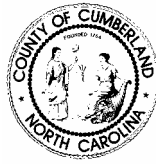


Clifton McNeill, Jr.,
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
John M. Gillis, Jr.,
Dr. Marion Gillis-Olison
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

January 14, 2004

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Nancy Roy
SUBJECT: January 20, 2004 Meeting

The next scheduled meeting of the Cumberland County Joint Planning Board will be held on **Tuesday, January 20, 7:00 p.m.** in Public Hearing Room #3 of the Historic County Courthouse at 130 Gillespie Street. You will find the following information included in your packet.

1. Tentative Agenda for the January 20, 2004 Meeting
2. Minutes of our January 6, 2004 Meeting
3. Materials pertaining to Cases P04-01 through PO4-04, PO4-06, PO4-07, PO4-11 and PO3-97

Should you have any questions about the enclosed information, please do not hesitate to call. I look forward to seeing you on January 20th.

Clifton McNeill, Jr.
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Cumberland County

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Town of Linden
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Dr. Marion Gillis-Olion
Cumberland County



COUNTY of CUMBERLAND

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Frank Underwood,
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TENTATIVE AGENDA
January 20, 2004
Historic Courthouse

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF AGENDA/ADDITIONAL ITEMS
- III. PUBLIC HEARING DEFERRALS
 - A. P04-05: REZONING OF .56 ACRES FROM RR TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2643 LAKEVIEW DRIVE, OWNED BY ROSINA NEWTON.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF JANUARY 6, 2004

AMENDMENT

 - A. P04-01: REVISION AND AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE TEXT, ARTICLE III, SECTION 3.1, TABLE 1-D PERMITTED USES BY ADDING "PUBLIC OR PRIVATE OWNED AND OPERATED MUSEUMS", AND DELETING IN TABLE 1-A PERMITTED USES, PUBLIC AGENCY OWNED AND OPERATED "MUSEUMS".

REZONING CASES

 - A. P04-02: REZONING OF .28 ACRES FROM R6A TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4429 CUMBERLAND ROAD, OWNED BY CURTIS B. HATCHER.
 - B. P04-04: REZONING OF .40 ACRES FROM R6 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3221 NATAL STREET, OWNED BY BILLIE J. AND WILLIAM D. DAVIS.
 - C. P04-07: REZONING OF .31 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5000 CUMBERLAND ROAD, OWNED BY MANN AND BYRD, LLC.

CONDITIONAL USE CASES

- A. P03-97: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW USED CAR SALES, CAR REPAIRS AND AN OFFICE IN AN R10 DISTRICT, ON .46 ACRES, AT 5843 PERMASTONE LAKE ROAD, OWNED BY RONALD D. AND WANDA J. WALKER.
- B. P04-11: A CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW MINI-STORAGE UNITS AND RV/BOAT STORAGE IN A R6 DISTRICT CONTAINING 18.61 ACRES, OWNED BY BONE CREEK INVESTMENTS, LLC.

VII. PUBLIC HEARING ITEMS

- A. P03-85: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT ON 1.14 ACRES, IN AN A1 DISTRICT, AT 5694 MATT HAIR ROAD, OWNED BY JOHN R. LEBLANC.
- B. P04-03: REZONING OF 23.8 ACRES FROM A1, RR AND C1/CUO TO C1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4793 SOUTH NC HWY 87, OWNED BY J. FRANKLIN JOHNSON III.
- C. P04-06: REZONING OF 106.6 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE SOUTHWEST QUADRANT OF BUTLER NURSERY AND MARSH ROADS, OWNED BY CUMBERLAND GROUP, LLC.

VIII. DISCUSSION

- A. REPORT FROM LAND USE CODES COMMITTEE—JOHN GILLIS

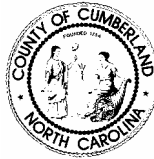
IX. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

X. ADJOURNMENT

Clifton McNeill, Jr.
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Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
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Town of Spring Lake
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Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

Joint Planning Board

MINUTES
January 6, 2004

Members Present

Mr. Clifton McNeill, Chair
Mr. Charles Morris, Vice-Chair
Mr. David Averette
Mr. John M. Gillis
Mr. Donovan McLaurin
Dr. Marion Gillis-Olion
Mr. Frankie Underwood

Others Present

Ms. Nancy Roy, Director
Ms. J. Hope Barnhart
Ms. Maurizia Chapman
Mr. Will A. Denning
Ms. Dana Stoojenke
Mr. Joel Strickland
Ms. Barbara Swilley

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

Ms. Roy introduced Mr. Joel Strickland, the newest member of staff, working in the Transportation Section.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

A motion was made by Mr. Mullinax and seconded by Mr. Gillis to approve the Agenda as presented. The motion passed unanimously. Dr. Olion was not present for the vote.

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

Ms. Roy explained the Board's policy regarding public hearing time limits.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF DECEMBER 16, 2003

A motion was made by Mr. Morris and seconded by Mr. Mullinax to approve the Minutes of December 16, 2003 as written. The motion passed unanimously. Dr. Olion was not present for the vote.

B. WADE STUDY AREA DETAILED LAND USE PLAN

Mr. Denning reviewed the maps containing the boundaries of the Wade Plan and proposed land use for the area. Mr. Denning indicated the various designated areas: one-acre residential lots, low-, medium- and suburban-density areas, planned industrial, office and institutional, farmland, commercial and open space. He also pointed out the streams and canals and pedestrian linkages and reviewed the Plan's recommended protection of each.

Mr. Joe Dixon, spokesperson for the Wade Citizen Group, said that the Plan should benefit the Town of Wade and express appreciation for the time that staff and the Board have put into the creation of the Plan.

Mr. Russell McLaurin, Wade resident, asked for explanations of the changes made to the originally proposed conversancy district along the Cape Fear River and designated industrial areas. Mr. Denning said that the changes were made after the Comprehensive Planning Committee reviewed the Plan and determined that the area between River Road and the Cape Fear River was a critical area, and it would be wise to keep industry east of the river. Another area originally designated for industrial use was deleted because when the original recommendation was made, it looked unlikely that sewer would be extended to the area, and that has changed. He said that a developer is planning to bring in sewer and develop the area. Mr. Denning also noted that the canal serves as a good buffer, and the developer asked that the property be zoned for residential use.

Chair McNeill added that the Committee felt that breaking the industrial site boundary at the canal was better planning than weaving it in and out of the homes in the area.

Mr. McLaurin said that in the original plan, industrial was all through the city limits and throughout an area recently zoned for residential use containing a church, residences and a trailer park and not feasible for industrial use.

Chair McNeill asked for an explanation of the various residential recommendations. Mr. Denning said that they consist of one-acre lots, suburban with two units per acre, low-density allows up to five units per acre, and farmland will allow one unit per two acres.

The public hearing was closed.

A motion was made by Mr. Underwood and seconded by Mr. Morris to approve the Wade Study Area Detailed Land Use Plan and forward it to the Town of Wade and County Commissioners for further action. The motion passed unanimously.

Chair McNeill announced that the Plan will go before the Commissioners on February 17, 2004.

VII. PRESENTATIONS

A. CITY OF FAYETTEVILLE PLANNING INFORMATION

Mr. David Nash, Planner for the City of Fayetteville, presented information on the following topics to the Board: 1) Change in development standards; 1) Changes in buffering requirements; and 3) Steps in preparation for annexation.

Mr. Nash said that the City met with representatives of the development community to hear their concerns about City standards. He said that they suggested that the City reexamine their standards and consider what Cumberland and the surrounding counties are doing. He said the City reassessed their standards: 1) in order to assure that new development continues to occur within the City; 2) to ensure that the regulations aren't so strict that they discourage development; and 3) to make sure that infrastructure is in place before development and to tighten drainage requirements.

Regarding curb and gutters, the City currently requires rolled concrete on all. They propose to change this based on density as is done in the County and would require that less than five units per acre use asphalt curb and gutter and five or more units per acre have rolled concrete curb and gutter.

Mr. Nash said that the sidewalk regulations will also be changed. He said that they are currently required on internal and abutting streets. Currently sidewalks are required on one side for all streets in a subdivision except cul-de-sacs. The proposal will again be based on density and require sidewalks on neighborhood collector streets only with five or less units per acre and follow the current requirements on subdivisions containing five or more units. The proposal will again be similar to what the County now requires. Mr. Nash explained that external or abutting streets (DOT paved streets) are currently required to have sidewalks. The proposal will be to require sidewalks only if the street contains curb and gutter.

Regarding drainage, Mr. Nash said that they City currently uses "best management practices" as a guide. He said that the proposal is to better define the term and provide developers with a standard set of plans for them to follow. He said that the proposals were made to provide the developers more flexibility and options and to tighten drainage requirements.

Mr. Nash reported that the Planning Commission considered the proposals on December 16, and they will be presented to the City Council on January 12. They may choose to adopt the standards, ask for further study or take no action at all.

Regarding buffering requirements, Mr. Nash said that they are looking at the buffering of commercial properties from residential use. He said that currently a six-foot solid fence is required between nonresidential and residential properties with the setback requirements. He said that there is no current requirement on driveways, parking lots and accessory buildings, and the proposal will cut down on the negative impact of these. He said that the proposal will be to establish a buffer area to cover driveways, accessory buildings and parking lots not within the setbacks. He said that the "buffer area" will have clearly spelled out screening requirements. He said that no paving, parking or accessory buildings will be allowed, and grass will be well kept and free of litter. Mr. Nash acknowledged that this will make it difficult to develop for commercial use on smaller lots.

Mr. Nash reported that on the large annexation area, historically the City has adopted the closest possibly zoning to the current zoning; however, the City doesn't have A1, RR or CD districts, so they will have to create new districts to allow the uses, and they should be finished by June 30.

Ms. Roy said that this will be an opportunity for the City and County to look at each other's standards and work together so as not to reinvent the wheel.

Mr. Averette said that a 100-foot lot would not allow the proposals for buffering. Mr. Nash said that it depends on the setbacks. Ms. Roy said that the buffering will be required only on lots abutting residential property.

Mr. Averette asked if the City has estimates on the increased costs to develop with the proposals for buffering and storm water. Mr. Nash said that he hasn't heard of any research on this. Mr. Averette said no one is thinking about the average citizen—the proposals are geared to the upper economic level. Mr. Nash said if the work is done up front, it will be less costly because it will eliminate the need to retrofit. Mr. Averette pointed out that it would add \$3,000 to \$4,000 to the cost of each new home and added that the only way to do it would be through subsidizing.

Mr. Gillis said that the City included the developers on the meetings regarding changes in the development requirements, but buffering was not addressed. He said that the latest Homebuilders' newsletter said that the median price of a home in the City jumped \$2,500 and eliminated 500 to 600 people from becoming property owners based on income. He said that housing costs continue to escalate with the additional requirements, and unless median income keeps pace, a large segment of the population is being eliminated from home ownership.

