

Clarence G. Grier
County Manager

Sally Shutt
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Cumberland County Joint Planning Board

MINUTES

April 18, 2023

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Williams 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 Mrs. Moody 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 MARCH 21, 2023

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



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VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Vice-Chair McLaughlin did not read the welcome and rules of procedure as there were no sign ups to consent or oppose any of the cases.

VII. PUBLIC MEETING CONSENT ITEMS

REZONNING CASES

- A. **ZNG-003-23:** Initial zoning of 8.11+/- acres to C2(P) Planned Service and Retail District or to a more restrictive zoning district, located at corner Waldos Beach Rd and Camden Rd REIDs 9494755565000 and 9494851612000, submitted by the Town of Hope Mills (agent) on behalf of CBMM Properties, LLC and CJR Holdings, LLC. (owner). (Hope Mills)

In ZNG-003-23, 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 and that no other requests for this application will be made. Approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding existing uses and zoning and is in line with the future vision of this area of Hope Mills.

In ZNG-003-23, Mrs. Moody made a motion, seconded by Mr. Baker 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 and that no other requests for this application will be made. Approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding existing uses and zoning and is in line with the future vision of this area of Hope Mills. Unanimous approval.

- B. **ZNG-004-23:** Initial zoning of 8.33+/- acres to R5 Residential District or to a more restrictive zoning district, located at corner Hunting Ridge Rd and Rockfish Rd REIDs 0404869636000, 0404867362000, 0404868073000, 0404869435000, and 0404867016000, submitted by the Town of Hope Mills (agent) on behalf of Bridgeport Homes, LLC. (owner). (Hope Mills)



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In ZNG-004-23, the Town of Hope Mills Planning staff recommends approval of the initial zoning request to the R5 Residential District and finds that the request is 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-004-23, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the initial zoning request to the R5 Residential District and finds that the request is 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.

- C. **ZON-23-0008:** Rezoning from A1 Agricultural District to M(P) Planned Industrial District or to a more restrictive zoning district for 13.24 +/- acres; located at 1500 Middle River Loop Road and two abutting parcels; submitted by Brian Fulcher (applicant) on behalf of Fulcher Real Estate, LLC (owner).

In Case ZON-23-0008, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to M(P) Planned Industrial District. Staff finds the request is not consistent with the Eastover Area Land Use Plan which calls for "Commercial" at this location. However, staff finds that: a) Approval is an amendment to the adopted, current Eastover Area 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 make the Commercial designation on the applicant's two parcels consistent with the Industrial land use assigned to the same property owner's adjacent parcels. c) 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-23-0008, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to M(P) Planned Industrial District. The Board finds the request is not consistent with the Eastover Area Land Use Plan which calls for "Commercial" at this location. However, the Board further finds that: a) Approval is an amendment to the adopted, current Eastover Area 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 make the Commercial designation on the applicant's



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two parcels consistent with the Industrial land use assigned to the same property owner's adjacent parcels. c) 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.

- D. **ZON-23-0009:** Rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for 2.00 +/- acres; located at 6104 Sisk Culbreth Road; submitted by Christopher Lockamy Sr. (applicant) on behalf of Kathern Heffelbower (owner).

In Case ZON-23-0009, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds the request is consistent with the Wade Study Area 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.

In Case ZON-23-0009, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to R40A Residential District. The Board finds the request is consistent with the Wade Study Area Land Use Plan which calls for "Farmland" at this location. The Board further 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. DISCUSSION

Mr. Howard advised the board that there will be one case next month that would be considered as a rehearing at the request of the applicant. It is for previous case involving a proposed mining operation. The applicant desires for the Planning Board to reconsider the case due to the applicant's new dialogue from local Linden neighbors. This would be the sole case in addition to any cases on the docket for Hope Mills.

Mrs. McLaughlin advised the audience of next month's Board of County Commissioners and Hope Mills meeting dates and times.

Mr. Lloyd expressed concerns about staff review times for NAR plats. Mr. Lloyd stated that he discussed the issue with the County Attorney and questioned whether the County had the authority or jurisdiction to review these plat types as the State Statues were very clear that they were exempt. Mr. Lloyd gave a historical background on the NAR review process that dated back

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to the 80's whereby the Register of Deeds at that time wanted to see the NAR stamp on the plat from Planning staff. It was Mr. Llyod's understanding from talking with the County Attorney that the Register of Deeds couldn't require that now. Mr. Llyod stated that his concerns wasn't so much for the developer as with the citizen who is trying to get a plat recorded.

Mr. Howard responded that Mr. Llyod was correct about it being a question of jurisdiction. However, to determine whether a plat qualifies as an NAR or any other type of plat, is fully within the jurisdiction of staff and not the surveyor. He also informed that a sizeable portion of the staff just went through the recent plat review officer training with the State who also reiterated that sentiment. It takes a reasonable review period to look it over.

Mr. Lloyd - And that takes five minutes.

Mr. Howard responded that staff must fully read the notes and other items on the plats to make that determination. In addition, staff often reviews the plats against Deed office records to make sure there were items that needed to be included on the NAR and are not being inadvertently removed, such as required easements and such. Also, representatives from the NCDOT recently contacted and met with staff and developer reps regarding plat approvals. There is a concern that items could be removed or changed that they control, but the County signs off on. They provided the State subdivision statutes that requires local jurisdictions to allow them to make comments on all plat approvals.

Mr. Lloyd – They should go to the DOT first before you bring them in.

Mr. Howard responded. - Yes, that may be what some of the perceived timing concerns are. In the past, everyone would come in with an NAR to the County and it was taken at the word of this surveyor or developer, and staff would stamp it as such. DOT requested that needed to change to comply with State statute.

Mr. Lloyd – According to statutes whether it be DOT, no matter who it is, if it meets one of those criteria, it's not under the purview of anybody to review that it can be recorded, according to the statute.

Mr. Howard reiterated the need to review the notes and information on the plat and for DOT to make comments to avoid potential problems for the County or State.

Mr. Lloyd – The plat review officer does that.

Mr. Howard responded that the Register of Deeds has also requested that Planning staff review it and stamp off on it.

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Mr. Lloyd stated that it's always been that way, but when I talked to the County Attorney, he said with the way the State laws change, he's not so sure. He doesn't think The Register of Deeds has that power anymore.

Mr. Howard stated that he would be glad to confer and research that item with the County Attorney.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:09 pm