

MINUTES OF THE FRANKLIN COUNTY PLANNING BOARD

October 14, 2008

The Franklin County Planning Board held its regular scheduled monthly meeting on Tuesday, October 14, 2008 in the Commissioners Meeting Room at the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

PRESENT: Fannie Brown, Melvin Cheaves, Richard Hoyle, Mark McArn, Henry Nelms, Ronnie Pearce, Robert VanGraafeiland and William Wallace.

ABSENT: Willie Bartholomew, Philip Bues, Phillip Jeffreys, Mary Solomon, Ricky May and William Holden.

STAFF: Tammy Davis, Scott Hammerbacher and Jason Rogers.

Chairman Henry Nelms called the meeting to order at 7:00 P.M.; and welcomed everyone in attendance. William Wallace gave the invocation. Richard Hoyle made a motion, seconded by Fannie Brown to approve the minutes from the July 8, 2008 meeting. The motion passed unanimously.

Agenda Items:

1. Subdivision Request Extension: Whispering Pines Subdivision, Preliminary Plat, Franklinton Township, Cedar Creek Road (State Road 1116), R-1 District, 420 Lots, 180 Acres.

Scott Hammerbacher stated a revised preliminary plan was approved at the September 12, 2008 meeting for a period of two years. He stated Planning Staff has received a letter from Mr. Grote of Weisberger Group requesting an extension of the previously approved plan for 12 months. He stated the development would be subject to the recently adopted Adequate Public Schools Ordinance and a Certificate of Adequate Public Schools would be required to securing building permits. He stated the development is designed to be served by public water and sewer. He stated the water and sewer allocation would be done at the discretion of the Board of Commissioners. He stated staff is recommending that the development be approved conditional upon formal allocation of utilities by the Board of Commissioners.

Mr. Hammerbacher went over the following conditions of approval that staff is proposing:

- Sedimentation and erosion control plan approval.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Allocation of water and sewer shall be approved by the Franklin County Board of Commissioners prior to the expiration date of the preliminary plat.
- All utility plans will be approved by the Public Utilities Department prior to construction.
- All road designs and entrances must meet NCDOT standards.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.
- Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
- A Certificate of Adequate Public Schools shall be secured prior to the issuance of building permits.

Chairman Nelms expressed concern over the water just sitting being unused by this development when it could be used by another development. Mr. Hammerbacher stated the developer would have to commit to a timeframe of the allocation. He stated the developer would have to give a timeframe of the number of lots to be recorded with each phase.

Jeff Grote (Weisberger Group) stated there would be no construction started until there is a commitment on construction for the new high school. He stated the school construction is being proposed to begin in May 2009 and classes beginning in 2010. He stated he has just learned that this has been changed to 2011. Chairman Nelms questioned if the allocation would be given for each phase or if all 420 lots would receive the allocation at once. Mr. Grote stated his company would do more than 150 lots at one time. He stated they are looking at starting in 2010 if the school construction starts.

Richard Hoyle made a motion, seconded by William Wallace to deny the extension request.

Mark McArn emphasized that the Planning Board would not be approving the water and sewer allocation. He stated they can only approve the development and he doesn't see a problem with granting an approval of the request. Mr. Grote stated the development has received approval from other divisions (DENR for example) and they have spent a lot of money to develop this property. He stated he feels it doesn't make sense to deny the project. Richard Hoyle stated he feels the board has no other choice but to deny the project if they aren't going to start until 2010. Mr. McArn stated the board should not deny this request after the time and money the developer has spent on the project and since staff is recommending approval of the extension request. Mr. Hammerbacher stated if the developer doesn't proceed by the date, the developer would loose money.

Mr. Grote stated regional builders will come once they have the commitment from the school board on the construction of the new school. He stated Phase One will consist of 50-60 lots and they must have it in by the end of the extension or they will loose the allocation. Richard Hoyle made a motion, seconded by William Wallace to withdraw his previous motion to deny. The motion passed unanimously.

William Wallace made a motion, seconded by Ronnie Pearce to approve the extension request as presented with the recommendation to Board of Commissioners not approving any allocation exceeding 70 lots. The motion passed unanimously.

2. Subdivision Re-Approval Request: Berkeley Hills Subdivision, Preliminary Plat, Youngsville Township, Mays Crossroads Road (State Road 1105), R-15 District, 165 Lots, 83.99 Acres.

Scott Hammerbacher stated the preliminary plan was approved on October 11, 2005 for a period of two years and a one year extension was granted on November 13, 2007. He stated allocation of water and sewer services was previously approved by the Franklin County Board of Commissioners with a requirement of 59,400 gallons of wastewater flow per day. He stated the water and sewer allocation would have to be re-approved by the Board of Commissioners. He stated the project would be subject to the recently adopted Adequate Public Schools Ordinance and a Certificate of Adequate Public Schools would be required prior to securing building permits.

Mr. Hammerbacher went over the following conditions of approval that staff is recommending:

- Sedimentation and erosion control plan approval.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Allocation of water and sewer shall be approved by the Franklin County Board of Commissioners prior to the expiration date of the preliminary plat.
- All utility plans will be approved by the Public Utilities Department prior to construction.
- All road designs and entrances must meet NCDOT standards.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.
- Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
- A Certificate of Adequate Public Schools shall be secured prior to the issuance of building permits.
- Prior to construction drawing approval by Public Utilities Department, a revised permit will need to be submitted recognizing our flow reduction rate of 250 gallons per dwelling unit as well as a revised set of construction drawings depicting the revised sewer collection route.
- The original preliminary plan was approved with the following previous conditions: Per the NCDOT, a driveway permit will only be issued for Phase I at final. Phase II may require turn lanes on Mays Crossroads Road.
- The development will have to seek an alternative means to bring their waste stream into the County's collection system or look to secure the easements themselves. Approval of the redesign will need to be approved prior to construction drawing approval.

