

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND
—◆—
Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

AGENDA
MAY 15, 2007
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING WITHDRAWAL
 - A. **P07-43:** REZONING OF THREE PARCELS TOTALING 61.44 ACRES FROM A1 TO R40, LOCATED AT THE NORTH AND EAST SIDE OF SOUTH RIVER SCHOOL ROAD, WEST OF COLLIER ROAD, SUBMITTED BY BOBBY H. WASHINGTON, OWNED BY JANICE E. MCMILLAN.
- IV. PUBLIC HEARING DEFERRAL
 - A. **P07-22:** REZONING OF 2.2 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 871 REMLEY COURT, OWNED BY BRIAN DAIGNEAULT.
- V. ABSTENTIONS BY BOARD MEMBERS
- VI. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VII. CONSENT ITEMS
- B. APPROVAL OF THE MINUTES OF APRIL 17, 2007

REZONING CASES

- A. **P07-34:** REZONING OF .55 ACRES FROM R6/CONDITIONAL USE TO R6, AT 137 NEW STREET, OWNED BY STANLEY AND LISA SIMMONS.

- B. **P07-37:** REZONING OF 1.0+/- ACRE FROM M(P) TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF GRAY GOOSE LOOP, SOUTH OF PREVIS DRIVE, SUBMITTED BY MOORMAN, KIZER AND REITZEL, INC, OWNED BY HUFF-CAVINESS, LLC.
- C. **P07-39:** REZONING OF .72 ACRES FROM R6A TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4924 MARKHAM STREET, OWNED BY THE TOWN OF GODWIN. (GODWIN)
- D. **P07-40:** REZONING OF 3.27 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF SANDEROSA AND BEN MCNATT ROADS, SUBMITTED BY ROBERT MCNATT, OWNED BY WANDA F. LANE.
- E. **P07-41:** REZONING OF 2.0+/- ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4454 HUCKLEBERRY ROAD, OWNED BY CHARLIE HARRIS.
- F. **P07-44:** REZONING OF 2.7+/- ACRES FROM R5 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE WEST QUADRANT OF MURCHISON ROAD AND CHARMAIN STREET, SUBMITTED BY BRAD YOUNG, OWNED BY ALBERT AND SHIRLEY NORTON.

CONDITIONAL USE DISTRICT AND PERMIT

- A. **P07-29:** REZONING OF 3.80 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4848 SOUTH MAIN STREET, OWNED BY WILLIAM K. AND PATRICIA W. GAUTIER, SUBMITTED BY VANCE JOHNSON PLUMBING COMPANY, INC.
- B. **P07-32:** REZONING OF 59.71 ACRES FROM R10 TO MIXED USE/CONDITIONAL USE DISTRICT AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF ROCKFISH ROAD, EAST SIDE OF LAKEWOOD DRIVE, SUBMITTED BY MICHAEL TACKETT, OWNED BY LILLIE M. PATE AND HCC INVESTMENTS, LLC.
- C. **P07-42:** REZONING OF A 13.66 ACRE PORTION OF A 203 ACRE TRACT FROM A1 TO A1/CONDITIONAL USE DISTRICT AND PERMIT TO EXPAND A QUARRY, LOCATED NORTH OF I-295, EAST OF RIVER ROAD, SUBMITTED BY PAT SHILLINGTON, OWNED BY WILLIAM GILLIS.

PLATS AND PLANS

- A. CASE NO. 07-52: CONSIDERATION OF CASTLEBROOKE, PHASE II, SUBDIVISION REVIEW, REQUEST FOR WAIVER FROM SECTION 3.17.C, "STREET DESIGN", COUNTY SUBDIVISION ORDINANCE, LOCATION: ON THE EAST OF US HWY 401 N (RAMSEY STREET), NORTH OF SR 1704 (PALESTINE ROAD), AT THE EAST END OF LANCELOT COURT.

VIII. PUBLIC HEARING ITEMS

REZONING CASES

- A. **P07-25:** REZONING OF 1.0 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1227 SHAW ROAD, OWNED BY RODNEY S. GARRETT.
- B. **P07-33:** REZONING OF 2.9 ACRES FROM R40A TO R30A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 804 MAGNOLIA CHURCH ROAD, SUBMITTED BY KATHY BUNCE, OWNED BY BETTY A. AUTRY.

VIII. DISCUSSION

- A. REPORT FROM NOMINATION COMMITTEE

X. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

XI. ADJOURNMENT

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COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES APRIL 17, 2007

Members Present

Mr. Charles Morris, Chair
Mr. Donovan McLaurin, Vice-Chair
Mrs. Patricia Hall
Mrs. Sara Piland
Mr. Garland Hostetter
Mr. Roy Turner
Mr. Harvey Cain, Jr.
Commissioner Diane Wheatley

Others Present

Mr. Cecil Combs, Deputy Director
Mrs. Annette Nunnery
Mr. Grainger Barrett, County Attorney
Ms. Donna McFayden
Ms. Patti Speicher

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Wheatley delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO AGENDA - Mr. Combs requested that case P07-20 be moved from Consent to Public Hearing and to move case P07-04 to Consent.

III. PUBLIC HEARING DEFERRALS

Mr. Combs asked that P07-29 be deferred until May 15, 2007 and that case P07-10 be deferred until July 17, 2007. **A motion was made by Vice-Chair McLaurin, seconded by Mrs. Piland, to accept the adjustments and deferrals to the agenda. Unanimous approval.**

IV. ABSTENTIONS BY BOARD MEMBER - There were no abstentions.

V. POLICY STATEMENT REGARDING PUBLIC HEARINGS

Mr. Combs read the policy statement regarding public hearings.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF MARCH 20, 2007

Vice-Chair McLaurin made a motion, seconded by Mr. Hostetter, to accept the minutes as submitted. Unanimous approval.

CONDITIONAL USE DISTRICT AND PERMIT

- A. P07-04: REZONING OF 44.32+/- AC FROM A1 TO R15/DENSITY DEVELOPMENT/CONDITIONAL USE DISTRICT & PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF OLD VANDER ROAD, NORTHWEST OF SIMMONS CARTER ROAD, OWNED BY GERTRUDE V. HARRIS.

The Staff recommended approval of the R40/Density Development/Conditional Use District based on the following:

1. The request is reasonable and consistent with the existing lot sizes, zoning and land uses within the general area; and
2. The request is consistent with the 2010 Land Use Plan which calls for “farmland” at this location. Note: The 2010 LUP finds the R40 zoning district to be suitable in areas designated for “farmland”.

The Staff recommended approval of the Conditional Use Permit based on:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended – the site plan as submitted meets or exceeds the minimum development standards for subdivisions within the County, as well as complying with the criteria established in Article VIII of the County Ordinance, the adopted minimum submission criteria for approval of a Density Development.
2. The use meets all required conditions and specifications – the owner’s written confirmation of her agreement with the Ordinance Related Conditions is attached;
3. The use will maintain or enhance the value of adjoining or abutting properties – the developer is aggressively pursuing the extension of public water and sewer to the site, working in conjunction with the Public Works Commission and the applicant is proposing a quality development that should aid in the enhancement of the property values within the area;
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County’s most recent Land Use Plan and adopted planning policies – as stated above, the request is consistent with the Land Use Plan and is also within keeping of the character of the general area.

A motion was made by Mrs. Piland and seconded by Vice-Chair McLaurin to follow the staff recommendations and approve R40/Density Development/Conditional Use District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Mrs. Piland and seconded by Vice-Chair McLaurin to approve the Conditional Use Permit after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion passed unanimously.

REZONING CASES

- B. P07-24: REZONING OF .34 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3639 BOONE TRAIL, OWNED BY JUDY L. (SUGGS) MORRIS.

Mr. Combs reviewed the case information and stated that staff recommends approval of the C1(P) district based on the findings that although the C1(P) zoning district is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the subject property is located in an area of transition from residential to commercial zoning; the subject property is located on a Major Thoroughfare; and the C1(P) zoning district is in character with the current zoning of the general area. There are no other suitable zoning districts to be considered for this request.

Mrs. Piland made a motion, seconded by Vice-Chair McLaurin, to follow the staff recommendation and approve case P07-24 as submitted. Unanimous approval.

- C. P07-26: REZONING OF A .24 ACRE PORTION OF A 26.18 ACRE TRACT, FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF SAND HILL ROAD, WEST OF TOWER ROAD, OWNED BY TERRY SPELL LAND DEVELOPMENT LLC.

Mr. Combs reviewed the case information and stated that staff recommends approval of the R15 district based on the findings that the R15 zoning district is consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and rezoning this property will place the entire tract under one zoning classification. The rezoning of this property would rectify a staff mistake on Case P06-37. The other suitable zoning districts to be considered for this site are R40, R40A, R30, R30A, R20, and RR.

Mrs. Piland made a motion, seconded by Vice-Chair McLaurin, to follow the staff recommendation and approve case P07-26 as submitted. Unanimous approval.

- D. P07-27: REZONING OF THREE PARCELS TOTALING 47.24 ACRES FROM R6A TO A1, LOCATED ON THE SOUTH SIDE OF TOM STARLING ROAD, AT INNISFREE PLACE, OWNED BY PATRICIA LEAHY.

Mr. Combs presented the case information and stated that staff recommends approval of the A1 district based on the findings that although the A1 zoning district is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location, the zoning district is more restrictive; and public utilities are not serving the subject property. The other suitable zoning districts to be considered for this site are R40, R40A, R30, R30A, R20, R20A, RR, R15, and R10.

Mrs. Piland made a motion, seconded by Vice-Chair McLaurin, to follow the staff recommendation and approve case P07-27 as submitted. Unanimous approval.

- E. P07-28: INITIAL ZONING OF .92 ACRES TO RR, LOCATED ON THE WEST SIDE OF MISSION HILL ROAD, SOUTH OF OAK HAVEN ROAD, OWNED BY DAWN AND WILLIAM STOCK.

Mr. Combs presented the case information and stated that staff recommends approval of the RR district based on the findings that although the RR zoning district is not consistent with the 2010 Land Use Plan, which calls for Suburban Density Residential at this location, the request is consistent with the current zoning of the area; and this request is a staff-initiated zoning due to the property not being initially zoned after de-annexation by the State legislature on June 30, 1995. There are no other suitable zoning districts to be considered for this site.

Mrs. Piland made a motion, seconded by Vice-Chair McLaurin, to follow the staff recommendation and approve case P07-28 as submitted. Unanimous approval.

- F. P07-30: REZONING OF .28 ACRES FROM R10 TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1449 E. MANCHESTER ROAD, SUBMITTED BY COLON L. JAMES JR, OWNED BY MALCOLM JAMES.

Mr. Combs reviewed the site information and stated that staff recommends approval of the O&I(P) district based on the findings that although the O&I(P) zoning district is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the district would act as a buffer from the commercial property to the east; and the subject property is located on a Major Thoroughfare. There are no other suitable zoning districts to be considered for this site.

Mrs. Piland made a motion, seconded by Vice-Chair McLaurin, to follow the staff recommendation and approve case P07-30 as submitted. Unanimous approval.

REVISION & AMENDMENT

- G. P07-21: REVISION AND AMENDMENT TO THE FALCON ZONING ORDINANCE, ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, TABLE 1-D, PERMITTED AND SPECIFIED CONDITIONAL USES RESIDENTIAL DISTRICT – R15A. (FALCON)

Mr. Combs reviewed the revision and amendment and stated that staff recommends approval of the amendment based on the findings that the revision will establish more unification between the Permitted uses in the R15 zoning district and the Specified Conditional Uses in the R15A zoning district; and the amendment is to clarify any discrepancies that could be deemed arbitrary.

Vice-Chair McLaurin made a motion, seconded by Mr. Hostetter, to follow the staff recommendation and approve case P07-21 as submitted. Unanimous approval.

VII. PUBLIC HEARING ITEMS

REZONING CASES

- A. P07-20: REZONING OF THREE PARCELS TOTALING 43.36 ACRES FROM A1 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF DUNN ROAD, EAST OF RINGWOOD DRIVE, SUBMITTED BY TAMMY CAIN BARRY, OWNED BY CAIN BUILDERS, INC.

Mr. Combs reviewed the case information and stated that staff recommends denial of the R30 district and approval of the R40 district based on the findings that the R40 zoning district is consistent with the Eastover Land Use Plan, which calls for One-Acre Residential lots at this location; the R40 district is consistent with the character and lot sizes in the general area; and there are hydric soils on the property. The applicant sent an e-mail to indicate they are in agreement with this staff recommendation. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Tammy Barry spoke in favor of the request. She stated that she and her brother were going to build a nice subdivision and that the lots would be from 1 to 2 acres in size. The requested zoning would allow for maximum lot development and the property would be served by a state maintained road.

Morgan Johnson spoke in opposition of the R30. He distributed pictures of the area showing standing water and swampy conditions. He stated that as Chairman of the Eastover Sanitary District he would concur with the staff recommendation of R40.

Janet Idol spoke in opposition and distributed photos to the Board to show her concern with drainage problems in the area. She stated that septic tanks were not suitable for this area. She requested that any rezoning allow for as small a number of lots as possible.

Tammy Barry spoke in rebuttal and stated that she was aware of drainage and runoff concerns and that those issues would be addressed during development.

The Public Hearing closed.

Mrs. Piland stated that she is aware of the drainage and runoff problems in the area, as she lives within one mile of the proposed subdivision. She stated that R40 is more appropriate for the area and is in agreement with the Eastover Land Use Plan. She stated that any development there would still be difficult without water and sewer.

Vice-Chair McLaurin advised the Board that he was also familiar with the area and that a majority of the property is on a sand ridge. The ridge is where the houses will be built. He stated that a ditch on the property does fill with water but the ridge area is certainly appropriate for houses. Vice-Chair McLaurin stated that soils should have no problem sustaining septic tanks.

Mr. Turner made a motion, seconded by Mr. Cain, to follow the staff recommendation and approve R40. Unanimous approval.

- A. P07-22: REZONING OF 2.2 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 871 REMLEY COURT, OWNED BY BRIAN DAIGNEAULT.

Mr. Combs reviewed the site information and stated that staff recommends denial of the R20 zoning district and recommends that the applicant submit for a Conditional Use District and Permit based on the finding that Remley Court is a Class "C" Private Street, in which the Planning & Inspections Staff could ensure through a Conditional Use Permit that the streets are brought up to current standards prior to any subdivision. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Brian Daigneault addressed the Board in favor of the request. He asked that a written statement be submitted for the file. He advised the Board that NC DOT had just taken over Remley Court and that it would now be a state maintained road. He stated that he further wants to amend his request to R40. He stated his purpose was to place a stick-built home on the extra lot. He further stated that he felt approval of the request would increase property values in the area.

