

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



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

TENTATIVE AGENDA JANUARY 16, 2007 7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING WITHDRAWALS
 - A. P06-81: REZONING OF THREE PARCELS TOTALLING 104 ACRES FROM A1 & RR TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF DIVISION PLACE, EAST OF CEDAR CREEK ROAD, SUBMITTED BY LIBBA PATE, OWNED BY PAULA H. FAIRCLOTH.
 - B. P07-08: REZONING OF 10.08+/- ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1466 TOM STARLING ROAD, SUBMITTED BY TRI STAR BUILDERS AND DEVELOPMENT, OWNED BY IRENE WILLIAMS.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARINGS
- VI. CONSENT ITEM
 - A. APPROVAL OF THE MINUTES OF DECEMBER 19, 2006

PLAT & PLAN CASE

- B. CASE 06-166: CONSIDERATION OF THE ROBA K. MAXWELL PROPERTY, SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTION 3.20.2 "MUNICIPAL ONFUENCE AREA COMPLIANCE", CUMBERLAND COUNTY SUBDIVISION ORDINANCE (CONDITIONS # 8, 9 & 10), LOCATION ON THE WEST SIDE OF SR 2020 (ROB ROAD), SOUTH OF NC HWY 24 (CLINTON ROAD)

REZONING CASES

- C. P06-78: REZONING OF 2.92 ACRES FROM R5A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1425 N BRAGG BOULEVARD, SUBMITTED BY JAMES H. SINGLETARY, OWNED BY BERRY E. WOODARD. (SPRING LAKE)
- D. P07-02: REZONING OF 127 PARCELS, 60.0+/- ACRES FROM R6/MHO TO R6, LOCATED SOUTHWEST OF SAMUEL DRIVE, WEST OF LILLINGTON HIGHWAY AND EAST OF MONT DRIVE, SUBMITTED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)

- E. P07-03: REZONING OF 145 PARCELS, 60.0+/- ACRES FROM R6A AND R6/MHO TO R6, LOCATED WEST OF N AND S MAIN STREET, EAST OF FORT BRAGG, NORTHWEST OF PERSON STREET AND SOUTH OF ELIZABETH STREET, SUBMITTED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)
- F. P07-05: REZONING OF 72 PARCELS TOTALLING 20.0+/- ACRES FROM R6A AND R6/MHO TO R6, LOCATED BETWEEN LAKE AND PATE AVENUES, EAST OF S. THIRD STREET, WEST OF GEN SEITZ DRIVE, SUBMITTED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)
- G. P07-06: REZONING OF 2.58 ACRES FROM RR TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF W. MANCHESTER ROAD, WEST OF VETERANS DRIVE, SUBMITTED BY HERSHEL L. AND ELEANOR I. BOYD, OWNED BY JAMES LEBLANC AMERICAN LEGION POST #230.

VII. PUBLIC HEARING ITEMS

CONDITIONAL USE DISTRICT AND PERMIT

- A. P07-04: REZONING OF 46.07+/- 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.

REZONING CASES

- B. P07-07: REZONING OF 7.04+/- ACRES FROM R6A TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 423 AND 433 DELBERT DRIVE, SUBMITTED BY STEPHEN A. CONNELL, OWNED BY RUDOLF F. AND INGE S. WEIMANN.
- C. P07-09: REZONING OF 1.56+/- ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF HUDSON STREET, NORTH OF WILKES ROAD, SUBMITTED BY WILLIAM R. DAVIS, OWNED BY THURMOND J. PRICE.

VIII. DISCUSSION / DIRECTOR'S UPDATE

IX. ADJOURNMENT

Charles C. Morris,
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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



COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES
DECEMBER 19, 2006

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

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

Members Present

Mr. Donovan McLaurin, Vice-Chair
Commissioner Diane Wheatley
Mrs. Sara Piland
Mr. Harvey Cain, Jr.
Mr. Clifton McNeill
Mr. Roy Turner
Mrs. Lori Epler

Members Absent

Mr. Charles Morris, Chair
Mr. Garland Hostetter

Others Present

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

Vice-Chair McLaurin presided over the meeting in the absence of Chair Morris.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. Piland delivered the invocation and led those present in the Pledge of Allegiance.

III. ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that P06-81 be pulled from the Public Hearing agenda and deferred until the January 16, 2007 meeting to allow staff time to meet with engineers and discuss changes. Mr. Lloyd advised the Board that the applicant's attorney was in agreement with this decision.

Mrs. Epler made a motion, seconded by Mr. McNeill, to accept the adjustment to the agenda. Unanimous approval.

III. PUBLIC HEARING DEFERRALS

Mr. Lloyd stated that the applicant had requested a deferral for P06-79 until February 20, 2007.

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 NOVEMBER 21, 2006

A motion was made by Mrs. Piland, seconded by Mrs. Epler, to approve the minutes as written. The motion passed unanimously.

REZONING CASES

B. P06-89: REZONING OF A 25.38+/- ACRE PORTION OF A 54.86 ACRE TRACT FROM R10

(R7.5) TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF HOPE MILLS BYPASS, NORTHWEST OF CAMDEN ROAD, SUBMITTED BY JACKIE HAIRR, OWNED BY KATHERINE MCGEACHY WARD, ANN WARREN AND JOSEPH NEILL.

Mr. Lloyd stated that staff recommends approval of the R5A district based on the findings that although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the request meets the criteria for the R5A zoning classification; the subject property is located on a Major Thoroughfare; and public water and sewer are available to the subject property and connection will be required upon development of the site. The R6 zoning district is the only other suitable zoning district to be considered for this request.

- C. P06-91: REZONING OF 6.0 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 623 MAGNOLIA CHURCH ROAD, OWNED BY BRUCE J. AND WANDA L. TEETS.

Mr. Lloyd stated that staff recommends approval of R40 district based on the findings that: the R40 zoning district is consistent with the Stedman Study Area Detailed Land Use Plan which calls for "farmland" at this location; and the R40 zoning district is consistent with the current zoning, lot sizes and character of the general area. There are no other suitable zoning districts to be considered for this request.

Mrs. Epler made a motion, seconded by Mr. Cain, to follow the staff recommendations and approve P06-89 and P06-91 as submitted. Unanimous.

VII. PUBLIC HEARING ITEMS

REZONING CASES

- A. P06-81: REZONING OF THREE PARCELS TOTTALLING 104 ACRES FROM A1 & RR TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF DIVISION PLACE, EAST OF CEDAR CREEK ROAD, SUBMITTED BY LIBBA PATE, OWNED BY PAULA H. FAIRCLOTH.

This case was deferred to the January 16, 2007 meeting.

- B. P06-88: REZONING OF TWO PARCELS TOTALING 3.09 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3944 CAMDEN RD AND 3380 KING CHARLES ROAD, OWNED BY JAMES B. BARNWELL, JR.

Mr. Lloyd reviewed site plans and case information and stated that Staff recommends approval of the C(P) district for the tract fronting on Camden Road, but denial of the parcel fronting on King Charles Road based on the findings that although the C(P) district is not consistent with the Land Use Plan for the Camden Road tract, the request is reasonable because the properties on each side of this tract are zoned C(P) and is compatible with the current use of the properties fronting on Camden Road in this area; the current zoning of R6A is also not consistent with the Land Use Plan; however, the subject property was initially zoned to this district and the properties along King Charles Road remain residentially zoned; and King Charles Road is a residential street and not designed to handle commercial traffic. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

James Barnwell, Jr., Pastor of Missionary Baptist Church, addressed the Board. He stated that his congregation wants to build a new sanctuary on this property and the approval of this rezoning will allow them the ability to offer more land as collateral for a loan.

Mrs. Epler asked Pastor Barnwell if an appraiser had been consulted to determine the value of the land and if this rezoning request was the appraiser's recommendation. Pastor Barnwell

stated that his appraiser and the bank had both suggested that the C(P) request would give the most beneficial value for his loan need.

Mr. Robert McMillian addressed the Board. He stated that he and the congregation support the request and the Pastor's efforts to build the new sanctuary. He urged the Board to favorably consider the request.

The Public Hearing closed. No one appeared to speak in opposition.

Mr. McNeill asked for verification that the church could be built on the existing parcel as currently zoned. Mr. Lloyd stated that the current zoning would allow for that building. Mr. McNeill requested clarification that this request was being presented to allow for a higher loan amount at the advice of the appraiser and the bank. Mr. Lloyd stated that this was his understanding based on Pastor Barnwell's statement.

Mrs. Epler stated that she believed O&I(P) would suffice for the needs of this request. She further stated that she had taken the liberty of contacting an appraiser, who stated that a rezoning of O&I(P) would increase the land value to match the requested C(P) value.

Mrs. Epler made a motion, seconded by Mrs. Piland, to approve C(P) for the tract fronting Camden Road, and O&I(P) for the back portion of the tract.

The floor was opened to discussion.

Mr. Lloyd stated that O&I(P) would be a good transition zoning for this area, because of current surrounding uses and for a buffering district between commercial and industrial and existing residential. Staff had discussed this possibility and determined that they would approve O&I(P) on the rear portion of the tract. He stated that the basis for approval, if the Board chose, would be for good planning, as stated above, and not for increased valuation.

Mrs. Piland asked if the petitioner was agreeable to this change. Pastor Barnwell stated that he appreciated the Board's efforts to explore other possibilities. He stated that the church was agreeable to any rezoning that would give them the highest potential property value and allow them to obtain the necessary loan to meet their development needs.

Vice-Chair McLaurin stated to Pastor Barnwell that sometimes road blocks are thrown in the way of our best plans for reasons unknown to us. If, for some reason, the new sanctuary was not built and the land was placed on the market, the Planning Board is concerned with some of the uses the C(P) allows, such as adult entertainment and the sale of alcohol, which would be allowed on the King Charles Road portion of the property because of its residential zoning. The Planning Board is also concerned with the inability of the streets to handle commercial traffic. He further stated that he knew Pastor Barnwell would also be sympathetic to those concerns and that the O&I(P) would be more compatible for this area.

Mrs. Piland asked if the church would be able to secure the loan amount needed with the O&I(P) rezoning. The Pastor stated that if the appraiser's opinion was correct, the required loan amount could be secured. Mrs. Epler reminded Pastor Barnwell that the appraiser's opinion was just an estimate and one opinion and that he should verify that with another appraiser. She further stated that he had the option to defer this request to allow time to consult with his lender and an appraiser to determine the property value or he could proceed with the Board's recommendation and investigate the issue of the value prior to the case being heard before the Commissioners.

Mr. Barrett advised the petitioner that the County Commissioners would have final approval of this request. He stated that if the petitioner chose to proceed with the Board recommendation of O&I(P) on the rear portion of the lot and they voted to approve it, then the petitioner would have time prior to the January Commissioner's meeting to explore the land value and financing.

The petitioner would still have the right to revise his zoning request at that meeting if his research shows that the O&I(P) will not suffice.

