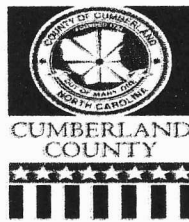


Charles C. Morris,  
Chair  
Town of Linden

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

June 12, 2007

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for June 19, 2007 Board Meeting

**P07-44:** REZONING OF 2.7+/- ACRES FROM R5 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE WEST QUADRANT OF MURCHISON ROAD AND CHARMAIN STREET, SUBMITTED BY BRAD YOUNG, OWNED BY ALBERT AND SHIRLEY NORTON.

This case was heard by the Planning Board on May 15, 2007. The Board requested the case be deferred to give the applicant time to consider submission of a Conditional Use District and Permit application. The applicant agreed to the deferral.

Originally, the Planning & Inspections Staff reviewed this case on May 8, 2007 and recommended approval of the C(P) District. Upon review of the amended application, the Staff is recommending approval of the C(P)/Conditional Use District for all uses currently allowed in the C(P) zoning district except: Bars/Nightclubs, Club or Lodge, Hazardous Waste Storage/Disposal Facility, Massage and Bodyworks Therapy, and Sexually Oriented Businesses. This recommendation is based on:

1. The request is reasonable and consistent with the existing zoning and land uses within the general area; and
2. The request is consistent with the 2010 Land Use Plan which calls for an "activity node" at this location.

The Staff recommends approval of the Conditional Use Permit based on:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended – the standards of the County development regulations will be complied with to ensure public health and safety are protected;

2. The use meets all required conditions and specifications – site plan review at Staff level will be required prior to any permit application of the site as an assurance that the development will meet or exceed the minimum standards for non-residential development within the County;
3. The use will maintain or enhance the value of adjoining or abutting properties – the developer owns a long lasting, well-established business on the adjacent property and since the subject property is essentially vacant, containing only a billboard, the development of this tract will aid in enhancing the values of adjacent properties;
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan and adopted planning policies – as stated above, the request is consistent with the Land Use Plan and is also within keeping of the character of the general area.

The owner/applicant has been given a copy of this recommendation with attachments and has agreed to all ordinance-related conditions.

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

Attachments:

- 1 - Site Profile w/ Ordinance-Related Conditions
- 2 - Rezoning Sketch Map
- 3 - Site Plan
- 4 - Application

**SITE PROFILE**  
**P07-44**

REZONING OF 2.7+/- ACRES FROM R5 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE WEST QUADRANT OF MURCHISON ROAD AND CHARMAIN STREET, SUBMITTED BY BRAD YOUNG, OWNED BY ALBERT AND SHIRLEY NORTON.

**Site Information:**

**Applicant/Owner:** BRAD YOUNG / ALBERT AND SHIRLEY NORTON

**Area:** 2.7 acres

**Frontage & Location:** 169 feet on Murchison Road, 383 feet on Charmain Street

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Billboard and vacant

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

**Zoning Violation(s):** None

**Nonconformities:** The existing billboard is located in a residentially zoned district.

**Surrounding Zoning:** North-C(P), C3, C3/CU, M(P), East-C3, M1(P), M(P), City limit-R6, M1, South-R6, R6A, C3, and West-R6A, R6A/CUO, C3

**Surrounding Land Use:** Manufactured home parks (7), automotive sales (2), vacant commercial businesses (2), tire shop, rental business, electric company, construction company, apartments, and lawn care business

**2010 Land Use Plan:** Activity Node

**Watershed Area:** Yes

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC / Septic tank – PWC sewer available on Tammy Street

**Military Impact Area:** Yes

**Ft Bragg/Pope AFB:** Pope AFB has no objections to this case

**Highway Plan:** Murchison Road is identified as a Major Thoroughfare. It has a current 100 foot right-of-way. The proposal calls for a multi-lane facility with an ultimate 110 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Right-of-Way: Unfunded, Construction: Unfunded

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

**Notes:**

**Application Conditions:**

1. Uses to be excluded: Bars/nightclubs, club or lodge, hazardous waste storage/disposal facility, massage and bodyworks therapy, and sexually oriented businesses.
2. Hours of Operation: 7 days per week, 10 hours per day.
3. Number of employees: 23 (currently) approximately 40 total

4. Equipment: Light service poles, supplies, and 50 trucks and lift vehicles (estimated).

### **Conditional Use District & Permit**

(Ordinance Related Requirements):

#### **Watershed-Related:**

1. An application for a Watershed "No Approval Required" plat must be submitted to the Watershed Review Officer and must be approved by the Watershed Review Officer prior to NAR plat approval and prior to application for any building permits, site plan approval is required.

#### **Permit-Related:**

2. Prior to application for any permits, plans must be submitted to the Planning & Inspections Staff for site plan approval.
3. 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.
4. The County Health Department must approve 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.)
5. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits.
6. 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 showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.

#### **Site-Related:**

7. Only those uses, dimensions, and setbacks requested in the Conditional Use District and the Permit will be permitted on this site; also, all other related provisions of the County Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with.
8. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
9. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
10. The location and size of any proposed freestanding sign(s) must be included on the site plan when submitted for Staff review.
11. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
12. Upon development, lateral access to the adjacent non-residential lots may be required as a condition of the site plan approval.



13. Upon development, a solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance, along the entire rear property line. The type of buffer, location and width must be noted on the site plan when submitted for Staff approval.
14. Upon development, the developer will be required to include the required landscaping on the site plan. The minimum landscape requirements are:
  - a. One large shade tree or two small ornamental trees will be required on this tract along the length of the right-of-way of NC HWY 210 (Murchison Road);
  - b. One ornamental tree for every 50 linear feet and two shrubs for every 10 linear feet of any building length or width fronting on NC HWY 210 (Murchison Road) will be required within the building front yard area;
  - c. One large shade trees or two small ornamental trees for every 20 spaces will be required within any parking area having 20 or more spaces;
15. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

**Plat-Related:**

16. Prior to or along with submission for site plan approval, a recombination plat (also known as a "No Approval Required" or "NAR") recombining the existing lots must be submitted for review and approval for recording with the County Register of Deeds and must be recorded prior to application for any permits. (Note: The developer may submit for "Zero Lot Line" approval with their adjacent lot, if desired – contact the Land Use Codes Staff for more information regarding this note.)
17. Dedication of 10 feet of right-of way along NC HWY 210 (Murchison Road) is required and the metes and bounds for dedication must be shown on the NAR and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
18. Any/All easements shall be reflected on the NAR and labeled as to type of easement, reference number for the document creating the easement, and the name of the agency, individual, etc., who holds the easement.
19. The NC Department of Transportation (NCDOT) stamp must be affixed to the NAR prior to submission for approval for recordation.
20. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR recombination plat when submitted for final approval.

**Plat-Required Statement:**

21. All/Any structures (including the billboard) must be shown on the NAR or the NAR must reflect the following statement:

"Nonconforming structures have not been created by this subdivision."

**Other Relevant Conditions:**

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

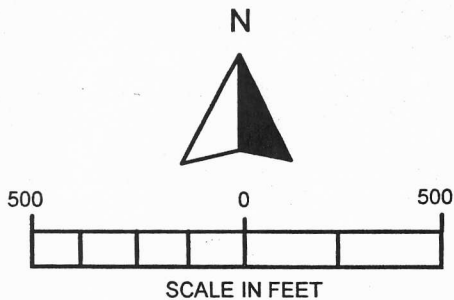
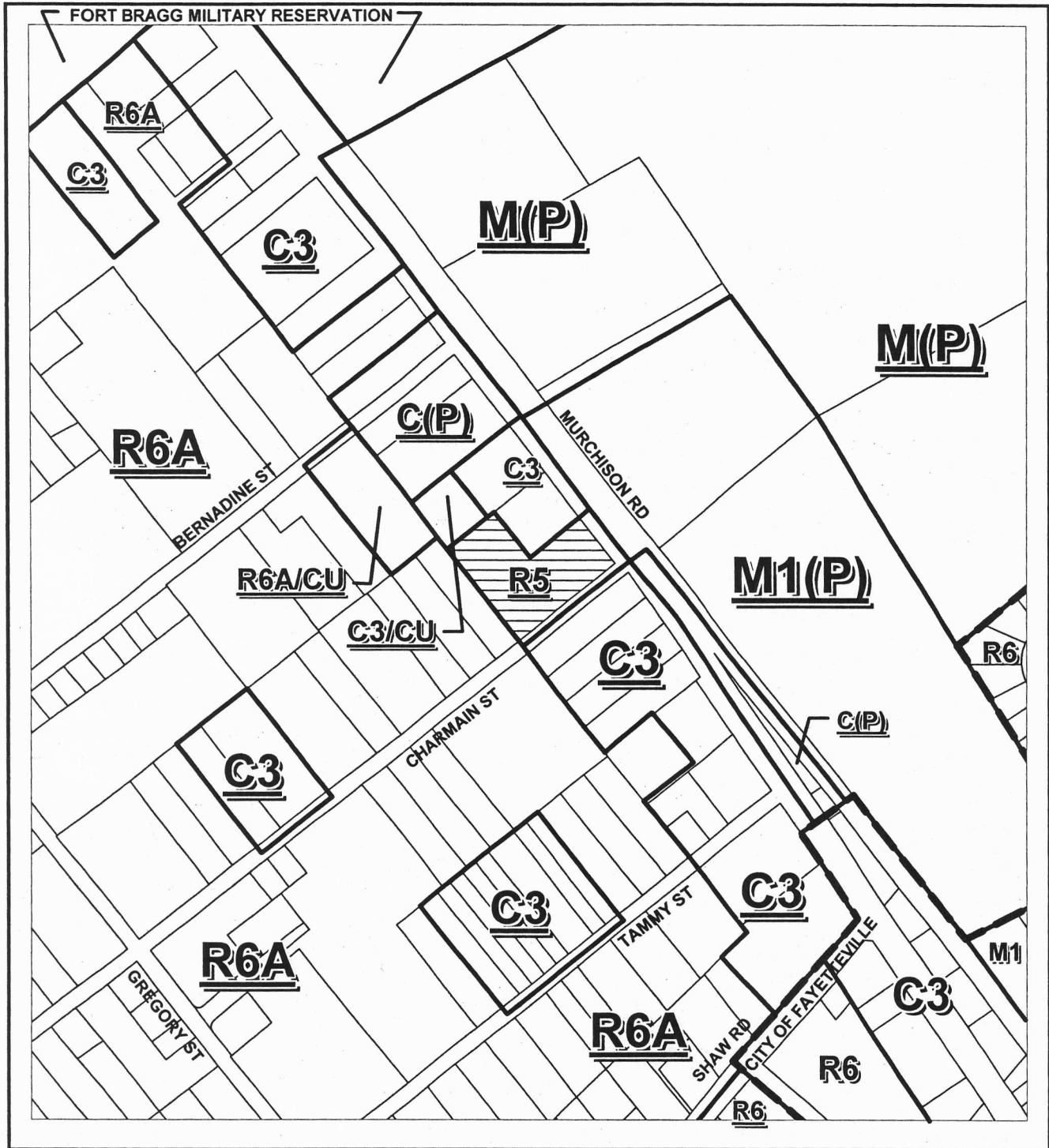
"Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