The Public Hearing closed.

Chair Morris asked staff to verify the number of lots served by the existing Remley Court. Staff responded that there were 7 lots. Chair Morris asked if the property lines ran to the middle of the street and if so, how was it possible for the state to take the road? Staff responded that the property lines were accurate as shown and that they had received no verification from NC DOT. Staff further stated that this was a major reason for the staff's request to recommend denial of the original request and for the petitioner submit for a conditional use on the property.

Chair Morris explained the ordinance requirements pertaining to the number of lots served by a class "C" street to the petitioner. He asked Mr. Daigneault if would agree to a deferral for the purpose of verification from NC DOT or to explore an R40 conditional use and permit. Mr. Daigneault agreed to the deferral.

There being no objection, Chair Morris deferred Case P07-22 for 30 days.

- B. P07-25: REZONING OF 1.0 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1227 SHAW ROAD, OWNED BY RODNEY S. GARRETT.

Mr. Combs reviewed the site information and stated that staff recommends denial of the C(P) district based on the findings that the C(P) zoning district is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location; and rezoning this parcel would introduce commercial zoning into a primarily residential district. There are no other suitable zoning districts to be considered for this request.

Ms. Speicher advised the Board that a conditional use overlay was approved on this property in 1993 for a greenhouse/plant husbandry operation and explained the overlay concept. She advised the Board that the petitioner now wants to add an office for his business on the site.

Mr. Barrett stated that this C(P) request would require the Board to consider all allowable uses in that district.

The Public Hearing opened.

Rodney Garrett spoke in favor of the request and stated that he wanted to remodel an existing building to allow him to operate an office for the business. He stated that all of his neighbors were in favor of this and that he felt the change would improve the neighborhood.

No one appeared in opposition. The Public Hearing closed.

Chair Morris reviewed the high traffic count in the area and stated that the existing number of abandoned mobile homes in the area makes it clear that the area is transitioning away from residential uses.

Vice-Chair McLaurin asked if the applicant was aware of the possibility of a conditional use. Ms. Speicher stated that the applicant had been informed of that and had received an application but that he preferred a straight rezoning request at this time.

Mr. Garrett stated that he felt sure his request would improve the area and that all he wanted was an office to conduct his existing business in. Chair Morris clarified for Mr. Garrett that the Board's hesitation centered on the other allowable uses within the C(P) zoning. Discussion followed on what the petitioner could ask for and the possibility of exploring a conditional use on the property to exclude undesirable uses.

Mr. McLaurin made a motion, seconded by Mr. Cain, to defer case P07-25 for 30 days to allow the petitioner time to consider submitting a Conditional Use application. Unanimous approval.

- C. P07-31: REZONING OF 2.71 ACRES FROM A1 TO R30A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1188 CYPRESS LAKES ROAD, OWNED BY JOHN L MCARTHUR JR.

Mr. Combs reviewed the site information and stated that staff recommends denial of the R30A district based on the findings that the R30A zoning district is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and the subject property is located on a Major Thoroughfare. If rezoned, the Planning & Inspections Staff also recommends a Conditional Use District and Permit to require conditions for the clean-up of the property. There are no other suitable zoning districts to be considered for this site.

The Public Hearing opened.

John McArthur Sr. addressed the Board and stated that a staff member, Ms. Collins, had called him last week and advised that he would need a conditional use district and permit on the property and asked the Board to defer his case for 60 days to allow him to speak with staff.

Chair Morris advised Mr. McArthur that the staff request was inappropriate in that they were using the existing zoning ordinance to try to correct violations over which they did not have the authority to address. He further stated that if the petitioner wanted to proceed with the original request, the Board would hear it at this time. Mr. McArthur stated that he was just following Ms. Collins' advice and that he would do whatever he needed to.

Vice-Chair McLaurin asked if the petitioner planned to build stick-built homes on the property. Mr. McArthur stated that he was planning only stick-built housing.

Chair Morris advised him that R30 would serve his purposes without allowing the placement of manufactured homes. Mr. McArthur stated that he did want that but staff had told him he could not request R30, but would have to ask for R30A. Ms. Speicher told the Board that Ms. Collins advised R30A due to an existing mobile home on the property that would become non-conforming under R30.

Chair Morris advised Mr. McArthur that the existing manufactured home would be allowed to remain but if it were destroyed by more than 50% then it could not be replaced with another manufactured home. Mr. McArthur stated that he understood and accepted that.

Mr. McArthur asked the Board to consider deferring his case for 60 days to allow him time to speak to staff and consider his options.

Joseph Christopher appeared in opposition to a 60 day deferral. He is a neighbor and will be out of the country at that time. He stated that his objection is to an R30A request but that he would accept R30.

Mike Axelrod appeared in opposition and stated that he wants to preserve the existing woodlands on the property. He is not opposed to a deferral but asked that the Board consider the environmental aspect of the request when they hear the case again.

The Public Hearing closed. **There being no opposition, Chair Morris deferred the case for 60 days.**

VIII. DISCUSSION / DIRECTOR'S UPDATE

Chair Morris stated that he was concerned with staff's use of the Zoning Ordinance to enforce other violations. He expressed his concern that staff had crossed clear boundaries in doing so. He stated that staff should confine their decisions to the parameters of the Zoning Ordinance and refer other violations to the appropriate agency or department for follow-up. Ms. Speicher explained to Chair Morris that "open storage" in a residential district is a zoning issue, which is why the staff recommendation addressed this in case P07-31.

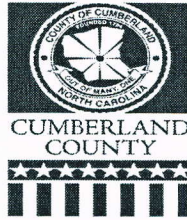
IX. ADJOURNMENT

There being no further business, the meeting adjourned at 8:08 p.m.

Charles C. Morris,
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Sara E. Piland,
Cumberland County

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-34: REZONING OF .55 ACRES FROM R6/CONDITIONAL USE TO R6, AT 137 NEW STREET, OWNED BY STANLEY AND LISA SIMMONS.

The Planning & Inspections Staff recommends approval of the R6 district based on the following:

1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for Planned Commercial at this location, the R6 zoning district is in character with the residential zoning surrounding the subject property on three sides; and
2. Spring Lake utilities are available to the subject property.
3. The request, if approved, will allow for removing the nonconforming status of the existing residential structure on the site.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-34

REZONING OF .55 ACRES FROM R6/CONDITIONAL USE TO R6, AT 137 NEW STREET, OWNED BY STANLEY AND LISA SIMMONS.

Site Information:

Applicant/Owner: STANLEY AND LISA SIMMONS

Area: .55 acres

Frontage & Location: 177 feet on New Street

Depth: 165 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant – Condition Use Overlay to allow trades contractor activities excluding outside storage

Initial Zoning: January 7, 1977 (Area 11)

Zoning Violation(s): None

Nonconformities: Yes – the existing structure is legal, non-conforming (built in 1950)

Surrounding Zoning: North-R6, Spring Lake Town limit-CD, R10, R6, R6A, R5A, C1, C3, M1, East-R6/CU, R6A, C3, town limit-R10, R6, R6A, R5, South-R6, town limit-PND, R6, R5A, C(P), C3, and West-R10, R5, C(P), C3

Surrounding Land Use: Fast food restaurants (4), realty office, garage, auto parts and accessories, grocery store, electric supply store, retail store, manufactured home park, motel, insurance company, single family residential and woodland

Spring Lake Area Detailed Land Use Plan: Planned Commercial

Municipal Influence Area: Spring Lake

Urban Services Area: Yes

Water/Sewer Availability: Town of Spring Lake utilities

Soil Limitations: None

School Capacity/Enrolled: Mae Rudd Williams 75/58, Manchester Elementary 349/340, Spring Lake Middle 706/530, Pine Forest High 1750/1659

Subdivisions: These lots will need to be recombined prior to any development of the property.

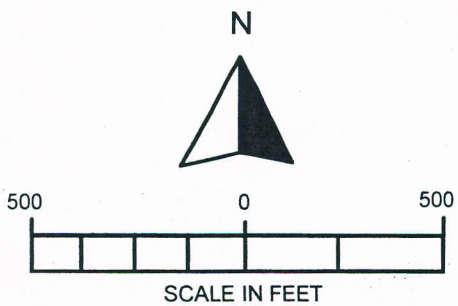
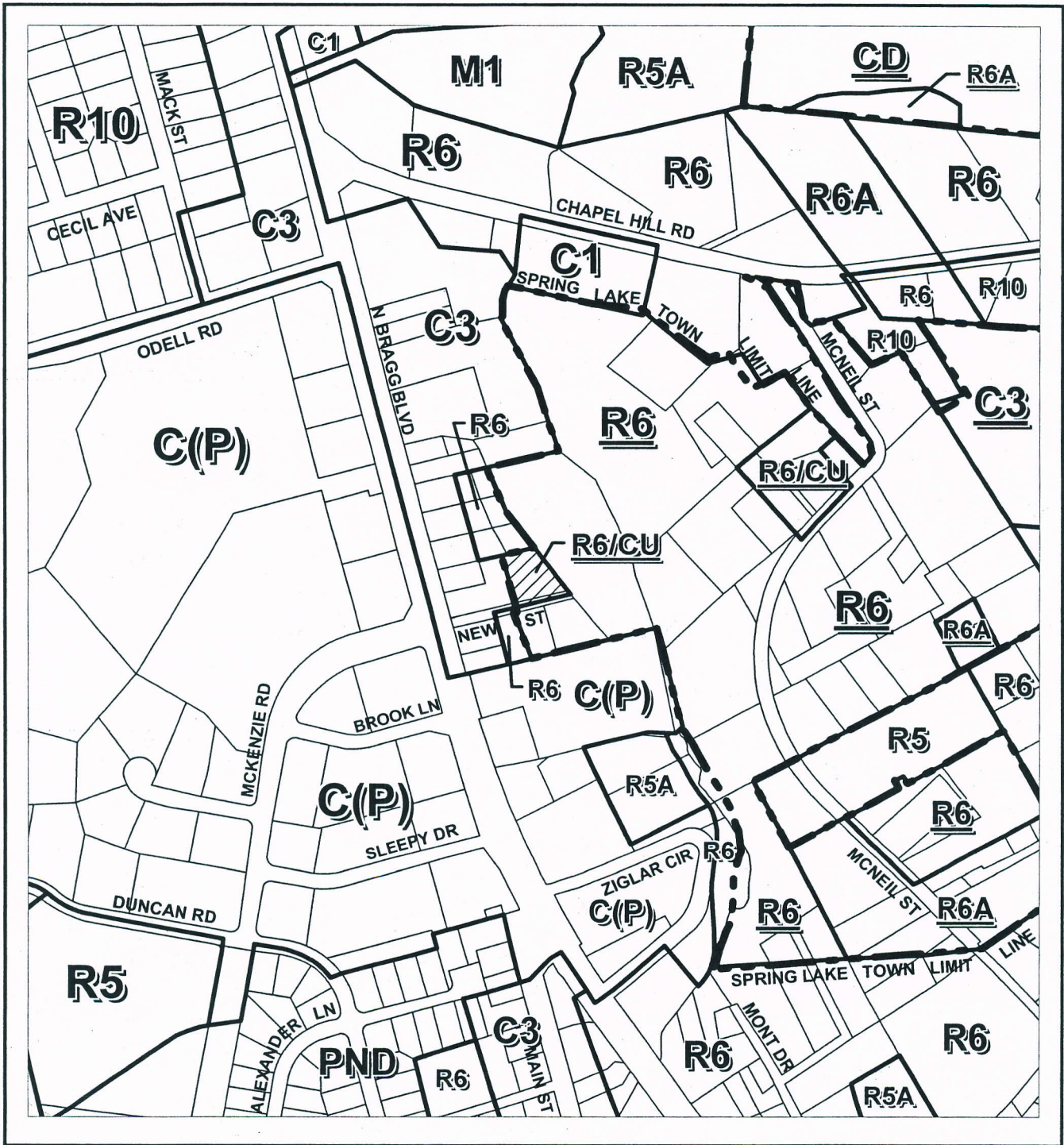
Military Impact Area: Yes

Ft Bragg/Pope AFB: Pope AFB has no objections to this case.

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

Notes:

Density: 3 lots / 5 units



REQUESTED REZONING R6/CU TO R6

ACREAGE: 0.55 AC.+/-		HEARING NO: P07-34	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

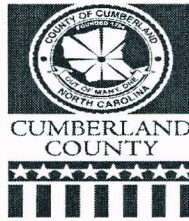
PIN: 0502-50-8694

AF
04/23/07

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May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-37: REZONING OF 1.0+/- ACRE FROM M(P) TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF GRAY GOOSE LOOP, SOUTH OF PREVIS DRIVE, SUBMITTED BY MOORMAN, KIZER AND REITZEL, INC, OWNED BY HUFF-CAVINESS, LLC.

The Planning & Inspections Staff recommends approval of the R7.5 district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and
2. This request is consistent with the zoning of the surrounding area.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-37

REZONING OF 1.0+/- ACRE FROM M(P) TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF GRAY GOOSE LOOP, SOUTH OF PREVIS DRIVE, SUBMITTED BY MOORMAN, KIZER AND REITZEL, INC, OWNED BY HUFF-CAVINESS, LLC.

Site Information:

Applicant/Owner: MOORMAN, KIZER AND REITZEL, INC / HUFF-CAVINESS, LLC

Area: 1.0 +/- acres

Depth: 292 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

Surrounding Zoning: North-RR/CU, R10, R10/CU, R5A, East-R10, R6A, M(P), South-R10, R6, R6A, C(P), M(P), and West-R10, R10/CU, R6, R6A

Surrounding Land Use: Single family residential and woodland

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC – an extension will be required to serve the entire lot.

