

Charles C. Morris
 Chair
 Town of Linden
Donovan McLaurin
 Vice-Chair

Wade, Falcon & Godwin
 Garland C. Hostetter,
 Town of Spring Lake
 Harvey Cain, Jr.,
 Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
 Interim Director

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

TENTATIVE AGENDA

MARCH 7, 2006
 7:00 p.m.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. ABSTENTIONS BY BOARD MEMBERS
- IV. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF FEBRUARY 21, 2006

PLAT & PLAN

 - B. CASE 06-040: CONSIDERATION OF S & S DRYCLEANERS, C(P) SITE PLAN REVIEW, REQUEST FOR ALTERNATE YARD REQUIREMENTS, FROM SECTION 1102.H "YARD REGULATIONS", CUMBERLAND COUNTY ZONING ORDINANCE, LOCATED ON THE WEST SIDE OF NC HWY. 210N (LILLINGTON HWY.), NORTH OF SR 1451 (E. MANCHESTER ROAD).
- V. PLAT & PLAN
 - A. CASE 06-039: CONSIDERATION OF CLEO COGDELL ESTATE DIVISION, SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTION 3.20 "LOT STANDARDS", CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE NORTH SIDE OF SR 1734 (HATCHER LANE), WEST OF SR 1838 (DUNN ROAD).
- VI. FOR YOUR INFORMATION
 - A. PATTI SPEICHER – MODIFIED RESOLUTION FOR ZONING AUTHORITY FOR THE TOWN OF GODWIN
 - B. PRESENTATION - COLONEL AYCOCK

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VII. DISCUSSION

VIII. INTERIM DIRECTOR'S UPDATE

IX. ADJOURNMENT

MINUTES FEBRUARY 21, 2006

Members Present

Mr. Charles Morris, Chair
Mr. Donovan McLaurin, Vice-Chair
Mr. Clifton McNeill
Ms. Sara Piland
Ms. Lori Epler
Mr. Roy Turner
Mr. Harvey Cain

Others Present

Mr. Matt Rooney
Ms. Annie Faircloth
Ms. Annette Nunnery
Mr. Ed Byrne
Mr. Tom Lloyd
Ms. Donna McFadyen

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Cain delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO AGENDA –

Mr. Rooney advised the Chair that Cases P06-07 and P06-08 were being moved from the Consent Agenda to Public Hearing and that Case P06-11 was moving from Public Hearing to Consent. Mr. McLaurin asked that Case P06-13 be moved from Consent to Public Hearing. **Mr. McLaurin made a motion, seconded by Mr. Cain, to approve the amended agenda. Unanimous approval.**

III. PUBLIC HEARING DEFERRALS - None

IV. ABSTENTIONS BY BOARD MEMBERS – None

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS –

Matt Rooney read the Public Hearing Time Limit Statement.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF FEBRUARY 7, 2006

A motion was made by Mr. Turner and seconded by Ms. Epler to

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approve the Minutes of February 7, 2006 as written. Unanimous approval.

- B. P06-05: REZONING OF .86 AC RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT AT 3632 PINE CONE LN OWNED BY BELTON JONES.
- OR A
RD
D. P06-11: REZONING OF A 4.02 AC PORTION OF A 5.43 ACRE TRACT R10 TO RR MORE RESTRICTIVE ZONING DISTRICT E OF MORROZOFF RD S OF CAMDEN SUBMITTED BY NEIL YARBOROUGH OWNED BY ROY & CHOM CHU DEAN.
- E. P06-12: REZONING OF .168 AC C3 AND R10 TO R5A OR A MORE RESTRICTIVE ZONING DISTRICT AT 204 EUCLID ST OWNED BY JAMES & LINDA CAIN.
(STEDMAN)

A motion was made by Ms. Epler, seconded by Mr. McLaurin to approve Cases P06-05, P06-11, P06-12 as Consent Items. Motion carried unanimously.

AMENDMENT

- G. P06-15: REVISIONS & AMENDMENTS TO THE SPRING LAKE ZONING CODE BY CREATING OPEN-AIR FARMERS MARKET AFFECTING SECTIONS 156.008, 156.035 AND 156.052. (SPRING LAKE)

Ms. Epler made a motion, seconded by Mr. Turner to approve Case P06-15. Unanimous approval.

MIXED USE DEVELOPMENT/
CONDITIONAL USE DISTRICT & PERMIT

- H. P06-14: REZONING OF 43.31 AC RR AND C(P) TO MIXED USE DEVELOPMENT/CONDITIONAL USE DISTRICT & PERMIT E OF CEDAR CRK RD S OF SLOAN AVE SUBMITTED BY BRIAN WATSON OWNED BY PURVIS INVESTMENTS INC.

CONDITIONAL USE DISTRICT & PERMIT

- I. P05-97: REZONING OF .34 AC C1(P) TO C(P)/CONDITIONAL USE DISTRICT & PERMIT TO ALLOW MOTOR VEHICLE REPAIR &/OR BODY WORK & OTHER PERMITTED USES W/EXCLUSIONS AT 3831 BOONE TRL SUBMITTED BY BLAINE LOVELAND OWNED BY DORA HOWARD.

Mr. Rooney requested that the Board move Cases P06-14 and P05-97 to the Public Hearing Agenda in light of the fact that citizens had signed up in opposition to both cases. **Ms. Piland made a motion, seconded by Mr. McLaurin, to move Cases P06-14 and P05-97 from Consent to Public Hearing. Unanimous approval.**

VII. PUBLIC HEARING ITEMS

- C. P06-07: REZONING OF .5 AC C1(P)/CU TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 4436 CUMBERLAND RD OWNED BY VICTOR M. GURGANIOUS.

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Mr. Rooney presented information and site maps for case 06-07. He stated that the Planning & Inspections Staff recommended approval of the C(P) Planned Commercial District, even though this request is not consistent with the Land Use Plan, based on the findings that the request is reasonable because the nature of this area has changed since the widening of Cumberland Road and the request is consistent with the existing uses in the area. He also stated that the Planning Staff found that there were no other suitable zoning districts to be considered.

The Public Hearing opened at 7:11 p.m. with Mr. Oland Little speaking in opposition to the request. He stated that he was concerned about the type of business that would be allowed on the property if the rezoning was allowed. The Public Hearing closed at 7:17.

The petitioner was granted the opportunity to respond. Mr. Victor Gurganious spoke in favor of the request. Mr. Gurganious wanted the property to be available for anything that potential clients could want.

