

Amy H. Cannon  
County Manager

Tracy Jackson  
Assistant County Manager



Rawls Howard  
Director

David Moon  
Deputy Director

## Cumberland County Joint Planning Board

### MINUTES July 20, 2021

#### Members Present

Mr. Stan Crumpler – Chairman  
Mr. Thomas Lloyd – Vice-Chair  
Mr. Jordan Stewart  
Mr. Gary Burton  
Mr. Mark Williams  
Mrs. Jami McLaughlin  
Mr. James Baker  
Ms. Kassandra Herbert  
Mrs. Susan Moody

#### Members Absent

#### Others Present

Mr. David Moon  
Mr. Rick Moorefield  
County Attorney  
Ms. Annie Melvin  
Mr. Telly Shinas  
Mrs. Laverne Howard

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

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

Mr. Moon advised the Board that Cases P21-31, P21-33, and P21-34 would be moved to Contested Items.

**Mrs. Moody made a motion seconded by Mr. Burton to approve the adjustments to the agenda. Unanimous approval.**

#### III. PUBLIC MEETING DEFERRAL

There were none.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

#### V. APPROVAL OF THE MINUTES OF JUNE 15, 2021

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

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

Chair Crumpler read the welcome and rules of procedures.

#### VII. PUBLIC MEETING CONSENT ITEMS



## Cumberland County Joint Planning Board

### REZONING CASES

- A. **P21-36:** REZONING OF 12.36+/- ACRES FROM A1 AGRICULTURAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF CEDAR CREEK ROAD, NORTH OF TABOR CHURCH ROAD; SUBMITTED BY BARTLETT ENGINEERING & SURVEYING, PC (AGENT) AND CATHY TATUM VINSON (OWNER).

In Case P21-36, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District and find the request is consistent with the Southeastern Cumberland Land Use Plan (2017) which designates the subject site within a Commercial Node at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because of the following: a. The site falls within a commercial node within close proximity of the existing intersection. b. The proposed use of general retail may fulfill the requirement of use intensity as it is permissible in the lighter C2(P) Commercial District, which is compatible with the Southeastern Cumberland Land Use Plan. c. Due to the lack of water and sewer availability at or near the site, it would limit scope of the developable commercial intensity.

**In Case P21-36, Mr. Burton made a motion, seconded by Mrs. Moody to recommend approval of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District and find the request is consistent with the Southeastern Cumberland Land Use Plan (2017) which designates the subject site within a Commercial Node at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because of the following: a. The site falls within a commercial node within close proximity of the existing intersection. b. The proposed use of general retail may fulfill the requirement of use intensity as it is permissible in the lighter C2(P) Commercial District, which is compatible with the Southeastern Cumberland Land Use Plan. c. Due to the lack of water and sewer availability at or near the site, it would limit scope of the developable commercial intensity. Unanimous approval.**

- B. **P21-40:** REZONING OF 0.92+/- ACRES FROM A1 AGRICULTURAL DISTRICT TO R40 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 5177 STEWART ROAD, SUBMITTED BY TERRY FAIRCLOTH (SURVEYOR) ON BEHALF OF MICHAEL LONGHANY (OWNER).

In Case P21-40, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R40 Residential District and find the request is consistent with the Wade Study Area Land Use Plan (2003) which calls for One Acre Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R40 Residential District would allow dwelling types and a density that would be compatible and in harmony with the surrounding land use activities and zoning.

**In Case P21-40, Mr. Burton made a motion, seconded by Mrs. Moody to recommend approval of the rezoning request from A1 Agricultural District to R40 Residential District and find the request is consistent with the Wade Study Area Land Use Plan (2003) which calls for One Acre Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R40 Residential District would**



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**allow dwelling types and a density that would be compatible and in harmony with the surrounding land use activities and zoning. Unanimous approval.**

- C. **P21-44:** REZONING OF 2.80+/- ACRES FROM M(P) PLANNED INDUSTRIAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2965 GILLESPIE STREET; SUBMITTED BY CARLA EMMONS AND STEPHEN WHEELER (AGENT) ON BEHALF OF EMMONS & WHEELER, LLC (OWNER).

In Case P21-44, the Planning and Inspections staff **recommends approval** of the rezoning request from M(P) Planned Industrial District to C(P) Planned Commercial District and finds the request is consistent with the South-Central Cumberland Land Use Plan (2016), which calls for Heavy Commercial at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because commercial development is compatible with the surrounding area and uses.

**In Case P21-44, Mr. Burton made a motion, seconded by Mrs. Moody to recommend approval of the rezoning request from M(P) Planned Industrial District to C(P) Planned Commercial District and finds the request is consistent with the South-Central Cumberland Land Use Plan (2016), which calls for Heavy Commercial at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because commercial development is compatible with the surrounding area and uses. Unanimous approval.**

### VIII. PUBLIC MEETING CONTESTED ITEMS

- D. **P21-39:** REZONING OF 1.17+/- ACRES FROM INITIAL ZONING TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED WEST OF I-95, NORTHEAST OF MCCOLLUM LANE; SUBMITTED BY SHIVRAJ K. BANSAL ON BEHALF OF SHIVA REAL ESTATE, LLC (OWNER). (WADE)

Mr. Shinas presented the case information and photos.

In Case P21-39, the Planning and Inspections staff **recommends denial** of the rezoning request from Initial zoning to C(P) Planned Commercial District and find the request is not consistent with the Vision Northeast Plan (2010) which calls for Farmland at this location. Staff further recommends this request is not reasonable or in the public interest because: a. The C(P) Planned Commercial District would not be compatible or in harmony with the surrounding uses or zoning. b. The inadequate access to a paved public roadway from the subject site. c. Lack of available utilities to the site.

Mr. Lloyd asked if anyone spoke with the owner to see if he would be willing to come in with a conditional zoning for just the billboard.

Mr. Moon said that Mr. Shinas had contacted the Town of Wade and that there may be a representative present from the Town of Wade.

