

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County
Manager



Rawls Howard
Director

David Moon
Deputy Director

CUMBERLAND COUNTY JOINT PLANNING BOARD

AGENDA October 18, 2022 6:00 PM Hearing Room #3

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO / APPROVAL OF AGENDA
- III. PUBLIC MEETING WITHDRAWALS / DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. APPROVAL OF THE MINUTES

A. MINUTES OF SEPTEMBER 20, 2022

- VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE
- VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- B. Case ZON-22-0069: Rezoning from A1 Agricultural District to RR Rural Residential District or to a more restrictive zoning district for 13.35 +/- acres; located at 6313 Tabor Church Road; submitted by Patricia McDonald (applicant) on behalf of Charles Earl McDonald (owner).**

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- C. Case ZON-22-0068: Rezoning from C(P) Planned Commercial District and RR Rural Residential District to RR Rural Residential District or to a more restrictive zoning district for estimated 284.94 +/- acres; located at 2849 Downing Road; submitted by Karen Patricia Hair Blackman (applicant/owner).**
- D. Case ZON-22-0070: Rezoning from RR Rural Residential District to C(P) Planned Commercial District or to a more restrictive zoning district for two parcels with a combined 1.57 +/- acres; located at approximately 1000 feet north of the intersection of NC HWY 87 and Sand Hill Road; submitted by Joseph Riddle (applicant) on behalf of Linda Adkins Butler and Willie Butler (owner).**

IX. DISCUSSION

E. PLANNING BOARD TRAINING FOLLOW-UP

**F. PRESENTATION - TRAVIS MOOREHEAD, EXECUTIVE DIRECTOR,
THREE RIVERS LAND TRUSTG**

X. ADJOURNMENT

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829 |
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631
co.cumberland.nc.us

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MINUTES

September 20, 2022

Members Present

Mrs. Jami McLaughlin Vice-Chair
Mr. Mark Williams
Mr. William Walters
Mr. Gary Burton
Mr. James Baker
Mr. Tom Lloyd
Mrs. Susan Moody

Members Absent

Mr. Jordan Stewart
Ms. Cassandra Herbert
Mr. Stan Crumpler, Chair

Others Present

Mr. Rawls Howard
Mr. David Moon
Mr. Christopher Portman
Mrs. Laverne Howard
Mr. Chris Carr
Asst. County Attorney
Mrs. Alyssa Garcia
Mrs. Otieria Green
Mrs. Sabrina Greer

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. Moody delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO / APPROVAL OF AGENDA

Mr. Howard advised the board that Case ZON-22-0065 and ZON-22-0067 would be moved and added to Contested Items and that he was going to add "Bylaws Update" to the Discussion section of the agenda.

Mrs. Moody made a motion, seconded by Mr. Baker to approve the agenda with the changes. Unanimous approval.

III. PUBLIC MEETING DEFERRAL / WITHDRAWALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF AUGUST 16, 2022

Mrs. Moody requested that a correction be made under Stormwater Subcommittee that names Mr. Lloyd as Vice-Chair changing that to Mr. Lloyd.

Mrs. Moody made a motion, seconded by Mr. Lloyd to approve the minutes, with the requested change. The vote passed unanimously 9-0.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Vice-Chair McLaughlin read the welcome and rules of procedures.

VII. PUBLIC MEETING CONSENT ITEMS

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REZONING CASES

- A. **Case ZON-22-0059:** Rezoning from R6 Residential District to R5 Residential District or to a more restrictive zoning district for 0.64 +/- acres; located at 146 Chapel Hill Road; submitted by Jose Ricardo Flores (applicant) on behalf of Alternative Investment Holdings (owner). (SPRING LAKE)

In Case ZON-22-0059, the Planning and Inspections staff recommends approval of the rezoning request from R6 Residential District to R5 Residential District. Staff finds the request is consistent with the Spring Lake Land Use Plan which calls for "Commercial" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-22-0059, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from R6 Residential District to R5 Residential District. The Board finds the request is consistent with the Spring Lake Land Use Plan which calls for "Commercial" at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

- B. **Case ZON-22-0061:** Rezoning from RR Rural Residential District to A1 Agricultural District for 1.33 +/- acres and Initial Zoning from County RR Rural Residential District and A1 Agriculture District to Town A1 Agriculture District for 1.3 +/- acres all located at 6834 Main Street; submitted by Don Glenn & Donna Steele (owners & applicants). (WADE)

In Case ZON-21-0061, the Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District to A1 Agricultural District for 1.33 +/- acres and the Initial Zoning from County RR Rural Residential District and A1 Agricultural District to Town A1 Agricultural District, and find the request is not consistent with the Wade Area Land Use Plan which calls for Low Density Residential at this location. However, staff finds that the request: 1. Is an amendment to the adopted, current Wade Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map; 2. Would promote larger lots sizes than what the plan calls for; and 3. Is reasonable and in the public interest because the uses allowed in the A1 Agricultural District would be compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-21-0061, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from RR Rural Residential District to A1 Agricultural District for 1.33 +/- acres and the Initial Zoning from County RR Rural Residential District and A1 Agricultural District to Town A1 Agricultural District, and find the request is not consistent with the Wade Area Land Use Plan which calls for Low Density Residential at this location. However, the Board finds that the request: 1. Is an amendment to the adopted, current Wade Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map; 2. Would promote larger lots sizes than what the plan calls for; and 3. Is reasonable and in the public interest because the uses allowed in the A1 Agricultural District would be compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

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- C. **ZON-22-0062:** Rezoning from A1 Agricultural District to RR Rural Residential District or to a more restrictive zoning district for 0.52 +/- acres; located at 3370 McKinnon Road; submitted by Doris Spell (applicant/owner).

In Case ZON-22-0062, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to RR Residential District. Staff finds the request is consistent with the Southeast Cumberland Land Use Plan and is reasonable and in the public interest as it is compatible to and in harmony with surrounding land use activities and zoning.

In Case ZON-22-0062, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from A1 Agricultural District to RR Residential District. The Board finds the request is consistent with the Southeast Cumberland Land Use Plan and is reasonable and in the public interest as it is compatible to and in harmony with surrounding land use activities and zoning. Unanimous approval.

- D. **ZON-22-0063:** Rezoning from C3 Commercial District to R10 Residential District or to a more restrictive zoning district for 0.49 +/- acres; located at 5147 Front Street; submitted by Kevin Correia (applicant) on behalf of Billy D. & Fay J. Horne (owners). (STEDMAN)

In Case ZON-21-0063, the Planning and Inspections staff recommends approval of the rezoning request from C3 Heavy Commercial to R10 Residential District. Staff finds the request is consistent with the Stedman Land Use Plan which calls for "Mixed Use" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-21-0063, Mrs. Moody made a motion, seconded by Mr. Baker to recommend approval of the rezoning request from C3 Heavy Commercial to R10 Residential District. The Board finds the request is consistent with the Stedman Land Use Plan which calls for "Mixed Use" at this location. The board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- E. **Case ZON-22-0064:** Rezoning from A1 Agricultural District to R7.5 Residential District or to a more restrictive zoning district for 5.47 +/- acres; located at 1376 & 1384 Cypress Lakes Road and two directly abutting properties; submitted by Michael Adams (applicant) on behalf of Ricky & Tina Nelson (owner).

Mr. Portman presented the case information and photos.

In Case ZON-22-0064, the Planning and Inspections staff recommends denial of the rezoning request from A1 Agricultural District to R7.5 Residential District. Staff finds the request is consistent with the South-Central Plan which calls for "Low Density Residential" at this location. However,

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staff finds that the request is not reasonable or in the public interest as the request is not in harmony with the character of surrounding land use activities, zoning, lot sizes, and densities.

Mr. Howard stated that staff had recognized that R7.5 designation was a little intense for the area. Staff could recommend R15 as being more acceptable for the area given the zoning and land uses for the surrounding area. In working with the applicant, the applicant indicated that he was willing to accept an R15 alternative recommendation.

Public meeting opened.

Mr. Steven Stanfield spoke in opposition. Mr. Stanfield stated that his concerns with this request are about the impact on tax value, the space that the fencing will encompass, tree removal and traffic safety.

Ms. Dana Williams spoke in opposition. Ms. Williams stated that her concerns are about water, crime, and the impact on her husband's, who suffers from dementia, quality of life.

Ms. Jennifer VanSoelin spoke in opposition. Stated that her concerns are with privacy and how much of the tree line will be eliminated, traffic concerns, and the impact on tax value.

Mr. Lloyd asked if the R10 neighborhood was there when Ms. VanSoelin moved in.

Ms. VanSoelin said that it was there, but there is nothing but trees between them, it's completely private.

Ms. Diane Long spoke in opposition. Ms. Long stated that her concerns are related to traffic density, Chemours problem is concerning, impact on tax value, and the type of homes that will be built.

