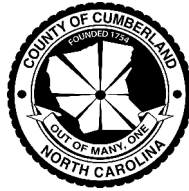


Clifton McNeill, Jr.
Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

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

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

TENTATIVE AGENDA March 15, 2005

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - A. P04-76: REZONING OF 1.43 ACRES FROM M2 TO R6A OR A MORE RESTRICTIVE ZONING DISTRICT AT 4001 LOFTON STREET, OWNED BY GERALD E. CREECH. (WADE)
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF MARCH 8, 2005

REZONING CASES

- A. P05-10: REZONING OF .28 ACRES FROM R6 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE NORTH SIDE OF NEW STREET, EAST OF NORTH BRAGG BOULEVARD, OWNED BY VERNON HOBSON, ET AL. (SPRING LAKE)
- B. P05-11: REZONING OF A 4.94-ACRE PORTION OF AN 18.87-ACRE TRACT FROM R6/CU TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF SOUTH RAEFORD ROAD, WEST OF GILLIS HILL ROAD, SUBMITTED BY JOHN M. GILLIS, JR, OWNED BY JOSEPH H. GILLIS.
- C. P05-12: REZONING OF TWO PARCELS TOTALLING 9.13 ACRES FROM HS(P) AND RR TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF DUNN ROAD, NORTH OF I-95 BUSINESS, SUBMITTED BY LARRY KING AND ASSOCIATES, OWNED BY RIDDLE COMMERCIAL PROPERTIES, INC. AND JOSEPH P. RIDDLE III.
- D. P05-16: REZONING OF 1.02 ACRES FROM R6A TO M(P), OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3926 CHURCH STREET, SUBMITTED BY DONOVAN MCLAURIN, OWNED BY WADE COMMUNITY FIRE DEPARTMENT. (WADE)

AMENDMENTS

- A. P05-13: AMENDMENTS TO THE SPRING LAKE CODE OF ORDINANCES BY AMENDING CHAPTER 156, "ZONING CODE," SECTION 156.149(A), "FEES." (SPRING LAKE)

- B. P05-14: AMENDMENTS TO THE TOWN OF STEDMAN ZONING ORDINANCE BY CREATING IN SECTION 7.32, "DUMPSTERS," AND ADDING "DUMPSTERS" IN ALPHABETICAL ORDER TO SECTION 10.2. (STEDMAN)
- C. P05-15: AMENDMENTS TO THE TOWN OF STEDMAN ZONING ORDINANCE BY AMENDING ARTICLE IX, SECTION 9.43, "C3 HEAVY COMMERCIAL DISTRICT," AND SECTION 9.44, "HEAVY INDUSTRIAL DISTRICT." (STEDMAN)

VII. PUBLIC HEARING ITEM

- A. P05-17: REZONING OF FIVE PARCELS TOTALING 37.99 ACRES FROM A1 TO R40, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF COUNTY LINE ROAD, EAST OF FIRE DEPARTMENT ROAD, SUBMITTED BY JAMES A. MCLEAN, III, OWNED BY GLYN KIRK LEWIS, ET AL.

VIII. PLATS AND PLANS

- A. 04-173: DALTON'S RIDGE ZERO LOT LINE SUBDIVISION REVIEW ON THE EAST SIDE OF BUTLER NURSERY ROAD, WEST OF MARSH ROAD, FOR A VARIANCE FROM SECTION 3.18, "BLOCK LENGTH," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

IX. DISCUSSION

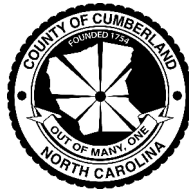
X. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

XI. ADJOURNMENT

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Town of Stedman

MINUTES

March 8, 2005

Members Present

Mr. Clifton McNeill, Chair
Mr. Charles Morris, Vice-Chair
Mr. David Averette
Mr. Harvey Cain, Jr.
Dr. Marion Gillis-Olion
Mr. Donovan McLaurin
Mr. Joe W. Mullinax
Mr. Roy Turner

Others Present

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

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/ADJUSTMENTS TO AGENDA

A motion was made by Mr. Mullinax and seconded by Mr. Turner to approve the Agenda as submitted. The motion passed unanimously.

III. APPROVAL OF THE MINUTES OF FEBRUARY 15, 2005

A motion was made by Mr. Averette and seconded by Mr. Turner to approve the Minutes of February 15, 2005 as written. The motion passed unanimously.

IV. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd explained that there would be no actual time limits for the public hearing. He said that there would be a presentation by staff and then time for comments and questions from the members of the audience.

V. PUBLIC HEARING ITEM

A. P05-21. AMENDMENT AND REVISIONS TO THE CUMBERLAND COUNTY ZONING ORDINANCE, DATED JULY 3, 1972, AND SUBSEQUENT AMENDMENTS TO THAT ORDINANCE.

Mr. Lloyd gave a presentation and showed slides illustrating the major changes to the Ordinance that included:

- PND becomes dormant, and a new Mixed Use District is created

- Creation of a Density Development Conditional Use District allowing development density of the underlying district on 60 percent of a tract
- Conditional Use District Rezoning replaces the Conditional Use Overlay District
- Density in the A1 District changes from allowing one dwelling on two acres to one unit on one acre
- Buffering of outside storage (to be completed within two years)
- Creation of the R87 District for primarily residential uses only
- All nonresidential districts to be planned districts requiring site plans
- Planning Board to review Ordinance one year after adoption.

Mr. Morgan Johnson, Eastover Sanitary District Board member, appeared before the Board and stated his concerns. He said Section 107A indicates that zoning permits become void after six months if nothing substantial is done on a site. He said that he would recommend this be changed to 12 months.

Mr. Johnson then addressed Section 1102K. He requested that staff and Board consider regulating parking of tractor-trailers in residential areas. Mr. Barrett said that it was possible to regulate this, but he wasn't sure that it was wise to do so at this time.

Regarding the Density Development proposal, Mr. Johnson said that one-half acre lots could be created, so it is actually rezoning of property, and this would not be fair to people owning property around the tracts. He expressed concern about maintenance of the required open space. He said that better solution needed to be proposed than homeowners' associations to maintain and monitor the open space.

Mr. Johnson then addressed the A1 District allowing one unit per acre. He said this would basically rezone all the A1 Districts within the County and allow twice the number of homes now allowed. He said this wouldn't make the land any easier to sell and didn't see the advantage to the change.

Mr. Johnson said that the residents of Eastover did not feel they could accept the Density Development proposal or the A1 District allowing one unit per acre.

Mr. Johnson invited the Board members to a meeting that the Eastover Sanitary District is having with the County Commissioners on March 31, 2005.

Mr. McLaurin asked if the Eastover Land Use Plan recommended one-acre lots for Eastover. Mr. Johnson said that it does; however there is a lot of land in the area that is zoned A1 with the two-acre lot requirement. He said that Eastover has a lot of wetlands, and this becomes an environmental issue. He said that the wetlands should remain as they are and not have a lot of homes around them.

Ms. Liz Reeser, Eastover Sanitary District Board member, appeared before the Board and showed a map indicating a large amount of land in the Eastover Land Use Plan designated for farmland preservation, hence A1 zoning. She said that the designation was made with the understanding that it would require two acres for each residence. She said that she was undecided on the Density

Development proposal because she thought it would work great throughout the County and be a horrible alternative for Eastover.

Ms. Sara Piland, Eastover Civic Club member, appeared before the Board and said that she was against the reduction in the A1 District from two acres to one because it would not be in the best interest of the rural communities. She said that the rationale is that one-acre lots would mean less farmland would be sold for development, but it actually encourages rural sprawl. She said that farmlands and forested areas absorb rainwater, and developers create hard surfaces that don't allow for the filtering value and water holding capabilities that the undeveloped areas do. She said that the wetlands should be kept, or a great deal of money will be needed to replace them. She asked that the rural and farmland areas be preserved by leaving the A1 requirements at one unit for every two acres.

Mr. McLaurin asked if Ms. Piland thought that the best way to prevent sprawl was the two-acre lots. Ms. Piland said that it was more complex than that, but the rural character needs to be maintained. She said that the actions of the Eastover community will impact the entire County.

Mr. McLaurin asked where people of low wealth would live if they have to buy two acres for a home. Ms. Piland said that there are great opportunities for redevelopment within the urban areas. Mr. McLaurin said that he understood the soil concerns, but homes can't be built on the acreage if it's wet. He said that the Density Development encourages clustering, but Eastover may not be able to take advantage of it because of wetlands.

Mr. Lloyd explained that the Density Development allows density up to the density of the underlying district—possibly only one and one-half of the density allowed. He said that it follows a plan. He explained that it is negotiable, not an automatic rezoning and on a case-by-case basis.

