

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



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Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning & Inspections Department

February 9, 2010

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 16, 2010 Board Meeting

P09-55: REZONING OF 8.00+/- ACRES FROM RR RURAL RESIDENTIAL AND A1 AGRICULTURAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 667 WHITEHEAD ROAD; SUBMITTED BY DAVID AND ALICE CASHWELL FOR SUNTREE LANDSCAPING, INC. (OWNER) AND RUDOLPH SINGLETON, ATTORNEY.

The Planning & Inspections Staff recommends approval of the request for M1(P) Planned Industrial District based on the following:

1. The request is consistent with the location criteria for "light industrial/manufacturing" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential and is comparable to the adjacent zoning; and
3. The requested zoning is consistent with the surrounding land use.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P09-55
SITE PROFILE

P09-55: REZONING OF 8.00+/- ACRES FROM RR RURAL RESIDENTIAL AND A1 AGRICULTURAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 667 WHITEHEAD ROAD; SUBMITTED BY DAVID AND ALICE CASHWELL FOR SUNTREE LANDSCAPING, INC. (OWNER) AND RUDOLPH SINGLETON, ATTORNEY.

Site Information:

Frontage & Location: 500.00'+/- on SR 1761 (Whitehead Road)

Depth: 1000.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, south side of subject property

Current Use: Vacant

Initial Zoning: RR & A1 – April 26, 1979 (Area 8)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M2 (Fayetteville), M1 (Fayetteville), C3 (Fayetteville), HS(P) (Fayetteville), R10 (Fayetteville), R6 (Fayetteville), R5A (Fayetteville), RR, A1 & CD; South: M2 (Fayetteville), M(P), C3 (Fayetteville), C(P), C1 (Fayetteville), R10 (Fayetteville), R5MH (Fayetteville), R6A, R6 (Fayetteville), RR, R40A & A1; East: M(P), RR & A1; West: R10 (Fayetteville), RR, AR (Fayetteville) & CD (Fayetteville)

Surrounding Land Use: Residential (including manufactured homes), religious worship, mini-warehousing, trade contractor, motor vehicle repair, repair rental and/or servicing (5), junk yard, motor vehicle storage yard, industrial sales of equipment, truck terminal activities and woodlands

2030 Land Use Plan: Urban Fringe

Special Flood Hazard Area (SFHA): No

Army Corp: Wetlands may be present and if so, Sec 404 permit required

Water/Sewer Availability: PWC/Septic

Soil Limitations: Yes, hydric – RO Roanoke & Wahee loams

School Capacity/Enrolled: Armstrong Elementary: 450/433; Mac Williams Middle: 1,270/1,228; Cape Fear High: 1,425/1,525

Subdivision/Site Plan: If approved, site plan review required

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2006): 12,000 on NC HWY 24

Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan of Transportation Improvement Program

