



Cumberland County Joint Planning Board

MINUTES

October 21, 2025

Members Present	Members Absent	Others Present
Mr. Tom Lloyd	Mr. Mark Williams	Mr. David Moon, Deputy Director
Mr. James Baker, Chair		Mr. Rick Moorefield, County Attorney
Ms. Betty Lynd, Vice Chair		Mrs. Amanda Ozanich, Snr. Admin Prof.
Mr. Stan Crumpler		Mr. Tim Doersam Planner II
Mr. Todd Mobley		Mr. Richard Fagan Planner II
Ms. Jamie McLaughlin		Ms. Vishva Rathod, Planner III
Mr. Charles Jones		
Mr. William Walters		
Mr. Ray Jenkins		

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Lloyd called the meeting to order at 6:00 PM. Mr. Crumpler delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO / APPROVAL OF AGENDA

Mr. Lloyd asked if there were any adjustments to the agenda. Mr. Moon noted that Case ZON-25-0037 and Case ZON-25-0022 would need to be moved to the contested portion of the agenda. He also noted that the oath of office for Mr. Ray Jenkins needed to be added to the agenda.

Mr. Baker motioned, seconded by Mr. Mobley to approve the agenda with the noted adjustments. Unanimous approval.

After the approval of the agenda, Amanda Ozanich swore in Mr. Ray Jenkins.

III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

There are none.

IV. ABSTENTIONS BY BOARD MEMBERS

There are none.

V. APPROVAL OF THE MINUTES OF AUGUST 19, 2025 & SEPTEMBER 16, 2025

Ms. Lynd made a motion, seconded by Mr. Baker to approve the minutes of August 19, 2025 and September 16, 2025 as submitted by staff. Unanimous approval.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Mr. Lloyd read the Chairman's Welcome and outlined the Rules of Procedure.

VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. ZNG-012-25:** Initial zoning of 14.97 +/- acres to C2(P) Planned Service and Retail District, located approximately +/- 200ft East from the intersection of Town Center Dr and Rockfish Rd. REIDs 9494870736000, 9494872795000, 9494875714000, 9494878784000, 9494980467000 (portion). Submitted by Lori S. Epler (applicant) on behalf of Palmer Williams, Sycamore Corner LLC, SRW Builders LLC, Williams Timber LLC, and Great Oaks Property Holdings LLC (Owners). **(Hope Mills)**

Town of Hope Mills Planning staff recommends approval of the initial zoning request to the C2(P) Planned Service and Retail District, as it is consistent with the 2013 Southwest Cumberland Land Use Plan. The proposed zoning is a strategic fit with the Town's ongoing and future goals for economic growth and development. It is also appropriate given the existing and anticipated land uses nearby, making the request both reasonable and beneficial to the public.

In Case ZNG-012-25, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the initial zoning request to the C2(P) Planned Service and Retail District as it is consistent with the 2013 Southwest Cumberland Land Use Plan. The proposed zoning is a strategic fit with the Town's ongoing and future goals for economic growth and development. It is also appropriate given the existing and anticipated land uses nearby, making the request both reasonable and beneficial to the public. Unanimous approval.

- B. ZON-25-0034:** Rezoning request from R40 Residential District to A1 Agricultural District or to a more restrictive zoning district for 7.00 +/- acres of a 14.50 +/- acres parcel; located southeast of Abco Ln and northwest of Dudley Rd; submitted by Carl Sims (Agent) on behalf of Albert W Robinson Jr. (Owner).

In Case ZON-25-0034, Planning and Inspections staff recommends approval of the rezoning request from R40 Residential District to A1 Agricultural District. Staff finds that the request is consistent with the Southeast Cumberland Land Use Plan which calls for "One Acre without Water, ½ Acre with Public Water" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0034, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the rezoning request from R40 Residential District to A1 Agricultural District. The request is consistent with the Southeast Cumberland Land Use Plan which calls for "One Acre without Water, ½ Acre with Public Water" at this location. The request is

reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- C. **ZON-25-0035:** Rezoning request from RR Rural Residential District to A1 Agriculture District or to a more restrictive zoning district for a parcel comprising 374.57 +/- acres; generally located north of the Cape Fear River, south of McBryde St, 1.8 miles west of the intersection of Lane Road and Slocomb Rd, and one mile east of River Bend Rd; submitted by J. Scott Flowers (Agent) on behalf of Keith L. McCormick Revocable Trust (Owner).

