

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

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

TENTATIVE AGENDA NOVEMBER 20, 2007 7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. ABSTENTIONS BY BOARD MEMBERS
- IV. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- V. APPROVAL OF THE MINUTES OF OCTOBER 16, 2007
- VI. PUBLIC HEARING CONSENT ITEMS
 - A. REZONING DEADLINE/MEETING SCHEDULE
 - B. PLATS & PLANS DEADLINE/MEETING SCHEDULE

REZONING CASES

- A. **P07-81:** REZONING OF 11.81 ACRES A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3484 A. B. CARTER ROAD, SUBMITTED BY MAPS, INC., OWNED BY JERALD D. ROBERTSON.
- B. **P07-83:** REZONING .57 ACRES FROM R15A TO O&I OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6110 TAYLOR STREET, SUBMITTED BY BETH HOLMES, OWNED BY MARTIN'S PORK PRODUCTS, INC. (FALCON)
- C. **P07-85:** INITIAL ZONING OF ALL PROPERTIES LOCATED WITHIN THE CORPORATE BOUNDARY OF THE TOWN OF EASTOVER, A FULL DESCRIPTION OF WHICH CAN BE FOUND IN THE "ACT TO INCORPORATE EASTOVER" 2007 N.C. SESS. LAW 267, TO THE SAME AND EXISTING ZONING CLASSIFICATIONS. (EASTOVER)
- D. **P07-88:** REZONING OF FIVE PARCELS TOTALLING 5.77 ACRES FROM R6A TO R5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SHAW ROAD, SOUTHWEST OF HOLLAND

STREET, SUBMITTED BY CHRIS FRAZEE, OWNED BY Kael Gray Properties LLC.

- E. **P07-89:** REZONING OF A 4.87 ACRE PORTION OF A 24.93 ACRE TRACT FROM C(P) TO R5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3429 BLACK AND DECKER ROAD, SUBMITTED BY THOMAS J. GOODEN, OWNED BY CHRISTIAN LIFE CHURCH WORLD MINISTRIES, INC.
- F. **P07-90:** REZONING OF 6.07+/- ACRES FROM RR/CU TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 682 AND 698 PHILODENDRON DRIVE, SUBMITTED BY HARVEY ALLEN, OWNED BY KAS DEVELOPERS LLC.
- G. **P07-91:** REZONING OF A 10.22 ACRE PORTION OF A 13.30 ACRE TRACT FROM CD TO A1, LOCATED AT THE END OF BOYCE'S LANDING ROAD, EAST OF SOUTH RIVER SCHOOL ROAD, SUBMITTED BY WILLIAM B. SNIVELY, OWNED BY HENRY F. WILLIAMS ET AL.

VII. CONSENT PLATS & PLANS

- A. **CASE NO. 06-025:** CONSIDERATION OF GATES FOUR BLOCK "P", ZERO LOT LINE SUBDIVISION REVIEW, WAIVER FROM SECTION 3.17.C "STREET DESIGN" (CUL-DE-SAC LENGTH), COUNTY SUBDIVISION ORDINANCE, LOCATION: EAST SIDE OF SR 1109 (DUNDLE ROAD), SOUTH OF SR 1104 (STRICKLAND BRIDGE ROAD).
- B. **CASE NO. 07-149:** CONSIDERATION OF HCC INVESTMENT, LLC, ZERO LOT LINE SUBDIVISION REVIEW, WAIVER FROM SECTION 3.20.2 "MUNICIPAL INFLUENCE AREA" (STEDMAN - SIDEWALK & FIRE HYDRANT), COUNTY SUBDIVISION ORDINANCE, LOCATION: NORTH SIDE OF NC HWY 24 (CLINTON ROAD), EAST OF SR 1926 (ATWOOD TERRACE).
- C. **CASE NO. 07-174:** CONSIDERATION OF BOYD MONOGRAMING & SEWIIING, M(P) SITE PLAN REVIEW, ALTERNATE YARD REQUEST FOR SIDE YARD SETBACK, COUNTY ZONING ORDINANCE, LOCATION: NORTH SIDE OF SR 1451 (WEST MANCHESTER ROAD), WEST OF NC HWY 87 (NORTH BRAGG BLVD.).

