

Roy Turner,
Chair
Cumberland County

Walter Clark,
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



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES

February 21, 2012

Members Present

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

Members Absent

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Ms. Speicher advised the board that cases P12-03 and P12-07 would be pulled from Consent Items and moved to Contested Items.

Mr. McLaurin requested that P12-04 and P12-10 be pulled from the Consent Items and moved to Contested Items.

III. PUBLIC HEARING DEFERRAL

P12-06: REZONING OF 10.28+/- ACRES FROM RR/CU RURAL RESIDENTIAL/ CONDITIONAL USE OVERLAY FOR A BILLBOARD AND RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1006 (CLINTON ROAD) AND WEST SIDE OF SR 2013 (OLD VANDER ROAD); SUBMITTED BY DAVID M. ALLEN ON BEHALF OF NEW HOMES INC. (OWNER).

Mrs. Piland made a motion, seconded by Mrs. Epler to approve the deferral of Case P12-06 until August 21, 2012. Unanimous approval.

P12-11: REZONING OF .90+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4807 AND 4817 SOUTH MAIN STREET, SUBMITTED BY BILLY RAY AND JIMMIE A. BAREFOOT (OWNERS).

Mrs. Piland made a motion, seconded by Mrs. Epler to approve the deferral of Case P12-11 until April 17, 2012. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Ms. Speicher read the policy statement.

VI. APPROVAL OF THE MINUTES OF JANUARY 17, 2011

Mrs. Epler made a motion to accept the minutes as submitted, seconded by Mr. Clark. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P12-08:** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE, AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2304. STREETS, SUB-SECTION B. PUBLIC STREETS, 4. CURBS AND GUTTERS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

The staff recommended the attached amendment to the Land Use Codes Committee via email due to time constraints. A majority of the committee members responded and all recommended approval of the proposed amendment.

The amendment was proposed based upon a recommendation from a local engineer and past Planning Board member and is supported by the Planning Staff. The current ordinance could cause conflict between the County's requirements and the NC Department of Transportation (NCDOT) regulations; therefore, the proposed amendment was drafted to require developers to comply with the NCDOT requirements.

Mrs. Epler made a motion, seconded by Mr. Morris to follow the staff recommendation and approve Case P12-08. Unanimous approval.

REZONING CASES

- B. **P12-05:** REZONING OF 2.56+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6228 KENNEL ROAD, SUBMITTED BY LISTEN OWEN AND PAMELA H. LOCKAMY (OWNERS).

The Planning & Inspections Staff recommends approval of the R40A Residential district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan; and
2. The location and character of the use will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

Mrs. Piland made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve Case P12-05 for R40A Residential. Unanimous approval.

- C. **P12-09:** REZONING OF .42+/- ACRE FROM RR RURAL RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4427 CLINTON ROAD, SUBMITTED BY JING MESTER ON BEHALF OF RIGHT STAR PROPERTIES LLC. (OWNER).

The Planning & Inspections Staff recommends approval of the C1(P) Planned Local Business district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "commercial" at this location, as well as meeting the location criteria for light commercial development as listed in the Land Use Policies Plan;
2. The C1(P) Planned Local Business district is consistent with the zoning for adjacent property under the same ownership;
3. The location and character of the use will be in harmony with the surrounding area; and
4. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

Mrs. Piland made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve Case P12-09 for C1(P). Unanimous approval.

VIII. PUBLIC HEARING CONTESTED ITEMS

CONDITIONAL ZONING DISTRICT

- A. **P12-03:** REZONING 116.77+/- ACRES FROM R40 RESIDENTIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1730 (UNDERWOOD ROAD), NORTHWEST OF SR 1728 (MIDDLE ROAD); SUBMITTED BY JOHN KOENIG ON BEHALF OF ESTATE BUILDERS LLC. (OWNER).

Ms. Speicher stated this case was deferred from the board's January 17, 2012 meeting because the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a R20 Density Development Conditional Zoning (R20/DD/CZ) for the subject property. The Planning and Inspections Staff recommends approval of the request for the 223 residential lot density development conditional zoning application based on the following:

1. Although the amended request is not entirely consistent with the Eastover Area Detailed Land Use Plan adopted in September 2000, which calls for one acre residential lots and open space at this location, many changes in the Eastover area have occurred since the plan was adopted, in that:
 - a. Extension of public water was in the initial planning stages but not available and public sewer was not contemplated for this area; however, other properties

within the study area were designated as low density residential solely because those properties already had public water and sewer serving the development;

