

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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

Vacant
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

MINUTES
August 21, 2018

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

Members Present

Mrs. Diane Wheatley, Acting Chair
Mrs. Jamie McLaughlin
Mr. Harvey Cain Jr.
Ms. Patricia Hall
Mr. Stan Crumpler
Mr. Carl Manning

Members Absent

Dr. Vikki Andrews
Mr. Charles Morris
Mrs. Lori Epler

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the Board that cases P18-28 and P18-29 would be pulled from Consent Items.

Mr. Cain made a motion, seconded by Mr. Crumpler to approve the adjustments to the agenda. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

P18-16. REZONING OF 95.92+/- ACRES FROM R6A RESIDENTIAL, R10 RESIDENTIAL & CD CONSERVANCY DISTRICT TO MXD MIXED USE DEVELOPMENT/CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF SR 1118 (PARKTON ROAD), SOUTHWEST SIDE OF NC HWY 59 (SOUTH MAIN STREET); SUBMITTED BY DAVID B. MCMILLAN (OWNER) & BOB STAFFORD ON BEHALF OF STAFFORD LAND COMPANY (AGENT). (HOPE MILLS & COUNTY) **Applicant Requested Deferral to November 20, 2018 Planning Board**

Ms. Hall made a motion, seconded by Mr. Crumpler to approve the deferral. Unanimous approval.

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 17, 2018

Mr. Manning made a motion, seconded by Ms. Hall to approve the minutes as submitted. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P18-27.** REZONING OF 3.93+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3519 & 3545 BUTLER NURSERY ROAD, SUBMITTED BY DOROTHY T. TATUM (OWNER).

In Case P18-27, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and lot sizes.

In Case P18-27, Ms. Hall made a motion, seconded by Mr. Manning to approve the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and lot sizes. Unanimous approval.

- B. **P18-30.** REZONING OF 3.01+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3818 & 3840 YARBOROUGH ROAD, SUBMITTED BY ROBERT LEE AND MARY ANNE MARTIN HOWELL & LUCY S. MARTIN (OWNERS) & LORI S. EPLER ON BEHALF OF LARRY KING & ASSOCIATES (AGENT).

In Case P18-30, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the developed parcels, if approved, will be brought into compliance with the minimum lot size requirements.

In Case P18-30, Ms. Hall made a motion, seconded by Mr. Manning to approve the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the developed parcels, if approved, will be brought into compliance with the minimum lot size requirements. Unanimous approval.

- C. **P18-31.** REZONING OF 10.33+/- ACRES FROM RR RURAL RESIDENTIAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2991 BLOSSOM ROAD, SUBMITTED BY VANCE U. TYSON JR. (OWNER) & TIM EVANS ON BEHALF OF LONGLEAF PROPERTIES (AGENT).

In Case P18-31, the Planning and Inspections Staff recommends approval of the rezoning from RR Rural Residential to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested will provide for larger lot sizes than the current zoning in an area lacking public utilities.

In Case P18-31, Ms. Hall made a motion, seconded by Mr. Manning to approve the rezoning from RR Rural Residential to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested will provide for larger lot sizes than the current zoning in an area lacking public utilities. Unanimous approval.

VIII. CONTESTED ITEMS

REZONING CASES

- D. **P18-28.** REZONING OF 4.22+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2587 HOPE MILLS ROAD; SUBMITTED BY LOUIS FRANGOS ON BEHALF OF SOTOS INVESTMENTS, LLC (OWNER) & GREG SPEARS (AGENT). (HOPE MILLS)

Mr. Lloyd presented the case information and photos.

In Case P18-28, the Planning and Inspections Staff recommends approval of the rezoning from R6A Residential to C(P) Planned Commercial and find it is consistent with the adopted Southwest Cumberland Land Use Plan (2014) which calls for "heavy commercial" at this location, C(P) Planned Commercial is classified as a "heavy commercial" zoning district and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with the surrounding existing heavy commercial zoning and existing land uses along Hope Mills Road.

There was one person present to speak in favor.

Greg Spears spoke in favor. Mr. Spears represents the owner, he mentioned some of the plans that they intend for the property and stated that they needed the C(P) zoning for heavy commercial use.

Public hearing closed.

Ms. Hall requested that the zoning be for C2(P) zoning because of the residential zoning that is around the subject property. Ms. Hall stated that when this goes to the Town Board they will want the same thing.

Mr. Lloyd stated that they did hear from the Town and they had no problem with the request. Mr. Lloyd reiterated that they did hear from the town staff.

After further discussion Ms. Hall made a motion, seconded by Mr. Manning to deny the request for C(P) zoning and to approve the rezoning from R6A Residential to C2(P) Planned Service & Retail. Unanimous approval.

- E. **P18-29.** REZONING OF 2.25+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2130 MONTANA ROAD, SUBMITTED BY VANCE U. TYSON JR. (OWNER) & ANNIE MAE EFIRD (AGENT).

Mr. Lloyd presented the case information and photos.

In Case P18-29, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40A Residential and find:

- a. The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel does not meet the minimum

- criteria for “low density residential” defined in the Cumberland County Land Use Policies Plan: *public or community water and public sewer required, must have direct access to a public street,*
- c. And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

There was one person present to speak in opposition.

Public hearing open.

Mr. Robert Downey spoke in opposition. Mr. Downey stated that the property sits very low and it already has a pump septic system. Mr. Downey doesn't think it is adequate for a second home.

Public hearing closed.

Acting Chair Wheatley requested to see the topography on the site, Mr. Lloyd showed the topography and noted the topography was 118 to 114.

Mr. Manning made a motion, seconded by Mrs. McLaughlin to deny the request for rezoning to R40A Residential district and find it is not consistent with the adopted South Central Land Use Plan (2015) which calls for “low density residential” at this location; and further find that denial of the rezoning is reasonable and in the public interest because although the existing zoning is also not consistent with the “low density residential” designation, possible runoff onto adjacent properties due to the sloping topography is better mitigated by larger lot sizes with less development and the request is not in harmony with the surrounding existing land uses of one dwelling unit per lot. Unanimous approval.

- F. **P18-33. REZONING OF 1.14+/- ACRES FROM RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT, LOCATED AT 6569 ROCKFISH ROAD, SUBMITTED BY LAJOS GOCZAN (OWNER).**

Public hearing opened.

Mr. Lloyd presented the case information and photos.

In Case P18-33, the Planning and Inspections Staff recommends to deny the rezoning from RR Rural Residential to C2(P) Planned Service and Retail and find that although the request is consistent with the adopted Southwest Cumberland Land Use Plan (2013) which calls for “heavy commercial” at this location, it is not consistent with the Land Use Policies Plan which requires connection to public water & sewer for heavy commercial zoning and find the denial of the rezoning is reasonable and in the public interest because the subject property lacks access to public sewer and may be heavily impacted by proposed transportation projects, limiting the parcel's ability to be of sufficient size to meet ordinance requirements and accommodate vehicular and pedestrian traffic.

There was one person present to speak in favor.

Mr. Mark Candler spoke in favor. Mr. Candler stated that the requested does fit the 2030 Land Use Plan, and not much residential will be continued to be built in that area.

Public hearing closed.

After considerable discussion, Mr. Crumpler made a motion, seconded by Mr. Cain to defer Case P18-33 to give the applicant time to work with staff on a Conditional Zoning request. Unanimous approval.

IX.DISCUSSION

Mr. Lloyd told the Board if there were any classes for training they were interested in having to let him know and he would arrange a training class.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 8:12 pm.