

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,  
Director  
Cecil P. Combs,  
Deputy Director

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

#### TENTATIVE AGENDA

NOVEMBER 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 HEARINGS
- VI. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF OCTOBER 17, 2006
  - B. JOINT PLANNING BOARD 2007 MEETING SCHEDULE
  - C. JOINT PLANNING BOARD 2007 PLAT/PLAN SCHEDULE

#### REZONING CASES

- D. P06-82: REZONING OF 2.24 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 6554 OAK GROVE CHURCH ROAD, SUBMITTED BY GLORIA B. GRIFFIN, OWNED BY JAMES E. GRIFFIN AND RODNEY E. GRIFFIN.
- E. P06-83: REZONING OF 3.0 ACRES FROM A1 TO A1A AT 5116 BERRY TREE LANE, OWNED BY CHANG YE THOMPSON.
- F. P06-85: REZONING OF 1.03 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2970 CUMBERLAND ROAD, OWNED BY BRUCE D. AND RHONDA H. BRIGHT.
- G. P06-87: REZONING OF TWO PARCELS TOTALLING 16.45 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2602 AND 2608 JOHN

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MCMILLAN ROAD, SUBMITTED BY ANN LOCKLEAR, OWNED BY ROBERT J. WILLIAMS IV.

### **PLAT & PLAN**

- H. 06-168: CONSIDERATION OF THE DAVID M. HALL PROPERTY, GROUP DEVELOPMENT REVIEW, REQUEST FOR A WAIVER FROM SECTION 3.20.2 "MUNICIPAL INFLUENCE AREA COMPLIANCE", CUMBERLAND COUNTY SUBDIVISION ORDINANCE (CONDITIONS # 10, 11, & 12), LOCATION ON THE EAST SIDE OF SR 1843 (MAGNOLIA CHURCH ROAD), NORTH OF NC HWY. 24 (CLINTON ROAD).

### VII. PUBLIC HEARING ITEMS

#### **REZONING CASES**

- A. P06-75: REZONING OF 1.0 ACRE FROM RR TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 4446 CLINTON ROAD, SUBMITTED BY G. NEIL YARBOROUGH, OWNED BY JANICE I. AND TOMMY D. FAIRCLOTH.
- B. P06-79: REZONING OF TWO PARCELS TOTALING 68.12 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2835 JOHN MCMILLAN ROAD, OWNED BY LAWRENCE C. AND OLETA C. SMITH, AND PHILLIP C. SMITH.
- C. P06-84: REZONING OF 1.46 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE SE SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, OWNED BY DENNIS J. AND JULIE A. BYRD.
- D. P06-86: REZONING OF .47 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 4721 CAMDEN ROAD, OWNED BY KACEY SHUPE.

### VIII. DISCUSSION

IX. FOR YOUR INFORMATION / DIRECTOR'S UPDATE

X. ADJOURNMENT

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*

**MINUTES**  
OCTOBER 17, 2006

Thomas J. Lloyd,  
Director  
Cecil P. Combs,  
Deputy Director

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

#### *Members Present*

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

#### *Others Present*

Mr. Tom Lloyd, Director  
Mr. Cecil Combs,  
Deputy Director  
Ms. Patti Speicher  
Mrs. Annette Nunnery  
Ms. Donna McFayden  
Mr. Grainger Barrett,  
County Attorney  
Mr. Rick Moorefield, Asst.  
County Attorney

Vice-Chair McLaurin opened the meeting at the request of Chair Morris, who was delayed by a prior commitment.

#### VI. INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### VII. ADJUSTMENTS TO AGENDA

Mr. Lloyd stated that P06-72 was being moved from Deferral to Public Hearing, P06-71 was being moved from Consent to Public Hearing, P06-80 was being moved to the end of the Public Hearing Items, and Plat & Plan case 06-149 was being moved from Consent to after the Public Hearings.

#### III. PUBLIC HEARING DEFERRALS

P06-72 was moved to Public Hearing.

#### IV. ABSTENTIONS BY BOARD MEMBERS

Mrs. Epler abstained from P06-64.

**A motion was made by Mr. McNeill and seconded by Mr. Cain to accept the adjusted agenda and abstention. Unanimous, with Mrs. Epler abstaining from the vote.**

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V. POLICY STATEMENT REGARDING PUBLIC HEARINGS

Mr. Lloyd read the policy statement regarding Public Hearings

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF OCTOBER 3, 2006

**A motion was made by Mrs. Piland, seconded by Mrs. Epler, to approve the minutes as written. The motion passed unanimously.**

**REZONING CASES**

- C. P06-73: REZONING OF 1.34 ACRES FROM A1 TO A1A, ON THE SOUTH SIDE OF BUTLER NURSERY ROAD, EAST OF TWO RUT ROAD, OWNED BY DOROTHY T. TATUM OWNER.

Staff recommends approval of the A1A district based on the findings that the request is consistent with the 2010 Land Use Plan; and rezoning to the A1A district will bring this property into conformity. There are no other suitable rezoning districts to be considered for this request.

- D. P06-74: REZONING OF .91 ACRES FROM C1(P) TO C(P), AT 4591 CUMBERLAND ROAD, SUBMITTED BY GEORGE L. LOTT, OWNED BY GERALD CHAMBERS.

Staff recommends approval of the C(P) zoning district even though the request is not consistent with the 2010 Land Use Plan based on the findings that the request is consistent with the zoning and existing development in the area; the subject property is located on a major thoroughfare; which has recently been widened to five lanes; and public utilities are available and upon any re-development of the subject property, connection will be required. There are no other suitable rezoning districts to be considered for this request.

- E. P06-76: REZONING OF 2 PARCELS TOTALLING 4.53 ACRES FROM R40 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF CLINTON ROAD, WEST OF THE SAMPSON COUNTY LINE, OWNED BY ROBERT L. NUNNERY JR.

Staff recommends approval of the R30 zoning district even though the request is not consistent with the 2010 Land Use Plan based on the findings that Sampson County water is available to the subject property; and the subject property is located on a major thoroughfare. There are no other suitable rezoning districts to be considered for this request.

- F. P06-77: REZONING OF A 3.45 ACRE PORTION OF A 55.75 ACRE TRACT FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF ALLIE COOPER ROAD, WEST OF SOUTH WEST STREET, OWNED BY HAROLD AND JOLENE MAXWELL.

Staff recommends approval of the R40 zoning district based on the findings that rezoning the property is consistent with the 2010 Land Use Plan; Falcon water is available to the subject property and upon development, connection will be required;

and R40 is a more restrictive zoning district than the current zoning. The A1A rezoning district is the only other zoning district to be considered for this request.

**A motion was made by Mrs. Epler, seconded by Mr. McNeill, to follow the staff recommendations and approve cases P06-73, P06-74, P06-76, P06-77 as submitted. Unanimous approval.**

## VII. PUBLIC HEARING ITEMS

### REZONING CASES

- A. P06-72: REZONING OF .6 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4469 SOUTH MAIN STREET, SUBMITTED BY LONNIE M. PLAYER, JR., ESQ., OWNED BY PURDUE DRIVE INVESTMENTS LLC.

Mr. Lloyd reviewed the site information and stated that the Staff recommends denial of the C(P) district based on the findings that the request is not consistent with the 2010 Land Use Plan and the C(P) district is not in character with the existing development in the immediate area. The Staff considered but also recommended denial of the C1(P) and the O&I(P) districts.

The Public Hearing opened. J. Thomas Neville, attorney, addressed the Board on behalf of the applicant and stated that Dr. Esensoy was amending his application to request O&I(P), not C(P). He stated that his client wanted to open a pediatric practice in Hope Mills. This would benefit Dr. Esensoy, his clients, and the people of Hope Mills, as there currently is no pediatric office in that area. Mr. Neville further stated that the site is in an area not currently suited for future residential use or growth. Under the O&I(P), renovation of the existing structure would keep the outside appearance of a residence while transforming the interior into an office setting. Mr. Neville stated that his client would be willing to entertain any specific conditions required by the Planning Staff.

Dr. Esensoy addressed the Board, stating his willingness to answer any questions.

Mr. McNeill asked if this rezoning would create a non-conforming structure. Mr. Lloyd answered that it would at C(P). Discussion followed on setbacks and renovations to the structure in both C(P) and O&I(P).

The Public Hearing closed. There was no opposition.

Mr. McNeill stated that while he agreed with the need for the business in that area, he was concerned with the non-conforming status. Mr. Lloyd stated that the status only pertained to the C(P) district. Mrs. Epler stated that she also agreed with the need in the area and did not believe that the rezoning or the pediatric practice would harm the character of the area.

**Mrs. Epler made a motion, seconded by Mr. Turner, to approve the amended request of O&I(P) . Unanimous.**

- B. P06-71: REZONING OF FOUR PARCELS TOTALLING 2.5 ACRES FROM R6 AND R6/MHO TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHEAST SIDE OF MONT DRIVE, NORTHWEST OF HICKORY

STREET, OWNED BY CURTIS WORTHY. (SPRING LAKE)

Mr. Lloyd reviewed the case information and stated that Staff recommends approval of the R5A zoning district based on the findings that the request is consistent with the Spring Lake Area Detailed Land Use Plan; the request is consistent with the development in the area; and Spring Lake utilities are available to the subject properties. Mr. Lloyd also stated that there were no other suitable rezoning districts to be considered for this request. The Public Hearing opened.

Mr. Curtis Worthy, owner, addressed the Board and stated that his goal was to get the best use of the land. He wants to maximize the land use and also prepare for the BRAC population increase and housing demand.

Mr. Billy Manning spoke in opposition. He stated that he opposed the rezoning because 13 more apartments would overload the existing streets and create unsafe conditions.

Mr. Worthy stated in rebuttal that the traffic increase would be minimal. He thanked the Board for their time and consideration. The Public Hearing closed.

Mrs. Epler asked if a driveway permit would be required from the Town of Spring Lake. Mr. Lloyd replied affirmatively.

**Mrs. Piland made a motion, seconded by Mrs. Epler, to approve the R5A zoning district. Unanimous.**

Chair Morris joined the meeting at 7:35 p.m.

#### **CONDITIONAL USE DISTRICTS & PERMITS**

- A. P06-50: REZONING OF 73.21 ACRES FROM A1 TO R20/DD/CUD AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN CEDAR CREEK AND A. B. CARTER ROADS, WEST OF WILLARD DRIVE, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY J. O. CARTER, JR. ET AL.

Mr. Lloyd reviewed the case information and reminded the Board that this case had now been reviewed three times. At their regular meeting on July 18, 2006, the Planning Board asked the applicant to consider submission of a Density Development/ Conditional Use District (CUD) and Permit for the subject property. The applicant submitted a couple of different designs to Staff. When the design was finalized, it was presented to the full Staff. On September 19, 2006 the Staff recommended deferral of this case until an engineer-certified drainage plan was submitted to ensure no water runoff would occur onto the adjacent properties. After discussion with the applicant, the applicant chose to forward the case in its current state without the suggested drainage plan. Mr. Lloyd advised the Board that Staff recommends denial of this request, even though the request is consistent with the 2010 Land Use Plan, based on the findings that without an engineer-certified drainage plan, there is no assurance that this site can handle its own stormwater with no runoff occurring on adjacent properties; and several of the lots, especially on the northeast side of the development, are designed in areas with hydric soils, abating the original reason for the Density Development/CUD.

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Vice-Chair McLaurin reviewed quasi-judicial proceedings and swore in all speakers. Vice-Chair McLaurin also asked the Board members if they had any conflict with this case. None was voiced. He asked if any Board member had been contacted in any way regarding this case. There was no contact reported.

