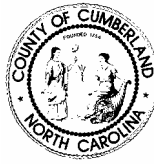


Clifton McNeill, Jr.
Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Nancy Roy, AICP
Director
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Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Frankie Underwood,
Town of Stedman

**CUMBERLAND COUNTY JOINT PLANNING BOARD
TENTATIVE AGENDA
August 19, 2003
Historic Courthouse, Gillespie Street
7 PM**

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF AGENDA/ADDITIONAL ITEMS
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF AUGUST 5, 2003

REZONING CASE

- A. P03-64: REZONING OF 9.38 ACRES FROM M1 AND HS(P) TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 158 & 178 EAST MOUNTAIN DRIVE, OWNED BY WALTER M. SHAW.

CONDITIONAL USE OVERLAY CASE

- A. P03-67: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A WRECKER AND TOWING SERVICE AND TEMPORARY STORAGE OF VEHICLES IN AN RR DISTRICT, CONTAINING 5.25 ACRES, AT 810 SLOCOMB ROAD AND 6935 HOLDER LANE, OWNED BY ELEANOR AND GARY HOLDER.
- VII. PUBLIC HEARING ITEMS
 - A. P03-63: REZONING OF 18.13 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF CHICKEN FOOT ROAD, SOUTH OF CLIFTON MCNEILL ROAD, OWNED BY TROY L. IVERSON AND NORMAN R. NELSON III.

- B. P03-66: REZONING OF 52.20 ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 313 PALESTINE ROAD, OWNED BY SOUTHEAST DEVELOPMENT, LLC.

VIII. DISCUSSION

- A. MIA SUBCOMMITTEE UPDATE – CHARLES MORRIS, CHAIR

IX. FOR YOUR INFORMATION

- A. FY03 ANNUAL REPORT
- B. DIRECTOR'S UPDATE

X. ADJOURNMENT

Clifton McNeill, Jr.
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Frank Underwood,
Town of Stedman

MINUTES
August 5, 2003
7:00 p.m.

Members Present

Clifton McNeill, Chair
Charles C. Morris, Vice-Chair
David Averette
John M. Gillis, Jr.
Donovan McLaurin
Joe W. Mullinax
Marion Gillis-Olion
Frankie Underwood

Others Present

Nancy Roy, Director
Thomas J. Lloyd
Donna McFayden
BJ Cashwell
Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Underwood delivered the invocation, and Chair Gillis led those present in the Pledge of Allegiance.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

A motion was made by Mr. Underwood and seconded by Dr. Olion to approve the Agenda as submitted. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Gillis said that he would abstain from discussion and voting on Case P03-47. Mr. Averette said that he would abstain from discussion and voting on P03-59.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

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

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF JUNE 3, 2003

Chair McNeill asked if there were corrections to the minutes. There were none. A motion was made by Mr. Averette and seconded by Dr. Olion to approve the minutes as written. The motion passed unanimously.

REZONING CASES

- B. P03-50: REZONING OF 15.93 ACRES FROM C3 AND R5A TO R5A AND C3 OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF CLIFFDALE ROAD, WEST OF SOUTH REILLY ROAD, OWNED BY SHARLENE R. WILLIAMS.

The Planning staff recommended approval of the R5A Residential and C3 Heavy Commercial Districts based on the following:

1. The C3 zoning of Tract 1 is consistent with the C3 zoning in the area;
2. The uses allowed in the R5A District are consistent with the development in the area; and
3. Site plan review will be performed due to mini-warehousing being permitted only as a Specified Conditional Use in the C3 District.

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

A motion was made by Mr. Averette and seconded by Dr. Olion to follow the staff recommendations and approve the R5A Residential and C3 Heavy Commercial Districts. The motion passed unanimously.

- C. P03-57: REZONING OF .73 ACRES FROM RR TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1466 FERNDLELL DRIVE, OWNED BY WAYNE H. TREANOR

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

1. The uses allowed in the R10 District are consistent with the recommendations of the 2010 Land Use Plan;
2. The subject property has access to public water and sewer; and
3. The R10 zoning is consistent with the development of the area.

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

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

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

- D. P03-58: REZONING OF A .50-ACRE PORTION OF A 1.29-ACRE TRACT FROM A1 TO C3, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6660 GOLDSBORO ROAD, OWNED BY FLOYD J. AND NETTIE CURRIE.

The Planning staff recommended approval of the C3 Heavy Commercial District based on the following:

1. The rezoning will bring all property under one ownership under the same zoning classification; and
2. The C3 zoning accommodates the existing use of the property.

The Planning staff found that the subject property is not suitable for the intervening districts.

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

A motion was made by Mr. Averette and seconded by Dr. Olion to follow the staff recommendations and approve the C3 Heavy Commercial District. The motion passed unanimously.

- E. P03-60: REZONING OF 2.24 ACRES FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 7615 RUFUS JOHNSON ROAD, OWNED BY SHERRY A. LEE.

The Planning staff recommended approval of the R40A Residential District based on the following:

1. Lot sizes allowed in the R40A District are consistent with farmland protection practices in the area.

The Planning staff found that the subject property is also suitable for the R40 Residential District.

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

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

- F. P03-61: REZONING OF .34 ACRES FROM R10 TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT AT 3827 BOONE TRAIL, OWNED BY DORA HOLLAND HOWARD.

The Planning staff recommended approval of the C1 Local Business District based on the following:

1. The uses allowed in the C1 District are consistent with the general development of the area; and
2. The uses allowed in the C1 District are consistent with recent rezonings in the area.

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

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

- G. P03-62: REZONING OF 173.73 ACRES FROM RR AND CD TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE WEST SIDE OF HASKELL DRIVE, NORTH OF BLACK BRIDGE ROAD, OWNED BY NPS ASSOCIATES.

The Planning staff recommended denial of the R10 Residential District in the CD portion of the property and approval in the RR portion of the property based on the following:

1. The 2010 Land Use Plan recommends low- and medium-density residential development and open space at this location; and
2. The subject property contains public water and sewer; and

Note: The CD portion of the property can be used for density toward the R10 development.

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

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

A motion was made by Mr. Averette and seconded by Dr. Olion to follow the staff recommendations and deny R10 Residential District in the CD portion and approval of the RR portion to R10 Residential District. The motion passed unanimously.

VII. PUBLIC HEARING ITEMS

- A. P03-47: REZONING OF 1.44 ACRES FROM M(P) TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1577 AND 1593 RIVER ROAD, OWNED BY AFFORDABLE PORTABLES OF FAYETTEVILLE, INC.

Mr. John Gillis, Jr. left the room.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd explained that this property was rezoned a year ago from RR to M(P) and since it has been a year, a new application for rezoning could be submitted for the property. Mr. Lloyd read a letter to the Board from the Monroe family expressing their concerns about the existing business. He indicated that the Planning staff recommended approval a year ago of the rezoning from RR to M(P) due to the land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the RR Rural Residential District based on the following:

1. The current zoning is consistent with the M(P) uses in the area;
2. The current M(P) District is an extension of the existing zoning adjacent to the site;
and
3. Nothing has changed in the staff considerations over the past year with respect to all uses permitted in the M(P) District.

