

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

NOVEMBER 19, 2009

MEMO TO: SPRING LAKE BOARD OF ALDERMEN

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P09-45.** REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 156, ZONING CODE, AMENDING § 156.035, DISTRICT USE REGULATIONS, BY INSERTING A "P" (PERMITTED USE) IN THE USE MATRIX IN EACH NON-RESIDENTIAL DISTRICT [O&I, C-1, CB, HS(P), C(P), C-3, M1(P), M(P) AND M-2] COLUMN FOR "DWELLING, SINGLE-FAMILY" USES. (SPRING LAKE)

ACTION: THE MEMBERS PRESENT AT THE NOVEMBER 17, 2009 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND RECOMMEND DENIAL OF THE REQUEST FOR CASE P09-45, AND APPROVAL OF THE STAFF ALTERNATIVE.

MINUTES OF NOVEMBER 17, 2009:

The subject case was submitted by a developer as a text amendment to the Spring Lake Zoning Code, with the application requesting the following sentence to be added to the code: In zoning districts not otherwise permitting residential buildings, a watchman or caretaker may occupy a house or other quarters on the same premises where he or she is employed. The Planning & Inspections Staff does not support the request as it was submitted; however, the staff is proposing an alternative amendment based on the following:

1. The request as submitted is not consistent with the Transitional Use and Zoning Policy, the concept contained within the recently adopted Land Use Policies Plan; the recommendation supports and is more consistent with the Policies Plan;
2. The recommendation allows for consistency with the location criteria included in the Policies Plan by establishing standards for mixed use buildings in some non-residential districts;
3. The request is not consistent with the policies of the 2030 Joint Growth Vision Plan, which establishes the theory that consistent development standards result in more predictable and higher quality growth for the Town;

4. The amendment as requested will not allow for the most efficient use of commercially-zoned properties within the Town; however, the recommendation, by requiring any desired residential use to not exceed the floor area of the non-residential use, maintain a commercial appearance and restricting outside accessory residential uses can accommodate the intent of the request and support the current trend of living in close proximity to the work site.
5. The request does not ensure that commercially-zoned properties will be utilized to the highest and best use, which is any use physically possible, legal, and economically feasible and that returns the highest value to the property, the Town and its citizens.

A motion was made by Mr. Clark, to follow the staff recommendation and recommend denial of the request for case P09-45, and approval of the staff alternative. Unanimous approval.

Attachments:

1. Applicant's Request (with attachments)
2. County Planning Staff Recommendation
3. Spring Lake Planning Director's Recommendation

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE TOWN BOARD OF
ALDERMEN OF SPRING LAKE, NORTH CAROLINA:

I (We), the undersigned, hereby request that the following proposed amendment be considered by the Cumberland County Joint Planning Board and the Spring Lake Board of Aldermen for inclusion with the ZONING Ordinance of the Code of Ordinances of the Town of Spring Lake:

1. Applicable section(s) of ordinance proposed to be amended: ZONING ORDINANCE

SECTION 156.035

2. Proposed text amendment:

Quality Oil Company, LLC – a Winston Salem, North Carolina, based company – is proposing to develop a retail gasoline facility inside the corporate limits of Spring Lake, North Carolina. The purpose of this facility will be to provide our customers with two specific items: gasoline and tobacco products.

This corporate-managed facility – referred to as a Quality Plus – is one of two types of retail gasoline outlets in the Quality Oil family. The Quality Plus design was first developed in Danville, Virginia, in 1972. Since that time we have developed 46 other like locations and currently have two in the construction phase in Olivia, North Carolina and Timberlake, North Carolina. Some of our other locations for the Quality Plus brand in North Carolina include: Boone, Lillington, Cherokee, Mount Airy, Winston Salem, Nags Head, Kannapolis, and Asheville.

