

YOUNGSVILLE
PLANNING BOARD MEETING
Youngsville Community House, 115 W. Main Street
May 2, 2017
6:00 P.M.

Chairman Donnie Tharrington called the Planning Board Meeting of the Town of Youngsville to order at 6:00 p.m.

In attendance was Chairman Donnie Tharrington, Members Scott Anderson, John Cyrus, Hank Lindwall, and Robert Martin, Mr. Bob Clark, Zoning and Planning Administrator, Mr. Andy Thomas, Senior Planner, and Kathryn Tucker, Administrative Assistant. Absent was Vice-Chairman Mark Hurt and Member Janice Pearce.

Chairman Tharrington stated the first order of business is to approve the Minutes from the Planning Board meeting held on April 4, 2017.

With no discussion, the following motion was made by Member Scott Anderson, seconded by Member John Cyrus and passed unanimously.

**MOTION: APPROVE THE MINUTES OF THE APRIL 4, 2017 YOUNGSVILLE
PLANNING BOARD MINUTES AS PRESENTED**

The next item on the agenda is a Petition for Zoning Amendment made by Curtis White to Rezone property located at 2842 Cedar Creek Road from Commercial (C) to Residential Agriculture (RA).

The Board of Commissioners (BOC) set a public hearing in consideration of this application for 7:00 p.m. May 11, 2017. The Planning Board is requested to review the application, provide a recommendation and plan consistency statement for the Board of Commissioners.

See attached Staff Recommendation memo presented to the Planning Board by Mr. Andy Thomas, Senior Planner (copy attached).

Mr. Clark said with regard to the list of uses, single family dwellings, duplexes, educational institutions, public buildings (as defined by the Town), nursing homes, churches, agricultural uses. There are other activities that require Special Uses such as communications towers. The Residential Agriculture (RA) district covers a large portion of our ETJ (Extraterritorial Jurisdiction).

Mr. Clark stated that he and Mr. Belk met with Mr. White about a year ago to discuss the possibility of moving a manufactured home from the intersection of Hicks Road and Cedar Creek Road the property located on Cedar Creek. It was discussed at that time the fact that it was zoned Commercial and did not allow residential dwellings. Mr. White decided to convert the manufactured home to an office or retail use. He talked with Franklin County inspections about what would be required to convert the structure. It is a manufactured home that is built to

State Standards just like any other house. A Zoning Permit was approved for office/retail site with off street parking and handicapped parking. He has obtained a Driveway Permit from DOT that will allow multiple businesses to use the drive. Mr. White found out from County Inspections after he had moved the modular structure and had it set up, it had to meet the load bearing standards in the building code for commercial floors. Mr. White determined the expense was more than he could handle so he asked again about returning the property to Residential – Agricultural zoning as was in place some years before the area was zoned commercially. Mr. Clark explained the rezoning process and Mr. White submitted his application.

Mr. Clark stated that an adjacent property owner and owners of the Panic Point business came in today to see how a residential use would fit with their business with its seasonal noise issues.

Chairman Tharrington asked what would be the spot zoning consideration. Mr. Thomas said that spot zoning is where a smaller area is treated differently than a larger area that's around it. There is some debate on what constitutes spot zoning. It's not illegal, per say, if it fits with adopted plans and policies but is not encouraged where all the surrounding properties are not treated the same. It was discussed with Mr. White the option of including the adjacent lot with his request. That lot adjoins other RA residential zoning and could change how the request is considered. Mr. White chose not to include that lot in his request. The town's adopted land use plans and policies do not address spot zoning.

Member Hank Lindwall asked, with the number of business in that area what would be the impact if this was rezoned to residential. Mr. Clark said the proximity to noise, light, extra traffic, etc., may not be compatible. There is an LP tank field right next to the property. For new commercial development, next to residential the ordinance requires buffering between commercial and residential. Rezoning to residential would not require buffering. And although this may be desired, may not be a condition of the rezoning.

Chairman Tharrington said as it stands now, this property would be completely surrounded by commercial property with no connectivity to residential property. Mr. Clark stated that was correct.

Mr. Lindwall asked if we wanted to avoid the spot zoning, what would be the area on the map that staff would recommend be rezoned. Mr. Clark said it totals around three (3) acres. Mr. Thomas said the tract being rezoned is 1 acre and tract #3 is two acres and it wraps around the back of lot 3 and adjoins residential zoning. Mr. Thomas stated it is rare to rezone from Commercial to Residential. Clark added, it is more common to see first floor commercial and second floor residential in a downtown setting. Mr. Lindwall asked how long has the property been zoned commercial? Mr. Jim Moss, adjacent property owner, said he thought it had been ten (10) years.

Member Scott Anderson asked if this was planned to be rental property. Mr. Moss stated he believed it was. Mr. Anderson asked if this is approved, will this allow other people buying property in that area to make the same request. Mr. Clark said it could come up again, but land use plans help justify certain zoned areas. Mr. Anderson said he didn't see a problem with the

property being converted to residential use unless it is in the way of a potential business. Mr. Clark said there is some interest in the property across the road but nothing firm at this time.

