

Charles C. Morris,
Chair
Town of Linden
Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin



Thomas J. Lloyd,
Director
Cecil P. Combs,
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

TENTATIVE AGENDA

APRIL 17, 2007

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - A. P07-04: REZONING OF 44.32+/- AC FROM A1 TO R15/DD/CUD & PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF OLD VANDER RD, NORTHWEST OF SIMMONS CARTER RD, OWNED BY GERTRUDE V. HARRIS.
 - B. P07-10: REZONING OF 5.51 ACRES FROM RR TO C(P)/CUD & PERMIT TO ALLOW MINI-WAREHOUSING & RETAIL/OFFICE USES, AT 6417 CAMDEN ROAD, SUBMITTED BY BRAD YOUNG, OWNED BY USA STORAGE CENTER, LLC.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. PUBLIC HEARING POLICY STATEMENT
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF MARCH 20, 2007

REZONING CASES

- B. P07-20: REZONING OF THREE PARCELS TOTALING 43.36 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF DUNN ROAD, EAST OF RINGWOOD DRIVE, SUBMITTED BY TAMMY CAIN BARRY, OWNED BY CAIN BUILDERS, INC.
- C. P07-24: REZONING OF .34 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3639 BOONE TRAIL, OWNED BY JUDY L. (SUGGS) MORRIS.
- D. P07-26: REZONING OF A .24 ACRE PORTION OF A 26.18 ACRE TRACT, FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF SAND HILL ROAD, WEST OF TOWER ROAD, OWNED BY TERRY SPELL LAND DEVELOPMENT LLC.

- E. P07-27: REZONING OF THREE PARCELS TOTALING 47.24 ACRES FROM R6A TO A1, LOCATED ON THE SOUTH SIDE OF TOM STARLING ROAD, AT INNISFREE PLACE, OWNED BY PATRICIA LEAHY.
- F. P07-28: INITIAL ZONING OF .92 ACRES TO RR, LOCATED ON THE WEST SIDE OF MISSION HILL ROAD, SOUTH OF OAK HAVEN ROAD, OWNED BY DAWN AND WILLIAM STOCK.
- G. P07-30: REZONING OF .28 ACRES FROM R10 TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1449 E. MANCHESTER ROAD, SUBMITTED BY COLON L. JAMES JR, OWNED BY MALCOLM JAMES.

REVISION & AMENDMENT

- H. P07-21: REVISION AND AMENDMENT TO THE FALCON ZONING ORDINANCE, ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, TABLE 1-D, PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL DISTRICT – R15A. (FALCON)

VII. PUBLIC HEARING ITEMS

REZONING CASES

- A. P07-22: REZONING OF 2.2 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 871 REMLEY COURT, OWNED BY BRIAN DAIGNEAULT.
- B. P07-25: REZONING OF 1.0 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1227 SHAW ROAD, OWNED BY RODNEY S. GARRETT.
- C. P07-29: REZONING OF 3.80 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4848 S. MAIN STREET, OWNED BY WILLIAM K. AND PATRICIA W. GAUTIER, SUBMITTED BY VANCE JOHNSON PLUMBING COMPANY, INC.
- D. P07-31: REZONING OF 2.71 ACRES FROM A1 TO R30A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1188 CYPRESS LAKES ROAD, OWNED BY JOHN L MCARTHUR JR.

VIII. DISCUSSION / DIRECTOR'S UPDATE

IX. ADJOURNMENT

Charles C. Morris,
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MINUTES MARCH 20, 2007

Members Present

Mr. Charles Morris, Chair
Mrs. Lori Epler
Mr. Donovan McLaurin, Vice-Chair
Mr. Clifton McNeill
Mrs. Sara Piland
Mr. Garland Hostetter
Mr. Roy Turner
Commissioner Diane Wheatley

Others Present

Mr. Tom Lloyd, Director
Mr. Cecil Combs, Deputy Director
Mrs. Annette Nunnery
Mr. Grainger Barrett, County Attorney
Ms. Donna McFayden

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Morris delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO AGENDA

Mr. Lloyd requested that cases P07-14 and P07-19 be moved from Consent to Public Hearing. **Mr. McNeill made a motion, seconded by Mrs. Epler, to accept the adjustment to the agenda. Unanimous approval.**

III. PUBLIC HEARING DEFERRALS There were no deferrals.

IV. ABSTENTIONS BY BOARD MEMBERS There were no abstentions.

V. POLICY STATEMENT REGARDING PUBLIC HEARINGS

Mr. Lloyd read the policy statement regarding public hearings.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF MARCH 6, 2007

Mrs. Epler made a motion, seconded by Mrs. Piland, to accept the minutes as submitted. Unanimous approval.

PLAT & PLAN CASES

B. CASE 07-012: CONSIDERATION OF ORCHARD PARK AT EASTOVER, SUBDIVISION REVIEW, REQUEST FOR WAIVER FROM SECTIONS 3.17.(C) "STREET DESIGN", COUNTY SUBDIVISION ORDINANCE, LOCATION: ON THE NORTH SIDE OF US HWY 13 (GOLDSBORO ROAD), WEST OF SR 1819 (STEWART ROAD).

Mr. Lloyd reviewed the case information and stated that staff recommends approval for the waiver from Section 3.17(C) based on the findings that because of the condition or nature of the adjoining areas – this development is located in an area that is agricultural and rural with large lots – strict compliance with the provision of the Subdivision Ordinance would cause a special hardship to the property owner and be inequitable; the public purposes of the Subdivision and the Zoning Ordinances would be served to an equal or greater degree since the developer has undesirable alternatives that would be allowed without a waiver, such as shortening the cul-de-sac and then "flagging" the lots; and the property owner would not be afforded a special privilege denied to others because the proposed lots are generally large, each two acres or greater;

whereas, the typical cul-de-sac would serve the same or greater number of lots but much smaller in size. Mr. Barrett expressed strong reservations with the staff's reasoning for approval of this waiver. He stated that he was very concerned with the integrity of this section of the Ordinance if waivers are approved without clear justification because the staff's reasons for approval do not support the facts stated in the current Ordinance. He stated that he realized this was to be addressed in the revision phase of the Subdivision Ordinance review but that the Board should use caution during the transition period. Mr. Barrett suggested that the Board include the wording "not a precedent for any future case" in the motion.

Mrs. Piland made a motion, seconded by Mrs. Epler, that while the Board is not setting a precedent for any future case, the waiver from Section 3.17.(C) for case 07-028 is approved as submitted. Unanimous approval.

- C. CASE 07-028: CONSIDERATION OF CHURCHILL DOWNS ZERO LOT LINE SUBDIVISION REVIEW, REQUEST EXCEPTION FROM SECTION 4.3.D(2) "OTHER REQUIREMENTS", COUNTY SUBDIVISION ORDINANCE, LOCATION: ON THE SOUTH SIDE OF SR 2238 (SAND HILL ROAD), EAST OF SR 2376 (SOUTH FORTY DRIVE).

Mr. Lloyd reviewed the case information and stated that staff favorably recommends that the Planning Board make exception to the sewer extension requirement for the above referenced development. Section 4.3.d(2), County Subdivision Ordinance, authorizes the Board to make exception as to when connection to sanitary sewer and public water is required if any of six enumerated conditions warrant. This development is subject to two of the enumerated conditions listed in the Ordinance: The public utility is located beyond the jurisdiction of the Planning board, and the public utility provider will not agree to extend service – the Public Works Commission (PWC) has stated that "no sewer available" for extension to this development; and extensions exceeding two thousand (2,000) feet from existing public services – the existing sewer in this area is 2,900 feet from the site.

Mrs. Piland made a motion, seconded by Mrs. Epler, to approve the waiver as submitted for case 07-028. Unanimous approval.

CONDITIONAL USE DISTRICT & PERMIT

- D. P07-12: REZONING OF .58 ACRES FROM R6A TO C(P)/CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW PERMITTED USES WITH EXCLUSIONS AT 144 AIRPORT ROAD, OWNED BY MARK AND KIM WARREN.

Staff recommends approval of the C(P)/Conditional Use District based on the findings that although the request is not consistent with the 2010 Land Use Plan, which calls for heavy industrial at this location, the planned commercial district is less obtrusive to the surrounding residential neighborhood; and public utilities are available to the site. Staff also recommends approval of the Conditional Use Permit based on the findings that the contents of the application and site plan for the Conditional Use Permit is consistent with the airport gateway and the recommendations of the Airport Director; and the request is reasonable because the applicant is offering aesthetically pleasing measures to protect the gateway and prevent any detrimental impacts to the surrounding area. There are no other suitable zoning districts to be considered for this request.

Mrs. Epler made a motion, seconded by Mr. McNeill, to find that the Conditional Use District application is neither arbitrary nor unduly discriminatory, in the public interest and that the Conditional Use District application be approved. Unanimous approval.

Mrs. Epler made a motion, seconded by Mr. McNeill, to find that the Conditional Use District Permit application, if developed as proposed and voluntarily agreed to, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Highway Plan or other plan officially adopted by the Board of Commissioners, and that it be approved according to the conditions listed. Unanimous approval.

REZONING CASES

- E. P07-15: INITIAL ZONING OF TWO PARCELS TOTALING 14.71 ACRES TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE EAST SIDE OF MAIN STREET, NORTH OF SNELLING DRIVE, SUBMITTED BY THE TOWN OF WADE, OWNED BY HUELL AND XAVIER AEKINS. (WADE)

Mr. Lloyd reviewed the site information and stated that staff recommends approval of the R15 zoning district based on the findings that although the R15 zoning district is not consistent with the Wade Study Area Detailed Land Use Plan which calls for Suburban Density Residential, the request was submitted by the Town of Wade; the subject property is served by the Town of Wade water and NORGRESS sewer and the R15 zoning district is in character with the current zoning of the area. Other suitable zoning districts for this request are the R40, R30 and R20 zoning districts.

- F. P07-16: REZONING OF 1.19 ACRES FROM C1(P)/CU TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4582 CUMBERLAND ROAD, OWNED BY SMITH-WARREN PROPERTIES.

Mr. Lloyd reviewed the site information and stated that staff recommends approval of the C1(P) zoning district based on the findings that this rezoning case is a staff initiated case to remove a Conditional Use Overlay for a carpet sales business that is no longer operating at this location; although the rezoning is not consistent with the 2010 Land Use Plan, the rezoning is in character with the current zoning and uses in the general area; and the subject property is located on a Major Thoroughfare. There are no other suitable zoning districts to be considered for this request.

- G. P07-17: REZONING OF .78+/- ACRES FROM R10 TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF OLIVE STREET, EAST OF MURCHISON ROAD, SUBMITTED BY BRIAN T. SOLTZ, OWNED BY MCCORMICK FARMS LIMITED PARTNERSHIP. (SPRING LAKE)

Mr. Lloyd reviewed the site information and stated that staff recommends approval of C3 district based on the findings that the C3 zoning district is consistent with the Spring Lake Area Detailed Land Use Plan which calls for heavy commercial at this location; and approval of the C3 zoning district will allow for the property in this immediate area, under the same ownership, to be zoned the same. The C(P) zoning district is the only other suitable zoning district to be considered for this request.

- H. P07-18: REZONING OF 2.25 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3557 CEDAR CREEK ROAD, OWNED BY CHARLES D. AND DIANE ROZIER.

Mr. Lloyd reviewed the site information and stated that staff recommends denial of the RR district and approval of R40A district based on the findings that the R40A zoning district is consistent with the 2010 Land Use Plan which calls for Farmland at this location, whereas the RR is not consistent; the property is located on a Major Thoroughfare; and there are some hydric soils on the subject property. The applicant has verbally indicated they are in agreement with the staff recommendation and the A1A zoning district is the only other suitable zoning district to be considered for this request.

