

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
Dr. Marion Gillis-Olion
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

TENTATIVE AGENDA January 18, 2005

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - A. P05-05: REZONING OF .08 ACRES FROM C3 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 204 EUCLID STREET, OWNED BY JAMES M. AND LINDA H. CAIN. (STEDMAN)
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF DECEMBER 21, 2004

REZONING CASES

- A. P05-04: REZONING OF 2.01 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1430 PORT RICHEY LANE, OWNED BY JOY BALLARD.
- B. P05-06: REZONING OF 114.6 ACRES FROM A1 TO R40 AND A CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW A RESIDENTIAL/HORSE FARM/EQUESTRIAN TRACT EAST OF ROSLIN FARM ROAD, NORTH OF JOHN MCMILLAN ROAD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY ELMA W. BUTLER HEIRS.

CONDITIONAL USE OVERLAY PERMIT REVISION

- A. P04-19: REVISION OF A CONDITIONAL USE OVERLAY PERMIT TO ALLOW A QUILTING BUSINESS, INSTRUCTION AND SEWING MACHINE SALES AND SERVICE ON ONE ACRE IN A PND/CU DISTRICT ON THE EAST SIDE OF RAMSEY STREET, NORTH OF BETHUNE DRIVE, OWNED BY JOHN R. AND CAROL S. WATKINS.

AMENDMENT

- A. P05-02: REVISION AND AMENDMENTS TO THE TOWN OF FALCON ZONING ORDINANCE BY CREATING ARTICLE IX, SECTION 9.41.1, "O&I OFFICE AND INSTITUTIONAL DISTRICT," (FALCON)

PLATS AND PLANS

- A. 04-146: CANADY CROSSING ZERO LOT LINE SUBDIVISION REVIEW ON THE EAST SIDE OF CHICKEN FOOT ROAD, SOUTH OF THOMAS DRIGGERS ROAD FOR A VARIANCE FROM SECTION 3.17.C, "STREET DESIGN," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

VII. PUBLIC HEARING ITEMS

- A. P05-03: REZONING OF 42.6 ACRES FROM A1 TO R30, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF CANADY POND ROAD, WEST OF CHICKEN FOOT ROAD, OWNED BY DANIEL F. SPEARS AND JEAN C. LATHAN, SUBMITTED BY FRED AND LINDA RICHTER.

VIII. DISCUSSION

- A. HAZARD MITIGATION PLANS FOR UNINCORPORATED AREAS OF THE COUNTY

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,
Dr. Marion Gillis-Olion
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Joint Planning Board

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

MINUTES

December 21, 2004, 7:00 p.m.
Historic Courthouse, Room #3

Members Present

Mr. Clifton McNeill, Chair
Mr. David Averette
Mr. Harvey Cain, Jr.
Dr. Marion Gillis-Olion
Mr. Donovan McLaurin
Mr. Joe W. Mullinax
Mr. Roy Turner

Members Absent

Mr. Charles Morris, Vice-Chair

Others Present

Mr. Tom Lloyd, Dep. Dir.
Ms. BJ Cashwell
Ms. Donna McFayden

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Dr. Olion delivered the invocation, and Chair McNeill led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd requested that Case P04-84 be moved to Public Hearing items as people had signed up in opposition. A motion was made by Mr. Averette and seconded by Mr. Turner to approve the Agenda as amended. The motion passed unanimously.

IV. PUBLIC HEARING DEFERRALS

Mr. Lloyd requested Case P04-19 be deferred to the January 18, 2005 meeting to allow the staff to obtain additional information from the applicant. A motion was made by Mr. Averette and seconded by Dr. Olion to defer the case to January 18, 2005. The motion passed unanimously.

V. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

VI. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the Board's policy regarding public hearing time limits.

VII. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF DECEMBER 7, 2004

A motion was made by Mr. Turner and seconded by Mr. Averette to approve the Minutes of December 7, 2004 as written. The motion passed unanimously.

REZONING CASES

- A. P04-72: REZONING OF .39 ACRES FROM C3 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1402 MACK STREET, SUBMITTED BY THE TOWN OF SPRING LAKE, OWNED BY JOYCE F. CHASTAIN.

The Planning staff recommended approval of the R10 Residential District based on the following:

1. The Town of Spring Lake requested the R10 rezoning; and
2. The Spring Lake Land Use Plan calls for low-density residential development at this location.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the R10 Residential District. The motion passed unanimously.

- B. P04-79: INITIAL ZONING OF 4.58 ACRES TO R5, OR A MORE RESTRICTIVE ZONING DISTRICT, ON MCNEIL STREET, SOUTH OF CHAPEL HILL ROAD, SUBMITTED BY THE TOWN OF SPRING LAKE, OWNED BY FRANK K. AND JACQUELINE W. HARNEY.

The Planning staff recommended approval of the R5 Residential District initial zoning based on the finding that the Spring Lake Board of Aldermen requested that the property be zoned R5.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the R5 Residential District initial zoning. The motion passed unanimously.

- C. P04-80: REZONING OF 1.85 ACRES FROM R5A TO O&I, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE EAST SIDE OF RAMSEY STREET, SOUTH OF CARVERS FALLS ROAD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY JAMES I. JONES, JR.

The Planning staff recommended approval of the O&I Office and Institutional District based on the following:

1. The uses allowed in the O&I District are compatible with the uses in the surrounding area; and
2. The rezoning will allow for services needed to serve the residents of the area.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the O&I Office and Institutional District. The motion passed unanimously.

- D. P04-81: REZONING OF .28 ACRES FROM O&I TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT, AT 5011 CUMBERLAND ROAD, OWNED BY JULIAN T. MANN, JR.

The Planning staff recommended approval of the C1 Local Business District based on the finding that the uses allowed in the C1 District are consistent with the surrounding land use.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the C1 Local Business District. The motion passed unanimously.

- E. P04-82: REZONING OF FIVE PARCELS TOTALLING 50.5 ACRES FROM RR AND CD TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH AND WEST SIDES OF PINE CONE LANE AND CAMDEN ROAD, SUBMITTED BY K. DOUGLAS BARFIELD, OWNED BY PEARTREE VENTURES, LLC, ET AL.

The Planning staff recommended approval of the R10 Residential District based on the following:

1. The 2010 Land Use Plan calls for low-density residential development at this location;
2. The Planning Board recently approved R10 District in the area; and
3. Water and sewer systems are in place.

The Planning staff found that the subject property is also suitable for the R15 Residential District.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the R10 Residential District. The motion passed unanimously.

- F. P04-83: REZONING OF A .51 ACRE PORTION OF A 1.03 ACRE TRACT FROM R40 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2828 BLOSSOM ROAD, SUBMITTED BY JOHN D. PONE, OWNED BY MARY D. PONE.

The Planning staff recommended approval of the RR Rural Residential District based on the finding that the RR District is consistent with the zoning and land use in the area.

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

A motion was made by Mr. Averette and seconded by Mr. Mullinax to follow the staff recommendation and approve the RR Rural Residential District. The motion passed unanimously.

