

Clifton McNeill, Jr.,  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.  
Marion Gillis-Olison  
Cumberland County



# COUNTY of CUMBERLAND

## *Joint Planning Board*

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

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frank Underwood,  
Town of Stedman

### TENTATIVE AGENDA February 3, 2004

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
  - A. P04-08: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AUTOMOBILE SALES IN AN R40 DISTRICT ON 1.01 ACRE AT 10725 CLAYFORK HILL ROAD, OWNED BY WILLIAM JEFFREY SIMPSON.
  - B. P04-09: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AN OFFICE AND DETAIL SHOP IN AN A1 DISTRICT ON 1.0 ACRE ON THE WEST SIDE OF CLAYFORK HILL ROAD, SOUTH OF BEAVER DAM CHURCH ROAD, OWNED BY WILLIAM JEFFREY SIMPSON AND TONY DEREK SIMPSON.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF JANUARY 20, 2004

#### REZONING CASES

- A. P04-03: REZONING OF 23.8 ACRES FROM A1, RR AND C1/CUO TO C(P), OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4703 SOUTH NC HWY 87, OWNED BY J. FRANKLIN JOHNSON III.
- B. P04-10: REZONING OF 3.99 ACRES FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 5929 ZYLPHIA LANE, OWNED BY JOSEPH A. AND ARMANDE J. SHIELDS.
- C. P04-12: REZONING OF .30 ACRES FROM R10 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT AT 207 EUCLID STREET, OWNED BY JESSIE W. AND ELLEN M. HALL. (STEDMAN)

#### CONDITIONAL USE OVERLAY CASES

- A. P04-19: REVISION OF A CONDITIONAL USE OVERLAY PERMIT TO ALLOW A QUILTING BUSINESS, INSTRUCTION AND SEWING MACHINE REPAIR ON 1.0 ACRE IN A PND DISTRICT ON THE EAST SIDE OF RAMSEY STREET, NORTH OF BETHUNE DRIVE, OWNED BY JOHN R. AND CAROL S. WATKINS.

## PLATS AND PLANS

- A. 03-239: BROOKSHIRE ZERO LOT LINE SUBDIVISION REVIEW AT THE NORTH-WEST INTERSECTION OF CRYSTAL SPRINGS AND CAMDEN ROADS, A VARIANCE FROM SECTION 3.18, "BLOCK LENGTH," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.
- B. 04-018: DEBRA C. PIERCE GROUP DEVELOPMENT REVIEW ON THE WEST SIDE OF TABOR CHURCH ROAD, SOUTHWEST OF SNOWBIRD ROAD, A VARIANCE FROM SECTION 3.20.D, "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

## VII. PLATS AND PLANS

- A. 03-240: BRIAN WATSON C(P) SITE PLAN REVIEW ON THE NORTH SIDE OF ANGELIA M. STREET, WEST OF WHITEHEAD ROAD, FOR ALTERNATE YARD REQUIREMENTS FROM SECTION 12.45, "PLANNED COMMERCIAL AND INDUSTRIAL DISTRICTS," CUMBERLAND COUNTY ZONING ORDINANCE.

## VIII. DISCUSSION

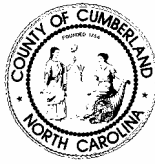
## IX. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

## X. ADJOURNMENT

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.  
Dr. Marion Gillis-Olion  
Cumberland County



# COUNTY of CUMBERLAND

## *Joint Planning Board*

Nancy Roy, AICP  
Director  
Planning & Inspections

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frank Underwood,  
Town of Stedman

MINUTES  
January 20, 2004  
Historic Courthouse

### Members Present

Mr. Clifton McNeill, Chair  
Mr. David Averette  
Mr. John M. Gillis  
Mr. Donovan McLaurin  
Mr. Joe W. Mullinax  
Dr. Marion Gillis-Olion  
Mr. Frank Underwood

### Members Absent

Mr. Charles Morris, Vice-Chair

### Others Present

Ms. Nancy Roy, Director  
Mr. Thomas J. Lloyd,  
Deputy Director  
Ms. Donna McFayden  
Ms. Barbara Swilley  
Mr. Grainger Barrett,  
County Attorney

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Mr. Lloyd asked that Case P04-03 be deferred until the February 3, 2004 meeting in order to request a different zoning district. Chair McNeill asked that Case P03-77 be placed as an item under Discussion. Mr. Lloyd said that there was opposition to Case P04-07, so it would need to be moved from Consent to Public Hearings. A motion was made by Mr. Mullinax and seconded by Mr. Gillis to approve the Agenda with the above changes. The motion passed unanimously.

#### III. PUBLIC HEARING DEFERRALS

A. P04-05: REZONING OF .56 ACRES FROM RR TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2643 LAKEVIEW DRIVE, OWNED BY ROSINA NEWTON.

A motion was made by Mr. Gillis and seconded by Mr. Underwood to defer Case P03-05 until February 17, 2004. Chair McNeill asked if anyone was present to speak regarding the case. No one was present. The motion passed unanimously.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

#### V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

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

## VI. CONSENT ITEMS

### A. APPROVAL OF THE MINUTES OF JANUARY 6, 2004

Mr. Mullinax asked that his name be placed on the Minutes as having attended the meeting. A motion was made by Mr. Mullinax and seconded by Dr. Olion to approve the Minutes of January 6 with the above change. The motion passed unanimously.

### AMENDMENT

#### A. P04-01: REVISION AND AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE TEXT, ARTICLE III, SECTION 3.1, TABLE 1-D PERMITTED USES BY ADDING "PUBLIC OR PRIVATE OWNED AND OPERATED MUSEUMS", AND DELETING IN TABLE 1-A PERMITTED USES, PUBLIC AGENCY OWNED AND OPERATED "MUSEUMS".

The Planning staff recommended approval of the Amendment to the Town of Stedman Zoning Ordinance based on this being a request from the Town of Stedman.

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

**A motion was made by Mr. Gillis and seconded by Mr. Underwood to approve the amendment to the Stedman Zoning Ordinance. The motion passed unanimously.**

### REZONING CASES

#### A. P04-02: REZONING OF .28 ACRES FROM R6A TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4429 CUMBERLAND ROAD, OWNED BY CURTIS B. HATCHER.

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

1. The uses allowed in the C3 District are consistent with the character of the neighborhood; and
2. The C3 District is consistent with existing zoning in the area.

The Planning staff found that the subject property is also suitable for all of the intervening districts except the HS(P) Planned Highway District.

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

**A motion was made by Mr. Gillis and seconded by Mr. McLaurin to follow the staff recommendations and approve the C3 Heavy Commercial District. The motion passed unanimously.**

#### B. P04-04: REZONING OF .40 ACRES FROM R6 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3221 NATAL STREET, OWNED BY BILLIE J. AND WILLIAM D. DAVIS.

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

1. The 2010 Land Use Plan calls for medium-density residential development at this location;
2. The uses allowed in the R6A District are consistent with the character of the neighborhood; and
3. The R6A District is consistent with the existing zoning in the area.

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

**A motion was made by Mr. Gillis and seconded by Mr. McLaurin to follow the staff recommendations and approve the R6A Residential District. The motion passed unanimously.**

#### CONDITIONAL USE CASES

- A. P03-97: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW USED CAR SALES, CAR REPAIRS AND AN OFFICE IN AN R10 DISTRICT, ON .46 ACRES, AT 5843 PERMASTONE LAKE ROAD OWNED BY RONALD AND WANDA WALKER.

The Planning staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

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

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

In addition, the Planning staff recommended that the following conditions be placed on the Conditional Use Overlay Permit:

1. No more than three vehicles used in conjunction with car sales and service are to be allowed on the site at one time;
2. Auto repair is to be made to only the vehicles currently being sold;
3. No unlicensed vehicles are allowed on the site;
4. All lighting is to be directed inward away from adjoining properties;
5. Buffering is to be in accordance with the application and site plan submitted by the applicant;
6. Two parking spaces are allowed for customers; and
7. Applicant is required to either obtain Zero Lot Line Subdivision approval or go before the Cumberland County Board of Adjustment for approval of a setback variance and then obtain a No Approval Required Subdivision

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

**A motion was made by Dr. Olion and seconded by Mr. Gillis to follow the staff recommendations and approve the Conditional Use Overlay District**

**because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.**

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

- 1. No more than three vehicles used in conjunction with car sales and service are to be allowed on the site at one time;**
- 2. Auto repair is to be made to only the vehicles currently being sold;**
- 3. No unlicensed vehicles are allowed on the site;**
- 4. All lighting is to be directed inward away from adjoining properties;**
- 5. Buffering is to be in accordance with the application and site plan submitted by the applicant;**
- 6. Two parking spaces are allowed for customers; and**
- 7. Applicant is required to either obtain Zero Lot Line Subdivision approval or go before the Cumberland County Board of Adjustment for approval of a setback variance and then obtain a No Approval Required Subdivision**

**The motion passed unanimously.**

**B. P04-11: A CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW MINI-STORAGE UNITS AND RV/BOAT STORAGE IN A R6 DISTRICT CONTAINING 18.61 ACRES, OWNED BY BONE CREEK INVESTMENTS, LLC.**

The Planning staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

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

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

The Planning staff recommended that the following conditions be placed on the Conditional Use Overlay Permit:

1. The natural buffer surrounding the tract is to remain;
2. A vegetative buffer is to be placed along the entire southern boundary; and
3. Landscaping is to be in place as proposed on the conceptual plan submitted by the applicant.

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

**A motion was made by Dr. Olion and seconded by Mr. Averette to follow the staff recommendations and approve the Conditional Use Overlay District**

**because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.**

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

- 1. The natural buffer surrounding the tract is to remain;**
- 2. A vegetative buffer is to be placed along the entire southern boundary; and**
- 3. Landscaping is to be in place as proposed on the conceptual plan submitted by the applicant.**

**The motion passed unanimously.**

## VII. PUBLIC HEARING ITEMS

- A. P03-85: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT ON 1.14 ACRES, IN AN A1 DISTRICT, AT 5694 MATT HAIR ROAD, OWNED BY JOHN R. LEBLANC.

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

The Planning staff recommends denial of the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will materially endanger the public health and safety;
2. Will not be in harmony with the area in which it is to be located; and
3. Will not be in conformity with the 2010 Land Use and Thoroughfare Plans.

Note: The Department of Transportation has stated, "...the roads herein listed are inadequate to carry and would be injuriously affected by trucks or buses using the said roads and carrying the statutory road limits, unless restricted. The said highways are hereby designated as light traffic roads."

Mr. Lee Zuravel, attorney for the applicant, appeared before the Board. Mr. Barrett said that the case has been presented, and Mr. Zuravel should address the changes that were made to the site plan. Mr. Zuravel said that the area to park vehicles has been moved as far from Ms. LeBlanc's property to the south as possible, and a buffer is to be placed between Ms. LeBlanc's property and the subject property. He said that access is to be off of a dirt road from Matt Hair Road, and there shouldn't be any problems with utility easements.

Ms. Lillie Council appeared before the Board and said that she lives closer to the subject property than Ms. LeBlanc, and she has had no problems with noise from the trucks.

Mr. Brandon Barbier appeared before the Board and said he recently moved to the area, and Mr. LeBlanc is a good neighbor who will do anything to help the neighbors.

Ms. Jana Berg appeared before the Board representing Ms. Carolyn LeBlanc, who opposes the request. She asked if she would be allowed to question an earlier speaker. Mr. Barrett said that she could by having the witness step forward and question him/her. Ms. Berg said that the nature of the applicant's business requires space, and her client is sandwiched between two trucking operations that are not appropriate for the area. She asked that the Board also consider the noise generated by the refrigeration trucks and the additional traffic created from their operation. In addition, Ms. Berg pointed out that many children catch the school buses on the road where the trucks are driven, and this causes a safety hazard. She said that Ms. LeBlanc will address her experiences with the noise, and Ms. Ann Pratt, a realtor, will speak about the effect that the operation has had on property values in the area.

