

Memorandum

To: US 401 Steering Committee

From: Scott Hammerbacher, Planning & Inspections Director

Date: January 12, 2009

Re: Unified Development Ordinance/US 401

Listed below are pertinent sections of the County's Unified Development Ordinance as related to development along the US 401 corridor within Franklin County.

- Section 8-2: Additional Right-of-Way Setbacks US 401 & NC 56
- Section 27-1: Thoroughfare Plan (Applicability)
- Section 29-5 (Q): Access to Major Thoroughfares
- Section 29-5(R): Separation of Access Points Along Adjoining Major Thoroughfare
- 29-5 (S): Turn Lanes on Adjoining Major Thoroughfares
- Section 29-5 (T): Major Thoroughfare Right-of-Way Dedication or Reservation

Section 8-2: Additional Right-of-Way Setbacks US 401 and NC 56

On May 5, 2001, the Franklin County Board of Commissioners adopted a position paper regarding protection of the US 401 corridor. Protection is also necessary for the NC 56 corridor. The following provides the corridor position paper:

“For several years, Franklin County’s number one priority highway improvement project has been the multi-laning of US 401 from Louisburg south to the location where the multi-laning of 401 currently exists. This priority rating has been reflected in the county’s submittals to the Board of Transportation and the Department of Transportation each year during the time that hearings are

conducted for the purpose of receiving public input into the Department's development of the Transportation Improvement Program. Our neighbors to the north have recognized the importance of this corridor and have often included it among their desired projects when presenting highway improvement requests at these hearings.

Each working day there does occur severe traffic congestion on US 401 as thousands of Franklin County residents utilize this highway or segments of it to travel to and from their place of employment in Raleigh, Wake County, or the Research Triangle Park. This route is also used by tourists who wish to access the lakes to the north, and commercial traffic is becoming increasingly prevalent along this highway. The multi-laning would contribute significantly to motorists' safety and provide for an expeditious flow of traffic along this route. In its current configuration this curving, two-lane road is not conducive to accommodating motorists whose frustrations grow and patience expires as traffic volumes increase and traffic slows as a result.

The multi-laning of US 401 will result in increased economic development along this corridor. The recently completed updated of the county's Land Use Plan recommends that certain segments of this corridor be designated for commercial, light industrial, and office and institutional development. The Franklin County Airport which is approximately one mile from US 401 will be more easily accessed and open to development when highway improvements occur. This multi-laning will augment the development opportunities which currently exist along US 1 which is presently multi-laned and provides the primary economic development corridor from Franklin County into Wake County. Improved access to I-85 and I-40 will be a tool for the county's economic development advocates to use in their efforts to attract business and industry.

An estimate of cost for this multi-laning which is contained in the most recent draft of the 2002-2008 Transportation Improvement Program is in excess of \$81 million. These costs can only be expected to escalate in future years, and the Franklin County Board of Commissioners feels a sense of responsibility to mitigate the potential increase related to the portion of construction within Franklin County as much as possible, inasmuch as this has been the county's number one priority project for several years. The county will establish a highway overlay district to protect and preserve the projected corridor. This highway overlay district would serve to preclude further development within the projected corridor for the multi-laning of US 401 so that the right-of-way

acquisition costs could be contained and not be subject to dramatically escalated costs for improvements to real property that might otherwise occur.

The design elements for the multi-laning which have been accomplished to date do define a corridor which extends beyond the existing right-of-way on either side of US 401 from the Wake/Franklin County line to Louisburg. It is the intent of the Franklin County Board of Commissioners to direct its Planning Staff to develop recommendations for establishing a highway overlay district to protect and preserve the corridor along which the multi-laning of US 401 will occur. It is the position of the Board of Commissioners that by working in concert with the Department of Transportation that costs can be contained and that project development will be facilitated. Improvements to this highway are considered vital to the future economic development of the county and important to the health and well-being of current and future residents of the county.”

The most recent right-of-way and construction drawings as proposed by NCDOT for the 401-widening project will be utilized to determine setback criteria. To minimize encroachment and mitigate costs associated with the 401-widening project, building setbacks shall be a minimum of 50 feet from the NCDOT proposed right-of-way.

Section 27-1: Thoroughfare Plan

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of any of the following organizations; Franklin County, Capital Area Metropolitan Planning Organization (CAMPO) and the North Carolina Department of Transportation, such part of such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this Ordinance.

29-5 (Q): Access to Major Thoroughfares.

- (1) It is the intent of this regulation to limit access onto a major thoroughfare (as defined in Section 29-5(J)(2) of the Franklin County Subdivision Ordinance) where appropriate, in order to maintain the traffic capacity and encourage smooth traffic flow.

- (2) In situations where strict compliance with this provision is impossible or impractical due to topographic conditions, configuration of the parcel to be subdivided, or other condition beyond the control of the subdivider, the Planning Board, for major subdivisions, and the Administrator, for minor subdivisions, may permit other approaches or exempt the property owner from the requirements of Sections 3 and 4 below.

- (3) Where a tract of land to be subdivided borders on an existing NCDOT road, the Planning Board, for major subdivisions, may regulate access from a subdivision or individual lot directly onto a major thoroughfare by requiring:
 - (a) That rear or side yards abut the major thoroughfare, and the front or side yards abut an existing parallel local road; or

 - (b) That a parallel local road be created and that roads internal to the subdivision access the local road at a right angle. The rear or side yards of terminal lots must abut the major thoroughfare; or

 - (c) That a marginal access or service road be constructed, parallel to, and separated by a grass strip from, the major thoroughfare. The access road may have access to the major thoroughfare at suitable points and shall serve as the principal access road to the subdivision. No direct access from the lots onto the major thoroughfare will be allowed; or

 - (d) That another access design, such as joint driveways, be used to achieve the intent of this regulation.

