

Charles Morris,  
Chair  
Town of Linden

Diane Wheatley,  
Vice-Chair  
Cumberland County

Jami McLaughlin,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

Donovan McLaurin,  
Wade, Falcon & Godwin



*Planning & Inspections Department*

**MINUTES**  
August 15, 2017

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Carl Manning,  
Lori Epler,  
Cumberland County

Stan Crumpler,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

**Members Present**

Mrs. Diane Wheatley, Acting Chairman  
Dr. Vikki Andrews  
Mr. Stan Crumpler  
Mrs. Jami McLaughlin  
Mr. Harvey Cain, Jr.  
Mrs. Lori Epler  
Mr. Carl Manning  
Mr. Donovan McLaurin

**Members Absent**

Mr. Charles Morris  
Ms. Patricia Hall

**Others Present**

Mr. Thomas Lloyd  
Ms. Annie Melvin  
Mrs. Laverne Howard  
Ms. Patricia Speicher  
Mr. Rick Moorefield  
County Attorney  
Mr. Trey Smith  
Mrs. Jennifer Oppenlander  
Mr. Aaron Barnes  
Ms. Katlyn Allen

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Chair Wheatley delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the Board that Case P17-37 would be moved from Consent Items to Contested Items.

**Mrs. Epler made a motion to approve the adjustments, seconded by Dr. Andrews. Unanimous approval.**

III. PUBLIC HEARING DEFERRALS

**P17-20. REZONING OF 1.27+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 116 AIRPORT ROAD, SUBMITTED BY OSAZE LOVE ASEMOTA & LILY IGUNBOR (OWNERS) AND GABRIEL IGUNBOR (AGENT). DEFERRED UNTIL OCTOBER 17, 2017**

**Mrs. McLaughlin made a motion, seconded by Mr. Manning to approve the deferral. Unanimous approval.**

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF JULY 18, 2017

**Mrs. Epler made a motion, seconded by Mr. Manning to approve the minutes as submitted. Unanimous approval.**

## VII. PUBLIC HEARING CONSENT ITEMS

### REZONING CASES

- A. **P15-31.** REZONING OF .73+/- ACRES FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE & INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2444 & 2448 HOPE MILLS ROAD, SUBMITTED BY RAFFAELLA MASSA ON BEHALF OF ELIZABETH PIZZA - HOPE MILLS ROAD LLC (OWNER).

#### FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” development at this location. The request is also consistent with the *Southwest Cumberland Land Use Plan*, which calls for “mixed use development” because it allows office uses.

The staff 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 desirable, PWC water and sewer exists in the area; should have a direct access to a collector street, Hope Mills Road is a principal arterial street; if not developed in an office park, should serve as a transition between commercial and residential uses, this area of Hope Mills Road is very much in transition with commercial almost surrounding the subject property; must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping, the subject property is located on .73+/- acres.*

#### SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-31 for O&I(P) Planned Office and Institutional based on the following:

- The district requested will allow for land uses that exist in the general area; and  
NC HWY 59 is a heavily travelled road in an area transitioning to non-residential uses since the road was widened to multiple lanes.

**Mr. McLaurin made both motions referenced above, seconded by Mrs. Epler, to follow the staff recommendations and approve the O&I(P) rezoning request. The motions passed unanimously.**

- B. **P17-31.** REZONING OF 23.22+/- ACRES FROM M2 HEAVY INDUSTRIAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE SOUTHEAST QUADRANT OF SR 2000 (SUNNYSIDE SCHOOL ROAD) AND SR 2010 (JOHN B CARTER ROAD); SUBMITTED BY STEVEN R. EVERETT (OWNER) AND J. SCOTT BERRY (AGENT).

#### FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is not entirely consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” development, but with the existence of poorly draining soils in this area run off from a larger scale development could become a concern. The request is also not entirely consistent with the *Proposed Vander Area Land Use Plan*, which calls for “suburban density residential” but could be considered appropriate as public water is not available and for the reason stated above. The staff 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: *individual well and septic system allowed, only PWC sewer exists in the area, could be located in any defined critical area as defined by the Fort Bragg Small Area Study; desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils; desirable to not be located in an area that is a prime industrial site, the area is mostly residential in nature; may be outside the Sewer Service Area.*

#### SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-31 for R40 Residential based on the following:

The district requested will be keeping with the overall rural residential and agricultural nature of the area.