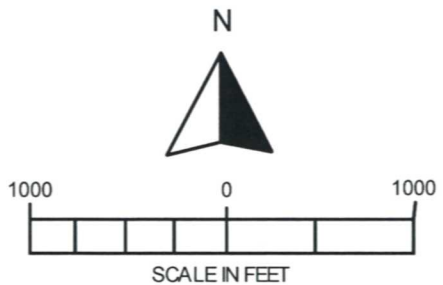
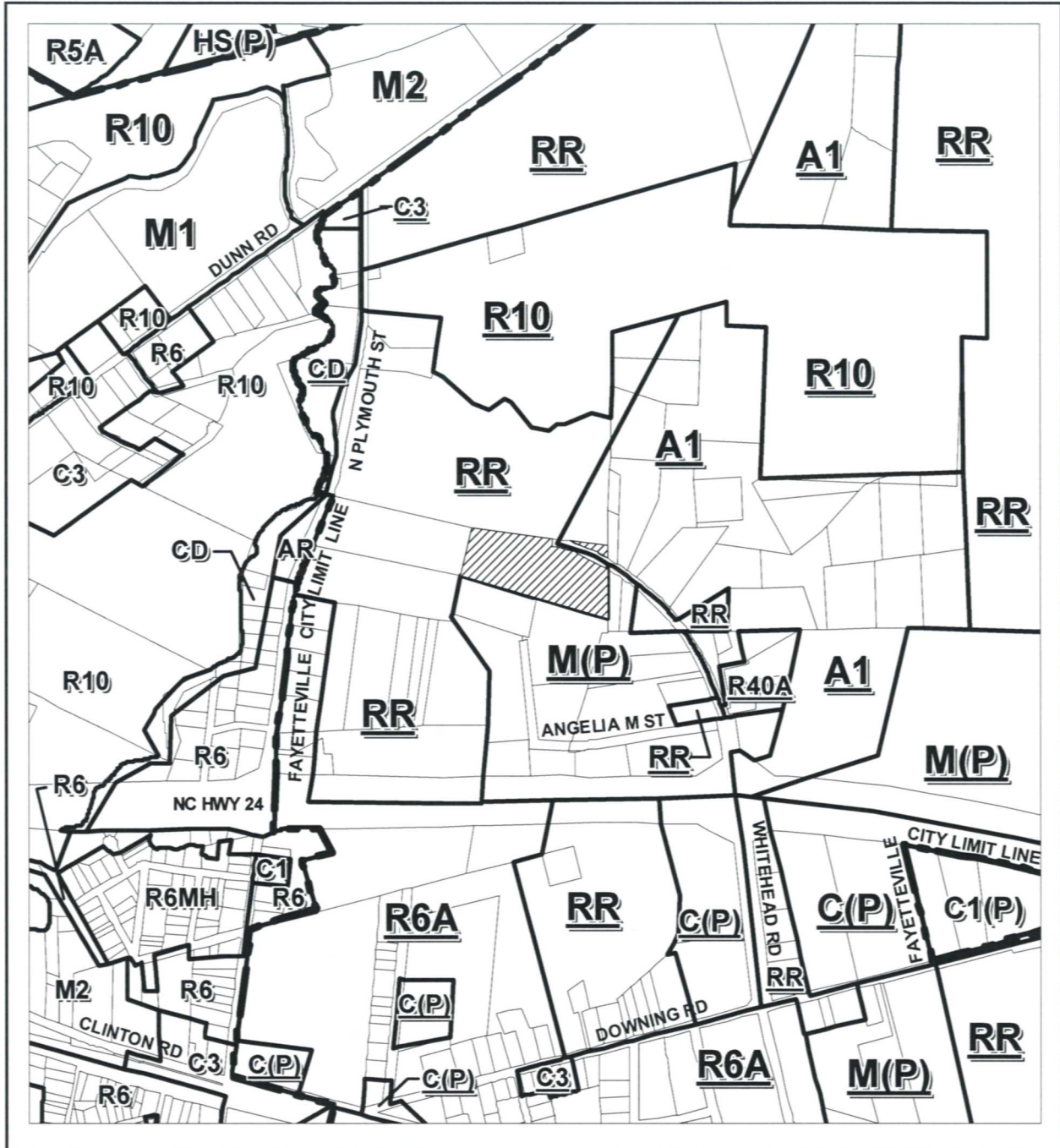
Note:

M1(P) Minimum Yard Setback Regulations:

- Front yard: 50'
- Side yard: 30'
- Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.



REQUESTED REZONING RR & A1 TO M1(P)

ACREAGE: 8.00 AC.+/-	HEARING NO: P09-55	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0447-83-8976

JH

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 16, 2010 Board Meeting

P10-06: REZONING OF 2.16+/- ACRES FROM R6 RESIDENTIAL AND R10 RESIDENTIAL TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1601 (CHAPEL HILL ROAD) AND EAST OF BALSABOOD CIRCLE; SUBMITTED BY JOHN AND INEZ D. MCCOY (OWNERS) AND DAVID DOZIER. (SPRING LAKE)

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

1. The request is consistent with the Spring Lake Area Detailed Land Use Plan, which calls for "medium density residential" at this location;
2. The request is consistent with the location criteria for "medium density residential" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan; and
3. Public water and sewer is available to the subject property.