Mr. Barrett said that maintenance by a homeowners' association is a requirement in the current Ordinance for common areas such as trails, recreational areas, etc. He said that the documents creating the homeowners' associations are reviewed by the County Attorney's office, and he looks for liens imposed and ways to enforce the documents and whether they can be amended. He said that he prefers at least a 75 percent vote to amend the documents. He said that this is currently done on all planned subdivisions.

Mr. McLaurin said if the objections are about appearance, one only has to drive down Dunn Highway through Eastover to the County line to see how unsightly some of the areas are with junk and abandoned vehicles. He said it is not a well-kept area, and the Density Development would help clean it up. Mr. Johnson said that the Density Development is not the answer, it should be cleaned up by the inspectors working with the residents. Mr. McLaurin said that appearance and density are two different issues.

Mr. Paul Williams appeared before the Board as a County resident and said he has been studying how to get more growth in the community, and it's a simple formula.

He said if more growth is desired, then there needs to be more freedom, and that's higher density. He listed some principles for living and economic growth which included:

- People should be allowed to live and work where and how they want
- Strict plans should be avoided
- Densities and land use should be market driven—not plan driven
- Communities should be allowed to have as diverse a design as the market allows
- Decisions of neighborhood development should be decentralized
- Local planning procedures should incorporate owner rights

He said that the Planning Department did a great job on the Ordinance. He added that when quality of life is discussed, it's important to ask whose quality. He said that it should be the least among us. He said that changing the permit time from six to 12 months gives more economic freedom. He concluded by stating that some of the least developed countries provide the most pollution.

Mr. Lawrence Buffaloe, a resident of Eastover, appeared before the Board and thanked the staff and Board for their work on the Ordinance. He said that Eastover wants to preserve the rural character. He said that it appeared that the Density Development provides a way to use undevelopable land and wetlands and give the developers an advantage. He said that he likes the open space and buffering requirements, but he doesn't want to give the developers the advantage. He asked what prevents someone from developing the 60 percent of the land when 40 percent couldn't be developed anyway. Chair McNeill said that this was permissible under the proposal. He said that the developer would be allowed to use the wetlands to get the density he wants, and this can be done today using Zero Lot Line subdivision development.

Mr. Barrett said that a different slant would be that the land that is not developed would be preserved, and some of this would be wetlands that are crucial to air and water quality and wildlife and fauna habitats. He said a developer with a cookie cutter plan would disturb more land than using the Density Development where development is concentrated on 60 percent of the land and 40 percent is protected.

Mr. Buffaloe asked how the one-acre lots recommended in the Eastover Land Use Plan fit in. Mr. Lloyd said that the one-acre lots are a misnomer because already lots can be developed at less than one acre by using Zero Lot Line. He said it is permitted and has been done since the Plan was written. He explained that the plan is interpreted to intend that development density be one unit per acre.

Chair McNeill said that land use plans are an attempt to suggest how an area may be developed, used as guidance for newcomers to an area, etc. He said that they don't usurp Ordinances.

Mr. Barrett said that the land use plans are a guide to implement the Ordinances, and decisions are made on a case-by-case basis by the Commissioners. He said

ultimately, the assurance that the communities have is that the Commissioners give consideration to individual cases using the Ordinances.

Mr. Buffaloe thanked the Board and reminded them that the residents of Eastover want to preserve the rural character of their community. He said that it appears that any way you cut it; the new proposals will allow higher density.

Mr. McLaurin said under Zero Lot Line, the same can currently be accomplished. He asked if Mr. Buffaloe's concern was that the developers can use the open space to get higher density. Mr. Buffaloe asked if that was true, and Mr. Lloyd said that it was. Mr. Buffaloe said that he would then be opposed to the Density Development proposal because it just allows more density.

Vice-Chair Morris said that residents should understand that using the Density Development would still require open forums and public hearings, and approval by the County Commissioners. He added that the Density Developments require plans for all to see, and rezoning doesn't do this.

Mr. Buffaloe asked how it would be guaranteed that the owners would actually develop property according to the plans. Mr. Barrett said that the tracts have to be developed according to the plans as submitted. Mr. Buffaloe asked who makes sure this happens. Mr. Barrett responded that this is the responsibility of the Planning and Inspections Department.

Vice-Chair Morris added that currently the same thing can be done under the Zero Lot Line, with no plans or oversight—totally at the developers' discretion.

Mr. Lloyd said that he thought that the Commissioners would prefer R40 CUD in the one-acre areas in Eastover rather than just A1 to R40 rezoning. He said that it would only mean that 60 percent of the land would be developed. He added that the proposed Ordinance is to cover the entire County, and each case would be considered individually.

Mr. McLaurin asked if the residents of Eastover who were concerned about the Density Development wanted the Board to review how much wetland could be included in the 40 percent open space requirement. He was told that they did, and they want part of the 40 percent to be developable land.

Ms. Piland asked how the Planning Board and staff considered the impact on ecosystems when considering zoning. Mr. Lloyd said that the staff looks at soils and input from the Health Department. Chair McNeill said that the Board listens to the testimony and questions staff. Ms. Piland said that she hoped they were looking at the long-term impact.

Mr. Tom Hollinshed appeared before the Board and said that the majority of the Density Developments will not involve wetlands. He said that density could be greater if wetlands are considered, but not in other cases. He expressed a concern about open space and said that maintenance needs to be strictly addressed. Mr. McLaurin said that no one maintains the wetlands now.

Mr. Benny Pearce, an Eastover resident, appeared before the Board and asked where the closest Density Development has been implemented and asked if the staff had received feedback on its success. Mr. Lloyd said there are developments in Orange and Wake Counties and near Chapel Hill. Mr. Barrett said that two of the developments are Southern Village and Meadowmont near Chapel Hill.

Chair McNeill said that Mr. Randall Arendt came to Fayetteville to give a presentation on the concept to the planners, developers and citizens of the community.

Mr. Pearce said before mistakes are made, it is important to see where the concept has been successful.

Vice-Chair Morris said that historically, the concept is used in Washington, DC and at military academies.

Mr. Pearce asked if the A1 District was even needed if the acreage was reduced to one unit per acre. Mr. Barrett explained that there are many nonresidential uses allowed in the A1 District that are not allowed in other districts.

Mr. Tom Brooks, resident of McCormick Farms, appeared before the Board and asked the Board to favorably consider the Density Development. He said that this would be a tool he could use to preserve open space if he ever decided to develop his property.

Mr. Jimmy Kizer appeared before the Board representing the Homebuilders' Association and the engineering community. He said that many of his folks didn't receive copies of the Ordinance until this week because they were out of town. He asked that the Board consider continuing the public hearing until the first meeting in April in order for the engineers and homebuilders to participate in the process.

Vice-Chair Morris said that the homebuilders and engineers were included in a meeting about six weeks ago and have had copies of the Ordinance for several weeks. Mr. Kizer explained that they have three different drafts, and the latest is the one they just received. He said that they have appreciated being part of the process, but want to make sure that everything is covered.

Ms. Piland said that Mr. Williams referred to Smart Growth. She asked if the Density Development came from that movement. Mr. Lloyd said that it did, but originally it had its origin in the conservation movement. She asked if it would be a good idea to meet with the folks from this field. Mr. Lloyd said that it would be more appropriate to meet with them during the Comprehensive Plan process.

Mr. Mack Williams appeared before the Board and asked if regulations must be consistent Countywide. Mr. Barrett said that they have to be unified, and there could be classifications that would apply to certain areas that have the same characteristics. He said that these designations must be made carefully, for example all areas that are three feet under sea level could have the same regulations.

Mr. Johnson said that he recognized that land use plans aren't ordinances, but the desire of the residents. He said it doesn't behoove them to ignore the land use plans because they are the feelings and desires of the residents. He said that Zero Lot Line defeats the zoning for a tract of land. He said that it should be examined and not automatically granted to anyone who requests its use. He said that staff and Board should review it. Mr. Lloyd explained that the Subdivision allows the use of Zero Lot Line by anyone who requests it. Chair McNeill said that there would also be public hearings on the Subdivision Ordinance when it is amended.

Ms. Lori Epler, Larry King and Associates, appeared before the Board and said when developers are required to institute homeowners' associations, costs are driven up because of the extra fees to the homeowners. She said that this is a concern for developers.

Chair McNeill said that under the current proposal, a homeowners' association is only one of the options to maintain the open space. Ms. Epler said others include the landowner or the County being responsible. She said that the developers watch out for the consumer and developers, and one would have to be responsible for the maintenance of the open space. Mr. Lloyd said that the staff looked at many options and spoke with developers, who said that homeowners' associations work. Mr. Barrett said if common areas aren't included, and the developer is exempted, and no homeowners' association is created, the costs are transferred to the City and County governments. He said some common space is needed, and there is a demand for parks. He said that there is going to be a cost, and these developments should bear their own costs. Chair McNeill added that another option would be to lease the open space back to farmers to allow them to farm and possibly create some income. Mr. Lloyd said that developers and homeowners will know up front that the costs are there. He added that staff welcomes any suggested alternatives to the homeowners' association. Mr. Lloyd pointed out that the Ordinance is to be reviewed one year after adoption.

