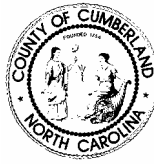


Clifton McNeill, Jr.,  
Chair  
Cumberland County

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 Department*

Nancy Roy, AICP,  
Director  
Planning & Inspections

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

October 16, 2003

### MEMORANDUM

TO: Cumberland County Joint Planning Board  
FROM: Nancy Roy  
SUBJECT: October 21, 2003 Meeting

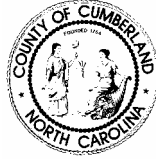
The next scheduled meeting of the Cumberland County Joint Planning Board will be held on **Tuesday, October 21, 2003, 7:00 p.m.** in Public Hearing Room #3 of the Historic County Courthouse at 130 Gillespie Street. You will find the following information included in your packet.

1. Tentative Agenda for October 21, 2003 Meeting
2. Minutes of our October 7, 2003 Meeting
3. Information pertaining to Cases P03-71, P03-79 - P03-88 and 03-189.

Should you have any questions about the enclosed information, please do not hesitate to call. I look forward to seeing you on October 21<sup>st</sup>.

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

## *Cumberland Count Joint Planning Board*

Nancy Roy, AICP  
Director  
Planning & Inspections

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

### TENTATIVE AGENDA October 21, 2003

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF AGENDA/ADDITIONAL ITEMS
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF OCTOBER 7, 2003

#### REZONING CASES

- A. P03-79: REZONING OF 4.27 ACRES FROM C(P) TO M(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF WEST MANCHESTER ROAD, WEST OF BRAGG BOULEVARD, OWNED BY GARY E. AND PAULA J. EDGE.
- B. P03-80: AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE TEXT, ARTICLE III, SECTION 3.1, TABLE 1-A, PERMITTED USES, BY ADDING "PUBLIC OR PRIVATE AGENCY OWNED AND OPERATED RECREATION, SUCH AS NEIGHBORHOOD CENTER BUILDINGS, PARKS, MUSEUMS, PLAYGROUNDS AND SIMILAR FACILITIES."
- C. P03-81: REZONING OF 1.19 ACRES FROM A1 TO R40, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1356 SAND HILL ROAD, OWNED BY BOBBY G. AND JUANITA HICKS.
- D. P03-86: REZONING OF 22 ACRES FROM R6A TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF US HWY 301, NORTH OF SOUTH MAIN STREET, OWNED BY L. G. HULON/BYRD MANN INVESTMENTS.
- E. P03-88: REZONING OF 2.22 ACRES FROM A1 TO R40, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6286 BEND OF RIVER ROAD, OWNED BY FLOYD E. BAREFOOT.

#### PLATS AND PLANS

- A. 03-189: EARTH PETROLEUM CO. C(P) SITE PLAN REVIEW AT THE SOUTH-EAST INTERSECTION OF DUNN AND MURPHY ROADS, WEST OF I-95, FOR ALTERNATE YARD REQUIREMENTS, SECTION 12.45, CUMBERLAND COUNTY ZONING ORDINANCE.

VII. PUBLIC HEARING ITEMS

- A. P03-71: REZONING OF 8.60 ACRES FROM C1 AND C(P) TO C3 OR TO A RESTRICTIVE ZONING DISTRICT, AT 7341 CLINTON ROAD, OWNED BY ROBERT AND ADEL JOHNSON. (STEDMAN)
- B. P03-82: REZONING OF 18.6 ACRES FROM R10 TO R6 OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF CLIFFDALE ROAD, EAST OF RIM ROAD, OWNED BY JAMES L. AND HELEN MELTON TEAGUE, BEVERLY C. AND HOWARD A. CULBRETH, JR. AND EVA C. RUSSELL.
- C. P03-83: REZONING OF .36 ACRES FROM R10 TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT AT 7503 ASCOT AVENUE, OWNED BY SUGIN K. MENDENHALL
- D. P03-84: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT ON 5.62 ACRES IN AN A1 DISTRICT AT 2690 INDIANA COURT, OWNED BY JAMES W. BOURGOYNE.
- E. P03-85: 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.
- F. P03-87: REZONING OF 6.27 ACRES FROM A1 TO R20 OR A MORE RESTRICTIVE ZONING DISTRICT AT 467 PALESTINE ROAD, OWNED BY ERNEST H. AND BARBARA B. SMITH.

VIII. DISCUSSION

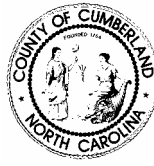
IX. FOR YOUR INFORMATION

- A. REPORT ON COUNTY COMMISSIONERS' MEETING
- B. DIRECTOR'S UPDATE

X. ADJOURNMENT

Clifton McNeill, Jr.,  
Chair  
Cumberland County

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

MINUTES  
October 7, 2003

Members Present

Mr. Clifton McNeill, Chair  
Mr. David Averette  
Mr. John M. Gillis  
Mr. Donovan McLaurin  
Mr. Joe W. Mullinax  
Dr. Marion Gillis-Olion

Members Absent

Mr. Charles Morris,  
Vice-Chair  
Mr. Frank Underwood

Others Present

Ms. Nancy Roy, Dir.  
Ms. Barbara Swilley  
Mr. Grainger Barrett,  
County Attorney  
Dr. Jeanette Council,  
Commissioner

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

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

III. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF SEPTEMBER 16, 2003

A motion was made by Mr. Mullinax and seconded by Mr. Gillis to approve the Minutes of September 16, 2003 as written. The motion passed unanimously.

B. 03-117: CONSIDERATION OF THE PRESTON PHASE III SUBDIVISION REVIEW ON THE WEST SIDE OF DUNDLE ROAD, SOUTH OF GRIMES ROAD FOR A VARIANCE FROM SECTION 3.17.C, "STREET DESIGN," CUMBERLAND COUNTY SUBDIVISION ORDINANCE

A motion was made by Mr. Averette and seconded by Dr. Olion to follow the staff recommendations and grant the requested variance based on the reasons listed in the staff memorandum. The motion passed unanimously.

IV. DIRECTOR'S REPORT – PRESENTATION/DISCUSSION OF 2004 WORK PLAN

Ms. Roy presented the 2004 Work Plan (see attached) to the Board and reviewed each item and timeline.

Mr. Mullinax said that he would check with the Spring Lake Town Manager on the status of pending Spring Lake projects.

Chair McNeill asked if the revamped Ordinance would be given to the Board as a total package or as sections are completed. Ms. Roy said that the Board would receive the sections as completed. She said that the staff has nearly finished the Table of uses and Definitions, and they will soon be ready for the Board to review. She said that the section on Sign Regulations is the next to be completed, and these are the three most difficult sections.

Mr. Averette asked what the role of the Planning Board would be over the next year. Ms. Roy said that in April of this year, the Board's priorities were to look at planning around highways, to do a new Land Use Plan, and Zoning Ordinance work. She said that the Work Plan involves these priorities.

Mr. Barrett said that the Zoning Ordinance contains techniques that the Board uses to create policy decisions that they will use in their recommendations to the Commissioners.

Mr. Averette said that the Board's role doesn't appear to be changing from rezoning to true planning. Mr. Gillis said that the Board will begin more thorough discussions on ideas to be implemented into the new ordinances. Mr. Barrett added that the Board has to make recommendations to the Commissioners on all amendments proposed to the Zoning Ordinance.

Ms. Roy said that the staff is comfortable with the Definitions and Table of Uses sections proposed for the new ordinance. She said that the Board's help will be needed on many other areas such as connectivity/parking, mixed use districts, buffering, etc.

Ms. Roy said that the upcoming conference will offer many suggestions for needed changes to the Subdivision Ordinance.

Mr. Averette expressed concern that the County tries to control things too much. He said that he does not want a lot of control on development. He said that the Board needs to decide what they want to do with land use and establish philosophies that will guide the Ordinance revisions.

Mr. McLaurin said that one large landowner asked why a particular area was not zoned for farming. He said what he has seen makes him wonder if the County isn't restricting development.

Chair McNeill asked Commissioner Council about the proposal in the Wade Land Use Plan for a mega site for industrial use. He said that it might be desirable for the County to use the site for industrial use, but it lacks infrastructure. Commissioner Council said that it took several years to get permits in place for the current industrial site, and the feeling is that the County needs another site in the proposed area. Chair McNeill asked if

permits are needed once a mega site is proposed. Mr. Gillis said that it can be marketed for industrial use, but it cannot be certified by the Department of Commerce until permits are in place. He said that the process can be hastened if there is large corporate interest.

Mr. Barrett said that another factor that makes the chosen site attractive is that it is not far from the I95-I40 interchange, so it is in a good position for access to and from the Triangle, metropolitan area of Raleigh and rail.

Mr. Gillis said that the economic development community sees the success of the Triangle area spawning needs that cannot be met in the high dollar area, so some companies will need to locate in more rural areas, and the County should receive some of that action when the needs arise. He added that the location will be a good area to compete for business, and the Planning Board will be very involved in the process. He said that it will be a busy year for the Board.

Commissioner Council said that the Commissioners depend heavily on Board and staff recommendations to look beyond the immediate situations for the various cases.

Mr. Averette asked if an area is certified if it is designated industrial in the Land Use Plan. Mr. Gillis said that it is not. He said that once the County approves the area, the process for certification begins. Mr. Barrett said that the designation is only one point on a checklist. He added that the designation will be a step towards smart growth and getting Fayetteville included in the rail to Raleigh. He said that there will be lots of residential and commercial use around the area where the rail is desired.

Chair McNeill asked if the area could be certified if it wasn't designated for industrial use. Commissioner Council said that it could not...that it needs to be designated for the process to begin.

Mr. Gillis said that government also has the condemnation tool available that can be used if an opportunity comes along that is in the best interest of the community at large.

Mr. Averette said that he would like to go through the subdivision approval process with the Board so that they could see everything involved. He said that nothing in the Ordinances encourages development.

Mr. Gillis said that it is necessary for the Ordinances to provide a toolbox to facilitate implementation of subdivisions or mixed-use tracts in a more effective manner than currently available (PND). He said that some of our ordinances promote urban-type development, which makes land a target for annexation.

V. DISCUSSION

A. ANNEXATION

There was a lengthy discussion regarding Fayetteville's proposed annexation and how it will affect the County. Mr. Gillis mentioned several items that the City has not resolved...farms located within the city, fire and police protection, infrastructure, etc.

B. CONFERENCE

Ms. Roy said that she would register all Planning Board members for the Planning Conference on October 29.

C. MEETING TIMES

The members agreed that meeting at 5:00 p.m. on November 4, 2003, rather than the normal meeting time, would work better because that is election day. Jimmy Teal, Planning Director for the City, will appear before the Board to talk about the upcoming annexation and answer questions. Mr. Gillis asked that the City and County attorneys also be present.

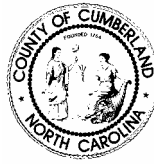
Mr. Mullinax changed the date of the November 10, Comprehensive Planning Committee to November 18, 2003 at 6:00 p.m. prior to the Planning Board meeting. This meeting is to continue working on the farmland issues. The October 27, 2003 meeting is still scheduled to work on the Wade Plan.

VI. ADJOURNMENT

There being no further business, the meeting adjourned at 9:30 p.m.

Clifton McNeill, Jr.,  
Chair  
Cumberland County

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Town of Linden  
David Averette,  
John M. Gillis, Jr.  
Marion Gillis-Olson  
Cumberland County



## COUNTY of CUMBERLAND

### *Planning and Inspections*

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

October 16, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-79: REZONING OF 4.27 ACRES FROM C(P) TO M(P) OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF WEST MANCHESTER ROAD, WEST OF BRAGG BOULEVARD, OWNED BY GARY E. AND PAULA J. EDGE.

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

1. The tract is within the Noise and Accident Potential Zone, and the M(P) District is one of the districts recommended by ACUZ;
2. The uses allowed in the M(P) District are compatible with the land use and zoning in the area.

The Planning staff finds that the intervening districts are not suitable for the site.



## SITE PROFILE

### **P03-79**

REZONING OF 4.27 ACRES FROM C(P) TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF WEST MANCHESTER ROAD, WEST OF BRAGG BOULEVARD, OWNED BY GARY E. AND PAULA J. EDGE.

