

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

OCTOBER 17, 2006

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - 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.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARINGS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF OCTOBER 3, 2006

REZONING CASES

- 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)
- 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.
- D. P06-74: REZONING OF .91 ACRES FROM C1(P) TO C(P), AT 4591 CUMBERLAND

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

ROAD, SUBMITTED BY GEORGE L. LOTT, OWNED BY GERALD CHAMBERS.

- 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.

- 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.

PLAT & PLAN

- 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.

VII. PUBLIC HEARING ITEMS

CONDITIONAL USE DISTRICTS & PERMITS

- A. P06-50: REZONING OF 73.21 ACRES FROM A1 TO R20/DD/CUD 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.

- B. P06-64: REZONING OF 11.72 ACRES FROM A1 TO M(P)/CUD 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.

ORDINANCE REVISION

- 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.

TRANSPORTATION DRAFT

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

VIII. DISCUSSION

- IX. FOR YOUR INFORMATION / DIRECTOR'S UPDATE
- X. ADJOURNMENT

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

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 3, 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

VI. INVOCATION AND PLEDGE OF ALLEGIANCE

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

VII. ADJUSTMENTS TO AGENDA

Chair Morris stated that the Discussion and Director's Update would be deleted.

VIII. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF SEPTEMBER 19, 2006

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

B. 06-157: CONSIDERATION OF ROBIN ROBERTS PROPERTY, SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTIONS 3.17.D "CORNER RADII", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE EAST SIDE OF SR 1835 (ROCKHILL ROAD), NORTH OF SR 1836

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

(PLEASANT VIEW DRIVE)

A motion was made by Mrs. Piland, seconded by Mrs. Epler, to approve the waiver request for Plat & Plan Case 06-157. Unanimous approval.

IX. PLAT & PLAN REVIEW

- A. 04-175: CONSIDERATION OF THE HUMMINGBIRD PLACE, SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTION 3.17.C "CUL-DE-SAC", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATION ON THE SOUTH SIDE OF SR 1885 (HUMMINGBIRD PLACE), EAST OF SR 1831 (BAYWOOD ROAD)

Mr. Lloyd reviewed the request and stated that the applicant was present. Mr. John Lennon, applicant, addressed the Board and reviewed his request. He stated that his request does exceed the Ordinance requirement by 300 feet but that the property is not landlocked. He further stated that approval of the waiver would actually be in the best interest of the adjacent property owners.

Commissioner Wheatley asked for confirmation of the staff's denial of this request. Mr. Lloyd verified that the Planning & Inspections Staff did recommend denial of the request based on their desire to uphold the current Ordinance requirements.

Mr. McLaurin made a motion, seconded by Mrs. Epler, to approve the request for a waiver based on the findings that the size of the tract to be subdivided, its topography, the provisional 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 as the adjacent tract is not landlocked and the property owner would not be afforded a special privilege denied to others. The motion was amended to add that not granting the waiver would cause an unnecessary hardship to those property owners with tracts currently under contract by restricting the layout of their lots. Unanimous approval.

V. ADJOURNMENT

There being no further business, the meeting adjourned at 7:08 p.m.

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

October 9, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 17, 2006 Board Meeting

P06-71: REZONING OF FOUR PARCELS TOTTALLING 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)

The Planning & Inspections Staff recommends approval of the R5A zoning district based on the following:

1. The request is consistent with the Spring Lake Area Detailed Land Use Plan;
2. The request is consistent with the development in the area; and
3. Spring Lake utilities are available to the subject properties.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

SITE PROFILE

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)

Site Information:

Applicant/Owner: CURTIS WORTHY

Area: 2.50 acres

Frontage & Location: 240 feet on Mont Drive, 280 feet on Hickory Street

Depth: 400 feet

Jurisdiction: Spring Lake

Adjacent Property: Yes

Current Use: Residential, commercial and vacant

Zoning Violation(s): Yes, the current structures are nonconforming due to dimensional requirements

Surrounding Zoning: Manufactured home park, daycare (2), church, duplex (3), apartments, gas station, auto sales, car wash, strip mall, vacant commercial (2), and single family residential

Surrounding Land Use: North-R6, R5, R5A, C(P), C3, East-R10, R6A, R6A/MHO, R5A, O&I, C1, C(P), South-R10, R6, O&I, C(P), C3, and West-PND, R6, O&I, C(P), C3

Spring Lake Area Detailed Land Use Plan: Medium Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Spring Lake utilities

Soil Limitations: None

School Capacity/Enrolled: Lillian Black Elementary 278/252, Spring Lake Middle 706/536, Pine Forest High 1750/1671

Subdivisions: A subdivision review or group development may be required on any future development of these properties.

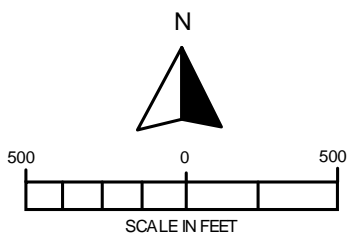
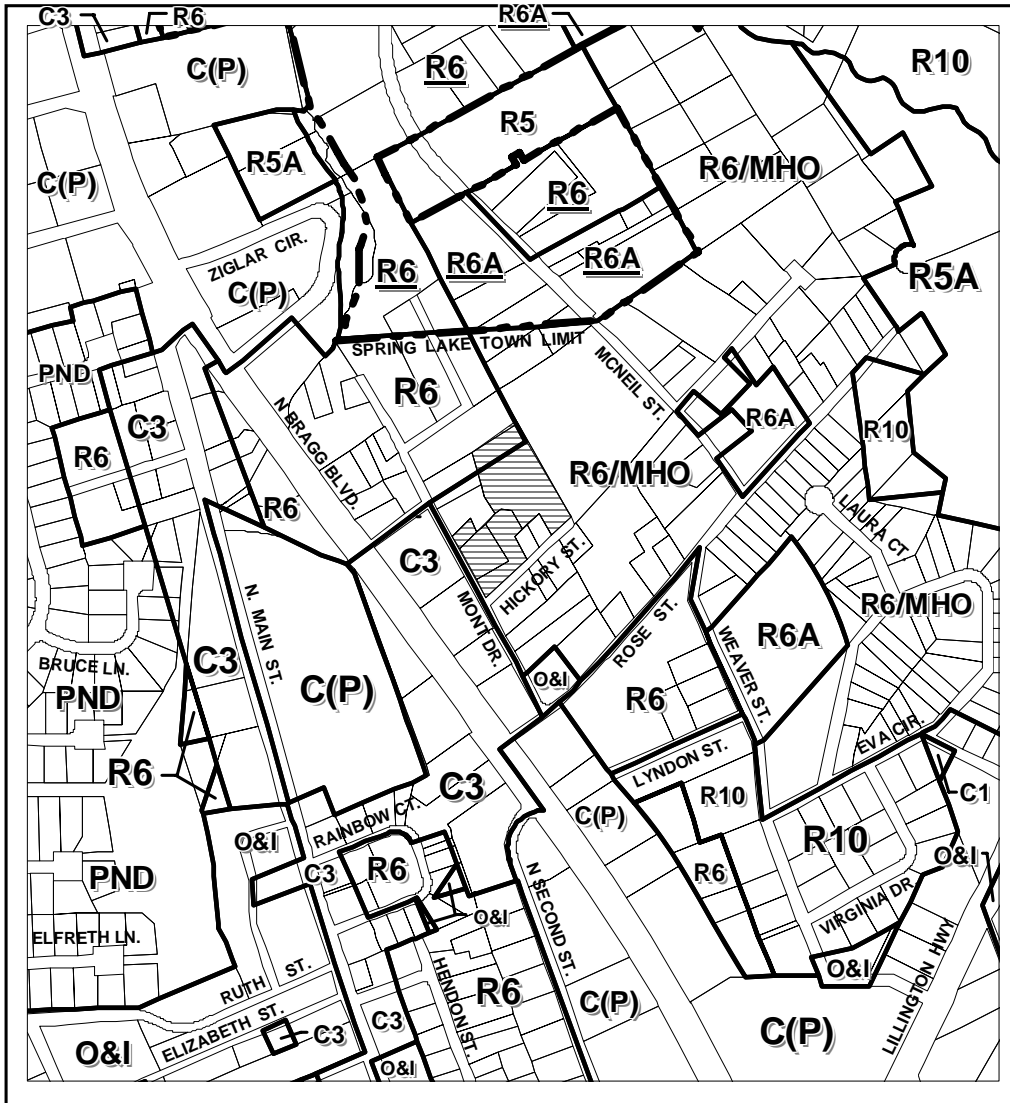
Military Impact Area: Yes

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

Notes:

Density: R6 – 22 units
 R5A – 34 units

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631



PIN: 0501-78-1806,0653
PIN: 0501-68-9628,9671

REQUESTED REZONING R6 & R6/MHO TO R5A

ACREAGE: 2.50 AC. +/-		HEARING NO: P06-71	
ORDINANCE: SPRING LAKE		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

AF

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

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

October 9, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 17, 2006 Board Meeting

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.