Mr. Shinas said he did speak with the owner and there was a town representative present who could speak on the annexation.

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There were people present to speak in favor.

Public comment opened.

Mr. Johnny Lanthorn, Mayor Pro tem, Town of Wade spoke in favor. Mr. Lanthorn said that this case had come before their board, and they approved it, there is no sewer or water to this site. There was a billboard there once before, but it had to be moved due to the widening of I-95.

Mr. Moon clarified that the property had recently been annexed into the Town of Wade.

Mr. Shinas said the property was zoned A1 prior to the annexation.

Mr. Lanthorn stated that the billboard was there for twenty years, but with the widening of I-95 everything center out is being moved. Mr. Bansal is trying to do the right thing by having the property rezoned.

Mr. Shivraj Bansal, owner, spoke in favor. Mr. Bansal stated he has had the billboard up for fifteen to twenty years, because of the road widening he had to remove the billboard. He's requesting the rezoning so he can put the billboard back up on a different part of the property.

Mr. Lloyd said that it's obvious that the lot doesn't qualify for C3, if he had come in with a request for conditional zoning just for a billboard it would have probably been a lot easier. Mr. Lloyd asked if anyone asked him if he wanted to do that.

Mr. Bansal said that he did what he was advised to do by Department of Transportation (DOT). Mr. Bansal also said that someone called him and told him he needed proof that there was a billboard. So, he provided proof that there was a billboard.

Mr. Crumpler asked Mr. Bansal if he would be willing to accept conditional zoning.

Mr. Bansal said he would do anything because all his billboards have been taken down.

Public comment closed.

**Mr. Crumpler made a motion to defer case P21-39 to the August 17, 2021, Planning Board meeting to give the applicant time to work on a conditional zoning request, seconded by Mrs. Moody. Unanimous approval.**

- E. **P21-42: REZONING OF 0.31+/- ACRES FROM C3 COMMERCIAL DISTRICT TO R7.5 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3708 SOUTH MAIN STREET; SUBMITTED BY SHARON REEVES (OWNER). (HOPE MILLS)**

Mr. Shinas presented the case information and photos.



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In Case P21-42, the Planning and Inspections staff **recommends denial** of the rezoning request from C3 Commercial District to R7.5 Residential District and find the request is not consistent with the Southwest Cumberland Detailed Land Use Plan (2013) which calls for Mixed-Use Development at this location. Staff further finds that recommending denying the request is reasonable and in the public interest due to the R7.5 Residential District would not be compatible or in harmony with the existing commercial uses or zoning in the surrounding area.

Public comment opened.

There was one person signed up to speak in favor.

Ms. Sharon Reeves spoke in favor. Ms. Reeves stated that her house was built in 1940, long before any ordinances or codes and has always been used as a single-family residence. Ms. Reeves stated she has run into a lot of problems with the property because of the zoning, such as financing problems. Ms. Reeves pointed out properties and their zoning and gave descriptions of some of the properties in the area. Ms. Reeves said that the intent of the home is to be used as a residence and it is a landmark in the town. Ms. Reeves asked the board to consider allowing her to have the residential zoning because the area will probably never be commercial.

Mr. Crumpler asked Ms. Reeves if the commercial zoning was causing financial or legal issues.

Ms. Reeves said it has caused issues, there's a lot of paperwork that needs to be done when it comes to finance issues and property taxes are higher.

Mr. Lloyd asked why she wasn't advised to request R5 rezoning which would have made her compliant with the plan.

Ms. Reeves said she didn't know; she spoke with staff and was advised to request R7.5. Ms. Reeves said she doesn't know about zoning but would take any appropriate zoning that the board would approve.

Public comment closed.

Mrs. Moody said this was a corrective thing, the area is never going to be commercial. Whatever we need to do to help the applicant, we need to do it.

**In Case P21-42, Mrs. Moody made a motion, seconded by Mr. Lloyd to approve the request for R7.5 Residential District which is more restrictive than the current zoning and will make the existing use conforming. Unanimous approval.**

- F. **P21-43: REZONING OF 1.42+/- ACRES FROM R40A RESIDENTIAL DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3662 GABE SMITH ROAD; SUBMITTED BY ROSE JONES (OWNER).**

Mr. Shinas presented the case information and photos.

In Case P21-43, the Planning and Inspections staff **recommends denial** of the rezoning request from R40A Residential District to RR Residential District and finds the request inconsistent with the

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Eastover Area Land Use Plan (2018), which calls for Rural Density Residential Maximum Density at this location. Staff further finds that recommending denying of the request is reasonable and in the public interest because the RR Residential District would allow one residential dwelling unit per 20,000 sq. ft. and a density that would not be compatible or harmony with the surrounding land uses or zoning in the area.

Public comment opened.

There was one person to speak in favor.

Ms. Rose Jones spoke in favor. Ms. Jones stated that the land was passed down from her mother and she wants to get back to her community where she knows people and feels safe. She stated that the rezoning was previously approved for another dwelling in November 20, 2017 and was valid until November 21, 2019 now she wanting to understand what has changed. She understands that things changed in Eastover, but she has a Wade address and asked if she fell under Eastover.

Mr. Crumpler said she falls in the Eastover Land Use Plan. Mr. Crumpler asked if there was a previous approval, isn't the applicant vested?

Mr. Moon said he would have to see what type of application she received approval for.

Ms. Jones read from the approval notice that she had, and it had an expiration date of November 21, 2019. She was approved to put another structure on the property. The structure that is on the property now, her mother lives in and she will be putting another structure for her to live in.

Mr. Lloyd asked Mr. Moon if he figured out what it was that Ms. Jones had.

Mr. Moon said the application was approved for a group development so that there could be more than one unit on an individual parcel.

Mr. Crumpler said and that has an expiration date.

Mr. Moon said yes.

Mr. Lloyd asked Ms. Jones if he could see her approval. Ms. Jones handed Mr. Llyod her documents.

