

Clifton McNeill, Jr., Chair
Cumberland County

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



COUNTY of CUMBERLAND

Joint Planning Board

TENTATIVE AGENDA
February 17, 2004

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

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

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- 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 FEBRUARY 3, 2004

REZONING CASES

- B. P04-14: REZONING OF AN 88.83-ACRE PORTION OF A 132.43-ACRE TRACT FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, EAST AND WEST OF HOKE LOOP ROAD, NORTH OF RAEFORD ROAD, OWNED BY JOHN A. WILLIAMS, JR. ET. AL.
- C. P04-15: REZONING OF 38.0 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT AT 2729 CHICKEN FOOT ROAD, OWNED BY ANNIE R. CANADY.
- D. P04-16: REZONING OF 1.56 ACRES FROM R10 TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 7595 CLINTON ROAD, OWNED BY THE STEDMAN FIRE DEPARTMENT.

CONDITIONAL USE OVERLAY CASES

- A. P03-91: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A JUNK YARD AND OPEN STORAGE OF EQUIPMENT IN AN A1 DISTRICT ON 3.21 ACRES ON THE NORTHEAST SIDE OF WHITEHEAD ROAD, NORTH OF NC HIGHWAY 24, OWNED BY ZARKO JOHNSON.
- B. P04-17: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A NURSERY OPERATION IN C1 AND C3 DISTRICTS ON .85 ACRES AT 3610 CUMBERLAND ROAD, OWNED BY GLADYS A. BLANTON.

PLATS AND PLANS

- A. 04-013: VILLAGE AT ASPHEN'S CREEK ZERO LOT LINE SUBDIVISION REVIEW ON THE SOUTH SIDE OF SANDHILL ROAD, EAST OF CYPRESS LAKES FOR A VARIANCE FROM SECTION 3.18, "BLOCK LENGTH," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.
- B. 04-016: JAMES E. SIMON GROUP DEVELOPMENT REVIEW ON THE NORTH SIDE OF MARK TWAIN LANE, EAST OF HOLLOW BRIDGE ROAD FOR A VARIANCE FROM SECTION 3.2.d, "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.
- C. 04-019: WALTER E. THOMAS SUBDIVISION REVIEW ON THE EAST SIDE OF NC HWY 210, SOUTH OF CARL FREEMAN ROAD FOR A VARIANCE FROM SECTION 3.17.c "STREET DESIGN", CUMBERLAND COUNTY SUBDIVISION ORDINANCE.
- D. 04-022: BERLINE UNDERWOOD SUBDIVISION REVIEW ON THE EAST SIDE OF CUSTER AVENUE, SOUTH OF BEARD ROAD FOR A VARIANCE FROM SECTION 4.2.c.B, "PRIVATE STREETS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

VII. PLATS AND PLANS

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

VIII. PUBLIC HEARING ITEMS

- A. P04-05: REZONING OF .56 ACRES FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2643 LAKEVIEW DRIVE, OWNED BY ROSINA NEWTON.
- B. P04-10: REZONING OF 3.99 ACRES FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 5929 ZYLPHIA LANE, OWNED BY JOSEPH A. AND ARMANDE J. SHIELDS.
- C. P04-13: REZONING OF 92.0 ACRES FROM RR AND CD TO R6 AND A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO DEVELOP AT R6 DENSITY WITH THE EXTENSION OF WATER AND SEWER AT THE EAST END OF BAY SHORE DRIVE, EAST OF LAKE UPCHURCH ROAD, OWNED BY BAY SHORE PROPERTIES LLC.
- D. P04-18: REZONING OF 5.18 ACRES FROM RR TO R6, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 7315 ROCKFISH ROAD, OWNED BY IRINA ANDERSON.

CONDITIONAL USE OVERLAY CASES

- A. P04-08: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AUTOMOBILE SALES IN AN R40 DISTRICT ON 1.01 ACRE AT 10725 CLAYFORK HILL ROAD, OWNED BY WILLIAM JEFFREY SIMPSON.
- B. P04-09: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW CAR SALES, AN OFFICE AND A DETAIL SHOP IN AN A1 DISTRICT ON 1.0 ACRE ON THE WEST SIDE OF CLAYFORK HILL ROAD SOUTH OF BEAVER DAM CHURCH ROAD, OWNED BY WILLIAM JEFFREY SIMPSON AND TONY DEREK SIMPSON.

IX. DISCUSSION

- A. REPORT ON COUNTY COMMISSIONERS' MEETING—DAVID AVERETTE

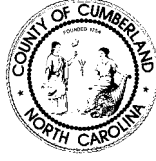
X. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

XI. ADJOURNMENT

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

Charles C. Morris, Vice-Chair
Town of Linden
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Frank Underwood,
Town of Stedman

MINUTES February 3, 2004

Members Present

Mr. Clifton McNeill, Chair
Mr. Charles Morris, Vice-Chair
Mr. David Averette
Dr. Marion Gillis-Olion
Mr. Donovan McLaurin
Mr. Joe W. Mullinax
Mr. Frankie Underwood

Member Absent

Mr. John M. Gillis

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was delivered by Charles Morris, and Chair McNeill led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that Case P04-03 be moved to Consent Items because no one signed up in opposition to the case. The discussion item at the beginning of the meeting was moved to the end following the public hearings and plats and plans. A motion was made by Mr. Mullinax and seconded by Mr. Underwood to approve the Agenda with the above changes. The motion passed unanimously. Dr. Olion was not present for the vote.

III. PUBLIC HEARING DEFERRALS

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

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

A motion was made by Mr. Underwood and seconded by Mr. McLaurin to defer Case P03-08 to February 17, 2004 in order to revise the site plan. The motion passed unanimously. Dr. Olion was not present for the vote.

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

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

A motion was made by Mr. Underwood and seconded by Mr. McLaurin to defer Case P03-09 to February 17, 2004 in order to revise the site plan. The motion passed unanimously. Dr. Olion was not present for the vote.

IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

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

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF JANUARY 20, 2004

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to approve the Minutes of January 20, 2004 as written. The motion passed unanimously.

REZONING CASES

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

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

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

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

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

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

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

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

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

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

CONDITIONAL USE OVERLAY CASE

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

The packet materials were 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 recommends approval of the Conditional Use Overlay Permit based on the findings that the proposal:

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

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

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

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

A motion was made by Mr. McLaurin and seconded by Mr. Underwood to approve 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 motion passed unanimously.

A motion was made by Mr. McLaurin and seconded by Mr. Underwood to approve 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 following conditions were part of the motion.

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

Upon a vote on the motion, it passed unanimously.

PLATS AND PLANS

- A. 04-018: DEBRA C. PIERCE GROUP DEVELOPMENT REVIEW ON THE WEST SIDE OF TABOR CHURCH ROAD, SOUTHWEST OF SNOWBIRD ROAD, A VARIANCE FROM SECTION 3.20.D, "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

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

- B. 03-239: BROOKSHIRE ZERO LOT LINE SUBDIVISION REVIEW AT THE NORTH-WEST INTERSECTION OF CRYSTAL SPRINGS AND CAMDEN ROADS, A VARIANCE FROM SECTION 3.18, "BLOCK LENGTH," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

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

VII. PUBLIC HEARING ITEM

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

The public hearing was opened. Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the R40A Residential District based on the following: The recommendation is consistent with the Planning Board's policy to allow small tracts of R40 and R40A Districts in the designated farmland areas.

The applicant was not present.

Mr. Wayne Tew appeared before the Board in opposition and said that if the rezoning is approved, it would allow two trailers. He said that in the past two years, two R40A requests in the area were denied. He said that the Commissioners don't want trailers stacked in the County. He added if the rezoning is approved, others in the area will also want R40A. Mr. Averette asked where Mr. Tew lives, and he pointed out his property on the map. Mr. Underwood asked if there is a mobile home park in the area, and Mr. Tew said that there is, and it has been there since Mr. Tew moved to the area.

Mr. Gary Collier appeared before the Board in opposition and said he owns land two lots away from the subject property. He said he would like to build a home there and has family throughout the area. He said that more trailers will decrease the land values for the properties nearby.

Ms. Sharon Collier appeared before the Board in opposition and said she owns land near the subject property and across the road. She said approval of the rezoning will open the door for other property owners to get R40A zoning and move in many more mobile homes. She said that mobile homes depreciate property values, add congestion and will affect the scenery.

Ms. Helen Autry appeared before the Board and said that she owns property abutting the subject property. She said they can add two more trailers if the tract is rezoned, and she was concerned about it devaluing her property value.

Ms. Polly Woyan appeared before the Board in opposition and said she owns land on Wade-Stedman Road directly across from the subject property. She said the rezoning will open the doors for surrounding property owners to seek rezoning and create a mobile home village. She said the mobile homes will create environmental problems and add crime and congestion to the area. She read a letter from Mr. and Mrs. Toby Bunce, who own 452 acres surrounding the subject property, expressing their opposition to the rezoning.

Mr. Christopher Hollis, representing the Manufactured Housing Institute, said he wanted to clarify the main objection people had expressed. He said that multiple studies have shown that mobile homes do not devalue surrounding property values and in fact appreciate at the same level that stick built homes do.

Ms. Cheryl Shields appeared before the Board and said that she doesn't want the rezoning, she just wants the tract subdivided, and this appears to be the way to accomplish that. She

said that she lives in the front lot and wants to stay there, but her mother-in-law wants to sell her home and land. She said she objects to trailers being brought into the area also.

Mr. Morris asked about the private street with four lots already on it. He asked if the road would have to be upgraded and was told that it would with the addition of a fifth lot. He suggested that the case be deferred for staff to speak with the applicant and make sure they are aware of the required road upgrade.

A motion was made by Mr. Morris and seconded by Mr. Mullinax to defer action on Case P04-10 until February 17, 2004 in order for staff to explain options to the applicant.

Mr. Lloyd said that staff reviewed and conditionally approved a subdivision of the subject property in November, and the owners were made aware of the road upgrade at that time. He said approval of the subdivision is contingent upon the rezoning. If the rezoning isn't approved, the property will go back to a group development.

Mr. Barrett said it may benefit the applicant to defer the case because if it is denied, she'll have to wait one year before it can again be heard by the Board.

Mr. Averette said if the tract is rezoned to R40A, the lots qualify for the subdivision. He added that if the property owners could purchase .01 of an acre, they would qualify for the subdivision under the A1 zoning.

Upon a vote on the motion, it passed unanimously.

VII. PLATS AND PLANS

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

Mr. Lloyd explained the request and said that the structure doesn't meet the setback requirements.

Mr. Barrett had some concerns about the case and spoke with Mr. Lloyd about why the case was going before the Board.

Mr. Lloyd requested a deferral for two weeks on the case after consulting with Mr. Barrett. He said staff would consider rewriting the staff recommendation in accordance with standards in the Zoning Ordinance. Mr. Lloyd added that staff received additional information just prior to the meeting that will be helpful.

Mr. Barrett said when he reviewed the material; he didn't realize what was trying to be accomplished on this case. He said that the basic difficulty lies in the fact that the case was analyzed under the Subdivision Ordinance and should have been analyzed under the Zoning Ordinance.

A gentleman in the audience said that he was concerned that the Board of Adjustment had already heard the case, and now it was going before another Board. Mr. Lloyd said that the case should not have gone before the Board of Adjustment and should have gone directly to the Planning Board. Chair McNeill apologized to the gentleman for his time in attending both public hearings, and he said that the staff would notify him when the case would again go before the Planning Board.

A motion was made by Mr. Averette and seconded by Mr. McLaurin to defer action on Case 03-240 until February 17, 2004 for staff to review the information they received and look at alternatives. The motion passed unanimously.

VIII. DISCUSSION

A. DILAPIDATED/ABANDONED MANUFACTURED HOMES—MR. PAUL MEYER, ASSISTANT GENERAL COUNSEL, NC ASSOCIATION OF COUNTY COMMISSIONERS

Ms. Roy introduced Mr. Paul Meyer, Assistant General Council to the NC Association of County Commissioners; Mr. Chris Hollis, Director of Governmental Affairs, NC Manufactured Housing Institute; and Mr. Bobby Howard, Interim Director of County Solid Waste Department, and said they would update the Board on recent developments, status and current demolition procedures for abandoned mobile homes.

Mr. Meyer appeared before the Board and said that he wanted to inform the Board of the current landscape regarding State discussions on abandoned mobile homes. He said that the Association of County Commissioners and Mobile Home Institute met two years ago regarding taxation collection and abandoned mobile homes and the economic development problems created by the abandoned homes. He said that the organizations want to deal with this and need regulations for mobile homes can be located as well for regulations for when the mobile homes create a nuisance.

Mr. Meyer said that Onslow, Harnett and Burke Counties have been selected for pilot projects to develop and implement programs to deal with abandoned homes. He said that there is a difference of opinion on whether the costs should be borne by the owners or local

government. He said at this time most Counties have chosen one of three paths: 1) ignore the problem because of lack of money; 2) take the money from the General Fund; or 3) make it a criminal violation and charge a \$150 to \$200 per day penalty for abandoned mobile homes.

Mr. Meyer said there is legislation proposing an advance disposal fee when new mobile homes are purchased to create a fund to dispose of older mobile homes. He said that the legislation was introduced late in the session, and no action was taken.

Chair McNeill asked if results had been received from the counties involved in the pilot project. Mr. Meyer said that they have worked on onsite demolition; demolition at a landfill and the trailer park issue and are not trying to determine costs.

Ms. Roy asked if the Association is going to pursue the legislation. Mr. Meyer said that they were undecided, and they wanted to get the data from the studies to see what is needed prior to the next legislative session. He said that the advance disposal fee may be a solution.

Mr. Morris asked why mobile homes are not treated the same as houses where the property owner is responsible for the demolition, and if they fail to take care of it, a lien is attached to the property, and the County can eventually take their land. Mr. Morris was told that many times the mobile home is on land that is not owned by the person who owns the mobile home, or the home is found in the woods, and the owner is unknown.

Mr. McLaurin said some property owners would be glad to have the mobile homes demolished. Mr. Barrett said that enforcement is usually based on complaints, and the County must respond or confidence by the public is lost. He said in addition the County must look at whether the home is creating a nuisance or threat to health, and those homes must take precedence over what an owner might want.

B. REPORT ON PRE-1976 MANUFACTURED HOMES MOVED WITHIN CUMBERLAND COUNTY SINCE MARCH 2003

Ms. Roy gave an overview on the status of the abandoned mobile home issue in Cumberland County. She said that the Tax Department reports show 107 junked mobile homes, 17 burned and 223 used for storage on their records. She said that these are likely cases property owners reported so that they wouldn't have to pay taxes on them and is a small percentage of the actual number of abandoned homes in the County. She said that there are about 3,000 pre-1976 mobile homes, and only five were moved during the last 11 months of monitoring. She said no pattern of hardship was evident.

Mr. Johnny Wellons, mobile home park owner, said that he owns about 1,100 spaces for mobile homes and moved three older homes last year to bring in three new ones. He said that he has 94 of the 3,000 on record, and 37 are privately owned. He said that the biggest problem is with the Tax Office because they ignore the abandoned homes. He said that the burden for demolishing the homes shouldn't be on the park owner. He said there would be a lot more left abandoned after March 17 when it is no longer legal to move them within the County. Mr. Morris said that Mr. Wellons seemed to agree with not being able to move them, but didn't think the burden should be on the park owner.

