

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

MINUTES

June 15, 2010

Members Present

Mrs. Lori Epler, Chair
Mr. Roy Turner, Vice Chair
Mr. Garland Hostetter
Mr. Benny Pearce
Mr. Walter Clark
Ms. Patricia Hall
Mr. Charles Morris
Mrs. Sara Piland
Mr. Harvey Cain, Jr.

Members Absent

Mr. Donovan McLaurin

Others Present

Mr. Tom Lloyd
Mrs. Laverne Howard
Ms. Donna McFayden
Ms. Patricia Speicher
Mr. Marshall Faircloth
(County Commissioner)

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Case P10-24 will be moved from Consent Items to Contested Items.

Mrs. Piland made a motion to accept the adjustment to the agenda, seconded by Ms. Hall. Unanimous approval.

III. PUBLIC HEARING DEFERENTIAL/WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF MAY 18, 2010

Vice-Chair Turner made a motion to accept the minutes as submitted, seconded by Mr. Pearce. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P10-21:** REZONING OF 100.62+/- ACRES FROM R10 RESIDENTIAL AND CD CONSERVANCY TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON BOTH SIDES OF NC HWY 210 (LILLINGTON HWY) AND NORTH OF SR 1601 (CHAPEL HILL ROAD); SUBMITTED BY THOMAS L. BROOKS FOR MCCORMICK FARMS (OWNER).

The Planning & Inspections Staff recommends approval of the R7.5 Residential district for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA) and outside a 100 foot buffer area along the western property line, with the land area inside the SFHA and the 100 foot buffer area being zoned CD Conservancy, based on the following:

1. The request is consistent with the location criteria for low density residential as adopted in the Land Use Policies Plan of the 2030 Growth Vision Plan and the Spring Lake Area Detailed Land Use Plan, with the exception of the land area within the SFHA and adjacent to the Lower Little River;
2. The recommendation for the CD Conservancy for that portion of the subject property within the SFHA and within a 100 foot buffer area along the western property line ensures this environmentally sensitive area will be protected and preserved;
3. Public utilities are available to the subject property; and
4. The Town of Spring Lake supports this request.

There are no other districts suitable regarding this request.

The property owner/applicant has verbally agreed with this staff recommendation.

A motion was made by Mrs. Piland, seconded by Vice-Chair Turner, to follow the staff recommendation and approve case P10-21, R7.5, SFHA and 100' buffer along western property line to CD. Unanimous approval.

- B. **P10-22:** REZONING OF 39.40+/- ACRES FROM R40 RESIDENTIAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF SR 2036 (BROADWATER BRIDGE ROAD) AND WEST OF NC HWY 272; SUBMITTED BY WILLIAM E. AND BELINDA B. BAREFOOT (OWNERS).

The Planning & Inspections Staff recommends approval of the R40A Residential district for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA), with the land area inside the SFHA being zoned CD Conservancy based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural area" at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan;
2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area; and

3. The request is consistent with the surrounding land use;

There are no other districts considered suitable for this request.

The applicant has verbally agreed to this recommendation.

A motion was made by Mrs. Piland, seconded by Vice-Chair Turner, to follow the staff recommendation and approve case P10-22, R40A; except for SFHA to CD. Unanimous approval.

- C. **P10-23:** REZONING OF 1.97+/- ACRES FROM A1 AGRICULTURAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3211 JOHN MCMILLAN ROAD; SUBMITTED BY JOHN L. AND ARTRICIA HAYNES (OWNERS).

The Planning & Inspections Staff recommends approval of the A1A Agricultural district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural area" at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan;
2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area; and
3. The request is consistent with the surrounding land use;

There are no other districts considered suitable for this request.

A motion was made by Mrs. Piland, seconded by Vice-Chair Turner, to follow the staff recommendation and approve case P10-23 as submitted. Unanimous approval.

VIII. PUBLIC HEARING CONTESTED ITEMS

- D. **P10-24:** REZONING OF 7.91+/- ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SR 1003 (CAMDEN ROAD) AND WEST OF SR 3039 (WIPPERWILL DRIVE); SUBMITTED BY MARCH F. RIDDLE (OWNER).

