

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
Dr. Marion Gillis-Olson
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Joint Planning Board

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

TENTATIVE AGENDA November 16, 2004, 7:00 p.m.

- 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 OCTOBER 19, 2004

REZONING CASES

- A. P04-76: REZONING OF 1.67 ACRES FROM M2 TO R6A, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 4001 LOFTON STREET, OWNED BY GERALD E. CREECH. (WADE)
- B. P04-77: REZONING OF 22.90 ACRES FROM RR AND M2 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3668 DUNN ROAD, SUBMITTED BY CHARLES D. AVERETTE.
- C. P04-78: REZONING OF A .72-ACRE TRACT AND A 3.25-ACRE TRACT, TOTALLING 3.97 ACRES FROM RR TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3734 AND 3668 DUNN ROAD, SUBMITTED BY CHARLES D. AVERETTE.

AMENDMENT

- A. P04-75: REVISION AND AMENDMENTS TO THE TOWN OF WADE SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.6, "COMPLIANCE WITH ORDINANCE REQUIRED;" SECTION 1.8, "DEFINITIONS;" AND BY CREATING ARTICLE III, SECTION 3.21.1, "ZERO LOT LINE DEVELOPMENTS." (WADE)

PLATS AND PLANS

- A. 04-073: SHEFFIELD FARMS SOUTH SUBDIVISION REVIEW ON THE EAST SIDE OF MUSCAT ROAD, NORTH OF BRISSON ROAD FOR A VARIANCE FROM SECTION 3.17.C, "CUL-DE-SAC," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

VII. PUBLIC HEARING ITEMS

- A. P04-70: REZONING OF 1.19 ACRES FROM HS(P)/CU AND RR/CU TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3353 DUNN ROAD, OWNED BY SUNDUST, LLC.
- B. P04-71: REZONING OF 4.36 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2180 TOM GEDDIE ROAD, SUBMITTED BY MICHAEL TATE, PLS.
- C. P04-73: REZONING OF 2.0 ACRES FROM A1 TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF NC HWY 24, WEST OF THE SAMPSON COUNTY LINE, SUBMITTED BY THOMAS J. GOODEN.
- D. P04-74: REZONING OF 10.63 ACRES FROM R10 TO R6, OR A MORE RESTRICTIVE ZONING DISTRICT, AT THE END OF PALMERLAND ROAD, SOUTH OF BLACK AND DECKER ROAD, SUBMITTED BY JIM MOHLER.

VIII. PLATS AND PLANS

- A. 04-202: CAROLINA MOTOR INN HS(P) SITE PLAN REVIEW ON THE EAST SIDE OF GILLESPIE STREET, SOUTH OF EAST MOUNTAIN DRIVE FOR A REQUEST FOR ALTERNATE YARD REQUIREMENTS FROM SECTION 12.45, CUMBERLAND COUNTY ZONING ORDINANCE.

IX. DISCUSSION

- A. REPORT ON COUNTY COMMISSIONERS' MEETING – ROY TURNER
- B. UPDATE ON LAND USE CODES COMMITTEE – DAVE AVERETTE

X. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

XI. ADJOURNMENT

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MINUTES

October 19, 2004, 7:00 p.m.
Historic Courthouse, Room #3

Members Present

Mr. Clifton McNeill, Chair
Mr. Charles Morris, Vice-Chair
Mr. David Averette
Mr. Harvey Cain, Jr.
Dr. Marion Gillis-Olion
Mr. Donovan McLaurin
Mr. Joe W. Mullinax
Mr. Roy Turner

Others Present

Ms. Nancy Roy, Director
Mr. Tom Lloyd, Dep. Director
Ms. Donna McFayden
Ms. Barbara Swilley
Mr. Grainger Barrett
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Mullinax delivered the invocation, and Chair McNeill led those present in the Pledge of Allegiance.

II. WELCOME NEW MEMBER FROM STEDMAN

Chair McNeill welcomed Mr. Harvey Cain, Jr., the new member representing the Town of Stedman.

III. APPROVAL OF/ADJUSTMENTS TO AGENDA

Chair McNeill asked that Case P04-67 be moved from the Consent items to Public Hearing items because people signed up in opposition. A motion was made by Vice-Chair Morris and seconded by Mr. Turner to approve the Agenda as amended. The motion passed unanimously.

IV. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

V. ABSTENTIONS BY BOARD MEMBERS

Mr. Turner said that he would abstain from discussion and voting on Case P04-60.

VI. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the Board's policy regarding public hearing time limits.

VII. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF SEPTEMBER 21, 2004

A motion was made by Mr. Averette and seconded by Dr. Olion to approve the Minutes of September 21, 2004 as written. The motion passed unanimously.

REZONING CASES

- A. P04-68: REZONING OF A 25.48-ACRE PARCEL, A 9.31-ACRE PORTION OF A 28.69- ACRE TRACT AND AN 8.73-ACRE PORTION OF A 30.33-ACRE TRACT, TOTALING 43.52 ACRES, FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT ON OLTED ROAD, WEST OF RIM ROAD, SUBMITTED BY CRAWFORD B. MACKETHAN.

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

1. The uses allowed in the R10 District are compatible with the surrounding land use; and
2. The 2010 Land Use Plan calls for low-density residential development at this location.

No one appeared in favor of or in opposition to the request.

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the R10 Residential District. The motion passed unanimously.

- B. P04-69: REZONING OF A .31-ACRE PORTION OF AN 18.0-ACRE TRACT FROM RR TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT AT 2258 NORTH BRAGG BOULEVARD, OWNED BY MARGO PROPERTIES, LLC.

The Planning staff recommended approval of the C1 Local Business District based on the following:

1. The subject property is adjacent to C1 District zoning; and
2. The C1 District recognizes an existing nonconforming use.

No one appeared in favor of or in opposition to the request.

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the C1 Local Business District. The motion passed unanimously.

PLATS AND PLANS

- A. 04-155: MARINERS POINTE SUBDIVISION REVIEW SOUTH OF CAMDEN ROAD, SOUTHWEST OF MILL CREEK ROAD FOR A VARIANCE FROM SECTION 4.3.G, "FIRE HYDRANTS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

No one appeared to speak regarding this case.

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendations and approve the variance. The motion passed unanimously.

VIII. PUBLIC HEARING ITEMS

- A. P04-60: REZONING OF 19.25 ACRES FROM RR TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, AT 8024 RAEFORD ROAD, OWNED BY ANN P. KIRBY.

Mr. Turner left the room.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the C(P) Planned Commercial District based on the following:

The 2010 Land Use Plan adheres to nodal commercial development with transitional zoning, so medium- and high-density residential development is appropriate.

The public hearing was opened.

Mr. Stacey Weaver appeared before the Board representing the owner and proposed developer. He said that this is an extremely high demand area for commercial development. He said since Walmart opened, there has been a sharp increase in demand for commercial property in the area. Mr. Weaver pointed out some of the commercial development in the area and said that there is a lot of activity near the site. He said that the subject property joins C(P) to the east and west, and a portion of the property across the street is zoned C(P)/CU. He said that the northern boundary of the subject property joins the Westpoint Subdivision. Mr. Weaver said that the applicants invited 80 residents to a meeting last week, and five attended the meeting. Mr. Weaver said that his client would like to put in a first class development that will be useful to the neighborhood. He again said that demand is high in the area, especially as the population increases. He pointed out that the average daily traffic count on Raeford Road is 15,000. He said that there is currently sufficient buffering between the subject property and the Tunbridge Subdivision, and the owner is willing to buffer the tract from the Westpoint Subdivision. He said that the property is not suitable for residential use because it is located on a busy thoroughfare. He said that the request fills an existing need, fits in with the character of the neighborhood, will increase the tax base and makes good planning sense.

No one appeared in opposition to the request.

The public hearing was closed.

Mr. Averette said that this is an ideal location for commercial development, and it will not put a demand for additional schools. He said that there is currently good buffering, and the Ordinance will require any additional buffering needed.

