

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

TENTATIVE AGENDA

JANUARY 17, 2006

7:00 p.m.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - A. P06-04: REZONING OF THREE PARCELS TOTALING 152 +/- ACRES FROM A1 TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, N OF TOM STARLING RD, W OF NC HWY 87 S, SUBMITTED BY CHALMERS M. MCCOMBS, OWNED BY TOMMY WOODELL.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF DECEMBER 20, 2005

REZONING CASES

- B. P06-01: REZONING OF .67 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5211 RED MAPLE LN, OWNED BY DAVID A. HEWETT.
- C. P06-03: REZONING OF 2.27 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, W OF WADE-STEDMAN RD, N OF CLINTON RD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY SOUTH RIVER ELECTRIC MEMBERSHIP CORP.

AMENDMENT

- D. P06-06: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING THE R20 DISTRICT AND CREATING A R20A DISTRICT, AFFECTING: ARTICLE III, SECTION 304; ARTICLE IV, SECTION 403; AND ARTICLE XI, SECTION 1104; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

VII. PUBLIC HEARING ITEMS

- A. P05-97: REZONING OF .34 ACRES FROM C1(P) TO C(P), AT 3831 BOONE TRAIL, SUBMITTED BY BLAINE LOVELAND, OWNED BY DORA H. HOWARD.
- B. P06-02: REZONING OF .85 ACRES FROM C1(P)/CU AND C3/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE NW QUADRANT OF BOONE TRL AND CUMBERLAND RD, OWNED BY GLADYS ARP BLANTON.

VIII. DISCUSSION

IX. FOR YOUR INFORMATION

- A. INTERIM DIRECTOR'S UPDATE

X. ADJOURNMENT

Charles C. Morris
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MINUTES DECEMBER 20, 2005

Members Present

Mr. Charles Morris, Chair
Mr. Donovan McLaurin, Vice-Chair
Ms. Diane Wheatley, County Commissioner
Mr. Garland Hostetter
Ms. Sara Piland
Ms. Lori Epler
Mr. Roy Turner
Mr. Harvey Cain

Others Present

Ms. Donna McFayden
Mr. Tom Lloyd, Dep.
Director
Ms. Annette Nunnery
Mr. Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. McLaurin delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Chair Morris advised the Board that Case #P05-94 and P05-98 would be pulled from the Consent Agenda and added to Public Hearing. **A motion was made by Ms. Epler to approve the Agenda as amended. Seconded. Unanimous approval.**

III. PUBLIC HEARING DEFERRALS - There were no public hearing deferrals.

IV. ABSTENTIONS BY BOARD MEMBERS

Ms. Epler stated her abstention regarding Cases P05-94 and P05-95.

V. POLICY STATEMENT - PUBLIC HEARING TIME LIMITS – read by Mr. Lloyd.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF DECEMBER 6, 2005

A motion was made by Mr. Turner and seconded by Ms. Epler to approve the Minutes of December 6, 2005 as written. The motion passed unanimously.

REZONING CASES

- A. P05-45: INITIAL ZONING OF .50 ACRES TO R10, LOCATED NORTH OF SAMUEL DRIVE, SOUTH OF CHAPEL HILL ROAD, SUBMITTED BY THE

TOWN OF SPRING LAKE. (SPRING LAKE)

- B. P05-92: REZONING OF 2.18 ACRES FROM A1 TO A1A, SOUTH OF ROEBUD ROAD, EAST OF MAGNOLIA CHURCH ROAD, OWNED BY WILLIAM T. MOBLEY, JR.
- C. P05-99: REZONING OF TWO TRACTS TOTALING .60 +/- ACRES FROM R10 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF CLINTON ROAD, EAST OF WINDWOOD DRIVE, OWNED BY JEWELL W. CULBRETH AND MICHAEL S. SUTTON. (STEDMAN)

AMENDMENT

- A. P05-100: AMENDMENTS TO THE TOWN OF FALCON ZONING ORDINANCE BY ADDING SECTION 7.32., YARD SPACE LANDSCAPE REQUIREMENTS, SECTION 8.15.1., COMBINATION AND SHARED PARKING, SECTION 8.24.1., LATERAL ACCESS, AND SECTION 8.28., PARKING AREA LANDSCAPE

A motion to accept the consent items P05-45, P05-92, P05-99, and P05-100 was made by Mr. McNeill and seconded by Mr. McLaurin. Unanimous approval.

REZONING CASE

- C. P05-95: REZONING OF 4.57 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF SAND HILL ROAD, WEST OF SMITH ROAD, SUBMITTED BY J. MALCOLM MCFADYEN, OWNED BY MCRENT, LLC.

A second motion was presented by Mr. McNeill and seconded by Mr. McLaurin to accept Case P05-95. Motion carried. Ms. Epler abstained from the vote.

Ms. Epler reentered the room.

VII. PUBLIC HEARING ITEMS

- D. P05-98: REZONING OF 8.46 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTHEAST OF RAMSEY STREET, WEST OF WEST REEVES BRIDGE ROAD, SUBMITTED BY ARNELL BOBBITT, OWNED BY SEYMORE TAYLOR.

Mr. Lloyd presented slides and site maps for case P05-98. He referred to two rezoning cases in the area.

The Public Hearing was opened.

Nick Angelone, an adjacent property owner, spoke in opposition to the request. He expressed his concern with development producing congestion in the area. His understanding when he purchased his property was that surrounding property would be nicely developed.

Al Wheatley, adjacent property owner, spoke in opposition to the request. He stated that he had several concerns: saturation of the area, escalating crime, and the neighborhood being compromised. He noted that a better zoning could

be applied to this area and requested that the Board hold developers to a greater standard.

Stuart Clark, an adjacent property owner, spoke in opposition to the rezoning request. He stated that he was vehemently opposed to changing the character of this area, which is currently very rural. He stated that he did not want a high density subdivision down the street and asked the Board to keep the integrity of the area by denying the rezoning.

Arnell Bobbitt, petitioner, spoke in favor of the request. She stated that her intention was not to create a typical subdivision but to divide the property for her immediate family, allowing them all to live near each other. She stated that she had tried to choose a zoning that would allow a lot size to accommodate her needs and conform to the area, while making the best use of the land. She stated she was not opposed to another zoning if that was what the neighbors would accept. Ms. Bobbitt asked to amend her application to request rezoning to R30, allowing 9 lots.

The Public Hearing closed at 7:30 p.m.

Chair Morris stated that the area is composed of large, privately owned lots and that this is not always reflected on the site plans.

Ms. Piland requested verification that an R40 zoning would be consistent with the Land Use Plan. Mr. Lloyd stated that it would be. Ms. Piland expressed her personal preference in staying with the Land Use Plan recommendations.

A motion was presented by Mr. McLaurin and seconded by Ms. Piland to deny the R30 Residential zoning and approve R40 Residential zoning. Motion passed unanimously.

Mr. Lloyd stated that allowing 7 lots in this area would require paving of the street. The applicant stated that she was aware of that condition and would accept it.

