

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair

Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

MINUTES SEPTEMBER 19, 2006

Members Present

Mr. Donovan McLaurin, Vice-Chair
Mrs. Sara Piland
Mr. Harvey Cain, Jr.
Mr. Clifton McNeill
Mr. Roy Turner
Mrs. Lori Epler
Mr. Garland Hostetter
Commissioner Diane Wheatley

Members Absent

Mr. Charles Morris, Chair

Others Present

Mr. Tom Lloyd, Director
Mr. Cecil Combs,
Deputy Director
Mrs. Annette Nunnery
Ms. Donna McFayden
Mr. Grainger Barrett,
County Attorney
Ms. Patti Speicher

VI. INVOCATION AND PLEDGE OF ALLEGIANCE

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

VII. ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that Case P06-64 be moved to the end of the Public Hearing. No objections. **A motion was made by Mrs. Piland and seconded by Mr. McNeill to approve the Agenda. The motion passed unanimously.**

VIII. PUBLIC HEARING DEFERRALS

- A. P06-50: REZONING OF 73 +/- ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN CEDAR CREEK AND
A. B. CARTER ROADS, WEST OF WILLARD DRIVE, SUBMITTED BY
MICHAEL
J. ADAMS, OWNED BY J. O. CARTER, JR, WILLIAM G. ALPHIN, J. A.
ALPHIN,
JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. AND J. O. CARTER,
JR
AND EDGAR L. AND BEULAH A. BOST.

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Mr. Lloyd asked that Case P06-50 be deferred for 30 days to allow the developer time to redesign his plans and submit engineering plans for stormwater drainage. **A motion to defer the case until the October 17, 2006 Planning Board meeting was made by Mrs. Epler and seconded by Mr. Cain. Unanimous approval.**

IX. ABSTENTIONS BY BOARD MEMBERS

Mrs. Epler stated that she would abstain from discussion and voting on Cases P06-64 and P06-67. There were no objections.

X. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement regarding Public Hearing time limits.

XI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF SEPTEMBER 5, 2006

A motion was made by Mrs. Piland and seconded by Mrs. Epler to approve the minutes as written. The motion passed unanimously.

REVISIONS/AMENDMENTS

B. P06-65: REVISIONS AND AMENDMENTS TO THE TOWN OF GODWIN SUBDIVISION ORDINANCE, ARTICLE VII, FEES, SECTION 7.1, FEES.
(GODWIN)

C. P06-66: REVISIONS AND AMENDMENTS TO THE TOWN OF WADE SUBDIVISION ORDINANCE, ARTICLE VII, FEES, SECTION 7.1, FEES.
(WADE)

Mr. Lloyd stated that the Planning & Inspections Staff recommends approval of both amendments based on the findings that establishing the fees as separate schedules with reference to the schedule in the ordinance is in keeping with the goal of working toward more unified ordinances between the various jurisdictions within Cumberland County; and the amendments allow for flexibility for the Town Boards when setting their adopted fees.

REZONING CASES

D. P06-67: REZONING 101.04 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF CAMDEN AND WALDOS BEACH ROADS, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE.

Mr. Lloyd stated that the Planning & Inspections Staff recommends approval of

the

2010 R10 zoning district based on the findings that the request is consistent with the
the Land Use Plan; the request is in keeping with the current surrounding zoning of
the area; and public utilities are available to this site and connection will be
required upon development. The R15 zoning is the only other suitable district to be
considered for this request.

E. P06-69: REZONING OF A .70 ACRE PORTION OF A .89 ACRE TRACT
FROM R10
TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 3725
CUMBERLAND ROAD, SUBMITTED BY MICHAEL TATE PLS, OWNED BY
DANCAROL REAL ESTATE, LTD.

the Mr. Lloyd stated that the Planning & Inspections Staff recommends approval of
consistent C1(P) zoning district based on the findings that although the request is not
the with the 2010 Land Use Plan which calls for heavy commercial at this location,
area; the C1(P) Light Commercial district is in character with the current zoning of the
available to subject property is located on a major thoroughfare; and public utilities are
other the site and upon development, connection would be required. There are no
suitable zoning districts to be considered for this request.

A motion was made by Mrs. Epler and seconded by Mr. McNeill to approve Cases P06-65, P06-66 and P06-69 as submitted. Unanimous approval.

A motion was made by Mr. McNeill and seconded by Mr. Cain to approve Case P06-67 as submitted. Motion carried unanimously with Mrs. Epler abstaining.

Vice-Chair McLaurin stated that Case P06-65 would be heard at the Godwin Town meeting on October 16th. Case P06-66 would be heard at the Wade Town meeting on October 10th. Cases P06-67 and P06-69 would be heard by the County Commissioners on October 16th.

XII. PUBLIC HEARING ITEMS

B. P06-68: REZONING OF TWO PARCELS TOTALING 1.59 ACRES FROM M2
TO
R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED
NORTHEAST
OF CHURCH STREET, EAST OF BOWDEN STREET, SUBMITTED BY
MICHAEL
TATE PLS, OWNED BY DAVID E. CHAPMAN. (WADE)

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Inspections
district
Use
increase in

Mr. Lloyd presented the case information and advised that the Planning & Staff recommends denial of the R6A district but approval of the R6 zoning based on the finding that the recommendation is consistent with the 2010 Land Use Plan, and there is sufficient R6A zoning within the Town of Wade and an the uses permitted within the R6A district are not suitable within the Wade Town limits. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened. David Chapman, signed up to speak in favor of the rezoning, declined the opportunity.

