

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
Dr. Marion Gillis-Olson
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

MINUTES

June 7, 2005

Members Present

Mr. Clifton McNeill, Chair
Mr. Charles Morris, Vice-Chair
Mr. Harvey Cain, Jr.
Dr. Marion Gillis-Olson
Mr. Donovan McLaurin
Mr. Roy Turner

Members Absent

Mr. Joe W. Mullinax

Others Present

Ms. Nancy Roy, Director
Mr. Tom Lloyd, Dep. Dir.
Ms. J. Hope Barnhart
Ms. Maurizia Chapman
Ms. Barbara Swilley
Mr. Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that the policy statement be eliminated because no one signed up to speak regarding the public hearing. He asked that Case 04-205 be placed before the public hearing. A motion was made by Mr. McLaurin and seconded by Mr. Cain to approve the Agenda as amended. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

V. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF MAY 17, 2005

A motion was made by Mr. Turner and seconded by Mr. McLaurin to approve the Minutes of May 17, 2005 as printed. The motion passed unanimously.

B. 05-072: MALLARD CREEK APARTMENTS GROUP DEVELOPMENT REVIEW ON THE SOUTH SIDE OF CELEBRATION DRIVE, EAST OF CHICKENFOOT ROAD, FOR A VARIANCE FROM SECTIONS 3.21.J AND 4.1.E OF THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

A motion was made by Mr. McLaurin and seconded by Mr. Cain to follow the staff recommendation and approve the variances. The motion passed unanimously.

VI. PLATS AND PLANS

- A. 04-205: CAPE FEAR CROSSING ZERO LOT LINE SUBDIVISION REVIEW, ON THE SOUTH SIDE OF CLINTON ROAD, SOUTH OF LOCKS CREEK CHURCH ROAD, FOR THE REMOVAL OF CONDITION #26 REQUIRING A ROAD STUB TO THE ADJACENT PROPERTY.

Maps were displayed indicating the location of the request. Mr. Lloyd explained that there is one entrance into the proposed subdivision, and staff recommended that the site have a stub to the adjoining property. He said that the developer would prefer not to have the stub. Chair McNeill asked if it was normal procedure for staff to require a stub. Mr. Lloyd said that it depends upon the circumstances and is not a requirement.

Mr. David Allen appeared before the Board and said that the adjoining property is owned by the Carter family and is used for a blueberry farm. He said that Mr. Carter has about 2,000 feet on Clinton Road and does not want the subject property to stub into his land. He said that the Carters intend to continue growing blueberries on the property and do not plan to develop the land. He added that the owner of the subject property would lose one lot if he has to put the stub in. He said the owner, Mr. Guy, was present for questions.

Mr. McLaurin asked how much road frontage the subject property contains. Mr. Allen said that it has about 150 to 200 feet of road frontage—enough to meet State standards. He added that the road has to go through wetlands. Mr. McLaurin asked how wide the street would be, and Mr. Lloyd said that it is proposed to be 50 feet wide. Mr. McLaurin said that would be wide enough for vehicles to get around a disabled vehicle.

Mr. Lloyd said that staff nearly always requires a stub if the adjoining property is landlocked. Chair McNeill said that this property is not landlocked and asked why staff requested it in this case. Mr. Lloyd said that it would provide a second access.

Vice-Chair Morris asked if the stub is a requirement. Mr. Lloyd said that it is not, staff is merely asking for it. He said it is only a requirement when unlandlocking a piece of property.

Mr. Turner commented that the Board had reviewed a similar case recently. Chair McNeill said that the case was in Gray's Creek. Mr. Lloyd said that an easement was the solution in that case, and the staff prefers not to use easements because they are administratively difficult to monitor. Mr. Barrett said that the earlier case involved an exception to the cul-de-sac length requirement.

A motion was made by Vice-Chair Morris and seconded by Mr. McLaurin to remove requirement #26 requiring a stub to the adjoining property from the Condition Sheet for the above case.

Chair McNeill said that he would support the stub requests when logic or rationale is involved, but he didn't see the need for a stub in this case.

Upon a vote on the motion, it passed unanimously.

VII. PUBLIC HEARING ITEMS

A. METROPOLITAN TRANSPORTATION IMPROVEMENT PLAN FOR FY 2006-2012—MAURIZIA CHAPMAN

Chair McNeill opened the public hearing.

No one appeared in favor of or in opposition to the Metropolitan Transportation Improvement Plan.

The public hearing was closed.

Ms. Maurizia Chapman appeared before the Board and said that the public hearing was part of the process to finalize the MTIP. She said that the draft that the Board received would go before the Technical Coordinating Committee on June 8 and before the Technical Advisory Committee on June 22 for final approval. She reviewed the funded projects on a sheet that was handed out (see Attachment I). Ms. Chapman added that some funds were shifted in the Outer Loop projects, and the County is receiving additional money and will be able to fund more projects.

Chair McNeill asked about the Robeson County part of the Loop. Ms. Chapman said that no funds have been allocated through 2012 for everything from Raeford Road south.

