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CUMBERLAND
COUNTY
NORTH CAROLINA

RAWLS HOWARD
Director

DAVID MOON
Deputy Director

Cumberland County Joint Planning Board

MINUTES
November 17, 2020

Members Present

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

Members Absent

Ms. Kasandra Herbert

Others Present

Mrs. Betty Lynd
Mr. Rawls Howard
Mrs. Laverne Howard
Mr. Rick Moorefield
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

Mrs. Lynd advised the Board that Case P20-43 would be moved from Consent Items to Contested Items.

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

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none

V. APPROVAL OF THE MINUTES OF OCTOBER 20, 2020

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

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Wheatley read the welcome and rules of procedures.

VII. PUBLIC HEARING CONSENT ITEMS

CONDITIONAL ZONING CASE

- A. **P19-01.** MODIFICATION OF AN APPROVED C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR MOTOR VEHICLE SALES DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT ON 2.18+/- ACRES; LOCATED ON THE 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 AND CARRIE BROWN (OWNERS) & GEORGE M. ROSE (AGENT). (HOPE MILLS)

In Case P19-01, the Planning & Inspections staff recommends approval of the modification request to an approved C(P)/CZ Conditional Zoning for motor vehicle sales and finds the modification request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as it provides for the shopping needs of the immediate neighborhood, community and traveling public and strip commercial areas are recommended along Hope Mills Road. Approval of the modification request is reasonable and in the public interest as the conditional zoning district is in harmony with surrounding existing uses and zoning and the modification will only move the proposed structure closer to an adjacent lot which is already zoned a heavy commercial district.

In Case P19-01, Mr. Lloyd made a motion, seconded by Mrs. McLaughlin to recommend approval of the modification request to an approved C(P)/CZ Conditional Zoning for motor vehicle sales and finds the modification request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as it provides for the shopping needs of the immediate neighborhood, community and traveling public and strip commercial areas are recommended along Hope Mills Road. Approval of the modification request is reasonable and in the public interest as the conditional zoning district is in harmony with surrounding existing uses and zoning and the modification will only move the proposed structure closer to an adjacent lot which is already zoned a heavy commercial district. Unanimous approval.

REZONING CASES

- B. **P20-52.** REZONING OF 5.00+/- ACRES FROM RR RURAL RESIDENTIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF NC HIGHWAY 24, WEST OF SR 1941 (ANGELIA M STREET), SUBMITTED BY JONATHAN DERRILL EDWARDS JR. ON BEHALF OF ND4200, LLC (OWNER).

In Case P20-52, the Planning & Inspections staff recommends approval of the rezoning request from RR Rural Residential to M(P) Planned Industrial and finds the request consistent with the Eastover Land Use Plan (2018) designation of "Industrial" as it allows a wide variety of industrial operations involving manufacturing, processing, fabrication and distribution which are permitted uses in the M(P) district. 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 P20-52, Mr. Lloyd made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from RR Rural Residential to M(P) Planned Industrial and finds the request consistent with the Eastover Land Use Plan (2018) designation of "Industrial" as it allows a wide variety of industrial operations involving manufacturing, processing, fabrication and distribution which are permitted uses in the M(P) district. 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.

- C. **P20-53.** REZONING OF 1.21+/- ACRES FROM M2 HEAVY INDUSTRIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF NC 210 (LILLINGTON HIGHWAY), SOUTH OF LAKE PARK DRIVE, SUBMITTED BY WILLIAM S. WELLONS, JR. ON BEHALF OF WELLCO CONTRACTORS INC. & FLORENCE C. WELLONS HEIRS (OWNER). (SPRING LAKE)

In Case P20-53, the Planning & Inspections staff **recommends approval** of the rezoning request from M2 Heavy Industrial to C(P) Planned Commercial and finds the request consistent with the Spring Lake Land Use Plan (2002) designation of “Heavy Commercial” as it provides for expanded depth for the redevelopment of existing commercial areas. This is the last industrial pocket remaining in a predominantly commercially zoned area along Lillington Highway. 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 parcels are served by public utilities.

In Case P20-53, Mr. Lloyd made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from M2 Heavy Industrial to C(P) Planned Commercial and finds the request consistent with the Spring Lake Land Use Plan (2002) designation of “Heavy Commercial” as it provides for expanded depth for the redevelopment of existing commercial areas. This is the last industrial pocket remaining in a predominantly commercially zoned area along Lillington Highway. 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 parcels are served by public utilities. Unanimous approval.

