

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

May 18, 2021

Members Present

Mr. Stan Crumpler – Chairman
Mr. Thomas Lloyd – Vice-Chair
Mrs. Susan Moody
Mr. Jordan Stewart
Mr. Gary Burton
Mrs. Jami McLaughlin
Mr. James Baker

Members Absent

Ms. Cassandra Herbert
Mr. Carl Manning
Mr. Mark Williams

Others Present

Mr. David Moon
Mr. Rawls Howard
Mrs. Laverne Howard
Mr. Rick Moorefield
County Attorney
Ms. Annie Melvin
Mr. Telly Shinas

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Crumpler delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mr. Howard advised the Board that Case P21-28 would be moved to Contested Items.

Mrs. Moody made a motion seconded by Mrs. McLaughlin to approve the adjustments to the agenda. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL

P21-09: REZONING OF 4.97+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3285 GABE SMITH ROAD, SUBMITTED BY JOHN H. SANOSKE (OWNER).

Mrs. Moody made a motion, seconded by Mr. Burton to approve the withdrawal. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF APRIL 27, 2021

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

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Crumpler read the welcome and rules of procedures.

VII. PUBLIC MEETING CONSENT ITEMS



Cumberland County Joint Planning Board

TEXT AMENDMENT

- A. **P21-30:** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE IN ITS ENTIRETY FOR THE PURPOSE OF BRINGING THE ORDINANCE INTO COMPLIANCE WITH THE NEWLY ADOPTED CHAPTER 160D STATE STATUTES; PLANNING & INSPECTIONS DEPT. (APPLICANT)

In Case P21-30, the Planning & Inspections staff recommends approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's Subdivision Ordinance, a current ordinance that is in compliance with state statutes allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public.

In Case P21-30, Mrs. Moody made a motion seconded by Mrs. McLaughlin to recommend approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's Subdivision Ordinance, a current ordinance that is in compliance with state statutes allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public. Unanimous approval.

REZONING CASES

- B. **P21-27.** REZONING OF 2.36+/- ACRES FROM R10 RESIDENTIAL ZONING DISTRICT TO C1(P) PLANNED LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6234 CAMDEN ROAD, SUBMITTED BY SHARON A. EDWARDS (OWNER).

For Case P21-27, the Planning & Inspections staff recommends approval of the rezoning request from R10 to C1(P) and finds the request consistent with the *Southwest Cumberland Land Use Plan* area, with the designation of "Mixed Use Development" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest, and in harmony with the surrounding existing land uses and zoning.

In Case P21-27, Mrs. Moody made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from R10 to C1(P) and finds the request consistent with the *Southwest Cumberland Land Use Plan* area, with the designation of "Mixed Use Development" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest, and in harmony with the surrounding existing land uses and zoning. Unanimous approval.

VIII. PUBLIC MEETING CONTESTED ITEMS



Cumberland County Joint Planning Board

CONDITIONAL ZONING CASES

- C. **P21-20.** REZONING OF 12.61+/- ACRES FROM RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING FOR A 33 LOT ZERO LOT LINE SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF NC HWY 87 S AND NORTH OF TOM STARLING ROAD, SUBMITTED BY ELEANOR YATES J. BUNNELLS, ELEANOR R. BUNNELLS, JOSEPHINE P. LYLE, CHARLES J. PATE AND JESSIE M. PATE (OWNERS) AND BLAYZE DIPASQUALE ON BEHALF OF MEKEE HOMES, INC. (AGENT). (COUNTY)

Mr. Moon presented the case information and photos.

For Case P21-20, the Planning & Inspections staff recommends approval of the rezoning request from RR Rural Residential to R7.5 Residential/CZ Conditional Zoning, subject to the conditions of approval and conceptual subdivision plan and finds the request consistent with the South Central Land Use Plan designation of "Low Density Residential" as the R7.5 zoning category is consistent with this land use designation. 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.

