



Cumberland County Joint Planning Board

MINUTES

April 16, 2024

Members Present	Members Absent	Others Present
Mrs. Jami McLaughlin, Chair		Mr. Rawls Howard, Director
Mr. Tom Lloyd, Vice-Chair		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. Laverne Howard
Mr. Mark Williams		Ms. Sally Shutt
Mrs. Susan Moody		Mr. Richard Fagan
Mr. William Walters		Mr. Rufus Smith
Ms. Kasandra Herbert		Mr. Timothy Doersam
Mr. James Baker		Mrs. Sarahgrace Mitchell

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. Howard advised the board that Case ZON-24-0011 would be moved to contested items because there was opposition to the case.

Mrs. Moody made a motion, seconded by Mr. Baker to approve the agenda with the noted adjustment. Unanimous approval.

III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF MARCH 19, 2024



Cumberland County Joint Planning Board

Mrs. Moody made a motion, seconded by Mr. Baker 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.

VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. **Case ZNG-001-24:** Rezoning of 1.81+/- acres from C1(P) and O&I(P) to R5 Residential or to a more restrictive zoning district, located at corner of Legion Rd and Cameron Rd REID 0414832134000 and the corner of Cameron Rd and Professional Dr REID 0414823816000, submitted by Tim Evans with Longleaf Properties (agent) on behalf of Tina Odom with Biltmore Construction Company, Inc (owner). **(Hope Mills)**

In ZNG-001-24, the Town of Hope Mills Planning staff recommends approval of the rezoning request to the R5 Residential district and finds that while R5 Residential is a permitted zoning district within Mixed Use zonings, this request is not consistent with the Southwest Cumberland Land Use Plan (2013) designation but it does complement the future vision of the Town of Hope Mills in regards to the future plans of the adjacent parcels. The economic and regional impact of the proposed development fits within the vision and long-term outlook of the area in regards to economic development viability. Approval of the request is reasonable and in the public interest because the district requested is compliments the proposed development of adjacent parcels in the surrounding area.

In Case ZNG-001-24, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request to the R5 Residential district and finds that while R5 Residential is a permitted zoning district within Mixed Use zonings, this request is not consistent with the Southwest Cumberland Land Use Plan (2013) designation but it does complement the future vision of the Town of Hope Mills in regards to the future plans of the adjacent parcels. The economic and regional impact of the proposed development fits within the vision and long-term outlook of the area in regards to economic development viability. Approval of the request is reasonable and in the public interest because the district requested is compliments the proposed development of adjacent parcels in the surrounding area. Unanimous approval.



Cumberland County Joint Planning Board

- B. **ZON-24-0009:** Rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for 1.8 +/- acres; located at 3640 S. River School Road, submitted by Christopher Muscarella (Owner).

In Case ZON-24-0009, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds the request is consistent with the Bethany Area Land Use Plan which calls for "Rural" 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-24-0009, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to R40A Residential District. The Board finds the request is consistent with the Bethany Area Land Use Plan which calls for "Rural" 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-24-0012:** Rezoning from A1 Agricultural District to R15 Residential District or to a more restrictive zoning district for 3.89 +/- acres; located at the southernmost point of Leander Lane and abutting the end of Dulles Road, submitted by Jeff Riddle (Agent) on behalf of Towanda Raye (Owner).

In Case ZON-24-0012, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R15 Residential District. Staff finds that the request is consistent with the South-Central Land Use Plan which calls for "Low 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-24-0012, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to R15 Residential District. The Board finds that the request is consistent with the South-Central Land Use Plan which calls for "Low 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.

VIII. PUBLIC MEETING CONTESTED ITEMS



Cumberland County Joint Planning Board

REZONING CASES

- D. **ZON-24-0010:** Rezoning from R6A Residential District to O&I(P) Planned Office and Institutional District or to a more restrictive zoning district for .46 +/- acres; located at 1429 McArthur Road, submitted by Annie Hasan (Agent) on behalf of Khalil Hasan (Owner).

Mrs. Garcia presented the case information and photos.