Mr. Chris Hollis, representative of the NC Manufactured Housing Institute, said that the industry stance is that the product is financed and taxed just like a site-built home, so they didn't agree with the disposal fee. He added that people should be allowed to move the older mobile homes into and within the County if they are suitable to live in and meet the Minimum Housing Code.

Mr. Morris asked about the proposed legislation and said it would apply to mobile homes capable of being transported, not on a permanent foundation. He said it seemed that the industry is moving away from wheeled mobile homes to be moved from park to park. Mr. Hollis said that most are doublewide, but they are still easily disassembled for movement. Mr. Hollis suggested that no Certificate of Occupancy be issued until the old home is removed and demolished to stay ahead of the abandoned mobile home problem.

Mr. Bobby Howard, Director of the County Landfill, said that he charges about \$300 to demolish single-wide mobile homes at the Landfill. Ms. Roy asked if the Landfill has sufficient room for the number of homes that may be brought in. Mr. Howard said that there is because they don't take up much room once they're disassembled.

Ms. Roy told the Board if no action is taken on the one-year grace period on moving mobile homes within the County, that as of March 17, 2004, mobile homes older than 1976 would not be allowed to be moved within the County. The Board took no action.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:00 p.m.



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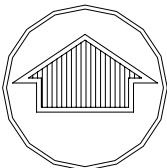
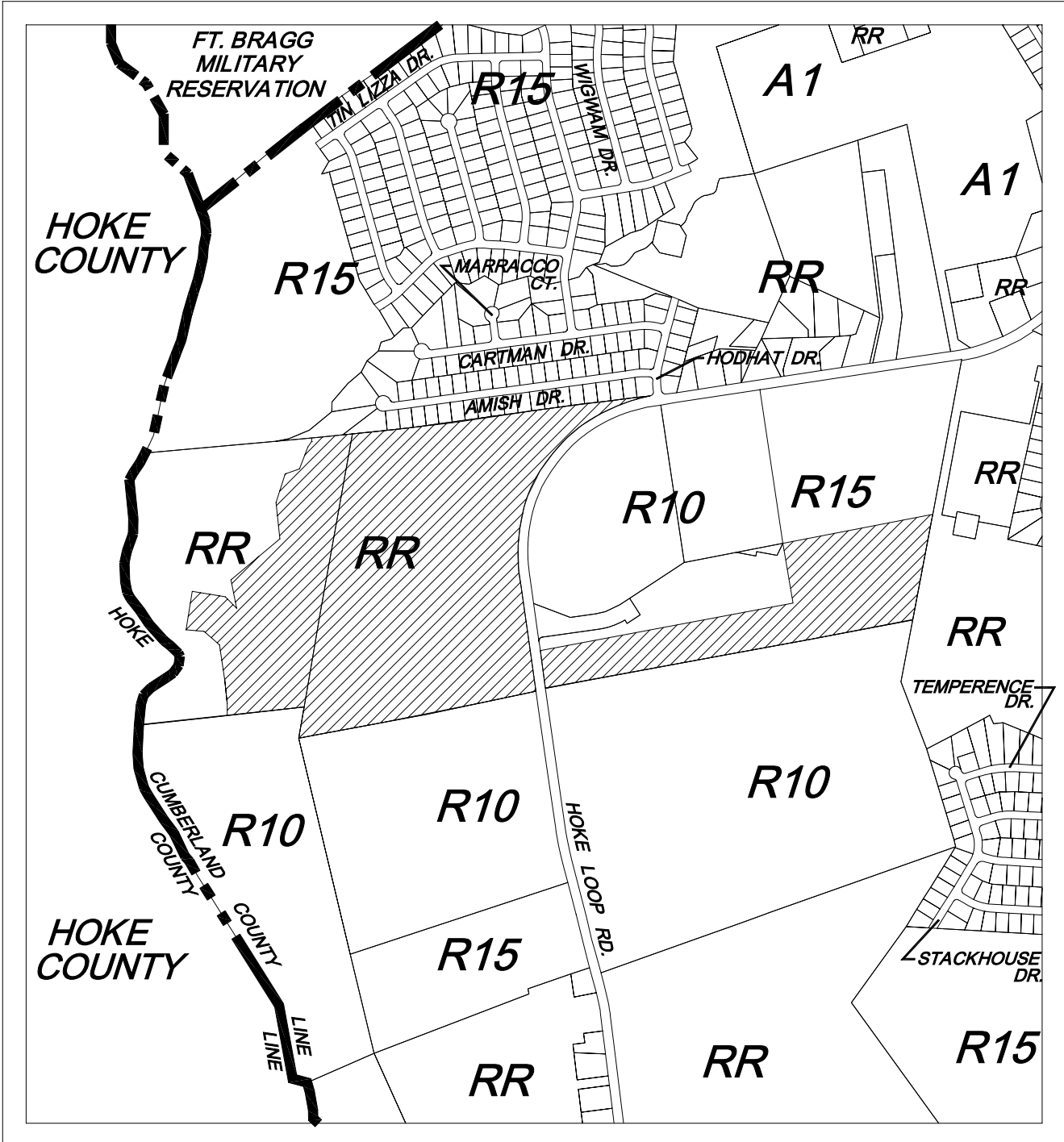
MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P04-14: REZONING OF AN 88.83-ACRE PORTION OF A 132.43-ACRE TRACT FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, EAST AND WEST OF HOKE LOOP ROAD, NORTH OF RAEFORD ROAD, OWNED BY JOHN A. WILLIAMS, JR. ET. AL.

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

1. The 2010 Land Use Plan calls low- and suburban- density at this location;
2. Public water and sewer are available to the site; and
3. The uses allowed in the R10 District are consistent with the development and land use in the area.



NORTH

1000 0 1000



SCALE IN FEET

REQUESTED REZONING: RR TO R10

ACREAGE: 88.83 AC. ±	HEARING NO: P04-14	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		



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February 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P04-15: REZONING OF 38.0 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT AT 2729 CHICKEN FOOT ROAD, OWNED BY ANNIE R. CANADY.

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

1. The uses allowed in the R40 District are consistent with the land use, development and lot sizes in the area; and
2. This is a high growth area, and the R40 District is appropriate.

SITE PROFILE

P04-15

REZONING OF 38.0 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT AT 2729 CHICKEN FOOT ROAD, OWNED BY ANNIE R. CANADY.

Site Information:

Applicant/Owner: GLENN ELLIOTT / ANNIE R. CANADY

Area: 38.0 acres

Frontage & Location: 880 feet on Chicken Foot Road

Depth: 1,980 feet

Jurisdiction: County

Adjacent Property: None

Current Use: Residential

Initial Zoning: June 25, 1980 (Area 13)

Previous Zoning Action(s): None

Surrounding Zoning: Primarily A1

Surrounding Land Use: Lodge, garage/junk cars and school

2010 Land Use Plan: Farmland

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: None

Within Area Considered for Annexation: No

Proposed Interchange or Activity Node: No

Urban Services Area: No

Water/Sewer Availability: Well / Septic Tank (No PWC utilities available)

Schools: Gray's Creek Elementary, Middle and High

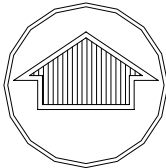
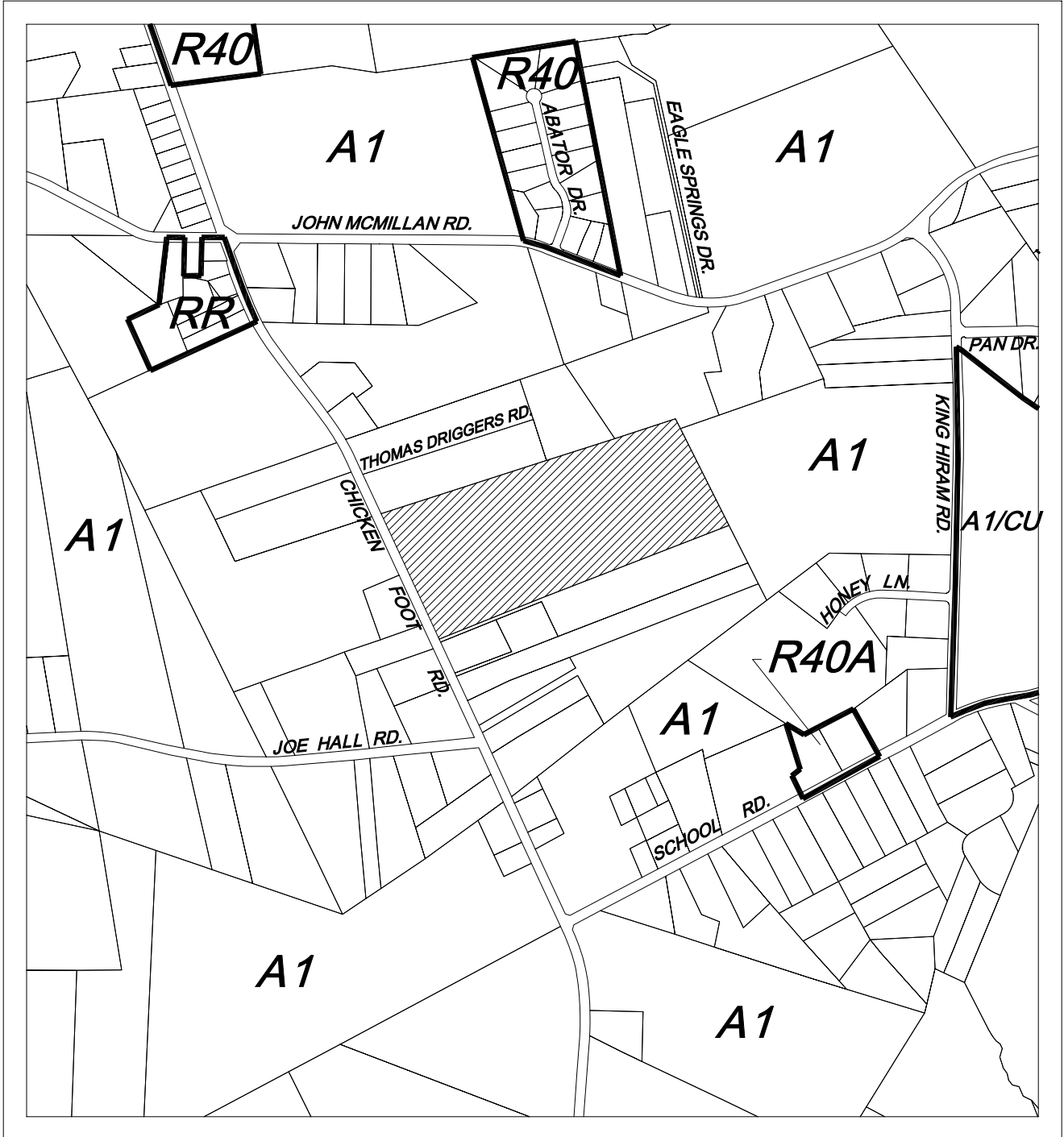
Subdivisions: A Subdivision on Group Development will be required on any future development.

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

Average Daily Traffic Count (2000): 11,000 on Chicken Foot Road

Notes:

Density w/20% for roads: A1 – 15 units
 R40 – 33 units



NORTH

1000 0 1000



SCALE IN FEET

REQUESTED REZONING: A1 TO R40

ACREAGE: 38.00 AC.±

HEARING NO: P04-15

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



Clifton McNeill, Jr., Chair
Cumberland County

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

COUNTY *of* CUMBERLAND

Planning and Inspections

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

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

February 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P04-16: REZONING OF 1.56 ACRES FROM R10 TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 7595 CLINTON ROAD, OWNED BY THE STEDMAN FIRE DEPARTMENT.

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

The uses allowed in the C(P) District are consistent with the recommendations of the Stedman Land Use Plan.

SITE PROFILE

P04-16

REZONING OF 1.56 ACRES FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 7595 CLINTON ROAD, OWNED BY THE STEDMAN FIRE DEPARTMENT. (STEDMAN)

Site Information:

Applicant/Owner: TOWN OF STEDMAN / STEDMAN VOLUNTEER FIRE DEPARTMENT

Area: 1.56 acres

Frontage & Location: 165 feet on Clinton Road

Depth: 370 feet

Jurisdiction: Stedman

Adjacent Property: No

Current Use: Fire Department

Previous Zoning Action(s): None

Surrounding Zoning: North-R10, R10M, C(P), East-South-R10, R10M, C(P), C3, M2 and West-R10, R10M, C(P), C3

Surrounding Land Use: Doctor's office, church, housing, school, lodge, restaurant, auto parts/hardware store, vehicle sales, uniform store, auto repair and junk cars

Stedman Land Use Plan: Heavy Commercial and Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: Stedman Utilities

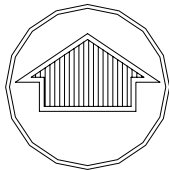
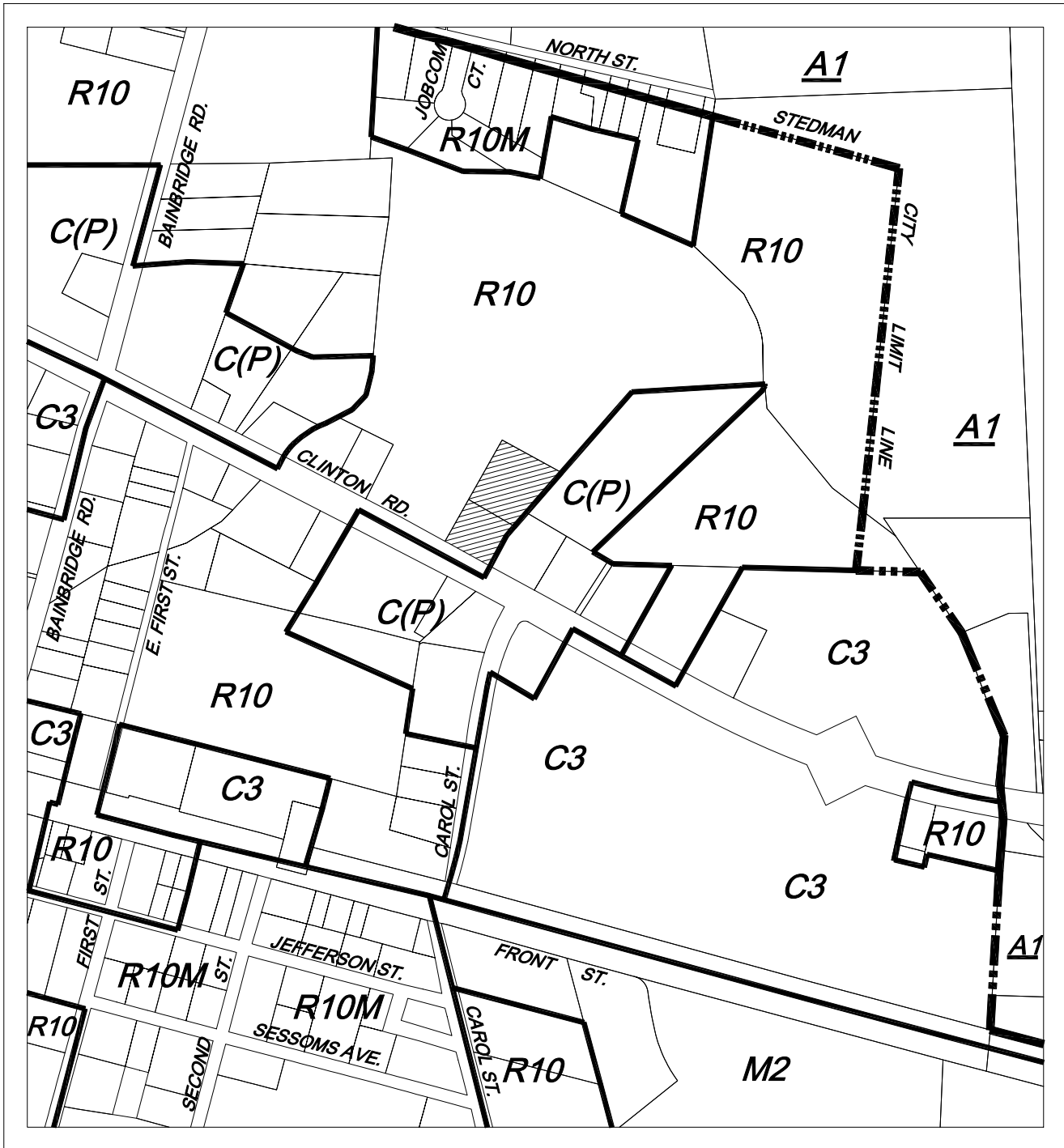
Schools: Stedman Primary and Elementary, Mac Williams Middle, Cape Fear High

Subdivisions: A Site Plan review will be required with any development.

