

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**  
NOVEMBER 21, 2006

**Members Present**

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

Mr. Garland Hostetter  
Commissioner Diane Wheatley

**Others Present**

Mr. Tom Lloyd, Director  
Mr. Cecil Combs,  
Deputy Director  
Ms. Donna McFayden  
Mrs. Annette Nunnery  
Mr. Grainger Barrett,  
County Attorney

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. Epler delivered the invocation and led those present in the Pledge of Allegiance.

III. ADJUSTMENTS TO AGENDA

Mr. Lloyd stated that P06-83 and P06-87 were being moved from Consent to Public Hearing.

III. PUBLIC HEARING DEFERRALS

Mr. Lloyd stated that the applicant had requested a deferral for P06-79 until December 19<sup>th</sup>.

IV. ABSTENTIONS BY BOARD MEMBERS There were no abstentions.

**A motion was made by Mrs. Epler and seconded by Mr. Turner to accept the adjusted agenda. Unanimous.**

V. POLICY STATEMENT REGARDING PUBLIC HEARINGS

Mr. Lloyd read the policy statement regarding Public Hearings

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF OCTOBER 17, 2006

**A motion was made by Mr. McLaurin, seconded by Mrs. Piland, to approve the minutes as written. The motion passed unanimously.**

B. JOINT PLANNING BOARD 2007 MEETING SCHEDULE

C. JOINT PLANNING BOARD 2007 PLAT/PLAN SCHEDULE

**A motion was made by Mrs. Epler, seconded by Mrs. Piland, to approve the 2007 Meeting Schedule and Plat/Plan Schedule as submitted. Unanimous.**

**REZONING CASES**

D. P06-82: REZONING OF 2.24 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 6554 OAK GROVE CHURCH ROAD,

SUBMITTED BY GLORIA B. GRIFFIN, OWNED BY JAMES E. GRIFFIN AND RODNEY E. GRIFFIN.

Mr. Lloyd stated that staff recommends approval of the R40A district based on the findings that the request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and rezoning is reasonable and consistent with the current zoning, lot sizes and character of the general area. The A1A and R40 zoning districts are the only other suitable zoning districts to be considered for this request.

- F. P06-85: REZONING OF 1.03 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2970 CUMBERLAND ROAD, OWNED BY BRUCE D. AND RHONDA H. BRIGHT.

Mr. Lloyd stated that staff recommends approval of the C(P) district based on the findings that the request is consistent with the 2010 Land Use Plan; rezoning is reasonable and consistent with the character of the area; and the subject property is located on a Major Thoroughfare. The R5, R5A, O&I(P) and C1(P) are also suitable zoning districts to be considered for this request.

**Mr. McNeill made a motion, seconded by Mr. Turner, to follow the staff recommendations and approve P06-82 and P06-85 as submitted. Unanimous.**

#### PLAT & PLAN

- H. 06-168: CONSIDERATION OF THE DAVID M. HALL PROPERTY, GROUP DEVELOPMENT REVIEW, REQUEST FOR A WAIVER FROM SECTION 3.20.2 "MUNICIPAL INFLUENCE AREA COMPLIANCE", CUMBERLAND COUNTY SUBDIVISION ORDINANCE (CONDITIONS # 10, 11, & 12), LOCATION ON THE EAST SIDE OF SR 1843 (MAGNOLIA CHURCH ROAD), NORTH OF NC HWY. 24 (CLINTON ROAD)

Mrs. Epler asked if the Town of Stedman had voiced any objections or concerns regarding the pool. None were known. **Mrs. Epler made a motion, seconded by Mr. McNeill, to follow the staff recommendation and approve the waiver for Plat & Plan Case 06-168. Unanimous.**

#### VII. PUBLIC HEARING ITEMS

##### REZONING CASES

- E. P06-83: REZONING OF 3.0 ACRES FROM A1 TO A1A AT 5116 BERRY TREE LANE, OWNED BY CHANG YE THOMPSON.

Mr. Lloyd reviewed the case information and stated that staff recommends approval of the A1A district based on the findings that the request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and the rezoning request is reasonable and consistent with the current zoning, lot sizes and character of the general area. There are no other suitable zoning districts to be considered for this request. The Public Hearing opened.

Ms. Chang Thompson, applicant and owner, addressed the Board and stated that she needed to rezone the property in order to subdivide and sell it. She has had potential buyers but they state that the lot is too large as it is.

