

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

March 15, 2021

Members Present

Mr. Stan Crumpler – Chairman
Mr. Thomas Lloyd – Vice-Chair
Mr. William Walters
Mr. James Baker
Mrs. Jamie McLaughlin
Ms. Cassandra Herbert
Mr. Mark Williams

Members Absent

Mr. Jordan Stewart
Mrs. Susan Moody
Mr. Gary Burton

Others Present

Mr. Rawls Howard
Mr. Rick Moorefield
Asst. County Attorney
Mr. Christopher Portman
Mr. David Moon
Mrs. Laverne Howard
Mrs. Alyssa Garcia

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 Case ZON- 22-0032 would be moved to contested items due to public sign up in opposition.

Mr. Baker made a motion, seconded by Mr. Williams to approve the adjustment 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 FEBRUARY 15, 2021

Mr. Lloyd made a motion, seconded by Mrs. McLaughlin 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

REZONING CASES

- A. Case ZNG-001-22: Initial zoning of 0.75+/- acres to R7.5 Residential or to a more restrictive zoning district; located at 4465 Calico Street on REID 0424220129000; submitted by Scott Meszaros (owner) & Town of Hope Mills (agent).

In ZNG-001-22, the Town of Hope Mills Planning staff recommends approval of the initial zoning request from County R7.5 to Town R7.5 and finds that the approval is consistent with the adopted current Southwest Cumberland Land Use Plan of "Low Density Residential" and that recommending approval of the request is reasonable and in the public interest because the site is developed with an existing single family residence that does not proposed any new construction that would disrupt the harmony of the established residential development in the surrounding area.

In ZNG-001-22, Mr. Lloyd made a motion, seconded by Mrs. McLaughlin to approve the initial zoning request from County R7.5 to Town R7.5 and finds that the approval is consistent with the adopted current Southwest Cumberland Land Use Plan of "Low Density Residential" and that recommending approval of the request is reasonable and in the public interest because the site is developed with an existing single family residence that does not proposed any new construction that would disrupt the harmony of the established residential development in the surrounding area. Unanimous approval.

- B. **ZON-22-0031:** Rezoning from A1 Agricultural District to R40 Residential District for two parcels on 3.52 +/- combined acres or to a more restrictive zoning district; located at 1012 and 1032 John Nunnery Road, and south of Stoney Branch Road; submitted by Jerry Cashwell II (applicant) on behalf of Jerry Cashwell II, Melanie White, and Barbara Faircloth (owners).

In Case ZON-22-0031, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40 Residential District. Staff finds the request is consistent with the Stedman Land Use Plan which calls for "Agricultural" 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-22-0031, Mr. Lloyd made a motion, seconded by Mrs. McLaughlin to approve the rezoning request from A1 Agricultural District to R40 Residential District. The request is consistent with the Stedman Land Use Plan which calls for "Agricultural" at this location. We also find 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. Unanimous approval.

VIII.PUBLIC MEETING CONTESTED ITEMS

- C. **ZON-22-0030:** Rezoning from R10 Residential District to C(P) Planned Commercial District on 0.37 +/- acres or to a more restrictive zoning district; located at 3359 Cumberland Road; submitted by George Rose (agent) on behalf of J. Gary and Terry Ciccone (owners).

Mr. Moon presented the case information and photos.

Mr. Moon advised the board that in their packets there was a letter from the applicant requesting to change the zoning to a less intensive commercial district and the request is now for C2(P).

In Case ZON-22-0030, the Planning and Inspections staff recommends denial of the rezoning request from R10 Residential District to C(P) Planned Commercial District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan and the Cumberland Road Business Plan; both of which discourage heavy commercial uses unless public sewer is available. Staff feels the request is unreasonable and not in the public interest as it is premature for utilities, not for an established business expansion, and the future use is unknown.

There was one person present to speak in favor.

Mr. George Rose spoke in favor. Mr. Rose stated that he was present representing the owners. The property is currently used as a residential rental area. But the area is transitioning to a more commercial nature, there are several businesses up and down Cumberland Road in the vicinity of the property. The applicant would like to get it rezoned so that he can have a commercial tenant instead of a residential one.

Mr. Howard stated staff did not have an issue with the amended C2(P) request from the applicant if that was the direction the Board wished to go. He stated that without sewer and given the fact it was not for an existing business expansion, it was premature. Mr. Howard stated that the land use plan calls for limitation on "heavy commercial" uses without sewer. C(P) is considered a heavy commercial district and noted that this area is not served with sewer. Mr. Howard also stated staff felt C1(P) and C2(P) were not considered heavy commercial designations and given the transitioning nature of the area, would be more suitable as these designations are lighter commercial in nature.

