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County Manager



RAWLS HOWARD  
Director

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Assistant County Manager



Vacant  
Deputy Director

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*Planning & Inspections Department*

**MINUTES**  
February 18, 2020

**Members Present**

Mrs. Diane Wheatley – Chairman  
Mr. Carl Manning – Vice-Chair  
Mr. Stan Crumpler  
Dr. Vikki Andrews  
Mr. Thomas Lloyd  
Mrs. Jami McLaughlin  
Mrs. Lori Epler  
Ms. Patricia Hall  
Mr. Mark Williams  
Mr. Jordan Stewart

**Members Absent**

**Others Present**

Mrs. Betty Lynd  
Ms. Annie Melvin  
Mrs. Dena Barner  
Mr. Rick Moorefield  
Mr. Rawls Howard

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mrs. Lynd advised the Board that Cases P20-03 and P20-09 would be moved from Consent Items to Contested Items.

**Dr. Andrews made a motion, seconded by Mrs. McLaughlin to approve the agenda with the adjustments. Unanimous approval.**

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

**P20-02.** REZONING OF 3.70+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5877 & 5911 CLINTON ROAD, SUBMITTED BY KATHRINA VICTORIA (OWNER) & SHAWN VALLINI (AGENT). **APPLICANT REQUESTED DEFERRAL TO MARCH 17, 2020**

**P20-04.** ADOPTION AND ESTABLISHMENT OF THE EASTOVER NORTHERN ENTRANCE CORRIDOR OVERLAY DISTRICT (NECO) CONSISTING OF 503.99+/- ACRES WITHIN THE CORPORATE LIMITS OF THE TOWN OF EASTOVER BY AMENDING THE EASTOVER ZONING MAP CREATING THE ZONING OVERLAY LAYER AND CREATING ZONING ORDINANCE STANDARDS TO BE IMPLEMENTED WITHIN THE NORTHERN ENTRANCE CORRIDOR OVERLAY DISTRICT AREA WITHIN THE EASTOVER SUPPLEMENT (ARTICLE VIII.I OVERLAY DISTRICTS) TO THE COUNTY ZONING ORDINANCE PROVISIONS UNTIL SUCH TIME THAT THE TOWN ADOPTS A COMPLETE EASTOVER ZONING ORDINANCE. (EASTOVER) **DEFERRED FOR FURTHER DISCUSSION.**

**P20-12.** REVISION AND AMENDMENT TO THE HOPE MILLS ZONING ORDINANCE BY AMENDING ARTICLE XIV SIGNS, SECTION 102A-1402. SIGN DEFINITIONS, SECTION 102A-1404. SIGNS PERMITTED

IN ANY DISTRICT, SECTION 102A-1405. GENERAL SITE AND SIGN SPECIFICATIONS, SECTION 102A-1406. SIGNS PERMITTED BY DISTRICT, SECTION 102A-1408. SIGNS PROHIBITED AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (HOPE MILLS) **DEFERRED TO MARCH 17, 2020**

**P20-08.** REZONING OF 1.55+/- ACRES FROM RR RURAL RESIDENTIAL & C(P) PLANNED COMMERCIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5087 US HWY 301 S, SUBMITTED BY DELIVERANCE JESUS IS COMING VICTORY CENTER, INC. (OWNER). **APPLICANT REQUESTED DEFERRAL TO MARCH 17, 2020**

Mr. Howard advised the Board that the applicant for Case P20-08 had indicated she wished to defer her case, but they had not received anything in writing from her and she was not present. Mr. Howard advised that they could open the case and then defer it.

**Mrs. Epler made a motion, seconded by Mr. Manning to approve the deferrals. Unanimous approval.**

Mr. Lloyd stated that they could defer Case P20-08 instead of opening it up since the applicant wasn't present and no one was signed up for it.

**Mr. Lloyd made a motion to amend the agenda to include the deferral of Case P20-08 to the March 17, 2020 Planning Board meeting, seconded by Mrs. McLaughlin. Unanimous approval.**

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

#### V. APPROVAL OF THE MINUTES OF JANUARY 21, 2020

**Ms. Hall made a motion, seconded by Mr. Crumpler to approve the corrected minutes. Unanimous approval.**

#### VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Wheatley read the welcome and rules of procedures.

#### VII. PUBLIC HEARING CONSENT ITEMS

##### TEXT AMENDMENTS

- A. **P20-06.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES, SECTION 403. USE MATRIX ALLOWING SCHOOL (BUSINESS AND COMMERCIAL FOR NURSES OR OTHER MEDICALLY ORIENTED PROFESSIONS, TRADE, VOCATIONAL & FINE ARTS) AS A PERMITTED USE WITHIN THE M1(P) PLANNED LIGHT INDUSTRIAL DISTRICT AND M(P) PLANNED INDUSTRIAL DISTRICTS BY INSERTING A "P" IN THE M1(P) AND M(P) COLUMN AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

