

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce
Town of Eastover

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES
June 17, 2008

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Clifton McNeill, Jr.
Mr. Roy Turner
Mrs. Patricia Hall
Mr. Benny Pearce
Mr. Garland Hostetter
Mr. Harvey Cain, Jr.
Mrs. Sara Piland
Mr. Charles Morris

Others Present

Mr. Tom Lloyd, Director
Ms. Patricia Speicher
Mrs. Laverne Howard
Mr. Grainger Barrett, County Attorney
Commissioner Diane Wheatley
Ms. Donna McFayden

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chair Epler delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the Board that Item IX would be moved to item XI after discussion.

Mrs. Piland made a motion to accept the agenda, seconded by Vice-Chair Epler. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

VI. APPROVAL OF THE MINUTES OF MAY 20, 2008

Vice-Chair Epler made a motion to approve the minutes as submitted, seconded by Mr. Turner. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P08-21:** REZONING OF 2.49+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5827 LAKEWOOD DRIVE AND 7010 & 7032 STONEY POINT ROAD, SUBMITTED BY BLAINE LOVELAND, OWNED BY JACK & AVY OFFENHAUSER.

This case was deferred from May 20, 2008 to the June 17, 2008 Planning Board Meeting. The applicant and property owner has requested the "Ockert Tract" (0.49 acres) be excluded from this request. The remaining acreage under consideration is 2.00+/- acres.

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service and Retail district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for low density residential at this location, the requested district is in character with the approved uses in the immediate area;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential uses at this location; and
3. The subject property is located on a Major Thoroughfare.

There are no other suitable zoning districts to be considered for this site.

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P08-21. Unanimous approval.

- B. **P08-24:** REZONING OF 0.41+/- ACRES FROM R6A RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 810 CHAPEL HILL ROAD, SUBMITTED AND OWNED BY DANIEL J. CULLITON.

The Planning & Inspections Staff recommends approval of the request for C1(P) Planned Local Business district based on the following:

1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for low density residential at this location, rezoning the subject property is in character with the adjacent zoning and uses in the immediate area;
2. The subject property is adjacent to a Major Thoroughfare and commercial property.

The R6, R5, and R5A Residential district could also be found suitable for this area.

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P08-24 as submitted. Unanimous approval.

- C. **P08-26.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI. BOARD OF ADJUSTMENT, SECTION 1606 SPECIAL USE PERMITS SUB-SECTION E. EXPIRATION OF PERMITS AND SECTION 1607 HEARINGS.

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P08-26 as submitted. Unanimous approval.

- D. **P08-27:** REZONING OF 1.12+/- ACRES FROM R10 RESIDENTIAL AND O&I(P) PLANNED OFFICE AND INSTITUTIONAL DISTRICT TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTHWEST OF RAMSEY STREET AND SOUTHEAST OF MCCLOSKEY ROAD, SUBMITTED BY NEIL YARBOROUGH, OWNED BY SANDRA HARSHBERGER, MIKE MOLINA, MARSELLIS GEORGE, AND FAYETTEVILLE LONGHILL POINTE LLC.

The Planning & Inspections Staff recommends approval of the R5A Residential district based on the following:

1. Even though the request is not consistent with the North Fayetteville Area Detailed Land Use Plan which calls for low density and open space, the request is consistent with the zoning and land uses in the general area;
2. The existing infrastructure in the area can support the density allowed in the R5A district; and
3. Upon development, connection to public utilities will be required.

The R6 Residential district could also be considered suitable for this location.

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P08-27 as submitted. Unanimous approval.

CONDITIONAL USE DISTRICT AND PERMIT

- A. **P08-25:** REZONING OF 1.29+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL/CONDITIONAL USE DISTRICT (TWO RESIDENTIAL UNITS) AND C(P)/CUD PLANNED COMMERCIAL/CONDITIONAL USE DISTRICT (TRADE CONTRACTOR ACTIVITIES WITH OUTSIDE STORAGE OF EQUIPMENT) OR TO A MORE RESTRICTIVE ZONING DISTRICT AND THE PERMIT LOCATED AT 5445 NC HWY 210 SOUTH, SUBMITTED AND OWNED BY EDDIE L. NAYLOR, JR.

The Planning & Inspections Staff recommends approval of the request for RR/CUD Rural Residential/Conditional Use District (two residential units) and C(P)/CUD Planned Commercial/Conditional Use District (trade contractor activities with outside storage of equipment) based on the following:

- Although the request is not consistent with the 2010 Land Use Plan which calls for farmland at this location, the uses requested for the rural residential and planned commercial districts are somewhat compatible with the surrounding uses in the general area.

There are no other suitable zoning districts to be considered for this site.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit based on the following:

1. The requested use will not materially endanger the public health and safety if located according to the site plan submitted;
2. The use will meet all required conditions and specifications if constructed according to County Zoning Ordinances, the requirements of which are attached to this recommendation; and
3. The location and character of the use, if developed according to the site plan as submitted, will be in harmony with the area in which it is to be located since several non-residential uses are existing in the general area.

The Staff is also recommending:

1. That the applicant's request to "no rear buffer" be denied and that a buffer be provided between the two requested districts; and
2. The outdoor storage to be fenced and not more than ten vehicles are to be parked on site at any one time.

The applicant has verbally agreed to all the conditions in the "Ordinance-Related Conditions" and the staff recommendation.

A motion was made by Mr. McNeill and seconded by Vice-Chair Epler to follow the staff recommendations and approve C(P)/Conditional Use District for two residential units and trade contractor activities with outside storage of equipment because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. Unanimous approval.

A motion was made by Mr. McNeill and seconded by Vice-Chair Epler to approve the Conditional Use Permit as recommended by the staff for two residential units and trade contractor activities with outside storage of equipment after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. Unanimous approval.

VIII. PUBLIC HEARING CONTESTED ITEMS

There were none.

IX. DISCUSSION

- A. **P08-31: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE, ADOPTED JULY 1, 1970, INCLUDING SUBSEQUENT AMENDMENTS TO SAID ORDINANCE.**

Mr. Lloyd stated that the Land Use Codes Committee has voted to endorse the complete re-write of the Cumberland County Subdivision Ordinance. Mr. Lloyd stated that they wanted to give the homebuilders, developers, and other interested parties a chance to comment on the rewrite.

- B. Mr. Roy Turner volunteered to replace Mr. McNeill on the Farm Advisory Board.

A motion was made by Mr. Pearce to appoint Mr. Turner to the Farm Advisory Board, seconded by Mr. Hostetter. Unanimous approval.

X. PRESENTATION OF PLAQUE TO OUTGOING MEMBER MR. CLIFTON MCNEILL, JR.

Mr. Lloyd presented a plaque to Mr. McNeill in recognition of his service and dedication while serving on the Cumberland County Joint Planning Board.

XI. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

Mr. Lloyd stated that the formation of an Adhoc Committee would be the best approach to work on the Land Use Policy Plan. Mr. Morris, Mrs. Piland, Vice-Chair Epler, and Chairman McLaurin have volunteered to be on this committee. Chair McLaurin appointed Mr. Turner as the fifth member of the Adhoc Committee and Vice-Chair Epler will serve as moderator.

Mr. Lloyd advised the Board that Ms. Speicher's reclassification was approved by the County Commissioners. Ms. Speicher is the new Assistant Director for Municipalities.

XII. ADJOURNMENT

There being no further business, the meeting adjourned at 7:30 p.m.