

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

February 15, 2021

Members Present

Mr. Stan Crumpler – Chairman
Mr. Thomas Lloyd – Vice-Chair
Mr. William Walters
Mr. Gary Burton
Mr. James Baker
Mrs. Jami McLaughlin
Mr. Jordan Stewart

Members Absent

Mr. Mark Williams
Ms. Cassandra Herbert
Mrs. Susan Moody

Others Present

Mr. Rawls Howard
Mr. Chris Carr
Asst. County Attorney
Mr. Christopher Portman
Mr. David Moon
Mrs. Laverne Howard

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 new Board Member Mr. William Walters.

III. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mr. Howard advised the Board that Case ZON- 22-0029 would be moved to contested items due to public sign up in opposition.

Mr. Crumpler made a motion, seconded by Mrs. McLaughlin to approve the adjustment to the agenda. Unanimous approval.

IV. PUBLIC MEETING DEFERRAL

There were none.

V. ABSTENTIONS BY BOARD MEMBERS

There were none.

VI. APPROVAL OF THE MINUTES OF NOVEMBER 18, 2021

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

VII. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Crumpler read the welcome and rules of procedures.

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- A. **ZON-21-0029:** Rezoning from A1 Agriculture District to R15 Residential District on 6.0 +/- acres or more restrictive zoning district; located at west end of Laguardia Drive; submitted by Scott Brown (agent) on behalf of William R. Homes, LLC (owner).

Mr. Moon presented the case information and photos.

In Case ZON-21-0029, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R15 Residential District. Staff finds the request is consistent with the South Central Cumberland Land Use Plan which calls for Low Density Residential at this location. Staff also finds that the R15 Zoning District is compatible to and in harmony with the surrounding land use activities and zoning.

There were people present to speak in favor and in opposition.

Mr. Scott Brown spoke in favor. Mr. Brown stated that he was present as the applicant and on behalf of the owner of the property. The zoning request is consistent with the Land Use Plan, it will be served by both public water and sewer. This is as close to textbook zoning as you can get. Mr. Brown asked the board for their approval and recommendation for the Board of Commissioners.

Mr. Caleb Ritchie spoke in opposition, Mr. Ritchie said his biggest concern was with flooding in the area. Mr. Ritchie said they could provide pictures and videos of the flooding. They count on the trees at the back of the property to soak up the water, they also provide shade in the summer.

Mr. Lloyd asked Mr. Ritchie when he bought his lot, if he knew there were plans in the future for that road to be extended.

Mr. Ritchie said yes and no, when they bought their lot, they were told that where they lived was in a flood plain, but they had rezoned it and dredged everything else to make it safe. There is a flood pond that needs to be dredged. Mr. Ritchie said that he is concerned that if the rezoning gets approved everything will end up under water.

Mr. Tom Haskins spoke in opposition. Mr. Haskins stated that he didn't want to see another neighborhood built into their neighborhood, they already have a lot of traffic and a lot of kids in the neighborhood. They don't want to see all the construction traffic in and out. Mr. Haskins said that he was also concerned about the flooding issues.

Ms. Zelma Lopez spoke in opposition. Ms. Lopez said she has been in the neighborhood for about a year. A few months after she arrived half of her backyard was flooded, she presented photos of the flooding. Ms. Lopez asked how building a new development was going to help her property.

Leslie Haskins declined to speak.

Jason Bullock stated that he would wait to speak.

Ms. Carlene Morales spoke in opposition. Ms. Morales stated that she was the Treasurer for the Homeowners Association. The standing water that the residents are talking about are for the properties along the back of Gander. They have a detention pond on the opposite side of the neighborhood, we have rebuilt the pipes to redirect the water. When an assessment of the neighborhood was done, except for one lot at the corner of Laguardia and Gander, the rest of the

properties don't have pipes to redirect the water to the detention pond. Ms. Morales stated that she was neither opposed nor in favor, she just had questions. She tried to reassure the other residents that she was hoping the land would be assessed on whether it floods or not, because a lot of the property does flood back there. She was hoping that there would be flood certifications done. Another question that she had was would the subdivision be accessed only from Laguardia. Ms. Morales asked if the drainage would be provided for the fourteen proposed houses, will that drainage address the water that stands behind their houses.

Mr. Jason Bullock spoke in opposition. Mr. Bullock gave some background information about his water rescue experience. Mr. Bullock stated that he hoped this would be done responsibly and hoped that they have a plan to address the drainage.

Mr. Crumpler asked Mr. Brown if his piece of property was higher or lower than the properties being discussed.

Mr. Scott Brown said that his property sits higher, more than likely the water is coming down and they probably built their lots up some, so the water is getting trapped between the back of their lots and where the two properties converge. That's why there's standing water in the backyard. The subject property is six to eight feet higher than what the current lots are on the back of Gander way. The water will be moving NW to SE, that's how it is currently moving. Mr. Brown said they would maintain the current drainage pattern. We will have to meet the stormwater requirements, as well as other state requirements. If they are having flooding issues now, we are not necessarily going to fix their problems. But we won't add to their problems.

