



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

MINUTES

August 19, 2014

Members Present

Ms. Patricia Hall, Chair
Mr. Charles Morris, Vice-Chair
Mr. Benny Pearce
Mr. Walter Clark
Mr. Harvey Cain, Jr.
Mrs. Diane Wheatley

Members Absent

Mr. Garland Hostetter
Dr. Vikki Andrews
Mr. Carl Manning
Mr. Donovan McLaurin

Others Present

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

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.

Mr. Lloyd advised the Board that case P14-40 was pulled from consent items and would be heard as a contested item.

Mr. Pearce made a motion to accept the agenda with the adjustment, seconded by Mrs. Wheatley. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL

P13-45. MODIFICATION OF A CONDITION FOR AN APPROVED A1 AGRICULTURAL/CZ CONDITIONAL ZONING FOR AN OUTDOOR FIRING RANGE AND AGRICULTURAL USES CONSISTING OF 978.40 +/- ACRES, ALLOWING FOR HOURS OF OPERATION NOT APPLY TO LAW ENFORCEMENT QUALIFICATION AND TRAINING; LOCATED AT 2850 TIGERSWAN DRIVE; SUBMITTED BY D. STEWART PRECYTHE ON BEHALF OF PRECYTHE PROPERTIES, LLC. (OWNER) AND STEVEN M. SWIERKOWSKI ON BEHALF OF THE RANGE COMPLEX.

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 JULY 15, 2014

Ms. Hall requested that a correction be made to who seconded the motion for Case P14-37 on page seven.

Mr. Pearce made a motion to accept the minutes with corrections, seconded by Mr. Clark. Unanimous approval.

VII. PUBLIC HEARING ITEMS

TEXT AMENDMENT

- A. **P14-43.** REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 42 ZONING BY ADOPTING AND ESTABLISHMENT OF A MAIN STREET OVERLAY DISTRICT (MSOD) AMENDING THE TOWN'S ZONING MAP, CREATING THE OVERLAY DISTRICT LAYER ON 77.44+/- ACRES GENERALLY FOLLOWING ALONG BOTH SIDES OF NORTH AND SOUTH MAIN STREETS; AND AMENDING ARTICLE I. DEFINITIONS, SECTION 42-8. DEFINITIONS, BY INSERTING IN ALPHABETICAL ORDER THE TERMS AND DEFINITIONS FOR *AMPHITHEATRE*, *BARS & NIGHTCLUBS*, AND *RESTAURANT*; AMENDING ARTICLE II. ZONING DISTRICTS, SECTION 42-35. STATEMENT OF DISTRICT INTENT; PURPOSE AND ZONE CHARACTERISTICS, SUB-SECTION (7) CB CENTRAL BUSINESS DISTRICT, AND CREATING A NEW SUB-SECTION (17), ENTITLED *MAIN STREET OVERLAY DISTRICT (MSOD)*; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 42-63. DISTRICT USE REGULATIONS, TABLE OF USES; AMENDING ARTICLE VII. PLANNED DISTRICTS, SECTION 42-168. SPECIFICATIONS FOR CERTAIN PLANNED DISTRICTS, AND CREATING A NEW SECTION 42-174, ENTITLED *SPECIFICATIONS FOR THE CB CENTRAL BUSINESS DISTRICT*; AMENDING ARTICLE XI. SIGN REGULATIONS, SECTION 42-293. SIGNS PERMITTED BY DISTRICTS; AND AMENDING ARTICLE XIII. ADMINISTRATION AND ENFORCEMENT, SECTION 42-359. ZONING PERMIT REQUIRED; APPROVAL OF PLANS; ISSUANCE, BY CREATING A NEW SUB-SECTION (D); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

Public Hearing opened.

Mr. Lloyd gave a brief explanation of the Text Amendment and stated that he would answer any questions if the Board had any.

1ST MOTION

The Planning and Inspections Staff recommends approval Case No. P14-43 for a text and map amendment creating a Main Street Overlay District for the Town of Spring Lake because the proposed ordinance provisions for the overlay district are designed to encourage new construction and re-development in an area that is oriented towards serving the citizens of Spring Lake and the traveling public, in addition to increasing the economic well-being of the town.

2ND MOTION

The Planning and Inspections recommends the board find that approval of the map and text amendment in Case No. P14-43 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Growth Vision Map classifies the subject properties as being in an "Urban" area and the language in the proposed text is an effort to ensure that *better, more quality-conscious development standards are applied consistently throughout the county, resulting in higher quality developments* (Vision Statement from 2030 Growth Vision Plan). The provisions contained in the proposed amendment are supported by many policies and actions of the 2030 Plan to include Policy Areas: 1, A More Diversified Local Economy; 2, Well-Managed Growth and Development; Infrastructure That Keeps Pace; 9, Compatible Commercial Development; 10, Community Appearance and Image and 11, A Healthy, Sustainable Environment. The request is also consistent with the Spring Lake Area Detailed Land Use Plan which recommends a *downtown plan* for the area in which the subject properties are located.

The staff further recommends the board find that approval of the map and text amendment is reasonable and in the public interest because the proposal promotes the protection and enhancement of the downtown Main Street area by facilitating the efficient and adequate provisions for infrastructure particularly motor vehicle parking and pedestrian walkways, and maintaining and stimulating a pedestrian-friendly, vibrant environment while encouraging economic growth that compliments and expands the unique character of the downtown area .

Mr. Morris made a motion, to recommend the approval and adoption of the Text Amendment as submitted by the Planning & Inspections staff, seconded by Mr. Clark. Unanimous approval.

