

Clifton McNeill, Jr.  
Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### Planning and Inspections Department

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

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

#### TENTATIVE AGENDA August 17, 2004

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
  - II. APPROVAL OF/ADJUSTMENTS TO AGENDA
  - 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 JULY 20, 2004
- REZONING CASES
- A. P04-53: REZONING OF 2.27 ACRES FROM R6A TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2625 GILLESPIE STREET, OWNED BY MANILAL P. PATEL.
  - B. P04-55: REZONING OF 1.02 ACRES FROM C3 TO R6, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 715 WEST MOUNTAIN DRIVE, OWNED BY JAMES AND CYNTHIA MCDUFFIE.
  - C. P04-57: REZONING OF .96 ACRES FROM C(P) TO R6A, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2591 CUMBERLAND CREEK DRIVE, SUBMITTED BY JULIAN T. MANN, JR.
- VII. PUBLIC HEARING ITEMS
    - A. P04-23: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A CONVENIENCE STORE, CAR WASH, MINI-WAREHOUSING AND OUTDOOR STORAGE ON 5.91 ACRES IN AN A1 DISTRICT AT 3125 CHICKEN FOOT ROAD, SUBMITTED BY ROBERT M. BENNETT.
    - B. P04-54: REZONING OF FOUR PARCELS TOTTALLING 149.01 ACRES FROM A1 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, SOUTH OF UNDERWOOD ROAD, EAST OF RIVER ROAD, SUBMITTED BY JOHN KOENIG.
    - C. P04-56: REZONING OF 1.64 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1542 CLIFTON MCNEIL ROAD, OWNED BY GERALD N. MINNICH.
  - VIII. DISCUSSION
    - A. REPORT FROM LAND USE CODES COMMITTEE—DAVID AVERETTE
  - IX. FOR YOUR INFORMATION
    - A. DIRECTOR'S UPDATE
  - X. ADJOURNMENT



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## COUNTY of CUMBERLAND

### Joint Planning Board

MINUTES  
July 20, 2004

#### Members Present

Mr. Clifton McNeill, Chair  
Mr. Charles Morris, Vice-Chair  
Mr. David Averette  
Mr. Donovan McLaurin  
Mr. Joe W. Mullinax  
Mr. Roy Turner

#### Members Absent

Dr. Marion Gillis-Olion  
Vacant Stedman Rep

#### Others Present

Ms. Nancy Roy, Director  
Mr. Tom Lloyd, Dep. Director  
Ms. Donna McFayden  
Ms. Barbara Swilley  
Mr. Grainger Barrett,  
County Attorney

#### I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that Cases P04-34, P04-47, P04-49 and P04-52 be pulled from the Consent items and placed under Public Hearing items. A motion was made by Vice-Chair Morris and seconded by Mr. McLaurin to approve the Agenda with the above changes. The motion passed unanimously.

#### III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

#### IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

#### 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 29, 2004

**A motion was made by Mr. McLaurin and seconded by Mr. Mullinax to approve the Minutes of June 29, 2004 as printed. The motion passed unanimously.**

##### B. P04-45: REZONING OF .48 ACRES FROM R10 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT AT 4452 CUMBERLAND ROAD, OWNED BY SAMUEL HENDERSON.

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

1. The uses allowed in the C3 District are consistent with the existing uses in the area; and
2. This portion of Cumberland Road is in transition from residential to commercial land usage.

The Planning staff found that the subject property is also suitable for the C1 District.

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

**A motion was made by Mr. McLaurin and seconded by Mr. Mullinax to follow the staff recommendations and approve the C3 Heavy Commercial District. The motion passed unanimously.**

- C. P04-48: REZONING OF 3.25 ACRES FROM A1 AND A1/CUO TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT AT 6849 ROSLIN FARM ROAD, OWNED BY THOMAS R. MCMILLAN.

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

1. The uses allowed in the R40A District are suitable and consistent with the land use and development in the area; and
2. This area is in a high growth pattern.

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

**A motion was made by Mr. McLaurin and seconded by Mr. Mullinax to follow the staff recommendations and approve the R40A Residential District. The motion passed unanimously.**

- D. P04-50: REZONING OF THREE TRACTS TOTALLING 10.298 ACRES FROM RR, RR/CUO, R10/CUO AND PND/CUO TO R6 OR A MORE RESTRICTIVE ZONING DISTRICT SOUTH OF MORGANTON ROAD, WEST OF MCFAYDEN DRIVE, SUBMITTED BY JAMES M. KIZER.

The Planning staff recommended approval of the R6 Residential District based on the following:

1. The site meets the locational criteria for medium-density development; and
2. The uses allowed in the R6 District are consistent with the land use and development in the surrounding area.

The Planning staff found that the subject property is also suitable for the R10 District.

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

**A motion was made by Mr. McLaurin and seconded by Mr. Mullinax to follow the staff recommendations and approve the R6 Residential District. The motion passed unanimously.**

- E. P04-51: REZONING OF TWO TRACTS TOTALLING 44.35 ACRES FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT SOUTH OF CLINTON ROAD, NORTH OF LOCKS CREEK CHURCH ROAD, OWNED BY NEILL P. AND DEANNA R. GUY III.

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

1. The uses allowed in the R10 Residential District are consistent with the land use and development in the surrounding area; and
2. The site contains public water and sewer.

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. McLaurin and seconded by Mr. Mullinax to follow the staff recommendations and approve the R10 Residential District. The motion passed unanimously.**

#### VII. PUBLIC HEARING ITEMS

- A. P04-34: REZONING OF 10.0 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT EAST OF STEWART ROAD, SOUTH OF SAMBO JACKSON ROAD, OWNED BY WILLIAM C. VANN.

Mr. Lloyd explained that the Board originally heard this case on May 18, 2004. He said that the original request was for around 20 acres, and the Board asked that the staff research soil suitability and look at additional options. He said that the applicant is now requesting that 10 acres be rezoned.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the R40 Residential District based on the fact that the uses allowed in the R40 District are consistent with those allowed in the farmland preservation areas.

The Planning staff found that the subject property is also suitable for the R40A District.

The public hearing was opened, and Mr. William C. Vann appeared before the Board and said that the residents in opposition to the rezoning are not adjoining landowners. He said that all adjoining landowners are in favor of the rezoning.

Mr. Calvin Smith appeared before the Board in opposition to the rezoning. He said that the schools are already overcrowded in the area and suggested that the Board consider the overcrowded schools throughout the County before rezoning sites. He added that there are also not enough teachers to teach the number of students.

Ms. Patricia Godwin appeared before the Board and said that for the following reasons she opposed the rezoning: 1) It will affect the agricultural character of the area; 2) The current zoning requires two acres per unit; 3) The schools are overcrowded; 4) The rezoning will bring additional traffic to the area; 5) The water level is low, and some residents already have problems with the water; and 6) The danger that the fast drivers will cause to the school children.

Mr. Doug Stephens appeared before the Board in opposition to the rezoning. He said that for two years he looked for a good rural setting to raise his family. He said that he read the 2010 Land Use Plan and zoning maps and concluded that this was a good place to purchase property. He said that he bought 60 acres of land near the subject property, and the rezoning will heavily impact it. He said he did all the research, and if the rules are going to change, there is no use having the Land Use Plan and zoning regulations. He said that there is no pressure for development in the area, and the rezoning goes against all guidelines for the area.

Mr. Vann appeared before the Board in rebuttal and said that he didn't understand why the residents were not in favor of progress.

Mr. McLaurin addressed some of the concerns of the residents. He said that using a center pivot for agriculture uses a tremendous amount of water. He said that schools have always had huts, and the only way to build classrooms is for residents to move into the area and increase the tax base. Regarding the rural environment, Mr. McLaurin read several of the uses allowed in the current zoning (sawmill, automobile repair, etc.) and said they'd be worse for the environment.

**A motion was made by Mr. McLaurin and seconded by Mr. Morris to follow the staff recommendations and approve the R40 District.**

Mr. McNeill said that he doesn't like situations that dictate what a person can do with his land. He said that density is a concern, but so are the allowed uses, and those allowed in the R40 District are suitable for the site.