CONDITIONAL USE OVERLAY DISTRICT AND PERMIT

- G. P04-85: REZONING OF 42.81 ACRES FROM A1 TO R10/CU FOR A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW SINGLE-FAMILY RESIDENTIAL SOUTH OF SAND HILL ROAD, NORTHEAST OF CELEBRATION DRIVE, SUBMITTED BY MOORMAN, KIZER AND REITZEL, INC., OWNED BY PREWITT LAND COMPANY, LLC.

The Planning staff recommended approval of the Conditional Use District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommended approval of the Conditional Use Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

Packet materials were introduced into the record.

The Planning staff recommended approval of the R10 Residential District based on the finding that the 2010 Land Use Plan calls for low-density residential development at this location.

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

A motion was made by Mr. McLaurin and seconded by Mr. Averette to follow the staff recommendation and approve the R10/Conditional Use District based on the finding that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Mr. McLaurin and seconded by Mr. Averette to follow the staff recommendation and approve the Conditional Use Permit according to the application after finding that when completed, the proposal: 1) Will not materially endanger the public health and safety; 2) Will not substantially injure the value of adjoining or abutting property; 3) Will be in harmony with the area in which it is to be located; and 4) Will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion passed unanimously.

VII. PUBLIC HEARING ITEM

- A. P04-84: REZONING OF TWO PARCELS TOTALLING 6.42 ACRES FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 4463 AND 4475 SANDEROSA ROAD, OWNED BY PHILLIP T. DAVIS.

The public hearing was opened.

Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the R40A Residential District based on the finding that the Eastover Land Use Plan calls for low-density residential development at this location.

Mr. Phillip Davis appeared before the Board in favor of the request and said the purpose of the zoning was to allow him to add three units, and felt it would fit in with the Eastover Plan. He indicated there would be no changes to the front of the property, and the lots would still be 40,000 square feet. He said he was not trying to change the looks or character of the property in the area. He informed the Board that he was approached by people in the area that would like an acre of land to live on so they don't have to live in a trailer park.

Mr. David Williams appeared before the Board in opposition to the request and said he was opposed to new development. He explained more development brings in drug trafficking and an increase of break-ins. He indicated that the area was agricultural and more paving of the area would create flooding problems. He said water had already backed up on his lot.

Mr. Lloyd informed the Board that four lots could be development with a dirt road, more than four and less than eight would require gravel or crush/run and eight or more lots would have to be a paved road.

Mr. Davis said if he were told to pave the road, the project would not be done. He said the three units proposed were for residents already living in the area.

Mr. Averette asked if he was renting the lots and not selling them. Mr. Williams said he proposed to rent a double wide on each space.

The public hearing was closed.

A motion was made by Mr. Averette and seconded by Mr. Cain to follow the staff recommendation and approve the R40A Residential District. The motion passed unanimously.

VIII. DISCUSSION

A. REPORT ON COUNTY COMMISSIONERS' MEETING

Chair McNeill reported that the Commissioners followed the Board's recommendations for all the cases, and the two contested cases had no opposition so they were included on the Consent Agenda. Chair McNeill said the only case under Public Hearing was the Eastover case, and after a lengthy discussion, it was approved as recommended by the Board.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:45 p.m.

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
Dr. Marion Gillis-Olion
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

January 13, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 18, 2005 MEETING**

P05-05: REZONING OF .08 ACRES FROM C3 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 204 EUCLID STREET, OWNED BY JAMES M. AND LINDA H. CAIN. (STEDMAN)

The Planning staff recommends deferral of this case and that a Downtown Zoning District be created for inclusion in the Town of Stedman Zoning Ordinance to allow these types of uses and densities within the downtown area of the Town of Stedman.

SITE PROFILE

P05-05

REZONING OF .08 ACRES FROM C3 TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 204 EUCLID STREET, OWNED BY JAMES M. AND LINDA H. CAIN. (STEDMAN)

Site Information:

Applicant/Owner: JAMES M. AND LINDA H. CAIN

Area: .08 acres

Frontage & Location: 31 feet on Euclid Street

Depth: 108 feet

Jurisdiction: Stedman

Adjacent Property: No

Current Use: Residential

Previous Zoning Action(s): Violation – no permits pulled for building conversion, no letter sent

Surrounding Zoning: North-R10, C(P), C3, M2, East-R10, R10M, C(P), C3, South-R10, R10M and West-R10, R10M and M2

Surrounding Land Use: Commercial business, ice cream shop, nail salon, photo store, gardening store, park, public water works, sheriff department, realty company, town hall, strip mall, duplex (2)

Stedman Land Use Plan: Light Commercial

2010 Land Use Plan: Medium Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: Stedman

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: Stedman utilities

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

Notes:

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
Dr. Marion Gillis-Olion
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

January 13, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 18, 2005 MEETING**

P05-04: REZONING OF 2.01 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1430 PORT RICHEY LANE, OWNED BY JOY BALLARD.

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

1. The 2010 Land Use Plan calls for low-density residential development at this location; and
2. The uses allowed in the RR District are consistent with the land use in the area.

SITE PROFILE

P05-04

REZONING OF 2.01 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1430 PORT RICHEY LANE, OWNED BY JOY BALLARD.

Site Information:

Applicant/Owner: JOY BALLARD

Area: 2.01 acres

Frontage & Location: 587 feet on Port Richey Lane

Depth: 72 feet on Fennel Road

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: June 25, 1980 (Area 13)

Previous Zoning Action(s): None

Surrounding Zoning: North-A1, RR, East-A1, A1/CU, R40A, RR, South-A1, RR, R15, and West-A1, RR

Surrounding Land Use: Single family residential

2010 Land Use Plan: Low Density Residential

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: Well / Septic, PWC water and sewer exists 2000' +/- south of site.

