

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

October 19, 2021

Members Present

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

Members Absent

Mr. Mark Williams

Others Present

Mr. David Moon
Mr. Rick Moorefield
County Attorney
Ms. Annie Melvin
Mr. Telly Shinas
Mrs. Yolanda Bennett

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. Moon advised the Board that Cases ZON-21-0016, ZON-21-0011, ZON-21-0014, would be moved to Contested Items.

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

III. PUBLIC MEETING DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF SEPTEMBER 21, 2021

Mrs. Moody 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



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CONDITIONAL ZONING DISTRICT

- A. ZON-21-0013: Rezoning from C(P) Planned Commercial District to C(P) Planned Commercial District/CZ Conditional Zoning District for a grocery store, retail sales, auto sales, and restaurant (deli) on 2.56 +/- acres or more restrictive zoning District; located at 3763 Dunn Rd; submitted by Muamar Alsaïdi (agent) on behalf of Raleigh Investment Group, LLC (owner).

In Case ZON-21-0013, the Planning and Inspections staff recommends approval of the rezoning request from C(P) Planned Commercial District to C(P) Planned Commercial District/CZ Conditional Zoning District for a grocery store, retail sales, auto sales, and restaurant (deli) and finds the request is consistent with the Eastover Land Use Plan which calls Mixed Use 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, as requested, would allow a mix of commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning.

In case ZON-21-0013, Mrs. Moody made a motion, seconded by Mr. Burton to approve the rezoning request from C(P) Planned Commercial District to C(P) Planned Commercial District/CZ Conditional Zoning District for a grocery store, retail sales, auto sales, and restaurant (deli) and finds the request is consistent with the Eastover Land Use Plan which calls Mixed Use 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, as requested, would allow a mix of commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning. Unanimous approval.

VIII. PUBLIC MEETING CONTESTED ITEMS

TEXT AMENDMENT

- B. ZON-21-0016: Initial Zoning Ordinance and Initial Zoning Map for the Town of Linden; Town of Linden (applicant).

Mr. Moon presents the case information and photos.

In Case ZON-21-0016, the Planning and Inspections staff recommends approval of the Linden Zoning Code and Zoning Map and finds the request consistent with the North Central Cumberland Land Use Plan and finds: a. The approval of the Zoning Map is an amendment to the adopted, current North Central Land Use Plan; and that the Town Board should not require any additional request or application for amendment to said map for this request. b. The Zoning Map is compatible with and in harmony with surrounding existing land uses and zoning. c. Approval of this Linden Zoning Code and Zoning Map is also reasonable and in the public interest as it clarifies standards and review processes for the public.

Mr. Moon asked Mr. Lloyd, who is the representative for the Town of Linden to speak.

Mr. Lloyd stated that the town conducted two town meetings regarding implementing this initial zoning ordinance. He stated that most of the Town of Linden is surrounded by agriculture, and it



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does not have an independent agriculture district and the least intense district in the town is R40. If anyone who owned agriculture land decided to sell the land, the town staff decided to rezone all of the sold land to be in a R40 district but if an individual wanted to keep farming, they will be able to without any concerns.

Mr. Moon stated that the Planning and Inspections Department mailed a meeting notice to all property owners in Linden as well as property owners within 600 feet of the town's boundary lines. They also placed meeting notices in major entrance point in the town also with a notice and proposed zoning maps in the town hall.

There was one person signed up to speak in opposition.

Public comment opened.

Terri Sue Giles spoke in opposition. Ms. Giles stated that in September she acquired 300 acres of land and was not aware of any town meetings regarding implementing a zoning ordinance. She received a letter dated October 14, 2021, which explained the zoning ordinance and the information previously presented at the town meetings.

Ms. Giles continued to explain that she is in opposition of section 1-110 which discuss Bona Fide Farm Exemption. She has a bona fide farm and according to the town map, 12 acres of her land is within the town limits and will be zoned R40; she does not want any portion of her land to be zoned as such. She informed the board that her land is currently in the Present Use Program for timber and agriculture which qualifies her land to be tax exempt. She is asking the board to allow all of her land to remain agriculture land and not be rezoned as R40.

Mr. Moorefield informed Ms. Giles that because her land is in the Present Use Program, the ordinance does not affect her tax-exempt status.

Public comment closed.

