



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
July 21, 2015

Members Present

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

Members Absent

Mr. Walter Clark
Mrs. Jami McLaughlin
Dr. Vikki Andrews

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

Mr. Lloyd advised that case P15-41 would be moved to Contested Items.

Mr. Manning made a motion to approve the adjustments to the agenda, seconded by Mr. McLaurin. 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. (HOPE MILLS) DEFERRED UNTIL 8/18/15

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 JUNE 16, 2015

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

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P15-43.** REZONING 1.19+/- ACRES FROM C(P) PLANNED COMMERCIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7152 MAXWELL ROAD, 6108 AND 6114 SANDY CREEK ROAD; SUBMITTED BY CAROLYN J. STEWART (OWNER) AND JAMESON STEWART.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-43 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location as the proposed district would allow development at 2.2 units or less per acre.

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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *use of septic allowed based on soil type, lot size and distance from public sewer, direct access to a public street is required, Maxwell Road is a major collector; and the subject property is not located in any defined critical area as defined by the Fort Bragg Small Study Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P15-43 for RR Rural Residential district based on the following:

1. The RR Rural Residential district will allow for land uses and lot sizes that exist in the general area; and
2. The request is logical as the subject property was initially zoned C(P) in 1996 for a motor vehicle sales lot that is no longer in operation.

There are no other districts considered suitable for this request.

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

CONDITIONAL ZONING DISTRICT

- B. **P15-42.** REZONING 65.28+/- ACRES FROM RR RURAL RESIDENTIAL TO A1 AGRICULTURAL//CZ CONDITIONAL ZONING FOR A BORROW SOURCE OPERATION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTHEAST OF THE SOUTH END OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY FRANK MCDONALD ON BEHALF MCDONALD MATERIALS INC. (OWNER).

1st MOTION

Although the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* which calls for “urban” at this location, the Planning and Inspections Staff recommends the board find that the request meets the goals and objectives of the Airport Overlay District; specifically, not having large structures or concentrations of residential communities in areas subject to large aircraft noise and flight paths. The request is not consistent with the South Central Land Use Plan which calls for “low density residential” at this location, but the reasoning behind this recommendation (low airport impact) is consistent with a borrow source operation.

The staff recommends the board further find this rezoning request 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: *individual well and septic system allowed; could be located in any defined critical area as defined by the Fort Bragg Small Area Study and may be outside the Sewer Service Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends approval of Case No. P15-42 for the A1 Agricultural/CZ Conditional Zoning district for a borrow source operation based on the following:

- If approved, the requested district and use will be consistent with development in the general area.

There are no other districts considered suitable for this request at this location. The property owner has voluntarily agreed to all "Ordinance Related Conditions."

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

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- C. **P15-41.** INITIAL ZONING OF 2.86+/- ACRES TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWESTERN QUADRANT OF SR 1132 (LEGION ROAD) AND NC HWY 162 (ELK ROAD), OWNED BY SHEILA PLAYFORTH HANRICK, PAMELA P. RAY, TIMOTHY G. AND TAMMY D. PLAYFORTH.

1st MOTION

The County Planning Staff recommends approval of the initial zoning Case No. P15-41 to C2(P) Planned Service and Retail district based on the following:

1. Approving the C2(P) zoning district would ensure that the subject properties are zoned the same as adjacent properties which were rezoned to C2(P) on September 3, 2014.
2. The subject properties are currently unzoned and are part of an approved overall site plan for a shopping center; and
3. The request was submitted by the Town of Hope Mills.

There are no other districts considered suitable for this case.

2nd MOTION

The County Planning Staff also recommends the board find that approval of the initial zoning to C2(P) for Case No. P15-41 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for "urban" development at this location and supports the commercial goal and objectives of the Southwest Cumberland Land Use Plan that include *concentrating regional and community oriented commercial development in nodes at major intersections and located in areas with sufficient infrastructure to support commercial activities*. However the initial zoning of the subject properties to C2(P) is not 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 C2(P) is reasonable and in the public interest because the location criteria as listed in the adopted Land Use Policies Plan for C2(P) will be met or exceeded, in that: public water and sewer is available, the property has direct access to two collector streets (Elk and Legion Roads), there are other commercial uses in the area, and the initial zoning will allow for the provision of convenient goods and services to the immediate surrounding neighborhood.

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

Public hearing opened.

Mr. Roger Bedsole Jr. spoke in favor. Mr. Bedsole indicated where his property was located and said he was just as familiar with the intersection of the property as anybody in the room. Mr. Bedsole stated that he was not only representing himself, but his mother also, whose property also adjoins the subject property. Mr. Bedsole stated that they have lived in the area for more than twenty years and has seen how the area has grown and how the traffic on Legion Road has grown to about twelve thousand a day and Elk Road the traffic count at about fourteen thousand a day. With all the land surrounding the subject property being zoned commercial it only makes sense for the subject property to be zoned C2(P) as well. Mr. Bedsole said that he and his mother support and agree with the Planning Staff's recommendation and ask that the Board approves the request.

