

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

February 16, 2021

Members Present

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

Members Absent

Others Present

Mr. David Moon
Mr. Rawls Howard
Mrs. Laverne Howard
Mr. Rick Moorefield
County Attorney
Ms. Annie Melvin

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were no adjustments to be made to the agenda.

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

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Manning advised the Board that he would abstain from voting on Case P21-05.

V. APPROVAL OF THE MINUTES OF JANUARY 21, 2021

Mr. Lloyd made a motion, seconded by Mrs. McLaughlin 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.



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VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P21-12.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX ALLOWING RECREATION OR AMUSEMENT PUBLIC/PRIVATE (SEC. 920) NOT OPERATED AS A BUSINESS FOR PROFIT INCLUDING PLAYGROUNDS, NEIGHBORHOOD CENTER BUILDINGS, PARKS, MUSEUMS, SWIMMING POOLS, ETC., & NOT REGULATED BY SEC. 924 AS A PERMITTED USE WITHIN THE CD CONSERVANCY, A1 AGRICULTURAL, A1A AGRICULTURAL, R40 RESIDENTIAL, R40A RESIDENTIAL, R30 RESIDENTIAL, R30A RESIDENTIAL, RR RURAL RESIDENTIAL, O&I(P) PLANNED OFFICE & INSTITUTIONAL, C1(P) PLANNED LOCAL BUSINESS, C2(P) PLANNED SERVICE AND RETAIL AND C(P) PLANNED COMMERCIAL DISTRICTS BY INSERTING A "P" IN THE RESPECTIVE DISTRICT'S COLUMN AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

In Case P21-12, the Planning & Inspections staff recommends approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan's goal of emphasizing park and recreation development and that the respective development be located and designed according to population density and needs of the people residing in the park service area. Approval of this text amendment is reasonable and in the public interest as it will provide for a more streamlined process for revisions to existing or newly developed park spaces in areas with larger lots sizes to encourage their development while keeping the needed higher scrutiny in more urban areas.

In Case P21-12, Mr. Crumpler made a motion, seconded by Mr. Manning to recommend approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan's goal of emphasizing park and recreation development and that the respective development be located and designed according to population density and needs of the people residing in the park service area. Approval of this text amendment is reasonable and in the public interest as it will provide for a more streamlined process for revisions to existing or newly developed park spaces in areas with larger lots sizes to encourage their development while keeping the needed higher scrutiny in more urban areas. Unanimous approval.

REZONING CASES

- B. **P21-08.** REZONING OF 2.75+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1030 & 1034 TYSON MARINE DRIVE, SUBMITTED BY JOHN MCCONNELL ON BEHALF OF MC5 REALTY GROUP (OWNER).

In Case P21-08, the Planning & Inspections staff recommends approval of the rezoning request from M(P) Planned Industrial to C2(P) Planned Service and Retail and finds the request consistent with the South Central Land Use Plan (2015) designation of "Airport Oriented Uses" and "Coliseum Development". The "Airport Oriented Uses" designation is intended to protect the Airport from unwanted encroachment, protect human life, and allow for future expansion. Uses allowed in the area must be compatible with other uses in area and do not impact the area negatively. The "Coliseum Development" designation is intended for area that is immediately around the Crown Coliseum Complex. Uses allowed in this area include any use that is compatible, compliant, and enhances the Crown Coliseum Complex. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and the parcel has access to public water.



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In Case P21-08, Mr. Crumpler made a motion, seconded by Mr. Manning to recommend approval of the rezoning request from M(P) Planned Industrial to C2(P) Planned Service and Retail and finds the request consistent with the South Central Land Use Plan (2015) designation of "Airport Oriented Uses" and "Coliseum Development". The "Airport Oriented Uses" designation is intended to protect the Airport from unwanted encroachment, protect human life, and allow for future expansion. Uses allowed in the area must be compatible with other uses in area and do not impact the area negatively. The "Coliseum Development" designation is intended for area that is immediately around the Crown Coliseum Complex. Uses allowed in this area include any use that is compatible, compliant, and enhances the Crown Coliseum Complex. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and the parcel has access to public water. Unanimous approval.

