

Clarence G. Grier  
County Manager

Sally Shutt  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

### MINUTES

May 16, 2023

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

There were none.

**Mrs. Moody made a motion, seconded by Mr. Williams 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 APRIL 18, 2023



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**Mrs. Moody made a motion, seconded by Mr. Williams 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

#### REZONING CASES

- A. **ZNG-005-23:** Initial zoning of 11.40+/- acres to the M1(P) Planned Light Industrial District; located at 5070 S US 301 Hwy REIDs 0423160821000; submitted by the Town of Hope Mills (agent) on behalf of High Family Properties, LLC (owner). (Hope Mills)

In ZNG-005-23, the Town of Hope Mills Planning staff recommends approval of the initial zoning request to the M1(P) Light Industrial district and finds that even though the request is inconsistent with the Southwest Cumberland Land Use Plan (2013) designation, it does complement the existing zoned properties adjacent to the subject property that are developed with similar uses. 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-005-23, Mrs. Moody made a motion, seconded by Mr. Williams to recommend approval of the initial zoning request to the M1(P) Light Industrial district and finds that even though the request is inconsistent with the Southwest Cumberland Land Use Plan (2013) designation, it does complement the existing zoned properties adjacent to the subject property that are developed with similar uses. 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.**

### VIII. PUBLIC MEETING CONTESTED ITEMS

#### REZONING CASES



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- B. **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 generally south of Carlos Rd and east of Rebel Rd, submitted by Michael Blakely (applicant) on behalf of Red Rock Materials, LLC (owner).

In Case ZON-22-0067, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to A1/CZ 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 with and in harmony with the surrounding land use activities and zoning.

Chair Crumpler asked the County Attorney Moorefield how the Board voting process would be affected if a Board member arrives late and is not available for the vote. He further asked if the vote would be affirmative if the member comes in after the vote.

County Attorney Moorefield advised the minutes must reflect when the absent Board member arrives.

Mr. Howard read the case heading and advised the Board there were people signed up to speak in favor and in opposition.

Mrs. Garcia presented the case information and photos.

Mr. Lloyd joined the Board meeting at 6:09pm.

Public meeting opened.

Mr. Brian Raynor spoke in favor and stated he is the applicant and owner of Red Rock Materials. Mr. Raynor advised that two additional in favor speakers present are here to explain their technical/professional opinions about the case to the Joint Planning Board and concerned citizens. Mr. Raynor stated the purpose of the mine was for material purposes only and not personal use and would not be open to the public unless a community member wanted sand or topsoil, which they would provide. He further explained that the mine would have no impact on anyone's personal land. He mentioned that he invited property owners with concerns to his proposed job site. Mr. Raynor said that after hearing the concerns of the neighbors, he decided to pause his zoning application and held a neighborhood meeting to address their concerns. He stated that their main concern was the draining of the lake, which was a former sand mine. Mr. Raynor explained that he hired a professional Hydrologist to perform a study on the water quality

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of the lake and the draining of the lake and on May 9<sup>th</sup>, 2023, held a community meeting to discuss the water quality study results and go over any questions from concerned residents. He advised that he contacted NCDOT for driving permits which are mentioned in the permit application. He further stated that he does not believe it will be detrimental to the water quality or their well systems based on the professional's opinion.

Mr. Lloyd inquired about the quality of the asphalt and what percentage of his asphalt is used by NCDOT.

Mr. Raynor stated 65 to 70 percent is for NCDOT projects, to widen roads, improvements, re-surfaces, and maintenance. He went on to explain that his company had the City of Fayetteville's resurfacing contract for 15 years. He further stated that his company has done work in all the surrounding towns of Cumberland County.

Chair Crumpler informed Mr. Raynor that he would reserve the professional Hydrologist for questioning during the opposition section of the meeting.

Mr. Raynor stated that as mentioned in the conditions, they will be abiding by all local, State and Federal regulations.

Ms. Leslie Finley spoke in opposition and said that her concerns are environmental impact, noise of the trucks on Carlos Road as well as the proximity of the mine to their neighborhood. Ms. Finley further explained that she went to the May 2<sup>nd</sup> meeting held by Mr. Raynor to address the community's concerns, but said her concerns were not alleviated. Ms. Finley stated that although their lake started out as a mine over 50 years ago, does not mean it is appropriate to put a mine right next to it, nor does it mean they live in a mining district.

Mr. Rainey spoke against the mine for the same reasons that were mentioned by Ms. Finley, but he wanted to further express concerns about how the mine would impact their shallow water wells.

Mr. Byrd spoke in opposition, stating that he is concerned about his well and repairs if the well is damaged. Mr. Byrd's second concern is the potential further damage to Carlos Road which he advises is already torn up due to the railroad tracks and current mines operational trucks movements. He stated that the roads are causing damage to their vehicles.

Mr. Baker joined the Board at 6:24pm.



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Mr. William Brown Jr. spoke in opposition to the rezoning request because of the possible negative impact Red Rock Materials, LLC would have on the value of his newly purchased home which is one lot away from the proposed mine. He asked what is going to happen if he doesn't have water one day. He also expressed concerns about the liability of damages caused by the mine, more specifically who would be held financially responsible, the homeowners or Red Rock Materials, LLC. Mr. Brown stated that he was speaking for the last two concerned residents Mr. Horton and Ms. Jordy, who signed up to speak. Their concerns were water quality if there was road maintenance and increased noise in the area.

The Board went on to have more discussion about the neighbors' concerns, the Boards hesitation about the request and the conditions placed on the rezoning request.

Mr. Howard pointed out to the Board that this was not a conditional use permit, it is conditional zoning and therefore there is no revocation. He explained there is a conditional use zoning enforcement action if they were in violation. However, this is not a permit approval because the County doesn't do conditional use permits, only special permits. This is not a special use permit; it is a conditional zoning application. Mr. Howard stated he is not sure if we can put a condition on a zoning application that states Mr. Rayner is required to make repairs on other people's property or offsite improvements because it is not tied to the land use for the particular property being discussed at this hearing.

Chair Crumpler closed the public meeting at 6:58pm

**In Case ZON-22-0067, Mrs. Moody made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from A1 Agricultural District to A1/CZ Agricultural District Conditional Zoning. The Board finds the request is consistent with the North Central Land Use Plan which calls for "Farmland" 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.**

### IX. OTHER BUSINESS

Chair Crumpler advised the Board of length of Board member terms and their ability to elect members to a third term. He further explained that the longer a member is on the Board, they are a more experienced asset to the Board.

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Mr. Howard pointed out that the interlocal agreement states that a Board member may serve an extended third term on the board upon favorable recommendation of the Board of the appointing governing body, but it requires a two-thirds vote of the entire Planning Board. He also stated that it is ok for Mrs. McLaughlin to vote. Seven out of 10 members must vote in favor.

Mrs. Moody made a motion, seconded by Mr. Lloyd to recommend to Spring Lake that Mrs. McLaughlin be re-appointed to serve another third and final term. Unanimous approval.

### **X. DISCUSSION**

Mr. Howard informed the Board of the upcoming Election of Officers in June or July. He stated that Mrs. McLaughlin will need a recommendation from Spring Lake and that if the Board chooses, that they could hold off the election until July to ascertain the final votes from the Towns. Mr. Howard further advised that he contacted the other Towns to ask to provide their recommendations and that the actual date for elections will be determined once the official actions are received from the towns.

### **XI. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:06 pm