

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES

July 15, 2008

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Walter Clark
Mr. Roy Turner
Mrs. Patricia Hall
Mr. Benny Pearce
Mr. Garland Hostetter
Mr. Harvey Cain, Jr.
Mrs. Sara Piland
Mr. Charles Morris

Others Present

Mr. Tom Lloyd, Director
Ms. Patricia Speicher
Mrs. Laverne Howard
Mr. Grainger Barrett, County Attorney
Commissioner Diane Wheatley
Ms. Donna McFayden

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Hall delivered the invocation and led those present in the Pledge of Allegiance.

II. SWEARING IN OF NEW PLANNING BOARD MEMBER

Mr. Barrett administered the Oath of Office to new Joint Planning Board member Mr. Walter Clark.

III. REPORT FROM NOMINATIONS COMMITTEE

Mrs. Piland reported to the Planning Board that the Committee requests consideration of Mr. Donovan McLaurin as Chairman for 2008-2009 and Mrs. Lori Epler as Vice-Chair for 2008-2009.

The request was approved unanimously by the Board.

IV. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the Board that Cases P08-32 and P08-33 would be pulled from Consent Items and moved to Public Hearing, Contested Items.

V. PUBLIC HEARING WITHDRAWAL / DEFERRAL

P08-28: REZONING OF 13.7+/- ACRES FROM R40 RESIDENTIAL TO R40 RESIDENTIAL/CUD CONDITIONAL USE DISTRICT (TO ALLOW FOR CRUSH & RUN

ON REQUIRED PAVED OFF-STREET PARKING AREA SURROUNDING THE STRUCTURE AND HANDICAPPED PARKING SPACES) FOR A RELIGIOUS WORSHIP FACILITY OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 1419 H BULLARD ROAD; SUBMITTED BY EDDIE WAREN; OWNED BY THE CHURCH OF THE APOSTLES.

Case P08-28 was withdrawn.

Vice-Chair Epler made a motion to accept the withdrawal, seconded by Mrs. Piland. Unanimous approval.

VI. ABSTENTIONS BY BOARD MEMBERS

There were none.

VII. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VIII. APPROVAL OF THE MINUTES OF JUNE 17, 2008

Mr. Morris made a motion to approve the minutes as submitted, seconded by Vice-Chair Epler. Unanimous approval.

IX. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P08-29:** REZONING OF 10.44+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2915 AND 2923 COUNTY LINE ROAD; SUBMITTED BY JAMES A. MCLEAN, III, ATTORNEY; OWNED BY EDWARD BRITT RIDDLE AND J. FRANKLIN JOHNSON, III.

The Planning and Inspections Staff recommends approval of the request for R40 Residential based on the following:

1. The R40 district is consistent with the 2010 Land Use Plan, which calls for farmland at this location; and
2. The R40 district is in character with the current zoning of adjacent properties and is compatible with the lot sizes and land uses within the general area.

The R40A zoning district could also be considered suitable for this location.

A motion was made by Mrs. Piland, seconded by Mr. Pearce, to follow the staff recommendation and approve case P08-29 as submitted. Unanimous approval.

- B. **P08-30:** REZONING OF 1.44+/- ACRES FROM RR RURAL RESIDENTIAL TO R6A RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3633 *ET AL* BEARD ROAD; OWNED BY BILLY RAY MAXWELL; STAFF INITIATED. (EASTOVER)

This case was initiated by the Planning & Inspections Staff as an effort to correct a mapping error. Between 1997 and 1999, the official zoning maps were converted from hard copy (paper/mylar) to digital format; during this time, the zoning of the subject property was inadvertently changed from the R6A Residential to RR Rural Residential. However, the County Planning & Inspections Staff recommends denial of the R6A Residential district and approval for the R6 Residential district based on the following:

1. The recommendation is consistent with the Eastover Area Detailed Land Use Plan, which calls for medium density residential at this location;
2. At the time of the initial zoning of this area, the subject property was zoned R6A Residential because there was a manufactured home park on the property, which has since been closed with all manufactured homes being removed; and
3. The recommendation will allow for the type of uses that are more suitable for the primary corridor through the Town.

There are no other suitable zoning districts to be considered for this location at this time.

The applicant has verbally agreed to the staff recommendation of rezoning the subject property to the R6 Residential district.

Mrs. Piland asked, for clarification, if R6 rezoning is what was being approved.

