

John M. Gillis, Jr., Chair
Cumberland County

Clifton McNeill, Jr., Vice-Chair
Cumberland County
David Averette,
Cumberland County
Dallas Byrd, Town of Stedman
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspection Department

Nancy Roy, AICP
Planning & Inspection
Director

Joe W. Mullinax,
Town of Spring Lake
Jerry Olsen,
Wade, Falcon
& Godwin
Dr. Marion Gillis-Olson,
Cumberland County

May 29, 2003

MEMO TO: PLANNING BOARD MEMBERS
FROM: NANCY ROY, PLANNING DIRECTOR
SUBJECT: JUNE 3 MEETING

It will be necessary to have a Nominations Committee meeting prior to the Planning Board meeting on June 3 in order to formulate the Committee's recommendations for the Chair and Vice-Chair positions for the upcoming fiscal year.

In addition, since we have scheduled a public hearing for the Fort Bragg study, it may work best if our laptop demonstration is held thirty minutes prior to our regular meeting time.

Following is the schedule for June 3:

6:00 p.m.	Nominations Committee	Room 107C
6:30 p.m.	Planning Board Demonstration on Laptops	Hearing Room #3
7:00 p.m.	Planning Board Public Hearing on the Joint Land Use Study	Hearing Room #3

All meetings will be held in the Historic Courthouse at 130 Gillespie Street.

If you have any questions, you may call me at 678-7606.

cc: Marsha Fogle, County Clerk
News Media

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May 28, 2003

MEMO TO: PLANNING BOARD MEMBERS
FROM: NANCY ROY, DIRECTOR
SUBJECT: TENTATIVE AGENDA

The next scheduled meeting of the Cumberland County Joint Planning Board will be Tuesday, June 3, 2003 at 7:00 p.m. in Public Hearing Room #3 of the Historic County Courthouse at 130 Gillespie Street.

The Tentative Agenda is as follows:

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF AGENDA/ADDITIONAL ITEMS
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF MAY 20, 2003
- VII. PUBLIC HEARING ITEMS
 - A. JOINT LAND USE STUDY
- VIII. PLATS AND PLANS
 - A. 02-149: SAND HILL FARMS ZERO LOT LINE SUBDIVISION REVIEW ON THE SOUTH SIDE OF SAND HILL ROAD, WEST OF SOUTH FORTY DRIVE FOR A VARIANCE FROM SECTION 3.5, "ACCESS TO UNSUBDIVIDED PROPERTY," CUMBERLAND COUNTY SUBDIVISION ORDINANCE

B. CASE 03-92: JAMES HEMINGWAY SUBDIVISION REVIEW ON THE WEST SIDE OF ELLIS JACKSON ROAD, NORTH OF CAMDEN ROAD, FOR A VARIANCE FROM SECTION 3.20d, "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE

IX. DISCUSSION

A. RECOMMENDATIONS FROM NOMINATIONS COMMITTEE—DALLAS BYRD

X. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

XI. ADJOURNMENT



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COUNTY of CUMBERLAND

Planning and Inspection Department

MINUTES

May 20, 2003
7:00 p.m.

Members Present

John M. Gillis, Chair
Clifton McNeill, Vice-Chair
David Averette
Dallas Byrd
Charles Morris
Joe W. Mullinax
Jerry Olsen

Members Absent

Marion Gillis-Olison

Others Present

Nancy Roy, Director
Thomas J. Lloyd
Donna McFayden
Barbara Swilley

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chair McNeill delivered the invocation, and Chair Gillis led those present in the Pledge of Allegiance.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Case P03-45 was moved from Public Hearing to Consent items. Case P03-42 was moved from Consent to Public Hearing items. A motion was made and seconded to approve the Agenda with the above changes. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

Mr. Lloyd asked that Case P03-30 be deferred until June 17, 2003 in order for staff to reach an agreement with the applicant. A motion was made by Vice-Chair McNeill and seconded by Mr. Byrd to defer Case P03-30 until June 17, 2003. The motion passed unanimously.

IV. ABSTENTIONS BY BOARD MEMBERS

Chair Gillis said that he would abstain from discussion and voting on Case P03-48.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd explained the Board policy regarding public hearing time limits.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF MAY 6, 2003

A motion was made by Mr. Averette and seconded by Mr. Byrd to approve the Minutes of May 6, 2003 as written. The motion passed unanimously.

REZONING CASES

- A. P03-30: REZONING OF 93.65 ACRES FROM A1 TO R20, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 676 FLYERS DRIVE, OWNED BY DAVID C. AND SUE B. RAYNOR.

This case was deferred until June 17, 2003.

- B. P03-43: REZONING OF 1.87 ACRES FROM R6A TO C(P), OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3840 LEGION ROAD, OWNED BY JAMES C. AND CATHERINE MELVIN.

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

1. The rezoning will bring the current use into conformity; and
2. The uses allowed in the C(P) District are consistent with the development in the area.

The Planning staff found that the C1 Local Business and O&I Office and Institutional Districts are also suitable for this location.

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

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

- C. P03-45: REZONING OF 1.50 ACRES FROM HSP TO C3, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2527 GILLESPIE STREET, OWNED BY BILLY R. AND CATHERINE W. PARKER.

The Planning staff recommended denial of the C3 Heavy Commercial District and approval of the C1 Local Business District based on the following:

1. Some of the uses allowed in the C3 District are not suitable for this area; and
2. The uses allowed in the C1 District are consistent with the development in and character of the area.

The Planning staff found that there are no suitable intervening districts for this site.

Note: Prior to the meeting the petitioner asked that his request be changed to C1 and said that he had made a mistake on his application.

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

A motion was made by Mr. Olsen and seconded by Mr. Byrd to follow the staff recommendations and approve the C1 Local Business District. The motion passed unanimously.

D. P03-48: REZONING OF 1.30 ACRES FROM RR TO R10, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1461 FERNDILL DRIVE, OWNED BY LARRY STOAFER AND GILLIS DEVELOPMENT CORP.

Chair Gillis left the room.

The Planning staff recommended approval of the R10 Residential District based on the following:

1. The 2010 Land Use Plan calls for low-density residential use at this location.

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

A motion was made by Mr. Olsen and seconded by Mr. Mullinax to follow the staff recommendations and approve the R10 Residential District. The motion passed unanimously.

Chair Gillis returned to the room.

CONDITIONAL USE OVERLAY CASES

E. P03-40: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AN OFFICE FOR A TRUCKING BUSINESS AND PARKING OF TRUCKS ON .95 ACRES IN AN R6A DISTRICT, AT 4646 SOUTH MAIN STREET, OWNED BY JAMES E. AND ESTER A. CLARK.

Packet material was introduced into the record.

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 applied to the Conditional Use Overlay Permit:

1. Hours of operation: Monday—Friday, 10:00 a.m. to 5:00 p.m.
2. Employees—Six
3. Trucks kept on site—Three
4. Lighting in rear
5. Employees drive the trucks home. They do not park on site.

