

Roy Turner,
Chair
Cumberland County

Walter Clark,
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



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES

December 20, 2011

Members Present

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

Members Absent

Mr. Harvey Cain, Jr.
Mrs. Sara Piland

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. Epler delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Case P11-61 was pulled from the Consent Items and moved to Contested Items.

III. PUBLIC HEARING DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

Mrs. Epler would abstain from voting on Case P07-75.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF NOVEMBER 15, 2011

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

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P11-57:** REZONING OF .18+/- ACRE FROM R10 RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 623

CHAPEL HILL ROAD, SUBMITTED BY ARLETHIA WALTON (POA) ON BEHALF OF GERTRUDE K. MEEKS (OWNER).

The Planning & Inspections Staff recommends approval of the R6A Residential district based on the following:

1. Although the request is not entirely consistent with the location criteria for “urban” as listed in the Land Use Policies of the 2030 Growth Vision Plan, which calls for public sewer and is not available, the request is consistent with the Spring Lake Area Detailed Land Use Plan because public water is provided, and septic systems are allowed dependent upon soil types where public sewer is not available; and
2. The request is consistent with surrounding zoning and land uses.

There are no other districts considered suitable for this request.

Mr. Morris made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve Case P11-57 for R6A. Unanimous approval.

- B. **P11-59:** REZONING OF 2.52+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF US HWY 401 (RAMSEY STREET) AND NORTH OF I-295 SOUTH; SUBMITTED BY RICHARD WILLIAM JR. AND BRENDA O’QUINN SWANN (OWNERS).

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

1. The request is generally consistent with the location criteria for “urban” as listed in the Land Use Policies of the 2030 Growth Vision Plan as well as with the North Fayetteville Land Use Plan which calls for “heavy commercial” at this location;
2. The location and character of the use will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

Mr. Morris made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve Case P11-59 for C1(P). Unanimous approval.

- C. **P11-60:** REZONING OF .69+/- ACRE FROM C(P) PLANNED COMMERCIAL TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2969 AB CARTER ROAD, SUBMITTED BY WILLIAM K. AND SHERRI H. PIERCE ON BEHALF OF PIERCE INVESTMENT PROPERTIES, INC. (OWNER).

The Planning & Inspections Staff recommends approval of the R30 Residential district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban” and “urban fringe” at this location, as well as meeting the location criteria for suburban density residential development as listed in the Land Use Policies Plan;

2. The request is reasonable since approval will cure the nonconformity of the existing use of the property; and
3. The location and character of the use will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

Mr. Morris made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve Case P11-60 for R30 Residential district. Unanimous approval.

CONDITIONAL USE PERMIT

- D. **P07-75:** MODIFICATION OF THE PERMIT FOR AN APPROVED C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR A MINI-WAREHOUSING, RETAIL/OFFICE SPACE, SECOND FLOOR DWELLING AND CAR WASH, WITH THE PERMIT ALLOWING FOR THE OUTSIDE STORAGE OF MOTOR VEHICLES; CONSISTING OF 11.66+/- ACRES; LOCATED AT THE SOUTH QUADRANT OF SR 1003 (CAMDEN ROAD) AND SR 1112 (ROCKFISH ROAD); SUBMITTED BY MICHAEL G. AND BARBARA J. WAGUESPACK ON BEHALF OF USA STORAGE CENTER, LLC. (OWNER).

The Planning and Inspections Staff recommends approval of the modification to the Permit for the C(P) Planned Commercial/CUD Conditional Use District to allow outside storage of motor vehicles (Condition No. 7) for this request based on the following:

1. The change in the condition will not materially endanger the public health or safety if located according to the plan submitted with all development standards being met or exceeded;
2. The use and the proposed development will meet all required conditions and specifications if developed according to the site plan, application and the attached *Ordinance Related Conditions*;
3. The use will maintain or enhance the value of adjoining or abutting properties if developed as proposed in that the property owner proposes to better organize the site with a designated area for the vehicle storage that is screened from view from the public streets with a six foot opaque fence; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and the site in general will be developed in conformance with the development ordinances and adopted planning policies.

