

Diane Wheatley,  
Chair  
Cumberland County

Carl Manning,  
Vice-Chair  
Cumberland County

Jami McLaughlin,  
Town of Spring Lake

Jordan Stewart,  
Town of Stedman

Mark Williams,  
Wade, Falcon & Godwin

Thomas Lloyd,  
Town of Linden



**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

*Planning & Inspections Department*

Rawls Howard,  
Director

Vacant,  
Deputy Director

Vikki Andrews,  
Lori Epler,  
Cumberland County

Stan Crumpler,  
Town of Eastover

Patricia Hall,  
Town of Hope Mills

**TENTATIVE AGENDA**

December 17, 2019

6:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE – STAN CRUMPLER
- II. SWEARING IN OF NEW BOARD MEMBER – MARK WILLIAMS
- III. APPROVAL OF/ADJUSTMENTS TO AGENDA
- IV. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- V. ABSTENTIONS BY BOARD MEMBERS
- VI. APPROVAL OF THE MINUTES OF NOVEMBER 19, 2019
- VII. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VIII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P19-49.** REVISION AND AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE AMENDING ARTICLE XI. BOARD OF ADJUSTMENT, SECTION 11.1 ESTABLISHMENT OF BOARD OF ADJUSTMENT AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (STEDMAN)

REZONING CASE

- B. **P19-47.** REZONING OF 0.46+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5034 US HWY 301 SOUTH, SUBMITTED BY ELLA H. MCARTHUR (OWNER) & KRISTIN BARFIELD (AGENT).

IX. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- C. **P19-43.** REZONING OF 2.25+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2130 MONTANA ROAD, SUBMITTED BY VANCE U. TYSON JR. (OWNER) & ANNIE MAE EFIRD (AGENT).

X. PUBLIC HEARING ITEM

D. STEDMAN AREA LAND USE PLAN

XI. DISCUSSION

DIRECTOR'S UPDATE

XII. ADJOURNMENT

PLANNING STAFF REPORT  
**REZONING CASE # P19-49**  
Planning Board Hearing: December 17, 2019

#### EXPLANATION OF THE REQUEST

This is a request to amend the Stedman Zoning Ordinance to change the membership of the Stedman Board of Adjustment from citizens to the elected Board of Commissioners. This text amendment was requested by the town in response to being unable to secure a full Board of Adjustment to hear future cases.

#### STAFF RECOMMENDATION

In Case P19-49, the Planning and Inspections staff **recommends approval** of the text amendment to the Stedman Zoning Ordinance and find this text amendment consistent with the adopted 2030 Growth Vision Plan (2009) goal of local government boards and commissions comprising of membership representative of their constituents and further finds approval of this amendment is reasonable and in the public interest because it will allow Board of Adjustment cases within Stedman's jurisdiction to be efficiently processed with full board membership.

This proposed text amendment would not cause any changes to the Stedman Land Use Plan map.

Attachments:  
P19-49 Stedman Text Amendment

**P19-49.** REVISION AND AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE AMENDING ARTICLE XI. BOARD OF ADJUSTMENT, SECTION 11.1 ESTABLISHMENT OF BOARD OF ADJUSTMENT; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE (STEDMAN)

## **ARTICLE XI. BOARD OF ADJUSTMENT**

### **SECTION 11.1 ESTABLISHMENT OF BOARD OF ADJUSTMENT**

The Stedman Town Board of Commissioners, pursuant to G.S. Chapter 160A, Section 160-388 does hereby establish a Board of Adjustment. Such Board shall consist of at least five members and will be the elected officials of the Stedman Board of Commissioners. The Board will appoint two alternate members; one being the Mayor and the second being selected from citizens of the town. Alternate members will serve a two year term. ~~Such Board shall consist of at least (5) members appointed by the Stedman Board of Commissioners. The appointments shall be for staggered terms with one (1) original appointment for a three (3) year term, two (2) appointments for two (2) year terms and the remainder appointed for one (1) year terms. Subsequent or new reappointments shall be for three (3) year terms; all appointments to fill vacancies shall be for the unexpired term. The Stedman Board of Commissioners shall also appoint two (2) alternate members at large to serve on the Board in the absence of any regular member. Alternate members shall be appointed in the same manner as regular members and at the regular times for appointment.~~ Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all the powers and duties of any regular member absent from the meeting.

