

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
Dr. Marion Gillis-Olion
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Joint Planning Board

Nancy Roy, AICP
Director
Thomas J. Lloyd,
Deputy Director

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

MINUTES

December 21, 2004, 7:00 p.m.
Historic Courthouse, Room #3

Members Present

Mr. Clifton McNeill, Chair
Mr. David Averette
Mr. Harvey Cain, Jr.
Dr. Marion Gillis-Olion
Mr. Donovan McLaurin
Mr. Joe W. Mullinax
Mr. Roy Turner

Members Absent

Mr. Charles Morris, Vice-Chair

Others Present

Mr. Tom Lloyd, Dep. Dir.
Ms. BJ Cashwell
Ms. Donna McFayden

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Dr. Olion delivered the invocation, and Chair McNeill led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd requested that Case P04-84 be moved to Public Hearing items as people had signed up in opposition. A motion was made by Mr. Averette and seconded by Mr. Turner to approve the Agenda as amended. The motion passed unanimously.

IV. PUBLIC HEARING DEFERRALS

Mr. Lloyd requested Case P04-19 be deferred to the January 18, 2005 meeting to allow the staff to obtain additional information from the applicant. A motion was made by Mr. Averette and seconded by Dr. Olion to defer the case to January 18, 2005. The motion passed unanimously.

V. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

VI. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

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

VII. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF DECEMBER 7, 2004

A motion was made by Mr. Turner and seconded by Mr. Averette to approve the Minutes of December 7, 2004 as written. The motion passed unanimously.

REZONING CASES

- A. P04-72: REZONING OF .39 ACRES FROM C3 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1402 MACK STREET, SUBMITTED BY THE TOWN OF SPRING LAKE, OWNED BY JOYCE F. CHASTAIN.

The Planning staff recommended approval of the R10 Residential District based on the following:

1. The Town of Spring Lake requested the R10 rezoning; and
2. The Spring Lake Land Use Plan calls for low-density residential development at this location.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the R10 Residential District. The motion passed unanimously.

- B. P04-79: INITIAL ZONING OF 4.58 ACRES TO R5, OR A MORE RESTRICTIVE ZONING DISTRICT, ON MCNEIL STREET, SOUTH OF CHAPEL HILL ROAD, SUBMITTED BY THE TOWN OF SPRING LAKE, OWNED BY FRANK K. AND JACQUELINE W. HARNEY.

The Planning staff recommended approval of the R5 Residential District initial zoning based on the finding that the Spring Lake Board of Aldermen requested that the property be zoned R5.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the R5 Residential District initial zoning. The motion passed unanimously.

- C. P04-80: REZONING OF 1.85 ACRES FROM R5A TO O&I, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE EAST SIDE OF RAMSEY STREET, SOUTH OF CARVERS FALLS ROAD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY JAMES I. JONES, JR.

The Planning staff recommended approval of the O&I Office and Institutional District based on the following:

1. The uses allowed in the O&I District are compatible with the uses in the surrounding area; and
2. The rezoning will allow for services needed to serve the residents of the area.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the O&I Office and Institutional District. The motion passed unanimously.

- D. P04-81: REZONING OF .28 ACRES FROM O&I TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT, AT 5011 CUMBERLAND ROAD, OWNED BY JULIAN T. MANN, JR.

The Planning staff recommended approval of the C1 Local Business District based on the finding that the uses allowed in the C1 District are consistent with the surrounding land use.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the C1 Local Business District. The motion passed unanimously.

- E. P04-82: REZONING OF FIVE PARCELS TOTALLING 50.5 ACRES FROM RR AND CD TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH AND WEST SIDES OF PINE CONE LANE AND CAMDEN ROAD, SUBMITTED BY K. DOUGLAS BARFIELD, OWNED BY PEARTREE VENTURES, LLC, ET AL.

