



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

**MINUTES**

June 16, 2015

**Members Present**

Ms. Patricia Hall, Chair  
Mr. Walter Clark  
Mr. Benny Pearce  
Mrs. Jami McLaughlin  
Mrs. Diane Wheatley  
Mr. Carl Manning  
Dr. Vikki Andrews  
Mr. Harvey Cain, Jr.  
Mr. Donovan McLaurin

**Members Absent**

Mr. Charles Morris, Vice-Chair

**Others Present**

Mr. Thomas Lloyd  
Ms. Donna McFayden  
Mrs. Laverne Howard  
Ms. Patricia Speicher  
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.

Mr. Lloyd advised that cases P15-30 should be moved to Consent, the staff wants to recommend approval since learning that the Town of Godwin is in approval.

P15-26 needs to be deferred for thirty days as the applicant has to meet with Department of Transportation (DOT) about the curb cut.

**Mrs. McLaughlin made a motion to approve the adjustments to the agenda, seconded by Mrs. Wheatley. Unanimous approval.**

III. PUBLIC HEARING DEFERRAL/ WITHDRAWAL

**P15-26.** REZONING OF 1.33+/- ACRES FROM C2(P) PLANNED SERVICE AND RETAIL TO C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING FOR A CONVENIENCE STORE WITH GASOLINE SALES AND RESTAURANT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1112 (ROCKFISH ROAD), SOUTH OF WELL STREET; SUBMITTED BY PAT MOLAMPHY ON BEHALF OF ALBEMARLE OIL COMPANY (OWNER) AND CLARK CAMPBELL, ESQUIRE. **DEFERRED UNTIL 7-21-15**

**P15-31.** REZONING OF .73+/- ACRE FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2444 AND 2448 HOPE MILLS ROAD, SUBMITTED BY RAFFAELLA AND MICHELE MASSA (OWNERS). **DEFERRED UNTIL AUGUST 18, 2015**

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. McLaurin said that he would abstain voting on Cases P15-33 through P15-37.

V. APPROVAL OF THE MINUTES OF MAY 19, 2015

The Board was advised of a change to the minutes, the addition of a speaker's written statement on the South Central Land Use Plan.

**Mr. Manning made a motion to accept the minutes with the addition, seconded by Ms. Andrews. Unanimous approval.**

VI. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P15-30.** REZONING OF 2.90+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED IN THE SOUTHEASTERN QUADRANT OF NC HWY 301 (DUNN ROAD) AND NC HWY 82 (MAIN STREET), SUBMITTED BY DONALD M. AND BONNIE J. MCINTYRE (OWNERS). (GODWIN)

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

The Planning and Inspections Staff recommends denial of the requested district of C(P) Planned Commercial but approval of the C2(P) Planned Service and Retail for Case No. P15-30 based on the following:

1. If approved, the C2(P) district will allow for uses that are consistent with those uses considered to be appropriate along a commercial gateway into a small town; and
2. The C2(P) district would be consistent with the recent rezoning of adjacent property.

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

The Planning and Inspections Staff recommends the board find that denial of C(P) Planned Commercial but approval of C2(P) Planned Service and Retail district for Case No. P15-30 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "community growth area" at this location. The recommended C2(P) Planned Service and Retail 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 Godwin. The recommended district is also consistent with the Vision Northeast Land Use Plan which calls for "commercial" at this location.

The staff recommends the board further find that approval of the C2(P) Planned Service and Retail district is reasonable and in the public interest because the recommended requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required; must have direct access to a collector street; should have other light commercial uses in the area; should provide convenient goods and services to the immediate surrounding neighborhood and may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements.*

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

Staff has changed the recommendation to approval since learning of the Town's approval of the request.

**1st Motion**

**Mr. Clark made a motion, seconded by Mr. Cain to approve the petitioner's request to C(P) Planned Commercial based on the following: 1. The subject property is of such a size and shape that it is more than adequate to provide the area required for the setbacks, off-street parking, landscaping, buffering and all other requirements to develop to the C(P) standards; 2. Site plan review and approval would be required prior to any development of the subject property; and 3. C(P) zoning is suitable for properties located along a major collector street.**

**2nd Motion**

For my second motion, I request the board recommend that the board find the C(P) zoning is consistent with the 2030 Plan and the Vision Northeast Land Use Plan since both call for commercial development at this location. In addition, the board should further find that the request is reasonable and in the public interest because the district requested generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: public water and sewer are required; should have direct access to a collector street; should not be in a predominantly residential, office & institutional, or light commercial area; must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping, and could be located in a designated Activity Node area. The motions passed unanimously.

- B. **P15-32.** INITIAL ZONING OF 20.22+/- ACRES TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1115 (BLACK BRIDGE ROAD), SOUTHEAST OF HOME STAKES DRIVE; OWNED BY CAVINESS LAND DEVELOPMENT, INC. (HOPE MILLS)

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

The Planning and Inspections Staff recommends approval of the initial zoning for Case No. P15-32 to R7.5 Residential district based on the following:

1. Approving the R7.5 zoning district would allow for land uses and lot sizes that exist in the general area; and
2. The request was submitted by the Town of Hope Mills.

