

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MINUTES

December 18, 2012

Members Present

Mr. Walter Clark, Chair
Ms. Patricia Hall, Vice Chair
Ms. Vikki Andrews
Ms. Lori Epler
Mrs. Sara Piland
Mr. Garland Hostetter
Mr. Benny Pearce

Members Absent

Mr. Charles Morris
Mr. Harvey Cain, Jr.
Mr. Donovan McLaurin

Others Present

Mr. Thomas Lloyd
Ms. Patricia Speicher
Ms. Donna McFayden
Mrs. Laverne Howard
Mr. Rick Moorefield,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were none

Ms. Hall made a motion, seconded by Mrs. Epler to approve the agenda as submitted. Unanimous approval.

III. PUBLIC HEARING DEFERRAL

- A. **P12-68:** REZONING OF 6.55+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS AND R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 140 FARMERS ROAD AND ON THE NORTH SIDE OF SR 1612 (FARMERS ROAD), WEST SIDE OF US 401 (RAMSEY STREET); SUBMITTED BY BUTCH DUNLAP ON BEHALF OF GCMMB LLC. (OWNER). **DEFERRED UNTIL FEBRUARY 19, 2013**

Mrs. Piland made a motion, seconded by Ms. Hall 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 NOVEMBER 20, 2012

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

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P12-76:** REZONING OF 2.57+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1069 WILKES ROAD, SUBMITTED BY GENE ROGERS ON BEHALF OF NC NATURAL GAS CORPORATION (OWNER) AND ROBERT RUFFO.

The Planning and Inspections Staff recommends approval of the M1(P) Planned Light Industrial district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location, as well as meeting the location criteria for "light industrial/manufacturing" as listed in the Land Use Policies Plan;
2. The location and character of the use is reasonable and will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

Mr. Pearce made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve M1(P) Planned Light Industrial district, seconded by Mrs. Piland. The motion passed with a unanimous vote.

- B. **P12-78:** REZONING OF 6.92+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1220 W MANCHESTER ROAD, SUBMITTED BY PAUL KIRBY ON BEHALF OF PRESERVE LLC. (OWNER) AND MIKE ADAMS.

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

1. Although the request is not entirely consistent with the 2030 Growth Vision Plan, which calls for "urban fringe" at this location, as public water and sewer are required and sewer is not available, approval of the request is consistent with the objectives of the Land Use Policies Plan by promoting efforts in this area that encourage new commercial development that have the least impact on residential and other uses incompatible with the military operations;
2. Although the request is not entirely consistent with the Spring Lake Area Detailed Land Use Plan, which calls for "suburban" at this location, approval of the C(P) Planned Commercial district is consistent with the Air Installation Compatible Use Zone (AICUZ) study of Pope Army Airfield;
3. The subject property is located within the Accident Potential Zone and the noise contour. Department of Defense guidelines recommend against certain uses (residential, retail

trade, some manufacturing, etc.) dependent upon the densities of people and/or structures; and

4. The request is reasonable as commercial operations at this location would be more appropriate than residential uses due to the high noise levels (65 dBA) of military aircraft.

There are no other districts considered suitable for this request.

Mr. Pearce made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve C(P) Planned Commercial district, seconded by Mrs. Piland. The motion passed with a unanimous vote.

CONDITIONAL ZONING DISTRICT

- C. **P12-77:** REZONING OF .85+/- ACRE FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT FOR SECOND HAND SALES, BOOK SALES, INDOOR RECREATION FOR PROFIT, BARBERING AND HAIRDRESSING, DAY CARE, MOTOR VEHICLE PARTS SALES AND MOTOR VEHICLE SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7064 MAXWELL ROAD; SUBMITTED BY LEIBURN RALPH STRICKLAND (OWNER) AND MICHAEL TATE.

The Planning & Inspections Staff recommends approval of the requested rezoning to C(P) Planned Commercial /CZ Conditional Zoning district for second hand sales, book sales, indoor recreation for profit, barbering and hairdressing, day care, motor vehicle parts sales and motor vehicle sales based on the following:

1. Although the request is not entirely consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as public water and sewer are required and sewer is not available, the approval of the requested uses would be consistent with the plan by promoting the re-development of a commercial area as the subject property contains a commercial structure previously used as a convenience store;
2. The requested uses are consistent with the objectives for commercial development listed in the Land Use Policies Plan, specifically by promoting sufficiently zoned commercial areas to accommodate the needs of County residents and locating commercial development at major intersections with the least impact on residential and other non-compatible uses; and
3. The location and character of the uses, if developed according to the plan as submitted and the recommended Ordinance Related Conditions, are reasonable as they will be in harmony with the area in which they are to be located.

