

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

March 16, 2021

Members Present

Mr. Stan Crumpler – Chairman
Mr. Thomas Lloyd – Vice-Chair
Mrs. Susan Moody
Mr. Jordan Stewart
Mr. Gary Burton
Ms. Cassandra Herbert

Members Absent

Mr. Carl Manning
Mr. Mark Williams
Mrs. Jami McLaughlin

Others Present

Mr. David Moon
Mr. Rawls Howard
Mrs. Laverne Howard
Mr. Rick Moorefield
County Attorney
Ms. Annie Melvin

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were no adjustments to be made to the agenda.

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

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

Mr. Howard advised the Board that Case P21-09 requested a deferral until the May 18th Planning Board meeting.

Mr. Lloyd made a motion, seconded by Mrs. Moody to approve the deferral. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF FEBRUARY 16, 2021

Mrs. Moody made a motion, seconded by Mr. Lloyd to approve the minutes as submitted. Unanimous approval.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Crumpler read the welcome and rules of procedures.



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VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. **P21-17.** REZONING OF 0.85+/- ACRES FROM C(P) PLANNED COMMERCIAL AND C2(P) PLANNED SERVICE AND RETAIL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3830 BOONE TRAIL, SUBMITTED BY BRIAN V. BARBER ON BEHALF OF BE ALL YOU CAN BE REAL ESTATE, LLC (OWNER).

In Case P21-17, the Planning & Inspections staff recommends approval of the rezoning request from C(P) Planned Commercial and C2(P) Planned Service and Retail to C(P) Planned Commercial and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial". The "Heavy Commercial" designation is designed to provide for shopping needs of the immediate neighborhood and traveling public and is usually located at major intersections. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses, zoning, and the site is located at a heavily trafficked intersection.

In Case P21-17, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from C(P) Planned Commercial and C2(P) Planned Service and Retail to C(P) Planned Commercial and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial". The "Heavy Commercial" designation is designed to provide for shopping needs of the immediate neighborhood and traveling public and is usually located at major intersections. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses, zoning, and the site is located at a heavily trafficked intersection. Unanimous approval.

- B. **P21-18.** REZONING OF 10.01+/- ACRES FROM R5A RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1600 HINKLE STREET, SUBMITTED BY LAUNA A. HINKLE (OWNER) AND KOREY D. WHITE (AGENT). (SPRING LAKE)

In Case P21-18, the Planning & Inspections staff recommends approval of the rezoning request from R5A Residential to R6A Residential and finds the request consistent with the Spring Lake Land Use Plan (2002) designation of "Medium Density Residential". The "Medium Density Residential" designation allows for 6.1 to 15 units per acre and requires public water and sewer. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses, zoning, and has access to public water and sewer.

In Case P21-18, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from R5A Residential to R6A Residential and finds the request consistent with the Spring Lake Land Use Plan (2002) designation of "Medium Density Residential". The "Medium Density Residential" designation allows for 6.1 to 15 units per acre and requires public water and sewer. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses, zoning, and has access to public water and sewer. Unanimous approval.



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CONDITIONAL ZONING CASE

- C. **P21-19.** REZONING OF 1.79+/- ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR RESTAURANTS AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE NORTHEAST SIDE OF N MAIN STREET, SOUTH OF CAMDEN ROAD, SUBMITTED BY JOSEPH P. RIDDLE III AND TRINA T. RIDDLE (OWNERS) AND LORI S. EPLER ON BEHALF OF LARRY KING & ASSOCIATES (AGENT). (HOPE MILLS)

In Case P21-19, the Planning & Inspections staff recommends approval of the rezoning request from R10 Residential to C(P) Planned Commercial/CZ Conditional Zoning for restaurants and retail and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as it allows for shopping needs of the immediate neighborhood and traveling public and is usually located at major intersections. C(P) is designated as "Heavy Commercial" within the Land Use Policies Plan (2009). Approval of the request is reasonable and in the public interest as it will restrict the property to one permitted use and the request is in harmony with non-residential zoning in the surrounding area.

In Case P21-19, Mrs. Moody made a recommendation, seconded by Mr. Burton to recommend approval of the rezoning request from R10 Residential to C(P) Planned Commercial/CZ Conditional Zoning for restaurants and retail and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as it allows for shopping needs of the immediate neighborhood and traveling public and is usually located at major intersections. C(P) is designated as "Heavy Commercial" within the Land Use Policies Plan (2009). Approval of the request is reasonable and in the public interest as it will restrict the property to one permitted use and the request is in harmony with non-residential zoning in the surrounding area. Unanimous approval.