Mr. Lloyd said that was a group development review and wondered why they were even reviewing it. Mr. Lloyd said he didn't see an expiration date.

Mr. Crumpler asked if Ms. Jones showed her approval to staff.

Ms. Jones said she did not because she was assured that she wouldn't have a problem. Then she received an email recommending denial for the rezoning. That's when she started looking for her paperwork showing the approval.

Mr. Lloyd said that he didn't know what the expiration date was for, but the group development doesn't have an expiration date.

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Mrs. McLaughlin asked about the last time they came before the board and asked if it was a mobile home they wanted to add then.

Ms. Jones said it was a modular home they wanted to add.

Mr. Lloyd said he doesn't know why she's here, she's got a valid group development, and she has approval to add up to two units and it's in the records.

Mr. Moon said if it is a valid permit staff would have to review it, it did not appear in the records when we did a review of the past history on this site.

Mr. Lloyd said it is a group development, it would be in the subdivision portion, not the zoning portion.

Mr. Moon said we would have to take a look at the application, the board could defer the case to next month's meeting. If it is determined that she does not need an application she can withdraw the application.

**Chair Crumpler made a motion, seconded by Mrs. Moody to defer Case P21- 43 to the August 17, 2021, Planning Board meeting to give staff a chance to review her application and case. The motion passed unanimously, with the exception of Mr. Lloyd voting in opposition because he believes she already has a valid approval.**

- G. **P21-34:** REZONING OF 19.6+/- ACRES FROM A1 AGRICULTURAL DISTRICT TO R30 RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF ROCKHILL ROAD, NORTH OF ROCKY RIVER ROAD; SUBMITTED BY BEN STOUT (AGENT) ON BEHALF OF GEORGE TATUM (OWNER).

Mr. Shinas presented the case information and photos.

In Case P21-34, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R30 Residential District and find the request is consistent with the Eastover Area Land Use Plan (2018) which calls for Rural Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R30 Residential District would allow dwelling types and a density that would be in harmony and character of the area based on compatibility with the surrounding land use activities and zoning.

Public comment opened.

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

Mr. Ben Stout spoke in favor. Mr. Stout said that they will voluntarily annex into the Town of Eastover, they wanted to find a compromise so that they could have lower density projects and larger lot sizes, so they could do higher end projects. All of the soils have been tested so they will take a septic system. They will have twenty-three lots with a minimum of thirty thousand square



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feet. They think it's a good mix being inside of the city limits but also having a rural setting. Mr. Stout stated that they wanted to try and do everything the right way.

Mr. Scott Brown spoke in favor. Mr. Brown said that they are compliant with the land use plan as far as what they are asking for, it is served by public water, and suitable for septic. Mr. Brown asked the board to follow the staff's recommendations and approve R30 rezoning.

Mr. Mark Harris spoke in opposition. Mr. Harris stated that his concerns are with being downhill from the subject property which will have twenty-three septic tanks and there is a spring that runs over his land. He is also concerned with the increase in traffic. Mr. Harris feels that the zoning should be consistent with what is in the area. He would also like to see fewer houses with fewer septic tanks.

Mr. Alan Fisher spoke in opposition. Mr. Fisher said that he was concerned about the number of houses going in and the number of septic tanks being that close to his property. Mr. Fisher said that he would like to see the number of houses lowered and rezoning to R40.  
Public comment closed.

Mrs. Moody referenced a Bethany case from a few months ago where the plan said A1 that the nature was supposed to be rural, why would we change from what the plan says to now go to R30.

Mr. Crumpler said that there is also R40 up and down that road it does fit the land use plan for that area. R30 is acceptable in the land use plan. In this case there is a land use plan where Bethany doesn't have a land use plan.

Mr. Crumpler asked Mr. Stout about precautions to keep kids crawling through barbed wire to get on surrounding property.

Mr. Stout said he hadn't really thought about it because it's kind of hard to predict what might happen in the future. But they typically have natural buffers around the property and will leave it in a natural state.

**In Case P21-34, Mr. Lloyd made a motion, seconded by Mrs. Moody to approve the rezoning request from A1 Agricultural District to R30 Residential District and find the request is consistent with the Eastover Area Land Use Plan (2018) which calls for Rural Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R30 Residential District would allow dwelling types and a density that would be in harmony and character of the area based on compatibility with the surrounding land use activities and zoning. The motion passed with Mr. Williams, Mr. Burton, Mr. Stewart, and Mr. Baker voting in opposition.**

- H. **P21-31: REZONING 25 +/- ACRES FROM RR RURAL RESIDENTIAL DISTRICT TO R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT UP TO 77 LOTS WITH A ZERO LOT LINE SUBDIVISION OR A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF CLINTON ROAD, WEST OF FORTE ROAD, NICHOLAS, BRAD, JOHN, AND DAVID HANCOCK**

Mr. Shinas presented the case information and photos.

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In Case P21-31, the Planning and Inspections staff **recommends approval** of the rezoning request from RR Rural Residential District to R7.5 Residential District/Conditional Zoning for up to 77 Lots Zero Lot Line Subdivision and finds: a) The approval is an amendment to the adopted, current Stedman Area Land Use Plan (2020); and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The R7.5 Residential District/ Conditional Zoning Zero Lot Line subdivision conceptual plan proposal would allow a density and lot size that would be comparable to high density suburban residential and compatible to the surrounding area and zoning; c) Furthermore, the requested conditional zoning will ensure a subdivision plan proposal with recommended conditions that will be in harmony with surrounding existing land uses and zoning.

Mr. Moon added that the future land use designation is shown as open space surrounding the property a majority of the land use assigned to adjacent and nearby properties is high density residential in discussions with the Comprehensive Planning Division it was their belief that it was approved this way in the Comprehensive Plan.

Public comment opened.

There was one person signed up to speak in favor.

Mr. Nicholas Hancock said he was available for questions.

