

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.
Dr. Marion Gillis-Olson
Cumberland County

COUNTY of CUMBERLAND

Joint Planning Board

TENTATIVE AGENDA

April 6, 2004

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

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF MARCH 16, 2004
 - B. 04-033: JEFFERSON VILLAGE ZERO LOT LINE SUBDIVISION REVIEW ON THE SOUTH SIDE OF FISHER ROAD, SOUTHEAST OF LAKEWAY DRIVE, FOR A VARIANCE FROM SECTION 3.17.C "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE.
- VII. DISCUSSION
 - A. QUESTIONNAIRE RESULTS
- VIII. FOR YOUR INFORMATION
 - A. DIRECTOR'S UPDATE
- IX. ADJOURNMENT

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MINUTES
March 16, 2004

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

Members Present

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

Members Absent

Mr. Frank Underwood

Others Present

Ms. Nancy Roy, Director
Mr. Thomas J. Lloyd
Ms. Donna McFayden
Ms. Barbara Swilley

Mr. Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Gillis delivered the invocation, and Chair McNeill led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd said that he had received a request from the applicant for P04-23 to defer the case for one month to apply for a Conditional Use Overlay District and Permit. No one was signed up in opposition to the case.

A motion was made by Mr. Gillis and seconded by Dr. Olion to approve the Agenda with the above change. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

Mr. Lloyd asked that Case P04-23 be deferred until the April 20, 2004 meeting in order for the applicant to submit an application for a Conditional Use Overlay District and Permit.

A motion was made by Mr. Gillis and seconded by Mr. McLaurin to defer Case P04-23 until April 20, 2004. The motion passed unanimously.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Gillis said that he would abstain from discussion and voting on Case P04-24.

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 MARCH 2, 2004

A motion was made by Mr. Morris and seconded by Mr. Mullinax to approve the Minutes of March 2, 2004 as written. The motion passed unanimously.

- B. P04-21: REZONING OF AN 11.0-ACRE PORTION OF TWO TRACTS TOTALLING 95.88 ACRES FROM R10 TO R5A, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF SPRING AVENUE, WEST OF SOUTH PINE TREE LANE, OWNED BY MCCORMICK FARMS. (COUNTY AND SPRING LAKE)

The Planning staff recommended approval of the R5A Residential District based on the following:

1. Public water is in place on the site, and public sewer is available; and
2. The uses allowed in the R5A District are consistent with the character of the neighborhood.

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

A motion was made by Dr. Olion and seconded by Mr. McLaurin to follow the staff recommendations and approve the R5A Residential District. The motion passed unanimously.

- C. 04-058: JOHN TUOHEY GROUP DEVELOPMENT REVIEW EAST OF US HIGHWAY 401 NORTH, SOUTH OF THE HARNETT COUNTY LINE FOR A VARIANCE FROM SECTION 3.20, "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

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

VII. PUBLIC HEARING ITEMS

- A. P04-06: REZONING OF 21.0 ACRES FROM A1 TO R40, OR A MORE RESTRICTIVE ZONING DISTRICT, AT THE SOUTHWEST QUADRANT OF BUTLER NURSERY AND MARSH ROADS, SUBMITTED BY CUMBERLAND GROUP, LLC.

The public hearing was opened. Mr. Lloyd explained that the Board previously recommended to the Commissioners that this case be denied. The acreage was lowered considerably, and the Commissioners asked the staff and Board to again review the request to take into account the smaller tract.

Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the R40 Residential District based on the following:

1. The 2010 Land Use Plan calls for farmland in this area;
2. The Planning Board policy in the past has been to deny rezoning to R40 and R40A of farmland tracts greater than 10 acres; and
3. Approval of the rezoning would introduce R40 into the area and open the door for future R40 rezoning attempts.

Mr. James McLean appeared before the Board representing the applicant. He said that the request was originally for 106 acres, and they are now asking for 21 acres. He said that the applicant selected the acreage with the best access to Butler Nursery Road and better soils. He said that the 2010 Plan is a broad overview and is varied all the time. He said that the Board recently approved some A1 in the area for commercial use and added that the Plan may also be outdated. Mr. McLean said that the subject property is 15 minutes from the heart of Fayetteville. He said that larger subdivisions are being developed throughout the area. He said that the rezoning will still allow large lots, and there are federal and state regulations that will still have to be complied with. He asked if R40 is really a bad district for the area. He said that the pros are that this is a booming area with a major arterial, three new schools, large subdivisions nearby and a beautiful area with great topography. Mr. McLean said that this recommendation was not based on density but more

an anti-development issue. He concluded that the proposed subdivision will contain homes worth \$165,000 and up. He said that the traffic count on the road is 520 per day now, and adding 10 more lots shouldn't make a difference.

