

Clarence G. Grier
County Manager

Sally Shutt
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

March 21, 2023

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

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

Mr. Howard advised the Board that Cases ZON-22-0085 and ZON-23-0007 would be moved to Contested Items.

Vice-Chair McLaughlin advised that she wanted to pull Case ZON-23-0005 to Contested Items.

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

III. PUBLIC MEETING DEFERRAL / WITHDRAWALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF FEBRUARY 21, 2023



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Mrs. Moody made a motion, seconded by Mr. Baker 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.

VII. PUBLIC MEETING CONSENT ITEMS

REZONNING CASES

- A. **Case ZNG-002-23:** Initial zoning of 1.20+/- acres to RR Rural Residential or to a more restrictive zoning district, located at 2308 (3808) Park Garden Ct on REID 9494912677000, submitted by the Town of Hope Mills (agent) on behalf of Mauricio Andrade (owner). (Hope Mills)

In ZNG-002-23, the Town of Hope Mills Planning staff recommends approval of the initial zoning request to the RR Rural Residential district and finds that the request is consistent with the Southwest Cumberland Land Use Plan (2013) designation, and the economic and regional impact of the proposed development fits within the vision and long-term outlook of the area developed to the immediate south. 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-002-23, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the initial zoning request to the RR Rural Residential district and finds that the request is consistent with the Southwest Cumberland Land Use Plan (2013) designation, and the economic and regional impact of the proposed development fits within the vision and long-term outlook of the area developed to the immediate south. 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.

- B. **ZON-22-0078:** Rezoning from RR Rural Residential District and C3 Heavy Commercial District to C(P)/CZ Planned Service and Retail Conditional Zoning District or to a more restrictive zoning district for two parcels comprising 1.66 +/- acres; located at 6283 and 6295 US Highway 301 South; submitted by George Rose (applicant) on behalf of Pit Stop 301 Express, LLC, and Gamil Nagi Aldalali, Ibrahim Alsaidi, Enas Alsaidi (owners).



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In Case ZON-22-0078, Planning and Inspections staff recommends approval of the rezoning request from C3 Heavy Commercial District and RR Rural Residential to C(P)/CZ Planned Commercial District Conditional Zoning. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Farmland" at this location. However, staff further finds that: a) Approval is an amendment to the adopted, current Southwest Cumberland 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 request would promote and complement the existing commercial activity in the vicinity to serve area residents, and c) The request would promote the remediation and rejuvenation of an existing commercial property. 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-22-0078, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from C3 Heavy Commercial District and RR Rural Residential to C(P)/CZ Planned Commercial District Conditional Zoning. The Board finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for "Farmland" at this location. However, the Board further finds that: a) Approval is an amendment to the adopted, current Southwest Cumberland 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 request would promote and complement the existing commercial activity in the vicinity to serve area residents, and c) The request would promote the remediation and rejuvenation of an existing commercial property. 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.

- C. **ZON-23-0004:** Rezoning from A1 Agricultural District to R20 Residential District or to a more restrictive zoning district for 1.58 +/- acres; located at 1322 Sand Hill Road; submitted by Chris Roberts (applicant) on behalf of Jesse Chason (owner).

In Case ZON-23-0004, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R20 Residential District. Staff finds the request is consistent with the South-Central Land Use Plan which calls for "Low 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-23-0004, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to R20



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Residential District. The Board finds the request is consistent with the South-Central Land Use Plan which calls for “Low 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.

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- D. **ZON-22-0085:** Rezoning from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district for 83.3 +/- acres; located at 3255 School Road and two abutting parcels; submitted by Gregory McLean (owner/applicant).

Mr. Portman presented the case information and photos.

In Case ZON-22-0085, 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 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. Howard advised the Board that there were people signed up to speak in favor and in opposition.

Public meeting opened.

Mr. Scott Brown spoke in favor and stated that he was the civil engineer on the project and was present with the applicant. Mr. Brown stated that there were no plans with the property right now, they just want to get the rezoning done for R40. The plan would be to put well and septic in, unless years down the road public water comes in. He stated that he didn't think that drainage would be an issue because it's adjacent to the school, there is a rise in the middle of the property and drains away from it, the site is suitable for septic.

Chair Crumpler asked if there was any idea of where stormwater would be run.

Mr. Brown responded that there were existing easements through the existing subdivision, and there is a natural flow of water to the east and west. With the R40 zoning, you have bigger lots having open ditches that would qualify as a low-density

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development because you won't generate the amount of stormwater that you would on a zoning like R10.

Karen Graham spoke in opposition. Ms. Graham stated that she lived directly across from the subject property. Ms. Graham stated that she had concerns about water, increased traffic, and concerned about the schools already being at capacity.

Mr. Marcus Hines was signed up to speak in opposition but yielded his time to the next speaker.