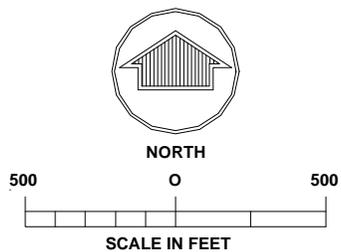
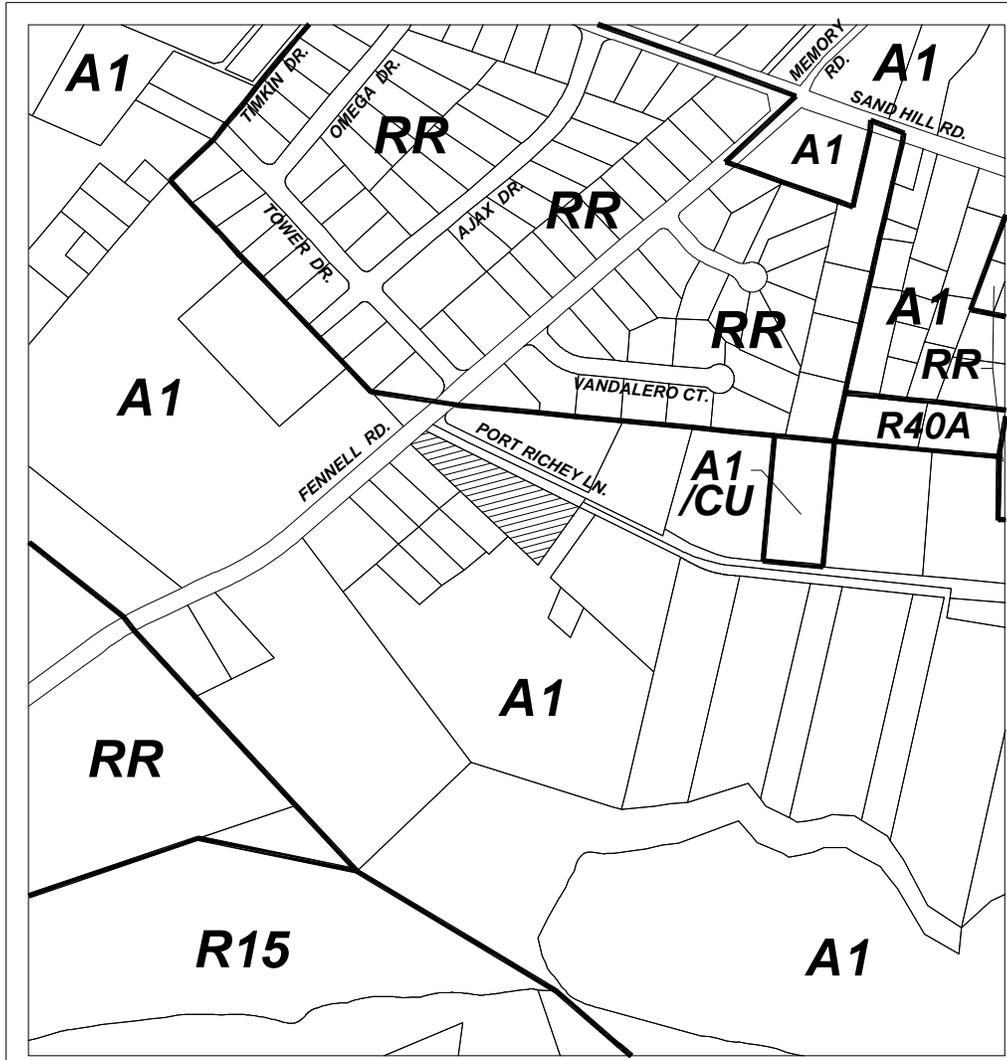
Thoroughfare Plan: No road improvements or new construction specified for this area.

Average Daily Traffic Count (2000): 1000 on Fennel Road

Notes:

Density: A1 – 1 unit
 R40A – 2 units
 RR – 4 units

The subject property was previously denied rezoning from A1 to R40A (P01-48)



**REQUESTED REZONING:
A1 TO RR**

ACREAGE: 2.01 AC. ±	HEARING NO: P05-04	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0432-99-1046

AF

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
Dr. Marion Gillis-Olson
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

January 13, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 18, 2005 MEETING**

P05-06: REZONING OF 114.6 ACRES FROM A1 TO R40 AND A CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW A RESIDENTIAL/HORSE FARM/EQUESTRIAN TRACT EAST OF ROSLIN FARM ROAD, NORTH OF JOHN MCMILLAN ROAD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY ELMA W. BUTLER HEIRS.

The Planning staff recommends approval of the R40/Conditional Use District based on the following:

1. The Planning staff is working toward cluster developments that also provide for preservation of farmland and open space; and
2. The proposal will protect the rural character of the area.

SITE PROFILE

P05-06

REZONING OF 114.6 ACRES FROM A1 TO R40 AND A CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW A RESIDENTIAL/HORSE FARM/EQUESTRIAN TRACT EAST OF ROSLIN FARM ROAD, NORTH OF JOHN MCMILLAN ROAD, SUBMITTED BY CRAWFORD B. MACKETHAN, OWNED BY ELMA W. BUTLER HEIRS.

Site Information:

Applicant/Owner: CRAWFORD B. MACKETHAN / ELMA W. BUTLER HEIRS

Area: 114.6 acres

Frontage & Location: 1130 feet on Roslin Farm Road

Depth: 1800 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Farmland / Woodland

Initial Zoning: June 25, 1980 (Area 13)

Previous Zoning Action(s): None

Surrounding Zoning: North-A1, A1/CU, R40A, East-CD, A1, South-CD, A1, R40A, and West-CD, A1, R40A, RR

Surrounding Land Use: Single family residential and 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

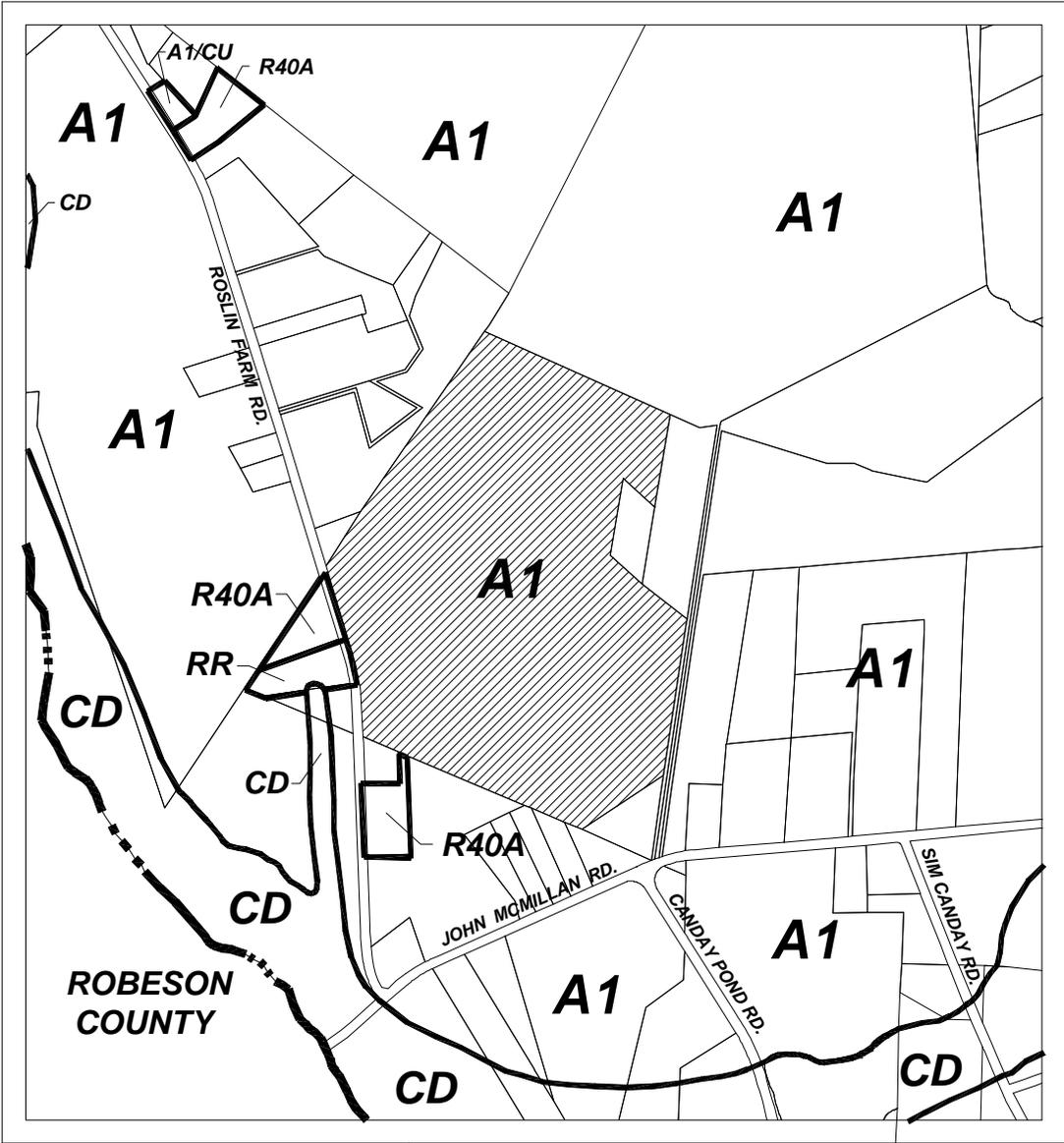
Water/Sewer Availability: Well / Septic, no PWC utilities available