- C. **P21-10. REZONING OF 0.74+/- ACRES FROM C(P) PLANNED COMMERCIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8909 CLINTON ROAD, SUBMITTED BY DANNY AND LORIE JOHNSON (OWNERS) AND TERRY C. FAIRCLOTH, PLS (AGENT).**

In Case P21-10, the Planning & Inspections staff recommends approval of the rezoning request from C(P) Planned Commercial to A1 Agricultural and finds the request consistent with the Stedman Land Use Plan (2020) designation of "Suburban Density Residential" as it requires that any lot within this designation to be at least 20,000 square feet. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses, zoning, and lot sizes.

In Case P21-10, Mr. Crumpler made a motion, seconded by Mr. Manning to recommend approval of the rezoning request from C(P) Planned Commercial to A1 Agricultural and finds the request consistent with the Stedman Land Use Plan (2020) designation of "Suburban Density Residential" as it requires that any lot within this designation to be at least 20,000 square feet. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses, zoning, and lot sizes. Unanimous approval.

- D. **P21-11. REZONING OF 2.54+/- ACRES FROM C(P) PLANNED COMMERCIAL, M(P) PLANNED INDUSTRIAL AND R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF THE INTERSECTION OF SR 1132 (LEGION ROAD) AND NC 162 (ELK ROAD), SUBMITTED BY DAVID MURRAY, LEGION ROAD INVESTMENTS, LLC; QUEENSWAY, LLC; CE PROPERTIES, LLC AND DOROTHY M. & EDWARD R. RIDDLE (OWNERS) AND PETER DOSTER (AGENT). (HOPE MILLS)**

In Case P21-11, the Planning & Inspections staff recommends approval of the rezoning request from C(P) Planned Commercial, R10 Residential, and M(P) Planned Industrial to C1(P) Planned Local Business and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of Heavy Commercial" and "Light Industrial". The "Heavy Commercial" designation is designed to provide for shopping needs of the immediate neighborhood and traveling public and is usually located the major intersections. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses, zoning, and the site is located at a heavily trafficked intersection.

In Case P21-11, Mr. Crumpler made a motion, seconded by Mr. Manning to recommend approval of the rezoning request from C(P) Planned Commercial, R10 Residential, and M(P) Planned Industrial to C1(P) Planned Local Business and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of Heavy Commercial" and "Light Industrial". The "Heavy Commercial" designation is designed to provide for shopping needs of the immediate neighborhood and traveling public and is usually located the major intersections. Approval of the request is reasonable and in



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the public interest as the district requested is in harmony with surrounding existing land uses, zoning, and the site is located at a heavily trafficked intersection. Unanimous approval.

- E. **P21-13.** REZONING OF 0.87+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO O&I(P) PLANNED OFFICE & INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3190 NATAL STREET, SUBMITTED BY PUROLATOR FILTERS NA LLC (OWNER) AND LORI S. EPLER ON BEHALF OF LARRY KING & ASSOCIATES (AGENT).

In Case P21-13, the Planning and Inspections staff recommends approval of the rezoning from M(P) Planned Industrial to O&I(P) Planned Office and Institutional and find: a. The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel meets the location criteria for "Office and Institutional Development" as defined in the Land Use Policies Plan (2009) and rezoning the parcel to O&I(P) will make the existing land use conforming; c. And this rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning on the Natal Street corridor and existing land uses.

In Case P21-13, Mr. Crumpler made a motion, seconded by Mr. Manning to recommend approval of the rezoning from M(P) Planned Industrial to O&I(P) Planned Office and Institutional and find: a. The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel meets the location criteria for "Office and Institutional Development" as defined in the Land Use Policies Plan (2009) and rezoning the parcel to O&I(P) will make the existing land use conforming; c. And this rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning on the Natal Street corridor and existing land uses. Unanimous approval.

- F. **P21-14:** REZONING OF 1+/- ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SR 1246 (ELWOOD DRIVE) AND NC 59 (HOPE MILLS ROAD), SUBMITTED BY JOSEPH AND TRINA RIDDLE & PAUL JOSEPH AND MARY HAZEL DIETZEN (OWNERS). (HOPE MILLS)

In Case P21-14, the Planning & Inspections staff recommends approval of the rezoning request from R10 Residential to C(P) Planned Commercial and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" and "Low Density Residential". The "Heavy Commercial" designation provides for the shopping needs of the immediate neighborhood and the traveling public. Both designations desire public water and sewer. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

In Case P21-14, Mr. Crumpler made a motion, seconded by Mr. Manning to recommends approval of the rezoning request from R10 Residential to C(P) Planned Commercial and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" and "Low Density Residential". The "Heavy Commercial" designation provides for the shopping needs of the immediate neighborhood and the traveling public. Both designations desire public water and sewer. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning. Unanimous approval.



