



TOWN OF BENSON
PLANNING BOARD
7:00PM April 2, 2019
BENSON CONFERENCE CENTER

Minutes

Members Present: Sherry Lockamy, Decarius Ingram, Ray Adams, Joshua Hefner, Danny Holland, Charles Harper, Tawanda Shepard, Erin Joseph (Planning Director)

Members Absent: Tracy Johnson

Quorum achieved with 7 of 8 members present.

1. **CALL TO ORDER** – Meeting called to order by Charles Harper, Vice-Chair, at 7:04 pm
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES** – March 5, 2019

Action: Sherry Lockamy made a motion to approve the March 5, 2019 meeting minutes. Ray Adams made a second to the motion. Approved unanimously.

4. **NEW BUSINESS**

Charlie Harper, acting Chairperson, recused himself from Public Hearing SD-2019-01 as he is an adjacent property owner. Mr. Harper asked that a motion be made to select a temporary Chairperson for the p hearing.

Action: Ray Adams made a motion to nominate Josh Hefner as temporary Chair for public hearing SD-2019-01. Danny Holland made a second to the motion. Approved unanimously.

- A. **SD-2019-01:** Subdivision preliminary plat consisting of 31.63 acres divided into 44 lots at Tarheel Rd. and Woodall Dairy Rd. located within the extraterritorial jurisdiction of the Town of Benson. Tax ID 01E08019E and 01E08019. Applicant: RP Wellons Land & Development. Property Owner: Neta L. Grady

Erin Joseph, Planning Director, stated that the Planning Board's recommendation went before the Board of Commissioners on March 12, 2019. The Board of Commissioners decided to remand SD-2019-01 to the Planning Board in light of information received after the March 5th meeting.

Erin Joseph stated that the Stormwater & Sedimentation Division and NCDOT have provided comments. The developer has also updated the preliminary plat to address concerns voiced by adjacent property owners regarding drainage.

Erin Joseph presented the staff report on SD-2019-01 subdivision preliminary plat request to the Planning Board. This request is for the subdivision of 44 single family residential lots located off Tarheel Rd, three quarter miles from NC Hwy 242 N. Currently two tracks of land owned by Neta L. Grady consisting of 31.63 acres. Current zoning is Residential/Agriculture and bound primarily by single family residential uses.

Erin Joseph stated that the preliminary plat is contingent upon technical review of construction drawings. At least 25% of open space/recreation area shall be improved in accordance to the Unified Development Ordinance (UDO). Street yard canopy trees shall be located and permitted in accordance to the UDO.

Erin Joseph also explained that the developer is requesting three waivers:

- Waiver #1 - Increase street length of Grady Way by 500 feet. UDO requires maximum length of 1000 feet and Grady Way is approximately 1500 feet.
- Waiver #2 - Omit second entrance. Per UDO, any subdivision of 30 lots or greater must have a second access point.
- Waiver #3 - Omit sidewalk requirement. Subdivision is not connecting to Town of Benson water and sewer system so they are not required to have curb and gutter but the UDO still requires sidewalks on both sides of street.

Staff recommends approval of the preliminary plat subject to approval of the waivers.

Erin Joseph mentioned that the Town of Benson asked NCDOT if a traffic impact analysis and turning lane are required. Per NCDOT standards, a traffic impact analysis is not required for a development of this size. NCDOT typically does not require a traffic impact analysis for less than a 300 lot subdivision. Town of Benson UDO states that traffic impact analysis is required with a 100 lot subdivision.

Josh Hefner, acting Planning Board Chair, opened the public hearing to those in favor of the preliminary plat request.

Attorney Tilghman Pope, representing RP Wellons Land and Development LLC, stated that his client is here to ask for the Board's consideration of a preliminary plat approval. Mr. Pope mentioned that the developer still has to meet various agency criteria after the preliminary plat is approved, such

as NCDOT and Johnston County as it relates to stormwater runoff. Granting of preliminary plat does not guarantee the development of the property. Mr. Pope stated that his client has gone further than is required under the Unified Development Ordinance in an effort to address concerns brought related to stormwater runoff. In addition to a neighborhood meeting, his client has met individually with adjacent property owners to address their specific concerns. Mr. Pope asked the Board to take into consideration that this meeting is a request for a preliminary plat approval. He also asked that the Board consider the very specific criteria, under the UDO, that the evidence presented at this meeting will show each of the criteria are met and to not consider matters that are outside those criteria.

Josh Hefner, acting Chair, asked those that would like to speak in favor of the request to come forth and be sworn in.

Fleet Temple, with Enoch Engineers, 1403 NC Hwy 50 S, Benson presented evidence of the current conditions of the development site and adjoining properties and addressed how the developer plans to mitigate stormwater drainage concerns. He referenced Angel Register and Wayne LeBlanc's property to the north and Kelly Allen's property to the south of the subdivision property.