Mr. Mark Seffels appeared before the Board and said that the property has been surveyed, and no drainage problems were discovered, the wetlands have been delineated, and the tract contains a terrific buffer for water drainage. He added that the tract contains areas too steep for farming, and the development will maintain the character of the neighborhood.

Mr. Averette asked why the applicant didn't include the wetlands to add more acreage and develop the tract at A1 density using zero lot line and still have the 19 lots. Mr. Seffels said that using this method wouldn't give the additional lots needed.

Mr. Lloyd said that approving the request would possibly create a subdivision partially zoned A1 and partially zoned R40.

Mr. Gillis said that the Board doesn't consider the project, but must look at whether the R40 District is appropriate for the area in uses allowed and density. Mr. Averette said that the Commissioners wanted the Board to look at the whole picture.

Mr. Edwin Waters appeared before the Board in opposition and said that it appears that the applicant is trying to accomplish the rezoning through the back door, a few acres at a time. He said that the subdivisions mentioned are eight miles from the subject property, and the schools are already overcrowded and using huts.

Mr. James MacRae appeared before the Board in opposition and said this is a beautiful and rural area used for hunting, fishing and horseback riding. He said that the area is quiet, and the neighbors don't want development. He said that the current zoning allows 53 homes, and if the 21 acres is zoned R40, it will allow a total of 63 homes on the 106 acres. He noted that the staff recommended denial. He said if the Board approved the request, the applicant would be back next year with another 20 acres. He said that the schools are already crowded, and there is no public water or sewer to the site. He said he has lived in the area for 24 years and knows development can't be stopped, but asked if 53 houses isn't enough.

Mr. McLean appeared before the Board in rebuttal and said that the applicant is only asking for 10 additional lots. He said with the wetlands, they may not even be able to have 10 more lots. He said that the applicant is not trying to go through the back door, but simply has proposed a compromise and shouldn't be penalized for wanting to make a profit. He said that the area is beautiful for home sites and would be developed with the rural character. He said that the current zoning allows mobile homes, and the R40 is more restrictive in permitted uses.

The public hearing was closed.

Chair McNeill said that he was from the area, and it is beautiful. He said that he could see both sides of this case. He asked about the R40A zoning in the area and was told that it was from the initial zoning of the area. Mr. Lloyd said that no new rezoning to R40 or R40A has occurred in the area.

Dr. Olion asked why the Commissioners sent the case back to the Board. Mr. Barrett said that the applicant approached the Commissioners with a modification. Mr. Lloyd added that the Commissioners wanted the staff to reconsider the smaller acreage to see if their recommendation would be different.

Chair McNeill said if the land remains A1, there are a lot of uses that are allowed. He added with that much wetland, the zero lot line would allow lots that are less than what the R40 requires. He said that it is likely that the tract will be developed at less than two acre lots. He said he was torn on this matter.

Mr. Morris said that he has faced the same dilemma in Linden. He said he always looks at the uses allowed in the A1 District—rock quarries, septic sites, cell towers, etc—that can all detract from the area. He said that the R40 has a tendency to increase the value of surrounding property.

Mr. Gillis said with no rezoning, the owner has choices: 1) continue to leave the land as it is with no development; or 2) develop 53 homes as A1 on the 106 acres. He said that the developer needs to make a choice what market he can attract to make the development economically feasible, which could include doublewide mobile homes. He said that the R40 doesn't allow doublewide mobile homes, and he'd rather see 63 nice homes than 53 doublewide manufactured homes if he lived in the area.

A motion was made by Mr. Gillis and seconded by Mr. Morris to approve the R40 District.

Chair McNeill asked if there would be a way to restrict the other 80 acres if the R40 was approved for this tract. Mr. Lloyd said that there was not, and staff had concerns about the applicant requesting another 20 acres in a year. He said that staff considered density, not stick-built homes versus doublewide mobile homes. He said if approved, it would be difficult to justify denying the next 20 acres. Chair McNeill said that the staff would find out if more land was planned when the plat was submitted.

Upon a vote on the motion, it failed three to four with Chair McNeill, Vice-Chair Morris and Mr. Gillis voting in favor and Dr. Olion and Messrs. Averette, McLaurin and Mullinax voting in opposition.

A motion was made by Dr. Olion and seconded by Mr. McLaurin to deny the rezoning request.

