

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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

Vacant
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

MINUTES

February 19, 2019

Joel Strickland,
Acting Director

Vacant,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

Members Present

Mrs. Diane Wheatley, Acting Chair
Dr. Vikki Andrews
Mr. Harvey Cain Jr.
Mr. Carl Manning
Mr. Stan Crumpler
Mrs. Jamie McLaughlin
Mrs. Lori Epler
Ms. Patricia Hall

Members Absent

Mr. Charles Morris

Others Present

Mr. Joel Strickland
Ms. Annie Melvin
Mr. Mark Blackwell
Mrs. Laverne Howard
Mr. Edward Byrne
Mr. Rob Hasty,
Asst. County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mrs. McLaughlin advised the Board that she wanted Case P19-06 moved to Contested Items.

Mrs. McLaughlin made a motion seconded by Mr. Manning to approve the adjustment to the agenda. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Strickland read the policy statement.

VI. APPROVAL OF THE MINUTES OF JANUARY 15, 2018

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

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P19-10: REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CODE OF ORDINANCES, CHAPTER 42 ZONING BY AMENDING ARTICLE III. – PERMITTED, CONDITIONAL, AND SPECIAL USES SECTION 42-63.3. – USE MATRIX ALLOWING CALL CENTER BY INSERTING A “P” INDICATING PERMITTED USE IN THE C(P)/C3 COLUMN AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)**

BACKGROUND: Proposed changes to Spring Lake Zoning Ordinance Article III, Section 42-63.3:

- Call centers will become a permitted use within the C(P) Planned Commercial and C3 Heavy Commercial districts.

RECOMMENDATION: In Case P19-10, the Planning & Inspections staff recommends approval of the text amendment to the Spring Lake Zoning Ordinance finding it is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, specifically including: *Policy Area 1: A More Diversified Local Economy* and *Policy Area 9: Compatible Commercial Development* and the Spring Lake Area Land Use Plan (2003) goal of providing an atmosphere that promotes the expansion of commercial development that is dynamic, diverse and capable of providing a full range of business and economic opportunities; and further find that approval of the amendment is reasonable and in the public interest because the amendment if approved, would enable property owners and developers to market the call center use for commercial properties, therefore opening more opportunities for economic development. Additionally, this amendment was prepared and submitted by the Town of Spring Lake.

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

Ms. Hall made a motion, seconded by Dr. Andrews to approve the Text Amendment as submitted. Unanimous approval.

CONDITIONAL ZONING CASE

- B. **P19-01.** REZONING OF 1.46+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON EAST SIDE OF NC 59 (HOPE MILLS ROAD), WEST OF SR 1135 (JOHN SMITH ROAD), NORTH OF NC 162 (GEORGE OWEN ROAD); SUBMITTED BY ERIC & CARRIE BROWN (OWNERS) & MICHAEL J. ADAMS ON BEHALF OF M.A.P.S. SURVEYING INC. (AGENT). **(Applicant has modified request to rezone 2.18+/- acres to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales) (HOPE MILLS)**

In Case P19-01, the Planning and Inspections Staff recommends approval of the rezoning from R6A Residential & C(P) Planned Commercial to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales subject to the conditions within our packet and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan (2014) which calls for “heavy commercial” at this location, C(P) Planned Commercial is classified as a “heavy commercial” zoning district and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with the surrounding zoning and existing land uses.

In Case P19-01, Ms. Hall made a motion, seconded by Dr. Andrews to approve the rezoning from R6A Residential & C(P) Planned Commercial to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales subject to the conditions within our packet and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan (2014) which calls for “heavy commercial” at this location, C(P) Planned Commercial is classified as a “heavy commercial” zoning district and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with the surrounding zoning and existing land uses. Unanimous approval.

- C. **P19-07:** REZONING OF .94+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT/CZ CONDITIONAL ZONING FOR ALL ALLOWED USES WITHIN THE C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6428 & 6432 CAMDEN ROAD; SUBMITTED BY FADHL ALHOBISHI (OWNER) & MARK CANDLER ON BEHALF OF CANDLER & ASSOCIATES, INC. (AGENT). (HOPE MILLS)

In Case P19-07, the Planning and Inspections Staff recommends approval of the rezoning from C1(P) Planned Local Business District to C(P) Planned Commercial/CZ Conditional Zoning for all allowed uses within the C(P) Planned Commercial District subject to the conditions within our packet and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan (2014) which calls for “heavy commercial” at this location, C(P) Planned Commercial is classified as a “heavy commercial” zoning district and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with the surrounding zoning and existing land uses.

