

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair

Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

MINUTES

July 18, 2006

Members Present

Mr. Charles Morris, Chair
Mr. Donovan McLaurin, Vice-Chair
Mr. Harvey Cain, Jr.
Mr. Clifton McNeill
Mr. Roy Turner
Mrs. Lori Epler
Mr. Garland Hostetter
Mrs. Sara Piland
Commissioner Diane Wheatley

Others Present

Mr. Tom Lloyd, Director
Mr. Cecil Combs, Deputy Director
Mrs. Annette Nunnery
Ms. Donna McFayden

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Cain delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that cases P06-53, P06-56, and P06-50 be moved from Consent to Public Hearing. **A motion was made by Mrs. Epler and seconded by Mrs. Piland to approve the Agenda with the changes. The motion passed unanimously.**

III. PUBLIC HEARING DEFERRALS

A. P06-40: REZONING OF 13.19 ACRES FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6521 RAMSEY STREET, OWNED BY JAMES H. AND EVA S. SINGLETARY.

B. P06-51: REZONING OF A 3.56 ACRE PORTION OF A 5.13 ACRE TRACT FROM R10 AND C1 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2230 NORTH BRAGG BOULEVARD, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE. (SPRING LAKE)

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Cain stated that he would abstain from discussion and voting on Case P06-39. **A motion was made by Mr. McNeill and seconded by Mrs. Epler to approve the request. The motion passed unanimously.**

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement regarding Public Hearing time limits.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF JUNE 20, 2006

A motion was made by Mrs. Epler and seconded by Mr. Cain to approve the Minutes as written. The motion passed unanimously.

REVISION/AMENDMENTS

- B. P05-71: REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: ALLEY, CUL-DE-SAC, HIGHWAY PLAN, AND PLANNING STAFF; AMENDING THE DEFINITION FOR THE TERM "STREETS" WITHIN ARTICLE I. SECTION 1.8. "DEFINITIONS"; AMENDING ARTICLE III, SECTION 3.17. "STREET DESIGN"; SECTION 3.18. "BLOCK LENGTHS"; AND ARTICLE IV, SECTION 4.1. "STREETS", SUBSECTIONS "E", "GUTTERS OR CURBS AND GUTTERS" AND "F", "REQUIRED DRAINAGE"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

The Planning & Inspections Staff recommended approval of the text amendment based on the findings that the amendment provides clear standards for street construction within the corporate limits of the Town and is a request from the Town, drafted by the Town's engineer and was formulated by a Town committee. The Staff also recommends that Section 3.17.b, "Exhibit 1" be modified to reflect the option of valley-type concrete curb.

- C. P06-57: REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER THE TERM "GREENWAY"; CREATING SECTION 3.13.2, "GREENWAY STANDARDS FOR RESIDENTIAL SUBDIVISIONS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

The Planning & Inspections Staff recommended approval of the text amendment based on the findings that the amendment provides standards for interconnecting greenways for residential developments within the Town and if implemented, the proposed standards will assist the Town in attaining their goal of being the "Most Walkable Community". This is a request from the Town and drafted by a committee created by the Town.

A motion was made by Mr. McNeill and seconded by Mr. Turner to follow the staff recommendations and approve cases P05-71 and P06-57 as written. The motion passed unanimously.

REZONING/INITIAL ZONING CASES

- D. P06-54: REZONING OF 2.77 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3367 CHICKENFOOT ROAD, SUBMITTED BY TIFFANY S. JOHNSON, OWNED BY GROVER F. ODOM.

The Planning & Inspections Staff recommended approval of the R40A zoning district based on the findings that the request is consistent with the 2010 Land Use Plan; this request is in keeping with the character of the neighborhood; Town of Wade water and NORCRESS sewer is available to the site. Staff's preference would be for A1A rezoning; however, the existing structure on the property is not a Class A manufactured home and would become nonconforming.

No one appeared in favor of or in opposition to the request.

A motion was made by Mr. McNeill and seconded by Mr. Turner to follow the staff recommendation and approve the R40A zoning district. The motion passed unanimously.

VII. PUBLIC HEARING ITEMS

CONDITIONAL USE DISTRICT & PERMIT

- A. P06-52: REZONING OF 258.12 ACRES FROM A1 AND CD TO RR/DD/CUD OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED WEST OF ROSLIN FARM ROAD, NORTH OF JOHN MCMILLAN ROAD, SUBMITTED BY LINDA P. SCOTT, OWNED BY TKD FARMS INC.