Soil Limitations: None

School Capacity/Enrolled: Cumberland Mills Elementary 519/614, Ireland Drive Middle 343/348, Douglas Byrd Middle 765/723, Douglas Byrd High 1280/1237

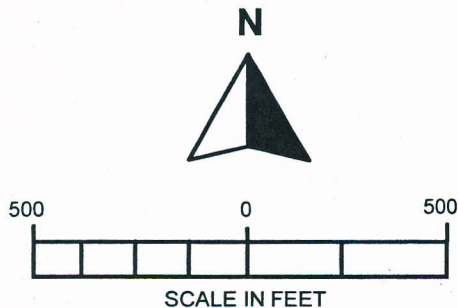
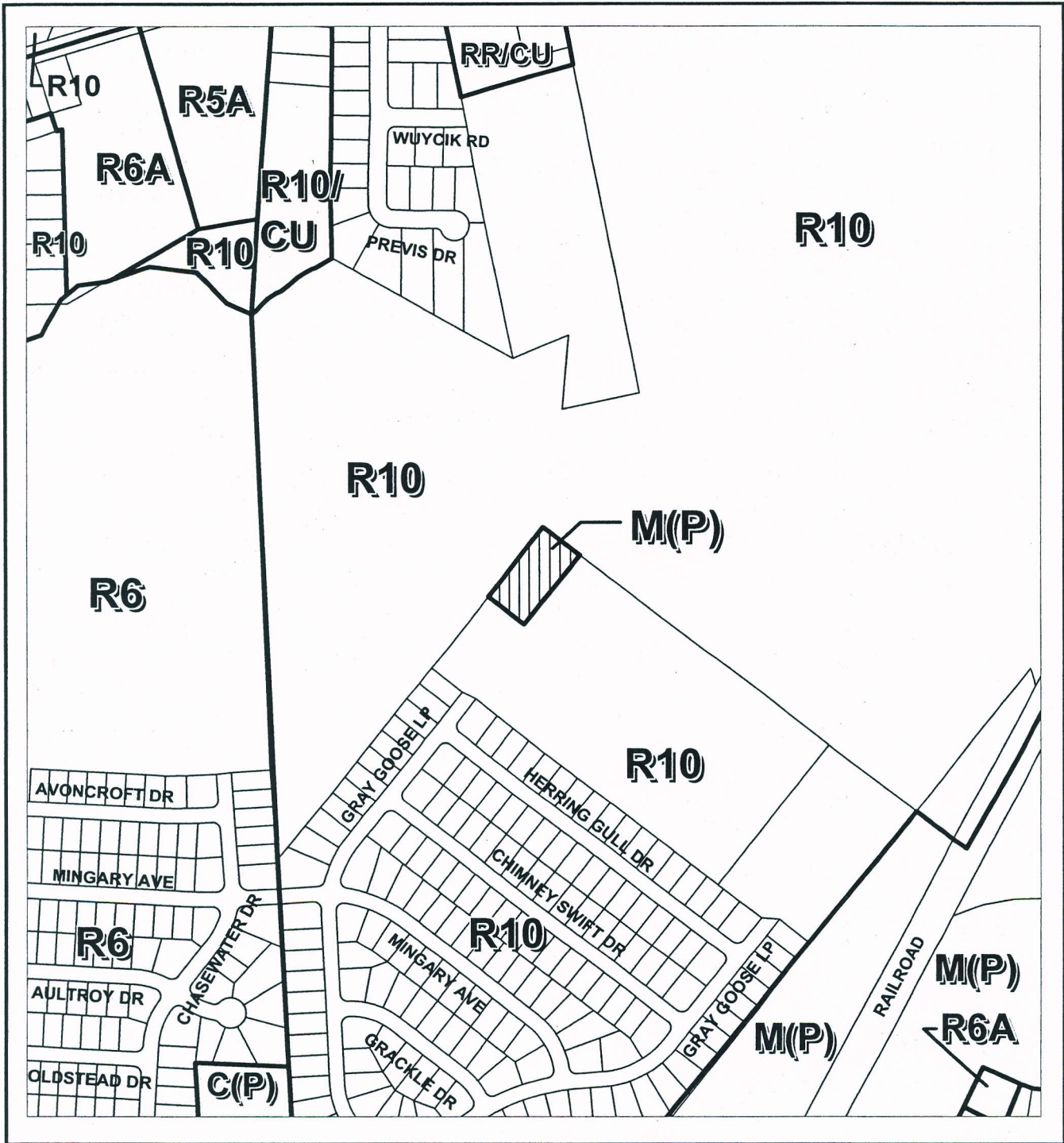
Subdivisions: This is part of the preliminary subdivision plan Case 03-239

Military Impact Area: No

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

Notes:

Density: R7.5 – 5 lots



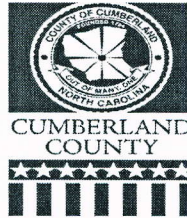
REQUESTED REZONING: M(P) TO R7.5

ACREAGE: 1.00 AC. +/-		HEARING NO: P07-37	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-39: REZONING OF .72 ACRES FROM R6A TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4924 MARKHAM STREET, OWNED BY THE TOWN OF GODWIN. (GODWIN)

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

1. Although the request is not entirely consistent with the 2010 Land Use Plan, which calls for Governmental and Medium Density Residential at this location, the request is consistent with the Town's future plans and would aid in making the use of the existing non-residential structure less nonconforming;
2. The subject property is served by public utilities; and
3. The request was submitted by the Town.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-39

REZONING OF .72 ACRES FROM R6A TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4924 MARKHAM STREET, OWNED BY THE TOWN OF GODWIN. (GODWIN)

Site Information:

Owner: TOWN OF GODWIN

Area: .72 acres

Frontage & Location: 280 feet on Markham Street

Depth: 150 feet

Jurisdiction: Town of Godwin

Adjacent Property: No

Current Use: Godwin Town Hall

Initial Zoning: November 20, 1980 (Area 14)

Zoning Violation(s): None

Nonconformities: The structure is legal, non-conforming due to dimensional requirements.

Surrounding Zoning: North-A1, RR, R6A, East-RR, R6A, C1(P), C3, South-A1, RR, R6A, C3, and West-A1, RR, R6A

Surrounding Land Use: General merchandise store, single family residential and farmland

2010 Land Use Plan: Governmental and Medium Density Residential

Water/Sewer Availability: Town of Godwin Water / NORCRESS

Soil Limitations: Yes – Co (Coxville loam)

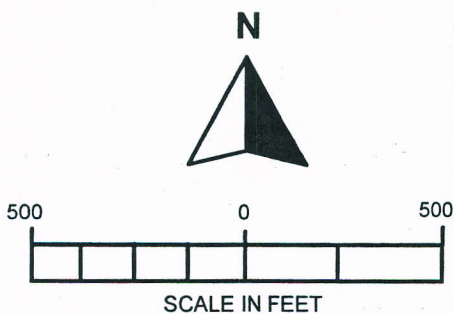
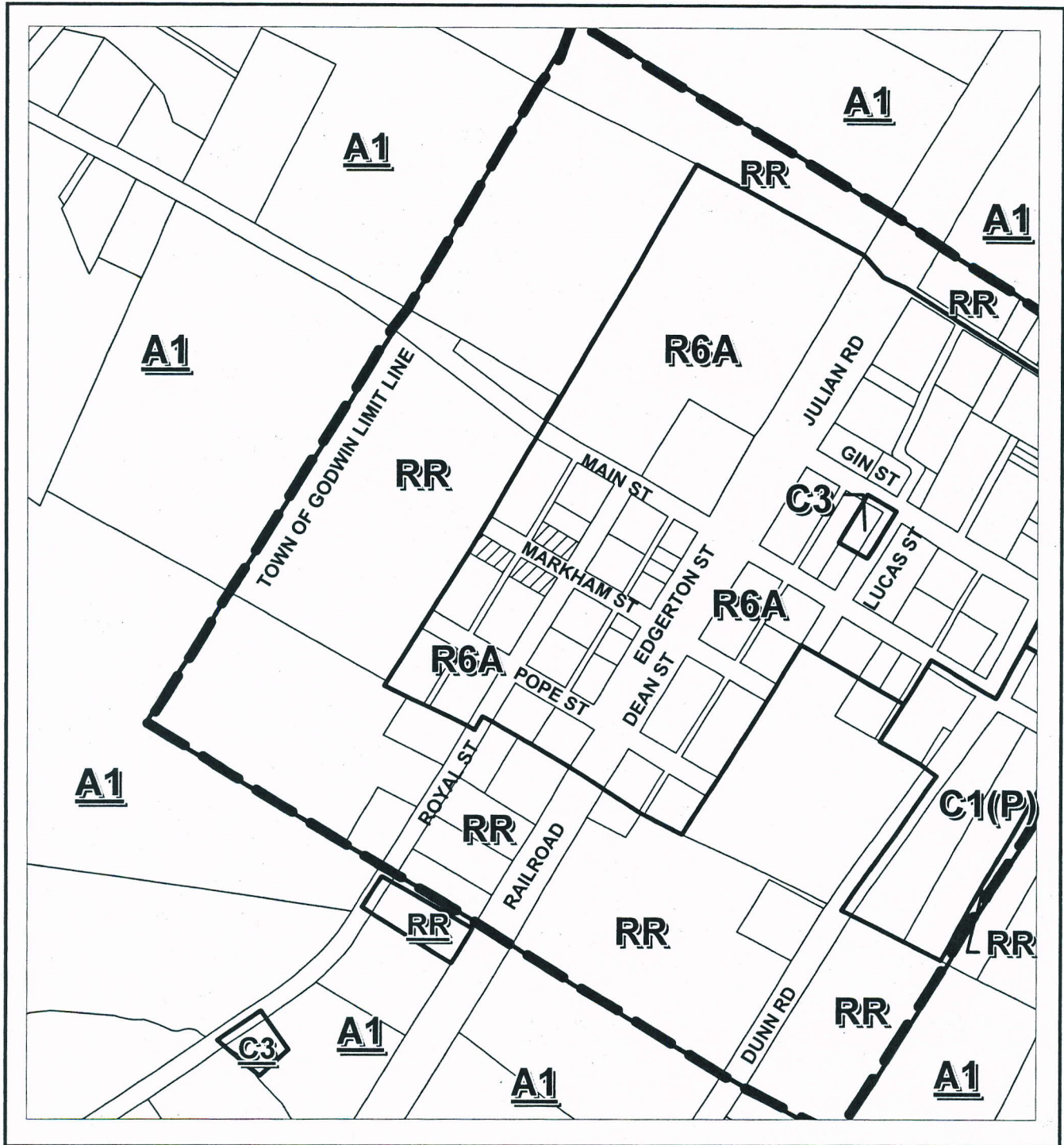
School Capacity/Enrolled: District 7 Elementary 241/255, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

Subdivisions: Site plan review pending – Case 07-085

Military Impact Area: No

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

Notes:



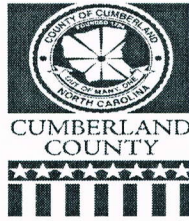
REQUESTED REZONING: R6A TO O&I(P)

ACREAGE: 0.72 AC.+/-		HEARING NO: P07-39	
ORDINANCE: GODWIN		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-40: REZONING OF 3.27 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF SANDEROSA AND BEN MCNATT ROADS, SUBMITTED BY ROBERT MCNATT, OWNED BY WANDA F. LANE.

The Planning & Inspections Staff recommends approval of the R40A district based on the following:

1. The request is consistent with the Eastover Study Area Detailed Land Use Plan, which calls for One-Acre Residential at this location; and
2. This request is consistent with the zoning and uses within the general area.

The A1A and R40 zoning districts are also other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-40

REZONING OF 3.27 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF SANDEROSA AND BEN MCNATT ROADS, SUBMITTED BY ROBERT MCNATT, OWNED BY WANDA F. LANE.

Site Information:

Applicant/Owner: ROBERT MCNATT / WANDA F. LANE

Area: 3.27 acres

Frontage & Location: 353 feet on Sanderosa Road

Depth: 339 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential and farming

Initial Zoning: April 24, 1979 (Area 8)

Zoning Violation(s): None

Surrounding Zoning: North-A1, RR, R6A, HS(P), C(P), East and South-A1, R40A, RR, and West-A1, R40, RR, R6A, HS(P), C1(P)

Surrounding Land Use: Welding company, church, single family residential and farmland

Eastover Study Area Detailed Land Use Plan: One-Acre Residential

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank

Eastover Sanitary District: Recommend request be denied. This area is mostly A1 and should remain that way. More mobile homes will create a slum/blight area. R40A is not allowed by the Land Use Plan in this area.

Soil Limitations: Yes – St (Stallings loamy sand)

School Capacity/Enrolled: Armstrong Elementary 436/437, Mac Williams Middle 1274/1162, Cape Fear High 1400, 1489

Subdivisions: A subdivision or group development review will be required prior to any development of this property.

Military Impact Area: No

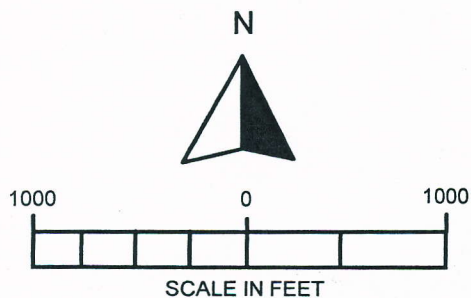
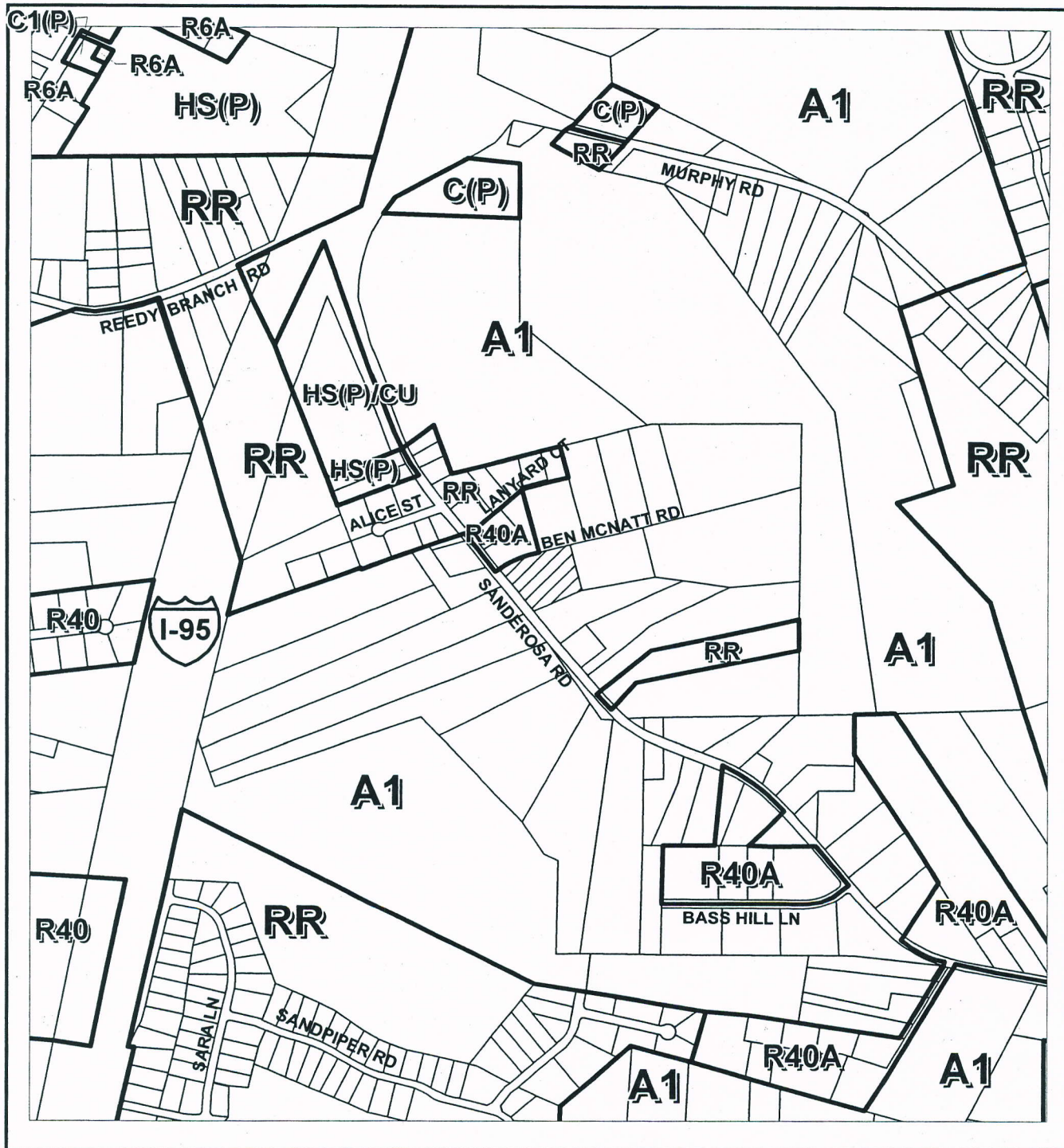
Highway Plan: No road improvements or new construction specified for this area.