Mr. Crumpler asked Mr. Brown if there were plans in place to build retention ponds, stormwater runoff drains to catch this and send it somewhere else.

Mr. Brown said that they anticipate building a stormwater pond behind on the north or southeast corner of that piece of property.

Mr. Crumpler asked Mr. Brown if he could put the speakers at ease by letting them know that he's not going to send them any more water than what's coming now.

Mr. Brown said when you have hurricanes or tropical storms all bets are off.

Mr. Lloyd asked if the last two hurricanes were classified thousand-year floods.

Mr. Brown said they were in excess of two five-hundred-year events, and there were two of them in a two-year time period. Places all over the County were flooding then.

Mr. Lloyd asked if the pictures that were presented were taken after the last hurricane.

Ms. Lopez said the pictures were from last year.

Mr. Lloyd said that the developer of the current lots also had to go to Department of Environmental Quality (DEQ) for their erosion control, sedimentation, and flood control, is that correct? And apparently, they're still having flooding. The only thing we can do is ask developers to submit the plans to the state and follow the requirements.

Mr. Brown said they would do that; they would get all of the required state and local permits.

Mr. Crumpler asked Mr. Brown if he had anything to do with the opposition's subdivision.

Mr. Brown said no.

Mr. Burton asked Mr. Brown how many lots would go in.

Mr. Brown said fourteen lots.

Mr. Baker asked if there were options for another zoning.

Mr. Brown said they don't have a plan for anything at this point in time. The intent was to maximize the use of the property and with the water and sewer to help justify the expense of the infrastructure in place and utilize that R15 zoning. It didn't seem like much of a stretch because they are following the land use plan. There is R15 right next to them and a subdivision that is stubbed out into it. So, it just seemed like a logical choice to go with R15 zoning.

Tom Haskins came back up to speak and showed pictures of the flooding that occurs in their neighborhood. Mr. Haskins went on to talk about the flooding that occurs and how bad it gets.

Mr. Lloyd commented on the lack of hydric soils in any of the slides and said it was hard to believe.

Ms. Carlen Morales came back up to speak and asked if there would be an HOA to help regulate not only the properties but how many trees can be removed?

Mr. Crumpler said that would be the developer's decision.

Mr. Brown said there would be an HOA for the property.

Public hearing closed.

Mr. Lloyd said as far as flooding, we can only go with what the County has tasked to the State to do on stormwater. We follow the plan, the developer will have to submit a plan, he said that he's not going to increase the problem, but he won't necessarily resolve the problem they have now. As far as the roads, it was obvious when that subdivision was developed, when there are stubs, you know that there is going to be development at the end of that street. The land use plan calls for this density, and the land use plan was adopted, there is a reason for the plan. Mr. Lloyd feels unless there are good reasons, they should not go against the staff.

Mr. Stewart asked why R15 is considered low density when it comes to Planning, but when it talks about stormwater it's high density.

Mr. Lloyd said it was low density when it comes to zoning, but with a term that's put on it, it's two and a half units per acre.

Mr. Moon gave Mr. Stewart more explanation of high-density development.

Mr. Crumpler reminded the board that the developer stated that he was going to develop this land, but not increase the flooding concerns that the other residents have, part of their problem now was created by the people who built their development. If the water is sitting back there now there is nothing happening, there's vegetation on it, but there is still water standing in their backyards.

Mr. Lloyd asked when there is an erosion control plan, and the stormwater plans are submitted does it consider the amount of fill grade that will be put on each lot?

Mr. Brown said the State is just looking at the drainage pattern, they are not looking at the total amount of fill being used. But the amount of fill could make a lot of difference.

Mr. Crumpler asked where the retention pond was going to be.

Mr. Brown said in the area where their standing water is.

Mr. Crumpler said that Mr. Brown may actually help them because there is a place for that water to go now.

Mr. Brown said that was possible, but wanted to go on record saying that he wasn't going to fix their problems, because he can't, he also wanted to go on record saying he won't increase their runoff, once you get past that certain storm event then all bets are off.

Mr. Crumpler asked where the water was going out of the retention pond once it fills up.

Mr. Brown said what they would do would be to survey, that would show where the problem is. When the water is released from the pond, a level spreader that will disperse the water that will make it like a natural flow going across the ground, unless there is a designated pathway. But that is something that will be worked out as the plans progress.

In Case ZON-21-0029, Mr. Lloyd made a motion, seconded by Mrs. McLaughlin to approve the rezoning request from A1 Agricultural District to R15 Residential District and finds the request is consistent with the South Central Cumberland Land Use Plan which calls for Low Density Residential at this location. The motion failed with Mr. Burton, Mr. Walters, Mr. Baker and Mr. Stewart voting against the request. Mr. Burton stated that the reasoning for voting against the request was because of flooding concerns. The rezoning request was denied.

IX. DISCUSSION

- Mr. Howard introduced Chris Portman as the new Planner in Current Planning and that Annie Melvin had come back part time.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:01 p.m.