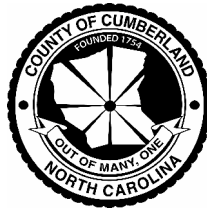


Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
Lori Epler,  
Dr. Marion Gillis-Olson  
Roy Turner,  
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  
Harvey Cain, Jr.  
Town of Stedman

#### TENTATIVE AGENDA

JUNE 21, 2005

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 JUNE 7, 2005

#### REZONING CASES

- A. P05-35: REZONING OF .86 +/- ACRES FROM C1 TO C3, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1291 ANDREWS ROAD, OWNED BY JACQUELINE C. ANDREWS.
- B. P05-39: REZONING OF 1.0 +/- ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 10361 TURNBULL ROAD, OWNED BY TAFT AND ELNORA C. HOGAN.

#### AMENDMENT

- A. P05-37: REVISION AND AMENDMENTS TO THE SPRING LAKE ZONING CODE BY AMENDING CHAPTER 156, SECTION 156.086, "YARD REGULATIONS," AND SECTION 156.087, "DISTRICT DIMENSIONAL PROVISIONS." (SPRING LAKE)

#### CONDITIONAL USE PERMIT REVISION

- A. P05-38: REVISION OF A CONDITIONAL USE PERMIT TO ALLOW A SECOND HOME IN AN A1 DISTRICT ON 1.67 ACRES AT 4450 GRAYE FRYERS LANE, OWNED BY EDDIE R. STARLING.

VII. PUBLIC HEARING ITEMS

- A. P05-36: REZONING OF 13.55 +/- ACRES FROM A1 TO R40 AT 6440 NC HIGHWAY 87 SOUTH, SUBMITTED BY ELISE MARSH DEW, OWNED BY FAYE FAIRCLOTH JACKSON.
- B. P05-40: REZONING OF A 29.93-ACRE PORTION OF A 104.64-ACRE TRACT FROM A1 TO R40, SOUTH OF HEARTPINE DRIVE, EAST OF NC HIGHWAY 87 SOUTH, SUBMITTED BY TREY MCLEAN, OWNED BY JOHNSON HUTAFF INVESTMENTS, LLC.
- C. P05-42: REZONING OF 186.0+/- ACRES FROM RR TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH AND SOUTH SIDES OF SUNNYSIDE SCHOOL ROAD, WEST OF I-95, SUBMITTED BY CHRIS PUSEY, OWNED BY C. E. JONES, JR.
- D. P05-43: REZONING OF TWO PARCELS TOTALING 83.03+/- ACRES FROM A1 AND RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT, EAST OF L.A. DUNHAM ROAD, SOUTH OF SUNNYSIDE SCHOOL ROAD, SUBMITTED BY JIMMY HOLLAND, OWNED BY MARCUS EDWARDS DEVELOPMENT, LLC.

VIII. DISCUSSION

- A. NOMINATIONS FOR CHAIR AND VICE-CHAIR FROM NOMINATIONS COMMITTEE

IX. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

X. ADJOURNMENT

Clifton McNeill, Jr.  
Chair  
Cumberland County

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



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Harvey Cain, Jr.  
Town of Stedman

### MINUTES

June 7, 2005

#### Members Present

Mr. Clifton McNeill, Chair  
Director  
Mr. Charles Morris, Vice-Chair  
Dir.  
Mr. Harvey Cain, Jr.  
Dr. Marion Gillis-Olion  
Mr. Donovan McLaurin  
Mr. Roy Turner

#### Members Absent

Mr. Joe W. Mullinax

#### Others Present

Ms. Nancy Roy,  
Mr. Tom Lloyd, Dep.  
Ms. J. Hope Barnhart  
Ms. Maurizia Chapman  
Ms. Barbara Swilley  
Mr. Grainger Barrett,  
County Attorney

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

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

Mr. Lloyd asked that the policy statement be eliminated because no one signed up to speak regarding the public hearing. He asked that Case 04-205 be placed before the public hearing. A motion was made by Mr. McLaurin and seconded by Mr. Cain to approve the Agenda as amended. The motion passed unanimously.

#### III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

#### V. CONSENT ITEMS

##### A. APPROVAL OF THE MINUTES OF MAY 17, 2005

A motion was made by Mr. Turner and seconded by Mr. McLaurin to approve the Minutes of May 17, 2005 as printed. The motion passed unanimously.

##### B. 05-072: MALLARD CREEK APARTMENTS GROUP DEVELOPMENT REVIEW ON THE SOUTH SIDE OF CELEBRATION DRIVE, EAST OF CHICKENFOOT ROAD, FOR A VARIANCE FROM SECTIONS 3.21.J AND 4.1.E OF THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

A motion was made by Mr. McLaurin and seconded by Mr. Cain to follow the staff recommendation and approve the variances. The motion passed unanimously.

## VI. PLATS AND PLANS

- A. 04-205: CAPE FEAR CROSSING ZERO LOT LINE SUBDIVISION REVIEW, ON THE SOUTH SIDE OF CLINTON ROAD, SOUTH OF LOCKS CREEK CHURCH ROAD, FOR THE REMOVAL OF CONDITION #26 REQUIRING A ROAD STUB TO THE ADJACENT PROPERTY.

Maps were displayed indicating the location of the request. Mr. Lloyd explained that there is one entrance into the proposed subdivision, and staff recommended that the site have a stub to the adjoining property. He said that the developer would prefer not to have the stub. Chair McNeill asked if it was normal procedure for staff to require a stub. Mr. Lloyd said that it depends upon the circumstances and is not a requirement.

Mr. David Allen appeared before the Board and said that the adjoining property is owned by the Carter family and is used for a blueberry farm. He said that Mr. Carter has about 2,000 feet on Clinton Road and does not want the subject property to stub into his land. He said that the Carters intend to continue growing blueberries on the property and do not plan to develop the land. He added that the owner of the subject property would lose one lot if he has to put the stub in. He said the owner, Mr. Guy, was present for questions.

Mr. McLaurin asked how much road frontage the subject property contains. Mr. Allen said that it has about 150 to 200 feet of road frontage—enough to meet State standards. He added that the road has to go through wetlands. Mr. McLaurin asked how wide the street would be, and Mr. Lloyd said that it is proposed to be 50 feet wide. Mr. McLaurin said that would be wide enough for vehicles to get around a disabled vehicle.

Mr. Lloyd said that staff nearly always requires a stub if the adjoining property is landlocked. Chair McNeill said that this property is not landlocked and asked why staff requested it in this case. Mr. Lloyd said that it would provide a second access.

Vice-Chair Morris asked if the stub is a requirement. Mr. Lloyd said that it is not, staff is merely asking for it. He said it is only a requirement when unlandlocking a piece of property.

Mr. Turner commented that the Board had reviewed a similar case recently. Chair McNeill said that the case was in Gray's Creek. Mr. Lloyd said that an easement was the solution in that case, and the staff prefers not to use easements because they are administratively difficult to monitor. Mr. Barrett said that the earlier case involved an exception to the cul-de-sac length requirement.

**A motion was made by Vice-Chair Morris and seconded by Mr. McLaurin to remove requirement #26 requiring a stub to the adjoining property from the Condition Sheet for the above case.**

Chair McNeill said that he would support the stub requests when logic or rationale is involved, but he didn't see the need for a stub in this case.

**Upon a vote on the motion, it passed unanimously.**

VII. PUBLIC HEARING ITEMS

A. METROPOLITAN TRANSPORTATION IMPROVEMENT PLAN FOR FY 2006-2012—MAURIZIA CHAPMAN

Chair McNeill opened the public hearing.

No one appeared in favor of or in opposition to the Metropolitan Transportation Improvement Plan.

The public hearing was closed.

Ms. Maurizia Chapman appeared before the Board and said that the public hearing was part of the process to finalize the MTIP. She said that the draft that the Board received would go before the Technical Coordinating Committee on June 8 and before the Technical Advisory Committee on June 22 for final approval. She reviewed the funded projects on a sheet that was handed out (see Attachment I). Ms. Chapman added that some funds were shifted in the Outer Loop projects, and the County is receiving additional money and will be able to fund more projects.

Chair McNeill asked about the Robeson County part of the Loop. Ms. Chapman said that no funds have been allocated through 2012 for everything from Raeford Road south.