Mrs. Piland made a motion, seconded by Mr. McLaurin to approve cases P07-15, P07-16, P07-17, and P07-18 as submitted. Unanimous approval.

VII. PUBLIC HEARING ITEMS

REZONING CASES

- A. P07-14: REZONING OF 3.0+/- ACRES FROM A1 TO R20A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1770 YARBOROUGH ROAD, OWNED BY DENNIS K. AND LINDA G. DOBBINS.

Mr. Lloyd reviewed the site information and stated that staff recommends denial of the R20A district and approval of A1A district based on the findings that the A1A zoning district is consistent with the 2010 Land Use

Plan which calls for "farmland" at this location, R20A is not consistent; the subject property is not served by public water or sewer; there are some hydric soils on the subject property; and the A1A zoning district is consistent with the general character and lot sizes in the general area. The applicant has verbally indicated they are in agreement with this staff recommendation. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Mr. Tom Bonti, realtor, addressed the Board in favor of the request. He stated that he was representing the owner, who could not attend. He further stated that the request was being made to allow the owner to subdivide the property and place additional homes on the lots. The owner is also in agreement with the staff recommendation of A1A or any zoning that will allow him to have 1 acre lots.

Mr. Franklin D. McLamb addressed the Board in opposition. He advised the Board that the petitioner's wife had informed him that she was unaware of this request until recently and was not in favor of it but that her husband had told her it was already approved. Mr. McLamb stated the owner plans to place mobile homes on the property as rentals and that this would hurt the neighborhood. He stated there is already a rising crime problem in the area.

Mr. Tommy Tatum spoke in opposition. He stated that the area was already facing increased problems with noise and traffic and that adding more rental property would only hurt the neighborhood. He stated that he had no problems with mobile homes but rental mobile homes and renters would eventually hurt the area.

Mr. Clifford Spell spoke in opposition. He stated he had lived on his lot since 1983, originally in a mobile home, and eventually built his own home. He stated that 2-acre lots have always been the standard in this area and that most people have very nice stick-built homes on their property. Changing the area to mobile home rentals will destroy their neighborhood and hurt their investment.

Mr. Bonti spoke in rebuttal and stated that his only knowledge of the intention for the property was to subdivide the lots to allow for 3 homes. He was unaware of any mobile home placement or rental plans.

The Public Hearing closed.

The Board discussed adjacent lot sizes and types of homes in the area. Mr. Lloyd verified that surrounding homes were stick-built. Mr. McLaurin verified with the opposing speakers that the trend in the neighborhood was away from mobile homes and towards placement of stick-built homes. All opposing speakers agreed with that statement. Mr. McLaurin stated that in the interest of preserving the integrity of the neighborhood, he would support an R40 zoning. He advised the speakers that the current zoning already allowed for the placement of mobile homes but an R40 zoning would not.

Mrs. Piland verified that an R40 zoning would only allow stick-built or modular homes. She asked if the existing mobile home on the request parcel would be allowed to remain. Mr. Lloyd stated that it would, but it would become legally non-conforming.

Mr. McNeill clarified for the audience that the petitioner did not request R40 but that the Board felt it would guarantee a higher level of housing on the adjacent property and alleviate their concerns. He further stated that in support of the petitioner's needs, R40 would allow for the 3 lots he desired.

Mr. McLaurin stated that R40 is consistent with the 2010 Land Use Plan and with development in the area.

Mr. McLaurin made a motion, seconded by Mrs. Piland, to deny the R20A Residential District and approve the R40 Residential District. Unanimous approval.

- B. P07-19: REZONING OF 9.12 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF WADE-STEDMAN ROAD, SOUTH OF KENNEL ROAD, OWNED BY TAMMY C. AND GEORGE BARRY.

Mr. Lloyd reviewed the site information and stated that staff recommends denial of the R30 district and approval of R40 district based on the findings that the R40 zoning district is consistent with the 2010 Land Use Plan which calls for "farmland" at this location, R30 is not consistent; the subject property is not served by public water or sewer; the R30 zoning district is consistent with the lot sizes and character of the general area; and the applicant has verbally indicated they are in agreement with this staff recommendation. The A1A zoning district is the only other suitable zoning district to be considered for this request.

The Public Hearing opened.

Ms. Tammy Barry, owner, addressed the Board. She stated that she and her brother had already developed a similar parcel in the area and that it had turned out very nicely. She plans to do the same with this parcel, if approved. The plans include stick-built homes, minimum square footage and restrictive covenants. She foresees no problems with the development.

Mr. McLaurin asked Ms. Barry if she was agreeable to the staff recommendation of R40. She stated that at first she was but has recently found out that there is already existing R30 in the area and feels that she should be granted the same zoning. Ms. Barry stated that "fair is fair".

Ms. Gwen McGee spoke in opposition. She states the area is primarily farmland with low density housing and should remain that way. She is concerned with preserving the agricultural nature of the land and keeping the minimum lot sizes. Ms. McGee expressed her concerns with drainage and runoff problems and a change in property values. She distributed a written statement of her concerns to the Board.

Mr. McNeill asked if she had any knowledge of current or prior drainage problems in the area. Ms. McGee stated that the area has wetlands and that heavy rains have always produced standing water pools.

Mr. Donald Collier spoke in opposition. He stated that he is also concerned with preserving the wetlands and with drainage problems.

Ms. Donna Stringfellow spoke in opposition. She stated the land has been in her family for 5 or more generations. Her concerns are density, overcrowded schools, feasibility of septic tanks and reduction of required lot sizes. She was also concerned with smaller lots bringing in less desirable housing and manufactured homes.

Mr. McLaurin asked Ms. Stringfellow if she was aware that the current zoning already allows mobile homes. Ms. Stringfellow stated that she hoped people would build "larger nice homes".

Mr. Wayne Stewart spoke in opposition. He stated that he was the Public Health Director for Bladen County and had previously been employed with Environmental Health in Cumberland County. He stated that loam soils in this area would not support septic tanks. There was also a high water table which could result in ground water contamination with the placement of wells and septic tanks. He urged the Board to preserve the 2 acre requirement and keep the character of the A1 area by denying the request.

Ms. Gail Collier spoke in opposition. He stated she lived in the area because of the rural setting and that the Board should help to keep it that way.

Ms. Barry addressed the Board in rebuttal. She stated she was from the area and therefore very familiar with it. She stated that she couldn't afford to develop larger lots and that today's younger families couldn't buy them. She stated that R30 is already existing 3 miles down the road and that she is not asking for anything that is not already in the area. Ms. Barry advised that the runoff problems could be addressed in the development process as they were in her previous development. She stated that the previous development has shown no drainage problems to date. Ms. Barry stated that the Department of Transportation and the County Health Department would have regulations for her to follow during the development process that would assure the concerns were addressed properly.

The Public Hearing closed.

Mrs. Piland stated that she was familiar with the site and that R30 was not consistent with the area. She stated that R40 would better protect the area with a guarantee of the type of buildings constructed on the lots.

Mr. McNeill asked for verification of an existing group development on the site plan. Mr. Lloyd verified the group development. Mr. McNeill stated that he understood the concerns of the residents. He noted that R40 would offer protection against manufactured housing but preserving A1 would not. He further stated that although approving R40 would allow 7 lots it should not cause additional runoff problems. Mr. McNeill stated that R40 was more appropriate for the area and would protect the rights of all parties involved.

Mr. McNeill made a motion, seconded by Mrs. Piland, to deny the R30 Residential District and approve the R40 Residential District. Unanimous approval.

CONDITIONAL USE DISTRICT & PERMIT

- C. P07-04: REZONING OF 44.32+/- AC FROM A1 TO R15/DD/CUD & PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF OLD VANDER ROAD NORTHWEST OF SIMMONS CARTER ROAD, OWNED BY GERTRUDE V. HARRIS.

Mr. Lloyd presented the case information and stated that staff had reviewed this case on January 8, 2007 and recommended denial of the R15/Density Development/ Conditional Use District and Permit. Rather than present this recommendation to the Board and in order to give the applicant an opportunity to correct what the Staff found to be deficiencies in the application and the site plan, the Staff requested a deferral for this case at the January 16, 2007 Board meeting. The applicant subsequently revised the application and the site plan with the request remaining R15/DD/CUD&P. Staff met again on this request, reviewing the revised application and site plan, and recommends denial of the R15/Density Development/Conditional Use District based on the findings that: the district requested is inconsistent with the 2010 Land Use Plan which calls for "farmland" at this location; the request, qualifying as unreasonable, is not in character with the lot sizes of the surrounding properties and would not be in harmony with the surrounding land uses since the subject property is located within an area that consists primarily of A1 Agricultural zoning with relatively small areas of RR Rural Residential and R40 Residential zoning districts; and favorable consideration of this request for this area is arbitrary and would not serve a viable public interest when the current state of the right-of-way is taken into consideration. Old Vander Road is a "minor thoroughfare", in which severe congestion exists, qualifying this request as unreasonable. In addition to the existing school traffic, a 230 lot subdivision with direct access to Old Vander Road was approved as a "use by right" in March 2006. Staff also recommends denial of the Conditional Use Permit based on the findings that the proposed development of 102 lots at this location is not in the public interest because of the state of Old Vander Road as previously noted; the extension of utilities being highly improbable at this location since the closest public water and sewer lines available for extension are North of the railroad tracks serving the previously mentioned development of 230 lot are north of the railroad tract; there is a substantial portion of hydric soils on the subject property; and the degree of difference in the surrounding land uses and lot sizes compared to the proposed lots shown on the site plan is such that this request qualifies as being unreasonable. A possible suitable zoning district that could be considered for this request would be a R40/Density Development/Conditional Use District and Permit.

Mr. Lloyd advised the Board that there was a discrepancy in the number of lots shown on the site plan and the number of lots shown in the staff recommendation. He stated that the correct number of lots should be accurately shown as 102.

The Public Hearing opened.

Mr. Alvin Johnson addressed the Board. Mr. Johnson represents the owners who state they have no problem with an R40 zoning. Their desire is for lot sizes of 2 acres. He detailed the plans for the development and explained the desalination system. He further stated he had worked with engineers and designers to develop a self-sustaining neighborhood generating its own electricity and water and being environmentally friendly. He stated that any drainage or runoff problems would be handled on-site. Mr. Johnson stated that this site was projected to be the home base for a church group currently operating out of Greensboro.

Chair Morris asked Mr. Johnson if his group would be agreeable to an R20 zoning. Mr. Johnson stated that they would be.

Ms. Darlene Johnson addressed the Board and stated that she was in favor of the request.

The Public Hearing closed.

Mr. McNeill asked what type of sewage system was planned for the development. Mr. Johnson stated that their sewage system would be unique in that sewage would be treated on-site and recycled into drinking water for residential use.

Mrs. Epler stated that she was intrigued with the concept and was interested in seeing Cumberland County move in this environmentally friendly direction. She expressed her concerns with any traffic increase in the area, noting that current traffic volume is already a major burden on the roadway system. Mrs. Epler stated that she would be more agreeable to R40 than R20.

Mr. McNeill stated that he was also more agreeable to an R40 zoning and that R15 and R20 were not suitable for this area.

Mr. Lloyd advised the Board that if they were interested in assuring the concept of the development at an R40 zoning, a CUD would be required and the case would have to be reheard.

Chair Morris asked if any construction would be involved in the initial development phase.

