

FRANKLIN COUNTY PLANNING BOARD

October 13, 2015

The Franklin County Planning Board held its regular monthly meeting on Tuesday, October 13, 2015 in the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

Present: William Wallace, Fannie Brown, Mark McArn, Robert Mann, John Sledge, Steve Mitchell, Steven Buescher, William Holden, Richard Hoyle, Carolyn Paylor, Ricky May

Staff: Scott Hammerbacher, Jason Rogers, 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. The agenda was adopted by the board with no revisions. Mr. Wallace requested that the minutes from August 15, 2015 be revised to replace Mr. Sledge's name with Mr. Pearce's name. A motion to approve the minutes with these amendments, was made by Steven Mitchell, seconded by Fannie Brown. The motion passed unanimously.

Agenda Items:

1. Greenpointe LLC submitted a preliminary plan for Princeton Manor Subdivision Phase 2. This proposed subdivision would be adjacent to the previously approved Princeton Manor Subdivision (44 lots) located off of Holden Road (State Road 1147) and Jackson Road (State Road 1137) in the Youngsville Township in the R-40 Residential Zoning District. The Phase 2 preliminary plan would be for the subdivision of approximately 30 acres into 22 lots. Approximately 19 acres of this subdivision would be located within Franklin County, with the remainder located in Granville County. This property is located in the WS IV Falls Lake Watershed. The subdivision would be designed to be served by public water and septic systems.

The Land Use Plan has this property designated as Low Density Residential. The proposed subdivision would be located off of Holden Road (SR 1147) and Jackson Road (SR 1137). No recent daily traffic count information is available. The Falls Lake stormwater management review for the preliminary plan has been submitted and reviewed by Appian Consulting Engineers, with additional items required prior to final plat approval. The portion of the subdivision located within Granville County would be used for stormwater management. A permanent agreement or easement will be required for preservation of open space in Granville County. The subdivision would serve Long Mill Elementary, Franklinton Middle, and Franklinton High schools.

Thomas Spalding representing Spaulding & Norris, PA at 972 Trinity Road in Raleigh, North Carolina explained that there was a full evaluation done on the property and that a consulting Soil Scientist had investigated the wetlands, and stream buffers to ensure that everything met regulations. He went on to explain that he had been working with

Franklin County staff to ensure that he met the regulations that the County required of the development as well.

Mark McArn asked if there were going to be any lots developed in Granville County.

Thomas Spalding responded by stating that there was room for two lots in Granville County, but before they were drawn on the plans Granville County had suggested that he should gain approval from Franklin County first to ensure that roadways, stormwater, and septic were approved.

Mark McArn asked if there was going to be recreational space applied to the project.

Thomas Spalding explained that the developer did not want to burden the homeowners of the 22 proposed lots by having them paying more for the maintenance of a developed recreational site. The developer had dedicated open space that could be utilized recreationally as part of the proposed cluster option.

Richard Hoyle asked if the citizens of Princeton Manor Phase I would be required to sign an agreement by the Home Owner's Association.

Thomas Spalding responded by explaining that the 22 newly proposed lots would be a part of a new Home Owner's Association and would be solely responsible for the cost of signage, and stormwater management and they would be made well aware of this before they purchase the new dwellings.

Joe Pechinak (40 Princeton Manor Drive) introduced himself as the Homeowner Association's President. He expressed concerns that the lots currently existing in the development were all one acre lots and the proposed lots were mixed in their size.

Jason Rodgers explained that the developer was utilizing the cluster option which allowed for smaller lots with dedicated open space.

Mr. Pechinak asked if the allocated open space was solely in Granville County.

Scott Hammerbacher responded by explaining that this was the case and that the allowed lot size for the cluster option was 30,000 square feet.

Mr. Pechinak asked if the cul de sac was proposed or permanent. He went on to discuss that the school busses and garbage trucks have a difficult time turning around in their existing development.

Thomas Spalding responded by explaining that this was a proposed cul de sac, but Hammerhead turns were another option that could be considered for the lots. He explained that DOT is preferring to utilize cul de sacs at this time which is why it was selected for this project.

Owen Christopherson (95 Jackson St. Youngsville, NC) introduced himself as the secretary of the Home Owner's Association. He asked how this development would impact the Falls Lake Watershed.

Scott Hammerbacher explained that the County has adopted a nutrient management strategy that is more progressive than laws that used to be in place. The density of development was also limited to one lot per 30,000 square feet and there could only be 24% impervious surface on each lot to protect the watershed.

Mr. Christopherson asked if there would be an inspection fee for stormwater management.

Scott Hammerbacher explained that the Home Owner's Association that would be formed for this new project would have to sign a maintenance agreement for their stormwater management systems. He explained that Franklin County inspects 10% of the developments that have one of these agreements each year to ensure that they are still within compliance.

Maria Markadakis (120 Princeton Manor Dr.) explained that she lives next to where the new development is proposed to begin. She reported that she lived on the lowest point of Princeton Manor and that the water pools and floods her yard. She asked about the drainage system and if it would affect her property by draining even more pollution into her yard.