VIII. DISCUSSION

A. LANDSCAPE REQUIREMENTS FOR AIR QUALITY PROGRAM—HOPE BARNHART

Ms. Roy said that a landscape proposal is being brought before the Board because compliance to Air Quality requirements must be met by December of 2005. She said that this section should be included as part of the Zoning Ordinance, and it was important that the Board make some decisions regarding landscaping because of the deadline. She stated that it is not being recommended as part of the new Zoning Ordinance proposal. She informed the Board that it was not included because she did not think that the Zoning Ordinance re-write would take this long.

Ms. Barnhart appeared before the Board and said that the proposal given to the Board would apply to new nonresidential developments. She said that the proposal addresses: Streetscapes, yard spaces and parking areas. (See Attachment II)

Vice-Chair Morris noted that the diagram indicates 13 trees are needed and asked if they could all be placed in a back corner. Ms. Barnhart said that some would be required along the street. Vice-Chair Morris expressed concern that trees might

obscure signage and create a traffic hazard. He said discretion should be allowed. Ms. Barnhart said that the trees could be clustered at the street. Vice-Chair Morris said that landscaping requirements could be carried to extreme. Mr. Lloyd noted that there is no height requirement.

Chair McNeill said that several years ago staff and Board worked on a Landscape Ordinance for a considerable amount of time, and it was never approved. He said that there was concern expressed about requiring landscaping for businesses. He said if the purpose is for air quality, then it wouldn't matter where the trees are placed. Ms. Roy said that the staff hoped to combine air quality requirements with aesthetics. She added that trees in paved parking areas reduce heat impact. She said that aesthetics are more involved in the proposal for trees on the street and in the yard. Vice-Chair Morris said he just wanted to make sure that owners will have a lot of discretion. Mr. Lloyd said the proposal would go through the public hearing process and allow input from owners/developers.

Vice-Chair Morris said that there is a need to consider preservation of sight lines. Ms. Roy said that signage could be added to the example.

Chair McNeill said that there should be an incentive to preserve existing trees. He said it's too easy for developers to clear cut prior to building. Vice-Chair Morris said possibly the incentive could be that one mature tree of six to 12 inches in diameter would count as two or three new trees.

Chair McNeill said that an assigned committee should work on the proposal.

Dr. Olion said in earlier meetings, it was determined that fruit trees were messy, and she asked if certain trees would be restricted because of the mess that they create. Ms. Barnhart said that this hadn't been addressed, and possibly the type of trees used could be addressed during the plan review process. She said that they were trying to keep the proposal less complicated.

Mr. Turner asked if there were any areas that have a landscape ordinance that works. Ms. Roy pointed out that the goals of the ordinances are different in the various areas, for example some areas don't want the signs to show. She said that the landscape requirement is written with the needs of Cumberland County in mind and should be sensitive to businesses.

Chair McNeill referred the Landscape Requirements to the Comprehensive Planning Committee. Because the moderator of the Committee, Mr. Averette, was no longer on the Board, he asked Mr. McLaurin to moderate the Committee. Mr. McLaurin agreed.

B. ORDINANCE CHANGES—TOM LLOYD

Mr. Lloyd said that the buffering requirements are inconsistent in the Ordinance, and he asked that the Board consider verbiage that would apply to all buffering. He asked the Board to determine how tall plantings should be at time of planting and how many years should be allowed for the plantings to reach a height of six feet.

In addition, Mr. Lloyd said that berms were left out of the Ordinance, and they could be used in combination with the plantings or standing alone, as the Codes Committee had approved.

Vice-Chair Morris said that the Land Use Codes Committee voted to include berms in the Ordinance.

Ms. Roy suggested that six-foot trees at time of planting might be an option. Vice-Chair Morris said that three-foot trees can be managed by an individual, but six-foot trees required heaving equipment to plant.

A motion was made by Vice-Chair Morris and seconded by Dr. Olion that the Ordinance should state that “Plantings shall be three feet in height at time of planting, to reach six feet in height within three years.” The motion included that wording to allow berms to be used as a buffer or in combination with plantings should be included in the Cumberland County Zoning Ordinance. The motion passed unanimously.

Mr. Lloyd said that the portion of the Ordinance that amortizes outside storage—junk yards, storage areas, salvage yards, etc—was to be eliminated from the Ordinance according to instructions from the Land Use Codes Committee. He said it was, however left in. He said that the wording requires that all nonconforming outside storage which includes salvage yards would be required to be out of business within three years. He said that the Committee approved taking the section out and replacing it with verbiage requiring buffering of the nonconforming salvage yards within one year. He said that Board approval is required in order to do this.

A motion was made by Chair McNeill and seconded by Vice-Chair Morris to follow the recommendations of the Land Use Codes Committee and eliminate the section of the Ordinance requiring all nonconforming outside storage areas to be closed within three years and add to the Ordinance that all nonconforming outside storage areas must be buffered within two years. The motion passed unanimously.

Mr. Lloyd said that the Commissioners have set the tone to clean up the County.

IX. FOR YOUR INFORMATION

A. DIRECTOR’S UPDATE

Ms. Roy deferred to Mr. Lloyd. He said that Dr. Olion was appointed by the County Commissioners to serve another four years on the Planning Board, and Ms. Lori Epler was appointed to replace Mr. Averette.

B. NOMINATIONS COMMITTEE

Chair McNeill reminded the Board that the moderator of the Nominations Committee, Mr. Mullinax, called a meeting of the Committee in order to recommend officers for the next fiscal year on Tuesday, June 21, at 6:30 p.m.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.