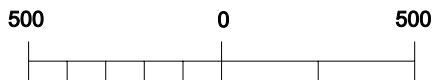
Thoroughfare Plan: No road improvements or new construction specified for this area.

Average Daily Traffic Count (2000): 12,000 on Clinton Road

Notes:



NORTH



SCALE IN FEET

REQUESTED REZONING: R10 TO C(P)

ACREAGE: 1.56 AC.±

HEARING NO: P04-16

ORDINANCE: STEDMAN

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Clifton McNeill, Jr., Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections

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

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

February 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-91: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A JUNK YARD AND OPEN STORAGE OF EQUIPMENT IN AN A1 DISTRICT ON 3.21 ACRES ON THE NORTHEAST SIDE OF WHITEHEAD ROAD, NORTH OF NC HIGHWAY 24, OWNED BY ZARKO JOHNSON.

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

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

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

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

1. No more than 20 cars allowed on the site at one time, and no more than the existing equipment is allowed stored on the site;
2. The building is to be demolished and removed from the site within 30 days;
3. The buffer is to be in accordance with the site plan; and
4. No commercial operations other than those allowed in the A1 District and specifically listed in the application shall be allowed.

SITE PROFILE
P03-91

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A JUNK YARD AND OPEN STORAGE OF EQUIPMENT IN AN A1 DISTRICT, ON 3.21 ACRES, ON THE NORTHEAST SIDE OF WHITEHEAD ROAD, NORTH OF NC HIGHWAY 24, OWNED BY ZARKO JOHNSON.

Site Information:

Applicant/Owner: ZARKO JOHNSON

Area: 3.21 acres

Frontage & Location: 300 feet on Whitehead Road

Depth: 430.65 feet

Jurisdiction: County

Adjacent Property: None

Current Use: Parking of vehicles

Initial Zoning: April 26, 1979 (Area 8)

Previous Zoning Action(s): Violation-Junk yard in an A1 district.

Surrounding Zoning: North-A1, RR, R10, East-A1, R40A, RR, South-RR, R6A, C(P), M(P) and West-RR, M(P)

Surrounding Land Use: Open storage of junk cars, nursery business, equipment company.

2010 Land Use Plan: One-Acre Residential

Eastover Land Use Plan: One-Acre Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: PWC available 200 ft. West, using Well / Septic

Schools: Armstrong Elementary, Mac Williams Middle, Cape Fear High

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

Average Daily Traffic Count (2000): 13,000 on NC Hwy 24

Notes:

1. Storage of approximately 20 cars and equipment (3 dump trucks, 1 asphalt roller, 1 paving machine).
2. Equipment will enter and exit the property between 7:00 am and 7:00 pm daily.
3. The site plan portrays a 10 foot natural buffer on the north, east and west sides of the property.

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

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

The property sought for Conditional Use Overlay is located:

Address Whitehead Road Fayette NC 28312
(Street address or Route and Box #, and Zip Code)

Located on Hwy 24 to Whitehead Rd SR 1761 (see vicinity map)
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0447-104-94-8012
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 1 Frontage 300 feet Depth 430-655 Containing 3.2 acres +/-.

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

The property sought for Conditional Use is owned by: Zarko Johnson

as evidenced by deed from Robert Johnson to Zarko Johnson

as recorded in Deed Book 4814, Page(s) 0063, Cumberland County Registry.

It is requested that the foregoing property be rezoned as Conditional Use Overlay District from A1 to mCP Conditional Use.

Proposed use of property requested for Conditional

Use: Residential - Storage (cars approx 20 & equipment)

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

Existing use of the property (Residential, commercial and specify any structures and respective uses): Parking vehicles

Water Provider (Existing or Proposed):

Well X PWC _____ Community Water _____ (Name)

Septage Disposal Provided by: Septic Tank X PWC _____

APPLICATION FOR
CONDITIONAL USE OVERLAY DISTRICT

1. Proposed uses(s):

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

Storage

(Cars approx. 20 & equipment 3 dump trucks
1 asphalt roller
1 paving machine

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

The majority of Whitehead Road
closer to NC 24 is commercial
Eagle Transport - Equipment Storage Etc.

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

1 residential - 1.26 ac

2. Dimensional Requirements:

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

Setback 50' off R/W
30' off side yard

- B. Off-street parking and loading.

2 space for residential

3. Sign Requirements: N/A

A. Reference district sign regulations proposed from Section 9.4.

B. List any variance proposed from those regulations.

4. Miscellaneous:

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

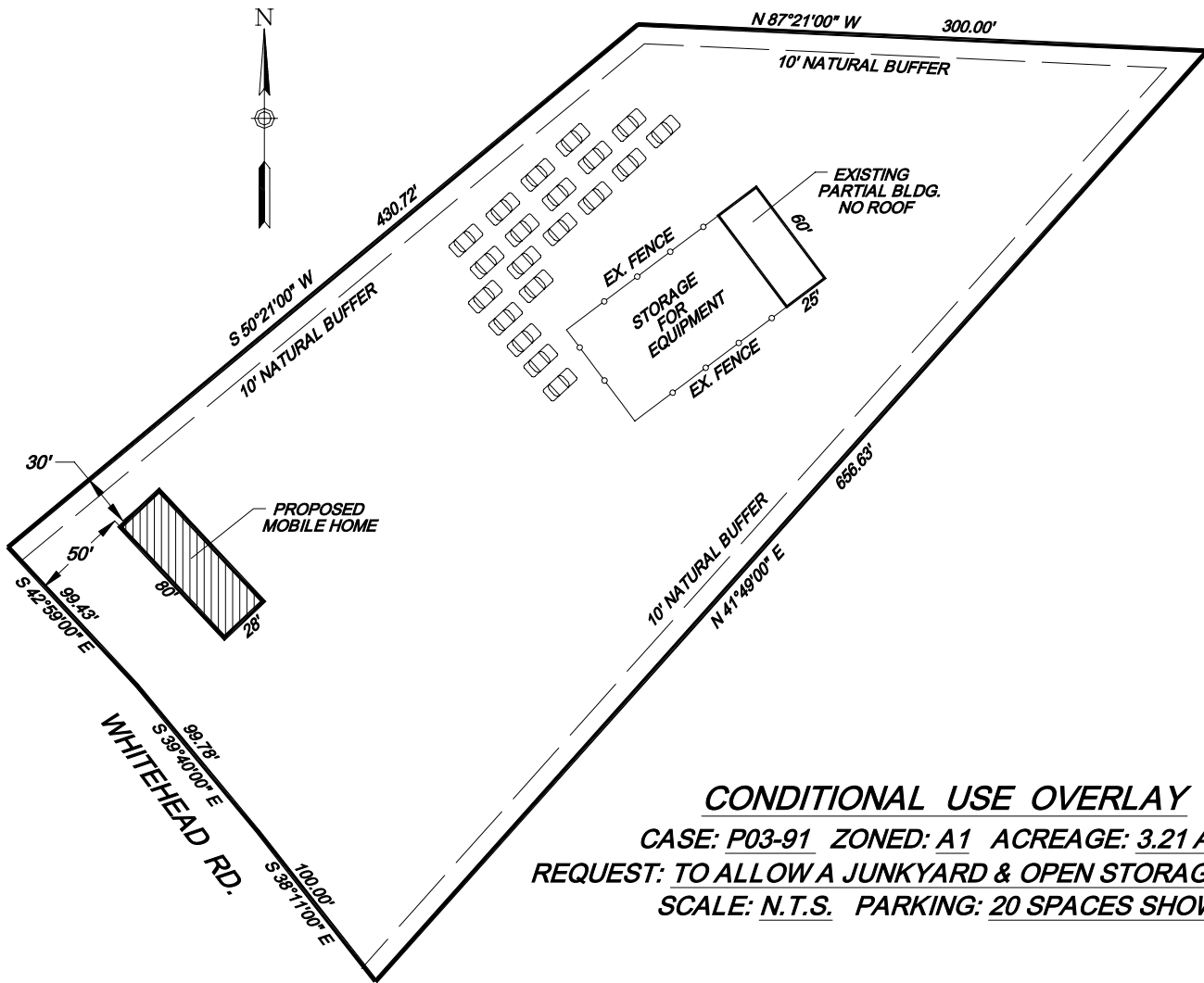
Use of the equipment 7^{am}-7^{pm} daily
to enter & exit site

5. Site Plan Requirements:

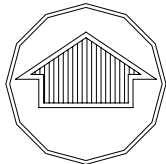
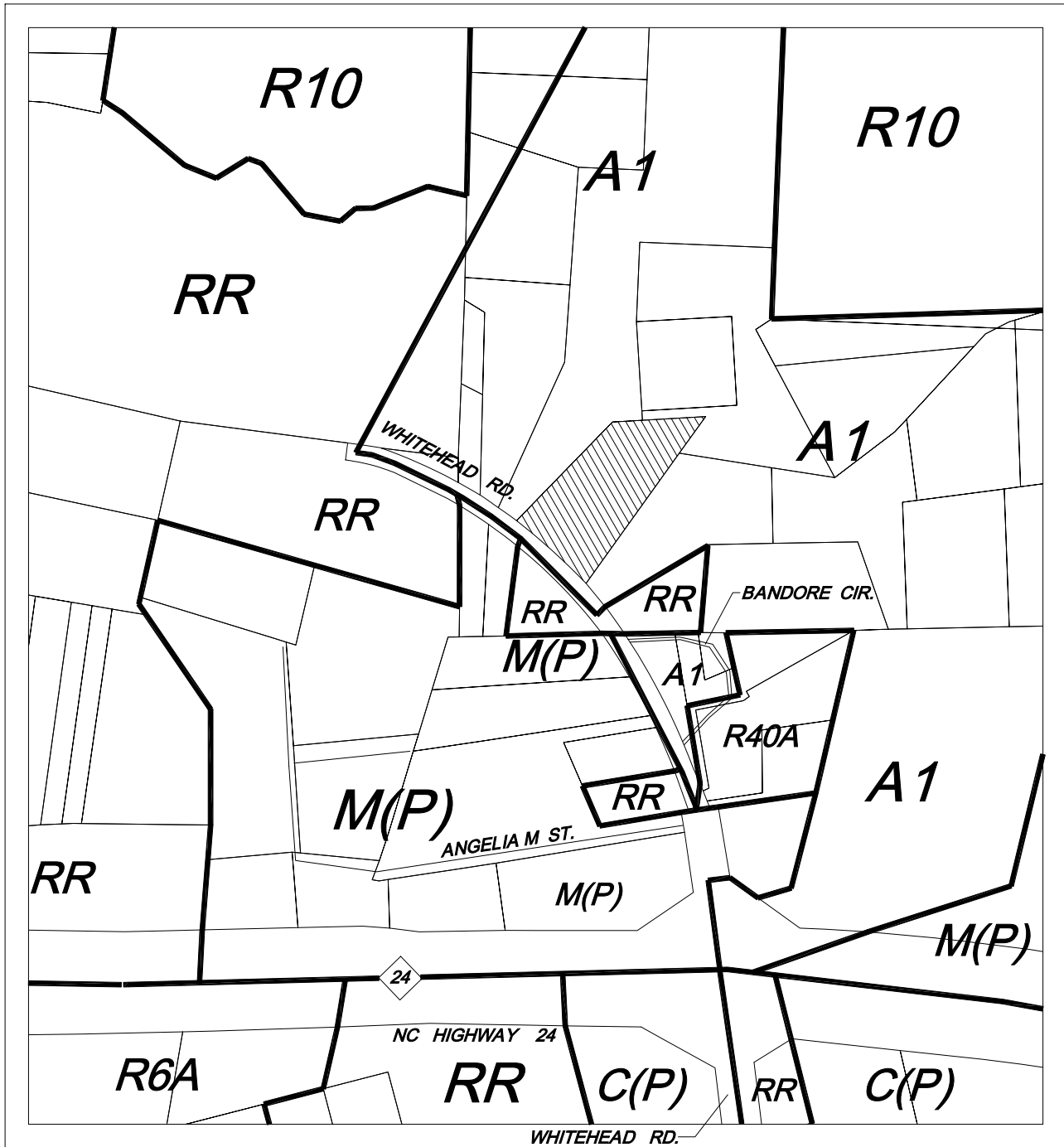
Attach a site plan drawn to scale. If the proposed uses involve development subject to Cumberland County subdivision regulations, the site plan required hereunder may be general in nature, showing a generalized street pattern, if applicable and the location of proposed structures. If the proposed uses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

6. Acknowledgement:

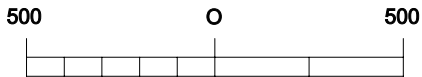
It is understood and agreed that upon review by the Planning Board and action by the Board of Commissioners, the uses proposed in the petition may be modified and conditions and limitations placed upon them to insure compatibility of the uses with land use plans, studies or policies and/or existing uses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



CONDITIONAL USE OVERLAY
CASE: P03-91 ZONED: A1 ACREAGE: 3.21 AC.±
REQUEST: TO ALLOW A JUNKYARD & OPEN STORAGE OF EQUIP.
SCALE: N.T.S. PARKING: 20 SPACES SHOWN



NORTH



SCALE IN FEET

CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 3.21 AC. ±	HEARING NO: P03-91	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		



Clifton McNeill, Jr., Chair
Cumberland County

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

COUNTY *of* CUMBERLAND

Planning and Inspections

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

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

February 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P04-17: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A NURSERY OPERATION IN C1 AND C3 DISTRICTS ON .85 ACRES AT 3610 CUMBERLAND ROAD, OWNED BY GLADYS A. BLANTON.

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

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

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

The Planning staff recommends that the following condition be attached to the Conditional Use Overlay Permit:

A buffer shall be provided and maintained in accordance with Sections 7.27 and 10.2 of the County Zoning Ordinance.

SITE PROFILE
P04-17

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A NURSERY OPERATION IN A C1 AND C3 DISTRICT, ON .85 ACRES, AT 3610 CUMBERLAND ROAD, OWNED BY GLADYS A. BLANTON.

