

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

September 20, 2022

Members Present

Mrs. Jami McLaughlin Vice-Chair
Mr. Mark Williams
Mr. William Walters
Mr. Gary Burton
Mr. James Baker
Mr. Tom Lloyd
Mrs. Susan Moody

Members Absent

Mr. Jordan Stewart
Ms. Cassandra Herbert
Mr. Stan Crumpler, Chair

Others Present

Mr. Rawls Howard
Mr. David Moon
Mr. Christopher Portman
Mrs. Laverne Howard
Mr. Chris Carr
Asst. County Attorney
Mrs. Alyssa Garcia
Mrs. Otteria Green
Mrs. Sabrina Greer

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. Moody delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO / APPROVAL OF AGENDA

Mr. Howard advised the board that Case ZON-22-0065 and ZON-22-0067 would be moved and added to Contested Items and that he was going to add "Bylaws Update" to the Discussion section of the agenda.

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

III. PUBLIC MEETING DEFERRAL / WITHDRAWALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF AUGUST 16, 2022

Mrs. Moody requested that a correction be made under Stormwater Subcommittee that names Mr. Lloyd as Vice-Chair changing that to Mr. Lloyd.

Mrs. Moody made a motion, seconded by Mr. Lloyd to approve the minutes, with the requested change. The vote passed unanimously 9-0.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Vice-Chair McLaughlin read the welcome and rules of procedures.

VII. PUBLIC MEETING CONSENT ITEMS

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Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

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REZONING CASES

- A. **Case ZON-22-0059:** Rezoning from R6 Residential District to R5 Residential District or to a more restrictive zoning district for 0.64 +/- acres; located at 146 Chapel Hill Road; submitted by Jose Ricardo Flores (applicant) on behalf of Alternative Investment Holdings (owner). (SPRING LAKE)

In Case ZON-22-0059, the Planning and Inspections staff recommends approval of the rezoning request from R6 Residential District to R5 Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for "Commercial" 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-22-0059, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from R6 Residential District to R5 Residential District. The Board finds the request is consistent with the Spring Lake Land Use Plan which calls for "Commercial" 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.

- B. **Case ZON-22-0061:** Rezoning from RR Rural Residential District to A1 Agricultural District for 1.33 +/- acres and Initial Zoning from County RR Rural Residential District and A1 Agriculture District to Town A1 Agriculture District for 1.3 +/- acres all located at 6834 Main Street; submitted by Don Glenn & Donna Steele (owners & applicants). (WADE)

In Case ZON-21-0061, the Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District to A1 Agricultural District for 1.33 +/- acres and the Initial Zoning from County RR Rural Residential District and A1 Agricultural District to Town A1 Agricultural District, and find the request is not consistent with the Wade Area Land Use Plan which calls for Low Density Residential at this location. However, staff finds that the request: 1. Is an amendment to the adopted, current Wade Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map; 2. Would promote larger lots sizes than what the plan calls for; and 3. Is reasonable and in the public interest because the uses allowed in the A1 Agricultural District would be compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-21-0061, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from RR Rural Residential District to A1 Agricultural District for 1.33 +/- acres and the Initial Zoning from County RR Rural Residential District and A1 Agricultural District to Town A1 Agricultural District, and find the request is not consistent with the Wade Area Land Use Plan which calls for Low Density Residential at this location. However, the Board finds that the request: 1. Is an amendment to the adopted, current Wade Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map; 2. Would promote larger lots sizes than what the plan calls for; and 3. Is reasonable and in the public interest because the uses allowed in the A1 Agricultural District would be compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.



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- C. **ZON-22-0062:** Rezoning from A1 Agricultural District to RR Rural Residential District or to a more restrictive zoning district for 0.52 +/- acres; located at 3370 McKinnon Road; submitted by Doris Spell (applicant/owner).

In Case ZON-22-0062, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to RR Residential District. Staff finds the request is consistent with the Southeast Cumberland Land Use Plan and is reasonable and in the public interest as it is compatible to and in harmony with surrounding land use activities and zoning.

