

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES

September 20, 2011

Members Present

Mr. Roy Turner, Chair
Mr. Walter Clark, Vice-Chair
Mr. Garland Hostetter
Mr. Benny Pearce
Mr. Donovan McLaurin
Mr. Harvey Cain, Jr.
Mrs. Sara Piland
Mr. Charles Morris

Members Absent

Mrs. Lori Epler
Ms. Patricia Hall

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Ms. Piland made a motion, seconded by Mr. McLaurin to approve the agenda as submitted. Unanimous approval.

III. PUBLIC HEARING DEFERRAL / WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF AUGUST 16, 2011

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

VI. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P11-17:** REZONING OF .74+/- ACRES FROM R20 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7162 ROCKFISH ROAD, SUBMITTED BY ANDREW F. AND RANDAYLE C. MCMILLAN (OWNERS).

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

1. The request for C1(P) Planned Local Business is consistent with the location criteria for "light commercial", as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan, specifically the subject property has access to public water and sewer, direct access to a collector street, is in an area that is transitioning to commercial, and will provide convenient goods and services to the immediate surrounding neighborhood; and
2. The request is reasonable because the subject property is of a size and shape that the yard setbacks for the C1(P) zoning district can be met and all required improvements such as off-street parking, landscaping, buffering, etc. can be provided on-site.

The staff, upon further analysis of the northern portion of Rockfish Road, acknowledges that when considering wetlands and existing development in this area, commercial rezoning would be appropriate extending east and ending at the existing residential development. To ensure the absence of lot by lot rezoning like those that occurred along Hope Mills Road, this matter should be addressed in the Land Use Policies Plan.

Mr. McLaurin made a motion, seconded by Mrs. Piland to follow the staff recommendation and approve case P11-17 for C1(P). Unanimous approval.

- B. **P11-37:** REZONING OF 3.00+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8745 MAIN STREET, SUBMITTED BY JASON C. AND ALISON J. DRAUGHON (OWNERS).

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

1. The request is consistent with the Northeast Cumberland Detailed Area Plan, which calls for commercial development at this location and the location criteria for "light commercial" as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically the subject property has access to public water and sewer, direct access to a collector street, is in an area that is transitioning to commercial, and will provide convenient goods and services to the immediate surrounding neighborhood; and
2. Approval of the request will cure the nonconformity of the primary existing use.

There are no other districts considered suitable for this request.

Mr. McLaurin made a motion, seconded by Mrs. Piland to follow the staff recommendation and approve case P11-37 for C2(P). Unanimous approval.

- C. **P11-39:** REZONING OF 2.53+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 508 AND 516 WEST MANCHESTER ROAD, SUBMITTED BY HERSHEL L. AND ELEANOR F. BOYD (OWNERS).

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

1. The request is both consistent with the location criteria for "light commercial" as listed in the recently adopted Land Use Policies Plan as well as with the Spring Lake Area Detailed Use Plan which calls for "planned commercial" at this location;
2. The location and character of the use will be in harmony with the surrounding area;
3. Public utilities are available to the subject property; and
4. In a location surrounded by residential, the C2(P) district is less intrusive than the M(P) district.

Mr. McLaurin made a motion, seconded by Mrs. Piland to follow the staff recommendation and approve case P11-39 for C2(P). Unanimous approval.

- D. **P11-41:** REZONING OF 1.00+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7234 AND 7244 TURNBULL ROAD, SUBMITTED BY ERIC H. AND LINDA F. AVERY (OWNERS).

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

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for suburban density residential development as listed in the Land Use Policies Plan;
2. The location and character of the use will be in harmony with the surrounding area; and
3. The rezoning would create a conforming lot in the RR zoning classification.

There are no other districts considered suitable for this request.

Mr. McLaurin made a motion, seconded by Mrs. Piland to follow the staff recommendation and approve case P11-41 for RR. Unanimous approval.

- E. **P11-42:** REZONING OF 1.17+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTHWEST SIDE OF SR 1133 (GEORGE OWEN ROAD) AND EAST OF NC 59 (HOPE MILLS ROAD), SUBMITTED BY SHELBY T. TOWNSEND (OWNER).

The Planning & Inspections Staff recommends approval of the C2(P) Planned Service and Retail 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 commercial" development as listed in the Land Use Policies Plan;
2. The location and character of the use will be in harmony with the surrounding area;
3. Public utilities are available to the subject property; and
4. The request is consistent with recent rezonings in the general area.

The C1(P) Planned Local Business district could also be considered suitable for this request.

Mr. McLaurin made a motion, seconded by Mrs. Piland to follow the staff recommendation and approve case P11-42 for C2(P). Unanimous approval.

VII. DISCUSSION

DIRECTOR'S UPDATE

- TOM KEITH PARCEL

Mr. Lloyd advised the Board that there was a parcel located within the area of the North Central Land Use Plan that was just approved. The property is zoned partially commercial and R40A for the remainder of the tract, everything else around it is agricultural. Staff met with citizens numerous times and came up with this plan, which the Planning Board and Board of Commissioners approved. The property owner has said that he would like the plan to reflect his parcel commercial, that doesn't mean that the zoning would be changed. The property owner didn't go to any meetings when the citizens met, he also didn't go to any of the public hearings. Staff met with the property owner and he understands that the zoning will not change. The property owner wants a plan to reflect a parcel in the middle of farmland to reflect commercial that flies in the face of the policies because it doesn't even have water and sewer. The property should have followed the process and met with the committee that put this plan together. The owner wants the plan changed; staff does not have the power to change the plan. At the very least the property owner needs to go back and have the plan amended, which calls for a public hearing, and pay for the advertisement. There was ample opportunity for the person to go through the process with all of the other property owners and was asked to do so if he didn't like what it reflected, and he refused.

After discussion the Board confirmed that the plan has been adopted and will stand as is.

- AD HOC COMMITTEE

Mr. Lloyd asked Chair Turner to form an AD HOC Committee in light of the changes to the annexation statute and the City's new policies dealing with annexation and how it affects the County and the MIA's.

Chair Turner appointed Mr. Morris, Mrs. Piland, Mrs. Epler, and Mr. McLaurin to the committee. A date for the first meeting will be set in the near future.

VIII. ADJOURNMENT

There being no further business, the meeting adjourned at 7:25 p.m.