The Planning staff recommended approval of the R10 Residential District based on the following:

1. The 2010 Land Use Plan calls for low-density residential development at this location;
2. The Planning Board recently approved R10 District in the area; and
3. Water and sewer systems are in place.

The Planning staff found that the subject property is also suitable for the R15 Residential District.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the R10 Residential District. The motion passed unanimously.

- F. P04-83: REZONING OF A .51 ACRE PORTION OF A 1.03 ACRE TRACT FROM R40 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2828 BLOSSOM ROAD, SUBMITTED BY JOHN D. PONE, OWNED BY MARY D. PONE.

The Planning staff recommended approval of the RR Rural Residential District based on the finding that the RR District is consistent with the zoning and land use in the area.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the RR Rural Residential District. The motion passed unanimously.

CONDITIONAL USE OVERLAY DISTRICT AND PERMIT

- G. P04-85: REZONING OF 42.81 ACRES FROM A1 TO R10/CU FOR A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW SINGLE-FAMILY RESIDENTIAL SOUTH OF SAND HILL ROAD, NORTHEAST OF CELEBRATION DRIVE, SUBMITTED BY MOORMAN, KIZER AND REITZEL, INC., OWNED BY PREWITT LAND COMPANY, LLC.

The Planning staff recommended approval of the Conditional Use District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommended approval of the Conditional Use Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

Packet materials were introduced into the record.

The Planning staff recommended approval of the R10 Residential District based on the finding that the 2010 Land Use Plan calls for low-density residential development at this location.

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

A motion was made by Mr. McLaurin and seconded by Mr. Averette to follow the staff recommendation and approve the R10/Conditional Use District based on the finding that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Mr. McLaurin and seconded by Mr. Averette to follow the staff recommendation and approve the Conditional Use Permit according to the application after finding that when completed, the proposal: 1) Will not materially endanger the public health and safety; 2) Will not substantially injure the value of adjoining or abutting property; 3) Will be in harmony with the area in which it is to be located; and 4) Will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion passed unanimously.

VII. PUBLIC HEARING ITEM

- A. P04-84: REZONING OF TWO PARCELS TOTALLING 6.42 ACRES FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 4463 AND 4475 SANDEROSA ROAD, OWNED BY PHILLIP T. DAVIS.

The public hearing was opened.

Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the R40A Residential District based on the finding that the Eastover Land Use Plan calls for low-density residential development at this location.

Mr. Phillip Davis appeared before the Board in favor of the request and said the purpose of the zoning was to allow him to add three units, and felt it would fit in with the Eastover Plan. He indicated there would be no changes to the front of the property, and the lots would still be 40,000 square feet. He said he was not trying to change the looks or character of the property in the area. He informed the Board that he was approached by people in the area that would like an acre of land to live on so they don't have to live in a trailer park.

Mr. David Williams appeared before the Board in opposition to the request and said he was opposed to new development. He explained more development brings in drug trafficking and an increase of break-ins. He indicated that the area was agricultural and more paving of the area would create flooding problems. He said water had already backed up on his lot.

Mr. Lloyd informed the Board that four lots could be development with a dirt road, more than four and less than eight would require gravel or crush/run and eight or more lots would have to be a paved road.

Mr. Davis said if he were told to pave the road, the project would not be done. He said the three units proposed were for residents already living in the area.

Mr. Averette asked if he was renting the lots and not selling them. Mr. Williams said he proposed to rent a double wide on each space.

The public hearing was closed.

A motion was made by Mr. Averette and seconded by Mr. Cain to follow the staff recommendation and approve the R40A Residential District. The motion passed unanimously.

VIII. DISCUSSION

A. REPORT ON COUNTY COMMISSIONERS' MEETING

Chair McNeill reported that the Commissioners followed the Board's recommendations for all the cases, and the two contested cases had no opposition so they were included on the Consent Agenda. Chair McNeill said the only case under Public Hearing was the Eastover case, and after a lengthy discussion, it was approved as recommended by the Board.

IX. ADJOURNMENT

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