In Case P19-07, Ms. Hall made a motion, seconded by Dr. Andrews to approve the rezoning from C1(P) Planned Local Business District to C(P) Planned Commercial/CZ Conditional Zoning for all allowed uses within the C(P) Planned Commercial District subject to the conditions within our packet and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan (2014) which calls for “heavy commercial” at this location, C(P) Planned Commercial is classified as a “heavy commercial” zoning district and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with the surrounding zoning and existing land uses. Unanimous approval.

REZONING CASES

- D. **P19-08:** INITIAL ZONING OF 2.95+/- ACRES R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1112 (ROCKFISH ROAD), EAST OF SR 3091 (DEAVER CIRCLE); SUBMITTED BY NICHOLAS HARRELL (OWNER). (HOPE MILLS)

In Case P19-08, the Planning and Inspections Staff recommends approval of the initial zoning to R6 Residential and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan which calls for “medium density residential” at this location; and further find approval of the request is reasonable and in the public interest because the town initiated the request and the district requested is in harmony with the surrounding zoning and existing land uses.

In Case P19-08, Ms. Hall made a motion, seconded by Dr. Andrews to approve the initial zoning to R6 Residential and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan which calls for “medium density residential” at this location; and further find approval of the request is reasonable and in the public interest because the town initiated the request and the district requested is in harmony with the surrounding zoning and existing land uses. Unanimous approval.

- E. **P19-09:** REZONING OF 1.44+/- ACRES FROM R6A RESIDENTIAL/CU CONDITIONAL USE OVERLAY DISTRICT TO ALLOW THE PLACEMENT OF A RECREATIONAL VEHICLE IN AN APPROVED MANUFACTURED HOME PARK TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1132 (LEGION ROAD), NORTH OF SR 3009 (PIONEER DRIVE); SUBMITTED BY S. HEWITT FULTON, III ON BEHALF OF Z.V. PATE, INC. (OWNER) & ALEX T. KEITH (AGENT).

In Case P19-09, the Planning and Inspections Staff recommends approval of the rezoning from R6A Residential/CU Conditional Use Overlay District to allow the placement of a recreational vehicle in an approved manufactured home park to C(P) Planned Commercial and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan (2013) which calls for “heavy commercial” at this location, C(P) Planned Commercial is classified as a “heavy commercial” zoning district and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

In Case P19-09, Ms. Hall made a motion, seconded by Dr. Andrews to approve the rezoning from R6A Residential/CU Conditional Use Overlay District to allow the placement of a recreational vehicle in an approved manufactured home park to C(P) Planned Commercial and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan (2013) which calls for “heavy commercial” at this location, C(P) Planned Commercial is classified as a “heavy commercial” zoning district and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses. Unanimous approval.

VIII. PUBLIC HEARING CONTESTED ITEMS

TEXT AMENDMENT

- F. **P19-06:** REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CHAPTER 42, BY AMENDING ARTICLE XI. - SIGN REGULATIONS SEC. 42-293. – SIGNS PERMITTED BY DISTRICTS., SECTION (2) *PROFESSIONAL, COMMERCIAL AND INDUSTRIAL DISTRICTS.* SUB-SECTION (D) *C(P) PLANNED COMMERCIAL, HS(P) PLANNED HIGHWAY SERVICE AND C-3 HEAVY COMMERCIAL DISTRICTS.*, AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

Mr. Byrne presented the case information.

BACKGROUND: Proposed changes to Spring Lake Zoning Ordinance Article XI, Section 42-293.2.D:

1. Sites with one occupant will be allowed up to three attached signs, not to exceed two square feet in area for each front foot of structure that the occupant occupies;
2. Sites with two or more occupants will be allowed one attached sign per occupant, not to exceed two square feet in area for each front foot of structure that the occupant occupies.