A motion was made by Mr. Averette and seconded by Mr. McLaurin to approve the C(P) Planned Commercial District.

Dr. Olion asked about the one home next to the site and was told that they were notified of the rezoning, and they would also be buffered from the subject property.

Upon a vote on the motion, it passed unanimously.

Mr. Turner returned to the room.

- B. P04-66: REZONING OF 8.50 ACRES FROM RR TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, AT 5270 CLINTON ROAD, SUBMITTED BY JOSEPH P. RIDDLE III.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the C(P) Planned Commercial District based on the following:

1. The Highway 24/Maxwell Road Land Use Plan Update shows Highway 24 as a boundary for commercial use; and
2. The Planning staff has traditionally followed the nodal philosophy of land use, and this tract is not located within a designated activity node.

The public hearing was opened.

Mr. Joe Riddle appeared before the Board and said that the newspaper reported on this case, and there is some opposition from officials in the Town of Stedman. He said that all of the residents of Vander supported the commercial rezoning for the shopping center that

is across the road from the subject property. Mr. Riddle showed the land use in the area and said that he has the largest investment in Vander and Stedman except for the schools. He said that he has no plans to develop the tract at the present time and plans to purchase only if he can get it rezoned. He said that four and one-half of the eight and one-half acres are actually useable. He said that the back portion of the tract is wet, and he owns the land behind. He said that there is a lot of frontage and not much depth, and heavy traffic—all of which make the property not suitable for residential use. Mr. Riddle said that owner of an adjacent tract contacted him and also wants to rezone her 12 acres. He said that he doesn't need Stedman utilities because spent \$400,000 to bring utilities to the area when he developed the shopping center across the road. He said that he canvassed the properties along Highway 24 in Stedman, and not one commercial establishment looked as good as any he has built. He said that he saw many violations in the Town of Stedman and questioned why they hadn't been cited for Code violations. He said that he doesn't want to build in Stedman. He said that the planners identified the commercial node because he found the property and proposed it for commercial use.

Mr. Ken Freeman appeared before the Board in opposition and said that Stedman isn't a hole in the road. He said that he lives one mile from Stedman and is concerned about the additional traffic that another commercial development will bring to the area. He said that the traffic is already bad, and there has been an increase in accidents at the sharp and dangerous curve.

Mr. Billy Horne appeared before the Board in opposition. He said that he is the Mayor of Stedman, but was appearing to speak for himself—not as mayor. He said that he drives by this site two to six times a day, and traffic congestion has been created by the Food Lion in the shopping center across from the subject property. He said that Mr. Riddle still owns undeveloped commercial property in the area. He said that he didn't object to his buying the property, but he should wait to rezone it until there is a need. He submitted a letter from his son who lives on property near the subject site.

Mr. Donald Carr appeared before the Board in opposition and said he lives in the property that joins the shopping center that houses the Food Lion. He said that he was in favor of that rezoning, and he had no problem with Mr. Riddle purchasing the property, but he is concerned about what he intends to do with it. He said that the residents of the area don't need additional traffic. He said that more traffic could be a big problem because he sometimes can't get out of his driveway with the current traffic.

The public hearing was closed.

Mr. Averette asked about how the future widening of the highway will affect the subject property. Mr. Riddle said that the road is not proposed to change, just to be widened. He said that he put in every turn lane required when he developed the shopping center, and it was a busy road before the Food Lion even went in.

Mr. Averette said that the property is not within the node, but it is adjacent to it. He said the reality is that the whole area should be considered. He said that the subject property isn't good for residential use, and the best use would be commercial.

A motion was made by Mr. Averette and seconded by Mr. McLaurin to approve the C(P) Planned Commercial District.

Mr. Cain, representative from Stedman, said that he is not opposed to development, but the applicant has already rezoned property two miles from the Town, and the commercial establishments should be within the Town of Stedman.

Upon a vote on the motion, it passed four to three with Dr. Olion and Messrs. Cain and Turner voting in opposition.

- C. P04-67: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW MINING, QUARRYING, PROCESSING, SALES, ASPHALT AND CONCRETE PRODUCTION ON 700+/- ACRES IN THE A1, RR AND CD DISTRICTS ON THE NORTH SIDE OF MCCORMICK BRIDGE ROAD, EAST OF LILLINGTON HIGHWAY, SUBMITTED BY NEIL YARBOROUGH.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommended approval of the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

The Planning staff recommended the following conditions be added to the Conditional Use Overlay Permit:

1. Applicant must keep an updated copy of his State permit and conditions on record with the County Planning and Inspections Department; and
2. Applicant must provide to the Planning and Inspections Department prior to application for a zoning permit, documentation from NCDOT that the public thoroughfare to which the operation has access has sufficient load carrying capacity to support the traffic generated by the operation, or that load limits are acceptable.

The public hearing was opened. Packet materials were introduced for the record.

Mr. Neil Yarborough appeared before the Board and introduced the following individuals who were present to answer questions regarding various aspects of the case: Paxton Batham, Mike Jones—economy, Steve Chapel; Steve Reel; Mike Horn—traffic; Chris Reinhart—hydrogeology; Steve Whitt; Dean Wingard—safety; Tom Keith—land value; and Tom Brooks.

Mr. Yarborough said that the 700-acre tract is as remote an area as possible that is close to a major traffic area. He said that it is critical for the County's economic development to have raw materials with which to build. He said that this is one of the few sites that contains the hard rock needed for nearly all construction projects. He said that construction prices escalate if the rock has to be hauled long distances. He added that the proposal is compatible with the Joint Land Use Study conducted with the military.

Mr. Paxton Batham appeared before the Board and said that his Company started in 1939 in North Carolina and was bought by Martin-Marietta. He said that in the 90s, the company split, and sold this section that is now called Martin-Marietta Materials. He said that they began with two quarries and now have more than 430 throughout the United States, with 39 operating quarries in North Carolina. He said that the hard rock is difficult to find and is used in all construction projects—roads, driveways, etc. He said if the rock has to be hauled more than 25 miles, the trucking costs are higher than the product costs.

Mr. Yarborough said he had letters of support from local people who need the product.

Mr. Burgess Marshbanks appeared before the Board in opposition. He said that he served on the Planning Board in Harnett County for many years. He said that he found it

interesting that mounds of paperwork were submitted, and so many experts in their various fields were present, yet he lives next to the subject property and didn't know anything about the proposal until a week ago. He said that he has a high regard for the McCormicks and was glad to hear that they approved the project. He said he wasn't opposed to the project, but wanted to know more about it. He offered his 132-acre tract for sale and said that would show if the proposal would affect the land values.

Mr. Yarborough appeared before the Board in rebuttal and said that they went through the application process and left it to the Planning Department to notify the neighbors. He said that the proposal shouldn't have a negative effect on the surrounding property. He said he would give a copy of all of the documentation to Mr. Marshbanks.

In responding to a question regarding buffering, Mr. Keith said that there is a 350-foot buffer between the quarry operations and Mr. Marshbanks' property. After further discussion, it was determined that some of the buffer was as narrow as 100 feet.

The public hearing was closed.

Vice-Chair Morris asked what would happen to the property when the quarry operations were completed. Mr. Batham said that it will take more than two years to even begin the process, and after permitting, it should take about 50 to 60 years to complete the project. He said that the Reclamation Plan includes rehabilitation of the site to include a large lake and soil stabilization. He said that the mining process is almost like an environmental impact statement and involves approval of seven agencies. He said that the rezoning is the first step.

Chair McNeill said that there is an increasing need for materials of this type, e.g. the Outer Loop and most construction projects.

Mr. Turner asked about the 350-foot buffer from Little River. He asked if any of the river could be polluted. Mr. Batham said that there normally isn't much pollution from quarry operations. Mr. Turner asked how the water is screened from the quarry before it goes into the river. Mr. Steve Whitt, Manager of Environmental Services for Martin-Marietta, said that the water from the pit is sent to a settling cell 300 to 400 feet deep, and only the cleanest water at the top is discharged into the river.

