



Cumberland County Joint Planning Board

MINUTES

March 19, 2024

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

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

Mr. Howard advised to add an item to "Discussion" relating to the Cumberland County North Central Land Use Plan update. He also mentioned there is opposition to Case ZON-24-0008 and that the item needed to move to the contested portion of the agenda. Mr. Crumpler made a motion seconded by Mrs. Moody to approve the agenda with the adjustments. Unanimous approval.

III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF FEBRUARY 20, 2024

Mr. Crumpler made a motion, seconded by Mr. Burton to approve the minutes, as submitted. Approval was unanimous with an abstention from Mr. Lloyd.



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VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Chairwoman McLaughlin read the welcome and rules of procedure.

VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. **ZON-24-0004:** Rezoning from C3 Heavy Commercial District and RR Rural Residential District to RR Rural Residential District or to a more restrictive zoning district for 2.03 +/- acres; located at 906 Middle Road, submitted by Larry Robert Steedly (Agent) on behalf of the Barry C Steedly Life Estate (Owner).

In Case ZON-24-0004, Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District and C3 Heavy Commercial District to RR Rural Residential District. Staff finds the request is consistent with the Eastover Area Land Use Plan which calls for "Rural Density 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-24-0004, Mrs. Moody made a motion, seconded by Mr. Lloyd to recommend approval of rezoning request from RR Rural Residential District and C3 Heavy Commercial District to RR Rural Residential District. The Board finds the request is consistent with the Eastover Area Land Use Plan which calls for "Rural Density 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.

- B. **ZON-24-0005:** Rezoning from M(P) Planned Industrial District and M1(P) Planned Light Industrial District to M1(P) Planned Light Industrial District or to a more restrictive zoning district for 1.33 +/- acres; located at 611 Whitehead Road, submitted by Tanari Smith (Owner).

In Case ZON-24-0005, Planning and Inspections staff recommends approval of the rezoning request from M1(P) Planned Light Industrial District & M(P) Planned Industrial District to M1(P) Planned Light Industrial District. Staff finds that 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.



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In Case ZON-24-0005, Mrs. Moody made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from M1(P) Planned Light Industrial District & M(P) Planned Industrial District to M1(P) Planned Light Industrial District. The Board finds that 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.

- C. **ZON-24-0006:** Conditional Rezoning from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District or to a more restrictive zoning district for 97.07 +/- acres; located on Durant Nixon Road, approximately a quarter mile north of the intersection of Durant Nixon Road and Carlos Road, submitted by American Materials Company LLC (Agent) on behalf of the Glenard W. Bailey LTD Partnership (Owner).

In Case ZON-24-0006, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District. Staff finds that the request is consistent with the North Central Land Use Plan which calls for “Farmland” and “Open Space” 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-24-0006, Mrs. Moody made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District. The Board finds that the request is consistent with the North Central Land Use Plan which calls for “Farmland” and “Open Space” 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.

- D. **ZON-24-0007:** Conditional Rezoning from RR Rural Residential District and C(P)/CZ Planned Commercial Conditional Zoning District to C(P)/CZ Planned Commercial Conditional Zoning District or to a more restrictive zoning district for 8.15 +/- acres; located at 3401 Clinton Road, submitted by Dale Kidd (Agent) on behalf of Stephen H. Ledwell, Trustee (Owner).

In Case ZON-24-0007, Planning and Inspections staff recommends approval of the zoning request from RR Rural Residential District and C(P)/CZ Planned Commercial District Conditional Zoning to C(P)/CZ Planned Commercial Conditional Zoning District and find that: 1. Approval is an amendment to the adopted, current Vander Area Land Use Plan



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and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request. 2. The request is a modification to an approved conditional zoning and allows expansion of an existing business in the area. 3. A water line is available to the site to support expansion of the existing commercial development. 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-24-0007, Mrs. Moody made a motion, seconded by Mr. Lloyd to recommend approval of the zoning request from RR Rural Residential District and C(P)/CZ Planned Commercial Conditional Zoning District to C(P)/CZ Planned Commercial Conditional Zoning District and find that: 1. Approval is an amendment to the adopted, current Vander 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 request is a modification to an approved conditional zoning and allows expansion of an existing business in an area. 3. A water line is available to the site to support expansion of the existing commercial development. 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.

