

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair

Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



Thomas J. Lloyd,
Interim Director

COUNTY of CUMBERLAND

Planning and Inspections Department

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

AGENDA

FEBRUARY 21, 2006
7:00 p.m.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. 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 FEBRUARY 7, 2006

REZONING CASES

- B. P06-05: REZONING OF .86 AC RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT AT 3632 PINE CONE LN OWNED BY BELTON JONES.
- C. P06-07: REZONING OF .5 AC C1(P)/CU TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 4436 CUMBERLAND RD OWNED BY VICTOR M. GURGANIOUS.
- D. P06-08: REZONING OF 12 PARCELS TOTALING 59 AC A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT E OF SANDEROSA RD ON BEN MCNATT RD SUBMITTED BY ROBERT MCNATT OWNED BY BEN MCNATT HEIRS.
- E. P06-12: REZONING OF .168 AC C3 AND R10 TO R5A OR A MORE RESTRICTIVE ZONING DISTRICT AT 204 EUCLID ST OWNED BY JAMES & LINDA CAIN. (STEDMAN)
- F. P06-13: REZONING OF 16.77 AC RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT SE OF RESEARCH DR N OF TOM STARLING RD SUBMITTED BY CRAWFORD DESIGN CO OWNED BY TEW FAMILY LLC.

AMENDMENT

- G. P06-15: REVISIONS & AMENDMENTS TO THE SPRING LAKE ZONING CODE BY CREATING OPEN-AIR FARMERS MARKET AFFECTING SECTIONS 156.008, 156.035 AND 156.052. (SPRING LAKE)

MIXED USE DEVELOPMENT/ CONDITIONAL USE DISTRICT & PERMIT

- H. P06-14: REZONING OF 43.31 AC RR AND C(P) TO MIXED USE DEVELOPMENT/CONDITIONAL USE DISTRICT & PERMIT E OF CEDAR CRK RD S OF SLOAN AVE SUBMITTED BY BRIAN WATSON OWNED BY PURVIS INVESTMENTS INC.

CONDITIONAL USE DISTRICT & PERMIT

- I. P05-97: REZONING OF .34 AC C1(P) TO C(P)/CONDITIONAL USE DISTRICT & PERMIT TO ALLOW MOTOR VEHICLE REPAIR &/OR BODY WORK & OTHER PERMITTED USES W/EXCLUSIONS AT 3831 BOONE TRL SUBMITTED BY BLAINE LOVELAND OWNED BY DORA HOWARD.

VII. PUBLIC HEARING ITEMS

- A. P06-04: REZONING OF A 155.8 AC PORTION OF 2 PARCELS TOTALING 159.8 AC A1 TO R10 & CD OR A MORE RESTRICTIVE ZONING DISTRICT N OF TOM STARLING RD W OF NC HWY 87 S SUBMITTED BY CHALMERS MCCOMBS OWNED BY TOMMY WOODELL ET AL.
- B. P06-09: REZONING OF 2 PARCELS TOTALING 26.9 AC A1 TO R30 OR A MORE RESTRICTIVE ZONING DISTRICT E OF WADE-STEDMAN RD S OF HAYFIELD RD OWNED BY RONALD ROYAL.
- C. P06-10: REZONING OF .72 AC RR TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 8229 KING RD SUBMITTED BY ROBERT M. BENNETT OWNED BY SHERMAN & MARY S. DAVIS.
- D. P06-11: REZONING OF A 4.02 AC PORTION OF A 5.43 ACRE TRACT R10 TO RR OR A MORE RESTRICTIVE ZONING DISTRICT E OF MORROZOFF RD S OF CAMDEN RD SUBMITTED BY NEIL YARBOROUGH OWNED BY ROY & CHOM CHU DEAN.

VIII. DISCUSSION

IX. FOR YOUR INFORMATION

- A. INTERIM DIRECTOR'S UPDATE

X. ADJOURNMENT

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Planning and Inspections Department

MINUTES FEBRUARY 7, 2006

Members Present

Mr. Charles Morris, Chair
Director
Mr. Donovan McLaurin, Vice-Chair
Mr. Garland Hostetter
Ms. Sara Piland
Ms. Lori Epler
Mr. Roy Turner
Mr. Harvey Cain
Mr. Clifton McNeill
Ms. Diane Wheatley, County Commissioner

Others Present

Mr. Tom Lloyd, Interim
Ms. Patricia Speicher
Ms. Annette Nunnery

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. Piland delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO AGENDA - None

III. PUBLIC HEARING DEFERRALS - None

IV. ABSTENTIONS BY BOARD MEMBERS – None

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS - None

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF JANUARY 17, 2006

A motion was made by Mr. Turner and seconded by Mr. McNeill to approve the Minutes of January 17, 2006 as written. Unanimous approval.

B. CASE: 06-014: CONSIDERATION OF RIVERS EDGE – JNJ INVESTMENTS, SUBDIVISION REVIEW, A WAIVER FROM SECTION 3.17(c) "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE SOUTH SIDE OF SR 2216 (EVANS DAIRY ROAD), EAST OF SR 2215 (FIELD ROAD).

A motion was made by Mr. McLaurin, seconded by Ms. Epler to approve Case 06-014 as a Consent Item. Motion carried unanimously.

VII. PLAT & PLAN

A. CASE 06-010: CONSIDERATION OF 84 LUMBER, M(P) SITE PLAN REVIEW, REQUEST FOR ALTERNATE YARD REQUIREMENTS TO WAIVE LANDSCAPE ORDINANCE, SECTION 1102 N, CUMBERLAND COUNTY ZONING ORDINANCE, LOCATED ON THE SOUTH SIDE OF SR 2205 (BELT

BOULEVARD), EAST OF SR 2237 (WILMINGTON HWY.)

Ms. Speicher presented information and site maps for case 06-010. She reviewed the petitioner's reasons for a request for a waiver and outlined the Staff's reasons for denial of that request. Ms. Speicher noted that the newly adopted landscape standards were not in place at the time of the petitioner's initial visit to the Planning & Inspections Department, but that it was staff policy to advise applicants that an ordinance was in the development process.

Ms. Amelia Provenzano spoke on behalf of the owner. She stated that she had spoken with Bonnie Collins in October of 2005 and that no mention was made of landscape standards or of any landscaping requirements. The site plan was submitted in December and the company's first notification of the landscaping requirements came by way of the standard Condition Sheet. Ms. Provenzano advised the Board that 84 Lumber would conform to its surroundings, as Belt Boulevard is a largely industrial area with no current landscaping in the area. She detailed the company's responses to the denial and circulated a proposed site plan, labeled as Option #2, to provide front yard landscaping in a good faith effort to comply with the ordinance.

Ms. Epler stated that she appreciated the company's effort to comply with the County standards and asked the speaker if any additional engineering would be necessary if the company was required to fully comply with the landscape requirements. Ms. Provenzano stated that the only landscaping that could be provided without moving the building 20 feet would be to the front of the building site. Discussion followed on the use of the undeveloped property marked "future expansion". Ms. Epler asked for clarification that the future expansion area would remain as open space until development occurred. Ms. Provenzano stated that it would. Ms. Epler noted that there was no reason that the area marked as "future expansion" could not be landscaped, in an effort to partially comply with the standards, until that expansion began.

Mr. Morris stated that the landscape requirements were more of a result of compliance with EPA requirements. He asked Ms. Speicher to state her opinion of the proposed compliance site plan, Option #2. Ms. Speicher stated that it appeared to be short on required landscaping for the parking area and around the building. Discussion followed on the ordinance requirements and purpose.

Ms. Provenzano circulated a third site proposal, Option #3. Ms. Speicher stated that site plan #3 would come closer to meeting the intent of the ordinance. At that time, Ms. Provenzano stated that site plan Option #3 would be the one she is submitting for approval.

A motion was made by Mr. McLaurin, seconded by Ms. Epler, to accept site plan #3 as providing sufficient landscaping to meet the intent of the landscape requirements of the County Zoning Ordinance. Unanimous approval.

VIII. FOR YOUR INFORMATION

A. CANDACE WILLIAMS - SANDHILLS AREA LAND TRUST

Candace Williams, with the Sandhills Area Land Trust, presented an overview of the environmental conditions in Cumberland County. Ms. Williams informed the Board that Cumberland County is one of the richest counties in the state for water resources and the only county in the coastal plain with natural waterfalls. She stressed the biological significance of Rockfish Creek and its impact on the County. Ms. Williams noted that she was not against development along the rivers and creeks but that it must be done in an orderly and protective manner. She stressed the need for a 300 foot buffer of natural vegetation on all streams and tributaries. This buffer would address the alarming erosion of the waterway ecosystem.

Ms. Epler asked how the Board could address the erosion problem. Mr. Lloyd responded that there were several approaches that could be used: Density Development, modification of the Subdivision Ordinance, the 2030 Land Use Plan, and creation of CD zoning areas along our waterways.

B. PATTI SPEICHER - MODIFIED RESOLUTION FOR ZONING AUTHORITY FOR THE TOWN OF WADE

Ms. Speicher presented the Board with an overview of the modified zoning resolution for the Town of Wade. She stated that this resolution modifies the existing agreement. **A motion was made by Mr. McNeill and seconded by Mr. Hostetter to endorse the submitted resolution. Unanimous approval.**

C. PATTI SPEICHER - DRAFT COPY OF THE TOWN OF LINDEN'S COMMUNITY STANDARDS ORDINANCE

Ms. Speicher reviewed the Draft Ordinance for the Town of Linden Community Standards. She stated that the ordinance set specific standards to protect the appearance and environment for the Town of Linden. **Ms. Epler made a motion, seconded by Mr. McLaurin, to endorse the Community Standards Ordinance for the Town of Linden.**

IX. DISCUSSION

Ms. Epler addressed a problem found with the 2010 Land Use Plan information on the County's website. She stated that she had accessed the data and that it was incorrect. She felt that this was misleading to the public and should be corrected immediately. Mr. Lloyd stated that he would verify when and how the information was posted and why it had not been updated. He further stated that he would report his findings to Ms. Epler by the following day.

Mr. Morris stated that the Planning Board needed to consider hosting a luncheon with the development community to review the density development concept and receive feedback from the developers. Ms. Epler noted that the Density Development concept is on a 1-year temporary approval term and is due to be reviewed in June of this year. Mr. McNeill stated that zero lot line is almost always detrimental to the use of the developments in Cumberland County, due to the fact that developers could accomplish the same thing without a homeowners association. Discussion followed on lot sizes and subdivision reviews.

Morris directed the Planning & Inspections Staff to begin the process of determining a date and time for a luncheon review, with developers, engineers, and surveyors to discuss the Density Development concept.

Mr. McNeill reminded the Administrative Committee members that the video interviews will be shown on Thursday, February 9th at 7p.m. in room 107-C of the Historic Courthouse. All interested Board members are invited to be a part of the process. Each town has been invited to send representatives as well.

