

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

### MINUTES

November 16, 2021

#### Members Present

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

#### Members Absent

Mr. Mark Williams  
Ms. Cassandra Herbert  
Mr. Jordan Stewart

#### Others Present

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

#### 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

There were no adjustments to the agenda

#### III. PUBLIC MEETING DEFERRAL

There were none.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

#### V. APPROVAL OF THE MINUTES OF SEPTEMBER 21, 2021

Chair Crumpler advised the board that the minutes had been amended to include additional conversation for Case ZON-21-0014.

**Mrs. Moody made a motion, seconded by Mr. Baker to approve the amended minutes. Unanimous approval.**

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

Chair Crumpler read the welcome and rules of procedures.

#### VII. JOINT PLANNING BOARD 2022 DEADLINE / MEETING SCHEDULE

**Mrs. McLaughlin made a motion, seconded by Mr. Burton to approve the 2022 Deadline / Meeting Schedule. Unanimous approval.**



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### VIII. PUBLIC MEETING CONSENT ITEMS

#### CONDITIONAL ZONING DISTRICT

- A. **ZON-21-0015:** Rezoning from R10 Residential District to C(P) Planned Commercial District on 0.52 +/- acres or more restrictive zoning district; located north of Elwood Drive and west of Hope Mills Road; submitted by Larry King and Associates (agent) on behalf of Joseph Riddle and Trina Riddle (owners). (Hope Mills)

In Case ZON-21-0015, the Planning and Inspections staff recommends approval of the rezoning request from R10 Residential District to C(P) Planned Commercial District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for Low Density Residential and Open Space at this location. However, staff further finds: A. Approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request. B. The request would provide a definitive demarcation of commercial development for the surrounding neighborhood to the nearby thoroughfare. C. The request is reasonable and in the public interest because the C(P) Planned Commercial District would allow commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning.

**In Case ZON-21-0015, Mr. Burton made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from R10 Residential District to C(P) Planned Commercial District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for Low Density Residential and Open Space at this location. However, staff further finds: A. Approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request. B. The request would provide a definitive demarcation of commercial development for the surrounding neighborhood to the nearby thoroughfare. C. The request is reasonable and in the public interest because the C(P) Planned Commercial District would allow commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

- B. **ZON-21-0018:** Rezoning from A1 Agricultural District to R40A Residential District on 2.00 +/- acres or more restrictive zoning district; located at 3215 John Hall Road; submitted by MAPS Surveying, Inc. (agent) on behalf of Terry Nance and Amy Nance (owners).

In Case ZON-21-0018, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to the R40A Residential District. Staff finds the request is consistent with the Southeast Cumberland Land Use Plan which calls for Rural Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R40A Residential District would allow residential uses at a density that would be compatible and in harmony with the surrounding land use activities and zoning.

**In Case ZON-21-0018, Mr. Burton made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to the R40A Residential District. Staff finds the request is consistent with the Southeast Cumberland Land Use Plan**



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**which calls for Rural Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R40A Residential District would allow residential uses at a density that would be compatible and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

- C. **ZON-21-0019:** Rezoning from R10 Residential District and C(P) Planned Commercial District to C(P) Planned Commercial District on 4.98 +/- acres or more restrictive zoning district; located at 3563 Camden Road; submitted by EEB, LLC (owner).

In Case ZON-21-0019, the Planning and Inspections staff recommends approval of the rezoning request from R10 Residential District and C(P) Planned Commercial District to C(P) Planned Commercial District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for Light Industrial at this location. However, staff finds: a. Approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The request to rezone to C(P) is a good transition and less intensive and would further eliminate potential compatibility concerns associated with light industrial designation and uses; c. The request is reasonable and in the public interest because the C(P) Planned Commercial District would allow commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning.

**In Case ZON-21-0019, Mr. Burton made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from R10 Residential District and C(P) Planned Commercial District to C(P) Planned Commercial District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for Light Industrial at this location. However, staff finds: a. Approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The request to rezone to C(P) is a good transition and less intensive and would further eliminate potential compatibility concerns associated with light industrial designation and uses; c. The request is reasonable and in the public interest because the C(P) Planned Commercial District would allow commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

- D. **ZON-21-0020:** Rezoning from PND Planned Neighborhood Development District to RR Rural Residential District on 1.81 +/- acres or more restrictive zoning district; located at 412 Slocomb Road; submitted by William Lee Elliott and Dessie F. Elliott (owners).

