



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Chair
Town of Hope Mills

Charles Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin,
Wade, Falcon & Godwin

MINUTES

November 18, 2014

Members Present

Ms. Patricia Hall, Chair
Mr. Charles Morris, Vice-Chair
Mr. Benny Pearce
Mr. Donovan McLaurin
Mr. Harvey Cain, Jr.
Mr. Carl Manning
Dr. Vikki Andrews
Mr. Walter Clark

Members Absent

Mr. Garland Hostetter
Mrs. Diane Wheatley

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

There were no adjustments to the agenda

III. PUBLIC HEARING DEFERRAL/ WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF OCTOBER 21, 2014

Mr. Morris made a motion to accept the minutes as submitted, seconded by Ms. Andrews Unanimous approval.

VI. PUBLIC HEARING CONSENT ITEMS

MODIFICATION OF CONDITIONAL ZONING

- A. **P02-04.** MODIFICATION OF CERTAIN ZONING DISTRICTS WITHIN AN EXISTING MIXED USE DEVELOPMENT APPROVED AS A CONDITIONAL USE OVERLAY (2001) BY REARRANGING 25.91+/- ACRES OF THE DISTRICT BOUNDARIES AS FOLLOWS: 12.67+/- ACRES OF O&I(P) PLANNED OFFICE AND INSTITUTIONAL/CU CONDITIONAL USE TO C(P) PLANNED COMMERCIAL/CU CONDITIONAL USE CONSISTING OF TWO AREAS (8.21 +/- ACRES AND 4.46+/- ACRES); AND 13.24+/- ACRES OF C(P) PLANNED COMMERCIAL/CU CONDITIONAL USE TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL/CU CONDITIONAL USE OR TO MORE RESTRICTIVE ZONING DISTRICTS; LOCATED ON THE EAST SIDE OF SR 2252 (CHICKEN FOOT ROAD), SOUTH OF SR 2238 (SAND HILL ROAD); SUBMITTED BY THOMAS R. PREWITT ON BEHALF OF PREWITT LAND COMPANY LLC (OWNER) AND MOORMAN, KIZER AND REITZEL, INC.

This case was originally approved by the Board of Commissioners on February 25, 2001 as a Conditional Use Overlay for a mixed use development.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the modification request for Case No. P02-04 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location because the districts in the modification request will be oriented towards the residents in the overall development. The request is also consistent with the Draft South Central Detailed Land Use Plan, which calls for “mixed use” at this location.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: public water and sewer are available, there is direct access to a local road (Chicken Foot Road), should be a minimum of 10 acres, is a means to promote an alternative to strip commercial development and located on a sufficient site that provides adequate area for buffering, screening landscaping, parking and required open space.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve the modification to Case No. P02-04 based on the following:

- The modification is reasonable as it is an existing approved mixed use that would not change any of the residential, non-residential percentage requirements; and, the rearrangement, coupled with the impending realignment of Sand Hill Road and Braxton Road and renewed interest in the general area will locate commercially zoned property at an intersection providing convenient goods and services to local residents.

Mr. Morris made both of the motions referenced above, seconded by Ms. Andrews, to follow the staff recommendations and approve the request. The motions passed unanimously.

REZONING CASE

- B. **P14-55.** INITIAL ZONING OF 10.00+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6636 GORDON WILLIAMS ROAD, OWNED BY MARIE W. BELL. (FALCON)

1st MOTION

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P14-55 to C(P) Planned Commercial district based on the following:

1. Approving the C(P) zoning district would ensure that the subject property is zoned the same as properties in the immediate area that were recently initially zoned; and
2. The request was submitted by the Town of Falcon.

There are no other districts considered suitable for this case.

2nd MOTION

The County Planning Staff also recommends the board find that approval of the initial zoning to C(P) for Case No. P14-55 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “community growth area” at this location and supports the commercial goal and objectives of the Vision Northeast Land Use Plan that include *concentrating of commercial activities at I-95 and Godwin-Falcon Road interchange and creating an atmosphere that supports existing and future small businesses*. However the initial zoning of the subject property to C(P) is not consistent with the Vision Northeast Land Use Plan map which calls for “farmland” at this location.

