

Charles C. Morris,
Chair
Town of Linden
Donovan McLaurin,
Vice-Chair

Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES
DECEMBER 19, 2006

Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

Members Present

Mr. Donovan McLaurin, Vice-Chair
Commissioner Diane Wheatley
Mrs. Sara Piland
Mr. Harvey Cain, Jr.
Mr. Clifton McNeill
Mr. Roy Turner
Mrs. Lori Epler

Members Absent

Mr. Charles Morris, Chair
Mr. Garland Hostetter

Others Present

Mr. Tom Lloyd, Director
Mr. Cecil Combs,
Deputy Director
Ms. Donna McFayden
Mrs. Annette Nunnery
Mr. Grainger Barrett,
County Attorney

Vice-Chair McLaurin presided over the meeting in the absence of Chair Morris.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that P06-81 be pulled from the Public Hearing agenda and deferred until the January 16, 2007 meeting to allow staff time to meet with engineers and discuss changes. Mr. Lloyd advised the Board that the applicant's attorney was in agreement with this decision.

Mrs. Epler made a motion, seconded by Mr. McNeill, to accept the adjustment to the agenda. Unanimous approval.

III. PUBLIC HEARING DEFERRALS

Mr. Lloyd stated that the applicant had requested a deferral for P06-79 until February 20, 2007.

IV. ABSTENTIONS BY BOARD MEMBERS There were no abstentions.

V. POLICY STATEMENT REGARDING PUBLIC HEARINGS

Mr. Lloyd read the policy statement regarding Public Hearings.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF NOVEMBER 21, 2006

A motion was made by Mrs. Piland, seconded by Mrs. Epler, to approve the minutes as written. The motion passed unanimously.

REZONING CASES

B. P06-89: REZONING OF A 25.38+/- ACRE PORTION OF A 54.86 ACRE TRACT FROM R10

(R7.5) TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF HOPE MILLS BYPASS, NORTHWEST OF CAMDEN ROAD, SUBMITTED BY JACKIE HAIRR, OWNED BY KATHERINE MCGEACHY WARD, ANN WARREN AND JOSEPH NEILL.

Mr. Lloyd stated that staff recommends approval of the R5A district based on the findings that although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the request meets the criteria for the R5A zoning classification; the subject property is located on a Major Thoroughfare; and public water and sewer are available to the subject property and connection will be required upon development of the site. The R6 zoning district is the only other suitable zoning district to be considered for this request.

- C. P06-91: REZONING OF 6.0 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 623 MAGNOLIA CHURCH ROAD, OWNED BY BRUCE J. AND WANDA L. TEETS.

Mr. Lloyd stated that staff recommends approval of R40 district based on the findings that: the R40 zoning district is consistent with the Stedman Study Area Detailed Land Use Plan which calls for "farmland" at this location; and the R40 zoning district is consistent with the current zoning, lot sizes and character of the general area. There are no other suitable zoning districts to be considered for this request.

Mrs. Epler made a motion, seconded by Mr. Cain, to follow the staff recommendations and approve P06-89 and P06-91 as submitted. Unanimous.

VII. PUBLIC HEARING ITEMS

REZONING CASES

- A. P06-81: REZONING OF THREE PARCELS TOTTALLING 104 ACRES FROM A1 & RR TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF DIVISION PLACE, EAST OF CEDAR CREEK ROAD, SUBMITTED BY LIBBA PATE, OWNED BY PAULA H. FAIRCLOTH.

This case was deferred to the January 16, 2007 meeting.

- B. P06-88: REZONING OF TWO PARCELS TOTALING 3.09 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3944 CAMDEN RD AND 3380 KING CHARLES ROAD, OWNED BY JAMES B. BARNWELL, JR.

Mr. Lloyd reviewed site plans and case information and stated that Staff recommends approval of the C(P) district for the tract fronting on Camden Road, but denial of the parcel fronting on King Charles Road based on the findings that although the C(P) district is not consistent with the Land Use Plan for the Camden Road tract, the request is reasonable because the properties on each side of this tract are zoned C(P) and is compatible with the current use of the properties fronting on Camden Road in this area; the current zoning of R6A is also not consistent with the Land Use Plan; however, the subject property was initially zoned to this district and the properties along King Charles Road remain residentially zoned; and King Charles Road is a residential street and not designed to handle commercial traffic. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

James Barnwell, Jr., Pastor of Missionary Baptist Church, addressed the Board. He stated that his congregation wants to build a new sanctuary on this property and the approval of this rezoning will allow them the ability to offer more land as collateral for a loan.

Mrs. Epler asked Pastor Barnwell if an appraiser had been consulted to determine the value of the land and if this rezoning request was the appraiser's recommendation. Pastor Barnwell

stated that his appraiser and the bank had both suggested that the C(P) request would give the most beneficial value for his loan need.

Mr. Robert McMillian addressed the Board. He stated that he and the congregation support the request and the Pastor's efforts to build the new sanctuary. He urged the Board to favorably consider the request.

The Public Hearing closed. No one appeared to speak in opposition.