School Capacity/Enrolled: Galberry Farms Elementary 901/958, Grays Creek Middle 450/524, Grays Creek High 1000/961

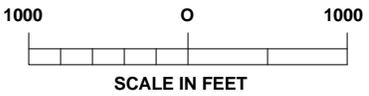
Thoroughfare Plan: No road improvements or new constructions specified for this area.

Notes:

1. Average lot size: 20,000 square feet with equestrian riding areas, nature trails, greenway areas and quality perimeter fencing
2. 80 lots: 60% developed, 40% greenway / open space
3. Homes from \$175,000 to \$250,000
4. 20 foot perimeter buffer
5. Parking: as required for residential use
6. Signage: IAW the County Zoning Ordinance



NORTH



SCALE IN FEET

**REQUESTED REZONING:
A1 TO R40/CU**

ACREAGE: 114.60 AC. ±		HEARING NO: P05-06
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,
Dr. Marion Gillis-Olion
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

January 13, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 18, 2005 MEETING

P04-19: REVISION OF A CONDITIONAL USE OVERLAY PERMIT TO ALLOW A QUILTING BUSINESS, INSTRUCTION AND SEWING MACHINE SALES AND SERVICE ON ONE ACRE IN A PND/CU DISTRICT ON THE EAST SIDE OF RAMSEY STREET, NORTH OF BETHUNE DRIVE, OWNED BY JOHN R. AND CAROL S. WATKINS.

The Planning staff recommends approval of the revision to the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

SITE PROFILE

P04-19

REVISION OF A CONDITIONAL USE OVERLAY PERMIT TO ALLOW A QUILTING BUSINESS, INSTRUCTION AND SEWING MACHINE SALES & SERVICE ON 1.0 ACRE, IN A PND/CU DISTRICT, ON THE EAST SIDE OF RAMSEY STREET, NORTH OF BETHUNE DRIVE, OWNED BY JOHN R. AND CAROL S. WATKINS.

Site Information:

Applicant/Owner: JOHN R. AND CAROL S. WATKINS

Area: 1.0 acres

Frontage & Location: 140 feet on Ramsey Street

Depth: 312 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Quilt shop

Initial Zoning: August 21, 1972 (Area 1)

Previous Zoning Action(s): Violation-no letter sent

Surrounding Zoning: North-PND and C1, East-RR and PND, South-RR, PND and C(P), West-PND

Surrounding Land Use: Insurance company, junkyard/open storage of cars, quadplex's, shriners, commercial business, school

2010 Land Use Plan: Suburban Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic tank

NAPZ (Ft. Bragg/Pope AFB): Pope AFB has no objections to this case.

School Capacity/Enrollment: Raleigh Road Elementary 182/259, Long Hill Elementary 406/493, Pine Forest Middle 872/775, Pine Forest High 1705/1674

Thoroughfare Plan: Ramsey Street is identified as a Major Thoroughfare. It has a current adequate 100 foot right-of-way. Road improvements are included in the 2004-2010 MTIP. ROW Acquisition-post years, Construction-post years, Currently unfunded.

Average Daily Traffic Count (2000): 7,500 on Ramsey Street

Notes:

1. Hours: 8:30 am to 9:00 pm, Mon-Sat (previously 10:00 am to 9:00 pm)
2. Sign Size: top-5ft x 12ft, bottom-4ft x 10ft, height-18ft
3. Sign Location: 15ft from the property line
4. Employees: 27 (previously 12)
5. Parking: 51 spaces (previously 23)
6. Lighting to be directed inward
7. Buffering: South side-a nicely painted fence and a plant an eye-appealing garden to hide the adjacent wall, North and East side-Vegetative landscaping (previously IAW Section 10.2 of the Zoning Ordinance).

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 7076 Ramsey St., Fayetteville, NC 28311
(Street address or Route and Box #, and Zip Code)

Located on Ramsey St (North of Pine Forest Middle School)
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0542 - 42 - 1003 -
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # _____ Frontage 140 feet Depth 311.75 Containing 1 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 an 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: Carol + John Watkins
as evidenced by deed from Cumberland
as recorded in Deed Book 16376, Page(s) 552, Cumberland County Registry.

It is requested that the foregoing property be zoned as Conditional Use Overlay District from _____ to PND/CU Revision Conditional Use.

Proposed use of property requested for Conditional Use: Quilt Shop, sewing instruction, machine repair service, quilting service, Bernina Machine Sales
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): Quilt shop

Water Provider (Existing or Proposed):

Well _____ PWC Community 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.)

Quilt shop and Bernina sewing products dealership.
We also offer machine repair services (sewing, serging, embroidery machines), long-arm quilting services, quilting/sewing instruction, and quilt kits.

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

See attached statements

- 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.)

N/a

2. 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

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

Top sign 5' X 12' } Lighted and motionless
Bottom sign 4' X 10' }

(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.

See attached statement

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.

See attached drawing

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.

3B. List any variances proposed from district sign regulations as proposed from Section 9.4.

Because signage is so critical to the success of a retail business, we have found it necessary to ask for a variance in district sign regulations. Our shop is located on a piece of property off of Ramsey Street in Fayetteville that is on a contour. Thus the actual building sits lower than the main road as well as a distance from the main road. Additionally, the business located on the South side of our location sits considerably higher than our property and in front of our building. From the main road, our business is in a sort of blind spot and can be easily passed by without even being noticed without attractive road signage. We are also limited because of the required location of the septic system and repair field for that system for our business.

