

Donovan McLaurin,
Chair
Wade, Falcon & Godwin



Thomas J. Lloyd,
Director

Lori Epler,
Vice-Chair
Cumberland County

Cecil P. Combs,
Deputy Director

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

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

COUNTY of CUMBERLAND

Planning & Inspections Department

MINUTES
September 16, 2008

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Harvey Cain, Jr.
Mr. Walter Clark
Mrs. Patricia Hall
Mr. Garland Hostetter
Mr. Charles Morris
Mr. Benny Pearce
Mrs. Sara Piland

Members Absent

Mr. Roy Turner

Staff/Others Present

Mr. Tom Lloyd, Director
Mr. Grainger Barrett, County Attorney
Ms. Rita Perry
Ms. Donna McFayden

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

There were no adjustments to the agenda.

III. PLATS & PLANS WITHDRAWAL

CASE NO. 08-062. CONSIDERATION OF LONGHILL POINTE, ZERO LOT LINE SUBDIVISION & GROUP DEVELOPMENT REVIEW, WAIVER REQUEST FROM SECTION 2305, SIDEWALKS, COUNTY SUBDIVISION ORDINANCE, REGARDING THE CONSTRUCTION OF A SIDEWALK ALONG SR 1610 (MCCLOSKEY ROAD); ZONING: R5A, R10 & O&I(P); TOTAL ACREAGE: 18.64+/-; LOCATED AT THE NORTHEAST QUADRANT OF SR 1610 (MCCLOSKEY ROAD) AND US HWY 401 N (RAMSEY STREET), SOUTH OF SR 1712 (MELSTONE DRIVE).

Vice-Chair Epler made a motion to approve the withdrawal request for case 08-062, seconded by Mr. Hostetter. Unanimous approval

IV. PUBLIC HEARING DEFERRAL – STAFF INITIATED

P08-40: REZONING OF 0.81+/- ACRES FROM M(P) PLANNED INDUSTRIAL/CUD CONDITIONAL USE DISTRICT (TO ALLOW THE MANUFACTURE AND SALES OF STORAGE BUILDINGS) AND THE PERMIT TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5003 MARRACCO DRIVE,

SUBMITTED BY MICHAEL N. NELSON & MICHAEL ADAMS, OWNED BY JOHN D. GRAHAM AND COLUMBIA O. BLANKS.

Vice-Chair Epler made a motion to approve the staff initiated public hearing deferral request for case P08-40, seconded by Mrs. Hall. Unanimous approval

V. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

VI. APPROVAL OF THE MINUTES OF AUGUST 19, 2008

Vice-Chair Epler made a motion to approve the minutes as submitted, seconded by Mr. Clark. Unanimous approval

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASE

- A. **P08-41:** REZONING OF 1.00+/- ACRE FROM C(P)/CU CONDITIONAL USE OVERLAY DISTRICT TO ALLOW INDUSTRIAL OPERATIONS (APPAREL MANUFACTURING / SEWING OPERATIONS) TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2212 LILLINGTON HWY, SUBMITTED AND OWNED BY THOMAS E. & ELIZABETH HIGDON. (COUNTY)

The Planning & Inspections Staff recommends approval of the request for C(P) Planned Commercial district based on the following:

1. Although the request is inconsistent with the Spring Lake Area Detailed Land Use Plan, which calls for light commercial at this location, the requested district is consistent with the adjacent zoning; and
2. The subject property is located on a Major Thoroughfare.

There are no other suitable zoning districts to be considered for this request.

A motion was made by Vice-Chair Epler, seconded by Mr. Cain, to follow the staff recommendation and approve case P08-41 as submitted. Unanimous approval

- B. **P08-45:** REZONING OF 48.32+/- ACRES FROM RR RURAL RESIDENTIAL & CD CONSERVANCY DISTRICT TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CAMDEN ROAD AND THE EAST SIDE OF HOKE COUNTY LINE, SUBMITTED BY K. DOUGLAS BARFIELD, ATTORNEY; OWNED BY CAMDEN GLEN DEVELOPMENT, LLC. (COUNTY)

The Planning & Inspections Staff recommends approval for the request of R7.5 Residential for the portion of the request outside of the existing Special Flood Hazard Area (SFHA), with the relatively small portions inside the existing SFHA to the west and north of subject property to remain CD Conservancy District based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for low density residential and small amount of open space at this location; and
2. Public utilities are available to the subject property and extension will be required upon development.

