

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



Thomas J. Lloyd,
Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES MARCH 21, 2006

Members Present

Mr. Clifton McNeill, Jr., Acting Chair
Mr. Donovan McLaurin, Vice-Chair
Mr. Harvey Cain, Jr.
Ms. Lori Epler
Mr. Garland Hostetter
Mr. Roy Turner

Others Present

Mr. Tom Lloyd, Director
Ms. Patricia Speicher
Ms. Donna McFayden
Mrs. Annette Nunnery
Mrs. Mary Ann Steinmetz

- I. INVOCATION AND PLEDGE OF ALLEGIANCE - Mr. Cain delivered the invocation and led those present in the Pledge of Allegiance.
- II. ADJUSTMENTS TO AGENDA – No adjustments to the agenda.
- III. PUBLIC HEARING DEFERRALS – No deferrals.
- IV. ABSTENTIONS BY BOARD MEMBERS CONSENT ITEMS – No abstentions.
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS – Ms. Speicher read the policy statement.
- VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF MARCH 7, 2006

A motion was made by Mr. Turner and seconded by Ms. Epler to approve the minutes of March 7, 2006 as written. Unanimous approval.

- B. P06-17: REVISION & AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, BY CREATING SECTION 9.2.1. SIGNS EXEMPT FROM REGULATION & AFFECTING SECTION 10.2. (STEDMAN)

- C. P06-20: REVISION & AMENDMENT TO SPRING LAKE CODE OF ORDINANCES, CH 153, MOBILE HOMES & MOBILE HOME PARKS CODE & CH 156, ZONING CODE, § 156.035, DISTRICT USE REGULATIONS, REGARDING MANUFACTURED/MOBILE HOMES & RELATED SECTIONS AS APPLICABLE. (SPRING LAKE)

A motion was made by Ms. Epler and seconded by Mr. Cain to approve Cases P06-17 and P06-20 as written. Unanimous approval.

- VII. PUBLIC HEARING ITEMS

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REZONING CASES

- A. P06-08: REZONING OF 12 PARCELS TOTALING 59 AC FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT, E OF SANDEROSA RD ON BEN MCNATT RD, SUBMITTED BY ROBERT MCNATT, OWNED BY BEN MCNATT HEIRS.

The Public Hearing opened at 7:03 p.m. Ms. Speicher reviewed the site information and stated that the Staff had recommended at the February 21st Board meeting to approve the R40A Residential District based on the facts that the request was consistent with the Eastover Area Detailed Land Use Plan and with the zoning and uses within the general area. At that meeting, the Planning Board requested that all of the property owners of the subject property meet with the Staff and discuss possible alternatives to this request. The property owners, members of the McNatt family, did meet with Staff on or about February 24, 2006 and after discussion decided they wished for their case to proceed as they had originally submitted it.

Ms. Joanna McNatt Rogers spoke in favor of the request and stated that the purpose of the rezoning was to allow each family member to have their own manufactured home and lot.

Mr. Robert McNatt spoke in favor of the request and noted that his interest was with lots 9 through 12.

Ms. Iola Kelly, owner of lots 5, 6, and 7, spoke in favor of the request.

Ms. Speicher read a faxed statement from Morgan Johnson, opposing the request on behalf of the Eastover Sanitary District and the Progress Eastover Community Group. They are vigorously opposed to an R40A rezoning but would support R40 with no zero lot line development.

Ms. Rogers was informed that the major difference between R40 and R40A was that R40A would allow manufactured homes and R40 would not. She stated that the family did want manufactured homes and wanted to pursue the R40A.

The Public Hearing closed at 7:14 p.m. Mr. McLaurin stated that there was no new construction with affordable housing occurring in the area and that this area was traditionally a low income area. The McNatt family had been there for generations and were interested in keeping their family in the area. **Mr. McLaurin made a motion, seconded by Mr. Hostetter, to approve the R40A Residential District. Motion carried unanimously.**

- B. P06-16: REZONING OF 2 PARCELS TOTALING 4.67 AC FROM A1 & C(P) TO R40 OR MORE RESTRICTIVE ZONING DISTRICT S OF CLINTON RD W OF THE COUNTY LINE OWNED BY ROBERT L NUNNERY JR.

