

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

April 27, 2021

Members Present

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

Members Absent

Ms. Cassandra Herbert

Others Present

Mr. David Moon
Mr. Rawls Howard
Mrs. Laverne Howard
Mr. Rick Moorefield
County Attorney
Ms. Annie Melvin
Mrs. Yolanda Bennett
Mr. Telly Shinas
Mrs. Annette Massari
Mr. Trey Smith

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. SWEARING IN OF NEW BOARD MEMBER

Mr. Crumpler swore in Mr. James Baker

III. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mr. Howard advised the Board that case P21-20 would be moved to Contested items.

Mr. Lloyd asked that the typos he noticed in P21-24 and P21-25 case headings be corrected.

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

IV. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

V. ABSTENTIONS BY BOARD MEMBERS

There were none.

VI. APPROVAL OF THE MINUTES OF MARCH 16, 2021

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



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VII. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Crumpler read the welcome and rules of procedures.

VIII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. **P21-21.** REZONING OF 1.20+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6285 AND 6291 BRAXTON ROAD, SUBMITTED BY MARCUS G. MCLEAN (OWNER). (COUNTY)

In Case P21-21, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agriculture to RR Residential, and finds: a. The approval is an amendment to the adopted, current South Central Land Use Plan map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: proximity to other Low Density and Suburban Residential to the north and northwest, transition between residential areas to the north and agriculture uses to the south, and location at the interchange of I-95 and Braxton Road; and c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

In Case P21-21, Mr. Manning made a motion, seconded by Mrs. Moody to approve the rezoning request from A1 Agriculture to RR Residential, and finds: a. The approval is an amendment to the adopted, current South Central Land Use Plan map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: proximity to other Low Density and Suburban Residential to the north and northwest, transition between residential areas to the north and agriculture uses to the south, and location at the interchange of I-95 and Braxton Road; and c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses. Unanimous approval.

- B. **P21-22.** REZONING OF 0.71+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3618 GABE SMITH ROAD, SUBMITTED BY LOURETHA K. MCKETHAN (OWNER). (COUNTY)

For Case P21-22, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agriculture to R30 Residential and finds the request consistent with the Eastover Land Use Plan designation of "Rural" as the R30 zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

For Case P21-22, Mr. Manning made a motion, seconded by Mrs. Moody to approve the rezoning request from A1 Agriculture to R30 Residential and finds the request consistent with the Eastover Land Use Plan designation of "Rural" as the R30 zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest as



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the district requested is in harmony with surrounding existing land uses and zoning. Unanimous approval.

- C. **P21-24:** REZONING OF 72.60+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE EAST SIDE OF SR 1609 (W REEVES BRIDGE ROAD) AND NORTH OF US 401 (RAMSEY STREET), SUBMITTED BY MARGARET COLLIER HEIRS (OWNER) AND BEN STOUT (AGENT). (COUNTY)

In Case P21-24, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agriculture to R40 Residential, and finds: a. The approval is an amendment to the adopted current North Central Land Use Plan map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the request allows a larger lot size than that promote by the North Central Land Use Plan; larger lots promote open space along the Little River than small lot areas promoted by the North Central Land Use Plan; and, c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

In Case P21-24, Mr. Manning made a motion, seconded by Mrs. Moody to approve the rezoning request from A1 Agriculture to R40 Residential, and finds: a. The approval is an amendment to the adopted current North Central Land Use Plan map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the request allows a larger lot size than that promote by the North Central Land Use Plan; larger lots promote open space along the Little River than small lot areas promoted by the North Central Land Use Plan; and, c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses. Unanimous approval.

- D. **P21-25:** REZONING OF 1+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2952 AND 2958 BLOSSOM ROAD, SUBMITTED BY WILLIAM D. AND SYLVIA WARREN (OWNERS). (COUNTY)

For Case P21-25, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agriculture and RR Residential to RR Residential, and finds: a. The approval is an amendment to the adopted, current South Central Land Use Plan map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: assigns a single zoning category to the same small parcel; and, c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

For Case P21-25, Mr. Manning made a motion, seconded by Mrs. Moody to approve the rezoning request from A1 Agriculture and RR Residential to RR Residential, and finds: a. The approval is an amendment to the adopted, current South Central Land Use Plan map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b. The following change in conditions was considered in amending the



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zoning ordinance (zoning map) to meet the development needs of the community: assigns a single zoning category to the same small parcel; and, c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses. Unanimous approval.