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; and
2. Rezoning to the A1A district will bring this property into conformity.

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

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

SITE PROFILE
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.

Site Information:

Applicant/Owner: DOROTHY T. TATUM

Area: 1.34 acres

Frontage & Location: 402 feet on Butler Nursery Road

Depth: 486 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Residential

Initial Zoning: March 1, 1994 (Area 17)

Surrounding Zoning: Primarily A1 and RR, with A1/CU to the South

Surrounding Land Use: Church, single family residential and vacant land

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic

Soil Limitations: Some hydric soils (Roanoke loams)

Subdivisions: A subdivision review will be required for this property.

School Capacity/Enrolled: Gray's Creek Elementary 764/728, Gray's Creek Middle 495/614, Gray's Creek High 1,270/1,261

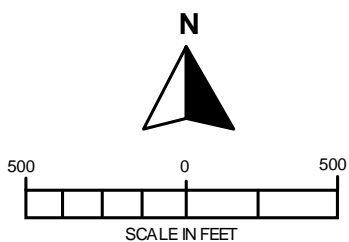
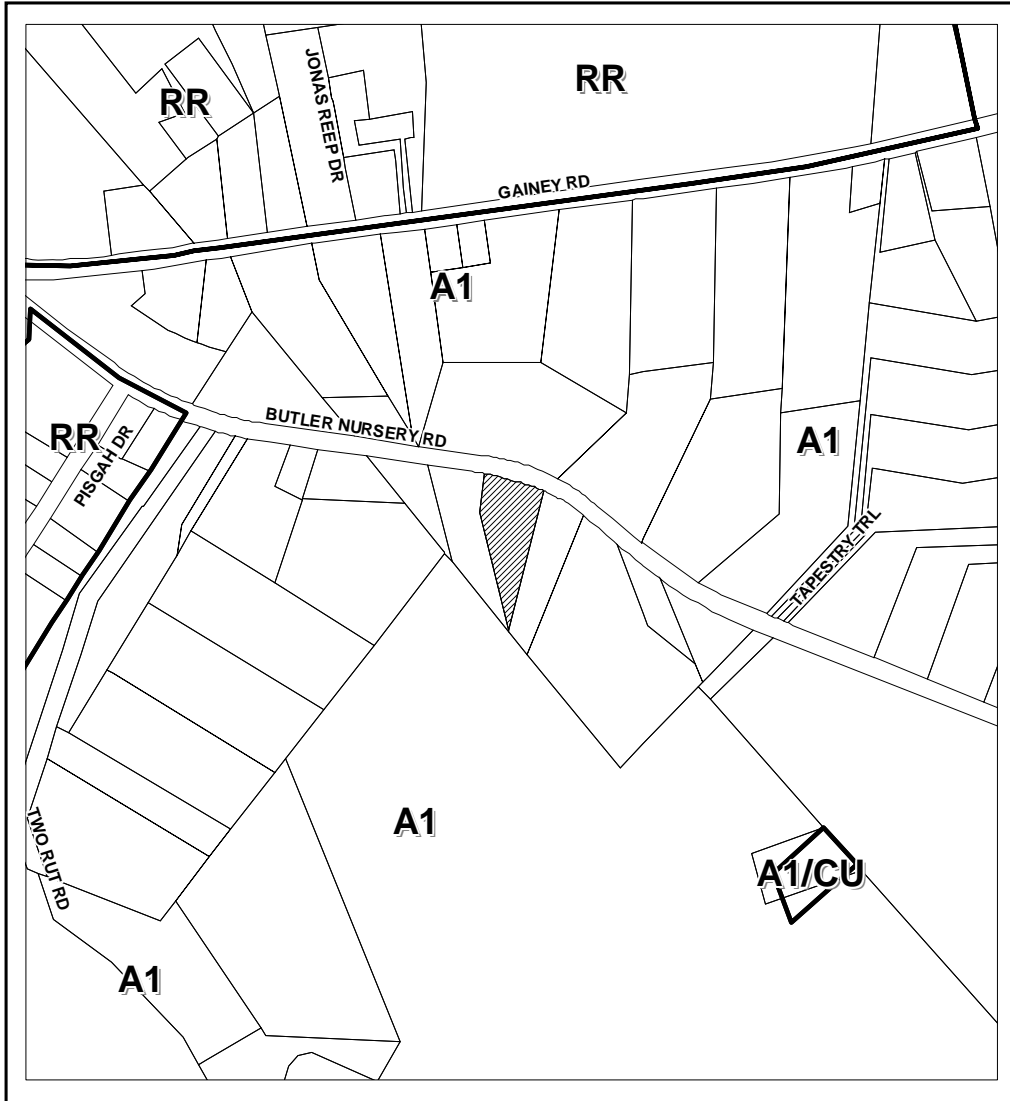
Military Impact Area: No

Highway Plan: Butler Nursery Road is identified as a Major Thoroughfare. The Highway Plan calls for a center turning lane (Priority 3). Road improvements are not included in the 2006-2012 MTIP.

Average Daily Traffic Count (2004): 1,200 on Butler Nursery Road

Notes:

Density: A1A – 1 unit



REQUESTED REZONING: A1 TO A1A		
ACREAGE: 1.34 AC. +/-		HEARING NO: P06-73
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0443-97-5640

SP

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

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

October 9, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 17, 2006 Board Meeting

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.

The Planning & Inspections 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 following:

1. The request is consistent with the zoning and existing development in the area;
2. The subject property is located on a major thoroughfare; which has recently been widened to five lanes; and
3. 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.

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

SITE PROFILE

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.

Site Information:

Applicant/Owner: GEORGE L. LOTT, GERALD CHAMBERS

Area: .91 acres

Frontage & Location: 201 feet on Cumberland Road

Depth: 151 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Commercial

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

Surrounding Zoning: North-R10, C1, C1(P), C1(P)/CU, East-R10, R6A, C1, C1(P), C(P), C3, South-R10, R6A, C(P), and West-R15, R10, R6A, P2, C1, C(P)

Surrounding Land Use: Health Care Center, strip mall, church, custom paint shop, duplexes, lettering business and single family residential

2010 Land Use Plan: Light Commercial

Urban Services Area: Yes

Water/Sewer Availability: PWC water and sewer available

Subdivisions: A site plan review will be required on any development.