The Spring Lake Quality Plus will have the normal appearance of a gasoline facility including five (5) pump islands and a lighted canopy. The on-site building will be approximately 950 square feet of stick built structure. The 950 square feet will be divided into two separate compartments. A sales area, or control room, will make up approximately 150 square feet while the remaining 800 square feet will be used for a caretaker area that provides the on-site manager the ability to be at the premises on a 24-hour basis. (See attached drawing of floor plan and layout)

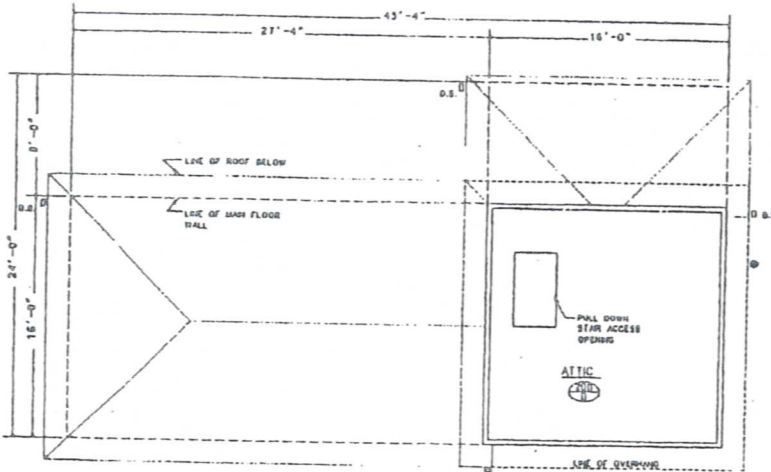
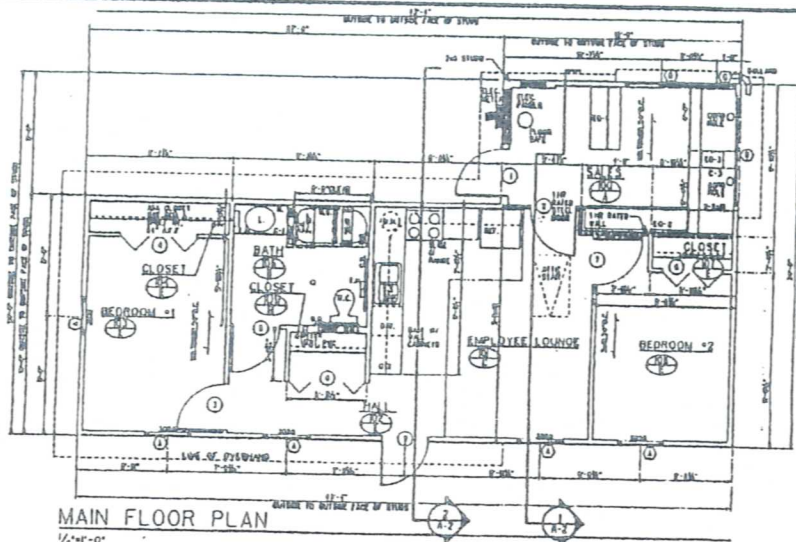
From a retail perspective, the Quality Plus design is distinctly unique from most other retail gasoline facilities. There is no inside sales area for a customer to enter the structure, but rather a large pay window much like a bank would use for customer transactions. The customer will have the option to purchase gasoline at the pump using a credit/debit card or they may pull up to the pay window and purchase their gasoline and tobacco products from the on-site manager.

In providing insight to the Quality Plus concept, we would like to petition the Cumberland County Joint Planning Board and the Town Board of Alderman of Spring Lake to consider a text amendment that would allow a caretaker use for the proposed property we currently have under contract located along Hwy 87 near the northern municipal boundary of Spring Lake. In recent years we have made similar proposals to many municipalities and have provided them the following text for consideration:

In zoning districts not otherwise permitting residential buildings, a watchman or caretaker may occupy a house or other quarters on the same premises where he or she is employed.

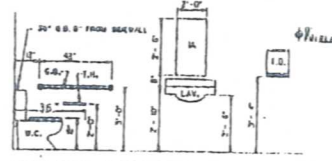
We would like to propose similar language in our request realizing that Spring Lake currently allows a residential use in a “mixed-use” building using a conditional use and permit process. Our text amendment request would also seek approval for the residence to be located on the main floor of the structure as indicated in the attached drawing. In addition we realize that additional requirements and conditions may be placed on this project by the governing body to ensure proper development.

