



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

MINUTES

March 15, 2016

Members Present

Ms. Patricia Hall, Chair
Mr. Charles Morris, Vice-Chair
Mr. Benny Pearce
Mrs. Diane Wheatley
Mrs. Jami McLaughlin
Mr. Walter Clark
Mr. Donovan McLaurin
Mr. Harvey Cain, Jr.

Members Absent

Dr. Vikki Andrews
Mr. Carl Manning

Others Present

Mr. Thomas Lloyd
Ms. Patricia Speicher
Mrs. Laverne Howard
Ms. Donna McFayden
Mr. Rick Moorefield,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

Mrs. McLaughlin made a motion to approve the agenda, seconded by Mr. McLaurin. Unanimous approval.

III. PUBLIC HEARING DEFERRAL

P16-02. REZONING OF 25.96+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 34 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2233 (SCHOOL ROAD), WEST OF SR 2251 (YARBOROUGH ROAD); SUBMITTED BY CHARLES JEFFERY DEVORE (OWNER) AND TIM EVANS (AGENT). **DEFERRED UNTIL APRIL 19, 2016 – APPLICANT REQUESTED**

P16-08. REZONING OF 4.20+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL/CZ CONDITIONAL ZONING FOR INDUSTRIAL REPAIRS AND SALES, MOTOR VEHICLE REPAIR & WHOLESALE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF TRANQUILITY ROAD, EAST OF NC HWY 87 S; SUBMITTED BY OSCAR BRUCE SKINNER, JR.(OWNER). **DEFERRED UNTIL MAY 17, 2016 – APPLICANT REQUESTED**

Mr. Pearce made a motion to approve the deferral, seconded by Mrs. Wheatley. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF JANUARY 19, 2016

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

VI. PUBLIC HEARING CONSENT ITEM

REZONING CASES

- A. **P15-59.** REZONING OF 4.72+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE SR 4518 (DULLES ROAD), WEST OF SR 2376 (SOUTH FORTY DRIVE); SUBMITTED BY ROBERT AND STEPHANIE VAUGHN (OWNERS) AND CHRIS ROBERTS (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-59 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” because the site is located in an area that is quickly becoming urbanized. The request is consistent with the South Central Land Use Plan which calls for “low density residential” at this location. This request is also reasonable because preserving the character of the area and promoting infill are residential goals of the South Central Land Use Plan adopted in June 15, 2015.

The staff also recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public or community water and sewer required, the adjacent subdivision is served by PWC utilities; must have direct access to a public collector street, Dulles Road is not a collector street, however, it does have access to South Forty Drive which is a collector street; must not be located in any defined critical area as defined by the Fort Bragg Small Area Study; desirable to not be located in the Special Flood Hazard Area and must not be an area with hydric soils unless sewer is available.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-59 for the R20 Residential district based on the following:

- The location and character of the requested district will be in harmony with the general area and allow for similar lot sizes and uses as the existing properties.

The R40 and R30 districts could also be considered suitable for this request.

Mr. Morris made both of the motions referenced above, seconded by Mr. McLaurin, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

- B. **P16-10.** REZONING OF 3.06+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 891 REMLEY COURT, SUBMITTED BY SHELBY TOWNSEND (OWNER) AND ROBERT TOWNSEND (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-10 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location as the proposed district would allow development at one or less units per acre. Although the requested district is not entirely consistent with the South Central Land Use Plan, which calls for “farmland” at this location, the request is generally consistent with the plan’s goal of providing one acre lots for residential uses.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P16-10 for the R40 Residential district based on the above information and the following:

- The R40A Residential district will allow for land uses and lot sizes that exist in the general area.

There are no other districts that could be considered suitable for this request.

Mr. Morris made both of the motions referenced above, seconded by Mr. McLaurin, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

- C. **P16-13.** REZONING OF 4.54+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5064 MACEDONIA CHURCH ROAD, SUBMITTED BY MACEDONIA MISSIONARY BAPTIST CHURCH, INC. (OWNER) AND PHILLIP WALTERS (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-13 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location as the proposed district would allow development at one or less units per acre.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P16-13 for the R40 Residential district based on the above information and the following:

- The R40 Residential district will allow for land uses and lot sizes that exist in the general area.