Staff presented a summary of modifications from the April 27, 2021 JPB meeting: Applicant has reduced total number of lots from 33 to 23: increased minimum lot size from 7,500 sq. ft. to 8,750, and increased minimum side yard setback standard from 5 feet to 7.5 feet.

Public meeting opened.

Mr. Andrew Petty spoke in favor and said that he wanted to answer any questions that they might have. They heard what the Planning Board said at the last meeting and they went back and made some substantial changes. He feels like they addressed all of the major concerns such as density, drastically reducing the plan by ten lots, increased the lot width to be consistent to where our butting begins, and took the side setbacks and made them wider. Mr. Petty went on to explain more of the changes that were made.

Mr. Burton asked if the driveway and turn lane were located in the field.

Mr. Petty said no, it had not been staked out.

Mr. Burton said asked if there were guardrail on either side of this project.

Mr. Petty said they do, and they will have to fill in the area where the guardrail goes, and replace the guardrail, and also place the driveway pipe underneath it to allow that water to pass underneath.

Mr. Burton asked if that had been approved by Department of Transportation (DOT).

Mr. Petty said no, they do not get permits until after we have zoning approval. They have coordinated with DOT and gotten feedback and must take one step at a time.

Mr. Burton said if DOT does not approve the removal of the guardrail, then you can't get your driveway entrance in, can you?

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Mr. Petty said that was correct.

Mr. Donald Matthews spoke in opposition. Mr. Matthews stated that his concerns were about safety with the increased traffic that this project will bring. Mr. Matthews said that they have requested a report from the Sheriff's office with the number of accidents in the area to show how serious this is. Mr. Matthews said we need to be more proactive when it comes to safety.

Mr. Lloyd asked Mr. Matthews how many lots it would take for him to feel safe.

Mr. Matthews said that in his opinion one lot would not be safe. Even though they are knocking off ten lots, twenty-three is still too much.

Mr. Lloyd asked if twenty was too high.

Mr. Matthews said yes.

Mr. Lloyd said they could do twenty lots with its current zoning. Mr. Lloyd also asked since safety is Mr. Matthews main issue, but they would only need a half-acre to the south to tie in that subdivision and Mr. Matthews owns that large tract of land, why would you not consider in the name of safety, selling a half-acre to them to tie into that road network.

Mr. Matthews said it's under contract, a long-term lease. That would not change anything, traffic and safety would still be an issue.

Mr. Jim MacRae spoke in opposition. Mr. MacRae said that he agreed with the previous speaker, this is a big safety issue. Mr. MacRae said that he was involved in the initial zoning of the area and loves the rural feel of Gray's Creek.

Mr. Lloyd said that the precedent was set when the Land Use Plan was done, and this was designated low density residential, which is exactly what the applicant wants to develop it for. The land use plan that people participated in calls for low density, that's when the precedent was sent.

Mr. MacRae said that there was a lot of time spent on that plan but does not feel that a house every seventy-five hundred square feet is low density residential. Mr. MacRae asked the board to do what is right and deny the request.

Mrs. Christina Matthews spoke in opposition. Mrs. Matthews expressed her concerns about traffic safety with the new developments that are coming and increased vehicular traffic.

Public meeting was closed.

Mr. Lloyd asked Mr. Moorefield if a property has already been zoned can an applicant go to the Commissioner's and have that property downzoned?

Mr. Moorefield said no.

Mr. Lloyd said that the twenty units that they can build on RR, they are guaranteed that, the Commissioners could not say well we're going to downgrade you to A1.

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Mr. Moorefield said no.

Mr. Stewart said that Stedman just had a Land Use Plan done and he said that he noticed that developers asked for less restrictive zoning, as far as this project, he spoke to the applicant, against the rest of the board, and did not ask him to make any changes. I just said to him, you get twenty houses, build twenty houses that is what it is zoned. The property is zoned RR and in his opinion the lots are not low density. Mr. Stewart feels that if they are going to stick to the plan than the RR in this case is appropriate.

