

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 DECEMBER 19, 2006 7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - A. P06-79: REZONING OF TWO PARCELS TOTALING 68.12 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2835 JOHN MCMILLAN ROAD, OWNED BY LAWRENCE C. AND OLETA C. SMITH, AND PHILLIP C. SMITH.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARINGS
- VI. CONSENT ITEM
 - A. APPROVAL OF THE MINUTES OF NOVEMBER 21, 2006
 - REZONING CASES**
 - B. P06-89: REZONING OF A 25.38+/- ACRE PORTION OF A 54.86 ACRE TRACT FROM R10 (R7.5) TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF HOPE MILLS BYPASS, NORTHWEST OF CAMDEN ROAD, SUBMITTED BY JACKIE HAIRR, OWNED BY KATHERINE MCGEACHY WARD, ANN WARREN AND JOSEPH NEILL.
 - C. P06-91: REZONING OF 6.0 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 623 MAGNOLIA CHURCH ROAD, OWNED BY BRUCE J. AND WANDA L. TEETS.
- VII. PUBLIC HEARING ITEMS
 - A. P06-81: REZONING OF THREE PARCELS TOTALLING 104 ACRES FROM A1 & RR TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF DIVISION PLACE, EAST OF CEDAR CREEK ROAD, SUBMITTED BY LIBBA PATE, OWNED BY PAULA H. FAIRCLOTH.
 - B. P06-88: REZONING OF TWO PARCELS TOTALING 3.09 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3944 CAMDEN RD AND 3380 KING CHARLES ROAD, OWNED BY JAMES B. BARNWELL, JR.
 - C. P06-90: REZONING OF 2.10 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1649 A TOWNSEND ROAD, OWNED BY DAVID G., SR. AND BETTY L. HOBBS.
- VIII. DISCUSSION / DIRECTOR'S UPDATE
- IX. ADJOURNMENT

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MINUTES
NOVEMBER 21, 2006

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. Donna McFayden
Mrs. Annette Nunnery
Mr. Grainger Barrett,
County Attorney

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. ADJUSTMENTS TO AGENDA

Mr. Lloyd stated that P06-83 and P06-87 were being moved from Consent to Public Hearing.

III. PUBLIC HEARING DEFERRALS

Mr. Lloyd stated that the applicant had requested a deferral for P06-79 until December 19th.

IV. ABSTENTIONS BY BOARD MEMBERS There were no abstentions.

A motion was made by Mrs. Epler and seconded by Mr. Turner to accept the adjusted agenda. Unanimous.

V. POLICY STATEMENT REGARDING PUBLIC HEARINGS

Mr. Lloyd read the policy statement regarding Public Hearings

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF OCTOBER 17, 2006

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

B. JOINT PLANNING BOARD 2007 MEETING SCHEDULE

C. JOINT PLANNING BOARD 2007 PLAT/PLAN SCHEDULE

A motion was made by Mrs. Epler, seconded by Mrs. Piland, to approve the 2007 Meeting Schedule and Plat/Plan Schedule as submitted. Unanimous.

REZONING CASES

D. P06-82: REZONING OF 2.24 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 6554 OAK GROVE CHURCH ROAD,

SUBMITTED BY GLORIA B. GRIFFIN, OWNED BY JAMES E. GRIFFIN AND RODNEY E. GRIFFIN.

Mr. Lloyd stated that staff recommends approval of the R40A district based on the findings that the request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and rezoning is reasonable and consistent with the current zoning, lot sizes and character of the general area. The A1A and R40 zoning districts are the only other suitable zoning districts to be considered for this request.

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

Mr. Lloyd stated that staff recommends approval of the C(P) district based on the findings that the request is consistent with the 2010 Land Use Plan; rezoning is reasonable and consistent with the character of the area; and the subject property is located on a Major Thoroughfare. The R5, R5A, O&I(P) and C1(P) are also suitable zoning districts to be considered for this request.

Mr. McNeill made a motion, seconded by Mr. Turner, to follow the staff recommendations and approve P06-82 and P06-85 as submitted. Unanimous.

PLAT & PLAN

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

Mrs. Epler asked if the Town of Stedman had voiced any objections or concerns regarding the pool. None were known. **Mrs. Epler made a motion, seconded by Mr. McNeill, to follow the staff recommendation and approve the waiver for Plat & Plan Case 06-168. Unanimous.**

VII. PUBLIC HEARING ITEMS

REZONING CASES

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

Mr. Lloyd reviewed the case information and stated that staff recommends approval of the A1A district based on the findings that the request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and the rezoning request is reasonable and consistent with the current zoning, lot sizes and character of the general area. There are no other suitable zoning districts to be considered for this request. The Public Hearing opened.

Ms. Chang Thompson, applicant and owner, addressed the Board and stated that she needed to rezone the property in order to subdivide and sell it. She has had potential buyers but they state that the lot is too large as it is.

Dr. Thomas Durr addressed the Board in opposition to the request. He stated that he had assumed the purpose of the rezoning was for eventual mobile homes, but now understands that the applicant simply wants a smaller lot. He is still opposed to the rezoning based on the fact that he and his neighbors want the area to remain A1 with at least 2 acre lots. He asked for a show of support, against the rezoning, from audience members. Many people stood. Dr. Durr reminded the Board of his repeated appearances before them in the past to oppose like requests. He further stated that smaller lots in this area will increase the current problems with drainage and will not help to increase or preserve current land values. Dr. Durr asked that the Board respect the residents' desire to keep this area as it is. Mr. Lloyd reviewed past rezoning cases and decisions in the area.

Mr. Franz Lohr appeared in opposition. He stated that subdividing property in this area will increase the current problems with drainage and runoff. He stated that smaller lots cannot sustain functioning septic tanks and that recent new construction on the east side of the river had greatly contributed to serious problems with flooding and runoff.

Mr. Maury Ferrari appeared in opposition. He stated that he strongly opposed any further attempts to rezone and subdivide in this area because of existing problems with standing water, runoff, and flooding. Ms. Thomson declined to speak in rebuttal. The Public Hearing closed.

Mrs. Piland stated that she understood the concerns of both sides and felt that the interest of the property owner and the desires of the current residents must both be considered.