The A1A district could also be considered suitable at this location.

Mr. Morris made both of the motions referenced above, seconded by Mr. McLaurin, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

CONDITIONAL ZONING DISTRICT

- D. **P16-11.** REZONING OF 3.58+/- ACRES FROM A1 AGRICULTURAL & A1 AGRICULTURAL/CU CONDITIONAL USE FOR MOTOR VEHICLE REPAIR WITH OUTSIDE STORAGE TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLE REPAIR WITH OUTSIDE STORAGE OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4365 & 4371 MARSHWOOD LAKE ROAD, SUBMITTED BY DON KNOBLOCH (OWNER) AND LORI EPLER (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-11 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” because the subject property is over three acres and located in a rural area. Although the request is not consistent with the South Central Land Use Plan

which calls for “farmland” at this location, the use on the majority of the site is existing (2.44 acres) and the use was approved by the County Commissioners on March 1, 1994.

The staff also recommends the board further find this rezoning request is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be in any defined critical area as defined by the Fort Bragg Small Area Study; desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils; desirable to not be located in an area that is a prime industrial site; may be outside the Sewer Service Area.* Also, the primary use of motor vehicle repair is allowed in the A1 district.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-11 for the A1 Agricultural/CZ Conditional Zoning district for motor vehicle repair with outside storage based on the following:

- The location was initially zoned A1/CU for motor vehicle repair with outside storage by the Board of Commissioners on March 1, 1994 and the property owner is not requesting to change the use originally approved.

There are no other districts considered suitable for this request at this location. The property owner has voluntarily agreed to all “Ordinance Related Conditions.”

Mr. Morris made both of the motions referenced above, seconded by Mr. McLaurin, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

- E. **P16-14.** REZONING OF 1.49+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS DISTRICT AND R30A RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR HARDWARE & GARDEN SUPPLY, REPAIR, RENTAL AND/OR SERVICING & RETAILING OR SERVICING; LOCATED AT 2118 DUNN ROAD, SUBMITTED BY KENNETH AND DANA THURMOND (OWNERS). (EASTOVER)

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-14 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth area” because the site is located within the Eastover town limits. Although the request is not consistent with the Eastover Detailed Land Use Plan which calls for “one acre residential” at this location, the non-residential structure is existing and the majority of the property has previously been used for commercial purposes.

The staff also recommends the board further find this rezoning request to be reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer is available, connection to public water required, sewer is not available; must have direct access to a collector street, SR 1838 (Dunn Road) is a minor arterial street; may be co-located with light industrial/manufacturing uses; must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping, the subject property is 1.49+/- acres.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-14 for the C(P) Planned Commercial/CZ Conditional Zoning district for hardware & garden supply, repair, rental and/or servicing & retailing or servicing based on the following:

- The location and character of the requested district will be in harmony with the general area and will allow uses that could serve the surrounding community.

There are no other districts considered suitable for this request at this location. The property owner has voluntarily agreed to all "Ordinance Related Conditions."

Mr. Morris made both of the motions referenced above, seconded by Mr. McLaurin, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

VII. PUBLIC HEARING WAIVER REQUEST

Chair Hall swore in staff.

- F. **CASE NO. 16-015.** CONSIDERATION OF THE REGINALD L. JOHNSTON ESTATES; ZERO LOT LINE & GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENTS OF THE NUMBER OF LOTS AND DWELLING UNITS ALLOW ON A CLASS "C" PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2304.C.4.C(4) & (5), CLASS "C" PRIVATE STREET SPECIFICATIONS; ZONED: R6; TOTAL ACREAGE: 0.93+/-; LOCATED AT 955, 957, 959, 961 & 963 DOMAIN DRIVE; SUBMITTED BY REGINALD L. JOHNSTON (OWNER) AND GEORGE LOTT (SURVEYOR). (FAYETTEVILLE MIA/COUNTY JURISDICTION)

Ms. Speicher presented the case information and photos of the subject property.

REQUEST

The developer is requesting permission to create an additional lot on a Class "C" (dirt) street by subdividing a parcel with an existing home on it. There are no new additional dwelling units proposed.

