

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



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

MINUTES
May 16, 2017

Members Present

Mr. Charles Morris, Chairman
Mrs. Lori Epler
Mr. Benny Pearce
Mrs. Jami McLaughlin
Mr. Harvey Cain, Jr.
Mr. Donovan McLaurin
Dr. Vikki Andrews
Mr. Carl Manning

Members Absent

Mrs. Diane Wheatley
Ms. Patricia Hall

Others Present

Mr. Thomas Lloyd
Ms. Patricia Speicher
Ms. Annie Melvin
Mrs. Laverne Howard
Mr. Rick Moorefield
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

Mrs. McLaughlin made a motion to accept the agenda as submitted, seconded by Dr. Andrews. Unanimous approval.

III. PUBLIC HEARING DEFERRALS

- A. **P17-07.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2302. AREA-SPECIFIC STANDARDS, A. MUNICIPAL INFLUENCE AREAS; AND APPENDIXES EXHIBIT 4, OFFICIAL MUNICIPAL INFLUENCE AREA AND SEWER SERVICE AREA MAP, AND EXHIBIT 5 MUNICIPAL INFLUENCE AREA DEVELOPMENT STANDARDS, HOPE MILLS COLUMN, ROW ENTITLED *SIDEWALKS* (PAGE E5-E). **DEFERRED UNTIL JULY 18, 2017**
- B. **P17-18.** REZONING OF .29+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3216 NORTH MAIN STREET, SUBMITTED BY CHARLOTTE MCKENZIE (OWNER) AND D. ERIC NOBLES (AGENT). (HOPE MILLS) **DEFERRED UNTIL JUNE 20, 2017**

Mrs. Epler made a motion, seconded by Mr. Cain to approve the deferral. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Policy statement wasn't needed.

VI. APPROVAL OF THE MINUTES OF APRIL 18, 2017

Mrs. Epler made a motion to accept the minutes as submitted, seconded by Dr. Andrews. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P17-19. REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE AMENDING ARTICLE XIV, SIGNS, IN ITS ENTIRETY. (HOPE MILLS)**

1st MOTION

The Planning and Inspections Staff recommends approval of the attached Hope Mills zoning ordinance text amendment which, if approved, would enable the town to enforce sign regulations that are consistent with the image the town is seeking to project in their commercial areas. Additionally, this amendment was prepared and submitted by the Town of Hope Mills.

2nd MOTION

The staff also recommends the board find that approval of the amendment to the town's zoning ordinance is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, specifically including: *Policy Area 9: Compatible Commercial Development & Services* and *Policy Area 10: Attractive Community Appearance & Image*. The proposed amendment is also generally consistent with the Southwest Cumberland Land Use Plan in that one of the adopted goals and objectives of the plan strives to enhance community appearance and reduce sign clutter along major thoroughfares.

The staff recommends the board further find that approval of this amendment is reasonable and in the public interest based on the foregoing information and that by ensuring sign regulations are up to date will ensure the small town character will not be affected.

Mr. Pearce made both motions referenced above, seconded by Mrs. McLaughlin, to follow the staff recommendations and approve the text amendment. The motions passed unanimously.

CONDITIONAL ZONING CASE

- B. **P17-12. REZONING OF 8.03+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF THROWER ROAD, WEST OF NC HWY 87 S; SUBMITTED BY VANCE TYSON (OWNER) AND TIM EVANS (AGENT).**

FIRST MOTION

The Planning and Inspections Staff recommends the board find that while approval of the request for rezoning in Case No. P17-12 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "rural" at this location, it is in the public interest to request the developer to provide access for lots 8 and 9 off of the proposed road as well as joint driveways for the remaining lots, as supported by NCDOT. This area has seen a significant increase in single family development in recent years which makes it vitally important to reduce the amount of driveways directly off of Thrower Road. Although the request is not entirely consistent with the South Central Land Use Plan which calls for "farmland", the requested district follows the Plan's recommendation "to allow rezoning to one acre lots on tracts ten acres or less in the farmland area."

Should the developer agree with the above recommendation, the staff asks the board to 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 systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one

unit per acre in areas with hydric soils and severe septic tank limitations; 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. P17-12 for R40 Residential/CZ Conditional Zoning for an 8 lot subdivision provided the driveway locations are adjusted based on the following:

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

OTHER SUITABLE DISTRICTS: A1A

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

VIII. PUBLIC HEARING CONTESTED ITEMS

TEXT AMENDMENTS

- C. **P17-17. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI, BOARD OF ADJUSTMENT; AND REQUESTING PERMISSION TO REPRINT THE ZONING ORDINANCE INSERTING ALL TEXT AMENDMENTS APPROVED SINCE JUNE 20, 2005 AS LISTED.**

Mr. Lloyd advised the board that some of the rules had been changed for the Board of Adjustment. The amendment follows what the State Law is advising us to do.

1st MOTION

The Codes Committee recommends the board find that the attached text amendment is consistent with the 2030 Growth Vision Plan and all other applicable detailed area plans throughout the County since this amendment, if approved, will ensure the County Zoning Ordinance provisions related to Board of Adjustment matters are consistent with the 2013 State Legislature amendments to the statutes regulating local Boards of Adjustment.

The committee recommends the board further find that approval of the text amendment is reasonable and in the public interest which has been established by the General Assembly's ratification of the amended regulations coupled with the fact that certain standards within the statute have been relaxed particularly those related to variances.

2nd MOTION

In addition to the above information, the Codes Committee recommends approval of the text amendment and that the Commissioners direct the staff to re-publish the County Zoning Ordinance as a technical ordinance in its entirety with all amendments consolidated within the text based on the following:

1. The proposed amendment will afford property owners a lower threshold to meet when a variance is necessary for justifiable use of their property; and
2. Reprinting with merging previously approved amendments into the County Zoning Ordinance will ensure ease of use for citizens, development professionals, and County staff.

Mr. McLaurin went over when the State started proposing changes to the law and the reasons why he was in opposition of the text amendment.

Mr. McLaurin made a motion to defer for thirty days so the Board has a chance to review the text amendment in its updated version and for the staff to prepare the proposed reprint of the zoning ordinance in its entirety, seconded by Dr. Andrews. The motion passed. Unanimous approval.

IX. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Lloyd advised the Board about the new format for the staff recommendations
- Mr. Lloyd told the board about a meeting with the Hope Mills Town Board and advised that there would be another committee meeting to work on the MIA.
- Mr. Lloyd discussed a case that went to the BOA that dealt with a firing range that is currently in the Appeals Court, and they still haven't come out with a decision.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:34 pm.