

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MINUTES

April 15, 2014

Members Present

Mr. Walter Clark, Chair
Ms. Patricia Hall, Vice-Chair
Mr. Charles Morris
Mr. Benny Pearce
Mrs. Diane Wheatley
Mr. Carl Manning
Mr. Donovan McLaurin
Dr. Vikki Andrews
Mr. Harvey Cain, Jr.

Members Absent

Mr. Garland Hostetter

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

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

Mr. Lloyd explained the reason for the changes to P14-13 and P14-14, and also stated that P14-15 was being pulled from consent items and moved to contested items.

III. PUBLIC HEARING DEFERRAL /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 MARCH 18, 2014

Mr. McLaurin made a motion to accept the minutes as submitted, seconded by Dr. Andrews. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

A. **P14-21. REVISION AND AMENDMENT TO THE TOWN OF FALCON ZONING ORDINANCE, AMENDING ARTICLE IX, SIGN REGULATIONS AND ARTICLE X, DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS. (FALCON)**

CONSISTENCY WITH LAND USE PLAN

The proposed amendment is consistent with the 2030 Growth Vision Plan as it is an effort to ensure that that the Town of Falcon’s Zoning sign regulations are updated and revised to be more in line with the county standards.

The Planning and Inspections Staff recommends approval of the amendment, because of the foregoing and based on the following:

- The amendment was requested by the Town Board of Commissioners.

Mr. McLaurin made a motion, to recommend the approval and adoption of the Text Amendment as submitted by the Planning & Inspections staff, seconded by Mrs. Wheatley. The motions passed with a unanimous vote.

REZONING CASE

- B. **P14-13.** REZONING OF 10.26+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 2245 (THROWER ROAD), WEST OF NC HWY 87 S; SUBMITTED BY VANCE UPTON TYSON, JR. ON BEHALF OF VANCE UPTON TYSON HEIRS (OWNER) AND TIM EVANS.

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for “rural” at this location, as well as meeting the location criteria for “rural density residential” development as listed in the Land Use Policies Plan.

REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district is reasonable and in the public interest, because it will be in harmony with the surrounding area.

The Planning and Inspections Staff recommends approval of the R40 Residential district because of the foregoing and based on the following:

- If approved, the rezoning would be consistent with recent rezonings in the general area.

There are no other districts considered suitable for this request.

Mr. McLaurin made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve R40 Residential district, seconded by Mrs. Wheatley. The motions passed with a unanimous vote.

- C. **P14-14.** REZONING OF 20.85+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON BOTH SIDES OF SR 2233 (SCHOOL ROAD) AND SOUTHWEST OF NC HWY 87 S, SUBMITTED BY CHARLES J. DEVORE ON BEHALF OF DOROTHY EDGE DEVORE HEIR (OWNER) AND TIM EVANS.

The applicant modified this request to only rezone 2.72 +/- Acres of the subject property.

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for “rural” at this location, as well as meeting the location criteria for “rural density residential” development as listed in the Land Use Policies Plan.

REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district is reasonable and in the public interest, because it will be in harmony with the surrounding area.

The Planning and Inspections Staff recommends approval of the R40 Residential district because of the foregoing and based on the following:

- If approved, the rezoning would be consistent with recent rezonings in the general area.

There are no other districts considered suitable for this request.

Mr. McLaurin made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve R40 Residential district, seconded by Mrs. Wheatley. The motions passed with a unanimous vote.

- D. **P14-18.** REZONING OF .82+/- ACRE FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 2337 (WILMINGTON HWY), NORTHEAST SIDE OF SR 2266 (MANLEY STREET); SUBMITTED BY RONNIE L. GIBSON ON BEHALF OF A.C.C.S. ALLSTATE CONTRACTING AND CLEANING SERVICE, LLC. (OWNER).

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban” at this location, as well as meeting the majority of location criteria for “heavy commercial” development as listed in the Land Use Policies Plan. The location criteria not met is public sewer, which is not available.

REASONABLENESS & IN THE PUBLIC INTEREST

Consideration of the C(P) Planned Commercial district for the subject property is reasonable and in the public interest because the requested district is comparable to rezonings within the general area. The request is also reasonable because it will be in harmony with surrounding area.

The Planning and Inspections Staff recommends approval of the C(P) Planned Commercial district because of the foregoing and based on the following:

1. Public water is available to the subject property; and
2. The adjacent properties are zoned heavy commercial.

There are no other districts considered suitable for this request.

