

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

January 17, 2012

Members Present

Mr. Roy Turner, Chair
Mr. Walter Clark, Vice-Chair
Mrs. Lori Epler
Mr. Benny Pearce
Mr. Donovan McLaurin
Mr. Harvey Cain, Jr.
Mr. Garland Hostetter
Ms. Patricia Hall

Members Absent

Mr. Charles Morris
Mrs. Sara Piland

Others Present

Ms. Patricia Speicher
Mrs. Laverne Howard
Ms. Donna McFayden

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.

III. PUBLIC HEARING DEFERRAL

P11-56: REZONING OF 34.55+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 56 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF SR 2252 (CHICKEN FOOT ROAD), SOUTHWEST OF SR 2233 (SCHOOL ROAD); SUBMITTED BY ROGER SHAH ON BEHALF OF OM NAMH SHIVAAY, LLC (OWNER).

Mr. McLaurin made a motion, seconded by Mrs. Epler to approve the deferral of Case P11-56 until April 17, 2012. Unanimous approval.

P12-03: REZONING 116.77+/- ACRES FROM R40 RESIDENTIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1730 (UNDERWOOD ROAD), NORTHWEST OF SR 1728 (MIDDLE ROAD); SUBMITTED BY JOHN KOENIG ON BEHALF OF ESTATE BUILDERS LLC. (OWNER).

Mr. McLaurin made a motion, seconded by Mrs. Epler to approve the deferral of Case P12-03 until February 21, 2012. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Cain would abstain from voting on Case P12-02.

V. APPROVAL OF THE MINUTES OF DECEMBER 20, 2011

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

VI. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P11-51:** REZONING OF 1.00+/- ACRE FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5338 CHICKEN FOOT ROAD, SUBMITTED BY LINDA WALTERS (OWNER).

The Planning & Inspections Staff recommends approval of the R40A 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 rural 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. If approved, the rezoning would make the lot conforming to the R40A zoning classification.

There are no other districts considered suitable for this request.

Ms. Hall made a motion, seconded by Mr. Clark to follow the staff recommendation and approve Case P11-51 for R40A. Unanimous approval.

- B. **P12-01:** REZONING OF 1.30+/- ACRES FROM R10 RESIDENTIAL TO C3 HEAVY COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6609 CLINTON ROAD, SUBMITTED BY CHARLES E. HORNE (OWNER).

The Planning and Inspections Staff recommends approval of the C3 Heavy Commercial district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "community growth" at this location and meets the location criteria of the Policies Plan for "heavy commercial" since the subject property has access to public water and sewer, direct access to a collector street, borders a major thoroughfare, is of sufficient size for buffering, screening and landscaping; and
2. Although the request is not consistent with the Stedman Detailed Land Use Plan which calls for "low density residential, the area has significantly transitioned to commercial since the plan's adoption and this can be attributed to the imminent improvements of NC Hwy 24.

The staff recommends the Town direct us to prepare a text amendment adding the C2(P) Planned Service and Retail district to the Town's zoning ordinance. This district, if adopted, could assure the Town Commissioner's site plan approval authority for development and uses in the Town along the Town's entrance corridors.

Ms. Hall made a motion, seconded by Mr. Clark to follow the staff recommendation and approve Case P12-01 for C3. Unanimous approval.

- C. **P12-02:** REZONING OF 1.22+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6449 CLINTON ROAD AND ON THE NORTH SIDE OF NC 24 (CLINTON ROAD), WEST OF WINDWOOD DRIVE; SUBMITTED BY ANNA M. MOORE (OWNER).

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

1. The request and the recommendation for the C(P) zoning district are generally consistent with the location criteria for "heavy commercial," as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan and the Stedman Area Detailed Land Use Plan; however, the recommended C2(P) district will ensure that the allowed uses are consistent with other uses in this area and that the allowed uses are appropriate along an entrance corridor to the Town of Stedman; and
2. The recommendation of the C2(P) district does meet the location criteria for the Policies Plan since the subject property has access to public water and sewer, direct access to a collector street and will provide convenient goods and services to the immediate surrounding neighborhood; and

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

The applicant has verbally agreed to the recommendation for the C2(P) Planned Service and Retail district.

Ms. Hall made a motion, seconded by Mr. Clark to follow the staff recommendation and approve Case P12-02 for C2(P). Unanimous approval, with Mr. Cain abstaining from the vote.

VII. PUBLIC HEARING WAIVER REQUEST

CASE NO. 11-133: CONSIDERATION OF THE LEE ROY & SYLVIA SMITH PROPERTY; REQUEST FOR A WAIVER FROM THE REQUIREMENTS TO HAVE DIRECT ACCESS TO A PUBLIC OR PRIVATE STREET AND TO HAVE A MINIMUM OF 20 FEET OF STREET FRONTAGE; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D STREET ACCESS AND SECTION 2303.C STREET FRONTAGE; ZONED: R6A; TOTAL ACREAGE: 0.50+/-; LOCATED AT 618 HILLEY STREET; SUBMITTED BY LEE ROY & SYLVIA SMITH (OWNERS).

Ms. Speicher presented the case information and stated that the applicant was requesting a waiver from the requirements to have direct access to a public or private street and to have a minimum of 20 feet of street frontage.

The applicant was present to speak in favor.

Mrs. Sylvia Smith was sworn in by Chair Turner. Mrs. Smith stated that the subject property was family property and they want to place a mobile home on it for a family member.

Mr. Turner asked if the Town of Hope Mills approved the request.

Ms. Speicher stated the Town Board voted unanimously to recommend approval.

Mrs. Epler made a motion, seconded by Ms. Hall that the Joint Planning Board for the County of Cumberland, having held a public hearing to consider the waiver request for Case No. 11-133 requesting to not be required to have direct street frontage and develop the subject property in a manner not permissible under the literal terms of the County Subdivision Ordinance, and having heard all of the evidence and arguments presented, I move that the board makes the following findings of fact and draws the following conclusions: 1) Because of other unusual physical conditions; strict compliance with the provisions of the County Subdivision Ordinance would cause a special hardship to the property owner and be inequitable; this finding is based on the following condition: the lot existed as it is today prior to being subjected to the County Subdivision Ordinance 2) It is the Board's conclusion that the public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree; this finding is based on the following conditions: the access is protected by a recorded easement and 3) It is the Board's conclusion that the property owner would not be afforded a special privilege denied to others; this finding is based on the following conditions: approval of the request would be consistent with the board's previous approvals with a similar set of facts and circumstances for a second unit on a pre-existing lot. Because of the foregoing, I move that the request for waiver be approved. Unanimous approval.

VIII. DISCUSSION

DIRECTOR'S UPDATE

- FARM ADVISORY BOARD APPOINTMENT

Ms. Speicher stated that Mr. Lloyd suggested Mr. Clark be nominated as Chair Turner's replacement on the Farm Advisory Board.

Mrs. Epler made a motion, seconded by Chair Turner to approve the nomination of Mr. Clark as Chair Turner's replacement on the Farm Advisory Board. Unanimous approval.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:13 p.m.