In Case ZON-25-0035, Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District to A1 Agricultural District. Staff finds that the request is consistent with the North Central Area Land Use Plan which calls for "Rural/Agricultural" and "Open Space" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0035, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the rezoning request from RR Rural Residential District to A1 Agricultural District. The request is consistent with the North Central Area Land Use Plan which calls for "Rural/Agricultural" and "Open Space" at this location. The request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- D. **ZON-25-0036:** Rezoning request from RR Rural Residential and PND Planned Neighborhood District to A1 Agricultural District or to a more restrictive zoning district for twelve parcels comprising 1,038.09 +/- acres; all located north of the Cape Fear River and east and north of Slocomb Rd, along the north and south side of McBryde St, and approximately 1.25 miles west of the intersection E. Reeves Bride Road and McBryde St, submitted by J. Scott Flowers (Agent) on behalf of McCormick Farms Limited Partnership (Owner).

In Case ZON-25-0036, Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District and PND Planned Neighborhood Development District to A1 Agricultural District. Staff finds that the request is consistent with the North Central Area Land Use Plan which calls for "Rural/Agricultural", "Open Space", and "Flex Area" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0036, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the rezoning request from RR Rural Residential District and PND Planned Neighborhood Development District to A1 Agricultural District. The request is consistent with the North Central Area Land Use Plan which calls for "Rural/Agricultural", "Open Space", and "Flex Area" at this location. The request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- E. **ZON-25-0038:** Rezoning request from R6 Residential District to C2(P) Planned Service and Retail District or to a more restrictive zoning district for a parcel comprising of 0.67 +/- acres; located at 3241 Natal St; submitted by Lino Abreu (Owner).

In Case ZON-25-0038, Planning and Inspections staff recommends approval of the rezoning request from R6 Residential District to C2(P) Planned Service and Retail District. Staff finds that

the request is consistent with the Southwest Cumberland Land Use Plan which calls for “Mixed Use” at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0038, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the rezoning request from R6 Residential District to C2(P) Planned Service and Retail District. The request is consistent with the Southwest Cumberland Land Use Plan which calls for “Mixed Use” at this location. The request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- F. **ZON-25-0039:** Rezoning request from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for a parcel comprising of 2.40 +/- acres; located at 6650 Oak Grove Church Road; submitted by Mike Adams, Maps Surveying (Agent) on behalf of Crystal McGee (Owner).

In Case ZON-25-0039, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds that the request is consistent with the Stedman Area Land Use Plan which calls for “Rural Density Residential” at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0039, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the rezoning request from A1 Agricultural District to R40A Residential District. The request is consistent with the Stedman Area Land Use Plan which calls for “Rural Density Residential” at this location. The request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- G. **ZON-25-0040:** Rezoning request from C3 Heavy Commercial District to R6 Residential District or to a more restrictive zoning district for a parcel comprising of 1.03 +/- acres; located at 1410 and 1414 Lillington Hwy; submitted by Edward Ball (Agent) on behalf of Charlie Ball (Owner).

In Case ZON-25-0040, Planning and Inspections staff recommends approval of the rezoning request from C3 Heavy Commercial District to R6 Residential District and find that: 1. Approval is an amendment to the adopted, current Spring Lake Area 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. 2. The requested district would be the most appropriate to maintain current use and site conditions and to allow reconstruction of residential structures. 3. Abutting land to the north, east, and south are assigned a residential zoning district and land use plan designation. Staff finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0040, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the rezoning request from C3 Heavy Commercial District to R6 Residential District and find that: 1. Approval is an amendment to the adopted, current Spring Lake Area 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. 2. The requested district would be the most appropriate to maintain current use and site conditions and to allow reconstruction of residential structures. 3. Abutting land to the

north, east, and south are assigned a residential zoning district and land use plan designation. The request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- H. **ZON-25-0041:** Rezoning request from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for a parcel comprising 1.79 +/- acres; located at 5888 Butler Nursery Rd.; submitted by Joseph Wilson Marsh (Owner).

In Case ZON-25-0041, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds that the request is consistent with the South-Central Area Land Use Plan which calls for "Farmland" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0041, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the rezoning request from A1 Agricultural District to R40A Residential District. The request is consistent with the South-Central Area Land Use Plan which calls for "Farmland" at this location. The request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- I. **ZON-25-0042:** Rezoning request from R40 Residential District to R40A Residential District or to a more restrictive zoning district for a parcel containing 1.50 +/- acres; located at 3158 Beard Rd.; submitted by Lawrence and Patricia McLemore (Owners). **(Eastover)**

In Case ZON-25-0042, Planning and Inspections staff recommends approval of the rezoning request from R40 Residential District to R40A Residential District. Staff finds that the request is consistent with the Eastover Area Land Use Plan which calls for "Suburban Density Residential" at this location. Staff finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0042, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the rezoning request from R40 Residential District to R40A Residential District. The request is consistent with the Eastover Area Land Use Plan which calls for "Suburban Density Residential" at this location. The request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- J. **ZON-25-0043:** Rezoning request from A1A Agricultural District and CD Conservancy District to M1(P)/CZ Planned Light Industrial District Conditional Zoning or to a more restrictive zoning district for 4.62 +/- acres of a 193 +/- acre parcel; located at 8421 Burnett Rd.; submitted by Stephen Cain (Agent) on behalf of David Kemnitz (Owner).

