



Cumberland County Joint Planning Board

MINUTES

February 21, 2023

Members Present	Members Absent	Others Present
Mr. Stan Crumpler, Chair	Ms. Susan Moody	Mr. Rawls Howard
Mrs. Jami McLaughlin, Vice-Chair	Mr. William Walters	Mr. David Moon
Mr. Gary Burton	Mr. Mark Williams	Mr. Christopher Portman
Mr. James Baker	Mr. Jordan Stewart	Mr. Rick Moorefield, County Attorney
Ms. Kassandra Herbert		Mrs. Laverne Howard
Mr. Thomas Lloyd		Mrs. Cherice Hill

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. ADJUSTMENTS TO / APPROVAL OF AGENDA

There were none.

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

III. PUBLIC MEETING DEFERRAL / WITHDRAWALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF JANURARY 17, 2023

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

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair Crumpler read the welcome and rules of procedure.



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VII. PUBLIC MEETING CONSENT ITEMS

INITIAL ZONING CASE

- A. **Case ZNG-001-23:** Initial zoning of 15.11+/- acres to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 7050 Rockfish Road on REIDs 9494977862000, submitted by the Town of Hope Mills (agent) on behalf of Crosspoint Church (owner). **(HOPE MILLS)**

In ZNG-001-23, the Town of Hope Mills Planning staff recommends approval of the initial zoning request to the C2(P) Planned Service and Retail district and finds that although the request is not consistent with the Southwest Cumberland Land Use Plan (2013) designation, the economic and regional impact of the proposed development fits within the vision and long term outlook of the area. Approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding existing uses and zoning.

In ZNG-001-23, Mr. Baker made a motion, seconded by Mr. Burton to recommend approval of the initial zoning request to the C2(P) Planned Service and Retail district and finds that although the request is not consistent with the Southwest Cumberland Land Use Plan (2013) designation, the economic and regional impact of the proposed development fits within the vision and long-term outlook of the area. Approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding existing uses and zoning. Unanimous approval.

REZONNING CASES

- B. **Case ZON-22-0080:** Rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for three parcels comprising 3.10 +/- acres; located at 1811 and 1815 Sweetie Road; submitted by Jerald Kennon (applicant) on behalf of Herbert Dukes (owner).

In Case ZON-22-0080, Staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds the request is consistent with the Eastover Area Land Use Plan which calls for "Rural 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.



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In Case ZON-22-0080, Mr. Baker made the motion, seconded by Mr. Burton to recommend approval of the rezoning request from A1 Agricultural District to R40A Residential District. The Board finds the request is consistent with the Eastover Area Land Use Plan which calls for “Rural 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.

- C. **Case ZON-23-0002:** Rezoning from CD/CUD Conservancy Conditional Use District to R15/CUD Residential Conditional Use District or to a more restrictive zoning district for portions of two lots comprising of 0.57 +/- acres; located at 2241 and 2245 Mannington Drive; submitted by James Kizer, Jr. (applicant) on behalf of Jagjit Mehmi (owner).

In Case ZON-23-0002, Staff recommends approval of the rezoning request from CD/CUD Conservancy Conditional Use District to R15/CUD Residential Conditional Use District and find (a) The approval is an amendment to the adopted, current South-Central Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; (b) The applicant has obtained a “Letter of Map Revision” from FEMA to remove the flood boundaries from the affected lots; (c) The existing land use plan designation of “open space” is based off the pre-existing flood hazard lines, not the recently approved FEMA flood hazard lines. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-23-0002, Mr. Baker made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from CD/CUD Conservancy Conditional Use District to R15/CUD Residential Conditional Use District and find (a) The approval is an amendment to the adopted, current South-Central Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; (b) The applicant has obtained a “Letter of Map Revision” from FEMA to remove the flood boundaries from the affected lots; (c) The existing land use plan designation of “open space” is based off the pre-existing flood hazard lines, not the recently approved FEMA flood hazard lines. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.



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VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- D. **Case ZON-23-0001:** Rezoning from RR Rural Residential District to R6 Residential District for 3.53 +/- acres and Initial Zoning from A1 Agriculture District to R6 Residential District for 28.8 +/- acres located at 5123 McLean Street and two abutting parcels, Town of Godwin; submitted by Zachary Angle (applicant) on behalf of Susan Tart Property, LLC (owner). **(Godwin)**

Mr. Portman presented the case information and photos.