In Case ZON-22-0062, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to RR Residential District. The Board finds the request is consistent with the Southeast Cumberland Land Use Plan and is reasonable and in the public interest as it is compatible to and in harmony with surrounding land use activities and zoning. Unanimous approval.

- D. **ZON-22-0063:** Rezoning from C3 Commercial District to R10 Residential District or to a more restrictive zoning district for 0.49+/- acres; located at 5147 Front Street; submitted by Kevin Correia (applicant) on behalf of Billy D. & Fay J. Horne (owners). (STEDMAN)

In Case ZON-21-0063, the Planning and Inspections staff recommends approval of the rezoning request from C3 Heavy Commercial to R10 Residential District. Staff finds the request is consistent with the Stedman 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-21-0063, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from C3 Heavy Commercial to R10 Residential District. The Board finds the request is consistent with the Stedman 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

REZONING CASES

- E. **Case ZON-22-0064:** Rezoning from A1 Agricultural District to R7.5 Residential District or to a more restrictive zoning district for 5.47 +/- acres; located at 1376 & 1384 Cypress Lakes Road and two directly abutting properties; submitted by Michael Adams (applicant) on behalf of Ricky & Tina Nelson (owner).

Mr. Portman presented the case information and photos.

In Case ZON-22-0064, the Planning and Inspections staff recommends denial of the rezoning request from A1 Agricultural District to R7.5 Residential District. Staff finds the request is consistent with the South-Central Plan which calls for "Low Density Residential" at this location. However,

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staff finds that the request is not reasonable or in the public interest as the request is not in harmony with the character of surrounding land use activities, zoning, lot sizes, and densities.

Mr. Howard stated that staff had recognized that R7.5 designation was a little intense for the area. Staff could recommend R15 as being more acceptable for the area given the zoning and land uses for the surrounding area. In working with the applicant, the applicant indicated that he was willing to accept an R15 alternative recommendation.

Public meeting opened.

Mr. Steven Stanfield spoke in opposition. Mr. Stanfield stated that his concerns with this request are about the impact on tax value, the space that the fencing will encompass, tree removal and traffic safety.

Ms. Dana Williams spoke in opposition. Ms. Williams stated that her concerns are about water, crime, and the impact on her husband's, who suffers from dementia, quality of life.

Ms. Jennifer VanSoelin spoke in opposition. Stated that her concerns are with privacy and how much of the tree line will be eliminated, traffic concerns, and the impact on tax value.

Mr. Lloyd asked if the R10 neighborhood was there when Ms. VanSoelin moved in.

Ms. VanSoelin said that it was there, but there is nothing but trees between them, it's completely private.

Ms. Diane Long spoke in opposition. Ms. Long stated that her concerns are related to traffic density, Chemours problem is concerning, impact on tax value, and the type of homes that will be built.

Mr. Michael Pierce signed up, but declined to speak.

Mr. Heath McDonald spoke in opposition. Mr. McDonald stated that he was concerned about flooding and feels that the area has been overdeveloped. Mr. McDonald presented pictures of properties and flooding.

Mr. Mike Adams, agent, spoke in favor. Mr. Adams stated that the owners wanted to do ten units, they want to do something small. Owners are happy to look at R15. All they want to do is about eight to ten units.

Public meeting closed.

There was discussion about density and the number of units that would go on the property and what the applicant was comfortable with doing and what he was amenable to doing which was the alternate zoning of R15. There was also discussion about having the applicant submit a conditional zoning request.

Mr. Ricky Nelson, the applicant, said that he was willing to do whatever was necessary and agreed to postpone the case to resubmit as a conditional zoning request.

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In Case ZON-22-0064 Mr. Williams made a motion, seconded by Mr. Baker to defer this case to give the applicant an opportunity to work with staff on a conditional zoning request. Unanimous approval.