#### **Site Information:**

**Applicant/Owner:** GARY E. AND PAULA J. EDGE

**Area:** 4.27

**Frontage & Location:** 440 feet on West Manchester Road

**Depth:** 430 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

**Initial Zoning:** January 7, 1977 (Area 11)

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

**Surrounding Zoning:** North-CD, RR, R6A, C3 and Ft. Bragg Reservation, East-M(P) and C3, South-RR, R6A, C(P), M(P) and Ft. Bragg Reservation, West-C(P), C3, M(P) and Ft. Bragg Reservation

**Surrounding Land Use:** Mobile home park (2), grading company, open storage of vinyl siding, concrete service and hollow metal & hardware store

**Spring Lake 2010 Land Use Plan:** Heavy Commercial

**Designated 100-Year Floodplain or Floodway:** At or above 171-172 MSL

**Watershed Area:** None

**Municipal Influence Area:** Spring Lake

**Within Area Considered for Annexation:** None

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

**Water/Sewer Availability:** Spring Lake Water / Septic Tank

**Schools:** Mae Rudd Williams Elementary, Manchester Elementary, Spring Lake Middle, Pine Forest High

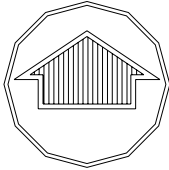
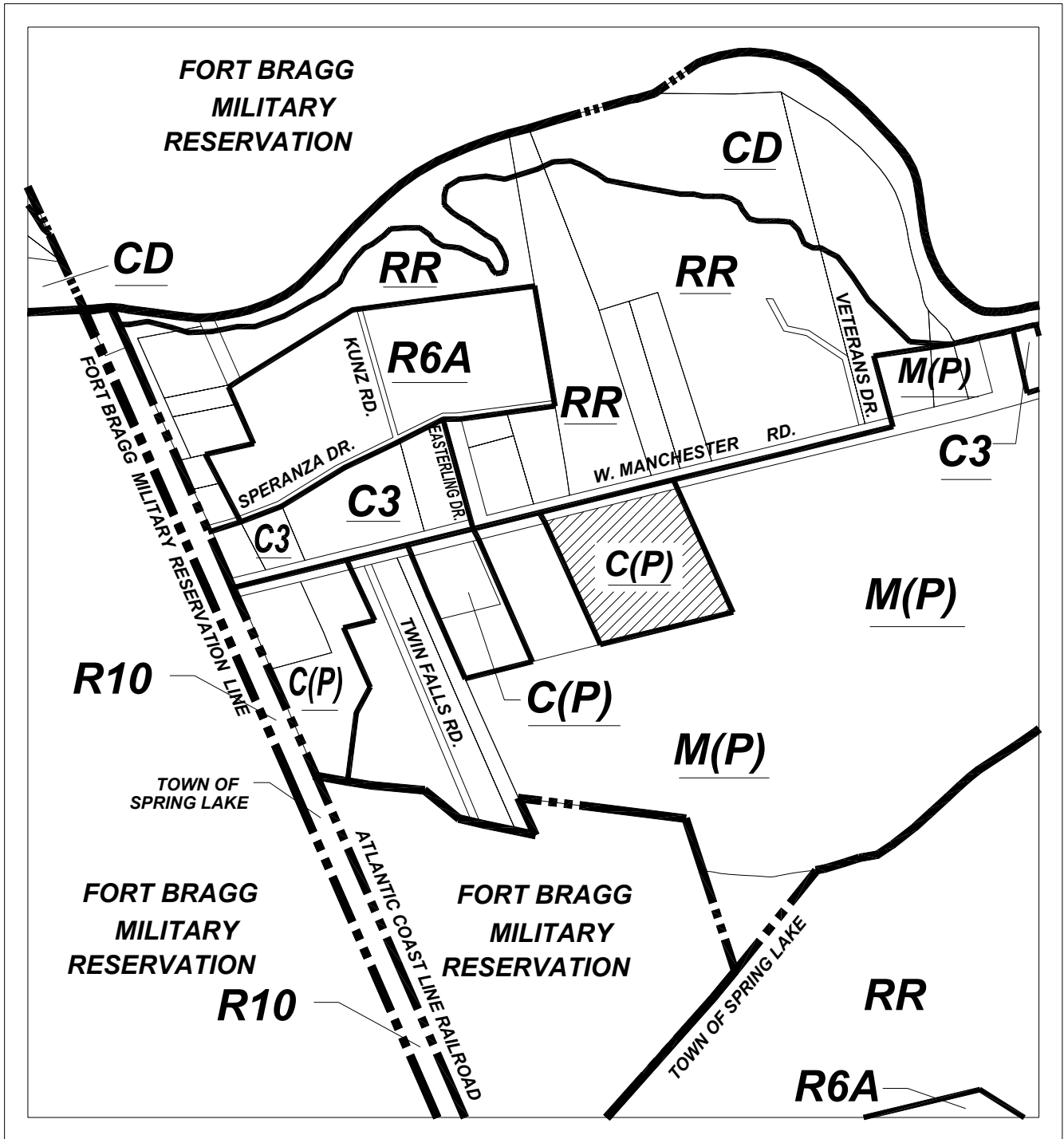
**Subdivisions:** M(P) Site Plan review required.

**Thoroughfare Plan:** West Manchester Road is identified as a Major Thoroughfare. It has a current 60-foot right-of-way (90 feet proposed, with a multi-lane cross section). No road improvements are included in the 04-10 MTIP.

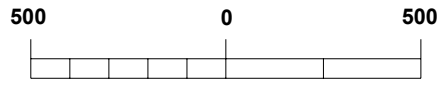
**Average Daily Traffic Count (2000):** 10,000 on West Manchester Road

**Military:** Within the Accident Potential Zone I and subject to noise levels of 65 to 70 decibels.

**Notes:**



NORTH



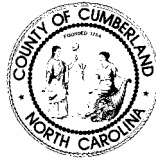
SCALE IN FEET

## REQUESTED REZONING: C(P) TO M(P)

ACREAGE: 4.27 AC.±	HEARING NO: P03-79	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

Clifton McNeill, Jr.,  
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Cumberland County

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



**COUNTY of CUMBERLAND**  
—◆—  
*Planning and Inspections*

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

October 16, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-80: AMENDMENT TO THE TOWN OF STEDMAN ZONING  
ORDINANCE TEXT, ARTICLE III, SECTION 3.1, TABLE 1-A, PERMITTED  
USES, BY ADDING "PUBLIC OR PRIVATE AGENCY OWNED AND  
OPERATED RECREATION, SUCH AS NEIGHBORHOOD CENTER  
BUILDINGS, PARKS, MUSEUMS, PLAYGROUNDS AND SIMILAR  
FACILITIES."

The Planning staff recommends approval of the amendment based on the following:

1. The amendment clarifies the text in the Stedman Zoning Ordinance.

CASE NO. P03-80

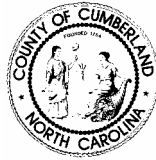
AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE TEXT, ARTICLE III, SECTION 3.1, TABLE 1-A PERMITTED USES BY ADDING “PUBLIC OR PRIVATE AGENCY OWNED AND OPERATED RECREATION, SUCH AS NEIGHBORHOOD CENTER BUILDINGS, PARKS, MUSEUMS, PLAYGROUNDS AND SIMILAR FACILITIES”.

AMEND THE TOWN OF STEDMAN ZONING ORDINANCE, ARTICLE III, SECTION 3.1, TABLE 1-A PERMITTED USES BY INSERTING “*or Private*” in alphabetical order as follows:

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

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

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Frank Underwood,  
Town of Stedman

October 16, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-81: REZONING OF 1.19 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1356 SAND HILL ROAD, OWNED BY BOBBY G. AND JUANITA HICKS.

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

1. The rezoning brings the subject property into conformity with the minimum lot size of the R40 District.

The Planning staff finds that there are no intervening districts to consider for suitability.

## SITE PROFILE

### **P03-81**

REZONING OF 1.19 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1356 SAND HILL ROAD, OWNED BY BOBBY G. AND JUANITA HICKS.

#### **Site Information:**

**Applicant/Owner:** BOBBY G. AND JUANITA HICKS /

**Area:** 1.19 acres

**Frontage & Location:** 200 fee on Sand Hill Road

**Depth:** 317 feet

**Jurisdiction:** County

**Adjacent Property:** None

**Current Use:** Residential

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

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

**Surrounding Zoning:** North-A1, RR and M(P), East-A1 and RR, South-A1, R40, R20/CUO, West-A1, R40, RR and M(P)

**Surrounding Land Use:** Community center, day care, styling salon

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

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

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

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

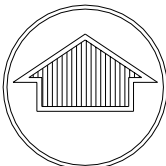
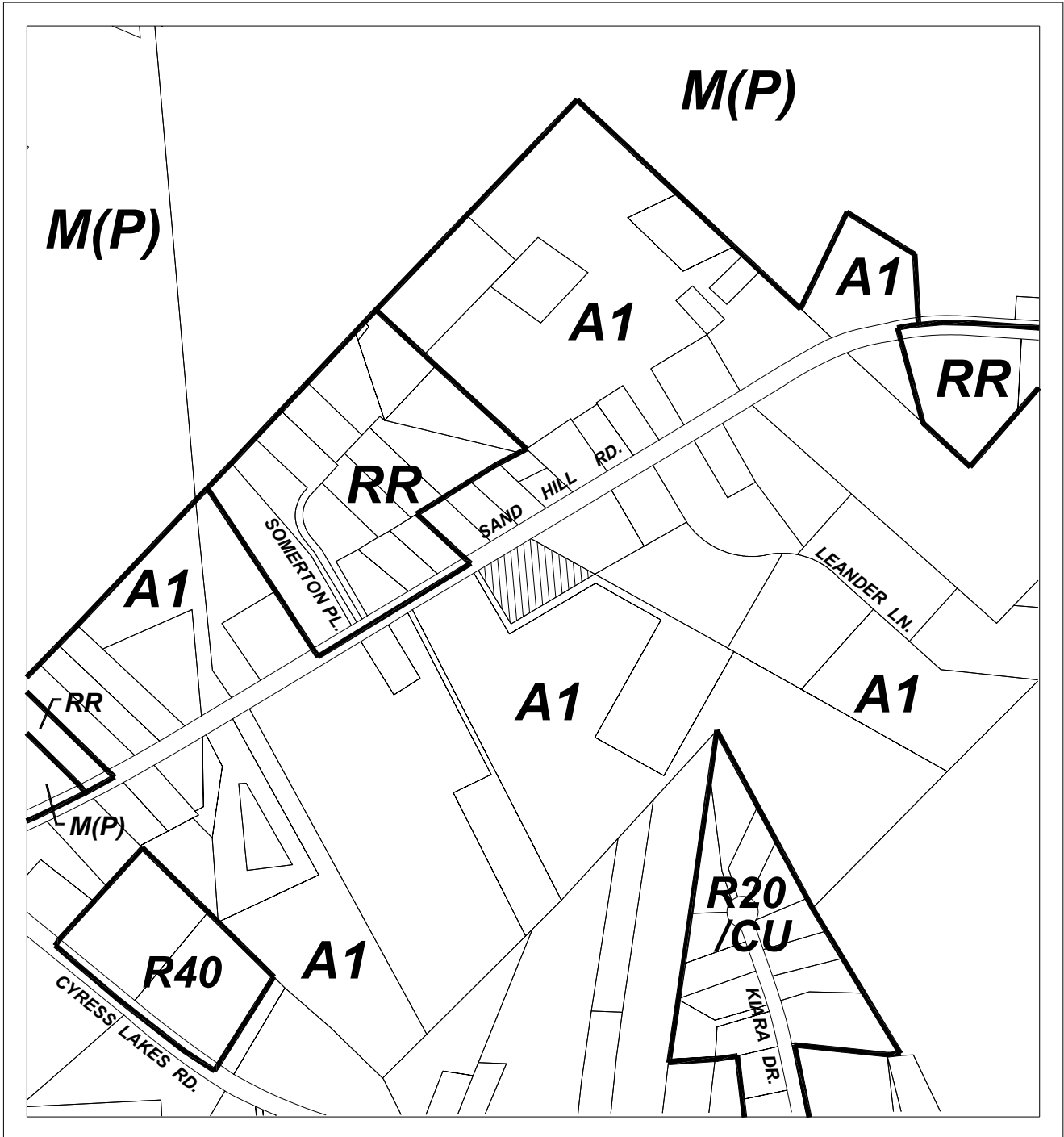
**Schools:** Gallberry Farms Elementary, Gray's Creek Middle, Gray's Creek High

**Subdivisions:** Group development or subdivision may be required.

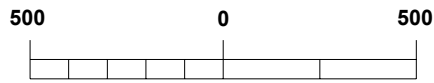
**Thoroughfare Plan:** Sand Hill Road is identified as a Minor Thoroughfare. It has a current adequate 60-foot right-of-way. It is not included in the 04-10 MTIP.

#### **Notes:**

Density w/o 20% for roads: A1 – 1 unit  
R40 – 1 unit



NORTH



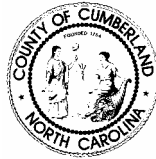
SCALE IN FEET

## REQUESTED REZONING: A1 TO R40

<b>ACREAGE:</b> 1.19 AC.±	<b>HEARING NO:</b> P03-81	
<b>ORDINANCE:</b> COUNTY	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

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**COUNTY of CUMBERLAND**  
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Frank Underwood,  
Town of Stedman

October 16, 2003

**MEMO TO: PLANNING BOARD**

**FROM: PLANNING STAFF**

**SUBJECT: P03-86: REZONING OF 22 ACRES FROM R6A TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF US HWY 301, NORTH OF SOUTH MAIN STREET, OWNED BY L.G. HULON/BYRD MANN INVESTMENTS.**

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

1. The 2010 Land Use Plan calls for heavy commercial use at this location.

The Planning staff finds that the intervening districts are not suitable for the site.



## SITE PROFILE

### **P03-86**

REZONING OF 22 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF US HWY 301, NORTH OF SOUTH MAIN STREET, OWNED BY L. G. HULON/BYRD MANN INVESTMENTS.