Site Information:

Applicant/Owner: JERRY OWENS AND BRYAN GORELL / GLADYS A. BLANTON

Area: .85 acres

Frontage & Location: 100 feet on Cumberland Road

Depth: 436 feet

Jurisdiction: County

Current Use: Vacant

Initial Zoning: August 1, 1975 (Area 3)

Previous Zoning Action(s): None

Surrounding Zoning: North-R10, C1, C1/CUO, Fayetteville city limits, East-R10, R6A, C1, C3, city limits, South-RR, RR/CUO, R10, R6A, C1, C3, M2

Surrounding Land Use: Apartments, builder, heating and air conditioning business, groomer, grocery store, barber shop, substation, commercial building, mobile home park and apartment, thrift store, church, mobile home park, lawn mower repair and fire department

2010 Land Use Plan: Heavy Commercial and Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Within Area Considered for Annexation: No

Street Designation: Cumberland Road Study calls for Heavy Commercial

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic Tank (Sewer available 200 feet north on Boone Trail).

Schools: Mary McArthur Elementary, Ireland Drive Middle, Douglas Byrd Middle and High

Subdivisions: Recombination of the lots will be required.

Thoroughfare Plan: Cumberland Road is identified as a Major Thoroughfare. This is a widening currently under construction. It has a current adequate right-of-way of 110 feet. Road improvements are included in the 04-10 MTIP.

Average Daily Traffic Count (2000): 16,000 on Cumberland Road and 8,700 on Boone Trail.

Notes:

1. Retail Nursery hours: 9:00 am to 6:00 pm, 7 days a week.
2. Employees: 10 (crews meet at job site).
3. Lighting: security lights
4. A 4-foot fence exists along the property line.
5. Parking: 7 spaces
6. Truck and trailer will be parked on site.

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

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

The property sought for Conditional Use Overlay is located:

Address 3610 CUMBERLAND Rd
(Street address or Route and Box #, and Zip Code)

Located on _____
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 04/6-90-3538, 3429, 3452, 3350, 304/16-90-2291
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 1-2-3 Frontage 500 feet Depth 107 Containing 0.85 acres +/-.

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

The property sought for Conditional Use is owned by: Gladys Ann Blanton

as evidenced by deed from _____

as recorded in Deed Book 5501 5352, Page(s) 250 222, Cumberland County Registry.

PLAT BK-108, PG 132 110

It is requested that the foregoing property be rezoned as Conditional Use Overlay District from C1 & C3 to C1 & C3/CO Conditional Use.

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

Existing use of the property (Residential, commercial and specify any structures and respective uses): N/A

Water Provider (Existing or Proposed):

Well _____ PWC Community Water _____ (Name)

Septage Disposal Provided by: Septic Tank PWC _____

APPLICATION FOR
CONDITIONAL USE OVERLAY DISTRICT

*
1. Proposed uses(s):

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

Retail Nursery

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

Provide accessibility to quality plant material and landscape services

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



2. Dimensional Requirements:

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

Re: Site Plan / Platte

- B. Off-street parking and loading.

Re: Site Plan / Platte

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

N/A

B. List any variance proposed from those regulations.

N/A

4. Miscellaneous:

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

7 days a week 9:00am - 6:00pm

Security lights

10 employees (Crews meet at jobsite)

4' existing fence along Property Line

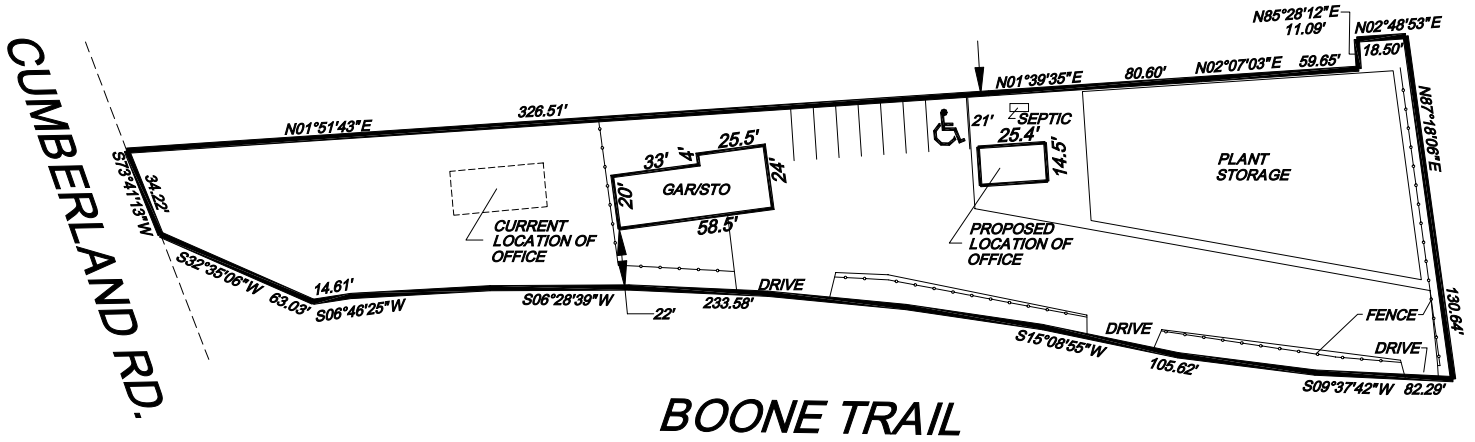
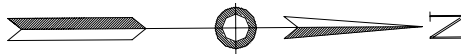
Parking Truck and Trailer

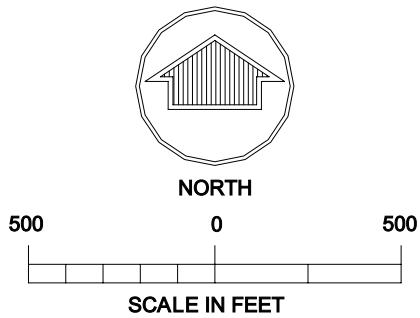
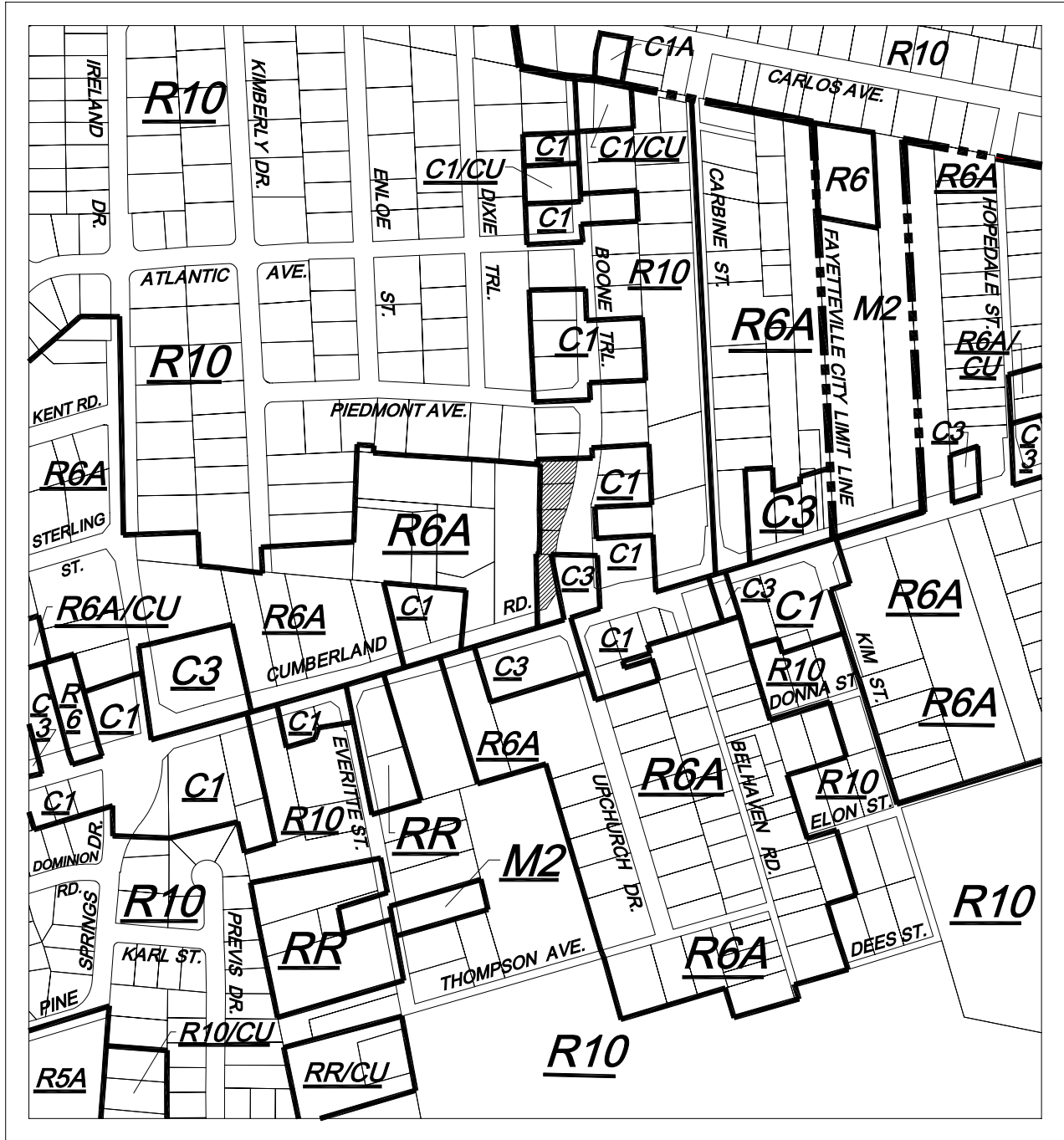
5. Site Plan Requirements:

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

6. Acknowledgement:

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





CONDITIONAL USE OVERLAY DISTRICT REQUEST

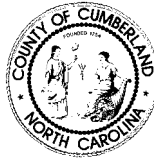
ACREAGE: 0.85 AC.±	HEARING NO: P04-17	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0416-90-2291
 PIN: 0416-90-3429
 PIN: 0416-90-3538

AF

Clifton McNeill, Jr.
Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

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

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

February 3, 2004

MEMORANDUM

TO: Planning Board

FROM: Ed Byrne, Planner I
Land Use Codes

SUBJECT: Case No. 04-013
The Village of Asphens Creek
(Zero Lot Line Subdivision Review)

The developer submitted a request for a variance from Section 3.18, "Block Length" Cumberland County Subdivision Ordinance. The developer has requested to be permitted to exceed the maximum block length of 1800 feet as stated in the Ordinance. The proposed length of Screech Owl Drive from the entrance to Coot Court is 2,150 feet. The property to the west of Screech Owl Drive contains 5.18 acres, is zoned A1 and has road frontage along Sand Hill Road.

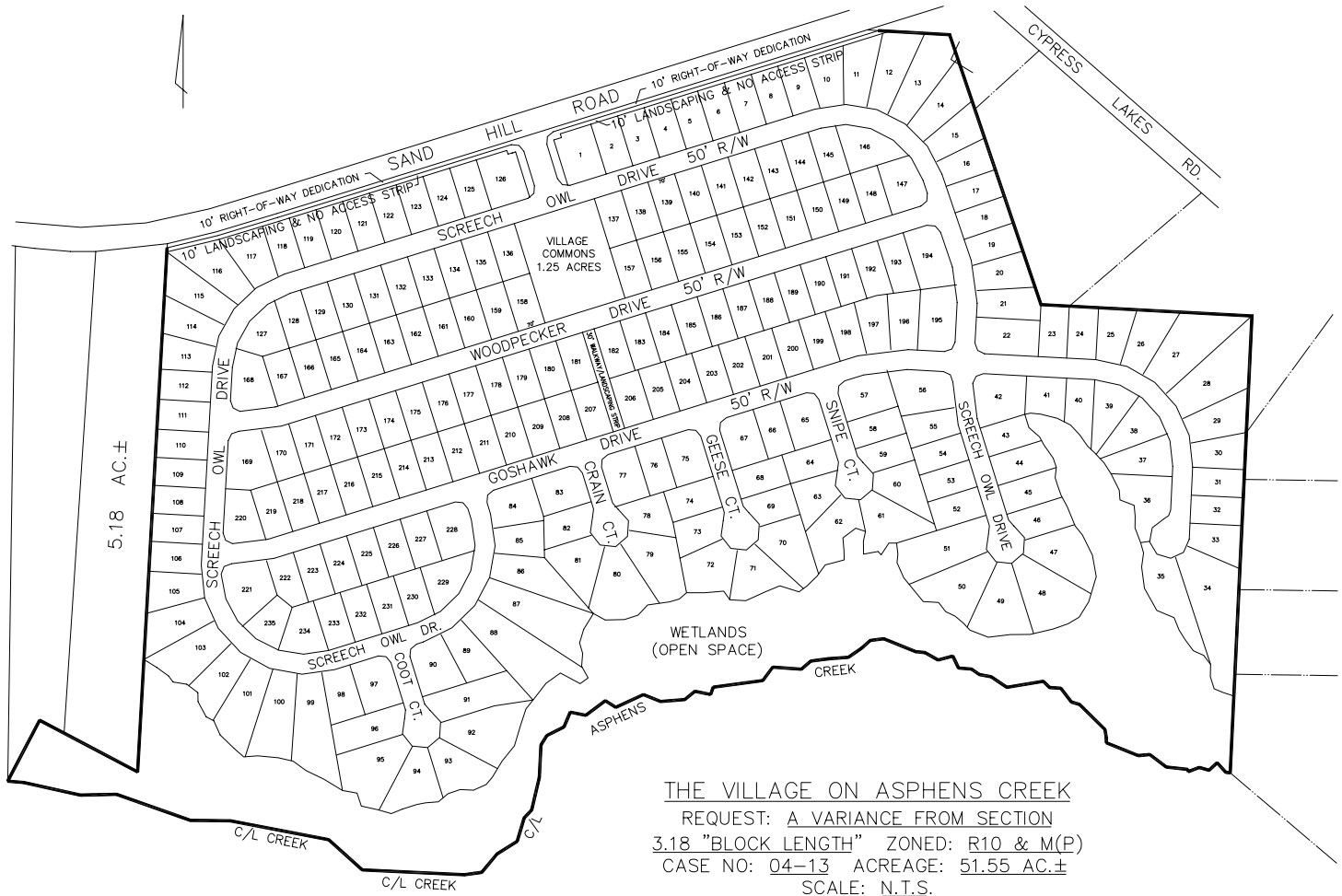
In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other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

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

1. The existing 5.18 acre lot long the western property line has frontage along Sand Hill Road and does not need access;
2. That NCDOT would limit the number roads that would take access off of Sand Hill Road for this development;
3. The property to the south contains wetlands and would be difficult to cross.

Attachments

cc: Caviness Land Co., Developer
Moorman, Kizer & Reitzel, Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Supervisor, Land Use Codes



THE VILLAGE ON ASPHENS CREEK
 REQUEST: A VARIANCE FROM SECTION
 3.18 "BLOCK LENGTH" ZONED: R10 & M(P)
 CASE NO: 04-13 ACREAGE: 51.55 AC.±
 SCALE: N.T.S.