There are no other zoning districts suitable as related to this request. The applicant has verbally agreed to all Ordinance Related Conditions.

Mr. Pearce made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve the rezoning request to C(P) Planned Commercial /CZ Conditional Zoning district for second hand sales, book sales, indoor recreation for profit, barbering and hairdressing, day care, motor vehicle parts sales and motor vehicle sales, seconded by Mrs. Piland. The motion passed with a unanimous vote.

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- D. **P12-75:** REZONING OF 3.35+/- ACRES FROM RR RURAL RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4228 AND 4232 NC HWY 210 SOUTH, SUBMITTED BY JESUS G. IRIZARRY (OWNER) AND ROBERT M. BENNETT.

Mr. Lloyd presented the site information and stated the Planning and Inspections Staff recommends denial of the request for the R6A Residential district based on the following:

1. The district requested is inconsistent with the location criteria for “medium density residential” as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan as the subject property will not serve as a transition between non-residential, higher density and lower density residential areas, is not within two miles of a public recreation area; and cannot be served by public water and sewer since public sewer is not available;
2. Although the subject property is located within an “urban” area on the 2030 Growth Strategy Map, the request is not reasonable because the property is at the extreme southeastern edge of the designated urban area where the zoning and lot sizes are one half acre or greater per dwelling unit. Note the existing R6A shown on the site plan was adopted during the initial zoning of the general area and intended to ensure a pre-existing manufactured home park was not made nonconforming;
3. The soils in this area, including approximately three-fourths of the subject property, though not classified as “hydric” have been determined to be unsuitable for conventional septic systems due to soil wetness within 30 inches of the ground surface by County Environmental Health.

The R20 residential district could be considered suitable for this area of the County.

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

Robert Bennett spoke in favor. Mr. Bennett stated that the applicant envisions this request as a family operated mobile home center and the County Ordinance requires only R6A zoning for a mobile home park, but realizes that this request doesn't fit into the 2030 Growth Vision Plan. There is a long list of requirements for the development of a mobile home park and the applicant intends to comply with every one of them. It is only the 2030 Growth Vision Plan that he can not comply with and the subject property is not far from the edge of the 2030 Growth Vision Plan for this type of development.

Mrs. Epler asked Mr. Bennett if he did a lay out of a mobile home park for the applicant on the subject property.

Mr. Bennett stated that he drew what was requested for his guidance about what he could do. There were about 12 units he could get on the property.

Mr. Lloyd stated that the applicant could do 8 units per acre for a mobile home park, so he could get up to 24 or 26 mobile homes on the property.

Sharan Golston spoke in opposition. Ms. Golston stated that she was in opposition to the request due to the traffic increase on Highway 210 and with the increase in the number of people on 3.5 acres of land.

Darlene Simmons spoke in opposition. Ms. Simmons stated that there was a deep concern about the neighborhood and the community and does not want a mobile home park in the community with the potential for increased crime.

Joseph Fort spoke in opposition. Mr. Fort stated that he loves his community, and is concerned about the possible increase in crime that this mobile home park could bring.

Lashonda Spell spoke in opposition. Ms. Spell stated that she doesn't understand how a mobile home park can be placed on the subject property. Ms. Spell doesn't want the mobile home park in the community.

Thomas Durr spoke in opposition. Mr. Durr stated that he had opposed zoning changes in the past. The area is not an urban area and feels that the Board should listen to staff and the community and deny the request.

William S. Kline spoke in opposition. Mr. Kline stated that the community was a great community and felt that the request should be denied.

Mrs. Piland stated that she agreed with staff and the residents in the area, in that the density being requested is not appropriate for the area, it's contrary to the community and also has environmental concerns with putting 24 septic tanks on 3.5 acres of property.

Mrs. Piland made a motion to recommend not to adopt or approve the consistency and reasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area, seconded by Mrs. Epler to deny the request for rezoning. The vote was unanimous.