CONDITIONAL ZONING CASE

- E. **P21-23:** REZONING OF 1.95+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING FOR TRADE CONTRACTING AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CUMBERLAND ROAD AND SOUTH OF STERLING DRIVE, SUBMITTED BY GARY DUANE MCGUIRE JR. (OWNER). (COUNTY)

For Case P21-23, the Planning & Inspections staff recommends approval of the rezoning request from R6A to C2(P)/CZ Conditional Zoning, subject to the conditions of approval and conditional use site plan and finds the request consistent with the Southwest Cumberland Land Use Plan designation of "Heavy Commercial" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

For Case P21-23, Mr. Manning made a motion, seconded by Mrs. Moody to approve the rezoning request from R6A to C2(P)/CZ Conditional Zoning, subject to the conditions of approval and conditional use site plan and finds the request consistent with the Southwest Cumberland Land Use Plan designation of "Heavy Commercial" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning. Unanimous approval.

VIII. PUBLIC MEETING CONTESTED ITEMS

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

Mr. Moon presented the case information and photos.

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

There were people signed up to speak in opposition and no one signed up to speak in favor.

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Public meeting opened.

Mrs. Chris Matthews stated the road that this site is proposed for is not suitable for the area, and that zero-lot line is not in keeping with the area and asked the Board to not approve this request.

Mr. Manning asked Mrs. Matthews for clarification on where she owned property.

Mrs. Matthews said that they owned property across the street from the subject property.

Mr. Lloyd asked if the subdivision could be accessed off highway 87.

Mr. Howard said it was on highway 87.

Mr. Lloyd referenced one of the conditions that states that all lots must be served by an internal street system and a no access easement reflected on the final plat.

Mr. Moon said that was to prevent an individual lot owner from having a driveway onto Highway 87, so that all lots would have access to that internal road.

Mr. Lloyd said that all internal roads would have access to Highway 87.

Mr. Moon said yes, and as shown on the diagram there is potential for future connections to abutting neighborhoods.

Mr. Donald Matthews spoke about his safety concerns with the increased traffic and stated that no one had done a risk assessment for the subject property and feels that needs to be done.

Mr. Jim MacRae said that he was involved in the initial zoning of that part of the County and involved with the development of a comprehensive plan for Grays Creek. Mr. MacRae stated that he agreed with the previous speakers that this will create a safety hazard as far as traffic is concerned. Mr. MacRae stated that density should also be considered as he does not think it is consistent with the surrounding area.

Public Meeting closed.

After board discussion, the Public Meeting was reopened.

Mr. Andy Petty, present on behalf of McKee Homes spoke in rebuttal. Mr. McKee addressed the concerns that were brought up by the previous speakers and stated that the plan was sent to the Department of Transportation (DOT) Fayetteville office for their feedback, and they came back and said that they would allow a driveway permit provided they add a right turn lane. This will be a restricted access subdivision, meaning you will only be able to make a right turn in and a right turn out. Mr. Petty said that the density is growing because sewer is available.

Mr. Lloyd asked if there were plans to extend the road that stubs to the south.

Mr. Petty said that they do not have plans, because you cannot extend on property you do not own.

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Mr. Howard pointed out an area where they asked the applicant to include a small piece of triangle that could serve as a future road connection.

Mr. Matthews stated that all of the property around the subject property is owned by himself and his family and said it's not for sale.

Public meeting closed.

Mr. Lloyd said that this request is consistent with the Grays Creek Plan.

Mr. Crumpler said that after looking at everything it looks like the houses will only be ten feet apart. When he thinks about Grays Creek, he thinks of it as a little more open than that.

Mr. Lloyd said that he agreed with the opposition on the access onto Highway 87, the way it's lined up with Butler Nursery Road, there could be problems there, and wishes there were a way the developer could have found a way to tie into the existing road.

Mrs. Moody made a motion to approve. There was no second.

Mr. Burton made another motion to deny the request, seconded by Mr. Williams.

Mr. Manning asked the developer if he would be willing to discuss with staff and come back with an amended plan to address the setbacks, density and alternative access options for the development.

