

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Interim Director

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

MINUTES JANUARY 17, 2006

Members Present

Mr. Charles Morris, Chair
Mr. Donovan McLaurin, Vice-Chair
Mr. Garland Hostetter
Land Use
Ms. Sara Piland
Supervisor
Ms. Lori Epler
Mr. Roy Turner
Mr. Harvey Cain

Others Present

Ms. Annie Faircloth
Ms. Annette Nunnery
Ms. Patricia Speicher,

Codes

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

A motion was made by Mr. McNeill and seconded by Mr. McLaurin to approve the Agenda. Unanimous approval.

Chair Morris stated that Mr. Lloyd and Ms. Epler were representing the Planning Board at the County Commissioners meeting.

III. PUBLIC HEARING DEFERRALS

Ms. Speicher requested that Case P06-04 be deferred.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Cain stated his abstention regarding Case P06-03. **A motion was made by Mr. McNeill and seconded by Mr. McLaurin to accept the abstention. Unanimous approval.**

V. POLICY STATEMENT - PUBLIC HEARING TIME LIMITS – read by Ms. Speicher.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF DECEMBER 20, 2005

A motion was made by Mr. McLaurin and seconded by Ms. Piland to

approve the Minutes of December 20, 2005 as written. Unanimous approval.

REZONING CASES

- B. P06-01: REZONING OF .67 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5211 RED MAPLE LN, OWNED BY DAVID A. HEWETT.
- C. P06-03: REZONING OF 2.27 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, W OF WADE-STEDMAN RD, N OF CLINTON RD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY SOUTH RIVER ELECTRIC MEMBERSHIP CORP.

AMENDMENT

- D. P06-06: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING THE R20 DISTRICT AND CREATING A R20A DISTRICT, AFFECTING: ARTICLE III, SECTION 304; ARTICLE IV, SECTION 403; AND ARTICLE XI, SECTION 1104; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

PLAT & PLAN

- E. CASE 06-004: CONSIDERATION OF ROBERT L BRIDGES PROPERTY, SUBDIVISION REVIEW, A WAIVER FROM SECTION 3.20, CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE ON THE NORTHWEST SIDE OF SR 2018 (CARL FREEMAN RD), NORTHEAST OF WHITE POND DR.

A motion was made by Mr. McLaurin and seconded by Mr. McNeill to approve Cases P06-01, P06-03, P06-06, and 06-004. Motion carried. Mr. Cain abstained.

VII. PUBLIC HEARING ITEMS

- A. P05-97: REZONING OF .34 ACRES FROM C1(P) TO C(P), AT 3831 BOONE TRAIL, SUBMITTED BY BLAINE LOVELAND, OWNED BY DORA H. HOWARD.

Ms. Speicher presented slides and site maps for case P05-97, and reviewed current land uses in the area.

The Public Hearing was opened at 7:07 p.m..

Steven Walsh appeared in favor of the rezoning. He stated that a dilapidated house was currently on the property and reviewed the existing land uses in the immediate area. He stated that his plan was to construct a building on the lot with the objective of raising the tax value of the property. He noted that the area has changed over the years from residential to business and industrial.

Mr. McNeill asked Mr. Walsh to clarify for the board the type of business he had in mind. Mr. Walsh stated he intended to operate an automotive repair shop. Vehicle parking would be temporary on the lot.

Ms. Speicher reminded the Board that they had to consider all uses allowed in the C(P) District.

Blaine Loveland spoke in favor of the rezoning, on behalf of the property owner. He noted that the area had changed from residential to primarily businesses with a higher traffic flow. He noted that the proposed business use would be a much better use of the property than the existing use.

Mr. McNeill asked if the applicant had spoken to staff about the possibility of a conditional use on the property. Mr. Loveland stated that he had, but that the property owner was concerned about restrictions on the Conditional Use if the property was sold in the future and also about the cost involved in applying for a Conditional Use.

The Public Hearing was closed at 7:19 p.m.

