

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

### MINUTES

August 17, 2021

#### Members Present

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

#### Members Absent

Ms. Cassandra Herbert

#### Others Present

Mr. Rawls Howard  
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. Howard advised the Board that Cases P21-47 would be moved to Contested Items.

**Mrs. Moody made a motion seconded by Mr. Burton to approve the agenda with the proposed adjustments. Unanimous approval.**

#### III. PUBLIC MEETING DEFERRAL

There were none.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

#### V. APPROVAL OF THE MINUTES OF JULY 20, 2021

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

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

Chair Crumpler read the welcome and rules of procedures.

#### VII. PUBLIC MEETING CONSENT ITEMS



## Cumberland County Joint Planning Board

### REZONING CASES

- A. **P21-45: REZONING OF 2.00 +/- ACRES FROM A1 AGRICULTURAL DISTRICT TO R40A RESIDENTIAL DISTRICT OR A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6154 DUNN ROAD; SUBMITTED BY LINDA DAVIS (OWNER).**

In Case P21-45, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District and finds that the request is consistent with the Wade Study Area Land Use Plan which calls for Low Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R40A Residential District would allow dwelling types and a density that would be compatible and in harmony with the surrounding land use activities and zoning.

**In Case P21-45 Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to R40A Residential District and finds that the request is consistent with the Wade Study Area Land Use Plan which calls for Low Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R40A Residential District would allow dwelling types and a density that would be compatible and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

- B. **P21-46: REZONING OF 1.49 +/- ACRES FROM R10 RESIDENTIAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 1506 NORTH BRAGG BOULEVARD; SUBMITTED BY DAVID DARDEN (AGENT) ON BEHALF OF IRIS DARDEN (OWNER).**

In Case P21-46, the Planning and Inspections staff recommends approval of the rezoning request from R10 Residential District to C(P) Planned Commercial District and find the request is consistent with the Spring Lake Area Land Use Plan which calls for Heavy Commercial and Open Space at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the C(P) Commercial District would allow commercial activities that would be compatible and in harmony with the surrounding land use activities and zoning.

**In Case P21-46, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from R10 Residential District to C(P) Planned Commercial District and find the request is consistent with the Spring Lake Area Land Use Plan which calls for Heavy Commercial and Open Space at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the C(P) Commercial District would allow commercial activities that would be compatible and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

- C. **P21-48: REZONING OF 0.38 +/- ACRES FROM C2(P) COMMERCIAL DISTRICT TO C(P) COMMERCIAL DISTRICT OR A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3713 CUMBERLAND ROAD; SUBMITTED BY BRIAN BARBER AND WENDY BARBER (OWNERS).**

In Case P21-48, the Planning and Inspections staff recommends approval of the rezoning request from C2(P) Planned Service and Retail District to C(P) Planned Commercial District and find the request is consistent with the Southwest Cumberland Land Use Plan & Cumberland Road Business



## Cumberland County Joint Planning Board

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) Commercial District would allow commercial activities that would be compatible and in harmony with the surrounding land use activities and zoning along the Cumberland Road Corridor.

**In Case P21-48, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from C2(P) Planned Service and Retail District to C(P) Planned Commercial District and find the request is consistent with the Southwest Cumberland Land Use Plan & Cumberland Road Business 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) Commercial District would allow commercial activities that would be compatible and in harmony with the surrounding land use activities and zoning along the Cumberland Road Corridor. Unanimous approval.**

- D. P21-50: REZONING OF 3.42 +/- ACRES FROM A1 AGRICULTURAL DISTRICT TO R40A RESIDENTIAL DISTRICT OR A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2380 YARBOROUGH ROAD; SUBMITTED BY ROBERT SPENCER (OWNER).**

In Case P21-50, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District and find the request is consistent with the South-Central Land Use Plan which calls for Farmland at this location. Staff further finds that recommending 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.