#### **Site Information:**

**Applicant/Owner:** L. G. HULON and BYRD MANN INVESTMENTS

**Area:** 22.0 acres

**Frontage & Location:** 830 feet on Hwy 301 South

**Depth:** 990 feet

**Jurisdiction:** County

**Adjacent Property:** None

**Current Use:** Vacant

**Initial Zoning:** February 3, 1977 (Area 7)

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

**Surrounding Zoning:** North-R6A and C3, East-RR and M(P), South-RR, C(P), C3, C3/CUO, and M2, West-R6A and C1

**Surrounding Land Use:** Church and cemetery, equipment company and camping business

**2010 Land Use Plan:** Heavy Commercial

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

**Watershed Area:** No

**Municipal Influence Area:** None

**Within Area Considered for Annexation:** No

**Street Designation:** None

**Proposed Interchange or Activity Node:** No

**Urban Services Area:** Yes

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

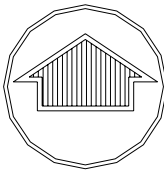
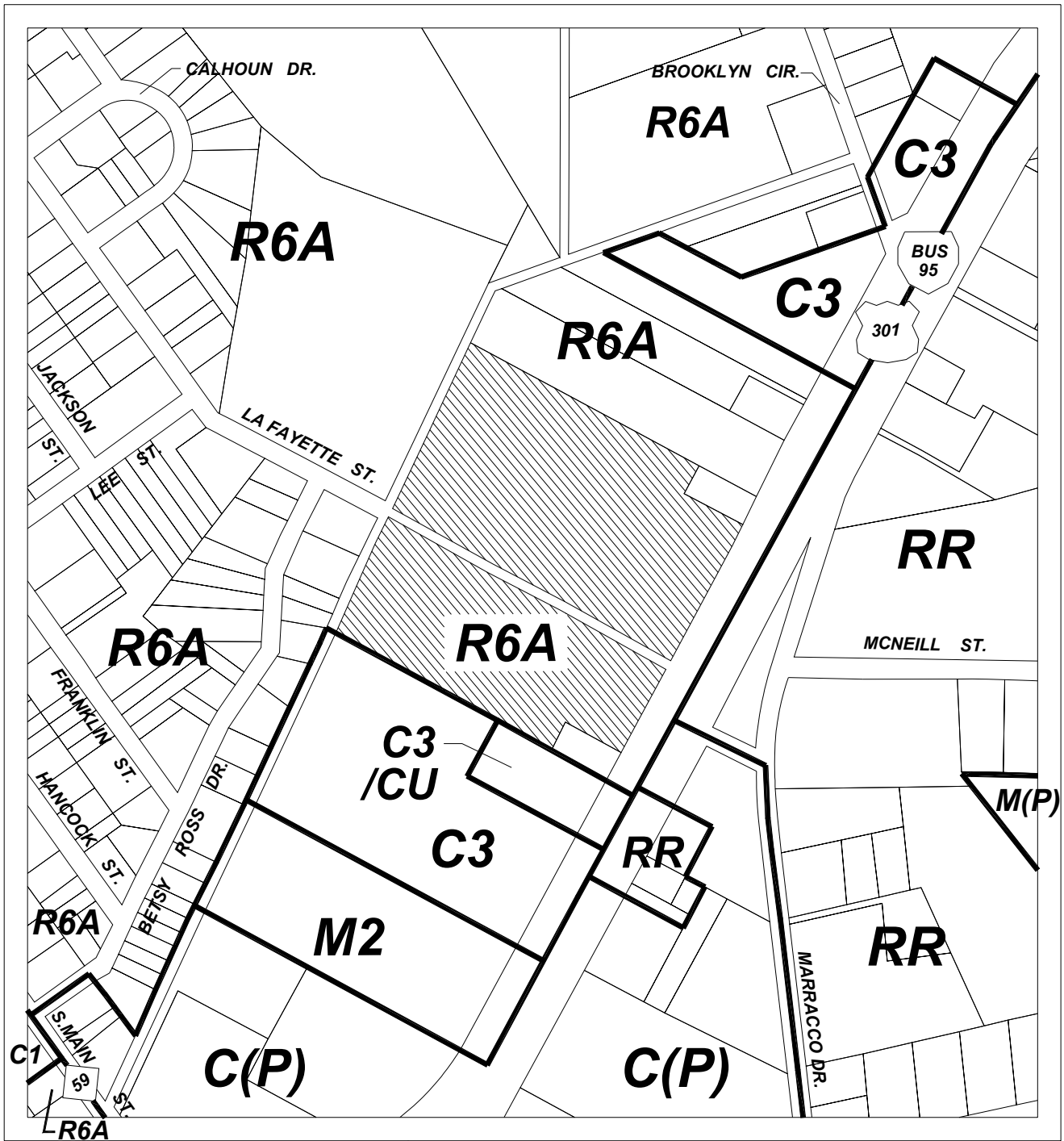
**Schools:** Gallberry Farms Elementary, South View Middle, Gray's Creek High

**Subdivisions:** C(P) Site Plan will be required.

**Thoroughfare Plan:** US Hwy 301 is identified as a Major Thoroughfare. It has a current adequate 390-foot right-of-way. No road improvements are included in the 04-10 MTIP.

**Average Daily Traffic Count (2000):** 12,000 on Hwy 301 South

**Notes:**



NORTH

500 0 500



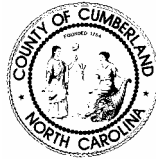
SCALE IN FEET

## REQUESTED REZONING: R6A TO C(P)

<b>ACREAGE: 22.00 AC. ±</b>	<b>HEARING NO: P03-86</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

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

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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

October 16, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-88: REZONING OF 2.22 ACRES FROM A1 TO R40 OR A MORE RESTRICTIVE ZONING DISTRICT AT 6286 BEND OF RIVER ROAD, OWNED BY FLOYD E. BAREFOOT.

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

1. The Planning Board customarily approves the R40 and R40A Residential Districts located within farmland districts on lots smaller than 10 acres.

The Planning staff finds that there are no intervening districts to consider for suitability.

## SITE PROFILE

### **P03-88**

REZONING OF 2.22 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 6286 BEND OF RIVER ROAD, OWNED BY FLOYD E. BAREFOOT.

#### **Site Information:**

**Applicant/Owner:** FLOYD E. BAREFOOT

**Area:** 2.22 acres

**Frontage & Location:** 126 feet on Bend of River Road

**Depth:** 774 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Residential

**Initial Zoning:** November 25, 1980 (Area 14)

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

**Surrounding Zoning:** Primarily A1 with A1/CUO to the East and RR to the Northwest

**Surrounding Land Use:** Single family residential

**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:** None

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

**Schools:** District 7 Elementary, Mac Williams Middle, Cape Fear High

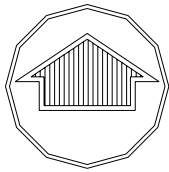
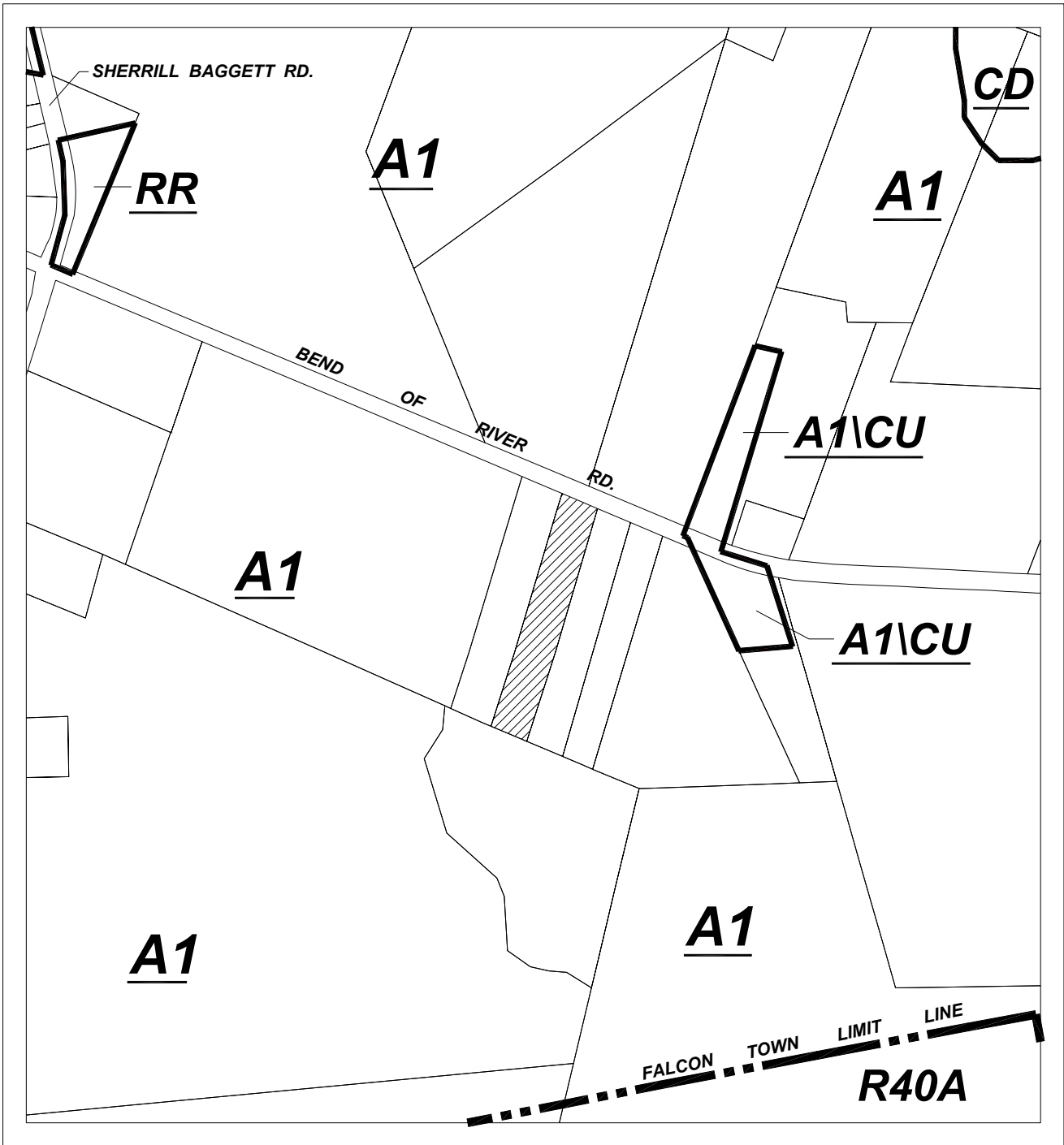
**Subdivisions:** Subdivision or group development may be required.

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

**Average Daily Traffic Count (2000):** 170 on Bend of River Road

#### **Notes:**

Density w/o 20% for roads: A1 – 1 unit  
R40 – 2 units



NORTH

500 0 500



SCALE IN FEET

## REQUESTED REZONING: A1 TO R40

ACREAGE: 2.22 AC. ±

HEARING NO: P03-88

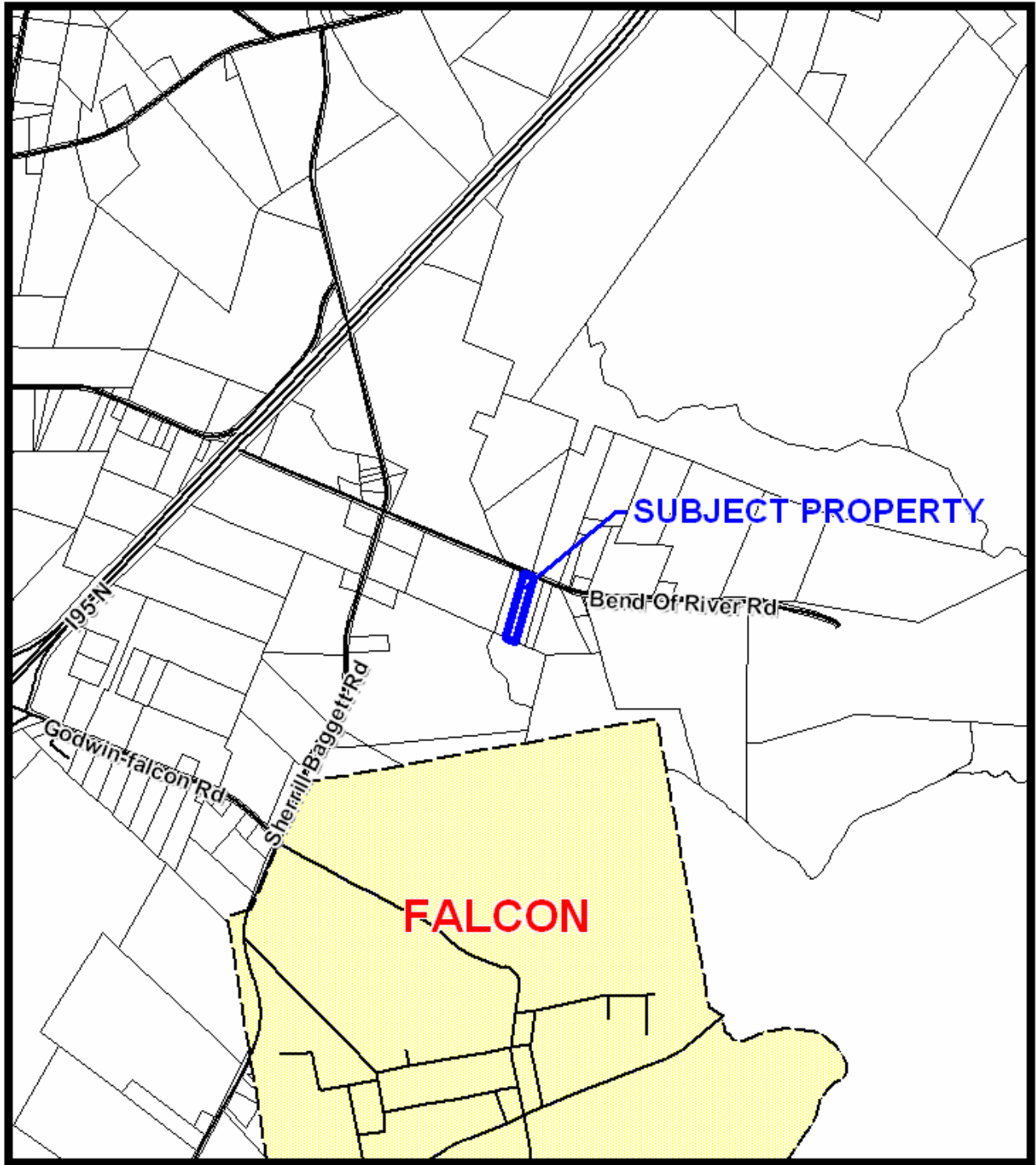
ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

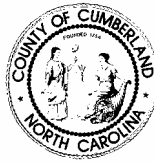
GOVERNING BOARD



**LOCATION MAP P03-88**



Clifton McNeill, Jr.  
Chair  
Cumberland County



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Director  
Planning & Inspections

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Dr. Marion Gillis-Olson  
Cumberland County

## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

October 13, 2003

MEMO TO: Planning Board

FROM: Planning Staff

SUBJECT: Case No. 03-189: Earth Petroleum Co., (C(P) Site Plan Review)

The developer submitted a request for alternate yard requirements under Section 12.45, Cumberland County Zoning Ordinance, to allow a 10 feet setback along the southern property. The property has a width of 104 feet and a length of 431 feet containing 0.99 Ac. +/- . The C(P) zoning district requires setbacks of 50 feet from the front yard and 30 feet from the side and rear yards.