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

A motion was made by Mr. Olsen and seconded by Vice-Chair McNeill 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 Mr. Olsen and seconded by Vice Chair McNeill 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, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

The following conditions were included in the motion:

1. Hours of operation: Monday—Friday, 10:00 a.m. to 5:00 p.m.
2. Employees—Six
3. Trucks kept on site—Three
4. Lighting in rear
5. Employees drive the trucks home. They do not park on site.

The motion passed unanimously.

F. P03-49: REVISION OF A CONDITIONAL USE OVERLAY PERMIT TO INCREASE THE SIZE OF A STATUARY BUSINESS, TO ADD A SHOP FOR THE STATUARY BUSINESS AND TO ALLOW LAWN AND GARDEN SALES ON 2.03 ACRES, IN AN R6A DISTRICT, ON THE SOUTHWEST SIDE OF SOUTH MAIN STREET, WEST OF I-95 BUSINESS, OWNED BY RALPH AND CAROL CRAWFORD.

Packet material was introduced into the record.

The Planning staff recommends approval of the revision to 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.

Note: No conditions were listed in the application.

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

A motion was made by Mr. Olsen and seconded by Vice-Chair McNeill 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 Mr. Olsen and seconded by Vice Chair McNeill 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, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion passed unanimously.

AMENDMENTS

- A. P03-22: REVISION AND AMENDMENTS TO THE CUMBERLAND COUNTY CODE OF ORDINANCES, SECTION 7.23, "FENCES AND WALLS."

The County Board of Adjustment requested this amendment, and staff recommended approval based on the following:

1. The amendment will allow many existing non-conforming fences to become conforming without compromising the intent of the Section.

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

A motion was made by Mr. Mullinax and seconded by Mr. Olsen to follow the staff recommendations and approve the amendment.

Mr. Averette expressed concern that the fencing on through lots should also require a 15-foot setback. He said that they should either both require 15 feet or both go to the property line. Mr. Lloyd said if there is no access easement, then access won't be permitted off of the road, and the yard is treated as a rear yard and fencing allowed. He said that the 15-foot requirement is for sight reasons. Mr. Averette said even if there is a no access easement, 15 feet is still needed for sight. He said that the statement is only on the plats, and the 15 feet should apply to both. Mr. Lloyd said that the NC Department of Transportation does not allow curb cuts off of no access easements. He said that the staff's practice is to place on all double front yards, one no access easement.

Upon a vote on the motion, it passed unanimously.

- B. P03-44: REVISION AND AMENDMENTS TO THE CUMBERLAND COUNTY CODE OF ORDINANCES, APPENDIX A, SECTION 7.27, "BUFFER REQUIREMENTS."

The Planning staff recommended approval of the amendment based on the following:

1. The staff and Land Use Codes Committee feel that all uses other than single-family residential should be buffered from commercial development.

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

A motion was made by Mr. Mullinax and seconded by Mr. Olsen to follow the staff recommendations and approve the amendment. The motion passed unanimously.

- C. P03-46: REVISION AND AMENDMENTS TO THE TOWN OF STEDMAN ZONING ORDINANCE, SECTION 3.1, "TABULATION OF PERMITTED USES," TABLE 1-D.

The Planning staff recommends approval of the amendment based on the following:

1. The amendment is consistent with the County Zoning Ordinance.

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

A motion was made by Mr. Mullinax and seconded by Mr. Olsen to follow the staff recommendations and approve the amendment. The motion passed unanimously.

VII. PUBLIC HEARING ITEMS

- A. P03-42: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A BINGO PARLOR ON 2.33 ACRES IN A C1 DISTRICT AT 500 NORTH REILLY ROAD, OWNED BY JOSE AND JUANA PRIETO.

Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd asked that the packet material be introduced into the record. He 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 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
5. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

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

1. Hours of operation: Monday and Wednesday, 6:00 p.m. to 11:00 p.m.
2. Employees: Six
3. Signage: In accordance with Section 9.4 of the Zoning Ordinance

No one appeared in favor of the request.

Ms. Nancy Torres appeared in opposition and said that she represents the LaGrange Subdivision and Baptist Church. She said that the strip mall is located directly across from the church, and they don't want Bingo there. She said that it will bring unsavory people, and that kids walk by the strip mall. She said that the C1 District is for shopping, and she didn't know what kind of shopping can be done at a Bingo parlor.

Mr. Olsen said that the Bingo parlor is only to be open on Mondays and Wednesdays from 6:00 p.m. until 11:00 p.m., and he didn't think that kids would be walking around at those times. He said that the church might meet on Wednesday evenings, but he didn't see a conflict.

Vice-Chair McNeill asked if other businesses are operating in the strip mall, and Mr. Lloyd said that they are. Vice-Chair McNeill said that he could see Ms. Torres' point as he's also Baptist, and there are many people who don't agree with Bingo or lotteries. He said that these are legal operations, and the Board isn't in a position to dictate morality. He said that the Board must look at whether the use is appropriate at this location.

Nine others in the audience were also in opposition to the request.

A motion was made by Mr. Olsen and seconded by Mr. Morris 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 Mr. Olsen and seconded by Mr. Olsen 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, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

The following conditions were attached to the motion:

1. Hours of operation: Monday and Wednesday, 6:00 p.m. to 11:00 p.m.
2. Employees: Six
3. Signage: In accordance with Section 9.4 of the Zoning Ordinance

Vice-Chair McNeill said that the only question he has is with the third issue above regarding harmony with the area. Mr. Olsen said that he agreed; however, the use is in harmony with the uses in the shopping mall.

Mr. Mullinax asked how far the strip mall was located from the church building. Mr. Lloyd said that it was about 450 feet.

Vice-Chair McNeill asked what the staff considers when determining if a use is in harmony. Mr. Lloyd said that the use is classified as a recreational use, and the hours of operation and traffic generated are also considered. He added that there are actually churches that operate Bingo parlors as accessory uses.

Upon a vote on the motion, it passed unanimously.

VIII. DISCUSSION

A. REPORT ON COUNTY COMMISSIONERS' MEETING—MARION OLION

Chair Gillis reported that at the Commissioners' meeting the previous evening, all cases were approved on the consent agenda. He said that it was one of the quickest meetings he has attended.

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Ms. Roy reported that Mr. Morris had received his packet by email. She thanked Ms. McFayden and Ms. Cashwell for their effort in making this possible. She asked if anyone else wanted to receive their packets by email. Mr. Averette said that he would. Ms. Roy asked for any suggestions to relay to staff. Mr. Mullinax asked if the packet information could be saved on a disk and then mailed. Ms. McFayden said that it could. Chair Gillis said that the only drawback is that the members still need a hard copy for anyone not owning a laptop. Ms. Roy said that there would be three laptops available for the June 3rd meeting to see if the Board finds them more helpful. Chair Gillis said that the time involved in creating these different forms of getting the packets out needs to be examined.

Ms. Roy reported that Fayetteville has been selected to host the NC American Planning Association Conference in 2005. She said that Winston-Salem will host the 2003, Asheville 2004, and Hickory in 2005. She said that between 200 and 300 planners should attend, and it is an opportunity for the community to showcase their good planning efforts.

