

AMY H. CANNON
County Manager

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CUMBERLAND
COUNTY
NORTH CAROLINA

RAWLS HOWARD
Director

DAVID MOON
Deputy Director

◆
Planning & Inspections Department

MINUTES
October 20, 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
Ms. Kasandra Herbert
Mrs. Jami McLaughlin

Members Absent

Mr. Jordan Stewart

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

There were none

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

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none

V. APPROVAL OF THE MINUTES OF SEPTEMBER 15, 2020

Mr. Lloyd 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. JOINT PLANNING BOARD 2020 / 2021 DEADLINE / MEETING SCHEDULE

Mrs. Moody made a motion, seconded by Mr. Manning to approve the Joint Planning Board 2020 / 2021 Deadline / Meeting schedule. Unanimous approval.

VIII. PUBLIC HEARING CONSENT ITEMS

CONDITIONAL ZONING CASE

- A. **P15-09.** MODIFICATION OF AN APPROVED C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR RETAILING, OFFICE AND TRADE CONTRACTING DISTRICT FOR THE ADDITION OF A 50' BY 240' STRUCTURE OR TO A MORE RESTRICTIVE ZONING DISTRICT ON 8.42+/- ACRES; LOCATED ON THE SOUTHWEST SIDE OF SR 1126 (BROOKLYN CIRCLE), NORTHEAST OF LADY LANE ROAD; SUBMITTED BY DSI PROPERTIES LLC (OWNER) & NICHOLS BUILDINGS (AGENT).

In Case P15-09, the Planning and Inspections staff **recommends approval** of the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: since the conditional zoning was originally approved, the parcel has been recombined with the area designated for "heavy commercial" by the land use plan and has been developed as a large planned commercial development; c) And this rezoning approval is reasonable and in the public interest as the modification does not create any detrimental impacts to their original approval and the request is in harmony with adjacent existing zoning and land uses.

In Case P15-09, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: since the conditional zoning was originally approved, the parcel has been recombined with the area designated for "heavy commercial" by the land use plan and has been developed as a large planned commercial development; c) And this rezoning approval is reasonable and in the public interest as the modification does not create any detrimental impacts to their original approval and the request is in harmony with adjacent existing zoning and land uses. Unanimous approval.

REZONING CASES

- B. **P20-37.** REZONING OF 7.05+/- ACRES FROM A1 AGRICULTURAL TO C2(P) PLANNED SERVICE AND RETAIL DISTRICT/CZ CONDITIONAL ZONING FOR REQUESTED C2(P) USES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SR 2242 (BRAXTON ROAD), WEST OF ROSSENDALE DRIVE, SUBMITTED BY ROSS L. GREEN (OWNER). **(Applicant has revised request to RR Rural Residential)**

In Case P20-37, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agricultural to RR Rural Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this area "Low Density Residential" as the desired density in this designation is 2.2 to 6 units/acre and the designation requires public water and sewer, of which the property has access. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with surrounding zoning and existing land uses.

In Case P20-37, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from A1 Agricultural to RR Rural Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this area "Low

Density Residential” as the desired density in this designation is 2.2 to 6 units/acre and the designation requires public water and sewer, of which the property has access. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with surrounding zoning and existing land uses. Unanimous approval.

- C. **P20-48.** REZONING OF 13.70+/- ACRES FROM R40 RESIDENTIAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1419 H BULLARD ROAD, SUBMITTED BY ELIJAH LOVEJOY ON BEHALF OF THE CHURCH OF THE APOSTLES RESURRECTION CHURCH (OWNER).

In Case P20-48, the Planning & Inspections staff recommends approval of the rezoning request from R40 Residential to R40A Residential and find: a) The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the designation of “Low Density Residential” is not well supported with the lack of public utilities and the currently approved density will not change due to this request; c) And this rezoning approval is reasonable and in the public interest as the requested district is in harmony with existing surrounding zoning and permitted land uses.

