

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
Dr. Marion Gillis-Olion  
Roy Turner,  
Cumberland County



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Nancy Roy, AICP  
Director  
Thomas J. Lloyd,  
Deputy Director

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Harvey Cain, Jr.  
Town of Stedman

MINUTES  
March 15, 2005

#### Members Present

Mr. Clifton McNeill, Chair  
Mr. David Averette  
Mr. Harvey Cain  
Dr. Marion Gillis-Olion  
Mr. Donovan McLaurin  
Mr. Roy Turner

#### Members Absent

Mr. Charles Morris, Vice-Chair  
Mr. Joe W. Mullinax

#### Others Present

Tom Lloyd, Dep. Dir.  
Ms. Donna McFayden  
Ms. Barbara Swilley  
Ms. Grainger Barrett  
County Attorney  
Ms. Diane Wheatley  
Co. Commissioner

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### I. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd said that there was opposition to Case P05-16, so it should be moved from the Consent items to the Public Hearing items. A motion was made by Mr. Averette and seconded by Dr. Olion to approve the Agenda as amended. The motion passed unanimously.

#### II. PUBLIC HEARING DEFERRALS

A. P04-76: REZONING OF 1.43 ACRES FROM M2 TO R6A OR A MORE RESTRICTIVE ZONING DISTRICT AT 4001 LOFTON STREET, OWNED BY GERALD E. CREECH. (WADE)

A motion was made by Mr. Averette and seconded by Mr. McLaurin to defer action on Case P04-76 until the April 19, 2005 meeting. The motion passed unanimously.

#### III. ABSTENTIONS BY BOARD MEMBERS

Mr. McLaurin said that he would abstain from discussion and voting on Case P05-16. Mr. Turner said that he would abstain from discussion and voting on Case P05-11. A motion was made by Mr. Averette and seconded by Dr. Olion to allow Messrs. McLaurin and Turner to abstain from the requested cases. The motion passed unanimously.

#### IV. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the Board's policy on public hearing time limits.

## V. CONSENT ITEMS

### A. APPROVAL OF THE MINUTES OF MARCH 8, 2005

A motion was made by Mr. Averette and seconded by Mr. Turner to approve the Minutes of March 8, 2005 as printed. The motion passed unanimously.

### REZONING CASES

#### A. P05-10: REZONING OF .28 ACRES FROM R6 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE NORTH SIDE OF NEW STREET, EAST OF NORTH BRAGG BOULEVARD, OWNED BY VERNON HOBSON, ET AL. (SPRING LAKE)

The Planning staff recommended approval of the C3 Heavy Commercial District based on the following:

1. The Spring Lake and 2010 Land Use Plans call for heavy commercial use at this location; and
2. The uses allowed in the C3 district are consistent with the surrounding development.

No one appeared in favor of or in opposition to the request.

**A motion was made by Mr. Averette and seconded by Mr. McLaurin to follow the staff recommendation and approve the C3 District. The motion passed unanimously.**

#### B. P05-11: REZONING OF A 4.94-ACRE PORTION OF AN 18.87-ACRE TRACT FROM R6/CU TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF SOUTH RAEFORD ROAD, WEST OF GILLIS HILL ROAD, SUBMITTED BY JOHN M. GILLIS, JR, OWNED BY JOSEPH H. GILLIS.

Mr. Turner left the room.

The Planning staff recommended approval of the C(P) Planned Commercial District based on the following:

1. The uses allowed in the C(P) District are consistent with the surrounding development; and
2. The remaining portion of the property is already zoned C(P)/CU.

Note: The conditions and development pattern of the area have changed since the adoption of the 2010 Land Use Plan.

No one appeared in favor of or in opposition to the request.

**A motion was made by Mr. Averette and seconded by Mr. Cain to follow the staff recommendation and approve the C(P) District. The motion passed unanimously with Mr. Turner abstaining from the vote.**

- C. P05-12: REZONING OF TWO PARCELS TOTALLING 9.13 ACRES FROM HS(P) AND RR TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF DUNN ROAD, NORTH OF I-95 BUSINESS, SUBMITTED BY LARRY KING AND ASSOCIATES, OWNED BY RIDDLE COMMERCIAL PROPERTIES, INC. AND JOSEPH P. RIDDLE III.

The Planning staff recommended approval of the C(P) Planned Commercial District based on the finding that this area is located within and adjacent to a designated activity node.

No one appeared in favor of or in opposition to the request.

**A motion was made by Mr. Averette and seconded by Mr. McLaurin to follow the staff recommendation and approve the C(P) District. The motion passed unanimously.**

#### AMENDMENTS

- A. P05-13: AMENDMENTS TO THE SPRING LAKE CODE OF ORDINANCES BY AMENDING CHAPTER 156, "ZONING CODE," SECTION 156.149(A), "FEES." (SPRING LAKE)

The Planning staff recommended approval of the amendments to the Spring Lake Zoning Ordinance based on the finding that the amendments correct errors in the Fee Schedule for the Town of Spring Lake.