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VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- G. **P21-02.** REZONING OF 1.53+/- ACRES FROM R40A RESIDENTIAL TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WESTERN SIDE OF THE INTERSECTION OF SR 2252 (CHICKEN FOOT ROAD) & MCCALL ROAD, SUBMITTED BY H & S INVESTMENTS OF NC, LLC (OWNERS) AND TIM EVANS (AGENT).

Mr. Moon presented the photos and case information.

In Case P21-02, the Planning and Inspections staff recommends denial of the rezoning request from R40A Residential to R30 Residential and find the request is not consistent with the South Central Land Use Plan (2015) which calls for "Farmland" at this location. The "Farmland" area is an agricultural or farming area which allows residential development at a density of generally one unit/2 acres. R30 Residential allows for a density of one unit/30,000 sq ft. Staff further finds that denial of the request is reasonable and in the public interest because the R30 district is not in harmony with the surrounding zoning and existing land uses.

There was no one present to speak in favor or in opposition.

Mr. Lloyd made a statement about one of the slides, he said that he wanted staff to go check, because he was certain that the South Central Land Use Plan does not say public water, if there was public water you could go to the RR density or one half unit per acre. He thinks the slide was wrong requiring public water, the policy has always been in farmland to ten acres or less you could go to R40 without public water.

Mr. Howard read from the staff report where it said the Planning Board's policy is to allow rezoning to one acre lots on tracts ten acres or less in the farmland area with suitable soils.

Mr. Lloyd said he was addressing the slide with the public water requirement.

In Case P21-02, Mrs. Moody made a motion, seconded by Mr. Burton to recommend denial of the rezoning request from R40A Residential to R30 Residential and find the request is not consistent with the South Central Land Use Plan (2015) which calls for "Farmland" at this location. The "Farmland" area is an agricultural or farming area which allows residential development at a density of generally one unit/2 acres. R30 Residential allows for a density of one unit/30,000 sq ft. Staff further finds that denial of the request is reasonable and in the public interest because the R30 district is not in harmony with the surrounding zoning and existing land uses. Unanimous approval.

- H. **P21-05.** REZONING OF 69.53+/- ACRES FROM R6A RESIDENTIAL, RR RURAL RESIDENTIAL AND R10 RESIDENTIAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF ODELL ROAD AND WEST OF NC 87 (N BRAGG BLVD), SUBMITTED BY VICTORIA MCLEOD (POWER OF ATTORNEY) ON BEHALF OF ELMA S. SMITH (OWNER) AND MICHAEL BLAKLEY ON BEHALF OF DRAFTING AND DESIGN SERVICES, INC. (AGENT). (SPRING LAKE)

Mr. Moon presented the photos and case information.

In Case P21-05, the Planning and Inspections staff recommends denial of the rezoning request from R6A Residential, RR Rural Residential, and R10 Residential to R6A Residential and find the request is not consistent with the Spring Lake Area Land Use Plan (2002) which calls for "Open Space, Heavy Industrial,

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and Medium Density Residential" at this location. The "Heavy Industrial" area is generally meant to protect the integrity of the military base's operations. The "Medium Density Residential" allows for 6.1 to 15 units per acre and requires public sewer and water. While R6A Residential does comply with the "Medium Density Residential" designation, it does not comply with the portion of the property that calls for "Heavy Industrial". The RLUAC Joint Land Use Study also identifies this property as critical to conserve. Staff further finds that denial of the request is reasonable and in the public interest because the R6A district would allow dwelling types and a density that would not be compatible with the proximity to the military base.

There were people signed up to speak in favor.

Public comments were opened.

Mr. Tonny McNeil, Executive Director of Spring Lake Economic Development, spoke in favor. Mr. McNeil stated that the request was for a twenty-five-million-dollar project that would greatly increase the tax base for the County and for the Town of Spring Lake a hundred new water customers will be gained because Spring Lake is its own water and sewer utility, upgraded infrastructure, each of the utility companies will acquire new customers, there will be improved roads, new water and sewer lines, enhanced fire protection with new fire hydrants, which will lower insurance rates for residents, there will be a lot of improvements with this project. Mr. McNeill went on to say that Spring Lake's success is also the County's success and the State's success. This project addresses the need for workforce housing.