In Case P20-48, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from R40 Residential to R40A Residential and find: a) The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the designation of “Low Density Residential” is not well supported with the lack of public utilities and the currently approved density will not change due to this request; c) And this rezoning approval is reasonable and in the public interest as the requested district is in harmony with existing surrounding zoning and permitted land uses. Unanimous approval.

- D. **P20-49.** REZONING OF 2.50+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF SR 1814 (J T MATTHEWS ROAD), EAST OF INTERSTATE 95, SUBMITTED BY ROGER & JEANETTE CORNETT ON BEHALF OF CORNETT PROPERTIES, LLC (OWNER).

In Case P20-49, the Planning and Inspections staff recommends approval of the rezoning from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Wade Land Use Plan (2004) 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 generally meets the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential development due to the I-95 widening project; c) And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent land uses and zoning near an I-95 interchange.

In Case P20-49, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Wade Land Use Plan (2004) 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 generally meets the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential development due to the I-95 widening project; c) And this rezoning approval is reasonable and

in the public interest as the district requested is in harmony with existing adjacent land uses and zoning near an I-95 interchange. Unanimous approval.

- E. **P20-50.** REZONING OF 7.39+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4042 GOLDSBORO ROAD, SUBMITTED BY CHRISTOPHER HUDSON ON BEHALF OF MCH INVESTMENTS, LLC (OWNER).

In Case P20-50, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Eastover Land Use Plan (2018) 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 generally meets the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009) and is located at an Interstate 95 interchange; c) And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent zoning/land uses and the parcel is served by public water.

In Case P20-50, Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from A1 Agricultural to C(P) Planned Commercial and find: a) The approval is an amendment to the adopted current Eastover Land Use Plan (2018) 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 generally meets the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009) and is located at an Interstate 95 interchange; c) And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent zoning/land uses and the parcel is served by public water. Unanimous approval.

IX. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- F. **P20-47.** REZONING OF 22.28+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE NORTHEAST AND SOUTHEAST QUADRANTS OF THE INTERSECTION OF SR 2028 (AVA ROAD) & SR 2027 (BEAVER DAM ROAD), SUBMITTED BY CARIN A. BUNCE (OWNER).

Mrs. Lynd presented the photos and case information.

In Case P20-47, the Planning & Inspections staff recommends denial of the rezoning request from A1 Agricultural to RR Rural Residential and find the request not consistent with the Stedman (2020) and Southeast Cumberland (2016) Land Use Plans which designates this parcel as “Agricultural” and “Farmland” respectively. Both designations encourage the preservation of farmland and rural character while only supporting higher densities if compatible with the surrounding neighborhood uses. Denial of the request is reasonable and in the public interest as the surrounding area is predominantly zoned A1 Agricultural and the subject property lacks access to public water and sewer that could support a higher density.

There was no one signed up to speak in favor or in opposition.

In Case P20-47, Mr. Lloyd made a motion, seconded by Mr. Crumpler to recommend denial of the rezoning request from A1 Agricultural to RR Rural Residential and find the request not consistent with the Stedman (2020) and Southeast Cumberland (2016) Land Use Plans which

designates this parcel as “Agricultural” and “Farmland” respectively. Both designations encourage the preservation of farmland and rural character while only supporting higher densities if compatible with the surrounding neighborhood uses. Denial of the request is reasonable and in the public interest as the surrounding area is predominantly zoned A1 Agricultural and the subject property lacks access to public water and sewer that could support a higher density. Unanimous approval.

X. DISCUSSION

There was discussion with the board and County Attorney, Mr. Rick Moorefield about the Interlocal Agreements between the County and the Towns.

- DIRECTOR'S UPDATE
 - Mr. Howard discussed with the Board setting up a meeting with the Land Use Codes Committee and Comprehensive Planning to review proposed ordinance amendments that would implement recommendations from various land use plans.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 6:55 pm.