The motion was returned to the floor for a vote and received unanimous approval.

- C. P06-90: REZONING OF 2.10 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1649 A TOWNSEND ROAD, OWNED BY DAVID G., SR. AND BETTY L. HOBBS.

Mr. Lloyd reviewed the case information and stated that Staff recommends denial of the R40A district and approval of the A1A district based on the findings that although the R40A request is consistent with the Land Use Plan, the A1A district is designed for tracts of land less than ten acres located within agricultural areas; and the A1A district is in keeping with the current use, character and zoning of the general area. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Ms. Betty Hobbs, owner, advised the Board that she wants to rezone this property to allow for the placement of a mobile home for her daughter and grandchildren to live in.

Vice-Chair McLaurin advised the petitioner that A1A would require placement of a Class A manufactured home. Ms. Hobbs stated that she had no problems with that requirement and would accept any rezoning that would allow her to accomplish her goal.

Mr. David Hobbs, owner, addressed the Board and stated that rezoning and subdividing his property would still allow road frontage for both lots. He further stated that a Class A manufactured home was more agreeable to him because of the higher resale value involved.

The Public Hearing closed. No one appeared in opposition to the request.

Mr. McNeill made a motion, seconded by Mrs. Piland, to follow the staff recommendation to deny the R40A and approve A1A. Unanimous approval.

VIII. DISCUSSION/DIRECTOR'S UPDATE

Mr. Lloyd advised the Board that the next meeting was scheduled for January 2nd and that the Board may want to consider cancellation of that meeting due to the extended holiday weekend and the absence of any cases scheduled to be heard.

Mrs. Piland made a motion, seconded by Mrs. Epler, to cancel the Planning Board meeting scheduled for January 2, 2007. Unanimous approval.

Mr. Lloyd advised the Board that the Town of Hope Mills had decided to rejoin the Planning Board and would provide one representative. He will be attending their next meeting, scheduled for the same night as the Planning Board and the County Commissioner's meetings, at which they will be approving the interlocal agreement. Mr. Combs will attend the Planning Board meeting and Ms. Speicher will represent the Planning Board at the Commissioner's meeting.

Mr. Lloyd updated the Board on the progress of the Sewer Policy and the core group meetings.

Mr. Lloyd advised the Board that the Stormwater Utility would be financing a drainage basin study in the Sunnyside School Road area and that the study would take approximately 6 months to 1 year.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 7:55 p.m.

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Cumberland County

January 9, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-166
Roba K Maxwell Property
(Subdivision Review)

The developer has submitted a request for a waiver from Section 3.20.2 "Municipal Influence Area Compliance" (MIA), County Subdivision Ordinance, regarding conditions 8, 9, & 10, on the attached condition sheet, for the standards within the Town of Stedman (MIA). The Cumberland County Subdivision Ordinance requires developments within a (MIA) to meet the standards of that Town. The property is zoned A1 Agricultural district, contains 34.92 +/- acres, and has 456.91 feet of road frontage.

The developer is proposing a subdivision to create a 4.50 acre lot located on SR 2020 (Rod Road). Since this property is located in the Town of Stedman's (MIA) the developer would be required to meet the Town's standards; conditions 8, 9, & 10 relate to greenways, sidewalks and street trees.

The Stedman Town Board of Commissioners met on this case and has recommended that the standards be waived for this particular case. The Stedman Town Board is considering criteria they will follow to recommend approval or denial of waivers within their (MIA) for all future cases.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **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 a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. **The property owner would not be afforded a special privilege denied to others.**

1. Because of the condition and nature of the subject property and the adjoining areas, strict compliance would cause a special hardship to the property owner and be incompatible with the surround area since the property owner's proposed development is located at the end of a dead end road which has mainly farmland and single family homes on large lots where the sidewalks and improvements would not be consistent with the nature of the surrounding areas;
2. The public purposes of the Subdivision and Zoning Ordinances is being served to an equal or greater degree because the property owner is in compliance with the standards of the County's regulations, and with the property being located in the Town of Stedman's *Municipal Influence Area*, the Town has recommended approval of granting the request; and
3. The property owner would not be afforded a special privilege denied to others since the Town and the Planning & Inspections Staff are working on exemption standards for the Ordinances, specifically addressing issues raised by comparable developments. This property would be developed in a same or similar manner as all other properties in the general area within the County's jurisdiction.

Attachments: Request for Waiver
Stedman's Recommendation
Conditions of Approval
Sketch Map
Vicinity Map

cc: Roba K. Maxwell, Developer
Randall S. Williams, Surveyor
Grainger Barrett, County Attorney
Connie Spell, Town Administrator
Patti Speicher, Planner III



Date Request Submitted: 11-27-06

Planning Board Meeting Date: _____

Received by: bsp

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 06-166 Case Name: ROBA K. MAXWELL PROPERTY

Related Ordinance Section Number(s): SECTION 3.20.2

Summary of Request: WAIVER OF SIDEWALK & LANDSCAPE REQUIREMENTS

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

SIZE OF TRACT (4.5 ACRES) (New TRACT)

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

3. The property owner would not be afforded a special privilege denied to others, because:

STREET IS A DEAD-END.

THERE ARE ONLY 7 HOUSES ON STREET WITH
4 BEING LOCATED ON LARGE TRACTS. ORDINANCE EXEMPTS
CUL-DE-SACS SERVING 6 OR LESS RESIDENTIAL LOTS.

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

RANDALL S. WILLIAMS
Printed Name of Applicant/Agent

977-3169
Daytime Phone Number

Randall S. Williams
Signature of Applicant/Agent

Nov. 20, 2006
Date Signed

Town of  *Stedman*

December 12, 2006

Cumberland County Joint Planning Board
PO Box 1829
Fayetteville, NC 28302

Re: CASE NO. 06-166 Roba K. Maxwell Property

Dear Planning Board Members:

The above property is located outside the town limits but within our Municipal Influence Area (MIA). According to our Subdivision Ordinance our standards are required to be applied in the MIA.

The Stedman Board of Commissioners met on December 7, 2006 and reviewed this case. The Board's position is that all development in its MIA should meet the town's standards, and does not agree with the County's position to grant waivers in the Town's MIA.

However, the Board realizes that in this particular case our greenway, curbs and gutters, landscaping and sidewalks standards are economically unrealistic for Mr. Maxwell's case. Therefore, the board voted to recommend that Mr. Maxwell be granted relief from the above mentioned standards.

The Town's ordinances as written, does not have any criteria to exempt developments such as Mr. Maxwell's case. Our Town Attorney and the Planning Staff are currently drafting ordinances that will address the application of our standards in the Town's MIA. This draft will be forwarded to the Planning Board for consideration and approval in the near future.

If you have any questions or need additional information, please feel free to contact us.

Sincerely,



Billy D. Horne
Mayor

cc: Will Denning, Planner CCP&I Stedman Rep

PO Box 220 ♦ Stedman, NC 28391 ♦ Phone (910) 323-1892 ♦ Fax (910) 323-4255

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| | | | |
|---|------------------------------------|---------------------------------------|-----------------|
| PLANNING STAFF DECISION: 10-19-06 | PLANNING BOARD DECISION: 06-166 | COUNTY OR COUNCIL MEETING: 1-16-07 | N/A |
| CASE NO: PROPERTY | 06-166 | NAME OF DEVELOPMENT: | ROBA K. MAXWELL |
| (SUBDIVISION REVIEW) | | | |
| LOCATION: ON THE WEST SIDE OF SR 2020 (ROB ROAD), MIA) | | ZONING: A1 (STEDMAN) | |
| SOUTH OF NC HWY 24 (CLINTON ROAD). | | PIN: 0485-09-5443- | |

| | |
|--|--|
| OWNER OR DEVELOPER: ROBA K. MAXWELL | ENGINEER OR DESIGNER: RANDALL S. WILLIAMS |
|--|--|

| | | | | |
|--|---|--|--|---|
| <input checked="" type="checkbox"/> COUNTY ORDINANCE | <input type="checkbox"/> GODWIN ORDINANCE | <input type="checkbox"/> STEDMAN ORDINANCE | <input type="checkbox"/> SPRING LAKE ORDINANCE | <input type="checkbox"/> FALCON ORDINANCE |
|--|---|--|--|---|

| PLANNING DEPARTMENT ACTION | PLANNING BOARD ACTION | TOWN BOARD |
|---|---|-----------------------------------|
| <input checked="" type="checkbox"/> PRELIMINARY PRELIMINARY <input type="checkbox"/> FINAL | <input checked="" type="checkbox"/> PRELIMINARY | <input type="checkbox"/> |
| <input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION EXTENSION <input type="checkbox"/> REVISION | <input type="checkbox"/> EXTENSION <input type="checkbox"/> | REVISION <input type="checkbox"/> |
| <input checked="" type="checkbox"/> APPROVED CONDITIONALLY <input type="checkbox"/> APPROVED CONDITIONALLY | <input type="checkbox"/> APPROVED | CONDITIONALLY |
| <input type="checkbox"/> DENIED | <input type="checkbox"/> DENIED | <input type="checkbox"/> DENIED |

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. The developer may have to provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

Site-Related:

5. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with.
6. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT).

Plat-Related:

7. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$50.00 (one lot) payable to "Cumberland County". This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District: Town of Stedman)
8. Prior to submission for final plat approval, a four-foot wide concrete sidewalk, complying with the ADA standards, must be constructed along SR 2020 (Rob Rd), with the sidewalk plans being reviewed and approved by the Town of Stedman -see Section 4.3. g, Stedman Subdivision Ordinance, for more specific details regarding this condition.
9. Prior to submission for final plat approval, one tree for every 50 linear foot of street frontage must be planted in an area three foot in width from the back of the right-of-way to the sidewalk along SR 2020 (Rob Rd) – see Section 4.3.h, Stedman Subdivision Ordinance, for more specific details regarding this condition.

