

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

September 8, 2009

The Franklin County Planning Board held its regular meeting on Tuesday, September 8, 2009 at the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

Present: Willie Bartholomew, Phillip Jeffreys, Mary Solomon, William Holden, Mark McArn, William Wallace, Robert VanGraffeland, Richard Hoyle and Fannie Brown.
Absent: Henry Nelms, Richard Mann, Melvin Cheaves, Ricky May and Ronnie Pearce.
Staff: Scott Hammerbacher, Tammy Davis 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. Mr. Wallace stated he had a correction to the minutes on page 2, last paragraph. Clerk Tammy Davis noted the change. Richard Hoyle made a motion, seconded by Mary Solomon to adopt the minutes with the proposed correction. The motion passed unanimously.

Agenda Items:

#1. Subdivision Approval: The Commons at Youngsville, Preliminary Plat, Youngsville Township, US 1 Hwy & Long Mill Road (State Road 1134), HB (Highway Business) District, 28.65 Acres, 7 Lots.

Scott Hammerbacher stated the preliminary plan is for the subdivision of an approximately 28.65 acre tract into 7 commercial lots. He stated the project includes a 15.61 acre tract adjacent to Long Mill Road and six (6) outparcels along US Hwy 1. He stated the development is designed to be served by public water and sewer infrastructure. He stated allocation of water and sewer must be approved by the Franklin County Board of Commissioners. He stated a traffic impact study has been reviewed and approved by NCDOT.

Mr. Hammerbacher stated a letter from the NC Division of Water Quality states the pond and stream shown on the northern portion of this property on the USGS maps are not subject to the riparian buffer rules. He stated the US 1 Council of Planning had reviewed the plan. He stated staff is recommending approval of the preliminary plan with the following conditions:

- 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. A twenty-five percent (25%) 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.
- All utility plans will be approved by the Public Utilities Department prior to construction.
- All road designs and entrances must meet NCDOT standards.
- Additional comments from the NCDOT and the US 1 Council of Planning:
 - The connection of Long Mill Road will be required prior to a building CO for the third outparcel.

- The connection to Long Mill Road will be required if any development in the rear of the site is constructed regardless of the outparcels.
- The property located directly north, shown as parcel 7 will be allowed to develop and is not included as one of the two outparcels as listed above.
- Access to parcel 7 will be from the joint driveway with no additional access allowed to US 1. Full movement access to/from the driveway for parcel 7 will be required to be 100-feet from the right-of-way line.
- 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

Mark McArn questioned if the road stubbed to the North would affect existing businesses. Mr. Hammerbacher stated it is not feasible as an entrance. He stated instead of six different driveways, there would be some type of shared access. Mark McArn made a motion, seconded by Mary Solomon to approve the preliminary plan with the conditions suggested by staff. The motion passed by majority vote with William Wallace recusing himself due to a conflict.

#2. Map Amendment: Jerry Jr. & Cheryl Frazier, Franklinton Township, 1133 Pocomoke Road, R-1 (Residential) to R-40 (Residential) District, 10.73 Acres

Jason Rogers stated the petitioners are requesting to rezone their property from R-1 to R-40. He stated approximately 30,000 square feet of this property is zoned Highway Business Conditional Use (HB-CU) and there is a church currently operating on this portion of the property. He stated the Future Land Use Plan has the property identified as commercial use. He stated if the rezoning request is granted, the applicants intend to petition the Board of Adjustment for a Conditional Use Permit to allow for riding stables/riding academy. He stated the current R-1 zoning doesn't permit this use.

Barbara Watson Kearney (90 Kearney Store Rd) stated she has 32 acres of land that is the adjacent property to the proposed. She stated she has a 45-foot easement and the Frazier's fence and riding/lesson ring are on the easement. She presented the board with pictures she had taken of the property. She complained of horse trailers coming in and out creating noise. She stated the Frazier's advertise on the internet and the lessons/boarding started approximately 3 years ago. She stated she feels all this is coming from a neighbor dispute with them. She stated all property touching the Frazier property is residential and farm land. She emphasized that she feels the Frazier business doesn't benefit the community since the people that are taking lessons don't live on Pocomoke Road. Willie Bartholomew questioned if the easement was a deeded easement. Mrs. Kearney stated the easement was deeded in 1989.

Cheryl Frazier (Petitioner) stated the easement is next to the arena. She stated they haven't built anything and everything that Mrs. Kearney is complaining about was there when she purchased the property in 2005. She stated she only does lessons on Monday, Wednesday and Friday. She stated people do bring in horse trailers to transport and use their own horses for lessons. She stated she runs a summer camp for 3 weeks and also offers a holiday camp. She stated she works closely with the Franklin County Extension Office and the 4-H program. Scott Hammerbacher stated based on staff's

records, Mrs. Frazier is operating without proper zoning permits. Mrs. Frazier stated her purpose before the board was to start the process to operate her business with all permits needed.

Janet Fenstermaker (Raleigh) stated she has a child who takes lessons from Mrs. Frazier. She stated she has never observed trailers coming in and out. She stated the only noise she observes when she is present on the Frazier property is from kids on motorbikes. She stated these noises are very scary with horses and the possibility of children falling off the horses. She stated she feels the Frazier's are good for the community.

Kelly Woodlief stated her property adjoins the Frazier property. She stated the only problem she has seen is the language problem with Mrs. Kearney's grandson. She stated she has a child who takes lessons from Mrs. Frazier.

Greg Kearney (80 Kearney Store Road) stated he has lived there for 30 years and they have always ridden their 4-wheelers and they were there first.

Rhonda Gay (11 Deer Run Drive) stated she is involved with the kids and the horses on the Frazier property. She stated the horses are fine with the 4-wheelers but the problem occurred when Mrs. Frazier asked the Kearney's to stop their grandson from using foul language around the kids when lessons are being conducted.

Sandy Black (248 Raleigh Farms Road) stated she feels the rezoning would increase the property value for the area.

Phillip Jeffreys made a motion, seconded by Fannie Brown to recommend approval of the map amendment. The motion passed by majority vote with William Wallace voting against the motion.

- #3. Other Business/Reports/Discussion
 - A.) Departmental Reports
 - B.) Other Business/Reports/Discussion

With there being no further business before the Planning Board, Vice-Chairman Bartholomew adjourned the meeting at 8:00 P.M.

Henry Nelms, Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board