In Case ZON-25-0043, Planning and Inspections staff recommends approval of the rezoning request from A1A Agricultural District and CD Conservancy District to M1(P)/CZ Planned Light Industrial District Conditional Zoning and find that: 1. Approval is an amendment to the adopted, current Northeast 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. 2. The requested use and zoning district are compatible with the land use plan policies that support

industrial development and employment. 3. Impacts to surrounding areas are minimal as the rezoning site is fully screened by woodlands and will be more than 1,500 feet from the nearest residential use located outside the parent parcel. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-25-0043, Ms. Lynd made a motion, seconded by Mr. Baker, to recommend approval of the rezoning request from A1A Agricultural District and CD Conservancy District to M1(P)/CZ Planned Light Industrial District Conditional Zoning and find that: 1. Approval is an amendment to the adopted, current Northeast 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. 2. The requested use and zoning district are compatible with the land use plan policies that support industrial development and employment. 3. Impacts to surrounding areas are minimal as the rezoning site is fully screened by woodlands and will be more than 1,500 feet from the nearest residential use located outside the parent parcel. The request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- A. **ZON-25-0022:** Rezoning request from C(P) Planned Commercial District and C-3 Heavy Commercial District to R-5/CZ Residential District Conditional Zoning or to a more restrictive zoning district for two parcels totaling 9.02 +/- acres; located at 604 N. Main St and the abutting parcel located at the northeast corner of Rainbow Ct and N. Main St; submitted by Alex Edwards (Agent) on behalf of Gwendolyn and Lorenzo McLean Jr (Owners/Applicant) and BBC Enterprises (Owner/Applicant). **(Spring Lake)**

In Case ZON-25-0022, Planning and Inspections staff recommends approval of the rezoning request from C(P) Planned Commercial District and C-3 Heavy Commercial District to R-5/CZ Residential District Conditional Zoning. Staff finds that the request is consistent with the Spring Lake Area Land Use Plan which calls for "Flex Area 2" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Mr. Moon introduced Mr. Fagan, who presented the staff's findings regarding the Conditional rezoning request.

Mr. Fagan explained that the request involves conditional zoning for a proposed multi-family housing development in Spring Lake. The intent is to rezone the subject property to allow for multi-family residential use within the designated Flex Area.

He referenced the Spring Lake Area Land Use Plan, adopted in 2022, which outlines development goals for "Flex Area & Downtown." Specifically, the plan states: "Flex Area 2 includes larger parcels which would benefit from intentional development that brings the highest density and best use to that land and to the Town." Mr. Fagan stated that staff found the rezoning request consistent with the Spring Lake Area Land Use Plan.

“On larger parcels, these sites are suitable for apartment complex development. This is usually due to proximity to existing apartments or to commercial areas. In this way, vertical development can act as a buffer between commercial areas and less dense residential areas.”

“Also suitable in Flex Area 2 is the Central Business Zoning District, light commercial uses, and multi-family housing. If strategically developed, this area can create a transition between the locally important Main Street corridor and the regionally important Bragg Boulevard corridor, drawing in local and regional travelers.”

Mr. Fagan outlined the following key conditions associated with the rezoning request:

1. The owner shall pay a “fee in lieu of on-site open space” in accordance with the Spring Lake Municipal Code to satisfy the recreation/open space requirement in the total amount of \$40,000. This shall be paid prior to issuance of the first building permit.
2. An architectural rendering (in color) of the proposed development, demonstrating conformance with the intent of Main Street Overlay District “Façade Guide” shall be submitted with the Final Site Plan in conformance with Section 42-174 and must be approved by the Town Manager.
3. At the time of Final Site Plan submittal, a Landscape Plan shall meet the requirements of the Spring Lake Landscaping Ordinance for tree plantings. If unable to comply with the tree planting requirements of the Landscape Ordinance, the Town manager can approve a fee-in-lieu of tree planting based on a rate of \$300.00 per tree. Any such fees collected by the Town shall be used to beautify and landscape Parks and Recreation spaces or other Town properties located within the Town of Spring Lake. This shall be paid prior to issuance of the first building permit for any building.

