

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 September 21, 2010

Members Present

Mrs. Lori Epler, Chair
Mr. Harvey Cain, Jr.
Mr. Garland Hostetter
Mr. Benny Pearce
Mr. Walter Clark
Ms. Patricia Hall
Mr. Charles Morris
Mr. Donovan McLaurin

Members Absent

Mr. Roy Turner
Mrs. Sara Piland

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the Board that the applicant for case P10-41 is withdrawing his case.

Mr. McLaurin stated that he would like to pull case P10-39 from the consent items to a public hearing item.

Mr. Morris made a motion to approve the agenda with the adjustments, seconded by Ms. Hall. Unanimous approval.

III. PUBLIC HEARING DEFERRAL / WITHDRAWAL

Case P10-41 was withdrawn.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF AUGUST 17, 2010

Mr. Morris made a motion to accept the minutes as submitted, seconded by Ms. Hall. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

INITIAL ZONING

- A. **P10-38:** INITIAL ZONING OF .44+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2254 AND 2258 N BRAGG BOULEVARD AND EAST OF N BRAGG BOULEVARD NORTH OF MARANATHA CIRCLE; OWNED BY QUALITY OIL COMPANY, LLC.

The County Planning Staff recommends approval of the initial zoning to the C(P) Planned Commercial district of the subject property as shown on the attached sketch map, based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban” at this location, as well as meeting the location criteria for “heavy commercial” development as listed in the Land Use Policies Plan;
2. The Planned Commercial district is consistent with the zoning for adjacent property under the same ownership in the town; and
3. The request was submitted by the Town of Spring Lake.

The effective date of annexation is July 27, 2010. There are no other suitable districts to be considered for this request.

A motion was made by Mr. McLaurin, seconded by Mr. Clark, to follow the staff recommendation and approve case P10-38 as submitted. Unanimous approval.

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- B. **P10-39:** REZONING OF 2.07+/- ACRES FROM R40 RESIDENTIAL AND A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5998 AND 5960 PERCY STRICKLAND ROAD, SUBMITTED BY BONNIE B. MILLER (OWNER).

Mr. Lloyd stated the Planning & Inspections Staff recommends approval of the R40A Residential district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “rural area” at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan;
2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area in the recently adopted Northeastern Cumberland Plan; and
3. The request is consistent with the surrounding land use.

There are no other districts considered suitable for this request.

Mr. Lloyd stated that the applicant was not present and there was no one present to speak for or against the case.

Mr. McLaurin asked to see the pictures of the subject property.

Mr. Lloyd stated there was a house on the subject property.

Mr. McLaurin stated that he didn't see the house from the road and there were all stick built homes in the area, nice homes and some that haven't been there that long, and wondered why the applicant wanted R40A. Why not just do the whole thing R40.

Ms. Speicher stated because of Class B, single wide. It could be a single wide or double wide that doesn't meet the Class A standards.

Mr. Lloyd stated this would allow one more unit on the property.

Chair Epler asked if there was an existing home there and they wanted to put another one there, would that have to go for a group development review.

Ms. Speicher stated yes, and because of access problems it would also have to be a recombination plat.

Chair Epler asked for some clarification, if they are doing a group development that would allow them to put two residences on one lot as long as the zoning would allow it, why are they doing a recombination?

Mr. Lloyd stated to make it one lot.

Mr. McLaurin made a motion to approve Case P10-39 as submitted, seconded by Mr. Pearce. Unanimous approval.

CONDITIONAL USE DISTRICT AND PERMIT

- C. **P10-32:** REZONING OF 20.87+/- ACRES FROM RR RURAL RESIDENTIAL, R10 RESIDENTIAL AND R6A RESIDENTIAL TO RR RURAL RESIDENTIAL/CUD CONDITIONAL USE DISTRICT FOR A RV PARK/CAMPGROUND AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 1003 (CAMDEN ROAD), SOUTHWEST OF NC HWY 162 (ELK ROAD); SUBMITTED BY ROY L. AND CHOM CHU DEAN (OWNERS).