- b. After the Town of Eastover was incorporated in October 2007, an interlocal agreement between the County and the City of Fayetteville was adopted reinstating the Municipal Influence Area (MIA) for the city and designating this specific area being in a *Fayetteville Sewer Service Area* where specific Fayetteville development standards are required at this location – the interlocal agreement was adopted by the parties on June 9, 2008;
 - c. During the time that the Eastover area citizens were actively participating in establishing the goals of the plan, this area was specified for one-half acre lots but later changed to one acre lots; the text of the document demonstrates this change because there were no existing zoning districts allowing for one half acre lots that did not also include manufactured homes – in June 2005, the zoning ordinance was amended to prohibit manufactured homes in the R20 Residential zoning district.
 - d. The first segment of the Outer Loop (I-295) was constructed and open north of the subject property.
2. The primary stated goal of the Eastover Land Use Plan is to retain the rural character of the area and this specific area is designated as an *Urban Services Area* – the amended request supports the goal by permanently restricting over 40% of the development as open space and providing a 40 foot wide buffer along Underwood Road along with a 20 foot wide perimeter buffer thus ensuring the appearance of the area remains rural and at the same time meets the plan’s recommended definition for *Urban Services Area* as inserted below:

“The Urban Services Area is defined as an area where higher density development will be promoted based upon existing or proposed urban services. These urban services include public or community water, sanitary sewer, storm drainage, street lighting, police and fire protection, recreation and garbage collection.”

3. The request is consistent with all of the location criteria of Land Use Policies Plan of the 2030 Growth Vision Plan, adopted by County Board of Commissioners on April 20, 2009 and the Town of Eastover on August 4, 2009.
4. The proposed development far exceeds the requisite 800 square feet per lot recreation area typically required for a residential subdivision in the County (4.1 acres for 223 lots) – the developer is proposing to permanently restrict 46.02+/- acres of the 116 acre tract, slightly over 40%, as open space and also provides significantly more open space than the Eastover Plan has designated, in addition every proposed lot is adjacent to an open space area thus visually the individual lots will appear much larger than their actual size.

There are no other zoning districts suitable as related to this request; however, the staff did find that with a revised plan, R30 density would be appropriate for this area.

The property owner/developer has verbally agreed to all attached Ordinance Related Conditions.

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

Mr. John Koenig, applicant, spoke in favor. Mr. Koenig stated that the subject property had been zoned R40 in December 2005 which was the catalyst for Eastover becoming incorporated. The initial zoning called for a bridge to be designed by the Department of Transportation (DOT), to bridge the canal that is there. DOT designed the bridge which makes that land and the lots unaffordable. Mr. Koenig stated that he submitted an application for R20 and got a recommendation from the planning staff to go for a different zoning that would require more green space, and thought that would be a good layout. This zoning would cut out through traffic; over forty acres would stay wooded and it will be a nice development.

Mrs. Epler asked Mr. Koenig if he put the lift station in.

Mr. Koenig stated yes he did and that the lift station has been put in.

Mr. Matthew Wilson spoke in opposition. Mr. Wilson explained that he is in the military and moved here from overseas. He and his wife wanted a quiet, rural community to live and raise their family and did a lot of research prior to buying in Eastover. Mr. Wilson stated that they are disappointed that it seems like all of a sudden there is talk about doubling the population, increased commercialization, and school enrollment will increase. Mr. Wilson stated that he wonders if this development is legal, but knows that it is not right.

Mrs. Epler asked Mr. Wilson what size lot he had.

Mr. Wilson stated he had just over an acre, but not sure of the dimensions of the lot.

Mr. Lawrence Buffaloe spoke in opposition. Mr. Buffaloe stated that he appreciated everyone's effort that is put in for the service of the County and Eastover. The Eastover community has demonstrated its desire to get the people involved and of all of the initiatives that the people have been involved in, the number one thing that they wanted was to maintain the rural character of the area. There is a tendency to say or think that water and sewer, public utilities, will accommodate and allow for urban development with a higher density. That happened in western Cumberland County and we don't want that. However, in our area, with the soil density, we've already pointed out that it's a flood plain, and a high water table and poor drainage all those things are a problem. Even the 2030 Plan supports that. The rural character can be maintained with one acre lots. We want to maintain what we have. Mr. Buffaloe asked the people in the audience who were present in opposition and in support of maintaining R40 to stand.

