

Diane Wheatley,
Chair,
Cumberland County

Carl Manning,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Jordan Stewart.,
Town of Stedman

Vacant
Wade, Falcon & Godwin

Thomas Lloyd,
Town of Linden



Planning & Inspections Department

Joel Strickland,
Acting Director

Vacant,
Deputy Director

Vikki Andrews,
Lori Epler,
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

MINUTES
August 20, 2019

Members Present

Mrs. Diane Wheatley – Chairman
Dr. Vikki Andrews
Mr. Jordan Stewart
Mr. Stan Crumpler
Mr. Thomas Lloyd
Mrs. Jamie McLaughlin
Mrs. Lori Epler
Ms. Patricia Hall

Members Absent

Mr. Carl Manning

Others Present

Mr. Joel Strickland
Ms. Annie Melvin
Mr. Edward Byrne
Mrs. Laverne Howard
Mr. Rick Moorefield,
County Attorney
Mr. Tracy Jackson,
Asst. County Manager
Mrs. Jaimie Walters

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. McLaughlin delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

There were none.

Mrs. Epler made a motion seconded by Dr. Andrews to approve the agenda as submitted. Unanimous approval.

III. PUBLIC HEARING WITHDRAWAL / DEFERRAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Strickland read the policy statement.

VI. APPROVAL OF THE MINUTES OF JULY 16, 2019

Ms. Hall made a motion, seconded by Mrs. McLaughlin to approve the minutes as submitted.

VIII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P19-36.** REVISIONS AND AMENDMENTS TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CHAPTER 42, AMENDING ARTICLE I. – IN GENERAL SEC. 42.8. – DEFINITIONS. BY INSERTING IN ALPHABETICAL ORDER *ANCILLARY SALE, E-CIGARETTE, SMOKE SHOP, TOBACCO, TOBACCO PARAPHERNALIA, TOBACCO PRODUCT*; AMENDING ARTICLE III. – PERMITTED, CONDITIONAL AND SPECIAL USES. SEC. 42.66. – INDIVIDUAL USES. BY ADDING SECTION (B) *SMOKE SHOPS AND TOBACCO STORES*. SUB-SECTIONS (1) – (2); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

In Case P19-36, the Planning & Inspections staff recommends approval of the text amendment to the Spring Lake Zoning Ordinance which, if approved would establish minimum distance requirements for smoke shops and tobacco stores as well as further define keywords related to this use, finding it is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, specifically including: *Policy Area 2: Well-Managed Growth* and the Spring Lake Area Land Use Plan (2003) goal of providing a variety of commercial development that is responsive to market needs and appropriately located and designed to be safe, attractive, and compatible with its surroundings. The staff further finds that approval of the amendment is reasonable and in the public interest based on the foregoing information and this amendment will allow development of smoke shops and tobacco stores to be more harmonious with surrounding existing uses.

This proposed text amendment would not cause any changes to the Spring Lake Area Land Use Plan map.

In Case P19-36, Mrs. Epler made a motion, seconded by Mrs. McLaughlin to approve the text amendment to the Spring Lake Zoning Ordinance which, if approved would establish minimum distance requirements for smoke shops and tobacco stores as well as further define keywords related to this use, finding it is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, specifically including: *Policy Area 2: Well-Managed Growth* and the Spring Lake Area Land Use Plan (2003) goal of providing a variety of commercial development that is responsive to market needs and appropriately located and designed to be safe, attractive, and compatible with its surroundings. The Board further finds that approval of the amendment is reasonable and in the public interest based on the foregoing information and this amendment will allow development of smoke shops and tobacco stores to be more harmonious with surrounding existing uses. The motion passed with unanimous approval.

IX. PUBLIC HEARING CONTESTED ITEMS

INITIAL ZONING CASE

- B. **P19-35.** INITIAL ZONING OF 9.60+/- ACRES C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF INTERSTATE 95, WEST OF SR 1813 (PERCY STRICKLAND ROAD); SUBMITTED BY MARIE W. BELL (OWNER). (WADE)

Mr. Byrne presented the case information and photos.

