

Clifton McNeill, Jr.
Chair
Cumberland County



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

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

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

COUNTY of CUMBERLAND

Joint Planning Board

TENTATIVE AGENDA December 7, 2004

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- I. APPROVAL OF/ADJUSTMENTS TO AGENDA
- II. PUBLIC HEARING DEFERRALS
- III. ABSTENTIONS BY BOARD MEMBERS
- IV. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- V. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF NOVEMBER 16, 2004
- VI. PUBLIC HEARING ITEM
 - A. P04-70: REZONING OF 1.19-ACRES FROM RR/CU AND HS(P)/CU TO RR/CU AND A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A CHILDREN'S DAY CARE FACILITY AT 3353 DUNN ROAD, OWNED BY SUNDUST, LLC.
- VII. DISCUSSION
 - A. GIS PRESENTATION
 - B. REZONING AND PLAT AND PLAN APPLICATION DEADLINES AND PLANNING BOARD MEETING SCHEDULES FOR 2005
- VIII. FOR YOUR INFORMATION
 - A. DIRECTOR'S UPDATE
- IX. ADJOURNMENT/CHRISTMAS PARTY

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MINUTES

November 16, 2004, 7:00 p.m.

Members Present

Mr. Charles Morris, Vice-Chair
Mr. David Averette
Mr. Harvey Cain, Jr.
Mr. Donovan McLaurin
Mr. Roy Turner

Members Absent

Mr. Clifton McNeill, Chair
Dr. Marion Gillis-Olion
Mr. Joe W. Mullinax

Others Present

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Averette delivered the invocation, and Vice-Chair Morris led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd asked that Cases P04-76, P04-77 and P04-78 be moved from the Consent Items to Public Hearing Items because people signed up in opposition. A motion was made by Mr. Averette and seconded by Mr. Turner to approve the Agenda as submitted with the above changes. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. Averette said that he would abstain from discussion and voting on Cases P04-77 and P04-78. Mr. McLaurin said that he would abstain from discussion and voting on Case P04-75. A motion was made by Mr. Turner and seconded by Mr. Cain to accept the abstentions. The motion passed unanimously.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the Board's policy regarding public hearing time limits.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF OCTOBER 19, 2004

A motion was made by Mr. Averette and seconded by Mr. Turner to approve the Minutes of October 19, 2004 as written. The motion passed unanimously.

B. P04-75: REVISION AND AMENDMENTS TO THE TOWN OF WADE SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.6, "COMPLIANCE WITH ORDINANCE REQUIRED;" SECTION 1.8, "DEFINITIONS;" AND BY CREATING ARTICLE III, SECTION 3.21.1, "ZERO LOT LINE DEVELOPMENTS." (WADE)

Mr. McLaurin left the room.

The Planning staff recommended approval of the revision and amendments to the Town of Wade Subdivision Ordinance based on the finding that the amendments will bring the Ordinances of the Town of Wade and Cumberland County into uniformity.

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

A motion was made by Mr. Averette and seconded by Mr. Cain to follow the staff recommendation and approve the amendments. The motion passed unanimously.

Mr. McLaurin returned.

PLATS AND PLANS

A. 04-073: SHEFFIELD FARMS SOUTH SUBDIVISION REVIEW ON THE EAST SIDE OF MUSCAT ROAD, NORTH OF BRISSON ROAD FOR A VARIANCE FROM SECTION 3.17.C, "CUL-DE-SAC," CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

A motion was made by Mr. Averette and seconded by Mr. Turner to follow the staff recommendation and approve the variance. The motion passed unanimously.

VII. PUBLIC HEARING ITEMS

A. P04-70: REZONING OF 1.19 ACRES FROM HS(P)/CU AND RR/CU TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3353 DUNN ROAD, OWNED BY SUNDUST, LLC.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd said that the comments received from the Eastover Sanitary District Board indicate that they accept the RR zoning. Mr. Lloyd reported that the Planning staff recommended denial of the RR Rural Residential District and approval of RR/CU Rural Residential/Conditional Use Overlay District based on the following:

1. Site plan review is desirable at this location;
2. The Eastover Land Use Plan calls for commercial use at this location; and
3. The rezoning will place the entire lot within the same zoning classification.

The public hearing was opened.

Mr. Barrett said that the applicant must agree to the Conditional Use Overlay District and Permit, and this would require that he submit a site plan and Conditional Use Overlay District application.

Mr. Lloyd said that the staff recommendation should have included recommending a deferral in order for the applicant to submit an application.

No one was present to speak in favor of the request.