Ms. Speicher reviewed the case information and stated that the Staff recommends denial of the R40 Residential District but approval of A1A Agricultural District based on the facts that: the A1A district is more suitable for this tract because this district is designed to allow for residential use of single-family dwellings within predominantly agricultural areas for tracts of land less than ten acres; the recommendation is consistent with the 2010 Land Use Plan; and the recommendation is more consistent with the uses and lot sizes within the general area.

Robert Nunnery, Sr. spoke in favor of the request. His son owns the property and they plan to work it as a family project, building five homes on separate lots to offset the purchase price of the property.

Robert Nunnery, Jr. detailed the proposed lot sizes and stated that all lots would front Highway 24.

The Public Hearing closed at 7:27 p.m. Ms. Speicher cautioned the petitioner to coordinate with the Department of Transportation, as they may not allow 5 driveways at that location. Discussion followed on alternatives if NCDOT would not allow the driveways, and on differences in R40 and A1A and total number of lots allowed.

Ms. Epler stated that she knew the reputation of the family and that they had a vested interest in the development. **Ms. Epler made a motion, seconded by Mr. Cain to approve the R40 Residential District. Motion carried unanimously.**

C. P06-19: REZONING OF .61 AC FROM RR TO C1(P) OR MORE RESTRICTIVE ZONING DISTRICT AT 6630 WALDOS BEACH RD OWNED BY MARVIN C & LILLIE M WILKINS.

Public Hearing opened at 7:33 p.m.

Ms. Speicher reviewed the case information and stated that the Staff recommended denial of the C1(P) Planned Local Business District based on the facts that the request is not consistent with the 2010 Land Use Plan and is not compatible with the existing zoning and development within the immediate area.

Ms. Lillie Wilkins, owner, spoke in favor of the request. She stated that she wanted to open a small convenience store to serve the community. Many residents in the area are retired and have no transportation.

Mr. Bill Johnson spoke in favor of the request. He lives directly across from the site and has absolutely no opposition to the Wilkins' proposal. He noted that the reopening of Waldo's Beach and the new construction of a large subdivision would increase traffic in the immediate area, but that he had spoken with the Wilkins about his concerns and feels they are sufficiently prepared for the increased volume of traffic and visitors.

Mr. Marvin Wilkins, owner, stated that he and his wife just wanted to fill the needs of the area residents.

Public Hearing closed at 7:50 p.m. The Wilkins were asked about their plans for the building and if they understood that with a rezoning, the building would be nonconforming. The Wilkins stated that they understood what that meant regarding repair of the building. Mr. Wilkins stated that they wanted to sell convenience items only and would not sell gasoline.

Discussion followed on setbacks and nonconforming status of the structure if it was rezoned to C1(P).

Ms. Speicher reminded the Board that they must consider all permitted uses in the district. Discussion followed on the options available to the Wilkins with recombining their lots and/or rezoning to A1. Mr. McLaurin advised the Wilkins that if they could recombine 2 of their three lots and rezone it to A1 they could operate a convenience store without the objectionable uses allowed in a C1(P) District. He further stated that the Staff was trying to allow the petitioners to proceed with their intended use while also protecting the future of the neighborhood.

Mr. McNeill clarified for the Wilkins that the Board's objection was not to their planned use of the property but to future allowable uses in a C1(P) District. The Wilkins stated that they understood the concerns and also shared them. They stated that they would be agreeable to a 30-day deferral to allow them time to speak with Staff about their options and then return their revised request to the Board.

Mr. McLaurin made a motion, seconded by Ms. Epler, to defer Case P06-19 for a period of 30 days. Unanimous approval.

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CONDITIONAL USE DISTRICT & PERMIT

D. P06-10: REZONING OF .72 AC FROM RR TO C(P)/CONDITIONAL USE DISTRICT & PERMIT TO ALLOW MOTOR VEHICLE SALES AT 8229 KING RD SUBMITTED BY ROBERT M BENNETT OWNED BY SHERMAN & MARY S DAVIS.

The Public Hearing opened at 8:07 p.m. Ms. Speicher reviewed the case information and stated that the Staff recommended denial of the request for C(P) Planned Commercial District at the Board's February 21, 2006, meeting based on the findings that the request was not consistent with the Land Use Plan, which calls for "Low Density Residential" at this location, and the request was not compatible with the existing zoning in the area. Ms. Speicher reminded the Board that at the February 21st meeting, the Planning Board requested the applicant consider an application for a Conditional Use District and Permit on the property and deferred the case for thirty days. She noted that the applicant/property owner submitted the conditional use application in a timely manner. Ms. Speicher stated that Staff has detailed basic ordinance requirements which will have to be met if the Board favorably considers the request for the C(P) Planned Commercial/ Conditional Use District and Permit. In addition, she requested that the staff be allowed to approve a revised site plan for compliance with Condition 15. The applicant has agreed to those requirements.