Thomas Spalding responded by explaining that there was a proposed drainage system that would flow the water to the stormwater management pool in Granville County. He went on to explain that there was a minimum standard of drainage that had to be met or else the developer would be charged for not meeting the requirement.

Rodney Hudson (115 Princeton Manor) explained that he did not want to see the new development associated with the existing subdivision and asked if the company could change the name of the development.

Thomas Spalding responded by explaining that a renaming could be arranged.

Pamela Jackson (15 Jackson Road) said that she was concerned this development would lower property values, increase traffic, and create a greater safety risk. She asked why the subdivision had to connect to Princeton Manor Drive.

Thomas Spalding responded by stating that the parcel had to be connected to Princeton Manor Drive because the parcel would be landlocked if it was not.

Scott Hammerbacher went on to explain that through the street connectivity requirements, a new subdivision had to connect to adjoining properties, and that Princeton Manor Drive was a state road with a dedication for future development. He

also explained that the proposed roads had been reviewed and were approved by North Carolina's Department of Transportation.

The staff recommended requirements for this subdivision proposal are as follows:

- A permanent agreement or easement will be required for preservation of open space in Granville County.
 - Sedimentation and erosion control plan approval.
 - Approved landscaping in accordance with Article 14 of the Franklin County UDO.
 - Approval by the North Carolina Department of Transportation.
 - All road designs and entrances must meet North Carolina Department Of Transportation standards.
 - Prior to Final Plat, ensure all lots can accommodate on-site septic treatment and disposal. If a variance of UDO development standards is applied for in the future, a hardship will not be present.
 - All utility plans will be approved by the Public Utilities Department prior to construction.
 - Allocation of water shall be approved by the Franklin County Board of Commissioners prior to the expiration date of the preliminary plan. A twenty-five (25%) percent deposit of the required Utility Acreage Fee shall be paid in the form of a cash deposit within fifteen (15) days of Board of Commissioner allocation of utilities.
 - Final Falls Lake stormwater review approval.
 - Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
 - All other standard conditions of subdivision approval as listed in the Franklin County UDO.
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- Prior to final plat, the following items shall be submitted:
 - Landscape Plan
 - Recorded Covenants
 - Street lighting plan
 - Mail center is subject to County approval and shall be constructed as part of the first phase of Phase 2.

Mark McArn made a motion to approve the subdivision with an added condition that the subdivision could not use "Princeton Manor" in the subdivision name. The motion was seconded by Steven Buescher. The motion passed with a vote of 8-3.

2. Keith Farms LLC submitted a preliminary plan for Keithley Farms Subdivision Phase 1. This property is located on NC 96 Highway in Youngsville Township in the (R-40) Residential (WS II Watershed) District. The preliminary plan was for the subdivision of approximately 24.386 acres of a 75.965 acre parcel into 15 lots. The Phase 1 subdivision was designed to be served by private wells and septic systems.

The Land Use Plan has this property designated as Low Density Residential. Lot width on Lot 1 with 50 ft landscape buffer could pose potential problem with house location

and setbacks. Phase 1 of the development was designed to be served by private wells and septic systems. The proposed subdivision would be located off of NC 96 Highway. The average daily traffic for NC 96 Highway is 4,900. The North Carolina Department of Transportation is requiring a left turn lane with a minimum of 100 ft. of storage and appropriate tapers. This property is located in a WS II Watershed in the Neuse River basin. There is a pond and several streams with riparian buffers on this property. There is also a flood zone along Little River creek on the eastern portion of the property. A site visit has not been made to the property. Any comments in no way guarantees the issuance or denial of any septic permits, or type of septic systems, for the proposed lots. Lots 8, 9,10,11,12, and 13 appear to be the most challenging based on useable soil areas, topography and proposed property lines. House size and placement will be critical on these lots to preserve the required area for initial and repair drain fields. Lot 8 has very limited useable soil area and the topography of the lot appears to make septic design difficult. For these reasons Environmental Health suggests a soil consultant evaluate these lots and determine the best house location and septic design. Any property lines that may need to be adjusted can be done at this time as well. The remaining lots of phase 1 appear to be suitable for the installation of a subsurface septic system. Youngsville Elementary, Franklinton Middle, and Franklinton High are the schools that would serve this subdivision.

William Wallace asked where the mailbox location would be.

Scott Hammerbacher responded by saying that it was between lots 9 and 10.

Michael Moss with Cawthorne, Moss and Panciera, P.C. at 333 White Street, Wake Forest, North Carolina 27588 explained that a soil scientist had been hired to inspect the property and felt that septic could be located on each lot.

William Wallace asked who would own the rest of the property not being developed.

Mr. Moss responded by stating the land owner.

Steven Buescher asked if the same road would run all the way through the property.

Mr. Moss responded by stating that there would be a stub road built that could serve future development.

Scott Hammerbacher responded by stating that the reason the street connectivity requirements were in place was to increase efficiency of the road system..

Steven Buescher asked how far away the county water and sewer line was.

Scott Hammerbacher explained that it was only a mile or two away and felt that there was a liability if the line were extended to serve only 15 customers due to maintenance costs.