Dr. Thomas Durr addressed the Board in opposition to the request. He stated that he had assumed the purpose of the rezoning was for eventual mobile homes, but now understands that the applicant simply wants a smaller lot. He is still opposed to the rezoning based on the fact that he and his neighbors want the area to remain A1 with at least 2 acre lots. He asked for a show of support, against the rezoning, from audience members. Many people stood. Dr. Durr reminded the Board of his repeated appearances before them in the past to oppose like requests. He further stated that smaller lots in this area will increase the current problems with drainage and will not help to increase or preserve current land values. Dr. Durr asked that the Board respect the residents' desire to keep this area as it is. Mr. Lloyd reviewed past rezoning cases and decisions in the area.

Mr. Franz Lohr appeared in opposition. He stated that subdividing property in this area will increase the current problems with drainage and runoff. He stated that smaller lots cannot sustain functioning septic tanks and that recent new construction on the east side of the river had greatly contributed to serious problems with flooding and runoff.

Mr. Maury Ferrari appeared in opposition. He stated that he strongly opposed any further attempts to rezone and subdivide in this area because of existing problems with standing water, runoff, and flooding. Ms. Thomson declined to speak in rebuttal. The Public Hearing closed.

Mrs. Piland stated that she understood the concerns of both sides and felt that the interest of the property owner and the desires of the current residents must both be considered.

Mr. McNeill asked if the property owner could subdivide her property under the current zoning. Mr. Lloyd replied that she could not, but that she could consider a group development. Mr. McNeill stated that while he was sympathetic to the petitioner he could not approve rezoning for the purpose of satisfying a potential buyer.

**Mr. McNeill made a motion, seconded by Mrs. Piland, to deny the request. The motion passed 7 to 1, with Mrs. Epler voting in opposition.**

G. P06-87: REZONING OF TWO PARCELS TOTALLING 16.45 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2602 AND 2608 JOHN MCMILLAN RD, SUBMITTED BY ANN LOCKLEAR, OWNED BY ROBERT J WILLIAMS

Mr. Lloyd reviewed the case information and stated that staff recommends approval of the R40 district based on the findings that the request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and rezoning is consistent with the current zoning, lot sizes and character of the area. The A1A zoning district is the only other suitable zoning district to be considered for this request. The Public Hearing opened.

Ms. Ann Locklear, petitioner, addressed the Board. She stated that she was the realty agent for this property and that the owner plans to build a subdivision on this property comparable to what is already in the area.

Ms. Patty Nunnery addressed the Board in opposition. She stated that she has lived in the area for 18 years because it is rural and agricultural. She stated that increased rezoning and construction is already changing the character of the area. The extreme growth in this area has come without the benefit of increased county services. She had concerns with the fire department and law enforcement response times, increasing crime, overcrowded schools, and traffic congestion. She presented a petition showing neighbor opposition to the request. Mr. McNeill asked if she had noticed any problems with water runoff. Ms. Nunnery stated that she currently had serious problems with drainage and standing water on her property.

Ms. Wendy Boudreaux appeared in opposition and stated that the existing water problems showed the need to stop new construction and subdivision of property in this area. She expressed concerns regarding overcrowded schools, traffic, and runoff. She asked the Board to keep the area zoned A1.

Mr. Raymondes Santiago appeared in opposition and advised the Board that he currently had serious problems with his septic tank and well. He noted that smaller lots in this area would have the same problems. He urged the Board to deny the request.

Ms. Locklear spoke in rebuttal and stated that the increase in population that is expected with BRAC will force the county to address the issue of services. She wants her company to be able to meet the demand for housing that will occur at that time. The Public Hearing closed. Mr. Lloyd reviewed the soils map at the request of Mrs. Epler. Mrs. Piland asked if the staff had considered addressing soil and water issues during case review and providing that information to the Board. Mr. Lloyd stated that staff does consider those issues but in this case the degree of storm runoff was not known. Mr. McNeill stated that he was aware of the poor drainage in that area and expressed his concern that further development would only increase the problem.

**Mr. McNeill made a motion, seconded by Mrs. Piland, to deny the request. Unanimous.**

- A. P06-75: REZONING OF 1.0 ACRE FROM RR TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 4446 CLINTON ROAD, SUBMITTED BY G. NEIL YARBOROUGH, OWNED BY JANICE I. AND TOMMY D. FAIRCLOTH.

Mr. Lloyd reviewed case information and stated that staff recommends denial of the C1(P) zoning district based on the findings that rezoning the subject property is inconsistent with the 2010 Land Use Plan which calls for Suburban Density Residential at this location; currently, severe congestion is prevalent on Clinton and Old Vander Roads qualifying this request as unreasonable; the uses allowed within the C1(P) zoning district will only add to the already overburdened street system. In addition to the existing school traffic, a 230 lot subdivision with direct access to Old Vander Road, south of the subject property, was approved as a use by right in March 2006; and rezoning the subject property to a commercial district at this location will not serve a viable public purpose and should not be considered until such time that the streets in the immediate area are upgraded. There are no other suitable rezoning districts to be considered for this request. Mr. Lloyd added that NC Department of Transportation had reviewed the rezoning request and advised that a convenience store at this location would significantly increase the already high traffic count in this area by 815 vehicles per day. The Public Hearing opened.