PLANNING STAFF REPORT  
**REZONING CASE # P19-47**  
Planning Board Hearing: December 17, 2019

**EXPLANATION OF THE REQUEST**

This is a request to rezone one parcel located on the west side of US Hwy 301 South, from R6A Residential to C(P) Planned Commercial. This is a conventional rezoning and no conditions are proposed at this time.

**OWNER/APPLICANT**

**OWNER/APPLICANT:** Ella H. McArthur (owner) & Kristin Barfield (agent)

**PROPERTY INFORMATION**

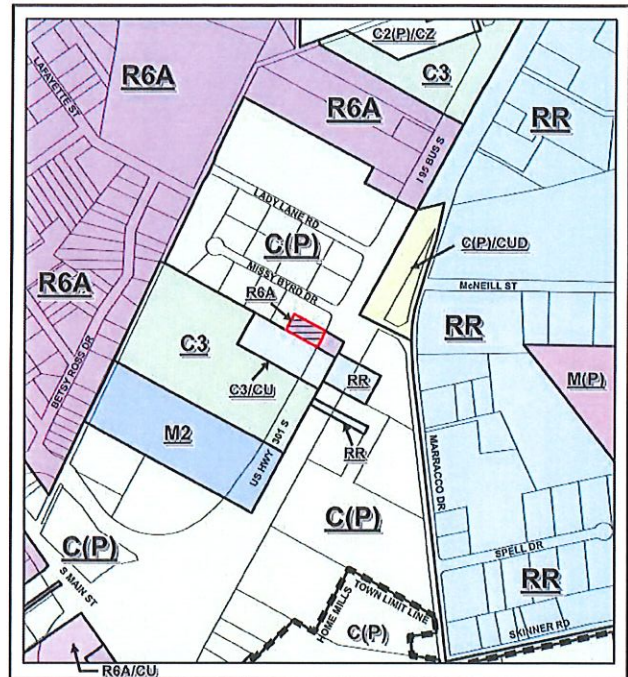
**ADDRESS/LOCATION:** 5034 US Hwy 301 S; more specifically PIN 0423-16-5984

**SIZE:** This request includes one parcel totaling approximately 0.46 acres. The property has approximately 103' of street frontage along US Hwy 301 S and is 200'+/- in depth.

**EXISTING LAND USE:** The subject property is currently developed with a single family dwelling unit and accessory structure.

**OTHER SITE CHARACTERISTICS:** The property is not within the watershed or Special Flood Hazard Area. There are no soil limitations to development on this site.

**MUNICIPAL INFLUENCE AREA:** This property is in Hope Mills MIA. The town has no objection to the request.

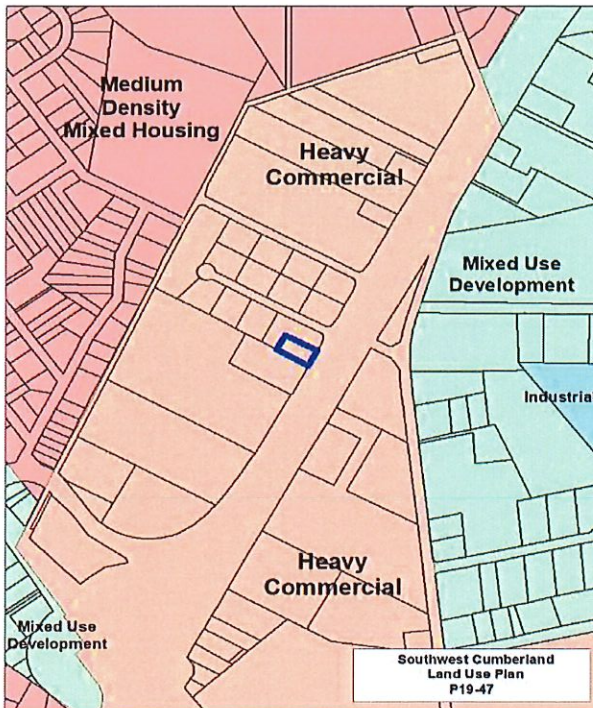


**SURROUNDING LAND USE:**

While there is a residential home adjacent to the parcel, it is heavily surrounded by non-residential uses including a religious worship facility, several construction-related businesses and mini-warehousing.