Ms. Epler exited the room.

A. P05-94: REZONING OF FOUR PARCELS TOTALING 93.45 ACRES FROM A1 TO R20/DD/CUD OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF SAND HILL ROAD, WEST OF SMITH ROAD, SUBMITTED BY J. MALCOLM MCFADYEN, OWNED BY MCRENT, LLC.

Mr. Lloyd reviewed slides of the subject property and noted the surrounding land use and zoning. He noted that the approval of R20/DD/CUD would actually allow for less than the Land Use Plan would allow. Upon request by the Chair, Mr. Lloyd explained the quasi-judicial proceeding to the audience.

Public Hearing opened at 7:40 p.m.

Mr. Malcolm McFadyen, representing McRent, LLC, spoke in support of the request and stated that his company was trying to develop in conformance with zoning already in place in the subject area.

Andrew Paybon asked if mobile homes would be allowed in the development. Mr. McFadyen stated that only stick-built homes would be developed. He further

stated that PWC water would be brought up to the site entrance and that existing homes could tap on by request.

Alexander Evans asked if the remaining property would be developed. Mr. McFadyen stated that it would not. The plan would require that the property in question be used as open space and left undeveloped.

No one appeared in opposition to the request.

Public Hearing closed at 7:52 p.m.

Mr. McLaurin presented a motion, seconded by Mr. Turner, that the Planning Board find that the request for a Conditional Use District Application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest and that the conditional use be approved. Motion carried. Ms. Epler abstained from the vote.

Mr. McLaurin presented a motion, seconded by Mr. Turner, that the Planning Board find that the Conditional Use Application Permit, if developed as proposed, would not materially endanger the public health and safety, would not substantially injure the value of adjoining and abutting property, would be in harmony with the area in which it is to be located, and would be in conformity with the Land Use Plan, Thoroughfare Plan and other plans officially adopted by the Board of Commissioners, subject to conditions agreed upon by the staff and the developer. Motion carried. Ms. Epler abstained from the vote.

Mr. McNeill clarified for the Board that the developer's site plan was attached to the application.

- A. P05-93: REZONING OF 3.0 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 7618 RHODES POND ROAD, OWNED BY JEROME F. HONEYCUTT.

Mr. Lloyd reviewed slides, maps and surrounding land use for the property. He detailed the case background noting that a citizen complaint preceded the Health Department uncovering set-back violations for the mobile home. The property owner requested a front yard variance from the BOA in October 2005 and was denied. The property owner was ordered to cease work on the site but continued to complete the set-up of the mobile home. All of the work was done without obtaining any permits. Mr. Lloyd explained that the mobile home was set back 31 feet but the A1, as well as the A1A zoning, required a setback of 50 feet. The R40 front yard setback is 30 feet, which would make the structure conforming. Mr. Lloyd noted that this property was more suitable for A1A zoning.

The Public Hearing opened at 7:50 p.m.

Mr. Jerome Honeycutt, owner, spoke in favor of the request. He asked the Board to approve R40A to allow the mobile home to remain where it currently was placed. He noted that water was available and that he was on a corner lot with a paved street. He asked for the Board's mercy in the matter.

Mr. McNeill asked the petitioner if he was told by an inspector to cease work. Petitioner stated that he had continued working after the BOA denial because he was concerned about cold weather approaching and financial deadlines with his lender. He stated that he had water and power as well as an Occupancy permit.

Mr. Lloyd noted that no permits had been obtained for that work, pursuant to County regulations. He stated that the file reflected staff comments indicating that the water hookup was illegal. Mr. Honeycutt denied that claim.

Mr. Morris asked how an occupancy permit could be obtained on the property. Mr. McLaurin asked the petitioner to show Mr. Lloyd his permit. Mr. Lloyd determined that the permit was for a septic tank, not occupancy.

Myra Baker, adjacent landowner, spoke in favor of the request and stated that she had no objection to the rezoning.

Dorothy Moore spoke in favor of the request and asked that the Board resolve the matter promptly.

James Honeycutt, adjacent property owner, spoke in favor of the request and stated that he had no problems with the rezoning.

Gerald Honeycutt spoke in favor of the request. He stated that he had underpinned the mobile home and that the county inspectors had not told them to stop work. The inspectors did not clearly say whether the workers could or could not keep working.

The Public Hearing closed at 8:10 p.m.

Mr. Turner noted that the petitioner had moved ahead in violation of county regulations and orders to cease work. He stated that he was concerned with those actions.

Ms. Epler noted that while she was sympathetic to the applicant she did not feel that the circumstances in the case warranted the Board going against county rules and regulations.

Mr. McNeill stated that he was sympathetic to the applicant but was concerned with the lack of permits and disregard for county regulations. Rezoning in this case would open the door to any other citizens with zoning violations asking the Board to solve their problems.

A motion was presented by Ms. Epler and seconded by Ms. Piland to accept the staff recommendation to deny the R40A Residential District and approve the A1A Agricultural District. Motion carried unanimously.

Chair Morris expressed his concern with the applicant and his family living in an illegally wired and set up mobile home. He asked that Mr. Lloyd follow up on those violations.

B. P05-96: REZONING OF 2.79 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 1480 PORT RICHIE LANE, OWNED BY JAMES AND PATRICIA SESSOMS.

Mr. Lloyd presented slides and reviewed the surrounding land use and zoning. He noted that the staff recommended A1A, a more suitable zoning for this area, and follows the Planning Board's policy of rezoning, from A1 to A1A instead of R40, in requests of 10 acres or less.

The Public Hearing opened at 8:22 p.m.

James Sessoms appeared in favor of the request. He stated that his purpose in requesting the rezoning was to allow his immediate family to live nearby. He stated that there were approximately 15 homes on the street and that his would be at the entrance to the street. His intention was stated as being to place a modular home on the site for himself and a double wide for his son.

Becky Garcia appeared in opposition to the request. She stated that she had purchased her property based on the fact that the surrounding land required 2 acres per residence. She would like for the area to be kept rural. She noted that the residents maintain the road and that the traffic on that road is already heavy.

Marie Cox appeared in opposition to the request. She stated that her understanding upon purchase of her property was that 2 acres was required for all homes in the area.

Mr. Barrett instructed Mr. Sessoms to direct his comments to the Board.

The Public Hearing closed at 8:30 p.m.

Ms. Epler and Chair Morris requested information on the number of lots that would require paving of the street. Tom stated that 7 was the requirement.

Mr. McLaurin noted that a rezoning of R40A would actually allow for 3 additional lots at this location.

A motion was presented by Mr. McLaurin and seconded by Ms. Epler to deny the R40A Residential District. Unanimous approval.

Mr. Lloyd informed the applicant that the lot size was 2.79 acres and that he had options to purchase additional land to increase his property size to 3 acres and to consider a Group Development on his existing property.

C. P05-97: REZONING OF .34 ACRES FROM C1(P) TO C(P), AT 3831 BOONE TRAIL, SUBMITTED BY BLAINE LOVELAND, OWNED BY DORA H. HOWARD.

