

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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



# COUNTY of CUMBERLAND

## *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon, & Godwin

### MINUTES January 19, 2010

#### Members Present

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

#### Members Absent

Mr. Charles Morris

#### Others Present

Mr. Tom Lloyd, Director  
Mr. Cecil Combs  
Mrs. Laverne Howard  
Ms. Annie Faircloth  
Mr. Harvey Raynor  
Mr. Will Denning  
Mrs. Deloma West

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Pearce delivered the invocation and led those present in the Pledge of Allegiance.

#### II. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were none

#### III. PUBLIC HEARING DEFERENTIAL/WITHDRAWAL

There were none.

#### IV. ABSTENTIONS BY BOARD MEMBERS

Chair Epler abstained from voting on Case P10-03.

#### V. APPROVAL OF THE MINUTES OF DECEMBER 15, 2009

**Mr. Turner made a motion to accept the minutes as submitted, seconded by Ms. Hall. Unanimous approval.**

#### VI. PUBLIC HEARING CONSENT ITEMS

##### CONDITIONAL USE DISTRICT AND PERMIT

- A. **P10-05:** REZONING OF 1.89+/- ACRES FROM A1 AGRICULTURAL AND R10 RESIDENTIAL/CONDITIONAL USE TO C(P) PLANNED COMMERCIAL/CONDITIONAL USE DISTRICT AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT,

LOCATED ON THE NORTH SIDE OF SR 3947 (CELEBRATION DRIVE), EAST OF SR 2252 (CHICKEN FOOT ROAD); SUBMITTED BY THOMAS R. AND WILLIAM E. PREWITT ON BEHALF OF PREWITT LAND COMPANY, LLC AND JAMES M. KIZER, OF MOORMAN, KIZER & REITZEL, INC., OWNED BY PREWITT LAND COMPANY, LLC.

The Planning & Inspections Staff recommends approval of the requested rezoning to C(P) Planned Commercial/CUD Conditional Use District to shift the commercial zoning line and approval of the Permit, provided that the following conditions, which the property owner has verbally agreed, are adhered to:

1. Prior to any permits being applied for on any portion of the subject properties, the developer must submit detailed site plan(s) of staff review and approval; and
2. All related conditions of approval from Case No. P02-04 are complied with.

The staff recommendation for approval of the C(P) Planned Commercial/CUD Conditional Use District is based on the following:

1. The district requested is consistent with the location criteria for "heavy commercial" as listed in the Land Use Policies Plan of the 2030 Land Use Plan;
2. The uses allowed in the district requested are consistent with existing and approved but not constructed uses in this general area; and
3. The request for the C(P) Planned Commercial District is reasonable because it will ensure the zoning line follows existing property line boundaries.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit, based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and submission of the individual site plans for each lot prior to development allowing for staff review and approval will help ensure the public safety is protected;
2. The use will meet all required conditions and specifications if developed according to the site plan, application and the attached "Ordinance Related Conditions";
3. The use will maintain or enhance the value of adjoining or abutting properties in that the property owner/developer has a vested interest in protecting the value and marketability of lots within this ongoing development and zoning measures intended (buffers, etc.) will be put in place to protect adjacent properties; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general will be brought into conformance with the development ordinances and adopted planning policies.

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

**Mr. Turner made a motion, seconded by Mr. McLaurin, that the Joint Planning Board finds that this Conditional Use District is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the Conditional Use District with the use as recommended by the staff and agreed to by the property owner is approved as submitted. Unanimous approval.**

**A motion was made by Mr. Turner and seconded by Mr. McLaurin to approve the Conditional Use Permit as recommended by the staff 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. Unanimous approval.**

- B. **P10-01:** REZONING OF 2.01+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2290 TOM GEDDIE ROAD; SUBMITTED AND OWNED BY ALONZA C. AND GWENDOLYN M. EDWARDS.

The Planning & Inspections Staff recommends approval of the R40A Residential district for this request based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for “rural” and “community growth areas” at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan; and
2. The request will ensure comparable lot sizes with the one acre lots currently recommended for this area in the Eastover Land Use Policies Plan and the pending Northeastern Cumberland Study.

There are no other districts considered suitable for this request.

**A motion was made by Mrs. Piland, seconded by Mr. Hostetter, to follow the staff recommendation and approve case P10-01 as submitted. Unanimous approval.**

- C. **P10-02:** REZONING OF 1.23+/- ACRES FROM C(P) PLANNED COMMERCIAL TO R5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SR 1344 (BLACK & DECKER ROAD), EAST OF SR 1132 (LEGION ROAD); SUBMITTED BY 4D SITE SOLUTIONS INC. AND WILLIAM H. THORNE; OWNED BY ATLANTIC MULTIFAMILY, LLC.

The Planning & Inspections Staff recommends approval of the R5 Residential district for this request based on the following:

1. The request is consistent with the 2030 Comprehensive Plan, which calls for “urban” development at this location, and is consistent with the location criteria for “high density residential”;
2. The request for the residential zoning district is a logical extension of the R5 district; and

3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

**A motion was made by Mrs. Piland, seconded by Mr. Hostetter, to follow the staff recommendation and approve case P10-02 as submitted. Unanimous approval.**

- D. **P10-03:** REZONING OF 13.64+/- ACRES FROM RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE & RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF SR 1112 (ROCKFISH ROAD), WEST OF SR 3039 (WHIPPERWILL DRIVE); SUBMITTED BY BARBARA JOHNSON AND GARRIS NEIL YARBOROUGH ATTORNEY AND OWNED BY BARBARA M. JOHNSON.