Attorney J. Thomas Neville, representing the developer, addressed the Board. He stated that his client had worked hard with staff to meet all of their requirements and would present the best possible use of the property. He stated that 40% of the site would remain undeveloped. His client has changed his initial zoning request from R15 to R20, and decreased his requested lot number down to 125, in order to satisfy concerns and meet ordinance requirements. Mr. Neville stated that the structures to be built would be upwards of the \$200,000 range and average approximately 2800 square feet. He further stated that he agreed with the need for engineered plans but that the cost was prohibitive and the disturbance of the land was unnecessary until the rezoning had been approved. At that point, his client would proceed with all required regulations. Mr. Neville stated that he was aware of opposition by a few adjacent property owners who were concerned with runoff. He assured the Board that he would address those concerns and follow all DEHNR approved plans. He further stated that the developer had earnestly worked with staff to meet all concerns and is in agreement with all required conditions.

Chair Morris asked if the client was entering into the plan voluntarily, subject to all conditions set before the Board. Mr. Neville stated that he was.

Discussion followed on stormwater plans and the disturbance of the land. Mr. Neville stated that he would comply with the Board's request to have the stormwater utility approve the drainage plans.

Mr. Lloyd advised the Board that Mr. Neville's concern with not disturbing the land to obtain engineered plans, prior to Board approval of the rezoning request, would be addressed in future ordinance changes. Mr. McNeill asked Mr. Lloyd if the staff denial changed after hearing that the agent, surveyor and landowner are in agreement to have the Stormwater Utility approve the plans. Mr. Lloyd stated that staff would now recommend approval.

John Alphin addressed the Board and stated that as an adjacent property owner and neighbor, he had no opposition to this rezoning and the he did not believe the development would harm the adjacent property owners or land. He asked the Board to consider approval of the request.

Michael Adams, surveyor, advised the Board that he was available for any questions.

George Hatcher, Sr. appeared in opposition. He advised the Board that just prior to the meeting, he had been given a copy of Ordinance related conditions the developer will have to follow. Mr. Hatcher stated that those conditions greatly relieved his concerns. Clear cutting of the land adjacent to his property had greatly increased problems on his own land with runoff and serious flooding. The stormwater requirements would remove his opposition to this case if the Board can assure that the conditions will be met and enforced.

Mr. Lloyd stated that the conditional use and permit requires that the ordinance regulations be met. He also referred the Board to the conditions which require

approval by the stormwater utility prior to the initiation of any building. Mr. Barrett reiterated that the conditional use district and permit requires that all conditions be met prior to issuance of any permits.

Chair Morris questioned Mr. Hatcher regarding the runoff problem he was concerned with and when the clearing of the adjacent land had occurred. Mr. Hatcher identified the parcels that had been cleared. It was determined that the property Mr. Hatcher referred to was the property being considered for rezoning.

Jessie Simmons addressed the Board in opposition. He stated that heavy rains already cause major problems with runoff on his property. He is concerned that increased building will further increase the drainage problems.

The Public Hearing closed.

Mr. McNeill asked for clarification that the site plan complies with block length requirements. Ms. Speicher replied that it did not, but that the Board or the County Commissioners could grant a waiver at their discretion. Mr. McNeill stated that he was concerned that the petitioner was asking for Board approval without being in compliance with existing Ordinance requirements and that the Board's decision would be based on the petitioner's promise to take care of the drainage problem without submitting plans. He stated that the Board would be in a better position to support the request if the plans could be reviewed.

Mrs. Epler stated that this case would be a first in requiring the stormwater utility to approve the plans prior to issuance of any permits.

Mr. Lloyd and Mr. Barrett both reminded the Board that the recommended staff conditions, as part of the conditional use permit, would provide assurance of maintenance and upkeep of the drainage plans. If adherence to the conditions should cause substantial changes to the site plan, then the petitioner would be required to return to the Board for review and approval of the revised site plan.

Mrs. Epler stated that the developer had been more than willing to work with the staff to meet all required conditions.

Mr. McNeill asked the surveyor if the wetlands shown on his plan had been so indicated by an engineer and if the pond was proposed or existing. Mr. Adams stated that an engineering firm had drawn up those plans, delineating the wetlands, and that the existing pond would remain and be enhanced.

**Mrs. Epler made a motion, seconded by Chair Morris, that the conditional use district is neither arbitrary nor unduly discriminatory and in the public interest and that the conditional use district should be approved. Unanimous approval.**

**Mrs. Epler made a motion, seconded by Chair Morris, that the conditional use district permit, if developed as submitted and subject to the conditions required, and voluntarily agreed to, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Highway Plan and other plans officially adopted by the Board**



**of Commissioners and that it be approved according to the conditions listed.  
Unanimous approval.**

The Board recessed for 10 minutes. Chair Morris presided over the remainder of the meeting. Mrs. Epler did not reenter the room.

- B. P06-64: REZONING OF 11.72 ACRES FROM A1 TO M(P)/CUD AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT TO ALLOW NEW AND USED MOTOR VEHICLE (AUTO, TRUCK & TRAILER), EQUIPMENT, PARTS AND TIRE SALES (RETAIL & WHOLESALE), TOOL AND EQUIPMENT RENTAL, MOTOR VEHICLE (TRUCKS, CARS, BOAT, RV & FARM EQUIPMENT) AND EQUIPMENT REPAIR, TIRE INSTALLATION AND BODY WORK (GARAGE), OFFICE, JUNKYARD-SALVAGE AND STORAGE OF MOTOR VEHICLES, PARTS AND EQUIPMENT, WRECKER SERVICE, MOBILE SERVICE VEHICLE, AND FABRICATION AND WELDING, ON TEMPLEOAK AVENUE, NORTH OF MACEDONIA CHURCH ROAD, OWNED BY JAMES D. SMITH.

Mr. Lloyd reviewed the case information and stated that this case had previously been deferred to allow the applicant to revise his application to include all of his intended uses. He noted that an existing violation had been open on this property for over a year. Mr. Lloyd stated that Staff recommended denial of the M(P)/CUD and Permit at the September 12<sup>th</sup> meeting based on the findings that the district is inconsistent with the 2010 Land Use Plan which calls for farmland at this location; consideration of the M(P) district for this area is arbitrary and would not serve a viable public interest; and the degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning, qualify this request as being unreasonable. Staff also recommended denial of the Conditional Use Permit based on the findings that the use is a danger to the public health and safety due to the possibility of fluids leaching into soils in an area comprised of private, individual wells; the use is not in harmony with the area in which it is located; and the degree of difference in this specific use requested as related to the existing surrounding uses makes this request unreasonable. The applicant has revised his application to include additional uses and has amended the site plan. Staff again recommends denial. In addition to the reasons listed above, the additional uses further increase the incompatibility with the surrounding area.

Chair Morris swore in James D. Smith, the owner of the property. He stated that his plan has always been to retire from his full-time business and work at home to be with his family. He listed the uses he was requesting to be allowed.

Lisa Dicker, duly sworn, addressed the Board. She stated that the owner was her father and that she planned to work with him. She further stated that they could and would meet all required conditions. She stated that she was aware of the findings of fact that must be met before the Board could grant a conditional use permit and that she and her father could meet those requirements. She stated that their business would not endanger the public health or safety because they would carefully follow the conditions. Rodents would not be a concern because they already had a termite control contract and would continue that contract to make sure that there were no rats or snakes on their property. She stated that no oil or fluids would be drained from the vehicles on the property. Ms. Dicker stated that the use would be in harmony with the area and vehicles would be kept from view with a fence, required by the conditions. Ms. Dicker stated that value of adjoining property would not be hurt and she presented a notarized statement from a realtor attesting to that fact. She stated that the home and business would be in conformity with the Land Use Plan and other plans in place. She asked to submit notarized statements detailing the fact that the proposed business would have no negative effects on the area. Mr. Barrett advised Ms. Dicker that she could have the statements submitted but that the Board could not consider

any of the information contained within the statements when making their decision because the persons who signed the statements were not present. The statements were entered into the record and Ms. Dicker presented the information. She also distributed a transportation report showing that her business would not negatively affect the traffic flow or generation in the area. Ms. Dicker asked and was granted permission to display a show of support from the audience by asking them to stand. Approximately thirteen children and adults stood in support of the request. Ms. Dicker asked the Board to allow her the opportunity to work with her father in a family owned business.

Wilton Smith, duly sworn, spoke in opposition. He stated that he did not accept that this retirement business had always been the family's plan, as there had been two prior rezoning requests for different reasons, over the past years. He and his neighbors had successfully opposed those requests. Mr. Smith voiced his concern over the existing zoning violation on the property and questioned who would prevent future violations and enforce compliance with the conditional use permit. He was very concerned with rodent infestation and spread of disease. Mr. Smith stated that the number of people who opposed this request greatly outnumbered those who supported it.

Dr. Thomas Durr, duly sworn, told the Board that he did not begrudge anyone the opportunity of making an honest dollar for their hard work, but not at the expense of another's health and safety. He expressed his concern with the appearance of the Board's willingness to spot zone A1 property in this part of the county. He was also concerned with the existing violation on the property and noted that the staff recommendation already verifies that the conditions of approval cannot be met.

Stacy Houston, duly sworn, stated that as an adjacent property owner, he opposed the rezoning because of the negative changes that this business would cause to his property. He stated that the property already appeared to be a junkyard and that a fence would not alter that fact. He stated that the business would decrease the value of his home and that this predominantly residential area needs to be protected. Mr. Houston asked the Board to exercise their authority and protect the homeowners in this area by denying the request.

James Smith declined the opportunity to speak in rebuttal. The Public Hearing closed.

Mr. McNeill asked the applicant to explain the existing violation on his property. Mr. Smith stated that over the years he had occasionally repaired cars at his home and that he was not aware that he could not do that without a permit until he was cited for the violation. He verified that some vehicles had been there for 10 years but stated that no fluids had ever been drained at that location.

Mr. Turner asked for clarification of the uses allowed in the requested zoning district. Mr. Lloyd stated that, regardless of the zoning district, only those uses specifically listed in the conditional use permit application would be allowed.

**Mr. McNeill made a motion, seconded by Mrs. Piland, to deny the Conditional Use District and permit application request. Unanimous approval, with Mrs. Epler abstaining from the vote.**

Mrs. Epler reentered the room.

#### **TRANSPORTATION DRAFT**

D. 2007-2013 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM (MTIP)

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DRAFT

Mrs. Maurizia Chapman addressed the Board on behalf of the County's Transportation Section and presented the 2007-2013 MTIP Draft. Mrs. Chapman stated that North Carolina Law requires that the Public Hearing be held to allow for public comment. No speakers had signed up for or against the plan and there were no questions or comments from the Board.

**Mrs. Piland made a motion, seconded by Mrs. Epler, to open and close the Public Hearing. Unanimous approval.**

C. P06-80: REVISIONS, AMENDMENTS AND UPDATES TO THE CUMBERLAND COUNTY ZONING ORDINANCE FOR THE CUMBERLAND COUNTY JOINT PLANNING BOARD'S ONE YEAR REVIEW OF THE JUNE 20, 2005 ORDINANCE.

Mr. Lloyd reviewed the revisions and amendments to the Ordinance and stated that this public hearing was part of the process in the one-year Zoning Ordinance review. The Land Use Codes Committee had met on three occasions to review the Ordinance and address the needs as presented by Staff.

The Public Hearing opened. Mr. John Gillis, addressed the Board and thanked the Committee for addressing the problem areas in the Ordinance, specifically with the R10 district. He stated that he appreciated their efforts and their work. Mr. Gillis asked for clarification of the changes regarding day care centers. Mr. Lloyd stated that the change addressed the more commercial nature of day care facilities and was not written to deter or prohibit small home day cares. Mr. Gillis again thanked the Board and Staff and stated that as a member of the Home Builders Association, he looked forward to working with Staff on revisions to the Subdivision Ordinance.

The Public Hearing closed. No one appeared in opposition.

Mr. McNeill asked that the words "medium-sized" be removed from Article III, Section 304.

