

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

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



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Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Vikki Andrews,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MINUTES
March 19, 2013

Members Present

Mr. Walter Clark, Chair
Ms. Patricia Hall, Vice Chair
Mrs. Sara Piland
Mr. Donovan McLaurin
Mr. Harvey Cain, Jr.
Mr. Garland Hostetter
Mr. Benny Pearce
Mr. Charles Morris

Members Absent

Mrs. Lori Epler
Ms. Vikki Andrews

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the Board that Case P13-05 would be pulled from Consent Items and moved to Contested Items.

Mrs. Piland made a motion, seconded by Ms. Hall to approve the adjustments to the agenda. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF FEBRUARY 19, 2013

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

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P13-07.** REZONING OF 1.11+/- ACRES FROM C3 HEAVY COMMERCIAL AND R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 104 THROUGH 130 NEW STREET AND ON THE EAST SIDE OF NC HWY 87 (NORTH BRAGG BOULEVARD), SOUTHWEST OF NEW STREET; SUBMITTED BY WILLIAM S. WELLONS JR. ON BEHALF OF WCDC, INC. AND FLORENCE C. WELLONS TRUST (OWNERS) AND 4D SITE SOLUTIONS, INC. (COUNTY, SPRING LAKE)

The County Planning Staff recommends approval of the request for C(P) Planned Commercial based on the following:

1. The request is consistent with the Spring Lake Area Detailed Land Use Plan, which calls for "planned commercial" at this location and the request is consistent with the location criteria for "heavy commercial" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. This portion of Bragg Boulevard is designated as an expressway within the NC Strategic Highway Corridor network, with limited access in the future. The C(P) district is desirable in regulating lateral access as well as ensuring other public safety measures are implemented; and
3. The request is reasonable as public water and sewer are available to the subject properties; and

There are no other districts considered suitable for this request.

Mrs. Piland made a motion, to recommend the adoption and approval of the consistency and reasonableness statements and to approve C(P) Planned Commercial district, seconded by Ms. Hall. The motion passed with a unanimous vote.

CONDITIONAL ZONING DISTRICT

- B. **P13-02:** REZONING OF 4.21+/- ACRES FROM HS(P) PLANNED HIGHWAY SERVICES AND A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4838 J T MATTHEWS ROAD, SUBMITTED BY ROGER AND JEANETTE F. CORNETT ON BEHALF OF CORNETT PROPERTIES, LLC (OWNER). (COUNTY)

On February 12, 2013 the property owner/applicant amended the original application and is now requesting your consideration of a favorable recommendation for a C(P) Planned Commercial/CZ Conditional Zoning district (C(P)/CZ) for motor vehicle repair and interstate sign. The Planning & Inspections Staff recommends approval of the requested rezoning to C(P) Planned Commercial /CZ Conditional Zoning district for motor vehicle repair with an interstate sign based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "community growth area" at this location, as well as meeting most of the location criteria for "heavy commercial" development as listed in the Land Use Policies Plan;
2. Connection to public sewer is the location criteria not met; however, the requested district is for sign size and height as the primary use of motor vehicle repair is permitted in the A1 Agricultural district and the structure has been properly permitted, currently under construction;

3. Although the request is not entirely consistent with the Wade Land Use Plan, which calls for “one acre residential lots” and “heavy commercial” development at this location, approval of the request is reasonable due to the subject properties’ close proximity to the I-95 Wade-Stedman Interchange; and
4. The location and character of the use, if developed according to the plan as submitted and the recommended Ordinance Related Conditions, are reasonable as they will be in harmony with the area in which they are to be located.

There are no other zoning districts suitable as related to this request. The applicant has verbally agreed to all Ordinance Related Conditions.

Mrs. Piland made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve C(P) Planned Commercial /CZ Conditional Zoning district for motor vehicle repair with an interstate sign, seconded by Ms. Hall. The motion passed with a unanimous vote.

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- C. **P13-05:** REZONING OF 2.51+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1348 BAINBRIDGE ROAD, SUBMITTED BY WALTER SCOTT AND SYLVIA DELORIS MANNING (OWNERS) AND ROBERT M. BENNETT. (COUNTY)

Mr. Lloyd presented the site information and stated the Planning and Inspections Staff recommends approval of the R40 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; and
2. The location and character of the district is reasonable and will be in harmony with the surrounding area.

The A1A Agricultural district could also be considered suitable for this request.

There were people present to speak in favor and in opposition of the request.

Robert Bennett spoke in favor. Mr. Bennett stated that he was representing Mr. Manning, the applicant, and the family has recognized that the request is compatible with surrounding area as there is R40 across the street from the subject property. Mr. Manning would like to place his home on the subject property and have other lots for family and friends. Mr. Bennett noted that R40 does not allow for mobile homes, there will be stick built homes only.

Scott Manning spoke in favor. Mr. Manning stated that he purchased the subject property as an investment. His intent is to reside on one acre and sell the other two lots.

Mr. Lloyd stated that if the applicant subdivided and did a zero lot line they could get three lots, if they don't do a zero lot line they will only get two lots. A zero lot line is considered a group development in the ordinance.

Mr. Lehman Hall spoke in opposition. Mr. Hall stated he felt that the lot was too small for two or three houses without water or sewer available.

Mr. James White spoke in opposition. Mr. White stated that there was a state easement that drained the water around the subject property, and that easement is being pushed in with a bulldozer, so there is no drainage for either side of the road. Mr. White said that drainage was an issue and there have been septic problems in the area and doesn't feel that three homes should not be placed on the subject property.

Mr. Scott Manning spoke in rebuttal. Mr. Manning stated that the subject property was up for sale, no one wanted to purchase it, so he did. He wants to live on the property and would like to use the other two lots as an investment.

Public hearing closed.

Mrs. Piland stated that she was familiar with the area and doesn't consider zero lot line rule and would be concerned with having zero lot lines in an area like that with A1 and R40 all around.

Mr. Lloyd stated that if the rezoning was approved the applicant would be able to do a zero lot line.

Mr. Morris asked about the size of the lots around the subject property.

Mr. Lloyd stated .68 acres and .91 acres and indicated the lots, 1.04 acres and .6 where the double wide manufactured homes were, and where the R40 lots are, are 2 acres or more.

Mr. McLaurin made a motion, to deny adoption and approval of the consistency and reasonableness statements and to deny the request for R40 Residential district, seconded by Mrs. Piland. The motion passed with Mr. Morris and Mr. Cain voting in opposition.

IX. DISCUSSION

DIRECTOR'S UPDATE

- STAFF PRESENTATIONS

The section supervisors gave a brief description of what each of their respective sections are responsible for.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:20 p.m.