In Case ZON-23-0001, Staff recommends approval of the rezoning request from RR Rural Residential District to R6 Residential District and Initial Zoning from A1 Agricultural District to R6 Residential District and finds; (a) The approval is an amendment to the adopted, current Vision Northeast Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; (b) Plan goals and policies promote higher densities if within the Town limits; (c) Approval of the request necessitates a map change due to recent annexation of the property into the Town of Godwin. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning.

Public Meeting was opened.

Mr. Don Curry is the Engineer of the project and spoke in favor. Mr. Curry came forward to explain specifics about the request and stated that he was available for questions if the Board had any.

Mayor Burnett spoke in favor and stated there were less than 200 residents in the city limits. Mayor Burnett stated that this request is good for the community as residents will be able to stay in Godwin to get what they need for small shopping needs. He stated that rooftops are needed for commercial. He went on to say that we need this project to help the town grow.

Mr. Baker asked Mayor Burnett about the Godwin's Board of Commissioners annexation of the subject property and who had the final decision.

Mayor Burnett clarified what is within the city limits and what has been annexed. He briefly spoke about how this would increase the tax revenue.



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Mr. Ron Paskowski is opposed to the rezoning. Mr. Paskowski would like to keep Godwin County zoning and does not want the convenience of a dollar store.

Ms. Dessie Starling is opposed to the rezoning. Ms. Starling's concern is the small amount of land there is for the number of houses being proposed and if they were going to be pretty houses. Ms. Starling stated that she is not 100% against it, but feels some requirements must be met before we can put 116 houses on that property.

Ms. Leigh Able is opposed to the rezoning. Ms. Able feels that not much thought was put into the types and numbers of houses against the amount of acreage being used. Ms. Able stated that it sounds like a trailer park. Ms. Able also stated she does not want a dollar store in Godwin.

Ms. Jeannine Braxton Lindsey is opposed to the rezoning. Ms. Lindsey stated that she knows change is going to come. She spoke on her personal family history of Godwin. Her concern is three pecan trees being taken down to accommodate the population growth.

Mr. James Sealy is opposed to the rezoning. Mr. Sealy opted not to speak.

Chair Crumpler closed the Public Meeting.

Mr. Lloyd questioned Mayor Burnett about the relation the amount of houses this would add to the tax revenue it would bring in.

Mayor Burnett responded they were going by the County planning staff review and let Mr. Lloyd know the proposed plan is currently zoned A1 Agricultural but wants it to be R6 to be able to build on the property at the requested density.

Mr. Crumpler questioned Mayor Burnett that if the motion is approved, what would stop further building on the property. Mr. Crumpler further stated that if they approve the rezoning, they can legally put significantly more houses on the property.

Mr. Howard stated that even though the request was a conventional zoning and staff reviews the plans, the Town of Godwin would have final approval authority over the site plan.

Mayor Burnett stated he would not approve or allow anything that would disfigure the Town. Mayor Burnett gave personal history of the Town of Godwin and how the proposed rezoning would help the community.



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Mr. Crumpler questioned Mr. Curry about how many houses are going in the development.

Mr. Curry responded with 116 proposed and submitted in the preliminary subdivision package to the County for review. He further mentioned the request is R6 and not R6A to avoid mobile home parks. Mr. Curry stated that a commercial store is not in their subdivision proposal.

Mr. Lloyd stated that R6 is not required for that many units, he questioned Mr. Curry why not R10 on 32 acres.

Mr. Curry's stated that R6 is appropriate for the size lots they are looking for and it is consistent with the zoning already in place in Godwin. He further stated that we have open space requirements that they are exceeding, there are also environmental set aside areas they are avoiding to mitigate any perceived negative impacts. He also advised they do not have home builders at this time as they are not homebuilders and are still early in the zoning phase.

Mr. Curry's stated they are not applying for any concessions.

In Case ZON-23-0001, Mr. Baker made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from RR Rural Residential District to R6 Residential District and Initial Zoning from A1 Agricultural District to R6 Residential District and find; (a) The approval is an amendment to the adopted, current Vision Northeast Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; (b) Plan goals and policies promote higher densities if within the Town limits; (c) Approval of the request necessitates a map change due to recent annexation of the property into the Town of Godwin. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- E. **Case APPL-0001-23** Consideration of Applicant's Appeal of Planning Director's Denial of Final Plat Approval for the Ava Estates Subdivision; submitted by Ben Stout (applicant).

