

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
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

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES
September 4, 2007

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Clifton McNeill
Mrs. Patricia Hall
Mr. Garland Hostetter
Mr. Harvey Cain, Jr.
Mr. Charles C. Morris

Others Present

Mr. Thomas Lloyd, Director
Mrs. Laverne Howard

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

There were no adjustments to the agenda.

A motion was made by Mrs. Hall, seconded by Mr. Hostetter to approve the agenda. Unanimous approval.

III. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions

IV. APPROVAL OF THE MINUTES OF AUGUST 21, 2007

A motion was made by Mrs. Hall, seconded by Mr. Hostetter, to accept the August 21, 2007 Board minutes as submitted. Unanimous approval.

V. PUBLIC HEARING ITEMS

REZONING CASES

A. **P07-53:** REZONING OF 4.33 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2545 SAND HILL ROAD, SUBMITTED BY ROBERT M. BENNETT, OWNED BY HAROLD J. KIDD

The Planning Board deferred this case on July 17, 2007 to allow the applicant an opportunity to discuss a Conditional Use District and Permit with the Planning & Inspections Staff. The applicant chose to keep his original rezoning request; therefore, the Staff recommendation was to deny the C(P) district based on their original recommendation.

At the Planning Board meeting on August 21, 2007, further discussion ensued with the applicant, resulting in the case being deferred by the Board, again requesting the applicant consider submission for a Conditional Use District and Permit. The applicant has since revised his application to the C(P)/Conditional Use District and Permit. The Planning & Inspections Staff has reviewed the revision and recommends approval of the C(P)/Conditional Use District for the uses listed in the application which are mini-warehousing with commercial storage of vehicles, office use, truck and trailer rentals, 2nd floor dwelling and retailing or servicing, excluding all other uses allowed in the C(P) district. This recommendation is based on:

- Although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the revised request is more consistent with the general area which is transitioning to non-residential uses at this location.

The Staff also recommends approval of the Conditional Use Permit, provided that the minimum setbacks for the C(P) zoning district are met, based on the following:

1. The use will not materially endanger the public health and safety if located according to the plan submitted;
2. The use will meet all required conditions and specifications if constructed according to the site plan, all federal and state mandates, and the County Zoning and Subdivision Ordinances, the requirements of which are attached to this recommendation;
3. The use will maintain or enhance the value of adjoining or abutting properties in that this development, if approved, will compliment the area in which it is proposed, allowing for additional retail and storage uses with protective measures in place, i.e., buffers, landscaping, etc., to protect the general area; and
4. The location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located.

The Planning and Inspections Staff also recommends the Planning Board consider this location as a "stop point" for the stripping of commercial zoning along Sand Hill Road.

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

A motion was made by Vice-Chair Epler and seconded by Mr. McNeill to follow the staff recommendations and approve C(P)/Conditional Use District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest and that the following conditional uses be approved: Mini-warehousing with commercial storage of vehicles, office use, truck and trailer rentals, single-family dwelling (2nd floor apartment), and retailing or servicing, excluding all other uses allowed in the C(P) district. The motion passed unanimously.

A motion was made by Vice-Chair Epler and seconded by Mr. McNeill that the Joint Planning Board finds that this Conditional Use Permit Application, if completed as proposed and subject to the conditions recommended by the Planning & Inspections staff (1) Will not materially endanger the public health and safety, and (2) will not substantially injure the value of adjoining or abutting property, and (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 officially adopted by the Board of Commissioners.

The applicant was not present to testify that he voluntarily consents to the conditions of the application.

Mr. McNeill asked about buffers that the applicant stated were on the site plan. He didn't see where they were on the site plan.

Chair McLaurin asked what was expected on the site plans in regards to buffers.

Mr. Lloyd stated that the applicant would have to provide a buffer because it's a non-residential use adjacent to a residential area.

Chair McLaurin asked if that has to be indicated on the site plan.

Mr. Lloyd said it could, but will automatically have to be done.

Vice-Chair Epler stated that it was condition thirteen on the condition sheet. Vice-Chair Epler stated that she thought it was on there. She thought she saw it along the western property line indicated by x marks. It just wasn't noted on the legend.

The motion passed unanimously.

VI. DISCUSSION

Mrs. Hall had a question about the staff recommended stop point for the stripping of commercial zoning along Sand Hill Road, how does staff keep up with that once this case is filed away?

Mr. Lloyd stated that each case has a file, a zoning case history that goes back 10 years. The staff makes recommendations on the merits of the case by itself.

Mrs. Hall stated that the Planning Board or the Commissioners can override it.

Mr. Lloyd stated that the Planning Board and Commissioners have the final say.

VII. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Mr. Lloyd reminded the Board about the next Task Force meeting on September 18, 2007 at Honeycutt Recreation Center.

Vice-Chair Epler asked if it was open to attend for Planning Board members.

Mr. Lloyd stated that they could attend.

VIII. ADJOURNMENT

There being no further business, the meeting adjourned at 7:20 p.m.