FACTS OF CASE

- Domain Drive was approved in 1993 as a Class "C" private street with seven lots accessing the street. Lot 1 of the original subdivision is the subject of the waiver request.
- In 1993, Class "C" streets were permitted to have a maximum of seven lots with no restriction other than zoning density on the number of homes per lot.
- According to the tax records, the five existing dwellings shown on Lot 1, a 0.93+/- acre tract, were built in 1964. The subject property is located in Zoning Area 1, which was initially zoned in 1972.
- The current regulations allow a maximum of four lots per Class "C" with no more than two dwellings on each lot.

Chair Hall swore in all speakers.

Mr. Reginald Johnston spoke in favor. Mr. Johnston stated that he wanted to separate his home from the property for the purpose of acquiring a loan to fix up the home.

Mrs. Wheatley stated for clarification that he just wanted to beautify the home and not do any building.

Mr. Johnston stated yes.

Mr. Greg Spears spoke in favor. Mr. Spears stated that Mr. Johnston was going to fix the house up nice and hoped that the Board would approve the request.

Public hearing closed.

Mr. McLaurin made a motion, seconded by Mr. Morris. I move that because of the nature of the area, strict compliance with the ordinance provisions would cause a special hardship to the property owner and would be inequitable, the public purposes of the ordinance would be met if the request were approved and the property owner would not be afforded a special privilege denied to others, in that though there will be a new lot line, there would be no additional dwelling units or an increase in traffic on the existing private street.

In addition to approving the waiver request, this motion is made subject to the staff recommended conditions of approval and pertains specifically to this application only, not to any future requests for the subject property and/or Domain Drive. Unanimous approval.

- G. **CASE NO. 16-026.** CONSIDERATION OF THE FRED KNOBLOCH HEIRS PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT FOR A MINIMUM 125 FOOT STREET OFFSET SEPERATION AND THE REQUIREMENT TO BUILD A CLASS "C" PRIVATE STREET OFF OF EITHER A PAVED PUBLIC OR APPROVED PAVED PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2304.A.10.E "STREET OFFSETS" & 2304.C.4.C(3), CLASS "C" PRIVATE STREET SPECIFICATIONS; ZONED: A1 & A1/CU; TOTAL ACREAGE: 3.58+/-; LOCATED AT 4365 & 4371 MARSHWOOD LAKE ROAD; SUBMITTED BY FRED KNOBLOCH HEIRS (OWNER) AND LARRY KING & ASSOCIATES (SURVEYOR). (COUNTY JURISDICTION)

Ms. Speicher presented the case information and photos of the subject property.

Public hearing open.

REQUEST

The developer is requesting permission to create a new Class "C" (dirt) private street located off of a recorded but unimproved Marshwood Lake Road, and to allow the proposed private street to abut an existing approved Class "C" private street (Munsey Road). The proposed private street is intended to serve a new 3.58 tract (proposed Lot 5), in addition to 14.41 (Lot 3) and 12.95 +/- acre (Lot 4) tracts. (Also see related rezoning Case No. P16-11.)

FACTS OF CASE

- Marshwood Lake Road was recorded in Plat Book 28, page 72 in 1964 as a "30' Street Dedicated to Public Use", prior to the County's adoption of the subdivision ordinance.
- Munsey Road, the adjacent Class "C" private street, was approved by the Planning Staff and recorded in Plat Book 59, page 141 in June 1986; this same conditional approval required an additional 30' width to be added to Marshwood Lake Road as an easement for future right-of-way purposes.
- On March 1, 1994 the Board of County Commissioners approved for initial zoning a 2.44+/- acre portion of a 25.45 +/- acre tract as A1/CU for "office, repair garage, outside storage of equipment & related materials, and fuel tanks and pumps" – northern portion of the proposed Lot 5.
- The "Knobloch" tracts, 20.87+/- and 10.0+/- acre tracts ,(Lots 3, 4 and 5 on the current application) have a minimum 60' access by easement to NC Hwy 87 South traveling along Tranquility Road and a minimum of 30' to the State maintained portion of Hall Park Road.
- The current County Subdivision Ordinance requires new Class "C" private streets to have direct access to a public street or an approved paved private street, a minimum width of 30' and can serve no more than four lots/tracts; all proposed streets are required to be offset from nearby existing streets a minimum of 125'.
- Tracts greater than 10 acres are exempt by the State Statutes from local subdivision regulation.