**DEVELOPMENT REVIEW:**

A site plan will be required for future non-residential development.



**ZONING HISTORY:** This property was initially zoned R6A as part of the Area 7 initial zoning on February 3, 1977.

**UTILITIES:** Future development will be served by PWC water and a septic tank for sewage. There is no public sewer line available to this property.

**MINIMUM YARD SETBACKS:** If approved, this parcel would be subject to C(P) setbacks: Front yard: 50 foot, Side yard: 30 foot, Rear yard: 30 foot.

**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this parcel for "Urban Fringe". These areas are expected to show an increase in urban development. The Southwest Cumberland Land Use Plan (2013) designates this parcel for "Heavy Commercial". This designation provides for the shopping needs of the immediate community and traveling public. Strip commercial areas are also recommended along US Hwy 301 South. **Request is compliant with plan.**

#### IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**TRAFFIC:** US Hwy 301 South is identified as an expressway needing improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2016) on I95 Bus/US 301 is 14,000.

**SCHOOLS CAP/ENROLL:** Gallberry Farm Elementary: 860/978; Grays Creek Middle: 1200/1149; Grays Creek High: 1470/1466

**ECONOMIC DEVELOPMENT:** Fayetteville Cumberland County Economic Development Corporation has reviewed the request and has no comment at this time.

**EMERGENCY SERVICES:** This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshall stated that future development should ensure all fire department access requirements are met.

#### STAFF RECOMMENDATION

In Case P19-47, the Planning and Inspections staff **recommends approval** of the rezoning from R6A Residential to C(P) Planned Commercial and find this request consistent with the adopted Southwest Cumberland Land Use Plan (2013) which calls for "Heavy Commercial" at this location, C(P) Planned Commercial is listed as an associated district with this designation, and further finds that approval of the request is reasonable and in the public interest because the requested district is in harmony with surrounding existing land uses and zoning districts.

Attachments:  
 Zoning Application  
 Notification Mailing List

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

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

1. Requested Rezoning from R4A to C(P)
2. Address of Property to be Rezoned: 5034 S US Hwy 301 Hope Mills, NC 2834
3. Location of Property: along access road of US 301 just south of Missy Byrd Ln.
4. Parcel Identification Number (PIN #) of subject property: 0423-16-5984-  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: .46 Frontage: 100ft. Depth: 200ft.
6. Water Provider: Well:  PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank  PWC \_\_\_\_\_
8. Deed Book 6782, Page(s) 0657, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential owner occupied home
10. Proposed use(s) of the property: any commercial use that a future buyer may want
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No  If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

*The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.*

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ Ella H. McArthur  
NAME OF OWNER(S) (PRINT OR TYPE)

5034 S US Hwy 301 Hope Mills, NC 28348  
ADDRESS OF OWNER(S)

HOME TELEPHONE # \_\_\_\_\_  
WORK TELEPHONE # 910-489-6799  
cell

✓ Kristin Barfield  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

639 Executive Pl. St. 100 Fayetteville, NC 28305  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

raisingthebarNC@gmail.com  
E-MAIL

HOME TELEPHONE # \_\_\_\_\_  
WORK TELEPHONE # 910-728-5589  
cell

Ella H. McArthur  
SIGNATURE OF OWNER(S)

Kristin Barfield  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."