Mr. McNeill asked if the property owner could subdivide her property under the current zoning. Mr. Lloyd replied that she could not, but that she could consider a group development. Mr. McNeill stated that while he was sympathetic to the petitioner he could not approve rezoning for the purpose of satisfying a potential buyer.

Mr. McNeill made a motion, seconded by Mrs. Piland, to deny the request. The motion passed 7 to 1, with Mrs. Epler voting in opposition.

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

Mr. Lloyd reviewed the case information and stated that staff recommends approval of the R40 district based on the findings that the request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and rezoning is consistent with the current zoning, lot sizes and character of the area. The A1A zoning district is the only other suitable zoning district to be considered for this request. The Public Hearing opened.

Ms. Ann Locklear, petitioner, addressed the Board. She stated that she was the realty agent for this property and that the owner plans to build a subdivision on this property comparable to what is already in the area.

Ms. Patty Nunnery addressed the Board in opposition. She stated that she has lived in the area for 18 years because it is rural and agricultural. She stated that increased rezoning and construction is already changing the character of the area. The extreme growth in this area has come without the benefit of increased county services. She had concerns with the fire department and law enforcement response times, increasing crime, overcrowded schools, and traffic congestion. She presented a petition showing neighbor opposition to the request. Mr. McNeill asked if she had noticed any problems with water runoff. Ms. Nunnery stated that she currently had serious problems with drainage and standing water on her property.

Ms. Wendy Boudreaux appeared in opposition and stated that the existing water problems showed the need to stop new construction and subdivision of property in this area. She expressed concerns regarding overcrowded schools, traffic, and runoff. She asked the Board to keep the area zoned A1.

Mr. Raymondes Santiago appeared in opposition and advised the Board that he currently had serious problems with his septic tank and well. He noted that smaller lots in this area would have the same problems. He urged the Board to deny the request.

Ms. Locklear spoke in rebuttal and stated that the increase in population that is expected with BRAC will force the county to address the issue of services. She wants her company to be able to meet the demand for housing that will occur at that time. The Public Hearing closed. Mr. Lloyd reviewed the soils map at the request of Mrs. Epler. Mrs. Piland asked if the staff had considered addressing soil and water issues during case review and providing that information to the Board. Mr. Lloyd stated that staff does consider those issues but in this case the degree of storm runoff was not known. Mr. McNeill stated that he was aware of the poor drainage in that area and expressed his concern that further development would only increase the problem.

Mr. McNeill made a motion, seconded by Mrs. Piland, to deny the request. Unanimous.

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

Mr. Lloyd reviewed case information and stated that staff recommends denial of the C1(P) zoning district based on the findings that rezoning the subject property is inconsistent with the 2010 Land Use Plan which calls for Suburban Density Residential at this location; currently, severe congestion is prevalent on Clinton and Old Vander Roads qualifying this request as unreasonable; the uses allowed within the C1(P) zoning district will only add to the already overburdened street system. In addition to the existing school traffic, a 230 lot subdivision with direct access to Old Vander Road, south of the subject property, was approved as a use by right in March 2006; and rezoning the subject property to a commercial district at this location will not serve a viable public purpose and should not be considered until such time that the streets in the immediate area are upgraded. There are no other suitable rezoning districts to be considered for this request. Mr. Lloyd added that NC Department of Transportation had reviewed the rezoning request and advised that a convenience store at this location would significantly increase the already high traffic count in this area by 815 vehicles per day. The Public Hearing opened.

Mr. Neil Yarborough, attorney, appeared before the Board on behalf of the applicants. He stated that the facts given by staff as reasons for denial were actually reasons for approval. The points mentioned verify that the location is ideal for a convenience store. He reminded the Board that a C1(P) site plan review would be required and the concerns would be addressed during that process. He noted that surrounding property is already commercially zoned or permitted as a conditional use. He also stated that in the near future this area will no longer have any residential application. He asked the Board to allow the property owners the same rights of use as those allowed to the property owners with commercial zoning on the other lots. Mr. McLaurin asked Mr. Yarborough if the rights of homeowners in the area had been considered. He stated that they had the right to expect privacy and security and to protect the value of their property. He pointed out that a convenience store would bring in lights, noise, and traffic. Mr. Yarborough replied that the plan review process would address those concerns. Mr. Yarborough stated that while he agreed that commercial rezoning would have a negative impact, at first, to the immediate homeowners, change was imminent for this area.

Mr. Michael Williams appeared in opposition. He agreed that traffic increases would add to the congestion in the area. He noted that residents already had enough access to stores and shopping and did not need any more. He further stated that previous rezoning requests were misrepresented to the citizens and that the citizens would have objected to the requests if they had known the truth.

Ms. Mary Williams appeared in opposition and told the Board that there was already a major problem with traffic congestion due to the nearby schools and the double intersections.

Mr. Robert West appeared in opposition and stated that the staff should address a larger surrounding area when representing a case for review. He stated that the nearby schools and shopping center should be shown on the site plan to give a true representation of the impact another store would bring to the area.

Mr. C.W. Horne appeared in opposition and presented letters from neighbors who opposed the rezoning request. He shared his concerns about existing traffic congestion.

Mr. Yarborough spoke in rebuttal. He stated that he appreciated the concerns of the neighbors and that the staff would require a review process whereby they would address those concerns. He repeated that the eventual changes to the area will be away from residential uses and that current problems with traffic and congestion will not go away. The Public Hearing closed. Mrs. Epler stated that the traffic problems had existed in that area for over 25 years. She stated that the fact that nearby intersections don't line up only increases the problem. She agreed that future growth will move the use of this area

away from residential but that for now, it should remain residential until NCDOT addresses the traffic problems. She stated that this was not the right time or the right area for this type of rezoning.

Mrs. Epler made a motion, seconded by Mrs. Piland, to deny the request for rezoning. Unanimous. The Board recessed for 10 minutes.

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

Mr. Lloyd reviewed the case information and stated that staff recommends denial of the R10 district based on the findings that the request is inconsistent with the 2010 Land Use Plan which calls for Suburban Density Residential; and rezoning this property will not serve a viable public purpose and is unreasonable since the entire subject property contains hydric soils, which could cause stormwater runoff onto adjacent properties. There are no other suitable zoning districts for this request. The Public Hearing opened.