VIII. CONTESTED PLATS & PLANS

- A. **CASE NO. 07-161:** CONSIDERATION OF CROSSWINDS, SECTION FOUR, ZERO LOT LINE SUBDIVISION REVIEW, WAIVER FROM SECTION 3.20.2 "MUNICIPAL INFLUENCE AREA" (HOPE MILLS – SIDEWALKS & CONCRETE CURB & GUTTER), COUNTY SUBDIVISION ORDINANCE, LOCATION: BOTH SIDES OF PHILODENDRON DRIVE AND NORTH OF SR 2997 (HEIDELBERG DRIVE), EAST OF SR 1132 (LEGION ROAD).
- B. **CASE NO. 07-185:** CONSIDERATION OF HERMAN E. BOWDEN PROPERTY, REQUEST FOR BOARD RULING, APPLICATION OF DEFINITION OF "SUBDIVISION", LOCATION: SOUTH SIDE OF SR 1704 (PALESTINE ROAD), SOUTHWEST OF SR 1609 (EAST REEVES BRIDGE ROAD).

X. DISCUSSION

X. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

XI. ADJOURNMENT

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COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES
October 16, 2007

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Clifton McNeill
Mrs. Patricia Hall
Mr. Garland Hostetter
Mr. Harvey Cain, Jr.
Mr. Roy Turner
Mrs. Sara Piland

Others Present

Mr. Thomas Lloyd, Director
Mr. Cecil Combs
Ms. Donna McFayden
Mr. Grainger Barrett, County Attorney
Mrs. Laverne Howard
Commissioner Diane Wheatley

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the Board that Case P07-80 would be moved from Public Hearing Consent to Public Hearing Contested cases and Plats and Plans Case 07-161 was withdrawn.

Mr. McNeill made a motion to accept the adjustments to the agenda, seconded by Vice-Chair Epler. Unanimous approval.

III. ABSTENTIONS BY BOARD MEMBERS

Mr. Turner stated that he would abstain from case P07-76.

Vice-Chair Epler made a motion to accept the abstention, seconded by Mr. Cain. Unanimous approval.

IV. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

V. APPROVAL OF THE MINUTES OF OCTOBER 2, 2007

A motion was made by Vice-Chair Epler, seconded by Mr. Hostetter, to accept the October 2, 2007 Board minutes as submitted. Unanimous approval.

VI. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P07-76:** REZONING OF 71.0+/- ACRES FROM RR AND CD TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH SIDE OF CAMDEN ROAD, EAST OF THE COUNTY LINE, OWNED BY HAROLD KIDD, JOSEPH GILLIS, AND DOUGLAS BARFIELD, SUBMITTED BY K. DOUGLAS BARFIELD, ATTORNEY.

The Planning & Inspections Staff recommends approval of the R7.5 district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and
2. Public utilities are available to the subject property.

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

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P07-76 as submitted. Unanimous approval, with Mr. Turner abstaining.

- B. **P07-79:** REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE, NORTH CAROLINA CODE OF ORDINANCES, CHAPTER 156: ZONING CODE, AMENDING §§ 156.006 INTERPRETATION.; REPEAL 156.007 APPLICATION OF CHAPTER.; AMEND 156.008 DEFINITIONS.; REPEAL 156.035 DISTRICT USE REGULATIONS.; AMEND THE TABLE OF PERMITTED AND CONDITIONAL USES; AMEND §§ 156.050 PURPOSE.; AMEND 156.051 PROCEDURE FOR OBTAINING A CONDITIONAL USE PERMIT.; AMEND 156.052 SPECIFIC CONDITIONAL USE REQUIREMENTS.; AMEND § 156.120 SIGNS PERMITTED IN ANY DISTRICT; §§ 156.132 POWERS AND DUTIES.; 156.133 CONCURRING VOTE.; §§ 156.148 CONDITIONAL USE PERMITS.; 156.149 FEES; AND UPDATE THE TABLE OF CONTENTS TO REFLECT CHANGES. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the text amendment based on the following:

1. The amendment updates the provisions of the Town Code, complimenting the current and soon to be adopted standards of the Zoning Code; and
2. This amendment allows the Town of Spring Lake to retain its individuality while its regulations become more consistent with the County.