GOINS, EVA B LIFE ESTATE  
5052 S US 301 HWY  
HOPE MILLS, NC 28348

MCARTHUR, ELLA H LIFE ESTATE  
5034 S US 301 HWY  
HOPE MILLS, NC 28348

MOORE, JASON DAN & BETHANY S  
PO BOX 25068  
RALEIGH, NC 27611

R&R MATERIAL & ASSETS LLC  
PO BOX 447  
HOPE MILLS, NC 28348

KRSITIN BARFIELD  
639 EXECUTIVE PL STE 100  
FAYETTEVILLE, NC 28305

ARBUTINA INVESTMENTS FAY LLC  
3411 INTEGRITY DR  
GARNER, NC 27529

AUTRY, LARRY KENNETH TRUSTEE  
PO BOX 368  
HOPE MILLS, NC 28348

BIGGER BROTHERS INC C/O TAX DEPT  
PO BOX 29291  
PHOENIX, AZ 85038

BROADWELL, DOHN B JR & WIFE SHERRI  
B  
PO BOX 53587  
FAYETTEVILLE, NC 28305

DELIVERANCE JESUS IS COMING  
VICTORY CENTER INC  
PO BOX 393  
HOPE MILLS, NC 28348

FTPA STORAGE HWY 301 LLC C/O  
ANDOVER PROPERTIES LLC  
215 E 58TH ST  
NEW YORK, NY 10022

GLEMAKER, DANIEL N  
5755 CRENSHAW DR  
HOPE MILLS, NC 28348

HIGH FAMILY PROPERTIES LLC  
605 LARKFIELD CT  
FAYETTEVILLE, NC 28314

MCDONALD, RANDY G & WIFE DONNA S  
246 MCNEILL ST  
HOPE MILLS, NC 28348

MILLER, JAMES N & WIFE PAMELA S  
5021 MARRACCO DR  
HOPE MILLS, NC 28348

NELSON, MICHAEL N  
4100 GRANDFORD RD  
FAYETTEVILLE, NC 28306

NERD INDUSTRIES LLC  
PO BOX 41035  
FAYETTEVILLE, NC 28309

SINGWELL SOUTH LLC  
2103 ANGELIA M ST  
FAYETTEVILLE, NC 28301

STORE MASTER FUNDING II LLC C/O  
CAMPING WORLD RV SALES LLC  
250 PARKWAY , Unit/Apt 270  
LINCOLNSHIRE, IL 60069

WD INVESTMENTS LLC  
417 FOXWOOD DR  
HOPE MILLS, NC 28348

D19-47 3<sup>rd</sup>

PLANNING STAFF REPORT  
REZONING CASE # P19-43

Planning Board Hearing: December 17, 2019 (deferred from November 19, 2019 meeting)

### EXPLANATION OF THE REQUEST

This is a request to rezone one parcel, located on the south side of Montana Road, from A1 Agricultural to R40A Residential. This request will allow the property owner to increase their maximum density from 1 unit/2 acres to 1 unit/acre. This is a conventional rezoning and no conditions are proposed at this time.

