

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

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

MINUTES

September 19, 2017

Members Present

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

Members Absent

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

Others Present

Mr. Thomas Lloyd
Ms. Annie Melvin
Mrs. Laverne Howard
Ms. Patricia Speicher
Mr. Rob Hasty
Assistant County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the Board that Case P17-30 would be moved from Consent Items to Contested Items.

III. PUBLIC HEARING DEFERRALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

Mrs. Epler advised that she would need to abstain from voting on cases P17-38 and P17-30.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF AUGUST 15, 2017

Mrs. Wheatley made a motion, seconded by Dr. Andrews to approve the minutes as submitted. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P17-38.** INITIAL ZONING OF 6.87+/- ACRES RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7051 ROCKFISH ROAD, SUBMITTED BY BARBARA M. JOHNSON (OWNER). (HOPE MILLS)

FIRST MOTION

The Planning and Inspections Staff recommends the board approve the RR Rural Residential district for Case No. P17-38 for the initial zoning of the subject property based on the following:

1. The RR district will allow for residential land uses, including assisted living facilities, which are consistent with those uses currently existing in the surrounding area; and

2. The request was initiated by the Town of Hope Mills.

SECOND MOTION

The Planning and Inspections Staff recommends the board find that approval of the RR Rural Residential district is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for “urban” at this location. Although the request is not entirely consistent with the Southwest Cumberland Land Use Plan, which calls for “medium & low density residential”, the subject property was zoned RR while in the County’s jurisdiction.

The staff recommends the board further find that approval of the initial zoning to RR Rural Residential 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: *must have direct access to a public street*, the subject property will have access onto SR 1112 (Rockfish Road); *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study*, the subject property is not located within the military area.

Mrs. Wheatley made both motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the RR rezoning request. The motions passed unanimously with Mrs. Epler abstaining from the vote.

- B. **P17-39.** REZONING OF .93+/- ACRES FROM RR RURAL RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF MARRACCO DRIVE, SOUTH OF TOM STARLING ROAD; SUBMITTED BY JERRY & CYLINDA HAIR (OWNERS) & THERESA MOREHEAD (AGENT).

FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P17-39 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for “urban” at this location. The request is also consistent with the Southwest Cumberland Land Use Plan which calls for “mixed use development”, as light commercial uses are allowed in mixed use 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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, PWC water available; *must have direct access to a collector street*, Marracco Drive is a collector street; *should serve as a transition between heavy commercial, office & institutional or residential development*, property is located in an area that is in transition; and *should provide convenient goods and services to the immediate surrounding neighborhood*.

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-39 for C1(P) Planned Local Business district based on the following:

1. The district requested will allow for land uses that exist in the general area; and
2. Subject property is located in an area transitioning to non-residential uses due to the proximity to US Highway 301 South.

Mrs. Wheatley made both motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the C1(P) rezoning request. The motions passed unanimously.

VIII. PUBLIC HEARING CONTESTED ITEM

CONDITIONAL ZONING CASE

- C. **P17-30.** REZONING OF 4.86+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5221 DOC BENNETT ROAD, SUBMITTED BY LEONARD & SUK-HUI WOLF (OWNERS) AND P. SINGH SANDHU (AGENT).

Mr. Lloyd presented the case information and photos.

Mr. Lloyd stated that there were two conditions that needed to be modified, item 2b and item 24, both deal with lateral access, one is the easement be shown and lateral access be provided when the surrounding property is rezoned to commercial.

FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P17-30 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "urban" at this location. While the request is not entirely consistent with the South Central Land Use Plan map which calls for "low density residential", it is consistent with the text of the plan in that the commercial development will be concentrated near a major intersection (NC Highway 87 S) and is situated on a tract of land sufficient in size to accommodate vehicular and pedestrian circulation, landscaping, buffering, signs, and other required development standards.