Mr. Averette said if the tract is rezoned to R40, the Board should have just rezoned the 106-acre tract. He said that he wanted to protect the farmland.

Chair McNeill said he was in favor of property owners being able to do what they want with their land, and agreed with the additional 10 lots, but he was torn about the decision and would also support the motion to deny.

Upon a vote on the motion it passed five to two with Chair McNeill, Dr. Olion and Messrs. Averette, McLaurin and Mullinax voting in favor and Vice-Chair Morris and Mr. Gillis voting in opposition.

B. P04-20: REZONING OF 2.18 ACRES FROM R10 TO C1, OR A MORE RESTRICTIVE ZONING DISTRICT, AT THE SOUTHWEST QUADRANT OF DUNDLE AND GRIMES ROADS, SUBMITTED BY LUTHER PACKER.

Mr. Lloyd explained that the staff recommended that the petitioner come back for a C1/CU because no plan review is required with C1 zoning. He said that the staff is willing to defer the case for one month. He said there would be no control over buffering, lighting, etc. if the C1 is approved. Mr. Barrett said in one month the Board and audience would be able to see a plan that would give them a better picture of what will be developed on the property.

Chair McNeill gave members of the audience who opposed the rezoning an opportunity to state whether they'd rather wait a month and view the plan. They wanted to hear the case as C1, so the public hearing began.

Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommend denial of the C1 Local Business District and resubmission of an application for a C1/CUO rezoning based on the following:

1. Site plan approval is desirable at this location.

There was discussion between Mr. Barrett and Mr. Lloyd on whether a CU should be based on the current zoning and the purpose of CU and requiring a plan.

Mr. Luther Packer appeared before the Board and said the owners approached him about the feasibility of commercial use on the property. He said that there was no commercial in the area. He said that he has sold many tracts in the area, and he has a good track record with builders of the other lots. He said that the lot is more suitable for commercial, and the owners want to do something conducive to the neighborhood. Mr. Packer said that a nice convenience store would be beneficial to the neighborhood. He said that the RR property on Grimes Road allows ½-acre lots with mobile homes. He said that the Campbells own a 6,000 square foot home across the road from the subject property, and they are not likely to put in anything that would damage the area. He said that several people are interested in a convenience store, and one potential buyer is interested in a clothing store. He said it is nearly four miles to the nearest convenience store.

Ms. Karen Campbell appeared before the Board and said she built her home in the area in 1988 when mud streets were there. She said that 11 subdivisions have been built in the last 16 years, and there is lots of land for more development. Ms. Campbell said that the schools are overcrowded, and the area lacks daycare centers and gas stations and services for the residents. She said that she would not put anything on the lot to detract from her property or her investment.

Mr. Greg Floyd appeared before the Board in opposition and said that he is developing 100 homes that will range from \$190,000 to \$250,000 next to the subject property. He said that it would create spot zoning, and he didn't want it zoned commercial after the land around it has already been developed for homes. He said there is commercial property five miles from the subject property.

Mr. William Crisp appeared before the Board in opposition and said his perspective is that of a homeowner who moved to retire and get away from crowds. He said his home is handicap accessible because he is 100 percent disabled. He said if he'd known about the possible rezoning, he would have considered moving to Hoke County. He said that he was concerned about encroachment of commercial into the residential area, property values and increased traffic and asked if the infrastructure would be improved. He said if the property was rezoned, it wouldn't be beneficial to the homeowners in the area and could introduce crime, drugs and other negatives into the neighborhood. He said the rights of the property owners in the area should outweigh the rights of one.

Mr. Bobby Gleaton appeared before the Board in opposition and said he is the president of Gates Four Homeowners' Association. He said that there are between 1,600 and 1,800 cars entering and exiting Gates Four on Lakewood, that they are going to be diverted to a new entrance on Dundle, and they don't need more traffic on the roads. He said that there is a truck stop nearby as well as a daycare facility and shopping center that is only half full.

Mr. Michael Henry appeared before the Board in opposition and said that he opposes the rezoning because it will create an eyesore and said he had concerns about safety.

Mr. Al Rumbough appeared before the Board in opposition and said that he was surprised by the request for commercial in the area. He said that his company is spending a lot of money on a new entrance to Gates Four, and they don't want a convenience store across from the entrance. He added that the intersection is unsafe.

Mr. David Evans, realtor, appeared before the Board and said that there is commercial nearby. He said that the area contains a lot of residences and is well developed.

Mr. Luther Packer appeared before the Board in rebuttal and asked the Board to consider the request.

Chair McNeill asked how the Campbells felt about a Conditional Use Overlay District and Permit. They were agreeable.

