

Charles C. Morris  
Chair  
Town of Linden  
Donovan McLaurin  
Vice-Chair  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director  
Cecil P. Combs,  
Deputy Director

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

## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

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

#### **TENTATIVE AGENDA**

SEPTEMBER 19, 2006

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
  - A. P06-50: REZONING OF 73.21 ACRES FROM A1 TO R20/DD/CUD OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN CEDAR CREEK AND A. B. CARTER ROADS, WEST OF WILLARD DRIVE, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY J. O. CARTER, JR. ET AL.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
  - A. APPROVAL OF THE MINUTES OF SEPTEMBER 5, 2006

#### **REVISIONS AND AMENDMENTS**

- B. P06-65: REVISIONS AND AMENDMENTS TO THE TOWN OF GODWIN SUBDIVISION ORDINANCE, ARTICLE VII, FEES, SECTION 7.1, FEES. (GODWIN)
- C. P06-66: REVISIONS AND AMENDMENTS TO THE TOWN OF WADE SUBDIVISION ORDINANCE, ARTICLE VII, FEES, SECTION 7.1, FEES. (WADE)

#### **REZONING CASES**

- D. P06-67: REZONING 101.04 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF CAMDEN AND WALDOS BEACH ROADS, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE.
- E. P06-69: REZONING OF A .70 ACRE PORTION OF A .89 ACRE TRACT FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 3725 CUMBERLAND ROAD, SUBMITTED BY MICHAEL TATE PLS, OWNED BY DANCAROL REAL ESTATE, LTD.

VII. PUBLIC HEARING ITEMS

**CONDITIONAL USE DISTRICTS & PERMITS**

- A. P06-64: REZONING OF 42.10 ACRES FROM A1 TO M(P)/CUD TO ALLOW A GARAGE, OFFICE, JUNKYARD AND STORAGE OF PARTS, CARS, TRUCKS, FARM EQUIPMENT, ON TEMPLE OAK AVENUE, NORTH OF MACEDONIA CHURCH ROAD, OWNED BY JAMES D. SMITH.
- B. P06-68: REZONING OF TWO PARCELS TOTALING 1.59 ACRES FROM M2 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTHEAST OF CHURCH STREET, EAST OF BOWDEN STREET, SUBMITTED BY MICHAEL TATE PLS, OWNED BY DAVID E. CHAPMAN. (WADE)

VIII. PLAT & PLAN

IX. DISCUSSION

X. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

XI. ADJOURNMENT

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### MINUTES September 5, 2006

#### *Members Present*

Mr. Charles Morris, Chair  
Mr. Donovan McLaurin, Vice-Chair  
Mr. Harvey Cain, Jr.  
Mr. Clifton McNeill  
Mr. Roy Turner

Mrs. Sara Piland  
Mrs. Lori Epler  
Mr. Garrland Hostetter

#### *Others Present*

Mr. Tom Lloyd, Director  
Mr. Cecil Combs, Deputy Director  
Mrs. Annette Nunnery  
Mr. Grainger Barrett, County Attorney  
Commissioner Diane Wheatley

#### VIII. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Morris delivered the invocation and led those present in the Pledge of Allegiance.

#### IX. ADJUSTMENTS TO AGENDA – There were no adjustments to the Agenda.

#### X. CONSENT ITEMS

##### A. APPROVAL OF THE MINUTES OF AUGUST 15, 2006

**A motion was made by Mrs. Epler and seconded by Mr. Hostetter to approve the minutes as written. The motion passed unanimously.**

#### IV. DISCUSSION/DIRECTOR'S UPDATE

##### A. SEWER EXTENSION POLICY

Mr. Lloyd updated the Board on recent Sewer Extension Policy discussions. He summarized the proposals and stated that they would be available for Board review prior to the next scheduled meeting. Mr. Lloyd displayed a map of Cumberland County and noted that the current Urban Services Area line is also the proposed Sewer Extension services line. Discussion followed.

Chair Morris recommended that the Board issue a firm recommendation to the Commissioners outlining the Board's proposed standards. Discussion followed.

**Mrs. Piland made a motion, seconded by Mrs. Epler, that in view of the Joint Planning Board's responsibility as the statutory planning organization for the Cumberland County Board of Commissioners, the Planning Board moves to direct their Chairman and the Planning and Inspections Director to initiate a meeting with County Commissioners to offer the Joint Planning Board's input on and response to the Core Group's proposed sewer extension policies. Unanimous approval.**

In other business, Mrs. Wheatley invited the Board members to be her guests at a dinner planned for 6:30 p.m. on October 20, 2006 at the Cape Fear Medical Center Rehabilitation Facility.

