



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

MINUTES

August 18, 2015

Members Present

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

Members Absent

Mr. Charles Morris, Vice-Chair

Others Present

Mr. Thomas Lloyd
Ms. Donna McFayden
Mrs. Laverne Howard
Ms. Patricia Speicher
Mr. Rick Moorefield
County Attorney

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.

Mr. Lloyd advised that case P15-46 would be moved to Contested Items.

Mrs. McLaughlin made a motion to approve the adjustment to the agenda, seconded by Dr. Andrews. Unanimous approval.

III. PUBLIC HEARING DEFERRAL/ WITHDRAWAL

P15-31. REZONING OF .73+/- ACRE FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2444 AND 2448 HOPE MILLS ROAD, SUBMITTED BY RAFFAELLA AND MICHELE MASSA (OWNERS). DEFERRED UNTIL 1/16/2016

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 JULY 21, 2015

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

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P15-44.** REZONING OF 2.27+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED IN THE NORTHERN QUADRANT OF SR 1006 (MAXWELL ROAD) AND SR 1826 (WADE STEDMAN ROAD); SUBMITTED BY JOSEPH T. GEDDIE AND VIOLET G. DOWD (OWNERS) AND PAR 5 DEVELOPMENT GROUP, LLC.

1st MOTION

The Planning and Inspections Staff recommends denial of the C(P) Planned Commercial but approval of the C2(P) Planned Service and Retail district for Case No. P15-44; even though the recommended district is not entirely consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location, the district recommended is consistent with the objectives for commercial development listed in the Land Use Policies Plan; specifically, by promoting sufficiently zoned commercial areas to accommodate the needs of the county residents and locating commercial development at major intersections with the least impact on residents and other incompatible uses.

The staff recommends the board further find that approval of the recommended rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public water (ESD) is available, however sewer is not available but there is an exception in the plan for rural commercial; *should have minimum direct access to a collector street; should not be in a predominantly residential, office & institutional, or light commercial area and must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends denial of the requested district of C(P) Planned Commercial but approval of the C2(P) Planned Service and Retail district based on the following :

- The C2(P) Planned Service and Retail district is logical as there are similar commercial zoning districts and uses in the general area.

The applicant has verbally agreed with the staff recommendation. The C1(P) district could also be considered suitable for this request.

Mr. Manning made both of the motions referenced above, seconded by Mr. McLaurin, to follow the staff recommendations and approve the request. The motions passed unanimously.

- B. **P15-45.** REZONING OF .89+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 1001, 1001B, 1003 AND 1007 HONEYCUTT ROAD; SUBMITTED BY MARY LEE PEADEN (OWNER), STEVE AND BEV SODERHOLM.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-45 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location as the proposed district will allow for a wide variety of commercial businesses. The request is also consistent with the North Fayetteville Land Use Plan which calls for “urban development” at this location.

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 meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public water is available, however, sewer is not yet available but there is a project in the design stage that should extend sewer in the near future; *should have minimum direct access to a collector street; should not*

be in a predominantly residential, office & institutional, or light commercial area; must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping and could be located in a designated Activity Node Area.

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-45 for C(P) Planned Commercial district based on the above information and the following:

- The C(P) Planned Commercial district will allow for land uses and lot sizes that exist in the general area.

The C2(P) district could also be considered suitable at this location.

Mr. Manning made both of the motions referenced above, seconded by Mr. McLaurin, to follow the staff recommendations and approve the request. The motions passed unanimously.

CONDITIONAL ZONING DISTRICT

- C. **P15-26.** REZONING OF 1.33+/- ACRES FROM C2(P) PLANNED SERVICE AND RETAIL TO C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING FOR A CONVENIENCE STORE WITH GASOLINE SALES AND RESTAURANT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1112 (ROCKFISH ROAD), SOUTH OF WELL STREET; SUBMITTED BY PAT MOLAMPHY ON BEHALF OF ALBEMARLE OIL COMPANY (OWNER) AND CLARK CAMPBELL, ESQUIRE. (HOPE MILLS)

1st MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-26 for the C1(P) Planned Local Business/CZ Conditional Zoning district for a convenience store with gasoline sales and restaurant based on the following:

1. The requested district is more restrictive than the existing C2(P); and
2. The requested district and uses are logical as they are similar to the existing zoning and uses in the general area.

2nd MOTION

The district requested is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan which calls for "urban" at this location because the site is located in an urban area. The request is also consistent with the Southwest Cumberland Land Use Plan that calls for "mixed use development" at this location which includes light commercial.

The staff further recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested is more restrictive than the existing zoning. The property owner is voluntarily eliminating all uses except for a convenience store with a small restaurant. The request also meets or exceeds the location criteria of the adopted Land Use Plan, in that: *public water and sewer required; must have direct access to a collector street; should serve as a transition between heavy commercial, office & institutional or residential development; should have other light commercial uses in the area; should provide convenient goods and services to the immediate surrounding neighborhood and may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements.*

There are no other districts considered suitable for this request at this location. The property owner has voluntarily agreed to all "Ordinance Related Conditions"

Mr. Manning made both of the motions referenced above, seconded by Mr. McLaurin, to follow the staff recommendations and approve the request. The motions passed unanimously.