Mr. McNeill questioned if the Planning Staff's concern was with the repair of vehicles on the property. Ms. Speicher noted that the concern was not with the particular planned use but with the overall allowed uses in the C(P) District. Mr. McNeill questioned whether or not buffering of the property would be different between C(P) and C1(P). Ms. Speicher clarified that there would be no difference in the buffering requirements.

Mr. McNeill stated that a major concern with this particular request was with the less desirable uses that would be allowed in this district if the Board approved a straight rezoning instead of a Conditional Use on the property.

Chair Morris noted that the Petitioner should be aware that a one-year time limit for a rehearing would be applied if the Board ruled on the rezoning at this time. He urged the petitioner to again consider a deferral to discuss the Conditional Use with his client. The petitioner stated that he would be willing to consider that if he could talk the owner into it. Ms. Speicher stated that her understanding was that the owner did not want a Conditional Use. Mr. McNeill stressed that a deferral would allow the property owner a chance to consider the options involved without invoking the one-year time limit.

Mr. Loveland and Mr. Walsh both stated that they would like to defer for an additional 30 days.

A motion was presented by Mr. McNeill and seconded by Mr. McLaurin to accept a request for deferral for Case P05-97. Motion carried unanimously.

B. P06-02: REZONING OF .85 ACRES FROM C1(P)/CU AND C3/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE NW QUADRANT OF BOONE TRL AND CUMBERLAND RD, OWNED BY GLADYS ARP BLANTON.

The Public Hearing opened at 7:32 p.m.

Ms. Speicher presented Case P06-02 and reviewed slides and land uses in the area. She noted that a Conditional Use for a nursery operation had been approved for this property in March of 2004.

Gladys Blanton, owner, spoke in favor of the request. She stated that she wanted to resume operation of a used car sales business on this property. The nursery operation had been a mistake.

Mr. Turner asked what the prior zoning on the property had been. Ms. Speicher stated that it was C1 and C3, changed to C1(P)/CU and a small portion to C3/CU.

Mr. McNeill asked if a previous overlay had allowed for an automobile sales lot on that property. Ms. Speicher stated that C1 did not allow for that use and that the operation of an automobile sales lot on the subject property may have existed prior to any zoning in that area.

Mr. McNeill asked for clarification from the petitioner as to the type of business he would operate. The petitioner stated he would display 10 to 15 cars for sale only, with no repair of those vehicles. He stated that the configuration of the lot would limit his and any other business that operated there.

The Public Hearing was closed at 7:42 p.m.

Discussion was entertained on the lot configuration and access to the property. Ms. Speicher circulated a plat showing the recorded lots and the buildable envelope on the property. Mr. McNeill asked if the Planning Staff would have been more agreeable to a rezoning request of C(P) for the Cumberland Road frontage portion of the lot. Ms. Speicher stated that C(P) would have been consistent with both the Cumberland Road Land Use Study and the current uses in the area in that case.

Mr. McNeill agreed that the lot configuration would limit other uses on the property. He stated that he would be agreeable to C(P) on the front lot abutting Cumberland Road and C1(P) on the remainder of the property. He further noted his concern with the matrix and the different automotive uses allowed. He questioned whether a business could use the C(P) lot and have customer parking on the C1(P) lot. Ms. Speicher stated that this was technically a Code Enforcement question, but most likely, customer parking, not display parking, would be allowed.

Mr. McNeill presented a motion, seconded by Mr. McLaurin, to deny the request for a C(P) District on the entire property and approve a C(P) District on the .46 acres fronting Cumberland Road and a C1(P) District on the remaining portion of the property, with no Conditional Uses. Motion carried unanimously.

VIII. INTERIM DIRECTORS UPDATE

Ms. Speicher stated that Ms. Candace Williams with the Sandhills Land Trust would make a presentation to the Board at the February 7th meeting.

IX. DISCUSSION

Ms. Epler returned to update the Board on the Commissioners meeting. She reported that the Commissioners had deferred Cases P05-89 and P05-90 for thirty days and had upheld the Planning Board's decisions on all other cases presented.

X. ADJOURNMENT

Ms. Epler presented a motion, seconded by Mr. Turner, to adjourn the meeting at 8:01 p.m. Unanimous approval.