**Mr. McLaurin made both motions referenced above, seconded by Mrs. Epler, to follow the staff recommendations and approve the R40 rezoning request. The motions passed unanimously.**

#### REZONING CASE

- C. **P17-32.** REZONING OF 2.53+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2501 BAYWOOD ROAD, SUBMITTED BY MICHAEL A. AND SUSAN T. THOMAS (OWNERS). (EASTOVER)

##### **FIRST MOTION**

R40A Residential based on the following:

The district requested will allow for land uses and lot sizes that exist in the general area.

##### **SECOND MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "community growth area" at this location. The request is also consistent with the *Eastover Land Use Plan*, which calls for "one acre residential" as this request will restrict development to one unit per acre.

The staff 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: *individual septic system allowed; could be located in any defined critical area as defined by the Fort Bragg Small Area Study; Desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils; Desirable to not be located in an area that is a prime industrial site; and may be outside the Sewer Service Area.*

**Mr. McLaurin made both motions referenced above, seconded by Mrs. Epler, to follow the staff recommendations and approve the R40 rezoning request. The motions passed unanimously.**

- D. **P17-35.** INITIAL ZONING OF 40.93+/- ACRES CD CONSERVANCY DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTH OF CHAPEL HILL ROAD, EAST OF ALCHERRY STREET; SUBMITTED BY THE TOWN OF SPRING LAKE (OWNER). (SPRING LAKE)

##### **FIRST MOTION**

The Planning and Inspections Staff recommends the board approve Case No. P17-35 for CD Conservancy district based on the following:

The requested district would be in line with the Conservation Easement that the Town of Spring Lake has entered into with state agencies by restricting development of the properties for recreation or natural resource protection and buffer areas.

##### **SECOND MOTION**

The Planning and Inspections Staff recommends the board further find that approval of the request is not consistent with the calls for "open space and low density residential" at this location as the requested district would restrict uses to those stated above.

The staff 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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *may be located in an environmentally sensitive area or part of the open space requirements for residential development & may be designated on the Fort Bragg Small Area Study as an Environmentally Sensitive Area.*

**Mr. McLaurin made both motions referenced above, seconded by Mrs. Epler, to follow the staff recommendations and approve the CD Conservancy rezoning request. The motions passed unanimously.**

- E. **P17-36.** REZONING OF 2.03+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7236 BUTLER NURSERY ROAD, SUBMITTED BY JAMES ROBERT WILSON (OWNER).

**FIRST MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” development at this location. The request is also consistent with the *South Central Land Use Plan*, which calls for “rural” development and R40A Residential will maintain the rural character of the area.

The staff 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: *individual well and septic system allowed; could be located in any defined critical area as defined by the Fort Bragg Small Area Study; Desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils; Desirable to not be located in an area that is a prime industrial site; and may be outside the Sewer Service Area.*

**SECOND MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-36 for R40A Residential based on the following:

The district requested will allow for land uses and lot sizes that exist in the general area.

**Mr. McLaurin made both motions referenced above, seconded by Mrs. Epler, to follow the staff recommendations and approve the R40A rezoning request. The motions passed unanimously.**

VIII. PUBLIC HEARING CONTESTED ITEM

CONDITIONAL ZONING CASE

- F. **P17-37.** REZONING OF 1.60+/- ACRES FROM R6A RESIDENTIAL TO C1(P)/CZ FOR ALL ALLOWED USES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2425 CULBRETH DRIVE, SUBMITTED BY CHERYL HUDSON ON BEHALF OF CULBRETH INVESTMENTS, LLC (OWNERS). (EASTOVER)

Mr. Lloyd presented the case information and photos.

**FIRST MOTION**

The Planning and Inspections Staff recommends the board approve Case No. P17-37 for C1(P) Planned Local Business/CZ Conditional Zoning for all allowed uses based on the following:

The requested district would be in line with allowing light commercial uses inside the Commercial Core Overlay district, while utilizing vacant property in an area that could be considered in transition.

