



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

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover



*Planning & Inspections Department*

**MINUTES**

October 21, 2014

**Members Present**

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

**Members Absent**

Mr. Garland Hostetter

**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.

**Mr. Morris made a motion to accept the agenda, seconded by Mrs. Wheatley. Unanimous approval.**

III. PUBLIC HEARING DEFERRAL/ WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF SEPTEMBER 16, 2014

**Mr. McLaurin made a motion to accept the minutes as submitted, seconded by Mr. Manning. Unanimous approval.**

VI. JOINT PLANNING BOARD DEADLINE/MEETING SCHEDULE

**Mr. Morris made a motion to accept the deadline/meeting schedule as submitted, seconded by Mr. McLaurin. Unanimous approval.**

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENTS

- A. **P14-52.** REVISION AND AMENDMENT TO THE TOWN OF GODWIN SUBDIVISION ORDINANCE, AMENDING ARTICLE I. SECTION 1.6. COMPLIANCE WITH ORDINANCE REQUIRED; SECTION 1.8. DEFINITIONS; SECTION 3.20. LOT STANDARDS; CREATING ARTICLE III, SECTION 3.24. ZERO LOT LINE DEVELOPMENTS; AND AMENDING THE TOWN OF GODWIN ZONING ORDINANCE, ARTICLE VI, MIXED USE DEVELOPMENT-CONDITIONAL ZONING DISTRICT, SECTION 603. USES ALLOWED;

AND UPDATING THE TABLES OF CONTENTS OF EACH ORDINANCE AS APPROPRIATE.  
(GODWIN)

**1<sup>ST</sup> MOTION**

The Planning and Inspections Staff recommends approval of Case No. P14-52 for a text amendment allowing Zero Lot Line Development for the Town of Godwin because the proposed ordinance will encourage new construction and re-development in the town and based on the following:

1. There are numerous relatively small lots within the Town that could benefit from the Zero Lot Line provisions; and
2. The amendment was requested by the Town Board of Commissioners.

**2<sup>ND</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P14-52 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* as the language in the proposed text provides that *better, more quality-conscious development standards are applied consistently throughout the county, resulting in higher quality developments* – other jurisdictions including the County have Zero Lot Line provisions (Vision Statement from 2030 Growth Vision Plan).

The staff further recommends the board find that approval of the text amendment is reasonable and in the public interest because the town property owners will benefit when proposing development with a relaxation of setbacks and by having the ability to average density.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the Text Amendment request. The motions passed unanimously.**

- B. **P14-54.** REVISIONS AND AMENDMENTS TO THE COUNTY ZONING ORDINANCE, APPLICABLE ONLY TO PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN OF EASTOVER, BY CREATING ARTICLE I, ENTITLED ADMINISTRATIVE PROVISIONS, CONTAINING SECTIONS 101 THROUGH 110; AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS, BY INSERTING IN ALPHABETICAL ORDER THE TERMS: *RATITE*; *POULTRY FARM, LARGE SCALE*; AND *SWINE FARM, LARGE SCALE* WITH EACH TERMS ACCOMPANYING DEFINITION; AND AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX, BY INSERTING *POULTRY FARM, LARGE SCALE* AND *SWINE FARM, LARGE SCALE* AS A PERMITTED USE IN THE A1 ZONING DISTRICT; AND INSERTING A FOOTNOTE NUMBER 8 AFTER THE LAND USE *AGRICULTURAL OR RURAL FARM USE* CLARIFYING THAT THE LAND USE *AGRICULTURAL OR RURAL FARM USE* IS NOT INCLUSIVE OF LAND USES SPECIFICALLY LISTED ELSEWHERE IN THE USE MATRIX. (EASTOVER)

**1<sup>ST</sup> MOTION**

The Planning and Inspections Staff recommends approval of Case No. P14-54 for a text amendment defining *ratite* and *large scale poultry* and *swine farms* and delineating the aforementioned from other agricultural or farm uses within the Town of Eastover and based on the following:

1. The proposed ordinance provisions are designed to allow agricultural uses while protecting the rural character of the town; and
2. The amendment was requested by the Eastover Town Council.