Ms. Kim Fisher appeared before the Board and asked who owns the open space. Chair McNeill said that the developer would own it and transfer ownership to a homeowners' association. Mr. Barrett said it could also be transferred to a nature conservancy, Sierra Club, etc. Ms. Fisher asked who pays the property taxes. Mr. Barrett explained that a proportionate share of the common space is included in the assessed value of each lot.

Concern was expressed about homeowners having to take on the extra cost. Chair McNeill said it's like people currently paying for streetlights. Mr. McLaurin said it's less than the homeowners would pay who own three acres. Mr. Barrett said that the 2/3-acre additional cost is taxed at a lower level because it is undevelopable land. Mr. Lloyd added that this isn't a new concept, and homeowners will be aware of what will be required when they purchase the land.

Mr. Hollinshed asked if the owners would be taxed if the homeowners' association gave the land to a land trust. Mr. Barrett said that they would not. Mr. Hollinshed

asked if a conservation easement could be used to reduce taxes by as much as 80 percent. He was told that it could.

Mr. Joe Gillis appeared before the Board and said that he has reservations about the 60 and 40 percents. He also expressed concern about homeowners being responsible for open space because there are so many absentee homeowners. He said that he would speak at the next public hearing.

The public hearing was closed.

Chair McNeill said that Mr. Kizer requested an additional meeting. After discussion, the members agreed to hold another public hearing at the first meeting in April.

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to continue the public hearing until April 5, 2005.

Chair McNeill said that the staff and Committee have given a year to the process, and they want to be thorough and deliberate, so he would prefer to continue the meeting to make sure the job is done right.

Vice-Chair Morris said that the review period is critical because the document hasn't been updated in 30 years. He said that trouble spots would be tweaked at that time.

Upon a vote on the motion, it passed unanimously.

Mr. Averette said that he would like the comments at the next meeting to include more than just the Density Development and change to the A1 District.

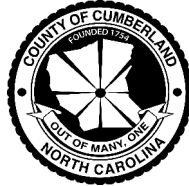
Mr. Jim Graves, President of the Homebuilders' Association, said that he enjoyed the comments and concerns expressed by the people. He said if more boards interacted as the Planning Board does, Fayetteville would be a better place to live.

VI. ADJOURNMENT

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

Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
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March 10, 2005

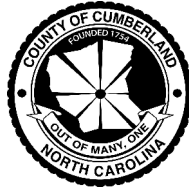
MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR MARCH 15, 2005 MEETING

P04-76: REZONING OF 1.43 ACRES FROM M2 TO R6A OR A MORE RESTRICTIVE ZONING DISTRICT AT 4001 LOFTON STREET, OWNED BY GERALD E. CREECH. (WADE)

The Planning staff recommends deferral of this case in order for the applicant to eradicate the violations.

Clifton McNeill, Jr.
Chair
Cumberland County

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March 10, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR MARCH 15, 2005 MEETING

P05-10: REZONING OF .28 ACRES FROM R6 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE NORTH SIDE OF NEW STREET, EAST OF NORTH BRAGG BOULEVARD, OWNED BY VERNON HOBSON, ET AL. (SPRING LAKE)

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

1. The Spring Lake and 2010 Land Use Plans call for heavy commercial use at this location; and
2. The uses allowed in the C3 district are consistent with the surrounding development.

SITE PROFILE
P05-10

REZONING OF .28 ACRES FROM R6 TO C3 OR A MORE RESTRICTIVE ZONING DISTRICT ON THE NORTH SIDE OF NEW STREET, EAST OF NORTH BRAGG BOULEVARD, OWNED BY VERNON HOBSON, ET AL. (SPRING LAKE)

Site Information:

Applicant/Owner: VERNON HOBSON, ET AL.

Area: .28 acres

Frontage & Location: 75 feet on New Street

Depth: 165 feet

Jurisdiction: Spring Lake

Adjacent Property: Yes

Current Use: Vacant

Previous Zoning Action(s): None

Surrounding Zoning: North, R6, C3, M1, East-County limits, South-PND, R6, R6A, R6/MHO, R5, C(P), and West-R10, R5, C(P)

Surrounding Land Use: No name commercial (2), grill, auto store, rental business, building supply, realty, dress maker, manufactured home park (2), fast food restaurant (3), plaza

Spring Lake Land Use Plan: Heavy Commercial

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Urban Services Area: Yes

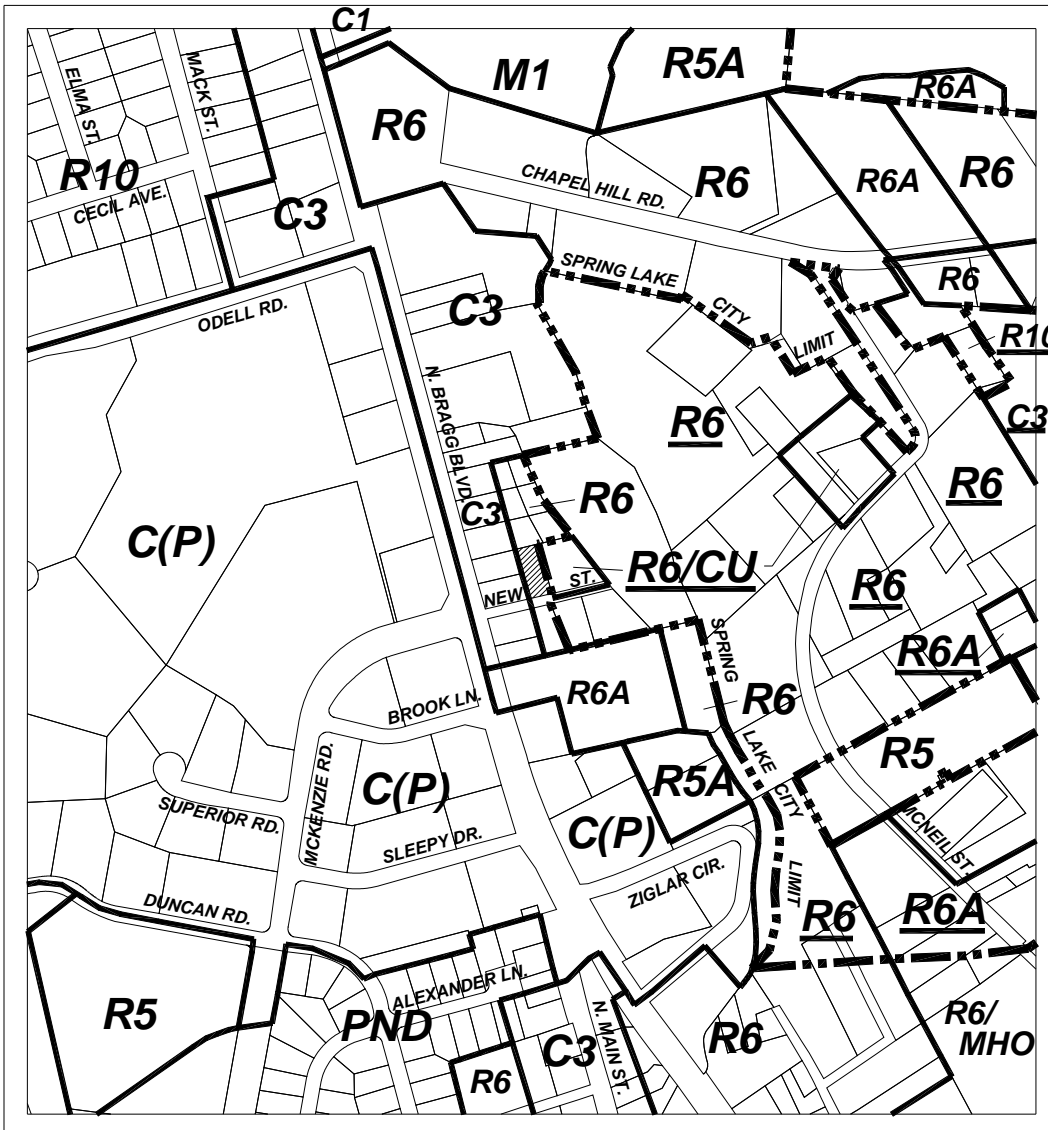
Water/Sewer Availability: Spring Lake utilities

Pope AFB: Not within the Accident Potential Zone or critical noise area.

