

Clifton McNeill, Jr., Chair  
Cumberland County

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



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

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

# COUNTY of CUMBERLAND

## *Joint Planning Board*

### TENTATIVE AGENDA

May 18, 2004

I. INVOCATION AND PLEDGE OF ALLEGIANCE

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

III. PUBLIC HEARING DEFERRALS

P04-36: REZONING OF 2.10 ACRES FROM M(P) TO RR OR A MORE RESTRICTIVE ZONING DISTRICT AT 1440 KINGSTOWN COURT, SUBMITTED BY DENVER MCCULLOUGH.

IV. ABSTENTIONS BY BOARD MEMBERS

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF MAY 4, 2004

#### REZONING CASES

A. P04-34: REZONING OF 22.60 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT AT 5233 STEWART ROAD, SUBMITTED BY WILLIAM C. VANN.

B. P04-37: REZONING OF A 12.69-ACRE PORTION OF A 24.93-ACRE TRACT FROM C(P) TO R5 OR A MORE RESTRICTIVE ZONING DISTRICT AT 3429 BLACK AND DECKER ROAD, SUBMITTED BY PASTOR ALLEN COLLINS.

C. P04-39: REZONING OF A 1.95-ACRE PORTION OF A 39.45-ACRE TRACT FROM HS(P) TO A1 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE NORTH SIDE OF WADE-STEDMAN ROAD, EAST OF I-95, OWNED BY RALPH AND MARTHA BOGLE.

VII. PUBLIC HEARING ITEMS

#### REZONING CASES

A. P04-33: REZONING OF 30.90 ACRES FROM A1 TO RR OR A MORE RESTRICTIVE ZONING DISTRICT AT 5869 MURPHY ROAD, SUBMITTED BY THURMAN CARROLL.

B. P04-38: REZONING OF A 186.33-ACRE PORTION OF A 217.67-ACRE TRACT FROM RR TO R10, R5A, O&I AND C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF RAEFORD ROAD, EAST OF THE COUNTY LINE, SUBMITTED BY LARRY KING AND ASSOCIATES.

CONDITIONAL USE OVERLAY CASES

- A. P04-32: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AN AUTOMOTIVE REPAIR SHOP IN AN R40 DISTRICT ON 6.49 ACRES AT 3488 NASH ROAD, OWNED BY DAVID L. AND KELLY A. CRAWFORD.
- B. P04-35: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A PRODUCE MARKET AND RETAIL SALES OF MERCHANDISE IN AN R6A DISTRICT ON 1.0 ACRE AT 415 BUHMANN DRIVE, OWNED BY CHRISTINE B. FARMER.

VIII. DISCUSSION

- A. REPORT ON COMMISSIONERS' MEETING—DR. OLION
- B. UPDATE FROM LAND USE CODES COMMITTEE—MR. GILLIS

IX. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

X. ADJOURNMENT

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

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



# COUNTY of CUMBERLAND

## *Joint Planning Board*

### MINUTES

May 4, 2004

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

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

#### **Members Present**

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

#### **Members Absent**

Mr. John Gillis

#### **Others Present**

Ms. Nancy Roy,  
Ms. Hope Barnhart  
Mr. Will A. Denning  
Ms. Dana Stoogenke  
Mr. Matthew Rooney  
Ms. Barbara Swilley  
Mr. Grainger Barrett,  
County Attorney

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was delivered by Chair McNeill, after which he led those present in the Pledge of Allegiance.

#### II. APPROVAL OF/ADJUSTMENTS TO AGENDA

The Agenda was approved by consensus.

#### III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

#### V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Ms. Roy explained the Board's policy regarding public hearing time limits.

#### VI. CONSENT ITEMS

##### A. APPROVAL OF THE MINUTES OF APRIL 20, 2004

A motion was made by Mr. McLaurin and seconded by Vice-Chair Morris to approve the Minutes of April 20, 2004 as written. The motion passed unanimously.

## AMENDMENT

- A. P04-40: AMENDMENTS/REVISIONS TO THE CUMBERLAND COUNTY ZONING ORDINANCE, SECTION 5.31.1, MANUFACTURED HOMES MUST BE CONSTRUCTED AFTER JULY 1, 1976, AND SECTION 10.2, DEFINITIONS OF SPECIFIC TERMS AND WORDS, "MOBILE HOME PARK," TO ALLOW FOR RELOCATION OF PRE-1976 MANUFACTURED HOMES WHEN CLOSURE OF MANUFACTURED HOME PARK IS MANDATED BY A GOVERNMENT AGENCY.

The Planning staff recommended approval of the amendment based on the following:

1. The amendment alleviates an unnecessary burden on the citizens not being allowed to move their pre-1976 manufactured homes due to no fault of their own.

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

**A motion was made by Mr. Mullinax and seconded by Dr. Olion to follow the staff recommendation and approve the Amendment. The motion passed unanimously.**

## PLAT AND PLAN

- A. 04-078: S&W READY MIX CONCRETE M(P) SITE PLAN REVIEW FOR AN ALTERNATE YARD REQUIREMENT ON THE SOUTH SIDE OF WEST MANCHESTER ROAD, SOUTHEAST OF EASTERLING DRIVE, FROM SECTION 7.23, "FENCES AND WALLS," CUMBERLAND COUNTY ZONING ORDINANCE.

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

**A motion was made by Mr. Mullinax and seconded by Dr. Olion to follow the staff recommendation and approve the variance request. The motion passed unanimously.**

## VII. PRESENTATION OF PROPOSED FORT BRAGG SMALL AREA PLAN— COMPREHENSIVE PLANNING SECTION

Ms. Roy explained the history of the study by stating that one year ago the Department of Commerce completed a study of the one-mile area surrounding Fort Bragg, involving seven counties. The study was presented to the Planning Board and the County Commissioners. The Commissioners didn't endorse all of the recommendations and asked that the Comprehensive Planning staff conduct a small area study and receive public input. She said that the goal is to protect Fort Bragg's mission and not unnecessarily restrict the property owners.

Mr. Will Denning introduced the staff who completed the study and explained that the purpose of the meeting was to present ideas and receive feedback from the property owners and Board. Maps were displayed showing the one-mile area and indicating the 1) military mission and operational areas; 2) military noise critical areas; 3) important areas; and 4) urban areas. Mr. Denning gave the recommendations for each area.

Mr. Denning said that six goals were included in the study:

- Protect the mission of the military
- Provide a user friendly plan
- Provide options for the landowners
- Protect future property owners regarding noise and other hazards affecting the land
- Protect endangered species and flora and fauna, including the red cockaded woodpecker
- Keep as much property as possible on the County tax records

Mr. Denning then reviewed the action plan:

- Create a military compatible district for the one-mile area
- Purchase the large tract of land west of the nature conservancy tract
- Military purchase the small tract that bisects Highway 13 near the ammo dump
- Provide a wildlife crossing on the Outer Loop to connect to the PWC watershed property to the “greenbelt” on Fort Bragg
- Restrict development within the 100-year flood area located within the district
- Promote open space subdivisions
- Include the military in the plan approval process except areas classified as urban
- Implement recommendations A, B, D, E, F, G, H and J from the Joint Land Use Study conducted in May of 2003

Mr. Grainger Barrett then explained a proposal to go before the Commissioners that would allow the County to enter into contracts with the landowners for open space easements for specified periods of time (five to 10 years). He said that the County would make easement payments to offset property taxes. He said that the contracts would allow the property to remain as it is and avoid further urban development. He said that the contracts would be voluntary and cover a minimum of five years. (Summary sheet is attached to these Minutes)

Mr. Barrett explained that the Commissioners approved the general concept but have not yet reviewed the specific documentation. He said that the proposal involves the County paying an amount comparable to 48 percent of the property taxes for five-year contracts or 96 percent for 10-year contracts. He said that the agreements will help preserve and conserve the property in the critical and important tracts only. He said that the contracts will encourage open spaces and rural settings, and the property owners will be allowed to make incidental changes (e.g. rotating crop lands, relocating out buildings, thinning trees). He added that no clear-cutting, industrial or commercial use, new homes, paving, etc. would be allowed on the contracted property.

The Board then opened the meeting for questions and comments from members of the audience.

Mr. Michael Williams appeared before the Board and said that his major concern is that many people won't understand what land is involved. He asked that a map be

prepared including the streets. He asked what benefit the County would gain by the incentives offered. He asked what the options were and the advantages to the homeowners. Mr. Williams said that the plan won't protect the property owners if a structure burns down. Mr. Barrett explained that only about 10 to 15 percent of the entire area is critical or important and includes about 25 to 30 property owners, and these are the homeowners who will qualify for the incentives. He said that the purpose will be to enhance Fort Bragg's ability to continue its mission, and that will benefit the County by having more jobs. After checking the maps, it was determined that Mr. Williams' property is not affected by the restrictions.

Ms. Annie Jenkins appeared before the Board and said that she represented the Sandhills Family Heritage Association consisting of small landowners who want to hold on to their property. She asked if there was a minimum acreage to qualify for the incentives. Mr. Barrett said that there was no minimum acreage. She asked if the contracts can be renewed after 10 years, and Mr. Barrett said that they can. Ms. Jenkins asked what would happen if the existing uses were not wanted in the area. Mr. Barrett said if the uses are already there, they would not change. She asked what the difference would be in the individual property owners protecting their property or the County's restrictions. Mr. Barrett explained that the conservation agreement would be voluntary for a period of time that the landowner chooses. He said that the contract wouldn't just protect the military, but also endangered species and forestry. Ms. Jenkins said that she was concerned about protection of the landowners who have always protected their own land. Mr. Barrett said that was the intent of the agreement—to continue to protect the land and help the landowners who are currently being good stewards of the land.