There R6 Residential district could also be considered suitable for this location.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P10-06
SITE PROFILE

P10-06: REZONING OF 2.16+/- ACRES FROM R6 RESIDENTIAL AND R10 RESIDENTIAL TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1601 (CHAPEL HILL ROAD) AND EAST OF BALSAMWOOD CIRCLE; SUBMITTED BY JOHN AND INEZ D. MCCOY (OWNERS) AND DAVID DOZIER. (SPRING LAKE)

Site Information:

Frontage: 320.00'+/- on SR 1601 (Chapel Hill Road)

Depth: 360.00'+/-

Jurisdiction: Spring Lake

Adjacent Property: No

Current Use: Residential

Initial Zoning: R10 – January 7, 1977 (Area 11); R6 – September 11, 1995 (Spring Lake)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R10/CU (to allow manufactured home), R10, R6A & R5A; South: R6/CU (3 manufactured homes), C3, C(P), C1, R10, R6A, R6, R5A & R5; East: R10 & R6; West: C1, R6A & R6

Surrounding Land Use: Residential (including manufactured dwellings), religious worship (2), manufactured home park & woodlands

Spring Lake Area Detailed Land Use Plan: Medium density residential

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): No

Water/Sewer Availability: Spring Lake/Spring Lake

Soil Limitations: None

School Capacity/Enrolled: Manchester Elementary: 340/325; Spring Lake Middle: 700/438; Pine Forest High: 1,750/1,494

Subdivision/Site Plan: If approved, subdivision or group development review required

Average Daily Traffic Count (2006): 5,100 on SR 1601 (Chapel Hill Road)

Recreation Area: Spring Lake Recreation Center located 1.7 miles away

POPE AFB: No objection, property not located within an Accident Potential Zone (APZ) or critical noise area.

US Fish & Wildlife: No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

Highway Plan: Chapel Hill Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. This is a priority #1 in the Highway Portion off the LRTP

Note:

Density (Existing):