Clifton McNeill, Jr.
Chair
Cumberland County

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

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

COUNTY *of* CUMBERLAND

Planning and Inspections Department

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

February 5, 2004

MEMORANDUM

TO: Planning Board

FROM: Ed Byrne, Planner I
Land Use Codes

SUBJECT: Case No. 04-016
James E. Simon Property
(Group Development Review)

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

The developer would like to build a house on the property, which currently has a singlewide mobile home. The proposed site plan contains 28.95 ac. +/- and is zoned A1. This property is a legal lot of record using an easement for access.

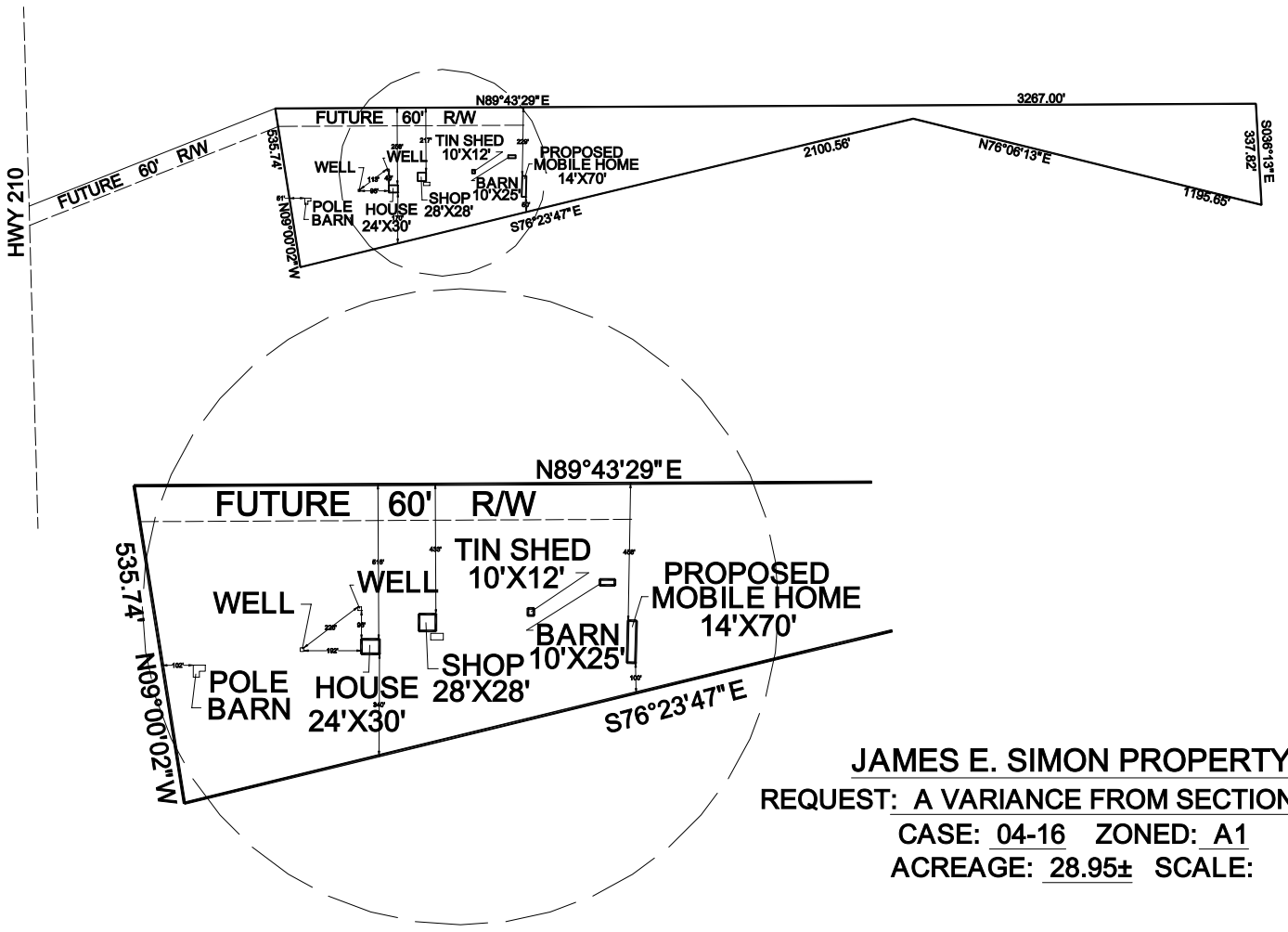
In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this Ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other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

1. This lot was legally created under state law for parcels over 10 acres;
2. The Cumberland County Joint Planning Board has approved similar request for a second structure when a easement for access existed;
3. That this property will not be subdivided until a public or private road is created to provide access to additional lots.

Attachments

cc: James E. Simon, Developer
Grainger Barrett, County Attorney
Patti Speicher, Supervisor, Land Use Codes



JAMES E. SIMON PROPERTY
REQUEST: A VARIANCE FROM SECTION 3.20.D
CASE: 04-16 ZONED: A1
ACREAGE: 28.95± SCALE:

Clifton McNeill, Jr.
Chair
Cumberland County

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



COUNTY *of* CUMBERLAND

Planning and Inspections Department

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

February 6, 2004

MEMORANDUM

TO: Planning Board

FROM: Ed Byrne, Planner I
Land Use Codes

SUBJECT: Case No. 04-019
Walter E. Thomas, Sr. Property
(Subdivision Review)

The developer submitted a request for a variance from Section 3.17.c, "Street Design" Cumberland County Subdivision Ordinance. The developer has requested to be permitted to exceed the maximum Cul-De-Sac length of 800 feet as stated in the Ordinance. The proposed length of the Class "C" Private Street is 1,900 feet. The property contains 50.60 acres and is zoned A1. The lots along NC Hwy. 210 will share joint driveways as required by NCDOT.

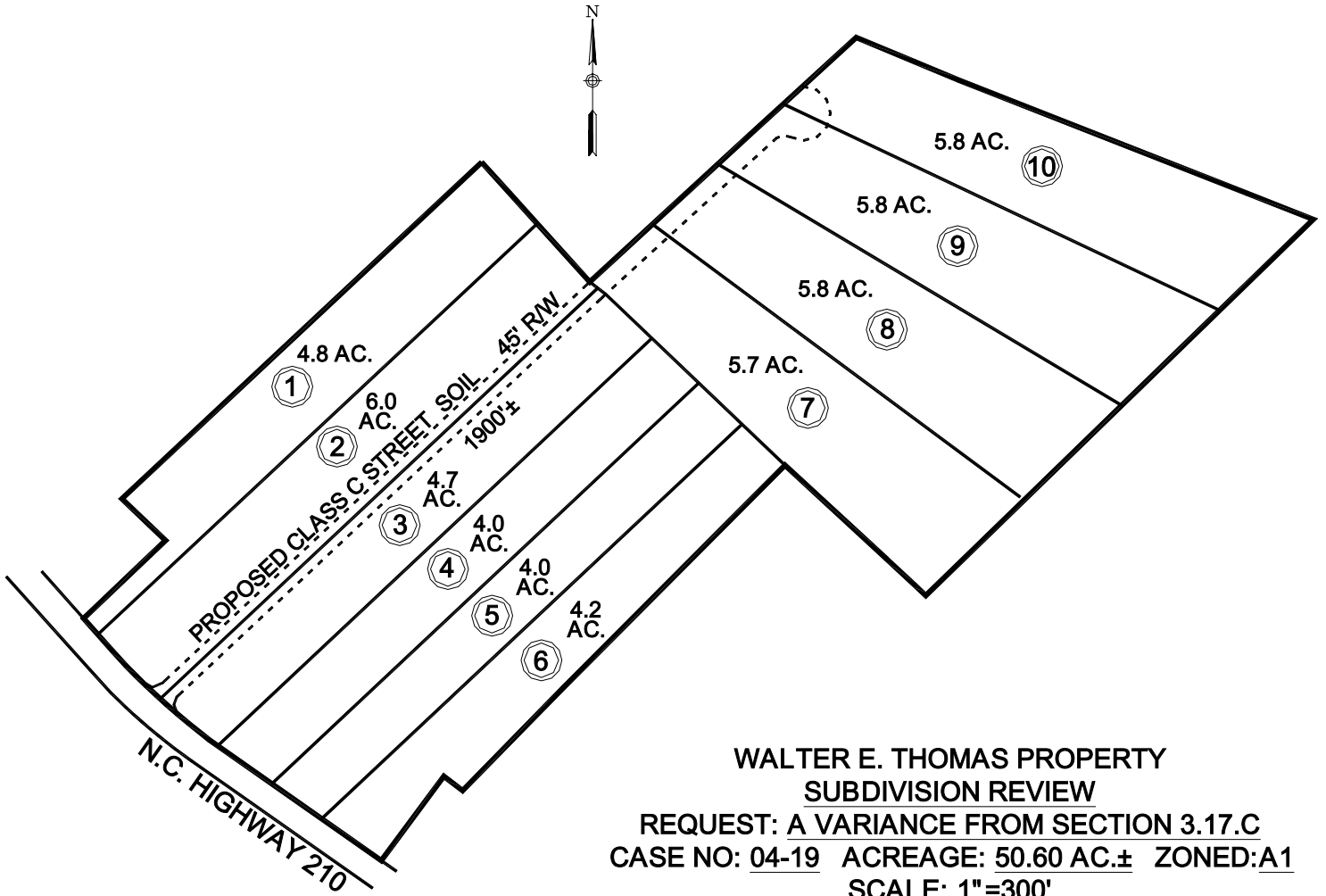
In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other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

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

1. The impact to the road would be limited since there would be only 4 lots due to the size of the lots:
2. If these lots are divided any further, the road would require upgrading to a higher standard prior to development;

Attachments

cc: Walter E. Thomas, Developer
Snively & Downing, Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Land Use Codes



WALTER E. THOMAS PROPERTY
SUBDIVISION REVIEW
REQUEST: A VARIANCE FROM SECTION 3.17.C
CASE NO: 04-19 ACREAGE: 50.60 AC.± ZONED: A1
SCALE: 1"=300'

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Chair
Cumberland County

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Dr. Marion Gillis-Olson
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

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

February 6, 2004

MEMORANDUM

TO: Planning Board

FROM: Ed Byrne, Planner I
Land Use Codes

SUBJECT: Case No. 04-022
Berline Underwood Property
(Subdivision Review)

The developer submitted a request for a variance from Section 4.2.c.B, "Private Street", Cumberland County Subdivision Ordinance. The developer has requested permission to create a Class "B" Private Street that would serve ten lots where seven lots are the maximum allowed. The developer has proposed to create six new lots while providing access to an additional four existing land-locked properties, if the variance request is approved. The property contains 14.60 acres and is zoned A1 Agricultural District. The four existing land-locked lots were created prior to regulations requiring road frontage for lots and use the existing dirt trail for access.

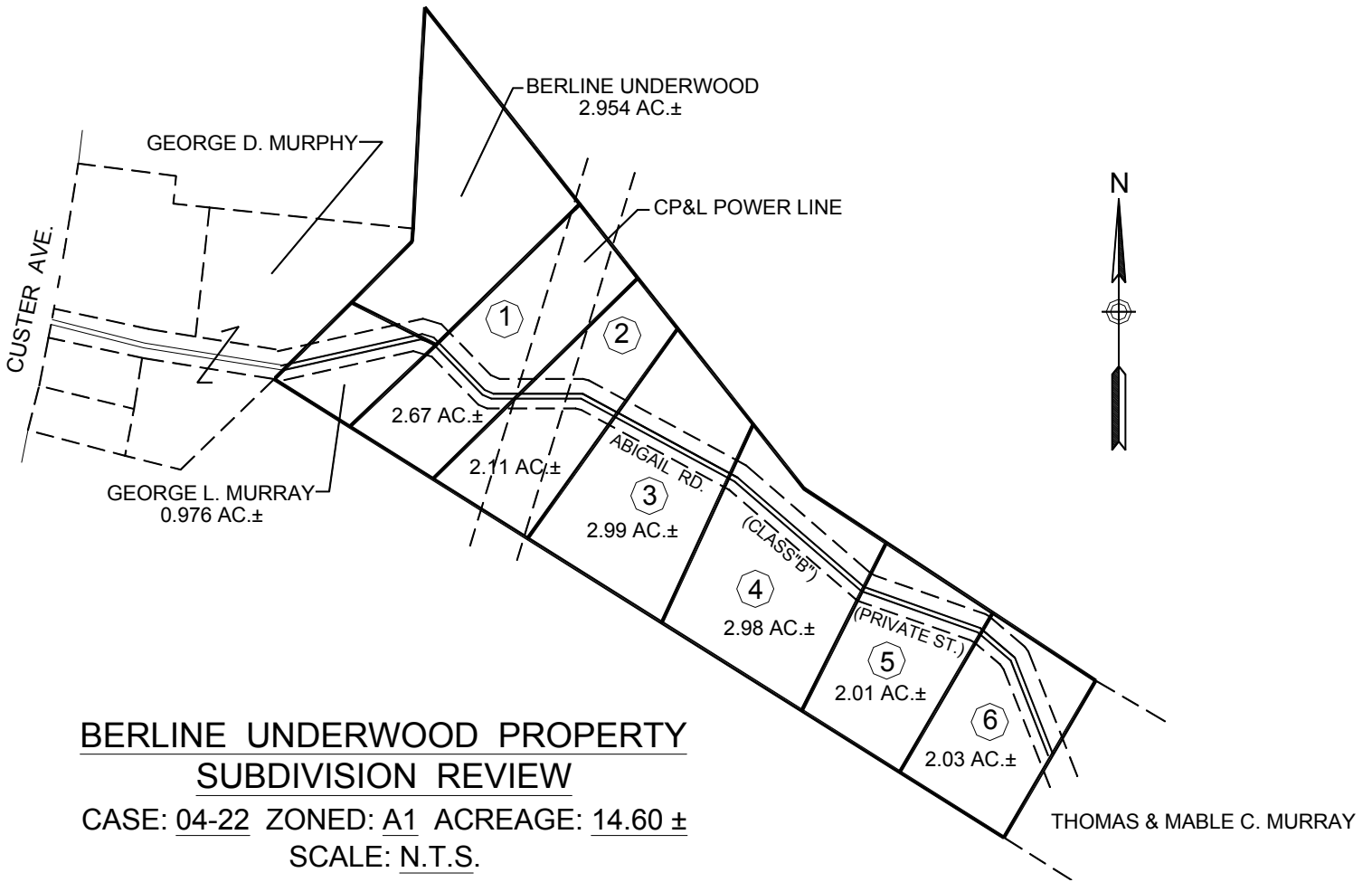
In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other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

1. The creation of the Class "B" Private would improve the existing dirt trail to a gravel surface;
2. The private road would provide legal access to this development and the four other land-locked parcels.

Attachments

cc: Berline Underwood, Developer
Sammy Cain, Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Land Use Codes

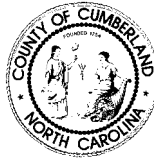


BERLINE UNDERWOOD PROPERTY
SUBDIVISION REVIEW

CASE: 04-22 ZONED: A1 ACREAGE: 14.60 ±
 SCALE: N.T.S.

