

AMY H. CANNON
County Manager



RAWLS HOWARD
Director

TRACY JACKSON
Assistant County Manager



DAVID MOON
Deputy Director

◆
Planning & Inspections Department

MINUTES
August 18, 2020

Members Present

Mrs. Diane Wheatley – Chairman
Mr. Stan Crumpler – Vice-Chair
Mr. Carl Manning - Remote
Mrs. Jami McLaughlin - Remote
Mr. Thomas Lloyd
Ms. Susan Moody
Mr. Gary Burton
Ms. Kasandra Herbert
Mr. Mark Williams - Remote

Members Absent

Mr. Jordan Stewart

Others Present

Mrs. Betty Lynd
Mr. Rawls Howard
Mrs. Laverne Howard
Mr. Rick Moorefield

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Wheatley delivered the invocation and led those present in the Pledge of Allegiance.

II. SWEARING IN OF NEW BOARD MEMBERS

Chair Wheatley swore in new board member Kasandra Herbert.

III. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were no adjustments to the agenda.

Mr. Crumpler made a motion, seconded by Mr. Burton to approve the agenda. Unanimous approval.

IV. PUBLIC HEARING WITHDRAWAL / DEFERRAL

P20-17. REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE BY AMENDING ARTICLE IV PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 102A-403. USE MATRIX ALLOWING RECREATION/AMUSEMENT INDOOR (CONDUCTED INSIDE BUILDING FOR PROFIT, NOT OTHERWISE LISTED & NOT REGULATED) AS A PERMITTED USE WITHIN THE M(P) PLANNED INDUSTRIAL DISTRICT BY INSERTING A "P" IN THE M(P) COLUMN AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS) **APPLICANT RECOMMENDED DEFERRAL TO 9/15/20**

Mr. Crumpler made a motion to approve the deferral, seconded by Mr. Manning. Unanimous approval.

P20-39. REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6230 KING HIRAM ROAD, SUBMITTED BY

JAMES & RHONDA FOKES (OWNER) & DAVID WAYNE KIRKLAND (AGENT). **APPLICANT REQUESTED WITHDRAWAL**

Mrs. Moody made a motion to approve the withdrawal, seconded by Mr. Crumpler. Unanimous approval.

V. ABSTENTIONS BY BOARD MEMBERS

There were none.

VI. APPROVAL OF THE MINUTES OF JULY 21, 2020

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

VII. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Wheatley read the welcome and rules of procedures.

VIII. PUBLIC HEARING CONSENT ITEMS

REZONING CASE

- A. **P20-40.** REZONING OF 1.52+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2426 WADE STEDMAN ROAD, SUBMITTED BY DANIEL & CATHY BAIN (OWNERS).

In Case P20-40, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agricultural to R40 Residential and finds the request consistent with the 2030 Growth Vision Plan (2009) which designates this parcel for "Rural Areas". The "Rural Areas" designation allows a density as high as 2 units/acre provided the soils and topography do not hinder development and a centralized water system exists. Approval of the rezoning is also reasonable and in the public interest as the requested district is in harmony with surrounding existing land uses and zoning and the parcel is connected to public water.

In Case P20-40, Mr. Crumpler made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from A1 Agricultural to R40 Residential and finds the request consistent with the 2030 Growth Vision Plan (2009) which designates this parcel for "Rural Areas". The "Rural Areas" designation allows a density as high as 2 units/acre provided the soils and topography do not hinder development and a centralized water system exists. Approval of the rezoning is also reasonable and in the public interest as the requested district is in harmony with surrounding existing land uses and zoning and the parcel is connected to public water. Unanimous approval.

IX. PUBLIC HEARING CONTESTED ITEMS

TEXT AMENDMENT

- B. **P20-38.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS AND AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 921. RECREATION VEHICLE PARK AND/OR CAMPGROUND AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

In Case P20-38, the Planning and Inspections staff recommends denial of the text amendment to the Cumberland County Zoning Ordinance and find this text amendment not consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 2 of Well-Managed Growth and Development where the vision is to create development standards for application across rural and urban areas to ensure efficient and quality development is achieved. Denial of this text amendment is also reasonable and in the public interest because the request would circumvent the recently adopted standards concerning lengths of stay inside a RV Park and/or Campground, would circumvent acceptable subdivision standards commonly utilized for detached living quarters, and would take away from the intent of transient usage of the property.

Mrs. Lynd presented the case information and photos.

Chair Wheatley opened the public comment period.

Mrs. Lynd stated that there were no comments submitted for this case.

Chair Wheatley closed the public comment period.

In Case P20-38, Mr. Crumpler made a motion, seconded by Mr. Lloyd to recommend denial of the text amendment to the Cumberland County Zoning Ordinance and find this text amendment not consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 2 of Well-Managed Growth and Development where the vision is to create development standards for application across rural and urban areas to ensure efficient and quality development is achieved. Denial of this text amendment is also reasonable and in the public interest because the request would circumvent the recently adopted standards concerning lengths of stay inside a RV Park and/or Campground, would circumvent acceptable subdivision standards commonly utilized for detached living quarters, and would take away from the intent of transient usage of the property. Unanimous approval.