In case ZON-21-0016, Mr. Lloyd made a motion, seconded by Mr. Burton to approve the Linden Zoning Code and Zoning Map and finds the request consistent with the North Central Cumberland Land Use Plan and find: a. The approval of the Zoning Map is an amendment to the adopted, current North Central Land Use Plan; and that the Town Board should not require any additional request or application for amendment to said map for this request. b. The Zoning Map is compatible with and in harmony with surrounding existing land uses and zoning. c. Approval of this Linden Zoning Code and Zoning Map is also reasonable and in the public interest as it clarifies standards and review processes for the public. Unanimous approval.

REZONING CASES

- C. ZON-21-0011: Rezoning from R6A Residential District to C(P) Planned Commercial District on 0.47 +/- acres or to a more restrictive zoning District; located at 3404 Cumberland Road; submitted by Kodjo Kouassi (owner).

Mr. Shinas presented the case information and photos.

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In Case ZON-21-0011, the Planning and Inspections staff recommends approval of the rezoning request from R6A Residential District to C(P) Planned Commercial District and 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 would allow commercial development in harmony with the scale, size, appearance, and accessibility of the surrounding land use activities and zoning.

Mr. Lloyd added, 5 or 6 years ago the County Commissions requested that a Cumberland Road study be performed because under minimum housing, multiple houses along Cumberland were being torn down because the houses were dilapidated, and these areas were not as viable to the surrounding residential area.

There was one person signed up to speak in opposition.

Public comment opened.

Mr. William Robinson spoke in opposition. He submitted his offer to purchase agreement for a house and lot located at 205 Hopedale Street, Fayetteville, NC., septic tank permit and his well permit along with a letter from Mr. Sykes. These items will be placed in the case file. He purchased this house in 1970 and has made many improvements to the home to save his property. The comment that he made was the area consists of senior citizens and lower income residents who want to continue to live in this area of Cumberland County in peace. He is asking that this request be denied because the lot in this case already has several abandon cars on it which is causing this single-family residential area to be seen as a junk yard. Mr. Robinson said that he has had to get a pile of used tires removed from his property that was stored at the end of his property line. If this case is approved to establish car sales lot and a towing company, it will cause a hardship to all of the residents living in the area.

Chairman Crumpler asked the board if anyone has questions of Mr. Robinson. No questions were asked.

Chairman Crumpler recognized Mr. Randy Staffing and Mr. Daniel Barren who were citizens sitting in the audience and he gave them permission to speak in favor of this case.

Mr. Staffing stated that he has a business next door to the applicant, and he has observed that there have been significant improvements completed by the applicant to bring his property up to standards and making it look better for his business. Mr. Staffing states that he has not seen any junked cars on the property.

Mr. Daniel Barren stated that he has a small business on Cumberland Road near the applicant's business and he has been approached by many residents who believe that both of businesses have made big improvements in the area because in the past there have been drug users frequent the area but due to the cameras installed at their businesses, there has not been as many seen in the area.

Public comment closed.



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In Case ZON-21-0011, Mrs. Moody made a motion, seconded by Mr. Lloyd to approve the rezoning request from R6A Residential District to C(P) Planned Commercial District and find that the request is consistent with the Southwest Cumberland Land Use Plan which calls for Heavy Commercial at this location. Approval of the request is reasonable and in the public interest because the C(P) Planned Commercial District would allow commercial development in harmony with the scale, size, appearance, and accessibility of the surrounding land use activities and zoning. Unanimous approval.

- D. ZON-21-0014: Rezoning from A1 Agricultural District to R20 Residential District on 3.35 +/- acres or to a more restrictive zoning District; located at 3972 Sanderosa Road; submitted by Anthony Grant (owner).

Mr. Shinas presented the case information and photos.

In Case ZON-21-0014, the Planning and Inspections staff recommends approval of the rezoning request A1 Agricultural District to R20 Residential District and finds the request is consistent with the Eastover 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 R20 Residential District would allow residential dwelling units to be developed at a density that would be compatible and in harmony with the surrounding land use activities and zoning.

Mr. Lloyd clarified that it does not matter what the use intent is of the applicant because the property can be used for anything that it is permitted for according to the zoning ordinance.

There were three people signed up to speak, one in favor and two in opposition.

Public comment opened.

Mr. Anthony Grant spoke in favor. Mr. Grant said he wants to build homes on the property and originally, he wanted to build a duplex but is not opposed to not building a duplex.

Mr. Burton asked how many homes Mr. Grant intended to build. Mr. Grant stated that according to specifications, he would build one home per 20,000 or ½ acre but his intent is to build no more than 3 homes.