Public hearing closed.

VIII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- B. **P14-41.** REZONING OF .68+/- ACRE FROM C1(P) PLANNED LOCAL BUSINESS TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF NC HWY 87 (N BRAGG BLVD), NORTH OF MARANATHA CIRCLE; SUBMITTED BY MARY ANN TEW (OWNER) AND RICHARD DANIELS.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-41 is generally consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” and “conservation” at this location because the district requested will allow for single and multi-family dwelling units and a limited amount of neighborhood oriented non-residential uses on relatively large lots for an urban area; as well as meeting the location criteria for “suburban density residential” development as listed in the Land Use Policies Plan. Although the request is not entirely consistent with the Spring Lake Area Detailed Land Use Plan, which calls for “low density residential” at this location, the district requested is consistent with the zoning of the immediate adjacent properties.

The staff also recommends that the board further find that approval of this request for rezoning is reasonable and in the public interest because the district requested will prevent the overcrowding of the property and lessen congestion in the streets in an area prone to congestion, the uses allowed will be the same as or comparable to those uses allowed on the immediate adjacent properties

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P14-41 for RR Rural Residential zoning based on the following:

- The requested district would be a logical extension of adjacent residentially zoned property under the same ownership.

There are no other districts considered suitable for this request.

Mr. Clark made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve RR Rural Residential district, seconded by Mrs. Wheatley. The motions passed with a unanimous vote.

- C. **P14-42.** REZONING OF 1.72+/- ACRES FROM RR RURAL RESIDENTIAL/CZ CONDITIONAL ZONING FOR A SWEEPSTAKES/INTERNET CAFÉ TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3451 CHICKEN FOOT ROAD, SUBMITTED BY MANLY ALAN AND JUDY S. BOYKIN (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-42 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* because the Plan calls for “rural” development at this location requiring large lot with a limited type of non-residential uses such as those allowed in the A1 district, and the request meets the location criteria for “rural density residential” as listed in the Land Use Policies Plan.

The staff also recommends the board further find that approval of this request for rezoning is reasonable and in the public interest because, if approved, the requested district will allow for lot sizes and uses comparable to those in the surrounding area.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P14-42 for A1 Agricultural based on the following:

1. If approved, the rezoning would remove the conditional zoning district allowing for a sweepstakes/internet café which is no longer in operation at this site; and
2. The requested district will allow for the re-use of the existing non-residential structure in a manner consistent with uses that are currently allowed on the surrounding properties.

There are no other districts considered suitable for this request.

Mr. Clark made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve A1 Agricultural district, seconded by Mrs. Wheatley. The motions passed with a unanimous vote.

IX. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- D. **P14-40.** REZONING OF 3.34+/- ACRES FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4231 AND 4239 CAMERON ROAD, SUBMITTED BY TIMOTHY EVANS (OWNER).

Mr. Lloyd presented the case information and photos.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P14-40 is generally consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” and “conservation” at this location because the district requested will allow for limited amount of neighborhood oriented non-residential uses on relatively large lots for an urban area; as well as meeting the location criteria for “office and institutional” development as listed in the Land Use Policies Plan. Although the request is not entirely consistent with the Southwest Cumberland Land Use Plan Map, which calls for “low density residential” and “open space” at this location, the general area already contains several non-residential uses and will likely trend to more non-residential uses given the recent improvements to Cameron Road and recent rezonings.

The staff also recommends that the board further find that approval of this request for rezoning is reasonable and in the public interest because the district requested will allow for uses the same as or comparable to those uses occurring on the immediate adjacent properties

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P14-40 for O&I(P) Planned Office and Institutional and CD Conservancy District where the Special Flood Hazard Area (SFHA) exists:

- The request is logical as the subject property is located between Cameron Road and US Hwy 301 which may not be appropriate for residential uses.

The applicant has verbally agreed with the staff recommendation. There are no other districts considered suitable for this request.

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

Public hearing opened.

Mr. Tim Evans, the applicant, spoke in favor. Mr. Evans gave a brief history of the subject property and his reasons for purchasing the property.

Ms. Brenda Cameron spoke in opposition. Ms. Cameron stated that she was a committee member of the Southwest Cumberland Land Use Plan and a friend of Tim Evans, but was opposed to the rezoning of the subject property from residential district to Office & Industrial district. During the meetings for the Southwest Cumberland Plan it was recommended that the area remain residential, low density, and open space. Ms. Cameron stated that she disagreed with the staff recommendation as far as rezoning options are concerned. Ms. Cameron stated that she was concerned about if the property was ever sold, the possible uses that could encroach on the area. Ms. Cameron asked the board to consider leaving the zoning as it currently is.

Mr. Morris advised Ms. Cameron that the current zoning of R10 would allow for twenty one lots to be placed on the subject property. So the board looks at how the use will be compatible in the future.

Public hearing closed.

Mr. Morris made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve O&I(P) Planned Office and Institutional and CD Conservancy District where the Special Flood Hazard Area (SFHA) exists, seconded by Mr. Pearce. The motions passed with Chair Hall voting in opposition.

VII. DISCUSSION

DIRECTOR'S UPDATE

- COMPREHENSIVE PLANNING COMMITTEE

Mr. Lloyd stated that he thought the Comprehensive Planning Committee should start meeting anytime there is a new plan being worked on to have input on it before the plan goes before the Planning Board for their approval.

VIII. ADJOURNMENT

There being no further business, the meeting adjourned at 8:04 pm.