Mr. Lloyd reviewed site and 100-year flood line information. He stated that the Planning & Inspections Staff recommended approval of the RR/DD/CUD based on the findings that although the request is not consistent with the 2010 Land Use Plan, the RR/DD/CUD is intended to promote the preservation of open space and the rural character of the area while providing for residential use of the property, and Robeson County water will be utilized at the site.

The Public Hearing opened.

Jim Kizer, duly sworn, spoke in favor of the request. He stated that the development will propose 42% open space, which is above the 40% required by the Ordinance. He welcomed questions from the Board. Mr. McNeill asked about the 100-year flood line and its effect on the proposed development. Mr. Kizer stated that the flood line shown on the map was proposed, not adopted, and that there would be no impact on the building lots.

Glenda Musselwhite, signed up to speak in opposition, declined to speak.

The Public Hearing closed.

Mr. McNeill asked Mr. Kizer if he was in agreement with all written conditions. Mr. Kizer stated that he was. Mr. McNeill stated that while he questioned the prudence of approving continuing development in this area when schools are already overcrowded, he realized that this concern was not shared by the commissioners or the school board. He commended Mr. Kizer for the impressiveness of his plan.

Mr. McNeill made a motion, seconded by Mr. Hostetter, to find that the Conditional Use District application is neither arbitrary nor unduly discriminatory, in the public interest and that the Conditional Use District application, with submitted conditions and the additional condition of an alternate side-yard requirement, be approved. Unanimous approval.

Mr. McNeill made a motion, seconded by Mrs. Epler, to find that the Conditional Use District Permit application, if developed as proposed, in accordance with the Ordinance-related conditions, and voluntarily agreed to, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Highway Plan or other plan officially adopted by the Board of Commissioners, and that it be approved according to the conditions listed. Unanimous approval.

REZONING CASES

- B. P06-56: REZONING OF 7.62 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3745 & 3837 FINAL APPROACH DRIVE, SUBMITTED BY JONATHAN KEITH, OWNED BY O. B. KNOWLES HEIRS.

Mr. Lloyd reviewed site information and advised the Board that the Planning & Inspections Staff recommended approval of the R40 zoning district based on the findings that although the request is not consistent with the Eastover Study Area Detailed Land Use Plan, the R40 zoning district is in keeping with the general zoning classification of the area, and the R40 district is a more restrictive zoning district. There were no other suitable zoning districts to be considered.

The Public Hearing opened.

Jonathan Keith, petitioner, addressed the Board and stated that the proposed development will be annexed into the Eastover Air Ranch and will be subject to all restrictions for that subdivision.

Jerry Capps, in opposition, stated that his concern was regarding road maintenance, but if the property falls under the restrictions for the Air Ranch, then he has no further objections.

Jonathan Johnson spoke in opposition and stated that he wanted the property to remain rural. He was concerned with an increase in traffic and population as well as losing the natural buffer against the I-95 noise. He asked the Board to consider opposing the request for rezoning.

Mr. Keith responded to the concerns and stated that the 14 acres adjacent to the proposed tract would remain undeveloped, as it was important to keep the rural character of the area.

The Public Hearing closed.

Mr. McLaurin stated that those residents concerned with the integrity of the area should be aware that the current zoning of A1 on the property would already allow possible undesirable uses.

Mr. McLaurin made a motion, seconded by Mrs. Epler, to approve the R40 Zoning District. The motion passed 7 to 1, with Mr. Turner voting in opposition.

- C. P06-50: REZONING OF 73 +/- ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN CEDAR CREEK AND A. B. CARTER ROADS, WEST OF WILLARD DRIVE, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY J. O. CARTER, JR, WILLIAM G. ALPHIN, J. A. ALPHIN, JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. AND J.O. CARTER, JR AND EDGAR L. AND BEULAH A. BOST.

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommended approval of the R15 based on the findings that the request is consistent with the 2010 Land Use Plan; the request is in character with the surrounding zoning in the area; the subject properties are located on a Major Thoroughfare; and PWC water is available to the site. Other suitable zoning districts are R40, R40A, R30, R30A, RR, R20 and R20A.

The Public Hearing opened.

Michael Adams, developer, advised the Board that he was unaware of the sewer requirement but had no problems with it.