Ms. Josey Watson appeared before the Board in favor of the request and indicated that Cornell Monroe was her brother. She said her father purchased the property in 1949 and built his house in 1951. She indicated that family members reside in the area or own property there. She explained that the owner of the gravel pit (across from the subject property) sold his property with the condition that the buyer build houses and had declined one offer to a buyer that wanted to place mobile homes on the property. She said the contamination count on the site had been high.

Mr. Michael Stone, representing Mr. Cornell Monroe and the family, indicated that, in his research of the property, one parcel was owned by Mildred Lucas Life Estate and the other by Jacque and Wayne Williams. He questioned how last year the property was rezoned when there was not a fee simple title. He said on one side of River Road there is not one parcel zoned M(P) and the other side of the road with the railroad tracks has M(P) zoning. He said the M(P) parcel is surrounded with single family homes and that Mr. Monroe's property was valued at \$130,000. He said according to the Health Department, they found E. Coli in March and April 2003 in the runoff from the toilets, causing a nuisance to the neighborhood. He explained that to obtain access to the back parcels you have to cross the M(P) parcel and the parcel is not made for M(P). He said the family is petitioning that the parcel go back to the original zoning of RR. He said if the Board would review the case from last year, Health Department records and the deeds to the property, that they would concur with the request. He indicated that there have been offers to purchase the parcels under discussion by both property owners but no agreement had been made. He stated that the Board might want to continue this matter to allow the parties to negotiate. He said if the property is not owned by fee simple title that he did not know what there was to sell. He asked the Board to reexamine the records before making their decision.

Mr. Morris asked if there was a legal easement on record. Mr. Stone indicated that there was not but he had not completed a full title search.

Mr. Morris asked if Mr. Monroe had fee simple title to the subject property in question. Mr. Stone indicated that the Monroe family only had title to the adjacent property.

Ms. Carolyn Le Blanc appeared before the Board in favor of the request and explained that when she visited the Monroe family that her truck was barely able to go down the narrow road. She expressed concern about emergency vehicles being able to reach the site and would not want that ditch in front of her house.

Mr. Wayne Williams appeared before the Board in opposition to the request. He explained he purchased the first parcel in June 25, 1998 and the grantor was Donnie Ray Lucas and the grantee would have been Affordable Portables of Fayetteville, Inc. He said on the deed it indicates that the property is subject to the Life Estate of Mildred Lucas who is in a rest home. He said last year he had provided a letter stating that there was no objection to the business from Mr. Whitman and that Mr. Whitman's wife had the power attorney for Ms. Lucas. He said they purchased the second parcel next to the driveway in November 1999. He said he agreed with Mr. Stone that some one else should not be able to rezone other people's property. He indicated that the date of Mr. Monroe's building permit was January 13, 2000 and Affordable Portable began their operation in July 1998. He said he gave PWC a 10-foot easement along the railroad track to install the utilities for Mr. Monroe at the request of the Monroe family. He said since March 2003 they have been inspected by the Health Department three times and the NC Waste Management staff had been there four times. He said the only violation they have had was on March 16, 2002, and that was from the septic tank, which serves the house. He explained that the E. Coli is based on parts per one hundred million and they had a septic tank failure where the count was 116 parts per one hundred million when the sewage was seeping into the ditch. He said this happened on a Thursday but by Monday they had installed a lift station, new drain lines and septic tank. He said they have never had any violation except where they had a septic tank malfunction. He said a Mr. Carey Odom, an Environmental Specialist, was hired by Mr. Monroe to inspect his property and Mr. Odom did not find any problems. He indicated Mr. Odom suggested a berm be installed across the ditch and since the berm has been installed no water could runoff into the ditch. He stated that on August 24, 2003 he mailed a certified letter to Mr. Stone conveying an offer to buy Mr. Monroe's for \$130,000 and Mr. Stone indicated Mr. Monroe did not want to sell the house but was interested in buying his property. He further indicated that the offer should not have any bearing on this case tonight.

Mr. Wayne Williams, Jr. appeared before the Board in opposition to the request and stated he was the Operational Manager for Affordable Portables, Inc. He said there is no odor there and they are constantly inspected. He said they are cleaner than most businesses around the area.

Mr. Morris asked where the waste is dumped. Mr. Williams stated that they dump it with PWC on Hwy. 301. Mr. Morris asked if the septic tank failure was related to the portable toilet business. Mr. Williams indicated it was not and the septic failure was the tank that served the office.

Mr. Stone appeared before the Board in rebuttal and indicated that Mr. Monroe does not own the adjacent property. He said the property should never have been rezoned to M(P) with the type of homes around it. He said that operating the business and requesting rezoning of the property without absolute ownership is bad public policy.

Ms. Olion asked when the business started. Mr. Williams explained that the business was bought in June 1998 and the operation began in July 1998. He said it took that long to clean the site of debris.

---public hearing closed---

Chair McNeill asked if there were any other violations other than the septic tank. Mr. Williams indicated that there was only the violation with the septic tank and reiterated that it was unrelated to the business. He explained that if there are any warm-blooded animals in the area that there will be E. Coli.

A motion was made by Mr. Morris and seconded by Mr. Underwood to follow the staff recommendation and deny the request.

Ms. Olion asked if the house was built after the business was there. Ms. Watson said the family has lived there for thirty years. She indicated Mr. Carlton Monroe's house was built later after they were financially able to build the house.

Upon a vote on the motion, the motion passed 6 to 1 with Dr. Olion voting in opposition and Mr. Gillis abstaining from the vote.

- B. P03-59: REZONING OF A 23.46-ACRE PORTION OF A 26.33-ACRE TRACT FROM A1 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF TOM STARLING ROAD, EAST OF BACKBAY ROAD, OWNED BY JOSEPH STRICKLAND.

Mr. John Gillis returned to the room and Mr. David Averette left the room.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommends approval of the R10 Residential District of the portion not within the 100-year flood zone, and denial of that portion within the 100-year flood zone for consideration for the CD Conservancy District based on the following:

1. The 2010 Land Use Plan recommends low-density residential development and open space at this location;
2. The subject property has access to public water and sewer;
3. All of the area within the 100-year flood zone should be zoned CD; and
4. The CD portion of the tract can be used for density in the overall development.

Mr. Doug Strickland appeared before the Board in favor of the request and stated he was the President of Strickland Homes and they have been in business since 1967. He said they have been developing communities since that time. He said they are in the manufactured and stick built housing business and the R10 zoning does not allow mobile homes. He said the previous owner asked them not develop it with mobile homes. He said there was water and sewer near the property.

Chair McNeill asked if water and sewer is available to Tom Starling Road. Mr. Strickland said they had developed property on Laurelwood Place, which is to the west of the property and they have water and sewer at that location.

Mr. Morris asked if they were going to build stick built houses. Mr. Strickland indicated that they were and they had developed stick built developments before.