Clifton McNeill, Jr.
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Cumberland County

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Cumberland County



COUNTY of CUMBERLAND

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Planning & Inspections

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

February 6, 2003

MEMORANDUM

TO: Planning Board

FROM: Planning Staff

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

The developer submitted a request for alternate yard requirements from Section 7.3, District Dimensional Provisions, Cumberland County Zoning Ordinance, to allow a front yard setback of 22.85 feet in the M(P) Planned Industrial zoning district where 100 feet is required on a 4.71+ acre tract. The proposed structure has already been placed at the location as shown on the site plan and the developer does not want to relocate it. A previous site plan was approved on May 25, 1999 (Case: 99-136). The approved site plan had a steel building and a temporary office facility that was required to meet the setbacks per the condition sheet. The temporary office was replaced with the proposed modular structure as shown on the new site plan.

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

In accordance with Section 12.45, Planned Commercial and Industrial Districts, of the Cumberland County Zoning Ordinance, the Planning Board may approve alternate yard requirements if such approval will provide a more logically planned development.

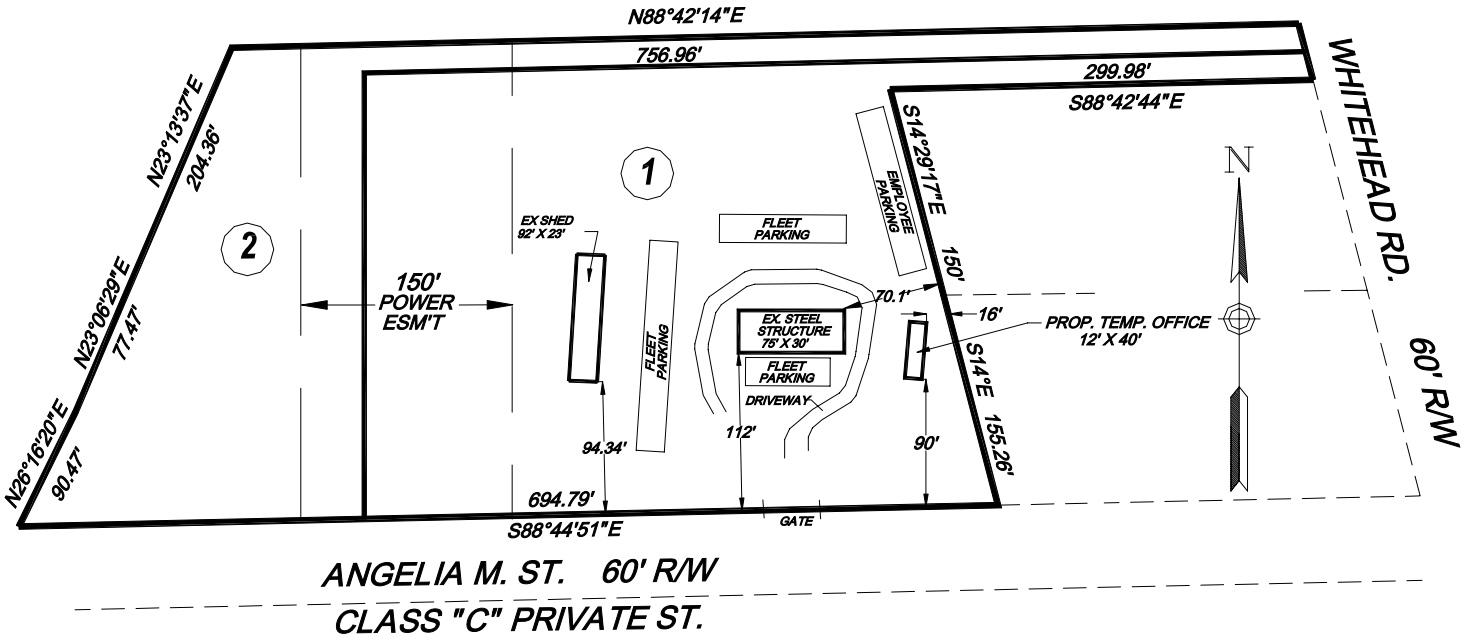
The Planning Staff recommends **approval** of the requested alternate front yard based on the following.

1. That the street is an approved Class "C" private street and the ordinances do not address front yard setbacks from right-of-way lines for private streets at this time;

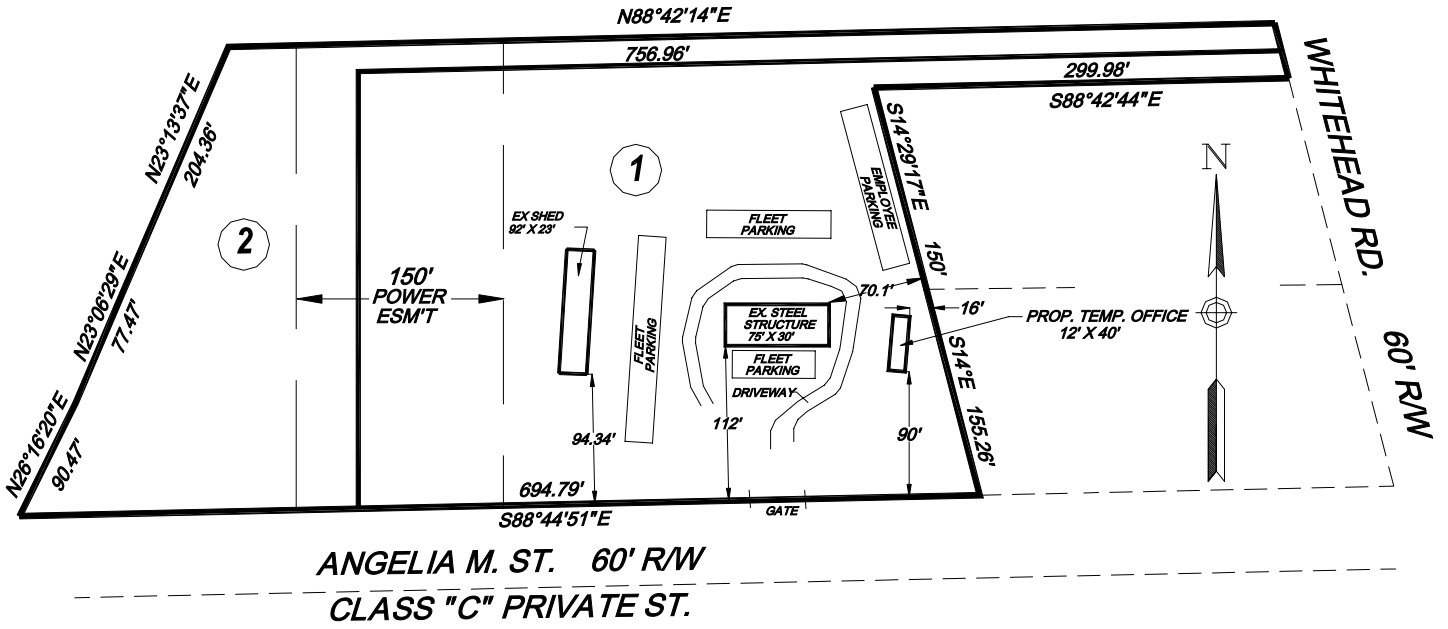
2. That another structure on a lot served by this private street with a similar business is not in compliance with the 100 foot front yard setback requirement; and
3. That approval of this variance request will not deviate from the intent of the ordinance as it is currently written.

Attachments

cc: Jack A. Watson, Developer
Grainger Barrett, County Attorney
Patricia Speicher, Supervisor, Land Use Codes



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

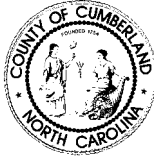


BRIAN WATSON PROPERTY

CASE: 99-136 SCALE: 1" = 100'

REQUEST: M(P) SITE PLAN REVIEW

ACREAGE: 3.139 AC± ZONED: M(P)



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Deputy Director

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Frank Underwood,
Town of Stedman

February 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P04-05: REZONING OF .56 ACRES FROM RR TO R10 OR A MORE
RESTRICTIVE ZONING DISTRICT, AT 2643 LAKEVIEW DRIVE, OWNED
BY ROSINA NEWTON.

The Planning staff recommends denial of the R10 Residential District based on the following:

1. The site does not contain water and sewer; and
2. The uses allowed in the R10 District are not in character with the existing development of the neighborhood.

SITE PROFILE

P04-05

REZONING OF .56 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2643 LAKEVIEW DRIVE, OWNED BY ROSINA NEWTON.

Site Information:

Applicant/Owner: ROSINA NEWTON

Area: .56 acres

Frontage & Location: 100 feet on Lakeview Drive

Depth: 219 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: February 3, 1977 (Area 7)

Previous Zoning Action(s): Violation – Accessory structure converted to a multi-family dwelling. Not allowed in an RR district and no permits obtained.

Surrounding Zoning: CD and RR

Surrounding Land Use: Single family residential

2010 Land Use Plan: Low Density Residential and Open Space

Designated 100-Year Floodplain or Floodway: Southern half of property at BFE 126

Watershed Area: No

Municipal Influence Area: No

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank

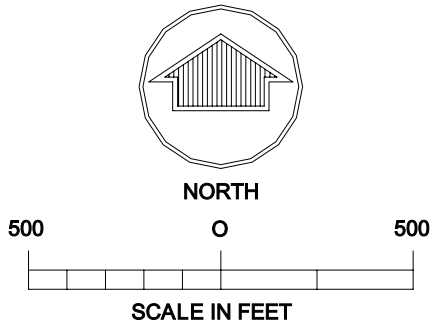
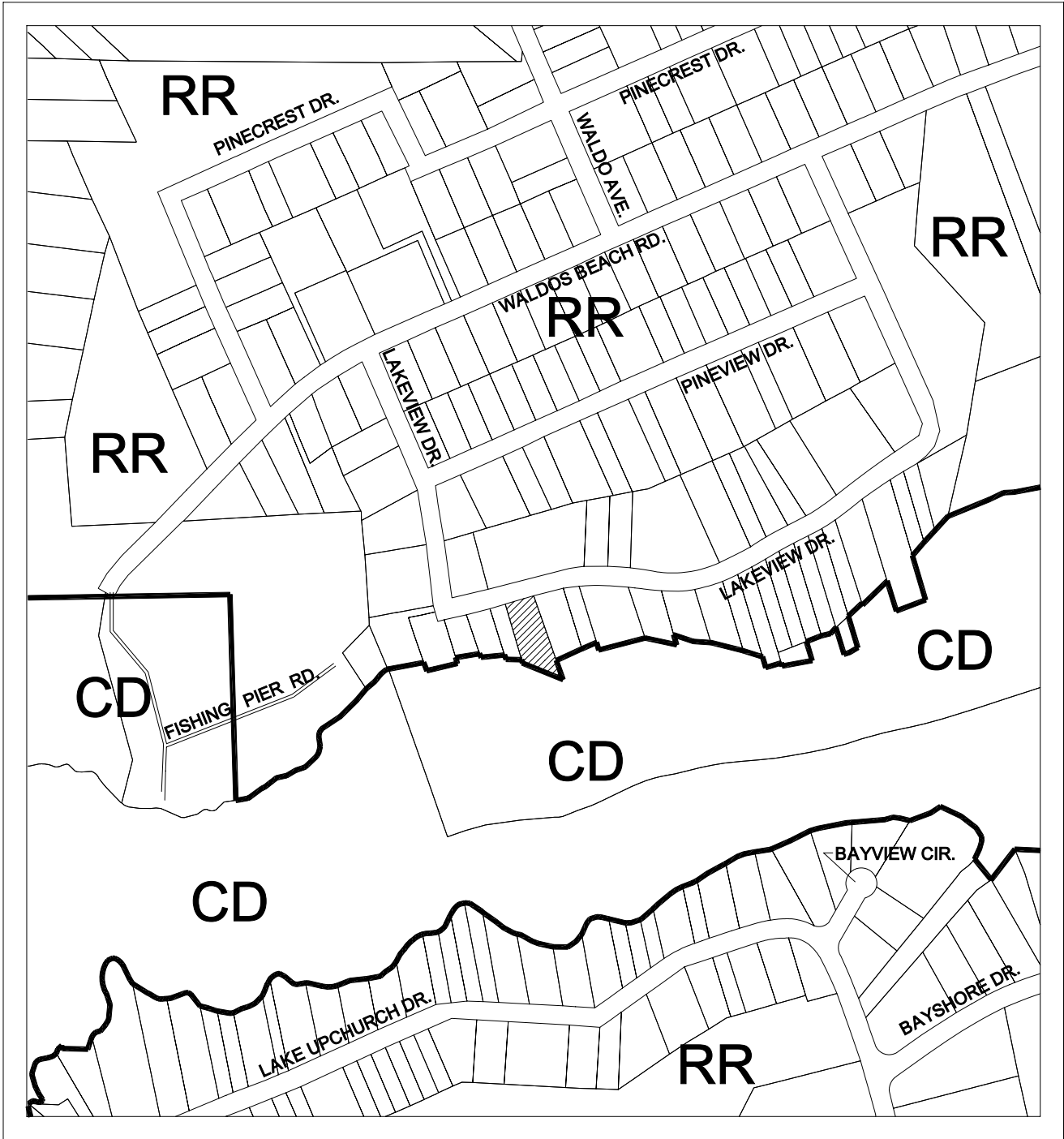
Schools: Stoney Point Elementary, John Griffin Middle, Jack Britt High

Subdivisions: A group development will be required.

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

Notes:

Density w/o 20% for roads: RR – 1 unit
R15 – 2 units
R10 – 3 units



REQUESTED REZONING: RR TO R10

ACREAGE: 0.56 AC. ±	HEARING NO: P04-05	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN:9493-49-9524

WD



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Cumberland County

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COUNTY *of* CUMBERLAND

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Thomas J. Lloyd,
Deputy Director

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

January 28, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

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

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

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

SITE PROFILE

P04-10

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

Site Information:

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

Area: 3.99 acres

Frontage & Location: 790 feet on Zylphia Lane

Depth: 220 feet

Jurisdiction: County

Adjacent Property: None

Current Use: Residential and vacant land

Initial Zoning: August 23, 1994 (Area 19)

Previous Zoning Action(s): No Violations

Surrounding Zoning: A1, R40 and R40A

Surrounding Land Use: Vacant and single family residential

2010 Land Use Plan: Farmland

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: No

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: No

Water/Sewer Availability: Well / Septic Tank

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

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

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

Notes:

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



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Cumberland County

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COUNTY of CUMBERLAND

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Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

February 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P04-13: REZONING OF 92.0 ACRES FROM RR AND CD TO R6 AND A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO DEVELOP AT R6 DENSITY WITH THE EXTENSION OF WATER AND SEWER AT THE EAST END OF BAY SHORE DRIVE, EAST OF LAKE UPCHURCH ROAD, OWNED BY BAY SHORE PROPERTIES LLC.

The Planning staff recommends denial of the R6 District and approval of the R15 Residential District and CD Conservancy District (following the 100-year flood line) based on the following:

The density in the R10 District is consistent with the recommendations of the 2010 Land Use Plan and the development in the neighborhood.

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

The Planning staff recommends denial of the Conditional Use Overlay Permit at R6 density and approval of the Conditional Use Overlay Permit and at R15 density based on the findings that the proposal:

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

The Planning staff recommends that the following condition be added to the Conditional Use Overlay Permit:

Water and sewer must be in place prior to final plat approval of any portion of this development.

