

AMY H. CANNON  
County Manager

TRACY JACKSON  
Assistant County Manager



CUMBERLAND  
COUNTY  
NORTH CAROLINA

RAWLS HOWARD  
Director

DAVID MOON  
Deputy Director

◆  
*Planning & Inspections Department*

**MINUTES**  
September 15, 2020

**Members Present**

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

**Members Absent**

Mr. Carl Manning

**Others Present**

Mrs. Betty Lynd  
Mr. Rawls Howard  
Mrs. Laverne Howard  
Mr. Rick Moorefield  
Ms. Annie Melvin  
Mr. David Moon

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Crumpler 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 P20-43 would be moved to Contested Items.

**Ms. Moody made a motion, seconded by Mr. Burton to approve the adjustment to the agenda. Unanimous approval.**

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Lloyd advised the Board that he would abstain from voting on Case P20-24.

V. APPROVAL OF THE MINUTES OF AUGUST 18, 2020

**Mr. Crumpler made a motion, seconded by Ms. Moody 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.

VIII. PUBLIC HEARING CONSENT ITEMS

## REZONING CASE

- A. **P20-24.** REZONING OF 13.35+/- ACRES FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NC HWY 87 S & SR 2220 (TOM STARLING ROAD), SUBMITTED BY REBECCA F. PERSON ON BEHALF OF FRANCIS N. PERSON HEIRS & SUSAN P. STRICKLAND (OWNERS) & YARBOROUGH, WINTERS & NEVILLE, PA (AGENT). **(APPLICANT HAS REVISED REQUEST TO C2(P) PLANNED SERVICE & RETAIL AND C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR MINI-WAREHOUSING WITH OUTSIDE VEHICLE STORAGE)**

In Case P20-24, the Planning & Inspections staff recommends approval of the rezoning request from RR Rural Residential to C(P) Planned Commercial/CZ Conditional Zoning for mini-warehousing with outside vehicle storage & C2(P) Planned Service & Retail and find the request consistent with the South Central Land Use Plan (2015) which designates these parcels for "Light Commercial" as the use requested under the conditional zoning as well as the conventional C2(P) district are considered light commercial uses. Approval of the request is reasonable and in the public interest as the conditional zoning portion will provide adequate buffering from the existing residential uses and the conventional portion, which will cause the higher traffic impact, is located further from the existing residential.

**In Case P20-24, Mr. Crumpler made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from RR Rural Residential to C(P) Planned Commercial/CZ Conditional Zoning for mini-warehousing with outside vehicle storage & C2(P) Planned Service & Retail and find the request consistent with the South Central Land Use Plan (2015) which designates these parcels for "Light Commercial" as the use requested under the conditional zoning as well as the conventional C2(P) district are considered light commercial uses. Approval of the request is reasonable and in the public interest as the conditional zoning portion will provide adequate buffering from the existing residential uses and the conventional portion, which will cause the higher traffic impact, is located further from the existing residential. The motion passed with Mr. Lloyd abstaining from the vote.**

- B. **P20-30.** REZONING OF 44.23+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON WEST SIDE OF SR 2337 (WILMINGTON HWY), SOUTH OF SR 2210 (WILKES ROAD), SUBMITTED BY WARREN & DAWN BISHOP (OWNERS) & PATRICK BISHOP (AGENT). **(APPLICANT HAS REVISED REQUEST TO A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR ONE SINGLE-FAMILY DWELLING UNIT)**

In Case P20-30, the Planning & Inspections staff recommends approval of the rezoning request from M(P) Planned Industrial to A1 Agricultural/CZ Conditional Zoning for one single-family dwelling unit and find the request consistent with the South Central Land Use Plan (2015) which designates this parcel for "Airport Oriented Uses" and "Open Space". The "Airport Oriented Uses" designation is meant to protect the Airport from unwanted encroachment, protect human life and allow for further expansion. The site will be limited to a single-family dwelling unit and would be less density/people on site than potential nonresidential uses or a fully developed subdivision. Approval of the request is also reasonable and in the public interest as the intended use is in harmony with existing zoning and uses to the south and the site has access to public water.