No one appeared in favor of or in opposition to the amendments.

**A motion was made by Mr. Averette and seconded by Mr. McLaurin to follow the staff recommendation and approve the amendments to the Spring Lake Zoning Ordinance. The motion passed unanimously.**

- B. P05-14: AMENDMENTS TO THE TOWN OF STEDMAN ZONING ORDINANCE BY CREATING IN SECTION 7.32, "DUMPSTERS," AND ADDING "DUMPSTERS" IN ALPHABETICAL ORDER TO SECTION 10.2. (STEDMAN)

The Planning staff recommended approval of the amendments to the Town of Stedman Zoning Ordinance because the amendment promotes the health and general welfare and provides for a more aesthetically pleasing appearance.

No one appeared in favor of or in opposition to the amendments.

**A motion was made by Mr. Averette and seconded by Mr. McLaurin to follow the staff recommendation and approve the amendments to the Town of Stedman Zoning Ordinance. The motion passed unanimously.**

- C. P05-15: AMENDMENTS TO THE TOWN OF STEDMAN ZONING ORDINANCE BY AMENDING ARTICLE IX, SECTION 9.43, "C3 HEAVY COMMERCIAL DISTRICT," AND SECTION 9.44, "HEAVY INDUSTRIAL DISTRICT." (STEDMAN)

The Planning staff recommended approval of the amendments to the Town of Stedman Zoning Ordinance based on the following:

1. The amendments provide for a more aesthetically pleasing appearance; and
2. The amendments help to alleviate and prevent sign clutter within the Town's jurisdiction.

No one appeared in favor of or in opposition to the amendments.

**A motion was made by Mr. Averette and seconded by Mr. McLaurin to follow the staff recommendation and approve the amendments to the Town of Stedman Zoning Ordinance. The motion passed unanimously.**

#### VI. PUBLIC HEARING ITEMS

- A. P05-16: REZONING OF 1.02 ACRES FROM R6A TO M2, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3926 CHURCH STREET, SUBMITTED BY DONOVAN MCLAURIN, OWNED BY WADE COMMUNITY FIRE DEPARTMENT. (WADE)

Mr. McLaurin left the room.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd explained that the notices were sent out to residents of the area indicating that the rezoning would be to M(P); however the tract isn't large enough to meet the five-acre M(P) minimum requirement, so it had to be changed to M2. Mr. Lloyd reported that the staff recommended approval of the M2 Industrial District based on the finding that the site is surrounded by M2 zoning.

The public hearing was opened.

No one appeared in favor of the request.

Mr. Russell McLaurin appeared in opposition and stated that because the notices were sent out with M(P), the case should be deferred in order for correct notices to be sent out. He suggested sending the notices to a 1,000-foot area rather than the 500 feet originally mailed. He added that the tract is surrounded by R6A zoning.

Chair McNeill said that the uses are the same for the M2 as the M(P) zoning. He asked Mr. McLaurin if he had received comments from residents. Mr. Russell McLaurin said that he had not, but he thought the residents should be properly notified. He added that he didn't think buffering was stipulated. Mr. Lloyd explained that buffering is required in the Ordinance.

The public hearing was closed.

Chair McNeill asked how long the fire station had been located on the tract. Mr. Lloyd said it has been there for years and is conforming in the R6 zoning. He said that a new fire station is being built, and this site will be used for something else.

**A motion was made by Mr. Turner and seconded by Mr. Averette to send out notice letters to the residents with the M2 classification, and the case to be heard at the April 19, 2005 meeting.**

Mr. Averette asked how many people would be affected by the notification if it was sent to 1,000 feet around the subject property. Mr. Lloyd said he wasn't sure, but it would probably include the whole town. He added that the site is posted with a rezoning notice. Chair McNeill said he'd be opposed to extending the notification to 1,000 feet.

**Upon a vote on the motion, it passed unanimously. Mr. McLaurin abstained from the vote.**

B. P05-17: REZONING OF FIVE PARCELS TOTALING 37.99 ACRES FROM A1 TO R40, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF COUNTY LINE ROAD, EAST OF FIRE DEPARTMENT ROAD, SUBMITTED BY JAMES A. MCLEAN, III, OWNED BY GLYN KIRK LEWIS, ET AL.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the staff recommended denial of the R40 Residential District based on the following:

1. The 2010 Land Use Plan calls for farmland at this location; and
2. There is no one-acre development in this part of the County.

The public hearing was opened.