Mr. Stewart asked Mr. Hancock about his request for R7.5.

Mr. Hancock said that originally, they asked for R10, and they were advised by staff that since this is not in the Town of Stedman, R10 is not approved zoning in the County, so we were asked to reapply for R7.5.

Mr. Crumpler asked about the size of the lots.

Mr. Hancock said of the interior lots there are only three that fall into the 7,500 square foot range, the perimeter lots are 9,000 - 12,000 square feet.

Mr. Crumpler said that they truly are at R10 if it were an option.

Mr. Moon said there is no longer an R10 option, the only options are RR or R7.5.

Mr. Crumpler asked how the Town of Stedman felt about this.

Mr. Stewart said he didn't think the Town of Stedman knew exactly what they wanted to do, but the town board was in favor of them doing something with the land.

Mr. Lloyd asked if this was compliant with the plan.

Mr. Moon said the request was not consistent with the land use plan. We have to go by what is on the future plan which is open space, and it is surrounded by medium density residential.

Public comment closed.



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In Case P21-31, Mr. Williams made a motion, seconded by Mrs. Moody to recommend approval of the rezoning request from RR Rural Residential District to R7.5 Residential District/Conditional Zoning for up to 77 Lots Zero Lot Line Subdivision and finds: a) The approval is an amendment to the adopted, current Stedman Area Land Use Plan (2020); and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The R7.5 Residential District/ Conditional Zoning Zero Lot Line subdivision conceptual plan proposal would allow a density and lot size that would be comparable to high density suburban residential and compatible to the surrounding area and zoning; c) Furthermore, the requested conditional zoning will ensure a subdivision plan proposal with recommended conditions that will be in harmony with surrounding existing land uses and zoning. The motion passed with Mr. Burton, Mr. Baker, and Mr. Stewart voting in opposition.

- I. **P21-33:** REZONING 41.98 ACRES +/- FROM A1 AGRICULTURAL DISTRICT TO R7.5 RESIDENTIAL/CONDITIONAL ZONING DISTRICT UP TO 122 LOTS ZERO LOT LINE SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF NC 87 HWY AND SOUTH OF OLABURNS DR.; SUBMITTED BY JAMES D. HUBBARD AND NORMA GARCIA; CHERI AND MARTY LASSITER; TOMMY J AND DEBRA WOODELL; TRAVIS ALLEN AND JILL ELIZABETH HUBBARD; PAMELA AND MICHAEL DOMANSKI; MICHAEL S. AND JODI M. DAVIS, CHRISTOPHER L DAVIS, KRISTIN M. DAVIS; BOYD D. PARSONS JR. AND MAE SMITH PARSONS (OWNERS).

Mr. Shinas presented the case information and photos.

For Case P21-33, the Planning & Inspections staff **recommends approval** of the rezoning request from A1 Agriculture to R7.5 Residential District/Conditional Zoning up to 122 lot Zero Lot Line Subdivision and finds the request consistent with the South Central Land Use Plan designation of "Low Density Residential". The request to rezone to R7.5 zoning with Conditional Zoning District is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested with the conditional zoning will ensure a subdivision plan proposal with recommended conditions be in harmony with surrounding existing land uses and zoning.

There were people present to speak in favor and in opposition.

Public comment opened.

Mr. Donald Curry spoke in favor. Mr. Curry gave a presentation to the board that summarized what they are requesting and covers some additional conditions that they are agreeing to. (See exhibit 1, Slide 13 for additional conditions).

Mr. Burton asked about the proposed drainage plan for this subdivision.

Mr. Curry there would be storm water management on the subdivision where they will pick up the runoff and treat it in stormwater management devices, they have two shown on the plan, one wet pond on the northern end of the property and another wet pond south of the entrance.

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Mr. Burton asked what happens when they fill up, he stated that he was familiar with the site and knows that there are some flooding problems in the area.

Mr. Curry said the retention ponds are designed to handle certain storm events, and they will do their job and handle the storm events and release the water slowly over a period of time.

Mr. Burton asked where the water was going to be released.

Mr. Curry said it will be released through the existing outlets. Mr. Curry said that they will comply with all storm water requirements.

Mr. Lloyd asked how many letters were sent out within the two hundred feet for the public meeting.

Mr. Curry said they might have sent out fifteen or twenty letters.

Mr. Lloyd said that only four people showed up.

Mr. Curry said that was correct.

Mr. Crumpler asked to see the hydric soils map again and asked Mr. Curry about the retention ponds under Hwy 87.

Mr. Curry said there is a draw under Hwy 87 on the south side but didn't recall where it was on the north side.

Mr. Crumpler said the other side of Hwy 87 looked green to him.

Mr. Burton said that was a concern because that water would not soak into the ground. There are problems in that area with drainage now.

Mr. Curry said their stormwater would mitigate pre and post development runoff.

Mr. Williams asked how the condition sheet bound the developer.

Mr. Moon said the conditions are attached to the properties, if the properties are sold the conditions still apply as long as the permit is in effect.

Mr. Williams asked who polices the development requirements, such as water retention and runoff, to make sure the developer is compliant.

Mr. Moon said that would be Department of Environmental Quality (DEQ).

Mr. Boyd Parsons spoke in favor. Mr. Parsons said that he represented the twelve family members that own the property, and said he was available for questions.

Blaze Dipasquale spoke in favor. Mr. Dipasquale said that he was going to speak on behalf of Mr. Tiyler Davis as well as for himself. Mr. Dipasquale said they have done a lot of building in the

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Fayetteville area, and we would like to maintain the good relationship they have with Fayetteville and the County.

Mr. Crumpler asked Mr. Dipasquale if the houses would be built on slab or crawlspace.

Mr. Dipasquale said they prefer slabs but a lot of that is determined by the grade of the site. Mr. Dipasquale said they would have to bring a significant amount of dirt in so the houses would sit up so that there are no drainage or flooding issues.