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P07-79 as submitted. Unanimous approval.

VII. PUBLIC HEARING CONTESTED ITEMS

- A. **P07-80:** REZONING OF THREE PARCELS TOTALLING 5.0+/- ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, SOUTH OF DELANCY DRIVE, WEST OF SOUTH FORTY DRIVE, OWNED BY ROBERT AND STEPHANIE VAUGHN AND FRANKLIN R. FOWLER, SUBMITTED BY MCCOY, WEAVER, AND WIGGINS ATTORNEYS.

Mr. Lloyd reviewed the site information and stated the staff recommends approval of the R15 district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location;
2. The R15 zoning district is in character with the current zoning of the adjacent property; and
3. Public utilities are available to the subject property.

The R40, R30 and R20 zoning districts are the other suitable zoning districts to be considered for this site.

Mr. Lloyd stated there was one person to speak in favor, and four people to speak in opposition.

Public Hearing opened.

Robert Vaughn spoke in favor. Mr. Vaughn stated that they were looking at putting three hundred thousand dollar houses in this area. It's not going to be any little subdivision, there will be nice houses and it's going to be a nice subdivision. Mr. Vaughn requested that the Board approve the rezoning to R15.

Danny Smith spoke in opposition. Mr. Smith stated that he was opposed to the neighborhood for two reasons. The first reason is traffic; the roads in the neighborhood are not long enough or wide enough to handle the increased traffic. Secondly, Mr. Smith doesn't feel proper procedures were followed in the purchase of a house to obtain an easement for the right-of-way. Mr. Smith stated that the easement hasn't been approved but development of the neighborhood has progressed. These are the reasons Mr. Smith is opposed.

Jeanette Hales spoke in opposition. The house Ms. Hales lives in is located at the low point of the neighborhood. There was a development built behind her house on South Forty Drive. At that time it came before the Board, and the concerns about drainage were raised. The developer built drainage pits right behind Ms. Hale's house, and three or four houses affected by this were flooded. Ms. Hales stated that they receive all of the drainage and the pits are not sufficient enough to hold the water. Ms. Hales' yard was completely covered, and as a result her septic system failed. This is not just an imagined problem, this is real. Ms. Hales stated that the other large section has just been rezoned, and we're going to get the drainage from that, and now they want to do the ball field. Ms. Hales stated that every agency, every department, and every person has been called,

and no one has been able to help. Ms. Hales stated that the Board can help, they can step up and do the right thing and help stop the developers from ruining their property.

Mr. McNeill asked Ms. Hales if the Department of Environment and Natural Resources (DENR) had been contacted.

Ms. Hales said that they had contacted everybody.

Mr. McNeill asked the question again if the DENR had been contacted.

Ms. Hales stated that yes they had contacted the DENR.

Mr. McNeill asked if DENR's response was that they couldn't help.

Ms. Hales stated that that was correct. Ms. Hales also stated that she was advised that if rezoning of the property continued she would have to file a lawsuit. It doesn't make sense that we should have to file a lawsuit to protect our property.

Chair McLaurin asked if the water that was coming into her yard was coming from the cul-de-sac.

Ms. Hales stated that they have made a drainage system, where all of the runoff from those neighborhoods comes to some drainage pits that were dug directly behind her house. Any time it rains, any moisture that we get is piped right to the back of her house. It's not just natural runoff; it's piped to the back of the house.

Vice-Chair Epler asked Ms. Hales if, before the subdivision was built and before the detention ponds were placed, she ever had standing water in her yard at any time.

Ms. Hales stated that when there was a really hard rain there would be some puddles that lasted several hours. If it was in the middle of the night, by the next morning the puddles would be gone. This water that ruined my septic system was on our backyard for an entire week. Then it would drain off and we would get more rain and we would be flooded again. The water went under my neighbor's house. It's been devastating.

Vice-Chair Epler asked if before the property was developed, did Ms. Hales receive drainage from that piece of property onto her lot.

Ms. Hales said not from the property, heavy rains would make puddles in our yard. I don't think it was draining off of that property.