Average Daily Traffic Count (2004): 750 Sanderosa Road

Notes:

Density: A1 – 1 lot
 A1A – 3 lots
 R40A – 3 lots

Ben McNatt Road is a platted Class "C" Private Street



REQUESTED REZONING A1 TO R40A

ACREAGE: 3.27 AC.+/-

HEARING NO: P07-40

ORDINANCE: COUNTY

HEARING DATE

ACTION

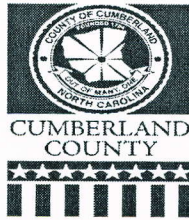
PLANNING BOARD

GOVERNING BOARD

Charles C. Morris,
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Wade, Falcon & Godwin

Garland C. Hostetter,
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Town of Stedman
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Sara E. Piland,
Cumberland County

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-41: REZONING OF 2.0+/- ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4454 HUCKLEBERRY ROAD, OWNED BY CHARLIE HARRIS.

The Planning & Inspections Staff recommends denial of the R40A district and approval of the A1A district based on the following:

1. The A1A zoning district is more consistent with the Eastover Study Area Detailed Land Use Plan, which calls for One-Acre Residential at this location; and
2. A1A is more consistent with the current zoning and character of the general area.

The applicant has verbally stated his approval to the A1A zoning district and has been given a copy of the standards for a Class "A" Manufactured Home.

There are not other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-41

REZONING OF 2.0+/- ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4454 HUCKLEBERRY ROAD, OWNED BY CHARLIE HARRIS.

Site Information:

Applicant/Owner: CHARLIE HARRIS

Area: 2.0 acres

Frontage & Location: 325 feet on Huckleberry Road

Depth: 213 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: April 25, 1979 (Area 8)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40A, RR, R15, East-A1, RR, R15, R10, South-A1, A1A, RR, and West-A1, R40A, RR

Surrounding Land Use: Open storage and dump truck repair, single family residential and woodland

Eastover Study Area Detailed Land Use Plan: One-acre residential

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic tank

Eastover Sanitary District: Recommend request be denied. This area is mostly A1 and should remain that way. More mobile homes will create a slum/blight area. R40A is not allowed by the Land Use Plan in this area.

Soil Limitations: None

School Capacity/Enrolled: Armstrong Elementary 436/437, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

Subdivisions: A group development or subdivision review will be required on this property prior to any development

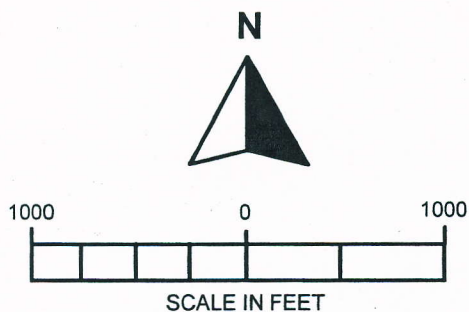
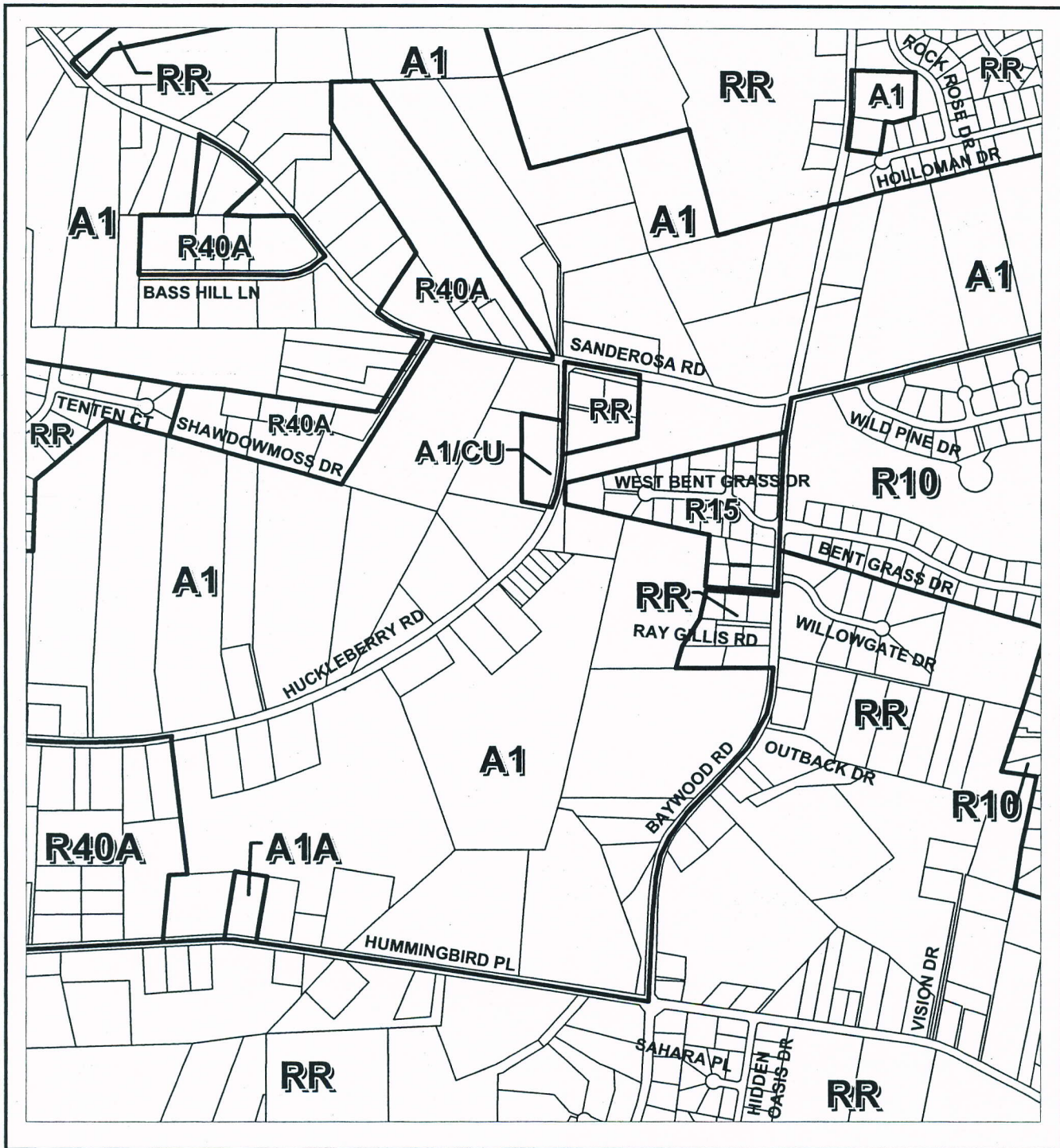
Military Impact Area: No

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

Average Daily Traffic Count (2004): 470 on Huckleberry Road

Notes:

Density: A1 – 1 lot
 A1A – 2 lots
 R40A – 2 lots



REQUESTED REZONING: A1 TO R40A

ACREAGE: 2.00 AC.+/-

HEARING NO: P07-41

ORDINANCE: COUNTY

HEARING DATE

ACTION

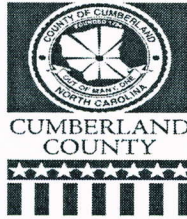
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GOVERNING BOARD

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Sara E. Piland,
Cumberland County

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-44: REZONING OF 2.7+/- ACRES FROM R5 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE WEST QUADRANT OF MURCHISON ROAD AND CHARMAIN STREET, SUBMITTED BY BRAD YOUNG, OWNED BY ALBERT AND SHIRLEY NORTON.

The Planning & Inspections Staff recommends approval of the C(P) District based on the following:

1. The C(P) zoning district is consistent with the 2010 Land Use Plan, which calls for an Activity Node at this location;
2. The subject property is located on a Major Thoroughfare which is due to be expanded to a multi-lane facility; and
3. The C(P) zoning district is consistent with the current zoning of the immediate area.

The C1(P) zoning district is also a suitable zoning district for this site.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-44

REZONING OF 2.7+/- ACRES FROM R5 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE WEST QUADRANT OF MURCHISON ROAD AND CHARMAIN STREET, SUBMITTED BY BRAD YOUNG, OWNED BY ALBERT AND SHIRLEY NORTON.

Site Information:

Applicant/Owner: BRAD YOUNG / ALBERT AND SHIRLEY NORTON

Area: 2.7 acres

Frontage & Location: 169 feet on Murchison Road, 383 feet on Charmain Street

Jurisdiction: County

Adjacent Property: Yes

Current Use: Billboard and vacant

Initial Zoning: September 16, 1973 (Area 2A)

Zoning Violation(s): None

Nonconformities: The existing billboard is located in a residentially zoned district.

Surrounding Zoning: North-C(P), C3, M(P), East-C3, M1(P), M(P), City limit-R6, M1, South-R6, R6A, C3, and West-R6A, R6A/CUO, C3

Surrounding Land Use: Manufactured home parks (7), automotive sales (2), vacant commercial businesses (2), tire shop, rental business, electric company, construction company, apartments, and lawn care business

2010 Land Use Plan: Activity Node

Watershed Area: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic tank – PWC sewer available on Tammy Street

School Capacity/Enrolled: Warrenwood Elementary 521/434, Spring Lake Middle 706/530, Pine Forest High 1750/1659

Subdivisions: A recombination plat will be required to combine the existing lots. A C(P) site plan review will be required prior to any development on this lot.

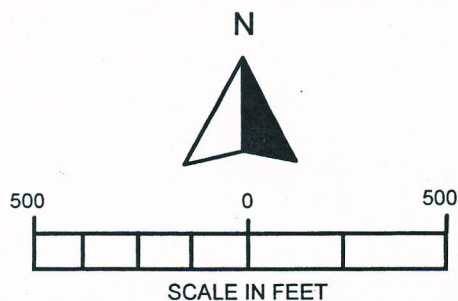
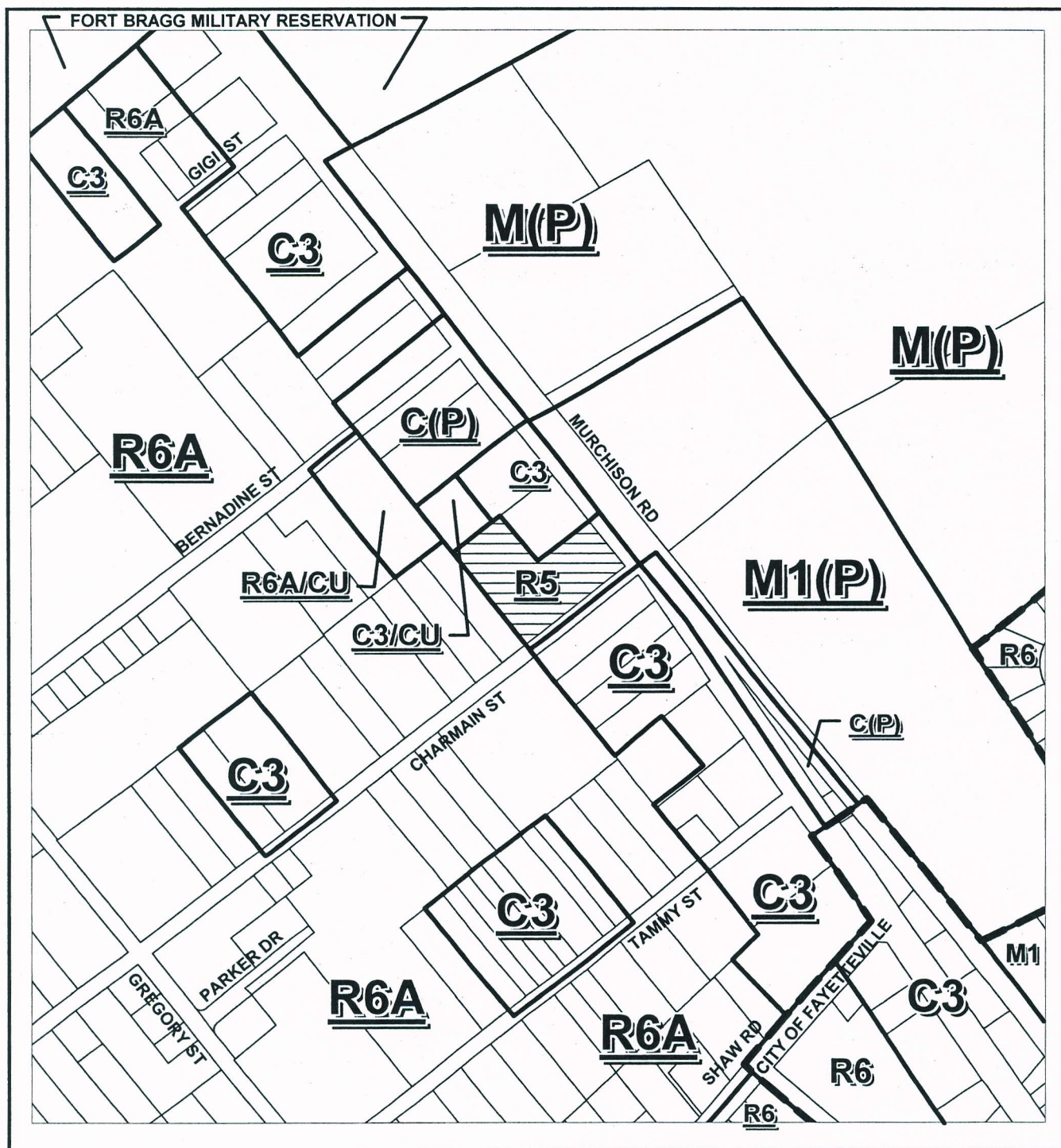
Military Impact Area: Yes

Ft Bragg/Pope AFB: Pope AFB has no objections to this case

Highway Plan: Murchison Road is identified as a Major Thoroughfare. The proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Right-of-Way: Unfunded, Construction: Unfunded

Average Daily Traffic Count (2004): 15,000 on Murchison Road

Notes:



REQUESTED REZONING R5 TO C(P)

ACREAGE: 2.70 AC.+/-

HEARING NO: P07-44

ORDINANCE: COUNTY

HEARING DATE

ACTION

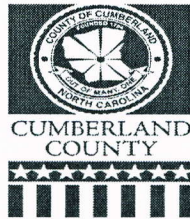
PLANNING BOARD

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Sara E. Piland,
Cumberland County

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-29: REZONING OF 3.8 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4848 SOUTH MAIN STREET, OWNED BY WILLIAM K. AND PATRICIA W. GAUTIER, SUBMITTED BY VANCE JOHNSON PLUMBING COMPANY, INC.

