



## Cumberland County Joint Planning Board

### MINUTES

December 19, 2023

Members Present	Members Absent	Others Present
Mrs. Jami McLaughlin, Chair	Mrs. Susan Moody	Mr. Rawls Howard
Mr. Tom Lloyd, Vice-Chair	Mr. Gary Burton	Mr. David Moon
Mr. Stan Crumpler	Mrs. Kasandra Herbert	County Attorney Rick Moorefield
Mr. James Baker		Mrs. Cherice Hill
Mr. Todd Mobley		
Mr. Mark Williams		
Mr. William Walters		

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

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

Mr. Howard requested to move the Item of Business, ZON-23-0034, to the first item heard tonight as he needs to leave the meeting at 6:30pm due to a prior family engagement.

**Mr. Mobley made a motion, seconded by Mr. Baker to approve the agenda with the adjustment of ZON-23-0034. Unanimous approval.**

#### III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

There were none.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

#### V. APPROVAL OF THE MINUTES OF NOVEMBER 21, 2023

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

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



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All cases remained on the consent agenda. The welcome and rules of procedure were not needed.

### VII. ITEMS OF BUSINESS

- A. **ZON-23-0034:** Text Amendment to the Cumberland County Zoning Ordinance to regulate tobacco and hemp retail products within Cumberland County, submitted by Planning & Inspections Staff (applicant).

Mr. Howard presented the text amendment.

In Case ZON-23-0034, 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 specifically address regulations for Tobacco and Hemp Retail uses, a current ordinance that promotes County-wide public health, safety, and welfare achieves 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 an update to clarify standards and review processes for the public.

The Board had discussion about the proposed text amendment.

Mr. Howard introduced Ms. Sanquis Graham to the Board. Ms. Graham is a representative from the County's Health Department that has endorsed approval of the text amendment. She introduced herself and offered her assistance if there were questions about public health.

Mr. Lloyd advised about regulating principal uses of property based on floor area. Whereas he wasn't recommending it for this amendment, it is a tool that can be utilized.

Mr. Crumpler concurred and asked if it would be prudent to put in some language regarding revoking permits and closing operations if these uses are found to be in noncompliance.

Mr. Howard advised that all comments were good comments. He advised that the Code Enforcement Officers have a fairly wide amount of latitude in interpreting the ordinance with regards to what constitutes principal use. If we placed strict limitations on interpretation, it could be counterproductive depending on the situation. He advised that



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if someone had a disagreement about interpretation, there were avenues through appeals and boards to work it out.

Mr. Moorefield also advised that there would also need to be some legal research involved if the Board wanted to regulate based on specific floor area limitations or other such means.

**In Case ZON-23-0034, Mr. Lloyd made a motion, seconded by Mr. Baker 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 specifically address regulations for Tobacco and Hemp Retail uses, a current ordinance that promotes County-wide public health, safety, and welfare achieves goals laid out not only in the 2030 Growth Vision Plan, but all detailed land use plans within the County. The Board also finds approval of this text amendment is reasonable and in the public interest as it is an update to clarify standards and review processes for the public. Unanimous approval.**

Mr. Howard left the meeting at 6:40pm.

### VIII. PUBLIC MEETING CONSENT ITEMS

#### REZONING CASES

- B. **ZON-23-0029:** Rezoning from M2 Heavy Industrial District to M(P)/CZ Planned Industrial District Conditional Zoning or to a more restrictive zoning district for 0.315 +/- acres; located at the west side of Elva Wallace Road, approximately half-mile north of Wade Stedman Road and west of I-95, submitted by Capital Outdoor Advertising (applicant) on behalf of Cousins Realty NC, LLC (owner).

In Case ZON-23-0029, Planning and Inspections staff recommends approval of the conditional rezoning request from M2 Heavy Industrial District to M(P)/CZ Planned Industrial Conditional Zoning District and find that: 1. Approval is an amendment to the adopted, current Wade 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. 2. The use of the parcel for farmland would be limited due to the parcel's size, configuration, and location. 3. The proposed use would meet all required location requirements for such use and have limited impact on other neighboring properties or uses along the Interstate highway. 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.



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In Case ZON-23-0029, Mr. Lloyd made a motion, seconded by Mr. Walters to recommend approval of the conditional rezoning request from M2 Heavy Industrial District to M(P)/CZ Planned Industrial Conditional Zoning District and find that: 1. Approval is an amendment to the adopted, current Wade 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. 2. The use of the parcel for farmland would be limited due to the parcel's size, configuration, and location. 3. The proposed use would meet all required location requirements for such use and have limited impact on other neighboring properties or uses along the Interstate highway. The Board finds 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-23-0033:** Rezoning from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district for two parcels comprising 4.75 +/- acres; located at 10932 Ramsey Street, submitted by Jeff Riddle (agent) and Cape Fear Investment Properties, LLC (owner).

In Case ZON-23-0033, 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 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 to and in harmony with the surrounding land use activities and zoning.

In Case ZON-23-0033, Mr. Lloyd made a motion, seconded by Mr. Walters to recommend approval of the rezoning request from A1 Agricultural District to R40 Residential District. 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. DISCUSSION

There was none.

### X. ADJOURNMENT

There being no further business, the meeting adjourned at 6:41 pm

**Rawls Howard**  
Director

**David Moon**  
Deputy Director



## **Cumberland County Joint Planning Board**

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