A motion was made by Dr. Olion and seconded by Mr. Averette to follow the staff recommendation and approve the Conditional Use Overlay District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Dr. Olion and seconded by Mr. Averette to follow the staff recommendation and approve the Conditional Use Overlay Permit after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion included adding the following conditions:

- 1. Applicant must keep an updated copy of his State permit and conditions on record with the County Planning and Inspections Department; and**
- 2. Applicant must provide to the Planning and Inspections Department prior to application for a zoning permit documentation from NCDOT that the public thoroughfare to which the operation has access has sufficient load carrying capacity to support the traffic generated by the operation, or that load limits are acceptable.**

The motion passed unanimously.

IX. DISCUSSION

A. UPDATE FROM THE LAND USE CODES COMMITTEE—DAVID AVERETTE

Mr. Averette reported that the Land Use Codes Committee has met twice since the last Planning Board meeting. The first meeting involved input from various members of the development community as well as the public. He said that the meeting held earlier this evening was an opportunity for the members to review the staff's recommendations for each of the comments received from the engineers, surveyors, homebuilders, etc. He said that the staff did a good job, and the next meeting was scheduled for November 8, 2004 at 3:00 p.m.

X. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Ms. Roy gave out copies of the Annual Report to the Board members and reviewed each of the sections. She said that copies would be given to the various municipalities' Boards. The Board commended staff on an outstanding job.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:40 p.m.

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Town of Stedman

November 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS FOR
NOVEMBER 16, 2004 MEETING**

P04-76: REZONING OF 1.43 ACRES FROM M2 TO R6A, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 4001 LOFTON STREET, OWNED BY GERALD E. CREECH. (WADE)

The Planning staff recommends approval of the R6A Residential District based on the following:

1. The 2010 Land Use Plan calls for medium-density residential development at this location; and
2. Approval of the rezoning will allow the property to be developed in a manner that is consistent with the clean-up effort in the Town of Wade.

SITE PROFILE

P04-76

REZONING OF 1.43 ACRES FROM M2 TO R6A OR A MORE RESTRICTIVE ZONING DISTRICT AT 4001 LOFTON STREET, OWNED BY GERALD E. CREECH. (WADE)

Site Information:

Applicant/Owner: GERALD E. CREECH

Area: 1.43 acres

Frontage & Location: 215 feet on Lofton Street

Depth: 275 feet

Jurisdiction: County

Adjacent Property: None

Current Use: Residential

Initial Zoning: November 25, 1980 (Area 14)

Previous Zoning Action(s): Violation – two letters of violation and demolition permits sent.

Surrounding Zoning: North-RR, R6A, M2, East-R6A, O&I, C3, South-RR, R6A, O&I and West-RR, R6A, M2

Surrounding Land Use: No name business, wood company, church, fire department and temporary open storage of waterline construction equipment.

Wade 2010 Land Use Plan: Medium Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: Yes – Protected Area

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: No

Water/Sewer Availability: Wade Water / Septic Tank

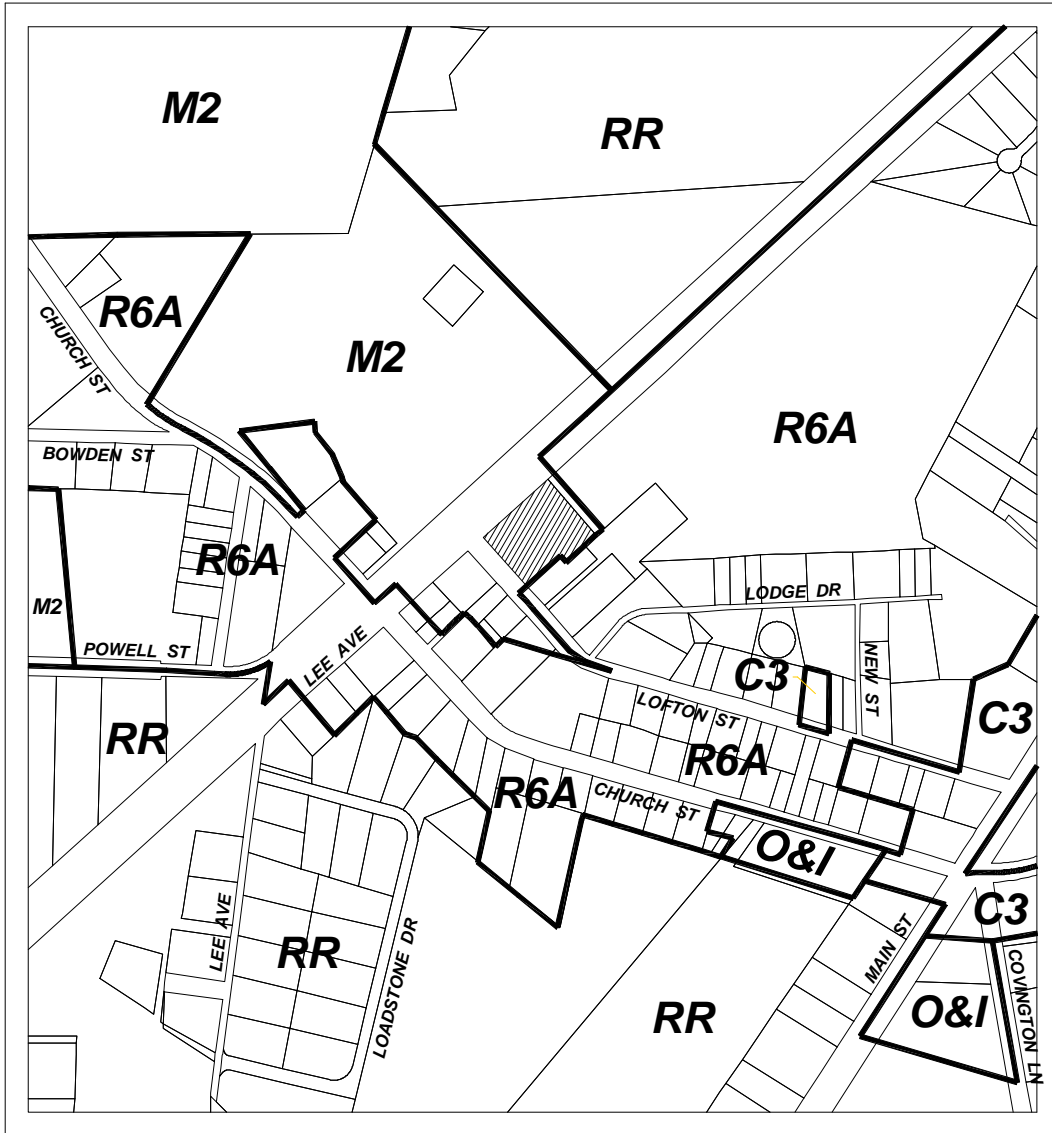
School Capacity/Enrolled: District 7 Elementary 267/250, Mac Williams Middle 1218/1154, Cape Fear High 1415/1526

Subdivisions: NAR completed May 1, 1997

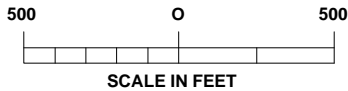
Thoroughfare Plan: No road improvements or new constructions specified for this area.

Notes:

Density: R6A – 14 units



NORTH



REQUESTED REZONING: M2 TO R6A

ACREAGE: 1.43 AC. ±

HEARING NO: P04-76

ORDINANCE: WADE

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

PIN:0571-94-4517

SP

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November 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS FOR
NOVEMBER 16, 2004 MEETING**

P04-77: REZONING OF 22.90 ACRES FROM RR AND M2 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3668 DUNN ROAD, SUBMITTED BY CHARLES D. AVERETTE.