Mr. Morgan Johnson appeared before the Board and said that the Eastover Sanitary District voted to concur with the request. He asked what the Conditional Use Overlay District would allow. He said that the owner had the property rezoned a year ago and leased it out to a military man to operate a fruit stand. He said that the military man was deployed, and now the owner wants to rezone the land to allow a day care center. He asked if the CU would allow a day care center. Mr. Barrett said that it would allow only a day care if that's what the owner requests. He said if the requested use were changed, it would require another hearing.

Vice-Chair Morris asked about the rezoning being less than one year ago. Mr. Barrett explained that the Commissioners asked that the case come back within the one-year time frame because of the deployment.

A motion was made by Mr. McLaurin and seconded by Mr. Turner to defer action on Case P04-70 for 30 days. The motion passed unanimously.

B. P04-71: REZONING OF 4.36 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE DISTRICT, AT 2180 TOM GEDDIE ROAD, SUBMITTED BY MICHAEL TATE, PLS.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the RR Rural Residential District and approval of the R40 Residential District based on the following:

1. The Eastover Land Use Plan calls for one-acre residential lots at this location.

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

The public hearing was opened.

Mr. Brian Bunce appeared before the Board and said that the R40 District recommended by staff was acceptable.

Mr. Averette explained that the staff said that the property is also suitable for the R40A District that allows doublewide mobile homes. He asked which Mr. Bunce wanted. Mr. Bunce said that he would prefer the R40 District.

Mr. Morgan Johnson appeared before the Board in opposition and said that the Eastover Sanitary District opposed the RR District and would accept the R40

District. Mr. Averette asked if the ESD has the capacity to support the nine lots on the tract. Mr. Johnson said that they do.

Ms. Judith McLaurin appeared before the Board in opposition and said that she objects to the RR District because of the allowed uses.

A motion was made by Mr. McLaurin and seconded by Mr. Averette to follow the staff recommendations and deny the RR District and approve the R40 District. The motion passed unanimously.

C. P04-73: REZONING OF 2.0 ACRES FROM A1 TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF NC HWY 24, WEST OF THE SAMPSON COUNTY LINE, SUBMITTED BY THOMAS J. GOODEN.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the C(P) Planned Commercial District based on the following:

1. Approval of the commercial district has the potential to create strip commercial development in a rural farmland setting; and
2. The 2010 Land Use Plan calls for farmland use at this location.

The public hearing was opened.

Mr. Mark Seffels appeared before the Board and said that he is a professional land surveyor and represents the applicant. He said that the applicant wants to put in a car wash and needs the C(P) District in order to do that. He said that Mr. Gooden owns some adjacent property, and not much of the land in the area is being farmed. He said that this would be the best use for the land.

Mr. Cain said that he didn't think this was a good location for commercial.

Mr. Averette said that the A1 District allows some commercial uses. He noted that there is a car lot across from the subject property. He said that it seems a little commercial would be good to serve the residents of the area and added that possibly a Conditional Use Overlay District would be better.

Vice-Chair Morris expressed concern about the railroad behind the property, road in front and the size of the lot. Mr. Cain said that the railroad is no longer there.

Mr. Lloyd said that car washes are permitted in the A1 District as accessory uses to food sales.

No one appeared in opposition to the request.

Mr. Seffels said that Mr. Gooden owns two acres next to the subject property and intends to live there.

A motion was made by Mr. Averette and seconded by Mr. McLaurin to approve the C(P) District.

Mr. Averette said that A1 already allows some commercial uses, and this would be consistent with what is allowed in the area.

Upon a vote on the motion, it passed four to one with Mr. Cain voting in opposition.

D. P04-74: REZONING OF 10.63 ACRES FROM R10 TO R6, OR A MORE RESTRICTIVE ZONING DISTRICT, AT THE END OF PALMERLAND ROAD, SOUTH OF BLACK AND DECKER ROAD, SUBMITTED BY JIM MOHLER.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the R6 Residential District based on the following:

1. The 2010 Land Use Plan calls for low-density residential development at this location;
2. The site does not meet the locational criteria for medium-density residential development in that there are no major, minor or collector streets serving the site.

The public hearing was opened.

Mr. Jim Mohler appeared before the Board and said that he represented the owner who is out of the country. He handed out a map showing an easement that cuts the property in half. He said about 25 percent of the property is affected by the easement. He said that the 2010 Land Use Plan doesn't call for medium-density at this location, but the R6 would allow the applicant to vary the lot sizes and get around the easement. He said that sewer access is on Shiela Street, and water is off of Teakwood Drive.

Mr. Lloyd said that owner could zone the property R10 and use zero lot line to get what he desires with the same number of lots.

Mr. Mohler said that utilities would have to go through the easement.