Commissioner Wheatley expressed her concern with allowing day care centers to be permitted without any clearer restrictions than are written in the Ordinance. She stated that day care centers should be considered as more of a commercial-type business and regulated as such. Discussion followed on operation and regulation of day care facilities and the differences between home day cares and centers.

**Mrs. Epler made a motion, seconded by Vice-Chair McLaurin, to approve the one-year revision and amendment to the Cumberland County Zoning Ordinance as submitted, with the additional change of deleting the words "medium-sized" from Article III, Section 304. Unanimous approval.**

Mr. Lloyd stated that the billboard issue referred to in the staff recommendation was not part of the Ordinance revision and should be removed and returned to the Land Use Codes Committee for discussion.

**Chair Morris made a motion, seconded by Mrs. Epler, to remove the Billboards attachment from the submitted revision and amendment and return it to the Land Use Codes Committee for review. Unanimous approval.**

**PLAT & PLAN CASE**

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- G. 06-149: CONSIDERATION OF CLARK PARK – MARK GAINEY PROPERTY, GROUP DEVELOPMENT REVIEW, REQUEST FOR A WAIVER FROM SECTIONS 3.20.2 “MUNICIPAL INFLUENCE AREA COMPLIANCE”, CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE EAST SIDE OF SR 12420 (CREECH DRIVE), SOUTH OF ROSSER ROAD.

Mr. Lloyd reviewed the case information and stated that the case was pulled from the Consent Agenda for discussion because of a lack of documentation from the Town of Spring Lake. Ms. Speicher stated that she had received verbal comments from the Town’s Planning Director, Tom Spinks, but had received nothing in writing. She stated that County Staff recommended approval of the waiver, but Mr. Spinks had expressed concern with setting a precedent, though he did not submit any documentation to indicate approval or denial of the waiver request.

Discussion followed on the Town of Spring Lake’s Ordinance requirements and their zoning districts.

**Mr. Hostetter made a motion, seconded by Mr. McNeill, to approve the request for a waiver from Sections 3.20.2, based on the findings that the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, and the existence of other unusual physical conditions prohibit strict compliance with the provisions of the Ordinance. In granting the waiver, the purpose of the zoning and subdivision ordinance would be served to an equal or greater degree, would not afford a special privilege denied to others, and would not cause an unnecessary hardship to adjacent property owners. Unanimous approval.**

#### VIII. DISCUSSION

Commissioner Wheatley asked for an update on the status of the Town of Hope Mills rejoining the Planning Board. Discussion followed on the number of members who would represent the Town and on the amount of case work that would be generated. Chair Morris expressed his concern with not having an updated set of by-laws. Mr. Lloyd stated that a draft of the by-laws was in progress and that he would contact Mr. Barrett to obtain a copy of that draft for the Board to review.

#### IX. FOR YOUR INFORMATION / DIRECTOR’S UPDATE

#### X. ADJOURNMENT

There being no further business, the meeting adjourned at 10:00 p.m.



Charles C. Morris,  
Chair  
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,  
Director  
Cecil P. Combs  
Deputy Director

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

### JOINT PLANNING BOARD 2007 MEETING SCHEDULE

<u>Application Deadline</u>	<u>Meeting Date</u>
Thursday, January 18, 2007	Tuesday, February 20, 2007
Thursday, February 15, 2007	Tuesday, March 20, 2007
Wednesday, March 14, 2007	Tuesday, April 17, 2007
Thursday, April 12, 2007	Tuesday, May 15, 2007
Wednesday, May 16, 2007	Tuesday, June 19, 2007
Wednesday, June 13, 2007	Tuesday, July 17, 2007
Thursday, July 19, 2007	Tuesday, August 21, 2007
Wednesday, August 15, 2007	Tuesday, September 18, 2007
Thursday, September 13, 2007	Tuesday, October 16, 2007
Wednesday, October 17, 2007	Tuesday, November 20, 2007
Tuesday, November 13, 2007	Tuesday, December 18, 2007
Monday, December 10, 2007	Tuesday, January 15, 2008

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Town of Linden

**Donovan McLaurin**  
Vice-Chair  
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Cumberland County

### **2007**

## **JOINT PLANNING BOARD MEETING SCHEDULE**

### **PLATS AND PLANS**

#### **SUBMIT BY**

#### **PLANNING BOARD DATE**

Friday, December 22, 2006

January 16, 2007

Tuesday, January 31, 2007

February 20, 2007

Thursday, March 1, 2007

March 20, 2007

Wednesday, March 28, 2007

April 17, 2007

Thursday, April 26, 2007

May 15, 2007

Thursday, May 31, 2007

June 19, 2007

Wednesday, June 27, 2007

July 17, 2007

Thursday, August 2, 2007

August 21, 2007

Wednesday, August 29, 2007

September 18, 2007

Thursday, September 27, 2007

October 16, 2007

Wednesday, October 31, 2007

November 20, 2007

Thursday, November 29, 2007

December 18, 2007

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Friday, December 21, 2007

January 15, 2008

Note: The deadlines to submit are established 14 working days prior to and including the day of the Planning Board meeting (excluding County observed holidays).

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



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Lori Epler,  
Sara E. Piland,  
Cumberland County

November 14, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for November 21, 2006 Board Meeting

**P06-82:** REZONING OF 2.24 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 6554 OAK GROVE CHURCH ROAD, SUBMITTED BY GLORIA B. GRIFFIN, OWNED BY JAMES E. GRIFFIN AND RODNEY E. GRIFFIN.

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

1. The request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and
2. Rezoning is reasonable and consistent with the current zoning, lot sizes and character of the general area.

The A1A and R40 zoning districts are the only other suitable zoning districts to be considered for this request.

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**SITE PROFILE**  
**P06-82**

REZONING OF 2.24 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 6554 OAK GROVE CHURCH ROAD, SUBMITTED BY GLORIA B. GRIFFIN, OWNED BY JAMES E. GRIFFIN AND RODNEY E. GRIFFIN.

**Site Information:**

**Applicant/Owner:** GLORIA B. GRIFFIN / JAMES E. GRIFFIN AND RODNEY E. GRIFFIN

**Area:** 2.24 acres

**Frontage & Location:** 20 feet on Oak Grove Church Road

**Depth:** 625 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** September 3, 1996 (Area 20)

**Zoning Violation(s):** None

**Surrounding Zoning:** North-A1, R40, R40A, RR, East-A1, R40A, South-A1, and West-A1, R40

**Surrounding Land Use:** Church, cemetery, well drilling, single family residential, farmland, and vacant land

**2010 Land Use Plan:** Farmland

**Urban Services Area:** No

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

**Soil Limitations:** None

**School Capacity/Enrolled:** Stedman Primary 136/163, Stedman Elementary 303/286, Mac Williams Middle 1274/1159, Cape Fear High 1400/1490

**Subdivisions:** A group development review will be required prior to the addition of any other structures. This property does not have enough road frontage to be further subdivided.

**Military Impact Area:** No

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

**Average Daily Traffic Count (2004):** 580 feet on Oak Grove Church Road

**Notes:**

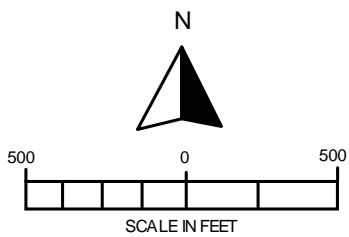
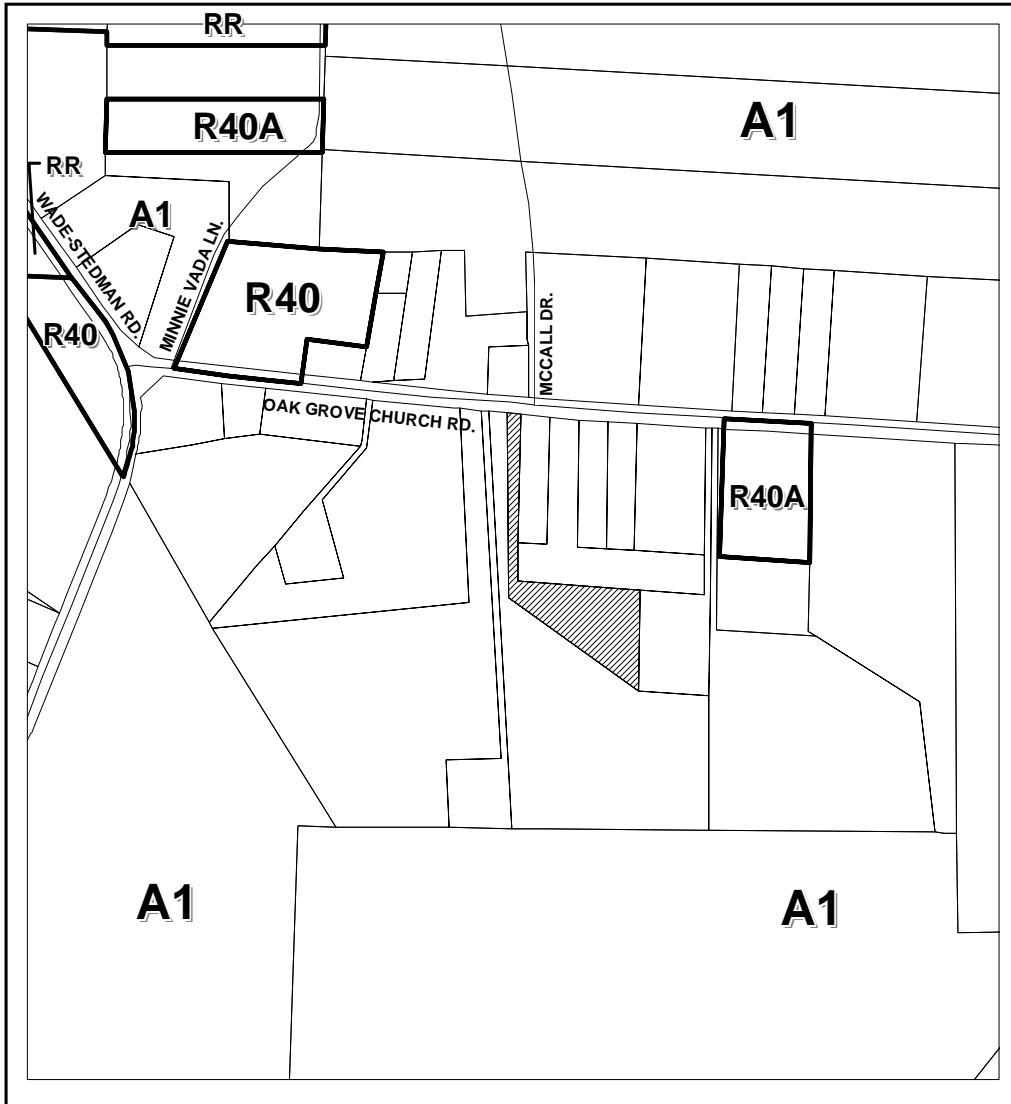
Density:       A1 – 1 unit  
                  A1A – 2 units

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R40A – 2 units

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PIN: 0497-51-1606

## REQUESTED REZONING A1 TO R40A

ACREAGE: 2.24 AC.+/-		HEARING NO: P06-82
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

AF

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Lori Epler,  
Sara E. Piland,  
Cumberland County

November 14, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 21, 2006 Board Meeting

**P06-83:** REZONING OF 3.0 ACRES FROM A1 TO A1A AT 5116 BERRY TREE LANE, OWNED BY CHANG YE THOMPSON.

The Planning & Inspections Staff recommends approval of the A1A district based on the following:

1. The request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and
2. The rezoning request is reasonable and consistent with the current zoning, lot sizes and character of the general area.

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

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**SITE PROFILE**  
**P06-83**

REZONING OF 3.0 ACRES FROM A1 TO A1A, AT 5116 BERRY TREE LANE, OWNED BY CHANG YE THOMPSON.