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

1. The uses allowed in the R10 District are compatible with the land use in the area;
2. The property meets the criteria for low-density residential development in that water is available to the site, and sewer to serve the tract is currently under construction;
and
3. There are adequate roadways serving the site.

SITE PROFILE

P04-77

REZONING OF 22.90 ACRES FROM RR AND M2 TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT AT 3668 DUNN ROAD, SUBMITTED BY CHARLES D. AVERETTE.

Site Information:

Applicant/Owner: CHARLES D. AVERETTE / GENE WILLIFORD AND O.B. KNOWLES

Area: 22.90 acres

Frontage & Location: 990 feet on Dunn Road

Depth: 970 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Residential

Initial Zoning: December 14, 1979 (Area 10)

Previous Zoning Action(s): None

Surrounding Zoning: North-RR, R15, R6A, C(P), C3, East-A1, R40, RR, M2, South-A1, RR, HS(P), C1, C(P), and West-A1, RR, RR/CU, R6A, R6A/CU, HS(P), HS(P)/CU, C(P)

Surrounding Land Use: No name business (2), nursing home, trading company, wedding chapel, grocery store, golf shop, clothing store, game room, gas station, tanning bed, vinyl shop, bank, chicken plant and insulation business.

Eastover Land Use Plan: Commercial

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Within Area Considered for Annexation: No

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: Eastover Water and Sanitary Sewer

Eastover Sanitary Sewer District: Information to be provided at the meeting.

School Capacity/Enrolled: Armstrong Elementary 451/393, Mac Williams Middle 1218/1154, Cape Fear High 1415/1526

Subdivisions: Case 00-72 Subdivision Review as of 7/28/00

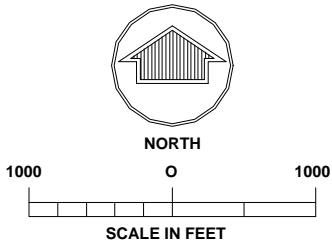
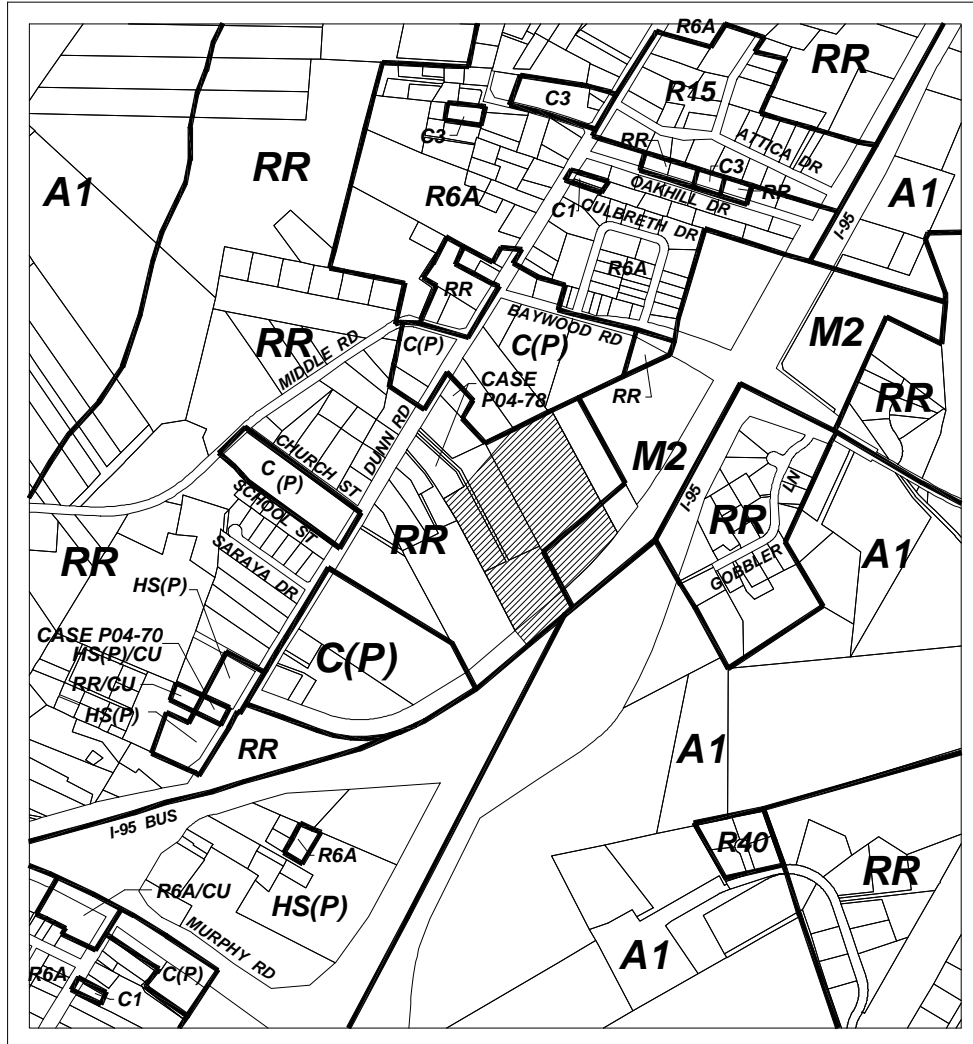
Thoroughfare Plan: I-95 North is identified as a Major Thoroughfare. It has a current adequate 260-foot right-of-way. US 301 North is identified as a Major Thoroughfare. It has a current adequate 100-foot right-of-way.

Average Daily Traffic Count (2000): 5,300 on Dunn Road

Notes:

The density reflects minus 2.67 acres, the portion within the right-of-way.

Density minus 20%:	R15 – 53 lots	R15 – 67 units
	R10 – 79 lots	R10 – 133 units



REQUESTED REZONING: RR & M2 TO R10

ACREAGE: 22.90 AC. ±	HEARING NO: P04-77	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORT. PINS: 0468-58-0462, 48-7834, 48-9908, 59-2086

SP

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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
Harvey Cain, Jr.
Town of Stedman

November 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS FOR
NOVEMBER 16, 2004 MEETING

P04-78: REZONING OF A .72-ACRE TRACT AND A 3.25-ACRE TRACT, TOTALLING 3.97 ACRES FROM RR TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3734 AND 3668 DUNN ROAD, SUBMITTED BY CHARLES D. AVERETTE.

The Planning staff recommends approval of the C(P) Planned Commercial District based on the finding that the Eastover Land Use Plan calls for commercial use at this location.

SITE PROFILE

P04-78

REZONING OF A .72 ACRE TRACT AND A 3.25 ACRE TRACT, TOTALLING 3.97 ACRES FROM RR TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 3734 AND 3668 DUNN ROAD, SUBMITTED BY CHARLES D. AVERETTE.

Site Information:

Applicant/Owner: CHARLES D. AVERETTE / GENE WILLIFORD AND

O. B. KNOWLES

Area: 3.97 acres

Frontage & Location: 145 feet and 172 feet on Dunn Road

Depth: 222 feet and 450 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Residential

Initial Zoning: December 14, 1979 (Area 10)

Previous Zoning Action(s): None

Surrounding Zoning: North-RR, R15, R6A, C(P), C3, East-A1, R40, RR, M2, South-A1, RR, HS(P), C1, C(P), and West-A1, RR, RR/CU, R6A, R6A/CU, HS(P), HS(P)/CU, C(P)

Surrounding Land Use: No name business (2), nursing home, trading company, wedding chapel, grocery store, golf shop, clothing store, game room, gas station, tanning bed, vinyl shop, bank, chicken plant and insulation business.

Eastover Land Use Plan: Commercial

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Within Area Considered for Annexation: No

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: Eastover Water and Sanitary Sewer

Eastover Sanitary Sewer District: Information to be provided at the meeting.