The developer has proposed to setback the building to the southern property line to allow for the majority of parking spaces on the Murphy Road side of the property. This would lessen the impact of traffic near the residential property to the south. The width of the lot would restrict any building on this property to a minimum of 20 feet wide if the setbacks were met.

**In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this ordinance, where 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 an unusual and unnecessary hardship on the sub divider.**

The Planning Staff recommends **Approval** of the requested variance based on the following.

1. The size and shape of the tract would cause unusual and unnecessary hardship on the developer if the setbacks are required to be met,
2. The 50 feet setback off of Murphy Road and a 30 feet setback off the southern line would reduce the building area to a 20 feet wide strip, which does not allow for a logically designed development,
3. The developer was given the C(P) zoning district rather than the requested C3 zoning district, which would have allowed less restrictive setbacks.

#### Attachments

cc: Rick Patel E.P.Co. Inc., Developer  
Thomas Gooden, Land Surveyor  
Grainger Barrett, County Attorney  
Thomas J. Lloyd, Supervisor, Land Use Codes

Clifton McNeill, Jr.  
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Cumberland County

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Cumberland County



# COUNTY of CUMBERLAND

Planning and Inspections Department

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Director  
Planning & Inspections

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

PLANNING STAFF DECISION: 10-16-03 PLANNING BOARD DECISION: 10-21-03 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 03-189 NAME OF DEVELOPMENT: EARTH PETROLEUM CO. PROPERTY  
(C(P) SITE PLAN REVIEW)

LOCATION: ON THE SOUTHEAST INTERSECTION OF DUNN ROAD ZONING: C(P)

AND MURPHY ROAD, WEST OF I-95 PIN: 0468-25-3917-4886-6654

OWNER OR DEVELOPER: RICK PATEL, EARTH PETROLEUM ENGINEER OR DESIGNER: THOMAS GOODEN

COUNTY ORDINANCE     GODWIN ORDINANCE     STEDMAN ORDINANCE     SPRING LAKE ORDINANCE     FALCON ORDINANCE

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

CONDITIONS OF APPROVAL:

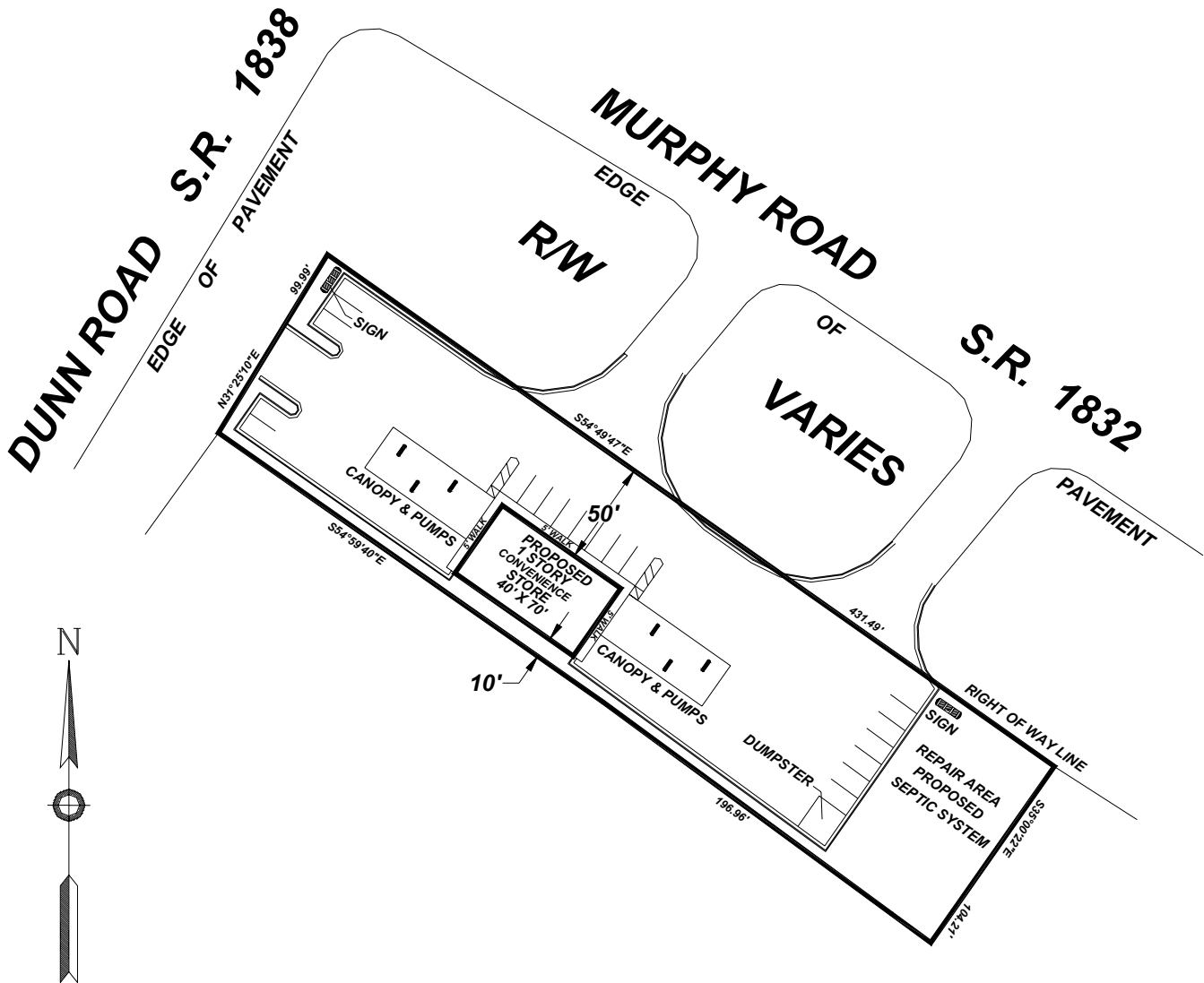
1. That the Eastover Water Commission approves water plans prior to application for any permits.
2. That the Health Department approves sewer plans prior to application for any permits.
3. That if applicable, the developer provides the County Inspections Department with an approved state sedimentation and erosion control plan prior to any application for permits.
4. That if applicable, the N.C. Department of Transportation approve the proposed curbcut(s) and that the proper permit(s) be obtained prior to building permit application.
5. That the signage for this development be in accordance with the applicable sign regulations as set forth in Article IX of the County Zoning Ordinance and that the proper permit(s) be obtained prior to the installation of any permanent signs on the property. Note: This conditional approval is NOT approval of the size, shape, or location of any signs.
6. That the NAR recombination plat must be submitted to the Planning Staff for review and approval for recording; and that the plat must be recorded prior to any permit application on any structure and/or prior to the sale of any lot or unit in this development.
7. That no occupancy permit be issued until the zoning administrator inspects the site and certifies that the site is developed in accordance with the approved plans.
8. That a site-specific address and tax parcel number be provided at the time of building/zoning permit application.
9. That applicant is advised that an expert on wetlands should be consulted before proceeding with any development.
10. That all applicable portions of Section 3.20 "Lot Standards" of the County Subdivision Ordinance be complied with.
11. That all uses and setbacks be compatible with those permitted in the C(P) zoning classification.
12. That the owner(s)/developer(s) of these lots obtain detailed instructions on permits required to place a structure within this development from the Inspections Department at 130 Gillespie Street Room 106. The Inspections Department will need a copy of this Approved Condition Sheet and map for additional information or the developer should call a Zoning Officer at 321-6640.
13. That at a minimum a zoning permit is required prior to the placement of any structure on any portion of this development.
14. That notarized owners' signature and certifications appear on the final plat prior to approval.
15. That any/all easements appear on the final plat.
16. That the developer needs to obtain a driveway permit from the NC Department of Transportation.



Case No. 03-189 Continued

17. The developer has submitted a variance request for an alternate rear yard that will be reviewed by the Cumberland County Joint Planning Board on October 21, 2003.
18. That a solid buffer shall be required along the residential zoning district on the southern property line.
19. That all lighting be directed internally to the property.
20. That all required parking be developed in accordance with Section 8.2 of the Cumberland County Zoning Ordinance.
21. That five copies of a revised site plan showing the required loading space be submitted in accordance with Section 8.3 of the Cumberland County Zoning Ordinance.
22. that the revised site plan show that the parking spaces are a minimum of 8 ½ by 20 feet.

IF YOU NEED A CLARIFICATION AND/OR NEGOTIATION OF CONDITION(S) PLEASE CONTACT ED BYRNE AT 678-7609 OR TOM LLOYD 678-7618.



**EARTH PETROLEUM CO.**

**C(P) SITE PLAN REVIEW**

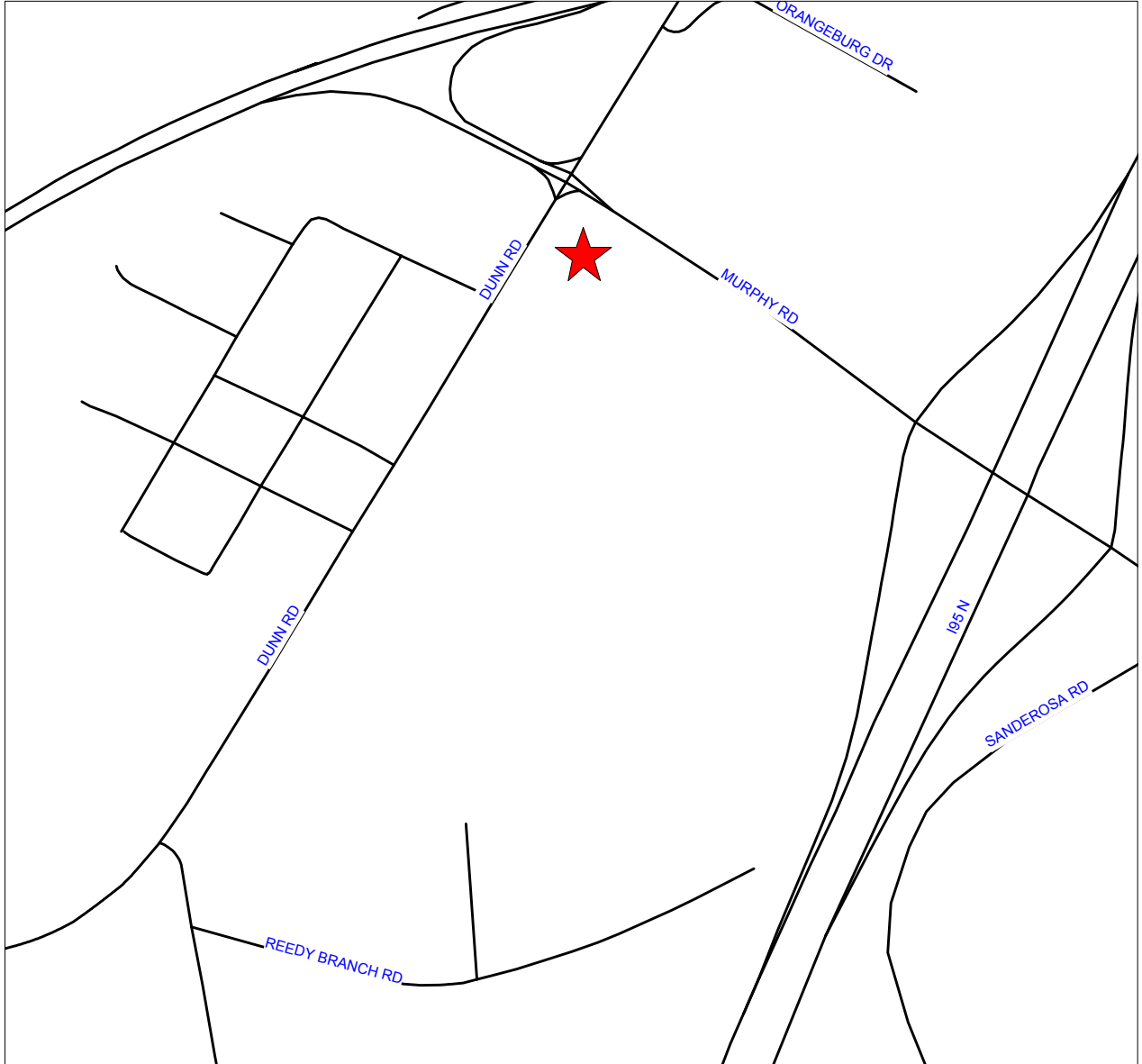
**REQUEST: ALTERNATE YARD REQUIREMENTS**

**CASE: 03-189 ACREAGE: .99.+**

**ZONED: C(P) SCALE: NTS**

# E.P. CO. PROPERTY CP SITE PLAN REVIEW

## CASE NO. 03-189



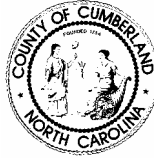
PIN: 0468-25-3917; 4886; 6654  
PREPARED BY ARN - CCJPB  
OCTOBER 2, 2003

Map not to scale



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Chair  
Cumberland County**

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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

October 16, 2003

**MEMO TO: PLANNING BOARD**

**FROM: PLANNING STAFF**

**SUBJECT: P03-71: REZONING OF 8.60 ACRES FROM C1 AND C(P) TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT, AT 7341 CLINTON ROAD, OWNED BY ROBERT AND ADEL JOHNSON. (STEDMAN)**

The Planning staff recommends denial of the C3 Heavy Commercial District and approval of C(P) Planned Commercial District for the C1 portion of the tract based on the following:

1. Site plan review is preferred at this location with the Hwy. 24 Bypass to the immediate north.
2. The Planning staff is consistent in their preference for the C(P) District within the Town of Stedman.
3. The C3 District allows billboards at this location.

