



John M. Gillis, Jr., Chair
Cumberland County

Clifton McNeill, Jr., Vice-Chair
Cumberland County
David Averette,
Cumberland County
Dallas Byrd, Town of Stedman
Charles C. Morris,
Town of Linden

COUNTY *of* CUMBERLAND

Planning and Inspection Department

Nancy Roy, AICP
Planning & Inspection
Director

Joe W. Mullinax,
Town of Spring Lake
Jerry Olsen,
Wade, Falcon
& Godwin
Dr. Marion Gillis-Olion,
Cumberland County

MINUTES

May 20, 2003
7:00 p.m.

Members Present

John M. Gillis, Chair
Clifton McNeill, Vice-Chair
David Averette
Dallas Byrd
Charles Morris
Joe W. Mullinax
Jerry Olsen

Members Absent

Marion Gillis-Olion

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Case P03-45 was moved from Public Hearing to Consent items. Case P03-42 was moved from Consent to Public Hearing items. A motion was made and seconded to approve the Agenda with the above changes. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

Mr. Lloyd asked that Case P03-30 be deferred until June 17, 2003 in order for staff to reach an agreement with the applicant. A motion was made by Vice-Chair McNeill and seconded by Mr. Byrd to defer Case P03-30 until June 17, 2003. The motion passed unanimously.

IV. ABSTENTIONS BY BOARD MEMBERS

Chair Gillis said that he would abstain from discussion and voting on Case P03-48.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd explained the Board policy regarding public hearing time limits.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF MAY 6, 2003

A motion was made by Mr. Averette and seconded by Mr. Byrd to approve the Minutes of May 6, 2003 as written. The motion passed unanimously.

REZONING CASES

A. P03-30: REZONING OF 93.65 ACRES FROM A1 TO R20, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 676 FLYERS DRIVE, OWNED BY DAVID C. AND SUE B. RAYNOR.

This case was deferred until June 17, 2003.

B. P03-43: REZONING OF 1.87 ACRES FROM R6A TO C(P), OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3840 LEGION ROAD, OWNED BY JAMES C. AND CATHERINE MELVIN.

The Planning staff recommended approval of the C(P) Planned Commercial District based on the following:

1. The rezoning will bring the current use into conformity; and
2. The uses allowed in the C(P) District are consistent with the development in the area.

The Planning staff found that the C1 Local Business and O&I Office and Institutional Districts are also suitable for this location.

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

A motion was made by Mr. Olsen and seconded by Mr. Byrd to follow the staff recommendations and approve the C(P) Planned Commercial District. The motion passed unanimously.

C. P03-45: REZONING OF 1.50 ACRES FROM HSP TO C3, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2527 GILLESPIE STREET, OWNED BY BILLY R. AND CATHERINE W. PARKER.

The Planning staff recommended denial of the C3 Heavy Commercial District and approval of the C1 Local Business District based on the following:

1. Some of the uses allowed in the C3 District are not suitable for this area; and
2. The uses allowed in the C1 District are consistent with the development in and character of the area.

The Planning staff found that there are no suitable intervening districts for this site.

Note: Prior to the meeting the petitioner asked that his request be changed to C1 and said that he had made a mistake on his application.

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

A motion was made by Mr. Olsen and seconded by Mr. Byrd to follow the staff recommendations and approve the C1 Local Business District. The motion passed unanimously.

- D. P03-48: REZONING OF 1.30 ACRES FROM RR TO R10, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1461 FERNDLELL DRIVE, OWNED BY LARRY STOAFAER AND GILLIS DEVELOPMENT CORP.

Chair Gillis left the room.

The Planning staff recommended approval of the R10 Residential District based on the following:

1. The 2010 Land Use Plan calls for low-density residential use at this location.

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

A motion was made by Mr. Olsen and seconded by Mr. Mullinax to follow the staff recommendations and approve the R10 Residential District. The motion passed unanimously.

Chair Gillis returned to the room.

CONDITIONAL USE OVERLAY CASES

- E. P03-40: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AN OFFICE FOR A TRUCKING BUSINESS AND PARKING OF TRUCKS ON .95 ACRES IN AN R6A DISTRICT, AT 4646 SOUTH MAIN STREET, OWNED BY JAMES E. AND ESTER A. CLARK.

Packet material was introduced into the record.

The Planning staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommended approval of the Conditional Use Overlay Permit based on the findings that 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 2010 Land Use and Thoroughfare Plans.