Mr. Michael Pierce signed up, but declined to speak.

Mr. Heath McDonald spoke in opposition. Mr. McDonald stated that he was concerned about flooding and feels that the area has been overdeveloped. Mr. McDonald presented pictures of properties and flooding.

Mr. Mike Adams, agent, spoke in favor. Mr. Adams stated that the owners wanted to do ten units, they want to do something small. Owners are happy to look at R15. All they want to do is about eight to ten units.

Public meeting closed.

There was discussion about density and the number of units that would go on the property and what the applicant was comfortable with doing and what he was amenable to doing which was the alternate zoning of R15. There was also discussion about having the applicant submit a conditional zoning request.

Mr. Ricky Nelson, the applicant, said that he was willing to do whatever was necessary and agreed to postpone the case to resubmit as a conditional zoning request.

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In Case ZON-22-0064 Mr. Williams made a motion, seconded by Mr. Baker to defer this case to give the applicant an opportunity to work with staff on a conditional zoning request. Unanimous approval.

- F. **ZON-22-0067:** Rezoning from A1 Agricultural District to A1/CZ Agricultural Conditional Zoning District or to a more restrictive zoning district for 62.55 +/- acres; located at 8299 Carlos Road; submitted by Michael Blakely (applicant) on behalf of Red Rock Materials, LLC (owner).

Mrs. Garcia presented the case information and photos.

In Case ZON-22-0067, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to A1 Agricultural District/Conditional Zoning. Staff finds the request is consistent with the North Central Land Use Plan which calls for "Farmland" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Mr. Moon advised the board that the request also included the triangular portion of the property on the north side of Carlos Road, and the conditional zoning site plan does not include it and it will be left undeveloped according to the condition sheet.

Mrs. Garcia also added that the applicant and the agent have approved the conditions presented by staff.

Public meeting opened.

Mr. Blakely spoke in favor. Mr. Blakely asked if the opposition could be heard first, and he would speak after and address their concerns.

Mr. Jason Thompson, Lake Teresa HOA president, was signed up to speak in opposition and stated that he represented a majority of the property owners on Lake Teresa as they are members of the Homeowners Association, and he would like to speak on behalf of them and the one's signed up to speak.

Mr. Thompson presented the Board with a pamphlet on Lake Teresa, that also included the community's concerns about the request. The concerns are with noise, how the quarry will affect the well water and water levels, the heavy traffic from trucks, dust from the mines and the air quality, and effects on property values. Mr. Thompson stated that he had a petition from forty of the residents who were not present at the meeting who are in opposition to the request.

Mrs. Leslie Finley spoke in opposition. Mrs. Finley stated that she was concerned about noise and aquifer depletion and asked that a study be done on how this proposed use could affect lake levels.

Mrs. Tina Minten spoke in opposition. Mrs. Minten's concerns are with the water levels. She stated that they have a shallow well and have never had trouble with their well until the mining across the road began and now they have trouble with their well going dry and agrees with studies being done on the effects this could have. Mrs. Minten also has concerns with the increased traffic and the noise.

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Mr. Blakely spoke in favor. Mr. Blakely described the property and stated that the tree lines will remain in place to provide buffering and talked about the additional buffering that they will have in place. There are two residents who are immediately adjacent to the site who were not present at the meeting because they went over how they were going to screen and buffer them on all three sides. They are providing as much buffering as possible. In conjunction with that, they don't feel that the use is obtrusive. It has been a mining community for fifty or sixty years and there is an active mine across the road that is the same type of operation. Mr. Blakely addressed the concern about the water and indicated that the staff report has aerial photos of the mine there now that is actively mining beside adjacent pits that are full of water. A pit is essentially an open well and you can see that the water table is not affected by the mining activities. As far as pavement, they will submit to the Department of Transportation (DOT) for a driveway permit and there will be a DOT study for any pavement improvements, turn lanes, any requirements that they would be subject to. The State Mining Permit and Air Quality has extensive rules that they regulate, and anyone can call and speak to a State Representative if they feel like there hasn't been dust suppression. Mr. Blakely addressed the dump truck issue and said that there wasn't enough distance for the dump trucks to build up too much speed to be harmful, and they must be coming from a different location, not necessarily from the existing mine.

Mr. Lloyd commented on the trucks speeding through the community and stated that they were probably trucks coming back from somewhere. Secondly Mr. Lloyd was wondering how the air quality is affected by the existing mine now and went on to ask about the pumps going at night and where they were pumping to.

Mr. Blakely said they pump for about a week and that will last long enough for them to mine for a couple of weeks. It's not continuous, what they do is excavate enough material to sell for two to three months in a few weeks. Mr. Blakely said it's intermittent, it's not a continuous operation. It is discharged into the existing sediment basins on site, which is required.

Mr. Burton asked what depth they were going in the pit.

Mr. Blakely said that he thought the average was twenty-five to thirty feet. As a requirement of the quarry, we must keep an average of five feet.

Mr. Brian Raynor spoke in favor. Mr. Raynor stated that his intention is to mine this material for their own use. They will be using this material to supply plant and job needs.

Mrs. Moody asked about studies being done.

Mr. Raynor said studies have not been done at this time, but we will meet all local, state, and federal guidelines.

Public meeting closed.

In Case ZON-22-0067 Mr. Walters made a motion, seconded by Mrs. Moody to deny the request for rezoning from A1 Agricultural District to A1 Agricultural District/Conditional Zoning. The Board finds that the request is not in harmony with surrounding land use

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activities due to public safety concerns of expanding mining operations in the area. Motion for denial passed 6-1 with Mr. Williams voting in opposition to the denial.

- G. **ZON-22-0065:** Rezoning from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district for 1.00 +/- acres; located at 3698 South River School Road; submitted by Daniel Antonio José (applicant/owner).

Mrs. Greer presented the case information and photos.

In Case ZON-22-0065, the Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40 Residential District. Staff finds the request is consistent with the Bethany Land Use Plan which calls for "Rural" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Mr. Howard advised the Board that the applicant was not present and there were people signed up to speak in opposition.

Public meeting opened.

Mr. Stephen Bullard spoke in opposition. Mr. Bullard said that there is no R40 close to the subject property. It is not in harmony with the area.

Ms. Robin Bridges spoke in opposition. Ms. Bridges stated that appropriate notice was not given there were people who did not receive letters. Ms. Bridges quoted a portion of the Bethany Land Use Plan that says to preserving the rural character, minimizing any obstruction. The applicant has a barn on the property, he raises chickens and sells eggs. He has farm animals. Ms. Bridges went on to say that A1 is appropriate for a farming area. Ms. Bridges went on to say that the Land Use Plan is not even a year old and we are already having this discussion and staff is recommending it. Changing the zoning in this case is not the answer.

Public meeting closed.

Mr. Howard said that staff looked at it and noted that the plan calls for R40 being a suitable district for this area if additional development standards are in place. In this particular case, the property is already an existing lot of record at an acre and couldn't be subdivided any further, regardless if the district was A1 or R40. There is already a home on the site which is a mobile home. R40 does not allow mobile homes and the applicant has indicated a desire to construct a stick-built home on the site which would be considered a higher development standard, per the plan policies. The setbacks for the existing A1 would make building a stick-built home on that property very restrictive or difficult to obtain building permits because of the size of the existing property relative to the required A1 setbacks, which are intended for 2 acre lots. If R40 were approved, the applicant could make use of suitable setbacks for an acre lot, and it could help in obtaining bank financing for construction now that his lot is in direct conformance with the zoning standards.

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Mr. Lloyd said the plan calls for rural uses. The staff read the plan correctly. This is what was approved. The plan calls for rural uses in this area and acre residential lots is a common rural standard.

After further discussion about other options that might be available to the applicant, the Board decided to vote on the case.

In Case ZON-22-0065, Mrs. Moody made a motion, seconded by Mr. Lloyd to recommend approval of the rezoning request from A1 Agricultural District to R40 Residential District. The Board finds the request is consistent with the Bethany Land Use Plan which calls for "Rural" at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. The motion passed 4-3 with Mr. Baker, Mr. Williams, and Mr. Walters voting in opposition.

H. DISCUSSION

- LAND USE POLICIES PLAN REVIEW

Mr. Howard stated that staff is in the process of updating plans and wanted to know if the Board wanted to look into updating the Land Use Policies Plan and asked that the Board let him know if they wanted to update it. The Board indicated a desire to work on this update.

- THREE RIVERS LAND TRUST

Mr. Howard advised the Board he attended a RLUAC meeting and made the acquaintance of the Executive Director of the Three Rivers Land Trust. This is an organization that addresses farms and farmland preservation. Mr. Howard asked the Board if there was interest in having the Executive Director come out and do a presentation on their organization. The Board indicated an interest in having a presentation at a future meeting.