### OWNER/APPLICANT

**OWNER/APPLICANT:** Vance U. Tyson Jr. (owner) & Annie Mae Efird (agent)

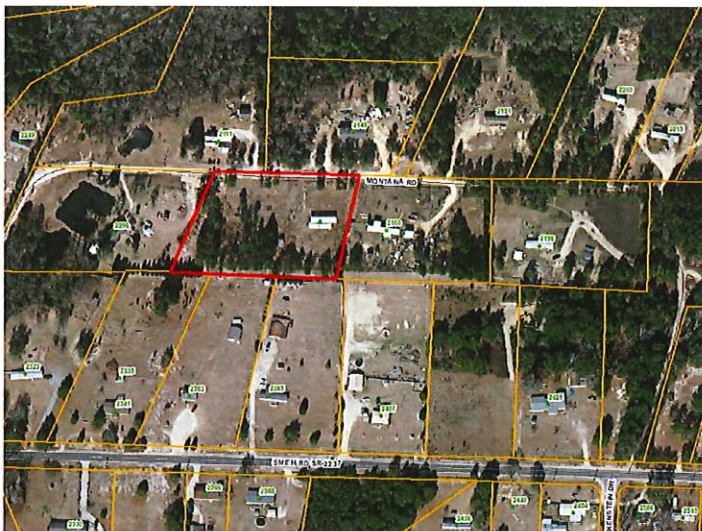
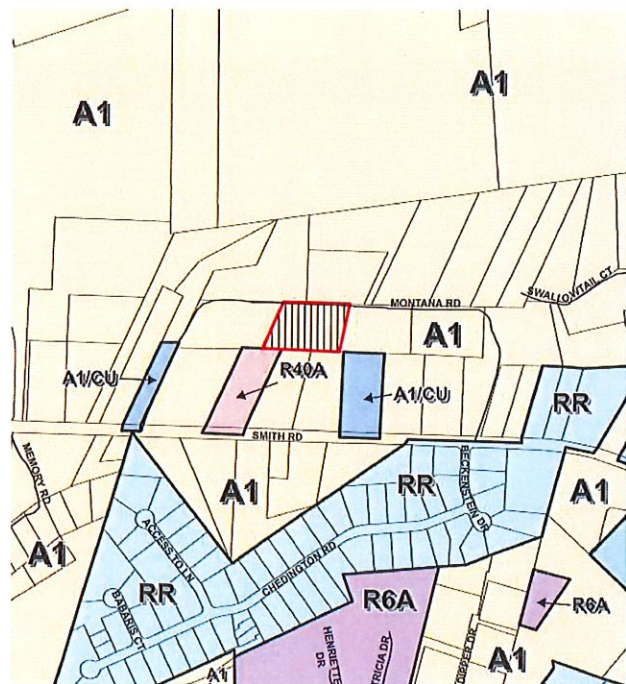
### PROPERTY INFORMATION

**ADDRESS/LOCATION:** 2130 Montana Road; more specifically PIN 0443-32-3754

**SIZE:** The request includes one parcel, totaling an approximately 2.25 acres. This property has approximately 350' of street frontage on Montana Road (Class "C" private street) and is approximately 278' in depth.

**EXISTING LAND USE:** The subject property is currently developed with a manufactured home. The existing dwelling unit is considered nonconforming due to the construction method.

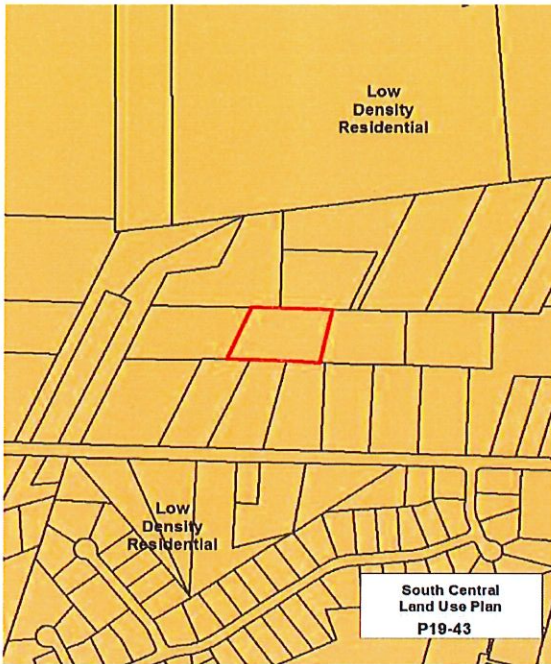
**OTHER SITE CHARACTERISTICS:** The property is not in the watershed or the Special Flood Hazard Area. There are no soil limitations to development on this site.



### SURROUNDING LAND USE:

There are residential uses surrounding the entirety of the subject property, including manufactured homes.

**DEVELOPMENT REVIEW:** A group development review is required for second dwelling unit.



**ZONING HISTORY:** This property was initially zoned A1 as part of the Area 13 initial zoning on June 25, 1980. A rezoning request to R40A Residential was denied by the County Board of Commissioners on October 15, 2018 (Case P18-29).