Ms. Pamela McLaughlin appeared before the Board and said the County recently rezoned her property to a commercial district. It was later determined that the land was annexed by the Town of Spring Lake, and it was zoned for commercial use at the time of initial zoning. Ms. McLaughlin said that she wanted to continue to live on the land. Mr. Mullinax, the representative from the Town of Spring Lake got Ms. McLaughlin's address and phone number and is to check on the status of her property.

Mr. Michael Lewis said that he owns land off of Lillington Highway. Ms. Roy said that he is in the urban area and will not be affected. Mr. Lewis asked if people in the critical area could only plant trees or raise woodpeckers. He said as Fort Bragg is growing, they'll be bringing in more people and have to enlarge the base. Mr. Barrett said that Fort Bragg is not planning to enlarge their space. Mr. Barrett said that the land in the critical area would be proposed for open space, therefore decreasing the value and allowing for a tax credit. He said that people can still live on land in the critical area, and possibly an easement might go to a nature conservancy, or a whole tract could be purchased by a conservancy or local government.

Mr. Stewart Lewis asked if the buffer would move farther out if Fort Bragg expands their borders. He asked why the Rockefeller property purchased by the military could be developed at a higher density than the property owners within the buffer could develop theirs. Mr. Denning said that the study didn't focus on land owned by the military, and the area he was referring to is not in the critical area. Mr. Lewis asked if land within the buffer that has already been approved for subdivision could

still be developed. He was told that development would continue because the plan has not yet been approved.

Vice-Chair Morris said that if Fort Bragg purchased additional land, the buffer would extend, but the program is completely voluntary and offers incentives, and any existing uses will continue after the plan is approved. He said that the land will not be affected unless the property owner chooses to participate in the program.

Mr. Lewis asked whether land within the buffer can be rezoned. Chair McNeill said that rezoning is based on the individual merits of the case, and that was not the issue being discussed. Mr. Lewis said that his mother needs to sell some of her farmland in order to have enough money to live. He said it would be unfair to restrict the sale of some of her property. He said if the Board of Commissioners restrict the property, and it causes it to decrease in value, then the property owners should be compensated. After checking the maps, it was determined that the Lewis property is not within the impacted area.

Is Inelle Jackson asked if a home could be built in the critical area. Mr. Denning said that they would rather no new homes were added to the area. He said that the existing homes would be allowed, but they would prefer that no new homes be added in order to protect the residents in the area from possible plane crashes.

Ms. Lorraine Williams appeared before the Board and said that she owns a home in the critical zone. She said if she has to tell future buyers that the land is in the critical area, it could decrease the property value. Chair McNeill said if the proposal is approved, disclosure will be required. He said it is only a noise disclosure and shouldn't be a surprise to potential buyers. Ms. Williams asked if it could negatively affect the property values, and Chair McNeill said it could be argued either way. He added that disclosures are common and intended to protect the buyers.

Ms. Ann Evans appeared before the Board and said that she represents the Claire Clark Trust, and the property is located in the critical and important areas. She said that the restrictions will disproportionately penalize the 25 property owners within the critical area. Ms. Evans said that the 1,250 acres on the north side of town have escalated greatly in value because of the Outer Loop, and they could as easily plummet if the restrictions are imposed. She asked that the Board not place the entire burden on the 25 homeowners.

Mr. William Elliott said he is one of the 25 landowners, and he asked for a map of the area. Ms. Stoogenke collected names of property owners who wished to have maps mailed to them.

Mr. Lennox Bramble said that he lives in the Woodbridge subdivision, and an engineer was recently in the area looking for woodpeckers. He said that she found some birds, but stated that they are no longer nesting in Woodbridge. Ms. Roy said that she didn't know of any restrictions on the subdivision and suggested that Mr. Bramble get in touch with the Fish and Wildlife Service with his questions. Mr. Bramble said that homes cannot be built in the subdivision from April through July.

Mr. Don Miller said that he owns property in the critical area and wanted to know why they couldn't clear-cut the land and replant or clear-cut and not develop. Chair McNeill said he'd have to check with the County Attorney (Mr. Barrett left the meeting prior to the question). Mr. Miller asked if homes in the critical area that burn could be replaced. Mr. Denning said that they could be replaced if they weren't nonconforming, correctly zoned to allow the structure and met the Code requirements. He asked if dirt could be removed or trees cut on land under the tax incentive plan. Chair McNeill said that the contracts states that the land must remain "substantially" the same. He said it would probably depend upon how large scale the digging or tree removal is.

Chair McNeill said that the proposal originally came from Fort Bragg so that their operations would not be impaired. He said that the buffer is used at military bases throughout the United States. He said that the buffer area is a factor when consideration is given to base closures. He said that the Board would like to maintain a harmonious relationship with Fort Bragg, but not at great expense to the landowners. He said that the critical and important areas have been reduced. He asked the residents to continue to monitor the process to help make sure it is fair to the citizens of the County.

Vice-Chair Morris asked if action was needed from the Board. Ms. Roy said that it was not.

#### VIII. FOR YOUR INFORMATION

##### A. DIRECTOR'S UPDATE

Ms. Roy reported that the Commissioners adopted the Farmland Advisory Committee proposal sent from the Planning Board, and they will appoint the members soon. She said that they want a member of the Planning Board to serve on the Committee. Chair McNeill volunteered to serve. Vice-Chair Morris asked Chair McNeill to convey information about the economics of farmland to the Committee.

Ms. Roy said that a joint meeting with the Commissioners has been scheduled for 6:00 p.m. on June 7 in the New Courthouse.

Ms. Roy said that the American Planning Association Conference in Washington, DC, recently attended by three staff members and five Board members was worthwhile, and there was so much information to digest. Chair McNeill thanked the staff for the accommodations at the Conference.

#### IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:25 p.m.



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

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

## **COUNTY of CUMBERLAND**

### *Planning and Inspections*

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

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

May 13, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR MAY 18, 2004 MEETING

P04-36: REZONING OF 2.10 ACRES FROM M(P) TO RR OR A MORE RESTRICTIVE ZONING DISTRICT AT 1440 KINGSTOWN COURT, SUBMITTED BY DENVER MCCULLOUGH.

The Planning staff recommends deferral of this case so that additional information may be obtained as to whether the original Conditional Use Overlay Permit is still in effect and to determine if the subject property is suitable for additional development.

## **SITE PROFILE**

### **P04-36**

REZONING OF 2.10 ACRES FROM M(P) TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1440 KINGSTOWN COURT, SUBMITTED BY DENVER MCCULLOUGH.

#### **Site Information:**

**Applicant/Owner:** DENVER MCCULLOUGH / TOMMY L. DAVIS

**Area:** 2.10 acres

**Frontage & Location:** 208 feet on Kingstown Court

**Depth:** 431 feet

**Jurisdiction:** County

**Adjacent Property:** None

**Current Use:** Commercial

**Initial Zoning:** January 7, 1977 (Area 11)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-CD, RR, R10, East-RR, C3, M(P), South-R10, R10/CUO, R6A and West-CD, R10, R6A.

