

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

March 11, 2008

The Franklin County Planning Board held its regular monthly meeting on Tuesday, March 11, 2008 in the Franklin County Administration Building, 113 Market Street, Louisburg, North Carolina.

PRESENT: Willie Bartholomew, Melvin Cheaves, Richard Hoyle, Ricky May, Mark McArn, Ronnie Pearce, Mary Solomon, Robert VanGraafeiland and William Wallace.

ABSENT: Philip Bues, Fannie Brown, William Holden, Phillip Jeffreys and Henry Nelms.

STAFF: Tammy Davis, Scott Hammerbacher and Patrick Young.

Vice-Chairman Willie Bartholomew called the meeting to order and welcomed everyone in attendance. He stated he would be in charge of the meeting in the absence of Chairman Henry Nelms. William Wallace gave the invocation.

Richard Hoyle made a motion, seconded by Ricky May to approve the minutes from the February 12, 2008 meeting. The motion passed unanimously.

Agenda Items:

#1. Subdivision Request: Woodfield North Subdivision (Phase II), Revised Preliminary Plat, Harris Township, NC Hwy 98, R-15 District, 11 Lots, 9.248 Acres.

Scott Hammerbacher stated a 12- month extension of the preliminary plan was approved by the Planning Board on December 11, 2007. He stated the phase 2 map adds an additional 9.248 acres and redesign of several existing lots in the subdivision. He stated there are existing waterline stubs from the Woodfield Subdivision which is currently connected to the County public water system. 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 prior to securing building permits.

Mr. Hammerbacher stated staff is recommending approval of the preliminary plan with the following conditions:

- Allocation of water shall be approved by the Franklin County Board of Commissioners prior to final plat.
- 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.
- 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.

Mark McArn questioned if staff saw any problem with the link to node ratio. Mr. Hammerbacher stated the link to node ratio had been met

Richard Hoyle moved, seconded by Robert VanGraafeiland, to approve the subdivision request as recommended. The motion passed unanimously.

#2. Subdivision Request Extension: Ashberry Village Subdivision, Preliminary Plat, Franklinton Township, Long Mill Road (State Road 1134), R-1 District, 116 Lots, 50.18 Acres.

Scott Hammerbacher stated an extension of a preliminary plan was approved for Ashberry Village subdivision on March, 2006 for a period of two years. He stated the development is designed to be served by public water and sewer. He stated the proposed development would require 41,760 galls of water and sewer per day. He stated Jim Moss (owner/developer) is requesting an extension of the previously approved preliminary plan for 12 months. He stated staff has received a letter from Olde Liberty Development LLC supporting the revised plan, and has agreed to include it in the overall site plan and covenants. He stated a map has been recorded with the Franklin County Register of Deeds reflecting these intentions. 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 prior to securing building permits.

Mr. Hammerbacher stated staff is recommending approval for the extension of the preliminary plan with the following conditions:

- Recordation of revisions and additions of streets and entrances in Olde Liberty Subdivision.
- Sedimentation and erosion control plan approval.
- Approved landscaping in accordance with Article 14 of the Franklin County UDO.
- Final approval by the NCDOT on streets and entrances in Ashberry Village Subdivision and Olde Liberty Subdivision.
- Allocation of water and sewer shall be approved by the Franklin County Board of Commissioners prior to final 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.

Mark McArn questioned why there has been a delay in development. Jim Moss stated the housing market has decreased recently which created the delay in development.

Ronnie Pearce moved, seconded by Mary Solomon, to approve the subdivision request extension as recommended. The motion passed unanimously.

#3. Map Amendment: Susan Danfora, Franklinton Township, 4965 US Hwy 1, R-1 Residential to Office-Institutional (OI), .89 Acre.

Pat Young stated the applicant wishes to renovate an existing building as a restaurant. He stated the Land Use Plan has the property designated as Industrial. He stated Office-Institutional zoning would allow a mixture of office types and institutional uses, along with some supporting services uses. He stated this district could be transitional between industrial and residential areas and could be mixed with commercial/industrial areas. He stated the proposed site was historically a commercial site. He stated the property is serviced by County water.

Mark McArn moved, seconded by Ricky May to recommend approval of the map amendment. The motion passed unanimously.