At the April 17, 2007 Planning Board meeting the applicant requested a deferral in order to change his request to C(P)/Conditional Use District and Permit.

The Planning & Inspections Staff recommends approval of the C(P)/Conditional Use District based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location, the request is reasonable and consistent with the existing uses and zoning in the general area; and
2. The area is in transition from residential to commercial-type uses.
3. The subject property has direct access to a Major Thoroughfare.

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

1. The use will not materially endanger the public health or safety if located according to the site plan as submitted;
2. The use will meet all required conditions and specifications if constructed according to the County Zoning and Subdivision Ordinance, the requirements of which are attached to this recommendation - the owner has verbally agreed to all conditions;

3. The use will maintain or enhance the value of adjoining or abutting properties. This area is becoming blighted and this development will spur increased interest in the area; and
4. The location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located because this is a quality development that is to be landscaped, buffered, etc., and the proposed use will compliment the area.

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

Attachments:

- 1 - Site Profile w/Ordinance Requirements
- 2 - Rezoning Sketch Map
- 3 - Site Plan

SITE PROFILE
P07-29

REZONING OF 3.8 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4848 S. MAIN STREET, OWNED BY WILLIAM K. AND PATRICIA W. GAUTIER, SUBMITTED BY VANCE JOHNSON PLUMBING COMPANY, INC.

Site Information:

Applicant/Owner: VANCE JOHNSON PLUMBING COMPANY, INC. / WILLIAM K. AND PATRICIA W. GAUTIER

Area: 3.80 acres

Frontage & Location: 200 feet on S. Main Street

Depth: 834 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: February 3, 1977 (Area 7)

Zoning Violation(s): None

Surrounding Zoning: North-R6A, R6A/CU, C3, East-R6A, C1(P), C(P), C3, M2, South-R6A, R6A/CU, C1(P), C(P) and West-CD, R6A

Surrounding Land Use: MHP, church, duplex, auto sales, and single family residential

2010 Land Use Plan: Medium Density Residential

Municipal Influence Area: Hope Mills

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic Tank

Soil Limitations: None

Military Impact Area: No

Highway Plan: S. Main Street is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility (Priority 1). Road improvements are not included in the 2007-2013 MTIP.

Average Daily Traffic Count (2004): 14,000 on S. Main Street.

Notes:

Conditions of the Application

1. Proposed Use: Plumbing company office w/no outside storage
2. Hours of Operation: Monday-Saturday, 7:00 am to 7:00 pm
3. Number of Employees: 50
4. Buffering: Planted hedge around the business
5. Service Vehicles: 10

Conditional Use District & Permit

Ordinance Requirements

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. A demolition permit and/or moving permits must be obtained from the Code Enforcement Section prior to removal of the existing structures on this site.
6. The *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with, as applicable.
8. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
9. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
10. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
11. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
12. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy*.

13. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
14. A solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. The developer must submit a revised plan to Land Use Codes for review and approval prior to any permit application with the minimum landscaping standards shown on the plan. The following are the minimum standards required for landscaping this site:
 - a. Four large shade trees or eight small ornamental trees are required on this tract along the length of the right-of-way of NC Hwy 59 (S. Main Street);
 - b. One small ornamental trees or three shrubs are required within the building setback area;
 - c. Four large shade trees or eight small ornamental trees are required within the parking area;
 - d. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs. Trees shall be maintained in a vertical position at all times;
 - e. All planting areas shall be kept free of weeds and debris;
 - f. Healthy existing trees may be used to meet the landscaping requirements; and
 - g. Trees may be clustered.
17. All notes and calculations as shown on the site plan and application are to be considered as a part of this conditional approval.

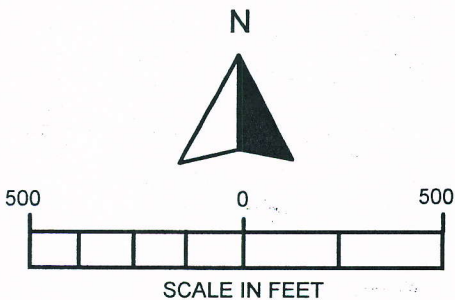
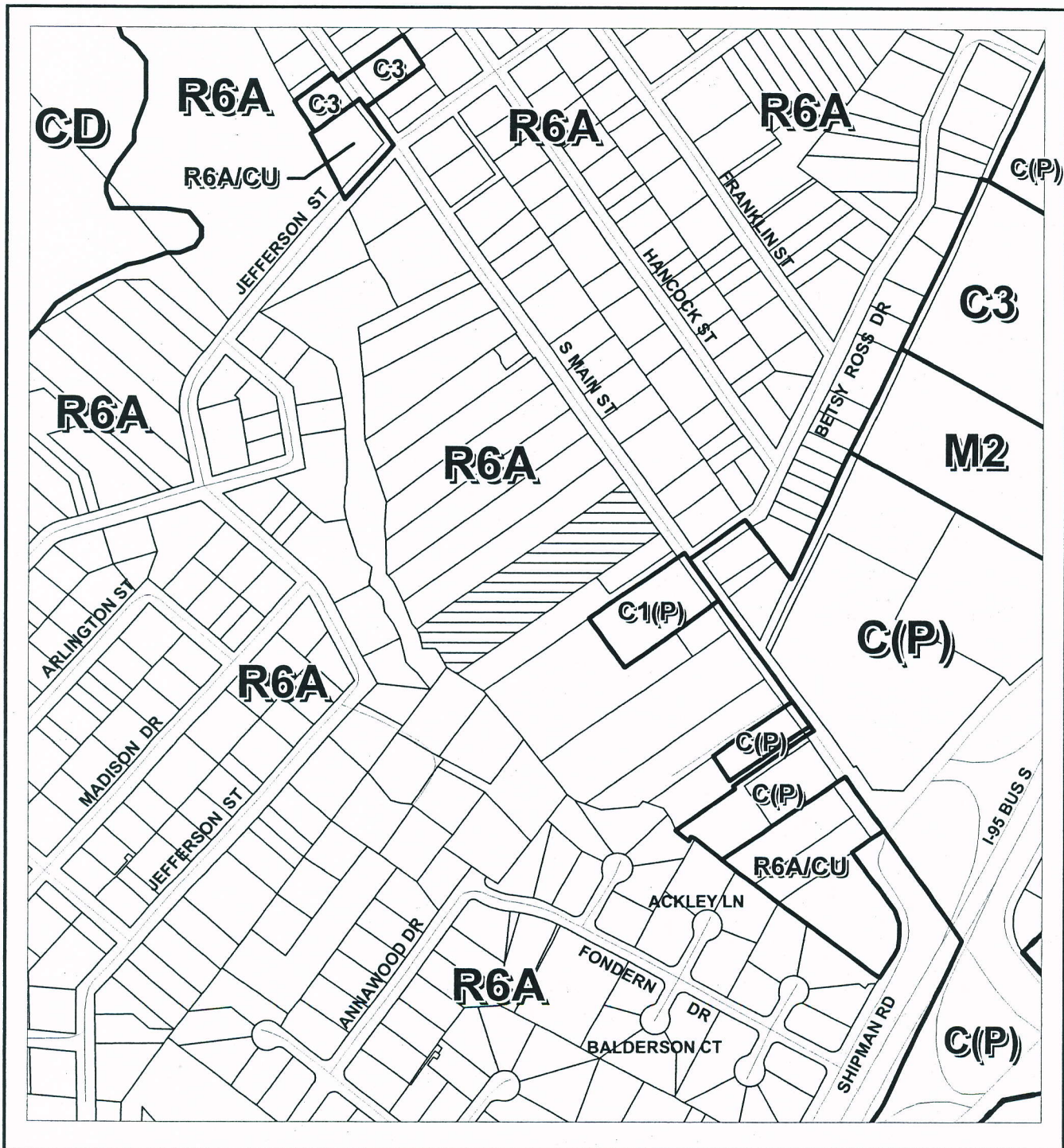
Municipal Influence Area Requirements:

18. Because the subject property is located within the Hope Mills Municipal Influence Area, the following standards must be complied with:
 - a. All utility lines, except for 25kv or greater electrical lines, shall be placed underground [86-128(b)]; and
 - b. All drainage ways must be cleared and kept free of debris (§86-125).

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Danny Soles	433-3685
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496



REQUESTED REZONING R6A TO C(P)/CUD

ACREAGE: 3.8 AC.+/-

HEARING NO: P07-29

ORDINANCE: COUNTY

HEARING DATE

ACTION

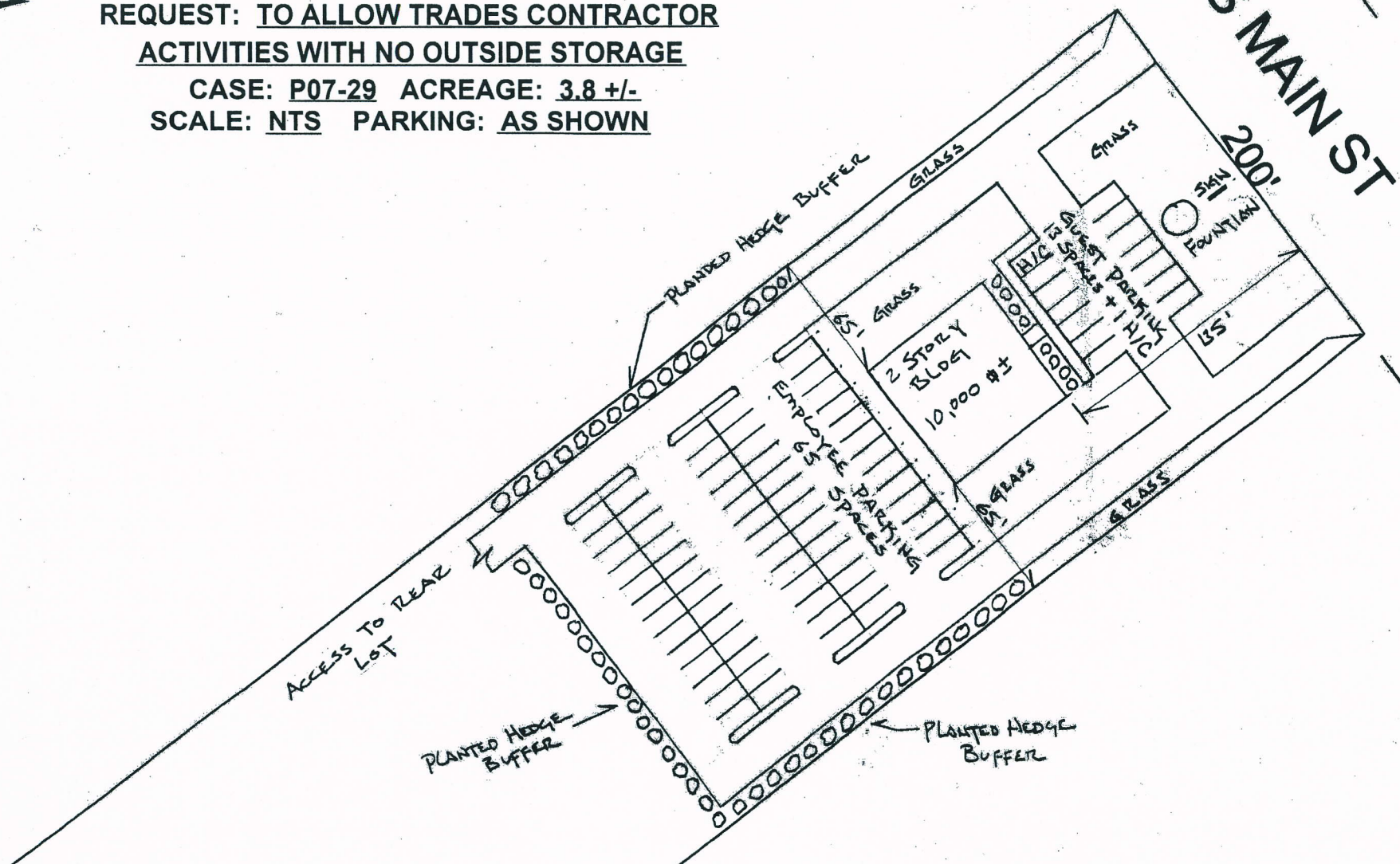
PLANNING BOARD

GOVERNING BOARD



CONDITIONAL USE DISTRICT AND PERMIT
REQUEST: TO ALLOW TRADES CONTRACTOR
ACTIVITIES WITH NO OUTSIDE STORAGE

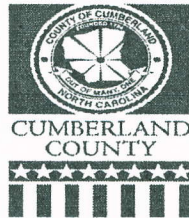
CASE: P07-29 ACREAGE: 3.8 +/-
SCALE: NTS PARKING: AS SHOWN



Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-42: REZONING OF A 13.66 ACRE PORTION OF A 203 ACRE TRACT FROM A1 TO A1/CONDITIONAL USE DISTRICT AND PERMIT TO EXPAND A QUARRY, LOCATED NORTH OF I-295, EAST OF RIVER ROAD, SUBMITTED BY PAT SHILLINGTON, OWNED BY WILLIAM GILLIS.