**Surrounding Land Use:** Open storage, commercial storage, apartment maintenance, auto center/salvage

**2010 Land Use Plan:** Heavy Industrial

**Spring Lake Land Use Plan:** Low Density Residential

**Designated 100-Year Floodplain or Floodway:** No Flood

**Watershed Area:** No

**Municipal Influence Area:** Spring Lake

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

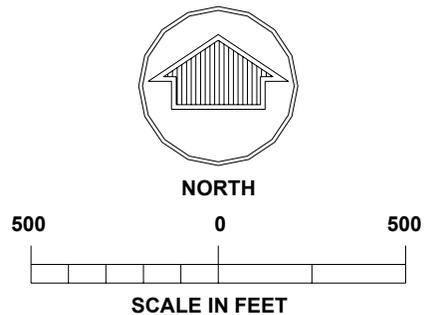
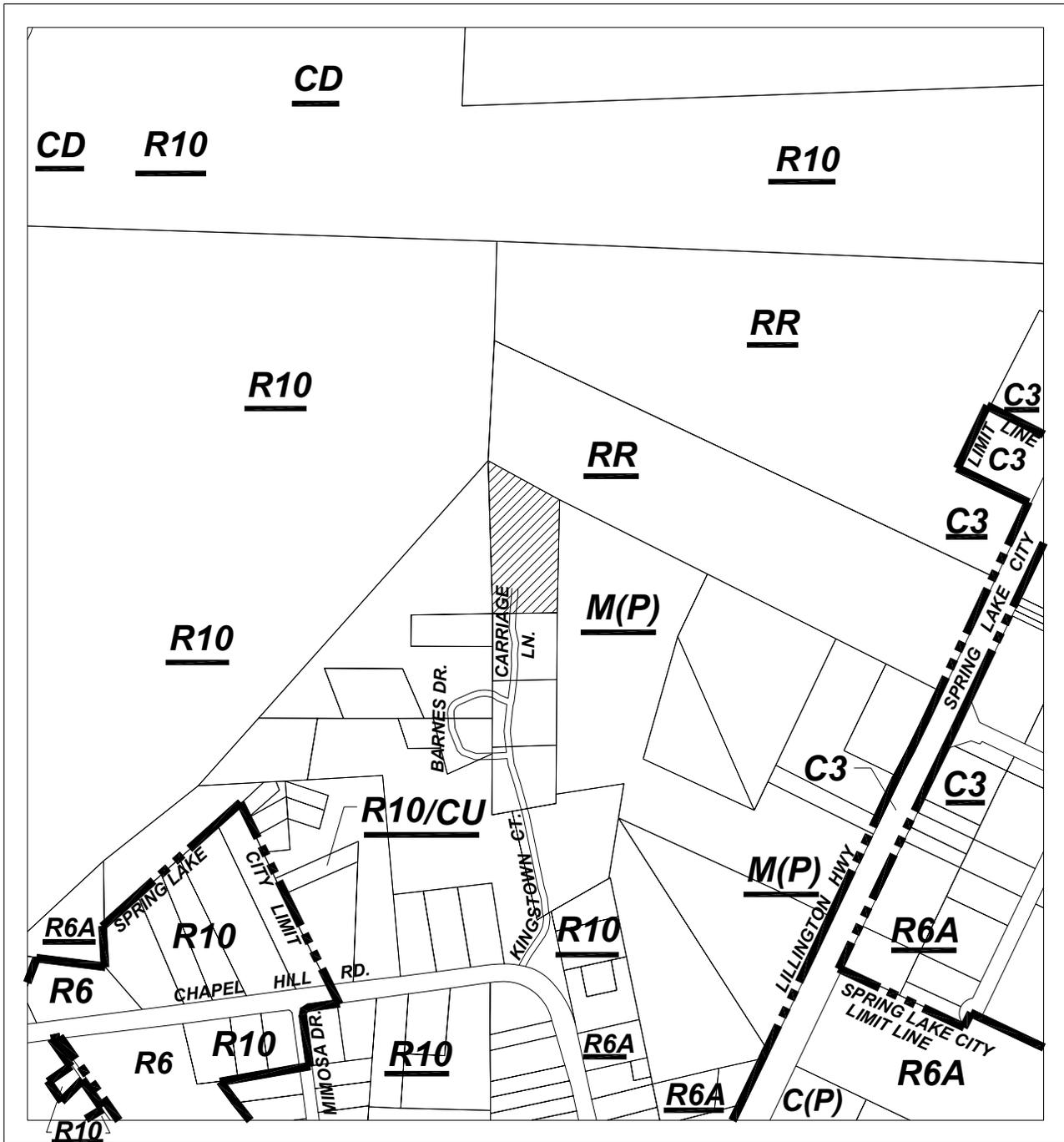
**Water/Sewer Availability:** Spring Lake utilities

**Schools:** Manchester Elementary 442/417, Mae Rudd Williams Elementary 115/87, Spring Lake Middle 644/657, Pine Forest High 1705/1727

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

#### **Notes:**

1. This property is located within the Fort Bragg Study.
2. Property was rezoned to R10/CUO to allow a mobile home, case #P94-155
3. Property was rezoned to M(P) to allow open storage of cars, case #P94-175



## REQUESTED REZONING: M(P) TO RR

<b>ACREAGE:</b> 2.10 AC.±	<b>HEARING NO:</b> P04-36	
<b>ORDINANCE:</b> COUNTY	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		



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

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

**COUNTY of CUMBERLAND**  
—◆—  
***Planning and Inspections***

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

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

May 13, 2004

MEMO TO: PLANNING BOARD  
  
FROM: PLANNING STAFF  
  
SUBJECT: STAFF RECOMMENDATIONS  
FOR MAY 18, 2004 MEETING

P04-34: REZONING OF 22.60 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT AT 5233 STEWART ROAD, SUBMITTED BY WILLIAM C. VANN.

The Planning staff recommends denial of the R40 Residential District based on the following:

1. The 2010 Land Use Plan recommends farmland at this location;
2. The Board's policy is to deny requests for R40 in farmland areas when the tracts are larger than 10 acres.

## SITE PROFILE

### P04-34

REZONING OF 22.60 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5233 STEWART ROAD, SUBMITTED BY WILLIAM C. VANN.

#### **Site Information:**

**Applicant/Owner:** WILLIAM C. VANN, GENEVA VANN HALL, CHRISTINE VANN BAREFOOT, CLETUS VANN, JANIE C. AND BRIAN C. VANN, JEANETTE VANN POTTER HEIRS, GLENDA VANN KORTBEIN

**Area:** 22.60 acres

**Frontage & Location:** 1,147 feet on Stewart Road

**Depth:** 1,075 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Farmland and Woodland

**Initial Zoning:** November 25, 1980 (Area 14)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** Primarily A1

**Surrounding Land Use:** Farmland

**2010 Land Use Plan:** Farmland

**Designated 100-Year Floodplain or Floodway:** No Flood

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

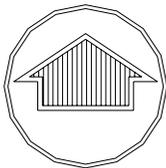
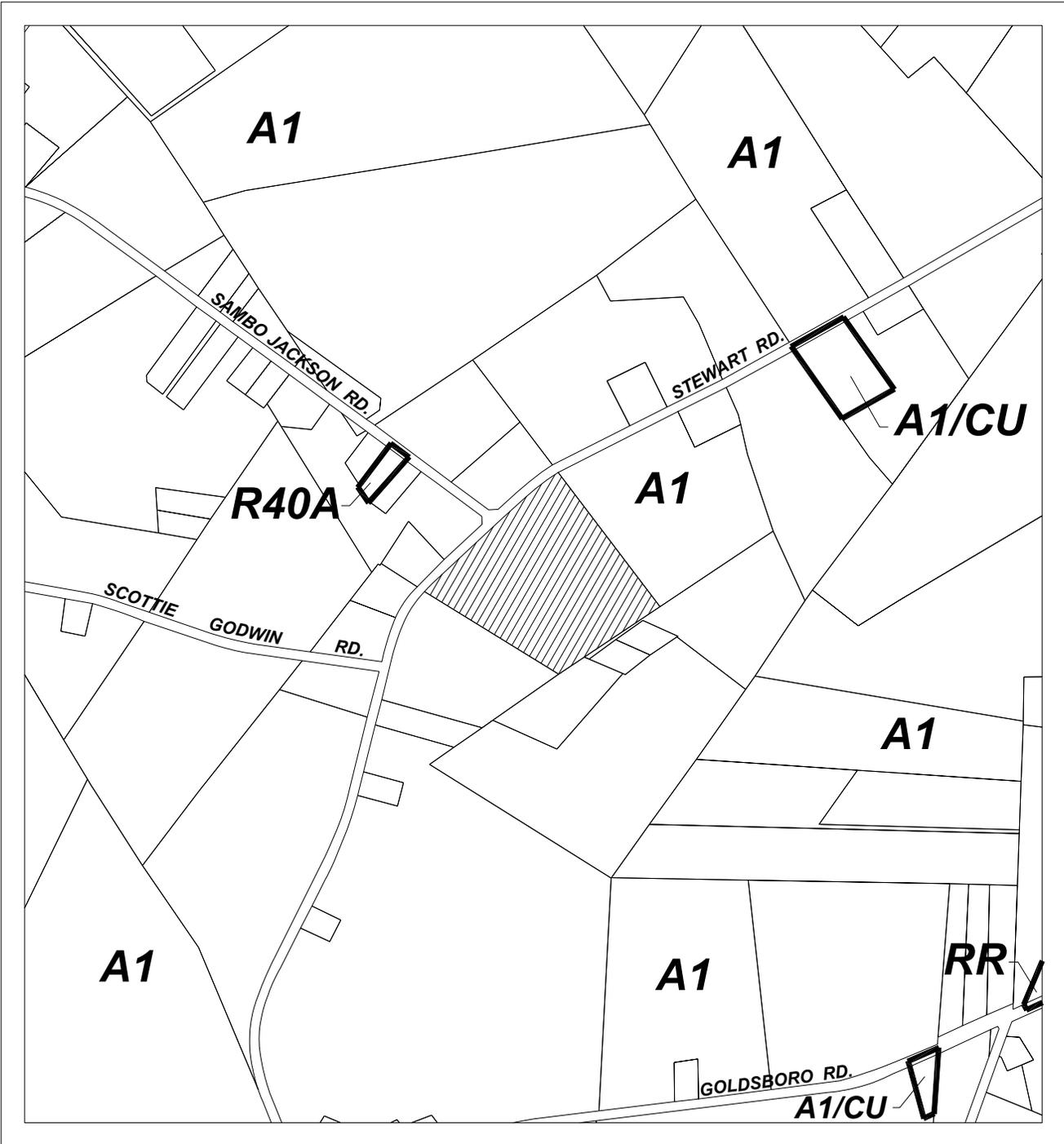
**Water/Sewer Availability:** Well / Septic Tank

**Schools:** District 7 Elementary 267/228, Mac Williams Middle 1218/1177, Cape Fear High 1415/1521

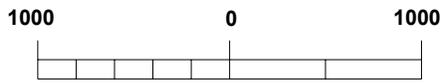
**Thoroughfare Plan:** No road improvements or new construction specified for this area.

#### **Notes:**

Density w/20% for roads:     A1 – 9 units  
  R40 – 20 units



NORTH



SCALE IN FEET

## REQUESTED REZONING: A1 TO R40

<b>ACREAGE: 22.60 AC.±</b>	<b>HEARING NO: P04-34</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		



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

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

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

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

## COUNTY of CUMBERLAND

### *Planning and Inspections*

May 13, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR MAY 18, 2004 MEETING

P04-37: REZONING OF A 12.69-ACRE PORTION OF A 24.93-ACRE TRACT FROM C(P) TO R5 OR A MORE RESTRICTIVE ZONING DISTRICT AT 3429 BLACK AND DECKER ROAD, SUBMITTED BY PASTOR ALLEN COLLINS.