Joe Dixon spoke in opposition and advised the Board that he believed R6 would be better suited for the Town of Wade. The Public Hearing closed.

Mrs. Piland made a motion, seconded by Mr. Turner, to accept the staff recommendation and deny the R6A district, but approve the R6 district. Unanimous approval.

Mrs. Epler exited the hearing room.

- A. P06-64: REZONING OF 42.10 ACRES FROM A1 TO M(P)/CUD TO ALLOW A GARAGE, OFFICE, JUNKYARD AND STORAGE OF PARTS, CARS, TRUCKS, FARM EQUIPMENT, ON TEMPLE OAK AVENUE, NORTH OF MACEDONIA CHURCH ROAD, OWNED BY JAMES D. SMITH.

Vice-Chair McLaurin advised the audience that P06-64 would be heard according to rules for a quasi-judicial procedure. He asked that all audience members who had signed up to speak approach the podium. Vice-Chair McLaurin swore in the following speakers: J.D. Smith, Lisa Dicker, Wilton Smith, James Hall, Dr. Thomas Durr, and Stacey Houston.

Vice-Chair McLaurin asked the Board if anyone had received information about this case prior to this hearing. All Board members stated that they had received letters. Vice-Chair McLaurin stated that he had also been contacted by phone and had personally visited the site. Mr. Turner stated that he had received a personal visit from a citizen. Mr. Barrett reminded the Board that any information received outside of tonight's forum could not be considered. He further stated that the Board must base their decision solely on information received during the Public Hearing.

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommends denial of M(P)/CUD for this location based on the findings that the district is inconsistent with the 2010 Land Use Plan which calls for farmland at this location; consideration of the M(P) district for this area is arbitrary and would not serve a viable public interest; and the degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning, qualify this request as being

unreasonable. He further stated that Staff also recommends denial of the Conditional Use Permit based on the findings that the use is a danger to the public health and safety due to the possibility of fluids leaching into soils in an area comprised of private, individual wells; the use is not in harmony with the area in which it is located; and the degree of difference in the specific uses requested as related to the existing surrounding uses makes this request unreasonable. There were no other suitable districts to be considered for this request. The Public Hearing opened.

Mr. J.D. Smith, petitioner, stated that his plans were to retire and move his auto repair and sales business to his residence so that he could work at home and be with his family. He stated that his current zoning of A1 would not allow him to do that. He was aware of the regulations required to operate the business, including zoning compliance for a car dealer's license, and would abide by all conditions. He stated further that he was aware that zoning inspectors would keep a check on him and would pull his permits if he violated any of the conditions. Mr. Smith asked for a show of support from audience members by asking them to stand if they were in support of his request. Thirteen audience members stood.

Mr. Barrett asked Mr. Smith if he had any information to present to the Board showing the effect of his operation on the value of adjacent property. Mr. Smith stated that he had no such information. He further advised the Board that he would not actually be operating a junkyard, but simply storing junked cars to use for parts. He advised the Board that he would be requesting auto sales as part of the permit.

Mr. Lloyd reviewed the allowable uses in the M(P)/CUD.

Mr. McNeill asked how long Mr. Smith had been operating at his home. Mr. Smith stated that he wasn't running his business from there, but at his shop location on Cedar Creek Road. He stated that there were cars at his home residence right now that he was working on but that he wasn't draining any fluids from them.

Lisa Dicker spoke in favor of the request, stating that she was Mr. Smith's daughter. She advised that she had moved back home after leaving law enforcement to operate a garage with her father as a family business. She stated that the Planning Staff had given them guidelines and regulations to follow and that she and her father would be able to comply with all of them. She asked for approval of the request to allow her the opportunity to have this family business with her father and to be able to give back to the community.

Mr. Barrett advised the Board that upon review of Mr. Smith's original application, his request for car sales was not included and could not be added at this point. Mr. Barrett advised the Board that the applicant should be given the choice to either move ahead with his request as written, without car sales, or defer the request to allow for the application to be amended and re-advertised. The Public Hearing was closed.

Vice-Chair McLaurin asked Mr. Smith to declare his preference. Mr. Smith stated that without car sales the rezoning would not do him any good. He

stated that staff members in Room 103 had told him he had to ask for M(P) to get car sales.

Mr. McNeill asked if the audience members who had signed up to speak could still be afforded that opportunity at tonight's hearing and then suspend the hearing until October. Mr. Barrett stated that the request for car sales was a materially different request and could not be presented. He further stated that any information received from speakers tonight could not be considered by Board members in forming their decision at a later date.

Ms. Speicher noted that the applicant would have to amend his site plan as well as his application.

Mr. McNeill stated that the Board's desire was for any and all applicants to be given a fair hearing and that the only way to do that for Mr. Smith was to allow him to defer his case until October 17th.

Mr. McNeill made a motion, seconded by Mr. Hostetter, to defer Case P06-64 until October 17th, with no additional cost to the applicant. Unanimous approval with Mrs. Epler abstaining.

Mrs. Epler reentered the hearing room.

VIII. PLAT & PLAN – There were no plat & plan cases to consider.

IX. DISCUSSION

Mr. Barrett reviewed the procedures necessary to determine findings of fact for approval of a conditional use permit.

X. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Mr. Lloyd advised the Board that today's core group meeting for the Sewer Extension Policy had been cancelled. He advised the Board that their proposed policies would move forward immediately as directed at the September 5th Board meeting.

Mrs. Epler updated the Board on the September 18th County Commissioner's meeting.

Mrs. Piland thanked Mr. Lloyd for the noticeable hard work and effort he had put into the development of the sewer extension policies.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:18 p.m.

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