Mr. Morris asked for clarification of the existing Conditional Use on the property. Mr. Rooney stated that the Conditional Use Overlay was for the operation of a construction office with open storage of trucks and equipment. Mr. Rooney further stated that approval of the rezoning would replace the existing Conditional Use Overlay. Ms. Epler questioned the differences in side yard setbacks and noted that it appeared that the approval of a C(P) zoning could create a nonconforming structure on the property. **Ms. Epler made a motion, seconded by Ms. Piland, to deny the rezoning request for a C(P) Planned Commercial District. Motion passed unanimously.**

D. P06-08: REZONING OF 12 PARCELS TOTALING 59 AC FROM A1 TO R40A OR A MORE RESTRICTIVE ZONING DISTRICT, E OF SANDEROSA RD, ON BEN MCNATT RD, SUBMITTED BY ROBERT MCNATT, OWNED BY BEN MCNATT HEIRS.

Mr. Rooney presented information and site maps for Case P06-08. He stated that the Planning & Inspections Staff recommended approval of the R40A Residential District based on the findings that the request is consistent with the Eastover Area Detailed Land Use Plan and that the request was consistent with the zoning and uses within the general area. He further stated that R40 Residential zoning would be suitable for this area.

Mr. McNatt, petitioner, spoke in favor of the request. He stated that the purpose for the rezoning was to allow his family members to place a modular home on the property.

Mr. Morgan Johnson spoke in opposition. He stated that a number of manufactured home subdivisions were in the area already. He noted that there were more private single-family dwellings than manufactured homes in the area and that for the protection of the character of the neighborhood, it would be inadvisable to make this area a mobile home park.

Liz Reeser spoke in opposition to the request. She spoke on behalf of Eastover citizens and their concerns with more large mobile home parks being allowed in this area. She noted that this would be against the recommendations of the Eastover Land Use Plan.

Mr. McNatt spoke in rebuttal. He reiterated that the purpose for his request was to allow a family member to place a modular home on the lot. Ms. Epler asked if he had considered rezoning only his lot. Mr. McNatt stated that this was a multi-sectioned property belonging to fourteen different heirs. He further stated that the County Land Use section had informed him that it would be cheaper to rezone the property all at once. Mr. Morris asked the petitioner if he would be agreeable to a motion to defer his request for one month to allow him an opportunity to speak with Staff about a solution. Mr. McNatt stated that he would be agreeable to that deferral. **Mr. Morris made a motion, seconded by Ms.**

Epler, to defer the request for rezoning for a thirty day period. Unanimous approval.

At 7:35, Mr. McNeill and Mr. Lloyd joined the meeting, at the conclusion of their representation at the County Commissioners meeting.

F. P06-13: REZONING OF 16.77 AC RR TO R10 OR A MORE RESTRICTIVE ZONING DISTRICT SE OF RESEARCH DR N OF TOM STARLING RD SUBMITTED BY CRAWFORD DESIGN CO OWNED BY TEW FAMILY LLC.

Mr. Rooney presented information and slides for Case P06-13. He stated that the Planning & Inspections Staff recommended approval of the R10 District only for that portion located outside the 100-foot buffer area from the bank of the creek (also the property line) and CD District for the land area within the 100-foot buffer area, based on the findings that: Rockfish Creek has been established as an environmental corridor for protection and preservation in the Land Use Plan; CD zoning is intended to create a 100-foot riparian buffer and is based on the size and irregular shape of the subject property; and the request is not consistent with the Land Use Plan, which calls for "Medium Density Residential" at this location but is preferable because of the sensitive nature of the subject property abutting Rockfish Creek. He further stated that the R15 zoning district was also suitable for this area. Mr. Rooney indicated the differences between the 100-foot and the 250-foot buffer zones.

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

Mr. McLaurin stated that Rockfish Creek was an Environmental Corridor Protection and Preservation Area. Property built close to the watershed with a R10 density would be detrimental. He noted that the State of North Carolina recommended a 300-foot buffer but that there are no buffer requirements in place in our County to protect the creek. Building on or near the fragile cliffs, with almost any type of rezoning, would be detrimental to all involved. Mr. McLaurin noted the negative environmental impact resulting from development near our rivers and streams and stated that it was time for the County to stop and take a closer look at what was happening to our waterways. There was appreciative applause from the audience. **Mr. McLaurin made a motion, seconded by Ms. Piland, to deny the R10 Residential District request. Unanimous approval.**

MIXED USE DEVELOPMENT/
CONDITIONAL USE DISTRICT & PERMIT

H. P06-14: REZONING OF 43.31 AC RR AND C(P) TO MIXED USE DEVELOPMENT/ CONDITIONAL USE DISTRICT & PERMIT E OF CEDAR CRK RD S OF SLOAN AVE SUBMITTED BY BRIAN WATSON OWNED BY PURVIS INVESTMENTS INC.

Mr. Rooney presented slides and information for Case P06-14. He stated that the Planning & Inspections Staff recommended approval even though the request is not consistent with the Land Use Plan, based on the findings that: the request meets the intent of the Mixed Use District, which was adopted with the intent of allowing for innovative development by providing use flexibility while maintaining quality design standards; the subject property has its access on a major thoroughfare that is more than adequate for serving the development; and the request is reasonable and compatible with the mixture of zoning districts in the area. He further stated that there were no other suitable zoning districts to be considered regarding this request.

The Public Hearing opened at 7:48 p.m.

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Mr. Brian Watson, petitioner, spoke in favor of the request. He thanked the Staff for their help in preparing this neighborhood concept. He noted that the development would contain a considerable amount of open green space and the existing pine buffer in the plan would remain. He noted that the economic impact to the area would be to the construction businesses and the tax base.

Mr. Jim Holland spoke in favor of the request. He represented 4D Site Solutions Engineering Company and stated that the property had been evaluated by a soil scientist. He further stated that he had spoken with PWC about providing water and sewer for this development and that the standards would exceed those set by the City of Fayetteville.

Mr. Turner asked if the open space area was primarily wetlands. Mr. Holland stated that it was, but that there was additional open space that was not wetland area.

Ms. Shirley Williams spoke in opposition to the request. She stated that she didn't intend to speak for or against the development but that she just wanted to know what was going on with this property. She stated that neither she nor her neighbors were notified of the hearing and that they never were when something was rezoned in this area.

Ms. Linda Smith appeared in opposition to the request. She stated that she had received no notification of the hearing. Her concern was the type of housing that the rezoning would allow in the area. Mr. Rooney stated that the Mixed Use Development District prohibited manufactured housing and that the application proposed single- and multi-family housing.

Mr. Rooney explained the Mixed Use Development concept and purpose to the speaker and the audience. He stated that there were six pages of conditions that the developer would have to meet to proceed with this development. Mr. Morris clarified that the developer would be legally bound to those conditions. Ms. Epler asked if citizens could receive a copy of those conditions. Mr. Rooney advised that they could obtain copies at the Land Use Codes Section of the County Planning & Inspections Department. Discussion followed on uses allowed in the district. Mr. Lloyd read a list of allowable uses and clarified that adult entertainment is currently allowed in C(P) zoning but is not allowed in Mixed Use Development.

Mr. & Mrs. James Beal, signed up to speak in opposition, declined to do so.

The Public Hearing closed at 8:08 p.m.