School Capacity/Enrolled: Armstrong Elementary 451/393, Mac Williams Middle 1218/1154, Cape Fear High 1415/1526

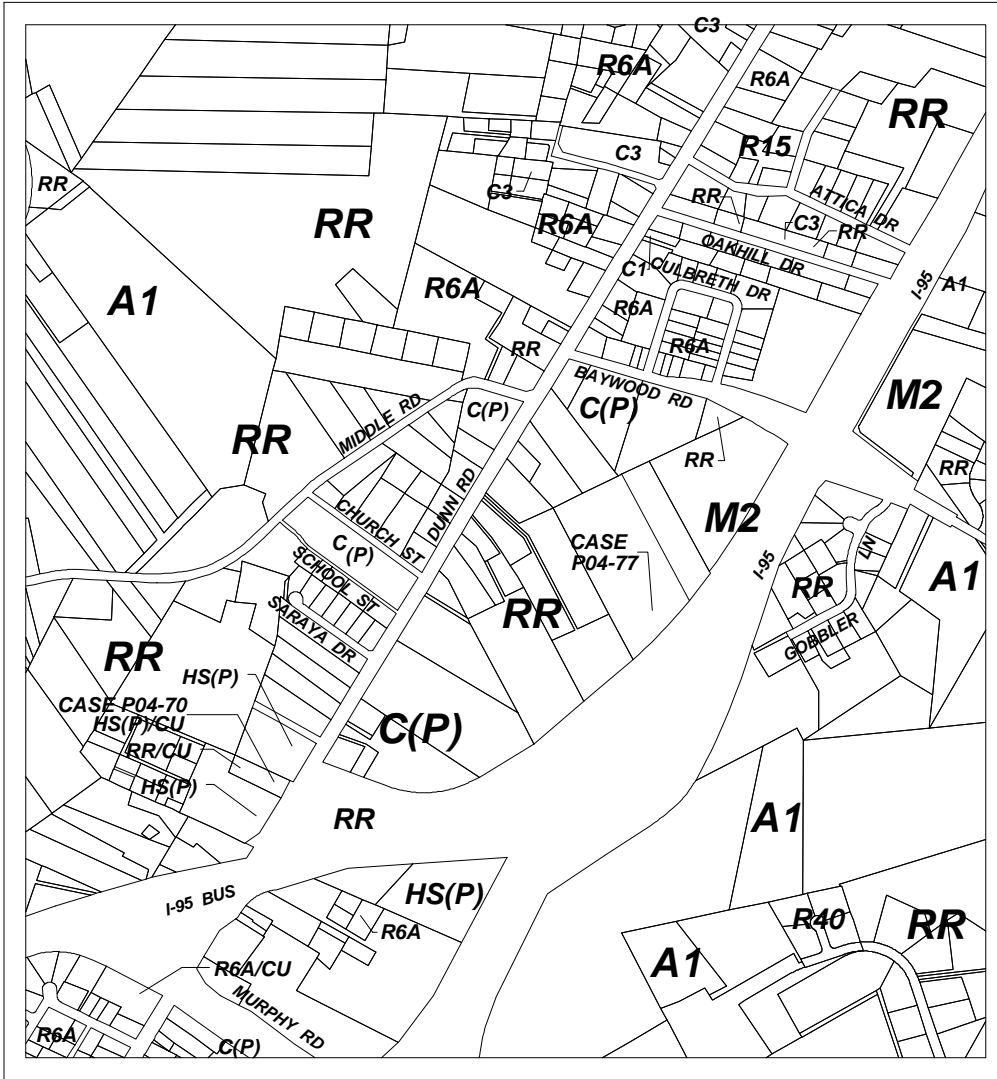
Subdivision: A C(P) site plan will be required.

Thoroughfare Plan: US 301 North is identified as a Major Thoroughfare. It has a current adequate 100-foot right-of-way.

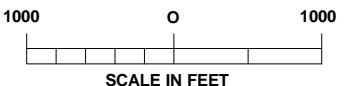
Average Daily Traffic Count (2000): 5,300 on Dunn Road

Notes:

RR – 9 units



NORTH



REQUESTED REZONING: RR TO C(P)

ACREAGE: 3.97 AC. ±	HEARING NO: P04-78	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORT. PIN: 0468-58-0462, 48-7834, 48-9908, 59-2086
 PIN: 0468-49-4265, 49-6704

SP

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Town of Stedman

November 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS FOR
NOVEMBER 16, 2004 MEETING**

**P04-75: REVISION AND AMENDMENTS TO THE TOWN OF WADE SUBDIVISION
ORDINANCE, ARTICLE I, SECTION 1.6, "COMPLIANCE WITH ORDINANCE
REQUIRED;" SECTION 1.8, "DEFINITIONS;" AND BY CREATING ARTICLE III,
SECTION 3.21.1, "ZERO LOT LINE DEVELOPMENTS." (WADE)**

The Planning staff recommends approval of the revision and amendments to the Town of Wade Subdivision Ordinance based on the finding that the amendments will bring the Ordinances of the Town of Wade and Cumberland County into uniformity.

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Harvey Cain,
Town of Stedman

November 12, 2004

MEMORANDUM

TO: Planning Board

FROM: Edward M. Byrne, Planner I

SUBJECT: Case No. 04-073
Sheffield Farms South
(Subdivision Review)

The developer submitted a request for a variance from Section 3.17.c, "Cul-De-Sac", Cumberland County Subdivision Ordinance, for a cul-de-sac length of 1,150 feet. The developer has proposed 29 lots on 22.61 ac. +/- that is zoned RR Rural Residential District. The Surveyor has stated in the request there are wetlands along the eastern property lines of this development, which will prevent stubbing Morning Star Lane to the adjacent property. This property has also been limited to just one entrance by NCDOT, which will prevent a second entrance from Muscat Road that could have shortened the cul-de-sac length.

In accordance with Section 6.1, Variances, of the Cumberland 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 the 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 recommends **approval** of the requested variance based on the following.

- The existing conditions of wetlands and topography on this property and adjacent properties;
- The NCDOT limitations for the number of entrances to this development; and
- The unusual shape and condition of this property would put unnecessary hardship on the subdivider if required to strictly comply with the Ordinance.

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Town of Stedman

November 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS FOR
NOVEMBER 16, 2004 MEETING**

P04-70: REZONING OF 1.19 ACRES FROM HS(P)/CU AND RR/CU TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3353 DUNN ROAD, OWNED BY SUNDUST, LLC.

The Planning staff recommends denial of the RR Rural Residential District and approval of RR/CU Rural Residential/Conditional Use Overlay District based on the following:

1. Site plan review is desirable at this location;
2. The Eastover Land Use Plan calls for commercial use at this location; and
3. The rezoning will the entire lot within the same zoning classification.

SITE PROFILE

P04-70

REZONING OF 1.19 ACRES FROM HSP/CU AND RR/CU TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3353 DUNN ROAD, OWNED BY SUNDUST, LLC.

Site Information:

Applicant/Owner: SUNDUST, LLC.