The staff recommended conditions were as follows:

- Sedimentation and erosion control plan approval.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Approval by the North Carolina Department of Transportation
- All road designs and entrances must meet North Carolina Department Of Transportation standards
- Prior to Final Plat, ensure all lots can accommodate on-site septic treatment and disposal. If a variance of UDO development standards is applied for in the future, a hardship will not be present.
- Payment in lieu of land dedication shall be required unless the provisions of Article 31 of the UDO are satisfied.
- All other standard conditions of subdivision approval as listed in the Franklin County UDO.
- Prior to final plat, the following items shall be submitted:
 - Landscape Plan
 - Recorded Covenants
 - Street lighting plan
 - Mail center is subject to County approval and shall be constructed as part of the first phase of Phase 1.

Steven Buescher made a motion seconded by Steven Mitchell to approve the proposal with the staff recommended conditions. The motion passed unanimously.

3. Deria Foster P.O. Box 182 Castalia, NC 27816 requested to rezone 2.0 acres at 5344 NC 56 Highway E in the Cedar Rock Township from Agricultural Residential (AR) to Highway Business (HB). She stated that a store has operated at this location for years, but was closed for 1-2 years. The petitioner would like to reopen the existing store building and continue store/retail operations. This rezoning would allow for better use of the land and possibly permit the expansion of services. All of the surrounding properties are zoned Agricultural Residential (AR). The subject property is located at the intersection of NC 56 Highway and Gardner Rd. NC 56 Highway is a major thoroughfare.

Highway Business Zoning (HB) is the zoning within the County's Unified Development Ordinance that allows the most uses. Staff felt that this particular zoning did not fit within the character of the surrounding neighborhood and could result in a negative impact on adjoining property owners. Staff recommended either neighborhood business (NB) or Rural Business (RB) be considered instead as these zoning districts still allow for the use the applicant requested but fit into the character of the neighborhood with less chance to result in a negative impact on adjacent property owners.

William Wallace asked why the applicant wanted to petition for Highway Business (HB).

Chris Cash responded by stating that the antique sales/flea market was a use that he desired and mentioned that it was allowed in a Highway Business zoning district.

Scott Hammerbacher explained that flea markets and miscellaneous retail sales were uses that were also allowed in the Rural Business (RB) District.

William Wallace asked the applicant if they understood the change and would be okay with the new recommendation.

Daria Foster responded by stating she understood the change and was fine with it.

Steve Buescher made a motion to recommend Rural Business (RB) as the new zoning for the lot with a second by John Sledge. The motion passed unanimously.

4. Staff recommended three changes to the UDO.

- During a recent hearing before the County's Board of Adjustment, a variance petition was considered regarding community wells. Specifically, the applicant requested that their proposed subdivision be exempted from the requirement for subdivisions with sixteen (16) lots or more install a community well in the absence of a public water supply. The variance request was ultimately denied by the Board of Adjustment and the petitioner asked staff to examine the purpose of the community well requirement. Discussions between planning staff and the public utilities departments staff occurred shortly thereafter and ultimately staff found requirements may place an undue burden on developments which may ultimately affect homeowners in a negative manner due to community liability concerns for maintenance of the well and water supply system.

Staff is recommending that the requirement to install a community well for major subdivisions that are sixteen (16) lots or more be removed from the Unified Development Ordinance. Provisions regarding the installation and placement of community wells are recommended to remain but the ultimate decision as whether to install a community well or private well would be left to the developer.

Scott Hammerbacher stated that staff felt that developers should have a choice on whether to utilize a community well, private well, or hook up to County water. He explained that after sixteen (16) lots the state required testing of the water which added to the cost that developers would have to pay creating a burden as it is a requirement.

- Staff is proposing to amend the UDO Section 7-2 Procedure for Conditional Use Permit Granted by the County Board of Adjustment. In a recent Conditional Use Permit petition to the Board of Adjustment, staff was made aware that the ordinance did not specifically state that site plans shall be prepared by a licensed surveyor or engineer. Special Use Permit applications require site plans prepared by a licensed surveyor or engineer. Since Conditional Use and Special Use Permits require quasi-judicial review, staff feels that accurate site plans should be required.

- Staff is proposing to amend Article 8. Table or Area, Yard, and Height Requirements: Staff noticed some inconsistency within the Table of Area, Yard, and Height Requirements. More specifically, the Residential-30 (R-30) section of the table is missing the minimum lot area, lot width, and setbacks for Two-Family Dwellings. The Agricultural Residential AR and all other Residential section of the ordinance requires the same minimum lot area, lot width, and setbacks for all uses. Staff has been using this section of the table for the minimum lot area, lot width, and setbacks requirements for two-family dwellings. Staff feels that since Residential-30 is specifically listed, this change to the table below will provide consistency within the UDO.

A motion was made by Robert Mann with a second by Carolyn Paylor to approve the amendments.

5. In other business, Scott Hammerbacher updated the Board on the Planning and Inspections staff activity.

With there being no further business before the Planning Board, Mr. Wallace adjourned the meeting at 8:27 P.M.

William Wallace – Chairman
Franklin County Planning Board

Katie Rhyne – Clerk
Franklin County Planning Board