RECOMMENDATION: In Case P19-06, the Planning & Inspections staff recommends approval of the text amendment to the Spring Lake Zoning Ordinance finding it is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, specifically including: *Policy Area 9: Compatible Commercial Development & Services* and *Policy Area 10: Community Appearance & Image* and the Spring Lake Area Land Use Plan (2003) goal of improving the appearance of major corridors through signage regulation and providing commercial development that is designed to be safe, attractive and compatible with surroundings; and further find that approval of the amendment is reasonable and in the public interest because the amendment if approved, would 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 Spring Lake.

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

Mrs. Epler asked how this compares to the County’s sign regulation on non-residential.

Mr. Byrne said it increases the number of signs and size of the signs that are allowed.

Dr. Andrews asked who specifically asked for this change.

Mr. Byrne said that one of the staff members approached us first and the request came from the Town Manager and they wrote it up. Mr. Byrne said he wasn’t sure who wrote it up, but the official request came from the Town Manager.

Mrs. Wheatley said that you would think that they would have notified the Town Representative about this.

Dr. Andrews said that was her concern, who presented it and why the Town Representative didn't know about it.

Mrs. Epler asked if County staff made recommendations regarding those changes. She would be interested to know how staff felt about it.

Mr. Byrne said that staff had questions about it, and he just confirmed that this was what they really wanted.

Mrs. McLaughlin made a motion, seconded by Mrs. Epler to defer this case to the April 16, 2019 Planning Board meeting, to have time to review with staff and the Town of Spring Lake. Unanimous approval.

CONDITIONAL ZONING CASES

- G. **P18-35. REZONING OF 21.56+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF LAZY ACRES STREET, EAST OF SR 2341 (CLAUDE LEE ROAD); SUBMITTED BY JOHN LEE, FRED LEE, JR. AND JAMES LEE (OWNERS) & JAMES C. ROBINSON (AGENT). (Applicant has modified request to RR Rural Residential/CZ Conditional Zoning for a recreational vehicle park and/or campground)**

Mr. Byrne presented the case information and photos.

In Case P18-35, the Planning and Inspections Staff recommends denial of the rezoning from M(P) Planned Industrial to RR Rural Residential/CZ Conditional Zoning for a recreational vehicle park and/or campground and find it is not consistent with the adopted South Central Land Use Plan (2015) which calls for "Airport Oriented Uses" at this location, the "Airport Oriented Uses" designation defines critical areas around the airport based on safety and the protection of citizens; and further find that denial of the request is reasonable and in the public interest because the level of density shown on the site plan is likely to create a situation that would not be compatible with airport operations at the southern end of the runway and the property lacks access to an approved street.

There were people present to speak in favor and opposition.

Public hearing opened.

James Robinson spoke in favor. Mr. Robinson stated that he made the suggested changes that Mr. Whited from the airport wanted, he had asked that the sites be moved and reduce the density. He gave me a small copy of the map with a line on it and said if the recreational vehicles are moved below the line, he would withdraw his objection to the request. There is access to a street, and he has the court documents to prove it. He stated that he tried to do everything that was asked of him and was told if he made the changes everything would be okay.

Dr. Andrews asked Mr. Robinson where the access was.

Mr. Robinson stated that Lazy Acres Street is the access street.

Mrs. Epler asked if Lazy Acres Street was a private or public street.

Mr. Robinson said it was a neighborhood public access road and recorded in Cumberland County as such.

Mrs. Epler asked if it was maintained by the Department of Transportation.

Mr. Robinson said it was maintained by Lazy Acres Campground.

Mrs. Epler asked if Mr. Robinson owned the property between Lazy Acres Street and Claude Lee Road and if there was a maintenance agreement recorded on the street

Mr. Robinson said he didn't own all of it and wasn't aware of a maintenance agreement.

Mr. Robert Clark spoke in favor. Mr. Clark stated that he used to own the property and was awarded a sixty foot right of way which the court designated as a neighborhood public road. By law the individual property owner is responsible for maintaining the road and keep it in a safe manner.