The Planning staff recommends approval of the R5 Residential District based on the following:

1. The type and intensity of the existing adjacent M(P) District is compatible with residential use; and
2. Utilities will be available for development of this site.

## SITE PROFILE

### P04-37

REZONING OF A 12.69 ACRE PORTION OF A 24.93 ACRE TRACT FROM C(P) TO R5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3429 BLACK AND DECKER ROAD, SUBMITTED BY PASTOR ALLEN COLLINS.

#### **Site Information:**

**Applicant/Owner:** PASTOR ALLEN COLLINS / CHRISTIAN LIFE CHURCH

**Area:** 12.69 acres

**Frontage & Location:** 299.06 feet on Black and Decker Road

**Depth:** 1,269.93 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Church

**Initial Zoning:** November 17, 1975 (Area 4)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-M(P), city limit, East-R10, R6A, M(P), South-R10, M(P) and West-R10, C(P), M(P)

**Surrounding Land Use:** Stadium, grocery store/shopping center, day care/preschool, church, parcel service, truck rental, machine company, packaging company and food service company, mobile home park, machine products, delivery service, retail tin company, industrial business, print shop

**2010 Land Use Plan:** Heavy Commercial

**Designated 100-Year Floodplain or Floodway:** No Flood

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

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

**Schools:** Elizabeth Cashwell Elementary 450/587, South View Middle 743/947 and High 1715/1817

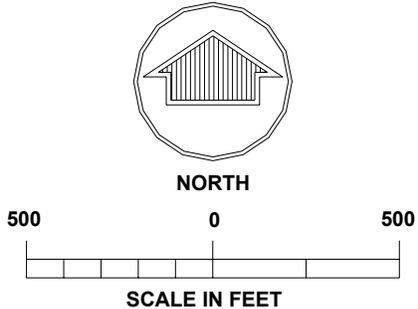
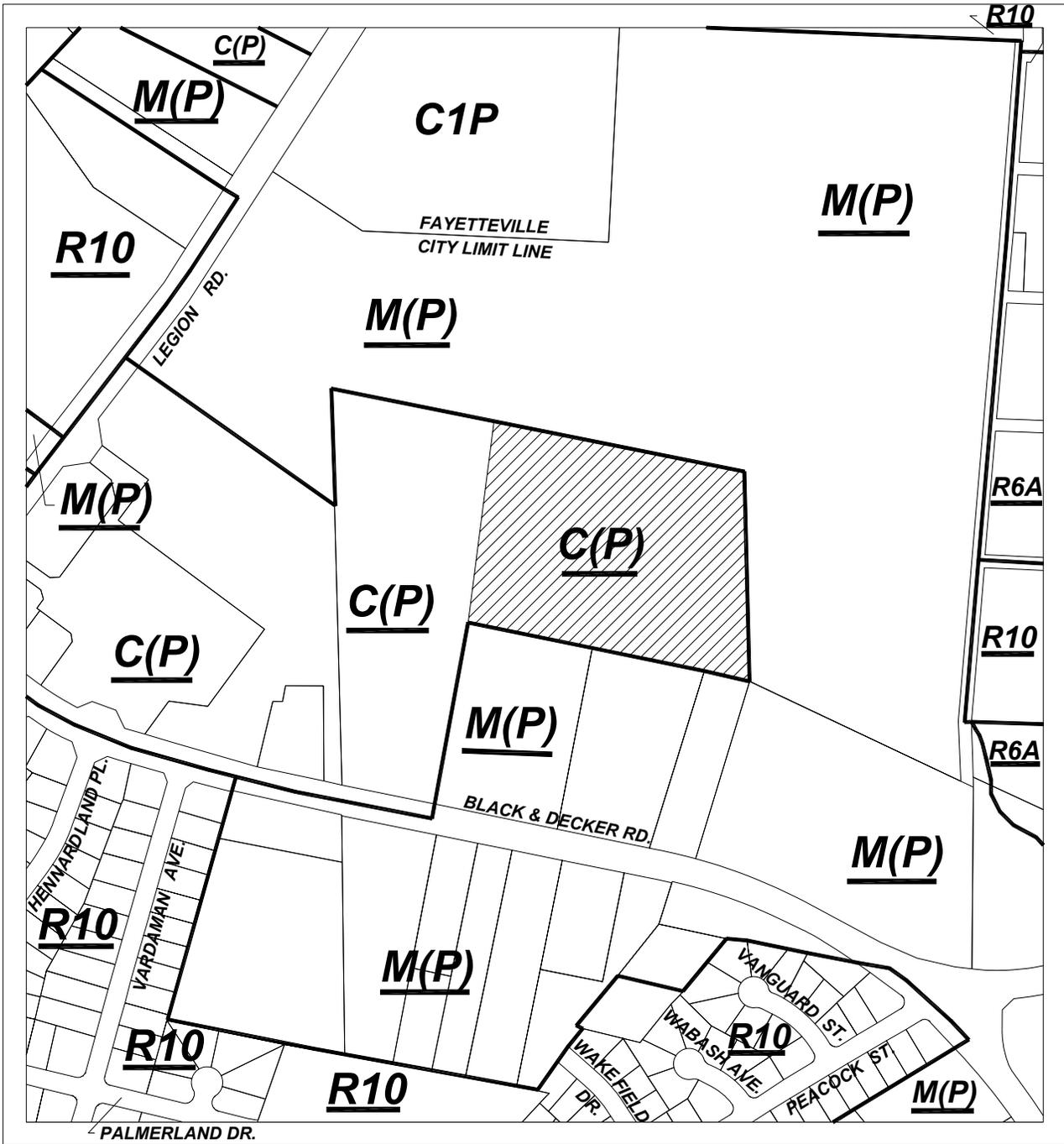
**Thoroughfare Plan:** Black and Decker Road is identified as a Major Thoroughfare. It has a current 80-foot right-of-way (100 feet proposed). It is currently being widened and re-aligned (Project 3312).

**Average Daily Traffic Count (2000):** 15,000 on Black and Decker Road

#### **Notes:**

Density w/20% for roads:

- R10 – 59 units
- R6 – 109 units
- R5A – 146 units
- R5 – 289 units



**REQUESTED REZONING:  
C(P) TO R5**

ACREAGE: 12.69 AC.±      HEARING NO: P04-37

ORDINANCE: COUNTY      HEARING DATE      ACTION

PLANNING BOARD

GOVERNING BOARD



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

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

## **COUNTY of CUMBERLAND**

### ***Planning and Inspections***

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

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

May 13, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR MAY 18, 2004 MEETING

P04-39: REZONING OF A 1.95-ACRE PORTION OF A 39.45-ACRE TRACT FROM HS(P) TO A1 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE NORTH SIDE OF WADE-STEDMAN ROAD, EAST OF I-95, OWNED BY RALPH AND MARTHA BOGLE.

The Planning staff recommends approval of the A1 Agricultural District based on the following:

1. The uses allowed in the A1 District are compatible with the land use in the area; and
2. The 2010 Land Use Plan recommends farmland at this location.

## **SITE PROFILE**

### **P04-39**

REZONING OF A 1.95-ACRE PORTION OF A 39.45 ACRE TRACT FROM HS(P) TO A1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF WADE-STEDMAN ROAD, EAST OF I-95, OWNED BY RALPH AND MARTHA BOGLE.

#### **Site Information:**

**Applicant/Owner:** RALPH AND MARTHA BOGLE

**Area:** 1.95 acres

**Frontage & Location:** 75.52 feet

**Depth:** 800 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Agricultural

**Initial Zoning:** November 25, 1980 (Area 14)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** Primarily A1 and HS(P)