#### V. ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 p.m.

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Cumberland County

September 12, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for September 19, 2006 Board Meeting

**P06-64:** REZONING OF 42.10 ACRES FROM A1 TO M(P)/CUD TO ALLOW A GARAGE, OFFICE, JUNKYARD AND STORAGE OF PARTS, CARS, TRUCKS, FARM EQUIPMENT, ON TEMPLEOAK AVENUE, NORTH OF MACEDONIA CHURCH ROAD, OWNED BY JAMES D. SMITH.

The Planning & Inspections Staff recommends denial of M(P)/CUD for this location based on the following:

1. The district is inconsistent with the 2010 Land Use Plan which calls for farmland at this location.
2. Consideration of the M(P) district for this area is arbitrary and would not serve a viable public interest; and
3. The degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning, qualify this request as being unreasonable.

The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. The use is a danger to the public health and safety due to the possibility of fluids leaching into soils in an area comprised of private, individual wells; and
2. The use is not in harmony with the area in which it is located.
3. The degree of difference in this specific use requested as related to the existing surrounding uses makes this request unreasonable.

There are no other suitable districts to be considered for this request.

## **SITE PROFILE**

### **P06-64**

REZONING OF 42.10 ACRES FROM A1 TO M(P)/CUD TO ALLOW A GARAGE, OFFICE, JUNKYARD AND STORAGE OF PARTS, CARS, TRUCKS, FARM EQUIPMENT, ON TEMPLEOAK AVENUE, NORTH OF MACEDONIA CHURCH ROAD, OWNED BY JAMES D. SMITH.

#### **Site Information:**

**Applicant/Owner:** JAMES D. SMITH

**Area:** 42.10 acres

**Frontage & Location:** 623 feet on Temple Oak Avenue

**Depth:** 550 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Barn and storage

**Initial Zoning:** September 14, 1979 (Area 9)

**Nonconformities:** No

**Surrounding Zoning:** North-A1, East-A1, R40, RR, South A1, R40A, RR, and South-A1, R6A

**Surrounding Land Use:** Manufactured home park, well drilling and produce, garage and junk, single family residential and vacant land

**2010 Land Use Plan:** Farmland

**Urban Services Area:** No

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

**Soil Limitations:** None

**School Capacity/Enrolled:**

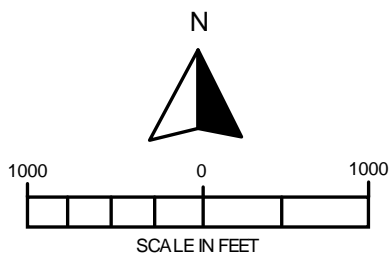
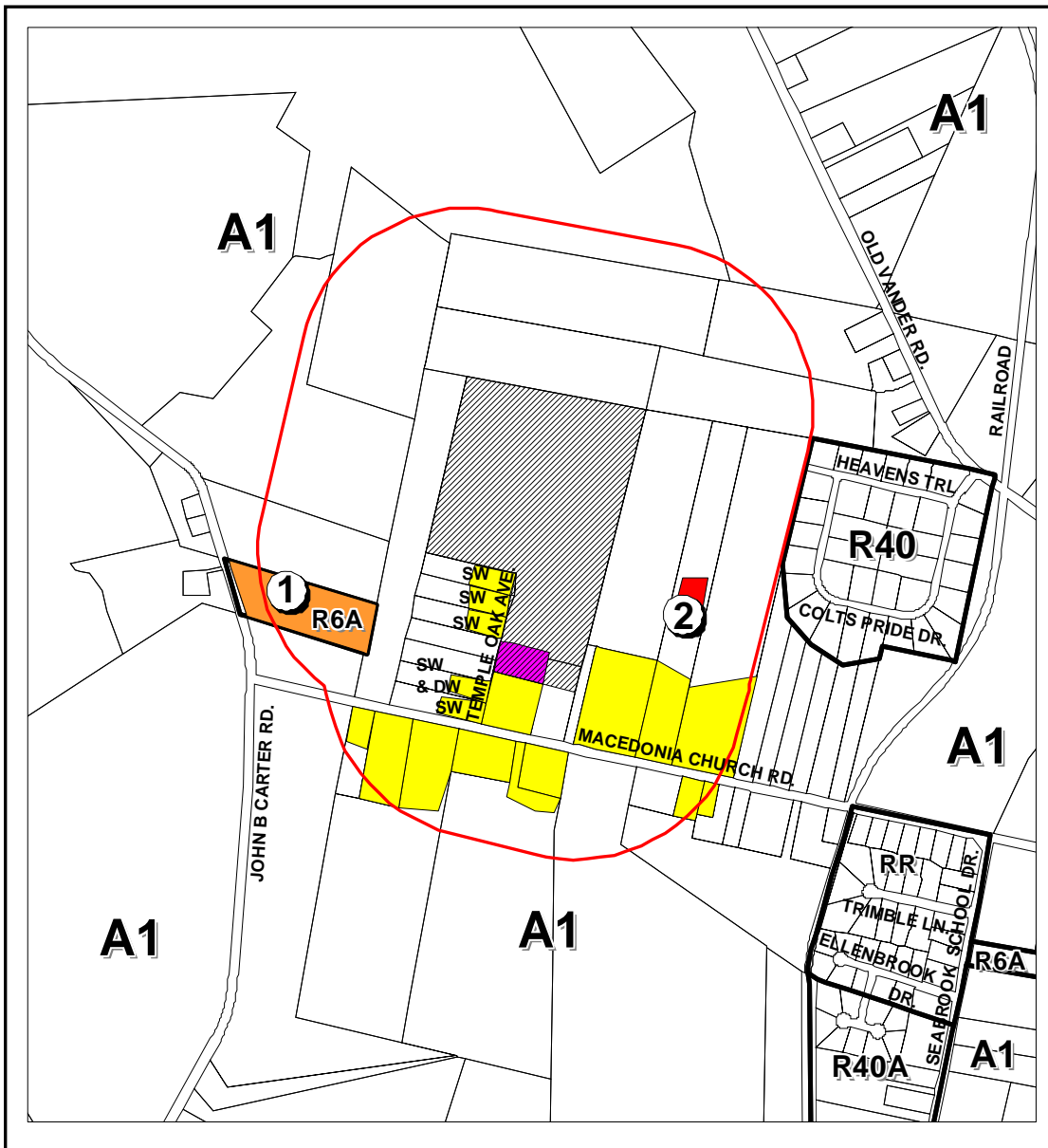
**Military Impact Area:** No