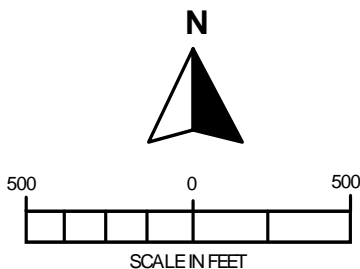
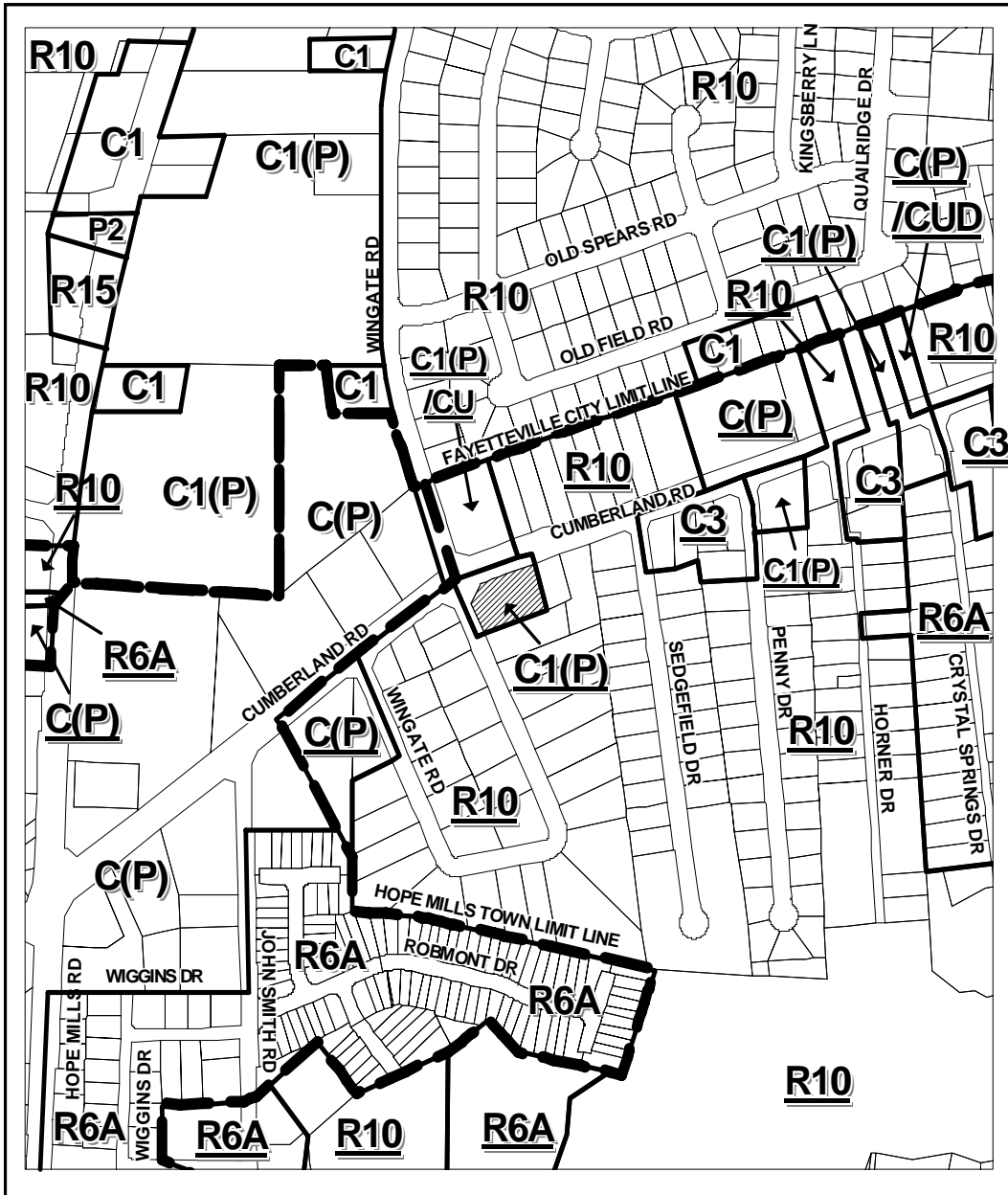
Military Impact Area: No

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

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

Notes:

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631



REQUESTED REZONING: C1(P) TO C(P)		
ACREAGE: 0.91 AC. +/-	HEARING NO: P06-74	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

FIN: 0415-17-4712

SP
REV: 10-03-06

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

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

October 9, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 17, 2006 Board Meeting

P06-76: REZONING OF 2 PARCELS TOTALLING 4.54 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.

The Planning & Inspections Staff recommends approval of the R30 zoning district even though the request is not consistent with the 2010 Land Use Plan based on the following:

1. Sampson County water is available to the subject property; and
2. The subject property is located on a major thoroughfare.

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

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

SITE PROFILE
P06-76

REZONING OF 2 PARCELS TOTALLING 4.54 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.

Site Information:

Applicant/Owner: ROBERT L. NUNNERY JR.

Area: 4.54 acres

Frontage & Location: 556 feet on Clinton Road

Depth: 354 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: September 3, 1996 (Area 21)

Previous Zoning Action: Case P06-16, A1 to R40, 4/18/06 (brought back at the request of the Commissioner's)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with some R6A to the Northwest

Surrounding Land Use: Auto sales, gas station, log homes and car sales, and single family residential

2010 Land Use Plan: Farmland and Open Space

Urban Services Area: No

Water/Sewer Availability: Sampson County Water / Septic

Soil Limitations: No

School Capacity/Enrolled: Stedman Primary 136/163, Stedman Elementary 303/286, Mac Williams Middle 1,274/1,189, Cape Fear High 1,400/1,490

Subdivisions: A subdivision review will be required in order to develop these lots.

Military Impact Area: No

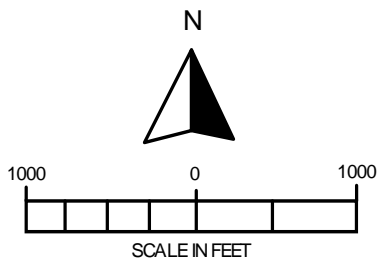
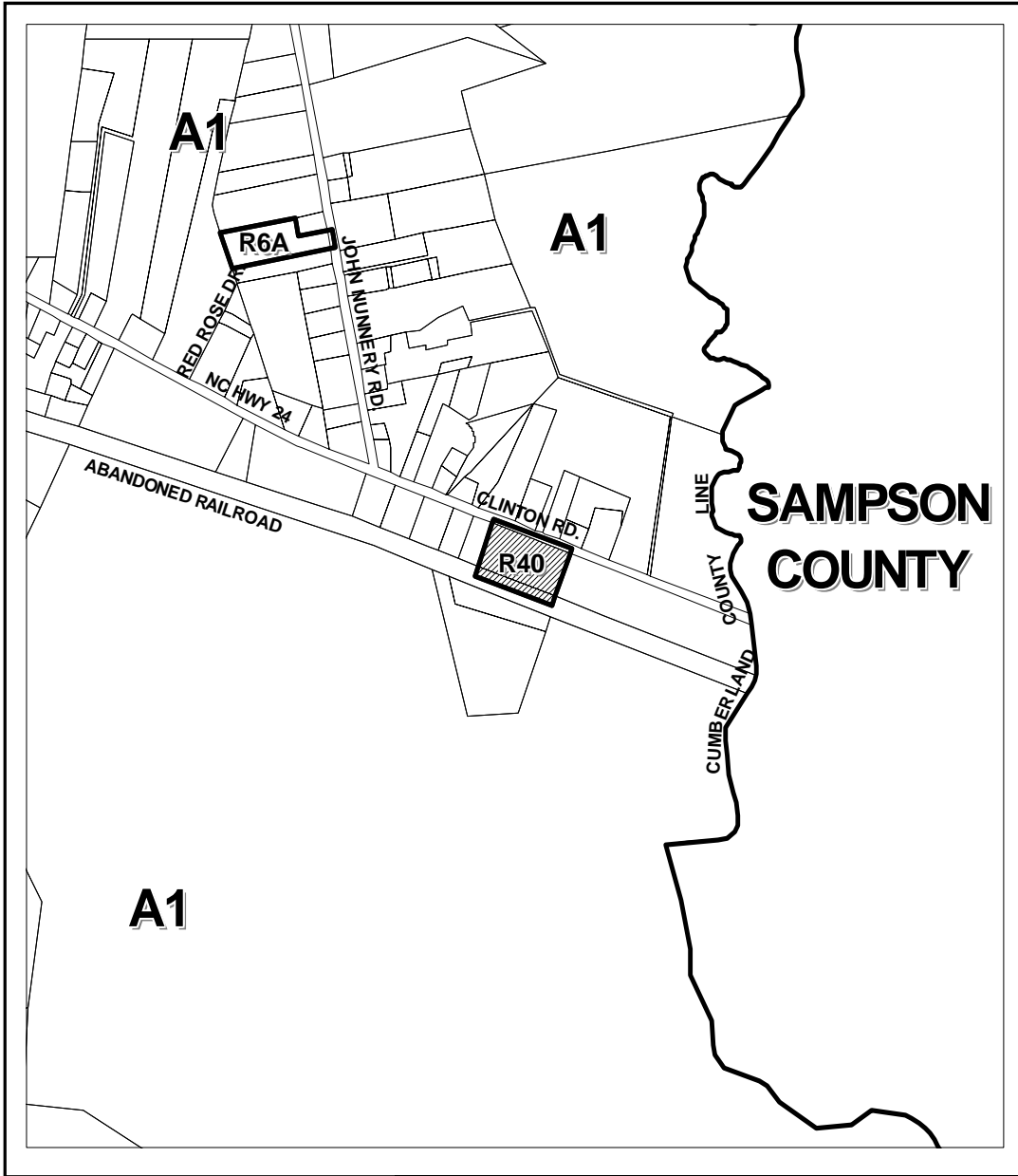
Highway Plan: NC Hwy 24 is identified as a Major Thoroughfare. This is a multi-lane facility with a current 250 foot right-of-way. Road improvements are included in the 2006-2012 MTIP. Planning/Design-In Progress, Mitigation-SFY 08, ROW-SFY 08, 09, Construction-SFY 08, 11, and Post Years – this will not affect the subject property

Average Daily Traffic Count (2004): 9,700 on Clinton Road

Notes:

Density: R40 – 4 lots
 R30 – 6 lots

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631



REQUESTED REZONING R40 TO R30

ACREAGE: 4.54 AC.+/-

HEARING NO: P06-76

ORDINANCE COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

PIN: 1405-45-3066
PIN: 1405-45-4223

AF

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

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

October 9, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 17, 2006 Board Meeting

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.