In Case ZON-24-0010, Planning and Inspections staff recommends denial of the rezoning request from R6A Residential District to O&I(P) Planned Office and Institutional District. Staff finds that the request is not consistent with the North Fayetteville Area Plan which calls for "Medium 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.

Chair McLaughlin opened the public meeting.

Mr. Howard elaborated on staff's position and recommendation on the case. He mentioned that the site was in a largely residential area. He also mentioned that staff's concern was that the parcel was mid-block and surrounded by homes and residential zoning. If the site was on a hard corner and closer to commercial areas, staff's recommendation may have been different.

Ms. Annie Hasan spoke in favor. Ms. Hasan stated that she is a mental health professional and the property, which she has owned for years, would be used for counseling and training for the State and mental health personnel. Ms. Hasan stated that she owned the whole block, there was no one beside her.

Mr. Williams asked how long it had been since the house was used as a residence.

Ms. Hasan stated that it had been five years.

Mr. Lloyd asked if the applicant had gotten a special use permit for the daycare.

Ms. Hasan said yes, and it was rezoned to O&I(P) Planned Office and Institutional District.

Mr. Howard said they couldn't find any files or records of the rezoning.



Cumberland County Joint Planning Board

Public meeting closed.

In Case ZON-24-0010, Mrs. Moody made a motion, seconded by Mr. Baker to recommend denial of the rezoning request from R6A Residential District to O&I(P) Planned Office and Institutional District. The Board finds that the request is not consistent with the North Fayetteville Area Plan which calls for “Medium Density Residential” at this location. The Board 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. Unanimous approval.

- E. **ZON-24-0013:** Rezoning from C1(P)/CU Planned Local Business District Conditional Use and RR Rural Residential District to C1(P) Planned Local Business District or to a more restrictive zoning district for .69 +/- acres; located at 6189 US Hwy 301, submitted by Ronnie Davis (Owner).

Mrs. Garcia presented the case information and photos.

In Case ZON-24-0013, Planning and Inspections staff recommends denial of the rezoning request from C1(P)/CU Planned Local Business District Conditional Use and RR Rural Residential District to C1(P) Planned Local Business District. Staff finds that the request is not consistent with the Southwest Cumberland Land Use Plan which calls for “Farmland” 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.

Chair McLaughlin opened the public meeting.

Mr. Ronnie Davis, the applicant, spoke in favor. Mr. Davis stated that he moved a trailer that was on the property and just wants to put a building in its place, like a storage shed.

Mr. Burton asked what Mr. Davis what he was going to use the building for.

Mr. Davis responded it would be used to store his property.

Mrs. Moody asked why Mr. Davis needed a zoning change.

Mr. Davis said that’s what he was told to do.

Mr. Lloyd said that you could not use a building for storage in that district. Mr. Lloyd explained that there has to be a building with a principal use on the property, there can’t be just an accessory building.



Cumberland County Joint Planning Board

Mr. Howard stated that if the applicant wants to take some time to find another course of action if this is not the direction that he wants to go, the case can be continued.

Ms. Tina Davis spoke in favor. Ms. Davis asked about what was previously discussed and wanted to clarify what they could do on the property.

After some discussion about whether a mobile home could be placed on the property, Mr. Mobley explained that a certificate of occupancy would need to be issued for the mobile home or manufactured home prior to the permit being issued. The applicant needs to understand that placing a mobile home back on the property does not qualify as an accessory building.

Public meeting closed.

In Case ZON-24-0013, Mrs. Moody made a motion, seconded by Mr. Baker for the case to be deferred to the May 21, 2024 Planning Board meeting to allow the applicant to work with staff and clarify the request. Unanimous approval.

- F. **ZON-24-0011:** Rezoning from A1 Agricultural District to R15 Residential District or to a more restrictive zoning district for 2.97 +/- acres; located at 1384 Cypress Lakes Road, submitted by Corey and Ruth Hamm (Owners).

Mrs. Garcia presented the case information and photos.

In Case ZON-24-0011, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R15 Residential District. Staff finds the request is consistent with the South-Central Land Use Plan which calls for "Low 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.

