

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
Vice-Chair  
Cumberland County

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Walter Clark,  
Sara E. Piland,  
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Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

## COUNTY of CUMBERLAND

### Planning & Inspections Department

October 13, 2009

#### MEMORANDUM

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for October 20, 2009 Board Meeting

**P09-43:** REZONING OF 3.53+/- ACRES FROM M1(P) PLANNED LIGHT INDUSTRIAL, RR RURAL RESIDENTIAL AND R10 RESIDENTIAL TO R7.5 RESIDENTIAL AND R10 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2085 AND 2117 CRYSTAL SPRINGS ROAD; SUBMITTED AND OWNED BY WINSTON HEMLEY AND ARNOLD AND VIRGINIA PAGE.

The Planning & Inspections Staff recommends approval of the requested rezoning to R7.5 Residential district except where the Special Flood Hazard Area (SFHA) is present, CD for the portion of the subject property that is located within the SFHA, and approval of the M1(P) Planned Light Industrial district, based on the following:

1. The request for the R7.5 Residential district for the subject property is consistent with the recommended location criteria as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan (hereinafter *Land Use Policies*) for low density residential and if approved, the zoning would be comparable to all other residentially-zoned properties within the immediate surrounding area;
2. The recommendation of CD Conservancy District for that portion of the subject property located within the SFHA is intended to preserve and protect the perennial stream running along the western portion of the subject property and would be consistent with the Land Use Policies location criteria for this area; and
3. Although the request for the M1(P) Planned Light Industrial district for a portion of the subject property is not entirely consistent with the location criteria for light industrial as listed in the Land Use Policies, the request is reasonable since it is intended to clarify the previously approved and intended zoning of this portion of the subject property – reference Case No. P76-53 approved by County Commissioners on June 1, 1976.

The R15 Residential could also be considered suitable for the requested R7.5 portion of the application and the C2(P) Planned Service and Retail or C(P) Planned Commercial districts could be suitable for the M1(P) portion of the request.

The affected property owner/applicant verbally agreed to this staff recommendation.

#### Attachments:

- 1 – Site Profile
- 2 – Sketch Map
- 3 – P76-53 Sketch Map, BOC Minutes and Aerial Map

**P09-43**  
**SITE PROFILE**

**P09-43:** REZONING OF 3.53+/- ACRES FROM M1(P) PLANNED LIGHT INDUSTRIAL, RR RURAL RESIDENTIAL AND R10 RESIDENTIAL TO R7.5 RESIDENTIAL AND R10 RESIDENTIAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2085 AND 2117 CRYSTAL SPRINGS ROAD; SUBMITTED AND OWNED BY WINSTON HEMLEY AND ARNOLD AND VIRGINIA PAGE.

**Site Information:**

**Frontage & Location:** 377.31'+/- on Crystal Springs Road

**Depth:** 431.86'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes, east side of subject property

**Current Use:** Residential and vacant commercial

**Initial Zoning:** R10 – February 6, 1976 (Area 5)

**Nonconformities:** Yes, existing non-residential structure in residential district (proposed M1(P) portion) and a residential structure in a non-residential district (proposed R7.5 portion)

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R10/CU (to allow manufactured dwelling), C(P), R10 & R6A; South: M2, R10 & R6A; East & West: R10 & R6A

**Surrounding Land Use:** Residential, vacant commercial & woodlands

**2030 Land Use Plan:** Urban and conservation area

**Special Flood Hazard Area (SFHA):** Yes, western tract: 131-132 msl (NAVD)

**Water/Sewer Availability:** PWC/ PWC

**Soil Limitations:** Yes, hydric – JT Johnston loam

**School Capacity/Enrolled:** Cumberland Mills Elementary: 525/642; Ireland Drive Middle: 340/334; Douglas Byrd Middle: 600/688; Douglas Byrd High: 1,280/1,321

