

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

MINUTES

June 20, 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
Mrs. Jami McLaughlin
Mr. Harvey Cain, Jr.
Mr. Donovan McLaurin
Ms. Patricia Hall
Mr. Carl Manning
Mrs. Lori Epler

Members Absent

Dr. Vikki Andrews

Others Present

Mr. Thomas Lloyd
Ms. Patricia Speicher
Ms. Annie Melvin
Mrs. Laverne Howard
Mr. Rick Moorefield
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. PRESENTATION OF PLAQUE

Mr. Morris presented outgoing board member Mr. Benny Pearce with a plaque of appreciation for his service on the Planning Board.

III. APPROVAL OF / ADJUSTMENTS TO AGENDA.

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

IV. PUBLIC HEARING DEFERRALS

P17-23. REZONING OF 2.04+/- ACRES FROM R6A RESIDENTIAL & CD CONSERVANCY TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR CONVENIENCE RETAIL WITH GASOLINE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1118 (PARKTON ROAD), NORTH OF SR 1119 (MUSCAT ROAD); SUBMITTED BY DAVID MCMILLAN (OWNER) AND J. THOMAS NEVILLE (ATTORNEY) APPLICANT REQUESTED UNTIL JULY 18, 2017

Mr. Neville came up and explained that they were asking for the deferral so that the surveyor can prepare for the hearing to address the safety issues.

Vice-Chair Wheatley made a motion, seconded by Mr. McLaurin to approve the deferral. Unanimous approval.

V. ABSTENTIONS BY BOARD MEMBERS

Mr. McLaurin stated that he would need to abstain from voting on Case P17-17.

VI. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VII. APPROVAL OF THE MINUTES OF APRIL 18, 2017

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

VIII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P17-17.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI, BOARD OF ADJUSTMENT; AND REQUESTING PERMISSION TO REPRINT THE ZONING ORDINANCE INSERTING ALL TEXT AMENDMENTS APPROVED SINCE JUNE 20, 2005 AS LISTED.

At your May 16, 2017 board meeting, the board members present voted to defer action on this County Zoning Ordinance text amendment directing staff to prepare the amendment without the edits, remove the duplicative paragraph and also to prepare a digital copy of the complete zoning ordinance as proposed to be published with all amendments to date. The text amendment with the edits removed is attached to this memorandum and you have been provided a link to the digital version of the complete zoning ordinance. The original Land Use Codes Committee's recommendation is as follows:

1st MOTION

The Codes Committee recommends the board find that the attached text amendment is consistent with the 2030 Growth Vision Plan and all other applicable detailed area plans throughout the County since this amendment, if approved, will ensure the County Zoning Ordinance provisions related to Board of Adjustment matters are consistent with the 2013 State Legislature amendments to the statutes regulating local Boards of Adjustment.

The committee recommends the board further find that approval of the text amendment is reasonable and in the public interest which has been established by the General Assembly's ratification of the amended regulations coupled with the fact that certain standards within the statute have been relaxed particularly those related to variances.

2nd MOTION

In addition to the above information, the Codes Committee recommends approval of the text amendment and that the Commissioners direct the staff to re-publish the County Zoning Ordinance as a technical ordinance in its entirety with all amendments consolidated within the text based on the following:

1. The proposed amendment will afford property owners a lower threshold to meet when a variance is necessary for justifiable use of their property; and
2. Reprinting with merging previously approved amendments into the County Zoning Ordinance will ensure ease of use for citizens, development professionals, and County staff.

Mr. Pearce made both motions referenced above, seconded by Mrs. Epler, to follow the staff recommendations and approve the text amendment. The motions passed unanimously with Mr. McLaurin abstaining from the vote.

REZONING CASE

- B. **P17-22.** REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3101 CEDAR CREEK ROAD, SUBMITTED BY KAREN E. OSBORN (OWNER).

FIRST MOTION

The Planning and Inspections Staff recommends the board find that while approval of the request is not entirely consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” development at this location, the request is consistent with the *Draft Vander Area Proposed Land Use Plan*, which calls for “rural residential” development and R40A Residential will maintain the rural character of the area.

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 system 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; and may be outside the Sewer Service Area.*

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-22 for R40A Residential based on the following:

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

OTHER SUITABLE DISTRICTS: A1A

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

IX. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- C. **P17-18.** REZONING OF .29+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3216 NORTH MAIN STREET, SUBMITTED BY CHARLOTTE MCKENZIE (OWNER) AND D. ERIC NOBLES (AGENT). (HOPE MILLS)

Mr. Lloyd presented the case information and photos.