10. Prior to submission for final plat approval, the developer must comply with the Town of Stedman's *Greenway Standards for Residential Subdivisions*, receiving written approval of the plans from the Town – see Section 3.13.2, Stedman Subdivision Ordinance, for more specific details regarding this condition.
11. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
12. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
13. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
14. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d. County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Mary Ann Steinmetz to schedule an inspection of the improvements.)
15. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Other Relevant Conditions:

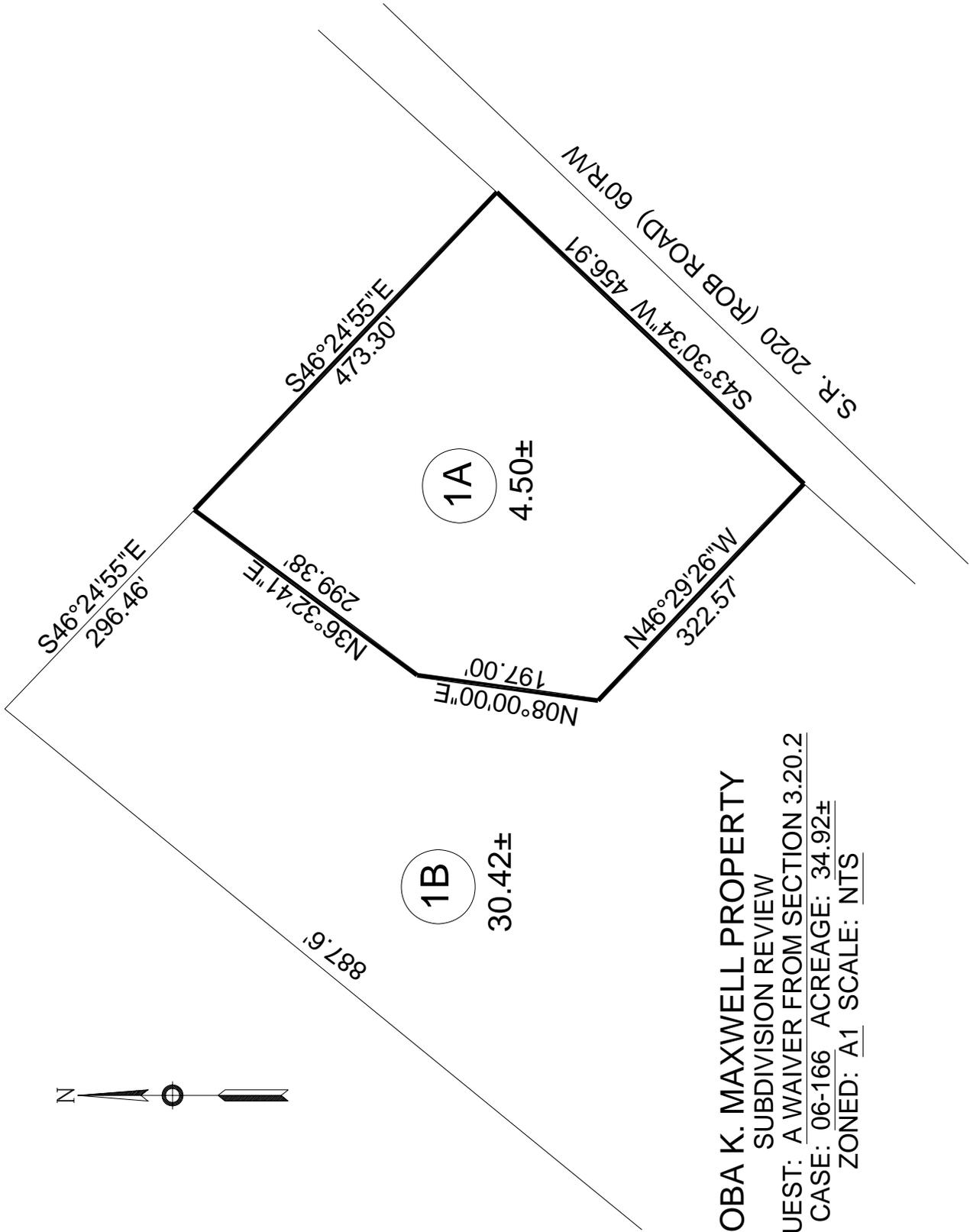
16. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”
17. The developer submitted a request for a waiver from Section 3.20.2 “Municipal Influence Area Compliance” (MIA) from conditions 8, 9 & 10. This case will be heard at the January 16, 2007 Cumberland County Joint Planning Board meeting.

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

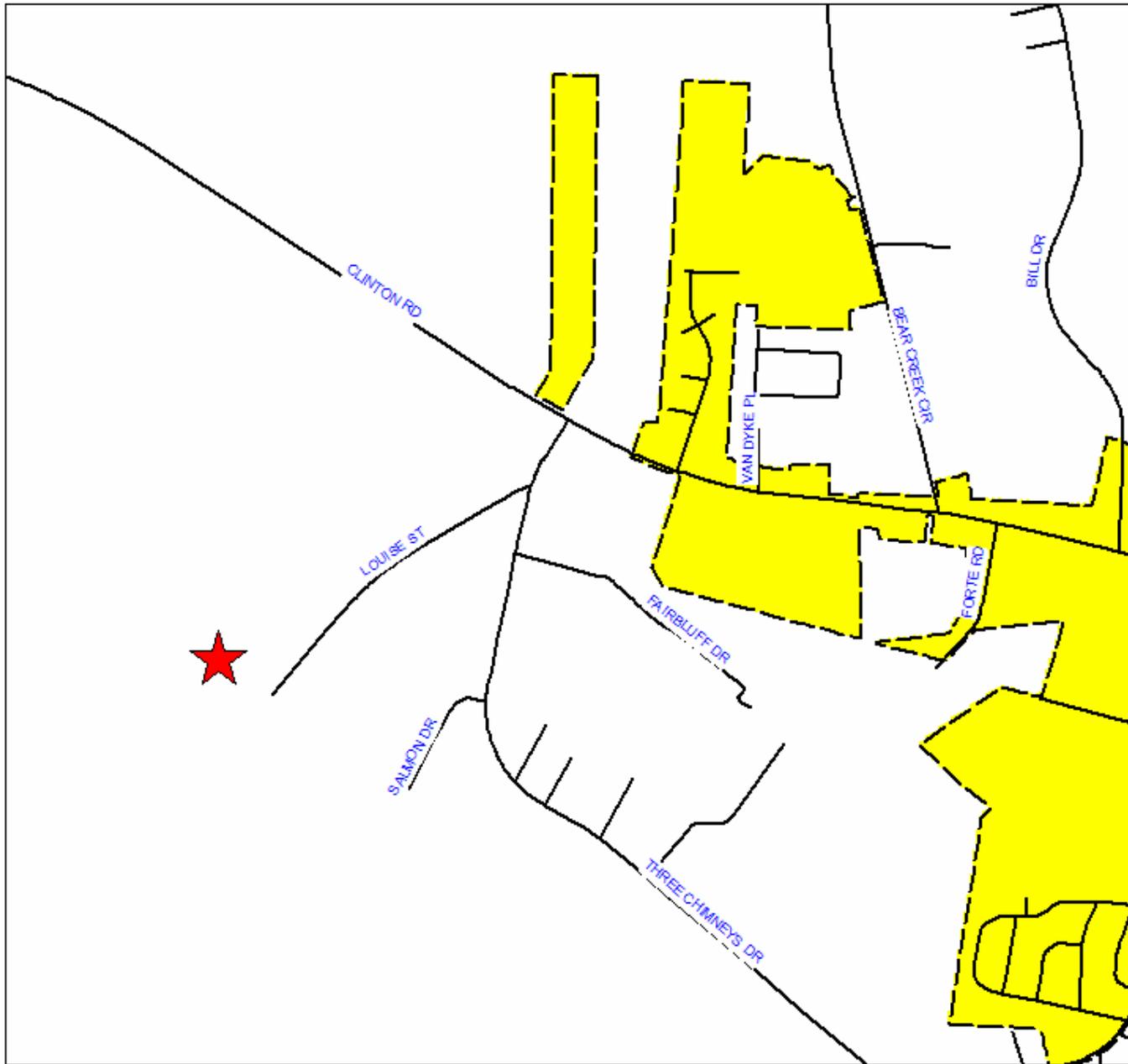
Contact Information (Area Code is 910 unless otherwise stated):

| | | | |
|--------------------------------------|--------------------|----------------|----------|
| Subdivision Improvements Inspection: | Mary Ann Steinmetz | 678-7626 | |
| Subdivision/Site Plan/Plat | Ed Byrne | 678-7609 | |
| Code Enforcement (permits): | Ken Sykes | 321-6654 | |
| County Health Department: | Danny Soles | 433-3685 | |
| Town of Stedman: | Connie Spell | 323-1892 | |
| Corp of Engineers (wetlands): | | (910) 251-4829 | |
| NCDENR (E&S) | | | 486-1541 |
| E911 Site-Specific Address: | Ron Gonzales | 678-7616 | |
| Tax Parcel Numbers: | | 678-7549 | |
| NCDOT (driveways/curb-cuts) | Gary Burton | 486-1496 | |



ROBA K. MAXWELL PROPERTY
 SUBDIVISION REVIEW
 REQUEST: A WAIVER FROM SECTION 3.20.2
 CASE: 06-166 ACREAGE: 34.92±
 ZONED: A1 SCALE: NTS

**ROBA K. MAXWELL PROPERTY
SUBDIVISION REVIEW
CASE NO. 06-166**



PIN(S): 0485-09-5443-
PREPARED BY MAS - CCJPB
OCTOBER 9, 2006

Map not to scale



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



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

January 9, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for January 16, 2007 Board Meeting

P06-78: REZONING OF 2.92 ACRES FROM R5A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1425 N BRAGG BOULEVARD, SUBMITTED BY JAMES H. SINGLETARY, OWNED BY BERRY E. WOODARD. (SPRING LAKE)

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

1. The C(P) zoning district is consistent with the Spring Lake Area Detailed Land Use Plan which calls for heavy commercial at this location; and
2. The C(P) zoning district is consistent with the current zoning and character of the general area.

The other suitable zoning districts to be considered for this request are O&I and C1.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P06-78

REZONING OF 2.92 ACRES FROM R5A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1425 N BRAGG BOULEVARD, SUBMITTED BY JAMES H. SINGLETARY, OWNED BY BERRY E. WOODARD. (SPRING LAKE)

Site Information:

Applicant/Owner: BERRY E. WOODARD / JAMES H. SINGLETARY

Area: 2.92 acres

Frontage & Location: 420 feet on N. Bragg Boulevard

Depth: 351 feet

Jurisdiction: Town of Spring Lake

Adjacent Property: Yes

Current Use: Vacant

Zoning Violation(s): None

Surrounding Zoning: North-CD, RR, R15, R10, C(P), C3, Ft. Bragg Reservation, County limit-R10, C1(P), C(P), M(P), East-R6, R6A, C1, C(P), C3, South-R10, C(P), C3, and West-RR, R10, R6A

Surrounding Land Use: Outfitters, triplex, gun shop, substation, manufactured home supplies, manufactured home park, towing company, no name commercial, and single family residential

Spring Lake Area Detailed Land Use Plan: Open Space and Heavy Commercial

Designated 100-Year Floodplain or Floodway: Yes – within the Special Flood Hazard Area