Mr. James McLean III appeared before the Board and said he represented the applicants, and they would like to rezone the property to allow low-density residential development. He said that the request is based on economic reasons because the land would be more appealing to developers if they could spread the infrastructure costs among more homeowners. He added that it would also be more affordable for the potential homeowners. He said that the area is not agricultural anymore, and there are many homes there. He said that the current rezoning allows hog and chicken farms, quarries and other undesirable uses. He said that it is no longer economically feasible to farm 30 acres. He said that areas change, and the guidelines of the 2010 Land Use Plan no longer apply. He added that the current system leaves clients not being able to support themselves by farming. He said that the R40 District is much more in keeping with the development in the area, and there are subdivisions throughout the vicinity.

Mr. Gary Faulkner appeared before the Board and said that he lives across the road from the subject property and owns two acres that are not used as farmland. He said that there is no way to farm 30 or 40 acres, and he would prefer the R40 District because it allows homes, and the A1 District allows mobile homes.

Mr. Glyn K. Lewis, owner, appeared before the Board and said that the tobacco allotment was the only way that he could afford to keep the land as farm land, and

that has ended. He said that the tract is not a large enough to farm, and he'd like to sell one-acre lots.

Chair McNeill asked if the land is 100 percent buildable. Mr. Lewis said that other than a small irrigation pond, the land is buildable.

Mr. McLaurin asked about the size of the field with the pole in the middle. Mr. Lewis said that the pole was to bring lines to his home in the rear of the lot.

Mr. Lewis said that he was paying taxes on land he's unable to use.

The public hearing was closed.

Chair McNeill said that unfortunately it looks like the day of small farms is gone.

Mr. Averette said in the past he would have been concerned about rezoning to eliminate more agricultural land, but he has recently realized that R40 land can still be farmed, and the uses are appropriate for the subject tract. He said that the R40 zoning would also eliminate a lot of undesirable uses allowed in the A1 District.

Mr. McLaurin said that he has a couple of small fields similar to this that cannot be farmed. He added that he counted 100 houses within six-tenths of a mile from the subject property.

**A motion was made by Mr. Averette and seconded by Mr. Turner to approve the R40 Residential District. The motion passed unanimously.**

## VII. PLATS AND PLANS

- A. 04-173: DALTON'S RIDGE ZERO LOT LINE SUBDIVISION REVIEW ON THE EAST SIDE OF BUTLER NURSERY ROAD, WEST OF MARSH ROAD, FOR A VARIANCE FROM SECTION 3.18, "BLOCK LENGTH," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

Mr. Lloyd explained that the subject property is located near the intersection of Butler Nursery and Marsh Roads. He said that the Ordinance calls for a limit on the length of cul-de-sacs, and the staff recommended denial because there is only one entrance. He said that an emergency easement could be created that would eliminate the staff's objections. He said that the staff would agree to a 20-foot wide easement provided for emergency vehicles only.

Mr. Franklin Johnson appeared before the Board and said that he would be glad to provide the easement if it was used strictly for emergency vehicles. He said it would be between Lots 8 and 9 and located entirely on Lot 8.

Mr. Lloyd said that it would in effect be a stub out, and if the adjoining property was developed, it would open it to a road. Mr. Johnson said that it would still be for emergency use only.

Chair McNeill asked if the staff would require the road to be open when the adjoining property is developed. Mr. Barrett said that the landowners could agree to use the easement for emergency use only. Mr. Lloyd said that it has been done before with a locked gate. Mr. Barrett said if emergency vehicles need to get in they can knock down the gate and replace it later.

Mr. Johnson said he didn't think it would ever been needed because the road is so wide, it would be difficult to block.

Mr. Averette said that a stub out works in theory, but vehicles may not be able to get to it unless the adjoining property is developed.

**A motion was made by Mr. Averette and seconded by Mr. Turner to grant the variance for the developer to provide a 20-foot easement for emergency use only to be recorded on the plat in lieu of stubbing the street.**

Mr. McLaurin asked which lot, and Mr. Averette said that would be up to the discretion of the developer.

Chair McNeill asked if it was required that it be kept open. Mr. Barrett said that it would have to be clear. Chair McNeill asked if that would be the landowner's responsibility. Mr. Lloyd said that it would, and the property owner would probably mow it and keep it clear.

Mr. Turner said it looks like the road is wide enough for three fire trucks side by side.

Mr. McLaurin said that it wouldn't need to be maintained. Mr. Barrett said that staff would work it out with the developer. Mr. Averette added that it's for the landowners' benefit.

Dr. Olion asked what had been accomplished. She said that there is still only one actual access to the property unless the adjoining land is developed. Mr. Lloyd said that this is an area that needs to be addressed when the Subdivision Ordinance is reviewed. Mr. Barrett said approving the variance would provide protection for emergency access.

Ms. Wheatley asked if staff would possibly change the required length of cul-de-sacs when the Ordinance is reviewed. Mr. Barrett said that this is one area that will be considered. Ms. Wheatley asked how long the subject cul-de-sac is, and Mr. Lloyd said it is 3,500 feet.

**Upon a vote on the motion, it passed unanimously.**

#### VIII.ADJOURNMENT

There being no further business, the meeting adjourned at 8:05 p.m.