Mr. Dennis Byrd, petitioner and owner, addressed the Board. He stated that his intent was to rezone this property and build 4 apartments for the elderly. He stated that there was already like zoning in this area. Mr. McLaurin asked Mr. Byrd to repeat his intended use. Mr. Byrd stated that he wanted to construct 4 apartment units to cater to older adults. Mr. McLaurin asked if R15 would be sufficient for that use. Mr. Byrd stated that it would but he had asked for R10 because the property adjoining his is R10 and he thought a request for the same zoning would be more easily approved. Mr. McLaurin asked if access to this property would connect to the adjacent R10 property. Mr. Byrd stated that it would not because a creek separates the lots.

Mr. Turner asked about problems with stormwater runoff. Mr. Byrd stated that there were not any current problems that he was aware of. Mr. Turner asked if the additional construction of apartment units would increase or create drainage problems. Mr. Byrd stated that he didn't believe that it would. Mr. Lloyd stated that the Board should also consider the required paved parking and expressed the staff's concern that approval of this request would start a trend towards rezoning in this area. Mr. McLaurin asked the petitioner if an R15 zoning, allowing the construction of 4 units, would be sufficient for his purpose. Mr. Byrd stated that it would be sufficient and he asked to amend his request to R15. Mrs. Piland stated that even though the infrastructure was there, that did not mean that the area needed the density. The Public Hearing closed. No one appeared to speak in opposition to the request. Mr. Lloyd stated that the rezoning to R10 on adjacent property had been approved in 2004, prior to any knowledge of drainage problems. At this time, staff has questions concerning drainage problems or stormwater runoff. Mr. McLaurin stated that approval of R15 would guarantee a certain type of dwelling and would provide some type of protection for this area.

Mr. McLaurin made a motion, seconded by Mr. Turner, to deny the request for R10 but approve the amended request for R15. Unanimous.

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

Mr. Lloyd presented the case information and stated that staff recommends denial of the C1(P) district based on the findings that the request is not consistent with the 2010 Land Use Plan which calls for Low Density Residential at this location; rezoning to the C1(P) district is arbitrary and will not serve a viable public purpose but would promote strip commercial development in a predominately residential area; and the request is not reasonable nor compatible with the current zoning and character of the area. There are no other suitable zoning districts to be considered for this request. The Public Hearing opened.

Ms. Kacey Shupe, owner and applicant, addressed the Board. She stated that her request was in keeping with the changes in the area. There is a high amount of traffic and less and less residential use. She stated that she no longer lives in the house but has renovated it extensively. She stated that in earlier years, she had no problem renting the house but now that the area has changed so much, the house has been empty since January of this year and that interest in her property as a residential use is non-existent.

She stated that people do not want to live in an area that is so loud, has such heavy traffic, and increased problems with vandalism and vagrants. She stated that she had talked to her neighbors and they are all in favor of this request due to changes in the area. She further noted that there is already commercial zoning surrounding this property. Mrs. Epler asked if the applicant was aware that rezoning would result in only a 40 foot wide structure being allowed on the property. Ms. Shupe stated that the house would be removed or demolished anyway.

Mr. Joe Pomales, realtor, verified that the property is undesirable for use as a home. He repeated concerns that increasing traffic and crime in the area are very detrimental to residential use. He stated that the neighbors are all in favor of the commercial zoning and that they are, in fact, hoping it will be approved so that they can file their own requests.

Mr. Tommy Watts stated that he had watched Ms. Shupe work very hard to maintain the property as a residence. He stated that the changes in the area had made the property undesirable for residential use and that the current zoning was actually hurting the value of her property. He told the Board that it would benefit everyone in this area if the rezoning was approved.

Ms. Glenda Stump, realtor, addressed the Board. She stated that commercial growth of surrounding areas was now extending into this area. A change away from residential use is necessary to alleviate growing problems in the Hope Mills Road area. She stated that there is no place for growth from the Hope Mills Road area to go except to Camden Road. Ms. Stump stated that the map shown was deceiving in that it does not accurately show commercial rezoning of the surrounding area nor the trend away from residential uses in this area. She stated that this area needs revitalization and that a change to C1(P) would only improve the area. There were no hindrances to be seen. The Public Hearing closed.

Commissioner Wheatley asked Mr. Lloyd to review the existing surrounding zoning. Mr. Lloyd highlighted those areas and stated that there were currently 5 residences located in the proposal area. He further stated that the 2030 Plan denoted this area as a commercial node due to the existence of the proposed by-pass.

Mrs. Epler asked if OI&(P) had been discussed with the applicant. Mr. Lloyd stated that it was not but that staff would have favorably considered it if the applicant had requested it. He stated that OI&(P) would serve as a good buffer for future proposed changes.

Commissioner Wheatley stated that she was concerned that no opposition was present. She stated that she would prefer knowing if the neighbors approved the request or if they simply did not understand the reason for the hearing. Mrs. Epler asked if the applicant would consider a deferral to allow for consideration of an OI&(P) district. The applicant stated that she had already considered the OI&(P) and would be agreeable to amending her request to OI&(P) at this time without deferring.

Mrs. Epler made a motion, seconded by Mr. McLaurin, to deny the C1(P) and approve OI&(P). Unanimous approval.

VIII. DISCUSSION

Mr. McNeill updated the Board on the recent County Commissioner's meeting. He stated that one case involved repeated appearances before the Planning Board and that the applicant had contradicted himself in the minutes. Mr. McNeill asked that all future staff recommendations to the Planning Board include applicable portions of the minutes from any previous Board meetings.

IX. FOR YOUR INFORMATION / DIRECTOR'S UPDATE

Mr. Lloyd reviewed the status of the sewer extension policy and reported on the recent 2030 meeting. Mr. Lloyd also expressed his appreciation to the Board for their condolences after the loss of his father.

X. ADJOURNMENT There being no further business, the meeting adjourned at 9:35 p.m.

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December 12, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 19, 2006 Board Meeting

P06-89: REZONING OF A 25.38+/- ACRE PORTION OF A 54.86 ACRE TRACT FROM R10 (R7.5) TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF HOPE MILLS BYPASS, NORTHWEST OF CAMDEN ROAD, SUBMITTED BY JACKIE HAIRR, OWNED BY KATHERINE MCGEACHY WARD, ANN WARREN AND JOSEPH NEILL.

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

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the request meets the criteria for the R5A zoning classification;
2. The subject property is located on a Major Thoroughfare; and
3. Public water and sewer are available to the subject property and connection will be required upon development of the site.

