

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

### MINUTES

April 19, 2022

#### Members Present

Mr. Stan Crumpler – Chairman  
Mr. Thomas Lloyd – Vice-Chair  
Mr. William Walters  
Mr. Gary Burton  
Mrs. Jami McLaughlin  
Ms. Cassandra Herbert  
Mrs. Susan Moody

#### Members Absent

Mr. Jordan Stewart  
Mr. James Baker  
Mr. Mark Williams

#### Others Present

Mr. David Moon  
Mr. Rick Moorefield  
County Attorney  
Mr. Christopher Portman  
Ms. Otereia Green  
Mrs. Laverne Howard  
Mrs. Alyssa Garcia  
Mrs. Annette Massari

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### II. ABSTENTIONS BY BOARD MEMBERS

Mr. Lloyd advised the Board that he would abstain from voting on Case ZNG-003-22.

#### III. ADJUSTMENTS TO / APPROVAL OF AGENDA

Mrs. McLaughlin requested that Case ZON-22-0035 be moved from Consent Items to Contested Items.

Mr. Crumpler advised that there was a speaker present who drove a long way to speak on deferred Case ZON-22-0029 and they would give her time to speak.

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

#### IV. PUBLIC MEETING DEFERRALS

**ZON-22-0029:** 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). **APPLICANT REQUESTED DEFERRAL TO MAY 17, 2022 TO RESUBMIT AS A CONDITIONAL ZONING REQUEST**

Ms. Lopez came forward and stated that they were not opposed to the building but was concerned about the flooding and the damage that it could cause. Ms. Lopez presented a letter to the board and will email pictures that will be available when this case comes before the Board.

**ZON-22-0037:** Rezoning from C(P) Planned Commercial District to M(P) Planned Industrial District on 4.87 +/- acres or to a more restrictive zoning district, located at 3703 Gillespie Street; submitted by Seth Saeugling (applicant) on behalf of Kathryn & Robert Gaines (owners). **APPLICANT REQUESTED DEFERRAL TO MAY 17, 2022 TO RESUBMIT AS A CONDITIONAL ZONING REQUEST**

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**Mrs. Moody made a motion, seconded by Mr. Lloyd to approve the deferrals subject to hearing the testimony of the one witness who drove a long way to speak in Case ZON-22-0029. Unanimous approval.**

### V. APPROVAL OF THE MINUTES OF MARCH 15, 2021

**Mrs. Moody 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-002-22:** Rezoning of 5.21+/- acres from C(P) Planned Commercial, C1(P) Planned Local Business, R6 Residential & PND Planned Neighborhood District to C(P) Planned Commercial District/CZ Conditional Zoning for a veterinarian office or to a more restrictive zoning district, located on the south side of SR 1112 (Rockfish Road), north and east of Moulder Street, submitted by Kent & Julia Dean on behalf of Kent & Julia Dean Properties, LLC (owner) and Michael Blakley on behalf of Drafting and Design Services, Inc. (agent). **(Hope Mills)**

In ZNG-002-22, the Town of Hope Mills Planning staff recommends approval of the rezoning from C(P) Planned Commercial, C1(P) Planned Local Business, R6 Residential and PND Planned Neighborhood District to C(P) Planned Commercial/CZ Conditional zoning for a veterinarian office and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) 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: a portion of the parcels that are part of the request currently operate as the requested use, a road widening project is requiring the use be redeveloped, and the parcels have access to public water and sewer; c. And this rezoning approval is reasonable and in the public interest because the site is being conditionally zoned to limit the impact to surrounding properties to place it more in harmony with the surrounding zoning and uses while providing adequate buffering and space for vehicular/pedestrian movement.

**In ZNG-002-22, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning from C(P) Planned Commercial, C1(P) Planned Local Business, R6 Residential and PND Planned Neighborhood District to C(P) Planned Commercial/CZ Conditional zoning for a veterinarian office and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) 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: a portion of the parcels that are part of the request currently operate as the**

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requested use, a road widening project is requiring the use be redeveloped, and the parcels have access to public water and sewer; c. And this rezoning approval is reasonable and in the public interest because the site is being conditionally zoned to limit the impact to surrounding properties to place it more in harmony with the surrounding zoning and uses while providing adequate buffering and space for vehicular/pedestrian movement. Unanimous approval.