The Planning & Inspections Staff recommends approval of the A1/Conditional Use District based on the following:

- Although the request is not consistent with the Wade Study Area Detailed Use Plan, which calls for One-Acre Residential at this location, the district requested is reasonable and consistent with the land use of the immediate area.

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

1. The use will not materially endanger the public health and safety if located according to the plan submitted;
2. The use will meet all required conditions and specifications if constructed according to all federal and state mandates, and the County Zoning and Subdivision Ordinances, the requirements of which are attached to this recommendation;
3. The use will maintain or enhance the value of adjoining or abutting properties due to this being an expansion of an existing mine; and
4. The location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile w/Ordinance Requirements
- 3 - Site Plan

SITE PROFILE

P07-42

REZONING OF A 13.66 ACRE PORTION OF A 203 ACRE TRACT FROM A1 TO A1/CONDITIONAL USE DISTRICT AND PERMIT TO EXPAND A QUARRY, LOCATED NORTH OF I-295, EAST OF RIVER ROAD, SUBMITTED BY PAT SHILLINGTON, OWNED BY WILLIAM GILLIS.

Site Information:

Applicant/Owner: PAT SHILLINGTON / WILLIAM GILLIS

Area: 13.66 acres

Depth: 3,500 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Agricultural

Initial Zoning: October 23, 1990 (Area 18)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with some RR to the southeast

Surrounding Land Use: Woodland

Wade Study Area Detailed Land Use Plan: One-acre residential

Watershed Area: Yes

Proposed Interchange or Activity Node: Yes, but not on the requested portion.

Urban Services Area: No

Water/Sewer Availability: Well / Septic

Soil Limitations: Yes – Ro (Roanoke and wahee loams) and Wmb (Wickham fine sandy)

Military Impact Area: Yes

Ft Bragg/Pope AFB: Pope AFB has no objections to this case.

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

Average Daily Traffic Count (2004): 3,700 on I-295 and 1,600 on River Road

Notes:

Conditions of the Application

1. Setbacks: 50 feet from each property line
2. Parking: None
3. Signage: None
4. Buffering: 50 foot undisturbed buffer

Conditional Use District & Permit

Requirements of the Ordinances

Watershed-Related:

1. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Officer and plans must be approved by the Watershed Officer prior to final plat approval and/or prior to application for any building permits, site plan approval is required.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. If applicable, the County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
4. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

Site-Related:

6. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M(P) zoning district must be complied with.
7. Any temporary structures necessary to this use must comply with the district dimensional requirements of the M(P) zoning district.
8. This conditional approval is not approval of any freestanding signs. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
9. The NC Department of Transportation (NCDOT) approve any new driveway(s) and if driveways are changed or added, a permit must be obtained.
10. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
11. A solid buffer must be provided and maintained in accordance with the provisions of Sections 1102 G & 919 I, County Zoning Ordinance.
12. All notes and calculations as shown on the site plan, application and reclamation plan are to be considered as a part of this conditional approval.

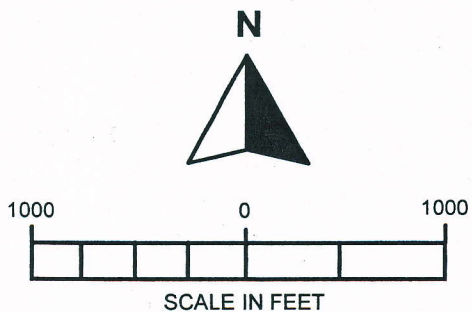
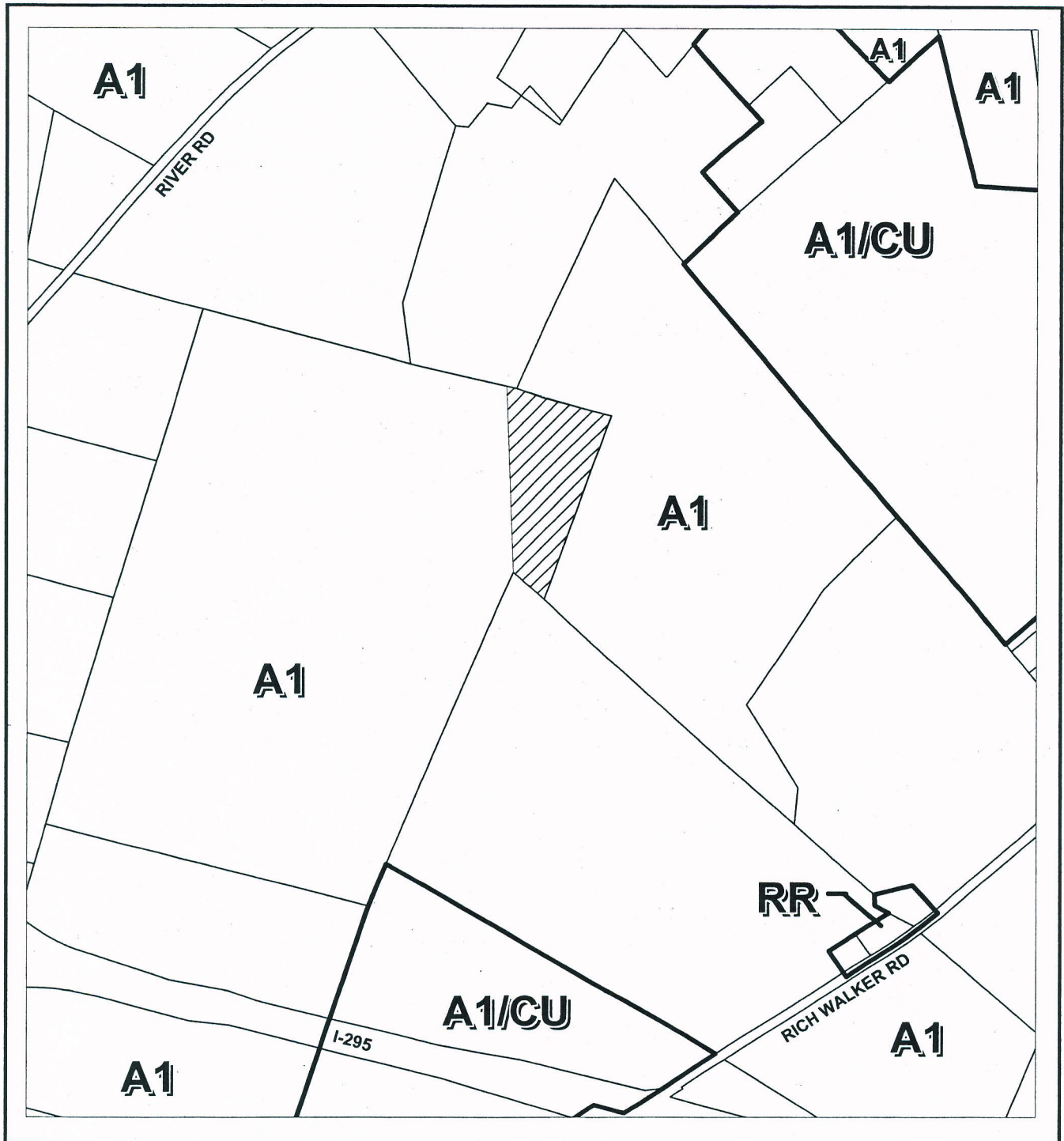
Other Relevant Conditions:

13. If the depth of the quarry operation is to be at a level of five feet or more below the adjacent properties, then the site must either be surrounded by a earthen mound at least six feet in height with double row of quick growing vegetative landscaping or enclosed with a chain link fence six feet in height in accordance with Section 919 G of the County Zoning Ordinance. (Note: The developer must provide to the Planning & Inspection Department the proposed depth of the quarry operation in relation to the adjacent property.)
14. The developer must follow through with the reclamation plan and comply with the requirements of Section 919 J, of the County Zoning Ordinance.
15. All access ways or drives within the premises are required to be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.
16. All equipment and structures must be removed within three months of the completion of the extraction of materials.
17. The developer must provide a copy of the approved permit from the North Carolina Department of Environment and Natural Resources to the Code Enforcement Section at the time of local permit application.
18. All conditions from Case P04-46 must be complied with..

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Eastover Sanitary District:	Morgan Johnson	323-3973
County Public Utilities/NORCRESS:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496



REQUESTED REZONING: A1 TO A1/CUD

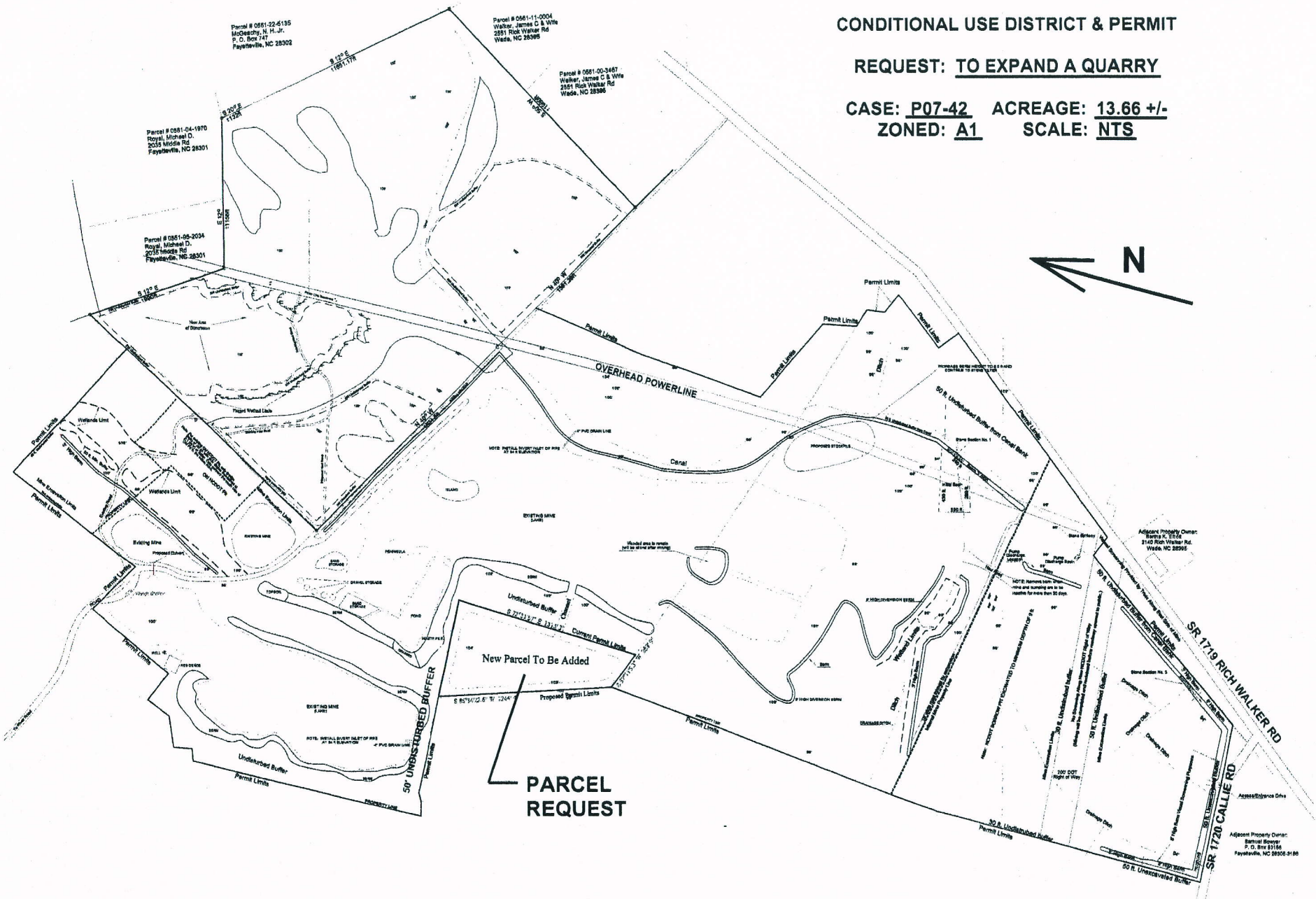
ACREAGE: 13.66 AC.+/-		HEARING NO: P07-42	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

CONDITIONAL USE DISTRICT & PERMIT

REQUEST: TO EXPAND A QUARRY

CASE: P07-42 ACREAGE: 13.66 +/-

ZONED: A1 SCALE: NTS



INSULA

Wooded area to remain
(will be island after mining)

GRAVEL STORAGE

SAND
STORAGE

POND

WASTE PILE

GRASSED

BERM

INLET OF PIPE
TION

4" PVC DRAIN LINE

BERM

PROPERTY LINE

50' UNDISTURBED BUFFER
Permit Limits

102'

BERM

102'

Undisturbed Buffer

Channel

100'

Current Permit Limits

104'

New Parcel To Be Added

102'

Proposed Permit Limits

$S 85^{\circ} 34' 42.6" W 1244' 4"$

$S 38^{\circ} 15.3" W 1042' 10"$

PROPERTY LINE
Permit Limits

CONDITIONAL USE DISTRICT & PERMIT

REQUEST: TO EXPAND A QUARRY
CASE: P07-42 ACREAGE: 13.66+/-
ZONED : A1 SCALE: NTS

4/24/07

Charles C. Morris,
Chair
Town of Linden

Thomas J. Lloyd,
Director

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall
Town of Hope Mills



Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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

COUNTY of CUMBERLAND

Planning and Inspections Department

May 8, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II *EMB*

SUBJECT: Case No. 07-052
Castlebrooke Phase II
Zero Lot Line Subdivision Review

The developer has submitted a request for a waiver from Section 3.17.c "Street Design", County Subdivision Ordinance, regarding the cul-de-sac length for Lancelot Court. The Cumberland County Subdivision Ordinance requires cul-de-sac's to have a maximum length of 800 feet. Phase II of this development contains 2.24+/- acres and is zoned A1 Agricultural (pending rezoning to R15, Case No. P07-45). The length of Lancelot Court, if approved as submitted, will be approximately 1010 feet.