The R6 zoning district is the only other suitable zoning district to be considered for this request.

SITE PROFILE

P06-89

REZONING OF A 25.38+/- ACRE PORTION OF A 54.86 ACRE TRACT FROM R10 (R7.5) TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF HOPE MILLS BYPASS, NORTHWEST OF CAMDEN ROAD, SUBMITTED BY JACKIE HAIRR, OWNED BY KATHERINE MCGEACHY WARD, ANN WARREN AND JOSEPH NEILL.

Site Information:

Applicant/Owner: JACKIE HAIRR / KATHERINE MCGEACHY WARD, ANN WARREN AND JOSEPH NEILL

Area: 25.38 +/- acres

Frontage & Location: 1604 feet on Hope Mills Bypass; 60 feet on Steed Road

Depth: 683 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Agricultural and forest

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

Surrounding Zoning: North-RR, R10, R10/CU, R6, R6A, M1(P), East-RR, R10, C(P), South-CD, RR, R10, C(P), Hope Mills city limit-R15, R10, C(P), and West-RR, R10, R6A, C(P)

Surrounding Land Use: Manufactured home park, computer business, vacant commercial, daycare, and single family residential

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC – PWC Water connection on George Owen Road-required upon development

Soil Limitations: Yes – Johnston loam (JT) and Torhunta Lynn Haven (TR)

School Capacity/Enrolled: Cumberland Mills Elementary 519/615, Ireland Drive Middle 343/347, Douglas Byrd Middle 765/722, Douglas Byrd High 1280/1222

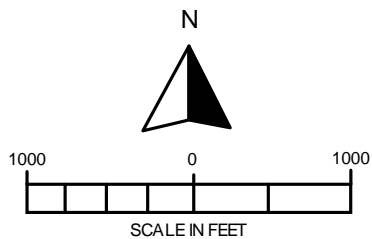
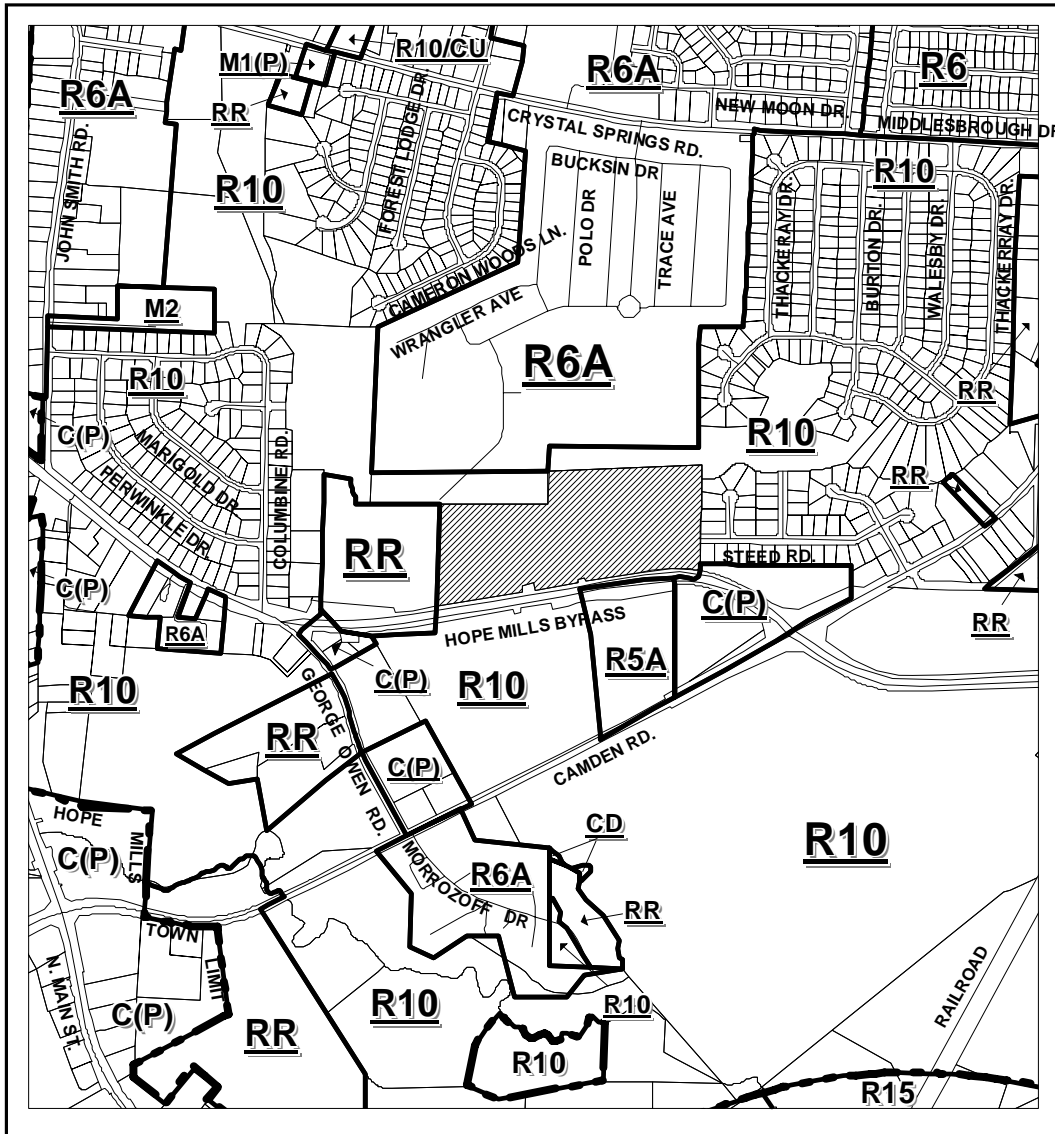
Subdivisions: A subdivision or group development review will be required prior to any development.

Military Impact Area: No

Highway Plan: Hope Mills Bypass is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2006-2012 MTIP: Construction-FFY06, under construction

Notes:

Density: R7.5 – 147 units / 117 lots
 R6 – 275 units / 147 lots
 R5A – 367 units / 176 lots



PORT. OF PIN: 0415-31-8668

REQUESTED REZONING R10 TO R5A		
ACREAGE: 25.38 AC.+/-	HEARING NO: P06-89	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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December 12, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 19, 2006 Board Meeting

P06-91: REZONING OF 6.0 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 623 MAGNOLIA CHURCH ROAD, OWNED BY BRUCE J. AND WANDA L. TEETS.