The applicant, Sherman Davis, was sworn in. He stated that he had no problems with any of the conditions set forth by the Staff and would follow them willingly.

Mr. Bob Bennett was sworn in and spoke in favor of the request. He stated that the car sale business would be family operated and that under the Conditional Use Permit, it would cease to exist if the property were sold. He noted that there were like businesses in the area. He stated that he saw no problems with Mr. Davis being able to comply with all of the conditions.

Ms. Epler questioned the access path that area residents were using and noted that the applicant's proposed use would prohibit that access. The applicant stated that there was other usable legal access to area resident's property.

Mr. Lloyd noted that the major concern of previous opposition in this case was the access point to adjoining property. He encouraged the applicant to work with those homeowners to find another access route and to allow ample time for them to do so. Discussion followed on cart path laws and rights-of-way.

Mr. Bennett suggested that the residents using Juniors Street for access to their properties be given 60 days to arrange usable alternate access.

Mr. Rodney Culbreth was sworn in and spoke in opposition. He stated that he would find alternate access to his property within the next two weeks. His concern was more with the declining value of his property if the Board chose to approve the request. He stated that his property abuts the site in question and that rezoning of that parcel would not be in the best interest of the community. He stated that there were already numerous car lots in the area and this request, if approved, would bring more traffic, more business, and lower his property value as a residential lot.

Mr. Turner stated that he did not see that 5 or 6 cars being allowed on this lot would be detrimental to the community.

Mr. Davis spoke in rebuttal and stated that he had no problem with access being used on the left end of his property. He further stated that he would abide by any condition that the Board applied.

The Public Hearing closed at 7:37 p.m. Discussion followed on whether residents could access their property by the flag lots or if a new road would be required. It was determined that no new street would be required. The Staff was instructed to add a condition allowing area residents 60 days to secure alternate usable access to their properties. Mr. Davis stated that he was in agreement with that condition and would comply with it.

Mr. McLaurin made a motion, seconded by Ms. Epler, to find that the Conditional Use District application is neither arbitrary nor unduly discriminatory, in the public interest and that the Conditional Use District application be approved. Unanimous approval.

Mr. McLaurin made a motion, seconded by Ms. Epler, to find that the Conditional Use District Permit application, if developed as proposed and voluntarily agreed to, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Highway Plan or other plan officially adopted by the Board of Commissioners, and that it be approved according to the conditions listed. Unanimous approval.

VIII. DISCUSSION

Mr. McNeill advised the Board that Mr. Tom Lloyd was the new Director of Planning & Inspections. He congratulated Mr. Lloyd and asked that the Interim Director's Update on the agenda be amended to reflect his new title.

Mr. McLaurin advised the Board that Mr. Tim Fisher was organizing a canoe trip down the Rockfish Creek. All members are invited to attend and should notify Ms. Nunnery by the 28th of March if they are interested in participating. The trip is scheduled for 12:30 p.m. on March 30th and will initiate at Mr. Fisher's home on Butler Nursery Road and end in Hope Mills. The tour should take about 3 hours.

IX. FOR YOUR INFORMATION

B. DIRECTOR'S UPDATE

Mr. Lloyd updated the Board on the Sewer Extension Policy meeting he had attended prior to joining the Planning Board meeting. He stated that a summary of the suggestions and comments would be compiled and distributed at a later date.

Mr. Lloyd briefed the Board members on the Commissioner's meeting and reviewed the cases.

Mr. McNeill thanked Mr. Lloyd and Mr. McLaurin for attending the Sewer Extension Policy meeting and then joining the Planning Board meeting. He further noted that Mr. Morris and Ms. Piland had also attended the Sewer Extension Policy meeting but had other priorities that prohibited them from joining the Planning Board meeting.

Mr. McNeil also commended Ms. Speicher for her patience and help when she resolved a problem for a friend of his.

XI. ADJOURNMENT

Mr. McLaurin made a motion, seconded by Ms. Epler, to adjourn at 8:56 p.m. Unanimous approval.