

M I N U T E S
April 3, 2001
7:00 p.m.

Members Present

John M. Tyson, Chair
Joe W. Mullinax, Vice-Chair
Dallas Byrd
C.S. "Pete" Connell
Clifton McNeill
Jerry Olsen
Jeff Reitzel

Others Present

Barry Warren, Director
Tom Lloyd
Donna McFayden
Barbara Swilley

Grainger Barrett, County Attorney
John Henley, Co. Commissioner

I. Invocation And Pledge Of Allegiance

Mr. McNeill delivered the invocation, and Chair Tyson led those present in the Pledge of Allegiance.

II. Approval Of Agenda/Additional Items

A motion was made by Mr. Olsen and seconded by Mr. Byrd to approve the Agenda. The motion passed unanimously.

III. Public Hearing Deferrals

Mr. Warren asked that Case No. P01-15 be deferred because the applicant was out of town for a funeral. After input was received from those in the audience in attendance for the case, a motion was made by Mr. Olsen and seconded by Mr. McNeill to defer Case No. P01-15 until May 1, 2001 (the first Public Hearing item). The motion passed unanimously.

IV. Abstentions By Board Members

There were no abstentions by Board members.

V. Policy Statement Regarding Public Hearing Time Limits

Mr. Lloyd read the Board's policy regarding public hearing time limits.

VI. Consent Items

A. Approval Of The Minutes Of March 20, 2001

After some corrections were made to the Minutes, a motion was made by Vice-Chair Mullinax and seconded by Mr. Gillis to approve the Minutes of March 20, 2001 as corrected. The motion passed unanimously.

Public Hearing Items

A. P01-15. REZONING OF 117 ACRES OWNED BY JAMES D, GILLIS, ETAL, FROM RR TO R10 ON THE NORTH AND SOUTH SIDES OF STRICKLAND BRIDGE ROAD, WEST OF THE INTERSECTION OF STRICKLAND BRIDGE ROAD AND CENTURY CIRCLE.

This case was deferred until May 1, 2001.

B. P01-18. CONDITIONAL USE OVERLAY DISTRICT AND PERMIT FOR .29 ACRES OWNED BY ROBERT LEE JOHNSON TO ALLOW AUTOMOBILE REPAIR IN A C1 DISTRICT AT 4591 CAMERON ROAD.

A motion was made by Mr. Gillis and seconded by Vice-Chair Mullinax to reopen this public hearing from the March 20, 2001 meeting. The motion passed unanimously.

Mr. Lloyd requested that the packet materials concerning this case be entered into the record.

Maps were displayed outlining the zoning and land use in the area. A video of the site was shown. Mr. Lloyd said that the Planning staff recommended approval of the Conditional Use Overlay District based on the finding that the request is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest.

The Planning staff recommended denial of the Conditional Use Overlay Permit after finding that the proposal does not meet the following conditions:

1. It will not materially endanger the public health and safety – The size of the lot, insufficient parking space availability, runoff, hazardous waste, and the use of wells and septic tanks in the neighborhood make this proposal an endangerment to the public health and safety of the surrounding residents.

2. It will not substantially injure the value of adjoining or abutting property – The staff believes that the nature of the proposed business will negatively and adversely impact the value of the adjoining properties.
3. It will be in harmony with the area in which it is to be located – There is no other commercial use in the immediate area, and other than a church, the only other commercially zoned property is vacant.
4. It will be in conformity with the 2010 Land Use, Thoroughfare and other plans officially adopted by the Board of Commissioners – The request does not follow the recommendations of the 2010 Land Use Plan, and Cameron Road is not designated as a limited or primary business street, and it is designated as a major thoroughfare in the Thoroughfare Plan.

If the Planning Board approved the Conditional Use Overlay Permit, the following conditions were recommended:

1. All lighting shall be directed away from the adjoining residential property to the south and east.
2. The Health Department must approve water and sewer plans for the operation.
3. Signage must be in compliance with applicable sign regulations as set forth in Section IX of the County Zoning Ordinance.
4. The hours of operation are to be limited to 8:00 a.m. until 6:00 p.m. weekdays and 8:00 a.m. until 12:00 noon on Saturday.
5. Parking must be set back at least 15 feet from the Cameron Road right-of-way.
6. No outside storage of automobiles is allowed after working hours as stipulated above.
7. All fluids from vehicles serviced shall be disposed of in accordance with EPA regulations.
8. There shall be no future expansion of the structure shown on the site plan.

Mr. Reitzel reminded the members that they approved the Conditional Use Overlay District at the previous meeting, and now they were to make a decision regarding issuance of the Conditional Use Overlay Permit.