23. This conditional approval is not approval of the location of the existing billboard; if the billboard is destroyed by more than 50%, the developer will not be able to replace this billboard under current standards.

**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/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
PWC:	Heidi Maly	483-1401
Corp of Engineers (wetlands):	Ronnie Smith	(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
Transportation Planning	Bobby McCormick	678 7632

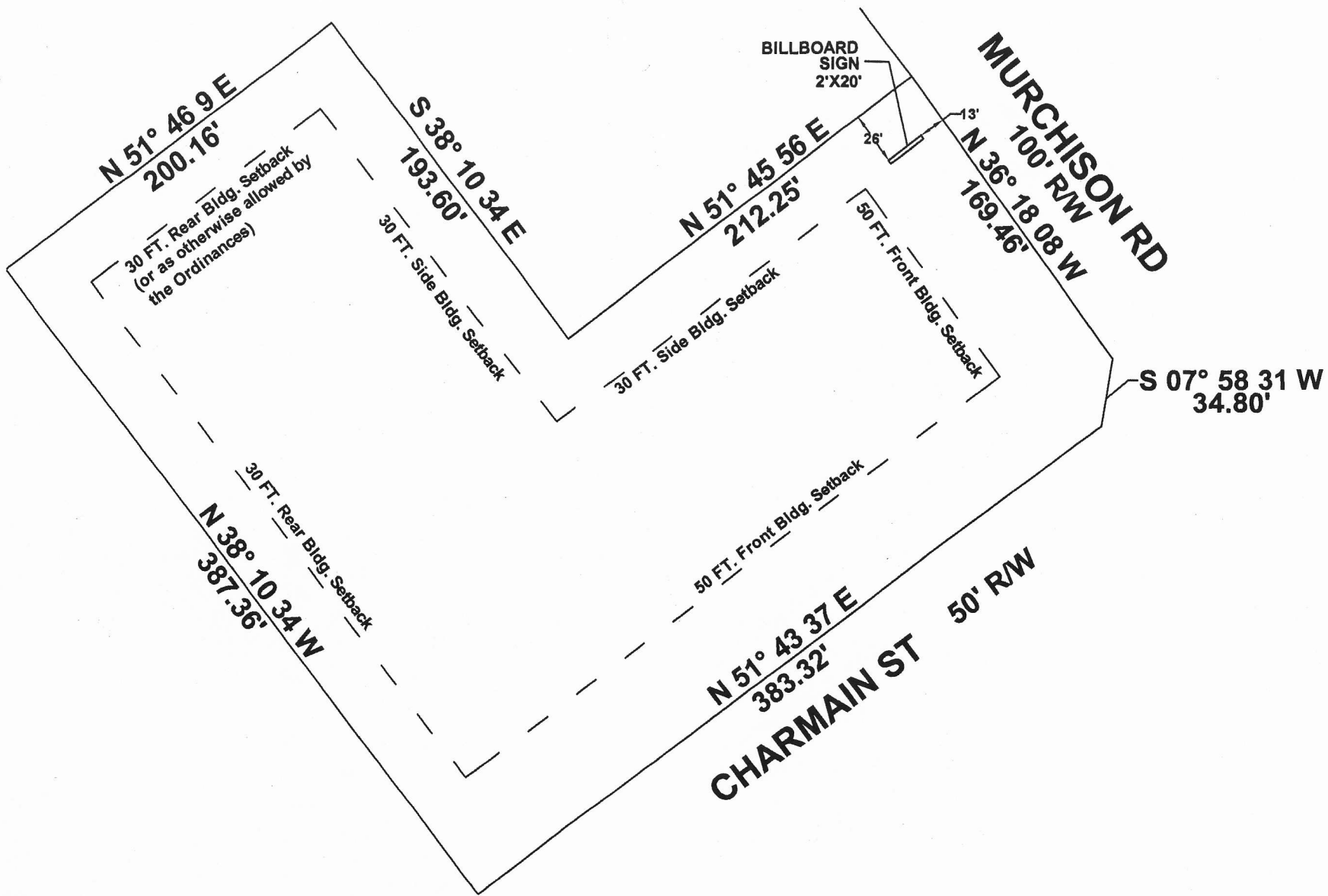


## REQUESTED REZONING R5 TO C(P)/CUD

ACREAGE: 2.70 AC.+/-		HEARING NO: P07-44	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0419-97-6871

AF  
05/22/07



**CONDITIONAL USE DISTRICT & PERMIT**  
**REQUEST: TO ALLOW PERMITTED USES WITH EXCLUSIONS**  
**CASE: P07-44 ACREAGE: 2.70±**  
**SCALE: NTS**

06-11-07

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

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

1. APPLICANT/AGENT: \_\_\_\_\_
2. ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_
3. TELEPHONE: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
4. Location of Property: \_\_\_\_\_
5. Parcel Identification Number (PIN #) of subject property: \_\_\_\_\_  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
7. Water Provider: \_\_\_\_\_
8. Septage Provider: \_\_\_\_\_
9. Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_, Cumberland County  
Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: \_\_\_\_\_
11. Proposed use(s) of the property: \_\_\_\_\_

**NOTE: Be specific and list all intended uses.**

12. It is requested that the foregoing property be rezoned FROM: R-5

TO: (select one)

- ☒ Conditional Use District, with an underlying zoning district of CLP  
(Article V)  
☐ Mixed Use/Conditional Use District (Article VI)  
☐ Planned Neighborhood District/Conditional Use District (Article VII)  
☐ Density Development/Conditional Use District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

\* A.

<sup>to be excluded</sup>  
List the use(s) <sup>District</sup> proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

Staff note: Omitted uses attached to application via matrix

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

IAW Zoning Ord

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

as per site plan

- B. Off-street parking and loading, Sec. 1202: List the number of spaces, type of surfacing material and any other pertinent information.

IAW Zoning Ord

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

IAW Zoning Ord

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

IAW zoning Ord  
(this will be required to be included  
on individual site plans for staff  
review)

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

same as "A"

\* 5. MISCELLANEOUS: if applicable

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

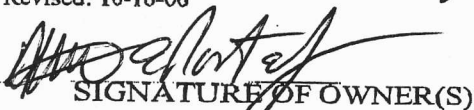
23 current employees - per AI approx 40 total 6-11-07  
Approx. 10 pole lights in service storage yard  
- operation 7 days per week - 10 hours / day approx. per AI 6-11-07  
- ESTIMATE 50 TRUCKS AND LIFT VEHICLES AND SUPPLIES

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

Revised: 10-16-06

Albert E. Norton Jr.

  
SIGNATURE OF OWNER(S)

Page 5 of 10

Shirley R Norton  
Shirley R Norton  
SIGNATURE OF OWNER(S)

Revised: 10-16-06

Page 6 of 10



Albert E. Norton Jr and Shirley R. Norton  
 NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)  
 2936 George Owen Rd - Fayetteville NC 28306  
 ADDRESS OF AGENT, ATTORNEY, APPLICANT  
 910 822 0082 (424.6419) 910-822-0082  
 HOME TELEPHONE # WORK TELEPHONE #  
 Albert E. Norton Jr Shirley R. Norton  
 SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

- \* ALL record property owners must sign this petition.
- \* The contents of this application, upon submission, becomes "public record."