Mr. Lloyd stated that the applicant had agreed to the staff recommendation of R6 zoning.

Mr. Barrett pointed out that the memorandum acknowledges the applicants agreement to R6 rezoning.

A motion was made by Mrs. Piland, seconded by Mr. Pearce, to follow the staff recommendation and approve case P08-30 for R6 Residential. Unanimous approval.

X. PUBLIC HEARING CONTESTED ITEMS

- A. **P08-32: REZONING OF 9.57+/- ACRES FROM R40A RESIDENTIAL/CU CONDITIONAL USE OVERLAY (EQUIPMENT STORAGE) AND R40A RESIDENTIAL TO M INDUSTRIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6657 KING STREET; SUBMITTED BY ENOCH ENGINEERS, PA; OWNED BY MARTIN'S PORK PRODUCTS, INC. (FALCON)**

Mr. Lloyd reviewed the site information and stated the staff recommends approval of the request for M Industrial district based on the following:

1. The request is partially consistent with the 2010 Land Use Plan, which calls for heavy industrial and low density residential; and
2. The request, if approved, will allow for most of the property under the same ownership to have consistent zoning.

There was one person to speak in favor and one person to speak in opposition.

Mr. Kevin Allen spoke in favor. Mr. Allen stated that the owner will agree to a fifty foot buffer.

Mr. Lloyd stated that we can't put conditions on straight rezoning.

Mr. Barrett clarified that because this is a request for a straight rezoning, we cannot put restrictions on straight rezoning for development standards. We can only do that through the mechanism of conditional use districts.

Mr. Lloyd stated that we can pull part of the zoning line back fifty feet.

Vice-Chair Epler asked what the existing buffer requirement between manufacturing and residential required.

Mr. Lloyd stated that it would be the standard fence or vegetation, six feet in height.

Mr. Billy Wellons spoke in opposition. Mr. Wellons stated that he owns land that is adjacent to the subject property. Mr. Wellons stated that his main concern is that the processing plant has been in Falcon for quite some time and there have been a lot of changes in Falcon to improve the community. Mr. Wellons stated that he believes if the rezoning is approved that would create problems if he were to try and have his property rezoned from farming to residential; he wouldn't be able to market his property next to a processing plant. Mr. Wellons stated that he wasn't opposed to rezoning; he is just opposed to M zoning.

Mr. Allen restated that they are proposing a buffer.

Mr. Lloyd stated that the zoning line could be brought back fifty feet.

Vice-Chair Epler asked if the rezoning request could be amended during this meeting.

Mr. Lloyd again stated that it could be amended to move the zoning line.

Chair McLaurin asked Mr. Lloyd if vegetation would be required without a conditional use district.

Mr. Lloyd stated that there is no requirement for vegetation, but there is a requirement for a buffer which could be a solid fence or vegetation. Mr. Lloyd stated that another option would be to move the zoning line back fifty feet.

Mr. Morris stated that Mr. Wellons had concerns about M classification zoning not buffers.

Public Hearing closed.

Vice-Chair Epler asked if there was currently any nonconforming use on the subject property.

Mr. Lloyd stated the tires on the property are a zoning violation and the equipment storage on the northern portion of the subject property is nonconforming.

Commissioner Wheatley asked Mr. Lloyd why manufacturing zoning is appropriate on that site in the middle of rural and residential.

Mr. Lloyd stated that staff felt that one, because the processing plant was there when the area was initially zoned, two, the Land Use Plan isn't that specific as far as lot lines and it doesn't follow exact lot lines. It just says that it is suitable for manufacturing in the general area and the property adjacent to the general area is suitable for low density residential. There was no opposition from the Town of Falcon, and traditionally, we generally accommodate the extension of the existing manufacturing facility in the past for the sake of expansion.

Chair McLaurin stated that there was no objection from the town to the rezoning.

Mr. Lloyd stated that this case would be heard by the Town of Falcon for the final decision.

Mr. Wellons stated that he was against the subject property continuing to look the way it does. If they are allowed the zoning, they can double the size of their processing plant. If they do that in the little Town of Falcon, they should be required to do a nice landscaping buffer all the way around their property line.

A motion was made by Mr. Morris, seconded by Vice-Chair Epler, to follow the staff recommendation and approve case P08-32 as submitted. Unanimous approval.

