

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Vacant
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

MINUTES
May 15, 2018

Members Present

Mrs. Diane Wheatley, Acting Chair
Mrs. Jamie McLaughlin
Mrs. Lori Epler
Mr. Harvey Cain, Jr.
Mr. Stan Crumpler
Mr. Carl Manning
Dr. Vikki Andrews
Ms. Patricia Hall

Members Absent

Mr. Charles Morris

Others Present

Ms. Patricia Speicher
Ms. Annie Melvin
Mrs. Laverne Howard
Mr. Rick Moorefield,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. Wheatley delivered the invocation and Mr. Manning led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Ms. Speicher advised the Board that Case P18-19 would be moved to Contested Items and that Case P18-16 would be deferred until August 21, 2018.

Dr. Andrews made a motion, seconded by Mrs. McLaughlin to approve the adjustments to the agenda. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

P18-16. REZONING OF 95.92+/- ACRES FROM R6A RESIDENTIAL, R10 RESIDENTIAL & CD CONSERVANCY DISTRICT TO MXD MIXED USE DEVELOPMENT/CZ CONDITIONAL ZONING OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF SR 1118 (PARKTON ROAD), SOUTHWEST SIDE OF NC HWY 59 (SOUTH MAIN STREET); SUBMITTED BY DAVID B. MCMILLAN (OWNER) & BOB STAFFORD ON BEHALF OF STAFFORD LAND COMPANY (AGENT). **DEFERRED TO AUGUST 21, 2018**

P18-20. REZONING OF 5.00+/- ACRES FROM R10 RESIDENTIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4700 CHERRY STREET; SUBMITTED BY TRANSFORMATIVE REI, LLC (OWNER) AND SCOTT BROWN ON BEHALF OF 4D SITE SOLUTIONS, INC (AGENT). (HOPE MILLS) **APPLICANT WITHDRAWAL**

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Ms. Speicher read the policy statement.

VI. APPROVAL OF THE MINUTES OF APRIL 17, 2018

Ms. Hall made a motion, seconded by Mr. Crumpler to approve the minutes as submitted. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P18-17.** REZONING OF 5.28+/- ACRES FROM A1 AGRICULTURAL & R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF NC HWY 24 & SR 1843 (MAGNOLIA CHURCH ROAD); SUBMITTED BY KEVIN CARROLL & RHETT BUNCE (OWNERS) & WESLEY S. CAMPBELL ON BEHALF OF THE GAS MART, INC. (AGENT). (STEDMAN & COUNTY)

In Case P18-17, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural & R10 Residential to C(P) Planned Commercial and find:

- a. The approval is an amendment to the adopted current Stedman Land Use Plan (1999) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the requested district is consistent with the more recently adopted 2030 Growth Vision Plan (2009) which calls for "community growth areas" at this location and meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) particularly because of the recent NC Hwy 24 improvements;
- c. And, this rezoning approval is reasonable and in the public interest because the new NC Highway 24 has controlled access and the request is consistent with similar approvals in the area.

In Case P18-17, Mrs. Epler made a motion, seconded by Mr. Manning to approve the rezoning from A1 Agricultural & R10 Residential to C(P) Planned Commercial and find: a. The approval is an amendment to the adopted current Stedman Land Use Plan (1999) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the requested district is consistent with the more recently adopted 2030 Growth Vision Plan (2009) which calls for "community growth areas" at this location and meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) particularly because of the recent NC Hwy 24 improvements; c. And, this rezoning approval is reasonable and in the public interest because the new NC Highway 24 has controlled access and the request is consistent with similar approvals in the area. Unanimous approval.

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- B. **P18-19.** REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON SOUTH SIDE OF SR 2240 (H BULLARD ROAD), WEST OF SR 2239 (CYPRESS LAKES ROAD); SUBMITTED BY PERCY & VIVIEN LUNSFORD (OWNER) AND TIM EVANS ON BEHALF OF LONGLEAF PROPERTIES (AGENT).

Ms. Speicher presented the case information and photos.

In Case P18-19, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find:

- a. The approval is an amendment to the adopted current South Central Land Use Plan (2015) map which calls for “low density residential” at this location; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel lacks the public sewer to support “low density residential”;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested will limit uses on this site to primarily single-family residential uses and is accordant with previous approvals in the general area.

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

Mr. Tim Evans spoke in favor. Mr. Evans stated that the speakers that are opposed to this request are concerned about Loblolly Road changing from a Class “C” road to a Class “B” road. But, Loblolly can’t be changed without all property owners consent. The builder that is interested in these lots will leave buffers on two sides and the back of the property. The intent is to build two nice homes on the property. Nothing will change on Loblolly Road.