R10 – .75 units

R6 – 22 units

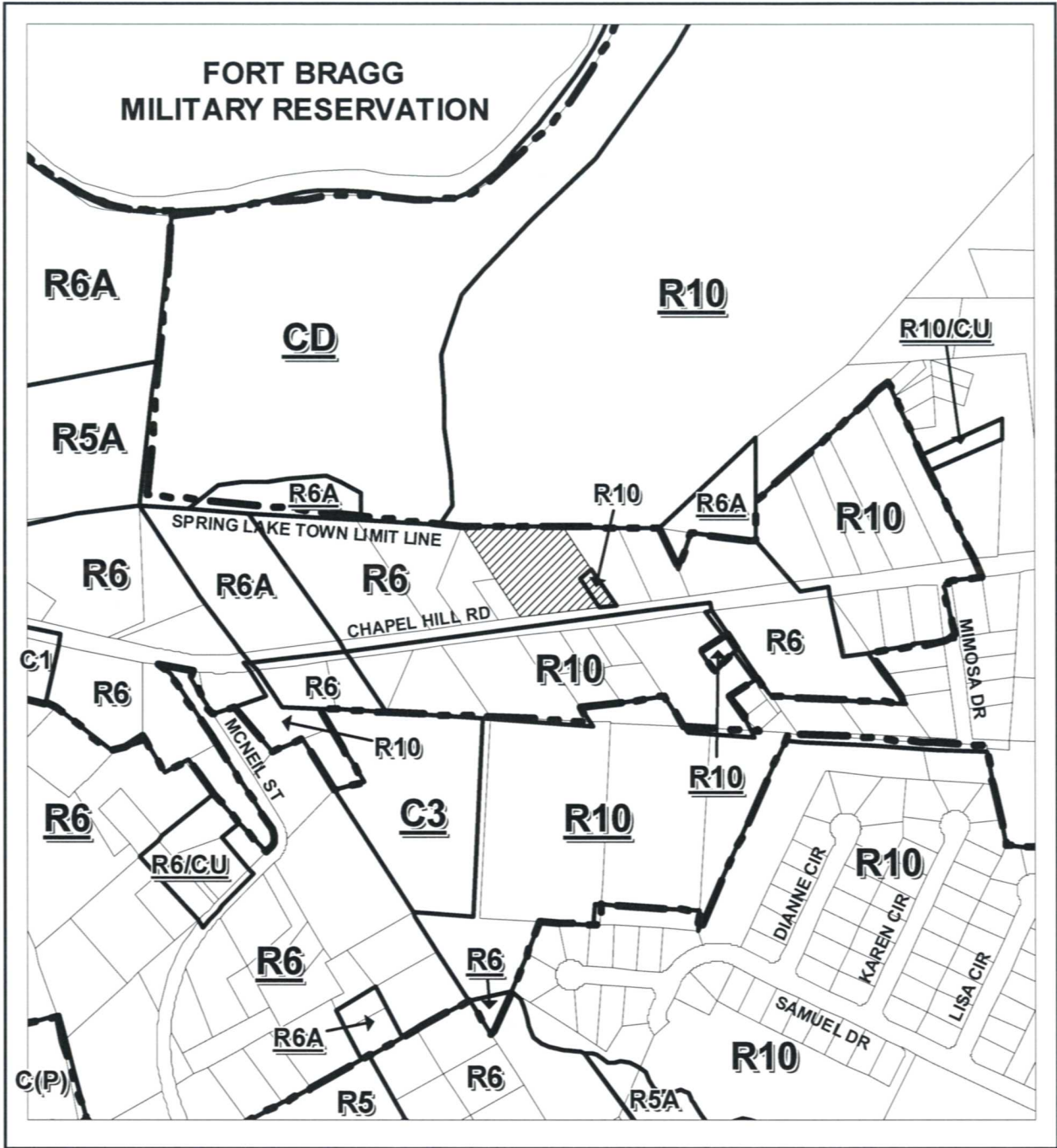
Density (2.16 acres):

R6 – 24 units

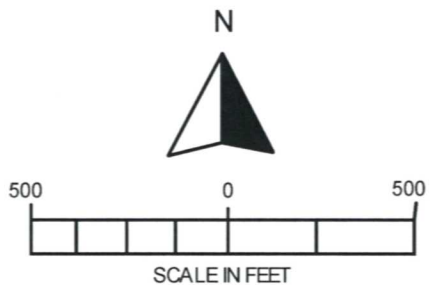
R5A – 32 units

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.



REQUESTED REZONING R6 & R10 TO R5A



ACREAGE: 2.16 AC.+/-		HEARING NO: P10-06	
ORDINANCE: SPRING LAKE		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0502-71-8964
PIN: 0502-81-0877

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MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for February 16, 2010 Board Meeting

P10-08: REZONING OF .31+/- ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3659 LEGION ROAD; SUBMITTED BY GREGORY G. MCLEAN FOR TRACE INVESTMENTS, LLC (OWNER) AND DENVER MCCULLOUGH, P.L.S.

The Planning & Inspections Staff recommends denial of the C(P) Planned Commercial but approval of O&I(P) Planned Office and Institutional district based on the following:

1. The request for C(P) Planned Commercial is not consistent with the location criteria for "heavy commercial" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan because public sewer is not available; the recommendation of O&I(P) Planned Office and Institutional does meet the location criteria for the Policies Plan;
2. The recommendation is reasonable due to the immediate area transitioning to primarily non-residential uses at this location; and
3. The subject property is located on a major thoroughfare that is scheduled for widening.