Mr. Howard presented the case information and explained what was expected of the Board according to the ordinance. Specifically, the Board was to focus on providing an interpretation of the code and not a specific plat approval. Mr. Howard stated that staff's denial of final plat approval for the development was a form of proxy denial based upon



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the County Attorney's interpretation regarding the use of Class "C" private streets in developments with HOA's and for Zero Lot Line developments. Per ordinance, the HOA documents must be approved by the County Attorney before staff can sign off on the final plat.

Mr. Howard presented staff's position. Staff's position is that Class "C" private streets are allowed in Zero Lot Line subdivisions and can be regulated by the development's homeowner's association. Staff believes this position is supported by the following;

- (1) There is no identifiable, direct prohibition on Class "C" private streets (or any other street type) in the County's subdivision ordinance, only parameters by which a street may be utilized and constructed;
- (2) Class "A" and "B" streets require the provision and use of right-of-way. Class "C" streets are characterized as, and require the provision of, an easement;
- (3) Section 2402(G)(5) of the County's Subdivision Ordinance states that ingress and egress easements over common area in developments shall be granted. Further, the standard specifies that the easement shall be granted for "any" lot or unit within a development. Staff interprets this as it can be for one or all lots proposed;
- (4) Easements that are owned and maintained by an HOA, in common, is standard (streets, utilities, recreational facilities, etc.). In addition to the common area and Class "C" street, the mail kiosk for the whole development is proposed to be located on the Class "C" street and accessible to all residents of the proposed development;
- (5) Finally, Staff's position is such that Section 2402(F) does not state that the easement for Class "C" private streets is prohibited, but only required to be labeled as "common area".

Mr. Crumpler opened the public meeting and asked for the applicant to present their case. Mr. Ben Stout (applicant) was not present.

Mr. Cody Sharpless who signed up in favor to speak left and was not present to speak on the case.

Mr. Lloyd asked for the County Attorney's perspective. He stated the developer found a loophole with the zero-lot line standards, basically a complicated loophole.

Mr. Rick Moorefield stated that he has a responsibility to Class "A" and "B" streets since they have a homeowner's association. Class "C" is not on the list because there is no requirement for him to look at anything on a Class "C", there is no requirement for a homeowner's association. The requirement is that the street, the boundaries of the property be into the street, be owned by the homeowners, that it be listed on the plat as a private street, and that the street be maintained by the owners of the street. There is a requirement that this requirement be listed on the deed. That is how private streets



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are addressed. Mr. Moorefield went on to say that the way the ordinance reads it absolutely cannot be an easement. It is owned, ownership is different than having an easement across the property.

Mr. Rick Moorefield stated that the owners of the adjoining lots would own the street, and that they couldn't be forced to deed to an HOA. Based on this, he would not approve the covenants. Mr. Moorefield also clarified what specifically he is charged with approving for these developments, per the ordinance.

Mr. Crumpler asked about lot easements and noted that currently, wouldn't the developer technically be the owner of all the lots in the development.

Mr. Moorefield stated only the four lots would have access to the easement for the street and that he cannot approve any covenant for a private street in this circumstance. The development would be better suited as two separate subdivision plats or not as a zero lot line development.

Mr. Lloyd stated that he agrees with staff's interpretation and believes staff followed the code appropriately. However, he could understand the perspective of the County Attorney and agreed with his perspective as well.

Mr. Howard stated that the ordinance could be better developed and clearer in this matter and reminded the Board that we were in the middle of a subdivision ordinance rewrite. He stated that staff would flag this issue with the consultant so it could be better addressed in the upcoming ordinance proposal.

Mr. Lloyd made a motion, seconded by Mr. Baker to support the Director's denial of final plat approval. Unanimous approval.

IX. DISCUSSION

Mr. Howard updated the Planning Board that the Board of Commissioners approved the text amendment in support of Variable Lot Residential Developments and to amend zero lot line developments standards in the County's subdivision and zoning ordinances. He informed the Board that the County's website would be updated with the new Zoning Ordinance and Subdivision Ordinance.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:15pm

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