Mr. Bradley Whited spoke in opposition. Mr. Whited stated that he was present representing the airport as the Director. Mr. Whited said that he wanted to clarify a few things, he said he never gave Mr. Robinson his agreement that he would withdraw his opposition because the sheer volume of residential park sites is contrary to the airport clear zone. He has worked very hard with Mr. Robinson to show him how to stay as far away from the clear zone as he possibly could and doesn't think that he has a clear idea of what the runway and what the approach surface does. It's a trapezoidal and fans out as it gets further away. The site that he has laid out was reduced in half, however, when he presented his second layout the configuration was all on the north side which penetrates the clear zone. He tried to share with Mr. Robinson where he drew a line and said if he put the park in this location it would put you further away from the clear zone. But he decided to submit his plans as he did earlier and along with staff Mr. WHITED continues to object the expansion and request denial.

Mr. Manning asked Mr. Whited if the existing site was barely off his perimeter.

Mr. Whited said it's close to the clear zone.

Mr. Byrne showed the existing site on the map.

Dr. Andrews asked Mr. Whited if a plan was submitted that looked like the alternate site map he provided, if he would support it.

Mr. Whited stated that he wouldn't support it, he was trying to minimize the impact. It's not good practice.

Dr. Andrews said that there was no plan that he would approve.

Mr. Whited said no, it's not a compatible use.

Dr. Andrews asked if there was any planned expansion for the airport? If some version of this were to be approved would it have any impact on any planned expansion for the airport?

Mr. Whited said the impact is in the conflict between residential and commercial aviation. There will be noise impacts to these residents.

Mrs. Epler asked Mr. Whited if this board and the County Commissioners allows any new campsites on this piece of property, would it adversely affect any chance of the airport expanding?

Mr. Whited said he wasn't sure he could say that, it's not compatible with the plan that was put in place in 2015. There are no current plans for that runway to be expanded, but he can't speak to the future.

Mr. Crumpler asked why this request is not compatible.

Mr. Whited said the incompatibility is the density in residential, there is already quite a bit of residential around the airport. The FAA looks at residential, churches, schools, where you have high density of activity as not a compatible use for a clear zone or approach. This expansion is closer to the clear zone.

Public hearing closed.

Mrs. Epler said that her concern is the folks that are maintaining that property now, let's say five years from now they sell, there is no maintenance agreement on that street. If they sell that RV park to someone else, that person may not maintain that road. There will be ninety to one hundred people driving down that private street, and what if the new owner doesn't maintain that street. She's not saying that if they did have a maintenance agreement, she would support the request any more. You still have the airport issue to worry about, and she can't see putting people in a tin can waiting for a plane to drop on them.

Ms. Hall said that when this came before the board in December and they heard the same concerns and at that time, it was deferred so that it would give the applicant a chance to work with staff to come up with something that would be acceptable. It comes back with denial again, so nothing was worked out. Although the airport manager does have a possible solution, and wonders if that was presented to Mr. Robinson.

Mr. Byrne stated that the plan that the airport brought to us was not presented until the day before staff meeting. We had the plan that was done by the developer who said that he had worked with the airport manager and this is what they came up with.

Ms. Hall asked if it was received before the staff meeting why not defer the case for another month so that it could be considered.

Mr. Byrne stated that the applicant was advised about the other option and he was asked if he would be willing to revise his plan to be more like the airport manager had it and he responded with he had already spent enough money and wanted to go the way he presented it. He was opposed to do another revised change.

Ms. Hall asked if the applicant was aware of the fact that staff was recommending denial.

Mr. Byrne said at that time no because we hadn't had our staff meeting yet. But he was given the opportunity to revise his plan to more like the airports and he did not want to, he wanted to go with the plan he had.

Ms. Hall asked Mr. Robinson if he was interested in an alternative plan.

Mr. Robinson said that he was and said he had never seen the other plan but would gladly modify his plan. Mr. Robinson said he was asked to reduce density and he did.

Ms. Hall said that the airport manager said that he had sent the plan to you.

Mr. Robinson said he had never seen it before.

Mr. Byrne said that the airport manager sent an email that said the design was not what was discussed with the applicant.

Mrs. Epler said to Mr. Robinson that it appears that he submitted a site plan, he revised that site plan when the case was deferred. The site plan that he brought in is not something that the airport can support they sent a different drawing to the Planning staff, staff contacted you and you were not willing to change your site plan at that time. Now that you have seen the site plan that the airport has, are you willing to let us defer this for another month and come back with a site that the airport says they may consider.