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service & Retail District based on the following:

1. The request is consistent with the location criteria for "light commercial" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential and high density residential uses at this location; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

**A motion was made by Mr. McLaurin, seconded by Mr. Cain, to follow the staff recommendation and approve case P10-03 as submitted. Unanimous approval with Chair Epler abstaining from the vote.**

- E. **P10-04:** REZONING OF 1.31+/- ACRES FROM C1 LOCAL BUSINESS, C1(P) PLANNED LOCAL BUSINESS AND RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2240, 2254 AND 2258 NORTH BRAGG BOULEVARD AND THE EAST SIDE OF NORTH BRAGG BOULEVARD NORTH OF MARANATHA CIRCLE; SUBMITTED BY QUALITY OIL COMPANY, LLC. AND OWNED BY JAMES C. AND NOLA L. CATOE AND MARGO PROPERTIES.

The Planning & Inspections Staff recommends approval of the request for C(P) Planned Commercial District based on the following:

1. Although the request is not consistent with the Spring Lake Area Detailed Use Plan, it is consistent with the location criteria for "heavy commercial" as listed in the recently adopted Land Use Policies Plan;
2. This portion of Hwy 210 is designated as an expressway within the NC Strategic Highway Corridor network, with limited access in the future. The C(P) district is desirable in regulating lateral access as well as limited access with turn lanes; and
3. The Town of Spring Lake supports this request.

There are no other districts considered suitable for this request.

**A motion was made by Mrs. Piland, seconded by Mr. Hostetter, to follow the staff recommendation and approve case P10-04 as submitted. Unanimous approval.**

## VII. PUBLIC HEARING ITEM

### A. NORTHEAST CUMBERLAND AREA LAND USE PLAN

Mr. Denning gave a brief presentation of the Northeast Cumberland study "Vision Northeast", which he stated is a refinement of the 2030 Growth Vision Plan. Mr. Denning went over the process of how the plan was developed, starting with research of the area, community meetings with citizens in the area to discuss the data compiled from the research to get their input. From that group of citizens they established a citizen's planning committee that developed the plan. Mr. Denning listed some of the recommendations from the committee. Mr. Denning introduced Mr. Ed Weeks who serves as Chairperson for the Citizens Planning Committee.

Mr. Weeks stated that the committee had a good following when it came to planning and discussing the plan. Mr. Weeks stated that staff did a good job about teaching what needed to be learned before the committee started making decisions, and the committee came together and came up with some good ideas.

Mr. McLaurin thanked Mr. Denning, Mr. Weeks, and staff for their hard work and commitment. Mr. McLaurin stated that he thought the Shaw Heights Plan was very well put together, but Mr. Denning outdid his-self this time.

Chair Epler stated that Cumberland County is fortunate to have the staff they have with the expertise that they have and the ability that they have. There are other municipalities, larger and smaller than Cumberland County that actually hires this type of work out to a consultant and pay hundreds of thousands of dollars for it. Our staff does it in a regular work week. Chair Epler stated that Mr. Denning and his department are appreciated, and thanked Mrs. West for being present at the meeting, and thanked Mr. Weeks for his efforts and the efforts of the citizens that participated.

Mr. Lloyd stated that Hope Barnhart, Denise Sykes, and Pier Varner also participated in the development of this plan.

**Mr. McLaurin made a motion, seconded by Mrs. Piland to approve the Northeast Cumberland Area Land Use Plan and forward to the Board of Commissioner's for their approval. Unanimous approval.**

## VIII. DISCUSSION

### A. FUTURE AREA PLANS

Mr. Lloyd stated that before the 2010 Plan the Board approved an order to do future area plans. So Mr. Denning will discuss locations where to do future area plans.

Mr. Denning stated that when Hope Mills pulled out of the Planning Board they were the next area, according to the priority list that was set for area plans. When they pulled out we proceeded, to do area plans for Spring Lake, North Fayetteville, Eastover, Wade, Stedman, and Vander. The Vander Plan went to a study committee in the Planning Board, and they reached an impasse, and was tabled. Mr. Denning stated that Linden was the next area on the list. Mr. Denning stated that they were asking the Board to decide which area staff should go to next. The Gray's Creek area is not defined, but they were looking at the sewer service district as a start boundary, but before it was actually defined it would come back to the Board and let them decide what it should be.

Mr. Lloyd stated that Linden is moving ahead with their provision of water and we had hoped that we could attack that area next. But again it's up to the Board.

Ms. Hall asked if a study had been done of the Hope Mills area.

Mr. Denning stated that the study had already been started when Hope Mills pulled out of the Planning Board.

Ms. Hall asked where Hope Mills stood now that they are back on the Board.

Mr. Lloyd stated that they would like some direction from the Board as to where staff should proceed.

**After discussion the Board voted for staff to continue with the Linden Land Use Plan, and simultaneously and as quickly as possible go into a Hope Mills Land Use Plan. Unanimous approval.**

#### IX. FOR YOUR INFORMATION

##### DIRECTOR'S UPDATE

Mr. Lloyd advised the Board that Mrs. Kristine Wagner, Transportation Coordinator for Cumberland County, will give a presentation on the Community Transportation Program at the next meeting.

#### X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:17 p.m.