**Surrounding Land Use:** Campground

**2010 Land Use Plan:** Farmland

**Designated 100-Year Floodplain or Floodway:** No Flood

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

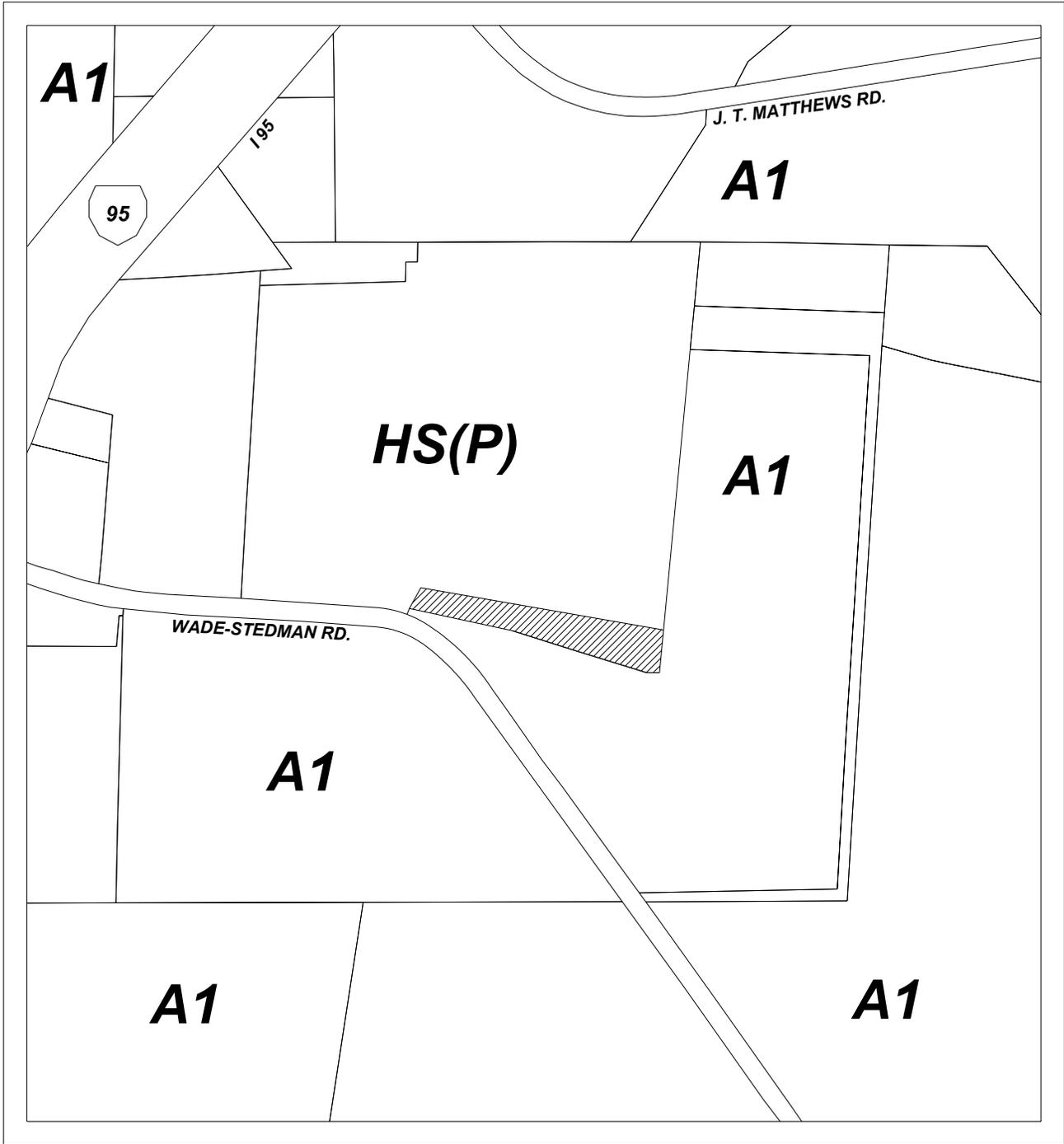
**Water/Sewer Availability:** Well / Septic Tank

**Schools:** District 7 Elementary 311/337, Mac Williams Middle 1218/1177, Cape Fear High 1415/1521

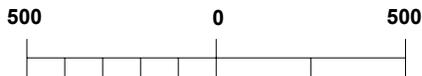
**Subdivision:** Property will have to be recombined before the property can be developed.

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

**Notes:**



NORTH



SCALE IN FEET

## REQUESTED REZONING: HS(P) TO A1

<b>ACREAGE: 1.95 AC.±</b>	<b>HEARING NO: P04-39</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		



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

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

## **COUNTY of CUMBERLAND**

### ***Planning and Inspections***

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

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

May 13, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR MAY 18, 2004 MEETING

P04-33: REZONING OF 30.90 ACRES FROM A1 TO RR OR A MORE RESTRICTIVE ZONING DISTRICT AT 5869 MURPHY ROAD, SUBMITTED BY THURMAN CARROLL.

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

1. The 2010 Land Use Plan specifies farmland at this location;
2. The staff recommends that utilities be available to RR tracts; and
3. The Board's policy is to deny requests for R40 in farmland areas when the tracts are larger than 10 acres.

## **SITE PROFILE**

### **P04-33**

REZONING OF 30.90 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5869 MURPHY ROAD, SUBMITTED BY THURMAN CARROLL.

#### **Site Information:**

**Applicant/Owner:** THURMAN CARROLL, CARNEIL C. PIERCE, RUTH CARROLL, CHARLES P. CARROLL

**Area:** 30.90 acres

**Frontage & Location:** 800 feet

**Depth:** 1,500 feet

**Jurisdiction:** County

**Adjacent Property:** Yes – 5 parcels south are owned by each family member (1 owns 2 parcels).

**Current Use:** Farmland

**Initial Zoning:** August 23, 1994 (Area 19)

**Previous Zoning Action(s):**

**Surrounding Zoning:** Primarily A1

**Surrounding Land Use:** Church

**2010 Land Use Plan:** Farmland

**Designated 100-Year Floodplain or Floodway:** No Flood

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

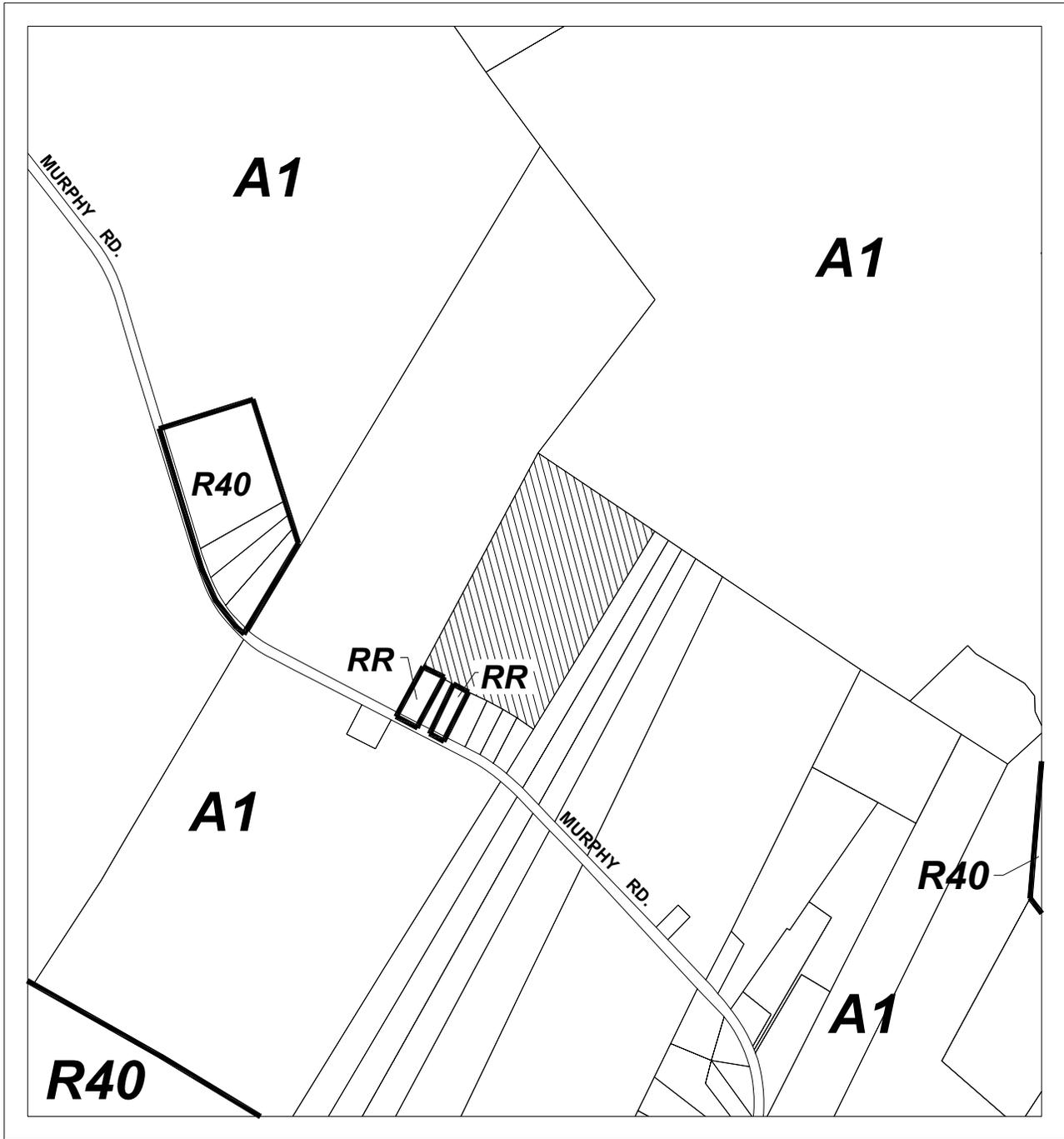
**Water/Sewer Availability:** Well / Septic Tank

**Schools:** Eastover Central Elementary 311/337, Mac Williams Middle 1218/1177, Cape Fear High 1415/1521

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

#### **Notes:**

Density w/ 20% for roads:   A1 – 12 units  
  R40 – 27 units  
  RR – 54 units



**REQUESTED REZONING:  
A1 TO RR**

**ACREAGE: 30.90 AC.±**

**HEARING NO: P04-33**

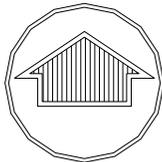
**ORDINANCE: COUNTY**

**HEARING DATE**

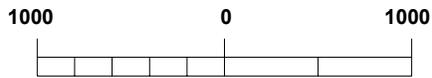
**ACTION**

**PLANNING BOARD**

**GOVERNING BOARD**



**NORTH**



**SCALE IN FEET**



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

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

## COUNTY of CUMBERLAND

### *Planning and Inspections*

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

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

May 13, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR MAY 18, 2004 MEETING

P04-38: REZONING OF A 186.33-ACRE PORTION OF A 217.67-ACRE TRACT FROM RR TO R10, R5A, O&I AND C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF RAEFORD ROAD, EAST OF THE COUNTY LINE, SUBMITTED BY LARRY KING AND ASSOCIATES.