B. WORK PRIORITIES

Ms. Roy said that nine months ago the Board had a goal setting session, and it is time to review some of the work done. The three main goals from the session were: 1) Zoning Ordinance rewrite; 2) County-wide Land Use Plan update; and 3) Makeup of the Board (joint planning with the City). She said on these important issues, the Board is on target.

In addition, three issues were addressed at the session: 1) Transportation; 2) Land Use; and 3) Water and Sewer.

Ms. Maurizia Chapman spoke on the **Transportation** issues in the County and said that the Transportation Section is working on nearly all of the areas that the board expressed concerns regarding. She said that they assisted with the planning process on the Wade Detailed Land Use Study. She said that Highway 13 is going to be a busy road once the Outer Loop is completed. Ms. Chapman said that the Rural Planning Organization (RPO) plans for the area outside of the Metropolitan Planning Organization (MPO) for Bladen, Harnett, Sampson and Cumberland Counties. She said that the RPO submitted Highway 13 from the Outer Loop through Sampson County for the Transportation Improvement Program. She said that activity nodes are planned along the Outer Loop. Regarding the Highway 24 Expansion included in the Stedman Land Use Plan, it has been included in the meetings in Raleigh. She said that the Transportation Advisory Committee (TAC) has adopted a

policy that each time a road is widened, the first choice will be a four-lane divided boulevard as Highway 87 North in Spring Lake is to be. She said that the Transportation Section is looking at beautification of major corridors leading into the City. She said regarding the condition of roads within the County, Mr. Lloyd is addressing the private streets, and a master list has been created of public roads to be paved. She said that the MPO requested that the State consider placing sidewalks on new streets and improved roads. Ms. Chapman said that the Section is updating the Congestion Management Plan, and a computerized signal light system will be helpful. She said that they are continuing to work on Air Quality strategies—Fayetteville Transit is looking at reducing delays and extending the hours of service and routes. She said that a shuttle was provided from the mall to Fort Bragg during the Christmas holidays, and they are looking at providing this service throughout the year. She said that a main focus is to reduce congestion and improve air quality. Ms. Chapman said that \$301,000 in funding has been provided for FY2004 to help people without privately owned vehicles. She said that they are developing a database with these people and where they need to go and establishing a resource library. She said that the Community Transportation System motto is “a key to independence.”

Ms. Roy reported that regarding **Land Use**, there has been some progress in the creation of a new Land Use Plan for the entire County. She said that she and Jimmy Teal gave a presentation to the City/County Liaison Committee on Extra Territorial Jurisdictions, Municipal Influence Areas and Urban Services Areas, and another joint presentation is planned for the next meeting. She said if planning is performed jointly, there should still be separate zoning.

She said that the staff is updating the current Zoning Ordinance, and she and John Gillis created a very ambitious schedule to complete the update by the end of the fiscal year. She said three sections are ready for the Land Use Codes Committee, and they are currently working on density transfer options and mixed use. Ms. Roy added that the staff is also looking at an update of the Subdivision Ordinance with a focus on Conditional Uses and the Permitting process and how to enforce them. She said that Mr. Lloyd is proposing a reorganization to make sure that conditions on Conditional Use Permits are enforced. She added that the staff is also improving customer services.

Mr. Gillis said that possibly some synergy can take place because of annexation. He said that some City changes will align more closely with the County, and we need to make sure that our mixed use districts are similar to those in the City.

Mr. Tom Cooney, Public Utility Director, reported on **Water and Sewer** issues in the County. He said that his goal is to provide as much water and sewer to the County as possible. He said that the Commissioners authorized two County water districts, one in Linden and one in Vander. He said that the Linden project is moving forward; however, the Vander project is nearly dead in the water because many leaders in the area already have water through PWC. He said that he may try to extend lines. He said that Eastover has their own separate system and may extend. Mr. Cooney said that grant money has been received for Kelly Hills, and construction is to begin in March or April. He said that a petition for the Windridge Subdivision for water is to go before the Commissioners in March.

VIII. DISCUSSION

A. UPDATE ON COMPREHENSIVE PLANNING COMMITTEE—JOE MULLINAX

Mr. Mullinax reported that the Comprehensive Planning Committee met prior to the Planning Board meeting and approved a resolution to establish a Farmland Advisory Committee and submit it to the Commissioners.

The Committee motion to approve the resolution regarding the establishment of a Farmland Advisory Committee and submit it to the Commissioners was voted upon and passed unanimously.

Mr. Mullinax said that the Committee recessed until the call of the Moderator. He added that when Ms. Roy takes the resolution to the Commissioners, she will offer for the Comprehensive Planning Committee to work with the Farmland Advisory Committee to establish their bylaws.

B. LAND USE CODES COMMITTEE—JOHN GILLIS

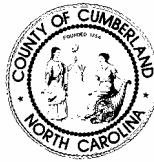
Mr. Gillis reported that the Land Use Codes Committee would meet on January 20 at 6:00 p.m. to begin work on the Ordinance Revisions. He said that they would begin with the ground rules and definitions. He said that there will probably be flexibility with the meetings and the City, developers and other stakeholders would be invited to meetings when pertinent.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 8:30 p.m.

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
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Cumberland County



COUNTY of CUMBERLAND

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Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

January 15, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
JANUARY 20, 2004 MEETING

P04-01: REVISION AND AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE TEXT, ARTICLE III, SECTION 3.1, TABLE 1-D PERMITTED USES BY ADDING "PUBLIC OR PRIVATE OWNED AND OPERATED MUSEUMS", AND DELETING IN TABLE 1-A PERMITTED USES, PUBLIC AGENCY OWNED AND OPERATED "MUSEUMS".

The Planning staff recommends approval of the Amendment to the Town of Stedman Zoning Ordinance based on this being a request from the Town of Stedman.

AMENDMENT

P04-01

REVISION AND AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE TEXT, ARTICLE III, SECTION 3.1, TABLE 1-D PERMITTED USES BY ADDING “PUBLIC OR PRIVATE OWNED AND OPERATED MUSEUMS”, AND DELETING IN TABLE 1-A PERMITTED USES, PUBLIC AGENCY OWNED AND OPERATED “MUSEUMS”.

AMEND THE TOWN OF STEDMAN ZONING ORDINANCE, ARTICLE III, SECTION 3.1, TABLE 1-D PERMITTED USES BY INSERTING IN ALPHABETICAL ORDER:

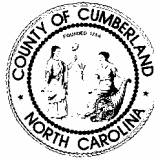
Public or private owned and operated museums.

AND BY DELETING IN TABLE 1-A PERMITTED USES THE FOLLOWING WORDS IN ITALICS:

Public agency owned and operated recreation, such as neighborhood center buildings, parks, *museums*, playgrounds and similar facilities.

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Town of Stedman

January 15, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
JANUARY 20, 2004 MEETING

P04-02: REZONING OF .28 ACRES FROM R6A TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4429 CUMBERLAND ROAD, OWNED BY CURTIS B. HATCHER.

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

1. The uses allowed in the C3 District are consistent with the character of the neighborhood; and
2. The C3 District is consistent with existing zoning in the area.

The Planning staff finds that the subject property is also suitable for all of the intervening districts except the HS(P) Planned Highway District.

SITE PROFILE

P04-02

REZONING OF .28 ACRES FROM R6A TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4429 CUMBERLAND ROAD, OWNED BY CURTIS B. HATCHER.

Site Information:

Applicant/Owner: CURTIS B. HATCHER

Area: .28 acres

Frontage & Location: 40 feet on Cumberland Road

Depth: 230 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: November 17, 1975 (Area 4)

Previous Zoning Action(s): None

Surrounding Zoning: North-R10, R6A, C1/CUO, C3, Fayetteville City Limits, East –RR, R10, R6A, C1 and C3, South-R10 and R6A, West-R10, R6A, C1, C(P) and C3

Surrounding Land Use: Home work center, commercial business, narrow way, club, commercial business, motor company, motorcycle shop, chassis repair, variety shop, barber shop, thrift store, auto repair and sales, health care, roofing business, church, 2 duplexes and 1 triplex

2010 Land Use Plan: Light Commercial

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: None

Within Area Considered for Annexation: No

Street Designation: Cumberland Road Study calls for Light Commercial

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

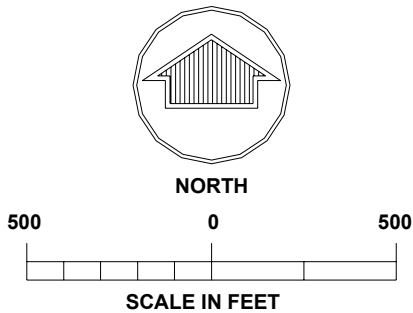
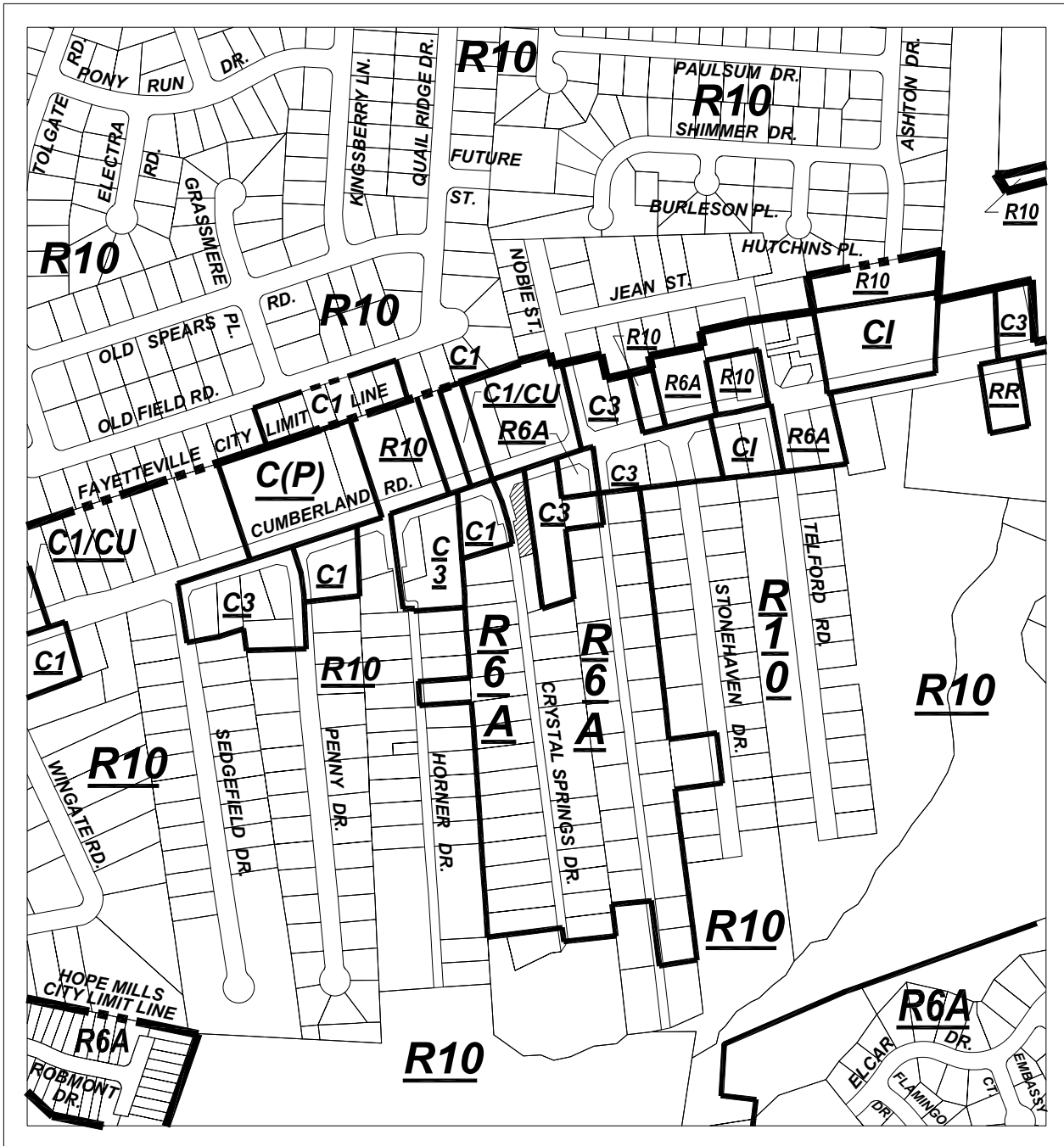
Water/Sewer Availability: PWC / Septic Tank-Sewer exists on Nobie Street