**In Case P20-30, Ms. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from M(P) Planned Industrial to A1 Agricultural/CZ Conditional Zoning for one single-family dwelling unit and find the request consistent with the South Central Land Use Plan (2015) which designates this parcel for "Airport Oriented Uses" and "Open Space". The "Airport Oriented Uses" designation is meant to protect the Airport from unwanted encroachment, protect human life and allow for further expansion. The site will be limited to a single-family dwelling unit and would be less density/people on site than potential nonresidential uses or a fully developed subdivision. Approval of the request is also reasonable**

**and in the public interest as the intended use is in harmony with existing zoning and uses to the south and the site has access to public water. Unanimous approval.**

- C. **P20-42.** REZONING OF 3.33+/- ACRES FROM R10 RESIDENTIAL & C1 LOCAL BUSINESS DISTRICT TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR A CEMETARY, FARM SUPPLIES MERCHANDISING & MACHINERY SALES AND SERVICING & HARDWARE, PAINT AND GARDEN SUPPLY SALES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2230 N BRAGG BOULEVARD, SUBMITTED BY CAROLYN R. ARMSTRONG ON BEHALF OF CBMM PROPERTIES, LLC & CJR PROPERTY HOLDINGS, LLC (OWNERS) AND LARRY KING & ASSOCIATES, RLS, PA (AGENT). SPRING LAKE

In Case P20-42, the Planning and Inspections staff **recommends approval** of the rezoning request from C1 Local Business District & R10 Residential to C(P) Planned Commercial/CZ Conditional Zoning for farm supplies merchandising & machinery sales and servicing and hardware, paint and garden supply sales and find: a. The approval is an amendment to the adopted current Spring Lake Land Use Plan (2002) 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 parcel meets the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential lots due to its location; c. And this rezoning approval is reasonable and in the public interest as the parcel is served by public water and sewer, located on a major thoroughfare, and the conditional zoning limits the nonresidential impacts to the existing neighborhood.

**In Case P20-42, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from C1 Local Business District & R10 Residential to C(P) Planned Commercial/CZ Conditional Zoning for farm supplies merchandising & machinery sales and servicing and hardware, paint and garden supply sales and find: a. The approval is an amendment to the adopted current Spring Lake Land Use Plan (2002) 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 parcel meets the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential lots due to its location; c. And this rezoning approval is reasonable and in the public interest as the parcel is served by public water and sewer, located on a major thoroughfare, and the conditional zoning limits the nonresidential impacts to the existing neighborhood. Unanimous approval.**

- D. **P20-45.** REZONING OF 0.50+/- ACRES FROM R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR ALL ALLOWED C(P) USES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF NC 59 (N MAIN STREET), NORTH OF THE INTERSECTION OF BULLARD STREET & HILL STREET, SUBMITTED BY ECO ADVANTAGE TERMITE AND PEST SOLUTIONS, INC. (OWNER) & GEORGE M. ROSE (AGENT). HOPE MILLS

In Case P20-45, the Planning & Inspections staff recommends approval of the rezoning request from R6 Residential to C(P) Planned Commercial/CZ Conditional Zoning for all allowed C(P) uses and find the request consistent with the Southwest Cumberland Land Use Plan (2014) which designates this area for “Heavy Commercial” as the C(P) Planned Commercial district and its permitted uses are considered “heavy commercial” and the parcels have access to public water and sewer. Approval of the request is also reasonable in the public interest as the district requested is in harmony with surrounding existing zoning and land uses.