- C. **P20-41.** REZONING OF 10.65+/- ACRES FROM HS(P) PLANNED HIGHWAY SERVICES DISTRICT/CU CONDITIONAL USE OVERLAY FOR AN EMERGENCY PERSONNEL TRAINING CENTER & HS(P) PLANNED HIGHWAY SERVICES DISTRICT TO O&I(P) PLANNED OFFICE & INSTITUTIONAL DISTRICT/CZ CONDITIONAL ZONING FOR GENERAL OFFICE AND C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3266 SANDEROSA ROAD, SUBMITTED BY HUBERT MCDONALD JR. & WADE MCDONALD ON BEHALF OF THREE-O-ONE TRUCK STOP INC (OWNERS) & ANN LOCKLEAR (AGENT).

In Case P20-41, the Planning & Inspections staff recommends denial of the rezoning from HS(P) Planned Highway Services District/CU Conditional Use Overlay for an emergency personnel training center & HS(P) Planned Highway Services District to O&I(P) Planned Office & Institutional District/CZ Conditional Zoning for general office and C(P) Planned Commercial and instead recommends approval of O&I(P)/CZ for general office and C1(P) Planned Local Business District where the applicant requested C(P). Staff finds: a. The recommendation is an amendment to the adopted current Eastover Land Use Plan (2018) 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 Eastover Land Use Plan (2018) does include a recommendation that commercial development should be allowed to occur where convenient goods/needs could be provided on properties outside the Eastover town limits; c. And this rezoning recommendation is reasonable and in the public interest because the districts recommended would be more in line with the adopted plan than the existing zoning on the parcels and the C1(P) district is designed to allow uses that would provide convenient needs/services while prohibiting noxious uses near residential areas.

Mrs. Lynd presented the case information and photos.

Chair Wheatley opened the public comment period.

Mrs. Lynd read the statement submitted by the J D Liston, Division President of Americas Home Place. See attached.

Mr. Crumpler said that there was no delineation between the two lots and asked for an idea of where it would be divided or if the site plan was specifically for one lot.

Mrs. Lynd said that the site plan was for the portion that the applicant is asking for the conditional zoning.

Mr. Lloyd asked if the applicant was going to recombine the lots.

Mrs. Lynd said the plan was to recombine the lots.

Public comment period closed.

Mr. Crumpler stated that water is supplied by Eastover Sanitary District but there is no sewer there.

Mr. Crumpler went on to say that this was just outside of the Eastover jurisdiction, but is still a gateway into Eastover. They have no problems with commercial there because this is what is up against the commercial core. Mr. Crumpler said he prefers to accept the staff's recommendation, but would like for the C1(P) to be conditional zoning and would hope that the Board of Commissioner's would look at what was going to be put there.

Mrs. Lynd said that they discussed conditional zoning with the applicant, their intent in not submitting conditional zoning for that portion was just for marketing reasons, they aren't sure what will go there.

Mr. Howard said that they do not have a site plan that they could tie to it

Mrs. Lynd said they chose not to submit one because they were not doing a conditional zoning.

Mr. Crumpler said that his second reason for wanting a conditional zoning is that it is right across the street from a church, and there is a wooded buffer between where the residential starts. Mr. Crumpler said that they really have no problem with it being commercial, but would like to see at least, the Commissioner's to be able to look at what they want to put there.

Mr. Lloyd said he didn't think the Commissioner's could do that, they are allowed to do what they can do in C(P) now, if he were restricted any more than that, that would be a down zoning and the applicant would have to agree to be down zoned.

Mr. Howard said that they could pass those concerns along to the Commissioner's during their presentation.

Mr. Crumpler restated that he didn't have a problem with the C1(P), just for general aesthetics in the area he would like the Commissioner's to be able to take a look at what was put in there if it remains C(P).

Mrs. Lynd said it would have to start back at the beginning before it could go to the Commissioner's, so Mrs. Lynd asked if the Board wanted to defer the case to give the applicant time to change the request. Mrs. Lynd clarified that if the applicant were to change the request to conditional zoning he would have to reapply, and he would have to agree.

Mr. Crumpler stated that he would drop it, if it means the applicant would have to reapply.

In Case P20-41, Mrs. Moody made a motion, seconded by Mr. Lloyd to recommend denial of the rezoning from HS(P) Planned Highway Services District/CU Conditional Use Overlay for an

emergency personnel training center & HS(P) Planned Highway Services District to O&I(P) Planned Office & Institutional District/CZ Conditional Zoning for general office and C(P) Planned Commercial and instead recommends approval of O&I(P)/CZ for general office and C1(P) Planned Local Business District where the applicant requested C(P). The board finds: a. The recommendation is an amendment to the adopted current Eastover Land Use Plan (2018) 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 Eastover Land Use Plan (2018) does include a recommendation that commercial development should be allowed to occur where convenient goods/needs could be provided on properties outside the Eastover town limits; c. And this rezoning recommendation is reasonable and in the public interest because the districts recommended would be more in line with the adopted plan than the existing zoning on the parcels and the C1(P) district is designed to allow uses that would provide convenient needs/services while prohibiting noxious uses near residential areas. Unanimous approval.

X. DISCUSSION

- DIRECTOR'S UPDATE

- Mr. Howard introduced the new Deputy Director, David Moon, to the Board
- The Board decided to go back to meetings at the Historic Courthouse starting with the September 2020 meeting.
- The Board watched a training module from UNC School of Government on an Introduction to Land Use Decisions.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:34 pm.