**Subdivision/Site Plan:** If approved, site plan review required for M1(P)

**Municipal Influence Area:** Town of Hope Mills

**Average Daily Traffic Count (2006):** 4,400 on Crystal Springs Road (SR 1137)

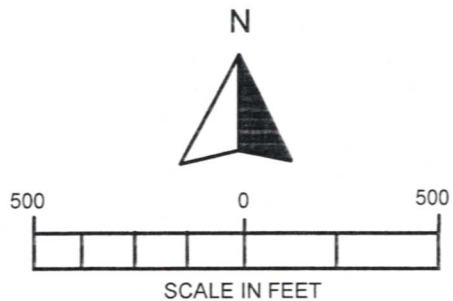
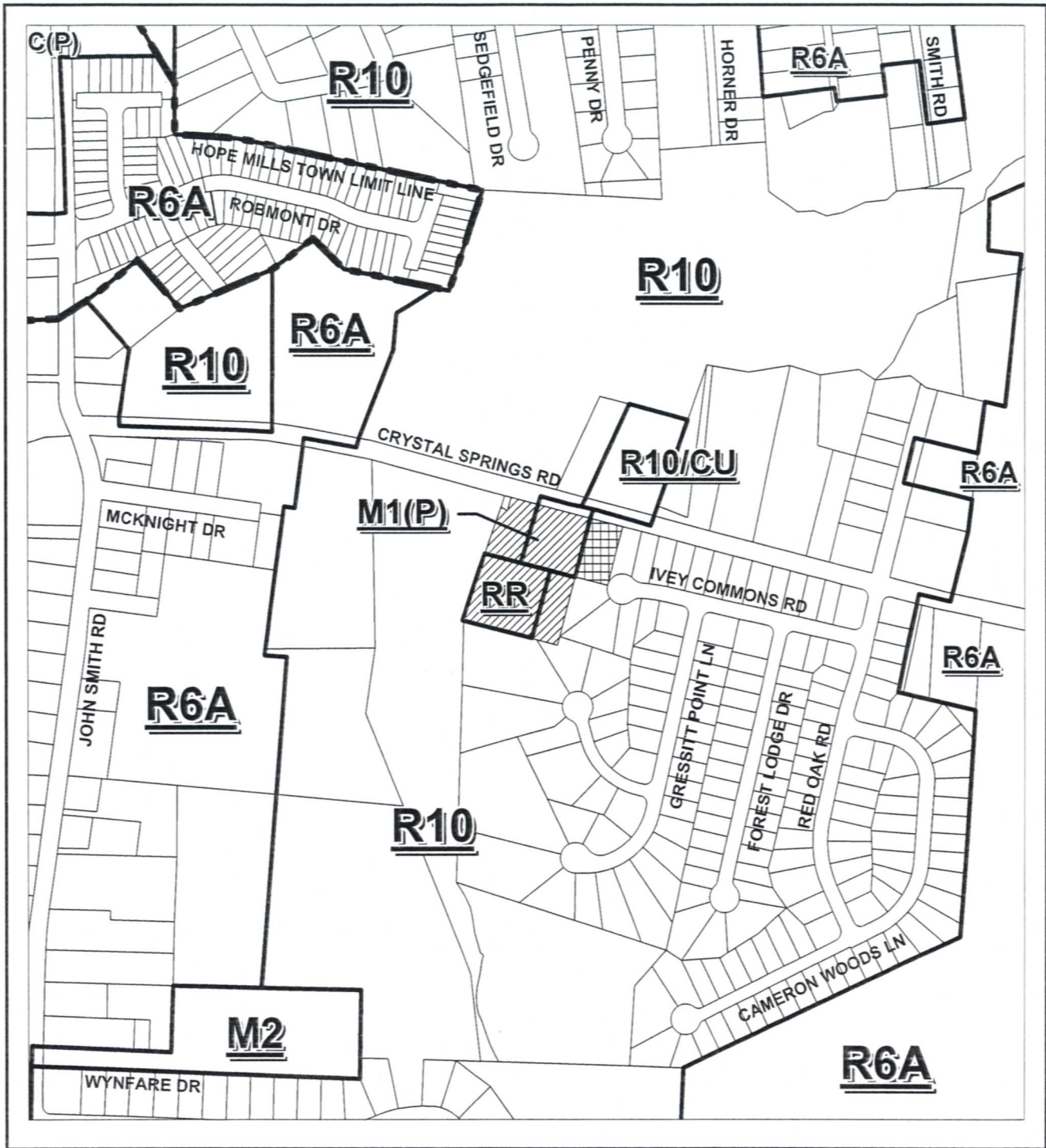
**Highway Plan:** Crystal Springs Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2009-2015 MTIP. This is a Priority #3 in the Highway Portion of the LRTP (proposed to be removed from plan)