Mr. Lloyd said that he checked on the gas tanks being under the structure (mentioned at the last meeting) and was told that the owner must bear the full cost of making sure that the tanks no longer contain gasoline and that they are not leaking.

Mr. Robert L. Johnson, owner, appeared before the Board and said that the renter of the property wanted to rent the entire building and it would no longer be used for residential use. He said that there is more parking space available in the rear of the property.

Mr. Ricky Lewis, applicant, appeared before the Board and said that he was available for questions.

Mr. Reitzel suggested that the Board specify 11 spaces for off-street parking. He noted that four spaces will be eliminated from the front of the building because of setback requirements.

Mr. Olsen said that he opposed approving the Conditional Use Overlay Permit because of the parking problems.

Mr. Reitzel noted that C1 is the underlying district and allows service stations. Mr. Lloyd agreed and said that it does not, however, allow automobile repair. He added that the structure is currently nonconforming on all setbacks.

Mr. McNeill asked where the drain field is located for the septic tanks. Mr. Johnson said that it is in the rear. Mr. McNeill said that there could be no parking in the rear if the drain field is located there.

Mr. Reitzel said that the condition should specify the minimum number of off-street parking spaces required. Mr. Lloyd said that 11 spaces are required because one side of the structure is used for residential use. Mr. Lewis confirmed that he lives on one side of the structure.

Mr. Barrett said that the Board must find that the use is in harmony by law with the uses of right in the underlying zoning district. He said that the automobile repair would be allowed as right if gas tanks were added, and this is a less intense use than a gas station.

Mr. Warren expressed concern about safety because of the site distance from the intersection. He said that the parking should be away from the intersection because the parked cars will cut down on the site distance.

A motion was made by Mr. Byrd and seconded by Mr. Gillis to recommend approval of the Conditional Use Overlay District based on the findings that the proposed use will:

- 1. Not materially endanger the public health and safety – The size of the lot, insufficient parking space availability, runoff, hazardous waste, and**

the use of wells and septic tanks in the neighborhood make this proposal an endangerment to the public health and safety of the surrounding residents;

- 2. Not substantially injure the value of adjoining or abutting property – The staff believes that the nature of the proposed business will negatively and adversely impact the value of the adjoining properties;**
- 3. Be in harmony with the area in which it is to be located – There is no other commercial use in the immediate area, and other than a church, the only other commercially zoned property is vacant; and**
- 4. Be in conformity with the 2010 Land Use, Thoroughfare and other plans officially adopted by the Board of Commissioners – The request does not follow the recommendations of the 2010 Land Use Plan, and Cameron Road is not designated as a limited or primary business street, and it is designated as a major thoroughfare in the Thoroughfare Plan.**

The motion included the following conditions to the permit approval:

- 1. All lighting shall be directed away from the adjoining residential property to the south and east.**
- 2. The Health Department must approve water and sewer plans for the operation.**
- 3. Signage must be in compliance with applicable sign regulations as set forth in Section IX of the County Zoning Ordinance.**
- 4. The hours of operation are to be limited to 8:00 a.m. until 6:00 p.m. weekdays and 8:00 a.m. until 12:00 noon on Saturday.**
- 5. Parking must meet the requirements of the Zoning Ordinance for the C1 District for uses on the lot plus two spaces for the residence.**
- 6. No outside storage of automobiles is allowed after working hours as stipulated above.**
- 7. All fluids from vehicles serviced shall be disposed of in accordance with EPA regulations.**
- 8. There shall be no future expansion of the structure shown on the site plan.**

Mr. Olsen said that the lot is an eyesore with potentially a safety hazard. He said he has seen cases where cars have been left waiting for parts, and meeting the sixth condition isn't likely. He said that the lot is too small for the use, and draining oil is hazardous. He said that he understood the argument about the district allowing service stations, but he was concerned about the parking and

creating site distance blockage on Camden Road where there is heavy traffic. He said that the parking spaces near the road should be the last used.

Upon a vote on the motion, it passed 7 to 1 with Mr. Olsen voting in opposition.

VIII. DISCUSSION

A. Land Use Codes Committee Report – John Gillis

Mr. Gillis gave his report on the Land Use Codes Committee's last two meetings. He said regarding the Averagesboro Battlefield, some recommendations were made, and the staff is working with Mr. Walt Smith, representative of the Battlefield Commission. He said that the item will be on the agenda for the next meeting.