Ms. Williams asked the Board if anyone could present a video presentation of a resolution to the Hope Mills Lake problem to the County Commissioners. Diane Wheatley stated that since the property involved was in the Town of Hope Mills, she would arrange for the Mayor of Hope Mills to view the tape.

X. INTERIM DIRECTOR'S UPDATE

A. APA 2006 CONFERENCE

Mr. Lloyd updated the Board on the 2006 APA Conference. He stated that four Board members had already registered and that additional funding would not be available, due to budget constraints.

XI. ADJOURNMENT

There being no further business, **Mr. Hostetter made a motion, seconded by Mr. McLaurin, to adjourn the meeting. Unanimous approval.**

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February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-05: REZONING OF .86 AC FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT AT 3632 PINE CONE LN OWNED BY BELTON JONES.

The Planning & Inspections Staff recommends approval of R10 Residential District, even though this request is not consistent with the Land Use Plan, based on the following:

1. The request is consistent with the zoning in the area; and
2. Public utilities are now available at this location.

There are no other suitable zoning districts to be considered.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-05

REZONING OF .86 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3632 PINE CONE LANE, OWNED BY BELTON JONES.

Site Information:

Applicant/Owner: BELTON W. JONES

Area: .86 acres

Frontage & Location: 210 feet on Pine Cone Lane

Depth: 180 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: February 6, 1976 (Area 5)

Zoning Violation(s): None

Nonconformities: If rezoned, the manufactured home will be nonconforming in an R10 district. "Nonconforming Structures/Uses" provisions has been explained to the applicant.

Surrounding Zoning: North-RR, R10, East-RR, R10, R6A, South-RR, R10, and West-CD, RR, R10

Surrounding Land Use: Single family residential and vacant land

2010 Land Use Plan: Activity Node

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank – PWC water available on Camden Rd, PWC Sewer available on Bartlet Glen Ln.

School Capacity/Enrolled: Stoney Point Elementary 620/773, John Griffith Middle 1274/1280, Jack Britt High 1750/1816

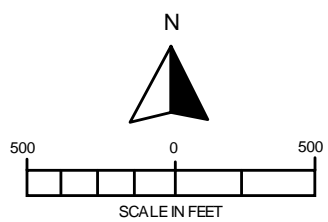
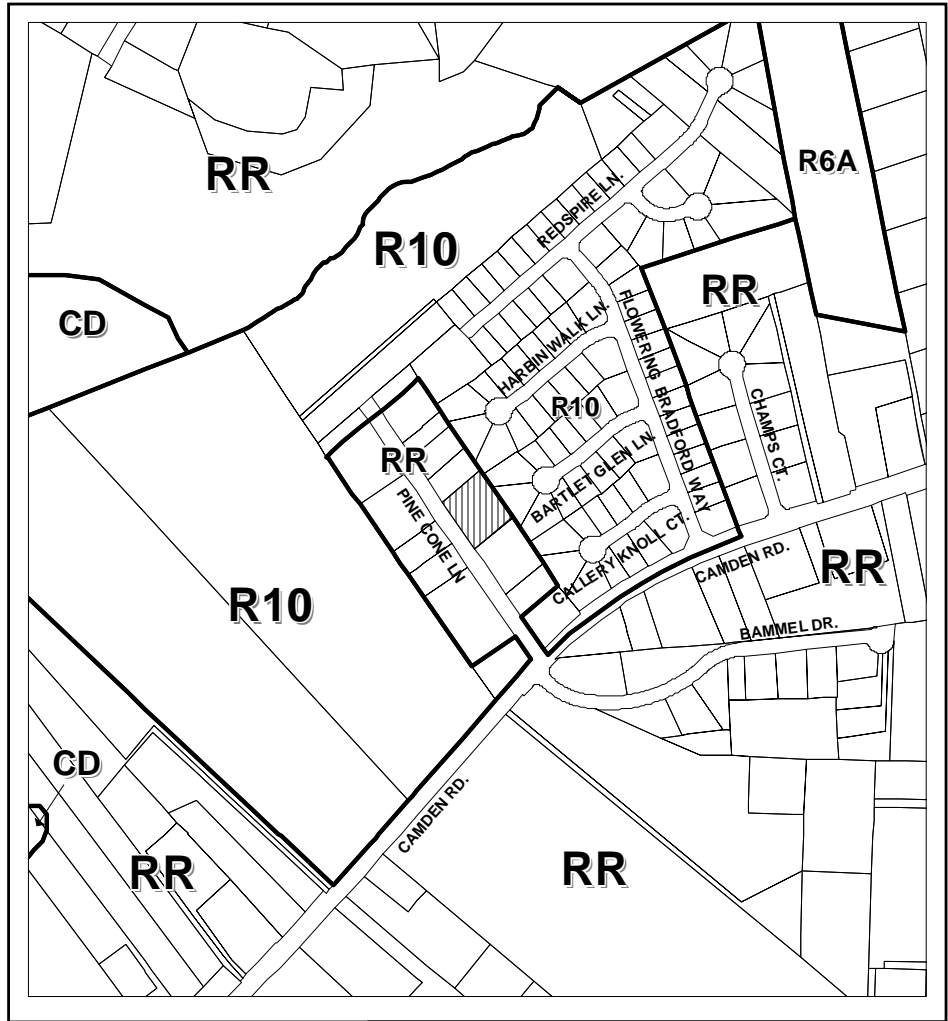
Subdivisions: County Subdivision Ordinance will apply. A group development was approved 05/185.

Military Impact Area: No

Highway Plan: The Fayetteville Outer Loop is identified as a Major Thoroughfare with a current 350 foot right-of-way. This case will not be directly impacted by the Outer Loop however, road improvements will be made to Pine Cone Lane.

Notes:

Density: RR – 2 units/1 lot
 R15 – 2 units/2 lots
 R10 – 5 units/4 lots



**REQUESTED REZONING:
RR TO R10**

ACREAGE: 0.86 AC. +/-	HEARING NO: P06-05	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-07: REZONING OF .5 AC C1(P)/CU TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 4436 CUMBERLAND RD OWNED BY VICTOR M. GURGANIOUS.

The Planning & Inspections Staff recommends denial of the request for C(P) Planned Commercial District based on the following:

1. The request is not consistent with the Land Use Plan, which calls for "Low Density Residential" at this location;
2. The request is not compatible with the existing zoning in the area.

There are no other suitable zoning districts to be considered regarding this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-07

REZONING OF .50 ACRES FROM C1(P)/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4436 CUMBERLAND ROAD, OWNED BY VICTOR M. GURGANIOUS.

Site Information:

Applicant/Owner: VICTOR M. GURGANIOUS

Area: .50 acres

Frontage & Location: 75 feet on Cumberland Road

Depth: 290 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant Commercial Structure

Initial Zoning: August 1, 1975 (Area 3)

Zoning Violation(s): None

Surrounding Zoning: North-Fayetteville city limit, East and South-R10, R6A, C1(P), C3, and West-R10, C1(P), C(P), C3

Surrounding Land Use: Vacant commercial, realty company, duplex, nightclub, thrift store (2), auto sales, memorial company, auto store, commercial business/barber shop, open storage of cars (2), and church

Cumberland Road Study: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic Tank – PWC Sewer available on Old Field Rd.

School Capacity/Enrolled: Sherwood Park Elementary 461/617, Ireland Drive Middle 343/365, Douglas Byrd Middle 765/749, Douglas Byrd High 1280/1315

Subdivisions: C(P) Site Plan Review will be required prior to any permits being issued.

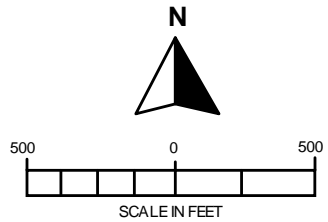
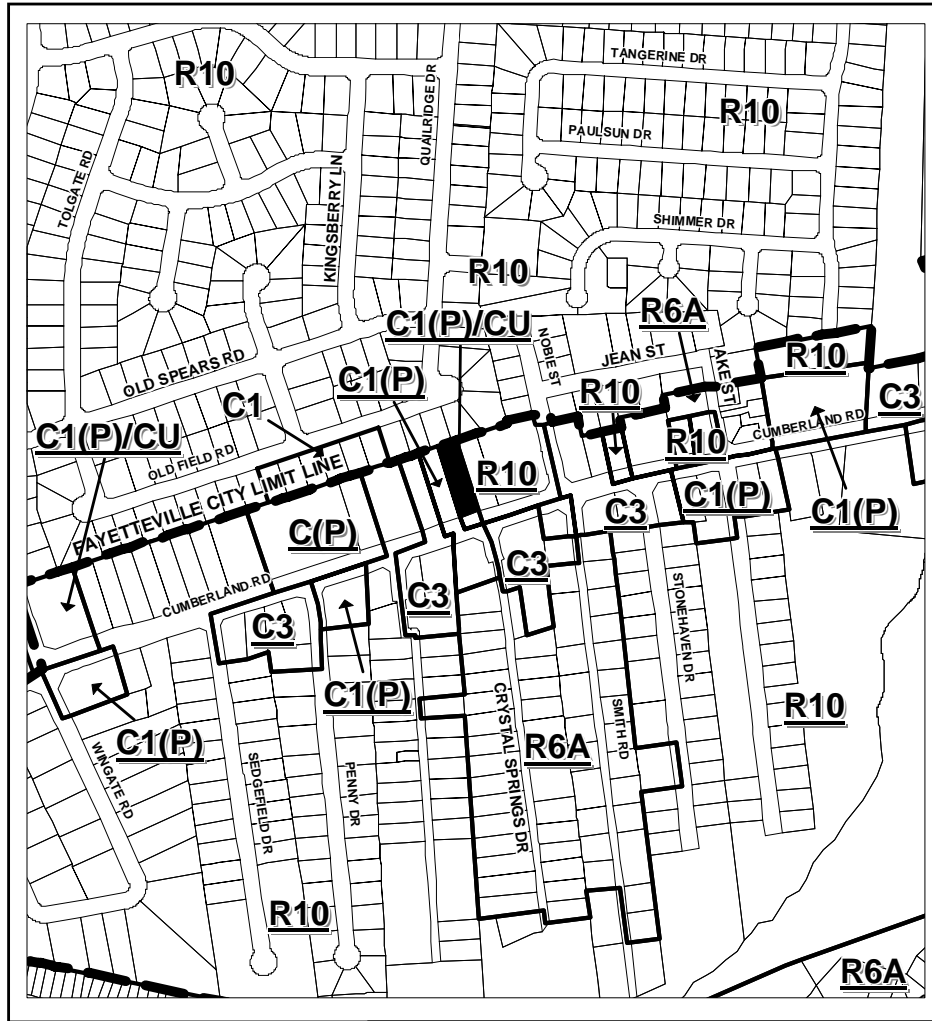
Military Impact Area: No

Highway Plan: Cumberland Road is identified as a Major Thoroughfare. It has a multi-lane facility with a current 90-110 foot right-of-way.