Mr. Neil Yarborough, attorney, appeared before the Board on behalf of the applicants. He stated that the facts given by staff as reasons for denial were actually reasons for approval. The points mentioned verify that the location is ideal for a convenience store. He reminded the Board that a C1(P) site plan review would be required and the concerns would be addressed during that process. He noted that surrounding property is already commercially zoned or permitted as a conditional use. He also stated that in the near future this area will no longer have any residential application. He asked the Board to allow the property owners the same rights of use as those allowed to the property owners with commercial zoning on the other lots. Mr. McLaurin asked Mr. Yarborough if the rights of homeowners in the area had been considered. He stated that they had the right to expect privacy and security and to protect the value of their property. He pointed out that a convenience store would bring in lights, noise, and traffic. Mr. Yarborough replied that the plan review process would address those concerns. Mr. Yarborough stated that while he agreed that commercial rezoning would have a negative impact, at first, to the immediate homeowners, change was imminent for this area.

Mr. Michael Williams appeared in opposition. He agreed that traffic increases would add to the congestion in the area. He noted that residents already had enough access to stores and shopping and did not need any more. He further stated that previous rezoning requests were misrepresented to the citizens and that the citizens would have objected to the requests if they had known the truth.

Ms. Mary Williams appeared in opposition and told the Board that there was already a major problem with traffic congestion due to the nearby schools and the double intersections.

Mr. Robert West appeared in opposition and stated that the staff should address a larger surrounding area when representing a case for review. He stated that the nearby schools and shopping center should be shown on the site plan to give a true representation of the impact another store would bring to the area.

Mr. C.W. Horne appeared in opposition and presented letters from neighbors who opposed the rezoning request. He shared his concerns about existing traffic congestion.

Mr. Yarborough spoke in rebuttal. He stated that he appreciated the concerns of the neighbors and that the staff would require a review process whereby they would address those concerns. He repeated that the eventual changes to the area will be away from residential uses and that current problems with traffic and congestion will not go away. The Public Hearing closed. Mrs. Epler stated that the traffic problems had existed in that area for over 25 years. She stated that the fact that nearby intersections don't line up only increases the problem. She agreed that future growth will move the use of this area

away from residential but that for now, it should remain residential until NCDOT addresses the traffic problems. She stated that this was not the right time or the right area for this type of rezoning.

**Mrs. Epler made a motion, seconded by Mrs. Piland, to deny the request for rezoning. Unanimous.** The Board recessed for 10 minutes.

- C. P06-84: REZONING OF 1.46 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE SE SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, OWNED BY DENNIS J. AND JULIE A. BYRD.

Mr. Lloyd reviewed the case information and stated that staff recommends denial of the R10 district based on the findings that the request is inconsistent with the 2010 Land Use Plan which calls for Suburban Density Residential; and rezoning this property will not serve a viable public purpose and is unreasonable since the entire subject property contains hydric soils, which could cause stormwater runoff onto adjacent properties. There are no other suitable zoning districts for this request. The Public Hearing opened.

Mr. Dennis Byrd, petitioner and owner, addressed the Board. He stated that his intent was to rezone this property and build 4 apartments for the elderly. He stated that there was already like zoning in this area. Mr. McLaurin asked Mr. Byrd to repeat his intended use. Mr. Byrd stated that he wanted to construct 4 apartment units to cater to older adults. Mr. McLaurin asked if R15 would be sufficient for that use. Mr. Byrd stated that it would but he had asked for R10 because the property adjoining his is R10 and he thought a request for the same zoning would be more easily approved. Mr. McLaurin asked if access to this property would connect to the adjacent R10 property. Mr. Byrd stated that it would not because a creek separates the lots.

Mr. Turner asked about problems with stormwater runoff. Mr. Byrd stated that there were not any current problems that he was aware of. Mr. Turner asked if the additional construction of apartment units would increase or create drainage problems. Mr. Byrd stated that he didn't believe that it would. Mr. Lloyd stated that the Board should also consider the required paved parking and expressed the staff's concern that approval of this request would start a trend towards rezoning in this area. Mr. McLaurin asked the petitioner if an R15 zoning, allowing the construction of 4 units, would be sufficient for his purpose. Mr. Byrd stated that it would be sufficient and he asked to amend his request to R15. Mrs. Piland stated that even though the infrastructure was there, that did not mean that the area needed the density. The Public Hearing closed. No one appeared to speak in opposition to the request. Mr. Lloyd stated that the rezoning to R10 on adjacent property had been approved in 2004, prior to any knowledge of drainage problems. At this time, staff has questions concerning drainage problems or stormwater runoff. Mr. McLaurin stated that approval of R15 would guarantee a certain type of dwelling and would provide some type of protection for this area.

