



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover



Planning & Inspections Department

MINUTES

June 21, 2016

Members Present

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

Members Absent

Others Present

Mr. Thomas Lloyd
Mrs. 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 there was opposition in case P16-32 so that case would be pulled from Consent Items and moved to Contested Items.

III. PUBLIC HEARING DEFERRAL

P16-30. REZONING OF 7.87+/- ACRES FROM RR RESIDENTIAL & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8175 MCCORMICK BRIDGE RD, SUBMITTED BY TOM BROOKS (AGENT) ON BEHALF OF MCCORMICK FARMS LIMITED PARTNERSHIP (OWNER). **STAFF RECOMMENDED UNTIL JULY 19, 2016**

Mr. Lloyd explained the reason for the staff recommending deferral of the request was due to a discrepancy in the tax mapping of the subject property.

Mr. Tom Brooks the applicant addressed the Board and explained that he thought his case should be heard instead of being deferred because he had a new survey done and submitted it to Planning.

After further discussion Mr. Brooks agreed to the deferral.

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 APRIL 19, 2016

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

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P16-29.** REZONING OF 2.81+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6309 NC HIGHWAY 87 SOUTH, SUBMITTED BY EDMON & EVA HORN (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" development 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 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.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P16-29 for R40 Residential, in addition to the information above, based on the following:

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

The A1A district could also be considered suitable 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. **P16-31.** INITIAL ZONING OF 1.18+/- ACRES R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF DEAVER CIRCLE, SOUTH OF HACKBERRY DRIVE; SUBMITTED BY DEAVER CIRCLE APARTMENTS, LLC (OWNER). (HOPE MILLS)

1st MOTION

The County Planning Staff recommends the board consider R6 Residential as opposed to R6A for Case No. P16-31 for the initial zoning of the subject property based on the following:

- The R6 district will allow for residential land uses which are consistent with those uses currently existing on the south side of SR 1112 (Rockfish Road).

There are no other suitable districts that should be considered at this location.

2nd MOTION

The County Planning Staff recommends the board find that approval of the R6 district is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for

“urban” development at this location, because the district requested will allow for single family dwelling units on relatively small lots. In addition, the request is consistent with the Southwest Land Use Plan which calls for “medium density residential.”

The staff recommends the board further find that approval of the initial zoning to R6 Residential 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: *public water and sewer is required, PWC is available; desirable to be within two miles of an existing major or minor thoroughfare, Rockfish Road is a minor arterial; must have direct access to a collector street, Deaver Circle acts as a collector street; desirable to be within two miles of a public recreation area, the subject property is approximately 1.4 miles from Hope Mills Municipal Park; must not be located in any defined critical area as defined by the Fort Bragg Small Area Study and Fayetteville Regional Airport Plan, the subject property is not located within the military or airport areas; desirable to be located in vertical mixed use development, because this is an initial zoning, the specific development standards do not apply ; desirable to be a transition between non-residential, higher density and lower density residential areas, the subject property is located between low density residential and a commercial area; development in areas with hydric soils is discouraged, there are no soil limitations indicated on the subject property.*

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

- C. **P16-34.** REZONING 20.90+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE NORTHEAST QUADRANT OF US HWY 401 (RAMSEY STREET) & SR 1704 (PALESTINE ROAD); SUBMITTED BY GLENDA LITTLE (OWNER) & BRIAN RAYNOR (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural”, but is consistent with the North Central Cumberland Land Use Plan which calls for “low density residential” at this location.

The staff also recommends the board approve this rezoning request as it 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, public sewer is not available to this site; must have direct access to a public street, Palestine Road and US HWY 401 are public streets; and must not be located in any defined critical area as defined by the Fort Bragg Small Area Study.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-34 for the R20 Residential district for residential use based on the following:

- The location and character of the requested district will be in harmony with the general area.

The R40 and R30 districts could also be considered suitable for this request.

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.

- D. **P16-35.** INITIAL ZONING OF 2.65+/- ACRES R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SOMMER DRIVE, SOUTH OF SR 1112 (ROCKFISH ROAD); SUBMITTED BY DEAVER CIRCLE APARTMENTS, LLC (OWNER). (HOPE MILLS)

1st MOTION

The County Planning Staff recommends the board consider R6 Residential as opposed to R6A for Case No. P16-35 for the initial zoning of the subject property based on the following:

- The R6 district will allow for residential land uses which are consistent with those uses currently existing on the south side of SR 1112 (Rockfish Road).