Schools: Cumberland Mills Elementary, Ireland Drive Middle, Douglas Byrd Middle and High

Thoroughfare Plan: Cumberland Road is identified as a Major Thoroughfare. Widening is currently under construction. It has a current adequate 110 foot right-of-way. Road improvements are included in the 04-10 MTIP.

Average Daily Traffic Count (2000): 20,000 on Cumberland Road

Notes:



REQUESTED REZONING: R6A TO C3

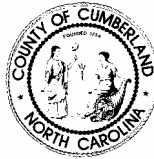
ACREAGE: 0.28 AC.±	HEARING NO: P04-02	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN:0415-28-9250

AF

Clifton McNeill, Jr.
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Cumberland County

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January 15, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
JANUARY 20, 2004 MEETING

P04-04: REZONING OF .40 ACRES FROM R6 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3221 NATAL STREET, OWNED BY BILLIE J. AND WILLIAM D. DAVIS.

The Planning staff recommends approval of the R6A Residential District based on the following:

1. The 2010 Land Use Plan calls for medium-density residential development at this location;
2. The uses allowed in the R6A District are consistent with the character of the neighborhood; and
3. The R6A District is consistent with the existing zoning in the area.

SITE PROFILE

P04-04

REZONING OF .40 ACRES FROM R6 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3221 NATAL STREET, OWNED BY BILLIE J. AND WILLIAM D. DAVIS.

Site Information:

Applicant/Owner: BILLIE J. AND WILLIAM D. DAVIS

Area: .40 acres

Frontage & Location: 134 feet on Natal Street

Depth: 127 feet

Jurisdiction: County

Adjacent Property: None

Current Use: Residential

Initial Zoning: November 17, 1975 (Area 4)

Previous Zoning Action(s): None

Surrounding Zoning: North-R10, R6, R6/CUO, R6A, C1, C3, M1 and M2, East-R10, R6, R6A, M(P), South-R10, R6, R5A, C1, C(P), C3, M(P), M2, West-R10, R6A and M(P)

Surrounding Land Use: Heating/air conditioning business, puralator, church, supply company, bread company, cleaning company

2010 Land Use Plan: Medium Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: No

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Schools: Cumberland Road Elementary, Ireland Drive Middle, Douglas Byrd Middle and High

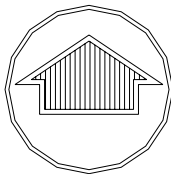
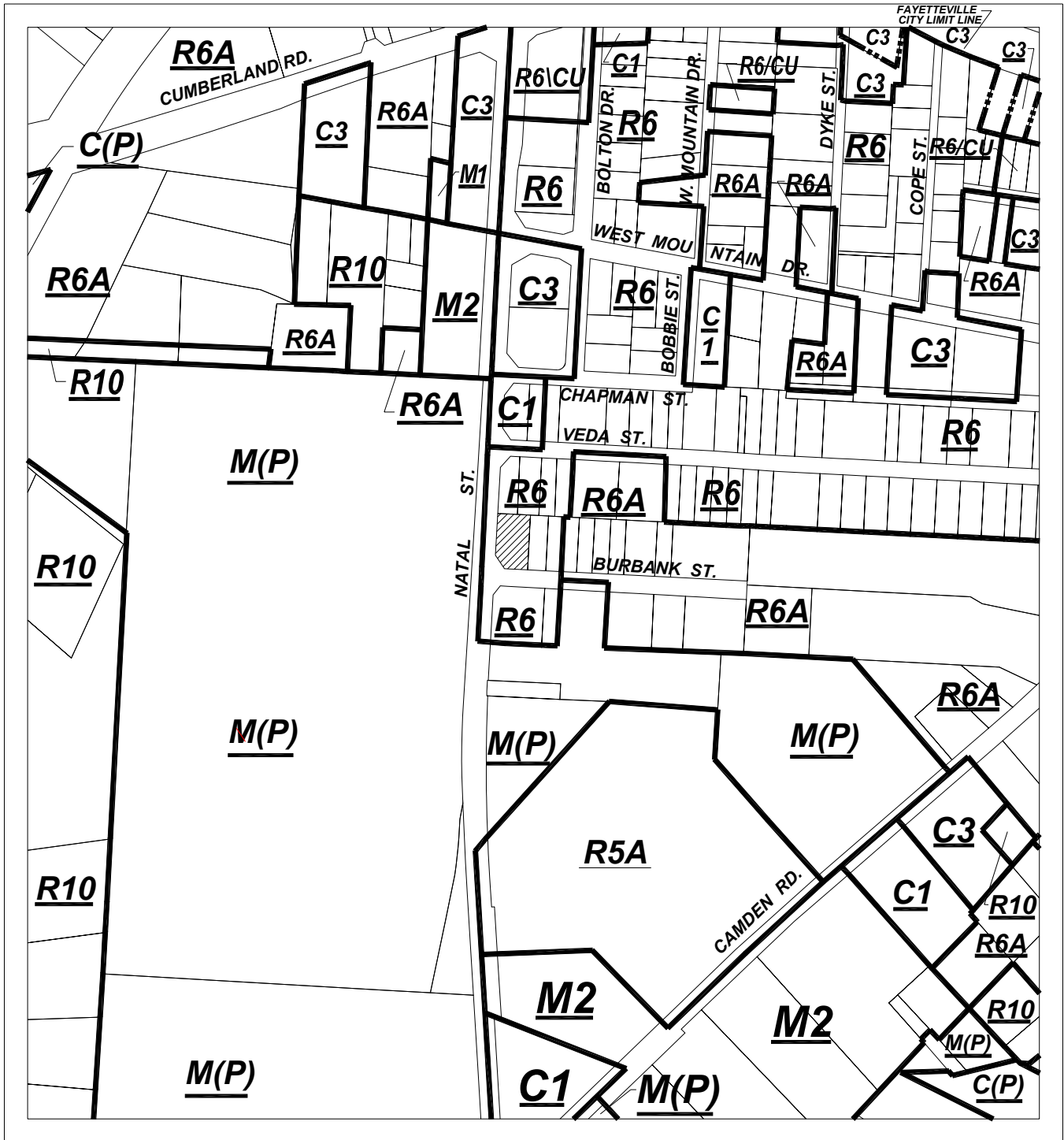
Subdivisions: A group development may be needed.

Thoroughfare Plan: Natal Road is identified as a Major Thoroughfare. Widening is currently under construction. It has a current adequate 100 foot right-of-way. Road improvements are included in the 04-10 MTIP.

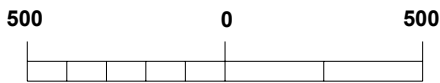
Average Daily Traffic Count (2000): 15,000 on Natal Street

Notes:

Density w/o 20% for roads: R6A – 3 units



NORTH



SCALE IN FEET

REQUESTED REZONING: R6 TO R6A

ACREAGE: 0.40 AC.±	HEARING NO: P04-04	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

Clifton McNeill, Jr.
Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections

Nancy Roy, AICP
Director
Planning & Inspections

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

January 15, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
JANUARY 20, 2004 MEETING

P04-07: REZONING OF .31 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5000 CUMBERLAND ROAD, OWNED BY MANN AND BYRD, LLC.

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

1. The uses allowed in the C(P) District are consistent with the character of the neighborhood; and
2. The C(P) District is consistent with the existing zoning in the area.

The Planning staff finds that the subject property is suitable for all intervening districts except the HS(P) Planned Highway and PND Planned Neighborhood Districts.

SITE PROFILE

P04-07

REZONING OF .31 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5000 CUMBERLAND ROAD, OWNED BY MANN AND BYRD, LLC.

Site Information:

Applicant/Owner: MANN AND BYRD, LLC

Area: .31 acres

Frontage & Location: 94 feet on Cumberland Road

Depth: 184 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: August 1, 1975 (Area 3)

Previous Zoning Action(s): None

Surrounding Zoning: North-PND, R6A, East-R6A, C1 and Hope Mills city limit, South-R6A and Hope Mills city limit, West-R6A, C(P) and M2

Surrounding Land Use: Mobile home park, apartments, enterprise business, child care, law firm, paint company, pest control and church.

