

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

MINUTES

December 21, 2010

Members Present

Mr. Roy Turner, Vice-Chair
Mr. Charles Morris
Mr. Garland Hostetter
Mr. Benny Pearce
Mr. Walter Clark
Ms. Patricia Hall
Mrs. Sara Piland
Mr. Donovan McLaurin

Members Absent

Mrs. Lori Epler, Chair
Mr. Harvey Cain, Jr.

Others Present

Mr. Tom Lloyd
Mrs. Laverne Howard
Ms. Donna McFayden
Ms. Patricia Speicher

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mrs. Piland made a motion, seconded by Mr. Clark to approve the agenda as submitted. Unanimous approval.

III. PUBLIC HEARING DEFERRAL / WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF NOVEMBER 16, 2010

Ms. Hall made a motion to accept the minutes as submitted, seconded by Mr. McLaurin. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

- A. **P10-53:** REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 154, SIGNS AND CHAPTER 156, ZONING CODE, §§156.110 – 156.121; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the text amendment based on the following:

1. This amendment modernizes the Town's current regulations and will allow for consistency between the Town and the County's sign regulations; and
2. The amendment was requested by the Town of Spring Lake.

Mrs. Piland made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve case P10-53 as submitted. Unanimous approval.

- B. **P10-50:** REZONING OF 2.97+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS AND R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR MOTOR VEHICLE REPAIR AND OTHER PERMITTED USES, AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3911 LEGION ROAD AND SOUTHEAST OF SR 1132 (LEGION ROAD), NORTH OF SR 3009 (PIONEER DRIVE); SUBMITTED BY THEODORE P. AND TREASIA L. MELVIN (OWNERS).

The Planning & Inspections Staff recommends approval of the requested rezoning to C(P) Planned Commercial/ CUD Conditional Use District for a motor vehicle repair and towing business based on the following:

1. The request is consistent with the Land Use Policies Plan's location criteria for heavy commercial;
2. The request is reasonable because SR 1132 (Legion Road) is a major thoroughfare that is planned as a multi-lane facility with a right-of-way of 100 feet and public utilities are available to this site;
3. If approved, the request will make an existing nonconforming use conforming to the district in which it is located; and
4. The specific use requested is consistent with the existing use of the subject property and compatible with most surrounding land uses.

The staff does not recommend approval of the list of additional permitted uses submitted with the application – see page 2 of the attached Site Profile; the property owner has been made aware of this and agreed to remove those additional uses from the request.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted since the development standards are being met or exceeded and the property owner has verbally agreed to all *Ordinance Related Conditions*;
2. The use and the proposed development will meet all required conditions and specifications if developed according to the site plan, application and the attached *Ordinance Related Condition*;
3. The use will maintain or enhance the value of adjoining or abutting properties if developed as proposed in that the property owner proposes to better organize the site with the vehicle storage area to the rear of the proposed building and buffered from view from the adjacent residential properties and the public right-of-way; and

4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and the site in general will be developed in conformance with the development ordinances and adopted planning policies.

There are no other suitable zoning districts to be considered for this site.

The property owner who is also the developer has voluntarily agreed to this staff recommendation and all attached *Ordinance Related Conditions*.

Mrs. Piland made a motion, seconded by Mr. Clark, that the Joint Planning Board finds that this Conditional Use District is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the Conditional Use District for a motor vehicle repair and towing business be approved as recommended by staff. Unanimous approval.

A motion was made by Mrs. Piland and seconded by Ms. Hall to approve the Conditional Use Permit if all conditions are complied with after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan as officially adopted by the Board of Commissioners. Unanimous approval.

- C. **P10-44:** REZONING OF .20+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4918 CUMBERLAND ROAD, SUBMITTED BY ROSCOE L. AND DELL J. STRICKLAND

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service and Retail district based on the following:

1. The request is consistent with the 2030 Growth Vision Plan, which calls for “urban” development at this location; and
2. The subject property meets the location criteria for “light commercial” as recommended in the Land Use Policies Plan.

The C1(P) district could also be considered suitable for this location.

Mr. Clark made a motion, seconded by Ms. Hall to follow the staff recommendation and approve case P10-44 as submitted. Unanimous approval.

- D. **P10-48:** REZONING OF .72+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3959 CUMBERLAND ROAD AND SOUTH SIDE OF SR 1141 (CUMBERLAND ROAD), NORTH OF SR 1364 (DOMINION ROAD); SUBMITTED BY DONNA PAULETTE PETERSON (OWNER).

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service and Retail district based on the following:

1. The request is consistent with the 2030 Growth Vision Plan, which calls for “urban” development at this location; and

2. The subject property meets the location criteria for "light commercial" as recommended in the Land Use Policies Plan except for public sewer, which is not available.

The C1(P) & O&I(P) districts could also be considered suitable for this location.

Mr. Clark made a motion, seconded by Ms. Hall to follow the staff recommendation and approve case P10-48 as submitted. Unanimous approval.

- E. **P10-51:** REZONING OF 5.27+/- ACRES FROM PND PLANNED NEIGHBORHOOD DISTRICT TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE EASTERN END OF AFTON AVENUE, SOUTHWEST OF SR 1363 (ELK ROAD); SUBMITTED BY WILLIAM H. OWEN FOR DUGGINS SMITH, LLC (OWNER).