**Site Information:**

**Applicant/Owner:** CHANG YE THOMPSON

**Area:** 3.0 acres

**Frontage & Location:** 353 feet on Berry Tree Lane

**Depth:** 376 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** September 3, 1996 (Area 20)

**Zoning Violation(s):** None

**Surrounding Zoning:** Primarily A1 with A1/CU to the South

**Surrounding Land Use:** Single family residential and vacant land

**2010 Land Use Plan:** Farmland

**Urban Services Area:** No

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

**Soil Limitations:** Yes – Wo (Woodington loamy sand)

**School Capacity/Enrolled:** Stedman Primary 136/163, Stedman Elementary 303/286, Mac Williams Middle 1274/1159, Cape Fear High 1400/1490

**Subdivisions:** A subdivision or group development review will be required prior to any future development.

**Military Impact Area:** No

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

**Average Daily Traffic Count (2004):** 1,200 on Carl Freeman Road

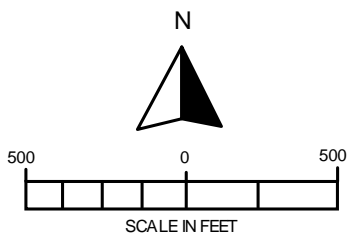
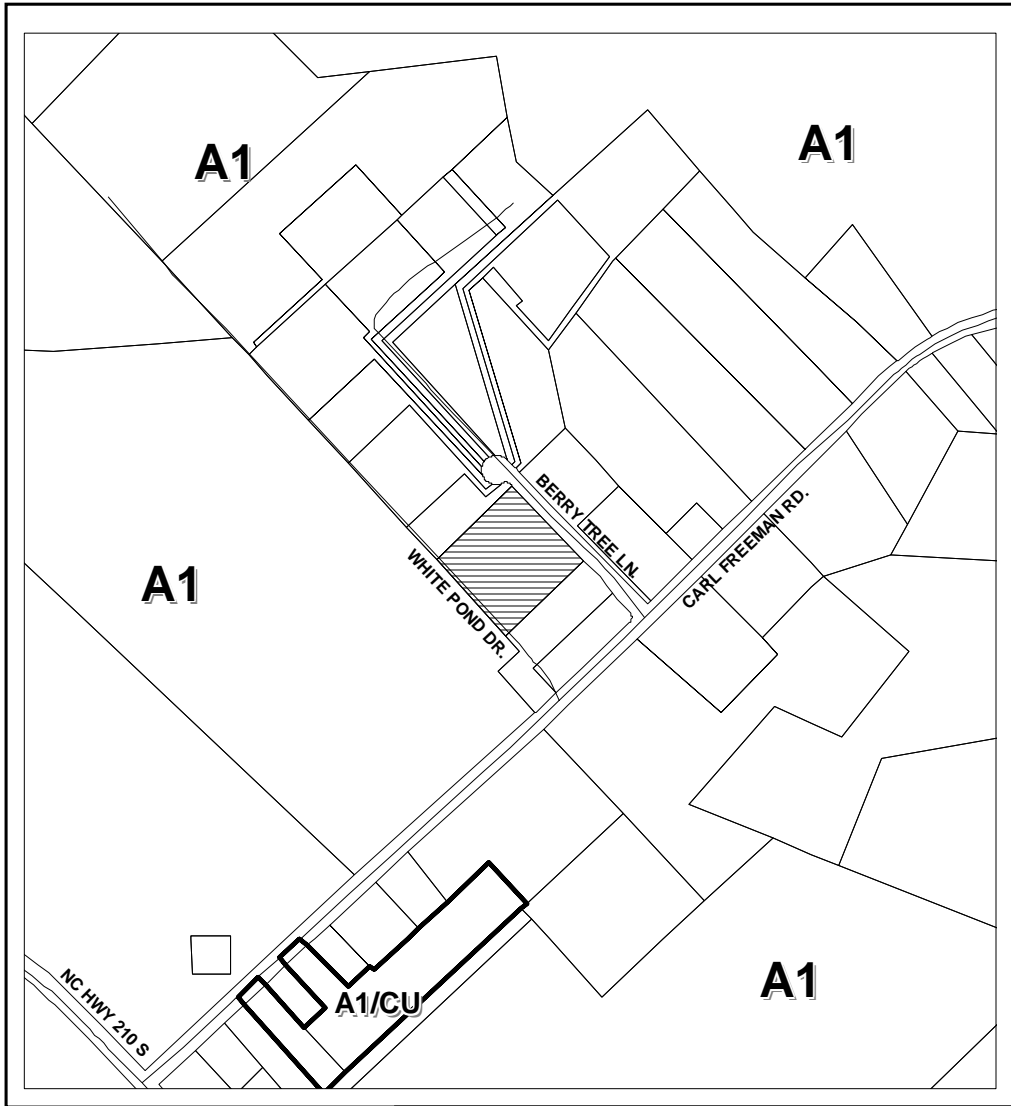
**Notes:**

Note: Berry Tree Lane is a 50' paved public road.

Density:       A1 – 1 lot  
                  A1A – 3 lots

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PIN: 0475-81-9370

## REQUESTED REZONING A1 TO A1A

ACREAGE: 3.00 AC. +/-		HEARING NO: P06-83	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

AF

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Cumberland County

November 14, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 21, 2006 Board Meeting

**P06-85:** REZONING OF 1.03 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2970 CUMBERLAND ROAD, OWNED BY BRUCE D. AND RHONDA H. BRIGHT.

The Planning & Inspections Staff recommends approval of the C(P) district based on the following:

1. The request is consistent with the 2010 Land Use Plan;
2. Rezoning is reasonable and consistent with the character of the area; and
3. The subject property is located on a Major Thoroughfare.

The R5, R5A, O&I(P) and C1(P) are also suitable zoning districts to be considered for this request.

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**SITE PROFILE**  
**P06-85**

REZONING OF 1.03 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2970 CUMBERLAND ROAD, OWNED BY BRUCE D. AND RHONDA H. BRIGHT.

**Site Information:**

**Applicant/Owner:** BRUCE D. AND RHONDA H. BRIGHT

**Area:** 1.03 acres

**Frontage & Location:** 80 feet on Cumberland Road

**Depth:** 553 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Vacant Residential

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

**Zoning Violation(s):** None

**Nonconformities:** If rezoned, the existing structures will become nonconforming due to dimensional requirements.

**Surrounding Zoning:** North-R6A, M1(P), City limit-R10, R6, M1, M2, C1(P), C3, East-R6, R6/CU, R6A, C(P), city limit-C1, C3, P2, M1, South-R10, R6, R6A, C1(P), C(P), M(P), M1(P), and West-R6A, C1(P), C(P), city limit-R6, C3

**Surrounding Land Use:** Building supply, sub station, insurance company, florist, gas station, satellite company, retail store, daycare, upholstery business (2), single family residential and vacant land

**2010 Land Use Plan:** Heavy Commercial

**Urban Services Area:** Yes

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

**Subdivisions:** A C(P) site plan review will be required for a change of use for any future developments.

**Military Impact Area:** No

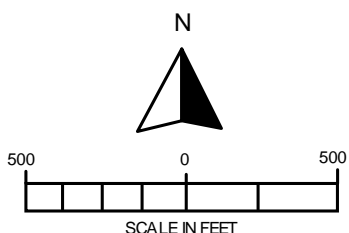
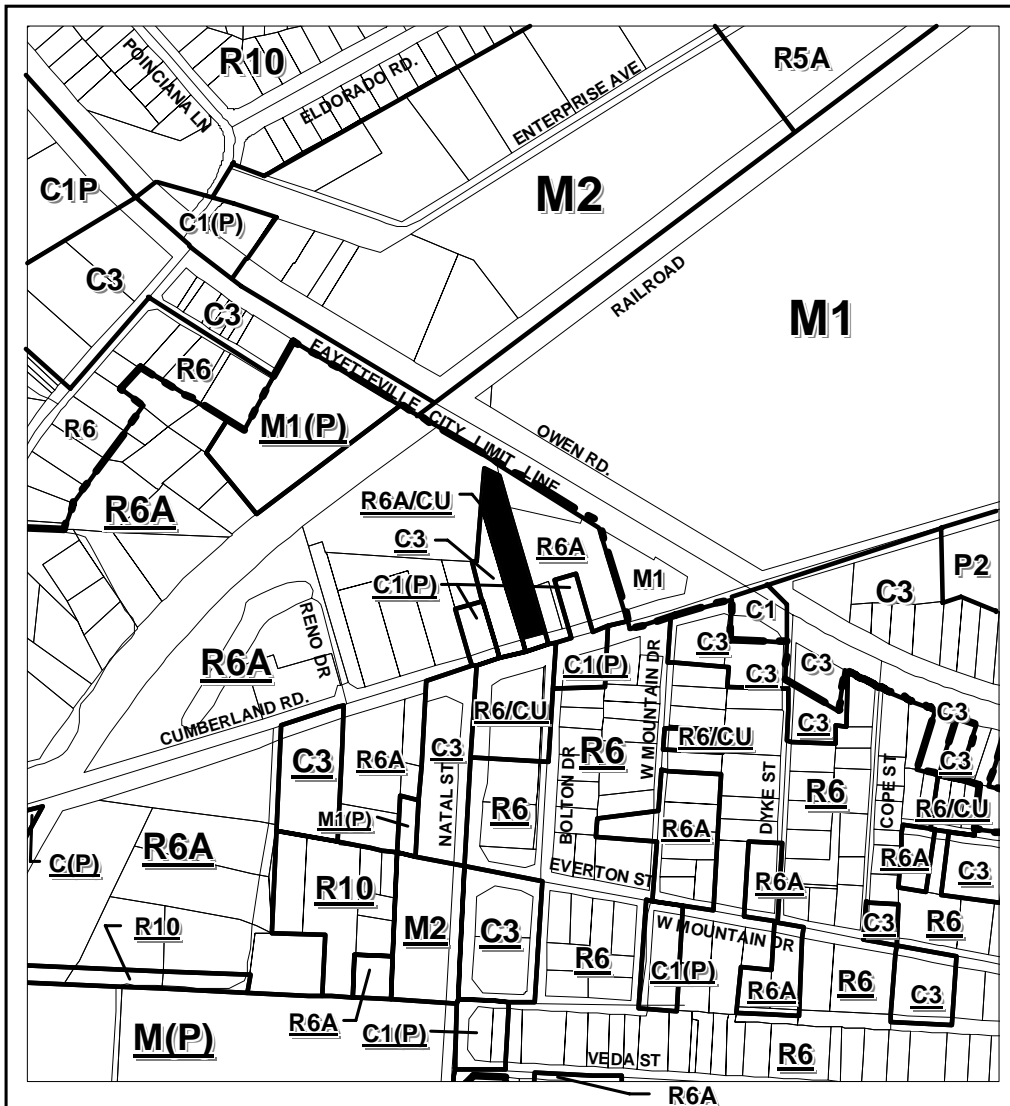
**Highway Plan:** Cumberland Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 90-110 foot right-of-way. Road improvements have been completed.

**Average Daily Traffic Count (2004):** 15,000 on Cumberland Road

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<b>REQUESTED REZONING R6A/CU TO C(P)</b>		
ACREAGE: 1.03 AC. +/-		HEARING NO: P06-85
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0426-41-5907

AF

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

November 14, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 21, 2006 Board Meeting

**P06-87:** REZONING OF TWO PARCELS TOTALLING 16.45 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2602 AND 2608 JOHN MCMILLAN ROAD, SUBMITTED BY ANN LOCKLEAR, OWNED BY ROBERT J. WILLIAMS IV.

The Planning & Inspections Staff recommends approval of the R40 district based on the following:

1. The request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and
2. Rezoning is consistent with the current zoning, lot sizes and character of the area.

