

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

January 15, 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

Mr. Charles Morris, Chairman
Mrs. Diane Wheatley, Vice-Chair
Mr. Harvey Cain Jr.
Mr. Carl Manning
Mr. Stan Crumpler
Mrs. Jamie McLaughlin
Mrs. Lori Epler

Members Absent

Dr. Vikki Andrews
Ms. Patricia Hall

Others Present

Mr. Joel Strickland
Ms. Annie Melvin
Ms. Lisa Hamoy
Mrs. Laverne Howard
Mr. Edward Byrne
Mr. Rick Moorefield
County Attorney

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

Mr. Byrne advised the Board that Case P19-04 would be moved to Contested Items.

Mrs. Epler made a motion seconded by Mr. Crumpler to approve the adjustment to the agenda. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

- A. **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. WHITTED, BRENDA WILLIAMS, DEBORAH WRIGHT, DELLA W. PERKINS & BETTY JAMES ON BEHALF OF LILLIE MAE WHITTED HEIRS (OWNER). **DEFERRED UNTIL FEBRUARY 19, 2019**
- 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). (HOPE MILLS & COUNTY) **DEFERRED UNTIL FEBRUARY 19, 2019**
- C. **P19-02.** REZONING OF .47+/- ACRE FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTH OF NC HWY 24, WEST OF SR 1852 (MARY MCCALL ROAD); SUBMITTED BY KEVIN A. CARROLL (OWNER). **DEFERRED UNTIL MARCH 19, 2019**
- D. **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). REZONING CASES. **APPLICANT REQUESTED DEFERRED UNTIL FEBRUARY 19, 2019**

Chair Morris announced the dates that these cases would be heard by the Planning Board.

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 DECEMBER 18, 2018

Mrs. Epler asked for discussion about the minutes. Mrs. Epler stated our board has always had a very good track record regarding the Commissioners' decisions and our recommendations. Personally, I think that is the case because there has always been an accurate account of what took place in the Planning Board meetings. But the minutes I see here are not indicative of the last meeting we had. There were questions and answers from the proponents and opponents that were left out.

Chair Morris said that he agreed, the minutes have always been what have guided the Commissioners in their decision making.

Mrs. Epler said that she would like the minutes to be revised again.

Mr. Manning stated that the question to Mrs. Garcia about whether she and her husband were informed that future development was a possibility, was an important fact. That could be a legal problem for someone further down the road.

Mrs. Epler said that Mr. Younts' statement about the new lots being under the same restrictions as the existing lots, is an important fact for the Commissioner's to know.

Mr. Moorefield advised the Board on their options for approving and amending the minutes.

Mrs. Epler made a motion, seconded by Mr. Manning to approve the minutes as submitted to include amending P18-37 to include the questions and responses to the proponents and opponents. Unanimous approval.

VII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASES

- A. **P19-04. REZONING OF 2.03+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5153 GRAYS CREEK CHURCH ROAD, SUBMITTED BY DON & LETICIA GILMORE (OWNERS).**

Mr. Byrne presented the case information and photos.

In Case P19-04, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and lot sizes.

There were people present to speak in favor and opposition.

Mr. Don Gilmore spoke in favor. Mr. Gilmore stated that he was planning on building two houses that would be 2500 square feet each and would range in price from \$315,000 to \$325,000, Work would start at 8 am and stop at 4 pm, and will keep everything clean.

Mr. Johnathan Radcliffe spoke in opposition. Mr. Radcliffe stated that his concerns were with drainage, there are massive water issues there. Mr. Radcliffe showed pictures from the last storm that caused \$30,000 worth of damage to his home. He is concerned that construction might further impede existing drainage issues. He just wants that looked at and is not opposed to the applicant building.

Mr. Morris asked Mr. Radcliffe how many acres he had.

Mr. Radcliffe said two acres, but it's not just his lot with issues, some of the lots next to him fill up with water, even after a normal rainfall. It tends to run in those drainage ditches, and they get filled up.

Mrs. Epler asked Mr. Radcliffe if his property got drainage from the opposite side of the street.

Mr. Radcliffe stated that that side of the street is relatively dry it runs down into the ditch. But the properties on the other side of the street are lower so the water drains back into our ditches.

Mrs. Epler asked if he felt that the drainage from the opposite side of the street is coming on his side of the street.

Mr. Radcliffe said not with a normal rainfall, but definitely with a major storm.

Mr. Gilmore spoke in rebuttal and stated that he understands what Mr. Radcliffe was saying, his elevation is at 342 and Mr. Radcliffe's is about three or four feet lower; they do have a big ditch on the other side which saves them but doesn't think that their water will affect him. If you get enough rain, you're going to get overflow.

Public hearing closed.