The developer is proposing a three lot subdivision on the 2.24 acres and plans to extend Lancelot Court an additional 325 feet with the street ending as a cul-de-sac. The 2.24 acre tract is originally a portion of and adjacent to a 50 +/- acre tract that is a borrow source operation. The topography of the borrow pit has steep banks due to the removal of soil, sand and other soil material from the site. The 2.24 acre tract is surrounded by the borrow source on the northern and eastern sides, severely restricting any development in the foreseeable future in that direction. The approval of this development is conditioned upon the developer providing a 20-foot strip of land to the property to the south, which has a house and a small pond located on it.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**

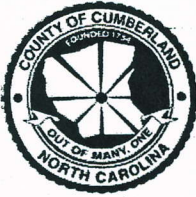
- c. The property owner would not be afforded a special privilege denied to others.**

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

- a. Because of the condition or nature of the adjoining areas, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, in that the topography of the borrow source pit on the northern and eastern sides of the 2.24+/- acre tract has steep banks due to the removal of soil, sand and other soil material from the site, severely restricting any development in the foreseeable future on the adjacent property; and
- b. The public purposes of the Subdivision and Zoning Ordinances would be served to an equal or greater degree, in that the developer is required to provide adequate frontage to an adjacent landlocked tract to the south; and
- c. The property owner would not be afforded a special privilege denied to others, in that for similar situations with a similar set of facts and circumstances the Board has approved such waivers.

Attachments: Request for Waiver
Conditions of Approval
Subdivision Map
Aerial Photo Map
Vicinity Map

cc: Southeast Development of Cumberland LLC, Developer
4D Site Solutions, Inc., Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Planner III



Date Request Submitted: 4-19-07
Planning Board Meeting Date: 5-15-07
Received by: Bgc

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-052 Case Name: CASTLE BROOKE PH-II

Related Ordinance Section Number(s): 3.17.C

Summary of Request: ALLOW LANCELOT CT TO EXTEND BEYOND 800'

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

IF WE ARE REQUIRED TO ADHERE STRICTLY TO THE
ORDINANCE LANCELOT CT WOULD REMAIN A DEAD
END. IT IS IN THE BEST INTEREST OF THE COUNTY
TO ALLOW THE INSTALLATION OF A CUL-DE-SAC

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

INSTALL THE CUL-DE-SAC ACCORDING TO NCDOT
REQUIREMENTS

3. The property owner would not be afforded a special privilege denied to others, because:

INSTALLATION OF A CUL-DE-SAC AT THE END
OF A ROAD SUCH AS LANCELOT IS TYPICAL
CONSTRUCTION

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

CHRIS POSEY
Printed Name of Applicant/Agent

910-489-6777
Daytime Phone Number


Signature of Applicant/Agent

04-18-07
Date Signed

Chair
Town of Linden

Thomas J. Lloyd,
Director

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills



Vice-Chair
Wade, Falcon & Godwin

Cecil P. Combs,
Deputy Director

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

COUNTY of CUMBERLAND

Planning and Inspections Department

REVISED: 05/08/07

PLANNING STAFF DECISION: 4-12-07 PLANNING BOARD DECISION: N/A COUNTY OR COUNCIL MEETING: 5-15-07

CASE NO: 07-052 NAME OF DEVELOPMENT: CASTLEBROOKE PHASE II
(ZERO LOT LINE SUBDIVISION REVIEW)

LOCATION: AT THE END OF LACELOT COURT, NORTH OF SR 1704 (PALESTINE RD), ZONING: A1
(Pending Rezoning to R15)
EAST OF US 401N (RAMSEY ST) PIN: 0553-04-1250-

OWNER OR DEVELOPER: SOUTHEAST DEVELOPMENT OF CUMBERLAND COUNTY, LLC ENGINEER OR DESIGNER: 4D SITE SOLUTIONS, INC.

☒ COUNTY ORDINANCE ☐ GODWIN ORDINANCE ☐ STEDMAN ORDINANCE ☐ SPRING LAKE ORDINANCE ☐ FALCON ORDINANCE

PLANNING DEPARTMENT ACTION

☒ PRELIMINARY
☐ EXTENSION ☐ REVISION
☒ APPROVED CONDITIONALLY
☐ DENIED

PLANNING BOARD ACTION

☐ PRELIMINARY
☐ EXTENSION ☐ REVISION
☐ APPROVED CONDITIONALLY
☐ DENIED

TOWN BOARD

☐ PRELIMINARY ☐ FINAL
☐ EXTENSION ☐ REVISION
☐ APPROVED CONDITIONALLY
☐ DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

1. This approval is contingent on this property being rezoned to a zoning district, which allows for a density of three lots.
2. The developer must provide a minimum of a 20-foot strip of land to the "Streit" property to the south of the proposed development. The "Streit" tract is a landlocked tract with a perilous access drive to Palestine Road.
3. The developer is advised to consider leaving an access point of a minimum of 20 feet to the remaining parent tract (47.56 acres).

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
5. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
6. Connection to public water is required, the Town of Linden must approve water plans prior to application for any permits.
7. The developer must/may have to provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any permits.
8. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
9. A *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

10. Sections 4.1.c, "Curbs and Gutters"; 4.1.d, "Required Drainage"; 4.3.g, "Fire Hydrants", and 4.3.h, "Underground Utilities", of the County Subdivision Ordinance must be adhered to.
11. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
12. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT).

13. The NC Department of Transportation (NCDOT) approves the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.

Plat-Related:

14. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$28.70 (\$9.90 per lot) payable to "Cumberland County". This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District # 1)
15. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
16. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, or at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
17. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
18. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
19. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Peggy Jennings to schedule an inspection of the improvements.)
20. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
21. The final plat be labeled as a "Zero Lot Line" development.

Plat-Required Statements:

22. Since this development does not have public water, the following disclosure statement shall be provided on the final plat:

"The individual lots in this development do not have public sewer services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording."

23. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement shall be provided on the final plat:

"This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides."

Other Relevant Conditions:

24. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

"Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

25. The developer has submitted a request for a waiver from Section 3.17.c, County Subdivision Ordinance, regarding the cul-de-sac length of Lancelot Court – see the memorandum in file for explanation of the Staff recommendation of approval.

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

Contact Information (Area Code is 910 unless otherwise stated):

Rezoning:	Bonny Collins	678-7603
Improvement Inspections:	Peggy Jennings	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Town of Linden:	Sue Giles	980-0119
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NC DENR (E&S)		433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496
NCDOT (subdivision roads)	David Plummer	486-1496



SCALE 1" = 500'

CASE: 07-052

RAMSEY ST

CASTLEBROOKE LN

TUDOR PL

DAMSEL CT

LANCELOT CT

REMAINING PARENT
TRACT 47.56 ACS+/-

SUBJECT
PROPERTY

PALESTINE RD

REMAINING PARENT
TRACT 47.56 ACS +/-

SUBJECT
PROPERTY

DANIEL CT

LANCER CT

TOWER PL

CASTLEBROOK LN

WILSON BL

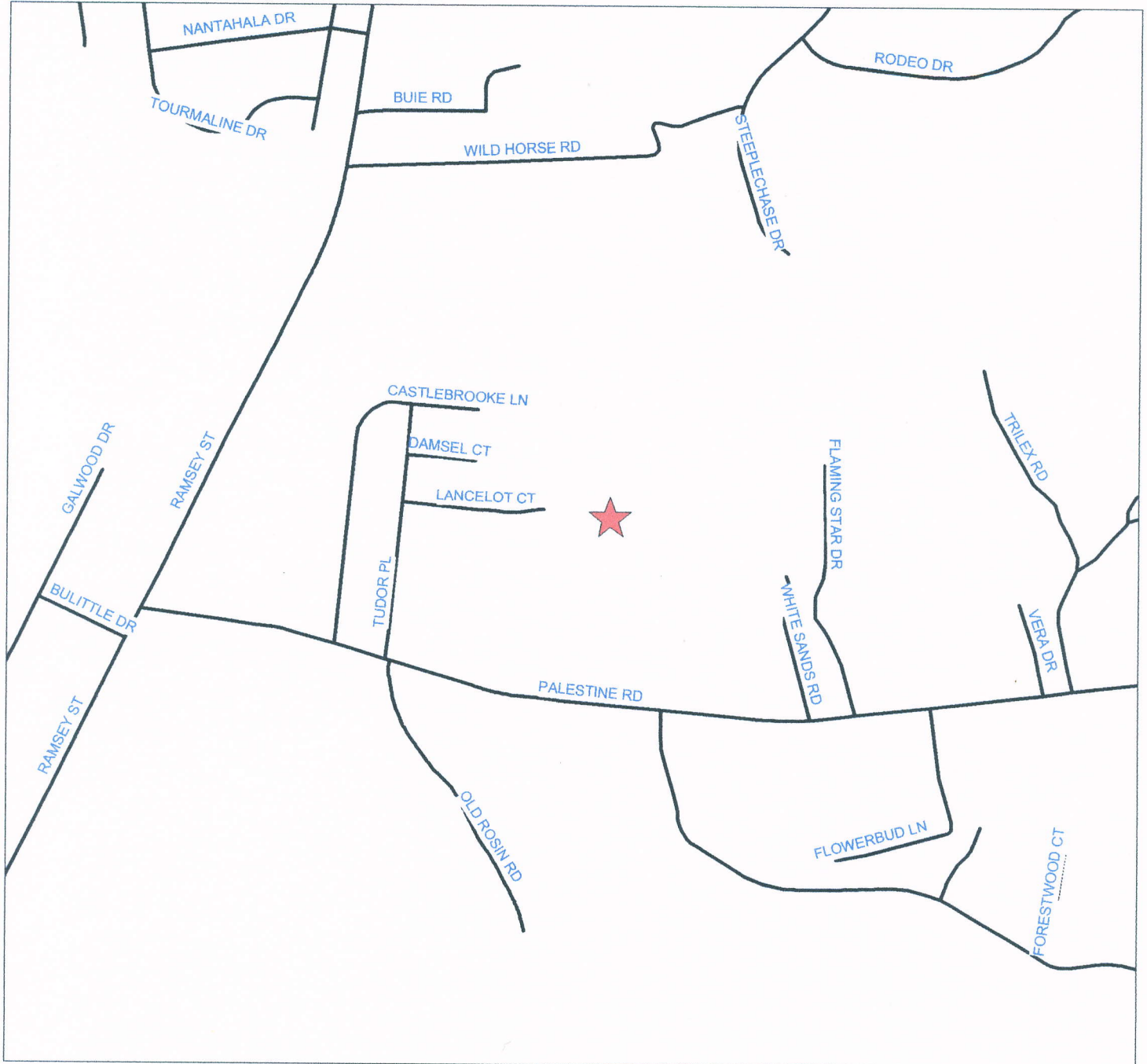
WILSON BL



SCALE 1" = 500'

CASE: 07-052

**CASTLEBROOKE PHASE II
SUBDIVISION REVIEW
CASE NO. 07-052**



PINS: 0553-04-1250-
Prepared by pj - CCJPB
April 2, 2007

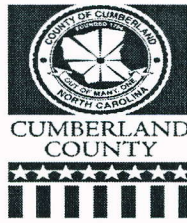
Map not to scale



Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

Planning and Inspections Department

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

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-25: REZONING OF 1.0 ACRES FROM R6A/CONDITIONAL USE TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1227 SHAW ROAD, OWNED BY RODNEY S. GARRETT.

At the April 17, 2007 Planning Board meeting the applicant requested a deferral in order to submit a C(P)/Conditional Use District and Permit to allow the addition of an office to the existing nursery/greenhouse/plant husbandry business and other permitted/special uses.

The Planning & Inspections Staff recommends approval of the C(P)/Conditional Use District based on the following:

- Although the request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location, the district requested is reasonable and consistent with the current use of the property and compatible with the surrounding area.

The Planning & Inspections Staff recommends approval of the Conditional Use Permit with the added condition of limiting the use to only nursery operations/plant husbandry/greenhouse and an office, based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted since the use is existing and only an office is to be added;
2. The use will meet all required conditions and specifications as evidenced by the application and site plan. The applicant has been mailed a copy of the Ordinance requirements for this development;
3. The use will maintain or enhance the value of adjoining or abutting properties, in that the current property owner has cleaned up this site and the use has been in existence at this location for numerous years;
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use plan and adopted planning policies.

There are no other suitable zoning districts for this site.

Attachments:

- 1 - Site Profile w/Ordinance Requirements
- 2 - Rezoning Sketch Map
- 3 - Site Plan

SITE PROFILE

P07-25

REZONING OF 1.0 ACRES FROM R6A/CONDITIONAL USE TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1227 SHAW ROAD, OWNED BY RODNEY S. GARRETT.

Site Information:

Applicant/Owner: RODNEY S. GARRETT

Area: 1.0 acres

Frontage & Location: 100 feet on Shaw Road

Depth: 436 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential with a greenhouse/plant husbandry approved as a Conditional Use Overlay (Case P93-82)

Initial Zoning: September 16, 1973 (Area 2A)

Zoning Violation(s): None

Surrounding Zoning: North-R6A, East-PND, R6, R6A, R6A/CU, C1, South-R6, R6A, C1(P), Fayetteville city limits-R10, and West-R6A, city limits-R10

Surrounding Land Use: Churches (2), apartments (2), manufactured home parks (10), duplex, auto repair shop, tire shop, single family residential and vacant land

2010 Land Use Plan: Medium Density Residential

Watershed Area: Yes

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic Tank

Soil Limitations: None

Military Impact Area: Yes

Ft Bragg/Pope AFB: 1-mile buffer area / Pope AFB has no objections to this case.

Highway Plan: Shaw Road is identified as a Major Thoroughfare. This proposal calls for interconnection and a multi-lane facility (Priority 1). Road improvements are included in the 2007-2013 MTIP.

Average Daily Traffic Count (2004): 15,000 on Shaw Road

Notes:

Conditions of the Application

Permitted Uses to be Excluded: Alcoholic Beverage Control Sales, Bars & Night Clubs, and Sexually Oriented Businesses

Conditional Use District & Permit

Ordinance related conditions:

Watershed-Related:

1. An application for a Watershed "No Approval Required" development must be submitted to the Watershed Officer and plans must be approved by the Watershed Officer prior to final plat approval and/or prior to application for any building permits, site plan approval is required.