Chair Wheatley asked Mr. McNeil if he had communicated with Ft. Bragg and RLUAC.

Mr. McNeil said that he had not.

Chair Wheatley said that from her understanding in the past there have been some agreements with Ft. Bragg and RLUAC about what would be happening around their flight paths.

Mr. McNeil said that they do have meetings quite often with the Garrison Commander.

Mrs. McLaughlin asked Mr. McNeil if they had spoken to him about this project.

Mr. McNeil responded no.

Mr. Lloyd asked Mr. McNeil if he had participated in the Joint Land Use Study of 2018.

Mr. McNeil said no, he did not start with Spring Lake until mid-fourth quarter. Mr. McNeil said that they have had conversations about the housing needs on Ft. Bragg and the deficiencies in the current housing situation. There is a substantial need for housing in Spring Lake.

Mr. Michael Blakely spoke in favor. Mr. Blakely explained to the Board why they picked the R6A zoning, it was based on the building setbacks, they were looking at the additional depth the R6A gives them. They will be looking at wider lots with wider houses. None of the wetlands in the presentation will be developed.

Public comments were closed.

Mr. Lloyd asked if they had come in with conditional zoning and only developed that portion of the lot to medium density residential outside of the APZ1 than the staff would have had to go with it because it would have been plan compliant.

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Mr. Howard said they would have taken into consideration if it were handled that way.

Mr. Lloyd asked the applicant if he could have done what he wanted to do in medium residential.

Mr. Blakely said yes, we would have been right there at it. We were trying to use all the usable property.

Mr. Lloyd said it is difficult to go against the RLUAC study. If it were outside of the APZ1 it would be much easier.

The applicant was offered the option of coming back with a conditional use application.

Mr. Stewart asked Mr. Blakely if they were working with the town on this.

Mr. Blakely said yes and was pretty sure the Town would support this.

Mrs. McLaughlin stated that she had several calls from the Town and was not sure if they would be supportive and she also stated that she would like to see the applicants work more with Ft. Bragg and RLUAC on this.

Mr. Blakely said that they did not want to do a conditional use application and just wanted the Board to go ahead and vote on the case.

In Case P21-05, Mr. Burton made a motion, seconded by Mrs. Moody to recommend denial of the rezoning request from R6A Residential, RR Rural Residential, and R10 Residential to R6A Residential and find the request is not consistent with the Spring Lake Area Land Use Plan (2002) which calls for "Open Space, Heavy Industrial, and Medium Density Residential" at this location. The "Heavy Industrial" area is generally meant to protect the integrity of the military base's operations. The "Medium Density Residential" allows for 6.1 to 15 units per acre and requires public sewer and water. While R6A Residential does comply with the "Medium Density Residential" designation, it does not comply with the portion of the property that calls for "Heavy Industrial". The RLUAC Joint Land Use Study also identifies this property as critical to conserve. Staff further finds that denial of the request is reasonable and in the public interest because the R6A district would allow dwelling types and a density that would not be compatible with the proximity to the military base. Unanimous approval with Mr. Manning abstaining.

- I. **P21-09. REZONING OF 4.97+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3285 GABE SMITH ROAD, SUBMITTED BY JOHN H. SANOSKE (OWNER).**

Mr. Moon presented the photos and case information.

In Case P21-09, the Planning and Inspections staff recommends denial of the rezoning from A1 Agricultural to RR Rural Residential and find the request is not consistent with the Eastover Area Land Use Plan (2018) which calls for "Rural Density Residential Max density 30,000 sq. feet" at this location. The "Rural Density Residential Max density 30,000 sq. feet" has a minimum lot size of 30,000 square feet. Staff further finds that denial of the request is reasonable and in the public interest because the RR district is not in harmony with the surrounding zoning density and the parcel lacks access to public sewer.

There was one person signed up to speak in favor.

Public comments opened.

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Mr. Sanoske, the applicant explained what his plans were to build an indoor recreation center on the property.

Public comments closed.

Mr. Lloyd asked how many lots the applicant was trying to get.

Mr. Sanoske responded just one, they were planning to build a forty thousand square foot building.

Mr. Crumpler asked even though the applicant is asking for RR would that require a special use.