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, PWC water and sewer exist in the area; must have direct access to a collector street, NC Highway 87 South is a principal arterial street; should have other light commercial uses in the area, although there are none, light commercial zoning exists; should provide convenient goods and services to the immediate surrounding neighborhood; may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements; and may be located in a rural area at the intersection of two collector streets.*

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-30 for C1(P) Planned Local Business/CZ Conditional Zoning for a convenience store with gasoline sales, restaurant, and medical/dental office based on the following:

1. Approval of the request will allow a small, concentrated commercial node at this intersection to serve the needs of surrounding residents; and
2. Subject property is located to the south of the primary runway for the Fayetteville Regional Airport, typically not conducive to residential development.

The applicant has agreed to all ordinance related conditions.

There were people present to speak in favor and in opposition.

Steven J. O'Conner spoke in favor as the attorney representing the applicant. Mr. O'Conner requested that the request be approved. Mr. O'Conner went on to point out the surrounding zoning and stated that the location meets the definition of a planned local business district.

Jessica Howard stated that she supported the request.

Hari Patel said that he was in favor.

Rebekah Bledsoe said she was in favor.

Varan Sharma said he was in favor.

Joseph Soto said he was in favor.

P. Singh Sandhl said that he was in favor and feels something like this request is needed.

Charles Allen spoke in opposition. Mr. Allen lives two and a half miles from the subject property and owns a business within sight of the subject property. Mr. Allen said that he was concerned that the site is not going to be a restaurant or dental office. He thinks it's going to be a convenience store or gas station because the layout shows gas pumps. There is already a convenience store less than a mile away from the subject property. This site has not been maintained, trash is everywhere. Mr. Allen feels that another convenience store is not needed. There is no commercial in the area and feels one store is enough. Mr. Allen has concerns about safety adding another convenience store. Mr. Allen asked all in the audience who were opposed to stand, everyone who stood was opposed and lived or worked about a mile away from the subject property.

Charlie Allen spoke in opposition. Mr. Allen said that there are a lot of children in his neighborhood and is against a gas station across the street within one hundred feet of the neighborhood. Another reason he is opposed is because he owns a drinking well but is concerned about spillage from a gas station getting into the drinking water.

Kristie Allen spoke in opposition. Ms. Allen is also concerned with increased traffic and ozone from the gas station.

P. Singh Sandhl spoke in rebuttal and stated that DOT will install a light.

Public hearing closed.

Mr. Morris asked how far sewer would be extended to get to the site.

Mr. Lloyd said about twelve hundred feet.

Mrs. Wheatley stated that it appears that out everyone who was in favor, only one lived near the site. But the dozen plus individuals that oppose it, live or work near the site. Mrs. Wheatley stated that she is concerned about that area becoming commercialized, especially without knowing exactly what's going to happen there.

Ms. Hall asked if the building was large enough to house a convenience store and medical offices.

Mr. Lloyd said that it is incumbent on the developer to make sure the building is large enough.

Ms. Hall went on to say that the South-Central Land Use Plan which had citizen input, they designated commercial at the Sandhill intersection, which is not far from the subject property. The citizens wanted the subject property and area to be residential. Ms. Hall said for those reasons she could not support the request.

Mr. Morris said that we need to understand that with these land use plans we have triggering events, a four-lane highway, sewer, water. The other thing we need to remember is, who wants to live on a four-lane highway adjacent to commercial property. If we leave it as R10 who's going to want live there. There needs to be a balance, and the balance needs to be what the use of the land is going to dictate and what the residents feel is appropriate in their area.

Mrs. Wheatley made a motion to deny the request for rezoning to C1(P)/CZ Conditional Zoning for a convenience store with gasoline sales, restaurant, and medical/dental office, seconded by Ms. Hall. The motion passed 4 - 1 with Mr. Morris voting in favor of the request and Mrs. Epler abstaining from the vote.

IX. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Lloyd advised the Board that the next work session would cover the Subdivision process.
- Mrs. Epler volunteered to do the invocation at the next meeting.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:56 pm.