

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



Planning & Inspections Department

MINUTES

February 21, 2017

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

Members Present

Mrs. Diane Wheatley, Acting Chair
Mrs. Jamie McLaughlin
Mr. Benny Pearce
Dr. Vikki Andrews
Mrs. Lori Epler
Ms. Patricia Hall
Mr. Harvey Cain, Jr.
Mr. Carl Manning
Mr. Donovan McLaurin

Members Absent

Mr. Charles Morris

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. Pearce delivered the invocation and Ms. Hall led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

Mr. Lloyd advised the Board that Case P17-07 would be deferred until staff comes back with a map of the proposed MIA for Hope Mills

Mrs. Epler made a motion to accept the adjustments, seconded by Dr. Andrews. Unanimous approval.

III. PUBLIC HEARING DEFERRALS / WITHDRAWALS

P16-28. REZONING OF 4.89+/- ACRES FROM C3 HEAVY COMMERCIAL & R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLE REPAIR AND BODY WORK OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2541 BALLPARK ROAD, SUBMITTED BY MICHAEL ANDREW LONGHANY (OWNER). **DEFERRED UNTIL APRIL 18, 2017**

P17-07. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING EXHIBIT 5 MUNICIPAL INFLUENCE AREA DEVELOPMENT STANDARDS, HOPE MILLS COLUMN, ROW ENTITLED *SIDEWALKS* (PAGE E5-E).

Mrs. Epler made a motion to accept and approve the deferral, seconded by Mr. Manning. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

Mrs. Epler abstained from Case P17-09.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Statement not needed.

VI. APPROVAL OF THE MINUTES OF JANUARY 17, 2017

Ms. Hall made a motion to accept the minutes as submitted, seconded by Dr. Andrews. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P17-08.** REZONING OF 2.74+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4957 GRAYS CREEK CHURCH ROAD & 6829 JACAMP DRIVE, SUBMITTED BY TIM EVANS ON BEHALF OF ROCKFISH RUN, LLC AND HORACE & ELIZABETH DEW (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" development at this location, because the district requested will allow for single family dwelling units on relatively large lots in a rural area. Although the request is not entirely consistent with the South Central Land Use Plan which calls for "farmland," the requested district would restrict development to approximately one acre lots where soil conditions are suitable for septic systems.

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: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-08 for R40 Residential based on the following:

- The district requested will allow for land uses and lot sizes that exist in the general area.

The A1A Agricultural district could also be considered suitable at this location.

Mr. McLaurin made both of the motions referenced above, seconded by Ms. Hall, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

- B. **P17-09.** INITIAL ZONING OF 12.03+/- ACRES R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED WEST OF OAK HAVEN ROAD, NORTH OF RACKING HORSE ROAD; SUBMITTED BY VALLEY END II, LLC (OWNER).

1st MOTION

The County Planning Staff recommends the board approve the R7.5 Residential district for Case No. P17-09 for the initial zoning of the subject property based on the following:

- The R7.5 district will allow for residential land uses which are consistent with those uses currently existing in the surrounding area.

There are no other suitable districts that should be considered at this location.

2nd MOTION

The County Planning Staff recommends the board find that approval of the R7.5 district is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” development at this location, because the district requested will allow for single family dwelling units on relatively small lots. In addition, the request is consistent with the Southwest Cumberland Land Use Plan which calls for “low density residential.”

The staff recommends the board further find that approval of the initial zoning to R7.5 Residential 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 is required*, PWC is available; *desirable to be within three miles of a public recreation area*, the subject property is approximately 2 miles from Hope Mills Municipal Park; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study*, the subject property is not located within the military area; *desirable to be located in vertical mixed use development*, because this is an initial zoning, the specific development standards do not apply; *must not be an area with hydric soils unless sewer is available*, PWC sewer is available.

Mr. McLaurin made both of the motions referenced above, seconded by Ms. Hall, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously with Mrs. Epler abstaining from voting.