Our sign is attractive, well kept, and does not cause a problem for any of our neighbors. To be seen, however, it must be located closer to the street than allowed by standard signage regulations. If it is moved further into the lot, we would be compromising either the septic area, the septic repair area or the parking area. Furthermore, the visibility of the signage would be zero from the street in either direction of traffic in front of the shop.

I would like to keep the sign positioned where it was originally located by the sign company, East Coast Signs, a company that came highly recommended to us, and ask that we also be permitted to put the name of the business on the face of our building. To do so would make the building look more inviting and welcoming.

Currently our sign meets one portion of the Cumberland County Code in that it is no more than 35 feet high and it is located more than five feet from any street or property line (Sections 9.423.1 and 9.424). However, we do not meet the requirement stated in section 9.435 of the code. Our sign was installed 16 feet from the roadway by East Coast Signs Company, yet it is slightly taller than 16 feet.

We have three other signs in our close by vicinity that are taller the height measurement from the road, specifically Andrews Common Shopping Center (sign height 50 ft. +, located 20 feet from the street, Bethune Drive, various businesses (sign height 20 ft., distance from street, 17 ft.), Collier Insurance Company (sign height 20 ft., distance from Ramsey Street, 15 ft.)

So we are requesting a variance from the code which will allow us to keep our sign in its current location.

4. Miscellaneous

We would like to change our hours of operation from 10 a.m. – 9 p.m., Monday thru Saturday to 8:30 a.m. – 9 p.m. Monday thru Saturday. The additional hours will enable us to better meet the community demand for sewing and quilting classes. We have also expanded our long-arm quilting business since moving to the larger location and purchased a second long arm quilting machine and, finally, are now in a position to grow

our website business. We also need to hire a cleaning person and a grounds keeper. To enable us to staff these extra jobs would require that we hire more staff persons and teachers. We estimate that the total number of new staff that will be needed to train will be 15 persons.

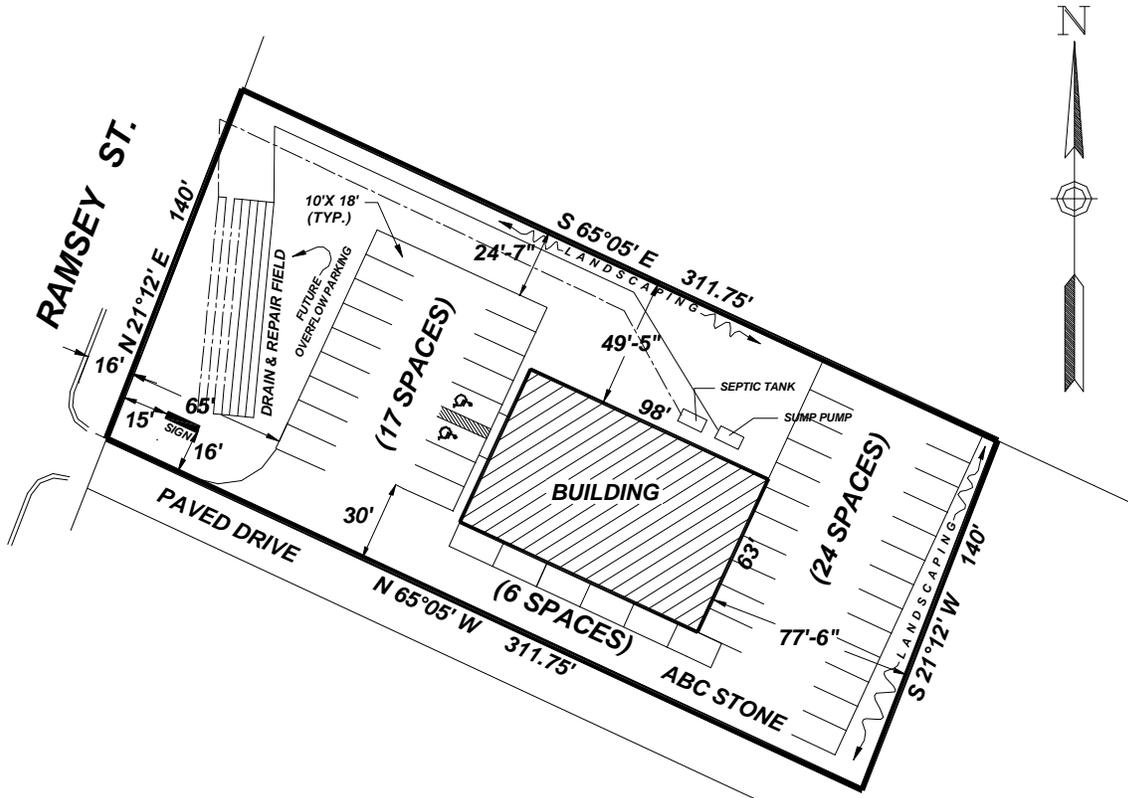
To accommodate the additional staffing requirements, we would also like to pave our property in the rear of the building for more parking space. Further, when the present sewerage project is completed (the project is in progress on the back portion of our lot), and we no longer have to rely upon septic use, we would like to fully utilize the front parking area and pave the area currently set aside for the septic repair field and use it as a parking area as well.

Because we want our parking areas to be well lit and safe for our customers who take evening classes, I would like Progressive Energy to install additional security lighting on one pole currently located on the street and to add an additional pole behind the building with another security light. Many of our customers are seniors and we feel strongly that we need to add this lighting in addition to the lighting that is currently on the exterior of our building so that they may better see curbs or other spots that might be more challenging for them at night. This lighting would be directed so that it does not create any problems for our neighbors.

The business located on one side of our property has a concrete wall and an old fence that separates the two properties. To improve the curb appeal of our property, we would like to erect a nicely painted fence that will hide that wall and plant an eye-appealing garden of some sort with shrubs and flowering plants along that side of the property. (See attached photos). We would also like to erect another section of fencing to hide our trash containers and make that area of our property less unsightly.