In Case ZON-22-0030, Mr. Lloyd made a motion, seconded by Mr. Baker to recommend denial of the rezoning request from R10 Residential District to C(P) Planned Commercial District. The board finds the request is not consistent with the Southwest Cumberland Land Use Plan and the Cumberland Road Business Plan; both of which discourage heavy commercial uses unless public sewer is available. The Board feels the request is unreasonable and not in the public interest as it is premature for utilities, not for an established business expansion, and the future use is unknown and to recommend the C2(P) zoning district. Unanimous approval for recommending the C2(P) district.

- D. **ZON-22-0032:** Rezoning from A1 Agricultural District to R40 Residential District on 20.61 +/- acres or to more restrictive zoning district; located at 7149 Butler Nursery Road east of NC HWY 87 S; submitted by Kyle Dixon (owner) on behalf of Kyle and Mari Dixon (owners).

Mr. Moon stated that staff was aware of the history of past zoning requests on the subject property, there were discussions with the property owner about the options, there was previously an R40 zoning recommended by the board that went to the Board of Commissioners and was denied. More than a year has passed, and the applicant has returned knowing the options and asked for the straight rezoning of R40.

Mr. Portman presented the case information and photos.

In Case ZON-22-0032, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40 Residential District. Staff finds the request is consistent with the South Central Cumberland Land Use Plan which calls for "Farmland Residential" at this location. Staff also finds that the request is reasonable and in the public interest as the request is compatible to and in harmony with the surrounding land use activities and zoning.

Public meeting opened.

Mr. Breeden Blackwell was signed up to speak in favor but yielded his time to Mr. Jonathan Charleston.

Mr. Jonathan Charleston spoke in favor and stated that he was present representing the owners. Mr. Charleston stated that the taxpayers paid for the South Central Land Use Plan, a lot of work went into developing this. What we have here tonight is a rezoning request that is one hundred percent square within the land use plan that was adopted by the Commissioner's this is the development standard for Cumberland County. Mr. Charleston stated that one of the things that he struggles with as a resident of Cumberland County, is that all of the surrounding counties have experienced tremendous economic growth, Hoke County, Moore County, Harnett County, and

Johnston County. Cumberland County has had less than four percent growth in the last ten years. Mr. Charleston feels that's because the Land Use Plan is not complied with. We are coming before the board with a proposed rezoning that fits squarely in the parameters of the Land Use Plan. The owners of the property only seek the highest and best use of the property.

Mr. Lloyd said in light of the fact that this board has already approved this, and in the past this board has had a problem going with the land use plan because people didn't understand density, this is pretty clear. They are going for R40. So, the Commissioners have a problem with GenX, there is a law firm that is representing citizens in Gray's Creek, they are suing Dupont, and people that find GenX in their water can join in on the class action lawsuit and get Dupont to take care of the filtration system. Mr. Lloyd went on to say that realtors have a standard statement that lets people know when they bid on property that there is a possibility that there could be GenX and that they as realtors are not responsible. During the due diligence period that's when tests should be done.

Mr. Charleston said that he believed the seller should put the public on notice when there are environmental considerations such as that.

Mr. Crumpler asked if the water had been tested on the subject property.

Mr. Charleston said it had not been tested. But one of the things they could do is as the property is marketed, they could let people know that GenX was an issue in the area. That would be the right thing to do.

Mr. Scott Smith spoke in opposition. Mr. Smith owns the airport and operates a flight school next to the subject property. Mr. Smith said he was concerned about the safety and comfort of the people there. The flight path would be near where the houses would be. Mr. Smith said for him, he would be concerned about the potential safety and noise. He said there would be complaints about the noise, and that will be an issue constantly. This request is within the traffic pattern, we have people with hours of flying a plane by themselves, we have military coming in with helicopters over the end of the runway.

Mr. Lloyd said that the last time this case was heard the board was shown a graphic of the approach zone was noise was the concern.

Mr. Smith said it was a set aside for an approach path and it's not for noise, it's safety and noise and that was his point last time, but it didn't work out. But his main point is that there is no safety zone at the end of that runway because it is heavily wooded.

Mr. Crumpler asked Mr. Smith what his primary concern was.

Mr. Smith said noise complaints will be much more prevalent, but safety is the most important problem.

Mr. Lloyd asked at what point does it go from personal property rights, which this state puts a lot of emphasis on, and let the buyer beware.

Mr. Smith said that he agrees and is not against growth but is looking at this as a bad situation in a bad area, the traffic pattern.