The Planning staff recommends approval of the R10 and R5A Residential, O&I Office and Institutional and most of the C(P) Planned Commercial Districts based on the following:

1. The uses allowed in the above districts are compatible with the existing land use in the area;
2. Public utilities are in place; and
3. The rezoning follows the transitional zoning concept.

The Planning staff recommends denial of the 7.84+ acre strip of C(P) zoning on the eastern portion of the tract based on the following:

1. The location of the 7.84+ acre tract would encourage commercial strip development along Raeford Road if rezoned to C(P) at this location; and
2. The R5A District is a logical transition from commercial to residential use.

## SITE PROFILE

### P04-38

REZONING OF A 186.33-ACRE PORTION OF A 217.67 ACRE TRACT FROM RR TO R10, R5A, O&I AND C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF RAEFORD ROAD, EAST OF THE COUNTY LINE, SUBMITTED BY LARRY KING AND ASSOCIATES.

#### **Site Information:**

**Applicant/Owner:** ELMWOOD PARTNERS, LLC / JOHN A. WILLIAMS, JR., VICTORIA C. WILLIAMS, CHARLES C. WILLIAMS, DEBORAH W. CUTTS AND HUSBAND, EDMUND M. WILLIAMS AND WIFE, CURTIS C. WILLIAMS III, AND LULA M. GREGORY AND HUSBAND.

**Area:** 186.33

**Frontage & Location:** 4,040 feet on Raeford Road

**Depth:** 2,100 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

**Initial Zoning:** May 1, 1975 (Area 2D)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-RR, R10, East-RR, R15, South-CD, RR, R15, C(P) and West-RR, R15, R10

**Surrounding Land Use:** Dental center and power plant

**2010 Land Use Plan:** Low Density Residential

**Designated 100-Year Floodplain or Floodway:** No Flood

**Watershed Area:** No

**Within Area Considered for Annexation:** Yes

**Street Designation:** None

**Urban Services Area:** Yes

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

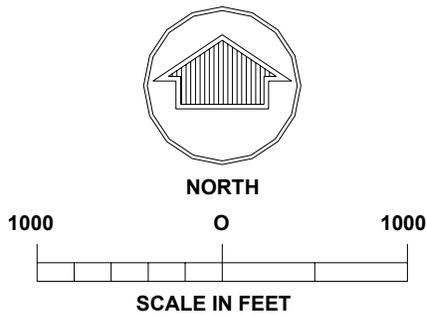
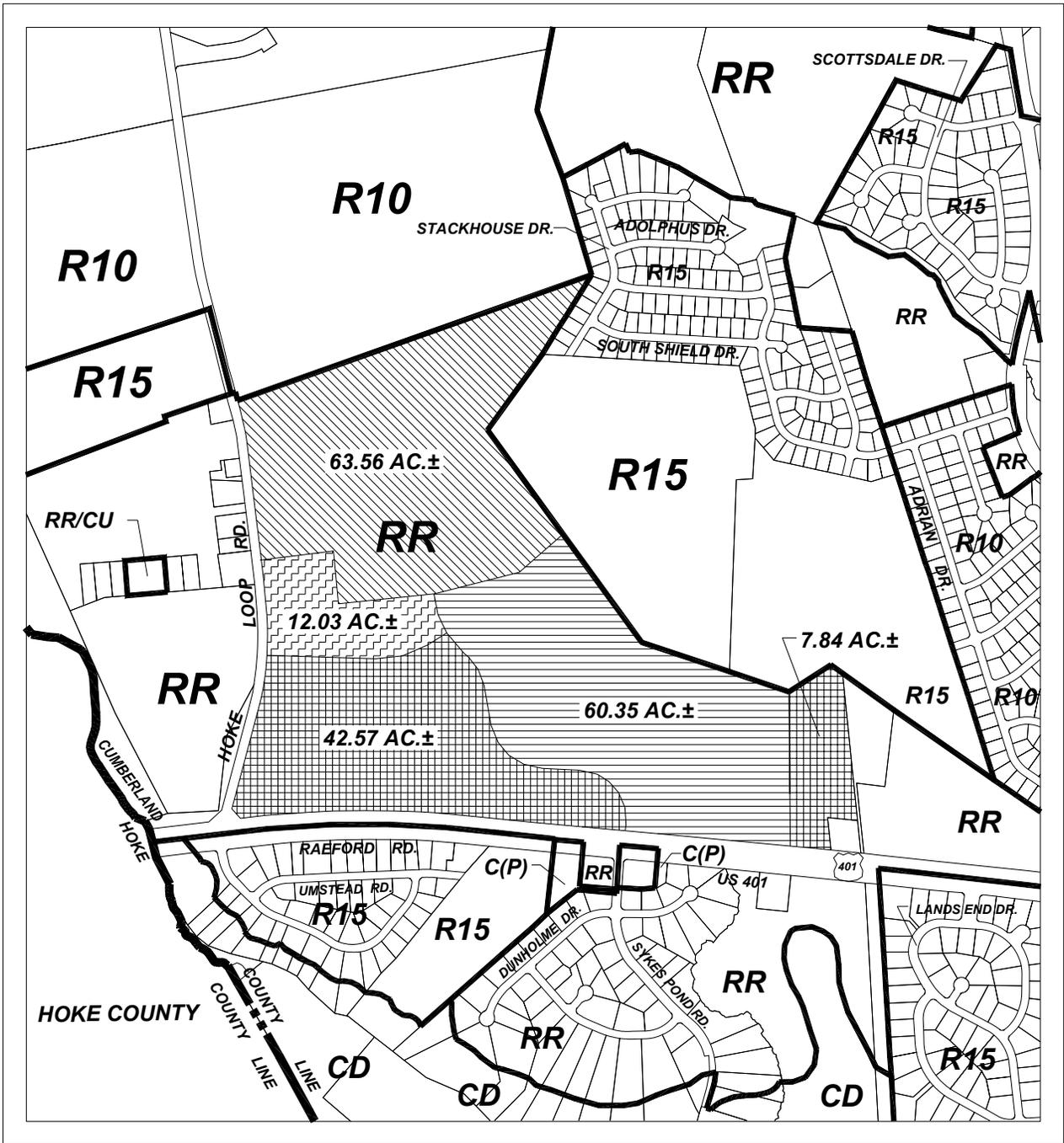
**Schools:** Lake Rim Elementary 924/875, Anne Chesnutt Middle 669/691, Seventy-First High 1905/1883

**Thoroughfare Plan:** Raeford Road is identified as a Major Thoroughfare. It has a current adequate 190-foot right-of-way. Road improvements are not included in the 04-10 MTIP.

**Average Daily Traffic Count (2000):** 15,000 on Raeford Road

<b>Notes:</b>	<u>TOTAL</u>	<u>RR-R10 (63.56)</u>	<u>RR-R5A (60.35)</u>
Density w/20%	RR – 324.65	RR – 110.75	RR – 105.15
for roads:	R15 – 432.87	R15 – 147.67	R15 – 140.21
	R10 – 865.41	R10 – 295.00	R10 – 280.08
	R6 – 1622.01		R6 – 524.52
	R5A – 2163.35		R5A – 700.03

This property is located within the annexation area.



### REQUESTED REZONING:

- RR TO R10
- RR TO C(P)
- RR TO O&I
- RR TO R5A

ACREAGE: 186.33 AC. ± (TOT.)

HEARING NO: P04-38

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



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

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

## **COUNTY of CUMBERLAND**

### ***Planning and Inspections***

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

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

May 13, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR MAY 18, 2004 MEETING

P04-32: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AN AUTOMOTIVE REPAIR SHOP IN AN R40 DISTRICT ON 6.49 ACRES AT 3488 NASH ROAD, OWNED BY DAVID L. AND KELLY A. CRAWFORD.

The Planning staff recommends denial of the Conditional Use Overlay District based on the following:

1. The purpose of Conditional Use Overlay Districts is not to remedy violations of the Zoning Ordinance.

Note: The A1 District allows the requested use as a specified conditional use that is heard by the Cumberland County Board of Adjustment after the rezoning is approved.

## **SITE PROFILE**

### **P04-32**

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AN AUTOMOTIVE REPAIR SHOP, IN A R40 DISTRICT, ON 6.49 ACRES, AT 3488 NASH ROAD, OWNED BY DAVID L. AND KELLY A. CRAWFORD.

#### **Site Information:**

**Applicant/Owner:** DAVID L. AND KELLY A. CRAWFORD

**Area:** 6.49 acres

**Frontage & Location:** 413 feet on Nash Road

**Depth:** 717 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential and Automotive Repair

**Initial Zoning:** March 1, 1994 (Area 17)

**Previous Zoning Action(s):** None –complaint called in

**Surrounding Zoning:** North, South, West-A1, R40, R40A and East-A1

**Surrounding Land Use:** Residential and vacant

**2010 Land Use Plan:** Farmland and Open Space

**Designated 100-Year Floodplain or Floodway:** At or above 74 MSL

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

**Water/Sewer Availability:** Well / Septic Tank

**Schools:** Gray's Creek Elementary 910/735, Middle 450/507 and High 1,000/824

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

**Average Daily Traffic Count (2000):** 240 on Nash Road

#### **Notes:**

1. Hours of operation: Monday thru Friday, 9:00 am to 5:00 pm.
2. Employees: 1
3. No tow trucks or junk vehicles to be left on site.
4. The large lean-to is to be taken down
5. Upon completion of the proposed shop, the existing shop will be converted back to storage for the house.