- SIGN ORDINANCE

Mr. Howard let the Board know that the sign ordinance update and the Planning Board Bylaws passed the Board of Commissioners.

I. ADJOURNMENT

There being no further business, the meeting adjourned at 7:48 p.m.



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF OCTOBER 18, 2022

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 10/18/2022

SUBJECT: CASE ZON-22-0069: REZONING FROM A1 AGRICULTURAL DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR 13.35 +/- ACRES; LOCATED AT 6313 TABOR CHURCH ROAD; SUBMITTED BY PATRICIA MCDONALD (APPLICANT) ON BEHALF OF CHARLES EARL MCDONALD (OWNER).

ATTACHMENTS:

Description

Case ZON-22-0069

Type

Backup Material

REQUEST

Rezoning A1 to R40A

Applicant requests a rezoning from A1 Agricultural District to R40A Residential District for one parcel of approximately 13.35 +/- acres located at 6313 Tabor Church Road. This parcel is currently occupied for a single-family home. The intent of the property owner is to subdivide the lot to create 2 lots, one acre each, and build a home on the main parcel. The applicant initially requested RR Rural Residential on the rezoning application and then later amended the application to request R40A Residential.

PROPERTY INFORMATION

OWNER/APPLICANT: Charles Earl McDonald (Owner);
Patricial McDonald (Applicant)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0462227920000

SIZE: 13.35 +/- acres within one parcel. Road frontage along Tabor Church Road is an approximate 252 feet. The property has a varying depth due to its irregular shape but is approximately 1,113 feet in length at its deepest point.

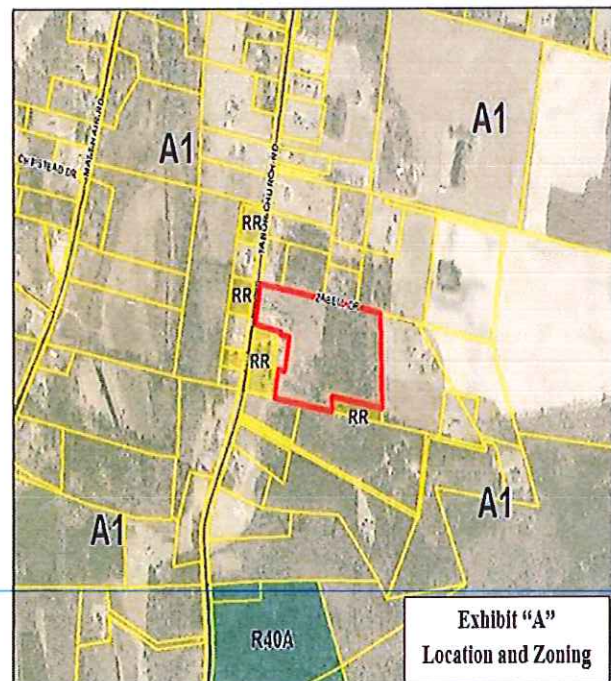
EXISTING ZONING: The subject property is currently zoned A1 Agricultural District. Minimum lot size for this district is two acres. This district is intended to promote and protect agricultural lands, including woodland, within the County. The general intent of the district is to permit all agricultural uses to exist free from most private urban development except for large lot, single-family development. Some public and/or semi-public uses as well as a limited list of convenient commercial uses are permitted to ensure essential services for the residents.

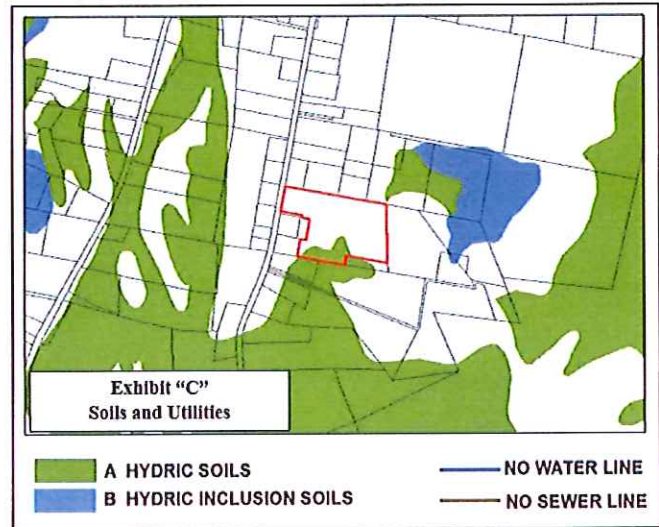
EXISTING LAND USE: This parcel contains a single-family home. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- **North:** Wooded lands and single-family homes
- **East:** Farmland and single-family home
- **West:** Wooded lands and single-family homes
- **South:** Wooded Lands and a single-family home

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates presence of hydric or hydric inclusion soils at a portion of the southern section of the property.

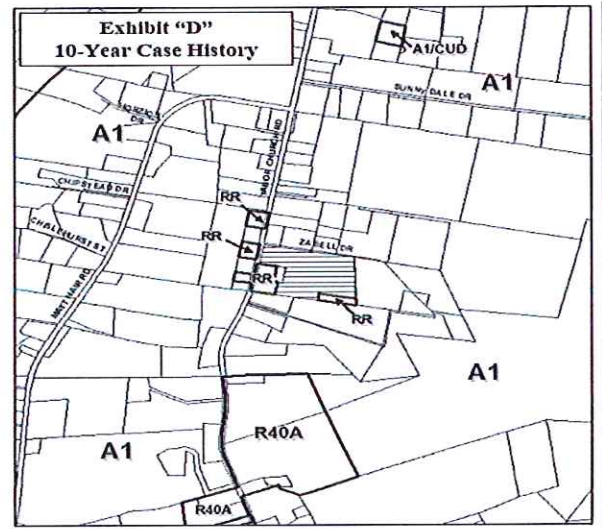




TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the 10-year zoning case history described below. There is no case history for this area

DEVELOPMENT REVIEW: Subdivision review by County Planning & Inspections will be required before any subdivision or development.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R40A (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet
Rear Yard Setback	50 feet	35 feet
Lot Area	2 acres	40,000 sq. ft.
Lot Width	100'	100'

Development Potential:

Existing Zoning (A1)	Proposed Zoning (R40A)
5 dwelling units	12 dwelling units

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.
- Calculation: $(\text{total developable area times } 0.8) / \text{minimum lot size for zone district}$.
- Section 202 (A): Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS: This property is located within the Southeast Cumberland Land Use Plan (2016), as shown in Exhibit "E". The future land use designation of this property is "One Acres without Water, ½ acre with Public Water". The proposed rezoning request is consistent with the adopted land use plan.

APPLICABLE PLAN GOALS/POLICIES:

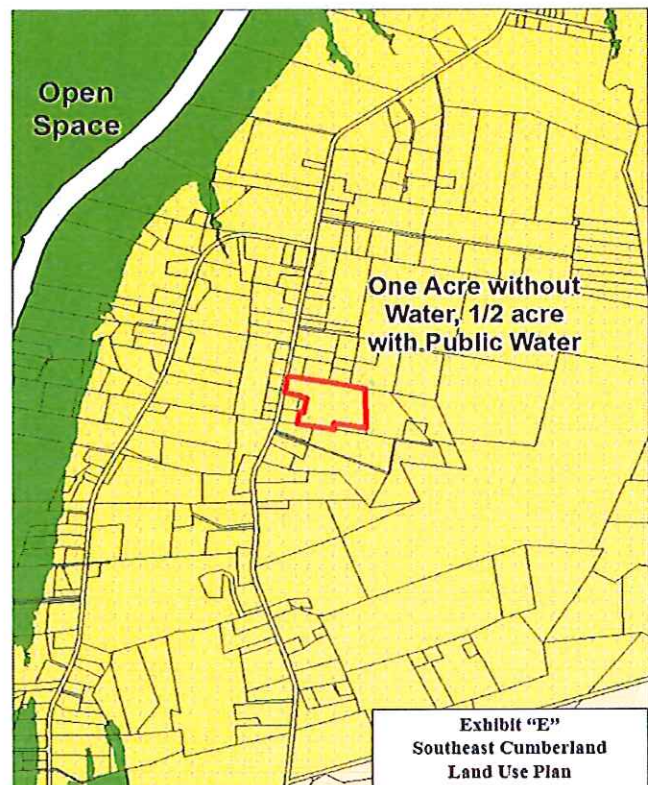
Associated plan goals and policies that may be considered include the following:

Residential Development Goal: "Provide for residential development that protects and maintains the rural residential character; does not conflict with farming and forestry operations; is not detrimental to open space, environmentally sensitive areas and recreation; and improves the quality of life for residents in the Area.

- Promote the concentration of new residential development in the northwestern section of the Study Area.

- Only allow residential lots on soils suitable for conventional septic tanks systems.

