

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

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES
August 21, 2007

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Clifton McNeill
Mrs. Patricia Hall
Mrs. Sara Piland
Mr. Garland Hostetter
Mr. Harvey Cain, Jr.
Mr. Charles C. Morris
Commissioner Diane Wheatley

Others Present

Mr. Thomas Lloyd, Director
Mr. Cecil Combs, Deputy Director
Mr. Grainger Barrett, County Attorney
Ms. Rita Perry

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

There were no adjustments to the agenda.

III. ABSTENTIONS BY BOARD MEMBER

There were no abstentions.

IV. POLICY STATEMENT REGARDING PUBLIC HEARINGS

Mr. Lloyd read the policy statement regarding public hearings.

V. APPROVAL OF THE MINUTES OF JULY 17, 2007

A motion was made by Mrs. Piland, seconded by Mrs. Epler, to accept the July 17, 2007 Board minutes as submitted. Unanimous approval.

VI. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P07-62:** REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY AMENDING THE DEFINITION FOR THE TERM "GREENWAY"; AMENDING ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN, SECTION 3.13.2, "GREENWAY STANDARDS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

The Planning & Inspections Staff recommends approval of the text amendment based on the following:

1. The amendment introduces language tying the proposed *Greenway Plan* to the Town Subdivision Ordinance and establishes standards for compliance with the plan; and
2. The amendment promotes the Town's goal of obtaining the "Most Walkable Community" status.

A motion was made by Mr. McNeill, seconded by Vice-Chair Epler, to follow the staff recommendation and approve case P07-62 as submitted. Unanimous approval.

- B. **P07-63:** REVISION AND AMENDMENT TO THE STEDMAN SUBDIVISION ORDINANCE, CREATING: ARTICLE III. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN; SECTION 3.1.1. MUNICIPAL INFLUENCE AREA. (STEDMAN)

The Planning & Inspections Staff recommends approval of the text amendment based on the following:

1. This amendment creates limited exceptions for development of tracts located within the Stedman Municipal Influence Area. The exceptions address concrete curb and gutter, greenway standards, sidewalks and street trees for smaller developments; and
2. The Town of Stedman requested this amendment.

A motion was made by Mr. McNeill, seconded by Vice-Chair Epler, to follow the staff recommendation and approve case P07-63 as submitted. Unanimous approval.

- C. **P07-64:** REZONING OF A 1.49 ACRE PORTION OF A 34.11 ACRE TRACT FROM RR TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, NORTHEAST OF NORTH MAIN STREET, SOUTH OF CAMDEN ROAD, OWNED BY NEIL E. SMITH.

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

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential and Open Space at this location, the request is consistent with the zoning of the adjacent properties; and
2. Approval of this request would be consistent with similar requests in the general area.

The O&I(P) and C1(P) zoning districts are also suitable zoning districts to be considered for this site.

A motion was made by Mr. McNeill, seconded by Vice-Chair Epler, to follow the staff recommendation and approve case P07-64 as submitted. Unanimous approval.

- D. **P07-65:** REVISION AND AMENDMENT TO THE FALCON ZONING ORDINANCE, AMENDING ARTICLE II. GENERAL ZONING DISTRICT CLASSIFICATION, RESIDENTIAL DISTRICTS, INSERTING CLASSIFICATIONS FOR R20, R10 AND R6 ; ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 3.1. TABULATION OF PERMITTED USES BY CREATING TABLE 1-A.1 PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL DISTRICT – R20 AND TABLE 1-D.1 PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL DISTRICTS – R10 AND R6; ARTICLE VII. LOT AND YARD REGULATION, SECTION 7.1. LOT REGULATION, SUBSECTION 7.14. RECORDED LOTS LESS THAN MINIMUM REQUIREMENT AND SECTION 7.3. DISTRICT DIMENSIONAL PROVISIONS; ARTICLE X. DEFINITION OF TERMS, SECTION 10.2. DEFINITIONS OF SPECIFIC TERMS AND WORDS; UPDATING THE TABLE OF CONTENTS AS APPROPRIATE; AND FEE SCHEDULE.