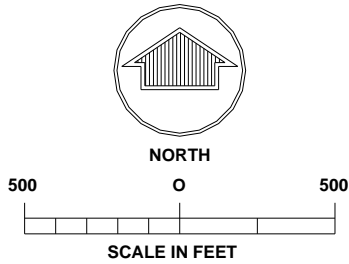
School Capacity/Enrolled: Manchester Elementary 442/396, Spring Lake Middle 644/610, Pine Forest High 1705/1674

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

Notes:



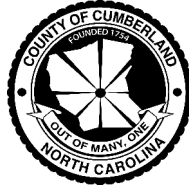
**REQUESTED REZONING:
R6 TO C3**



ACREAGE: 0.28 AC. ±		HEARING NO: P05-10	
ORDINANCE: SPRING LAKE		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

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March 10, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR MARCH 15, 2005 MEETING

P05-11: REZONING OF A 4.94-ACRE PORTION OF AN 18.87-ACRE TRACT FROM R6/CU TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF SOUTH RAEFORD ROAD, WEST OF GILLIS HILL ROAD, SUBMITTED BY JOHN M. GILLIS, JR, OWNED BY JOSEPH H. GILLIS.

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

1. The uses allowed in the C(P) District are consistent with the surrounding development; and
2. The remaining portion of the property is already zoned C(P)/CU.

Note: The conditions and development pattern of the area have changed since the adoption of the 2010 Land Use Plan.

SITE PROFILE
P05-11

REZONING OF A 4.94 ACRE PORTION OF A 18.87 ACRE TRACT, FROM R6/CU TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT ON THE SOUTH SIDE OF SOUTH RAEFORD ROAD, WEST OF GILLIS HILL ROAD, SUBMITTED BY JOHN M. GILLIS, JR, OWNED BY JOSEPH H. GILLIS.

Site Information:

Applicant/Owner: JOHN M. GILLIS, JR. / JOSEPH H. GILLIS

Area: 4.94 acres

Frontage & Location: 650 feet on South Raeford Road

Depth: 330 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Farmland

Initial Zoning: February 6, 1976 (Area 5)

Previous Zoning Action(s): None

Surrounding Zoning: North and East-RR, C(P), C(P)/CU, West-CD, RR, R10, PND, R5A, and West-CD, R15/CU, R10/CU and C(P)

Surrounding Land Use: Retail business (2) and shopping center

2010 Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: No

Within Area Considered for Annexation: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

School Capacity/Enrolled: Lake Rim Elementary 884/673, John Griffin Middle 1238/1219, Jack Britt High 1750/1723

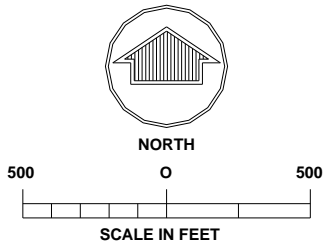
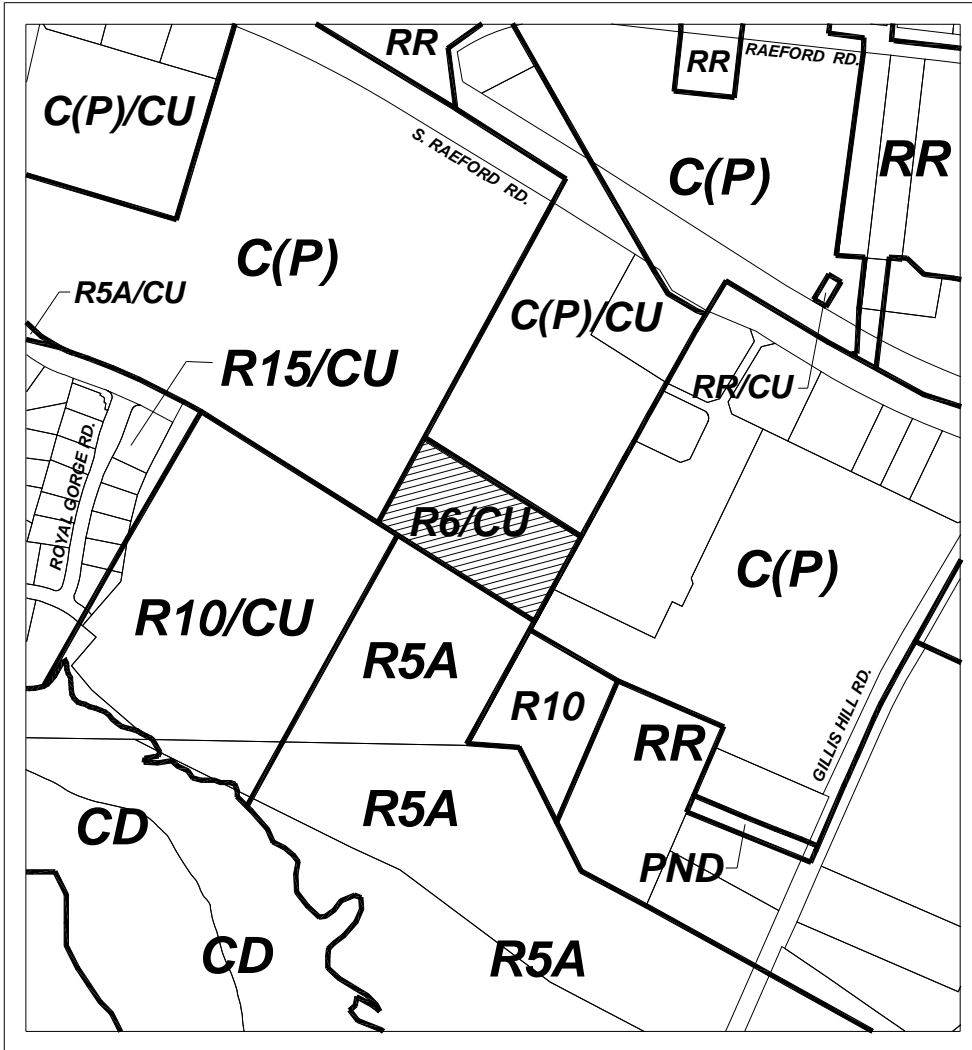
Subdivisions: 04-109

Pope AFB: Not within the Accident Potential Zone or critical noise area.

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

Average Daily Traffic Count (2000): 14,000 on South Raeford Road

Notes:



**REQUESTED REZONING:
R6/CU TO C(P)**

ACREAGE: 4.94 AC. ±

HEARING NO: P05-11

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

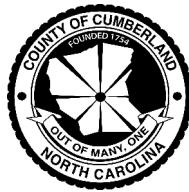
GOVERNING BOARD

PORTION OF PIN: 9486-34-2776

AF

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Cumberland County

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COUNTY of CUMBERLAND

Planning and Inspections Department

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Deputy Director

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

March 10, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR MARCH 15, 2005 MEETING

P05-12: REZONING OF TWO PARCELS TOTALLING 9.13 ACRES FROM HS(P) AND RR TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF DUNN ROAD, NORTH OF I-95 BUSINESS, SUBMITTED BY LARRY KING AND ASSOCIATES, OWNED BY RIDDLE COMMERCIAL PROPERTIES, INC. AND JOSEPH P. RIDDLE III.

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

This area is located within and adjacent to a designated activity node.

SITE PROFILE
P05-12

REZONING OF TWO PARCELS TOTALLING 9.13 ACRES FROM HS(P) AND RR TO C(P) OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF DUNN ROAD, NORTH OF I-95 BUSINESS, SUBMITTED BY LARRY KING AND ASSOCIATES, OWNED BY RIDDLE COMMERCIAL PROPERTIES, INC. AND JOSEPH P. RIDDLE III.

Site Information:

Applicant/Owner: LARRY KING AND ASSOCIATES / RIDDLE COMMERCIAL PROPERTIES, INC. AND JOSEPH P. RIDDLE III

Area: 9.13 acres

Frontage & Location: 720 feet on Dunn Road

Depth: 650 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: December 14, 1979 (Area 10)

Previous Zoning Action(s): None

Surrounding Zoning: North-A1, RR, C(P), East-A1, RR, R6A, HS(P), South-A1, RR, R6A, C(P), HS(P), and West-RR, R6A

Surrounding Land Use: No name commercial (2), beauty shop, dance shop, equipment company, cell tower, fire department, gas station, motel, nursing home, church and school

Eastover Land Use Plan: One-acre Residential, Heavy Commercial and Activity Node

Designated 100-Year Floodplain or Floodway: No Flood

Proposed Interchange or Activity Node: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic Tank (ESD has no objection to this case).