Mr. Lloyd presented slides and maps of the subject property and noted the surrounding land use and zoning. He noted that the Planning Board had voted to rehear this case inside of the required one-year waiting period.

Mr. Blaine Loveland appeared in favor of the request. He stated that he represented the property owner as an employee of Bill Maxwell Realty. The company has a buyer for the property if it can be rezoned to the buyer's standards. He stated that the buyer plans to build an automotive shop, which would be an improvement over the current abandoned building on the property.

Mr. Lloyd noted that one option for the applicant would be a C(P) Conditional Use District on the property. Mr. Loveland stated that he would like to investigate that option. He was reminded by Mr. Barrett of the one-year time frame for rehearings.

Discussion was entertained on the setbacks for C(P) and C1(P) and whether or not buffering of the property would be required.

Mr. Loveland requested that his case be deferred to the January 17, 2006 Planning Board meeting to allow him time to investigate the Conditional Use and zoning options.

Mr. McNeill presented a motion, seconded by Mr. Hostetter to defer Case P05-97 to the January 17, 2006 Planning Board meeting. Unanimous approval.

VIII. DISCUSSION

Chair Morris read a thank-you note from Nancy Roy, who expressed her appreciation for her recent retirement luncheon and the gifts presented to her by the Board.

Mr. McLaurin asked for procedural guidance in creating a new R20A District, to allow for removal of mobile home placement in the R20 Residential District. Mr. Barrett advised him that he needed to present that request as a motion and upon approval, refer the request to the staff. The staff should formulate the district definition and requirements and bring it back to the Board for discussion. **Mr. McLaurin presented a motion, seconded by Mr. Hostetter, requesting that the planning staff create an R20A Residential District and present it to the Board for discussion. Motion carried unanimously.**

IX. ADJOURNMENT

Upon a motion by Ms. Piland, seconded by Ms. Epler, the meeting adjourned at 8:58 p.m.

January 10, 2006

MEMO TO: JOINT PLANNING BOARD
FROM: PLANNING & INSPECTIONS STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 17, 2006

P06-01: REZONING OF .67 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5211 RED MAPLE LN, OWNED BY DAVID A. HEWETT.

The Planning & Inspections staff recommends approval of C(P), even though the request is not consistent with the 2010 Land Use Plan, based on the following:

1. Subject property is located on a major thoroughfare; and
2. The request is reasonable because C(P) is consistent with the existing land use in the area.

SITE PROFILE
P06-01

REZONING OF .67 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5211 RED MAPLE LN, OWNED BY DAVID A. HEWETT.

Site Information:

Applicant/Owner: MIKE ALLEY / DAVID A. HEWETT

Area: .67 acres

Frontage & Location: 100 feet on S Main St, 290 feet on Red Maple Ln,

Depth: 290 feet

Jurisdiction: County

Current Use: Die Shop

Initial Zoning: February 3, 1977 (Area 7)

Zoning Violation(s): None

Surrounding Zoning: North-R6A, C1(P), C(P), C3, C3/CU, M2, East-C(P), M2 and Hope Mills city limit, South-R6A, C(P), C3 and West-R5A

Surrounding Land Use: Auto sales, church, manufactured home sales, statutory business

2010 Land Use Plan: Medium Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank

Subdivisions: Site plan review will be required if any changes to the existing use or layout of the property. The existing buildings will be made legal nonconforming by the setback requirements if this property is rezoned to C(P).

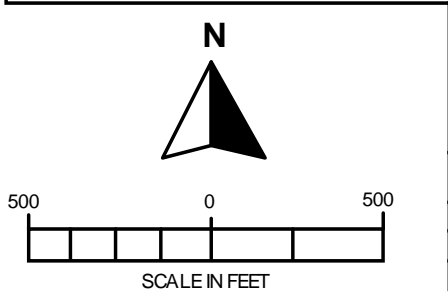
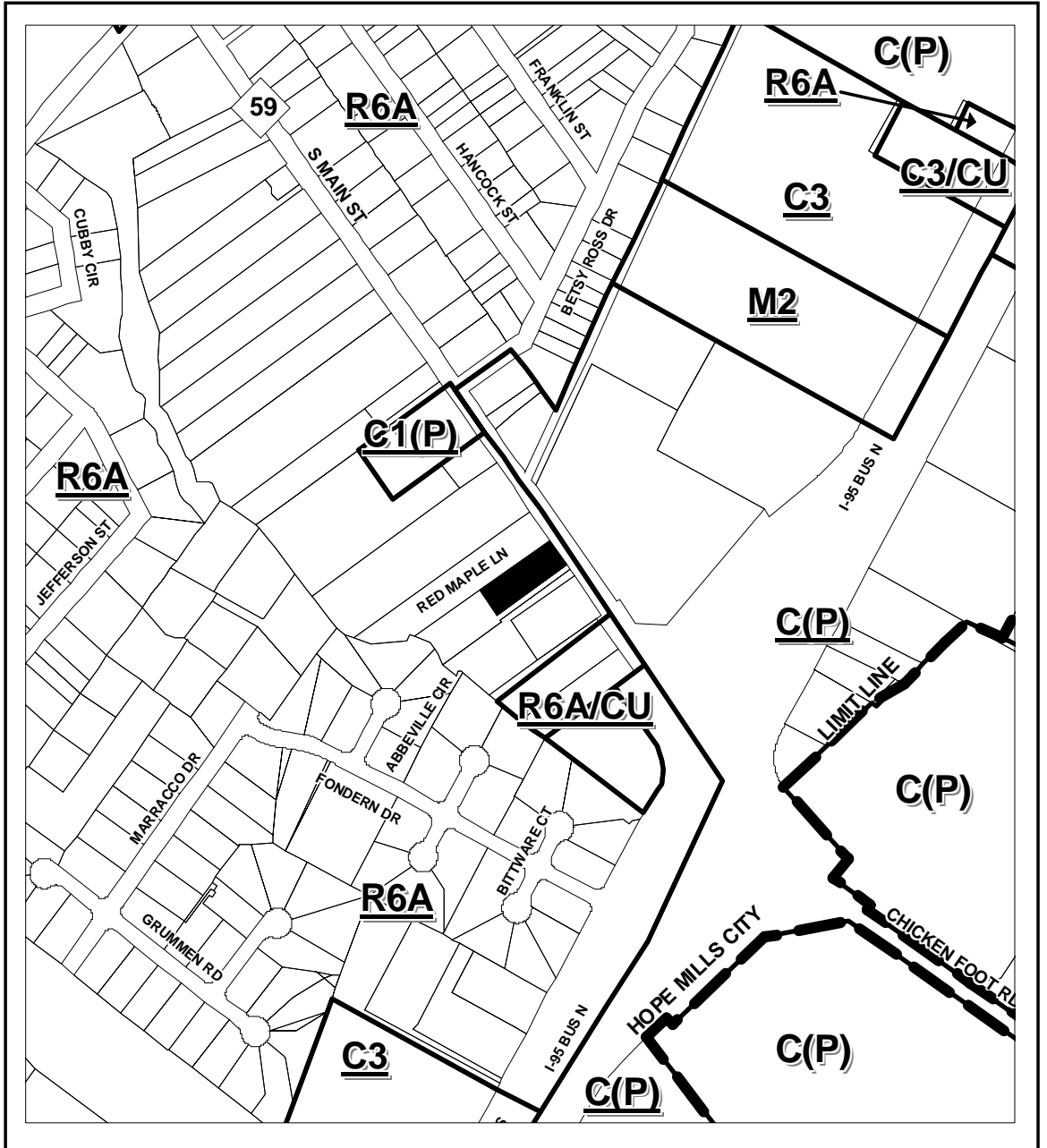
School Capacity/Enrolled: Gallberry Elementary 901/963, South View Middle 743/980, Grays Creek High 1,100/1016

