

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND
◆
Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

MINUTES
May 19, 2009

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Roy Turner
Mr. Walter Clark
Mr. Charles Morris
Ms. Patricia Hall
Mr. Benny Pearce
Mrs. Sara Piland
Mr. Garland Hostetter

Others Present

Mr. Tom Lloyd, Director
Ms. Patricia Speicher
Ms. Donna McFayden
Mr. Grainger Barrett, County Attorney
Mrs. Laverne Howard

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were none.

III. PUBLIC HEARING DEFERRAL / WITHDRAWAL

Mr. Lloyd advised the Board that the applicant for Case P09-15 requested a three month deferral.

Mrs. Piland made a motion, seconded by Vice-Chair Epler to approve a ninety day deferral for Case P09-15. Unanimous approval

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF MAY 5, 2009

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

VI. PUBLIC HEARING CONSENT ITEMS

- A. **P09-24:** REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 156, ZONING CODE, AMENDING § 156.008, DEFINITIONS, INSERTING IN ALPHABETICAL ORDER THE TERM: FLEX OFFICE, ALONG WITH THE ASSOCIATED DEFINITION; AMENDING § 156.020, STATEMENT OF DISTRICT INTENT, PURPOSE AND ZONE CHARACTERISTICS, SUB-SECTION (I) M-1 LIGHT INDUSTRIAL DISTRICT; AND AMENDING § 156.035, DISTRICT USE REGULATIONS, TABLE OF PERMITTED AND SPECIAL USES, SPECIFICALLY THOSE USES ALLOWED IN THE M-1 LIGHT INDUSTRIAL DISTRICT; AMENDING THE ZONING IDENTIFIER “M-1” THROUGHOUT CHAPTER 156 TO READ AS “M1(P)”; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

A motion was made by Vice-Chair Epler, seconded by Mr. Hostetter, to recommend approval of the revision and amendment to the Spring Lake Zoning Code. Unanimous approval

- B. **CASE P09-17:** REZONING 2.7+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 437 JOHN NUNNERY RD, SUBMITTED BY BETTY JANE DAVIS AND OWNED BY SARAH JANE HAIR HEIRS.

The Planning and Inspections Staff recommends approval of the request for R40A Residential based on the following:

1. The R40A district is consistent with the 2030 Growth Vision Plan, which calls for “rural area” at this location; and
2. The subject property meets the location criteria for rural density residential as outlined in the Land Use Policies Plan.

The A1A zoning district could also be considered suitable for this location.

A motion was made by Vice-Chair Epler, seconded by Mr. Hostetter, to follow the staff recommendation and approve case P09-17. Unanimous approval

VII. CONSENT PLATS & PLANS

CASE NO. 09-049: CONSIDERATION OF THE FLORA KATE MCMILLAN, PROPERTY, SUBDIVISION REVIEW; REQUEST FOR AN EXCEPTION FROM SECTION 2306.A.1.C, UTILITIES, COUNTY SUBDIVISION ORDINANCE, REGARDING CONNECTION TO PUBLIC

WATER AND SEWER; ZONING: A1; TOTAL ACREAGE: 5.662 +/-; LOCATED ON THE EAST SIDE OF NC HWY 87, NORTH OF SR 2237 (SMITH ROAD).

The property owner of this proposed subdivision is requesting the board to make an exception from the requirement for mandatory public water and sanitary sewer connection. The County Subdivision Ordinance requires developments with two to ten units within 300 feet of an existing public water and sanitary sewer line to connect to the public system. The closest existing public water and sanitary sewer to the subject property is approximately 200 feet from the property; however, the existing water and sewer lines are located on the opposite side of NC HWY 87.

An extension, including boring under the highway, would be required for this developer to connect to the public lines.

The proposed subdivision is a two lot subdivision with an existing home located on Lot 5-B. The existing home on Lot 5-B currently uses a private well and a septic tank, but will be required to hook up to the public water and sewer system at the time either the well or septic system fails and needs replacing. This home was permitted in September 1992.

The existing water main is a 16 inch diameter line and the sewer main is a 18 inch diameter line. The Public Works Commission has not approved a water lateral off of 16 inch water main for a residential lot or structure in similar cases. The developer would be required to extend a smaller diameter water main off of the existing 16 inch main and under NC HWY 87, then connect a lateral to the property. A sewer lateral may not be allowed by the Public Works Commission to be bored under NC HWY 87 because of the distance of the sewer lateral needed to cross under the right-of-way. The Public Works Commission states in their comments that water and sewer would be required to be extended to serve these lots, but not as to the kind of extension required.

The ordinance allows the Planning Board to make exception to the mandatory public water and 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 water and sewer connection based upon the crossing of the major controlled access highway (NC HWY 87).

Vice-Chair Epler made a motion, seconded by Mr. Hostetter to follow the staff recommendation and approve the request. Unanimous approval

VIII. DISCUSSION

Mr. Lloyd stated that the Buffer Requirement Amendment will go to the County Commissioners' June meeting, but wants the Board to consider a change where the only use where the buffer requirement would be retroactive would be uses with outside storage. They would be given two years to buffer if it is pre-existing.

Chair McLaurin stated that he thought that was how it was supposed to be but somehow it changed.

Mr. Lloyd stated that this change would give people with outside storage two years to buffer even if they are grandfathered in.

Mr. Morris stated that the amendment could be worded to say if a property is not conforming according to the Ordinance, any application for zoning, building permits, etc. should comply with the buffer requirements.

After further discussion, Mr. Lloyd clarified the change that was made to the buffer requirements for the Board's consideration, and reminded the Board that they had until the next meeting to make a decision.

IX. FOR YOUR INFORMATION

DIRECTOR'S UPDATE

Mr. Turner gave the Board an update on the Commissioner's meeting and stated that the Commissioners' agreed with the decisions that the Planning Board made on the cases that were heard.

Mrs. Piland stated that she wanted the Nominating Committee to meet on June 2nd at 6:15 PM and report to the Planning Board at the June 16th meeting.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:35 p.m.