VIII. DISCUSSION

A. LANDSCAPE REQUIREMENTS FOR AIR QUALITY PROGRAM—HOPE BARNHART

Ms. Roy said that a landscape proposal is being brought before the Board because compliance to Air Quality requirements must be met by December of 2005. She said that this section should be included as part of the Zoning Ordinance, and it was important that the Board make some decisions regarding landscaping because of the deadline. She stated that it is not being recommended as part of the new Zoning Ordinance proposal. She informed the Board that it was not included because she did not think that the Zoning Ordinance re-write would take this long.

Ms. Barnhart appeared before the Board and said that the proposal given to the Board would apply to new nonresidential developments. She said that the proposal addresses: Streetscapes, yard spaces and parking areas. (See Attachment II)

Vice-Chair Morris noted that the diagram indicates 13 trees are needed and asked if they could all be placed in a back corner. Ms. Barnhart said that some would be required along the street. Vice-Chair Morris expressed concern that trees might

obscure signage and create a traffic hazard. He said discretion should be allowed. Ms. Barnhart said that the trees could be clustered at the street. Vice-Chair Morris said that landscaping requirements could be carried to extreme. Mr. Lloyd noted that there is no height requirement.

Chair McNeill said that several years ago staff and Board worked on a Landscape Ordinance for a considerable amount of time, and it was never approved. He said that there was concern expressed about requiring landscaping for businesses. He said if the purpose is for air quality, then it wouldn't matter where the trees are placed. Ms. Roy said that the staff hoped to combine air quality requirements with aesthetics. She added that trees in paved parking areas reduce heat impact. She said that aesthetics are more involved in the proposal for trees on the street and in the yard. Vice-Chair Morris said he just wanted to make sure that owners will have a lot of discretion. Mr. Lloyd said the proposal would go through the public hearing process and allow input from owners/developers.

Vice-Chair Morris said that there is a need to consider preservation of sight lines. Ms. Roy said that signage could be added to the example.

Chair McNeill said that there should be an incentive to preserve existing trees. He said it's too easy for developers to clear cut prior to building. Vice-Chair Morris said possibly the incentive could be that one mature tree of six to 12 inches in diameter would count as two or three new trees.

Chair McNeill said that an assigned committee should work on the proposal.

Dr. Olion said in earlier meetings, it was determined that fruit trees were messy, and she asked if certain trees would be restricted because of the mess that they create. Ms. Barnhart said that this hadn't been addressed, and possibly the type of trees used could be addressed during the plan review process. She said that they were trying to keep the proposal less complicated.

Mr. Turner asked if there were any areas that have a landscape ordinance that works. Ms. Roy pointed out that the goals of the ordinances are different in the various areas, for example some areas don't want the signs to show. She said that the landscape requirement is written with the needs of Cumberland County in mind and should be sensitive to businesses.

Chair McNeill referred the Landscape Requirements to the Comprehensive Planning Committee. Because the moderator of the Committee, Mr. Averette, was no longer on the Board, he asked Mr. McLaurin to moderate the Committee. Mr. McLaurin agreed.

#### B. ORDINANCE CHANGES—TOM LLOYD

Mr. Lloyd said that the buffering requirements are inconsistent in the Ordinance, and he asked that the Board consider verbiage that would apply to all buffering. He asked the Board to determine how tall plantings should be at time of planting and how many years should be allowed for the plantings to reach a height of six feet.

In addition, Mr. Lloyd said that berms were left out of the Ordinance, and they could be used in combination with the plantings or standing alone, as the Codes Committee had approved.

Vice-Chair Morris said that the Land Use Codes Committee voted to include berms in the Ordinance.

Ms. Roy suggested that six-foot trees at time of planting might be an option. Vice-Chair Morris said that three-foot trees can be managed by an individual, but six-foot trees required heaving equipment to plant.

**A motion was made by Vice-Chair Morris and seconded by Dr. Olion that the Ordinance should state that “Plantings shall be three feet in height at time of planting, to reach six feet in height within three years.” The motion included that wording to allow berms to be used as a buffer or in combination with plantings should be included in the Cumberland County Zoning Ordinance. The motion passed unanimously.**

Mr. Lloyd said that the portion of the Ordinance that amortizes outside storage—junk yards, storage areas, salvage yards, etc—was to be eliminated from the Ordinance according to instructions from the Land Use Codes Committee. He said it was, however left in. He said that the wording requires that all nonconforming outside storage which includes salvage yards would be required to be out of business within three years. He said that the Committee approved taking the section out and replacing it with verbiage requiring buffering of the nonconforming salvage yards within one year. He said that Board approval is required in order to do this.

**A motion was made by Chair McNeill and seconded by Vice-Chair Morris to follow the recommendations of the Land Use Codes Committee and eliminate the section of the Ordinance requiring all nonconforming outside storage areas to be closed within three years and add to the Ordinance that all nonconforming outside storage areas must be buffered within two years. The motion passed unanimously.**

Mr. Lloyd said that the Commissioners have set the tone to clean up the County.

## IX. FOR YOUR INFORMATION

### A. DIRECTOR’S UPDATE

Ms. Roy deferred to Mr. Lloyd. He said that Dr. Olion was appointed by the County Commissioners to serve another four years on the Planning Board, and Ms. Lori Epler was appointed to replace Mr. Averette.

### B. NOMINATIONS COMMITTEE

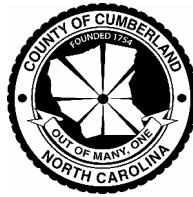
Chair McNeill reminded the Board that the moderator of the Nominations Committee, Mr. Mullinax, called a meeting of the Committee in order to recommend officers for the next fiscal year on Tuesday, June 21, at 6:30 p.m.

## X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:35 p.m.

**Clifton McNeill, Jr.**  
**Chair**  
**Cumberland County**

Charles C. Morris, Vice-Chair  
Town of Linden  
Lori Epler,  
Roy Turner,  
Dr. Marion Gillis-Olion  
Cumberland County



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Wade, Falcon & Godwin  
Harvey Cain, Jr.,  
Town of Stedman

June 16, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JUNE 21, 2005 MEETING

P05-35: REZONING OF .86 +/- ACRES FROM C1 TO C3, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1291 ANDREWS ROAD, OWNED BY JACQUELINE C. ANDREWS.

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

1. The zoning request is compatible with the surrounding uses in the area.
2. Water and sewer is available to the site.



## SITE PROFILE

### P05-35

REZONING OF .86 +/- ACRES FROM C1 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1291 ANDREWS ROAD, OWNED BY JACQUELINE C. ANDREWS.

#### **Site Information:**

**Applicant/Owner:** JACQUELINE C. ANDREWS

**Area:** .86 acres

**Frontage & Location:** 126 feet on Andrews Road

**Depth:** 216 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Residential

**Initial Zoning:** August 21, 1972 (Area 1)

**Zoning Violation(s):** None

**Surrounding Zoning:** North-R6, M(P), Ft. Bragg, East-RR, PND, R6, South-R6, R6A, C1, C1/CU, C(P), and West-R10, R6, R6A, C1, C3

**Surrounding Land Use:** Two apartments, contracting company, vacant commercial, mini storage, auto parts and service, restaurant, auto sales and barber shop