In Case P20-06, the Planning and Inspections staff **recommends approval** of the text amendment to the Cumberland County Zoning Ordinance and find this text amendment consistent with the adopted 2030 Growth Vision Plan (2009) Policy 1.3 of local governments being partners in the creation of business and industrial development opportunities by capitalizing upon the unique human and economic resources of the area and Policy 1.12 of identifying appropriate sites for manufacturing and new technology enterprises and protecting them through appropriate zoning. Approval of this text amendment is also reasonable and in the public interest because vocational schools, especially ones in fire safety such as the proposed school by the applicant, could certainly avoid any potential harmful impacts on surrounding properties by utilizing industrial development standards and approval of the amendment would prevent a potential rezoning to a commercial zoning district within the County industrial park.

**In Case P20-06, Mr. Manning made a motion, seconded by Mr. Crumpler to approve the text amendment to the Cumberland County Zoning Ordinance and find this text amendment consistent**

with the adopted 2030 Growth Vision Plan (2009) Policy 1.3 of local governments being partners in the creation of business and industrial development opportunities by capitalizing upon the unique human and economic resources of the area and Policy 1.12 of identifying appropriate sites for manufacturing and new technology enterprises and protecting them through appropriate zoning. Approval of this text amendment is also reasonable and in the public interest because vocational schools, especially ones in fire safety such as the proposed school by the applicant, could certainly avoid any potential harmful impacts on surrounding properties by utilizing industrial development standards and approval of the amendment would prevent a potential rezoning to a commercial zoning district within the County industrial park. Unanimous approval.

- B. **P20-10.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203. DEFINITIONS OF SPECIFIC TERMS AND WORDS AND AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 921. RECREATION VEHICLE PARK AND/OR CAMPGROUND AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

In Case P20-10, the Planning and Inspections staff recommends approval of the text amendment to the Cumberland County Zoning Ordinance and find this text amendment consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 2 of Well-Managed Growth and Development where the vision is to create development standards for application across rural and urban areas to ensure efficient and quality development is achieved. Approval of this text amendment is also reasonable and in the public interest because clearly defined standards for cabins and inspection requirements for a logbook will likely prevent future code violations of permanent residents in what is meant to be a use for temporary habitation.

**In Case P20-10, Mr. Manning made a motion, seconded by Mr. Stewart to approve the text amendment to the Cumberland County Zoning Ordinance and find this text amendment consistent with the adopted 2030 Growth Vision Plan (2009) Policy Area 2 of Well-Managed Growth and Development where the vision is to create development standards for application across rural and urban areas to ensure efficient and quality development is achieved. Approval of this text amendment is also reasonable and in the public interest because clearly defined standards for cabins and inspection requirements for a logbook will likely prevent future code violations of permanent residents in what is meant to be a use for temporary habitation. Unanimous approval.**

#### REZONING CASE

- C. **P20-11.** REZONING OF 2.70+/- ACRES FROM RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF SR 1006 (CLINTON ROAD), WEST OF INTERSECTION WITH SR 1831 (BAYWOOD ROAD), SUBMITTED BY DAVID ALLEN ON BEHALF OF NEW HOMES, INC. (OWNER) AND SCOTT BROWN ON BEHALF OF 4D SITE SOLUTIONS, INC. (AGENT).

In Case P20-11, the Planning and Inspections staff recommend approval of the rezoning from RR Rural Residential to C2(P) Planned Service and Retail and find that the request is consistent with the text of the Vander Land Use Plan (2017) which recommends allowing small concentrated commercial areas to serve the immediate needs of the residents. Staff further finds approval of the request is reasonable and in the public interest because the subject property is currently served by public water and sewer, Clinton Road is classified as an existing freeway in the 2045 Metropolitan Transportation Plan, and the district request is in harmony with adjacent, existing zoning.

**In Case P20-11, Mr. Manning made a motion, seconded by Mr. Stewart to approve the rezoning from RR Rural Residential to C2(P) Planned Service and Retail and find that the request is consistent with the text of the Vander Land Use Plan (2017) which recommends allowing small concentrated commercial areas to serve the immediate needs of the residents. Staff further finds approval of the request is reasonable and in the public interest because the subject property is currently served by public water and sewer, Clinton Road is classified as an existing freeway in the 2045 Metropolitan Transportation Plan, and the district request is in harmony with adjacent, existing zoning. Unanimous approval.**

#### VIII. PUBLIC HEARING CONTESTED ITEMS

## TEXT AMENDMENT

- D. **P20-03.** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE ADOPTING AND ESTABLISHING THE AIRPORT OPERATIONS AREA (AOA) CONSISTING OF 2541.33+/- ACRES BY AMENDING ARTICLE III ZONING DISTRICTS, SECTION 308.1 OVERLAY DISTRICTS., SUB-SECTION A. AIRPORT OVERLAY DISTRICT (AOD); ARTICLE VIII.I OVERLAY DISTRICTS, SECTION 8.101. AIRPORT OVERLAY DISTRICT (AOD).; AND APPENDIX EXHIBIT 3 AIRPORT OVERLAY SKETCH; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

Mrs. Lynd presented the case information and photos.