Urban Services Area: Yes

Water/Sewer Availability: Town of Spring Lake utilities

Soil Limitations: None

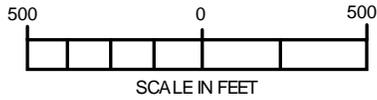
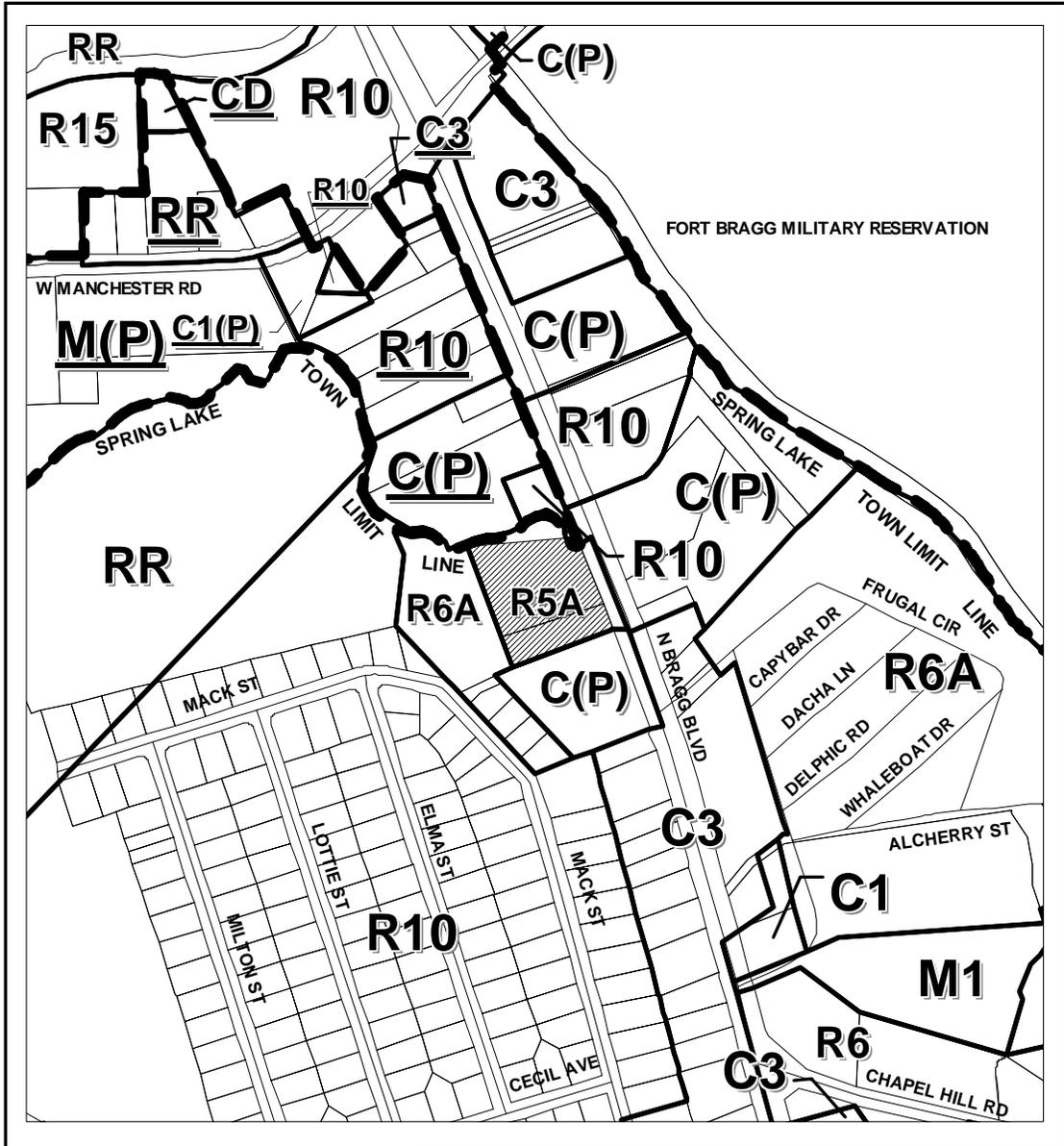
Subdivisions: A C(P) site plan review will be required for any development on these properties.

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 are specified for this area.

Average Daily Traffic Count (2004): 36,000 on N. Bragg Boulevard



**REQUESTED REZONING:
R5A TO C(P)**

| | | | |
|------------------------|--|--------------------|--------|
| ACREAGE: 2.92 AC.+/- | | HEARING NO: P06-78 | |
| ORDINANCE: SPRING LAKE | | HEARING DATE | ACTION |
| PLANNING BOARD | | | |
| GOVERNING BOARD | | | |

PIN: 0502-43-4642-
PIN: 0502-43-5422-

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.,
Town of Stedman



COUNTY of CUMBERLAND

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

January 9, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for January 16, 2007 Board Meeting

P07-02: REZONING OF 127 PARCELS, 60.0+/- ACRES FROM R6/MHO TO R6, LOCATED SOUTHWEST OF SAMUEL DRIVE, WEST OF LILLINGTON HIGHWAY AND EAST OF MONT DRIVE, SUBMITTED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the R6 zoning district based on the following:

1. The R6 zoning district is consistent with the Spring Lake Area Detailed Land Use Plan which calls for medium density residential at this location; and
2. The request was initiated by the Town of Spring Lake as a result of the text for the R6/MHO zoning districts being repealed on April 10, 2006.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-02

REZONING OF 127 PARCELS, 60.0+/- ACRES FROM R6/MHO TO R6, LOCATED SOUTHWEST OF SAMUEL DRIVE, WEST OF LILLINGTON HIGHWAY AND EAST OF MONT DRIVE, SUBMITTED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)

Site Information:

Applicant/Owner: Town of Spring Lake / 127 parcel owners

Area: 60.0 +/- acres

Jurisdiction: Town of Spring Lake

Current Use: Residential and vacant

Zoning Violation(s):

Surrounding Zoning: North-R10, R6, County line-R10, R6, R6/CU, R6A, East-R10, R6, R5A, C(P), C3, M2, South-R10, R6, R6A, O&I, C(P), C3, and West-R6, R5A, C(P), C3

Surrounding Land Use: Duplex (7), Church (2), apartments, day care, club, and single family residential

Spring Lake Area Detailed Land Use Plan: Medium Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Town of Spring Lake utilities

Soil Limitations: None

School Capacity/Enrolled: Lillian Black Elementary 278/251, Spring Lake Middle 706/524, Pine Forest High 1750/1642

Subdivisions: A subdivision or group development review may be required prior to any future development of these lots.

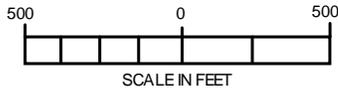
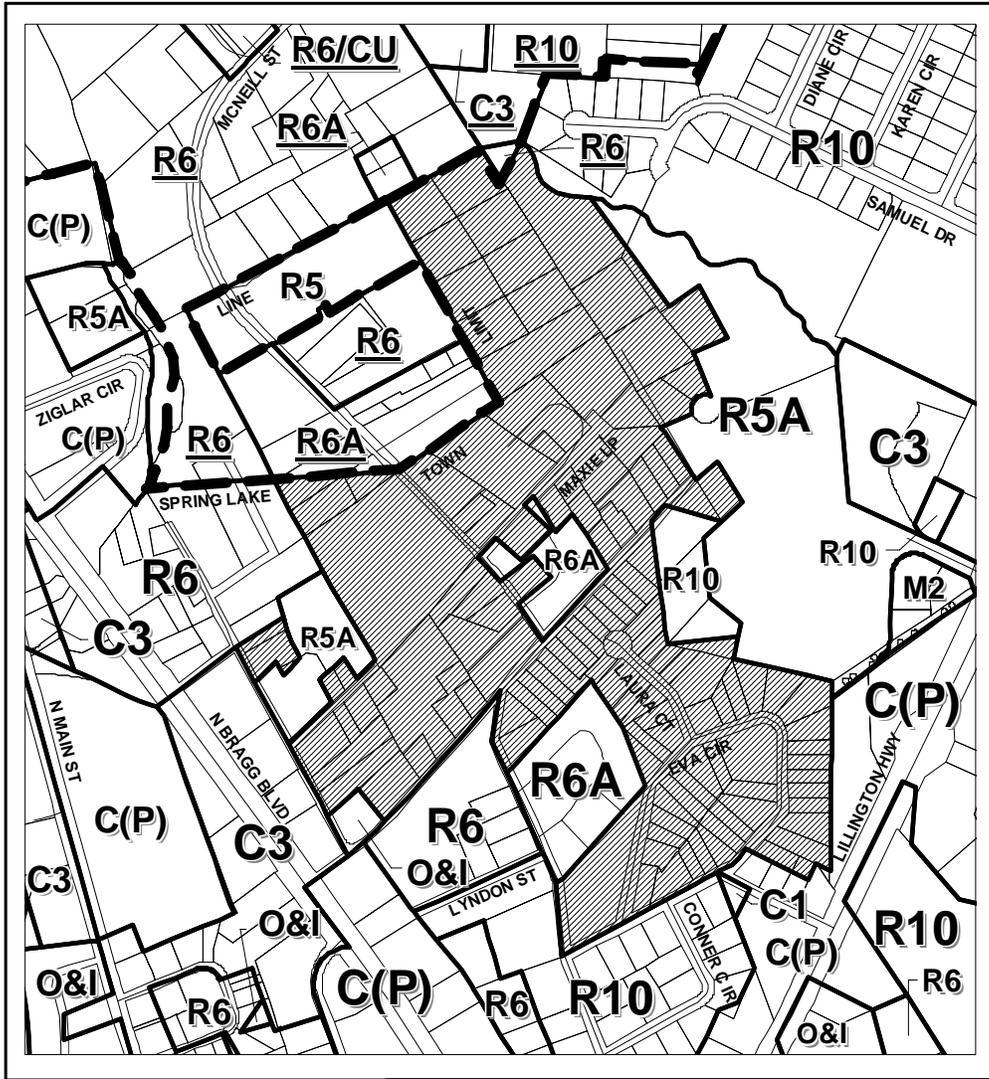
Military Impact Area: Yes

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

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

Notes:

1. Case 95-95 - Approved the R6/MHO District on 9/11/95
2. Case P06-20 - Amendment to the Spring Lake Ordinance repealing the R6/MHO district on 4/10/06



**REQUESTED REZONING:
R6/MHO TO R6**

| | | |
|------------------------|--------------------|--------|
| ACREAGE: 60.0 AC.+/- | HEARING NO: P07-02 | |
| ORDINANCE: SPRING LAKE | HEARING DATE | ACTION |
| PLANNING BOARD | | |
| GOVERNING BOARD | | |

PIN: SEE LIST

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.,
Town of Stedman



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

January 9, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for January 16, 2007 Board Meeting

P07-03: REZONING OF 145 PARCELS, 60.0+/- ACRES FROM R6A AND R6/MHO TO R6, LOCATED WEST OF N AND S MAIN STREET, EAST OF FORT BRAGG, NORTHWEST OF PERSON STREET AND SOUTH OF ELIZABETH STREET, SUBMITTED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the R6 zoning district based on the following:

1. Although the R6 zoning district request is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for high density residential, office and institutional and open space at this location, the R6 zoning is consistent with the existing development in the area; and
2. The request was initiated by the Town of Spring Lake as a result of the text for the R6/MHO zoning districts being repealed on April 10, 2006.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-03

REZONING OF 145 PARCELS, 60.0+/- ACRES FROM R6A AND R6/MHO TO R6, LOCATED WEST OF N AND S MAIN STREET, EAST OF FORT BRAGG, NORTHWEST OF PERSON STREET AND SOUTH OF ELIZABETH STREET, SUBMITTED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)

Site Information:

Applicant/Owner: TOWN OF SPRING LAKE / 145 PARCEL OWNERS

Area: 60.0 +/- acres

Jurisdiction: Town of Spring Lake

Current Use: Residential, commercial and vacant

Zoning Violation(s): None

Surrounding Zoning: North-PND, R6, R5A, O&I, C1, C3, East-R6A, CB, O&I, C3, South-Ft. Bragg Reservation, and West-O&I, R5, Ft. Bragg Reservation

Surrounding Land Use: Water tower, park, apartments (2), duplexes (11), manufactured home park (2), vacant house, single family residential and vacant land

Spring Lake Area Detailed Land Use Plan: High Density Residential, Office and Institutional and Open Space

Urban Services Area: Yes

Water/Sewer Availability: Town of Spring Lake utilities

Soil Limitations: None

School Capacity/Enrolled: Lillian Black Elementary 278/251, Spring Lake Middle 706/524, Pine Forest High 1750/1642

Subdivisions: A subdivision or group development review may be required prior to any future development of any of these lots.