CUMBERLAND COUNTY ZONING ORDINANCE  
 FEE SCHEDULE

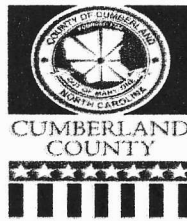
REQUESTED ZONING DISTRICTS <sup>1</sup>	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL USE DISTRICTS <sup>2</sup> RESIDENTIAL DD/CUD	\$500	\$500	\$500	\$500
CONDITIONAL USE DISTRICTS <sup>2</sup> NONRESIDENTIAL PND/CUD MXD/CUD	\$700 - 400 pd = 300.00 due	\$800	\$800	\$800

- 1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
- 2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Use District and Permit application, the original application fee will be credited towards the Conditional Use District and Permit application fee.

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

June 12, 2007

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for June 19, 2007 Board Meeting

**P07-47:** REZONING OF TWO PORTIONS OF A 20.26 ACRE TRACT, CONSISTING OF 9.43 ACRES AND 4.20 ACRES FROM M2 TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF CHURCH STREET, EAST OF FREEDOM LANE, SUBMITTED BY JOSEPH H. GILLIS SR, OWNED BY GILLIS AND GILLIS INC.

The Planning & Inspections Staff recommends approval of the R7.5 district based on the following:

1. The request is partially consistent with the 2010 Land Use Plan, which calls for Low Density Residential and Open Space at this location;
2. The request is consistent with the existing zoning in the area; and
3. Public utilities are available to the subject property.

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

**Attachments:**

- 1 - Site Profile
- 2 - Rezoning Sketch Map

## **SITE PROFILE**

**P07-47**

REZONING OF TWO PORTIONS OF A 20.26 ACRE TRACT, CONSISTING OF 9.43 ACRES AND 4.20 ACRES FROM M2 TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF CHURCH STREET, EAST OF FREEDOM LANE, SUBMITTED BY JOSEPH H. GILLIS SR, OWNED BY GILLIS AND GILLIS INC.

### **Site Information:**

**Applicant/Owner:** JOSEPH H. GILLIS SR / GILLIS AND GILLIS INC.

**Area:** 13.63 acres

**Frontage & Location:** 30 feet on Church Street

**Depth:** 430 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

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

**Zoning Violation(s):** None

**Surrounding Zoning:** North-R10, R10/CU, Hope Mills Town limit-R10, R6, C1(P), East-R10, R6, R6A, town limit-R10, South-R10, R6A, town limit-R10, and West-town limit-R10, R6

**Surrounding Land Use:** Single family residential and woodland

**2010 Land Use Plan:** Low Density Residential and Open Space

**Designated 100-Year Floodplain or Floodway:** Yes – There exists a small amount of Special Flood Hazard Area on the larger portion to be rezoned.

**Municipal Influence Area:** Hope Mills

**Urban Services Area:** Yes

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

**Soil Limitations:** Yes (Johnston loam)

**School Capacity/Enrolled:** Ed V. Baldwin Elementary 790/615, Hope Mills Middle 686/761, South View High 1800/1866

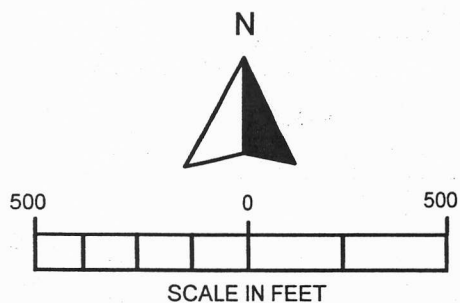
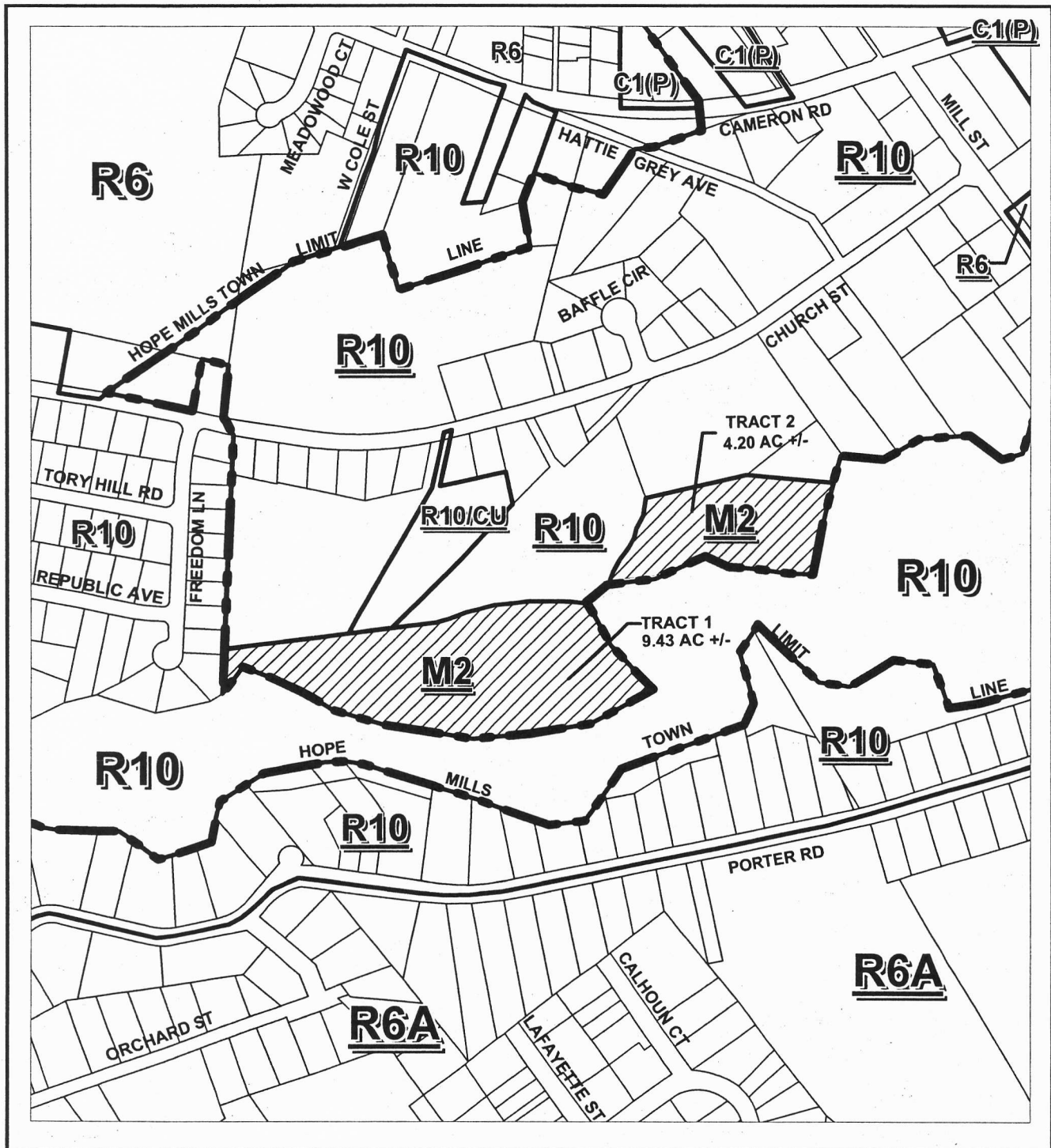
**Subdivisions:** Subdivision review is contingent upon rezoning for 61 lots on 25.08 acres, #06-205 on 1-16-07

**Military Impact Area:** No

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

### **Notes:**

Density minus 20% for roads:            R7.5 – 94 lots (entire tract)



PORT. OF PIN: 0414-90-6637

## REQUESTED REZONING M2 TO R7.5

ACREAGE: 13.63 AC.+/-

HEARING NO: P07-47

ORDINANCE: COUNTY

HEARING DATE

ACTION

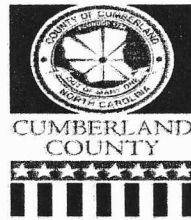
PLANNING BOARD

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

*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

June 12, 2007

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for June 19, 2007 Board Meeting

**P07-48:** REZONING OF A .92 ACRE PORTION OF A 5.5 ACRE TRACT FROM C(P) TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3551 DUNN ROAD, SUBMITTED BY CHUCK FURR, OWNED BY EASTOVER DEVELOPMENT PARTNERS, LLC.

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

1. Although the request is not consistent with the Eastover Study Area Detailed Land Use Plan, which calls for Heavy Commercial at this location, the request is more restrictive; 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 - Site Profile
- 2 - Rezoning Sketch Map

## **SITE PROFILE**

**P07-48**

REZONING OF A .92 ACRE PORTION OF A 5.5 ACRE TRACT FROM C(P) TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3551 DUNN ROAD, SUBMITTED BY CHUCK FURR, OWNED BY EASTOVER DEVELOPMENT PARTNERS, LLC.