**Note:**

1. M1(P) Minimum Yard Setback Regulations:
  - Front yard: 50'
  - Side yard: 30'
  - Rear yard: 30'
  
2. Case P76-53, approved June 1, 1976 – sketch map, minutes and overlay on current aerial attached

**First Class and Record Owners' Mailed Notice Certification**

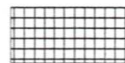
*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.*



## REQUESTED REZONING



M1(P), RR & R10  
TO R7.5  
3.02 AC +/-



R10 TO M1(P)  
0.51 AC +/-

**ACREAGE: 3.53 AC +/-**

**HEARING NO: P09-43**

ORDINANCE: COUNTY

HEARING DATE

ACTION

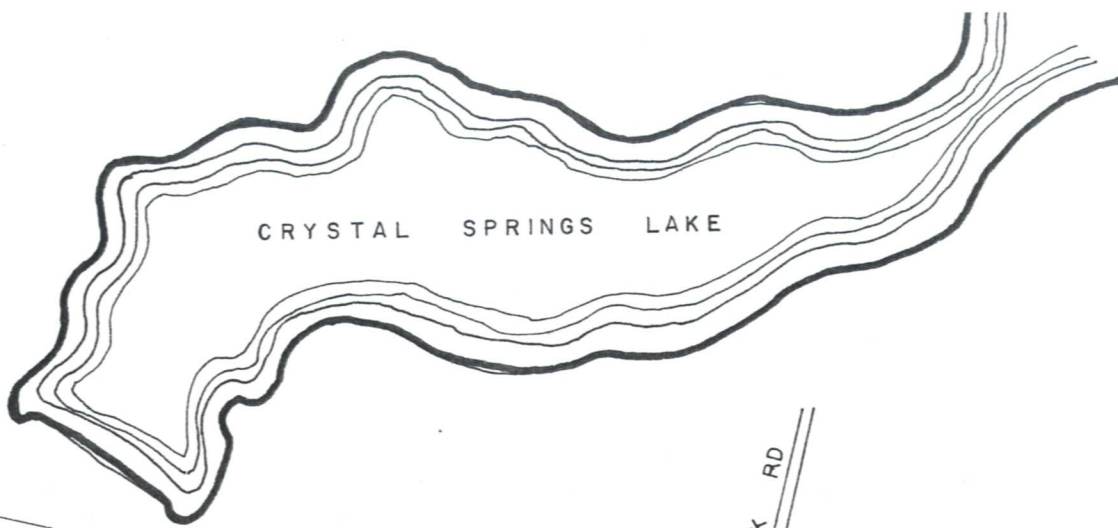
STAFF RECOMMENDATION

PLANNING BOARD

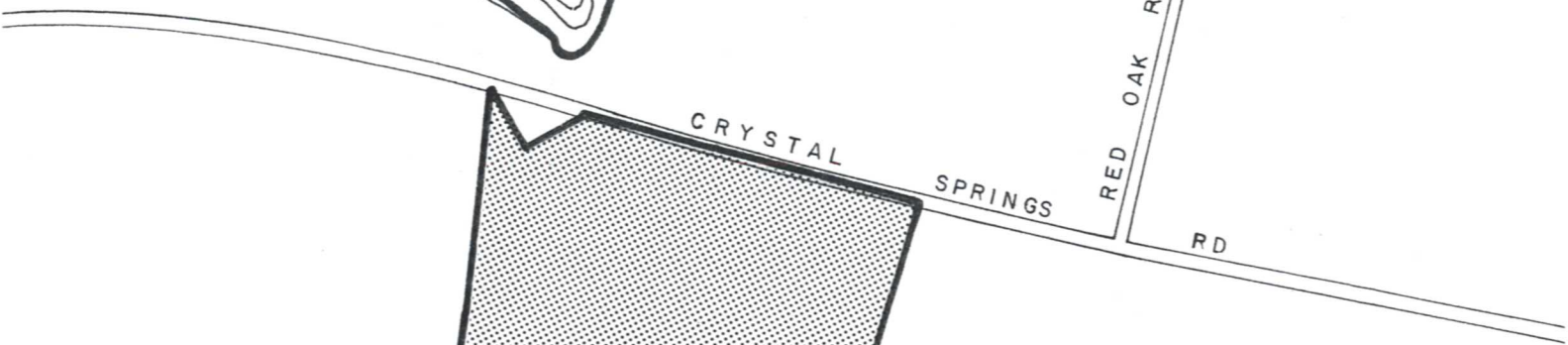
GOVERNING BOARD

PIN: 0415-25-0289  