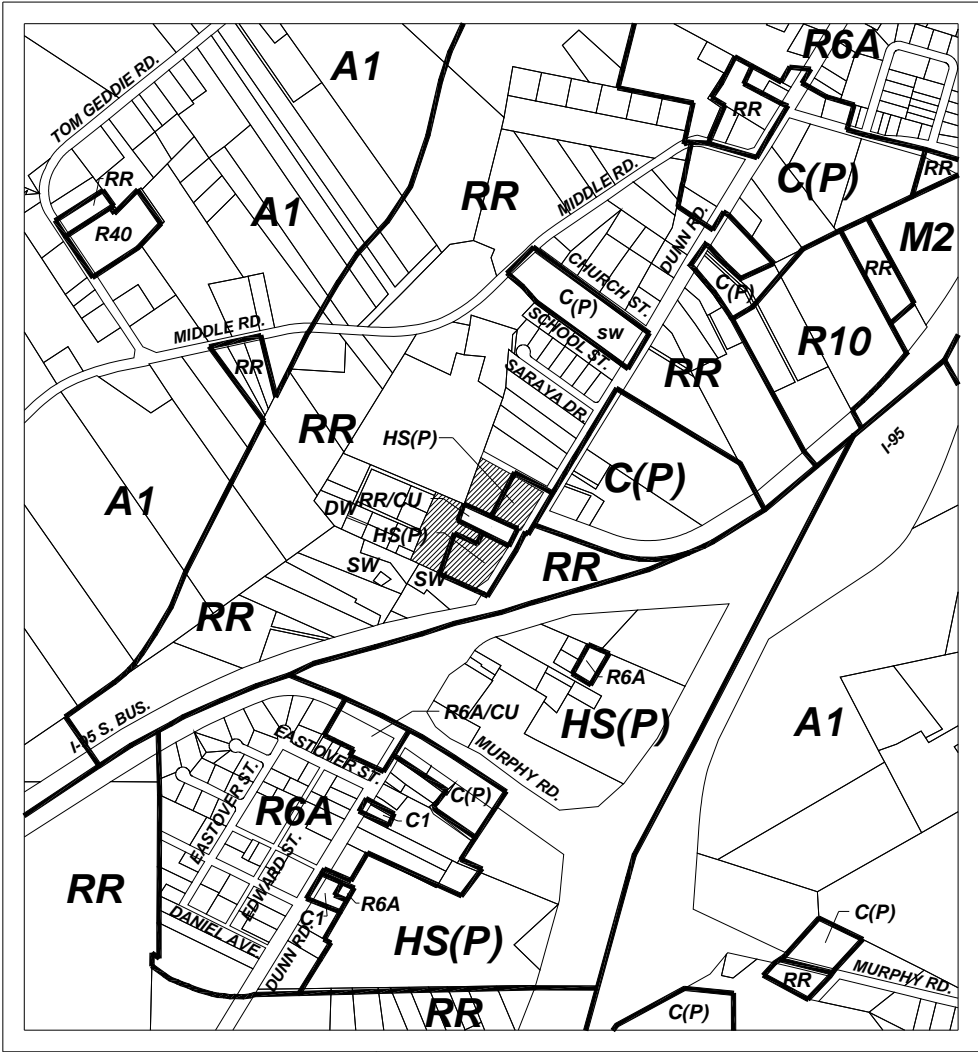
School Capacity/Enrolled: Armstrong Elementary 498/395, Mac Williams Middle 1218/1154, Cape Fear High 1415/1517

Subdivisions: 96-96 HS(P) Site Plan Review, NAR 10-11-95

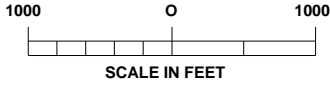
Highway Plan: Dunn Road is identified as a Major Thoroughfare. It has a current 100-foot right-of-way. No road improvements are included in the 2004-2010 MTIP.

Average Daily Traffic Count (2000): 5,300 on Dunn Road

Notes:



NORTH



SCALE IN FEET

**REQUESTED REZONING:
HS(P) & RR TO C(P)**

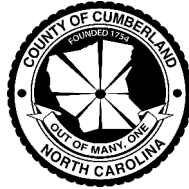
ACREAGE: 9.13 AC. ±	HEARING NO: P05-12	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN:0468-27-5497,9812

SP

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Harvey Cain, Jr.
Town of Stedman

March 10, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR MARCH 15, 2005 MEETING

P05-16: REZONING OF 1.02 ACRES FROM R6A TO M2, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3926 CHURCH STREET, SUBMITTED BY DONOVAN MCLAURIN, OWNED BY WADE COMMUNITY FIRE DEPARTMENT. (WADE)

The Planning staff recommends approval of the M2 Industrial District based on the finding that the site is surrounded by M2 zoning.

SITE PROFILE
P05-16

REZONING OF 1.02 ACRES FROM R6A TO M2 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3926 CHURCH STREET, SUBMITTED BY DONOVAN MCLAURIN, OWNED BY WADE COMMUNITY FIRE DEPARTMENT. (WADE)

Site Information:

Applicant/Owner: DONOVAN MCLAURIN / WADE COMMUNITY FIRE DEPARTMENT

Area: 1.02 acres

Frontage & Location: 280 feet on Church Street

Depth: 315 feet

Jurisdiction: Wade

Adjacent Property: No

Current Use: Fire Station

Initial Zoning: November 25, 1980 (Area 14)

Previous Zoning Action(s): None

Surrounding Zoning: North-A1, RR, R6A, M2, East-RR, R6A, O&I, C3, M2, South-RR, R15, and West-RR, R6A, M(P), M2

Surrounding Land Use: Temporary open storage of water line construction and no name business

Wade Detailed Land Use Plan: Low Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Watershed Area: Yes

Within Area Considered for Annexation: No

Street Designation: None

Proposed Interchange or Activity Node: No

Urban Services Area: Yes

Water/Sewer Availability: Town of Wade / Norcrest proposed

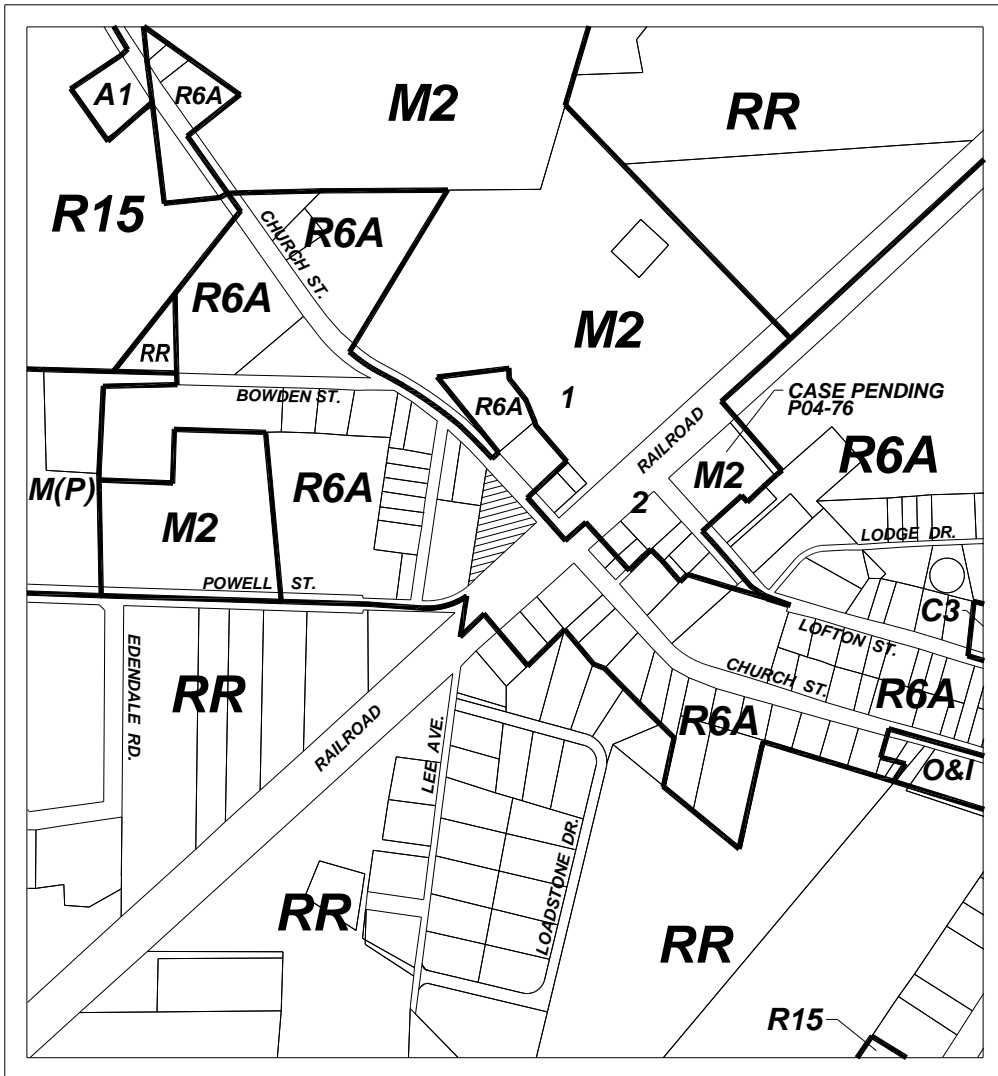
School Capacity/Enrolled: District 7 Elementary 267/250, Mac Williams Middle 1218/1154, Cape Fear High 1415/1517

Subdivisions: NAR 1-9-95

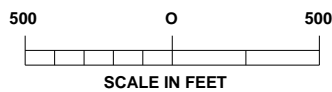
Highway Plan: No road improvements or new constructions specified for this area.