Donald Matthews spoke in opposition. Mr. Matthews said that his concerns were with safety with the increased traffic and U-turns.

Mr. Jim McRae spoke in opposition. Mr. McRae said that he has been before this board before and would like for this request to be denied because it is too dense, it is not compatible with the surrounding area, it is too dense and will require too much infrastructure. If this is allowed it is going to set a precedent, Grays Creek is a rural community, and it does not need to become an urban community. Mr. McRae also said runoff is important, it will go into Rockfish Creek and the Cape Fear River and cause flooding.

Jim McRae spoke in opposition. Mr. McRae stated that R7.5 density will allow development that the infrastructure can't support.

Verdery Pate spoke in opposition. Mr. Pate said that he wasn't opposed to the sale of the property, but he was opposed to the R7.5 density. He doesn't think Grays Creek is ready for that.

Public comment closed.

Mr. Lloyd said safety issues are addressed when done in conjunction with Department of Transportation (DOT), but his main concern was the drainage and flooding which is prevalent in Grays Creek.

Mr. Williams said part of the conditions is a five-foot distance between the side lots. Everything is going to runoff.

Mrs. Moody said we go back to compliance with the land use plan, if it's compliant with the plan what grounds, do we have to deny it.

Mr. Lloyd said the plan is a guide, it doesn't go parcel by parcel, and that's why, his issue on this is drainage.

Mr. Curry said that he would be willing to increase to 25/50 year storm, which means that detention ponds get a little bit larger and we accommodate the larger storms. They are willing to do that in light of the concerns that were expressed.

Mr. Crumpler asked if they were willing to decrease the density.

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Mr. Curry said he would have to check with his client, for an area that is designated urban and low density, we are at the low end of the scales, with the concession on the runoff and the reduction in density that will come from that the client is not willing to commit to reduced density.

Mr. Matthews said that we need a board that is willing to follow that guideline to approve or not approve or change.

Jim McRae pointed out how the water flows on Hwy 87 and explained how the area stays wet.

**In Case P21-33, Mrs. Moody made a motion to approve the application with the additional conditions of the retention pond and 25/50 year storm changes. Motion failed for lack of a second.**

**Mr. Burton made a motion, seconded by Mr. Baker to deny the request from A1 Agriculture to R7.5 Residential District/Conditional Zoning up to 122 lot Zero Lot Line Subdivision because of concerns with drainage and highway safety. The motion passes with Mrs. Moody and Mr. Williams opposed.**

### IX. DISCUSSION

- OFFICER ELECTIONS

Mrs. McLaughlin reported that the Nominations Committee made a recommendation to the Board of Commissioners for two names to replace the one seat held by Mr. Manning. The names recommended were Billy King and William Walters.

### X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:40 p.m.

exhibit 1

REID: 0443449314000

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**REZONING CASE # P21-  
33**

