

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

MINUTES
April 17, 2018

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

Members Present

Mr. Charles Morris, Chair
Mrs. Diane Wheatley, Vice-Chair
Mrs. Lori Epler
Mr. Harvey Cain, Jr.
Mr. Stan Crumpler
Mr. Carl Manning

Members Absent

Mrs. Jami McLaughlin
Dr. Vikki Andrews

Others Present

Mr. Thomas Lloyd
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

Mr. Lloyd advised the Board that Case P18-03 would be moved to Contested Items.

III. PUBLIC HEARING WITHDRAWAL

P18-11. REZONING OF 2.68+/- ACRES FROM R10 RESIDENTIAL & C1(P) PLANNED LOCAL BUSINESS DISTRICT TO C1(P) PLANNED LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3544 & 3528 OLD PLANK ROAD, SUBMITTED BY JOSEPH L. HULON (OWNER) & FRANCIS L. RIDEOUT JR. (AGENT).

Mrs. Epler made a motion to approve the withdrawal, seconded by Mr. Manning. Unanimous approval.

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 20, 2018

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

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P18-09.** REZONING OF 4.28+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1470 & 1490 BAYWOOD ROAD, SUBMITTED BY DAVID & JUDY DRAUGHON AND MARTHA MORRIS MCKOY (OWNERS).

In Case P18-09, 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 current adopted Eastover Land Use Plan (2000) 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 draft Eastover Land Use Plan update which calls for "rural density residential" development at this location;
- c. And, this rezoning approval is reasonable and in the public interest because if approved, the district requested will ensure land uses and lot sizes are in harmony with the surrounding residential development.

In Case P18-09, Mr. Cain 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 current adopted Eastover Land Use Plan (2000) 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 draft Eastover Land Use Plan update which calls for "rural density residential" development at this location; c. And, this rezoning approval is reasonable and in the public interest because if approved, the district requested will ensure land uses and lot sizes are in harmony with the surrounding residential development. Unanimous approval.

- B. **P18-12.** REZONING OF .37+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS DISTRICT TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3738 BOONE TRAIL, SUBMITTED BY QUENTIN & KRISTY COLLINS (OWNERS).

In Case P18-12, the Planning and Inspections Staff recommends approval of the rezoning from C1(P) Planned Local Business District to C2(P) Planned Service and Retail District and find:

- a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) 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: although the district requested is considered "light commercial", some permitted uses in the C2(P) are permitted uses in C(P) which is considered heavy commercial;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with the area along Boone Trail that has been transitioning from

residential to commercial and could assist in ensuring a vacant commercial building is occupied.

In Case P18-12, Mr. Cain made a motion, seconded by Mrs. Epler to approve the rezoning from C1(P) Planned Local Business District to C2(P) Planned Service and Retail District and find: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) 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: although the district requested is considered “light commercial”, some permitted uses in the C2(P) are permitted uses in C(P) which is considered heavy commercial; c. And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with the area along Boone Trail that has been transitioning from residential to commercial and could assist in ensuring a vacant commercial building is occupied. Unanimous approval.

- C. **P18-14.** REZONING OF 10.00+/- ACRES FROM R5A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1737 (MIDDLE RIVER LOOP), EAST OF CAPE FEAR RIVER; SUBMITTED BY ALBERT MCCAULEY ON BEHALF OF AOM II, LLC (OWNER) & SCOTT BROWN ON BEHALF OF 4D SITE SOLUTIONS, INC. (AGENT).

In Case P18-14, the Planning and Inspections Staff recommends approval of the rezoning from R5A Residential to C(P) Planned Commercial and find:

- a. The approval is an amendment to the adopted current Eastover Land Use Plan (2000) 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 draft Eastover Land Use Plan update which calls for “heavy commercial” development at this location;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested will allow for land uses that would be in harmony with surrounding commercial and industrial development.

In Case P18-14, Mr. Cain made a motion, seconded by Mrs. Epler to approve the rezoning from R5A Residential to C(P) Planned Commercial and find: a. The approval is an amendment to the adopted current Eastover Land Use Plan (2000) 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 draft Eastover Land Use Plan update which calls for “heavy commercial” development at this location; c. And, this rezoning approval is reasonable and in the public interest because the district requested will allow for land uses that would be in harmony with surrounding commercial and industrial development. Unanimous approval.