B. BUFFERING AMENDMENT

Mr. Averette said that the members of the Codes Committee reviewed the fence and buffer amendments. He called the Board's attention to the section of the buffering amendment that requires buffering between two residential uses—multi-family and single-family dwellings. He said that this will segregate neighborhoods, and planners are attempting to connect neighborhoods.

C. COMPREHENSIVE PLANNING COMMITTEE—JOE MULLINAX

Mr. Mullinax reported that the Committee met prior to the Planning Board meeting and outlined the goals for farmland preservation. He said that the duties were

expanded to include rural preservation also. He said that meetings are scheduled for June 10 and 24 at 7:00 p.m. to meet with representatives from the farming and agricultural communities to assist with preserving the areas. Mr. Mullinax pointed out that just as those individuals who chose to live next to Fort Bragg knew that there would be noise and nuisance issues to contend with, those moving into rural farm areas will also have odors, noise and nuisance issues.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 7:55 p.m.

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MINUTES

Comprehensive Planning Committee
May 20, 2003

Members

Joe W. Mullinax, Moderator (P)
David Averette (P)
John M. Gillis, (P)
Clifton McNeill (P)
Marion Gillis-Olson (A)
Jerry Olsen (P)

Others Present

Nancy Roy
Will A. Denning
Thomas J. Lloyd
Matthew Rooney
Barbara Swilley

Moderator Mullinax called the meeting to order at 6:00 p.m.

A motion was made by Mr. Olsen and seconded by Mr. McNeill to approve the Minutes of December 3, 2002 as written. The motion passed unanimously.

Ms. Roy reviewed the goals listed in the 2010 Land Use Plan for farmland preservation. (See Attachment I.)

Ms. Roy reviewed the recommendations of the Land Use Plan and actions taken on each. (See Attachment II.)

Mr. McNeill said that former Planning Director Barry Warren had been working on conveying farmland through subdivisions to children. He said that this fits into the work to be done by the Committee. He said that to sustain bona fide farms, they must someday change hands. He said the inheritance taxes are making it smart to subdivide the farms and develop or make smaller farms.

Mr. Gillis said that special consideration should be given to farms based on their size, road accessibility, etc. Mr. McNeill agreed and said that they should not be treated the same as developed property. He said that there needs to be a mechanism in place or larger farms will be forced to go out of business. He said that farms need to be able to be transferred from generation to generation. He said that possibly development rights (transferring density) will work. Mr. Gillis

agreed and said that this is a crucial issue in dealing fairly with farmland protection.

Mr. Gillis said that the purpose of preservation is to preserve a lifestyle, and it is a very complex issue. He said that the Committee will have to look at whose interest will be preserved.

Moderator Mullinax asked if other municipalities have asked these questions. Mr. Lloyd said that a report came out last week regarding the demise of farms in the triangle.

Mr. Gillis said that they are talking about putting limitations on bona fide farms as well as limitations on the transfer of ownership of property.

Mr. McNeill said that he still has concerns about people who want to live in the country because of the large impact that they have on farms.

Mr. Olsen said brought up the water and sewer issue. He said that it is smart to put water throughout the County, but not sewer in the rural areas.

Mr. Gillis said that some people are more concerned about preserving open space—not farmland. Ms. Roy said that there might be a need to keep farmland and rural land separate.

Moderator Mullinax said that the Committee was taxed to deal with farmland. He asked if they wanted to consider rural also.

Mr. Olsen said that he keeps returning to the idea of forming a Farmland Advisory Committee. He said that they would learn more, and the recommendations would be more accepted. Ms. Roy said that this could lay the groundwork for this section of the 2030 Land Use Plan.

Matt Rooney displayed and explained maps indicating the existing farmland in the state. It included the number of farms, acreage, average farm size and farm percentage of total area in all counties. (Attachment III is a chart of this data.)

Moderator Mullinax received the consensus of the Committee that rural preservation should also be included with farm preservation. Mr. Roy suggested a brainstorming session about the purposes of farmland preservation and rural preservation.

Mr. Olsen asked Mr. Gillis to speak with Mr. Baggett, Chair of the Commissioners, to see what direction he'd like to see the Committee head and his input on a Farmland Advisory Committee.

The Committee agreed to invite members of the Farm Bureau, Cooperative Extension and other farm-related organizations to the next meeting. Moderator Mullinax said that at some point Fort Bragg would also be asked for input.

The members agreed to meet on the second and fourth Tuesday evenings in order to have more time.

At 6:55 p.m., the meeting recessed until 7:00 p.m. June 10, 2003.

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May 27, 2003

MEMORANDUM

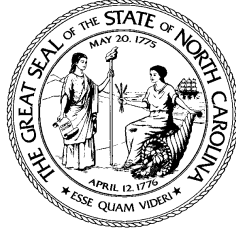
TO: Cumberland County Joint Planning Board
FROM: Nancy Roy
SUBJECT: Regional Land Use Advisory Commission Recommendations/Hearing

As you know, the Board of Commissioners has deferred action on the land use recommendations presented by the Regional Land Use Advisory Commission. They have scheduled a Public Hearing for their June 16th meeting and will certainly be interested in the input received at our June 3rd Hearing.

Attached to this memo are two items for your information prior to the hearing.

1. **Final Regional Land Use Advisory Commission recommendations.** Some changes have been made since the presentation was made to you in March. Specifically, a review of the recommendations by the NC Association of County Commissioners and the NC League of Municipalities prior to the adoption of any legislation, has been added.
2. A letter from the **Governor's Advisory Commission on Military Affairs**, which includes recommendations based on a separate analysis of encroachment issues conducted by this group.

Should you have any questions about the above items, please let me know.



STATE OF NORTH CAROLINA

GOVERNOR'S ADVISORY COMMISSION ON MILITARY AFFAIRS

MICHAEL F. EASLEY
GOVERNOR

GENERAL (Ret.) HENRY H. SHELTON, CO-CHAIR
TROY PATE, CO-CHAIR

March 25, 2003

Governor Michael F. Easley
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Dear Governor Easley:

The Advisory Commission on Military Affairs voted at its March 21, 2003 meeting to submit the following recommendations for legislative action. The purpose of these recommendations is to help protect North Carolina's military installations from urban encroachment that compromises training and operational readiness.

The Commission's Strengths/Weaknesses/Opportunities/Threats (SWOT) analysis required by G.S. 127C-4(2)(b.) identified and ranked important issues in four categories: training and operational readiness; quality of life; business development; and state/local relations. Encroachment into high noise and accident potential zones was singled out as the most critical issue facing our military bases. As such, it threatens the long-term viability of our bases at a time when their continued presence in our State is vital for both national defense and economic development. Encroachment is a problem at military bases throughout the country. It is more severe in some other states than it is in North Carolina. We have a unique opportunity in North Carolina to address the issue successfully before it seriously jeopardizes our bases.

The following recommendations for legislation are based on joint land use studies nearing completion at three of North Carolina's major military installations. These studies identified the following actions as the most effective to address encroachment.