Vice-Chair Epler asked if the storm water system coming off of those lots on Delancy Drive and Canasta Court has an open end pipe that comes out on your property from there.

Ms. Hales said it goes into the drainage pits behind her property that are not sufficient enough to hold the water.

Vice-Chair Epler asked if they overflow.

Ms. Hales stated yes they do, all the time.

Vice-Chair Epler asked if Department of Environment and Natural Resources came out to ensure that they were being maintained properly.

Ms. Hales said that this was after the pits were dug and they were fairly new.

Vice-Chair Epler stated that she was sure they were being maintained at that time. If they're not being maintained long term, which the homeowners are responsible for or whoever maintains those ponds, I hate to say this, but you will have to call the Department of Environment and Natural Resources to come out and inspect those to make sure they are being maintained.

Ms. Hales said that when her septic system failed, that was when they were brand new, they had just put in, and it still flooded us.

Vice-Chair Epler stated that they were not draining water over onto Ms. Hales' property; it's not being piped onto you.

Ms. Hales said it's piped into the drainage pits which can't hold the volume of water that comes into them. So basically, yes, they are piping it to my yard. It temporarily goes into the pit, but almost immediately, if they're full it goes right to my yard.

Neelis Smith spoke in opposition. Mr. Smith said he lives on the high end and when it rains hard, water stands in his yard. Mr. Smith said Canasta is built high and it runs down. Delancy is built low and it runs into people's yards. I have actually seen them with pumps in their backyards. It did not happen until KRB Builders started building in that neighborhood. I have also contacted several people. We get different stories; you don't know what to believe. Delancy is almost 20 feet across; school buses cannot go down that road. They want to build sixty seven more homes behind that, how are kids going to be safe coming out and walking? I know that this is just a hearing, and this has to go before the County Commissioners, I am going to take it up with a few of them also. South Forty, the main street is only 19 feet across, and it's hard enough for two vehicles to go down. I could care less about what kind of home goes in there. The concern is the traffic, how this came about. I don't think the Department of Transportation did their job. I don't think they went out and looked at the roads. If they did, they need some help. The traffic is what we're concerned about and the ponds, I think they did call someone out, and all they did was come out and dig the pond a little deeper. I know the ponds are not being maintained, but who maintains them. KRB should be the ones to maintain them. They're the one who built them, not the people in the subdivision. Our mistake is letting the Department of Transportation take over South Forty Drive. If we had taken it back and made it a private road, we wouldn't be having this discussion tonight. We failed to do that and we're just asking for help.

Mr. McNeill asked if all those roads are in the state system.

Mr. Smith stated that yes they are.

Scott Terry spoke in opposition. Mr. Terry stated that the builder tried to deed him the drainage ponds, so that he would be responsible for them. There are two of them, one feeds from Canasta and the other from Delancy. I'm glad I didn't, there are trees and

bushes, a six foot privacy fence which was mandatory. The trees and bushes are over six feet and hanging over into my yard. I've talked to him about coming over and cleaning it up. Mr. Terry stated that when there is a good rain the water does come over. At the end of the cul-de-sac on Delancy there's a culvert where all the water is supposed to drain, I actually had to hire someone to come and build a berm around my yard on the end of that cul-de-sac to run the water to the drainage easement, because all of the water comes into my yard. My concern is who is going to build the houses.

Mr. Vaughn spoke in rebuttal. Mr. Vaughn stated that he does not represent KRB Builders. KRB Builders is not building on this property. It's my land and I have people who are going to build.

Vice-Chair Epler asked if this property was owned by Franklin Fowler also.

Mr. Vaughn stated that the road is owned by Mr. Fowler.

Vice-Chair Epler stated that she was asking because KRB Builders is Franklin Fowler's son-in-law.

Mr. Vaughn stated that that was correct and they do own the road that goes back to their property, but they will not be developing this tract.

Mr. McNeill asked if the road was going to remain in place for access to that property that was shown as R15. How is that individual going to get to their property?

Mr. Vaughn stated that that was a permanent road. We're only talking a maximum of 10 lots at the most.