## SITE PROFILE

### **P03-71**

REZONING OF 8.60 ACRES FROM C1 AND C(P) TO C3 OR TO A RESTRICTIVE ZONING DISTRICT, AT 7341 CLINTON ROAD, OWNED BY ROBERT AND ADEL JOHNSON. (STEDMAN)

#### **Site Information:**

**Applicant/Owner:** ROBERT AND ADEL JOHNSON

**Area:** 8.60 acres

**Frontage & Location:** 610 feet on Clinton Road

**Depth:** 1,040 feet

**Jurisdiction:** Stedman

**Adjacent Property:** None

**Current Use:** Commercial

**Previous Zoning Action(s):** Violation – too much signage

**Surrounding Zoning:** North-R10 and A1, East and West-R10 and C(P), South-R10, C3 and M2

**Surrounding Land Use:** Convenience store, grocery and drug store, church, school, soda shop, insurance office, floor covering store, bank, gift shop and barber shop

**Stedman Land Use Plan:** Heavy Commercial and Open Space

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

**Street Designation:** None

**Proposed Interchange or Activity Node:** Adjacent to an activity node.

**Urban Services Area:** Stedman

**Water/Sewer Availability:** Town of Stedman water and sewer

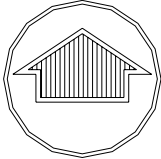
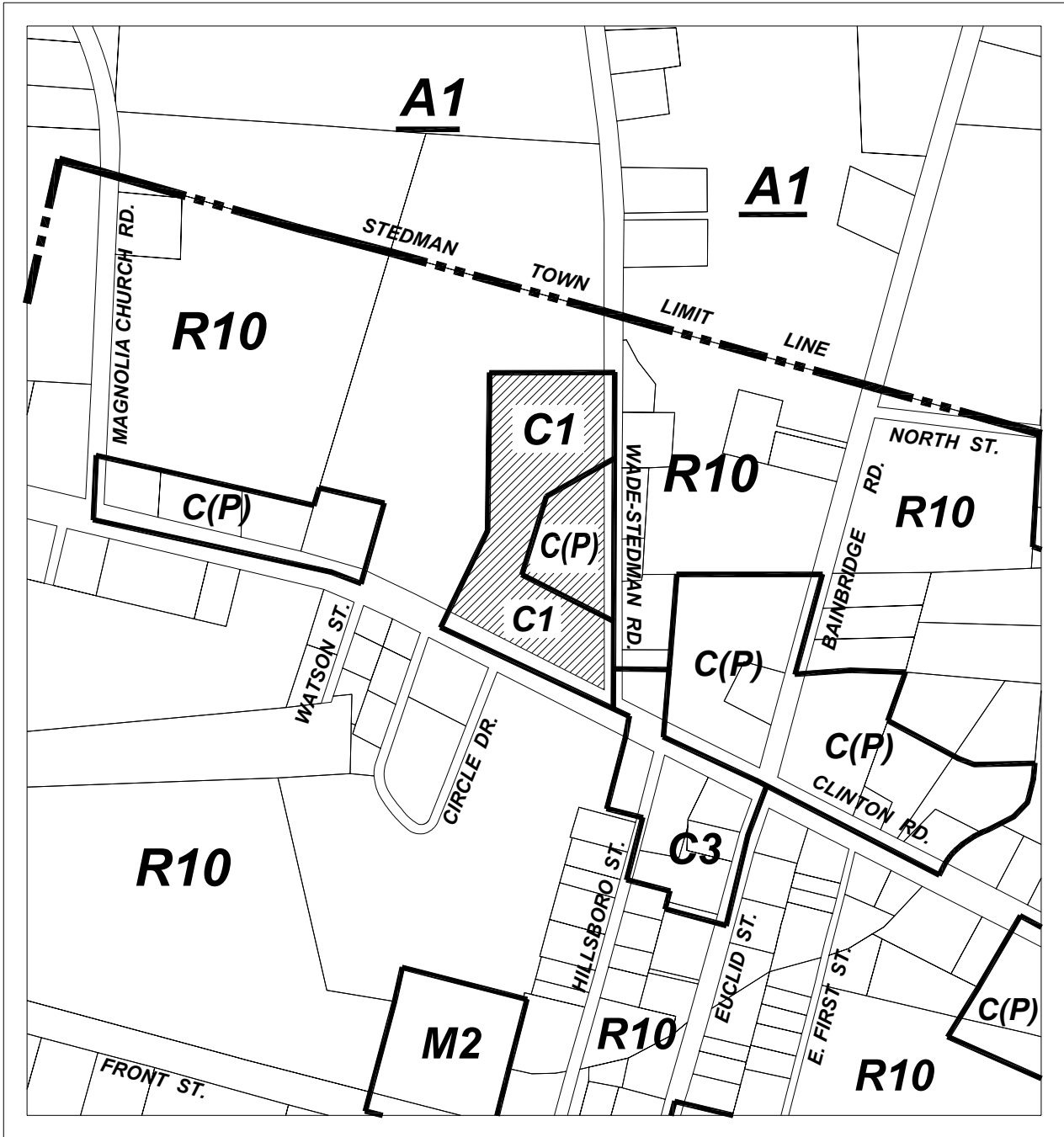
**Schools:** Stedman Primary, Stedman Elementary, Mac Williams Middle, Cape Fear High

**Subdivisions:** A group development or C(P) site plan review may be needed.

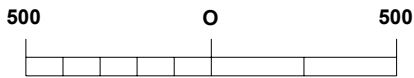
**Thoroughfare Plan:** The Stedman Bypass could have an impact on the northern end of the subject property.

**Average Daily Traffic Count (2000):** 12,000 on Clinton Road

**Notes:**



NORTH



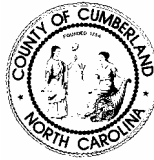
SCALE IN FEET

## REQUESTED REZONING: C1 & C(P) TO C3

ACREAGE: 8.59 AC.±	HEARING NO: P03-71	
ORDINANCE: STEDMAN	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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Cumberland County**

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Town of Linden  
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Marion Gillis-Olion  
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**COUNTY of CUMBERLAND**  
—◆—  
***Planning and Inspections***

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Director  
Planning & Inspections**

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

October 16, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-82: REZONING OF 18.6 ACRES FROM R10 TO R6 OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF CLIFFDALE ROAD, EAST OF RIM ROAD, OWNED BY JAMES L. AND HELEN MELTON TEAGUE, BEVERLY C. AND HOWARD A. CULBRETH, JR. AND EVA C. RUSSELL.

The Planning staff recommends denial of the R6 Residential District based on the following:

1. Public water is not available to the site.

Note: The staff would be palatable to R6/CU requiring public water and sewer prior to development of the property.

SITE PROFILE

**P03-82**

REZONING OF 18.6 ACRES FROM R10 TO R6 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF CLIFFDALE ROAD, EAST OF RIM ROAD, OWNED BY JAMES L. AND HELEN MELTON TEAGUE, BEVERLY C. AND HOWARD A. CULBRETH, JR. AND EVA C. RUSSELL.

**Site Information:**

**Applicant/Owner:** JAMES M. KIZER / JAMES L. AND HELEN MELTON TEAGUE, BEVERLY C. AND HOWARD A. CULBRETH, JR. AND EVA C. RUSSELL

**Area:** 18.6 acres

**Frontage & Location:** 1,125 feet on Cliffdale Road

**Depth:** 725 feet

**Jurisdiction:** County

**Adjacent Property:** None

**Current Use:** Vacant

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

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

**Surrounding Zoning:** North-R6 and R6A, East-RR, South-RR and R6A, West-R10

**Surrounding Land Use:** Mobile home park

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

**Designated 100-Year Floodplain or Floodway:** At or above 172-174 MSL

**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 12/04 / PWC

**NAPZ (Ft. Bragg):** One mile buffer area

**Schools:** E. E. Miller Elementary, Lewis Chapel Middle, 71<sup>st</sup> High

**Subdivisions:** Subdivision Review will be required for development of property.

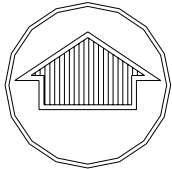
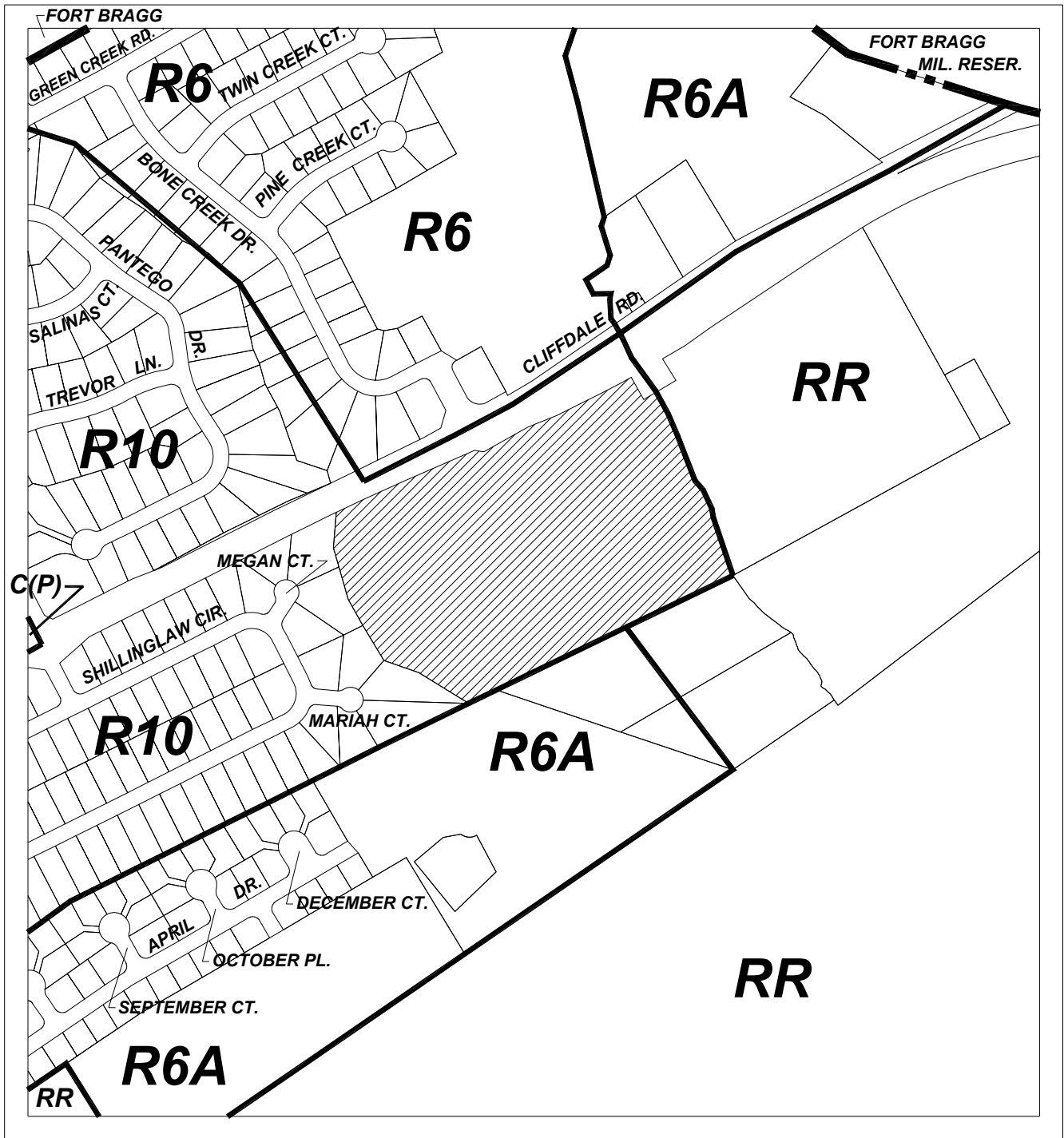
**Thoroughfare Plan:** Cliffdale Road is identified as a Major Thoroughfare. This is a funded project with a current 110-foot right-of-way with a multi-lane cross section. Road improvements are included in the 02-10 MTIP. ROW Acquisition-Complete, Construction: In Progress

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

**Notes:**

Density w/20% for roads:	R10 – 65 units
	R6 – 108 units
w/Zero Lot Line:	R10 – 85 units
	R6 – 160 units





NORTH

500 0 500



SCALE IN FEET

## REQUESTED REZONING: R10 TO R6

ACREAGE: 18.61 AC.± HEARING NO: P03-82

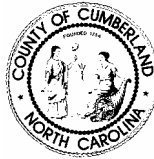
ORDINANCE: COUNTY	HEARING DATE	ACTION
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PLANNING BOARD

GOVERNING BOARD

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Cumberland County**

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Cumberland County



## **COUNTY of CUMBERLAND**

### *Planning and Inspections*

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Joe W. Mullinax,  
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Wade, Falcon & Godwin  
Frank Underwood,  
Town of Stedman

October 16, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-83: REZONING OF .36 ACRES FROM R10 TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT, AT 7503 ASCOT AVENUE, OWNED BY SUGIN K. MENDENHALL.

The Planning staff recommends denial of the C1 Local Business District and suggests that the applicant should apply for a Conditional Use Overlay District to allow the desired use.

SITE PROFILE

**P03-83**

REZONING OF .36 ACRES FROM R10 TO C1 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 7503 ASCOT AVENUE, OWNED BY SUGIN K. MENDENHALL.