The Planning staff recommended that the following conditions be applied to the Conditional Use Overlay Permit:

1. Hours of operation: Monday—Friday, 10:00 a.m. to 5:00 p.m.
2. Employees—Six
3. Trucks kept on site—Three
4. Lighting in rear
5. Employees drive the trucks home. They do not park on site.

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

A motion was made by Mr. Olsen and seconded by Vice-Chair McNeill to follow the staff recommendations and approve the Conditional Use Overlay District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Mr. Olsen and seconded by Vice Chair McNeill to approve the Conditional Use Overlay Permit after finding that when completed, the proposed: 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 officially adopted by the Board of Commissioners.

The following conditions were included in the motion:

1. Hours of operation: Monday—Friday, 10:00 a.m. to 5:00 p.m.
2. Employees—Six
3. Trucks kept on site—Three
4. Lighting in rear
5. Employees drive the trucks home. They do not park on site.

The motion passed unanimously.

- F. P03-49: REVISION OF A CONDITIONAL USE OVERLAY PERMIT TO INCREASE THE SIZE OF A STATUARY BUSINESS, TO ADD A SHOP FOR THE STATUARY BUSINESS AND TO ALLOW LAWN AND GARDEN SALES ON 2.03 ACRES, IN AN R6A DISTRICT, ON THE SOUTHWEST SIDE OF SOUTH MAIN STREET, WEST OF I-95 BUSINESS, OWNED BY RALPH AND CAROL CRAWFORD.

Packet material was introduced into the record.

The Planning staff recommends approval of the revision to the Conditional Use Overlay Permit based on the findings that 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 2010 Land Use and Thoroughfare Plans.

Note: No conditions were listed in the application.

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

A motion was made by Mr. Olsen and seconded by Vice-Chair McNeill to follow the staff recommendations and approve the Conditional Use Overlay District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Mr. Olsen and seconded by Vice Chair McNeill to approve the Conditional Use Overlay Permit after finding that when completed, the proposed: 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 officially adopted by the Board of Commissioners. The motion passed unanimously.

AMENDMENTS

A. P03-22: REVISION AND AMENDMENTS TO THE CUMBERLAND COUNTY CODE OF ORDINANCES, SECTION 7.23, "FENCES AND WALLS."

The County Board of Adjustment requested this amendment, and staff recommended approval based on the following:

1. The amendment will allow many existing non-conforming fences to become conforming without compromising the intent of the Section.

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

A motion was made by Mr. Mullinax and seconded by Mr. Olsen to follow the staff recommendations and approve the amendment.

Mr. Averette expressed concern that the fencing on through lots should also require a 15-foot setback. He said that they should either both require 15 feet or both go to the property line. Mr. Lloyd said if there is no access easement, then access won't be permitted off of the road, and the yard is treated as a rear yard and fencing allowed. He said that the 15-foot requirement is for sight reasons. Mr. Averette said even if there is a no access easement, 15 feet is still needed for sight. He said that the statement is only on the plats, and the 15 feet should apply to both. Mr. Lloyd said that the NC Department of Transportation does not allow curb cuts off of no access easements. He said that the staff's practice is to place on all double front yards, one no access easement.

Upon a vote on the motion, it passed unanimously.

B. P03-44: REVISION AND AMENDMENTS TO THE CUMBERLAND COUNTY CODE OF ORDINANCES, APPENDIX A, SECTION 7.27, "BUFFER REQUIREMENTS."

The Planning staff recommended approval of the amendment based on the following:

1. The staff and Land Use Codes Committee feel that all uses other than single-family residential should be buffered from commercial development.

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

A motion was made by Mr. Mullinax and seconded by Mr. Olsen to follow the staff recommendations and approve the amendment. The motion passed unanimously.

- C. P03-46: REVISION AND AMENDMENTS TO THE TOWN OF STEDMAN ZONING ORDINANCE, SECTION 3.1, "TABULATION OF PERMITTED USES," TABLE 1-D.

The Planning staff recommends approval of the amendment based on the following:

1. The amendment is consistent with the County Zoning Ordinance.

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

A motion was made by Mr. Mullinax and seconded by Mr. Olsen to follow the staff recommendations and approve the amendment. The motion passed unanimously.