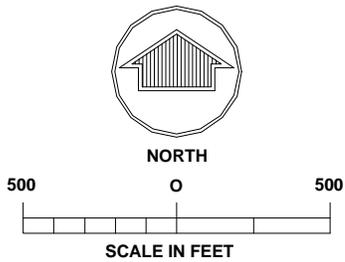
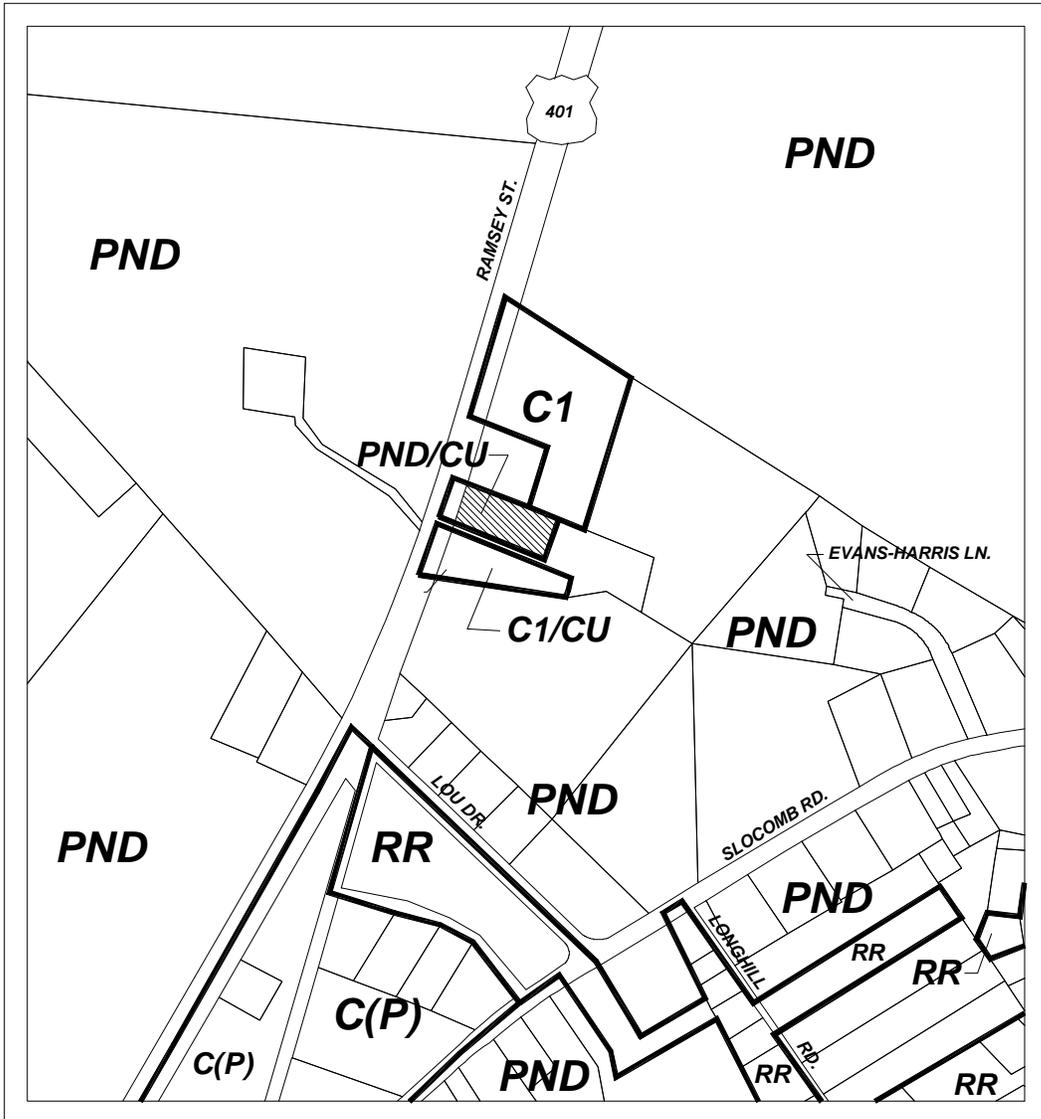
On the opposite side of the property we have left the dogwood and holly trees that separate the properties but would like to enhance that area with more trees and flowering plants as the spacing of the current foliage allows. This would provide more privacy for our neighbors and make our property more appealing from Ramsey Street.

Finally, we would like to create some quiet areas where our customers may just sit and visit with one another after classes outside the shop in the back. We are a quilt shop and our customers would enjoy being able to share a sandwich then sit with a friend in a park-like setting to hand-quilt a while after a morning class. Under the dogwood trees on our property would be a perfect setting for some comfortable benches, etc. that would make this a reality. As a part of this project, we would need to provide a walkway of some type for easy and safe access for our customers.



CONDITIONAL USE OVERLAY

CASE: P04-19 ZONED: PND/CU ACREAGE: 1.00 AC.±
REQUEST: REVISION OF SITE PLAN FOR EXISTING QUILTING BUSINESS
SCALE: 1"=50' PARKING: 47 SPACES SHOWN



CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 1.00 AC.±	HEARING NO: P04-19	
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,
Dr. Marion Gillis-Olison
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

January 13, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 18, 2005 MEETING

P05-02: REVISION AND AMENDMENTS TO THE TOWN OF FALCON ZONING
ORDINANCE BY CREATING ARTICLE IX, SECTION 9.41.1, "O&I OFFICE AND
INSTITUTIONAL DISTRICT," (FALCON)

The Planning staff recommends approval of the Amendment based on the fact that the district exists, but the O&I sign regulations were inadvertently omitted from the Falcon Zoning Ordinance.

P05-02

REVISION AND AMENDMENTS TO THE TOWN OF FALCON ZONING ORDINANCE, ARTICLE IX, SECTION 9.4 “SIGNS PERMITTED BY DISTRICT” BY CREATING SECTION 9.41.1, “O&I OFFICE AND INSTITUTIONAL DISTRICT.” (FALCON)

Amend Article IX, Section 9.4 “SIGNS PERMITTED BY DISTRICT” by creating SECTION 9.41.1, “O&I OFFICE AND INSTITUTIONAL DISTRICT” as follows:

9.41.1 O&I OFFICE AND INSTITUTIONAL DISTRICT

Signs for uses permitted in the O&I District shall be regulated as follows:

9.41.1(a) *Signs Permitted.* One (1) identification sign and one (1) bulletin board sign per business shall be permitted. When detached from the building, all identification signs representing business within one (1) building must be on the same support pole or structure. One (1) bulletin board sign attached to the building and listing the building(s) occupants shall be permitted per building.

9.41.1(b) *Sign Area.* Identification signs shall have a maximum area of ten (10) square feet per business with an overall sign area not to exceed fifty (50) square feet; bulletin boards attached to the building shall have a maximum sign area of six (6) square feet.

9.41.1(c) *Illumination.* Any illuminated sign shall be lighted only with nonflashing and motionless illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residential district, and shall be so arranged as to reflect light away from the streets.

9.41.1(d) *Sign Height.* No part of any detached sign shall be more than thirty-five (35) feet above the ground at its base and no sign shall be located closer than five (5) feet to any property line or right-of-way line.

9.41.1(e) *Location.* No sign shall be located less than five (5) feet from any street or property line.

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
Roy Turner,
Dr. Marion Gillis-Olson
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.,
Town of Stedman

January 6, 2005

MEMORANDUM

TO: Planning Board

FROM: Edward M. Byrne, Planner I

SUBJECT: Case No. 04-146
Canady Crossing
(Zero Lot Line Subdivision Review)

The developer submitted a request for a variance from Section 3.17.c, "Street Design", Cumberland County Subdivision Ordinance, to be allowed to extend the lengths of two cul-de-sacs from the 800 feet maximum length, to the proposed lengths of 837.66 feet and 987.47 feet. The developer has proposed 35 lots on 36.0 ac. +/- that is zoned R40 Residential District. The lots on the proposed zero lot line subdivision are located in the front portion of the property because the soils in the back half of the property will not support septic systems.