Mr. Howard responded no, indoor recreation and amusement is permitted in RR zoning.

Mr. Crumpler said that piece of property is really wet.

Mr. Sanoske said he disagreed, it is one of the driest pieces of property, it is high, the water has good runoff and good drainage.

Mr. Lloyd said that density is the issue with RR versus R30 and wanting to maintain large lot development. Mr. Lloyd asked Mr. Sanoske if anyone advised him if he wanted to do this business to come in with a conditional zoning showing what he wanted to do.

Mr. Sanoske said he spoke to someone in Planning and he was told that he needed to do RR zoning, he had a survey done and came in and put his application in. Mr. Sanoske said if he needed to change it, he was fine with that.

In Case P21-09, Mrs. Moody made a motion, seconded by Mr. Manning to defer the case until the March 16, 2021. Unanimous approval.

- J. **P21-15:** REZONING OF 0.18+/- ACRES FROM R6 RESIDENTIAL TO R15 RESIDENTIAL/CZ CONDITIONAL ZONING FOR RECREATION/AMUSEMENT PUBLIC/PRIVATE (NOT OPERATED AS A BUSINESS FOR PROFIT) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5439 FOUNTAIN LANE, SUBMITTED BY CHANCER MCLAUGHLIN ON BEHALF OF THE TOWN OF HOPE MILLS (OWNER). (HOPE MILLS)

Mr. Moon presented the photos and case information.

In Case P21-15, the Planning and Inspections staff recommends denial of the rezoning from R6 Residential to R15 Residential/CZ Conditional Zoning for recreation/amusement public/private (not operated as a business for profit) and find the request is not consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "Medium Density Residential" at this location. The "Medium Density Residential" area designation allows for a density of greater than six but less than 15 units per acre. Staff further finds that denial of the request is reasonable and in the public interest because the proposed use of a parking lot is not in harmony with the existing land uses of a residential neighborhood.

Public comments opened.

Mr. Chancer McLaughlin, Planner and Economic Development Director for the Town of Hope Mills spoke in favor. Mr. McLaughlin stated that this was a town-initiated project. The Town Board directed the Public Works Department to proceed with bringing the Big T's structure into compliance with ADA regulations, that is how

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this all started. About the same time, the Town purchased the subject property because there are massive parking issues in this area, and we are trying to take advantage of any opportunity to expand our parking. The access on Fountain Lane is needed to create better traffic flow because this lot will be consolidated with the existing lake property so there is access on Fountain Lane and the access off Main Street will still be maintained. This access off Fountain Lane is also needed because they are anticipating an increase in lake usage and trucks using the boat docks will come in from this section. The rezoning to R15 brings the subject property into compliance with the existing zoning of the lake as R15, and with the conditional zoning he knows there are concerns, but if there are any concerns with the future use and there is any change to the site plan it would have to come before the Planning Board and Town Board for reconsideration. Staff has been in contact with NC DOT and they do not have any objections to this case.

Chair Wheatley confirmed what Mr. McLaughlin said about the Hope Mills Commissioners being in favor of this project.

Mr. McLaughlin said that was correct.

Mr. Crumpler asked about the town potentially buying the burnt-out lot that Mr. McLaughlin mentioned.

Mr. McLaughlin stated that he was not at liberty to talk about that, but those are options that are available.

Mr. Manning asked about other properties that run adjacent to R15 that are R6 right now, and if there were plans to change that to R15.

Mr. McLaughlin said more of a push to make it R15, make the properties the same zoning.

Mr. Robert McLean spoke in opposition. Mr. McLean is opposed to the rezoning due to his concerns about how the road cannot handle the traffic increase. His concerns are with the increased traffic and safety issues this would cause.

Mrs. Moody let the Board know as the Hope Mills Representative, that Hope Mills has spent a lot of money on development of the lake, when you look at the increase in the lake usage, they need more parking space. She advised that she would be voting against the staff recommendation and voting in favor of the request and hope that the Board would support her.

Mr. Manning asked if the lot was big enough for trucks and cars.

Mr. McLaughlin in terms of the width he doesn't know if it will be specifically tied to just parking for the trucks, but he does know that there is an entrance on the other two properties to expand, but thinks this property fits the need that they have right now.

Mr. Lloyd asked Mr. McLaughlin if there were any plans to place lighting in the area.