- F. **ZON-22-0067:** Rezoning from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District or to a more restrictive zoning district for 62.55 +/- acres; located at 8299 Carlos Road; submitted by Michael Blakely (applicant) on behalf of Red Rock Materials, LLC (owner).

Mrs. Garcia presented the case information and photos.

In Case ZON-22-0067, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to A1 Agricultural District/Conditional Zoning. Staff finds the request is consistent with the North Central Land Use Plan which calls for "Farmland" 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.

Mr. Moon advised the board that the request also included the triangular portion of the property on the north side of Carlos Road, and the conditional zoning site plan does not include it and it will be left undeveloped according to the condition sheet.

Mrs. Garcia also added that the applicant and the agent have approved the conditions presented by staff.

Public meeting opened.

Mr. Blakely spoke in favor. Mr. Blakely asked if the opposition could be heard first, and he would speak after and address their concerns.

Mr. Jason Thompson, Lake Teresa HOA president, was signed up to speak in opposition and stated that he represented a majority of the property owners on Lake Teresa as they are members of the Homeowners Association, and he would like to speak on behalf of them and the one's signed up to speak.

Mr. Thompson presented the Board with a pamphlet on Lake Teresa, that also included the community's concerns about the request. The concerns are with noise, how the quarry will affect the well water and water levels, the heavy traffic from trucks, dust from the mines and the air quality, and effects on property values. Mr. Thompson stated that he had a petition from forty of the residents who were not present at the meeting who are in opposition to the request.

Mrs. Leslie Finley spoke in opposition. Mrs. Finley stated that she was concerned about noise and aquifer depletion and asked that a study be done on how this proposed use could affect lake levels.

Mrs. Tina Minten spoke in opposition. Mrs. Minten's concerns are with the water levels. She stated that they have a shallow well and have never had trouble with their well until the mining across the road began and now they have trouble with their well going dry and agrees with studies being done on the effects this could have. Mrs. Minten also has concerns with the increased traffic and the noise.

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Mr. Blakely spoke in favor. Mr. Blakely described the property and stated that the tree lines will remain in place to provide buffering and talked about the additional buffering that they will have in place. There are two residents who are immediately adjacent to the site who were not present at the meeting because they went over how they were going to screen and buffer them on all three sides. They are providing as much buffering as possible. In conjunction with that, they don't feel that the use is obtrusive. It has been a mining community for fifty or sixty years and there is an active mine across the road that is the same type of operation. Mr. Blakely addressed the concern about the water and indicated that the staff report has aerial photos of the mine there now that is actively mining beside adjacent pits that are full of water. A pit is essentially an open well and you can see that the water table is not affected by the mining activities. As far as pavement, they will submit to the Department of Transportation (DOT) for a driveway permit and there will be a DOT study for any pavement improvements, turn lanes, any requirements that they would be subject to. The State Mining Permit and Air Quality has extensive rules that they regulate, and anyone can call and speak to a State Representative if they feel like there hasn't been dust suppression. Mr. Blakely addressed the dump truck issue and said that there wasn't enough distance for the dump trucks to build up too much speed to be harmful, and they must be coming from a different location, not necessarily from the existing mine.

Mr. Lloyd commented on the trucks speeding through the community and stated that they were probably trucks coming back from somewhere. Secondly Mr. Lloyd was wondering how the air quality is affected by the existing mine now and went on to ask about the pumps going at night and where they were pumping to.

Mr. Blakely said they pump for about a week and that will last long enough for them to mine for a couple of weeks. It's not continuous, what they do is excavate enough material to sell for two to three months in a few weeks. Mr. Blakely said it's intermittent, it's not a continuous operation. It is discharged into the existing sediment basins on site, which is required.

Mr. Burton asked what depth they were going in the pit.

Mr. Blakely said that he thought the average was twenty-five to thirty feet. As a requirement of the quarry, we must keep an average of five feet.

Mr. Brian Raynor spoke in favor. Mr. Raynor stated that his intention is to mine this material for their own use. They will be using this material to supply plant and job needs.