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

Additional Notes

Previous Zoning Action: Case P98-61, Approved C1/CUO, to allow a construction office with open storage of trucks and equipment in a C1 district. Conditions : No more than 4 vehicles stored onsite and each less than 10,000 lbs; a solid wood privacy fence erected around the perimeter where the vehicles are to be parked and along adjacent residences; no equipment is to be stored onsite; and no open storage of building materials.



**REQUESTED REZONING:
C1(P)/CU TO C(P)**

ACREAGE: 0.50 AC.+/-	HEARING NO: P06-07	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-08: REZONING OF 12 PARCELS TOTALING 59 AC FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT, E OF SANDEROSA RD, ON BEN MCNATT RD, SUBMITTED BY ROBERT MCNATT, OWNED BY BEN MCNATT HEIRS.

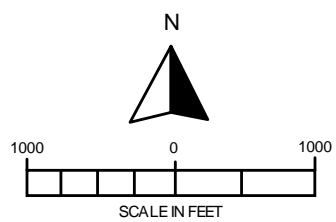
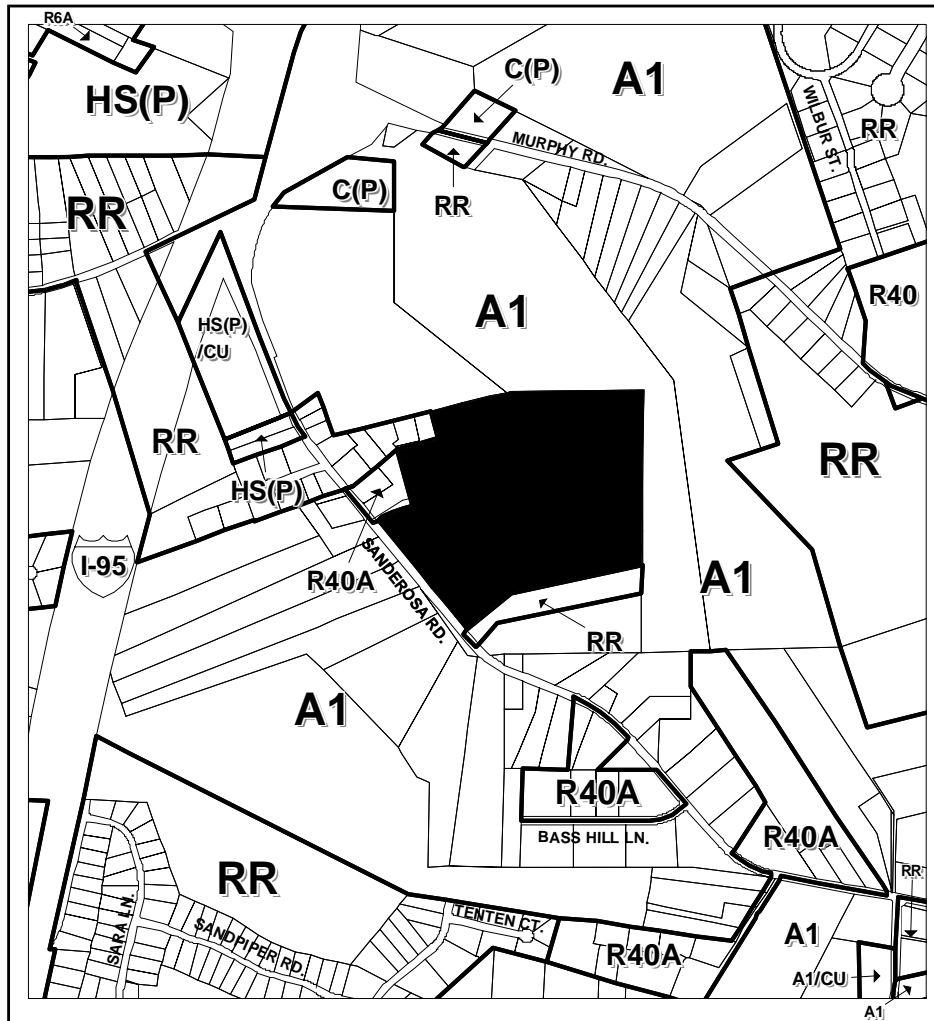
The Planning & Inspections Staff recommends approval of the R40A district based on the following:

1. The request is consistent with the Eastover Area Detailed Land Use Plan; and
2. The request is consistent with the zoning and uses within the general area.

The R40 zoning district is also suitable for this area.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



**REQUESTED REZONING:
A1 TO R40A**

ACREAGE: 59.00 AC.+/-	HEARING NO: P06-08	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: SEE FILE

AF

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February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-12: REZONING OF .168 AC FROM C3 AND R10 TO R5A OR A MORE RESTRICTIVE ZONING DISTRICT, AT 204 EUCLID ST, OWNED BY JAMES & LINDA CAIN. (STEDMAN)

The Planning & Inspections Staff recommends approval of the R5A district even though the request is not consistent with the Land Use Plan, based on the following:

1. The request will allow for infill of what has otherwise sat as a vacant structure;
2. The request is compatible with the mixture of zoning districts within the area.

There are no other suitable zoning districts to be considered regarding this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-12

REZONING OF .168 ACRES FROM C3 AND R10 TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 204 EUCLID STREET, OWNED BY JAMES AND LINDA CAIN. (STEDMAN)

Site Information:

Applicant/Owner: JAMES & LINDA CAIN

Area: .168 acres

Frontage & Location: 31 feet on Euclid Street and 67 feet on Front Street

Depth: 108 feet

Jurisdiction: Stedman

Adjacent Property: No

Current Use: Residential and vacant commercial

Zoning Violation(s): Yes – no permits pulled for building conversion – no letter sent

Surrounding Zoning: North-R10, C3, M2, East-R10, R10M, C3, M2, West-R10, R10M, C(P), and West-R10, R10M, C3

Surrounding Land Use: Mulch business, duplex (2), park, public works, school, photographic studio, no name commercial, vacant commercial (2), hair salon, ice cream shop, sheriff's department, strip mall, town hall, triplex

Stedman Study Area Detailed Land Use Plan: Light Commercial

Urban Services Area: Yes

Water/Sewer Availability: Stedman utilities

School Capacity/Enrolled: Stedman Primary 136/165, Stedman Elementary 303/283, Mac Williams Middle 1274/1142, Cape Fear High 1400/1493

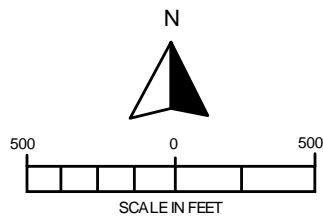
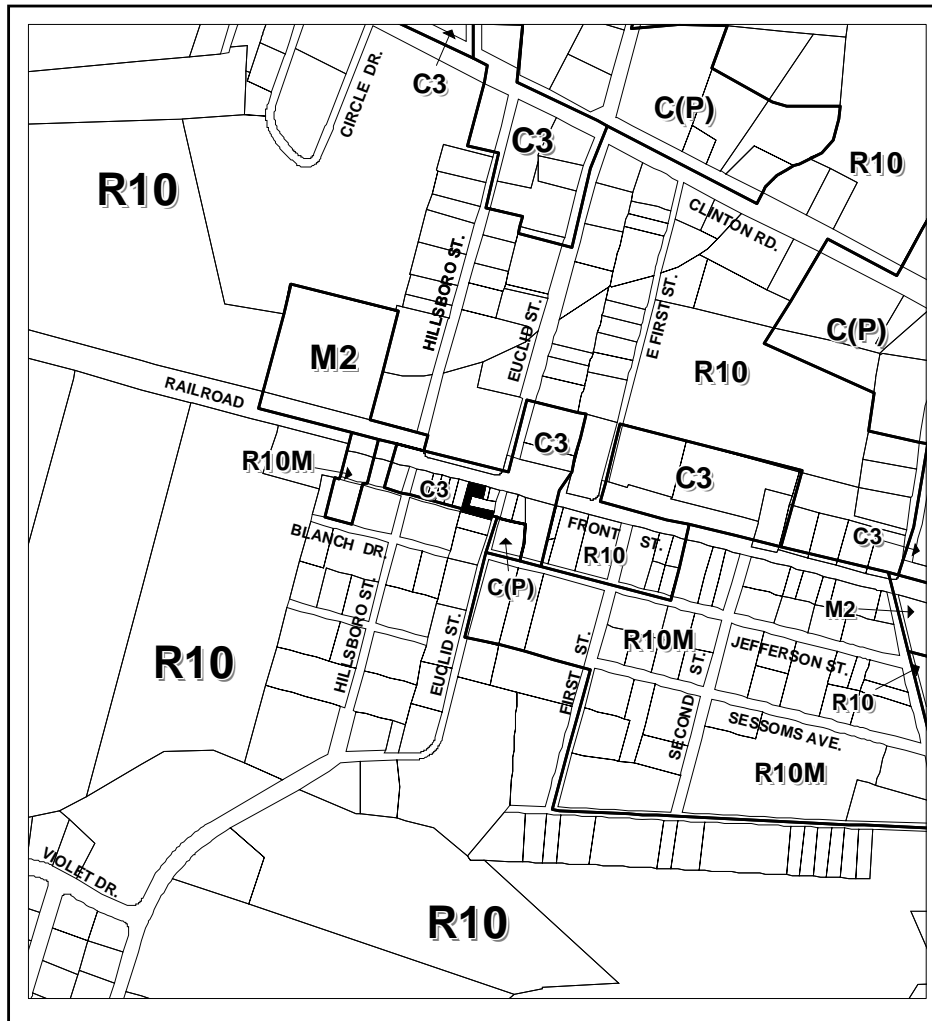
Subdivisions: Recombination will be required prior to development of this property. A group development shall be required prior to permits being issued.

Military Impact Area: No

Highway Plan: No road improvements/new constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program.

Notes:

Previous Zoning Actions: Case P05-05, rezoning of .08 acres from C3 to R10. Placed on hold indefinitely to create a Downtown District. Deadfiled 1-18-06



**REQUESTED REZONING:
C3 & R10 TO R5A**

ACREAGE: 0.16 AC.+/-		HEARING NO: P06-12	
ORDINANCE: STEDMAN	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0495-18-2537; 0495-18-2624

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-13: REZONING OF 16.77 AC FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT, SE OF RESEARCH DR, N OF TOM STARLING RD, SUBMITTED BY CRAWFORD DESIGN CO, OWNED BY TEW FAMILY LLC.

The Planning & Inspections Staff recommends approval of the R10 district only for that portion located outside 100-foot buffer area from the bank of the creek (also the property line) and CD district for the land area within the 100-foot buffer area, based on the following:

1. Rockfish Creek has been established as an environmental corridor for protection and preservation in the Land Use Plan;
2. The Staff recommended CD zoning is intended to create a 100-foot riparian buffer and is based on the size and irregular shape of the subject property; and
3. The request is not consistent the Land Use Plan, which calls for "Medium Density Residential" at this location but is preferable because of the sensitive nature of the subject property abutting Rockfish Creek.