**Site Information:**

**Applicant/Owner:** SUGIN K. MENDENHALL

**Area:** .36 acres

**Frontage & Location:** 110 feet on Ascot Avenue

**Depth:** 145 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Vacant

**Initial Zoning:** September 17, 1973 (Area 2A)

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

**Surrounding Zoning:** North-R10, C(P) and C1, East-RR, R10, C1, C1/CUO, South-R10, R5A/CUO, O&I, C1, C1/CUO, C(P) and C3, West-R10

**Surrounding Land Use:** Church, sewing and cleaning business, real estate office, farmer's market, school, strip mall

**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

**Reilly Road Study:** Low Density Residential

**Urban Services Area:** Yes

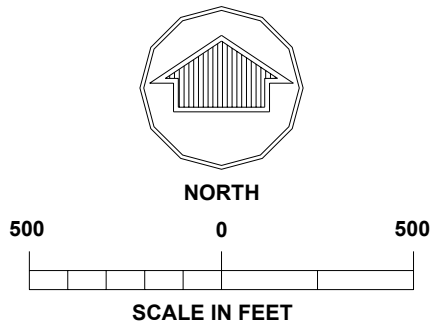
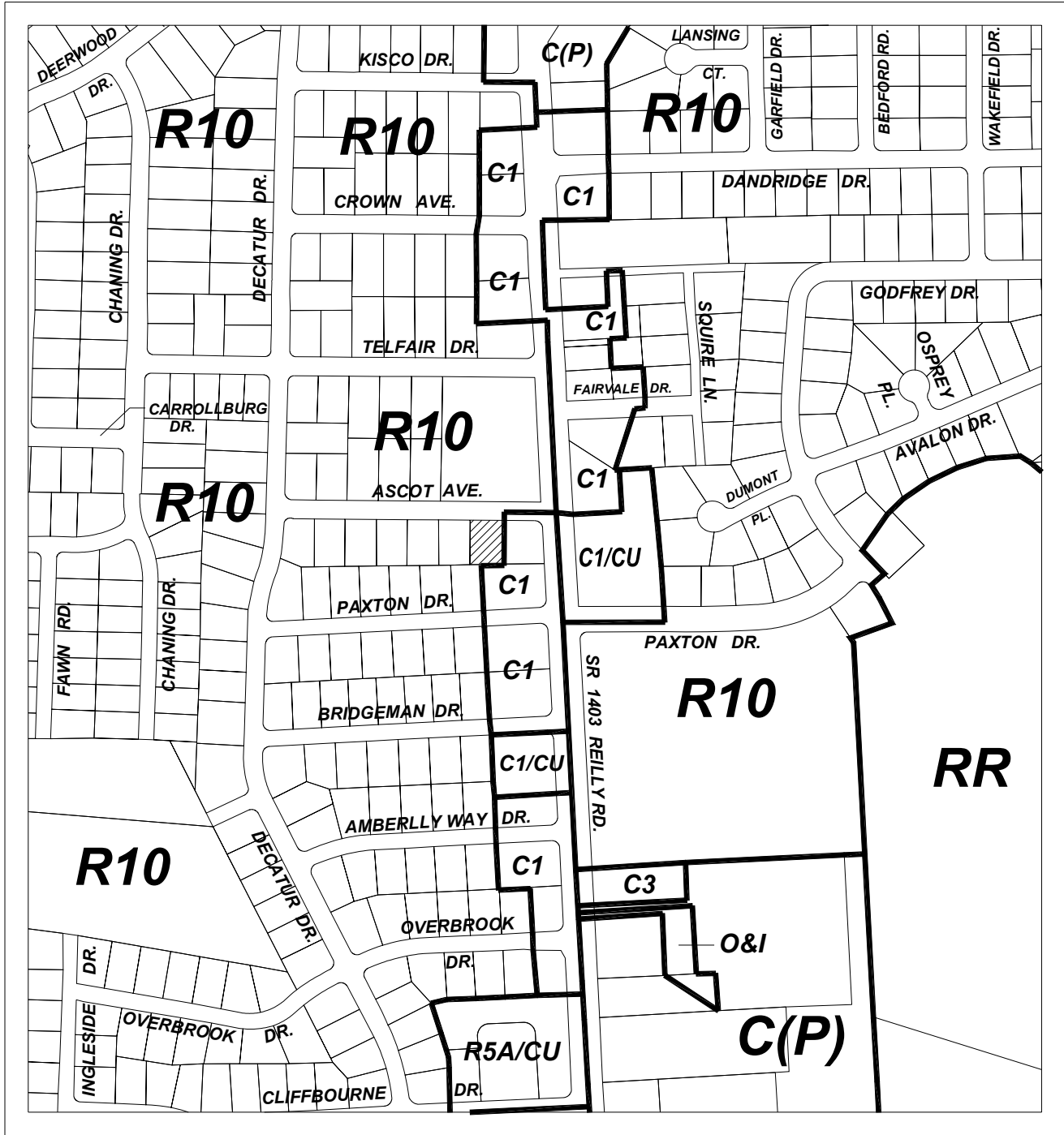
**Water/Sewer Availability:** PWC / PWC

**Schools:** Ben Martin Elementary, Westover Middle and High

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

**Average Daily Traffic Count (2000):** 24,000 on Reilly Road

**Notes:**

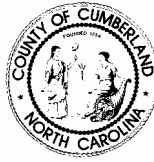


## REQUESTED REZONING: R10 TO C1

<b>ACREAGE:</b> 0.36 AC.±	<b>HEARING NO:</b> P03-83	
<b>ORDINANCE:</b> COUNTY	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		

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## COUNTY of CUMBERLAND

### *Planning and Inspections*

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Donovan McLaurin,  
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Frank Underwood,  
Town of Stedman

October 16, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-84: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT ON 5.62 ACRES IN AN A1 DISTRICT AT 2690 INDIANA COURT, OWNED BY JAMES W. BOURGOYNE.

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

### P03-84

A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT ON 5.62 ACRES, IN AN A1 DISTRICT, AT 2690 INDIANA COURT, OWNED BY JAMES W. BOURGOYNE.

#### **Site Information:**

**Applicant/Owner:** DAVID LEE ZURAVEL / JAMES W. BOURGOYNE

**Area:** 5.62 acres

**Frontage & Location:** 531 feet on Indiana Court

**Depth:** 380 feet

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential and business

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

**Previous Zoning Action(s):** Violation – No letter sent

**Surrounding Zoning:** A1

**Surrounding Land Use:** Open storage of tractor trailers

**2010 Land Use Plan:** Open Space and Farmland

**Designated 100-Year Floodplain or Floodway:** At 71 MSL

**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:** None

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

**Schools:** Seabrook Elementary, Mac Williams Middle, Cape Fear High

**Subdivisions:** Group development pending.

**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: 2 refrigerated trailers, 6 tractor-trailers.
5. No tractor-trailers will be loaded or unloaded on the premises.
6. All tractor-trailers parked behind the house unless repairs are needed.

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 2690 Indiana Court Fayetteville, North Carolina 28301  
(Street address or Route and Box #, and Zip Code)

Located on Indiana Court  
(Name of Street/ Road, or General Directions to Site)

Parcel Identification Number 0451 - 86 - 5695  
(obtain from Tax Receipt or from Office of the Tax Administrator 678-7567)

Lot(s) # 1 Frontage 695.7 feet Depth 578.07 Containing 5.62 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: James W. Bourgoyne

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

as recorded in Deed Book 4107, Page(s) 0718, Cumberland County Registry.

\*\*\*\*\*  
It is requested that the foregoing property be rezoned as Conditional Use Overlay District from A-1 to A-1/CUQ 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 a small trucking business.  
Residence will be used to answer business calls and dispatch truckers.  
Tractor-trailors will be parked on premises.  
Tractor-trailers will be repaired on premises.

- 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 17 years with no complaints. Granting the Conditional Use would benefit the community by allowing the business, which employs four (4) 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 and truck repair shop exist on site / none proposed 5.62 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 8:00a.m. to 5:00p.m.)

Four (4) employees

No additional Lighting

No tractor-trailers are loaded or unloaded on premises

Business operates a total of six (6) trucks and six (6) trailers.

Tractor-trailers generally only arrive on premises on Thursday through

Sunday. On average, 1-2 refrigerator trailers are running and parked on premises on weekend (from approximately 6:00p.m. Saturday till 9:00p.m. Sunday)

5. Site Plan Requirements:

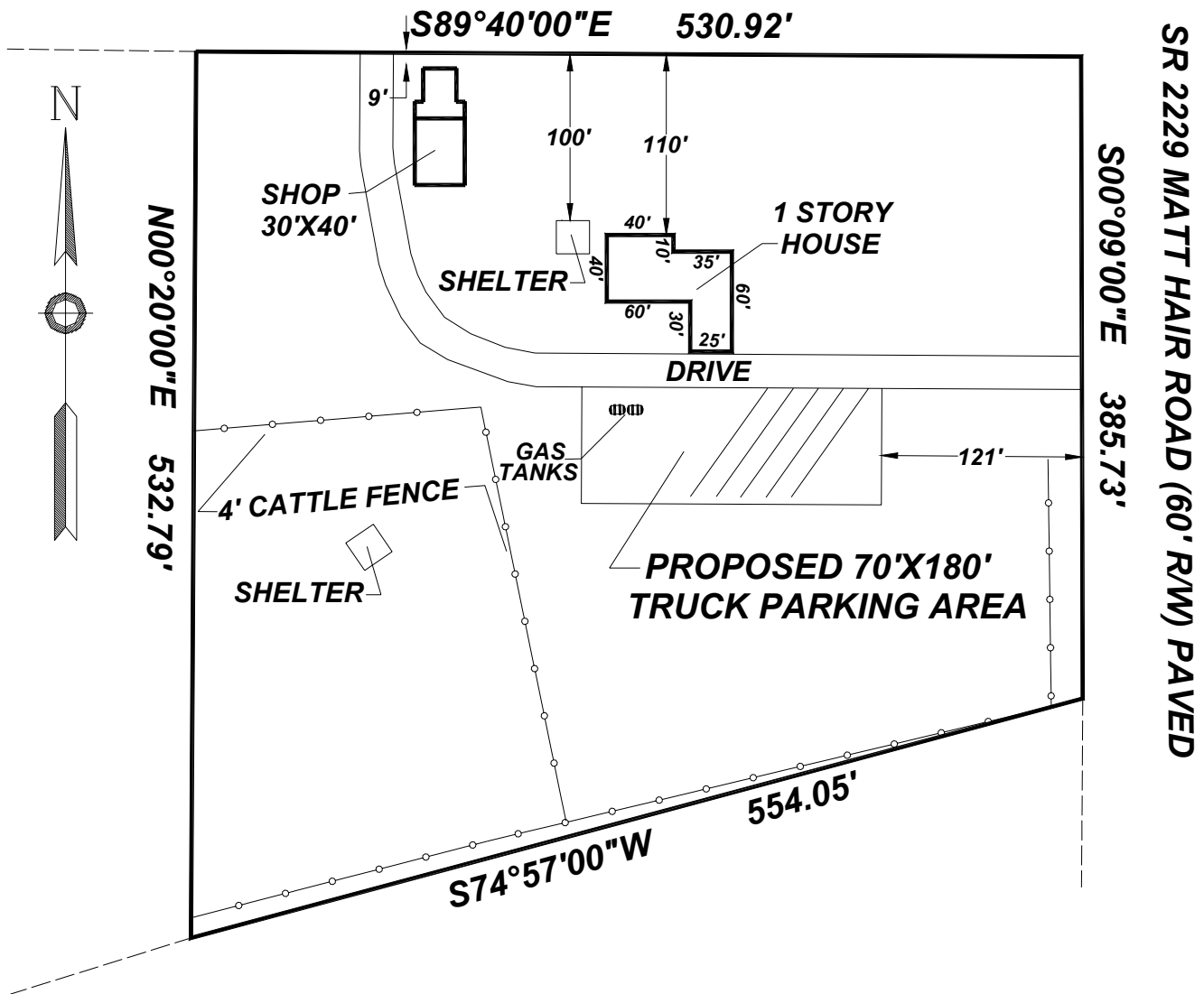
Attach a site plan drawn to scale. If the proposed uses involve development subject to Cumberland County subdivision regulations, the site plan required hereunder may be general in nature, showing a generalized street pattern, if applicable and the location of proposed structures. If the proposed uses 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.



**INDIANA COURT (60' CLASS "C" PRIVATE STREET)**

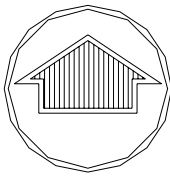
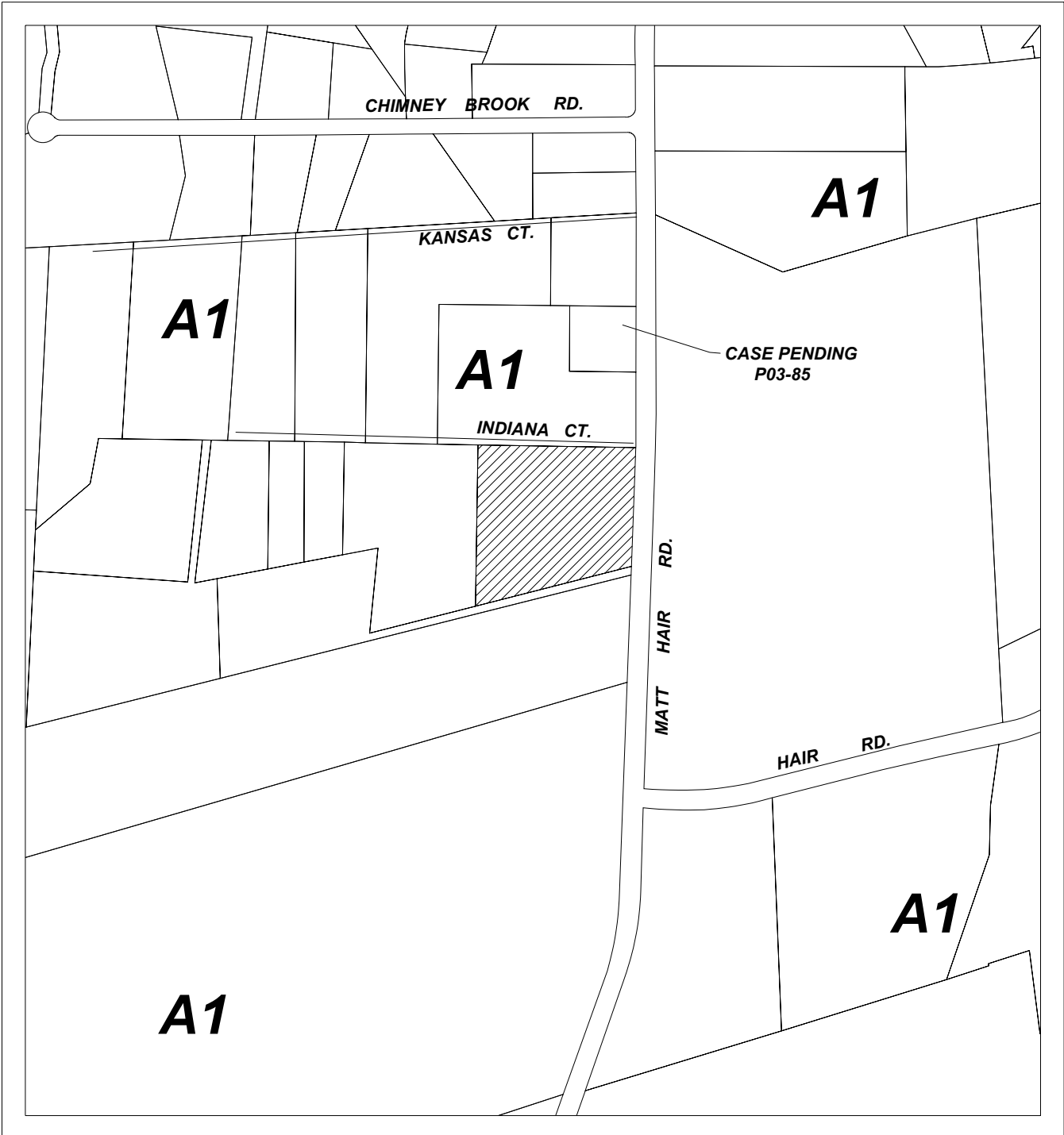


