

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

TENTATIVE AGENDA

January 17, 2017

7:00 P.M.

- 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. APPROVAL OF THE MINUTES OF DECEMBER 20, 2016
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. P17-04. REZONING OF 2.80+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE SOUTHWEST QUADRANT OF THE NC HWY 295 MURCHISON ROAD OFF-RAMP AND NC HWY 210 (MURCHISON ROAD), NORTH OF BERNADINE STREET; SUBMITTED BY LATEON STILL (OWNER) AND LORI EPLER & RALPH HUFF (AGENTS).
- B. P17-05. REZONING OF 74.46+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1237 JOE HALL ROAD, SUBMITTED BY DICK MCINNIS INDIVIDUALLY AND ON BEHALF OF ANN MCINNIS AND JOSIE PARNELL (OWNERS) AND TIM EVANS (AGENT).
- C. P17-06. REZONING OF 43.23+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1440 CANADY POND ROAD, SUBMITTED BY CHARLES T. GARDNER (OWNER).

VIII. PUBLIC HEARING CONTESTED ITEMS

IX. DISCUSSION

DIRECTOR'S UPDATE

- MUNICIPAL INFLUENCE AREA

X. ADJOURNMENT

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

January 10, 2017

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 17, 2017 Board Meeting

P17-04. REZONING OF 2.80+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE SOUTHWEST QUADRANT OF THE NC HWY 295 MURCHISON ROAD OFF-RAMP AND NC HWY 210 (MURCHISON ROAD), NORTH OF BERNADINE STREET; SUBMITTED BY LATEON STILL (OWNER) AND LORI EPLER & RALPH HUFF (AGENTS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" development at this location. The request is also generally consistent with the Shaw Heights Land Use Plan, which calls for "commercial and open space" development.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water required, PWC water is available; should have minimum direct access to a collector street, NC HWY 210 is a principal arterial street; may be co-located with light industrial/manufacturing uses and must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping*, subject property is located on 2.80+/- acres.

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-04 for C(P) Planned Commercial based on the following:

1. The district requested will allow for land uses and lot sizes that exist in the general area; and
2. If approved, the property owner will be afforded an opportunity to re-develop and improve the subject properties.

The C1(P) Planned Local Business district could also be considered suitable at this location. The staff's preference would be that any potential development be served by public sewer; however, public sewer is not yet available at this location. The staff also stipulates that the entire Shaw Heights area should be annexed into the City of Fayetteville so that public sewer, as well as other services, could be extended to its citizens.

Attachments: 1 – Site Profile
2 – Sketch Map

P17-04
SITE PROFILE

P17-04. REZONING OF 2.80+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE SOUTHWEST QUADRANT OF THE NC HWY 295 MURCHISON ROAD OFF-RAMP AND NC HWY 210 (MURCHISON ROAD), NORTH OF BERNADINE STREET; SUBMITTED BY LATEON STILL (OWNER) AND LORI EPLER & RALPH HUFF (AGENTS).

Site Information:

Frontage & Location: 190'+/- on NC HWY 210 (Murchison Rd) & 200' on SR 1445 (Bernadine St)

Depth: 610'+/-

Jurisdiction: County

Adjacent Property: No

Current Use: Residential & vacant

Initial Zoning: R6A – September 17, 1973 (Area 2A)

Nonconformities: Most existing structures do not meet setbacks

Zoning Violation(s): None

Surrounding Zoning: North: M(P) & R6A; South: C(P), C(P)/CUD (all uses w/ sewer extension),

C(P)/CUD (various uses w/ exclusions) C3, R6A & R6A/CU (used auto sales); East: M1(P); West: R6A

Surrounding Land Use: Residential (including manufactured homes and multi-family), motor vehicle repair (2), trade contracting (2)

2030 Growth Vision Plan: Urban

Shaw Heights Land Use Plan: Commercial & open space

School Capacity/Enrolled: Warrenwood Elementary: 450/424; Spring Lake Middle: 700/459; Pine Forest High: 1750/1557

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Sewer Service Area: Yes

Watershed Review Officer: Property is in the watershed

RLUAC: No objection to rezoning since the request is to change from residential to commercial; however, discourages the developer from proposing any future telecom towers or other elevated structures on the site