Area: 1.19 acres

Frontage & Location: 170 feet on Dunn Road

Depth: 413 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Commercial business

Initial Zoning: December 14, 1979 (Area 10)

Previous Zoning Action(s): None

Surrounding Zoning: North-A1, RR, HS(P), C(P), East-RR, R6A, HS(P), C(P), South-RR, R6A, R6A/CU, HS(P), C(P), and West-RR, R6A, HS(P)

Surrounding Land Use: School, Fire department, beauty shop, dance shop, equipment company

Eastover Land Use Plan: Commercial and Activity Node

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: Yes

Urban Services Area: Yes

Water/Sewer Availability: Eastover Water / Septic Tank

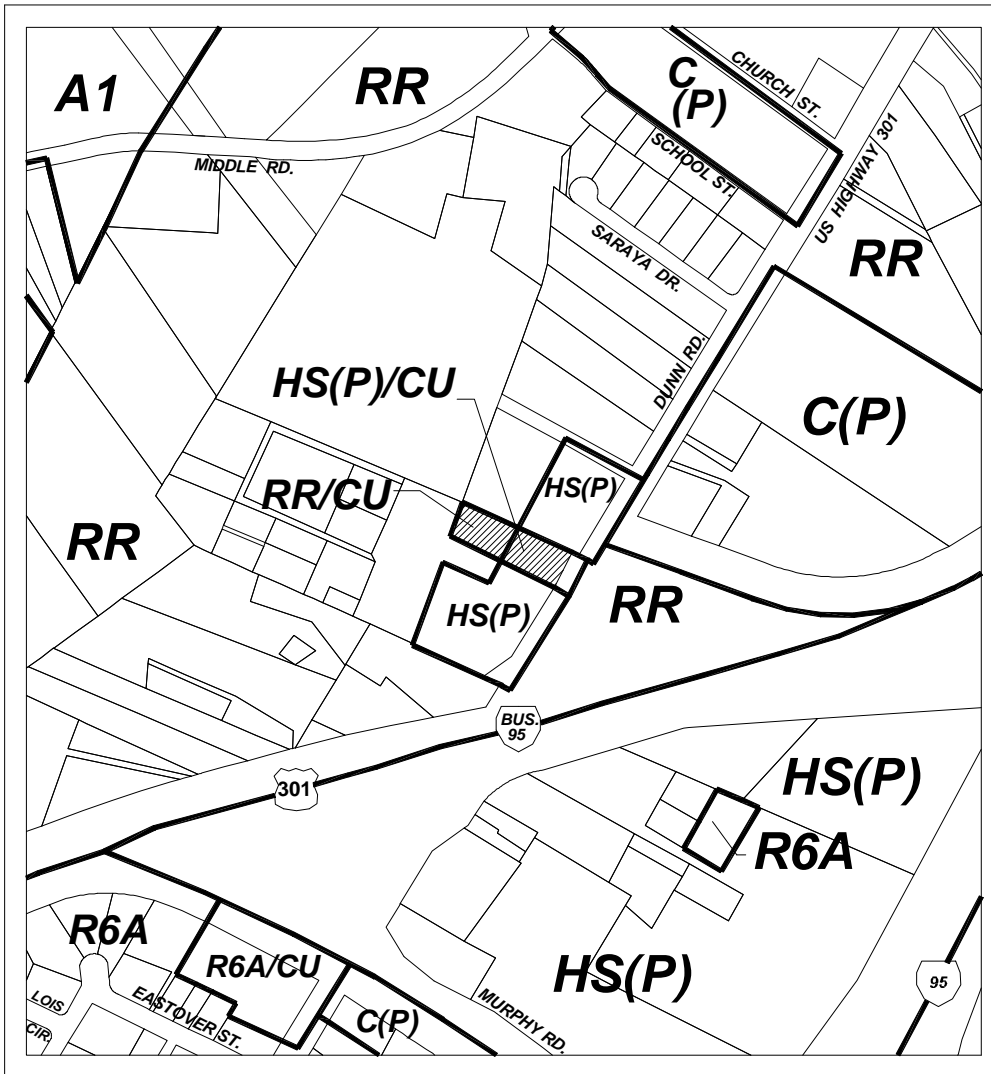
Eastover Sanitary Sewer District: Information to be provided at the meeting.

School Capacity/Enrolled: Armstrong Elementary 451/393, Mac Williams Middle 1218/1154, Cape Fear High 1415/1526

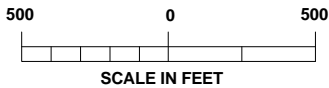
Thoroughfare Plan: US 301 North is a Major Thoroughfare with a current adequate 100-foot right-of-way.

Average Daily Traffic Count (2000): 5,300 on Dunn Road

Notes:



NORTH



SCALE IN FEET

REQUESTED REZONING: HSP/CU & RR/CU TO RR

ACREAGE: 1.19 AC.±

HEARING NO: P04-70

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

PIN:0468-27-8611

AF

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Town of Stedman

November 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS FOR
NOVEMBER 16, 2004 MEETING**

P04-71: REZONING OF 4.36 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2180 TOM GEDDIE ROAD, SUBMITTED BY MICHAEL TATE, PLS.

The Planning staff recommends denial of the RR Rural Residential District and approval of the R40 Residential District based on the following:

1. The Eastover Land Use Plan calls for one-acre residential lots at this location.

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

SITE PROFILE

P04-71

REZONING OF 4.36 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2180 TOM GEDDIE ROAD, SUBMITTED BY MICHAEL TATE, PLS.

Site Information:

Applicant/Owner: MICHAEL TATE, PLS / ESTHER L. DEW

Area: 4.36 acres

Frontage & Location: 345 feet on Tom Geddie Road

Depth: 603 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: December 14, 1979 (Area 10)

Previous Zoning Action(s): None

Surrounding Zoning: Primarily A1 and RR

Surrounding Land Use: Church

Eastover Land Use Plan: One-Acre Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Urban Services Area: Yes

Water/Sewer Availability: Eastover Water / Septic Tank

Eastover Sanitary Sewer District: Information to be provided at the meeting.

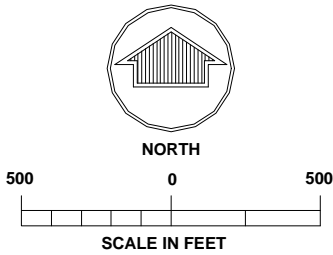
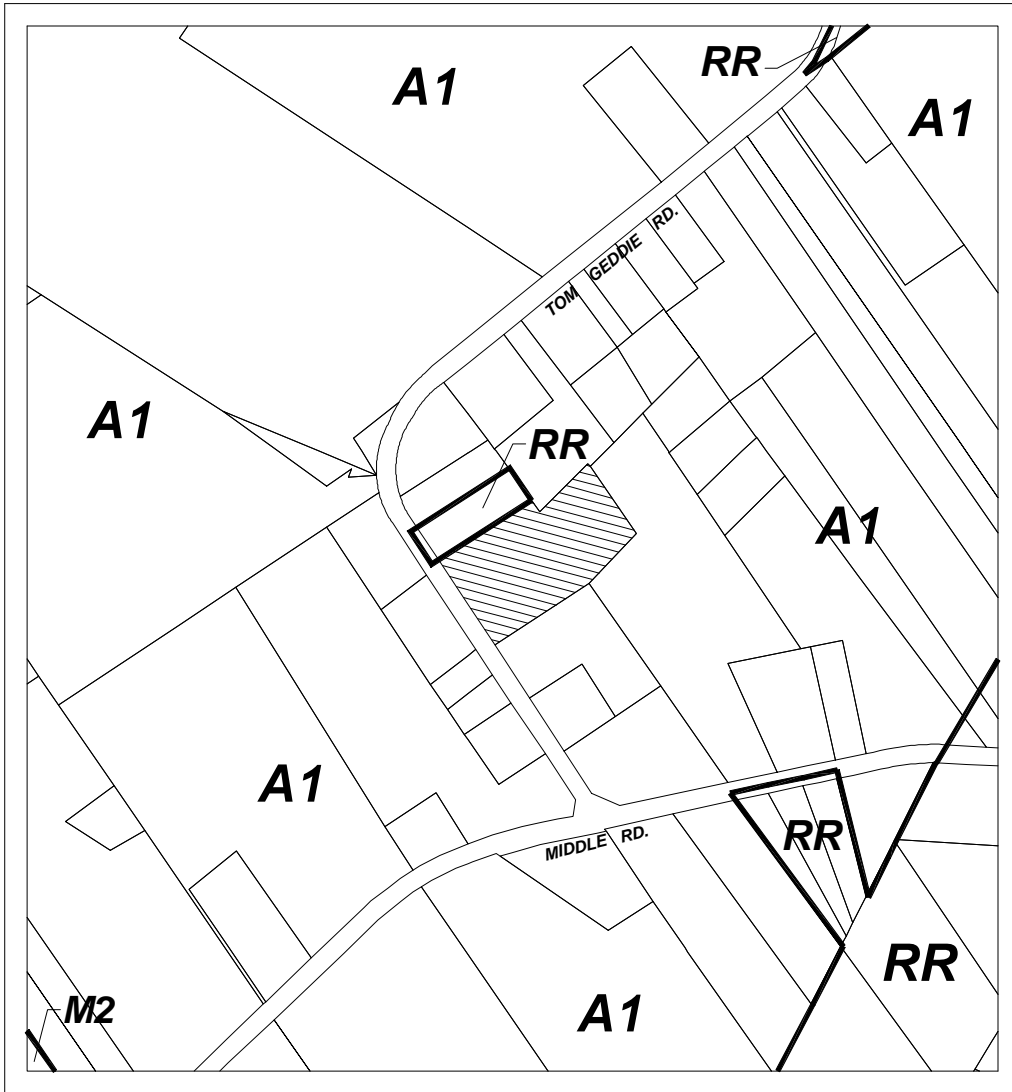
School Capacity/Enrolled: Armstrong Elementary 451/393, Mac Williams Middle 1218/1154, Cape Fear High 1415/1526