In Case P20-03, the Planning and Inspections staff recommends approval of the text amendment to the Cumberland County Zoning Ordinance and find this text amendment consistent with the adopted South Central Land Use Plan (2015) recommendation of not allowing non-compatible areas with the Fayetteville Regional Airport to expand and developing compatible areas with non-residential uses that support the Airport's operations and future long range plans. The approval of this amendment is also reasonable and in the public interest because it will mitigate development that would be adversely affected by the noise, traffic and other impacts of an airport operation so close to residential development.

Mrs. Epler stated for clarification that this area was not the entire airport overlay, just the areas seen in yellow and orange.

Mrs. Lynd said that was correct.

Mrs. Epler asked if the City of Fayetteville would have to approve this same overlay for their city limits.

Mrs. Lynd responded that we have no jurisdiction over the City, if they wanted to do something similar, they would have to draft their own amendment.

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

Mr. Bradley Whited spoke in favor. Mr. Whited is the Airport Director for the City of Fayetteville this effort came from Economic Development and they have been working with Robert Van Geons and his predecessors for years promoting and developing the area around the airport. Mr. Whited said he was in favor because this lends itself to commercial around the airport, residential is not a good fit or a compatible use around the airport.

Mr. Lloyd asked Mr. Whited how much of this area was under an approach zone.

Mr. Whited said indicated the area in the approach zone on the map.

Mr. Robert Van Geons, President and CEO of the Fayetteville Economic Development Corporation spoke in favor. Mr. Van Geons stated as part of the economic development strategy for the airport with the goal of aggressively attracting new business and investment we are going after unmanned aviation operations, additional industrial parks in the area, advanced manufacturers, quite frankly hoping that their goal that attracting more flights will add likely thousands of additional movements a year for aviation. Mr. Van Geons said that their hope is to reduce the current conflicting uses and to not create additional ones in the future.

John Beasley spoke in opposition. Mr. Beasley stated that he didn't think this text amendment was right and was against it. Mr. Beasley pointed out where he lived on the map.

Angela Hedgepeth, Government Affairs Director for the Longleaf Pine Realtors, spoke in opposition. Ms. Hedgepeth was present to represent their nineteen hundred realtors and the property owners they serve; they are opposed to the text amendment. They are concerned about the necessity of the overlay; they are also concerned about the negative impact on property values and property owners.

Dr. Andrews asked Ms. Hedgepeth to give her an idea of the area of the properties that she represents.

Ms. Hedgepeth said she represents the realtors that buy and sell property in Cumberland County and Fayetteville.

Dr. Andrews said she wanted to make sure she understood and asked if this was impacting her economic viability if this is approved, because of where the outlines of where the overlay is.

Ms. Hedgepeth said she wasn't a realtor, but it would devalue property.

Mr. Manning asked Ms. Hedgepeth if she would like to request a meeting.

Ms. Hedgepeth said they would love to have a meeting about this, yes, they would welcome it.

Kenya Moore spoke in opposition. Ms. Moore said she was confused about what was going on and feels that property values will be affected by this and would like a clear explanation about what is happening.

Denise Spivey spoke in opposition. Ms. Spivey said they just want to know how the overlay will affect the residents that are currently there and to what degree will it change their values. Mrs. Lynd pointed out where Ms. Spivey lived on the map.

Mr. Crumpler asked staff if all the people who were sent letters were also sent a copy of the proposal.

Mrs. Lynd said that the letter had a hyperlink to the amendment which was linked to the County website.

Mr. W. Ronald Townsend spoke in opposition and stated that he was concerned about how the community was going to be dealt with, there has been no mention of compensation and a lot of other issues that need to be considered.

Mrs. Epler said that this is not about the airport growing out or taking property, those fears can be put aside. This overlay changes the rules for the property around the airport, what can and cannot be done with it or on it.

Mr. Townsend said that he understood that, but one of the other things he would mention is he currently lives in a mobile home, but he may want to rebuild, he has enough land to build another home if he wanted to. Now he's being told that he will be restricted if this is approved, that's another one of his concerns. There hasn't been enough time to assemble as a community, more people would be here if they fully knew what was going on.