- B. **P08-33: REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1931 AND 1933 MIDDLE ROAD, SUBMITTED AND OWNED BY FLEETWOOD FARMS, LLC. (EASTOVER)**

Mr. Lloyd reviewed the site information and stated staff recommends approval of the request for R40 Residential district based on the following:

1. The R40 zoning district is consistent with the Eastover Area Detailed Land Use Plan, which calls for one acre residential lots at this location; and
2. The R40 zoning district is compatible with the current lot sizes and character of the general area.

There are no other suitable districts to be considered for this request.

There was one person to speak in favor and one person to speak in opposition.

Mr. Bill McFadyen spoke in favor. Mr. McFadyen stated that both homes were there when he purchased the property and the A1 zoning was already in place. Mr. McFadyen stated that he was requesting rezoning to R40 to allow the flexibility to split the property into one acre lots and at the time that re-development would occur, it would be done in a way that fits the surrounding community.

Mr. Morris asked if Mr. McFadyen if he realized that if the rezoning is approved the manufactured home on the property would be nonconforming.

Mr. McFadyen stated that he was aware of that, and it was his understanding that what is there can survive the rezoning unless it is removed or is *fifty percent* destroyed. At the time of any re-development it would be stick built and in compliance with the R40.

James Hilsenbeck spoke in opposition. Mr. Hilsenbeck stated that he was concerned that rezoning will decrease property values. Mr. Hilsenbeck stated that he doesn't feel rezoning is necessary and it would be out of place in the surrounding area, which has A1 zoning.

Public Hearing closed.

Mr. Morris asked what is the acreage of the adjacent properties.

Mr. Lloyd stated he wasn't sure of the exact acreage, but the two adjacent parcels are approximately one acre each when the size is compared to the subject property.

Mr. Morris asked if the rezoning would be consistent with the Eastover Land Use Plan.

Mr. Lloyd stated that it is consistent.

Mrs. Piland stated that she understands the need and interest in maintaining A1 zoning, but Mrs. Piland feels that R40 zoning would be consistent with what has been adopted in the Land Use Plan by the Town of Eastover.

A motion was made by Mrs. Piland, seconded by Mr. Pearce, to follow the staff recommendation and approve case P08-33 as submitted. Unanimous approval.

- C. **P08-34:** REZONING OF 27.5+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF BEARD ROAD AND WEST OF BALLPARK ROAD, SUBMITTED BY ROBERT BENNETT, OWNED BY JOYCE C. & OTTIS A. THAMES. (EASTOVER)

Mr. Lloyd reviewed the site information and stated staff recommends denial of the request for RR Rural Residential and recommends approval of the R40 Residential district based on the following:

1. The recommendation is more consistent with the Eastover Area Detailed Land Use Plan, which calls for one acre residential lots and open space at this location, while the request is not consistent;
2. The recommendation is compatible with the uses, lot sizes and character of the surrounding area; and
3. The entire subject property consists of hydric soils, which most often is not a soil type suitable for development because of poor drainage.

The R40A Residential District could also be considered suitable for this location.

There were two speakers in favor and one speaker in opposition.

Ottis Thames spoke in favor. Mr. Thames stated that he was thinking about starting off small. Mr. Thames stated that a pump station was put in so they have sewer and they rent the land out for farming right now and since the taxes have gone up, they are just breaking even right now.

Mr. Bob Bennett spoke in favor. Mr. Bennett stated that the owners are very civic minded people; they chose to participate and go through with the annexation into the Town of Eastover. They have been looking forward to having public sewer and water available to their property and now it is available. When the Eastover Sanitary Sewer District was formed and the construction plans completed, Mr. Thames was contacted about granting pipeline easements to the pump station on his property. I understand the sewage pump station was not the first choice location for the station. Other property owners objected to the pump station being placed on their property. The Land Use Plan states that RR is not compatible; we do not see that as a logical choice for where they arrived at the division line between RR and A1. Another issue is compatible use, what could be more compatible than additional RR, when it exists on the east and north side. That is as compatible as any other zone. Hydric soil is an issue when water and sewer is not available. But when water, sewer, and good drainage are available it is not an issue. This tract has water and sewer available and there is an existing channel along the eastern side of this tract of land. There is good drainage, so hydric soils are not an issue. RR is well suited for this location. The grants that were available to Eastover for establishing water and sewer to pump stations were granted to serve the public as a primary purpose for more homes. I'm sure the application had to state the goal to serve the maximum amount of homes as possible. There are not many subdivisions developed anymore with one acre lots where water and sewer is available. The price of land and efficient use of land just does not make it responsible to develop one acre lots. It seems to be logical to continue with what the County has already established, Eastover has already adopted on the east side and the north side. We are only asking for a small portion of the land to continue that use.