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

Average Daily Traffic Count (2000): 320 on Tom Geddie Road

Notes:

Density:	A1 – 2 lot	A1 – 2 units
	R40 – 4 lots	R40 – 5 units
	R30 – 6 lots	R30 – 6 units
	RR – 9 lots	RR – 10 units



**REQUESTED REZONING:
A1 TO RR**

ACREAGE: 4.36 AC.±		HEARING NO: P04-71	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0468-09-2635

AF

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Town of Stedman

November 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS FOR
NOVEMBER 16, 2004 MEETING

P04-73: REZONING OF 2.0 ACRES FROM A1 TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF NC HWY 24, WEST OF THE SAMPSON COUNTY LINE, SUBMITTED BY THOMAS J. GOODEN.

The Planning staff recommends denial of the C(P) Planned Commercial District based on the following:

1. Approval of the commercial district has the potential to create strip commercial development in a rural farmland setting; and
2. The 2010 Land Use Plan calls for farmland use at this location.

SITE PROFILE

P04-73

REZONING OF 2.0 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF NC HWY 24, WEST OF THE SAMPSON COUNTY LINE, SUBMITTED BY THOMAS J. GOODEN.

Site Information:

Applicant/Owner: THOMAS J. GOODEN / EDWARD SEIFERT

Area: 2.0

Frontage & Location: 247 feet on NC Highway 24

Depth: 355 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: September 3, 1996 (Area 21)

Previous Zoning Action(s): None

Surrounding Zoning: A1

Surrounding Land Use: Car sales and home sales

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

Urban Services Area: No

Water/Sewer Availability: Autryville Water / Septic Tank

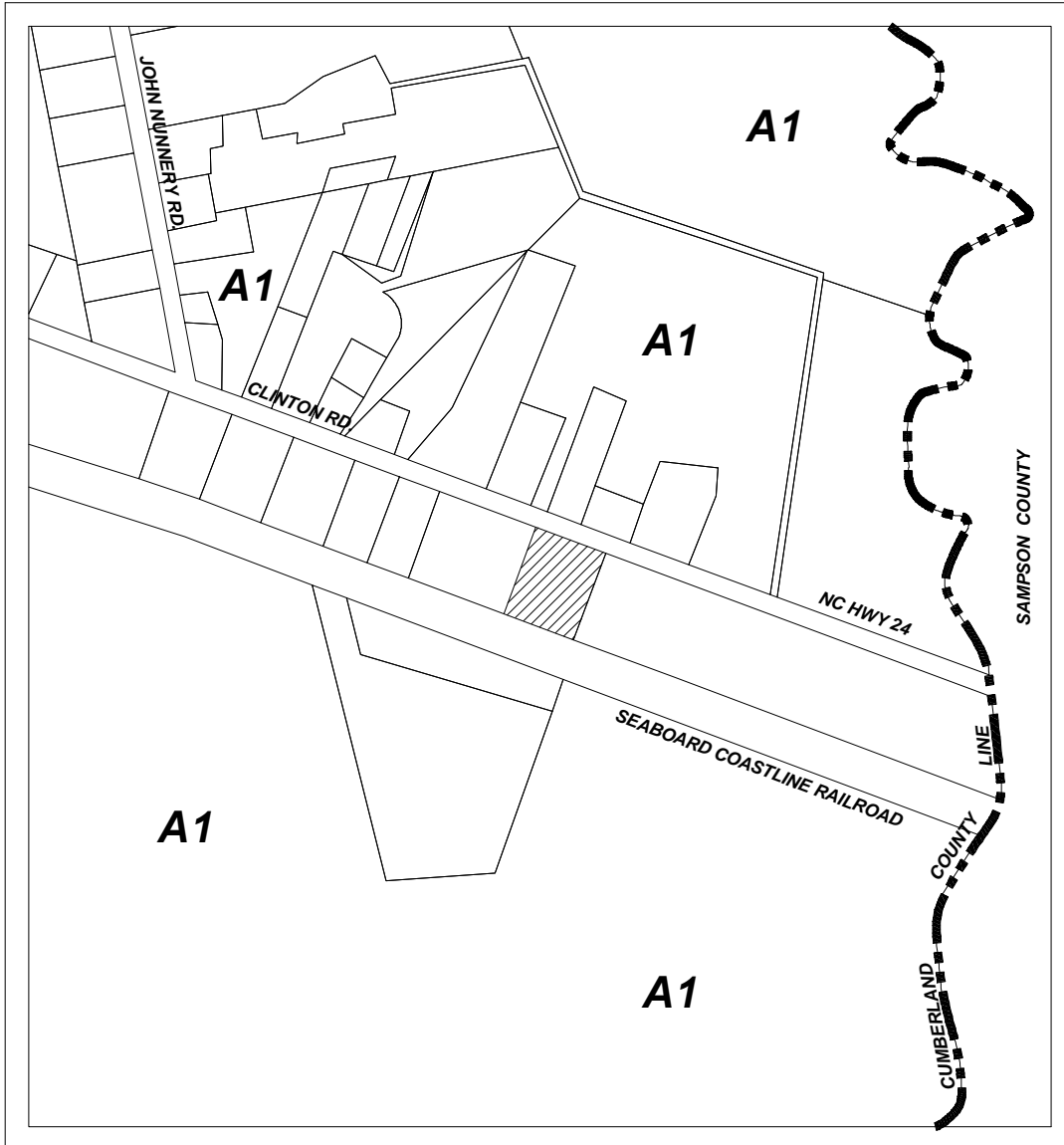
School Capacity/Enrolled: Stedman Primary 250/136, Stedman Elementary 393/257, Mac Williams Middle 1218/1154, Cape Fear High 1451/1526

Subdivisions: C(P) site plan will be required.

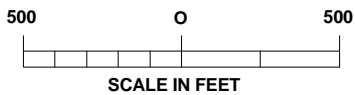
Thoroughfare Plan: NC 24 East is a Minor Thoroughfare with a current 60-foot right-of-way. Road improvements are not included in the 2004-2010 MTIP.

Average Daily Traffic Count (2000): 9,200 on NC Highway 24

Notes:



NORTH



REQUESTED REZONING: A1 TO C(P)

ACREAGE: 2.00 AC. ±	HEARING NO: P04-73	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORTION OF PIN:1405-45-4223

SP

Clifton McNeill, Jr.
Chair
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Town of Stedman

November 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS FOR
NOVEMBER 16, 2004 MEETING**

P04-74: REZONING OF 10.63 ACRES FROM R10 TO R6, OR A MORE RESTRICTIVE ZONING DISTRICT, AT THE END OF PALMERLAND ROAD, SOUTH OF BLACK AND DECKER ROAD, SUBMITTED BY JIM MOHLER.