PIN: 0415-24-3716

AF



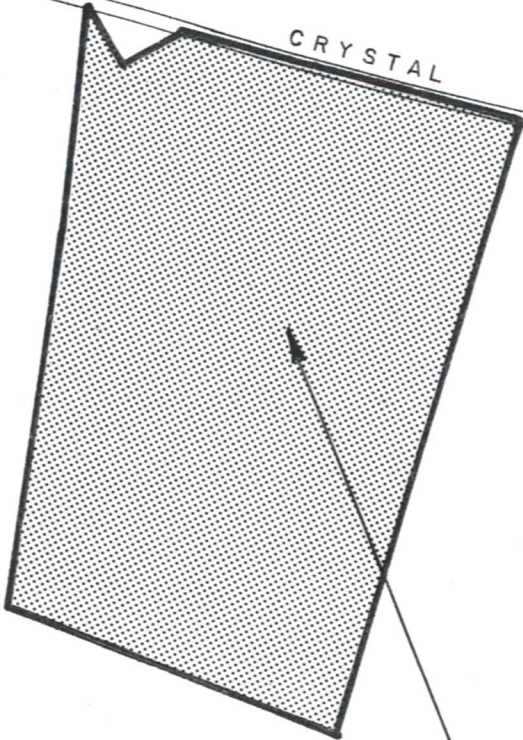
CRYSTAL SPRINGS LAKE



CRYSTAL SPRINGS

RED OAK RD

RD



REQUESTED REZONING  
FROM RIO TO MI  
ACRES 23.7

COUNTY ORD

HEARING NO.

P 76 -53

HEARING DATE

ACTION

PLANNING BOARD

4 - 20 - 76

DEN

GOVERNING BOARD

6 - 1 - 76

APP - 1 AC. MI  
& RR.



400 0 400 800

SCALE 1" = 400

June 1, 1976

June 1, 1976

The Board of County Commissioners met at 7:30 PM in Superior Courtroom No. 1 on June 1, 1976 for a rezoning hearing.

PRESENT: Luther Packer, Chairman  
Tom Bradford, Vice-Chairman  
E. J. Edge, Jr.  
Billy D. Horne  
W. E. Tyson

Chairman Packer called the meeting to order and called on Commissioner Horne to lead those present in prayer.

