

AMY H. CANNON  
County Manager



RAWLS HOWARD  
Director

TRACY JACKSON  
Assistant County Manager



Vacant  
Deputy Director

◆  
*Planning & Inspections Department*

**MINUTES**  
June 16, 2020

**Members Present**

Mrs. Diane Wheatley – Chairman  
Mr. Carl Manning – Vice-Chair - Remote  
Mr. Stan Crumpler  
Dr. Vikki Andrews - Remote  
Mr. Thomas Lloyd  
Mrs. Jami McLaughlin - Remote  
Mrs. Lori Epler  
Ms. Patricia Hall  
Mr. Mark Williams  
Mr. Jordan Stewart

**Members Absent**

**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. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mrs. Lynd advised the Board that Case P20-12 would be moved from Consent Items to Contested Items.

**Mrs. Epler made a motion, seconded by Mr. Crumpler to approve the agenda with the adjustments. Unanimous approval.**

III. 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 REQUESTED DEFERRAL TO JULY 21, 2020 PB MEETING**

**Ms. Hall made a motion to amend the agenda to include the deferral of Case P20-17 to the July 21, 2020 Planning Board meeting, seconded by Mrs. Epler. Unanimous approval.**

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Lloyd advised the board that he would abstain from voting on Case P20-13 due to a conflict of interest.

**Mrs. Epler made a motion, seconded by Mr. Stewart to approve the abstention. Unanimous approval.**

V. APPROVAL OF THE MINUTES OF FEBRUARY 18, 2020

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

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Wheatley read the welcome and rules of procedures.

VII. PUBLIC HEARING CONSENT ITEMS

INITIAL ZONING CASES

- A. **P20-14.** INITIAL ZONING OF 4.16+/- ACRES TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE NORTHERN QUADRANT OF THE INTERSECTION OF NC 162 (GEORGE OWEN ROAD) & SR 1003 (CAMDEN ROAD); SUBMITTED BY SOUTH WOODLAND PROPERTIES LLC (OWNER). (HOPE MILLS)

In Case P20-14, the Planning & Inspections staff recommends approval of the initial zoning to C(P) Planned Commercial and find the request consistent with the Southwest Cumberland Land Use Plan (2014) designation of "Heavy Commercial". The C(P) district is also considered a "Heavy Commercial" district within the Land Use Policies Plan (2009). Staff further finds approval of the request is reasonable and in the public interest as the parcel is located at a heavily trafficked intersection, the parcel is served by public water and the parcel was already zoned C(P) within the County's jurisdiction before it was annexed by the Town of Hope Mills.

**In Case P20-14, Mrs. Epler made a motion, seconded by Mr. Williams to approve the initial zoning to C(P) Planned Commercial and find the request consistent with the Southwest Cumberland Land Use Plan (2014) designation of "Heavy Commercial". The C(P) district is also considered a "Heavy Commercial" district within the Land Use Policies Plan (2009). Staff further finds approval of the request is reasonable and in the public interest as the parcel is located at a heavily trafficked intersection, the parcel is served by public water and the parcel was already zoned C(P) within the County's jurisdiction before it was annexed by the Town of Hope Mills. Unanimous approval.**

- B. **P20-16.** INITIAL ZONING OF 1.58+/- ACRES TO R10 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2355 LILLINGTON HWY, SUBMITTED BY TOWN OF SPRING LAKE (OWNER). (SPRING LAKE)

In Case P20-16, the Planning & Inspections staff recommends approval of the initial zoning to R10 Residential and find the request consistent with the Spring Lake Land Use Plan (2002) designation of "Low Density Residential". The "Low Density Residential" designation is defined as having a density of 2.2 to 6 units/acre within the Land Use Policies Plan (2009). Staff further finds approval of the request is reasonable and in the public interest because the district requested is in harmony with adjacent existing zoning and uses and while the property is currently approved for a fire station, the underlying zoning of R10 would continue to restrict uses to those in harmony with the adjacent neighborhood.