The public hearing was closed.

Mr. Morris asked for clarification on whether the Board was to deny the request or if the Conditional Use Overlay District and Permit was still an option. Chair McNeill said that the staff recommended a Conditional Use Overlay District and Permit. Mr. Barrett said that the Board could consider the C1 or defer for a Conditional Use Overlay District and Permit.

A motion was made by Mr. McLaurin and seconded by Mr. Mullinax to defer action on Case P04-20 to allow the applicant to submit an application for a Conditional Use Overlay District and Permit.

Mr. Averette asked how a site plan could be submitted if they didn't have a tenant. Mr. Barrett said that a site plan can be proposed indicating the structure, circulation, driveway cuts, etc and can later be amended when there is a tenant.

Mr. Morris said based on there being no commercial development in the immediate area, he thought it would be a disservice to the residents to consider a Conditional Use Overlay District and Permit.

A substitute motion was offered by Mr. Morris to deny the C1 District. The motion died for lack of a second.

Dr. Olion asked if the subject property and adjacent property were ever owned by the same owner. Ms. Campbell said that they were not. Mr. Packer said they have always been owned by different owners.

Mr. James Campbell said he was born and raised in the area and originally sold a large parcel to Mr. Floyd, as did his neighbor. He said that he offered the subject property to Mr. Floyd at that time, but he didn't want it. He said with 11 subdivisions in the area, there is a need for a daycare center.

Mr. McLaurin called for the question.

The Chair called upon a gentleman in the audience. He said that at the beginning of the hearing, the Board asked the audience if they wanted the rezoning or to defer for a Conditional Use Overlay District and Permit. The audience wanted to hold the hearing on the rezoning, and now the Board is considering the alternative. Chair McNeill explained that as a courtesy,

he asked the audience, but now that the public hearing has been held, the Board must determine what is best for the site, and audience opinion doesn't influence the decision.

Upon a vote on the motion, it passed five to two with Vice-Chair Morris and Dr. Olion voting in opposition.

- C. P04-22: REZONING OF 3.41 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF HUCKLEBERRY ROAD, EAST OF WHITE PLAINS DRIVE, OWNED BY JAMES E. BLANCHARD, SR.

The public hearing was opened. Mr. Lloyd explained that this case was going before the Board because the tax office had the property listed as RR when Mr. Blanchard bought it.

Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommend denial of the RR Rural Residential District and approval of the R40A Residential District based on the following:

1. The Eastover Plan recommends one-acre lots at this location;
2. The uses allowed in the R40A District are consistent with the development in the area; and
3. The recommendation is consistent with the recommendation on the adjacent property.

Mr. Ed Blanchard appeared before the Board and said that he was in a dilemma because he purchased property based on the tax records for the last 12 years, the sellers and a state certified appraisal. He said he bought it planning to divide it into four lots and make some money. He said that when he submitted the plans to staff, he was told that the property is zoned A1, and he has four offers to purchase the lots.

No one appeared in opposition to the request.

The public hearing was closed.

Mr. Averette asked if four units would be allowed on the tract if it was zoned R40A. Mr. Lloyd said that four units would be allowed, but not four lots. He said you are allowed to round up for units on one lot.

Mr. Lloyd said that the property was purchased, and the County had it listed as RR. He said that the staff doesn't want to contradict the 2010 Land Use Plan, but they would understand the Board's decision if they didn't follow the staff recommendations.

A motion was made by Mr. Gillis and seconded by Mr. McLaurin to approve the RR Rural Residential District. The motion passed unanimously.

- D. P04-23: REZONING OF A 5.91-ACRE PORTION OF A 40.47-ACRE TRACT FROM A1 TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3125 CHICKEN FOOT ROAD, SUBMITTED BY ROCKFISH CORP.

This case was deferred until April 20, 2004.

- E. P04-24: REZONING OF A 40.05-ACRE PORTION OF A 65.36-ACRE TRACT FROM R5A/CUO, R6/CUO AND C(P)/CUO TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF RAEFORD ROAD, EAST OF CLIFFDALE ROAD, SUBMITTED BY JOHN GILLIS.

Mr. Gillis left the room.

The public hearing was opened. Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommend approval of the C(P) Planned

Commercial District for the area currently zoned C(P)/CUO and denial of the C(P) on the areas currently zoned for residential use.

The Planning staff further recommended approval of R5A for the entire area zoned for residential use.

The recommendations were made based on the fact that medium-density residential would provide for adequate transition between the commercial and the low-density residential in this area.