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- E. **ZON-24-0008:** Conditional Rezoning from R10 Residential District, RR Rural Residential District, and R6A Residential District to M-2/CZ Heavy Industrial Conditional Zoning District or to a more restrictive zoning district for 30.98 +/- acres; located 0.12 miles southwest of the intersection of N. Bragg Blvd and W. Manchester Rd., submitted by Ben Bradsher (Agent) on behalf of Elisabeth Rees, Owen Rees, Joan Cook, Alexander Cook, C Gerstenberg, Karma Myers & Pamela Lawrence (Owners). **(Spring Lake)**

Mrs. Alyssa Garcia presented the case information and photos.

In Case ZON-24-0008, Planning and Inspections staff recommends approval of the rezoning from R10 Residential District, RR Rural Residential District, and R6A Residential District to M-2/CZ Heavy Industrial Conditional Zoning District and finds that: 1. Approval is an amendment to the adopted, current Spring Lake Area Land Use Plan and that the Board of Aldermen should not require any additional request or application for amendment



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to said map for this request. 2. The provided conditions of approval would require additional buffers and screening to nearby residential areas to reduce potential impacts. 3. Public water and sewer utilities are available to serve the proposed manufacturing use. 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.

There were people signed up to speak in favor and in opposition.

Board members asked questions of Mrs. Garcia after the presentation for more details of the proposed rezoning request while several Board members voiced concerns regarding the asphalt plants surroundings. Specifically relating to the majority residential zoning in the area.

County Attorney Mr. Moorfield arrived at the meeting at 6:20pm.

Mr. Crumpler asked that Mrs. Garcia demonstrate access to the facility plant on the slides and expressed a lack of understanding regarding the project's easement.

Mr. Moon provided insight to the access while referring specific easement inquiries to the applicant during citizen discussion. He also advised of a possible annexation of the proposed rezoning location from Spring Lake if the Board approves the rezoning request.

The Board asked further questions of staff regarding the initial zoning conditions.

Mr. Howard went into further detail about comments from the EDC, RULAC and other government agencies regarding the case.

Mrs. Moody asked about the possible smell from an asphalt plant in a residential zone and if there could be conditions included with the proposal to address this issue.

Mr. Howard mentioned that those concerns would be addressed by the applicable State regulatory agencies for this type of operation.

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

Mr. Ben Bradsher declined to speak and deferred to their consultant.

Mr. Dale Warrens declined to speak and deferred to their consultant.



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Ms. Brendie Vega spoke in favor. Her company represents the applicant and its interest to buy both parcels from the seller. Ms. Vega updated the Board on DOT's involvement and addressed additional concerns from the Board. She advised there were several conditions included and agreed to more recommended by the County Planning staff as well as Town staff. She further expressed that RULAC suggested six conditions which the applicant is willing to include in the proposed rezoning request.

Mr. Ben Bradsher was asked to approach the Board to answer specific questions regarding smoke generated from the proposed asphalt plant. He advised it would be steam, not smoke.

Chairwoman McLaughlin decided to allow more time for the opposed speakers based on the number of signups.

Mr. Kenneth Smith Jr. Spoke in opposition. Mr. Smith stated he usually is pro development, however in this case the rezoning request is not keeping with Cumberland County's future land use plans as it is currently zoned for low density residential. He expressed five concerns to include: 1. Nothing that abuts the parcel is zoned M2. 2. The flood plain, and 100-year and 500-year flood coverage would need to be considered. 3. How would Pope Army Airfield be affected as it is one of our nation's lines of defense. 4. issues with industrial storm water permits as there are already two and now, they are requesting a third, and 5. He explained a major concern with the influx of traffic the project would bring to the area. He questioned if there was water at the proposed location already and if not, that is another issue that needs to be addressed. His last few questions were about wetland delineation and utility logistics issues.

Mr. Alden Smith spoke in opposition. Mr. Smith advised the speakers in favor were not residents of Spring Lake but are in Raliegh. His concerns were of additional noise and smell pollution the asphalt company would bring. Mr. Smith also advised that the plant would clear out the current pine trees which will change the aesthetic of Spring Lake. He also expressed the proposed 75ft buffer isn't enough.

Mr. Ken Smith Sr. spoke in opposition. Mr. Smith expressed that he grew up on the property. He expressed similar sentiments with others in opposition to the project regarding the worsened air quality and heightened noise conditions. Mr. Smith questioned if any traffic studies were done before the rezoning proposal. He also asked if they would be willing to widen the road from the plant to the intersection to ease possible traffic



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congestion. He explained that a creek runs through the subject property and how would that be affected if there was a major spill.