**2<sup>ND</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P14-54 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* by meeting the Agricultural Objectives, specifically: *promote the preservation of farmland*

areas; and also is consistent with the Eastover Detailed Land Use Plan because the *overall goal as regarding to farming is to protect and preserve natural resources, the environment, and the rural character; enhance and protect farming and the agricultural industry; and enhance and protect the quality of life of rural residents.*

The staff further recommends the board find that approval of the text amendment is reasonable and in the public interest because the provisions contained within the proposed text amendment allow for the continuation of agricultural uses within the town while at the same time restricting the possible locations of large commercial farms thus protecting the residential areas.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the Text Amendment. The motions passed unanimously.**

#### MODIFICATION OF CONDITIONAL ZONING

- C. **P13-19.** MODIFICATION OF THE CONDITION REQUIRING A BUFFER FOR AN APPROVED R20 RESIDENTIAL/CZ CONDITIONAL ZONING FOR GROUP QUARTERS CONSISTING OF 8.00+/- ACRES; LOCATED ON THE NORTHEAST SIDE OF NC HWY 82 (N WEST STREET), SOUTHEAST OF SR 1806 (SHERRILL BAGGETT ROAD); SUBMITTED BY JOSEPH T. LEGGETT ON BEHALF OF FALCON CHILDREN'S HOME (OWNER). (FALCON)

On June 3, 2013 the Falcon Board of Commissioners approved the above referenced rezoning subject to several conditions. One condition required a solid buffer be provided where the subject property abuts residentially zoned property and the owner is requesting that this condition be removed. The Planning & Inspections Staff recommends approval of the modification to the R20 Residential/CZ Conditional Zoning district for group quarters, specifically removing Condition No. 18, for this request based on the following:

- The Town of Falcon's Zoning Ordinance requires a buffer where non-residential uses abut residentially zoned properties; however, this case is unique in that all of the abutting properties (although residentially zoned) are under the same ownership and part of the Falcon Children's Home campus. A buffer in this instance would serve no purpose.

**Mr. Pearce made a motion, seconded by Mrs. Wheatley, to approve the Modification of Conditional Zoning as recommended by the Planning Staff. The motion passed unanimously.**

#### REZONING CASE

- D. **P14-50.** INITIAL ZONING OF 2.53+/- ACRES TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 508 AND 516 W MANCHESTER ROAD, OWNED BY HERSHEL L. AND ELEANOR F. BOYD. (SPRING LAKE)

##### 1<sup>st</sup> MOTION

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P14-50 to M(P) Planned Industrial district based on the following:

1. If approved, the initial zoning would be consistent with the existing zoning and relatively recent initial zoning of properties in the general area; and
2. The request was submitted by the Town of Spring Lake.

The M1 Light Industrial district could also be considered suitable for this case.

##### 2<sup>nd</sup> MOTION

The County Planning Staff also recommends the board find that approval of the initial zoning to M(P) for Case No. P14-50 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for "urban" at this location. The initial zoning of the subject property to M(P) is not entirely consistent with the Spring Lake Area Detailed Land Use Plan which calls for "planned

commercial” at this location; however, the requested district is logical as the area is transitioning to industrial uses and is located in the Accident Potential Zone (APZ) of Pope Army Airfield with high noise levels which suggests this area is no longer suitable for heavy commercial uses.

The staff also recommends the board further find that approval of the initial zoning to M(P) is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for M(P) will be met or exceeded: public water and sewer are available, the property has direct access to a minor arterial (W Manchester Road), there are other industrial uses in the area, and the size of the tract to be initially zoned M(P) allows adequate area for buffering, screening and landscaping.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

- E. **P14-51.** REZONING OF 10.36+/- ACRES FROM A1 AGRICULTURAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 780 AND 800 SAND HILL ROAD; SUBMITTED BY MICHAEL P. WILLIAMS ON BEHALF OF CASTLE HAYNE HOMES, LLC. (OWNER). (COUNTY)

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-51 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location because the request proposes development at four or more units per acre.

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 (Sand Hill Road), the subject property is not located in any defined critical area as defined by the Fort Bragg Small Study Area, and the subject property is located within 1 mile of a recreational area.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P14-51 for R7.5 Residential district based on the following:

1. The imminent realignment of Sand Hill Road and Braxton Road (a NC DOT safety project) and installation of a traffic signal will relieve congestion and access making the proposed district viable; and
2. The R7.5 Residential district will allow for land uses and lot sizes that exist in the general area.