There are no other districts considered suitable for this request.

The property owner/applicant has verbally agreed with this staff recommendation.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P10-08
SITE PROFILE

P10-08: REZONING OF .31+/- ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3659 LEGION ROAD; SUBMITTED BY GREGORY G. MCLEAN FOR TRACE INVESTMENTS, LLC (OWNER) AND DENVER MCCULLOUGH, P.L.S.

Site Information:

Frontage & Location: 95.00'+/- on SR 1132 (Legion Road)

Depth: 150.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Residential

Initial Zoning: R10 – November 17, 1975 (Area 4)

Nonconformities: If approved, existing residential dwelling will not meet setbacks and the use as a residence will be made nonconforming

Zoning Violation(s): None

Surrounding Zoning: North: C(P)/CU (bottled gas business), C(P) (Hope Mills), R10, R7.5, R5A & R5; South: C3/CU (outside storage), R6A/CU (RV in MH Park), C3, C(P), C1(P) & R6A; East: C(P) & R10; West: C(P) (Hope Mills) & R10

Surrounding Land Use: Residential, religious worship, convenience retail w/ gasoline sales, shopping center, day care, barbering, trade contractor, office, bottled gas distribution, bakery, motor vehicle service station and truck terminal

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): No

Water/Sewer Availability: PWC/ SEPTIC

Soil Limitations: No

School Capacity/Enrolled: Baldwin Elementary: 790/707; South View Middle: 900/725; South View High: 1,800/1,838

Subdivision/Site Plan: If approved, site plan review required

Municipal Influence Area: Town of Hope Mills

Airport Overlay District: No objection to request

Average Daily Traffic Count (2006): 19,000 on Legion Road (SR 1132)

Highway Plan: Legion Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility. Road improvements are included in the 2009-2015 MTIP

LEGION ROAD (U-2809) ROW – 100'

- PLANNING/DESIGN: PRIOR YRS/IN PROGRESS
- MITIGATION: FY 09 • RIGHT-OF-WAY: FY 08
- CONSTRUCTION: FY 10

Note: Minimum Yard Setback Regulations:

O&I(P)

Front yard: 35'

Side yard: 15'

Rear yard: 20'

C1(P)

Front yard: 45'

Side yard: 15'

Rear yard: 20'

C2(P)& C(P)