Mr. Jens L. Lutz spoke in opposition. Mr. Lutz said he was a realtor and was retained by a local property owner to sell a piece of property on Lazy Acres Street off of Claude Lee Road, the property was purchased in bulk with the intention of dividing, under the current zoning rules, and creating lots to build on. They received the notice letter shortly after signing the paperwork. He found the notice letter ambiguous, the plan was not clearly stated or explained to residents in the area. Some residents don't have computers. If this property is developed under new rules it will be unsellable and the value will depreciate. Anytime there are restrictions placed on property it decreases the value of the property. That is the concern and it doesn't seem like there was a lot of thought put into this.

Mr. James Robinson declined speak, said that his questions had been answered.

Ms. Ernestine Mitchell signed up to speak in opposition but declined to speak saying that her concerns had been addressed.

Mr. Elisha Freeman spoke in opposition. Mr. Freeman said he had two concerns if commercial was brought in that would be a negative impact on his property value, he also had plans on making renovations and this causes concern. Mr. Freeman pointed out where his property was on the map.

Mr. Joseph Sorce spoke in opposition. Mr. Sorce said that a lot of the questions he had were brought up, but he hadn't heard any answers to them about property being devalued, realtors are telling him that property will be devalued. He thinks the best way to do this is to get community input and is asking that this not be approved.

Mr. Joseph Riddle III spoke in opposition. Mr. Riddle said that he is a realtor, builder, and developer and knows a lot about overlays. It's just another tool for staff to limit uses of property, limit zoning, limit building on property. Anytime you reduce uses you devalue property leaving people with less choices. Mr. Riddle said he wasn't against development, that's his business, but in this case, you've got to make sure you're not damaging people. Mr. Riddle said they could probably band together and get a lawyer and have a case against the County to pay us for this property even though a lot of people don't want to move or sell their property. Mr. Riddle asked to be shown what areas this overlay would cover.

Mr. Alex Keith spoke in opposition. Mr. Keith said he was a real estate appraiser and broker and has done a lot of work in the area and expressed the same concerns that Mr. Riddle had and said that they were trying to prevent any extra step to jump through or loophole that would cost more money, cause lost opportunities or jobs.

Public hearing closed.

Mr. Howard addressed the concerns that were presented. Regarding annexation, this is not an annexation into the City. This is a partnership between Fayetteville Area Economic Development Corporation (FAEDC) and the County just to have more direction for the land uses around the airport. There was an overlay around the coliseum, one of the points of concern was the ability for nonconformities to exist if your house is there you can use it and build upon it in a legal fashion. We learned from that, if you're a homeowner out there you would be able to stay there, expand it, rebuild as if you were a conforming use. We are treating you as you were a conforming use. That is also to say that if you are an existing nonconforming use by your zoning out there now, meaning that if you have this overlay or not, and your zoned different than what your use is, your in the same boat now whether or not you're in this overlay or not. We were mindful of being able to treat everybody out there that have homes and businesses, so you would be conforming. So, you're not being annexed and going into the City limits and the airport is not coming to take property. This is just basically trying to help guide future development geared towards commercial and industrial for that area. Mr. Howard went on to explain the differences between the old overlay and the new one. Mr. Howard said that if you are already properly zoned and you want to put some kind of commercial use you can do that, if you want to apply for a rezoning you can do that as well. If you are already properly zoned and you want to put some kind of commercial use, you can still do that, if you want to apply for a rezoning to go to a different kind of use that can be done as well. What it boils down to is trying to limit the amount of new types of residential that goes out there. Mr. Howard addressed the mailout and stated that by State Statute they're not required to mail anything out, but we wanted folks to know and we put a link. We wanted people to know and did the mailing at least a month ahead of this meeting. We have had several calls from the HOA's, and residents and we addressed a lot of the concerns.

Mrs. Epler asked Mr. Howard for clarification, if someone had a piece of property and it was zoned nonresidential now, they can develop it to a non-residential based on whatever it is zoned.

Mr. Howard said the uses that are outlined in the overlay.

Mrs. Epler said that was the clincher they'll only be allowed to put the uses that are in the proposed overlay amendment. Mrs. Epler explained that the new overlay has a list of uses that are allowed in nonresidential zoned property. All the nonresidential zoned property in that overlay will be limited to those uses only.

Mr. Lloyd said his concerns are what Mr. Howard referred to as the thirty percent of the thirty percent, somebody has tracked residential development and lets say it's a ten acre tract after this went to the Commissioner's whenever that is, unless it's platted and recorded no more house go in that residentially zoned tract, is that correct.

Mr. Howard said that was not correct. You would be able to put a house on a lot that was there and recorded prior to the passage.

Mr. Lloyd said right but that isn't what he said and said, if you have a ten-acre tract you could put one house on it.