Mr. Temple stated the proposed grassy swales will prevent erosion by slowing down water leaving the property. A breakdown of drainage areas showed twelve acres of subject property going toward the front yard of Kelly Allen's property to the south. Post development proposes a wide grassy swale be added along the southern boundary line. The developers have also agreed to abut the southern property line with a berm if there is any leftover dirt from stripping topsoil or earthwork. Mr. Temple noted that the pipe that runs under Mr. Allen's driveway is currently undersized. It is a 24 inch pipe and needs to be a 36 inch pipe. The developer has agreed to upsize Mr. Allen's pipe to a 36 inch pipe to help with erosion of Mr. Allen's driveway by diverting the water runoff. The developer also agreed to add a rip-rap apron to help slow water flow.

Mr. Temple informed the Board that approximately six acres of the subdivision runs to the north side of the property along Angel Register and Wayne LeBlanc's property line. The developer will place a swale that will extend to lot 33. The developer will also upsize Angel Register's driveway pipe and regrade the NCDOT ditch that runs to the cross pipe.

In addition, the developer is considering a ditch around Mr. Allen's pond to help keep the water from blowing out his pond. Another quarter to half acre of land disturbance which will be permitted if necessary through NCDOT.

Mr. Temple addressed comments regarding the existing adjacent property owners' wells being closer than 100 feet to the subject property. Mr. Temple stated that the Department of Health now requires 50 foot setback.

Fleet Temple presented a soils map created by Mike Eaker from Southeastern Soil & Environmental Associates, Inc. The map determines how the lots are laid out and open space shows unsuitable material, no septic will be put in this area.

Regarding turn lanes, Fleet Temple stated that they have a verbal agreement from NCDOT that turn lanes will not be required. NCDOT will not guarantee that decision until the developer submits the driveway permit for approval. If NCDOT requires the turn lanes then the developer will put them in.

Attorney Pope, stepped forward and asked Fleet Temple to explain to the Planning Board the Johnston County stormwater ordinance requirements. Fleet Temple stated that the stormwater manual stresses a few primary concerns; nitrogen runoff is one, which is not a problem with this subdivision. Second, is post construction runoff that has to be equal to or less than pre-construction runoff. Johnston County does allow up to ten percent increase without providing any stormwater pond or retention area. Another requirement is to have a fifteen percent maximum impervious surface area base on overall property area. The design for post-development runoff is exactly the same as pre-development runoff. Fleet Temple explained that even with an increase in impervious area there would be a decrease runoff from the site because of grassy areas and wider swells.

Mr. Temple noted that Johnston County independently reviews the plan to determine the runoff and will not issue a permit unless they confirm what has been presented.

Mr. Temple also stated that the preliminary plat has to be approved by the Town prior to applying for the driveway permit with NCDOT.

Fleet Temple addressed the waivers:

- #1 – Omit second entrance. The UDO states that you can request a waiver if existing surrounding development prevents extending a street to any adjoining development to meet this regulation. In his opinion, a second entrance off Woodall Dairy Rd would likely make the intersection worse.
- #2 - Increase street length of Grady Way by 500 feet. If the road was left at 1000 feet, the remainder of the property would be open space. The impervious requirement is based on the full 36 acres. To leave 7 acres undeveloped would then compress the impervious area into 28 acres of developed space which would cause more runoff for adjacent property owners.
- #3 – Omit sidewalk requirement. The Johnston County water manual requires a ten foot utility easement running parallel on the lots

property because the ditch section of the road does not fit inside the 50 foot right of way. Johnston County wants water meters and fire hydrants on the backside of the ditch. After the ten foot requirement is a five foot sidewalk and a 21 foot house setback, it then leaves only six feet of front yard between sidewalk and the front of the house.

Mr. Temple stated that the requested waivers are consistent with waivers that the Town of Benson has approved for other subdivisions.

Fleet Temple explained that the developer is not required to do a curb and gutter since the subdivision is not tying into the Town of Benson water and sewer. Town of Benson UDO states that you either meet Town of Benson standards or NCDOT ditch section standards. The developer is using NCDOT ditch section.

Action: Ray Adams made a motion to enter packet into the record. Sherry Lockamy made a second to the motion. Approved unanimously.

Josh Hefner, acting Chair, opened the public hearing to those opposed to SD-2019-01.

Marie Johnson of 2281 Tarheel Rd, Benson. Ms. Johnson is opposed to the second entrance waiver. She suggested acquiring additional land or gaining permission from property owners to put in the second entrance. She is also concerned about the traffic. Ms. Johnson questioned the traffic impact analysis that was done when Copper Creek went in. She asked what the findings were and if it was still valid. Since RP Wellons is doing both subdivisions why is it not considered cumulative under the same developer.

Erin Joseph, Planning Administrator, explained that the traffic impact analysis is based on development. Even though it is the same developer, it is still considered separate subdivisions. Also, regarding the traffic impact analysis for Copper Creek, initially that development was over 200 lots and results did not require a turn lane at that time. The traffic impact analysis is good for up to ten years.