VIII. PUBLIC HEARING CONTESTED ITEMS

CONDITIONAL ZONING DISTRICT

- D. **P15-46.** REZONING OF 252.00+/- ACRES FROM PND PLANNED NEIGHBORHOOD TO MXD MIXED USE/CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF SR 1606 (ELLIOTT FARM ROAD), WEST OF US 401 (RAMSEY STREET); SUBMITTED BY DON B. BROADWELL, JR. ON BEHALF OF BROADWELL LAND COMPANY (OWNER).

Mr. Lloyd presented the case information. Mr. Lloyd explained the current zoning and stated that with the current zoning the developer could put 1244 units on the site with sewer. Mr. Lloyd advised that water and sewer would be provided by Harnett County. It is possible for PWC to provide utilities, but if it were to come from PWC the subject property would be annexed into the City of Fayetteville before it could get utilities.

With the rezoning they are cutting the density, they are proposing 307 lots in this development and the multi-family housing will be approximately 300. They are cutting the density down to about half.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the rezoning request for Case No. P15-46 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban fringe" at this location because the request meets the intent of the Mixed Use District, which was adopted to encourage innovative development by providing use flexibility while maintaining quality design. The request is also consistent with the North Central Land Use Plan, which calls for "commercial" and "low density" development at this location.

The staff also recommends the board find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject properties meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer are available*, Harnett County water and sewer will be extended to subject properties; *there is direct access to a local road*; *should be a minimum of 10 acres*; *is a means to promote an alternative to strip commercial development*; *separation of mixed uses and located on a sufficient site that provides adequate area for buffering, screening landscaping, parking and required open space*.

2nd MOTION

The Planning and Inspections Staff recommends the approval of Case No. P15-46 for MXD Mixed Use/CZ Conditional Zoning based on the following:

1. The request is logical as the uses will maintain or enhance the value of adjoining or abutting properties in that this is a quality, well planned development that, if approved, will complement the area in which it is proposed.
2. The location and character of the use, if developed according to the plan submitted and recommended, will be in harmony with the area in which it is to be located; and
3. This development will introduce public sewer from Harnett County to this rural portion of the county.

There are no other districts considered suitable for this request. The property owner has voluntarily agreed to all "Ordinance Related Conditions".

There were people present to speak.

Mrs. Wheatley asked how many units could go on the site without sewer.

Mr. Lloyd stated with RR density about five hundred and twenty units.

Mr. Dell Crawford spoke in favor. Mr. Crawford restated what the current zoning would allow and that the developer is proposing about half of that, seven hundred units total would be developed. Also, water and sewer would be run to the site. The developer has been working with Cumberland County Schools about the same amount of time that they have been trying to develop this land, and there is a nice parcel that is available for the school system, to put an elementary school.

Ms. Hall asked Mr. Crawford if the five hundred twenty units mentioned included the future multi-family units.

Mr. Crawford said that there were roughly three hundred and seven single family and about three hundred and fifty multi-family.

Mr. Jeffrey Hassler declined to speak.

Ms. Bessie Locus spoke in opposition. Ms. Locus stated that her concerns were with the increased traffic this development would bring when there are already five thousand cars that travel up and down Elliot Bridge Road. There are a lot of accidents out there. The road is built for one thousand cars and presently there are a lot more. Ms. Locus also stated that she was concerned how this development would affect property values.

Dr. Andrews asked Ms. Locus how she got the five thousand total.

Ms. Locus stated that there was a study done.

Mr. Clark stated that this would be a way that would reduce traffic there if you think about what could be put there.

Ms. Locus asked what the price range would be for the proposed homes.

Mr. Crawford commented on the general price range and stated that the proposed housing costs would range from two hundred and fifty thousand to four hundred thousand dollars, pretty comparable to what's in the area now. Mr. Crawford also stated that they have been working very closely with Department of Transportation (DOT) and they will be including center turn lanes, right and left turn lanes, and road widening. Safety would be improved. The developer and Cumberland County Schools would take care of the road work. DOT won't approve driveways and roadways going into Elliot Bridge Road unless they are built to their standards.

Mr. James Rose stated that DOT has plans to install a traffic signal at Elliot Bridge Road and Ramsey Street.

Mr. McLaurin stated that they would have to stick with the green spaces, its site specific. If not they would have to come before the board again.

Mrs. Wheatley stated that this proposal would change the complexion of this side of the County; it's kind of rural out there. But, development will happen, it could be worse.

Mr. McLaurin stated that in his fourteen years on the board, he has seen developments like this before get turned down. The developer has got all his money invested in this plan and will turn around and go right to the City and get it annexed. This proposal has fewer homes than what could be there with the current zoning.

Ms. Hall said that this could be a nicer development in the County than in the City.

Mr. McLaurin made both of the motions referenced above, seconded by Mr. Clark, to follow the staff recommendations and approve the request. The motions passed unanimously.

IX. DISCUSSION

DIRECTORS UPDATE

Mr. Lloyd stated that he was looking at doing an ordinance amendment based on the number of metal carports going up without permits. Mr. Lloyd will look into this and come back to the Codes Committee.

X.ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 pm.