

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MINUTES

October 16, 2012

Members Present

Ms. Patricia Hall, Acting Chair
Mr. Benny Pearce
Mr. Harvey Cain, Jr.
Ms. Lori Epler
Mrs. Sara Piland
Mr. Garland Hostetter

Members Absent

Mr. Walter Clark
Mr. Donovan McLaurin
Mr. Charles Morris
Ms. Vikki Andrews

Others Present

Mr. Thomas Lloyd
Ms. Patricia Speicher
Ms. Donna McFayden
Mrs. Laverne Howard
Mr. Rick Moorefield,
County Attorney

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

Case P12-27 was deferred until the November 20, 2012 Planning Board meeting, due to the fact that Mrs. Epler would have to abstain from voting on that case.

Mrs. Epler made a motion, seconded by Mrs. Piland to approve the adjustment to the agenda. Unanimous approval.

III. PUBLIC HEARING DEFERRAL

P12-67: REZONING OF 3.07+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2742 AND 2748 FIELDS ROAD, SUBMITTED BY ALLEN B. AND SHERYLENE M. COSAND (OWNERS).

Mrs. Epler made a motion, seconded by Mrs. Piland to approve the deferral to November 20, 2012. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

Mrs. Epler explained that if case P12-27 had been left on the agenda she would have needed to abstain from that case.

V. APPROVAL OF THE MINUTES OF SEPTEMBER 18, 2012

Mrs. Piland made a motion to accept the minutes as submitted, seconded by Mr. Cain. Unanimous approval.

VI. JOINT PLANNING BOARD DEADLINE/MEETING SCHEDULE

Mrs. Piland made a motion, seconded by Hostetter to approve the deadline/meeting schedule for 2013. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENTS

- A. **P12-73:** ADOPTION AND ESTABLISHMENT OF ARTICLE III ZONING DISTRICT CLASSIFICATIONS AND ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES APPLICABLE TO PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF EASTOVER BY CREATING ZONING ORDINANCE STANDARDS TO BE IMPLEMENTED WITHIN THE TOWN AS A SUPPLEMENT TO THE COUNTY ZONING ORDINANCE PROVISIONS UNTIL SUCH TIME THAT THE TOWN ADOPTS A COMPLETE EASTOVER ZONING ORDINANCE. (EASTOVER)

The Planning and Inspections Staff recommends approval of the proposed text amendments establishing Articles III and IV, which create the zoning districts and establish the permitted, conditional and special uses (including the use matrix) for the Town of Eastover Zoning Ordinance, based on the following:

1. A town committee, working with the staff, created the use matrix while working on the recently adopted Eastover Commercial Core Overlay district;
2. The proposed amendments are a part of an ongoing process with the ultimate goal being the establishment of the Eastover Zoning Ordinance; and
3. The provisions as proposed are relatively consistent with the county's provisions which will prevent nonconformities when properties are annexed.

The Town Manager has reviewed the proposed text amendments.

Mrs. Epler made a motion to recommend the adoption and approval of the Text Amendment as submitted and recommended, seconded by Mr. Cain. The motion passed with a unanimous vote.

REZONING CASES

- B. **P12-58:** REZONING OF 2.41+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6370 MURPHY ROAD, SUBMITTED BY DOENE CARTER (OWNER).

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

1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "farmland" at this location, the district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" 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 location and character of the use is reasonable and will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve R40A Residential district, seconded by Mr. Cain. The motion passed with a unanimous vote.

- C. **P12-59:** INITIAL ZONING OF THE COUNTY PORTION OF GATES FOUR (IRONGATE) SUBDIVISION, CONTAINING 780.68+/- ACRES TO CD CONSERVANCY, R5A RESIDENTIAL AND R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN SR 1108 (LAKEWOOD DRIVE) AND SR 1109 (DUNDLE ROAD), NORTH OF SR 1112 (STONE POINT ROAD); SUBMITTED BY CUMBERLAND COUNTY.