**In Case P20-16, Mrs. Epler made a motion, seconded by Mr. Williams to approve of the initial zoning to R10 Residential and find the request consistent with the Spring Lake Land Use Plan (2002) designation of "Low Density Residential". The "Low Density Residential" designation is defined as having a density of 2.2 to 6 units/acre within the Land Use Policies Plan (2009). Staff further finds approval of the request is reasonable and in the public interest because the district requested is in harmony with adjacent existing zoning and uses and while the property is currently approved for a fire station, the underlying zoning of R10 would continue to restrict uses to those in harmony with the adjacent neighborhood. Unanimous approval.**

- C. **P20-19.** INITIAL ZONING OF 2.00+/- ACRES TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 360 PINE TREE LANE, SUBMITTED BY CRUCIFORM CHURCH OF CHRIST INC. (OWNER). (SPRING LAKE)

In Case P20-19, the Planning & Inspections staff recommends approval of the initial zoning to R6A Residential and find the request consistent with the Spring Lake Land Use Plan (2002) designation of "Medium Density Residential". The "Medium Density Residential" designation is defined as having a density of greater than 6 and less than 15 units/acre within the Land Use Policies Plan (2009). Staff further finds approval of the request is reasonable and in the public interest because the district requested is in harmony with adjacent existing zoning and uses and while the property is currently approved for a religious worship facility, the underlying zoning of R6A would continue to restrict uses to those in harmony with the adjacent neighborhood.

**In Case P20-19, Mrs. Epler made a motion, seconded by Mr. Williams to approve the initial zoning to R6A Residential and find the request consistent with the Spring Lake Land Use Plan (2002) designation of "Medium Density Residential". The "Medium Density Residential" designation is defined as having a density of greater than 6 and less than 15 units/acre within the Land Use Policies Plan (2009). Staff further finds approval of the request is reasonable and in the public interest because the district requested is in harmony with adjacent existing zoning and uses and while the property is currently approved for a religious worship facility, the underlying zoning of R6A would continue to restrict uses to those in harmony with the adjacent neighborhood. Unanimous approval.**

#### CONDITIONAL ZONING CASE

- D. **P19-50.** REZONING OF 100.00+/- ACRES FROM RR RURAL RESIDENTIAL TO M(P) PLANNED INDUSTRIAL/CZ CONDITIONAL ZONING FOR A BORROW SOURCE OPERATION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTH OF ROCKFISH CREEK, EAST OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY JOSEPH R. RIVENBARK, JOELLA RIVENBARK POWELL, ROBERT L. RIVENBARK AND SUZANNE RIVENBARK SHEARON ON BEHALF OF R. LINWOOD RIVENBARK HEIRS (OWNER) & SETH THOMPSON (AGENT). **(APPLICANT HAS REVISED REQUEST TO INCLUDE ADDITIONAL M(P) USES.)**

In Case P19-50, the Planning and Inspections staff recommends approval of the rezoning from RR Rural Residential to M(P) Planned Industrial/CZ Conditional Zoning for requested M(P) Planned Industrial uses and find: a) The approval is an amendment to the adopted current South Central Land Use Plan (2015) 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 "Low Density Residential" and "Open Space" designations are sandwiched between designations for "Heavy Industrial" and "Light Industrial" and any residential development's access would be through an industrially-zoned property; c) And, this rezoning approval is reasonable and in the public interest because the additional conditions concerning building height/setbacks and riparian buffer as well as the vegetative buffer indicated on the site plan will help to mitigate impacts on residential lots across the creek.

**In Case P19-50, Mrs. Epler made a motion, seconded by Mr. Williams to approve the rezoning from RR Rural Residential to M(P) Planned Industrial/CZ Conditional Zoning for requested M(P) Planned Industrial uses and find: a) The approval is an amendment to the adopted current South Central Land Use Plan (2015) 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 "Low Density Residential" and "Open Space" designations are sandwiched between designations for "Heavy Industrial" and "Light Industrial" and any residential development's access would be through an industrially-zoned property; c) And, this rezoning approval is reasonable and in the public interest because the additional conditions concerning building height/setbacks and riparian buffer as well as the vegetative buffer indicated on the site plan will help to mitigate impacts on residential lots across the creek. Unanimous approval.**

#### REZONING CASE

- E. **P20-13.** REZONING OF 41.96+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5403 CHICKEN FOOT ROAD, SUBMITTED BY FRANKLIN JOHNSON ON BEHALF OF J F JOHNSON FAMILY FARMS LLC (OWNER).