Military Impact Area: Yes

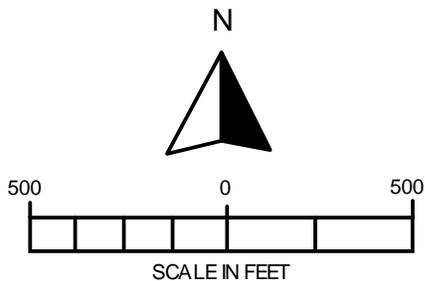
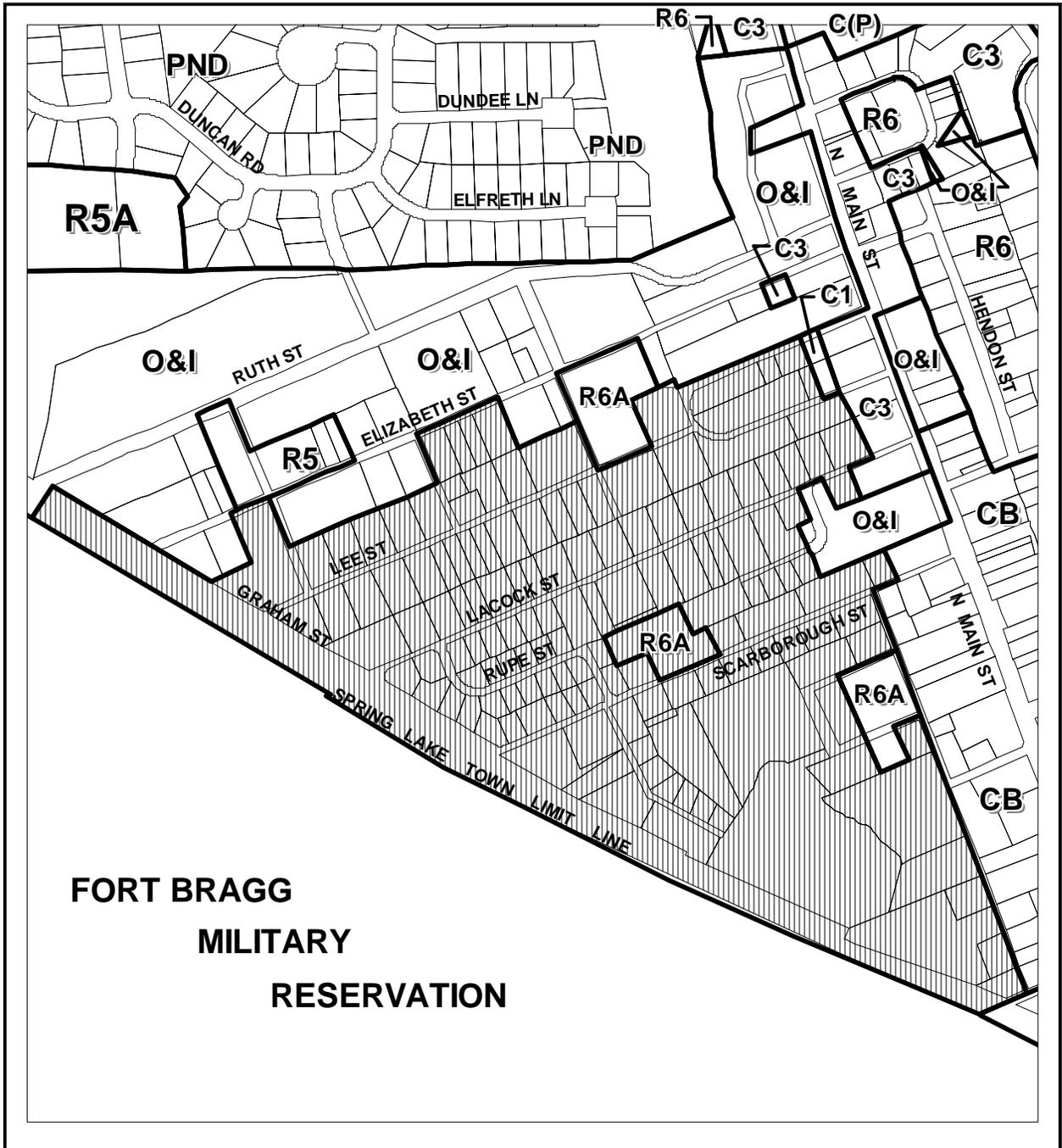
Ft Bragg/Pope AFB: 1 mile buffer area – Pope AFB has no objections to this case.

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

Average Daily Traffic Count (2004): 2,600 on S. Main Street

Notes:

1. Case 95-95 - Approved the R6/MHO District on 9/11/95
2. Case P06-20 - Amendment to the Spring Lake Ordinance repealing the R6/MHO district on 4/10/06



REQUESTED REZONING R6A & R6/MHO TO R6

ACREAGE: 60.0 AC.+/-

HEARING NO: P07-03

ORDINANCE: SPRING LAKE

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



COUNTY of CUMBERLAND

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Deputy Director

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

January 9, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for January 16, 2007 Board Meeting

P07-05: REZONING OF 72 PARCELS TOTALLING 20.0+/- ACRES FROM R6A AND R6/MHO TO R6, LOCATED BETWEEN LAKE AND PATE AVENUES, EAST OF S. THIRD STREET, WEST OF GEN SEITZ DRIVE, SUBMITTED BY THE TOWN OF SPRING LAKE. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the R6 zoning district based on the following:

1. The R6 zoning district is consistent with the Spring Lake Area Detailed Land Use Plan which calls for medium density residential at this location; and
2. The request was initiated by the Town of Spring Lake as a result of the text for the R6/MHO zoning districts being repealed on April 10, 2006.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-05

REZONING OF 72 PARCELS TOTALLING 20.0+/- ACRES FROM R6A AND R6/MHO TO R6, LOCATED BETWEEN LAKE AND PATE AVENUES, EAST OF S. THIRD STREET, WEST OF GEN SEITZ DRIVE, SUBMITTED BY THE TOWN OF SPRING LAKE.
(SPRING LAKE)

Site Information:

Applicant/Owner: TOWN OF SPRING LAKE / 72 PARCEL OWNERS

Area: 20.0 +/- acres

Jurisdiction: Town of Spring Lake

Current Use: Residential, commercial and vacant

Zoning Violation(s): None

Surrounding Zoning: North-R10, R6, R5A, O&I, C(P), M2, East-R10, South-R10, R6, R6A, C3, West-R6, R6A, CB, C(P), C3

Surrounding Land Use: Duplexes (3), apartments (2), school, fast food restaurants (5), senior center, manufactured home park (4), strip mall, car care shop, FCC tower, single family residential and vacant land

Spring Lake Area Detailed Land Use Plan: Medium Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Town of Spring Lake utilities

Soil Limitations: none

Subdivision: A subdivision or group development review may be required prior to any future development of any of these lots.

School Capacity/Enrolled: Lillian Black Elementary 278/251, Spring Lake Middle 706/524, Pine Forest High 1750/1642