**In Case P20-45, Ms. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from R6 Residential to C(P) Planned Commercial/CZ Conditional Zoning for all allowed C(P) uses and find the request consistent with the Southwest Cumberland Land Use Plan (2014) which designates this area for “Heavy Commercial” as the C(P) Planned Commercial district and its permitted uses are considered “heavy commercial” and the parcels have access to public water and sewer. Approval of the request is also reasonable in the public interest as the district requested is in harmony with surrounding existing zoning and land uses. Unanimous approval.**

IX. PUBLIC HEARING CONTESTED ITEMS

TEXT AMENDMENT

- E. **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

Mrs. Lynd presented the case information.

In Case P20-17, the Planning and Inspections staff recommends denial of the proposed text amendment to the Hope Mills Zoning Ordinance and find this text amendment is not consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 1 of A More Diversified Local Economy recommendation of local governments being active participants and facilitators of industrial development opportunities. Policy Area 1 also recommends that appropriate opportunity sites for manufacturing and new technology enterprises shall be protected through appropriate zoning. Denial of this text amendment is also reasonable and in the public interest as approval would allow a use that has impacts most similar to commercial usage and if allowed to be developed in industrial zones/buildings, would lessen the amount of good/vacant industrial land that could be utilized by industry. Indoor recreation is also not consistent with the definition of M(P) Planned Industrial District in the Hope Mill Zoning Ordinance.

There was one person signed up to speak in favor.

The public comment period opened.

Mr. Alex Keith spoke in favor. Mr. Keith stated that there is a lot of industrial space available in the County built before 1994, but the problem with industrial buildings is after twenty years, new industrial uses cannot utilize older buildings. Now they want thirty-foot ceiling heights, they need a certain amount of electricity, so they will just build a new building, or they will have to do a ton of remodeling. There is plenty of industrial space out there, and our building is only about sixty percent full which is normal. Mr. Keith went on to talk about the issues with other zonings that would not work.

Mr. Lloyd asked how many other industrial buildings Mr. Keith had where there were commercial entities located in them.

Mr. Keith said he only managed two industrial style buildings in the last three or four years.

Mrs. Herbert asked if this request would encompass travel sports.

Mr. Keith said yes it would.

Mr. Lloyd said that just like a regular rezoning case, unless it was a conditional zoning, we can't consider a specific entity that the applicant says is going to go in there.

Public comment period closed.

Mr. Lloyd asked what the Hope Mills planner said about this request.

Mrs. Lynd said that staff did not receive a comment in writing from the planner, but he was present at the meeting.

Mr. Chancer McLaughlin, Town of Hope Mills Planner, stated that his issue is not with the use, it is the approach the applicant is taking to get there. Hope Mills is trying to attract more industrial usage, they are working with other agencies to try and attract more industrial uses because they see it as a way to create jobs. Mr. McLaughlin said they are looking at an influx of new industrial uses, his concern is making this a permitted use throughout industrial zoning also effects new industrial, what will happen is while trying to attract more industrial for job creation there is a mechanism that allows industrial uses to be used by non-industrial development. That is the reason the Town would not support it, that's why the text amendment did not come from the Town of Hope Mills.

Mr. Williams asked what the solution is to the problem of having industrial buildings that can't be used as they are and if you make a change that effects all industrial, and how can the Planning Board help in resolving the issue, and how long has it been since Hope Mills has had manufacturing in the facility.

Mr. McLaughlin said that not since he has been there, but there isn't an issue in Hope Mills for lack of utilization of industrial builders, but there is an issue with the subject property. But there are uses that have been approved in the subject building. We don't have a problem with a lack of utilization of existing industrial buildings, we're trying to attract more.

Mr. Crumpler asked if Hope Mills would be open to a possible mixed use.

Mrs. Lynd said the property would have to be split zoned to accomplish that.

Mr. McLaughlin said that he doesn't know if the applicant is interested in that. Industrial uses carry the highest return on tax value, a rezoning from industrial to commercial will not be well received in Hope Mills.

Mrs. Lynd explained why the applicant submitted the request for the text amendment.

