

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

### MINUTES May 17, 2022

#### Members Present

Mr. Stan Crumpler – Chairman  
Mr. Jordan Stewart  
Mr. William Walters  
Mr. Gary Burton  
Mr. James Baker  
Ms. Cassandra Herbert  
Mrs. Susan Moody

#### Members Absent

Mr. Thomas Lloyd  
Mrs. Jami McLaughlin  
Mr. Mark Williams

#### Others Present

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

#### 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

There were none.

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

Mr. Howard advised the board that Cases ZNG-006-22 requested a deferral and ZON-22-0040 requested to have the case withdrawn.

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

#### IV. PUBLIC MEETING DEFERRAL / WITHDRAWALS

**Case ZNG-006-22:** Rezoning of 14.87+/- acres from R6A Residential to R5A Residential or to a more restrictive zoning district, located west of Elk Park Drive, on the south side of NC 59 (N Main Street), north of Hunting Ridge Road on REID 0414063928000, submitted by Rodney Sherrill on behalf of Elk Park Development LLC (owner).

**Mrs. Moody made a motion, seconded by Mr. Burton to approve the deferral of Case ZNG-006-22 to the June 21, 2022 meeting. Unanimous approval.**

**ZON-22-0040:** Rezoning from M2 Heavy Industrial District to R15 Residential District or to a more restrictive zoning district on 24.59 +/- acres; located at the east end of Front Street, Town of Stedman; submitted by Carlos Jack Horne (applicant) on behalf of Billy & Fay Horne (owners). **(Stedman)**

**Mrs. Moody made a motion, seconded by Mr. Walters to approve the withdrawal of Case ZON-22-0040 at the applicant's request. Unanimous approval.**

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

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

**Mrs. Moody made a motion, seconded by Mr. Crumpler 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-005-22:** Initial zoning of 52.94+/- acres to R7.5 Residential and C1(P) Planned Local Business or to a more restrictive zoning district; located on the south side of SR 1003 (Camden Road), west of intersection with SR 3039 (Wipperwill Drive) on REIDs 0404048665000, 0404059166000 & 9494961873000; submitted by Stephen G. Terry on behalf of Barbara M Johnson heirs (owner) & Trae Livick on behalf of McKim & Creed, Inc. (agent). **(Hope Mills)**

In ZNG-005-22, the Town of Hope Mills Planning staff recommends approval of the initial zoning request to R7.5 Residential and C1(P) Planned Local Business and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map for the C1(P) area 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 C1(P) portion of the request is less than an acre of the overall development, will provide for the development of convenient goods and services at the lightest commercial level and is positioned with access to a heavily trafficked road at the forefront of the proposed area. c. And this rezoning approval is reasonable and in the public interest because the site has access to public utilities, will allow a density in harmony with existing surrounding zoning and will be in line with existing surrounding uses.

**In ZNG-005-22, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the initial zoning request to R7.5 Residential and C1(P) Planned Local Business and finds: a. The approval is an amendment to the adopted Southwest Cumberland Land Use Plan (2013) map for the C1(P) area 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 map to meet the development needs of the community: the C1(P) portion of the request is less than an acre of the overall development, will provide for the development of convenient goods and services at the lightest commercial level and is positioned with access to a heavily trafficked road at the forefront of the proposed area, and c. This rezoning approval is reasonable and in the public interest because the site has access to public utilities, will allow a density in harmony with existing surrounding zoning and will be in line with existing surrounding uses. Unanimous approval.**

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

- B. **ZON-22-0042:** Rezoning from RR Rural Residential District to R7.5 Residential District or to a more restrictive zoning district on 0.60 +/- acres; located at 3556 Camden Road EXT; submitted by Thomas Hanson (applicant) on behalf of Elizabeth Bruno (owner).

In Case ZON-22-0042, the Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District to R7.5 Residential District. Staff finds the request is consistent with the Southwest Cumberland 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.

**In Case ZON-22-0042, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from RR Rural Residential District to R7.5 Residential District. The Board finds the request is consistent with the Southwest Cumberland Land Use Plan which calls for "Medium Density Residential" at this location. The Board 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

- C. **ZON-22-0048:** Rezoning from C1(P) Planned Local Business District to C1(P) Planned Local Business District / CZ Conditional Zoning or to a more restrictive zoning district on 0.49 +/- acres; located at 3876 Dunn Road; submitted by Town of Eastover. **(Eastover)**

In Case ZON-21-0048, the Planning and Inspections staff recommends approval of the rezoning request from C1(P) Planned Local Business District to C1(P)/CZ Planned Local Business District Conditional Zoning. Staff finds the request is consistent with the Eastover Area Land Use Plan which calls for "Mixed Use" 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-21-0048, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from C1(P) Planned Local Business District to C1(P)/CZ Planned Local Business District Conditional Zoning. The Board finds the request is consistent with the Eastover Area Land Use Plan which calls for "Mixed Use" at this location. The Board 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.**

## VIII. PUBLIC MEETING CONTESTED ITEMS

### CONDITIONAL ZONING DISTRICT

- D. **ZON-22-0044:** Rezoning from C(P) Planned Commercial District to M(P) Planned Industrial/CZ Conditional Zoning District or to a more restrictive zoning district on 4.87 +/- acres; located at 3703 Gillespie Street; submitted by Seth Henry Britton Saeugling (applicant) on behalf of Kathryn & Robert Gaines (owner).