Sheila Hanrick spoke in favor. Ms. Hanrick stated that she was one of the property owners of the subject property and was representing herself and her brother and sister. Ms. Hanrick stated that she has lived on the property since 1960, it has been family owned since the 1800's. They have watched Legion Road go from a two lane dirt road to the four lane road it is now. Ms. Hanrick indicated where her house was located where there are twenty-two to twenty-four cars a day at that intersection. The land is now surrounded by C2(P), and could certainly sell it as is but they would appreciate the board supporting the Planning Staff's recommendation.

Chuck Maxwell spoke in favor. Mr. Maxwell stated that he represents the family that owns the subject property. Mr. Maxwell stated that this has been a hot topic in the past, but tonight it shouldn't be. This is a zoning issue, the adjacent property is already zoned C2(P), there is an approved site plan by the Town of Hope Mills, and a request for this case from the Town of Hope Mills, with all of the Commissioners voting for this request, he hopes the Board will honor the request. Mr. Maxwell also stated that the request follows the recommendation of the Southwest Cumberland County Land Use Plan, page 172 (Mr. Maxwell read what it stated).

Charles Miller spoke in opposition. Mr. Miller stated his concerns were with noise and traffic and sees a twenty-four hour Walmart as nothing but disruptive. Mr. Miller stated that C2(P) is not consistent with the Southwest Cumberland Land Use Plan.

Helen Jensen spoke in opposition. Ms. Jensen stated that she had done research on the traffic patterns around parking lots at intersections and saw near miss accidents by vehicles running lights. Ms. Jensen stated that a Walmart and gas station on the subject property would be a tragic accident waiting to happen.

Debra Jones spoke in opposition. Ms. Jones stated that she not only lives in Hope Mills, but owns a business in Hope Mills, and there are so many empty buildings in Hope Mills, that she doesn't feel it's necessary to put up a new building. Ms. Jones also stated that it would be dangerous to add more traffic at the intersection.

Lisa Waring spoke in opposition. Ms. Waring talked about the planning stages of the Southwest Cumberland Land Use Plan. During the planning, people were not aware of the plans for a new Walmart. Ms. Waring went on to discuss the process with the Hope Mills zoning board and said she was very disappointed with the whole thing and very much against the request.

Albert Ferri spoke in opposition. Mr. Ferri stated that his concerns were with the increased traffic this request would bring. Mr. Ferri said that under the guidelines of the Southwest Land Use Plan there is not supposed to be any encroachment of commercial on residential property. Mr. Ferri feels that this is going to cause a domino effect all the way down the two lane blacktop portion that is left of Legion Road. That means that neighborhoods like his are going to end up with a four lane instead of a two lane. Mr. Ferri said that they have grown a lot over time and not letting the infrastructure catch up, He feels there are better alternatives.

Megan Larson spoke in opposition. Ms. Larson stated that she doesn't think that a Walmart at that corner is a good idea, it doesn't seem like it is practical or safe for children.

Wendy Sikora spoke in opposition. Ms. Sikora stated that her concerns were with the traffic.

Mr. Rod McLean spoke in opposition. Mr. McLean stated that this new Walmart would be the cause of a loss of jobs, because the Walmart on Main Street will close. Mr. McLean asked the board to be very careful about how they vote and recommended not approving the request.

Ms. Jackie Warner spoke in opposition. Ms. Warner indicated where her home is in relation to the subject property. Her concerns are there are only two entrances and appears to be one way in. Ms. Warner asked if they could reconsider their entrances, maybe on Elk Road, she said it could be done especially when there is another development that will take place on the other corner.

Mr. Maxwell spoke in rebuttal. Mr. Maxwell stated that DOT looked at the access on Elk Road and made it as safe as they could.

Mr. Morris asked if a traffic analysis had been done on this site?

Mr. Maxwell said yes.

Mr. Morris asked if everything was in compliance with DOT.

Mr. Maxwell said yes.

Mr. Lloyd stated that regardless of the approved site plan, that can always be changed, this is a rezoning. I just want to make sure the board knows. Legally the board is to consider the zoning district C2(P) and make the decision based on all of the uses allowed in C2(P).

Public hearing closed.

Mr. Morris made a motion to follow the staff recommendation and let the Town of Hope Mills make the final determination, seconded by Mr. McLaurin. The motion passed with Mrs. Wheatley, Mr. Manning, and Chair Hall voting in opposition.

IX. DISCUSSION

DIRECTORS UPDATE

- GRAY'S CREEK WATER

Mr. Lloyd told the board that he had a meeting today but would have more to report in another month.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:56 pm.