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommends denial of the request for C(P) Planned Commercial but approval of C2(P) Planned Service & Retail district based on the following:

1. The request for C(P) Planned Commercial is not consistent with the location criteria for "heavy commercial" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan because "heavy commercial" should not be located in a predominantly residential area; the recommendation of C2(P) Planned Service and Retail does meet the location criteria for the Policies Plan;
2. The request is reasonable due to the immediate area transitioning to primarily low density residential uses at this location and if approved will allow for uses providing convenient goods and services to the immediate surrounding neighborhoods; and

3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

The applicant has verbally agreed to this recommendation.

There was one person present to speak in opposition. The applicant was present to speak in favor.

Mr. Joseph P Riddle III, the applicant, spoke in favor. Mr. Riddle stated that the subject property is part of close to a one hundred acre tract of land that was purchased years ago from the Mason family. Recently there has been a lot of activity out in the Rockfish Road Camden Road area and a developer from North Wilkesboro has gotten approval from this board and the County Commissioners' to rezone the C2(P) sight on Rockfish Road, which is right next to Jack Britt High School's football field, as part of their plan, I think they originally tried to put this Food Lion on the property across Rockfish Road and couldn't get things worked out with the land owner, on the corner of Lakewood and Rockfish Road. Part of their plan here, in this present site, is to build a road, a thoroughfare, beside the football field and come out at Waldos Beach Road. When we found out about that, of course they were visiting us about getting some of the right-of-way through this 7.91 acre tract, we realized that tract of land was going to end up being a corner. Mr. Riddle presented maps to the board to review.

Chair Epler asked if they were allowed to see the map since the case was not a Conditional Use District.

Mr. Lloyd stated that the board could look at the map, but they couldn't base their decision on the map.

Mr. Riddle stated that the point he was trying to make is that the site in their minds is a multi-family site, there is a lot of density and it could have been a high density multi-family site, I could imagine a signal being there too, it will be a busy intersection when that Food Lion opens, this land will be at a busy intersection and we felt it would be more suitable to be commercial, it has all the utilities and this is all being done with DOT's blessings, understands that once the roadway is built, it will be built to DOT specifications, it will be turned over to the State. I'm just here if anybody has any questions.

Mr. Morris asked Mr. Riddle if he voluntarily accepted C2(P) zoning.

Mr. Riddle stated that he didn't know all the differences, just that there was something in C(P) that the Planning Department thinks makes it a heavier use and asked what the differences were.

Mr. Lloyd stated that most of the differences are heavy commercial and alcohol sales, most noxious uses that are located in the C(P) are taken out in the C2(P).

Chair Epler asked if it was safe to say that a C2(P) is more neighborhood friendly than a C(P) is?

Mr. Lloyd said that was the best way to say it.

Mr. Riddle stated that they were not trying to not be neighborhood friendly, but another point is that Hope Mills is coming, they do an unusual annexation process, when we developed across the street and got PWC water and sewer, you're kind of extorted to sign an annexation agreement with whatever municipality comes to get you as everyone on the board knows, and so we of course signed that, and we haven't even got any houses built just about three or four and here's Hope Mills, they ask you to fill out all the forms for them and ask you for \$500 when they're annexing you. We've done some of that and I've turned in all the paperwork to them, I'm sure they're going to be annexing us soon.

Mr. Morris asked Mr. Riddle again if he was okay with the C2(P) zoning.

Mr. Riddle stated that he was okay with it, but didn't know how that would convert to Hope Mills zoning, but they're on the way to annexing all of that.

Mr. Morris stated that the reason he was pushing is that Mr. Riddle was asking for C(P) and the staff is recommending C2(P), as the public hearing continues he wants to make sure we are all on the same wavelength.

Mr. Riddle stated that he was okay with it but not sure of all the differences because he's never developed C2(P).

Mr. Lloyd stated that this is a relatively new zoning and whatever he wants can be done in C2(P).