The Planning & Inspections Staff recommends approval of the R5A residential district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban area" at this location, as well as meeting all of the listed location criteria for "medium density residential" development as listed in the Land Use Policies Plan;
2. The R5A district is in character with the current zoning of adjacent properties and consistent with the surrounding area; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

Mr. Clark made a motion, seconded by Ms. Hall to follow the staff recommendation and approve case P10-51 as submitted. Unanimous approval.

VIII. PUBLIC HEARING CONTESTED ITEMS

- A. **P10-52:** REZONING OF 1.62+/- ACRES FROM R6A RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3870 AND 3876 DUNN ROAD AND EAST OF US HWY 301 (DUNN ROAD), NORTH OF SR 1831 (BAYWOOD ROAD); SUBMITTED BY CYNTHIA LEE WHETZEL, JOHNNIE L. AND LINDA M. SANDERSON AND CHERYL C. HUDSON FOR CULBRETH INVESTMENTS, LLC (OWNERS). (EASTOVER)

Mr. Lloyd stated that this case was heard in September 2009, the lots have been combined, because one of the concerns that the Board had was that there were residential lots separating the request. They have included other property, so now it does abut C(P) to the south and there is C1(P) to the north and C(P) to the north.

Mr. Lloyd stated the Planning & Inspections Staff recommends denial of the C1(P) Planned Local Business district for this request based on the following:

1. The district requested is inconsistent with the Eastover Area Detailed Land Use Plan, which calls for "medium density residential" at this location;
2. The district requested is inconsistent with some of the location criteria for "light commercial" as listed in the 2030 Comprehensive Plan, specifically the subject properties are not located within an activity node or designated commercial area; and

3. Consideration of the C1(P) district for this area is arbitrary and would not serve a viable public interest.

There are no other districts considered suitable for this request.

There was one person present to speak in favor.

Ms. Linda Sanderson spoke in favor. Ms. Sanderson stated that she came before the Board last year and requested C2(P) with special uses. They are asking now for C1(P), the property has been vacant for a year, there is not a practical use for it to be residential in the area. There are businesses to the left, right, and in front of this property.

Mr. McLaurin asked if all three parcels were under different ownership.

Ms. Sanderson stated that was correct.

Mr. McLaurin asked if there was any thought of rezoning to O & I(P), Planned Office and Institutional zoning, that's a transition used from commercial to residential.

Ms. Sanderson said that the uses they are looking at developing for the subject property felt were suitable for C1(P).

Mr. Lloyd stated for clarification, although it didn't meet all the location criteria for C1(P), it did meet C1(P) when the Board resurrected the Land Use Policies Plan. One of the criteria was that it could serve as a transition between heavy commercial and residential.

Acting Chair Turner asked if this property was zoned C1(P) would the houses on the property be nonconforming.

Mr. Lloyd said they would be legal nonconforming as a residence and also in setbacks; the house would be in the setback.

Acting Chair Turner asked Ms. Sanderson if the houses were vacant now.

Ms. Sanderson said yes, they have been vacant for a year.

Ms. Hall asked how many buildings were on the three lots.

Ms. Sanderson stated there is a manufactured home on the first lot, a brick home on her lot, and the lot beside hers is vacant.

Mr. Lloyd stated that if the subject property is rezoned and it wasn't used as a residence for more than a year then she wouldn't be able to live there.

Mr. Morris stated that currently it is zoned R6A and they can put 13 trailers on the property.

Mr. Lloyd stated yes on the current property.

Public hearing closed.

Mrs. Piland thanked Mr. Lloyd and the staff for their deliberations on this case and the fact that they adhered so closely to the guidelines that had been set forth in both the 2030 Plan and in the Eastover Detailed Land Use Plan. Secondly, she wanted to share information with the

Board, that staff did not have available to them; it is a work in progress. The Town of Eastover is currently looking at a commercial district and we are in a process to get the community involved and get that district information out in the next couple of months. Having said that, Mrs. Piland feels that it is important for the Board to know that these pieces of property are within that commercial district and would anticipate that the Town Council of Eastover would look favorably on the C1(P) designation, simply because they are working towards a commercial district and would support the petitioners request for zoning of C1(P).

Mr. Morris commented that he thought C1(P) zoning was appropriate but, the current zoning is R6A; the Board needs to think about what these current uses are and we have situations where someone owns a piece of land has no economic value because the uses aren't there that are appropriate, we have to be careful what can go in there. So when he sees something like this, he sees the R6A and the potential for income producing trailers.

Mr. McLaurin thanked Ms. Whetzel and the Sanderson's for coming together.

Mrs. Piland made a motion, seconded by Mr. McLaurin to recommend approval of case P10-52 as submitted. Unanimous approval.

IX. DISCUSSION

X. FOR YOUR INFORMATION

DIRECTORS UPDATE

- Recommended that committees get together to meet more often to discuss direction.
- Recommended that the Board consider conditions that are being placed on applicants in regards to MIA's and annexation.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:31 p.m.