Marie Johnson wanted to be on record saying that there is already a safety issue in the area where the subdivision is going.

Kelly Allen, 2180 Tarheel Rd, Benson. Mr. Allen stated that the developers are trying to address some of the residents' concerns. His main concern is the water runoff. Mr. Allen is asking the developer to put their solutions for his property in writing. Mr. Allen would like the Board to make it a requirement of the development. The soil water conservation department at the Agriculture Extension office sent results to Mr. Allen and they are requiring a 36 inch pipe.

Debbie LeBlanc 2267 Woodall Dairy Rd, Benson. Ms. LeBlanc's main concern is water drainage running onto one of their lots. They live next to Angela Register. Ms. LeBlanc wants to make sure that something will be done in the back property such as the berm that was discussed. The LeBlanc's would also like it in writing from the developer.

Attorney, Tilghman Pope, addressed the Board again reminding them that the Board is to consider preliminary plat approval only and whether or not evidence has been presented to satisfy the finding of fact that are required in order to grant preliminary plat approval. The criteria for the waivers is different from that for the preliminary plat approval. The waivers are practical considerations. According to the UDO, a waiver will not be detrimental to public safety health or welfare or injurious to the adjoining property owners. There has been no evidence these particular waiver requests are impacting any of the adjoining property owners.

Attorney Pope reviewed the Findings of Fact and stated that the evidence the developer has presented to the Board meets each of the criteria.

Action: Ray Adams made a motion to close the Public Hearing. Tawanda Shepard made a second to the motion. Approved unanimously.

Danny Holland asked to be recused from the voting of recommendation due to a direct or indirect financial interest to at least two people involved in this public hearing.

Action: Ray Adams made a motion to grant Danny Holland's request of recusal from voting. Tawanda Shepard made a second to the motion. Approved unanimously.

Sherry Lockamy stated her concerns for emergency vehicles getting in and out of the subdivision with just one entrance. Erin Joseph stated that the fire inspector did evaluate the preliminary plat and approved the one entrance. According to the Fire Department, the necessary components are present from a safety perspective. The fire inspector notated that the one entrance is sufficient for them and it met all the standards.

Action: Ray Adams made a motion to recommend all three waivers to the Board of Commissioners. Decarius Ingram made a second to the motion. Approved unanimously.

Action: Based on the Staff Recommendations and the Finding of Facts, Decarius Ingram made a motion to recommend approval of SD-2019-01 preliminary plat. Joshua Hefner made a second to the motion. Approved unanimously.

Action: Tawanda Shepard made a motion to close the public hearing. Sherry Lockamy made a second to the motion. Approved unanimously.

B. Review and adopt Rules of Procedure

Erin Joseph recommended the Planning Board elect a Secretary. She explained that the clerk takes the minutes but the Secretary would keep the minutes, relay information to the Planning Board, and serve in a capacity that would keep Board members updated on procedural matters. The secretary would also serve as another level of acting Chairperson or Vice-Chairperson.

Action: Ray Adams made a motion to adopt the Rules of Procedure. Sherry Lockamy made a second to the motion. Approved unanimously.

5. **OLD BUSINESS** – None
6. **MEMBER REPORTS** – Sherry Lockamy presented a picture of the concession stand located at PK Vyas Park that had been recently vandalized. Ms. Lockamy asked the board members if they had any suggestions to reduce theft and vandalism at this site.

Ray Adams mentioned the Part F Grant that was awarded and mentioned that there will be significant improvements to this area. Concession will be moved to a new Field House which will offer additional security.

Erin Joseph mentioned that the town has invested in a camera system that is currently operational and has significantly reduced the occurrence of theft and vandalism.

Josh Hefner mentioned that he hopes to see the addition of bike-ways and green-ways in Benson. He works for Harnett Health and he is hoping that they will partner with Benson to help promote additional greenways and promote safer bike paths and pedestrian pathways.

Erin Joseph mentioned that this is being addressed at the Community Transportation Plan meetings.

Charlie Harper commented that the Board of Commissioners have authority over the ETJ and what happens in the ETJ but there is no representation on the Board of Commissioners from someone that lives in the ETJ. He is wondering what the process might be to change the by-laws to allow members of the ETJ to be added to the Board of Commissioners. Erin Joseph said that she would check the Town Charter.

7. **PLANNING ADMINISTRATOR REPORT** Planning Director, Erin Joseph, mentioned to the Board that Matt Zapp has resigned his position as Town Manager. He will be leaving the Town of Benson the end of May and has taken a Town Manager position at Emerald Isle.

8. **ADJOURNMENT**

Action: Ray Adams made a motion to adjourn meeting at 9:03pm. Charles Harper made a second to the motion. Approved unanimously.

Respectfully submitted: Laureen Shepard

DRAFT