SITE PROFILE

P04-13

REZONING OF 92.0 ACRES FROM RR AND CD TO R6 AND A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO DEVELOP AT R6 DENSITY WITH THE EXTENSION OF WATER AND SEWER AT THE EAST END OF BAY SHORE DRIVE, EAST OF LAKE UPCHURCH ROAD, OWNED BY BAY SHORE PROPERTIES LLC.

Site Information:

Applicant/Owner: JOHN F. DAVIS ASSOCIATES / BAY SHORE PROPERTIES LLC.

Area: 92.0 acres

Frontage & Location: 271 feet on Bay Shore Drive

Depth: 1,800 feet

Jurisdiction: County

Adjacent Property: None

Current Use: Vacant

Initial Zoning: February 3, 1977 (Area 7)

Previous Zoning Action(s): None

Surrounding Zoning: Primarily RR and CD

Surrounding Land Use: Vacant wooded lots

2010 Land Use Plan: Low Density Residential and Open Space

Designated 100-Year Floodplain or Floodway: At or above 112-126 MSL

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC (Closest water and sewer hook-up is at least 4,000 feet northeast in South Hampton at Timberlake Subdivision).

Schools: Rockfish Elementary, Hope Mills Middle, South View High

Subdivisions: A Subdivision or Group Development will be required.

Thoroughfare Plan: Fayetteville Outer Loop is identified as a Major Thoroughfare and will be located between Camden and Parkton Roads. It is currently not funded and has an adequate 228-foot right-of-way. Road improvements are included in the 04-10 MTIP. ROW Acquisition-Post Year, Construction-Post Year.

Notes:

Density w/20% for roads:

- RR – 160 units
- R15 – 214 units
- R10 – 427 units
- R6 – 800 units



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Cumberland County

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COUNTY *of* CUMBERLAND

Planning and Inspections

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Donovan McLaurin,
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Frank Underwood,
Town of Stedman

February 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P04-18: REZONING OF 5.18 ACRES FROM RR TO R6, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 7315 ROCKFISH ROAD, OWNED BY IRINA ANDERSON.

The Planning staff recommends denial of the R6 Residential District and approval of the R10 Residential District based on the following:

The 2010 Land Use Plan calls for low-density development at this location, and the R10 District is consistent with this density.

SITE PROFILE

P04-18

P04-18: REZONING OF 5.18 ACRES FROM RR TO R6 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 7315 ROCKFISH ROAD, OWNED BY IRINA ANDERSON.

Site Information:

Applicant/Owner: JIM PUCZYLOWSKI / IRINA ANDERSON

Area: 5.18

Frontage & Location: 663 feet on Rockfish Road

Depth: 444 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: February 6, 1976 (Area 5)

Previous Zoning Action(s): None

Surrounding Zoning: North-R10, South-RR

Surrounding Land Use: School

2010 Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Schools: Stoney Point Elementary, John Griffin Middle, Jack Britt High

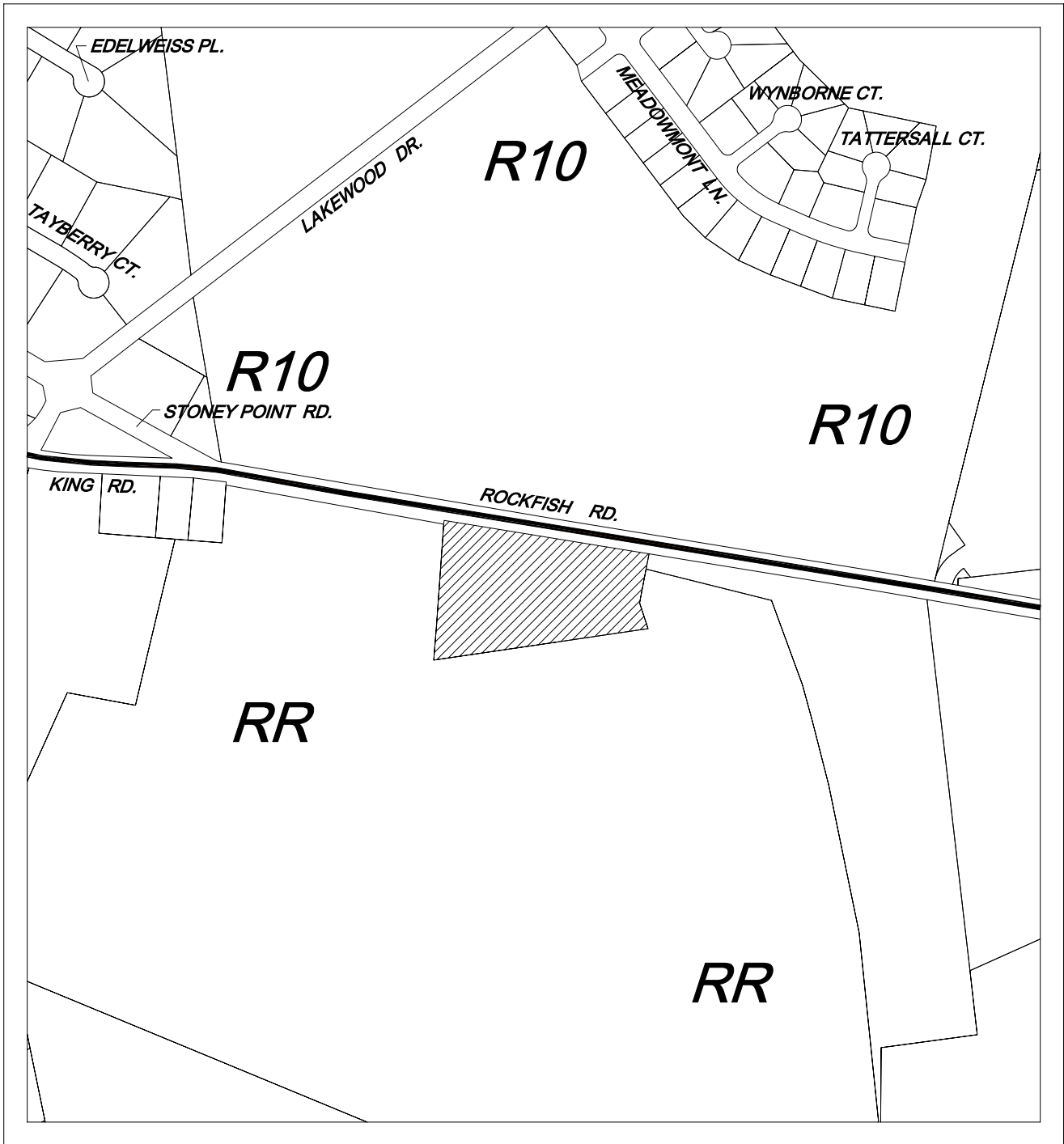
Thoroughfare Plan: Rockfish Road is identified as a Major Thoroughfare. It has a current 60-foot right-of-way (90 feet proposed and a multi-lane cross section). Road improvements are not included in the 04-10 MTIP.

Average Daily Traffic Count (2000): 9,400 on Rockfish Road

Notes:

Density w/o 20% for roads:

- RR – 11 units
- R15 – 15 units
- R10 – 30 units
- R6 – 55 units



REQUESTED REZONING: RR TO R6

ACREAGE: 5.18 AC. ±	HEARING NO: P04-18
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ORDINANCE: COUNTY	HEARING DATE	ACTION
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PLANNING BOARD		
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GOVERNING BOARD		
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PIN:9494-67-4783

WD



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COUNTY of CUMBERLAND

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Town of Stedman

February 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

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

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

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

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

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

1. A buffer in accordance with the Zoning Ordinance is to entirely surround the property except for the cemetery and road frontage;
2. One sign not to exceed 10 square feet shall be permitted;
3. No more than 18 vehicles are to be parked on the premises at one time;
4. All lighting is to be directed inward;
5. No employees are allowed to be employed at the business; and
6. All vehicles parked on the site are to be licensed and operable.

SITE PROFILE

P04-08

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AUTOMOBILE SALES IN A R40 DISTRICT, ON 1.01 ACRES AT 10725 CLAYFORK HILL ROAD, OWNED BY WILLIAM JEFFREY SIMPSON.

Site Information:

Applicant/Owner: WILLIAM JEFFREY SIMPSON

Area: 1.01 acres

Frontage & Location: 178 feet on Clayfork Hill Road

Depth: 125 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: September 3, 1996 (Area 23)

Previous Zoning Action(s): None

Surrounding Zoning: A1 and R40

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

2010 Land Use Plan: Farmland

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: No

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: No

Water/Sewer Availability: Well / Septic Tank

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

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

Notes:

1. Hours of operation: 8am to 7pm, Monday thru Saturday.
2. Buffering: Owner requests that a 6 foot site-obscuring buffer not be required along lines adjacent to residential areas.
3. Parking: 12 spaces

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

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

The property sought for Conditional Use Overlay is located:

Address 10725 Clayfork Hill Rd. Roseboro NC 28282
(Street address or Route and Box #, and Zip Code)

Located on Intersection of NCHWY 210 + Clayfork Hill Rd.
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 1421 - 63 - 2566-
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 1 Frontage 177' feet Depth 155' Containing 1.01 acres +/-.

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

The property sought for Conditional Use is owned by: William Jeffrey Simpson
as evidenced by deed from William Bernice Simpson + w/ Hattie Maude Simpson
as recorded in Deed Book 5035, Page(s) 113, Cumberland County Registry.

It is requested that the foregoing property be rezoned as Conditional Use Overlay District from R40 to C-3 R40 Conditional Use.

per conversation w/ Mr. Simpson 12-18-03
3:40 p.m.

Proposed use of property requested for Conditional Use: Car lot for automobile sales business

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

Existing use of the property (Residential, commercial and specify any structures and respective uses): vacant lot

Water Provider (Existing or Proposed):

Well X PWC _____ Community Water _____ (Name)

Septage Disposal Provided by: Septic Tank X PWC _____

APPLICATION FOR
CONDITIONAL USE OVERLAY DISTRICT

1. Proposed uses(s):

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

Car lot for automobile sales business.

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

To give the residents of the Beaver Dam community an alternative to driving to Fayetteville or Clinton to buy a car. To promote small business in the Beaver Dam community.

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

N/A

2. Dimensional Requirements:

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

Front - 45'
Sides - 15'
Rear - 20'

B. Off-street parking and loading.

~~N/A~~

15 spaces

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.
See section 9.45 for C-3 district

B. List any variance proposed from those regulations.

N/A

4. Miscellaneous:

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

*Hours of operation: Monday - Saturday
8am. - 5 pm.*

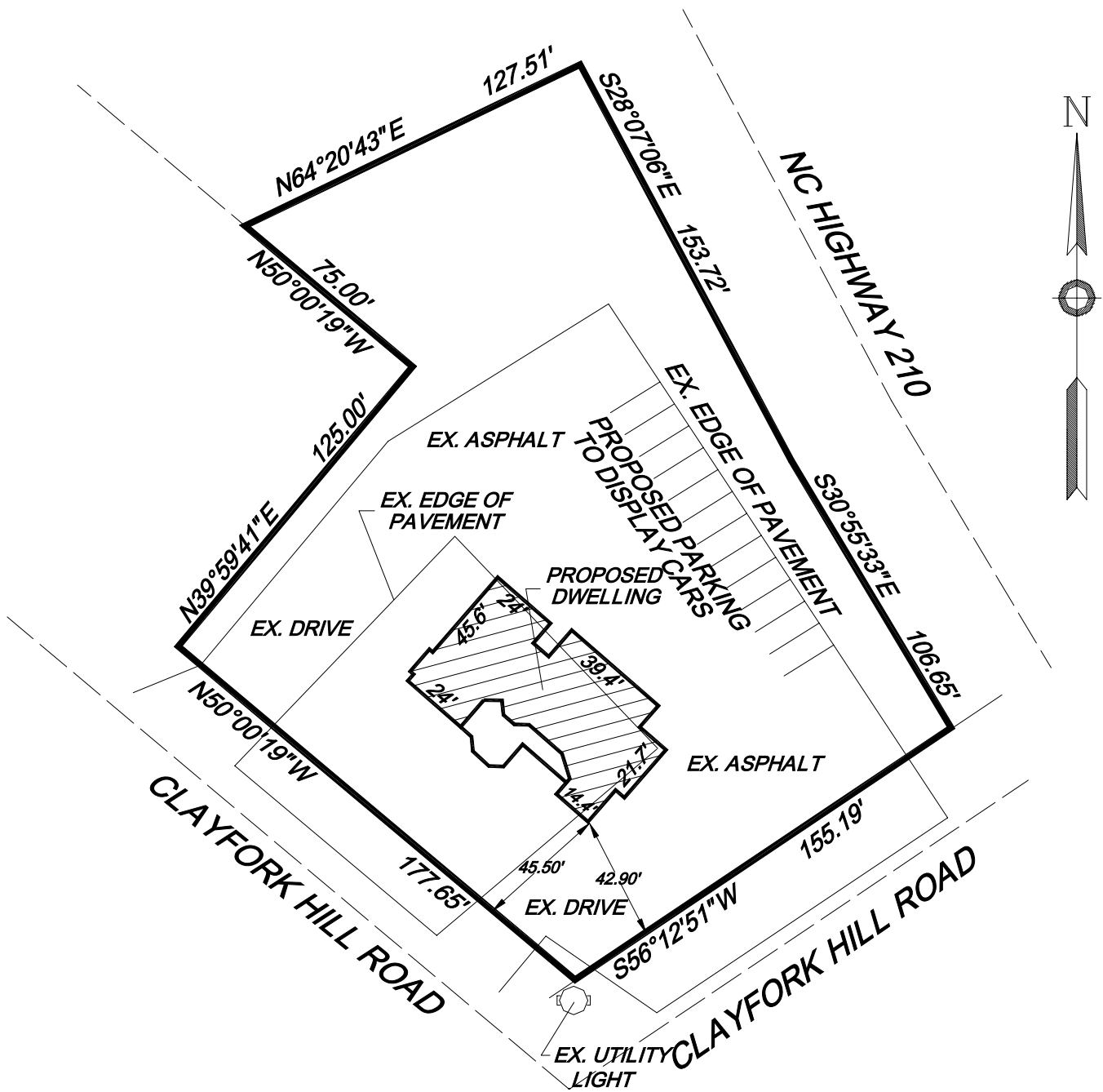
**Owner requests that a 6' site-obscuring buffer not be required along lines adjacent to residential areas*