Mr. Johnson answered that no construction would be done during this phase. All efforts would be spent on placement of the infrastructure, lot clearing and a lengthy soil renewal process. He further stated that his group would be agreeable to any conditions or rezoning that will allow them 2 homes per lot.

Mr. McNeill stated that he wanted to see conditions in place to ensure that the planned water and sewage processes would be enforced and that they would operate as proposed.

Mr. Lloyd stated that a CUD would allow the Board to impose any conditions they desired but that the applicants would need to meet with staff to work out the details of the change in zoning and to revise the site plan.

Chair Morris asked the applicant if 30 days would allow him enough time to meet with staff. Mr. Johnson answered affirmatively.

Chair Morris made a motion, seconded by Mr. McNeill, to defer case P07-04 until April 17th to allow the applicant time to meet with staff and revise the site plan. Unanimous approval.

VII. CONTESTED ITEM

PLAT & PLAN CASE

- A. CASE 06-142: CONSIDERATION OF THE WILLOWGATE AT BAYWOOD, ZERO LOT LINE SUBDIVISION REVIEW, WAIVER FROM SECTION 4.3.D(2) "OTHER REQUIREMENTS", COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE EAST SIDE OF SR 1831 (BAYWOOD ROAD), SOUTH OF SR 2072 (BENT GRASS DRIVE).

Mr. Lloyd reviewed the site information and Ordinance requirements and stated that staff recommends denial of the waiver from Section 4.3.d(2) based on the findings that: the developer has not demonstrated how strict compliance with the provisions of the Ordinance would cause a special hardship and be inequitable based on the criteria established in Section 6.1; the public purposes of the Subdivision and Zoning Ordinance would not be served to an equal or greater degree if this waiver were granted since public sewer is available, the distance for extension is reasonable, and connection to a public system is preferred over individual septic

tanks, which tend to fail over time; and the property owner would be afforded a special privilege denied to others if granted the waiver since this development is well within the limits established and public sewer is available.

Chair Morris recognized David Hales, representing the developers, who distributed a detailed site plan to the Board. He stated that his original intent was to develop the land for himself and his partners but that an increase in outside interest has changed that. He stated that the wetlands shown to the rear of the property would remain undeveloped. He reviewed their options for connecting to the area PWC system and stated that it was very cost prohibitive as well as challenging. He stated that the choices involved in connecting to the existing system were very limited.

Discussion followed on the costs involved in tapping on to the PWC system and of utilizing existing lines in the area. It was noted by the Board that PWC had responded to staff's request for information on the availability of sewer but that not possibilities had been addressed.

Mr. McLaurin asked if the land was marketed as being available to sewer or not. Mr. Hales stated that he had been told sewer was not available.

Mrs. Epler stated that she was hesitant to set a precedent by granting a waiver contradicting Ordinance requirements. She questioned what guidance PWC had given the applicants.

Chair Morris noted that this type of waiver had never been granted before.

Mr. McLaurin asked what the 2010 Land Use Plan called for in this area. Mr. Lloyd stated that he did not have the Plan available but would suppose that it calls for low-density residential.

Mr. Barrett stated that there was not sufficient evidence given in the staff recommendation to prove that the applicant would not be afforded a special privilege denied to others. He cautioned the Board about setting a precedent through granting a particular waiver without justification as required by the current Ordinance.

Discussion followed on whether or not PWC would allow the developers to utilize the existing lines or lift station. The applicants stated that they did speak with PWC but a clear answer was not received.

Mr. Lloyd suggested that PWC should be contacted again for specific answers and information. Mr. Lloyd asked the Board to defer any decision on this case for 2 weeks to allow the applicant and staff time to contact PWC and discuss their options. It was determined by consensus of the Board that the case would be revisited at the April 3rd meeting.

IX. DISCUSSION / DIRECTOR'S UPDATE

Mr. Lloyd reviewed the recent meeting of the 2030 Task Force Group. He stated that Commissioner Henley had encouraged the City of Fayetteville to rejoin the Joint Planning Board in an effort to facilitate county-wide progress and to support the overall intent of the 2030 Plan.

Mr. McNeill encouraged Board members to participate in the ongoing community "drop-in" meetings.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:31 p.m.

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

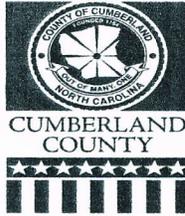
STAFF REQUESTED DEFERRAL: MAY 15, 2007

P07-04: REZONING OF 44.32+/- ACRES FROM A1 TO R15/DD/CUD AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF OLD VANDER ROAD, NORTHWEST OF SIMMONS CARTER RD, OWNED BY GERTRUDE V. HARRIS.

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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



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Roy Turner,
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Sara E. Piland,
Cumberland County

STAFF REQUESTED DEFERRAL: JULY 17, 2007

P07-10: REZONING OF 5.51 ACRES FROM RR TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6417 CAMDEN ROAD, SUBMITTED BY BRAD YOUNG, OWNED BY USA STORAGE CENTER, LLC.



TRANSMITTAL

To	Bonnie Collins	Date	3/26/2007
Company	Cumberland County	From	Brad Young
Fax Number	678-7605	Pages	1
Phone Number	678-0000	(including cover)	
Re	Case PO 7-10		

- Urgent For Review Please Comment Please Reply

Comments

Patti;

We are postponing the rezoning of this property until the July 17th Planning Board of 2007. We are postponing in order to allow the owner to make some improvements to his property and meet and talk to the Mayor and planning board member of Hope Mills.

Sincerely,

Bradley w. Young ASLA, RLA

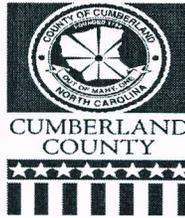
LANDSCAPE ARCHITECTURE | ENGINEERING | PLANNING

914 Hay Street, Fayetteville, North Carolina 28305 | Ph: 910-221-0033 | Fax: 910-221-0035

Charles C. Morris,
Chair
Town of Linden

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Vice-Chair
Wade, Falcon & Godwin

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



COUNTY of CUMBERLAND

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Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-20: REZONING OF THREE PARCELS TOTALLING 43.36 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF DUNN ROAD, EAST OF RINGWOOD DRIVE, SUBMITTED BY TAMMY CAIN BARRY, OWNED BY CAIN BUILDERS, INC.

The Planning & Inspections Staff recommends denial of the R30 district and approval of the R40 district based on the following:

1. The R40 zoning district is consistent with the Eastover Land Use Plan, which calls for One-Acre Residential lots at this location.
2. The R40 district is consistent with the character and lot sizes in the general area; and
3. There are hydric soils on the property.

The applicant sent an e-mail to indicate they are in agreement with this staff recommendation.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-20

REZONING OF THREE PARCELS TOTALLING 43.36 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF DUNN ROAD, EAST OF RINGWOOD DRIVE, SUBMITTED BY TAMMY CAIN BARRY, OWNED BY CAIN BUILDERS, INC.

Site Information:

Applicant/Owner: TAMMY CAIN BARRY / CAIN BUILDERS, INC.

Area: 43.36 acres

Depth: 1,830 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Agricultural

Initial Zoning: April 25, 1979 (Area 8)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40A, RR, East-A1, R40, RR, South-A1, RR, and West-A1, R30A, RR, HS(P)

Surrounding Land Use: Single family residential, woodland and farmland

Eastover Study Area Detailed Land Use Plan: One-Acre Residential

Urban Services Area: Yes

Eastover Sanitary District: This property should not be zoned R30, which is contrary to the Eastover Land Use Plan. Water is available to support A1 but not R30. Sewer is not available here.

Soil Limitations: Yes – Cf (Cape Fear loam) and Ro (Roanoke and Wahee loams)

School Capacity/Enrolled: Sunnyside Elementary 335/245, Mac Williams Middle 1162/1274, Cape Fear High 1489/1400

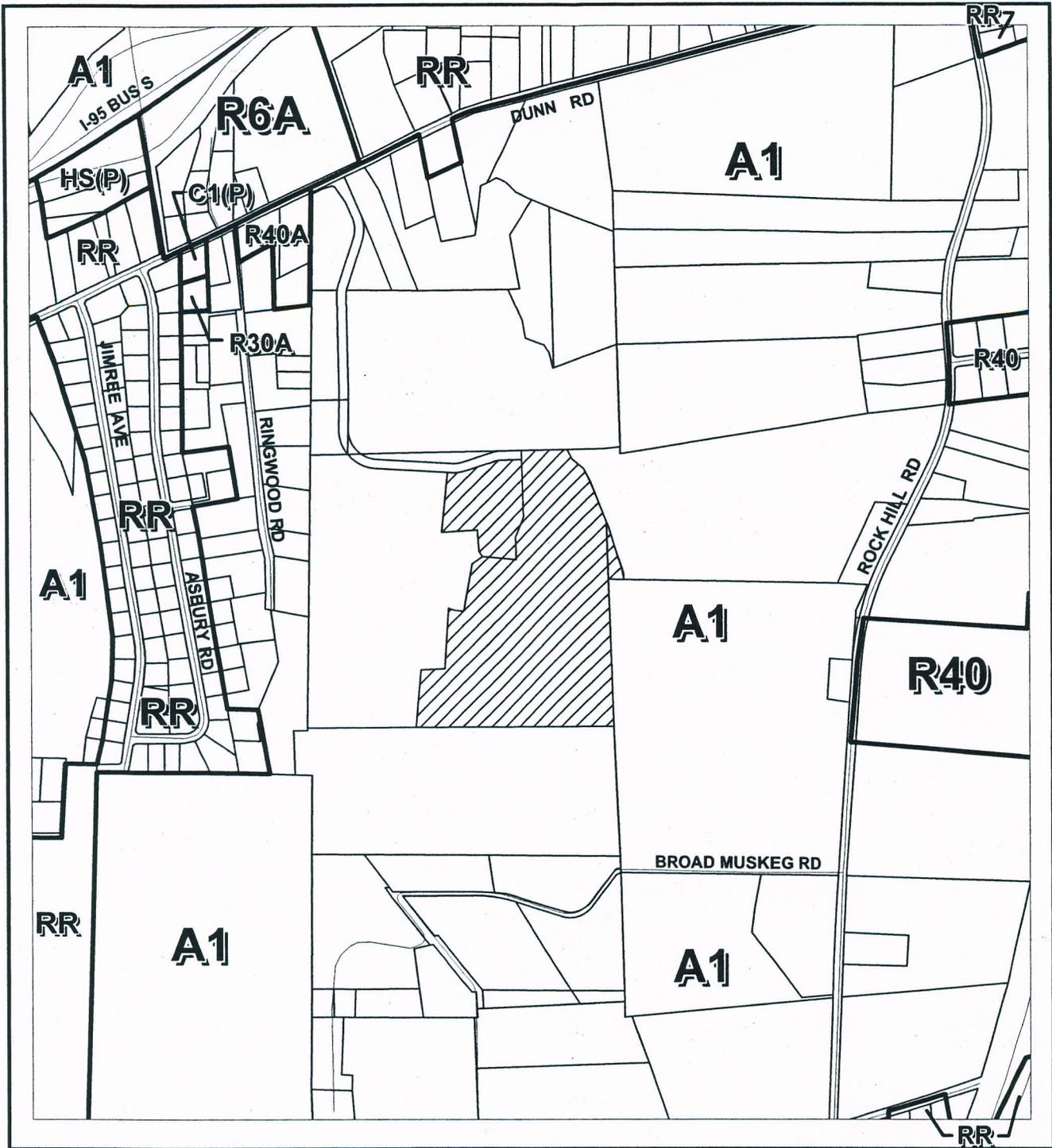
Subdivisions: A subdivision revision/review may be required prior to any permits being issued on this development.