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

1. The R40 zoning district is consistent with the Stedman Study Area Detailed Land Use Plan which calls for "farmland" at this location; and
2. The R40 zoning district is consistent with the current zoning, lot sizes and character of the general area.

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

SITE PROFILE

P06-91

REZONING OF 6.0 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 623 MAGNOLIA CHURCH ROAD, OWNED BY BRUCE J. AND WANDA L. TEETS.

Site Information:

Applicant/Owner: BRUCE J. AND WANDA L. TEETS

Area: 6.0 acres

Frontage & Location: 430 feet on Magnolia Church Road

Depth: 602 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant land

Initial Zoning: September 3, 1996 (Area 20)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40A, R20, East-A1, R40A, C(P), South-A1, RR, C3, M(P)/CUD, West-A1, Stedman town limit-R15

Surrounding Land Use: Manufactured home park, single family residential and farmland

Stedman Study Area Detailed Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic tank

Soil Limitations: Yes – Lynchburg sandy loam (Ly)

School Capacity/Enrolled: Stedman Primary 136/163, Stedman Elementary 303/290, Mac Williams Middle 1274/1170, Cape Fear High 1400/1439

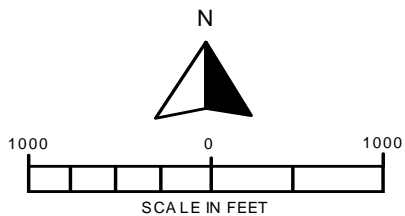
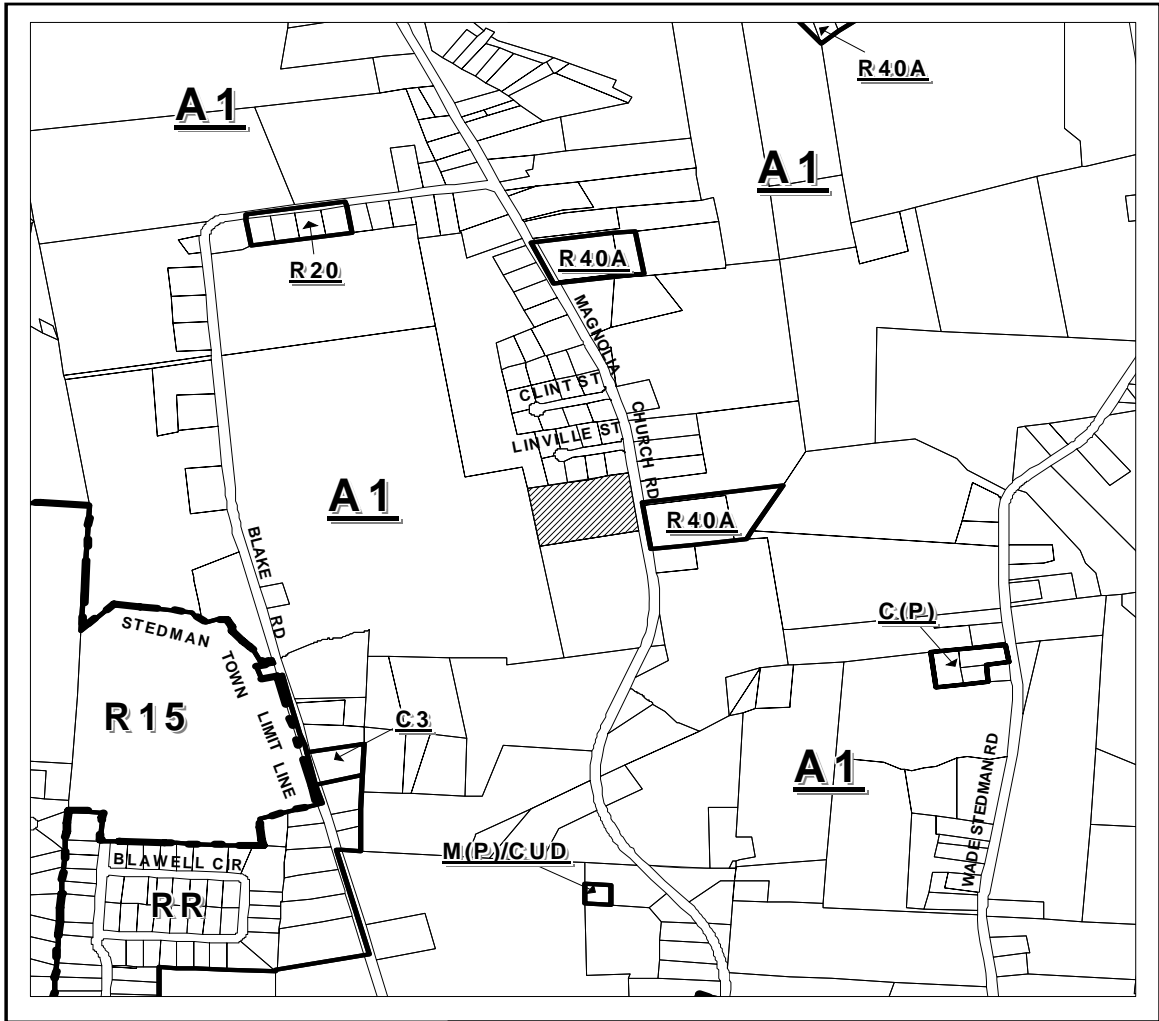
Subdivisions: A subdivision or group development review will be required prior to any development.

Military Impact Area: No

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

Average Daily Traffic Count (2004): 13,000 on Magnolia Church Road

Notes:



REQUESTED REZONING A1 TO R40

ACREAGE: 6.00 AC. +/-	HEARING NO: P06-91	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0486-85-7569

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

December 12, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 19, 2006 Board Meeting

P06-81: REZONING OF THREE PARCELS TOTALLING 104 ACRES FROM A1 & RR TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF DIVISION PLACE, EAST OF CEDAR CREEK ROAD, SUBMITTED BY LIBBA PATE, OWNED BY PAULA H. FAIRCLOTH.