Vice-Chair Epler asked Mr. Vaughn if he understood that if the little road going through there serves that larger tract of R15 it's not only your property and your ten lots that are going to be using that road, it's also going to be all the lots that go on that R15 tract. They will all have access to that new road across your property.

Mr. Vaughn said he was aware of that.

Mr. McNeill asked how the drainage would exit from that property.

Mr. Vaughn stated that right now on the southwest corner, which is the lowest part of the property; there is a drainage culvert that runs along there.

Mr. McNeill asked if plans had been formulated for this development at this point.

Mr. Vaughn stated that they had.

Mr. McNeill asked if the plan calls for the drainage to go off as Mr. Vaughn indicated.

Mr. Vaughn said he wasn't sure.

Chair McLaurin asked Mr. Vaughn if the land was slanted in a way where the water would run off.

Mr. Vaughn said that the way it is now the water will run off into the field.

Vice-Chair Epler said that she finds it hard to believe that all of the lots on the south side of Delancy Drive drain north to the low spot. It's a natural low spot that people are still having a problem with, water has always gone there, it just didn't go with the velocity that it's going now. That happens because of development, and I understand that. But, I find it hard to believe that there's a crest along the back of those lots and none of your property is draining that way. If the north side of your property is high, what you're telling us is the south side of those lots and the north side of your lot is the high spot and everything on your property is coming back south. That's kind of hard to believe.

Mr. Vaughn said that he believed the northwest corner of his property is higher than their property.

Vice-Chair Epler said that was correct. That means your drainage is going towards them.

Mr. Vaughn said it's draining away from them.

Vice-Chair Epler said not if you're higher.

Public Hearing closed.

Mr. McNeill said that he is familiar with that land and it's a sand hill. I dare say there wasn't any runoff until the development started, and an impervious area will give you runoff. Unfortunately water is going to run downhill, and it's going to run to the lowest spot. There's nothing we can do about that. There are some problems over there. Mr. McNeill asked Mr. Lloyd since it's not deeded to any of the lots shouldn't another parcel be shown.

Mr. Lloyd said that usually with detention ponds, there's a homeowners association that takes care of the maintenance.

Mr. McNeill asked if there is a homeowners association or if there should be one.

Vice-Chair Epler said that she thinks the individual lots own the sediment ponds, they may have been sold with the lots.

Ms. Hales said that they didn't sign a form that said they would be responsible for the ponds. Ms. Hales said she called Mr. Vaughn and asked him to maintain the ponds, and he stated that it was his responsibility.

Vice-Chair Epler asked Ms. Hales if the pond was part of her property.

Ms. Hales stated that it is not a part of her property.

Mr. Barrett stated that one possibility that the drainage easement was obtained is that rather than a lot is that it would give the developer the right to control what's going on with the property.

Mr. McNeill asked in that case would the assumption be that he is responsible, since he owns the rights to the easement.

Mr. Barrett said it would certainly be consistent.

Vice-Chair Epler asked Mr. Barrett if they purchased the lot and that pond is on that property that they purchased and there is a maintenance easement for that drainage structure they own that drainage structure am I correct.

Mr. Barrett stated that the ownership is irrelevant in this case. It is easy to draw a drainage maintenance easement for the developer to control.

Mr. Lloyd stated that the norm is that a homeowners association is created to maintain those ponds, most of the time.

Mr. McNeill stated that another agency to contact is Storm Water Utilities.

Mr. Barrett stated that Storm Water Utilities are run by the city. They deal with storm water flooding issues. Some of what I've heard is that some cases of sedimentation and erosion go to Department of Environment and Natural Resources.

Mr. McNeill said that Storm Water Utilities may be someone that people might want to try and contact.

