

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

MINUTES

November 15, 2016

Members Present

Mr. Charles Morris, Chairman
Ms. Patricia Hall
Mr. Benny Pearce
Dr. Vikki Andrews
Mrs. Lori Epler
Mrs. Jamie McLaughlin
Mr. Donovan McLaurin

Members Absent

Mrs. Diane Wheatley
Mr. Harvey Cain, Jr.
Mr. Carl Manning

Others Present

Mr. Cecil Combs
Ms. Patricia Speicher
Ms. Annie Melvin
Mrs. Laverne Howard
Mr. Rick Moorefield,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

Ms. Speicher advised that Case P16-47 would be moved from Consent Items to Contested Items.

Ms. Hall made a motion to accept the agenda as submitted, seconded by Mrs. Epler. Unanimous approval.

III. PUBLIC HEARING DEFERRAL

CASE NO. 16-102. CONSIDERATION OF THE KENNETH MCLAURIN PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF TWENTY FEET OF STREET FRONTAGE AND STREET ACCESS OFF OF EITHER A PUBLIC STREET OR AN APPROVED PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTIONS 2303.C, STREET FRONTAGE & 2401.D, STREET ACCESS; ZONED: RR; TOTAL ACREAGE: 0.96+/-; LOCATED AT 3437 & 3441 NEBULAR DRIVE; SUBMITTED BY HAROLD F LIFE ESTATE & DEHAROLD D MCLAURIN (OWNER) AND KENNETH MCLAURIN (DEVELOPER).
DEFERRED INDEFINITELY

P16-48. REZONING OF 2.36+/- ACRES FROM C(P) PLANNED COMMERCIAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5208 NC HWY 87 S, SUBMITTED BY BETTY BENNETT WALTERS (OWNER) AND DONALD LEE WALTERS (AGENT).
DEFERRED UNTIL DECEMBER 20, 2016

Mrs. Epler made a motion to approve the deferrals, seconded by Mr. McLaurin. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

Mrs. Epler abstained from Case P16-47.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Ms. Speicher read the policy statement.

VI. APPROVAL OF THE MINUTES OF OCTOBER 18, 2016

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

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P16-50.** REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, REGARDING PROVISIONS RELATED TO THE BOARD OF ADJUSTMENT, SPECIFICALLY ARTICLE XVII BOARD OF ADJUSTMENT IN ITS ENTIRETY. (HOPE MILLS)

1st MOTION

The Planning & Inspections Staff recommends approval of the attached Hope Mills zoning ordinance text amendment which, if approved, would establish the Town Board of Commissioners as the Board of Adjustment.

2nd MOTION

The staff also recommends the board find that approval of the amendment to the town's zoning ordinance is consistent with the adopted comprehensive plan designated as the **2030 Growth Vision Plan**, specifically including: Policy Area 2: *Well-Managed Growth and Development*. The proposed amendment is also generally consistent with the **Southwest Cumberland Land Use Plan** in that the adopted goals and objectives of the plan strive to ensure compatibility of land uses as well as promoting development that has a positive impact on the social, natural, and environmental conditions in the immediate surrounding area.

The staff further recommends the board find that approval of this amendment is reasonable and in the public interest based on the foregoing information and that by ensuring certain uses are limited to areas where by the small town character will not be affected.

Mrs. Epler made both motions above, seconded by Dr. Andrews, to follow the staff recommendation and approve the amendment. The motion passed unanimously.

REZONING CASES

- B. **P16-44.** REZONING OF 1.85+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 124 BAYWOOD ROAD, SUBMITTED BY JING MESTER ON BEHALF OF BAYWOOD PROPERTIES, LLC (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends denial of the C(P) Planned Commercial but approval of the C2(P) Planned Service and Retail district for Case No. P16-44; The recommended district is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "community growth area" at this location.

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 (PWC) is available; *must have direct access to a collector street*, Baywood Road is a minor collector 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 C(P) Planned Commercial but approval of the C2(P) Planned Service and Retail district based on the following :

- The C2(P) Planned Service and Retail district is logical as there are similar commercial zoning districts and uses in the general area.

