

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

MINUTES

August 21, 2012

Members Present

Mr. Walter Clark, Chair
Mrs. Lori Eler
Mr. Benny Pearce
Mr. Donovan McLaurin
Mr. Garland Hostetter
Mrs. Sara Piland
Mr. Charles Morris

Members Absent

Ms. Patricia Hall
Mr. Harvey Cain, Jr.

Others Present

Mr. Thomas Lloyd
Ms. Patricia Speicher
Ms. Donna McFayden
Mrs. Laverne Howard
Mr. Rick Moorefield,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Morris delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were none.

Mrs. Piland made a motion, seconded by Mr. Morris to approve the agenda as submitted. Unanimous approval.

III. PUBLIC HEARING DEFERRAL / WITHDRAWAL

P12-06: REZONING OF 10.28+/- ACRES FROM RR/CU RURAL RESIDENTIAL/ CONDITIONAL USE OVERLAY FOR A BILLBOARD AND RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1006 (CLINTON ROAD) AND WEST SIDE OF SR 2013 (OLD VANDER ROAD); SUBMITTED BY DAVID M. ALLEN ON BEHALF OF NEW HOMES INC. (OWNER).

Mrs. Epler made a motion, seconded by Mr. Morris to approve the withdrawal. Unanimous approval.

P12-48: REZONING OF 86.22+/- ACRES FROM CD CONSERVANCY AND RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF MCKINNON FARM ROAD AND SOUTH OF SR 1107 (FISHER ROAD); SUBMITTED BY LORRAINE MOHLER ON BEHALF OF MWH GROUP, LLC. (OWNER) AND 4D SITE SOLUTIONS, INC.

Mr. Morris made a motion, seconded by Mrs. Epler to approve the deferral to the November 20, 2012 Planning Board meeting. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF JULY 17, 2012

Mr. Pearce made a motion to accept the minutes as submitted, seconded by Mr. McLaurin. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P12-47:** INITIAL ZONING OF 4.02+/- ACRES TO CD CONSERVANCY, RR RURAL RESIDENTIAL AND M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 440 W MANCHESTER ROAD, OWNED BY MARY ODOM CAUDLE. (SPRING LAKE)

The County Planning Staff recommends approval of the initial zoning to the CD Conservancy, RR Rural Residential and M(P) Planned Industrial Districts of the subject property as shown on the attached sketch map, based on the following:

1. The districts requested are consistent with the 2030 Growth Vision Plan, which calls for "urban" and "conservation area" at this location, as well as meeting the location criteria for "suburban density residential" and "heavy industrial/manufacturing" development as listed in the Land Use Policies Plan;
2. The districts requested are reasonable as public utilities are available to the subject property; and
3. The request was submitted by the Town of Spring Lake.

The effective date of annexation was August 13, 2012. There are no other suitable districts to be considered for this request.

Mrs. Piland made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve CD Conservancy, RR Rural Residential and M(P) Planned Industrial districts, seconded by Mr. McLaurin. The motion passed with a unanimous vote.

- B. **P12-49:** REZONING 4.41+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5455 THROUGH 5515 MATT HAIR ROAD, SUBMITTED BY WILLIAM FRANK AND VIRGINIA KAY SKIPPER (OWNERS). (COUNTY)

The Planning & Inspections Staff recommends approval of the R40A Residential district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “rural” at this location, as well as meeting the location criteria for “rural density residential” development as listed in the Land Use Policies Plan; and
2. The location and character of the use is reasonable and will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

Mrs. Piland made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve R40A Residential district, seconded by Mr. McLaurin. The motion passed with a unanimous vote.

CONDITIONAL ZONING DISTRICT

- C. **P12-46:** REZONING OF 1.94+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3955 DUNN ROAD, SUBMITTED BY HAROLD G. FURR ON BEHALF OF CAM PROPERTIES OF FAYETTEVILLE, LLC. (OWNER) AND 4D SITE SOLUTIONS, INC. (EASTOVER)

On August 16, 2012 the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a C2(P) Planned Service and Retail/CZ Conditional Zoning district [C2(P)/CZ] for the allowed uses in the C2(P) district. The Planning & Inspections Staff recommends approval of the requested rezoning to C2(P) Planned Service and Retail/CZ Conditional Zoning district for the C2(P) allowed uses, after receiving feedback from the Town Manager based on the following:

1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for “medium density residential” at this location, the subject area is currently under consideration to be placed in a Commercial Core Overlay District that is intended to accommodate for small-scale, low-intensity and convenience retail and services for the Town of Eastover;
2. The district requested is reasonable as it is consistent with the 2030 Growth Vision Plan, which calls for “community growth area” at this location , as well as meeting the location criteria for “light commercial development” as listed in the Land Use Policies Plan;
3. The location and character of the use will be in harmony with the surrounding area; and
4. Public utilities are available to the subject property.

There are no other zoning districts suitable as related to this request. The property owner agreed to all Ordinance Related Conditions.