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

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

The property sought for Conditional Use Overlay is located:

Address 3488 Nash Road, Fayetteville, NC 28306  
(Street address or Route and Box #, and Zip Code)

Located on 1/4 mile off of Butler Nursery Road  
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0453-73 - 6517-  
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 14 Frontage 413.30 feet Depth 717 Ft Containing 6.49 acres +/-.

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

The property sought for Conditional Use is owned by: David L. & Kelly A. Crawford  
as evidenced by deed from B North Carolina ?  
as recorded in Deed Book 5423, Page(s) 87, Cumberland County Registry.

\*\*\*\*\*  
It is requested that the foregoing property be rezoned as Conditional Use Overlay District from R-40 to R-40 with Conditional Use.  
\*\*\*\*\*

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

Existing use of the property (Residential, commercial and specify any structures and respective uses): Residential & Automotive repair

Water Provider (Existing or Proposed):

Well  PWC \_\_\_\_\_ Community Water \_\_\_\_\_ (Name)

Septage Disposal Provided by: Septic Tank  PWC \_\_\_\_\_

\*\*\*\*\*

APPLICATION FOR  
CONDITIONAL USE OVERLAY DISTRICT

Proposed uses(s):

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

automotive repair

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

I have been doing this for three years now and this is my lively hood and how I pay my bills and take care of my family. This is my only income. Several of my neighbors have come to me for repairs and I have saved them a lot of money.

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

Dimensional Requirements:

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

- B. Off-street parking and loading.

no

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

B. List any variance proposed from those regulations.

4. Miscellaneous:

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

Monday - Friday 9-5

me + 1 full time employee

two trucks come & go on property

no noise, odor or smoke

NO tow truck or junk cars to be left on site

when new shop is built old shop will be converted

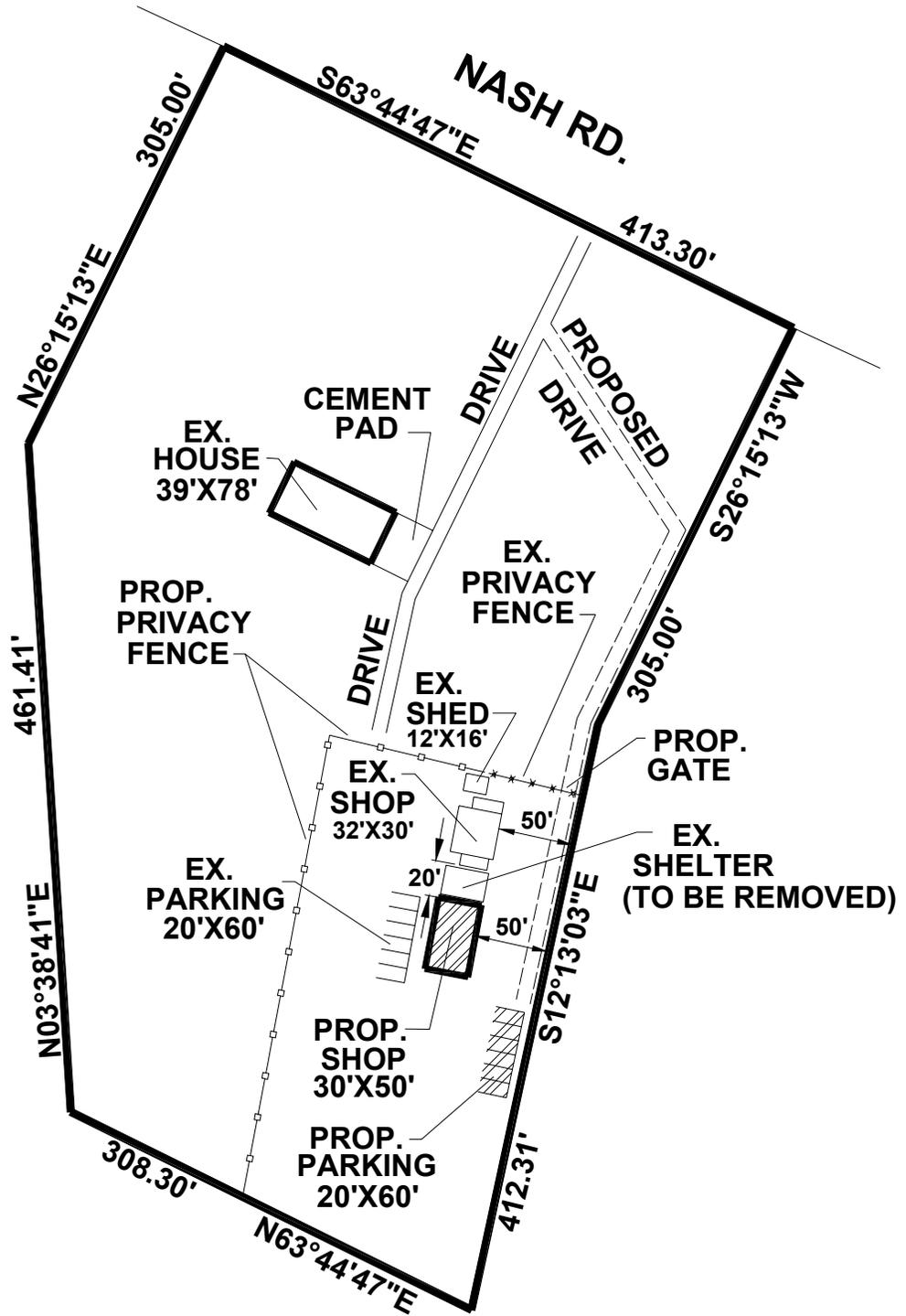
5. Site Plan Requirements:

TO Storage building for my house, which it was previously used as.

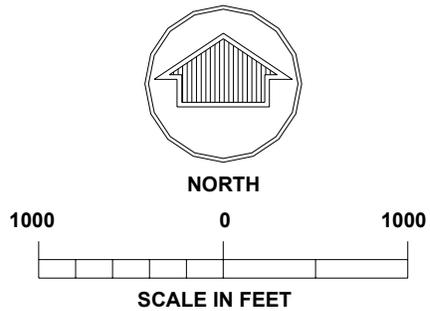
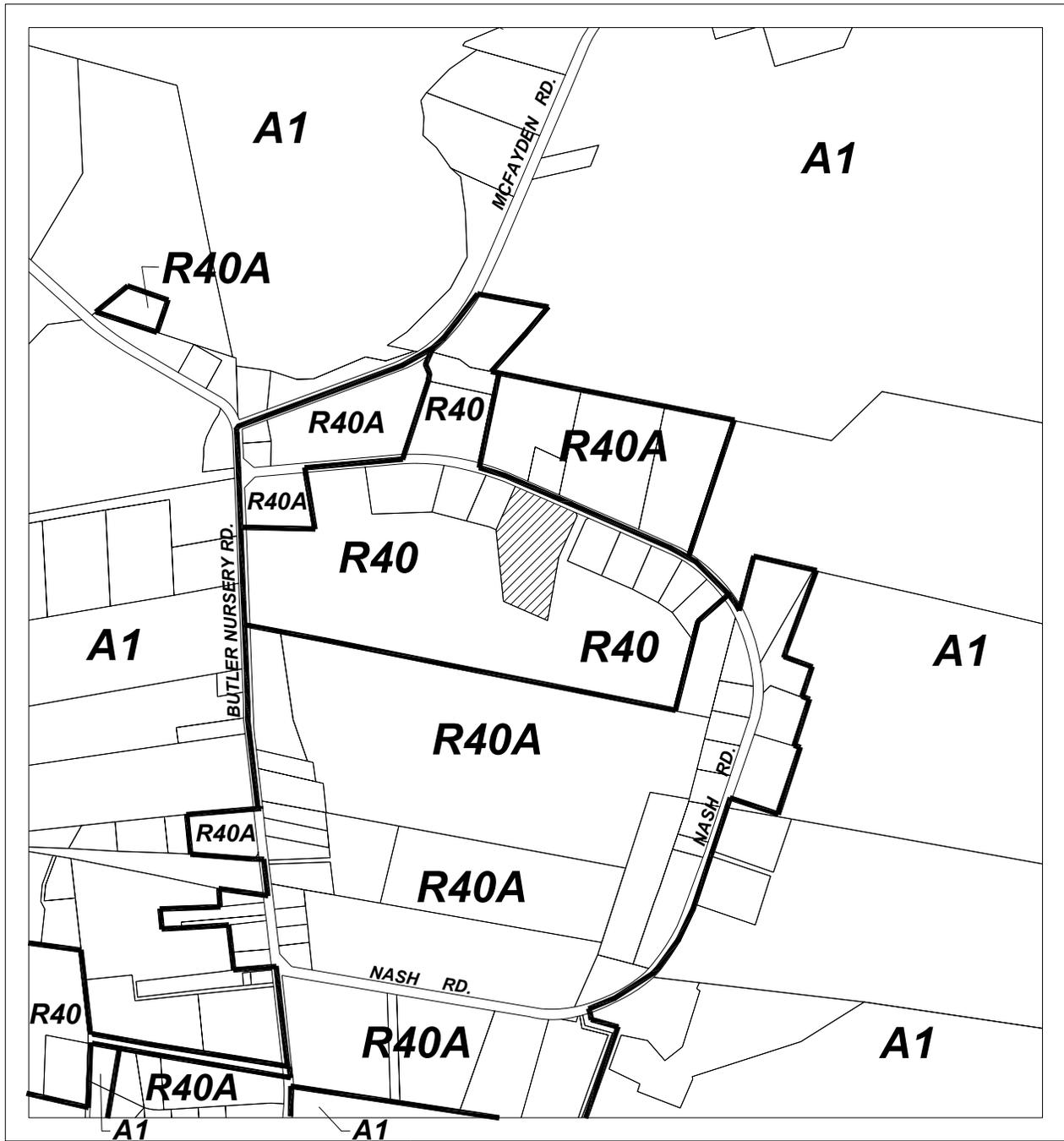
Attach a site plan drawn to scale. If the proposed uses involve development subject to Cumberland County subdivision regulations, the site plan required hereunder may be general in nature, showing a generalized street pattern, if applicable and the location of proposed structures. If the proposed uses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