The R15 zoning district is also suitable for this area.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-13

REZONING OF 16.77 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, SOUTHEAST OF RESEARCH DRIVE, NORTH OF TOM STARLING ROAD, SUBMITTED BY CRAWFORD DESIGN COMPANY, OWNED BY TEW FAMILY LLC.

Site Information:

Applicant/Owner: CRAWFORD DESIGN COMPANY / TEW FAMILY LLC

Area: 16.77

Frontage & Location: 479 feet on Research Drive

Depth: 1,390 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: March 15, 1979 (Area 6)

Zoning Violation(s): None

Surrounding Zoning: North-RR, R20, R15, R10, R6A, C(P), M(P), East-RR, C(P), C3, M(P), South-M(P), and West-R15, R10, M(P)

Surrounding Land Use: Solid waste, technology company, solid waste, vacant industrial, single family residential and vacant land

2010 Land Use Plan: Medium Density Residential

Designated 100-Year Floodplain or Floodway: Yes – Special Flood Hazard Area @ 79 MSL

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

School Capacity/Enrolled: Gallberry Farms Elementary 886/973, South View Middle 822/974, South View High 1800/1825

Subdivisions: Subdivision Review shall be required prior to any development of this property.

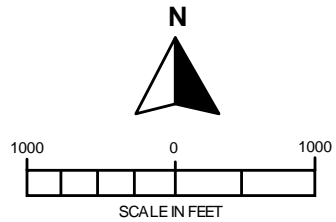
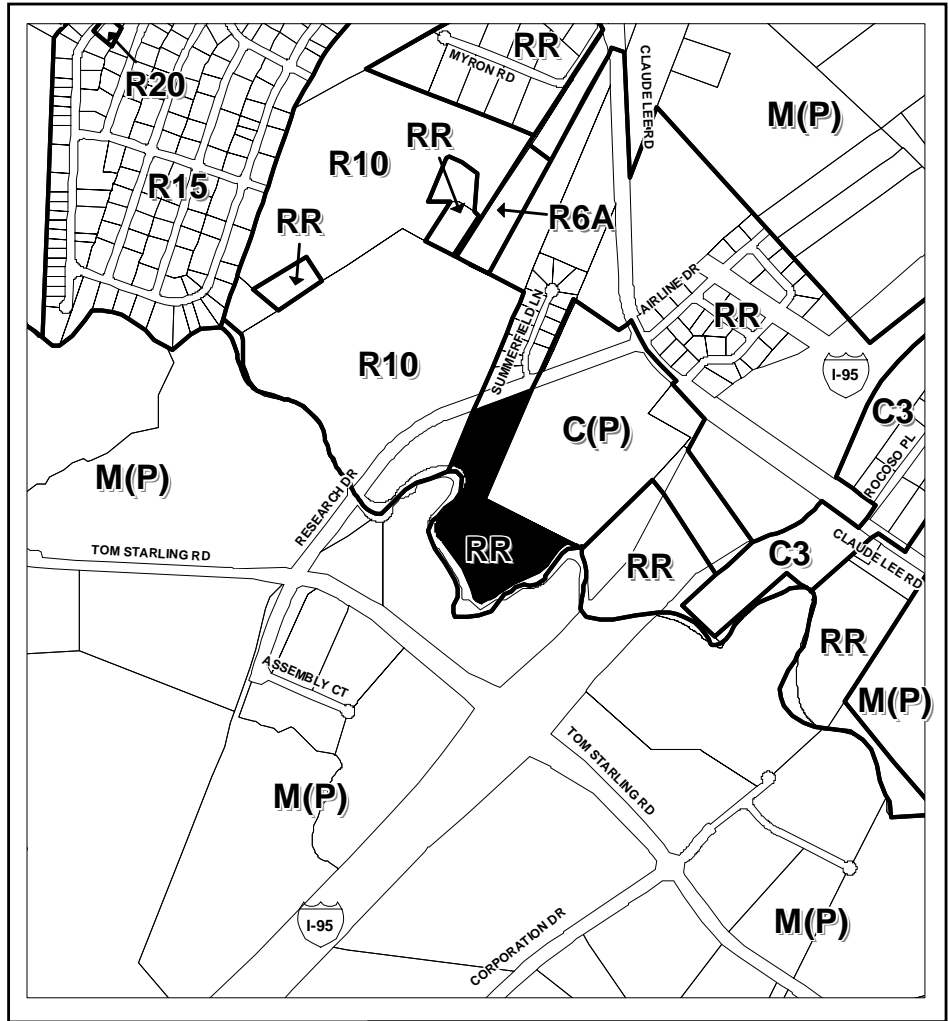
Military Impact Area: No

Highway Plan: No road improvements/new constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program.

Notes:

Density minus 20% for roads:

RR – 29 lots
R15 – 38 lots
R10 – 58 lots



**REQUESTED REZONING:
RR TO R10**

ACREAGE: 16.77 AC.+/-	HEARING NO: P06-13	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0434-10-0675

SP

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Interim Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-15: REVISIONS & AMENDMENTS TO THE SPRING LAKE ZONING CODE BY CREATING PROVISIONS FOR OPEN-AIR FARMERS' MARKET AFFECTING SECTIONS 156.008, 156.035 AND 156.052. (SPRING LAKE)

The Planning & Inspections Staff recommends approval based on the following:

1. The amendment is compatible with the air quality strategies by encouraging and/or creating walkable developments; and
2. The Town of Spring Lake requested this amendment.

Attachments:

1 - Amendment

P06-15

REVISIONS AND AMENDMENTS TO THE SPRING LAKE ZONING CODE BY AMENDING SECTION 156.008, "DEFINITIONS", INSERTING THE TERM "FARMERS' MARKET, OPEN-AIR" IN ALPHABETICAL ORDER; AMENDING SECTION 156.035, "DISTRICT USE REGULATIONS", BY INSERTING "FARMERS' MARKET, OPEN-AIR" AND AS A CONDITIONAL USE IN THE RR, O&I, C-1, C(P), AND C-3 DISTRICTS; CREATING SECTION 156.052, "SPECIFIC CONDITIONAL USES; REQUIREMENTS", SUBSECTION (E) OPEN-AIR FARMERS' MARKET"; AND AMENDING THE TABLE OF CONTENTS AS APPLICABLE. (SPRING LAKE)

AMEND Section 156.008, "Definitions" by INSERTING the following term and definition in alphabetical order:

FARMERS' MARKET, OPEN-AIR. The seasonal selling or offering for sale at retail of locally and self-grown vegetables or produce, items made directly from vegetables or produce, fresh flowers and plants, and/or self-made crafts and sold directly to the consumer at an open-air market in a pre-designated area, where the vendor is generally the individual who raised the vegetables or produce or created the craft.

AMEND Section 156.035, "District Use Regulations" by INSERTING in the Permitted Uses table: "Farmers' Market, Open-Air" in alphabetical order with the "use" as a Conditional Use in the RR, O&I, C-1, C(P) and C-3 districts:

TABLE OF PERMITTED AND CONDITIONAL USES

	<i>RR</i>	<i>O&I</i>	<i>C-1</i>	<i>C(P)</i> <i>C-3</i>
Farmers' market, open-air	C	C	C	C

CREATE Section 156.052, "Specific Conditional Uses; Requirements" (E) "Open-Air Farmers' Markets":

(E) Open-air farmers' market. The following specific provisions are minimum provisions and shall apply to "approved" open-air farmers' markets. The applicant is the responsible party for continued compliance upon issuance of a conditional use permit by the Town Board of Adjustment. The contents of this section shall not be construed as to limit the Board's authority to impose any additional restrictions or conditions necessary for protection of the public health, general welfare, and interest.

(1) The applicant shall be a local producer of the products offered for sale. For purposes of this section, the term "local" shall mean any resident of the Town or the immediate surrounding area. The applicant and/or their immediate family members shall also be the vendors.

(2) The market shall be set up on self-owned property or if agreed to by a property owner other than the vendor and if proof of the property owner's consent is submitted with the application, the market may be set up on another's property. The establishment of proof can be accomplished by submission of either a notarized statement signed by all current tax record owners of the property signifying their consent or a copy of a properly recorded lease agreement signed by the parties involved.

(3) Sales shall be limited to seasonal or perishable produce, products made largely or entirely from such produce, and may include flowers, plants or other self-made crafts. No resale of produce or items shall be permitted.

(4) No fresh meat, poultry or fish shall be sold.

(5) Any scales used in conjunction with the items offered for sale shall be certified by the North Carolina Department of Agriculture and must be approved as "Legal for Trade".

(6) Buffering and landscaping shall be provided and maintained in accordance with the provisions of Sections 156.086(G) and 156.088. The market shall not be operated within any landscaping area otherwise required by this Ordinance.

(7) On-site trash receptacles shall be provided and shall comply at all times with the Town's Solid Waste Management Ordinance, Section 50, which states that all trash receptacle areas that include dumpsters or three or more trash receptacles shall be located on concrete slabs, or other suitable stable and packed material as approved by the Town Engineer, and be fenced with a solid fence on at least three sides to shield from public view. All receptacle areas must include a gate that can be locked. All fencing shall be plumb with the ground and extend at least one foot in height above the top of the receptacles.

(8) Hours of operations shall be limited to the hours between dawn to dusk. The proposed hours and days of operations shall be stated in the application.

(9) No accessory structure, other than for secure storage, shall be permitted on a permanent basis. Any tents or shelters used in conjunction with the market shall be in compliance with all fire regulations. All setups and displays must be removed by the end of the designated sale day. No overnight storage of vehicles, tables, storage containers, display items or support structures shall be permitted. The applicant shall be responsible to insure all debris is removed at the end of each day.

(10) Traffic generated by the market shall not impede the normal flow of traffic on any public or private right-of-way.

(11) A detailed site plan shall be submitted with the application, complying with the pertinent provisions of Section 156.071 and shall also indicate compliance with the following standards:

(a) This use is exempt from the district provisions of Section 156.087; however, no portion of the market shall be located closer than 15 feet to any right-of-way line and/or property line, and shall not be located closer than ten feet to an internal drive;

(b) Off-street paved parking shall be provided at the rate of one space per 200 square feet of display area or, a minimum five spaces, whichever is greater. The parking spaces shall be permanently maintained by the applicant, arranged in such a manner so that ingress and egress to/from the spaces shall be by forward motion of the vehicle and meet all requirements of Section 156.100; and

(c) Generally the provisions of Section 156.086, Yard Regulations, shall not apply; however, the provisions of Subsections (D), *Corner visibility*, and (H), *Location of accessory buildings in any district*, shall be met;

(12) One on-site advertising sign shall be permitted provided that the sign area and location comply with the sign regulations for the district if the market is located in the O&I, C1P, C(P), and C3 zoning districts; signage for markets approved in the RR zoning district shall comply with the sign regulations for the C1 zoning district. Prices must be posted for all items sold and individual pricing signs shall not exceed four square feet in area.