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

1. Rezoning the property is consistent with the 2010 Land Use Plan;
2. Falcon water is available to the subject property and upon development, connection will be required; and
3. 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.

Attachments:

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

SITE PROFILE

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.

Site Information:

Applicant/Owner: HAROLD E. AND JOLENE MAXWELL

Area: 3.45 acres

Frontage & Location: 351 feet on Allie Cooper Road

Depth: 294 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Farmland

Initial Zoning: November 25, 1980 (Area 14)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40/CU, R40A, R20A, R15A, R15A/CU, O&I, C1, M, East-CD, A1, R40A, South-CD, A1, R40A, RR, and West-A1, R40A, R20A

Surrounding Land Use: Single family residential and vacant land

2010 Land Use Plan: Farmland and Low Density Residential

Urban Services Area: No

Water/Sewer Availability: Well/Septic–Falcon Water available along Allie Cooper Rd

Soil Limitations: No

School Capacity/Enrolled: District #7 Elementary 241/270, Mac Williams Middle 1,274/1,159, Cape Fear High 1,400/1,490

Subdivisions: A subdivision review will be required.

Military Impact Area: No

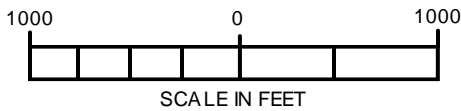
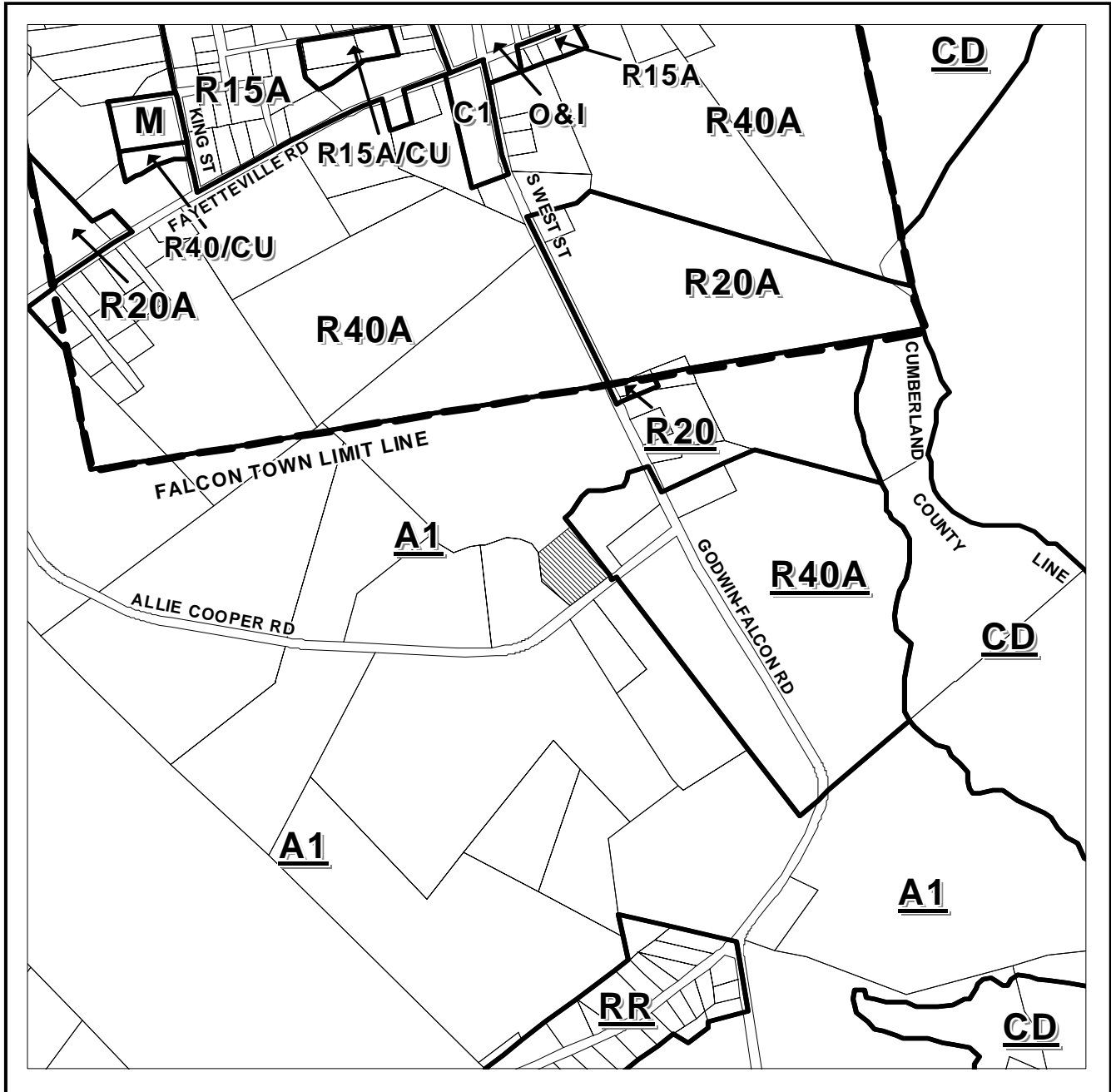
Highway Plan: No road improvements or new construction specified for this area.

Average Daily Traffic Count (2004): 390 on Allie Cooper Road

Notes:

Density: A1 – 1 lot / 2 units
 A1A – 3 lots / 3 units
 R40 – 3 lots / 4 units

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631



REQUESTED REZONING: A1 TO R40

ACREAGE: 3.45 AC.+/-		HEARING NO: P06-77	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PORT. PIN: 1502-51-1764

SP

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

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

October 10, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-149
Clark Park – Mark Gainey Property
(Group Development Review)

The developer has submitted a request for a waiver from Section 3.20.2 “Municipal Influence Area” (MIA), County Subdivision Ordinance, regarding the requirement for buffers in the Spring Lake Zoning Ordinance. The MIA requires that developments located within a Town’s MIA must comply with the standards of that Town. One of the standards this development would be required to meet, would be to provide a buffer along the sides and rear property lines. The property is zoned R6A Residential, contains 0.67 +/- acres, and has 135 feet of road frontage.

This development is a mobile home park (MHP) with three manufactured homes and a house on the same tract. The MHP existed prior to the current standards for MHPs. The developer has removed two manufactured homes and wishes to replace them with a new double-wide manufactured home. Under the Town of Spring Lake’s Code, the developer would be required to buffer this group development from the other residential properties. This development is no longer classified as a mobile home park since the number of manufactured homes is now less than three.

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, 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.**

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

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

- 1) The nature of the adjoining properties are similar in that the other lots with more than one manufactured home in this general area do not have buffers in place;
- 2) The public purposes of the Subdivision and Zoning Ordinances are being served to an equal or greater degree by the developer's removal of the two older manufactured homes, the replacement home would be a reduction of the total number of manufactured homes on this lot and buffers would not typically be required for this development;
- 3) The other similar developments in the County are not subject to this requirement for buffers and the developer would not be afforded a special privilege denied by other County citizens.



Date Request Submitted: 9-27-06

Planning Board Meeting Date: 10-17-06

Received by: EMB

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 02-149 Case Name: _____

Related Ordinance Section Number(s): 3020.2 Municipal Influence Area

Summary of Request: In order not to have to meet
Buffer requirements

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

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 B. Combs
Deputy Director

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

PLANNING STAFF DECISION: 9-7-06 PLANNING BOARD DECISION: 10-17-06 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-149 NAME OF DEVELOPMENT: CLARK PARK – MARK GAINEY
PROPERTY
(GROUP DEVELOPMENT REVIEW)

SIDE OF SR 2420 (CREECH DRIVE), LOCATION: EAST
ZONING: R6A

ROAD. PIN: 0512-12-7345- SOUTH OF ROSSER

OWNER OR DEVELOPER: MARK GAINEY ENGINEER OR DESIGNER: N/A

- 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 checked="" 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:

Permit-Related:

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

1. 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.
2. 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.)
3. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

Site-Related:

5. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT).
6. If “storage” building is a manufactured home, the structure must be removed from the property or be modified to meet the NC Building Code as required by the Manufactured Building Division of the Department of Insurance. Modification will require an engineer certification.
7. Because this site is located in the Town of Spring Lake Municipal Influence Area, the following additional requirements must be complied with:
 - a. The side and rear yards must provide a buffer in accordance with Section 1102 G, County Zoning Ordinance;
 - b. Garbage and trash disposal areas must be located on a cement pad and screened on three sides.