Military Impact Area: No

Highway Plan: South Main Street is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority 1). Red Maple Lane is an E911 named tract.

Average Daily Traffic Count (2000): 11,000 on Hwy 59

Notes:



REQUESTED REZONING: R6A TO C(P)

ACREAGE: 0.67 AC.+/-	HEARING NO: P06-01	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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January 10, 2006

MEMO TO: JOINT PLANNING BOARD

FROM: PLANNING & INSPECTIONS STAFF

SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 17, 2006

P06-03: REZONING OF 2.27 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, W OF WADE-STEDMAN RD, N OF CLINTON RD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY SOUTH RIVER ELECTRIC MEMBERSHIP CORP.

The Planning & Inspections staff recommends approval of C(P) based on the following:

1. The request is reasonable because the commercial structure, built in 1964, was existing prior to the area being initially zoned in 1996.

SITE PROFILE
P06-03

REZONING OF 2.27 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, W OF WADE-STEDMAN RD, N OF CLINTON RD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY SOUTH RIVER ELECTRIC MEMBERSHIP CORP.

Site Information:

Applicant/Owner: CRAWFORD B. MACKETHAN / SOUTH RIVER ELECTRIC MEMBERSHIP CORPORATION

Area: 2.27 acres

Frontage & Location: 130 feet on Wade-Stedman Road

Depth: 453 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant commercial structure

Initial Zoning: September 3, 1996 (Area 20)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with some R40A and Stedman city limit to the South

Surrounding Land Use: Single family residential and farmland

Stedman Study Area Detailed Land Use Plan: Open Space and Farmland

Municipal Influence Area: Stedman

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank – Stedman Sewer available 1,700 feet South

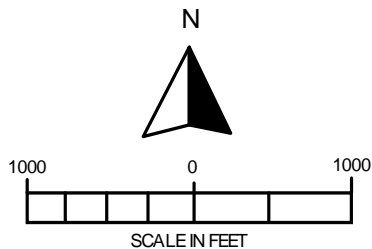
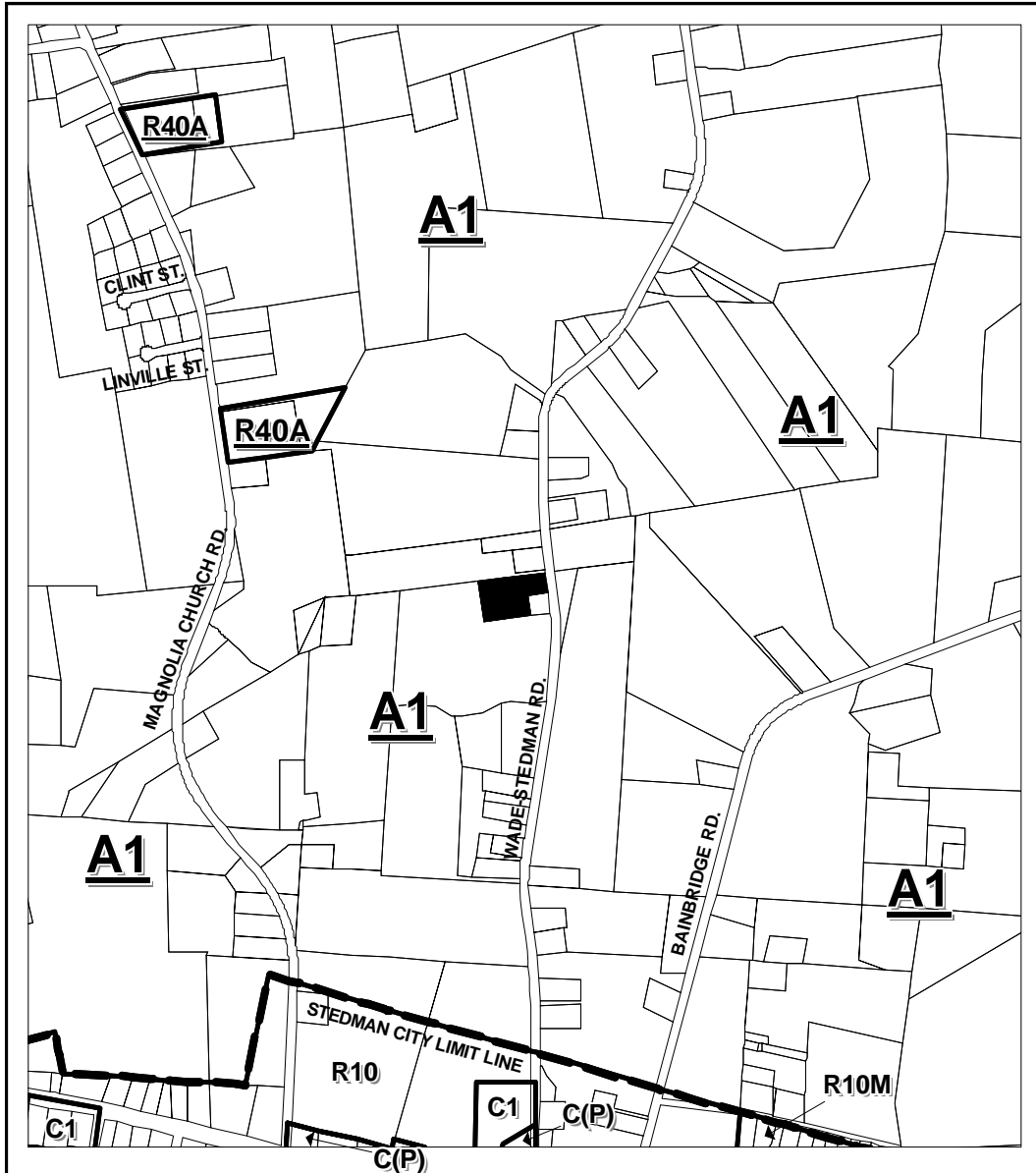
School Capacity/Enrolled: Stedman Primary 250/168, Stedman Elementary 393/291, Mac Williams Middle 1,218/1,135, Cape Fear High 1,415/1,474

Subdivisions: Site plan review will be required prior to permits being issued. At a minimum, a recombination map shall be required of all three lots. The adjacent lot may be required to be platted.