Ms. Berg questioned the applicant and his attorney regarding the power easements on the property where the applicant intends to park his trucks. She asked the following questions and received the answers indicated:

1. Are you aware of Progress Energy's Energy Use Guidelines? Mr. LeBlanc said that he was.
2. What steps have been taken to ensure that the use is within the guidelines? Mr. LeBlanc said that a representative of CP&L said it was okay for him to park under the power lines.
3. Did you receive written approval from Progress Energy to use the easement? Ms. Berg was told that they could obtain written approval.
4. Who did you speak to at Progress Energy? Mr. LeBlanc said the person he spoke to was from CP&L, and he didn't know his name. Mr. Zuravel said he could find out the gentleman's name.
5. Are you aware that you cannot park within 15 feet of a conductor? Mr. Zuravel said he didn't think that there was a conductor on the property.
6. Are you aware that you cannot have anything under an easement that is taller than 11 feet? Mr. Zuravel said that the gentleman from PWC said as long as the tractors can be moved for access, it would be okay to park them there.

Mr. Barrett asked the relevance of PWC. Mr. Zuravel said that there was none. [He meant to say CP&L (a subsidiary of Progress Energy).]

Ms. Carolyn LeBlanc appeared before the Board and said that there are 96 feet between her home and Mr. LeBlanc's property line. She said that it sounds like the trucks are in her room when they are started in the morning. She read statements from neighbors who signed a petition. Most of the statements were about the noise and safety issues. The statements agreed that the roads were too narrow, curves too sharp and drivers drive too fast. All wanted a quiet neighborhood. Ms. LeBlanc said that one of the trailers on Mr. LeBlanc's property has Louisiana tags. She asked if he could park anyone's truck on the property. She said that the only reason she and her husband listed their property for sale is the noise created by Mr. LeBlanc's trucking operation.



Ms. Ann Pratt appeared before the Board and submitted an Affidavit from her real estate company (attached). She said that when she went to list the property, she was disturbed to see the trucking businesses on both sides of Ms. LeBlanc's property. She said that the property has been on the market since June, and she has shown it but had no offers. She added that the price has been reduced and still not sold. She said her professional opinion was that the uses are bringing Ms. LeBlanc's property value down.

Mr. Zuravel appeared before the Board in rebuttal and said that Ms. LeBlanc is asking \$125,000 for the house, and the tax value is \$92,000. He said that the trucking business has existed for many years, and the real issues involve family problems and not an objection to the business. He added that Mr. LeBlanc has done everything to satisfy Ms. LeBlanc's objections, including moving the trucks and willingness to buffer the site.

Mr. Barrett asked Ms. Pratt if the asking price was \$125,000, and she said that it was. He asked if she was aware that the tax value was \$92,000, and she said that the property was recently appraised for \$100,000.

The public hearing was closed.

**A motion was made by Mr. McLaurin and seconded by Mr. Underwood to follow the staff recommendations and approve the Conditional Use Overlay District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest.**

Mr. Gillis asked the staff if they had obtained any information on the power line easement and restrictions. Mr. Lloyd said that the staff discussed the easement and didn't feel that the restrictions would be a zoning issue or enforceable by the inspectors. Mr. Barrett said that research had not been done on the issue. Mr. Gillis said that he wanted to know the legal restrictions related to the site plan. Mr. Barrett said that research would be needed before he could give him an answer. He added that the easement probably doesn't do much more than refer to a use guideline, which is usually written very strictly and interpreted more loosely. Mr. Averette said that the easement could be addressed in the Permit.

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

**A motion was made by Mr. McLaurin to approve the Conditional Use Overlay Permit after finding that when completed, the proposed: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thorough-fare plan or other plan officially adopted by the Board of Commissioners. In addition, the following conditions are added to the Conditional Use Permit:**

- 1. Only one tractor and two trailers allowed to be parked on site at any one time. Parking to be allowed behind Mr. LeBlanc's dwelling only. No parking allowed on the south side of Mr. LeBlanc's property;**
- 2. A buffer is to be placed along the property lines adjoining Ms. Carolyn LeBlanc's property line starting 80 feet from the centerline of Matt Hair Road and extending approximately 337 feet;**

3. **The buffer is to include a shadow box style fence with a dog-eared top. The fence is to be constructed of treated yellow pine, composite wood or plastic and is to be a minimum height of seven feet and a maximum distance from the ground of one foot. The fence boards should be five and one-half inches wide and have a maximum spacing of two and one-half inches. The fence is to have a 12-foot wide gate on the southern end of the Progress Energy line and should be in the center of the easement. The gate should be constructed so as to be a continuation of the fence appearance. No gate is required under the South River line. The fence is to be well maintained. Any leaning of the fence or broken boards are to be repaired.**
4. **Pressure washing and draining of fluids are to be done in a manner that complies with DENR Water Quality Regulations. All gases are to be handled in a manner that complies with DENR Air Quality Regulations;**
5. **All lighting is to be directed inward, away from Ms. Carolyn LeBlanc's property; and**
6. **All instructions from DOT regarding paving of roads are to be followed (i.e. road paving and strengthening).**

Mr. Averette asked for clarification on the fencing condition. Mr. McLaurin explained that the fence would be 80 feet from the centerline of Matt Hair Road and extend north along the western line for about 300 feet. Mr. Averette said that a second gate wouldn't be needed if the fence stopped at 300 feet. Mr. McLaurin agreed and changed his condition to require only one gate to be located on the southern line.

**The motion was seconded by Mr. Averette.**

Dr. Olion asked if there would be fencing on the northwest corner where the trucks are to be parked. Chair McNeill said there would not.

Mr. Gillis asked for the staff's input on Mr. McLaurin's conditions. Mr. Lloyd said that they were basically the same as discussed at the earlier meeting. Mr. Gillis said that because of the power lines, there was no greenery requirement. Mr. Lloyd said the staff generally says the more restrictive, the better.

Mr. Barrett suggested asking if the property owner would accept the conditions. Chair McNeill asked Mr. LeBlanc if he would accept the conditions stated, and Mr. Zuravel said that he would gladly accept them. Chair McNeill asked about strengthening the road, and Mr. LeBlanc said he would most definitely be willing to strengthen the road as stated in Mr. Burgoyne's case previously. Mr. McLaurin pointed out that the road strengthening is also listed in the conditions.

Mr. Gillis said that he felt obligated to ask the opponents their opinion. Chair McNeill asked Ms. Berg. Ms. LeBlanc said that she would like for the hours of operation to be limited. She said 24/7 is too much.

Chair McNeill asked why 24/7 was necessary. Mr. LeBlanc said it covered the refrigeration time. He said that the trucks are gone 99 percent of the time and only in the yard when the plant is full. Chair McNeill reminded Mr. LeBlanc that he was only allowed two trailers and one tractor. He then asked if any trucks were entering or leaving at night, and Mr. LeBlanc said that was subject to change, but the drivers take the trucks home.

**Upon a vote on the motion, it passed 4 to 3 with Chair McNeill and Messrs. Averette, McLaurin and Underwood voting in favor and Dr. Olion and Messrs. Gillis and Mullinax voting in opposition.**

- B. P04-03: REZONING OF 23.8 ACRES FROM A1, RR AND C1/CUO TO C1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4793 SOUTH NC HWY 87, OWNED BY J. FRANKLIN JOHNSON III.

This case was deferred until the February 3, 2004 meeting.

- C. P04-06: REZONING OF 106.6 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE SOUTHWEST QUADRANT OF BUTLER NURSERY AND MARSH ROADS, OWNED BY CUMBERLAND GROUP, LLC.

The public hearing was opened. Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the R40 Residential District based on the following:

1. The 2010 Land Use Plan calls for farmland in this area; and
2. The Planning Board policy in the past has been to deny rezoning to R40 and R40A of farmland tracts greater than 10 acres.

Mr. Harry Hutaff, Jr. appeared before the Board and said that he lives in Fayetteville and was representing himself and Franklin Johnson who were requesting R40 in order to develop one-acre lots in the Grays Creek area for the following reasons: 1) the area is growing quickly with many subdivision with smaller lots along Chickenfoot Road; 2) completion of Highway 87 South makes travel time to Fayetteville 13 minutes; 3) three new schools have been built in the area; and 4) a new grocery store is being brought to the area. He said that he talked with a soil scientist, and the area perks, so it is suitable for septic systems. He said that wells should also do well on the tract. He said that they want to build homes on one-acre lots that will cost about \$165,000 and up, and they want to enhance the area. He said he spoke with some of the neighbors along Butler-Nursery Road, and they didn't object.

The Board was given a copy of the soil report.

Mr. James MacRae appeared before the Board and said that he lives in the area and opposes the rezoning because: 1) this is the last rural area left on the west side of the Cape Fear River; 2) The area contains wild turkey, deer, pastures, farms, etc.; 3) the development will create a density problem; 4) there is not sufficient infrastructure to support the development—no water or sewer, and schools are already crowded; and 5) the development will add to the traffic problems in the area. Mr. MacRae asked for members of the audience to stand who were opposed to the rezoning. About 20 people stood.

Mr. Edwin Waters appeared before the Board in opposition and said he has children in the schools, and they are both in huts even though the schools are new. He said that the reason so many subdivisions are new in the area is because Chickenfoot Road has water, sewer and natural gas. Mr. Waters pointed out on the map where his home is located.

Ms. Marion Cain appeared before the Board in opposition and said that she lives on Marsh Road, and the 100 new homes would be above the floodplain from her, and she uses well water.

Mr. Robert Nunnery appeared before the Board in opposition and said that he lives on Marsh Road. He said that the entrance to the development would be off of Butler-Nursery Road between two very sharp curves and could be dangerous and cause accidents with the school buses that travel the road.

Mr. Van Dickens appeared before the Board in opposition and said that he owns 30 acres, and the houses would be on the hill right behind his home. He said his would be the first well affected by the development.

Ms. Kathleen Baker Story appeared before the Board and said that she owns land to the west between the subject property and Highway 87. She said that the area has been agricultural for years, but the number of trailer parks is growing. She said this development will bring in another group, and there are already too many people in the area.

Mr. Boyd Cain appeared before the Board and said that he owns land on the southern and eastern sides of the property. He said that there are already too many houses in the area. He said one house every ½ acre would allow 200 homes. Chair McNeill said that the R40 allows only one home per acre. Mr. Cain said that there would be added crime and sanitation problems if this rezoning is approved. He said that the current zoning allows 50 homes, and that's enough.

In rebuttal, Mr. Hutaf explained that representatives of DOT said that the entrance would not be a problem with access only off of Butler Nursery Road. He said all the wetlands on the tract would allow a maximum of 70 to 75 homes to be built.

The public hearing was closed.

**A motion was made by Mr. McLaurin and seconded by Dr. Olion to follow the staff recommendations and deny the request.**

Mr. Gillis asked what type homes would be allowed under the current zoning that would not be allowed under the R40 District. Mr. Lloyd said that mobile homes are currently allowed and not allowed in the R40 District. Mr. Gillis said under the current zoning, 40 to 50 mobile homes could be placed on the tract.

Chair McNeill asked about a portion of the tract not included on the soil report. Mr. Johnson said that the portion was all wetlands. Chair McNeill said that he was concerned about the amount of wetlands on the property. He said that he was dubious of what "B" meant on the report because it appeared that even the "B" areas would need specialized septic systems that might require more than an acre to accommodate.

**Upon a vote on the motion, it passed seven to one with Mr. Gillis voting in opposition.**

D. P04-07: REZONING OF .31 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5000 CUMBERLAND ROAD, OWNED BY MANN AND BYRD, LLC.

The public hearing was opened. Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd said that several lots in the area have recently been approved for commercial use. He reported that the Planning staff recommended approval of the C(P) Planned Commercial District based on the following:

1. The uses allowed in the C(P) District are consistent with the character of the neighborhood; and
2. The C(P) District is consistent with the existing zoning in the area.

