

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.,  
Dr. Marion Gillis-Olson  
Cumberland County



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Nancy Roy, AICP  
Director  
Thomas J. Lloyd,  
Deputy Director

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frankie Underwood,  
Town of Stedman

#### TENTATIVE AGENDA July 20, 2004

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF JUNE 29, 2004
  - B. P04-34: REZONING OF 10.0 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT EAST OF STEWART ROAD, SOUTH OF SAMBO JACKSON ROAD, OWNED BY WILLIAM C. VANN.
  - C. P04-45: REZONING OF .48 ACRES FROM R10 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT AT 4452 CUMBERLAND ROAD, OWNED BY SAMUEL HENDERSON.
  - E. P04-47: REZONING OF 29.54 ACRES FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT NORTH OF HUMMINGBIRD PLACE, WEST OF BENT GRASS DRIVE, OWNED BY GENE F. WILLIFORD, SR.
  - F. P04-48: REZONING OF 3.25 ACRES FROM A1 AND A1/CUO TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 6849 ROSLIN FARM ROAD, OWNED BY THOMAS R. MCMILLAN.
  - G. P04-49: REZONING OF 32.87 ACRES FROM M(P) TO R5A OR A MORE RESTRICTIVE ZONING DISTRICT NORTH OF MIDDLE RIVER LOOP, WEST OF RIVER ROAD, SUBMITTED BY JOHN KOENIG.
  - H. P04-50: REZONING OF THREE TRACTS TOTALLING 10.298 ACRES FROM RR, RR/CUO, R10/CUO AND PND/CUO TO R6 OR A MORE RESTRICTIVE ZONING DISTRICT SOUTH OF MORGANTON ROAD, WEST OF MCFAYDEN DRIVE, SUBMITTED BY JAMES M. KIZER.
  - I. P04-51: REZONING OF TWO TRACTS TOTALLING 44.35 ACRES FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT SOUTH OF CLINTON ROAD, NORTH OF LOCKS CREEK CHURCH ROAD, OWNED BY NEILL P. AND DEANNA R. GUY III.

- J. P04-52: REZONING OF 1.02 ACRES FROM RR TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT AT 6576 HIGHWAY 301 SOUTH, SUBMITTED BY YOUNGER S. WOOD.

VII. PLATS AND PLANS

- A. 04-138: ROBERTS & COUNCIL SUBDIVISION REVIEW ON THE NORTH SIDE OF COUNTY LINE ROAD, WEST OF COUNCIL ROAD, FOR A VARIANCE FROM SECTION 3.2.D "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

VIII. DISCUSSION

- A. REPORT FROM THE LAND USE CODES COMMITTEE—DAVID AVERETTE

IX. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

X. ADJOURNMENT

Clifton McNeill, Jr.  
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Cumberland County



## COUNTY of CUMBERLAND

### *Cumberland County Joint Planning Board*

Nancy Roy, AICP  
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Thomas J. Lloyd,  
Deputy Director

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frankie Underwood,  
Town of Stedman

### MINUTES

June 29, 2004

#### Members Present Present

Mr. Clifton McNeill, Chair  
Mr. Charles Morris, Vice-Chair  
Mr. David Averette  
Mr. John Gillis  
Mr. Donovan McLaurin  
Mr. Joe W. Mullinax

#### Members Absent

Dr. Marion Gillis-Olion

#### Others

Ms. Nancy Roy, Director  
Mr. Tom Lloyd  
Ms. Patti Speicher  
Ms. Barbara Swilley  
Mr. Grainger Barrett,  
County Attorney

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was delivered by Mr. Gillis, and Chair McNeill led those present in the Pledge of Allegiance.

#### II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Chair McNeill asked that Mr. Gillis' farewell be moved to the beginning of the Agenda. A motion was made by Mr Averette and seconded by Vice-Chair Morris to approve the Agenda with the change. The motion passed unanimously.

#### III. CONSENT ITEMS

##### A. APPROVAL OF THE MINUTES OF JUNE 15, 2004

A motion was made by Mr. Gillis and seconded by Mr. McLaurin to approve the Minutes of June 15, 2004 as written. The motion passed unanimously.

#### IV. DISCUSSION

##### A. FAREWELL TO JOHN GILLIS

Chair McNeill presented Mr. Gillis with two plaques—one in appreciation for his dedicated service to the residents of Cumberland County and one with a picture of the Board members and personal note from each.

Each of the members, staff and Mr. Barrett expressed their appreciation to Mr. Gillis for his insight and helpfulness to the Board. Mr. Gillis then thanked everyone and said he would continue to remain involved in the activities of the County.

B. UPDATE FROM LAND USE CODES COMMITTEE REGARDING ZONING ORDINANCE  
REWRITE—JOHN GILLIS

Moderator Gillis thanked the staff for all the time in preparing drafts of the Ordinance and hard work put into the proposals presented.

Mr. Lloyd began with the changes that have been made to the Zoning Ordinance. He said that the Table of Contents is now much more helpful, the definitions are much more extensive, and the meat of the Ordinance is the districts—some eliminated and new ones created.

Mr. Lloyd said that the most significant change was the creation of a Performance Development Conditional Use District—a mixed-use district that replaces the Planned Neighborhood District.

Mr. Lloyd continued that the section regarding sexually oriented businesses is a bit more restrictive, and a big change was made to the home occupation section.

Vice-Chair Morris asked if the deleted districts will be deleted or made dormant. He said a section may have to be added regarding how dormant districts will be treated.

