

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

Thomas J. Lloyd,
Director

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

MINUTES MAY 16, 2006

Members Present

Mr. Donovan McLaurin, Vice-Chair
Mrs. Sara Piland
Mr. Harvey Cain, Jr.
Mrs. Lori Epler
Mr. Garland Hostetter
Mr. Roy Turner
Mr. Clifton McNeill, Jr.

Others Present

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

Mr. Charles Morris and Mr. Tom Lloyd were absent from the meeting due to their representation of the Board at the PWC Sewer Meeting.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE – Mrs. Epler delivered the invocation and led those present in the Pledge of Allegiance.
- II. ADJUSTMENTS TO AGENDA – **Mr. Turner made a motion, seconded by Mrs. Piland, to move case P06-36 from Consent to Public Hearing. Unanimous.**
- III. PUBLIC HEARING DEFERRALS -

P06-33: REQUEST AMENDMENT TO THE COUNTY ZONING ORDINANCE, SECTION 403 USE MATRIX, TO ALLOW SINGLE FAMILY DWELLING TO BE PERMITTED ON THE SECOND FLOOR AND ABOVE FOR COMMERCIAL, RETAIL AND OFFICE SPACE IN THE C(P) DISTRICT, SUBMITTED BY BRADLEY W. YOUNG.

Mr. McNeill made a motion, seconded by Mr. Cain, to accept the applicant's request for deferral of case P06-33 to the June 20th Planning Board meeting. Unanimous approval.
- IV. ABSTENTIONS BY BOARD MEMBERS – No abstentions
- V. POLICY STATEMENT – Ms. Speicher read the Public Hearing policy statement.
- VI. CONSENT ITEMS

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- A. APPROVAL OF THE MINUTES OF MAY 2, 2006 - **A motion was made by Mrs. Piland, seconded by Mr. Hostetter, to approve the minutes as written. Unanimous approval.**

REZONING/INITIAL ZONING CASES

- A. P06-21: REZONING OF .35 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOT 31, PINE ACRES SUBDIVISION, SECTION 2, PLAT BOOK 13/PAGE 20, KNOWN AS 3618 BOONE TRAIL, OWNED BY JERRY D. PIERCE.
- B. P06-29: REZONING OF TWO PARCELS TOTALING 5.40 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF GODWIN-FALCON ROAD, EAST OF I-95, OWNED BY CLIFTON L. TURPIN, JR.
- C. P06-30: REZONING OF 2.0 ACRES FROM A1 TO A1A, AT 6015 GOLDSBORO ROAD, OWNED BY SCOTTIE GODWIN.
- D. P06-31: INITIAL ZONING OF 33.12 ACRES TO R15, LOCATED NORTH OF CLINTON ROAD, WEST OF WINDWOOD DRIVE, SUBMITTED BY THE TOWN OF STEDMAN, OWNED BY FAIRLANE DEVELOPMENT, LLC. (STEDMAN)
- E. P06-32: REZONING OF 1.99 ACRES FROM PND TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 231 LONGHILL DRIVE, OWNED BY WILLIAM R. WHITE.
- F. P06-35: REZONING OF 6.70 ACRES FROM A1 TO A1A, LOCATED AT 8778 HAWKINS ROAD, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY MARY A. WILSON.
- G. P06-38: REZONING .42 ACRES FROM C3 TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 164 WILKES ROAD, SUBMITTED BY BOB MEASAMER, OWNED BY TWO ADAMS, INC.

A motion was made by Mr. McNeill, seconded by Ms. Epler, to accept the Staff recommendations and approve Cases P06-21, P06-29, P06-30, P06-31, P06-32, P06-35 and P06-38. Unanimous approval.

CONDITIONAL USE DISTRICT AND PERMIT

- A. P06-19: REZONING OF .61 ACRES FROM RR TO C1(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW A CONVENIENCE STORE, AT 6630 WALDOS BEACH ROAD, OWNED BY MARVIN C. AND LILLIE M. WILKINS.

Ms. Speicher advised the Board that an additional condition was being requested by the applicant. She stated that approval of a C1(P) District would create a non-conforming structure on the property. The Board approved the addition of an alternate side-yard based on the facts that approval of the requirement would allow use of the vacant structure. Ms. Speicher clarified

that the adjacent lot was owned by the same property owner and that the structure was currently existing on the property.

Mrs. Epler made a motion, seconded by Mr. McNeill, 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, with submitted conditions and the additional condition of an alternate side-yard requirement, be approved. Unanimous approval.

Mrs. Epler made a motion, seconded by Mr. McNeill, to find that the Conditional Use District Permit application, if developed as proposed, in accordance with the Ordinance-related conditions, 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.