Ms. Janet Carter appeared before the Board in opposition. She explained that their property was under the NC Department of Forestry Stewardship Land Program and this is a plan to enhance the natural resources including wildlife, forestry, soil and water. She said there is a considerable amount of traffic on the road and a lot of the traffic is attributed to the industrial park. She said there is a mobile home park in the area and medium size and priced homes next to the park. She said if you drive in the subdivision that Mr. Strickland just developed, there are 14 vacant homes and seven are in

repossession. She said with the R10 zoning that 3.5 homes could be placed per acre, which allow approximately 60 homes.

Ms. Fran Primeaux appeared before the Board in opposition and stated they moved from California to get away from the crime, graffiti and drugs and they chose that area because it was peaceful and quiet. She indicated that there are 14 mobile homes in the Laurelwood Place area and according to the Sheriff's Department's record, there have been twenty crimes there. She said there have been 125 incidents in the area since June 2003. She said she was afraid of crime and the amount of the traffic in the area that this would cause.

Mr. Bill Colgan appeared before the Board in opposition to the request and stated that he had moved out there in 1978 and has watched the area deteriorate. He said there have been numerous wrecks in front of his house.

Mr. Wilfred Saunders appeared before the Board in opposition to the request and asked that the property remain A1. He expressed concern of the increased traffic. He said the city is encroaching towards Grays Creek and he moved there for a larger lot.

Mr. Bill Brown appeared before the Board in opposition to the request and asked that the property remain A1 and anything less than 2 acres would be unacceptable. He said he sold Ms. Primeaux her house and moved from there because of the crime. He said Tom Starling Road is a drag strip and the roads are congested.

Mr. Strickland appeared before the Board in rebuttal and stated that they were trying to upgrade the area and develop with nicer homes.

---public hearing closed---

Mr. Mullinax asked if this was the latest traffic count. Mr. Lloyd indicated that traffic counts are done every two years.

Mr. Underwood indicated that the Sheriff's Department report included incidents where they would check on the elderly and deliver summons and does not show an accurate picture of actual crime.

Chair McNeill indicated that R10 does not allow manufactured homes. Mr. Lloyd said R10 does not allow manufactured homes but the A1 zoning would allow thirteen manufactured homes.

Mr. Lloyd indicated that the R10 would allow 10,000 square feet for the first unit and 7,500 for the 2nd, 3rd and 4th dwelling unit when developed as apartments. Mr. Lloyd indicated that the A1 would allow a lot of other uses

A motion was made by Dr. Olion and seconded by Mr. Morris to follow staff recommendation to approve the R10 district.

Mr. Gillis indicated that with the R10 there could be approximately 110 units and asked Mr. Strickland if he had considered R15, which is less dense and would allow approximately 75 units. Mr. Strickland stated that could be a possibility.

A substitute motion was made by Mr. Gillis and seconded by Chair McNeill to approve R15 Residential District for the portion not within the 100-year flood zone and CD for that portion within the 100-year flood. The motion passed 5 to 2 with Mr. Mullinax and Mr. Morris voting in opposition to the motion. Mr. Averette abstained from the vote.

VIII. PLATS AND PLANS

- A. 03-123: CONSIDERATION OF JIMMY AND ANGELA PHIPPS SUBDIVISION REVIEW AT THE SOUTH SIDE OF QUARTER HORSE RUN, SOUTHEAST OF BLACK BRIDGE ROAD, FOR A VARIANCE FROM SECTION 4.2.C.c, "PRIVATE STREETS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

Mr. Averette returned to the room.

Mr. Lloyd explained that according to the Private Street regulations only seven lots would be allowed on a Class C private street. He said there already exists two houses on the lot to be divided and the division of the lot is required to obtain financing for the house. He stated that the Board could require a condition be added that no further subdivision of lots be done.

Mr. Barrett stated that due to the size of the tract, the nature of the area and the recognition of the Planning Board that there are no additional land use detriments, the approval could be done with the addition of the condition that there be no further division of the tract.

Mr. Morris stated this was under the old guidelines and should be allowed with no further division of the property.

Mr. Barrett explained that where a group development has been allowed on Class C streets according to previous regulations, this would be allowed with no further subdivision of lots.

A motion was made by Mr. Gillis and seconded by Mr. Mullinax to approve the variance as requested with the condition that no further division of the tract would be allowed unless the street is upgraded based on the size of the tract and no detriment to the area. The motion passed unanimously.

IX. DISCUSSION

- A. COMPREHENSIVE PLANNING COMMITTEE UPDATE—DAVID AVERETTE

Mr. Averette explained that the committee had met several times to discuss solutions on how to preserve the farmland. He stated they also met with members of the farming community and discussed incentives to assist them financially or aid in tax breaks. He indicated that the next meeting to continue to discuss solutions would be on September 8, 2003. He said that on August 19, 2003, 6:00 p.m. that the committee would meet to review the Wade Plan.

Chair McNeill presented the new committee appointments to the Board. He indicated that the new member, Mr. McLaurin would be appointed to the Administrative and Land Use Code Committees.

X. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

Ms. Roy passed out invitations to the Sustainable Sandhills Executive Conference to be held on August 27, 2003 at Fort Bragg. She explained that Fort Bragg has been leading an initiative to make sure there is sustainable development in and around Fort Bragg. She said additional invitations are available for others that are interested. She informed the Board that they would need to make reservations in advance so that paper work could be processed for an entrance pass onto Fort Bragg to be completed.

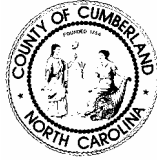
Ms. Roy said they have another invitation from Candice Williams with the Sandhills Area Land Trust to go on a canoe ride down Rockfish Creek. She indicated that the Land Trust members would like the Board to see the natural resources that are in need of protection along Rockfish Creek. Ms. Roy stated that on September 2, 2003 there would be a presentation by the Sandhills Area Land Trust members on the natural resources inventory that has been done in Cumberland County. Ms. Roy informed the Board that the canoe trip would be on August 15, 2003. Mr. Morris asked when the trip would begin. Ms. Williams stated that the trip would be from 9:00 a.m. to 12:00 p.m. and lunch would be provided along the way. She said they would stop along the way and what is not seen on the trip would be shown in the slide presentation in September. Chair McNeill, Mr. Averette and Mr. Mullinax indicated they were interested in the trip. Ms. Roy informed the Board that staff would contact everyone mid-week to find out who is interested in the canoe ride and let Ms. Williams know how many to plan for.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 9:40 p.m.

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Town of Stedman

August 13, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS
FOR AUGUST 19, 2003 MEETING

P03-64: REZONING OF 9.38 AC. FROM M1 AND HS(P) TO M(P)
OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 158 & 178 EAST
MOUNTAIN DR., OWNED BY WALTER M. SHAW.

The Planning staff recommends approval of the M(P) Planned Industrial District
based on the following:

1. The proposed M(P) District would be an extension of the existing zoning adjacent to the site; and
2. The 2010 Land Use Plan calls for light industrial at this location.