Mr. Wendell Troy spoke in opposition. Mr. Troy stated that he would like to know more about the project such as the lot sizes thinks and believes some kind of traffic study should be done to see what the impact of this might be.

Ms. Beth Lee spoke in opposition. Ms. Lee stated her concerns were with the safety of the area and the potential increase in traffic.

Mr. Frank Melvin spoke in opposition. Mr. Melvin stated that the schools and roads are already overcrowded, and water is going to run through his yard anyway. He is concerned with the increase in traffic.

Robert Spencer spoke in opposition. Mr. Spencer stated that he has concerns about water and Gen X being in the water table. He also has concerns about increased traffic and water runoff.

Mr. David Wright spoke in opposition. Mr. Wright stated that he had concerns about water runoff and asked that this case be delayed. He stated that he also agreed with the previous speakers.

Mr. Todd Martin was signed up to speak in opposition but passed on the opportunity to speak.

Chair Crumpler asked Mr. Brown if the water had been tested.

Mr. Brown stated some have been tested and some haven't, and those that have been tested have the reverse osmosis system on it for treatment, and each lot will be evaluated in the event that water is not extended into the area. If a treatment system is needed than a treatment system will be provided.

Public meeting closed.



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Mr. Burton said that he had an issue with drainage and doesn't think the easements will be maintained.

Mr. Walters had concerns about the traffic and safety for such a large development.

In Case ZON-22-0085, Mr. Walters made a motion, seconded by Mrs. Moody to recommend denial of the rezoning request from A1 Agricultural District to R40 Residential District based on concerns of potential stormwater drainage and traffic associated with the request. Unanimous approval.

- E. **ZON-23-0005:** Rezoning from C(P) Planned Commercial & C-3 Heavy Commercial Districts to R5A/CZ Residential Conditional Zoning District or to a more restrictive zoning district for 8.70 +/- acres; located east of North Main Street and west of Bragg Blvd.; submitted by Domenic Spencer (applicant) on behalf of Lorenzo McLean (owner) (Spring Lake)

Mr. Moon presented the case information and photos.

In Case ZON-23-0005, Planning and Inspections staff recommends approval of the rezoning request from C(P) Planned Commercial & C-3 Heavy Commercial District to R5A/CZ Residential District Conditional Zoning. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for "Flex Area" 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.

There were people signed up to speak.

Public meeting opened.

Mr. Tulios spoke in favor. Mr. Tulios stated that he was present to answer any questions the Board may have.

Mr. Burton asked Mr. Tulios what was planned with the additional land that was shown on the map.

Mr. Tulios stated that it wasn't going to be developed, it's a one-time development of seventy-two multifamily units, it will consist of two units and a club house.

Mr. Burton stated that this property used to be a trailer park.



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Mrs. McLaughlin said that this area has always been a commercial corridor. Main Street used to be the main corridor. As we're redeveloping, we don't want trailers. Mrs. McLaughlin went on to ask Mr. Tulios why they chose to put their amenities on the first floor facing Main Street and not opening that up to the mixed-use commercial density that it needs.

Mr. Tulios responded that they don't develop retail use, that's for the residents of the community.

Mrs. McLaughlin said that that's why she wasn't in support of the project. She said it was a very pretty design, but as Main Street develops in Spring Lake, we would like to see people shop, live, and dine. We would like them to come out of their housing and enjoy Main Street.

Mr. Tulios stated that in his experience you need rooftops to see retail come in. His development would help promote that.

Public meeting closed.

In Case ZON-23-0005, Mrs. McLaughlin made a motion, seconded by Mr. Stewart to recommend denial of the rezoning request from C(P) Planned Commercial & C-3 Heavy Commercial District to R5A/CZ Residential District Conditional Zoning. The Board finds the request is not consistent with the Spring Lake Land Use Plan which calls for "Flex Area" for this location. The Board finds the request is not in keeping with what the Main Street Overlay District calls for. Unanimous approval.

- F. **ZON-23-0007:** Rezoning from O&I Office & Institutional District to R6 Residential District or to a more restrictive zoning district for 0.24 +/- acres; located at 125 Elizabeth Street; submitted by Rolisha Cain (applicant/owner) (Spring Lake)

Mr. Portman presented the case information and photos.

In Case ZON-23-0007, Planning and Inspections staff recommends approval of the rezoning request from O&I Office and Institutional District to R6 Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for "High 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.

Mr. Howard advised that there were people signed up to speak in favor and in opposition.



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Public meeting opened.

Ms. Rolisha Cain spoke in favor. Ms. Cain said that the property was going to be a church, but because of the location and because the lot is too small that can't happen. The City of Spring Lake also requires a drive around for safety so you can get in and out of the building. Ms. Cain said she wanted to change the zoning to residential, the only thing she can do with the lot is residential because of the size of it and because of the city codes.