### **Site Information:**

**Applicant/Owner:** CHUCK FURR / EASTOVER DEVELOPMENT PARTNERS, LLC

**Area:** .92 acres

**Frontage & Location:** 259 feet on Dunn Road

**Depth:** 155 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Professional office

**Initial Zoning:** December 14, 1979 (Area 10)

**Zoning Violation(s):** None

**Surrounding Zoning:** North-A1, RR, R6A, C(P), East-RR, R10, C(P), South-A1, RR, RR/CU, HS(P), C(P), and West-A1, RR, C(P)

**Surrounding Land Use:** Professional plaza, health care company, single family residential and farmland

**Eastover Study Area Detailed Land Use Plan:** Heavy Commercial

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

**Watershed Area:** No

**Urban Services Area:** Yes

**Water/Sewer Availability:** ESD – upon development, connection will be required.

**Soil Limitations:** None

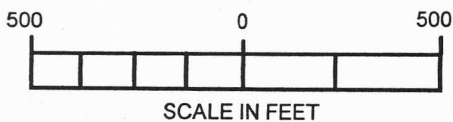
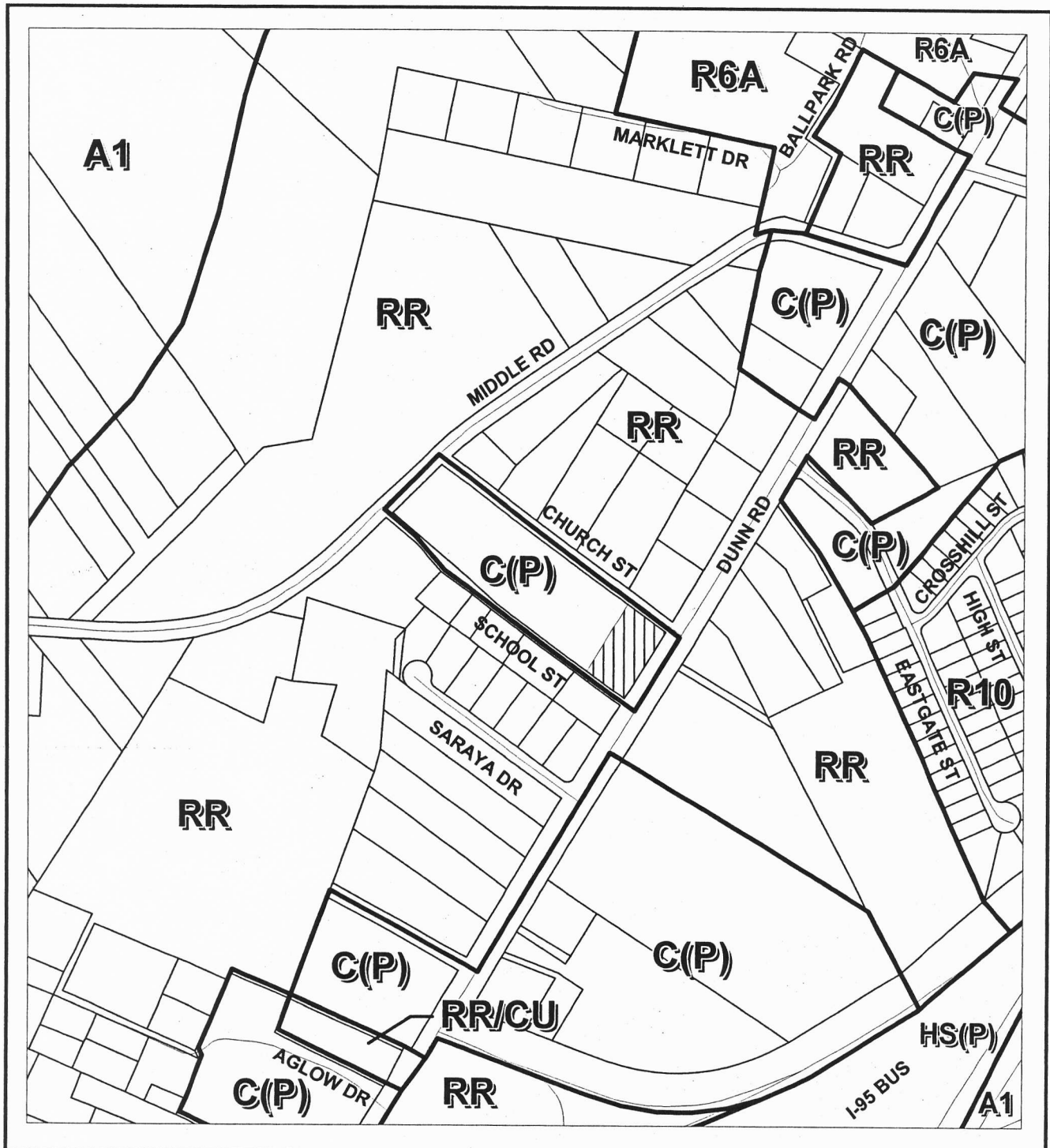
**Subdivisions:** Site plan review will be required for any new development.

**Military Impact Area:** No

**Highway Plan:** Dunn Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority 3). No road improvements are included in the 2007-2013 MTIP.

**Average Daily Traffic Count (2004):** 7500 on Dunn Road, 1600 on Middle Road

**Notes:**



## REQUESTED REZONING: C(P) TO O&I(P)

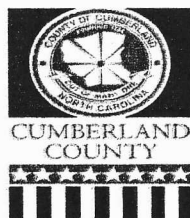
ACREAGE: 0.92 AC.+/-		HEARING NO: P07-48	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			



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

*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

June 12, 2007

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for June 19, 2007 Board Meeting

**P07-49:** REZONING OF A .50 ACRE PORTION OF A 1.33 ACRE TRACT FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3209 CEDAR CREEK ROAD, OWNED BY RICHARD W. AND LAURA R. KING.

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

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the remaining portion of this parcel is currently zoned commercial and approval of the request will allow for the entire tract to be zoned as consistently as possible; and
2. Cedar Creek Road is identified as a Major Thoroughfare.

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

#### Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

## **SITE PROFILE**

**P07-49**

REZONING OF A .50 ACRE PORTION OF A 1.33 ACRE TRACT FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3209 CEDAR CREEK ROAD, OWNED BY RICHARD W. AND LAURA R. KING.

### **Site Information:**

**Applicant/Owner:** RICHARD W. AND LAURA R. KING

**Area:** .50 acres

**Frontage & Location:** 100 feet on Cedar Creek Road

**Depth:** 215 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Gas Station

**Initial Zoning:** September 14, 1979 (Area 9)

**Zoning Violation(s):** None

**Surrounding Zoning:** North-A1, R10, East-A1, RR, R10, South-A1, R10, R10/CU, M(P) and West-A1, RR, R20/DD/CUD, C3, M(P)

**Surrounding Land Use:** Association Lodge, apartments (3), gas station/bar, DAK business, single family residential and woodland

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

**Urban Services Area:** No

**Water/Sewer Availability:** PWC / Septic - PWC sewer is approximately 4200 feet west.

**Soil Limitations:** Yes – Woodington loamy sand (Wo)

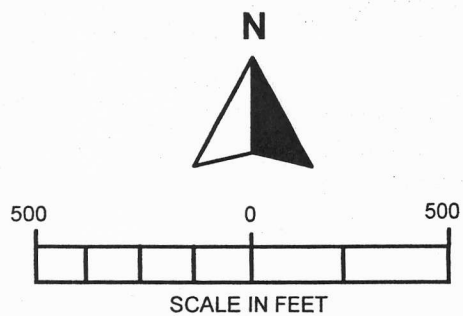
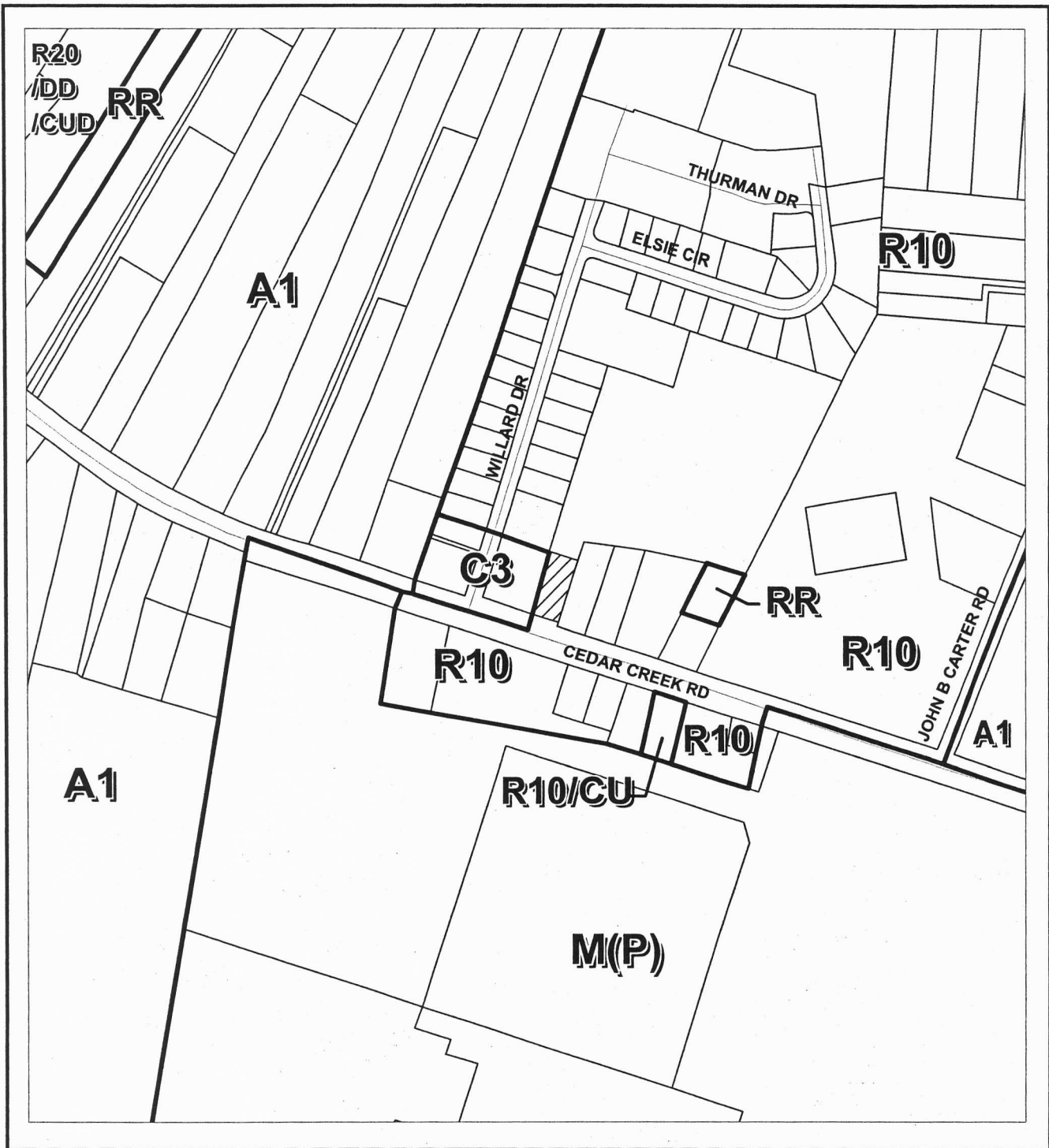
**Subdivisions:** A C(P) site plan review will be required prior to development and a subdivision review may be required if the lot is to be cut out of the parent tract.

