



## Cumberland County Joint Planning Board

### MINUTES

August 20, 2024

Members Present	Members Absent	Others Present
Mr. Tom Lloyd, Chair	Mrs. Cassandra Herbert	Mr. David Moon, Deputy Director
Mr. James Baker, Vice-Chair	Mr. Mark Williams	Mrs. Cherice Hill
Mrs. Jamie McLaughlin		Mr. Timothy Doersam
Mr. Todd Mobley		Mr. Richard Fagan
Mr. Stan Crumpler		Mr. Chris Carr, Assistant Attorney
Mrs. Betty Lynd		
Mr. Charles Jones		
Mr. William Walters		

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Lloyd called the meeting to order at 6:00 PM. Mr. Crumpler delivered the invocation and led those present in the Pledge of Allegiance.

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

Mr. Lloyd asked the Board if there were any adjustments to the agenda.

Mr. Moon informed the Board that there was opposition to Case ZON-24-0025 and Case ZON-24-0027. As a result, these items will need to be moved to the contested portion of the agenda.

**Mr. Mobley made a motion, seconded by Mr. Crumpler to approve the agenda with the adjustments. Unanimous approval.**

#### III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

Mr. Moon advised the Board that the attorney representing the property owner in Case ZON-24-0023, who was present at the meeting, submitted a letter requesting a deferral of the case. The case, which was previously continued from the July 16, 2024, Joint Planning Board meeting, is requested to be rescheduled to the November 19, 2024, Joint Planning Board meeting. This request is made to allow time for the property owner to address a current code enforcement violation on the property before proceeding with the rezoning application.

**Mr. Baker announced that, due to Mr. Lloyd's abstention from Case ZON-24-0023, he would call for a motion from the Board. Mr. Mobley made a motion, seconded by Mr. Crumpler, to approve the written deferral request submitted**

**by the applicant's attorney. The motion was approved unanimously, with Mr. Lloyd abstaining from the vote.**

#### IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Lloyd notified the Board of his need to abstain from deliberations on Case ZON-24-0023, which is currently requesting a continuance, due to a conflict of interest.

#### V. APPROVAL OF THE MINUTES OF JULY 16, 2024

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

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

Mr. Lloyd read the welcome and rules of procedure.

#### VII. PUBLIC MEETING CONSENT ITEMS

##### REZONING CASES

- A. **ZNG-006-24:** Rezoning of 4.65 +/- acres from R7.5 to RR Rural Residential or to a more restrictive zoning district, located at 5462 River Rd REID 0414737238000 & 5401 Pinecrest Dr REID 041472896000, submitted by Aaron Hargrove (owner) (**Hope Mills**)

In ZNG-006-24, the Town of Hope Mills Planning staff recommends approval of the rezoning request to the RR Rural Residential district and finds that this request is consistent with the Southwest Cumberland Land Use Plan (2013) designation as RR Rural Residentials intended principal use of the land is for low-density residential and agricultural purposes, it does complement the future vision of the Town of Hope Mills in regards to indicated 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-006-24, Mr. Mobley made a motion, seconded by Mr. Crumpler to recommend approval of the rezoning request to the RR Rural Residential district and finds that this request is consistent with the Southwest Cumberland Land Use Plan (2013) designation as RR Rural Residentials intended principal use of the land is for low-density residential and agricultural purposes, it does complement the future vision of the Town of Hope Mills in regards to indicated future plans of the adjacent parcels. The Board finds 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. The Board also finds approval of the request is reasonable and in the public interest because the district requested is complements the proposed development of adjacent parcels in the surrounding area. Unanimous approval.**

- B. **ZNG-007-24:** Initially Zone 14.89 +/- acres to R5A Residential or to a more restrictive zoning district, located at the dead end of Afton Ave REID 0424246561000, submitted by

Smith Site Consultants, PLLC (agent) on behalf of Duggins Southview Holdings, LLC (owners). **(Hope Mills)**

In Case ZNG-007-24, Town of Hope Mills Planning staff recommends approval of the initial zoning request to the R5A Residential district and finds that even though this request is not consistent with the Southwest Cumberland Land Use Plan (2013) designation of low density residential, it does complement the future vision of the Town of Hope Mills in regards to indicated 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 interest because the district requested complements the proposed development of the adjacent parcels in the surrounding area.