Mr. Gillis said he agreed with the new Density Development and Performance Development Conditional Use District proposals. He added that it will be a good idea to monitor the Ordinance and reevaluate after two years and adjust if necessary. Vice-Chair Morris said that a review in one year with a final in two years is what he proposed. Mr. Gillis agreed.

Mr. Lloyd explained the Density Development and PDCUD to Mr. Mullinax, who is not on the Land Use Codes Committee.

Mr. McLaurin asked where the R40 tracts would come from in the Density Development proposal. Ms. Roy said that the A1 District would be the main district affected. Mr. McLaurin suggested allowing 1.5 units per acre if it will mainly affect the A1.

There was discussion on whether the Density Development is a feasible proposal. Mr. Gillis said that it is because public water will be brought into many rural areas, but for the time being, it accomplishes more dense development on less land.

Mr. Gillis said it is very important that the public be properly informed of all of the changes. He said that the newspaper should print the reasons behind the concepts prior to the public hearing.

Vice-Chair Morris said that the Board needs to look at whether mobile homes will be allowed in the Density Development proposal. Mr. Averette said that it becomes an issue when 40 percent of the acreage is taken out. He said it might be wiser just to double the allowed density in the A1 District. Mr. Gillis said that would not help in trying to promote open space in the rural areas. Mr. Averette asked who would take care of the 40 percent of undeveloped land. Ms. Roy said that there could be several clusters of residences on the land and the undeveloped land spread throughout the clusters. Mr. Gillis said that the proposal hasn't been thought out thoroughly. He said

if the 40 percent must remain open space and cannot be subdivided, it could be zoned CD. He said that it could be owned by a nature conservancy or individual(s) or maintained by a homeowners' association, etc. He said that possibly a clause should be added to the proposal that allows the Planning Board the option of rezoning in the future if changes are made in the area or utilities are brought to the site. Chair McNeill said that a strong homeowners' association would be needed to accomplish the intent of the proposal. He said that an incentive could be offered that it could be rezoned in 20 years if utilities are brought in, then the land would more likely be better taken care of.

Ms. Roy said that the staff was challenged to come up with new concepts, and they did. She said that the developers were very receptive to the new proposals. Mr. Gillis said that the Committee still has some work to do.

Ms. Roy said that an informational meeting has been scheduled for September 20 with the County Commissioners. She said that two months should be enough time to get the changes made and schedule a public hearing for the Planning Board at about the same time.

Chair McNeill said that a public hearing could be scheduled after September 20. Mr. Lloyd said that staff had a deadline, and now some tweaking is needed. He said that staff would have the Ordinance ready by September 20.

Vice-Chair Morris suggested that a deadline be placed on when the Planning Board would be finished also. Chair McNeill reminded him that the Ordinance is still in Committee. Mr. Lloyd asked if it could be sent out of Committee to the full Board, and he was told that there was too much work to do on it to release it from Committee.

Mr. Gillis said that the Land Use Codes Committee discussion brought out a couple of changes that are needed, and more came out at the actual Planning Board meeting. He said that the rewrite could probably be ready for vote at the next Land Use Codes Committee meeting. He said it was important to hear Mr. Averette's proposal for the districts.

Chair McNeill commended the staff on their hard work and added that a couple of big changes are still needed.

Mr. Averette said that the Committee needs to discuss and agree upon the items and then make recommendations to the full Board. Mr. Mullinax added that the rewrite should be close to finalization prior to going before the Planning Board.

Chair McNeill appointed Mr. Averette as moderator of the Land Use Codes Committee to take Mr. Gillis' place. He also assigned Mr. Mullinax to serve on the Committee to fill the vacancy created by Mr. Gillis' leaving.

Mr. Lloyd asked that the district issue be voted on at the next meeting. Mr. Gillis said if the members wanted to meet following the Planning Board meeting, it could possibly be resolved at that time. Mr. Mullinax asked if the Committee adjourned or recessed, and Mr. Gillis said that it recessed until the call of the Moderator. Vice-Chair Morris

said that it would be better to wait to schedule a meeting so that in the transition, Mr. Averette could moderate the meeting.

Mr. Averette said that he wanted an opportunity to state his concerns and give the Committee members a chance to understand the districts the way that he does. He said if they still want the proposed districts, he'll agree.

Mr. Mullinax asked Mr. Lloyd why he was in such a rush. Mr. Lloyd said that he wasn't in a rush, but the issues have been discussed, and there is no new information from staff. He said that there is a philosophical difference between wanting fewer or more districts. Vice-Chair Morris asked Mr. Lloyd if based on his prior experiences with the Board, he thought that the Board would get mired down on the issues. Vice-Chair Morris said that he didn't think that they would. Mr. Lloyd said that they had been mired down for a while. Mr. Gillis said that the Committee wasn't mired down, but moved on to other issues. Mr. Lloyd said he'd just like to have a meeting and make a decision.

Ms. Roy said she was told that the process could not be accomplished within one year, and there has been a lot accomplished in only six months. She said that she didn't want the process to end with anyone thinking that the staff tried to push something through. She said that staff has given the Board their best proposals, and it is now time for the Board to take the time that they need. She said it would be discouraging to staff if it took more than a couple of meetings to finalize the proposal. Vice-Chair Morris said that the discussions that the Committee has had have contributed to developing a better Board. He said that the staff has completed 95 percent of the work, and the need for debate is not a reflection on the staff's work, but is needed.

Mr. Averette scheduled a Land Use Codes Committee meeting for 5:00 p.m. on July 20, 2004.

V. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Ms. Roy said that the Planning and Inspections Department has taken in the County's GIS Section, which means that two more employees will be added, and Mr. Rooney will supervise the section with Mr. Osbourn working with GIS on a part-time basis. She said that their goal is to get a website up reflecting all land use and Oasis information.

