



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover

**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

**MINUTES**

April 21, 2015

**Members Present**

Ms. Patricia Hall, Chair  
Mr. Charles Morris, Vice-Chair  
Mr. Benny Pearce  
Mrs. Jami McLaughlin  
Mrs. Diane Wheatley  
Mr. Carl Manning  
Dr. Vikki Andrews  
Mr. Walter Clark

**Members Absent**

Mr. Harvey Cain, Jr.  
Mr. Donovan McLaurin

**Others Present**

Mr. Thomas Lloyd  
Ms. Donna McFayden  
Mrs. Laverne Howard  
Ms. Patricia Speicher  
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.

Mr. Lloyd stated that Cases P15-01 and P15-19 would be moved from consent items and moved to contested items.

**Mr. Manning made a motion to approve the agenda with the adjustments, seconded by Ms. Andrews. Unanimous approval.**

III. PUBLIC HEARING DEFERRAL/ WITHDRAWAL

There were none.

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 MARCH 17, 2015

**Mr. Morris made a motion to accept the minutes as submitted, seconded by Mr. Manning. Unanimous approval.**

VII. PUBLIC HEARING CONSENT ITEMS

## TEXT AMENDMENT

- A. **P15-25.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 202. METHODS OF CALCULATIONS CREATING PROVISIONS FOR THE MEASUREMENT OF HEIGHT AND SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, SPECIFICALLY AMENDING *PUBLIC UTILITY STATION* AND CREATING A DEFINITION FOR *SOLAR FARMS*; AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX BY INSERTING *SOLAR FARMS* AS A LAND USE CLASSIFICATION ALLOWED AS A PERMITTED (P) USE IN THE A1 AGRICULTURAL AND THE M1(P) AND M(P) INDUSTRIAL ZONING DISTRICTS; AMENDING ARTICLE IX INDIVIDUAL USES, CREATING SECTION 924.1, ENTITLED: *SOLAR FARMS*, INCLUSIVE OF SUBSECTIONS A THROUGH H; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

### **1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P15-25 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, in particular with the Policies and Actions of: Policy Area 1: A More Diversified Local Economy; and Policy Area 2: Well Managed Growth and Development.

The staff further recommends the board find that approval of the text amendment is reasonable and in the public interest because the growing solar farm movement can be a vehicle for economic development.

### **2<sup>nd</sup> MOTION**

The Planning and Inspections Staff recommends approval of Case No. P15-25 for a text amendment creating provisions for solar farms in the County based on the following:

If approved, the proposed amendment would define and permit solar farms as well as provide development criteria that would ensure that minimum standards are met.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the request. The motions passed unanimously.**

## INITIAL ZONING CASES

- B. **P15-18.** INITIAL ZONING OF 363.36+/- ACRES TO R7.5 RESIDENTIAL AND CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF MCKINNON FARM ROAD, SOUTH SIDE OF SR 1107 (FISHER ROAD); OWNED BY CBMM PROPERTIES, LLC. (HOPE MILLS)

### **1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends approval of the initial zoning for Case No. P15-18 to R7.5 Residential and CD Conservancy district (where the *Special Flood Hazard* area exists) based on the following:

1. Approving the R7.5 and CD zoning districts would allow for land uses and lot sizes that exist in the general area; and
2. The request was submitted by the Town of Hope Mills.

The R15 and R20 Residential districts could also be considered suitable at this location.

### **2<sup>nd</sup> MOTION**

The Staff also recommends the board find that approval of the initial zoning to R7.5 and CD for Case No. P15-18 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for "urban" and "open space" development at this location as the proposed

districts would allow development at 2.2 to 6 units per acre. The requested districts are also consistent with the Southwest Cumberland Land Use Plan map which calls for “low density residential” and “open space” at this location.

The staff recommends the board further find that approval of the initial zoning to R7.5 and CD is reasonable and in the public interest because the districts requested for the subject properties meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public or community water and public sewer required*, PWC water and sewer are available; *must have direct access to a public street*, Fisher Road is a public street; *desirable to be within three miles of a recreation area or facility*, recreation areas are on adjacent property and to the south on Stoney Point Road; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study* and *desirable to not be located in the Special Flood Hazard Area (SFHA)*-the portion that is in the SFHA is proposed to be CD Conservancy.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the request. The motions passed unanimously.**

- C. **P15-20. INITIAL ZONING OF 3.84+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED IN THE SOUTHWEST QUADRANT OF NC 87 (N BRAGG BLVD) AND SR 1451 (W MANCHESTER ROAD), OWNED BY STEPHEN C. MEYER, DONALD A. MEYER, CAROL E. MANGEL, ALICE G. POWERS, DANIEL LEE AND CYNTHIA A. GOINS. (SPRING LAKE)**

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P15-20 to C(P) Planned Commercial district and CD Conservancy (where the SFHA exists) based on the following:

1. If approved, the initial zoning would be consistent with the zoning and uses of properties in the general area; and
2. The request was submitted by the Town of Spring Lake.