Mr. Lloyd said that there is a demand for warehouse space and a lot of the industrial buildings can be converted.

**In Case P20-17, Mr. Lloyd made a motion, seconded by Mr. Burton to recommend denial of the proposed text amendment to the Hope Mills Zoning Ordinance and find this text amendment is not consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 1 of A More Diversified Local Economy recommendation of local governments being active participants and facilitators of industrial development opportunities. Policy Area 1 also recommends that appropriate opportunity sites for manufacturing and new technology enterprises shall be protected through appropriate zoning. Denial of this text amendment is also reasonable and in the public interest as approval would allow a use that has impacts most similar to commercial usage and if allowed to be developed in industrial zones/buildings, would lessen the amount of good/vacant industrial land that could be utilized by industry. Indoor recreation is also not consistent with the definition of M(P) Planned Industrial District in the Hope Mill Zoning Ordinance. Unanimous approval.**

- F. **P20-44.** REZONING OF 2.06+/- ACRES FROM C3 HEAVY COMMERCIAL & RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3830 ELIJAH B PLACE, SUBMITTED BY HEATHER YOUNG GORMAN & ROBERT E. GORMAN (OWNERS) & YARBOROUGH, WINTERS & NEVILLE, P.A. (AGENT).

Mrs. Lynd presented the case information and photos.

In Case P20-44, the Planning & Inspections staff recommends denial of the rezoning request from C3 Heavy Commercial and RR Rural Residential to RR Rural Residential and find the request not consistent with the South Central Land Use Plan (2015) which designates this parcel for "Heavy Commercial" as RR Rural Residential is a residential designation. Denial of the request is reasonable and in the public interest as the district requested is not in harmony with surrounding existing zoning.

Chair Wheatley opened the public comment period.

There were people signed up to speak in favor.

Mr. Thomas Neville spoke in favor for the applicant. Mr. Neville presented his argument for why the property should be rezoned. The applicants want to rezone their property to be consistent with the property adjacent to the subject property which is also owned by the applicants. Mr. Neville showed before and after photos of the subject property.

Mr. Lloyd asked if there was ever anything located on the subject property.

Mr. Neville said in the 1970's there was a house, then that house taken down and in 1999 another house constructed in the area that is RR, that house is no longer there.

Mr. Lloyd said he was trying to figure out how the property was zoned RR and why the applicant just wouldn't ask for a rezoning of R40

Mr. Neville said that his clients have no objection to R40 they truly intend to put nothing other than their house there.

Mr. Crumpler asked about the acreage and if it was total or what is now RR.

Mrs. Lynd pointed out what the two acres represents.

Public comment period closed.

**In Case P20-44, Mr. Lloyd made a motion, seconded by Mr. Stewart to deny the rezoning request from C3 Heavy Commercial and RR Rural Residential to RR Rural Residential and instead move to approve a rezoning to R40 Residential and find: a. This rezoning request 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 parcel meets the location criteria for R40 Residential as defined in the Land Use Policies Plan (2009) and while the South Central Plan designates this parcel for "Heavy Commercial", much of the surrounding area that is zoned commercial has never been developed and would not have access to public water or sewer; c. And this rezoning approval of R40 Residential is reasonable and in the public interest as the R40 district is in harmony with the existing residential uses that have been developed in the area and the access road is better suited for residential traffic as opposed to commercial usage. Unanimous approval.**

- G. **P20-43.** REZONING OF 20.61+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7149 BUTLER NURSERY ROAD, SUBMITTED BY KYLE A. DIXON (OWNER) & TIM EVANS (AGENT).

Mrs. Lynd presented the case information and photos.



In Case P20-43, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agricultural to R40 Residential and finds the request generally consistent with the South Central Land Use Plan (2015) designation of "Farmland" as it allows a density of one unit per acre on tracts greater than 10 acres that have favorable soil conditions and desires stick-built homes. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing uses and zoning and any subdivision of the property will require a development review.