Ms. McLaughlin acknowledged the quality of the presentation, but noted that it closely resembles a previous proposal presented in 2023 (or possibly 2022), which was denied by both the Planning Board and the Spring Lake Board of Commissioners. She emphasized that the prior denial was based on the proposal's inconsistency with the adopted Land Use Plan and the Main Street Overlay District. Ms. McLaughlin further stated that, in her view, nothing has changed in the current proposal to address those concerns.

Mr. Lloyd and Ms. McLaughlin both expressed a general concern that staff recommendations have recently tended to support rezoning requests, even when there appear to be conflicts with the adopted Land Use Plans.

Mr. Moon clarified that, under North Carolina General Statutes Chapter 160D and the County Zoning Ordinance, an owner or applicant is permitted to reapply for rezoning after a one-year period. Mr. Moon stated that he met with the Town Manager and Town Planner to discuss the rezoning case. He noted that several of the proposed conditions were developed in collaboration with Town staff.

Mr. Moon explained that the site lies within the Main Street Development District, where policies under the Main Street Program encourage office uses on the ground floor, residential uses on upper stories, and the inclusion of on-street parking. To address inconsistencies with these

requirements the applicant, following discussions with the Town Manager, opted to pursue conditional zoning.

One of the key requirements discussed was on-street parking. Mr. Moon reported that coordination occurred with the North Carolina Department of Transportation (NCDOT) and its local district office, as North Main Street is a state-maintained road. NCDOT has proposed a three-lane configuration for future improvements along North Main Street, which would eliminate the possibility of accommodating on-street parking within the right-of-way. As a result, NCDOT did not support an on-street parking proposal at this location.

Mr. Moon concluded by stating that, aside from the issues addressed through the proposed conditions of approval, staff found the site and proposed development to be consistent with the adopted Land Use Plan.

Additional concerns were raised by the Board regarding the proposal's compliance with the Spring Lake Landscaping Ordinance. Specifically, members expressed reservations about the potential for the applicant to make payments in lieu of required plantings, rather than fully meeting the landscaping requirements.

In response, Mr. Moon clarified that the applicant has submitted a Landscape Plan. He explained that the fee-in-lieu option would only be exercised if, during the final site plan review and construction process and , it becomes infeasible to plant all vegetation required under the ordinance. In such cases, the Town Manager may approve a fee-in-lieu at the established rate, with collected funds designated for landscaping and beautification of public spaces within Spring Lake.

Mr. Moon stated there is one speaker in favor of the rezoning case. Mr. Alex Edwards, the applicant developer. He has a power point presentation that will discuss more details to the site development.

Mr. Lloyd requested to go back to the surrounding area and ask what the predominant zoning is. Mr. Moon stated majority of nearby sites have commercial zoning with the southwest corner being currently having single-family Residential homes.

Mr. Lloyd opened public comments.

Mr. Edwards introduced himself and stated that the current proposal is significantly different from the rezoning request submitted in 2023. He clarified that the previous application was for a 74-unit apartment complex and was submitted by a different developer. That earlier proposal did not pursue the highest density option as encouraged by the Land Use Plan.

Mr. Edwards emphasized that the current request aligns more closely with the intent of the Spring Lake Area Land Use Plan, which specifically identifies Flex Area 2 (referenced on page 37) as suitable for the highest-density apartment development. He noted that this proposal was designed with that guidance in mind.

Mr. Edwards noted that the McLean family has owned the subject property since the 1890s, and its historical use has consistently been residential, despite its current commercial zoning designation.

He clarified that while mixed-use development is an option under the Land Use Plan, it requires a minimum of 10 acres to qualify. The subject property totals approximately 9 acres and therefore does not meet the threshold for mixed-use designation.

Mr. Edwards also described the surrounding context, stating that the properties to the north and south are residential, while those to the east and west are commercial.

Regarding site access, Mr. Edwards explained that the North Carolina Department of Transportation (NCDOT) required the emergency entrance to include a control box and be designed as a concentric circle. This configuration is intended to discourage civilian use and ensure the entrance is reserved for emergency access only.

Mr. Lloyd asked if there were any opposition speakers and Mr. Moon state there are none.

Mr. Lloyd closed the public comment.

Ms. Lynd acknowledged that Mr. Edwards is pursuing a development consistent with the current Land Use Plan. However, she expressed concern that the plan itself may contain a flaw, specifically questioning whether this location is appropriate for designation as a Flex Area. She suggested that the area may not be well-suited for the type of high-density development envisioned in the plan.