Mr. Moss stated he supported Mr. White's request to rezone.

Member Scott Anderson asked if the Planning Board recommends approval to the Board of Commissioners, would there then be a request for public input at that time. Mr. Clark stated there would be a Public Hearing before the Board of Commissioners considered action on the request.

Mr. Clark summarized that Mr. White was not aware that it was going to take such a large expense of bring the structure to commercial codes otherwise he would likely have found another property on which to move the manufactured home. The floor requirements were an unexpected cost. However, the staff does not recommend approval because the one lot is surrounded by commercial zoning and mostly commercially developed properties that may be incompatible with a residential use.

Chairman Tharrington said that spot zoning opens to other problems in the future. And having commercial adjoined with residential could be problematic.

With no further discussion, the following motion was made member Hank Lindwall, seconded by member Robert Martin and passed unanimously.

MOTION: TO RECOMMEND DENIAL OF THE PROPOSED AMENDMENT OF THE BOARD OF COMMISSIONERS, TO ADVISE THAT IT IS INCONSISTENT WITH THE 2000-2010 LAND USE PLAN OR OTHER APPLICABLE PLANS AND TO ADOPT THE STAFF REPORT WHICH ADDRESSES PLAN CONSISTENCY AND OTHER MATTERS.

The next items on the agenda is to consider Zoning Ordinance text amendments to add definitions and standards for indoor and outdoor shooting ranges (see attached Draft).

Mr. Clark stated that the Town of Franklinton had a case where an applicant wanted an outdoor gun range, using long rifles, shotguns, etc. on property in their ETJ that was on high ground and in the line of sight of a school. The Town of Franklinton held a public hearing and had a large crowd of citizens that were opposed to the request. The Town of Franklinton denied the Special Use Request and the applicant's legal counsel indicated they may appeal with some indication the Town ordinance was not specific to their request.

Mayor Flowers and other Board of Commissioners asked the Staff, considering the Franklinton issue, to review the Youngsville ordinance and prepare possible amendment to address indoor and outdoor shooting ranges including criteria for their consideration.

Mr. Don Belk and Mr. Bob Clark reached out to other communities statewide and came up with some language to put in place in our ordinance that shows regulations for indoor and outdoor

shooting facilities and gives recognition that hunting is allowed in rural type areas. What this draft text amendment attempts to do is to recommend adding into our ordinance a distinction between indoor and outdoor (not including rifles) shooting facilities, but also giving exemptions to hunting. (see attached Draft).

The Town Board also can set a public hearing for the same night to ask for a moratorium on establishing shooting ranges if the boards want more time to research and prepare a final version or they can proceed with the adoption of the current draft or modifications to it.

Chairman Tharrington said he thinks the planning staff is wise to start research on indoor/outdoor shooting ranges. The only thing he would add is that consideration be given to the noise factor and shotgun vs rifle. Mr. Clark said where its located and how close it is makes a big difference. In any case, we're talking about a Conditional Use for indoor and a yes or no for outdoor uses and distance involved.

Mr. Clark asked if the board has a comfort level on what has been presented. This is a first presentation with the Planning Board and the next Town Board meeting is the first chance the Commissioners will have to consider its options. You may want to sit in on the public hearing to see what the citizens have to offer on this subject. We don't want to put the town in a position where it can be easily challenged.

Chairman Tharrington asked the Board if they wanted to make a recommendation.

With no further discussion, the following motion was made by Member Scott Anderson, seconded by Member Robert Martin and passed unanimously.

MOTION: TO RECOMMEND TO THE BOARD OF COMMISSIONERS TO IMPLEMENT A MORITORIUM AND GET SOME INPUT FROM INDUSTRY AND FEEDBACK FROM THE PUBLIC PRIOR TO ACCEPTING THE FINAL DRAFT

Item #5 is Around the Town report by Staff.

1. Our 1993 Subdivision Ordinance is sadly out of date. It takes a while to consider all the changes made in the last 24 years, i.e., streets, sidewalks, State law. The Planning Staff goal, at this point, is to put forward two goals; get our Land Use Plan and Subdivision Ordinance updated. Our Mixed Use District also needs some serious attention.
2. Phases 6 and 7 of East Woods of Patterson have been approved for water allocation from Franklin County Public Utilities.
3. We have had two conversations with developers that are looking at the area between Youngsville and Wake Forest.
4. Mr. Andy Thomas told the Board that the Board of Adjustments will have three cases to hear. They are a request for Variance for a billboard to reduce the lot size to accommodate the billboard, a Conditional Use Permit for a Skilled Arcade (Internet

Sweepstakes), and the new owners of the remaining lots in Cottage Court Duplexes are requesting to build single family detached homes with reduced side yard setbacks.

Item #6 – Public Comments.

Mr. Jim Moss said he appreciated the work the Board was doing. He also said he would come back to the Board Meeting in June and give a more detailed report on the Franklinton case if the Board wants him to.

With no further comments from the Planning Board, Chairman Tharrington adjourned the meeting at 7:45 p.m.