VII. PUBLIC HEARING ITEMS

- A. P03-42: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A BINGO PARLOR ON 2.33 ACRES IN A C1 DISTRICT AT 500 NORTH REILLY ROAD, OWNED BY JOSE AND JUANA PRIETO.

Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd asked that the packet material be introduced into the record. He reported that the Planning staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommended approval of the Conditional Use Overlay Permit based on the findings that 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
5. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

The Planning staff recommended that the following conditions be applied to the Conditional Use Overlay Permit:

1. Hours of operation: Monday and Wednesday, 6:00 p.m. to 11:00 p.m.
2. Employees: Six
3. Signage: In accordance with Section 9.4 of the Zoning Ordinance

No one appeared in favor of the request.

Ms. Nancy Torres appeared in opposition and said that she represents the LaGrange Subdivision and Baptist Church. She said that the strip mall is located directly across from the church, and they don't want Bingo there. She said that it will bring unsavory people, and that kids walk by the strip mall. She said that the C1 District is for shopping, and she didn't know what kind of shopping can be done at a Bingo parlor.

Mr. Olsen said that the Bingo parlor is only to be open on Mondays and Wednesdays from 6:00 p.m. until 11:00 p.m., and he didn't think that kids would be walking around at those times. He said that the church might meet on Wednesday evenings, but he didn't see a conflict.

Vice-Chair McNeill asked if other businesses are operating in the strip mall, and Mr. Lloyd said that they are. Vice-Chair McNeill said that he could see Ms. Torres' point as he's also Baptist, and there are many people who don't agree with Bingo or lotteries. He said that these are legal operations, and the Board isn't in a position to dictate morality. He said that the Board must look at whether the use is appropriate at this location.

Nine others in the audience were also in opposition to the request.

A motion was made by Mr. Olsen and seconded by Mr. Morris to follow the staff recommendations and approve the Conditional Use Overlay District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Mr. Olsen and seconded by Mr. Olsen to approve the Conditional Use Overlay Permit after finding that when completed, the proposed: 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 officially adopted by the Board of Commissioners.

The following conditions were attached to the motion:

- 1. Hours of operation: Monday and Wednesday, 6:00 p.m. to 11:00 p.m.**
- 2. Employees: Six**
- 3. Signage: In accordance with Section 9.4 of the Zoning Ordinance**

Vice-Chair McNeill said that the only question he has is with the third issue above regarding harmony with the area. Mr. Olsen said that he agreed; however, the use is in harmony with the uses in the shopping mall.

Mr. Mullinax asked how far the strip mall was located from the church building. Mr. Lloyd said that it was about 450 feet.

Vice-Chair McNeill asked what the staff considers when determining if a use is in harmony. Mr. Lloyd said that the use is classified as a recreational use, and the hours of operation and traffic generated are also considered. He added that there are actually churches that operate Bingo parlors as accessory uses.

Upon a vote on the motion, it passed unanimously.

VIII. DISCUSSION

A. REPORT ON COUNTY COMMISSIONERS' MEETING—MARION OLION

Chair Gillis reported that at the Commissioners' meeting the previous evening, all cases were approved on the consent agenda. He said that it was one of the quickest meetings he has attended.

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Ms. Roy reported that Mr. Morris had received his packet by email. She thanked Ms. McFayden and Ms. Cashwell for their effort in making this possible. She asked if anyone else wanted to receive their packets by email. Mr. Averette said that he would. Ms. Roy asked for any suggestions to relay to staff. Mr. Mullinax asked if the packet information could be saved on a disk and then mailed. Ms. McFayden said that it could. Chair Gillis said that the only drawback is that the members still need a hard copy for anyone not owning a laptop. Ms. Roy said that there would be three laptops available for the June 3rd meeting to see if the Board finds them more helpful. Chair Gillis said that the time involved in creating these different forms of getting the packets out needs to be examined.

Ms. Roy reported that Fayetteville has been selected to host the NC American Planning Association Conference in 2005. She said that Winston-Salem will host the 2003, Asheville 2004, and Hickory in 2005. She said that between 200 and 300 planners should attend, and it is an opportunity for the community to showcase their good planning efforts.

B. BUFFERING AMENDMENT

Mr. Averette said that the members of the Codes Committee reviewed the fence and buffer amendments. He called the Board's attention to the section of the buffering amendment that requires buffering between two residential uses—multi-family and single-family dwellings. He said that this will segregate neighborhoods, and planners are attempting to connect neighborhoods.