There are no other districts considered suitable for this case.

**2<sup>nd</sup> MOTION**

The County Planning Staff recommends the board find that approval of the initial zoning to C(P) and CD for Case No. P15-20 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “urban” and “conservation” at this location. The initial zoning of the subject property to C(P) is also consistent with the Spring Lake Area Detailed Land Use Plan which calls for “heavy commercial” and “open space” at this location.

The staff recommends the board further find that approval of the initial zoning to C(P) is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for C(P) will be met or exceeded: public water and sewer are available, the property has minimum direct access to a collector street (N Bragg Blvd), and located on a sufficient site that provides adequate area for buffering, screening and landscaping.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the request. The motions passed unanimously.**

REZONING CASES

- D. **P15-21. REZONING OF .21+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3835 CUMBERLAND ROAD, SUBMITTED BY GEOFFREY D. AND ANN S. KIESER (OWNERS).**

### **1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-21 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location as the proposed district would allow development at less than 5.8 units per acre. The requested district is not consistent with the Southwest Cumberland Land Use Plan which calls for “heavy commercial” at this location; however, the residential structure on the subject property has been in existence since 1965.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public or community water and public sewer are required*, public sewer is not available; *direct access to a public street is required*, Cumberland Road is a minor arterial; and the subject property is *not located in any defined critical area as defined by the Fort Bragg Small Study Area*.

### **2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P15-21 for R7.5 Residential district based on the following:

1. The R7.5 Residential district will allow for land uses and lot sizes that exist in the general area; and
2. The request is logical as the subject and several surrounding properties were initially zoned C1(P) in 1975 but have mostly remained legal nonconforming residential or are undeveloped.

There are no other districts considered suitable for this request.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the request. The motions passed unanimously.**

- E. **P15-22. REZONING OF 1.58+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF NC HWY 210 (LILLINGTON HWY), SOUTHEAST OF SR 1451 (E MANCHESTER ROAD); SUBMITTED BY WILLIAM S. WELLONS, JR. ON BEHALF OF W.S. WELLONS CORPORATION (OWNER).**

### **1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-22 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location as approval would be consistent with the zoning for adjacent property under the same ownership. The request is not consistent with the Spring Lake Detailed Land Use Plan which calls for “low density residential” at this location, however, the request is logical as there is public water available and Cumberland County has received funding to install a public sewer system in that area.

The staff also recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, the criteria not met is public sewer which has been funded; *should serve as a transition between heavy commercial, office & institutional or residential development*, and *should provide convenient goods and services to the immediate surrounding neighborhood*.

### **2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-22 for the C1(P) Planned Local Business district based on the following:

- The location and character of the requested district will be in harmony with the general area.

The O&I(P) district may also be considered suitable for this request at this location.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the request. The motions passed unanimously.**

- F. **P15-23.** REZONING OF 1.30+/- ACRES FROM A1 AGRICULTURAL TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8477 AND 8495 CLINTON ROAD, SUBMITTED BY HORACE T. CASHWELL HEIRS (OWNERS).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that denial of R20 Residential but approval of RR Rural Residential district for Case No. P15-23 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" at this location because the district requested will allow for development at 2.2 units per acre.

The staff recommends the board further find that approval of the recommended rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic system allowed based on soil type, lot size and distance from public sewer; must have direct access to a public street*, Clinton Road is a principal arterial; *must not be located in any defined critical area as defined by the Fort Bragg Small Study Area.*

**2<sup>nd</sup> MOTION**

The Planning and Inspections Staff recommends denial of the requested district of R20 Residential but approval of the RR Rural Residential district. In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-23 for RR Rural Residential based on the following :

- The RR Rural Residential district will cure the nonconformity of the existing lot size that was created by the widening of Clinton Road.

