

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



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

*Planning & Inspections Department*

**MINUTES**

September 20, 2016

**Members Present**

Mr. Charles Morris, Chairman  
Mrs. Diane Wheatley  
Mr. Benny Pearce  
Dr. Vikki Andrews  
Mrs. Lori Epler  
Mr. Harvey Cain, Jr.  
Ms. Patricia Hall

**Members Absent**

Mr. Carl Manning  
Mrs. Jamie McLaughlin  
Mr. Donovan McLaurin

**Others Present**

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chair Wheatley delivered the invocation and Mr. Pearce led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

There were none.

**Mrs. Epler made a motion to accept the agenda as submitted, seconded by Dr. Andrews. Unanimous approval.**

III. PUBLIC HEARING DEFERRAL / WITHDRAWAL

- A. **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). **DEFERRED UNTIL 11/15/2016**
- B. **P16-45.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING ARTICLE XI LOT AND YARD REGULATIONS, SECTION 1102. YARD REGULATIONS, BY CREATING SUB-SECTION "P" TO BE ENTITLED *CAPE FEAR RIVER SETBACK; NON-RESIDENTIAL USES*, INCLUDING PROVISIONS ESTABLISHING A 100 FOOT BUILDING SETBACK FROM THE RIVER'S BOUNDARY FOR NON-RESIDENTIAL USES; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. **WITHDRAWN**

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF AUGUST 16, 2016

**Vice-Chair Wheatley made a motion to accept the minutes as submitted, seconded by Ms. Hall. Unanimous approval.**

VI. PUBLIC HEARING CONSENT ITEMS

## REZONING CASES

- A. **P16-36.** REZONING OF 43.06+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN SR 2261 (ALDERMAN ROAD) AND SR 2245 (THROWER ROAD), WEST OF NC HIGHWAY 87 SOUTH; SUBMITTED BY JAMES H. SMITH ON BEHALF OF JHS GRAYS CREEK PROPERTIES, LLC (OWNERS) & TIM EVANS (AGENT).

### **1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” development 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 entirely consistent with the South Central Land Use Plan which calls for “farmland,” the requested district would restrict development to approximately one acre lots where soil conditions are suitable for septic systems.

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, public water and sewer is not available; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

### **2<sup>nd</sup> MOTION**

The Planning and Inspections Staff recommends the board approve Case No. P16-36 for R40 Residential, in addition to the information above, based on the following:

- The R40 Residential district will allow for land uses and lot sizes that exist in the general area.

The staff’s preference would be that any potential development be served by public water; however, public water is not yet available at this location. It should be noted that increased development served by well water runs the risk of exacerbating water quality and availability issues that exist in the general vicinity of Gray’s Creek. The A1A district could also be considered suitable at this location.

**Mrs. Hall made both of the motions referenced above, seconded by Vice-Chair Wheatley, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

- B. **P16-40.** REZONING OF .28+/- ACRES FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3227 LEGION ROAD, SUBMITTED BY SHELLY AMANDA BAKER (OWNER).

### **1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” development at this location. While the request is not entirely consistent with the Southwest Land Use Plan which calls for “low density residential,” it could be considered appropriate due to recent road improvements and the transitional nature of the 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: *public water and sewer desirable, PWC water available; should have a direct access to a collector street, Legion Road is a minor arterial street; if not in an office park, should serve as a transition between commercial and residential uses, subject property is located in an area that includes both commercial and residential districts; must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping; subject property is .28 acres.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-40 for O&I(P) Planned Office and Institutional based on the following:

- The district requested will allow for land uses that exist in an area already in transition without determinately affecting the remaining residential properties.

There are no other suitable zoning districts to be considered at this location at this time.

**Mrs. Hall made both of the motions referenced above, seconded by Vice-Chair Wheatley, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

- C. **P16-41.** REZONING OF 4.07+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3410 THROWER ROAD, SUBMITTED BY WILLIAM EDWARD BROWN (OWNER).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” development 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 entirely consistent with the South Central Land Use Plan which calls for “farmland,” the requested district follows the plan’s recommendation “to allow rezoning to one acre lots on tracts ten acres or less in the farmland 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 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.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-41 for R40 Residential based on the following:

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

The staff’s preference would be that any potential development be served by public water; however, public water is not yet available at this location. There are no other suitable zoning districts to be considered at this location at this time.

**Mrs. Hall made both of the motions referenced above, seconded by Vice-Chair Wheatley, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

- D. **P16-42.** REZONING OF 2.09+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2601 DOBBIN HOLMES RD, SUBMITTED BY JOSEPH P. & LINDA COMBS (OWNERS).

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” development at this location, because the district requested will allow for single family dwelling units on relatively large lots in a rural area. The request is also consistent with the Eastover Land Use Plan, which calls for “One acre residential” development.

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, ESD water is available; 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.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-42 for R40A Residential based on the following:

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

The A1A Agricultural and R40 Residential districts could also be considered suitable at this location.

**Mrs. Hall made both of the motions referenced above, seconded by Vice-Chair Wheatley, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

VII. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Lloyd reminded the Board about the October 4<sup>th</sup> work session where there would be a speaker, Mike Eaker with Southeastern Soil & Environmental Assoc., Inc. Mr. Morris suggested that staff be there as well as Planning Board members.
- Mr. Lloyd stated that staff recommendations and conditions would get stricter for subdivisions on well and septic in the Grays Creek area.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:06 pm.