Mr. Floyd Graham spoke in opposition. Mr. Graham stated that he owned the funeral home next to the subject property and said that the land is not big enough for anything. That land has been used for water runoff.

Ms. Shirley Carter spoke in opposition. Ms. Carter stated that she had stormwater and runoff concerns.

Public meeting closed.

Mrs. McLaughlin pointed out the area around the subject property is land the Town of Spring Lake is trying to redevelop.

In Case ZON-23-0007, Mrs. Moody made a motion, seconded by Mr. Williams to recommend approval of the rezoning request from O&I Office and Institutional District to R6 Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for "High 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 Mrs. McLaughlin, Chair Crumpler, and Mr. Walters voting to deny the request.

- G. **ZON-23-0003:** Rezoning from R10 Residential District and CD Conversancy District to R5 Residential District or to a more restrictive zoning district for a 20.17 +/- acre parcel; located west of Lillington Hwy and north of Cottageville Dr.; submitted by Moorman, Kizer & Reitzel, Inc. (applicant) on behalf of Spring Lake Properties (owner).

Mr. Portman presented the case information and photos.

In Case ZON-23-0003, Planning and Inspections staff recommends denial of the rezoning request from R10 Residential and CD Conversancy Districts to R5 Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for "High Density Residential" at this location. However, the request would increase density within the flood plain and environmentally sensitive areas and potentially impact



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Ft. Bragg Military Base and regional natural resources. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to and in harmony with the surrounding land use activities and zoning.

Note: Staff would support a conditional zoning application that could provide protection of areas within the 100-year flood zone and associated natural resources by clustering density to less sensitive areas of the property.

Mrs. Moody asked if the applicant had been spoken to about conditional zoning.

Mr. Moon stated that they had talked to the applicant when they first approached the staff with the application and having the initial discussions. Staff recommended that they pursue a conditional zoning, the applicant chose not to.

Mr. Moon also stated that they heard from RLUAC and there were concerns regarding preserving the back portion of the property zoned CD to protect the nearby Ft. Bragg land and preserve identified, sensitive environmental habitat.

Public meeting opened.

Mr. Jimmy Kizer spoke in favor. Mr. Kizer stated that there had been many meetings with staff on this. Mr. Kizer compared CD lines from flood lines and said they didn't match. Mr. Kizer wants to rezone the area above the hundred-year flood and leave the remainder of the land in the back as CD. This would put the flood line where it's supposed to be. As far as capacity goes, when the other apartment complex was built, they built extra capacity into that sewer line because it was coming across the river. Mr. Kizer stated that there have been other projects hooked into that sewer. Mr. Kizer stated that in order to do a conditional zoning they need to have a plan and they don't have that yet because they don't know how much they can develop. They need to have the rezoning first so they can know what they are going to do.

Mr. Burton asked who put in the CD lines.

Mr. Kizer stated that they were mapped a long time ago from the hundred-year flood lines by the County.

Mr. Burton asked how Mr. Kizer's crew determined where the existing line is now.

Mr. Kizer said they used the information from NC Floodmaps which shows where the boundary is. They staked that on the ground and checked the elevation correlated with what was showing as the hundred-year flood.



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Mr. Stewart asked if the only mechanism of conditional zoning to say that a certain section of land will not be used. If they do that will, they have to have a site plan.

Mr. Howard said that a site plan is required for conditional zoning. However, the Planning Board could approve the request as a conventional zoning based on the flood lines and being that the request was advertised as "or to a more restrictive zoning district". The Board could take only the R10 portion and rezone it to R5. That is more restrictive. He stated that it wasn't the cleanest option compared to the conditional zoning process, but staff could accommodate it.

Mr. Howard reminded the Board that we would need some kind of more specific legal description to form the boundary of the zoning districts.

Mr. Kizer stated that they provided that and reiterated that the CD was needing to change, not the flood map, However, they needed to match.

In Case ZON-23-0003, Chair Crumpler made a motion, seconded by Mrs. McLaughlin to recommend approval of a more restrictive request from R10 Residential and CD Conservancy Districts to R5 Residential District and CD Conservancy District provided that the applicant provide a legal description of the floodplain under a surveyor or engineer seal and that the new CD boundary match that of the hundred-year flood zone with the remaining area to be rezoned to R5. Unanimous approval.

IX. DISCUSSION

Mr. Howard updated the Planning Board on the progress of the Subdivision Ordinance Update. The consultant is working on the draft and giving out sections at a time for staff to review. Mr. Howard stated that the update is looking very promising but is slow going due to staff wishing to be as thorough as possible. He stated that a goal is to have a review draft be available in April and would be vetted by the developer focus group and Codes subcommittee.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:47pm