In rebuttal, Mr. Watson noted that the developer wants to be a friendly neighbor and not cause any problems or concerns with the residents. He encouraged residents to ask questions.

Mr. McLaurin expressed his concern with the lack of recreational open space. Mr. McLaurin asked Mr. Watson to point out the additional open space referred to by Mr. Holland. Mr. Watson pointed out that the additional open space was under a large power transmission line. Mr.

McLaurin expressed his concern that the additional open space, which could be used for recreation for children, was almost exclusively under this large power transmission line.

Mr. McLaurin made a motion, seconded by Ms. Epler, to postpone the request for thirty days to allow all residents to be notified of the hearing. Opened for discussion.

Mr. McNeill asked Mr. Watson if he would be agreeable to revising the site plan to reflect more open space. Mr. Watson stated that there were concerns with other options for this property, additional fees for redrawing site plans and that a thirty day deferral would put him behind. He stated he would have had no problem with additional open space had he been aware of the need before he drew up the site plans. Mr. McNeill stated that he would

be more agreeable to approving the submitted plan if the developer would agree to the additional open space. He further stated that the complaint of lack of notification was not indicative of people being unaware of the hearing, based on the number of people who had attended the meeting and those who had signed up with no major opposition. **A substitute motion was made by Mr. McNeil, to approve the Mixed Use Development/Conditional Use District, with the added condition that additional green space be added.**

Ms. Epler clarified that there would be a buffer around the periphery of the property, which does not show on the site plan.

Mr. McNeill withdrew his substitute motion to await the results of the original motion. Chair Morris returned the original motion to the Board for vote. Motion failed.

Mr. McNeill made a motion, seconded by Mr. McLaurin, to find that the Conditional Use District application is reasonable, neither arbitrary nor unduly discriminatory, in the public interest and that the Mixed Use Development District be approved. Unanimous approval.

Mr. McNeill made a motion, seconded by Ms. Epler, to find that the Conditional Use Permit application, if developed as proposed, will not materially endanger the public health and safety, will not materially injure the value of adjoining or abutting property, will be harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Highway Plan or other plan officially adopted by the Board of Commissioners, and that it be approved to the conditions outlined by Staff and with the understanding that all area not built upon will be common area for the enjoyment of all people in the multi-family area. Mr. Watson was asked if he understood and agreed to all conditions set forth in his application and to the additional conditions set forth in the motion. Mr. Watson stated that he understood and did agree to those conditions. **Unanimous approval.**

CONDITIONAL USE DISTRICT & PERMIT

I. P05-97: REZONING OF .34 AC C1(P) TO C(P)/CONDITIONAL USE DISTRICT & PERMIT TO ALLOW MOTOR VEHICLE REPAIR &/OR BODY WORK & OTHER PERMITTED USES W/EXCLUSIONS AT 3831 BOONE TRL SUBMITTED BY BLAINE LOVELAND OWNED BY DORA HOWARD.

Mr. Rooney reviewed site information and slides for Case P05-97. He stated that the Planning & Inspections Staff recommended approval of the C(P)/Conditional Use District and Permit, even though the request is not consistent with the Land Use Plan, based on the findings that: the applicant has eliminated the undesired uses otherwise allowed in the C(P) zoning district; the subject property is located on a major thoroughfare; and the request is reasonable and compatible with the existing development in the area. He further stated that C1(P) zoning would also be suitable for this location.

Mr. McNeill thanked the applicant for their willingness to defer this case previously and to work with Staff in finding a solution. **Mr. McNeill made a motion, seconded by Ms. Epler, to find that the Conditional Use District application is neither arbitrary nor unduly discriminatory, in the public interest and that the Conditional Use District application be approved. Unanimous approval.**

Mr. McNeill made a motion, seconded by Ms. Epler, to find that the Conditional Use District Permit application, if developed as proposed, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Highway Plan or other plan officially adopted by the Board of

Commissioners, and that it be approved with the excluded uses as listed. Unanimous approval.

The Board recessed for a ten minute break at 8:32 p.m.

- A. P06-04: REZONING OF A 155.8 AC PORTION OF 2 PARCELS TOTALING 159.8 AC A1 TO R10 & CD OR A MORE RESTRICTIVE ZONING DISTRICT N OF TOM STARLING RD W OF NC HWY 87 S SUBMITTED BY CHALMERS MCCOMBS OWNED BY TOMMY WOODELL ET AL.

Mr. Rooney reviewed site information and presented slides for Case P06-04. He stated that the Planning & Inspections Staff recommended approval of the R10 district only for that portion located outside a 250-foot buffer area from the bank of the creek (also the property line) and CD district for the land area within the 250-foot buffer area, based on the findings that: Rockfish Creek has been established as an environmental corridor for protection and preservation in the Land Use Plan; the CD zoning would create a 250-foot riparian buffer and is based on the size of the subject property and the possible number of lots, which could be developed if the request is approved; and that the request is consistent with the Land Use Plan which calls for "Open Space and Low Density Residential" at this location. He further stated that R40, R30, R20, and R15 zoning districts are also suitable for the area outside of the riparian buffer.

The Public Hearing opened at 8:47 p.m.

Chalmers McCombs, applicant, appeared in favor of the request. He stated that Tommy Woodell was not the owner of the property, the Johnson Heirs were. He requested a 30-day continuance to set up a meeting with those citizens who had signed up in opposition to his request and to address their concerns. He also wanted time to meet with the Staff to review the buffer requirements.

Chair Morris stated that the Public Hearing would continue to allow citizens the opportunity to speak.

Tommy Woodell spoke in favor of the request. He thanked the Board for giving the citizens an opportunity to voice their concerns. He added that he hoped the Board would see that property owners had a right to sell their property and develop it as they would like to, though he understands there would be provisions to that. He doesn't want to cause any rift in the community.

Boyd Parsons appeared in favor of the request. He stated that he had seen the site plan and believed it to be a quality plan that would provide a buffer for the creek. He and his wife are supportive of the request.

Linda Johnson spoke in favor of the request, stating that she lives on the property and that the land was left to her by her parents. She stated that she should have the right to sell her land just like anyone else should.

Barbara Smith declined her opportunity to speak.

Fran Primeaux appeared in opposition. She stated that she wants larger lots and homes in this area, in keeping with the aesthetics of this area. She stated she was in support of a R15 zoning. She asked the Board if residents could check lot sizes themselves and

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report violations when found. She questioned what action the Board would take in that instance. Mr. Lloyd informed her that if the lot size being questioned was in a zero lot line development, then the setbacks would not be exact. He stated that if a resident believed a development existed with nonconforming

lots, they should report it so that the Planning & Inspections Staff could monitor that situation and alert zoning inspectors, if necessary.