1. **Require local governments to formally delineate "buffer zones" that are subject to high noise and potential accidents.** These buffer zones will give local communities, military officials, developers, homebuyers, and others, a

common point of reference for land that requires special attention and application of appropriate management tools.

2. **Require real estate disclosure statements for the transfer, sale, or lease of property located within the buffer zone and low-level military flight operating routes in the state.** Current real estate disclosure law has several exemptions, including the first sale of new dwellings, which greatly limit its effectiveness near military bases. Disclosure may temper development decisions, and it may decrease complaints from people who knowingly place themselves in high noise or accident potential zones.
3. **Require land use plans upon which well-informed decisions can be made concerning development in proximity to military bases.** Land use plans provide a framework for other important development tools such as zoning and utility extension policies. CAMA plans are already required for areas around two bases. Other land use plan models and guidelines are also available.
4. **Require sound attenuation building techniques for new dwellings, schools, and churches in high noise areas.** At a minimum, storm windows and doors should be required for new construction, and encouraged through retrofitting existing buildings.
5. **Limit infrastructure improvements in buffer areas. Infrastructure, especially water and sewer, induce higher density/intensity development.** If infrastructure is extended into or enlarged in buffer areas it will be much more difficult to limit development. State funds should not be available to build or expand infrastructure in buffer zones.
6. **Acquire critical property within buffer areas and beyond. Some tracts and parcels of land within the buffer zone, and sometimes outside the buffer zone, are especially important to preserve in permanent open space.** State programs such as the Clean Water Management Trust Fund, the Recreation Trails Program, and the Land and Water Conservation Fund should give priority to protecting these areas. A "Military Buffer Lands Protection Trust Fund" should be established to help purchase critical parcels or easements.

Timing is critical to act on these recommendations because they require legislative action for implementation. The Commission urges support to help ensure that they are enacted into law.

Troy Pate
Co-Chairman

General Recommendation A: Real Estate Disclosure Statements

Quite often potential homebuyers and renters are unaware of special circumstances and conditions that may exist in the home's environment, which could detrimentally affect both the area's quality of life and the home's resale value. This could be a particular problem for potential buyers of existing or newly built homes located within the one-mile area around the military reservations. Much of that area is affected by aircraft and artillery noise and dense pine smoke, which result from "best land management practices". It is important to guarantee that potential homebuyers and renters are provided with the information, which they need to make well-informed decisions about whether or not to locate in an area.

Recommendation

It is recommended that the North Carolina General Assembly adopt a bill requiring real estate disclosure statements for all parcels of property located within one mile of the military installations. (Please refer to Appendix B for a sample resolution.) As appropriate, the real estate disclosure statements should include warnings about potential noise and startle affects from low flying aircraft, blast noise from artillery/small arms fire, and intensive smoke resulting from controlled burns of the managed pine forest areas.

Actions

- Immediately following adoption of this Joint Land Use Study, an official representative of the RLUAC should meet with the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and representatives from each of the other North Carolina military installations, who are either currently involved in preparing or have recently completed a Joint Land Use Study process, to seek their support for this recommendation.
- Representatives from the RLUAC (and the other military installations) should meet with the *North Carolina Advisory Commission on Military Affairs* to seek their support for legislation which would require real estate disclosure statements for all land located within one mile of North Carolina's military installations.
- The RLUAC and the *North Carolina Advisory Commission on Military Affairs* should submit a bill to the 2003 session of the North Carolina

General Assembly, which requires real estate disclosure statements for all land, located within one mile of military installations.

General Recommendation B: Urban Encroachment

During the next thirty years, the North Carolina Office of State Planning projects that population in the six counties surrounding Fort Bragg will grow by an additional 269,000 people -- much of it within one mile of the military boundaries. Throughout the past decade alone, population in the Fort Bragg / Pope Air Force Base one-mile study area expanded by 13,866 people -- a twenty percent increase. Land along the military boundaries is being converted from rural to urban densities at an increasing rate -- especially along the fringes of the Fayetteville metro region.

Even with strong municipal and county land use management tools currently in place (land use plans and zoning ordinances), inappropriate and incompatible development continues to occur. Such urban expansion, left unchecked, will pose a major threat to the integrity of the military complex, the natural environment, and the quality of life of people residing there in less than twenty years. Clearly the planning, protection, and land management efforts currently being utilized by local governments in the region have failed to stem the growing tide of incompatible urban development. New and stronger actions are recommended to preserve the military installations, the environment, and the public safety.

Recommendations

1. It is recommended that the North Carolina General Assembly adopt legislation that requires local governments in the Fort Bragg / Pope Air Force Base region to permit only low density development (ten acre minimum lot size and no more than one dwelling unit per ten acres) on all land which is identified as "critical preservation" and "important preservation" in this study.
2. It is recommended that the North Carolina General Assembly establish a special trust fund to assist the U.S. Department of Defense, the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, the Nature Conservancy, and other allied groups with their efforts to make fee simple purchase or the acquisition of development rights for lands identified as "critical preservation" and "important preservation" in this study.
3. It is recommended that the General Assembly adopt a package of personal tax credits or deductions to serve as an incentive to encourage owners of property identified as "critical preservation" and "important preservation" to voluntarily sell their property or development rights.

4. Recognizing that the permanent preservation of “critical” and “important” land around the military reservations could result in the potential loss of an increased tax base for local governments, it is recommended that the North Carolina General Assembly create a special trust fund to compensate the effected local governments. The trust fund should provide grants for only certain designated purposes, such as (but not limited to) the improvement / development of educational, recreational facilities and/or economic development initiatives.

5. It is recommended that the RLUAC develop criteria to prioritize and phase the purchases of the “critical preservation” and “important preservation” land as it becomes available.

Actions

- Immediately following adoption of this Joint Land Use Study, an official representative of the RLUAC should meet with the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and representatives from each of the other North Carolina military installations, who are either currently involved in preparing or have recently completed a Joint Land Use Study process, to seek their support for the recommendations listed above.
- Representatives from the RLUAC (and the other military installations) should meet with the *North Carolina Advisory Commission on Military Affairs* to seek their support for the legislative proposals listed above.
- The RLUAC and the *North Carolina Advisory Commission on Military Affairs* should submit a comprehensive bill to the 2003 session of the North Carolina General Assembly, which addresses the proposals listed above. (Refer to Appendix C for a complete listing of proposed Legislative actions.)
- In the second half of 2003, the RLUAC and the Sandhills Area Conservation Partnership should jointly sponsor a committee that seeks to establish criteria to phase the purchase of land or development rights for those areas identified as “critical preservation” and “important preservation” in this study.

General Recommendation C: Water and Sewer Extension Policies

Although development can occur in areas, which lack public utilities (generally at a low density), urban density development is virtually assured in areas where public water and sewer systems are extended. Both the 1991 Joint Land Use Study (JLUS) and the current effort have concluded that medium and high-density residential development is not compatible with military training areas. It is widely recognized that the concentration of urban populations in areas adjacent to the military boundaries can pose a major threat to the safety of the civilian residents and to the integrity of the bases as viable training facilities. Any serious effort to protect the bases from urban encroachment should include a plan to prohibit the extension of water and sewer lines to areas which are identified as “critical preservation land” and “important preservation land” in this study.