SITE PROFILE
P03-64

REZONING OF 9.38 ACRES FROM M1 AND HS(P) TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 158 & 178 EAST MOUNTAIN DRIVE, OWNED BY WALTER M. SHAW.

Site Information:

Applicant/Owner: WALTER M. SHAW

Area: 9.38 acres

Frontage & Location: 375 feet on E. Mountain Drive

Depth: 800 feet

Jurisdiction: County

Adjacent Property: None

Current Use: Salvage Yard

Initial Zoning: March 15, 1979 (Area 6)

Previous Zoning Action(s): Violation-Junk yard in an M1 District

Surrounding Zoning: North-Fayetteville city limit, East-C(P) and M(P), South-R6A, C(P), C(P)/CUO, West-R10, R6, HS(P), C1, C(P), C3

Surrounding Land Use: County Board of Education, coliseum complex, furniture store, hotel (3), plumbing company, vacant commercial (3), machine & welding supply store, baby shop, tire shop, body shop, church, and single family residential

2010 Land Use Plan: Light Industrial

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: None

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

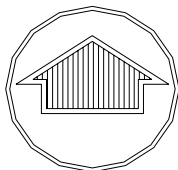
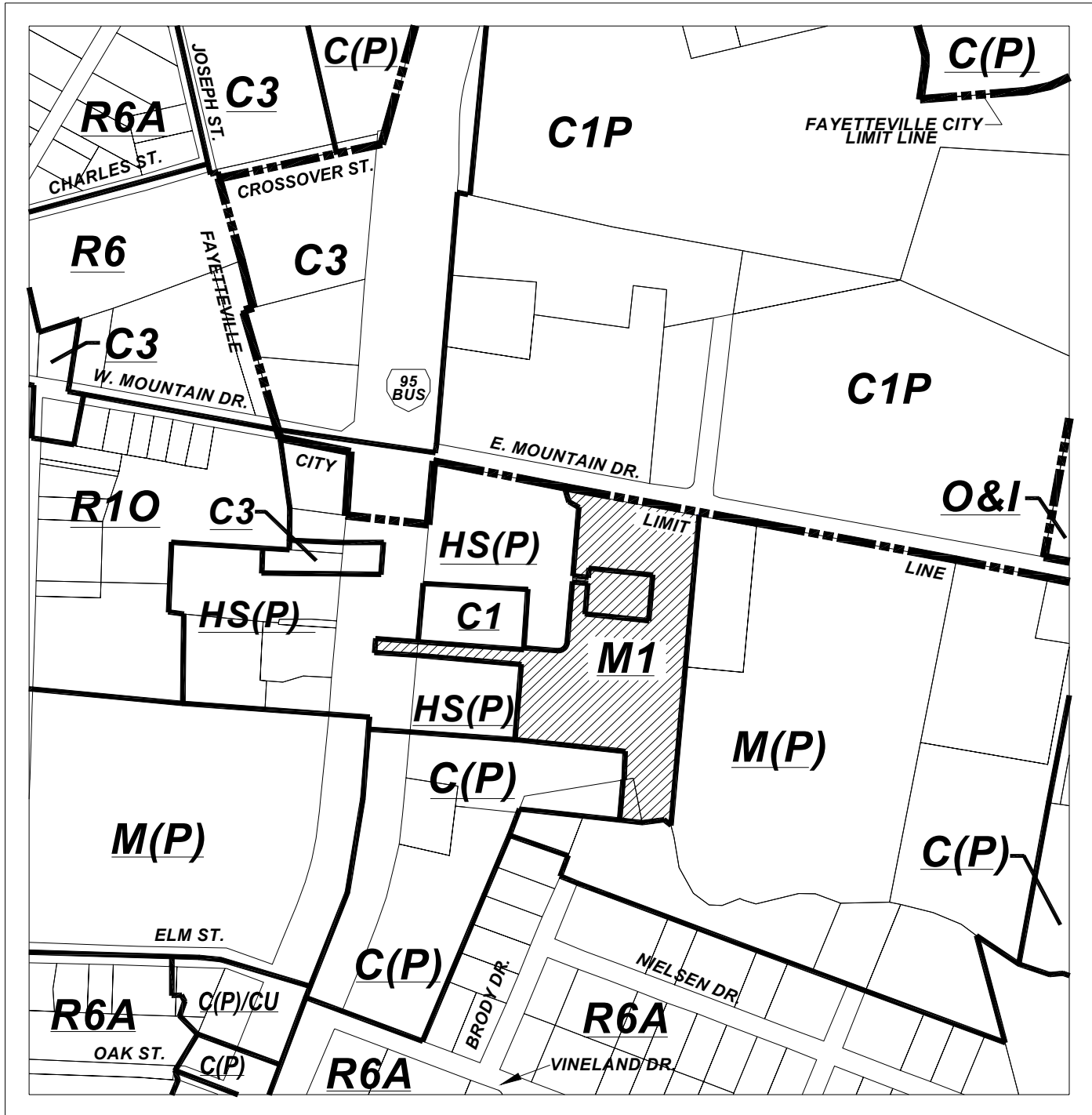
Water/Sewer Availability: PWC (available) / Septic tank

Schools: Elizabeth Cashwell Elementary, South View Middle and High

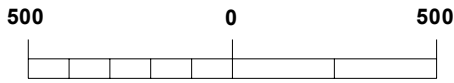
Thoroughfare Plan: East Mountain Drive is identified as a Minor Thoroughfare with a current adequate 60-foot right-of-way.

Average Daily Traffic Count (2000): 7,900 on E. Mountain Drive, 20,000 on Hwy 301

Notes:



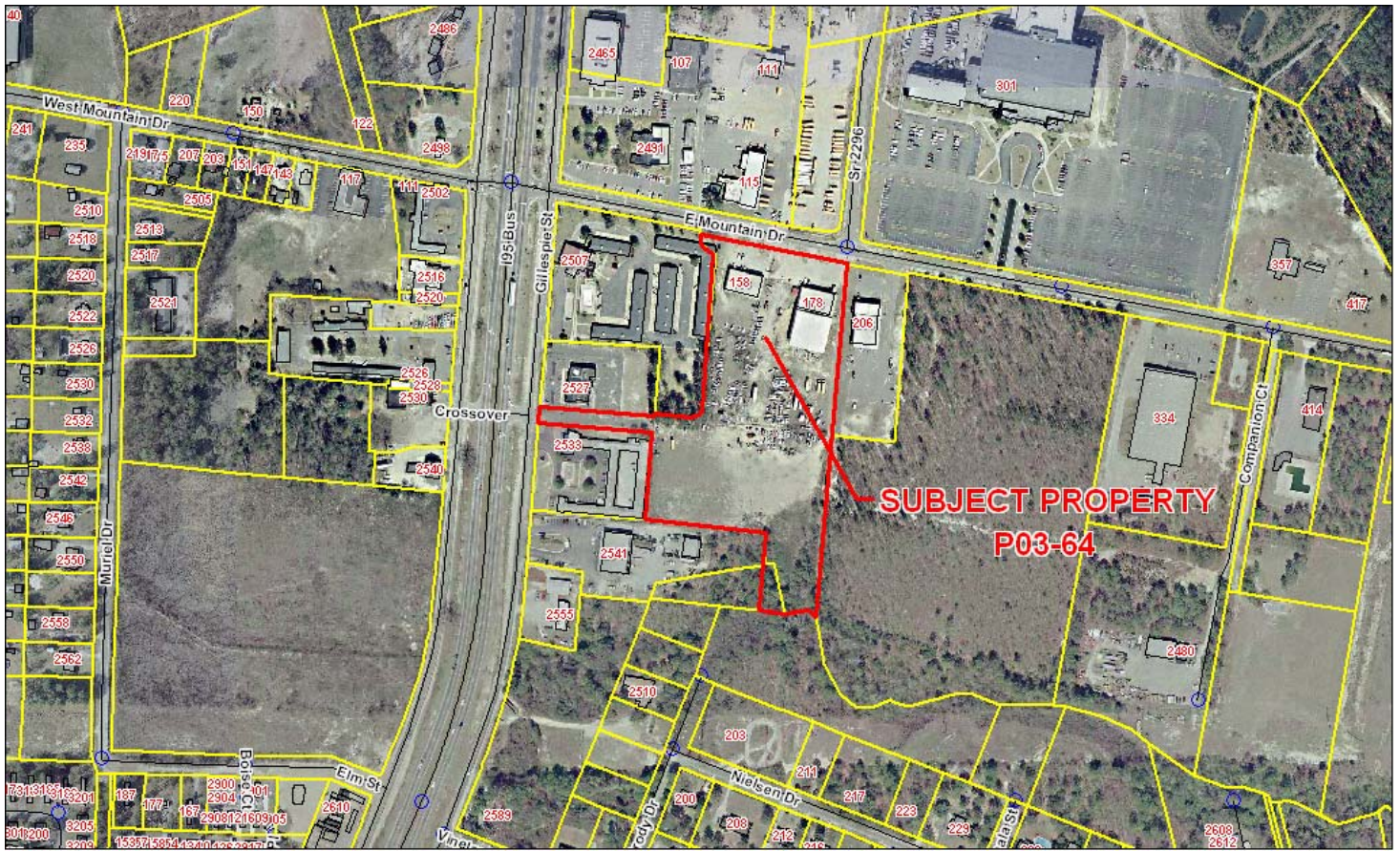
NORTH



SCALE IN FEET

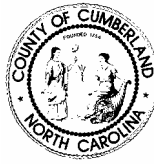
REQUESTED REZONING: HSP & M1 TO M(P)

ACREAGE: 9.38 AC.±	HEARING NO: P03-64	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		



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August 13, 2003

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR AUGUST 19, 2003 MEETING

P03-67: A CONDITIONAL USE OVERLAY DISTRICT & PERMIT TO ALLOW A WRECKER & TOWING SERVICE & TEMPORARY STORAGE OF VEHICLES IN AN RR DISTRICT, CONTAINING 5.25 AC., AT 810 SLOCOMB ROAD & 6935 HOLDER LN., OWNED BY ELEANOR & GARY HOLDER.

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

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

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

The Planning staff recommends that the following conditions be applied to the Conditional Use Overlay Permit:

1. Hours of operation will be 24 hours a day and six days a week.
2. No signage will be installed.
3. No salvaged vehicles will be allowed to be stored on site.
4. All disabled vehicles will be removed from the site within 30 days from approval by the Cumberland County Commissioners.
5. Temporary storage of vehicles shall not exceed six months.
6. An evergreen landscaped buffer and/or solid wooden fence be installed to encompass the entire storage area of commercial and noncommercial vehicles associated with the business in accordance with Section 10.2 "Buffer" of the Cumberland County Zoning Ordinance.
7. A Watershed Permit be obtained from the Cumberland County Planning & Inspections Department. The total impervious area to include parking and all structures shall not exceed the 24 percent built-upon area calculated from the total acreage according to the Watershed Ordinance.
8. The 12' X 54' trailer storage shown on the site plan shall be removed from the lot.
9. All items above shall be completed with ninety days from approval by the Cumberland County Commissioners.

SITE PROFILE
P03-67

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A WRECKER AND TOWING SERVICE AND TEMPORARY STORAGE OF VEHICLES IN AN RR DISTRICT, CONTAINING 5.25 ACRES, AT 810 SLOCOMB ROAD AND 6935 HOLDER LANE, OWNED BY ELEANOR AND GARY HOLDER.

Site Information:

Applicant/Owner: ELEANOR AND GARY HOLDER

Area: 5.25 acres

Frontage & Location: 180 feet on Slocomb Road and 358 feet on Holder Lane

Depth: 452 and 358 feet

Jurisdiction: County

Adjacent Property: None

Current Use: Wrecker and Towing Service with temporary storage of vehicles

Initial Zoning: August 21, 1972 (Area 1)

Previous Zoning Action(s): 2 Violations-Business in an RR District and vehicle storage in a RR District.

Surrounding Zoning: Primarily RR, PND, PND/CUO and M2 to the southwest

Surrounding Land Use: Towing Service, Sprint sub-station, single family residential

2010 Land Use Plan: Suburban Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: Yes

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic tank

Schools: Raleigh Road and Long Hill Elementary, Pine Forest Middle and High

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

Notes:

1. Hours of operation: 6 days a week, 24 hours a day
2. 61 parking spaces proposed for cars, trucks and equipment.
3. Equipment: 5 wreckers and 3 tandem trailers.
4. No signage
5. Lighting - existing

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

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

The property sought for Conditional Use Overlay is located:

Address 810 Slocomb Road and 6935 Holder Lane
(Street address or Route and Box #, and Zip Code)

Located on Slocomb Road and Holder Lane
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0542 - 04 - 80 - ²⁹²⁴~~1849~~ and 0542-04-70-~~9522~~-9599
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot 1 180.74 452.45
Lot(s) # 2 Frontage 358 feet Depth 358 Containing 5.25 acres +/-.

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

The property sought for Conditional Use is owned by: ELEANOR HOLDER AND GARY HOLDER
Nathan and Louise Mills and Robert and Mildred Plots to
as evidenced by deed from Alexander and Eleanor Holder. Deed Book 2332, Page 211
as recorded in Deed Book Alexander and Eleanor Holder to Gary A. Holder
2952, Page(s) 13, Cumberland County Registry.

It is requested that the foregoing property be rezoned as Conditional Use Overlay District
from RR to RR/CUO Conditional Use.

Proposed use of property requested for Conditional
Use: Wrecker and Towing Service

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

**APPLICATION FOR
CONDITIONAL USE OVERLAY DISTRICT**

1. Proposed uses(s):

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

See Attached Exhibit "A" 1A.

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

See Attached Exhibit "A" 1B.