- The availability of public water service shall not be considered justification for increasing density beyond 2 units per acre or ½ acre lots." (pgs. 93,94).



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are not available near the subject property. Utilities for water and sewer are shown on Exhibit "C". Well and septic will likely be required, and the lot size must meet the minimum area necessary to accommodate both.

TRAFFIC: According to FAMPO, the subject parcel is located on Tabor Church Road which is identified as a major collector in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Tabor Church Road has a 2020 AADT of 650 and the road capacity of 15,300. The rezoning request does not demand a trip generation and should not generate enough traffic to significantly impact Tabor Church Road.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Seabrook Elementary	267	246
Mac Williams Middle	1164	1141
Cape Fear High	1476	1519

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no objection to the proposed request.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and identified that a site plan will be needed for review to see how the 13.35 acres will be subdivided.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: This is a conventional zoning and there are no conditions at this time.

STAFF RECOMMENDATION

In Case ZON-22-0069, Planning Staff **recommends approval** of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds the request is consistent with the Southeast Cumberland Land Use Plan. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

ATTACHMENT – MAILING LIST

BEALE, JOHN A; BEALE, MARSHA C
4456 ZABELL DR
FAYETTEVILLE, NC 28312

GRISSETT, THOMAS L
PO BOX 2571
FAYETTEVILLE, NC 28312

STOKIGT, LAWRENCE; STOCKIGT,
CASSANDRA
6211 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

LEWIS, HARLOD E; LEWIS, CAHTERINE F
6400 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

BRAY, HYGH SOLOMON
660 OLD EVANS RD
GARNER, NC 27529

HOPPER, JOLENE C
4171 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

BURNS, JOHN WILLIAM; BURNS, EVA
ELEANOR
6337 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

MILLER, QUAMESHA WHITTED
215 N DIXON AVE
CARY, NC 27513

TAUZELL, JOSEPH B; TAUZELL, BETH
ANNETTE
5093 MATT HAIR RD
FAYETTEVILLE, NC 28312

BLACKMON, BENJAMIN
PO BOX 87235
FAYETTEVILLE, NC 28304

HOPPER, JOLENE C
4166 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

MCDONALD, DOLORES
6313 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

WRIGHT, ANTHONY; WRIGHT, ANGELIA G
6233 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

WILLIAMS, RODERICK KEON; WILLIAMS
BRITANICA B
6455 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

BASS, RUPERT
6180 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

ODD JOBBERY LLC
4786 MONTICELLO AVE
HOPE MILL, NC 28348

DIXON, KYLE ALLEN; DIXON, MARI NEWTON
6375 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

MCNAIR, DENNIS REGINALD; MCNAIR,
DELORES SEAFORD
6276 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

DIXON, KYLE ALLEN
640 CAROLINA WAY
SANFORD, NC 27332

MCCOY, KELLY M; MCCOY, TAMMY W
5967 WACCAMAW SCHOOL RD
ASH, NC 28420

FLAHERTY, JOSEPH PATRICK II; FLAHERTY,
CYNTHIA ANN
4450 ZABELL RD
FAYETTEVILLE, NC 28312

GLEMAKER, JESSICA
6213 LAKEHAVEN DR
FAYETTEVILLE, NC 28304

MCDONALD, YUVONNE A
6348 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

POWELL, CHARLES A; POWELL, BERTHA
FISHER
6212 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

BURNS, JOHN RODNEY; BURNS, MARILYN D
6319 TABOR CHURCH RD
FAYETTEVILLE, NC 28312

DANIELS, CLARENCE
2094 TOM STARLING RD
FAYETTEVILLE, NC 28306

BLACKMON, STEVE A; BLACKMON, DEBRA J
1946 PALADIN ST
FAYETTEVILLE, NC 28304

MCDONALD, PAMELA
6365 TABOR CHURCH RD
FAYETTEVILLE, NC 28311

MUNOZTORRES, SHARON L;
MUNOZTORRES, MICHAEL A
2704 CHIMNEY BROOK RD
FAYETTEVILLE, NC 28312

CALRTON, CINDY PAT
A543 COOSA RD 28
GOODWATER, AL 35072

ATTACHMENT: APPLICATION



County of Cumberland
—◆—
Planning & Inspections Department

CASE #: _____

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 410.⁰⁰.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF
COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:**

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from A1 to R.R
2. Address of Property to be Rezoned: No address yet
3. Location of Property: Lot 1 Deed Book 2803 page 31
6313 Tabor Church Rd, Fayetteville, NC.
4. Parcel Identification Number (PIN #) of subject property: Reid 0432227920
(also known as Tax ID Number or Property Tax ID) Cumberland
5. Acreage: 13.35 Frontage: _____ Depth: _____
6. Water Provider: Well: ☒ PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank ☒ PWC _____
8. Deed Book 2803, Page(s) 31, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Wooden empty land (trees)
10. Proposed use(s) of the property: Build a home
Subdivide 2 1 acre lots
11. Do you own any property adjacent to or across the street from this property?
Yes ☒ No _____ If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No ☒

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Charles Earl McDonald

NAME OF OWNER(S) (PRINT OR TYPE)

6313 Tabor Church Rd

ADDRESS OF OWNER(S)

910-429-4290

HOME TELEPHONE #

910-429-4290

WORK TELEPHONE #

BUNNIE & Patricia McDonald

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

8159 S. Port Dr. West Chester, Ohio 45069

ADDRESS OF AGENT, ATTORNEY, APPLICANT

Patricia McDonald 69@gmail.com

E-MAIL

513-200-8434

HOME TELEPHONE #

513-942-2192

WORK TELEPHONE #

Ch. McDonald

SIGNATURE OF OWNER(S)

Patricia McDonald

SIGNATURE OF AGENT, ATTORNEY OR
APPLICANT

Charles McDonald

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."

Yvonne (910) 323-2832



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF OCTOBER 18, 2022

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 10/18/2022

SUBJECT: CASE ZON-22-0068: REZONING FROM C(P) PLANNED COMMERCIAL DISTRICT AND RR RURAL RESIDENTIAL DISTRICT TO RR RURAL RESIDENTIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR ESTIMATED 284.94 +/- ACRES; LOCATED AT 2849 DOWNING ROAD; SUBMITTED BY KAREN PATRICIA HAIR BLACKMAN (APPLICANT/OWNER).

ATTACHMENTS:

Description

Case ZON-22-0068

Type

Backup Material

REQUEST

Rezoning C(P) and RR to RR

Applicant requests a rezoning from C(P) Commercial District and RR Rural Residential District to RR Rural Residential District for a 285 +/- acre parcel located at 2849 Downing Road, less than a mile west of the NC Hwy 24 and I-95 interchange. The parcel is currently occupied by farmland. The intent of the property owner is to rezone the parcel to have uniformity of zoning across the entire parcel. The current parcel is split-zoned on one parcel. If approved, the rezoning would only affect approximately 18.1 acres currently zoned C(P) at the southwest corner of the parcel.

PROPERTY INFORMATION

OWNER/APPLICANT: Karen Patricia Hair Blackman (Owner)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0457540060000

SIZE: 285 +/- acres within one parcel. Road frontage along Downing Road is 1764 feet. The property has a varying depth due to its irregular shape but is approximately 645 feet in length at its deepest point.

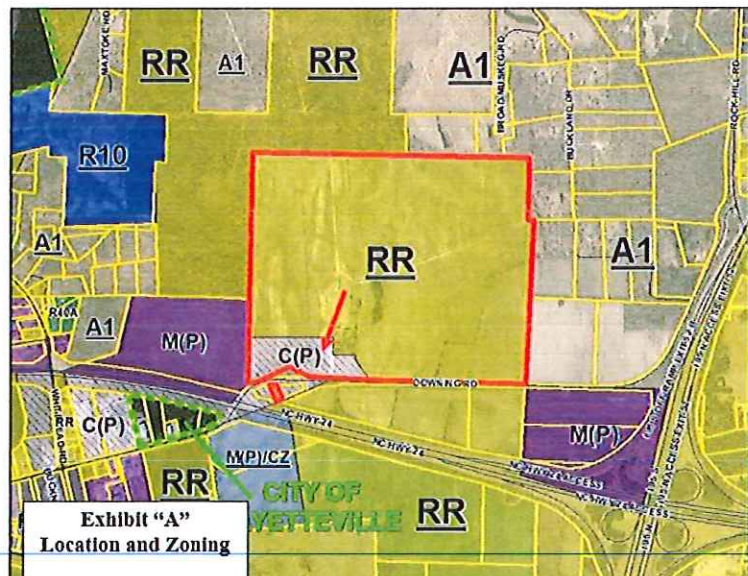
EXISTING ZONING: The subject property is currently zoned C(P) Commercial District and RR Rural Residential District. The general intent of the C(P) district is designed to assure that grouping of buildings on a parcel of land constitute a harmonious, efficient, and convenient retail shopping area. The general intent of the RR Rural Residential District is for suburban density residential, including manufactured housing units, and agricultural purposes.

