

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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

Donovan McLaurin,
Wade, Falcon & Godwin



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

Planning & Inspections Department

MINUTES

November 21, 2017

Members Present

Mr. Charles Morris, Chair
Mrs. Diane Wheatley
Ms. Patricia Hall
Mr. Carl Manning
Mr. Harvey Cain, Jr.
Mr. Stan Crumpler

Members Absent

Dr. Vikki Andres
Mrs. Jamie McLaughlin
Mrs. Lori Epler
Mr. Donovan McLaurin

Others Present

Mr. Thomas Lloyd
Ms. Annie Melvin
Mrs. Laverne Howard
Mrs. Betty Lynd
Mr. Rick Moorefield,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Crumpler delivered the invocation and Ms. Hall led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the board that Case P17-46 would be pulled from Consent Items and moved to Contested Items.

III. PUBLIC HEARING DEFERRALS

There were none.

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 OCTOBER 17, 2017

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

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P17-48.** REVISION AND AMENDMENT TO THE EASTOVER SUPPLEMENT OF THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE VIII.I, OVERLAY DISTRICTS, SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT (CCO), SUB-SECTION C. USES ALLOWED; REZONING APPLICATIONS; AND SUB-SECTION D. DEVELOPMENT STANDARDS. (EASTOVER)

BACKGROUND: Proposed major changes to the Eastover Commercial Core Overlay District:

1. All land uses under the existing zoning will be allowed in all cases. Manufactured homes would not be allowed in existing residential districts regardless of the zoning district and those properties currently zoned C2(P), C(P), HS(P), C3 and all industrial districts would be limited to those uses specifically listed in the proposed amendment;
2. A minimum street frontage for every new lot created is proposed to be 75 feet in width, essentially eliminating the ability to create "flag lots" within the overlay district;
3. The base building area for new construction within the overlay district will be reduced from 65% of the lot area to no more than 45%.

RECOMMENDATION: In Case P17-48, the Planning & Inspections staff recommends approval of the text amendment to the Eastover supplement of the County Zoning Ordinance finding it is consistent with the adopted Eastover Area Land Use Plan which calls for protecting and preserving the rural character of the area and limiting the amount, scale and intensity of commercial development; and further find that approval of the amendment is reasonable and in the public interest because the amendment was requested by some members of the elected Town Council who worked with the Planning staff and the Town Manager on four occasions in order to ascertain and draft the desired changes to the previously adopted text, which, if approved, would preserve the rural character of the community, also a founding premise adopted on June 5, 2012 by the Town Council in their Development Guidelines.

This proposed text amendment would not cause any changes to the Eastover Area Land Use Plan map.

Mr. Manning made the motion, seconded by Mrs. Wheatley, to follow the recommendation and approve the text amendment. The motion passed unanimously.

REZONING CASES

- B. **P17-44.** REZONING OF 7.64+/- ACRES FROM RR RURAL RESIDENTIAL & RR RURAL RESIDENTIAL/CU CONDITIONAL USE OVERLAY FOR A WELDING SHOP AND DWELLING TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3873 BUTLER NURSERY ROAD, SUBMITTED BY CASEY JONES ON BEHALF OF GEORGE B. JONES HEIRS (OWNER).

In Case P17-44, the Planning and Inspections Staff recommends approval of the rezoning to remove the Conditional Use Overlay for a welding shop at the property owner's request and find the South Central Land Use Plan has been examined and does not address this particular situation; and further find approval of the request is reasonable and in the public interest because Conditional Use Overlays were approved prior to 2005 in order to allow land uses that were not permitted in the current zoning district in exceptional situations, later deemed as an improper use of zoning, and that the initially zoned approved business is no longer in operation at this location.

In Case P17-44, Mrs. Wheatley made a motion, seconded by Mr. Crumpler to approve the rezoning from RR Rural Residential & RR Rural Residential/CU Conditional Use Overlay for a welding shop to RR Rural Residential at the property owner's request and find the South Central Land Use Plan has been examined and does not address this particular situation; and further find approval of the request is reasonable and in the public interest because Conditional Use Overlays were approved prior to 2005 in order to allow land uses that were not permitted in the current zoning district in exceptional situations, later deemed as an improper use of zoning, and that the initially zoned approved business is no longer in operation at this location. The motion passed unanimously.