Mrs. Piland made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve C2(P) Planned Service and Retail/CZ Conditional Zoning district for the C2(P) allowed uses, seconded by Mr. McLaurin. The motion passed with a unanimous vote.

VIII. PUBLIC HEARING CONTESTED ITEMS

CONDITIONAL ZONING DISTRICT

- D. **P12-37:** REZONING OF 24.73+/- ACRES FROM A1 AGRICULTURAL AND C(P) PLANNED COMMERCIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3435 MURPHY ROAD AND NORTHEAST OF SR 1832 (MURPHY ROAD), SOUTHEAST OF I-95; SUBMITTED BY SANDRA F. AUTRY, MARY J. SWANN, SHARON A. PENNY AND MARSHA D. AUTRY AS THE MARGARET MURPHY AUTRY HEIRS (OWNERS) AND JAMES SHERRILL, REMAX HOMEOWNERS LTD. (EASTOVER)

At the July 17, 2012 Planning Board Meeting, the Board asked the property owners if they would consider connecting to public sewer within one year of sewer becoming available for the commercial use on lot number 2. Previously at the June 19, 2012 Planning Board Meeting, the Board asked the property owners if they would consider modifying their request to Conditional Zoning and agree to extend and connect to public sewer. On June 21, 2012 the property owners amended the original application and are now requesting your consideration of a favorable recommendation for a C2(P) Planned Service and Retail/CZ Conditional Zoning District [C2(P)/CZ] for all permitted uses listed for the C2(P) Planned Service and Retail District on the subject property. However, the property owners are requesting approval of the staff numbered lot 2 to be permitted to install a private septic system, with development on the remaining lots being conditioned upon extension and connection to the public sewer system. The property owners agreed to all "Ordinance Related Conditions" on July 2, 2012.

As the amended request and agreed upon "Ordinance Related Conditions" are more restrictive than the original request, the Staff Recommendation remains unchanged.

There were people signed up to speak in favor and in opposition.

Mr. James Sherril spoke in favor. Mr. Sherril stated that he represented the owners of the property and that they were modifying the request from 24.73 acres to the three acre site plan that was presented [staff numbered lot 2] and would like to move forward with that site plan.

Mr. Morris asked if this change was done to simplify the process.

Mr. Sherril stated yes.

Mrs. Piland asked for clarification if this change was for lot number two only and it would be conditional zoning and that would be Commercial C2(P) and would have an interim septic tank with connection to sewer whenever sewer becomes available.

Mr. Sherril stated that was correct.

Mr. Matt Edwards spoke in favor. Mr. Edwards stated that he was the engineer working with the potential buyer and signed up to speak if there were questions.

Mrs. Piland asked Mr. Edwards if he was responsible for the site plan included in the packet.

Mr. Edwards stated yes.

Mr. McLaurin asked Mr. Edwards if a driveway was considered for site one and three, as to whether the Department of Transportation (DOT) would approve a driveway.

Mr. Edward said they only looked at lot two.

Ms. Speicher stated that Mr. Edwards has worked with DOT and they moved and shifted the driveway around and the current location of the driveway is the location that DOT prefers.

Mr. McLaurin stated that he was referring to the other parcels.....

Mrs. Epler asked if DOT placed any restrictions on future right-of-ways for the subdivision.

Ms. Speicher stated that DOT did not specify any restrictions in the future.

Mrs. Epler asked if DOT reviewed and commented on the subdivision.

Ms. Speicher stated that they did.

Mr. Jonathan Johnson spoke in opposition. Mr. Johnson stated that he had the same concerns that he stated in the previous meetings, noise, lighting, and so on that would accompany this development.

Mrs. Lisa Johnson spoke in opposition. Mrs. Johnson just wanted clarification that lot two was the only lot being considered and that the other lots would remain agricultural.

Public hearing closed

Mrs. Piland made a motion, seconded by Mr. McLaurin to adopt and approve the consistency & reasonableness statements and to approve the modification as requested by the petitioner to approve C2(P)/CZ for retail on lot number two and that the owner be allowed to use an onsite septic system until prior to sewer availability with connection to sewer when available. Unanimous approval.

IX. PUBLIC HEARING WAIVER REQUEST

- E. **CASE NO. 12-099.** CONSIDERATION OF THE ROSIE FORD PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF 20 FEET OF STREET FRONTAGE ABUTTING EITHER A PUBLIC OR PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2302.A MUNICIPAL INFLUENCE AREAS (MIA) AND SECTION 2401.D STREET ACCESS; ZONED: A1; TOTAL ACREAGE: 5.20+/-; LOCATED AT 3700 HARDEEWOOD DRIVE; SUBMITTED BY ROSIE H. FORD (OWNER) AND GARY LEE FORD. (HOPE MILLS MIA/COUNTY JURISDICTION)

Ms. Speicher presented the case information and stated that the applicant was requesting a waiver from the requirements to have a minimum of 20 feet of street frontage to either an approved private street or a public street.