In Case P20-13, the Planning & Inspections staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this parcel as "Farmland". The "Farmland" designation allows for a density of 1 unit/acre with favorable soil conditions, public water, and approved access by NCDOT. Staff further finds approval of the rezoning is reasonable and in the public interest as the district requested is in harmony with the surrounding existing land uses and zoning, the subject property is served by public water and any lot divisions would be subject to the County Subdivision Ordinance.

**In Case P20-13, Mrs. Epler made a motion, seconded by Mr. Williams to approve the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this parcel as "Farmland". The "Farmland" designation allows for a density of 1 unit/acre with favorable soil conditions, public water, and approved access by NCDOT. Staff further finds approval of the rezoning is reasonable and in the public interest as the district requested is in harmony with the surrounding existing land uses and zoning, the subject property is served by public water and any lot divisions would be subject to the County Subdivision Ordinance. The motion passed with Mr. Lloyd abstaining from the vote.**

- F. **P20-15.** REZONING OF 4.60+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4660 & 4676 MACEDONIA CHURCH ROAD, SUBMITTED BY ALEX HARRISON CULBRETH & KATHY DIANE CULBRETH (OWNERS).

In Case P20-15, the Planning & Inspections staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the Vander Land Use Plan (2017) designation of "Rural Residential". The "Rural Residential" designation allows for one unit or less per acre and desires a minimum lot size of 40,000 square feet. Staff further finds approval of the request is reasonable and in the public interest as the requested district is in harmony with surrounding existing zoning and land uses and any additional lots/units would be subject to a development review.

**In Case P20-15, Mrs. Epler made a motion, seconded by Mr. Williams to approve the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the Vander Land Use Plan (2017) designation of "Rural Residential". The "Rural Residential" designation allows for one unit or less per acre and desires a minimum lot size of 40,000 square feet. Staff further finds approval of the request is reasonable and in the public interest as the requested district is in harmony with surrounding existing zoning and land uses and any additional lots/units would be subject to a development review. Unanimous approval.**

- G. **P20-21.** REZONING OF 7.08+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1702 (HAWKINS ROAD), EAST OF SR 1700 (MCBRYDE STREET); SUBMITTED BY ALEXANDER KEITH ON BEHALF OF TRIPLE K INVESTMENTS, LLC (OWNER).

In Case P20-21, the Planning & Inspections staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the North Central Cumberland Land Use Plan (2011) designation of "Farmland". The "Farmland" designation is defined as having a density of 0.5 to 1 unit per acre to preserve rural character. Staff further finds approval of the request is reasonable and in the public interest as the requested district is in harmony with adjacent existing zoning and land uses and any additional lots/units would be subject to a development review.

**In Case P20-21, Mrs. Epler made a motion, seconded by Mr. Williams to approve the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the North Central Cumberland Land Use Plan (2011) designation of "Farmland". The "Farmland" designation is defined as having a density of 0.5 to 1 unit per acre to preserve rural character. Staff further finds approval of the request is reasonable and in the public interest as the requested district is in harmony with adjacent existing zoning and land uses and any additional lots/units would be subject to a development review. Unanimous approval.**

## VIII. PUBLIC HEARING CONTESTED ITEMS

### TEXT AMENDMENT

- H. **P20-20.** REVISION AND AMENDMENT TO THE WADE ZONING ORDINANCE BY AMENDING ARTICLE XII SIGN REGULATIONS, SECTION 1207. BILLBOARDS, SUBSECTION B.1. C(P) PLANNED COMMERCIAL DISTRICTS AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (WADE)

Mrs. Lynd presented the case information and photos.