**Average Daily Traffic Count (2004):** 880 on Macedonia Church Road

#### **Notes:**

#### **Application Information**

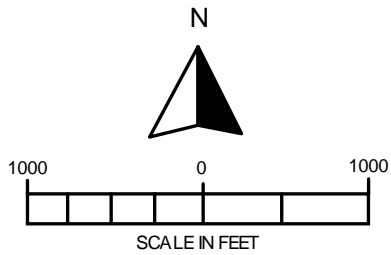
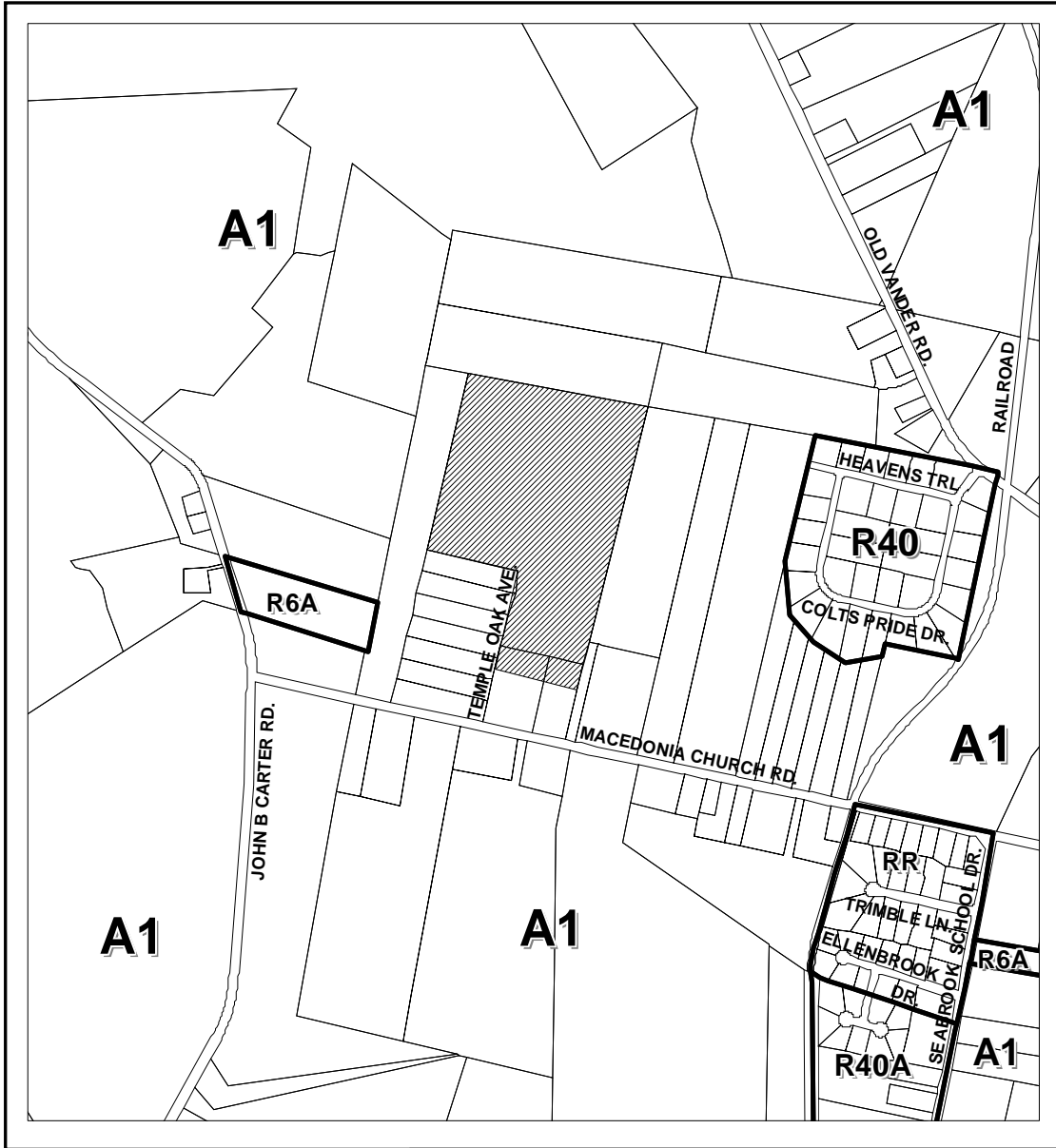
1. Proposed Uses: Garage, office, parts storage, junkyard, storage of trucks, cars and farm equipment.
2. Hours of operation: Monday through Saturday, 8:00 am to 10:00 pm