**Military Impact Area:** No

**Highway Plan:** Cedar Creek Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a 120 foot right-of-way (Priority 1). Road improvements are included in the 2007-2013 MTIP. Right-of-Way and Construction: Unfunded.

**Average Daily Traffic Count (2004):** 5000 on Cedar Creek Road

**Notes:**



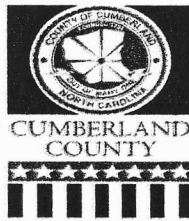
## REQUESTED REZONING: R10 TO C(P)

ACREAGE: 0.50 AC.+/-		HEARING NO: P07-49	
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

*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

June 12, 2007

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for June 19, 2007 Board Meeting

**P07-51:** REZONING OF 3 PARCELS TOTALING 6.71 ACRES FROM A1A TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF HAWKINS ROAD, EAST OF MCBRYDE STREET, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY MARY A. WILSON.

The Planning & Inspections Staff recommends approval of the R40A district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for "farmland" at this location; and
2. The request is consistent with the zoning within the general area and the current use of the property.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

**SITE PROFILE**  
**P07-51**

REZONING OF 3 PARCELS TOTALING 6.71 ACRES FROM A1A TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF HAWKINS ROAD, EAST OF MCBRYDE STREET, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY MARY A. WILSON.

**Site Information:**

**Applicant/Owner:** MICHAEL J. ADAMS / MARY A. WILSON

**Area:** 6.71 acres

**Frontage & Location:** 82 feet (total) on Hawkins Road

**Depth:** 1,934 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Residential

**Initial Zoning:** December 17, 2001 (Area 16)

**Zoning Violation(s):** None

**Surrounding Zoning:** North and East-A1, South-A1, R40A, and West-A1, R40A, C(P)

**Surrounding Land Use:** Single family residential, farmland and woodland

**2010 Land Use Plan:** Farmland

**Urban Services Area:** Yes

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

**Soil Limitations:** Yes

**School Capacity/Enrolled:** Raleigh Road Elementary 258/238, Long Hill Elementary 452/517, Pine Forest Middle 763/761, Pine Forest High 1750, 1659

**Subdivisions:** The lots were created as a Zero Lot Line subdivision of 3 lots with one of the 3 lots approved for 2 units, #06-059 on 7/18/06.

**Military Impact Area:** No

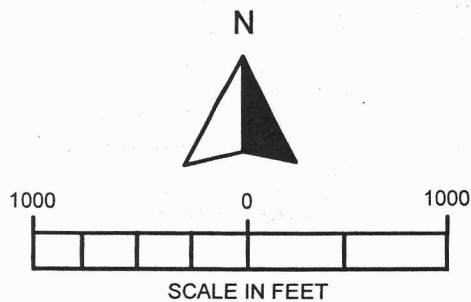
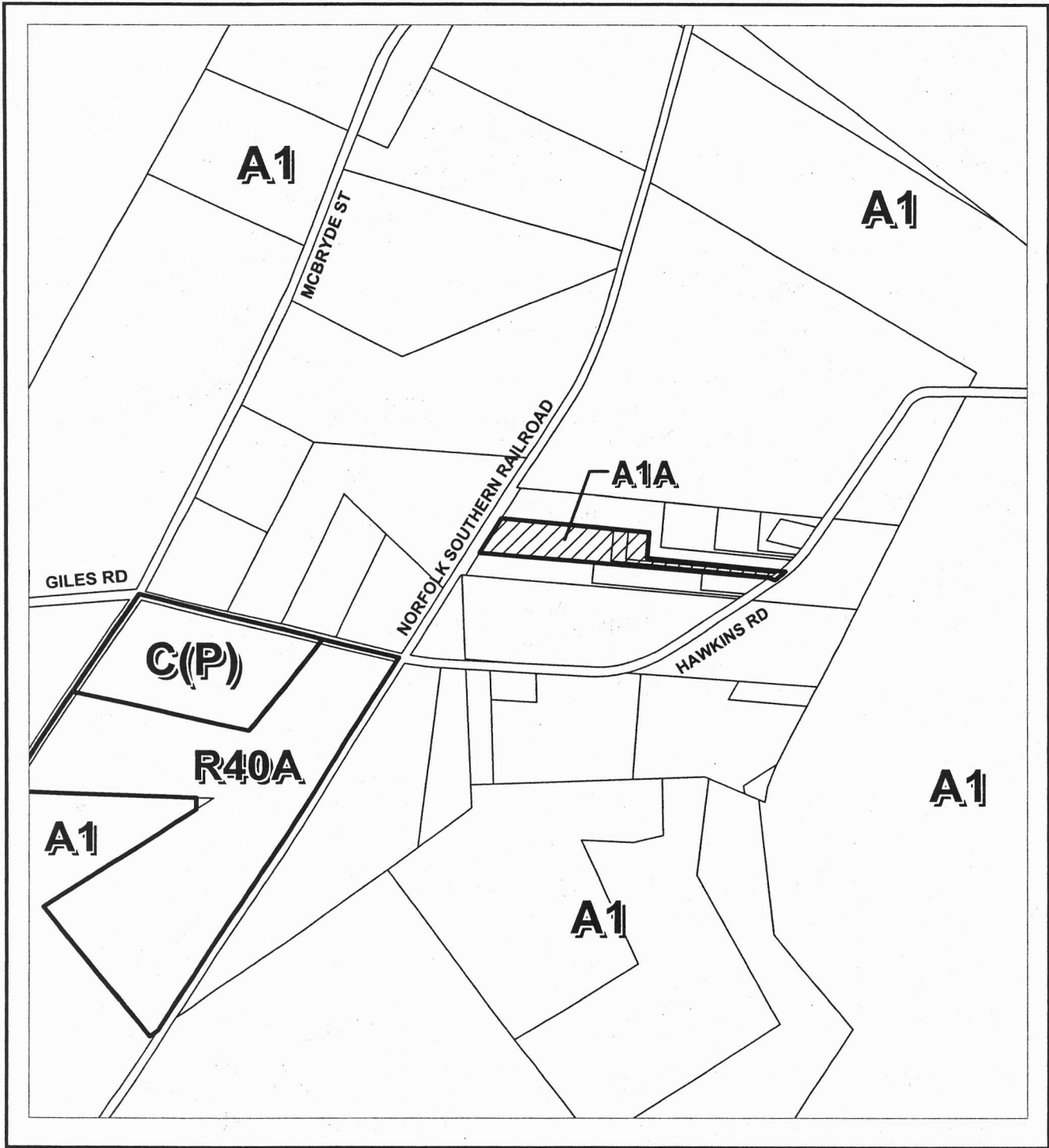
**Highway Plan:** No road improvements or new construction specified for this area.

**Average Daily Traffic Count (2004):** 260 on Hawkins Road

**Notes:**

The subject properties were rezoned from A1 to A1A, #P06-35 on June 19, 2006.

Density:     A1 – 3 lots / units  
              A1A – 6 lots / 7 units  
              R40A – 7 lots / 7 units



## REQUESTED REZONING A1A TO R40A

ACREAGE: 6.71 AC.+/-		HEARING NO: P07-51	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

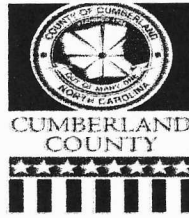
PIN: 0573-26-4949  
PIN: 0573-26-8888  
PIN: 0573-36-0829

AF

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

June 12, 2007

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board  
**FROM:** Planning & Inspections Staff  
**SUBJECT:** Staff Recommendation for June 19, 2007 Board Meeting

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

This case was presented to the Board on April 17, 2007 and at that time the applicant amended the request to the R40 zoning district. After considerable discussion, including the applicant stating that the NC Department of Transportation (NCDOT) had assumed maintenance of the private street, the Board recommended a deferral in order for Staff to verify the NCDOT's assumption of Remley Court for maintenance purposes or for the applicant to submit an application for a Conditional Use District and Permit (CUD&P) indicating the precise plans for this tract. The applicant agreed to the deferral.