Mr. Richard Hogg spoke in opposition. Mr. Hogg stated that he has been a resident of Fayetteville for 22 years and currently resides in Camden Woods which is to the southwest of the subject property. He chose this area because Stoney Point Elementary and Jack Britt were within walking distance, Camden Road was fairly undeveloped, which makes for nice country living, and that was what he was looking for. Shortly after moving in Camden Estates was developed, Mr. Hogg disagrees with bringing in commercial property so close, because this will bring a lot of congestion so now there will be that much more traffic. We have a hard enough time in Camden Woods with people cutting through coming down Camden Road and now there will be that much more traffic. We would like to keep it nice country living out here. Food Lion is going in up there to the north, but then again there is at least a buffer, there's no direct cut through unless Jack Britt has their access road open and that's only during certain hours. Mr. Hogg asked for denial of the application because the residents of the area would like to keep the area for country living.

Alfonse Turner, Pastor of New Covenant Full Gospel Baptist Church, spoke in opposition. Mr. Turner stated the church is just to the right of the subject property. Mr. Turner stated that his concerns are with the subject property not being buffered, and the increased traffic. Mr. Turner stated that his phone calls regarding zoning had not been returned.

Chair Epler asked how the church property was zoned.

Mr. Lloyd stated that the church was zoned RR Rural Residential.

Chair Epler stated that the church property was zoned Rural Residential and believes that the ordinance requires Mr. Riddle, when he develops this property, to have a vegetative buffer or a solid fence between his property and the church property because of the way the church property is zoned.

Mr. Turner stated that they appreciated that but still had that concern. We know that Hope Mills is growing by leaps and bounds and we know that we won't be able to stay like we are very long, but we would like to control as much as we can without those type of establishments right on top of the church.

Mr. Morris asked Mr. Turner if he understood that the applicant amended his application to C2(P).

Mr. Turner stated that was fine and appreciated that, just concerned about keeping the church atmosphere.

Deanna Ortiz spoke in opposition. Mrs. Ortiz stated that she lives in Camden Woods and they chose this home because of the area. There wasn't a lot of commercial property in the area, it's more residential, and we prefer it that way. Mrs. Ortiz stated she doesn't understand why they are trying to build another Food Lion when there is one 2 ½ miles down the road.

Chair Epler asked Mrs. Ortiz if she understood that this rezoning case is not for the Food Lion property.

Mrs. Ortiz stated that she thought it was for the commercial property beside Jack Britt, so there is basically going to be another strip mall.

Chair Epler stated that this rezoning case was for the property on Camden Road at the intersection of Waldos Beach Road and Camden Road that is not the Food Lion site, the Food Lion is going up on Rockfish Road.

Mrs. Ortiz stated that they preferred that it stay residential, because kids do ride their bikes up and down the road, going to work and coming home there is a lot of traffic and it's just going to add more traffic to the already chaotic mornings and afternoons.

Mrs. Piland asked Mr. Lloyd what the approximate distance was between the access road coming out on Camden Road and the subject property, where the new road is supposed to enter Camden Road.

Mr. Lloyd stated roughly 1000 feet.

Public Hearing closed.

Ms. Hall asked Ms. Speicher if the Hope Mills Ordinance was consistent with the County's.

Ms. Speicher stated that they were consistent.

Ms. Hall asked if Hope Mills annexed, which they probably will, will it be the same zoning.

Ms. Speicher stated it would be the same; that was the goal for making the ordinances consistent.

Mr. Morris asked if the access road was DOT approved

Chair Epler stated that DOT is in the process of approving that, they have agreed to the location.

A motion was made by Mr. Morris, seconded by Mr. Cain to follow the staff recommendation and approve C2(P) for case P10-24.

Ms. Hall said that Camden Road is a major corridor and it is being widened, and asked how far it would extend.

Mr. Lloyd stated that the proposal calls for multi-lane with right-of-way of 110 feet and those improvements are included in the 2009-2015 MTIP.

Ms. Hall asked if it would eventually be widened.

Mr. Lloyd responded yes.