Chairman Nelms questioned if the development would be done in phases. Jim Brinkley (Developer) stated the project would be done in phases. He stated he has to have sewer at the site before they can get financing and funding for the project. William Wallace questioned the number of lots in Phase I. Mr. Brinkley stated Phase I would consist of 56 lots.

William Wallace made a motion, seconded by Fannie Brown to approve the request as presented with a recommendation to the Board of Commissioners not to approve allocation exceeding 60 lots. The motion passed unanimously.

3. Map Amendment: Franklin County Schools (CLH Design), Franklinton Township, Cedar Creek Road (State Road 1116), R-15 to R-1 Zoning, 38.84 Acres.

Jason Rogers stated a portion of the property is currently zoned R-1. He stated if the rezoning request is passed, the zoning would be more consistent with adjacent properties. He stated the R-1 Zoning District would allow for the placement of a new high school on the property as a permitted use. He stated the Future Land Use Plan supports the rezoning request. He stated there are county water and sewer services in proximity to the site.

Robert VanGraafeiland made a motion, seconded by Mark McArn to recommend approval of the map amendment. The motion passed unanimously.

4. Proposed UDO Text Amendment: Article 4-3 (Establishment of Zoning Districts) & Article 6-1 (Table of Permitted Uses) to allow Manufactured Homes as a Permitted Use within the R-1 Zoning District.

Jason Rogers stated staff has received four petitions over the past year requesting a rezoning in order to be allowed to place a manufactured home on their property. He stated each of these rezoning requests was approved unanimously by the Board of Commissioners. He stated there are 3283 parcels zoned R-1 in the County. He stated within the 3283 parcels there are 294 manufactured homes. He stated manufactured homes are currently allowed in the following districts AR, R-30, R-40, R-80 and MU Districts. He stated the R-8 and R-15 Districts, which are medium to high residential districts, do not allow manufactured homes.

William Wallace stated he feels mobile homes should only be allowed as a Conditional Use Permit in the R-1 District to protect the people and the property values in this district. He stated he is not in favor of the change and feels it could hurt a lot of people to accommodate a few. Richard Hoyle questioned the meaning of a manufactured home. Scott Hammerbacher stated a manufactured home is defined as a singlewide, doublewide and/or a modular. He stated an off-frame modular is an allowed use but an on-frame modular is not an allowed use. Melvin Cheaves stated he feels its discrimination and if a manufactured home owner had to pay fees to get a Conditional Use Permit to place a home on their property, then everyone should have to pay the same fees even if they are building a house. He stated people buy what they can afford and everyone can't afford to build a house.

William Wallace stated he doesn't see anything wrong with manufactured homes but we have zoning laws in place to protect others as well. Mark McArn stated we need to protect the majority of the homeowners in the County. Robert VanGraafeiland stated the majority of the 3283 lots that are zoned R-1 are located in Lake Royale and manufactured homes are not allowed in Lake Royale. He stated he feels the Conditional Use Permit is fair and if they are granted the Conditional Use Permit by the Board of Adjustment, then they can place a manufactured home on an R-1 zoned property.

Robert VanGraafeiland made a motion, seconded by William Wallace to recommend approval of the text amendment to allow manufactured homes in the R-1 District as a Conditional Use Permit. The motion passed by majority vote with Melvin Cheaves voting against the motion.

5. Proposed UDO Text Amendment: Article 29-5 (I-3): Cul-de-sacs, to allow Planning Board to approve exceptions for cul-de-sacs to exceed 1,200 feet in length.

Jason Rogers stated staff has received three separate variance requests to allow for exceeding the maximum cul-de-sac length of 1,200 feet. He stated it is common practice that if several variance requests are received and approved that there is a deficiency within the UDO. He stated staff is proposing to amend current regulations to allow the Planning Board to modify the current requirement if existing conditions are warranted.

William Wallace made a motion, seconded by Mark McArn to recommend approval of the text amendment. The motion passed unanimously.

6. Proposed UDO Text Amendment: Article 28-4 (Major Subdivision Procedure) to include a Street Maintenance Disclosure Statement Certificate to be placed on Final Plats.

Jason Rogers stated the proposed amendment would provide clarification for the maintenance of private and public subdivision streets. He stated roads dedicated as public, it specifies that it would be

the responsibility of the owners/developers to bring the roads up to the standards of the NCDOT Division of Highways prior to any public streets or roads being included into the NC State Road System.

William Wallace questioned if roads are considered private, could they become public roads. Scott Hammerbacher stated a petition would have to be completed allowing the road to be taken over by NCDOT and obtain approval from the Board of Commissioners. Mr. Wallace stated he feels verbiage needs to be added regarding in the future if a private road is taken over by NCDOT.

William Wallace made a motion, seconded by Ronnie Pearce to recommend approval of the proposed text amendment with the correction that private roads shall not be eligible for inclusion into or maintenance by the NC State Highway System unless accepted by the Board of Commissioners and NCDOT. The motion passed unanimously.

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

Henry Nelms, Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board