The Planning staff found that the subject property is suitable for all intervening districts except the HS(P) Planned Highway and PND Planned Neighborhood Districts.

Mr. Julian Mann appeared before the Board and said that he is the petitioner and owns the property and the adjoining C(P) tract and the O&I tract across the street. He said that the State is taking 20 feet off of the front of the property, and the site won't be suitable for residential use.

Mr. Robert Higgins appeared before the Board in opposition. He said that he owns the property to the south, and traffic has become unbearable in the area. He said that a turn lane eased it somewhat, but it is very backed up in the morning. Mr. Higgins said that it would not be beneficial to add another commercial tract on a two-lane highway. He said that there are convenience stores within walking distance of the site. He added that commercial use will detract from the property values and quality of life and add to the traffic problems.

Mr. Lloyd summarized recent commercial district rezonings in the area. Chair McNeill asked if there are plans to widen the road. Mr. Higgins said that he had heard conflicting opinions. Mr. Lloyd said that there is a widening project scheduled for next year. Mr. Higgins said he thought that the widening stopped before it reaches the subject property.

In rebuttal, Mr. Mann said that the road is to be widened to five lanes next year. He added that there is commercially zoned property throughout the area.

The public hearing was closed.

**A motion was made by Mr. Underwood and seconded by Mr. Averette to follow the staff recommendations and approve the C(P) Planned Commercial District. The motion passed unanimously.**

## VIII. DISCUSSION

### A. REPORT FROM LAND USE CODES COMMITTEE—JOHN GILLIS

Mr. Gillis reported that the Land Use Codes Committee met prior to the meeting and began the process of revising the Zoning Ordinance. He said that the process will probably continue through July or August. He said that the Committee reviewed the proposed Table of Contents and Definitions, and the staff will rework some of the definitions prior to the next meeting. Mr. Gillis said that the next meeting will be February 10, 2004 at 6:00 p.m.

Chair McNeill said that he gave the members an opportunity not to serve on the Committee because he had added too many people, and the Committee was really too large. He said Mr. Mullinax got off of the Committee, but is willing to serve on a Manufactured Housing Subcommittee to consist of Mr. Mullinax, Mr. Underwood and Mr. McLaurin, who will chair the subcommittee.

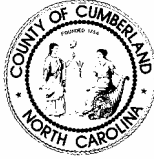
B. CASE P03-77—CHAIR McNEILL

Chair McNeill explained that Case P03-77 was heard by the Board in September, and the applicant intended to enlarge the structure at a later date. He said that the applicant now wishes to build the structure larger in order not to have to do the later expansion. He said site plan limits the applicant to the size structure he originally wanted, and approval of a new site plan is needed before the applicant can build the larger structure. He asked the Board to initiate the case because otherwise the applicant has to wait until September of 2004 to bring the case back before the Board.

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to reinstate Case P03-77 with the regular fee to be heard on February 3, 2004. The motion passed unanimously.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.



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

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.  
Dr. Marion Gillis-Olson  
Cumberland County

**COUNTY of CUMBERLAND**  
—◆—  
*Planning and Inspections*

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

Joe W. Mullinax, Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frank Underwood,  
Town of Stedman

January 28, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS FOR  
FEBRUARY 3, 2004 MEETING

P04-08: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW  
AUTOMOBILE SALES IN AN R40 DISTRICT ON 1.01 ACRE AT 10725 CLAYFORK  
HILL ROAD, OWNED BY WILLIAM JEFFREY SIMPSON.

The Planning staff recommends that this case be deferred until March 16, 2004 in order  
to amend the site plan.

## SITE PROFILE

### **P04-08**

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AUTOMOBILE SALES IN A R40 DISTRICT, AT 10725 CLAYFORK HILL ROAD, OWNED BY WILLIAM JEFFREY SIMPSON.

#### **Site Information:**

**Applicant/Owner:** WILLIAM JEFFREY SIMPSON

**Area:** 1.01 acres

**Frontage & Location:** 178 feet on Clayfork Hill Road

**Depth:** 125 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

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

**Previous Zoning Action(s):** None

**Surrounding Zoning:** A1 and R40

**Surrounding Land Use:** Cemetery, office/garage and single family residential

**2010 Land Use Plan:** Farmland

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

**Watershed Area:** No

**Municipal Influence Area:** No

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

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

**Schools:** Beaver Dam Elementary, Mac Williams Middle, Cape fear High

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

#### **Notes:**

1. Hours of operation: 8am to 5pm, Monday thru Saturday.
2. Buffering: Owner requests that a 6 foot site-obscuring buffer not be required along lines adjacent to residential areas.
3. Parking: 12 spaces





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Frank Underwood,  
Town of Stedman

## **COUNTY of CUMBERLAND**

### ***Planning and Inspections***

January 28, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS FOR  
FEBRUARY 3, 2004 MEETING

P04-09: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AN OFFICE AND DETAIL SHOP IN AN A1 DISTRICT ON 1.0 ACRE ON THE WEST SIDE OF CLAYFORK HILL ROAD, SOUTH OF BEAVER DAM CHURCH ROAD, OWNED BY WILLIAM JEFFREY SIMPSON AND TONY DEREK SIMPSON.

The Planning staff recommends that this case be deferred until March 16, 2004 in order to amend the site plan.

## SITE PROFILE

### P04-09

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AN OFFICE AND DETAIL SHOP IN AN A1 DISTRICT, ON 1.0 ACRE, ON THE WEST SIDE OF CLAYFORK HILL ROAD, SOUTH OF BEAVER DAM CHURCH ROAD, OWNED BY WILLIAM JEFFREY SIMPSON AND TONY DEREK SIMPSON.

#### **Site Information:**

**Applicant/Owner:** WILLIAM JEFFREY SIMPSON AND TONY DEREK SIMPSON

**Area:** 1.0 acres

**Frontage & Location:** 125 feet on Clayfork Hill Road

**Depth:** 350 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

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

**Previous Zoning Action(s):** No Violations

**Surrounding Zoning:** A1 and R40

**Surrounding Land Use:** Cemetery and residential

**2010 Land Use Plan:** Farmland

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

**Watershed Area:** No

**Municipal Influence Area:** No

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

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

**Schools:** Beaver Dam Elementary, Mac Williams Middle, Cape Fear High

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

#### **Notes:**

1. Hours of operation: 8am to 5pm, Monday thru Saturday.
2. Buffering: Owner requests that a 6 foot site-obscuring buffer not be required along lines adjacent to residential areas.
3. No automobile sales on site.



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Frank Underwood,  
Town of Stedman

January 28, 2004

MEMO TO: PLANNING BOARD  
  
FROM: PLANNING STAFF  
  
SUBJECT: STAFF RECOMMENDATIONS FOR  
FEBRUARY 3, 2004 MEETING

P04-03: REZONING OF 23.8 ACRES FROM A1, RR AND C1/CUO TO C(P), OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4703 SOUTH NC HWY 87, OWNED BY J. FRANKLIN JOHNSON III.

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

1. The uses allowed in the C(P) District are consistent with the current uses in the area; and
2. Introduction of sewer in the Gray's Creek area has created increased development, and a need for planned commercial zoning at this location has become evident.

## SITE PROFILE

### **P04-03**

REZONING OF 23.8 ACRES FROM A1, RR AND C1/CUO TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4793 SOUTH NC HWY 87, OWNED BY J. FRANKLIN JOHNSON III.

#### **Site Information:**

**Applicant/Owner:** J. FRANKLIN JOHNSON III

**Area:** 23.8 acres

**Frontage & Location:** 810 feet on South NC Hwy 87

**Depth:** 1,100 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Residential and Agricultural

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

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-A1, R40A, RR, RR/CUO, East & South-A1, West-A1 & RR

**Surrounding Land Use:** Vacant commercial, mobile home park, fire department, 2 convenience stores, child care business.

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

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

**Watershed Area:** No

**Municipal Influence Area:** No

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

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

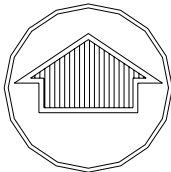
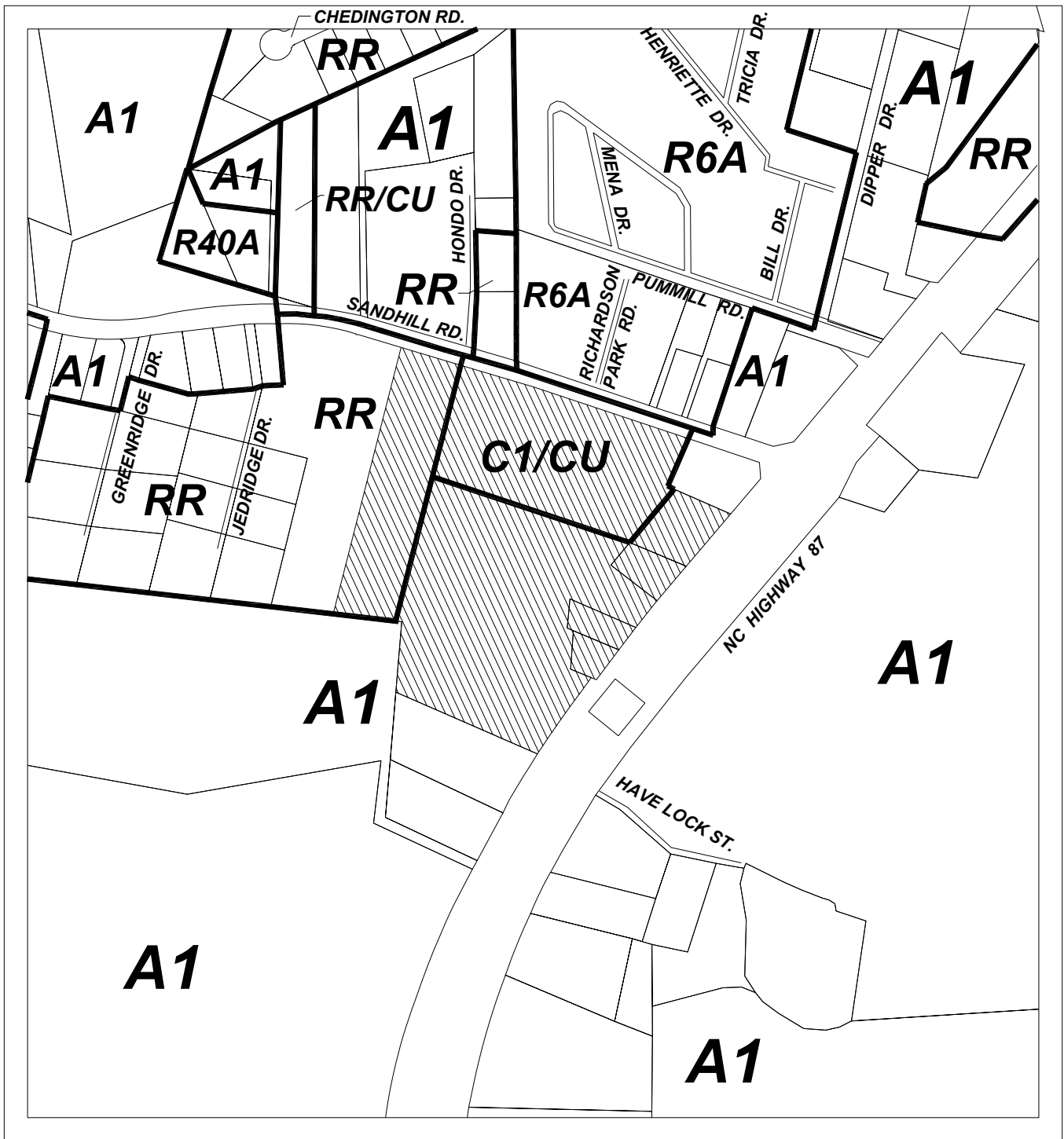
**Schools:** Gray's Creek Elementary, Middle and High

**Subdivision:** C(P) Site Plan will be required.

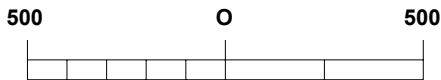
**Thoroughfare Plan:** NC Hwy 87 is identified as a Major Thoroughfare. It has a current adequate 100 foot right-of-way. Sand Hill Road is identified as a Minor Thoroughfare. It has a current adequate 60 foot right-of-way. Neither road is included in the 04-10 MTIP.

