

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 October 20, 2009

Members Present

Mrs. Lori Epler, Chair
Mr. Roy Turner, Vice-Chair
Mr. Benny Pearce
Mr. Garland Hostetter
Ms. Patricia Hall
Mr. Harvey Cain, Jr.

Members Absent

Mr. Donovan McLaurin
Mrs. Sara Piland
Mr. Charles Morris
Mr. Walter Clark

Others Present

Mr. Tom Lloyd, Director
Mrs. Laverne Howard

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Hall delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Vice-Chair Turner made a motion to approve the agenda, seconded by Mr. Pearce. Unanimous approval

III. PUBLIC HEARING DEFFERAL - STAFF INITIATED UNTIL NOVEMBER 17, 2009

P09-45. REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 156, ZONING CODE, AMENDING § 156.035, DISTRICT USE REGULATIONS, BY INSERTING A "P" (PERMITTED USE) IN THE USE MATRIX IN EACH NON-RESIDENTIAL DISTRICT COLUMN [O&I, C-1, CB, HS(P), C(P), C-3, M1(P), M(P) AND M-2] FOR "DWELLING, SINGLE-FAMILY" USES.

Mr. Pearce made a motion to approve the deferral of case P09-45 until November 17, 2009, seconded by Mr. Cain. Unanimous approval.

IV. ABSTENTIONS BY BOARD MEMBERS

Chair Epler abstained from voting on cases P09-43 and P09-48.

V. APPROVAL OF THE MINUTES OF SEPTEMBER 15, 2009

Vice-Chair Turner made a motion to accept the minutes as submitted, seconded by Mr. Hostetter. Unanimous approval.

VI. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P09-43:** REZONING OF 3.53+/- ACRES FROM M1(P) PLANNED LIGHT INDUSTRIAL, RR RURAL RESIDENTIAL AND R10 RESIDENTIAL TO R7.5 RESIDENTIAL AND R10 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2085 AND 2117 CRYSTAL SPRINGS ROAD; SUBMITTED AND OWNED BY WINSTON HEMLEY AND ARNOLD AND VIRGINIA PAGE.

The Planning & Inspections Staff recommends approval of the requested rezoning to R7.5 Residential district except where the Special Flood Hazard Area (SFHA) is present, CD for the portion of the subject property that is located within the SFHA, and approval of the M1(P) Planned Light Industrial district, based on the following:

1. The request for the R7.5 Residential district for the subject property is consistent with the recommended location criteria as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan (hereinafter *Land Use Policies*) for low density residential and if approved, the zoning would be comparable to all other residentially-zoned properties within the immediate surrounding area;
2. The recommendation of CD Conservancy District for that portion of the subject property located within the SFHA is intended to preserve and protect the perennial stream running along the western portion of the subject property and would be consistent with the Land Use Policies location criteria for this area; and
3. Although the request for the M1(P) Planned Light Industrial district for a portion of the subject property is not entirely consistent with the location criteria for light industrial as listed in the Land Use Policies, the request is reasonable since it is intended to clarify the previously approved and intended zoning of this portion of the subject property – reference Case No. P76-53 approved by County Commissioners on June 1, 1976.

The R15 Residential could also be considered suitable for the requested R7.5 portion of the application and the C2(P) Planned Service and Retail or C(P) Planned Commercial districts could be suitable for the M1(P) portion of the request.

The affected property owner/applicant verbally agreed to this staff recommendation.

A motion was made by Vice-Chair Turner, seconded by Mr. Hostetter, to follow the staff recommendation and approve case P09-43. Unanimous approval.

- B. **P09-47:** REZONING OF .49+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7010 STONEY POINT ROAD; SUBMITTED BY HCC INVESTMENTS, LLC. AND JEAN OCKERT (BY POA), OWNED BY JEAN OCKERT, JEAN T. OCKERT, MICHAEL OCKERT AND MELANIE MOOG.

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

1. The request is consistent with the location criteria for planned commercial as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;

2. The request is reasonable due to the immediate area transitioning to primarily non-residential uses at this location; and
3. The subject property is located on a major thoroughfare.

There are no other districts to be considered suitable regarding this request.

A motion was made by Vice-Chair Turner, seconded by Mr. Cain, to follow the staff recommendation and approve case P09-47.

- C. **P09-48:** REZONING OF 2.11 +/- ACRES FROM R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN NORTH FIFTH AND NORTH SIXTH STREETS AND ON THE SOUTH SIDE OF PARKER STREET, SUBMITTED AND OWNED BY VIVEK TANDON. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the C(P) Planned Commercial district based on the following:

1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for medium density residential at this location, the request is consistent with the location criteria for light commercial as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. Due to the right-of-way projects planned for this area, this request is reasonable; and
3. Public water and sewer is available to the subject property.

There are no other districts to be considered suitable regarding this request.

A motion was made by Vice-Chair Turner, seconded by Mr. Cain, to follow the staff recommendation and approve case P09-48 as requested. Unanimous approval.

VII. DISCUSSION

Chair Epler advised that it was time for the Land Use Codes committee to meet for the annual review of the Zoning Ordinance. Committee members would be called with information regarding when that meeting will be held.

VIII. FOR YOUR INFORMATION

DIRECTOR'S UPDATE

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:08 p.m.