

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



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

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

TENTATIVE AGENDA

August 20, 2019
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JULY 16, 2019
- VII. PUBLIC HEARING CONSENT ITEMS

INITIAL ZONING CASE

- 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*. SUBSECTIONS (1) – (2); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

VIII. PUBLIC HEARING CONTESTED ITEMS

- 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)

IX. DISCUSSION

- COMPREHENSIVE PLAN SCHEDULE
- RV PARK REQUIREMENTS

X. ADJOURNMENT

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August 12, 2019

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Recommendation for the August 20, 2019 Board Meeting

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)

RECOMMENDATION: 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.

Attachment: P19-36 Spring Lake Text Amendment

**TOWN OF SPRING LAKE
ZONING CHAPTER TEXT AMENDMENT
ARTICLE I AND ARTICLE III**

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)

**CHAPTER 42
ZONING**

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*; as written and as indicated below:

ARTICLE I. – IN GENERAL

Sec. 42-8. - Definitions.

Ancillary sale means where a grocery store, supermarket, convenience store or similar market uses no more than two percent of its gross floor area, or 200 square feet, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. For any grocery store, convenience market, retail kiosk or similar use consisting of 250 square feet or less, “ancillary sale” shall mean where no more five square feet are used for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco. The display, sale, distribution, delivery, offering, furnishing, or marketing of e-cigarettes or any other tobacco products or tobacco paraphernalia, regardless of square footage used, is subject to the restrictions of this section and shall not constitute “ancillary sale” under any circumstances.

E-cigarette means any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize liquid solution, popularly referred to as “juice,” and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

Smoke shop and tobacco store means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; provided, however, that any grocery store, supermarket, convenience store or similar retain use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a “smoke shop and tobacco store” and shall not be subject to restrictions in this chapter.

Tobacco means any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

Tobacco paraphernalia means any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing or ingesting by any other means into the body of tobacco products. Items or devices classified as tobacco paraphernalia include but are not limited to the following: pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette

juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. Lighter and matches shall be excluded from the definition of tobacco paraphernalia.

Tobacco product means any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of tobacco or nicotine in the product whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this chapter, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco; smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose.

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); as written and as indicated below:

ARTICLE III. – PERMITTED, CONDITIONAL AND SPECIAL USES

Sec. 42-66. - Individual uses.

(b) *Smoke Shops and Tobacco Stores.*

- (1) Smoke shops and tobacco stores shall not be located within 1,000 feet of a parcel occupied by a public or private kindergarten, elementary, middle, junior high or high school; licensed child-care facility or preschool, youth centers, community centers, recreational facility, park, church or religious institution, medical facility, or other similar uses where children regularly gather.
- (2) Smoke shops and tobacco stores shall not be located within a one-half mile radius of an approved or existing smoke shop and tobacco store.

CASE NUMBER: P19-35

PLANNING BOARD HEARING DATE:

08/20/2019

REQUEST
Initial to C(P)

ACREAGE: 9.60+/-

PROPERTY OWNER/APPLICANT
MARIE W. BELL (OWNER)

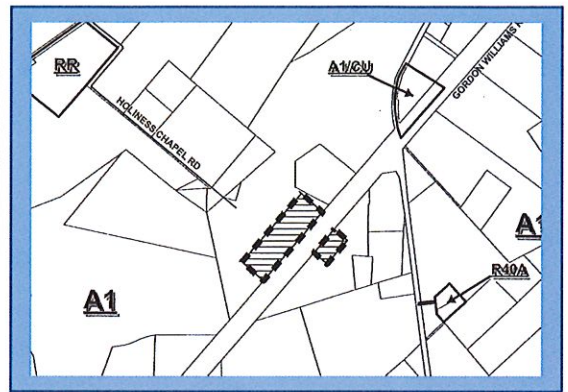
PROPERTY ADDRESS/LOCATION

Both sides of I-95, west of SR 1813 (Percy Strickland Road)

Jurisdiction: Wade

PROPERTY INFORMATION

Frontage & Location: 1,050'+/- on I-95; 362'+/- on I-95
 Depth: 330'+/-; 200'+/-
 Adjacent Property: Yes
 Current Use: Farmland
 Initial Zoning: A1 – November 25, 1980 (Area 14); Annexed into Wade on July 9, 2019
 Town of Wade: Requested initial zoning of C(P), no other comment
 Nonconformities: None
 Zoning Violation(s): None
 School Capacity/Enrolled: Comments requested; none received
 Special Flood Hazard Area (SFHA): None
 Water/Sewer Availability: Well/Septic
 Soil Limitations: None
 Subdivision/Site Plan: If approved, site plan review required
 Average Daily Traffic County (2016): 130 on SR 1813 (Percy Strickland Rd); 55,000 on Interstate 95
 Highway Plan: The subject property lies on Interstate 95 which is identified as a freeway needing improvement in the 2045 Metropolitan Transportation Plan. Interstate 95 is planned in the State Transportation Improvement Plan as I-5986, a proposed project to widen about 25 miles of I-95 to eight lanes between I-95 Business/U.S. 301 (Exit 56) in Cumberland County and I-40 (Exit 81) in Johnston County, including all of Harnett County. Proposed work also include rebuilding at least six interchanges with new overpasses, loops and ramp. Right-of-way acquisition began in FY2019.