Military Impact Area: No

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

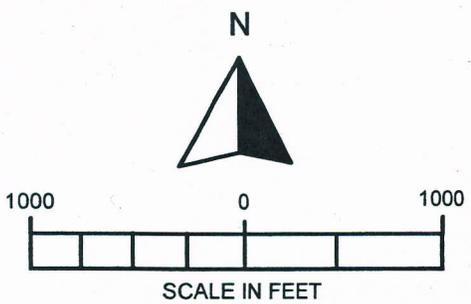
Notes:

Density minus 20% for roads:	A1 – 17 lots
	R40 – 37 lots
	R30 – 50 lots



REQUESTED REZONING A1 TO R30

ACREAGE: 43.36 AC.+/-		HEARING NO: P07-20	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

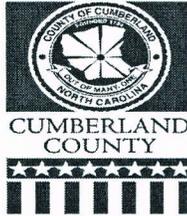


PIN: 0458-70-7236
 PIN: 0457-89-0532
 PIN: 0457-89-5961

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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



COUNTY of CUMBERLAND

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-24: REZONING OF .34 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3639 BOONE TRAIL, OWNED BY JUDY L. (SUGGS) MORRIS.

The Planning & Inspections Staff recommends approval of the C1(P) district based on the following:

1. Although the C1(P) zoning district is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the subject property is located in an area of transition from residential to commercial zoning;
2. The subject property is located on a Major Thoroughfare; and
3. The C1(P) zoning district is in character with the current zoning of the general area.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P07-24

REZONING OF .34 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3639 BOONE TRAIL, OWNED BY JUDY L. (SUGGS) MORRIS.

Site Information:

Applicant/Owner: JUDY L. (SUGGS) MORRIS

Area: .34 acres

Frontage & Location: 100 feet on Boone Trail

Depth: 150 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: July 31, 1975 (Area 3)

Zoning Violation(s): None

Surrounding Zoning: North-C1(P), R10, C1(P)/CU, Fayetteville city limits-C1A, East-R10, R6A, R6A/CU, C3, city limit-R10, South-R10, R6, R6A, C1(P), C(P), C3, and West-R10, R6, R6A, C1(P), C1(P)/CU

Surrounding Land Use: Vacant commercial, church, duplexes (3), car wash, mortgage company, CVP, manufactured home parks (2), hair salon, building company, pet boarding and grooming, and single family residential

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: None

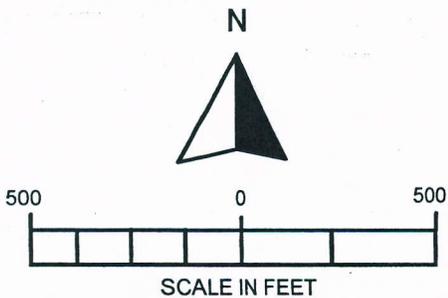
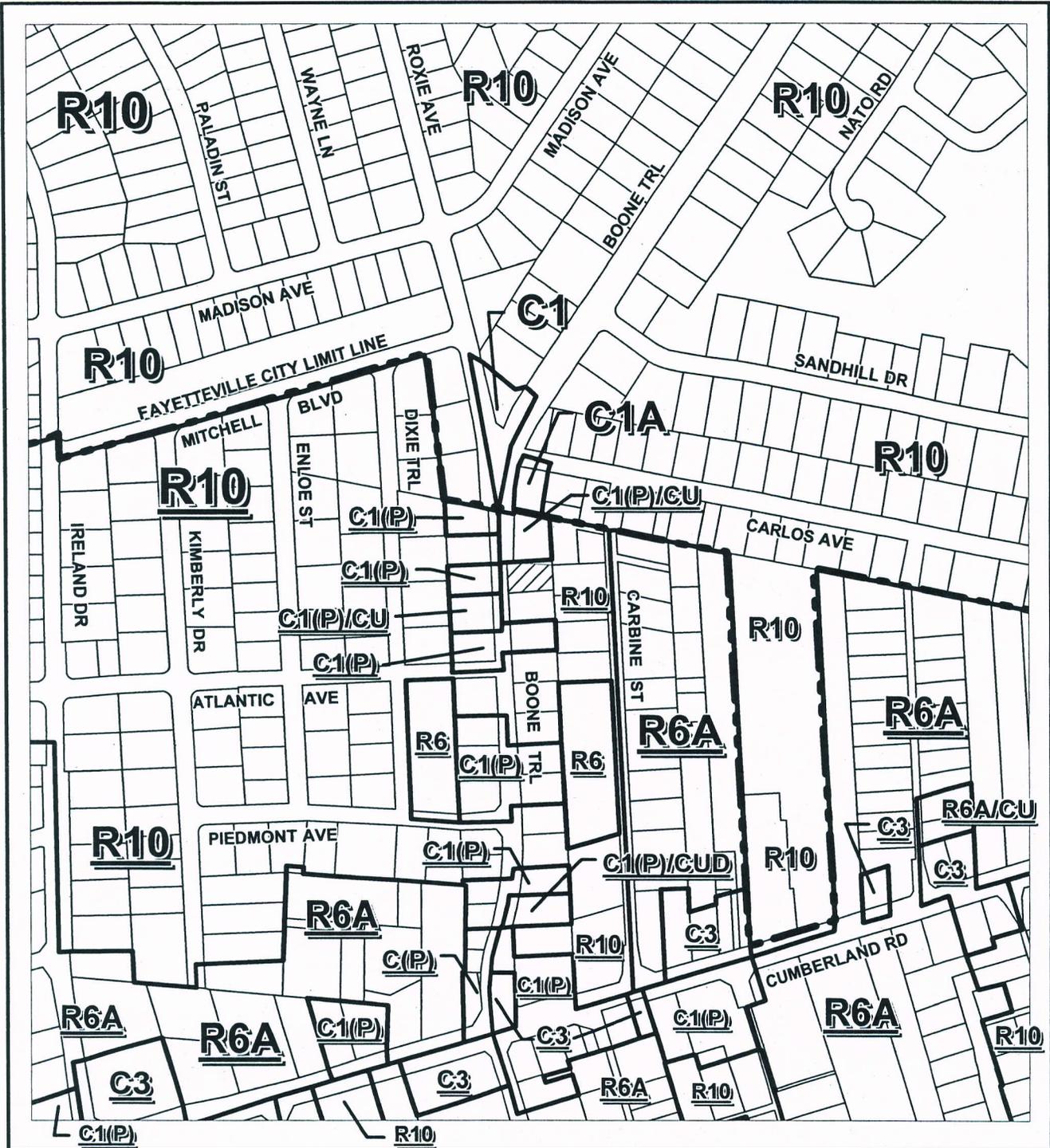
Subdivisions: If rezoned, a site plan review will be required prior to any permits being issued.

Military Impact Area: No

Highway Plan: Boone Trail is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility with a 110 foot right-of-way (Priority 1). Road improvements are included in the 2007-2013 MTIP. Right-of-Way: unfunded, Construction: unfunded

Average Daily Traffic Count (2004): 6900 on Boone Trail

Notes:



REQUESTED REZONING R10 TO C1(P)

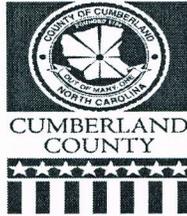
ACREAGE: 0.34 AC.+/-	HEARING NO: P07-24	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0416-91-5602

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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



COUNTY of CUMBERLAND

Planning and Inspections Department

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-26: REZONING OF A .24 ACRE PORTION OF A 26.18 ACRE TRACT, FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF SAND HILL ROAD, WEST OF TOWER ROAD, OWNED BY TERRY SPELL LAND DEVELOPMENT LLC.

The Planning & Inspections Staff recommends approval of the R15 district based on the following:

1. The R15 zoning district is consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and
2. Rezoning this property will place the entire tract under one zoning classification.
3. The rezoning of this property would rectify a staff mistake on Case P06-37.

The other suitable zoning districts to be considered for this site are R40, R40A, R30, R30A, R20, and RR

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-26

REZONING OF A .24 ACRE PORTION OF A 26.18 ACRE TRACT, FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF SAND HILL ROAD, WEST OF TOWER ROAD, OWNED BY TERRY SPELL LAND DEVELOPMENT LLC.

Site Information:

Owner: TERRY SPELL LAND DEVELOPMENT LLC

Area: .24 acres

Depth: 105 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Woodland

Initial Zoning: June 24, 1980 (Area 13)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R20, R20/DD/CUD, R15, R6A, East-A1, RR, South-A1, RR, R15, and West-A1, R15

Surrounding Land Use: Welding company, single family residential, vacant and woodland

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC water available on South Forty Drive/Sewer not available

Soil Limitations: None

School Capacity/Enrolled: Gray's Creek Elementary 708/764, Gray's Creek Middle 614/495, Gray's Creek High 1087/1270

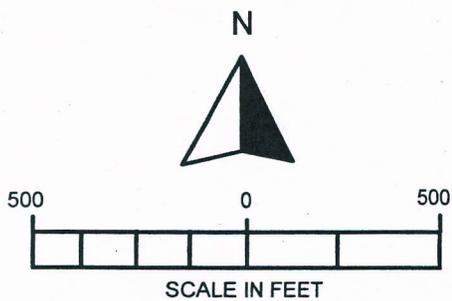
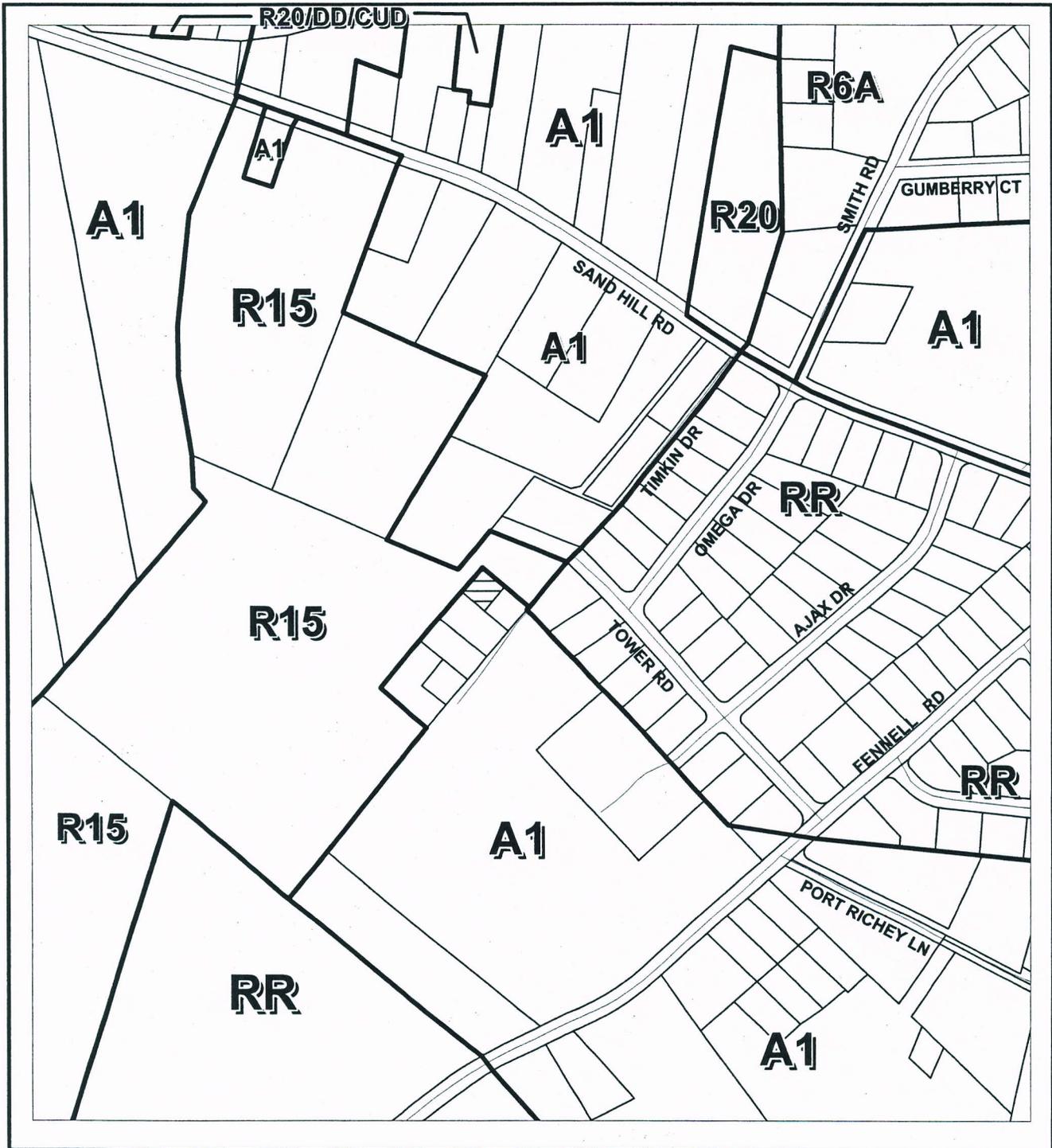
Subdivisions: This is a small portion of subdivision case 07-028 with preliminary subdivision approval