Ms. McLaughlin provided historical context dating back to the 1980s, noting that mobile homes were removed from the area as part of a broader effort to establish Main Street as a commercial and thriving corridor. She emphasized that these objectives were reaffirmed in the 2022 Spring Lake Area Land Use Plan.

She pointed out that placing commercial uses on the ground floor with residential units above is a common and encouraged pattern in Main Street and downtown development strategies. Ms. McLaughlin reiterated that, in her view, the current proposal remains unchanged from the previously denied application.

While acknowledging the applicant's right to reapply and recognizing that the plan has evolved, she maintained that the underlying premise of the proposal has not. She concluded by stating that she does not believe this is the best use for the site.

In Case ZON-25-0022, Ms. McLaughlin made a motion, seconded by Mr. Baker, to recommend denial of the rezoning request from C(P) Planned Commercial District and C-3 Heavy Commercial District to R-5/CZ Residential District Conditional Zoning. The request is not consistent with the Spring Lake Area Land Use Plan which calls for "Flex Area 2" at this location. The request is not reasonable or in the public interest as the request is not consistent with the downtown Main St. Overlay District. Unanimous approval.

Mr. Crumpler commented that lately staff seems to decide to recommend approval on issues and says that it goes with the land use plan, when in a lot of cases, it doesn't. Adding that we need to address how the County is doing these land use plan meetings or explain better what the things they are saying. He felt the Board is setting new precedent and we are amending the plans by approving these things; even if it would be a good idea, but it seems to go against the land use plan.

Mr. Walters excused himself and left for the rest of the meeting.

- B. **ZON-25-0037:** Rezoning request from A1 Agricultural, RR Rural Residential, PND Planned Neighborhood Development District, and CD Conservancy District to A1 Agricultural District or to a more restrictive zoning district for six parcels comprising 725.88 +/- acres; located north of the Cape Fear River, along the north and south sides of McBride St and Slocomb Rd, and approximately three-quarters of a mile west of Lane Road; submitted by J. Scott Flowers (Agent) on behalf of McCormick Farms Limited Partnership (Owner).

In Case ZON-25-0037, Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District, PND Planned Neighborhood Development District, CD Conservancy District, and A1 Agricultural District to A1 Agricultural District. Staff finds that the request is consistent with the North Central Area Land Use Plan which calls for "Rural/Agricultural" and "Open Space" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Mr. Moon introduced Timothy Doersam, Planner II, who presented the case.

Mr. Doersam introduced himself and presented staff findings. He explained that the request involves rezoning six parcels, totaling approximately 725.88 acres, from a variety of existing zoning classifications to A1 zoning.

Mr. Doersam explained that the request does not include any specific development plans or proposed land uses at this time.

Mr. Doersam continued with photos and uses surrounding the parcels with the current uses of the property which include an ATV park already active.

Mr. Doersam concluded by stating that staff recommends approval of the rezoning request. Staff has determined that the request is reasonable and compatible with the existing land use classification, the land use plan, and the surrounding area.

Mr. Lloyd questioned why part of the request includes rezoning from A1 to A1.

Mr. Moon responded that this approach is used to simplify the process for the property owner. By including all parcels, regardless of whether their zoning classification is changing, the owner avoids the need to provide a separate legal description or hire a surveyor to distinguish between parcels. This method allows the entire property to be addressed uniformly in the rezoning request.

Mr. Mobley asked whether an ATV park would be an appropriate use within the A1 zoning district, expressing concern about creating a non-conforming use.

Mr. Doersam confirmed that an ATV park would be considered an acceptable use within the A1 zoning district as outdoor recreation when Mr. Mobley raise a concern about creating a non-conforming use.

Mr. Lloyd opened to public comment.

Mr. Moon introduced Mr. Scott Flowers, who was present to represent the property owner.

Mr. Flowers introduced himself as an attorney with Hutchins Law Firm, representing McCormick Farms, the owners of the property since the 1700s. He stated that the property is currently used for agricultural and agritourism purposes and emphasized that the owners do not sell to developers. Their intent is to preserve and cultivate the land for future generations.

Mr. Flowers expressed agreement with Mr. Doersam's assessment, stating that the rezoning request is consistent with the future land use plan. He noted that the proposed A1 zoning is arguably more aligned with the plan than the current RR zoning, which he believes is not included in the future land use designation. A1, he added, is the first category listed in the plan.

He concluded by stating that the request is reasonable and in harmony with surrounding uses, which are predominantly agricultural, with a few single-family homes, woodlands, and farms in the vicinity.

Mr. Moon introduced Mr. Jamie Alpers, a citizen speaking in opposition to the rezoning request.