Average Daily Traffic Count (2000): 70 on Powell Street

Notes:



NORTH



**REQUESTED REZONING:
R6A TO M2**

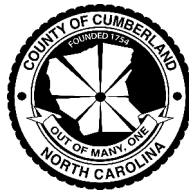
ACREAGE: 1.02 AC. ±	HEARING NO: P05-16	
ORDINANCE: WADE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0571-84-6450

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March 10, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR MARCH 15, 2005 MEETING

P05-13: AMENDMENTS TO THE SPRING LAKE CODE OF ORDINANCES BY
AMENDING CHAPTER 156, "ZONING CODE," SECTION 156.149(A), "FEES."
(SPRING LAKE)

The Planning staff recommends approval of the amendments to the Spring Lake Zoning Ordinance based on the following:

The amendments will correct errors in the Fee Schedule for the Town of Spring Lake.

P05-13

REVISION AND AMENDMENTS TO THE SPRING LAKE CODE OF ORDINANCES BY AMENDING CHAPTER 156 “ZONING CODE”, SECTION 156.149(A) “FEES”. (SPRING LAKE)

Amend Chapter 156 “ZONING CODE”, Section 156.149(A) “FEES” as follows:

156.149 FEES.

(A) Each applicant for rezoning, either general or overlay, appeals from administrative decisions, variances *or* specified conditional use permits, ~~or text amendments~~, shall pay a nonrefundable fee in accordance with the proposed fee schedule set out below, recommended by the Planning Board and adopted by the Board of Aldermen. This fee shall be waived for cases initiated and requested by the Board of Aldermen.

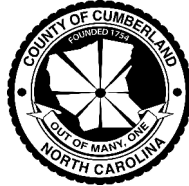
<i>Requested Districts</i>	<i>Less Than 5 Acres</i>	<i>5-50 Acres</i>	<i>50-100 Acres</i>	<i>100+ Acres</i>
RR	\$130	\$260	\$300	\$400
R-15	130	260	300	400
R-10	130	260	300	400
R-6A	130	260	300	400
R-6	130	260	300	400
R-5A	130	260	300	400
R-5	130	260	300	400
PND	130	260	300	400
O&I	260	260	300	400
C-1	260	260	300	400
HS(P)	260	260	300	400
CB	260	260	300	400
C(P)	260	260	300	400
C-3	260	260	300	400
M-1P M-1	260	260	300	400
M(P)	260	260	300	400
M-2	130 260	260	300	400

(B) Filing fees for text amendment to this chapter shall be \$130.

(C) If the general rezoning request is for more than one zoning classification, the fee will be the same as separate rezoning requests.

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Harvey Cain, Jr.
Town of Stedman

March 10, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR MARCH 15, 2005 MEETING

P05-14: AMENDMENTS TO THE TOWN OF STEDMAN ZONING ORDINANCE BY CREATING IN SECTION 7.32, "DUMPSTERS," AND ADDING "DUMPSTERS" IN ALPHABETICAL ORDER TO SECTION 10.2. (STEDMAN)

The Planning staff recommends approval of the amendments to the Town of Stedman Zoning Ordinance because the amendment promotes the health and general welfare and provides for a more aesthetically pleasing appearance.

Proposed Amendment to Town of Stedman Zoning Ordinance

Add to Section 10.2, Definitions, in Alphabetical Order:

Dumpster: Trash or recyclable material containers or any other type of waste or refuse container, designed for receiving, storing, transporting, and dumping waste materials, and has a hooking mechanism permitting it to be raised and dumped into a sanitation truck, typically with a capacity of at least one cubic yard.

Create Section 7.32, Dumpsters

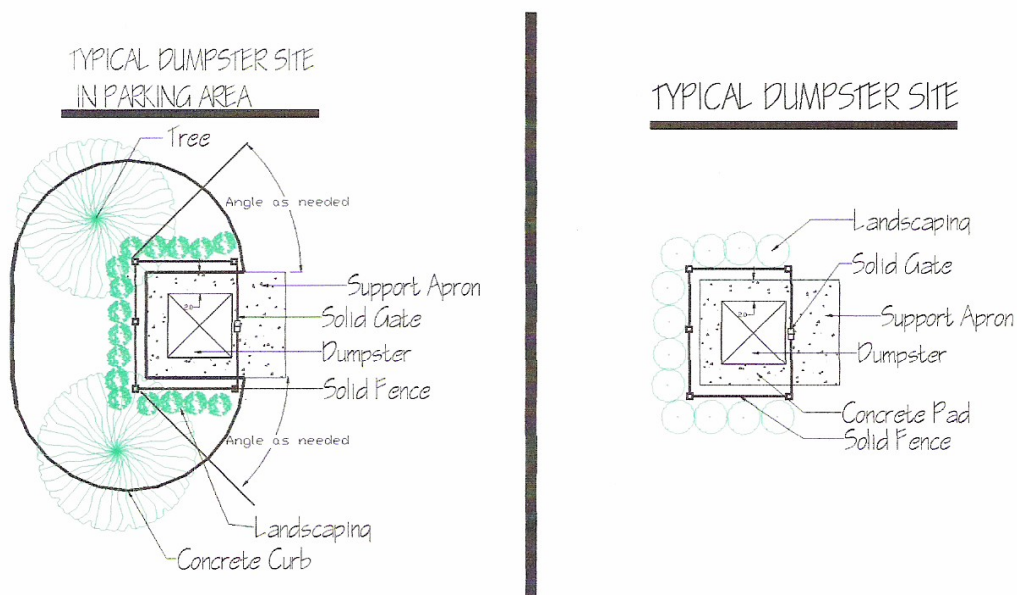
Regardless of the zoning district in which the property is located, every site providing dumpsters for solid waste collection must satisfy the minimum standards outlined below. Sites with dumpsters existing prior to the effective date of this Section shall conform to these standards by January 1, 2008 or shall have requested and received a variance from the Board of Adjustment in accordance with Section 12.4. In addition to the findings of Sub-section 12.43, variances shall be granted only if strict compliance to these standards jeopardizes the site for continued legal use. Any site or development that is damaged to an extent exceeding fifty percent of the reproducible value shall conform with these standards upon reconstruction.

- (a) All developments providing a dumpster for solid waste collection shall meet the following locational criteria:
- (1) Dumpsters shall be located to minimize any negative impact, visual or otherwise, on persons occupying the development site, neighboring properties, persons traveling on any public street, sidewalk or other public way;
 - (2) Dumpster sites shall be located so that collection does not require trucks to back onto or block any public street. Dumpster sites shall not be located in the required corner lot visibility area;
 - (3) Dumpster sites shall be located so that the dumpster is not visible to any dwelling unit on residential property other than where the dumpster is located, a public street, sidewalk, or other public areas;
 - (4) Dumpsters shall be located on a concrete pad a minimum of two feet wider than the dumpster with a minimum five-foot concrete support apron for truck loading and unloading; and
 - (5) Dumpster sites shall be maintained and kept free of liter and debris.

(b) All dumpster sites must be fenced or enclosed and gated with an opaque material by the methods outlined below.

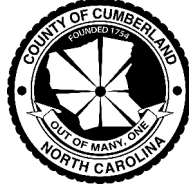
- (1) Dumpsters shall be screened on three sides and gated with an opaque wall or fence, or by using a combination of opaque materials, berms, and/or evergreen landscaping that provides for the required site-obscuring screening effect. Chain-link fencing with woven slates of opaque material is not acceptable for screening dumpsters. The screening material must be one foot higher than the top of the dumpster.
- (2) Dumpsters may also be screened by wall(s) of a principal or other accessory structure located on the same property which the dumpster is intended to serve.

Examples of Typical Dumpster Sites



Clifton McNeill, Jr.
Chair
Cumberland County

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Harvey Cain, Jr.
Town of Stedman

March 10, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR MARCH 15, 2005 MEETING

P05-15: AMENDMENTS TO THE TOWN OF STEDMAN ZONING ORDINANCE BY AMENDING ARTICLE IX, SECTION 9.43, "C3 HEAVY COMMERCIAL DISTRICT," AND SECTION 9.44, "HEAVY INDUSTRIAL DISTRICT." (STEDMAN)

The Planning staff recommends approval of the amendments to the Town of Stedman Zoning Ordinance based on the following:

1. The amendments provide for a more aesthetically pleasing appearance; and
2. The amendments help to alleviate and prevent sign clutter within the Town's jurisdiction.