Mr. Howard said that was correct.

Mr. Lloyd said he saw a lot of industrial and less residential, the issue is you're saying no new subdivision after the adoption of the ordinance. Is it to stop residential development for the airport sake or is it for the economic development? He thinks the issue is limiting the houses in this and asked if that was correct.

Mr. Howard said that he would say both.

Mr. Lloyd said he was looking at the vacant residential and also looking at the road network and most of the residential he sees on the major roads are developed out, there are some smaller areas of residential. Mr. Howard said when they looked at this there is significant amount of water and sewer infrastructure throughout the area, not so much on the east side yet but there is also a decent amount of good soil out there.

Mr. Lloyd said that the problem he has besides the limited uses, is the inability of people to subdivide and build on their property.

Mr. Howard said they would still be able to subdivide; it would just be not for residential purposes.

Mr. Lloyd said that from what he heard the opposition is about no new subdividing after the approval of the ordinance.

Chair Wheatley said in listening to the concerns it seems to her that the Board should not act on this tonight, but what they should do is send it back to the committee and take all of this input into consideration and see what happens from there.

Mr. Lloyd asked if there was going to be input allowed at the committee level or should it go back to staff as they are working on it.

Mrs. Epler said that as the Moderator of the Land Use Codes Committee she would like for the Board to direct staff to schedule and have community meetings in the area with the residents and make sure they understand what this overlay is and how it's going to affect them. Each one of them needs to be able to talk to someone face to face, ask questions and get answers.

Dr. Andrews asked if she could see the copy of the letter that was mailed out. Dr. Andrews asked Mr. Van Geons about the discussion that they were having this evening and if this was the discussion that she had asked him about before when she asked him if he had spoken to the airport authority.

Mr. Van Geons said this was not that discussion, but it is all part of the same general conversation, that was also part of the conversation on the future of economic development around it, but they are not directly related.

Dr. Andrews stated that she had just looked at the notification letter, and sees the link to the County's website, but all residents don't have access to internet, in going forward it would seem there has to be some standard way of letting a resident know that if they don't have internet access, they can still get information, and didn't see any indication of that in the letter.

Mr. Howard said that if someone were to call and ask for information, we can mail a copy to someone, we'd be glad to do that, as opposed to mailing out hundreds through first class mail. Our intent was if anyone had concerns, they could call us, and we would send them a copy of the overlay.

Dr. Andrews said that if it doesn't tell me in the letter to do that, how would I know to do it, and suggested that a sentence or two be added in the letter to be more specific about calling for information.

Mr. Howard pointed out where it said in the notification letter where it says to call if anyone needed more information.

Dr. Andrews said that wasn't enough to say if you had questions, it should say "if you can't access the internet to see this additional information than call us". Dr. Andrews said her concern was the same as Mr. Lloyd's

for those residents who have made this their home and want to deed to family, it seems right now they will have nothing to give them. Our concern is that it's not perpetuating residential use, but commercial use.

Mr. Howard said not necessarily, it's not perpetuating further subdivisions for residential use so if you wanted to use it and deed your children a piece of land for a house that would be completely in the sphere of what this is contemplating.

Dr. Andrews said if one of the speakers wanted to give his children or grandchildren this property over time, they can only improve what's there or subdivide it but you can only put one house, is that correct.

Mrs. Epler said it can't be subdivided for residential use.

Mr. Lloyd said exactly, that was added in. There's another thing, if you have five acres in the middle of the neighborhood, it can be subdivided it has to be one of the approved uses but you can really only do one of these uses if the underlying zoning district allows it. If you subdivide and its zoned residential you can't do these uses if they are non-residential, most of these are in a commercial or industrial district.

Mr. Howard said that's the same way it is now, if it's not zoned residential, they wouldn't be able to put a residence on there now.

Mr. Lloyd said it's not the same, because if they are zoned residential now, they will be able to subdivide and create more lots. But they can't subdivide and create more lots for residences they can create more lots for non-residential, but they will have to rezone.

Mr. Crumpler asked if the airport gave any input.

Mr. Howard said they had both the airport and Economic Development in the committee meetings.

Mr. Crumpler said he understands why the airport doesn't want an increased amount of residential, but if you don't want increased density, why is it okay to have other commercial businesses.

Mr. Howard said it wasn't so much a density issue, it's things that can also further support airport operations.

Mr. Crumpler asked if this had been checked with the County Attorney's Office.

Mr. Moorefield said no.

Mr. Manning said that there's a lot of confusion and misunderstanding and feels that this will be sent back to committee, and wondered if there would be a space big enough for everyone present and their neighbors, because he's never seen this type of turnout for an overlay and it seems to be a hard issue for everyone here tonight. If we send this back to committee than everyone should get a letter to discuss concerns before a decision is made. Will everyone be able to come and voice their concerns?