**Upon a vote on the motion, it passed unanimously.**

B. P04-47: REZONING OF 29.54 ACRES FROM RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT NORTH OF HUMMINGBIRD PLACE, WEST OF BENT GRASS DRIVE, OWNED BY GENE F. WILLIFORD, SR.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the R10 Residential District based on the following:

1. The Eastover Land Use Plan calls for low-density residential use at this location;
2. The uses allowed in the R10 District are consistent with the land use and development in the area; and
3. Urban services are available to the site.

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

The public hearing was opened. Mr. Gene Williford appeared before the Board and said that he has lived in Fayetteville most of his life. He said water and sewer are available to the site, and he wants to slowly develop the property with homes similar to those in the Baywood Subdivision. He said that he has a much larger investment in the property than anyone in Baywood, and he would not develop anything that would be detrimental to the area. He said that the current zoning allows trailers. Mr. Williford explained that he has

incurred expenses to make water and sewer available, and he wants to finish out Baywood Subdivision.

Mr. Brad Newton appeared before the Board in opposition to the rezoning and said that he lives near the subject property. He said that Mr. Williford did a good job in developing Baywood, and his concerns are about the construction traffic and inadequacy of the roads to handle 100 more homes. He said that he thought that the property was landlocked. He noted that the site is prime property running adjacent to the golf course. He said he was not opposed to development, but had questions regarding access and others issues. He said that he didn't want trailers and added that the R15 District might be better zoning for the site.

Mr. Thomas Rupert appeared in opposition to the request and said that he lives on adjoining property and had some questions about where the entrance would be.

Ms. Ruby Bullard appeared before the Board in opposition to the rezoning and said that she lives in Baywood. She said that there would be a lot more traffic because of the rezoning. She added that a person's home is his biggest investment. She said that the R10 zoning in the area is subject to restrictive covenants, and the ½-acre lots cannot be subdivided. She said that she would prefer the R15 District because if something happened to Mr. Williford, she'd prefer that a new owner would have to follow the density required in the R15 District.

Mr. Richard Hammond appeared before the Board in opposition to the rezoning and said that his lot backs up to the subject property. He asked about the size and type of homes that would be built and how many were to be built.

In rebuttal, Mr. Williford said that he understood the concerns of the speakers and pointed out that the Baywood Subdivision is zoned R10. He said that the proposed development will be much like Baywood and not likely to have the number of homes allowed. He said when the project is finished, he was sure that the residents would be happy with it.

Chair McNeill asked Mr. Williford about access, and Mr. Williford said that access would be a 60-foot entryway to the east. He said he didn't intend to tie into Hummingbird Street and would only tie in if the neighborhood wanted him to. He said that he intends to build about 40 to 60 homes, and that number should not have a big effect on the traffic.

Mr. McLaurin asked Mr. Williford if he would agree to the R15 zoning that the residents preferred since he doesn't plan to build more than 40 to 60 homes. Mr. Williford said that he would not because he wants the option to put in some smaller villas (1,500 to 1,600 square feet) to the rear of the site. Mr. McLaurin asked if he would consider zoning just the rear area R10 and the rest R15. Mr. Williford said that he would not because his plans were not finalized, and he doesn't want to be locked into R15 at this time.

Mr. Averette pointed out that the R10 zoning is much more restrictive in allowed uses than is the RR District. He added that the density would double from 51 to 103.

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

Chair McNeill said that the concerns of the residents seemed to have been addressed, and he said that Mr. Williford has done a fine job thus far in Baywood.

C. P04-49: REZONING OF 32.87 ACRES FROM M(P) TO R5A OR A MORE RESTRICTIVE ZONING DISTRICT NORTH OF MIDDLE RIVER LOOP, WEST OF RIVER ROAD, SUBMITTED BY JOHN KOENIG.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the R5A Residential District based on the site meeting the locational criteria for medium-density development in that it contains urban services and appropriate access to handle the projected traffic increase.

The Planning staff found that the subject property is also suitable for the R15, R10 and R6 Districts.

The public hearing was opened. Mr. John McCauley appeared before the Board and said that he would speak after those in opposition spoke.

Mr. Frank Edge appeared before the Board in opposition to the request. He said that he was raised in the area and was speaking for all of his relatives who still live there. He said that the rezoning will allow too many homes, and he had concerns about the land being so low. He said that there wouldn't be opposition to the rezoning if the applicant had requested a district that would allow one-half of the number that the R5A District allows. Chair McNeill asked how many units would be allowed, and Mr. Lloyd said that the R5A would allow about 299 units on the nearly 33 acres.

Mr. McCauley appeared before the Board and said that he has lived in the area nearly his entire life. He said that he wants to maintain Eastover as a desirable place to live. He said that he will build a nice, well thought out development. He said that he lives two miles from the subject property and plans to live there the rest of his life. He said that the proposal is for a nice mixed-use development built properly and in good taste.

Chair McNeill asked about sewage, and Mr. McCauley said that he is working with Mr. Kizer, of Moorman, Kizer & Reitzel, on capacity and will work out the logistics with PWC. Mr. Averette asked if he would be annexed into the City. Mr. McCauley said that he would be required to petition the City for annexation if he intends to use PWC utilities.

Mr. McLaurin said that he understood Mr. Edge's concerns about the number of people. He said that the actual effect would be to reduce sprawl, and the development would be one of quality. He said that the current zoning allows mobile home sales, septic disposal sites, sexually oriented business, etc.

**A motion was made by Mr. McLaurin and seconded by Mr. Morris to follow the staff recommendations and approve the R5A Residential District.**

Chair McNeill said that the map indicates a lot of M(P) in the area, and this was a valiant effort by Mr. McCauley to preserve the character of the area.

Mr. Averette said that he supported the motion and hoped that the new residents would not complain about the sausage plant that was there before they were.

**Upon a vote on the motion, it passed unanimously.**

D. P04-52: REZONING OF 1.02 ACRES FROM RR TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT AT 6576 HIGHWAY 301 SOUTH, SUBMITTED BY YOUNGER S. WOOD.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the C1 Local Business District based on the subject property meeting the purpose and intent statement of the C1 District. Note: There is a discrepancy between the deed's legal description submitted with the request and the most recent plat and deed on record. It is recommended that the applicant have the property boundary clarified for title purposes.

The public hearing was opened. Mr. Wood appeared before the Board and said that he has remodeled the structures on the property and put a lot of work into cleaning up the site. He said when he purchased the property, he thought that commercial use was allowed because it existed previously, and his banker financed the loan based on commercial use. He said he would never have purchased the property if he had known he couldn't use it for commercial use. He said that he wants to have a convenience store on the site and noted that there are many subdivisions nearby. He said that the discrepancy in the deed is due to the previous owner squaring off the lot and trading an area with the church on the adjacent property.

Mr. Averette asked Mr. Wood if he wanted to rezone all of the land, and Mr. Wood said that he did. He explained that the acreage is about the same, but the lot is squarer than indicated on the map. He said that the previous landowner widened the road frontage.

Mr. Morris asked when the last time was that the property was used as a commercial establishment. Mr. Wood said that the previous owners filed bankruptcy, and it took a long time to resolve everything, so it has not been used for about two years.

Ms. Lillian Maynor appeared before the Board in opposition to the request and asked others in the audience who opposed the rezoning to stand. About 30 people stood. She said that they are members of the church on the adjacent property and are concerned about alcoholic beverages being sold on the site. She said that they did not oppose a store, just the sale of alcohol.

Mr. Walter McPherson appeared before the Board in opposition to the request. He said that the land is not zoned for commercial use, and it was an eyesore in the past and not conducive to making money. He said that the business failed because of the location, and he's afraid that the same thing will happen again, and if it begins to fail, Mr. Wood will begin to sell more and more liquor. He said that the RR District is the best zoning for the community.

In rebuttal, Mr. Wood said that he understood the concerns of the church. He said that serving alcohol would require an on-premises license, and all neighbors would be part of the permitting process. He said that to sell liquor, he must have an off-premises license. He said that he intends to have a convenience store and mom and pop restaurant with no alcohol served. He said that he plans to have an off-premises license to sell alcohol. He said that he sold everything he owned to buy the land, and it's all he has.