6. Acknowledgement:

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



**CONDITIONAL USE OVERLAY**  
**REQUEST: AUTOMOTIVE REPAIR SHOP**  
**CASE: P04-32 SCALE: NTS**  
**ACREAGE: 6.49± ZONED: R40**  
**PARKING: AS SHOWN**



## CONDITIONAL USE OVERLAY DISTRICT REQUEST

<b>ACREAGE: 6.49 AC.±</b>	<b>HEARING NO: P04-32</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		



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

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

**COUNTY of CUMBERLAND**  
—◆—  
***Planning and Inspections***

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

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

May 13, 2004

MEMO TO: PLANNING BOARD  
  
FROM: PLANNING STAFF  
  
SUBJECT: STAFF RECOMMENDATIONS  
FOR MAY 18, 2004 MEETING

P04-35: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A PRODUCE MARKET AND RETAIL SALES OF MERCHANDISE IN AN R6A DISTRICT ON 1.0 ACRE AT 415 BUHMANN DRIVE, OWNED BY CHRISTINE B. FARMER.

The Planning staff recommends denial of the Conditional Use Overlay District based on the following:

1. The 2010 Land Use Plan recommends medium-density residential use at this location; and
2. Retail use is not appropriate within a medium-density residential development.

## **SITE PROFILE**

### **P04-35**

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A PRODUCE MARKET AND RETAIL SALES OF MERCHANDISE IN A R6A DISTRICT, ON 1.0 ACRE, AT 415 BUHMANN DRIVE, OWNED BY CHRISTINE B. FARMER.

#### **Site Information:**

**Applicant/Owner:** RICHARD E. FARMER / CHRISTINE B. FARMER

**Area:** 1.0 acre

**Frontage & Location:** 125 feet on Buhmann Drive

**Depth:** 350 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Vacant Building and Farmland

**Initial Zoning:** May 1, 1975 (Area 2D)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-R10, R6A, East-RR, R6, C(P), South-RR, R6, R6A, O&I, C(P) and West-RR, R15, R10, R6A

**Surrounding Land Use:** Mobile home parks (2)

**2010 Land Use Plan:** Medium Density Residential

**Designated 100-Year Floodplain or Floodway:** No Flood

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** Yes

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

**Water/Sewer Availability:** Brookwood / Septic Tank – PWC Sewer 800 feet West

**Schools:** Bill Hefner Elementary 924/875, Lewis Chapel Middle 686/844, Anne Chesnutt Middle 669/691, Seventy-First High 1905/1883

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

**Average Daily Traffic Count (2000):** 350 on Buhmann Drive

#### **Notes:**

1. Some produce to be grown and sold on site.
2. Hours of operation: Monday thru Saturday, 9:00 am to 6:00 pm.
3. Building square footage: 840, Canopy square footage: 280
4. Employees: 2
5. Signage: 4 x 5 feet
6. Parking: 12 spaces
7. Lighting to be directed inward.
8. This property is located within the Fort Bragg Study and Annexation Areas.

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

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

The property sought for Conditional Use Overlay is located:

Address 415 Buhmann Dr. Fayetteville NC  
(Street address or Route and Box #, and Zip Code)

Located on Buhmann Dr.  
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 9487-36-360B  
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 10 Frontage 125' feet Depth 350 Containing 1.00 acres +/-.

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

The property sought for Conditional Use is owned by: Christine Farmer  
as evidenced by deed from Received By Will from Hubert Bethea 2001  
as recorded in Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_, Cumberland County Registry.

\*\*\*\*\*  
It is requested that the foregoing property be rezoned as Conditional Use Overlay District from R-6A to R-6A Conditional Use.  
\*\*\*\*\*

Proposed use of property requested for Conditional Use: Produce Market / Vegetable Market - Sale of related merchandise Handicrafts and General Merchandise Open Air Market  
Note: This information shall not be used in the consideration of the Conditional Use request by the Planning Staff, Planning Board or the County Commissioners but to ensure that the proposed or intended use of the property is not otherwise allowed as a Specified Conditional Use in the zoning district in which it is located. Planning Staff will assist in determining the proper classifications(s), however, the responsibility of the actual request as submitted is that of the applicant.

*Some of the produce sold on premises will be grown on Lot 10 & other adjoining lots - This has been a long-time produce farm operated by Christine Farmer's brother Hubert Bethea*

Existing use of the property (Residential, commercial and specify any structures and respective uses): Vacant before construction

Water Provider (Existing or Proposed):

Well \_\_\_\_\_ PWC \_\_\_\_\_ Community Water La Grange Water (Name)

Septage Disposal Provided by: Septic Tank  PWC \_\_\_\_\_

\*\*\*\*\*

APPLICATION FOR  
CONDITIONAL USE OVERLAY DISTRICT

1. Proposed uses(s):

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

*Farmer's Market - Sale of Produce and related items - Handicrafts and general merchandise  
No alcohol sales  
Open air Market*

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

*Provides a convenient location for community to have access to fresh produce and related items*

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

*1 Produce Building on property - Remainder to be farmed*

2. Dimensional Requirements:

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

*Set back from centerline of Buhmann Dr. (to R/W) is 54.5' Overhang is 7'  
7' offset from lot II (which is owned by applicant)*

- B. Off-street parking and loading.

*Soil Parking lot for a maximum of 12 vehicles on south side of Bldg.*

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

*1 4' x 5' Outside Sign*

B. List any variance proposed from those regulations.

*None*

4. Miscellaneous:

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

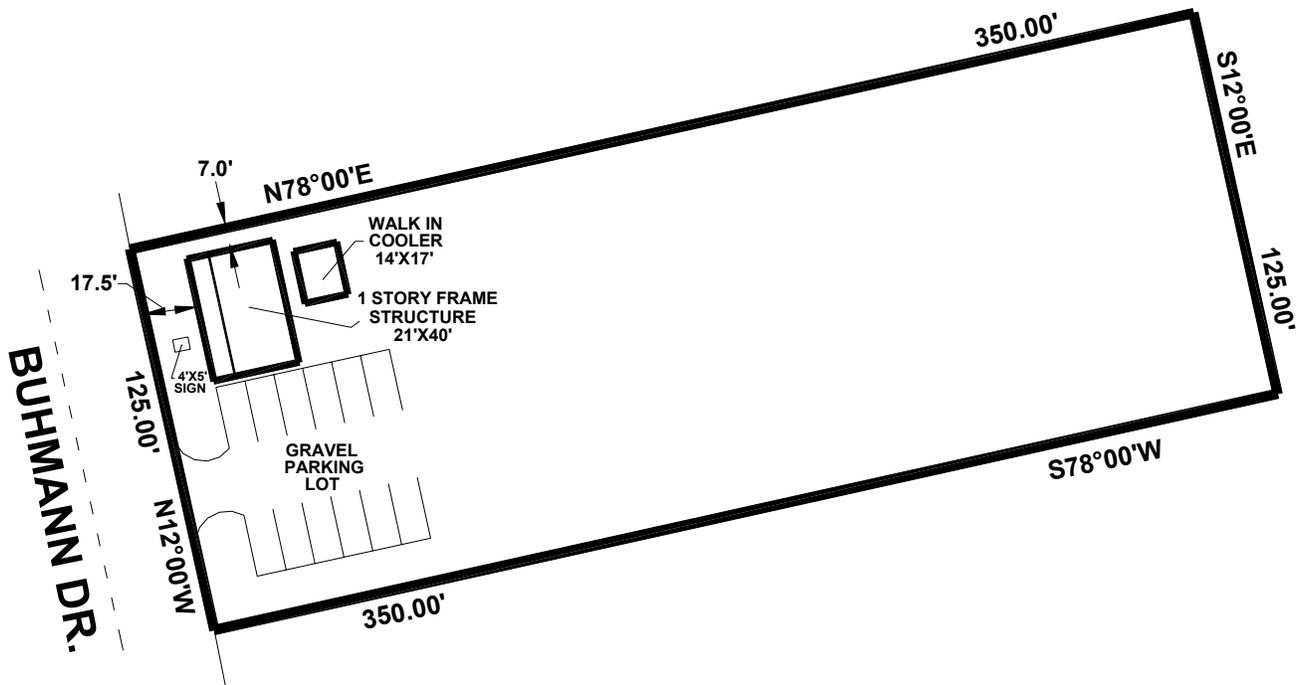
*Owner will operate from 9 AM to 6 PM Monday through Saturday - 2 employees (part-time)  
1 area light near back corner of Bldg.  
4 porch lights on the overhang  
No noise, no smoke or emissions*

5. Site Plan Requirements:

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

6. Acknowledgement:

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



**CONDITIONAL USE OVERLAY**

**REQUEST: ALLOW A PRODUCE MARKET AND RETAIL SALES**

**CASE: P04-35 SCALE: 1"=50'**

**ACREAGE: 1.00± ZONED: R6A**

**PARKING: AS SHOWN**