The applicant has verbally agreed with the staff recommendation. There are no other districts considered suitable for this request due to lack of sewer availability.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the request. The motions passed unanimously.**

CONDITIONAL ZONING DISTRICT

- G. **P15-09.** REZONING OF 8.42+/- ACRES FROM R6A TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING, OFFICE AND TRADE CONTRACTOR OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 1126 (BROOKLYN CIRCLE), NORTHEAST OF LADY LANE ROAD; SUBMITTED BY THOMAS D. HORNE AND TIMOTHY SEALY ON BEHALF OF DIRECTIONAL SERVICES INC. (OWNER) AND GREG BAGLEY.

At the March 17, 2015 Planning Board meeting, the board requested and the applicant agreed to amend the application so that the primary access to the subject property will be through the applicant's adjacent site which fronts on US HWY 301 South. In modifying the main access to this site, the applicant addressed the staff's primary concern and the staff recommendation has been amended and is now requesting your consideration of a favorable recommendation for a C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage.

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find the request is generally consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban

fringe” at this location even though approval would allow for incompatible commercial encroachment into a residential area the primary access would not be from a residential street; and although the request is not consistent with the Southwest Cumberland Land Use Plan which calls for “medium density residential” at this location, if approved the proposed development could be a viable use of previously vacant land.

The staff also recommends the board further find that this request is reasonable and in the public interest because the district requested for the subject property with the amended site plan meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public sewer is not available; *should serve as a transition between heavy commercial, office & institutional or residential development*, this area is an established residential neighborhood, adjacent to heavy commercial, and *may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements*, the developer is proposing the primary access to be from US HWY 301 South a principal arterial, with Brooklyn Circle, a local residential street, only as an emergency access.

### **2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board recommend approval of Case No. P15-09 for the C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting with open storage based on the requested district of C2(P) and use as trade contractor with open storage being consistent with the adjacent commercial development.

There are no other districts considered suitable for this request. The property owner has voluntarily agreed to all “Ordinance Related Conditions.”

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the request. The motions passed unanimously.**

- H. **P15-24. REZONING 6.97+/- ACRES FROM C(P) PLANNED COMMERCIAL AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A HOTEL, RESTAURANT, CONVENIENCE RETAIL WITH GASOLINE SALES AND BILLBOARD OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1863 (PEMBROKE LANE), WEST OF SR 1828 (JAMES DAIL ROAD); SUBMITTED BY ANTHONY PEREZ ON BEHALF OF MID-STATE PETROLEUM, INC., NIRAV MODI AND MICHAEL W. COLLIER (OWNERS) AND P. SINGH SANDHU. (EASTOVER)**

### **1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-24 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth area” at this location as approval would provide lodging, food and fuel at a major exchange and in close proximity to I-95. The request is consistent with the Eastover Area Detailed Land Use Plan which calls for “activity node” at this location.

The staff recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, ESD water and sewer are available; *should have minimum direct access to a collector street*, US Highway 13 (Goldsboro Road) is a minor arterial and Pembroke Lane is a local road; *should not be in a predominantly residential, office & institutional, or light commercial area, surrounding zoning is C(P) and A1; must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping; and could be located in a designated Activity Node Area.*

### **2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-24 for the C(P) Planned Commercial/CZ Conditional Zoning district for a hotel, restaurant, convenience retail with gasoline sale and billboard based on the following:

1. The location and character of the requested district will be in harmony with the existing development in the general area and should invigorate growth at the stagnant interchange.

2. The developer had demonstrated that cautionary measures are to be implemented related to stormwater concerns and wetland protection, and has been instrumental in the NC Department of Transportation's cleaning/clearing of the ditches so that the water will not back up and pond in this area.

There are no other districts considered suitable for this request at this location. The property owner has voluntarily agreed to all "Ordinance Related Conditions."

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the request. The motions passed unanimously.**

## VIII. PUBLIC HEARING CONTESTED ITEMS

### REZONING CASE

- I. **P15-01. REZONING OF .23+/- ACRE FROM R6 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 5882, 5884 AND 5888 ROCKFISH ROAD; SUBMITTED BY JACKIE HAIRR ON BEHALF OF HAIRR FAMILY, LLC. (OWNER) AND MONICA KINNEY. (HOPE MILLS)**

#### 1<sup>st</sup> MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-01 to O&I(P) Planned Office and Institutional district based on the following:

1. If approved, O&I(P) will serve as a transition from commercial to residential in an area that is likely to transition to more non-residential uses; and
2. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