Mr. Dale Smith spoke in opposition. Mr. Smith presented a photo of the airport and stated that his airport which he started in 1984 is a public use privately owned airport. They don't have federal protection zones because they don't take any federal or state money. Mr. Smith pointed out that part of the field is in the runway protection zone. Mr. Smith said there is noise every time a plane departs the airport.

Mr. Jack Cain spoke in opposition. Mr. Cain stated that his concerns are about schools and if they can handle the growth, water with the GenX situation and not having water and sewer, doesn't think it's a good idea to add extra housing in the area.

Mr. Ray Cain spoke in opposition. Mr. Cain stated that he doesn't think Gray's Creek is ready to have houses on one acre. There's no water, sewer, parks, and Mr. Cain feels that landowners should have a say.

Ms. Terry Smith spoke in opposition. Ms. Smith stated that Gray's Creek is losing that sense of community, it is no longer a cohesive community, we have pockets of good people and good plans. More people mean more crime, this community is not the community it once was. We think good growth is positive and this is not an example of good growth. Gray's Creek does not need another subdivision in that area.

Mr. Lloyd asked Ms. Smith if she had taken part in the South Central planning process.

Ms. Smith said that she did not.

Christopher Smith spoke in opposition. Mr. Smith stated he did not want the rezoning to be approved.

Mr. Charleston spoke in rebuttal. Mr. Charleston stated that this was not a zero-lot line development, nowhere on the application does it mention zero lot line for R40 Residential, it is not a Conditional Zoning, that was where the confusion was for the Commissioners. The noise complaints will be a problem that the purchasers will have if they decide to buy a house that's near an airport. Mr. Charleston stated that there were no regulations stating that there has to be any type of zoning and asked the board to not place any burden on his client's land to support the needs, wants and desires of everybody else.

Public meeting closed.

Mr. Lloyd stated that Mr. Charleston had summarized the Land Use Plan that was done in 2015, when there is a planning process, part of that process is the Land Use Plan, everybody is notified more than once, just like a public hearing, to participate. It is a long process and it's a time for everyone to come out and voice their opinions and objections to a proposed plan. The mere fact that the Commissioners adopted it means it's an approved plan. This isn't about density, this is clearly what the plan recommends, everybody had ample opportunity to participate in the plan. There have been no changes since that plan and the airport was there since that plan. Mr. Lloyd said that he thought the board gets itself into trouble when they go against a plan because there's opposition. The time to oppose was when the plan was done unless something has changed. In this area nothing has changed since the plan was adopted.

Mr. Baker said that he could accept everything that Mr. Lloyd said except when there is a human safety argument.

Mr. Lloyd said if there were that much of a human safety problem there would be some sort of regulations, and the owner of the airport has lived there since the airport has existed. The last time we heard this safety wasn't the issue, what we were given was a contour of the noise at that time.

Mr. Crumpler pointed out the house that was at the end of the runway and asked again if that house is there why are the proposed houses a problem.

Mr. Scott Smith said some of the buildings are not an issue because there is aircraft taking off southbound and they are three or four hundred feet in the air those buildings are not directly under they are out ahead of you.

Mr. Crumpler asked how many incidences there have been of issues with planes having problems and having to land.

Mr. Smith said there have been four or five incidents.

Mr. Crumpler asked if planes had gone down in or around the subject property.

Mr. Smith said that it was in the other direction. The wind determines which way they take off.

Mr. Lloyd asked Mr. Smith if he participated in the 2015 Land Use Plan.

Mr. Smith said he did not.

In Case ZON-22-0032, Mr. Lloyd made a motion, seconded by Mr. Crumpler to recommend approval of the rezoning request from A1 Agricultural District to R40 Residential District. The request is consistent with the South Central Cumberland Land Use Plan which calls for "Farmland Residential" at this location. The request is reasonable and in the public interest as the request is compatible to and in harmony with the surrounding land use activities and zoning. The motion passed with Crumpler, Lloyd, McLaughlin, Williams, and Herbert voting for. Baker and Walters voted in opposition.

IX. DISCUSSION

- Mr. Howard introduced Alyssa Garcia as the new Planner in Current Planning.
- Mr. Howard advised the board that the Sign Ordinance Draft would be presented at the April meeting.
- Mr. Howard advised that a review and update of the bylaws was needed and requested a special committee at the Chairman's behest. The Chairman asked for volunteers. Tom Lloyd, Jamie McLaughlin, and Stan Crumpler volunteered to be on that committee.
- Mr. Howard told the Board that travel restrictions were lifted for the County and that the State Planning Conference would be in September and two Board Members could attend.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:22 p.m.