Mr. Alpers introduced himself as a nearby resident from 7602 Lane Road. He expressed concern that one of the six parcels included in the rezoning request is the Deep Creek ATV Park, which was granted approval in 2018. He stated that converting this parcel to A1 zoning could potentially allow the ATV park to expand into an additional 500 acres.

Mr. Alpers claimed that the ATV park has a history of excessive noise, operating outside permitted hours, and hosting events with amplified music. He noted that the park includes over 400 campsites, which he believes exceeds what is reasonably acceptable for neighboring residences and disrupts the peaceful enjoyment of surrounding properties.

He also raised concerns about ATV convoys causing wear and tear on local roads and questioned the intent to remove the conservancy status near the Cape Fear River. Mr. Alpers argued that while the applicant claims to preserve the environment and rural character of the land, the rezoning could exacerbate existing issues and diminish the rural nature of the area.

Mr. Lloyd and Ms. Lynd discussed the past case and concluded that they withdrew the request for A1 zoning and went the path of agrotourism with a Bonafide farm exemption. This brought the review to administrative review and the noise condition wouldn't have been added. But condition sheets would have stated that they would have to follow the noise ordinance.

Mr. Moorefield interjected stated zoning wouldn't affect if something is agrotourism or not.

Mr. Lloyd closed public comments as there are no more speakers.

The board questioned if the ATV park was owned by the owner or leased out.

Mr. Moorefield stated that it is his recollection is that the ATV park was owned by different company leasing the land. But the ATV park is a separate issue than what's being requested with

the zoning. It already encompasses areas of RR zoning. Zoning doesn't control where the ATV park is located.

Mr. Mobley stated the rezoning request won't have an effect on the ATV park and the concerns expressed.

In Case ZON-25-0037, Mr. Mobley made a motion, seconded by Ms. McLaughlin, to approve the rezoning request from A1 Agricultural, RR Rural Residential, PND Planned Neighborhood Development, and CD Conservancy District to A1 Agricultural District. The request is consistent with the North Central Area Land Use Plan which calls for "Rural/Agricultural" and "Open Space" at this location. The request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- C. **ZON-25-0033:** Rezoning request from A1 Agricultural District to R30A Residential District or to a more restrictive zoning district for a parcel comprising 3.97 +/- acres; located at 10255 Ramsey St; submitted by James Edgar Houston Brown II and Delia Brown (Owners).

In Case ZON-25-0033, Planning and Inspections staff recommends denial of the rezoning request from A1 Agricultural District to R30A Residential District. Staff finds that the request is not consistent with the North Central Area Land Use Plan which calls for "Commercial" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

Mr. Moon introduced the case and turned it over to Ms. Vishva Rathod, Planner III, to present staff findings.

Ms. Rathod explained the intent of the request is to develop single-family dwellings on the 3.97-acre parcel. The site is surrounded by commercial, residential, and some industrial uses to the east. She noted that only water lines are available, and the property contains Hydric and Hydric inclusion soils.

Mr. Moon addressed Mr. Crumpler's inquiry, reiterating that staff's recommendation for denial was based on inconsistency with the future land use plan, which designates surrounding areas to the east and west as commercial.

Mr. Crumpler reviewed aerial photos and observed that only one adjacent property is currently commercial.

Ms. Lynd stated the original intent of the land use plan was to establish a commercial corridor along Ramsey Street. She questioned whether the property could be subdivided to increase residential density.

Mr. Moon clarified that under the proposed R30A zoning, the applicant could potentially divide into 5 lots or develop up to 6 units with a group development.

Mr. Mobley asked what is permitted under the current A1 zoning.

Mr. Moon responded that the current zoning allows for 2 units through group development, with a minimum lot size of 2 acres.

Mr. Lloyd opened the floor for public comment.

Mr. Moon introduced Mr. James Brown II, the property owner, as the first speaker in favor of the rezoning.

Mr. Brown presented photos and emphasized that the request is not for multi-family housing. His intent is to build three additional dwellings for family members and possibly one future dwelling, preserving the rural residential character of the area. He cited challenges to commercial development, including topography, wetlands, and a drainage ditch. He also noted the impact of the US 401 widening project, which expands the right-of-way from 100 to 300 feet, further limiting commercial viability.

Mr. Mobley asked how he came to rest on R30A for his request.

Mr. Brown explained that the rear portion of the property is unusable, and R30A would provide sufficient setback flexibility for closely spaced dwellings.

Ms. Lynd suggested R40A as a less dense alternative, which Mr. Moon confirmed would still meet setback requirements for group development.