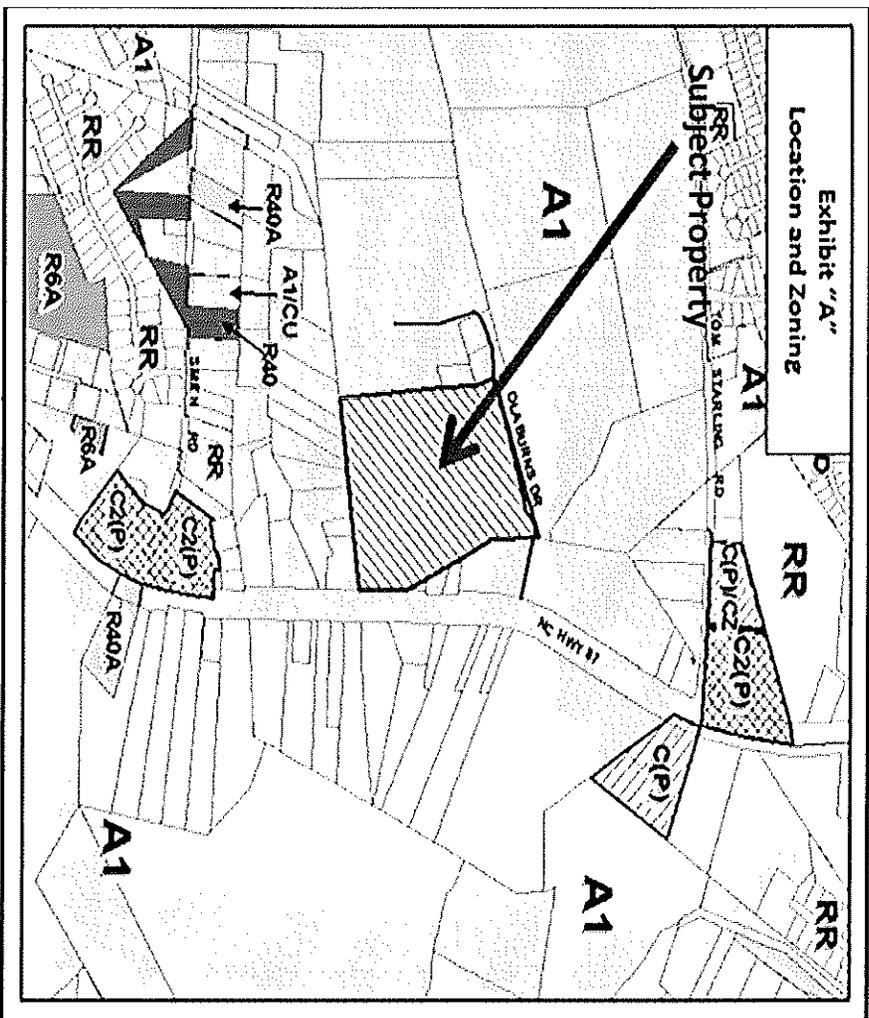
**APPLICANT  
PRESENTATION**



# EXISTING PROPERTY

## LOCATION AND ZONING

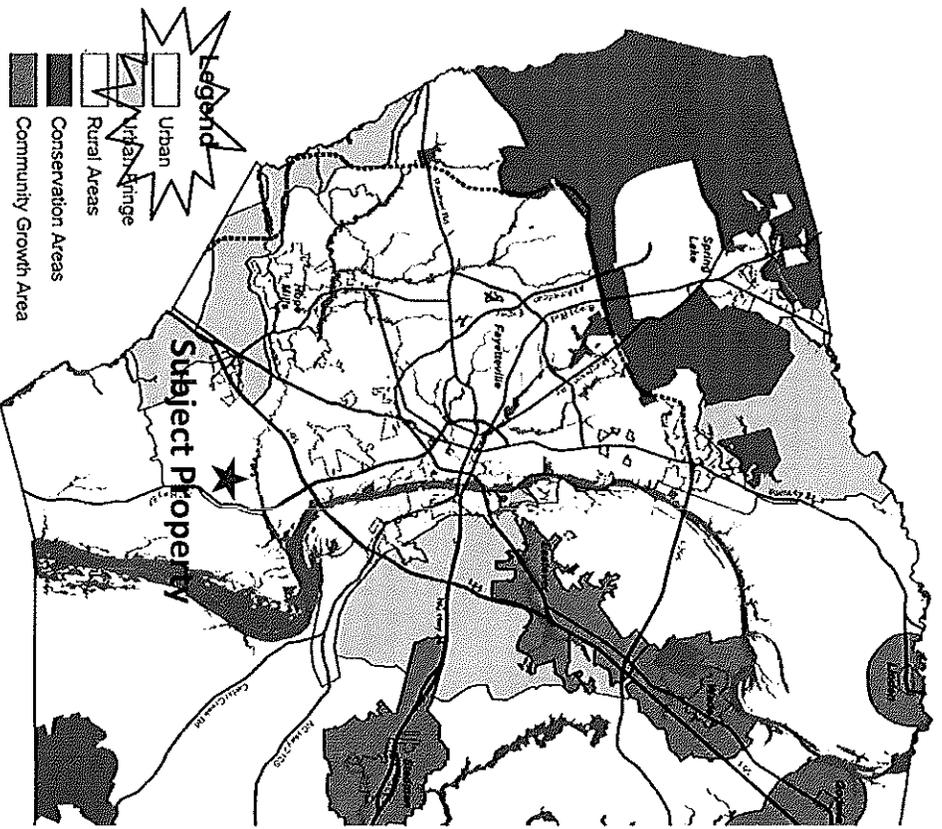
(Exhibit A from staff report)



**2030 GROWTH STRATEGY MAP**

**JUSTIFICATION FOR  
REQUEST**

**COMPREHENSIVE PLANNING  
GROWTH STRATEGY  
MAP**



# JUSTIFICATION FOR REQUEST

## COMPREHENSIVE PLANNING GROWTH STRATEGY MAP

### WHY IS THIS IMPORTANT?

The Urban Growth Strategy area is defined as "Areas Designated for Immediate Urban Level Development"

Urban Areas provide for the continued development and redevelopment of the larger, contiguous urbanized areas in Cumberland County (i. e. Fayetteville, Hope Mills and Spring Lake). Urban Areas include lands that are currently urban in character and have a full range of urban services in place, or are well located for the timely, cost-effective provision of urban services. Urban Areas should be the top priority area for planning, programming and providing public urban services including, generally, centralized water and sewer, parks, schools, police, fire and rescue services, garbage service, storm water systems, streets & roads, transit, cultural facilities, sidewalks, streetlights, and other amenities. To encourage development in these areas, the public sector may provide incentives in the form of density bonuses, infrastructure subsidies, or other advantages. New development densities should generally occur at 4 or more units per acre and may be much higher in some locations.

CONCLUSION: *PROPOSED DENSITY WITH THIS REZONING REQUEST IS 3.24 UNITS/ACRE WHICH IS IN LINE WITH THE CUMBERLAND COUNTY GROWTH STRATEGY MAP.*

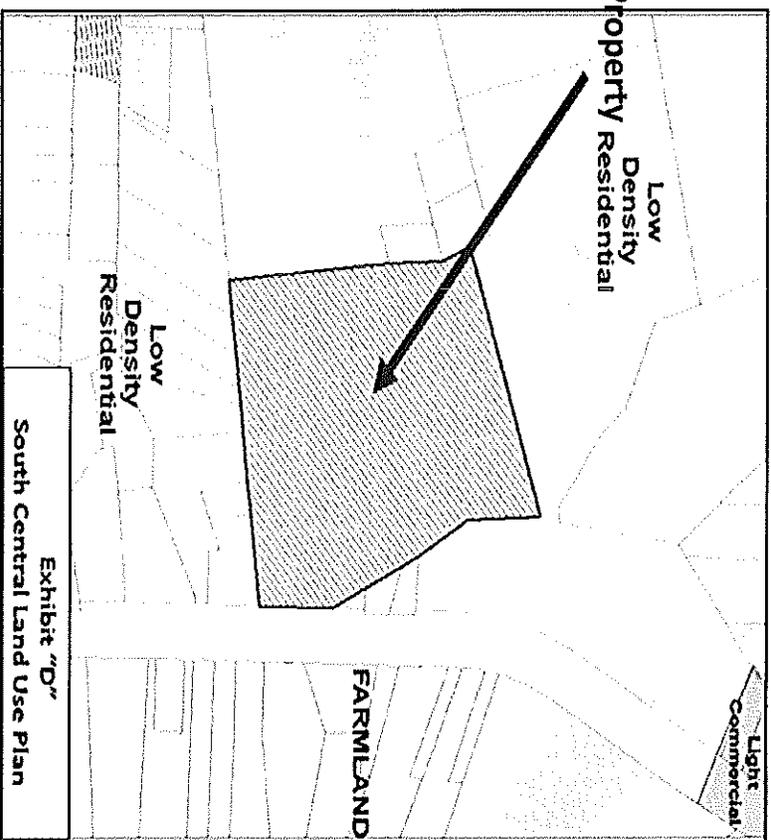
# JUSTIFICATION FOR REQUEST

## COMPREHENSIVE PLANNING

### FUTURE LAND USE PLAN

(Exhibit D from staff report)

Subject Property



## JUSTIFICATION FOR REQUEST

### COMPREHENSIVE PLANNING

## FUTURE LAND USE PLAN

### WHY IS THIS IMPORTANT?

This site is located in the low density future land use plan designation.

