, there are only 6,442 acres of undeveloped land remaining with the Light Industrial designation in the unincorporated portion of the County.

Ronnie Goswick (Economic Development Director) presented the Board with a powerpoint presentation regarding economic development's plans for the proposed areas. He went over the existing businesses located in the area. William Pearce questioned the timeframe plan of a proposed pump station. Mr. Goswick stated the County can only get funding for the pump station when a business locates in the area.

Aubrey Tomlinson stated his clients plan to build a home for themselves and they have family that wants to relocate here and build a home as well. He stated he feels Hwy 56 is a long way from being four-laned. He questioned if there is anyone interested in currently locating a business on Hwy 56. Mr. Goswick stated not at this time. Mr. Tomlinson stated the County does need to grow and need industries but there is plenty of land to place businesses on. He stated the Wards need to be able to place their future home on their land. He pointed out that the majority of the property is zoned AR on the Future Land Use Plan.

Mark McArn questioned when the land was purchased by the Wards. Mr. Tomlinson stated they started purchasing land in 1985. Mr. McArn questioned if the land was zoned LI when the Wards purchased. Mr. Tomlinson stated the property was zoned AR at that time. He pointed out a giant swamp and wetlands that would be undevelopable and is only good for hunting purposes. He stated he feels it needs to be left natural on Hwy 56 and put industrial uses in the industrial parks to keep the area looking nice and no so congested like Capital Boulevard. Mr. Goswick stated he is willing to work with the landowner on the matter. He stated he just wants to protect the existing industries and the corridor. He pointed out the old railroad and feels if the demand comes in the future, the railway could be reopened.

William Pearce asked for staff to explain the Future Land Use Map. Mr. Hammerbacher stated the map was adopted in 2000 and it represents what the County would like to see in the future. Mr. Tomlinson pointed out that the Future Land Use Plan doesn't designate the Ward property as industrial. Ronnie Pearce questioned if the property changed hands, would the zoning follow the new owners. Mr. Hammerbacher stated the property would remain whatever it was zoned. He stated in 2003 there was a countywide rezoning that designated the area along Hwy 56 as Light Industrial. Mr. Goswick stated he feels strongly that we need to protect what we have due to sewer and possibility of industries coming in the future. Ronnie Pearce questioned why the property isn't grandfathered since the property was zoned AR when it was purchased. Mr. Hammerbacher stated zoning can change but an existing use is grandfathered as long as the use doesn't cease operations for more than 6 months.

Shelia Hanna questioned how citizens were notified regarding the countywide rezoning. Mr. Hammerbacher stated full page advertisements ran at least three times in The Franklin Times regarding the public hearings on the rezoning. Mr. Goswick expressed concern if in the future someone purchased the Ward property if it is zoned AR and proceeds with residential development. He stated you would have a development within half-mile from Novozymes which creates smells due to their type of business. He stated he is trying to protect the existing industries and future industries that will move into the proposed area. Ms. Hanna stated residential should be protected from industrial and not the other way around. Mark McArn expressed to the Board that he has worked with businesses that got booted out after residential development came into the area that the industry occupied first.

Randall Ward questioned how many industries had moved into the Hwy 56 area since 1987. Mr. Goswick there had been none except for the Novozymes expansion projects. He stated companies have looked at the area but haven't located here due to the price of land in the proposed area. He stated that only 2% of the County is zoned LI and feels we need to protect this district. Mr. Tomlinson questioned if the sewer plant is allocated at capacity. Mr. Goswick stated the sewer plant can be expanded if needed if an industry moves into the area. Mr. McArn stated he would like to see some type of compromise with the Wards since there is a large portion of the proposed property that can't be

used for industrial use. Mr. Ward stated we do need industry and we also need to protect farmland. He stated he wants to use his farmland for his family.

Jack Blackmer (Novozymes) stated his company's operations are wet chemistry and it sometimes creates odors. He stated Novo wants to maintain a surrounding LI buffer area around them to keep future problems down. He stated if rezoned to AR there could be a residential development somewhere in the future. He stated he doesn't see a problem with some type of compromise that would eliminate the possibility of a future residential development. William Pearce questioned a program in place that designates farmland which protects existing farm use if residential properties are developed. Mr. Goswick stated the protection program would not cover Novozymes corporate properties in Franklin County.

Mr. Hammerbacher reminded that zoning runs with the property and not the property owners. William Wallace stated he would like to see the rezoning narrowed down to the area where the Ward's want to develop for their residential use. Ronnie Pearce stated the County has invested a lot of money in running gas/water/sewer lines for future industries. William Pearce stated the gas/water/sewer lines weren't run for industries, it was run to connect Louisburg to Franklinton.

Ricky May made a motion, seconded by William Holden to recommend approval of the map amendment. The motion was denied with the majority voting against the motion. May and Holden were the only votes for the motion. To ensure there is no confusion in the decision regarding votes, Robert VanGraffeland made a motion, seconded by William Wallace to recommend denial of the proposed map amendment. The motion passed by majority vote with Ricky May and William Holden voting against the motion.

2. Map Amendment: Franklin County & Lake Royale POA, Cypress Creek Township, River Golf Club at Lake Royale (Various Lots), R-40 to R-1 (Residential) District.

Robert VanGraffeland and William Wallace questioned if they should require themselves from voting on this agenda item due to their involvement with the Lake Royale POA and being residents of Lake Royale. They both stated they don't own any of the proposed property and have no financial gain regarding the matter. Willie Bartholomew and Mary Solomon stated they own property on the lakeside and they would have no financial gain regarding the matter. It was decided since the board members had no property in the proposed area and had no financial gain regarding the proposed, they would not have to be required from the agenda item.