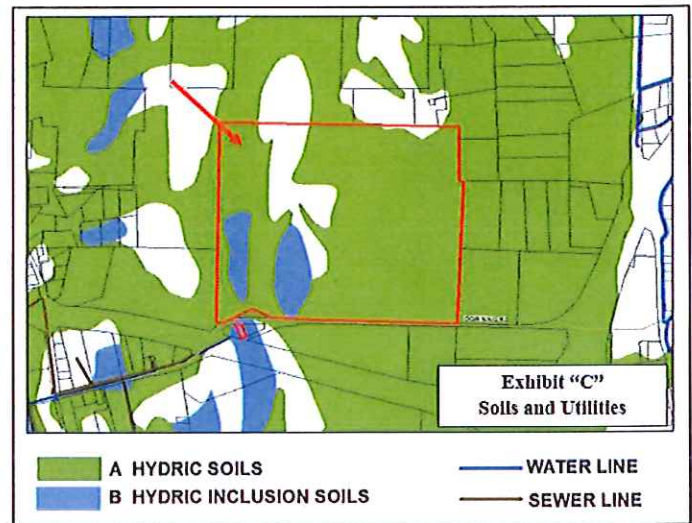
EXISTING LAND USE: This parcel contains farmland. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- **North:** Farmland
- **East:** Farmland
- **West:** Farmland
- **South:** Farmland

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates presence of hydric or hydric inclusion soils throughout the property.



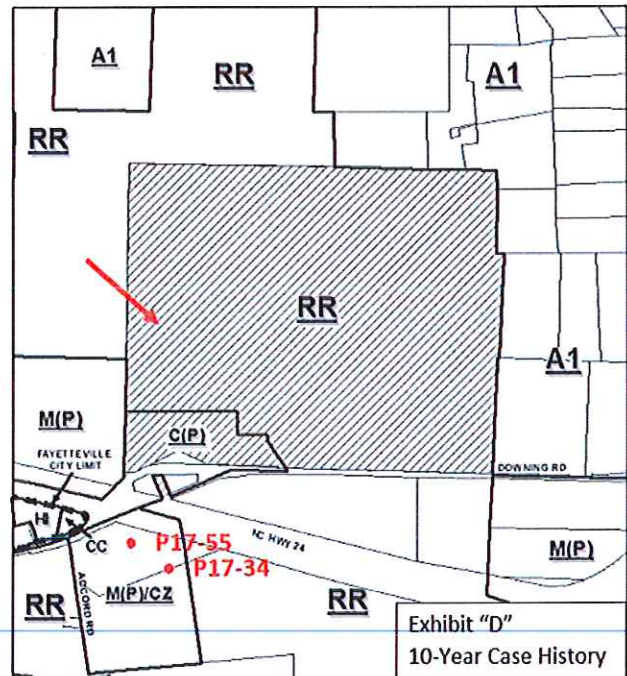


TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the zoning case history described below.

- **P17-34:** RR to M(P) – Withdrawn by applicant
- **P17-55:** RR to M(P)/CZ – Approved

DEVELOPMENT REVIEW: Site Plan review by County Planning & Inspections will be required before any development.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	C(P) (Existing Zoning)	RR (Existing Zoning)	RR (Proposed)
Front Yard Setback	50 feet from R/W, 80 feet from street centerline	30 feet	30 feet
Side Yard Setback	30 feet	15 feet	15 feet
Rear Yard Setback	30 feet	35 feet	35 feet
Lot Area	No minimum lot size	20,000 sq. ft.	20,000 sq. ft.
Lot Width	N/A	100'	100'

Development Potential:

Existing Zoning (C(P)/RR)	Proposed Zoning (RR)
465 dwelling units	497 dwelling units

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.
- Calculation: $(\text{total developable area times } 0.8) / \text{minimum lot size for zone district}$.

- Section 202 (A): Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

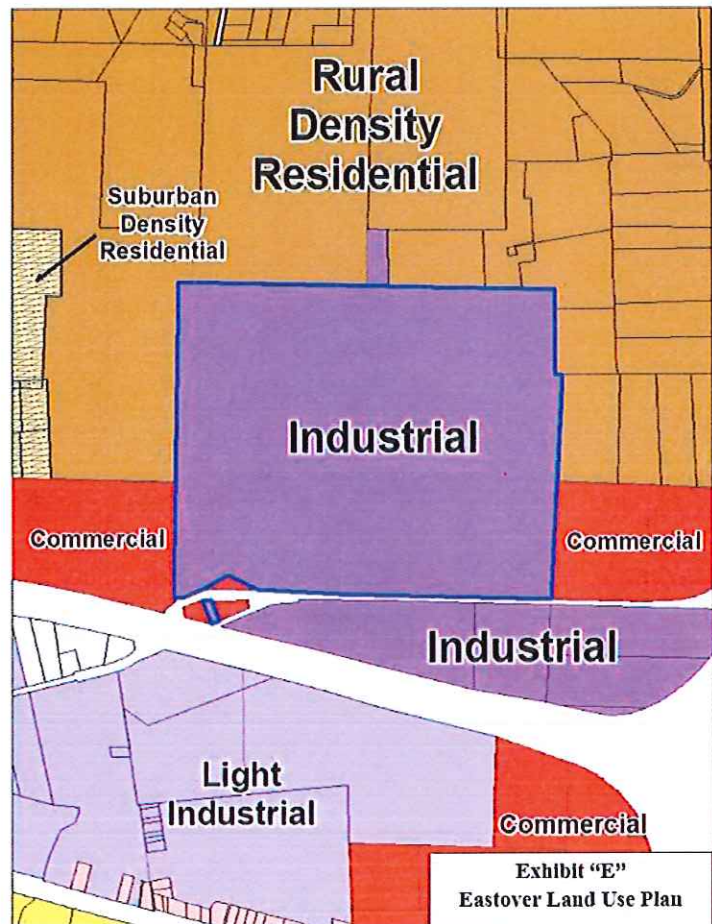
COMPREHENSIVE PLANS: This property is located within the Eastover Land Use Plan (2018), as shown in Exhibit "E". The future land use designation of this property is "Industrial". Associated zoning districts for this classification are M1(P) and M(P). **The proposed rezoning request is not consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

Associated plan goals and policies that may be considered include the following:

Industrial Development Goal: "Provide areas for clean industries where infrastructure is adequate and is in harmony with surrounding development.

- Encourage the location of industries that will utilize agricultural produce from the area and will not involve the processing of animals or animal by-products
- Support efforts to recruit environmentally safe and clean industries" (p. 52)
- Promote economic development opportunities near the I-95 and NC Hwy 24 interchange.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are available near the subject property. Hydric and Hydric Inclusion soils are shown on Exhibit "C". Connection to utilities would be subject to the requirements of the utility provider. The applicant is responsible for coordinating with the provider for any utility extensions.

TRAFFIC: According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property is located within the FAMPO jurisdictional boundaries. The new zoning should not generate enough traffic to significantly impact Downing Road. The zoning request does not demand a trip generation due to the lack of data and small scale.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Armstrong Elementary	441	389
Mac Williams Middle	1164	1141
Cape Fear High	1476	1519

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request has no comment at this time.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has no objections to the rezoning request.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: This is a conventional zoning and there are no conditions at this time.

