

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin,  
Wade, Falcon & Godwin



*Planning & Inspections Department*

**MINUTES**

January 17, 2017

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Carl Manning,  
Lori Epler,  
Cumberland County

Benny Pearce,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

**Members Present**

Mr. Charles Morris, Chairman  
Mrs. Diane Wheatley, Vice-Chair  
Mr. Benny Pearce  
Dr. Vikki Andrews  
Mrs. Lori Epler  
Ms. Patricia Hall  
Mr. Harvey Cain, Jr.  
Mr. Carl Manning

**Members Absent**

Mrs. Jaimie McLaughlin  
Mr. Donovan McLaurin

**Others Present**

Ms. Patricia Speicher  
Ms. Annie Melvin  
Mrs. Laverne Howard  
Mr. Robert Hasty, Jr.  
Asst. County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

Ms. Speicher advised the Board that Cases P17-04 and P17-05 would be moved from Consent Items to Contested Items

**Mrs. Epler made a motion to accept the agenda as submitted, seconded by Mrs. Wheatley. Unanimous approval.**

III. PUBLIC HEARING DEFERRALS / WITHDRAWALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

Mrs. Epler abstained from Cases P17-04 and P17-06.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Ms. Speicher read the policy statement.

VI. APPROVAL OF THE MINUTES OF DECEMBER 20, 2016

**Ms. Hall made a motion to accept the minutes as submitted, seconded by Dr. Andrews. Unanimous approval.**

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P17-06.** REZONING OF 43.23+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1440 CANADY POND ROAD, SUBMITTED BY CHARLES T. GARDNER (OWNER).

**1<sup>st</sup> MOTION**

The district requested is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural and conservation area” at this location; however, the R40 Residential and CD Conservancy districts would be. The request for A1 Agricultural to R30 Residential is not consistent with the South Central Land Use Plan which calls for “farmland and open area,” restricting development to approximately one acre lots where soil conditions are suitable for septic systems and protect the SFHA.

The staff recommends the board further find the R30 Residential district is not reasonable and in the public interest because the district requested for the subject property does not meet the location criteria of the adopted Land Use Policies Plan, in that public water is not available. The R40 Residential district meets or exceeds the location criteria in that: *individual well and septic systems allowed; could be located in any defined critical area as defined by the Fort Bragg Small Area Study; desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils, desirable to not be located in an area that is a prime industrial site; may be outside the Sewer Service Area.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends denial of Case No. P17-06 for R30 Residential district but approval of the R40 Residential and CD Conservancy for the SFHA based on the following:

- The district requested will allow for land uses and lot sizes that exist in the general area.

No other districts could be considered suitable at this location. The applicant has verbally agreed with the staff recommendation.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously. With Mrs. Epler abstaining from the vote.**

VIII. PUBLIC HEARING CONTESTED ITEMS

- B. **P17-04.** REZONING OF 2.80+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE SOUTHWEST QUADRANT OF THE NC HWY 295 MURCHISON ROAD OFF-RAMP AND NC HWY 210 (MURCHISON ROAD), NORTH OF BERNADINE STREET; SUBMITTED BY LATEON STILL (OWNER) AND LORI EPLER & RALPH HUFF (AGENTS).

Ms. Speicher presented the case information and photos.

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” development at this location. The request is also generally consistent with the Shaw Heights Land Use Plan, which calls for “commercial and open space” development.

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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water required, PWC water is available; should have minimum direct access to a collector street, NC HWY 210 is a principal arterial street; may be co-located with light industrial/manufacturing uses and must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping,* subject property is located on 2.80+/- acres.

## **2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-04 for C(P) Planned Commercial based on the following:

1. The district requested will allow for land uses and lot sizes that exist in the general area; and
2. If approved, the property owner will be afforded an opportunity to re-develop and improve the subject properties.

The C1(P) Planned Local Business district could also be considered suitable at this location. The staff's preference would be that any potential development be served by public sewer; however, public sewer is not yet available at this location. The staff also stipulates that the entire Shaw Heights area should be annexed into the City of Fayetteville so that public sewer, as well as other services, could be extended to its citizens.

There was one person present to speak in opposition.