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

**Notes:**



NORTH



SCALE IN FEET

## REQUESTED REZONING: A1, RR, & C1/CU TO C(P)

ACREAGE: 23.8 AC. ±		HEARING NO: P04-03	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			



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

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Town of Linden  
David Averette,  
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**COUNTY of CUMBERLAND**  
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Wade, Falcon & Godwin  
Frank Underwood,  
Town of Stedman

January 28, 2004

MEMO TO: PLANNING BOARD  
  
FROM: PLANNING STAFF  
  
SUBJECT: STAFF RECOMMENDATIONS FOR  
FEBRUARY 3, 2004 MEETING

P04-10: REZONING OF 3.99 ACRES FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 5929 ZYLPHIA LANE, OWNED BY JOSEPH A. AND ARMANDE J. SHIELDS.

The Planning staff recommends approval of the R40A Residential District based on the following:

The recommendation is consistent with the Planning Board's policy to allow small tracts of R40 and R40A Districts in the designated farmland areas.

SITE PROFILE

**P04-10**

REZONING OF 3.99 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5929 ZYLPHIA LANE, OWNED BY JOSEPH A. SHIELDS AND ARMANDE J. SHIELDS.

**Site Information:**

**Applicant/Owner:** JOSEPH A. SHIELDS AND ARMANDE J. SHIELDS

**Area:** 3.99 acres

**Frontage & Location:** 790 feet on Zylphia Lane

**Depth:** 220 feet

**Jurisdiction:** County

**Adjacent Property:** None

**Current Use:** Residential and vacant land

**Initial Zoning:** August 23, 1994 (Area 19)

**Previous Zoning Action(s):** No Violations

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

**Surrounding Land Use:** Vacant and single family residential

**2010 Land Use Plan:** Farmland

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

**Watershed Area:** No

**Municipal Influence Area:** No

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

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

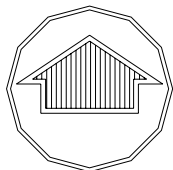
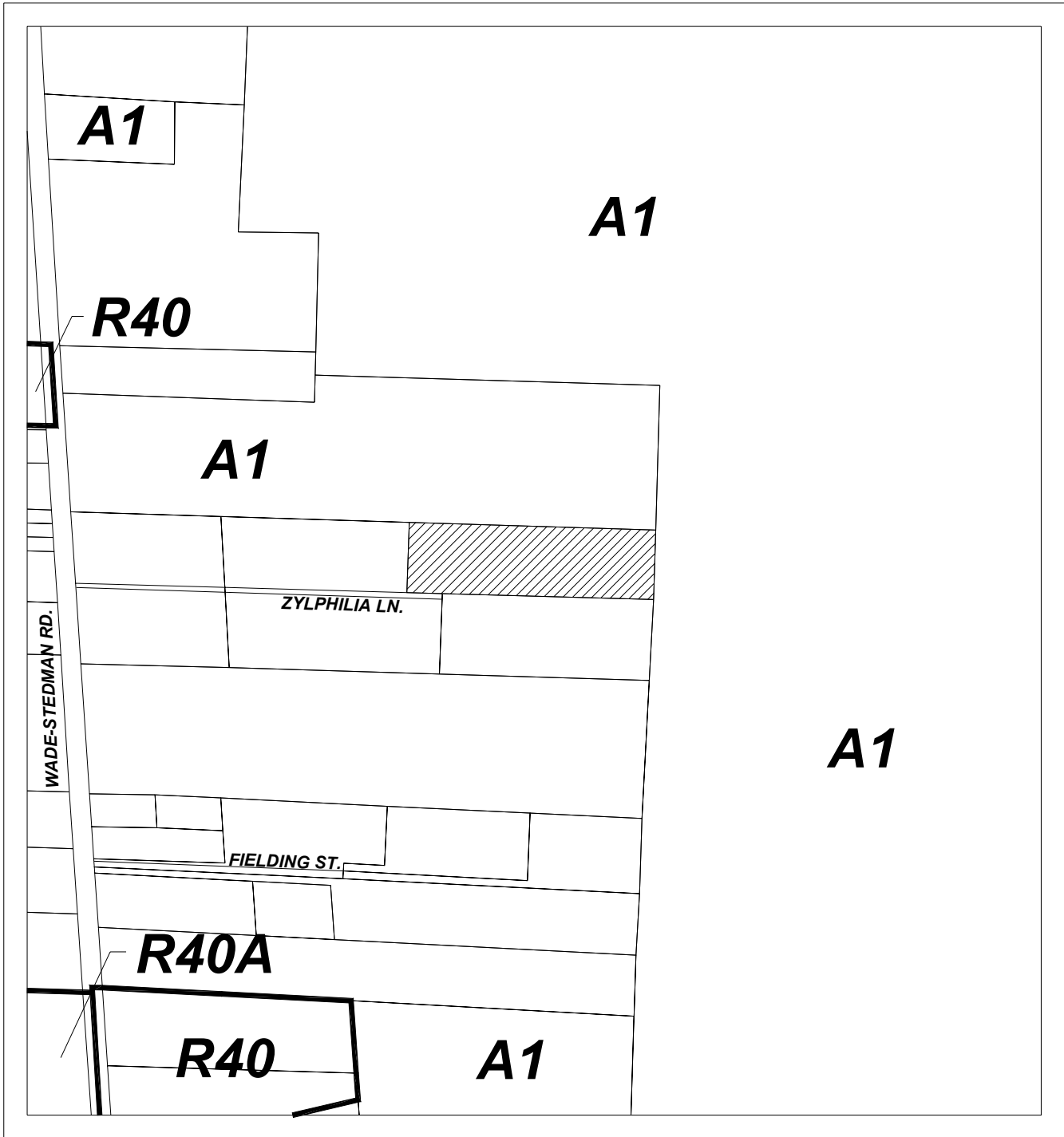
**Schools:** Eastover Central Elementary, Mac Williams Middle, Cape Fear High

**Subdivision:** If the lot is subdivided the road will have to be upgraded.

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

**Notes:**

Group Development approved on subject property (02/06/2002)



NORTH

500 0 500



SCALE IN FEET

## REQUESTED REZONING: A1 TO R40A

<b>ACREAGE: 3.99 AC.±</b>	<b>HEARING NO: P04-10</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		





**Clifton McNeill, Jr., Chair**  
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Town of Stedman

## **COUNTY of CUMBERLAND**

### *Planning and Inspections*

January 28, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS FOR  
FEBRUARY 3, 2004 MEETING

P04-12: REZONING OF .30 ACRES FROM R10 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT AT 207 EUCLID STREET, OWNED BY JESSIE W. AND ELLEN M. HALL. (STEDMAN)

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

The Town of Stedman requested the rezoning to allow a museum at this location.

## SITE PROFILE

### **P04-12**

REZONING OF .30 ACRES FROM R10 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 207 EUCLID STREET, OWNED BY JESSIE W. AND ELLEN M. HALL. (STEDMAN)

#### **Site Information:**

**Applicant/Owner:** TOWN OF STEDMAN / JESSIE W. AND ELLEN M. HALL

**Area:** .30 acres

**Frontage & Location:** 118 feet on Euclid Street

**Depth:** 111 feet

**Jurisdiction:** Stedman

**Adjacent Property:** No

**Current Use:** Vacant Commercial Structure

**Previous Zoning Action(s):** None

**Surrounding Zoning:** Northern half-R10, C(P), C3 and M2, Southern half-R10 and R10M

**Surrounding Land Use:** Park, public works building, sheriff's office, 5 vacant commercial buildings, nail sale and ice cream shop, town hall and apartments.

**Stedman Land Use Plan:** Light Commercial

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

**Watershed Area:** No

**Municipal Influence Area:** Stedman

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

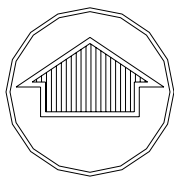
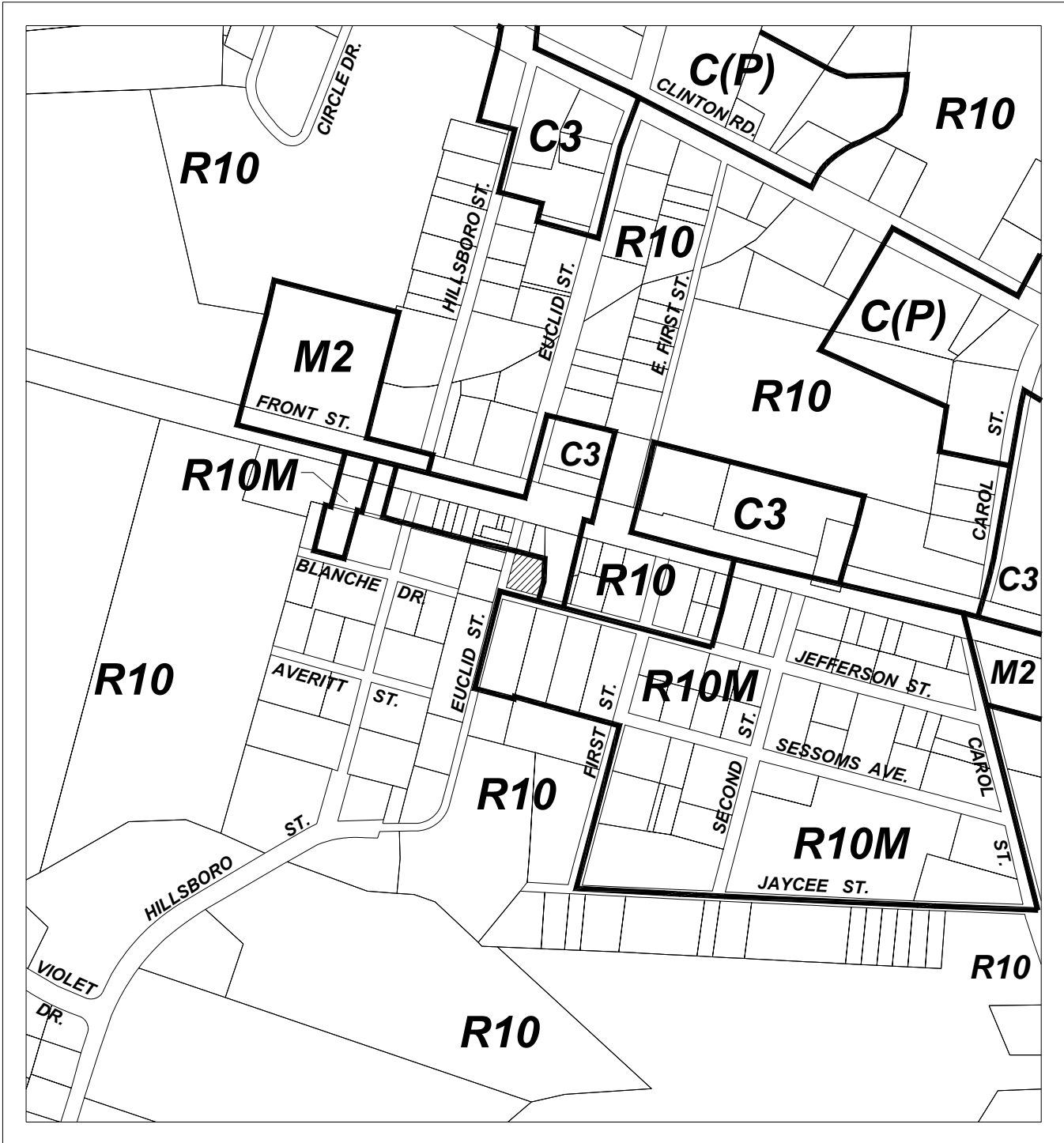
**Urban Services Area:** Yes

**Water/Sewer Availability:** Stedman Utilities

**Schools:** Stedman Primary and Elementary, Mac Williams Middle, Cape Fear High

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

**Notes:**



NORTH

500 0 500



SCALE IN FEET

## REQUESTED REZONING: R10 TO C3

<b>ACREAGE:</b> .30 AC.±	<b>HEARING NO:</b> P04-12	
<b>ORDINANCE:</b> STEDMAN	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		



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

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

**COUNTY of CUMBERLAND**  
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Deputy Director

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Donovan McLaurin,  
Wade, Falcon & Godwin  
Frank Underwood,  
Town of Stedman

January 28, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS FOR  
FEBRUARY 3, 2004 MEETING

P04-19: REVISION OF A CONDITIONAL USE OVERLAY PERMIT TO ALLOW A QUILTING BUSINESS, INSTRUCTION AND SEWING MACHINE REPAIR ON 1.0 ACRE IN A PND DISTRICT ON THE EAST SIDE OF RAMSEY STREET, NORTH OF BETHUNE DRIVE, OWNED BY JOHN R. AND CAROL S. WATKINS.