2010 Land Use Plan: Medium Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: No

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

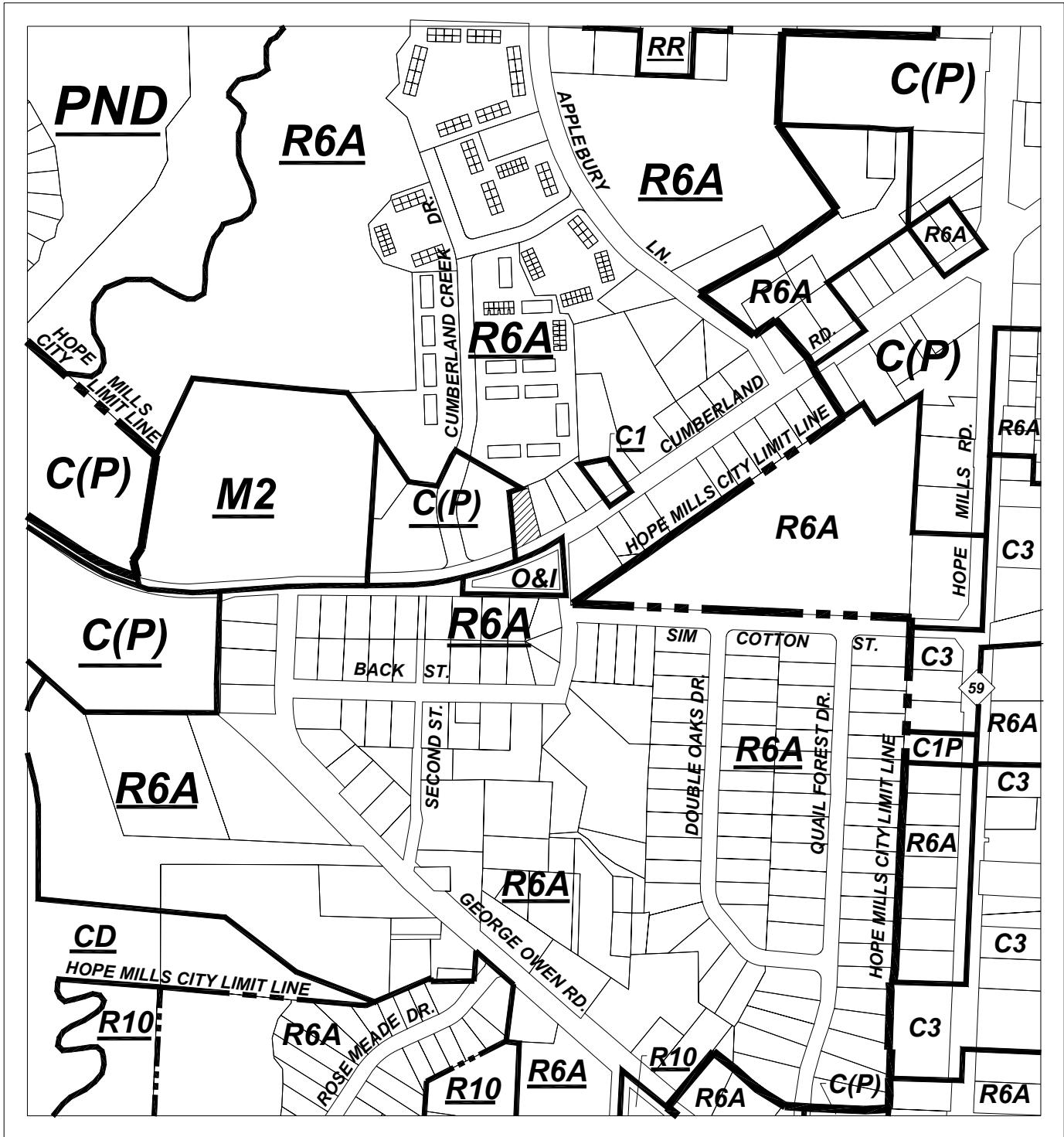
Schools: Cumberland Mills Elementary, Ireland Drive Middle, Douglas Byrd Middle and High

Subdivisions:

Thoroughfare Plan: Cumberland Road is identified as a Major Thoroughfare. This is a widening project with right-of-way acquisition scheduled for 2004. It has a current adequate 110 foot right-of-way. Road improvements are included in the 04-10 MTIP.

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

Notes:



REQUESTED REZONING: R6A TO C(P)

ACREAGE: 0.31 AC.±

HEARING NO: P04-07

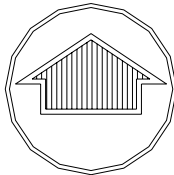
ORDINANCE: COUNTY

HEARING DATE

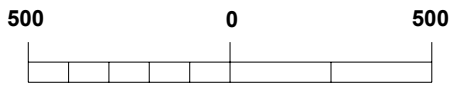
ACTION

PLANNING BOARD

GOVERNING BOARD



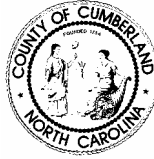
NORTH



SCALE IN FEET

Clifton McNeill, Jr.
Chair
Cumberland County

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



COUNTY of CUMBERLAND

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Town of Spring Lake
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Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

January 15, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
JANUARY 20, 2004 MEETING

P03-97: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW USED CAR SALES, CAR REPAIRS AND AN OFFICE IN AN R10 DISTRICT, ON .46 ACRES, AT 5843 PERMASTONE LAKE ROAD, OWNED BY RONALD D. AND WANDA J. WALKER.

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
5. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

The Planning staff recommends that the following conditions be placed on the Conditional Use Overlay Permit:

1. No more than three vehicles used in conjunction with car sales and service are to be allowed on the site at one time;
2. Auto repair is to be made to only the vehicles currently being sold;
3. No unlicensed vehicles are allowed on the site;
4. All lighting is to be directed inward away from adjoining properties;
5. Buffering is to be in accordance with the application and site plan submitted by the applicant;
6. Two parking spaces are allowed for customers; and
7. Applicant is required to either obtain Zero Lot Line Subdivision approval or go before the Cumberland County Board of Adjustment for approval of a setback variance and then obtain a No Approval Required Subdivision.

SITE PROFILE
P03-97

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW USED CAR SALES, CAR REPAIRS AND AN OFFICE IN AN R10 DISTRICT, ON .46 ACRES, AT 5843 PERMASTONE LAKE ROAD, OWNED BY RONALD D. AND WANDA J. WALKER.

Site Information:

Applicant/Owner: RONALD D. AND WANDA J. WALKER

Area: .46 acres

Frontage & Location: 65 feet on Permastone Lake Road

Depth: 200 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Residence

Initial Zoning: February 3, 1977 (Area 7)

Previous Zoning Action(s): None

Surrounding Zoning: CD, R10 and Hope Mills city limit

Surrounding Land Use: Beach recreation

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: PWC available on Golfview Rd and sewer exists along adjacent property, using well / Septic Tank

Schools: C. Wayne Collier Elementary, Hope Mills Middle, South View High

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

Notes:

1. Hours of operation: 9am-5pm, Monday thru Friday and 9am-2pm on Saturday.
2. Employees – none
3. Vehicles sold onsite – 3 to 5
4. Lighting – Night light on front and rear of metal building
5. Buffering – 7ft privacy fence and 10ft vegetative buffering - to be installed .
6. Signage IAW the Zoning Ordinance.
7. Parking – 2 spaces

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: 5843 PermaStone Lake Rd, Hope Mills, NC 28348
(Street address or Route and Box #, and Zip Code)

Located on PERDINSTONE Lake Rd off of Golfview Rd towards Fantasy Lake
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0404-71-7002-
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567), 46.

Lot(s) # _____ Frontage 65 ft. 99.85 feet Depth 210.16 Containing .45 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: Ronald D & Wandra J Walker
as evidenced by deed from State of N.C. Cumberland County
as recorded in Deed Book 4353, Page(s) 409, Cumberland County Registry.

It is requested that the foregoing property be rezoned as Conditional Use Overlay District from R10 to R10/CU Conditional Use.

Proposed use of property requested for Conditional Use: used car sales w/office & some repair work,

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.

Existing use of the property (Residential, commercial and specify any structures and respective uses):

Truck service garage, sign painting shop, cabinet making shop, new personal auto use.

NOTE: These are past uses. They are no longer in operation.

Water Provider (Existing or Proposed):

Well PWC _____ Community Water _____ (Name)

Septage Disposal Provided by: Septic Tank PWC _____

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.)

Used Car Sales



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

SEE ATTACHMENT A

- 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.

N/A

- B. Off-street parking and loading.

2 Spaces

Justification

ATTACHMENT A

143

Will sell used autos to the local community and any one else. Can sell to the public and local people that know me, and have gotten autos from me in the past years. They trust me, and can buy in confidence. I will be here to solve any problems they may have

I have lived in this community for 23 years. I need to be near my wife all of the time, as she is not in the best of health.

I will display the autos in a nice, neat order.

I have the land and building here and can't afford to go else where to rent a car lot.

I am 68 years old retired, and raising two grand children ages 13-15 year olds I need the extra income

I will install the smallest sign required by state laws. I will obey all laws of County & state. Will do nothing to down grade the community.

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

Same as R10

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.

of Employees, cars, etc.

SEE ATTACHMENT B

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.

Make Sure you show a

Solid Buffer

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.

ATTACHMENT B

Miscellaneous

Employees. My self the owner

CARS. 3-5 autos

Hours of operation - 9AM-5PM Mon-Friday
9AM-2PM Saturday
Closed Sunday

Exterior Lighting - Night light front & rear
30x60 metal building. Been
on building since 1955

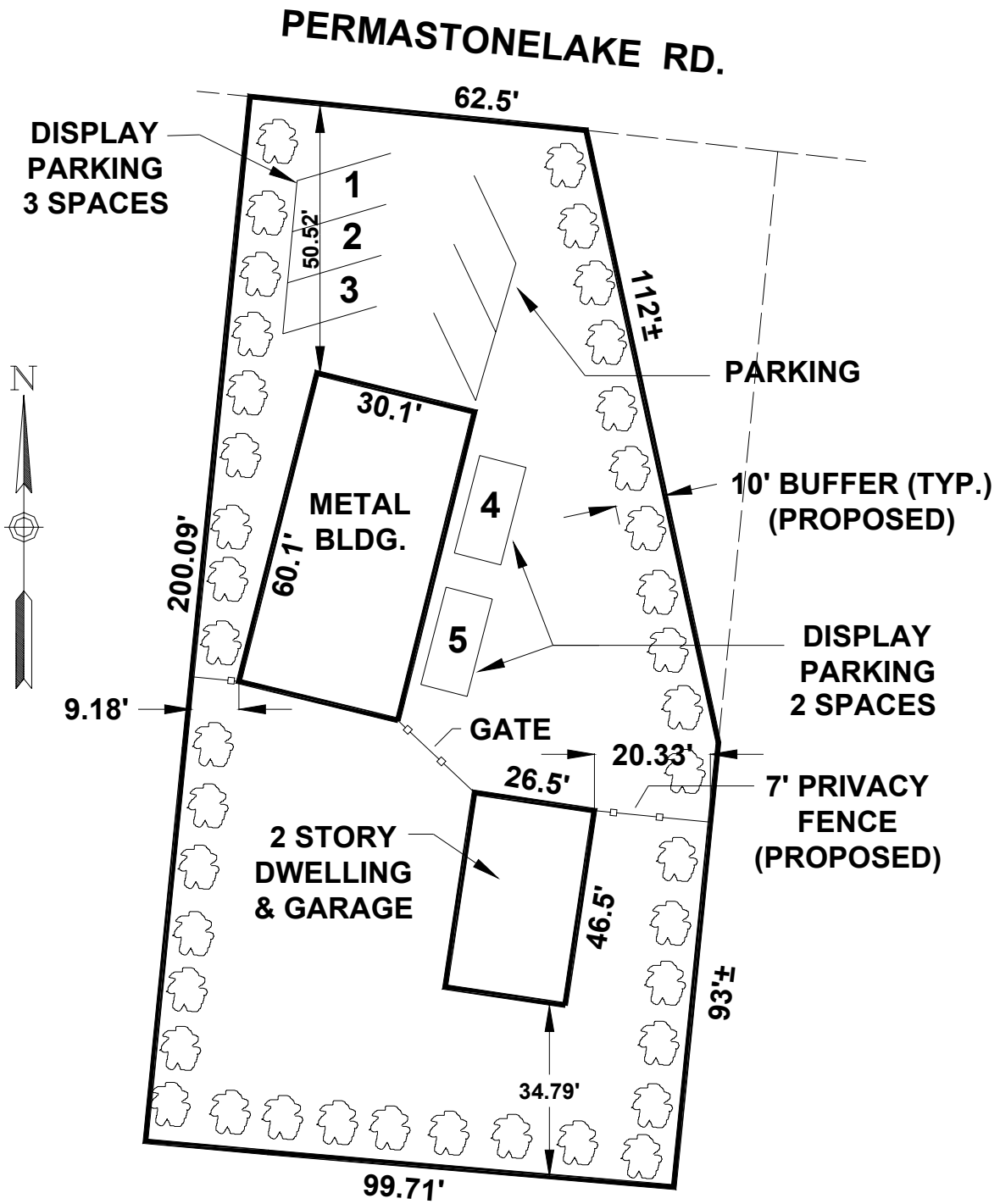
No noise from load autos or people

No outside burning or fires, or
offensive odors.