The R15 and R20 Residential districts could also be considered suitable for this request.

**Mr. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

- F. **P14-53.** REZONING OF 19.77+/- ACRES FROM RR RURAL RESIDENTIAL TO R15 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF SR 2013 (OLD VANDER ROAD), SOUTH OF BLAKEFIELD DRIVE; SUBMITTED BY DAMIEN BUKOWI ON BEHALF OF FEDERAL PAPER BOARD COMPANY, INC. (ACQUIRED BY INTERNATIONAL PAPER COMPANY IN 1996) AND BROADWELL BROTHERS, LLC.

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-53 is consistent with the adopted comprehensive plan designated as the *2030 Growth*

*Vision Plan*, which calls for “community growth area” at this location as the proposed district would allow development at 2.9 units per acre.

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 (Old Vander Road), and the subject property is not located in any defined critical area as defined by the Fort Bragg Small Study Area, and recreational facilities are less than half a mile away.

## **2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P14-53 for R15 Residential district based on the following:

- The R15 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. Pearce made both of the motions referenced above, seconded by Mrs. Wheatley, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

## IX. PUBLIC HEARING CONTESTED ITEMS

There were none.

## X. PUBLIC HEARING WAIVER REQUEST

**CASE NO. 14-107.** CONSIDERATION OF THE JAMES & DALE CORNELIA A. HAY PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO CONNECT TO PUBLIC WATER; COUNTY SUBDIVISION ORDINANCE, SECTION 2306.1.B, CONNECTION TO PUBLIC WATER AND SEWER; ZONED: A1; TOTAL ACREAGE: 3.00+/-; LOCATED AT 5846 & 5850 CLINTON ROAD (NC HWY 24); SUBMITTED BY JAMES & DALE HAY (OWNERS) AND CARLA EMMENS (AGENT). (STEDMAN MIA/COUNTY JURISDICTION)

Mr. Lloyd presented the case information and the site photos.

There was one person present to speak.

Chair Hall swore in Mr. Kristopher Kornegay. Mr. Kornegay stated the reasons for the waiver request.

Public hearing closed.

**Mr. Cain made a motion, seconded by Ms. Andrews that the Joint Planning Board for the County of Cumberland, having held a public hearing to consider Case No. 14-107 in which the property owner is requesting a waiver of the ordinance – required connection to the public water system – and to develop the subject property in a manner not permissible under the literal terms of the County Subdivision Ordinance, and having heard all of the evidence and arguments presented, I move as follows:**

**The Board finds the following facts: 1. The property owner is seeking approval of a second dwelling unit on a 3.00+/- acre tract and to be allowed to connect to the existing private well on the subject property; 2. Stedman’s public water lines run along the right-of-way of Clinton Road which the subject property abuts; 3. Clinton Road is currently being widened and re-aligned with utilities being relocated; however, they have not been relocated in the immediate area at this time and the projected time for completion is unknown; 4. The property is located within the Stedman MIA and the Stedman Board of Commissioners recommends granting the waiver request; and 5. Given a similar set of facts and circumstances the board’s ruling to grant the waiver would be the same.**

**Based on the foregoing facts, the Board concludes: A. Because of, the condition or nature of adjoining areas, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and B. The public purposes of the County's subdivision and zoning ordinances would be served to an equal or greater degree, and C. The property owner would not be afforded a special privilege denied to others.**

**Based on the foregoing conclusions, the Board grants the request for waiver subject to the following conditions which are intended, in so far as practicable, to secure the objectives of the requirements that are waived: 1. This waiver approval is not intended to apply toward any future or additional development of the subject property; and 2. Conditions of approval, numbered 1 through 16, as included in the board packet material apply. The motion passed unanimously.**

## X. DISCUSSION

### DIRECTOR'S UPDATE

- SET COMPREHENSIVE PLANNING COMMITTEE MEETING DATE

Mr. Lloyd stated that there were two concerns of the citizens that need to be resolved. The first concern being lot size and the second being farmland preservation.

Mr. Morris stated that policy guidelines should be made as to triggering events such as water, sewer, highway extensions, traffic lights, etc., that will change the way a plan is.

The committee agreed to meet on October 28, 2014 at 12 pm to review the South Central Land Use Plan.

## XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:23 pm.