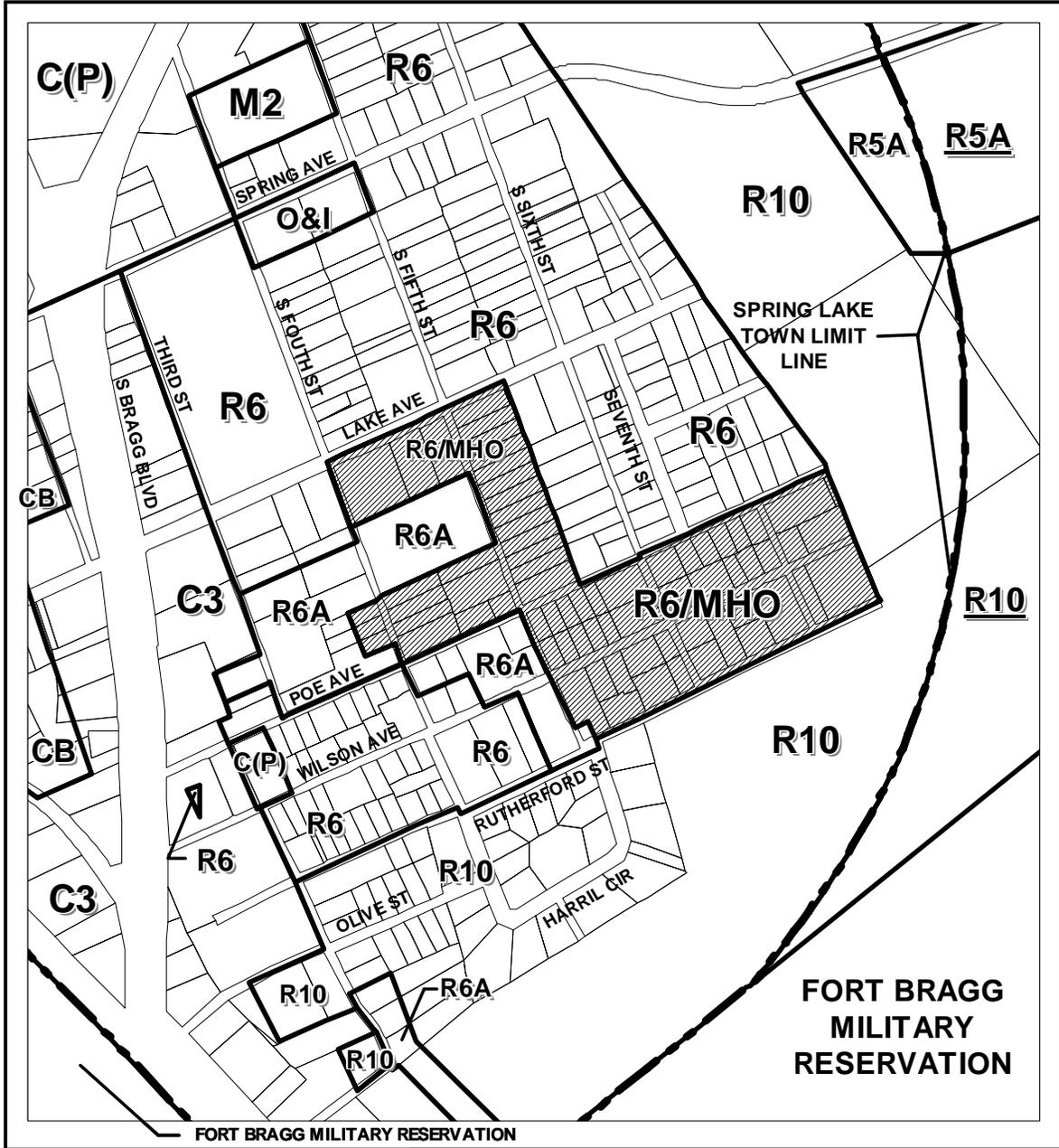
Military Impact Area: Yes

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

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

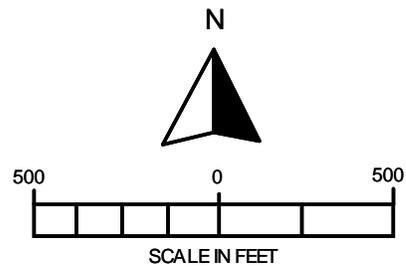
Notes:

1. Case 95-95 - Approved the R6/MHO District on 9/11/95
2. Case P06-20 - Amendment to the Spring Lake Ordinance repealing the R6/MHO district on 4/10/06



FORT BRAGG MILITARY RESERVATION

REQUESTED REZONING R6/MHO TO R6



| | | | |
|-----------------------------|--|---------------------------|--------|
| ACREAGE: 20.0 AC.+/- | | HEARING NO: P07-05 | |
| ORDINANCE: SPRING LAKE | | HEARING DATE | ACTION |
| PLANNING BOARD | | | |
| GOVERNING BOARD | | | |

PIN: SEE FILE

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



COUNTY of CUMBERLAND

Planning and Inspections Department

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Deputy Director

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

January 9, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for January 16, 2007 Board Meeting

P07-06: REZONING OF 2.58 ACRES FROM RR TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF W. MANCHESTER ROAD, WEST OF VETERANS DRIVE, SUBMITTED BY HERSHEL L. AND ELEANOR I. BOYD, OWNED BY JAMES LEBLANC AMERICAN LEGION POST #230.

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

1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for planned commercial at this location, the M(P) zoning district is more compatible with the Air Installation Compatible Use Zone (AICUZ) Study of Pope Air Force Base; and
2. The subject property is partially located within the Accident Potential Zone I and the noise contour. Department of Defense guidelines recommends against certain uses (residential, retail trade, some manufacturing, etc.) dependent upon the densities of people and/or structures.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-06

REZONING OF 2.58 ACRES FROM RR TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF W. MANCHESTER ROAD, WEST OF VETERANS DRIVE, SUBMITTED BY HERSHEL L. AND ELEANOR I. BOYD, OWNED BY JAMES LEBLANC AMERICAN LEGION POST #230.

Site Information:

Applicant/Owner: JAMES LEBLANC AMERICAN LEGION POST #230 / HERSHEL L. AND ELEANOR I. BOYD

Area: 2.58 acres

Frontage & Location: 200 feet on W. Manchester Road

Depth: 562 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: January 7, 1977 (Area 11)

Zoning Violation(s): None

Surrounding Zoning: CD, RR, East- CD, RR, C3, M(P), Spring Lake city limit, South-R10, C(P), M(P), city limit-RR, Ft. Bragg reservation, and West-CD, RR, R6A, C(P), C3

Surrounding Land Use: Club, manufactured home park, furniture repair, duplex, concrete business (2), and single family residential

Spring Lake Area Detailed Land Use Plan: Planned Commercial

Designated 100-Year Floodplain or Floodway: No Flood

Urban Services Area: Yes

Water/Sewer Availability: Spring Lake utilities available

Soil Limitations: Yes – Wickham fine sandy (Wmb)

Subdivisions: A M(P) site plan review will be required prior to any future development of these properties.

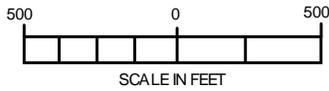
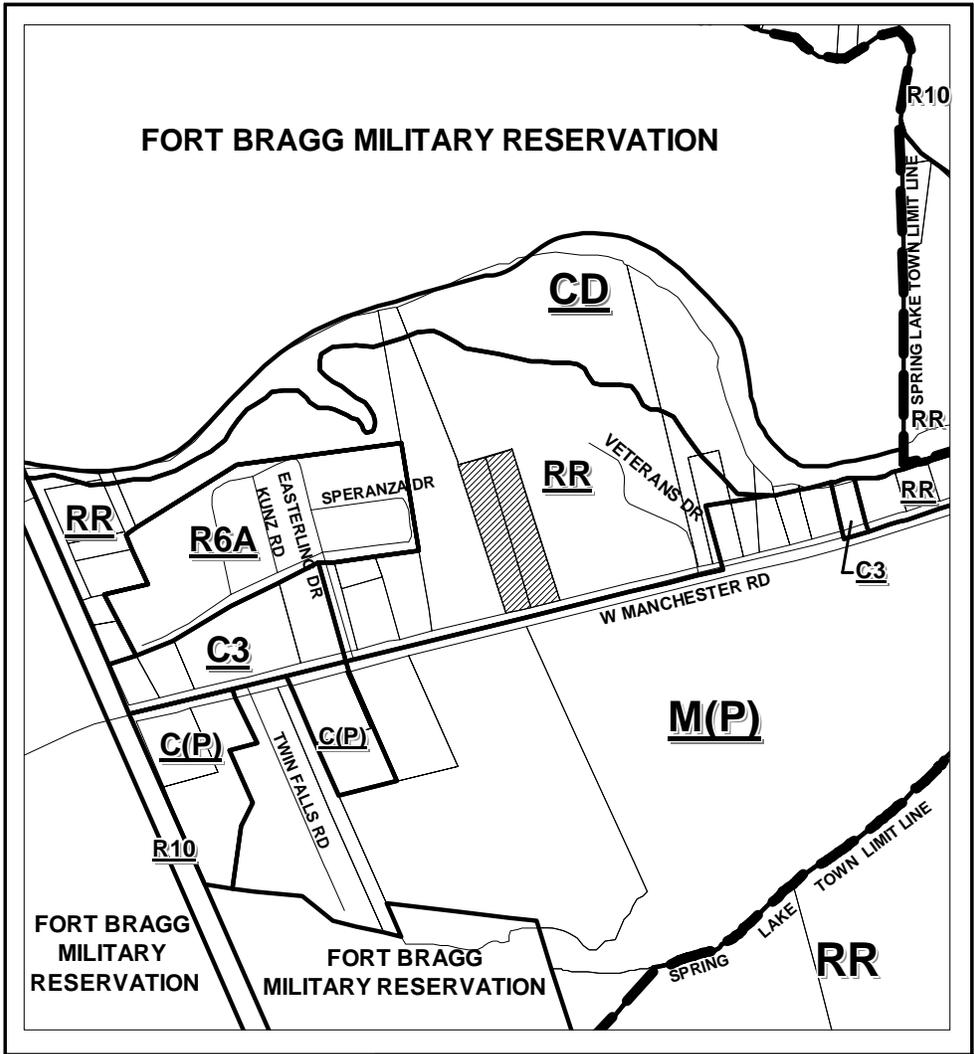
Military Impact Area: Yes

Ft Bragg/Pope AFB: 1 mile buffer area – the subject property is partially located within the Accident Potential Zone I and 65-69 dB noise contour. Department of Defense land use compatibility guidelines recommend against certain uses within APZ I depending upon densities of people and/or structures.

Highway Plan: West Manchester Road is a Minor Thoroughfare. No road improvements or new construction are specified for this area.

Average Daily Traffic Count (2004): 9,700 on W. Manchester Road

Notes:



**REQUESTED REZONING:
RR TO M(P)**

| | | |
|----------------------|--------------------|--------|
| ACREAGE: 2.58 AC.+/- | HEARING NO: P07-06 | |
| ORDINANCE COUNTY | HEARING DATE | ACTION |
| PLANNING BOARD | | |
| GOVERNING BOARD | | |

PIN: 9592-94-9241
PIN: 0502-04-0243

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.,
Town of Stedman



COUNTY of CUMBERLAND

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

January 9, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for January 16, 2007 Board Meeting

P07-04: REZONING OF 46.07+/- 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.

The Planning & Inspections Staff recommends denial of the R15/Density Development/ Conditional Use District and Permit based on the following:

1. The allowable density, if approved, would not be consistent with the 2010 Land Use Plan which calls for Farmland at this location;
2. 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;
3. There is a substantial portion of hydric soils on the subject property; and
4. The rezoning request is not in character with the current zoning, lot sizes and character of the general area.

The only other suitable zoning district to be considered for this request is R40.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Plan
- 3 - Site Profile

SITE PROFILE

P07-04

REZONING OF 46.07+/- 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.