Ahsanie Reezek, realtor, stated that \$250,000 and up homes were proposed for this property and that they would be a nice addition to the area.

Michael Woods stated that the additional homes would be welcome in the area.

George Hatcher, Sr. spoke in opposition and stated that he was very affected by this proposal and respectfully asked that the Board reconsider approval. He noted that approximately 20% of the land was undevelopable wetlands. His property would be negatively affected by drainage and runoff. If the rezoning is approved, up to 210 homes could be built and the land could not handle that amount.

Mr. Adams readdressed the Board and stated that he understood Mr. Hatcher's concerns. He was willing to work with him and any other neighbors regarding drainage problems. He intends to build a maximum of 70 houses.

Mrs. Epler asked if a soil scientist had performed borings to check the water table. Mr. Adams confirmed that this had been done. Mrs. Epler noted that this property was prime for consideration of a CUD and asked if he would be agreeable to that possibility. Mr. Adams stated that he would. He further stated that he had no objection to a deferral to pursue that type of development. Mr. Lloyd stated that he agreed with Mr. Hatcher's assessment of the wetland area and that a deferral for a CUD consideration would be a good idea.

The Public Hearing closed.

Mrs. Epler presented a motion, seconded by Mr. McNeill, to defer the request for a period of 30 days to allow the petitioner time to work with Planning Staff on a CUD proposal. Motion passed unanimously.

D. P06-39: REZONING OF FOUR PARCELS TOTALING 28.46 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1750 WADE-STEDMAN ROAD, SUBMITTED BY HERMAN LOCKAMY, OWNED BY AUDREY FAULKNER.

--- Mr. Cain left the room.---

This case was presented to the Board at the June 20th meeting, at which time the Board deferred the case to give the applicant a chance to be present. On June 21, 2006 Staff wrote to the applicant and explained the importance of their presence at the July 18th meeting. Mr. Lloyd reviewed the site information and stated that the recommendation of the Planning & Inspections Staff remained unchanged for approval of the R40 district based on the findings that the request is consistent with the 2010 Land Use Plan; and the request is consistent with the current zoning and lot sizes in the general area.

The Public Hearing opened.

Herman Lockamy, realtor, stated that this development would be good for the community as the property is currently abandoned and neglected.

David Averitte, speaking on behalf of the buyer, stated that the current zoning of the property makes the land economically undesirable. Approval of the rezoning will benefit the community.

M.L. Core opposed the rezoning and asked for all audience members against the rezoning to stand in a show of opposition. He further stated that area residents had always abided by the county's requirement of 2 acres per lot and that all others should have to do so now. His concerns were not with the type of housing allowed but with the number allowed and the lot sizes. He also shared concerns regarding septic problems, increased traffic, and loss of the rural character.

Lynn Autry opposed the rezoning on grounds of increased traffic, crowded schools and EPA concerns. She stated that she welcomed new neighbors and growth in the area but that it should all be considered at the proper time and location. She felt that current buyers should have to abide by the same 2-acre requirement that she and her neighbors have followed.

Mr. Willie Parker, neighbor, was concerned with traffic problems. He is currently working with NC DOT to survey the area and states that they have no recommendations to address the citizens concerns because they state the area is considered "country" and the area is not to be considered for changes. He cited several deaths of pedestrians and drivers in the past few years resulting from speeding and increased traffic from growth.

Mr. Lockamy spoke in rebuttal and stated that DOT had recently surveyed the area and had found no issue with the traffic pattern or flow in the area. He stated that the proposed lots will not have any effect on the traffic.

The Public Hearing closed.

Mr. Averitte readdressed the Board and answered questions regarding the access road. He confirmed that a 60-foot access easement and surrounding property was owned by the petitioner and his family. He further stated that he had not contacted DOT regarding their requirements yet. Mrs. Epler stated that NC DOT did not have any immediate plans to widen Wade-Stedman Road.

Mr. McNeill asked for clarification that there were no wetlands on the property. Mr. Lloyd stated that there were not. Mr. Turner pointed out that the surrounding property was overwhelmingly zoned A1 and that he agreed with those who spoke in opposition.

Mr. McNeill stated that those speaking in opposition should realize that the concept of zero lot line allows 2 acre lots to be averaged in a proposed development and that not all individual lots would be 2 acres. Minimum lot size is determined by the Health Department. He clarified that subdividing existing A1 property does require 2 acre lots but the zero lot line concept does not.