Rodney Ward spoke in opposition to the request. He stated that he had several concerns. One was that the traffic was already heavy in that area and Tom Starling Rd could not handle the increased volume of traffic that this development would bring. He was also concerned about the environmental impact on Rockfish Creek, noting that there are rare plants and endangered species in that area. He further noted that the State recommends a 300-foot buffer for development in these areas. His other concerns were regarding drainage problems that already exist in the area and also the safety of children on school buses and at school bus stops.

Pat Nunnaly spoke in opposition to the request. She stated that she was a life-long resident of the area and was in favor of growth if it was well planned. She stated that her concern was with the congestion and that the proposed lot sizes were too small.

Janet Carter spoke in opposition. She stated that her property borders the proposed site and that part of the property being shown as proposed development is actually her property. She stated that she had a survey of the property in question and was pursuing that.

Mickey Jackson spoke in opposition to the request, stating that a major concern is that the area has enough mobile homes already. He requested a covenant on the property stating there would be no manufactured homes.

Kenneth Bowers spoke in opposition. His concerns were the environmental impact on Rockfish Creek, increased traffic, and increased crime. He wants the area to maintain its rural charm.

Mr. McCombs spoke in rebuttal, stating that he wanted to be a good neighbor to the residents and did not intend to take away from the "country feeling" of the area. He asked for an opportunity to speak with residents and address their concerns. He stated that the engineer was working to verify the disputed area indicated on the map and that they were waiting for documentation from Larry King's office.

The Public Hearing closed at 9:17 p.m.

Mr. McLaurin made a motion, seconded by Ms. Piland, to defer the case for 30 days. Opened for discussion. Mr. McNeill asked the petitioner if 30 days would be sufficient time to arrange meetings with the residents. Mr. McCombs stated that he would amend his request to ask for a 60-day deferral. **Mr. McLaurin amended his motion to defer the case for 60 days.** .
Motion passed unanimously.

Mr. Morris advised the applicant and the audience that a remailing would be done to notify citizens of the public hearing. Only those who signed up after the meeting would be notified.

- B. P06-09: REZONING OF 2 PARCELS TOTALING 26.9 AC A1 TO R30 OR A MORE RESTRICTIVE ZONING DISTRICT E OF WADE-STEDMAN RD S OF HAYFIELD RD OWNED BY RONALD ROYAL.

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Mr. Rooney reviewed slides and site information. He stated that the Planning & Inspections Staff recommended denial of the R30 district but approval of the R40 district, based on the findings that R40 is consistent with the Land Use Plan, and the existing zoning and development in the area is consistent with the R40 district. He further stated that there were no other suitable zoning districts to be considered.

Ronald Royal spoke in favor of the request. He stated that covenant restrictions would be in place. He stated that R40 would allow for smaller lot sizes to allow younger couples the opportunity to have a nice sized yard without major time spent on maintenance of that yard.

Denver McCullough, surveyor, spoke in favor of the request. He stated that there would be buffers in place and that R30 vs. R40 rezoning would be a difference of eight lots, which could mean cancellation of the project. He stated that NCDOT guidelines would be followed with the roads. He further stated that there were no wetlands on the subject property.

Morgan Johnson spoke in opposition to the request. He stated that the property is located in an area designated for future expansion by the Sanitary District. He asked that A1 zoning remain in place. He further stated that if the Planning Board allowed R40, he would request a conditional use with no zero lot line allowed on the property.

Mr. McLaurin asked Mr. Johnson if he thought the extension of water had the effect of increasing, decreasing or had no effect, upon development of an area. Mr. Johnson replied that having no water available hurt those who needed it, but at the same time, extending water opened the door for development.

Liz Reeser spoke in opposition to the request asking the Board to consider R40 or A1 zoning.

Mr. Royal spoke in rebuttal and stated that his past developments had received no complaints with water or drainage. He stated that the smaller lots allow affordability and convenience for the homeowner.

Mr. Lloyd advised the Board that A1A could be considered for the property.

Ms. Piland stated that she supported the Staff recommendation because of environmental concerns and the integrity of the Land Use Plan. She respects Mr. Royal's intentions but reminded the Board that the eastern part of the county is very different in the concerns of water quality and stormwater runoff.

Ms. Piland made a motion, seconded by Mr. Morris, to support the staff recommendation to deny the R30 district and approve the A1A District. Opened for discussion.

Ms. Epler stated that she could personally attest to the truth behind Mr. Royal's reasons for request to build smaller lots as she had lived there in the past. She had no problems with water or runoff.

Mr. Royal was asked if he was at all interested in the R40 zoning. Mr. Royal stated that he wanted to move on this project and would not want to wait for a one-year rehearing period if he chose strictly R30 and the Board denied it.

Mr. Morris stated that his concern was that there was no existing R30 around the subject property.

Mr. McLaurin stated that several months earlier, the Board had granted R40 to an individual about one mile from this area who had very wet soil and was on a property that appeared to be a junk yard. At the same time, Mr. Royal's land and all of the land

immediately around it has very sandy soil and has good water. The land has always worked well with septic systems. He stated that Mr. Royal's development request was well planned with valid justification for smaller lot sizes and that the Board was doing the future homeowner an injustice by arguing over a difference of 10,000 square feet. **Mr.**

McLaurin made a substitute motion, seconded by Ms. Epler, to approve the R30 District. Motion passed 5 to 2, with Mr. McLaurin, Ms. Epler, Mr. Cain, Mr. Turner and Mr. McNeill voting for the request, and Ms. Piland and Mr. Morris voting in opposition.

C. P06-10: REZONING OF .72 AC RR TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT AT 8229 KING RD SUBMITTED BY ROBERT M. BENNETT OWNED BY SHERMAN & MARY S. DAVIS.

Mr. Lloyd reviewed site information and slides for Case P06-10. He stated that the Planning & Inspections Staff recommended denial of the C(P) Planned Commercial District based on the findings that the request was not consistent with the Land Use Plan, which calls for "Low Density Residential" at the location and that the request was not compatible with existing zoning in the area. He further stated that R10 and R15 would be suitable for this property.

Mr. Sherman Davis spoke in favor of the request. He stated that he understood that this area was residential, but the property in question is crossed by power lines and not suitable for

housing. He proposed to open a small car lot on the property and would accept a conditional use to limit the number of cars.

Mr. Turner stated that Mr. Davis' proposed use would pose no harm to anyone in the area and that it was not suitable for residential uses.

Ms. Ana Culbreth spoke in opposition to the request. She stated that C(P) would go against the 2010 Land Use Plan and that rezoning of this lot would make it the only commercial property in the area, thereby lowering her property value. She was also concerned with the curves and embankment in front of the property and stated that the increased traffic in this area would be an added hazard for the children at the two nearby bus stops.

Mr. Webber spoke in opposition. He stated that his property, which existed prior to zoning, was residential, even though he operated a small auto body repair shop at his home. He wants the area to remain residential. Mr. Webber stated that he had sold the property to Mr. Davis. He further stated that he had sold 5 cars, as he had a Conditional Use Overlay on his property, which limited him.