STAFF RECOMMENDATION

In Case ZON-22-0068, Staff **recommends denial** of the request and finds the request from C(P) Commercial District and RR Rural Residential District to RR Rural Residential District is not consistent with the Eastover Land Use Plan which calls for "Industrial" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

ATTACHMENT – MAILING LIST

DOWD, BRITT A; DOWD, CASIE
1067 BUCKLAND DR
FAYETTEVILLE, NC 28312

MCDONALD, MARIAN ANDREWS
1713 MIDDLETON RD
GOLDSBORO, NC 27530

DELAVEGA, MARIO A; DELAVEGA,
KAREN A
1017 BUCKLAND DR
EASTOVER, NC 28312

COSTIN, JOYCE S.; TERRANOVA, JULIA
ELIZABETH; TERRANOVA, STEVEN N.
1331 QUEENSFERRY RD
CARY, NC 27511

OWEN, ERNEST STANLEY; OWEN,
MARY D
1456 HABERSHAM DR
FAYETTEVILLE, NC 28304

RADCLIFF, KATHY; HAIR, MARTHA
419 NORTON ST
OAK ISLAND, NC 28465

HAYES, TONY P; HAYES, MARY M
1066 BUCKLAND DR
FAYETTEVILLE, NC 28312

AVERITT, MARTHA A; FOX, CHARLES
S; LANCASTER, CAROLYN A;
LANCASTER, KENNETH C
2535 COSTMARY LN #11
WILMINGTON, NC 28412

FAIRCLOTH, TONY G; FAIRCLOTH,
JENA L
863 BUCKLAND DR
FAYETTEVILLE, NC 28312

MCCONNELL, JOHN; MCCONNELL,
COURTNEY
1521 THROUGHbred TR
PARKTON, NC 28371

BLACKMAN, KAREN PATRICIA HAIR
7282 TROY FISHER RD
FAYETTEVILLE, NC 28312

SPARTAN ENTERPRISE GROUP LLC
160 PORT BAY ST
SANFORD, NC 27332

HEINE, JAMES WALTER; HEINE,
BARBARA ELIZABETH
881 BUCKLAND DR
FAYETTEVILLE, NC 28312

DOWD, CLAUDE P; DOWD, LINDA
309 MCARTHUR RD
FAYETTEVILLE, NC 28311

GOODRICH, ROBERT H
4308 SWINDON DR
EASTOVER, NC 28312

BROWN, CHAD J; BROWN, ERIN H
1010 BUCKLAND DR
EASTOVER, NC 28312

HWY 24 PROPERTIES, LLC
2224 BAYVIEW DR
FAYETTEVILLE, NC 28305

GINSBERG, JOANN
852 BUCKLAND DRIVE
FAYETTEVILLE, NC 28312

CARROLL, ROBERT J; CARROLL,
DIANA J
744 BUCKLAND DR
FAYETTEVILLE, NC 28312

KING, HOLDINGS OF FAY LLC
135 RACEPATH ST
FAYETTEVILLE, NC 28301

HAIR, MARTHA L; RADCLIFF, KATHY
NELL HAIR
419 NORTON ST
OAK ISLAND, NC 28465

YOUNG, MARY JEELL CLARK
296 SPARKS RD
BAKERSVILLE, NC 28705

HAIR, JOHN S JR
281 WESTWOOD CT
FAYETTEVILLE, NC 28303

CAIN, SARAH OWEN
751 ROK HILL RD
FAYETTEVILLE, NC 28312

ATTACHMENT: APPLICATION



County of Cumberland
— ♦ —
Planning & Inspections Department

CASE #: ZON-22-0068

PLANNING BOARD
MEETING DATE: 10/18/22

DATE APPLICATION
SUBMITTED: 9/2/22

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 510.⁰⁰.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from CP to RR
2. Address of Property to be Rezoned: 2849 Downing Road, Fay, NC 28312
3. Location of Property: North of Hwy 24 on Downing Road
4. Parcel Identification Number (PIN #) of subject property: 0457-54-0060
(also known as Tax ID Number or Property Tax ID)
5. Acreage: portion of 285 Frontage: 330 3995 Depth: 3300
18 to rezone
6. Water Provider: Well: ☒ PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank ☒ PWC _____
8. Deed Book 10667, Page(s) 0865, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Farm
10. Proposed use(s) of the property: Farm (rezone CP portion to match RR existing zoning on remainder property)
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No ☒ If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No ☒

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Karen Patricia Hair Blackman
NAME OF OWNER(S) (PRINT OR TYPE)

284 7282 Troy Fisher Road
ADDRESS OF OWNER(S)

910-484-8708
HOME TELEPHONE #

NA
WORK TELEPHONE #

Karen Patricia Hair Blackman
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

7282 Troy Fisher Road Fayetteville, Nc 28312
ADDRESS OF AGENT, ATTORNEY, APPLICANT

bobkar50@yahoo.com
E-MAIL

910-484-8708
HOME TELEPHONE #

NA
WORK TELEPHONE #

Karen Blackman
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

The contents of this application, upon submission, become "public record."



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF OCTOBER 18, 2022

TO: JOINT PLANNING BOARD

FROM: CUMBERLAND COUNTY PLANNING & INSPECTIONS DEPARTMENT

DATE: 10/18/2022

SUBJECT: CASE ZON-22-0070: REZONING FROM RR RURAL RESIDENTIAL DISTRICT TO C(P) PLANNED COMMERCIAL DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT FOR TWO PARCELS WITH A COMBINED 1.57 +/- ACRES; LOCATED AT APPROXIMATELY 1000 FEET NORTH OF THE INTERSECTION OF NC HWY 87 AND SAND HILL ROAD; SUBMITTED BY JOSEPH RIDDLE (APPLICANT) ON BEHALF OF LINDA ADKINS BUTLER AND WILLIE BUTLER (OWNER).

ATTACHMENTS:

Description	Type
Case Zon-22-0070	Backup Material

REQUEST

Rezoning RR to C(P)

Applicant requests a rezoning from RR Rural Residential District to C(P) Commercial District for two parcels of approximately 1.57 combined acres located on NC HWY 87 South northeast of Sand Hill Rd. The owner's intent is to rezone a vacant property to use for commercial purposes.

PROPERTY INFORMATION

OWNER/APPLICANT: Linda Adkins and Willie Butler (Owner), Joseph P. Riddle (Agent)

ADDRESS/LOCATION: Refer to Exhibit "A", Location and Zoning Map. REID number: 0443404413000; 0443405515000

SIZE: 1.57 +/- acres within two parcels. 1.44 +/- acres after right-of-way dedication. Road frontage along NC Hwy 87 South is a combined 260 feet. The property has a varying depth due to its irregular shape but is approximately 228 feet in length at its deepest point.

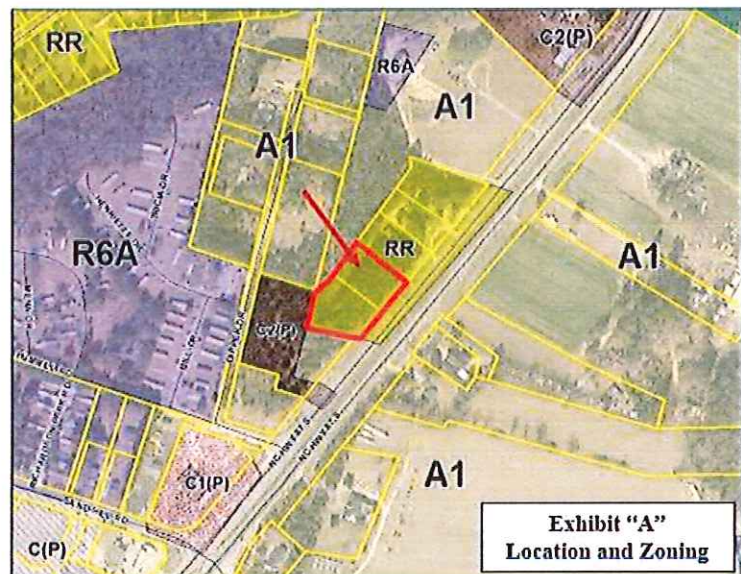
EXISTING ZONING: The subject property is currently zoned RR Rural Residential District. Minimum lot size for this district is 20,000 square feet. This district is intended to ensure residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide for a healthful environment.

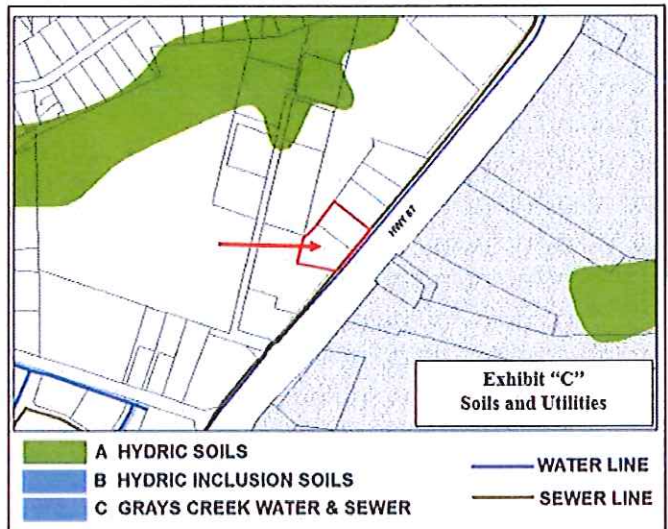
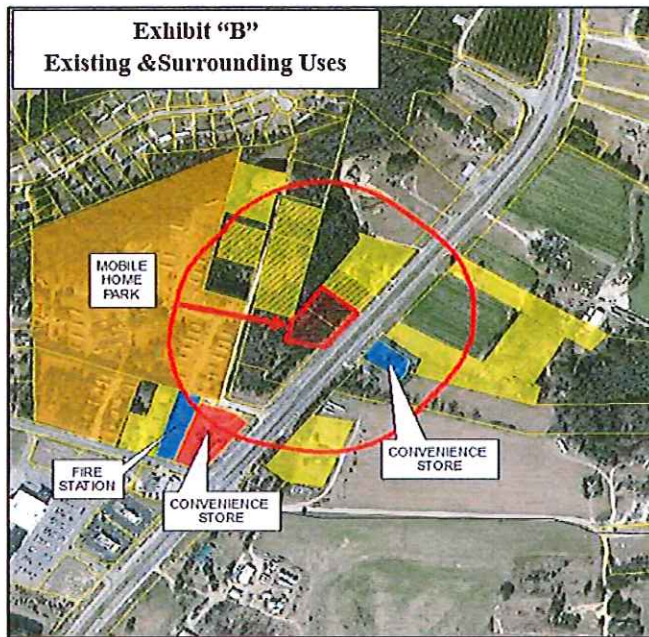
EXISTING LAND USE: Each parcel contains wooded lands. Exhibit "B" shows the existing use of the subject property.

SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- **North:** Wooded Lands
- **East:** State Highway
- **West:** Wooded Lands and Manufactured Home Park
- **South:** State Highway and Wooded Lands

OTHER SITE CHARACTERISTICS: The site is not located in a Watershed or within a Flood Zone Hazard Area. The subject property, as delineated in Exhibit "C", illustrates the absence of Hydric or Hydric Inclusion Soils.



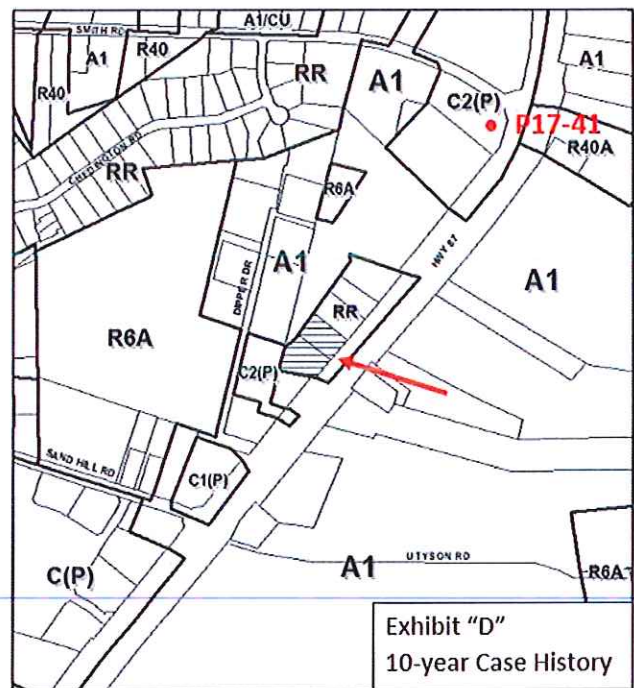


TEN YEAR ZONE CASE HISTORY:

Exhibit "D" denotes the location of the zoning case history described below.

- **P17-41:** A1 & A1/CU to C2(P) - Approved

DEVELOPMENT REVIEW: Subdivision review (possible Recombination Plat) by County Planning & Inspections will be required before any development.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	RR (Existing Zoning)	C(P) (Proposed)
Front Yard Setback	30 feet	50 feet from R/W line, 80 feet from Street Centerline
Side Yard Setback	15 feet (one story), 15 feet (two story)	30 feet
Rear Yard Setback	35 feet	30 feet
Lot Area	20,000 square feet	No minimum lot size
Lot Width	100'	N/A

Development Potential:

Existing Zoning (RR)	Proposed Zoning (C(P))
3 dwelling units	N/A

- Assumes 80% of land is usable for development after exclusion of potential area for roads and drainage.

- Calculation: $(\text{total developable area times } 0.8) / \text{minimum lot size for zone district}$.
- Section 202 (A): Lot count may be rounded-up when a fraction occurs. When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded.

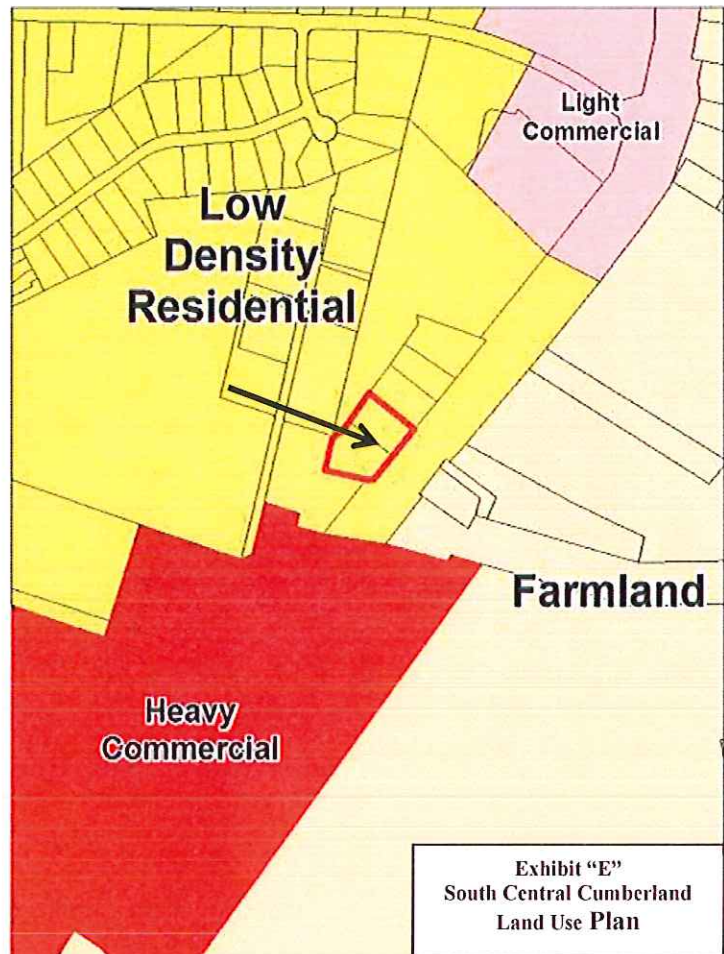
COMPREHENSIVE PLANS: This property is located within the South-Central Land Use Plan (2015), as shown in Exhibit "E". The future land use designation of this property is Low Density Residential. Associated zoning districts for this classification are R7.5 and R15. **The proposed request is not consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

-Associated plan goals and policies that may be considered include the following:

Residential Development Goal: "Provide a complete range of residential housing types that accommodates the needs of all residents with adequate infrastructure while preserving the character of the area and protecting environmentally sensitive areas.

- Encourage the use of low impact development techniques.
- Promote infill development.
- Provide flexibility for mixed-use and higher density developments to locate close to existing or future commercial centers." (p.93)



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are available near the subject property. It is the applicant's responsibility to determine if this utility provider will serve their development. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: Per the recorded deed provided in the attachment section of this report, a 25-foot wide land strip is reserved for right-of-way (ROW) for NC Hwy 87. Based on a road frontage of 228 lineal feet, approximately 5,700 square feet of the subject site will be dedicated to right-of-way, leaving a balance of approximately 1.44 acres for the two parcels. At the time of a site plan application or prior thereto, the property owner will address dedication of the reservation strip with NCDOT.

According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject parcel is located on NC Highway 87 S which is identified as another principal arterial in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, NC Highway 87 S has a 2020 AADT of 16,000 and the road capacity of 41,400. The new rezoning request does not demand a trip generation and should not generate enough traffic to significantly impact NC Highway 87 S.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Alderman Road Elementary	707	667
Gray's Creek Middle	1083	1125
Gray's Creek High	1517	1396

ECONOMIC DEVELOPMENT: Fayetteville Cumberland County Economic Development Corporation has reviewed the request and had no objection to the proposed request.

EMERGENCY SERVICES: Cumberland County Fire Marshal's office has reviewed the request and has offered the following comments:

- Ensure all fire department access requirements are met in accordance with section 503 of the 2018 NC fire code.
- Ensure fire protection water supply requirements are met in accordance with Section 507 of the 2018 NC Fire Code.
- Submit building plans to scale for new construction and building renovation.
- Ensure emergency responder radio coverage is achieved.

SPECIAL DISTRICTS: The property is not located within the Fayetteville Regional Airport Overlay District or within five miles of Fort Bragg Military Base.

CONDITIONS OF APPROVAL: This is a conventional zoning and there are no conditions at this time.