Plat-Related:

8. A “No Approval Required” (NAR) plat recombining the lots 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.
9. “Creech Drive” also be labeled as SR 2420 on the “NAR” plat.
10. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the “NAR” plat when submitted for final approval.

Plat-Required Statements:

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

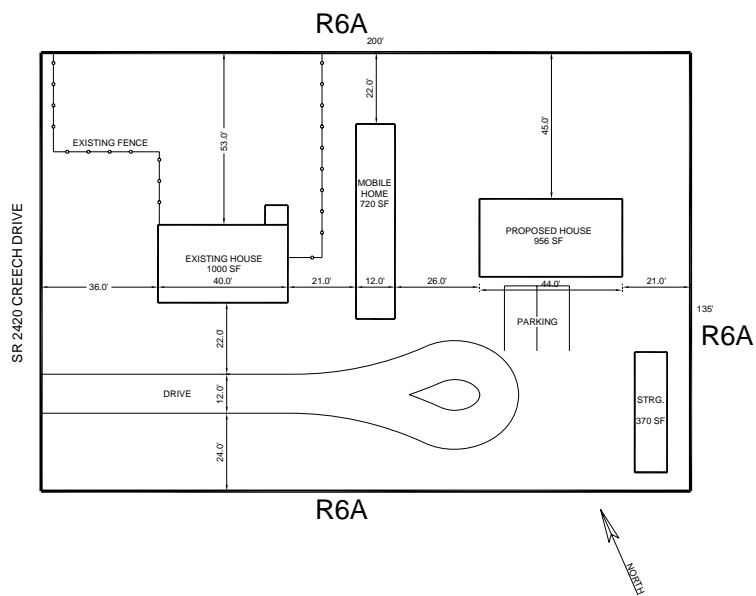
“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

12. 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:

13. 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: “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.”
14. The developer submitted a request for a waiver from Section 3.20.2 of the County Subdivision Ordinance, this case will be heard on October 17, 2006. (See attached memorandum, dated October 10, 2006 for Staff recommendation.)

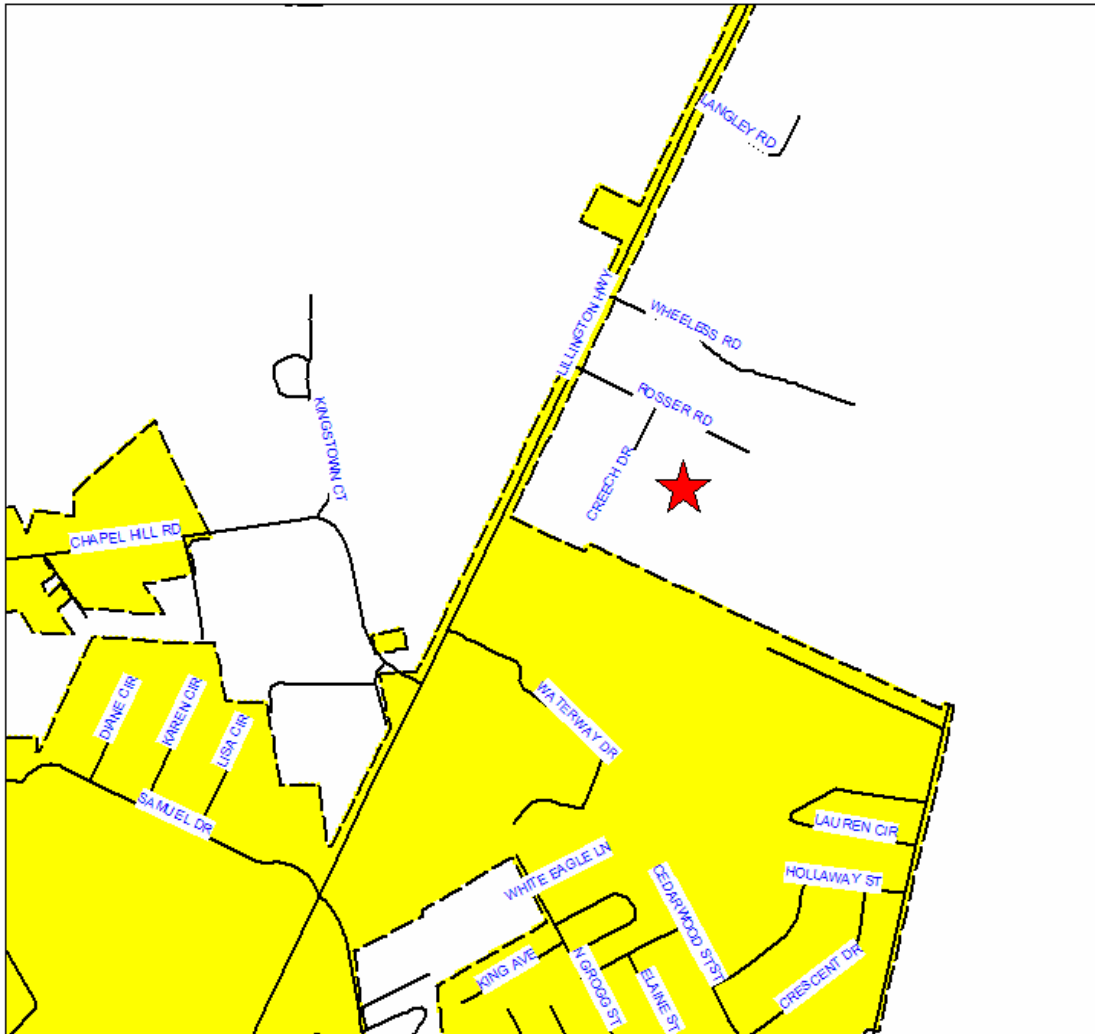
130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631



CLARK PARK
 MARK GAINY PROPERTY GROUP DEVELOPMENT REVIEW
 REQUEST: A WAIVER FROM SECTION 3.20.2
 CASE: 06-149 SCALE: 1"=30'
 ZONED: R6A
 ACREAGE: 0.67±

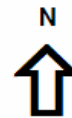
130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

**CLARK PARK
GROUP DEVELOPMENT REVIEW
CASE NO. 06-149**



PIN(S): 0512-12-7345-
PREPARED BY MAS - CCJPB
AUGUST 24, 2006

Map not to scale



**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

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

October 9, 2006

MEMORANDUM

TO:
Joint Planning Board

Cumberland County

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 17, 2006 Board Meeting

P06-50: REZONING OF 73.21 ACRES FROM A1 TO R20/DD/CUD 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, WILLIAM G. ALPHIN, J. A. ALPHIN, JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. AND J. O. CARTER, JR AND EDGAR L. AND BEULAH A. BOST.

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) 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 Planning & Inspections 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.

The Planning & Inspections Staff recommends denial of this request, even though the request is consistent with the 2010 Land Use Plan, based on the following:

1. 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
2. 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.

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

SITE PROFILE

P06-50

REZONING OF 73.21 ACRES FROM A1 TO R20/DD/CUD 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, WILLIAM G. ALPHIN, J. A. ALPHIN, JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. AND J. O. CARTER, JR AND EDGAR L. AND BEULAH A. BOST.

Site Information:

Applicant/Owner: MICHAEL J. ADAMS / J. O. CARTER, JR, WILLIAM G. ALPHIN, J. A. ALPHIN, JR, ALPHIN LIVING TRUST, LEE TRUSTIES, ALLINE A. AND J. O. CARTER, JR AND EDGAR L. AND BEULAH A. BOST

Area: 73.21 acres

Frontage & Location: 1,074 +/- feet on Cedar Creek and A. B. Carter Roads

Depth: 2,940 +/- feet

Jurisdiction: County

Current Use: Residential and vacant

Initial Zoning: September 14, 1979 (Area 9)

Surrounding Zoning: North-A1, RR, PND, East-A1, RR, R10, C3, South-A1, R10/CU, M(P) and West-A1, A1/CU, RR, R15, M(P)

Surrounding Land Use: Church, duplex, single family residential, and farmland

2010 Land Use Plan: Low Density Residential

Urban Services Area: No

Water/Sewer Availability: PWC/PWC upon development, connection will be required. (Water is available on Cedar Creek Road and sewer exists 1000+/- feet at the intersection of Cedar Creek and Clark West Roads).

Soil Limitations: Some limitations - Leon sand, Stallings loamy sand, and Torhunta soils

School Capacity/Enrolled: Sunnyside Elementary 245/ 296, Seabrook Elementary 340/369, Mac Williams Middle 1274/1133, Cape Fear High 1400/1507

Military Impact Area: No

Highway Plan: Cedar Creek Road is identified as a Major Thoroughfare. The Plan calls for a multi-lane facility (Priority 1-unfunded). A B Carter Road is a Minor Thoroughfare. The Plan calls for adding a center turn lane (Priority 3).