**CONDITIONAL USE OVERLAY DISTRICT**

**CASE: P03-84 SCALE: 1"=100'**

**REQUEST: TO ALLOW A TRUCKING BUSINESS/REPAIR & STORAGE OF EQUIPMENT**

**ACREAGE: 5.62± ZONED: A1 PARKING: AS SHOWN**



NORTH

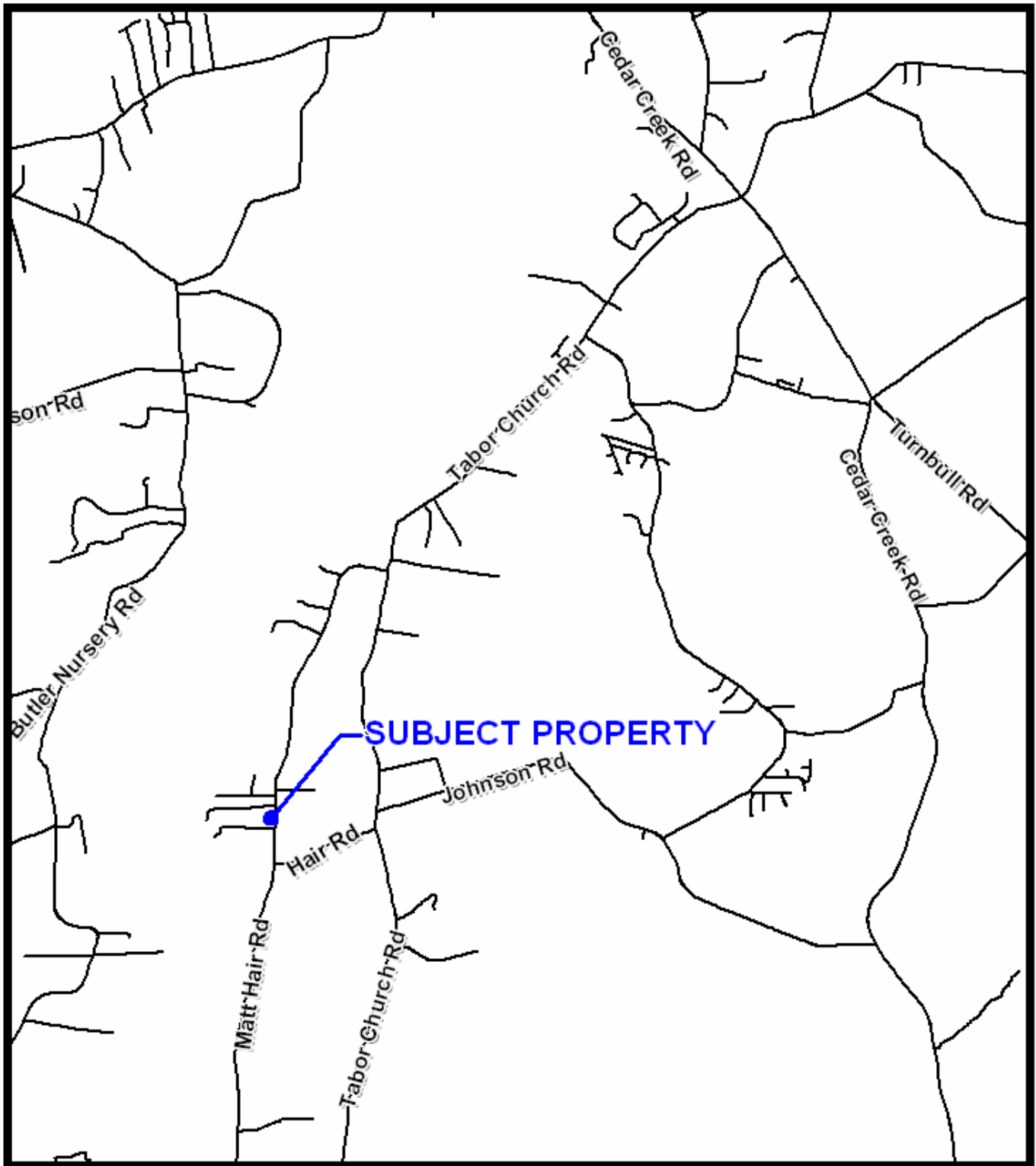
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SCALE IN FEET

## CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 5.62 AC. ±		HEARING NO: P03-84	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

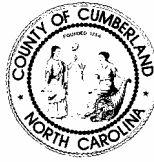


**LOCATION MAP P03-84**



Clifton McNeill, Jr.,  
Chair  
Cumberland County

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

October 16, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-85: 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:** March 1, 1994 (Area 17)

**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

5. ~~No tractor-trailers are loaded or unloaded on premises~~  
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 \_\_\_\_\_

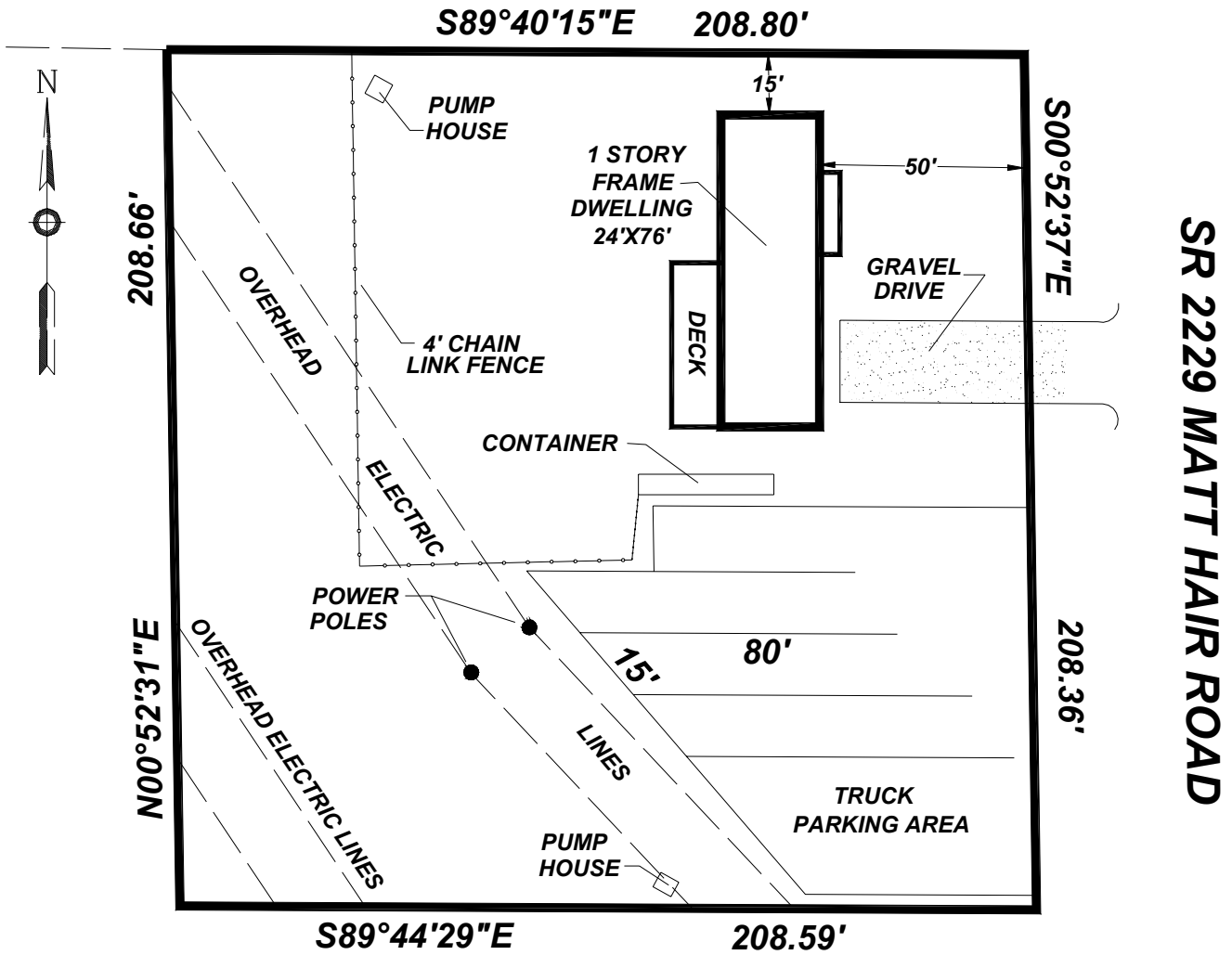
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**MAILING LIST**

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 5<sup>th</sup> 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-

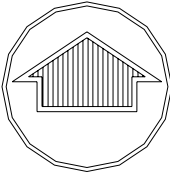
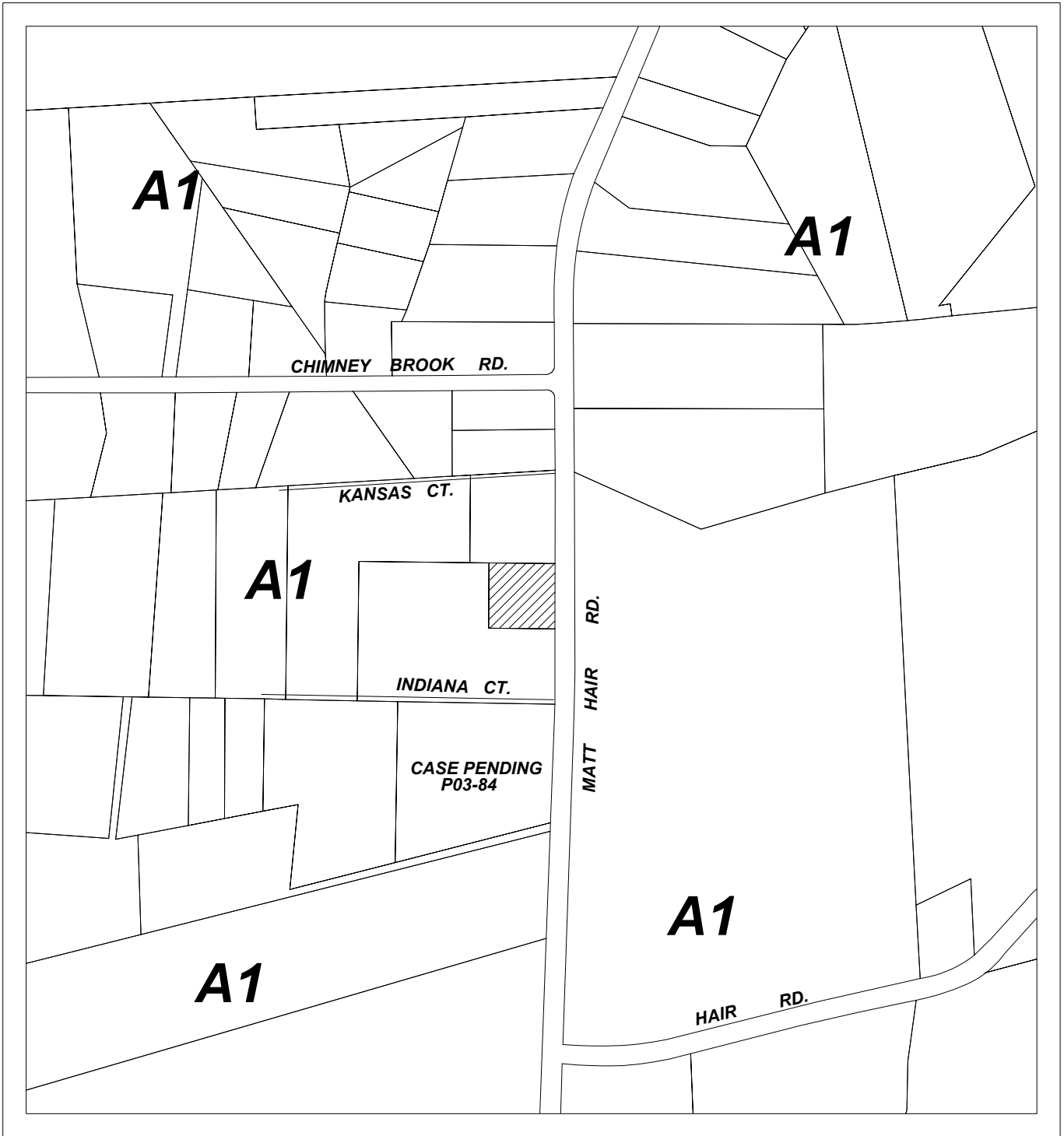