The County Planning Staff recommends approval of the initial zoning to the CD Conservancy, R5A Residential and R7.5 Residential Districts of the subject properties as shown on the attached sketch map, based on the following:

1. The districts requested are consistent with the 2030 Growth Vision Plan, which calls for "urban" and "conservation area" at this location, as well as meeting the location criteria for "low" and "medium" density development as listed in the Land Use Policies Plan. The request is also consistent with the newly proposed Southwest Cumberland Land Use Plan which calls for "low" and "medium" density residential and "open space" at this location;
2. The request is reasonable as public utilities are available to the subject properties; and
3. This request is the result of House Bill 5, adopted by the North Carolina General Assembly, which de-annexes the major portion of the Gates Four (Irongate) community from the City of Fayetteville.

The effective date of de-annexation was July 1, 2012. There are no other suitable districts to be considered for this request.

Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve CD Conservancy, R5A Residential and R7.5 Residential district, seconded by Mr. Cain. The motion passed with a unanimous vote.

- D. **P12-66:** REZONING OF 1.96+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3348 AND 3352 BLOSSOM ROAD, SUBMITTED BY DENNIS M. AND ANGELA E. ADDESSO (OWNERS).

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

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" 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 location and character of the use is reasonable and will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve R40A Residential district, seconded by Mr. Cain. The motion passed with a unanimous vote.

CONDITIONAL ZONING DISTRICT

- E. **P11-56:** REZONING OF 34.55+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 56 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF SR 2252 (CHICKEN FOOT ROAD), SOUTHWEST OF SR 2233 (SCHOOL ROAD); SUBMITTED BY ROGER SHAH ON BEHALF OF OM NAMH SHIVAAY, LLC (OWNER).

This case was deferred from the board's April 17, 2012 meeting because the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a R40 Density Development Conditional Zoning (R40/DD/CZ) for a 32 lot residential subdivision for the subject property. The Planning and Inspections Staff recommends approval of the request for the 32 residential lot R40 Density Development Conditional Zoning application based on the following:

1. The request is consistent with the location criteria for rural density as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically because this development has direct access to a public street, public well and septic systems are allowed, and development in this area should be limited to 1 unit per acre, with hydric and severe septic tank limitations soils;
2. The proposed development plan along with the ordinance related conditions provide a means of protecting and retaining the rural character of the area by providing the 40 foot wide front buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space;
3. Consideration of the R40/CZ district for the subject property is reasonable because the request is comparable to development and rezonings approved within the general area in the recent past.

There are no other suitable zoning districts to be considered for this request. The property owner has voluntarily agreed to this staff recommendation and all attached "Ordinance Related Conditions".

Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve the 32 residential lot R40 Density Development Conditional Zoning application, seconded by Mr. Cain. The motion passed with a unanimous vote.

- F. **P12-64:** REZONING OF 228.39+/- ACRES FROM A1 AGRICULTURAL TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING DISTRICT FOR A QUARRY OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF SR 1707 (CARLOS ROAD), SOUTHWEST OF SR 1706 (DURANT NIXON ROAD); SUBMITTED BY LUINDA C. BAILEY AND TERESA B. GILCHRIST ON BEHALF OF GLENARD W. BAILEY LIMITED PARTNERSHIP (OWNER) AND AMERICAN MATERIALS COMPANY LLC.

The Planning & Inspections Staff recommends approval of the requested rezoning to A1 Agricultural/CZ Conditional Zoning district for a quarry based on the following:

1. The request is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for "rural density residential" development as listed in the Land Use Policies Plan;

2. Although the request is not entirely consistent with the North Central Cumberland Land Use Plan which calls for "farmland" at this location, the quarry will provide a vast open and undeveloped area which could be found consistent with farmland;
3. The use will meet all required conditions and specifications if constructed according to all federal, state and local mandates, and the attached Ordinance Related Conditions, the requirements of which are attached to this recommendation; and
4. The location and character of the use, if developed according to the plan as submitted, is reasonable as it will be in harmony with the area in which it is to be located.

There are no other zoning districts suitable as related to this request. The applicant has verbally agreed to all Ordinance Related Conditions.

Mrs. Epler made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve A1 Agricultural/CZ Conditional Zoning district for a quarry, seconded by Mr. Cain. The motion passed with a unanimous vote.

VIII. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Lloyd stated that he was trying to work out some things with the City before having the first Ad Hoc Committee meeting.
- Mr. Lloyd gave an update on the Board of Commissioners' meeting from the previous evening.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:30 p.m.