

Lori Epler,
Chair
Cumberland County

Roy Turner,
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

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

MINUTES December 15, 2009

Members Present

Mrs. Lori Epler, Chair
Mr. Roy Turner, Vice-Chair
Mr. Benny Pearce
Mr. Walter Clark
Ms. Patricia Hall
Mr. Harvey Cain, Jr.
Mr. Donovan McLaurin
Mrs. Sara Piland
Mr. Charles Morris
Mr. Garland Hostetter

Members Absent

Others Present

Mr. Tom Lloyd, Director
Ms. Patricia Speicher
Mrs. Laverne Howard
Ms. Donna McFayden
Ms. Phyllis Jones, Interim
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

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

III. PUBLIC HEARING DEFERENTIAL/WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF NOVEMBER 17, 2009

Mr. Clark made a motion to accept the minutes as submitted, seconded by Mr. McLaurin. Unanimous approval.

VI. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

A. **P09-56:** REVISIONS, AMENDMENTS AND UPDATES TO THE CUMBERLAND COUNTY ZONING ORDINANCE FOR THE CUMBERLAND COUNTY JOINT PLANNING BOARD'S ANNUAL REVIEW OF THE JUNE 20, 2005 ORDINANCE.

The Land Use Codes Committee has reviewed the staff recommended changes to the June 20, 2005 County Zoning Ordinance. The committee supports the recommended draft version of the ordinance with the following exceptions:

1. Section 903, Bed and Breakfast, sub-section A (page 73) be written as: "A. *The use must be located in a structure originally constructed for use as a residence single family dwelling*";
2. Section 920, Recreation or Amusement, Public/Private & Indoor/Outdoor, sub-section "C" (page 89) be repealed: "C. Repealed ~~*When the facility is operated outdoors, the hours of operation shall be between sunrise and sunset.*~~"; and
3. Section 920, Recreation or Amusement, Public/Private & Indoor/Outdoor, sub-section "G" (page 89) reflect the minimum tract size for mechanized outdoor recreation areas as three acres: "G. A minimum of three five acres of land is required for mechanized outdoor recreation areas and the detailed site plan and application shall provide adequate information to ensure the increase in motor vehicle traffic will not adversely impact any surrounding residential neighborhoods."

In addition, on the first page of the attached memorandum, item number 2 under "State Statute and Case Law" offers a choice for the change related to quasi-judicial hearings required for alternate yard approvals. The committee recommends the Planning Board continue to hear and decide requests for alternate yard approval in planned zoning districts rather than the alternative of requiring a Board of Adjustment hearing on these matters.

The committee now has before you Case No. P09-56 and the committee members voted unanimously to forward this document to you for your consideration of a favorable recommendation and that the ordinance in the current draft form (staff recommendation with committee changes) is forwarded on to the County Board of Commissioners for final adoption.

Mr. Lloyd stated that the only change, after talking to a few members of the community, is on page 4. The staff recommended a 6' high fence around government mandated detention ponds, we don't have a problem with 4' high fences. The comments made to us are that a 6' high fence could be unsightly; a lot of these detention ponds are in plain view. We require 4' high fences around swimming pools, so we feel like with a 4' high requirement around swimming pools why go higher around detention ponds, in light of the fact that it is still under the responsibility of the property owners. So staff would like to know if you'd like to consider changing that from 6' to 4' and if you can make that in your motion to consent.

Chair Epler asked Mr. Lloyd if it was unanimous among staff the 4' would be adequate.

Mr. Lloyd responded yes.

Chair Epler asked if there was any discussion by board members.

Mr. Morris asked if there was a difference between detention and detention water features, where the detention area is created as a lake or some type of water feature. Is there a distinction within the ordinance?

Mr. Lloyd stated not in the County ordinance. There's a difference in definition between wet retention ponds and retention ponds but it's not addressed in the County ordinance, and again this is government mandated which is government required.

Mr. Morris stated whether wet or governmental retention, it still requires 4' high fence.

Mr. Lloyd stated yes.

Chair Epler asked if there was any further discussion. There was none.

Mr. Morris made a motion to approve Case P09-56 with the revision to item #14 under staff recommendations changing the requirement of 6' high fencing to 4' high fencing, seconded by Mr. McLaurin. Unanimous approval.

- B. **P09-52:** REZONING OF 1.82+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4946 NC HWY 87 SOUTH; SUBMITTED BY CHRIS, DELORES AND VANCE NEAL AND OWNED BY V/D NEAL PROPERTIES, LLC.

The Planning & Inspections Staff recommends approval of the request for C1(P) Planned Local Business District based on the following:

1. The request is consistent with the location criteria for planned local business as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential uses at this location; and
3. The subject property is located on a major thoroughfare.

There are no other districts considered suitable for this request.

A motion was made by Mr. Morris, seconded by Mr. McLaurin, to follow the staff recommendation and approve case P09-52 as submitted. Unanimous approval.

- C. **P09-53:** REZONING OF 43.63+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST AND EAST SIDES OF SR 1806 (SHERRILL BAGGETT ROAD) AND THE WEST SIDE OF I-95; SUBMITTED BY MARY RICE, DEBORAH POE AND TALMAGE BAGGETT, JR; OWNED BY URSULA B. BAGGETT HEIRS.