Mrs. Epler made a motion that the Joint Planning Board for the County of Cumberland, having held a public hearing to consider the waiver request for **Case No. 12-099** requesting to not be required to have the mandatory 20 feet of road frontage and develop the subject property in a manner not permissible under the literal terms of the County Subdivision Ordinance, and having heard all of the evidence and arguments presented, I move that the board makes the following **FINDINGS OF FACT** and draws the following **CONCLUSIONS**:

1. It is the Planning Board's **CONCLUSION** that, **Because of other unusual physical conditions;** strict compliance with the provisions of the County Subdivision Ordinance **would** cause a special hardship to the property owner and be inequitable; this finding is based on the following **CONDITIONS: The lot was originally created on January 5, 1981 prior to the County Subdivision Ordinance being fully in effect (August 1984) and it would be inequitable to not allow a second unit on the existing five plus acre tract;**

2. It is the Board's **CONCLUSION** that the public purposes of the County Subdivision and County Zoning Ordinances **would** be served to an equal or greater degree; this finding is based on the following **CONDITIONS: The public purposes of the ordinances are met because of the property owner must obtain a minimum 20 foot wide ingress/egress easement along the existing E911 named trail and the easement must be recorded prior to application for any permits - the easement will protect the access rights of the occupants of the dwelling;** and

3. It is the Board's **CONCLUSION** that the property owner **would not** be afforded a special privilege denied to others; this finding is based on the following **CONDITIONS: The board has set a precedence for allowing a second dwelling on tracts of land that were subdivided prior to the effective date of the subdivision ordinance and approving this request will also grant a consequential benefit to the occupants of the existing dwelling with the recordation of the access easement.**

Because of the foregoing, I move that the request for waiver be approved, seconded by Mr. Morris. Unanimous approval.

- F. **CASE NO. 12-100.** CONSIDERATION OF THE ISSAC YOUNG PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF 20 FEET OF STREET FRONTAGE ABUTTING EITHER A PUBLIC OR PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D STREET ACCESS; ZONED: A1; TOTAL ACREAGE: 14.20+/-; LOCATED AT 4439 CLAUDE LEE ROAD; SUBMITTED BY ISAAC YOUNG (OWNER) AND CELINDA FAIRCLOTH. (FAYETTEVILLE SSA/COUNTY JURISDICTION)

Ms. Speicher presented the case information and stated that the applicant was requesting a waiver from the requirements to have a minimum of 20 feet of street frontage to either an approved private street or a public street. The applicant was made aware that a recorded easement would need to be provided before any permits would be issued.

There were people present to speak in favor and in opposition of the request.

Ms. Celinda Faircloth, the applicant spoke in favor. Ms. Faircloth stated that she just wanted to put a trailer on the property since she takes care of her grandfather and also stated that there was already a recorded easement.

Ms. Speicher said that the applicant stated there is a recorded easement, but she was made aware that they would need to provide a copy of that recorded easement to Code Enforcement at the time of permit application if the request is approved.

Mrs. Piland asked if the easement was required by the manufacturer of the trailer.

Ms. Faircloth said no.

Ms. Speicher said that access is not just a subdivision matter, the County Zoning Ordinance says that if you don't have to meet the subdivision standards you still have to meet the

minimum twenty feet recorded access per lot for a tract of land in order to qualify for the zoning permit.

Mr. Morris stated to the applicant if she had a recorded easement she might want to provide that to staff.

Mr. Larry Brigman spoke in opposition. Mr. Brigman stated that he and his wife were opposed to the request because they don't want any more traffic coming across their property. Mr. Brigman also stated that there was no recorded easement across his wife's property.

Mrs. Epler asked Mr. Brigman what property his wife owned in relation to the subject property.

Mr. Brigman pointed out the property owned by his wife.

Mr. Morris asked how long they have been using the road, the little driveway, going to the grandfather's residence.

Mr. Brigman said that no one ever used it, except for his wife's sister.

Mrs. Piland asked how the grandfather got to his residence.

Mr. Brigman said there is a main driveway, there are two driveways that the grandfather accesses.

Ms. Speicher said that the grandfather lives across the street on the other side of Claude Lee Road.

Mrs. Epler asked if there was a driveway going to the existing mobile home that is on the subject property.

Mr. Brigman couldn't say how long the driveway had been there.

Public hearing closed

Mr. Morris made a motion to defer Case P12-100 until a recorded easement could be presented, seconded by Mrs. Piland. Unanimous approval.

X. DISCUSSION

DIRECTOR'S UPDATE

- MUNICIPAL INFLUENCE AREA – MIA

Mr. Lloyd asked Chairman Clark to appoint an ADHOC Committee with the following members: Sara Piland, Walter Clark, Charles Morris, Lori Epler, and Donovan McLaurin to work on setting up boundaries for the MIA lines.

Mr. Clark approved the formation of an ADHOC Committee with the members named.

- Mr. Lloyd and Rick Moorefield will work on revising the waiver motion.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:59 p.m.