

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



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

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Planning & Inspections Department

MINUTES

August 20, 2013

Members Present

Mr. Walter Clark, Chair
Mrs. Diane Wheatley
Mr. Benny Pearce
Mr. Carl Manning
Mr. Harvey Cain, Jr.
Mr. Charles Morris
Dr. Vikki Andrews
Mr. Garland Hostetter
Mr. Donovan McLaurin

Members Absent

Ms. Patricia Hall

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

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

There were no adjustments.

Mr. McLaurin made a motion, seconded by Mr. Hostetter to approve the agenda. Unanimous approval.

III. PUBLIC HEARING DEFERRAL /WITHDRAWAL

P13-34. REZONING OF 4.93+/- ACRES FROM C3 HEAVY COMMERCIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2333 (CORPORATION DRIVE), NORTHEAST OF SR 2252 (CHICKEN FOOT ROAD); SUBMITTED BY CAROLYN R. GRANT (OWNER) AND JOSH STURTZ.

Mr. Manning made a motion to approve the deferral of Case P13-34 indefinitely, seconded by Mr. Hostetter. Unanimous approval.

CASE NO. 13-072. CONSIDERATION OF THE SCOTT S. & LILIANA C. PARKER PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE DIRECT STREET ACCESS; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D STREET ACCESS; ZONED: A1; TOTAL ACREAGE: 11.1+/-; LOCATED AT 6300 HALL PARK ROAD; SUBMITTED BY SCOTT S. & LILIANE C. PARKER. (OWNER).

Mr. Manning made a motion to approve the deferral of Case P13-34 to the September 17, 2013 Planning Board meeting, seconded by Mr. Hostetter. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Morris stated that he would abstain from voting on case P13-35, he has no financial interest in the property, but has worked with the property owners for years advising them about the property.

V. APPROVAL OF THE MINUTES OF JUNE 18, 2013

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

VI. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P02-08.** REVOCATION OF A1/CU AGRICULTURAL/CONDITIONAL USE OVERLAY FOR AUTOMOBILE SALES AND AUTOMOBILE AND LAWN MOWER PARTS AND ACCESSORY SALES ON 1.00+/- ACRE REVERTING TO THE PREVIOUS ZONING CLASSIFICATION OF A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6898 AND 6904 GOLDSBORO ROAD, OWNED BY FAUSTINO ESPINO.

On June 6, 2013 the Planning and Inspections Staff provided me with sufficient evidence indicating that the above referenced property has been vacant for a number of years, is in major disrepair and noncompliant with the conditions as approved for Case No. P02-08— none of the approved uses or improvements requested by the property owner were implemented or installed. Pursuant to Section 508 of the Cumberland County Zoning Ordinance, I am seeking revocation of the Conditional Use Overlay and the Permit and reversion of the zoning to the A1 Agricultural district for the subject property.

On June 17, 2013 the property owner was notified in writing of this revocation. The property owner was also mailed the standard hearing notice for your August 20, 2013 Board Meeting.

County Zoning Ordinance reference: Section 508, Failure to Comply and Section 509, Validation of Existing Conditional Use Overlays

Mr. Pearce made a motion to recommend the revocation of A1/CU Agricultural/Conditional Use Overlay for automobile sales and automobile and lawn mower parts and accessory sales reverting to the previous zoning classification of A1 Agricultural or to a more restrictive zoning district, seconded by Mr. Cain. The motion passed with a unanimous vote.

- B. **P13-33.** REZONING OF 1.08+/- ACRES FROM C1(P)/CU PLANNED LOCAL BUSINESS/CONDITIONAL USE OVERLAY FOR A CONVENIENCE STORE AND FUTURE RESTAURANT AND RR RURAL RESIDENTIAL TO RR/CZ RURAL RESIDENTIAL/ CONDITIONAL ZONING DISTRICT FOR A DAY CARE AND RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6544 THROUGH 6586 US HWY 301 SOUTH; SUBMITTED BY IBRAHIM AHMED ALSAIDI ON BEHALF OF PIT STOP 301 EXPRESS, LLC. (OWNER), RONNIE ALLEN ON BEHALF OF UNION OAK AME ZION CHURCH TRUSTEES (OWNER) AND EDINA M. AMUNDSEN.

The Planning & Inspections Staff recommends approval of the requested rezoning to RR Rural Residential/CZ Conditional Zoning district for a day care and RR Rural Residential based on the following:

1. The requested districts are consistent with the 2030 Growth Vision Plan, which calls for “rural” at this location; the proposed Southwest Cumberland Land Use Plan calls for “farmland” at this location, however the request is reasonable because the structures are existing non-residential buildings;
2. Approval of the requested district of RR Rural Residential will clear up extraneous zoning lines by removing the Conditional Use Overlay district on adjacent property;

3. The requested use of a day care facility is also consistent with the objectives of the 2030 Growth Vision Plan by promoting the re-development of a commercial area as the subject property contains structures that were previously used as a convenience store; and
4. The location and character of the request, if developed according to the plan as submitted and the recommended Ordinance Related Conditions, is reasonable and will be in harmony with the area in which it is 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 RR Rural Residential/CZ Conditional Zoning district for a day care and RR Rural Residential, seconded by Mr. Cain. The motion passed with a unanimous vote.

- C. **P13-35.** REZONING OF 177.00+/- ACRES FROM A1 AGRICULTURAL AND CD CONSERVANCY TO MXD/CZ MIXED USE DEVELOPMENT/CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1714 (RIVER ROAD), NORTH OF I-295; SUBMITTED BY INGEBORG VINENT HEIRS AND RIVER BLUFF FARM C/O EVA HANSEN (OWNERS).

The Planning & Inspections Staff recommends approval of the requested rezoning to MXD Mixed Use Development /CZ Conditional Zoning district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “rural” and “conservation” at this location, as well as meeting the location criteria for “rural density” development as listed in the Land Use Policies Plan; although the request is not entirely consistent with the Wade Detailed Land Use Plan, which calls for “activity node”, “one acre residential lots” and “open space” at this location, the Plan was adopted prior to the construction and opening of I-295;
2. The request is reasonable as it meets all of the location criteria and intent of the Mixed Use District and allows for innovative development by providing flexibility while maintaining a quality design;
3. The subject properties have direct access a major thoroughfare (River Road), and the developer is offering street stubs to the adjacent property for future connectivity;
4. Eastover Sanitary District utilities are available to the subject properties; and
5. The location and character of the use, if developed according to the plan as submitted and the recommended Ordinance Related Conditions, is reasonable as they will be in harmony with the area in which they are to be located.

Staff further recommends approval of the expansion of the Sewer Service Area to include the subject properties. There are no other zoning districts suitable related to this request. The applicant has verbally agreed to all Ordinance Related Conditions.

Mr. McLaurin made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve MXD Mixed Use Development /CZ Conditional Zoning district and the extension of the Sewer Service Area to include the subject property, seconded by Mrs. Wheatley. The motion passed with a unanimous vote, with Mr. Morris abstaining from voting.

VII. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Lloyd stated that the board was given copies of the Southwest Cumberland Plan to review prior to it coming before the board for a public hearing on October 15, 2013.
- Mr. Lloyd explained, for the benefit of the new board members, that County representatives on the Planning Board attend the Board of Commissioner's meetings on a rotating basis as Planning Board representatives.

VIII. ADJOURMENT

There being no further business, the meeting adjourned at 7:15 p.m.