FIRST MOTION

The Planning and Inspections Staff recommends the board deny Case No. P17-18 for C2(P) Planned Service & Retail based on the following:

The district requested will increase a nonconformity as the existing structure currently does not appear to meet a side yard setback.

SECOND MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted *2030 Growth Vision Plan* map, which calls for “urban” development, as

well as the Southwest Cumberland Land Use Plan, which calls for “heavy commercial” development at this location, the site is not big enough to meet district dimensional requirements let alone required parking, buffering and landscaping. It is recommended that if the board is inclined to approve the rezoning, the developer amend their request to include a conditional zoning so that County and Town staff could ensure that all ordinance related standards can be met.

The staff recommends the board further find that approval of this rezoning is not reasonable or in the public interest because the site is not sufficient to accommodate a commercial business at this time because the area is extremely congested and in need of road improvements.

OTHER SUITABLE DISTRICTS: None

Mr. Eric Nobles, the applicant, spoke in favor. Mr. Nobles stated that the property was under contract with a businessman. The property owner would like to sell the property and is rented right now but not occupied and the two houses to the left are both vacant.

Mrs. Epler had to abstain from voting on the case and stepped out of the room.

Mr. Nobles went on to say that pretty much the property is no longer functioning residential.

Public hearing closed.

Chair Morris stated that there is no C2(P) anywhere and this should be O & I(P).

Ms. Hall stated that Mr. Nobles was right about the corridor being commercial with a sprinkling of residential.

Mr. Manning made both motions referenced above, seconded by Mrs. McLaughlin, to follow the staff recommendations and deny the C2(P) rezoning request and approve rezoning to O & I(P). The motions passed unanimously.

CONDITIONAL ZONING CASE

- D. **P17-24.** REZONING OF .55+/- ACRES FROM R6 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING FOR HAIR SALON AND OFFICE SPACE OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3957 SOUTH MAIN STREET, SUBMITTED BY NELL B. JACKSON (OWNER) AND JOHN WHITE (AGENT). (HOPE MILLS)

Mr. Lloyd presented the case information and photos.

FIRST MOTION

The Planning and Inspections Staff recommends the board deny Case No. P17-24 for C1(P) Planned Local Business/CZ Conditional Zoning for hair salon and office space based on the following:

- The district requested will increase a nonconformity as the existing structure currently does not meet the front yard setback.

SECOND MOTION

The Planning and Inspections Staff recommends the board further find that approval of the request is consistent with the adopted *2030 Growth Vision Plan* map, which calls for “urban” development, as well as generally consistent with the Southwest Cumberland Land Use Plan, which calls for

“mixed use” development at this location, however, it is not reasonable as it could potentially start a domino effect of strip commercial development in a well established residential neighborhood.

The staff also recommends that the Town of Hope Mills consider adding this property, along with others in the area, to its Historic Preservation District to continue the work of preserving the town’s historical architecture. This would aid the town in its tree preservation efforts and retaining the unique and quaint character of this portion of Main Street.

The applicant has not agreed to the Ordinance Related Conditions.

OTHER SUITABLE DISTRICTS: None

Mr. John White, the applicant, spoke in favor. Mr. White stated that he and his wife have owned a salon for ten years. There is currently a salon in the house and they intend to keep it the way it is. The property owner is eager to get out of the house and the applicants are eager to get in. They plan on keeping the house the way it is, with the exception of painting and cleaning up the outside, and adding a parking lot which is a requirement.

Mr. Lloyd noted to the board that the statement made by the applicant was not included in the application and would have to be in order for the owner to be held to no exterior changes other than painting and cleaning up. In addition, Mr. Lloyd expressed the need for lateral access to the adjacent lots to be shown on the plan.

Public hearing closed.

Mrs. Epler made a motion, seconded by Mr. McLaurin to defer the case until July 18, 2017 to give the applicant time to work with staff on conditions.

X. DISCUSSION

DIRECTOR’S UPDATE

- Mr. Lloyd advised the Board that there will be a meeting with the Town of Hope Mills Town Manager and Planner at the request of Hope Mills related to the preliminary review process and permitting.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 pm.