Fence will be installed at back of
metal 30x60 building and sides of
2 story dwelling 26.5' x 45.5', the fence
will be 7ft high privacy fence.

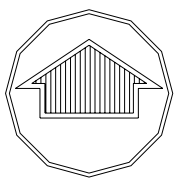
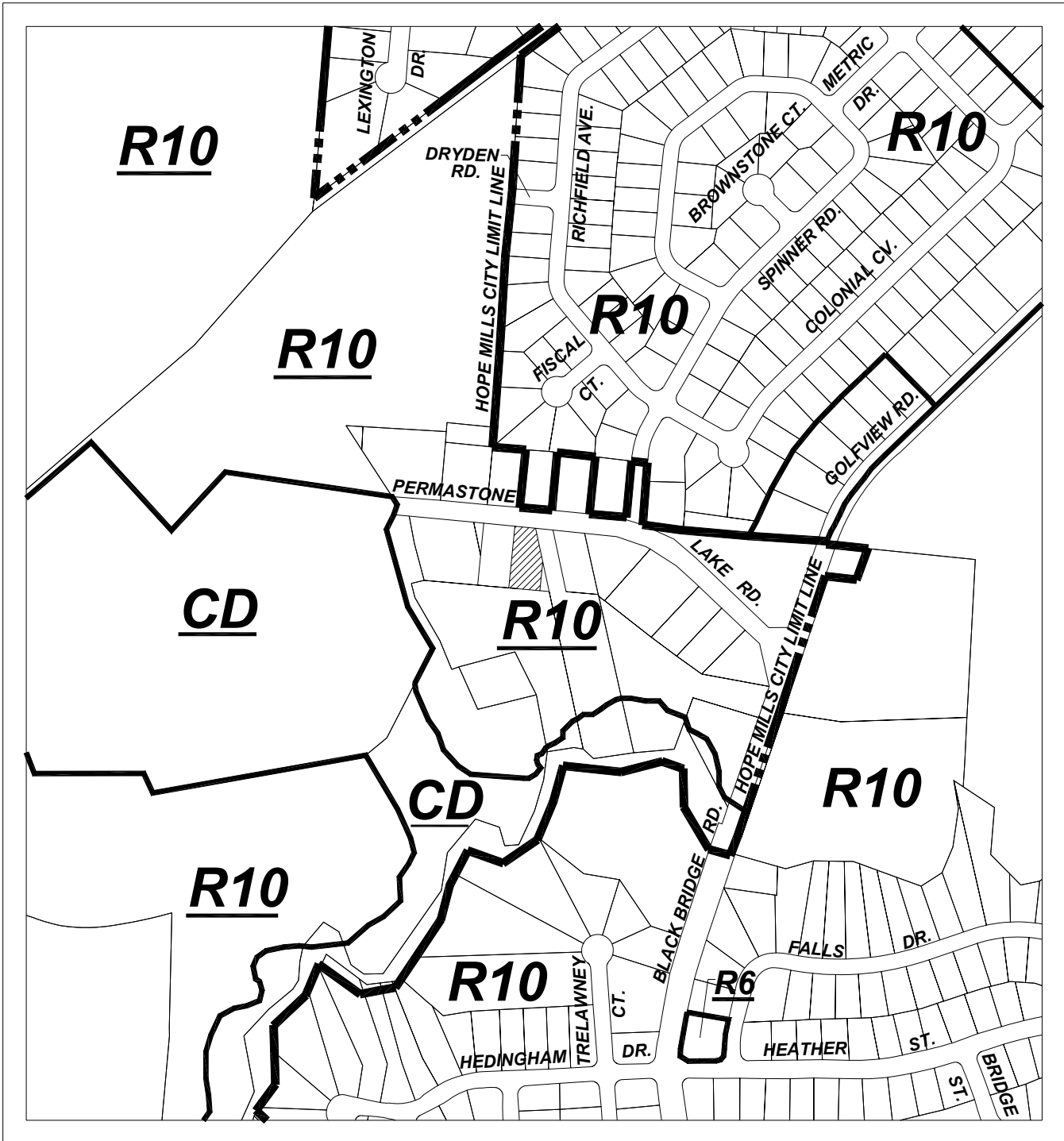
Will work with the community to
take care of any problems they may
have toward the auto sales.

There will be 2 spaces for off street
parking and unloading

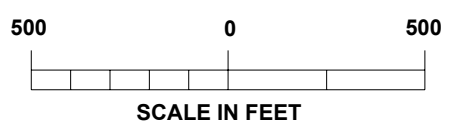


CONDITIONAL USE OVERLAY

CASE: P03-97 ACREAGE: 0.46± ZONED: R10
REQUEST: TO ALLOW USED CAR SALES, CAR
REPAIRS, AND AN OFFICE. SCALE: 1"= 30'
PARKING: AS SHOWN



NORTH



CONDITIONAL USE OVERLAY DISTRICT REQUEST

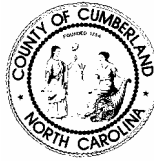
ACREAGE: 0.46 AC.±		HEARING NO: P03-97	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN:0404-71-7502

AF

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
John M. Gillis, Jr.
Dr. Marion Gillis-Olison
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COUNTY of CUMBERLAND

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Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

January 15, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
JANUARY 20, 2004 MEETING

P04-11: A CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW MINI-STORAGE UNITS AND RV/BOAT STORAGE IN A R6 DISTRICT CONTAINING 18.61 ACRES, OWNED BY BONE CREEK INVESTMENTS, LLC.

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 placed on the Conditional Use Overlay Permit:

1. The natural buffer surrounding the tract are to remain;
2. A vegetative buffer is to be placed along the entire southern boundary.
3. Landscaping is to be in place as proposed on the conceptual plan submitted by the applicant.

SITE PROFILE

P04-11

A CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW MINI-STORAGE UNITS AND RV/BOAT STORAGE IN A R6 DISTRICT CONTAINING 18.61 ACRES, OWNED BY BONE CREEK INVESTMENTS, LLC.

Site Information:

Applicant/Owner: BONE CREEK INVESTMENTS, LLC

Area: 18.61

Frontage & Location: 1,060 feet on Cliffdale Road

Depth: 700 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Old borrow pit and woods

Initial Zoning: May 1, 1975 (Area 2D)

Previous Zoning Action(s): None

Surrounding Zoning: RR, R10, R6 and R6A

Surrounding Land Use: Mobile home park and single family residential

2010 Land Use Plan: Medium Density Residential and Open Space

Designated 100-Year Floodplain or Floodway: Eastern edge at 172 BFE

Watershed Area: No

Municipal Influence Area: No

Within Area Considered for Annexation: Yes

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Schools: E. E. Miller Elementary, Lewis Chapel Middle, 71st High

Thoroughfare Plan: Cliffdale Road is identified as a Major Thoroughfare. Widening is currently under construction. It has a current adequate 110 foot right-of-way. Road improvements are included in the 04-10 MTIP.

Average Daily Traffic Count (2000): 22,000 on Cliffdale Road

Notes:

1. Office for mini-storage and apartments: 8 am to 8 pm
2. Employees: 2
3. Storage facility accessible 24 hour a day
4. Lighting – directed inward
5. Front mini-storage building – brick veneered for aesthetics
6. Signage – IAW the Zoning Ordinance
7. Parking – 162 spaces

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 South Side Cliffdale Road, East of Rim Road
(Street address or Route and Box #, and Zip Code)

Located on Cliffdale Road (South of Bone Creek Subdivision)
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 9487 - _____ - 87 - 1412
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # _____ Frontage 1060 feet Depth ±700 Containing 18.61 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: Bone Creek Investments LLC
as evidenced by deed from James & Helen Teague, Beverly C. & Howard Culbreth and Eva C. Russel
as recorded in Deed Book 6295, Page(s) 662, Cumberland County Registry.

It is requested that the foregoing property be rezoned as Conditional Use Overlay District from R-6 to R-6 (CU) Conditional Use.

Proposed use of property requested for Conditional
Use: Mini-Storage Units & RV/Boat Storage; Apartments on ±10 Acres of the Property
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.

Existing use of the property (Residential, commercial and specify any structures and respective uses): Presently Old Borrow Pit & Woods

Water Provider (Existing or Proposed):

Well _____ PWC x Community Water _____(Name)

Septage Disposal Provided by: Septic Tank _____ PWC x

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.)
Installation and operation of Mini-Storage Units and Boat/RV Storage. The development of a 96 Unit Apartment Community

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

The site is located near numerous subdivisions with many homes needing additional storage space. The proposed apartments are allowed in the R-6 zone and will meet a demand for rental housing with at site storage.

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.)
Proposed 96 Units on ±10 Acres

2. Dimensional Requirements:

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

Front - 50' (minimum)

Side -- 30' (minimum)

Rear - 30' (minimum)

B. Off-street parking and loading.

Parking provided at office area, paved drive between storage units of adequate width to accomodate loading and unloading. Parking ratio for apartments exceed ordinance requirements.

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.
Signs to be as regulated by Section 9.44

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.

The office facility which will provide joint management of the apartments & mini-storage, will operate between the hours of 8:00 am and 8:00pm with two staff personnel. The storage facility will be accessible 24 hours a day, have exterior security lighting directed inward on the site, and will have very little traffic and noise and no emissions. The climate control building on the front of the site will be brick veneered to enhance site aesthetics. An access easement will be provided to the property on the South.

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.