**CONDITIONAL USE OVERLAY DISTRICT**

**CASE: P03-85 SCALE 1"= 40'**

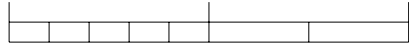
**REQUEST: TO ALLOW A TRUCKING BUSINESS  
AND STORAGE OF EQUIPMENT**

**ACREAGE: 1.14± ZONED: A1 PARKING: AS SHOWN**



NORTH

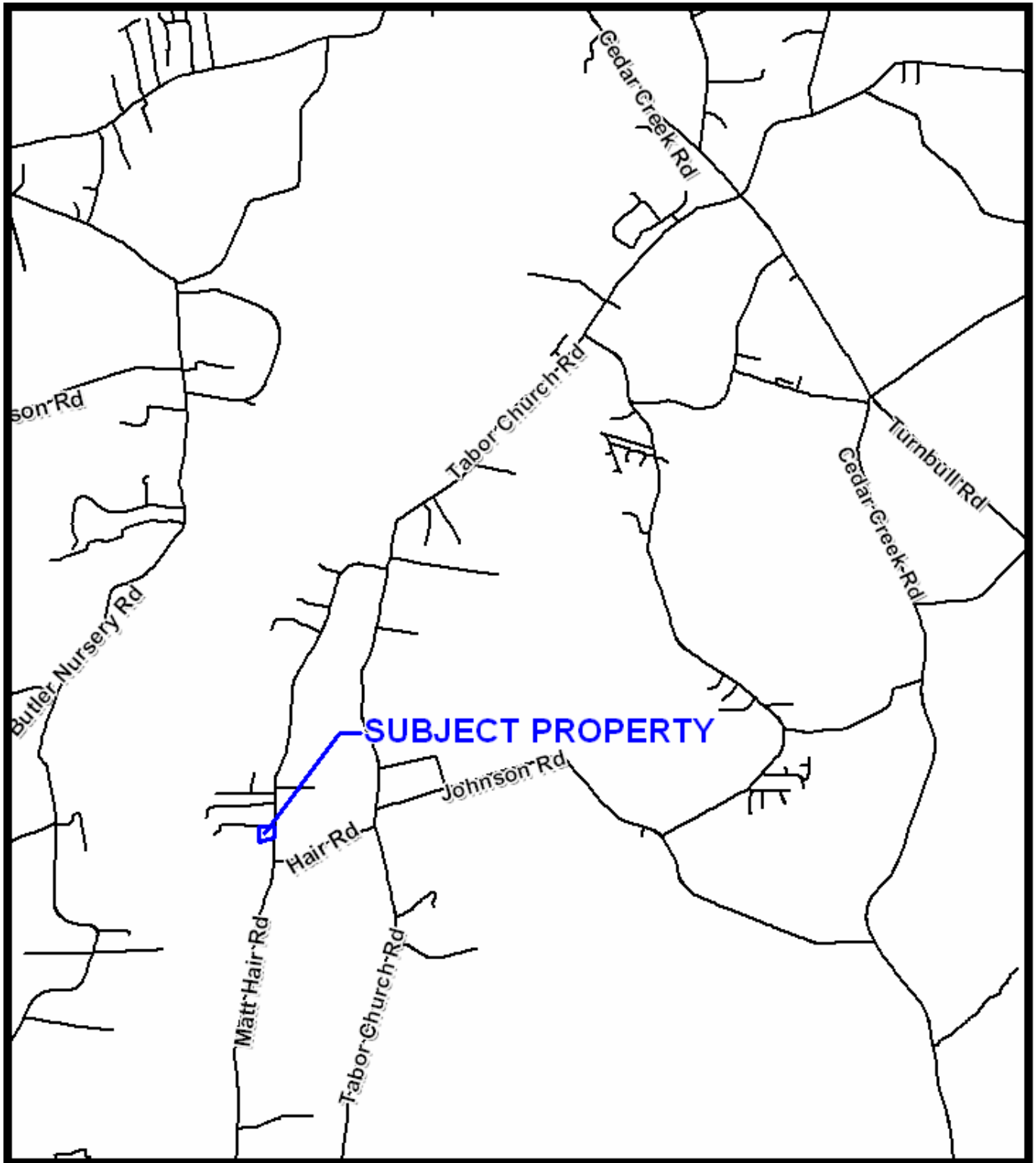
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SCALE IN FEET

# CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 1.14 AC. ±		HEARING NO: P03-85	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			



# LOCATION MAP P03-85



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

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

October 16, 2003

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: P03-87: REZONING OF 6.27 ACRES FROM A1 TO R20 OR A MORE RESTRICTIVE ZONING DISTRICT AT 467 PALESTINE ROAD, OWNED BY ERNEST H. AND BARBARA B. SMITH.

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

1. Public water and sewer are not available to the site.

The Planning staff finds that the R40 and R40A Residential Districts are suitable for the site.

SITE PROFILE

**P03-87**

REZONING OF 6.27 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 467 PALESTINE ROAD, OWNED BY ERNEST H. AND BARBARA B. SMITH.

**Site Information:**

**Applicant/Owner:** ERNEST H. AND BARBARA B. SMITH

**Area:** 6.27 acres

**Frontage & Location:** 341 feet on Palestine Road

**Depth:** 801 feet

**Jurisdiction:** County

**Adjacent Property:** None

**Current Use:** Residential

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

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

**Surrounding Zoning:** North-A1 and R15, East-A1, R40A, RR and PND, South-A1 and PND, West-A1, R15 and PND

**Surrounding Land Use:** Single family residential

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

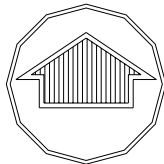
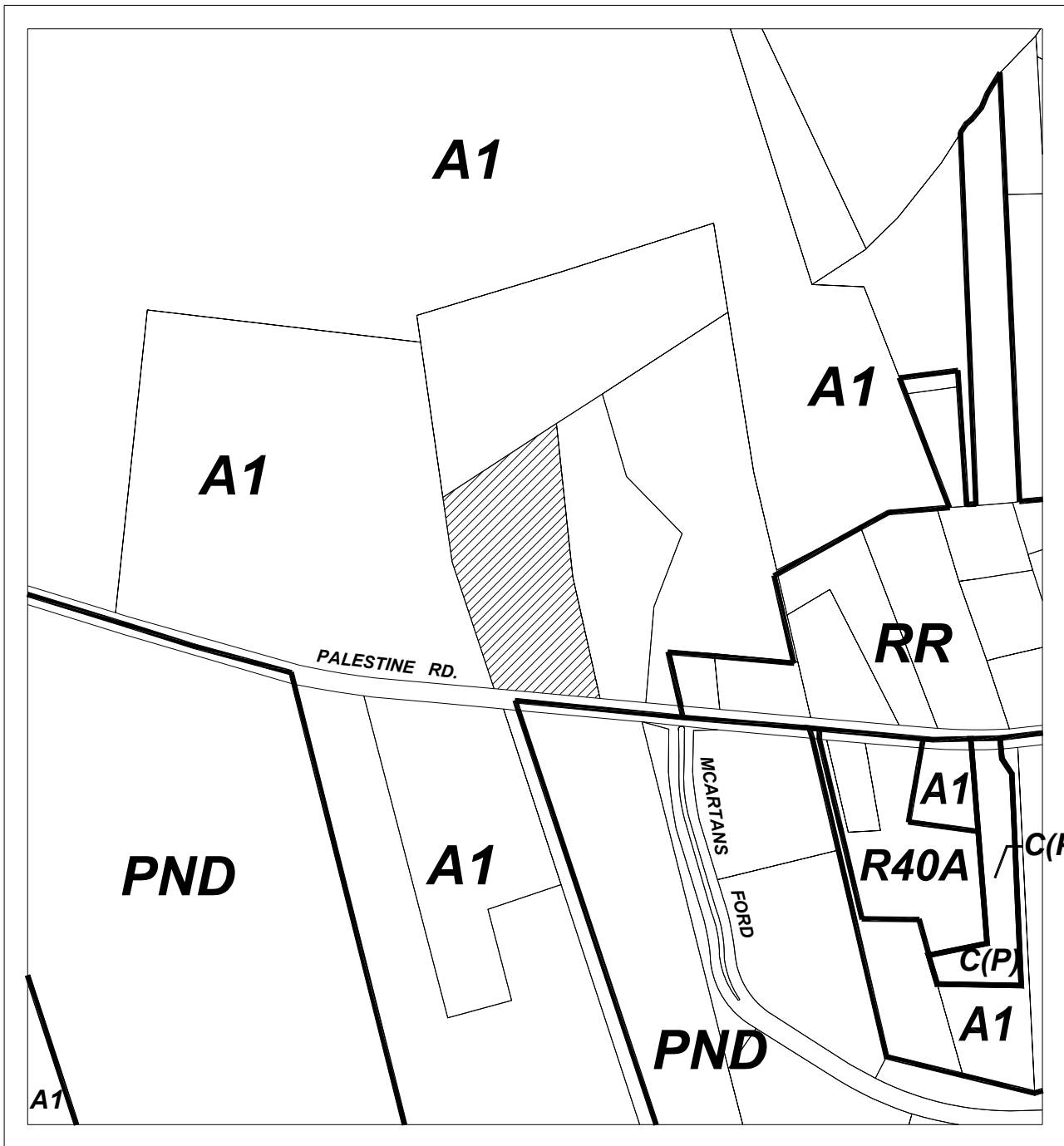
**Subdivisions:** Subdivision or group development required on any future development.

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

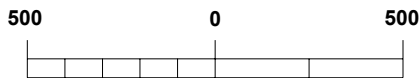
**Notes:**

Density w/20% for roads:     A1 – 3 units  
  R40 – 5 units  
  R30 – 7 units  
  R20 – 11 units





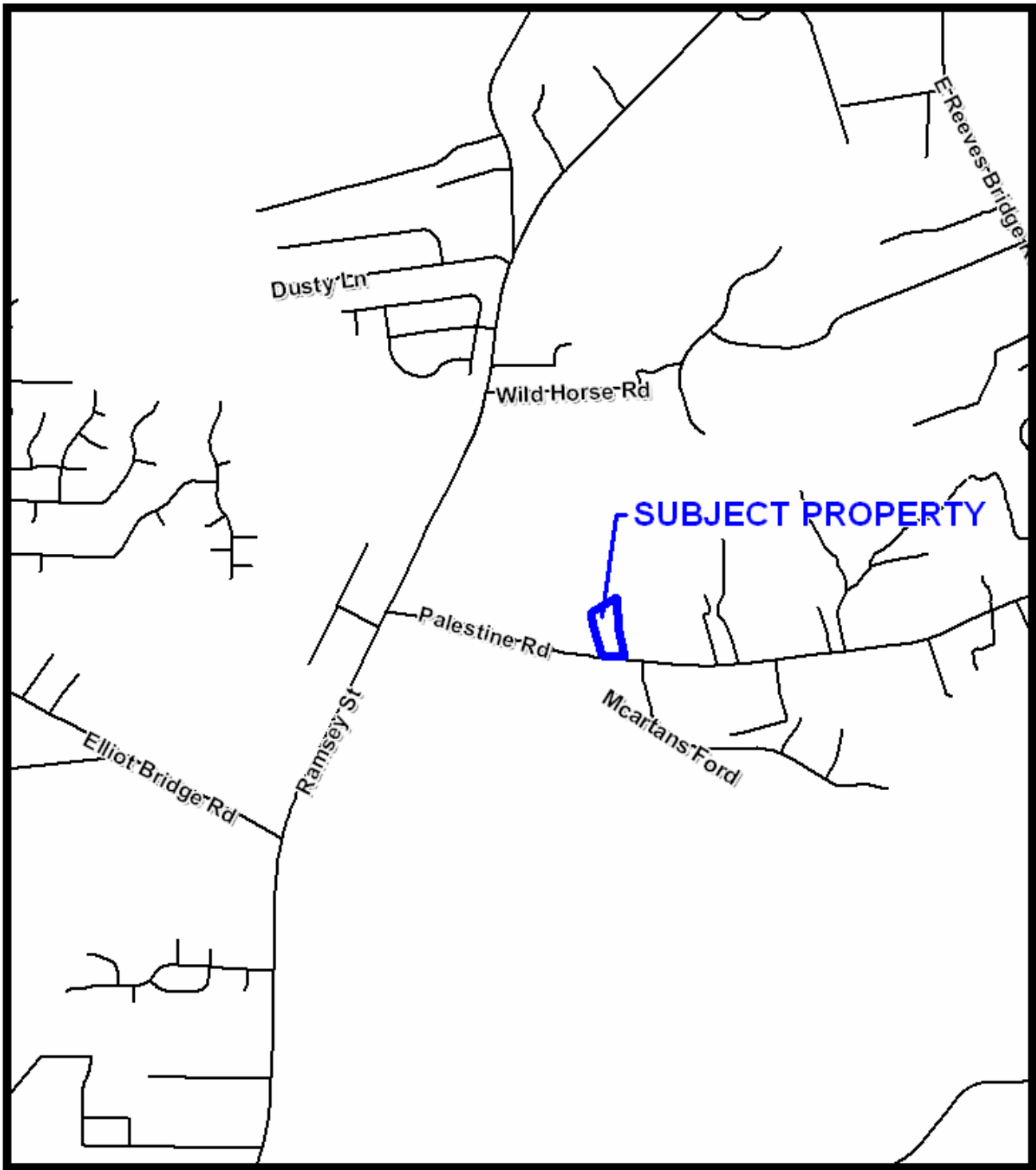
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SCALE IN FEET

## REQUESTED REZONING: A1 TO R20

<b>ACREAGE:</b> 6.27 AC.±	<b>HEARING NO:</b> P03-87	
<b>ORDINANCE:</b> COUNTY	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		



**LOCATION MAP P03-87**