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- D. **P20-51.** REZONING OF 0.64+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHEAST SIDE OF THE INTERSECTION OF NC 59 (S MAIN STREET) AND SR 3352 (BETSY ROSS DRIVE), SUBMITTED BY FREDRICK L. WALLACE (OWNER).

Mrs. Lynd presented the photos and case information.

In Case P20-51, the Planning & Inspections staff **recommends denial** of the rezoning request from R6A Residential to C(P) Planned Commercial and instead **recommend approval** of rezoning to C1(P) Planned Local Business District and find the recommendation consistent with the Southwest Cumberland Land Use Plan (2013) designation of “Mixed Use Development” as it allows for a mixture of residential, office and institutional uses as well as generally light commercial uses. C1(P) is designated as “light commercial” within the Land Use Policies Plan (2009). Approval of the recommendation of C1(P) is reasonable and in the public interest as the parcels are located at the entrance of an established residential subdivision and the parcel is lacking the public utilities necessary for a more intense commercial use.

There were people signed up to speak in favor and in opposition.

Mr. Lloyd asked if the piece of property outlined in yellow was owned by Department of Transportation (DOT).

Mrs. Lynd said she was not sure if that was owned by DOT.

Mr. Lloyd said that the configuration of this interchange was not taken into consideration when the plan was done, that plan followed a nodal location of heavy commercial at interchanges, if that’s the case, there’s a node right around DOT property.

Public hearing opened.

Mr. Fredrick Wallace, the applicant, spoke in favor. Mr. Wallace stated that his intent was to put a used vehicle lot on the property. There is an existing building there and he just put in a commercial well. Mr. Wallace wanted to assure the community that he is an upstanding citizen, a realtor in the community, and realizes the value of property. Mr. Wallace said there will be buffers around the property, the only people that could be adversely affected by this rezoning would be the property to the west which would

be the back part of the existing home. There is a thirty-foot buffer zone that exists, and there will be thirty-foot buffers around the residential there. He wants to be a good steward and do what is necessary to maintain the integrity of the community. Mr. Wallace noted that there was commercial in the area and more coming from Highway 301 moving all the way down Main Street, there is one car lot on this street approximately four properties down that is already zoned that. He does not see how noise, or anything could adversely affect the residents in that area since that car lot has been there.

Chair Wheatley asked Mr. Wallace if he was okay with the staff recommendation for C1(P).

Mr. Wallace said that C2(P) would allow him to do what he wants as far as putting a car lot there but in the event the car lot doesn't work out I would have to come before the board again to have the property rezoned.

Mr. Lloyd said that was the problem, all the buffering the applicant said he would do, he could not be held to it on a straight rezoning. He would have to do a conditional zoning like the property across the street. He would be held to the uses he says he is going to do.

Mr. Wallace said that he has a site plan that is readily available for review. It was his understanding that someone is going to look and see that what is being proposed on the site plan is what is being built and not anything else. That there would be some regulation as to what is there and how will be used.

Mr. Crumpler said that was only if he did the conditional zoning and reminded Mr. Wallace that he was doing a straight rezoning. He will not be held to any conditions if rezoned to C(P).

Mr. Wallace said he understood that, but was looking at the properties that were already zoned commercial in that area and hoping that the board would try to keep in line with the 2030 Plan that has been outlined for the growth and development of Cumberland County moving from Grays Creek all the way down Hope Mills Road, which is considered to be a business road from his understanding.

Mr. James Clark spoke in opposition. Mr. Clark stated that he owns the home next to the subject property. Mr. Clark gave some history on the property. Mr. Clark said that the County has not designated all of Highway 301 to Hope Mills Road commercial, there is still a lot of residential left. That is why he's speaking against this.

Mr. Lloyd asked Mr. Clark for clarification about the house that he owns next to the subject property was a rental property.

Mr. Clark responded yes.

Public hearing closed.

Mr. Williams asked about the applicants request for clarification.

Mrs. Lynd explained why staff made their recommendation.

Mr. Howard added that when there is a small area plan, such as the Southwest Cumberland Land Use Plan, applicable to a site, that plan would more broadly govern over a more general plan such as the 2030 Cumberland County Plan; which is County-wide. The small area plan would "fine tune" whatever policies may be in place at the current time.

Mr. Manning asked if there was a reason the applicant did not want C1(P).

Mr. Howard said that the applicant indicated he was more focused on the car lot use itself, which is allowed in the C(P) district.

Mr. Lloyd confirmed with Mr. Wallace that he did not want to be confined to just a car lot.

Mr. Wallace said his goal was to have a car lot but did want to have options for the future.

