

Clarence G. Grier  
County Manager

Sally Shutt  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

### MINUTES

July 18, 2023

Members Present	Members Absent	Others Present
Mr. Stan Crumpler, Chair	Ms. Kasandra Herbert	Mr. Rawls Howard
Mrs. Jami McLaughlin, Vice-Chair	Mr. William Walters	Mr. David Moon
Mr. Tom Lloyd	Mr. James Baker	Mrs. Alyssa Garcia
Mrs. Susan Moody		Mr. Christopher Portman
Mr. Mark Williams		Mr. Chris Carr, Asst. County Attorney
Mr. Gary Burton		Mrs. Laverne Howard
Mr. Todd Mobley		Mr. Timothy Doersam
		Mr. Telly Shinas

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### II. SWEARING IN OF BOARD MEMBERS

Chair Crumpler swore in Mr. Mobley, Mrs. McLaughlin, Mr. Williams, and Mr. Lloyd

#### III. ELECTION OF OFFICERS

Mrs. McLaughlin advised the Board that the Nominations Committee recommends that Mrs. McLaughlin be nominated Chairman of the Board and Mr. Lloyd be nominated as Vice-Chairman for the next year.

**Mrs. Moody made a motion, seconded by Mr. Burton to accept the recommendation for officers for next year. Unanimous approval.**

After the election, the new Board was seated with Mrs. McLaughlin serving as Chair and Mr. Lyod, Vice Chair for the remainder of the meeting.

#### IV. ADJUSTMENTS TO / APPROVAL OF AGENDA

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Mr. Howard advised the Board that Case ZON-23-0014 would be moved to Contested Items.

**Mrs. Moody made a motion, seconded by Mr. Crumpler to approve the adjustment to the agenda. Unanimous approval.**

### V. PUBLIC MEETING DEFERRAL

Mr. Chancer McLaughlin, Planning Director / Interim Town Manager, advised the board that the applicant for Case ZNG-006-23 asked that the case be deferred back to Hope Mills staff for thirty days. The applicant would like to amend the application to a conditional zoning request.

**Mrs. Moody made a motion, seconded by Mr. Lloyd to approve the deferral. Unanimous approval.**

### VI. ABSTENTIONS BY BOARD MEMBERS

There were none.

### VII. APPROVAL OF THE MINUTES OF JUNE 20, 2023

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

### VIII. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chair McLaughlin read the welcome and rules of procedure.

### IX. PUBLIC MEETING CONSENT ITEMS

#### TEXT AMENDMENTS

- A. **ZON-23-0016:** Text Amendment to the Cumberland County Zoning Ordinance to update and reflect the name change of Fort Bragg military base to Fort Liberty; submitted by Planning & Inspections Staff (applicant).

In Case ZON-23-0016, Planning & Inspections staff recommends approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's Zoning Ordinance, a current ordinance that is in compliance with Federal law



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allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public.

**In Case ZON-23-0016, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's Zoning Ordinance, a current ordinance that is in compliance with Federal law allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public. Unanimous approval.**

- B. **ZON-23-0017:** Text Amendment to the Town of Linden Zoning Ordinance to update and reflect the name change of Fort Bragg military base to Fort Liberty; submitted by Town of Linden (applicant). **(Linden)**

In Case ZON-23-0017, Planning & Inspections staff recommends approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the Town of Linden's Zoning Ordinance, a current ordinance that is in compliance with Federal law allows the Town and department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the Town of Linden. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public.

**In Case ZON-23-0017, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the Town of Linden's Zoning Ordinance, a current ordinance that is in compliance with Federal law allows the Town and department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the Town of Linden. Approval of this text amendment is also reasonable and**



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**in the public interest as it is a comprehensive update to clarify standards and review processes for the public. Unanimous approval.**

- C. **ZON-23-0018:** Text Amendment to the Town of Spring Lake Zoning Ordinance to update and reflect the name change of Fort Bragg military base to Fort Liberty; submitted by Town of Spring Lake (applicant). **(Spring Lake)**

In Case ZON-23-0018, Planning & Inspections staff recommends approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the Town of Spring Lake's Zoning Ordinance, a current ordinance that is in compliance with Federal law allows the Town and department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the Town of Spring Lake. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public.