VII. PUBLIC HEARING ITEMS

A. P06-36: INITIAL ZONING OF ALL PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF LINDEN AND ADOPTION OF THE TOWN OF LINDEN ZONING ORDINANCE. (LINDEN)

Ms. Speicher reviewed the Linden Zoning Ordinance and map and outlined the initial zoning proposal. She stated that this case was moved to Public Hearing due to a subcase, called P06-36A, which is a "Request for Change" submitted by a citizen. P06-36A involves two parcels of land within the proposed zoning area that will be pulled. The staff recommendations on that parcel were faxed to the property owner, however no response had been received. The owner is requesting R15A on the property but the staff and the Linden Zoning Committee is recommending A1. **Mr. McNeill made a motion, seconded by Mrs. Epler, to deny the "Request for Change". Unanimous approval.**

Mr. Powers, Chairman of the Linden Zoning Committee, addressed the Board. He stated that the committee had conducted four town meetings to address citizen concerns. He further stated that the proposal zones Linden as it appears today and that the intent is to keep Linden's rural character preserved for the future. Mr. McNeill asked if the town planned to provide a grace period between Planning Board approval and Commissioner approval to allow for citizen response. Mr. Powers stated that the Committee had been meeting with the citizens for the past year and felt that ample time had been given to address their concerns. The current meetings had been advertised and citizens had been notified by mail. He further stated that one additional public hearing would be held by the Town Board. Ms. Speicher clarified that notification had been made to the property owners listed by tax record, not necessarily to the tenant of the property. **Mr. McNeill made a motion, seconded by Mrs. Epler, to approve the initial zoning and adoption of the Town of Linden Zoning Ordinance. Unanimous approval.**

B. P06-37: REZONING OF THREE PARCELS TOTALING 45.61 ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, SOUTH OF

SAND HILL ROAD, WEST OF TOWER ROAD, SUBMITTED BY CHRISTOPHER ROBERTS, OWNED BY JAMES BUXTON, ANNIE M. FREEMAN, AND THELMA BATTLE.

Ms. Speicher reviewed site information. She stated that the staff recommended denial of R15 and approval of R20 zoning even though the recommendation is not consistent with the 2010 Land Use Plan, based on the findings that: the R20 district is consistent with the current land use and development in the area and the R20 district is consistent with previous rezoning classifications in the area. The Public Hearing opened. There was no opposition.

Mr. Thomas Neville, attorney, spoke in favor of the R15 zoning request, stating that he disagreed with the staff recommendation. Mr. Neville stated that R15 was consistent with the current zoning on surrounding property and that R15 was in keeping with the 2010 Land Use Plan. He further stated that resident concerns regarding ingress and egress had been addressed. Mr. Neville noted that R15 approval is an economic demand for development of the property, due to the expense of extending water lines. Mr. Neville noted that staff had given reasons why R20 should be approved but no reasons for R15 being denied. Mr. Neville advised the Board that an R15 zoning would increase the tax value of the property and provide no negative effect to the area.

Mr. McNeill asked staff to explain the discrepancy between the staff recommendation citing inconsistency with the Land Use Plan and the Land Use Plan itself. He noted that the map showed existing R15 property in the area. Ms. Speicher stated that the staff had made a conscious decision to go against the 2010 Land Use Plan and not recommend R15 zoning, based on the changes in the area since the inception of the plan.

Discussion followed on water and sewer availability. Ms. Speicher advised the Board that water would be extended to the property, at a shared cost with the developer, but that sewer would not be provided to the property.

Chris Roberts, developer, spoke in favor of the R15 zoning request and stated that the purchase and development plan for the property was contingent upon the R15 zoning and the ability to recoup the costs of extending water lines to the development. The Public Hearing was closed.

Mrs. Epler stated that she understood that the developer would have to absorb the costs of extending the water lines and that her immediate reaction was that R15 was not a problem. She further noted that there was no public opposition to the request. She was concerned with the trend to consider school capacities, traffic increase and adjoining developments when approving rural rezonings and density developments.

Mrs. Epler and Mrs. Piland stated their concern that staff was unable to provide a valid reason to deny the R15 request.

Mr. McNeill stated that he had received one phone call in opposition to the request and one phone call in favor of the request.

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Mr. McLaurin advised the Board that the 2010 Land Use Plan was written projecting zoning plans based on the future possibility of water and sewer availability.

