



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**

April 19, 2016

**Members Present**

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

**Members Absent**

Mr. Donovan McLaurin

**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

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

Mr. Lloyd advised the board that Cases P16-02 and P16-18 would be moved from the Consent Agenda to Contested Items.

**Mrs. McLaughlin made a motion to approve the adjustments to the agenda, seconded by Mrs. Wheatley. 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 MARCH 16, 2016

**Mr. Clark made a motion to accept the minutes as submitted, seconded by Mr. Manning. Unanimous approval.**

VII. PUBLIC HEARING CONSENT ITEM

## REZONING CASES

- A. **P16-15.** REZONING OF 3.06+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2245 (THROWER ROAD), WEST OF NC HWY 87 S; SUBMITTED BY JAMES SMITH, JR. (OWNER) AND TIM EVANS (AGENT).

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-15 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location because the district requested will allow for single family dwelling units on relatively large lots in a rural area. Although the request is not entirely consistent with the South Central Land Use Plan which calls for “farmland”, the requested district follows the Plan’s recommendation “to allow rezoning to one acre lots on tracts ten acres or less in the farmland area.”

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: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-15 for the R40 Residential based on the following:

- The R40 Residential district will allow for land uses and lot sizes that exist in the general area.

There are no other districts suitable for this request at this location.

**Mrs. Wheatley made both of the motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

- B. **P16-16.** REZONING OF 1.13+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2245 (THROWER ROAD), WEST OF NC HWY 87 S; SUBMITTED BY JAMES SMITH, JR. (OWNER) AND TIM EVANS (AGENT).

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-16 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location because the district requested will allow for single family dwelling units on relatively large lots in a rural area. Although the request is not entirely consistent with the South Central Land Use Plan which calls for “farmland”, the requested district follows the Plan’s recommendation “to allow rezoning to one acre lots on tracts ten acres or less in the farmland area.”

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: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-16 for the R40 Residential based on the following:

- The R40 Residential district will allow for land uses and lot sizes that exist in the general area.

There are no other districts suitable for this request at this location.

**Mrs. Wheatley made both of the motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

- C. **P16-17.** REZONING OF 20.00+/- ACRES FROM RR RESIDENTIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE EAST SIDE OF SR 1121 (MCDONALD ROAD), SOUTH SIDE OF SR 1118 (PARKTON ROAD); SUBMITTED BY CHARLES & JOHN CALHOUN(OWNERS) AND VIPER SOLAR, LLC (AGENT).

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-17 is not entirely consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” at this location and the district would typically be more appropriate in the “Farmland” area, but is consistent with the Southwest Cumberland Land Use Plan, which calls for “Farmland” uses 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: *individual well and septic systems allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-17 for the A1 Agricultural based on the following:

- The A1 Agricultural district will allow for land uses and lot sizes that are generally consistent with the surrounding area.

The R40 and R30 Residential districts would also be suitable for this request at this location.

**Mrs. Wheatley made both of the motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

TEXT AMENDMENT

- D. **P16-19.** REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CODE OF ORDINANCES, CHAPTER 42 ZONING BY AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, IN ITS ENTIRETY; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

**1<sup>ST</sup> MOTION**

The Planning and Inspections Staff recommends approval of Case No. P16-19 for a text amendment revising Chapter 42 Article III. Permitted Principal Uses and Structures based on the following:

1. If approved, the proposed amendment would ensure the uses permitted within town limits align with the Spring Lake Area Detailed Land Use Plan.
2. The amendment was requested by the Town of Spring Lake.

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

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P16-19 is consistent with the Spring Lake Area Detailed Land Use Plan as it will afford the town board the opportunity to ensure the character of the town is retained, a stated primary goal of the plan.

The Planning and Inspections Staff further recommends the board find that the approval of the text amendment in Case No. P16-19 is reasonable as it is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* and is an effort to ensure that the Town of Spring Lake's zoning ordinance is updated and revised to be more consistent with county standards, which is important for annexation purposes.