There are no other suitable districts that should be considered at this location.

2nd MOTION

The County Planning Staff recommends the board find that approval of the R6 district is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” development at this location, because the district requested will allow for single family dwelling units on relatively small lots. In addition, the request is consistent with the Southwest Land Use Plan which calls for “medium density residential.”

The staff recommends the board further find that approval of the initial zoning to R6 Residential 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: *public water and sewer is required, PWC is available; desirable to be within two miles of an existing major or minor thoroughfare, Rockfish Road is a minor arterial; must have direct access to a collector street, Sommer Drive acts as a collector street; desirable to be within two miles of a public recreation area, the subject property is approximately 1.4 miles from Hope Mills Municipal Park; must not be located in any defined critical area as defined by the Fort Bragg Small Area Study and Fayetteville Regional Airport Plan, the subject property is not located within the military or airport areas; desirable to be located in vertical mixed use development, because this is an initial zoning, the specific development standards do not apply ; desirable to be a transition between non-residential, higher density and lower density residential areas, the subject property is located between low density residential and a commercial area; development in areas with hydric soils is discouraged, there are no soil limitations indicated on the subject property.*

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

VIII. PUBLIC HEARING CONTESTED ITEMS

- E. **P16-32.** REZONING OF 2.01+/- ACRE FROM A1 AGRICULTURAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1430 PORT RICHEY LANE, SUBMITTED BY JOY PITTMAN (OWNER).

Mr. Lloyd presented the case information and photos.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” development at this location; however, because the area is not served by public water and/or sewer, the requested district is appropriate for single family dwelling units on relatively large lots in a rural area. The request is also not consistent with the South Central Land Use Plan which calls for “low density residential.”

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: *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.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-32 for A1A Agricultural based on the following:

- The district requested will ensure that any new development will be comparable to the lot sizes and type that exists in the area.

There are no other suitable zoning districts to be considered at this location at this time.

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

Mr. David Martin spoke in favor. Mr. Martin stated that the splitting of the subject property will not change the number of cars going down Port Richey Road. The access will be from Fennell Road, the driveway will be built facing Fennell Road.

Charles Martin spoke in favor. Mr. Martin stated that they only wanted to put a dwelling on the subject property so that they could have a place to retire.

Elaine Martin spoke in favor and said she was in the same position as her as her husband, the previous speaker.

Ms. Becky Garcia spoke in opposition. Ms. Garcia stated they purchased in this area was because of the zoning, it wouldn't get so congested. Ms. Garcia said there was already a double wide on the property and didn't understand why the applicants want to split the property.

James Freeman spoke in opposition. Mr. Freeman stated that he bought his land thinking that the zoning was going to stay the same.

Mr. McLaurin asked if the subject property was on a Class C road.

Mr. Lloyd said no, most of those lots existed before the new standards.

Mr. McLaurin stated that a Class C road now is basically a dirt road, and asked how many houses are allowed on a Class C road? And how many are on this road?

Mr. Lloyd stated four on the Class C roads, and there are many houses on the subject property.

Mr. Freeman presented a letter from another property owner in opposition.

Marie Cox spoke in opposition. Ms. Cox stated that she would like the zoning to stay the way it is.

Mr. Martin spoke in rebuttal. Mr. Martin stated that there is already a lot that has five doublewides on it, and doesn't understand why that is okay. Mr. Martin restated that access will be on to Fennell Road, Port Richey will not be affected.

Mr. Lloyd said that there would be a no access easement put onto Port Richey if it was approved.

Public Hearing closed.

Mr. McLaurin said that if you look at the map there are about eighteen or nineteen dwellings in this area, and the current subdivision ordinance, only four lots or dwellings are allowed on a Class C street, this is not really a Class C street, and what the board has to look at is this lot as it is now, would not be

counted as being on Port Richey Lane because it has direct access to Fennell Road. If we approve this request this will create another lot, on a street that is not even up to the standard of a Class C street. So we are in essence going against what we are supposed to be upholding which is the Subdivision Ordinance. Mr. McLaurin said he could not support creating another lot out there.