The R15 and R20 Residential districts could also be considered suitable at this location.

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

The Staff also recommends the board find that approval of the initial zoning to R7.5 for Case No. P15-32 is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan because the Plan calls for “urban” and “urban fringe” development at this location as the proposed district would allow development at 2.2 to 6 units per acre. The requested districts are also consistent with the Southwest Cumberland Land Use Plan map which calls for “low density residential” at this location.

The staff recommends the board further find that approval of the initial zoning to R7.5 is reasonable and in the public interest because the districts requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public or community water and public sewer required*, PWC water and sewer are available; *must have direct access to a public street*, Black Bridge Road is a public street; *desirable to be within three miles of a recreation area or facility*, recreation areas are located within one mile; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study* and *desirable to not be located in the Special Flood Hazard Area (SFHA)*.

**Mr. Clark made both of the motions referenced above, seconded by Mr. Cain, to follow the staff recommendations and approve the request. The motions passed unanimously.**

- C. **P15-33.** REZONING OF 32.15+/- ACRES FROM R30 RESIDENTIAL, RR RURAL RESIDENTIAL AND R15 RESIDENTIAL TO R20 RESIDENTIAL AND CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTHWEST OF SR 1714 (RIVER ROAD), NORTHWEST OF SR 1716 (POWELL STREET); SUBMITTED BY DONOVAN MCLAURIN ON BEHALF OF MCLAURIN COMPANY, INC. (OWNER) AND WILLIAM B. SNIVELY, PLS. (WADE)

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

The Planning and Inspections Staff recommends approval of Case No. P15-33 for R20 Residential and CD Conservancy district based on the following:

1. The R20 Residential district will allow for land uses and lot sizes that exist in the general area and the CD Conservancy district will serve as a natural buffer and protect the rural viewshed from nearby industrial operations; and
2. If approved, the rezoning would be consistent with the many adjacent properties under the same ownership.

There are no other districts considered suitable at this location.

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-33 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth area” at this location as the proposed districts will provide for the development and redevelopment of smaller/freestanding communities. Although the request is not consistent with the Wade Land Use Plan which calls for “low density residential” at this location the requested districts are logical since, if approved, they will allow for lot sizes and uses consistent with those of a rural community.

The staff 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 system allowed based on soil type, lot size, and distance from public sewer; must have direct access to a public street; and must not be located in any defined critical area as defined by the Fort Bragg Small Area Study.*

**Mr. Clark made both of the motions referenced above, seconded by Mr. Cain, to follow the staff recommendations and approve the request. The motions passed unanimously with Mr. McLaurin abstaining from the vote.**

- D. **P15-34.** REZONING OF 3.18+/- ACRES FROM R6A RESIDENTIAL TO M(P) PLANNED INDUSTRIAL AND CD CONSERVANCY OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7133 AND 7139 POWELL STREET, SUBMITTED BY DONOVAN MCLAURIN ON BEHALF OF MCLAURIN COMPANY, INC. (OWNER) AND WILLIAM B. SNIVELY, PLS. (WADE)

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

The Planning and Inspections Staff recommends the approval of Case No. P15-34 for M(P) Planned Industrial and CD Conservancy district based on the following:

- The request for the M(P) Planned Industrial district is logical as that portion of the subject property was initially zoned R6A Residential in 1980 and has remained legal nonconforming due to the pre-existing industrial operation on site and the CD Conservancy district would serve as a natural buffer for the adjacent residential property.

There are no other districts considered suitable at this location.

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-34 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth area” at this location and would bring a nonconformity into compliance. Although the request is not consistent with the Wade Land Use Plan which calls for “low density residential” at this location the request is a logical extension of the industrial zoning.

The staff 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: *Public water and sewer required; should have a minimum access to an arterial street; must be located on large tracts that provide adequate area for buffering, screening, and landscaping unless located in an existing or proposed heavy industrial/manufacturing area and outside the Special Flood Hazard Area (100-year Flood Area).*

**Mr. Clark made both of the motions referenced above, seconded by Mr. Cain, to follow the staff recommendations and approve the request. The motions passed unanimously with Mr. McLaurin abstaining from the vote.**

- E. **P15-35.** REZONING OF .78+/- ACRE FROM R6A RESIDENTIAL TO R15 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 1714 (RIVER ROAD), NORTH OF BOWDEN STREET; SUBMITTED BY DONOVAN MCLAURIN ON BEHALF OF MCLAURIN COMPANY, INC. (OWNER) AND WILLIAM B. SNIVELY, PLS. (WADE)

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

The Planning and Inspections Staff recommends approval of Case No. P15-35 for R15 Residential district based on the following:

1. The R15 Residential district will allow for land uses and lot sizes that exist in the general area; and
2. If approved, the rezoning would be consistent with the adjacent property under the same ownership.

There are no other districts considered suitable at this location.

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-35 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth area” at this location as the proposed districts would allow development at 2.2 to 6 units per acre. The request is also consistent with the Wade Land Use Plan which calls for “low density residential” at this location.