Christi Davis spoke in opposition. Mrs. Davis read a prepared statement on her and her neighbors' behalf. Mrs. Davis stated that rezoning would create changes for the community, the population density would increase tenfold. The noise and air pollution levels would increase, as well as traffic. Mrs. Davis feels the increase in traffic would cause her to have to fence in her yard, speed limits on Beard Road would need to be decreased and a traffic light would need to be installed at the Dunn Road intersection. Mrs. Davis feels that the land should be utilized in a way that would create a "win win" situation for all concerned.

Mr. Bennett spoke in rebuttal. Mr. Bennett stated that the traffic has already increased in the area and Mrs. Davis just doesn't want RR zoning on her side of the road. Mr. Bennett suggested that they could come back with a conditional use district request and include a buffer surrounding the property.

Public Hearing closed.

Mrs. Piland stated that she feels staff made an appropriate recommendation; it allows Mr. Thames to develop his property in accordance with the wishes of the town and most people within the town. Mrs. Piland stated that she feels that R40 is appropriate zoning.

Chair McLaurin stated that when zoning was put into place in Eastover there weren't many choices available. All that was available was A1 Agricultural, R6A Residential, and RR Rural Residential. Staff really didn't have a lot to work with.

Mrs. Piland stated that the Town Council of the Town of Eastover has had discussions about the Land Use Plan, and we have commissioned Mr. Rooney on the County Planning Staff to work with us this year in a work plan that will allow our community to look at land use planning. We will involve the community and try to address some of the issues that we do have in land use planning in the Eastover area. There are efforts going on and R40 certainly meets the expectations of the people in that area.

Mr. Morris stated that there had been discussions about the Eastover area plan and what comes when you lay water and sewer lines. You have to wonder if R40 is efficient use of the pipe out there. Mr. Morris stated that he supports R40, but at the same time in regards to planning issues we have to look at efficiency.

Chair McLaurin stated that zoning has been in place for the protection of the citizens. There is a good mixture out there right now. To protect the integrity of the area, R40 would be in line with other things out there right now.

A motion was made by Mr. Pearce, seconded by Mrs. Piland, to follow the staff recommendation and approve case P08-34 for R40 Residential. Unanimous approval.

XI. CUMBERLAND COUNTY SUBDIVISION ORDINANCE

P08-31: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE, ADOPTED JULY 1, 1970, INCLUDING SUBSEQUENT AMENDMENTS TO SAID ORDINANCE.

A motion was made by Vice-Chair Epler, seconded by Mr. Hostetter, to recommend approval of the Cumberland County Subdivision Ordinance in the current draft form and forward it to the Cumberland County Board of Commissioners. Unanimous approval.

XII. APPROVAL OF WORK PROGRAM

Mr. Lloyd advised the Board that they had the work requests from Hope Mills, Spring Lake, Eastover, and Stedman. They are the requests that had been discussed over the past several months with each town. Staff has had contact with representatives of the towns and all of these are what have been asked; we feel that we can handle all of them so nothing had to be left off. Mr. Lloyd stated that we will continue to meet with each town and for the smaller towns of Wade, Falcon, Godwin, and Linden, we will work with them on a request basis.

A motion was made by Vice-Chair Epler, seconded by Mr. Hostetter, to accept the work program request as submitted. Unanimous approval.

XIII. DISCUSSION

Chair McLaurin passed out the new Committee assignments to the Board members.

There was some discussion about forming an Adhoc Committee to come up with a draft for a more current version of the bylaws. Mr. Lloyd reminded the Board that the Land Use Policies Plan will be more important at this stage, than the bylaws. When the 2030 Plan is adopted, this Board as well as the Commissioners will need more guidance in individual zoning cases than the 2030 Plan will give and we won't be using the 2010 Plan any longer.

Mr. Lloyd advised the Board that the Shaw Heights Area Plan will be going before them at the next Planning Board meeting.

XIV. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

There was no Director's update.

XV. ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.