

Clifton McNeill, Jr.,
Chair
Cumberland County



Nancy Roy, AICP, Director
Thomas J. Lloyd,
Deputy Director

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
John M. Gillis, Jr.
Marion Gillis-Olion
Cumberland County

COUNTY *of* CUMBERLAND

Joint Planning Board

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

MINUTES
February 3, 2004

Members Present

Mr. Clifton McNeill, Chair
Mr. Charles Morris, Vice-Chair
Mr. David Averette
Dr. Marion Gillis-Olion
Mr. Donovan McLaurin
Mr. Joe W. Mullinax
Mr. Frankie Underwood

Member Absent

Mr. John M. Gillis

Others Present

Ms. Nancy Roy, Director
Mr. Thomas J. Lloyd
Ms. Donna McFayden
Ms. Patti Speicher
Ms. Barbara Swilley
Mr. Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was delivered by Charles Morris, and Chair McNeill led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that Case P04-03 be moved to Consent Items because no one signed up in opposition to the case. The discussion item at the beginning of the meeting was moved to the end following the public hearings and plats and plans. A motion was made by Mr. Mullinax and seconded by Mr. Underwood to approve the Agenda with the above changes. The motion passed unanimously. Dr. Olion was not present for the vote.

III. PUBLIC HEARING DEFERRALS

- A. P04-08: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AUTOMOBILE SALES IN AN R40 DISTRICT ON 1.01 ACRE AT 10725 CLAYFORK HILL ROAD, OWNED BY WILLIAM JEFFREY SIMPSON.

The Planning staff recommended that this case be deferred until March 16, 2004 in order to amend the site plan.

A motion was made by Mr. Underwood and seconded by Mr. McLaurin to defer Case P03-08 to February 17, 2004 in order to revise the site plan. The motion passed unanimously. Dr. Olion was not present for the vote.

- B. P04-09: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AN OFFICE AND DETAIL SHOP IN AN A1 DISTRICT ON 1.0 ACRE ON THE WEST SIDE OF CLAYFORK HILL ROAD, SOUTH OF BEAVER DAM CHURCH ROAD, OWNED BY WILLIAM JEFFREY SIMPSON AND TONY DEREK SIMPSON.

The Planning staff recommended that this case be deferred until March 16, 2004 in order to amend the site plan.

A motion was made by Mr. Underwood and seconded by Mr. McLaurin to defer Case P03-09 to February 17, 2004 in order to revise the site plan. The motion passed unanimously. Dr. Olion was not present for the vote.

IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the Board's policy regarding public hearing time limits.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF JANUARY 20, 2004

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to approve the Minutes of January 20, 2004 as written. The motion passed unanimously.

REZONING CASES

- A. P04-03: REZONING OF 23.8 ACRES FROM A1, RR AND C1/CUO TO C(P), OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4703 SOUTH NC HWY 87, OWNED BY J. FRANKLIN JOHNSON III.

The Planning staff recommended approval of the C(P) Planned Commercial District based on the following:

1. The uses allowed in the C(P) District are consistent with the current uses in the area; and
2. Introduction of sewer in the Gray's Creek area has created increased development, and a need for planned commercial zoning at this location has become evident.

No one appeared in favor of or in opposition to the request.

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to follow the staff recommendation and approve the C(P) Planned Commercial District. The motion passed unanimously.

- B. P04-12: REZONING OF .30 ACRES FROM R10 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT AT 207 EUCLID STREET, OWNED BY JESSIE W. AND ELLEN M. HALL. (STEDMAN)

The Planning staff recommended approval of the C3 Residential District based on the following:

The Town of Stedman requested the rezoning to allow a museum at this location.

No one appeared in favor of or in opposition to the request.

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to follow the staff recommendation and approve the C(P) Planned Commercial District. The motion passed unanimously.

CONDITIONAL USE OVERLAY CASE

- A. P04-19: REVISION OF A CONDITIONAL USE OVERLAY PERMIT TO ALLOW A QUILTING BUSINESS, INSTRUCTION AND SEWING MACHINE REPAIR ON 1.0 ACRE IN A PND DISTRICT ON THE EAST SIDE OF RAMSEY STREET, NORTH OF BETHUNE DRIVE, OWNED BY JOHN R. AND CAROL S. WATKINS.