The property owner has voluntarily agreed to this staff recommendation and the attached *Ordinance Related Conditions*.

Mr. Morris made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve the amended condition to allow outside storage of motor vehicles as shown on the site plan for Case P07-75 for C(P) Planned Commercial/CUD. Unanimous approval with Mrs. Epler abstaining from the vote.

VIII. CONTESTED ITEMS

REZONING CASES

- F. **P11-58:** REZONING OF 2.64+/- ACRES FROM RR RURAL RESIDENTIAL AND R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1003 (CAMDEN ROAD), EAST OF NC 59 (HOPE MILLS ROAD); SUBMITTED BY NEIL E. SMITH ON BEHALF OF SMITH FAMILY CONSERVANCY, LLC. (OWNER).

Mr. Lloyd stated the Planning and Inspections Staff recommends denial of the C(P) Planned Commercial district for this request based on the following:

1. The request for C(P) Planned Commercial is not consistent with all of the location criteria for "heavy commercial", as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan specifically the subject property is not of adequate shape or size to meet the minimum standards for C(P) setbacks, off-street parking, stormwater runoff, buffering, screening and landscaping for all uses permitted within the district;
2. Approval of the request for the C(P) Planned Commercial district at this location would allow for development that very likely would nullify the recent public improvements to the basic infrastructure which in part were intended to improve the public safety and aesthetics by alleviating flooding, improving water quality and protecting the wildlife habitat; and
3. The request is not reasonable because approval of the request will promote strip commercial development along Camden Road and encroach commercial into an area that is more suitable for preservation due to the environmental constraints of the subject and surrounding properties.

The staff may consider a more favorable recommendation if the property owner submitted for a Conditional Zoning district with the site plan depicting the intended use of the subject property. Furthermore, the staff encourages the board to consider CD Conservancy zoning for that portion of the subject property located within the *Special Flood Hazard Area* and the floodway.

Mr. Lloyd stated the petitioner was amending the request and staff would not be in opposition to the amended request.

Mr. Neil Yarborough spoke in favor representing the petitioner. Mr. Yarborough explained that the only thing they were asking for was additional road access for another entrance to the Camden Crossing Shopping Center. Since roadwork had been completed by DOT they need an additional outlet into the shopping center. They are only asking for .3+/- acres to be rezoned.

Mr. Moorefield asked for clarification if staff was comfortable with the revision.

Mr. Lloyd said yes.

Mrs. Epler made a motion, seconded by Mr. McLaurin to approve the amended request for case P11-58 for C(P). Unanimous approval.

- G. **P11-61:** REZONING OF 611+/- ACRES FROM A1 AGRICULTURAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF SR 2243 (ROSLIN FARM ROAD) AND SOUTHWEST OF SR 2242 (BRAXTON ROAD); SUBMITTED P. R. BARKER JR. (OWNER) AND FAYETTEVILLE – CUMBERLAND COUNTY CHAMBER OF COMMERCE.

Mr. Lloyd stated the Planning and Inspections Staff recommends approval of the M(P) Planned Industrial district for this request based on the following:

1. The request for M(P) at this location is consistent with all of the location criteria for “heavy industrial/ manufacturing” as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan, specifically:
 - a. Public water and sewer is available to the subject property;
 - b. The subject property has direct access to Roslin Farm Road, which is an arterial street;
 - c. The surrounding property is predominantly zoned A1 Agricultural;
 - d. The tract is of sufficient size to accommodate buffering, screening and landscaping along with all other minimum ordinance requirements; and
 - e. The property is located outside the *Special Flood Hazard Area*;
2. Approval of this request would be consistent with the objectives of the Land Use Policies Plan, in particular: promoting efforts that encourage new industrial development and providing sufficient zoned industrial areas to accommodate the needs of present and future County residents; and
3. Industrial operations at this location would be more appropriate than other uses due to the nature of the soils and the ability to ensure adequate engineering measures capable of ensuring there are no negative effects on the surrounding properties.

There are no other zoning districts suitable as related to this request.

There were people present to speak for and against the request.