**North Fayetteville Land Use Plan:** Low Density Residential

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

**Watershed Area:** Yes - must comply with Watershed Management and Protection

**Urban Services Area:** Yes

**Water/Sewer Availability:** Well / Septic - PWC water and sewer are available

**School Capacity/Enrolled:** Howard Hall Elementary 454/499, Pine Forest Middle 872/775, Pine Forest High 1705/1674

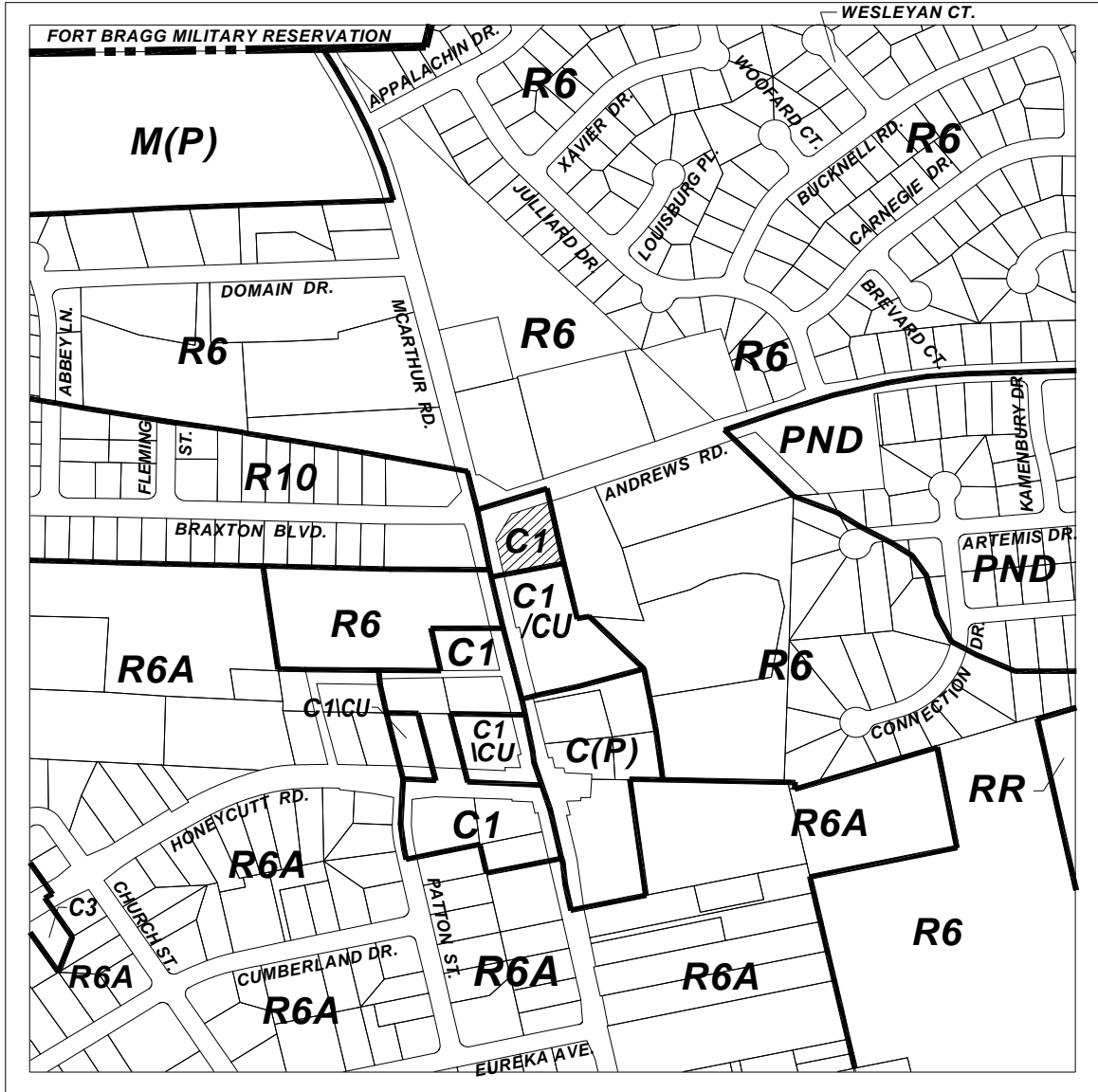
**NAPZ (Ft Bragg/Pope AFB):** 1-mile buffer area

**Military Impact Area:** Yes

**Highway Plan:** The subject property falls within a 1/2 mile of the Fayetteville Outer Loop however, it will not be impacted by this project. The Fayetteville Outer Loop is identified as a Major Thoroughfare. It is a multi-lane facility with a current 350-foot right-of-way. Road improvements are included in the 2004-2010 MTIP.

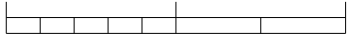
**Average Daily Traffic Count (2000):** 8,400 on Andrews Road, 12,000 on McArthur Road

**Notes:**



NORTH

500 0 500



SCALE IN FEET

## REQUESTED REZONING: C1 TO C3

ACREAGE: 0.86 AC. ±      HEARING NO: P05-35

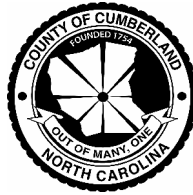
ORDINANCE: COUNTY      HEARING DATE      ACTION

PLANNING BOARD

GOVERNING BOARD

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
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Town of Stedman

June 16, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JUNE 21, 2005 MEETING

P05-39: REZONING OF 1.0+/- ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 10361 TURNBULL ROAD, OWNED BY TAFT AND ELNORA C. HOGAN.

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

1. The uses allowed in the RR District are consistent with the character of the neighborhood.
2. There is other RR zoning in the area.

The Planning staff finds that the subject property is also suitable for the R40 and R40A Residential Districts.

## **SITE PROFILE**

### **P05-39**

REZONING OF 1.0 +/- ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 10361 TURNBULL ROAD, OWNED BY TAFT AND ELNORA C. HOGAN.

#### **Site Information:**

**Applicant/Owner:** TAFT AND ELNORA C. HOGAN

**Area:** 1.0 +/- acres

**Frontage & Location:** 200 feet on Turnbull Road

**Depth:** 204 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** September 3, 1996 (Area 23)

**Zoning Violation(s):** None

**Surrounding Zoning:** Primarily A1 and RR

**Surrounding Land Use:** Three churches

**2010 Land Use Plan:** Farmland

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

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

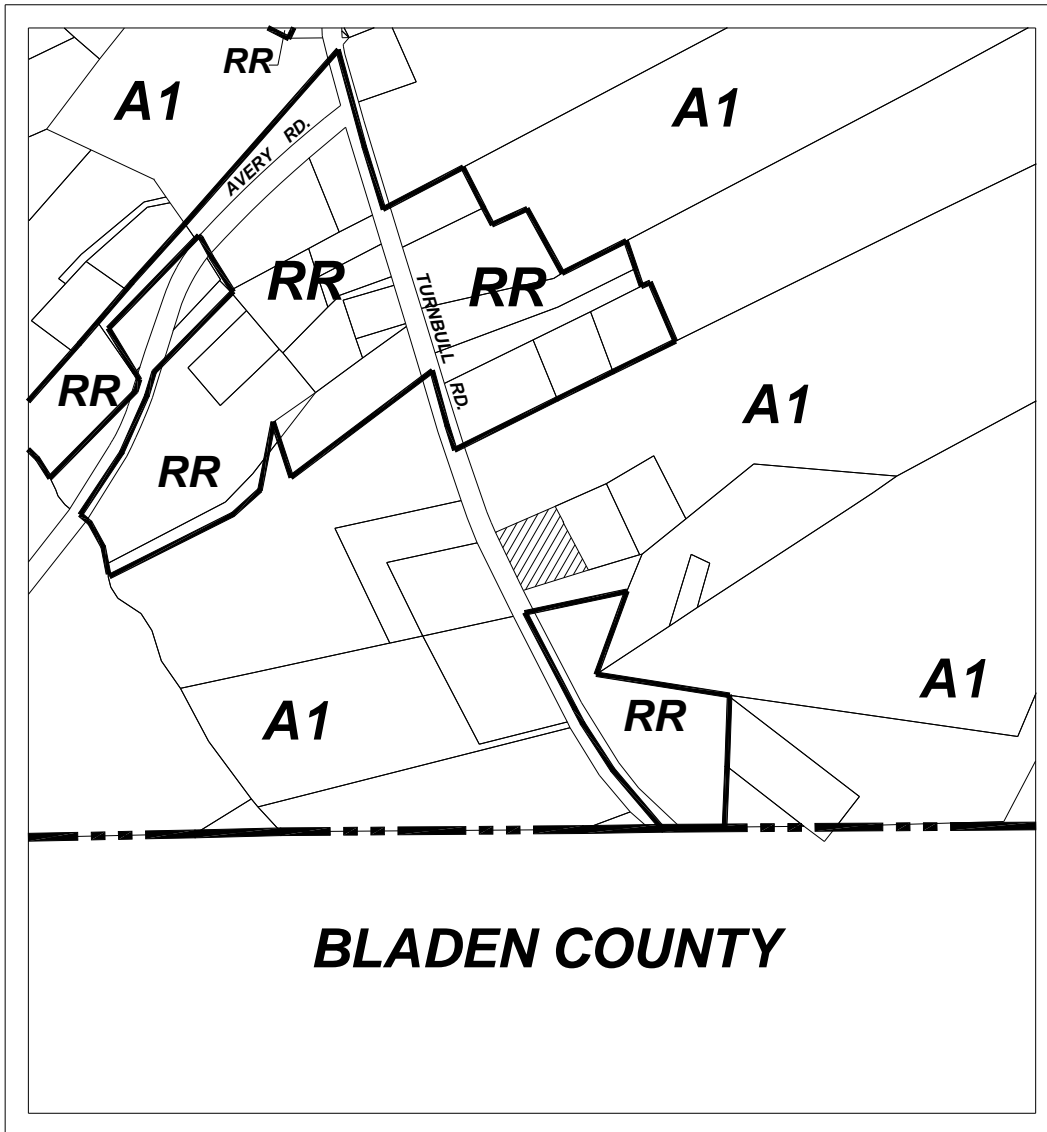
**School Capacity/Enrolled:** Beaver Dam Elementary 119/118, Mac Williams Middle 1218/1154, Cape Fear High 1415/1517