The R15 zoning district is the only other suitable zoning district to be considered for this site.

The applicant has verbally agreed to this recommendation.

A motion was made by Vice-Chair Epler, seconded by Mr. Cain, to follow the staff recommendation and approve case P08-45 as submitted. Unanimous approval

Chair McLaurin informed the audience that public hearing cases, P08-41 and P08-45, are scheduled to be heard at the October 20, 2008 County Board of Commissioners meeting.

VIII. CONSENT PLATS & PLANS

A. **CASE NO. 08-100.** CONSIDERATION OF JUDSON BAPTIST CHURCH PROPERTY, SUBDIVISION AND A1 & CD SITE PLAN REVIEW, REQUEST FOR EXCEPTION FROM SECTION 2306.A, EXCEPTION TO PUBLIC WATER AND SEWER EXTENSION/CONNECTION, COUNTY SUBDIVISION ORDINANCE, REGARDING: THE REQUIREMENT FOR MANDATORY SANITARY SEWER EXTENSION/CONNECTION; ZONING: A1 & CD; TOTAL ACREAGE: 2.265 +/-; LOCATED ON THE EAST SIDE OF SR 2216 (EVANS DAIRY ROAD), NORTH OF SR 2215 (FIELDS ROAD).

The property owner of this proposed subdivision is requesting the board to make an exception from the requirement for mandatory sanitary sewer connection. The County Subdivision Ordinance requires subdivisions within 300 feet of an existing sanitary sewer line to connect to the system. The closest existing sanitary sewer to the subject property is approximately 150 feet at the rear of this property; however, according to the Public Works Commission (PWC) the location of the sanitary sewer main is on the opposite side of a stream.

Any connection/extension to the sewer main would involve a major stream crossing, which the PWC tries to avoid. Another option was addressed by the PWC concerning a possible extension down SR 2216 (Evans Dairy Road) approximately 1,950 feet from this property, but this is beyond the distance requirement for mandatory connection under the provisions of the Ordinance. A letter from the PWC explaining the PWC's position on this matter is attached. The PWC has noted in their recommendation that this site would be better served by a sewer extension down SR 2216 (Evans Dairy Road) rather than crossing the existing stream.

The ordinance allows the Planning Board to make exception to the mandatory public sewer connection/extension when any of the following conditions are present:

1. **Public sanitary sewer is within a different drainage basin or sub-basin.**
2. The public utility is located beyond the jurisdiction of the Planning Board, and **the public utility provider will not agree to extend service.**

3. Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop.
4. Extensions exceeding 2,000 feet from existing public services.
5. Property is located outside of municipal governments' approved master plan.

The Planning and Inspections Staff recommends approval of the exception from the mandatory sewer connection based upon the PWC letter.

A motion was made by Mrs. Hall, seconded by Mr. Hostetter, to follow the staff recommendation and approve case 08-100 as submitted. Unanimous approval

- B. **CASE NO. 08-116.** CONSIDERATION OF MARY SCHOLER PROPERTY, GROUP DEVELOPMENT REVIEW, REQUEST FOR EXCEPTION FROM SECTION 2306.A, EXCEPTION TO PUBLIC WATER AND SEWER EXTENSION/CONNECTION, COUNTY SUBDIVISION ORDINANCE, REGARDING: THE REQUIREMENT FOR MANDATORY SANITARY SEWER EXTENSION/CONNECTION; ZONING: R6A; TOTAL ACREAGE: 0.50 +/-; LOCATED ON THE SOUTH SIDE OF SR 2286 (SEVEN MOUNTAIN DRIVE), EAST OF I-95 BUS/ US HWY 301 (GILLESPIE STREET).

The property owner of this proposed group development is requesting the board to make an exception from the requirement for mandatory sanitary sewer connection. The County Subdivision Ordinance requires developments with two to ten units within 300 feet of an existing sanitary sewer line to connect to the system. The closest existing sanitary sewer to the subject property is approximately 275 feet from the property; however, according to the Public Works Commission (PWC) this is a force main and connection is not permitted.

A letter from the PWC explaining the PWC's position on this matter is attached. The PWC has noted that the nearest gravity flow sanitary sewer is located approximately 800 feet from the subject property, but this is beyond the distance requirement for mandatory connection for this type of development in this area under the provisions of the ordinance.