The Planning & Inspections Staff recommends denial of the R7.5 district and approval of R40 district based on the following:

1. Even though the request is consistent with the Land Use Plan, approval of the request would most likely cause significant harm to the surrounding property owners. The additional development that this request would allow, if approved, cannot be supported by the existing public infrastructure due to the prevalence of hydric soils coupled with a lack of adequate storm water drainage in this area; and
2. Development of the subject property at the R40 standards would be reasonable for the area considering the infrastructure that is in place and would be consistent with the existing uses in the area but on larger lots.

There are no other suitable general zoning districts to be considered for this request; however, with the property owner's agreement, a viable option may be submission for a Conditional Use District and Permit supported by engineer-designed drainage plans addressing stormwater runoff.

SITE PROFILE

P06-81

REZONING OF THREE PARCELS TOTALLING 104 ACRES FROM A1 & RR TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF DIVISION PLACE, EAST OF CEDAR CREEK ROAD, SUBMITTED BY LIBBA PATE, OWNED BY PAULA H. FAIRCLOTH.

Site Information:

Applicant/Owner: LIBBA PATE / PAULA H. FAIRCLOTH

Area: 104 acres

Frontage & Location: 104 feet on L. A. Dunham Road, 60 feet on Encore Street

Depth: 2,400 +/- feet

Jurisdiction: County

Adjacent Property: No

Current Use: Agricultural and road

Initial Zoning: September 14, 1979 (Area 9)

Zoning Violation(s): None

Surrounding Zoning: North-RR, R6A, MXD/CUD, C3, East-RR, R10, Fayetteville city limit-A1, AR, R6MH, South-A1, RR, R10, city limit-R15, R10, C1(P), and West-RR, city limit-R15, R6, C1(P), C3

Surrounding Land Use: EMS station, doctor's office, duplex, church, townhouses, farmland, and single family residential

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: Yes – Roanoke (Ro) and Wickham fine sandy loam (Wmb)

School Capacity/Enrolled: Sunnyside Elementary 245/344, Mac Williams Middle 1274/1170, Cape Fear High 1400/1431

Subdivisions: A subdivision review will be required prior to any development of this site.

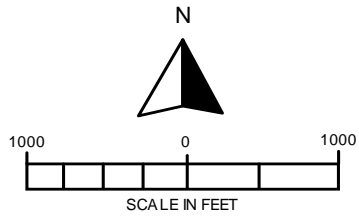
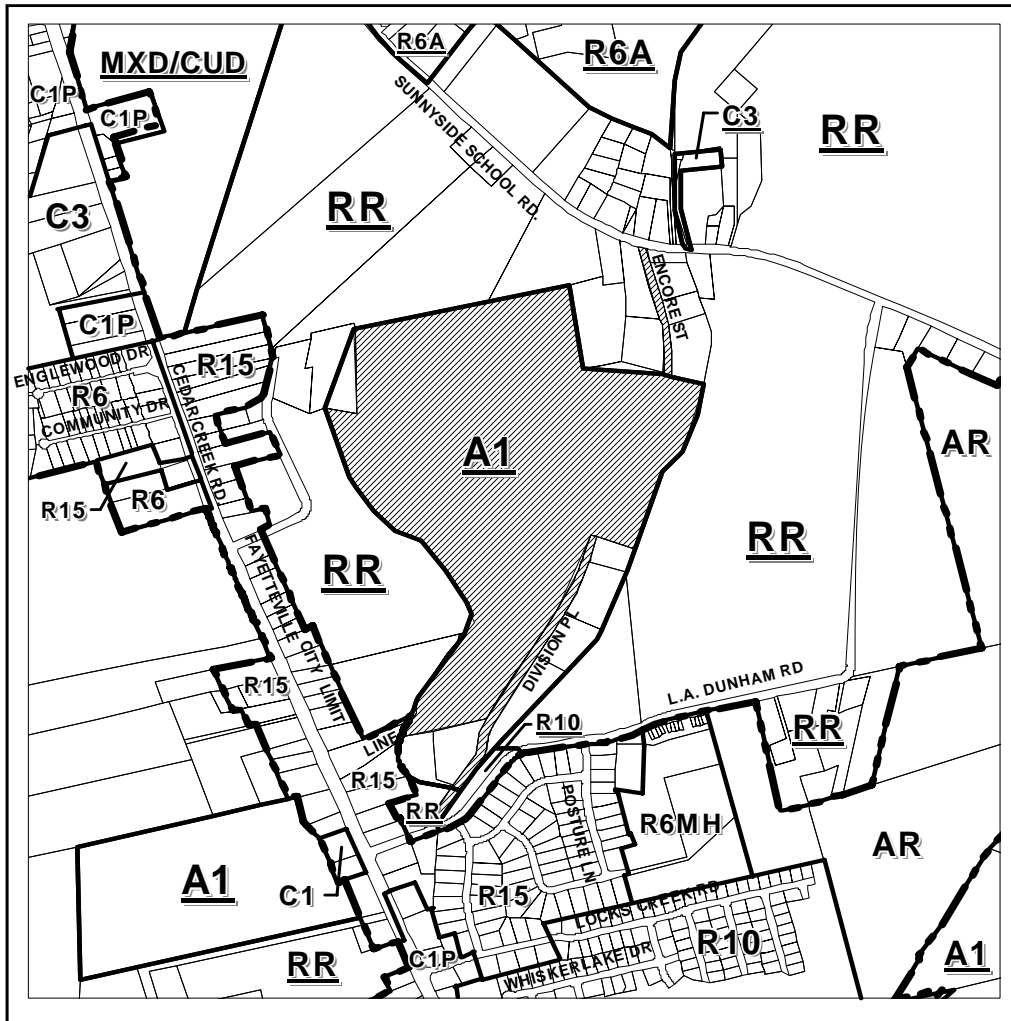
Military Impact Area: No

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

Notes:

Division Place and Encore Street are approved Class "C" Private Streets.

Density minus 20% for roads:	A1 – 41 lots
	R40 – 90 lots
	R30 – 120 lots
	R20 – 181 lots
	R15 – 241 lots
	R7.5 – 483 lots



REQUESTED REZONING A1 & RR TO R7.5

ACREAGE: 104.00 AC.+/-		HEARING NO: P06-81	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0446-94-3030
 PIN: 0446-92-4319
 PIN: 0456-05-3196

Charles C. Morris,
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Town of Stedman



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Sara E. Piland,
Cumberland County

December 12, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 19, 2006 Board Meeting

P06-88: REZONING OF TWO PARCELS TOTALING 3.09 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3944 CAMDEN RD AND 3380 KING CHARLES ROAD, OWNED BY JAMES B. BARNWELL, JR.