The staff 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: *public or community water and public sewer are required; must have direct access to a public street; desirable to be within three miles of a recreation area or facility; must not be located in any defined critical area as defined by the Fort Bragg Small Study Area and desirable to not be located in the Special Flood Hazard Area (100-year Flood Area).*

**Mr. Clark made both of the motions referenced above, seconded by Mr. Cain, to follow the staff recommendations and approve the request. The motions passed unanimously with Mr. McLaurin abstaining from the vote.**

- F. **P15-36.** REZONING OF .42+/- ACRE FROM R6A RESIDENTIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF SR 1714 (CHURCH STREET), SOUTHWEST OF LOFTON STREET; SUBMITTED BY DONOVAN MCLAURIN ON BEHALF OF MCLAURIN COMPANY, INC. (OWNER) AND WILLIAM B. SNIVELY, PLS. (WADE)

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

The Planning and Inspections Staff recommends approval of Case No. P15-36 for R6 Residential district based on the following:

1. The R6 Residential district will allow for land uses and lot sizes that exist in the general area; and
2. The district requested is more restrictive than the current zoning of the subject property.

There are no other districts considered suitable at this location.

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-36 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth area” at this location as the proposed

district would allow development at greater than 6 but less than 15 units per acre. The request is also consistent with the Wade Land Use Plan which calls for “medium density residential” at this location. The staff 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: *public or community water and public sewer are required; desirable to be within two miles of an existing major or minor thoroughfare; must have direct access to a collector street; desirable to be within two miles of a recreation area or facility; must not be located in any defined critical area as defined by the Fort Bragg Small Study Area and Fayetteville Regional Airport Plan.*

**Mr. Clark made both of the motions referenced above, seconded by Mr. Cain, to follow the staff recommendations and approve the request. The motions passed unanimously with Mr. McLaurin abstaining from the vote.**

- G. **P15-37.** REZONING OF 1.50+/- ACRES FROM R6A RESIDENTIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4038 LOFTON STREET AND ON THE SOUTH SIDE OF LOFTON STREET, NORTH SIDE OF SR 1714 (CHURCH STREET); SUBMITTED BY DONOVAN MCLAURIN ON BEHALF OF MCLAURIN COMPANY, INC. (OWNER) AND WILLIAM B. SNIVELY, PLS. (WADE)

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

The Planning and Inspections Staff recommends approval of Case No. P15-37 for R6 Residential district based on the following:

1. The R6 Residential district will allow for land uses and lot sizes that exist in the general area; and
2. The district requested is more restrictive than the current zoning of the subject property.

There are no other districts considered suitable at this location.

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-37 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth area” at this location as the proposed district would allow development at greater than 6 but less than 15 units per acre. The request is also consistent with the Wade Land Use Plan which calls for “medium density residential” at this location.

The staff 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: *public or community water and public sewer are required; desirable to be within two miles of an existing major or minor thoroughfare; must have direct access to a collector street; desirable to be within two miles of a recreation area or facility; must not be located in any defined critical area as defined by the Fort Bragg Small Study Area and Fayetteville Regional Airport Plan.*

**Mr. Clark made both of the motions referenced above, seconded by Mr. Cain, to follow the staff recommendations and approve the request. The motions passed unanimously with Mr. McLaurin abstaining from the vote.**

CONDITIONAL ZONING DISTRICT

- H. **P15-38.** REZONING OF 4.40+/- ACRES FROM R5 RESIDENTIAL TO MXD MIXED USE/CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT AND REVISING THE EXISTING MXD PLAN; LOCATED ON THE NORTH SIDE OF SR 1112 (ROCKFISH ROAD), SOUTHEAST OF SR 1003 (CAMDEN ROAD); SUBMITTED BY D. RALPH HUFF III ON BEHALF OF LANDSTONE, LLC. (OWNER). (HOPE MILLS)

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

The Planning and Inspections Staff recommends the approval of Case No. P15-38 for MXD Mixed Use/CZ Conditional Zoning as an addition to the existing adjacent mixed use development based on the following:

- The request is reasonable as it is an expansion to an already approved mixed use that would not significantly change any of the residential, non-residential percentage requirements; and, the expansion, coupled with infilling and growing interest in the general area will locate residentially zoned properties near convenient goods and services.

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

The Planning and Inspections Staff recommends the board find that approval of the rezoning request for Case No. P15-38 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location because the request will be oriented towards the services located in the overall development. The request is also consistent with the Southwest Cumberland Land Use Plan, which calls for “mixed use development” at this location.

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: *public water and sewer are available; there is direct access to a local road; should be a minimum of 10 acres; is a means to promote an alternative to strip commercial development; and located on a sufficient site that provides adequate area for buffering, screening landscaping, parking and required open space.*

There are no other districts considered suitable for this request.

**Mr. Clark made both of the motions referenced above, seconded by Mr. Cain, to follow the staff recommendations and approve the request. The motions passed unanimously.**

## VII. DISCUSSION

### DIRECTORS UPDATE

Mr. Lloyd told the Board that the Board of Commissioners approved the South Central Land Use Plan.

## VIII. ADJOURNMENT

There being no further business, the meeting adjourned at 7:08 pm.