(13) The site shall provide access to restroom facilities that comply with all provisions of the *N.C. State Building Code*.

(14) The provisions of this section shall not be construed to apply to any bona fide farm operation exempt from this regulation under Section 156.005.

(15) All applicable Federal, State, and local regulations shall be complied with, including the requirement for posting of the North Carolina Sales Tax License.

Charles C. Morris
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Town of Linden

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COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
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Clifton McNeill, Jr.,
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Lori Epler,
Sara E. Piland,
Cumberland County

February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-14: REZONING OF 43.31 AC FROM RR AND C(P) TO MIXED USE DEVELOPMENT/CONDITIONAL USE DISTRICT & PERMIT, E OF CEDAR CREEK RD, S OF SLOAN AVE, SUBMITTED BY BRIAN WATSON, OWNED BY PURVIS INVESTMENTS INC.

The Planning & Inspections Staff recommends approval even though the request is not consistent with the Land Use Plan, based on the following:

1. The request meets the intent of the Mixed Use District, which was adopted with the intent of allowing for innovative development by providing use flexibility while maintaining quality design standards;
2. The subject property has its access on a major thoroughfare that is more than adequate for serving the development; and
3. The request is reasonable and compatible with the mixture of zoning districts in the area.

There are no other suitable zoning districts to be considered regarding this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Sketch Map
- 3 - Site Profile

SITE PROFILE

P06-14

REZONING OF 43.31 ACRES FROM RR AND C(P) TO A MIXED USE DEVELOPMENT/CONDITIONAL USE DISTRICT AND PERMIT, EAST OF CEDAR CREEK ROAD, SOUTH OF SLOAN AVENUE, SUBMITTED BY BRIAN WATSON, OWNED BY PURVIS INVESTMENTS INC.

Site Information:

Applicant/Owner: BRIAN WATSON / PURVIS INVESTMENTS INC

Area: 43.31 acres

Frontage & Location: 1,650 +/- feet on Cedar Creek Road

Depth: 1,050 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: September 14, 1979 (Area 9)

Zoning Violation(s): None

Surrounding Zoning: North-Fayetteville city limit, RR, R6A, C(P), East-A1, RR, R6A, O&I(P), M(P), South-A1, RR, city limit and West-city limit

Surrounding Land Use: Manufactured home park, community center, apartments, upholstery shop (2), packing company, church, strip mall, cedar creek crossing, sub station, auto sales, post office, auto center, plumbing company, no name commercial (2), electric company, storage and metal building sales, trucking company, printing shop, mini storage, cleaning business, duplex, EMS station, rest home and doctor's office.

2010 Land Use Plan: Heavy Commercial

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC – currently evaluating for any necessary improvements.

School Capacity/Enrolled: Sunnyside Elementary 245/313, Mac Williams Middle 1274/1142, Cape Fear High 1400/1493

Subdivisions: A Final Plat shall be required on all proposed lots. See proposed conditions attached.

Military Impact Area: No

Highway Plan: Cedar Creek Road is identified as a Major Thoroughfare with an adequate current right-of-way and cross section. No road improvements/new construction specified for this area.

Average Daily Traffic Count (2000): 12,000 on Cedar Creek Road

Notes:

Single Family Residential: 21.30 +/- acres (75 – 100 lots) (49%)

Multi-Family Residential: 6.36 +/- acres (84 units) (15%)

Commercial: 6.36 +/- acres (15%)

Open Space: 9.29 +/- acres (6.49 acres required) (21%)

Total Acreage: 43.31 acres

Case: P06-14

February 14, 2006

Planning Staff's recommended conditions of approval:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. PWC evaluating downstream lift station for necessary improvements.
3. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The NC Department of Transportation (NCDOT) and City of Fayetteville approve the proposed curb-cut(s) and the proper permits must be obtained prior to zoning/building permit application.
5. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
6. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
7. *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for all common area through an owners' association for this development. **These documents must be approved by the County Attorney prior to any permit application and/or the sale of or submission for final plat approval of any lot or unit within this development.**
9. All setbacks along the periphery of this development shall meet the dimensional requirements of the adjacent zoning district.
10. All "uses" within this development are restricted to those uses listed in Section 603, County Zoning Ordinance.
11. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)

12. Sections 4.1.c, “Curbs and Gutters”; 4.1.d, “Required Drainage”; 4.1.e, “Sidewalks”; 4.3.g, “Fire Hydrants”, and 4.3.h, “Underground Utilities”, of the County Subdivision Ordinance must be adhered to.
13. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
14. The NC Department of Transportation (NCDOT) approves the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
15. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
16. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development.
17. Off-street loading spaces shall be provided in accordance with Section 1203, County Zoning Ordinance, for the non-residential sites.
18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. A solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance.
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. The developer will be required to submit a landscape plan to Code Enforcement at the time of permit application. The following are the minimum standards for required for landscaping this site:
 - a. Thirty-three large shade trees or 66 small ornamental trees are required on this tract along the length of the right-of-way of NC HWY 53/210 (Cedar Creek Rd);
 - b. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs. Trees shall be maintained in a vertical position at all times;
 - c. All planting areas shall be kept free of weeds and debris;
 - d. Healthy existing trees may be used to meet the landscaping requirements; and
 - e. Trees may be clustered.Additional trees and shrubs will be required for the individual non-residential sites. The landscaping plan for these sites may be submitted at the time of permit application for the individual structures. The calculations will be as follows:
 - f. One ornamental tree for every 50 linear feet of building length and/or width and 2 shrubs for every 10 linear feet of building length and/or width; and

- g. For paved off-street parking areas providing 20 or more parking spaces, one large shade tree or two ornamental shade trees are required for every 20 spaces.
22. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
 23. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Plat-Related:

24. A 10' x 70' sight distance easement shall be required for each street and/or drive where they intersect with NC HWY 53/210 (Cedar Creek Road) and shall be reflected on the final plat.
25. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
26. The developer shall contact E911 Street Naming and Addressing regarding the process of acquiring "approved" street names and the approved street names must be reflected on the plat when submitted for final approval. **(Note: Street name approval can take up to ten working days.)**
27. "Cedar Creek Rd" must also be labeled as "NC HWY 53/210" on all future final plats.
28. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, **or** at the time of permit application, the individual plot plans for each individual residential lot must be approved by Land Use Codes prior to issuance of any permits.
29. For each individual non-residential lot, five copies of the site plan must be submitted for review and approval prior to any permit application.
30. The final plat shall be labeled as a "Zero Lot Line" development.
31. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
32. All lots within this development must be served by one of the three streets/drives shown on the site plan (if approved by NC Department of Transportation) or by an

internal street system and the final plat must reflect a “no access” easement on the remaining subject property where it abuts NC HWY 53/210 (Cedar Creek Road).

33. A 25’ right-of-way radius is required at all intersections and must be reflected on the final plat.
34. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission of any phase of this development for final plat approval by Land Use Codes.
35. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
36. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Mary Ann Steinmetz to schedule an inspection of the improvements.)
37. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statement:

38. The all structures shall be shown on the final plat or the final plat shall reflect the following statement:

“Nonconforming structures have not been created by this subdivision.”

Other Relevant Conditions:

39. This conditional approval is contingent upon continued compliance with the County’s Subdivision and Zoning Ordinances.
40. The applicant is advised to consult an expert on wetlands before proceeding with any development.

Advisories (The conditions listed below may not apply specifically to this development but are offered as cautionary statements):

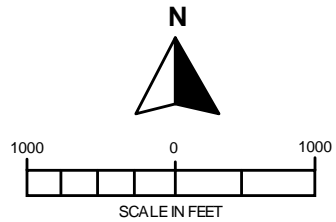
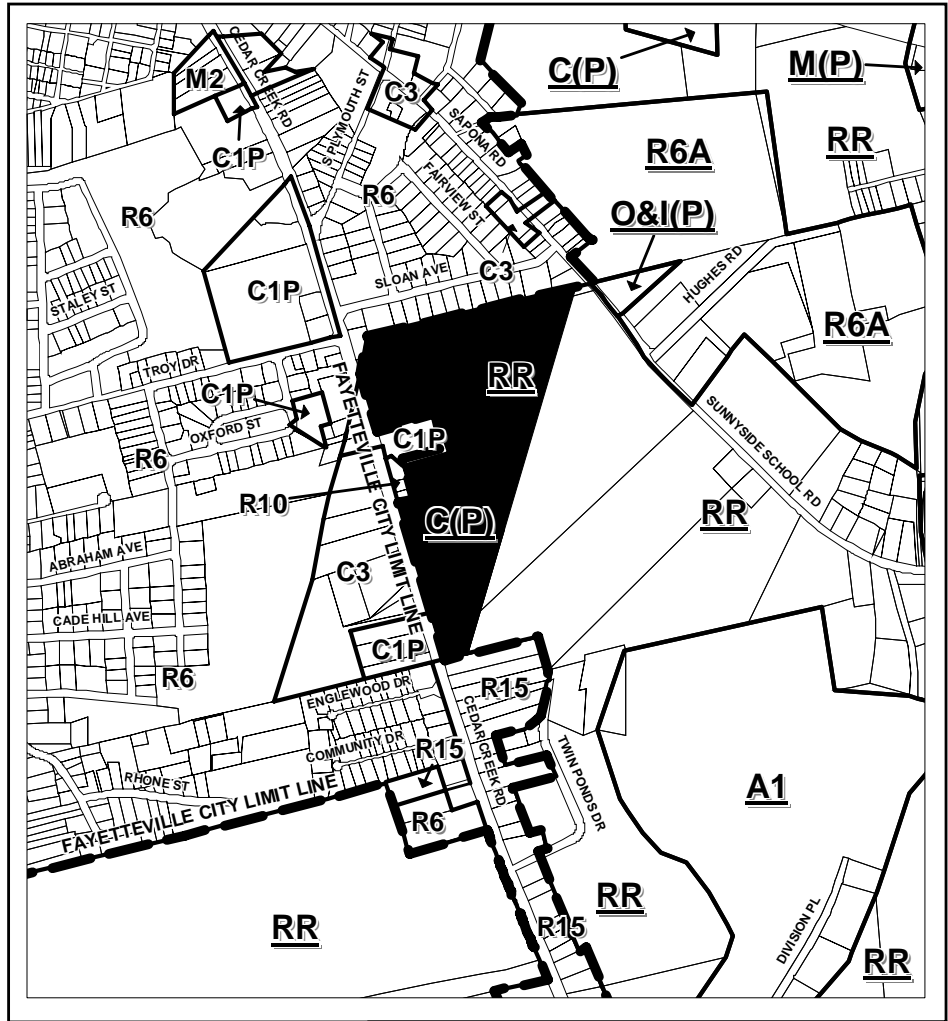
41. The developer shall be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for permits for any structure and/or final plat approval of any portion of this development.
42. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

43. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
44. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
45. This conditional approval is contingent upon all rights-of-way being "public"; if the developer intends to construct "private" streets to serve this development, five copies of a revised site plan shall be required to be submitted to Land Use Codes for review and approval prior to submission for final plat approval of any portion of this development.
46. If the "multi-family" section of this development, is to be "sold" as individual units, the developer is required to submit five copies of a revised plan to Land Use Codes for review and approval of this section prior to permit application for any structure within the multi-family phase of this development. Condominium development will require additional conditions of approval to be applied.