**Mrs. Wheatley made both of the motions referenced above, seconded by Dr. Andrews, to follow the staff recommendations and approve the rezoning request. The motions passed unanimously.**

## VIII. PUBLIC HEARING CONTESTED ITEMS

- E. **P16-02.** REZONING OF 25.96+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2233 (SCHOOL ROAD), WEST OF SR 2251 (YARBOROUGH ROAD); SUBMITTED BY CHARLES JEFFERY DEVORE (OWNER) AND TIM EVANS (AGENT).

Mr. Lloyd presented the case information and photos.

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-02 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" at this location because the district requested will allow for single family dwelling units on relatively large lots in a rural area. Although the request is not entirely consistent with the South Central Land Use Plan which calls for "farmland", the requested district would restrict development to approximately one acre lots where soil conditions are suitable for septic systems.

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: *individual well and septic systems are allowed, public water and sewer is not available; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; and may be outside the Sewer Service Area.*

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-02 for the R40 Residential based on the following:

- The R40 Residential district will allow for land uses and lot sizes that exist in the general area.

There are no other districts suitable for this request at this location.

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

Public Hearing opened.

Mr. Tim Evans spoke in favor. Mr. Evans stated that this zoning is a little unique to him, what he would like to present to the Board is unique with this piece of property. The tract of land beside the school was given to the County for a drain fill that was part of the property. Mr. Devore inherited the property; he was retired and has gone back to work. With him not farming he felt it was in his best interest at his age to sell the land and develop it. He should be commended on the quality of houses he built across the street. This development will have smaller houses but built with the same quality.

Mr. Will Walters spoke in opposition. Mr. Walters stated that he was a property owner near the subject property. Mr. Walters is opposed to the request because A1 zoning is being changed to R30 or R40 zoning, he understands that development is coming and some areas do adhere to the R30 and R40 zoning. He understands the need for diversity zoning in a rural area, but it needs to accommodate for all with adequate infrastructure while preserving the character of the area and protect environmentally sensitive areas. Gray's Creek does not have public water, they have wells. Mr. Walters has concerns about water quality; fears there might be an increase in risk of contaminated water with the increase of septic systems and private wells. Mr. Walters presented aerial photos of the general area to the Planning Board.

Mr. Phil Edge spoke in opposition. Mr. Edge presented data sheets to the Board of the Cape Fear River, which shows the aquifer in the 1990's being drained from March 1993 to November of 1998. Higher density development will strip resources and there will be a lot of mad people, if their wells go dry. If we continue to build at such a high density we might as well let Fayetteville annex and run the water lines.

Mr. Bill Melvin spoke in opposition. Mr. Melvin said that we do need to have green spaces left in the County, and someday we are going to need this farmland that we are getting rid of. We could do better than what we are doing.

Mr. Joe Curle spoke in opposition. Mr. Curle stated that he wants to preserve agricultural quality of life in Gray's Creek. Mr. Curle's biggest concerns are environmental; there is already a huge demand on the available septic and water resources. Mr. Curle is also concerned about the possibility of contaminated water and the increase in traffic that this new development would create.

Ms. Rebecca Horn spoke in opposition. Ms. Horn stated that she had concerns with property value. Rezoning will put smaller houses around her property and would affect the impact of the value of her property. Ms. Horn also had concerns about the increase in traffic that this would create. Ms. Horn asked that the request be denied.

Mr. Evans spoke in rebuttal. Mr. Evans stated that he agreed with a lot of what was said. This request wasn't what he recommended, it was what the applicant wanted. But it was probably because when you bring a road into A1 the cost is high. The water and sewer problem is the County's problem, they elected not to bring it out there, fight that with them. The growth is coming and the fight is going to continue.

Public hearing closed.