VI. ADJOURNMENT

There being no further business, at 8:45 p.m., Mr. Gillis made a motion to adjourn. The motion passed unanimously.

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Frankie Underwood,  
Town of Stedman

July 15, 2004

**MEMO TO: PLANNING BOARD**

**FROM: PLANNING STAFF**

**SUBJECT: STAFF RECOMMENDATIONS  
FOR JULY 20, 2004 MEETING**

**P04-34: REZONING OF 10.0 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT EAST OF STEWART ROAD, SOUTH OF SAMBO JACKSON ROAD, OWNED BY WILLIAM C. VANN.**

The Planning staff recommends approval of the R40 Residential District based on the fact that the uses allowed in the R40 District are consistent with those allowed in farmland

The Planning staff finds that the subject property is also suitable for the R40A Residential District.

## SITE PROFILE

### P04-34

REZONING OF 10.0 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED EAST OF STEWART RD, SOUTH OF SAMBO JACKSON ROAD, OWNED BY WILLIAM C. VANN.

#### **Site Information:**

**Applicant/Owner:** WILLIAM C. VANN, GENEVA VANN HALL, CHRISTINE VANN BAREFOOT, CLETUS VANN, JANIE C. AND BRIAN C. VANN, JEANETTE VANN POTTER HEIRS, GLENDA VANN KORTBEIN

**Area:** 10.0 acres

**Frontage & Location:** 502 feet on Stewart Road

**Depth:** 1,006 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Farmland and Woodland

**Initial Zoning:** November 25, 1980 (Area 14)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** Primarily A1

**Surrounding Land Use:** Farmland

**2010 Land Use Plan:** Farmland

**Designated 100-Year Floodplain or Floodway:** No Flood

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

**Subdivisions:** NAR completed 6/16/04

**Water/Sewer Availability:** Well / Septic Tank

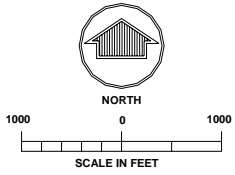
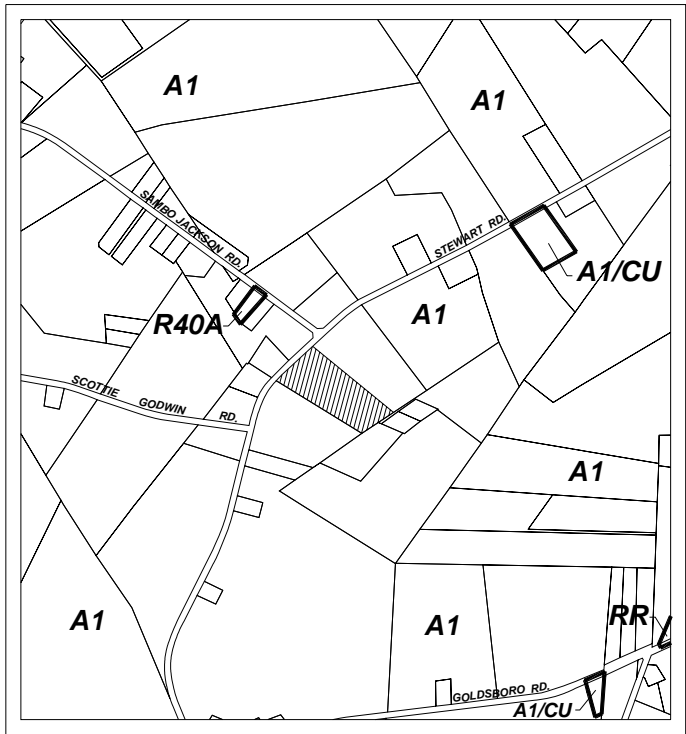
**Schools:** District 7 Elementary 267/228, Mac Williams Middle 1218/1177, Cape Fear High 1415/1521

**Thoroughfare Plan:** No road improvements or new construction specified for this area.

#### **Notes:**

Density w/20% for roads:     A1 – 5 units  
  R40 – 11 units





**REQUESTED REZONING:  
A1 TO R40**

ACREAGE: 10.00 AC.±		HEARING NO: P04-34	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PORTON OF PIN: 0591-71-7303

AF

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July 15, 2004

**MEMO TO: PLANNING BOARD**

**FROM: PLANNING STAFF**

**SUBJECT: STAFF RECOMMENDATIONS  
FOR JULY 20, 2004 MEETING**

**P04-45: REZONING OF .48 ACRES FROM R10 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT AT 4452 CUMBERLAND ROAD, OWNED BY SAMUEL HENDERSON.**

The Planning staff recommends approval of the C3 Heavy Commercial District based on the following:

1. The uses allowed in the C3 District are consistent with the existing uses in the area; and
2. This portion of Cumberland Road is in transition from residential to commercial land usage.

The Planning staff finds that the subject property is also suitable for the C1 Local Business District.

## SITE PROFILE

### P04-45

REZONING OF .48 ACRES FROM R10 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4452 CUMBERLAND ROAD, OWNED BY SAMUEL HENDERSON.

#### **Site Information:**

**Applicant/Owner:** SAMUEL HENDERSON

**Area:** .48 acres

**Frontage & Location:** 75 feet on Cumberland Road

**Depth:** 278 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** August 1, 1975 (Area 3)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-City limit, East-R10, R6A, C1, C1/CUO, C3, South-R10, R6A, C1, C3 and West- R10, R6A, C(P), C1, C3

**Surrounding Land Use:** Church, vacant building, auto sales, thrift store and barber hop, open storage of junk cars, roofing company, exhaust business, motorcycle shop, club, church, work center, vacant commercial, and realty company

**2010 Land Use Plan:** Low Density Residential

**Designated 100-Year Floodplain or Floodway:** No Flood

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** Cumberland Road Study calls for Residential uses north of Cumberland Road and Light Commercial to the south of Cumberland Road.