Mr. Averette asked if the store would have to be closed if the land was not rezoned. Mr. Lloyd said that it would.

Chair McNeill explained that the Board's responsibility is to rezone property based on all of the allowed uses in the district—not a specific use. He asked if those in opposition would object if Mr. Wood sold and did not serve alcohol. Mr. McPherson said it would probably be worse if alcohol was sold because folks would buy it and go to the church property to drink it and leave a mess.



Mr. Averette said he was familiar with the store, and there is another a few miles away. He said that the problem he had was that the commercial zoning would be right in the middle of residential and agricultural zoning. He also said he had a problem with all of the uses allowed in the C1 District being appropriate for the area. He asked if the use is allowed in the A1 District, and Mr. Lloyd said that it is. Mr. Averette continued that he had concerns about what would happen to the property if it was not rezoned in that if unused, it would deteriorate and again be an eyesore.

Mr. McLaurin said the Board denied R40 when individuals had garages in their backyards. He said that the RR District is for the protection of other property owners in the area.

**A motion was made by Mr. McLaurin and seconded by Mr. Mullinax to deny the C1 Local Business District.**

Mr. Averette said he wasn't comfortable putting someone out of business before they even got started.

A substitute motion was offered by Mr. Averette to deny the C1 District and approve A1. The motion died for lack of a second.

Mr. Averette reminded the Board that the staff recommended approval. He said he was inclined to follow the staff's recommendation.

Chair McNeill said he'd like to see a way that the Board could help Mr. Wood, but the zoning and what was allowed should have been confirmed prior to purchase.

**Upon a vote on the motion, it passed four to two with Messrs. Averette and Turner voting in opposition.**

## VII. PLATS AND PLANS

### A. 04-138: ROBERTS & COUNCIL SUBDIVISION REVIEW ON THE NORTH SIDE OF COUNTY LINE ROAD, WEST OF COUNCIL ROAD, FOR A VARIANCE FROM SECTION 3.2.D "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

Mr. Lloyd that this case involves an existing easement that the flag lot crosses, and the owner agreed to put in a private Class C Street. He said that staff recommended approval a Class C Street to serve five lots without crush and run gravel on the road. He said that the lots were illegally created prior to 1984.

Chair McNeill said that he had spoken with the applicant, and he further explained the circumstances of how the road would actually serve four lots, but some lots were illegally cut out in 1984. He said that approval would correct a 20-year old problem.

Mr. Barrett said this would not be a perfect solution, but is would be a fair one.

Mr. Morris pointed out that the Ordinance calls for gravel when more than four lots connect to a private street.

There was discussion regarding moving the easement and the actual frontage.

Mr. Barrett said if the easement could be adjusted, the variance wouldn't be necessary. He said that the Class C Street could serve lots 2, 3 and 4.

A motion was made by Chair McNeill and seconded by Mr. Turner to follow the staff recommendation and grant the variance. The motion failed with a three to three vote. In favor were Chair McNeill and Messrs. McLaurin and Turner. In opposition were Vice-Chair Morris and Messrs. Averette and Mullinax.

**A motion was made by Vice-Chair Morris and seconded by Mr. Mullinax to not grant the variance and refer the case back to staff to resolve.**

Mr. Lloyd said that the applicant could take the road to the third lot, and then if the fifth lot is developed, he'd have to put gravel in.

**The motion, it passed four to two with Vice-Chair Morris and Messrs. Averette, McLaurin and Mullinax in favor and Chair McNeill and Mr. Turner in opposition.**

#### VIII. DISCUSSION

##### A. REPORT FROM THE LAND USE CODES COMMITTEE—DAVID AVERETTE

Mr. Averette said that the Committee met prior to the Planning Board meeting and would continue the meeting on August 3, 2004 at 6:00 p.m.

##### B. CANCELLATION OF AUGUST 3, 2004 MEETING

Chair McNeill said that there is no business scheduled for the August 3, 2004 meeting, so it would be cancelled, and the Land Use Codes Committee would meet on that evening.

##### C. WELCOME NEW MEMBER—ROY TURNER

Chair McNeill and the members and staff welcomed the new member representing the County—Roy Turner.

#### IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:10 p.m.

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Dr. Marion Gillis-Olson  
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August 12, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR AUGUST 17, 2004 MEETING

P04-53: REZONING OF 2.27 ACRES FROM R6A TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2625 GILLESPIE STREET, OWNED BY MANILAL P. PATEL.

The Planning staff recommends approval of the C(P) Planned Commercial District based on the finding that the uses allowed in the C(P) District are compatible with the land use and development in the area.

The Planning staff finds that the subject property is also suitable for the C1 District.

**SITE PROFILE**  
**P04-53**

REZONING OF 2.27 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2625 GILLESPIE STREET, OWNED BY MANILAL P. PATEL.

**Site Information:**

**Applicant/Owner:** HARKISAN DHANDHA / MANILAL P. PATEL

**Area:** 2.276 acres

**Frontage & Location:** 464 feet on Gillespie Street

**Depth:** 179 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Rental property

**Initial Zoning:** March 15, 1979 (Area 6)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-R10, R6A, C(P), C1, HS(P), M(P), East-R10, R6A, R5A, South and West-R10, R6A, C(P), HS(P), M(P)

**Surrounding Land Use:** Apartments, quadplex, motor company, headquarters, mobile home park (2), manufactured home business (2), motel (2), machine shop and open storage

**2010 Land Use Plan:** Medium 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:** PWC / Septic tank (PWC Sewer available over 1,000 feet)

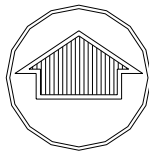
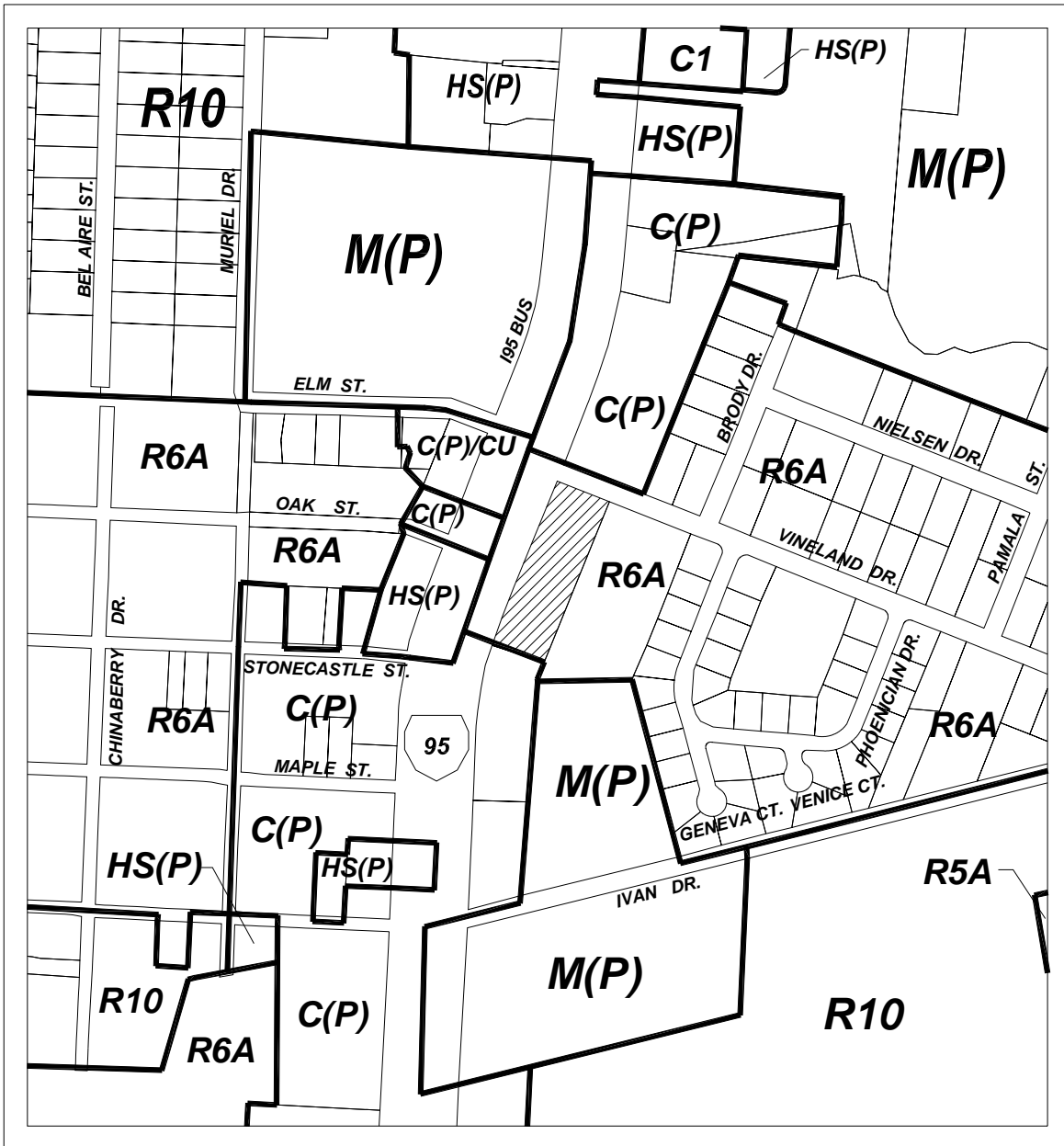
**School, Capacity/Enrollment:** Cashwell Elementary 450/628, South View Middle 743/962, South View High 1715/1911

