



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
June 7, 2016

Members Present

Ms. Patricia Hall, Chair
Mr. Charles Morris, Vice-Chair
Mr. Benny Pearce
Mr. Donovan McLaurin
Mrs. Jami McLaughlin
Mr. Walter Clark
Dr. Vikki Andrews
Mr. Harvey Cain, Jr.
Mr. Carl Manning

Members Absent

Mrs. Diane Wheatley

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

Vice-Chair Morris delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

There were none.

Mr. Morris made a motion to approve the agenda, seconded by Dr. Andrews. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL

- A. **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).

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

The policy statement was not needed.

VI. APPROVAL OF THE MINUTES OF APRIL 19, 2016

Mrs. McLaughlin made a motion to accept the minutes as submitted, seconded by Mr. Manning. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- B. **P16-20.** REZONING OF 1.50+/- ACRES FROM M(P) PLANNED INDUSTRIAL & R6A RESIDENTIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 2337 (WILMINGTON HIGHWAY), NORTH SIDE OF SR 3904 (STANLEY STREET); SUBMITTED BY SHERLENE M. ETHRIDGE (OWNER) AND WILLIAM S. ETHRIDGE (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-20 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location because the district requested will allow for a mix of single family and multi-family dwellings. Although the request is not consistent with the South Central Land Use Plan which calls for “airport oriented uses” at this location, the size of the subject property will limit the number of units allowed.

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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required, public water and sewer is available; must have direct access to a collector street, Wilmington Highway is a minor arterial street; must not be located in any defined critical area as defined by the Fort Bragg Small Area Study and Fayetteville Regional Airport Plan; and desirable to be a transition between non-residential, higher density and lower density residential areas.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-20 for the R6 Residential based on the following:

- The R6 Residential district will allow for land uses and lot sizes that exist in the general area.

The R7.5 and R15 Residential districts are also suitable for this location.

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

- C. **P16-21.** REZONING OF 3.40+/- ACRES FROM A1 AGRICULTURAL/CU CONDITIONAL USE FOR AN ADDITIONAL DWELLING & A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6833 ROSLIN FARM ROAD, SUBMITTED BY JOYCE G. CANADY (OWNER) AND CHRISTINA PATE (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-21 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” at this location. The request is also consistent with the South Central Land Use Plan which calls for “suburban density residential” at this location.

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-21 for the R40A Residential based on 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 suitable for this request at this location.

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

- D. **P16-23.** REZONING OF 1.00+/- ACRE FROM R40 RESIDENTIAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5343 DUNN ROAD, SUBMITTED BY ANITA WILLIAMS GRIFFIN, TIMOTHY LYNN GRIFFIN & JAMES MCNEIL WILLIAMS (OWNERS). (EASTOVER)

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-23 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth” at this location as the proposed district would allow development at approximately one unit per acre. Although the requested district is not entirely consistent with the Eastover Detailed 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. P16-23 for the R40A 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 Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

- E. **P16-24.** REZONING OF 31.60+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2901 WILMINGTON HIGHWAY, SUBMITTED BY CAROLYN JEANETTE TYSON (OWNER) & LORI S. EPLER, LARRY KING & ASSOCIATES (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-24 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban and conservation” at this location. The request is also consistent with the South Central Cumberland Land Use Plan, which calls for “Suburban residential and open space” at this location as it will allow for land uses and lot sizes comparable to those in the surrounding area.

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 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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-24 for the A1 Agricultural and CD Conservancy district where the Special Flood Hazard Area (SFHA) and floodway exists based on the following:

- The subject and surrounding properties were initially zoned M(P) in 1979 but have mostly remained legal nonconforming residential or are undeveloped.

The applicant has not agreed with the staff recommendation. There are no other districts considered suitable for this request.

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

- F. **P16-25.** REZONING 1.14+/- ACRES FROM RR RESIDENTIAL TO C2(P) PLANNED SERVICE & RETAIL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1112 (ROCKFISH ROAD), WEST OF SR 1113 (WALDOS BEACH ROAD); SUBMITTED BY BARBARA M. JOHNSON (OWNER) & ABY VARGHESE (AGENT).

1st MOTION

The Planning and Inspections Staff recommends denial of the C2(P) Planned Service & Retail but approval of the C1(P) Planned Local Business district for Case No. P16-25; The recommended district is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location. While the recommended district is not entirely consistent with the Southwest Cumberland Land Use Plan which calls for “medium density residential”, the subject property is located in an area that is in transition from residential to commercial.

The staff recommends the board further find that approval of the recommended 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: *public water and sewer required, public water and sewer (Hope Mills) is available; must have direct access to a collector street, Rockfish Road is a street; should serve as a transition between heavy commercial, office & institutional or residential development; should have other light commercial uses in the area; should provide convenient goods and services to the immediate surrounding neighborhood; and may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends denial of the requested district of C2(P) Planned Service and Retail but approval of the C1(P) Planned Local Business district based on the following :

1. The C1(P) Planned Local Business district is logical as there are similar commercial zoning districts and uses in the general area; and
2. Approval of the C1(P) Planned Local Business district at this location will limit future heavy commercial along the south side of Rockfish Road toward the existing residential area.

The applicant has verbally agreed with the staff recommendation.