The Planning & Inspections Staff recommends approval of the text amendment based on the following:

1. The amendment is creating higher density residential districts per the Town of Falcon's request; and
2. Falcon now has the public infrastructure to support districts allowing for higher density.

NOTE: The changes shown in the amendment reflect the amended request as related to "R10" received from the Town, dated August 8, 2007. The other items in the amended request, "zero lot line" standards and a CD Conservancy zoning district, will be processed for the Board's September 18, 2007 meeting.

A motion was made by Mr. McNeill, seconded by Vice-Chair Epler, to follow the staff recommendation and approve case P07-65 as submitted. Unanimous approval.

- E. **P07-66:** REZONING OF A 2.64 AC PORTION OF A 40.43 ACRE TRACT FROM C(P) TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6473 RAMSEY STREET, SUBMITTED BY PATRICK J. MCKEE, OWNED BY EDGEWOOD DEVELOPMENT GROUP, INC.

The Planning & Inspections Staff recommends approval of the R7.5 district based on the following:

1. Although the request is not consistent with the North Fayetteville Study Area Land Use Plan, which calls for Heavy Commercial at this location, the request is more consistent with the zoning of the remaining portion of the subject property;
2. This parcel is located on a Major Thoroughfare; and
3. Public utilities are available to the subject property.

The O&I(P) and C1(P) zoning districts could also be considered suitable zoning districts for this site.

A motion was made by Mr. McNeill, seconded by Vice-Chair Epler, to follow the staff recommendation and approve case P07-66 as submitted. Unanimous approval.

- F. **P07-67:** INITIAL ZONING OF 49.43 ACRES TO A1, C(P) AND M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH AND SOUTH OF WADE-STEDMAN ROAD, WEST OF I-95, OWNED BY LUTHER C. BARNES JR. AND CAROLINA POWER AND LIGHT COMPANY. (WADE)

The Planning & Inspections Staff recommends approval of the A1, C(P) and M(P) districts based on the following:

1. Although the request is only partially consistent with the Wade Study Area Detailed Land Use Plan, which calls for Planned Commercial and Low Density Residential at this location; the request was made by the Town of Wade;
2. The subject property is located on a Major Thoroughfare and adjacent to the I-95 corridor; and
3. The Town of Wade water and NORCRESS sewer is available to the subject properties.

The O&I(P) and C1(P) are the only other suitable zoning districts to be considered for this site.

A motion was made by Mr. McNeill, seconded by Vice-Chair Epler, to follow the staff recommendation and approve case P07-67 as submitted. Unanimous approval.

VII. PUBLIC HEARING CONTESTED ITEMS

- A. **P07-53:** REZONING OF 4.33 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2545 SAND HILL ROAD, SUBMITTED BY ROBERT M. BENNETT, OWNED BY HAROLD J. KIDD.

The Planning Board deferred this case on July 17, 2007 to allow the applicant time the opportunity to discuss a Conditional Use District and Permit with the Planning & Inspections Staff. The applicant has decided against it, keeping to his original rezoning request; therefore, the Staff recommendation has not changed.

The Planning & Inspections Staff recommends denial of the C(P) district based on the following:

1. The request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location;
2. The request, if approved, will encourage the encroachment of non-residential zoning and uses along Sand Hill Road; an area that is primarily residential.

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

There was one person to speak in favor.