Mr. Lloyd said that this is an issue that is going to come up again in the Wade-Stedman Road area, this is why the area plans are so important. There are a lot of rural areas out there, and farmers view their land as retirement because they can sell it to be developed. In this case, this was a planning process, there was a deliberate effort to keep the east side of Wade Stedman Road and Highway 87 rural. The utilities are here, there is more of a concern for safety, but that is more of a DOT issue.

Mr. Burton said that DOT has to give them access to the property and they will address the safety issues.

Mr. Petty came up and said that they would be willing to change the request to R15 zoning.

Mr. Lloyd made a motion to approve the request for rezoning to R15 Rural Residential/CZ Conditional Zoning. There was no second, the motion failed.

Mr. Stewart made a motion, seconded by Mrs. McLaughlin to deny the rezoning request to R7.5 Residential/CZ Conditional Zoning and leave it at the current zoning of Rural Residential. The motion passed 6-1 with Mr. Lloyd voting in opposition.

- D. **P21-28: REZONING OF 48+/- ACRES FROM A1 AGRICULTURAL DISTRICT TO R30 RESIDENTIAL DISTRICT/ CZ CONDITIONAL ZONING FOR UP TO 52 LOT ZERO LOT LINE SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF BAINBRIDGE ROAD BETWEEN MARY MCCALL ROAD AND JOHN NUNNERY ROAD, SUBMITTED BY MOLICE FARMS LLC (OWNER).**

Mr. Shinas presented the case information and photos.

For Case P21-28, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agriculture to R30 Residential Conditional Zoning and finds the request consistent with the Stedman Area Land Use Plan designations of "Suburban Density Residential" and "Rural" Density Residential". Approval of the request is reasonable and in the public interest as the district requested will ensure the site plan will be in harmony with surrounding existing land uses and zoning.

Mr. Crumpler asked about the zoning of the existing housing development near the subject property.

Mr. Shinas advised Mr. Crumpler that the zoning was A1.

Mr. Lloyd asked for the least dense and most dense zoning.

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Mr. Howard advised what was available as far as the different density levels.

Mr. Lloyd said that he was trying to get an understanding to the board that this plan was just done, and these densities had been laid out in the last year. Mr. Lloyd stated that the difference between agricultural density and rural density would be, agricultural density is two acre lots and Mr. Howard responded, in general, yes.

Mr. Stewart said that people were worried that they were being told what to do with their property, then advised that the plan was just a guideline. They didn't know that in a rural nature that they could put a house on thirty thousand square feet.

Mr. Lloyd said if we get a Hope Mills case in here, they are going to stick to that plan no matter what, whether it is good or bad, they want that plan followed. Mrs. Moody confirmed that they would. When you ask the Board on a one-year-old plan if that, well the people really didn't mean that the time for that was when the plan was done. This Board approved that plan and the Commissioner's approved it.

Mr. Howard explained the different options that were available in that land use designation and that R30 was allowed with conditions. Mr. Howard explained that that is how staff looks at it and that R30 was deemed in the plan to be the "floor" that would be the smallest lot to be considered rural and would also allow for septic. They could also request larger districts and still be in compliance with the plan.

Mr. Stewart asked if the requests that come in, are they for the densest zoning that could be asked for.

Mr. Howard stated not necessarily. Mr. Howard explained some of the types of rezoning requests that come in and sometimes the requested lots would be larger than what the plans call for.

Mr. Lloyd said that he would make a request, when there is a request like this, that something be brought in that explains the differences in the designations.

Mr. Howard said they could add the descriptions of the designations in the staff report.

Public meeting opened.

