

**Charles C. Morris**  
Chair  
Town of Linden

**Donovan McLaurin**  
Vice-Chair  
Wade, Falcon & Godwin  
Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

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

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

## MINUTES

OCTOBER 4, 2005

### Members Present

Mr. Charles Morris, Chair  
Mr. Donovan McLaurin, Vice-Chair  
Mr. Harvey Cain, Jr.  
Mr. Clifton McNeill  
Mr. Roy Turner  
Ms. Lori Epler  
Ms. Sara Piland

### Others Present

Ms. Nancy Roy, Director  
Mr. Tom Lloyd, Dep. Dir.  
Ms. Donna McFayden  
Ms. BJ Cashwell  
Ms. Annette Nunnery  
Mr. Grainger Barrett,  
County Attorney

### I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. McNeill delivered the invocation, and led those present in the Pledge of Allegiance. Chair Morris welcomed Ms. Sara Piland to the Board.

### II. APPROVAL OF/ADJUSTMENT TO AGENDA

A motion was made by Mr. McNeill and seconded by Mr. Turner to approve the agenda as submitted. The motion passed unanimously.

### III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

### IV. ABSTENTIONS BY BOARD MEMBERS

Ms. Epler asked to abstain from voting on Case P05-150. The Board concurred with her request.

### V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

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

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF SEPTEMBER 20, 2005

A motion was made by Mr. McLaurin and seconded by Mr. Cain to approve the Minutes of September 20, 2005 as written. The motion passed unanimously.

PLAT & PLAN

A. P05-150: SHEFFIELD FARMS ZERO LOT LINE SUBDIVISION REVIEW LOCATED ON THE WEST SIDE OF MUSCAT ROAD, SOUTHEAST OF BLACKS BRIDGE ROAD FOR A WAIVER FROM SECTION 3.17 "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

**A motion was made by Mr. McNeill and seconded by Mr. McLaurin to follow the staff recommendation and approve the waiver. The motion passed unanimously. Ms. Epler abstained from voting on this matter.**

VII. PUBLIC HEARING ITEM

A. P05-79: REZONING OF FOUR PARCELS TOTALING 149.01 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF UNDERWOOD ROAD, EAST OF RIVER ROAD, SUBMITTED BY JOHN KOENIG, OWNED BY CATHERINE DOUGAN ARMITAGE, GILBERT M., SR. AND JANIE SMITH.

Mr. Lloyd presented maps and slides illustrating the zoning, land use, and soils in the area. Mr. Lloyd reported that the Planning Staff recommended denial of the R40 Residential District and approval of the R40 Residential District /CUD based on the following:

1. As zero lot line development is likely on the site due to soils and topography, a CUD would allow input from the citizens prior to approval of any development.

Mr. Lloyd reviewed the location of PWC utilities, as well as Eastover Sanitary District water and sewer lines. He informed the Board that Eastover would require connection to their system and explained that this would be addressed in a later public hearing.

The public hearing was opened.

Attorney Richard Wiggins appeared before the Board in favor of the request. He informed the Board that he was aware of the controversy generated by this case and that the Eastover group was in favor of the staff recommendation of

R40/CUD. Mr. Wiggins stated that Mr. Koenig's development plan appeared to be upscale and would hopefully be an asset to the Eastover community.

Mr. Benny Pearce appeared before the Board in favor of the request. Mr. Pearce had two main concerns to address. He requested that the Board consider the environmental impact on the area and that the Board ensure that developmental standards and regulations were enforced.

Mr. Don Price appeared before the Board in favor of the request. Mr. Price expressed his concern that the uniqueness of the Eastover area would be lost through development. He asked that development in the Eastover area be paced according to the availability of resources. He further requested that the Board consider the environmental impact of development in this area.

Mr. Morgan Johnson, Chairman of the Eastover Sanitary District, appeared before the Board in opposition to the request. He stated that his constituents were willing to accept the R40 zoning because it fell into the purview of the Land Use Plan. Their concern was that the rural atmosphere and character of the area would not be kept. Mr. Johnson expressed concern as to the Board's interpretation of what an R40 zoning entailed. He stated that upscale homes on 1-acre lots would be fine in the Eastover area. He repeated that his group was not against the R40 zoning but that they were against zero lot line development in the R40 zoning district.