CONDITIONAL ZONING DISTRICT

- E. **P12-72:** REZONING OF .23+/- ACRE FROM R6A RESIDENTIAL (CCO COMMERCIAL CORE OVERLAY) TO R6A RESIDENTIAL (CCO COMERCIAL CORE OVERLAY)/CZ CONDITIONAL ZONING DISTRICT FOR GROUP QUARTERS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1716 EDWARDS STREET, SUBMITTED BY SEUNG K. AND HEE SOOK CHAI (OWNERS). (EASTOVER)

Mr. Lloyd presented the site information and stated that the Planning & Inspections Staff recommends denial of the requested rezoning to R6A Residential (Commercial Core Overlay)/CZ Conditional Zoning district for group quarters based on the following:

1. The request is not consistent with the policies and actions of the 2030 Growth Vision Plan, which specifically encourages development patterns and facilities such as the requested use to be located in areas with convenient transportation options and other public services intended to serve users of the facility (Policy Area 15);
2. The requested use is not reasonable especially because proposed expansion to the existing nonconforming residential structure increases the inability for the subject property to contain sufficient land area for compliance with the provisions of the recently adopted Eastover Commercial Core Overlay district – specifically the pedestrian areas with amenities and grassed/landscaped strips along the rights-of-way ; and
3. The basic infrastructure at the subject property's location does not support the requested use – this assertion is particularly based on the status of Edwards Street, which is unimproved at this time.

There are no other zoning districts suitable as related to this request. If the board is inclined to favorably consider this request, the draft Ordinance Related Conditions are attached and

the property owner has not agreed to all conditions at the time of the drafting of this recommendation.

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

Bob Chai spoke in favor. Mr. Chai stated that he has been the administrator and owner of the subject property for over ten years. The intentions for the property are to be used as a family care facility; it will be an assisted living facility for the elderly and disabled.

Bob Bennett spoke in favor. Mr. Bennett stated that the building was there long before zoning and before setback lines were established. The existing building was already in violation when zoning and setback lines came into effect. The applicant simply wants to add on and utilize the existing building. The applicant has done his best to meet all of the requirements with the exception of the three that are noted. This is a family operated business, and the applicant would like to have the rehabilitation ability right next to the rest home for the six residents who are going through physical rehabilitation from his own rest home.

Ms. Eva McCarroll spoke in opposition. Ms. McCarroll stated that she lives in the neighborhood behind the subject property and they would not want the board to approve this rezoning request. There are concerns because it will be attached to the existing facility which they already have concerns and issues about, not only in the neighborhood but in the community. First, in the neighborhood, neighbors are bothered by the residents of the Hope Home Facility coming by wanting rides, money, cigarettes, trespassing on our property. Ms. McCarroll stated when she opened her garage one morning one of the residents of the Hope Home was in her driveway asking for a ride. That is not what they want for their neighborhood. Ms. McCarroll stated that they had been told that the home was not responsible for the residents of the facility once they leave the facility. There have also been problems with residents of the facility taking mail out of mailboxes, individuals going through trash when put out on the curb. There is a large dumpster from waste management that sat full of trash behind the facility for an extended amount of time until neighbors started complaining that it needed to be picked up. There was a storage building that partially burnt down and neighbors had to call to have that removed from the subject property. Ms. McCarroll asked that the request be denied.

Michael Mason spoke in opposition. Mr. Mason stated that he is the community watch president; Mr. Mason presented photos of 1) property prior to clean up 2) dumpster on the subject property 3) sheriff's log of complaints 4) fire report and 5) illegal burn pictures. Mr. Mason stated that there have been three attempts to meet with management of Hope Home, but he was never able to find anyone there. Finally spoke to someone by phone and asked him to come to one of the community meetings and no one ever showed up. So they gave up on any kind of communication. Mr. Mason asked that the rezoning request not be approved.

Mrs. Piland asked Mr. Mason if he had any idea why he didn't get any response from the people responsible for the facility.

Mr. Mason stated that each time he went to the facility he was told management wasn't there, left name and number after finally getting hold of someone, but never received a phone call back. Mr. Mason stated that the Mayor of Eastover accompanied him on a visit to the facility and couldn't find anyone to speak with.

Mrs. Piland asked Mr. Chai if there was any conversation with anyone about the neighbor's concerns. If so, who did he speak to?

Mr. Chai stated that he did. Mr. Chai stated that they had twenty four hour watch of residents, but they have no control of the residents when they leave the facility. If any complaints come they take care of them right away. Mr. Chai stated that he goes to the neighbor's and asks if they have any complaints or problems. Mr. Chai said that he was aware that the Mayor of Eastover and the community watch president was trying to get in contact with him, but he made no attempt to contact them.

Mrs. Epler made a motion to recommend not to adopt or approve the consistency and reasonableness statements agreeing that the request is not reasonable and will not be in harmony with the surrounding area, seconded by Mrs. Piland to deny the request for rezoning. The vote was unanimous.

IX. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Lloyd reminded the board about the Planning Department Christmas Luncheon.
- Mr. Lloyd stated that there is an organized effort by developers to discuss the U.D.O. with the city, so he will hold off on the ADHOC committee meeting for now until the City's U.D.O. issues are resolved.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.