Military Impact Area: No

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

Notes:

This staff-initiated rezoning is due to the .24 acre portion being inadvertently omitted from case P06-37.



REQUESTED REZONING A1 TO R15

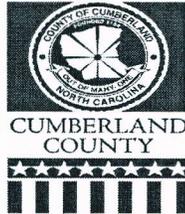
ACREAGE: 0.24 AC.+/-	HEARING NO: P07-26	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PORT. OF PIN: 0433-70-2060

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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



CUMBERLAND
COUNTY
COUNTY of CUMBERLAND
Planning and Inspections Department

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Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-27: REZONING OF THREE PARCELS TOTALLING 47.24 ACRES FROM R6A TO A1, LOCATED ON THE SOUTH SIDE OF TOM STARLING ROAD, AT INNISFREE PLACE, OWNED BY PATRICIA LEAHY.

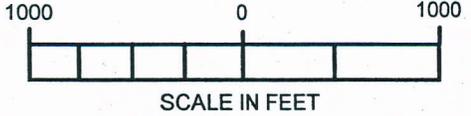
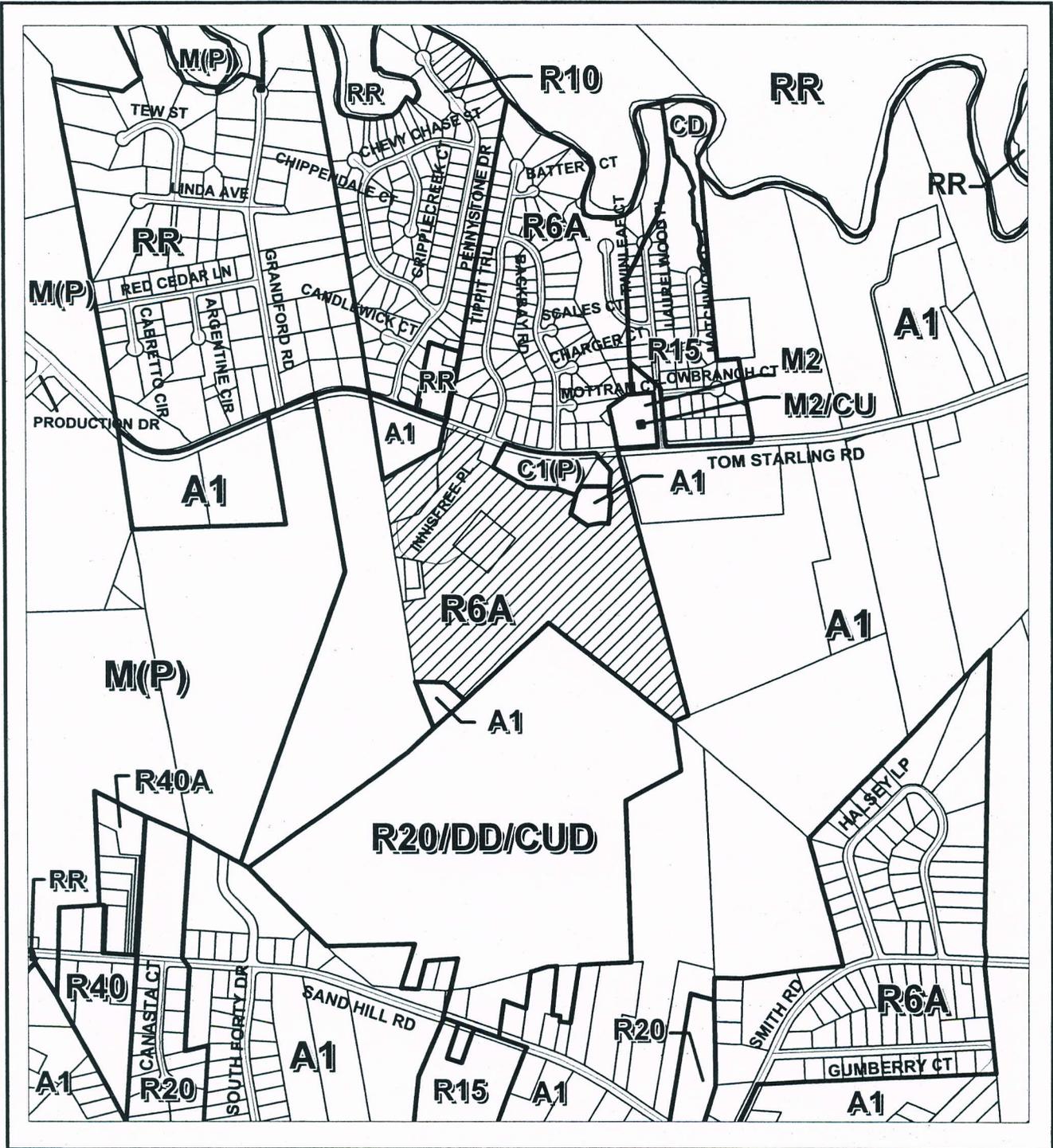
The Planning & Inspections Staff recommends approval of the A1 district based on the following:

1. Although the A1 zoning district is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location, the zoning district is more restrictive; and
2. Public utilities are not serving the subject property.

The other suitable zoning districts to be considered for this site are R40, R40A, R30, R30A, R20, R20A, RR, R15, and R10

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



**REQUESTED REZONING:
R6A TO A1**

ACREAGE: 47.24 AC.+/-	HEARING NO: P07-27	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

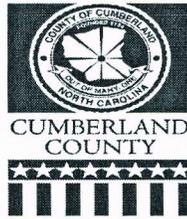
PINS: 0433-65-9368; 75-4032-;
0433-74-6871-

MAS

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
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COUNTY of CUMBERLAND

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-28: INITIAL ZONING OF .92 ACRES TO RR, LOCATED ON THE WEST SIDE OF MISSION HILL ROAD, SOUTH OF OAK HAVEN ROAD, OWNED BY DAWN AND WILLIAM STOCK.

The Planning & Inspections Staff recommends approval of the RR district based on the following:

1. Although the RR zoning district is not consistent with the 2010 Land Use Plan, which calls for Suburban Density Residential at this location, the request is consistent with the current zoning of the area; and
2. This request is a staff-initiated zoning due to the property not being initially zoned after de-annexation by the State legislature on June 30, 1995.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P07-28

INITIAL ZONING OF .92 ACRES TO RR, LOCATED ON THE WEST SIDE OF MISSION HILL ROAD, SOUTH OF OAK HAVEN ROAD, OWNED BY DAWN AND WILLIAM STOCK.

Site Information:

Owner: DAWN AND WILLIAM STOCK

Area: .92 acres

Frontage & Location: 209 feet on Mission Hill Road

Depth: 208 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: February 3, 1977 (Area 7)

Zoning Violation(s): None

Surrounding Zoning: North-Hope Mills town limits-R10, R6, East-R10, town limit-R10, South-RR, R10, R6A, and West-RR, R6A

Surrounding Land Use: Single family residential and woodland

2010 Land Use Plan: Low Density Residential

Municipal Influence Area: Hope Mills

Within Area Considered for Annexation: This property was de-annexed from Hope Mills on June 30, 1995

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic tank

Soil Limitations: None

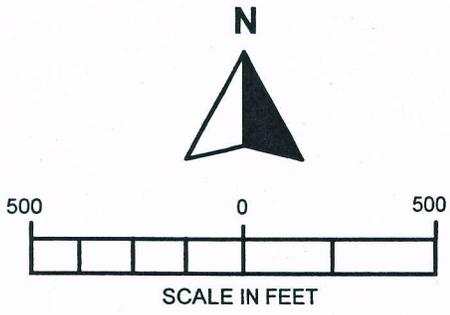
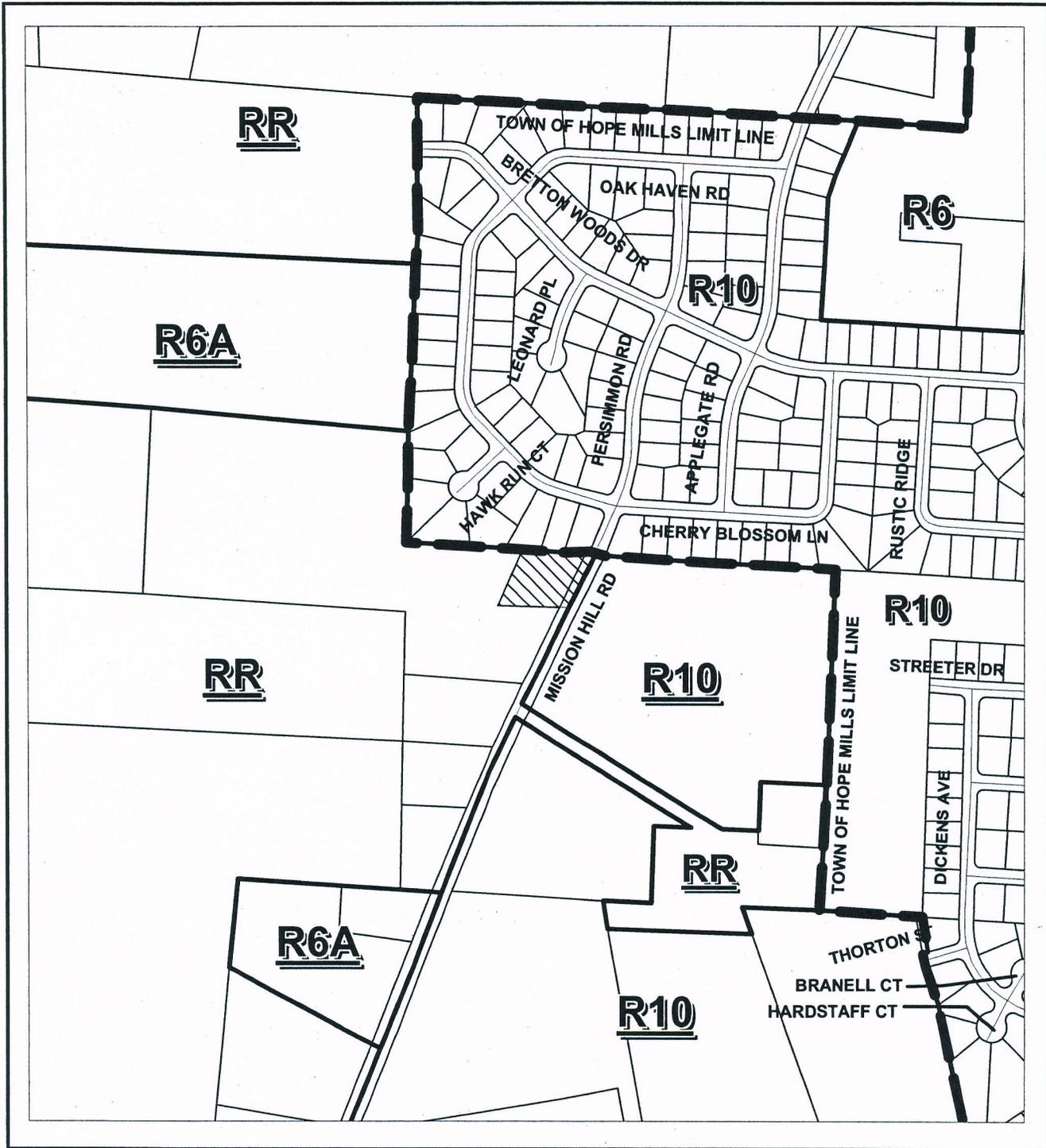
School Capacity/Enrolled: C. Wayne Collier Elementary 588/599, Hope Mills Middle 761/686, South View High 1866/1800