Public hearing opened

Mr. Harold Kidd, owner, spoke in favor. Mr. Kidd stated that he wanted a mini-warehouse project similar to the ones he has in Hope Mills and on Cliffdale Road. Mr. Kidd acknowledged that mini-storage is a permitted use A1, but cannot get outside storage which is needed for boats and cars. Mr. Kidd stated that a privacy fence will engulf the property with exception of the front. Mr. Kidd affirmed that all the outside storages will be in the back of the property. Mr. Kidd wants the flexibility to run it as a business with future prospects of adding a U-haul franchise. Mr. Kidd feels with the C(P) it would be more flexible. Mr. Kidd pointed out that on each end of Sand Hill Road there is commercial, with Wal-mart Distribution on Sand Hill Road. Mr. Kidd asked that the Board keep in mind that there is a major artery between Hwy 87 and Chicken Foot Road and he predicts that road will be going from a two-lane road to a four-lane road with a turning lane in the middle. Mr. Kidd pointed out businesses located on Chicken Foot Road and Hwy 87. Mr. Kidd conveyed his intent to invest substantially in the property; approximately 1.5 million dollars. Mr. Kidd stated he cannot put a mini-storage with the present zoning, A1, and with a C(P) zoning district he would be more restricted, from the standpoint of the abutting residential areas, which would require buffers. Mr. Kidd pointed out that nobody has come forward to contest. Mr. Kidd stated that he felt it would be discriminatory to deny him C(P) because there is already C(P) zoning in the general area.

Mr. McNeill asked Mr. Kidd what objection he had to doing a CUD.

Mr. Kidd stated his objection was that he would like to have more flexibility. Mr. Kidd believed that in a CUD district, if he did the development in phases, he would have to present it to the Planning Board accordingly. Mr. Kidd stated he would like the flexibility to provide a U-haul franchise. Mr. Kidd stated the major thing he does not agree with is he is making a substantial investment in the area, and being in an A1 district goes against his grain.

Mr. McNeill asked Mr. Lloyd what zoning would be needed for rental uses like U-haul.

Mr. Lloyd stated that rental use would be outside storage. Mr. Lloyd confirmed that everything that Mr. Kidd was requesting could be accomplished with a in C(P)/CUD.

Mr. McNeill requested confirmation from Mr. Barrett that a CUD would be a C(P) zoning and would eliminate certain uses that are allowed in the C(P).

Mr. Barrett concurred with Mr. McNeill's conclusion adding that a CUD states specific facts, requires site plan and assures conditions are met.

Mr. Lloyd reiterated the staff's logic, in reference to commercial uses in the area, stating there is commercial use across the street but it is at the intersection of a major highway and Sand Hill Road. Mr. Lloyd stated that introducing commercial this far in not near the major intersection is not desirous. Mr. Lloyd declared the C(P)/CUD will appear as C(P)/CUD it does not introduce a whole zoning classification. Mr. Lloyd affirmed that if the mini-warehousing is going to be done in phases, Mr. Kidd would not have to come back because staff would work with him on a buildable envelope of where the mini-warehouse units and outside storage would be located. Mr. Lloyd stated that when Mr. Kidd would come in to add another mini-warehouse there are alternatives that can correspond with the original plan.

Mr. McNeill asked Mr. Kidd if the information Mr. Lloyd conveyed had changed his decision and if he understood.

Mr. Kidd acknowledged he understood. Mr. Kidd asked how far in was the Wal-Mart Distribution Center in on Sand Hill Road. Mr. Kidd restated that he feels as C(P) is in order.

Public Hearing closed.

Mr. Morris stated that this area in transition with mobile home parks, an increase in traffic and commercial areas across and down the street. Mr. Morris stated if this property remains A1 we could get a lot of uses in A1 and stated if he had his choice between A1 and C(P) he would take the C(P) and if he had everything, he would take the C(P)/CUD. Mr. Morris stated that he disagreed with the staff's recommendation. Mr. Morris stated that he felt C(P) would be appropriate in the area and would help the transition and the values of the adjacent property.

Mr. McLaurin stated Sand Hill Road is a well traveled road with subdivisions being developed further down the road. Mr. McLaurin referenced the zoning districts in the County Zoning Ordinance. Mr. McLaurin described the businesses in the surrounding areas and stated the district that this is in is A1 Agricultural District. Mr. McLaurin quoted the description of A1 Agriculture District from the County Zoning Ordinance. Mr. McLaurin disclosed that the A1 Agricultural District was set up to promote and protect agricultural land. Mr. McLaurin stated that this was not the objective and agreed with Mr. Morris' sentiments stating this is a commercial venture in an area that is already heading in a commercial way.

Mrs. Epler asked Mr. Lloyd if C(P) would require site plan approval by staff.