Recommendation

It is recommended that the North Carolina General Assembly adopt legislation that prohibits the extension of public water and sewer lines to land, which is identified as “critical preservation” and “important preservation” in this study.

Actions

- Immediately following adoption of this Joint Land Use Study, an official representative of the RLUAC should meet with representatives from the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and each of the other North Carolina military installations, who are either currently involved in preparing or have recently completed a Joint Land Use Study process, to seek their support for this recommendation.
- Representatives from the RLUAC (and the other military installations) should meet with the *North Carolina Advisory Commission on Military Affairs* to seek their support for legislation, which would prohibit the extension of public water and sewer lines to land, which is identified as “critical preservation” and “important preservation” in this study.
- The RLUAC and the *North Carolina Advisory Commission on Military Affairs* should submit a bill to the 2003 session of the North Carolina General Assembly, which would prohibit the extension of public water, and sewer lines to land, which is identified as “critical preservation” and “important preservation” in this study. (Refer to Appendix C for a complete listing of proposed Legislative actions.)

General Recommendation D: Military Actions

Just as urban encroachment in surrounding areas can become a sustainability issue for Fort Bragg and Pope Air Force Base, change of military mission, equipment, and land use activities at the installations can have a negative impact on the sustainability and livability of the urban communities encircling them. Although, local governments have a recognized responsibility for protecting the integrity of the military complex, the military community also bears a responsibility for being a good neighbor. For neighboring urban communities to make responsible land use planning and growth decisions, it is necessary for the military officials to provide detailed information regarding proposed development plans and future mission changes. Local governments cannot be expected to make well-informed planning decisions without advance knowledge of new military training requirements.

Similarly, local governments surrounding the military complex need assurances that the Army and Air Force will continue to accept their share of the responsibility for identifying, preserving, and protecting the natural environment and endangered species on their side of the boundary.

Recommendations

1. It is recommended that the military continue to submit new land use and development plans to both the RLUAC and local governments in the region for their review and comment prior to implementation.
2. It is recommended that Fort Bragg continue to preserve and protect its forested “green belt” area from urban growth and development.
3. It is recommended that Fort Bragg continue to preserve and protect its natural habitat areas along the perimeter boundaries from destructive military training activities.

Actions

- Immediately following the adoption of this study, Fort Bragg and Pope Air Force Base should begin to develop and implement a local government notification process for any changes in military equipment and or land use activities, which could have significant off-base impacts.
- Fort Bragg should periodically review its environmental programs to guarantee the continued preservation of its natural areas and endangered species.

General Recommendation E: Aircraft Low-Level Routes and Low Altitude Tactical Navigation Area

Pope Air Force Base's 43D Airlift Wing Airspace Management Office completed a comprehensive review of its aircraft Low-Level Routes and the Low Altitude Tactical Navigation Area (LATN) in the fall of 2002. The Air Combat Command Airspace and Ranges Directorate and the Air Mobility Command Airspace and Procedures Office directed this review.

The review covered all low-level visual and instrument training routes and the low altitude tactical navigation areas -- to include the approach corridor routes into the drop zones within the Fort Bragg restricted area and Camp Mackall complex. The corridors for the drop zones are generally flown between 800 feet and 1,000 feet Above Ground Level (AGL). These corridor routes also fall within the LATN area, which has been environmentally assessed and approved for 300 feet AGL for the C130 aircraft and 500 feet AGL for C-5, C-17 and C-141 aircrafts.

Recommendation

It is recommended that the Fort Bragg / Pope Air Force Base Regional Land Use Advisory Commission adopt a resolution recognizing and supporting Pope Air Force Base's assigned and attached units right to continue to fly low-level terrain masking and navigation missions within the six county area that surrounds the Fort Bragg/ Pope AFB military complex.

Actions

- Immediately following adoption of this Joint Land Use Study, the Fort Bragg / Pope Air Force Base Regional Land Use Advisory Commission should prepare and adopt the resolution of support described in the above recommendation.

General Recommendation F: Transportation Policies

The permanent closure of several Fort Bragg gateways, the planned rerouting of State Route 87 traffic to Cumberland County's Murchison Road, the scheduled limiting of public access to Fort Bragg's Bragg Boulevard, and the construction of the Fayetteville Outer Loop/NC Highway 13 extension, have the potential to seriously alter traffic and commuting patterns within the region. It could also have a direct impact (both positive and negative) on property values and development potential for land located within the one-mile area surrounding the military reservation. Although the effect of these actions could be quite complex

and far reaching, a detailed analysis of the potential impacts is beyond the scope and design of this study.

Recommendation

It is recommended that the Fort Bragg / Pope Air Force Base Regional Land Use Advisory Commission (RLUAC) initiate a detailed regional transportation study, which measures the impacts of the permanent gate closures, the limiting of public access to Fort Bragg's Bragg Boulevard, and the construction of the Fayetteville Outer Loop.

Actions

- Following the adoption of this study, the RLUAC should work with the Fayetteville Metropolitan Planning Organization and the Mid Carolina, Lumber River, and Triangle Rural Planning Organizations to develop a proposed outline for a detailed regional transportation study.
- Once a proposed transportation study design is approved, the RLUAC should identify both a consultant to lead the study process and the necessary funding to support the process.

General Recommendation G: Urban Light Pollution

Light levels in the night sky, resulting from the growing urban areas which surround the Fort Bragg / Pope Air Force Base military complex, have begun to adversely affect the ability of pilots and ground troops to conduct realistic night training missions. Although the issue is beyond the scope of this Joint Land Use Study, it should be addressed by the region in some future study.

Recommendation

It is recommended that the RLUAC develop a proposed study design to investigate the effect of light pollution on night training missions. The proposed study should also examine practical ways of reducing the levels of night-light in the Fort Bragg region.

Action Plans

- Following the adoption of this study, the RLUAC should appoint a committee to develop a light pollution study design. It should also seek to identify potential funding sources for the proposed study.

General Recommendation H: Building Code Revisions

Outside to inside noise reduction (sound attenuation) for dwelling units was an issue of major importance in the earlier Joint Land Use Study. Of particular concern, was the potential negative impact of artillery and aircraft noise on the quality of life for people living near Fort Bragg and Pope Air Force Base. A recommendation was offered to pursue a revision of the North Carolina State Building Code to require additional insulation for homes constructed in noise sensitive areas. However, further study of the issue revealed that such action was unnecessary. With the addition of storm windows / doors (or double paned windows) and fireplace dampers, current insulation requirements are sufficient to reduce the outside to inside noise to acceptable levels.

Recommendations

1. It is recommended that the Fort Bragg / Pope Air Force Base Regional Land Use Advisory Commission adopt a resolution that supports the required installation of storm windows and doors (or double paned windows) on all new homes constructed within the 62+ decibel noise areas surrounding Fort Bragg, Pope Air Force Base, and Camp Mackall.
2. It is recommended that local governments, having jurisdiction in the 62+ decibel noise level areas, adopt ordinances requiring the installation of double paned windows and/or storm windows and doors on all new homes constructed within the noise sensitive areas.