Dr. Andrews asked Mr. Evans about the road not being able to be changed.

Mr. Evans reiterated that Loblolly is a Class “C” road and could not be changed without all of the homeowners’ consent.

Ms. Speicher elaborated on the rules for Class “C” private streets.

Mr. Terry Owen spoke in opposition. Mr. Owen presented the Board with copies of the unrecorded Restrictive Covenants for Loblolly Plantation and an General Warranty Deed. Mr. Owen stated that the restrictive covenants specify one dwelling per lot, but also stated that he understood that the County does not enforce covenants. Mr. Owen stated this was the first time that a homeowner has requested zoning to anything other than A1 and the rezoning request is not in harmony with the other owners. There are concerns with the request being approved and others to follow and there being more than one dwelling per lot. Mr. Owen said that he was concerned that this would be considered spot zoning.

Mrs. Epler advised Mr. Owen that according to the GIS Map, Lot 11 had been subdivided, the aerial map was pulled up and showed two structures on Lot 11, which had been subdivided. Mrs. Epler asked if the owners association agreed to that.

Mr. Owen said he didn’t know, that house was there when he moved in.

Ms. Speicher clarified that the lot Mrs. Epler was looking at was Lot 12.

Ms. Epler asked if Lot 12 was subject to the restrictive covenants.

Mr. Owen said that Lot 12 was not subject to the covenants, Lot 12 A is not in Loblolly Plantation.

Ms. Speicher stated that Lot 11 was now part of Lot 12 A. Ms. Speicher pulled up the property information and it shows that Lot 11 was subdivided and was part of the Loblolly Subdivision.

Mrs. Epler said that she wanted the Board to know that what the restrictive covenants are saying has already been done one time. The plat was recorded August of 1988 and in 1989 Lot 11 was subdivided.

Mr. Evans spoke in rebuttal. Mr. Evans reiterated that Loblolly Road can't change without everyone's consent. They have no intent on that happening. There will be two one acre lots with nice houses and he will fight for buffers.

Mrs. Epler asked Mr. Moorefield about the restrictive covenants, if the request was approved by the Planning Board and Board of Commissioners, are there legal ramifications?

Mr. Moorefield said no, the property owners would have to sue.

In Case P18-19, Mr. Manning made a motion, seconded by Mrs. Epler to approve the rezoning from A1 Agricultural to R40 Residential and find: a. The approval is an amendment to the adopted current South Central Land Use Plan (2015) map which calls for "low density residential" at this location; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel lacks the public sewer to support "low density residential"; c. And, this rezoning approval is reasonable and in the public interest because the district requested will limit uses on this site to primarily single-family residential uses and is accordant with previous approvals in the general area. The motion passed with Ms. Hall and Dr. Andrews voting in opposition.

- C. **P18-18. REMOVAL OF 1.49+/- ACRES FROM MSOD MAIN STREET OVERLAY DISTRICT & REZONING FROM R6 RESIDENTIAL AND C3 HEAVY COMMERCIAL TO C3 HEAVY COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 701 NORTH MAIN STREET, SUBMITTED BY MICHAEL NEPSTAD ON BEHALF OF MDN RENTALS LLC (OWNER). (SPRING LAKE)**

Ms. Speicher briefly explained the request.

In Case P18-18, the Planning and Inspections Staff recommends denial of the removal of the subject property from the Main Street Overlay District and the rezoning from R6 Residential & C3 Heavy Commercial to C3 Heavy Commercial and find that although the rezoning request is consistent with the Spring Lake Land Use Plan (2003) which calls for "heavy commercial" at this location, the town adopted the Main Street Overlay District provisions in 2014 to protect and revive the downtown area into a pedestrian-friendly and vibrant economic environment; and further find that the request is not reasonable or in the public interest because it 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 the enhancement of Main Street.

Public hearing opened.

Ms. Speicher advised the Board that there was no one present to speak in favor or in opposition.

Public hearing closed.

In Case P18-18, Mr. Manning made a motion, seconded by Mr. Crumpler to recommend denial of the removal of the subject property from the Main Street Overlay District and the rezoning from R6 Residential & C3 Heavy Commercial to C3 Heavy Commercial and find that although the rezoning request is consistent with the Spring Lake Land Use Plan (2003) which calls for “heavy commercial” at this location, the town adopted the Main Street Overlay District provisions in 2014 to protect and revive the downtown area into a pedestrian-friendly and vibrant economic environment; and further find that the request is not reasonable or in the public interest because it 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 the enhancement of Main Street. Unanimous approval.

IX.DISCUSSION

There was none.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:50 pm.