Vice-Chair Epler said that she is familiar with the area. The houses on Delancy Drive and the houses on Canasta Court are nice houses, and I know the people on South Forty Drive have an investment in their property and they somewhat feel threatened. I have sympathy for that. That was always a natural drainage area out there; it has probably been escalated because of this development. The fact that those ponds aren't being maintained is one of the biggest problems. That needs to be corrected; however, I know most of the property to the south of those houses on South Forty Drive and Delancy Drive, the topography out there is such that some, if not all of that property I believe is still going to go in that direction and while that development is there, and there's nothing we can do about that today, I have a real reservation about putting ten more lots out there, not for the traffic reasons. Honestly ten lots on those streets, they are Department of Transportation maintained streets. Ten lots on those streets will not make or break them. However, that street is going to be going to that property that is now zoned R15, and I have a real reservation about sending that many lots, if we can get ten lots on this tract at R15, they can probably get at least twenty or thirty on that one. I don't like the idea of that property having access through this neighborhood. I understand those are narrow streets, I think the ten lots would probably not be too hard on that area, but that R15 traffic, if they're not able to get access somewhere else, all of that traffic is going to be coming through here. For that reason, I can't support this rezoning application.

Mr. Turner said that if the ponds can't take the water now, being a new pit, there's too much water running into it. I don't feel comfortable about that at all.

Mr. McNeill asked Mr. Vaughn if he would be interested in considering something less dense than the R15.

Mr. Vaughn responded not at this time.

Mr. McNeill said that he is not satisfied that some of the drainage is not going to go that way. I'd like to see some topo or something on it. If the water is coming the other way,

perhaps the development of this would not further the problem that we've already got. Your best bet might be to withdraw this and come back with something that would show us some topo and some drainage, something to address these drainage issues. It's time that we proceeded with some caution on rezoning that is going to give us a lot of more impervious area and take some drainage issues into consideration.

A motion was made by Vice-Chair Epler, seconded by Mr. Cain to deny the staff recommendation for approval. Unanimous approval.

B. CONTESTED PLATS AND PLANS

CASE NO. 07-060: CONSIDERATION OF THE ESTATES OF CAMDEN, ZERO LOT LINE SUBDIVISION REVIEW, WAIVER FROM SECTION 3.20.2 "MUNICIPAL INFLUENCE AREA COMPLIANCE" (MIA: HOPE MILLS), COUNTY SUBDIVISION ORDINANCE, LOCATION: SOUTH SIDE OF SR 1003 (CAMDEN ROAD), NORTH OF SR 1113 (WALDOS BEACH ROAD).

The developer has requested a waiver from Section 3.20.2 "Municipal Influence Area Compliance" (MIA), County Subdivision Ordinance, regarding conditions 10 a & b for concrete curb and gutters and sidewalks, on the attached condition sheet. The County Subdivision Ordinance requires developments to meet the standards for the Town when located within their MIA. The property is zoned R10 (R7.5) Residential District, contains 99.43 +/- acres.

The developer states the cost of building the improvements will make it cost prohibitive and will unfairly effect those desiring to purchase homes. They further state that rolled asphalt with slight ditches are more environmentally friendly and allow runoff to drain naturally and that the road will be designed in such a way as to reduce vehicle speed.

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 & Inspections Staff recommends approval of the waiver from the concrete curb and gutter provisions based on the following:

- a. Because of the condition and nature of the adjoining areas, strict compliance with the provisions of the ordinance would cause a special hardship to the property owner and be inequitable, in that the developments within the immediate area do not have rights-

of-way constructed with concrete curb and gutter; by burdening this development with this criteria would be cause for the development to “stand out” from the existing subdivisions thus affecting the marketability of not only this development but re-sales in the existing developments as well;

- b. The public purposes of the County Subdivision and Zoning Ordinances would be served to an equal or greater degree, in that the practicality of allowing any run off to drain naturally into slight ditches (swales) far outweighs any benefit of mandatory concrete curbing in this area, would be more environmentally friendly and easier to maintain. Also, the rights-of-way will be constructed to the NC Department of Transportation standards for acceptance to the State system for maintenance since the possibility of the Town annexing this development or assuming maintenance responsibilities of the streets is not within the foreseeable future; and
- c. The property owner would not be afforded a special privilege denied to others because there are no developments within this area having concrete curb and gutter.