Military Impact Area: No

Highway Plan: Wade-Stedman Road is identified as a Major Thoroughfare. The Plan calls for widening to a multi-lane facility (Priority 2).

Notes:



PIN: 0496-14-1550
 0496-14-1307
 0496-04-9441

REQUESTED REZONING: A1 TO C(P)

ACREAGE: 2.27 AC.+/-		HEARING NO: P06-03	
ORDINANCE COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

P06-06

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY AMENDING THE R20 DISTRICT AND CREATING A R20A DISTRICT, AFFECTING: ARTICLE III, SECTION 304; ARTICLE IV, SECTION 403; AND ARTICLE XI, SECTION 1104; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article III, Zoning Districts, Section 304, Residential Districts, Subsection “E” as indicated:

- E. R20 Residential District: A district designed primarily for single-family units and ~~Class A manufactured homes~~ with a lot area of 20,000 square feet or above.

AMEND Article III, Zoning Districts, Section 304, Residential Districts, by INSERTING Subsection “E.1.” to read as follows:

E.1. R20A Residential District: A district designed primarily for single-family units and Class A manufactured homes with a lot area of 20,000 square feet or above.

AMEND Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, by DELETING “*Manufactured Home Class A, for residential occupancy*” as a permitted (P) use in the R20 Zoning Classifications column.

AMEND Article IV, Permitted, Conditional, and Special Uses, Section 403, Use Matrix, by INSERTING column for “R20A” Zoning Classifications with uses allowed as shown below:

Permitted Uses (P)

Accessory Uses, incidental to any permitted use (Sec. 1002)
Agricultural or Rural Farm Use
Bed and Breakfast (Sec 903), except as regulated by Sec. 924
Dwelling, Single Family & Multiple Family
Fire Station Operations/Emergency Services (Sec 916)
Golf Courses (Sec. 908)
Group Home, six or less clients (Sec. 909)
Home Occupations, incidental (Sec. 1002 A)
Library (Sec. 916)
Manufactured Home Class A, for residential occupancy
Public/Community Utility Stations/Substations
Religious Worship Activities
Schools, public, private, elementary or secondary (Sec. 916)
Swimming Pools, incidental to a principal use (Sec. 1002 C)
Telephone Switching/Booster Station

Special Uses (S)

Assemblies, Community, Assembly Hall, Armory, Stadium,
 Coliseum, Community Center, Fairgrounds, etc. (Sec. 916)
 Club or Lodge (Sec. 905), except as regulated by Sec. 924
 Day Care Facility (Sec. 906)
 Group Quarters (Sec. 910)
 Nursing Home/Convalescent Home/Hospital/ Sanitarium/
 Retirement Home, etc. (Sec. 917)
 Recreation or Amusement Public/Private (Sec. 920) not operated
 as a business for profit including playgrounds, neighborhood
 center buildings, parks, museums, swimming pools, etc., &
 not regulated by Sec. 924
 Special Information Signs (Sec. 1304 D)
 Tower (Sec. 927)

Conditional Use (X)

Quarry (Sec. 919)

AMEND Article XI, Lot and Yard Regulations, Section 1104, District Dimensional Provisions by INSERTING dimensional criteria for the R20A district as follows:

Density:

Minimum Lot Size	20,000 sq ft
Unit (DU) for Condos & Group Developments	
1 st DU	20,000 sq ft
2 nd , 3 rd , & 4 th DUs	20,000 sq ft
5+ DUs	20,000 sq ft

Width:

100 ft

Minimum Yard Setback Regulations:

Front Yard	30 ft
Side Yard	
1 story	15 ft
2 story	15 ft
Each story greater than 2	10ft/story
Rear Yard	35 ft

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MEMO TO: JOINT PLANNING BOARD

FROM: PLANNING & INSPECTIONS STAFF

SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 17, 2006

**P05-97: REZONING OF .34 ACRES FROM C1(P) TO C(P), AT 3831 BOONE TRAIL,
SUBMITTED BY BLAINE LOVELAND, OWNED BY DORA H. HOWARD.**

The Planning & Inspections staff recommends denial of C(P) based on the following:

1. The request is not consistent with the 2010 Land Use Plan;
2. C(P) is inconsistent with the existing land use in the area; and
2. Light commercial use, with site plan review and approval, is more suitable for this location.

SITE PROFILE
P05-97

REZONING OF .34 ACRES FROM C1(P) TO C(P), AT 3831 BOONE TRAIL,
SUBMITTED BY BLAINE LOVELAND, OWNED BY DORA H. HOWARD.

Site Information:

Applicant/Owner: BLAINE LOVELAND / DORA H. HOWARD

Area: .34 acres

Frontage & Location: 100 feet on Boone Trail

Depth: 150 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant Residential

Initial Zoning: August 1, 1975 (Area 3)

Zoning Violation(s): None

Surrounding Zoning: North-R10, R6, C1(P), C1(P)/CU, City limits, East-R10, R6A, R6A/CU, C1(P), C3, City limits, South-RR, RR/CU, R10, R6A, C3, M2, and West-R10, R6A, C1(P), C1(P)/CU, C3, C3/CU

Surrounding Land Use: Duplex (2), building company, pet shop, vacant commercial (3), food store, manufactured home park (2), camp site, barber shop, sub station, day care center, auto shop, boy's and girl's club, fire station, no name commercial, lawn mower repair shop, and triplex

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank - PWC water and sewer available

School Capacity/Enrolled: McArthur Elementary 486/485, Ireland Drive 378/365, Douglas Byrd Middle 711/749, Douglas Byrd High 1,220/1,271

