



Patricia Hall,  
Chair  
Town of Hope Mills

Charles Morris,  
Vice-Chair  
Town of Linden

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

Donovan McLaurin,  
Wade, Falcon & Godwin

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Vikki Andrews,  
Diane Wheatley,  
Carl Manning,  
Walter Clark,  
Cumberland County

Benny Pearce,  
Town of Eastover



*Planning & Inspections Department*

**MINUTES**

September 16, 2014

**Members Present**

Ms. Patricia Hall, Chair  
Mr. Charles Morris, Vice-Chair  
Mr. Benny Pearce  
Mr. Donovan McLaurin  
Mr. Harvey Cain, Jr.  
Mrs. Diane Wheatley  
Dr. Vikki Andrews

**Members Absent**

Mr. Garland Hostetter  
Mr. Walter Clark  
Mr. Carl Manning

**Others Present**

Mr. Thomas Lloyd  
Ms. Patricia Speicher  
Ms. Donna McFayden  
Mrs. Betty Lynd  
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.

**Mrs. Wheatley made a motion to accept the agenda, seconded by Dr. Andrews. Unanimous approval.**

III. PUBLIC HEARING WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Policy statement wasn't needed.

VI. APPROVAL OF THE MINUTES OF AUGUST 19, 2014

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

VII. PUBLIC HEARING CONSENT ITEMS

INITIAL ZONING CASE

- A. **P14-48.** INITIAL ZONING OF 10.15+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHEAST SIDE OF SR 1860 (GORDON WILLIAMS ROAD), NORTHWEST OF SR 1005 (SMITHFIELD ROAD); OWNED BY DONALD M. MCINTYRE, JR. (FALCON)

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends approval of the initial zoning Case No. P14-48 to C(P) Planned Commercial district based on the following:

1. Approving the C(P) zoning district would ensure that the subject property is zoned the same as adjacent property which was rezoned to C(P) on August 5, 2013; and
2. The request was submitted by the Town of Falcon.

There are no other districts considered suitable for this case.

**2<sup>nd</sup> MOTION**

The County Planning Staff also recommends the board find that approval of the initial zoning to C(P) for Case No. P14-48 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “community growth area” at this location and supports the commercial goal and objectives of the Vision Northeast Land Use Plan that include *concentrating of commercial activities at I-95 and Godwin-Falcon Road interchange and creating an atmosphere that supports existing and future small businesses*. However the initial zoning of the subject property to C(P) is not consistent with the Vision Northeast Land Use Plan map which calls for “farmland” at this location.

The staff also recommends the board further find that approval of the initial zoning to C(P) is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for C(P) will be met or exceeded with the exception of public sewer which is not available, in that: public water is available, the property has direct access to a local road (Gordon Williams Road), there are other commercial uses in the area, and the initial zoning will allow for adequate buffering, screening and landscaping.

Public hearing closed.

**Mr. McLaurin made motions to recommend approval of C(P) Planned Commercial district and adoption of the consistency and reasonableness statements; seconded by Mr. Morris. The motions passed with a unanimous vote.**

REZONING CASE

- B. **P14-49.** REZONING OF 1.69+/- ACRES FROM R10 RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3547 VICTOR HALL LANE, 4108 AND 4114 CAMDEN ROAD; SUBMITTED BY MICKEY G. HUDSON ON BEHALF OF HUDSON ENTERPRISES OF FAY, LLC. (OWNER) AND BESSIE CARTER.

**1<sup>st</sup> MOTION**

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-49 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location. The request is also not entirely consistent with the Southwest Cumberland Land Use Plan Map, which calls for “mixed use development;” however, the request will allow for various housing types and a limited number of non-residential uses.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic systems are allowed*, public sewer is not available; *direct access to a public street is required*, Camden Road is a public street; and the subject property is *not located in any defined critical area as defined by the Fort Bragg Small Study Area*.

**2<sup>nd</sup> MOTION**

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P14-49 for RR Rural Residential district based on the following:

1. Properties adjacent to and in the immediate area are currently zoned RR Rural Residential;
2. The RR Rural Residential district will allow for land uses and lot sizes that exist in the general area.

There are no other districts considered suitable for this request.

**Mr. McLaurin made motions to recommend adoption of the consistency and reasonableness statements and approval of RR Rural Residential district; seconded by Mr. Morris. The motions passed with a unanimous vote.**

#### VIII. PUBLIC HEARING CONTESTED ITEMS

There were none.

#### IX. PUBLIC HEARING WAIVER REQUEST

**CASE NO. 14-093.** CONSIDERATION OF THE REBECCA CARR & ARLENA OXENDINE PROPERTY; GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE 20 FEET OF STREET FRONTAGE TO A PUBLIC OR PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D, GROUP DEVELOPMENT; ZONED: A1; TOTAL ACREAGE: 10.64+/-; LOCATED AT 5064 SNOWBIRD ROAD; SUBMITTED BY REBECCA CARR & ARLENA OXENDINE (OWNER).

Ms. Speicher presented the case information and the site photos.

There were no speakers.

**After discussion Mr. McLaurin made a motion, seconded by Mr. Morris that the Joint Planning Board for the County of Cumberland, having held a public hearing to consider Case No. 14-093 in which the property owner is requesting a waiver of the ordinance – required 20 feet of road frontage – and to 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 as follows: The Board finds the following facts: 1. The property owner is seeking approval of locating two dwelling units on a 10.64+/- acre tract; 2. A 60 foot wide ingress/egress easement benefiting the subject property is recorded in Plat Book 67, page 58 which secures permanent access to Tabor Church Road, a public street; 3. The proposed structures have been assigned E911 addresses and the easement, an approved street name; 4. Given a similar set of facts and circumstances the board's ruling to grant the access waiver has been and would be to grant this waiver.**

**Based on the foregoing facts, the Board concludes: A. Because of the size of the tract to be subdivided or developed, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and B. The public purposes of the County's subdivision and zoning ordinances would be served to an equal or greater degree, and C. The property owner would not be afforded a special privilege denied to others.**

**Based on the foregoing conclusions, the Board grants the request for waiver subject to the following conditions which are intended, in so far as practicable, to secure the objectives of the requirements that are waived: 1. This conditional approval is not intended to apply toward any future or additional development of the subject property; and 2. Conditions of approval, numbered 1 through 13, as included in the board packet material apply. The motion passed with unanimous approval.**

## X. DISCUSSION

### DIRECTOR'S UPDATE

- COMPREHENSIVE PLANNING COMMITTEE

Mr. Lloyd stated that he would like to call a meeting of the Comprehensive Planning Committee within the next two weeks, and reminded the Board who the members of the committee were, Mr. Cain, Moderator, Dr. Andrews, Mrs. Wheatley, and Mr. Manning.

## XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:41 pm.