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

Contact Information (all calls are local unless otherwise stated):

Improvements Inspection:	Mary Ann Steinmetz	678-7626
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement:	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
PWC:	Heidi Maly	483-1401
Corp of Engineers (wetlands):	Lynette Grenade	(910)251-4829
County Health Department:	Jane Stevens	433-3660
NCDENR (S&E)	Wendy Dunaway	486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:	David Ivey	678-7647
NCDOT (driveways/curbcuts)	Gary Burton	486-1496
NCDOT (subdivision roads)	Bill Hammond	486-1496
Transportation Planning	Bobby McCormick	678 7632



**REQUESTED REZONING:
RR & C(P) TO MXD/CUD**

ACREAGE: 43.31 AC.+/-	HEARING NO: P06-14	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
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COUNTY of CUMBERLAND

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Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P05-97: REZONING OF .34 AC FROM C1(P) TO C(P)/CONDITIONAL USE DISTRICT & PERMIT TO ALLOW MOTOR VEHICLE REPAIR &/OR BODY WORK & OTHER PERMITTED USES WITH EXCLUSIONS AT 3831 BOONE TRAIL, SUBMITTED BY BLAINE LOVELAND, OWNED BY DORA HOWARD.

The Planning & Inspections Staff recommends approval of C(P)/Conditional Use District and Permit, even though the request is not consistent with the Land Use Plan, based on the following:

1. The applicant has eliminated the undesired uses otherwise allowed in the C(P) zoning district;
2. The subject property is located on a major thoroughfare; and
2. The request is reasonable and compatible with the existing development in the area.

The C1(P) zoning district would also be suitable for this location.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Plan
- 3 - Site Profile

SITE PROFILE

P05-97

REZONING OF .34 ACRES FROM C1(P) TO C(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW MOTOR VEHICLE REPAIR AND/OR BODY WORK AND OTHER PERMITTED USES WITH EXCLUSIONS, AT 3831 BOONE TRAIL, SUBMITTED BY BLAINE LOVELAND, OWNED BY DORA H. HOWARD.

Site Information:

Applicant/Owner: BLAINE LOVELAND / DORA H. HOWARD

Area: .34 acres

Frontage & Location: 100 feet on Boone Trail

Depth: 150 feet

Jurisdiction: County

Current Use: Vacant Residential

Initial Zoning: August 1, 1975 (Area 3)

Zoning Violation(s): None

Surrounding Zoning: North-R10, R6, C1(P), C1(P)/CU, City limits, East-R10, R6A, R6A/CU, C1(P), C3, City limits, South-RR, RR/CU, R10, R6A, C3, M2, and West-R10, R6A, C1(P), C1(P)/CU, C3, C3/CU

Surrounding Land Use: Duplex (2), pet shop, vacant commercial (3), food store, manufactured home park (2), campsite, barber shop, substation, daycare center, auto shop, boy's & girl's club, fire station, no name commercial, lawn mower repair, & triplex

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

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

School Capacity/Enrolled: McArthur Elementary 486/485, Ireland Drive 378/365, Douglas Byrd Middle 711/749, Douglas Byrd High 1,220/1,271

Subdivisions: A C(P) Site Plan will be required prior to any development and approval of the Request for Alternate Yard Requirements may be required for any new use of the existing building.

Highway Plan: Boone Trail is identified as a Major Thoroughfare. This is a multi-lane facility with a proposed 100-110 foot right-of-way. This project is included in the FY06-12 MTIP and is currently unfunded.

Average Daily Traffic Count (2000): 8,700 on Boone Trail

Additional Notes

Previous Zoning Actions: Case P01-24, a CUO to allow a construction office and storage building. Conditions of the CUO: Signage IAW Sec 9.4 of the Zoning Ordinance, NCDOT approval for the driveway, buffering along the rear property line, lighting directed inward, entrance onto Boone Trail by forward motion only, and hours of operation: 7am-7pm, Mon-Sat.

Application Conditions for Motor Vehicle Repair Only:

Hours of Operation: 8:30am-5:00pm, Monday-Saturday

Employees: 2

Parking Spaces: 15

Signage: IAW the Zoning Ordinance

Outside lighting will be directed inward.

Other Conditions with this Application

Site plan review by Planning & Inspections Staff for every change of use to any use not excluded below.

All/Any future uses, not excluded below, to comply with all applicable standards of the County Zoning Ordinance.

Permitted Uses to be Excluded

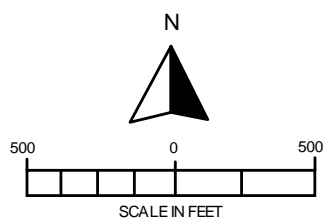
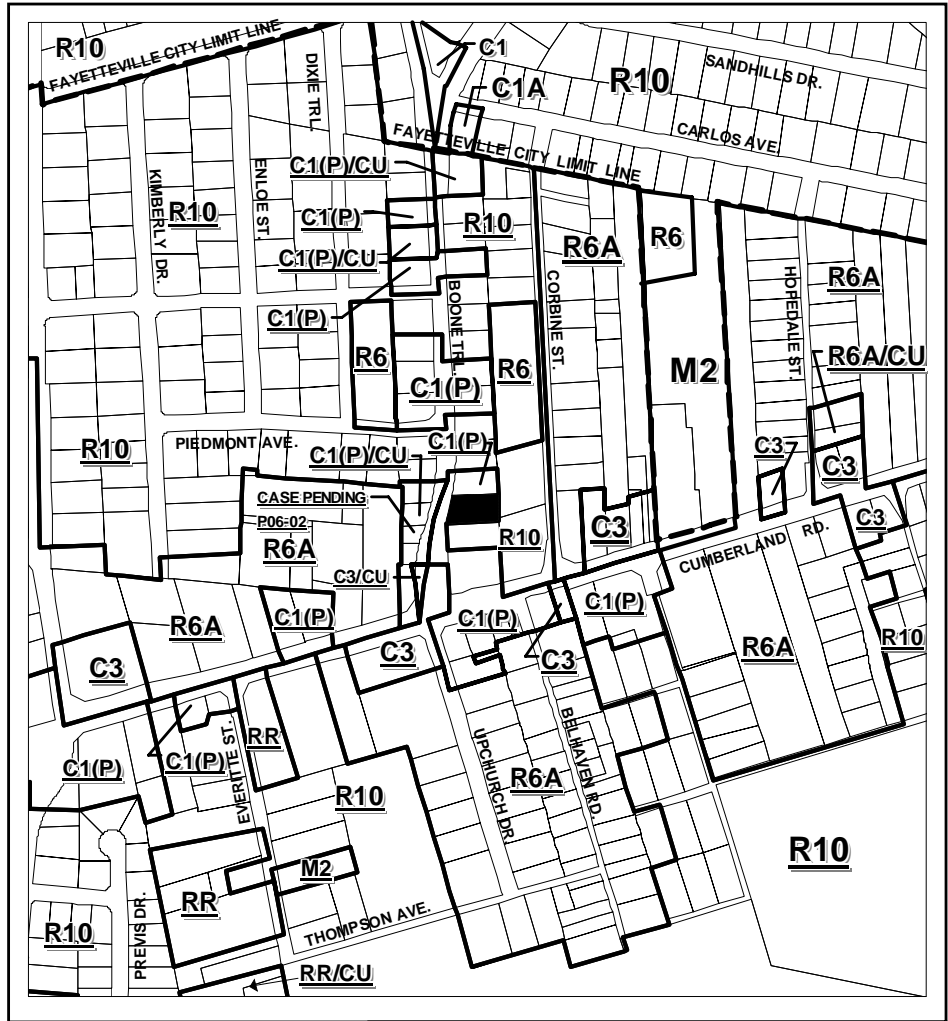
Alcoholic Beverage Control Sales
Bakery Production and Wholesale Sales
Bars & Nightclubs
Bus Station Activities
Cemetery
Club or Lodge
Crematorium
Dry Cleaning and Laundry Collection, no cleaning on premises
Dry Cleaning or Laundry, commercial
Farm Supplies Merchandising and Machinery
Food Production / Wholesale Sales
Hotel/Motel
Laboratory Operations
Laboratory
Manufactured Home Sales
Mini Warehousing-no vehicle storage
Mini Warehousing-with vehicle storage
Railroad Station Operations
RV Park and/or Campground
Sanitarium
Sexually Oriented Businesses
Taxicab Stand Operations
Trades Contractor Activities
Trailer Rentals
Truck Terminal Activities
Wholesale Sales

Special Use Permits to be Excluded

Billboards

Conditional Use Districts to be Excluded

Detention Facilities / Prisons
Quarry



**REQUESTED REZONING:
C1(P) TO C(P)/CUD**

ACREAGE: 0.34 AC.+/-	HEARING NO: P05-97	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

Charles C. Morris
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COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Interim Director

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-04: REZONING OF A 155.8 AC PORTION OF 2 PARCELS TOTALING 159.8 AC FROM A1 TO R10 & CD OR A MORE RESTRICTIVE ZONING DISTRICT, N OF TOM STARLING RD, W OF NC HWY 87 S, SUBMITTED BY CHALMERS MCCOMBS, OWNED BY TOMMY WOODSELL ET AL.

The Planning & Inspections Staff recommends approval of the R10 district only for that portion located outside a 250-foot buffer area from the bank of the creek (also the property line) and CD district for the land area within the 250-foot buffer area, based on the following:

1. Rockfish Creek has been established as an environmental corridor for protection and preservation in the Land Use Plan;
2. The Staff recommended CD zoning to create a 250-foot riparian buffer and is based on the size of the subject property and the possible number of lots, which could be developed if the request is approved;
3. The request is consistent the Land Use Plan which calls for "Open Space and Low Density Residential" at this location.

The R40, R30, R20 and R15 zoning districts are also suitable for this area outside of the riparian buffer.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P06-04

REZONING OF A 155.80 ACRE PORTION OF TWO PARCELS TOTALING 159.80 ACRES, FROM A1 TO R10 AND CD OR TO A MORE RESTRICTIVE ZONING DISTRICT, NORTH OF TOM STARLING ROAD, WEST OF NC HIGHWAY 87 SOUTH, SUBMITTED BY CHALMERS MCCOMBS, OWNED BY TOMMY WOODSELL, ET AL.

Site Information:

Applicant/Owner: CHALMERS M. MCCOMBS / TOMMY WOODSELL, ET AL.