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

2 dwelling units exist on site/None proposed 5.25 acres

2. Dimensional Requirements:

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

See site plan-all buildings existing set backs shown

B. Off-street parking and loading.

None

3. **Sign Requirements:**

A. Reference district sign regulations proposed from Section 9.4.

None

B. List any variance proposed from those regulations.

None

4. **Miscellaneous:**

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

24 hours - (Not Continual) Monday-Saturday

Basically 6 days a week 8-5

1 full-time employee and 2 part-time employees

5 wreckers and 3 tandem trailers are kept on the site.

Exterior lighting is existing.

5. **Site Plan Requirements:**

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

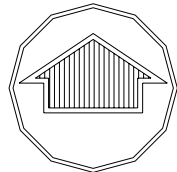
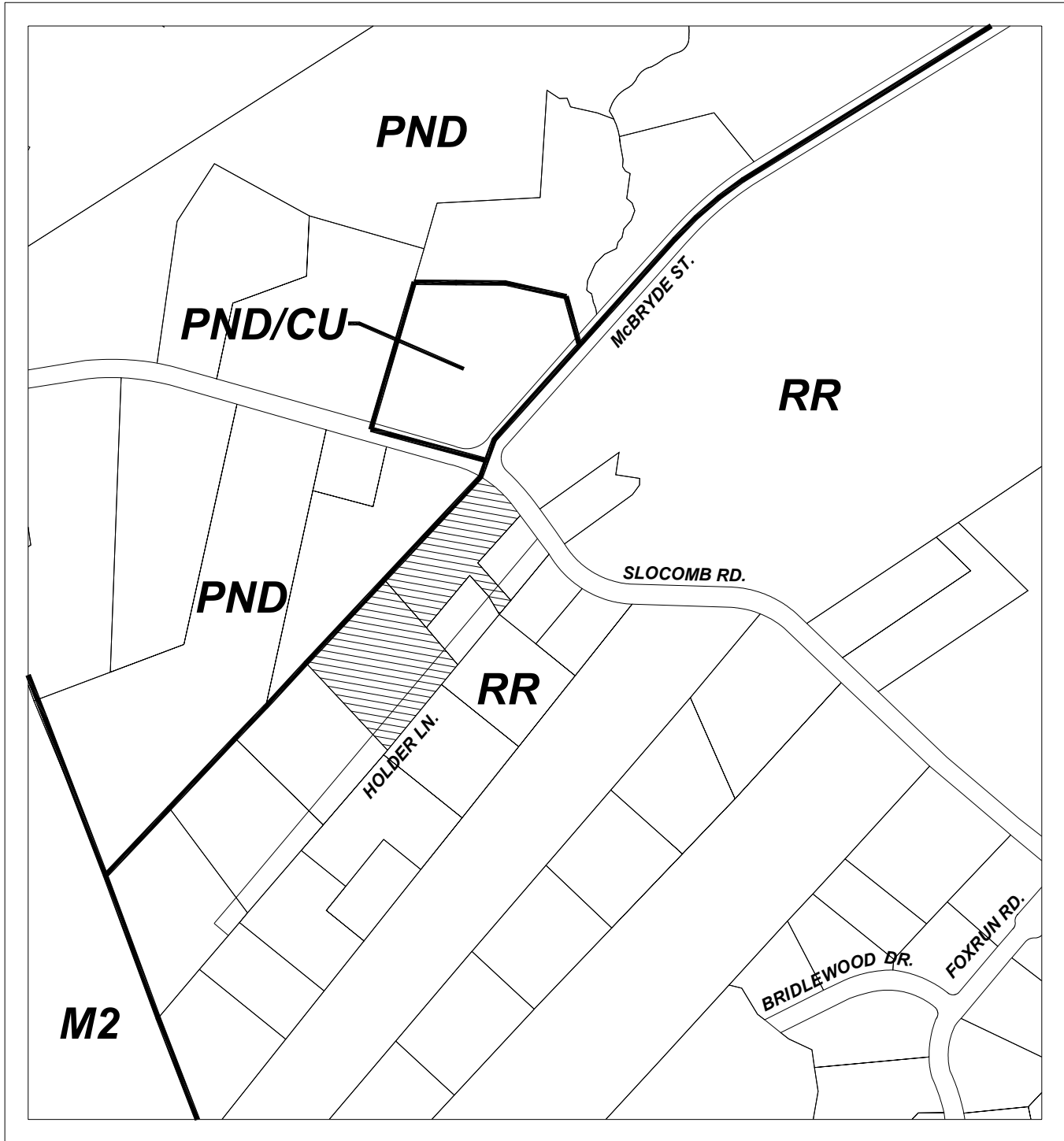
6. **Acknowledgement:**

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

EXHIBIT "A"

1(A) Properties will be used by Wrecker and Towing Service for short-term (less than 30 days) storage of vehicles that have been towed. Five wreckers and three tandem trailers will also be parked on site. Residence phone will be used to answer wrecker calls.

1(B) Holder Wrecker Service, Inc. is a family-run business that has been in operation since 1956. The business currently leases a storage lot located at 805 Cain Road Fayetteville, North Carolina and would not be able to afford a second storage lot. Granting the Conditional Use would benefit the community by allowing the business, which employs 1 full-time and 1-2 part-time Cumberland County residents, to continue in operation. Use will be compatible with surrounding neighborhoods, in that the area is zoned Rural Residential and there are a mixture of residential and commercial uses already in place. Furthermore, the business has been using the properties since 1972 with no complaints. Existing and prepared tree buffers will also be used (see site plan), to minimize impact on surrounding area.



NORTH

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SCALE IN FEET

CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 5.25 AC.±	HEARING NO: P03-67	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

Clifton McNeill, Jr.
Chair
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Charles C. Morris, Vice-Chair
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David Averette,
John M. Gillis, Jr.,
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Cumberland County



COUNTY of CUMBERLAND

Planning and Inspections Department

Nancy Roy, AICP
Director
Planning & Inspections

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

August 13, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS
FOR AUGUST 19, 2003 MEETING

P03-63: REZONING OF 18.13 AC. FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF CHICKEN FOOT RD., SOUTH OF CLIFTON MCNEILL RD., OWNED BY TROY L. IVERSON & NORMAN R. NELSON III.

The Planning staff recommends denial of the RR Rural Residential District and approval of a Conditional Use Overlay District and Permit/RR Rural Residential District based on the following:

1. Conditions may be placed on the property to require public water and sewer to comply with Section 4.3d(2) of the Subdivision Ordinance for developments containing more than 20 lots within the Urban Services Area.

SITE PROFILE
P03-63

REZONING OF 18.13 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF CHICKEN FOOT ROAD, SOUTH OF CLIFTON MCNEIL ROAD, OWNED BY TROY L. IVERSON AND NORMAN R. NELSON III.