#### REZONING

G. Case No. P76-53. The Rezoning From R10 Residential District to M-1 Light Industrial District or to a more Restrictive Zoning Classification an Area Located on Crystal Springs Road Between Camden Road and John Smith Road.

This tract of land is approximately 27.3 acres of land located along Crystal Springs Road. Present zoning is R-10. There is a single family house and trailer on the property at the present time.

The Planning Board recommended denial of the request for the following reasons: (1) That the Land Development Plan provides for low density residential development in the area. (2) That the uses permitted in M-1 Light Industrial District are not compatible with the uses permitted in the surrounding R10 Residential District. (3) That the area does not presently have the public services and access necessary to support a major light manufacturing district.

Mr. Arnold Pace appeared before the Board to discuss the rezoning request. He said he would like to build a cabinet shop on the property and he could not build the shop Raeford Road. He said he would need approximately 1 acre for the shop. He said the site is next to a horse ranch.

There is a trailer on the land in nonconforming use and the land is in Rural Residential. No one else spoke for or against the request.

Commissioner Horne offered a motion to honor the request for 1 acre to be rezoned M-1 Light Industrial District and the rest of the land be zoned Rural Residential. The motion was seconded by Commissioner Bradford and unanimously adopted.



**CASE: P76-53**



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## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

October 13, 2009

#### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for October 20, 2009 Board Meeting

**P09-47:** REZONING OF .49+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7010 STONEY POINT ROAD; SUBMITTED BY HCC INVESTMENTS, LLC. AND JEAN OCKERT (BY POA), OWNED BY JEAN OCKERT, JEAN T. OCKERT, MICHAEL OCKERT AND MELANIE MOOG.

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Commercial district based on the following:

1. The request is consistent with the location criteria for planned commercial as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential uses at this location; and
3. The subject property is located on a major thoroughfare.

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

#### Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P09-47**  
**SITE PROFILE**

**P09-47:** REZONING OF .49+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 7010 STONEY POINT ROAD; SUBMITTED BY HCC INVESTMENTS, LLC. AND JEAN OCKERT (BY POA), OWNED BY JEAN OCKERT, JEAN T. OCKERT, MICHAEL OCKERT AND MELANIE MOOG.

**Site Information:**

**Frontage & Location:** 180.00'+/- on Stoney Point Road

**Depth:** 220.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** No (applicant/developer owns adjacent properties)

**Current Use:** Residential

**Initial Zoning:** R10 – February 6, 1976 (Area 5)

**Nonconformities:** If approved, existing residential structure will be made nonconforming (proposed to be removed)

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R10 (Fayetteville); South: RR & R10; East: MXD/CUD, RR & R10 (Fayetteville); West: C2(P), RR & R10

**Surrounding Land Use:** Residential (including manufactured dwellings), school (2), public recreation center, substation and woodlands

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** No

**Water/Sewer Availability:** PWC/ PWC

**Soil Limitations:** Yes, hydric – WO Woodington loamy sand

**School Capacity/Enrolled:** Stoney Point Elementary: 900/963; John Griffin Middle: 1340/1294; Jack Britt High: 1870/1861

**Subdivision/Site Plan:** If approved, site plan review required; setback limitations if not recombined with adjacent properties.

**Municipal Influence Area:** Town of Hope Mills

**Average Daily Traffic Count (2006):** 9,300 on Stoney Point Road (SR 1112)

**Highway Plan:** Stoney Point Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for widening to a multi-lane facility (4 lane-divided). Road Improvements are not included in the 2009-2015 MTIP. This is a Priority Two Project under the LRTP