Military Impact Area: No

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

Notes:

Staff-initiated zoning due to not being initially zoned after de-annexation approved by the State legislature.



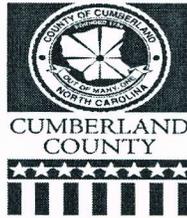
INITIAL ZONING: TO RR

ACREAGE: 0.92 AC.+/-		HEARING NO: P07-28	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

Charles C. Morris,
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Town of Linden

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Wade, Falcon & Godwin

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Town of Stedman
Patricia Hall,
Town of Hope Mills



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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-30: REZONING OF .28 ACRES FROM R10 TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1449 E. MANCHESTER ROAD, SUBMITTED BY COLON L. JAMES JR, OWNED BY MALCOLM JAMES.

The Planning & Inspections Staff recommends approval of the O&I district based on the following:

1. Although the O&I zoning district is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the district would act as a buffer from the commercial property to the east; and
2. The subject property is located on a Major Thoroughfare.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-30

REZONING OF .28 ACRES FROM R10 TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1449 E. MANCHESTER ROAD, SUBMITTED BY COLON L. JAMES JR, OWNED BY MALCOLM JAMES.

Site Information:

Applicant/Owner: COLON L. JAMES JR. / MALCOLM JAMES

Area: .28 acres

Frontage & Location: .80 feet on East Manchester Road

Depth: 182 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: January 7, 1977 (Area 11)

Zoning Violation(s): None

Nonconformities: The side yard is currently legal, nonconforming due to dimensional requirements and if rezoned, the nonconformity will be increased by an additional 5 feet.

Surrounding Zoning: North-RR, R10, R6A, C1(P), East-RR, R10, C1(P), South-CD, RR, R10, R6A, C1(P), and West-RR, R10, R6A

Surrounding Land Use: Dry cleaning and sewing business, water tower, meat market (3), fruit and vegetable stand, church, substation, single family residential and vacant land

Spring Lake Area Detailed Land Use Plan: Low Density Residential

Municipal Influence Area: Spring Lake

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank

Soil Limitations: None

Subdivisions: If approved, a site plan review will be required prior to any development.

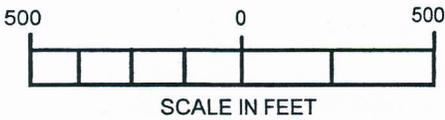
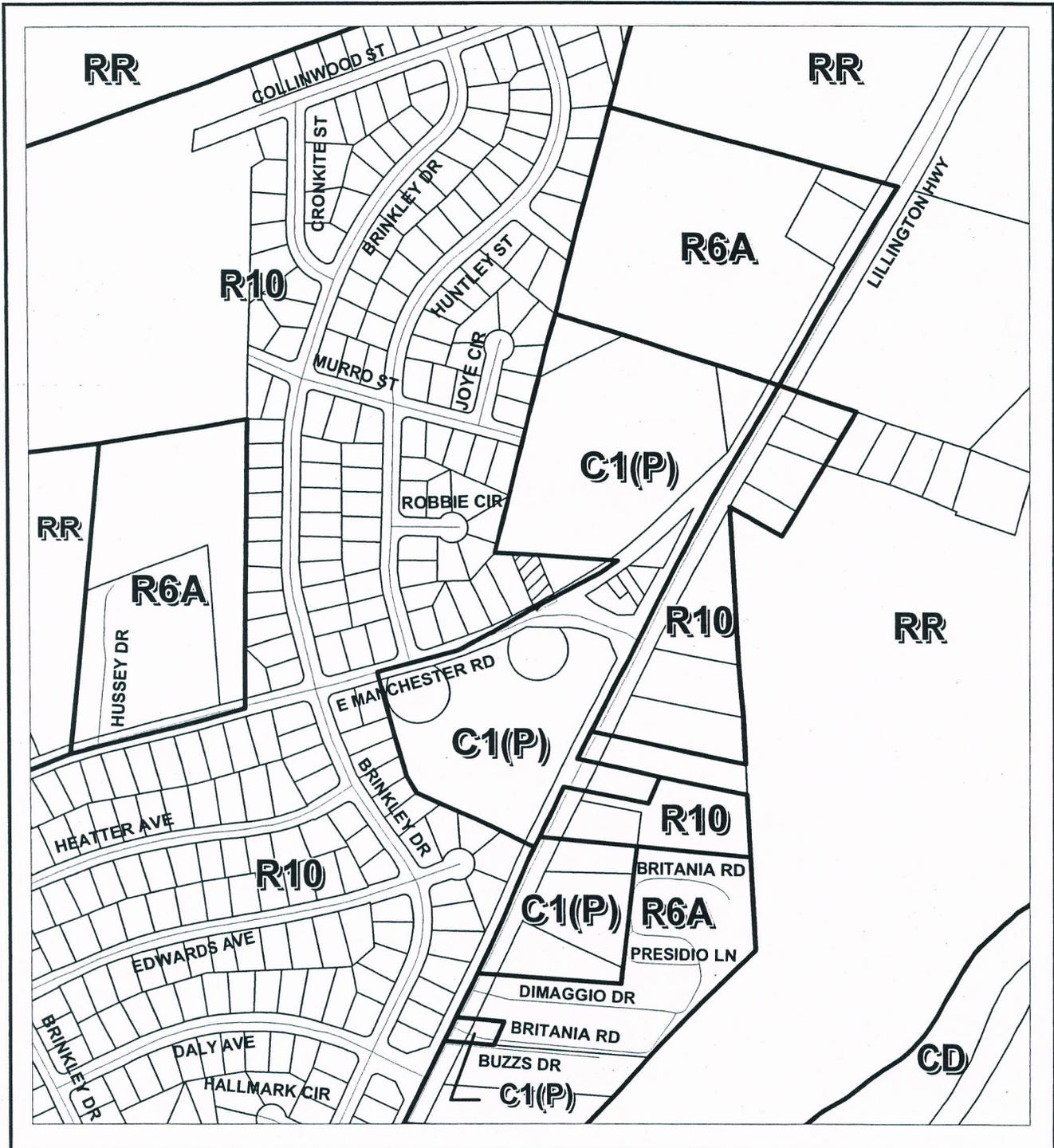
Military Impact Area: Yes

Ft Bragg/Pope AFB: 1-mile buffer area – Pope AFB has no objections to this case

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

Average Daily Traffic Count (2004): 5200 on East Manchester Road

Notes:



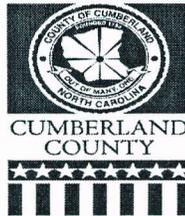
REQUESTED REZONING: R10 TO O&I(P)

ACREAGE: 0.28 AC.+/-	HEARING NO: P07-30	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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



COUNTY of CUMBERLAND
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Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-21: REVISION AND AMENDMENT TO THE FALCON ZONING ORDINANCE, ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, TABLE 1-D, PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL DISTRICT – R15A. (FALCON)

The Planning & Inspections Staff recommends approval of the amendment based on the following:

1. The revision will establish more unification between the Permitted uses in the R15 zoning district and the Specified Conditional Use district in the R15A zoning district; and
2. The amendment is to clarify any discrepancies that could be deemed arbitrary.

Attachments:

1 – Falcon Zoning Ordinance, Table 1-D Amendment

P07-21

**REVISION AND AMENDMENT TO THE FALCON ZONING ORDINANCE,
ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, TABLE 1-
D, PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL
DISTRICT – R15A, AS FOLLOWS:**

**TABLE 1-D
PERMITTED AND SPECIFIED CONDITIONAL USES
RESIDENTIAL DISTRICT – R15A**

The following uses are permitted in the R15A Residential District:

1. Any permitted ~~or conditional~~ use allowed in the R15 Residential District.
2. Manufactured home, Class A, individual for residential occupancy.

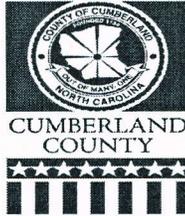
SPECIFIED CONDITIONAL USES (C)

1. Any specified conditional use allowed in the R15 Residential District.
2. Manufactured home, class B, individual, for residential occupancy

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Town of Stedman
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND
Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-22: REZONING OF 2.2 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 871 REMLEY COURT, OWNED BY BRIAN DAIGNEAULT.

The Planning & Inspections Staff recommends denial of the R20 zoning district and recommends the applicant submit for a Conditional Use District and Permit based on the following:

Remley Court is a Class "C" Private Street, in which the Planning & Inspections Staff could ensure the streets are brought up to current standards prior to any subdivision.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-22

REZONING OF 2.2 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 871 REMLEY COURT, OWNED BY BRIAN DAIGNEAULT.