Mr. Lloyd asked Mr. Grant if he is sure that he only wants to build 3 homes on the land. Mr. Grant said yes, he is correct.

Mr. Lloyd informed Mr. Grant that he could build 3 homes with a R40 zoning code; Mr. Lloyd said that he wanted to make sure that Mr. Grant was aware of this fact.

Ms. Janet Leonard spoke in opposition. Ms. Leonard said she is speaking on the behalf of herself and other landowners living adjacent to her. She stated currently this area is rural according to the current Eastover Land Use Plan and they wish it to remain rural. She added that if this case is approved, the new buildings will not be in line with the character of existing neighborhoods within the area and that this will diminish their property value. Ms. Leonard continued her rebuttal by stating the schools located in Eastover are near capacity and if this case is approved to build more

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homes, then this will cause additional issues with the school districts as well as place a greater burden on the first responders assigned to this district.

Mr. Burton asked Ms. Leonard if she would be agreeable of having a rezoning of R40. Ms. Leonard stated that at this time, she did not want to answer this question, but she would be more supportive of a rezoning of R40 because it will limit the number of homes that can be built.

Ms. Chastity Rice spoke in opposition. Ms. Rice said wanted to plead with the board to deny this case because the current residents are trying to preserve this area to be as rural as possible. She said that she understands that builders want to make money, but it would be in the best interest of the current residents to deny this request.

Public comment closed.

Mr. Stewart stated that he believed R20 will be out of character with the Eastover area.

Mr. Crumpler said that he does not feel that building duplexes is a good fit for the Eastover area because there is nothing on the area map except A1 and R40 zoning.

Ms. Herbert clarified that R40 is consistent with the land use plan.

Mr. Crumpler said yes, it is but it is not consistent with what is currently in the area.

Mr. Lloyd asked Mr. Grant if he would accept the rezoning of R40

Mr. Grant said yes, he would accept a rezoning of R40.

Mr. Crumpler asked if any of the citizens who are opposed would like to speak regarding the rezoning this property to R40.

Public comment is reopened.

Mr. Leonard asked if this property is rezoned to R40, will it be allowed to have multi-family dwellings built on the property.

Mr. Lloyd said yes, R40 will allow multi-dwelling homes to be built and that all residential areas are permitted to have multi-dwellings including A1.

Mr. Crumpler asked Mr. Grant will he accept R40 zoning with the conditions that he will only build single-family homes?

Mr. Grant said, no, he will not accept a R40 zoning with the conditions of only building single-family homes.

Public comment closed.

The Planning board was willing to discuss conditional rezoning to R40, but the applicant was not willing to accept the conditions at this time.



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In Case ZON-21-0014, Mrs. Moody made a motion, seconded by Mr. Baker to deny the rezoning request from A1 Agricultural District to R20 Residential District and find the request is not consistent with the Eastover Land Use Plan which calls for Rural Density Residential at this location. Denial of the request is reasonable and in the public interest because the requested district is not compatible with the character of the surrounding area. Unanimous to deny.

CONDITIONAL ZONING DISCRICT

- E. P21-33: Rezoning from A1 Agricultural District to R15 Residential District/ CZ Conditional Zoning District up to 104 lots zero lot line subdivision on 41.48 +/- acres or more restrictive zoning District; located west of NC 87 Hwy and south of Ola burns Dr; James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis, Christopher Davis, Kristin M. Davis; Boyd D. Parsons Jr. and Mae Smith Parsons (owners).

Mr. Shinas presented the case information and photos.

In Case P21-33, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agriculture to R15 Residential District/Conditional Zoning up to 104 lots Zero Lot Line Subdivision and finds the request consistent with the South-Central Land Use Plan designation of "Low Density Residential". The request is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested will ensure a subdivision plan with recommended conditions that will be in harmony and compatible with surrounding existing land uses and zoning.

Mr. Lloyd asked if Ola Burns Drive is a public or private road.

Mr. Moon said the road is private.

Mr. Lloyd added that at this time, the only public road access for this tract plan will be frontage on Hwy 87.

Mr. Moon said that there will be street stub-outs added at the edge of the properties for future use.

Mr. Lloyd emphasized what makes this lot unbuildable is that it faces Hwy 87.

There were eight people signed up to speak, four in favor and four in opposition.

Public comment opened.

Mr. Jonathan Charleston, attorney for the applicant, spoke in favor. Mr. Charleston said that this request complies with the current land use plan and the Planning Board is asked to use the current land use plan to make their decision. He stated that the applicant has gone to great measures to voluntarily add conditions on the property to please all parties involved.