**SECOND MOTION**

The Planning and Inspections Staff recommends the board further find that approval of the request is consistent with the adopted *2030 Growth Vision Plan* map, which calls for “community growth area”. The request is not consistent with the Eastover Land Use Plan, which calls for “medium density residential” development at this location but could be considered reasonable as the subject property is located within the Commercial Core Overlay district and is closely located to several other commercially zoned properties.

The staff 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 required, ESD water and sewer exists in the area; must have direct access to a collector street, should serve as a transition*

*between heavy commercial, office & institutional or residential development; should have other light commercial uses in the area; should provide convenient goods and services to the immediate surrounding neighborhood*

The applicant has agreed to the Ordinance Related Conditions.

There were people present to speak in favor and in opposition.

Ms. Cheryl Hudson spoke in favor. Ms. Hudson stated that the property has been vacant for years and she and her brother inherited it when her mother passed away. They are asking for the rezoning for marketing purposes. They have been contacted, and someone is interested in purchasing the property. They want the front property which is large enough, but a little tight for what they want. They also want the back property. The property does fall in the commercial corridor for Eastover and they would like to sell all the property together. They have no plans to put marketing signs out it is strictly word of mouth.

Mr. Larry Smith spoke in opposition. Mr. Smith stated that his biggest concern was backing up a commercial property to a residential road and the traffic that could go through there. Mr. Smith said he was opposed to any rezoning other than residential for that piece that abuts Culbreth Drive.

Mrs. Epler asked the applicant if she would consider a no access easement to commercial traffic.

Ms. Hudson said she could not answer that question without talking to her brother.

Mrs. Epler said that she might want to consider that because that could make a difference in someone standing up in opposition.

Mr. McLaurin stated that everything has to come back before the board, and the site plan will come back for review.

**Mr. McLaurin made both motions referenced above, seconded by Mrs. Epler, to follow the staff recommendations and approve the C1(P) Planned Local Business/CZ Conditional Zoning request. The motions passed unanimously.**

## IX. PUBLIC HEARING ITEM

### VANDER AREA LAND USE PLAN

VANDER AREA LAND USE PLAN: THIS PLAN PROVIDES THE LOCATION OF PROPOSED FUTURE LAND USES FOR THE VANDER AREA. THE PLAN COVERS AN AREA DEFINED GENERALLY TO NORTH OF THE CAPE FEAR RIVER; TO THE SOUTH OF HWY 24; TO THE EAST OF THE CITY LIMITS OF FAYETTEVILLE AND TO THE WEST OF THE TOWN OF STEDMAN

Mr. Trey Smith, Planning Manager for the Comprehensive Planning section of the Planning & Inspections Department introduced his staff and presented the Vander Area Land Use Plan. Mr. Smith went over the Public Input meetings, showed the existing land use, zoning, existing & proposed transportation, existing utilities, and demographics for the Vander area. He also presented some of the recommendations from the committee and went over the proposed Future Land Use Plan Map.

Mrs. Epler asked how they handled it when they look at a piece of property and the current use is commercial, what is the reasoning for you to recommend future use of residential at that location?

Mr. Smith said that more times than not they wouldn't, and if it was even in operation they would look back and base the recommendation on what existing type uses are in the area now.

Mrs. Epler gave an example on Maxwell Road and Highway 24, where the Food Lion is, across the street is a sizeable convenience store that is shown as residential and she doesn't understand that.

Mr. Smith said that specific property, was a misprint in the land use map and will be corrected.

Mrs. Epler said that the two specific properties are separated by the off ramp to Highway 24, both of those pieces of property are owned by the same person.

Mr. Lloyd said that when the motion is made a recommendation can be added that the parcel be changed to reflect commercial.

**Mrs. Epler made a motion, seconded by Mr. Crumpler to move the Vander Land Use Plan forward to the Board of Commissioners', except that the two parcels owned by Mr. John Lennon at the intersection of Maxwell Road and Highway 24 be changed to reflect commercial. The motion passed unanimously.**

## X. DISCUSSION

### DIRECTOR'S UPDATE

- Mr. Lloyd advised the Board that the next work session would cover the Subdivision process.
- Acting Chair Wheatley suggested assigning or rotating prayer and pledge. Mrs. Epler volunteered to do it at the next meeting.

## XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:28 pm.