Mrs. Moody asked about studies being done.

Mr. Raynor said studies have not been done at this time, but we will meet all local, state, and federal guidelines.

Public meeting closed.

In Case ZON-22-0067 Mr. Walters made a motion, seconded by Mrs. Moody to deny the request for rezoning from A1 Agricultural District to A1 Agricultural District/Conditional Zoning. The Board finds that the request is not in harmony with surrounding land use

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activities due to public safety concerns of expanding mining operations in the area. Motion for denial passed 6-1 with Mr. Williams voting in opposition to the denial.

- G. **ZON-22-0065:** Rezoning from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district for 1.00 +/- acres; located at 3698 South River School Road; submitted by Daniel Antonio José (applicant/owner).

Mrs. Greer presented the case information and photos.

In Case ZON-22-0065, 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 Bethany Land Use Plan which calls for "Rural" 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.

Mr. Howard advised the Board that the applicant was not present and there were people signed up to speak in opposition.

Public meeting opened.

Mr. Stephen Bullard spoke in opposition. Mr. Bullard said that there is no R40 close to the subject property. It is not in harmony with the area.

Ms. Robin Bridges spoke in opposition. Ms. Bridges stated that appropriate notice was not given there were people who did not receive letters. Ms. Bridges quoted a portion of the Bethany Land Use Plan that says to preserving the rural character, minimizing any obstruction. The applicant has a barn on the property, he raises chickens and sells eggs. He has farm animals. Ms. Bridges went on to say that A1 is appropriate for a farming area. Ms. Bridges went on to say that the Land Use Plan is not even a year old and we are already having this discussion and staff is recommending it. Changing the zoning in this case is not the answer.

Public meeting closed.

Mr. Howard said that staff looked at it and noted that the plan calls for R40 being a suitable district for this area if additional development standards are in place. In this particular case, the property is already an existing lot of record at an acre and couldn't be subdivided any further, regardless if the district was A1 or R40. There is already a home on the site which is a mobile home. R40 does not allow mobile homes and the applicant has indicated a desire to construct a stick-built home on the site which would be considered a higher development standard, per the plan policies. The setbacks for the existing A1 would make building a stick-built home on that property very restrictive or difficult to obtain building permits because of the size of the existing property relative to the required A1 setbacks, which are intended for 2 acre lots. If R40 were approved, the applicant could make use of suitable setbacks for an acre lot, and it could help in obtaining bank financing for construction now that his lot is in direct conformance with the zoning standards.

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Mr. Lloyd said the plan calls for rural uses. The staff read the plan correctly. This is what was approved. The plan calls for rural uses in this area and acre residential lots is a common rural standard.

After further discussion about other options that might be available to the applicant, the Board decided to vote on the case.

In Case ZON-22-0065, Mrs. Moody made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from A1 Agricultural District to R40 Residential District. The Board finds the request is consistent with the Bethany Land Use Plan which calls for "Rural" 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. The motion passed 4-3 with Mr. Baker, Mr. Williams, and Mr. Walters voting in opposition.

H. DISCUSSION

- LAND USE POLICIES PLAN REVIEW

Mr. Howard stated that staff is in the process of updating plans and wanted to know if the Board wanted to look into updating the Land Use Policies Plan and asked that the Board let him know if they wanted to update it. The Board indicated a desire to work on this update.

- THREE RIVERS LAND TRUST

Mr. Howard advised the Board he attended a RLUAC meeting and made the acquaintance of the Executive Director of the Three Rivers Land Trust. This is an organization that addresses farms and farmland preservation. Mr. Howard asked the Board if there was interest in having the Executive Director come out and do a presentation on their organization. The Board indicated an interest in having a presentation at a future meeting.

- SIGN ORDINANCE

Mr. Howard let the Board know that the sign ordinance update and the Planning Board Bylaws passed the Board of Commissioners.

I. ADJOURNMENT

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