**Subdivisions:** Recombination will be required.

**Thoroughfare Plan:** US Hwy 301 South is a major Thoroughfare with an adequate 100-foot right-of-way. Road improvements are not included in the 04-10 MTIP.

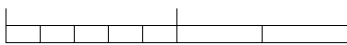
**Average Daily Traffic Count (2000):** 20,000 on Gillespie Street

**Notes:**



NORTH

500 0 500



SCALE IN FEET

## REQUESTED REZONING: R6A TO C(P)

ACREAGE: 2.27 AC.±

HEARING NO: P04-53

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

**Clifton McNeill, Jr.**  
**Chair**  
**Cumberland County**

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## **COUNTY of CUMBERLAND**

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MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR AUGUST 17, 2004 MEETING

P04-55: REZONING OF 1.02 ACRES FROM C3 TO R6, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 715 WEST MOUNTAIN DRIVE, OWNED BY JAMES AND CYNTHIA MCDUFFIE.

The Planning staff recommends approval of the R6 Residential District based on the finding that the 2010 Land Use Plan calls for medium-density residential development at this location.

The Planning staff finds that the subject property is also suitable for the R6A Residential District.

**SITE PROFILE**  
**P04-55**

REZONING OF 1.02 ACRES FROM C3 TO R6 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 715 WEST MOUNTAIN DRIVE, OWNED BY JAMES AND CYNTHIA MCDUFFIE.

**Site Information:**

**Applicant/Owner:** JAMES AND CYNTHIA MCDUFFIE

**Area:** 1.02 acres

**Frontage & Location:** 210 feet on West Mountain Drive

**Depth:** 235 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Residential

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

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-R6, R6A, R6/CUO, C1, C3, Fayetteville city limits, East-R6, C3, city limits, South-R10, R6, R6A, R5A, C1, C3, M(P) and West-R6, R6A, C1, C3, M(P), M2

**Surrounding Land Use:** Bingo parlor, no name commercial, pest control, garbage service, fit-all business, electric company, and mobile home park (2)

**2010 Land Use Plan:** Medium 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 – PWC water and sewer available

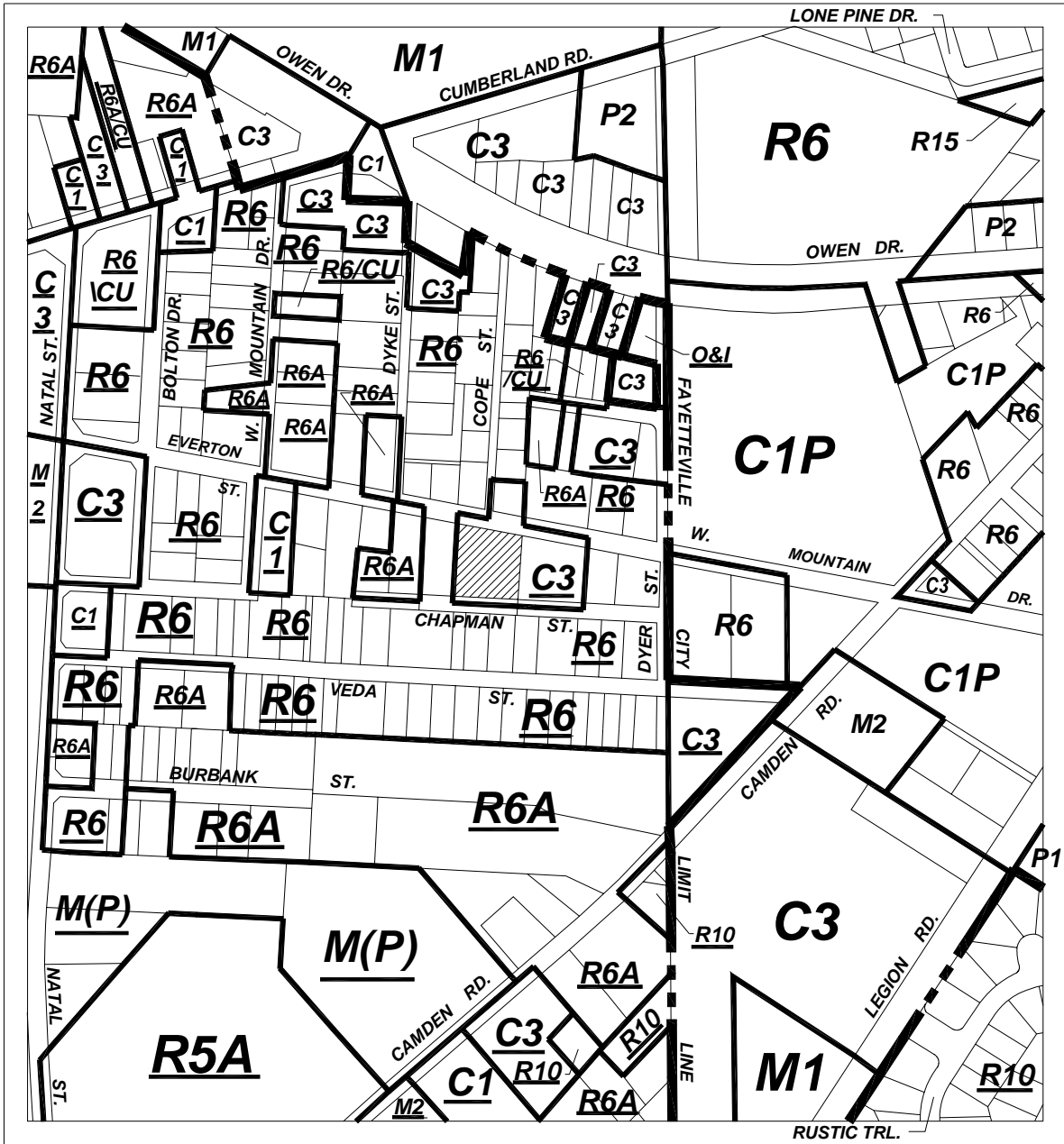
**School, Capacity/Enrollment:** Cumberland Road Elementary 377/411, Ireland Drive Middle 378/395, Douglas Byrd Middle 711/766, Douglas Byrd High 1320/1365

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

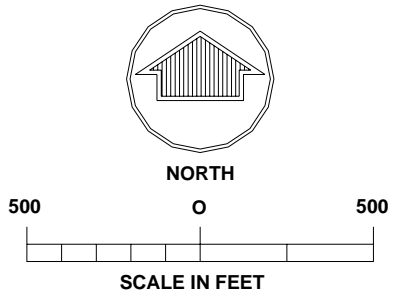
**Average Daily Traffic Count (2000):** 1,400 on West Mountain Drive

**Notes:**

Density w/o 20%: R6 – 7 units



## REQUESTED REZONING C3 TO R6



ACREAGE: 1.02 AC.±		HEARING NO: P04-55	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0426-50-7502

WD



Clifton McNeill, Jr.  
Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

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

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

August 12, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR AUGUST 17, 2004 MEETING

P04-57: REZONING OF .96 ACRES FROM C(P) TO R6A, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 2591 CUMBERLAND CREEK DRIVE, SUBMITTED BY JULIAN T. MANN, JR.