The Planning & Inspections Staff recommends approval of the C(P) district for the tract fronting on Camden Road, but denial of the parcel fronting on King Charles Road based on the following:

1. Although the C(P) district is not consistent with the Land Use Plan for the Camden Road tract, the request is reasonable because the properties on each side of this tract are zoned C(P) and is compatible with the current use of the properties fronting on Camden Road in this area;
2. The current zoning of R6A is also not consistent with the Land Use Plan; however, the subject property was initially zoned to this district and the properties along King Charles Road remain residentially zoned; and
3. King Charles Road is a residential street and not designed to handle commercial traffic.

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

SITE PROFILE

P06-88

REZONING OF TWO PARCELS TOTALING 3.09 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3944 CAMDEN RD AND 3380 KING CHARLES ROAD, OWNED BY JAMES B. BARNWELL, JR.

Site Information:

Applicant/Owner: JAMES B. BARNWELL, JR.

Area: 3.09 acres

Frontage & Location: 158 feet on King Charles Road and 100 feet on Camden Road

Depth: 629 feet and 300 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

Surrounding Zoning: North-RR, RR/CU, R10, R6A, East-RR, R10, R6A, R6A/CU, C(P), South-RR, R10, R10/CU, R6A, R6A/CU, C1(P), C(P), and West-RR, R10, R6A, C(P), M(P)

Surrounding Land Use: Industrial business, garage, steel sales, welding company, machine auto business, sweep and striper company, auto body shop, church, and single family residential

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic tank – PWC Water and sewer are available on Winesap Road (610 feet to the Southeast)

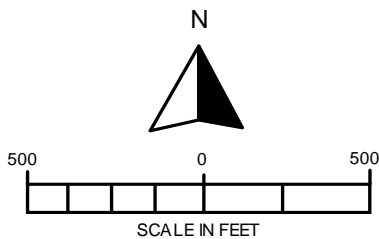
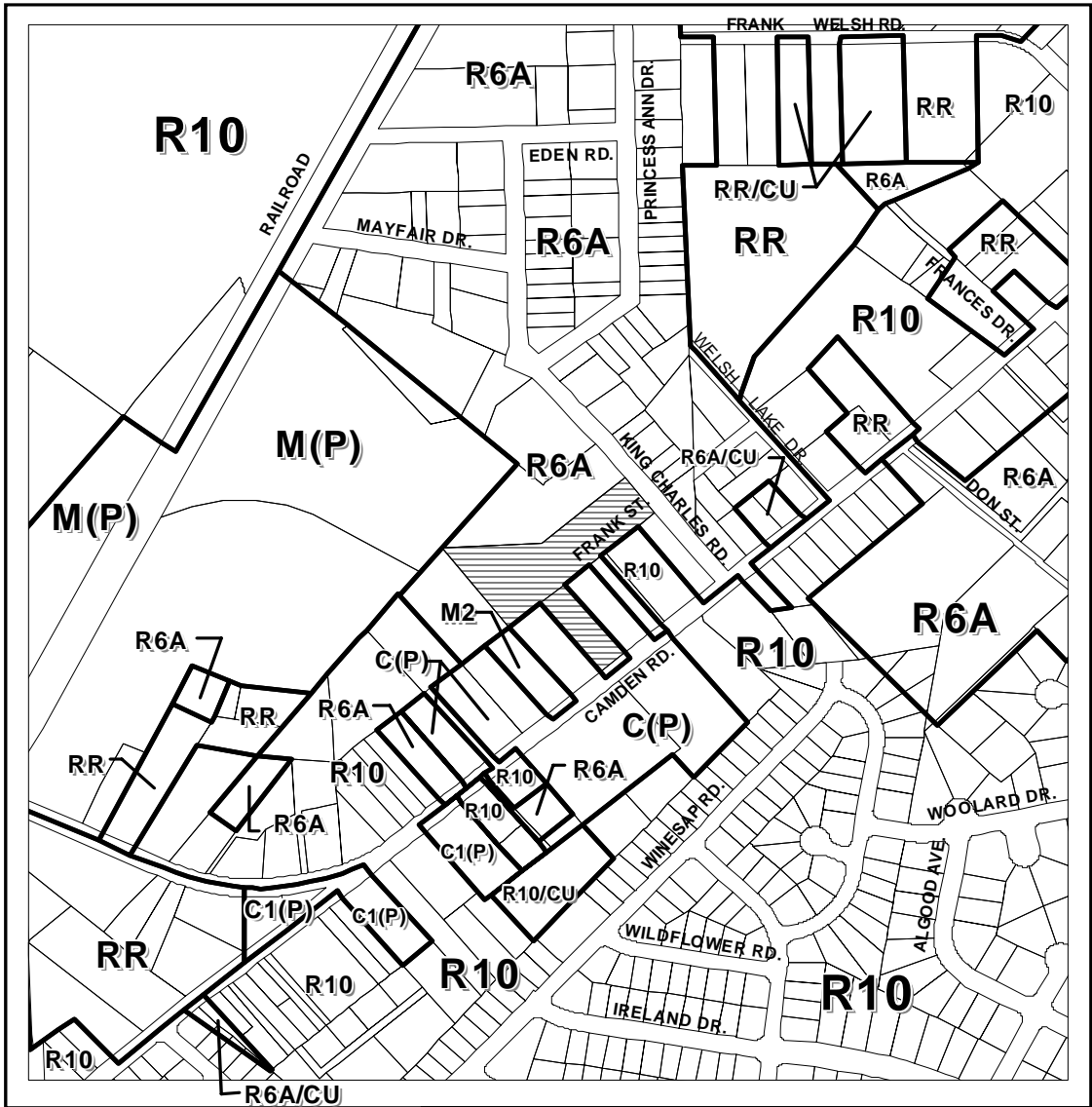
Soil Limitations: Yes - Johnston loam (JT)

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

Military Impact Area: No

Highway Plan: Camden Road is identified as a Major Thoroughfare. The proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2006-2012 MTIP: Planning/Design-In Progress, Mitigation-FFY07, Right-of-Way-FFY06, Construction-FFY08, 09, and Post Years

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



REQUESTED REZONING R6A TO C(P)

ACREAGE: 3.09 AC.+/-		HEARING NO: P06-88	
ORDINANCE: COUNTY	PLANNING BOARD	HEARING DATE	ACTION
GOVERNING BOARD			

PIN: 0425-15-3656
PIN: 0425-15-4462

Charles C. Morris,
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Wade, Falcon & Godwin

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



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

December 12, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for December 19, 2006 Board Meeting

P06-90: REZONING OF 2.10 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1649 A TOWNSEND ROAD, OWNED BY DAVID G., SR. AND BETTY L. HOBBS.