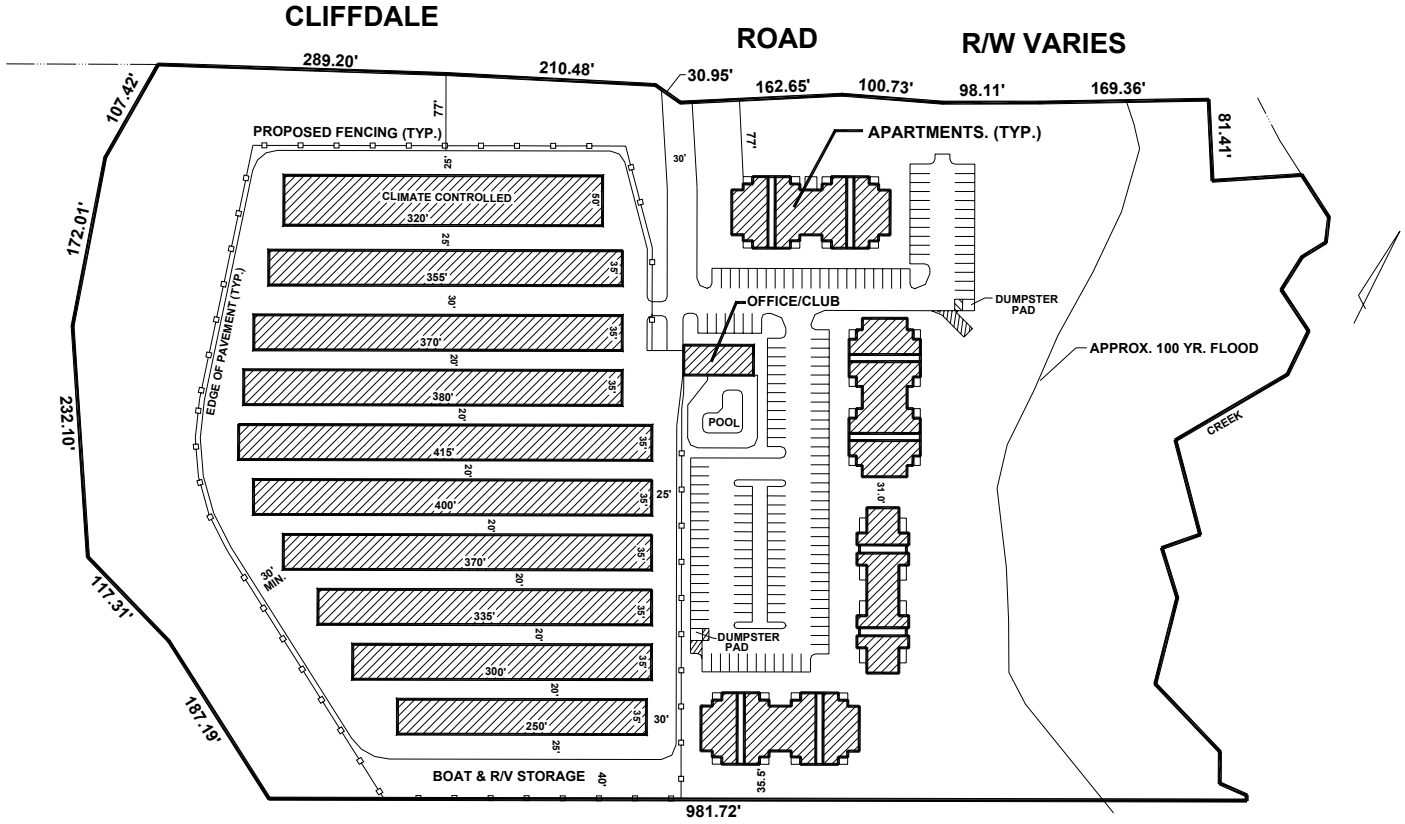
See attached site plan.

Natural tree buffer areas on each side of project

(see photo)

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.

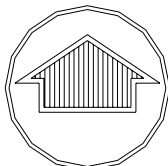
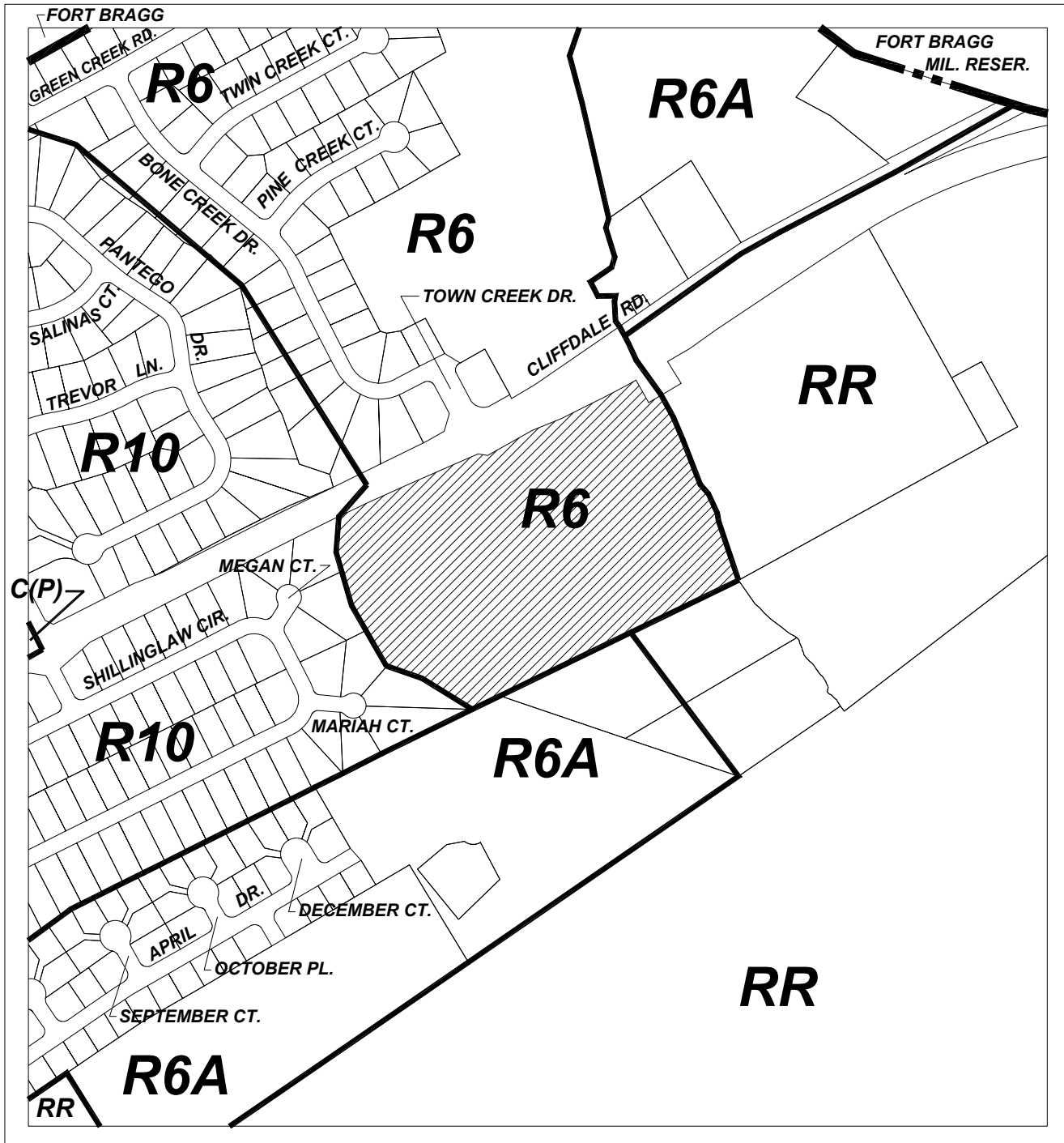


CONDITIONAL USE OVERLAY

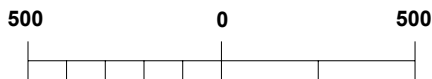
REQUEST: TO ALLOW MINI STORAGE & RV/BOAT STORAGE.

CASE: P04-11 ACREAGE: 18.61 AC.± SCALE: N.T.S.

PARKING: AS SHOWN ZONED: R6



NORTH



SCALE IN FEET

CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 18.61 AC.± HEARING NO: P04-11

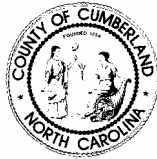
ORDINANCE: COUNTY	HEARING DATE	ACTION
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PLANNING BOARD		
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GOVERNING BOARD		
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Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
John M. Gillis, Jr.
Dr. Marion Gillis-Olison
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COUNTY of CUMBERLAND

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Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

January 15, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
JANUARY 20, 2004 MEETING

P03-85: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT ON 1.14 ACRES, IN AN A1 DISTRICT, AT 5694 MATT HAIR ROAD, OWNED BY JOHN R. LEBLANC.

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 denial of the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will materially endanger the public health and safety;
2. Will not be in harmony with the area in which it is to be located; and
3. Will not be in conformity with the 2010 Land Use and Thoroughfare Plans.

Note: The Department of Transportation has stated, "...the roads herein listed are inadequate to carry and would be injuriously affected by trucks or buses using the said roads and carrying the statutory road limits, unless restricted. The said highways are hereby designated as light traffic roads."

SITE PROFILE
P03-85

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT ON 1.14 ACRES, IN AN A1 DISTRICT, AT 5694 MATT HAIR ROAD, OWNED BY JOHN R. LEBLANC.

Site Information:

Applicant/Owner: DAVID L. ZURAVEL / JOHN R. LEBLANC

Area: 1.14 acres

Frontage & Location: 209 feet on Matt Hair Road

Depth: 209 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential and business

Initial Zoning: September 3, 1996 (Area 17A)

Previous Zoning Action(s): Violation – Letter sent.

Surrounding Zoning: A1

Surrounding Land Use: Trucking company

2010 Land Use Plan: Open Space and 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: Seabrook Elementary, Mac Williams Middle, Cape Fear High

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

Average Daily Traffic Count (2000): 200 on Matt Hair Road

Notes:

1. Trucking business hours: 24 hours, 7 days a week, office operating hours: 8:00 am to 5:00 pm.
2. Employees: 4
3. Signage: None
4. Equipment: 1 refrigerated tractor-trailer, 5 tractor-trailers.
5. No tractor-trailers will be loaded or unloaded on the premises.

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 5694 Matt Hair Road Fayetteville, North Carolina 28301
(Street address or Route and Box #, and Zip Code)

Located on Matt Hair Road
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0451-87-7262
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 17 Frontage 208.36 feet Depth 238.72 Containing 1.14 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: John Robert LeBlanc

as evidenced by deed from Upton Tyson and wife, Helen P. Tyson

as recorded in Deed Book 3427, Page(s) 0207, Cumberland County Registry.

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

Proposed use of property requested for Conditional Use: Trucking 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.)

Operation of small trucking business.

Residence will be used to answer business calls and dispatch truckers.

Tractor-trailers will also be parked on premises (on average One (1) tractor-trailer is parked on premise during weekend)

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

This is a small, family-run trucking business that has been operating out of the premises for approximately 14 years with no complaints. Granting the Conditional Use would benefit the community by allowing the business, which employs seven (7) Cumberland County residents to continue in operation. The Use will be compatible with the surrounding area in that the area is currently zoned A-1 and there are a mixture of agricultural, residential and commercial uses already in place.

- 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.)

One (1) dwelling unit exists on site/None proposed 1.14 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 setbacks shown

- B. Off-street parking and loading.