Chair Epler called all people signed up to speak to come forward and be sworn in.

Chair Epler asked board members if anyone had anything to disclose in reference to the case. There were no disclosures.

Public Hearing opened.

On August 17, 2010 at the Planning Board's request, the applicant voluntarily agreed to defer this case to the board's September 21st meeting in order to give the property owner the opportunity to alter the site plan ensuring that it accurately reflected the existing turnarounds at the end of the drives. The revised site plan has been submitted along with an amended application.

In the amended application the property owner is specifying that the manufactured home park would be phased out by December 31, 2011 and the owner agrees to all land within the *Special Flood Hazard Area* (SFHA) to be zoned CD Conservancy. The revised site plan reflects compliance with setbacks and turnarounds, for which the owner had previously requested relief; however, the property owner is now requesting waivers/variances from the following ordinance requirements:

1. Recordation of a recombination plat;
2. Fire hydrant at the entrance to the site;
3. Installation of a sidewalk along SR 1003 (Camden Road); and
4. On-site buffer except as shown on site plan along northern portion of the property (previous request).

The Planning & Inspections Staff recommends approval of the requested rezoning to RR Rural Residential/ Conditional Use District (RR/CUD) for a RV park/campground based on the following:

1. The area in which the subject property is located could be deemed consistent with the Land Use Policies Plan location criteria for “suburban density residential”.

The Planning & Inspections staff recommends denial of the requested Rural Residential/Conditional Use Permit based on the following:

1. The specific requested use - RV park/campground temporarily commingled with an existing manufactured home park– is not consistent with “urban development” in which this area has been designated on the Growth Strategy Map of the 2030 Growth Vision Plan - Staff is against the combining of transient uses with the stable/community characteristics offered with an established neighborhood; and
2. The degree of difference in uses allowed on the immediate existing surrounding properties and the district and use requested currently qualify this request as being unreasonable since, with one exception, the immediate surrounding zoning allows for single family residential uses.

Mr. Lloyd stated that staff was recommending denial of the permit based on the commingling of the manufactured homes with an RV park. We are recommending denial of the permit based on that.

Staff doesn't feel it's unreasonable at this point, so we are recommending approval of the district.

The staff suggests the board consider the requested district (RR) and the use as a RV park/ campground as being more appropriate when the manufactured home park is completely abandoned with all manufactured homes removed from site, provided that the property owner agrees to meet or exceed all ordinance standards relating to the Permit.

There are no other suitable zoning districts to be considered for this site.

Note: In the event the Planning Board considers granting this application a favorable recommendation, the staff requests the board's consideration of CD Conservancy zoning for all land within the Special Flood Hazard Area (SFHA). The owner has agreed to this stipulation.

The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. The use could materially endanger the public safety if located according to the plan submitted considering that a large portion of this site is located within a *Special Flood Hazard Area* (SFHA), has flooded in the past and is likely to flood in the future;
2. The use does not meet all required specifications qualifying this request as arbitrary – the property owner is requesting numerous deviations from the ordinance standards, to include relief from the requirement to commission a recombination plat, install a fire hydrant at the entrance to the site, construct a sidewalk along SR 1003 (Camden Road) and to provide the requisite on-site buffer, utilizing the off-site vegetation to satisfy the on-site buffer requirements – the staff supports the use of the off-site buffer only for that portion along the southwestern boundary of the track due to the creek providing a natural buffer;
3. This development could likely diminish the value of adjoining or abutting properties with the creation of a nonconforming manufactured home park that is commingled with transient temporary housing; non-compliance with all adopted ordinance standards, intended to protect adjacent properties from the effect of development on a particular property; and
4. The location and character of the use if developed according to the plan as submitted will not be in harmony with the area in which it is to be located and will not be in conformity with the 2030 Growth Vision Plan and adopted planning policies as addressed above.