Mr. Morgan Johnson spoke in opposition. Mr. Johnson stated that he was present representing the Eastover Sanitary District (ESD). Mr. Johnson stated that they were strongly opposed to changing the zoning, they will be providing water and sewer to the subject property, there is a lift station it was put in based on an R40 design, it can be upgraded but it would be expensive. Mr. Johnson stated that they request that the subject property remain R40 based on the character of the neighborhood and if that's not done and start putting more houses on pieces of property like this, eventually we will have to spend a great deal of money to upsize the lines. Our water mains are based on the Eastover Land Use Plan also based on sixty percent of development of other land over the next forty years that's how the system was designed.

Mrs. Piland asked Mr. Johnson if the ESD was the service provider for both water and sewer to the subject property.

Mr. Johnson stated yes, anything in the sanitary district we provide services for, not PWC.

Mrs. Piland asked Mr. Johnson if the ESD received information from the planning staff, prior to their meeting to make a decision on this case and if they provided input back to staff about ESD's concerns.

Mr. Johnson stated that he received an email saying that the property was going to be rezoned to R20 at that time, not R20 Density Development, we opposed that. We will concede to density development of R40, not R20. We are still concerned about the number of houses that we will be servicing that will eventually cause someone to have to pay to upsize the lines.

Mr. Tom Grubb spoke in opposition. Mr. Grubb stated that the requested density doesn't exist anywhere around the subject property. We fought a long fight trying to get Eastover incorporated, this was a long fight to get all of this R40, and it was planned this way. If this is approved there will be a lot more developments like this one. The canal in the area will not take this kind of runoff, in the future higher density should be considered. Mr. Grubb stated that he supports the zoning remaining R40.

Ms. Liz Reeser spoke in opposition. Ms. Reeser stated that when the MIA came up, ESD as an entity was not considered to give an opinion. There are concerns about how the MIA will affect the district. Ms. Reeser stated that the Commissioners approved R40 and feels that the zoning should not change.

Ms. Speicher stated that she wanted to clarify one thing for the board, on the site profiles they have the minimum yard setbacks for basic setbacks for a standard straight subdivision, however, those are not the setbacks that would apply to a zero lot line.

Mr. Koenig declined the opportunity for rebuttal.

Public Hearing closed.

Mrs. Piland stated that she had several concerns. She understands Mr. Koenig's interest in developing this property and making the request to the planning staff and board. But doesn't understand the staff's recommendation to approve that request, there are several reasons for her confusion on this. The first relates to the Eastover Detailed Land Use Plan although the staff recommendation included several pieces of information about changes that have occurred since 2000, they failed to include a critical piece of information which is in the 2030 Growth Plan adopted by the Board of Commissioners and on the strategy map in the document there is a section that reads "small area plans take precedence, adopted small areas or special area plans shall take precedence over the 2030 plan". So that clearly indicates that the Eastover Detailed Land Use Plan was still in place and it was reinforced by the adoption of the 2030 because the County Commissioners approved this plan less than three years ago. If the staff's recommendation or their rationale for making a recommendation of approval to us is to make changes the Eastover Land Use Plan, she suggests that they are going about it in

the wrong way. Mrs. Piland does not support changing the small area plan on a case by case basis. If the plan needs to be changed it needs to be done by the people affected. Another concern is related to ESD, again in staff's recommendation they failed to report that ESD is an authorized public service provider and that the comments to them from ESD were not included in report to us, another concern is the hydric soils, almost seventy percent is affected by hydric soils, it's not just wetlands, it's how the area can tolerate storm runoff and the canal is a good example of that. None of the canals have been drained in a long time. Another concern is the traffic pattern; Middle Road can't handle the increased traffic. Also, the recommendation stated that the request is consistent with all the location criteria of the Land Use Policies Plan of the 2030 Growth Vision Plan and that the County and Eastover adopted the Land Use Policies Plan; the property is not in the Town of Eastover, so that rationale has no place in this case. The bottom line is, as someone else stated density is a primary concern for all the reasons given. There isn't any way any R20 development can help Eastover maintain its rural character, for that reason Mrs. Piland cannot support the staff recommendation.

Mr. Pearce pointed out two policies from the 2030 Growth Vision Plan, policy 813 which states that "all forms of housing development should be discouraged from leapfrogging into the countryside therefore destroying the rural character of the County..." and 814 "detailed neighborhood and small area planning shall be supported so as to encourage greater resident involvement...". He also pointed out that the Progress Eastover Committee before Eastover was incorporated sent a resolution to the 2030 planners and part of that resolution that was sent, stated their thoughts on the current situation and backs up with documentation what Mr. Johnson had stated. Mr. Pearce stated that he could not support the request.