Chair Wheatley said that just because it goes back to committee it doesn't mean it will die there and something else take its place.

Mrs. Epler said as Moderator of the Codes Committee she did not want this coming back until staff has held neighborhood meetings so that these people can talk to staff and get answers, a Codes Committee meeting is not the place for that. There should be at least two meetings in the community and doesn't want this coming back before the Codes Committee until that's done.

Mr. Lloyd asked Mr. Van Geons if the Walmart Distribution Center all shifts or just two shifts, is it twenty-four hour?

Mr. Van Geons said yes

Mr. Lloyd went on to ask how many employees he thinks works at the distribution center.

Mr. Van Geons said he was guessing, but maybe four to five hundred.

Mr. Lloyd said airport sanctions industrial where you may have a vast concentration of people at one time in an area like this and can understand why you would want to foster industrial, but it's about the density. So, you want to restrict residential density, yet you have a distribution center where four hundred people work.

Mrs. Epler said that one of the uses that is not allowed on this list is a mini-storage warehouse, where there's one person working during the day.

Mr. Howard said he was going to let Mr. Van Geons speak to the fact of his discussions with some industries.

Mr. Van Geons said that they raised the concern, as you come into the airport, we have manufactured housing on one side and industry on the other. That's the thing where you have conflicting uses in general. You don't want a plastics facility on top of the daycare, so they need to be separate. Around the airport where you have commercial traffic of airplanes, trucks, high volume of people traveling on I 95 and the sound of jets. That's a space where you have a convergence of both sound and intensity. That is why it's just not about the concentration of folks but the type of operations. It's about trying to build a corridor, when you have industry, industry, and house, house, house, industry does not want to go between the two houses. Because neighbors worry about what is going on around them, that's why in a corridor trying to make it more uniform and complementary, because, adding a new transportation operation will impact property values of a residential home. So, we are trying to align them to compliment each other and add to it. We have a situation out there, we raised it, staff went back, there were conversations with the County Attorney, there was conversation about did this cover too much ground, was this the right way to go, and it might not be. As opposed to trying to potentially make the wrong vehicle passable, maybe we need to go back and look at this. He would be hesitant to say let's try and make this work if it doesn't work.

Mr. Lloyd said that was his point, his point was on the density. To make a blanket rule because of compatibility reasons doesn't really apply to a lot of the vacant residential land out there. There has to be some vision instead of the blanket subdivision clause.

Mrs. Epler said that maybe this is not the right vehicle. But regardless, she still wants the community meetings to take place.

**In Case P20-03 Mrs. Epler made a motion, seconded by Mr. Lloyd to defer the case until staff can work on this more with the airport and Economic Development to come up with something better. Unanimous approval.**

#### CONDITIONAL ZONING CASE

- E. **P20-09.** REZONING OF 3.45+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS DISTRICT TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR ALL ALLOWED USES WITHIN THE C2(P) DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4107 S MAIN STREET, SUBMITTED BY RICHARD ALLEN JR. & JOAN ALLEN JOHNSON (OWNERS) AND SCOTT BROWN ON BEHALF OF 4D SITE SOLUTIONS, INC. (AGENT). (HOPE MILLS)

Mrs. Lynd presented the case information and photos.

In Case P20-09, the Planning and Inspections staff recommends approval of the rezoning from C1(P) Planned Local Business District to C2(P) Planned Service and Retail/CZ Conditional Zoning for all allowed uses within the C2(P) district and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2014) 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 is currently served by public water and sewer and is adjacent to the "Mixed Use Development" designation which would allow light commercial uses; c) And, this rezoning approval is reasonable and in the public interest because the subject property is along a heavily trafficked thoroughfare that would not be feasible for residential lots as desired by the "low density residential" designation.

Mr. Lloyd asked if this met the standards as laid out in the Land Use Policies Plan?

Mrs. Lynd said as far as for heavy commercial, this would be considered light commercial this does have public water and sewer and is on a heavily trafficked road, yes.

Public hearing opened

Mr. Thomas Neville spoke in favor. Mr. Neville showed photos of the subject property and the surrounding area and showed the existing zoning. Mr. Neville said that their request is a good fit for the area, they have a site plan, so you know what you're going to get.

Scott Brown spoke in favor. Mr. Brown said that his company are the engineers for the project. Mr. Brown said the property has been vacant for a long time. The property is already commercial and were it just a retail store is not allowed for that zoning. We are asking for approval for conditional zoning. They will be adding landscaping, sewer will be extended, joint stormwater pond, working with Department of Transportation for a right turn lane, adding a buffer between them and the residences.

Mrs. Epler asked about the dumpsters backing up to the single residential lots and if the owner would have a problem with an additional condition of the dumpster only being serviced from 7 am to 7 pm on weekdays.