Mr. McNeill asked for verification that the church could be built on the existing parcel as currently zoned. Mr. Lloyd stated that the current zoning would allow for that building. Mr. McNeill requested clarification that this request was being presented to allow for a higher loan amount at the advice of the appraiser and the bank. Mr. Lloyd stated that this was his understanding based on Pastor Barnwell's statement.

Mrs. Epler stated that she believed O&I(P) would suffice for the needs of this request. She further stated that she had taken the liberty of contacting an appraiser, who stated that a rezoning of O&I(P) would increase the land value to match the requested C(P) value.

Mrs. Epler made a motion, seconded by Mrs. Piland, to approve C(P) for the tract fronting Camden Road, and O&I(P) for the back portion of the tract.

The floor was opened to discussion.

Mr. Lloyd stated that O&I(P) would be a good transition zoning for this area, because of current surrounding uses and for a buffering district between commercial and industrial and existing residential. Staff had discussed this possibility and determined that they would approve O&I(P) on the rear portion of the tract. He stated that the basis for approval, if the Board chose, would be for good planning, as stated above, and not for increased valuation.

Mrs. Piland asked if the petitioner was agreeable to this change. Pastor Barnwell stated that he appreciated the Board's efforts to explore other possibilities. He stated that the church was agreeable to any rezoning that would give them the highest potential property value and allow them to obtain the necessary loan to meet their development needs.

Vice-Chair McLaurin stated to Pastor Barnwell that sometimes road blocks are thrown in the way of our best plans for reasons unknown to us. If, for some reason, the new sanctuary was not built and the land was placed on the market, the Planning Board is concerned with some of the uses the C(P) allows, such as adult entertainment and the sale of alcohol, which would be allowed on the King Charles Road portion of the property because of its residential zoning. The Planning Board is also concerned with the inability of the streets to handle commercial traffic. He further stated that he knew Pastor Barnwell would also be sympathetic to those concerns and that the O&I(P) would be more compatible for this area.

Mrs. Piland asked if the church would be able to secure the loan amount needed with the O&I(P) rezoning. The Pastor stated that if the appraiser's opinion was correct, the required loan amount could be secured. Mrs. Epler reminded Pastor Barnwell that the appraiser's opinion was just an estimate and one opinion and that he should verify that with another appraiser. She further stated that he had the option to defer this request to allow time to consult with his lender and an appraiser to determine the property value or he could proceed with the Board's recommendation and investigate the issue of the value prior to the case being heard before the Commissioners.

Mr. Barrett advised the petitioner that the County Commissioners would have final approval of this request. He stated that if the petitioner chose to proceed with the Board recommendation of O&I(P) on the rear portion of the lot and they voted to approve it, then the petitioner would have time prior to the January Commissioner's meeting to explore the land value and financing.

The petitioner would still have the right to revise his zoning request at that meeting if his research shows that the O&I(P) will not suffice.

The motion was returned to the floor for a vote and received unanimous approval.

- C. P06-90: REZONING OF 2.10 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1649 A TOWNSEND ROAD, OWNED BY DAVID G., SR. AND BETTY L. HOBBS.

Mr. Lloyd reviewed the case information and stated that Staff recommends denial of the R40A district and approval of the A1A district based on the findings that although the R40A request is consistent with the Land Use Plan, the A1A district is designed for tracts of land less than ten acres located within agricultural areas; and the A1A district is in keeping with the current use, character and zoning of the general area. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Ms. Betty Hobbs, owner, advised the Board that she wants to rezone this property to allow for the placement of a mobile home for her daughter and grandchildren to live in.

Vice-Chair McLaurin advised the petitioner that A1A would require placement of a Class A manufactured home. Ms. Hobbs stated that she had no problems with that requirement and would accept any rezoning that would allow her to accomplish her goal.

Mr. David Hobbs, owner, addressed the Board and stated that rezoning and subdividing his property would still allow road frontage for both lots. He further stated that a Class A manufactured home was more agreeable to him because of the higher resale value involved.

The Public Hearing closed. No one appeared in opposition to the request.

Mr. McNeill made a motion, seconded by Mrs. Piland, to follow the staff recommendation to deny the R40A and approve A1A. Unanimous approval.

VIII. DISCUSSION/DIRECTOR'S UPDATE

Mr. Lloyd advised the Board that the next meeting was scheduled for January 2nd and that the Board may want to consider cancellation of that meeting due to the extended holiday weekend and the absence of any cases scheduled to be heard.

Mrs. Piland made a motion, seconded by Mrs. Epler, to cancel the Planning Board meeting scheduled for January 2, 2007. Unanimous approval.

Mr. Lloyd advised the Board that the Town of Hope Mills had decided to rejoin the Planning Board and would provide one representative. He will be attending their next meeting, scheduled for the same night as the Planning Board and the County Commissioner's meetings, at which they will be approving the interlocal agreement. Mr. Combs will attend the Planning Board meeting and Ms. Speicher will represent the Planning Board at the Commissioner's meeting.

Mr. Lloyd updated the Board on the progress of the Sewer Policy and the core group meetings.

Mr. Lloyd advised the Board that the Stormwater Utility would be financing a drainage basin study in the Sunnyside School Road area and that the study would take approximately 6 months to 1 year.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:55 p.m.