The Planning staff recommends approval of the R6A Residential District based on the fact that the 2010 Land Use Plan calls for medium-density residential development at this location.

The Planning staff finds that the subject property is also suitable for the R6 Residential and O&I Office and Institutional Districts.

**SITE PROFILE**  
**P04-57**

REZONING OF .96 ACRES FROM C(P) TO R6A, AT 2591 CUMBERLAND CREEK DRIVE, SUBMITTED BY JULIAN T. MANN, JR.

**Site Information:**

**Applicant/Owner:** JULIAN T. MANN, JR. / HTM INVESTMENTS

**Area:** .96 acres

**Frontage & Location:** 318 feet on Cumberland Road

**Depth:** 194 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

**Initial Zoning:** August 1, 1975 (Area 3)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-RR, PND, R6A, Fayetteville city limits, East-R6A, C1, Hope Mills city limits, South-CD, R6A, city limits and West-PND, R6A, C(P), M2

**Surrounding Land Use:** Enterprise company, child care, condominiums, no name mobile home park, painting and pest control, law firm and church

**2010 Land Use Plan:** Medium 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:** PWC / PWC

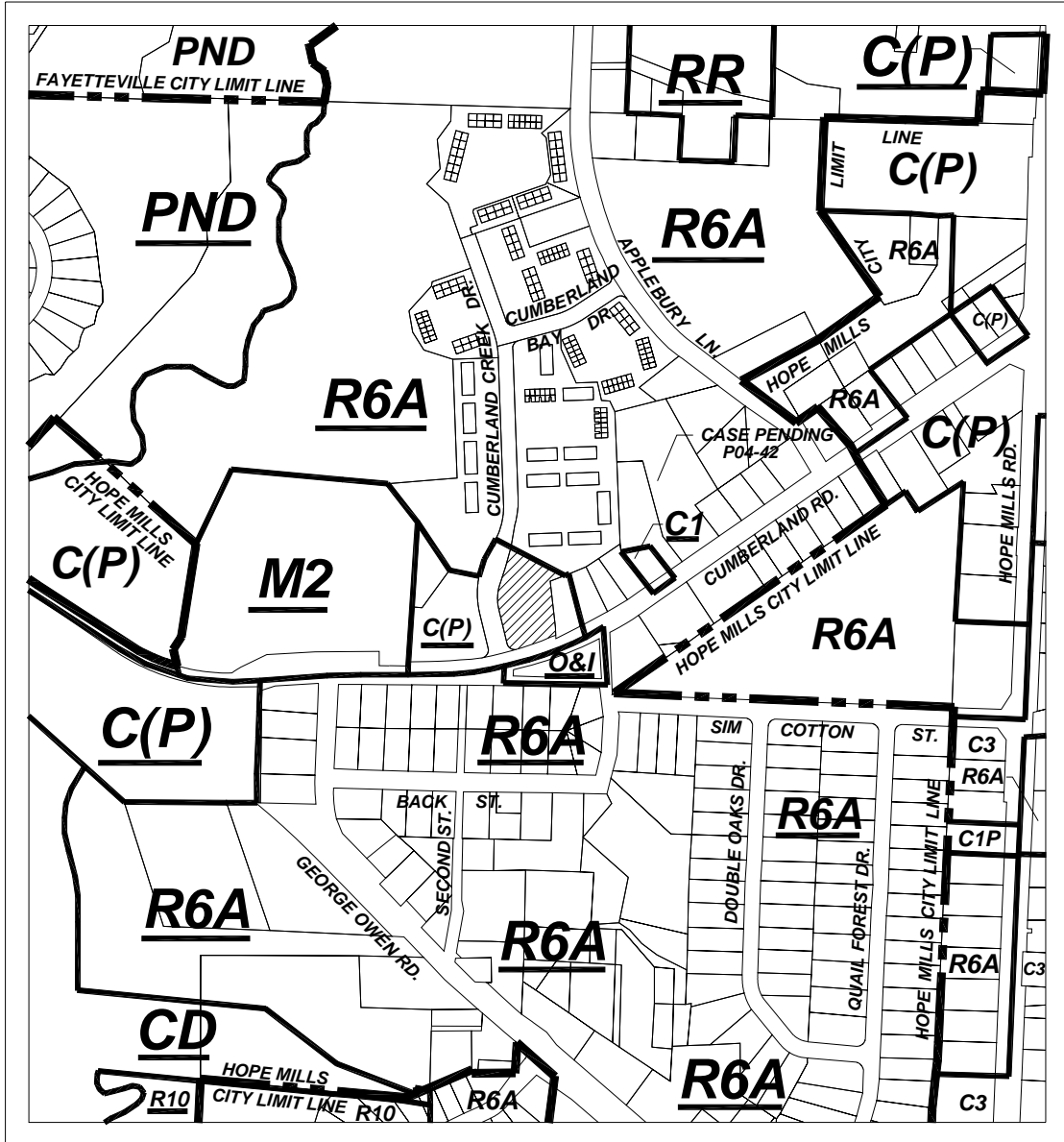
**School, Capacity/Enrollment:** Cumberland Mills 567/553, Ireland Drive Middle 378/395, Douglas Byrd Middle 711/766, Douglas Byrd High 1320/1365

**Thoroughfare Plan:** Cumberland Road is identified as a Major Thoroughfare with a current adequate 110-foot right-of-way.

**Average Daily Traffic Count (2000):** 16,000 on Cumberland Road

**Notes:**

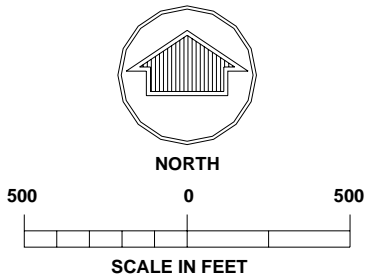
Density w/o 20% at Zero Lot Line: R6A – 9 units



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

**ACREAGE: 0.96 AC.±      HEARING NO: P04-57**

ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		



PIN: 0405-85-1991

AF

Clifton McNeill, Jr.  
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Cumberland County



## COUNTY of CUMBERLAND

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Town of Spring Lake  
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Wade, Falcon & Godwin  
Vacant  
Town of Stedman

August 12, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR AUGUST 17, 2004 MEETING

P04-23: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A CONVENIENCE STORE, CAR WASH, MINI-WAREHOUSING AND OUTDOOR STORAGE ON 5.91 ACRES IN AN A1 DISTRICT AT 3125 CHICKEN FOOT ROAD, SUBMITTED BY ROBERT M. BENNETT.

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 for all uses except outdoor storage 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 found that outdoor storage could substantially injure the value of adjoining or abutting property and is not in harmony with the area in which it is to be located.

The following conditions are recommended:

1. An opaque vegetative six-foot buffer around the perimeter of the proposed fence as shown on the site plan (except the gate) is required. The six-foot height is to be reached within three years.
2. All lighting is to be directed inward and away from surrounding properties.
3. One sign per establishment is allowed, not to exceed 50-square feet. The signs are to meet the locational criteria allowed in the C1 Local Business District.
4. The hours of operation are to be 6:00 a.m. until 12:00 midnight, Monday through Saturday and 12:00 noon until 10:00 p.m. on Sunday.
5. Maximum number of employees is to be eight.
6. Nineteen parking spaces will be provided with one loading space.

**SITE PROFILE**  
**P04-23**

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A CONVENIENCE STORE, CAR WASH, MINI-WAREHOUSING AND OUTDOOR STORAGE ON 5.91 ACRES IN AN A1 DISTRICT, AT 3125 CHICKEN FOOT ROAD, SUBMITTED BY ROBERT M. BENNETT.