Chair Morris stated that while he was typically supportive of this type of rezoning because it allowed for more protection of the neighboring properties, he would support the motion to deny the rezoning based upon the strong citizen opposition.

Mr. Turner made a motion, seconded by Mrs. Piland, to deny the request for rezoning. The motion passed 5 to 2 with Mrs. Epler and Mr. McLaurin voting in opposition and Mr. Cain abstaining.

The Board recessed for 10 minutes, after which Mr. Cain reentered the room.

E.. P06-53: REZONING OF 5.53 ACRES FROM RR, R10, O&I(P) TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, SUBMITTED BY ROBERT M. BENNETT, OWNED BY LESTER G. CARTER, JR.

Mr. Lloyd reviewed site information and stated that the Planning & Inspections Staff recommended denial of the C(P) zoning district based on the findings that the request is not consistent with the 2010 Land Use Plan; there is sufficient vacant commercially zoned property in the area; and the existing O&I(P) zoning district acts as a good buffer between the commercial and residentially zoned properties. There were no other suitable zoning districts to be considered.

The Public Hearing opened.

Todd Edge advised the Board that he intended to build a warehouse on the property to operate and expand his family business. He distributed a petition signed by neighbors of the proposed site who are in favor of the rezoning and proposed business. He stated that his plan to expand and move his current operation is contingent upon the approval of the rezoning. Mr. McNeill asked the petitioner for clarification of the purpose of his request. Mr. Edge stated that he would not have any outside storage.

Mr. Lloyd reminded the Board that regardless of the petitioner's proposed use, the Board must consider all allowable uses in a zoning district.

Mr. McNeill noted that a C(P) site plan would be required and that storage would have to be indicated at the time of submittal. Mr. Lloyd stated that while that was true, the site plan could be amended at a later date.

Ned Garber, project architect, stated that they had found no opposition from the neighbors facing the property and that the undevelopable land behind the property would serve as a natural buffer.

Lester Carter, owner, stated that while he understands the Board's concerns, the area is already surrounded by commercial zoning and the current request for O&I zoning would allow the same type uses that already exist. He requested that the Board consider the request and allow the family owned and operated business to remain in the area.

The Public Hearing closed.

Mr. Lloyd stated that warehouse operation is not an allowable use in the requested rezoning district and that this must have been a miscommunication between petitioner and Staff. The petitioner was informed that a C(P) request would not help him either, and that he should consider a CUD. Mr. Lloyd stated that the Board had the option to propose a 30-day deferral to allow for that consideration.

Mr. Edge stated that he had no objection to a deferral to investigate a CUD and that he was under the impression that C(P) would cover his intended use.

Mr. McNeill made a motion, seconded by Mrs. Piland, to defer the rezoning request for 30-days to allow the petitioner time to work with Staff on a CUD proposal. Unanimous approval.

Mrs. Wheatley expressed her concern with uses listed in the O&I(P) district and asked that the issue be discussed at a later time.

F. P06-55: REZONING OF 50.84 ACRES FROM A1/CU TO A1 AND R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE NORTHEAST QUADRANT OF KING HIRAM AND SCHOOL ROADS, SUBMITTED BY HARVEY ALLEN, OWNED BY JAMES L. PATE, JR. REVOCABLE TRUST.

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommended approval of the A1 portion of the request but recommended R40 in lieu of the R30 request based on the findings that the R30 request is not consistent with the 2010 Land Use Plan; however, the Staff recommendation is consistent; and the A1 and R40 zoning districts are consistent with the lot sizes and character of the general area. There were no other suitable zoning districts to be considered.

The Public Hearing opened.

Harvey Allen, developer, advised the Board that he was under a time constraint with this property and though he wished he had asked for a straight R40 rezoning, he did not want a deferral, or an amendment at this time. He stated that he was agreeable to staff conditions and advised the Board that the property would only allow 51 lots, all of which were needed to make the project feasible. Mr. McNeill stated that an R40 zoning would not give him that many lots. Mr. Allen stated that he had done the mathematical calculations and it would.

Darlene Bain spoke in opposition and stated that she had appeared before the Board in the past against rezoning of this same property. Citizens repeatedly appear in protest to protect this area. She asked the Board to deny the request and leave the zoning as it is. If the Board chooses not to do so, then she asked that they at least delay any action to allow the citizens to obtain further information on the proposed use of this property. She stated that her concerns were overloaded schools, increased traffic, illegal dumping and trespassing.