#4. Proposed Text Amendment: Firearm Ranges

Pat Young stated the Sheriff has inquired about creating a Firearm Range in Franklin County. He stated staff is proposing to amend the UDO to allow for Firearm Ranges and Clubs as a Special Use within the Agricultural Residential (AR), Light Industrial (LI) and Heavy Industrial (HI) zoning districts. He stated the UDO does not currently regulate Firearm Ranges within any zoning districts nor are there performance standards for such uses. He stated the proposed amendment would provide regulations related to access and security in addition to requiring that appropriate safeguards such as berms are required. He stated staff is proposing that Firearm Ranges be required to secure a Special Use Permit which would be reviewed by the Planning Board and final determination by the Board of Commissioners. He stated Special Use Permit requests follow a public hearing process whereas the public is notified via an advertisement within the local paper in addition to notices being sent to the adjacent property owners. He stated the Special Use process allows for additional reasonable conditions be mandated at the discretion of the Board of Commissioners.

Willie Bartholomew questioned the criteria to allow such use. Mr. Young stated that presently there aren't criteria in place for this use. Scott Hammerbacher stated when you have the proposed use open and you charge participants a fee, then it becomes a firearm range. Ricky May stated he doesn't see a need for this. He stated there is currently firearm ranges located within Franklin County in Louisburg and Bunn. Mr. Young stated they are located within the towns and are governed by the towns. He stated firearm ranges is currently not in place or allowed in the county jurisdiction. Mr. May stated he doesn't have a problem with a range to be used by the Sheriff and Law Enforcement only, but he has a problem with this use being open to the public. He questioned if the County has land that can be used for Law Enforcement. Mr. Young stated this is a request from Sheriff Green but no site has been selected. He reminded the Board that a Special Use request has to go before the Planning Board and the Board of Commissioners for approval. He stated the Boards could place conditions on the use as they believe is needed.

Richard Hoyle stated the only way he would recommend approval is if it was regulated. Willie Bartholomew questioned if all private ranges would come out of the grandfather clause and have to go through the Special Use process. Pat Young stated they would remain under the grandfather clause as long as documentation could be provided to show it existed prior to the UDO being in place. Ricky May stated he feels the item should be revised and would like to hear from the Sheriff on his intentions with the use. Darnell Batton stated this amendment wouldn't put the Sheriff's range in place, it would only allow the use in the UDO. He stated the Sheriff would have to come before the Board with rules, regulations and proposed site under the Special Use Permit process.

Al Langley stated he has a black powder range and the proposed fencing regulations would put him out of business. He stated they don't make any money from their range and financially he couldn't install the required fencing. He stated he already has berms and electrical fencing in place but the fencing is not six feet tall. Scott Hammerbacher stated all existing firing ranges that hold organized shoots falls under the grandfather clause. Mr. Langley stated the NRA doesn't govern his firing range.

Ronnie Pearce questioned what constitutes if a range is grandfathered. Pat Young stated any range that was in place prior to April 2008 would be grandfathered. He stated any new firearm ranges and/or existing firearm ranges that have stopped operation for more than six months after the adoption of the amendment would have to go through the Special Use Permit process. Willie Bartholomew questioned what is the timeframe that any activity has ceased that would make an existing range lose its grandfathered status. Darnell Batton stated if an existing range holds events four times a year on a continuous cycle then it would fall under the grandfather clause. Richard Hoyle stated he feels the six foot fencing requirement needs to be addressed and specifically give details on the type of fencing that is required. William Wallace questioned if the entire 1000-foot distance had to be fenced. Mr. Young stated the intent was to fence the firing area. Ricky May expressed he feels the restrictions need to be clarified and rewritten.

Richard Hoyle made a motion, seconded by William Wallace to table the item and have staff revise the amendment to reflect that existing ranges would be grandfathered and to readdress the regulations. The motion passed unanimously.

#5. Proposed UDO Text Amendment: Political Signs

Pat Young stated staff is proposing to amend the UDO to remove the requirement that stipulated political signs could not be erected earlier than 45 days prior to an election. He stated after reviewing neighboring County sign requirements and consultation with the Institute of Government, it was determined by staff and legal counsel that the existing requirement may not be defensible since there is not a rational nexus for the 45 day requirement. He stated staff is proposing the UDO be amended to allow for the display of political signs following the filing date for candidacy as established by the Franklin County Board of Elections.

William Wallace moved, seconded by Mary Solomon to recommend approval of the text amendment as recommended. The motion passed unanimously.

- #6. Other Business Reports/Open Forum
A.) Departmental Report
B.) Other Business/Reports/Open Forum

With there being no further business before the Planning Board, Vice-Chairman Bartholomew adjourned the meeting at 8:05 P.M.

Willie Bartholomew, Vice-Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board