## REQUESTED REZONING A1 TO M(P)/CUD

<b>ACREAGE: 42.10 AC.+/-</b>		<b>HEARING NO: P06-64</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

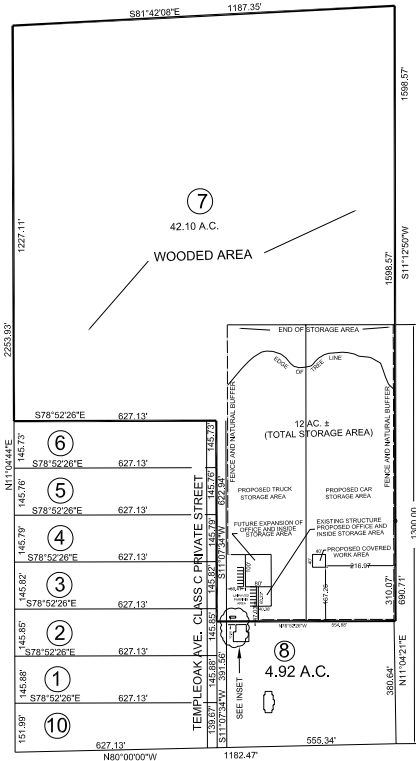
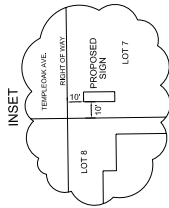
PIN: 0465-98-6216  
 PORT. OF PIN: 0465-97-4061  
 PORT. OF PIN: 0465-96-7935



## REQUESTED REZONING A1 TO M(P)/CUD

<b>ACREAGE: 42.10 AC.+/-</b>		<b>HEARING NO: P06-64</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0465-98-6216  
 PORT. OF PIN: 0465-97-4061  
 PORT. OF PIN: 0465-96-7935



**MACEDONIA CHURCH ROAD**

**CONDITIONAL USE DISTRICT**

**REQUEST: TO ALLOW A GARAGE OFFICE JUNKYARD & STORAGE OF PARTS CARS TRUCKS FARM EQUIPMENT**

**CASE: P06-64 ACREAGE: 42.10±**

**SCALE: NTS. PARKING: AS SHOWN**



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September 12, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for September 19, 2006 Board Meeting

**P06-65:** REVISIONS AND AMENDMENTS TO THE TOWN OF GODWIN SUBDIVISION ORDINANCE, ARTICLE VII, FEES, SECTION 7.1, FEES. (GODWIN)

The Planning & Inspections Staff recommends approval of the amendment based on the following:

1. Establishing the fees as a separate schedule with reference to the schedule in the ordinance is in keeping with the goal of working toward more unified ordinances between the various jurisdictions within Cumberland County; and
2. The amendment allows for flexibility for the Town Board when setting their adopted fees.