**In Case P21-50, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District and find the request is consistent with the South-Central Land Use Plan which calls for Farmland at this location. Staff further finds that recommending 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.**

- E. P21-51: REZONING OF 23.72 +/- ACRES FROM R10 RESIDENTIAL DISTRICT TO M(P) PLANNED INDUSTRIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3200 NATAL STREET; SUBMITTED BY LARRY KING AND ASSOCIATES (AGENT) ON BEHALF OF PUROLATOR FILTERS NC, LLC (OWNER).**

In Case P21-51, the Planning and Inspections staff recommends approval of the rezoning request from R10 Residential District to M(P) Planned Industrial District and find the request is consistent with the Southwest Cumberland Land Use Plan which calls for Industrial and Open Space at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest as the district requested is in harmony and compatible with surrounding existing land uses and zoning.

**In Case P21-51, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from R10 Residential District to M(P) Planned Industrial District and find the request is consistent with the Southwest Cumberland Land Use Plan which calls for Industrial and Open Space at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest as the district requested is**



## Cumberland County Joint Planning Board

in harmony and compatible with surrounding existing land uses and zoning. Unanimous approval.

- F. **P21-52: REZONING OF 1.26 +/- ACRES FROM R10 RESIDENTIAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT/ CZ CONDITIONAL ZONING DISTRICT FOR A UTILITY TOWER UP TO 120 FEET HIGH OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 5330 CHURCH STREET; SUBMITTED BY TOWER ENGINEERING PROFESSIONALS (AGENT) ON BEHALF OF DUKE ENERGY PROGRESS INC. (OWNER).**

In Case P21-52, the Planning and Inspections staff recommends approval of the rezoning request from R10 Residential District to C(P) Planned Commercial District/CZ Conditional Zoning District, including the zoning conditions and site plan, for a utility tower up to 120 feet in height and finds: a. The approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan and the Board of Commissioners should not require any additional request or application for amendment to said map. b. That recommending approval of the request is reasonable and in the public interest because the tower is used for communicative purposes to facilitate rapid power response, and c. That the request is both beneficial and integral in managing the operation of the existing electrical substation and distribution network.

**In Case P21-52, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from R10 Residential District to C(P) Planned Commercial District/CZ Conditional Zoning District, including the zoning conditions and site plan, for a utility tower up to 120 feet in height and finds: a. The approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan and the Board of Commissioners should not require any additional request or application for amendment to said map. b. That recommending approval of the request is reasonable and in the public interest because the tower is used for communicative purposes to facilitate rapid power response, and c. That the request is both beneficial and integral in managing the operation of the existing electrical substation and distribution network. Unanimous approval.**

### VIII. PUBLIC MEETING CONTESTED ITEMS

- G. **P21-39: REZONING OF 1.17 +/- ACRES FROM INITIAL ZONING TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED WEST OF I-95, NORTHEAST OF MCCOLLUM LANE; SUBMITTED BY SHIVRAJ K. BANSAL ON BEHALF OF SHIVA REAL ESTATE, LLC (OWNER). (WADE)**

Mr. Shinas presented the case information and photos.

In Case P21-39, the Planning and Inspections staff **recommends denial** of the rezoning request from initial zoning to C(P) Planned Commercial District and find the request is not consistent with the Vision Northeast Plan (2010) which calls for Farmland at this location. Staff further recommends this request is not reasonable or in the public interest because: a. The C(P) Planned Commercial District would not be compatible or in harmony with the surrounding uses or zoning. b. The inadequate access to a paved public roadway from the subject site, and c. The lack of available utilities to the site.

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Mr. Howard discussed the previous dialogue with the owner that was made per the board's request. The staff met with the owner to consider taking this case from a C(P) Planned Commercial District to a conditional request. However, the owner indicated he did not want to do this in writing and that he wanted the Board to hear the original request. Mr. Howard explained that the owner wants to establish initial zoning for the Town of Wade from A1 Agricultural District to C(P) Commercial to put a billboard west of I-95 and northeast of McCollum Lane.

There were people present to speak in favor.

Public comment opened.

Mr. Johnny Lanthorn, Town of Wade Board of Commissioners spoke in favor. Mr. Lanthorn said that this case had come before their board, and they approved it unanimously to place a billboard on I-95.

Public comment closed.