Scott Hammerbacher stated Lake Royale POA and Franklin County Planning Staff are requesting that 124 residential lots located within the River Golf Course be considered for rezoning from R-40 to R-1. He stated the majority of these lots average 0.50 acres in size with 75-feet of road frontage making it extremely difficult to meet the required 20-foot side setback for the R-40 zoning district. He stated the R-1 district requires a 10-foot side setback leaving additional 20-feet for development. He stated if the rezoning request is approved, the zoning would be more consistent with adjacent properties.

Mary Solomon questioned the number of vacant lots in the proposed area. Mr. Hammerbacher stated the majority of the lots are vacant and the setbacks make them just about unbuildable. Robert VanGraffeland stated approximately 50 homes out of an approximate 400 lots are in The River. He

stated there are 100 lots not even mapped out yet. He stated some of the homes are built on double lots.

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

3. Proposed UDO Text Amendment: Articles 7A (Special Use Districts – Special Use Permits) and Article 9 (Special Uses)

Scott Hammerbacher stated staff has received a request from a citizen to clarify the UDO in relation to the issuance of Special Use Permits. He stated currently the UDO has separate procedures for the issuance of a Special Use Permit within a Special Use Zoning District versus procedures for a Special Use Permit within a standard zoning district. He stated staff is proposing several amendments that would require a Special Use Permit to follow the same procedure whether the proposed use is located within a Special Use District or a standard zoning district. He stated staff has received a request to alter uses within the Agriculture Residential zoning district to disallow the following uses as either a Special Use or Conditional Use which includes the following uses: Bituminous Coal & Lignite Mining, Crude Petroleum & Natural Gas, Detention Facilities (Adult/Juvenile), Mining Industries, Non-Metallic Minerals except Fuels, Offices (Small/Low Impact), Paper Products & Sales, Salvage & Recovery Yards, and Sanitary Landfills. He stated staff suggests considering Sanitary Landfills as a Special Use within Light and Heavy Industrial zoning districts since they are currently considered as a Special Use within the AR and R-15 districts. He went over the drafted potential ordinance amendments which address concerns presented by the concerned citizen.

Mark McArn stated he doesn't support removing everything from the AR district since we have so little industrial zoning areas. Shelia Hanna stated she has looked at the surrounding counties and Franklin County is the only county that allows these uses in the AR district. She stated landfills are not desirable or compatible use in a residential area. Mr. McArn stated these uses bring employment and they will not locate here because we have very little industrial areas for these uses. Ms. Hanna stated no surrounding counties allow mining at all in the AR district. Ronnie Pearce questioned the zoning for the area that the Franklin County Landfill is located in. Mr. Hammerbacher stated the landfill is zoned Light Industrial and the surrounding areas are zoned R-30 and R-40. Mr. McArn questioned the zoning of the quarry located on US Hwy 1. Mr. Hammerbacher stated the quarry area is zoned Heavy Industrial.

Mr. Hammerbacher stated staff feels clarification is needed in the Special Use Permit process. He explained that special conditions can't be attached to rezoning but special conditions could be attached to Special Use Permits. William Wallace stated he feels the uses need to be kept as a Special Use Permit or Conditional Use Permit in the AR district. He stated he feels if someone gets an AR property rezoned to allow these uses that it would be considered spot zoning. Ms. Hanna stated the ordinance hasn't been looked at as a whole to amend in a very long time. She stated she feels Articles 7A & 9 contradict each other.

Robert VanGraffeland made a motion, seconded by Mary Solomon to approve the proposed amendments to Articles 7A and 9. The motion passed unanimously. Robert VanGraffeland made a motion, seconded by Mary Solomon to approve the proposed amendments to Table 6-1. The motion passed unanimously.

Mr. Hammerbacher stated he wants the Board's input on concerns regarding notification procedures. He went over the current practices of notifications. He stated the State requires notification of Commissioners public hearing only. He stated staff does notifications of Planning Board meetings for Special Use Permits and Rezoning which isn't required by the State. Ronnie Pearce stated he feels we do what is required and we can't make people buy and read newspapers. Shelia Hanna stated signs are too small to read while traveling and the ads are small in the newspaper. She stated there needs to be larger signs posted and the paper is willing to publish the agenda. She also added that the notifications need to be sent via certified mail.

Mr. Hammerbacher stated he has looked over the Planning Board Bylaws and feels we need to wait until after the new Board appointments in January before looking at structuring the existing bylaws. He stated we need to have the format in written form to ensure there is no confusion and is structured. Ms. Hanna stated the evidence at public hearings needs to be fair as far as the evidence presentation and the rebuttal process. She stated it is not fair if the rebuttal process is only given five minutes to speak and the applicant isn't given a time limit to present evidence. Mr. Hammerbacher stated he would come back to the Board after the first of the year with the proposed bylaw changes. Mr. Wallace asked staff to look into quasi as opposed to majority vote. Ms. Hanna proposed holding a public hearing and eventually a hearing before the Board of County Commissioners. Mr. Hammerbacher suggested having a joint hearing with the Planning Board and Commissioner to hear the evidence, then go to recommending meeting for the Planning Board's recommendation and finally move on to the Board of Commissioners for the final vote. He stated he would like to give the Planning Board 2-3 options to have the Board make a decision on.

Avery Clifton stated he feels the public needs to be protected. He stated he understands the Sunrock proposal was being worked on for a long period of time before the public was notified. He stated he feels notifications need to be done earlier. Mr. Hammerbacher stated staff met with Sunrock several times but staff handled the notifications based on the timeframe our rules allow. Robert VanGraffeland emphasized groups like the Planning Board listen to the public on their concerns.

With there being no further business before the Planning Board, Vice-Chairman Bartholomew adjourned the meeting at 9:00 P.M.

Henry Nelms, Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board