- D. **P18-15.** REZONING OF 33.19+/- ACRES FROM RR RURAL RESIDENTIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1122 (WOODINGTON ROAD), WEST OF SR 2285 (SHIPMAN ROAD); SUBMITTED BY GEDDIE AUTRY, STEVEN M. & PAULA H. AUTRY AND ROBERT M. & HELEN G. GLOCK (OWNERS) & WOODINGTON SOLAR, LLC (AGENT).

In Case P18-15, the Planning and Inspections Staff recommends approval of the rezoning from RR Rural Residential to A1 Agricultural and find:

- a. The approval is an amendment to the adopted Southwest Land Use Plan (2013) 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 subject property lacks public utilities to support suburban residential density;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested will provide for larger lot sizes than the current zoning.

In Case P18-15, Mr. Cain made a motion, seconded by Mrs. Epler to approve the rezoning from RR Rural Residential to A1 Agricultural District and find: a. The approval is an amendment to the adopted Southwest Land Use Plan (2013) 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 subject property lacks public utilities to support suburban residential density; c. And, this rezoning approval is reasonable and in the public interest because the district requested will provide for larger lot sizes than the current zoning. Unanimous approval.

CONDITIONAL ZONING CASE

- E. **P18-13. REZONING OF .46+/- ACRE FROM R6 RESIDENTIAL & C3 HEAVY COMMERCIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLES SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2418 OWEN DRIVE, SUBMITTED BY CHAD BROWN ON BEHALF OF C&E HOMEVESTORS, LLC (OWNER).**

In Case P18-13, the Planning and Inspections Staff recommends approval of the rezoning from R6 Residential and C3 Heavy Commercial to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales and find it is consistent with the adopted Southwest Cumberland Land Use Plan which calls for “mixed use development” at this location, mixed use allows for retail and commercial uses; and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with the existing light and heavy commercial zoning and land uses along Owen Drive. In addition, the property owner has agreed to access the vehicle display area from the existing driveway for the sales lot and forego the proposed driveway to Cope Street

In Case P18-13, Mrs. Epler made a motion, seconded by Mrs. Wheatley to approve the rezoning from R6 Residential and C3 Heavy Commercial to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales and find it is consistent with the adopted Southwest Cumberland Land Use Plan which calls for “mixed use development” at this location, mixed use allows for retail and commercial uses; and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with the existing light and heavy commercial zoning and land uses along Owen Drive. In addition, the property owner has agreed to access the vehicle display area from the existing driveway for the sales lot and forego the proposed driveway to Cope Street. Unanimous approval.

VIII. PUBLIC HEARING CONTESTED ITEMS

CONDITIONAL ZONING CASE

- F. **P18-03.** REZONING OF .93+/- ACRE FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3496 GILLESPIE STREET, SUBMITTED BY PHILIP & SHARON KROPP (OWNERS).

Mr. Lloyd presented the case information and photos.

In Case P18-03, the Planning and Inspections Staff recommends approval of the rezoning from R10 Residential to C(P) Planned Commercial/CZ Conditional Zoning for trade contracting with equipment storage and other listed uses and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan which calls for "heavy commercial" at this location; and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning on parcels fronting Gillespie Street and will allow for similar uses already permitted on the remaining parent tract.

Mr. Lloyd stated that the applicant requested that the other uses numbered one through seventeen listed in the packet, also be included in case one of the uses came about they would not have to come back before the board.

Mr. Morris asked if the proposed guidelines fell within the use guidelines.

Mr. Lloyd said that all the uses fall within the Planned Commercial uses, it's just that he didn't want all the uses, so he's limiting himself to those.

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

Mr. Philip Kropp spoke in favor. Mr. Kropp said that the subject property had been in the family for over fifty years. He also said he agreed with all of the conditions.

Mrs. Sharon Kropp spoke in favor. Mrs. Kropp stated that they have improved the property over the years, and they want to make it better. The lot was overrun with trees and weeds and they have had it cleared and it looks a lot better. Mrs. Kropp also feels that they are improving that part of town by improving the property.