The Planning staff recommends approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

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

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

The Planning staff recommends that the following conditions be applied to the Conditional Use Overlay Permit:

1. Hours of operation: 10:00 a.m. to 9:00 p.m.;
2. Twelve total employees;
3. Twenty-four parking spaces required;
4. Buffering as defined in Section 10.2 of the Zoning Ordinance be provided along the rear property line;
5. Signage to be the same as that allowed in the R10 District; and
6. Approval of this Conditional Use Overlay Permit will nullify Case P03-77.

## SITE PROFILE

### **P04-19**

REVISION OF A CONDITIONAL USE OVERLAY PERMIT TO ALLOW A QUILTING BUSINESS, INSTRUCTION AND SEWING MACHINE REPAIR ON 1.0 ACRE IN A PND DISTRICT, ON THE EAST SIDE OF RAMSEY STREET, NORTH OF BETHUNE DRIVE, OWNED BY JOHN R. AND CAROL S. WATKINS.

#### **Site Information:**

**Applicant/Owner:** JOHN R. AND CAROL S. WATKINS

**Area:** 1.0 acres

**Frontage & Location:** 140 feet on Ramsey Street

**Depth:** 312 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

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

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-PND and C1, East-RR and PND, South-RR, PND and C(P), West-PND

**Surrounding Land Use:** No name office, open storage of cars, shriners, thrift store, security company and fire department

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

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

**Watershed Area:** Yes

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Urban Services Area:** Yes

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

**Schools:** Raleigh Road Elementary, Long Hill Elementary, Pine Forest Middle and High

**Subdivisions:** Recombination will be required.

**Thoroughfare Plan:** Ramsey Street is identified as a Major Thoroughfare. This is not a funded project. It has a current adequate 100-foot right-of-way with a multi-lane cross section. Road improvements are included in the 04-10 MTIP. ROW Acquisition-post years, Construction-post years

**Average Daily Traffic Count (2000):** 7,500 on Ramsey Street

#### **Notes:**

##### **Conditional Use Overlay Revision:**

1. A building size increase from 4,500 square feet to 6,174 square feet.
2. Parking increase from 16 spaces to 24 spaces
3. Driveway access utilizing adjacent property.

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

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

The property sought for Conditional Use Overlay is located:

Address 7076 Ramsey St., Fayetteville, NC 28311  
(Street address or Route and Box #, and Zip Code)

Located on Ramsey Street (North of Pine Forest Middle School)  
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0542-42-1003-  
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # \_\_\_\_\_ Frontage 140 feet Depth 311.75 Containing 1 acres +/-.

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

The property sought for Conditional Use is owned by: Carol and John Watkins  
as evidenced by deed from Cumberland

as recorded in Deed Book 6376, Page(s) 552, Cumberland County Registry.

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

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



APPLICATION FOR  
CONDITIONAL USE OVERLAY DISTRICT

1. Proposed uses(s):

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

Quilt shop and Bernina sewing products dealership.  
We also offer machine repair services (sewing, serging, embroidery machines), long-arm machine quilting services, and quilting/sewing instruction/clubs for sewers age 8-98. Finally, we create and sell quilt kits online.

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

See attached statement.

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

N/A

2. Dimensional Requirements:

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

- B. Off-street parking and loading.



3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

Signage sketch attached but we will alter as necessary to comply with zoning ordinance.

B. List any variance proposed from those regulations.

4. Miscellaneous:

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

See attached Statement.

5. Site Plan Requirements:

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

See attached drawing

6. Acknowledgement:

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

#### 4. Miscellaneous:

Loving Stitches operates Monday – Saturday from 10 a.m. until 6 p.m. each day. We do not open on Sundays but do host a local quilting guild meeting (Cape Fear Quilters) on the third Sunday of each month in the afternoon. Their leadership has a key to the shop and they use the classroom space to hold their meetings and workshops as a courtesy. We close on major holidays and usually the day before and after each major holiday. Saturday workshops are scheduled to begin at 9 a.m. instead of 10 a.m. since those workshops normally last all day or are scheduled two per day with the same instructor. The only exception to these hours is once per year when we hold our annual Early Bird Sale and the shop opens at 7 a.m. that day and closes at noon.

Currently we have twelve employees, most of whom work three or four days each week, one is full-time. Our scheduling is very flexible and allows our employees to accommodate the needs of their families better. By having more of an employee pool from which to schedule, we are better prepared for emergency absences and are always able to staff the store adequately. There are usually 6-7 staff members scheduled to work each weekday and 3 or more on Saturdays, depending upon what is on the schedule of events for that day.

The quilting business serves quietly and causes no disturbances. While we do have quilting classes and special events that do not end until 9 p.m. on weeknights, our customers do not loiter or create any problems outside of the shop. To assure customer safety when going from the shop to their cars in the evenings, we would have exterior lighting on the business that would be sensor operated and would light the parking area. It would not be a lighting situation that would cause any interruption in the normal resting hours of our neighbors, however.

Nothing we do in the shop would create excessive noise, or any sort of odors or air pollution that would be questionably harmful to our environment or offensive to our neighbors. We simply do the things that serve the quilters and sewers in our community and work to raise the awareness of how enjoyable quilting can be. We have all the tools sewers need to utilize their skills and teach those who want to learn, how to sew and quilt. And we serve fully, meaning we can take care of any need of the quilter from the first stitch to the finished product. We can service and maintain their sewing machines to keep them in good working order, make products available they need to make their projects, inspire them by having attractive displays and sewn samples, teach them in any of the many classes we offer thru the shop or thru the community college at our location (FTCC), do the machine quilting they want on any quilt top, and even select the fabrics needed to complete any quilting pattern. None of these services should disrupt any of our neighbors.

We will have a paved parking area with 16 parking slots in front of the building. There will be additional gravel parking for our staff, customer overflow and deliveries at the rear of the building. While we have steady traffic on most days, we do not have huge numbers of visitors at any one time. Classes average no more than 12-15 people per class

so parking has been planned with that in mind as many of our customers are friends and come together to classes and events.

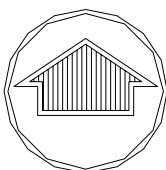
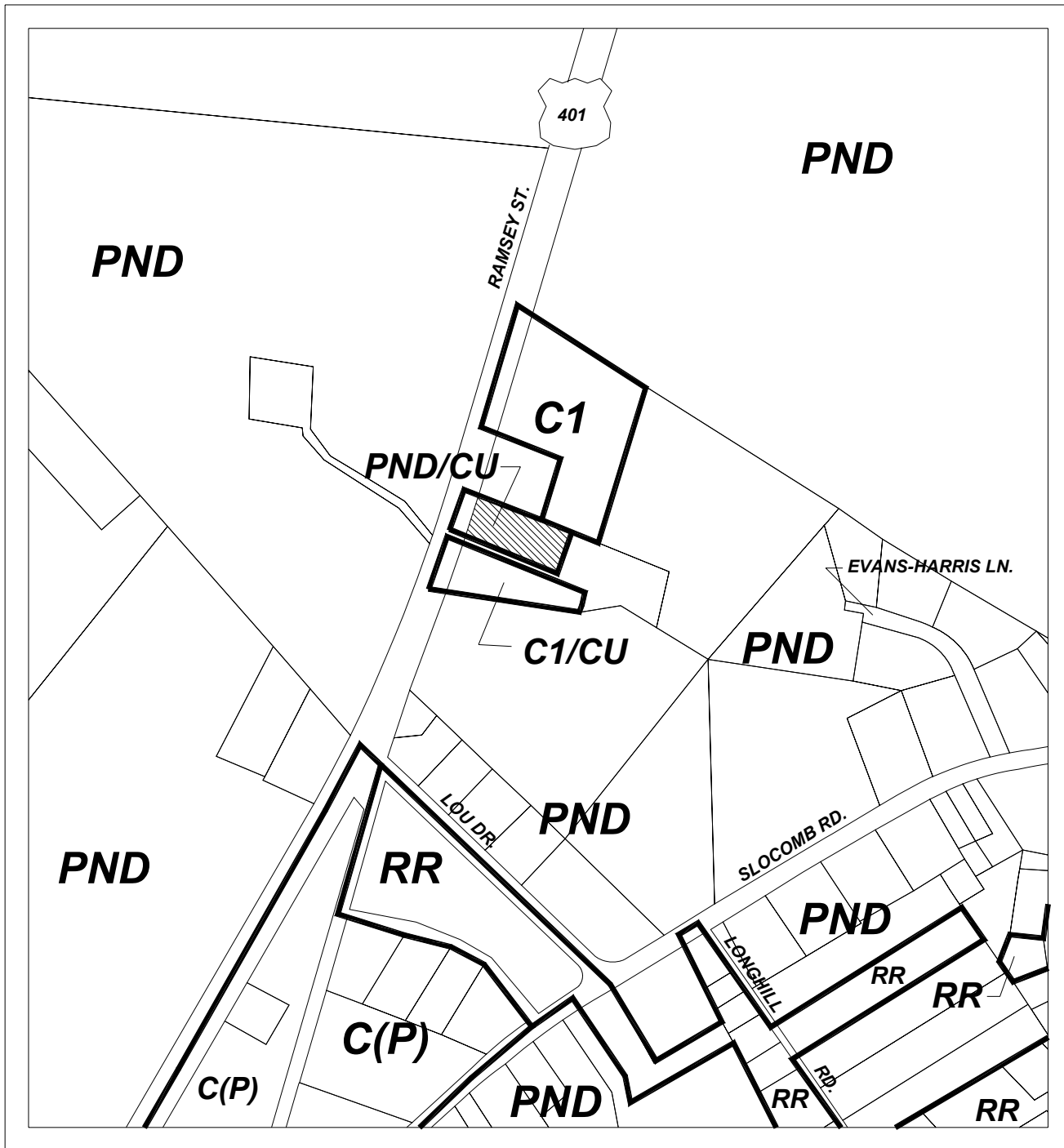
The building will be two stories, a basement and a street level floor with enclosed but visible areas for the technical service area and the long-arm quilting area. There will be two classrooms, which will also be enclosed. All enclosed areas will be well insulated to absorb as much sound as possible, more in fact than in a normal residential situation. The basement will house our storage area, the administrative offices, the quilt kitting department, and a kitchen area for our staff.

It is our hope that these miscellaneous comments will address the areas about which we were instructed to give details for your consideration. If there are any questions, please allow us the opportunity to answer them prior to making your zoning decision.

Respectfully submitted,

A handwritten signature in cursive script that reads "Carol Watkins".

