



## Cumberland County Joint Planning Board

### MINUTES

February 20, 2024

Members Present	Members Absent	Others Present
Mrs. Jami McLaughlin, Chair	Mrs. Susan Moody	Mr. David Moon, Deputy Director
Mr. Tom Lloyd, Vice-Chair	Mr. Gary Burton	Rick Moorefield, County Attorney
Mr. Stan Crumpler	Mrs. Kasandra Herbert	Mrs. Laverne Howard
Mr. William Walters	Mr. James Baker	Sally Shutt, Asst. County Mgr.
Mr. Todd Mobley		Mrs. Alyssa Garcia, Planner III
Mr. Mark Williams		Mr. Timothy Doersam Planner I
		Mr. Telly Shinas, Current Planning Manager

#### 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

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

#### III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

There were none.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

#### V. APPROVAL OF THE MINUTES OF DECEMBER19, 2023

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

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

Chair McLaughlin read the welcome and rules of procedure.



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### VII. PUBLIC MEETING CONSENT ITEMS

#### REZONING CASES

- A. **ZON-24-0001:** Rezoning from R40A Residential District to R30 Residential District or to a more restrictive zoning district for 1.53 +/- acres; located on the west side of the intersection of Chicken Foot Road and McCall Road, submitted by Harrell Builders of NC, LLC (owner).

In Case ZON-24-0001, Planning and Inspections staff recommends approval of the rezoning request from R40A Residential District to R30 Residential District and finds that:

1. Approval is an amendment to the adopted, current South-Central 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 zoning request is consistent with recent area trends for zoning amendments and creates a density transition from more dense zoning to the east of Chicken Foot Road and less dense zoning to the west of the property.
3. There is an existing water line available to the site to support more intense development of the property than what is presently allowed under the current zoning district.

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-24-0001, Mr. Mobley made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from R40A Residential District to R30 Residential District. The board finds that: 1. Approval is an amendment to the adopted, current South-Central 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 zoning request is consistent with recent area trends for zoning amendments and creates a density transition from more dense zoning to the east of Chicken Foot Road and less dense zoning to the west of the property. 3. There is an existing water line available to the site to support more intense development of the property than what is presently allowed under the current zoning district. The board also finds that 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.**



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- B. **ZON-24-0002:** Rezoning from M(P) Planned Industrial District, M(P)/CU Planned Industrial District Conditional Use, and C(P)/CU Planned Commercial District Conditional Use to C(P) Planned Commercial District or to a more restrictive zoning district for 36.74 +/- acres; located at 548 Wilkes Road, submitted by Dixon Soffe (agent) on behalf of Myrover-Reese Fellowship Homes, Inc (owner).

In Case ZON-24-0002, Planning and Inspections staff recommends approval of the rezoning request from M(P) Planned Industrial District, C(P)/CU Planned Commercial Conditional Use District, & M(P)/CU Planned Industrial Conditional Use District to C(P) Planned Commercial District. Staff finds that the request is consistent with the South-Central Land Use Plan which calls for "Coliseum Development Area" 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 surrounding land use activities and zoning.

**In Case ZON-24-0002, Mr. Mobley made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from M(P) Planned Industrial District, C(P)/CU Planned Commercial Conditional Use District, & M(P)/CU Planned Industrial Conditional Use District to C(P) Planned Commercial District. The board finds that the request is consistent with the South-Central Land Use Plan which calls for "Coliseum Development Area" 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 surrounding land use activities and zoning. Unanimous approval.**

Chair McLaughlin announced that these cases would appear before the BOCC at its March 18, 2024 meeting 6:45 pm at the County Administration Building.

### VIII. PUBLIC MEETING CONTESTED ITEMS

#### REZONING CASES

- C. **ZON-23-0035:** Rezoning from A1 Agricultural District to RR Rural Residential District or to a more restrictive zoning district for 1.44 +/- acres; located at 6516 Lina Drive, submitted by Patricia Dix (owner).

Mrs. Alyssa Garcia presented the case information and photos.