Thank you for reviewing our request for a text amendment to the zoning ordinance. We look forward to your guidance while working on this project.



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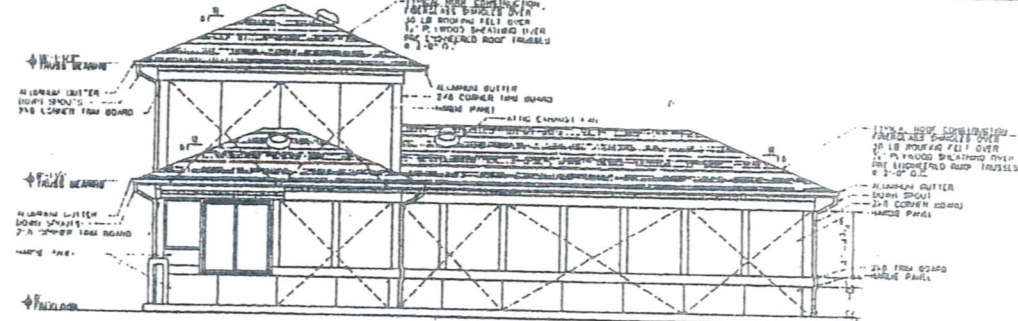


TOILET FIXTURE ELEVATIONS

| FIXTURE LEGEND | |
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| 3. | SHOWER |
| 4. | BATH TUB |
| 5. | W.C. |

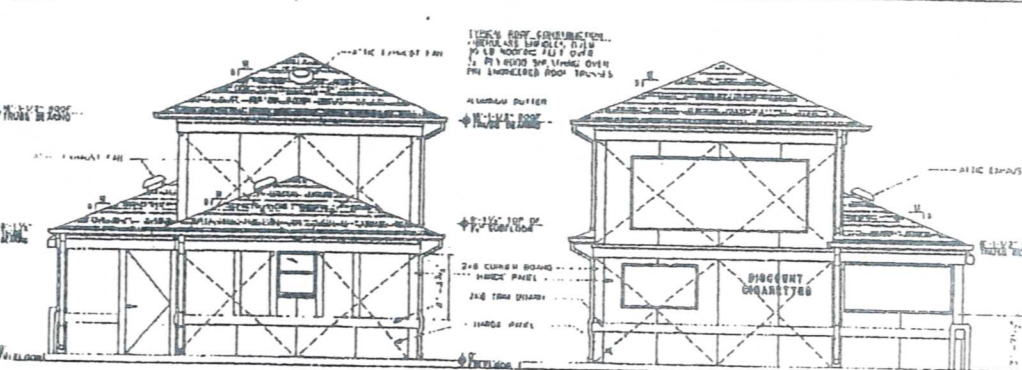
SOUTHWEST ELEVATION

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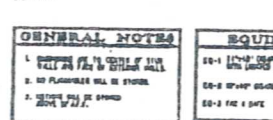
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SOUTHEAST ELEVATION

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| FINISH SCHEDULE | | | | | | | | | |
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FINISH SCHEDULE ADJUSTMENTS

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GENERAL NOTES

1. ALL FINISHES TO BE DONE BY THE CONTRACTOR.
2. ALL FINISHES TO BE DONE BY THE CONTRACTOR.
3. ALL FINISHES TO BE DONE BY THE CONTRACTOR.

EQUIPMENT

1. 1\"/>

Town of Spring Lake Zoning Code Text Amendment
County Planning Staff Recommendation

AMEND Section § 156.008 Definitions by INSERTING the following in alphabetical order:

ANCILLARY USE. That which is commonly subordinate to or incidental to a principal or primary use – also see Accessory Structure or Use.

FAÇADE. The exterior walls of a building which is adjacent to or fronting on a public right-of-way or other public area; typically the front of a building, but also includes any side or rear of a building facing a public right-of-way or other public area.