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Conditions are that all construction related traffic be prohibited to use Ola Burns Drive for the duration of the project being constructed. Additionally, the developer will resurface Ola Burns Drive at the completion of the project to include filling potholes. The developer has agreed to plant tree buffers to include 10 shrubs.

Mr. Charleston stated that the developer will design stormwater controls that are beyond Cumberland County standards and consistent to what is required by other urban areas. He gives more details of how the greenery will be spaced and that there will be a right turning lane into the subdivision will be added that will meet NCDOT specifications. Mr. Charleston stated that this project development will not create a negative impact on traffic and will be developed on the low end concerning the density aspect.

Mr. Burton asked how does the developer plan to manage the stormwater on this site?

Mr. Andrew Petty answered. He stated they will implement stormwater wet lines and wet retention basins that will be through a pipe system.

Mr. Burton asked what type of storage capacity the retention basins are going to have and how many will they build.

Mr. Petty said there will be two retention basins and the storage capacity will be based on the design according to 50-year storm events.

Mr. Burton asked where the water will be drained to once the basins become full.

Mr. Petty said they will drain into the existing drainage outlets.

Mr. Burton informed Mr. Petty that there are no existing draining outlets and NCDOT proposed to build drainage into the Cape Fear River, but the property owners did not agree.

Mr. Petty said that the developer is going to build on an elevation which will elevate any type of flooding of the new homes being built.

Mr. Lloyd stated to Mr. Petty that the stormwater effects across Hwy 87 post development will be no different than predevelopment.

Mr. Petty agreed with Mr. Lloyd.

Mrs. McLaughlin left the meeting.

Mr. Charleston said that the two retention basins are sufficient to drain stormwater away from the homes.

Mr. Lloyd asked who will enforce any of the conditions that the applicants have placed in their case.

Mr. Moorefield said that the applicants must obtain a building permit to enforce all conditional building items.

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Ms. Ethel McKeller spoke in opposition. Ms. McKeller said that she has been living on Ola Burns Drive for over 60 years and there is a drainage problem in their front yard whenever it rains, and their house sits directly in front of the proposed property. She adds that 104 homes will be too many to have in that area because there is already a big traffic issue driving onto Ola Burns Drive turning from Hwy 87. She said that there have been multiple car accidents on Hwy 87 and any added development will only make it worse.

Mr. Jim MacRae spoke in opposition. Mr. MacRae was concerned that if this case is approved that the character of the area will be changed because most of the area is zoned A1 with single-family dwellings. He said that he believes that it is dangerous driving on Hwy 87, and it will be to the detriment of those who currently reside in the area if this case is approved.

Mr. Donald Matthews spoke in opposition. Mr. Matthews agreed that if this case is approved, it will be a disaster to the current residents who normally travel on Hwy 87 and is asking that the board deny this request.

Ms. Christina Matthews spoke in opposition. Ms. Matthews asked that this applicant not be able to build and that this property not be rezoned to R15. She states that the residents want to keep this area zoned A1 agriculture. She voiced her concern about the placement of the proposed retention basins that are supposed to prevent stormwater flooding onto the current residential properties.

Public comment closed.

Mr. Lloyd asks Mr. Petty if a soil test was done on the property.

Mr. Petty answered that, no, a soil test has not been completed on the property.

In Case P21-33, Mr. Burton made a motion, seconded by Mr. Baker to deny the rezoning request from A1 Agricultural District to R15 Residential District/Conditional Zoning for a Zero Lot Line Subdivision up to 104 lots and find that the request is not consistent with the South-Central Land Use Plan designation "Low Density Residential". Denial of the request is reasonable and in the public interest due to concerns of traffic and drainage. Mr. Burton, Mr. Baker, Mr. Stewart, and Mr. Crumpler voted to deny the request. Mr. Lloyd, Mrs. Moody, and Ms. Herbert voted to approve. Request was denied.

Mr. Charleston asked to have clarification regarding the Planning Board voting procedures because board member Jamie McLaughlin left the meeting at 8:15 p.m. prior to casting her vote for this case. Mr. Charleston asked Mr. Moorefield what the board rules are for this situation.

Mr. Moorefield stated the Planning Board Bylaws do not say that a member's vote is to be counted for or against if they leave the meeting prior to casting their vote. He said that her vote will not be counted.

IX. DISCUSSION

- SIGN ORDINANCE REPORT

This item was deferred to the next meeting.

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X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:34 p.m.