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

#### **Notes:**

Density minus 20% for roads:

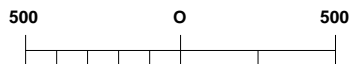
- A1 - 1 unit
- R40 - 1 unit
- RR - 2 units



**BLADEN COUNTY**



NORTH



SCALE IN FEET

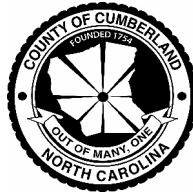
**REQUESTED REZONING:  
A1 TO RR**

ACREAGE: 1.00 AC. ±      HEARING NO: P05-39

ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

Clifton McNeill, Jr.  
Chair  
Cumberland County

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June 16, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JUNE 21, 2005 MEETING

P05-37: REVISION AND AMENDMENTS TO THE SPRING LAKE ZONING CODE BY AMENDING CHAPTER 156, SECTION 156.086, "YARD REGULATIONS," AND SECTION 156.087, "DISTRICT DIMENSIONAL PROVISIONS." (SPRING LAKE)

The Planning staff recommends approval of the amendments to the Spring Lake Zoning Code as submitted by the Town of Spring Lake staff.

REVISION AND AMENDMENTS TO THE SPRING LAKE ZONING CODE BY AMENDING CHAPTER 156, SECTION 156.086 “YARD REGULATIONS” AND SECTION 156.087 “DISTRICT DIMENSIONAL PROVISIONS”. (SPRING LAKE)

Amend Section 156.086 YARD REGULATIONS and Section 156.087 DISTRICT DIMENSIONAL PROVISIONS as indicated below:

§156.086 **YARD REGULATIONS.**

(J) For *all developments* ~~a nonresidential building in an office or commercial zoning district~~, side yard setback requirements may be reduced to zero when the following conditions are ~~not~~ met:

~~(1) The side yard adjoins property which is not zoned in a residential district.~~

~~(12)~~ The Town Manager or his representative has approved the method by which fire, police and sanitation services can be provided, *to include if necessary the requirement of providing an alley or other means of rear access to the property.*

~~(23)~~ The right-of-way of any adjoining publicly dedicated street is at least 50 feet *in width.*

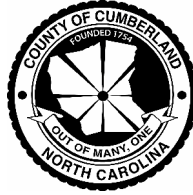
~~(34)~~ Maintenance easement has been granted by the adjoining property owner, the proposed building will abut the wall of an existing building, or consent of the adjoining property owner is obtained.

~~(45)~~ Any side yard provided shall be at least two feet in width.

~~(5)~~ *All N.C. Building Code regulations are complied with.*

**Clifton McNeill, Jr.**  
**Chair**  
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June 16, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JUNE 21, 2005 MEETING

P05-38: REVISION OF A CONDITIONAL USE PERMIT TO ALLOW A SECOND HOME IN AN A1 DISTRICT ON 1.67 ACRES AT 4450 GRAYE FRYERS LANE, OWNED BY EDDIE R. STARLING.

The Planning staff recommends approval of the revision to the Conditional Use 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.



## **SITE PROFILE**

### **P05-38**

REVISION OF A CONDITIONAL USE PERMIT TO ALLOW A SECOND HOME IN AN A1 DISTRICT, ON 1.67 ACRES, AT 4450 GRAYE FRYERS LANE, OWNED BY EDDIE R. STARLING.

#### **Site Information:**

**Applicant/Owner:** EDDIE R. STARLING

**Area:** 1.67 acres

**Frontage & Location:** 285 feet on Graye Fryers Lane

**Depth:** 286 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** September 3, 1996 (Area 17A)

**Zoning Violation(s):** No Violations

**Surrounding Zoning:** Primarily A1 and RR

**Surrounding Land Use:** Single family residential

**2010 Land Use Plan:** Farmland

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

**Urban Services Area:** No

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

**Subdivision:** Only 2 structures per lot allowed on a Class C private street.

**School Capacity/Enrolled:** Seabrook Elementary 331/376, Mac Williams 1218/1154, Cape Fear High 1415/1517

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

#### **Notes:**

Applicant would like to replace the second structure with one that is larger (from 14x46 to 32x80).

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit application and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for by Section 12.5 of the Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

The property sought for Conditional Use Overlay is located:

Address 4450 GRAYE FRYERS LANE FAYETTEVILLE NC 28312  
(Street address or Route and Box #, and Zip Code)

Located on GRAYE FRYERS LANE off TABOR CHURCH ROAD  
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0462 - 36 - 5185 - 6251  
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 8 Frontage 284.31 feet Depth 255.71 Containing 1.67 acres +/-.

\*\*\*\*\*  
The applicant(s) must furnish a copy of the recorded deed(s) and/or recorded plat map of the area considered for Conditional Use Overlay. If area to be considered for Conditional use Overlay is a portion of a parcel, a written legal description by metes and bounds must accompany the deed and/or plat. (Attach a copy of each, as they apply, to this petition.)

The property sought for Conditional Use is owned by: Eddie Ray Starling  
as evidenced by deed from GENEVA BOBBITT CRAWFORD  
as recorded in Deed Book 3576, Page(s) 179, Cumberland County Registry.

\*\*\*\*\*  
It is requested that the foregoing property be rezoned as Conditional Use Overlay District from A1 to A1/CU Conditional Use.  
\*\*\*\*\*

Proposed use of property requested for Conditional Use: Add Larger home on site

Note: This information shall not be used in the consideration of the Conditional Use request by the Planning Staff, Planning Board or the County Commissioners but to ensure that the proposed or intended use of the property is not otherwise allowed as a Specified Conditional Use in the zoning district in which it is located. Planning Staff will assist in determining the proper classifications(s), however, the responsibility of the actual request as submitted is that of the applicant.



APPLICATION FOR  
CONDITIONAL USE OVERLAY DISTRICT

1. Proposed uses(s):

- A. List the uses proposed for the Conditional Use Overlay District. (Use of the underlying district will continue to be legal, unless otherwise restricted.)

Add Larger home on site for Daughter that is legally Blind. 1 existing Mobile home on 1.67 AC.

- B. Justification in terms of need and benefit to the community. Include a statement regarding how the uses will be compatible.

Proposing Larger Mobile home from <sup>14</sup> 12 x 46 to 32 x 80 Residential use will be compatible with surrounding area. For Family member to help with Transportation and other needs.

- C. Density (If the project is to include residential units, state the number of dwelling units proposed for the project and the gross number of acres to be used.)

Two mobile homes on 1.67 AC

2. Dimensional Requirements:

- A. Reference either the dimensional requirements of district as shown in Section 7.3 or list proposed setbacks.

PLAN meets to All All Setbacks

- B. Off-street parking and loading.

N/A

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

N/A

B. List any variance proposed from those regulations.

4. Miscellaneous:

Set forth other information regarding the proposed use(s), such as days and hours of operation, number of employees, exterior lighting, and noise, odor and smoke emission controls, etc., which are considered to determine whether the proposed use of the property will be compatible with surrounding areas and uses allowed therein.