Site Information:

Applicant/Owner: GERTRUDE V. HARRIS

Area: 46.07 acres

Frontage & Location: 2,640 feet on Old Vander Road

Depth: 700 foot (average)

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: September 14, 1979 (Area 9)

Zoning Violation(s): None

Surrounding Zoning: North and East-A1, RR, South-A1, R40, R6A, and West-A1

Surrounding Land Use: Upholstery business, day care, single family residential, and farmland

2010 Land Use Plan: Farmland

Urban Services Area: No

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

Soil Limitations: Yes – Leon sand (Le) and Woodington loamy sand (Wo)

School Capacity/Enrolled: Seabrook Elementary 340/364, Mac Williams Middle 1274/1170, Cape Fear High 1400/1439

Military Impact Area: No

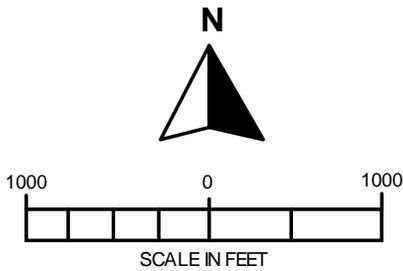
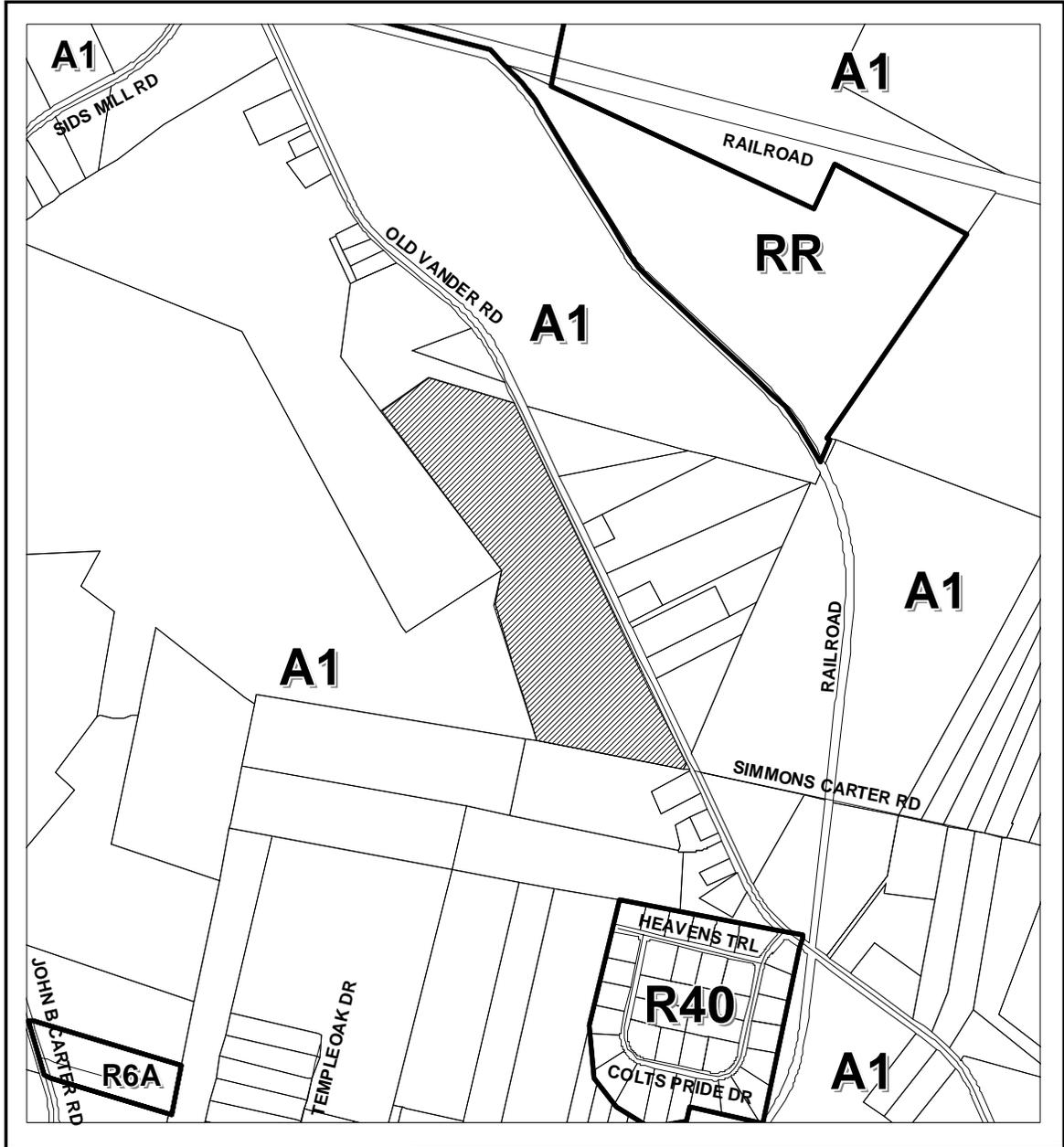
Highway Plan: No road improvements or new construction are specified for this area.

Average Daily Traffic Count (2004): 1,200 on Old Vander Road

Notes:

Application Information

1. Proposed Use: Residential units with sundecks, recreational center, tennis courts, swimming pools, landscaping, small retention pond for ducks, and playground.
2. Lots proposed: 114 @ 16,282 square feet / 123 lot permitted @ 15,000 square feet

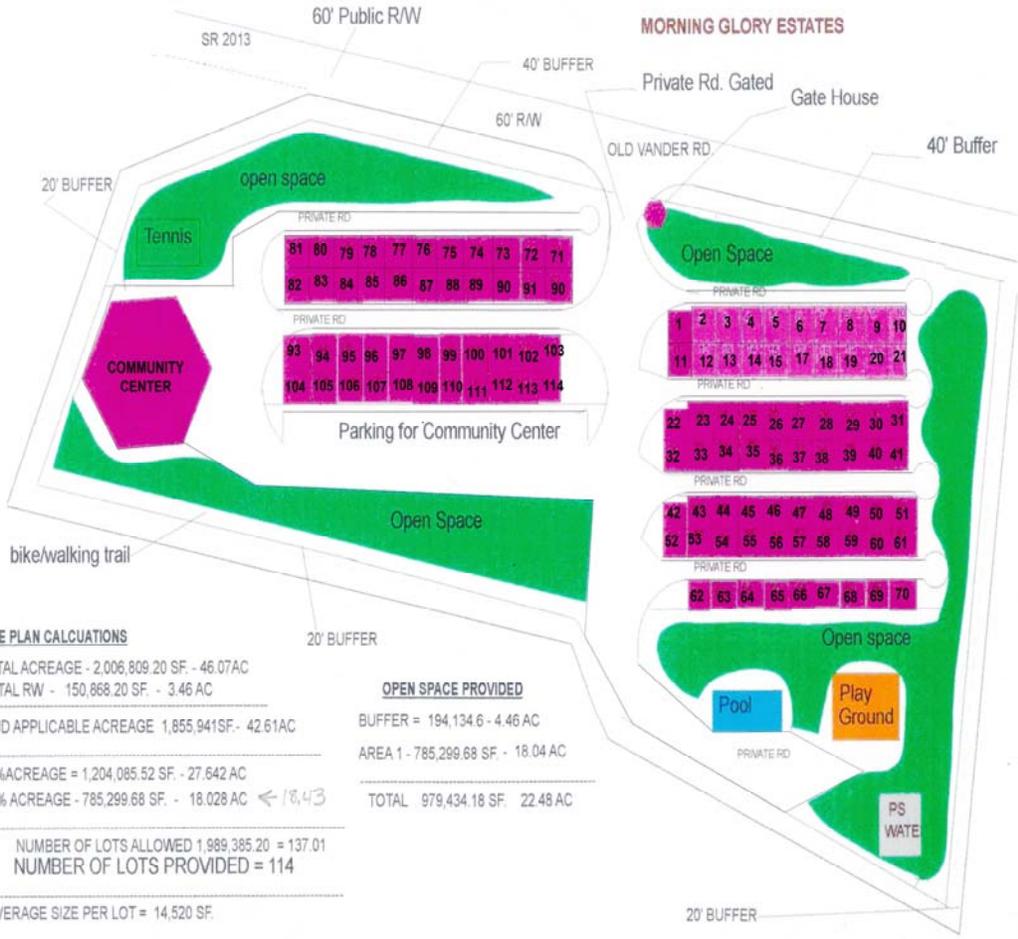
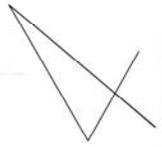


**REQUESTED REZONING:
A1 TO R15/DD/CUD**

| | | | |
|-----------------------|--------------|--------------------|--|
| ACREAGE: 46.07 AC.+/- | | HEARING NO: P07-04 | |
| ORDINANCE: COUNTY | HEARING DATE | ACTION | |
| PLANNING BOARD | | | |
| GOVERNING BOARD | | | |

**R15 DENSITY DEVELOPMENT/CONDITIONAL USE DISTRICT
REQUEST: SINGLE FAMILY RESIDENTIAL DEVELOPMENT**

CASE: P07-04 ACREAGE: 46.07 SCALE: NTS



SITE PLAN CALCUATIONS

TOTAL ACREAGE - 2,006,809.20 SF - 46.07AC
TOTAL RW - 150,868.20 SF - 3.46 AC

CUD APPLICABLE ACREAGE 1,855,941SF- 42.61AC

60%ACREAGE = 1,204,085.52 SF - 27.642 AC
40% ACREAGE - 785,299.68 SF - 18.028 AC < 18.43

NUMBER OF LOTS ALLOWED 1,989,385.20 = 137.01
NUMBER OF LOTS PROVIDED = 114

AVERAGE SIZE PER LOT = 14,520 SF.

OPEN SPACE PROVIDED

BUFFER = 194,134.6 - 4.46 AC

AREA 1 - 785,299.68 SF - 18.04 AC

TOTAL 979,434.18 SF 22.48 AC

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



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

January 9, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for January 16, 2007 Board Meeting

P07-07: REZONING OF 7.04+/- ACRES FROM R6A TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 423 AND 433 DELBERT DRIVE, SUBMITTED BY STEPHEN A. CONNELL, OWNED BY RUDOLF F. AND INGE S. WEIMANN.

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

1. Although the M(P) zoning district is consistent with the 2010 Land Use Plan, a substantial amount of residential property still exists in the area; and
2. The subject property is located on a dirt, public road, which has not been brought up to NC Department of Transportation standards; nor is it suitable to serve industrial type uses.

The R6 zoning district could be considered as suitable for this property.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-07

REZONING OF 7.04+/- ACRES FROM R6A TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 423 AND 433 DELBERT DRIVE, SUBMITTED BY STEPHEN A. CONNELL, OWNED BY RUDOLF F. AND INGE S. WEIMANN.

Site Information:

Applicant/Owner: RUDOLF F. AND INGE S. WEIMANN / STEPHEN A. CONNELL

Area: 7.04 acres

Frontage & Location: 441 feet on Delbert Drive

Depth: 714 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: March 15, 1979 (Area 6)

Zoning Violation(s): None

Surrounding Zoning: North-RR, R6A, M(P), East-C(P), C3, M1(P), Fayetteville city limit, South-R10, C(P), M(P), and West-R10, R6A, M(P), M2

Surrounding Land Use: Eaton, diesel company, open storage of vehicles and junk, airport, towing company, forklift supplies, container storage, church, and single family residential

2010 Land Use Plan: Heavy Industrial

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic tank – PWC water available, PWC sewer located 900 feet southeast .