Per the Cumberland County Subdivision Ordinance, adopted July 1, 1970 with latest amendment of March 20, 2012 low density is defined as

“Residential development having a density of 2.2 to six dwelling units per acre.”

**CONCLUSION: PROPOSED DENSITY WITH THIS REZONING REQUEST IS 3.24 UNITS/ACRE WHICH IS CONSISTENT AND COMPLIANT WITH THE LOW DENSITY RESIDENTIAL LAND USE PLAN.**

# JUSTIFICATION FOR REQUEST

## COMMUNITY INVOLVEMENT **VOLUNTARY NEIGHBORHOOD MEETING**

Notifications sent to neighboring  
properties within 200 ft. of  
subject property – shown in blue  
on map



# JUSTIFICATION FOR REQUEST

## COMMUNITY INVOLVEMENT

### VOLUNTARY NEIGHBORHOOD MEETING

## WHY IS THIS IMPORTANT?

To be a good steward to the community and get feedback from the surrounding residents, McKee Homes and Curry Engineering organized a voluntary neighborhood meeting on July 13, 2021 from 6:30-7:30 PM at the John Dove Pone Recreational Center to discuss the proposed rezoning case and subdivision plan.

Notifications were sent to property owners within 200' of the subject property on July 1, 2021

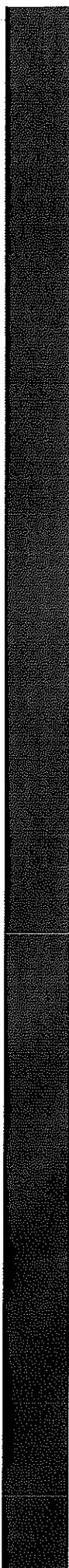
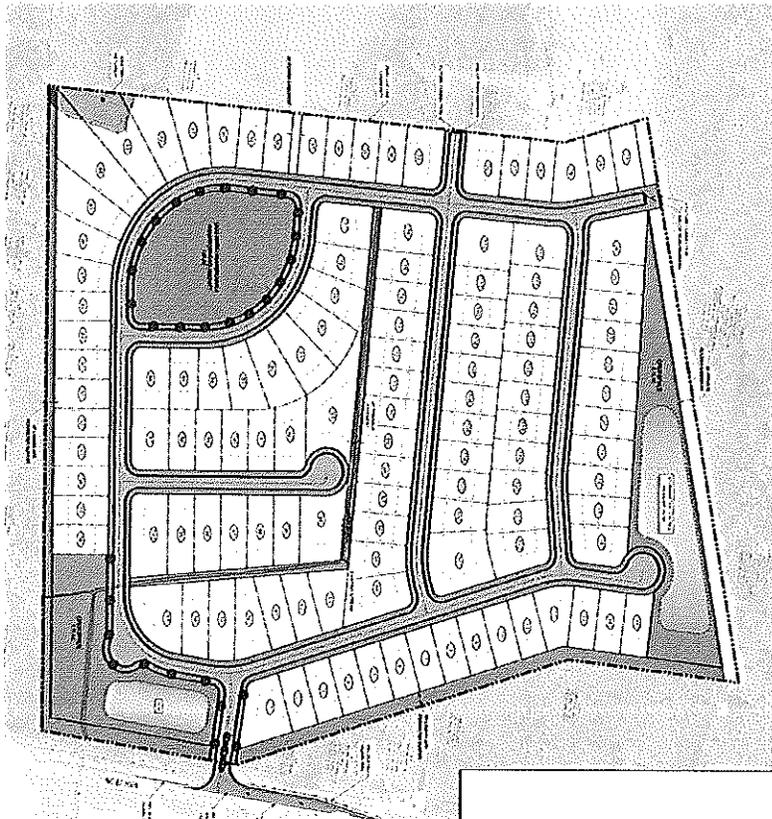


WHAT WAS SHOWN?

JUSTIFICATION FOR  
REQUEST

COMMUNITY INVOLVEMENT

VOLUNTARY  
NEIGHBORHOOD  
MEETING

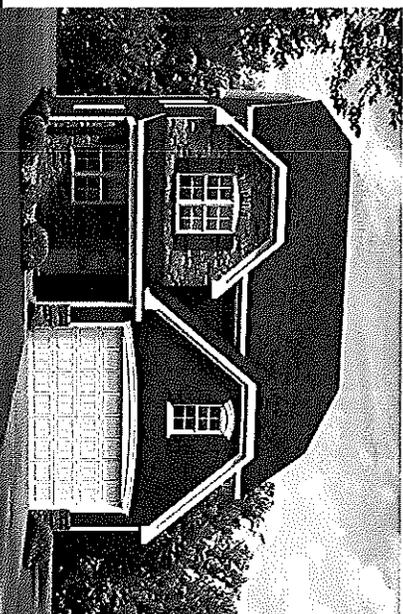
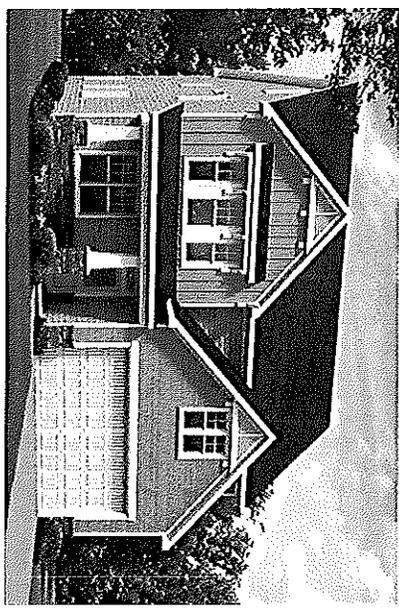
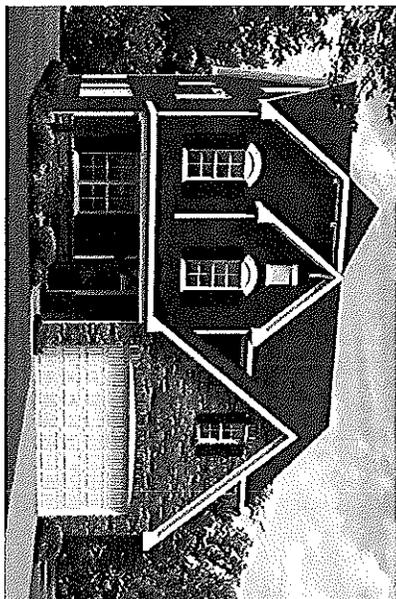