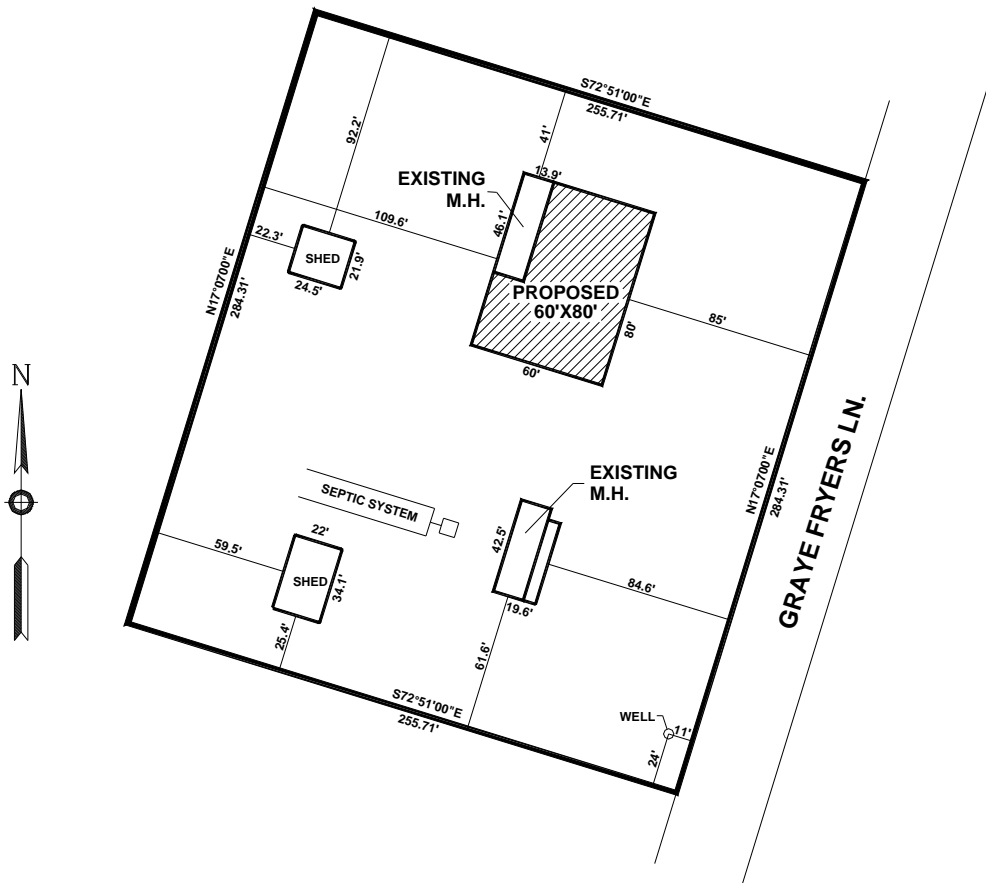
Removed existing Mobile home replacing  
Mobile home TN Build Able envelope

5. Site Plan Requirements:

Attach a site plan drawn to scale. If the proposed uses involve development subject to Cumberland County subdivision regulations, the site plan required hereunder may be general in nature, showing a generalized street pattern, if applicable and the location of proposed structures. If the proposed uses involve development not subject to subdivision regulations, the site plan shall include sufficient detail to allow the Planning Department and Planning Board to analyze the proposed use(s) and arrangement of use(s) on the site. Outline all buildings to be placed on the site, the proposed number of stories, the location and number of off-street parking spaces, proposed points of access to existing streets and internal circulation patterns, and the location of all proposed buffers and fences.

6. Acknowledgement:

It is understood and agreed that upon review by the Planning Board and action by the Board of Commissioners, the uses proposed in the petition may be modified and conditions and limitations placed upon them to insure compatibility of the uses with land use plans, studies or policies and/or existing uses in the surrounding area or community.

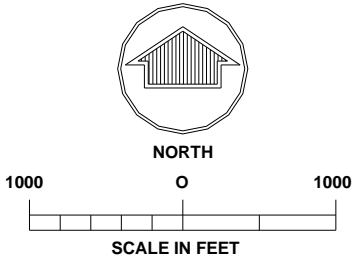
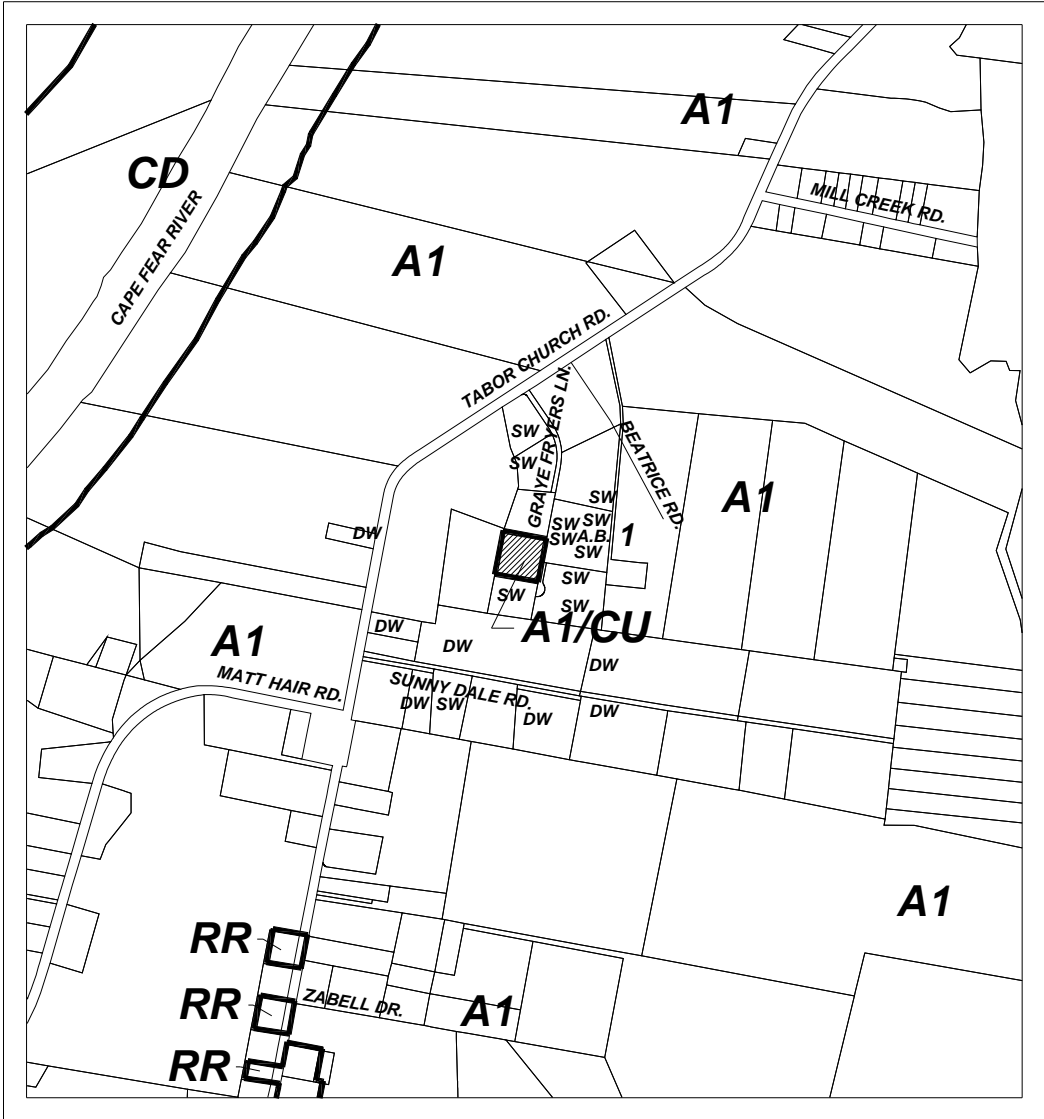


**CONDITIONAL USE REVISION**

**REQUEST: REVISION OF A CONDITIONAL USE PERMIT TO ALLOW  
A SECOND HOME IN AN A1 DISTRICT**

**CASE: P05-38 SCALE: NTS**

**ACREAGE: 1.67± ZONED: A1**



## CONDITIONAL USE PERMIT

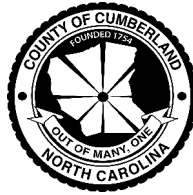
<b>ACREAGE:</b> 1.67 AC. ±	<b>HEARING NO:</b> P05-38	
<b>ORDINANCE:</b> COUNTY	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

PIN:0462-36-6251

SP

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
Lori Epler,  
Roy Turner,  
Dr. Marion Gillis-Olison  
Cumberland County



## COUNTY of CUMBERLAND

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

June 16, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JUNE 21, 2005 MEETING

P05-36: REZONING OF 13.55 +/- ACRES FROM A1 TO R40 AT 6440 NC HIGHWAY 87 SOUTH, SUBMITTED BY ELISE MARSH DEW, OWNED BY FAYE FAIRCLOTH JACKSON.