The A1A zoning district is the only other suitable zoning district to be considered for this request.

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**SITE PROFILE**  
**P06-87**

REZONING OF TWO PARCELS TOTALLING 16.45 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2602 AND 2608 JOHN MCMILLAN ROAD, SUBMITTED BY ANN LOCKLEAR, OWNED BY ROBERT J. WILLIAMS IV.

**Site Information:**

**Applicant/Owner:** ANN LOCKLEAR / ROBERT J. WILLIAMS IV

**Area:** 16.45 acres

**Frontage & Location:** 390 feet on John McMillan Road

**Depth:** 200 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

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

**Zoning Violation(s):** None

**Surrounding Zoning:** Primarily A1 and R40

**Surrounding Land Use:** Cell tower, horse boarding, single family residential, farmland, and vacant land

**2010 Land Use Plan:** Farmland

**Urban Services Area:** No

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

**Soil Limitations:** Ra (Rains loamy sand) – approximately one-third of the subject property.

**School Capacity/Enrolled:** Gray's Creek Elementary 764/728, Gray's Creek Middle 495/614, Gray's Creek High 1270/1099

**Subdivisions:** A subdivision or group development will be required prior to any development of these two properties.

**Military Impact Area:** No

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

**NCDOT:** A driveway permit will be required, turn lanes may be required, and all lots will be required to be served internally.

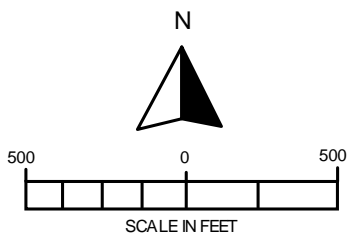
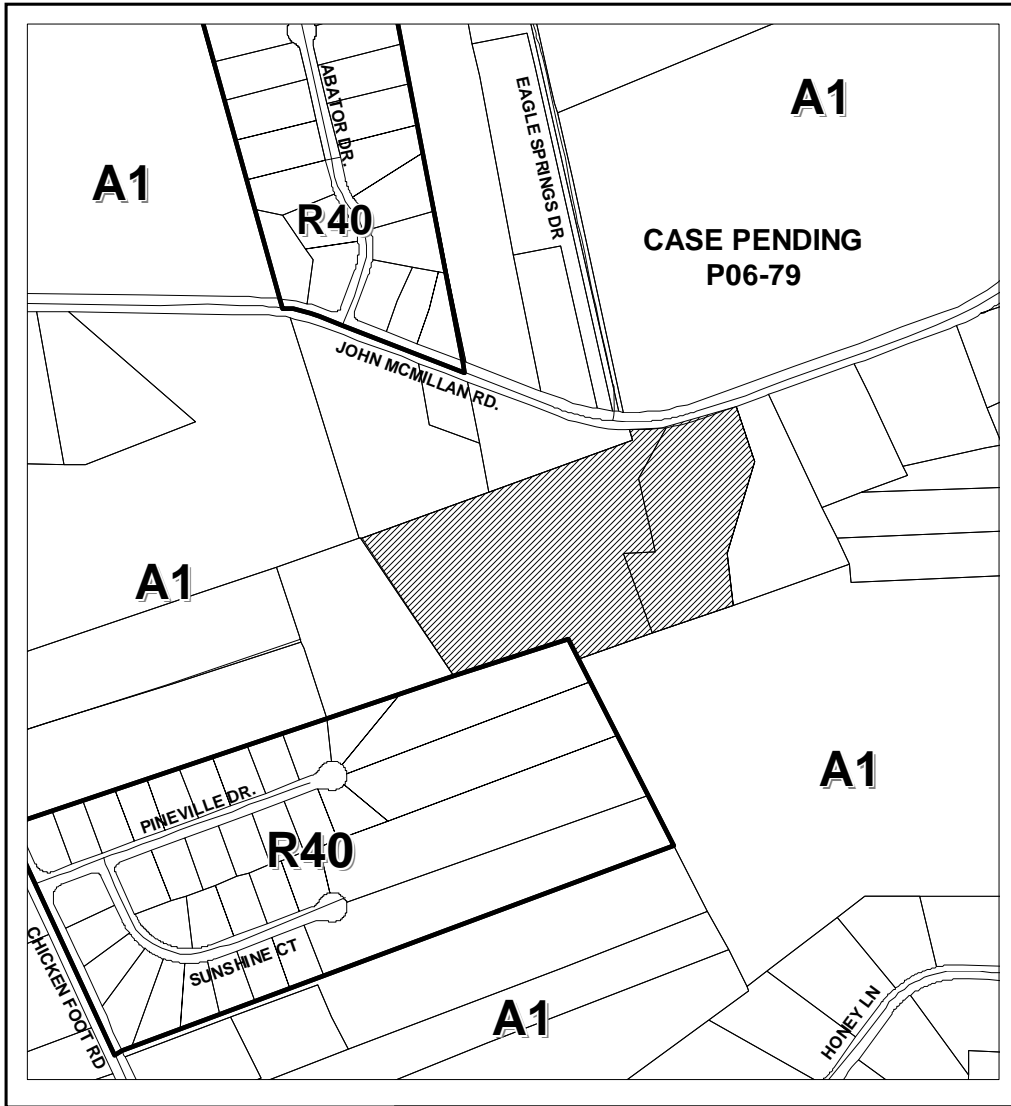
**Average Daily Traffic Count (2004):** 730 on John McMillan

**Notes:**

Density minus 20% for roads:           A1 – 6 lots  
  R40 – 14 lots

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PIN: 0431-27-8007  
 PIN: 0431-37-3252

## REQUESTED REZONING A1 TO R40

ACREAGE: 16.45 AC.+/-		HEARING NO: P06-87	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

AF

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Cumberland County

November 14, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-168  
David M. Hall Property  
(Group Development Review)

The developer has submitted a request for a waiver from Section 3.20.2 "Municipal Influence Area Compliance" (MIA), County Subdivision Ordinance, regarding conditions 10, 11, & 12, on the attached condition sheet, for the standards within the Town of Stedman (MIA). The Cumberland County Subdivision Ordinance requires developments within a (MIA) to meet the standards of that Town. The property is zoned A1 Agricultural district, contains 5.44 +/- acres, and has 222.7 feet of road frontage.

The developer is proposing a group development to be allowed to add an additional manufactured home, where there is an existing manufactured home and a house. Since this property is located in the Town of Stedman's (MIA) the developer would be required to meet the Town's standards; conditions 10, 11, & 12 related to greenways, sidewalks and street trees.

The Stedman Town Board of Commissioners met on this case and has recommended that the standards be waived for this particular case. The Stedman Town Board is considering criteria they will follow to recommend approval or denial of waivers within their (MIA) for all future cases.

In addition, the developer is in need of a waiver for the location of the swimming pool in relation to the property line. Section 3.21.j requires all swimming pools in a group development to be located no closer than 100 feet to a property line.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions,**

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**strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**

**b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**

**c. The property owner would not be afforded a special privilege denied to others.**

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

- 1) The development meets or exceeds the standards of the County Subdivision Ordinance, with the exception of the swimming pool location; and the Town of Stedman agrees with granting the waivers for this particular case;
- 2) The public purposes of the Subdivision Ordinance and Zoning Ordinance is being served to an equal or greater degree since the developer's property is developed in similar manner as all other properties in the general area; and

Mr. Hall would not be afforded a special privilege denied to others since the Town and the Planning & Inspections Staff are working on the exemption standards for the Ordinances



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Cumberland County

PLANNING STAFF DECISION: 10-19-06      PLANNING BOARD DECISION: N/A      COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-168      NAME OF DEVELOPMENT: DAVID M. HALL  
PROPERTY ( GROUP DEVELOPMENT REVIEW)

EAST SIDE OF SR 1843 (MAGNOLIA CHURCH ROAD),  
(STEDMAN MIA)      LOCATION: ON THE ZONING: A1

24 (CLINTON ROAD).      NORTH OF NC HWY  
PIN: 0486-92-5658-; 7971-; 9882-

OWNER OR DEVELOPER: DAVID M. HALL      ENGINEER OR DESIGNER: ROY  
HADDOCK

COUNTY ORDINANCE       GODWIN ORDINANCE       STEDMAN ORDINANCE       SPRING LAKE ORDINANCE       FALCON ORDINANCE

PLANNING DEPARTMENT ACTION	PLANNING BOARD	ACTION	TOWN BOARD
<input checked="" type="checkbox"/> PRELIMINARY PRELIMINARY <input type="checkbox"/> FINAL	<input type="checkbox"/> PRELIMINARY		<input type="checkbox"/>
<input type="checkbox"/> EXTENSION <input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION	REVISION <input type="checkbox"/> EXTENSION <input type="checkbox"/>	REVISION	<input type="checkbox"/>
<input checked="" type="checkbox"/> APPROVED CONDITIONALLY CONDITIONALLY	<input type="checkbox"/> APPROVED CONDITIONALLY	<input type="checkbox"/> APPROVED	
<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED	

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

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1. A “No Approval Required” (NAR) plat must be submitted for review and approval, and recorded with the County Register of Deeds prior to application for any permits on this tract. This condition is relevant because the lot identified by tax parcel number as 0486-92-7971 was “deeded” out of the parent tract and by doing so created a total of three lots without subdivision review and approval. (Note: The developer does have the option of submission for subdivision review and approval; however, the current layout of the lots does not comply with the minimum standards of the County Subdivision Ordinance.)

### **Permit-Related:**

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
4. The developer may have to 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 must be submitted and approved by Planning & Inspections prior to application for any permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. A *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:**

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with.
8. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT).
9. If the developer chooses the option of recording the NAR, the developer must submit for a waiver from the County Subdivision Ordinance requirement that swimming pools must be located no closer than 100 feet from the boundary of the project. The waiver must be approved by the County Joint Planning Board.

### **Plat-Related:**

10. Prior to submission for NAR plat approval, the developer must comply with the Town of Stedman’s *Greenway Standards for Residential Subdivisions*, receiving written approval of the plans from the Town – see Section 3.13.2, Stedman Subdivision Ordinance, for more specific details regarding this condition.

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11. Prior to submission for NAR plat approval, a four-foot wide concrete sidewalk, complying with the ADA standards, must be constructed along SR 1843 (Magnolia Church Rd), with sidewalk plans being reviewed and approved by the Town of Stedman – see Section 4.3.g, Stedman Subdivision Ordinance, for more specific details regarding this condition.
12. Prior to submission for NAR plat approval, one tree for every 50 linear foot of street frontage must be planted in an area three foot in width from the back of the right-of-way to the sidewalk along SR 1843 (Magnolia Church Rd) – see Section 4.3.h, Stedman Subdivision Ordinance, for more specific details regarding this condition.
13. “Magnolia Church Road” must also be labeled as “SR 1843” on the NAR plat.
14. Any/All easements shall be reflected on the NAR 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.
15. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR plat when submitted for final approval.
16. The NAR recombination plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the NAR 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 Statements:**

17. Since this development does not have public water/sewer, the following disclosure statement shall be provided on the NAR plat:

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

18. All structures shall be shown on the NAR plat or the NAR plat shall reflect the following statement:

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

**Other Relevant Conditions:**

19. This conditional approval is not approval of the location or use of any of the existing structures, including the swimming pool, on these tracts
20. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

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“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

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Date Request Submitted: 10-27-06  
Planning Board Meeting Date: 11-21-06  
Received by: PSS

## Cumberland County Subdivision Ordinance

### *Request for Waiver*

Case No.: 06-168 Case Name: DAVID M. HALL

Related Ordinance Section Number(s): 3.20.2

Summary of Request: WAIVER from STEEDMAN Requirement  
Condition #'S 10, 11, & 12

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

#### *Section 6.1. Waivers*

*The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:*

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

*In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.*

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

I Am NOT doing A LARGE SCALE Development,  
I AM INSTALLING ONLY 1 (ONE) Mobile  
Home

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

I AM going To Comply WITH ALL  
COUNTY ORD.