Mr. Lloyd stated that in reference to number 3 the staff felt, after discussion that they were okay with an RV park, but they are not okay with the mingling of a manufactured home park with an RV park. They wanted to grant the RV park, and one of the conditions would have been that all the manufactured homes must be removed before permits are issued for the RV park. The applicant was unwilling to accept that condition, and as you well know in a Conditional Use District and Permit the applicant must agree to all of the conditions. That's why denial is being recommended, because the applicant didn't agree to the condition of commingling, specifically commingling the manufactured home park with the RV park and also the list of variance requests, the staff is unwilling to recommend approval of any of those waivers.

Mr. Lloyd summarized that staff is against the permit for two main reasons, one, all of the standards are not met with the waiver requests and two, most importantly, the commingling of a community established manufactured home park with a transient RV park / campground.

There were two people present to speak in favor and no one present to speak in opposition.

Ms. Hall asked if the applicant came back with a revised layout and if anything else besides the street endings had changed.

Mr. Lloyd stated that he did submit a new layout but nothing else had changed.

Mr. Roy L. Dean spoke in favor. Mr. Dean presented Exhibit 1 (copy in file, poor quality due to reproduction), an aerial photo of the manufactured home park and the surrounding property. Mr. Dean stated that in 2007 the County had accidentally placed a home in the park and found out that FEMA had changed the flood zone to a different level and more than 50% of the park had been affected by it. They could no longer put mobile homes in after the change unless they were raised up to the flood zone. Mr. Dean stated that he wanted to do the RV park in increments, ¼ at a time for financial reasons. There are many mobile homes left and a commercial loan that needs to be paid and wants to remove them in increments, a ¼ at a time so he can get the correct power and sewer lines in and be compliant with the ordinance. This will do a couple of things, it gives the people time to relocate, if they have children gives them time to get their kids situated in school. This wouldn't disturb the neighborhood all at once. Mr. Dean stated if he had the time he could make it into an RV park. Mr. Dean stated he had a single wide mobile home park and they are becoming obsolete because they no longer finance single wides to go in. He stated that he already owns an RV Park, so he knows the business and they were going to try recreational, it backs up to Hope Mills Lake, which is empty now, but will be back, and therefore you would have the recreation of fishing in the back, we're going to put an office in with a swimming pool, bath houses, and make a modern RV Park, something the County would be proud of. Mr. Dean stated he was caught between a rock and a hard place sort of because he needs to do something and he can make an RV Park work.

Ms. Hall stated that prior to the August 17th meeting she drove through and looked at the park and on the backside that goes to the former lake bed. There was a lot of activity there piling up cut down trees where the highway is clearing pine trees. Ms. Hall asked what the purpose was of all that activity.

Mr. Dean stated that PWC was fixing their sewer lines in that area to keep it from washing away.

Ms. Hall asked Mr. Dean if that was on his property.

Mr. Dean stated that it wasn't, PWC has a right away through his property, and they are trying to protect their sewer lines, which run through Mr. Dean's property.

Mr. Morris asked Mr. Dean if he would reconsider his requests for waivers and put the necessary items in to comply with the standards and recombination.

Mr. Dean stated that the fire hydrants would be put in by PWC when they put the road in, and that has already been approved by them, so there is a fire hydrant. Mr. Dean stated that the sidewalks they could do, the recombination Mr. Dean stated he could do. In regards to the vegetative buffer Mr. Dean stated that all around the back of the property is a lake and the creek on two sides, it would be like putting a buffer against a buffer, but he would put a buffer up.

Chair Epler asked Mr. Lloyd if they were aware of PWC's plans were with regard to putting fire hydrants on the subject property.

Ms. Speicher stated that there was no confirmation about that.

Mr. Dean stated that's what the Department of Transportation (DOT) told him.