**In Case P21-39, Mr. Williams made a motion to establish original zoning to C(P) Planned Commercial, seconded by Mrs. McLaughlin. The motion passed with Mr. Lloyd voting in opposition.**

- H. **P21-43: REZONING OF 1.42+/- ACRES FROM R40A RESIDENTIAL DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3662 GABE SMITH ROAD; SUBMITTED BY ROSE JONES (OWNER).**

Mr. Shinas presented the case information and photos.

Mr. Howard said the property owner wants rezone from R40A to RR so that she can put an additional manufactured home on her property. The property currently has one manufactured home on the parcel. Staff met with Ms. Rose Jones on July 30th, and she stated that she cannot and does not want to apply for a group development permit because of her financial relationship with her bank. There was a group development permit which expired in 2019 because a building permit was not obtained. Mr. Howard explained under the current zoning of R40A, the parcel is not large enough to accommodate a two-lot subdivision. Additionally, staff recommended against the RR rezoning because it's not compatible with the Eastover Land Use Plan. However, staff offered an alternative recommendation that the applicant consider R30A because this district allows class A manufactured homes, would allow the lot to be subdivided, and is consistent with the Eastover Land Use Plan.

In Case P21-43, the Planning and Inspections staff **recommends denial** of the rezoning request from R40A Residential District to RR Residential District and finds the request inconsistent with the Eastover Area Land Use Plan (2018), which calls for Rural Density Residential Maximum Density at this location. Staff further finds that recommending denial of the request is reasonable and in the public interest because the RR Residential District would allow one residential dwelling unit per 20,000 sq. ft. and a density that would not be compatible or harmony with the surrounding land uses or zoning in the area.

Public comment opened.



## Cumberland County Joint Planning Board

There was one person signed up to speak in favor.

Ms. Rose Jones spoke in favor. She asked for clarification on what the alternative zoning recommendation would entail. Mr. Howard explained that R30A will allow her to split the parcel to allow another manufactured home to be placed on it and this will likely satisfy the banks requirements for her to obtain a loan to purchase. Mr. Howard also stated that this district would be in compliance with the adopted land use plan.

Mr. Crumpler confirmed that if Ms. Jones accepts these solutions, she will have ample space to do exactly what she wants to do on the property.

Public comment closed.

**In Case P21-43, Mr. Lloyd made a motion, seconded by Mr. Burton to approve the request for R30A Residential District which allows for single-family dwelling units with lot area of 30,000 square feet or above. Unanimous approval.**

- I. **P21-47: REZONING OF 98.67 +/- ACRES FROM A1 AGRICULTURAL DISTRICT TO R40 RESIDENTIAL DISTRICT OR A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTHEAST OF JOHN B. CARTER ROAD, AND SOUTH OF SIDS MILL ROAD; SUBMITTED BY CHARLES GARDNER AND JANET GARDNER (OWNERS).**

Mr. Shinas presented the case information and photos.

In Case P21-47, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R40 Residential District and find the request consistent with the Vander Land Use Plan which calls for Rural Residential at this location. Staff further finds that recommending 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.

Mr. Lloyd commented that on one side of John B Carter Road the zoning is PND, a dormant district, that is equivalent to R7.5.

Mr. Howard said correct.

Mr. Crumpler asked if there are any streams or creeks in the area.

Mr. Shinas says he believes there is, and that staff received an email from a residence regarding drainage in the area. This area is verified by staff to not be in a flood plain based on conversation with the Engineering Department.

Mr. Stewart said that there is substantial flooding downstream on Cedar Creek Road whenever there are thunderstorms because it is surrounded by Locks Creek.

Public comments opened.

There were two people present to speak in favor.

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## Cumberland County Joint Planning Board

Mr. Charles Gardner spoke in favor. Mr. Gardner stated that the land has been in his family for about 35 years. He adds that the good thing about this property is that it will have only one entrance which is off of John B. Carter Road, and it will not be a traffic problem and the homes will be built on large enough lots that will not cause any overcrowding. He goes on to say that he has had the land surveyed and there is a plan drawn up that will allow them to construct 52-54 houses on the parcel and each home will be in compliance with the water and septic tank requirements already in place in the area. He adds that there are several wet areas in the rear of the property that drain into Locks Creek away from the houses.