Mr. Averette said that they could put 37 lots in at R10, and they can be any size with zero lot line.

Mr. Mohler said that the objection that the neighbors probably have is increased traffic, but using the R10 with zero lot line will require the traffic pattern to use Shiela Street and increase traffic there because the density will be crowded into one side of the tract. He said that the R6 District would allow access off of Teakwood Drive also.

Ms. Emily Darcel Burns appeared before the Board in opposition and said that she has lived in the area for 14 years. She said that she was told in 1991 that she couldn't purchase additional land because the easement wouldn't allow her to build anything. She said that her concern is traffic because there is a subdivision and church already there that create traffic. She said that it is dangerous for children, and she opposed any additional units that would effect the environment.

Mr. Bobbie Shakir appeared before the Board in opposition and said that the property is behind his home. He said that there is already a lot of pedestrian traffic from the trailer park and church. He said that he didn't want his property to decrease in value and wants to maintain the integrity and character of the neighborhood. He said that he agreed with the staff recommendation.

Mr. Leandrews McKoy appeared before the Board in opposition and said that he wanted to know what is going to be built. Mr. Lloyd said that there is no difference in the uses allowed in the R10 and the R6—the difference is the increased density in the R6 District.

Mr. Eli Swope, Jr., appeared before the Board in opposition and said that traffic is already a problem. He said that Shiela Street floods. He asked what protection to the current residents there would be if apartments are built. He said that they have no protection from the trailer park. He added that there has also been a lot of vandalism in the area.

In rebuttal, Mr. Mohler expressed concern about the neighborhood as it now exists. He said he wasn't sure if the owner would have purchased the land if he'd known about the problems that are there. He said that people have been dumping trash on the property for years, and when this property is developed, foot traffic, dumping and outsiders will be somewhat eliminated. He said that the sheriff should be called on the problems that the residents are complaining about. He added that the problems don't have anything to do with the rezoning, but the easement does.

Mr. Averette said that Harborland Drive is probably a collector street, and there is a new intersection at Black and Decker Road. He said that all the streets are stubbed in for a traffic pattern. He said that the recommendations in the 2010 Land Use Plan are outdated, and there is R6 and R6A zoning all around. He said that he didn't see the need to go from R10 to R6 since the same uses are allowed, and the desired number of units can be developed with the use of zero lot line.

A motion was made by Mr. McLaurin and seconded by Mr. Averette to follow the staff recommendation and deny the R6 District. The motion passed unanimously.

E. P04-76: REZONING OF 1.67 ACRES FROM M2 TO R6A, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 4001 LOFTON STREET, OWNED BY GERALD E. CREECH. (WADE)

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the R6A Residential District based on the following:

1. The 2010 Land Use Plan calls for medium-density residential development at this location; and
2. Approval of the rezoning will allow the property to be developed in a manner that is consistent with the clean-up effort in the Town of Wade.

The public hearing was opened.

Mr. Gerald Creech, applicant, appeared before the Board and said he requested the R6A in order to bring the property up to standards. He said that R6A zoning joins the subject property. Mr. Creech said he has been cleaning up the site and demolishing some structures, and he plans to repair a damaged storage building on the site.

Mr. McLaurin asked which building was to be repaired, and Mr. Creech said it was the warehouse type building in the rear of the lot behind the house.

Mr. Russell McLaurin appeared before the Board in favor of the request. He stated that he is a long-time resident of Wade, and Mr. Creech has improved the property.

Mr. John Nunnery appeared before the Board in opposition and said that his property adjoins the subject property. He said that he opposed the rezoning because he has only been working on cleaning up the site for one week. He said that the structure Mr. Creech wants to repair was blown off of the foundation. He added that a fire in 1976 destroyed a structure that stored chemicals, and he is concerned that there may be chemicals in the soil from that time. He said that no EPA inspectors had been out to the site to assure that it is safe for people to live there.

Mr. Turner asked who owned the site in 1976, and he was told that Bozie Tart owned it and leased it to Wade Wood. He asked if the soil was ever tested for contaminants, and Mr. Nunnery said he didn't think that it had. Mr. McLaurin asked if soil was removed, and Mr. Nunnery said that it was not. He said that a surface scrape was done, and the soil was pushed on to the adjoining property. He said that he was not against the rezoning, but he wanted to make sure that the site was safe and cleaned up.

Mr. Joe Dixon appeared before the Board in opposition and said he is a resident of Wade. He said that the clean up was just begun. He said that he would prefer that the rezoning not be approved until the clean up is completed. He said that there are scales on the property, and petroleum was stored there. He said he would like to make sure that the site would be cleaned up and that the soils are tested to make sure it is safe for people to live there.