**In Case ZNG-007-24, Mr. Mobley made a motion, seconded by Mr. Crumpler to recommend approval of the initial zoning request to the R5A Residential district and finds that even though this request is not consistent with the Southwest Cumberland Land Use Plan (2013) designation of low density residential, it does complement the future vision of the Town of Hope Mills in regards to indicated future plans of the adjacent parcels. The Board finds 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. The Board also finds approval of the request is reasonable and in the interest because the district request complements the proposed development of the adjacent parcels in the surrounding area. Unanimous approval.**

- C. **ZNG-008-24:** Rezone 8.61 +/- acres from PND to R5A Residential or to a more restrictive zoning district, located at the dead end of Dunrobin Dr REID 0424246561000, submitted by Smith Site Consultants, PLLC (agent) on behalf of Duggins Southview Holdings, LLC (owners). **(Hope Mills)**

In Case ZNG-008-24, the Town of Hope Mills Planning staff recommends approval of the rezoning request to the R5A Rural Residential district and finds that this request is consistent with the Southwest Cumberland Land Use Plan (2013) designation as R5A Rural Residentials intended principal use of the land is for medium density residential, it does complement the future vision of the Town of Hope Mills in regards to indicated 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-008-24, Mr. Mobley made a motion, seconded by Mr. Crumpler to recommend approval of the rezoning request to the R5A Rural Residential district and finds that this request is consistent with the Southwest Cumberland Land Use Plan (2013) designation as R5A Rural Residentials intended principal use of the land is for medium density residential, it does complement the future vision of the Town of Hope Mills in regards to indicated future plans of the adjacent parcels. The Board finds 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. The Board also finds 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.

- D. **ZNG-009-24:** Initially Zone 4.96 +/- acres to C(P)/CZ Planned Commercial District with Conditional Zoning or to a more restrictive zoning district, located at 5956 Camden Rd & empty lot on the northeast corner of Camden Rd & Ellis Jackson Rd REIDs 0404689083000 & 0407822177000, submitted by Greg Stewart (agent) on behalf of Rhetson Companies, Inc (owners). **(Hope Mills)**

In ZNG-009-24, the Town of Hope Mills Planning staff recommends approval of the initial zoning request to the C(P)/CZ Planned Commercial with Conditional Zoning district and finds that even though this request is not consistent with the Southwest Cumberland Land Use Plan (2013), designating these properties the requested C(P)/CZ will mirror the development directly across the street as well as the future development of the area as indicated with NCDOT's plans to widen Camden Rd in the near future, therefore, it does complement the future vision of the Town of Hope Mills. 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-009-24, Mr. Mobley made a motion, seconded by Mr. Crumpler to recommend approval of the initial zoning request to the C(P)/CZ Planned Commercial with Conditional Zoning district and finds that even though this request is not consistent with the Southwest Cumberland Land Use Plan (2013), designating these properties the requested C(P)/CZ will mirror the development directly across the street as well as the future development of the area as indicated with NCDOT's plans to widen Camden Rd in the near future, therefore, it does complement the future vision of the Town of Hope Mills. The Board finds 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. The Board also finds 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.**

## VIII. PUBLIC MEETING CONTESTED ITEM

### REZONING CASES

- E. **ZON-24-0025:** Rezoning from C(P) Planned Commercial District to C(P)/CZ Planned Commercial District Conditional Zoning or to a more restrictive zoning district for two parcels comprising 6.21 +/- acres; located at 3123 Murphy Road and a portion of an abutting parcel along Murphy Road, submitted by Andy Priolo (Agent) on behalf of Lamar Investments LLC and AOM Investments LLC (Owners). **(Eastover)**

Mr. Doersam presented the details of the case.

In Case ZON-24-0025, Planning and Inspections staff recommends approval of the rezoning request from C(P) Planned Commercial to C(P)/CZ Planned Commercial District

Conditional Zoning. Staff finds that the request is consistent with the Eastover Area Land Use Plan which calls for “Mixed Use” 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.

The Board and staff engaged in a detailed discussion regarding the rezoning request.

Ms. Betty Lynd inquired whether the commercial code requires the applicant to install sidewalks at the proposed site.

Mr. Moon advised that conditional zoning represents the initial step in the process. He further explained that the applicant would be required to submit a final site plan, which would need to be more detailed than the conditional site plan. The final site plan would then be reviewed by County staff before being presented to the Town of Eastover.

Mr. Crumpler referenced a similar case involving a conditional rezoning request that was presented to the Joint Planning Board, which proposed a refueling station. He explained that, according to Federal Hours of Service (HOS) standards for truck drivers, rest requirements cannot be predetermined and are based on the duration of driving. Consequently, after a certain number of hours, a facility may be classified as a truck stop, which is not a permitted use under current regulations. Mr. Crumpler further provided an overview of trucking regulations, including driving and rest times for drivers, and clarified the distinction between a refueling station and a truck stop.

Mr. Lloyd inquired about the enforcement mechanisms for the condition that prohibits parking on the property for more than four consecutive hours.