Mrs. Epler said that most of the times in areas like this in significantly rural areas, the reason there are drainage problems is most likely because there is so much farmland out there that farmland has ditches that were probably dug a hundred years ago by farmers that have now been declared by the Corps of Engineers as blue line streams. On a blue line stream a property owner can't clear those streams without permission from the Corps of Engineers. That's very hard to come by and very expensive to get. That's unfortunate for people in Mr. Radcliffe's position.

In Case P19-04, Mr. Manning made a motion, seconded by Mr. Cain to approve the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and lot sizes.

- B. **P19-03. REZONING OF 1.00+/- ACRE FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8321 CLINTON ROAD, SUBMITTED BY KEVIN A. CARROLL (OWNER).**

Mr. Byrne presented the case information and photos.

In Case P19-03, the Planning and Inspections Staff recommends denial of the rezoning from A1 Agricultural to C(P) Planned Commercial and find it is not consistent with the adopted Stedman Land Use Plan (1999) which calls for "farmland" at this location; and further find that denial of the rezoning is reasonable and in the public interest because the property does not meet the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) because it lacks public sewer and the requested district is not in harmony with existing land uses and surrounding zoning.

The property owner was present to speak in favor.

Mr. Kevin Carroll spoke in favor and stated that over the last years there has been a lot of change in Stedman, the new Highway 24 has been constructed and is now open and the traffic completely bypasses by the Town of Stedman. Mr. Carroll stated that he and many of the other businesses have felt the impact of the new highway. Many of the business owners have looked to him to find a way to get signage on the road which has proven to be a difficult and expensive task. The Town of Stedman has worked on many different ideas, which have not been successful. Many small businesses have put out small turn here signs in the ground, but they don't seem to be effective or last very long. This is what led him to the idea of a nice-looking billboard on the new road. The first thing he must do is get the property zoned commercial. Mr. Carroll feels that the Board should consider that the 1999 Stedman Land Use Plan calls for farmland, and in 1999 that might have been a good plan, but a lot has changed in the last 20 years. The 1999 plan did not consider a highway coming through Stedman. Another reason for the denial was the distance from sewer because of the length of the property, PWC that sewer can be extended because the sewer is located deep enough on the property. Mr. Carroll stated that he needs the property rezoned so that he can put up a billboard to advertise the businesses that are there and were there long before the highway was constructed. The billboard will meet all of the setback requirements and will be facing away from any residential property, and he will keep the property maintained.

Mrs. Epler asked Mr. Carroll if a conditional use was considered.

Mr. Carroll said that staff recommended go this route first.

Chair Morris said that they have to consider all the uses that are available in a commercial rezoning.

Mrs. Epler said that there is nothing else like this anywhere around and this makes this spot zoning. As a board we can't support that.

Mr. Crumpler asked if the County sign ordinance only allows a billboard on commercial property.

Mr. Byrne said that they are only allowed in certain districts.

Mr. Strickland said that the Stedman Land Use Plan will be updated at this year.

Mr. Byrne said that staff felt they couldn't support a conditional zoning or a straight rezoning at this location at this time.

Mrs. Epler said that she is trying to be sympathetic to the business owners in Stedman and doesn't understand why staff would not support a conditional zoning with the applicant providing a site plan showing only a billboard at this location that didn't require sewer or water and only needs electric and only needs a temporary driveway or minimal driveway to service the billboard.

Mr. Byrne said that Department of Transportation (DOT) has the ultimate say so with billboards and when you rezone something for billboards DOT has the authority to overturn it.

Mrs. Epler asked Mr. Carroll if he had been to DOT, Mr. Carroll said he had, Mrs. Epler asked if they gave him any indication if they would support it.

Mr. Carroll said they haven't told him officially, but he does know about the spot zoning and he knows how to handle that with DOT.

Public hearing closed.

Mr. Manning made a motion, seconded by Mrs. Epler to defer Case P19-03 to the March 19, 2019 Planning Board meeting to give the applicant time to work with staff to review the case for an option that staff can support. Unanimous approval.

X. DISCUSSION

- Chair Morris asked Mr. Strickland if there was any status on the Director's position or a department review.

Mr. Strickland stated that he hasn't seen anything at this point.

Chair Morris asked Mr. Strickland if there was any status on the Interlocal Agreement

Mr. Strickland said that staff was not involved with that, they were advised that it was between Management and the towns.

- Mrs. Epler reminded staff that Cumberland County is a great place to do business and we need to do what we can, within the law, as a County and as a Planning Department to help applicants.
- Mrs. Wheatley said she went to her first Farm Advisory Board meeting and really enjoyed it. She would leave notes and calendar of events with Mr. Strickland.
- Mr. Strickland reminded the Board that staff is open to having first Tuesday informational lunch meetings and if there is anything they are interested in to let him know.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:59 pm.