The packet materials were introduced into the record.

The Planning staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommends approval of the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

The Planning staff recommends that the following conditions be applied to the Conditional Use Overlay Permit:

1. Hours of operation: 10:00 a.m. to 9:00 p.m.;
2. Twelve total employees;
3. Twenty-four parking spaces required;
4. Buffering as defined in Section 10.2 of the Zoning Ordinance be provided along the rear property line;
5. Signage to be the same as that allowed in the R10 District; and
6. Approval of this Conditional Use Overlay Permit will nullify Case P03-77.

No one appeared in favor of or in opposition to the request.

A motion was made by Mr. McLaurin and seconded by Mr. Underwood to approve the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Mr. McLaurin and seconded by Mr. Underwood to approve the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;

3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

The following conditions were part of the motion.

1. Hours of operation: 10:00 a.m. to 9:00 p.m.;
2. Twelve total employees;
3. Twenty-four parking spaces required;
4. Buffering as defined in Section 10.2 of the Zoning Ordinance be provided along the rear property line;
5. Signage to be the same as that allowed in the R10 District; and
6. Approval of this Conditional Use Overlay Permit will nullify Case P03-77.

Upon a vote on the motion, it passed unanimously.

PLATS AND PLANS

- A. 04-018: DEBRA C. PIERCE GROUP DEVELOPMENT REVIEW ON THE WEST SIDE OF TABOR CHURCH ROAD, SOUTHWEST OF SNOWBIRD ROAD, A VARIANCE FROM SECTION 3.20.D, "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to follow the staff recommendations and approve the variance. The motion passed unanimously.

- B. 03-239: BROOKSHIRE ZERO LOT LINE SUBDIVISION REVIEW AT THE NORTHWEST INTERSECTION OF CRYSTAL SPRINGS AND CAMDEN ROADS, A VARIANCE FROM SECTION 3.18, "BLOCK LENGTH," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to follow the staff recommendations and approve the variance. The motion passed unanimously.

VII. PUBLIC HEARING ITEM

- A. P04-10: REZONING OF 3.99 ACRES FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 5929 ZYLPHIA LANE, OWNED BY JOSEPH A. AND ARMANDE J. SHIELDS.

The public hearing was opened. Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the R40A Residential District based on the following: The recommendation is consistent with the Planning Board's policy to allow small tracts of R40 and R40A Districts in the designated farmland areas.

The applicant was not present.

Mr. Wayne Tew appeared before the Board in opposition and said that if the rezoning is approved, it would allow two trailers. He said that in the past two years, two R40A requests in the area were denied. He said that the Commissioners don't want trailers

stacked in the County. He added if the rezoning is approved, others in the area will also want R40A. Mr. Averette asked where Mr. Tew lives, and he pointed out his property on the map. Mr. Underwood asked if there is a mobile home park in the area, and Mr. Tew said that there is, and it has been there since Mr. Tew moved to the area.

Mr. Gary Collier appeared before the Board in opposition and said he owns land two lots away from the subject property. He said he would like to build a home there and has family throughout the area. He said that more trailers will decrease the land values for the properties nearby.

Ms. Sharon Collier appeared before the Board in opposition and said she owns land near the subject property and across the road. She said approval of the rezoning will open the door for other property owners to get R40A zoning and move in many more mobile homes. She said that mobile homes depreciate property values, add congestion and will affect the scenery.

Ms. Helen Autry appeared before the Board and said that she owns property abutting the subject property. She said they can add two more trailers if the tract is rezoned, and she was concerned about it devaluing her property value.

Ms. Polly Woyan appeared before the Board in opposition and said she owns land on Wade-Stedman Road directly across from the subject property. She said the rezoning will open the doors for surrounding property owners to seek rezoning and create a mobile home village. She said the mobile homes will create environmental problems and add crime and congestion to the area. She read a letter from Mr. and Mrs. Toby Bunce, who own 452 acres surrounding the subject property, expressing their opposition to the rezoning.