Carol Watkins



NORTH

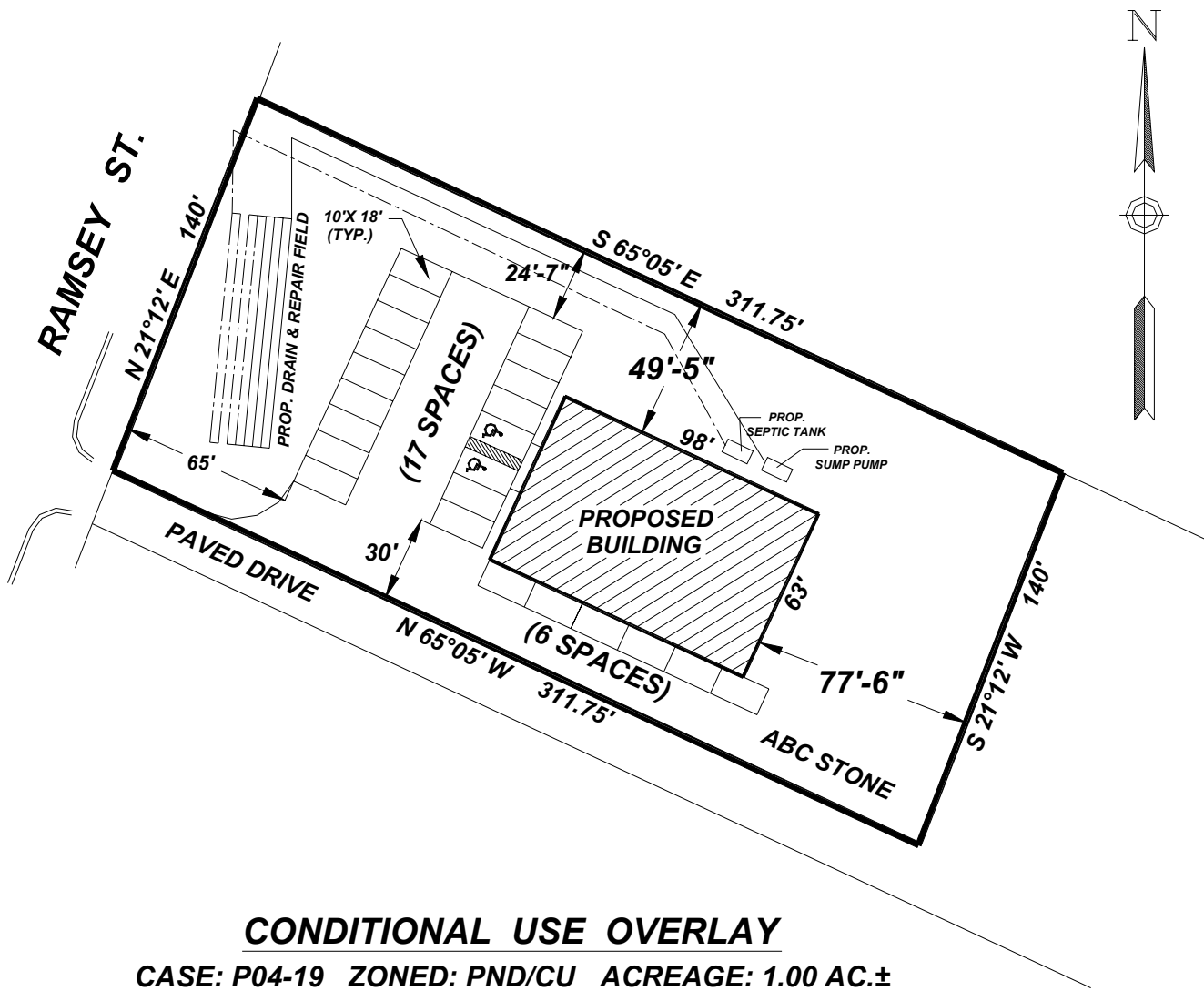
500 0 500



SCALE IN FEET

## CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 1.00 AC.±		HEARING NO: P04-19	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

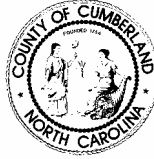


**CONDITIONAL USE OVERLAY**

**CASE: P04-19 ZONED: PND/CU ACREAGE: 1.00 AC.±**  
**REQUEST: REVISION OF A SITE PLAN. SCALE: 1"=50'**  
**PARKING: 23 SPACES SHOWN**

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.,  
Dr. Marion Gillis-Olson  
Cumberland County



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

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

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frankie Underwood,  
Town of Stedman

January 28, 2004

#### MEMORANDUM

TO: Planning Board

FROM: Ed Byrne, Planner I  
Land Use Codes

SUBJECT: Case No. 03-239  
Brookshire  
(Zero Lot Line Subdivision Review)

The developer submitted a request for a variance from Section 3.18, "Block Length" Cumberland County Subdivision Ordinance. The developer has requested to be permitted to exceed the maximum block length of 1800 feet as stated in the Ordinance. The proposed length of Gray Goose Loop from the entrance to the end of the road stub is 2,100 feet. The subject property is boarded by Camden Road to the south and a triangular shaped property to the southeast. The triangular shaped property has frontage on Camden Road and is boarded by the Atlantic Coast Line Railroad. The triangular shaped property also has a 90-foot wide Carolina Power & Light Company easement and a 50-foot wide Public Works Commission utility easement across the property. The subdivision contains 65.06 acres with 248 proposed lots.

**In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause an unusual and unnecessary hardship on the subdivider.**

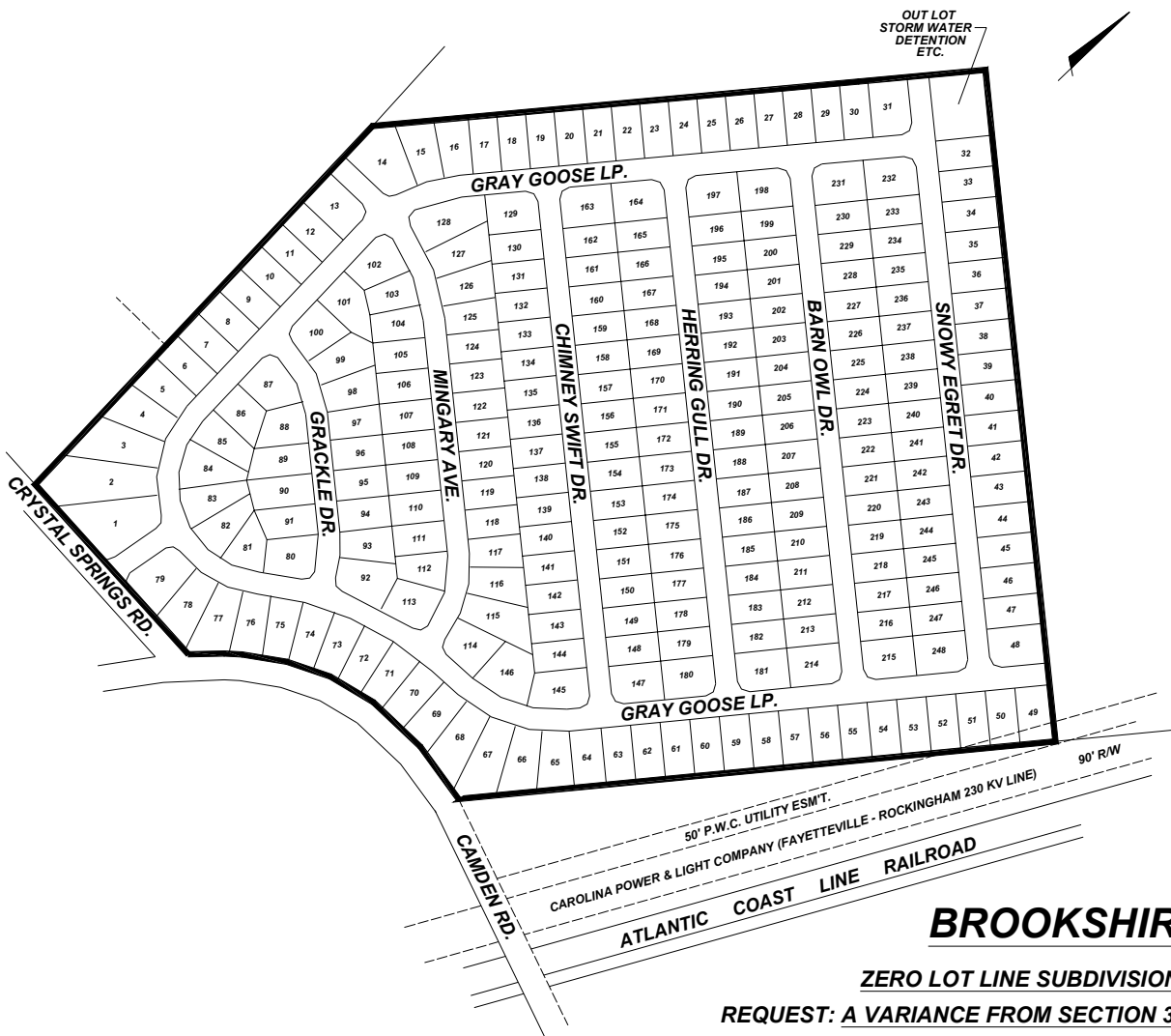
The Planning Staff recommends **Approval** of the requested variance on the following.

**130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829**  
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1. The nature of the adjoining property with the existing easements and railroad would create a road stub that is not necessary and most likely would never be used;
2. That the strict compliance with the provisions of this ordinance would cause a hardship with the developer due to the nature of the adjoining properties shape and the unusual condition of the railroad blocking any future road extensions.

#### Attachments

cc: Caviness & Huff, Developer  
Moorman, Kizer & Reitzel, Surveyor  
Grainger Barrett, County Attorney  
Thomas J. Lloyd, Supervisor, Land Use Codes



# **BROOKSHIRE**

**ZERO LOT LINE SUBDIVISION REVIEW**

**REQUEST: A VARIANCE FROM SECTION 3.18 "BLOCK LENGTH"**

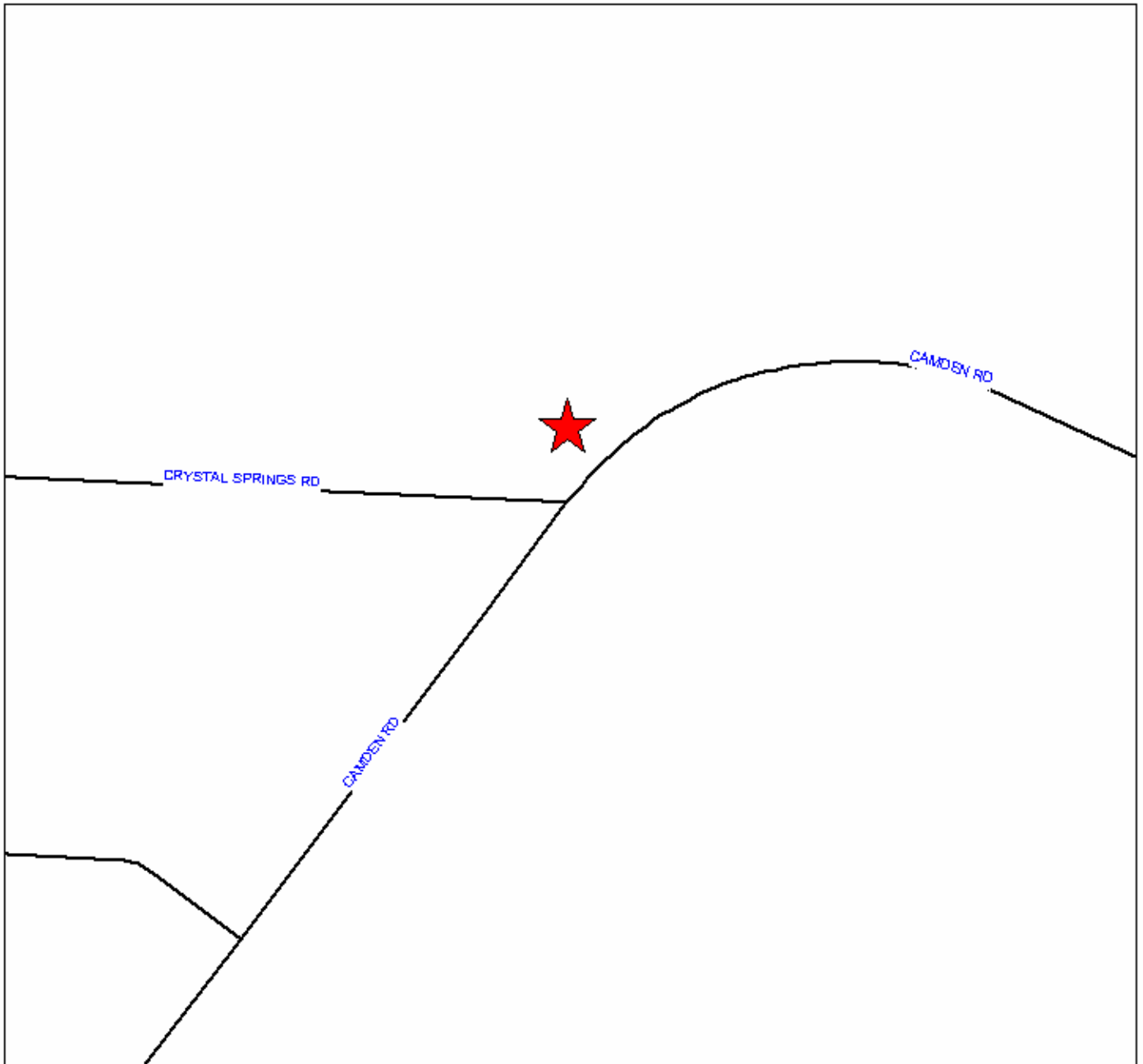
**CASE: 03-239 SCALE: N.T.S. ZONING: R10 & M(P)**