Attached to this memorandum is a copy of the letter, dated April 16, 2007, from the NCDOT District Engineer to the applicant; the letter is a denial of the request for the NCDOT to assume maintenance of Remley Court.

The applicant subsequently submitted a CUD&P application restricting any structure on Lot 2 to a minimum of 1,600 square feet, along with a site plan showing two lots. Included with the application is a waiver request for the applicant to be permitted to create an eighth lot on a Class "C" private street.

The Planning & Inspections Staff recommends denial of the R40/Conditional Use District for two lots at this location even though the request is consistent with the Land Use Plan based on the following:

1. Consideration of the R40 district for this tract is arbitrary, not compatible with the uses in the neighboring districts, and is not a use that could be extended to every property owner in the immediate area;
2. Granting the use would not serve a viable public interest;
3. In its present state the subject property cannot meet the ordinance standards;
4. Allowing this use along an un-improved private right-of-way qualifies this request as being unreasonable.



The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. The use if approved could materially endanger the public safety, in that allowing an excessive number of lots along un-improved streets having no set criteria for maintenance would be prohibitive to emergency response vehicles;
2. In its current state the use cannot meet all required conditions and specifications;
3. The use will not maintain or enhance the value of adjoining or abutting properties and is not a public necessity;
4. The location and character of the use, if developed according to the plan as submitted and recommended, will not be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan and adopted planning policies.
5. The degree of difference in the specific use requested as related to the allowable existing surrounding uses makes this request unreasonable.

Inherent with this recommendation of denial of the rezoning request, the Staff recommends denial of the waiver request to allow an eighth lot on the existing Class "C" private street. The Staff is of the opinion that once the street is upgraded and paved to NCDOT standards, the rezoning application would most likely receive a more favorable recommendation.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Plan
- 3 - Site Profile
- 4 - Rezoning Application
- 5 - Letter from C. McGee, P.E., District Engineer, NCDOT, dated April 16, 2007

## **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 1087/1280

**Military Impact Area:** No

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

### **Notes:**

Density (1.98 ac. after right-of-way): A1 – 1 lot

A1A – 2 lots

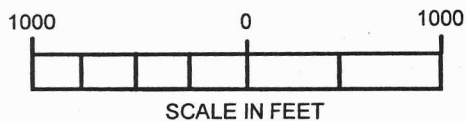
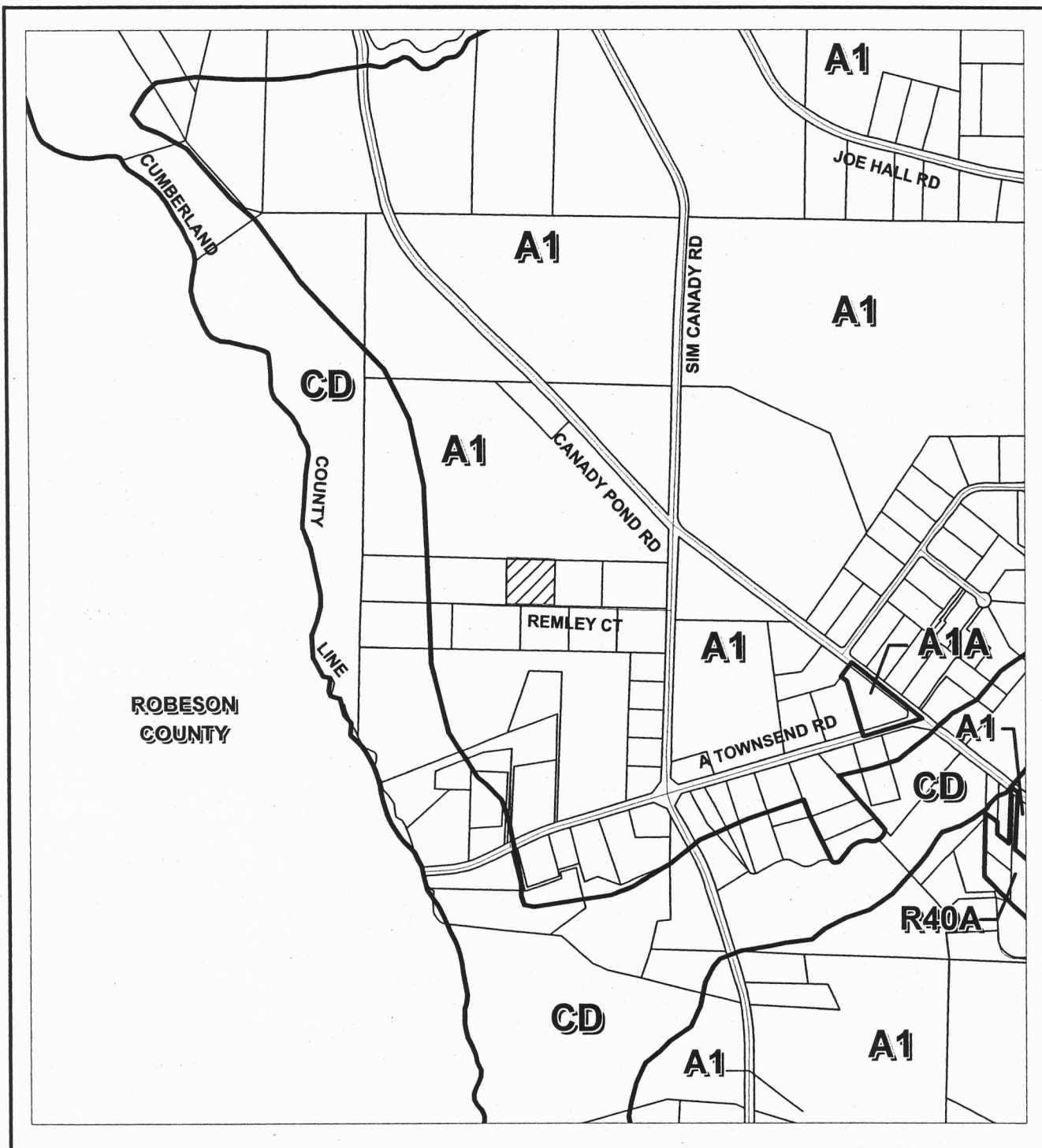
R40 – 2 lots

R30 – 2 lots

R20 – 4 lots

### **Application Conditions:**

1. Restricting the property to a stick-built house, greater than 1600 square feet on Lot 2.
2. Requesting waiver for 8<sup>th</sup> lot on a Class "C" private street (street approved in 1990 when 7 lots were allowed).