Soil Limitations: None

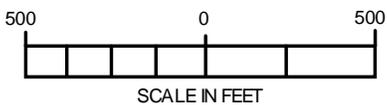
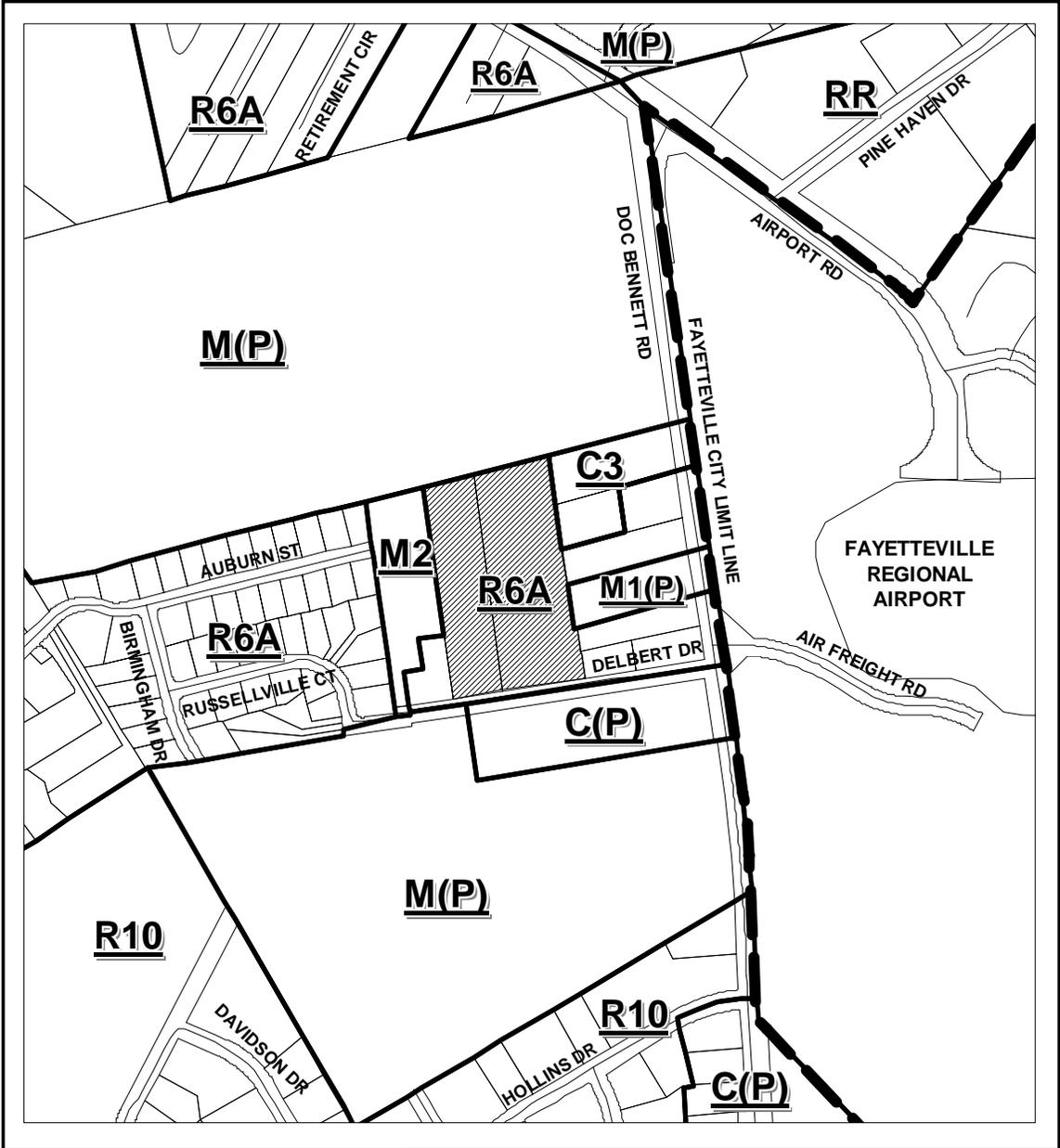
Subdivisions: A M(P) site plan review would be required on either of these lots prior to any development. If these are to be recombined into one lot, a recorded plat will be required.

Military Impact Area: No

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

Notes:

Delbert Drive is a 60 foot platted road.



**REQUESTED REZONING:
R6A TO M(P)**

| | | | |
|-----------------------------|----------------|---------------------------|--------|
| ACREAGE: 7.04 AC.+/- | | HEARING NO: P07-07 | |
| ORDINANCE COUNTY | PLANNING BOARD | HEARING DATE | ACTION |
| GOVERNING BOARD | | | |

PIN: 0435-22-0158
PIN: 0435-12-8145

MAS

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
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COUNTY of CUMBERLAND

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

January 9, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for January 16, 2007 Board Meeting

P07-09: REZONING OF 1.56+/- ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF HUDSON STREET, NORTH OF WILKES ROAD, SUBMITTED BY WILLIAM R. DAVIS, OWNED BY THURMOND J. PRICE.

The Planning & Inspections Staff recommends denial of the C(P) zoning 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. Rezoning this property will encourage commercial development in an area comprised of a residential zoning and uses; and
3. Approval of C(P) zoning will create a nonconforming situation due to the dimensional requirements and use being a residential structure.

The R6 zoning district could be considered as suitable for this property.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE

P07-09

REZONING OF 1.56+/- ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF HUDSON STREET, NORTH OF WILKES ROAD, SUBMITTED BY WILLIAM R. DAVIS, OWNED BY THURMOND J. PRICE.

Site Information:

Applicant/Owner: THURMOND J. PRICE / WILLIAM R. DAVIS

Area: 1.56 acres

Frontage & Location: 409 feet on Hudson Street

Depth: 159 feet (average)

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant and residential

Initial Zoning: March 15, 1979 (Area 6)

Zoning Violation(s): None

Surrounding Zoning: North-R6, R6A, C3, M(P), Fayetteville city limit-R6, C3, East-R6A, R6A/CU, C(P), C3, M(P), South-R6A, C(P), C3, M(P), city limit-C3, M2, and West-city limit-R6, R6A, C1(P), C3

Surrounding Land Use: Manufactured home sales, sheriff's annex, hotel, vacant commercial, fast food restaurant, no name commercial, business, auto repair, coliseum, residential and vacant land

2010 Land Use Plan: Medium Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: None

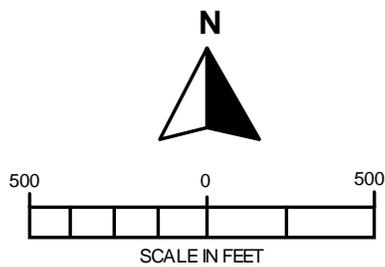
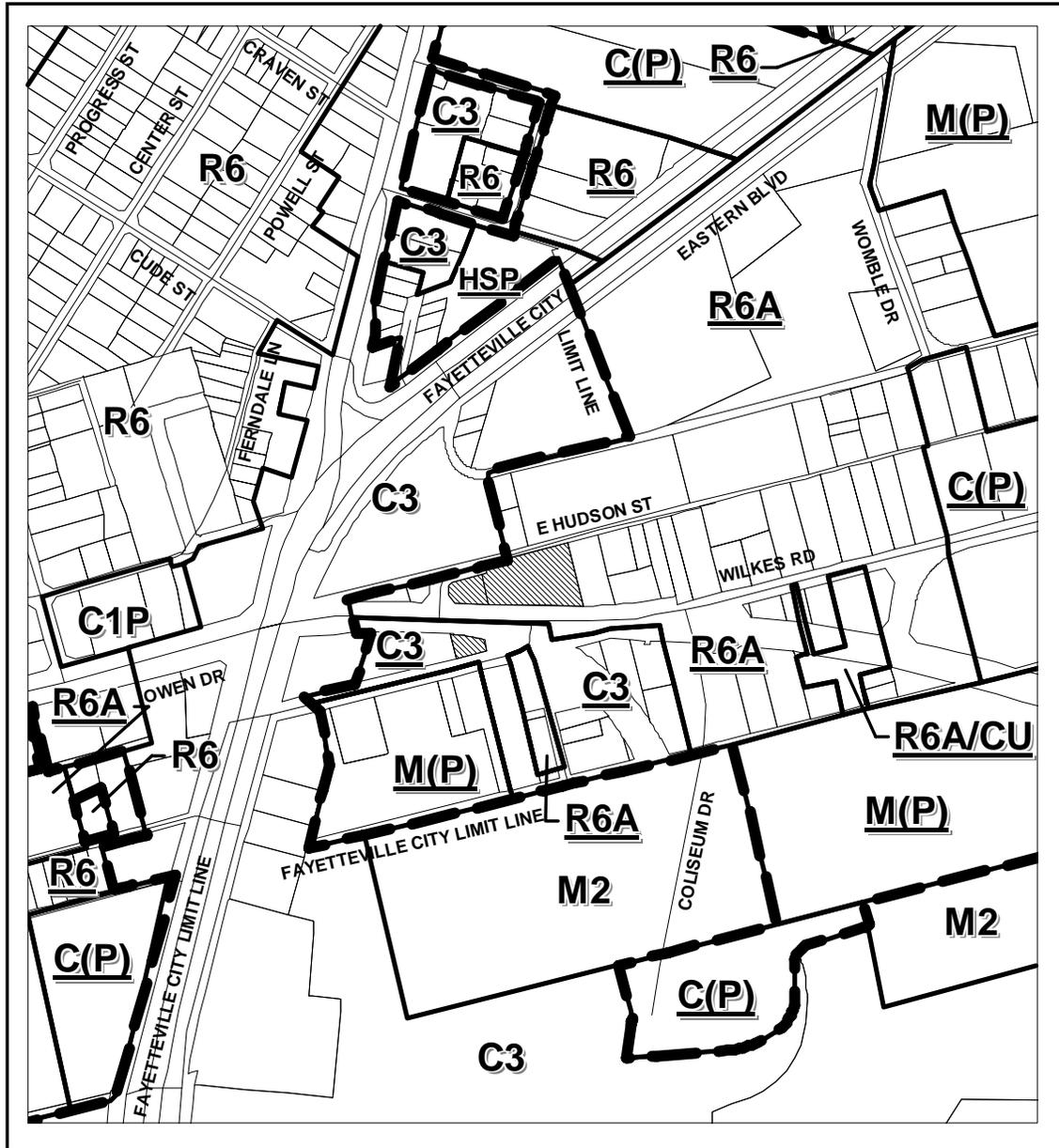
Subdivisions: These lots will need to be combined by plat prior to any development. A C(P) site plan will be required if rezoned to C(P) prior to any development.

Military Impact Area: No

Highway Plan: Owen Drive Extension is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Prior years in progress

Average Daily Traffic Count (2004): 3,300 on Wilkes Road

Notes:



REQUESTED REZONING: R6A TO C(P)

| | | | |
|----------------------|--|--------------------|--------|
| ACREAGE: 1.56 AC.+/- | | HEARING NO: P07-09 | |
| ORDINANCE: COUNTY | | HEARING DATE | ACTION |
| PLANNING BOARD | | | |
| GOVERNING BOARD | | | |

PIN: 0436-22-1433-
PIN: 0436-12-9420-

MAS
12/19/2006