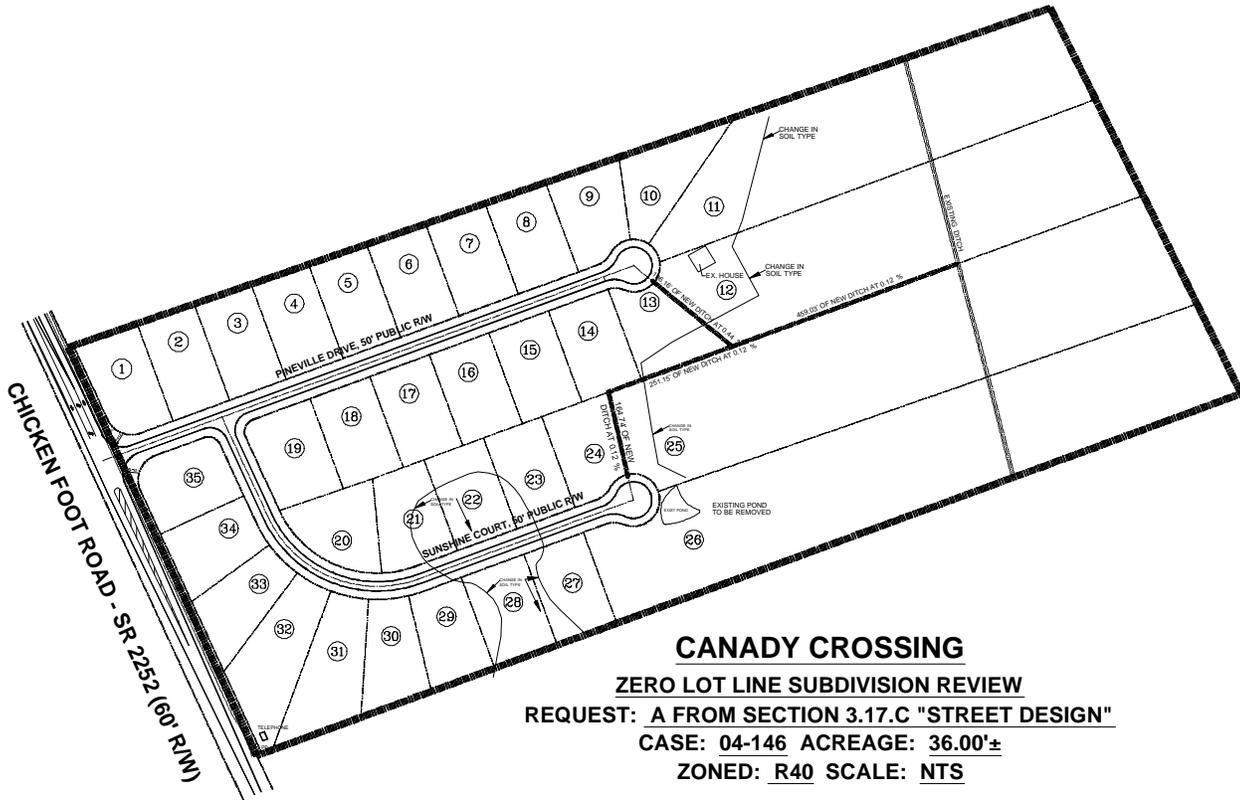
In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this Ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the subdivider.

The Planning Staff recommends **approval** of the requested variance based on the following:

- The nature of the existing soils will not support the development of lots in the back portion of this property; and
- The proposed road layout will allow this property to be developed in a manner that would preserve open space.

Attachments

cc: Linwood Hobgood, Developer
Harvey Allen, Surveyor
Grainger Barrett, County Attorney
Patricia Speicher, Supervisor, Land Use Codes



CANADY CROSSING

ZERO LOT LINE SUBDIVISION REVIEW

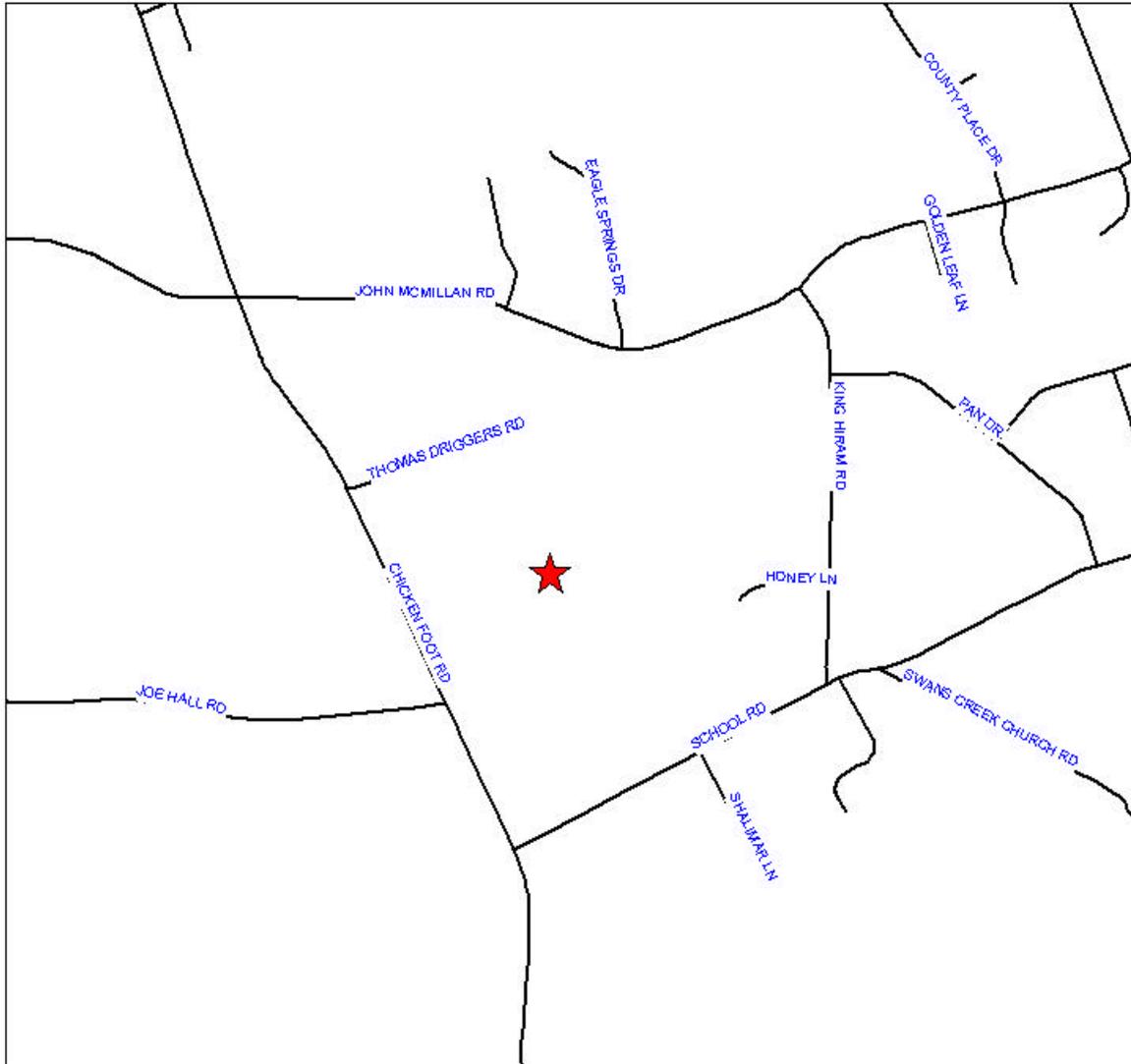
REQUEST: A FROM SECTION 3.17.C "STREET DESIGN"