**ACREAGE: 51.55 AC.±**



# BROOKSHIRE SUBDIVISION REVIEW

CASE NO. 03-239



PIN: 0415-85-7878  
PREPARED BY ARN - CCJPB  
DECEMBER 15, 2003

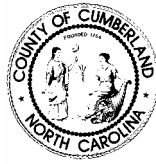
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Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
David Averette,  
John M. Gillis, Jr.,  
Dr. Marion Gillis-Olison  
Cumberland County



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

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

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frankie Underwood,  
Town of Stedman

January 23, 2004

#### MEMORANDUM

TO: Planning Board

FROM: Ed Byrne, Planner I  
Land Use Codes

SUBJECT: Case No. 04-018  
Debra C. Pierce Property  
(Group Development Review)

The developer submitted a request for a variance from Section 3.20.d, "Lot Standards" Cumberland County Subdivision Ordinance, to allow for a second structure to be placed on the property using an existing easement for access. The Ordinance requires the group development to have a minimum of 20 feet of road frontage along a public street or an approved private street.

The developer would like to build a house on the property, which currently has a singlewide mobile home. The proposed site plan contains 13.85 ac. +/- and has access off of a 60 foot wide easement. This property has been legally platted meeting the standards for lots over 10 acres.

**In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this Ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause an unusual and unnecessary hardship on the subdivider.**

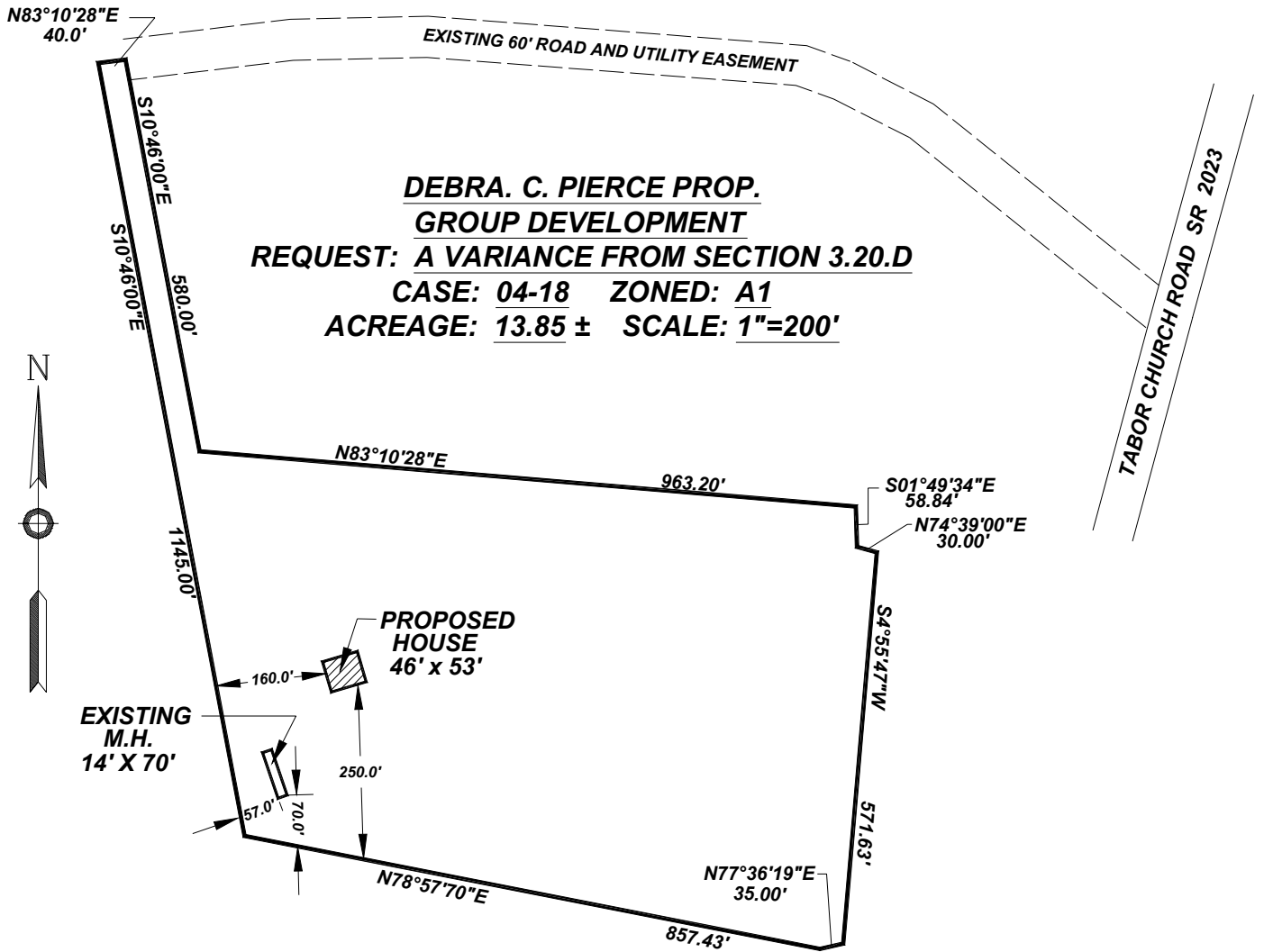
The Planning Staff recommends **Approval** of the requested variance on the following.

1. This lot was legally created under state law for parcels over 10 acres and platted with a 60 feet access easement;
2. The Cumberland County Joint Planning Board has approved similar request for a second structure when a easement for access existed;

3. That this property will not be subdivided until a public or private road is created to provide access to additional lots.

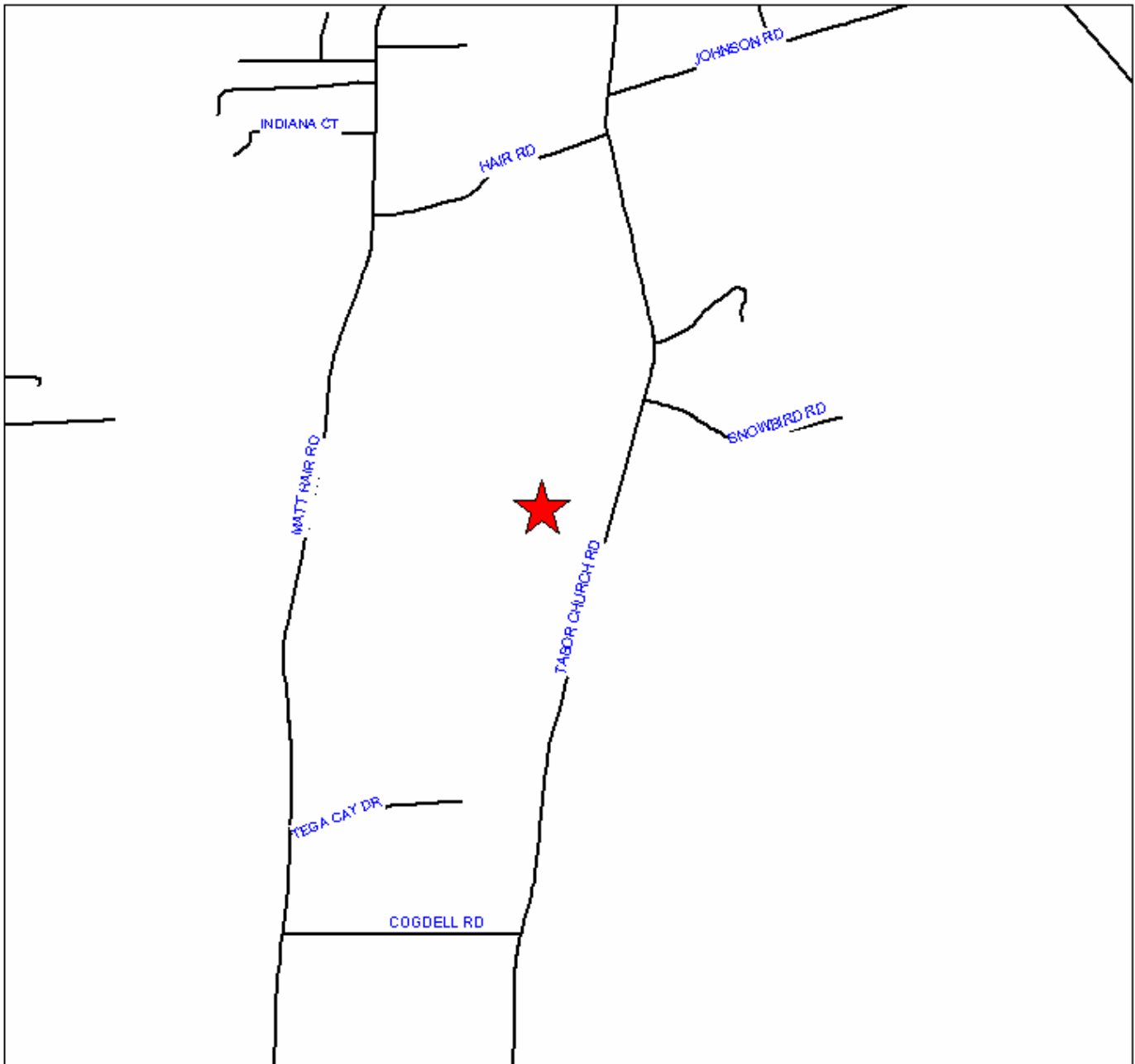
#### Attachments

cc: Debra C. Pierce, Developer  
Grainger Barrett, County Attorney  
Thomas J. Lloyd, Supervisor, Land Use Codes



# DEBRA C. PIERCE PROPERTY GROUP DEVELOPMENT REVIEW

CASE NO. 04-018



PIN: 0461-11-4974  
PREPARED BY ARN - CCJPB  
JANUARY 15, 2004

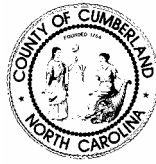
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Cumberland County

Charles C. Morris, Vice-Chair  
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Cumberland County



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Nancy Roy, AICP  
Director  
Planning & Inspections

Joe W. Mullinax,  
Town of Spring Lake  
Donovan McLaurin,  
Wade, Falcon & Godwin  
Frankie Underwood,  
Town of Stedman

January 23, 2003

#### MEMORANDUM

TO: Planning Board

FROM: Planning Staff

SUBJECT: Case No. 03-240  
Brian Watson Property  
(C(P) Site Plan Review)

The developer submitted a request for alternate yard requirements from Section 12.45, Cumberland County Zoning Ordinance, to allow a front yard setback of 22.85 in the M(P) zoning district where 100 feet is required. The proposed building has already been placed at the location as shown on the site plan and the developer does not want to have the building moved to another location. The proposed site plan contains 4.71 ac. +/- and was approved on May 25, 1999 Case: 99-136. The approved site plan had a steel building and a temporary office facility that was required to meet the setbacks per the condition sheet. The temporary office was replaced with the proposed modular structure as shown on the new site plan.