The Planning staff recommends denial of the R40 Residential District based on the following:

1. The character of the area is generally development of two acres lots;
2. No public utilities available to the site; and
3. The 2010 Land use Plan calls for farmland at this location.



## **SITE PROFILE**

### **P05-36**

REZONING OF 13.55 +/- ACRES FROM A1 TO R40, AT 6440 NC HIGHWAY 87 SOUTH, SUBMITTED BY ELISE MARSH DEW, OWNED BY FAYE FAIRCLOTH JACKSON.

#### **Site Information:**

**Applicant/Owner:** FAYE FAIRCLOTH JACKSON

**Area:** 13.55 acres

**Frontage & Location:** 885 feet on NC Hwy 87 South

**Depth:** 1,009 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

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

**Zoning Violation(s):** No Violations

**Surrounding Zoning:** North, East and South-A1, R40A, RR, West-A1

**Surrounding Land Use:** Superette

**2010 Land Use Plan:** Farmland

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

**Urban Services Area:** Yes

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

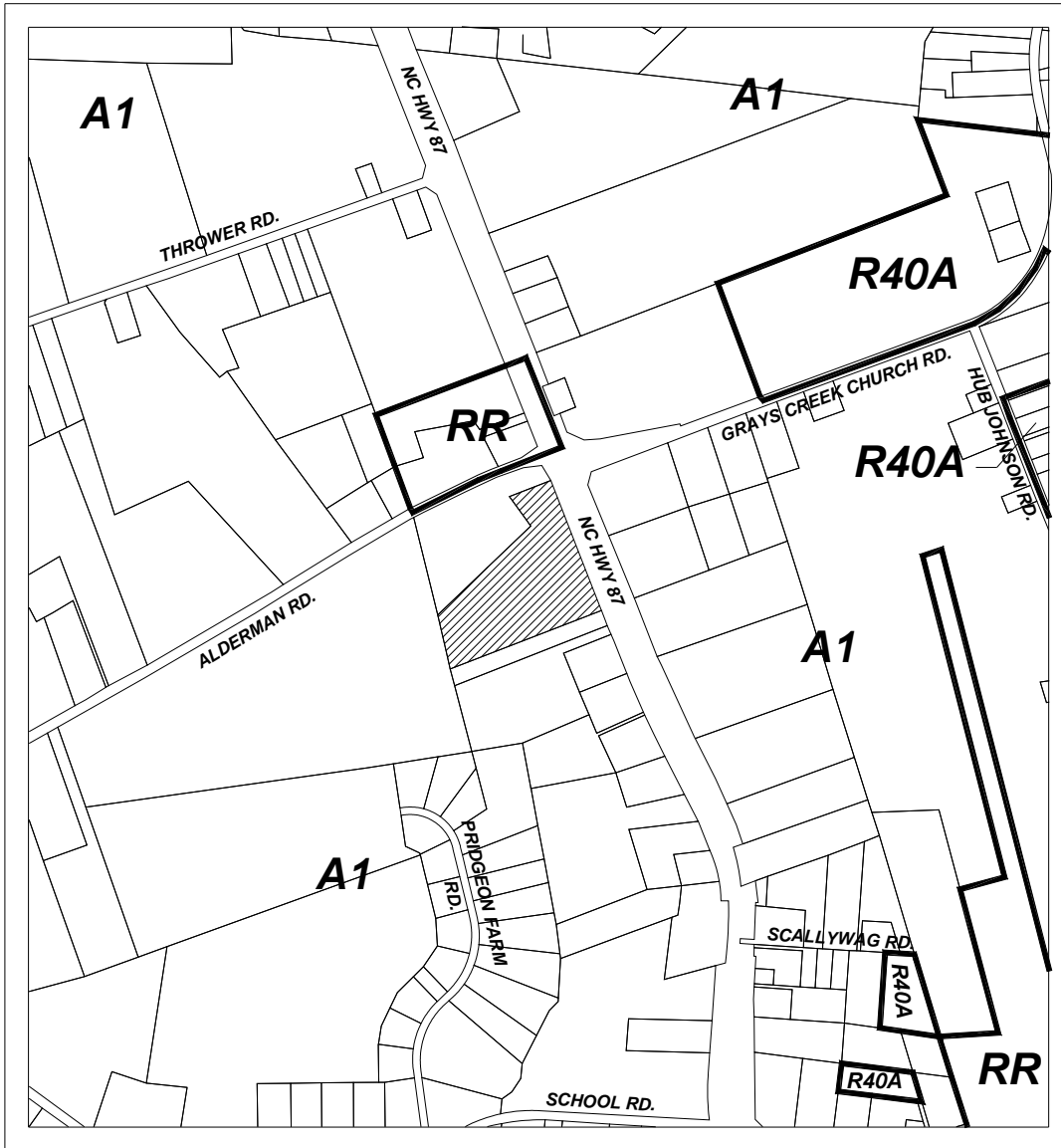
**School Capacity/Enrolled:** Grays Creek Elementary 901/759, Grays Creek Middle 450/524, Grays Creek High 1000/961

**Highway Plan:** The subject property falls within 1000 feet of the NC 87 widening project however, it will not be impacted by this project because acquisition has been completed. NC 87 is identified as a Major Thoroughfare with a multi-lane facility and a current right-of-way that varies. Road improvements are included in the 2004-2010 MTIP.

**Average Daily Traffic Count (2000):** 9,600 on NC Hwy 87 South

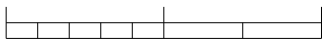
#### **Notes:**

Density (minus 20% for roads): A1 - 5 lots  
R40 - 11 lots



NORTH

1000 0 1000



SCALE IN FEET

## REQUESTED REZONING: A1 TO R40

ACREAGE: 13.55 AC. ±

HEARING NO: P05-36

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

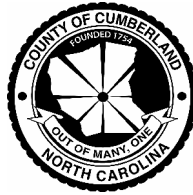
GOVERNING BOARD

PIN:0441-37-9764

SP

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
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Dr. Marion Gillis-Olison  
Cumberland County



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Harvey Cain, Jr.,  
Town of Stedman

June 16, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JUNE 21, 2005 MEETING

P05-40: REZONING OF A 29.93-ACRE PORTION OF A 104.64-ACRE TRACT FROM A1 TO R40, SOUTH OF HEARTPINE DRIVE, EAST OF NC HIGHWAY 87 SOUTH, SUBMITTED BY TREY MCLEAN, OWNED BY JOHNSON HUTAFF INVESTMENTS, LLC.

The Planning staff recommends denial of the R40 Residential District based on the following:

1. The 2010 Land Use Plan calls for farmland in this area; and
2. This land is part of a Zero Lot Line Subdivision that has allowed the creation of less than two-acre lots.

## **SITE PROFILE**

### **P05-40**

REZONING OF A 29.93 ACRE PORTION OF A 104.64 ACRE TRACT FROM A1 TO R40, LOCATED SOUTH OF HEARTPINE DRIVE, EAST OF NC HIGHWAY 87 SOUTH, SUBMITTED BY TREY MCLEAN, OWNED BY JOHNSON HUTAFF INVESTMENTS, LLC.