Mr. McLaughlin stated that he was pretty sure that they will make sure that the site in this area will make it secure and said that he was sure the Board would reject lighting if there was a concern.

Mr. Crumpler asked if Fountain Lane was a DOT maintained street.

Mr. McLaughlin stated that it was a Town maintained road. He also stated that as situations present themselves the Town will address them.



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Mr. Lloyd asked if Mr. McLaughlin would mind if they put a condition that the lot be well lit which was an issue that was addressed by the neighbor.

Mr. McLaughlin said that he did not think that would be a problem at all.

In Case P21-15, Mrs. Moody made a motion, seconded by Mr. Manning to recommend approval of the rezoning from R6 Residential to R15 Residential/CZ Conditional Zoning for recreation/amusement public/private (not operated as a business for profit) to include the conditional zoning conditions and the site plan, and include the condition to add lighting. The Board finds the additional parking is needed and the subject property is vacant and available for public use. The motion passed with Chair Wheatley and Vice-Chair Crumpler voting in opposition.

IX. PUBLIC HEARING WAIVER CASE

- K. **CASE NO. 20-151.** CONSIDERATION OF THE TERRONE STREET PROPERTY; SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT FOR DIRECT ACCESS TO A PRIVATE OR PUBLIC STREET FOR GROUP DEVELOPMENT; COUNTY SUBDIVISION ORDINANCE, SECTION 2401.D, GROUP DEVELOPMENTS; ZONED: RR; TOTAL ACREAGE: 10.00+/-; LOCATED AT 4075 MISSION HILL ROAD; SUBMITTED BY TERRONE STREET ON BEHALF OF WALTER & MAUDE ESTATE, LLC. (OWNER).

Chair Wheatley swore in Mr. Howard and Mr. Street, the applicant.

Mr. Howard presented the case information and photos.

This is a request to allow a group development of three residential structures without direct access to a public or private street per the County Subdivision Ordinance.

The subject property was created by deed on December 18, 1915 (Deed Book 188, Pages 100-100A). Due to the size of the lot, it is not subject to the County's Subdivision ordinance, however, group development reviews are still mandatory. Mission Hill Road is a public right-of-way, but the public portion of the right-of-way ends approximately 496' before the subject property.

Mr. Moorefield advised the board that there was nothing in the request that relates to the County Ordinance requirements, Mr. Moorefield said that the applicant, when he gets up to speak can talk about whatever easement he thinks he has, because with the general research that was done it shows that there was no easement. Mr. Moorefield went on to explain why we have waiver cases and what the Board should consider when voting on the cases.

The Public Hearing opened.

Mr. Street spoke in favor. Mr. Street said there was a legal easement for the property which was obtained in the last three or four months. It was given to them by Saint James Inc. The family has lived on the property for over one hundred years, and two family members are living on the property now. The structure that is there now is just used for storage, and they want to move his seventy-two-year-old deaf brother into a trailer on this property so he can be around other family members.

Mr. Moorefield suggested recessing the case until Mr. Street could produce the easement and give staff a chance to look at it, if he has an easement that would give us something to work with.

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Chair Wheatley presented that option to Mr. Street.

Mr. Street apologized for not doing this the way it should have been done, it was important to get the brother moved out of his apartment as soon as possible.

Chair Wheatley asked Mr. Street again if he was willing to recess and come back with the easement and work with staff.

Mr. Street said he was willing to do that.

Chair Wheatley recessed the meeting until March 16, 2021.

X. NOMINATIONS COMMITTEE VOTE

Mrs. McLaughlin reminded the Board that the Nominations Committee nominated Vice-Chair Crumpler for Chairman and Mr. Thomas Lloyd as Vice-Chair to finish the term of the departing Chair Wheatley.

Mrs. McLaughlin made a motion, seconded by Mrs. Moody to approve the nominations of Mr. Crumpler to Chairman and Mr. Lloyd as Vice-Chairman to finish out the unexpired term of Chair Wheatley. Unanimous approval.

X. DISCUSSION

- CUMBERLAND COUNTY SCHOOLS

Mark Whitley Director of Operations & Planning for Cumberland County Schools discussed with the Board how the school system plans for growth in the County.

- DIRECTOR'S UPDATE

Mr. Howard gave an update on the Bethany Land Use Plan – the plan would be ready to present in April.

- Mr. Howard presented Chair Wheatley a plaque of appreciation for her time and service on the Planning Board.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:24 pm.