- C. **P17-45.** REZONING OF 10.42+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON EAST SIDE OF SR 1138 (APPLEBURY LANE) ACROSS FROM THE INTERSECTION OF CUMBERLAND

BAY DRIVE; SUBMITTED BY ALBERT NORTON JR. ON BEHALF OF OLE BLUFF LLC (OWNER). (HOPE MILLS & COUNTY)

In Case P17-45, the Planning and Inspections Staff recommends to approve the rezoning from R6A Residential to C(P) Planned Commercial and find it is consistent with the adopted Southwest Cumberland Land Use Plan, which calls for "Mixed Use and Heavy Commercial" developments 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 all uses allowed within the R6A district are not suitable for a gateway into the town. In addition, approval will allow for increased commercial development of property under the same ownership and located at a major intersection.

In Case P17-45, Mrs. Wheatley made a motion, seconded by Mr. Crumpler to approve the rezoning from R6A Residential to C(P) Planned Commercial and find it is consistent with the adopted Southwest Cumberland Land Use Plan which calls for "Mixed Use and Heavy Commercial" at this location; and further find approval of the request is reasonable and in the public interest because all uses allowed within the R6A district are not suitable for a gateway into the town. In addition, approval will allow for increased commercial development of property under the same ownership and located at a major intersection. The motion passed unanimously.

- D. **P17-47.** REZONING OF .60+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON SOUTH SIDE OF NC 59 (NORTH MAIN STREET), NORTH AND EAST OF BULLARD STREET; SUBMITTED BY TASOS HASAPIS ON BEHALF OF OMEGA ENTERPRISES LLC (OWNER).

In Case P17-47, the Planning and Inspections Staff recommends the board approve the rezoning from R10 Residential to C2(P) Planned Service and Retail and find it is 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 will allow for convenient goods and services in an area where transition is happening from residential to light and heavy commercial uses which also exist in the general area.

In Case P17-47, Mrs. Wheatley made a motion, seconded by Mr. Crumpler to approve the rezoning from R10 Residential to C2(P) Planned Service and Retail and find it is consistent with the adopted 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 will allow for convenient goods and services in an area where transition is happening from residential to light and heavy commercial uses which also exist in the general area. The motion passed unanimously.

- E. **P17-49.** REZONING OF .68+/- ACRES FROM O&I(P) PLANNED OFFICE AND INSTITUTIONAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3886 & 3890 CUMBERLAND ROAD, SUBMITTED BY ERIC NANTES & LESLIE BOSWELL (OWNERS).

In Case P17-49, the Planning and Inspections Staff recommends the board approve the rezoning from O&I(P) Planned Office and Institutional to C(P) Planned Commercial and find it is 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 even though public sewer is normally required for a favorable recommendation to commercial, sewer is not available and the district requested is in harmony with the area along Cumberland Road that has been transitioning from residential to light and heavy commercial over that last ten years.

In Case P17-49, Mrs. Wheatley made a motion, seconded by Mr. Crumpler to approve the rezoning from O&I(P) Planned Office and Institutional to C(P) Planned Commercial and find it is consistent with the adopted 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 even though public sewer is normally required for a favorable recommendation to commercial, sewer is not available and the district requested is in harmony with the area along Cumberland Road that has been transitioning from residential to light and heavy commercial over that last ten years. The motion passed unanimously.

- F. **P17-50. REZONING OF 2.36+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4764 BEAVER DAM CHURCH ROAD, SUBMITTED BY LYNETTA GRACE FAIRCLOTH (OWNER).**

In Case P17-50, the Planning and Inspections Staff recommends the board approve the rezoning from A1 Agricultural to R40A Residential and find:

- a. The approval is an amendment to the adopted Southeast Cumberland Land Use Plan (2016) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: approval of the request is consistent with the Southeast Land Use Plan text in that it will allow for lot sizes and land uses that accommodate residential development while protecting and maintaining the rural residential character of the farmland area;
- 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.

In Case P17-50, Mrs. Wheatley made a motion, seconded by Mr. Crumpler to approve the rezoning from A1 Agricultural to R40A Residential and find: a. The approval is an amendment to the adopted Southeast Cumberland Land Use Plan (2016) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: approval of the request is consistent with the Southeast Land Use Plan text in that it will allow for lot sizes and land uses that accommodate residential development while protecting and maintaining the rural residential character of the farmland area; 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 unanimously.