Site Information:

Applicant/Owner: BRIAN DAIGNEAULT

Area: 2.2 acres

Frontage & Location: 320 feet on Remley Court

Depth: 302 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: June 24, 1980 (Area 13)

Zoning Violation(s): None

Surrounding Zoning: Primarily CD and A1 with A1A and R40A to the East

Surrounding Land Use: Single family residential and farmland

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic

Soil Limitations: None

School Capacity/Enrolled: Grays Creek Elementary 708/764, Grays Creek Middle 614/495, Grays Creek High 1087/1270

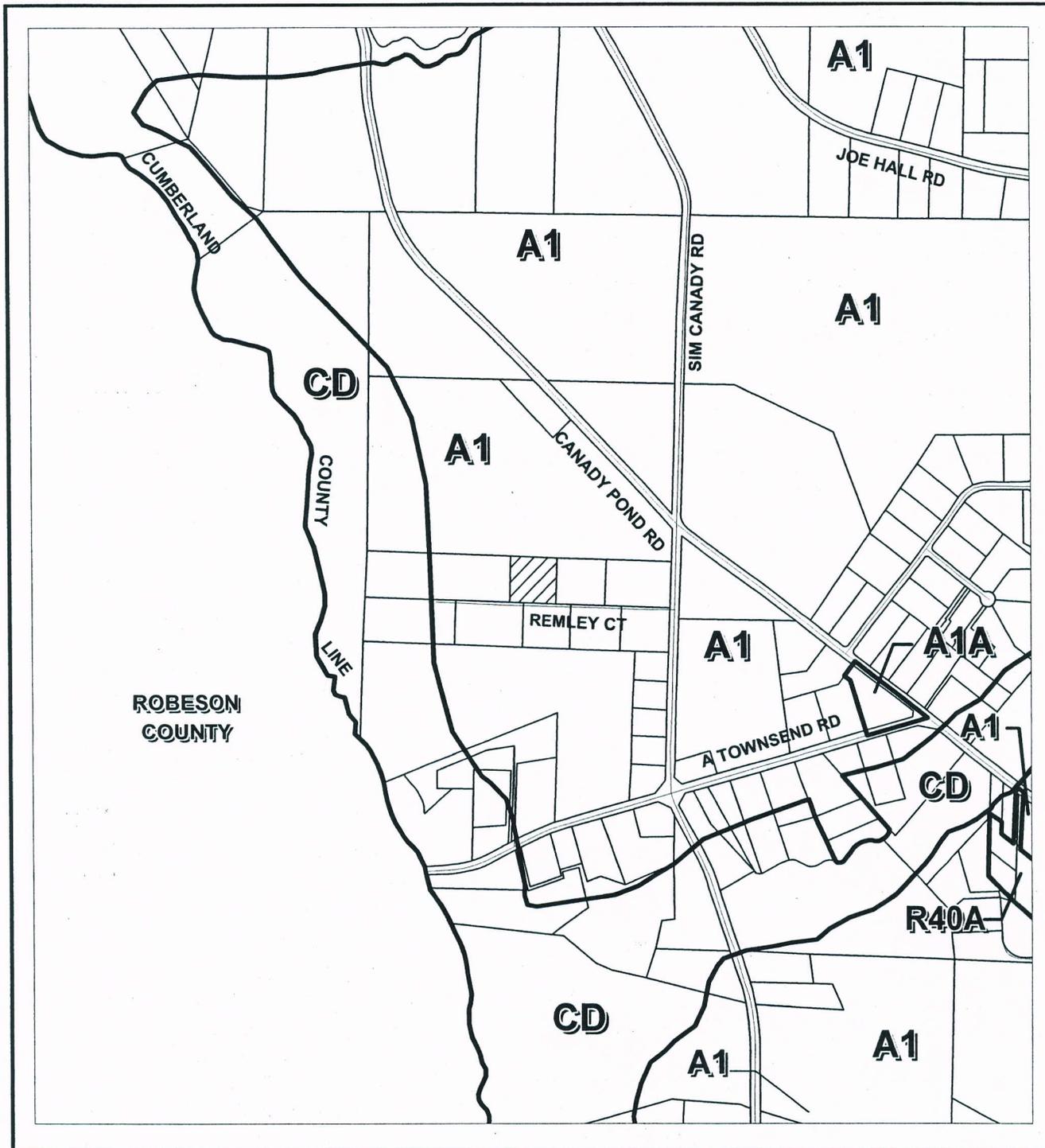
Subdivisions: A subdivision and/or group development review, including the upgrading of the private street, will be required prior to any development.

Military Impact Area: No

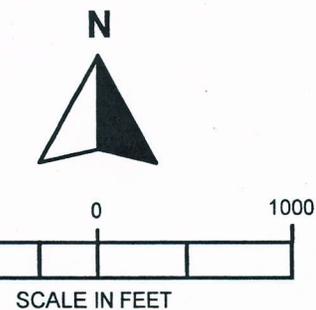
Highway Plan: No road improvements or new construction specified for this area.

Notes:

Density: A1 – 1 lot
 A1A – 2 lots
 R40 – 2 lots
 R30 – 3 lots
 R20 – 4 lots



ROBESON
COUNTY



REQUESTED REZONING: A1 TO R20

ACREAGE: 2.20 AC.+/-

HEARING NO: P07-22

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Charles C. Morris,
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Town of Linden

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Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-25: REZONING OF 1.0 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1227 SHAW ROAD, OWNED BY RODNEY S. GARRETT.

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

1. The C(P) zoning district is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location; and
2. Rezoning this parcel would introduce commercial zoning into a primarily residential district.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P07-25

REZONING OF 1.0 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1227 SHAW ROAD, OWNED BY RODNEY S. GARRETT.

Site Information:

Applicant/Owner: RODNEY S. GARRETT

Area: 1.0 acres

Frontage & Location: 100 feet on Shaw Road

Depth: 436 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential with a greenhouse/plant husbandry approved as a Conditional Use (Case P93-82)

Initial Zoning: September 16, 1973 (Area 2A)

Zoning Violation(s): None

Surrounding Zoning: North-R6A, East-PND, R6, R6A, R6A/CU, C1, South-R6, R6A, C1(P), Fayetteville city limits-R10, and West-R6A, city limits-R10

Surrounding Land Use: Churches (2), apartments (2), manufactured home parks (10), duplex, auto repair shop, tire shop, single family residential and vacant land

2010 Land Use Plan: Medium Density Residential

Watershed Area: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic Tank

Soil Limitations: None

Subdivisions: A site plan review will be required prior to any permits being issued.

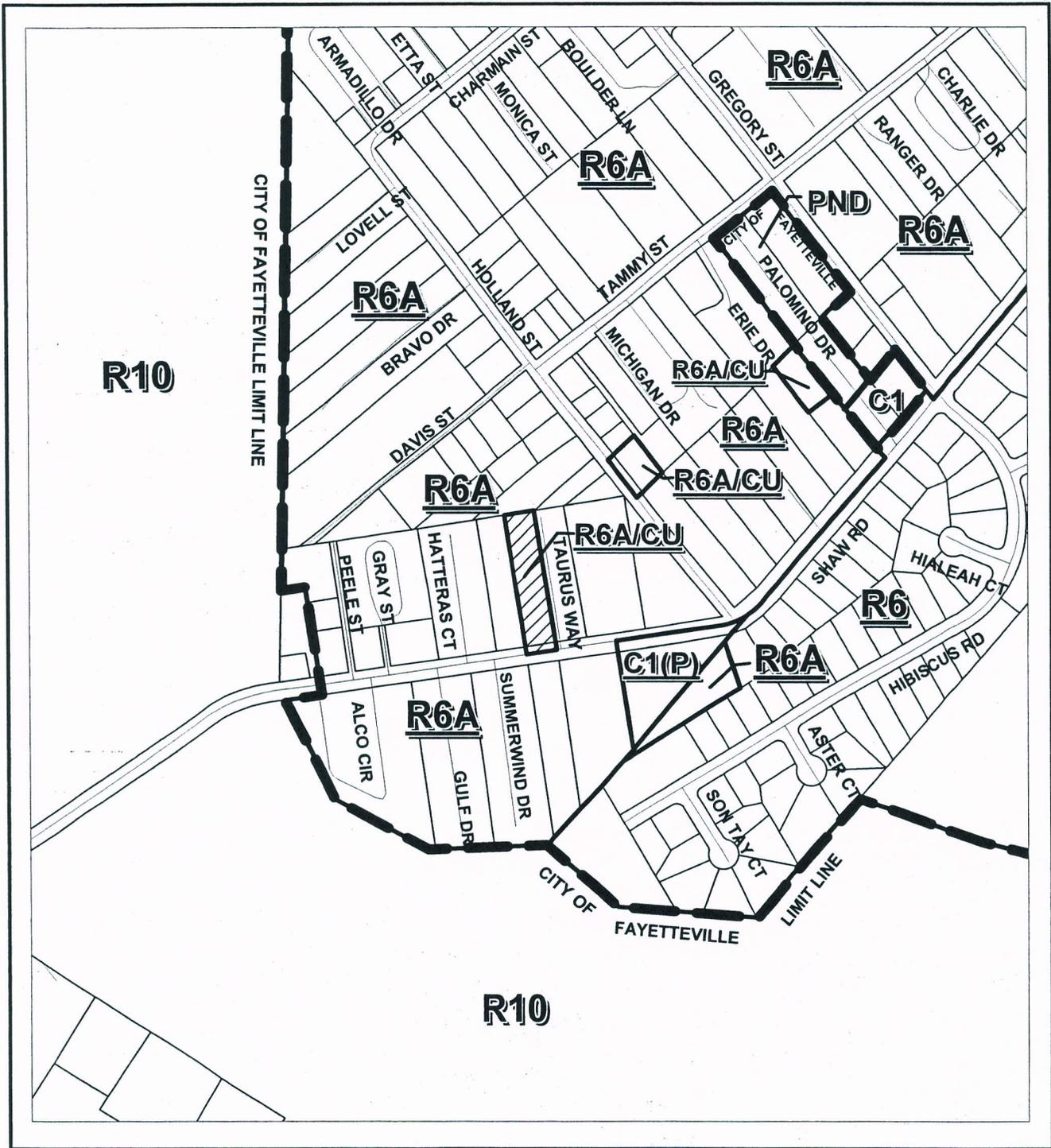
Military Impact Area: Yes

Ft Bragg/Pope AFB: 1-mile buffer area / Pope AFB has no objections to this case.

Highway Plan: Shaw Road is identified as a Major Thoroughfare. This proposal calls for interconnection and a multi-lane facility (Priority 1). Road improvements are included in the 2007-2013 MTIP.

Average Daily Traffic Count (2004): 15,000 on Shaw Road

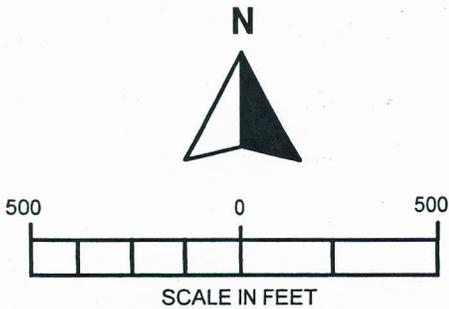
Notes:



R10

R10

REQUESTED REZONING: R6A/CU TO C(P)



ACREAGE: 1.00 AC.+/-

HEARING NO: P07-25

ORDINANCE: COUNTY

HEARING DATE

ACTION

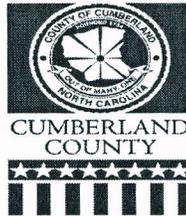
PLANNING BOARD

GOVERNING BOARD

Charles C. Morris,
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Wade, Falcon & Godwin

Garland C. Hostetter,
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Lori Epler,
Sara E. Piland,
Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-29: REZONING OF 3.8 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4848 S. MAIN STREET, OWNED BY WILLIAM K. AND PATRICIA W. GAUTIER, SUBMITTED BY VANCE JOHNSON PLUMBING COMPANY, INC.

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

1. The C(P) zoning district is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location;
2. The character of the area is comprised of primarily residential zoning; and
3. Rezoning this property would increase strip commercial development on S. Main Street, and allow for the possibility of outside storage.

There are no other suitable zoning districts to be considered for this site

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P07-29

REZONING OF 3.8 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4848 S. MAIN STREET, OWNED BY WILLIAM K. AND PATRICIA W. GAUTIER, SUBMITTED BY VANCE JOHNSON PLUMBING COMPANY, INC.