Mr. Brown stated that R30A was recommended by planning staff during a visit by his son.

Mr. Mobley commented that this case illustrates how existing residential properties can be affected by land use plans.

The board discussed whether Mr. Brown's goals could be met under R40A zoning. Both staff and Mr. Brown agreed that R40A could be a viable and favorable alternative if density is the concern.

Mr. James Brown III spoke in favor of the rezoning, sharing that the change would allow him and his children to relocate closer to family, enabling him to assist with caregiving. He also expressed concerns about economic challenges and the importance of providing for future family generations.

In Case ZON-25-0033, Mr. Mobley made a motion, seconded by Mr. Crumpler, to deny the rezoning request from A1 Agricultural District to R30A Residential District and approve an alternative rezoning to R40A Residential District with a recommendation to amend the Future Land Use Map to the appropriate corresponding land use designation. Unanimous approval.

IX. PUBLIC HEARING ITEMS

WAIVERS

- A. **DEV-0120-25:** Consideration of Subdivision Waiver(s) from Section 2404.E(3)[a] and [c], Location of Manufactured Home Spaces, and Section 2404.F, Street Access, Cumberland County Subdivision Ord, for the reduction in minimum spacing requirements between manufactured home spaces and the reduction in the setback distance from a street right-of-way for all manufactured home spaces, and waiving internal driveway access requirements for Space No. 14, for a manufactured home park on two parcels comprising 8.83 +/- acres located at the northeast corner of McArthur Rd and Jacob St; submitted by Fernando Orozco (Agent) on behalf of Fayetteville NC MHP LLC (Owner).

Mr. Moon introduced the case, noting that the manufactured home park has been in existence since 1972. He explained that modern manufactured homes are larger than those from that era, and the applicant is requesting three waivers to accommodate additional units.

Mr. Moon clarified that this is a quasi-judicial process, and the Joint Planning Board has the authority to approve, deny, or recommend the request with conditions and noted that the decision must be based on the three waiver criteria outlined in Section 2601 of the ordinance. With that in mind, the board should make recommendations for each waiver separately.

Mr. Fagan introduced himself and presented the three waiver requests submitted by the applicant and outlined the first request from Sec. 2404 §E(a) – Applicant requests a reduction of the spacing requirement between manufactured homes from a minimum of twenty-five feet (25') to allow a minimum of fifteen feet (15').

The second request is from Sec. 2404 §E(c) – Applicant requests a reduction of the minimum setback requirement from twenty-five feet (25') from a public ROW to allow manufactured homes facing Jossie St to be setback a minimum of eight feet (8') from the public ROW and to allow manufactured home spaces facing Jacob Street to have a minimum setback of ten feet (10').

The third request from Sec. 2404 §F – Applicant requests a waiver from the requirement to have direct internal driveway for Space No. 14.

Mr. Fagan stated that according to section 2601 the Planning Board may waive the requirements of this ordinance where it finds by resolution that:

- A. Because of the size of the tract to be subdivided or developed, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and
- B. The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater degree, and
- C. The property owner would not be afforded a special privilege denied to others

Mr. Fagan went on to state that the future land use plan calls for medium density residential and there are no policies that address pre-existing manufactured home parks. Stating the request follows no inconsistencies with the land use plan.

Mr. Fagan shared the proposed site plan and current photographs of the manufactured home park and that it is a permitted use. Key findings from staff include:

When the Manufactured Home Park was established in 1972, the spaces were likely designed for the average manufactured and mobile home size at that time, whereas today the average manufactured homes are typically larger, pursuant to the applicant.

With the average home size larger than they were in 1972, per the applicant the availability of the smaller 12 x 60 homes is scarcer. The applicant indicates that existing manufactured homes on adjacent or neighboring spaces were already encroaching on the 25 ft distance separation requirement from public ROW at the time of purchase of the manufactured home park.

Space #14, as approved in 1972, was approved as a landlocked space with no direct access to the internal drive of the manufactured home park and has remained as such since then. Per

available historical imagery, Space #14 was occupied with a home until 1999 where between that time and 2003 it was removed with no replacement home occupying the space.

Mr. Crumpler asked if we have houses within 15' of the roadway?

Mr. Fegan stated that is correct as this was built before the zoning practices were put in place.

Ms. Lynd posed a question as to if there are concerns that the board should recognize with lot #14.

Mr. Moon stated that there is not enough space for a driveway cut and NC DOT is probably not likely to give him a driveway cut. This may cause that lot to have to park on an internal road which is a private street and walk to the manufactured home.

The board noted that the street doesn't seem to be able to handle parking and emergency vehicles to turn that corner.