There was no one present to speak in favor or in opposition.

In Case P19-35, the Planning and Inspections Staff recommends denial of the initial zoning to C(P) Planned Commercial, instead recommending approval of the initial zoning to A1 Agricultural and find this recommendation more consistent with the 2030 Growth Vision Plan (2009) which calls for “rural areas” and the Wade Land Use Plan (2004) which calls for “farmland” and “one acre residential” at this location. A1 Agricultural allows for the low density and larger lot sizes desired within the “rural area” designation and further find approval of this recommendation of A1 Agricultural is reasonable and in the public interest because the recommended district is more in harmony with existing surrounding zoning and land uses and the area being initially zoned lacks access to public utilities as well as direct access to a public/private street.

Mr. Crumpler asked if the Town of Wade made this request.

Mr. Byrne went on to explain that when a town annexes a piece of property, they have to request the zoning and they can pick a designation.

Mrs. Epler stated that regardless of what the Planning Board recommends, the Town of Wade would have the final decision.

Mrs. Epler asked Mr. Moorefield if this could be considered spot zoning if they recommended approval for a straight rezoning?

Mr. Moorefield said that it's not spot zoning because it's in a different jurisdiction.

Mr. Lloyd said that if the town wants to go against the plans and the policies, that's their right, but they also adopted the plans and the policies.

Mrs. Epler said that she feels as though setting a precedence at this point is dangerous because it does go against the land use plans, and wondered if anyone would mind deferring the case to give the applicant a chance to talk with staff to maybe come back with a conditional zoning.

Mr. Byrne said staff spoke with the property owner and they are aware of staff's recommendation of denial, but they wanted to go ahead and get the C(P) zoning. They have already talked to the town and the town has told them they would get the zoning.

Mr. Lloyd said that he would approve asking the applicant to come back with a request for conditional zoning, but they are not here.

Mr. Stewart said that he understands that the board wants to stay in accordance with the land use plan, but his understanding is that it is a guide, if the town is for it and no one is complaining, he is familiar with the area it's a high traffic area and would be good for billboards.

Mr. Lloyd said there is a Land Use Plan and the Zoning Ordinance, just because they say they are going to put a billboard, if it's zoned commercial it could be any commercial.

In Case P19-35, Mr. Crumpler made a motion, seconded by Mr. Lloyd to recommend denial of the initial zoning to C(P) Planned Commercial, instead recommending approval of the initial zoning to A1 Agricultural and find this recommendation more consistent with the 2030 Growth Vision Plan (2009) which calls for "rural areas" and the Wade Land Use Plan (2004) which calls for "farmland" and "one acre residential" at this location. A1 Agricultural allows for the low density and larger lot sizes desired within the "rural area" designation and further find approval of this recommendation of A1 Agricultural is reasonable and in the public interest because the recommended district is more in harmony with existing surrounding zoning and land uses and the area being initially zoned lacks access to public utilities as well as direct access to a public/private street. The motion passed with unanimous approval.

X. DISCUSSION

- Dr. Andrews gave an update on the Board of Commissioners' meeting.
- Mr. Strickland presented the Land Use Plan Timeline and RV Park Regulations.

Mr. Lloyd made a motion, seconded by Mrs. Epler to send the Land Use Plan timeline to the Comprehensive Planning Committee for their review.

- RV Park Requirements – Mr. Strickland presented comparisons with other Counties' RV Park regulations.

Mrs. Epler made a motion, seconded by Mr. Crumpler to move this item to the Land Use Codes Committee for their review.

- Quasi - Judicial training – Mr. Strickland advised the Board that the Institute of Government would be hosting training on September 19, 2019 for anyone who is interested. There are plenty of spots reserved and anyone interested in going should let Mr. Strickland know. Dr. Andrews and Mrs. Wheatley said they wanted to attend the training.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 7:37 pm.