Mr. McNeill asked the petitioner if they would be agreeable to R20. The petitioner stated that they would have to renegotiate the purchase and development plans. Mr. McNeill advised him that a denial at this meeting would prohibit them from returning the request to the Board for a period of one year. He asked the petitioner if they would want to defer the case for thirty days to allow time to renegotiate and reconfigure their plans. The petitioner stated that they would need that time to reconsider their plans and would prefer a deferral at this time. **Mr. McNeill made a motion, seconded by Mrs. Epler, to defer Case P06-37 for a period of thirty days. Unanimous approval.**

VIII. PLAT AND PLAN

- A. 06-074: SCOTTSDALE ZERO LOT LINE SUBDIVISION LOCATED ON THE EAST SIDE OF SR 1831 (BAYWOOD ROAD), NORTH OF SR 1834 (HUMMINGBIRD ROAD) FOR A WAIVER FROM SECTION 3.17.C "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

Ms. Speicher reviewed the case information. She stated that the staff recommended approval of the request for the cul-de-sac length along the existing Baywood South subdivision because the adjacent property to the east has already been developed into single-family lots with no existing stub to connect to, and the public purposes of the Ordinances is served with the turn-around at the end of the proposed street and if the stub on the west side is provided for future connectivity with the adjacent vacant tract and this is not a special privilege denied to others. She further stated the staff recommended denial of the request for the cul-de-sac length along the western property line, explaining that a road stub to the property to the west would provide connectivity to the un-subdivided vacant Autry property. This would also allow for future emergency vehicle access until the stub is further developed and extended.

Mike Williams, developer, spoke in favor of the waiver request. He stated that the large cul-de-sac would provide ample space for emergency vehicles to turn around. He did not want to provide the stub stating that his desire was to keep the development private and limit through-traffic.

Discussion followed on street design and development standards. Ordinance requirements dealing with connectivity and road stubs was discussed.

Mr. McNeill stated that he was concerned with the increasing number of requests for waivers of street design and length. He also noted that the plan was marked as zero lot line and asked if that was for the purpose of lot sizes. Ms. Speicher stated that the developer had submitted the plan with that designation and the assumption was that his request was for lot sizes.

Mr. McLaurin asked the developer if he would be willing to sacrifice a lot to allow for a cul-de-sac. Ms. Speicher stated that the staff would not support that option.

(Mr. Lloyd joined the meeting.)

Mr. Williams stated that he would accept the staff recommendation if that was his only option to develop the property.

Mrs. Epler clarified that the staff's concern was with overall long range planning to provide connectivity between properties. She noted that the developer's request for a cul-de-sac would not support that, whereas a road stub would.

Discussion followed on the staff recommendation being diametrically opposed to the requirements already placed on adjacent property. Ms. Speicher stated that the requirements in place on the golf course property allowed for access across the greenways in the event of emergencies. She further stated that the adjacent property was a unique plan and had been submitted and approved years prior. Consistent development had continued through the years based on the original plan.

Mr. McLaurin stated his concern that adjacent property would need access in the case of future development.

Mr. McNeill asked if an easement on the property would satisfy the staff's concerns. Ms. Speicher stated that she did not believe legal requirements could be met without being able to deed the property to an individual.

Discussion followed on cul-de-sacs, turn-arounds and road stubs.

Mr. Lloyd advised the Board that their responsibility was to determine valid reasons why the waiver could or could not be granted. He stated that the larger issue was the need to revisit the existing ordinance and revise the requirements as desired.

Mr. McNeill made a motion, seconded by Mrs. Piland, to follow the staff recommendation and approve the cul-de-sac request on the east side of the property but grant the developer's request for the waiver on the west side of the property because of the nature of the adjoining area, i.e., a large vacant tract zoned for manufactured homes, the public purposes of the Ordinances is served with the turn-around at the end of the proposed street and since this has been frequently granted, it is not a special privilege denied to others. Unanimous approval.

IX. DISCUSSION

Mr. McLaurin apologized to the Board for any perceived negativity from his comments at the last meeting regarding the agricultural district. He also thanked the Board and staff for their participation and support with the Rockfish Creek canoe trip and his efforts to support the preservation of the existing environmental structure of the creek.

Mrs. Epler updated the Board on the recent County Commissioner's meeting. She stated that all cases were accepted as recommended with the exception of the Tom Starling Road case. She stated that the current trend for approval appears to be focusing on school capacity and traffic congestion. She

suggested that more frequent revisions of the 2010 Land Use Plan should be considered to allow for the new considerations.

X. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Mr. Lloyd advised the Board that a 5th Tuesday meeting with the County Joint Planning Board, the City of Fayetteville Planning Board, and Sustainable Sandhills would be held on May 30th at the Pate Room of the Headquarters Library. The meeting will begin at 5:30 p.m. Dinner will be provided by Sustainable Sandhills.

Mr. Lloyd updated the Board on the PWC sewer meeting. He acknowledged that there was common ground with the City of Fayetteville, developers, and PWC. Future meetings will explore those common concerns.

XI. ADJOURNMENT

Mr. Turner made a motion, seconded by Ms. Epler, to adjourn the meeting at 8:58 p.m.