**Site Information:**

**Applicant/Owner:** ROBERT M. BENNETT

**Area:** 5.91 acres

**Frontage & Location:** 590 feet on Chicken Foot Road

**Depth:** 203 feet

**Jurisdiction:** County

**Adjacent Property:** None

**Current Use:** Agricultural

**Initial Zoning:** June 25, 1980 (Area 13)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** Primarily A1 with R40A to the East

**Surrounding Land Use:** Vacant commercial and abandoned school

**2010 Land Use Plan:** Farmland

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

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** No

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

**Schools:** Gallberry Farm Elementary 901/950, Grays Creek Middle 450/536, Grays Creek High 1000/970

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

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

**Notes:**

1. Convenience store with gasoline sales, car wash, indoor and outdoor self storage for RV's, trailers, boats, vehicles, etc.
2. Hours of operation: 6:00 am to 12:00 pm, Monday thru Saturday and 12:00 pm to 10:00 pm, Sunday.
3. Employees: 8
4. Parking: 19 spaces, 1 loading space
5. Lighting to be directed inward
6. Signage: In accordance with the Zoning Ordinance

NOTE: NCDOT will require closing of the house driveway.

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 3125 Chicken Foot Rd  
(Street address or Route and Box #, and Zip Code)  
Located on NE corner of Chicken Foot  
an School Roads  
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0431-32-4901  
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 1 Frontage 587 feet Depth 372 Containing 5.91 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: O M NAIMH  
SHIVAAY, LLC  
as evidenced by deed from Linda F. Canady Davis, et al.  
as recorded in Deed Book 6580, Page(s) 127, Cumberland County Registry.

\*\*\*\*\*  
It is requested that the foregoing property be rezoned as Conditional Use Overlay District from A-1 to A-1 with Conditional Use.  
\*\*\*\*\*

Proposed use of property requested for Conditional Use: Convenience Store with Gasoline, Car Wash and Self Storage  
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.)

Convenience store with  
Gasoline, car wash and  
self storage to include  
outdoor storage of RV's, trailers, boats, vehicles, etc.

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

The convenience of these  
facilities will be beneficial  
to the population of this  
area. Neighborhood stores  
and storage facilities are  
compatible in all districts

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

N/A

2. Dimensional Requirements:

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

See site plan for  
setbacks

- B. Off-street parking and loading.

19 parking spaces and one  
loading space.



3. Sign Requirements: J

A. Reference district sign regulations proposed from Section 9.4.

All signs will be in accordance with the County sign regulations

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.

Days: M-Sa: 6:00 AM - 12:00 PM

SU: 12:00 PM - 10:00 PM

No. of Employees: 8 (max at any time)

Lighting: Appropriate standards

Noise, Odor and Smoke will be insignificant

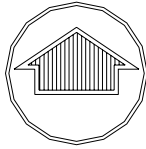
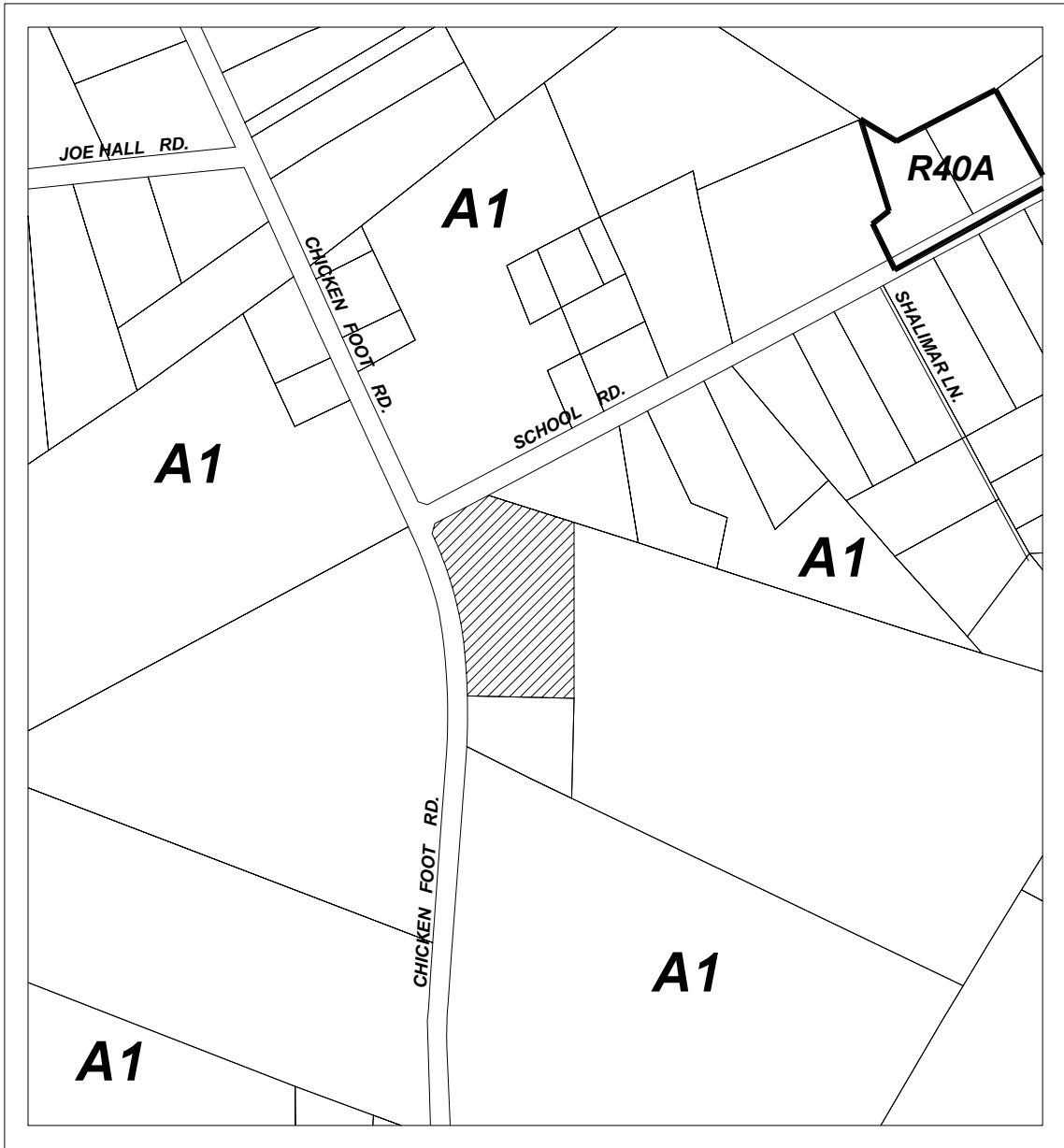
5. Site Plan Requirements:

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.

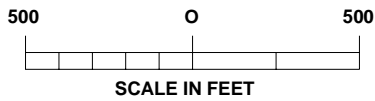
6. Acknowledgement:

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.