Regarding the waiver request from the requirement for sidewalks, the Planning and Inspections Staff recommends the developer be required to and agree to constructing sidewalks along the right-of-way of both SR 1003 (Camden Road) and SR 1130 (Waldos Beach Road) rather than being required to construct sidewalks on both sides of every street within the subdivision. This recommendation is based on:

- a. Because of the condition and nature of the adjoining areas, strict compliance with the provisions of the ordinance would cause a special hardship to the property owner and be inequitable, in that the developer is proposing to design the streets within this development in such a manner as to encourage slow moving traffic and the current development standards for Hope Mills would not require sidewalks in the area where they would best serve the public;
- b. The public purposes of the County Subdivision and Zoning Ordinances would be served to an equal or greater degree if the staff recommendation is approved, in that there is a high school, elementary school and community recreation center within close proximity to this development, therefore constructing sidewalks along the existing state roads would allow for a safer route to the schools and the recreation center in an area where it is mandatory for the children to walk to school; and
- c. The property owner would not be afforded a special privilege denied to others because there are no existing sidewalks in this area and construction of the walks along the existing state road would serve a greater public need.

Mr. Lloyd stated that the reason for the request for sidewalks is that there is a national campaign called Safe Routes to School that promotes sidewalks leading to schools and there is a presentation that has not been shown to this Planning Board, but it has been shown to the TCC and TAC. The Town of Hope Mills recommended denial of that waiver request. In talks with the Town Manager the Town has yet to see the presentation on safe roads to school, but they are going to see it. We feel that if they see the presentation that would have some bearing on their decision.

Mr. Thomas Neville represented the developer. Mr. Neville stated that they endorse and agree with the Planning staff. They agreed to install sidewalks on Waldos Beach Road and Camden Road a month ago, and thought there was something worked out. Then we received a letter from Hope Mills stating that sidewalks would be required on the interior of the development, not a sidewalk on Camden but on Waldos Beach Road. My client agreed to put sidewalks on both of these roads before we ever heard of the National Initiative on Safe Routes to School. We agreed to it because it was the safe thing to do. It made sense to put sidewalks on the exterior because there are schools in the area, it didn't make sense to us to put sidewalks on the interior when no one else has sidewalks in the interior in this area, and it's over a mile from Hope Mills. We agreed to it because it makes sense, not because of the national initiative. Based on correspondence with Hope Mills they are in agreement with the asphalt in lieu of concrete curb and gutter. It is a smart thing to do because it is environmentally safe. Mr. Neville stated that the cost would be passed on to the homeowner. The projected cost of the concrete curb and gutter is about \$430,000 which comes to about \$2,000 per lot. The homeowner would pay for it. In responding to correspondence with Hope Mills they say they want us to put one sidewalk throughout the development pursuant to County requirements. I know of no County requirements that require sidewalks. The only reason that we are here is because we are in the Municipal Influence Area. Mr. Neville restated that they are not willing to put sidewalks on the two roads if they are required to put sidewalks on the interior of the neighborhood also.

Chair McLaurin asked Mr. Neville how many lots are in the subdivision.

Mr. Neville responded 200 lots with an average width of 80-85 feet.

Mr. McNeill asked if they were planning on putting sidewalks on the two entrances on Waldos Beach Road.

Mr. Neville said we agreed to do Waldos and Camden; we didn't get a specific plan.

Vice-Chair Epler asked Mr. Riddle if he knew how much frontage he had on Camden Road.

Mr. Riddle stated that there was 1100 feet on Camden, 1500 feet on Waldos Beach Road.

Mr. Lloyd read the Sidewalk Standards for the Board.

Public Hearing closed.

Vice-Chair Epler made a motion to approve the waiver as amended with consent of the developer to add two sidewalks to the collector streets on Waldos Beach Road, seconded by Mr. Hostetter. Unanimous approval.

VIII. DISCUSSION

Mr. McNeill gave a report on the Commissioners meeting. The Commissioners supported the Planning Board's recommendations on all six cases that went before them. Commissioner Wheatley was extremely supportive of the Planning Board and the

processes we go through, and made some very kind comments about the Planning Board. Mr. Lloyd stated that he passed out a copy of an article written about the Planning Board to each of the Commissioners.

Commissioner Wheatley stated that storm water is going to be a huge problem, and the Commissioners are looking at it. Maybe the Board can take it into consideration when deciding cases.

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Mr. Lloyd handed out the standards proposed for the process of sewer extensions. The Commissioners are being briefed. This is going to go to 2030 Task Force.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.