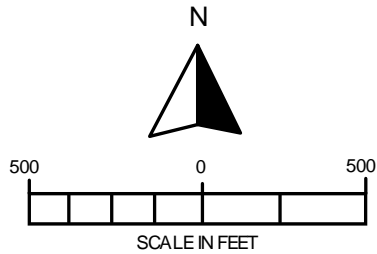
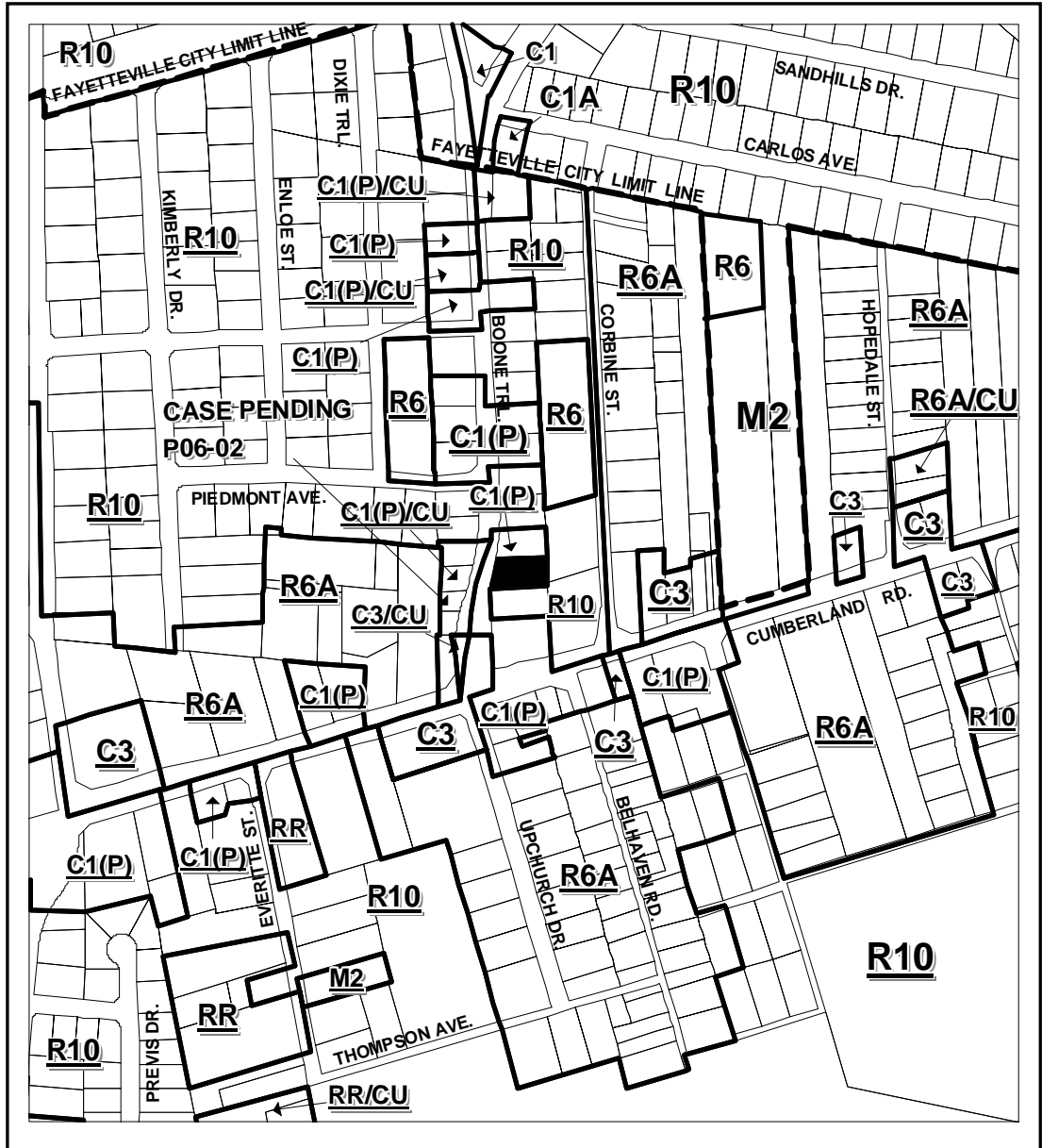
Subdivisions: A C(P) Site Plan will be required prior to any development and approval of the Request for Alternate Yard Requirements may be required for any new use of the existing building.

Military Impact Area: No

Highway Plan: Boone Trail is identified as a Major Thoroughfare. This is a multi-lane facility with a proposed 100-110 foot right-of-way. This project is included in the FY06-12 MTIP and is currently unfunded.

Average Daily Traffic Count (2000): 8,700 on Boone Trail

Notes:



ZONING REQUESTED: C1(P) TO C(P)

ACREAGE: 0.34 AC.+/-

HEARING NO: P05-97

ORDINANCE COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

January 10, 2006

MEMO TO: JOINT PLANNING BOARD

FROM: PLANNING & INSPECTIONS STAFF

SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 17, 2006

P06-02: REZONING OF .85 ACRES FROM C1(P)/CU AND C3/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE NW QUADRANT OF BOONE TRL AND CUMBERLAND RD, OWNED BY GLADYS ARP BLANTON.

The Planning & Inspections staff recommends denial of C(P) but approval of C1(P) based on the following:

1. The request is not consistent with the 2010 Land Use Plan;
2. C(P) is inconsistent with the existing land use in the area; and
2. Light commercial use, with site plan review and approval, is more suitable for this location.

P06-02

REZONING OF .85 ACRES FROM C1(P)/CU AND C3/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE NW QUADRANT OF BOONE TRL AND CUMBERLAND RD, OWNED BY GLADYS ARP BLANTON.

Site Information:

Applicant/Owner: GLADYS ARP BLANTON

Area: .85 acres

Frontage & Location: 107 feet on Boone Trail

Depth: 500 feet

Jurisdiction: County

Current Use: Vacant Commercial

Initial Zoning: August 1, 1975 (Area 3)

Zoning Violation(s): None

Surrounding Zoning: North-R10, R6, R6A, C1(P), C1(P)/CU, Fayetteville city limit, East-R10, R6A, C1(P), C3, M2, South-RR, RR/CU, R10, R6A, C1(P), C3, M2, and West- R10, R6A, C1(P), C3

Surrounding Land Use: Duplex, building company, boarding and grooming shop, vacant commercial (5), thrift mart, barbershop, camp, triplex, substation, church, lawn mower repair, manufactured home park, fire station, and automotive shop

2010 Land Use Plan: Low Density Residential and Heavy Commercial

Cumberland Road Study: Heavy Commercial

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic Tank – PWC Sewer available

Subdivisions: Site plan review will be required prior to any development and approval of the Request for Alternate Yard Requirements may be required for any new use of the existing building.