In Case ZON-21-0020, the Planning and Inspections staff recommends approval of the rezoning request from PND Planned Neighborhood Development District to the RR Rural Residential District. Staff finds the request is not consistent with the North Central Cumberland Land Use Plan which calls for Low Density Residential at this location. However, staff finds: a. Approval is an amendment to the adopted, current North Central Cumberland Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The request would allow minimum lot sizes that are above what the land use plan calls for; c. The request is reasonable and in the public interest because the RR Rural Residential District would allow residential uses at a density that would be compatible and in harmony with the surrounding land use activities and zoning.



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In Case ZON-21-0020, Mr. Burton made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from PND Planned Neighborhood Development District to the RR Rural Residential District. Staff finds the request is not consistent with the North Central Cumberland Land Use Plan which calls for Low Density Residential at this location. However, staff finds: a. Approval is an amendment to the adopted, current North Central Cumberland Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The request would allow minimum lot sizes that are above what the land use plan calls for; c. The request is reasonable and in the public interest because the RR Rural Residential District would allow residential uses at a density that would be compatible and in harmony with the surrounding land use activities and zoning. Unanimous approval.

### CONDITIONAL ZONING DISTRICT

- E. **ZON-21-0023:** Rezoning from R10 Residential District to C(P) Planned Commercial District/CZ Conditional Zoning District on 0.57 +/- acres or more restrictive zoning district; located at 4176 Legion Road; submitted by The John R. McAdams Company, Inc. (agent) on behalf of Roger and Pamela Bedsole (owners). (Hope Mills)

In Case ZON-21-0023, the Planning and Inspections staff recommends approval of the rezoning request from R10 Residential District to the C(P) Planned Commercial District/CZ Conditional Zoning District. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for Heavy Commercial at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the C(P) Planned Commercial District/CZ Conditional Zoning District would allow commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning.

In Case ZON-21-0023, Mr. Burton made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from R10 Residential District to the C(P) Planned Commercial District/CZ Conditional Zoning District. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for Heavy Commercial at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the C(P) Planned Commercial District/CZ Conditional Zoning District would allow commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning. Unanimous approval.

## IX. PUBLIC MEETING CONTESTED ITEMS

### REZONING CASES

- F. **ZON-21-0017:** Rezoning from RR Rural Residential District and C1(P) Planned Local Business District to C1(P) Planned Local Business District on 0.84 +/- acres or more restrictive zoning district; located at 5254 and 5242 Maxwell Road; submitted by William McPhail (owner).

Mr. Shinas presented the case information and photos.

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In Case ZON-21-0017, the Planning and Inspections staff recommends denial of the rezoning request from RR Rural Residential District and C1(P) Planned Local Business District to C1(P) Planned Local Business District. Staff finds the request is not consistent with the Stedman Land Use Plan which calls for Suburban Density Residential at this location. Staff further finds the request is not reasonable and not in the public interest because the C1(P) Planned Local Business District would allow commercial uses at an intensity that would not be compatible, in character, and in harmony with the surrounding land use activities and zoning.

There was one person present to speak in favor.

Chair Crumpler opened the public meeting.

Mr. Lloyd said that the plan doesn't reflect an existing commercial zoning. There is no development there and it is rural. Part of this lot you can't put a house on, you can only build if you go back, he may be able to meet the RR setbacks, but he can't build in the C1. The plan itself doesn't recognize existing commercial zoning, it almost renders the lot useless for residential or commercial.

Mr. Howard said that staff had concerns about the size of the tract and spot zoning.

Mr. Lloyd said he doesn't see how it would be spot zoning, spot zoning is something that is allowed for someone but anyone else close by isn't allowed to have. There is already commercial there.

Mr. Howard said it's zoned commercial, but the building has been torn down. It's flat, vacant land right now.

Mr. Lloyd said it was still zoned commercial.

Mr. Howard said that was correct, but it could be zoned back to residential just as easily as it could be zoned commercial.

Mr. Lloyd said that was right, but there are considerations for property rights as well.

Mr. William McPhail spoke in favor. Mr. McPhail stated that the surrounding neighbors don't want to see anymore mobile homes. His plan is to build mini storage units and can do it on the C1 portion. There is a need for storage in the area. He will not need water or sewer on the property.

Mr. Lloyd asked if Mr. McPhail rezoned to RR if he would have opposition from his neighbors?

Mr. McPhail said yes, the neighbors are happy with what he's doing.

Mr. Lloyd told Mr. McPhail that his best bet is to get them to the Commissioner's meeting if they are in favor.