**Note:**

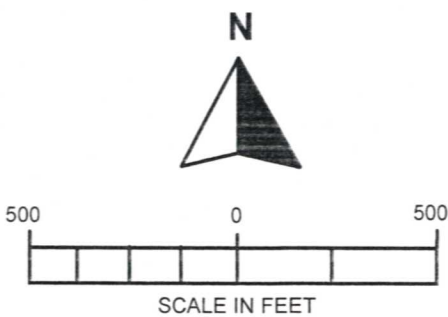
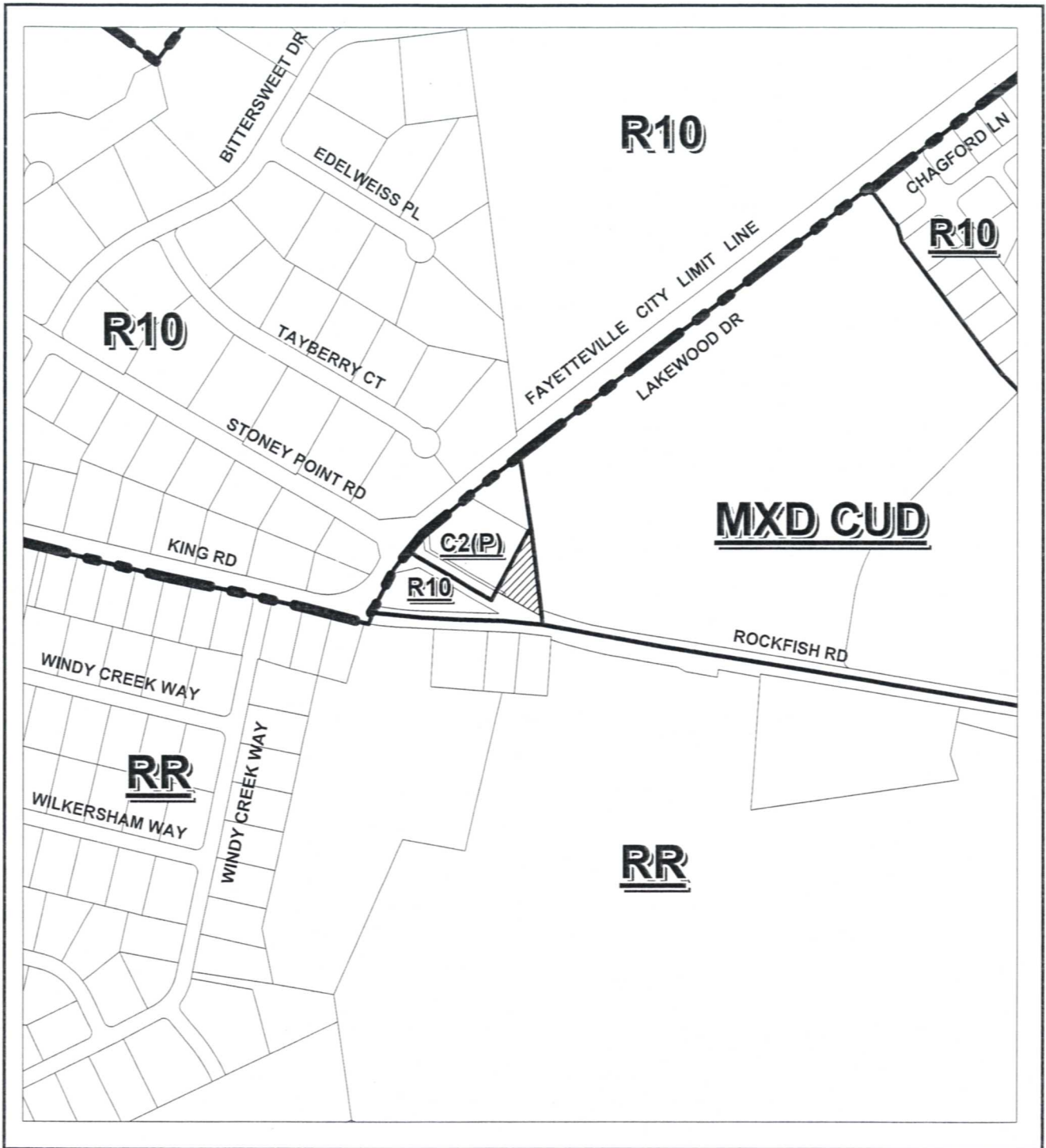
C2(P) Minimum Yard Setback Regulations:

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

**First Class and Record Owners' Mailed Notice Certification**

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





## REQUESTED REZONING: R10 TO C2(P)

ACREAGE: 0.49 AC.+/-	HEARING NO: P09-47	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

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### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for October 20, 2009 Board Meeting

**P09-48:** REZONING OF 2.11 +/- ACRES FROM R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN NORTH FIFTH AND NORTH SIXTH STREETS AND ON THE SOUTH SIDE OF PARKER STREET, SUBMITTED AND OWNED BY VIVEK TANDON. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the C(P) Planned Commercial district based on the following:

1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for medium density residential at this location, the request is consistent with the location criteria for light commercial as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. Due to the right-of-way projects planned for this area, this request is reasonable; and
3. Public water and sewer is available to the subject property.

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

#### Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P09-48**  
**SITE PROFILE**

**P09-48:** REZONING OF 2.11 +/- ACRES FROM R6 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN NORTH FIFTH AND NORTH SIXTH STREETS AND ON THE SOUTH SIDE OF PARKER STREET, SUBMITTED AND OWNED BY VIVEK TANDON. (SPRING LAKE)

**Site Information:**

**Frontage:** 260.00'+/- on n Fifth St, 240.00'+/- on n Sixth St & 400.00'+/- on Parker St

**Depth:** 400.00'+/-

**Jurisdiction:** Spring Lake

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** R6 – January 10, 1972 (Spring Lake)

**Nonconformities:** Yes, existing residential structure does not meet R6 side yard setbacks; If approved, residential use made nonconforming and increased nonconformity for setbacks

**Zoning Violation(s):** None

**Surrounding Zoning:** North: R6A/CU (family resource center), M2, C3, C(P), C1, O&I, R10, R6 (Spring Lake), R6A & R5A; South: M2, C3, CB, O&I, R10, R6 & R5A; East: R10, R6 & R5A; West: C(P)

**Surrounding Land Use:** Retailing or servicing (4), pawn shop, dry cleaning, children's day care center, barbering and hairdressing services, eating or drinking facility, residential (including manufactured dwellings & multi-family), public utility works, substation, school and religious worship

**Spring Lake Area Detailed Land Use Plan:** Medium density residential

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** No

**Water/Sewer Availability:** Spring Lake/Spring Lake

**Soil Limitations:** None

**School Capacity/Enrolled:** Lillian Black Elementary: 265/172; Spring Lake Middle: 700/430; Pine Forest High: 1,750/1,510

**Subdivision/Site Plan:** If approved, site plan approval required, possible recombination plat required

**Average Daily Traffic Count (2006):** 24,000 Lillington Highway (NC HWY 210)

**Recreation Area:** Spring Lake Recreation Center located 1.1 miles away

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

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

**Highway Plan:** NC HWY 210 (Lillington Highway) is identified in the Highway Plan as a major thoroughfare. This proposal call for widening improvements (U-4444). Road improvements are included in the 2009-2015 MTIP; proposed development will require dedication of right-of-way between 50-100 feet