Mr. Joseph Gillis appeared before the Board on behalf of the property owners. He said that he also has submitted a site plan review for a subdivision across the road. He said that commercial on the tract would make a better neighbor than 200 apartment units. He said that there are currently 22 occupied homes in Lancaster, and he met with the property owners over the weekend, and everyone he met with supported the rezoning. He submitted copies of a petition signed by the homeowners. The petition also contained a plan of how he proposed to develop the property.

Mr. Stan Simmons appeared before the Board and said he lives in Lancaster. He said he received a letter stating that the rezoning might bring property values down. He said that the homeowners agreed that they would prefer commercial close to their homes. He said that they do not want apartments and would rather see a buffer between the subdivision and the commercial, than apartments and a parking lot. He said that the commercial use will give the property owners more privacy.

Mr. Greg Floyd appeared before the Board in opposition and said he owns three homes for sale in Lancaster. He said that he understood the residents thinking they wanted commercial rather than apartments. He said that the property was zoned the way it is to provide a buffer of more dense residential between the current residential and commercial. He said his concern is that some day bad commercial could go on the property. He noted that there are already 40 acres of commercial adjacent to the subject property.

Mr. David Evans appeared before the Board in opposition and said that if the rezoning is approved, the matter will be out of the hands of the Board, and they'll have no control over what is done on the property. Mr. Lloyd explained that the Ordinance requires a buffer between residential and commercial properties. Mr. Evans asked if a driveway could be put in where the buffer is, and Mr. Lloyd said that it could. Mr. Lloyd explained that the requested rezoning is for C(P), which is a planned district and requires approval of a plan indicating what is to be developed on the property. He added that the buffer would have to be opaque and block the view of the commercial establishment(s) from the residents.

Mr. Jeff Hairr appeared before the Board in opposition. He said that he didn't attend the neighborhood meeting, but the residents have been misled in the past, and they are a bit weary. He said he'd prefer a Conditional Use Overlay District and permit so that the residents could see the plans before they are approved. He said that he had concerns about traffic.

Chair McNeill said that the petitioner did not request a Conditional Use Overlay District and Permit, and the Board doesn't have the authority to require it. He said if the rezoning is approved, there will not be another public hearing, but the staff will act on behalf of the residents in the plan approval process.

Mr. Lloyd and Mr. Barrett had a discussion whether the existing Conditional Use Overlay District and Permit applies to the parcel. Mr. Barrett said that there is no plan on the site, so it cannot be simply amended.

Mr. Barrett said one group of people is talking about a buffer of apartments from the residential and commercial, and the others are talking about landscape buffers.

In rebuttal, Mr. Gillis pointed out that a 30-foot buffer is proposed. He said that he had not thought about access. He said that there is a major four-way intersection, and most of the traffic would enter and exit at that stop light or the through service road from Walmart.

The public hearing was closed.

Mr. Averette said that the zoning as proposed by staff would still require a buffer between the commercial and the R5A and R6A and another buffer between the current residential and R5A and R6A also.

Chair McNeill asked how wide the R5A and R6A lots are. Mr. Gillis said that they are between 200 and 300 feet.

Mr. Morris asked if a curb cut could be made off of Cliffdale Road into the C(P). Mr. Gillis said that one already exists into the Food Lion, and another has been placed across from the subdivision that is counterproductive from the proposed development. Mr. Morris said he wouldn't want trucks to use Cliffdale Road as a route. Mr. Gillis said that he wouldn't want the curb cut by the subdivision and would keep it closer to the commercial property. Mr. Averette said that the curb cut could be done whether it was residentially or commercially zoned.

Chair McNeill said he couldn't imagine developing anything that would be detrimental to the R10 that the applicant is developing into a nice subdivision.

A motion was made by Mr. Averette and seconded by Mr. McLaurin to approve C(P) Planned Commercial District for the entire tract. The motion passed unanimously.

Mr. Gillis returned to the room.

VIII. DISCUSSION

A. ROLE OF THE PLANNING BOARD

Mr. Morris said that he wanted clarification of the Board's role specifically in regard to the Land Use Codes Committee's role in reviewing the Zoning Ordinance rewrite. He said that he feels that the staff has the ability to do their jobs, and the Board may be giving them more assistance than they need.

Mr. Barrett said that role of the Board is to set policy, and the nature of citizen boards is to set tasks, objectives, etc, review projects and ask for changes. He said that the dilemma arises because the Board has to be concerned about the large project of reviewing the Zoning Ordinance rewrite. He said that the consensus is that the current Ordinance does not create the development that people want. He said that the more people who are involved, the more time that is required. He said that the Board must decide how they want to approach it—a high level of involvement may require a large amount of time. He said that Mr. Morris is concerned about the amount of time that is being spent. Mr. Barrett said that he himself is concerned about creating a good product.