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC / Septic tank (PWC sewer available on Old Field Rd)

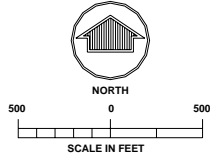
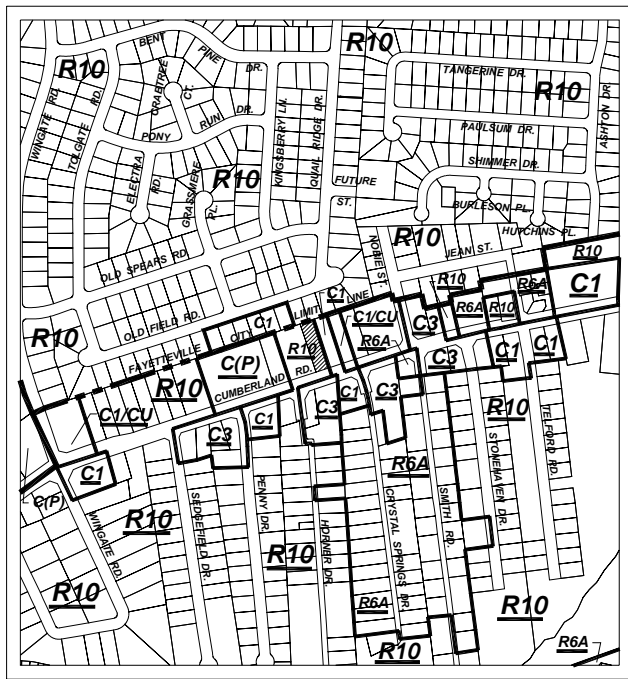
**Schools:** Cumberland Mills Elementary, Ireland Drive Middle, Douglas Byrd Middle and High

**School Capacity/Enrollment:** Elementary-567/565, Middle-378/371 and 711/830, High-1320/1376

**Thoroughfare Plan:** Cumberland Road is identified as a Major Thoroughfare. It has a current adequate 110-foot right-of-way. Widening between Wingate and Nobie Streets is currently under construction. Road improvements are included in the 04-10 MTIP.

**Average Daily Traffic Count (2000):** 20,000 on Cumberland Road

**Notes:**



**REQUESTED REZONING:  
R10 TO C3**

ACREAGE: 0.48 AC.±		HEARING NO: P04-45	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0415-28-6433

AF

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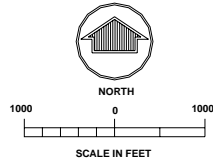
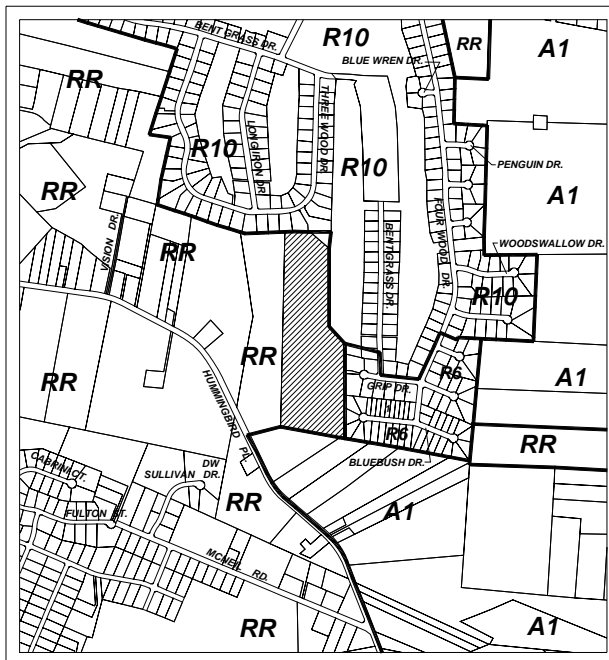
P04-47: REZONING OF 29.54 ACRES FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT NORTH OF HUMMINGBIRD PLACE, WEST OF BENT GRASS DRIVE, OWNED BY GENE F. WILLIFORD, SR.

The Planning staff recommends approval of the R10 Residential District based on the following:

1. The Eastover Land Use Plan calls for low-density residential use at this location;
2. The uses allowed in the R10 District are consistent with the land use and development in the area; and
3. Urban services are available to the site.

The Planning staff finds that the subject property is also suitable for the R15 District.





**REQUESTED REZONING:  
RR TO R10**

ACREAGE: 29.54 AC.±		HEARING NO: P04-47	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0477-23-8982

WD

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July 15, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JULY 20, 2004 MEETING

P04-48: REZONING OF 3.25 ACRES FROM A1 AND A1/CUO TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 6849 ROSLIN FARM ROAD, OWNED BY THOMAS R. MCMILLAN.

The Planning staff recommends approval of the R40A Residential District based on the following:

1. The uses allowed in the R40A District are suitable and consistent with the land use and development in the area; and
2. This area is in a high growth pattern.



## SITE PROFILE

### P04-48

REZONING OF 3.25 ACRES FROM A1 AND A1/CUO TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6849 ROSLIN FARM ROAD, OWNED BY THOMAS R. MCMILLAN.