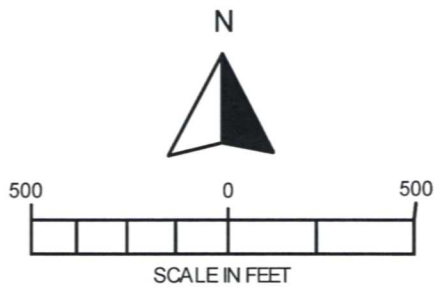
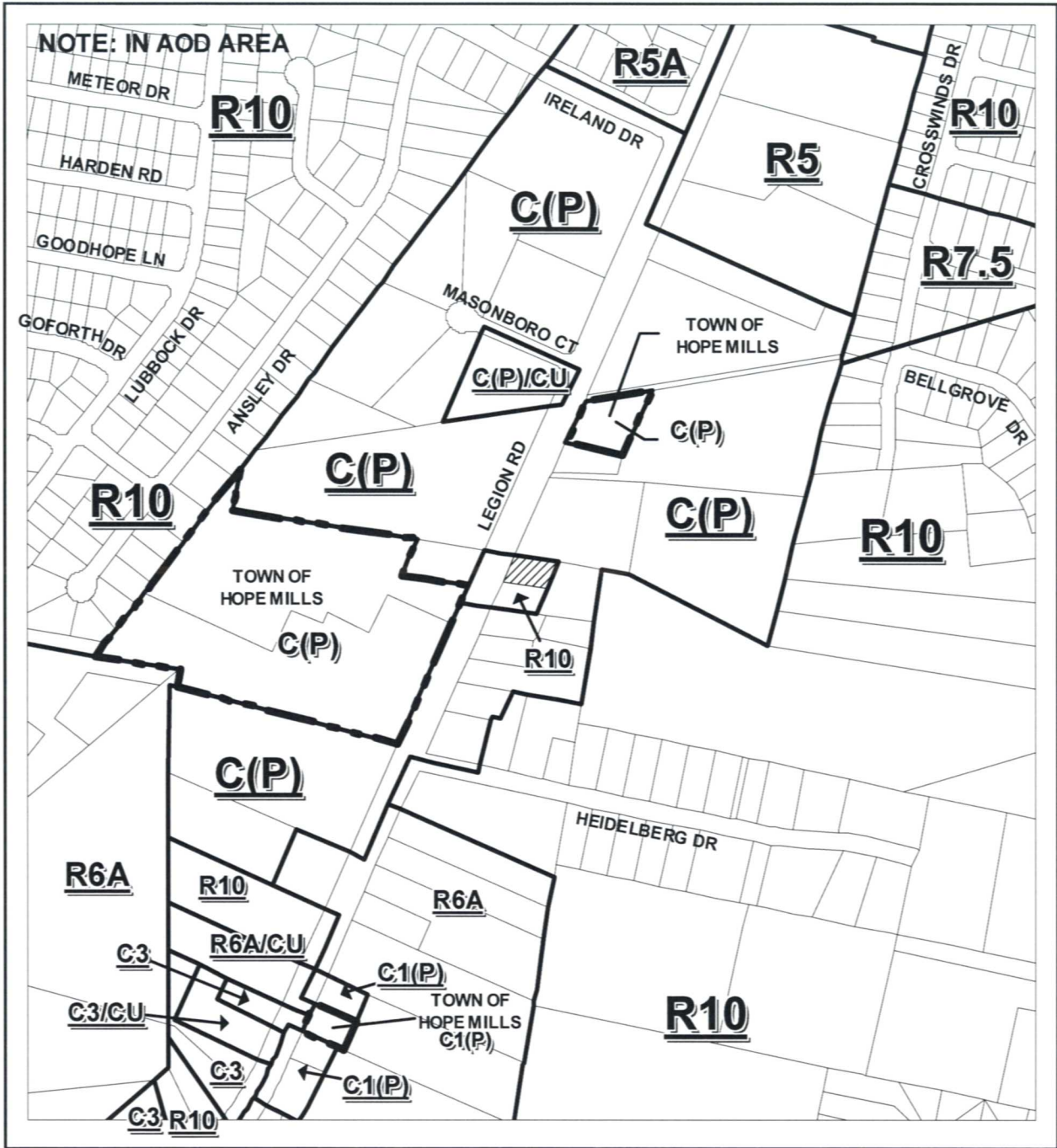
Front yard: 50'

Side yard: 30'

Rear Yard: 30'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.



PIN: 0425-31-0963

REQUESTED REZONING R10 TO C(P)

ACREAGE: 0.31 AC.+/-	HEARING NO: P10-08	
ORDINANCE COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Lori Epler,
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COUNTY of CUMBERLAND

Planning & Inspections Department

February 9, 2010

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for February 16, 2010 Board Meeting

P10-09: REZONING OF 147.3+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1915 AND 1919 TOM STARLING ROAD; SUBMITTED BY LINDA S. JOHNSON, BARBARA SMITH, MAE S. PARSONS, TOMMY WOODSELL AND PAMELA DOMONSKI (OWNERS) AND JOHN KOENIG FOR KAS, LLC.