Site Information:

Applicant/Owner: TROY IVERSON / NORMAN R. NELSON III

Area: 18.13 acres

Frontage & Location: 1,060 on Chicken Foot Road

Depth: 950 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Agricultural

Initial Zoning: June 25, 1980 (Area 13)

Previous Zoning Action(s): None

Surrounding Zoning: Primarily A1

Surrounding Land Use: Single family residential

2010 Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank

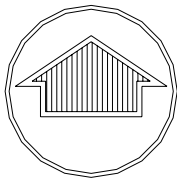
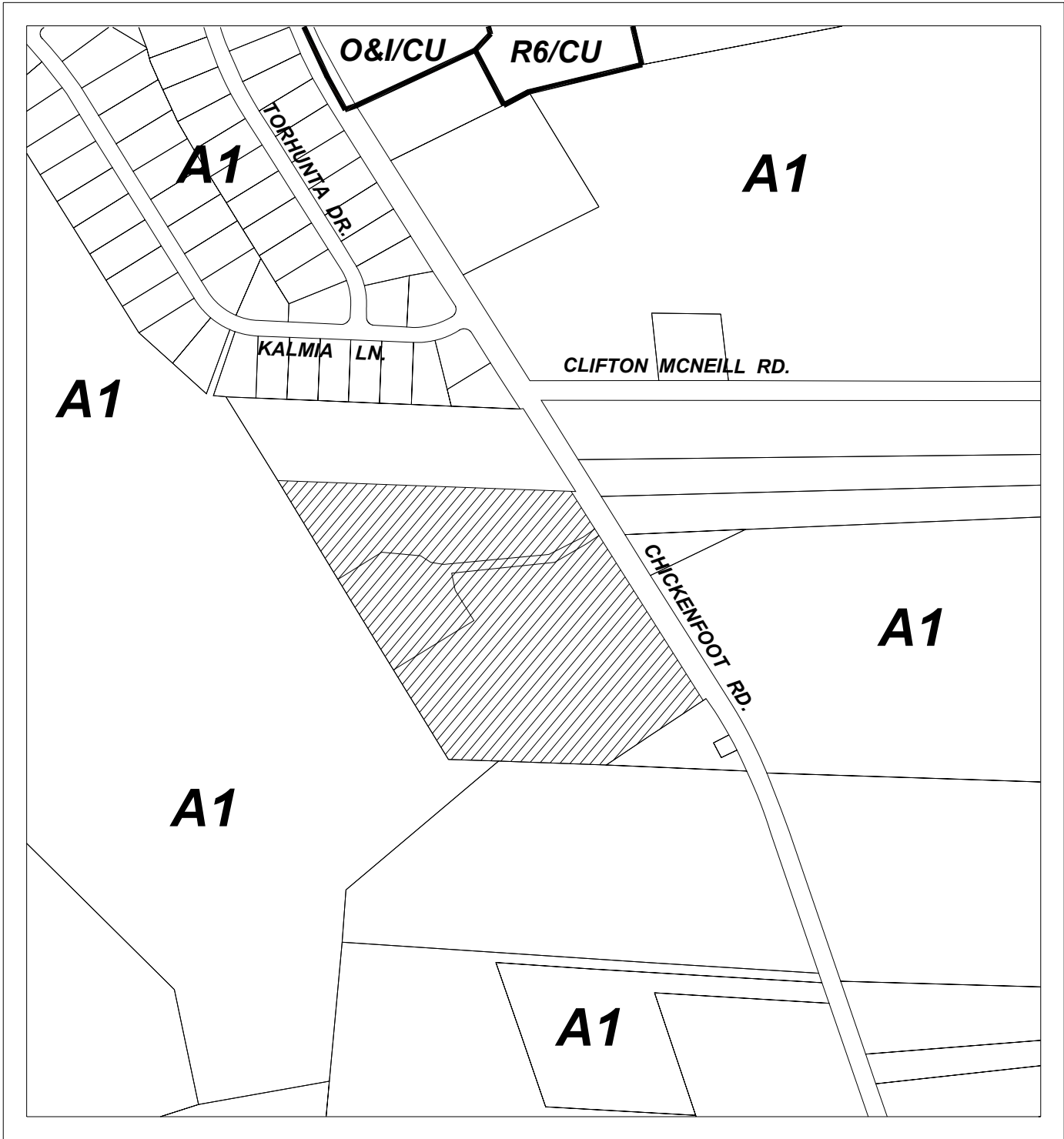
Schools: Gallberry Farms Elementary, Gray's Creek Middle and High

Thoroughfare Plan: Chicken Foot Road is identified as a Major Thoroughfare, with a 60 foot right-of-way (100 foot proposed with a multi-lane cross section). No road improvements are included in the 04-10 MTIP.

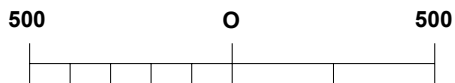
Average Daily Traffic Count (2000): 11,000 on Chicken Foot Road

Notes:

Density w/20% for roads: A1 – 7 units
 R40 – 16 units
 RR – 32 units



NORTH



SCALE IN FEET

REQUESTED REZONING: A1 TO RR

ACREAGE: 18.13 AC.±

HEARING NO: P03-63

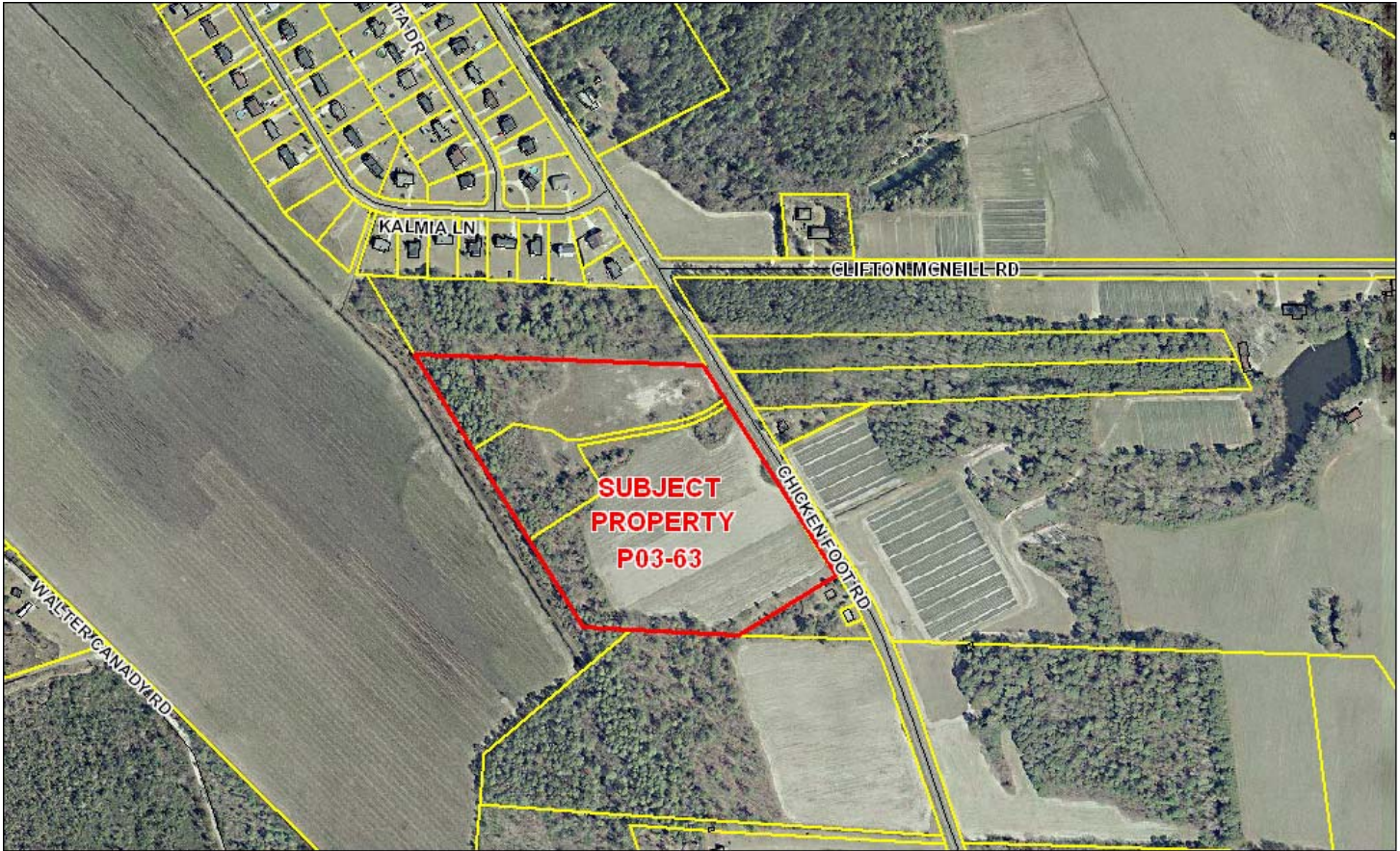
ORDINANCE: COUNTY

HEARING DATE

ACTION

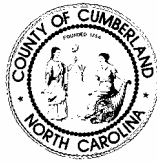
PLANNING BOARD

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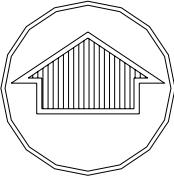
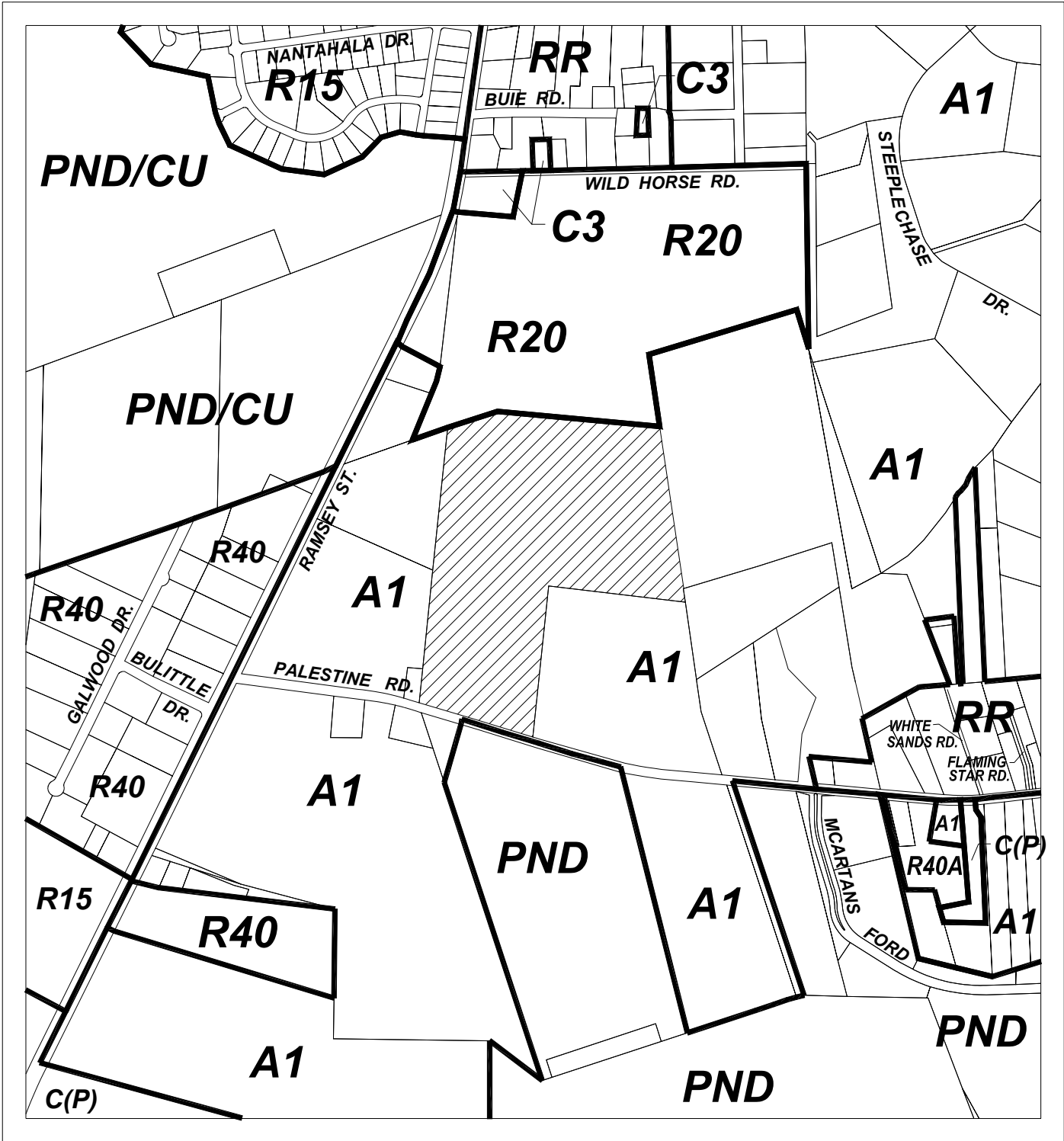
SUBJECT: STAFF RECOMMENDATIONS
FOR AUGUST 19, 2003 MEETING

P03-66: REZONING OF 52.20 AC. FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 313 PALESTINE RD., OWNED BY SOUTHEAST DEVELOPMENT, LLC.

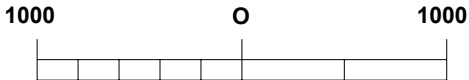
The Planning staff recommends denial of R15 Residential District and approval of R20 Residential District based on the following:

1. The 2010 Land Use Plan calls for farmland at this location;
2. The R20 Residential District would be an extension of the existing zoning adjacent to the site; and
3. The Town of Linden has approved the water system to be extended to the property to support 104 dwelling units.

The Planning staff finds the subject property is also suitable for RR, R40 R40A and A1A Residential Districts.



NORTH



SCALE IN FEET

REQUESTED REZONING: A1 TO R15

ACREAGE: 52.20 AC.±		HEARING NO: P03-66	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