Actions

- During the first half of 2003, the RLUAC should appoint a committee to draft an ordinance, which requires the installation of double paned windows, and/or storm windows and doors on new homes, which are to be, constructed in areas with 62+ decibel noise levels.
- Following the preparation of the above-mentioned ordinance, an official RLUAC representative should begin the process of meeting with each of the local governments in Cumberland, Harnett, Hoke, Moore, Richmond, and Scotland Counties to explain the home improvement recommendation.
- Local governments in the above named counties should adopt and enforce the proposed exterior to interior noise reduction ordinance by the Fall of 2003.

General Recommendation I: Broadcasting, Telecom, and Other Towers

Throughout the Fort Bragg and Pope Air Force Base region numerous broadcasting, telecommunication, and other towers (especially for cell phones) are being constructed. These towers often range in height from 300 feet to over 1000 feet -- the equivalent of a thirty to 100 story office building. The proliferation of these towers creates a potential threat to the safety of aircraft navigation in general, but pose a major hazard for the numerous military training flights, which occur on a daily basis throughout the region. Routine military training exercises require pilots to practice low-level radar evasion tactics at heights ranging from 100 to 500 feet. Clearly the low-level flights are within the height ceilings of many of the towers. The erection of too many towers -- in the wrong locations -- may result in the loss of the meaningful training opportunities for military helicopter and fixed wing aircraft pilots.

Recommendation

To minimize the potential for future air space hazards, it is recommended that local governments in the Fort Bragg / Pope Air Force Base region revise their zoning regulations to limit the construction of additional broadcasting, telecommunication, and other towers to locations that are consistent with military operational patterns.

Actions

- Following acceptance of the recently completed model height and locational guidelines for towers, the RLUAC should formally endorse them by resolution.
- Following the endorsement of the above mentioned model tower guidelines, an official RLUAC representative should begin the process of meeting with each of the local governments within Cumberland, Harnett, Hoke, Moore, Richmond, Sampson and Scotland Counties to encourage their inclusion in local zoning ordinances.

General Recommendation J: Recreational Multi-Use Trail

As parcels of undeveloped property around Fort Bragg and Pope Air Force Base, identified as "critical" in this study, become protected, an impressive buffer of managed natural areas will begin to emerge. Such public lands represent both a significant conservation and recreational opportunity in a rapidly growing urban

region that currently lacks both. A truly unique opportunity, which should be studied for its feasibility, is the construction of a major multi-use (horse back riding, bicycling, and hiking) trail. The trail could potentially link parcels of property along Fort Bragg's southern boundary -- extending from the Fayetteville metro area on the east, through the Sandhills Game Lands, to the Aberdeen/Southern Pines/Pinehurst area on the west. With the addition of interpretive signage (which identifies natural features) and one or two State managed picnic areas and campgrounds, the proposed trail could become a very unique and popular recreational facility for the enjoyment of both the military and civilian populations.

Recommendation

It is recommended that the Fort Bragg / Pope Air Force Base Regional Land Use Advisory Commission examine the feasibility developing a major multi-use recreational trail, which could run through Hoke and Scotland Counties -- extending from Fayetteville, through the Sandhills Game Lands, to Southern Pines.

Actions

- By the middle of 2004, the RLUAC should create a special committee to examine the feasibility of developing a multi-use recreational trail.
 - If deemed feasible, the committee should develop a "master plan" for the proposed trail.
 - Following completion of a "master plan", the RLUAC should formally adopt the proposal and recommend its findings to the appropriate State, local government, and military entities.
-

June 20, 2003

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

SUBJECT: Case No. 02-149
Sand Hill Farms
(Zero Lot Line Subdivision Review)

The developer submitted a request for a variance from Section 3.5, "Access to Unsubdivided Property", Cumberland County Subdivision Ordinance, by not providing access to two land-locked properties. The subdivision was approved on June 30, 2002 with condition #30 requiring the developer to provide a minimum of 20 feet of road frontage to parcel 1 - 0433-41-8502 & parcel 2 - 0433-50-3434. The two parcels could be provided access by either creating a road stub that would extend to both properties or by two 20 foot strips of land to each property. The developer maintains that they already have access.

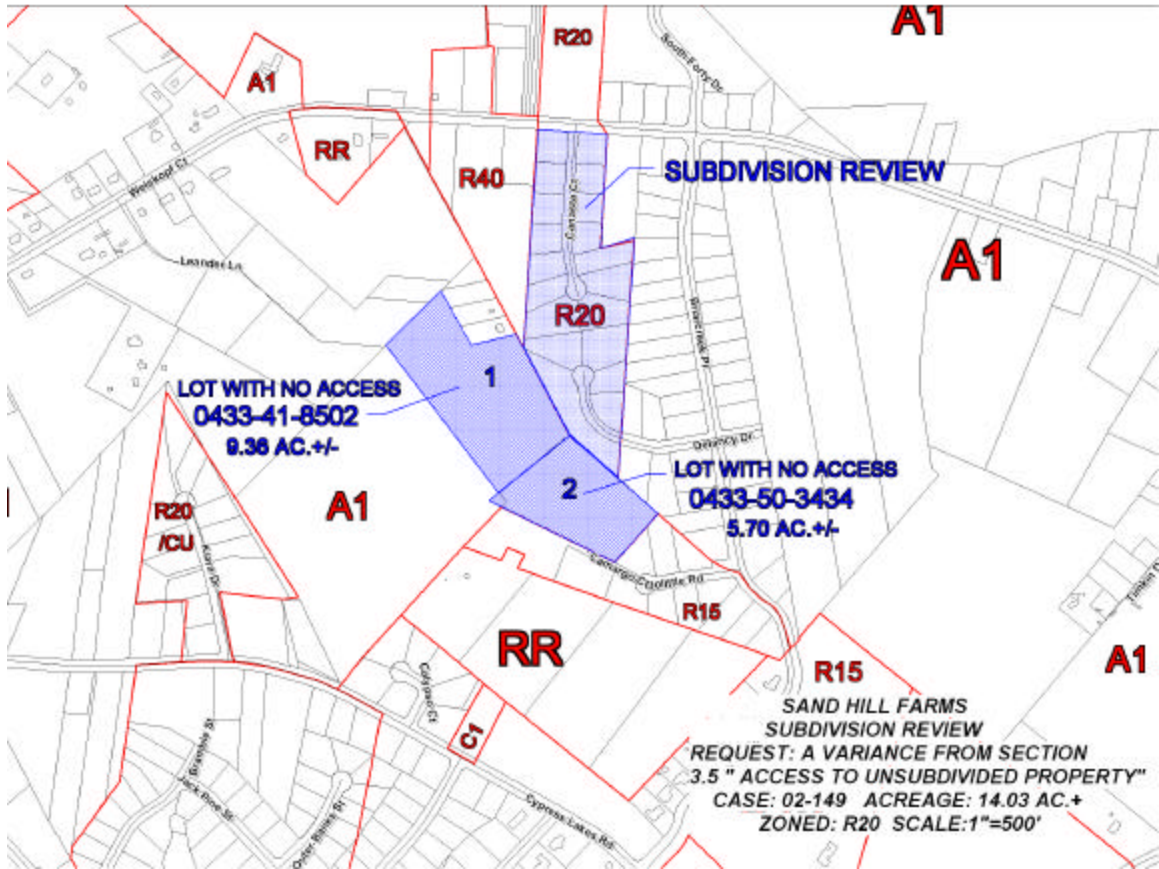
In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other 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 if the following condition is complied with.