- G. **P17-51. REZONING OF .42+/- ACRES FROM C(P)/CU FOR A MANUFACTURED HOME TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7387 NORTH WEST STREET, SUBMITTED BY AMBER TURNER WEEKS (OWNER) AND CHRISTOPHER W. TYNDALL (AGENT). (FALCON)**

In Case P17-51, the Planning and Inspections Staff recommends the board approve the rezoning to remove the Conditional Use Overlay for a manufactured home at the property owner's request and find it is consistent with the Northeast Cumberland Land Use Plan which calls for "Commercial" at this location; and further find approval of the request is reasonable and in the public interest because the Conditional Use Overlay was approved prior to 2005 in order to allow a land use that was not permitted in the current zoning district, later deemed as an improper use of zoning, and that the initially zoned approved manufactured home is no longer located on this site.

In Case P17-51, Mrs. Wheatley made a motion, seconded by Mr. Crumpler to approve the rezoning to remove the Conditional Use Overlay for a manufactured home at the property owner's request and find it is consistent with the adopted Northeast Cumberland Land Use Plan which calls for "Commercial" at this location; and further find approval of the request is reasonable and in the public interest because the Conditional Use Overlay was approved prior to 2005 in order to allow a land use that was not permitted in the current zoning district, later deemed as an improper use of zoning, and that the initially zoned approved manufactured home is no longer located on this site. The motion passed unanimously.

VIII. PUBLIC HEARING CONTESTED ITEMS

- H. **P17-46.** REZONING OF 645.52+/- ACRES FROM A1 AGRICULTURAL, RR RURAL RESIDENTIAL, PND PLANNED NEIGHBORHOOD DEVELOPMENT & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTH OF THE CAPE FEAR RIVER, BOUNDED BY SR 1700 (MCBRYDE STREET) & SR 1609 (LANE ROAD); SUBMITTED BY T.L. BROOKS IV ON BEHALF OF MCCORMICK FARMS L.P. (OWNER).

Mr. Lloyd presented the case information and photos.

In Case P17-46, the Planning and Inspections Staff recommends the board approve the rezoning from A1 Agricultural, RR Rural Residential, PND Planned Neighborhood Development and CD Conservancy district to A1 Agricultural except for that portion located within the Special Flood Hazard Area and Floodway be zoned CD Conservancy and find this recommendation to be consistent with the North Central Cumberland Land Use Plan, which calls for "Farmland" and "Open Space" at this location; and further find approval of the request is reasonable and in the public interest because the recommended districts will ensure that only those uses recognized as appropriate uses within an agricultural area would be permitted on the subject properties. The property owner has verbally agreed with this staff recommendation.

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

Mr. Tom Brooks spoke in favor. Mr. Brooks stated that the tracks are and have been used for agricultural purposes, timber and farmland. The tracks are identified in the Cumberland County Detailed Land Use Plan as prime and state and local important farm land, they are currently in the present use tax program, voluntary agricultural district program. All the tracks have severe septic tank limitations and they do not have public water or sewer. The land that is adjacent to ours on the west side are zoned RR but they are currently used for agriculture, not residential purposes. Mr. Brooks said that they are committed to maintaining their property as a farm, but are facing financial pressures, just like everyone else. But to maintain their farm they must explore new business opportunities that are compatible with farming operations. They have the greatest flexibility to do that if it is rezoned to A1. An ATV park is a possibility, all the things going on on the property right now are harvesting timber replanting or as an activity that fall under their hunting leases. Things are still in the works and is unsure whether anything will come to fruition.

Chair Morris reminded the board that this case was a straight rezoning and not a conditional use and have to view it strictly as a rezoning.

Mr. Lloyd stated that all the uses in A1 must be considered.

Bruce Hamill spoke in favor. Mr. Hamill thanked the board and staff and said he was available for questions.

Mr. Lloyd cautioned the board that future uses could be anything allowed in the A1, this is a rezoning, not a conditional use.

Diane Thompson spoke in favor. Ms. Thomson stated that she was fine with whatever the applicant wanted to do.

Jessie Thompson spoke in favor and stated that he agreed with the previous speaker.

Tina Prichard spoke in favor. Ms. Prichard stated that she was in favor of the request.

Louan Hair spoke in favor. Ms. Hair stated that she was in favor of an ATV park.

Mr. Lloyd reminded the board again that this was not a conditional zoning.