Mr. Lloyd confirmed that site plan approval by staff is required.

Mr. McNeill expressed no problems with the mini-storage or the outside storage. Mr. McNeill stated he felt outside storage should be allowed anywhere mini-storage is permitted. Mr. McNeill stated he was concerned about several uses that are permitted in C(P) that are not desirable in the area, therefore, if the property is sold in the future the new owner would be entitled to any uses in the C(P). Mr. McNeill stated the commercial on the property on the other side of Sand Hill Road does not go away from Hwy 87 and stated he does not want to see Sand Hill Road becoming commercial strip in the future. Mr. McNeill stated the Wal-Mart Distribution Center was put in as part of the Industrial Park and the primary access is accordingly. Mr. McNeill reiterated that his concerns were not with the mini-storage but with the other uses permitted in the C(P) district. Mr. McNeill acknowledged that there was no individuals present in opposition. Mr. McNeill stated he would prefer a CUD application be submitted to exclude undesirable uses. Mr. McNeill disagreed with straight rezoning.

Mrs. Piland agreed with Mr. McNeill sentiments. Mrs. Piland stated some residents are not informed. Mrs. Piland expressed her concerns in reference to introducing C(P) in what is now primarily residential.

Mr. Lloyd stated most of residents in the area were not present because most are renters in the Mobile Home Park.

Mrs. Hall reiterated what was stated at the meeting on July 17, 2007, that the CUD use was more conducive to any other use and that Mr. Bennett (Mr. Kidd's representative at the meeting on July 17, 2007) stated he thought the property owner would be willing to do whatever was required.

Mr. Lloyd concurred with Mr. McNeill in reference farm use involves outside storage (equipment).

Mr. McNeill asked Mr. Kidd to consider CUD.

Mr. Kidd asked Mr. Lloyd what would be the additional cost.

Mr. Lloyd stated what the difference would be depending on the acreage.

Mr. Barrett stated the Board can waive the fee.

Mr. Lloyd informed Mr. Kidd that staff would not restrict him too much in the number of units but basically show a buildable envelope inside in which the units were built and where the outside storage would be located. Mr. Lloyd informed Mr. Kidd that he would not be required to come back if he decided to make changes to the number of units.

Mr. Morris stated that he felt Mr. Kidd was concern about the flexibility within the property to operate other businesses other than mini-storage. Mr. Morris informed Mr. Kidd that the staff will informed him of the uses allowed.

Mr. McLaurin questioned if this was referring to a CUD in a C(P) where objectionable uses would be eliminated.

Mr. Lloyd stated that a CUD will go at the same time as this current case next month. Mr. Lloyd stated that it may or may not get approved at the Commissioners but they will see, that in good faith, you came back with a CUD.

Mrs. Epler informed Mr. Kidd that the land would be rezoned C(P) with a CUD.

Mr. Lloyd informed the Board if they desire to address the fee, this subject should be conveyed in the motion.

A motion was made by Mr. McNeill, seconded by Mr. Morris, to defer Case P07-53 to allow Mr. Kidd opportunity to apply for a CUD and permit with waiver of any additional fees over straight rezoning versus Conditional Use. Unanimous approval.

VIII. DISCUSSION & FOR YOUR INFORMATION (DIRECTOR'S UPDATE)

Mr. Lloyd informed the Board of the Sewer Service Policy is near completion. The MIA map, which the Commissioners will eventually vote on, for Eastover, including the rest of the MIAs, with Fayetteville's, is to go to the Task Force meeting next month. Mr. Lloyd stated the map will address Eastover's MIA, in addition to Fayetteville's with respect to Hope Mills and Grays Creek. Mr. Lloyd expressed the main concern he has heard from this Board is the extent of the location of Fayetteville's MIA, which will be discussed at the upcoming Task Force meeting then referred back to the Planning Board and ultimately to the Commissioners. Mr. Lloyd stated that he feels the standards will stay the same with the exception of the city's incentives for developers. Mr. Lloyd stated that it is important for Hope Mills, Grays Creek and Eastover Task Force Members and members on the Planning Board attend the meeting.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:58 p.m.