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

Mr. Christopher Portman presented the case information and photos.

In Case ZON-22-0044, the Planning and Inspections staff recommends denial the rezoning request from C(P) Planned Commercial District to M(P) Planned Industrial District/Conditional Zoning. Staff finds the request is not consistent with the South-Central Cumberland Land Use Plan which calls for "Heavy Commercial" at this location. Staff also finds that the request is not reasonable or in the public interest as the requested district is not compatible to or in harmony with the surrounding land use activities and zoning.

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

Mr. Seth Saeugling spoke in favor. Mr. Saeugling stated that he had just found out new information just before the meeting related to flooding issues on the site that they were not made aware of, and the selling agent did not disclose. Mr. Saeugling said that if they do go forward with this, they want to make sure they fix the flooding issue. Mr. Saeugling gave a presentation on his contractor storage business and how it works.

Mr. Crumpler asked what steps will be in place to ensure there are no hazardous materials being stored.

Mr. Saeugling said there will be a janitorial service on site that will walk the entire property daily, cleaning trash and looking for any new materials that might be brought in.

Mark Kernodle spoke in opposition. Mr. Kernodle stated he was not opposed to progress but said that the subject property is subject to flooding. He pointed out an area on Gillespie Street that acts as a barrier so that water can't cross over to the drainage ditch that the State has provided with drains. The subject property floods and runs onto his property and causes his property to flood.

Public meeting closed.

Mr. Howard said that staff was on the fence with this case and their recommendation. Staff's concern was that this facility was unmanned, and with the absence of someone being there, staff had issues with what is being stored there and who is checking it. They also had concern about a precedent being set in the area even though it is a tightly conditionally zoned. If you added an MP District it would change the dynamic of the commercial nature of what the plans had called for out there and putting in an industrial zone directly against a single-family neighborhood is always a concern.

**In Case ZON-22-0044, Mr. Crumpler made a motion, seconded by Mr. Burton to continue the case until the July 19, 2022 Planning Board meeting. Unanimous approval.**

- E. **ZON-22-0045:** Rezoning from A1 Agricultural District to R15 Residential District/ CZ Conditional Zoning or to a more restrictive zoning district on 6.00 +/- acres; located at the end of Laguardia Drive; submitted by Scott Brown (applicant) on behalf of William R. Homes, LLC (owner).

Mr. David Moon presented the case information and photos.

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

In Case ZON-22-0045, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R15 Residential/CZ Conditional Zoning 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 request 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.

Jimmy Ray spoke in favor. Mr. Ray presented maps from the South-Central Land Use Plan that the subject property falls within. Mr. Ray gave some background on his company. Mr. Ray went on to point out how his property falls into all the parameters in the South-Central Land Use Plan. Mr. Ray discussed options to help fix some of the flooding concerns, like a ditch behind the houses that will collect their water and dump it into a silt pond.

Carlene Morales spoke in opposition. Ms. Morales stated that her concerns are with how flooding issues will be handled and HOA dues being paid by new homeowners. The problem is our subdivision relies on the applicant's retention pond functioning properly, which means they would rely on his HOA functioning properly so that it is properly maintained.

Mr. Stewart asked Ms. Morales if she spoke to the President of William R. Homes, LLC.

Ms. Morales said she only spoke to Scott Brown, the applicant and was told that they had plans for the overflow.

Mr. Stewart asked if she had spoken to anyone else because he was wondering if they had articulated to her what they had articulated to the board about the ditch and the retention pond, and it looks like they made it bigger.

Ms. Zelma Lopez spoke in opposition. Ms. Lopez stated that her concern is with the flooding and drainage issues. She is also concerned with how this will impact her property.

Mr. Burton reminded Ms. Lopez that the owner has offered to help with the situation, he can't solve it but has offered to help and he doesn't have to.

Public meeting closed.

**In Case ZON-22-0045, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to R15 Residential/CZ Conditional Zoning District. The Board finds the request is consistent with the South-Central Cumberland Land Use Plan which calls for Low Density Residential at this location. The Board also finds that the request is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

## IX. OTHER ITEM

Mr. Howard advised the Board about the update to the bylaws. Mr. Howard explained some of the changes like the rules to attendance, the relation of the Chair and Vice-Chair and the selection of the Planning Director and updated the times and dates of meetings. Mr. Howard explained that a lot of

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

items were removed from the bylaws because they were no longer applicable with the changes to the Joint Planning Board Interlocal Agreement.

Mr. Howard advised that the Board needed to adopt the bylaws so that it could be ratified by each of the Towns, then proceed to the Board of Commissioners for their approval.

Mr. Howard said that he noticed a small change in the draft regarding term limit language among all the Board members. They need to make one change in the document to the term of the board members and that should be included in the motion.

**Mrs. Moody made a motion, seconded by Mr. Baker to approve the revised bylaws with the change that was noted regarding term limits in the bylaws mirroring the terms in the Joint Planning Board Interlocal Agreement. Unanimous approval.**

### X. DISCUSSION

- SIGN ORDINANCE UPDATE

Mr. Howard updated the Board on the progress of the Sign Ordinance Update. He noted that there was very positive reception for the new standards at the subcommittee meeting and among the sign company reps that were in attendance.

There being no further business, the meeting adjourned at 7:48 p.m.