Public hearing opened.

Chair Hall swore in Mrs. Lori Epler.

Mrs. Epler spoke in favor representing the owner. Mrs. Epler stated that the applicants want to settle their father's estate. Mrs. Epler stated that the applicants are trying to settle a loan that had been taken out on some of the property prior to their father's death. The son has been operating a garage on a small track of the subject property since 1990; the initial zoning was such that he could continue to operate that business. In order to settle the loan and keep his business running, they are going to have to sell part of the property.

Public hearing closed.

Mr. McLaurin made a motion, seconded by Mr. Morris. I move that because of the nature of the area, strict compliance with the ordinance provisions would cause a special hardship to the property owner and would be inequitable, the public purposes of the ordinance would be met if the request were approved and the property owner would not be afforded a special privilege denied to others, in that though there will be a new lot line, there would be no additional dwelling units or an increase in traffic on the existing private street.

In addition to approving the waiver request, this motion is made subject to the staff recommended conditions of approval and pertains specifically to this application only, not to any future requests for the subject property and/or Domain Drive. Unanimous approval.

- H. **CASE NO. 16-031.** CONSIDERATION OF THE BRUCE AND WANDA TEETS PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER TO CONSTRUCT A CLASS "B" PRIVATE STREET WHERE A PAVED STREET IS REQUIRED PER STEDMAN MIA AND NOT BE REQUIRED TO CONSTRUCT SIDEWALKS; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2302 AREA-SPECIFIC STANDARDS; STEDMAN SUBDIVISION ORDINANCE. SECTION 4.1.A-E "STREETS" & SECTION 4.3.G "SIDEWALKS; ZONED: R40; TOTAL ACREAGE: 4.17+/-; LOCATED AT 611 MAGNOLIA CHURCH ROAD; SUBMITTED BY BRUCE AND WANDA TEETS (OWNER). (STEDMAN MIA - COUNTY JURISDICTION)

Ms. Speicher presented the case information and photos of the subject property. Ms. Speicher referenced an email from the Town of Stedman that indicated the Town Commissioners recommendation to approve the request. Generally the Planning Board will go along with the requests of the Town.

Public hearing open.

REQUEST

The property owners are requesting waivers from the Stedman Municipal Influence Area (MIA) requirements in that they wish to develop a subdivision with a Class "B" (gravel) private street where only Class "A" (paved) private or public streets are allowed, and they do not want to install the required sidewalk along Magnolia Church Road.

FACTS OF CASE

- The subject property is located inside the MIA granted to the Town of Stedman by the County Board of Commissioners on May 19, 2008.
- The Stedman MIA development standards specify that new streets are to be public streets (NCDOT in the MIA) or paved private streets. In addition, within the Stedman MIA, the town requires sidewalks along Clinton Road, along any street extension where a sidewalk exists, along all new streets except for cul-de-sacs serving less than eight lots, and when four or more lots are proposed.
- As per the Planning Board policy, staff presented this request to the Town Board of Commissioners on March 3, 2016. The board voted unanimously to recommend approval of both waiver requests.

Mrs. Wheatley stated that the Town was setting precedence if someone wanted to do the same thing in the future.

Mr. Morris said that the precedence is that the Board follows the Town recommendations.

Public hearing closed.

Mr. McLaurin made a motion, seconded by Mr. Clark. I move that because of the nature of the area, strict compliance with the ordinance provisions would cause a special hardship to the property owner and would be inequitable, the public purposes of the ordinance would be met if the request were approved and the property owner would not be afforded a special privilege

denied to others, in that though there will be a new lot line, there would be no additional dwelling units or an increase in traffic on the existing private street.

In addition to approving the waiver request, this motion is made subject to the staff recommended conditions of approval and pertains specifically to this application only, not to any future requests for the subject property and/or Domain Drive. Unanimous approval.

VIII. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Lloyd stated that the next work session on April 5, 2016 would cover the Subdivision Ordinance and how staff reviews group developments and subdivisions.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:46 pm.