Mr. Lloyd stated that staff was willing to back off of the buffering now that we have really considered the hundred year flood and floodway and where it's located.

Chair Epler asked if the cleared section that runs through the middle of the property had been taken by DOT.

Mr. Dean stated that was the power line.

Chair Epler asked if the RV spots that backed up to Camden Road met the setback requirements.

Mr. Lloyd stated on the proposed plan they do.

Mr. McLaurin asked if there were school children that lived in the park.

Mr. Dean stated that there were some children in the park.

Mr. McLaurin stated that he noticed the transition was anticipated to be made in December 31, 2011, and asked Mr. Dean why he wouldn't move that up to sometime in August to give the children time to get to school wherever they would go. Because moving around Christmas is a bad time to have to move.

Mr. Dean stated that they wanted it delayed as much as possible because they are trying to get this done in increments.

Mr. McLaurin asked Mr. Dean if he could move the transition time up some, instead of December 2011 move it up to August 2011, that way everybody will be out of school.

Mr. Dean stated that he understood, but the reason they are doing it is because of financial issues, so they want to have one portion working then work on the next section, because when you take out mobile homes that makes bank loans.

Chair Epler stated that she was having a hard time understanding because she knows that he has sites that mobile homes cannot be placed on and those are the first sites that he wants to make into RV sites, but the transition period bothers her the most, he has conceded on the waiver requests, the County recently had a Special Use Permit granted on another RV Park here in the County and it was existing and didn't meet all of the ordinance requirements and that RV Park owner had to spend quite a bit of money to meet the ordinance requirements in order to expand it. With the original request Mr. Dean didn't want to put in sidewalks and buffers. There has to be some give and take, this transition period is very bothersome with it being fifteen months out, Chair Epler understands if the application is approved he will be able to put RV's on the spots that he has now that he can't put mobile homes on and if what he says is true and he can get the RV's in and get the people in, but feels like the people will be coming in during the summer months, and thinks that the transition should be able to occur a lot faster than what he anticipates.

Mr. McLaurin stated that there are children and elderly people on this property; in this setting the safest thing is where everyone knows everyone. You want to allow people to come in and out and right now these are not the safest times.

Mr. Dean stated that an RV Park is an upgrade; these people staying in the RV Park are people that are looking for homes and people that are building the town. At 11:00 at night the gates are locked. The difference in the safety between a mobile home park and an RV Park is that an RV Park is considerably better than a mobile home park.

Chair Epler asked Mr. Dean if he literally locked people in at 11:00 at night.

Mr. Dean stated that he did.

Chair Epler asked how emergency services get in there if something happens.

Mr. Dean stated that he had a 24 hour phone and everyone has a number to call if they are a short term stay and if it's a 90 day or less stay they have a key.

Chair Epler stated that she would almost request that there be a Knox box put on the entrance so emergency personnel could get in without having to rely on someone to make a phone call.

Mr. McLaurin asked what happens with someone in a mobile home who gets off at midnight. What he's talking about doing is mingling RV's and mobile homes....

Mr. Dean stated that he didn't want to confuse anyone he has both a mobile home park and RV Park and doesn't lock the gates on the mobile home park.

Mr. Lloyd stated that none of this was on the plan. Items number two and three, the fire hydrant and sidewalks on the waiver request this is in Hope Mills MIA, and we already have back from their staff, the staff recommendation to recommend denial. By policy those two waivers should be referred to the Hope Mills Board because it is in their MIA.

Mr. David Averette spoke in favor. Mr. Averette addressed the condition sheet. Hope Mills Lake is about 2/3 of the horseshoe around the subject property, and some of it in some cases comes up to the subject property. There is no problem having a buffer on site, all of it could not be directly on the site, but now I found out the only place that it's not is on the right hand side and that's only about 10 feet from the RV's to the property line and there's just not enough room, but everywhere else is naturally buffered. The fire hydrant situation, there is a meter on Camden Road, the lines inside the park that belong to Mr. Dean are all 4 inch lines or less there is no way he could physically put a fire hydrant there and if he could the public could not use it. PWC in conjunction with the widening by DOT is redoing their water system and whatever needs to be done to satisfy the fire requirement PWC is taking care of. So there is no need for a fire hydrant and there is no way they can provide it on the property.