In rebuttal, Mr. McLaurin said that neither speakers opposed the rezoning, but they expressed concern about the contaminated soil. He said that there is a contaminated area that the inspectors will check.

The public hearing was closed.

Mr. McLaurin said that the inspectors have already been to the site, and Mr. Creech was cited. He said he was given 30 days to clean up the site in May. He said that he saw no change in the property until about two weeks ago. He said after Mr. Creech purchased the property, a mobile home was placed in the center of the burned area, and a service pole was approved. He said that the mobile home had no kitchen, was not tied down properly and had holes in the floor. He said that people lived in the old office, and bathrooms and a kitchen were added without permits. He said that the Town of Wade is in favor of the rezoning, but there is concern about the continued clean up efforts. He suggested deferring action on the case for 90 days.

Mr. Barrett said that Mr. Creech must agree to the deferral if he feels deferring action on the case might make the rezoning more favorable to the Board.

Vice-Chair Morris asked Mr. Creech if he would volunteer to have the case deferred. Mr. Creech said that the case was before the Board for rezoning, and he wasn't sure why the other matters were discussed. He said that the power source was brought in for the barn, and the mobile home was used for storage and will be taken away within three days. He said that he has a contract to clean up the site and has been cleaning up the property since he purchased it. He asked for a few minutes to discuss deferring action with someone present at the meeting.

Mr. Lloyd pointed out that if the Planning Board and Wade Town Board deny the case, they cannot consider any additional rezoning of the site for one year.

Mr. Creech returned and said that he didn't have a problem with a 90-day deferral in order to get the site cleaned up.

A motion was made by Mr. McLaurin and seconded by Mr. Turner to defer action on Case P04-76 for 90 days. The motion passed unanimously.

F. P04-77: REZONING OF 22.90 ACRES FROM RR AND M2 TO R10, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3668 DUNN ROAD, SUBMITTED BY CHARLES D. AVERETTE.

Mr. Averette left the room.

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

1. The uses allowed in the R10 District are compatible with the land use in the area;
2. The property meets the criteria for low-density residential development in that water is available to the site, and sewer to serve the tract is currently under construction; and
3. There are adequate roadways serving the site.

The public hearing was opened.

Mr. Gene Williford appeared before the Board and said that this is part of a development that will also include commercial property (to be heard in Case P04-78). He said that the front will have commercial, and the rear tract (this case) will contain residential and open space. He said that he has lived in the area all of his life, and the community needs some new commercial buildings and moderately- priced homes. He said that the homes will cost \$125,000 to \$150,000.

Ms. Eula Snow, resident, appeared before the Board and said that this development would be an asset to Eastover. She said that the area has deteriorated over the last few years.

Mr. O.B. Knowles appeared before the Board and said that the site will be nicely developed and an asset to the community. He said that there are currently mobile homes and a few stick-built homes in the area—some nice and some not. He said that they will purchase the property if they can get it rezoned. He said that the density is needed in order to make the development possible, and expensive homes on large lots will not sell at this location.

Mr. McLaurin asked how many homes would be built on the tract, and Mr. Knowles said that they would build 50 to 60 single-story homes from 1,200 to 1,500 square feet with and without garages. Mr. McLaurin asked where the children would play, and Mr. Knowles said that there would be recreational areas.

Mr. Morgan Johnson appeared before the Board in opposition. Mr. Johnson said that he is the Vice-Chair of the Eastover Sanitary District (ESD), and the Chair, Mr. Charles Register, was also present. He said that the ESD Board reviewed the request, went to the site and voted unanimously to oppose R10. He said the ESD wants to maintain the rural character of Eastover. Mr. Johnson said that there is a problem with urban sprawl (massive construction of subdivisions creating traffic and road problems, school overcrowding, etc.) throughout the nation. He said that the County Commissioners have already responded to this and said they don't want Eastover to look like Bonnie Doone and want to maintain Eastover the way it is. He gave the Board pictures of homes near the subject property. He said that the ESD recommended the R40 District for the site, which would mean one-acre lots. He said that the developers could make a reasonable profit with R40 and still maintain the rural character.

Mr. McLaurin said that urban sprawl would occur in the R40 District, and to prevent urban sprawl, the R20 District would be better because it would use half the amount of land and not create sprawl. Mr. Johnson said that quarter-acre lots would bring the area down and effect the surrounding areas.