#### **Site Information:**

**Applicant/Owner:** THOMAS R. MCMILLAN

**Area:** 3.25 acres

**Frontage & Location:** 223 feet on Roslin Farm Road

**Depth:** 558 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** June 25, 1980 (Area 13)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** Primarily A1

**Surrounding Land Use:** FAA substation

**2010 Land Use Plan:** Farmland

**Designated 100-Year Floodplain or Floodway:** No Flood

**Within Area Considered for Annexation:** No

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

**Water/Sewer Availability:** Well / Septic tank

**Schools:** Gallberry Farms Elementary, Gray's Creek Middle and High

**School Capacity/Enrollment:** Elementary-901/930, Middle-450/507, High-1000/824

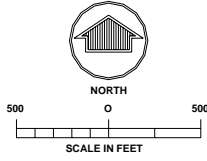
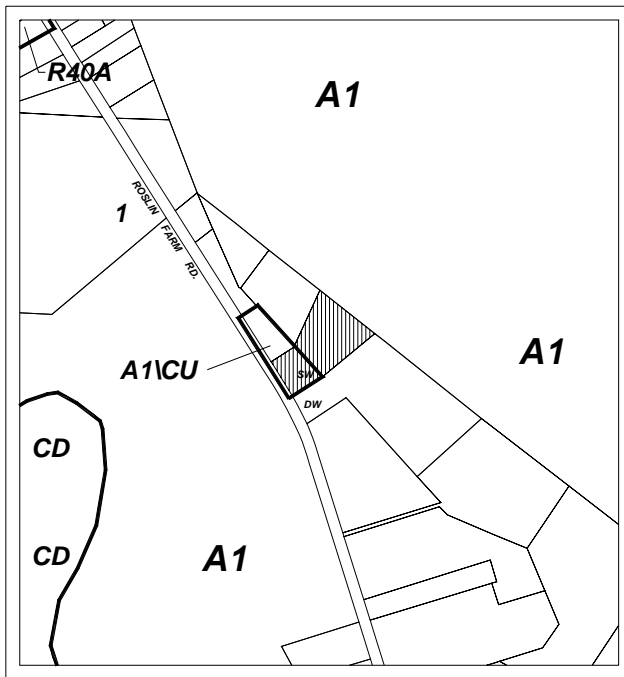
**Subdivisions:** Recombination completed 7/8/96 making the property 3.248 acres, 96-335 for a Group Development 8/27/96

**Thoroughfare Plan:** No road improvements or new constructions specified for this area.

#### **Notes:**

The Conditional Use Overlay was to allow a second dwelling unit on the property (when the property was 1.0 acre).

Density:       A1 – 2 units  
                  R40A – 4 units



**REQUESTED REZONING:  
A1 & A1/CU TO R40A**

ACREAGE: 3.25 AC. ±		HEARING NO: P04-48	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0412-92-0365

WD

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July 15, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JULY 20, 2004 MEETING

P04-49: REZONING OF 32.87 ACRES FROM M(P) TO R5A OR A MORE RESTRICTIVE ZONING DISTRICT NORTH OF MIDDLE RIVER LOOP, WEST OF RIVER ROAD, SUBMITTED BY JOHN KOENIG.

The Planning staff recommends approval of the R5A Residential District based on the fact that the site meets the locational criteria for medium-density development in that it contains urban services and appropriate access to handle the projected traffic increase.

The Planning staff finds that the subject property is also suitable for the R15, R10 and R6 Districts.

## SITE PROFILE

### P04-49

REZONING OF 32.87 ACRES FROM M(P) TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF MIDDLE RIVER LOOP, WEST OF RIVER ROAD, SUBMITTED BY JOHN KOENIG.

#### **Site Information:**

**Applicant/Owner:** ALBERT AND MARIANA W. MCCAULEY / JOHN KOENIG

**Area:** 32.87 acres

**Frontage & Location:** 600 feet on Middle River Loop Road

**Depth:** 2,000 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Vacant

**Initial Zoning:** December 14, 1979 (Area 10)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-CD, A1, C(P), East-A1, R40A, RR, HS(P), C1, M(P), South-City limit and West-CD, C(P), M(P), city limit

**Surrounding Land Use:** Warehouses, construction company, u-teck, security, ram/co, electrical company, wholesale company and open storage of construction equipment, vacant warehouse, sausage plant, church, camper sales, and manufacturing company

**Eastover Land Use Plan:** Heavy Industrial

**Designated 100-Year Floodplain or Floodway:** No Flood

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC / PWC – May not be enough capacity in this sewer system to serve the proposed area. An analysis needs to be done to determine capacity.

**Schools:** Armstrong Elementary, Mac Williams Middle, Cape Fear High

**School Capacity/Enrollment:** Elementary-498/420, Middle-1218/1177, High-1415/1521

**Thoroughfare Plan:** No road improvements or new constructions specified for this area.

#### **Notes:**

Density w/20% for roads:

- A1 – 13 units
- RR – 57 units
- R15 – 76 units
- R10 – 152 units
- R6 – 285 units
- R5A – 381 units



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## **COUNTY of CUMBERLAND**

### ***Planning and Inspections Department***

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Thomas J. Lloyd,  
Deputy Director

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frankie Underwood,  
Town of Stedman