Mr. Lloyd asked if the property is zoned for A1, which will allow for only 40 homes to be built.

Mr. Howard clarified that it is currently zoned as A1 and said that the current zoning allows for 45-46 homes to be built not considering any site conditions or wet areas.

Mr. Crumpler asks what kind of water damage was done to the property during Hurricane Matthew.

Mr. Gardner replied that there was very little standing water due to the ditches that are on the parcel; however, Locks Creek is known to get full during the rainy season. He stated that adequate drainage will be added during construction and if anything else is needed by regulation, it will be added.

Mr. Lloyd asked if there had been any interior work done on the site.

Mr. Gardner said the only work that was done was a tear down of an old house.

Mr. Williams asked if there will be public water, septic tanks or well water on the parcel.

Mr. Gardner said there will be septic tanks and well water.

Mr. Howard read the name for the second speaker.

Mr. Billy Horne said that he owns the houses on the property directly across from Mr. Gardner's land and he stated that he is in full support of Mr. Gardner's proposal and that he does not believe that there will be any problems with water or sewer in that area.

Ms. Lori Epler from Larry King and Associates was called from the floor to speak on behalf of the applicant. She spoke in favor of the proposal. She added that this site is 100 acres, and this requires Mr. Gardner to have infiltration retention ponds that will allow the water to be drained into the soil. She confirmed that there has been a wetland survey completed on the land.

There were two people present to speak in opposition.

Mr. Justin Smith said if this case is approved, his biggest concern is drainage on the parcel if it is rezoned from A1 to R40 and retention ponds would not be enough to stop the land from flooding from normal rain or bad hurricanes.



## Cumberland County Joint Planning Board

Mr. Lloyd asked if there were only 52 houses built on the property would that ease Mr. Smith's concern.

Mr. Smith agreed that if there were no more than 52 houses built, his concern would be lessened but not eradicated. He also voiced his concern about other nearby land being rezoned in the future, which would eventually eliminate farmland altogether.

Mr. Nathan Bright said that being a current resident, John B Carter Road floods often during any significant rainfall and he has witnessed multiple car accidents along the roadway. This is a big worry for him and his family.

Mr. Gardner was called back up to refute anything that was said in opposition of his plans.

Mr. Lloyd asked Mr. Gardner if he would be willing to do a conditional zoning with plans.

Mr. Gardner stated that he is not sure if he would agree to add a conditional zoning into his plans unless his engineer approves.

Ms. Epler stated they would need to have a definite deadline to submit the new plans.

Mr. Crumpler asked if a week is sufficient time.

Mr. Howard said even if the plans were submitted in a week, that staff would need longer time to review the revised plans and asked if this case could be heard again at the October Planning Board meeting.

Mr. Epler confirmed that a week is reasonable for them to have a new site plan created with conditional zoning included.

Public comments closed.

**In Case P21-47, Mr. Lloyd made a motion, seconded by Mr. Williams to defer the case to the October 19, 2021 Planning Board meeting to give staff a chance to review a new conditional zoning case and site plan. The motion passed unanimously.**

### IX. DISCUSSION

- BETHANY LAND USE

Mr. Howard said that the Bethany Land Use Plan is almost completed and that he believes that staff did a great job drafting this plan. It will be presented at the September Planning Board meeting.

- SIGN ORDINANCE UPDATE

Mr. Howard said that the County Board of Commissioners approved the budget to hire a consultant to assist with revamping of the sign code. He stated that he will be conducting a meeting within the next 30-45 days with the codes committee to discuss what will be updated.

- UPCOMING TEXT AMENDMENTS



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## **Cumberland County Joint Planning Board**

Mr. Howard said next month there will be text amendments for the Town of Eastover regarding small modifications to downtown commercial core. Additionally, there is a text amendment to have pre-development conferences with applicants who come in for rezoning. Another text amendment is proposing to have a neighborhood communication summary.

### **X. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:15 p.m.