The Planning and Inspections Staff recommends denial of the request for rezoning to R7.5 Residential as submitted. However, the staff did agree that if the developer would consider submitting a request for R7.5 Residential and CD Conservancy Conditional Use District and Permit with the CD district encompassing the *Special Flood Hazard Area* or extending 210 feet in width from the bank of Rockfish Creek (property line), whichever is the greater distance, and the remaining tract to R7.5, they could make a favorable recommendation. The staff further requests that the Permit application, if submitted, be conditioned with a "no tree disturbance" restriction placed upon that portion recommended for CD, except as necessary for utilities. The staff recommendation is based on the following:

1. Although the request for R7.5 in this area is consistent with the location criteria listed for "low density residential" in the Land Use Policies Plan of the 2030 Growth Vision Plan, the request does not account for any protective or conservation measures for the area adjacent to Rockfish Creek, which are stated objectives for "open space" listed in the Policies Plan and is delineated on the 2030 Growth Strategy Map;
2. The recommended Conditional Use is also consistent with the Fayetteville-Cumberland Parks and Recreation Master Plan that was presented to the Commissioners in April 2006; and
3. The recommendation is reasonable because the site's location meets or exceeds the remaining location criteria for "low density residential" as listed in the Land Use Policies Plan:
 - a. Public water and sewer is available to the site;
 - b. Site has direct access to a public street;
 - c. Arnette Park is located 1.89 +/- miles from the site;
 - d. Not located within a defined critical area (Fort Bragg Small Area Study); and
 - e. Hydric soils are present but public sewer is available.

With protective measures in place for Rockfish Creek, the R15 Residential district could also be considered suitable for this location.

Attachments: 1 – Site Profile 2 – Rezoning Sketch Map

P10-09
SITE PROFILE

P10-09: REZONING OF 147.3+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1915 AND 1919 TOM STARLING ROAD; SUBMITTED BY LINDA S. JOHNSON, BARBARA SMITH, MAE S. PARSONS, TOMMY WOODSELL AND PAMELA DOMONSKI (OWNERS) AND JOHN KOENIG FOR KAS, LLC.

Site Information:

Frontage & Location: 2,960.00'+/- on SR 2220 (Tom Starling Road)

Depth: 1940.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, surrounded by subject property

Current Use: Farm

Initial Zoning: A1 – March 15, 1979 (Area 6)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R10/CU (to require water & sewer), M(P), C(P), C1(P), R10 & RR;

South: A1/CU (motor vehicle washing), C(P), R6A, RR & A1; East: RR; West: A1

Surrounding Land Use: Residential (including manufactured homes), club, substation, farmland and woodlands

2030 Land Use Plan: Urban and Conservation

Special Flood Hazard Area (SFHA): Yes; 78 msl (NAVD)

Army Corp: Wetlands may be present and if so, Sec 404 permit required

Water/Sewer Availability: PWC/PWC

Sewer Service Area: Yes

Soil Limitations: Yes, hydric – RO Roanoke and Wahee loams and WmB Wickham fine sandy loam

School Capacity/Enrolled: Alderman Road Elementary: 750/698; Gray's Creek Middle 900/861;

Gray's Creek High 1,270/1,219

Subdivision/Site Plan: If approved, subdivision or group development review required

Airport Overlay District: Not within runway approach, no objection to request

Average Daily Traffic Count (2006): 2,500 on SR 2220 (Tom Starling Road)

Recreation Area: Arnette Park located 1.89+/- miles away and proposed Grays Creek Park approximately 2.77+/- miles away

Highway Plan: Tom Starling Road is identified in the Highway Plan as a Major Thoroughfare. This proposal calls for a multi-lane facility (4 Ln-divide). Road improvements are not included in the 2009-2015 MTIP. This a priority #1 in the Highway Portion of the L RTP

Note: **Density (minus 15% for r/w):**

A1 – 125 lots

R40 – 136 lots

R30 – 182 lots

R20 – 273 lots

RR – 273 lots

R15 – 364 lots

R7.5 – 727 lots

First Class and Record Owners' Mailed Notice Certification

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