#### **Site Information:**

**Applicant/Owner:** JOHNSON HUTAFF INVESTMENTS, LLC.

**Area:** 29.93 acres

**Depth:** 1,323 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Farmland

**Initial Zoning:** March 1, 1994 (Area 17)

**Zoning Violation(s):** No Violations

**Surrounding Zoning:** Primarily A1, R40, R40A and RR

**Surrounding Land Use:** Vacant property

**2010 Land Use Plan:** Farmland

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

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

**School Capacity/Enrolled:** Grays Creek Elementary 901/759, Grays Creek Middle 450/524, Grays Creek High 1000/961

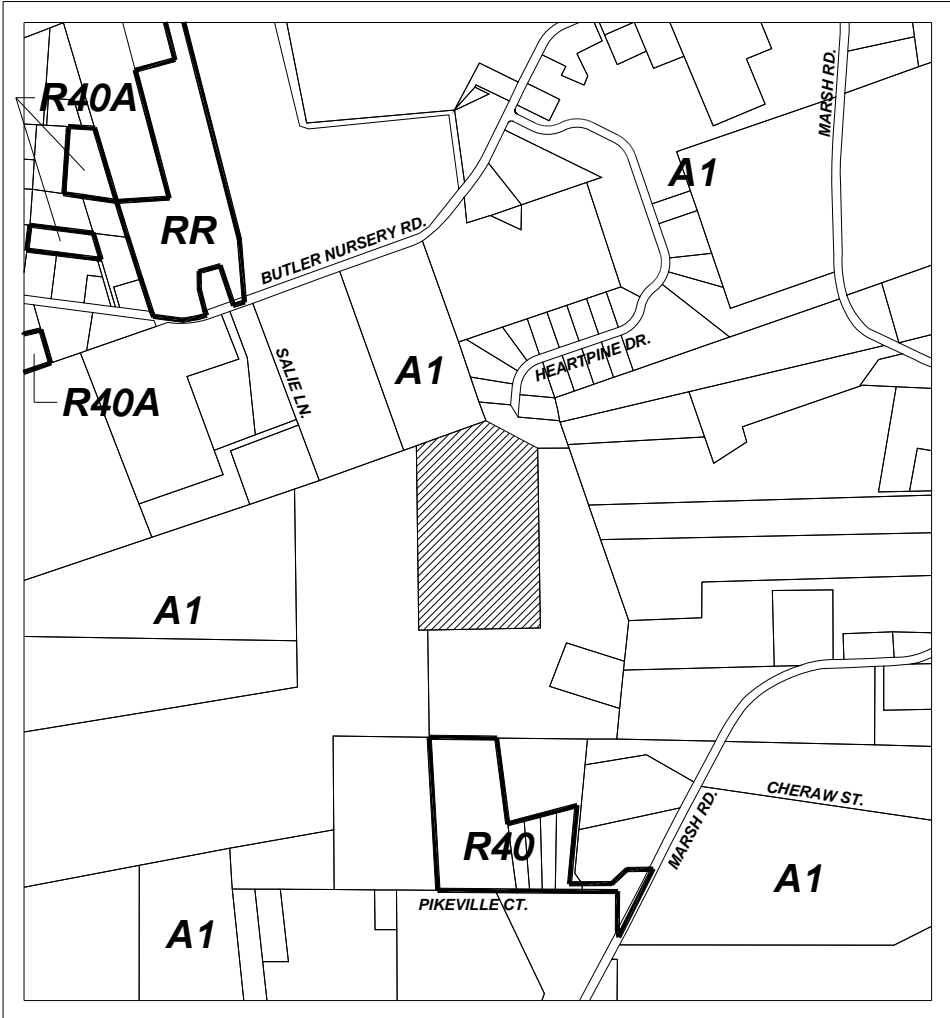
**Subdivisions:** 04-173 The subject property is part of a zero lot line subdivision.

Remaining useable acreage: 22.56 acres (18.05 acres with minus 20% for roads).

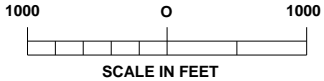
**Highway Plan:** No road improvements or new construction specified for this area.

#### **Notes:**

Density minus 20% for roads:	A1 - 9 lots
	R40 - 19 lots



NORTH

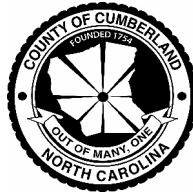


**REQUESTED REZONING:  
A1 TO R40**

<b>ACREAGE: 29.93 AC. ±</b>		<b>HEARING NO: P05-40</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

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Cumberland County

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Town of Stedman

June 16, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JUNE 21, 2005 MEETING

P05-42: REZONING OF 186.0+/- ACRES FROM RR TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH AND SOUTH SIDES OF SUNNYSIDE SCHOOL ROAD, WEST OF I-95, SUBMITTED BY CHRIS PUSEY, OWNED BY C. E. JONES, JR.

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

1. The additional development that this request would allow if approved, cannot be supported by the existing public infrastructure due to the prevalence of hydric soils coupled with a lack of adequate storm water drainage.

The Planning staff finds that the subject property could be suitable for the R20 Residential District.

**SITE PROFILE**  
**P05-42**

REZONING OF 186.0 +/- ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH AND SOUTH SIDE OF SUNNYSIDE SCHOOL ROAD, WEST OF I-95, SUBMITTED BY CHRIS PUSEY, OWNED BY C. E. JONES, JR.

**Site Information:**

**Applicant/Owner:** CHRIS PUSEY/ C. E. JONES, JR.

**Area:** 186.0 +/- acres

**Frontage & Location:** 1,700 feet on Sunnyside School Road

**Depth:** 1,500 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Farmland

**Initial Zoning:** September 14, 1979 (Area 9)

**Zoning Violation(s):** None

**Surrounding Zoning:** North-RR, M(P), East-RR, R15, South-A1, RR, R15, PND, and West-A1, RR, R6A, C3 and city limits

**Surrounding Land Use:** Vacant property

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

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

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC / PWC

**School Capacity/Enrolled:** Sunnyside Elementary 304/291, Mac Williams Middle 1218/1154, Cape Fear High 1415/1517

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

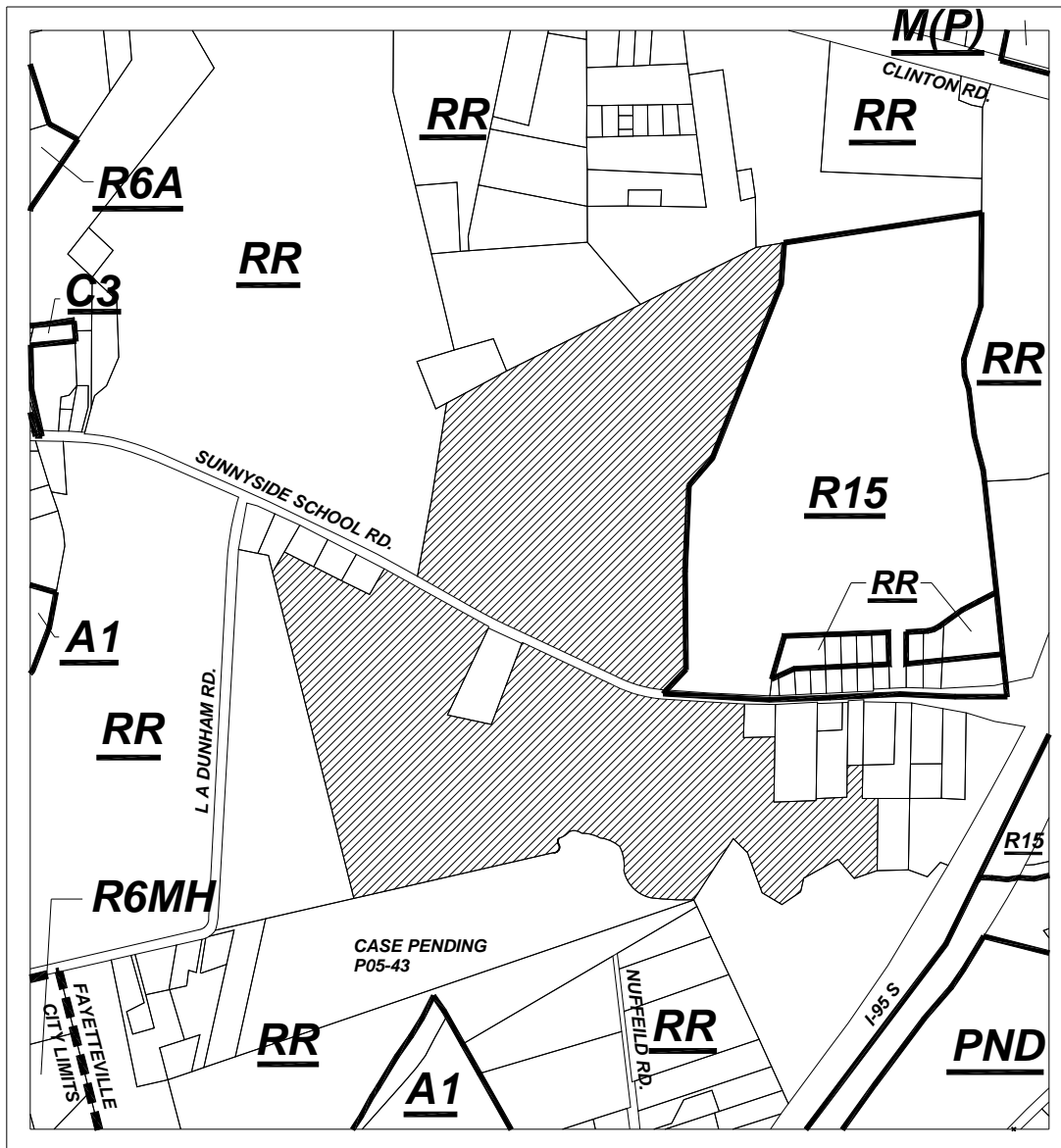
**Average Daily Traffic Count (2000):** 1,600 on Sunnyside School Road

**Notes:**

Density minus 20% for roads:

RR - 324 lots
R15 - 432 lots
R10 - 648 lots

This property is adjacent to rezoning case P05-43.