The Planning & Inspections Staff recommends denial of the R40A district and approval of the A1A district based on the following:

1. Although the R40A request is consistent with the Land Use Plan, the A1A district is designed for tracts of land less than ten acres located within agricultural areas; and
3. The A1A district is in keeping with the current use, character and zoning of the general area.

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

SITE PROFILE

P06-90

REZONING OF 2.10 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1649 A TOWNSEND ROAD, OWNED BY DAVID G., SR. AND BETTY L. HOBBS.

Site Information:

Applicant/Owner: DAVID G., SR. AND BETTY L. HOBBS

Area: 2.10 acres

Frontage & Location: 499 feet on A. Townsend Road

Depth: 318 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: June 25, 1980 (Area 13)

Zoning Violation(s): None

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

Surrounding Land Use: Farmland and single family residential

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic tank

Soil Limitations: None

School Capacity/Enrolled: Grays Creek Elementary 764/736, Grays Creek Middle 495/612, Grays Creek High 1270/1077

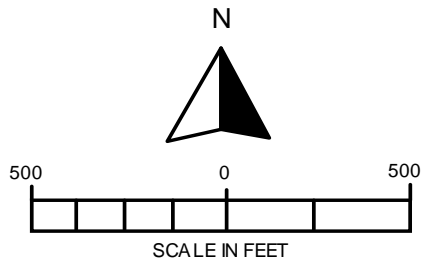
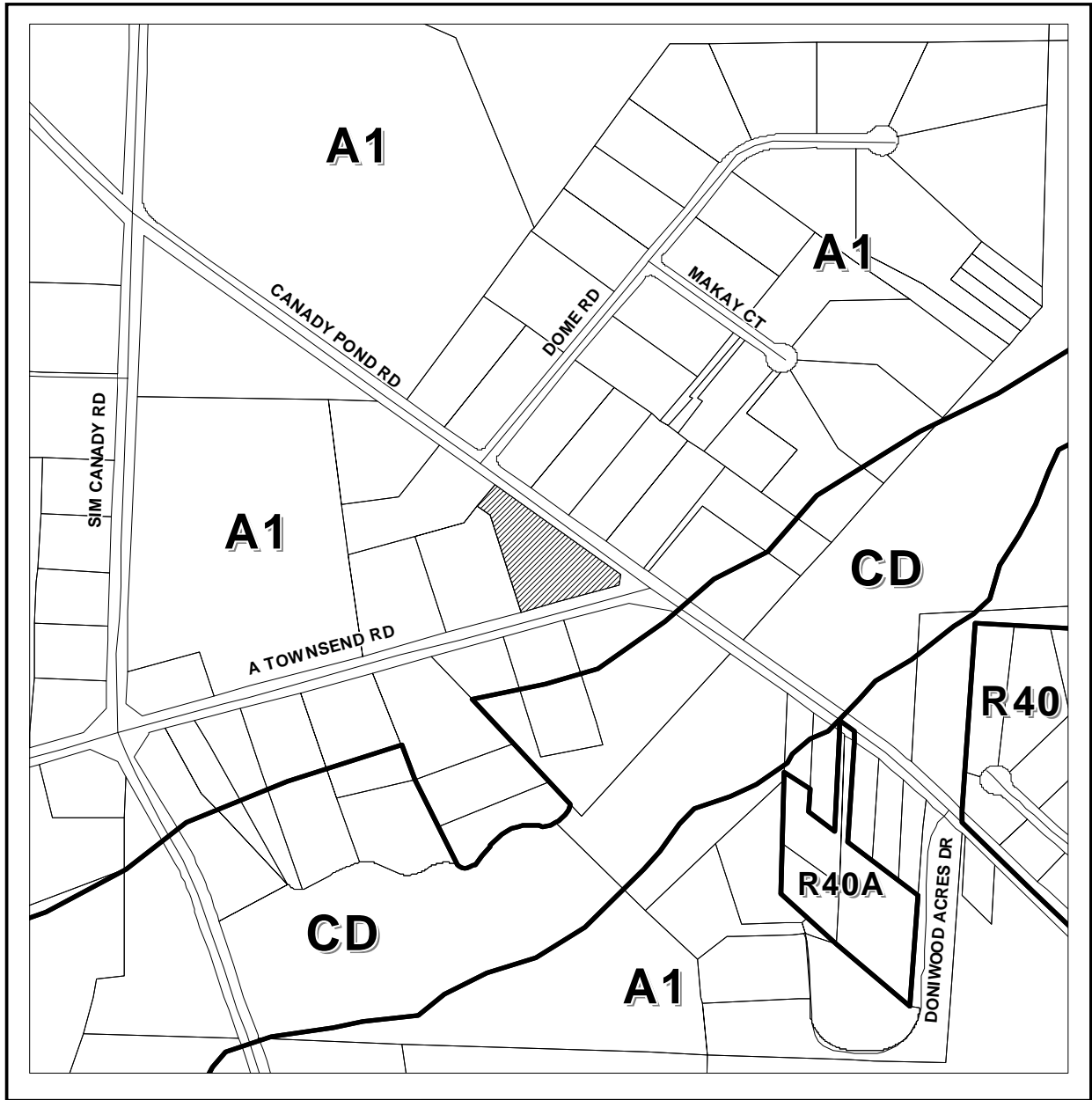
Subdivisions: A group development and/or subdivision review will be required prior to any structure being placed on the property.

Military Impact Area: No

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

Notes:

Density: A1 – 1 lots
 A1A – 2 lots
 R40A – 2 lots



REQUESTED REZONING A1 TO R40A

ACREAGE: 2.10 AC.+/-		HEARING NO: P06-90	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0421-61-0510