July 15, 2004

MEMO TO: PLANNING BOARD  
  
FROM: PLANNING STAFF  
  
SUBJECT: STAFF RECOMMENDATIONS  
FOR JULY 20, 2004 MEETING

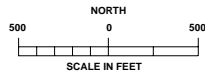
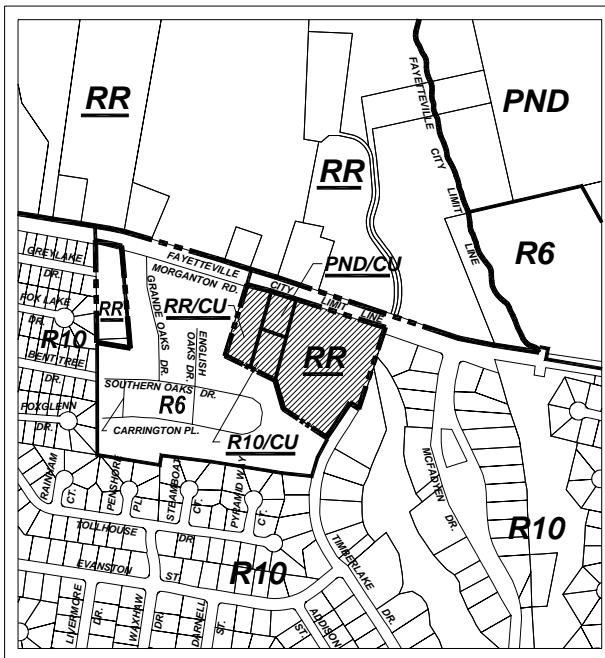
P04-50: REZONING OF THREE TRACTS TOTTALLING 10.298 ACRES FROM RR, RR/CUO, R10/CUO AND PND/CUO TO R6 OR A MORE RESTRICTIVE ZONING DISTRICT SOUTH OF MORGANTON ROAD, WEST OF MCFAYDEN DRIVE, SUBMITTED BY JAMES M. KIZER.

The Planning staff recommends approval of the R6 Residential District based on the following:

1. The site meets the locational criteria for medium-density development; and
2. The uses allowed in the R6 District are consistent with the land use and development in the surrounding area.

The Planning staff finds that the subject property is also suitable for the R10 Residential District.





**REQUESTED REZONING: RR  
RR/CU, R10/CU, PND/CU TO R6**

ACREAGE: 10.29 AC.±		HEARING NO: P04-50	
ORDINANCE:	COUNTY	HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0408-03-5961  
PIN: 0408-04-1123  
PIN: 0408-04-2067

AF



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Town of Stedman

July 15, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JULY 20, 2004 MEETING

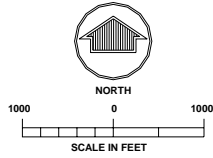
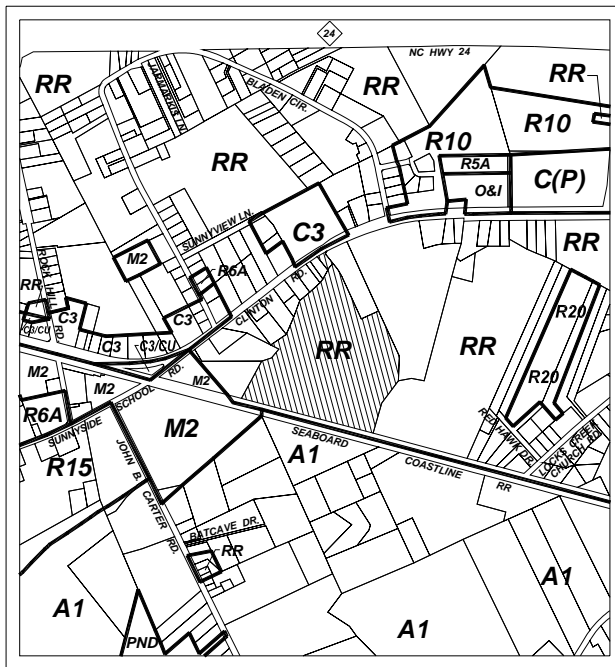
P04-51: REZONING OF TWO TRACTS TOTALLING 44.35 ACRES FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT SOUTH OF CLINTON ROAD, NORTH OF LOCKS CREEK CHURCH ROAD, OWNED BY NEILL P. AND DEANNA R. GUY III.

The Planning staff recommends approval of the R10 Residential District based on the following:

1. The uses allowed in the R10 Residential District are consistent with the land use and development in the surrounding area; and
2. The site contains public water and sewer.

The Planning staff finds that the subject property is also suitable for the R15 Residential District.





**REQUESTED REZONING:  
RR TO R10**

ACREAGE: 44.35 AC.±		HEARING NO: P04-51
ORDINANCE:	COUNTY	HEARING DATE
PLANNING BOARD		ACTION
GOVERNING BOARD		

PIN: 0466-47-5627  
PIN: 0466-46-5692

AF

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Frankie Underwood,  
Town of Stedman

July 15, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JULY 20, 2004 MEETING

P04-52: REZONING OF 1.02 ACRES FROM RR TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT AT 6576 HIGHWAY 301 SOUTH, SUBMITTED BY YOUNGER S. WOOD.

The Planning staff recommends approval of the C1 Local Business District based on the fact that the subject property meets the purpose and intent statement of the C1 District.

Note: There is a discrepancy between the deed's legal description submitted with the request and the most recent plat and deed on record. It is recommended that the applicant have the property boundary clarified for title purposes.

## **SITE PROFILE**

### **P04-52**

REZONING OF 1.02 ACRES FROM RR TO C1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6576 HIGHWAY 301 SOUTH, SUBMITTED BY YOUNGER S. WOOD.