Ms. Sara Piland appeared before the Board in opposition and said that she has been a resident of Eastover for 38 years. She said that she is the president of the Eastover Civic Club, whose mission is the welfare and quality of life for the community. She said that the membership didn't discuss this land, so she couldn't speak for them, but based on previous discussions they want to preserve the character of the community, create a thriving community and promote growth that assures a good quality of life. She said that there is a balance that can be attained. She added that the residents of Eastover depend on recommendations from the Eastover Sanitary District and the 2002 Eastover Land Use Plan.

Ms. Karen Hall appeared before the Board in opposition and said that she lives adjacent to the subject property. She said that her family has owned the land for hundreds of years, and she objected to the size of the lots because she wants to keep the rural character of the area.

Mr. Charles Register, President of the Eastover Sanitary District, appeared before the Board in opposition. He said that for 10 years, the ESD and Civic Club have been working to upgrade the living conditions of Eastover. He said that they had serious water problems and created the ESD to operate under State Statute, and they endeavored to bring water to the area. He said that water now serves 1,400 Eastover residents. He said that their efforts to improve the community are being hit from a different side now with rezoning requests. He said that they do not want matchbox houses on quarter-acre lots that will create another Bonnie Doone. He added that sewer would soon be brought to the area.

In rebuttal, Mr. Williford said that Dunn Road is not a pretty road. He said that the bond issue that was just passed was specifically to build new schools and add to the existing

schools. He said that houses are needed, and as currently zoned, he could put in a hatchery and raise chickens. Mr. Williford handed out pictures of homes in the area that were not nice. He said that he didn't see the R40 density in the area now—there are smaller homes built close together. He said that there are not any \$200,000 to \$300,000 homes in the area.

Mr. McLaurin again asked how many homes would be built, and Mr. Williford said they plan to build 40 to 60 homes, and it will be a good community. He said that he developed Baywood, and it is one of the nicest developments in Eastover. He said that he brought water in to Baywood. He said that he would like to have the land rezoned and build a nice development that would add quality to the area.

Mr. McLaurin asked if the developers could have less amenities and build at the R15 density. Mr. Williford said that he could not. He said that they would have to go elsewhere because less density would mean building more expensive homes, and they would not sell in that area—next to a mill with a \$20,000 mobile home across the way.

Mr. Turner said that he could see both side—people need a place to live, and he understood that the long-time residents don't want encroachment, but planned communities are beneficial. He said that Eastover is not going to stay as it is, and a few people can't control the growth.

Mr. Turner asked if all of the land on the site is usable, and Mr. Knowles said that it is and contains no wetlands.

Vice-Chair Averette said that about one-fifth of the property is currently zoned M2, and the R10 is much more restrictive than the uses allowed in the M2 District. He said he would hate to see heavy industrial use on the site. He said that he could see a restrictive residential community at this location, and the Board must consider the uses now allowed and those allowed if rezoned to R10.

Mr. McLaurin said that he is in favor of preserving the rural character. He noted that there is already R6A and R15 in the area. He said that the RR would probably have been zoned denser if utilities had been available. He said that the proposed subdivision would be an improvement and have to be buffered from the land surrounding it.

A motion was made by Mr. McLaurin and seconded by Mr. Turner to follow the staff recommendations and approve the R10 District. The motion passed unanimously.

G. P04-78: REZONING OF A .72-ACRE TRACT AND A 3.25-ACRE TRACT, TOTALLING 3.97 ACRES FROM RR TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3734 AND 3668 DUNN ROAD, SUBMITTED BY CHARLES D. AVERETTE.

Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd explained that the property joins property from the previous case. He said that the comments received from the Eastover Sanitary District Board indicate that they accept the C(P) zoning. Mr. Lloyd reported that the Planning staff recommended approval of the C(P) Planned Commercial District based on the finding that the Eastover Land Use Plan calls for commercial use at this location.

The public hearing was opened.

Mr. Gene Williford appeared before the Board and said that this would be a continuance of the residential development in the previous case. He said that Eastover needs some commercial buildings upgraded and services like an Urgent Care center for the residents. He said that the buildings would be bricked and look nice. He said that he would prefer retail shops and possibly a car wash.

Mr. O.B. Knowles appeared before the Board and said that there is commercial all around the site. He said that this parcel would be better for commercial use than residential. He said possibly a dry cleaning establishment, Urgent Care, beauty shop and retail stores would be on the site so that the Eastover residents wouldn't have to drive into Fayetteville for these services.

Mr. Morgan Johnson appeared before the Board and said that he signed up in case the zoning was changed. He said that the Eastover Sanitary District Board voted to accept this rezoning.

Ms. Karen Hall appeared before the Board in opposition and said that she doesn't want Dunn Road to become another Hope Mills Road.

The public hearing was closed.