Mr. Rhett Bunce spoke in favor. Mr. Bunce thanked the Board for their time and service, he went on to explain his background and business and what the intentions were for the property and what they want to farm. Mr. Bunce pointed out the subject property along with the additional farmland they purchased and pointed out the areas they wanted to farm and the area they wanted to farm for timber. He stated that they have no interest in developing because of what the land means to his family. Mr. Bunce pointed out area that cousins own and had appraised as developable land. They had to purchase that property and want to offset the cost by developing the property so that they can continue farming their other land. With the current zoning of A1 we would be able to build all the way down and do road front lots, but we do not want to do that. We want to leave it in the rural nature that we have all talked about and to do that we think it is better to develop a particular portion. Mr. Bunce said that if they isolate development to one side it would allow them to farm their lands and not have to use fertile farmland for road front houses.

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Mr. Lloyd said that if he was reading right, suburban density is up to RR, twenty thousand square foot lots. Rural is R30 three quarters of an acre, He asked Mr. Bunce even though he could do suburban density, which the plan calls for you are going to do this all-rural density which is a larger lot.

Mr. Bunce said yes. He does not want to squeeze in as many lots as he can. He wants to be respectful of the Land Use Plan and of the neighboring land.

Mr. Richard Freeman spoke in opposition. Mr. Freeman lives across from the subject property, he wanted to know if this would enhance the quality of life in the Stedman community. There is no water or sewer and no infrastructure, it is farmland. He does not want to see this turn into Ramsey Street or Hope Mills. It is a farming community and does not want to see it change.

Mr. Anthony White spoke in opposition. Mr. White pointed out where his property was in relation to the subject property. Mr. White said that he was concerned with unsanitary conditions arising from improper development due to improper placement of septic tanks. Mr. White went on to say that he tried to rezone property that he had purchased fifteen years earlier to R40 and was told he could not do it, because sewer and water were not available and lack of space for septic tanks. Mr. White wanted to know what had changed in the last fifteen years that he was denied R40 and now R30 development could be approved.

Ms. Belivia Autry spoke in opposition. Ms. Autry said that there are concerns with safety and what the influx of these homes would bring, we are concerned about the water and sewage issue because we do not have city water or sewer. We do see any indication of city sewer or water that will be forthcoming soon to the area. Ms. Autry said there is no large presence of opposition and said they only received notice about seven days before the meeting. If they had more time, they could have had more people here. Ms. Autry questioned if the schools could handle this influx of development. Ms. Autry said they wanted the area to remain rural.

Public meeting closed.

Mr. Lloyd pointed out that when voting against a plan the board needs to state why they are voting against the plan, the law says we must state why we are voting against it. Mr. Lloyd feels it's important in this case to do that, because the land use plan is one year old. Mr. Lloyd is guessing but the people who are here in opposition probably were not clear on the differences in the rural and suburban density.

Mr. Stewart said if you allow A1 you are not going against the plan.

Mr. Lloyd said that if someone comes and asks for rural density and we say no you cannot have rural density because it goes against the plan, we need to say why we are doing that.

Mr. Moorefield said that was correct.

Mr. Howard said that staff would look at lot sizes for what is being developed. Mr. Howard went on to say that the plan is more than a map, staff looks at the map, but we also look at the policies, and staff takes into consideration what the policies say. Staff tries to put things together between what the map says and what the policies say.

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Mr. Crumpler said that he had several reservations, the roads are rural in Stedman, fifty-two lots would be one hundred and four cars. Mr. Crumpler does not think the roads were built for that type of traffic, even though he is going to have an exit and entrance, he does not see any indications of turn lanes being built.

After board discussion, the public meeting was reopened.

Mr. Bunce said that he reached out to DOT and read an email from Troy Baker that said due to the low nature of the daily traffic that individual driveways would be allowed at each of the units because there is not that high amount of traffic.

Public meeting was closed.

Mr. Stewart made a motion, seconded by Mr. Baker to deny the request from A1 Agriculture to R30 Residential/CZ Conditional Zoning. The reason for denial of the request is to preserve the agricultural nature of the area. The motion passed 6-1 with Mrs. Moody voting in opposition.

IX. DISCUSSION

- ELECTIONS OF OFFICERS IN JUNE

Mr. Howard reminded the Board that they would be voting for new officers at the June 15th meeting.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:11 pm.