In Case ZON-23-0035, Planning and Inspections staff recommends denial of the rezoning request from A1Agricultural District to RR Rural Residential District. Staff finds the request



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is not consistent with the Bethany Area Land Use Plan which calls for “Rural Density Residential” at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

Mr. Mobley asked why there were two addresses for the subject property.

Mrs. Garcia stated there was a previous group development that had expired.

Mr. Moon stated that a mobile home was removed from the property sometime between 2018 and 2020.

Mr. Mobley had questions about the zoning and how it was made non-conforming when it was zoned and stated that it should have never been zoned A1. The County made that a non-conforming lot when there were already two dwellings on the property. Mr. Mobley pointed out that multiple properties in the area are group developments. Mr. Mobley asked why other nearby property was recently rezoned to RR.

Mr. Moon stated that the RR zoning was not recent, and the staff decision was based on the Bethany Land Use Plan and the proposed zoning was not consistent with the rural density residential. The property is also located on a Class C private street. There is limited access to get to the back for emergency vehicles.

Mr. Mobley’s point was that he didn’t understand why all the information about the zoning and rezoning of the subject property and the zoning of the adjacent properties was not being taken into consideration of this request.

There was some discussion about well and septic being available to the site and if it would be accepted by Environmental Health. There was some discussion about group development planning and compatible development in the area.

The public meeting opened. There were two people signed up to speak in favor of the request.

Mr. David Dix spoke in favor. Mr. Dix stated that there is septic on the property and it just needs to be updated. Mr. Dix stated that two firemen and a fire truck came out and said there was no problem with the turnaround. But they couldn’t give them anything in writing because the Fire Chief was out of town.

Ms. Patricia Dix declined to speak.



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Public meeting closed.

Mr. Lloyd stated that he was inclined to agree with staff and vote to deny the request, but in light of what came out during the meeting there were some good points brought out.

**In Case ZON-23-0035, Mr. Mobley made a motion, seconded by Mr. Crumpler to approve the request to rezone to RR, with the understanding that if the rezoning is accepted the applicant will need to submit an application for a group development to set the second home. Unanimous approval.**

Note: Mr. Mobley left the meeting and did not return.

- D. **ZON-23-0037:** Rezoning from R10 Residential District to R6A Residential District or to a more restrictive zoning district for 0.51 +/- acres; located at 4206 Longview Avenue, submitted by Clinton Jackson Jr. (owner).

Mr. Timothy Doersam presented the case information and photos.

In Case ZON-23-0037, Planning and Inspections staff recommends denial of the rezoning request from R10 Residential District to R6A Residential District. Staff finds that the request to be inconsistent with the Southwest Cumberland Land Use Plan which calls for "Low Density Residential" at this location. Staff also finds that the request is not compatible to or in harmony with the surrounding land use activities and zoning.

Public meeting opened.

Mr. Clinton Jackson spoke in favor. Mr. Jackson stated that all he wanted to do was put a doublewide with a brick foundation to live in.

Mr. Lloyd asked if there were any homes near him and if they were on septic and well.

Mr. Jackson said yes.

There was discussion about the history of the zoning of the area and when the area was initially zoned.

Mr. Williams talked about how important it is for citizens to show up when land use plans are being done.

The board discussed different zoning options that would work for the applicant.



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Mr. Lloyd said that staff has to go with the land use plans, that's the reason for these meetings, to get more information. It's up to the board to look at each situation individually.

Mr. Crumpler asked Mr. Jackson if he was okay with R20A or RR.

Mr. Jackson said he would accept that as long as he could put his mobile home on the property.

**In Case ZON-23-0037, Mr. Crumpler made a motion, seconded by Mr. Walters to recommend denial of the rezoning request to R6A Residential District and made an alternate recommendation to R20A Residential District. The board also finds that the request is in harmony with the surrounding land use activities and zoning due to the lack of infrastructure to support the land use plan. Unanimous approval.**

Chair McLaughlin announced that these cases would appear before the BOCC at its March 18, 2024 meeting 6:45 pm at the County Administration Building.

### IX. DISCUSSION

There was none.

### X. ADJOURNMENT

There being no further business, the meeting adjourned at 6:50 pm