#### 2<sup>nd</sup> MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-01 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" at this location as the proposed district would provide sufficiently zoned office and institutional areas to accommodate the needs of town residents. Although the requested district is not consistent with the Southwest Cumberland Land Use Plan, which calls for "low density residential" at this location, the request is reasonable because the site was previously zoned O&I(P) and operated in that capacity from 2001 to 2011. In addition, Rockfish Road is a minor arterial which is scheduled to be widened to multi-lanes, and there is at least one other office use existing in the general area.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer desirable*, PWC water and sewer are available; *should have direct access to a collector street*, Rockfish Road is identified as a minor arterial; *if not developed in an office park, should serve as a transition between commercial and residential use* and *must be located on a sufficient site that provides adequate are for buffering, screening, and landscaping*.

Mr. Lloyd presented the case information. Mr. Lloyd explained why the staff recommended approval. The staff recommended approval because even though we did not get any comment from the Town of Hope Mills, when it was originally annexed into the Town of Hope Mills it was originally zoned to O&I(P), in 2011 it was rezoned to R6, now the owner wants it rezoned back to O&I(P). Since we didn't receive any comments from the town we recommended approval of the petitioner's request because the property was initially zoned O&I(P).

Chair Hall said that when she looks at the map, all of the property surrounding the subject property is all residential, somewhere on the map there is a reference to one other office building in the area, but she wasn't sure where it was.

Mr. Lloyd pointed out where the property was located and stated that it was a real estate office.

Chair Hall said that the real estate office is zoned R6A.

Mr. Lloyd said it could have been there when it was initially zoned.

Chair Hall said that whatever is there is zoned residential at this time. If there are offices there, they are illegally operating unless they have a permit from the town. You can have a business in your home, there are provisions for that.

Mr. Lloyd stated that if this had come in without the town's initial zoning, as a fresh rezoning the staff would have recommended denial, because it does not meet the criteria laid out in the Land Use Policies Plan.

Chair Hall stated that she lives in Hope Mills and is finding that every residential street is being encroached upon by commercial.

Mr. Morris said that you can have a business in your home under certain guidelines, but it is zoned R6A for the business, which is fine if it's all in compliance, permits have to be pulled.....business permits if it's occupational, but we don't know that.

Mr. Lloyd restated that from the staff point of view if this had not been previously zoned O&I(P) by the town, they would have recommended denial.

Chair Hall said that even though the town didn't send responses to the case she did read the town's recommendations for the Southwest Land Use Plan which asked for land off Rockfish Road between Southpeak and Huntington Roads be planned medium density residential. Staff could recommend high density residential mixed use. Chair Hall also stated that it doesn't seem like there are plans for Rockfish Road to be widened anytime soon. Chair Hall said that for all of these reasons she is against the request for rezoning.

**Mr. Morris made a motion to defer Case P15-01 for thirty days, seconded by Mrs. McLaughlin. The motion passed unanimously.**

#### CONDITIONAL ZONING DISTRICT

- J. **P15-19.** INITIAL ZONING OF 5.50+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 563 N GROGG STREET, OWNED BY SCHOOLS OUT LUNCH, INC. (SPRING LAKE)

#### **1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P15-19 to C(P) Planned Commercial district based on the following:

1. If approved, the initial zoning would be consistent with adjacent zoning and promote the development of a deteriorating residential area; and
2. The request was submitted by the Town of Spring Lake.

The R6, O&I and C1 districts could be considered suitable for this case.

#### **2<sup>nd</sup> MOTION**

The County Planning Staff also recommends the board find that approval of the initial zoning to C(P) for Case No. P15-19 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for "urban" at this location. The initial zoning of the subject property to C(P) is not consistent with the Spring Lake Area Detailed Land Use Plan which calls for "medium density residential" at this location; however, the requested district is logical as there are other commercial districts and uses in the general area which suggest that this area is beginning to transition towards more non-residential uses.

The staff also recommends the board further find that approval of the initial zoning to C(P) is reasonable and in the public interest because most of the location criteria as listed in the adopted Land Use Policies



Plan for C(P) will be met or exceeded: public water and sewer are available, and the subject property is located on a sufficient site that provides for adequate buffering, screening and landscaping.

There are people signed up to speak in opposition.

Public hearing opened.

Peggy Moore spoke in opposition. Ms. Moore stated that the street that the request is for is a dead end street and doesn't feel there is any need to rezone the area to commercial; it has been residential for years and years. That would cause too much traffic.