Mr. Brown said that the owner's representative was coming up next and would be able to answer the question.

Mr. Zach Ivey spoke in favor. Mr. Ivey said that they would be willing to look into that for having the dumpsters serviced. Operating hours 8 am to 10 pm, usually delivery trucks and garbage trucks typically show up during off peak hours anywhere from 10 am to 2 pm, because they don't want to interfere with traffic flow. Mr. Ivey gave some background on what his company has done and gave more detail on their business plans to make it more acceptable in the neighborhood.

Dr. Andrews asked about the solid buffer and asked Mr. Ivey what a solid landscape buffer was.

Mr. Ivey explained what the differences were between the buffers.

Ms. Cindy Garity spoke in opposition. Ms. Garity said some of her concerns are with the traffic increase that this new store will bring and the cleanliness.

Mr. Lloyd asked Ms. Garity if she was aware that this would be an improvement to the way it's zoned now.

Ms. Garity said that there's going to be bottleneck on Hope Mills Road and she wants to see an impact study.

Ms. Ken Holloman spoke in opposition. Mr. Holloman said that he lived right next door to where the Dollar General was going. Mr. Holloman said he had concerns with the appearance of the stores, safety, and traffic.

Ms. Beth Varden spoke in opposition. Ms. Varden said that her property is located right behind the subject property. Ms. Varden pointed out her property on the map. Ms. Varden said that the subject property had been quite a few different businesses and there have been no problems with the way it was zoned. Ms. Varden asked some zoning questions that Mrs. Lynd was able to answer for her.

Public hearing closed

Mr. Lloyd said that they were not here to approve any specific company, just the use, in this case it would be retailing. We are here to approve or disapprove of the type of use. Hearing all of the concerns about traffic if it was a convenience store, which is allowed in this zoning, traffic would be just as bad, if not worse. It's still zoned commercial and there are a lot of commercial uses.

Mrs. Epler said that the way the property sits today, we don't get to put conditions on it. Mrs. Epler went on to explain to the audience the types of uses that could go on the property. When a conditional use comes in we get to see what is going to be there and see the site plan. Mrs. Epler went on to say that this is progress and asked staff why retail wasn't allowed in C1(P).

Mr. Howard said it's a matter of scale of the proposed retail and compatibility.

Ms. Hall said that she sympathizes with the opposition, this property is already zoned commercial and anything that goes there will be an improvement to what is there now, also that is a gateway into Hope Mills, the traffic is intolerable, but doesn't think this will add anything worse to the traffic,

**In Case P20-09, Ms. Hall made a motion, seconded by Mr. Crumpler to approve of the rezoning from C1(P) Planned Local Business District to C2(P) Planned Service and Retail/CZ Conditional Zoning for all allowed uses within the C2(P) district and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2014) map; and that the Board of Commissioners should 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 is currently served by public water and sewer and is adjacent to the "Mixed Use Development" designation which would allow light commercial uses; c) And, this rezoning approval is reasonable and in the public interest because the subject property is along a heavily trafficked thoroughfare that would be feasible for residential lots as desired by the "low density residential" designation. Unanimous approval.**

#### REZONING CASES

- F. **P20-05. REZONING OF 1.10+/- ACRES FROM PND PLANNED NEIGHBORHOOD DISTRICT TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 533 SLOCOMB ROAD, SUBMITTED BY JAMES BLUE JR. (OWNER) & GEORGE R. BLUE (AGENT).**

Mrs. Lynd presented the case information and photos.

In Case P20-05, the Planning and Inspections staff recommends denial of the rezoning request from PND Planned Neighborhood District to RR Rural Residential and find this request is not consistent with the North Central Land Use Plan (2011) which designates this parcel for "Low Density Residential". "Low Density Residential" calls for a density of greater than 2.1 to 6 units per acre. Denial of the request is also reasonable and in the public interest as the requested district of RR Rural Residential would allow uses that are not in harmony with the surrounding existing land uses of stick-built residential dwellings.

There were no speakers signed up.

Mr. Lloyd said that PND was used as a holding zone a long time ago. The plan is going to reflect that zoning because it's already zoned low density residential. But if you look at the surrounding area it's RR. Mr. Lloyd went on to give a little history and explanation to PND zoning.

Mr. Howard said that RR zoning allows mobile homes in it and the majority of all the homes in the area are all stick built homes. Staff's concern was more context, PND doesn't allow mobile homes in it. People bought into a district that allows stick built and doesn't allow mobile homes. If you put in a lot that allows a mobile home to be placed on the property it would change the dynamic of the area, and it could springboard into further requests out there.