Staff would support a rezoning district of C1(P) for this property. Staff finds the C1(P) will require an amendment to the South-Central Land Use Plan and that the C1(P) request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

STAFF RECOMMENDATION

In Case ZON-22-0070, the Planning and Inspections staff **recommends denial** of the rezoning request from RR Rural Residential District to C(P) Commercial District. Staff finds the request is not consistent with the South-Central Land Use Plan which calls for "Low Density Residential" at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Application

ATTACHMENT – MAILING LIST

BUTLER, LINDA ADKINS
4822 S NC 87 HWY
FAYETTEVILLE, NC 28306

PAUL, SHANE KEALOHA; PAUL, VIRGINIA
WALTERS
4267 DIPPER DR
FAYETTEVILLE, NC 28306

PAUL, WENFRED DAVIS REVOCABLE TRUST
4793 NC 87 HWY
FAYETTEVILLE, NC 28306

GRAY'S CREEK LAND LLC
210 S. RAILROAD AVE STE 4
ASHLAND, VA 23005

LONG, JAMES HURBERT
4800 S NC 87 HWY
FAYETTEVILLE, NC 28306

BUTLER, LINDA ADKINS; BUTLER, WILLIE
LAWRENCE
4822 S NC 87 HWY
FAYETTEVILLE, NC 28306

TYSON, VANCE U JR
4925 S NC 87 HWY
FAYETTEVILLE, NC 28306

SHERWOOD PRESBYTERIAN CHURCH
4857 S NC 87 HWY
FAYETTEVILLE, NC 28306

SANDERS, LYNDA
4834 S NC HWY
FAYETTEVILLE, NC 28306

STERLING, MICHAEL RAY; STERLING,
CHERYL LEIGH
4228 DIPPER DR
FAYETTEVILLE, NC 28306

COON, IRIS L
4266 DIPPER DR
FAYETTEVILLE, NC 28306

WILLIAMS, BENNIE R
309 SMITH ST
CLOVER, SC 29710

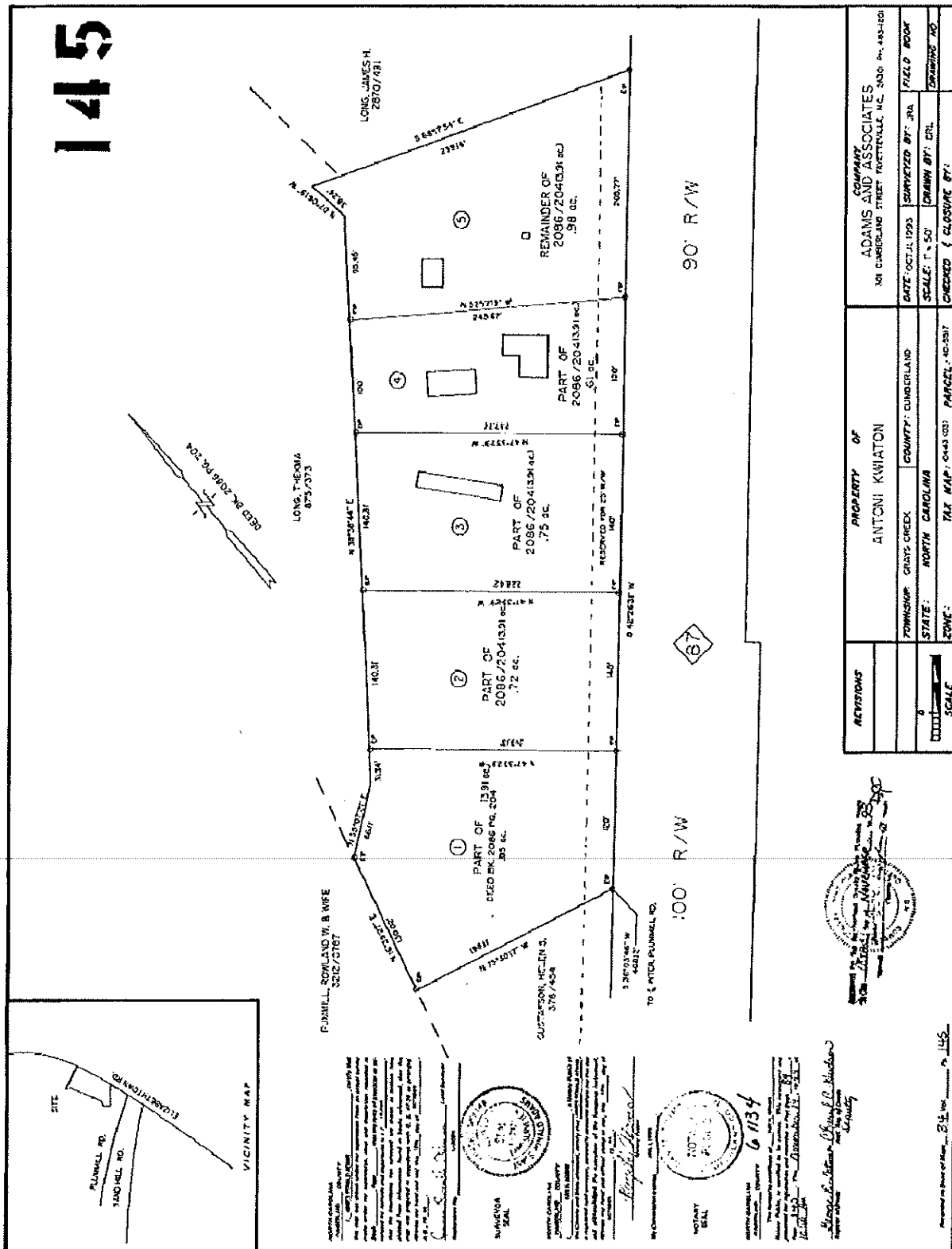
NWOSU, LUKE TRUSTEE
3613 RAEFORD RD
FAYETTEVILLE, NC 28304

DEVAULT, DONNA BRAMBLE
2119 YARBOROUGH RD
ST PAULS, NC 28384

WISTERIA GROUP LLC
3121 DRURY LN
FAYETTEVILLE, NC 28303

V/D NEAL PROPERTIES LLC
1007 ARSENAL AVE
FAYETTEVILLE, NC 28305

541



ATTACHMENT: APPLICATION



County of Cumberland
—◆—
Planning & Inspections Department

CASE #: _____

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: _____

RECEIPT #: _____

RECEIVED BY: _____

**APPLICATION FOR
REZONING REQUEST
CUMBERLAND COUNTY ZONING ORDINANCE**

The following items are to be submitted with the completed application:

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 450.00.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
3. Planning Board hearing.
4. Re-notification of interested parties / public hearing advertisement in the newspaper.
5. County Commissioners' public hearing (approximately four weeks after Planning Board public hearing)
6. If approved by the County Commissioners, rezoning becomes effective immediately.

The Planning & Inspections Staff will advise on zoning options, inform applicants of development requirement and answer questions regarding the application and rezoning process. For further questions, call (910)678-7603 or (910)678-7609. Hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Friday.

NOTE: Any revisions, inaccuracies or errors to the application may cause the case to be delayed and will be scheduled for the next available board meeting according to the board's meeting schedule. Also, the application fee is *nonrefundable*.

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF
COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:**

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from RR to CP
2. Address of Property to be Rezoned: NC HWY 87 SOUTH
3. Location of Property: APPROX. 1000 FEET NORTH OF THE INTERSECTION OF
NC HWY 87 AND S AND HILL RD.
4. Parcel Identification Number (PIN #) of subject property: 0443-40-4413 & 0443-40-5515
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 1.57 Frontage: 260 Depth: 228
6. Water Provider: Well: _____ PWC: X Other (name): _____
7. Septage Provider: Septic Tank _____ PWC X
8. Deed Book 10444, Page(s) 164, Cumberland County
Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: VACANT
10. Proposed use(s) of the property: COMMERCIAL (SPECIFICS UNKNOWN)
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No X If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No X

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deeds and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

The undersigned hereby acknowledge that the County Planning Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

LINDA ADKINS BUTLER AND WILLIE BUTLER

NAME OF OWNER(S) (PRINT OR TYPE)

4822 S. NC HWY 87, FAYETTEVILLE, NC 28306

ADDRESS OF OWNER(S)

910.818.4049

HOME TELEPHONE #

910.779.0454 & 910.920.3982

WORK TELEPHONE #

JOSEPH P. RIDDLE III

NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

4200 MORGANTON RD, SUITE 200 FAYETTEVILLE, NC 28304

ADDRESS OF AGENT, ATTORNEY, APPLICANT

RIDDLECOMMERCIAL@AOL.COM

E-MAIL

910.850.3207

HOME TELEPHONE #

910.864.3135

WORK TELEPHONE #

Linda Butler
SIGNATURE OF OWNER(S)

Willie Butler
SIGNATURE OF OWNER(S)

Joseph P. Riddle III
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

INCLUDE LORI EPLER ON ALL CORRESPONDENCE PLEASE!
LEpler@LKandA.com

The contents of this application, upon submission, become "public record."



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR JOINT PLANNING BOARD AGENDA OF OCTOBER 18, 2022

TO: JOINT PLANNING BOARD

FROM:

DATE:

SUBJECT: PLANNING BOARD TRAINING FOLLOW-UP