Mr. McLaurin stated that in the staff recommendations the MIA was referenced, but Mr. Lloyd had drafted a letter to terminate the MIA agreement with the City of Fayetteville signed by Chairman Turner and approved by the Planning Board requesting that the Commissioners terminate the agreement due to the City's Unified Development Ordinance and new annexation policy. That makes paragraph b unimportant and paragraph c, the area was zoned A1, but doesn't know how it was specified for half acre lots.

Ms. Speicher stated it's not referring to the way it was zoned.

Mr. McLaurin said he could not support R20 either.

Mrs. Piland made a motion to deny the request for R20 Density Development/ Conditional Zoning, seconded by Mr. Pearce. The motion passed with a unanimous vote.

REZONING CASES

- B. **P12-04:** REZONING OF .89+/- ACRE FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8171 GODWIN FALCON ROAD, SUBMITTED BY BARNEY B. JR. & CAROL HOLDER GOFF (OWNERS).

Ms. Speicher stated the Planning & Inspections Staff recommends approval of the C(P) Planned Commercial district for this request based on the following:

1. The request is consistent with the location criteria for “heavy commercial” as listed in the Land Use Policies of the 2030 Growth Vision Plan as well as with the Northeast Cumberland Plan which calls for “commercial” at this location;
2. The location and character of the use will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

The C1(P) and C2(P) districts could also be considered suitable for this request.

There was no one present to speak for or against. The property owner was present.

Mr. McLaurin stated that the Town of Godwin Mayor and Commissioners had concerns with some of the uses that can take place in this zone. Mr. McLaurin distributed photos of the subject property and the properties around it and stated that there were activities going on in the area that were not permitted in C(P) zoning. Mr. McLaurin stated that the Planning & Inspections Department and the Sheriff’s Office, about five or six years ago, did a really good job of helping clean up the area. These two towns would like to see this trend continued. As far as the rezoning we have no problem with that, we just have a problem with some of the uses that could occur with this zoning district. They would like to see the petitioner work with staff and come back with a conditional use and eliminate some of the objectionable uses.

Chair Turner asked Ms. Goff, the owner, if she would like to defer the case for 30 days to work with staff on eliminating some of the objectionable uses.

Ms. Goff agreed to the deferral.

Mr. McLaurin made a motion, seconded by Mr. Morris to approve a thirty day deferral for the applicant to work with staff on eliminating some of the uses. Unanimous approval.

- C. **P12-07:** REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2112 RIVER ROAD, SUBMITTED BY NATHANIEL L. GIENGER (OWNER).

On February 15, 2012 the applicant amended the request from “A1 Agricultural to C(P) Planned Commercial” to “A1 Agricultural to RR Rural Residential”.

Ms. Speicher stated the Planning & Inspections Staff recommends approval of the RR Rural Residential district for this request based on the following:

1. Although the amended request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for one acre residential lots at this location, the request is consistent with the location criteria listed in the Land Use Policies of the 2030 Growth Vision Plan because the subject property has direct access to a public street and septic systems are allowed dependent upon soil types where public sewer is not available; and
2. The subject property is located within the Fayetteville MIA and public water is available to the site.

There are no other districts considered suitable for this request.

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

Mr. Nathaniel Gienger, owner, spoke in favor. Mr. Gienger stated that he has been in Fayetteville for seven years, graduated from Methodist University with a degree in Business Administration. Mr. Gienger stated that he was really excited about opening a paintball facility, the site plan has already been approved for the outdoor portion and the soft opening is on Saturday, February 25th. He has been working fifteen hour days improving the area and has spent thousands of dollars on landscaping. Since the site plan has already been approved for outdoor recreation, they already have built a league style PSP style field, the only one in the state. There are over seventy people signed up for the opening, this is a very healthy form of recreation for the community, it's a drug and alcohol free activity, family atmosphere. The only reason for the change in zoning for the property is because of the existing farm building that we'd like to use for an indoor field.

Mr. Lee Warren spoke in opposition. Mr. Warren thanked the board and staff for the work and time and energy put into this for the citizens of Cumberland County. Mr. Warren lives to the north of the subject property. His main concern is that this request is not consistent with the Eastover Land Use Plan that calls for forty thousand square foot lot sizes, this zoning is for RR Rural Residential zoning which calls for twenty thousand square foot lot sizes and the closest RR zoning is to the north two miles and to the south one mile. Mr. Warren stated that he was opposed to RR zoning.

Mrs. Epler asked if he was opposed to the use or just the zoning.

Mr. Warren stated that he was opposed to RR zoning.

Mr. Stewart Williams spoke in opposition. Mr. Williams stated that he opposed the rezoning to commercial and RR.