Site Information:

Applicant/Owner: VANCE JOHNSON PLUMBING COMPANY, INC. / WILLIAM K. AND PATRICIA W. GAUTIER

Area: 3.80 acres

Frontage & Location: 200 feet on S. Main Street

Depth: 834 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: February 3, 1977 (Area 7)

Zoning Violation(s): None

Surrounding Zoning: North-R6A, R6A/CU, C3, East-R6A, C1(P), C(P), C3, M2, South-R6A, R6A/CU, C1(P), C(P) and West-CD, R6A

Surrounding Land Use: MHP, church, quadplex, auto sales, and single family residential

2010 Land Use Plan: Medium Density Residential

Municipal Influence Area: Hope Mills

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank

Soil Limitations: None

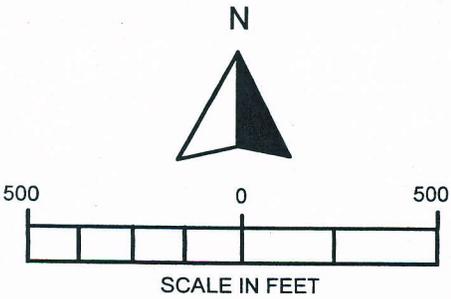
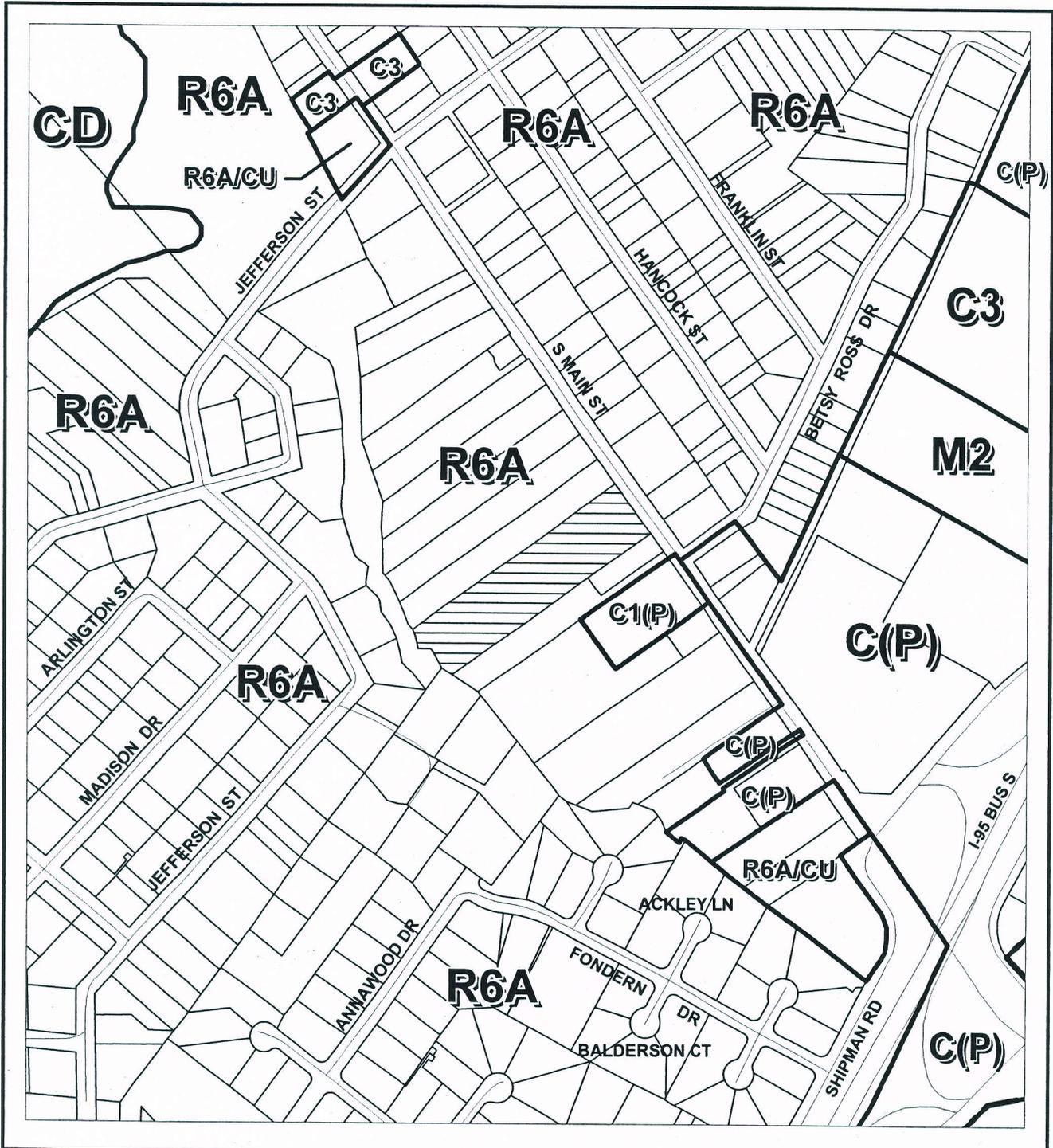
Subdivisions: If approved, a C(P) site plan review will be required prior to any development.

Military Impact Area: No

Highway Plan: S. Main Street is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility (Priority 1). Road improvements are not included in the 2007-2013 MTIP.

Average Daily Traffic Count (2004): 14,000 on S. Main Street.

Notes:



REQUESTED REZONING R6A TO C(P)

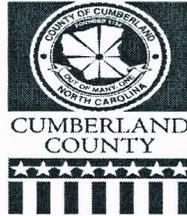
ACREAGE: 3.8 AC.+/-	HEARING NO: P07-29	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0413-96-3002

Charles C. Morris,
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Cumberland County

April 10, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 17, 2007 Board Meeting

P07-31: REZONING OF 2.71 ACRES FROM A1 TO R30A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1188 CYPRESS LAKES ROAD, OWNED BY JOHN L. MCARTHUR JR.

The Planning & Inspections Staff recommends denial of the R30A district based on the following:

1. The R30A zoning district is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and
2. The subject property is located on a Major Thoroughfare.

If rezoned, the Planning & Inspections Staff also recommends a Conditional Use District and Permit to require conditions for the clean-up of the property.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P07-31

REZONING OF 2.71 ACRES FROM A1 TO R30A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1188 CYPRESS LAKES ROAD, OWNED BY JOHN L MCARTHUR JR.

Site Information:

Applicant/Owner: JOHN L. MCARTHUR JR.

Area: 2.71 acres

Frontage & Location: 410 feet on Cypress Lakes Road

Depth: 320 feet (average)

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: June 24, 1980 (Area 13)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40, RR, M(P), East-A1, R40, R10, South-A1, R10, R10/CU, and West-A1, R10, M(P)

Surrounding Land Use: Single family residential, woodland and farmland

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic Tank

Soil Limitations: None

School Capacity/Enrolled: Gallberry Farm Elementary 1032/886, Gray's Creek Middle 614/495, Gray's Creek High 1087/1270

Subdivisions: A subdivision or group development review will be required prior to any permits being issued.

NCDOT: Driveway access will be severely restricted.

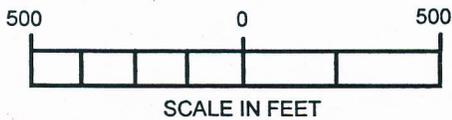
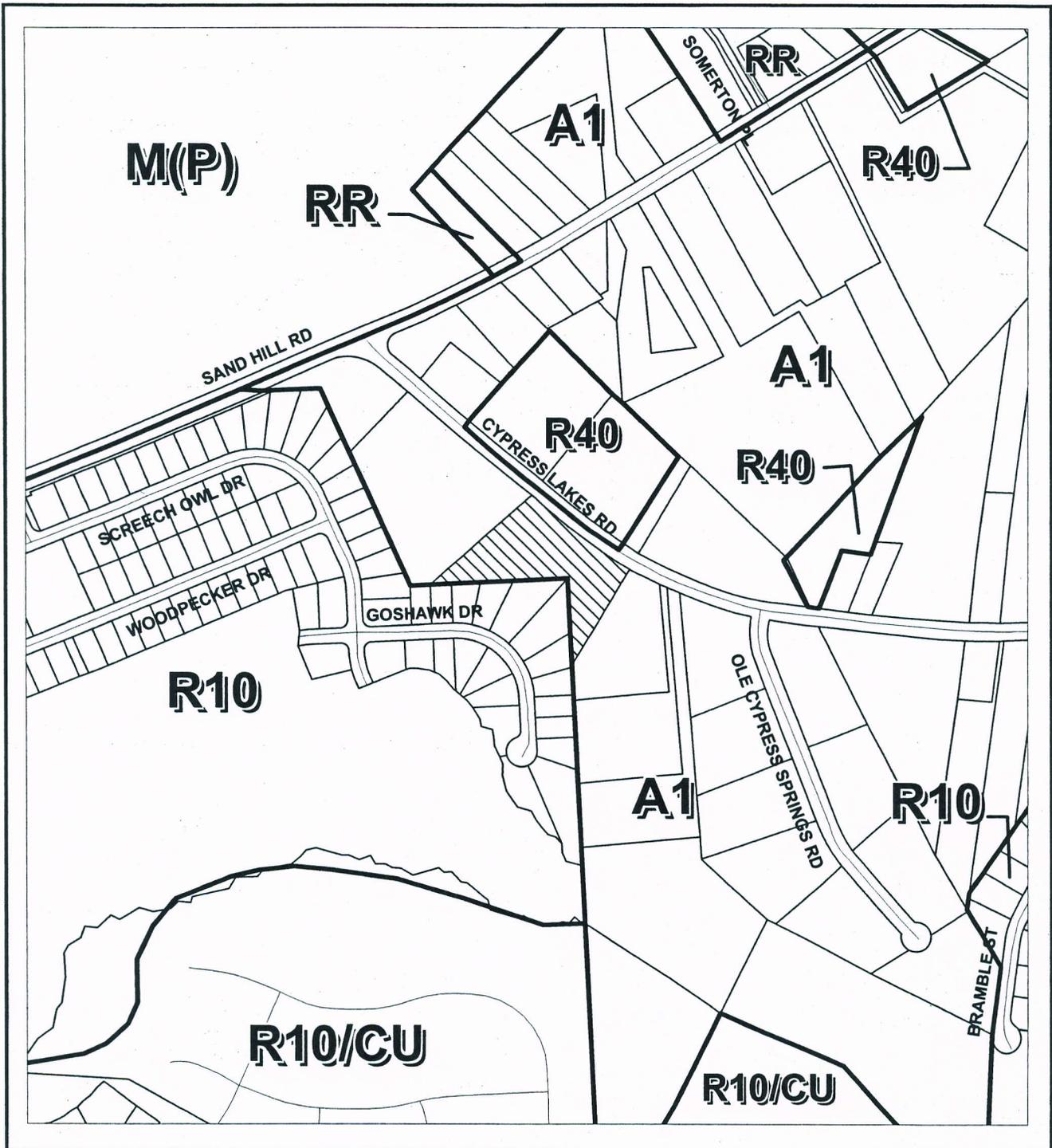
Military Impact Area: No

Highway Plan: Cypress Lakes Road is identified as a Major Thoroughfare. The plan calls for adding a center turning lane (Priority 3). No road improvements are included in the 2007-2013 MTIP.

Average Daily Traffic Count (2004): 1900 on Cypress Lakes Road

Notes:

Density: A1 – 1 lot or 1 unit
 A1A – 2 lots or 3 units
 R40A – 2 lots or 3 units
 R30A – 3 lots or 4 units



**REQUESTED REZONING:
A1 TO R30A**

ACREAGE: 2.71 AC.+/-		HEARING NO: P07-31	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			