NORTH

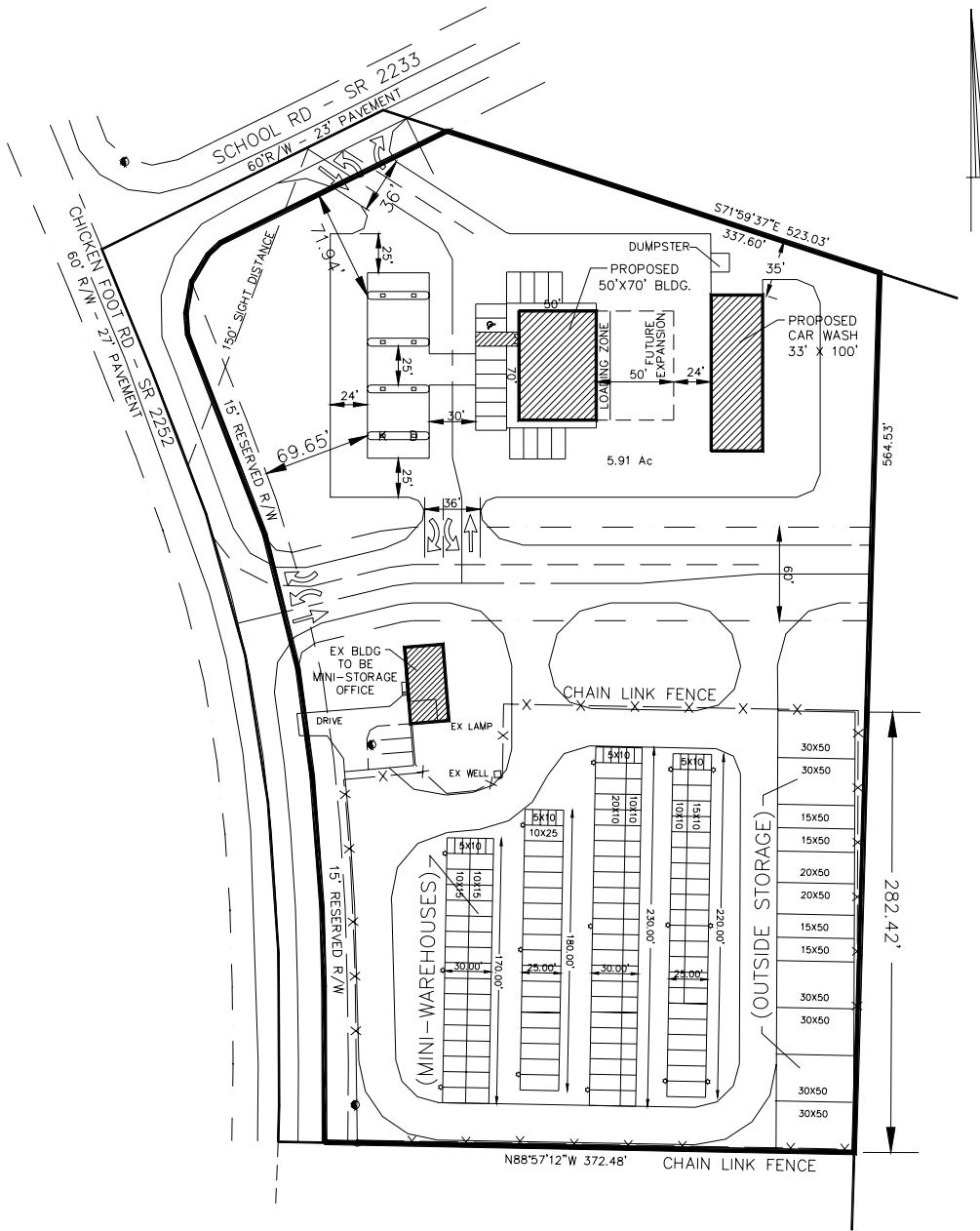


## CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 5.91 AC. ±		HEARING NO: P04-23	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PORT. OF PIN: 0431-32-4901

WD



**CONDITIONAL USE OVERLAY DISTRICT**  
 CASE: P04-23 SCALE: 1"=100' ZONED: A1  
 REQUEST: TO ALLOW A CONVENIENCE STORE,  
 CAR WASH, MINI-WAREHOUSING & OUTDOOR STORAGE  
 PARKING: AS SHOWN

Clifton McNeill, Jr.  
Chair  
Cumberland County

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



**COUNTY of CUMBERLAND**  
*Planning and Inspections Department*

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Town of Spring Lake  
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Wade, Falcon & Godwin  
Vacant  
Town of Stedman

August 12, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR AUGUST 17, 2004 MEETING

P04-54: REZONING OF FOUR PARCELS TOTALLING 149.01 ACRES FROM A1 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, SOUTH OF UNDERWOOD ROAD, EAST OF RIVER ROAD, SUBMITTED BY JOHN KOENIG.

The Planning staff recommends denial of the R10 Residential District and approval of the R20 Residential District based on the following:

1. Water and sewer are proposed to be available to the site; and
2. With the onset of sewer, this area is suitable for higher density development.

Note: The Eastover Land Use Plan recommended one-acre lots for this tract; however, the availability of sewer was not taken into account when the Plan was approved.

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

## SITE PROFILE

### P04-54

REZONING OF FOUR PARCELS TOTALLING 149.01 ACRES FROM A1 TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF UNDERWOOD ROAD, EAST OF RIVER ROAD, SUBMITTED BY JOHN KOENIG.

#### **Site Information:**

**Applicant/Owner:** JOHN KOENIG / GILBERT M. AND JANIE S. SMITH, CATHERINE D. ARMITAGE

**Area:** 149.01 feet

**Frontage & Location:** 2,200 feet on Underwood Road, 900 feet on Middle Road

**Depth:** 3,800 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Wooded and cleared land

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

**Previous Zoning Action(s):** None

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

**Surrounding Land Use:** Soybean company

**Eastover Land Use Plan:** One Acre Residential and Open Space

**Designated 100-Year Floodplain or Floodway:** At or above 84 MSL, back water effects along Gum Log Canal.

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC / PWC – working with the developer to provide sewer service.

**School, Capacity/Enrollment:** Armstrong Elementary 498/401, Mac Williams Middle 1218/1167, Cape Fear High 1415/1511

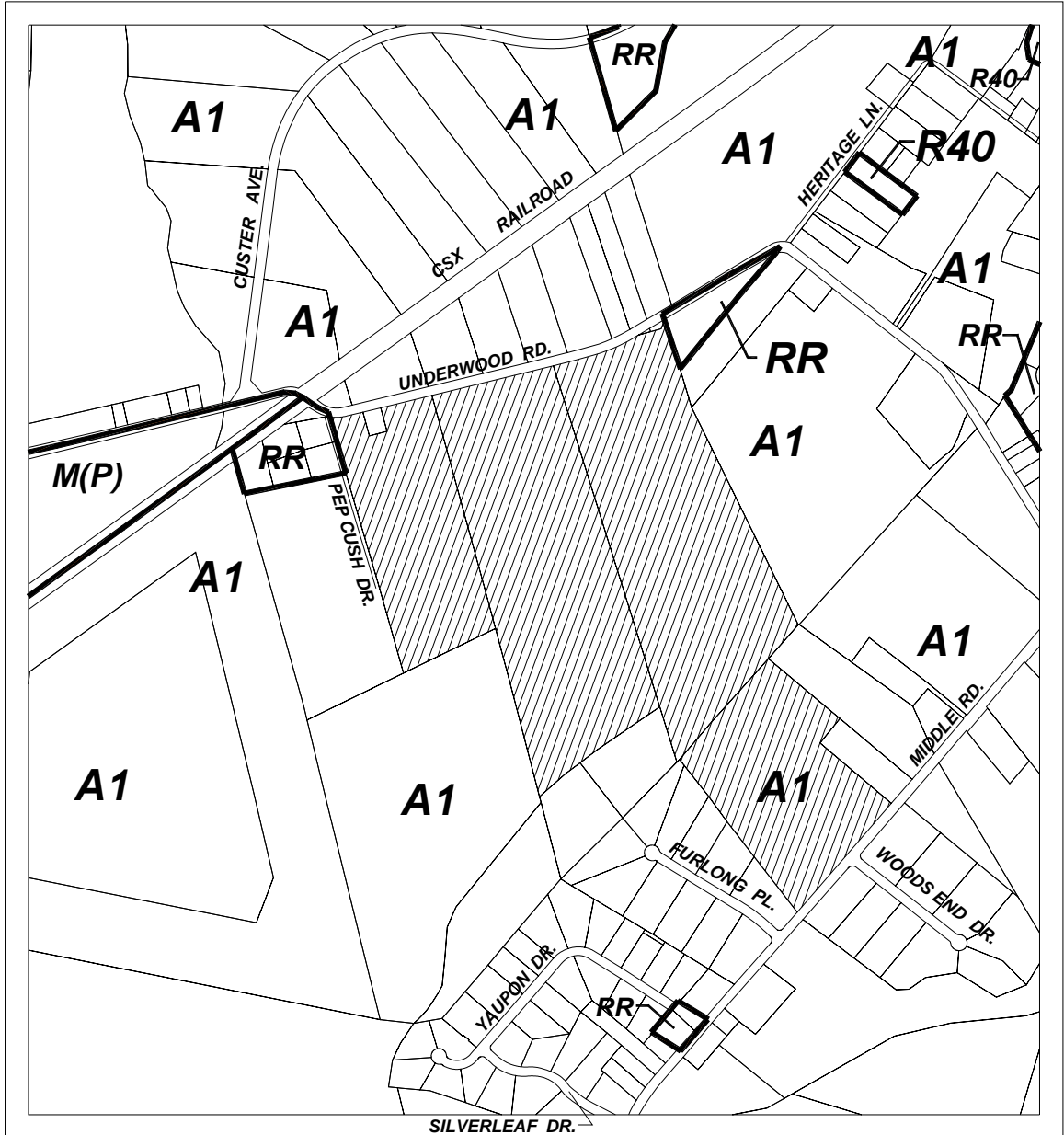
**Subdivisions:** Recombination will be required.