Mr. Lane Parker spoke in opposition. Mr. Parker stated he would like to hear more about what the applicant wants to do. He also stated there was a lot of noise and would like something to block out the noise.

Ms. Claudia Williams spoke in opposition. Ms. Williams stated that she lives in the area right next to the subject property. This is an area with larger tracts and homes it is primarily a residential area, some farming with homes on larger tracts of land. Ms. Williams stated that they do not want the negative effects from an ATV park. This is a quiet, rural area. Having this ATV park will create noise and there is a campground plan where alcohol consumption would be allowed. This will change the way the land has been used, and will change the way she can use her property and the way she can enjoy her property. There are also concerns that this will put a burden on resources for the volunteer fire department because they will have to provide emergency services that will occur not only in the park but outside of the park. The owners of the property have not contacted the homeowners to discuss how to make this less destructive, and there are also concerns about property values. Ms. Williams said that a zoning should be selected that matches the character, the current land use, and protects property owners and property values in the area.

Ms. Julie Morse spoke in opposition. Ms. Morse stated that she had questions about the CD zoning. She also stated that she agreed with the previous speaker and had concerns about safety.

Mr. Lloyd said that there would be an adjustment to the CD line to the special flood hazard area.

Mr. William Jackson spoke in opposition. Mr. Jackson stated that he had concerns about being protected. Mr. Jackson stated that he was shocked and stunned and didn't know how they ended up in this situation.

Mr. Stephen Page spoke in opposition. Mr. Page stated that the property that borders his is zoned A1 and doesn't have issues with rezoning or an ATV park. But does have concerns with noise, hours of operations, and how close it will be to the property lines. Mr. Page feels that there should be restrictions and conditions.

Mr. Moses Mays spoke in opposition. Mr. Mays stated that he had concerns about safety, alcohol and drugs, and wants to know how residents will be protected from this. Mr. Mays also had concerns about how they would get in and out of homes and wanted to know what the hours of operation would be.

Mr. Bruce Hamill spoke in rebuttal. Mr. Hamill stated anything that they decide to do will fall within

the requirements and permitted use on the A1 zoning. They intend to keep the land agricultural and try to maximize the use of the property.

Public Hearing closed.

Mr. Lloyd stated that State legislation has come out with vague legislation on agritourism which runs the gamut of things and you don't even need a zoning permit. Agritourism is broad legislation.

Mr. Crumpler asked if there were any guidelines on noise.

Mr. Lloyd responded no.

Mrs. Wheatley asked if it would fall under the County Ordinance.

Mr. Moorefield responded that it would fall under the County Ordinance.

Mr. Morris reminded the board that they needed to keep focused, and deal with the straight rezoning.

Mrs. Wheatley asked what else needed to happen before development.

Mr. Lloyd stated that the property would need to be rezoned and present a site plan.

Mr. Morris reminded the board that he was the Linden representative and knew the area well. Everyone knows the soil is rough, and there are some great places where people have made homes. Most of the land is rough. The land will always be limited unless they get sewer and water in there. It will remain agricultural, and as a Planning Board we need to look at those aspects. The property values are important and use of the land is important. Mr. Morris suggested that the applicant consider coming back with a conditional zoning of that property that addresses some of the concerns of the residents. It is strictly voluntary and the applicant doesn't have to do that.

Mr. Brooks asked if an alternative could be considered, any kind of development would need site plan.

Mr. Morris said that they had already submitted a site plan and it's already been approved.

Mr. Lloyd said that the site plan that staff has doesn't show trails, it doesn't show where the atv's will take place, and thinks that a more detailed site plan is needed.

Mr. Brooks thanked the board and decided to defer the case until the January 16, 2018 meeting.

Mr. Lloyd said that staff will come back with recommended approval based on the land use plan for that rezoning. You have to consider all of the uses, and if he comes back with that the staff will come back with a favorable recommendation because of the land use plan. Outdoor recreation is an allowed use in the A1 district, accepted as an allowed use by this board and the Commissioner's, that's why it's in our ordinance and the land use plan calls for agricultural at this location.

Mr. Crumpler made a motion, seconded by Mr. Manning to defer Case P17-46 until January 16, 2018 meeting. Unanimous approval. There will be no mailings for the next meeting. The

motion passed unanimously.

IX. DISCUSSION

DIRECTOR'S UPDATE

- Mr. Lloyd reminded the board about the Annual Christmas Luncheon.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:08 pm.