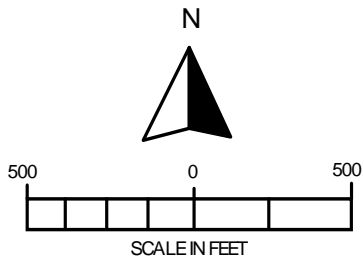
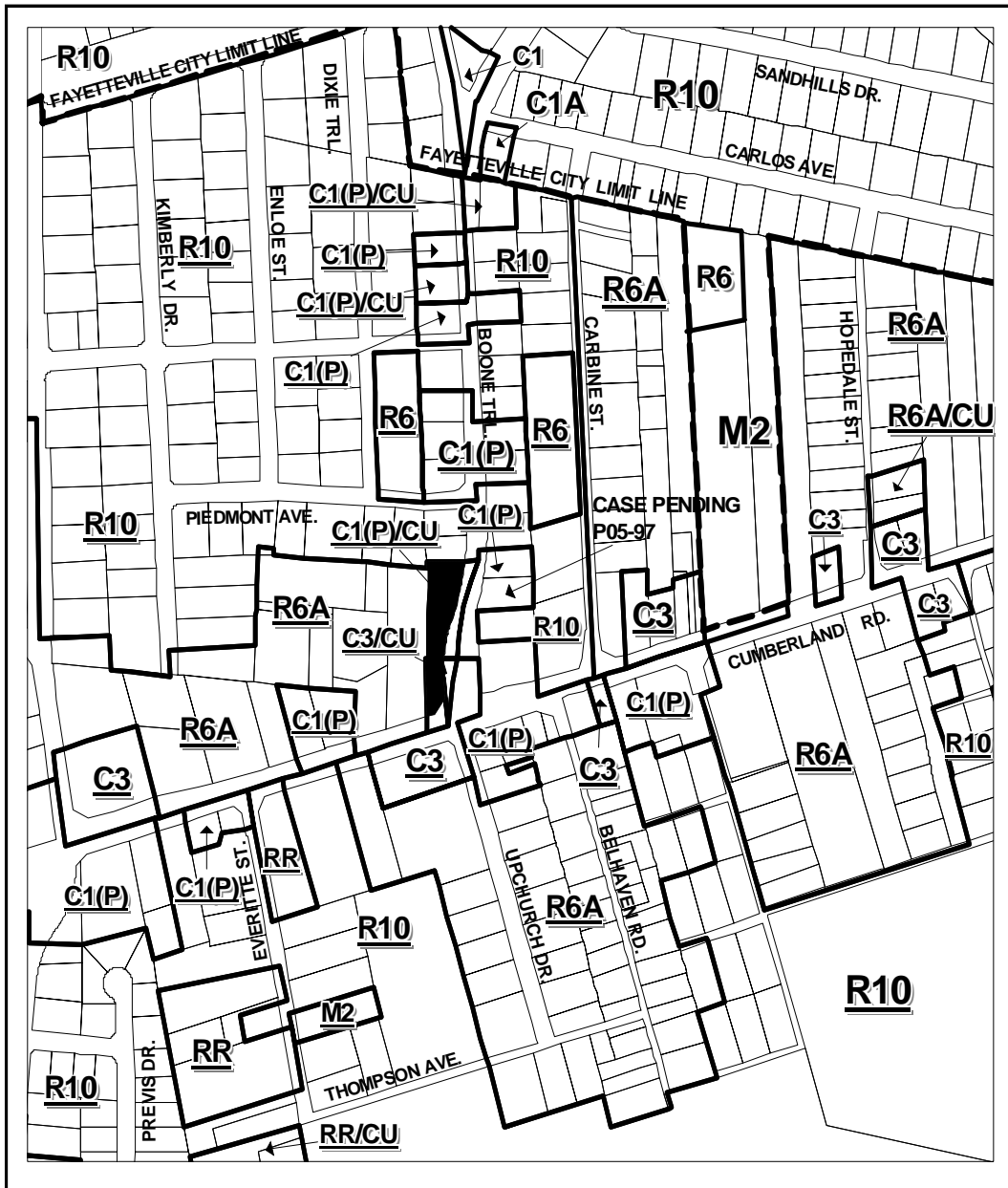
School Capacity/Enrolled: McArthur Elementary 487/486, Ireland Drive Middle 363/378, Douglas Byrd Middle 745/711, Douglas Byrd High 1,245/1,320

Military Impact Area: No

Highway Plan: Cumberland Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 90-110 foot right-of-way. Road improvements are not included in the 2006-2012 MTIP.

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

Notes:



ZONING REQUESTED: C1(P)/CU & C3/CU TO C(P)

ACREAGE: 0.85 AC. +/-

HEARING NO: P06-02

ORDINANCE COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Charles C. Morris
Chair
Town of Linden



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

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland
Cumberland County

COUNTY of CUMBERLAND

Planning and Inspections Department

PLANNING STAFF DECISION: 12-29-05 PLANNING BOARD DECISION: 01-17-06 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-004 NAME OF DEVELOPMENT: ROBERT L. BRIDGES SUBDIVISION
(SUBDIVISION REVIEW)

LOCATION: ON THE NORTH WEST SIDE OF SR 2018 (CARL FREEMAN ROAD), ZONING: A1

ON THE NORTH EAST SIDE OF WHITE POND DRIVE PIN: 0475-82-3557-

OWNER OR DEVELOPER: ROBERT L. & RUTH BRIDGES ENGINEER OR DESIGNER: LARRY KING & ASSOCIATES

COUNTY ORDINANCE GODWIN ORDINANCE STEDMAN ORDINANCE SPRING LAKE ORDINANCE FALCON ORDINANCE

PLANNING DEPARTMENT ACTION	PLANNING BOARD ACTION	TOWN BOARD
<input checked="" type="checkbox"/> PRELIMINARY	<input checked="" type="checkbox"/> PRELIMINARY	<input type="checkbox"/> PRELIMINARY <input type="checkbox"/> FINAL
<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION	<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION	<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION
<input checked="" type="checkbox"/> APPROVED CONDITIONALLY	<input type="checkbox"/> APPROVED CONDITIONALLY	<input type="checkbox"/> APPROVED CONDITIONALLY
<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED

CONDITIONS OF APPROVAL:

- Since this development does not have public water/sewer, the following disclosure statement shall be provided on the final plat:

“The individual lots in this development do not have public sewer and/or water services available as of the date of this recording.”
- The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system shall be filed at the Register of Deeds with the following disclosure:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the Health Department.”
- This conditional approval is contingent upon continued compliance with the provisions of the County Subdivision and Zoning Ordinances.
- All uses, dimensions, setbacks and other related provisions of the County Zoning Ordinance must be compatible with those permitted in the A1 zoning classification.
- “Carl Freeman Rd” also be labeled as “SR 2018” on the final plat/all future plats /plans.
- The final plat must be submitted to Land Use Codes for review and approval for recording; and the plat must be recorded prior to any permit application on any structure and/or prior to the sale or conveyance of any lot or unit in this development.
- Any/All easements appear on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
- Since this development is located within the Farmland Protection Area as defined on the current Land Use Plan map, the following disclosure statement shall be provided on the final plat:

“This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”
- All structures shall be shown on the final plat or that the final plat shall reflect the following statement:

“Nonconforming structures have not been created by this subdivision.”
- If the driveway is changed, developer must obtain a driveway permit from the NC Department of Transportation.

11. The notarized signatures of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
12. The developer be aware that any addition or revision to this plat/site plan shall require an additional review and approval by the Planning & Inspections Department.
13. The developer shall be aware that submission for approval and recording of the final plat constitutes the property owners' agreement and acceptance of all conditions of approval placed upon this development.
14. The developer has submitted a request for a waiver from Section 3.20 "Lot Standards" of Cumberland County Subdivision Ordinance regarding the lots' street access only. (White Pond Dr is an easement that has not been approved as a public or private street.) This request will be heard at the January 17, 2006 Cumberland County Joint Planning Board meeting.
15. If the waiver is approved, the developer is to be aware that there shall be no more group developments or subdivision approvals allowed on either tract without full compliance with the standards of the County Subdivision and Zoning Ordinances.
16. The Planning & Inspections Staff recommends approval of the waiver if the following conditions are agreed upon by the owners of this property:
 - (a) No additional group developments are be allowed until a minimum of 20 foot of road frontage for each lot is provided;
 - (b) No additional subdivisions are tol be approved until a minimum of 20 foot of road frontage for each lot is provided; and
 - (c) The final plat must contain a statement with the restrictions clearly stating that no additional units or lots shall be permitted on the lots depicted on the plat until such time that the lots can fully comply with the standards of the County Subdivision and Zoning Ordinances.