**UTILITIES:** This site is currently served by private well and septic system. No public water/sewer is available.

**MINIMUM YARD SETBACKS:** If approved, this parcel would be subject to R40A setbacks: Front yard: 30 foot, Side yard: 15 foot, Rear yard: 35 foot.

**COMPREHENSIVE PLANS:** The 2030 Growth Vision Plan designates this parcel as "Urban". The South Central Land Use Plan (2015) designates this parcel as "Low Density Residential". "Low Density Residential" allows for residential development with a density of 2.2 to 6 units/acre and calls for public water/sewer. **Request is not compliant with plan.**

#### IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**TRAFFIC:** Montana Road is identified as a local road in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. The Average Daily Traffic Count (2016) on SR 2237 (Smith Road) is 760.

**SCHOOLS CAP/ENROLL:** Alderman Road Elementary: 680/702; Grays Creek Middle: 1200/1139; Grays Creek High: 1470/1466

**EMERGENCY SERVICES:** This request has been reviewed by the Cumberland County Fire Marshal's Office. The County Fire Marshall had no comment or any concerns at this time.

#### STAFF RECOMMENDATION

In Case P19-43, the Planning and Inspections staff **recommends approval** of the rezoning from A1 Agricultural to R40A Residential and find:

- a. The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel does not meet the minimum criteria for "low density residential" defined in the Land Use Policies Plan (2009): *public or community water and public sewer required, must have direct access to a public street*;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses, and the maximum number of dwelling units allowed per lot on a Class "C" private street.

Attachments:  
Zoning Application  
Notification Mailing List

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

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

1. Requested Rezoning from AI to R40A
2. Address of Property to be Rezoned: 2130 montana Rd Hope Mills NC 28348  
Lot 10
3. Location of Property: off Smith Rd to Montana Rd
4. Parcel Identification Number (PIN #) of subject property: 0443323254  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 2.25 Frontage: 278 Depth: .350
6. Water Provider: Well:  PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank  PWC \_\_\_\_\_
8. Deed Book 10068, Page(s) 817-827, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residence 1
10. Proposed use(s) of the property: Put mobile on to live in  
2 units
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No  If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

*The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.*

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

✓ VANCE U. TYSON  
NAME OF OWNER(S) (PRINT OR TYPE)

4925 NE Hwy 87 South, Fayetteville, NC 28306  
ADDRESS OF OWNER(S)

910 308 4057 HOME TELEPHONE #      910 433 9010 WORK TELEPHONE #  
cell

✓ Annie Eford  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

2130 Montener rd  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

Anglegaul@aol.com  
E-MAIL

910 224 7781 HOME TELEPHONE #      WORK TELEPHONE #

Vance U. Tyson  
SIGNATURE OF OWNER(S)

Annie Eford  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

DOWNEY, ROBERT EDWARD & WIFE  
KATHLEEN MARIE  
PO BOX 761  
HOPE MILLS, NC 28348

LOWRY, DOUGLAS DEAN  
2385 SMITH RD  
HOPE MILLS, NC 28348

THOMPkins, EMMA D  
2363 SMITH RD  
HOPE MILLS, NC 28348

TYSON, VANCE U JR  
4925 S NC 87 HWY  
FAYETTEVILLE, NC 28306

ANNE MAE EFIRD  
2130 MONTANA RD  
HOPE MILLS, NC 28348

ADAMS, LORRAINE & TELINA S SLOAN  
2259 SMITH RD  
HOPE MILLS, NC 28348

ADKINS, PATRICK D  
2407 SMITH RD  
HOPE MILLS, NC 28348

DAILY, SANDRA H & LESLIE A YOUNG  
7569 DECATUR DR  
FAYETTEVILLE, NC 28303

DANIEL, ROBERT E  
2190 OLA BURNS DR  
FAYETTEVILLE, NC 28306

LAFORET, LAWRENCE J JR & MARY ALICE  
2198 MONTANA RD  
FAYETTEVILLE, NC 28306

TEW, SHIRLEY LOWE HEIRS C/O  
REBEKAH FAIRCLOTH  
2267 DENWOOD ST  
KANNAPOLIS, NC 28083