Area: 155.80 acres

Frontage & Location: 3,000 feet on Tom Starling Road

Depth: 1,200 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Farm

Initial Zoning: March 15, 1979 (Area 6)

Zoning Violation(s): None

Surrounding Zoning: North-RR, RR/CU, R10, R10/CU, C(P), South-A1, A1/CU, RR, R6A

Surrounding Land Use: Single family residential and lodge

2010 Land Use Plan: Open Space and Low Density Residential

Designated 100-Year Floodplain or Floodway: Yes – Special Flood Hazard Area @ 79 MSL

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC – currently evaluating for necessary improvements

School Capacity/Enrolled: Gallberry Farms Elementary 963/901, South View Middle 980/743, Grays Creek High 1,016/1,100

Subdivisions: A subdivision review shall be required for any development of this property.

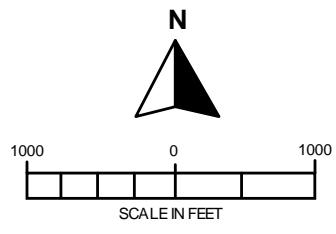
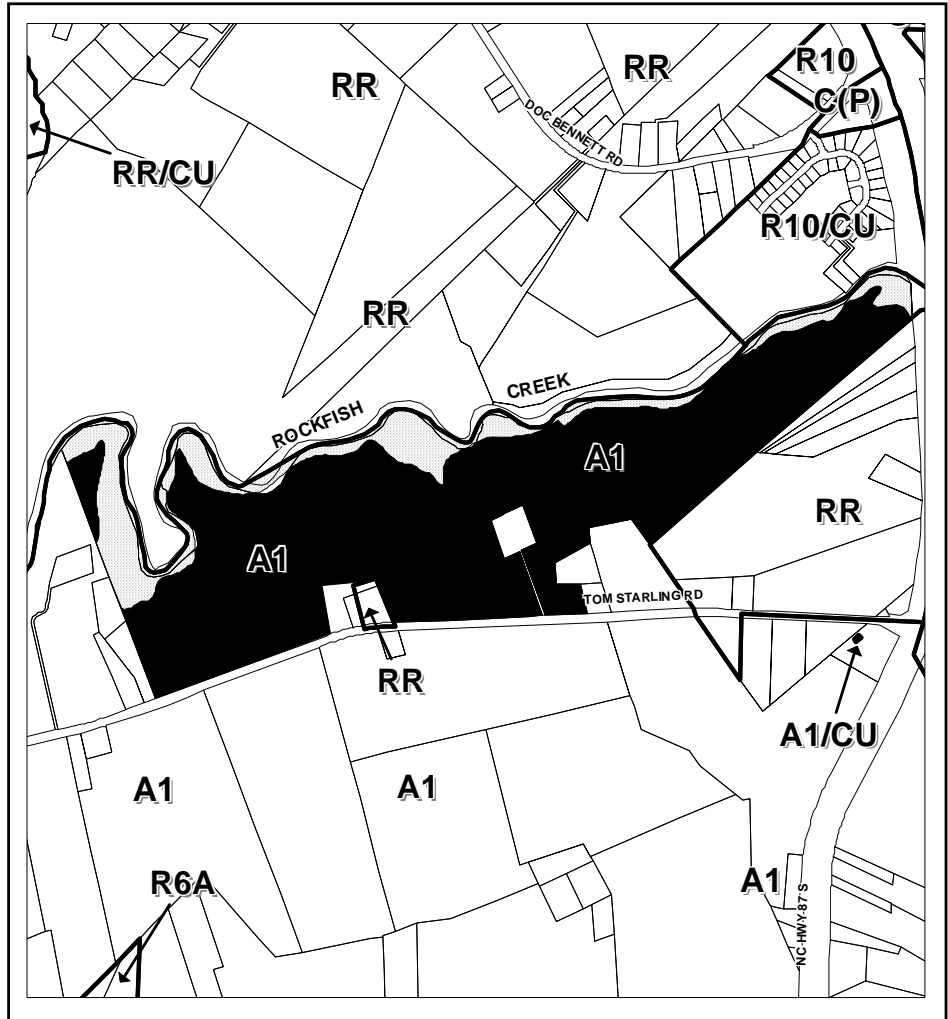
Military Impact Area: No

Highway Plan: Tom Starling Road is identified as a Major Thoroughfare. The Plan calls for widening to a multi-lane facility (Priority 1).

Average Daily Traffic Count (2000): 2,800 on Tom Starling Road and 17,000 on NC Hwy 87

Notes:

Density minus 20% for roads:	A1 – 62 lots
	R40 – 135 lots
	R30 – 180 lots
	R20 – 271 lots
	R15 – 361 lots



REQUESTED REZONING:		
A1 TO R10 & CD 		
		<small>121.69+/-</small>
		<small>34.11+/-</small>
ACREAGE: 155.80 AC.+/-		HEARING NO: P06-04
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORT.PIN: 0443-37-0551

SP

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Cumberland County

February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-09: REZONING OF 2 PARCELS TOTALING 26.9 AC FROM A1 TO R30 OR A MORE RESTRICTIVE ZONING DISTRICT, E OF WADE-STEDMAN RD, S OF HAYFIELD RD, OWNED BY RONALD ROYAL.

The Planning & Inspections Staff recommends denial of the R30 district but approval of the R40 district, based on the following:

1. R40 is consistent with the Land Use Plan;
2. The existing zoning and development in the area is consistent with the R40 district.

There are no other suitable zoning districts to be considered.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-09

REZONING OF TWO PARCELS TOTALING 26.9 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, EAST OF WADE-STEDMAN ROAD, SOUTH OF HAYFIELD ROAD, OWNED BY RONALD ROYAL.

Site Information:

Applicant/Owner: RONALD ROYAL

Area: 26.9 acres

Frontage & Location: 576 feet on Wade-Stedman Road

Depth: 1,711 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant Farmland

Initial Zoning: August 23, 1994 (Area 19)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with some R40

Surrounding Land Use: Cell tower, single family residential and vacant land

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic Tank

School Capacity/Enrolled: Eastover Central Elementary 364/383, Mac Williams Middle 1274/1142, Cape Fear High 1400/1453

Subdivisions: Subdivision review shall be required for any development of this property.

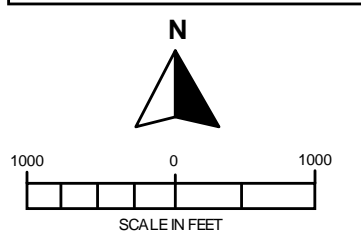
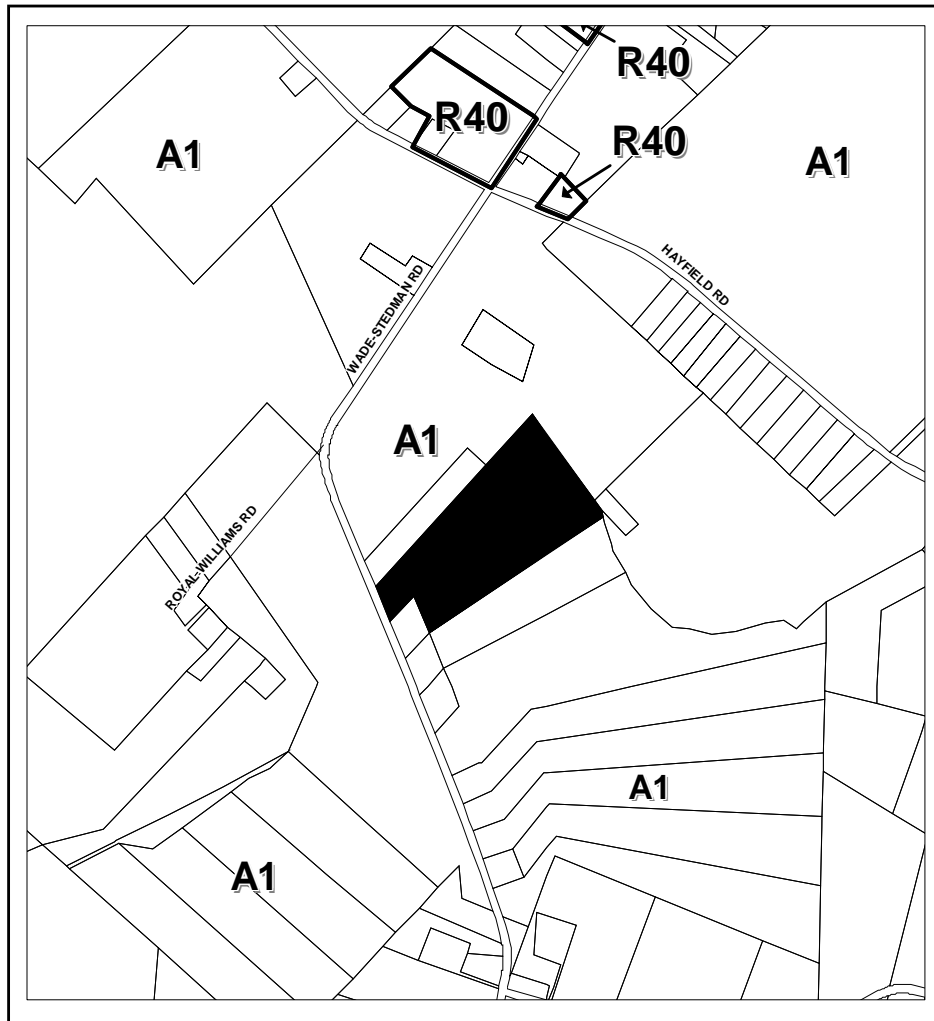
Military Impact Area: No

Highway Plan: Wade-Stedman Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority #2).

Notes:

Density minus 20% for roads:

A1 – 10 lots
R40 – 23 lots
R30 – 31 lots



REQUESTED REZONING: A1 TO R30		
ACREAGE: 26.9 AC.+/-	HEARING NO: P06-09	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0489-91-4278, -7031

SP

Charles C. Morris
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February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-10: REZONING OF .72 AC RR TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 8229 KING RD SUBMITTED BY ROBERT M. BENNETT OWNED BY SHERMAN & MARY S. DAVIS.

The Planning & Inspections Staff recommends denial of the request for C(P) Planned Commercial District based on the following:

1. The request is not consistent with the Land Use Plan, which calls for "Low Density Residential" at this location; and
2. The request is not compatible with the existing zoning in the area.

There are no other suitable zoning districts to be considered regarding this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-10

REZONING OF .72 ACRES FROM RR TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 8229 KING ROAD, SUBMITTED BY ROBERT M. BENNETT, PE., PLS., OWNED BY SHERMAN AND MARY S. DAVIS.