WHAT WAS SHOWN?

JUSTIFICATION FOR  
REQUEST

COMMUNITY INVOLVEMENT

VOLUNTARY  
NEIGHBORHOOD  
MEETING



## JUSTIFICATION FOR REQUEST

### COMMUNITY INVOLVEMENT

#### VOLUNTARY NEIGHBORHOOD MEETING

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### WHAT WAS DISCUSSED?

In addition to representatives of McKee Homes, Curry Engineer, MIKA Management and Cape Fear Commercial a total of 4 neighboring residents attended the meeting.

A summary of the rezoning proposal with conditional site plan and preliminary home elevations were presented.

A summary of the topics discussed were as follows:

Q1. How many homes are being proposed?

A1. 122 homes.

Q2. Would Ola Burns Drive be renamed? The road was named for surrounding resident's grandmother.

A2. There is no desire to do that. In fact, if there are some other historical or other sentimental features of the property we are willing to incorporate into the name of the subdivision and/or street names.

# JUSTIFICATION FOR REQUEST

## COMMUNITY INVOLVEMENT VOLUNTARY NEIGHBORHOOD MEETING

### WHAT WAS DISCUSSED?

Additional questions:

Q3. Would Ola Burns Drive be paved?

A3. No. If Ola Burns is a NCDOT maintained street, NCDOT would need to do that or would allow it.

Q4. How will properties that use Ola Burns Drive be affected by this subdivision?

A4. The proposed plan allocates for a private access easement to allow for Ola Burns to continue to be used by those property owners. Additionally, the proposed plan is providing a stub street that Ola Burns will connect to which would allow those residents to utilize the subdivision entrance of Highway 87. This will be a safer route than what currently exists since NCDOT will require a dedicated right turn lane into the subdivision.

Q5. Will all the trees be cut down? What about a buffer?

A5. The plan is to provide a 20' buffer along the south property line and the east property line. The north property line has the access easement for Ola Burns Drive. No buffer is proposed along the west property line because it is anticipated that future development of these large parcels will back up to these lots. The project will attempt to preserve existing vegetation in these buffers.

# JUSTIFICATION FOR REQUEST

## COMMUNITY INVOLVEMENT

### VOLUNTARY NEIGHBORHOOD MEETING

## WHAT CAME OUT OF THE MEETING?

After the neighborhood meeting the applicant is offering the following as additional voluntary conditions as part of the rezoning:

1. All construction related traffic is prohibited from utilizing Ola Burns Drive for the duration of the subdivision and home construction (with the exception of condition #2).
2. The developer will provide up to 3 inches of ABC stone resurfacing of Ola Burns Drive within the subject property boundaries. As part of the resurfacing, this will include repairing existing potholes. This resurfacing will be provided prior to the first certificate of occupancy of the subdivision and will be a one time resurfacing. Upon completion of the resurfacing the maintenance of the road will be the responsibility of the individual properties to which the road is located upon.
3. The developer will provide supplemental plantings in a 20' wide perimeter buffer along the south property line. Existing trees within the buffer shall be retained provided they are in good health, do not conflict with the project development and at least 5' inside the buffer line. The buffer shall include a minimum of 10 shrubs and 4 trees per 100' for the full length of the buffer. Existing vegetation shall be permitted to count towards the required plantings. Should supplemental plantings be necessary, a minimum of 2.5" caliper trees at 10' planting height and 3 gallon shrubs will be provided.
4. Anti-monotony requirement. No unit shall be constructed with an exterior elevation or color palette that is identical to the unit on either side or directly across the street.

## JUSTIFICATION FOR REQUEST

### COMMUNITY INVOLVEMENT

### VOLUNTARY NEIGHBORHOOD MEETING

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## WHAT WAS DISCUSSED?

McKee homes provided additional information on the home types and price ranges.

The development team provided dates for the Joint Planning Board Meeting and County Commissioners meetings.

The development team gave a preliminary schedule of events and encouraged all attendees to take business cards in case additional questions or concerns arose after the neighborhood meeting was over.

The meeting was adjourned right at 7:30 PM.

# JUSTIFICATION FOR REQUEST

## SUMMARY & CONCLUSION

### WHY WE FEEL THIS REZONING IS IN THE BEST INTEREST OF THE COUNTY?

The proposed rezoning from A1 to R7.5 Conditional Use with accompanying site plan is in compliance with the adopted Cumberland County land use plan designation of Low Density Residential AND follows the guidelines of the Urban Area of the strategic growth map to provide immediate urban land development.

This project is located along a major thoroughfare which can support the growth proposed.

The project provides an additional street network with future connectivity to adjacent properties that can help support public services and emergency support services.

REZONING CASE P21-  
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CUMBERLAND  
COUNTY, NC

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## Questions