Mr. Robinson said he would be willing to do that.

Mrs. Epler said that this is something that they still may not approve of it at that time because this use is still something that in this area the Land Use Plan doesn't support.

Mrs. Wheatley said that she had a feeling that the airport would not approve of this.

Mrs. Epler recommended that Mr. Robinson get with the airport manager before he pays his engineer and be very clear on what he plans can do and what the airport manager can support.

Ms. Hall asked staff, if the necessary changes were made, would the recommendation for denial be the same.

Mr. Byrne said it probably will because it goes against the Land Use Plan.

In Case P18-35, Mr. Manning made a motion, seconded by Mrs. McLaughlin to follow the staff recommendation and deny the rezoning request from M(P) Planned Industrial to RR Rural Residential/CZ Conditional Zoning for a recreational vehicle park and/or campground and find it is not consistent with the adopted South Central Land Use Plan (2015) which calls for "Airport Oriented Uses" at this location, the "Airport Oriented Uses" designation defines critical areas around the airport based on safety and the protection of citizens; and further find that denial of the request is reasonable and in the public interest because the level of density shown on the site plan is likely to create a situation that would not be compatible with airport operations at the southern end of the runway and the property lacks access to an approved street. Unanimous approval.

REZONING CASE

- H. **P19-05.** REZONING OF 1.50+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT/CZ CONDITIONAL ZONING FOR TRADES CONTRACTOR ACTIVITIES OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHWEST SIDE OF SR 1243 (US HWY 301 SOUTH), NORTH OF SR 1126 (BROOKLYN CIRCLE); SUBMITTED BY TIMOTHY B. EVANS (OWNER).

Mr. Byrne presented the case information and photos.

In Case P19-05, the Planning and Inspections Staff recommends denial of the rezoning from R10 Residential to C2(P) Planned Service and Retail District/CZ Conditional Zoning for trades contractor activities subject to the conditions within our packet and find it is not consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "low density residential" at this location; and further find that denial of the rezoning is reasonable and in the public interest because denial of the request will prevent further encroachment of commercial uses towards the existing residential uses.

Mrs. Epler asked for clarification if the Land Use Plan called for this area to be residential on 301.

Mr. Byrne said low density residential, yes.

There were people present to speak in favor and opposition.

Public hearing opened.

Mr. Tim Evans spoke in favor. Mr. Evans stated that his office fronts Hwy 301. This is Hwy 301 S. there are approximately 10 houses in that stretch of residential and most of those would like to sell as commercial. The Southwest Plan is much more than the map. Mr. Evans read a prepared statement that indicated that the Southwest Plan called for low density residential however, there are several recommendations in the text that support light commercial zoning at this location. Mr. Evans indicated in the text where it says strip commercial is recommended, and commercial is accepted on collector streets, Hwy 301 is considered a collector street. Throughout the plan preservation of residential and environmental are stressed, his plan shows that his request supports this goal. With the current zoning nineteen to twenty residential units are allowed on this parcel. The map recommendation isn't realistic considering public sewer isn't available. The staff recommendation totally disregards the adopted Land Use Policy Plan that was adopted with the intention of being a supplement to all of the plans. Mr. Evans stated that his request is consistent with all the plans. His request meets every location criteria for light commercial except public sewer and the Southwest Plan accounts for the lack of sewer in the

area, by recommending that generally public utilities are required. Mr. Evans stated that this request is consistent with the business street development section of the policies.

Ms. Hall asked Mr. Evans about a metal building on property?

Mr. Evans said that's what will go there, it's a small metal building with a bathroom and an office. Mr. Evans said he wasn't planning on doing anything tomorrow, this is going to be for retirement.

Ms. Hall said that Mr. Evans was asking for the rezoning but had no plans for it.

Mr. Evans said not at this point. He's looking for someone to move into or lease the building when he builds it.

Mrs. Epler asked Mr. Evans if someone were to approve his request and go against the staff recommendation with the added condition that he put an interior fence on all of the interior lot lines around this property, would he be agreeable to that?

Mr. Evans said he would.

Mr. Bowers spoke in opposition. Mr. Bowers had a presentation that he showed the board. Mr. Bowers said that he, his wife, and neighbors are opposed to the request because its inconsistent with the surroundings and the development plan.