Mr. Petty said that they would be willing to do that.

The board discussed options for site plan revision with the applicant.

Mr. Williams made a substitute motion, seconded by Mrs. Moody to go back and work with staff and exhaust all possibilities to tie into the existing neighborhood and come back to the May 16, 2021 meeting. The motion passed with Mr. Stewart voting in opposition.

IX. PUBLIC MEETING ITEM

G. BETHANY LAND USE PLAN

Mr. Smith explained how meetings were arranged during the pandemic and how they were able to keep citizens involved. He went on to explain how the process worked to get information to citizens during the pandemic, how the mailings worked, the availability of the draft plan online and in some public facilities, and how they conducted virtual meetings to include citizens.

Mr. Smith presented the Land Use Plan to the Board and went over the Planning process, existing conditions – zoning, rezoning cases, land cover of the area, utilities, flood zone and wetlands, hydric soil, present use tax & voluntary agricultural district area, farmland, future land use, policies, rural density residential classification, suburban density residential, commercial classification, and general recommendations for the plan.

Mr. Baker asked why the second mailing of postcards was not received by some citizens.

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Mr. Smith said he did not know the answer to that. He restated that out of all of the roughly 925 postcards that went out there were about 60 or 70 that were returned as undeliverable.

Mr. Lloyd asked if the same people were sent letters.

Mr. Smith said that an updated mailing list was received the second time, but there were some names left off, and some letters came back as undeliverable. There were no returns after the first mailing, only after the second.

Mr. Lloyd said that out of the nine hundred and twenty-eight letters that went out, only about sixty-five were returned.

Mr. Smith said yes and said they had never done a second mailing before but wanted to do a little bit more outreach this time to make sure people received the information and give them the opportunity to comment on the plan.

Mr. Manning mentioned that he noticed there was a recommendation for no zero-lot line developments.

Mr. Smith said that was correct. A lot of the comments they received indicated that the residents of the area do not approve of zero lot line subdivisions.

Mr. Howard said he thought it was more of a concern related to appearance standards.

Mr. Williams said his concerns with the plan is the word "should" that is used throughout the document.

Mr. Howard said the plans in general are more guidance documents, they are policy documents. They are not regulatory at all. He also stated that plan policies should allow some room for different perspectives.

Mr. Williams asked about the list of names on the committee and why it was not printed in the plan.

Mr. Smith said they decided to not put that in this plan because they did not want to offend anyone if a name was left out, but they do have the list of names of everyone who participated.

Mr. Williams said that he wanted to see the citizens workgroup listed and see that the plan has their endorsement, without that he does not think he can vote in favor of the plan.

Mr. Mark Dow spoke in opposition. Mr. Dow read a statement from Long Leaf Pine realtors about their position on zero lot line development in the Bethany area. They feel that hindering zero lot line development in the Bethany area will hinder growth. They ask the Board to work with builders, developers, and realtors to find common ground in the land use plan for Bethany.

Robin Bridges spoke in opposition. Ms. Bridges stated that she and other residents did not receive postcards and did not have opportunities to comment freely in an open forum on the plan. Ms. Bridges asked that the plan be delayed thirty days, and open meetings should be

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considered. Ms. Bridges went on to list her concerns and stated that there was still work to be done.

Mr. Steve Bullard spoke in opposition. Mr. Bullard said that the plan lists everything that is needed. Mr. Bullard said there is too much influence from people who do not live in the area. If they do not live in the area, they should not have any say so in the development of the area.

Public meeting closed.

The board discussed and agreed that staff did a lot of outreach, but asked staff to go back out and have an in-person, public forum to allow a little more comment.

Mr. Williams made a motion, seconded by Mr. Baker to send back to staff to set up public meetings for more face-to-face citizen input. Unanimous approval.

X. DISCUSSION

- 160D UPDATES

Mr. Howard advised the Board that staff is working on 160D updates to the subdivision ordinance and is planning to bring it at the next Planning Board meeting for Board approval pending Legal's review.

- INTRODUCTION OF NEW STAFF MEMBERS

Mr. Howard introduced Mr. Telly Shinas, Mrs. Annette Massari, and Mrs. Yolanda Bennett to the Board.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:56 pm.