There was discussion about when this case previously came before the board for rezoning in 2022. Mr. Howard advised the board that the request was denied for the conditional zoning when it got to the Board of Commissioners meeting at that time.

Chair McLaughlin opened the public meeting.



Cumberland County Joint Planning Board

Ms. Danya Williams spoke in opposition. Ms. Williams stated that her concerns with this rezoning were the impact that it would have on wildlife in the area and the overcrowding of the Grays Creek schools that are already at capacity.

Ms. Agnes Smith spoke in opposition. Ms. Smith stated that she was concerned about nine houses on three acres and is also concerned about greenspace.

Calvin Smith who signed up in opposition declined to speak.

Chair McLaughlin closed the public meeting.

Mr. Walters explained some of the concerns that the board had to Mr. Mobley when this case previously came before the board.

Corey Hamm, the applicant, spoke in favor. He arrived too late to sign up to speak prior to the meeting started. Chair McLaughlin gave him the opportunity to speak and reopened the public meeting.

Mr. Hamm stated that his intent was to divide the property three ways and leave the property to his sons. He wants his sons to have one acre of land.

Mr. Burton asked Mr. Hamm if he was okay with R40 which is one dwelling on an acre, or did he want to put a manufactured home on the property?

Mr. Hamm said that he wanted to have a stick built home on the property.

Mr. Mobley asked if R30 would work for the applicant's needs.

The applicant stated he did not have a problem with R30 if that would allow him to place a second home on the property.

Mr. Howard clarified that the board wants to recommend a zoning district that will allow a subdivision or group development to allow three total homes on the lot. Mr. Howard said that R30 should work.

Chair McLaughlin closed the public meeting.



Cumberland County Joint Planning Board

In Case ZON-24-0011, Mr. Mobley made a motion, seconded by Mr. Crumpler to deny the rezoning request from A1 Agricultural District to R15 Residential District and to approve an alternate rezoning to the R30 Residential District. The Board finds the approval is consistent with the South-Central Land Use Plan which calls for “Low 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.

IX. PUBLIC HEARING ITEM

- G. **DEV-0029-24:** Consideration of Subdivision Waiver from Section 2304.C.4.c, Minimum Design Specifications for a Class “C” Street, Cumberland County Subdivision Ord., to allow an alternative street design for the Cape Fear Investment Properties Subdivision on 4.75 +/- acres, located on east side of Ramsey Street and approximately 2,100 feet north of Linden Road; submitted by Jeff Riddle (Applicant) on behalf of Cape Fear Investment Properties (Owner).

Chair McLaughlin swore in all staff members.

Mr. Moon presented the case information and photos.

Applicant requests a Subdivision Waiver from Section 2304, County Zoning Ordinance, to construct a joint-use driveway in lieu of providing a required public or private street, more applicably a Class “C” private street, that would serve a proposed four-lot residential subdivision. The proposed access connects to Ramsey Street, a designated minor arterial road also known as State Highway 401. Containing approximately 4.75 +/- acres, the property is located at 10932 Ramsey Street.

The Board asked several general questions of staff in reference to the request.

There was one person signed up to speak in favor.

Chair McLaughlin swore in Mr. Jeff Riddle.

Mr. Jeff Riddle spoke in favor. Mr. Riddle stated that there is no longer a home on the lot along Ramsey Street that you see there. This project has been approved for years, twenty-foot flag lots, some to the south of this has been previously approved. We’re looking to provide twenty-foot legs, (Mr. Riddle provided a map so the board could have a visual of what he was talking about) we want to leave the twenty-foot access in here, no access (Mr. Riddle indicated the area he was talking about on the map) here, that’s going to be



Cumberland County Joint Planning Board

their only access. We're going to build a Class "C" street, forty-five foot wide and you got to clear a twenty-foot path and you only got to put ten feet of stone, we're planning on doing a joint easement, all the way, the twenty-foot legs would remain. Mr. Riddle indicated on the map where the twenty-foot easement would be. There would be a twenty-four-foot easement that would serve each lot.