3. The property owner would not be afforded a special privilege denied to others, because:

I live IN THE County NOT THE City  
Therefore I feel I shouldn't Need To be bound  
To City Spec.

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

DAVID M. HALL  
Printed Name of Applicant/Agent

910 624 2413 OR 483 2514  
Daytime Phone Number

David M. Hall  
Signature of Applicant/Agent

OCT 27, 2006  
Date Signed

*Town of*  *Stedman*

---

November 14, 2006

Cumberland County Joint Planning Board  
PO Box 1829  
Fayetteville, NC 28302

Re: **CASE NO. 06-168 DAVID M. HALL PROPERTY**

Dear Planning Board Members:

The above property is located outside the town limits but within our Municipal Influence Area (MIA). According to our Subdivision Ordinance our standards are required to be applied in the MIA.

The Stedman Board of Commissioners met on November 2, 2006 and reviewed this case. The Board's position is that all development in its MIA should meet the town's standards, and does not agree with the County's position to grant waivers in the Town's MIA.

However, the Board realizes that in this particular case our greenway, curbs and gutters, landscaping and sidewalks standards are economically unrealistic for Mr. Hall's case. Therefore, the board voted to recommend that Mr. Hall be granted relief from the above mentioned standards.

The Town's ordinances as written, does not have any criteria to exempt developments such as Mr. Hall's case. Our Town Attorney and the Planning Staff are currently drafting ordinances that will address the application of our standards in the Town's MIA. This draft will be forwarded to the Planning Board for consideration and approval in the near future.

If you have any questions or need additional information, please feel free to contact us.

Sincerely,



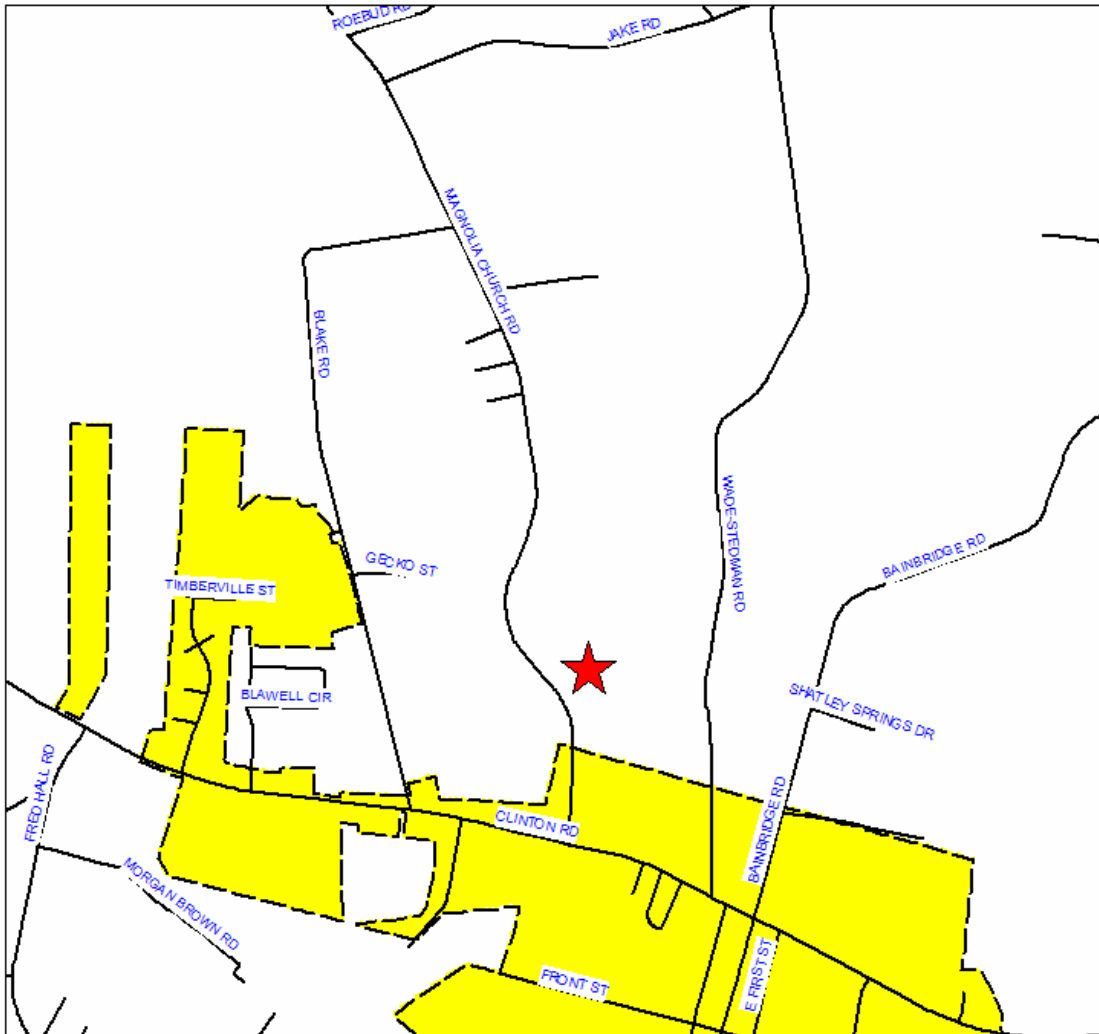
Billy D. Horne  
Mayor

cc: Tom Lloyd, Director  
Will Denning, Planner

PO Box 220 ♦ Stedman, NC 28391 ♦ Phone (910) 323-1892 ♦ Fax (910) 323-4255

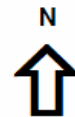
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**DAVID M. HALL PROPERTY  
GROUP DEVELOPMENT REVIEW  
CASE NO. 06-168**



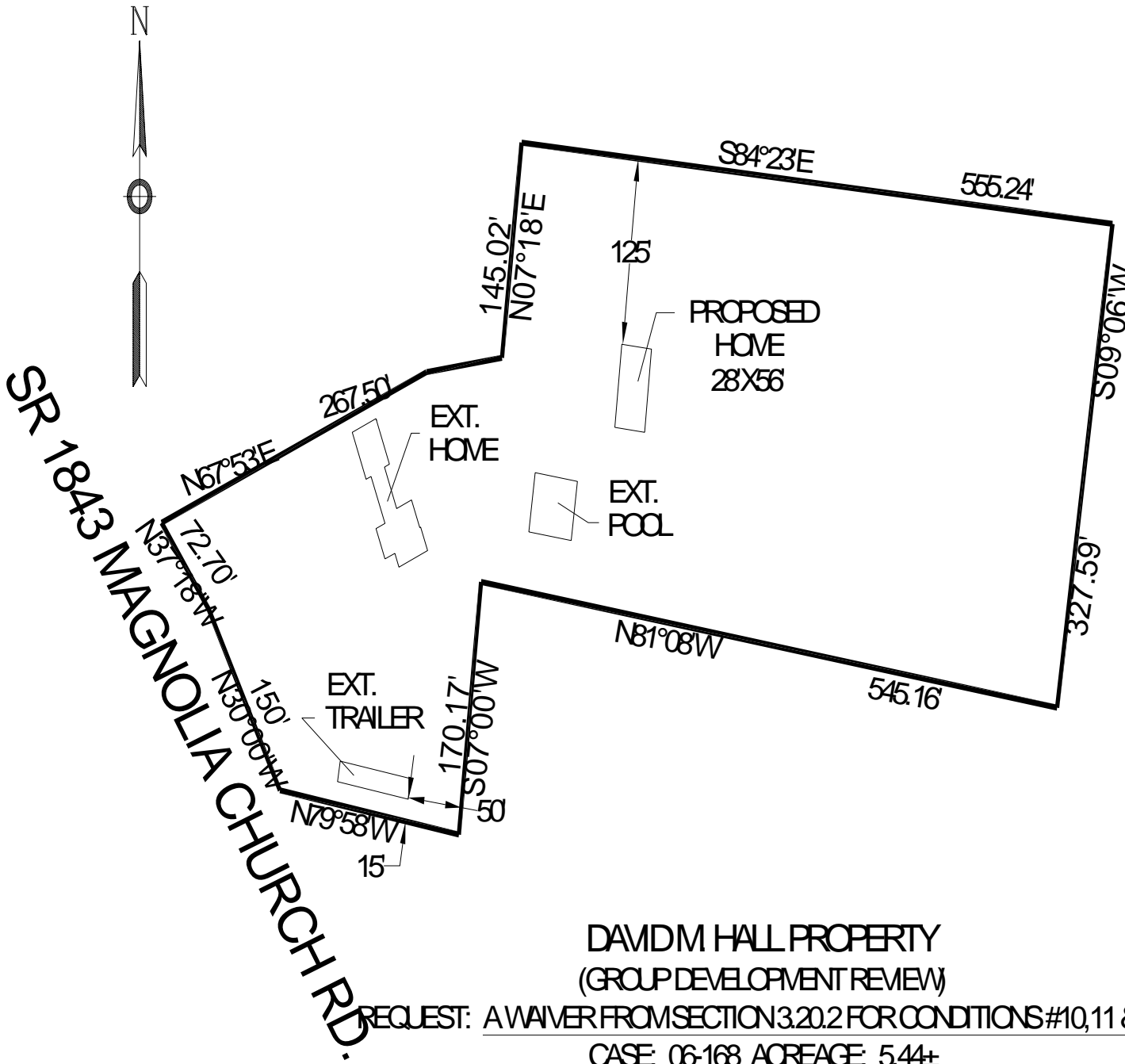
PIN(S): 0486-92-5658-, 7971-, 9882-  
PREPARED BY MAS - CCJPB  
OCTOBER 10, 2006

Map not to scale



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DAVID M HALL PROPERTY  
 (GROUP DEVELOPMENT REVIEW)

REQUEST: A WAIVER FROM SECTION 3.20.2 FOR CONDITIONS #10, 11 &

CASE: 06-168 ACREAGE: 5.44±

ZONING A1 SCALE: NTS

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*

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Director

Cecil P. Combs,  
Deputy Director

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

November 14, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 21, 2006 Board Meeting

**P06-75:** REZONING OF 1.0 ACRE FROM RR TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 4446 CLINTON ROAD, SUBMITTED BY G. NEIL YARBOROUGH, OWNED BY JANICE I. AND TOMMY D. FAIRCLOTH.

The Planning & Inspections Staff recommends denial of the C1(P) zoning district based on the following:

1. Rezoning the subject property is inconsistent with the 2010 Land Use Plan which calls for Suburban Density Residential at this location;
2. Currently, severe congestion is prevalent on Clinton and Old Vander Roads qualifying this request as unreasonable. The uses allowed within the C1(P) zoning district will only add to the already overburdened street system. In addition to the existing school traffic, a 230 lot subdivision with direct access to Old Vander Road, south of the subject property, was approved as a use by right in March 2006; and
3. Rezoning the subject property to a commercial district at this location will not serve a viable public purpose and should not be considered until such time that the streets in the immediate area are upgraded.

There are no other suitable rezoning districts to be considered for this request.

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## **SITE PROFILE**

### **P06-75**

REZONING OF 1.0 ACRE FROM RR TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 4446 CLINTON ROAD, SUBMITTED BY G. NEIL YARBOROUGH, OWNED BY JANICE I. AND TOMMY D. FAIRCLOTH.

#### **Site Information:**

**Applicant/Owner:** G. NEIL YARBOROUGH / JANICE I. AND TOMMY D. FAIRCLOTH

**Area:** 1.0 acre

**Frontage & Location:** 235 feet on Clinton Road and 180 feet on Old Vander Road

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** September 3, 1996 (Area 20)

**Zoning Violation(s):** None

**Nonconformities:** Yes, the existing structures are legal nonconforming due to dimensional requirements (built in 1926).