Mr. Morris asked Ms. Moore if the road was paved.

Ms. Moore stated that it was paved up to the subject property.

Dorothy Sole spoke in opposition. Ms. Sole stated that this street has always been residential, the subject property is at a dead end street, there is only one way in and out. Most of the people there are senior citizens who have been there for years.

Public hearing closed.

**Mrs. McLaughlin made a motion to deny both of the motions referenced above, seconded by Mr. Morris, and recommended rezoning to R6 for the subject property. The motions passed unanimously.**

#### IX. PUBLIC HEARING WAIVER REQUEST

**CASE NO. 15-031.** CONSIDERATION OF THE CASTLEBROOKE PHASE 4; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM 125 FOOT SEPERATION OFFSET FROM ANOTHER STREET ENTRANCE; COUNTY SUBDIVISION ORDINANCE, SECTION 2304.10.E, STREET OFFSETS; ZONED: R20 & A1; TOTAL ACREAGE: 18.50 +/-; LOCATED ON THE NORTH SIDE OF SR 1704 (PALESTINE ROAD) ACROSS FROM MCARTANS FORD; SUBMITTED BY JOHN CULBRETH & PHYLLIS P. STREET (OWNERS) AND GEORGE ROSE (SURVEYOR).

Mr. Lloyd presented the case information and site photos.

There were people present to speak.

Public hearing opened.

Chair Hall swore in Mr. Neil Yarborough who spoke in favor. Mr. Yarborough had a presentation and went through it for the board. Mr. Yarborough stated that the Department of Transportation (DOT) has issued a permit for the driveway, this project is similar to what is just up the road, and the topography is also similar.

Chair Hall swore in Mr. George Rose who spoke in favor. Mr. Rose stated that the key point made previously, obviously DOT the design professionals that oversee subdivision roads and developments in the County have approved the design. They approved the subdivision design itself and the driveway permits. One of the main concerns of the neighboring subdivision is about access of the main road coming in, and therefore coming out on Palestine Road. That is a cul-de-sac at the end of the main road going in and that road has been designed as what DOT classifies as local residential roads and that has a certain design standard for that kind of road.

Chair Hall swore in Mr. Douglas Jenkins who spoke in opposition. Mr. Jenkins stated that if he had had the information that he heard here he probably wouldn't have spoken, they only were notified of this request at the end of the previous week. Having heard the applicant's testimony Mr. Jenkins said that he wanted to withdraw his request for denial of the request.

**Mrs. Wheatley made a motion, seconded by Mr. Morris that the Joint Planning Board for the County of Cumberland, having held a public hearing to consider Case No. 15-031 in which the property owner is requesting a waiver of the ordinance to allow an approximately 80 foot street offset where**

125 feet is required and to 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 as follows: The Board finds the following facts: 1. The property owner is seeking approval of a 25 lot subdivision on 18.50+/- acre tract and is requesting to be allowed to construct the subdivision entrance road offset approximately 80 feet from the McArtans Ford intersection; 2. The subject property has approximately 119.95 feet of total frontage along Palestine Road (SR 1704); 3. The property owners do not own or have control of any adjacent property with frontage to Palestine Road; 4. Considering the subject property's location in reference to McArtans Ford coupled with the 25 foot radii and site distance triangle required by the NC Department of Transportation, the proposed entrance road cannot be located in such a manner as to meet the ordinance standard.

Based on the foregoing facts, the Board concludes: A. Because of the condition or nature of adjoining areas strict compliance with the provisions of the ordinance would cause a special hardship to the property owner and be inequitable, and B. The public purposes of the County's subdivision and zoning ordinances would be served to an equal or greater degree, and C. The property owner would not be afforded a special privilege denied to others. Based on the foregoing conclusions, the Board grants the request for waiver subject to the following conditions which are intended, in so far as practicable, to secure the objectives of the requirements that are waived: 1. This waiver approval is not intended to apply toward any future or additional development; and 2. Conditions of approval, numbered 1 through 50, as included in the board packet material apply. The motion passed with Ms. Andrews voting in opposition.

#### X. DISCUSSION

- SOUTH CENTRAL LAND USE PLAN

The Board was presented with the Draft South Central Land Use Plan to review and they set a date of May 19, 2015 for the Public Hearing.

**Mr. Morris made a motion, seconded by Ms. Andrews to approve the Public Hearing date for the Draft South Central Land Use Plan of May 19, 2015.**

#### XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 pm.