US Fish & Wildlife: No objection to rezoning; however, recommends cavity tree search before any habitat is removed since the parcel is within one half mile of two active red-cockaded woodpecker clusters

Municipal Influence Area: Fayetteville

Fayetteville Planning Department: Annexation not required unless sewer is extended

Soil Limitations: None

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

Average Daily Traffic Count (2014): 13,000 on NC HWY 210 (Murchison Rd)

Highway Plan: This portion of Murchison Road has been identified as needing improvement and is TIP number U-4500. As of the current STIP, it is scheduled for right-of-way in 2023 with construction beginning in 2025. However, early indications show this project will be removed from the TIP based upon reprioritization.

Notes:

1. Density (minus 15% for R/W)
R6 & R6A – 24 lots/ 25 units
MHP (R6A only) – 22

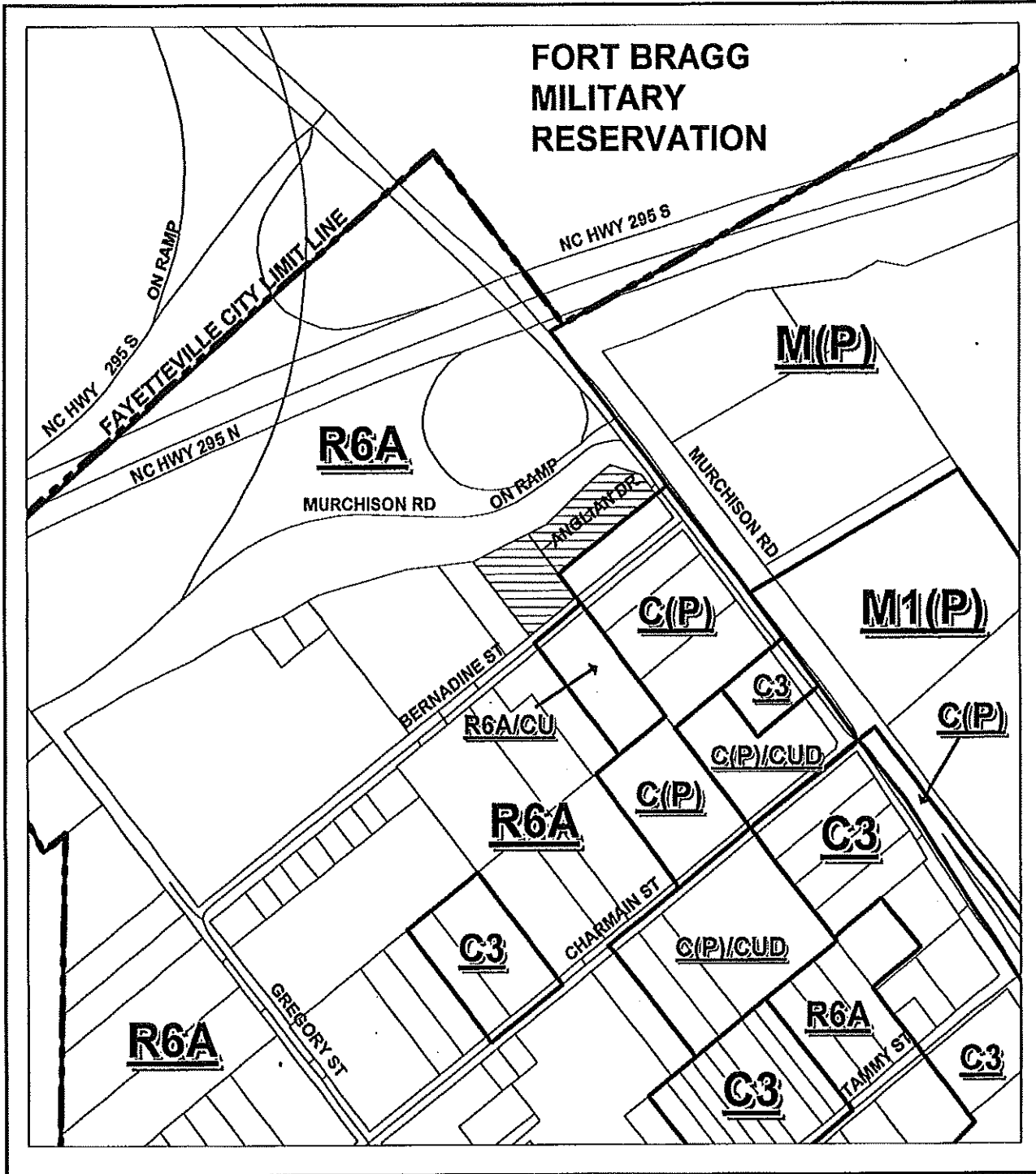
2. Minimum Yard Setbacks:

<u>R6</u>	<u>R6A</u>	<u>C(P)</u>
Front yard: 25'	Front yard: 25'	Front yard: 50'
Side yard: 10'	Side yard: 10'	Side yard: 30'
Rear yard: 30'	Rear yard: 15'	Rear yard: 30'

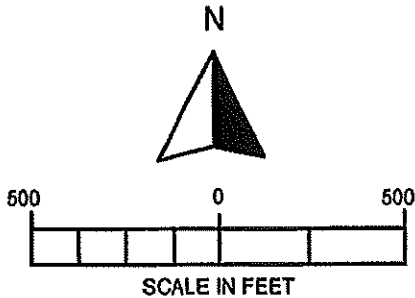
First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.

FORT BRAGG MILITARY RESERVATION



REQUESTED REZONING R6A TO C(P)



ACREAGE: 2.80 AC.+/-	HEARING NO: P17-04	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0419-88-8451
PIN: 0419-98-0681,1534

AM

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

January 10, 2017

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 17, 2017 Board Meeting

P17-05. REZONING OF 74.46+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1237 JOE HALL ROAD, SUBMITTED BY DICK MCINNIS INDIVIDUALLY AND ON BEHALF OF ANN MCINNIS AND JOSIE PARNELL (OWNERS) AND TIM EVANS (AGENT).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "Rural and conservation area" development at this location; however, if the Special Flood Hazard Area (SFHA) were to be zoned CD Conservancy District, the request would become consistent with the plan. Although the requested district is not entirely consistent with the South Central Land Use Plan, which calls for "farmland and open space," the request would be consistent if the SFHA were to be zoned CD.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-05 for A1 Agricultural except that area located within the SFHA should be rezoned to CD Conservancy District based on the following:

- The district requested will allow for land uses and lot sizes that exist in the general area.

No other districts could be considered suitable at this location. The property owner has verbally agreed with the staff recommendation.

Attachments: 1 – Site Profile
2 – Sketch Map

P17-05
SITE PROFILE

P17-05. REZONING OF 74.46+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1237 JOE HALL ROAD, SUBMITTED BY DICK MCINNIS INDIVIDUALLY AND ON BEHALF OF ANN MCINNIS AND JOSIE PARNELL (OWNERS) AND TIM EVANS (AGENT).

Site Information:

Frontage & Location: 1,550'+/- on SR 2248 (Sim Canady Rd) & 1,880'+/- on SR 2246 (Joe Hall Rd)

Depth: 2170'+/-

Jurisdiction: County

Adjacent Property: No

Current Use: Farmland and woodland

Initial Zoning: A1 & CD – June 25, 1980 (Area 13)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: A1, CD, R40/CU (83 lot equestrian development) & RR; South: A1 & R40A; East: A1; West: A1 & CD

Surrounding Land Use: Residential (including manufactured homes), woodland & farmland

2030 Growth Vision Plan: Rural & conservation area

South Central Land Use Plan: Farmland & open space

School Capacity/Enrolled: Gray's Creek Elementary: 495/440; Gray's Creek Middle: 1100/1076; Gray's Creek High: 1270/1440

Special Flood Hazard Area (SFHA): Yes

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – JT Johnston loam and hydric inclusion – Ly Lynchburg sandy loam

Subdivision/Site Plan: Case No. 16-123: Conditional approval of 9 lots

Average Daily Traffic Count (2014): 210 on SR 2248 (Sim Canady Road) & SR 2246 (Joe Hall Road)