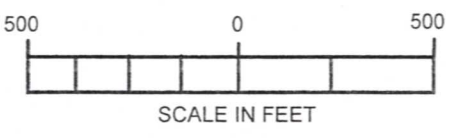
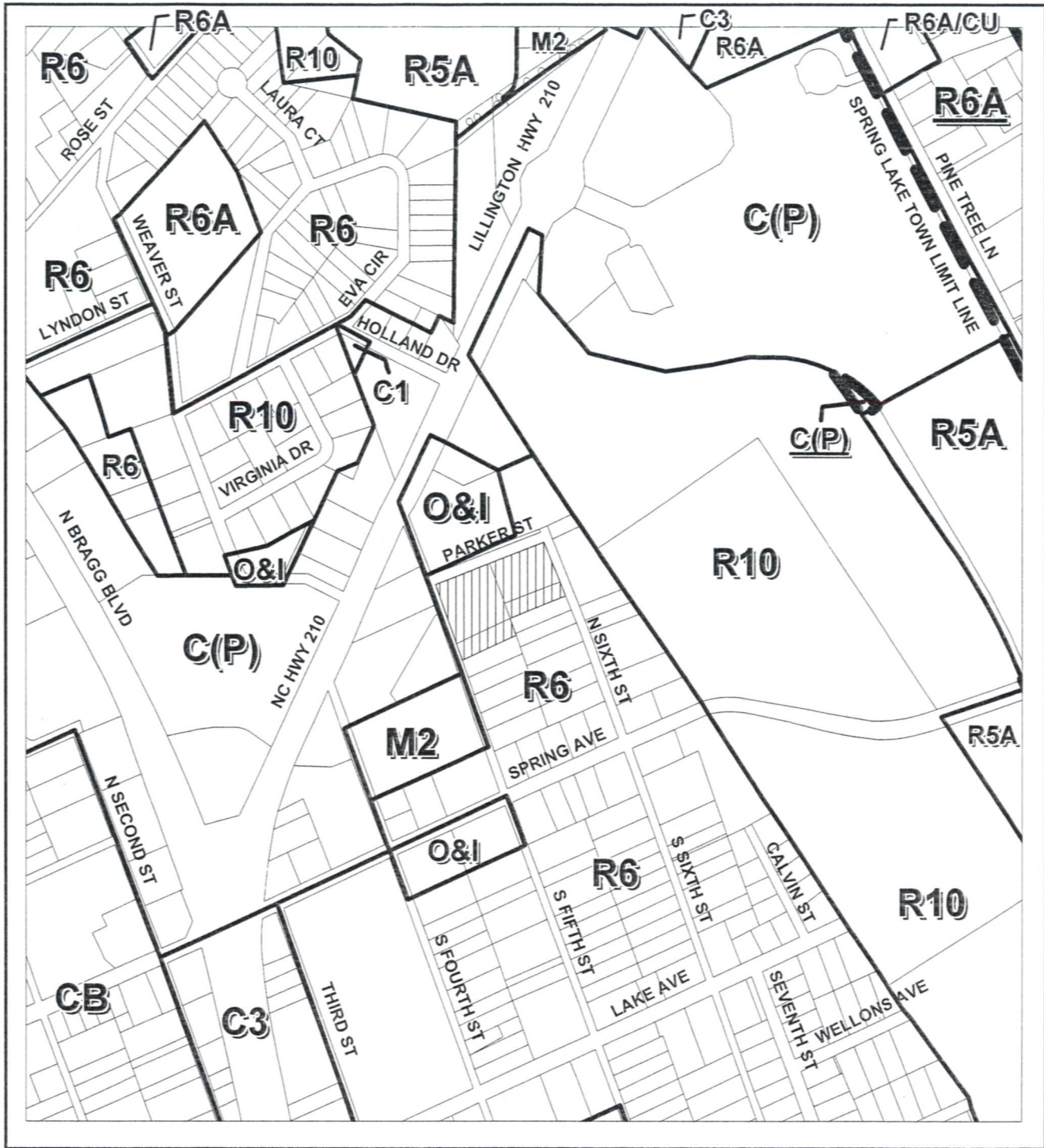
**Note:**

C(P) Minimum Yard Setback Regulations:

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

**First Class and Record Owners' Mailed Notice Certification**

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



## REQUESTED REZONING: R6 TO C(P)

<b>ACREAGE: 2.11 AC.+/-</b>	<b>HEARING NO: P09-48</b>	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0501-97-1108, 1039  
 0501-87-9039  
 0501-86-9976