There were people signed up to speak in favor and in opposition. The public comment period was opened.

Tim Evans spoke in favor. Mr. Evans stated that they are looking at about seventeen lots, with A1 zoning they will have ten lots. Mr. Evans said that in regards to the GenX problem with Chemours, they have been digging their wells deeper and they haven't had any issues, and they are putting in reverse osmosis systems in their homes there have been no problems with selling homes in Grays Creek.

Mr. Scott Smith spoke in opposition. Mr. Smith stated that he owns a flight school and maintenance facility on his property, it is a family operated business. It is also an FAA recognized public use airport. They have over one hundred students, sixty-eight of them are active duty military, they are working with the credentialing assistance program to help them have a career path when they leave the military. Mr. Smith said they have been very busy about twelve hundred and fifty flight hours in the last three months that's about fourteen hours a day of flying, and a majority of that is landings. The subject property is right near the approach end. Mr. Smith provided photos to the board of his airport to show the approach and departure corridor. Mr. Smith's main concerns are about safety for his pilots and civilians.

Mr. Lloyd asked where the approach is in relation to the subject property.

Mr. Smith pointed that out on the map.

Mr. Crumpler asked about a specific structure that was on the property.

Mr. Smith said it was a shed.

Mr. Crumpler asked Mr. Smith if the planes would be coming over the houses that the applicant is proposing.

Mr. Smith said some of them will.

Mr. Lloyd asked Mr. Smith when looking at the approach zone only about four acres to the northeast where he can have already one unit for two acres, that part of the request is the major concern for you.

Mr. Smith said the approach path is designed for all airports to be clear, they do not have the luxury of owning the land across the street and clearing the trees. The lot is basically encompassing that whole safety zone.

Mr. Ray Cain spoke in opposition. Mr. Cain said he sees the planes everyday and they are pretty close. Mr. Cain said his concerns are with the roads, schools, and the problems with GenX, we don't have the facilities to deal with this proposal.

Ms. Carla Giles spoke in opposition. Ms. Giles said her concerns are with the peace and quiet that she has and does not want it built up. She is also concerned about the wildlife in the area.

Mr. John Cain spoke in opposition. Mr. Cain stated that he concerned about the schools being overcrowded, GenX, and hears the planes every day.

Public comment period was closed.

Mr. Lloyd said that the schools and roads are something you hear about in every rezoning case, roads and schools are reactionary. You're not going to get them built until they are needed. The safety issue is another thing, the planes take off on the northeast side, and said he would ask the applicant if he would be willing to amend his request to not include that section.

Mr. Howard said if that was the direction they wished to go, another alternative would be to do a conditional zoning district and put the condition on that it remain open space, but the applicant would need to agree to that.

Chair Wheatley said that her concern with the Grays Creek area is the issue with the chemical problems that have not been addressed, and what happens when someone goes to put a well in, is the Health Department testing before they allow this continued problem.

Mrs. Lynd said that it is our understanding that the Health Department cannot do that testing because most of that testing is done through the State.

Mr. Howard said that from a policy perspective and a legal perspective we did not want to hinge staff recommendations on that because we don't know where defined boundaries of the contamination are, so we are falling back on what our policies are and looking at it from a purely land use issue.

Mr. Lloyd asked Mr. Evans if he was willing to amend the application and come back for a conditional zoning to restrict the use of the identified section of land.

Mr. Evans said they are willing to bend and amend the application and come back in November.

**Mr. Lloyd made a motion, seconded by Mr. Crumpler to defer Case P20-43 to the November 17, 2020 Planning Board meeting to come back with an amended application for a Conditional Zoning District. Unanimous approval.**

## X. DISCUSSION

- DIRECTOR'S UPDATE
  - Mr. Howard went over the proposal for the rezoning process special legislation with the Board
  - Mr. Howard discussed lunch training sessions with the Board

## XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:42 pm.