Mr. Morris explained the captain/ship theory and said that the staff should be allowed to do their job.

Mr. Barrett said that the first issue is whether the Board trusts the staff. If not, they must intervene because their duty is to protect the citizenry. Secondly, he said that there may be philosophical differences in the Board and staff and even among Board members. He said that the members must ask themselves what the most effective way to create a good product quickly is—the most efficient process.

Mr. Gillis said to clarify his concept of how the course was set, Ms. Roy was tasked to revise the Ordinance, and the course was agreed to in principle for the Board to check in at regular intervals, rather than waiting until the end to see if the mark had been hit. He said there are many areas that could go wrong, so the members agreed to check in after each few sections were completed. He said if the members wait until the end, it could mean a lot of time wasted in correcting problems.

Chair McNeill said that the Committee is looking at possibly reviewing larger sections of the Ordinance at a time. He agreed that the staff should be empowered, but said he didn't want to wait until the end to review the document.

Mr. Barrett said that possibly meeting for longer periods with fewer meetings would accomplish the task.

Chair McNeill said that one key is to stay on task. He said that the Committee would decide at the next meeting (March 23) how they'll approach the remainder of the rewrite.

Ms. Roy said that the staff's priority is to complete the Ordinance. She said that she wants direction from the Board and will follow whatever the Board decides and do the best job possible. She said that the Board needs to direct staff on how they can best accomplish the task, and said she wants consensus.

Mr. Averette said after trust in the staff, there needs to be a philosophy and goals. He said that the Board hadn't decided on goals to be able to tell the staff—they were just told to do it. He added that the Board needs to decide on whether the Ordinance should promote or hamper development, centering on what the citizens want. He said they have to decide on whether the Ordinance should be negative, neutral or pro development.

Mr. Roy said that she has some basic policy questions for the Board and Commissioners and key people in the Towns, and she will have results ready to discuss at the April 6 meeting.

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Ms. Roy reported that the City has asked for a joint meeting on March 30 to:

- Revisit the Municipal Influence Area issue;
- Discuss Joint Planning; and
- Discuss Uniform Development Standards

Ms. Roy handed out a brochure from the staff on frequently asked questions. It was suggested that the brochure information be put on the website.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 10:30 p.m.

Clifton McNeill, Jr.
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COUNTY of CUMBERLAND

Planning and Inspections Department

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Town of Stedman

March 23, 2004

MEMORANDUM

TO: Planning Board

FROM: Ed Byrne, Planner I
Land Use Codes

SUBJECT: Case No. 04-033
Jefferson Village Property
(Zero Lot Line Subdivision Review)

The developer submitted a request for a variance from Section 3.17.c, "Street Design" Cumberland County Subdivision Ordinance. This requires that a cul-de-sac have a maximum length of 800 feet. This property contains 9.89 acres and is zoned R10, R10/CU, RR & RR/CU. The proposed subdivision will have 28 lots, which will take access off of an internal road system. The developer has requested to create a cul-de-sac type of road with the proposed length of 956.85 feet that will serve the proposed lots.

All tracts bordering this development have frontage on existing streets; therefore, requiring this developer to provide street stub would serve no viable purpose.

In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where 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 an unusual and unnecessary hardship on the subdivider.

The Planning Staff recommends **Approval** of the requested variance based on the following.

1. That the condition or nature of the adjoining areas does not allow for the logical creation of a road stub to adjoining properties;
2. The adjoining properties have road frontage and meet the standards of the ordinance regarding access.

Attachments

Date Variance Request Submitted: 3-11-04

Scheduled Planning Board Meeting Date: ~~APR 6~~ 2004

Case Number: _____

REQUEST FOR VARIANCE
CUMBERLAND COUNTY SUBDIVISION ORDINANCE

Section 6.1, Variances, of the Cumberland County Subdivision Ordinance reads as follows:

"The Planning Board may vary the requirements of this ordinance where because of the size of the tract to be subdivided, 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 an unusual and unnecessary hardship on the subdivider. In granting variances, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements varied. Any variance, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth."

Summary of variance(s) requested: _____

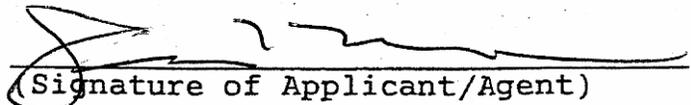
request variance for the cul-de-sac
length to be extended from 800 feet
to 1007.86 feet.