Mr. Christopher Hollis, representing the Manufactured Housing Institute, said he wanted to clarify the main objection people had expressed. He said that multiple studies have shown that mobile homes do not devalue surrounding property values and in fact appreciate at the same level that stick built homes do.

Ms. Cheryl Shields appeared before the Board and said that she doesn't want the rezoning, she just wants the tract subdivided, and this appears to be the way to accomplish that. She said that she lives in the front lot and wants to stay there, but her mother-in-law wants to sell her home and land. She said she objects to trailers being brought into the area also.

Mr. Morris asked about the private street with four lots already on it. He asked if the road would have to be upgraded and was told that it would with the addition of a fifth lot. He suggested that the case be deferred for staff to speak with the applicant and make sure they are aware of the required road upgrade.

A motion was made by Mr. Morris and seconded by Mr. Mullinax to defer action on Case P04-10 until February 17, 2004 in order for staff to explain options to the applicant.

Mr. Lloyd said that staff reviewed and conditionally approved a subdivision of the subject property in November, and the owners were made aware of the road upgrade at that time. He said approval of the subdivision is contingent upon the rezoning. If the rezoning isn't approved, the property will go back to a group development.

Mr. Barrett said it may benefit the applicant to defer the case because if it is denied, she'll have to wait one year before it can again be heard by the Board.

Mr. Averette said if the tract is rezoned to R40A, the lots qualify for the subdivision. He added that if the property owners could purchase .01 of an acre, they would qualify for the subdivision under the A1 zoning.

Upon a vote on the motion, it passed unanimously.

VII. PLATS AND PLANS

A. 03-240: BRIAN WATSON C(P) SITE PLAN REVIEW ON THE NORTH SIDE OF ANGELIA M. STREET, WEST OF WHITEHEAD ROAD, FOR ALTERNATE YARD REQUIREMENTS FROM SECTION 12.45, "PLANNED COMMERCIAL AND INDUSTRIAL DISTRICTS," CUMBERLAND COUNTY ZONING ORDINANCE.

Mr. Lloyd explained the request and said that the structure doesn't meet the setback requirements.

Mr. Barrett had some concerns about the case and spoke with Mr. Lloyd about why the case was going before the Board.

Mr. Lloyd requested a deferral for two weeks on the case after consulting with Mr. Barrett. He said staff would consider rewriting the staff recommendation in accordance with standards in the Zoning Ordinance. Mr. Lloyd added that staff received additional information just prior to the meeting that will be helpful.

Mr. Barrett said when he reviewed the material; he didn't realize what was trying to be accomplished on this case. He said that the basic difficulty lies in the fact that the case was analyzed under the Subdivision Ordinance and should have been analyzed under the Zoning Ordinance.

A gentleman in the audience said that he was concerned that the Board of Adjustment had already heard the case, and now it was going before another Board. Mr. Lloyd said that the case should not have gone before the Board of Adjustment and should have gone directly to the Planning Board. Chair McNeill apologized to the gentleman for his time in attending both public hearings, and he said that the staff would notify him when the case would again go before the Planning Board.

A motion was made by Mr. Averette and seconded by Mr. McLaurin to defer action on Case 03-240 until February 17, 2004 for staff to review the information they received and look at alternatives. The motion passed unanimously.

VIII. DISCUSSION

A. DILAPIDATED/ABANDONED MANUFACTURED HOMES—MR. PAUL MEYER, ASSISTANT GENERAL COUNSEL, NC ASSOCIATION OF COUNTY COMMISSIONERS

Ms. Roy introduced Mr. Paul Meyer, Assistant General Council to the NC Association of County Commissioners; Mr. Chris Hollis, Director of Governmental Affairs, NC Manufactured Housing Institute; and Mr. Bobby Howard, Interim Director of County Solid Waste Department, and said they would update the Board on recent developments, status and current demolition procedures for abandoned mobile homes.

Mr. Meyer appeared before the Board and said that he wanted to inform the Board of the current landscape regarding State discussions on abandoned mobile homes. He said that the Association of County Commissioners and Mobile Home Institute met two years ago regarding taxation collection and abandoned mobile homes and the economic development problems created by the abandoned homes. He said that the organizations want to deal with this and need regulations for mobile homes can be located as well for regulations for when the mobile homes create a nuisance.