The Board discussed the proximity of the homes surrounding the proposed asphalt plant, wetlands, and buffer zones in the area.

The Board requested Mr. Howard and Mr. Smith Sr. to show from the presentation slides specific locations mentioned to better understand Mr. Smith Sr.'s complaint.

Mr. Mobley stated that he believed the property was in a floodplain. He asked if this concern had been addressed by staff.

Attorney Moorfield questioned if they would use diesel fuel or natural gas too run the plant.

Mr. Mobly expressed that would need to be addressed by DEQ.

Mr. Moon said the flood waters had indeed been addressed as a condition within conditional zoning and conditions of approvals. He further explained they would need to get storm water approvals from DEQ.

Mr. Howard informed he Board that FAMPO did not believe West Manchester Rd. traffic would be significantly impacted by the asphalt plant according to their comments in the staff report.

Chairwoman McLaughlin extended the remaining speakers time by three minutes. She informed the speakers to not repeat what other speakers have said.

Mrs. Jill Riley spoke in opposition. Ms. Riley came forward representing the developers of the Calin Farms Subdivision adjacent to the proposed project. She informed them of the millions of dollars the Subdivision has invested into this Spring Lake area to build affordable single-family homes with much interest from residents to buy the homes. In addition, she expressed concerns with the 75' buffer and said Spring Lake's zoning requires single family homes have a 50' set back.

Mr. Henry Ponder spoke in opposition. Mr. Ponder explained he is a resident of Holly Hills adjacent to the proposed location of the plant. He mentioned that he moved into the neighborhood over 21 years ago because it was quite with no industrial plants in the area. He mentioned that the 75 ft. berm would be within eyesight view of his property. Mr. Ponder had concerns regarding the wildlife in the area and if there would be an



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environmental study done for animals and wildlife on the proposed property. He mentioned there was once a proposed rezoning plan not approved based on wetlands and the protected woodpecker area. He inquired if the passing of the rezoning condition would require partial annexation. Mr. Ponder also mentioned the creek runs directly behind his neighbor's home. He further asked if the plan was approved, how would it affect the value of their properties and wildlife.

Chairwoman McLaughlin requested Mr. Ponder show on the slide presentation his home location for further visual understanding. There was further discussion amongst the Board, staff, and Mr. Ponder on the issue.

Mr. Lien Guard declined to speak.

Mr. Wyclef Etienne declined to speak.

Mr. Brian Walker spoke in opposition. Mr. Walker advised he is the President of the company building the single-family homes adjacent to proposed property. He updated the Board that construction is projected to last five years encompassing 140 lots. He mentioned that property taxes would benefit the Town of Spring Lake. Mr. Walker's concerns are that the asphalt plant would deter sales of the single-family homes once complete due to the noise, smell, and additional traffic in the area. He is also concerned about the possibility of layoffs that would ensue based on lack of home buyer's interest.

The Board further inquired with staff concerns regarding the case.

Mr. Bradsher was given the opportunity to offer rebuttal on any issues brought up by citizens opposed to the rezoning request.

Mr. Mobley inquired about the size of the expected project and how much truck traffic would be used to make deliveries to the new plant.

Mr. Bradsher said they were not sure; however, it would not be the largest asphalt plant they operate. He approximated 75,000 to 100,000 tons per year delivered via dump truck.

Mr. Lloyed asked the audience if any of them attended the Spring Lake Use Land Use Plan meetings when they were doing this plan.

Chairwoman McLaughlin acknowledged several citizens seated in the audience serve on different Spring Lake Boards and were in attendance for this meeting.



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Public meeting closed.

In Case ZON-24-0008, Mr. Lloyd made a motion, seconded by Mrs. Moody to deny the request from R10 Residential District, RR Rural Residential District, and R6A Residential District to M-2/CZ Heavy Industrial Conditional Zoning District. The Board 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. Unanimous approval.

IX. DISCUSSION

- Mr. Howard let the Board know Planning staff met several times since the last Board meeting with the consultant regarding the subdivision ordinance and have a good working draft that should be finalized soon. Thereafter, the final update will be brought before the subcommittee for review. Mr. Howard advised that once the draft is sent to the committee, he will also send a copy to the Board.
- Mr. Howard advised that the North Central Land Use Plan is in its final stages of completion and expressed his admiration of the work completed by their team. It will be going to the Comp Plan subcommittee soon for their review and comment.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:18 pm