Mr. Gillis said that the Recreational Vehicle Amendment for Spring Lake was approved by the Committee and Board and is scheduled for hearing by the Spring Lake Town Board on April 23.

Mr. Gillis said that the Committee reviewed two amendments for the Town of Spring Lake regarding fencing and dumpsters, as well as two amendments for the County regarding nonconforming structures and golf courses.

A Committee motion was made to recommend approval of the above amendments and schedule them for public hearing by the Planning Board on May 1, 2001. The motion passed unanimously.

B. County Commissioners' Meeting Report – John Gillis

Mr. Gillis reported on the March 19 Commissioners' meeting. He said that the Commissioners denied the case that the Board made no recommendation on, and the results of the other cases are included in Ms. McFayden's report included in the packets.

Mr. Warren reported on the April 2, 2001 Commissioners' meeting. He said that he and Mr. Rooney presented the Manufactured Housing Study to the Commissioners, and they requested that the Board form a task force and form recommendations for the Commissioners to consider on how to resolve some of the issues addressed in the study.

He said that the Commissioners suggested that the task force consist of members from the manufactured housing industry, homebuilders, realtors, and

others that the Board sees fit to include. Chair Tyson asked that Joe Strickland, Bill Milligan and Al Parker be considered for the task force.

A financial person was recommended to serve on the task force, and Mr. Reitzel suggested Tom Keith, appraiser, and the County Tax Assessor.

The staff was asked to find the appropriate persons and make sure that they are willing to serve on the task force and take the list back before the Board for consideration before scheduling a meeting.

Mr. Gillis asked if the Land Use Codes Committee should have a role in the meetings. The members decided that at least one Planning Board member should attend the meetings. Mr. Reitzel said that there should be a good balance on the task force.

Mr. Olsen suggested that Mr. Reitzel moderate the task force since he worked so hard to make sure that the study included all of the necessary information and that all issues were considered.

Dr. Henley agreed that a Planning Board member should serve as moderator of the task force and that it must be a balanced group that is fair to both industries. He said that the recommendations to the Commissioners must stand the test of public scrutiny.

C. National American Planning Association Conference

Chair Tyson reported on the National Conference attended by three Board members, the Planning Director and two staff. He said that those attending split up to cover sessions in order to gain the most information from the Conference.

Mr. Gillis reported that he focused on how to use clustered development to provide open space in subdivisions in a meaningful way and allow more density. He explained ways that were suggested to accomplish this. He said that there are many innovative techniques now used to achieve the good planning that the County and Board desire.

Mr. Gillis said that he also attended seminars on downtown development, alternative layouts and conservation districts and learned more about legal takings. He said that the software available to help visualize ultimate configurations is also very useful.

Mr. Reitzel said that he focused on workshops involving smart growth that encouraged clustering and incorporating mixed uses in nearly every district. He

said that many places no longer require lot sizes or setbacks and use lot averaging with varying percentages of open space. He said that the use of reduced street widths to be environmentally sound and act as traffic calming devices was covered in one of the workshops he attended. He said that the conference was extremely beneficial, and smart growth as embraced by the National Planning Association is a form of new urbanism that affords an opportunity to work harmoniously with developers to ensure open space and provide efficient infrastructure.

Chair Tyson said that he attended sessions on readaptation of abandoned commercial space where government agencies approach owners to donate vacant portions of a shopping center for senior citizen centers, branch libraries, sheriff facilities, etc. He said that this concept benefits the developer by bringing people back into the center and the public by the free space.

Mr. Gillis said that issues related to smart growth were being seized by no-growth advocates, and he became very clear that smart growth is not “no growth.” He said that lessons were learned from Oregon with their statewide mandate on growth control that did not achieve the desired results. He added that growth boundaries create higher prices, and development goes outside of restricted zones, which create traffic and infrastructure problems.

Mr. Warren reported that he appreciated seeing what other areas have done in the form of their comprehensive plans and how their ordinances address sprawl and mixed use. He said that he plans to incorporate some of the newer ways into the County’s ordinances. He also saw benefit to encouraging development where infrastructure is already in place, rather than the sprawl that has created additional traffic and other problems in Cumberland County.

IX. For Your Information

A. Newspaper Article

Mr. Reitzel reported on a newspaper article that was in the Myrtle Beach paper that indicated that Hoke County is the 99th fastest growing county in the nation. It was noted that the development in Hoke County is within three miles of the Cumberland County border.

B. Director’s Update

Mr. Warren handed out a list of transportation projects to be completed in the County between 2002 and 2008. (See attached)

X. Adjournment

There being no further business, the meeting adjourned at 8:20 p.m.