Mr. Fagan stated that the private street appears to be 40' wide.

Mr. Mobley also noted that the plot plan is old and is difficult to see what the intent is.

Mr. Moon stated that there was one speaker for the case, Mr. Fernando Orosco.

Mr. Orosco introduced himself as the representative for the property owner and noted that he works for a company specializing in the acquisition, operation, and revitalization of manufactured home communities. He shared that the company manages a portfolio of over 50 communities across 15 states.

Mr. Orosco presented a digital slideshow and offered comments. The company is committed to improving infrastructure within the community, including lighting, roads, and landscaping. They are actively bringing in new homes while maintaining affordability.

He emphasized that the manufactured home park is a long-established community that has served the area for decades. The existing infrastructure is sufficient, and no changes to the overall layout are proposed.

Regarding parking, Mr. Orosco stated that residents have historically parked along the street, which is wide enough to accommodate off-street parking. This practice has been in place for over 40 years.

He addressed Space No. 14, noting that it includes a walkway and sidewalk access, and has adequate space for external parking. Although it lacks direct internal driveway access, it remains functional.

The company's broader commitment includes modernizing infrastructure, improving roads, and providing proactive management. An on-site oversight manager is in place, and local vendors are employed to support operations.

Mr. Orosco clarified that the company does not rent lots but sells them at low cost to promote affordable housing.

Of the 9 vacant lots in the park, two—Spaces No. 14 and No. 60—are currently unusable under the new ordinance. He acknowledged that the limitations on Lot 60 were known at the time of purchase. For the remaining lots, the company is working to comply with setback requirements and that locating 12' x 60' manufactured homes in today's market is increasingly difficult and largely unrealistic.

Mr. Orosco further stated that fencing could be removed to better align the homes on Lot 50 with neighboring properties, provided the setbacks are consistent with adjacent lots. He acknowledged that while some lots may not conform to current standards, similar setback conditions exist elsewhere within the community. Concluding that there are several hardships. Market hardship is homes with 20-foot widths are increasingly scarce and difficult to source in today's market. Economic hardships of smaller homes have lower market value and appeal, which affects the viability of the park and its ability to attract residents with large families and a community hardship is created by limiting the use of available lots reduces opportunities for families and disrupts the established uniformity of the community.

Mr. Orosco noted that the park currently includes 17 larger homes. When the community was originally developed in the 1970s, on-street parking was standard and off-street parking was not part of the design.

He requested that the board consider the existing conditions as “grandfathered” and approve the requested waivers. He concluded by stating that the flexibility provided by the waivers would support continued responsible stewardship of the property and allow for thoughtful modernization while preserving the character of the community.

Ms. Lynd pointed out that they were aware of issues when purchased and the manufactured home park standards were developed to weed issues out like this.

Mr. Moorefield addressed the board and reviewed the three criteria required for approval of a subdivision waiver under Section 2601 of the Cumberland County Subdivision Ordinance. He offered the following legal perspective:

Mr. Moorefield noted that the subject property is not a tract of land proposed for subdivision or new development, it is already developed. He stated that there is no evidence of topographical challenges or unusual physical conditions that would justify a waiver. While the original design accommodated 12' x 60' homes, the applicant now seeks to place homes that are 14' to 18' wide, which presents a dimensional issue. In his opinion, the applicant has not met the first standard.

Mr. Moorefield asserted that the public purposes of the Subdivision Ordinance and the County Zoning Ordinance would not be served to an equal or greater degree by granting the waivers.

Mr. Moorefield cautioned that approving the waivers could be construed as granting a special privilege to the applicant, one that may be denied to others in similar circumstances. He remarked that there are likely numerous mobile home parks in the county that would welcome such flexibility, and setting this precedent could have broader implications.

Mr. Crumpler pointed out that there may be more issues with this park than presented here as he sees no playground park and off-street parking as the ordinance requires at present.

In Case DEV-0120-25, Ms. Lynd made a motion, seconded by Mr. Mobley, to deny the Subdivision Waiver No. 1: Section 2404 §E(3)[A] Waiver Request – Location of Manufactured Home Spaces, Subdivision Waiver No. 2: Section 2404 §E(3)[C] Waiver Request – Location of Manufactured Home Spaces, and Subdivision Waiver No. 3: Section 2404 §F Waiver Request – Street Access as they do not meet any of the three waiver criteria as set forth in the Subdivision Ordinance. Unanimous approval for the denial of the request.

X. ITEMS OF BUSINESS

There are none.

XI. DISCUSSION

There are none.

XII. ADJOURNMENT

There being no further business, the meeting adjourned at 8:36 pm.