VIII. PUBLIC HEARING WAIVER CASE

- D. **CASE NO. 20-151.** CONSIDERATION OF THE TERRONE STREET PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT FOR DIRECT ACCESS TO A PRIVATE OR PUBLIC STREET FOR GROUP DEVELOPMENT; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D, GROUP DEVELOPMENTS; ZONED: RR; TOTAL ACREAGE: 10.00+/-; LOCATED AT 4075 MISSION HILL ROAD; SUBMITTED BY TERRONE STREET ON BEHALF OF WALTER & MAUDE ESTATE, LLC. (OWNER).

Mr. Howard reminded the Board of the facts of the case and the fact that the hearing was quasi-judicial.

This is a request to allow a group development of three residential structures without direct access to a public or private street per the County Subdivision Ordinance.

The subject property was created by deed on December 18, 1915 (Deed Book 188, Pages 100-100A). Due to the size of the lot, it is not subject to the County's Subdivision ordinance, however, group development reviews are still mandatory. Mission Hill Road is a public right-of-way, but the public portion of the right-of-way ends approximately 496' before the subject property.

Mr. Howard said that the new image that was shown included a new easement that staff didn't have at the last meeting and was requested by the Board. Staff also identified a deed that had been recorded and indicated what that looked like graphically. Mr. Howard also showed the definition of how the County's ordinance defines public and private streets.

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Mr. Moorefield stated that he didn't think this was an appropriate matter for a waiver of consideration because this would have to be a group development because they are proposing a second mobile home on there, regardless of the existence of the house. The other aspect is, under our group development there could only be two units on one lot. The Board could consider whether this structure that looks like a house is built like a house, the issue is that it could be used as a house, the applicant can clarify its use. Mr. Moorefield went over the requirements for a group development about streets and said that there was not enough information for the Planning Board to even consider the aspect of streets. Mr. Moorefield went on to say that if the Board determines that there is a house, adding another house does not meet the criteria to waive. Mr. Moorefield said that he thinks the applicant has a legal mechanism to make it work as far as the street, but there is no way to get around the fact that there are three units and to use a class "C" street is limited.

Mr. Lloyd said that the issue to him has nothing to do with a class "c" private street because there is none. Mr. Lloyd said he was going to vote for the request because the applicant was asked to come back with a recorded easement and now, he is here.

Mrs. Moody said we went through this last month and asked the applicant to provide us with the easement, he has done everything we asked and to now turn around and say we need you to do something else, she does not think that is right.

Chair Crumpler reopened the public hearing.

Mr. Terrone Street the applicant spoke in favor. Mr. Street stated that the stick-built home that is located on the property, his parents built but had been abandoned for about forty years, the house hasn't had electricity in over thirty years, there's no plumbing, his dad built the house and put the septic in. The house is totally abandoned and only store some family memorabilia and use it for storage. Mr. Streets said they would be willing to take that home down, the two trailers that are there now are housing his two older brothers who are both handicapped and apologized again for moving the trailer there without doing his due diligence.

Mr. Howard said that there seems to be a compromise if the applicant is willing to demolish the existing structure that is there. That would remedy one of the two issues with having too many structures. The second action could be put a condition on the waiver that the group development would be limited to two habitable structures not on a public or private street. That would limit the number of structures to what is already present and not add more. Any new structures would be subject to a street being put through there in the appropriate manner.

Mr. Lloyd said that we must first realize what it is that we are waiving that's the issue here. He can do everything we are asking but, to fulfill the requirements, the Board needs to understand what they are waiving. Are they waiving a group development that is not on a private street?

Mr. Howard said yes, that is what they are waiving. You are allowing him to do a group development that is not on a public or private street.

Mr. Crumpler asked staff, if the applicant restricted the use of the block building just for storage, could he use the new structure for habitation without tearing down the block building.

Mr. Howard stated that the board could place a condition on the request that limited the total number of habitable buildings on the lot to two and that would suffice that concern. That condition would serve as a "no-net-increase" of residential uses on the lot and any new structures would need to have the road upgraded to satisfy ordinance requirements.

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The applicant agreed to the condition of only having two habitable structures.

Chair Crumpler closed the public hearing.

In Case 20-151, Mr. Lloyd made a motion, seconded by Ms. Herbert to approve the waiver subject to the following findings of fact: the parcel, with respect to the definition under lot and yard regulations is landlocked, so we will waive the requirement for the group development on a public or private street with the condition that the lot would be limited to two habitable structures being served by the current street a) Because of the size of the tract to be subdivided or developed, its topography, the condition or nature of 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, b) The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater degree, because it is being limited to two habitable structures, and c) The property owner would not be afforded a special privilege denied to others. Unanimous approval.

IX. DISCUSSION

- BETHANY LAND USE PLAN

Mr. Howard advised the Board that the Bethany Land Use Plan would be presented at the April Planning Board meeting.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 6:55 pm.