The ordinance allows the Planning Board to make exception to the mandatory public sewer connection/extension when any of the following conditions are present:

1. **Public sanitary sewer is within a different drainage basin or sub-basin.**
2. The public utility is located beyond the jurisdiction of the Planning Board, and **the public utility provider will not agree to extend service.**
3. Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop.
4. Extensions exceeding 2,000 feet from existing public services.
5. Property is located outside of municipal governments' approved master plan.

The Planning and Inspections Staff recommends approval of the exception from the mandatory sewer connection based upon the PWC's letter.

A motion was made by Mrs. Hall, seconded by Mr. Hostetter, to follow the staff recommendation and approve case 08-116 as submitted. Unanimous approval

- C. **CASE NO. 08-117.** CONSIDERATION OF H & R STEWART PROPERTY, GROUP DEVELOPMENT REVIEW, WAIVER REQUEST FROM SECTION 2303.C, STREET FRONTAGE, COUNTY SUBDIVISION ORDINANCE, REGARDING USING A 20 FOOT INGRESS/EGRESS EASEMENT FOR ACCESS; ZONING: A1; TOTAL ACREAGE: 35.82 +/-; LOCATED ON THE WEST SIDE OF SR 2229 (MATT HAIR ROAD), SOUTH OF CHISLEHURST STREET.

The developer is requesting approval of a group development for a second dwelling unit on a 35.82 acre tract that does not have direct road frontage as is required by the County Subdivision Ordinance. The subject property does have a recorded 20-foot ingress/egress easement securing permanent access to the public right-of-way.

In similar cases, where the tract has consisted of more than ten acres and the request is for the second dwelling unit, it has been the practice of the Planning Board to grant a waiver from the mandatory direct access requirement if the access is secured by means of a recorded easement;

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. **The property owner would not be afforded a special privilege denied to others.**

The Planning and Inspections Staff recommends approval of the waiver request based on the following:

1. Because of the nature of the subject property – consisting of more than ten acres, applicant is requesting the second dwelling unit, and the access is secured by a recorded ingress/egress easement – compliance with the ordinance provision requiring direct access would cause a special and unnecessary hardship to the property owner and be inequitable;
2. The purposes of the Subdivision and Zoning Ordinances are being served to an equal or greater degree, in that a second dwelling unit on thirty-plus acres of land is not the type of development that lends itself to strict application of the provisions of the ordinance and with the easement being recorded, access to the subject property is protected for all future purchasers and/or tenants (Note: The major portion of this property is located

3. within the Special Flood Hazard Area and consists of hydric soils and hydric inclusion soils; therefore any future development would be severely limited); and
4. The property owner is not being afforded a special privilege denied to others since the board's past practice has been to grant such waivers in cases with a similar set of facts and circumstances.

A motion was made by Mrs. Hall, seconded by Mr. Hostetter, to follow the staff recommendation and approve case 08-117 as submitted. Unanimous approval

IX. PUBLIC HEARING CONTESTED ITEMS

There were no public hearing contested items.

X. CONTESTED PLATS & PLANS

There were no contested plats & plans.

XI. DISCUSSION

Mr. Lloyd informed the Board that the following items were approved at the Monday, September 15, 2008 County Commissioners meeting.

- a. Temporary Permit for Kennel Operations Amendment
- b. Airport Overlay District Amendment
- c. Shaw Heights Area Plan

Chair McLaurin formerly appointed the following Board Members to an adhoc committee to rewrite the by-laws for the Cumberland County Joint Planning Board.

Walter Clark
Garland Hostetter
Benny Pearce – Moderator
Sara Piland

Chair McLaurin stated a set of by-laws will be a great mechanism to pass onto future appointees and will better inform Board Members of their responsibilities as well as proper procedures.

Mr. Barrett informed Mr. Pearce that the Planning & Inspections Department's administration staff needs to be informed prior to the schedule meeting dates to allow for public notification.

XII. FOR YOUR INFORMATION

- DIRECTOR'S UPDATE

Mr. Lloyd informed the board that a revised "Commissioners Meeting Attendance by Planning Board Members Schedule" will be emailed to the Board Members.

XIII. ADJOURNMENT

There being no further business, the meeting adjourned at 7:24 p.m.