SURROUNDING LAND USE: Residential (including manufactured homes), religious worship facility, farmland & woodland

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Rural Areas
Wade Land Use Plan (2004): Farmland & One Acre Residential

Notes:

1. **Minimum Yard Setbacks:**

	C(P)	A1
Front yard:	50'	50'
Side yard:	30'	20'
Rear yard:	30'	50'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

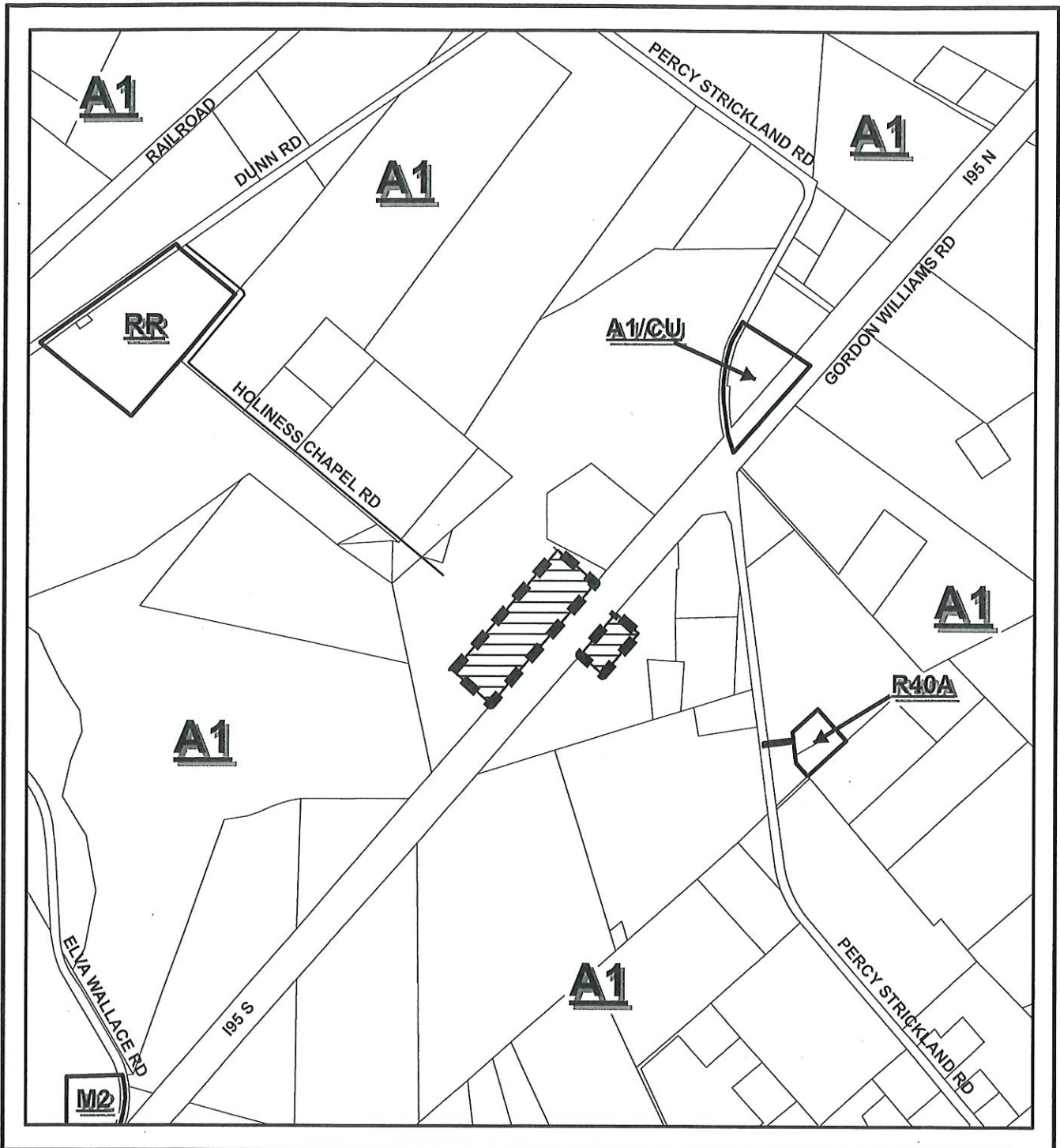
In Case P19-35, the Planning and Inspections Staff recommends denial of the initial zoning to C(P) Planned Commercial, instead recommending approval of the initial zoning to A1 Agricultural and find this recommendation more consistent with the 2030 Growth Vision Plan (2009) which calls for "rural areas" 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.

OTHER SUITABLE DISTRICTS: None

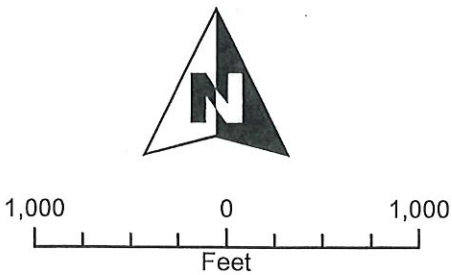
ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



INITIAL ZONING TO C(P)



ACREAGE: 9.60 AC. +/-	HEARING NO: P19-35	
ORDINANCE: WADE	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0581-98-0213
 PIN: 0581-98-5172