

MINUTES FOR THE FRANKLIN COUNTY PLANNING BOARD

August 11, 2009

The Franklin County Planning Board held its regular monthly meeting on Tuesday, August 11, 2009 at the Franklin County Administration Building, Commissioners Meeting Room, 113 Market Street, Louisburg, North Carolina.

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

Chairman Henry Nelms called the meeting to order at 7:05 P.M.; and welcomed everyone in attendance. William Wallace gave the invocation. Willie Bartholomew made a motion, seconded by Ernie Holden to approve the minutes from the May 12, 2009 meeting. The motion passed unanimously.

Agenda Items:

#1. Request for a Special Use Permit by Norris Creek Outdoor Entertainment Complex to allow for Outdoor Events located off Old Halifax Road on 37 Acres in the R-30 (Residential) Zoning District in the Harris Township.

Jason Rogers stated the petitioner had listed car and tractor shows, music festivals, and rodeos as activities that they wish to hold on the proposed site. He stated the applicant plans to use existing landscaping to mitigate potential conflicts with adjacent land uses. He stated the site plan indicates that there would be approximately 101,000 square feet for parking, 34,000 square feet for stage area, and 120,000 square feet for special events and seating. He stated the site plan showed two designated areas for portable concessions and restrooms. He stated staff has recommended approval of the Special Use Permit request with the following conditions:

- Must provide Planning Staff with an approved NCDOT driveway permit prior to the issuance of building permits and occurrence of any public events.
- Provide trash receptacles and dumpsters in compliance with state and local regulations.
- All concession stands and vendors shall be approved by the Environmental Health and Building Inspections Department.
- Must comply with the Franklin County Noise Ordinance.
- Provide the Franklin County Emergency Services Department with a Fire Apparatus Access Road and an alternate access road in compliance with the Fire Code Section 503.1.1 be installed to the stage area; also any events will require a written public safety plan in compliance with Fire Code Section 403.2 be submitted to and approved by the Franklin County Emergency Services Department.
- Lighting shall not spill over onto adjacent properties.
- Compliance with all other state and local regulations.
- Temporary structures shall be adequately secured or stored within 72 hours of the completion of an event.

- The Special Use Permit shall be limited to the following uses: rodeo, tractor shows, and music events.

William Wallace questioned if car shows would be allowed since it was specifically listed in the application. Chairman Nelms stated car/truck shows goes along with tractor shows. Mr. Rogers stated staff would make that amendment regarding car/truck shows on the recommendations. Robert VanGraffeland expressed concern regarding buffering and hours of operation with there being adjacent property owners. Chairman Nelms wished to question any adjacent property owners regarding Mr. VanGraffeland's concerns but there wasn't anyone present. Scott Hammerbacher stated the proposed property was posted and notices were mailed to all the adjacent property owners. He stated his staff hadn't received any calls regarding any concerns with this matter. He stated the western and southern areas of the proposed property are fairly wooded. Mr. VanGraffeland stated he would feel more comfortable with a larger buffer since it appears there is only a 20-foot buffer. Mr. Hammerbacher stated the ordinance only requires a 20-foot buffer.

Ernie Holden question if there is enough space for parking. David Bunn (petitioner) was present and stated there was enough parking area for larger events. Mr. Holden questioned what the noise ordinance is and what would be considered in violation. Mr. Hammerbacher stated the current noise ordinance in place doesn't address specific decimal levels. Mr. Bunn stated he understands the noise ordinance. Chairman Nelms reminded the Board that if they were concerned with any noise problems; they could make recommendations in the motion.

Richard Hoyle made a motion, seconded by Phillip Jeffreys to recommend approval of the Special Use Permit with the recommendations proposed by staff and an additional recommendation stating that all music/noise must end no later than 11:00 P.M. and all events must end by midnight. The motion passed unanimously.

#2. Proposed UDO Text Amendment: Amend Article 6-1 (Table of Permitted Uses – Accessory Structures) and Article 6-2 (Notes to the Table of Permitted Uses – Note 4: Accessory Uses, Buildings, Structures).

Jason Rogers stated at the May 2009 Board of Adjustment meeting, Chairman Shane Brantley made a motion to recommend to the Planning Board to allow for some flexibility for accessory buildings on corner lots, which passed unanimously. He stated the Board of Adjustment had heard numerous variance requests for accessory building on corner lots in recent months that have subsequently been granted. He stated it is common practice if several variance requests are received and approved (five requests over the past two years) that there is a deficiency within the UDO. Mr. Rogers went over examples of current regulations and the proposed regulations.

Mr. Rogers stated the Board of Adjustment is suggesting that the Planning Board consider recommending to the Board of Commissioners amending current regulations to allow for an accessory structure to be placed past the front or corner façade of the principal structure provided that the accessory structure does not exceed six hundred (600) square feet in size, does not exceed the height of the principal structure, and is no closer than the required front setback of the underlying zoning district.

William Wallace stated he had a problem with this due to the fact that based on Robert's Rules, if this County committee uses Robert's Rules; a Chairman can't make a motion. He stated his other objection

is that the proposed would allow everyone to place accessory structures past front facades and he feels this would take boundaries away. He stated the Board of Adjustment has a job to do. Robert VanGraffeland stated he doesn't want to see a change in the setback requirement between structures. He stated he feels this should be increased, not decreased. Scott Hammerbacher suggested that his staff would research the text amendment more and address the complaints that have been brought up. The agenda item was tabled for revisions.

- #3. Proposed Text Amendment: Article 2-1 (Word Interpretation) and Article 6-1 (Table of Permitted Uses) to allow Family Care Homes as a permitted uses within R-1, R-40, R-80, NB, RB, HB and PUD Zoning Districts.

Jason Rogers stated the proposed amendment would provide consistency with existing North Carolina Law. He stated North Carolina Law states that adult family care homes must be treated the same as single family residences if the underlying zoning district permits single family residences. He stated Planning Staff feels this amendment is necessary in order to be consistent with current North Carolina Law. He stated Franklin County is allowed to enforce a one-half (1/2) mile radius separation of an existing family care home. He stated there are currently seven (7) state licensed family care homes within Franklin County. He stated the proposed amendment is in conformance with criteria established within the Comprehensive Land Use Plan.

Robert VanGraffeland made a motion, seconded by Phillip Jeffreys to recommend approval of the proposed text amendment in order to stay current with State Laws. The motion passed unanimously.

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

With there being no further business before the Planning Board, Chairman Nelms adjourned the meeting at 7:45 P.M.

Henry Nelms, Chairman
Franklin County Planning Board

Tammy Davis, Clerk
Franklin County Planning Board