#### **Site Information:**

**Applicant/Owner:** YOUNGER S. WOOD

**Area:** 1.02 acres

**Frontage & Location:** 200 feet on Highway 301 South

**Depth:** 171 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Commercial

**Initial Zoning:** February 3, 1977 (Area 7)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** Primarily RR with CD and A1 to the southeast

**Surrounding Land Use:** Church, vacant commercial buildings (2), thrift store, single wide

**2010 Land Use Plan:** Low Density Residential

**Designated 100-Year Floodplain or Floodway:** No Flood

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

**Water/Sewer Availability:** Well / Septic Tank

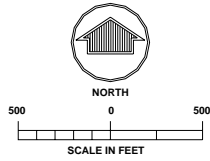
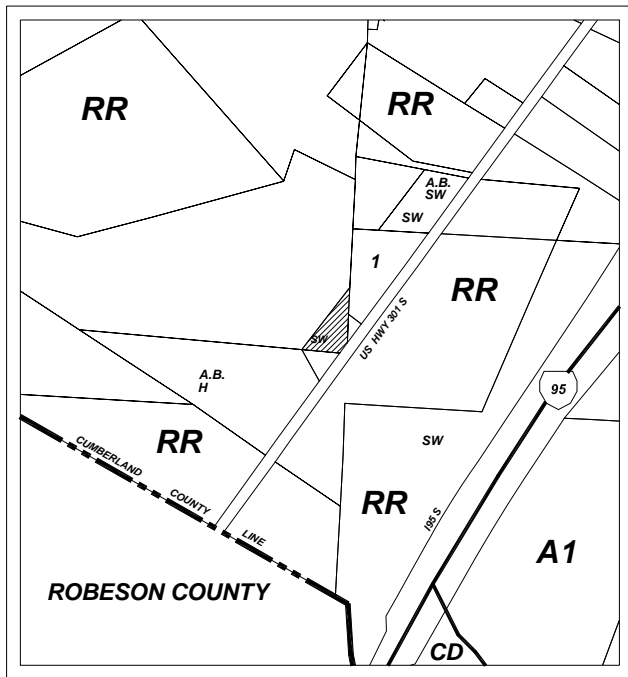
**Schools:** Galberry Farms Elementary, South View Middle, Grays Creek High

**School Capacity/Enrollment:** Elementary-901/930, Middle-743/947, High-1000/824

**Thoroughfare Plan:** US 301 South is identified as a Major Thoroughfare. It has a current adequate 100-foot right-of-way. Road improvements are not included in the 04-10 MTIP.

**Average Daily Traffic Count (2000):** 8,000 on Highway 301 South

**Notes:**



**REQUESTED REZONING:  
RR TO C1**

ACREAGE: 1.02 AC.±		HEARING NO: P04-52	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0412-34-4846

AF

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Town of Stedman

July 12, 2004

#### MEMORANDUM:

TO: Planning Board

FROM: Edward M. Byrne, Planner I

SUBJECT: Case No. 04-138  
Robert & Council Property  
(Subdivision Review)

The surveyor submitted a request for a variance from the County Subdivision Ordinance for the above referenced case at the request of the developer. In reality this is not a request for a variance rather an appeal of the Planning Staff's denial of the proposed development. The developer wishes to create a two-acre flag lot without regard to the effect on the surrounding and adjoining properties.

The primary issues in approving the developer's request as submitted would be:

1. The 20-foot strip for the proposed flag lot would cut off all remaining road frontage to the 38.59 acre parent tract;
2. The proposed 20-foot strip would reduce the "Mable Council" tract to less than the minimum two acres required for the A1 Agricultural zoning district reducing this tract to illegal, nonconforming status. (NOTE: The minimum of two acres is a requirement of the County Zoning Ordinance and is NOT variable by any Board.);
3. The existing lots created out of the parent tract were subdivided by the previous owner, two of which ("Brenda Council" & Samuel Council") were deeded out since the effective date of the County Subdivision Ordinance; and
4. The lots named in Item 3 above are not included in this proposed development and should be, since neither would be granted permits until they are approved and platted, with road frontage being a minimum requirement for each;

The Planning Staff met with the previous owner several times prior to his deeding the subject lot to a nephew, the new owner, and Staff suggested the submission of plans that should include a Class "C" private street and the non-platted, deeded subdivided tracts (currently owned by the previous owner's son and daughter). The previous owner was made aware of the requirements for subdivision review and recordation of the final plat prior to creating the lot. However, Mr. Council deeded the lot on March 24, 2004 and when the new owner could not get permits, he insisted on only submitting the subject lot for approval and providing a "flag" for access purposes.

**The Planning Staff is requesting the Board to uphold the denial of this development as submitted and require the developer to submit five copies of a revised plan providing for a Class “C” private street to serve all lots created since 1984 (Subdivision Ordinance effective date) within this development and stubbing to the “Mosley” tract for purposes of providing access. This revision should have to include those tracts deeded out since 1984. Staff is of the opinion that approval in any form without some type of street meeting minimum street standards would set a dangerous precedent not only for this developer but also for developers throughout the County.**

Also, all other requirements of the Subdivision Ordinance should have to be complied with except that the Staff recommends approval of a variance from Section 4.2.c.C, County Subdivision Ordinance, in that, a Class “C” private street should be permitted to serve the five lots which would be granted access within the development when the current standards only allow Class “C” private streets to serve up to four lots.