(Proposed Revision to Town of Stedman Zoning Ordinance)

9.43. C3 Heavy Commercial District.

Signs for uses permitted in the C3 District shall be regulated as follows:

9.431. Signs Permitted. Business signs are permitted with no limitation on number of business signs which are integral with or attached to the principal building or located within the buildable area of the lot. One sign for each business occupant may be detached and placed in the required yard space, except on through lots or lots having frontage on three (3) or more streets, in which case two (2) detached signs per business occupant shall be permitted. ~~Billboards are permitted as regulated below.~~

9.432. Sign Area. The combined total sign area of all signs for a single business occupant shall not exceed seven hundred fifty (750) square feet or four (4) square feet of sign area per linear foot of frontage on a public street whichever is the lesser. No detached sign shall exceed one hundred (100) square feet in area. ~~No billboard sign shall exceed six hundred fifty (650) square feet in area.~~

9.433. Illumination. Any illuminated sign shall be lighted only with non-flashing and motionless illumination.

9.434. Height. Detached business ~~and billboard~~ signs shall not exceed a height of thirty-five (35) feet above ground from the base.

9.435. Location. Business signs shall not be located closer than five (5) feet to any street line and no sign not integral with or attached to a building shall be located nearer than five (5) feet to any property line. ~~Billboards shall not be located closer than thirty (30) feet to any street line, closer than five (5) feet to any side property line, or closer than fifty (50) feet to any detached sign or structure located on the same lot or on land in the same ownership or located within three hundred (300) feet of any billboard.~~

9.436. Temporary activities sign posting. For the purpose of endorsing or advertising temporary activities such as displays, festivals, circuses, fairs, contests, fund drives, elections, campaigns, exhibits, meetings, conventions, sales, performances, dances, drives, and the like, signs are permitted in the C3 District after first obtaining a sign permit from the Zoning Inspector for such a temporary sign or group of signs. The Zoning Inspector may refer the request to the Board of Adjustment

for final determination if there is doubt as to the merits of such a request.

9.44. M2 Heavy Industrial District.

Business signs Signs in the M2 District shall be the same as permitted in the C3 District. **Billboards shall be regulated as follows:**

9.441. Billboard Sign Area. *No billboard sign shall exceed six hundred fifty (650) square feet in area.*

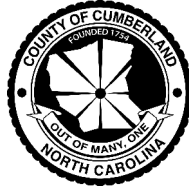
9.442. Illumination. *Any illuminated billboard shall be lighted only with non-flashing and motionless illumination.*

9.443. Height. *No portion of any billboard or the billboard's support structure shall exceed a height of thirty-five (35) feet above ground from the base.*

9.444. Location. *Billboards shall not be located closer than thirty (30) feet to any right-of-way line, closer than five (5) feet to any side property line, or closer than fifty (50) feet to any detached sign or structure located on the same lot or on land in the same ownership or located within three hundred (300) feet of any billboard.*

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Chair
Cumberland County

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COUNTY of CUMBERLAND

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Town of Stedman

March 10, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR MARCH 15, 2005 MEETING

P05-17: REZONING OF FIVE PARCELS TOTALING 37.99 ACRES FROM A1 TO R40, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH SIDE OF COUNTY LINE ROAD, EAST OF FIRE DEPARTMENT ROAD, SUBMITTED BY JAMES A. MCLEAN, III, OWNED BY GLYN KIRK LEWIS, ET AL.

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

1. The 2010 Land Use Plan calls for farmland at this location; and
2. There is no one-acre development in this part of the County.

SITE PROFILE

P05-17

REZONING OF FIVE PARCELS TOTALING 37.99 ACRES FROM A1 TO R40, LOCATED ON THE NORTH SIDE OF COUNTY LINE ROAD, EAST OF FIRE DEPARTMENT ROAD, SUBMITTED BY JAMES A. MCLEAN, III, OWNED BY GLYN KIRK LEWIS, ET AL.

Site Information:

Applicant/Owner: JAMES A. MCLEAN, III, / GLYN KIRK LEWIS, ET AL.

Area: 37.99 acres

Frontage & Location: 720 feet on County Line Road

Depth: 1600 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: June 25, 1980 (Area 13)

Previous Zoning Action(s): None

Surrounding Zoning: Primarily A1 with R40 to the west

Surrounding Land Use: Single family residential and farmland

2010 Land Use Plan: Farmland and Open Space

Designated 100-Year Floodplain or Floodway: No Flood

Water/Sewer Availability: Well / Septic

School Capacity/Enrolled: Gray's Creek Elementary 901/759, Gray's Creek Middle 450/524, Gray's Creek High 1080/967

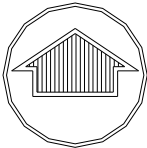
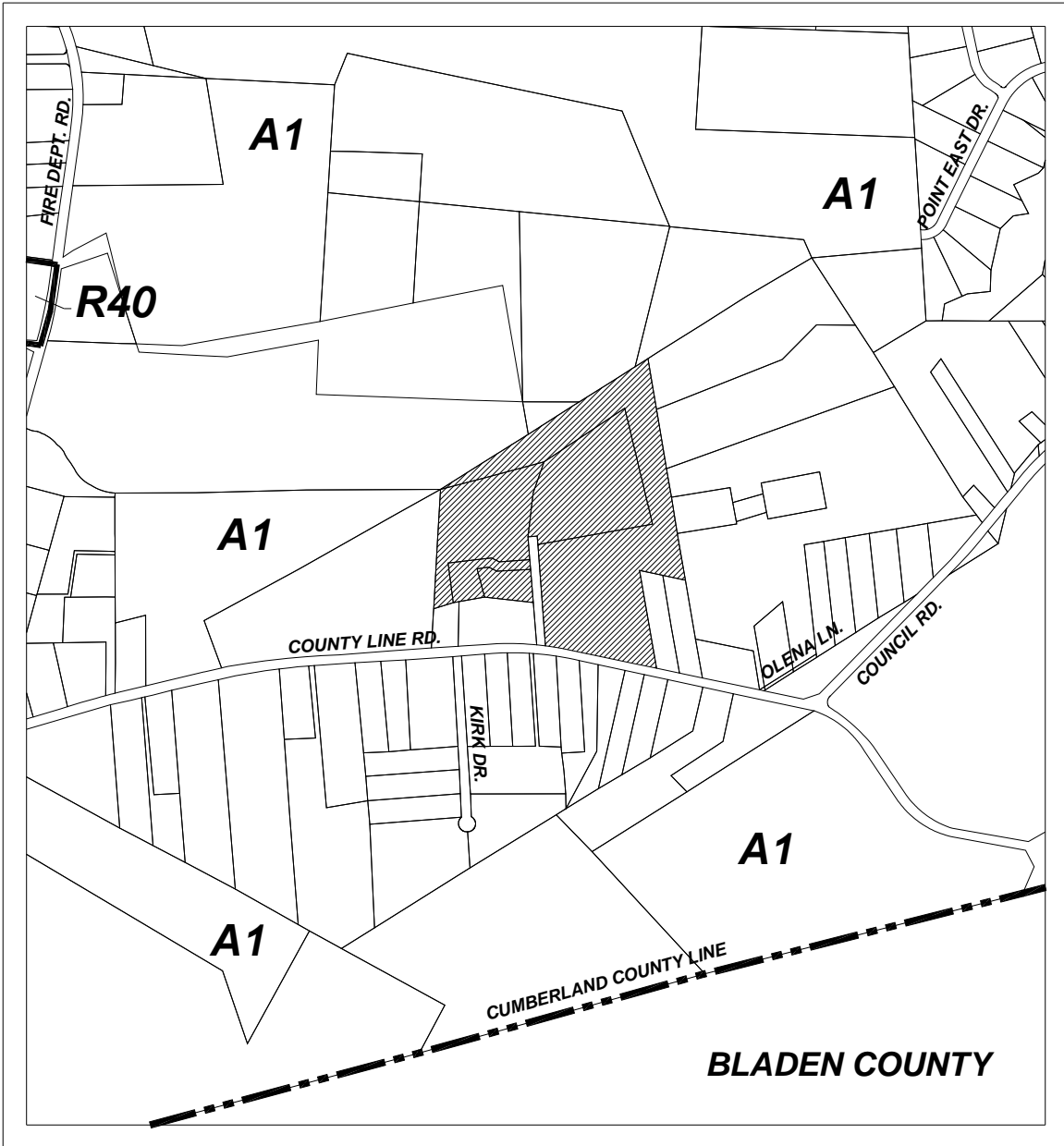
Subdivisions: NAR 2-2-96

Highway Plan: No road improvements or new construction specified for this area.