- B. Case ZNG-003-22:** Rezoning of 1.22+/- acres from C1(P) Planned Local Business to C1(P) Planned Local Business District/CZ Conditional Zoning for all allowed C1(P) uses and requested reduced setbacks or to a more restrictive zoning district, located in the southeast quadrant of the intersection of SR 1131 (Cameron Road) & NC 59 (S Main Street), submitted by James A. Davis Jr on behalf of himself and Davis Family Trust & Sonja Taylor on behalf of Franklin D. Taylor heirs (owners) and Thomas Lloyd (agent). **(Hope Mills)**

In ZNG-003-22, the Town of Hope Mills Planning staff recommends approval of the rezoning from C1(P) Planned Local Business to C1(P) Planned Local Business/CZ Conditional zoning for all allowed C1(P) uses and requested reduced setbacks and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) 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 recombination of these parcels will provide a more practical parcel for the development of a nonresidential use that will have sufficient space for vehicular/pedestrian movement and parking. C1(P) also allows for generally light commercial uses which is what the "Mixed Use Development" desires; c. And this rezoning approval is reasonable and in the public interest because the site is located at a heavily trafficked intersection and the district requested is in harmony with surrounding zoning and existing land uses along S. Main Street corridor.

In ZNG-003-22, Mrs. Moody made a motion, seconded by Mr. Walters to recommend approval of the rezoning from C1(P) Planned Local Business to C1(P) Planned Local Business/CZ Conditional zoning for all allowed C1(P) uses and requested reduced setbacks and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) 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 recombination of these parcels will provide a more practical parcel for the development of a nonresidential use that will have sufficient space for vehicular/pedestrian movement and parking. C1(P) also allows for generally light commercial uses which is what the "Mixed Use Development" desires; c. And this rezoning approval is reasonable and in the public interest because the site is located at a heavily trafficked intersection and the district requested is in harmony with surrounding zoning and existing land uses along S. Main Street corridor. The motion passed with Mr. Lloyd abstaining from the vote.

- C. Case ZNG-004-22:** Rezoning of 0.69+/- acres from R10 Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 4271 Legion Road, submitted by David L. Coffman (owner) & Will Swaringen, PE (agent). **(Hope Mills)**

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In ZNG-004-22, the Town of Hope Mills Planning staff recommends approval of the rezoning request from R10 Residential to C2(P) Planned Service and Retail district and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as strip commercial areas are recommended along Legion Road and the site has access to public water and sewer. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing uses and zoning as this node is transitioning into a commercial hub as road improvements and surrounding commercial development is completed.

**In ZNG-004-22, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from R10 Residential to C2(P) Planned Service and Retail district and finds the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial" as strip commercial areas are recommended along Legion Road and the site has access to public water and sewer. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing uses and zoning as this node is transitioning into a commercial hub as road improvements and surrounding commercial development is completed. Unanimous approval.**

- D. **ZON-22-0033:** Rezoning from C(P) Planned Commercial District to R5A Residential District on 2.22 +/- acres or to a more restrictive zoning district, located at 706 Shell Drive; submitted by James Kizer (agent) on behalf of Waterford at Little River Investments LLC (owners). **(Spring Lake)**

In Case ZON-21-0033, the Planning and Inspections staff recommends approval of the rezoning request from C(P) Commercial District to R5A Residential District. Staff finds the request is not consistent with the current Spring Lake Area Land Use Plan which calls for "Light Industrial" at this location. However, the rezoning request is consistent with the surrounding area development patterns. 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-21-0033, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from C(P) Commercial District to R5A Residential District. Staff finds the request is not consistent with the current Spring Lake Area Land Use Plan which calls for "Light Industrial" at this location. However, the rezoning request is consistent with the surrounding area development patterns. 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. Unanimous approval.**

### CONDITIONAL ZONING CASE

- E. **ZON-22-0036:** Rezoning from O&I(P)/CZ Planned Office and Institutional District/Conditional Zoning and R6A Residential District to C1(P) Planned Local Business District or to a more restrictive zoning district for two parcels on 1.11 +/- combined acres; located at 4799 & 4807 South Main Street; submitted by Clear Blue & 22 LLC/Tina Dawson Tina Dawson (owner/applicant).

In Case ZON-22-0036, the Planning and Inspections staff recommends approval of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential

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to C1(P) Planned Local Business. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Mixed Use Development" 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.

**In Case ZON-22-0036, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from O&I(P)/CZ Planned Office and Institutional/Conditional Zoning and R6A Residential to C1(P) Planned Local Business. Staff finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Mixed Use Development" 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. Unanimous approval.**

### MODIFICATION TO CONDITIONAL ZONING CASE

- F. **MOD-0017-22:** Modification to C2(P) CZ Planned Service and Retail District Conditional Zoning for Case P14-33 and P12-46 to change conditional use and site plan on 2.47 +/- acres, located at the southwest corner of Dunn Road and Oak Hill Drive; submitted by Chuck Furr (owner/applicant). **(Eastover)**

In Case MOD-0017-22, the Planning and Inspections staff recommends approval of the request to modify Conditional Use Cases P12-46 and P14-33, subject to the conditions of approval and conditional use site plan. Staff finds the request is consistent with the Eastover Land Use Plan. Staff further finds that the request is reasonable and in the public interest as an accessory storage serving the development is compatible and an appropriate transition with the adjacent residents and is in harmony with the surrounding land use activities and zoning.