Vice-Chair Morris said that this has been a discussion that the Board has had for a while; you have a farmer that owns his farm and gets between \$65 and \$85 an acre and a developer due to the expansion of Fayetteville and the expansion of urban areas comes along, and offers \$12,000 - \$20,000 an acre, economically he's placed in a position where he's not going to make that kind of money farming it, ever. It's a conflict between the rural and urban environments. Mr. Morris looks at the uses, what uses are occurring in A1 or could occur that are not going to be suitable for the community. In A1 that could be outdoor recreation, a paintball course. Mr. Morris asked how many Class A or Class B trailers could go out there. Mr. Lloyd responded 12 or 13. In R40 those are stick built homes on 1 acre lots and typically, they hold their values and it's a heavy step up in the restrictions going from A1, where you can actually put a convenience store, to single family, stick built residential. This is what's happening as our urban forces move out into the rural areas and retiring farmers or folks who inherited land, it's part of the economics of what we're dealing with. When those

economic constraints hit the Planning Board Mr. Morris has a tendency to look at the most appropriate uses within the ordinance and for this to go from A1, an unrestricted use, to R40, a restrictive use, it's not what all communities want to see, but it is a reality that we've been seeing for 15 years up here.

**After further discussion Mr. Morris made both of the motions referenced above, seconded by Mr. Cain, to follow the staff recommendations and approve the rezoning request. The motions passed with Mrs. Wheatley, Mr. Clark, and Chair Hall voting in opposition.**

- F. **P16-18.** REZONING OF 66.13+/- ACRES FROM R30 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING FOR A 66 LOT RESIDENTIAL SUBDIVISION TO R30 RESIDENTIAL & A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2243 (ROSLIN ROAD), NORTH OF RUNNING FOX ROAD; SUBMITTED BY CHARLES GARDNER (OWNER) AND JIMMY KIZER, MOORMAN, KIZER & REITZEL, INC. (AGENT).

Mr. Lloyd presented the case information and photos.

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

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-18 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban fringe" at this location because the districts requested will allow for single family dwelling units on relatively large lots in a suburban area as well as a limited list of convenient commercial uses to ensure essential services for the area residents. The request is consistent with the Southwest Cumberland Land Use Plan, which calls for "suburban density residential" uses 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: *septic system allowed*, public sewer is not available; *must have direct access to a public street*, Roslin Farm Road is a public street; *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study.*

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

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-18 for the A1 Agricultural and R30 Residential districts based on the following:

- The A1 Agricultural and R30 Residential districts will allow for land uses and lot sizes that exist in the general area.

The R40 Residential district could also be found suitable at this location.

There were people signed up to speak in favor and in opposition.

Public hearing opened.

Dr. Charles Gardner spoke in favor. Dr. Gardner stated that the subject property was farmland at one time until he couldn't get anyone to farm it and let it grow into pine trees. Dr. Gardner presented a map of the property to the Board. Dr. Gardner said the reason he was requesting the zoning is because he can't build on the lot. There are some wetlands in the area, and no sewer system. He is requesting the rezoning so that he can go back for agricultural purposes.

Mr. Walter Allen spoke in opposition. Mr. Allen stated that the subject property was never farmland and has concerns about drugs and traffic. He is also concerned about water.

Dr. Gardner spoke in rebuttal. Dr. Gardner stated he understands the concerns; he is reducing the number of lots and will leave more trees.

Public hearing closed.

Mr. Lloyd stated that Mr. Gardner is proposing fewer lots than are currently allowed under the present zoning.

**Mr. Manning made both of the motions referenced above, seconded by Vice-Chair Morris, to follow the staff recommendations and approve the rezoning request for R30 except for the proposed A1 on the NW section, which should be A1. The motions passed unanimously.**

## IX. DISCUSSION

### DIRECTOR'S UPDATE

- Mr. Lloyd gave an update on a case that went to the Board of Commissioners' the previous night.
- May 3, 2016 Lunch Workshop
- Convene the Codes Committee to look at the need for R30.

## XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:22 pm.