None

3. Sign Requirements:

A. Reference district sign regulations proposed from Section 9.4.

No signs will be installed

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.

Business will operate 24 hours/day, 7 days/week

(Main business hours are from 8:00a.m. to 5:00p.m.)

7 employees (Mr. LeBlanc, spouse, and daughter are the only employees who work out of residence)

Tractor-trailers are usually not on premises during the weekdays

On average, one (1) refrigerated tractor-trailer is on premises during weekends

Business operates a total of five (5) tractor-trailers

No tractor-trailers are loaded or unloaded on premises

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.

Existing use of the property (Residential, commercial and specify any structures and respective uses): Residential /Agricultural

Water Provider (Existing or Proposed):

Well XX PWC _____ Community Water _____ (Name)

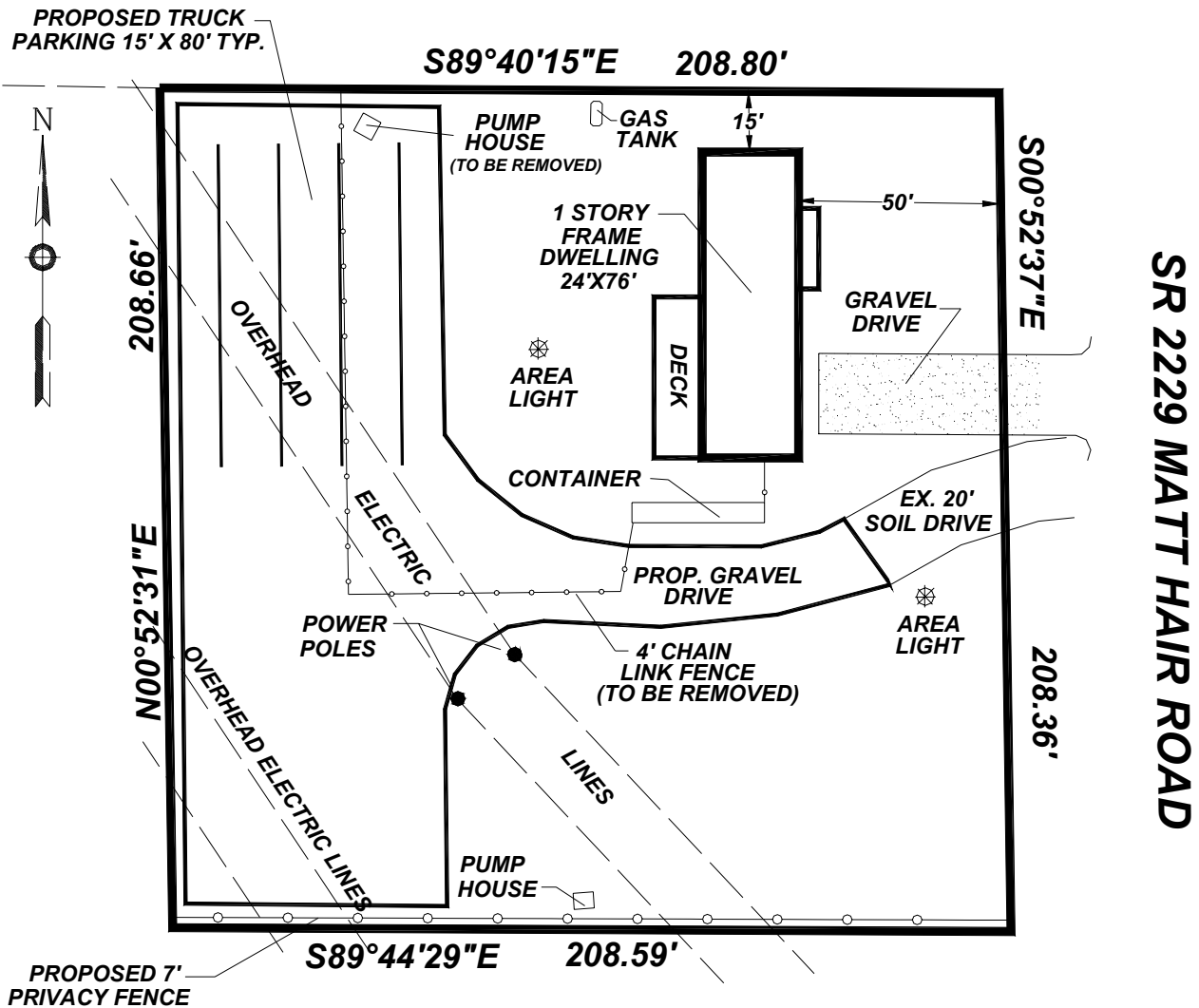
Septage Disposal Provided by: Septic Tank XX PWC _____

MAILING LIST

The following are all of the individuals, firms or corporations owning property adjacent to this parcel considered for rezoning. Adjacent properties are those that abut this request on any SIDE, the REAR, or in FRONT of (directly across the street, road, highway, etc., property lines extended.)

NOTE: Information can be obtained from the Tax Mapping Office located on the 5th floor of the New County Courthouse. It is a provision of law that all adjacent property owners be notified of any public hearing regarding the requested rezoning of land.

NAME	ADDRESS (INCLUDING ZIP CODE)
Lillie M. & Lester Council	5664 Matt Hair Rd. Fay. NC 28301 #0451-87-7437-
Alton George LeBlanc	2689 Indiana Rd. Fay. NC. 28301 #0451-87-5018-
Marcus Allen Hair	5114 Cedar Creek Rd. Fay. NC 28301 0451-96-4657-



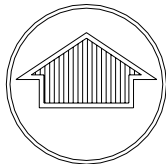
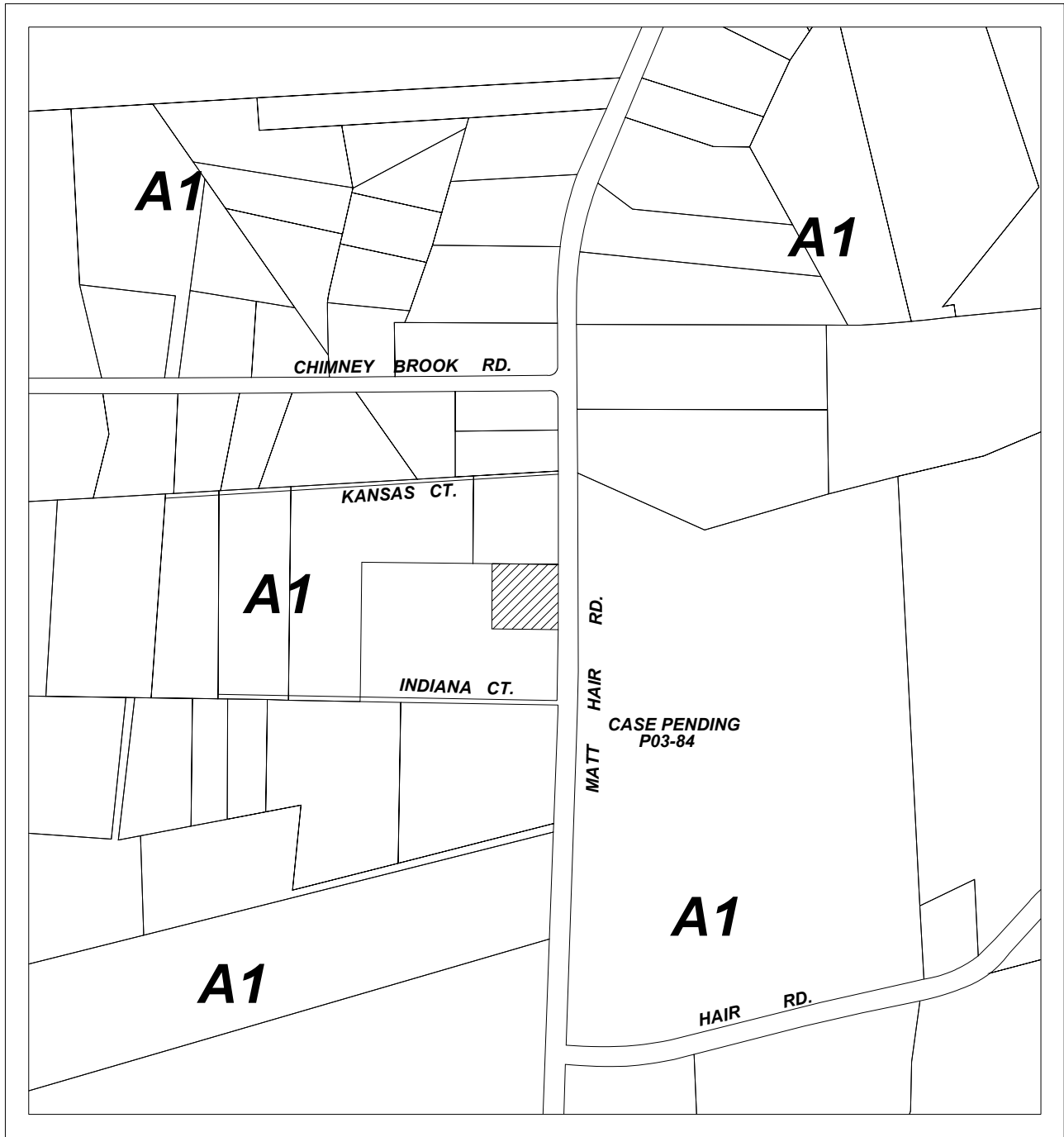
CONDITIONAL USE OVERLAY DISTRICT

CASE: P03-85 SCALE 1"= 40'

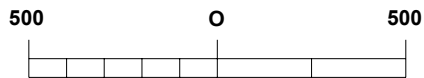
REQUEST: TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT

ACREAGE: 1.14± ZONED: A1 PARKING: AS SHOWN

REVISED 12/31/03



NORTH



SCALE IN FEET

CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 1.14 AC. ±

HEARING NO: P03-85

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

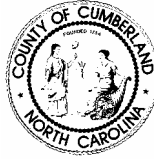
GOVERNING BOARD

PIN: 0451-87-7262

WD

Clifton McNeill, Jr.
Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections

Nancy Roy, AICP
Director
Planning & Inspections

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

January 15, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
JANUARY 20, 2004 MEETING

P04-03: REZONING OF 23.8 ACRES FROM A1, RR AND C1/CUO TO C1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4793 SOUTH NC HWY 87, OWNED BY J. FRANKLIN JOHNSON III.

The Planning staff recommends denial of the C1 Local Business District and requests that the applicant submit an application for rezoning to the C(P) Planned Commercial District based on the following:

1. Plan approval is desirable along major thoroughfares.

SITE PROFILE

P04-03

REZONING OF 23.8 ACRES FROM A1, RR AND C1/CUO TO C1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4793 SOUTH NC HWY 87, OWNED BY J. FRANKLIN JOHNSON III.