CASE: 04-146 ACREAGE: 36.00'±

ZONED: R40 SCALE: NTS

CANADY CROSSING PROPERTY ZERO LOT LINE SUBDIVISION REVIEW

CASE NO. 04-146



PIN: 0431-26-1152
PREPARED BY EMB - CCJPB
JANUARY 11, 2005

Map not to scale



Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
Dr. Marion Gillis-Olion
Roy Turner,
Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Harvey Cain, Jr.
Town of Stedman

January 13, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

**SUBJECT: STAFF RECOMMENDATIONS
FOR JANUARY 18, 2005 MEETING**

P05-03: REZONING OF 42.6 ACRES FROM A1 TO R30, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF CANADY POND ROAD, WEST OF CHICKEN FOOT ROAD, OWNED BY DANIEL F. SPEARS AND JEAN C. LATHAN, SUBMITTED BY FRED AND LINDA RICHTER.

The Planning staff recommends denial of the R30 Residential District based on the following:

1. The density allowed in the R30 Residential District is inconsistent with the character of the surrounding area; and
2. The 2010 Land Use Plan calls for farmland at this location.

SITE PROFILE
P05-03

REZONING OF 42.6 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF CANADY POND ROAD, WEST OF CHICKEN FOOT ROAD, OWNED BY DANIEL F. SPEARS AND JEAN C. LATHAN, SUBMITTED BY FRED AND LINDA RICHTER.

Site Information:

Applicant/Owner: FRED AND LINDA RICHTER / DANIEL F. SPEARS AND JEAN C. LATHAN

Area: 42.6 acres

Frontage & Location: 1890 feet on Canady Pond Road

Depth: 1215 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: June 25, 1980 (Area 13)

Previous Zoning Action(s): None

Surrounding Zoning: Primarily CD and A1 with some R40A, RR and C1

Surrounding Land Use: Shady acres rodeo

2010 Land Use Plan: Farmland

Designated 100-Year Floodplain or Floodway: 100 year flood at or above 160 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

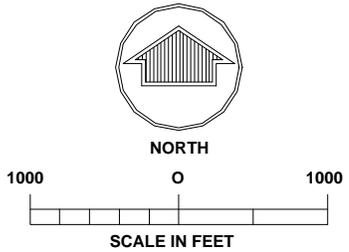
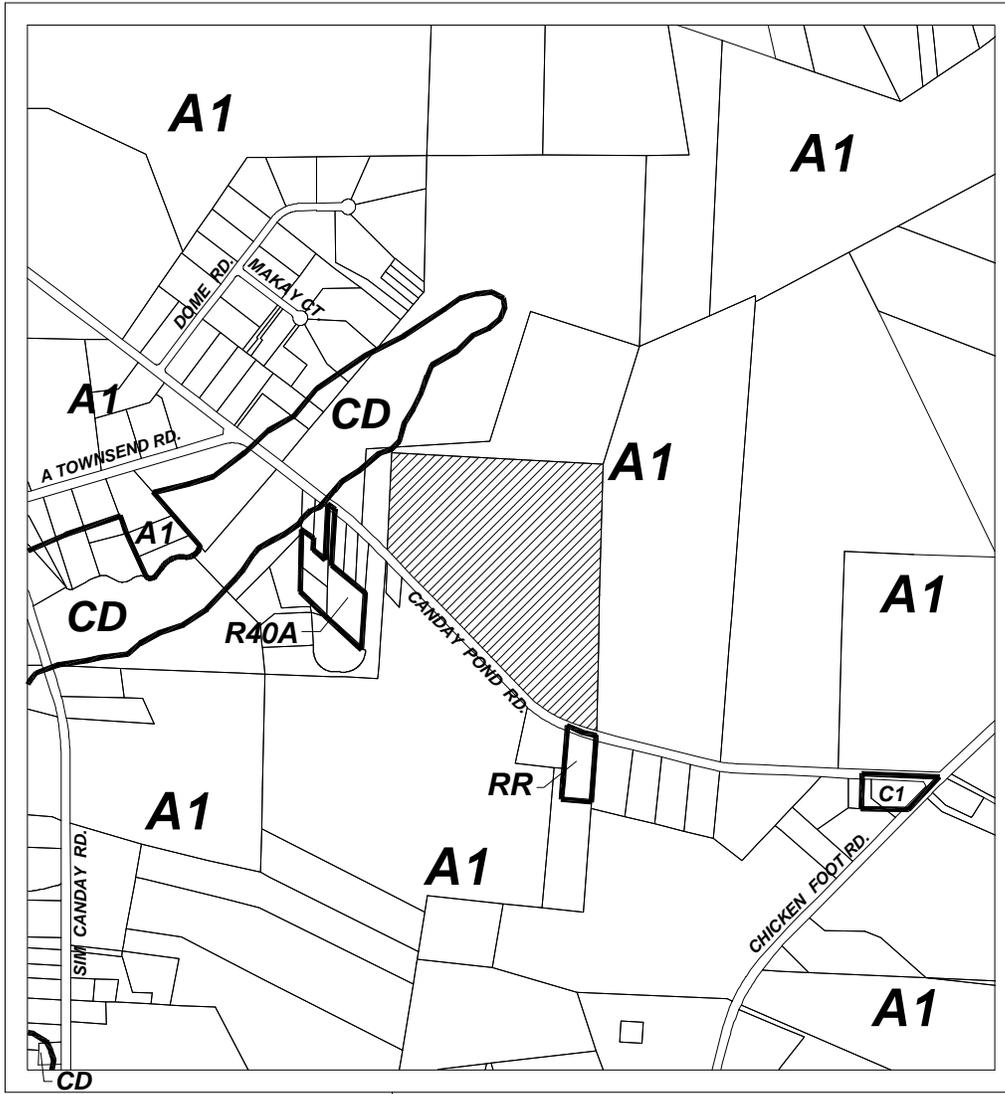
School Capacity/Enrolled: Grays Creek Elementary 901/759, Grays Creek Middle 450/524, Grays Creek High 1000/961

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

Average Daily Traffic Count (2000): 190 on Canady Pond Road

Notes:

Density minus 20%: A1 – 17 lots
R40 – 37 lots
R30 – 49 lots



**REQUESTED REZONING:
A1 TO R30**

ACREAGE: 42.6 AC. ±	HEARING NO: P05-03	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0421-80-1583

AF