The applicant has verbally agreed with the staff recommendation.

Mrs. Epler 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 DISTRICT

- C. **P16-49.** REZONING OF 4.33+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR WHOLESALE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8015 MAXWELL ROAD, SUBMITTED BY HOLDEN FAMILY INVESTMENTS, LLC (OWNER) AND THOMAS NEVILLE (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is somewhat consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural development” at this location, in that approval would allow the property owner to continue an agricultural and commercial operation that has existed on the property for quite some time.

The staff recommends the board further find that approval of this request is reasonable and in the public interest because the district requested for the subject property generally meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer is required*, the site has access to ESD water, however, public sewer is not available; *should have minimum direct access to a collector street*, Maxwell Road is a major collector street; *must be located on a sufficient site that provides adequate area for buffering, screening and landscaping*, the subject property contains 4.33+/- acres.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-49 for the C(P) Planned Commercial/CZ Conditional Zoning district for Wholesale Sales based on the following:

1. The location and character of the requested district will be in harmony with the general area as it is contained within a 4.33+/- acre tract , with a small portion of the current use existing prior to zoning; and
2. All activity for the requested use occurs off site at the customers place of business, therefore, there will be no affect from additional traffic in the area.

There are no other districts considered suitable for this request at this location.

The property owner has verbally agreed to the Ordinance Related Conditions.

Mrs. Epler 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

- D. **P16-47.** REZONING OF 75.00+/- ACRES FROM A1 AGRICULTURAL & R40 RESIDENTIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2787 THROWER ROAD, SUBMITTED BY VANCE U. TYSON ON BEHALF OF ASBY HOLDINGS, LLC (OWNER) AND CRAWFORD MCKETHAN (AGENT).

Ms. Speicher presented the case information and photos.

1st MOTION

The Planning and Inspections Staff recommends the board find approval of the request is consistent with the *2030 Growth Vision Plan*, which calls for “rural” at this location and the plan calls for “urban” on adjacent properties across Thrower Road. The request is not consistent with the South Central Land Use Plan which calls for “farmland,” but could be found suitable as the plan calls for “low density residential” on adjacent properties across Thrower Road.

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: *septic systems allowed based on soil type, lot size, and distance from public sewer; must have direct access to a public street, Thrower Road is a public street; must not be located in any defined critical area as defined by the Fort Bragg Small Area Study.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-47 for R20 Residential based on the following:

- The developer is proposing to extend PWC water to the site, which is critical for future and existing development in Gray’s Creek – to include the nearby elementary schools.

The R30 Residential zoning district could also be considered suitable at this location.

There were people signed up to speak in favor and in opposition.

Crawford Mackethan spoke in favor. Mr. Mackethan represents the buyers, their interest is to purchase the property and to utilize one half acre lots to establish a good quality residential development. One of the conditions in the offer to purchase is that they be able to extend public water to the property, it is something they consider to be most important to the success of the development. That is a condition that they have in the conditions to purchase the property. Because of the willingness to go to the expense to extend water. Public water will greatly benefit the Thrower Road area and the two surrounding elementary schools. Mr. Mackethan thanked the staff and Mr. Lloyd for their hard work.

Jeffery Nobles spoke in favor. Mr. Nobles is an engineer with Larry King and Associates who were hired to do the site engineering for the developer. The proposed development will have approximately ninety lots and will be served with water, the proposed water main extension from Cypress Lake Road. Due to new legislation proposed new development will not be required to annexation into the City of Fayetteville in order to receive this service. The intent for the proposed lots is to install septic tanks as long as the soils are suitable, lots that are not suitable for septic tanks will not be developable and could potentially be converted to meet open space requirements or some other need. The development will be designed per North Carolina Department of Transportation specifications for storm drainage and street design. They will also have to comply with Phase II storm water requirements.

Tim Evans spoke in favor. Mr. Evans said that the close proximity to Highway 87 would move the traffic out of the neighborhood easily. In previous zonings that he has been involved in water has always been a concern; this request could be looked at as a continuation of Cypress Lakes because Cypress lakes is on PWC water and has septic tanks.