Mr. Davis spoke in rebuttal and stated that his proposed use would not endanger the area. He did have a home on the back of the property but wants to utilize the remaining portion of the lot by opening a business with a small office and a few cars.

Mr. McLaurin asked if the petitioner would be agreeable to a Conditional Use District on the property.

Mr. Davis stated that he would have no problem with that and would be glad to agree to any conditions. Mr. Lloyd informed the Board that the petitioner would have to request a C(P)/Conditional Use to allow for auto sales on the property.

Mr. Turner made a motion, seconded by Ms. Epler, to defer the case for thirty days to allow the petitioner the opportunity to speak with Staff to explore a C(P) Planned Commercial/Conditional Use District on the property. Unanimous approval.

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VIII. DISCUSSION

Ms. Epler requested that Mr. Lloyd instruct the Planning & Inspections Staff to alert the Planning Board, in the future, to any request being presented that could result in a nonconforming structure if approved as recommended.

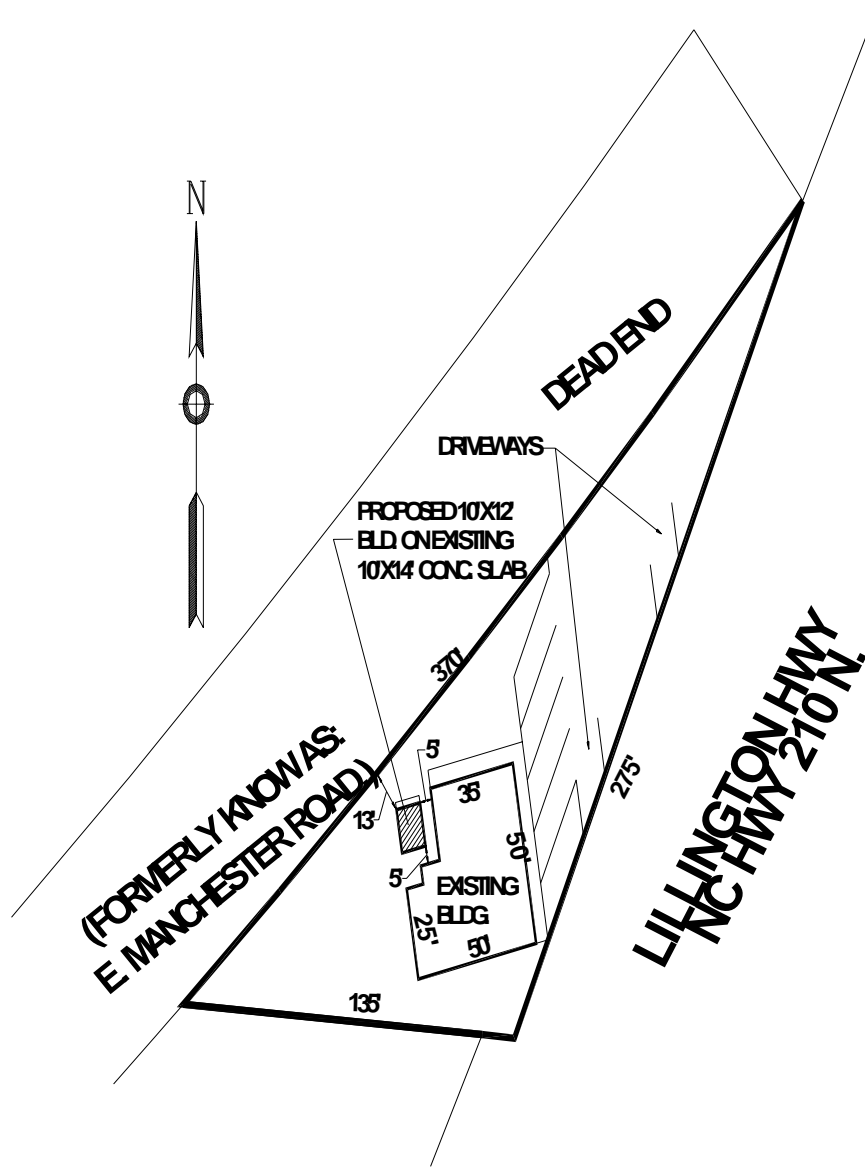
IX. FOR YOUR INFORMATION

A. INTERIM DIRECTOR'S UPDATE

Mr. Lloyd notified the Board that PWC had requested a meeting with the Planning & Inspections Staff to plan for the ensuing development resulting from their plans to run water lines to Grays Creek Elementary School.

Mr. McNeill reported that the Administrative Committee would be holding personal interviews on March 1st for the final two candidates for the position of Director of Planning & Inspections. All Board members were invited to attend.

There being no further business, Ms. Epler made a motion, seconded by Mr. McNeill, to adjourn the meeting at 10:17 p.m. Motion carried unanimously.