**Surrounding Zoning:** North-RR, R10, C1(P) and C(P), East-RR, South-R20, RR, and West-RR, RR/CU, C(P), R5A

**Surrounding Land Use:** No name commercial, single family residential and vacant land

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

**Urban Services Area:** Yes

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

**Soil Limitations:** None

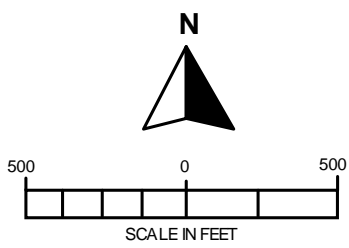
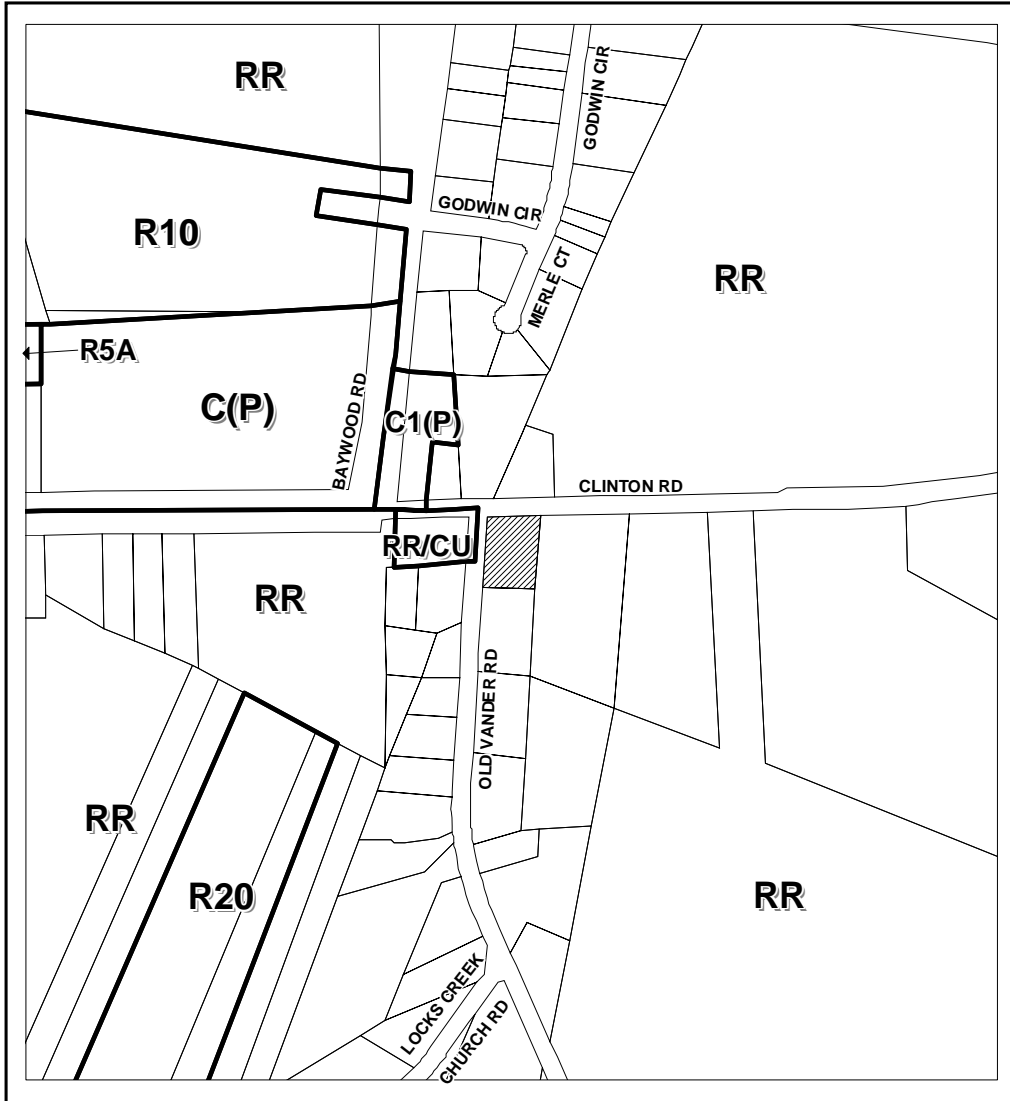
**Subdivisions:** If rezoned, a site plan review will be required prior to any development.

**Military Impact Area:** No

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

**Average Daily Traffic Count (2004):** 5,500 on Clinton Road and 1,800 on Old Vander Road

**Notes:**



**REQUESTED REZONING:  
RR TO C1(P)**

ACREAGE: 1.00 AC. +/-		HEARING NO: P06-75	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0466-88-1035

SP

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Town of Linden

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Vice-Chair  
Wade, Falcon & Godwin

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



## COUNTY of CUMBERLAND

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Deputy Director

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

November 14, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 21, 2006 Board Meeting

**P06-79:** REZONING OF TWO PARCELS TOTALING 68.12 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2835 JOHN MCMILLAN ROAD, OWNED BY LAWRENCE C. AND OLETA C. SMITH, AND PHILLIP C. SMITH.

The Planning & Inspections Staff recommends denial of the R20 district and approval of R40 district based on the following:

1. The R40 zoning district is consistent with the 2010 Land Use Plan which calls for Farmland at this location, R20 is not consistent;
2. The subject property is not served by public water or sewer;
3. There is a substantial portion of hydric soils on the subject property; and
4. The R40 zoning district is consistent with the current zoning, lot sizes and character of the general area.

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

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**SITE PROFILE**  
**P06-79**

REZONING OF TWO PARCELS TOTALING 68.12 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2835 JOHN MCMILLAN ROAD, OWNED BY LAWRENCE C. AND OLETA C. SMITH, AND PHILLIP C. SMITH.

**Site Information:**

**Applicant/Owner:** LAWRENCE C. AND OLETA C. SMITH, AND PHILLIP C. SMITH

**Area:** 68.12 acres

**Frontage & Location:** 1,985 feet on John McMillan Road

**Depth:** 1,845 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Farming and Residential

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

**Zoning Violation(s):** None

**Surrounding Zoning:** North-A1, A1/CU, East-A1, R40, R40A, South-A1, A1/CU, R40, and West-A1, R40

**Surrounding Land Use:** Cell tower, horse boarding, single family residential, vacant land and farmland

**2010 Land Use Plan:** Farmland

**Urban Services Area:** No

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

**Soil Limitations:** Yes-Jt (Johnston loam) and Ra (Rains loamy sand)

**School Capacity/Enrolled:** Gray's Creek Elementary 764/728, Gray's Creek Middle 495/614, Gray's Creek High 1270/1099

**Subdivisions:** A subdivision review will be required prior to development of these lots.

**Military Impact Area:** No

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

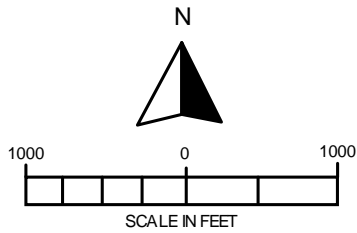
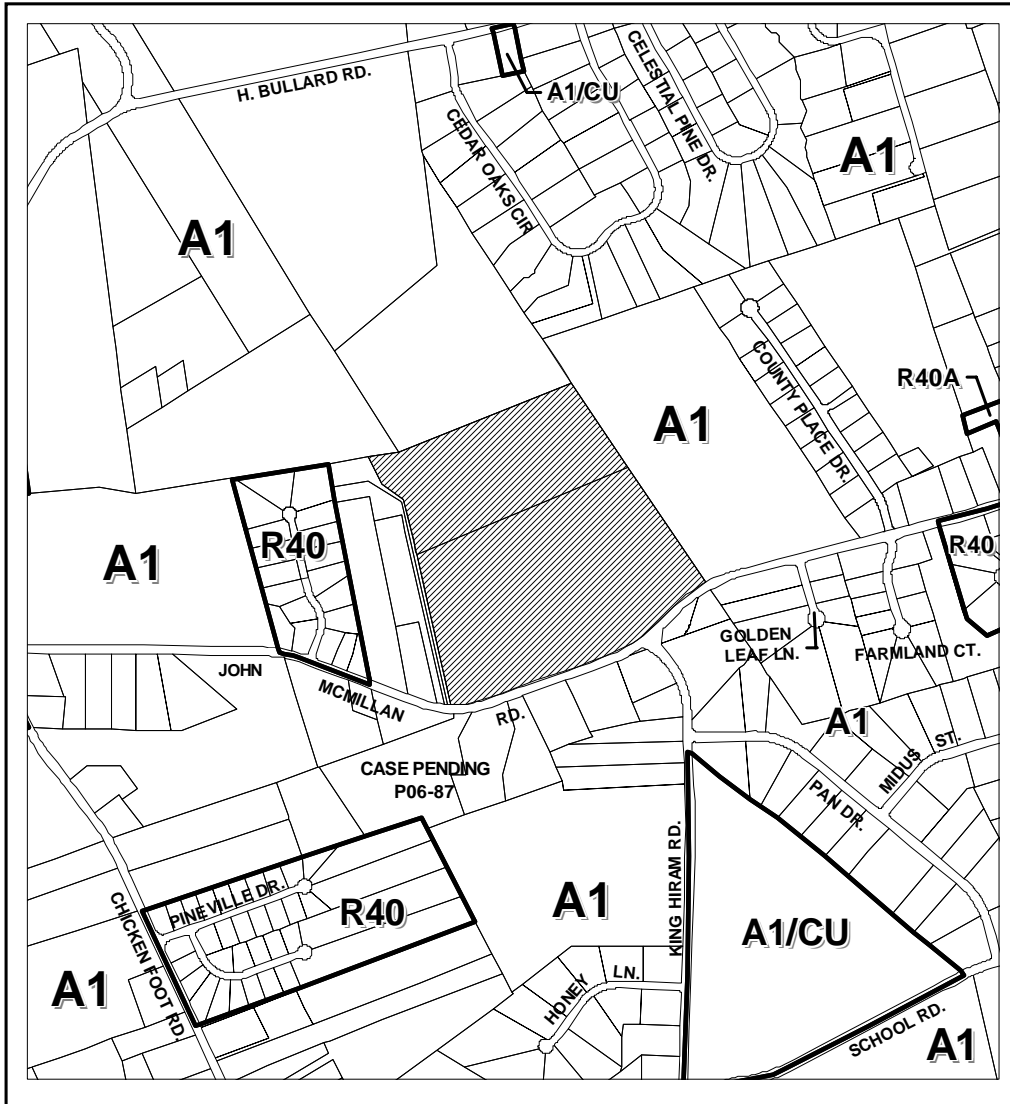
**NCDOT:** A driveway permit will be required, turn lanes may be required, and all lots will be required to be served internally.

**Average Daily Traffic Count (2004):** 730 on John McMillan Road

**Notes:**

Density minus 20% for roads:	A1 – 27 lots
	R40 – 59 lots
	R30 – 79 lots
	R20 – 118 lots

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PIN: 0431-39-4250  
 PIN: 0431-38-8328

<b>REQUESTED REZONING A1 TO R20</b>		
ACREAGE: 68.12 AC.+/-		HEARING NO: P06-79
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

AF

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Town of Linden

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Town of Spring Lake  
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Town of Stedman



## COUNTY of CUMBERLAND

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

November 14, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 21, 2006 Board Meeting

**P06-84:** REZONING OF 1.46 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE SOUTHEAST SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, OWNED BY DENNIS J. AND JULIE A. BYRD.

The Planning & Inspections Staff recommends denial of the R10 district based on the following:

1. The request is inconsistent with the 2010 Land Use Plan which calls for Suburban Density Residential; and
2. Rezoning this property will not serve a viable public purpose and is unreasonable since the entire subject property contains hydric soils, which could cause stormwater runoff onto adjacent properties.