Kenneth Cherry, neighbor, stated he was confused with the "chopped up" rezoning in the area. He stated that development had grown dramatically in recent years but his area had always required a minimum of 2-acre lots. He would prefer to see that requirement remain in place. His concerns were school crowding, public safety response, and traffic.

Ernest Singley, neighbor, stated that he wanted to know who owns the property because he had always wanted to buy it. Chair Morris asked if Mr. Singley had any objections to the rezoning and he stated that his one concern was to keep the 2-acre minimum lot size.

The Public Hearing was closed.

Mr. Lloyd advised the Board that he had conferred with Mr. Grainger Barrett via telephone and confirmed that the Board has the option to offer the petitioner the opportunity to amend the request to R40 and defer the case to the 1st meeting in August, and still be able to present the case before the County Commissioner's in August. He also clarified that the CU was placed on the site in 1994 and remains with the property.

Mrs. Piland stated that she would support the staff recommendation.

Mrs. Wheatley asked what lot sizes were currently in the surrounding area. Mr. Lloyd stated that the A1 zoning would require minimum 2-acre lots. Mrs. Wheatley noted that rezoning would change the character of the area.

Mr. McNeill stated that R30 was inappropriate for this area and that the developer had already stated that he was in a hurry and not interested in a discussion.

Mr. McNeill made a motion, seconded by Mr. McLaurin, to deny the request. Unanimous approval.

VIII. PLAT & PLAN

A. 06-116: CONSIDERATION OF RONALD L. ROYAL, SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTIONS 3.17.C "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE NORTHEAST SIDE OF SR 1826 (WADE – STEDMAN ROAD), SOUTH OF SR 1818 (HAYFIELD ROAD)

Mr. Lloyd reviewed the subdivision information and the request from the developer for a waiver from the condition requiring a stub-out.

Denver McCullough, developer, advised the Board that the houses would be in the \$180 to \$200,000 range and would complement the community. The developers want to keep the subdivision self-contained to protect the country atmosphere of the area. Mr. McNeill asked if the requirement would leave the developer short on the number of lots he required and Mr. McCullough stated that it would cut 2 lots from his plan. He further advised the Board that they had granted this same waiver in the past.

Mrs. Epler asked for clarification that there was no landlocked property surrounding this proposed area. Mr. McCullough stated there was not, but upon closer inspection, Mr. Lloyd stated that one lot was landlocked. He advised the applicant that recombining the property, as they were both under the same ownership, would alleviate that problem.

Mr. McCullough clarified that the street would be state maintained. Regardless of the street maintenance, it was noted by the Board that a defined neighborhood could be changed at any time by the connectivity being required.

Mrs. Epler made a motion, seconded by Mr. McLaurin, to waive the requirement from Section 3.17.C of the Cumberland County Subdivision Ordinance by resolution that: the pieces of property around this tract have access to Wade-Stedman Road; the public purpose of the Subdivision Ordinance may well be served in this case by not allowing connectivity because of the rural setting of this area and the neighborhood proposed; and this property owner would not be afforded a special privilege denied to others as the Board has granted this waiver before. Motion carried unanimously.

IX. DISCUSSION

Mrs. Epler questioned the reasoning behind staff comments on rezoning applications pertaining to "sufficient like zoning in the area". She stated that the zoning surrounding a requested rezoning should have no bearing on the decision to rezone that particular property. She stated that this should be a consideration only when the same owner is involved. Discussion followed.

Mr. McNeill questioned the Use Tables and the differences between allowable uses in C(P) and O&I(P). Discussion followed on interpretation of definitions of uses.

X. FOR YOUR INFORMATION

A. NOMINATING COMMITTEE

Mr. Turner presented a motion, seconded by Mrs. Epler, to elect Charles Morris as Chair and Donovan McLaurin as Vice-Chair for the 2006-2007 Planning Board. Unanimous approval.

Mr. Turner, Moderator of the Nominating Committee, distributed the 2006-2007 Planning Board Committee assignments.

B. DIRECTOR'S UPDATE

Mr. Lloyd updated the Board on the Sewer Extension Policy meetings and the possibility of Hope Mills rejoining the Planning Board. He also entertained suggestions and comments on revising the existing Subdivision Ordinance and the By-Laws. Chair Morris suggested that Board members set their individual priorities for those revisions prior to the August meeting, but that the By-Laws should be top priority.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 10:15 p.m.