Site Information:

Applicant/Owner: J. FRANKLIN JOHNSON III

Area: 23.8 acres

Frontage & Location: 810 feet on South NC Hwy 87

Depth: 1,100 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Residential and Agricultural

Initial Zoning: June 25, 1980 (Area 13)

Previous Zoning Action(s): None

Surrounding Zoning: North-A1, R40A, RR, RR/CUO, East & South-A1, West-A1 & RR

Surrounding Land Use: Vacant commercial, mobile home park, fire department, 2 convenience stores, child care business.

2010 Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Municipal Influence Area: No

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

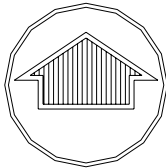
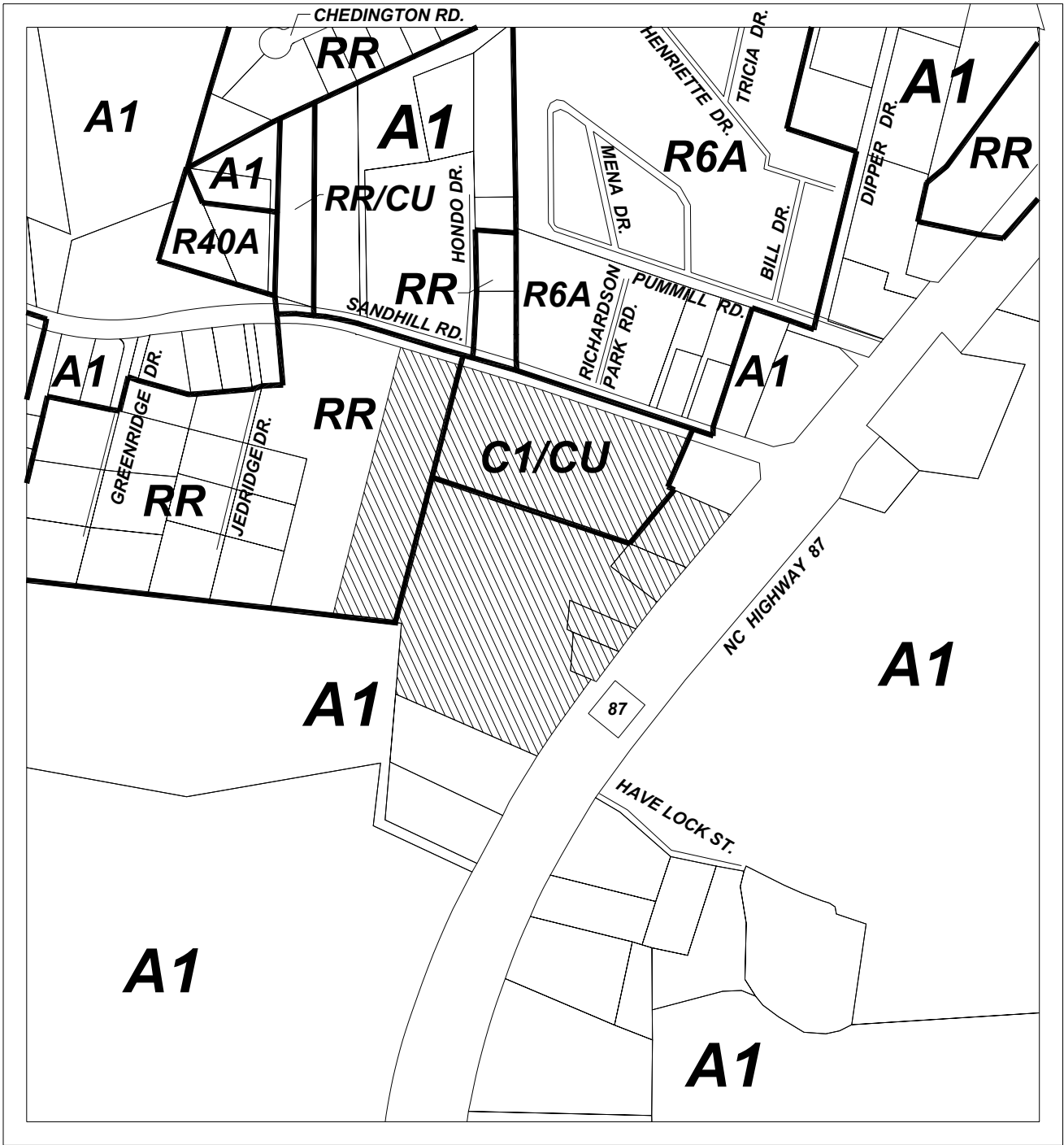
Water/Sewer Availability: Well / Septic Tank

Schools: Gray's Creek Elementary, Middle and High

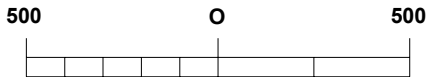
Thoroughfare Plan: NC Hwy 87 is identified as a Major Thoroughfare. It has a current adequate 100 foot right-of-way. Sand Hill Road is identified as a Minor Thoroughfare. It has a current adequate 60 foot right-of-way. Neither road is included in the 04-10 MTIP.

Average Daily Traffic Count (2000): 9,600 on South NC Hwy 87

Notes:



NORTH



SCALE IN FEET

REQUESTED REZONING: A1, RR, & C1/CU TO C1

ACREAGE: 23.8 AC. ±

HEARING NO: P04-03

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

PINs:0442-39-0300,39-5307,39-4204,39-2046,38-2916, & PORT. OF 29-4559

WD

Clifton McNeill, Jr.
Chair
Cumberland County

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



COUNTY of CUMBERLAND

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

January 15, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
JANUARY 20, 2004 MEETING

P04-06: REZONING OF 106.6 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE SOUTHWEST QUADRANT OF BUTLER NURSERY AND MARSH ROADS, OWNED BY CUMBERLAND GROUP, LLC.

The Planning staff recommends denial of the R40 Residential District based on the following:

1. The 2010 Land Use Plan calls for farmland in this area; and
2. The Planning Board policy in the past has been to deny rezoning to R40 and R40A of farmland tracts greater than 10 acres.

SITE PROFILE

P04-06

REZONING OF 106.6 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE SOUTHWEST QUADRANT OF BUTLER NURSERY AND MARSH ROADS, OWNED BY CUMBERLAND GROUP, LLC.

Site Information:

Applicant/Owner: CUMBERLAND GROUP, LLC

Area: 106.6 acres

Frontage & Location: 760 feet on Marsh Road, 600 feet on Butler Nursery Road

Depth: 2,300 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: March 1, 1994 (Area 17)

Previous Zoning Action(s): None

Surrounding Zoning: Primarily A1

Surrounding Land Use: Single family residential and wooded lots

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: Gray's Creek Elementary, Middle and High

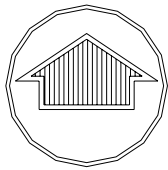
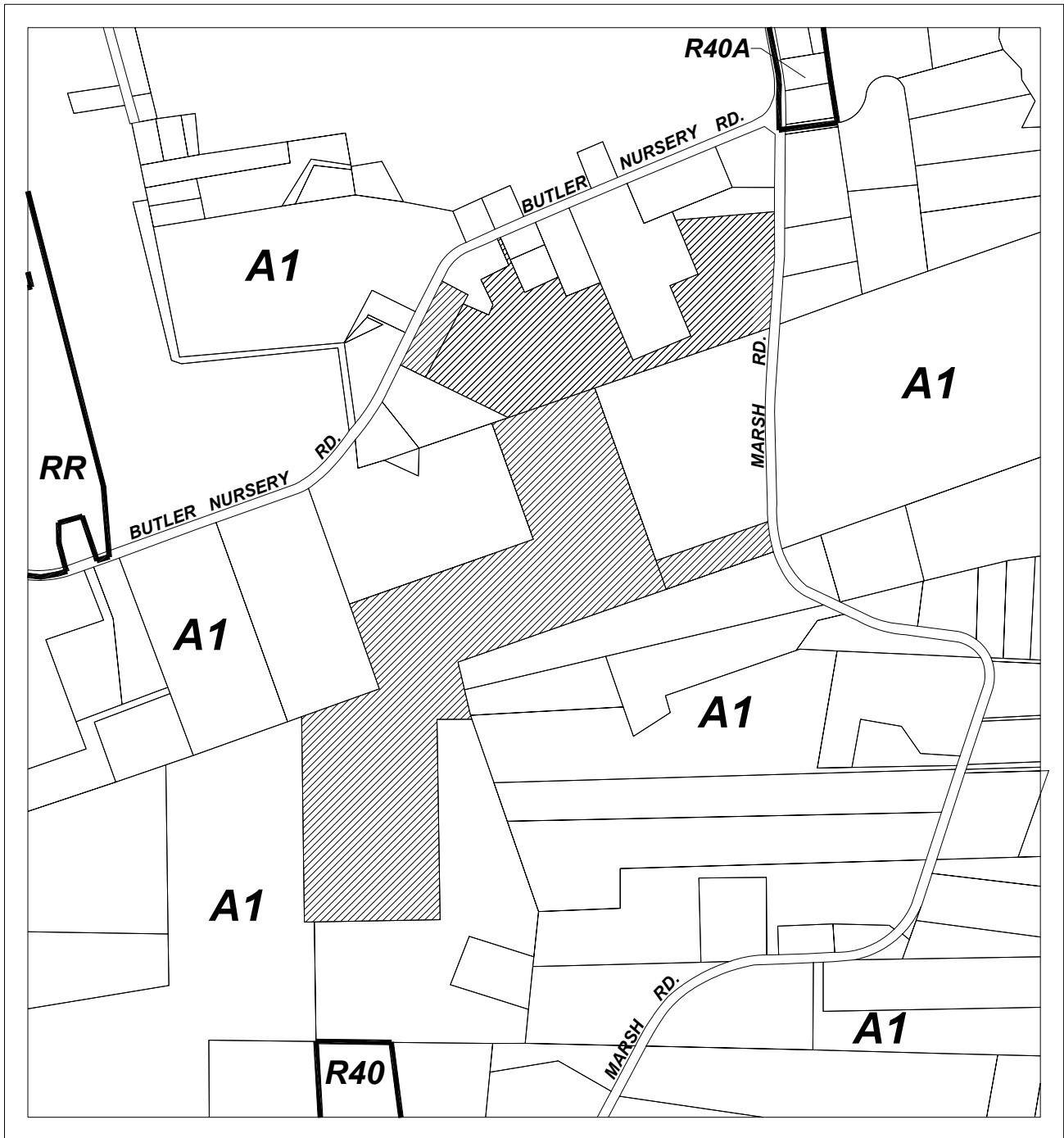
Thoroughfare Plan: No road improvement or new constructions specified for this area.

Average Daily Traffic Count (2000): 150 on Butler Nursery Road

Notes:

Density w/20% for roads: A1 – 43 units

R40 – 93 units



NORTH



SCALE IN FEET

REQUESTED REZONING: A1 TO R40

ACREAGE: 106.6 AC.±		HEARING NO: P04-06	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN:0441-95-6621
 PIN:0451-05-7615
 PIN:0441-93-7880
 PIN:0451-14-4126

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