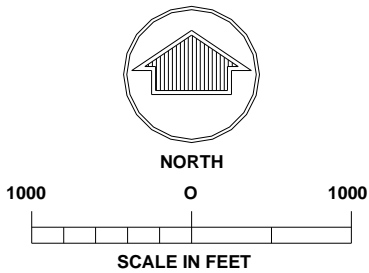
**REQUESTED REZONING:  
RR TO R10**

**ACREAGE: 186.21 AC. ±      HEARING NO: P05-42**

**ORDINANCE: COUNTY      HEARING DATE      ACTION**

**PLANNING BOARD**

**GOVERNING BOARD**

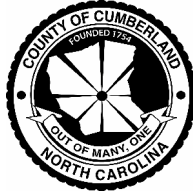


PIN: 0456-45-1358

SP



Clifton McNeill, Jr.  
Chair  
Cumberland County



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Thomas J. Lloyd,  
Deputy Director

Charles C. Morris, Vice-Chair  
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## COUNTY of CUMBERLAND

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Harvey Cain, Jr.,  
Town of Stedman

June 16, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS  
FOR JUNE 21, 2005 MEETING

P05-43: REZONING OF TWO PARCELS TOTALING 83.03+/- ACRES FROM A1 AND RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT, EAST OF L.A. DUNHAM ROAD, SOUTH OF SUNNYSIDE SCHOOL ROAD, SUBMITTED BY JIMMY HOLLAND, OWNED BY MARCUS EDWARDS DEVELOPMENT, LLC.

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

1. The additional development that this request would allow if approved, cannot be supported by the existing public infrastructure due to the prevalence of hydric soils coupled with a lack of adequate storm water drainage.

The Planning staff finds that the subject property could be suitable for the R20 Residential District.

## SITE PROFILE

### P05-43

REZONING OF TWO PARCELS TOTALING 83.03 +/- ACRES FROM A1 AND RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED EAST OF L.A. DUNHAM RD, SOUTH OF SUNNYSIDE SCHOOL ROAD, SUBMITTED BY JIMMY HOLLAND, OWNED BY MARCUS EDWARDS DEVELOPMENT, LLC.

#### **Site Information:**

**Applicant/Owner:** JIMMY HOLLAND / MARCUS EDWARDS DEVELOPMENT, LLC.

**Area:** 83.03 acres

**Depth:** 2,900 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential and agricultural

**Initial Zoning:** September 14, 1979 (Area 9)

**Zoning Violation(s):** No Violations

**Surrounding Zoning:** North-RR, R15, East-A1, RR, R15, PND, South-A1, RR, M(P), C3, city limits, and West-A1, RR, city limits

**Surrounding Land Use:** Vacant properties

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

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

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC / PWC

**School Capacity/Enrolled:** Sunnyside Elementary 304/291, Mac Williams Middle 1218/1154, Cape Fear High 1415/1517

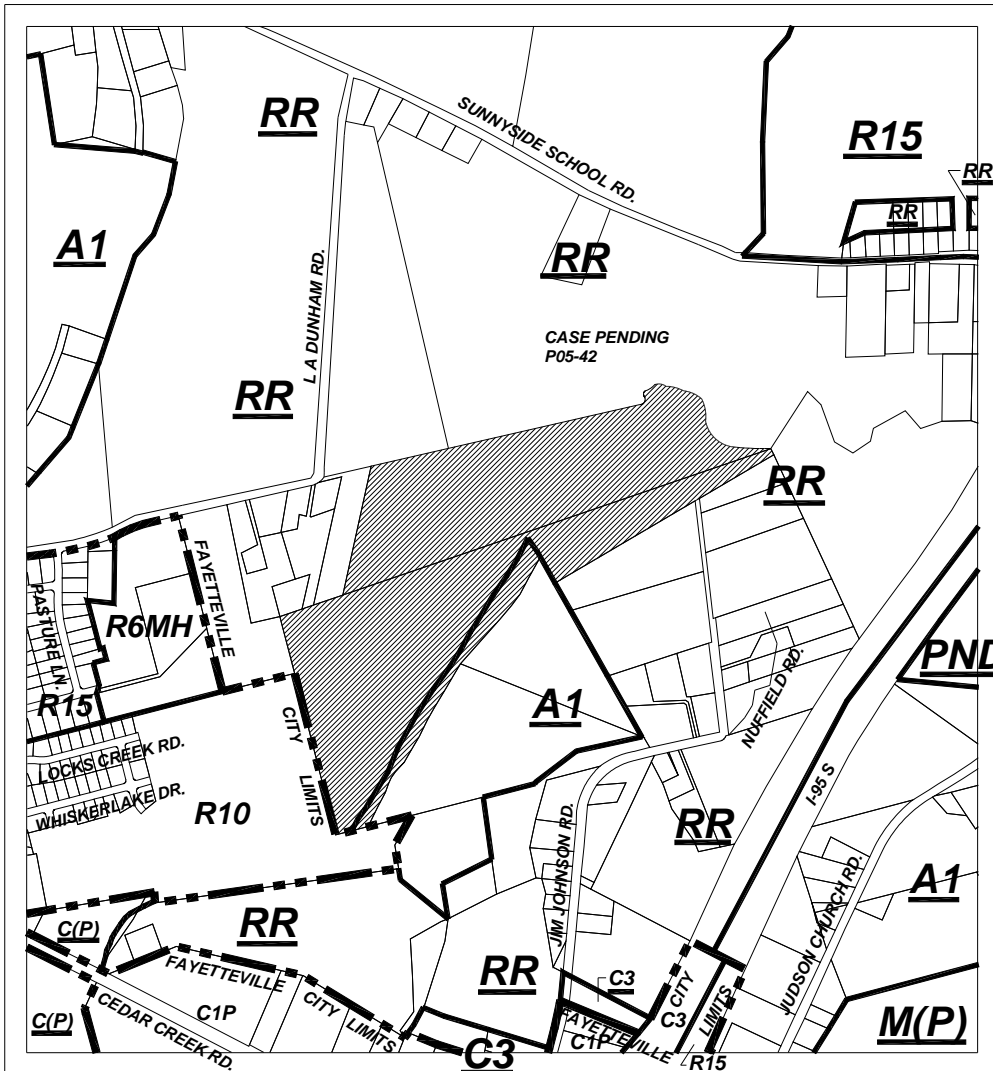
**Subdivisions:** Properties are landlocked and will need access prior to development. This property is adjacent to rezoning case P05-42.

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

#### **Notes:**

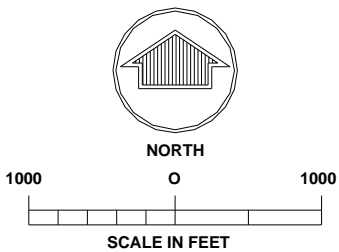
Density minus 20% for roads:

RR - 145 lots
R15 - 194 lots
R10 - 291 lots



**REQUESTED REZONING:  
A1 & RR TO R10**

ACREAGE: 83.03 AC. ±	HEARING NO: P05-43	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		



PIN:0456-32-1403, -21-4388

SP