**AMEND Article VII, Section 7.1. Fees, Godwin Subdivision Ordinance as indicated:**

#### **SECTION 7.1. FEES**

~~For each preliminary plat, final plat, each group development plan, and each site plan as required under this Ordinance filed,~~ The the applicant seeking plat or plan approval as required under this Ordinance owner or agent of said property shall pay a nonrefundable filing fee of twenty-six dollars (\$26) to the Cumberland County Joint Planning Board in accordance with the a Fee Schedule recommended by the Planning Board and approved by the Godwin Board of Commissioners.

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Cumberland County

September 12, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for September 19, 2006 Board Meeting

**P06-66:** REVISIONS AND AMENDMENTS TO THE TOWN OF WADE SUBDIVISION ORDINANCE, ARTICLE VII, FEES, SECTION 7.1, FEES. (WADE)

The Planning & Inspections Staff recommends approval of the amendment based on the following:

1. Establishing the fees as a separate schedule with reference to the schedule in the ordinance is in keeping with the goal of working toward more unified ordinances between the various jurisdictions within Cumberland County; and
2. The amendment allows for flexibility for the Town Board when setting their adopted fees.

**AMEND Article VII, Section 7.1. Fees, Wade Subdivision Ordinance as indicated:**

#### **SECTION 7.1. FEES**

~~For each preliminary plat, final plat, each group development plan, and each site plan as required under this Ordinance filed, The the applicant seeking plat or plan approval as required under this Ordinance owner or agent of said property shall pay a nonrefundable filing fee of twenty six dollars (\$26) to the Cumberland County Joint Planning Board in accordance with the a Fee Schedule recommended by the Planning Board and approved by the Wade Board of Commissioners.~~

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Cumberland County

September 12, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for September 19, 2006 Board Meeting

**P06-67:** REZONING 101.04 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF CAMDEN AND WALDOS BEACH ROADS, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE.

The Planning & Inspections Staff recommends approval of the R10 zoning district based on the following:

1. The request is consistent with the 2010 Land Use Plan;
2. The request is in keeping the current surrounding zoning of the area; and
3. Public utilities are available to this site and connection will be required upon development.

The R15 zoning is the only other suitable district to be considered for this request.

## **SITE PROFILE**

### **P06-67**

REZONING 101.04 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF CAMDEN AND WALDOS BEACH ROADS, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE.