Variance Reasons: (check all that apply)

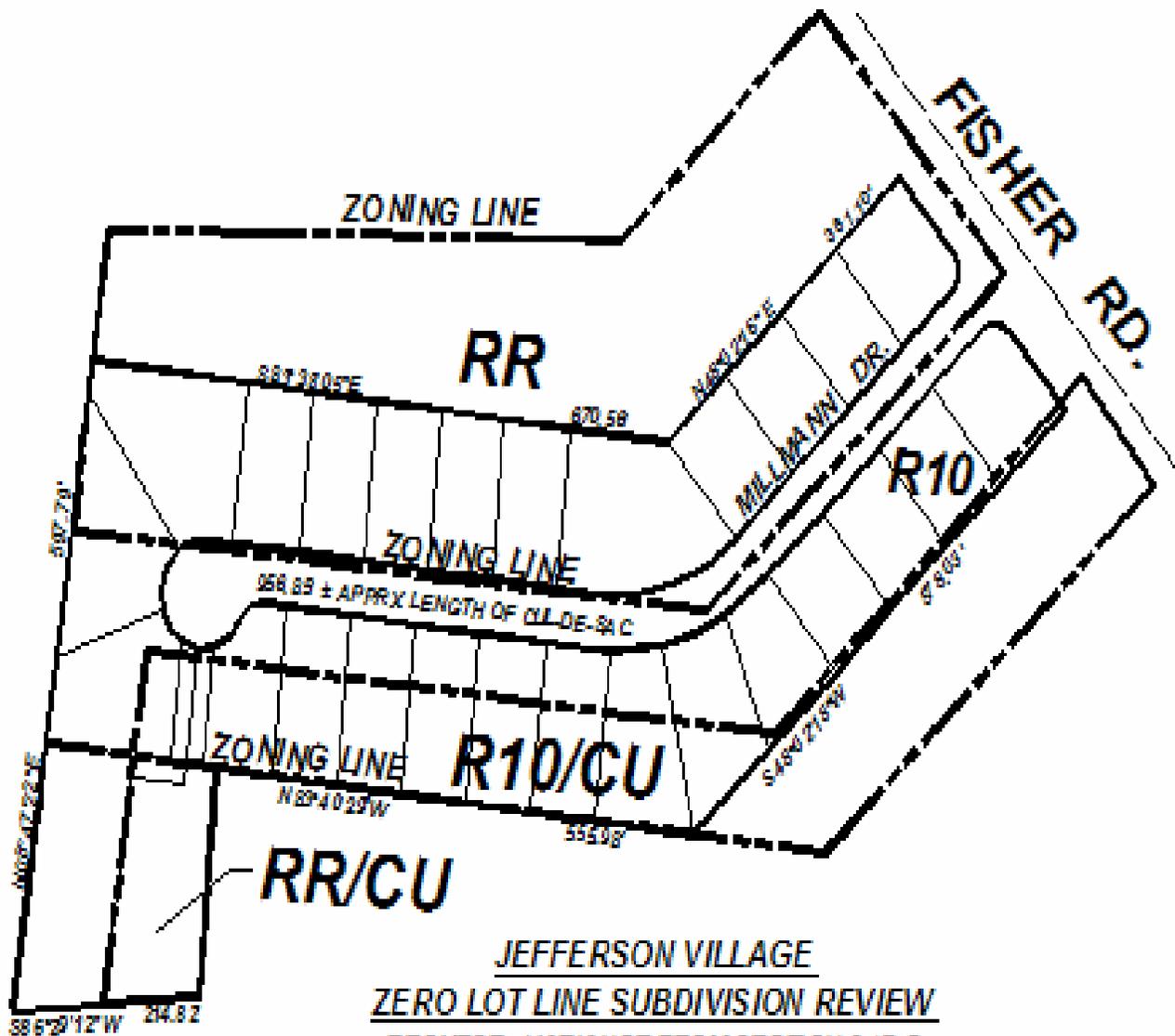
- 1. Size of Tract
- 2. Topography (including soil type)
- 3. Condition of Adjoining Areas
- 4. Nature of Adjoining Areas
- 5. Existence of Other Unusual Physical Conditions
- 6. Other: property configuration & utilization of the current zoning RR

Summarize unusual and unnecessary hardship below:

Due to the configuration of the property, design limitations and maximum utilization of the current zoning RR in place, reducing the cul-de-sac will not allow the total effective use of the property.