In Case P20-05, Mr. Lloyd made a motion, seconded by Mrs. Epler to approve the rezoning request from PND Planned Neighborhood District to RR Rural Residential and find: a. The approval is an amendment to the adopted current North Central Land Use Plan (2011) 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 subject property was initially zoned PND many years ago and the PND District was meant to designate a certain density level until public utility infrastructure could be put into place while the district requested will still allow a density in harmony with the character of the area; c. And this rezoning approval is reasonable and in the public interest because the district requested will still allow uses in harmony with the existing zoning, developed density and existing uses.

Mrs. Epler asked if the property was taxed, if PND was taxed as if it were R7.5.

Mr. Howard said he didn't know how it was taxed, but he thought it would be taxed as a single family residential.

Mrs. Epler said as land tax value goes, she's inclined to think that RR will have a lower tax value than PND would.

Mr. Howard said he thinks that it would be looked at as a single-family home versus a modular home,

Mrs. Epler went on to ask if RR qualified for low density.

Mrs. Lynd said that RR is two units per acre and the text says greater than 2.1 units per acre. All of the associated districts are districts that would not allow very many non-residential uses or manufactured homes. We were looking at it in the context of allowed uses in the district.

Mrs. Epler said the reason for the denial was so that there wouldn't be a mobile home out there.

Mr. Howard said it was more about the context, if there were other manufactured homes around the site, it would be less of an issue. From our standpoint it's about the context of what's around it and does it make sense for the neighborhood.

Mrs. Lynd also stated that, if rezoned, the requested RR district would also allow some small commercial activities.

Mr. Lloyd pointed out that there were no neighborhood people present in opposition.

Mr. James Blue, the applicant, said that there are mobile homes in the area, on the other side of Slocomb Road there are ten or twelve mobile homes. We want to put a modular home and are trying to keep it affordable.

Mrs. Epler asked with what he wants to put on the property, does it qualify as a class "a" manufactured home.

Mrs. Lynd said it depended on the manufactured home.

Mrs. Epler asked if one of the concerns is class "c" manufactured homes, is there no zoning that could be recommended approval for that would allow him to do what he needs to do.

Mrs. Lynd said that he could do R20A.

**In Case P20-05, Mr. Lloyd made a motion, seconded by Mrs. Epler to approve the rezoning request from PND Planned Neighborhood District to RR Rural Residential and find: a. The approval is an amendment to the adopted current North Central Land Use Plan (2011) 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 subject property was initially zoned PND many years ago and the PND District was meant to designate a certain density level until public utility infrastructure could be put into place while the district requested will still allow a density in harmony with the character of the area; c. And this rezoning approval is reasonable and in the public interest because the district requested will still allow uses in harmony with the existing zoning, developed density and existing uses. Unanimous approval.**

- G. **P20-07. REZONING OF 2.15+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7369 RIVER ROAD, SUBMITTED BY DORA J. WELKER (OWNER).**

Mrs. Lynd presented the case information and photos.

In Case P20-07, the Planning & Inspections staff recommends denial of the rezoning from A1 Agricultural & CD Conservancy District to A1 Agricultural and instead recommend approval of rezoning the properties to A1 Agricultural with CD Conservancy District remaining where the Special Flood Hazard Area (SFHA) and Floodway is located. Staff finds this recommendation consistent with the Wade Land Use Plan designation of "1 acre Residential" as the requested district will not increase density past that 1 acre threshold. Staff

further finds approval of this recommendation is reasonable and in the public interest because the recommended zoning is in harmony with surrounding existing zoning while still providing protection to the Cape Fear River by leaving the CD zoning where the SFHA and Floodway exist.

Mrs. Lynd said that the applicant verbally agreed with the staff recommendation.

**In Case P20-07, Mrs. Epler made a motion, seconded by Mr. Williams to recommend denial of the rezoning from A1 Agricultural & CD Conservancy District to A1 Agricultural and instead recommend approval of rezoning the properties to A1 Agricultural with CD Conservancy District remaining where the Special Flood Hazard Area (SFHA) and Floodway is located. The board finds this recommendation consistent with the Wade Land Use Plan designation of "1 acre Residential" as the requested district will not increase density past that 1 acre threshold. The board further finds approval of this recommendation is reasonable and in the public interest because the recommended zoning is in harmony with surrounding existing zoning while still providing protection to the Cape Fear River by leaving the CD zoning where the SFHA and Floodway exist. Unanimous approval.**

#### IX. DISCUSSION

- Mr. Howard gave an update on the 160D legislation and future updates to the County Ordinance
- Mr. Howard updated the Board on the Hope Mills Gateway Plan
- Mr. Howard advised the Board that he was working on an update to the Joint Planning Board Bylaws with the Chair and Vice-Chair and that once cleared by Legal, would be taking it to committee for review.

#### X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:08 pm.