Mr. McLaurin made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve C(P) Planned Commercial district, seconded by Mrs. Wheatley. The motions passed with a unanimous vote.

- E. **P14-19.** REZONING OF .19+/- ACRE FROM RR RURAL RESIDENTIAL/DD DENSITY DEVELOPMENT/CUD CONDITIONAL USE DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF RUNNING FOX ROAD, WEST OF CARRIAGE CROSSING ROAD; SUBMITTED BY WALTER W. LITTLE ON BEHALF OF ROSLIN FARMS WEST OWNERS ASSOCIATION (OWNER) AND CHUCK RICHARDSON, PE ON BEHALF OF SOUTH RIVER EMC.

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban fringe” at this location, as well as meeting the location criteria for “rural density residential” development as listed in the Land Use Policies Plan.

REASONABLENESS & IN THE PUBLIC INTEREST

Consideration of the A1 Agricultural district for the subject property is reasonable and in the public interest as the request will be in harmony with the surrounding area.

The Planning and Inspections Staff recommends approval of the A1 Agricultural district because of the foregoing and based on the following:

- Approval of the request will allow for the expansion of the adjacent agriculturally zoned district.

There are no other districts considered suitable for this request.

Mr. McLaurin made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve A1 Agricultural district, seconded by Mrs. Wheatley. The motions passed with a unanimous vote.

- F. **P14-20.** REZONING OF .38+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3701 AND 3713 CUMBERLAND ROAD, SUBMITTED BY BRIAN V. AND WENDY V. BARBER (OWNERS) AND KENNETH WHITLOCK.

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban” at this location, as well as meeting most of the location criteria for “light commercial” development as listed in the Land Use Policies Plan; the location criteria not met is public sewer, which is not available. The request is also consistent with the recently adopted Southwest Cumberland Land Use Plan which calls for “heavy commercial” in this area.

REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district requested is reasonable and in the public interest, because it will be in harmony with the surrounding area, allowing lot sizes and uses comparable to those existing in the area.

The Planning and Inspections Staff recommends approval of the C2(P) Planned Service and Retail district because of the foregoing and based on the following:

- Public water is available to the subject property.

There are no other districts considered suitable for this request.

Mr. McLaurin made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve C2(P) Planned Service and Retail district, seconded by Mrs. Wheatley. The motions passed with a unanimous vote.

VIII.PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- G. **P14-15.** REZONING OF 20.00+/- ACRES FROM RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1115 (BLACK BRIDGE ROAD), SOUTHEAST OF HOME STAKES DRIVE; SUBMITTED BY LEVANE MABE AND MARY GAIL DOUGLAS (OWNERS) AND WATSON CAVINESS

Mr. Lloyd presented the case information and stated the following:

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban” and “urban fringe” at this location, as well as meeting the location criteria for “low density residential” development as listed in the Land Use Policies Plan; the request is also consistent with the recently adopted Southwest Cumberland Land Use Plan which calls for “low density residential” in this area.

REASONABLENESS & IN THE PUBLIC INTEREST

Consideration of the R7.5 Residential district for the subject property is reasonable and in the public interest, because it will be in harmony with the surrounding area, allowing lot sizes and uses comparable to those existing in the area.

The Planning and Inspections Staff recommends approval of the R7.5 Residential district because of the foregoing and based on the following:

- Public water and sewer are available to the subject property.

The R15 Residential district could also be considered suitable for this request.

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

Mr. Scott Brown spoke in favor. Mr. Brown asked that the Board approve the request for rezoning. There will be no entrance into the Steeple Chase subdivision due to the existing cemetery; the entrance will be off of Black Bridge Road.

Watson Caviness spoke in favor. Mr. Caviness stated that he was present to answer any questions that anyone may have.

Mrs. Elizabeth Mary Haas Cooper spoke in opposition. Mrs. Cooper stated that she was a resident of Steeple Chase subdivision for eight years. Mrs. Cooper stated that she was opposed to the request because the current infrastructure in the area will not support added homes, with additional traffic and increased stress on the school system.

Public Hearing closed.

Mr. Morris stated that Mrs. Cooper was correct that the roads need to be widened, that there's stress on the traffic patterns and the school system does have issues. Unfortunately, you can't get roads widened until you have the traffic count, you can't get schools built until you have the rooftops. So it's a "catch-22" all the way around for the residents.

Mr. Morris made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve R7.5 Residential district, seconded by Mr. McLaurin. The motions passed with a unanimous vote.

VIII. DISCUSSION

There was none.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:25 p.m.