In Case P20-20, the Planning and Inspections staff recommends denial of the proposed text amendment to the Wade Zoning Ordinance and find this text amendment is not consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 10 Community Appearance and Image recommendation of additional billboards along existing major thoroughfares being limited and the appearance of major travel corridors receiving priority attention for improvement by looking at development standards such as signage. Denial of this text amendment is also reasonable and in the public interest because the proposed setbacks would also be counter to the NC Department of Transportation's Regulations for the Control of Outdoor Advertising in North Carolina as they state outdoor advertising on controlled routes should be spaced no less than 500 feet apart. In addition, allowing billboards to be on opposite sides of the road from each other and closer than 500 foot could cause driver/public safety issues by drawing attention two ways from the road.

Mr. Howard also stated that they looked at the plan objectives for the 2030 Plan and there were some things that were addressing appearance standards along corridors that were a part of that plan. Ms. Lynd also mentioned that there was discussion with NCDOT regarding their respective policy of regulating outdoor advertising. It was noted by Ms. Lynd that staff believed that the request ran counter to established NCDOT policy which would allow the development contemplated in the amendment. That issue also weighed in on staff's recommendation.

**In Case P20-20, Mr. Williams made a motion, seconded by Mrs. Epler to deny the proposed text amendment to the Wade Zoning Ordinance and find this text amendment is not consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 10 Community Appearance and Image recommendation of additional billboards along existing major thoroughfares being limited and the appearance of major travel corridors receiving priority attention for improvement by looking at development standards such as signage. Denial of this text amendment is also reasonable and in the public interest because the proposed setbacks would also be counter to the NC Department of Transportation's Regulations for the Control of Outdoor Advertising in North Carolina as they state outdoor advertising on controlled routes should be spaced no less than 500 feet apart. In addition, allowing billboards to be on opposite sides of the road from each other and closer than 500 foot could cause driver/public safety issues by drawing attention two ways from the road.**

Mr. Lloyd asked if the 500 feet was a Department of Transportation (DOT) regulation.

Mr. Howard said yes.

Mr. Lloyd said even if they did this, DOT would have the final say.

Mr. Howard responded yes.

Chair Wheatley asked if there was any further discussion, there was not.

**The motion passed. Unanimous approval.**

- I. **P20-12.** REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE BY AMENDING ARTICLE XIV SIGNS, SECTION 102A-1402. SIGN DEFINITIONS, SECTION 102A-1404. SIGNS PERMITTED IN ANY DISTRICT, SECTION 102A-1405. GENERAL SITE AND SIGN SPECIFICATIONS, SECTION 102A-1406. SIGNS PERMITTED BY DISTRICT, SECTION 102A-1408. SIGNS PROHIBITED AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS)

Mrs. Lynd presented the case information and photos.

In Case P20-12, the Planning and Inspections staff recommends approval of the text amendment to the Hope Mills Zoning Ordinance and find this text amendment consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 10 of Community Appearance and Image recommendation of reviewing and updating sign regulations periodically to enhance community identity and create a high quality business image. The proposed amendment is also generally consistent with the Southwest Cumberland Land Use Plan (2014) goal of striving to enhance community appearance and reduce sign clutter along major thoroughfares. Approval of this text amendment is also reasonable and in the public interest because the change to temporary signage brings the ordinance into compliance with the *Reed v. Town of Gilbert* court ruling and the amendment will enable the town to enforce sign regulations that are consistent with the image the town is seeking to project in their commercial areas. Additionally, this amendment was prepared and submitted by the Town of Hope Mills.

Public comment period opened.

Mrs. Lynd read comments and showed photos from Mr. Jessie Bellflowers who stated he was in opposition to the amendment because it adds in standards for freestanding pole signs, and it takes away from the spirit of the current adopted Sign Ordinance. (Exhibit 1)

Public comment period closed.

Ms. Hall said there were five workshops and three public hearings that developers attended and they went back to the drawing board and compromised two times, and at the last one the developers made no objections to the ordinance that was adopted last April. The motion was made to go back to the way it was. Ms. Hall stated that she felt Hope Mills is going backward, this current board is undoing good things that the previous board had done. Ms. Hall feels that the current ordinance creates a better environment for the town, the objection is the cost, and businesses are not willing to invest in the town. Ms. Hall said she could not support this amendment.

Mr. Crumpler asked if pole signs would be allowed in the I-95 corridor.

Mrs. Lynd said that right now free-standing signs are listed under prohibited signs, something like a billboard would be allowed.