Doug Peters, President/CEO of the Fayetteville-Cumberland County Chamber of Commerce, spoke in favor. Mr. Peter’s stated that the Chamber has a commitment to attract economic opportunity to the community and the benefit of its citizens. Economic development today is largely about relationships. The chamber manages relationships with nearly 200 site selection consultants on an international scale. Site selection in today’s environment is that of site elimination. Consultants are looking for reasons to eliminate communities rather than a reason to include them for consideration for new industrial development. Preparedness will be this community’s long term key to economic success. Successful communities of this size will have available sites of at least 500 acres. There is limited product in the County particularly with interstate frontage and accessibility to utilities and other necessary infrastructure near the site. The subject property has those characteristics; the rezoning is consistent with the County’s Land Use Plan. Hope Mills is enjoying tremendous retail and service related success today, and it hasn’t always been that way. Hope Mills used to be home to a thriving textile industry, in order for a community to thrive, those high paying sustainable jobs are necessary. Those textile companies are gone and so are the jobs that went with them. The subject property just inside of the County boundary is suitable for industrial development. Truck traffic to and from the property would enter and exit from the southern Roslyn Farm Road, which

is technically on the western side. Short term or long term traffic concerns are not anticipated on Chicken Foot or that portion of Braxton Road that intersects Chicken Foot Road. The expected noise and odor levels will be negligible as they are selective in the kinds of companies they pursue. Great effort will be made to minimize impacts on existing or new property owners in the area and that includes the elementary school.

Mr. Greg McLean spoke in opposition. Mr. McLean presented documents which listed his concerns. Mr. McLean stated that his major concern was with environmental issues and feels that this is the wrong kind of zoning for this area and that property values will drop just by the zoning alone. Mr. McLean feels that an industrial park should be located at sites that are not being used that are already zoned for that.

Anthony Minor spoke in opposition. Mr. Minor stated that there are \$200 - \$300 thousand dollar homes that surround the subject property. Mr. Minor stated that his concerns were with the increased traffic hazards that would accompany this development.

Gillian Merrill spoke in opposition. Ms. Merrill stated that her only concern was with the increased traffic.

Kelly Garcia, Paul Garcia, Randy Lates, Rhonda Hogan reiterated what the previous speakers said.

Mr. Troy Iverson spoke in opposition. Mr. Iverson asked everyone who was present in opposition to stand. Everyone in the audience stood.

Mr. Peters spoke in rebuttal to the opposition. Mr. Peter's stated that he respected and appreciated everything that was said. Mr. Peter's stated that there are crews out at the site doing soil borings to ensure that the site is capable of holding manufacturing type of operations. Mr. Peter's advised that the long term plans were to make adjustments to the road so that it would be an intersection without a "y" in the road. There is no one who wants anything less than a value added manufacturing company there. If the land is rezoned there will be a lot of conscious thought that goes into the intended use.

Mr. Turner asked if there were any other area's available.

Mr. Peters stated that there are other available industrial areas, but none that are contiguous to one another that would be suitable to a larger industrial user.

Mr. Turner stated that he felt that a lot of the people who live around this area have a certain concern, if this were to be passed, as to what exactly would go in there.

Mrs. Epler stated that as a board they have to make recommendations as to what's best for the County as a whole.

Mr. McLaurin read the intent and purpose of the County Zoning Ordinance and the M(P) District and stated that the Zoning Ordinance served as the board's guide.

Ms. Hall stated that the Walmart distribution center, which was not far from the subject property, and was also in the middle of a farm community. In today's economy we have to consider job opportunities. The Walmart distribution center has not impacted that community in a bad way.

Mr. McLaurin made a motion to deny the petitioner's request, seconded by Mr. Turner. The motion failed to pass.

Mrs. Epler made a motion, seconded by Mr. Clark, to follow the staff recommendation and approve case P11-61 for M(P). The motion passed with Mr. McLaurin and Mr. Turner voting in opposition.

IX. DISCUSSION

DIRECTOR'S UPDATE

- TERMINATION OF THE MIA AGREEMENT

The board approved the letter presented by Mr. Turner.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.