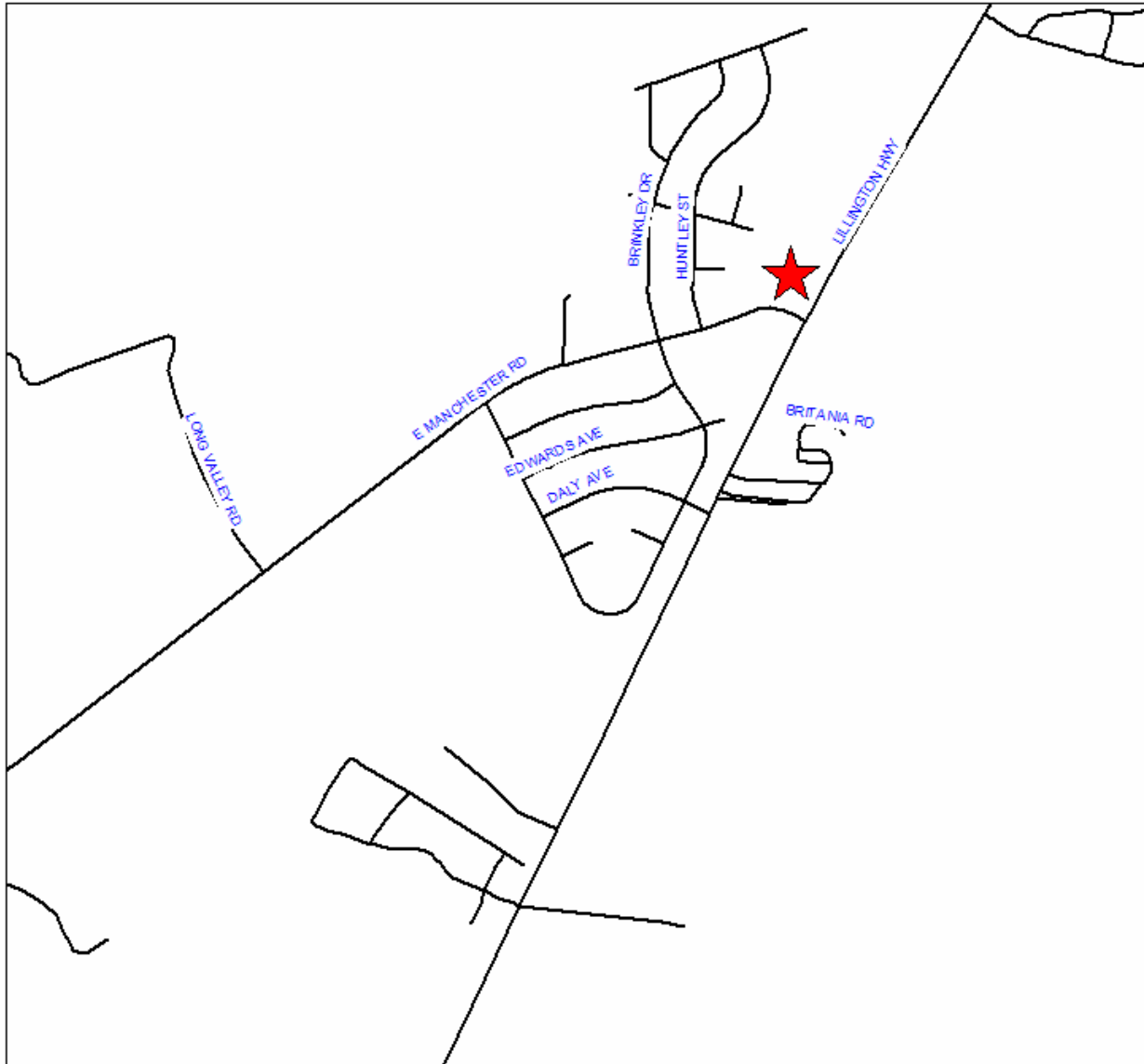


S&S DRY CLEANERS C1(P) SITE PLAN REVIEW
REQUEST: FOR ALTERNATE YARD REQUIREMENTS
FROM SECTION 1102 H "YARD REGULATIONS"
CASE: 06-040 ZONED: C1(P)
ACREAGE: 0.26± SCALE: 1"=50'

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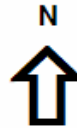
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**S & S DRYCLEANERS
C1(P) SITE PLAN REVIEW
CASE NO. 06-040**



PINS: 0513-51-3431-
PREPARED BY MAS - CCJPB
FEBRUARY 23, 2006

Map not to scale



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Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY *of* CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Interim Director

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

March 7, 2006

MEMORANDUM

TO: Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-040 S & S Drycleaners
(C1(P) Site Plan Review)

The developer has submitted a request for an alternate yard requirement and is requesting to place an accessory structure thirteen feet from a right-of-way where 20 feet is required under Section 1102 H, "Location of accessory buildings in any District", County Zoning Ordinance. The proposed building will be use for storage for the existing drycleaner's. The property contains 0.26 acres and is zoned C1(P) Planned Local Business District.

The developer would like to build the proposed 10' x 12' storage building on an existing 10' x 14' concrete pad. The right-of-way along the west side of the property has since been realigned with Lillington Hwy. further south of this property and the remaining right-of-way has become an unnamed dead end road. The existing building currently does not meet any of the setbacks for the C1(P) zoning due to the size and shape of the property.

In accordance with Section 1404, Planning Board Consideration, of the County Zoning Ordinance, the Planning Board may approve alternate yard requirements of Article XI if such approval will provide a more logically planned development.

The Planning Staff recommends **approval** of the requested alternate front yard based on the following.

1. The location of the proposed building will not impact the surrounding areas due to the location of the existing building and the dead end road; and
2. The developer has been advised to submit for an official street closing of the dead end "unnamed" right-of-way.

Attachments

cc: Sanford B. Gibbs, Developer
Grainger Barrett, County Attorney
Patricia Speicher, Supervisor, Land Use Codes

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Town of Linden

Donovan McLaurin
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Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Interim Director

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

PLANNING STAFF DECISION: 3-1-06 PLANNING BOARD DECISION: 3-1-06 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-040 NAME OF DEVELOPMENT: S & S DRYCLEANERS

(C1(P) SITE PLAN REVIEW)

THE WEST OF NC HWY 210 (LILLINGTON HWY), LOCATION: ON ZONING: C1(P)

SR 1451 (E. MANCHESTER ROAD) NORTH OF PIN: 0513-51-3431- OWNER OR ENGINEER OR DEVELOPER: CHARLES A. WILLIAMS & WIFE DESIGNER: N/A

COUNTY ORDINANCE GODWIN ORDINANCE STEDMAN ORDINANCE SPRING LAKE ORDINANCE FALCON ORDINANCE

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

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The Planning Board has conditionally approved the development plat/plan you submitted to this office for the accessory structure only.

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required if the proposed accessory structure requires services, the Town of Spring Lake must approve water and sewer plans prior to application for any permits.
3. If applicable, the developer shall provide a certified document from the Town of Spring Lake approving the use of the Spring Lake water and sewer system prior to issuance of permits.
4. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Any addition and/or revision to this site plan shall require an additional review and approval by the Planning & Inspections Department prior to application for any permits.

Site-Related:

7. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT)
8. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
9. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

Advisories:

10. The applicant is advised to consult an expert on wetlands before proceeding with any development.
11. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

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12. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
13. The developer is encouraged to contact the County Attorney's office regarding the procedure for street closings and to consider submission for official closing of the public right-of-way to the west of this property.

Other Relevant Conditions:

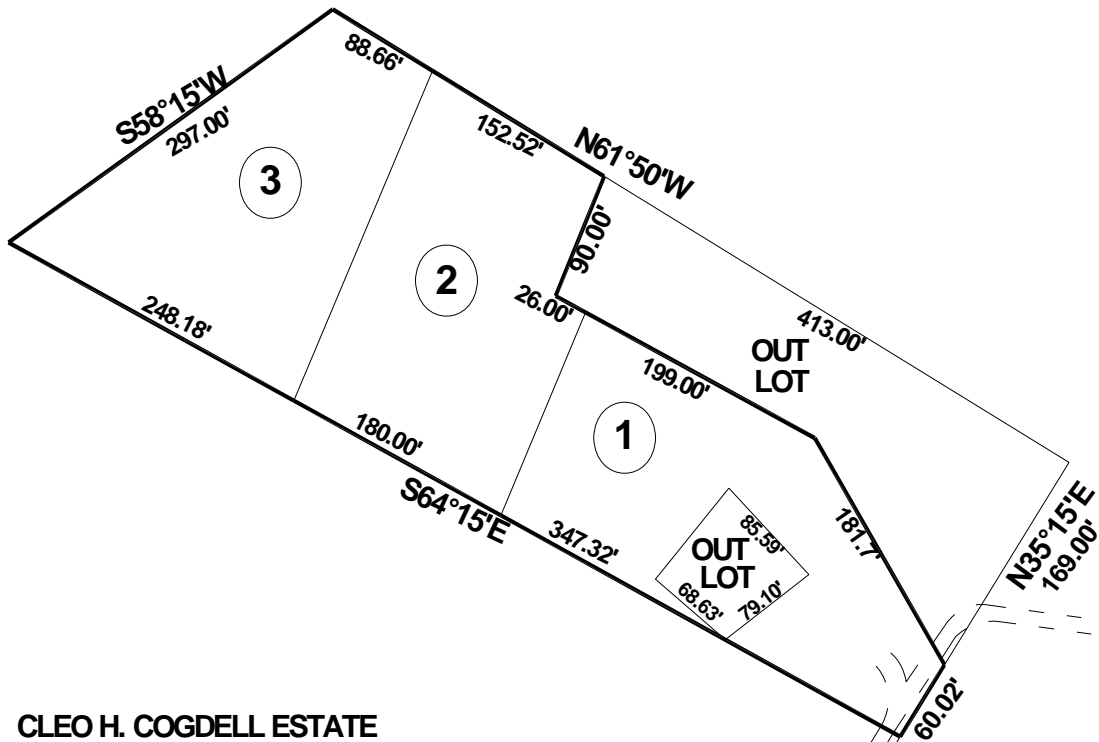
14. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.
15. **This conditional approval is NOT approval of the current use of the property or the location of the principal structure, any signs, etc. In the event the use ceases or the structure is destroyed, the developer most likely will not be able to resume the use or reconstruct the principal structure on this tract.**
16. The developer has submitted a request for alternate yard requirements from Section 1102.H, Cumberland County Zoning Ordinance. This case will be heard at the March 7, 2006 Cumberland County Joint Planning Board meeting.
17. The Planning & Inspections Staff recommends approval of the alternate yard for the location of the accessory building only. This recommendation is due to approval of the request will have minimum impact on the surrounding properties and if the unused public right-of-way were officially closed, the request would meet the requirements of the Ordinance.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement:	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-
7636		
Town of Spring Lake, Water Dept		436-0241
Corp of Engineers (wetlands):	Lynette Grenade	(910) 251-
4829		
Tax Parcel Numbers:	David Ivey	678-7647
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496

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CLEO H. COGDELL ESTATE
SUBDIVISION REVIEW

REQUEST: A WAIVER FROM SECTION 3.20 "LOT STANDARDS"

CASE: 06-39 ACREAGE: 2.88±

ZONED: RR SCALE: NTS

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HATCHER LANE RR 1734

Charles C. Morris
Chair Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

March 1, 2006

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 06-039
Cleo H. Cogdell
(Zero Lot Line Subdivision Review)

The developer has submitted a request for a waiver from Section 3.20 "Lot Standards", County Subdivision Ordinance, regarding the road frontage provisions for new lots. The Subdivision Ordinance requires that all newly created lots have a minimum 20-foot of road frontage off a public street or approved private street. There are two existing dwelling units located on the subject property. The two dwellings would be located on "lot 1". The proposed subdivision contains three lots on 2.88 acres with each lot being 0.96 acres and is zoned RR Rural Residential.

The developer is requesting a waiver to create three lots using the existing easement as access for the proposed lots. The developer states the intent is to divide property as stated in a will.

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

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

The Planning & Inspections Staff recommends denial of the waiver based the following:

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1. Because of the nature of the adjoining area, non-compliance with the ordinances will only set the stage for future access issues within the immediate area. The subject property does not have direct access to a public street or an approved private street – this is a minimum requirement of the ordinances – and there are currently many tracts within this area not having adequate access;

2. The Planning & Inspections Staff does not support the creation of new land-locked lots, as this will intensify the traffic across other property owners' lands. Creating new lots without adequate road frontage is generally not allowed under the ordinances and the probability of future conflict over access matters would be greatly increased if this request were approved. Approval of any subdivision of the subject property would allow for an increase in the number of dwelling units by at least two since the proposed "Lot 1" will contain two existing structures and "Lot 2" and "Lot 3" would be vacant lots;
3. The property owner(s) are not being denied use of the land since the property is currently served by an ingress/egress easement that provides access to the existing dwellings on the property.

The Staff suggests the property owner(s) contact the owners of the adjacent properties, and with their agreement submit a preliminary plan providing a Class "B" or higher level street. This recommendation would allow the adjacent property owner(s) to signify their consent to the increased use of the easement by their signatures on the final plat.

Attachments

cc: Cleo H. Cogdell Estate, Developer
Sammy Cain, Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Planner III

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Interim Director

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

PLANNING STAFF DECISION: 3-1-06 PLANNING BOARD DECISION: 3-7-06 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 06-039 NAME OF DEVELOPMENT: CLEO H. COGDELL ESTATE

(ZERO LOT LINE SUBDIVISION REVIEW)

OFF OF THE NORTH SIDE OF SR 1734 (HATCHER LANE), LOCATION: ZONING: RR

WEST OF SR 1838 (DUNN ROAD) PIN: 0468-17-8369-

OWNER OR DEVELOPER: CLEO H. COGDELL ENGINEER OR DESIGNER: SAMMY CAIN

COUNTY FALCON ORDINANCE GODWIN ORDINANCE STEDMAN ORDINANCE SPRING LAKE ORDINANCE

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

The Planning & Inspections Staff is recommending denial of the subdivision plat you submitted for review based on the following:

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4. Because of the nature of the adjoining area, non-compliance with the ordinances will only set the stage for future access issues within the immediate area. The subject property does not have direct access to a public street or an approved private street – this is a minimum requirement of the ordinances – and there are currently many tracts within this area not having adequate access;
5. The Planning & Inspections Staff does not support the creation of new land-locked lots, as this will intensify the traffic across other property owners’ lands. Creating new lots without adequate road frontage is generally not allowed under the ordinances and the probability of future conflict over access matters would be greatly increased if this request were approved. Approval of any subdivision of the subject property would allow for an increase in the number of dwelling units by at least two since the proposed “Lot 1” will contain two existing structures and “Lot 2” and “Lot 3” would be vacant lots;
6. The property owner(s) are not being denied use of the land since the property is currently served by an ingress/egress easement that provides access to the existing dwellings on the property.

The Staff suggests the property owner(s) contact the owners of the adjacent properties, and with their agreement submit a preliminary plan providing a Class “B” or higher level street. This recommendation would allow the adjacent property owner(s) to signify their consent to the increased use of the easement by their signatures on the final plat.