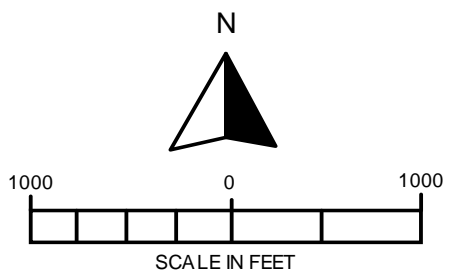
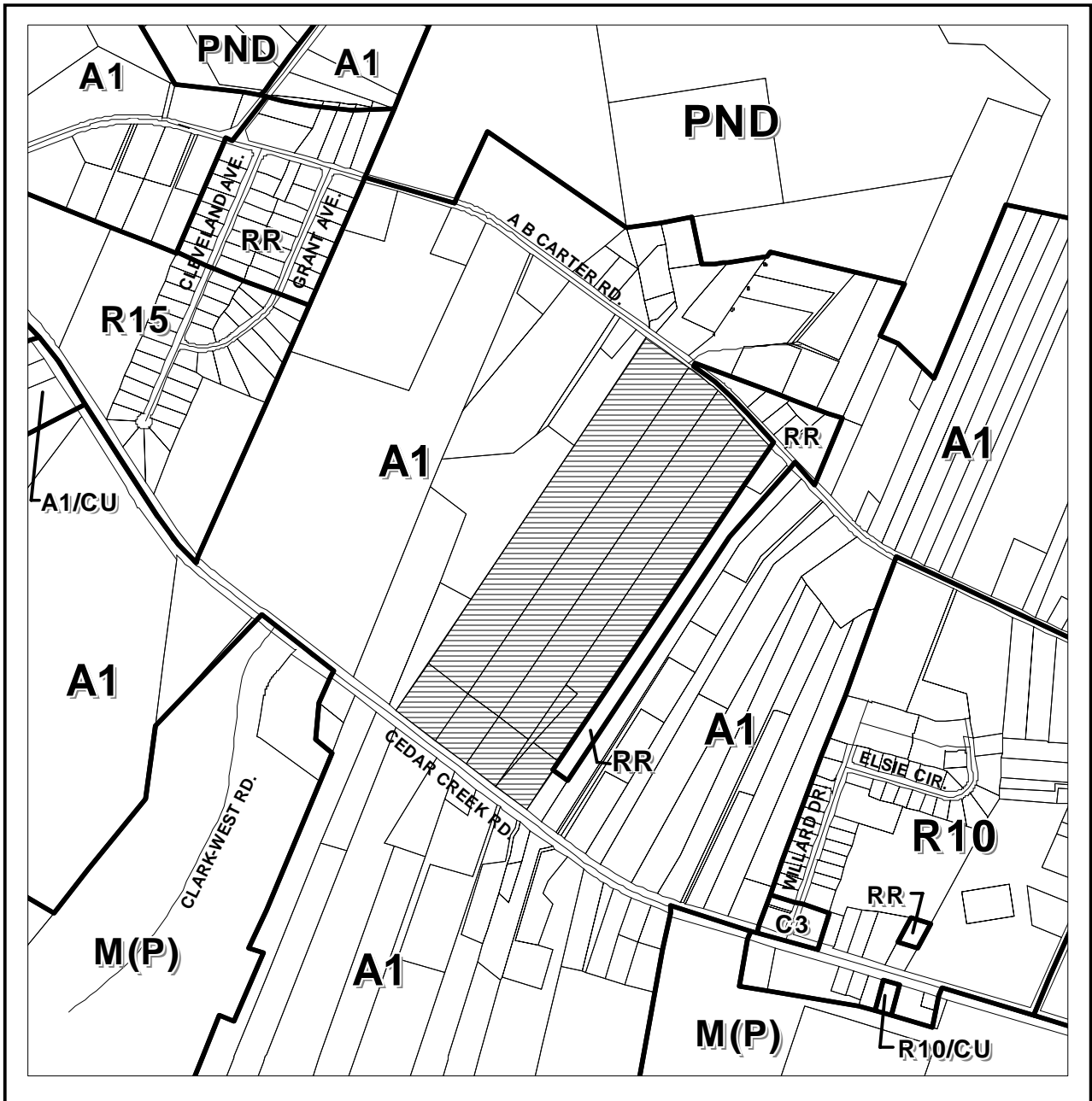
Average Daily Traffic Count (2004): 9,700 on Cedar Creek Road, 1,600 on A. B. Carter Road

Notes:

Application Conditions Submitted by the Applicant:

1. 40% open space: 26.83 acres
2. Single family residential development for 125 lots (23,379 square feet, average lot size)

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631



REQUESTED REZONING A1 TO R20/DD/CUD

ACREAGE: 73.21 AC.+/-		HEARING NO: P06-50	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

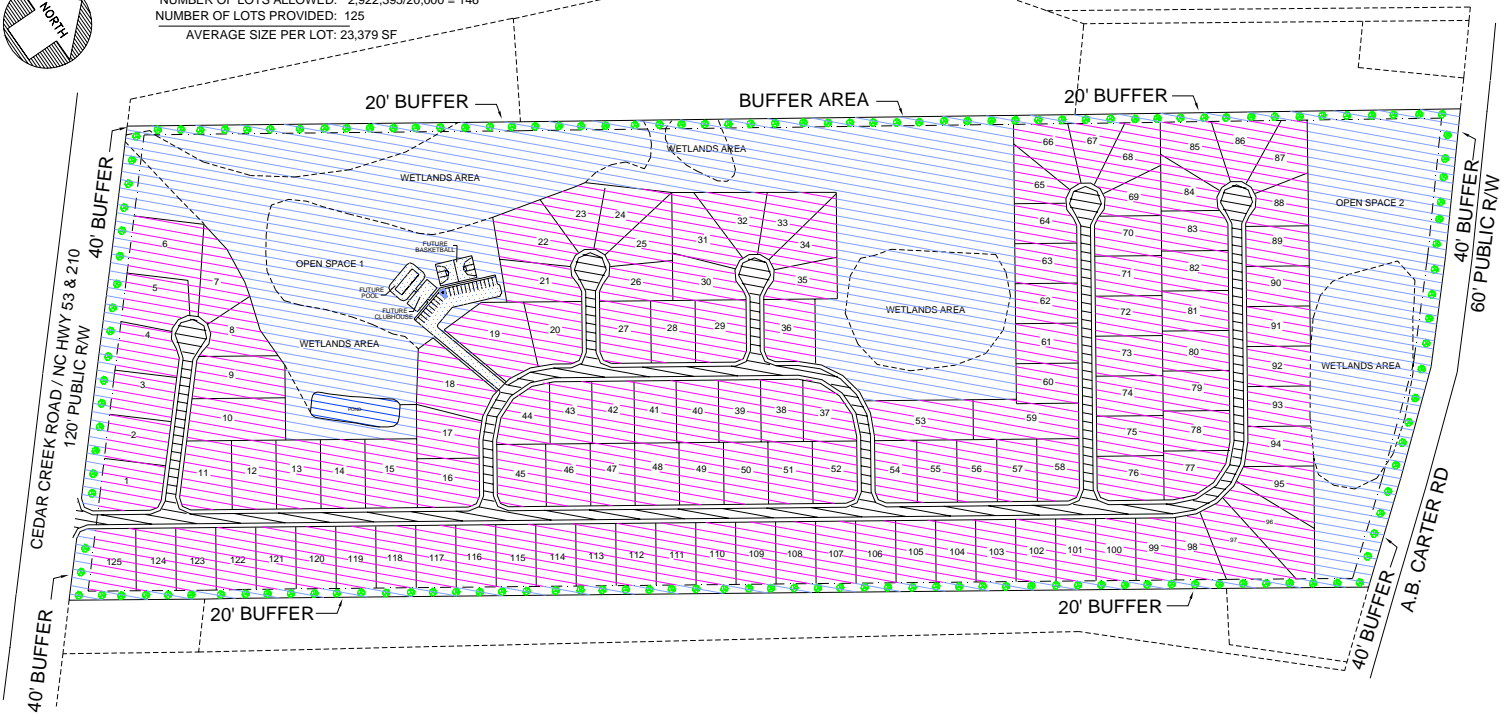
PIN: 0465-11-6961, 12-4068, 2274, 0452, 7289,
13-8760, 23-0581, 2365, 4271