Site Information:

Applicant/Owner: ROBERT M. BENNETT, PE, PLS / SHERMAN & MARY S. DAVIS

Area: .72 acres

Frontage & Location: 333 feet on King Road

Depth: 156 feet

Jurisdiction: County

Adjacent Property: County

Current Use: Vacant

Initial Zoning: February 6, 1976 (Area 5)

Zoning Violation(s): None

Surrounding Zoning: North-Fayetteville city limit, East, South and West-RR, R15, and R10

Surrounding Land Use: Manufactured home park, auto sales, cemetery, sub station, single family residential and vacant land

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Brookwood Water / Septic Tank

School Capacity/Enrolled: Stoney Point Elementary 620/773, John Griffin Middle 1274/1280, Jack Britt High 1750/1816

Subdivisions: This property will need a Subdivision Review to be platted prior to development. A C(P) Site Plan shall be required prior to any permits being issued.

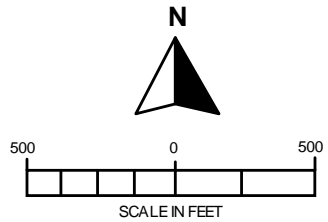
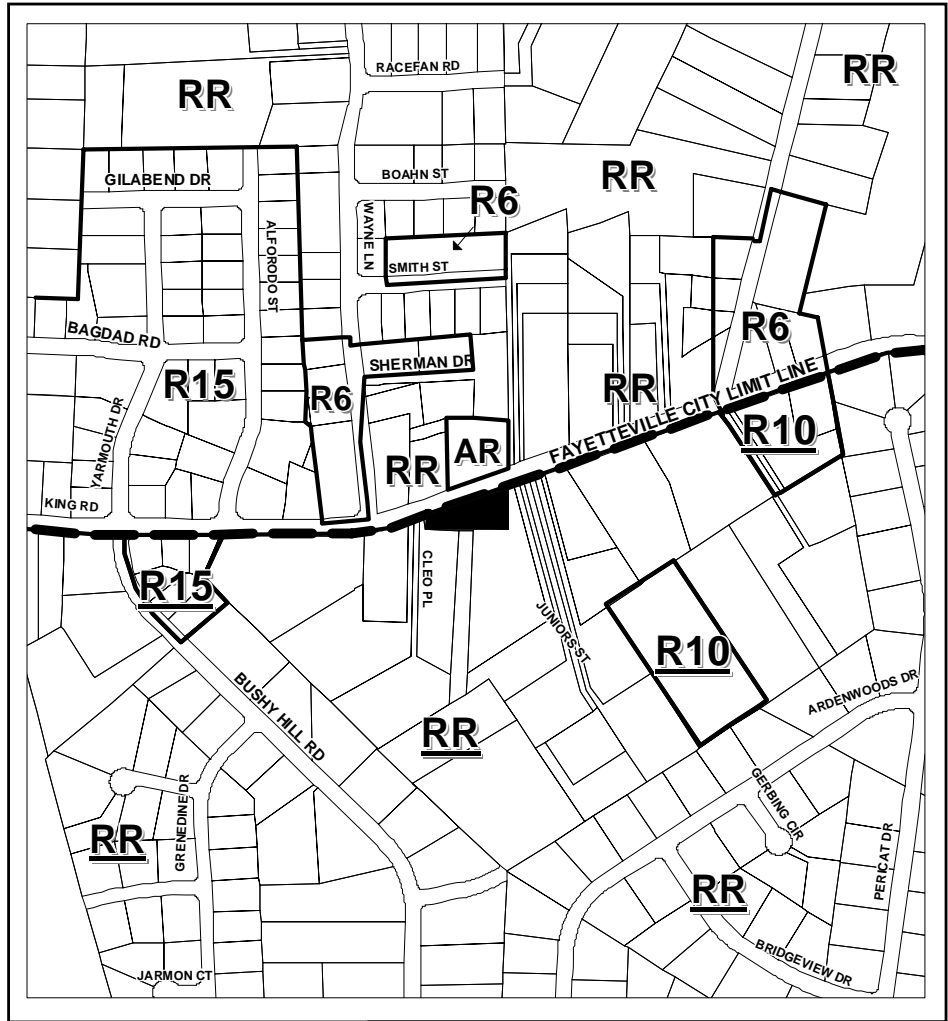
Military Impact Area: No

Highway Plan: King Road is identified as a Major Thoroughfare. The Plan calls for widening to a multi-lane facility (Priority). This site will not be impacted by the Fayetteville Outer Loop.

Average Daily Traffic Count (2000): 4,400 on King Road

Notes:

Land Use Codes explained CUD & Permit application and process to applicant; he chose to submit for straight rezoning.



REQUESTED REZONING: RR TO C(P)		
ACREAGE: 0.72 AC.+/-	HEARING NO: P06-10	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

Charles C. Morris
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Cumberland County

February 15, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 21, 2006 Board Meeting

P06-11: REZONING OF A 4.02 AC PORTION OF A 5.43 ACRE TRACT FROM R10 TO RR OR A MORE RESTRICTIVE ZONING DISTRICT, E OF MORROZOFF RD, S OF CAMDEN RD, SUBMITTED BY NEIL YARBOROUGH, OWNED BY ROY & CHOM CHU DEAN.

The Planning & Inspections Staff recommends approval of the RR zoning district only for that portion located outside of the 100-year Special Flood Hazard Area and CD for that portion located within the 100-year Special Flood Hazard Area, based on the following:

1. RR zoning would not be consistent with the Land Use Plan but would be compatible with the nature of the surrounding area and the stream is not shown as an "Environmental Corridor" for protection and preservation in the Land Use Plan; and
3. CD zoning is consistent with the Land Use Plan.

There are no other suitable zoning districts to be considered regarding this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-11

REZONING OF A 4.02 ACRE PORTION OF A 5.43 ACRE TRACT FROM R10 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, EAST OF MORROZOFF ROAD, SOUTH OF CAMDEN ROAD, SUBMITTED BY NEIL YARBOROUGH, OWNED BY ROY AND CHOM CHU DEAN.

Site Information:

Applicant/Owner: NEIL YARBOROUGH / ROY & CHOM CHU DEAN

Area: 4.02 acres

Frontage & Location: 340 feet +/- on Morrozoff Drive

Depth: 210 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Manufactured Home Park & Open Space

Proposed Use: RV Park

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

Surrounding Zoning: North-R10, East-R10, South, R10 and Hope Mills city limit, and West-RR, R10, R6A, C(P)

Surrounding Land Use: Vacant commercial, manufactured home park (legal nonconforming), single family residential and vacant land

2010 Land Use Plan: Open Space

Designated 100-Year Floodplain or Floodway: Yes – Special Flood Hazard Area @ 106-112 MSL

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC – PWC Water available at George Owen Rd.

School Capacity/Enrolled: Collier Elementary 599/613, Hope Mills Middle 686/721, South View High 1800/1825

Subdivisions: This property is land-locked and was created 3/4/88. Either a recombination with another tract having road frontage or subdividing by giving road frontage, will be required prior to any permits being issued. Review/Approval required prior to application for any permits.

Military Impact Area: No

Highway Plan: No road improvements/new constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program.

Average Daily Traffic Count (2000): 10,000 on Camden Road

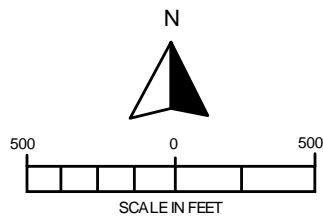
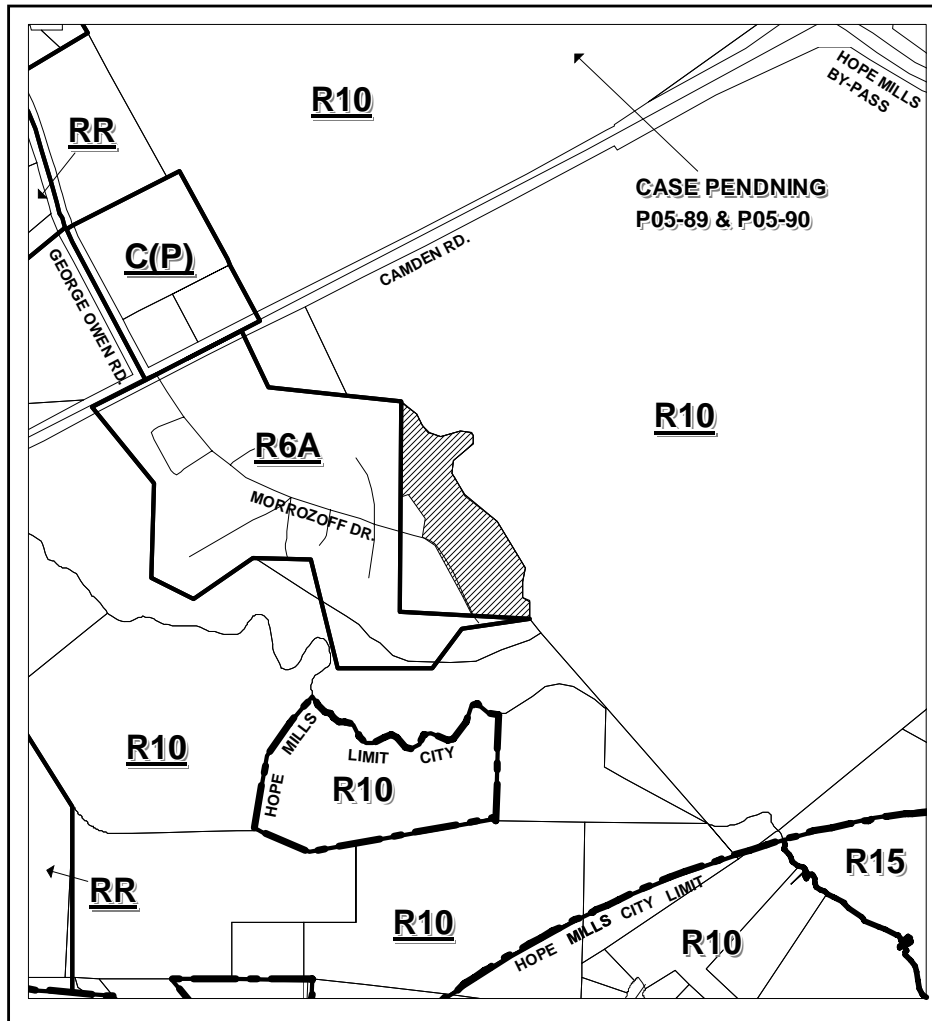
Notes:

Manufactured Home Parks are not a “permitted” use in either district (R10 or RR) and would not be allowed to expand into either district.

Recreational Vehicle Park would allow for a maximum of 116 recreational vehicle spaces. Note: This number could be extremely reduced based on layout of park, drive locations, facilities, etc.

If not developed as RV Park, Density (“lots” are minus 20% for roads):

R10:	17 lots	23 units
RR:	7 lots	9 units



**REQUESTED REZONING:
R10 TO RR**

ACREAGE: 4.02 AC.+/-	HEARING NO: P06-11	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		