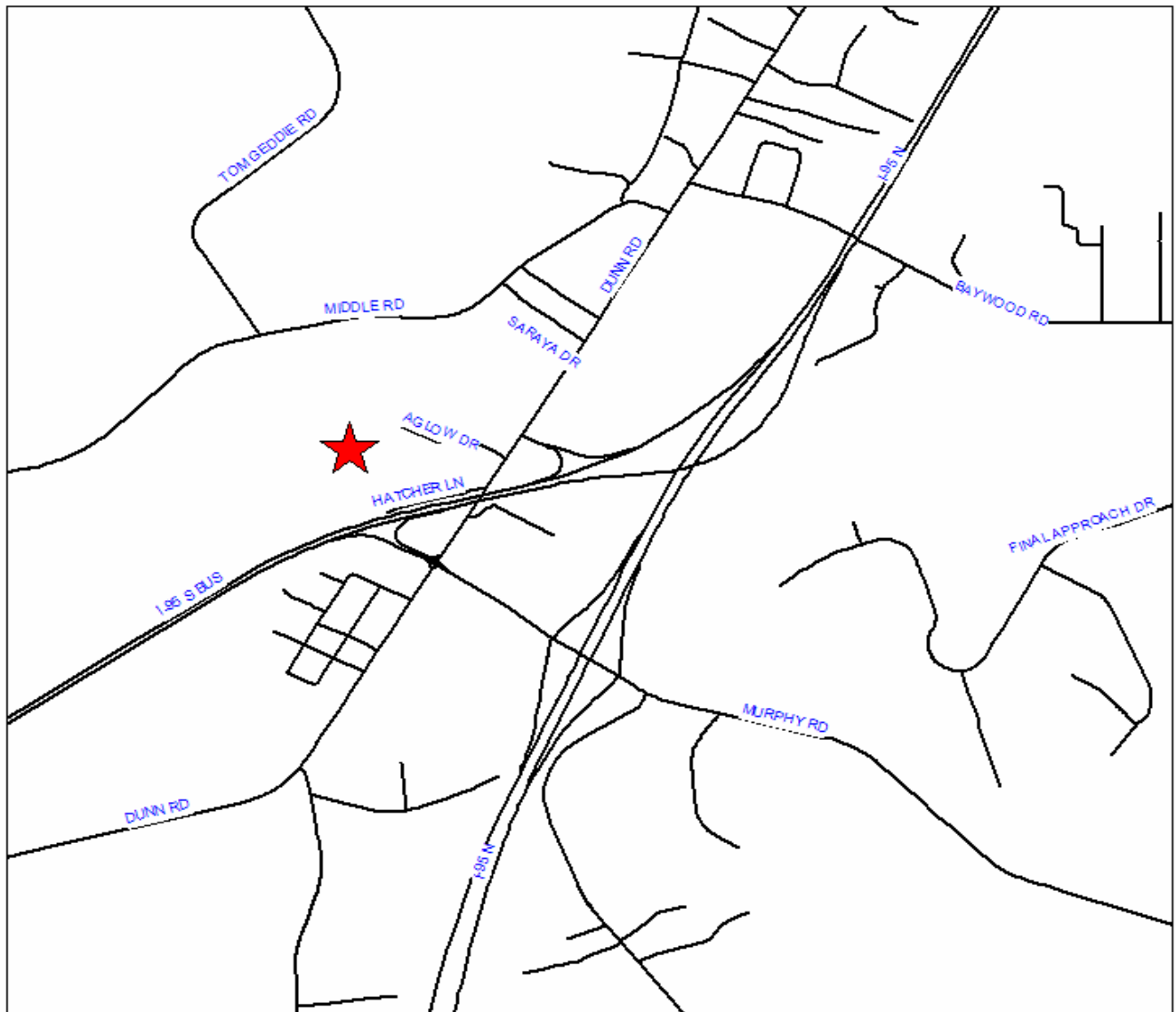
For additional information and/or questions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement:	Ken Sykes	321-6654
Eastover Sanitary District: 3973	Morgan Johnson	323-
NORCRESS:	Tom Cooney	678-7682
Corp of Engineers (wetlands): 4829	Lynette Grenade	(910) 251-
County Health Department:	Jane Stevens	433-3660
NCDENR (E&S) 1541	Wendy Dunaway	486-
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming	Diane Shelton	678-7665
Tax Parcel Numbers:	David Ivey	678-7647
NCDOT (driveways/curb-cuts)	Gary Burton	48

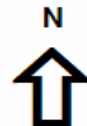
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**CLEO H. CODGELL ESTATE
SUBDIVISION REVIEW
CASE NO. 06-039**



PINS:0468-17-8369-
PREPARED BY MAS - CCJPB
FEBRUARY 23, 2006

Map not to scale



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Carolina 28302-1829 · (910) 678-7600 · Fax: (910) 678-7631**

Town of Godwin
RESOLUTION

A Resolution modifying a previously adopted Resolution dated August 6, 1979, which makes the *Cumberland County Zoning Ordinance* applicable to all areas located within the corporate limits of the Town of Godwin.

WHEREAS, the Town at the time of adoption of the 1979 Resolution and at present did not and does not have a Zoning Ordinance to regulate the use of land within the municipal boundaries of the Town; and

WHEREAS, Section 153A-320 of the North Carolina General Statutes permits the County of Cumberland (the "County") to exercise its power to regulate the use of land throughout the County except that North Carolina General Statute Section 160A-360, provides that a County on request of a municipal governing board may exercise any or all such powers in any or all areas located within that municipality's corporate limits; and

WHEREAS, Section 160A-360(g) of the North Carolina General Statutes specifically allows for modification, at any time, of any previous Resolution regulating the use of land within the corporate limits of such a municipality; and

WHEREAS, the Town desires to continue to permit the County of Cumberland to exercise its power in regulation and enforcement of the use of land within its corporate limits; and

WHEREAS, the Town also desires, however, to be the final approving authority on site plan approvals and all zoning amendments for all uses of land within the corporate limits of the Town;

NOW, THEREFORE, BE IT RESOLVED:

1. That the 1979 Resolution delegating to the County regulation of the use of land within the municipal boundaries of the Town as originally adopted is modified and amended as set forth herein; and

2. That the governing board of the Town requests that the County make the Cumberland County Zoning Ordinance applicable to all areas located within the corporate limits of the Town with the following exceptions:

a. Article XIV, Planned Districts, *Cumberland County Zoning Ordinance*, shall be construed so that the governing board of the Town shall be, and the governing board of the Town shall be deemed to be, the final approval authority for site plan approval of all non-residential development within the corporate limits of the Town; and

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b. Article XV, Amendments, *Cumberland County Zoning Ordinance*, specifically Section 1504, shall be construed in such a manner that the governing board of the Town shall be, and the governing board of the Town shall be deemed to be, the final approval authority, rather than the County Board of Commissioners, on any zoning amendment(s) applicable to any property within the corporate limits of the Town.

3. Except as above expressly modified and amended, the 1979 Resolution shall continue in full force and effect.

SO ORDERED, the _____ day of April, 2006

TOWN OF GODWIN

By: _____
Deborah Tew, Mayor

ATTEST:

Town Commissioner