Ms. Hall said that she knows Camden Road is becoming more commercial, and beyond the intersection of Rockfish and Camden Road between that and Hope Mills Road and Camden Road has really grown in the last several years, and opposes part of that. But, was told at that time that commercial is coming, however, doesn't feel good about going out here in the middle of a residential area and changing it to commercial, for any reason. Especially with a school there and two housing developments, both of these developers came to get these developments approved by this board. We've gone to pains to have fences, buffers, and sidewalks to protect those children and now we're putting this major intersection within 1000 feet of where the school buses are coming out every day and right alongside of where the school children walk in some cases. I feel somewhat helpless, we are just, as we progress we create more problems, I just don't feel comfortable about doing this now. After that road is widened and it has changed all the way up to that point, but now what we're doing, we've got point a at the intersection and now we're doing point b, the next thing we know everything in between is a foregone conclusion and all the houses lining those roads eventually will be sold or turned into business, just like Hope Mills Road at LaFayette Village. I hate to see that neighborhood destroyed, once that happens then it's going to be from Whipperwill further down to these two new developments that we have just created in the last decade. So what are we doing as a Planning Board? Are we creating tomorrow's bad residential areas, we have good residential areas here now.

Mr. Morris stated that when he originally saw this, the first thing he thought about was Hope Mills Road. We all watched as it got widened and those houses turned into dead zones, there were businesses floating back and forth and when I see what 7.91 acres, when they widen that it's going to be 6 acres, who wants to live on a 4 lane highway if we can do it under a C2(P) not a C(P) and we can control some of those uses and keep a neighborhood commercial area and other areas we talk about walkable communities and all those other things that needs to be there and I just don't see its residential use the conducive residential property that people want to be part of or buy into on a 4 lane highway, and with that other road coming in and the access of the traffic count if we could control those noxious uses or C2(P) he believes it's an appropriate commercial zoning, but again this planning staff, planning board, and Hope Mills and these area plans need to be utilized in order to stop a sprawl from occurring, but we don't have that small area plan right now and we're faced with the case at hand.

Chair Epler stated that her engineering company is doing the engineering for the Food Lion site and they are engineering that access road that is coming from Rockfish Road to Camden Road and the Department of Transportation has been very unforgiving on their requirements, both on Rockfish Road and Camden Road as far as widening at those

proposed intersections Camden Road will be widened or that road will not go through, and they are going to make venture properties do a great deal of widening at that intersection on both sides of the road; very much like they did at Millstone Subdivision on Hope Mills Road. We are in negotiation with them right now and there has to be a turn lane coming down Camden Road going into that new street. There has to be a left turn and a right turn on both sides of this intersection on Camden Road. Chair Epler stated that she could say that because she was privy to those conversations with the Department of Transportation.

Mr. Lloyd stated that there were some other factors that staff considered, one, this is Jack Britt property so we're not worried about strip commercial going further to the west, two, we not only have these neighborhoods, but we have over 400 houses further down Camden Road. When you have that much development, that many units, you're going to have commercial. There's a church bordering this to the east, and usually the staff would not consider surrounding this church with strip commercial. You have the road coming down, the football field area, so basically this site is not going to spread in either direction because of the church and Jack Britt. There has got to be some commercial for those 500 – 700 units that have gone in. Mr. Lloyd stated that this site, in his opinion was not similar to Hope Mills Road because Hope Mills Road was a bunch of individual residential parcels that started to spread from Raeford Road down that became unsuitable for most of the people that wanted to live on Hope Mills Road. If you look at this road here, there is already platted and sold to the south, on this side the north part of Camden Road, there is a limited amount of land from the lots on Whipperwill down to the church that could even be rezoned for commercial, the situations a lot different than Hope Mills Road, and again your talking hundreds of units have been proposed or developed just in the last couple of years, so there's going to be some commercial.

