

M I N U T E S
March 19, 2002
7:00 p.m.

Members Present

John Gillis, Chair
McNeill, Vice-Chair
David Averette
Dallas Byrd
Charles Morris
Marion Gillis-Olion
Jerry Olsen

Member Absent

Joe W. Mullinax

Others Present

Barry Warren, Dir. Clifton
Thomas J. Lloyd
Donna McFayden
Barbara Swilley
Grainger Barrett,
County Attorney
Kenneth Edge,
Commissioner

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Gillis delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Mr. Lloyd informed the members that Case No. P02-14 was withdrawn by the owner.

A motion was made by Mr. Morris and seconded by Vice-Chair McNeill to approve the Agenda with the noted change. The motion passed unanimously. Dr. Olion was not present for the vote.

III. PUBLIC HEARING DEFERRALS/ABSTENTIONS BY BOARD MEMBERS

There were no public hearing deferrals or abstentions by Board members.

IV. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the Board's policy regarding public hearing time limits.

V. CONSENT ITEM

A. APPROVAL OF THE MINUTES OF MARCH 5, 2002

A motion was made by Vice-Chair McNeill and seconded by Mr. Byrd to approve the Minutes of March 5, 2002 as written. The motion passed unanimously. Dr. Olion was not present for the vote.

B. P02-16: REZONING OF 2.43 ACRES FROM A1 TO R40A, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 8311 GODWIN FALCON ROAD, OWNED BY DANNY AND LAWANDA SMITH.

The Planning staff recommended approval of the R40A Residential District based on the following:

1. The Planning Board's policy for residential use within the Farmland Protection Area is to allow R40 and R40A Districts on smaller tracts of land (less than 10 acres); and
2. The uses allowed in the R40A District are compatible with the use and development in the area.

There were no intervening districts to consider for suitability.

No one appeared in favor of or in opposition to the request.

A motion was made by Vice-Chair McNeill and seconded by Mr. Byrd to follow the staff recommendation and approve the R40A Residential District. The motion passed unanimously. Dr. Olion was not present for the vote.

- C. P02-17: REZONING OF A PORTION OF 13.65 ACRES FROM PND TO C(P), OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4407 RAMSEY STREET, OWNED BY JOE W. STOUT.

The Planning staff recommended approval of the C(P) Planned Commercial District based on the following:

1. The North Fayetteville Study Committee recognized a trend toward commercial development at this location and endorsed the C(P) District, which requires site plan review; and
2. The Outer Loop will bring additional traffic to the area, making it more appropriate for commercial use.

The Planning staff found that the subject property is also suitable for the O&I District and the high-density residential districts.

No one appeared in favor of or in opposition to the request.

A motion was made by Vice-Chair McNeill and seconded by Mr. Byrd to follow the staff recommendation and approve the C(P) Planned Commercial District. The motion passed unanimously. Dr. Olion was not present for the vote.

- D. P02-18: REZONING OF 5.81 ACRES FROM RR, M(P) AND M(P)/CUO TO C(P), OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1570 WILMINGTON HIGHWAY, OWNED BY ANTHONY A. KENNEDY.

The Planning staff recommended approval of the C(P) Planned Commercial District based on the following:

1. A trend toward commercial development has been noted in the recent rezoning requests and approvals in the area; and
2. Site plan approval is desired at this location.

The Planning staff found that the subject property is not suitable for the intervening districts.

No one appeared in favor of or in opposition to the request.

A motion was made by Vice-Chair McNeill and seconded by Mr. Byrd to follow the staff recommendation and approve the C(P) Planned Commercial District. The motion passed unanimously. Dr. Olion was not present for the vote.

PLATS AND PLANS

- A. 02-026. LANDSDOWNE II, ZERO LOT LINE SUBDIVISION REVIEW ON THE NORTH SIDE OF STONEY POINT ROAD, WEST OF DUNDLE ROAD FOR A VARIANCE FROM CONNECTING TO AN EXISTING STREET STUB, SECTION 3.2, "RELATION OF PROPOSED STREETS TO ADJOINING STREET SYSTEM," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

A motion was made by Vice-Chair McNeill and seconded by Mr. Byrd to follow the staff recommendation and approve the variance request. The motion passed unanimously. Dr. Olion was not present for the vote.

VI. PUBLIC HEARING ITEMS

- A. P02-14: REZONING OF 20.59 ACRES FROM A1 TO R40, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 487 PALESTINE ROAD, OWNED BY MR. AND MRS. HUEY W. CHU.

This case was withdrawn at the request of the applicant.

- B. P02-19: REZONING OF 5.53 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 670 FRED HALL ROAD, OWNED BY ROBERT E. AND ANNIE P. HAIR.

Maps were displayed indicating the zoning and land use in the area. Slides of the area were shown, and Mr. Lloyd reported that the Planning staff recommended denial of the RR Rural Residential District and approval of the R40A Residential District based on the following:

1. The Planning Board's policy for residential use within the Farmland Protection Area is to allow R40 and R40A Districts on smaller tracts of land (less than 10 acres).

The Planning staff found that the subject property is also suitable for the R40 District.

Ms. Anne Hair appeared before the Board and said that she wants the rezoning in order to put a dwelling on the property for her son. Chair Gillis explained that the R40A District that the staff recommended would allow up to six units. Ms. Hair said that the R40A District would work fine for them.

No one appeared in opposition to the request.

The public hearing was closed.

Mr. Olsen explained the difference between the R40 and R40A Districts to the Hairs.

A motion was made by Mr. Olsen and seconded by Mr. Morris to follow the staff recommendation and deny the RR District and approve the R40 Residential District.

Chair Gillis again explained the difference between the R40 and R40A Districts. Mr. Byrd suggested that the R40A might be more suitable for the area.