Chair Epler reminded Mr. Averette that the hearing was quasi-judicial and he knew that the fire hydrant was an issue and asked if he had any data from PWC or DOT that stated they agreed to taking care of the fire hydrants. Chair Epler asked Mr. Dean again if PWC or DOT didn't put a fire hydrant in that he would.

Mr. Dean stated that if that was not done by a public agency he would agree to the condition of installing fire hydrants.

Mr. Averette stated that he did not say that PWC was going to install one or that he had contacted them. He stated that it's their normal thing that when they are widening a road

there's a water system in there, and if a fire hydrant is needed on that water line PWC will take care of it.

Chair Epler stated that PWC has been known to go back on what they said they would do before.

Mr. Averette stated that sidewalks are a lot of money and we're putting in something that's not needed and the Town of Hope Mills is not doing it either on their property in the city limits, because it's not needed.

Chair Epler stated that Mr. Averette's explanation was that NCDOT was going to install a sidewalk on Camden Road so Mr. Dean shouldn't have to do it.

Mr. Averette said no.

Mr. Lloyd stated that most of the time when NCDOT puts in a sidewalk they request that the County participate and the County has refused to participate in contributing to the installation of sidewalks.

Mr. Averette stated that DOT is installing sidewalks on Camden Road on the right hand side. Mr. Averette indicated where the sidewalk would be installed as he was advised by DOT.

Chair Epler asked Mr. Averette if he had any evidence of that.

Mr. Averette stated just a phone conversation.

Chair Epler stated that could not be considered by the board without the DOT plans that show the proposed sidewalks.

Mr. Averette continued to show where DOT was going to install sidewalks. Mr. Averette stated that another problem with installing sidewalks was that they would have to be installed on DOT property and if they put it on DOT's property they have to get an encroachment agreement. Then the part that Hope Mills and DOT put in one of them will maintain it, if Mr. Dean puts them in who will maintain it, if it's on DOT's property. Even though Mr. Dean agreed to it, he doesn't see how he can do it. Mr. Averette stated that they didn't find out until a few days prior to the meeting about the staff recommendation for removing all of the mobile homes, but the problem with that is Mr. Dean has pointed out and put everyone out where will they go, they need some time to be able to move. The County will also lose money, because if Mr. Dean is not getting any rent then the taxes he pays are reduced. Mr. Dean presented Exhibit 2 (copy in case file), letter requesting waivers. Mr. Averette read the letter to the board.

Public Hearing closed

Mr. Morris stated that due to the financial situation and financing arrangements regarding single wides, this will create a transition, has no objection to the transition due to the infrastructure and the investment being an RV Park, but does feel that there needs to be a transition point where it gives the applicant to up fit the empty spaces and transition the existing mobile homes and residents out. Maybe do everything lakeside of the power lines in six months for those people to move and it could coincide with the school year, on the

street side twelve months than it would be completely done and the conditions which the applicant has agreed to would be satisfied.

Chair Epler asked if the ordinance required that there not be any residents there for more than 90 days for an RV Park.

Mr. Lloyd stated yes.

Chair Epler said that he was also requesting a waiver to that specific point of the ordinance until this transition time is over.

Mr. Morris stated that as a condition within the district we can impose it.

Ms. Hall asked Mr. Lloyd about a reply from Hope Mills about this case.

Mr. Lloyd stated that Hope Mills recommended denial of the waiver request.

Ms. Hall asked if one of the standards was sidewalks.

Mr. Lloyd stated yes.