#### **Site Information:**

**Applicant/Owner:** JOSEPH P. RIDDLE III / MARCH F. RIDDLE

**Area:** 101.04 acres

**Frontage & Location:** 2,720 feet on Camden Road

**Depth:** 2,000 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Residential

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

**Surrounding Zoning:** North-R20, RR, R10, R10/CU, East-RR, R10, R6A, South-RR, RR/CU, West-RR, RR/CU, R10

**Surrounding Land Use:** School, church, single family residential and vacant land

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

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC Water and Sewer available

**Soil Limitations:** Yes – JT (Johnston loam) and Woodington loamy sand (Wo)

**School Capacity/Enrolled:** Stoney Point Elementary 620/833, John Griffin Middle 1274/1291, Jack Britt High 1750/1874

**Subdivisions:** A subdivision review will be required prior to development.

**Military Impact Area:** No

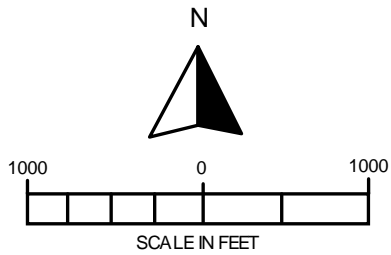
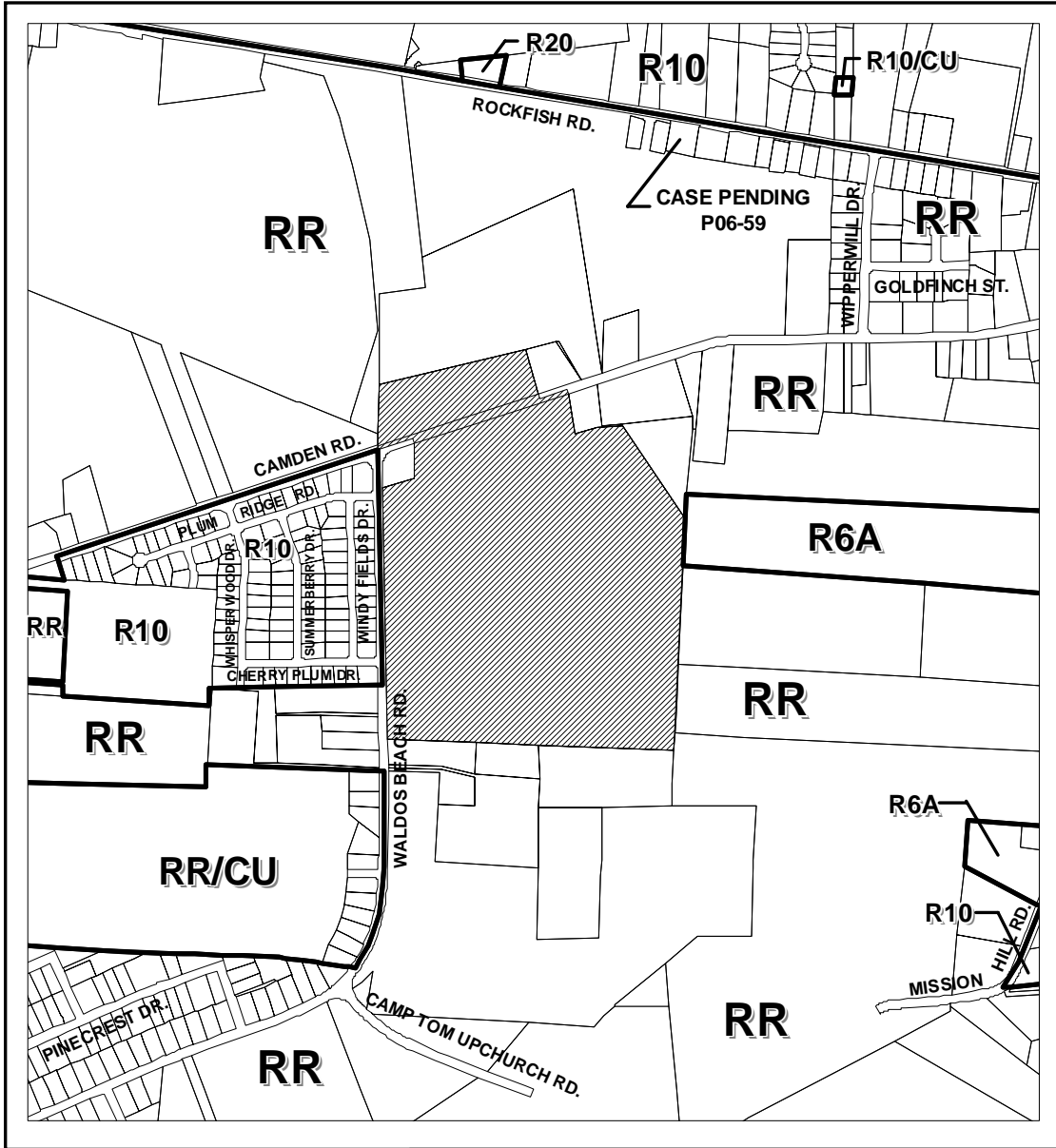
**NCDOT:** Turn lanes may be required, a 10' x 70' sight distance easement will be required at the intersection of Camden and Waldos Beach Roads, a 25' right-of-way radius shall be required at all intersections, all lots shall be served internally and the developer needs to apply for a driveway permit.

**Highway Plan:** Camden Road is identified as a Major Thoroughfare. The plan calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2006-2012 MTIP. ROW: Post Years, Construction: Post Years, Unfunded Project

**Average Daily Traffic Count (2004):** 6,500 on Camden Road

#### **Notes:**

Density minus 20% for roads: RR – 176 lots  
R15 – 234 lots  
R10 – 352 lots



## REQUESTED REZONING RR TO R10

ACREAGE: 101.04 AC.+/-		HEARING NO: P06-67	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 9494-85-0682

AF

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Cumberland County

September 12, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for September 19, 2006 Board Meeting

**P06-68:** REZONING OF TWO PARCELS TOTALING 1.59 ACRES FROM M2 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTHEAST OF CHURCH STREET, EAST OF BOWDEN STREET, SUBMITTED BY MICHAEL TATE PLS, OWNED BY DAVID E. CHAPMAN. (WADE)

The Planning & Inspections Staff recommends denial of the R6A district but approval of the R6 zoning district based on the following:

1. The recommendation is consistent with the 2010 Land Use Plan; and
2. There is sufficient R6A zoning within the Town of Wade and an increase in the uses permitted within the R6A district are not suitable within the Wade Town limits.