5. Site Plan Requirements:

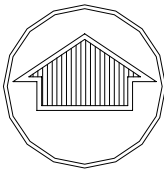
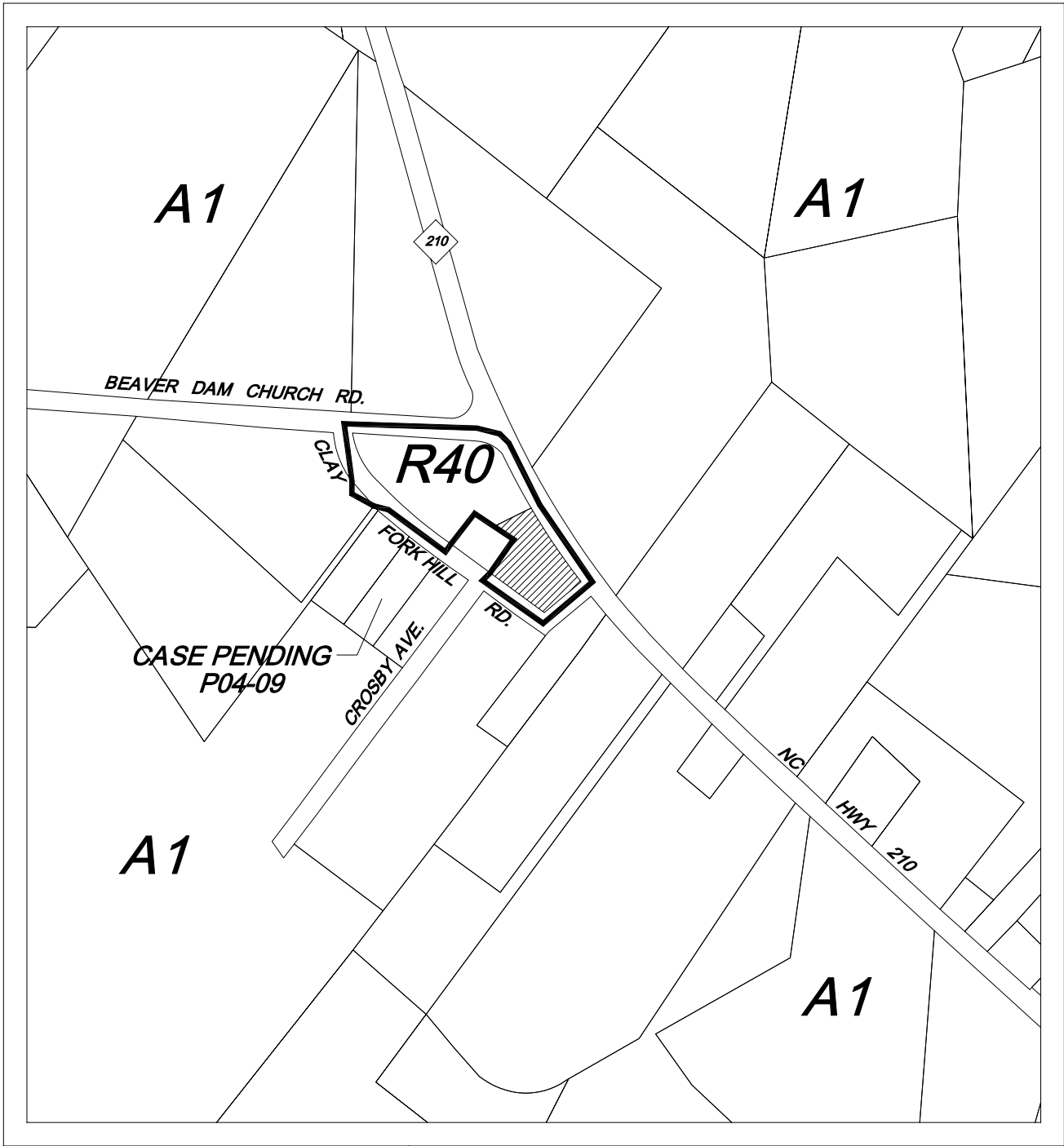
Attach a site plan drawn to scale. If the proposed uses involve development subject to Cumberland County subdivision regulations, the site plan required hereunder may be general in nature, showing a generalized street pattern, if applicable and the location of proposed structures. If the proposed uses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

6. Acknowledgement:

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

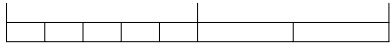


CONDITIONAL USE OVERLAY DISTRICT
CASE: P04-08 SCALE: 1"= 50'
REQUEST: CAR LOT FOR AUTOMOBILE SALES BUSINESS
ACREAGE: 1.01± ZONED: R40 PARKING: AS SHOWN



NORTH

500 0 500



SCALE IN FEET

CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 1.01 AC.±

HEARING NO: P04-08

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



Clifton McNeill, Jr., Chair
Cumberland County

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

COUNTY of CUMBERLAND

Planning and Inspections

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

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

February 12, 2004

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

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

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

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

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

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

1. A buffer in accordance with the Zoning Ordinance is to entirely surround the property except the road frontage;
2. No more than four vehicles are to be parked on the premises at one time;
3. All lighting is to be directed inward;
4. A sign is not allowed at this location;
5. No vehicle sales shall be permitted on the site;
6. No more than two employees are allowed to be employed at the business; and
7. All vehicles parked on the site are to be licensed and operable.

SITE PROFILE

P04-09

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

Site Information:

Applicant/Owner: WILLIAM JEFFREY SIMPSON AND TONY DEREK SIMPSON

Area: 1.0 acres

Frontage & Location: 125 feet on Clayfork Hill Road

Depth: 350 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: September 3, 1996 (Area 23)

Previous Zoning Action(s): No Violations

Surrounding Zoning: A1 and R40

Surrounding Land Use: Cemetary and residential

2010 Land Use Plan: Farmland

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: No

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: No

Water/Sewer Availability: Well / Septic Tank

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

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

Notes:

1. Hours of operation: 8am to 7pm, Monday thru Saturday.
2. Buffering: Owner requests that a 6 foot site-obscuring buffer not be required along lines adjacent to residential areas.
3. Parking: 28 spaces

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

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

The property sought for Conditional Use Overlay is located:

Address _____
(Street address or Route and Box #, and Zip Code)

Located on SR 2054 Clayfork Hill Rd. 410' from C/L intersection w/ Beaver Dam Church Rd.
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 1421 - 53 - 8574
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 2 Frontage 125' feet Depth 350' Containing 1.00 acres +/-.

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

The property sought for Conditional Use is owned by: William Jeffrey Simpson and Jony Derck Simpson
as evidenced by deed from William Bernice Simpson w/ Hattie Maude Simpson
as recorded in Deed Book 5679, Page(s) 782, Cumberland County Registry.

It is requested that the foregoing property be rezoned as Conditional Use Overlay District from A1 to C3 A1 Conditional Use.

per conversations w/ Mr. Simpson 12-18-03 8:40 p.m.

Proposed use of property requested for Conditional Use: Detail shop (no car sales) Office Car Sale

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

Existing use of the property (Residential, commercial and specify any structures and respective uses): Garage 2 Car Store

Water Provider (Existing or Proposed):

Well X PWC _____ Community Water _____ (Name)

Septage Disposal Provided by: Septic Tank X PWC _____

APPLICATION FOR
CONDITIONAL USE OVERLAY DISTRICT

1. Proposed uses(s):

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

Office and ^{detail} shop for automobile sales business. And CAR SALES

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

Do give the residents of the Beaver Dam community an alternative to driving to Fayetteville or Clinton to buy a car. Do promote small business in the Beaver Dam community.

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

N/A

2. Dimensional Requirements:

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

Front - 45'
Sides - 15'
Rear - 20'

- B. Off-street parking and loading.

1 space per 200 SF gross floor area not used for storage

- 9 spaces

Additional 8 ~~20~~ spaces for car sales

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

See section 9.45 for C-3 district

B. List any variance proposed from those regulations.

N/A

4. Miscellaneous:

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

*Hours of operation: Monday - Saturday
8am - 7pm*

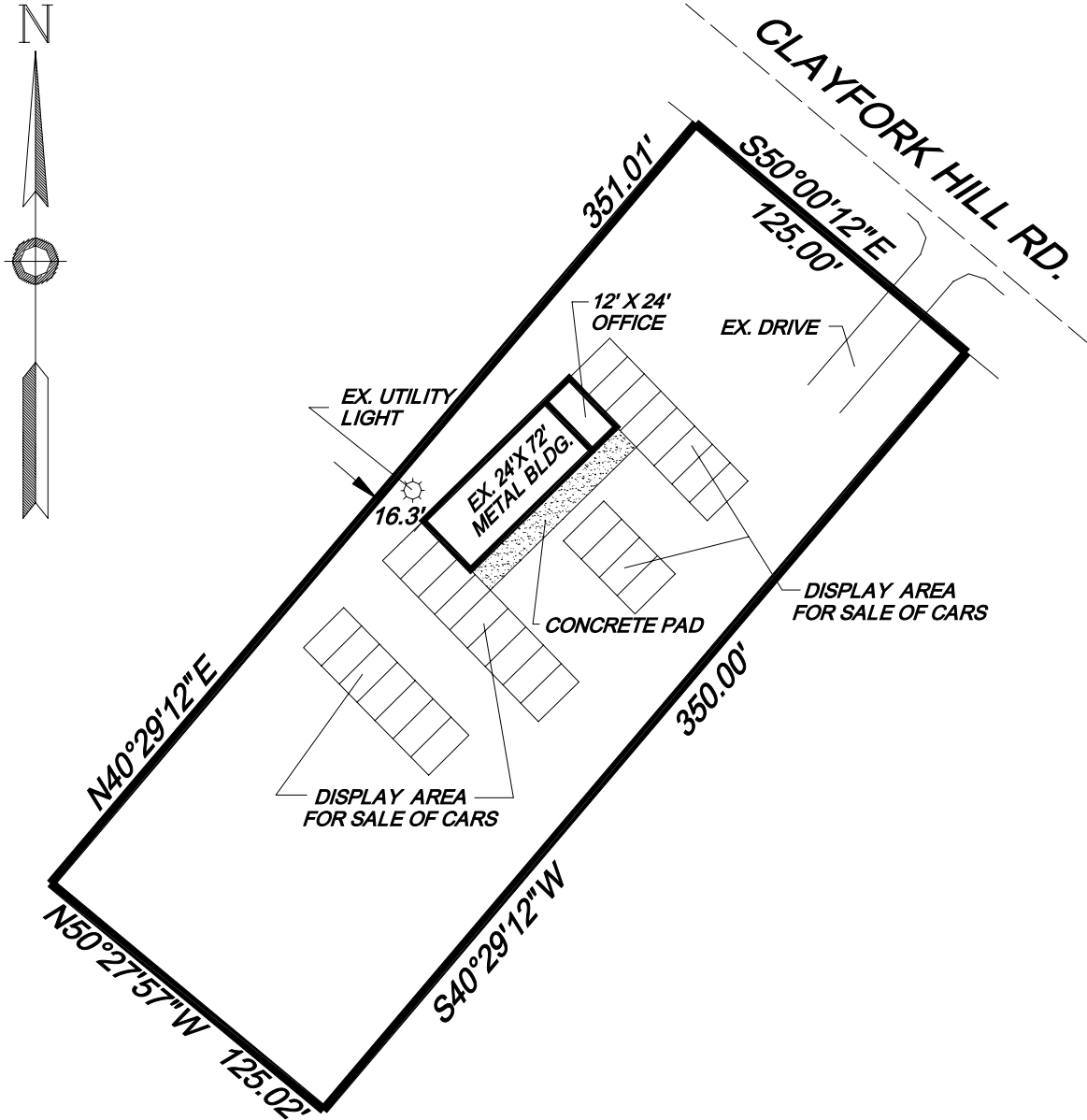
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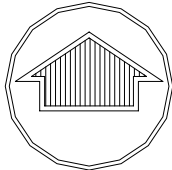
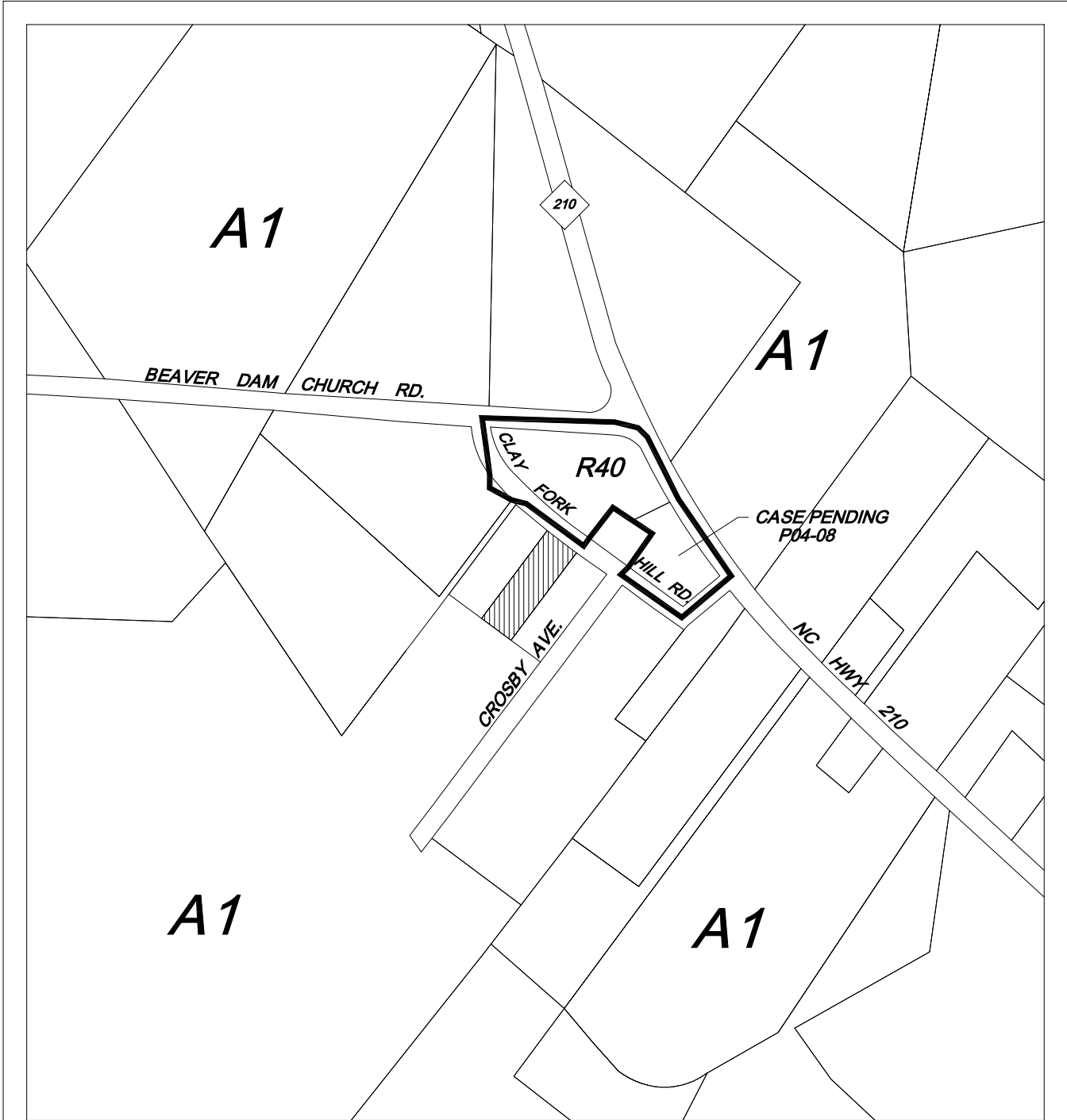
CONDITIONAL USE OVERLAY DISTRICT

CASE: P04-09 SCALE: 1"=60'

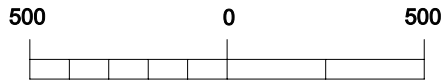
REQUEST: TO ALLOW CAR SALES, AN OFFICE AND DETAIL SHOP

ACREAGE: 1.00 ± ZONED: A1 PARKING: 28 SPACES

REVISED: 02/05/04



NORTH



SCALE IN FEET

CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 1.00 AC.±

HEARING NO: P04-09

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

PIN: 1421-53-8574

AF