Mr. Warren said that the staff recommended R40A because of the land use in the surrounding area.

A substitute motion was offered by Mr. Byrd and seconded by Mr. Averette to deny the RR District and approve the R40A Residential District. The motion passed unanimously.

- C. P02-20: REZONING OF 1.83 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, ON LENA SPELL DRIVE, EAST OF DUDLEY ROAD, OWNED BY JANIE M. SPELL.

Maps were displayed indicating the zoning and land use in the area. Slides of the area were shown, and Mr. Lloyd explained that the A1 District makes the lot nonconforming because it is less than two acres. He said that the density of the R40 and R40A Districts allows only the existing structures. Mr. Lloyd reported that the Planning staff recommended denial of the RR Rural Residential District and approval of the R40A Residential District based on the following:

1. The lots are not large enough to meet the requirements for the A1 Agricultural District; and
2. The Planning Board's policy for residential use within the Farmland Protection Area is to allow R40 and R40A Districts on smaller tracts of land (less than 10 acres).

The Planning staff found that the subject property is also suitable for the R40 District.

Ms. Mary Burns appeared before the Board and said that her father is 86 and lives on the property that he has owned for many years. She said that he needs help with his affairs, and his grandson wants to place a trailer on the property so he can help her with her father. She said that she was sick at the time that the property was initially zoned, and if she had not been, she would have requested that the property be zoned RR at that time.

Mr. Tromayne L. Sowell appeared before the Board and said that he has already purchased a trailer to place on the property. He said that the land is cleared, and he would like to have the land zoned RR.

No one appeared in opposition to the request.

The public hearing was closed.

Mr. Morris asked if the RR District would bring the lot into conformity. Mr. Lloyd said that it would.

A motion was made by Mr. Morris and seconded by Vice-Chair McNeill to approve the RR Rural Residential District to make the lot conforming. The motion passed unanimously.

- D. P02-21: REZONING OF 2.0 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2401 TUCKER ROAD, OWNED BY PERCY AND ETHEL COLLINS.

Maps were displayed indicating the zoning and land use in the area. Slides of the area were shown, and Mr. Lloyd reported that the Planning staff recommended denial of the RR Rural Residential District and approval of the R40A Residential District based on the following:

1. The 2010 Land Use Plan recommends one-acre residential use at this location, and the R40A Residential District is the closest district to this size lot.

The Planning staff found that the subject property is also suitable for the R40 Residential District.

Mr. Percy Collins appeared before the Board and said that he owns the two acres and has lived on the site for 13 years. He said that he is sick with bronchitis, emphysema and arthritis. He said that his children want to live near him, so he is requesting the rezoning.

No one appeared in opposition to the request.

The public hearing was closed.

Mr. Olsen asked if Tucker Road is a dirt road. Mr. Lloyd said that it is. He asked how many structures are on the road, and a figure wasn't determined. Ms. McFayden pointed out that a portion of Tucker Road is paved, and Mr. Lloyd indicated on the map how far the road is paved.

Mr. Averette asked if another mobile home is added, it would then be considered a mobile home park. Mr. Lloyd said that it would except that one of the mobile homes on the site is abandoned. He said that the R40A District allows two units.

Mr. Olsen asked how many units the RR District would allow, and Mr. Lloyd explained that it would allow four units, but only two of them could be mobile homes.

A motion was made by Mr. Olsen and seconded by Mr. Byrd to approve the RR Rural Residential District.

Vice-Chair McNeill said that the Eastover Land Use Plan recommends one-acre lots for the area. He asked who determined the recommendation. He was told that the citizen committee that was formed of Eastover residents made the recommendation.

Mr. Olsen said that the density will be determined by the Health Department.

Upon a vote on the motion, it passed unanimously.

VII. DISCUSSION

A. MANUFACTURED HOUSING TASK FORCE REPORT

Mr. Warren explained that the Manufactured Housing Task Force completed their one-year study on the impact of mobile homes on Cumberland County that was requested by the County Commissioners. He said that the Task Force has submitted their report, and the Board received the Executive Summary in their packets. Mr. Warren reviewed the recommendations of the Task Force with the Board. (Executive Summary attached). He said if the Board had any comments, he would give them to the Task Force to review before submitting the Report to the Commissioners. He said if there are no changes, the Report is scheduled to go before the Commissioners on April 2.

Mr. Morris asked if HUD standards take into consideration wind speed, tie downs and this type thing. Mr. Warren said that they do, and he explained the inspection process for mobile homes.

Chair Gillis said that at the Commissioners' meeting the night before this meeting, there were pictures of mobile homes that exist in the County that explained why the study was necessary. He said that anyone can restore an old mobile home, and there are no requirements for inspectors to inspect the wiring, plumbing, heat and air conditioning, as would be the case for stick-built homes. He said that there are issues of safety and liability. He said if the study can begin work on forcing landlords to improve standards, then he is in favor of it. He added that it will probably take State legislative action to correct some of the problems.

A motion was made by Mr. Olsen and seconded by Mr. Byrd for the Planning Board to endorse the Manufactured Home Task Force Study and forward it to the County Commissioners. The motion passed unanimously.

VIII. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Mr. Warren reported on a letter that he received indicating that the Town of Hope Mills has asked the City of Fayetteville to discuss annexation of certain areas near Hope Mills. After discussion, the Board asked that staff find out when the meeting would be and inform them. [The next day, Ms. Swilley called Mr. Teal and was told that the meeting had occurred at the same time that this meeting was being held, and no conclusion was reached. Mr. Teal said that the Board would again consider the issue at their meeting to be held on April 2, 2002, and at this time there were no plans to send the proposal to City Council.]

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.