1. That proof be provided to the Planning Staff, that both parcels have legal access prior to the last section being finalized.

Attachments

cc: KRB Home Builders, Developer
Larry King, Land Surveyor
Grainger Barrett, County Attorney
Thomas J. Lloyd, Supervisor, Land Use Codes





May 16, 2003

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

SUBJECT: Case No. 03-092
James Hemingway Property
(Subdivision Review)

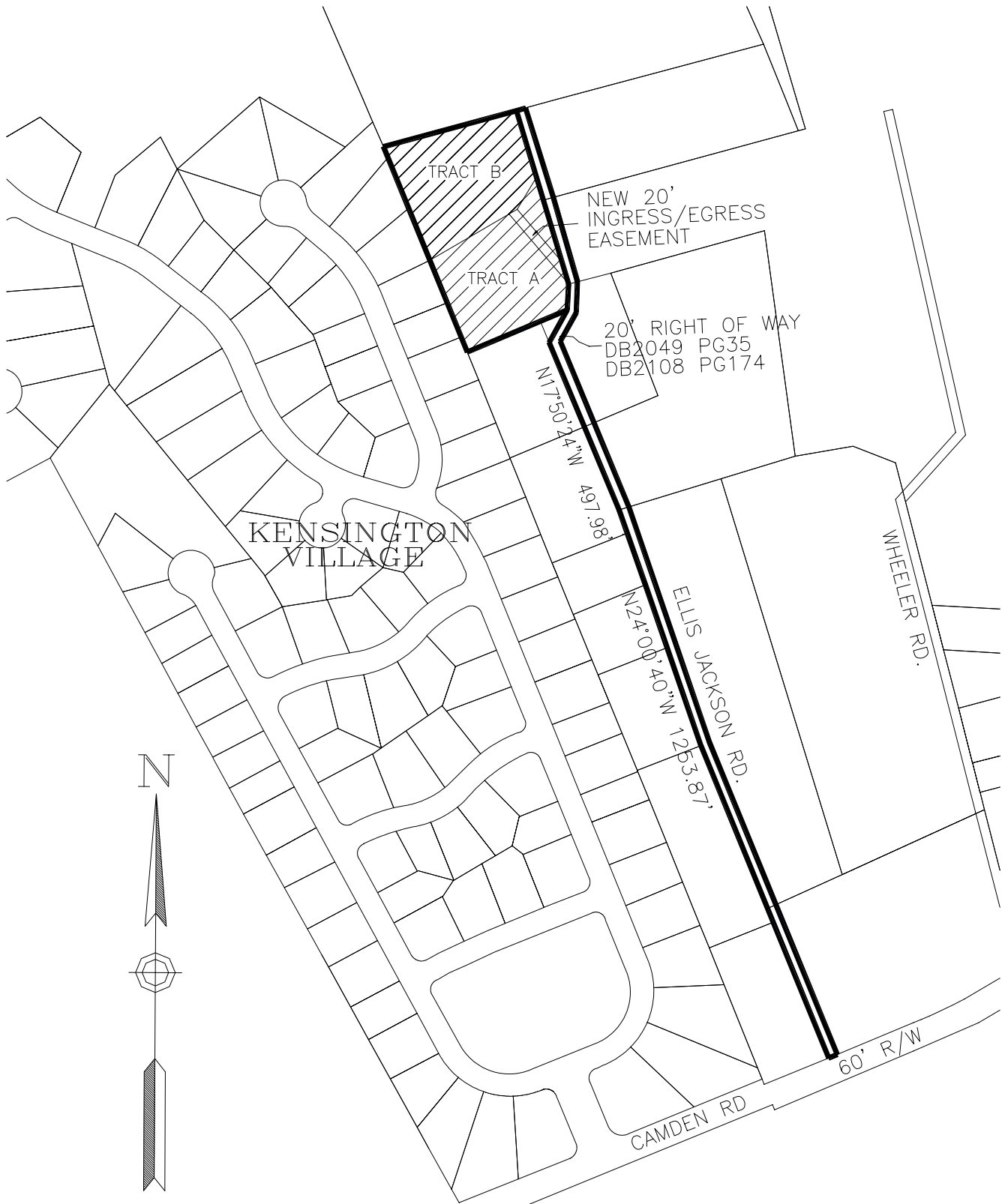
The developer submitted a request to use a neighborhood public road as access for the proposed subdivision. Section 3.20.d, "Lot Standards" of the Cumberland County Subdivision Ordinance requires that all lots shall be served by either an approved private street or public road. The Planning Board approved a group development for the property on May 20, 1997 with a 20 feet access easement. The developer proposed to divide the property into two lots using the same easement. This landlocked property contains 2.80 acres, but is a legal non-conforming lot. The easement has access to Camden Road.

The Land Use Codes Committee has discussed the issue of neighborhood public roads back in 2002, but was unsure how to handle the problem of determining which roads are true neighborhood public roads. The Planning Staff is still unsure on how to treat subdivisions that would use a neighborhood public road for access. The staff would need to know if a neighborhood public road should be treated as any other public road and allow for the subdivision of lots in accordance with the subdivision ordinance or to follow some other standards as set out by the Planning Board. The Planning Board will need to set standards, which will qualify roads as being a neighborhood public road.

The Planning Staff has no recommendation due to this neighborhood public road and the confusion surrounding the statute.