The developer has requested to leave the proposed modular structure as shown on the site plan because of the location of the septic field. The developer has stated in his request that this was the only location that the property would perk at and that the building would have to be in that general location. The Health Department does allow for the pumping of the wastewater to the septic field, which would allow the building to be located on other areas of this property.

**In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause an unusual and unnecessary hardship on the subdivider.**

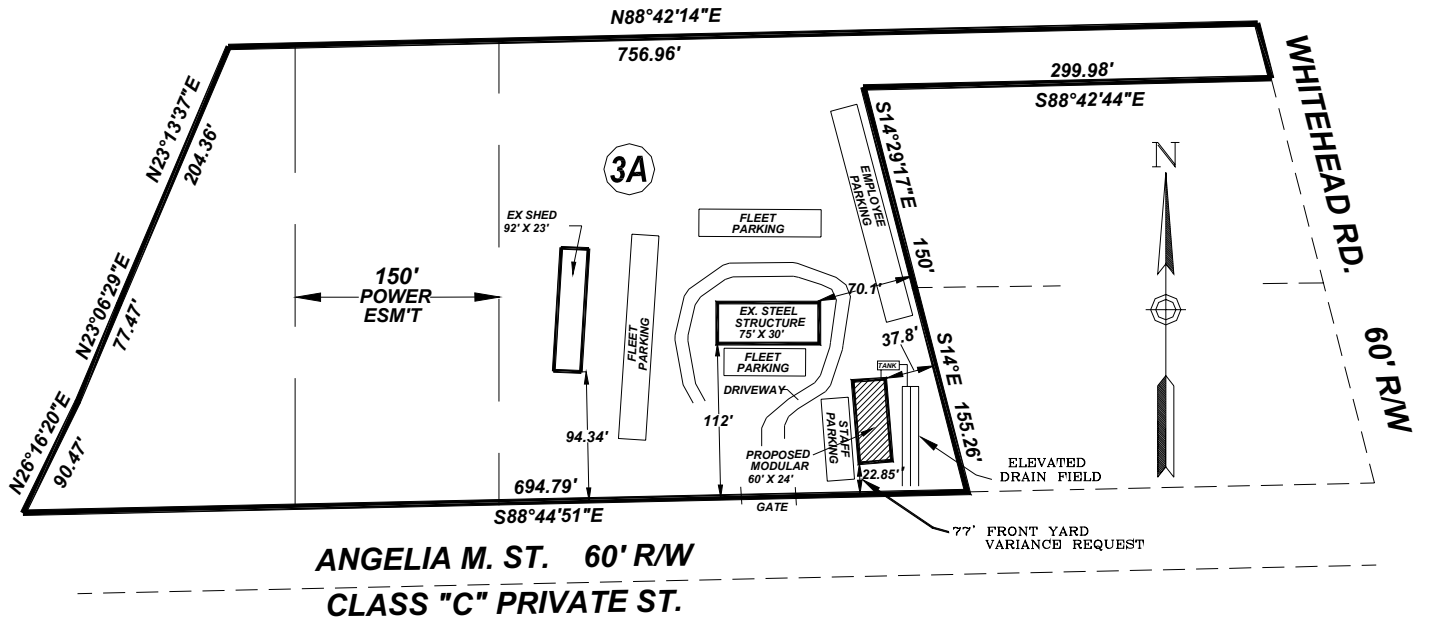
The Planning Staff recommends **Denial** of the requested alternate front yard based on the following.

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1. That there is not a hardship such as the size of the tract, its topography, the condition or nature of the adjoining areas, or other unusual physical condition which would prevent the strict compliance with of this ordinance;
2. That the proposed building can be located on another part of the property and the wastewater pumped to the septic tank as approved by the Health Department.

Attachments

cc: Jack A. Watson, Developer  
Grainger Barrett, County Attorney  
Thomas J. Lloyd, Supervisor, Land Use Codes



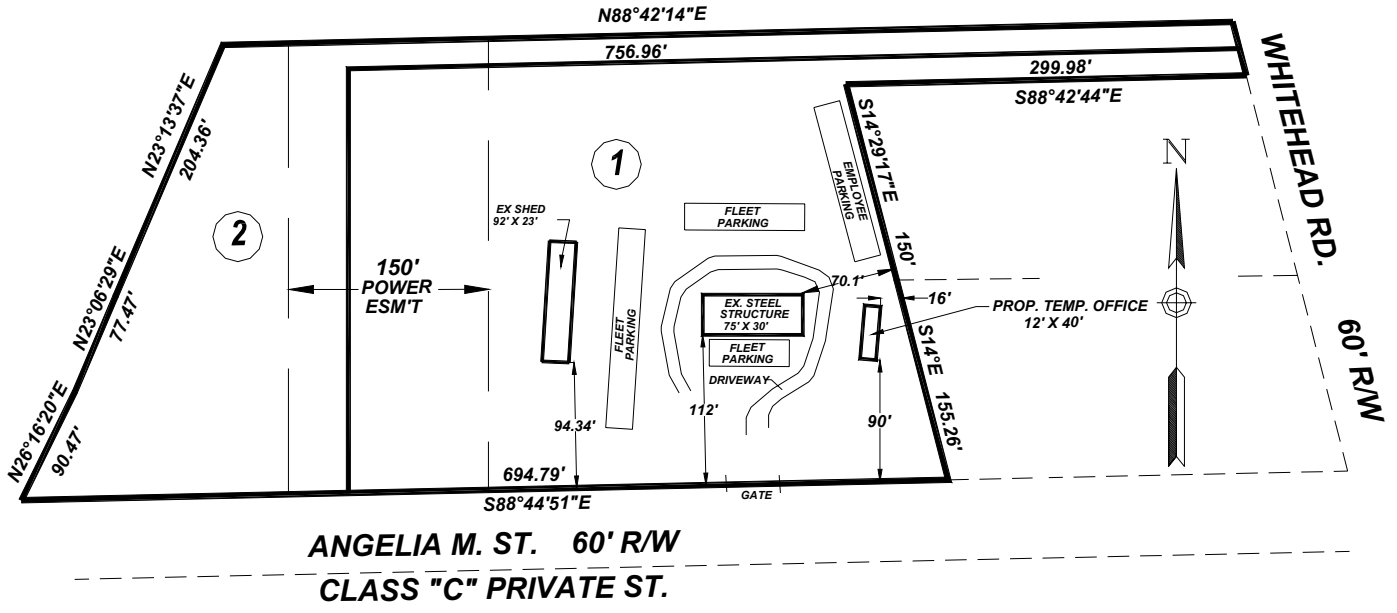
**BRIAN WATSON PROPERTY**

**CASE: 03-240 SCALE: 1"= 100'**

**REQUEST: ALTERNATE YARD REQUIREMENTS FOR  
A FRONT YARD SETBACK OF 22.85'**

**ACREAGE: 4.71 AC± ZONED: M(P)**

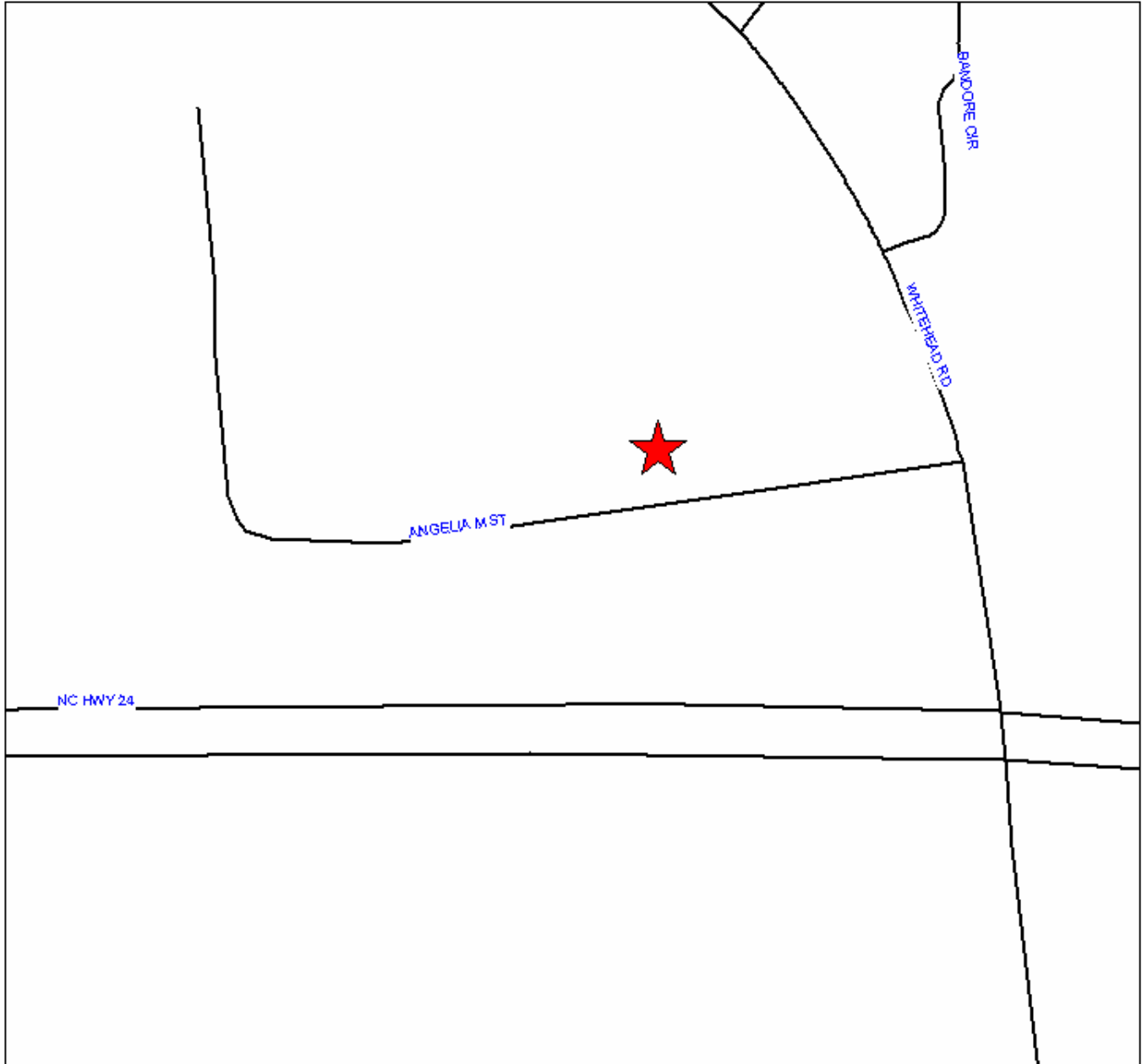




**BRIAN WATSON PROPERTY**  
**CASE: 99-136 SCALE: 1"= 100'**  
**REQUEST: M(P) SITE PLAN REVIEW**  
**ACREAGE: 3.139 AC± ZONED: M(P)**

**BRIAN WATSON PROPERTY  
M(P) SITE PLAN REVIEW**

**CASE NO. 03-240**



PIN: 0447-93-4081  
PREPARED BY ARN - CCJPB  
DECEMBER 15, 2003

Map not to scale



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