The Planning & Inspections Staff recommends approval of the R40 Residential district for this request based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for “rural area” and “community growth” at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan; and
2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area in the pending Northeastern Cumberland Study.

There are no other districts considered suitable for this request.

A motion was made by Mr. Morris, seconded by Mr. McLaurin, to follow the staff recommendation and approve case P09-53 as submitted. Unanimous approval.

- D. **P09-54:** REZONING OF 31.16+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST AND EAST SIDES OF SR 1803 (MCLELLAN ROAD) AND THE NORTH SIDE OF US HWY 301 (DUNN ROAD); SUBMITTED BY MARY RICE, DEBORAH POE AND TALMAGE BAGGETT, JR; OWNED BY URSULA B. BAGGETT HEIRS.

The Planning & Inspections Staff recommends approval of the R40 Residential district for this request based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for “rural area” and “community growth” at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan; and
2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area in the pending Northeastern Cumberland Study.

There are no other districts considered suitable for this request.

A motion was made by Mr. Morris, seconded by Mr. McLaurin, to follow the staff recommendation and approve case P09-54 as submitted. Unanimous approval.

VII. DISCUSSION

- A. Mr. Lloyd talked about the watershed regulations. There was discussion about membership on the Lower Cape Fear Water Authority and it was a sidebar in the motion of the Planning Board to the Commissioners’. Mr. Lloyd stated after further discussion with Tom Cooney, Public Utilities Director and also with James Martin, membership on that entity is actually for those that are drawing water out of one of the various intakes. Don Betts, Chairman of the Authority is coming to the Commissioners’ meeting but if in fact we buy water from the intake, then we would probably have membership on that board. Mr. Lloyd asked the board members if they were satisfied with that answer in regard to membership. But, it is up to the

Board because they agreed to the addendum to the motion about County representation.

Mr. McLaurin stated that the way this is structured, he doesn't think the Commissioners' would want to pursue this, because it's all been done. Mr. McLaurin stated that the way he understands it is the water authority will run the water plant but the people that actually are supposed to benefit at this time are basically Robeson County and part of Bladen County. The hog plant will get the water initially; the way this thing is set up Mr. McLaurin stated that he doesn't have a problem with letting it go.

Chair Epler stated as long as the possibility is there that Cumberland County have a seat on the board if the County should ever have to purchase water from them, she would be fine letting it go.

Mr. Lloyd stated that at the Commissioners' meeting he will stand up and explain what was discussed at this meeting and that the Planning Board still recommended approval of the map change and after discussion with the Public Utilities Director, the Planning Board is comfortable that if in fact the County ever buys water from Bladen County then discussion will ensue on membership on that authority.

Mr. McLaurin stated that his concern was more regulation in the watershed. If it goes up to 90,000 gallons, the watershed stays like it is.

Mr. Lloyd stated that was correct, if anything changes, it still has to go through that public hearing process all over again.

- B. Mr. Lloyd advised the board that he had discussion with the City about PWC still using an annexation agreement when providing water or sewer extension, so he met with the Assistant City Manager the gentleman over Planning & Inspections for the City, and they met with PWC, there was an agenda item for the City Council that addressed amending the PWC Annexation Policy, which addresses the Interlocal Agreement. It was never explained to PWC that that agreement wasn't to be used in the Sewer Service Area. During discussions City Management had shown interest in applying more standards of the UDO (Unified Development Ordinance), if not the entire UDO, in a band around the City, or at least properties that were contiguous. Mr. Lloyd stated that staff felt the Municipal Influence Area (MIA) is too large.

Mr. Lloyd stated that the City is talking about the Municipal Influence Area (MIA) as basically their area of consideration, so instead of getting into a long discussion now, Mr. Lloyd wants to keep the board informed that the application of more standards has come up. The board should consider if more standards are added, Mr. Lloyd's guess is that the Commissioner's and maybe this board would want to draw the MIA line back. Mr. Lloyd advised the board that he would keep them informed of any future discussions.

Chair Epler stated that City Council was made aware of that conversation at the Council meeting, it was said that there are talks with the County to implement more of their standards in that area.

Mr. Lloyd stated that it was one meeting, and the Mayor did call to see if things were being done consistent with the MIA agreement, and it was.

VIII. FOR YOUR INFORMATION

DIRECTOR'S UPDATE

Mr. Lloyd stated that the Transportation section deals with elderly and handicap transportation, grocery shopping, doctor's appointments, etc. That is going to be expanding, they are working on providing Spring Lake service, since Route 40 is defunct, using some of our money, urban money, to provide routes to Spring Lake. Kristine Wagner will come in and explain the services that the Transportation Section provides to the rural elderly and handicapped, at a later date.

Mr. Lloyd advised the board of the new County Commissioner representatives, Billy King, for the first Tuesday meeting and Marshall Faircloth, for the third Tuesday meeting.

Mr. Lloyd introduced the new Interim County Attorney, Phyllis Jones.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:35 p.m.