Kenneth Severin spoke in opposition. Mr. Severin stated that his concerns were with major water runoff, increased flooding and traffic.

Roger Hobson spoke in opposition. Mr. Dobson stated that his concerns are the same as everyone else's, and feels there shouldn't be R20 zoning with two houses per acre.

Rosie Bunnells spoke in opposition. Ms. Bunnells stated that her concerns are with traffic and feels that zoning should remain the same.

David Lambert spoke in opposition and stated that he was concerned about water and privacy.

Donna Hultberg spoke in opposition. Ms. Hultberg stated that she agrees with all of the concerns mentioned and asked if people would have to hook into public water.

Ms. Speicher explained that there is no debt service fee or charge per line when the developer extends the water line. There is no charge unless someone wants the service.

Cheryl Godsey spoke in opposition and stated that her concerns had already been voiced by her neighbors, but feels that the zoning should remain the same.

David Godsey spoke in opposition and stated that there are more houses going up in the neighborhood and has also noticed that places that never flooded before are now flooding, especially in places where new houses are built. His main concern is that areas are surveyed and engineered properly for storm water runoff.

Lynn Williams spoke in opposition and stated that they wanted to escape suburbia and this rezoning will change the character of Grays Creek and it won't be country anymore. A major concern she has is the increase in traffic, and where all of the new homes will be accessed from.

Jonathan Bill spoke in opposition and stated that he felt that this rezoning request was an encroachment on his lifestyle and likes the nice country area that Grays Creek is now.

Cynthia Kennedy spoke in opposition and stated that she moved to Grays Creek because they didn't want to live in a subdivision. She also has concerns with the increase in traffic and flooding concerns, and with the overcrowding of Grays Creek High School.

James Bill spoke in opposition and stated that his concerns are with water runoff, increased traffic, and no more country setting.

Gautam Dev spoke in opposition and stated that his concerns are with flooding, overcrowding, increased traffic, and crime.

Matthew Bennett spoke in opposition and stated that his concerns are with water runoff, and is wondering about how the boundaries will affect property. Mr. Bennett feels that a precedent will be set if this rezoning is approved.

Crawford Mackethan spoke in rebuttal. Mr. Mackethan stated that there would be no additional water exiting the property due to the retention ponds.

Jeff Noble followed up on what Mr. Mackethan stated and explained how the storm water systems work and are designed to control runoff.

Tim Evans stated that he has seen Grays Creek grow, and this developer is willing to bring water, which a lot of people have been wanting.

Public Hearing closed.

Ms. Hall asked where the water would come from.

Ms. Speicher stated that public water exists on Cypress Lake Road and it will be extended down from that location.

Chair Morris restated that the developers were paying for the water extension.

Ms. Hall stated that the subject property was surrounded by R40 and A1, R30 would be some kind of a compromise, and it would be fewer houses than R20.

Chair Morris said we could do that.

Mr. McLaurin stated that the intent and purpose of the zoning ordinance is to provide for the public health, safety, general welfare, encourage orderly development, protect the quality of the environment, and regulate the location, uses of structures in accordance with the Comprehensive Land Use Plan, Mr. McLaurin asked if this was in accordance with the Land Use Plan for the area.

Ms. Speicher stated it was consistent with the 2030 Land Use Plan as far as the map, this area is designated as rural and on the map R20 and RR is designated as Rural Zoning on the 2030 strategy map.

Ms. Hall stated that it was not consistent with the South Central Land Use Plan which calls for farmland.

Ms. Speicher stated that according to the South Central Plan the property to the north could be suitable for R7.5, R15, and R20 zoning and up.

1st MOTION

After discussion Ms. Hall motioned that even though the request maybe consistent with the 2030 Land Use Plan, it was not reasonable because it was not consistent with the recently adopted South Central Plan.

2nd MOTION

After further discussion Ms. Hall made a motion to deny the request for R20 zoning and approve R30 zoning, seconded by Dr. Andrews. The motion passed unanimously.

IX. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Combs advised the Board about the Planning Department Christmas party.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:17 pm.