Mr. Ricky Strickland spoke in opposition. Mr. Strickland stated that they lived in the area for over forty years. His property is adjacent to the subject property. Until recently the lot was heavily wooded and provided a buffer for the street from the noise and traffic on Hwy 301. Elton Drive has always been a dead-end street, and the road has just been paved and is now a class A residential street. There have been eighteen wheelers with construction materials parked on the street, dump trucks and other materials on the street. Mr. Kropp is concerned about the hazardous materials that they keep on the property.

Mr. Morris stated that it sounded like Mr. Strickland is wanting to protect Elton Drive, ingress and egress, currently on the site plan there is no ingress and egress. In a conditional use situation that can be a condition.

Mr. Strickland stated that his major concern is safety.

Mr. John Krobath spoke in opposition. Mr. Krobath stated that it has been a total nightmare around his house since everything started. The dump trucks in and out all day long, big rigs with backhoes constantly there is constantly heavy traffic. There are tires, pallets, tractor trailer, chemicals being stored on the property.

Mr. Morris reminded Mr. Krobath that the meeting was about the future use of the property. The applicant submitted a site plan with five parking spaces a relatively small commercial building that's what they are here to decide.

Mr. Krobath said that he was worried about what the applicant was going to do, because he's doing everything that he's not supposed to be doing now.

Mr. Morris explained that the conditional zoning is in the resident's favor because it limits what the applicant can do on the property.

Mr. Kropp spoke in rebuttal. Mr. Kropp said that there is only a well house on the subject property, as far as Elton Drive he was in agreeance with the residents and assisted them as much as possible and even signed away some right-of-way to the State so they could pave the roads up to their standards.

Public Hearing closed.

Mr. Lloyd said that the opposition was correct, and inspectors were sent out to the property and the vehicles were moved into the right-of-way on Elton Drive, but the condition sheet will deal with the occupant of the subject property.

Mr. Morris asked Mr. Kropp if he would have any objection as part of your conditions not to have ingress or egress to Elton Drive.

Mr. Kropp said he had no problem with that.

Mr. Kropp said that he voluntarily amends the application to not allow ingress or egress to his site from Elton Drive.

In Case P18-03, Mrs. Epler made a motion, seconded by Mr. Manning to approve the rezoning from R10 Residential to C(P) Planned Commercial/CZ Conditional Zoning for trade contracting with equipment storage and other listed uses, with the understanding that there will be no ingress or egress access to the property from Elton Drive and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan which calls for "heavy commercial" at this location; and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning on parcels fronting Gillespie Street and will allow for similar uses already permitted on the remaining parent tract. Unanimous approval.

The Board added an amendment to the motion that if there is any changing of fluids within the confines of the subject property fluids will be changed on concrete and fluids collected or reused on the vehicle or disposed of off property. The applicant agreed to the amendment.

IX. DISCUSSION

- There have been some rezoning cases along Cumberland Road and the Board of Commissioners is concerned about the rezoning with the residents being on well, there is no sewer on this stretch of road. The Commissioners asked for a study that we called the Cumberland Road Study, Mr. Lloyd stated that he would like the Comprehensive Planning Committee to look at it than it can move to the Planning Board before going to the Board of Commissioners' Policy Committee.

Ms. Hall volunteered to fill the vacant seat of the Comprehensive Planning Committee. Mr. Lloyd advised we would let them know of a date for a meeting.

- Mr. Lloyd gave another update on meetings with Hope Mills. Hope Mills request to have input on County Zoning Cases was met with a reiteration from the board that the time for input dealing with future zoning and subsequent land use discussions was during the extensive Area Plan process, in Hope Mill's case, the two-year old Southwest Plan. The Board was unanimous with their concern with Hope Mills' desire to have zoning impact with parcels located in the County. Chairperson Morris stated that if the Town of Hope Mills wants zoning authority/input they should begin the involuntary annexation process. Mr. Morris stated that Hope Mills should not be treated any differently than any of the other municipalities.

IX. ADJOURNMENT

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