Mrs. Epler said that she is kind of torn because Hope Mills staff put this item on the agenda, so they obviously feel that it is time to amend their ordinance. But she knows developers that were at the meetings and knows that they did not compromise, they did not have a choice.

Mr. Lloyd asked how this came about with a commissioner in opposition.

Mrs. Lynd said there were about five workshops that were attended by county and town staff and the public that ended with the current sign ordinance. There were some businesses that were having some topographical difficulties utilizing a ground signs, so town staff presented the commissioners with the amendment in response to what was considered negative development trends.

Mr. Lloyd said you could not waiver or vary a use, but the businesses had a problem with the ground sign because of the land, so your varying the use if you allow them to have a pole sign because of terrain, even though it's terrain that's causing it, so it would be a variance for a use that you can't do.

Mr. Moorefield said that he had never seen signage taken to the level of a variance as a use. Typically, you're talking about sign regulations and they are not necessarily tied to a particular zoning district.

Mr. Howard said if it's on the permitted use table, it could be considered a use, in his opinion and that signs are a type of development appurtenance rather than a use.

Mrs. Lynd said that the Hope Mills attorney said that they would not be able to apply for a variance because it is listed as a "prohibited" sign type in their code.

Mr. Lloyd said a few months ago this board approved one amendment. The town adopted it and now a few months later they want approval for another one. Mr. Lloyd said he would not vote for this amendment.

**In Case P20-12, Mrs. Epler made a motion, seconded by Mr. Crumpler to approve the text amendment to the Hope Mills Zoning Ordinance and find this text amendment consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 10 of Community Appearance and Image recommendation of reviewing and updating sign regulations periodically to enhance community identity and create a high quality business image. The proposed amendment is also generally consistent with the Southwest Cumberland Land Use Plan (2014) goal of striving to enhance community appearance and reduce sign clutter along major thoroughfares. Approval of this text amendment is also reasonable and in the public interest because the change to temporary signage brings the ordinance into compliance with the *Reed v. Town of Gilbert* court ruling and the amendment will enable the town to enforce sign regulations that are consistent with the image the town is seeking to project in their commercial areas. Additionally, this amendment was prepared and submitted by the Town of Hope Mills.**

Chair Wheatley asked if this request came from Hope Mills Planning.

Mrs. Lynd responded, yes. Planning put it on the Hope Mills Board of Commissioners agenda, and they recommended it go forward to the Planning Board as a text amendment.

Mr. Williams said that their response would send a message to the citizens and the Hope Mills board as far as what they hang their hat on. There's time when we must vote on things, and we do not get a lot of information. If this town has been through a couple of elections and had committee hearings and want to change course in a matter of years, he's not a citizen of Hope Mills and can't say they want to be bothered with that. The Planning Board's job is to serve the County and they are a part of the County; however, he can understand the other point of view.

Chair Wheatley said that she agrees that there is a process and they get to send back the message in a recommendation. When the public is involved, Ms. Hall has a valid point that a lot of work went into this and we will let them decide.

Mrs. Epler said that her reason for the motion is because this was put forward at the direction of the Commissioners, so that was her reason for making the motion.

Mr. Stewart said that if we don't live in certain area of the County, changes in leadership, you listen to what the people in the area want. But they changed their mind, new leadership brings about new changes if they live in that area and want to change it, he would not argue with them.

Mr. Howard suggested going by what the adopted plan policy says. The Board can say they do not agree with the policy and just change the plan if they desired. Mr. Howard read the plan policy that staff referred to.