## REQUESTED REZONING: A1 TO R40/CUD

**ACREAGE: 2.20 AC.+/-**

**HEARING NO: P07-22**

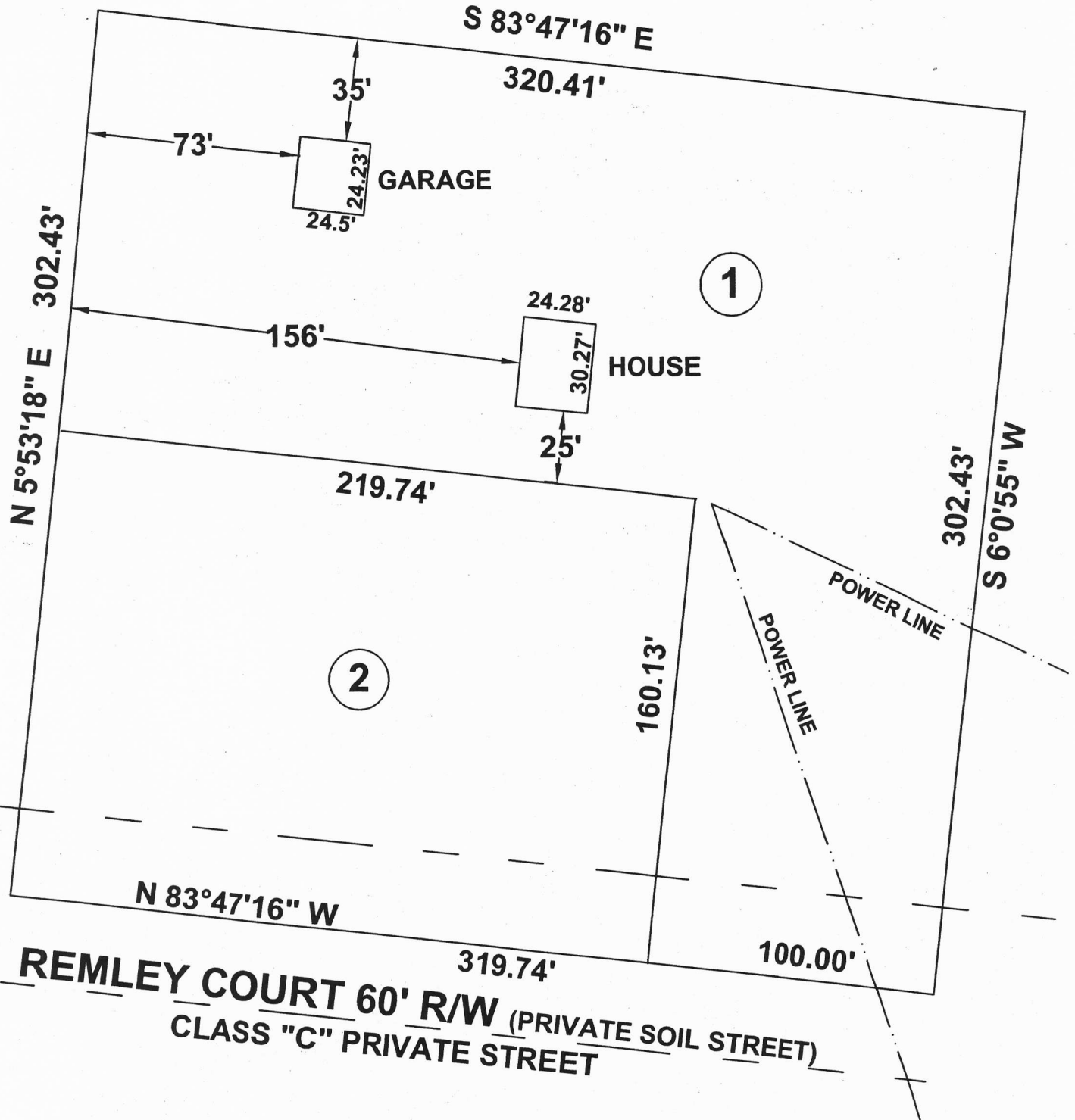
**ORDINANCE: COUNTY**

**HEARING DATE**

**ACTION**

**PLANNING BOARD**

**GOVERNING BOARD**



CONDITIONAL USE DISTRICT AND PERMIT  
REQUEST: TO ALLOW AN EIGHTH LOT ON A CLASS "C"  
PRIVATE STREET & A MINIMUM 1600 SF STRUCTURE ON LOT 2  
CASE: P07-22 ACREAGE: 2.20 ACS +/-  
SCALE: NTS

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

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

1. APPLICANT/AGENT: \_\_\_\_\_
2. ADDRESS: \_\_\_\_\_ ZIP CODE: \_\_\_\_\_
3. TELEPHONE: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
4. Location of Property: \_\_\_\_\_
5. Parcel Identification Number (PIN #) of subject property: \_\_\_\_\_  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: \_\_\_\_\_ Frontage: \_\_\_\_\_ Depth: \_\_\_\_\_
7. Water Provider: \_\_\_\_\_
8. Septage Provider: \_\_\_\_\_
9. Deed Book \_\_\_\_\_, Page(s) \_\_\_\_\_, Cumberland County  
Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: \_\_\_\_\_
11. Proposed use(s) of the property: 1 R40 Restricted to stick  
built house 1600 sq ft.

**NOTE: Be specific and list all intended uses.**

12. It is requested that the foregoing property be rezoned FROM: A1

TO: (select one)

- ☒ Conditional Use District, with an underlying zoning district of R40  
(Article V)
- \_\_\_\_\_ Mixed Use/Conditional Use District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Use District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Use District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

R 40 1 Acre Lot

Restricted to stick-built house  
greater than 1600 sq ft.

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

1. Acre residential Lot

1. Stick built house, greater than 1600 sq ft.  
(Restricted)

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

- ~~B. Off-street parking and loading, Sec. 1202: List the number of spaces, type of surfacing material and any other pertinent information.~~

3. SIGN REQUIREMENTS:

~~Reference the district sign regulations proposed from Article XIII.~~

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**
- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.



7. ACKNOWLEDGEMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (change) rests with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

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

x Brian Daigeneault  
NAME OF OWNERS (PRINT OR TYPE)

871 Remley Ct Hopewills NC  
ADDRESS OF OWNER(S)

(910) 429-5892  
HOME TELEPHONE #

\_\_\_\_\_  
WORK TELEPHONE #

Brian Daigeneault  
SIGNATURE OF OWNER(S)

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



Date Request Submitted: \_\_\_\_\_

Planning Board Meeting Date: \_\_\_\_\_

Received by: \_\_\_\_\_

## Cumberland County Subdivision Ordinance

### *Request for Waiver*

Case No.: P07-22 Case Name: Brian Daignault

Related Ordinance Section Number(s): \_\_\_\_\_

Summary of Request: privat dirt rd. Conditional use District  
permit.

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:

For you because the street is well  
maintain, and you I would be resbisble  
to pave the street.

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:

~~Bring up the property wants and tax base, stick~~  
built here. I and my neighbors are manting  
the Rd.

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

Public in not resable for the  
mantase of the Rd.

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.

Bridn Daigneault  
Printed Name of Applicant/Agent

(910) 429-5892  
Daytime Phone Number

Bridn Daigneault  
Signature of Applicant/Agent

\_\_\_\_\_  
Date Signed



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY,  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

April 16, 2007

Cumberland County  
Division Six - District Two

Mr. Brian Daigneault  
871 Remley Court  
Hope Mills, N. C. 28348

SUBJECT: Petition for Addition - Remley Court off of  
SR 2248 in Cumberland County.

Dear Mr. Daigneault:

We have completed our investigation of your request to provide state maintenance on Remley Court in Cumberland County. There are several conditions a subdivision road must meet to qualify for state maintenance. The Department of Transportation considers the addition of roads, which have a right-of-way, dedicated, recorded, or that have preliminary approval from a county planning board dated prior to September 30, 1975 under our "Old Subdivision Policy". Roads, which fall under this policy, can be added for maintenance as an unpaved road. Roads, which were established after September 30, 1975, must be paved to be considered for State maintenance. Your road was established after September 30, 1975. It was recorded on June, 15 1990 as a private street.

In order for the State to take over maintenance of Remley Court the right-of-way would have to be dedicated and recorded as public right-of-way, and the road would have to be paved to NCDOT standards. I regret that we could not give you a more favorable response to your petition.

If I may provide additional information regarding this matter, please advise and refer to petition # 07-044-02.

Yours very truly,

Christopher W. McGee, P.E.  
District Engineer

CWM:gab

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

June 12, 2007

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for June 19, 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.**

This case was presented to the Board at their April 17, 2007 meeting. At that time, it appeared the applicant did not have a clear understanding of what he had requested in the rezoning application. The Staff had recommended denial of the rezoning and the Board recommended a deferral of the case so the applicant could meet with Staff concerning his application. The applicant agreed to the deferral.

The applicant has verbally told Staff via telephone that he would like for his application to proceed as it was originally submitted primarily because he would like to have the option of creating three lots and constructing either "stick built" homes or placing manufactured homes on two of the lots.

The Planning & Inspections Staff recommends denial of the R30A district but approval of the R30 district based on the following:

1. The request and the recommendation are not consistent with the Land Use Plan; however, this area has transitioned from rural and farmland uses to single family residential lots with "stick built" homes; and
2. The request is not consistent with the zoning and the uses in the surrounding area; and
3. Public water is available to this site, upon development connection will be required.

There only other suitable zoning district to be considered for this application would be R40.

#### 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

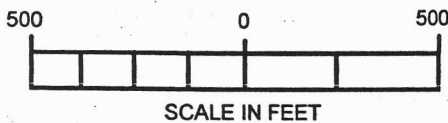
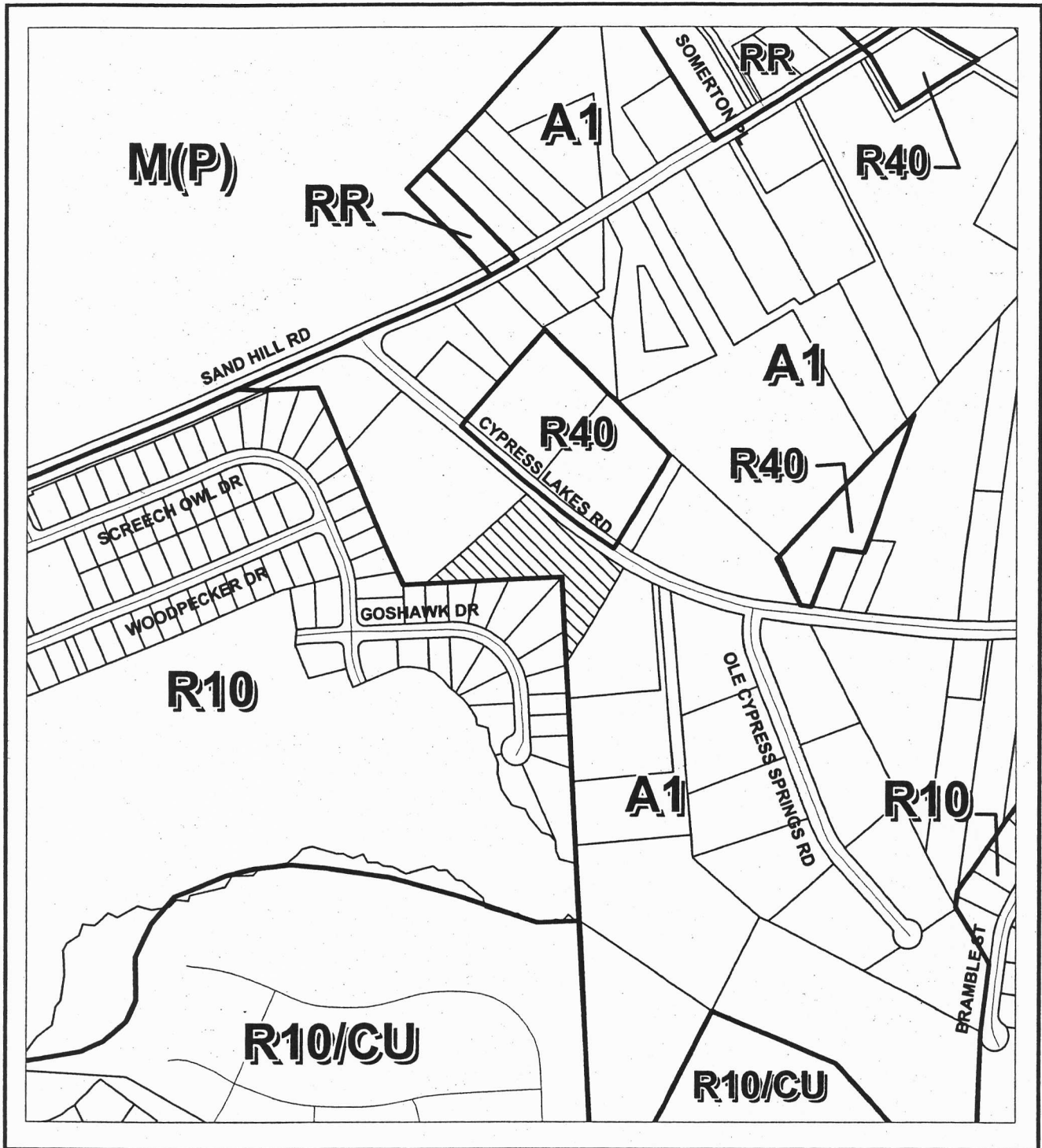
**Highway Plan:** Cypress Lakes Road is identified as a Major Thoroughfare. The plan calls for adding a center turning lane (Priority 3). No road improvements are included in the 2007-2013 MTIP.