Mr. Riddle stated that DOT (Department of Transportation) would allow five lots, we are looking at doing four. The density allows you to do five lots for a Class "C" street coming in here creating five lots, turning this cul-de-sac around and doing a little ten-foot gravel drive that looks horrible. He has been on many Class "C" streets, and haven't seen one that's been maintained by anybody.

The developer is looking to make this gravel all the way back and call this a joint access easement. You still have your twenty-foot flagged lots, we're going to do a no access easement across the front. Mr. Riddle referred to his map, I got a call from Gordon Rose who is a member of the church, his concern was being cut off. Mr. Riddle said he told him that if the request was approved, this joint easement would provide access to the cemetery. Short of the story we are looking at doing four lots instead of five, twenty feet all the way out. No access to Ramsey Street except that twenty feet. We are looking at putting in six inch of stone all the way through that place where two vehicles can meet, they are providing access to someplace they don't need to provide access to.

Mr. Loyd said to Mr. Riddle, the ten-foot travel way, the Class "C", I want to make sure I understand your argument, so you are going to put in twenty?

Mr. Riddle said at least eighteen to nineteen, it will be where two vehicles can meet, a County road you're looking at about nineteen feet of pavement, that you can drive on.

Mr. Loyd said he was having a hard time getting this straight in his head. The bottom line of what we are hearing is a waiver request from the requirement of Class "C" street.

Mr. Moon said correct.

Mr. Lloyd asked, how can we, based your testimony, I don't know the answer, so I'm asking, hold you to the travel way width? One of the reasons you've given to get away from the Class "C" is having a wider travel way. Correct?

Mr. Riddle said yes, and engineering cost and the road will be built to a better standard than what the Class "C" street would require.



Cumberland County Joint Planning Board

Mr. Lloyd asked if that was his sworn testimony that that could be a condition on the plat.

Mr. Moorefield stated that Mr. Riddle said he would put that on the plat.

Mr. Lloyd said that a Class "C" would have storm drainage designed by a registered engineer. Yours won't right?

Mr. Riddle said I will ask you this, on paper, what Class "C" road do you see where storm drains are working?

Mr. Lloyd said that's the Engineering department.

Mr. Crumpler asked if this was pushed to a Class "C" street, who would maintain it.

Mr. Riddle said no one, it's up to the owners. But this way we are providing a better alternative, and we will provide access.

Mr. Crumpler asked if we do the twenty foot who is going to maintain that?

Mr. Riddle said once the homes are built it will be graded back put back nicely.

Mr. Moon asked Mr. Riddle if he confirmed that he would provide an access easement to the Sardis Cemetery, you would place a no-access easement across the lot that abuts Ramsey Street, there would be four lots only, the driveway would be six inches of ABC stone and it would extend from the western property line to the other end, which is the eastern property line, and driveway would be twenty foot in width, is that your alternative design?

Mr. Riddle said yes.

Mr. Moorefield recommended a condition be added to those offered by Mr. Riddle that a disclosure statement appear on the plat to make sure that people who buy these lots are on notice that no one has responsibility of the maintenance of the driveway except them. Mr. Moorefield asked Mr. Riddle if this condition was acceptable to him.

Mr. Riddle said yes.

After discussion the consensus of the Board is to include the waiver disclosure as an additional condition. Mr. Moorefield stated the attorney's office can assist staff with the preparation of the disclosure statement at the time of the plat application.



Cumberland County Joint Planning Board

Chair McLaughlin closed the public hearing.

Mr. Mobley made a motion, seconded by Mr. Lloyd to approve the waiver request because the findings of fact presented at the hearing satisfied and met the waiver criteria based on conditions established by the Planning Board and accepted by the applicant, including a maintenance disclosure appearing on the plat, information presented by the applicant at the hearing, and because the alternative driveway design will provide an equal or greater standard than that of a Class "C" private street. Unanimous approval.

X. DISCUSSION

Mr. Howard advised the Board that Laverne Howard would be retiring at the end of the month and reminded them about a luncheon downtown that they were more than welcome to attend. An email was sent out with the details.

Chair McLaughlin advised that this was Sue Moody's and Gary Burton's last meeting and that Kasandra Herbert has agreed to serve her second term.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:01 pm