There are no other suitable zoning districts to be considered for this request.

**SITE PROFILE**  
**P06-68**

REZONING OF TWO PARCELS TOTALING 1.59 ACRES FROM M2 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTHEAST OF CHURCH STREET, EAST OF BOWDEN STREET, SUBMITTED BY MICHAEL TATE PLS, OWNED BY DAVID E. CHAPMAN. (WADE)

**Site Information:**

**Applicant/Owner:** MICHAEL TATE PLS / DAVID E. CHAPMAN

**Area:** 1.59 acres

**Frontage & Location:** 85 feet on Church Street

**Depth:** 163 feet

**Jurisdiction:** Town of Wade

**Adjacent Property:** Yes

**Current Use:** Residential

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

**Nonconformities:** Yes – the building on Lot 4 is currently nonconforming however; rezoning will reduce the nonconformity of the dimensional requirements.

**Surrounding Zoning:** North-A1, RR, R6A, M2, East-R6, R6A, O&I, M2, and South-RR, R6A, M2, and West-RR, R15, R6A, M(P) and M2

**Surrounding Land Use:** Manufactured home park, vacant building (3), apartments, auto repair, fire station, unknown business, single family residential and vacant land

**Wade Study Area Detailed Land Use Plan:** Medium Density Residential

**Watershed Area:** Yes – a Watershed Permit shall be required.

**Urban Services Area:** Yes

**Water/Sewer Availability:** Town of Wade Water / NORCRESS Sewer

**Soil Limitations:** St (Stallings loamy Sand)

**School Capacity/Enrolled:** District 7 Elementary 241/252, Mac Williams Middle 1274/1158, Cape Fear High 1400/1491

**Subdivisions:** This lot was created 9/29/05, Case 05-031

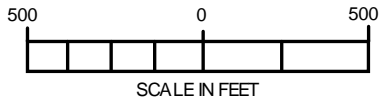
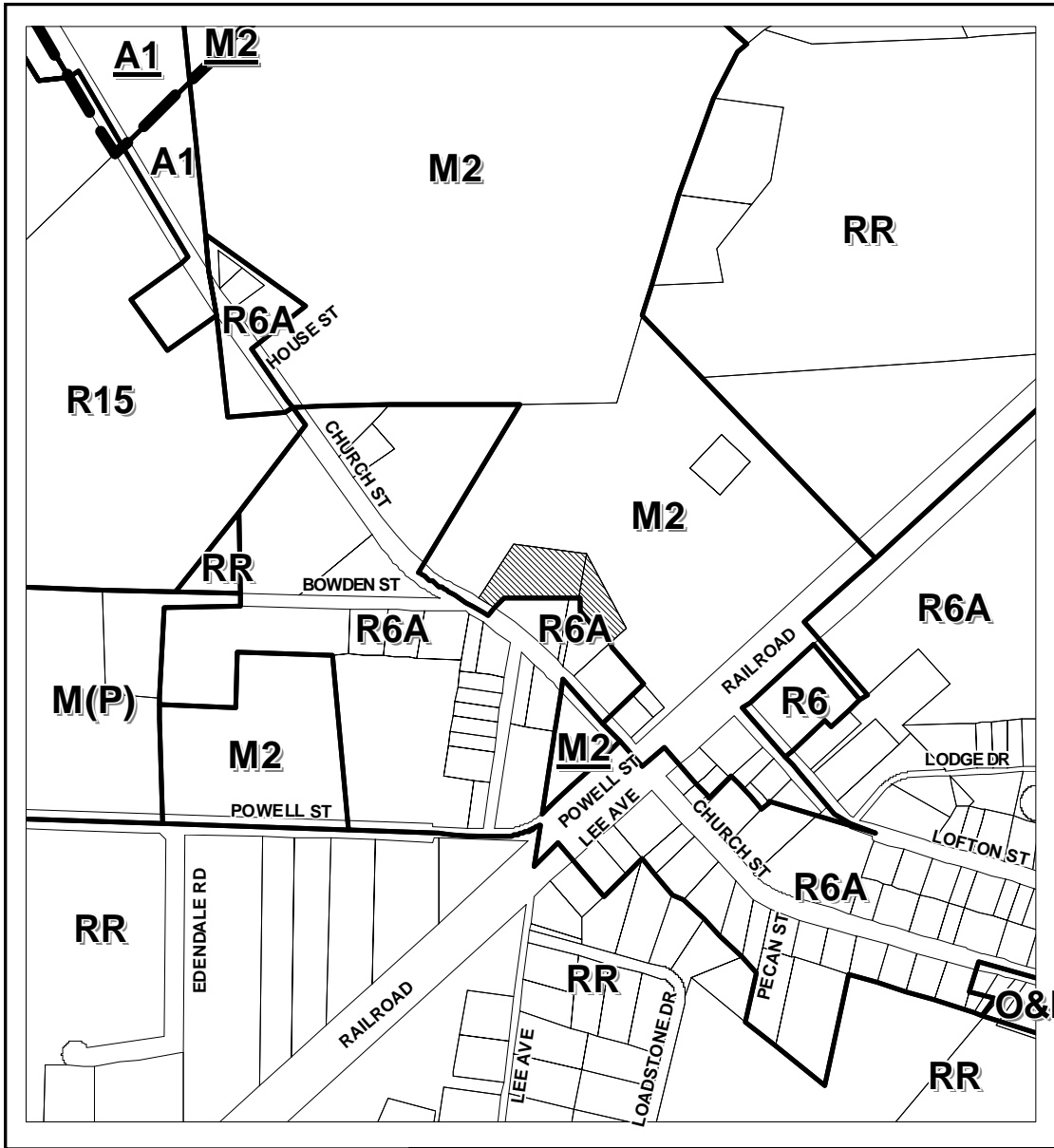
**Military Impact Area:** No