A motion was made by Mr. McLaurin and seconded by Mr. Cain to follow the staff recommendations and approve the C(P) Planned Commercial District. The motion passed unanimously.

Mr. Averette returned.

VIII. PLATS AND PLANS

- A. 04-202: CAROLINA MOTOR INN HS(P) SITE PLAN REVIEW ON THE EAST SIDE OF GILLESPIE STREET, SOUTH OF EAST MOUNTAIN DRIVE FOR A REQUEST FOR ALTERNATE YARD REQUIREMENTS FROM SECTION 12.45, CUMBERLAND COUNTY ZONING ORDINANCE.

Mr. Lloyd said that the subject property is next to the Coliseum Inn, and the request is for alternate setbacks in order to build a structure closer to the property line than allowed. He said that the staff would prefer a zero lot line subdivision to assure that the adjacent property owner has some say in how close to his property the structure can be built.

The applicant appeared before the Board and said that he wanted to add a small storeroom for storage of his lawn mowers and other outside tools and supplies. He said that this is the only place left to build it because of the water line that runs across the property.

Mr. Averette asked if it could be built next to the other storage shed, and he was told that it could not because of the septic tank.

Mr. Averette asked what the property to the north contained, and he was told that it was vacant but recently a storeroom was built on it.

Mr. Lloyd said if this was not located in a planned district, it would have gone to the Board of Adjustment. He added that the zero lot line allows this if the neighbor agrees.

Mr. Averette asked if the staff would object if the adjacent property owner agrees to it, and Mr. Lloyd said that they would not. Mr. Averette said that zero lot line means the creation of a plat for both lots, and the surveys would be very costly.

Mr. Barrett said that the Board's standard for approval is that the request would provide a more logically planned development.

A motion was made by Mr. Averette and seconded by Mr. McLaurin to allow the reduction of the side yard requirement.

Vice-Chair Morris said that he didn't favor the request because it puts the storage building so close to the neighbor.

Upon a vote on the motion, it passed three to two with Vice-Chair Morris and Mr. Cain voting in opposition.

IX. DISCUSSION

A. REPORT ON COUNTY COMMISSIONERS' MEETING – ROY TURNER

Mr. Turner reviewed each of the cases referred to the Commissioners and said that they voted with the Planning Board's recommendation on all cases.

B. UPDATE ON LAND USE CODES COMMITTEE – DAVE AVERETTE

Mr. Averette reported that the Land Use Codes Committee met on October 8, and a quorum wasn't present. The members discussed some of the proposals in the Zoning Ordinance. He said that another meeting was scheduled for 3:00 p.m. on November 22, 2004 in Room 107C.

X. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Ms. Roy said that a report was made to the City/County Liaison on the 2030 Land Use Plan. She said that the Executive Committee met and made a schedule of presenters from agencies who now have plans. The meetings are to begin in January. Ms. Roy said that the second phase will be public input, and she will meet with Messrs Teal and Taylor to discuss contracting out some of the work.

A GIS presentation will be given at the next meeting (December 7) as well as a demonstration from the Transportation Section. Also, after the meeting some food would be offered for a small holiday get together.

The Board members were invited to the staff's Christmas party at noon on December 2, 2004.

XI. ADJOURNMENT

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

Clifton McNeill, Jr.
Chair
Cumberland County



Nancy Roy, AICP
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December 2, 2004

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS FOR
DECEMBER 7, 2004 MEETING

P04-70: REZONING OF 1.19-ACRES FROM RR/CU AND HS(P)/CU TO RR/CU AND A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A CHILDREN'S DAY CARE FACILITY AT 3353 DUNN ROAD, OWNED BY SUNDUST, LLC.

The Planning staff recommends approval of the RR/CU Rural Residential/Conditional Use Overlay District and Permit based on the following:

1. The use allowed under the Conditional Use Overly District and Permit is consistent with the land use in the area;
2. The Eastover Land Use Plan calls for commercial uses at this location; and
3. The rezoning will place the entire lot within the same zoning classification.

SITE PROFILE

P04-70

REZONING OF 1.19 ACRES FROM RR/CU AND HS(P)/CU TO RR/CU FOR A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A CHILDREN'S DAY CARE FACILITY AT 3353 DUNN ROAD, OWNED BY SUNDUST, LLC.

Site Information:

Applicant/Owner: SUNDUST, LLC.