Mr. Manning asked Mr. Wallace if he was refusing to agree with staff's recommendation.

Mr. Wallace said C2(P) would get him what he needed, but they are recommending C1(P) and they stated in their comments that they were worried about availability of public water and sewer. But there is well water that is there now, and there is an existing septic tank on the property.

After further discussion, in Case P20-51, Mr. Lloyd made a motion, seconded by Mr. Manning to defer Case P20-51 to the January 19, 2021 meeting to give the applicant time to work with staff on a C2(P) / Conditional Zoning application. Unanimous approval.

- E. **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). (APPLICANT HAS REVISED REQUEST TO R40 RESIDENTIAL/CZ CONDITIONAL ZONING FOR A 20-LOT SUBDIVISION)**

Mrs. Lynd presented the photos and case information.

In Case P20-43, the Planning & Inspections staff **recommends approval** of the rezoning request from A1 Agricultural to R40 Residential/CZ Conditional Zoning for a 20 lot subdivision 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, desires stick-built homes, and is submitted as a conditional zoning. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing uses and zoning.

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

Public hearing opened.

Mr. Tim Evans spoke in favor. Mr. Evans said they want to be great neighbors. The tall trees that Mr. Smith kept referring to are not on the applicant's property. Right now, we could put ten houses there with the current zoning, but we are asking for twenty because of the cost of developing. He has done his share of research and after speaking with pilots that have flown out of that airport over the years, most of the takeoffs occur on the north end of the runway, and on that end of the runway they are flying over two developments larger than the proposed development. The danger impact would be greater where most of the planes takeoff now versus where they are landing. Grays Creek is growing, most people selling their land, is going to be residential.

Mr. Scott Smith spoke in opposition. Mr. Smith stated that safety is his only concern. Mr. Smith provided a memorandum from the Federal Aviation Administration (FAA) dated September 27, 2012 which addressed guidance on land uses within a runway protection zone. There are homes around airports but not in the direct path like this, so they are working with the FAA to get an assessment done.

Mr. Lloyd said that the board based their decision on the handout Mr. Smith presented at the last meeting and asked the applicant to come back with something that minimizes the impact of this development, which he did. Now, are they asking that the board wait to decide until this zone has been created?

Mr. Smith said it makes sense when you think of safety.

Mr. Lloyd said that right now Grays Creek is the fastest growing area in the County and though the airport is not private, commercial airlines do not fly in there, it is for small planes.

Mr. Crumpler asked how close planes come to the airport's hangars.

Mr. Smith said maybe a few hundred feet, it is all parallel.

Chair Wheatley asked if this was the only piece of property that presented a safety issue.

Mr. Smith said this would be the only piece of property where homes will be packed together right off the end of the runway.

Mr. David Herwig spoke in opposition. Mr. Herwig said he is a flight instructor at the airport, the area in question is the only area to go in the unlikely event of an emergency landing. He teaches his students to go to that spot because it is the only place and safest place available on that end of the runway.

Mr. Ray Cain spoke in opposition. Mr. Cain said he lived in the field to the right of the airfield, there are money and people's lives at stake. Nobody wants this subdivision to be built.

Mr. Donald Pate spoke in opposition. Mr. Pate said his land joins the back side of the subject property; his main concern is with erosion. He feels that once the land is cleared, he is going to have a big problem.

Mr. Evans spoke in rebuttal. Mr. Evans said that he would guarantee a buffer behind Mr. Pate's property as wide as it could be, to make this development work and he will not remove the trees that are there and will bring proof of it to the Planning Department. Mr. Evans said that the field to the right is not safer than his piece of property. He said they are willing to bend but the opposition does not want to.

In Case P20-43, Mr. Lloyd made a motion, seconded by Mrs. Moody to recommend approval of the rezoning request from A1 Agricultural to R40 Residential/CZ Conditional Zoning for a 20 lot subdivision 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, desires stick-built homes, and is submitted as a conditional zoning. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing uses and zoning. The motion passed with Chair Wheatley and Mr. Stewart voting in opposition.

X. DISCUSSION

- Chair Wheatley said she wanted to add Mr. Lloyd to the Land Use Codes Committee.

Mr. Stewart made a motion, seconded by Mr. Crumpler to add Mr. Lloyd to the Land Use Codes Committee. Unanimous approval.

- DIRECTOR'S UPDATE
 - Mr. Howard advised the Board about presenting the 160D changes to them in December.
 - Mr. Howard advised the Board about a Land Use Codes Committee December lunch meeting.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:32 pm.