Ms. Hall asked about connection to public water and sewer being required.

Mr. Lloyd stated that public water and sewer would be required.

Ms. Hall asked if they would need to be annexed for that to happen.

Mr. Lloyd stated a petition would need to be signed not necessarily acted upon.

Ms. Hall asked if they were connected to PWC, and if they were connected to PWC why are their lines not sufficient enough to support a fire hydrant?

Chair Epler stated if they do not have at least a 4 inch line in the development and PWC requires a larger line to put in a fire hydrant.

Mr. Lloyd stated that it was large enough at the entrance.

Ms. Hall stated that the entrance is where the fire hydrant needs to be placed and if that was where Mr. Dean has agreed to put the fire hydrant at.

Mr. Lloyd responded yes.

Mr. Moorefield suggested that mobile homes being left on the property could be a problem if the comingling is allowed. The applicant is well intentioned on what he thinks will happen, but if it doesn't happen, how is that going to be fixed. It might be appropriate to ask the applicant to address that a little bit.

Chair Epler stated that it would be easier to move the RV's than it would be to move the mobile homes.

Mr. Moorefield stated that was true, but a conditional use district is being created and permitting a changed use, a new use. There could be problems, and six months is not an

unreasonable time to move a mobile home. Mr. Moorefield stated that he was not sure if there is an appropriate plan for handling what's going to happen if anything falls apart.

Mr. Lloyd stated that Mr. Moorefield was right, the first thing when six month or a year is up, will we have the inspector's go out and tell Mr. Dean that he has to get the mobile homes out, how will that be enforced.

Mr. Lloyd asked Mr. Dean if he owned the mobile homes.

Mr. Dean stated that he did not own them he rented the lots.

Chair Epler said that if he doesn't meet the conditions of the district and the permit.....

Mr. Lloyd said that the RV Park could be closed down.

Mr. Moorefield suggested accommodating the applicant's interest by splitting it up somehow so that staff can tell that he is meeting the obligations that he has agreed to. There might not be a problem in the conditional use district and the permit to have mixed uses on that property as long as it's controlled.

Mr. Dean was asked the years of the mobile homes.

Mr. Dean stated that none of the mobile homes are prior to 1979.

Ms. Hall asked if there were any deserted mobile homes in the mobile home park at the current time.

Mr. Dean said that there are some that are in the process of moving and two that are empty.

Mr. Morris stated that a potential problem could be is that if something isn't done, this thing is going to dry up, it will get foreclosed on, and the County is left with an abandoned mobile home park in the middle of Hope Mills.

Mr. Lloyd asked Mr. Morris to repeat his suggestion.

Mr. Morris said that we use the power lines and put a six month time frame on the lakeside and a twelve month time frame on the street side and that will move the process along.

Mr. Lloyd asked if Mr. Morris was also agreeing that six months he would have to move the mobile homes out but, no RV's go in until all the mobile homes are out.

Mr. Morris said that would make that clock become 2 ½ months because he is going to want them out.

Mr. Moorefield asked Mr. Dean how many mobile homes were in the park.

Mr. Dean said there were approximately 48 mobile homes.

Mr. Morris made a motion, seconded by Mr. McLaurin, that the Joint Planning Board finds that this Conditional Use District is reasonable, neither arbitrary nor

unduly discriminatory, and in the public interest, and that the Conditional Use District for the RV Park / Campground be approved as submitted by application. Unanimous approval.

Mr. Morris advised Mr. Dean that he was going to make a motion to approve the transition from mobile home park to RV Park within 6 months without any RV's being in there from the street side of the power line without any RV's being moved in that he would transition that group out. Within 12 months without any RV's being in there lakeside of the power lines you will have all of the mobile homes out with no RV's in there within a 12 month timeline, and agree to the recombination, the fire hydrant, and sidewalks.

Mr. Dean said that DOT will put the fire hydrants in and everything is okay and agreed to the conditions.