Mr. Moon responded by suggesting that the condition could be enforced through code enforcement initiatives or by Eastover Police Officers. Enforcement measures might include vehicle monitoring and potentially tire chalking parking enforcement for non-compliant vehicles.

The Board engaged in discussion regarding law enforcement resources available in the Town of Eastover and assessed whether the small town could accommodate the additional traffic, given its current issues.

Mr. Crumpler noted that the proximity of the hotel adjacent to the proposed refueling station presents an additional concern, as the combination of hotels and truck stops can lead to potential issues.

Mr. Lloyd opened the public meeting.

Mr. Jacob Dooley, the civil engineer for the project, spoke in favor of the rezoning proposal. He indicated that he was available to answer any questions from the Board regarding the project. Mr. Dooley reported that he has been working with the Department of Transportation (DOT) to enhance Murphy Road, including plans to install both left and right turn traffic signals at the site, as well as appropriate signage. He emphasized that the

project is not designed to function as a truck stop but as a facility where trucks can park, refuel, and purchase refreshments from the Circle K location. Additionally, Mr. Dooley noted that they are securing all required permits from the Department of Environmental Quality (DEQ), Cumberland County, and the North Carolina Department of Transportation (NC DOT), and are addressing stormwater management.

Mr. Crumpler inquired about the measures or provisions that the Department of Environmental Quality (DEQ) has in place for responding to a hazardous spill.

Mr. Dooley stated that the underground storage tanks will be equipped with overfill and spill protection systems. However, he noted that the required permits for these protections have not yet been obtained but will be pursued prior to the beginning of construction.

Mr. Crumpler provided a layout of the nearby wetlands, which flow into Reese's Creek, which in turn flows into Locks Creek, and ultimately into the Cape Fear River. He voiced concerns regarding the potential environmental impact of a spill and the possible effects on these interconnected water bodies. Additionally, he inquired whether measures are in place to capture any spill before it reaches these water bodies.

Mr. Dooley reiterated that the tanks are equipped with spill protection systems designed to contain any spills and alert store employees in the event of an emergency. He also noted that they will use controlled products, which are required to be registered with the Department of Environmental Quality (DEQ) for this project.

The Board, staff, and Mr. Dooley discussed the details related to the signage at the proposed site. They also revisited the previous discussion regarding the final site plan, including its review process and the required permits.

Mr. Lloyd expressed his concerns about proceeding with the proposal without a detailed site plan. He explained that without a comprehensive plan, there is a risk that important details may be overlooked or inadequately reviewed.

Mr. Moon assured the Board that staff has reviewed the proposal as a conditional zoning site plan.

Mr. Andy Priolo, a Real Estate Development Manager for Circle K, spoke in favor of the rezoning request. He clarified that Circle K does not operate truck stops but provides services specifically for truckers to refuel and briefly enter the store for goods. He emphasized that the parking is intended only for short-term use, with no facilities such as showers or laundry services provided. Mr. Priolo assured the Board that they will implement measures to manage parking, including signage to limit parking duration and the potential involvement of law enforcement if necessary.

Mr. Crumpler inquired about how Mr. Priolo would address the situation of a truck driver, who, having driven for fourteen hours and now required to rest in accordance with Hours of Service (HOS) rules, might remain at the proposed site for an extended period. He questioned how the site would manage such instances, given that the driver could face substantial fines for exceeding rest requirements.

Mr. Priolo stated that truck drivers would need to rest at another location if they are required to do so by Hours of Service (HOS) rules. He admitted that he was not fully versed in the intricacies of the trucking industry but noted that there are trucker applications that identify truck stop facilities. He reiterated that signage indicating time limits for parking would be installed and mentioned that store clerks would be instructed to report any violations to the authorities.

Mr. Crumpler, a resident of Eastover, noted that the two store clerks at the Circle K are relatively young and may not be fully prepared to handle interactions with truck drivers effectively.

The Board, staff, and Mr. Priolo continued their discussion on the case, considering various scenarios that could impact the conditional rezoning request.

Ms. Lynd inquired whether the packet received by the staff, which does not include a detailed site plan, is the same documentation that will be sent to the Town of Eastover for their decision on the conditional rezoning case. She further questioned the rationale for submitting a non-detailed site plan that could potentially be altered at a later stage in the rezoning process.

Mr. Moon confirmed that the Town of Eastover would receive the current version of the site plan. He noted that any changes to the site plan would require the applicant to resubmit it to the Town for review. He further explained that, in some cases, a Current Planning staff member would consult with the Town Manager to determine whether the changes are substantial or non-substantial. If the changes are deemed substantial, the applicant would need to re-enter the rezoning hearing process, including review by the Joint Planning Board and the Town of Eastover. If the changes are considered non-substantial, staff would review the revisions and then submit the updated plans back to the town.