AF
08/23/06 REV 07/10/06
07/24/06
08/21/06
08/23/06

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

SITE PLAN CALCULATIONS
 TOTAL ACREAGE - 3,189,187 SF - 73.213 AC
 TOTAL RW - 266,792 SF - 6.125 AC
 CUD APPLICABLE ACREAGE 2,922,395 SF - 67.089 AC
 60% ACREAGE - 1,753,437 SF - 40.253 AC
 40% ACREAGE - 1,168,958 SF - 26.836 AC
 NUMBER OF LOTS ALLOWED: 2,922,395/20,000 = 146
 NUMBER OF LOTS PROVIDED: 125
 AVERAGE SIZE PER LOT: 23,379 SF

OPEN SPACE PROVIDED
 BUFFER - 200,318 SF - 4.598 AC
 AREA 1 - 743,799 SF - 17.062 AC
 AREA 2 - 224,858 SF - 5.162 AC
 TOTAL 1,168,975 SF 26.836 AC



R20/DENSITY DEVELOPMENT-CONDITIONAL USE DISTRICT
 REQUEST: SINGLE FAMILY RESIDENTIAL DEVELOPMENT
 CASE: P06-50 ACREAGE: 73.21±
 SCALE: NTS

08-23-06

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
 Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

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

October 9, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 17, 2006 Board Meeting

P06-64: REZONING OF 11.72 ACRES FROM A1 TO M(P)/CUD 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.

On September 12, 2006 the Planning & Inspections Staff recommended denial of the M(P)/CUD based on the following:

1. The district is inconsistent with the 2010 Land Use Plan which calls for farmland at this location.
2. Consideration of the M(P) district for this area is arbitrary and would not serve a viable public interest; and
3. The degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning, qualify this request as being unreasonable.

The Planning & Inspections Staff also recommended denial of the Conditional Use Permit based on the following:

1. 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; and
2. The use is not in harmony with the area in which it is located.
3. The degree of difference in this specific use requested as related to the existing surrounding uses makes this request unreasonable.

The applicant chose to defer his case to the October 17th Board meeting in order to revise his application to include additional uses and to amend the site plan. The Planning & Inspections Staff reheard this case and again, recommends denial. In addition to the reasons listed above, the additional uses further increase the incompatibility with the surrounding area. There are no other suitable districts to be considered for this request.

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

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

SITE PROFILE

P06-64

REZONING OF 11.72 ACRES FROM A1 TO M(P)/CUD 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.

Site Information:

Applicant/Owner: JAMES D. SMITH

Area: 11.72 acres

Frontage & Location: 623 feet on Temple Oak Avenue

Depth: 550 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Barn and storage

Initial Zoning: September 14, 1979 (Area 9)

Nonconformities: No

Violation: Yes, 10-3-05

Surrounding Zoning: North-A1, East-A1, R40, RR, South A1, R40A, RR, and South-A1, R6A

Surrounding Land Use: Manufactured home park, well drilling and produce, single family residential, vacant land, and farmland

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic

Soil Limitations: None

Military Impact Area: No

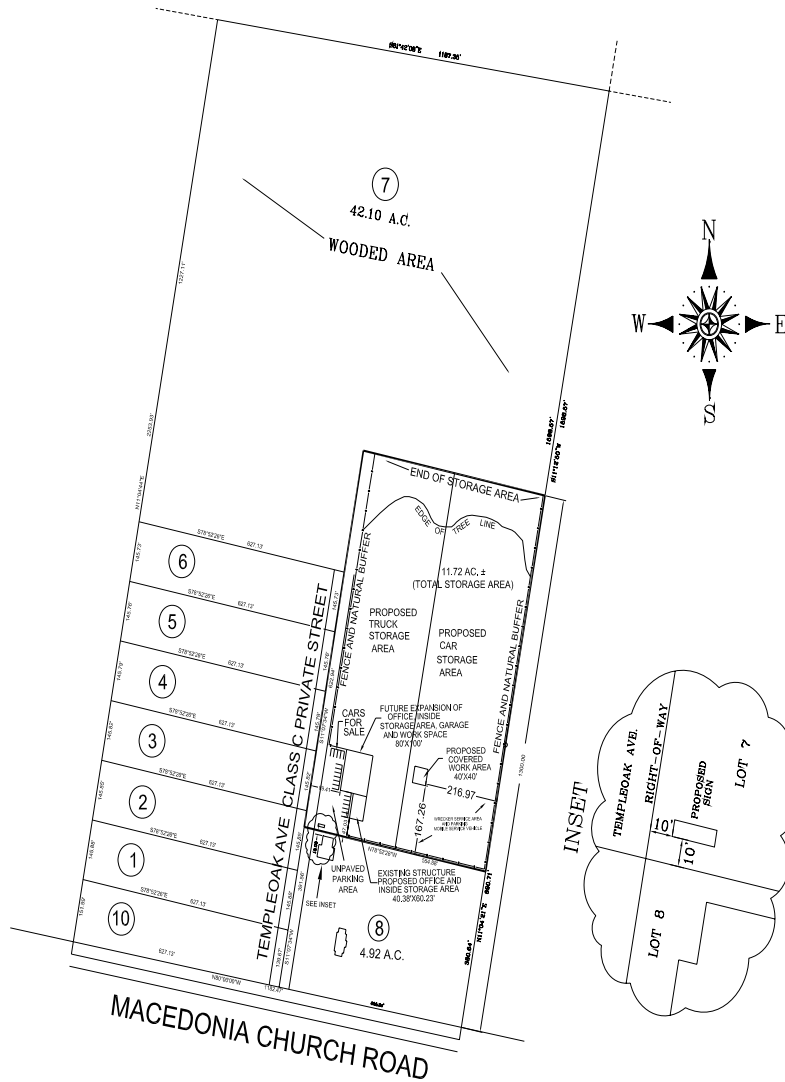
Average Daily Traffic Count (2004): 880 on Macedonia Church Road

Notes:

Application Information

1. Hours of operation: Monday through Saturday, 8:00 am to 10:00 pm, Wrecker Service – 24 hours a day.
2. Freestanding sign (onsite)
3. Two employees

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631



CONDITIONAL USE DISTRICT & PERMIT

REQUEST: TO ALLOW NEW AND USED MOTOR VEHICLE, EQUIPMENT, PARTS & TIRE SALES; TOOL & EQUIPMENT RENTAL; MOTOR VEHICLE & EQUIPMENT REPAIR; TIRE INSTALLATION & BODY WORK; OFFICE; JUNKYARD-SALVAGE & STORAGE OF MOTOR VEHICLES, PARTS & EQUIPMENT; WRECKER SERVICE; MOBILE SERVICE VEHICLE; &