Mr. Meyer said that Onslow, Harnett and Burke Counties have been selected for pilot projects to develop and implement programs to deal with abandoned homes. He said that there is a difference of opinion on whether the costs should be borne by the owners or local government. He said at this time most Counties have chosen one of three paths: 1) ignore the problem because of lack of money; 2) take the money from the General Fund; or 3) make it a criminal violation and charge a \$150 to \$200 per day penalty for abandoned mobile homes.

Mr. Meyer said there is legislation proposing an advance disposal fee when new mobile homes are purchased to create a fund to dispose of older mobile homes. He said that the legislation was introduced late in the session, and no action was taken.

Chair McNeill asked if results had been received from the counties involved in the pilot project. Mr. Meyer said that they have worked on onsite demolition; demolition at a landfill and the trailer park issue and are not trying to determine costs.

Ms. Roy asked if the Association is going to pursue the legislation. Mr. Meyer said that they were undecided, and they wanted to get the data from the studies to see what is needed prior to the next legislative session. He said that the advance disposal fee may be a solution.

Mr. Morris asked why mobile homes are not treated the same as houses where the property owner is responsible for the demolition, and if they fail to take care of it, a lien is attached to the property, and the County can eventually take their land. Mr. Morris was told that many times the mobile home is on land that is not owned by the person who owns the mobile home, or the home is found in the woods, and the owner is unknown.

Mr. McLaurin said some property owners would be glad to have the mobile homes demolished. Mr. Barrett said that enforcement is usually based on complaints, and the County must respond or confidence by the public is lost. He said in addition the

County must look at whether the home is creating a nuisance or threat to health, and those homes must take precedence over what an owner might want.

B. REPORT ON PRE-1976 MANUFACTURED HOMES MOVED WITHIN CUMBERLAND COUNTY SINCE MARCH 2003

Ms. Roy gave an overview on the status of the abandoned mobile home issue in Cumberland County. She said that the Tax Department reports show 107 junked mobile homes, 17 burned and 223 used for storage on their records. She said that these are likely cases property owners reported so that they wouldn't have to pay taxes on them and is a small percentage of the actual number of abandoned homes in the County. She said that there are about 3,000 pre-1976 mobile homes, and only five were moved during the last 11 months of monitoring. She said no pattern of hardship was evident.

Mr. Johnny Wellons, mobile home park owner, said that he owns about 1,100 spaces for mobile homes and moved three older homes last year to bring in three new ones. He said that he has 94 of the 3,000 on record, and 37 are privately owned. He said that the biggest problem is with the Tax Office because they ignore the abandoned homes. He said that the burden for demolishing the homes shouldn't be on the park owner. He said there would be a lot more left abandoned after March 17 when it is no longer legal to move them within the County. Mr. Morris said that Mr. Wellons seemed to agree with not being able to move them, but didn't think the burden should be on the park owner.

Mr. Chris Hollis, representative of the NC Manufactured Housing Institute, said that the industry stance is that the product is financed and taxed just like a site-built home, so they didn't agree with the disposal fee. He added that people should be allowed to move the older mobile homes into and within the County if they are suitable to live in and meet the Minimum Housing Code.

Mr. Morris asked about the proposed legislation and said it would apply to mobile homes capable of being transported, not on a permanent foundation. He said it seemed that the industry is moving away from wheeled mobile homes to be moved from park to park. Mr. Hollis said that most are doublewide, but they are still easily disassembled for movement. Mr. Hollis suggested that no Certificate of Occupancy be issued until the old home is removed and demolished to stay ahead of the abandoned mobile home problem.

Mr. Bobby Howard, Director of the County Landfill, said that he charges about \$300 to demolish single-wide mobile homes at the Landfill. Ms. Roy asked if the Landfill has sufficient room for the number of homes that may be brought in. Mr. Howard said that there is because they don't take up much room once they're disassembled.

Ms. Roy told the Board if no action is taken on the one-year grace period on moving mobile homes within the County, that as of March 17, 2004, mobile homes older than 1976 would not be allowed to be moved within the County. The Board took no action.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.