CONDITIONAL ZONING DISTRICT

- C. **P17-02.** REZONING OF 2.00+/- ACRES FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR OUTSIDE STORAGE OF MOTOR VEHICLES, INCLUDING TRUCKS AND RECREATIONAL VEHICLES, AND POD CONTAINERS, OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF APPLGATE ROAD, SOUTH OF SR 1003 (CAMDEN ROAD); SUBMITTED BY MICHAEL WAGUESPACK ON BEHALF OF CAM ROCKS, LLC (OWNER).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban development” at this location. While the request is not consistent with the Southwest Cumberland Land Use Plan, which calls for “low density residential,” approval would allow the property owner to expand a commercial operation that has existed on the adjacent property for quite some time.

The staff recommends the board further find that approval of this request is reasonable and in the public interest because the district requested for the subject property generally meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer is required*, the site has access to PWC water & sewer; *should have minimum direct access to a collector street*, Camden Road is a minor collector street; *must be located on a sufficient site that provides adequate area for buffering, screening and landscaping*, the subject property contains 2.00+/- acres.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-02 for the C(P) Planned Commercial/CZ Conditional Zoning district for Outside Storage of Motor Vehicles including Trucks and Recreational Vehicles, and POD Containers based on the following:

1. The location and character of the requested district will be in harmony with the general area as it is contained within a 2.00+/- acre tract; and

2. No additional access to the site would be allowed from Applegate Drive but would come from the existing commercial site.

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

Mr. McLaurin made both of the motions referenced above, seconded by Ms. Hall, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

VIII. PUBLIC HEARING WAIVER CASE

- D. **CASE NO. 16-102.** CONSIDERATION OF THE KENNETH MCLAURIN PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF TWENTY FEET OF STREET FRONTAGE AND STREET ACCESS OFF OF EITHER A PUBLIC STREET OR AN APPROVED PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2303.C, STREET FRONTAGE & 2401.D, STREET ACCESS; ZONED: RR; TOTAL ACREAGE: 0.96+/-; LOCATED AT 3437 & 3441 NEBULAR DRIVE; SUBMITTED BY HAROLD F LIFE ESTATE & DEHAROLD D MCLAURIN (OWNER) AND KENNETH MCLAURIN (DEVELOPER).

Acting Chair Wheatley swore in Ms. Speicher and Mr. Thomas Lloyd.

Ms. Speicher presented the case information and photos of the subject property.

Summary of Request

The developer has submitted a request for waivers from the requirements to have a minimum of twenty feet of street frontage and to have direct access to either a public street or an approved private street. The developer wants to be allowed to place a second dwelling unit on the property using a thirty foot wide access easement. The property is a legal but nonconforming parcel created by Deed Bk. 2870, Pg. 53 on May 14, 1982.

Acting Chair Wheatley swore in both speakers.

Magaline Locke spoke in favor. Ms. Locke stated that she passed the subject property down to her son. Her son takes care of her, that's why she needs him close to her so she doesn't have to go into a nursing home.

Earnest McLaurin spoke in favor and stated that he owns the property adjoining the subject property and he plans to put a mobile home on his property too.

Public hearing closed.

Mrs. Epler made a motion, seconded by Dr. Andrews, that the Joint Planning Board for the County of Cumberland, having held a public hearing to consider Case No. 16-102 in which the property owner is requesting a waiver of the ordinance to allow a second dwelling unit on a pre-existing lot that does not have direct road frontage but is served by a minimum 30 foot wide recorded ingress/egress access easement and therefore, 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. This lot was created prior to the Subdivision Ordinance
2. The subject property does not have the required minimum 20 feet of direct road frontage but access is secured by a 30 foot wide access easement recorded in the County Register of

Deeds in the Books and pages as listed in the packet and extending from the subject property to Hummingbird Place, a State maintained, public road ;

3. The subject property is of sufficient size for two dwelling units on property zoned RR Rural Residential, which requires 20,000 square feet of land area per dwelling unit, subject to the draft conditions of approval contained within the Board's packet. and
4. There are at least eight adjoining and nearby properties that are served by the same or similar access easements and depending on the individual lot size may qualify for application for the same type of approval.

Based on the foregoing facts, the Board concludes:

- A. Because of the size and shape of the subject property and 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 15, as included in the board packet material apply.

IX. DISCUSSION

DIRECTOR'S UPDATE

Mr. Lloyd reminded the Board about the next work session in March.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:19 pm.