Mr. Priolo's final point to the Board was that they currently offer low-flow rate diesel fuel, which results in a longer fill-up time for trucks. He added that they are planning to introduce high-flow rate diesel fuel and an additional truck lane.

Ms. Robin Bridges, founder of the Bethany Rural Action Group, spoke in opposition to the case. She expressed concerns that the conditional rezoning request would be undesirable for the area and negatively impact local residents, including two nearby nursing homes. Ms. Bridges also noted that there is a full-service truck stop located at Highway 13, just one exit north of the proposed site. She highlighted that the proposed location already experiences issues with drivers parking in unpaved gravel areas for overnight and long-term stays. Additionally, she brought to the Board's attention that the site is frequently the scene of traffic accidents. Finally, Ms. Bridges expressed concerns regarding the potential environmental impact of diesel fuel exposure on the local waterways.

Mr. Lloyd closed the public meeting.

The Board engaged in a discussion regarding the conditional rezoning request.

**In Case ZON-24-0025, Mr. Walters made a motion, seconded by Mr. Crumpler to recommend denial of the rezoning request from C(P) Planned Commercial to C(P)/CZ Planned Commercial District Conditional Zoning. The Board finds that the**

**request is not consistent with the Eastover Area Land Use Plan which calls for “Mixed Use” and “Open Space” at this location. The Board also finds that the request is not reasonable and in the public interest as it is not compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

- F. **ZON-24-0027:** Rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for one parcel comprising 1.95 +/- acres; located at 4266 Sids Mill Rd, submitted by Larry Edwards (Agent/Owner).

Mr. Fagan presented the case information and photos.

In Case ZON-24-0027, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds that the request is consistent with the Vander Area Land Use Plan which calls for “Rural 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.

Mr. Lloyd inquired about the width of the power line easement.

Mr. Moon advised that they could not locate a map at the Tax Collector's office and suggested that this may be due to the easement being associated with Duke Energy. He noted that Duke Energy would be involved and contacted during the site plan review process. Mr. Moon further stated that the applicant must comply with Duke Energy's setback requirements when preparing any plat.

The Board briefly discussed the details of the rezoning request, focusing specifically on the size of the lot and the power lines located on the parcel.

Mr. Lloyd opened the public meeting.

Mr. Gary Strickland, a resident living two lots away from the property, spoke in opposition to the rezoning request. He provided the Board with a map showing the alignment of the power lines across the property, as well as a copy of the easement and a letter from Duke Energy outlining their development restrictions and allowances within the easement area. Mr. Strickland also expressed uncertainty about how the property owner could accommodate septic, water, sewer, and two manufactured homes on the site without adversely affecting the surrounding properties.

The Board posed questions to Mr. Strickland regarding the location and the history of the area.

Mr. Lloyd closed the public meeting.

Mr. Mobley stated that while he understood the staff's recommendation for approval of the rezoning request, he did not believe that the proposed change would be consistent with the character of the adjoining properties.

**In Case ZON-24-0027, Mr. Mobley made a motion, seconded by Mr. Walters to recommend denial of the rezoning request from A1 Agricultural District to R40A**



**Residential District. The Board finds that the request is not consistent with the Vander Area Land Use Plan which calls for “Rural Residential” at this location. The Board also finds that the request is not reasonable and in the public interest as it is not compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

## IX. DISCUSSION

- Mr. Moon updated the Board on the progress of the Subdivision Ordinance on behalf of Planning & Inspections Director Rawls Howard. He reported that Mr. Howard has met with stakeholders and collected their feedback. Mr. Moon noted that the consultant was also present at the meetings and is currently making revisions to the document. He further stated that once these changes are completed, the draft of the Subdivision Ordinance would be submitted to the Joint Planning Board’s subcommittee for a cursory review.

Mr. Lloyd inquired about the stakeholder meetings and who was invited to them. He also requested an updated copy of the subcommittee groups and members.

- Mr. Lloyd inquired about the timing and reasoning behind the changes to the conditional zoning process. He specifically asked why detailed site plans are not required during a conditional rezoning request. Additionally, he questioned why the Board is asked to make a recommendation without having a detailed site plan.

Mr. Walters left the meeting at 7:24 pm.

Mr. Moon noted that the Planning staff have not introduced any modifications beyond what is permitted by the existing codes. He emphasized that the codes outline specific criteria for a conditional zoning site plan, but do not mandate that the applicant submit an engineered final site plan. Mr. Moon further clarified that the codes specify the requirements for a conditional zoning site plan, followed by a detailed list of criteria.

## X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:28 pm