**Mr. McLaurin made a motion, seconded by Mr. Turner, to deny the request for R10 but approve the amended request for R15. Unanimous.**

- D. P06-86: REZONING OF .47 ACRES FROM R10 TO C1(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 4721 CAMDEN ROAD, OWNED BY KACEY SHUPE.

Mr. Lloyd presented the case information and stated that staff recommends denial of the C1(P) district based on the findings that the request is not consistent with the 2010 Land Use Plan which calls for Low Density Residential at this location; rezoning to the C1(P) district is arbitrary and will not serve a viable public purpose but would promote strip commercial development in a predominately residential area; and the request is not reasonable nor compatible with the current zoning and character of the area. There are no other suitable zoning districts to be considered for this request. The Public Hearing opened.

Ms. Kacey Shupe, owner and applicant, addressed the Board. She stated that her request was in keeping with the changes in the area. There is a high amount of traffic and less and less residential use. She stated that she no longer lives in the house but has renovated it extensively. She stated that in earlier years, she had no problem renting the house but now that the area has changed so much, the house has been empty since January of this year and that interest in her property as a residential use is non-existent.

She stated that people do not want to live in an area that is so loud, has such heavy traffic, and increased problems with vandalism and vagrants. She stated that she had talked to her neighbors and they are all in favor of this request due to changes in the area. She further noted that there is already commercial zoning surrounding this property. Mrs. Epler asked if the applicant was aware that rezoning would result in only a 40 foot wide structure being allowed on the property. Ms. Shupe stated that the house would be removed or demolished anyway.

Mr. Joe Pomales, realtor, verified that the property is undesirable for use as a home. He repeated concerns that increasing traffic and crime in the area are very detrimental to residential use. He stated that the neighbors are all in favor of the commercial zoning and that they are, in fact, hoping it will be approved so that they can file their own requests.

Mr. Tommy Watts stated that he had watched Ms. Shupe work very hard to maintain the property as a residence. He stated that the changes in the area had made the property undesirable for residential use and that the current zoning was actually hurting the value of her property. He told the Board that it would benefit everyone in this area if the rezoning was approved.

Ms. Glenda Stump, realtor, addressed the Board. She stated that commercial growth of surrounding areas was now extending into this area. A change away from residential use is necessary to alleviate growing problems in the Hope Mills Road area. She stated that there is no place for growth from the Hope Mills Road area to go except to Camden Road. Ms. Stump stated that the map shown was deceiving in that it does not accurately show commercial rezoning of the surrounding area nor the trend away from residential uses in this area. She stated that this area needs revitalization and that a change to C1(P) would only improve the area. There were no hindrances to be seen. The Public Hearing closed.

Commissioner Wheatley asked Mr. Lloyd to review the existing surrounding zoning. Mr. Lloyd highlighted those areas and stated that there were currently 5 residences located in the proposal area. He further stated that the 2030 Plan denoted this area as a commercial node due to the existence of the proposed by-pass.

Mrs. Epler asked if OI&(P) had been discussed with the applicant. Mr. Lloyd stated that it was not but that staff would have favorably considered it if the applicant had requested it. He stated that OI&(P) would serve as a good buffer for future proposed changes.

Commissioner Wheatley stated that she was concerned that no opposition was present. She stated that she would prefer knowing if the neighbors approved the request or if they simply did not understand the reason for the hearing. Mrs. Epler asked if the applicant would consider a deferral to allow for consideration of an OI&(P) district. The applicant stated that she had already considered the OI&(P) and would be agreeable to amending her request to OI&(P) at this time without deferring.

**Mrs. Epler made a motion, seconded by Mr. McLaurin, to deny the C1(P) and approve OI&(P). Unanimous approval.**

#### VIII. DISCUSSION

Mr. McNeill updated the Board on the recent County Commissioner's meeting. He stated that one case involved repeated appearances before the Planning Board and that the applicant had contradicted himself in the minutes. Mr. McNeill asked that all future staff recommendations to the Planning Board include applicable portions of the minutes from any previous Board meetings.

#### IX. FOR YOUR INFORMATION / DIRECTOR'S UPDATE

Mr. Lloyd reviewed the status of the sewer extension policy and reported on the recent 2030 meeting. Mr. Lloyd also expressed his appreciation to the Board for their condolences after the loss of his father.

X. ADJOURNMENT There being no further business, the meeting adjourned at 9:35 p.m.