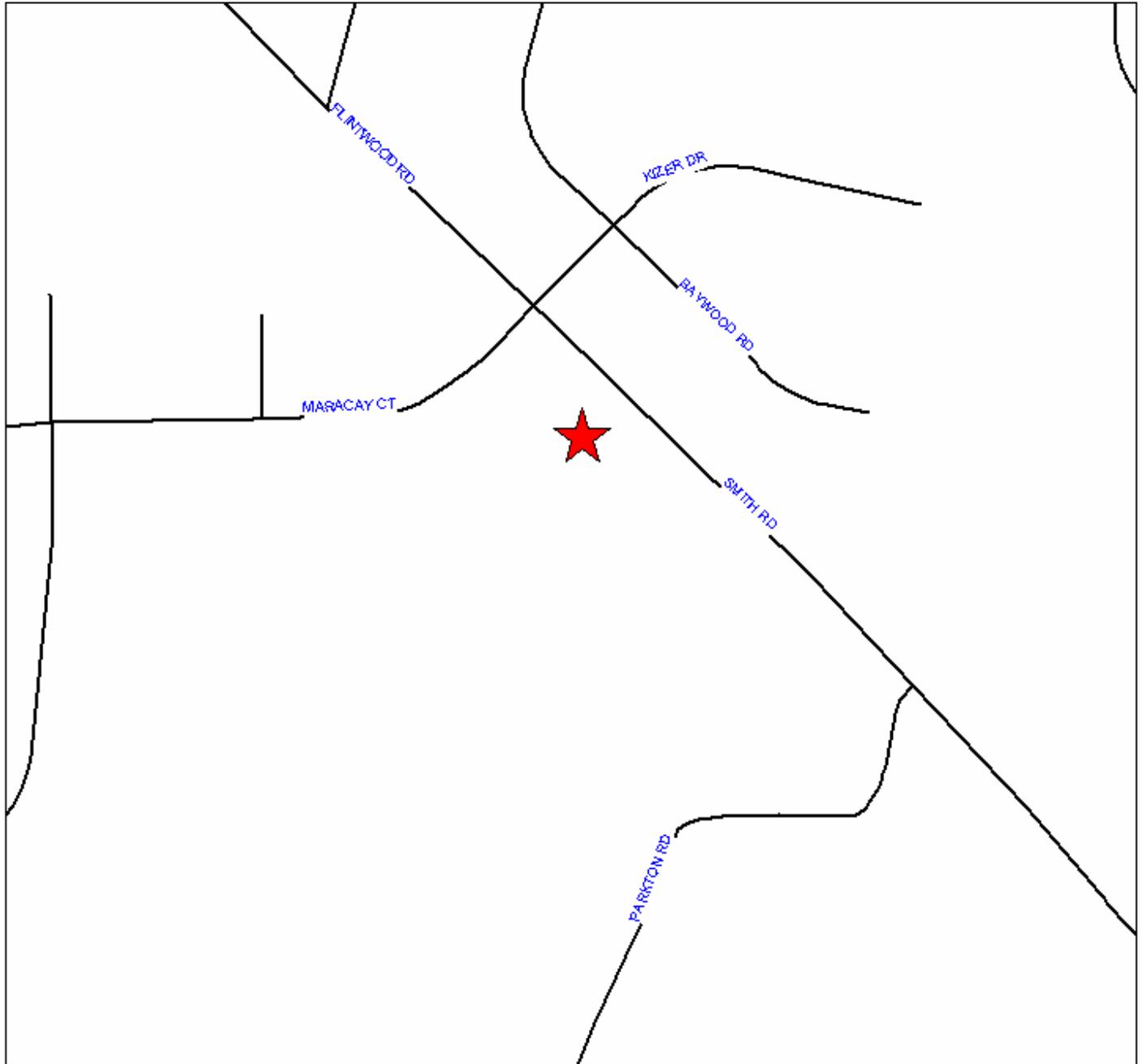

(Signature of Applicant/Agent)

March 11, 2003
(Date Signed)



JEFFERSON VILLAGE
ZERO LOT LINE SUBDIVISION REVIEW
 REQUEST: VARIANCE FROM SECTION 3.17.C.
CUL-DE-SAC
 CASE: 04-033 ACREAGE: 9.89±
 ZONED: RR, R10, R10/CU, & RR/CU
 SCALE: NTS

**JEFFERSON VILLAGE
ZLL SUBDIVISION REVIEW
CASE NO. 04-033**



PIN: 9495-97-8093; -96-7811; 7712; 0405-07-3044
PREPARED BY ARN- CCJPB
FEBRUARY 09, 2004

Map not to scale