Public meeting closed.

**In Case ZON-21-0017, Mrs. Moody made a motion, seconded by Mr. Lloyd to approve the rezoning request to C1(P) Planned Local Business District for the reason that part of the**

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**property is already zoned commercial, and it will not be inconsistent with the area. Unanimous approval.**

- G. **ZON-21-0022:** Rezoning from RR Rural Residential District to R6 Residential District on 30.55 +/- acres or more restrictive zoning district; located south of Corporation Drive and east of Chicken Foot Road; submitted by Drafting and Design Services, Inc. (agent) on behalf of Charles and Nancy Maxwell (owners). (Hope Mills)

Mr. Shinas presented the case information and photos.

In Case ZON-21-0022, the Planning and Inspections staff recommends denial of the rezoning request from RR Rural Residential District to the R6 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for Heavy Commercial and Open Space at this location. Staff finds that the request is unreasonable and not in the public interest because the R6 Rural Residential District would allow residential intrusion within a commercial interchange node and would not be compatible and in harmony with the existing surrounding land use activities and zoning.

Mr. Howard advised the board that comments received from Fayetteville Cumberland Economic Development Corporation (FCEDC) stated that they had concerns about encroachment into industrial areas with residential. They also expressed concerns about trying to recruit around this area given the fact that there is some residential going in. Staff shares those concerns, that was the primary reason for their recommendation.

Mr. Lloyd asked where the access to the subject property was located.

Mr. Howard said that was a good question and pointed out where the access would be located.

Mr. Lloyd said there's thirty acres, there are hydric soils, wetlands running down diagonal, the access couldn't be near the bypass, and industrial is as much against the adopted plan as this request is.

Mr. Howard said that there were two people present to speak and Chancer McLaughlin with the Town of Hope Mills was present to speak as well.

Mr. Chancer McLaughlin spoke in favor for the Town of Hope Mills. Mr. McLaughlin explained the access to the property and how it will be attained. Mr. McLaughlin explained that the Town of Hope Mills had annexed all the land around the adjacent properties, they strategically filed for the rezoning of the subject property knowing that the town would be supportive of the other portion of it. It's going to be combined to give the access off Corporation Drive.

The Board members brought up the issues with the traffic in Hope Mills and asked Mr. McLaughlin how that would be handled.

Mr. McLaughlin stated that the staff report indicates that this development does not rise to the level of creating a traffic impact study and it does not create adverse relationships on traffic.

Public meeting opened.



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Mr. Chuck Maxwell spoke in favor. Mr. Maxwell stated that he was in favor of the request.

Mr. Lloyd asked Mr. Maxwell if selling market land for industrial purposes on property with wetland is easy to sell for industrial.

Mr. Maxwell said it was not.

Mr. Crumpler asked Mr. Maxwell where water runoff would be going.

Mr. Maxwell said it would go to the retention ponds.

Mr. Crumpler asked where the water would go when the retention ponds are full.

Mr. McLaughlin stated that the Stormwater department has looked at this entire development, this is tied to what he was saying before, this project has been looked at by the Stormwater Director, all water runoff must be treated on site. The retention ponds are piped into other systems but is aware that the runoff must be treated on site.

Mr. Palmer Williams spoke in opposition. Mr. Williams stated that he had concerns with traffic and all the congestion that will be caused by the trucks. Mr. Williams feels the zoning should be more restrictive.

Public meeting closed.

Mrs. Moody said that she had reservations about approving R6 and is leery about changing that right now.

Michael Blakely, civil engineer for the project, came forward to answer questions for the board about road access.

**Mr. Lloyd made a motion, seconded by Mrs. Moody to deny the request for R6 and approve rezoning to R15 which is more in line with the types of land uses for the area. The motion passed with Mr. Baker and Mr. Burton voting in opposition.**

### X. DISCUSSION

- SIGN ORDINANCE REPORT

Mr. Howard said that the consultant has provided an annotated form of the new sign ordinance to be reviewed, so will be getting the Codes Committee together for a meeting.

- SCHEDULE OF COMPREHENSIVE PLANS

Mr. Howard told the board that a schedule of comprehensive plans has been placed in their packets.

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- HOPE MILLS UPDATE

Mr. Howard told the board that some administrative responsibilities will be shifting to the Hope Mills Planning Department at the beginning of the new year.

- TEXT AMENDMENTS

Mr. Howard advised the board on how the Board of Commissioner's voted and the direction given on the text amendments.

### XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:38 p.m.