Mr. McLaurin asked if Mr. Williams if he objected to the business or the rezoning.

Mr. Williams said he hadn't given that a whole lot of thought, he raised three children playing paintball, doesn't have a fair assessment having a paintball facility across from him versus it being a bar or other entertainment. But knows some of the other implications of RR, but if he had to pick one he would say he was opposed to paintball indoor recreational use and the rezoning.

Mrs. Epler asked if he would be as opposed to the RR zoning, if it were an RR zoning with a conditional use.

Mr. Williams stated he would be opposed either way.

Mr. Johnson spoke in opposition. Mr. Johnson stated that the Eastover Sanitary District (ESD) is opposed to this. They are opposed to both the use and the change of zoning. A paintball facility is totally out of character for the neighborhood, which is a rural farm area. That kind of facility demolishes the Eastover Land Use Plan. Mr. Johnson stated that he feels the applicant has duped the County because the farm building was put there for A1 then did a site plan after the building was up and the land was cleared for paintball. Now he's trying to have it rezoned, with the grand opening on Saturday.

Mr. Lloyd stated for clarification that the outdoor recreation is set to open not the indoor.

Mr. Warren had one more statement to make. He said that the neighborhood is quiet and rural, within the last six or seven months there has been gunfire at about 10:00 at night. He got in his truck and drove to the site and there would be people firing weapons on the site. One of the houses in the neighborhood had been hit with a bullet from the discharging of firearms from the subject property. Mr. Warren stated that he wanted to make the board aware of that.

Mr. Gienger spoke in rebuttal. Mr. Gienger stated that he objects to being accused of duping the County. He had no intention of starting a paintball business until recently; he had been approached by a friend and thought it was a good idea. Mr. Gienger stated that he is also a carpenter and was going to use the building as a shop to work on equipment and he went about that the correct way and talked to zoning first. He stated that he's not trying to dupe anyone and has been very straightforward. The paintball field has been approved but the indoor will not change what the neighbors see. The changing of the zoning will not affect them whatsoever. The 30 year plan calls for one acre development and Cargill, right next door has acquired another forty acres of A1 to turn into another industrial plant which will have far more negative implications on the community than his request. The gunfire is all hearsay, weapons haven't been fired for some time and there have been no police reports filed and he had not been approached by anyone about this issue.

Ms. Speicher reminded the board that they have to consider all of the uses around the RR district.

Mr. Morris stated that they shouldn't be talking about what's going on inside the building; it's irrelevant, only outside. But looking at the map, there is no RR to be seen and to go in there and to do that would be arbitrary.

Mr. Morris made a motion, seconded by Mrs. Piland to deny the request for Case P12-07 for RR Rural Residential. The motion passed with a unanimous vote.

- D. **P12-10:** REZONING OF 1.19+/- ACRES FROM O&I(P) PLANNED OFFICE AND INSTITUTIONAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3353 DUNN ROAD, SUBMITTED BY DHARAM SINGLA ON BEHALF OF SHREE GANESHJI LLC. (OWNER).

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

1. Although the district requested is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "heavy commercial" at this location; the district requested is consistent with the 2030 Growth Vision Plan, which calls for "commercial" at this location, as well as meeting the location criteria for light commercial development as listed in the Land Use Policies Plan;
2. The location and character of the use will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

There was no one signed up to speak for or against, but the applicant was present.

Mr. McLaurin stated that he had received some phone calls about this rezoning case, and they wanted the applicant to know that recreational amusement indoor for profit type activities are not allowed in the C1(P) district.

Ms. Speicher stated that they specifically discussed internet cafés and internet gaming with the applicant and he stated that was not his plan. The applicant is aware that video gaming is not allowed.

Mrs. Epler asked if this request is approved would it be a non-conforming structure.

Ms. Speicher said the structure appeared to meet the setbacks.

Mr. Dharam Singla, the applicant, stated that he was aware that internet gaming was not allowed and that was not what he wanted to do.

Mrs. Piland made a motion, seconded by Mr. McLaurin to follow the staff recommendation and approve Case P12-10 for C1(P). Unanimous approval.

VIII. DISCUSSION

DIRECTOR'S UPDATE

- RIPARIAN BUFFER

Mr. Lloyd stated that a buffer is needed along Rockfish Creek, and asked the board for direction on where to put them.

Mr. McLaurin suggested checking with Mr. Canady with the Forestry Service first and see what his guidelines are.

Mr. Lloyd said that he would report back with what the forestry service does.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 8:47 p.m.