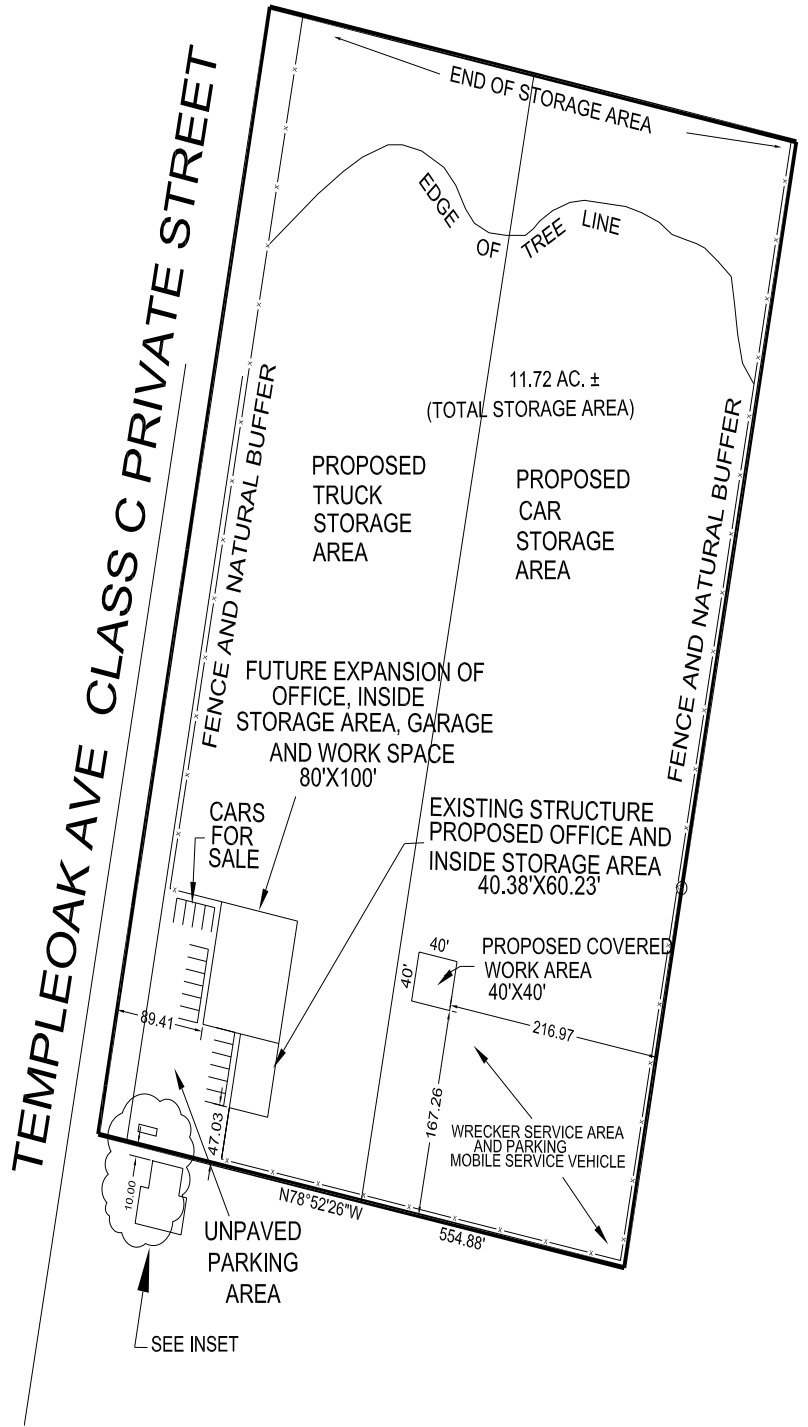
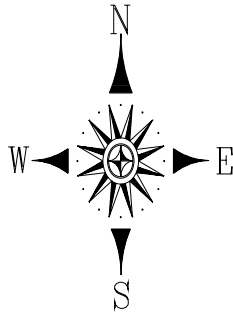
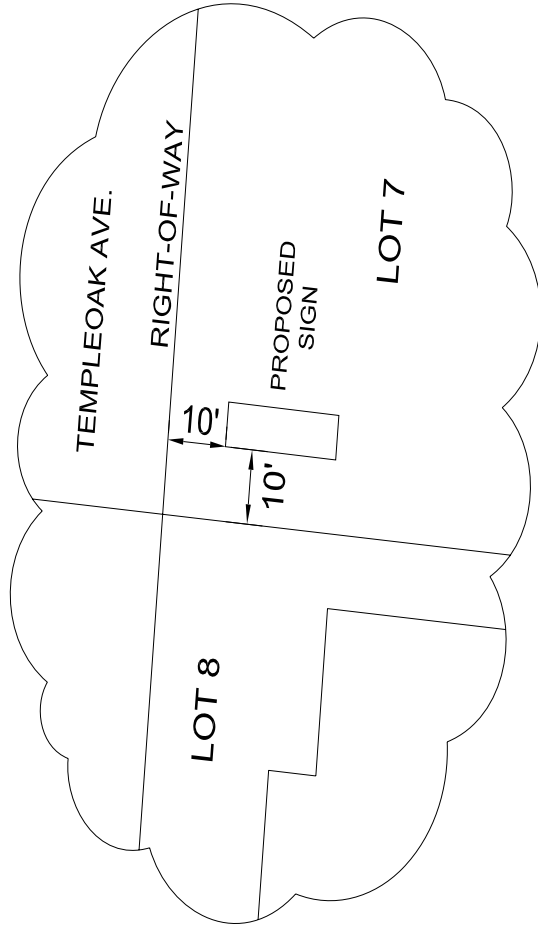
FABRIKATION & WELDING

CASE: P06-64 ACREAGE: 11.72±

SCALE: NTS PARKING: AS SHOWN

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

INSET



130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

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

October 10, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Lori Epler, Chairman, Land Use Codes Committee

SUBJECT: One Year Review of June 20, 2005 County Zoning Ordinance

The Land Use Codes Committee recently met on three occasions reviewing the Ordinance for items needing addressed as presented by the Planning and Inspections Staff. Attached you will find an itemized listing of the Codes Committee's recommended amendments to be considered.

The most notable recommended amendments are:

1. R10 Residential District to be changed to "R7.5 Residential District". The minimum lot size is proposed to be 7,500 square feet. The existing R10 district will be listed as a corresponding district to the R7.5; therefore, the properties currently zoned R10 will not become nonconforming.
2. *Day Care Facilities* (nine or more children) will not be permitted or otherwise allowed in residential districts unless the subject property is located on and has direct access to a major or minor thoroughfare. This change will also eliminate the need for the 2,500-foot separation between day care facilities currently in place.
3. Buffer Requirements: governmental uses, including public and private schools accredited by the State will be exempt from the buffer provisions.
4. Accessory structures greater than 700 square feet in floor area must be located inside the building envelope.

Also addressed by the Codes Committee was the possibility of limiting billboards along the I295 corridor. The members present requested a written response from the City of Fayetteville regarding this matter.

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

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.

June 20, 2005 County Zoning Ordinance Review

(Land Use Codes Committee)

Article I Administrative Provisions

Section 106 Enforcing Inspector – Change enforcing inspector from “Code Enforcement Coordinator” to “Planning & Inspections Director or their designee” & change title to “Ordinance Administrator”. (p.2)

Article II Interpretations, Calculations & Definitions

Section 203 Definitions of Specific Terms and Words

1. “Call Center”- add to definitions: *A central building or office place where agents or operators man banks of telephones to either make outgoing, or field incoming, telephone calls for a large company or organization.*
2. “Equestrian Facilities” – add to definitions: *Commercial stand alone facilities or as an integral part of and in conjunction with residential developments, including: horse ranches, boarding stables, riding schools and academies, trails, and horse exhibition facilities. Barns, stables, corrals, paddocks and the like are considered accessory and incidental to the foregoing uses.*
3. “Governmental Use” – add to definitions: *A building, structure or facility owned and operated or occupied by a unit of local government of this state, including but not limited to a municipality, any agency of the state, the United States or any state thereof, or any Indian tribe recognized as such by the federal government. This definition does not include any utility, whether owned and/or operated by any public or private agency.*
4. “Lot, Through” – current definition: “An interior lot having frontage on two streets or a corner lot having frontage on three streets.” Change to: *A lot, other than a corner lot, having frontage on two parallel, or approximately parallel, streets; or a corner lot having frontage on three or more streets.* (p.14)

Article III Zoning Districts

Section 304 Residential Districts

1. R10 – Change to read: *R7.5 R10 Residential District: A district designed primarily for single-family dwelling units on medium-sized lots with a lot area of 7,500 ~~10,000~~ square feet or above. (Change all references of “R10” throughout the Ordinance to read as “R7.5” except for item 7 below. (p. 25)*

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631

TRANSPORTATION COORDINATING COMMITTEE

Mr. Rick Heicksen, Secretary
130 Gillespie Street
Fayetteville, NC 28301
Telephone (910) 678-7622
FAX (910) 678-7638
E-MAIL: rheicksen@co.cumberland.nc.us

FAYETTEVILLE AREA METROPOLITAN PLANNING ORGANIZATION

W. L. (LEE) JERNIGAN, JR.
CO-CHAIRMAN

JIMMY TEAL
CO-CHAIRMAN

October 11, 2006

Memorandum

To: Cumberland County Joint Planning Board Members

From: Rick Heicksen, Chief Transportation Planner and TAC Secretary

Subject: Fiscal Year 2007-2013 Metropolitan Transportation Improvement Program

Enclosed for your review are the *Draft* FY 2007-2013 Metropolitan Transportation Improvement Program (MTIP) and a table describing changes between the draft and the previous (FY 2006-2012) MTIP.

As part of the Fayetteville Area Metropolitan Planning Organization (FAMPO) public involvement process, a minimum two weeks public review period was advertised in the Fayetteville Observer on September 15 and September 19, 2006. Citizens had a chance to review and comment on the draft MTIP from September 19 to October 10, 2006. In addition to the comment period, the newspaper advertised a Public Hearing to be held by the Cumberland County Joint Planning Board on October 17, 2006, to provide the public another opportunity to comment on the proposed program prior to final approval by the FAMPO Transportation Advisory Committee (TAC), the MPO's Policy Board. The draft document and the Public Hearing information have also been posted on the FAMPO official web site at <http://www.fampo.org/>. This item does not require the Cumberland County Joint Planning Board to take action, rather to open and close the public hearing.

Should you require additional information/clarifications please contact me at (910) 678-7622 or via e-mail at rheicksen@co.cumberland.nc.us.

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North
Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**