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

1. The 2010 Land Use Plan calls for low-density residential development at this location;
2. The site does not meet the locational criteria for medium-density residential development in that there are no major, minor or collector streets serving the site.

SITE PROFILE

P04-74

REZONING OF 10.63 ACRES FROM R10 TO R6 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE END OF PALMERLAND ROAD, SOUTH OF BLACK AND DECKER ROAD, SUBMITTED BY JIM MOHLER.

Site Information:

Applicant/Owner: JIM MOHLER / C. A. RAY, INC.

Area: 10.63 acres

Frontage & Location: 1,040 feet

Depth: 695 feet

Jurisdiction: County

Adjacent Property: None

Current Use: Vacant

Initial Zoning: November 17, 1975 (Area 4)

Previous Zoning Action(s): None

Surrounding Zoning: None

Surrounding Land Use: Machine company, industrial business (2), tin company, design company and mobile home park

2010 Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: None

Within Area Considered for Annexation: No

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

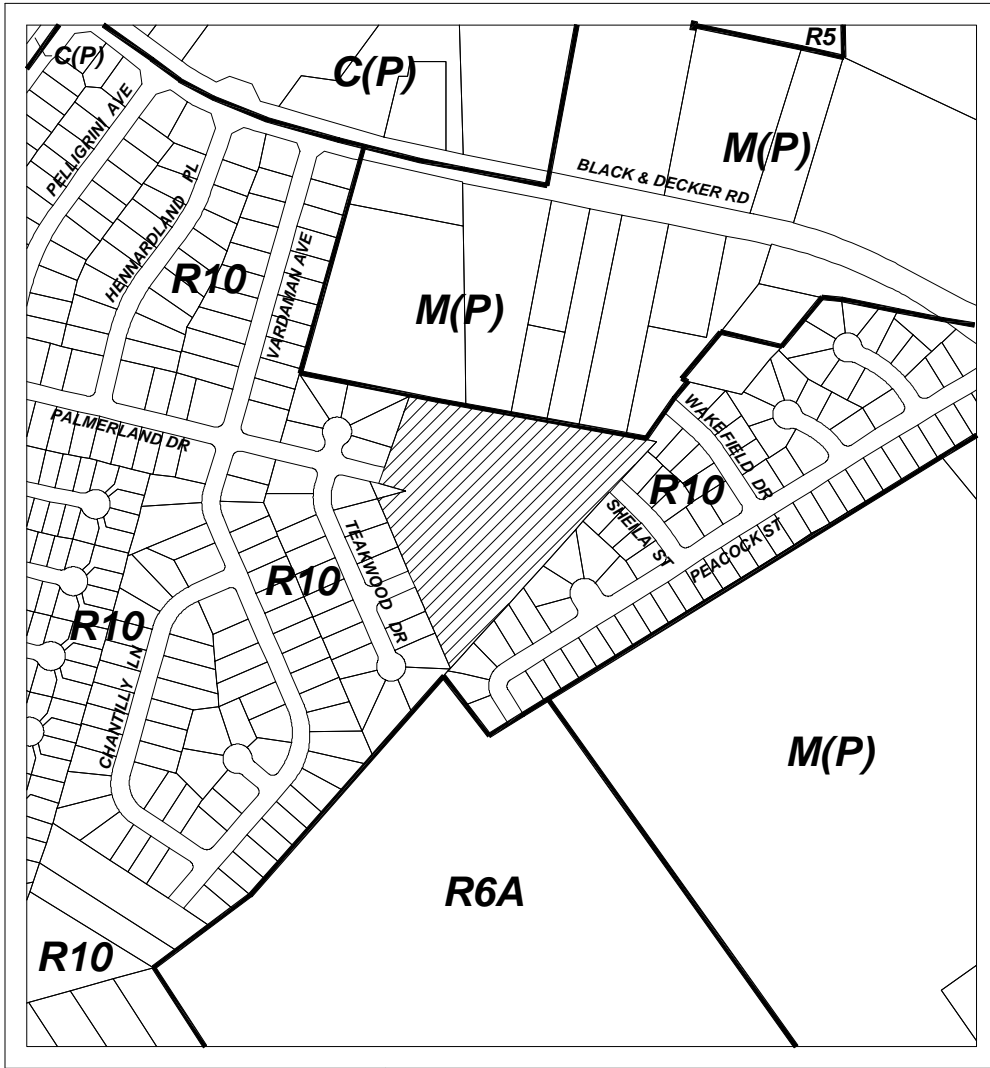
Water/Sewer Availability: PWC / PWC

School Capacity/Enrolled: Cashwell Elementary 450/664, South View Middle 743/952, South View High 1715/1836

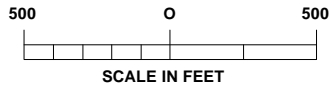
Thoroughfare Plan: No road improvements or new constructions specified for this area.

Notes:

Density minus 20%:	R10 – 37 lots	R10 – 61 units
	R6 – 61 lots	R6 – 115 units



NORTH



SCALE IN FEET

**REQUESTED REZONING:
R10 TO R6**

ACREAGE: 10.63 AC. ±

HEARING NO: P04-74

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

PIN:0425-64-5516

SP

Clifton McNeill, Jr.
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Town of Stedman

November 8, 2004

MEMORANDUM

TO: Planning Board

FROM: Edward M. Byrne, Planner I

SUBJECT: Case No. 04-202
Carolina Motor Inn
(HS(P) Site Plan Review)

The developer submitted a request for alternate yard requirements from Section 12.45, Cumberland County Zoning Ordinance, to be allowed to construct an addition, which would be within 11.2 feet of the side property line. This property contains 1.67 +/- acres and is zoned HS(P) Planned Highway Service District. The developer has proposed an addition to the hotel to expand the existing storage areas. The existing building is located 19.2 feet from the property line. The required setback for the HS(P) zoning district is 20 feet for a side yard.

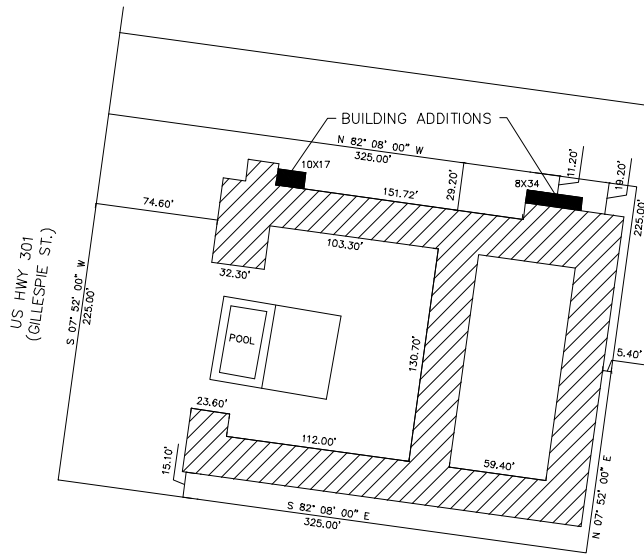
In accordance with Section 12.45, Planned Commercial and Industrial Districts, of the Cumberland County Zoning Ordinance, the Planning Board may approve alternate yard requirements if such approval will provide a more logically planned development.

The Planning Staff recommends **Denial** of the requested alternate side yard based on the following.

- This tract is currently overbuilt for the existing standards of the zoning ordinance and the addition would increase the non-conformity of the structure;
- To allow this addition to be placed closer to the adjacent property owner's line without their consent, is not necessary and would be unfair to the adjacent property owner; and
- The developer has the option to do a zero lot line subdivision with the adjacent property owner, thus allowing the adjacent property owner a say in the decreased setback next to his property.



VICINITY MAP



CAROLINA MOTOR INN
 HS(P) SITE PLAN REVIEW
 REQUEST: ALTERNATE YARD REQUIREMENTS
 SECTION 12.45
 CASE: 04-202 ACREAGE: 1.67 AC.±
 ZONED: HS(P) SCALE: 1"=60'