Ms. Kim Fisher appeared before the Board in opposition to the request. She stated that she was in favor of the R40 zoning with restrictions. She clarified that when she signed up she wasn't sure if she was in favor of or in opposition to the request. Ms. Fisher was pleased that Mr. Koenig was following the Land Use Plan recommendations. She requested that the Board work to maintain the character of Eastover, take steps to control growth, and to promote air quality. She expressed her concern that the drainage problems in the Eastover area be addressed. Ms. Fisher requested that the County's best interests be taken into account and not just its pocketbook. She further requested that undeveloped land be preserved for future generations.

Lawrence Buffaloe appeared before the Board in opposition to the request. Mr. Buffaloe reiterated concerns about environmental protection, drainage, low-density housing, protection of the rural environment, and compliance with the Eastover Land Use Plan. He stated that he was in favor of R40/CUD. He requested clarification from the Board as to the difference between the traditional R40 and the recommended R40/CUD. Mr. Buffaloe asked how the Board would assure that developers follow the guidelines.

Mr. Lloyd stated that the development would be required to have a 40 foot buffer along the road. Also, only 60% of the land would be developed and 40% must be left undeveloped. The CUD allows the citizens to have input either for or against in a public hearing format. The developer will be held to the plan as presented. Mr. Lloyd stated that the density of the land would not change with zero lot line development or a CUD.

County Attorney Grainger Barrett addressed a question from the audience regarding the 40% undeveloped property and who was legally responsible for it. Mr. Barrett stated that it could be given to either a property owner's association or to a non-profit group to be maintained as open space. He stated that a third option would be to allow the land to continue to be farmed for a determined amount of time.

The public hearing was closed.

Ms. Piland asked for clarification regarding her understanding that once a property was approved at R40, then there was no further involvement from the Board or the community.

Mr. Lloyd stated that that was correct. The subdivision review process only involved staff unless a waiver was needed.

Chair Morris allowed Mr. Wiggins an opportunity to address the concerns. He stated that prime property would be preserved and left undeveloped.

Mr. McNeill asked Mr. Wiggins if a minimum lot size had been discussed with the developer. Mr. Wiggins stated that they had not gone forward with that yet.

Mr. McNeill asked whether or not the Eastover residents were in favor of R40 or not. When the case previously came before the County Commissioners they were not in favor of it, but tonight they did seem to be in favor of it. He asked for a show of hands of people who were in favor of R40. He further clarified that the difference between R40 and R40/CUD was the ability of the citizens to have input on the plan with a CUD.

Chair Morris stated that the new ordinance had been adopted with the CUD written to allow the Board the opportunity to preserve the rural environment and to meet the needs of the landowners. The Board feels that citizen input is extremely important as the area grows. The CUD will require a buffer which is very important.

Ms. Epler asked for clarification on her understanding that a CUD allows the Planning Board to oversee the development while a straight R40 does not.

Mr. Lloyd stated that she was correct.

**A motion was made by Chair Morris and seconded by Mr. McNeill to accept the staff recommendation to deny the R40 Residential District and to approve the R40 Residential District/CUD. The motion carried unanimously.**

## VIII. DISCUSSION

### A. LANDSCAPE REQUIREMENTS

Mr. McNeill presented and reviewed the Land Use Codes Committee recommendation of the “Cumberland County Landscape Requirements for New Non-Residential & Mixed Use Development”. He stated that the purpose of the plan was to promote beautification and to enable us to make progress on air quality requirements for Cumberland County.

The recommendation was accepted unanimously.

Ms. Roy stated that the plan would tentatively be presented at the October 17<sup>th</sup> Commissioner’s meeting.

IX. FOR YOUR INFORMATION

A. DIRECTOR’S UPDATE

Ms. Roy informed the Board of recent staff changes. She thanked Ms. BJ Cashwell for her work filling in with the Board and stated that BJ had been moved to the Administrative Coordinator position and would serve as the lead administrative person for the office. Annette Nunnery had been moved to the Administrative Support position and would serve the Planning Board.

Ms. Roy reminded the Board that the NC Conference will start on Wednesday, October 5<sup>th</sup>.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:02 p.m.