

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

June 21, 2011

Members Present

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

Members Absent

Others Present

Mr. Tom Lloyd
Mrs. Laverne Howard
Ms. Patricia Speicher
Mr. Rick Moorefield,
County Attorney
Ms. Donna McFayden

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were none

III. PUBLIC HEARING DEFERRAL / WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

Chair Epler stated that she would abstain from voting on cases P11-21 and P11-26.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF MAY 17, 2011

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

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P11-25:** REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 156: ZONING CODE AMENDING § 156.008 DEFINITIONS; AND SUBCHAPTER: *OFF-STREET PARKING AND LOADING*, CONTAINING § 156.100 PROVISIONS FOR OFF-STREET PARKING AND LOADING, §156.101 OFF-STREET PARKING REQUIREMENTS, AND § 156.102 OFF-STREET LOADING; 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 off-street parking and loading regulations; and
2. The amendment was requested by the Town of Spring Lake.

Vice-Chair Turner made a motion, seconded by Mr. Hostetter to follow the staff recommendation and approve case P11-25. Unanimous approval.

REZONING CASES

- B. **P11-21:** REZONING OF 5.80+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2595 SMITH ROAD; SUBMITTED BY JOSEPH P. RIDDLE, III (OWNER).

The Planning and Inspections Staff recommends denial of the request of the C(P) Planned Commercial district but approval of the C2(P) Planned Service and Retail district based on the following:

1. The request for the C(P) zoning district is not consistent with the location criteria for "heavy commercial," as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan specifically due to the immediate surrounding properties being predominately residential and agricultural;
2. The recommendation of the C2(P) district does meet the location criteria for the Policies Plan since the subject property has access to public water and sewer, direct access to a collector street that was recently improved to a four-lane divided highway, and will provide convenient goods and services to the immediate surrounding neighborhood;
3. All uses allowed in the C(P) district would not be in character with the surrounding land uses; however, approval of the C2(P) district will ensure that the allowed uses are consistent with other uses in this area; and
4. The request is reasonable because the subject property is of a size and shape that the yard setbacks for the C2(P) zoning district can be met and all required improvements such as off-street parking, landscaping, buffering, etc. can be provided on-site.

The C1(P) Planned Local Business district could also be considered suitable for this request.

The applicant has verbally agreed to the recommendation for the C2(P) Planned Service and Retail district.

Mr. McLaurin made a motion, seconded by Mr. Morris to follow the staff recommendation and approve case P11-21 for C2(P). Unanimous approval. Chair Epler abstained from voting.

- C. **P11-26:** REZONING OF 9.27+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7106 ROCKFISH ROAD AND A PORTION OF THE IMMEDIATE ADJACENT TRACT TO THE NORTH, SUBMITTED BY DOUGLAS E. CLARK AND SHARLENE R. WILLIAMS (OWNERS) AND BUTCH DUNLAP.

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

1. The request for C2(P) Planned Service and Retail is consistent with the location criteria for "light commercial", as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan, specifically the subject property has access to public water and sewer, direct access to a collector street, is in an area that is transitioning to commercial, and will provide convenient goods and services to the immediate surrounding neighborhood; and
2. The request is reasonable because the subject property is of a size and shape that the yard setbacks for the C2(P) zoning district can be met and all required improvements such as off-street parking, landscaping, buffering, etc. can be provided on-site.

The staff, upon further analysis of the northern portion of Rockfish Road, acknowledges that when considering wetlands and existing development in this area, commercial rezoning would be appropriate extending east and ending at the existing residential development. To ensure the absence of lot by lot rezoning like those that occurred along Hope Mills Road, this matter should be addressed in the Land Use Policies Plan.

Staff also requests, if it be the pleasure of the Board of Commissioners that Case P11-17 be brought back for re-consideration by the Planning Board.

The C1(P) Planned Local Business district could also be considered suitable for this request.

Mr. Lloyd stated that this R20 was attempted to be rezoned to C1(P) and it was a close vote, the staff recommended against it and the Planning Board and Commissioners went with that recommendation. Then staff looked at it again and came to the conclusion that the best way to handle this lot by lot, strip commercial would be to address it in the Land Use Policies Plan. If this is approved staff would like to also recommend to the Commissioners that they request that the petitioner be allowed to bring the R20 back, in all fairness, without cost.

Mr. Clark made a motion, seconded by Mr. Cain to follow the staff recommendation and approve case P11-26 and to also recommend that the Board of Commissioners bring back case P11-17 for reconsideration. Unanimous approval. Chair Epler abstained from voting.

VIII. PUBLIC HEARING FOR THE PROPOSED NORTH CENTRAL AREA LAND USE PLAN

Mr. Will Denning, Comprehensive Planning, discussed the study area location, boundaries, agenda and purpose of the North Central Area Land Use Plan. Mr. Denning gave an overview of how the plan was developed with input from citizen committees, their recommendations, and their goals and objectives.

There were people signed up to speak.

Nick Angelone spoke in favor. Mr. Angelone stated that if he had his way he would keep everything the way that it is, but realized that's not going to happen. So he supports the plan and sat in on some of the meetings, and his concerns are density. But he realizes that a plan was needed and feels that this one is a good one to start with.

Robert E. Lee spoke in opposition. Mr. Lee stated that the only thing that he would propose, which is not in the plan, is to give every land owner 5' deep around all of the property lines and that would allow an area of class C roads and a right to access around neighbors property. Based on everything that he has seen and heard he doesn't have a lot of objections and hopes that not a whole lot changes.

Mr. Lloyd informed the Board that a new bill addressing annexations was on the Governor's desk waiting to be signed. He re-iterated the need for staff to address a Municipal Influence Area (MIA) and Municipal Protection Zones. He requested that the Board hold off on expanding Linden's MIA until staff can address these two zones for every municipality.

Mr. Morris made a motion, seconded by Ms. Hall to approve as submitted with the exception of holding off on the expansion of the Linden Municipal Influence Area. Unanimous approval.

IX. DISCUSSION

- Mr. Lloyd explained a memo received from the Fayetteville Appearance Commission, which requested that the County adopt some ordinances specifically advocating for stricter appearance standards along certain newly constructed roads and advocate a ban on clear cutting. Mr. Lloyd stated he would email the memo to the board members and discuss it at the next meeting to determine if the codes committee and comprehensive planning committee should meet on this.
- Mr. Morris advised the board that the Nominations Committee met and nominated Vice-Chair Turner as the new Chairman and Mr. Clark as the new Vice-Chair. It was a unanimous recommendation from the committee.

Mrs. Piland made a motion, seconded by Mr. McLaurin to accept the Nominations Committee's recommendations. Unanimous approval.

Chair Epler thanked the staff and the board for all of their help and support during her time as Chairman of the Board.

X. FOR YOUR INFORMATION

DIRECTORS UPDATE

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:55 p.m.