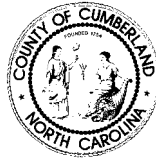
C. COMPREHENSIVE PLANNING COMMITTEE—JOE MULLINAX

Mr. Mullinax reported that the Committee met prior to the Planning Board meeting and outlined the goals for farmland preservation. He said that the duties were expanded to include rural preservation also. He said that meetings are scheduled for June 10 and 24 at 7:00 p.m. to meet with representatives from the farming and agricultural communities to assist with preserving the areas. Mr. Mullinax pointed out that just as those individuals who chose to live next to Fort Bragg knew that there would be noise and nuisance issues to contend with, those moving into rural farm areas will also have odors, noise and nuisance issues.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:55 p.m.

John M. Gillis, Jr., Chair
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COUNTY *of* CUMBERLAND

Planning and Inspection Department

MINUTES Comprehensive Planning Committee May 20, 2003

Members

Others Present

Joe W. Mullinax, Moderator (P)

Nancy Roy

David Averette (P)

Will A. Denning

John M. Gillis, (P)

Thomas J. Lloyd

Clifton McNeill (P)

Matthew Rooney

Marion Gillis-Olion (A)

Barbara Swilley

Jerry Olsen (P)

Moderator Mullinax called the meeting to order at 6:00 p.m.

A motion was made by Mr. Olsen and seconded by Mr. McNeill to approve the Minutes of December 3, 2002 as written. The motion passed unanimously.

Ms. Roy reviewed the goals listed in the 2010 Land Use Plan for farmland preservation. (See Attachment I.)

Ms. Roy reviewed the recommendations of the Land Use Plan and actions taken on each. (See Attachment II.)

Mr. McNeill said that former Planning Director Barry Warren had been working on conveying farmland through subdivisions to children. He said that this fits into the work to be done by the Committee. He said that to sustain bona fide farms, they must someday change hands. He said the inheritance taxes are making it smart to subdivide the farms and develop or make smaller farms.

Mr. Gillis said that special consideration should be given to farms based on their size, road accessibility, etc. Mr. McNeill agreed and said that they should not be treated the same as developed property. He said that there needs to be a mechanism in place or larger farms will be forced to go out of business. He said that farms need to be able to be transferred from generation to generation. He said that possibly development rights (transferring density) will work. Mr. Gillis agreed and said that this is a crucial issue in dealing fairly with farmland protection.

Mr. Gillis said that the purpose of preservation is to preserve a lifestyle, and it is a very complex issue. He said that the Committee will have to look at whose interest will be preserved.

Moderator Mullinax asked if other municipalities have asked these questions. Mr. Lloyd said that a report came out last week regarding the demise of farms in the triangle.

Mr. Gillis said that they are talking about putting limitations on bona fide farms as well as limitations on the transfer of ownership of property.

Mr. McNeill said that he still has concerns about people who want to live in the country because of the large impact that they have on farms.

Mr. Olsen said brought up the water and sewer issue. He said that it is smart to put water throughout the County, but not sewer in the rural areas.

Mr. Gillis said that some people are more concerned about preserving open space—not farmland. Ms. Roy said that there might be a need to keep farmland and rural land separate.

Moderator Mullinax said that the Committee was taxed to deal with farmland. He asked if they wanted to consider rural also.

Mr. Olsen said that he keeps returning to the idea of forming a Farmland Advisory Committee. He said that they would learn more, and the recommendations would be more accepted. Ms. Roy said that this could lay the groundwork for this section of the 2030 Land Use Plan.

Matt Rooney displayed and explained maps indicating the existing farmland in the state. It included the number of farms, acreage, average farm size and farm percentage of total area in all counties. (Attachment III is a chart of this data.)

Moderator Mullinax received the consensus of the Committee that rural preservation should also be included with farm preservation. Mr. Roy suggested a brainstorming session about the purposes of farmland preservation and rural preservation.

Mr. Olsen asked Mr. Gillis to speak with Mr. Baggett, Chair of the Commissioners, to see what direction he'd like to see the Committee head and his input on a Farmland Advisory Committee.

The Committee agreed to invite members of the Farm Bureau, Cooperative Extension and other farm-related organizations to the next meeting. Moderator Mullinax said that at some point Fort Bragg would also be asked for input.

The members agreed to meet on the second and fourth Tuesday evenings in order to have more time.

At 6:55 p.m., the meeting recessed until 7:00 p.m. June 10, 2003.