**In Case ZON-23-0018, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the Town of Spring Lake's Zoning Ordinance, a current ordinance that is in compliance with Federal law allows the Town and department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the Town of Spring Lake. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public. Unanimous approval.**

- D. **ZON-23-0019:** Text Amendment to the Cumberland County Subdivision Ordinance to update and reflect the name change of Fort Bragg military base to Fort Liberty; submitted by Planning & Inspections Staff (applicant).

In Case ZON-23-0019, Planning & Inspections staff recommends approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's Subdivision Ordinance, a current ordinance that is in compliance with Federal law allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within



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the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public.

**In Case ZON-23-0019, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the text amendment and finds the request consistent with the 2030 Growth Vision Plan because, while specific land use plan policies do not address a comprehensive update to the County's Subdivision Ordinance, a current ordinance that is in compliance with Federal law allows the department to continue to provide efficient and effective services to achieve goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. Approval of this text amendment is also reasonable and in the public interest as it is a comprehensive update to clarify standards and review processes for the public. Unanimous approval.**

### REZONING CASES

- D. **ZNG-007-23:** Initial zoning of 2.30+/- acres to the C(P) Planned Commercial District; located at 0 Chickenfoot Rd REID 0423332619000; submitted by the Town of Hope Mills (agent) on behalf of Fayetteville (Chickenfoot) WW, LLC (owner). **(Hope Mills)**

In Case ZNG-007-23, the Town of Hope Mills Planning staff recommends approval of the initial zoning request to the C(P) Planned Commercial District and finds that the request is consistent with the Southwest Cumberland Land Use Plan (2013) designation and complements the existing zoned properties adjacent to the subject property that are slated for similar developments. 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-007-23, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the initial zoning request to the C(P) Planned Commercial District and finds that the request is consistent with the Southwest Cumberland Land Use Plan (2013) designation and complements the existing zoned properties adjacent to the subject property that are slated for similar developments. 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.**





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- E. **ZON-23-0012:** Rezoning from R6 Residential District to C-1 Local Business District or to a more restrictive zoning district for 1.20 +/- acres; located at 206 Ziglar Circle, submitted by Raymond Sharp (applicant) on behalf of Shirley Parker Newsome Trustee (owner). **(Spring Lake)**

In Case ZON-23-0012, Planning and Inspections staff recommends approval of the rezoning request from R-6 Residential District to C-1 Local Business District. Staff finds the request is consistent with the Spring Lake Area Land Use Plan which calls for "Commercial" at this location. Staff finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the character of the surrounding area.

**In Case ZON-23-0012, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from R-6 Residential District to C-1 Local Business District. The Board finds the request is consistent with the Spring Lake Area Land Use Plan which calls for "Commercial" at this location. The Board finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the character of the surrounding area. Unanimous approval.**

- F. **ZON-23-0015:** Rezoning from R40A Residential District to R6 Residential District or to a more restrictive zoning district for 23.28 +/- acres; located at the west side of Godwin Falcon Road and north of Moses Road, submitted by Willie J. and Shirley Mae Burnette (applicant/owner). **(Godwin)**

In Case ZON-23-0015, Planning and Inspections staff recommends approval of the rezoning request from R40A Residential District to R6 Residential District. Staff finds the request is consistent with the Northeast Cumberland Land Use Plan which calls for "Suburban 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-23-0015, Mrs. Moody made a motion, seconded by Mr. Burton to recommend approval of the rezoning request from R40A Residential District to R6 Residential District. The Board finds the request is consistent with the Northeast Cumberland Land Use Plan which calls for "Suburban 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.**

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### X. PUBLIC MEETING CONTESTED ITEMS

#### CONDITIONAL ZONING CASE

G. **ZON-23-0014:** Conditional rezoning from C1(P) Planned Local Business District and M(P) Planned Industrial District to M(P)/CZ Planned Industrial District Conditional Zoning or a more restrictive zoning district for 10.58 +/- acres, located at the northwest corner of Middle River Loop Road and River Road, submitted by Garret Fulcher (agent) on behalf of Fulcher Real Estate, LLC (owner).

Mrs. Garcia and Mr. Moon presented the case information and photos.

In Case ZON-23-0014, Planning and Inspections staff recommends approval of the rezoning request from C1(P) Planned Local Business District and M(P) Planned Industrial District to M(P)/CZ Planned Industrial District Conditional Zoning. Staff finds the request is consistent with the Eastover Land Use Plan which calls for "Industrial" 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 presented the conditions of the case that were presented to the applicant. Mr. Moon explained that all conditions of approval were accepted by the applicant except for the sewer connection requirement. Mr. Moon explained that the ordinance requires the applicant to connect the site if certain thresholds are met regarding availability. He explained that it is staff's opinion that the thresholds are met for connection. However, the applicant has concerns about the site and system's current limitations and feasibility and wanted to amend this condition.