Mr. Joseph Tolley stated that he wasn't in opposition to the rezoning request, but feels that there should be some addendums made to it. The type of commercial activity that is allowed on this property should be limited, and exclude businesses that encourage illegal activity; these businesses include massage parlors, smoke shops, wine/beer shops, and bars. There are already enough of those on Murchison Road. This is called a church neighborhood because there are four churches in Shaw Heights and we're outnumbered by the bars and the girlie shows, which needs to change. By granting this, without an addendum that he will hook up to City sewer you are creating a stag mire right there in the neighborhood. As long as people are allowed to put septic tanks in there will be no city sewage in Shaw Heights. It has stagnated the entire community for as long as I have been there, fifty seven years. We need to let it develop and change, and as change happens on Murchison Road the residential neighborhood will change also. We need to do this while being mindful of the types of businesses that are being allowed and requiring commercial property to connect to city sewer that will facilitate that change.

Chair Morris told Mr. Tolley that the Planning Board had been saying the same for fifteen years to PWC and the City of Fayetteville, and they thought that with the annexation agreements that would occur and it hasn't been a priority. Mr. Morris said that they agree, that area especially with it being a gateway community needs to have sanitary sewer for it to meet its potential.

Public hearing closed.

Chair Morris asked Ms. Speicher to explain screening for the Board.

Ms. Speicher explained screening for the Board. Ms. Speicher also amended the staff recommendation and asked the Board to also find C2(P) as a suitable district for this area. This would eliminate some of the noxious uses stated by Mr. Tolley.

**Mr. Manning made a motion, seconded by Mr. Cain to deny the staff recommendation for C(P) Planned Commercial and approve rezoning to C2(P) Planned Commercial. The motion passed with Ms. Hall and Mrs. Wheatley voting in opposition and Dr. Andrews and Mrs. Epler abstaining from voting.**

**Mrs. Wheatley made a second motion, seconded by Dr. Andrews to send a strong recommendation that sewer be extended to make it economically feasible as a gateway community. The motion passed.**

- C. **P17-05.** REZONING OF 74.46+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1237 JOE HALL ROAD, SUBMITTED BY DICK MCINNIS INDIVIDUALLY AND ON BEHALF OF ANN MCINNIS AND JOSIE PARNELL (OWNERS) AND TIM EVANS (AGENT).

Ms. Speicher presented the case information and photos.

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "Rural and conservation area" development at this location; however, if the Special Flood Hazard Area (SFHA) were to be zoned CD Conservancy District, the request would become consistent with the plan. Although the requested district is not entirely consistent with the South Central Land Use Plan, which calls for "farmland and open space," the request would be consistent if the SFHA were to be zoned CD.

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: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-05 for A1 Agricultural except that area located within the SFHA should be rezoned to CD Conservancy District based on the following:

- The district requested will allow for land uses and lot sizes that exist in the general area.

No other districts could be considered suitable at this location. The property owner has verbally agreed with the staff recommendation.

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

Public hearing opened

Tim Evans spoke in favor. Mr. Evans stated that the majority of the footprints will be built in a field that is already cleared. The majority of the subject property has been cleared. They are not planning to take down any trees, they just want the opportunity, if someone decides at some point to build something they have that opportunity. The land has been delineated and there are no wetlands on the property.

Thomas Horn spoke in opposition. Mr. Horn stated that he had no opposition to the CD but had concerns about the property that was adjacent to him.

Mr. Gary Bryant spoke in opposition. Mr. Bryant stated that he was opposed to the request. He feels that it's wrong to impose on people's livelihood.

Tim Evans spoke in rebuttal. Mr. Evans stated that they plan to leave seventy percent of the pines on the property. The property owners are not planning to come back to this land and they chose

this rezoning which is admirable. That field could be developed to R40 and could get a least thirty one houses, but that is not what they are doing.

Public hearing closed.

Ms. Hall asked if they could build houses there right now regardless of whatever action was taken by the Board, so what is done by the Board will not change anything that the property owners can do now.

Mrs. Epler stated that the rezoning doesn't change the number of houses they can get on the property, but it does allow them to increase their lot size for the houses they do get.

**Mrs. Epler made both of the motions referenced above, seconded by Mr. Pearce, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

#### IX. DISCUSSION

##### DIRECTOR'S UPDATE

There was none.

#### XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:14 pm.