Chair Epler asked at what point these three conditions have to be met.

Mr. Lloyd said before a permit is issued for the RV.

Mr. Moorefield reminded Mr. Dean that these were not independent acts, and must abide by the conditions of doing a complete job of getting the mobile homes out before moving RV's in or he would forfeit his permit.

Mr. Dean said he understood that he would have to do a complete job.

A motion was made by Mr. Morris and seconded by Mr. McLaurin to approve the Conditional Use Permit if all conditions are complied with after finding that when completed, 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 land use plan, thoroughfare plan or other plan as officially adopted by the Board of Commissioners, the proposed plan is that there will be no RV's from the street side to the power lines until all of the mobile homes are removed within 6 months from the date of the Commissioner's approval and that the remaining half of the property all mobile homes removed within a period of 12 months no RV's until that time and that the conditions of the applications are met to include the recombination, the fire hydrant, and the sidewalks. Unanimous approval.

IX. PUBLIC HEARING WAIVER REQUEST

CASE NO. 10-089. CONSIDERATION OF THE ROXY PARHAM PROPERTY, REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE DIRECT VEHICULAR ACCESS TO A PUBLIC STREET OR APPROVED PRIVATE STREET, COUNTY SUBDIVISION ORDINANCE, SECTION 2401 GROUP DEVELOPMENTS, D. STREET ACCESS; ZONING: A1; TOTAL ACREAGE: 28.18+/-; LOCATED AT 8927 AVERY ROAD; SUBMITTED BY ROXY PARHAM (OWNER).

Mr. Lloyd stated that this was a request to allow the placement of a second structure on a landlocked lot.

Ms. Roxy Parham came forward (Chair Epler swore in Ms. Parham). Ms. Parham spoke in favor and stated that she was the owner. Ms. Parham stated that she owned the entire

section of land and according to the inspections department advised that she needed to come and request the waiver because that road is not State maintained. She has enough acreage to put two residences on there. Ms. Parham stated that her husband passed away in March and her son will be moving onto the property and will be left to him in a living trust that she has now, and that her next door neighbor just had one done as well.

There were no more speakers present.

Public Hearing closed.

Mr. McLaurin made a motion to approve the request, seconded by Mr. Morris that the Joint Planning Board for the County of Cumberland having held a public hearing to consider the waiver request for Case No. 10-089 requesting to place a second dwelling unit on a tract of land greater than ten acres using an existing 30 foot wide ingress/egress easement for access purposes and develop the subject property in a manner not permissible under the literal terms of the County Subdivision Ordinance and having heard all of the evidence and arguments presented, the board makes the following findings of fact and draws the following conclusions (1) it is the Planning Board's conclusion that because of other unusual physical conditions strict compliance with the provisions of the Cumberland County Subdivision Ordinance because of the size of the existing lot of over 28.18 acres it would be inequitable not to allow a separate unit on such a large tract and strict compliance with the provisions of the ordinances would cause a special and unnecessary hardship if the owner were required to upgrade the ingress/egress easement to street status given the majority of the land area in which the easement process is not under the owners control, (2) it is the board's conclusion that the purpose of the County's Subdivision and Zoning Ordinances are being served to an equal or greater degree, in that there is an existing deeded ingress/egress easement, assigned a street name for emergency services purposes that assures access to this lot and adjacent lots within the area, (3) The property owner is not being afforded a special privilege denied to others since the Planning Board has approved similar requests when there have been comparable facts and circumstances. Because of the foregoing I move that the request for the waiver be approved. Unanimous approval.

X. DISCUSSION

XI. FOR YOUR INFORMATION

DIRECTORS UPDATE

- Mr. Lloyd advised that the Board would be receiving more memos in the future regarding the Interlocal Agreement and the County Transportation Program.

XII. ADJOURNMENT

There being no further business, the meeting adjourned at 8:55 p.m.