Mr. McLaurin made a motion to deny the request due to creating another lot on a substandard street which goes against the Subdivision Ordinance, seconded by Dr. Andrews. The motion passed unanimously.

- F. **P16-33.** REMOVAL OF 0.29+/- ACRES FROM MSOD MAIN STREET OVERLAY DISTRICT & REZONING OF 0.29+/- ACRES FROM R6 RESIDENTIAL AND C3 HEAVY COMMERCIAL TO C3 HEAVY COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 800 NORTH MAIN STREET, SUBMITTED BY DONALD MOSS (OWNER). (SPRING LAKE)

Mr. Lloyd presented the case information and photos.

1st MOTION

The County Planning Staff recommends the board deny the request for the subject property to be removed from the Main Street Overlay District and the rezoning request to C3 Heavy Commercial. The staff recommends that the board consider rezoning the entire subject property to CB Central Business for clarity as to the expected development standards for properties along Main Street. The staff recommendation is based on the following:

1. At the time the Main Street Overlay was adopted, all property owners were notified of the public hearings held prior to the town board's final consideration of adoption;
2. The owner of the subject property did not voice any opposition to the standards being considered for the overlay district during the adoption process; and
3. The primary purpose of the overlay district was to reduce or rid the Main Street area of unkempt, blighted and dilapidated structures and is intended to protect and enhance the traditional downtown main street by maintaining and stimulating a pedestrian-friendly, vibrant environment while encouraging economic growth that compliments and expands the unique character of the downtown area.

In the event the board considers recommending approval of the removal of the subject property from the Main Street Overlay district, the staff strongly encourages consideration of rezoning the property to C(P) Planned Commercial enabling the board to have oversight of the proposed plans, ensuring the development complies with the minimum town standards and is compatible with the elected officials vision for the area.

There are no other suitable districts that should be considered at this location.

2nd MOTION

The County Planning Staff recommends the board find that approval of the requested district could be found consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" development at this location; however, the request is not in the best interest of the citizens of the town. Although the request is partially consistent with the Spring Lake Area Land Use Plan, which calls for "heavy commercial and open space" at this location, the request makes no provisions for any type of open space and the Spring Lake Plan was adopted on September 8, 2003, long before the town's efforts began to revive Main Street and the September 22, 2014 adoption of the overlay district provisions.

The staff recommends the board further find that approval of the request to C3 Heavy Commercial is not reasonable or in the public interest because the request is contrary to the stated goals of re-developing Main Street and would be inequitable to those property owners who relied on the strict development standards for Main Street, investing their time, money and effort into the enhancement of downtown.

There was no one present to speak in favor or in opposition.

Mrs. McLaughlin stated that the overlay district is not completely accurate to all of the property owners on Main Street.

Mr. Lloyd stated that all of the property owners in the overlay district were included in the process and were notified.

Mrs. McLaughlin said that the Main Street Overlay District is a great thing and agrees with the Main Street process. But where the subject property is, is far off from the commercial district of Main Street. Mrs. McLaughlin said she would almost be in favor of C3 Heavy Commercial and pulling out of the overlay district. Mrs. McLaughlin stated that the Main Street Overlay District in Spring Lake was not advertised in Spring Lake and there was not as much participation from property owners.

Mr. Manning stated that his concern was that this was worked on for a long time. Property owners were notified and we took it to the Town Board at an open, public meeting and it was approved. Actually they asked us to do it, and there was a lot of time and effort put into it. The first case that came before this board, requesting removal from the overlay district, I had to vote against, so I cannot see voting for this one.

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

IX. DISCUSSION

DIRECTOR'S UPDATE

- August 2, 2016 Work session - FAMPO
- Staff met with the City regarding the Cape Fear River Overlay District and we will be working on that.
- Donovan McLaurin advised that the Nominations Committee met and Charles Morris has been nominated for Chairman and Diane Wheatley nominated for Vice Chair.

Mr. Manning made a motion to approve the recommendation of Charles Morris as Chairman and Diane Wheatley as Vice-Chair of the Planning Board by the Nominations Committee, seconded by Dr. Andrews. The motion passed unanimously.

- Mr. Lloyd presented outgoing board member Mr. Walter Clark with a plaque of appreciation.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 pm.