IF YOU NEED A CLARIFICATION AND/OR NEGOTIATION OF CONDITION(S) PLEASE CONTACT ED BYRNE AT 678-7609 OR PATTI SPEICHER 678-7605.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY *of* CUMBERLAND

Planning and Inspections Department

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

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

January 10, 2006

MEMORANDUM

TO: Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-004
Robert L. Bridges Property
(Subdivision Review)

The developer has submitted a request for a waiver from Section 3.20 "Lot Standards", Cumberland County Subdivision Ordinance regarding the lots' street access only. This section of the ordinance requires compliance with the County Zoning Ordinance. The Zoning Ordinance mandates that newly created lots have a minimum of 20-foot of road frontage along either a public street or an approved private street. The two proposed lots would take access from the existing 60-foot ingress/egress easement also known as "White Pond Drive". The property is zoned A1 Agricultural, contains 11.80 acres and has two proposed lots.

The developer received a variance from the Planning Board on November 3, 1997 to allow the placement of a manufactured home using the 60-foot easement for access and then received approval to replace the manufactured home on February 22, 2002. The developer would now like to cut a two-acre lot around the replacement home, which was built sometime after the 2002 approval. The condition sheets never stated that these lots could not be divided sometime in the future even though developers are told this when they come in for a group development of this type.

In accordance with Section 6.1, Waivers, 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 & Inspections Staff recommends **approval** of the waiver because of the existing easement traversing through the rear lots of an existing development of individual

lots. This recommendation is only offered if the property owners agree to the following conditions:

- No additional group developments are allowed until a minimum of 20-foot of road frontage for each lot is provided;
- No additional subdivisions are to be approved until a minimum of 20-foot of road frontage for each lot is provided; and
- The final plat must contain a statement with the restriction clearly stating that no additional units or lots shall be permitted on the lots depicted on the plat until such time that the lots can fully comply with the standards of the County Subdivision and Zoning Ordinances.

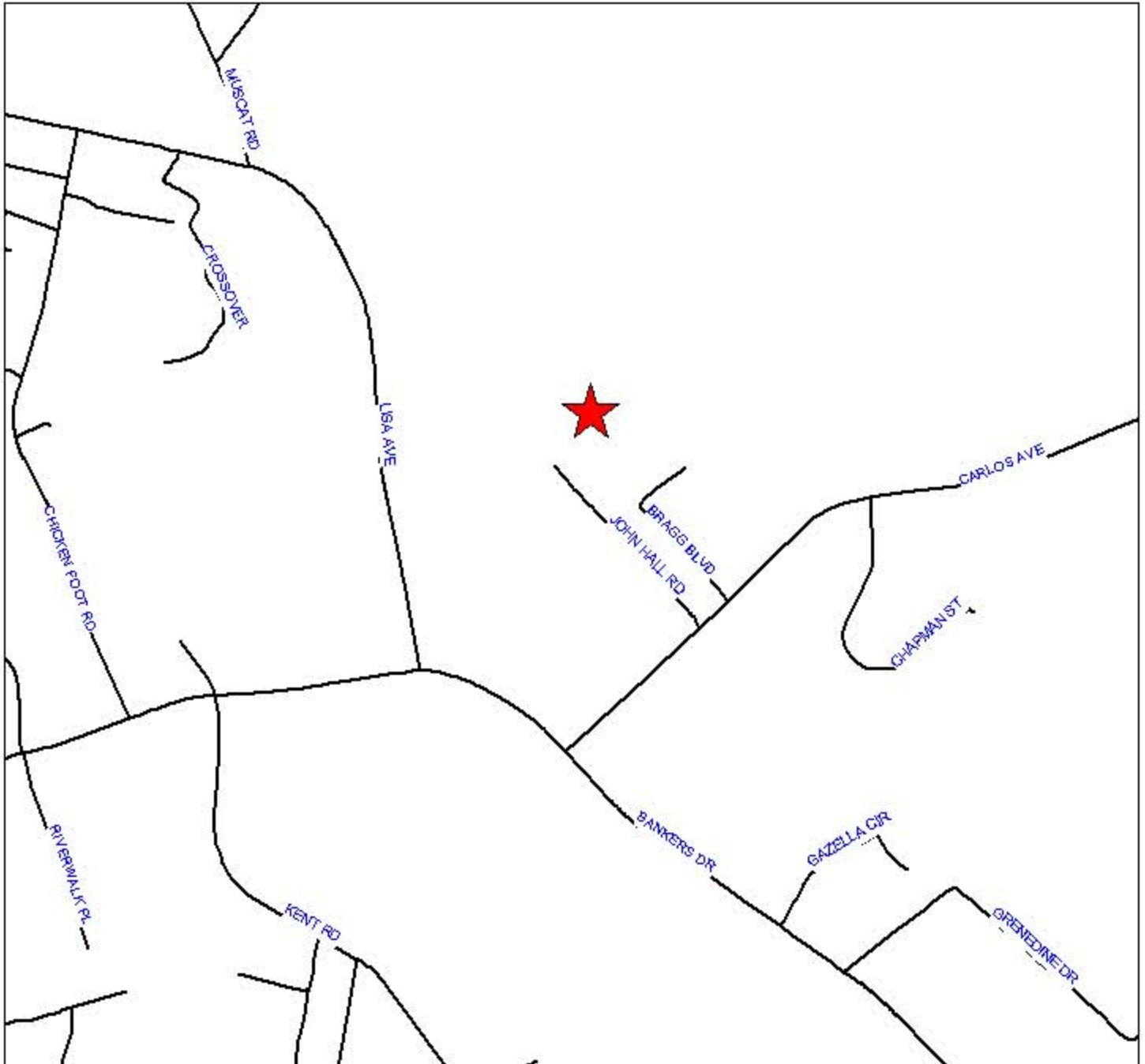
Attachments

cc: Robert L. Bridges, Developer
Larry King, Surveyor
Grainger Barrett, County Attorney
Patricia Speicher, Supervisor, Land Use Codes

From: Annie Faircloth
Sent: Friday, January 13, 2006 3:16 PM
To: Annette Nunnery
Subject: 06-04

Annie Faircloth
GIS Tech II
130 Gillespie St.
Fayetteville, NC 28301
(910) 323-6102

**ROBERT L. BRIGDES SUB
SUBDIVISION REVIEW
CASE NO. 06-004**



PIN: 0475-82-3557-
PREPARED BY MAS - CCJPB
DECEMBER 20, 2005

Map not to scale