The staff also recommends the board further find that approval of the initial zoning to C(P) is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for C(P) will be met or exceeded with the exception of public sewer which is not available, in that: public water is available, the property has direct access to a local road (Gordon Williams Road), there are other commercial uses in the area, and the subject property is of sufficient size to allow for adequate buffering, screening and landscaping.

Mr. Morris made both of the motions referenced above, seconded by Ms. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

- C. **P14-56.** INITIAL ZONING OF 8.02+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 1860 (GORDON WILLIAMS ROAD), NORTHWEST OF SR 1806 (SHERRILL BAGGETT ROAD); OWNED BY MARGARET W. GREENWOOD. (FALCON)

1st MOTION

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P14-56 to C(P) Planned Commercial district based on the following:

1. Approving the C(P) zoning district would ensure that the subject property is zoned the same as adjacent property which was rezoned to C(P) on August 5, 2013; and
2. The request was submitted by the Town of Falcon.

There are no other districts considered suitable for this case.

2nd MOTION

The County Planning Staff also recommends the board find that approval of the initial zoning to C(P) for Case No. P14-56 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “community growth area” at this location and supports the commercial goal and objectives of the Vision Northeast Land Use Plan that include *concentrating of commercial activities at I-95 and Godwin-Falcon Road interchange and creating an atmosphere that supports existing and future small businesses*. However the initial zoning of the subject property to C(P) is not consistent with the Vision Northeast Land Use Plan map which calls for “farmland” at this location.

The staff also recommends the board further find that approval of the initial zoning to C(P) is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for C(P) will be met or exceeded with the exception of public sewer which is not available, in that: public water is available, the property has direct access to a local road (Gordon Williams Road), there are other commercial uses in the area, and the subject property is of sufficient size to allow for adequate buffering, screening and landscaping.

Mr. Morris made both of the motions referenced above, seconded by Ms. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

- D. **P14-58.** REZONING OF 65.13+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/ CZ CONDITIONAL ZONING DISTRICT FOR A 66 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2243 (ROSLIN FARM ROAD), NORTH OF RUNNING FOX ROAD; SUBMITTED BY CHARLES T. AND JANET K. GARDNER (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-58 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” at this location because the district requested will allow for single family dwelling units on relatively large lots in a suburban area.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic systems are allowed*, public sewer is not available; *direct access to a public street is required*, Roslin Farm Road is a public street; and the subject property is *not located in any defined critical area as defined by the Fort Bragg Small Study Area*.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P14-58 for the R30 Residential/DD Density Development/CZ Conditional Zoning district for a 66 lot residential subdivision based on the following:

- The proposed development plan along with the Ordinance Related Conditions, provides a means of protecting and retaining the rural viewshed of the area by providing the 40 foot wide roadside buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space.

Generally, there are no other districts suitable for this request at this location. The property owner has voluntarily agreed to all "Ordinance Related Conditions".

Mr. Morris made both of the motions referenced above, seconded by Ms. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

- E. **P14-59. REZONING 1.30+/- ACRES R10 RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2440, 2444 AND 2450 LILLINGTON HIGHWAY; SUBMITTED BY WILTON C. JONES, SR. (OWNER) AND GREGORY SPEARS.**

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-59 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" at this location. The request is not consistent with the Spring Lake Area Land Use Plan, which calls for "light commercial development", however, the request will allow for various housing types and a limited number of non-residential uses.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic systems are allowed*, public sewer is not available; *direct access to a public street is required*, Lillington Highway is a public street; and the subject property is *not located in any defined critical area as defined by the Fort Bragg Small Study Area*.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P14-59 for RR Rural Residential district based on the following:

1. Public water is available to the subject property;
2. The RR Rural Residential district will allow for land uses and lot sizes that exist in the general area. There are no other districts considered suitable for this request.

Mr. Morris made both of the motions referenced above, seconded by Ms. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.

X. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Lloyd explained the handout that was provided to the board was an article about water being a commodity and thought that the board would be interested in reading it.
- Mr. Lloyd advised the board that a solar farm would be coming to the County and thought it would be a good idea for the Land Use Codes committee to meet and have some input on what direction to take.
- Mr. Lloyd stated that the Grays Creek meeting went well and everything that the Comprehensive Planning committee suggested, people were okay with.
- Mr. Lloyd stated that we were having trouble getting a Spring Lake Representative appointed to the board, and said if any of the board members could do anything to move that along it would be appreciated.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:14 pm.