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

TEXT AMENDMENT

- G. **P16-26.** REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, REGARDING PROVISIONS RELATED TO THE HISTORIC OVERLAY DISTRICT, SPECIFICALLY ARTICLE III ZONING DISTRICTS, SECTION 102A-302. ZONE CHARACTERISTICS, (G) OVERLAY

DISTRICTS, (3) HISTORIC OVERLAY DISTRICT (HOD); AND ARTICLE IX OVERLAY DISTRICTS, SECTION 102A-904. HISTORIC OVERLAY DISTRICT (HOD); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

1ST MOTION

The Planning and Inspections Staff recommends approval of Case No. P16-26 for a text amendment revising provisions related to the Historic Overlay District based on the following:

1. If approved, the proposed amendment would establish the standards used by the Historic Preservation Commission to maintain the character of the Historic Overlay District within the town.
2. The amendment was requested by the Town of Hope Mills.

2ND MOTION

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P16-26 is consistent with policy 10.6 of the *2030 Growth Vision Plan* which states that new development, redevelopment, rehabilitation and maintenance of structures and sites should be consistent and supportive of the neighborhood and architectural context of designated neighborhood conservation areas, such as the historic downtown of Hope Mills. It is also consistent with the Southwest Cumberland Land Use Plan as it will afford the Town and the Historic Preservation Commission the ability to enforce the historic preservation of properties within the Historic Overlay District.

The Planning and Inspections Staff further recommends the board find that the approval of the text amendment in Case No. P16-26 is reasonable because, if approved, historic properties worthy of protection will be preserved.

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

CONDITIONAL ZONING

- H. **P16-22.** REZONING OF 88.50+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING FOR A 56 LOT SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 2253 (SWANS CREEK CHURCH ROAD), SOUTH OF SR 2233 (SCHOOL ROAD); SUBMITTED BY MICHAEL S. BRYANT AND CURTIS C. POWELL (OWNERS) AND JIMMY KIZER, MOORMAN, KIZER & REITZEL, INC. (AGENT).

1ST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-22 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" at this location because the district requested will allow for single family dwelling units on relatively large lots in a rural area. Although the request is not consistent with the South Central Land Use Plan which calls for "farmland", it is consistent with the residential goals, in that the front 40 foot buffer preserves the character of the area, employs low impact development techniques and locates a residential developed area with respect to natural and environmental sensitive areas.

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 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; and may be outside the Sewer Service Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-22 for the R40 Residential/DD Density Development/CZ Conditional Zoning district for a 56 lot residential subdivision based on the following:

- The proposed development plan along with the Ordinance Related Conditions provides a means of protecting and retaining the rural viewshed of the area by providing the 40 foot wide roadside buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space.

Generally, there are no other districts 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 Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

VIII. PUBLIC HEARING CONTESTED ITEMS

CONDITIONAL ZONING

- I. **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).

Mr. Lloyd presented the case information and photos.

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 on June 15, 2015.

The staff recommends the board further find the 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: *public or community water and sewer required*, the adjacent subdivision is served by PWC utilities with the subject property served by PWC water; *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/CZ Conditional Zoning district based on the following:

1. 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.
2. A condition of approval has been added requiring submission of drainage plans, approved by NCDEQ, which must indicate no runoff will affect Dulles Road or any properties to the north and west of the subject property.

The R40 and R30 districts could also be considered suitable for this request. The property owner has voluntarily agreed to all Ordinance Related Conditions.”

Mr. Lloyd stated that there was opposition at the May Board of Commissioners’ meeting four people showed up not in opposition to the rezoning but to the runoff in the area and what the development of added density may add to the runoff.

Public hearing opened.

Thomas Neville, attorney representing the developer spoke in favor. Mr. Neville stated that they do not agree with the runoff statements that had been made. Mr. Neville presented an aerial photo of the subject property (Exhibit 1) to the Board. Mr. Neville stated that the subject property is surrounded by R10, R15, and R20. Other than agricultural zoning to the immediate northeast, the zoning in this area is residential of a more restrictive nature than what they are seeking. The aerial map will show that the area is heavily developed, the only question is can we develop in a way that is conscientious and in a way that will not negatively impact other people from a water runoff standpoint. Mr. Neville stated that they plan to address the issues that are in front of them. There is a very small portion of the subject property that actually creates any runoff to the properties in question, and through grading that can be addressed.

Mr. Scott Brown, Engineer for the project spoke in favor. Mr. Brown presented an aerial photograph with GIS parcels (Exhibit 2) to the Board. The subject property was highlighted in red and the green line running across the page is the dividing line. Everything to the north of the line would drain toward the two ponds and to the south of the line would drain toward Delancey. There are .66 acres which is 15 percent of the property that is currently draining toward the two ponds. The most being added to that will be driveways. Stormwater rules are enacted when you disturb over an acre, in Cumberland County you have to submit for a stormwater permit and it’s considered either high or low density. Low density developments do not require stormwater control measures; this development is considered low density and would not require stormwater control measures. Mr. Brown stated that drainage will be pulled south of Dulles Road. Mr. Brown said there are measures that can be taken to alleviate drainage to the two ponds. Through grading all the run-off will be directed away from the ponds, south of Dulles Road.

Chris Roberts, the applicant agreed to the following additional condition:

Prior to submission for final plat approval of any portion of this development, the property owner must submit a copy of the drainage plan whether or not such is required by the NC Department of Environmental Quality (NCDEQ). The drainage plan must indicate there will be no runoff to Dulles Road and/or to the properties to the north and west of the subject property and must be sealed by a NC licensed engineer.

Public hearing closed.

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

IX. DISCUSSION

DIRECTOR’S UPDATE

- August 2, 2016 Lunch Workshop
- Nominations Committee to meet 15 minutes prior to next Planning Board meeting
- Staff to meet with City about Cape Fear River Overlay District

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:40 pm.