Mr. Howard explained that the desire to connect people, businesses, and properties to sewer is there by the Board of Commissioners and staff feel that they should try to connect to sewer being that it is industrially zoned and it's at a major intersection. However, Mr. Howard explained that since the request is conditional, the Board could negotiate or waive the requirement if the Board deemed it appropriate and the applicant agreed.

There was further discussion about the conditions for connecting to sewer and when and how long the applicant had the opportunity to review the conditions he was presented with and any future annexation plans.

Public meeting opened.

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Mr. Garret Fulcher spoke in favor. Mr. Fulcher explained that he couldn't tie into sewer because the sewer doesn't serve the adjoining property as it goes to the substation which is located on the adjacent property. He mentioned two properties down does, and they can't tie into it as PWC won't allow tying directly into a substation. Mr. Fulcher asked that the board approve the request with the condition that if the sewer can't be done in time, they could put in a temporary septic system until the right-of-way or easement could be acquired for future connection.

Mr. Kenneth Smith spoke in favor. Mr. Smith stated that the intent was to open discussion about sewer, they are not opposed to it, but the biggest concern is getting the building erected now. If nothing else the conditions could be amended until they could eventually extend the sewer. They are willing to do a temporary septic system and they are trying to follow everything that is being required and offered a condition to be added to the request to that effect.

Mr. Crumpler spoke and felt as though if they are making good faith progress with PWC, then that should be considered.

Mr. Moon advised the Board that there is an existing ordinance standard that states if conditions are not met with a two-year period for a conditional zoning, the Board is authorized to rezone the property back to the original district.

Mr. Crumpler reemphasized that if the applicant does nothing, then the Board can petition to change the district back and that the applicant was willing to place a condition on the request to delay connection as they work with PWC, so they can get started on their project.

Mr. Howard indicated that staff has no issues with a condition being added for a timed connection to sewer.

There was discussion about setbacks and building vesting from the applicant and the Board. Mr. Moon stated that staff was in concurrence with the 45-foot setback for the existing building. He also assured the Board and applicant that the site could be rebuilt as existing if in conformance with the attached site plan that was part of the accepted conditions.

**Mrs. Moody made a motion, seconded by Mr. Lloyd to close the public meeting. Unanimous approval.**

Chair McLaughlin closed the public meeting.



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There was one person who wanted to speak but did not sign up, so Chair McLaughlin reopened the public meeting.

Mr. Albert Nunnery spoke in opposition, Mr. Nunnery stated the applicants are his immediate neighbors, and his concern is the issues he has with flooding due to a ground drain that the applicant put in. Mr. Nunnery feels the rezoning should be denied because he doesn't know how this will affect his property with regards to drainage.

Mr. Swift addressed the concern of the neighbor regarding drainage. He stated that they would be required to follow all State regulations regarding stormwater controls and drainage.

Mr. Crumpler asked about the provision of detention ponds and infrastructure.

Mr. Swift stated that they would be installing all required infrastructure to capture the water.

Chair McLaughlin closed the public meeting.

**Mr. Crumpler made a motion, seconded by Mr. Lloyd to approve the rezoning request from C1(P) Planned Local Business District and M(P) Planned Industrial District to M(P)/CZ Planned Industrial District Conditional Zoning as presented by staff with an amended condition 2a on the condition sheet that gives the applicant two years to work with PWC to connect to sewer and in the meantime an on-site septic tank can be used until and if connection to sewer occurs. The Board finds the request is consistent with the Eastover Land Use Plan which calls for "Industrial" 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.**

Mr. Lloyd said he had an item for discussion.

Mrs. Moody noted that there was nothing listed under discussion and an adjustment wasn't made to the agenda.

Chair McLaughlin recognized Mr. Lloyd and his discussion item.

## XI. DISCUSSION

Mr. Lloyd brought up his concerns with the plat review process, plan expiration, and submittal procedure. Mr. Howard addressed some of Mr. Llyod's concerns but offered to

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talk about his issues outside of the stated meeting as his concerns were administrative in nature.

### **XII. ADJOURNMENT**

There being no further business, the meeting adjourned at 7:34 pm