Highway Plan: Joe Hall Road is a local road with no construction/improvements planned for this area. The subject property will have no impact on the Highway Plan or the Transportation Improvement Program

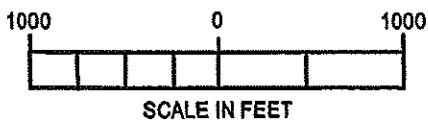
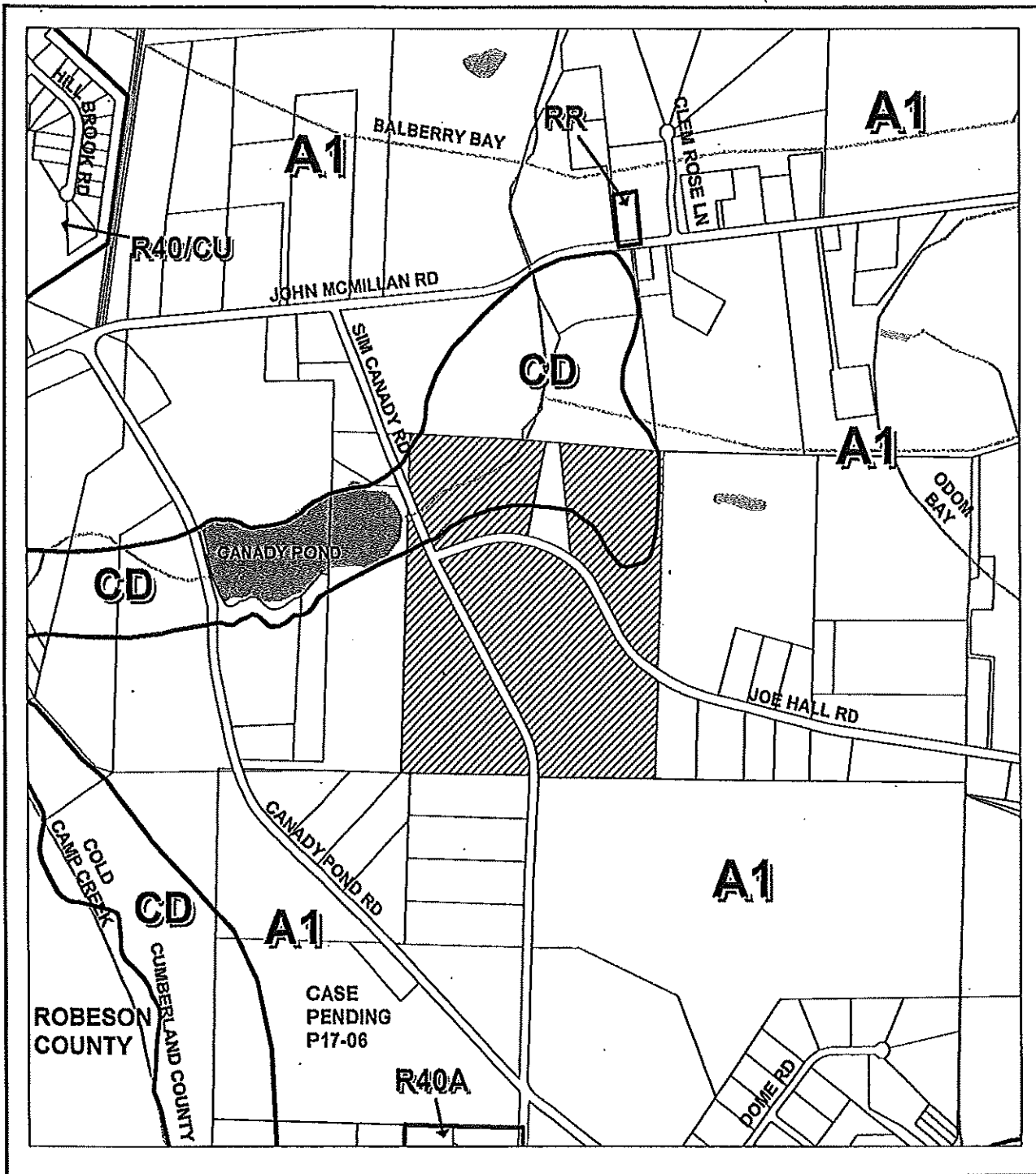
Notes:

1. Density (minus 15% for r/w)
A1 – 31 lots/ 32 units

2. Minimum Yard Setbacks:
A1
Front yard: 50'
Side yard: 20'
Rear yard: 50'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



REQUESTED REZONING A1 & CD TO A1

ACREAGE: 74.46 AC.+/-		HEARING NO: P17-05	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0421-46-3575

AM

Charles Morris,
Chair
Town of Linden

Diane Wheatly,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

January 10, 2017

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 17, 2017 Board Meeting

P17-06. REZONING OF 43.23+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1440 CANADY POND ROAD, SUBMITTED BY CHARLES T. GARDNER (OWNER).

1st MOTION

The district requested is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural and conservation area" at this location; however, the R40 Residential and CD Conservancy districts would be. The request for A1 Agricultural to R30 Residential is not consistent with the South Central Land Use Plan which calls for "farmland and open area," restricting development to approximately one acre lots where soil conditions are suitable for septic systems and protect the SFHA.

The staff recommends the board further find the R30 Residential district is not reasonable and in the public interest because the district requested for the subject property does not meet the location criteria of the adopted Land Use Policies Plan, in that public water is not available. The R40 Residential district meets or exceeds the location criteria in that: *individual well and septic systems allowed; could be located in any defined critical area as defined by the Fort Bragg Small Area Study; desirable to be limited to one unit per acre in areas with hydric and severe septic tank limitations soils, desirable to not be located in an area that is a prime industrial site; may be outside the Sewer Service Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends denial of Case No. P17-06 for R30 Residential district but approval of the R40 Residential and CD Conservancy for the SFHA based on the following :

- The district requested will allow for land uses and lot sizes that exist in the general area.

No other districts could be considered suitable at this location. The applicant has verbally agreed with the staff recommendation.

Attachments: 1 – Site Profile
2 – Sketch Map

P17-06
SITE PROFILE

P17-06. REZONING OF 43.23+/- ACRES FROM A1 AGRICULTURAL & CD CONSERVANCY DISTRICT TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1440 CANADY POND ROAD, SUBMITTED BY CHARLES T. GARDNER (OWNER).

Site Information:

Frontage & Location: 960'+/- on SR 2249 (Canady Pond Rd) & 220' +/- on SR 2248 (Sim Canady Rd)

Depth: 2033'+/-

Jurisdiction: County

Adjacent Property: No

Current Use: Forestry & farmland

Initial Zoning: A1 & CD – June 25, 1980 (Area 13)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: A1 & CD; South: A1, A1A, CD, R40A ; East: A1 & A1A; West: CD

Surrounding Land Use: Residential (including manufactured homes), woodland & farmland

2030 Growth Vision Plan: Rural & conservation area

South Central Land Use Plan: Farmland & open area

School Capacity/Enrolled: Gray's Creek Elementary: 495/440; Gray's Creek Middle: 1100/1085; Gray's Creek High: 1270/1440

Special Flood Hazard Area (SFHA): Yes

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – JT Johnston loam

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

Average Daily Traffic Count (2014): 830 on SR 2249 (Canady Pond Road)

Highway Plan: Canady Pond Road is a local road with no construction/improvements planned for this area. The subject property will have no impact on the Highway Plan or the Transportation Improvement Plan

Notes:

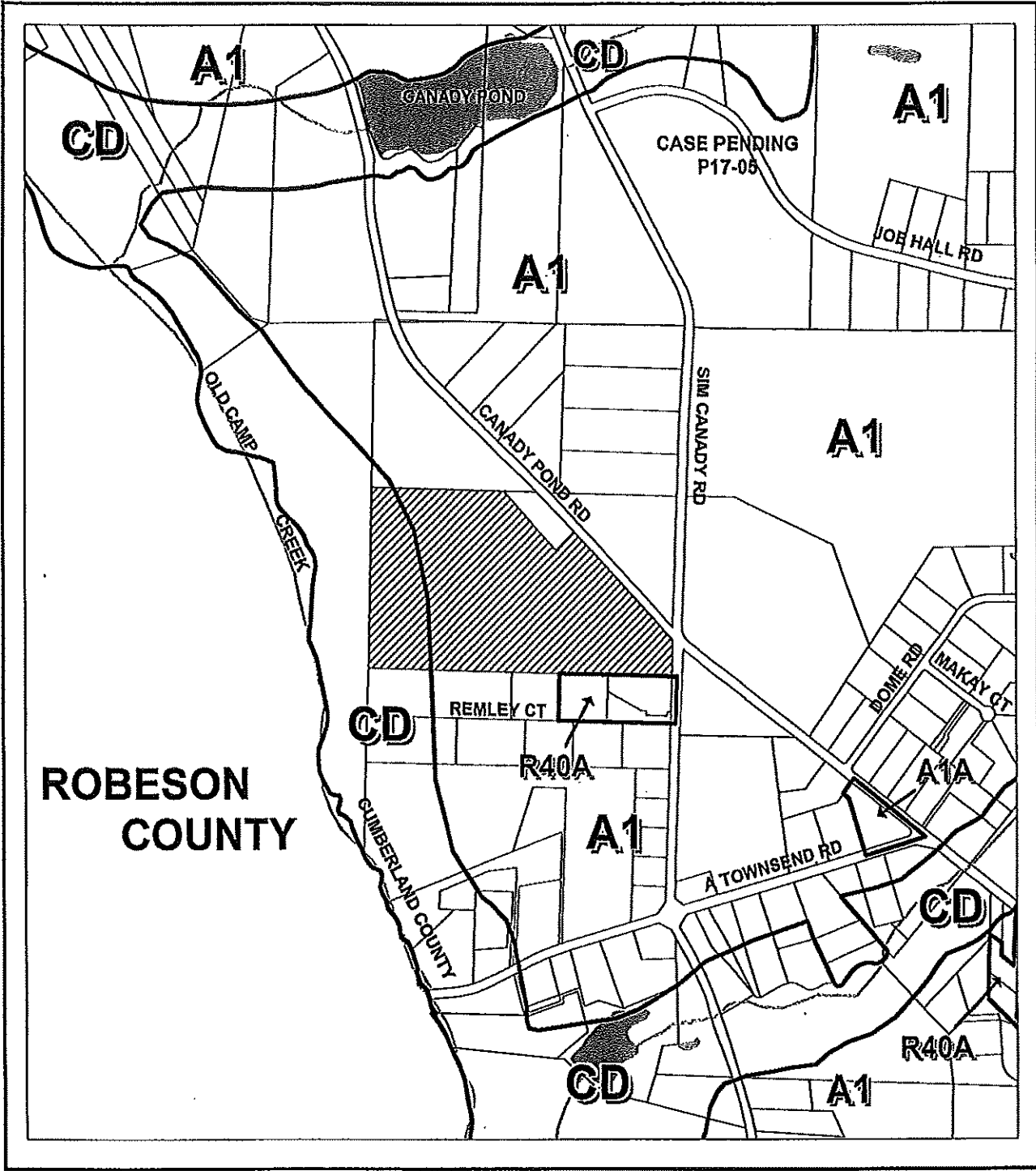
1. Density (minus 15% for R/W)
A1 – 18 lots/units
A1A – 36 lots/ 37 units
R40 & R40A – 40 lots/units
R30 – 53 lots/units

2. Minimum Yard Setbacks:

<u>A1& A1A</u>	<u>R40, R40A & R30</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

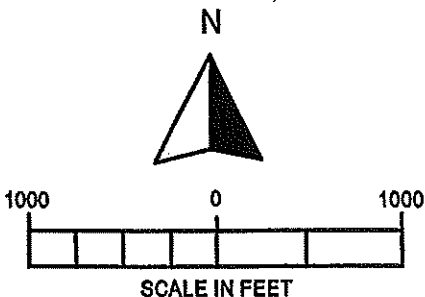
First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



**ROBESON
COUNTY**

**REQUESTED REZONING
A1 & CD TO R30**



PIN: 0421-32-4997

ACREAGE: 43.23 AC+/-		HEARING NO: P17-06	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			