Notes:

Density minus 20%: A1 – 15 lots

R40 – 33 lots



NORTH

1000 0 1000



SCALE IN FEET

PIN:0440-00-8601, 1530 0440-01-6172
 PIN:0430-90-9545, 9899

REQUESTED REZONING: A1 TO R40

ACREAGE: 37.99 AC. ± HEARING NO: P05-17

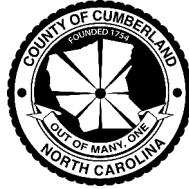
ORDINANCE: COUNTY HEARING DATE ACTION

PLANNING BOARD

GOVERNING BOARD

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Harvey Cain, Jr.,
Town of Stedman

March 3, 2005

MEMORANDUM

TO: Planning Board

FROM: Edward M. Byrne, Planner I

SUBJECT: Case No. 04-173
Dalton's Creek
(Zero Lot Line Subdivision Review)

The developer submitted a request for a variance from Section 3.18, "Block Length", Cumberland County Subdivision Ordinance, to be allowed not to break the block length by way of a road stubs to the adjacent properties. The proposed length for Heartpine Drive is 3,500 feet and stubs to a large track of land, which may be developed in the future. The Planning Staff requested that road stubs be added to the proposed subdivision plan to break the block lengths and to provide for a future second access into this development.

The developer requested the removal of the condition, which required the road stubs by the Planning Staff. The Planning Staff agreed with the developer not to stub to the southeast of Heartpine Drive because of wetlands, but to still require the road stub to the property northwest of Heartpine Drive. The proposed length of Heartpine Drive and any future extension would create a road of great length with only one way in and out of this development and creating possible safety issues for evacuation of the area if needed and emergency response time. The road stub to the adjacent property would allow any future subdivision to tie into the road and having a second access point to Butler Nursery Road.

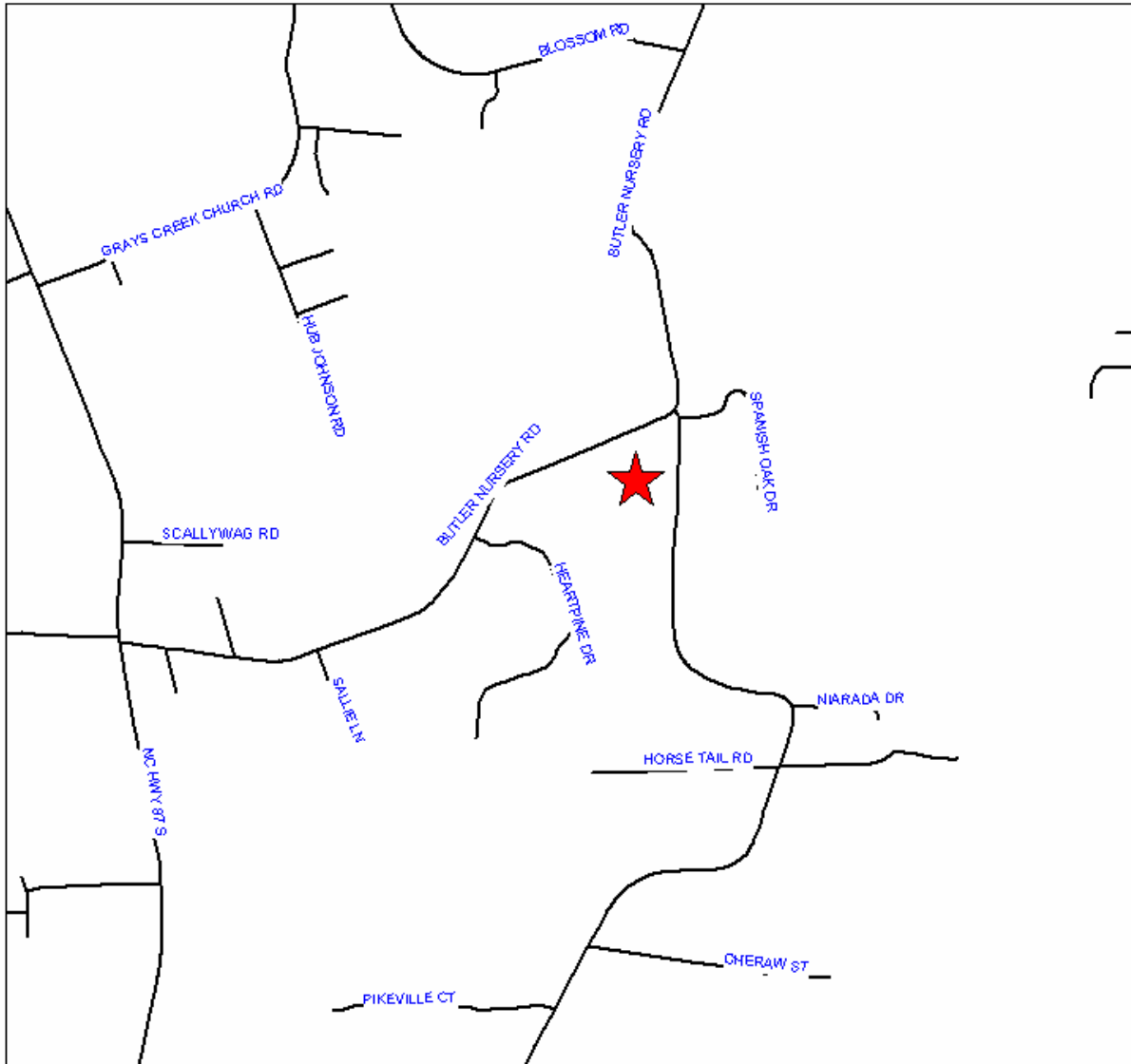
In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this Ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the subdivider.

The Planning Staff recommends **Denial** of the requested variance based on the following:

- That public safety could be compromised by lack of multiple entrance ways into and out of a development.

DALTON'S RIDGE ZERO LOT LINE SUBDIVISION REVIEW

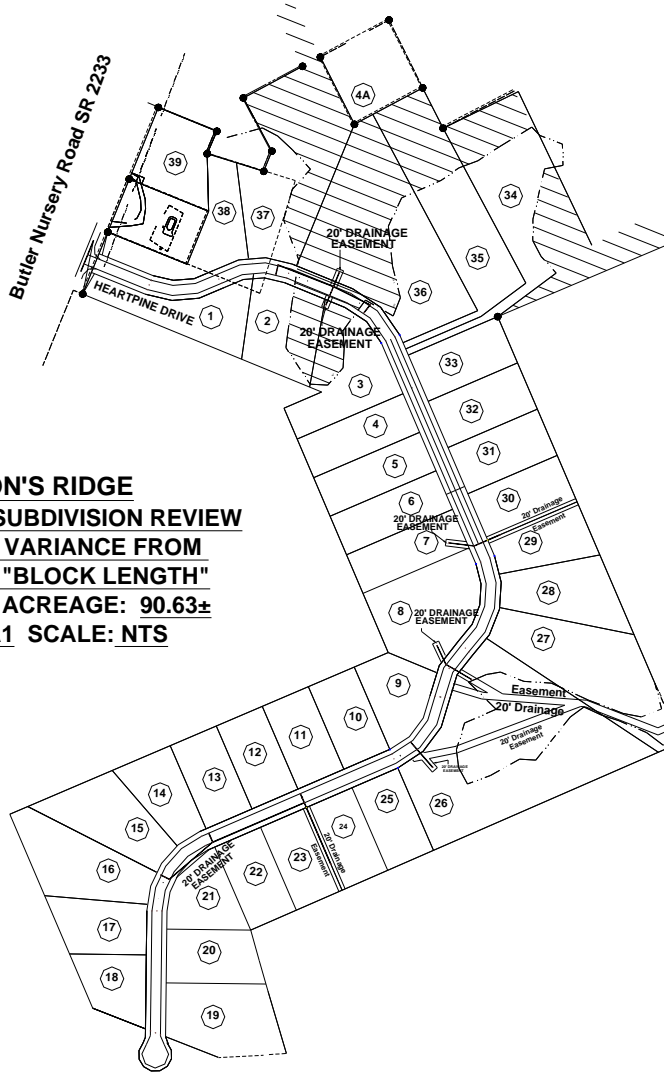
CASE NO. 04-173



PIN: 0441-50-6548; 0451-04-1105
PREPARED BY EMB - CCJPB
MARCH 8, 2005

Map not to scale





DALTON'S RIDGE
ZERO LOT LINE SUBDIVISION REVIEW
REQUEST: A VARIANCE FROM
SECTION 3.18 "BLOCK LENGTH"
CASE: 04-173 ACREAGE: 90.63±
ZONED: A1 SCALE: NTS