There are no other suitable zoning districts for this request.

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**SITE PROFILE**  
**P06-84**

REZONING OF 1.46 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE SOUTHEAST SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, OWNED BY DENNIS J. AND JULIE A. BYRD.

**Site Information:**

**Applicant/Owner:** DENNIS J. AND JULIE A. BYRD

**Area:** 1.46 acres

**Frontage & Location:** 27 feet on Clinton Road

**Depth:** 475 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Vacant

**Initial Zoning:** April 26, 1979 (Area 8)

**Zoning Violation(s):** None

**Surrounding Zoning:** North-RR, R10, R6A, C3, East-RR, R10, South-A1, RR, R10, M2, and West-RR, R15, R6A, C3, C3/CU, M2

**Surrounding Land Use:** Insulation company, single family residential and vacant land

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

**Urban Services Area:** Yes

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

**Soil Limitations:** Yes – Le (Leon sand) and JT (Johnston loam)

**School Capacity/Enrolled:** Sunnyside Elementary 245/356, Mac Williams 1274/1159, Cape Fear 1400/1490

**Subdivisions:** A group development review will be required prior to any future development. This property does not have enough road frontage to be further subdivided.

**Military Impact Area:** No

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

**NCDOT:** A driveway permit will be required.

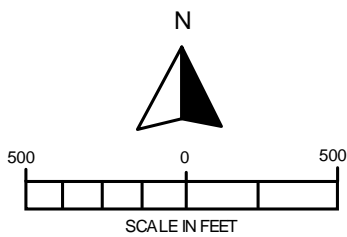
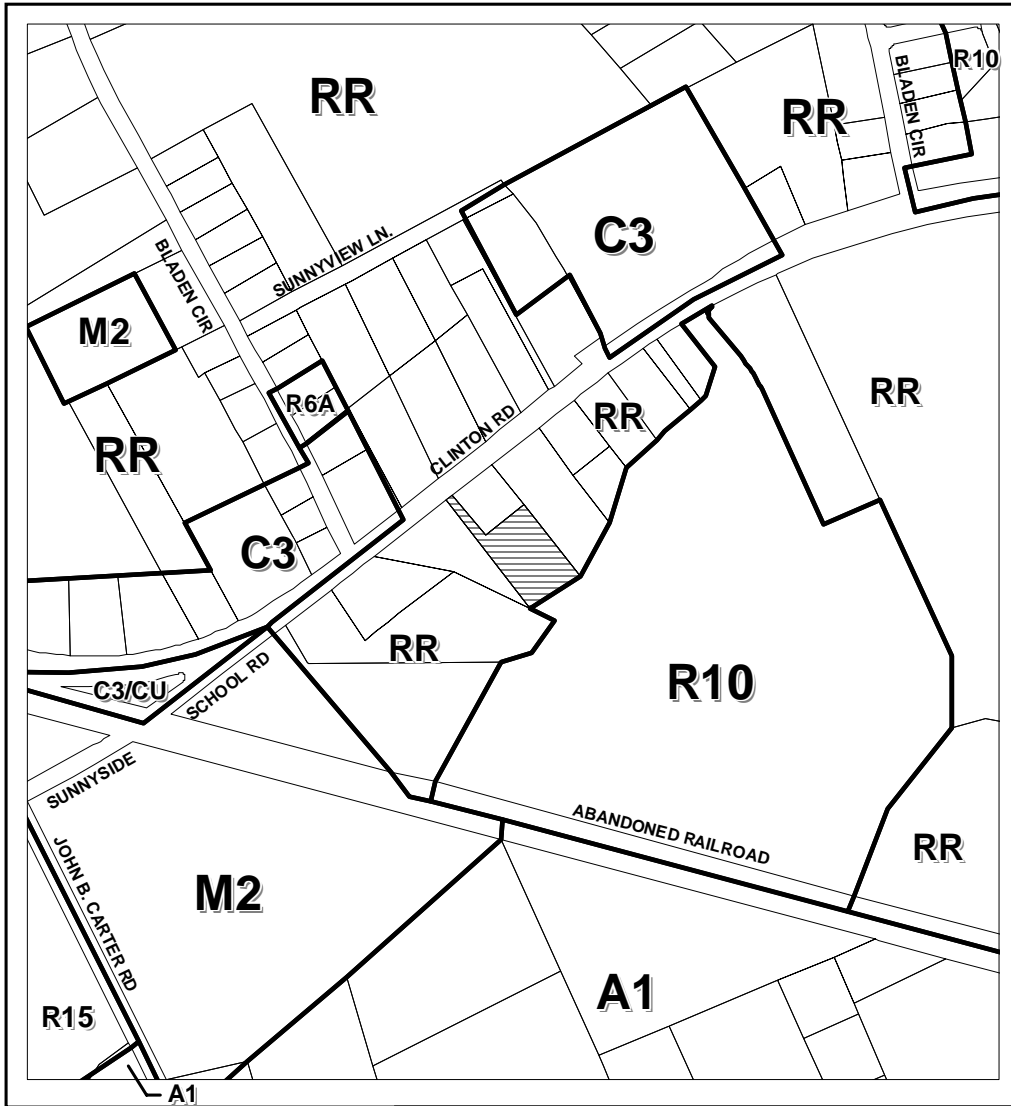
**Average Daily Traffic Count (2004):** 5,500 on Clinton Road

**Notes:**

Density:       RR – 3 units  
                  R15 – 4 units  
                  R10 – 6 units

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Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**



PIN: 0466-36-8993

## REQUESTED REZONING RR TO R10

ACREAGE: 1.46 AC. +/-		HEARING NO: P06-84	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

AF

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Town of Stedman



## COUNTY of CUMBERLAND

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

November 14, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for November 21, 2006 Board Meeting

**P06-86:** REZONING OF .47 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 4721 CAMDEN ROAD, OWNED BY KACEY SHUPE.

The Planning & Inspections Staff recommends denial of the C1(P) district based on the following:

1. The request is not consistent with the 2010 Land Use Plan which calls for Low Density Residential at this location;
2. Rezoning to the C1(P) district is arbitrary and will not serve a viable public purpose but would promote strip commercial development in a predominately residential area; and
3. The request is not reasonable nor compatible with the current zoning and character of the area.

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

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**SITE PROFILE**  
**P06-86**

REZONING OF .47 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 4721 CAMDEN ROAD, OWNED BY KACEY SHUPE.

**Site Information:**

**Applicant/Owner:** KACEY SHUPE

**Area:** .47 acres

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

**Depth:** 272 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Vacant Residential

**Initial Zoning:** November 17, 1975 (Area 4)

**Zoning Violation(s):** None

**Nonconformities:** Yes – the residential structure will become nonconforming

**Surrounding Zoning:** North-RR, R10, East-R20, R10, R10/CU, R6A, C(P), South-RR, R10, MXD/CU, and West-R10, C(P)

**Surrounding Land Use:** Daycare, manufactured home park, single family residential and vacant land

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

**Urban Services Area:** Yes

**Water/Sewer Availability:** Well / Septic – PWC water available 790 feet NW and PWC sewer available 480 feet to the NW (both within Saddleridge Subd.)

**Subdivisions:** A site plan review will be required for a change of use for any future development. A recombination plat must be recorded.

**Military Impact Area:** No

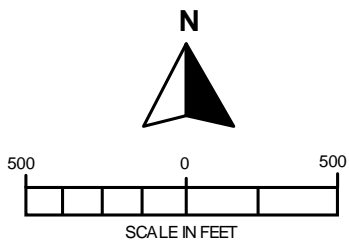
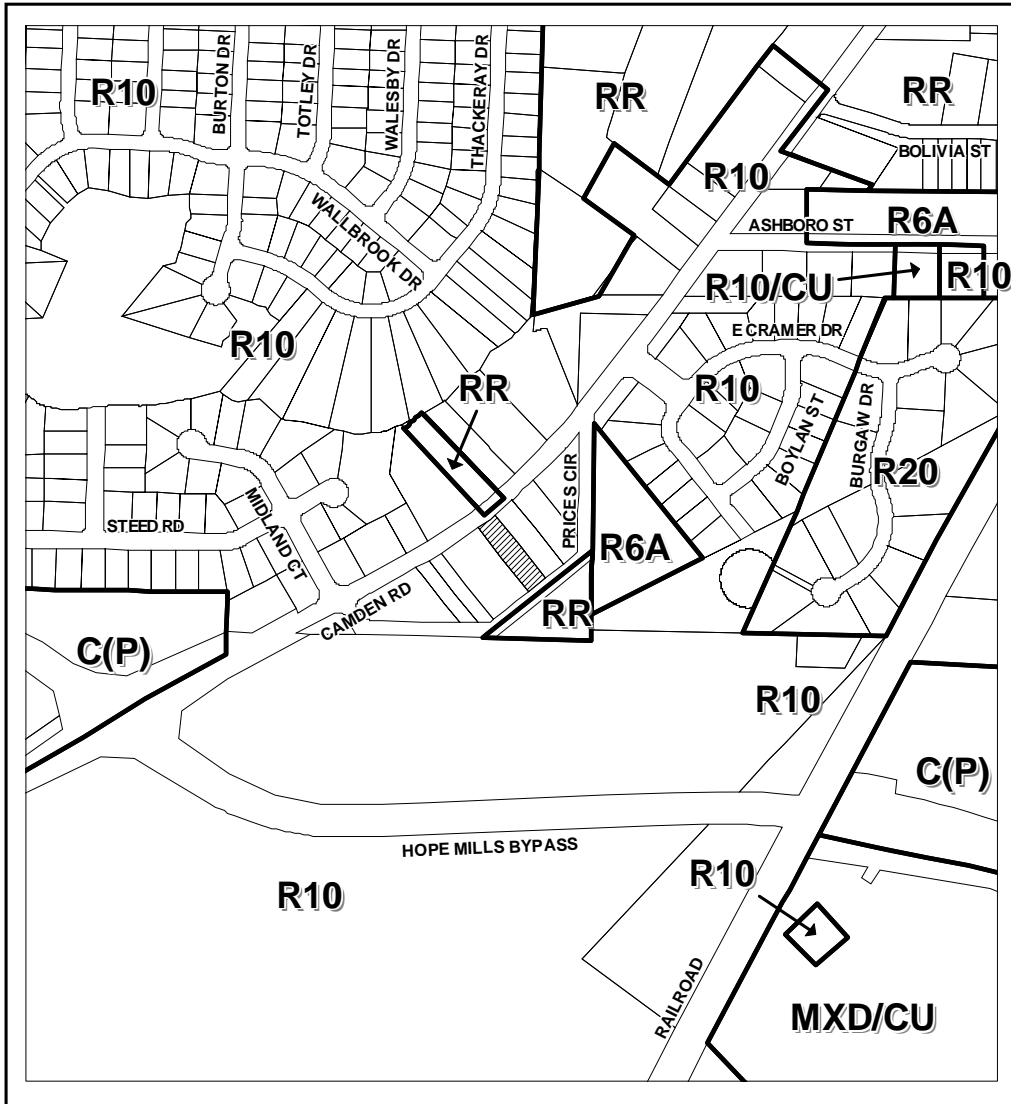
**Highway Plan:** Camden Road is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility with a 100-foot right-of-way. Road improvements are included in the 2006-2012 MTIP. Planning/Design: In Progress, Mitigation: FFY 07, ROW: FFY 06, Construction: FFY 08, 09, Post Years

**Average Daily Traffic Count (2004):** 17,000 on Camden Road

**Notes:**

The subject property will not be affected by the realignment of Camden Road; the affected area is north of this site.

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<b>REQUESTED REZONING: R10 TO C1(P)</b>		
ACREAGE: 0.47 AC.+/-		HEARING NO: P06-86
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0415-62-6251

SP

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