**Chair Wheatley reminded the Board that there was a motion on the floor and asked for a vote. Mrs. Epler reminded the board of the motion. The motion did not pass with Ms. Hall, Mr. Williams, Mr. Lloyd, Chair Wheatley, Mrs. McLaughlin voting in opposition.**

**Mr. Lloyd made a motion, seconded by Ms. Hall to recommend denial of the text amendment to the Hope Mills Zoning Ordinance and find this text amendment not consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 10 of Community Appearance and Image recommendation of reviewing and updating sign regulations periodically to enhance community identity and create a high quality business image as the Joint Planning Board recently recommended approval of removing pole signage from the sign ordinance as recommended by the Town. The proposed amendment is also not consistent with the Southwest Cumberland Land Use Plan (2014) goal of striving to enhance community appearance and reduce sign clutter along major thoroughfares. Denial of this text amendment is also reasonable and in the public interest as removing pole signage and revising sign size standards was previously viewed as a better image to project in the town's commercial areas and reduced sign clutter. The motion passed with Mr. Crumpler, Mr. Stewart, Mrs. Epler, and Dr. Andrews voting in opposition.**

## CONDITIONAL ZONING CASE

- J. **P20-02.** REZONING OF 3.70+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5877 & 5911 CLINTON ROAD, SUBMITTED BY KATHRINA VICTORIA (OWNER) & SHAWN VALLINI (AGENT). **(APPLICANT HAS REVISED REQUEST TO C(P)/CZ FOR MOTOR VEHICLE SALES)**

Mrs. Lynd presented the case information and photos.

In Case P20-02, the Planning and Inspections staff recommends denial of the rezoning from A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales and find the request is not consistent with the adopted Stedman Land Use Plan (1999) which calls for "Farmland" at this location. Heavy commercial uses do not fit the "Farmland" designation's goal of maintaining the rural character of an area through farming and residential uses. Staff further finds that denial of the request is reasonable and in the public interest because the C(P) district is not in harmony with surrounding zoning and existing land uses, the parcels lack public sewer and the number of accesses/driveway permits are limited along NC Hwy 24.

There were no public comments submitted for this case.

Mr. Crumpler asked if the Department of Transportation (DOT) will require turn lanes.

Mrs. Lynd stated that they do not know that, but that was on the condition sheet that it may be required.

Mr. Howard said that there must be a lot of trips generated by the use for DOT to require a turn lane on their limited access roads.

Mrs. Epler asked if PWC said that parking spaces would have to be moved out of the utility easements.

Mrs. Lynd said that the parking would not be allowed in the easement because if the easement had to be maintained it would not be a good idea to have the parking spaces there.

Mrs. Epler said that PWC would not require that.

Mrs. Lynd said that she was not sure what kind of easement was there.

Mrs. Epler said it was a sewer, and asked that if this is approved, she would like for staff to confirm with PWC that the applicant would not be able use that as a display area.

Mrs. Lynd said they could do that. They could word the condition that way, on receipt of not allowing that by owner of the easement.

Mr. Stewart said that Stedman just approved and adopted the new land use plan and this request is not conforming with that plan.

**In Case P20-02, Mr. Stewart made a motion, seconded by Mr. Crumpler to deny the rezoning from A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales and find the request is not consistent with the adopted Stedman Land Use Plan (1999) which calls for "Farmland" at this location. Heavy commercial uses do not fit the "Farmland" designation's goal of maintaining the rural character of an area through farming and residential uses. The board further finds that denial of the request is reasonable and in the public interest because the C(P) district is not in harmony with surrounding zoning and existing land uses, the parcels lack public sewer and the number of accesses/driveway permits are limited along NC Hwy 24. Unanimous approval.**

## REZONING CASES

- K. **P20-08.** REZONING OF 1.55+/- ACRES FROM RR RURAL RESIDENTIAL & C(P) PLANNED COMMERCIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5087 US HWY 301 S, SUBMITTED BY DELIVERANCE JESUS IS COMING VICTORY CENTER, INC. (OWNER).



Mrs. Lynd presented the case information and photos.

In Case P20-08, the Planning & Inspections staff recommends denial of the rezoning from RR Rural Residential & C(P) Planned Commercial to RR Rural Residential and find the request is not consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "Heavy Commercial" at this designation. Staff further finds denial of the rezoning is reasonable and in the public interest as the district requested is not in harmony with the surrounding existing land uses and existing zoning.

There were no public comments submitted for this case.

Ms. Hall asked who was going to live there

Mrs. Lynd said it looked like they were going to provide housing for at-risk families that the church was trying to help.