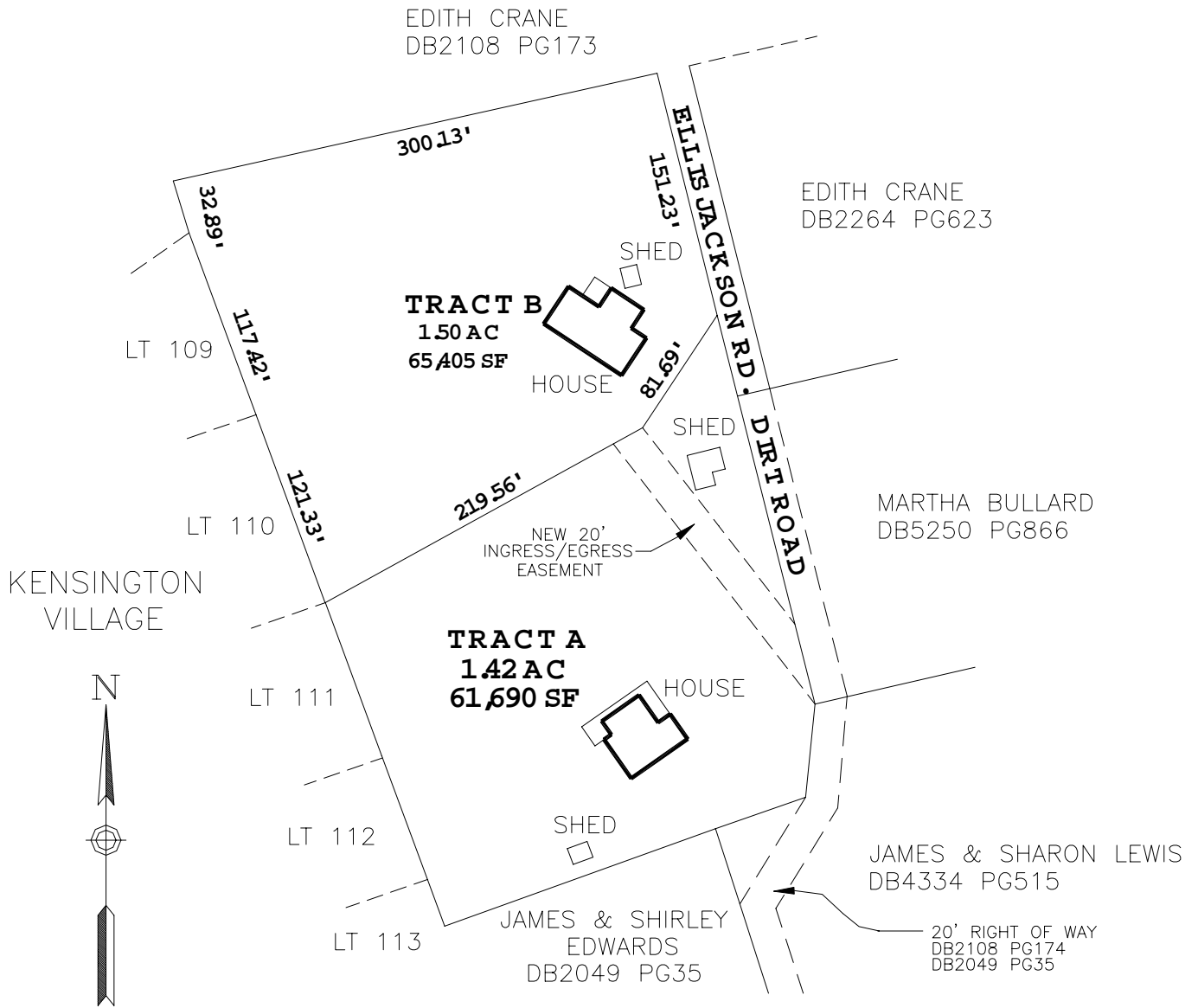
Attachments

cc: James Hemingway, Developer
Denver McCullough, Land Surveyor
Grainger Barrett, County Attorney
Thomas J. Lloyd, Supervisor, Land Use Codes



JAMES HEMINGWAY PROPERTY
REQUEST: TO USE A NEIGHBORHOOD PUBLIC
ROAD FOR ACCESS TO PROPOSED LOTS

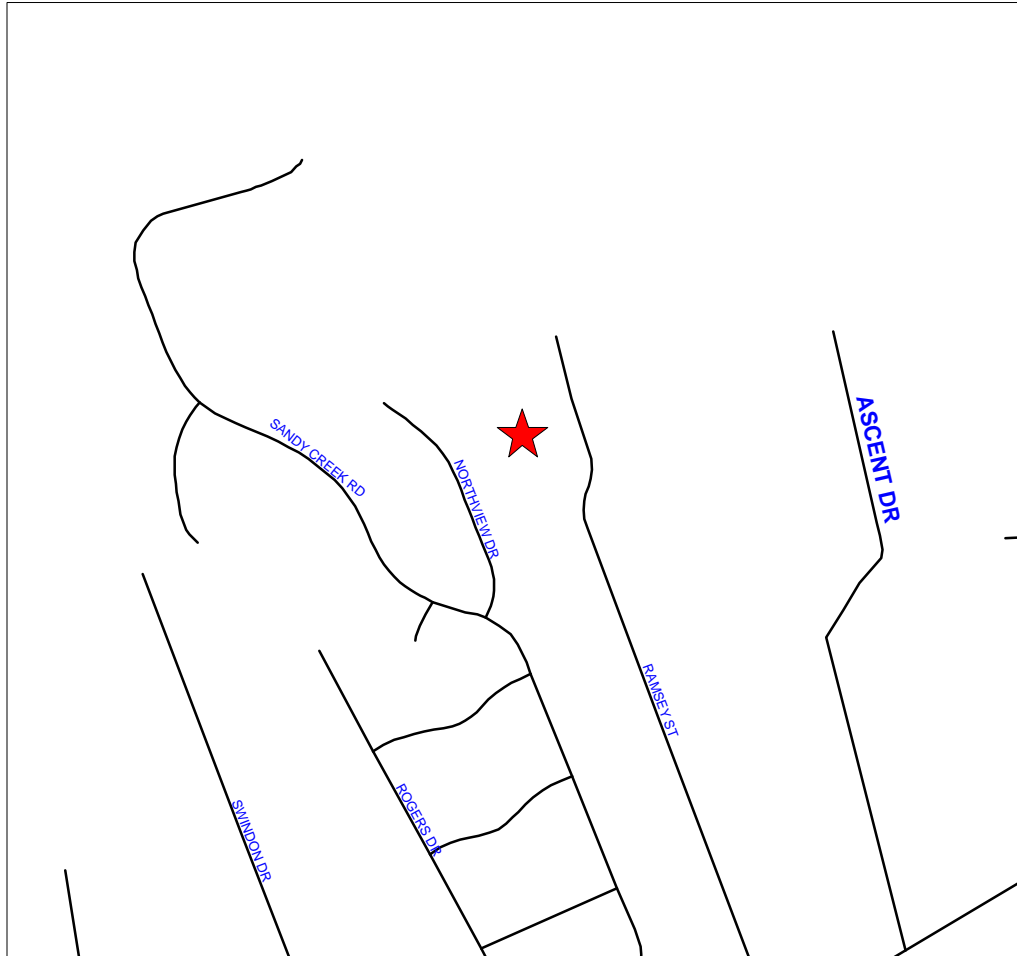
CASE: 03-92



JAMES HEMINGWAY PROPERTY
 REQUEST: TO USE A NEIGHBORHOOD PUBLIC ROAD
FOR ACCESS TO PROPOSED LOTS
 ACREAGE: 2.80± ZONED: RR
 CASE: 03-92 SCALE: 1"= 100'

**JAMES HEMINGWAY SUBDIVISION
SUBDIVISON REVIEW**

CASE NO. 03-092



PIN: 0404-69-3762
PREPARED BY BGC - CCJPB
MAY 6, 2003

Map not to scale