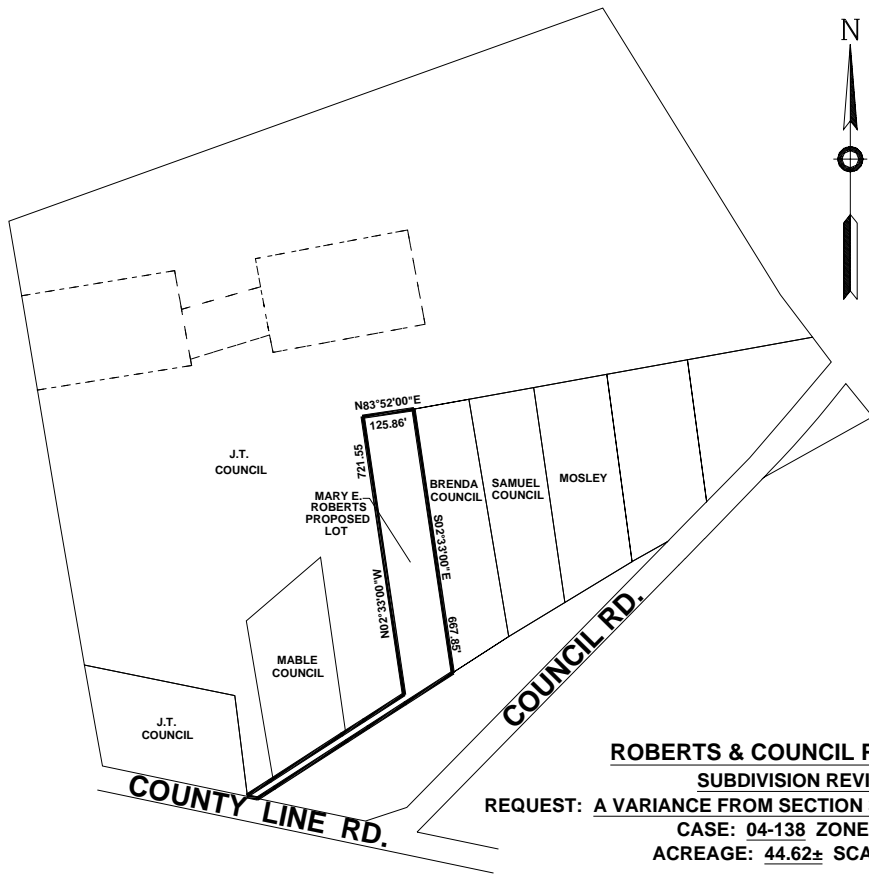
This Staff recommendation is contingent upon the developer being aware that no further development should be approved for the subject tracts and parent tract without the upgrading of the Class “C” private street to the appropriate standards for future development.

In accordance with Section 6.1, Variances, of the County Subdivision Ordinance, “the Planning Board may vary the requirements of this Ordinance where, because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the subdivider”.

**The Planning Staff’s favorable recommendation of allowing the fifth lot to use a Class “C” private street for access is based on:**

- 1. This development consists of lots primarily owned by family and would take minimal effort to upgrade the existing drive to Class “C” standards; and**
- 2. The Class “C” private street would provide for an adequate means of access and ability to locate for emergency services vehicles and personnel.**



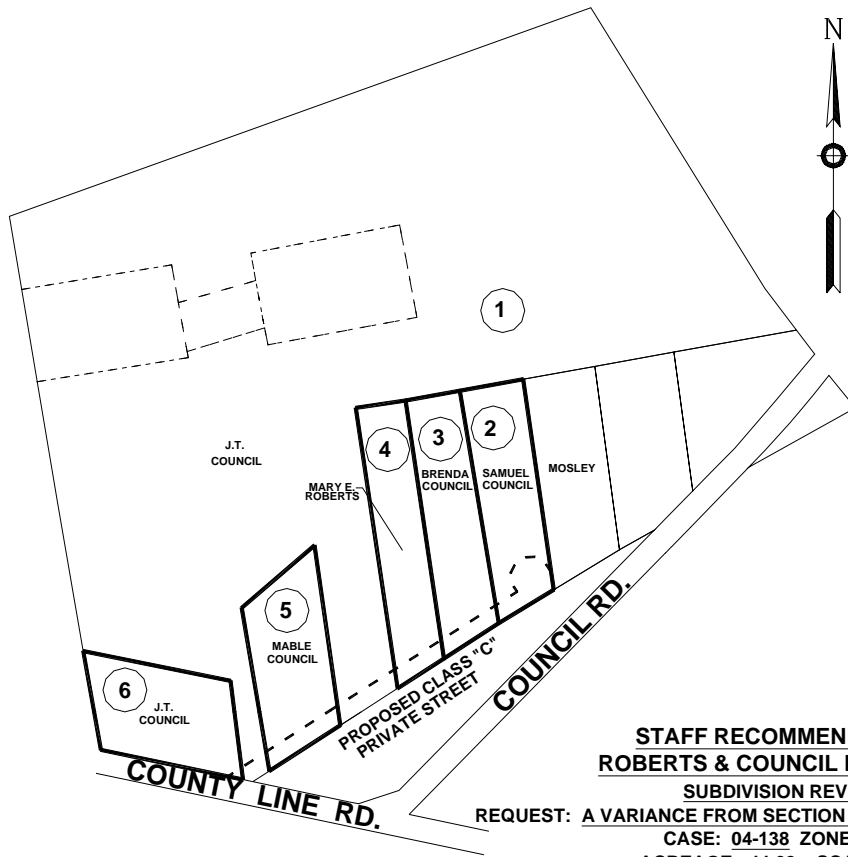


**ROBERTS & COUNCIL PROPERTY**  
**SUBDIVISION REVIEW**

**REQUEST: A VARIANCE FROM SECTION 3.20.D "LOTS STANDARDS**

**CASE: 04-138 ZONED: A1**

**ACREAGE: 44.62± SCALE: NTS**



**STAFF RECOMMENDATION  
ROBERTS & COUNCIL PROPERTY  
SUBDIVISION REVIEW**

**REQUEST: A VARIANCE FROM SECTION 3.20.D "LOTS STANDARDS  
CASE: 04-138 ZONED: A1  
ACREAGE: 44.62± SCALE: NTS**