**In Case P20-08, Ms. Hall made a motion, seconded by Mr. Williams to deny the rezoning from RR Rural Residential & C(P) Planned Commercial to RR Rural Residential and find the request is not consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "Heavy Commercial" at this designation. The board further finds denial of the rezoning is reasonable and in the public interest as the district requested is not in harmony with the surrounding existing land uses and existing zoning. Unanimous approval.**

- L. **P20-18.** REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2072 SCHOOL ROAD, SUBMITTED BY ESPERANZA MELENDEZ (OWNER).

Mrs. Lynd presented the case information and photos.

In Case P20-18, the Planning & Inspections staff recommends denial of the rezoning from A1 Agricultural to R40A Residential and find the request is not consistent with the South Central Land Use Plan (2015) designation of "Farmland". The "Farmland" designation states that one unit/acre density could be favorable if the development had suitable soils, public/community water and was submitted as a conditional zoning application. Staff further finds that denial of the request is reasonable and in the public interest due to the property's lack of public/community water supply and the current investigation into the Gray's Creek water/sewer district groundwater quality concerns.

Public comment opened.

Mrs. Lynd read into the record the comments from Ms. Esperanza Melendez who was in favor (Exhibit 2) and comments from Ms. Delia Baxley who was in opposition (Exhibit 3).

Mr. Crumpler asked if there were any other mobile homes in the area.

Mrs. Lynd said that A1 zoning allows for manufactured homes.

Chair Wheatley asked if there was any provision in the ordinance for a case like this, there are 2 acres, is there nothing that can be done to add another unit onto this lot?

Mr. Howard said that there are state protections for certain types of temporary medical facilities that you could put into your backyard, but they would have to have further discussion with the applicant.

Mr. Lloyd said that this does follow the plan and read the section from the ordinance that allows it. Mr. Lloyd said that he does not have a problem with this case being denied, but he does not want it to reflect that it's not consistent with the plan, because that sets a precedent for future cases.

Mrs. Wheatley asked if the applicant was offered other options.

Mr. Howard mentioned that staff didn't necessarily have a problem with the request. However, due to question over ground water quality for the area and lack of utility infrastructure, the request would be better

fitted as a conditional request to place some modest conditions on the applicant to ensure those items would be addressed.

Mrs. Lynd said that the applicant was advised about conditional zoning and said that they did not want to pay the extra fee and chose to stick with traditional rezoning.

Public comment period closed.

After further discussion a motion was made.

**In Case P20-18, Mr. Lloyd made a motion, seconded by Mr. Manning to recommend approval of the rezoning from A1 Agricultural to R40A Residential and find the request consistent with the South-Central Land Use Plan (2015) designation of "Farmland". The "Farmland" designation states that one unit/acre density is acceptable on tracts less than ten acres. The board further finds that approval of the request is reasonable and in the public interest as the requested district is in harmony with existing surrounding land uses and zoning. The motion passed with Chair Wheatley and Mrs. McLaughlin voting in opposition.**

#### IX. REPORT FROM THE NOMINATIONS COMMITTEE

Mr. Crumpler reported that the Nominations Committee met on May 20, 2020 and voted to recommend Diane Wheatley as Chairman and Mr. Crumpler as Vice-Chairman of the Cumberland County Planning Board for the next year.

**Mr. Crumpler made a motion, seconded by Mrs. Epler to accept the nominations of Chair and Vice-Chair. Unanimous approval.**

#### X. DISCUSSION

- PRESENTATION OF SERVICE AWARDS

Chair Wheatley presented Ms. Hall and Mrs. Epler with plaques of appreciation for their time served on the Planning Board and thanked Dr. Andrews for her time served on the board and advised that we would send her plaque to her.

- DIRECTOR'S UPDATE

- Mr. Howard advised the Board the Board of Commissioner's approved the budget with a modest increase in the Board's training budget and that staff would be looking into training opportunities for this upcoming year.
- Betty and staff are working on the update to the ordinance to be in compliance with the 160D State Statute revisions.
- We are looking at updating plans on a five-year basis, working on Bethany right now and Spring Lake will be next.
- Future Planning Board meetings are dependent on the Governor's orders. Mr. Howard mentioned we would possibly be the same format for July as we did for this meeting.

#### XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:46 pm.