Area: 1.19 acres

Frontage & Location: 170 feet on Dunn Road

Depth: 413 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Commercial business

Initial Zoning: December 14, 1979 (Area 10)

Previous Zoning Action(s): None

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

Surrounding Land Use: School, Fire department, beauty shop, dance shop, equipment company

Eastover Land Use Plan: 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: Eastover Water / Septic Tank

Eastover Sanitary Sewer District: Recommended rezoning to RR

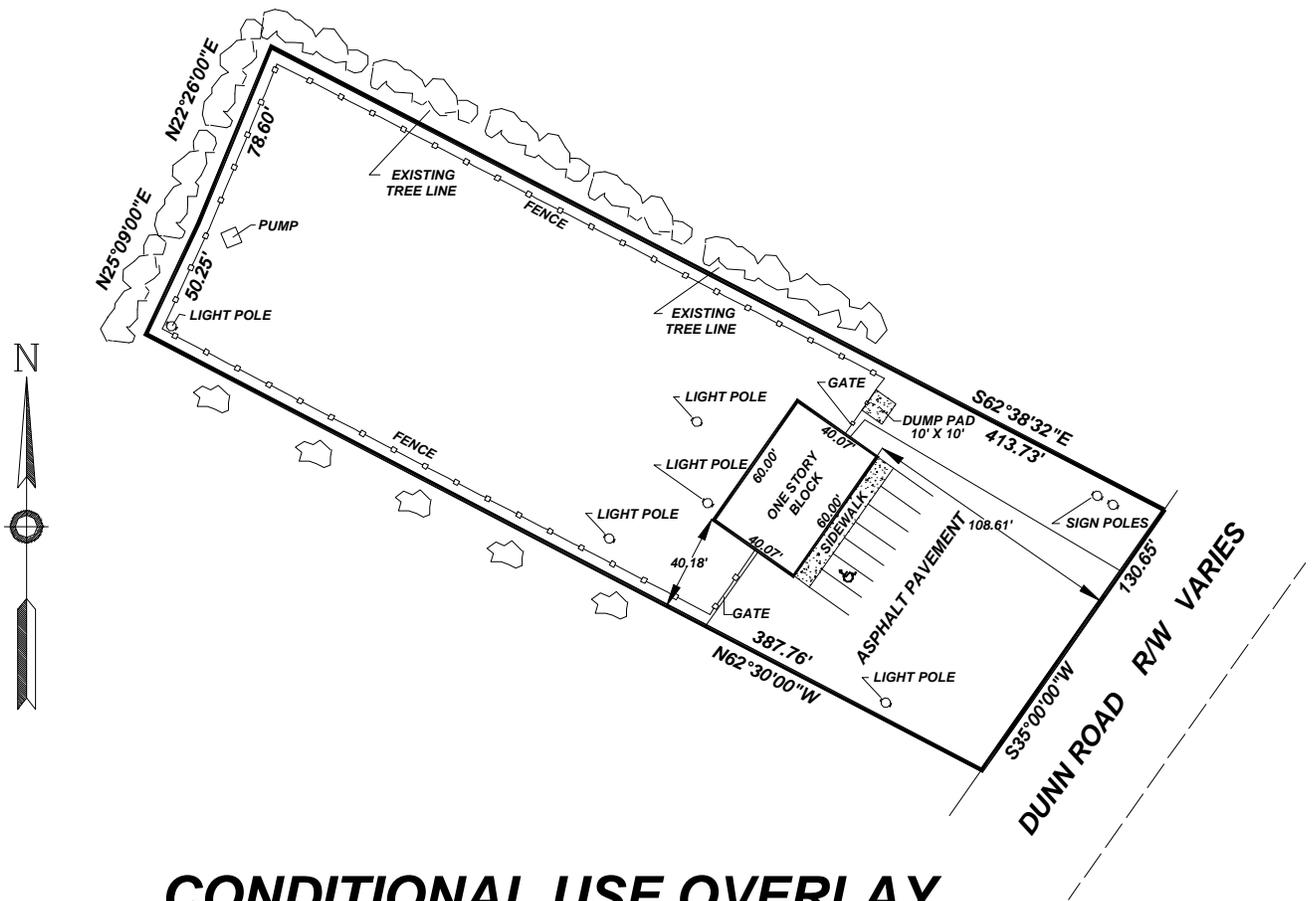
School Capacity/Enrolled: Armstrong Elementary 451/393, Mac Williams Middle 1218/1154, Cape Fear High 1415/1526

Thoroughfare Plan: US 301 North is a Major Thoroughfare with a current adequate 100-foot right-of-way.