Mrs. Piland made an observation and stated that she was somewhat disappointed that there would be commercial development so close to a school, because we have built so many schools and then had commercial development right next to the school and it is not necessarily in the school's best interest or the children who attend that school and we've seen some school's who have experienced negative results as a consequence of that. Mrs. Piland stated that she likes to see school's with a lot of residential development around them, it provides a lot of protection to the public school and to the children who attend there, Mrs. Piland also mentioned concerns not so much about what's going to happen right there on that one strip that we are talking about tonight, but all of that RR back in there and that road running right by the school property and right across the street, what kind of development is going to happen in there. Mrs. Piland stated that she understands the need for services, liked the mixed use district across the street from Jack Britt High School that was a good design, it's a good compromise. Just keep in mind that there are 2,000 students attending that school, a lot of kids that can get involved in a lot of activities close to the school.

Chair Epler stated that no one from the Board of Education is present to speak in opposition to this case, they didn't oppose Food Lion, and asked if they commented when staff asked for comments at all.

Ms. Speicher stated that they gave the capacity and enrollment numbers.

Chair Epler stated just the standard comments.

Ms. Speicher responded yes.

Mr. Lloyd stated that he thought the person assigned to this really looks more at the impact of enrollment on the school.

Mrs. Piland stated that was correct, that is his job. Mrs. Piland would like to see in the future involving some folks from a different level at some point that could look at more than just numbers.

Mr. Lloyd stated that this was probably the type of thing that should have panned out during the 2030 process, but we could also look at revising the Land Use Policies Plan.

Ms. Hall stated that she realized that commercial is following the population, but wonders if the commercial were there first would those nice housing developments been placed there.

Mr. Lloyd stated that if you look at the rest of the Jack Britt school district there have been many subdivisions put in after the commercial was already present, that whole school district has grown residentially and commercially.

Chair Epler asked if there was any further discussion. There was none. The Board voted on the motion that was on the floor.

The motion to recommend following the staff recommendation and approval for case P10-24 passed 6 to 3 with Ms. Hall, Mrs. Piland, and Vice-Chair Turner voting in opposition.

CONDITIONAL USE DISTRICT AND PERMIT

- E. **P10-18:** REZONING OF 3.14+/- ACRES FROM A1 AGRICULTURAL TO C2(P) PLANNED SERVICE AND RETAIL/CUD CONDITIONAL USE DISTRICT FOR A TRADE CONTRACTOR AND THE PERMIT AND R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3370 COLEMAN ROAD, SUBMITTED BY ROBERT W. MCLAURIN (OWNER) AND DARYL W. MCLAURIN.

Mrs. Piland advised the Board that she was visited by the applicant a few days prior to receiving notice from the planning staff about the request for rezoning and explained to the applicant that she was limited in what could be discussed with him, and he was not sure about the conditional use or quasi-judicial and told him that if it was a quasi-judicial hearing that she could only consider the evidence presented at the hearing and believes that she can participate in the discussion, hearing, and decision making with impartiality and fairness.

Mr. Lloyd advised the Board that it was up to them if they wanted to open this case, because the applicant has legal counsel that was recently obtained and was going to ask for the case to be deferred so that he could become more familiar with it, they could vote on whether to proceed, there was no one present to speak in opposition, but there are speakers in favor.

A motion was made by Mrs. Piland, seconded by Mr. Pearce, to defer case P10-18 for 30 days until the July 20, 2010 Planning Board meeting.

Mr. Morris stated that he understood that the speakers were present in favor, but if someone in the audience objects to the deferral, they should have the opportunity to do that.

Chair Epler asked the audience if anyone was present in opposition of the case, and if anyone present in favor of the case opposed the deferral to stand. No one stood.

The motion to defer case P10-18 until July 20, 2010 passed. Unanimous approval.

IX. DISCUSSION

There was none.

X. FOR YOUR INFORMATION

DIRECTOR'S UPDATE

- Mr. Lloyd reminded the Board that it was time for the Nominations Committee to meet to vote for next year's officers.
- Mr. Lloyd reminded the Board that Work Programs were needed by the next Planning Board meeting.
- Mr. Lloyd advised that Tiger Swan has been taking up a lot of staff time, the next time the ordinance is updated we need to regulate outdoor entertainment.
- There will be no meeting for the 5th Tuesday in June.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:05 p.m.