

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MINUTES

November 19, 2013

Members Present

Mr. Walter Clark, Chair
Ms. Patricia Hall, Vice-Chair
Dr. Vikki Andrews
Mr. Benny Pearce
Mrs. Diane Wheatley

Members Absent

Mr. Charles Morris
Mr. Carl Manning
Mr. Donovan McLaurin
Mr. Harvey Cain, Jr.
Mr. Garland Hostetter

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Wheatley 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 P13-47 would be moved to Contested Items.

Ms. Hall made a motion, seconded by Dr. Andrews to approve the agenda with the adjustment. Unanimous approval.

III. PUBLIC HEARING DEFERRAL /WITHDRAWAL

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 OCTOBER 5, 2013

Ms. Wheatley made a motion to accept the minutes as submitted, seconded by Dr. Andrews. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P13-46:** REZONING OF 42.60+/- ACRES FROM R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CUD CONDITIONAL USE DISTRICT AND THE PERMIT TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2013 (OLD VANDER ROAD), NORTH OF SR 2013 (MACEDONIA CHURCH ROAD); SUBMITTED BY D. LEE HERRERA ON BEHALF OF ROUNDPOINT ASSET MANAGEMENT, INC. (OWNER) AND LARRY KING AND ASSOCIATES, PLS.

The Planning and Inspections Staff recommends denial of the R40 Residential district and reversion to the A1 Agricultural district based on the following:

1. Although the district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban fringe” at this location as well as meeting the location criteria for “rural density residential” development as listed in the Land Use Policies Plan, the request is not reasonable due to the considerable amount of hydric soils present on the tract;
2. The A1 Agricultural district is consistent with the ordinance standard requiring reversion to the previous zoning if an approved plan has not been developed within two years from the date of approval – the Density Development was approved on May 2, 2007 with no active progress toward the approved plan for the 42 lot residential subdivision; and
3. The location and character of the A1 district is reasonable and is in harmony with the surrounding area and adjacent zoning of properties.

There are no other districts considered suitable for this request and the applicant has verbally agreed to the staff recommendation of reversion to the A1 Agricultural district.

Mr. Pearce made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve reversion to A1 Agricultural district, seconded by Dr. Andrews. The motion passed with a unanimous vote.

VIII. PUBLIC HEARING CONTESTED ITEMS

CONDITIONAL ZONING DISTRICT

- B. **P13-47.** REZONING OF 50.74+/- ACRES FROM RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR AN 87 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN ROAD (US HWY 301), NORTHEAST OF SR 1722 (BEARD ROAD); SUBMITTED BY GENE F. WILLIFORD, SR. ON BEHALF OF WINGATE PROPERTIES LLC. (OWNER). (EASTOVER)

Mr. Lloyd presented the case information and stated that the Planning & Inspections Staff recommends conditional approval of the requested rezoning to RR Rural Residential/ DD Density Development/CZ Conditional Zoning for the 87 lot residential subdivision, based on the following:

1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for one acre residential lots at this location, it is reasonable because the Eastover Plan was adopted prior to utilities being present, incorporation of the Town, and the fact that the subject property was initially and is currently zoned RR;
2. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “community growth area” at this location as well as exceeding the location criteria for “suburban density” development as listed in the Land Use Policies Plan;
3. The proposed development plan along with the Ordinance Related Conditions provide a means of protecting and retaining the rural character of the area, a stated goal adopted in the Eastover and 2030 plans, by providing the 40 foot wide roadside buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space;

Generally, there are no other zoning districts suitable specific to this request; however, if the property owner is agreeable R20/DD/CZ could be found appropriate at this location. The property owner has voluntarily agreed to all “Ordinance Related Conditions”.

There were people present to speak in favor and in opposition.

Attorney J. Duane Gilliam, Jr. spoke in favor. Mr. Gilliam asked that the board approve the request. Mr. Gilliam stated that Planners want to have developments grouped together and have open spaces on land that is not going to be developed. Mr. Gilliam stated that the developer has been amenable to the conditions of the Planning Department and that this project is consistent with the ordinance. Mr. Gilliam stated that Eastover had the opportunity to zone for larger lots when they initially zoned the land during incorporation.

C David Averette spoke in favor. Mr. Averette stated that they are in agreement about the street stub but still haven't figured out the placement of it, but will have make sure it will be in place.

Gene Williford spoke in favor. Mr. Williford stated that Mr. Averette did everything that he was asked to do and has done a good job. Mr. Williford stated that they agreed to give a lot from the subject property to the cemetery.

Mr. Andy Smith spoke in opposition. Mr. Smith stated that his property is also zoned RR and is also a part of the Voluntary Agricultural District. Mr. Smith just wanted to make sure that people who are going to that area are aware of the fact that there is a farm there. He also wanted to make sure that when he cannot farm anymore he would get the same considerations for his property.

Mr. Lloyd stated that the Voluntary Agricultural District should be posted with signs, and in reference to the speaker receiving the same considerations as the applicant, any subdivision at this point, road frontage would have to be considered and access to the property.

Della Patterson spoke in opposition. Ms. Patterson stated she owned property adjoining the subject property. Ms. Patterson stated that she was concerned with protecting the value of her property and the surrounding property and requested that mobile homes not be allowed.

John T. Boyd spoke in opposition. Mr. Boyd stated that he was concerned about damage to the roadways, the effect on the school system, and the crime in Eastover that this request would create in regard to these concerns.

Mr. Lloyd addressed Mr. Smith's concerns and stated that there was a condition with respect to the roads; the requirement is dedication of fifteen feet of right-of-way and reserve ten more feet of right-of-way on Dunn Road that's required. With respect to the school or crime situation the proposed development is six units less than the applicant can do by right, right now. If it were developed the way it could be right now there would be six more units which could be more detrimental to crime and the schools.

Public hearing closed.

Some of the questions that the board members had related to the fact that the developer can already put manufactured homes on the subject property with the current zoning.

Mr. Lloyd said that the only thing is that the developer will have half acre lots and the open space.

Mr. Pearce said that Eastover prefers that lot size be one acre. In the next land use plan they will request that it be clear that lot size be no less than one acre.

Ms. Hall made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve RR Rural Residential/DD Density Development/CZ Conditional Zoning district, seconded by Dr. Andrews. The motion passed with Mr. Pearce voting in opposition.

IX. DISCUSSION

- Mr. Lloyd advised the Board that the Board of Commissioners' approved the Southwest Cumberland Land Use Plan.

- Mr. Lloyd told the Board about the Annual Christmas Party on December 18, 2013.

X. ADJOURMENT

There being no further business, the meeting adjourned at 7:59 p.m.