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

Notes:

1. Hours of operation: 24 hours a day, 3 shifts
2. Employees: 5
3. Number of children: 30 per shift
4. Parking: 7 spaces
5. Signage: IAW the Zoning Ordinance



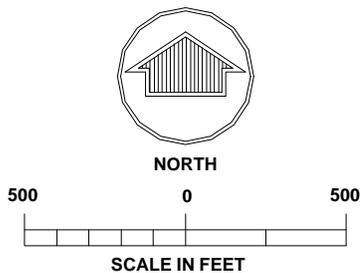
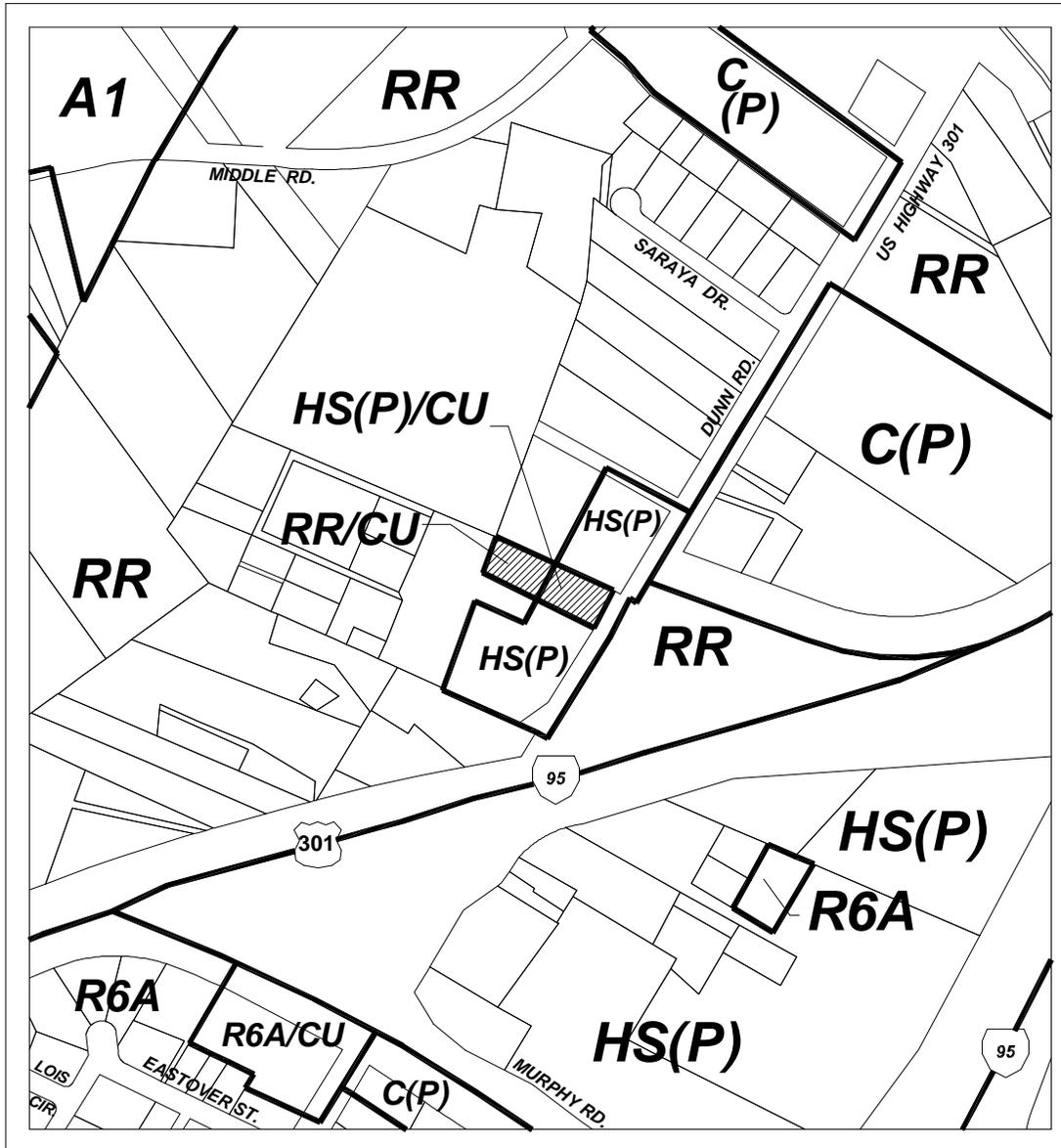
CONDITIONAL USE OVERLAY

CASE: P04-70 SCALE: 1"=60'

REQUEST: TO ALLOW A CHILDREN'S DAY CARE FACILITY

ACREAGE: 1.19± ZONED: HS(P)/CU & RR/CU

PARKING: AS SHOWN



**REQUESTED REZONING:
HSP/CU & RR/CU TO RR**

ACREAGE: 1.19 AC.±	HEARING NO: P04-70	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN:0468-27-8611

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