AMEND Section § 156.008 Definitions, specifically the term “Mixed Use” as indicated:

MIXED USE. A single building containing more than one type of land use where the ~~ground floor use is a permitted non-residential use~~ occupies no more than 40 percent of the total building floor area and the non-residential use occupies a minimum of 60 percent of the total floor area in the zoning district and all second floor and above uses are residential or a single development of more than one building and use with the different types of land uses in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

AMEND Section § 156.035 District Use Regulations, Use Matrix, for “Dwelling, multiple-family” and “Dwelling, single-family” as indicated:

Add “S” representing Special Use for “Dwelling, multiple-family” and “Dwelling, single-family” rows in the Use Matrix along with footnote ¹ to O&I, C-1, C(P), and C3 columns.

Strike “P” for Permitted Use, replacing it with “S” for Special Use for “Dwelling, multiple-family” and “Dwelling, single-family” rows in the Use Matrix for the CB column; also, add footnote ¹ to CB column for both rows containing “Dwelling, multiple-family” and “Dwelling, single-family” uses.

Footnote ¹ to read: Special Use Permit required for Mixed Use Building, see § 156.052(E)

Example of changes to Use Matrix:

| Permitted Uses | O&I | C-1 | CB | C(P) C3 |
|---------------------------|----------------------|----------------------|------------------------|----------------------|
| Dwelling, multiple-family | <u>S¹</u> | <u>S¹</u> | <u>S-P¹</u> | <u>S¹</u> |
| Dwelling, single-family | <u>S¹</u> | <u>S¹</u> | <u>S-P¹</u> | <u>S¹</u> |

¹Special Use Permit required for Mixed Use Building, see § 156.052(E)

**AMEND § 156.052 Development Standards for Individual Special Uses, by
CREATING sub-section “(E)” as follows:**

(E) Mixed use building.

(1) Mixed use buildings are allowed uses in the O&I Office & Institutional, C-1 Local Business, CB Central Business, C(P) Planned Commercial and C3 Heavy Commercial districts;

(2) Residential uses within a mixed use building shall not exceed 40 percent of the total floor area, with a minimum of 60 percent of the floor area of all structures devoted to the non-residential use(s) as allowed within the specific zoning district of the property;

(3) The façade of the buildings approved for mixed use in a non-residential district shall be of a commercial design;

(4) There shall be no ancillary, accessory or incidental residential use of the property outside the mixed use building;

(5) All “for sale” residential units are subject to the condominium development provisions of § 155.55, Spring Lake Subdivision Regulations;

(6) The development must be served by public or community water and sewer;

(7) The subject property must have direct vehicular access to a paved public right-of-way;

(8) Off-street parking shall be provided in accordance with § 156.100 et seq. for the non-residential use, and one and one-half spaces for each residential unit. Shared parking shall be encouraged and permitted when it can be substantiated that the hours of operation of the non-residential use are restricted to daylight hours and will not adversely affect the residential parking needs;

(9) The minimum lot area per residential unit shall be 1,000 square feet not including the lot area utilized by the non-residential use. The site plan must provide the calculations indicating compliance with this provision:

(10) Sidewalks are required in accordance with the standards of § 155.67(F), Spring Lake Subdivision Regulations; and

(11) A fee in lieu of dedication for on-site parks, recreation and open space is mandatory. This fee is to be calculated based on the tax assessed raw land value of the equivalent land area required for parks, recreation and open space under the provisions of § 155.67(H), Spring Lake Subdivision Regulations.

The Town of

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CHARTERED IN 1951

Sept. 9, 2009

Spring Lake

SPRING LAKE, NORTH CAROLINA
ZIP CODE 28390-0617
WEBSITE: www.spring-lake.org

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TOWN CLERK
RHONDA D. WEBB, CCM

Memorandum

To: Pattie Speicher, Land Use Codes
Cumberland County Planning

From: Thomas H. Spinks, Director of Planning
Town of Spring Lake

Re: Case P09-45

The following are comments for case P09-45 text amendment:

- Precautions must be taken to prevent a "caretaker" in every non residential or mixed use district.
- There is a need for minimum conditions, criteria to enact the "caretaker" clause and/or Board approval for the need of a "caretaker" on a case by case basis.

The one line amendment is inadequate as proposed, in that it can foreseeably be abused.

If you have any Questions Please contact me at (910) 436-0241