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

### **Notes:**

Density:       A1 – 1 lot or 1 unit  
                  A1A – 2 lots or 3 units  
                  R40 – 2 lots or 3 units  
                  R30 – 3 lots or 4 units





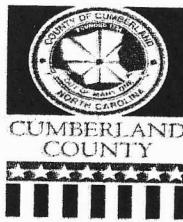
## REQUESTED REZONING: A1 TO R30A

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

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

June 12, 2007

### **MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for June 19, 2007 Board Meeting

**P07-45:** REZONING OF A 2.68 ACRE PORTION OF A 49.87 ACRE TRACT FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED EAST OF LANCELOT COURT, NORTH OF PALESTINE ROAD, SUBMITTED BY 4D SITE SOLUTIONS, OWNED BY JOHN C. CULBRETH.

The Planning & Inspections Staff recommends denial of the R15 district and approval of the R20 district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for "farmland" at this location, the R20 zoning district is in character with the residential zoning adjacent to the subject property;
2. Town of Linden water is available and upon development, extension will be required to serve the subject property; and
3. R20 zoning is more consistent with the tentative measures included in the draft 2030 Land Use Plan for this area when public water is available.

The A1A, R40, and R30 zoning districts are the only other suitable zoning districts to be considered for this site.

**Attachments:**

- 1 - Site Profile
- 2 - Rezoning Sketch Map



## **SITE PROFILE**

### **P07-45**

REZONING OF A 2.68 ACRE PORTION OF A 49.87 ACRE TRACT FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED EAST OF LANCELOT COURT, NORTH OF PALESTINE ROAD, SUBMITTED BY 4D SITE SOLUTIONS, OWNED BY JOHN C. CULBRETH.

#### **Site Information:**

**Applicant/Owner:** 4D SITE SOLUTIONS / JOHN C. CULBRETH

**Area:** 2.68 acres

**Frontage & Location:** 50 feet on Lancelot Court

**Depth:** 410 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Undeveloped land

**Initial Zoning:** December 17, 2001 (Area 15)

**Zoning Violation(s):** None

**Surrounding Zoning:** North-A1, RR, R20, R15, C3, East-A1, RR, C(P), South-A1, R40, R40A, R20, PND, and West-A1, R40, R15, PND/CU

**Surrounding Land Use:** Single family residential, woodland and borrow source operation

**2010 Land Use Plan:** Farmland

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

**Watershed Area:** No

**Urban Services Area:** No

**Water/Sewer Availability:** Linden Water / Septic tank

**Soil Limitations:** Yes – Johnston loam (JT)

**School Capacity/Enrolled:** Raleigh Road Elementary 258/238, Long Hill Elementary 452/517, Pine Forest Middle 763/761, Pine Forest High 1750, 1659

**Subdivisions:** Subdivision review conditioned upon rezoning for 3 lots, #07-052 on 5/8/07

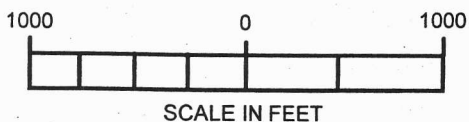
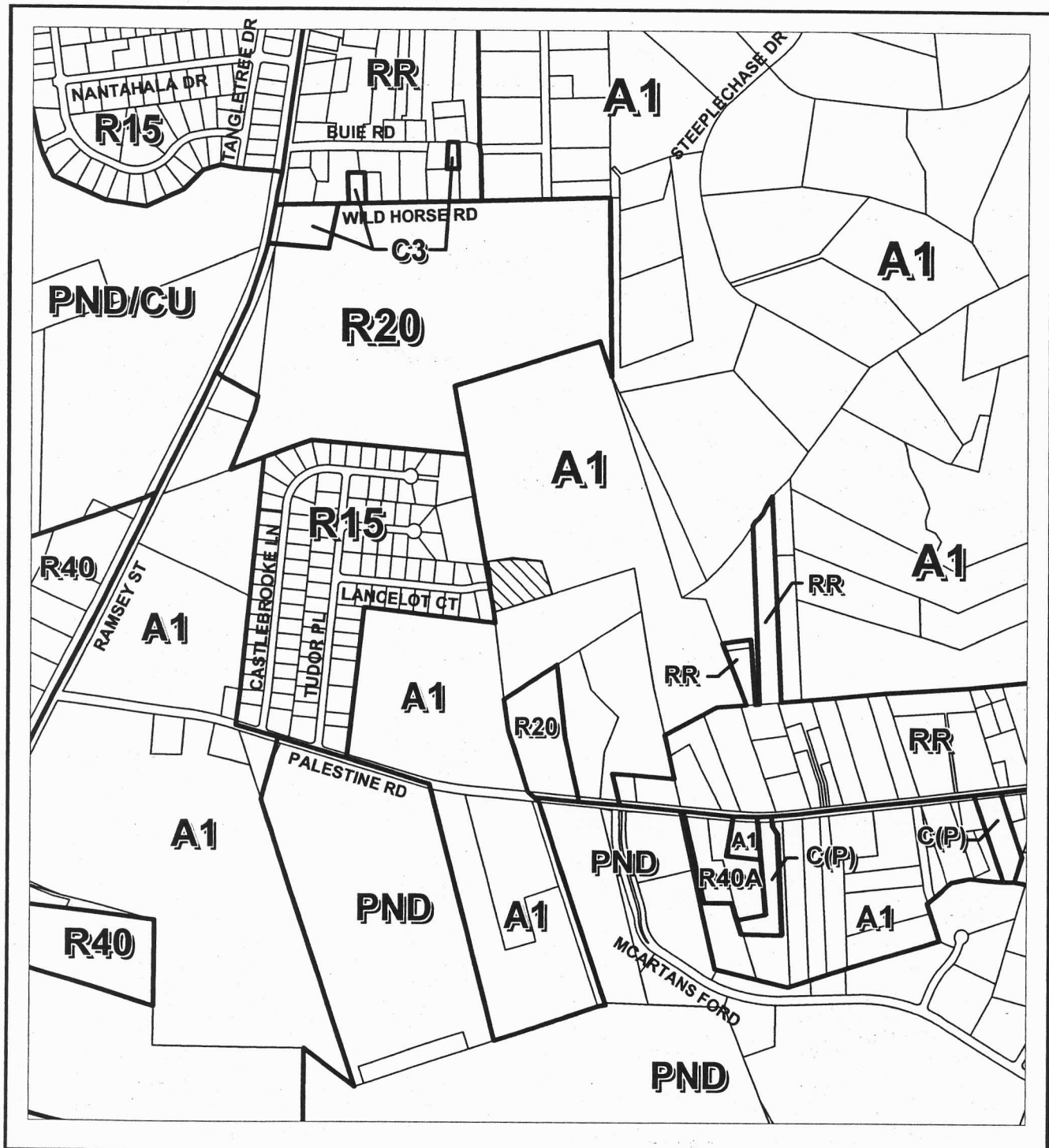
**Military Impact Area:** Yes

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

**Average Daily Traffic Count (2004):** 1500 on Palestine Road

#### **Notes:**

Density minus 20%: A1 – 1 lot  
R40 – 2 lots  
R30 – 3 lots  
R20 – 4 lots  
R15 – 6 lots



PORT. OF PIN: 0553-04-1250

## REQUESTED REZONING A1 TO R15

ACREAGE: 2.68 AC.+/-		HEARING NO: P07-45	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

AF  
06-11-07