**Thoroughfare Plan:** Middle Road is identified as a Major Thoroughfare with a current adequate 90-foot right-of-way. No road improvements are included in the 04-10 MTIP.

**Average Daily Traffic Count (2000):** 2,000 on Middle Road

#### **Notes:**

Density w/20% for roads:	<u>Single Family</u>	<u>Group Development</u>
	A1 – 59 lots	A1 – 59 lots
	R40 – 129 lots	R40 – 129 lots
	RR – 259 lots	RR – 259 lots
	R15 – 346 lots	R15 – 346 lots
	R10 – 519 lots	R10 – 692 lots

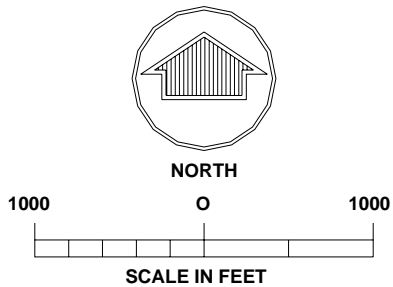


SILVERLEAF DR.

## REQUESTED REZONING: A1 TO R10

**ACREAGE: 149.01 AC. ±      HEARING NO: P04-54**

ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		



PINs: 0448-86-1513,-9258,-96-7572, 0458-04-4981

WD

Clifton McNeill, Jr.  
Chair  
Cumberland County

Charles C. Morris, Vice-Chair  
Town of Linden  
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Vacant  
Town of Stedman

August 12, 2004

MEMO TO: PLANNING BOARD  
FROM: PLANNING STAFF  
SUBJECT: STAFF RECOMMENDATIONS  
FOR AUGUST 17, 2004 MEETING

P04-56: REZONING OF 1.64 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1542 CLIFTON MCNEIL ROAD, OWNED BY GERALD N. MINNICH.

The Planning staff recommends denial of the RR Rural Residential District and approval of the R40A Residential District based on the following:

1. The 2010 Land Use Plan calls for low-density residential development at this location;
2. The uses allowed in the R40 District are compatible with the land use and development in the area; and
3. Rezoning to the R40 District will allow a second structure as a group development, but will not allow the creation of a second lot.

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

## SITE PROFILE

### P04-56

REZONING OF 1.64 ACRES FROM A1 TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1542 CLIFTON MCNEIL ROAD, OWNED BY GERALD N. MINNICH.

#### **Site Information:**

**Applicant/Owner:** GERALD N. MINNICH

**Area:** 1.64 acres

**Frontage & Location:** 577 feet on Clifton McNeil Road

**Depth:** 197 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** June 25, 1980 (Area 13)

**Previous Zoning Action(s):** None

**Surrounding Zoning:** North-A1, R15, R10/CUO, East-A1, A1/CUO, South-A1, R40, and West-A1, R40A, R6/CUO

**Surrounding Land Use:** 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

**School, Capacity/Enrollment:** Gallberry Farm Elementary 901/950, Grays Creek Middle 450/536, Grays Creek High 1000/970

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

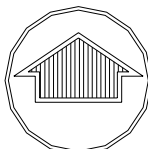
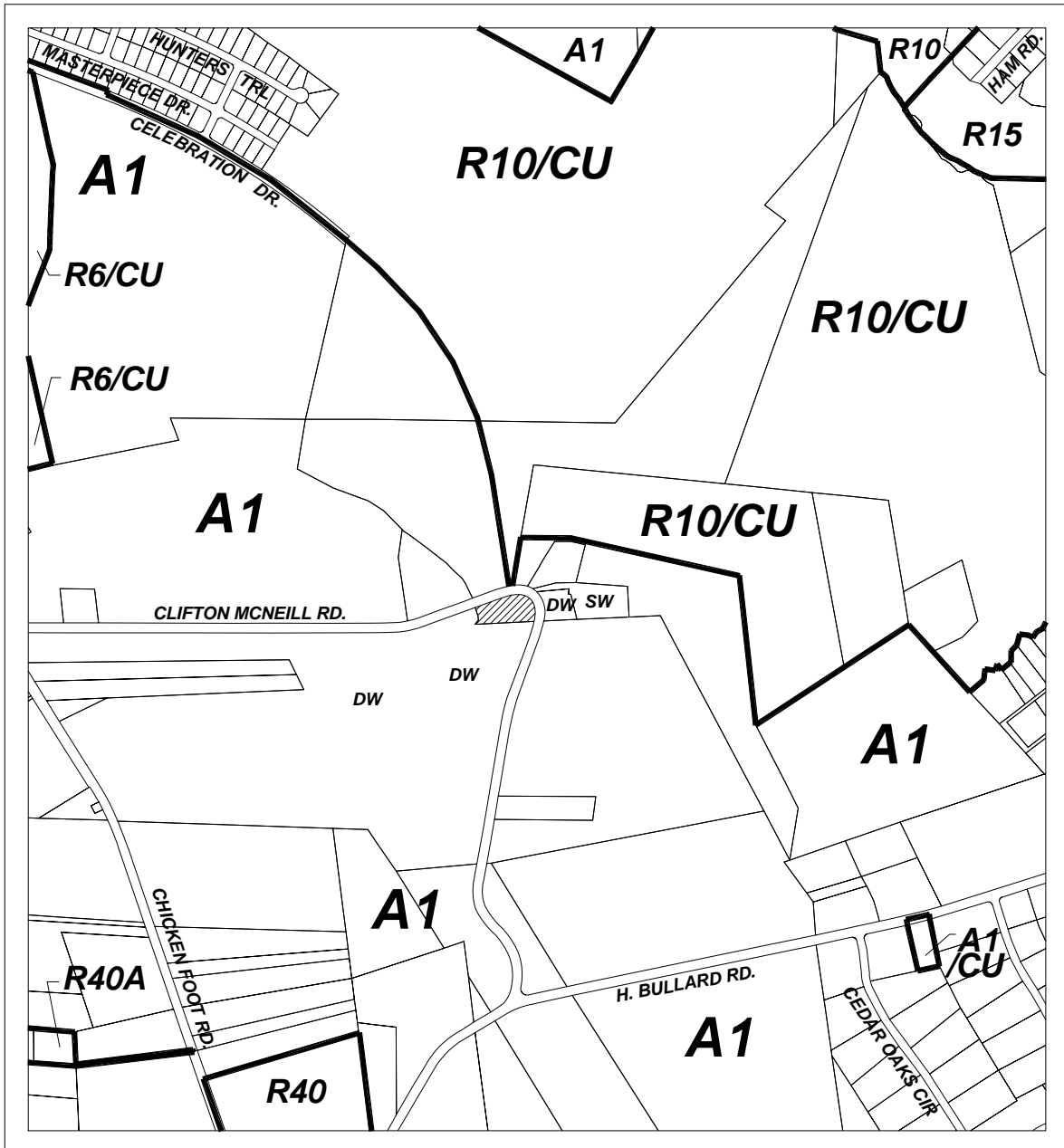
**Average Daily Traffic Count (2000):** 110 on Clifton McNeil Road

#### **Notes:**

Density w/o 20%:     A1 – 1 lot

                              R40 – 1 lot

                              RR – 3 lots



NORTH

1000 0 1000



SCALE IN FEET

## REQUESTED REZONING: A1 TO RR

**ACREAGE: 1.64 AC.±      HEARING NO: P04-56**

**ORDINANCE: COUNTY      HEARING DATE      ACTION**

**PLANNING BOARD**

**GOVERNING BOARD**