- (4) Where a tract of land to be subdivided borders on an existing or proposed major thoroughfare, the Administrator, for minor subdivisions, may regulate access from a subdivision or individual lot directly onto a major thoroughfare by requiring that another access

design, such as joint driveways, be used to achieve the intent of this regulation.

- (5) The Planning Board, for major subdivisions, and the Administrator, for minor subdivisions, shall consider the following criteria when reviewing the proposed design for such subdivisions or individual lots:
 - (a) The major thoroughfare's road classification.
 - (b) Traffic counts as related to capacity.
 - (c) Level of congestion.
 - (d) Ultimate cross-sectional design of the major thoroughfare.
 - (e) The sight distance of approaching traffic from the point where any proposed access intersects the major thoroughfare.
 - (f) Recommendations of any required traffic impact analysis.

29-5 (R) *Separation of Access Points Along Adjoining Major Thoroughfare.* Where a subdivision is proposed adjacent to a major thoroughfare and access is proposed onto the major thoroughfare by driveways and/or intersecting roads, the Planning Board for major subdivisions, and the Administrator, for minor subdivisions, may require that said driveways and/or intersecting roads be separated according to North Carolina Department of Transportation or Franklin County standards, whichever permits the freer and safer flow of traffic.

29-5 (S) *Turn Lanes on Adjoining Major Thoroughfares.* Where a subdivision is proposed adjacent to a major thoroughfare and access is proposed onto the major thoroughfare, the Planning Board, for major subdivisions, and the Administrator, for minor subdivisions, may require left-turn storage or right-turn deceleration lanes on the major thoroughfare or intersection according to

North Carolina Department of Transportation or Franklin County standards, whichever permits the freer and safer flow of traffic.

29-5 (T) *Major Thoroughfare Right-of-Way Dedication or Reservation.*

(1) *Dedication of Right-of-Way Abutting Existing Major Thoroughfares.*

If (i) a subdivision site abuts an existing major thoroughfare with a right-of-way width less than that recommended in the Thoroughfare Plan of any of the following organizations: Franklin County, Capital Area Metropolitan Planning Organization (CAMPO) and the North Carolina Department of Transportation, and (ii) development in the proposed subdivision is expected to add a significant amount of traffic onto that major thoroughfare, then the subdivision shall include dedication of any additional right-of-way along the site's frontage on the major thoroughfare that is needed to widen the right-of-way to fifty (50) feet from the centerline of the roadway.

(2) *Proposed New Thoroughfares.*

(a) *Incorporation of Thoroughfares.* If (i) the Thoroughfare Plan of any of the following organizations: Franklin County, Capital Area Metropolitan Planning Organization (CAMPO) and the North Carolina Department of Transportation, proposes a new major thoroughfare across part of a subdivision site, and (ii) an alignment for the thoroughfare has been determined to a reasonable degree of certainty (for example, as a centerline alignment on a functional design plan), and (iii) the thoroughfare could appropriately serve to provide direct access to the subdivision (for example, it would not be a freeway or other restricted-access road), then the subdivision shall incorporate the major thoroughfare into its internal road layout by having one of the subdivision roads run along the proposed thoroughfare alignment. Such road, however, need only be constructed to NCDOT standards for a residential collector road.

- (b) *Reservation of Future Right-of-Way.* If (i) the Thoroughfare Plan of any of the following organizations: Franklin County, Capital Area Metropolitan Planning Organization (CAMPO) and the North Carolina Department of Transportation, proposes a new major thoroughfare - other than one defined in provision (a) - across part of a subdivision site, and (ii) an alignment for the thoroughfare has been determined to a reasonable degree of certainty (for example, as a centerline alignment on a functional design plan), and (iii) the county's development regulations reasonably allow the subdivider to both realize the maximum lot density allowed by the site's zoning and physical characteristics and avoid developing that part of the site needed as future right-of-way for the proposed thoroughfare, then the subdivision shall include reservation of the thoroughfare's future right-of-way - that is, it shall not include lots or other development within the land area needed as the thoroughfare's future right-of-way.

Land area needed as future right-of-way shall be determined from NCDOT plans where available, or otherwise by applying half the right-of-way width recommended in the Franklin County Thoroughfare Plan along each side of the thoroughfare's proposed centerline alignment.

- (c) *Applicability.*

Except as otherwise expressly indicated in this ordinance, whenever a tract to be subdivided includes or abuts any part of a road that has a right-of-way of less width than required by the applicable state or county standards, the property owner is required to dedicate the additional right-of-way necessary to ensure the compliance with minimum right-of-way standards. This dedication requirement may be waived by the Planning Board or Planning Director only if they determine that the dedication:

- (1) Will result in the deprivation of all reasonable use of the subject property; and
- (2) It is not reasonably related to the traffic that will be generated by the proposed subdivision.

- (3) *Record Plat Notice of Future Right-of-Way.* If the Franklin County Thoroughfare Plan recommends the widening of an existing major thoroughfare abutting a subdivision site, or proposes a new major thoroughfare across part of a subdivision site, the record plat for the subdivision shall include notice of such. If the land area needed for the planned widening or new thoroughfare can be ascertained with a reasonable degree of certainty, the record plat shall delineate it and label it as future right-of-way.