Mrs. Bowers spoke in opposition. Mrs. Bowers stated that if you look on Brooklyn Circle up about a half mile from that point all the way down to where they are there is nothing but residential. Go less than a half a mile around Brooklyn Circle there have been numerous homes built in the area, nice new brick homes well over two hundred thousand dollars, built in the last five years. There is plenty of new development. Those tracks that you see on Hwy 301 those properties still belong to the original families. She feels it's important to protect the interests of the people who still live in the area. Mrs. Bowers stated that she did have some concerns about buffers.

Mr. Evans spoke in rebuttal. Mr. Evans stated that there was commercial in the areas that Mrs. Bowers said was residential.

Public hearing closed.

In Case P19-05, Ms. Hall made a motion, seconded by Mr. Crumpler to deny the rezoning from R10 Residential to C2(P) Planned Service and Retail District/CZ Conditional Zoning for trades contractor activities subject to the conditions within our packet and find it is not consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "low density residential" at this location; and further find that denial of the rezoning is reasonable and in the public interest because denial of the request will prevent further encroachment of commercial uses towards the existing residential uses. The motion passed with Dr. Andrews, Mrs. McLaughlin, and Mrs. Epler not voting.

- I. **P18-50. REZONING OF .47+/- ACRES FROM A1 AGRICULTURAL TO R6A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 315 JOHN B CARTER ROAD; SUBMITTED BY MARY K. WHITED, BRENDA WILLIAMS, DEBORAH WRIGHT, DELLA W. PERKINS & BETTY JAMES ON BEHALF OF LILLIE MAE WHITED HEIRS (OWNER).**

Mr. Byrne presented the case information and photos.

In Case P18-50, the Planning and Inspections Staff recommends to deny the rezoning from A1 Agricultural to R6A Residential and find it is not consistent with the adopted Vander Land Use Plan (2017) which calls for "suburban density residential" at this location; and further find that denial of the rezoning is reasonable and in the public interest because the subject property lacks access to public sewer and the district requested is not in harmony with surrounding existing zoning.

Mr. Byrne stated that the developer was not able to get the Health Department to get out there and evaluate the septic system because they are having trouble locating it. They advised the owner to not pay out extra money until they have the zoning in place.

There was one person present to speak in favor.

Ms. Mary Whited spoke in favor. Ms. Whited stated that she was trying to get the trailer on this lot because Hurricane Florence destroyed her existing home. She has had the lot cleaned so she could put the new home there.

Public hearing closed.

Mrs. Epler said that Ms. Whited has been through a rough time. I know we have reservations about rezoning such a small tract for two houses, but according to what we've heard there have been two houses on this property before, and is pretty confident that the Health Department, if there are two septic tanks there will make sure it will be suitable for two houses and that the land will perk. Both of those things are up to other governing bodies. We have lots all over Cumberland County that are a quarter of an acre or less and some have septic tanks on them, again the Health Department will make sure there is enough separation between the well and septic tank. Mrs. Epler stated that they should try to help the applicant it would be the right thing to do.

In Case P18-50, Mr. Manning made a motion, seconded by Mrs. Epler to recommend approval of the rezoning from A1 Agricultural to R6A Residential and find: a)The approval is an amendment to the adopted current Vander Land Use Plan (2017) 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 property was previously developed with two dwelling units and will be required to get approval from Cumberland County Environmental Health concerning the private septic tanks as part of their group development review; c) And this rezoning approval is reasonable and in the public interest because the district requested will allow the property to be redeveloped with its previous use of two dwelling units while restricting the permitted uses to those in harmony with the surrounding area.

IX. PLANNING DEPARTMENT PERFORMANCE AUDIT

- Mr. Strickland updated the Board about the performance audit that was being performed on the Planning Department.

X. DISCUSSION

- Mr. Crumpler gave an update on the meeting with the Town of Linden regarding the Interlocal Agreement which consisted of a question and answer period with the County Manager and Assistant County Manager. Mr. Crumpler said that Eastover and Linden are the only two towns that have not signed the agreement because they had reservations. Mrs. McLaughlin stated that she thought that Spring Lake did not sign the agreement.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 9:02 pm.