**In Case MOD-0017-22, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the request to modify Conditional Use Cases P12-46 and P14-33, subject to the conditions of approval and conditional use site plan. Staff finds the request is consistent with the Eastover Land Use Plan. Staff further finds that the request is reasonable and in the public interest as an accessory storage serving the development is compatible and an appropriate transition with the adjacent residents and is in harmony with the surrounding land use activities and zoning. Unanimous approval.**

## VIII. PUBLIC MEETING CONTESTED ITEMS

- G. **ZON-22-0038:** Rezoning from RR Rural Residential District to R7.5 Residential District or to more restrictive zoning district for eight parcels on 5.4 +/- acres, located at the northwest corner of Muscat Road and Advance Drive; submitted by George Rose (applicant) on behalf of EK International LLC (owners).

Mr. Moon presented the case information and photos.

In Case ZON-22-0038, the Planning and Inspections staff recommends denial the rezoning request from RR Rural Residential to R7.5 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Suburban Residential" at this location.

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Staff also finds that the request is not reasonable and in the public interest as the request is not compatible to and in harmony with the surrounding land use activities and zoning.

There was no one present to speak in opposition or in favor.

**In Case ZON-22-0038, Mrs. Moody made a motion, seconded by Mr. Lloyd to deny the rezoning request from RR Rural Residential to R7.5 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Suburban Residential" at this location. Staff also finds that the request is not reasonable and in the public interest as the request is not compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

- H. **ZON-22-0035:** Rezoning from R5A Residential District to R6A Residential District or to a more restrictive zoning district; for a 5.67 +/- acre portion of a 32.7 +/- tract, located at 102 Dacha Lane; submitted by Richard L. Fox III (applicant) on behalf of 1400 N. Bragg Property, Elwood E. Perry (owners). **(Spring Lake)**

Mrs. Massari presented the case information and photos.

In Case ZON-22-0035, the Planning and Inspections staff recommends approval of the rezoning request from R5A Residential District to R6A Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for Medium Density Residential 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.

County Planning staff member Annette Massari presented the details of the case.

Three people spoke in favor of the case, two neighboring residents and a representative of the applicant.

The neighboring residents stated that the proposed use of the site matches their perception of the intended use of that land.

The representative of the applicant stated the proposed use of the site would have numerous benefits for the Town of Spring Lake including an increased tax base.

Public comment closed and Board discussion began.

Mrs. McLaughlin spoke in opposition to the rezoning, citing that mobile home park development is not compliant with the County 2030 Plan goals for Spring Lake or the public comments from the ongoing planning process for the new Spring Lake area land use plan. Mrs. McLaughlin stated that the town desires and has made efforts to improve the area housing stock, and that this proposed development is antithetical to that effort.

Other members of the Board asked, and planning staff addressed, numerous clarifying questions about the case including the intent of the development and the means of access to the subject portion of the property.

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**In Case ZON-22-0035, Mr. Burton made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from R5A Residential District to R6A Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for Medium Density Residential 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. The motion passed with Mr. Walters, Mr. Burton, Mr. Lloyd, and Mr. Crumpler voting in favor and Ms. Herbert, Mrs. Moody, and Mrs. McLaughlin voting in opposition.**

- I. **ZON-22-0034:** Text Amendment to the Cumberland County Zoning Ordinance, Article 13 and a series of related Sections to update and revise sign regulations, standards, and definitions and to establish a new Article 18, Enforcement, pertaining to violations of the Zoning Ordinance; submitted by Cumberland County Planning & Inspections Dept. (applicant).

In Case ZON-22-0034, the Planning & Inspections staff recommends approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's sign or enforcement regulations, a current ordinance that is in compliance with Federal and State law allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards, review processes, and enforcement procedures for the public.

There was no one present to speak in favor or in opposition.

Mr. Chad Meadows presented the updates and revisions to the text amendment and stated that the objective was to make the amendment easier to read and understand and to bring it into closer alignment with federal law.

Mr. Lloyd asked how much input or if there was any attempt to get feedback from vendors, or sign people of any type.

Mr. Meadows stated that he did not know the answer to that question but assumed that staff has passed this information along the appropriate channels. Mr. Meadows stated that he agreed with Mr. Lloyd's notion that this information should have been shared if the Board feels that is something that should be done.

Mr. Lloyd said he thought it would be a good idea, if before the Board acts on this, allow input from the people who will be affected by this.

Mr. Crumpler said that he thought there should be input from the people who will be affected by this.

**In Case ZON-22-0034, Mr. Crumpler made a motion, seconded by Mrs. Moody to remand this case to the Land Use Codes Committee and notification should include members of the sign business community and the general public for both the Land Use Codes Committee meeting and Joint Planning Board meeting. Unanimous approval.**

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### **IX. DISCUSSION**

There was none.

There being no further business, the meeting adjourned at 7:19 p.m.