**Highway Plan:** Church Street (River Road) is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility. Road improvements are not included in the 2006-2012 MTIP. (Priority 1)

**Average Daily Traffic Count (2004):** 2,200 on Church Street

**Notes:**

Density minus 20% for roads: R6A – 9 lots  
MHP – 13 units



## REQUESTED REZONING: M2 TO R6A

ACREAGE: 1.59 AC.+/-	HEARING NO: P06-68	
ORDINANCE WADE	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0571-84-5983  
PORT. PIN: 0571-84-7827

SP



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September 12, 2006

### MEMORANDUM

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for September 19, 2006 Board Meeting

**P06-69:** REZONING OF A .70 ACRE PORTION OF A .89 ACRE TRACT FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3725 CUMBERLAND ROAD, SUBMITTED BY MICHAEL TATE PLS, OWNED BY DANCAROL REAL ESTATE, LTD.

The Planning & Inspections Staff recommends approval of the C1(P) zoning district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan which calls for heavy commercial at this location, the C1(P) Light Commercial district is in character with the current zoning of the area;
2. The subject property is located on a major thoroughfare; and
3. Public utilities are available to the site and upon development, connection would be required.

There are no other suitable zoning districts to be considered for this request.

**SITE PROFILE**  
**P06-69**

REZONING OF A .70 ACRE PORTION OF A .89 ACRE TRACT FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3725 CUMBERLAND ROAD, SUBMITTED BY MICHAEL TATE PLS, OWNED BY DANCAROL REAL ESTATE, LTD.

**Site Information:**

**Applicant/Owner:** MICHAEL TATE PLS / DANCAROL REAL ESTATE, LTD.

**Area:** .70 acres

**Frontage & Location:** 100 feet on Cumberland Road

**Depth:** 311 feet

**Jurisdiction:** County

**Adjacent Property:** Yes

**Current Use:** Residential

**Initial Zoning:** November 17, 1975 (Area 4)

**Nonconformities:** Yes – if rezoned, the structure will become nonconforming due to dimensional requirements.

**Surrounding Zoning:** North-R10, R6, R6A, C1(P), C3, East-R10, R6, R6A, C1(P), C(P), C(P)/CUD, M2, South-RR, R10, R6, R6A, R5A, and West-R10, R6, R6A, R6A/CUD, C1(P), C3, R5A

**Surrounding Land Use:** Manufactured home park (5), gas station, church, farmer's market, duplex, apartments, single family residential and vacant land

**2010 Land Use Plan:** Heavy Commercial

**Urban Services Area:** Yes

**Water/Sewer Availability:** Well / Septic – PWC water available on Cumberland Road

**School Capacity/Enrolled:** Sherwood Park Elementary 461/561, Ireland Drive Middle 243/246, Douglas Byrd Middle 765/684, Douglas Byrd High 1280/1340

**Subdivisions:** A C(P) site plan will be required prior to development.

**Military Impact Area:** No

**Highway Plan:** Cumberland Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 90-110 foot right-of-way. Road improvements have been completed.

**Average Daily Traffic Count (2004):** 16,000 on Cumberland Road