Permit-Related:

2. The owner/developer(s) of this lot must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
4. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with, as applicable. (Note: This applies only to any new structures/uses for this site.)
8. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
9. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development. For use as a nursery and greenhouse operation, a minimum of one off-street space for each vehicle used directly in conduct of the use, plus two additional spaces for each three employees on the largest shift are required for this development.
10. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
11. Reservation of 15 feet of right-of way along Shaw Road is required and the reservation area must be reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
12. An on-site solid buffer must be provided and maintained along both sides and the rear of this site in accordance with the provisions of Section 1102 G, County Zoning Ordinance.

13. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.

Other-Related Conditions:

14. Conversion of the existing "stick-built" home on this site to an office must comply with the standards of the State Building Code.
15. Residential manufactured homes used for any purpose other than residential must comply with the State Building Code. An excerpt from the Code concerning *Conversion of Manufactured Home to Occupancy other than Single Family Dwelling* is attached.
16. Included with this conditional approval, the Planning Board is approving alternate yards for the existing structures on this site. This is not to be construed as "blanket approval" for any new structures.

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
PWC:	Heidi Maly	483-1401
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496

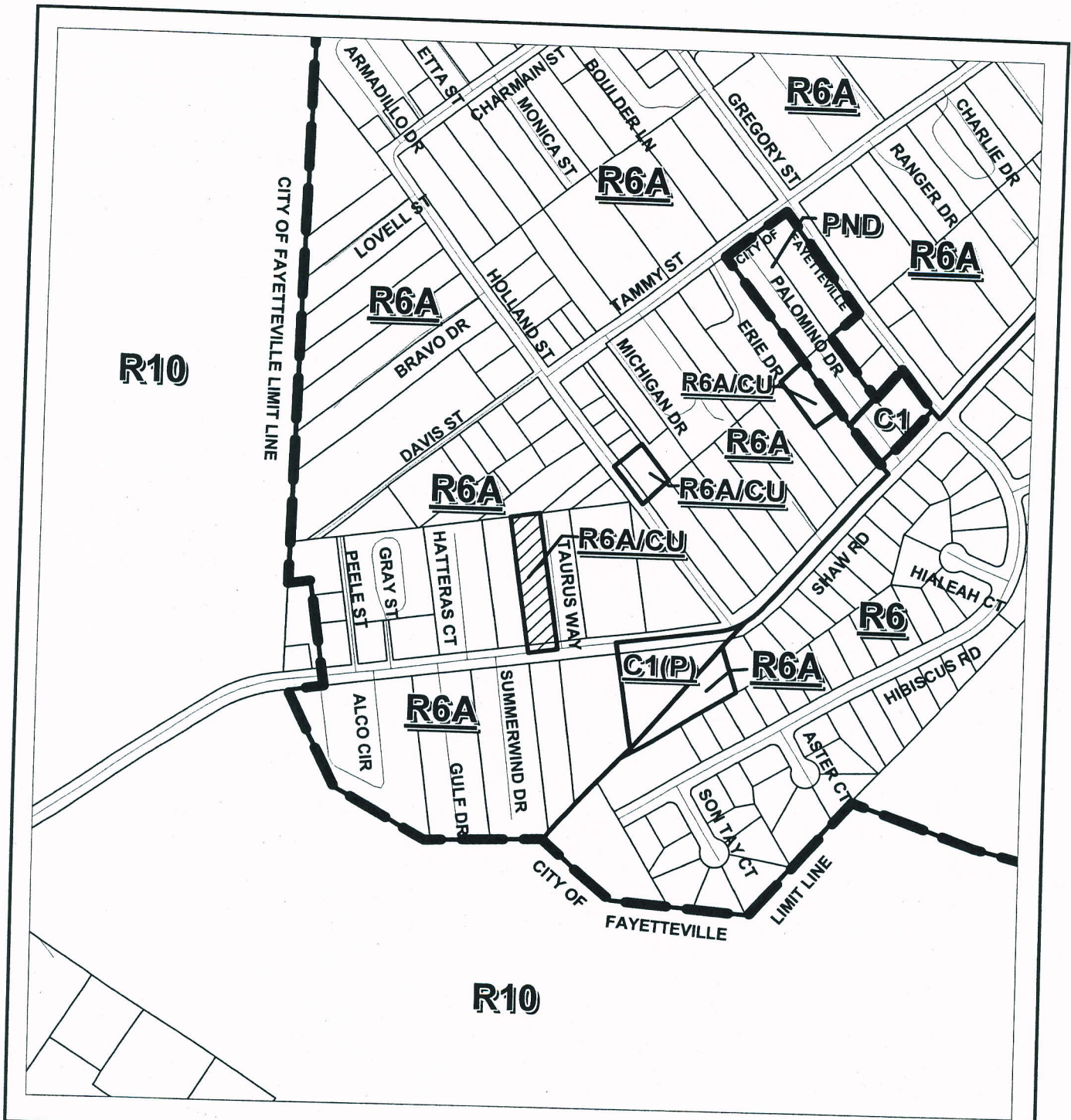
CONVERSION OF MANUFACTURED HOME TO OCCUPANCY OTHER THAN SINGLE FAMILY DWELLING

Manufactured homes are constructed in compliance with Federal Standards, specifically *Part 3280, Manufactured Home Construction and Safety Standards*. Section § 3280.1 of this document indicates that manufactured homes are to be used exclusively as *dwelling units*. The Manufactured Building Division frequently receives inquiries concerning the use of a manufactured home as a sales office, beauty salon, or other type of commercial occupancy for which the home was clearly not designed. All commercial buildings in North Carolina are required to conform to the requirements of applicable volumes of the North Carolina State Building Code -- *NC Building Code, NC Accessibility Code, NC Plumbing Code, NC Mechanical Code, NC Electrical Code, NC Fuel Gas Code* (if applicable), *Modular Construction Regulations* (if applicable), and the *NC Energy Code*. One and two family dwellings and townhouses must comply with the *NC Residential Code, NC Plumbing Code, NC Mechanical Code, NC Electrical Code, and NC Fuel Gas Code, (if applicable)*. Since manufactured homes are constructed to Federal Standards rather than the North Carolina State Building Code, use of these homes *without modification* for other than dwelling units is prohibited.

The above restriction notwithstanding, if a manufactured home owner wishes to *upgrade* his or her home such that it meets the provisions of all applicable volumes of the North Carolina State Building Code, this modification will be permitted. The upgraded unit, no longer considered a manufactured home, will be acceptable for the commercial occupancy to which it has been modified. The following steps must be followed in carrying out the upgrade:

1. A professional engineer or architect, currently registered in North Carolina, must be retained to inspect the unit for evaluation of the existing structural, plumbing, mechanical, and electrical systems. This evaluation will determine whether these systems meet *all* applicable standards in the North Carolina State Building Code for the intended occupancy. If any part of a system is not compliant, the engineer or architect must determine *what corrective measures will be required to bring the unit into compliance* with current Code standards. This procedure will normally require portions of the walls, ceilings, and/or floors to be removed in order to facilitate an adequate inspection. From this inspection and evaluation the engineer or architect must produce a *summary list* indicating which items meet current Code requirements and which items must be modified for Code compliance.
2. All items that are not in compliance with current applicable Code volumes must be modified in accordance with the engineer or architect's specific instructions. All such corrective work must be inspected by the engineer or architect *prior to being covered with finished wall, ceiling, or floor material*.
3. The engineer or architect must also evaluate the foundation system for the unit to determine if it meets North Carolina State Building Code requirements for the intended occupancy. If the foundation is inadequate, necessary modifications must be specified and inspected after completion by the engineer or architect.
4. All accessibility requirements for the intended occupancy must be provided in accordance with the *NC Accessibility Code*, current edition.
5. When all required modifications to the building, including the foundation, have been completed, the engineer or architect must provide *sealed documentation* to the local building official certifying the he or she has *personally inspected* all the work and has determined that the building now meets all current requirements of the North Carolina State Building Code for the intended occupancy.

When the above steps are properly completed, a local building official may accept the upgraded manufactured home for use as a commercial occupancy.



REQUESTED REZONING: R6A/CU TO C(P)/CUD

ACREAGE: 1.00 AC.+/-

HEARING NO: P07-25

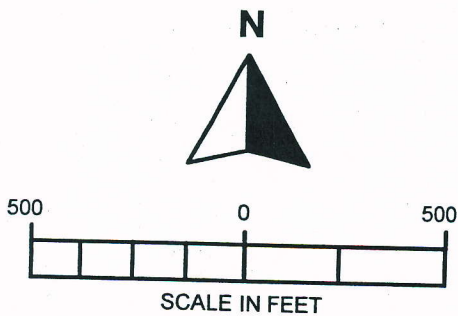
ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

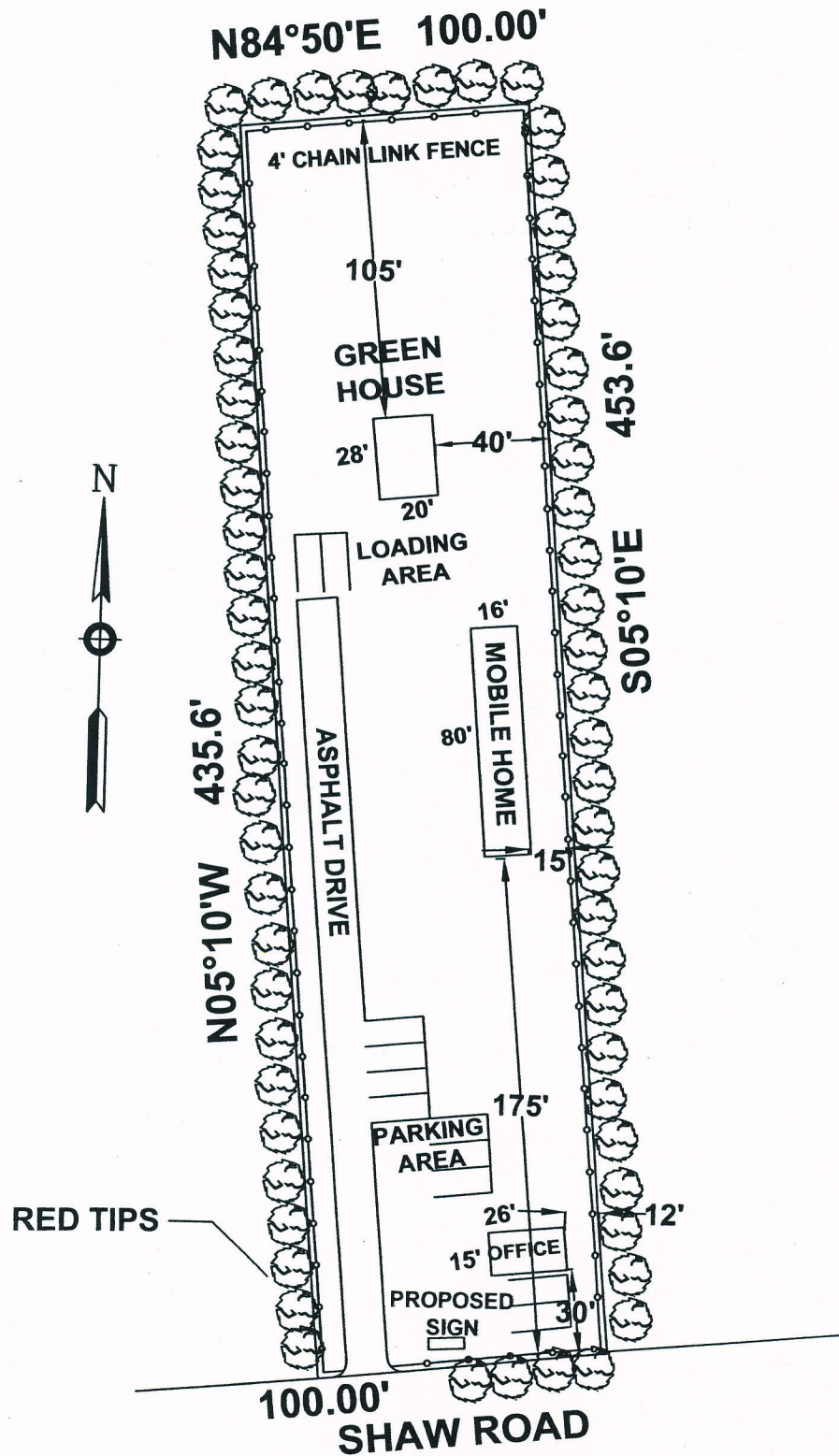
GOVERNING BOARD



PIN: 0419-84-1533-

MAS
Rev. 4-19-07

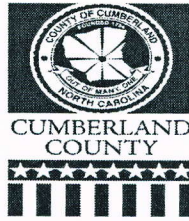
CONDITIONAL USE DISTRICT & PERMIT
REQUEST: TO ALLOW PERMITTED USES WITH EXCLUSIONS.
CASE: P07-25 ACREAGE: 1.00+/-
ZONED: R6A/CU SCALE: NTS
PARKING: SPACES AS SHOWN



Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-33: REZONING OF 2.9 ACRES FROM R40A TO R30A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 804 MAGNOLIA CHURCH ROAD, SUBMITTED BY KATHY BUNCE, OWNED BY BETTY A. AUTRY.

The Planning & Inspections Staff recommends denial of the R30A district based on the following:

1. The R30A district is not consistent with the 2010 Land Use Plan, which calls for "farmland" at this location; and
2. The current zoning is consistent with the character of the general area.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-33

REZONING OF 2.9 ACRES FROM R40A TO R30A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 804 MAGNOLIA CHURCH ROAD, SUBMITTED BY KATHY BUNCE, OWNED BY BETTY A. AUTRY.

Site Information:

Applicant/Owner: KATHY BUNCE / BETTY A. AUTRY

Area: 2.9 acres

Frontage & Location: 298 feet on Magnolia Church Road

Depth: 446 feet (average)

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: September 2, 1996 (Area 20)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40A, East-A1, South-A1, R40, R40A, C(P), and West-A1, R20, Stedman Town limit-R15

Surrounding Land Use: Manufactured home park, single family residential, farmland and woodland

Stedman Study Area Detailed Land Use Plan: Farmland

Municipal Influence Area: Stedman

Urban Services Area: No

Water/Sewer Availability: Well / Septic

Soil Limitations: Yes – Ly (Lynchburg sandy loam)

School Capacity/Enrolled: Stedman Primary 136/139, Stedman Elementary 303/287, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

Subdivisions: Subdivision review, Case 07-011, approval contingent upon rezoning.

Military Impact Area: No

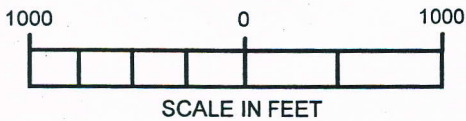
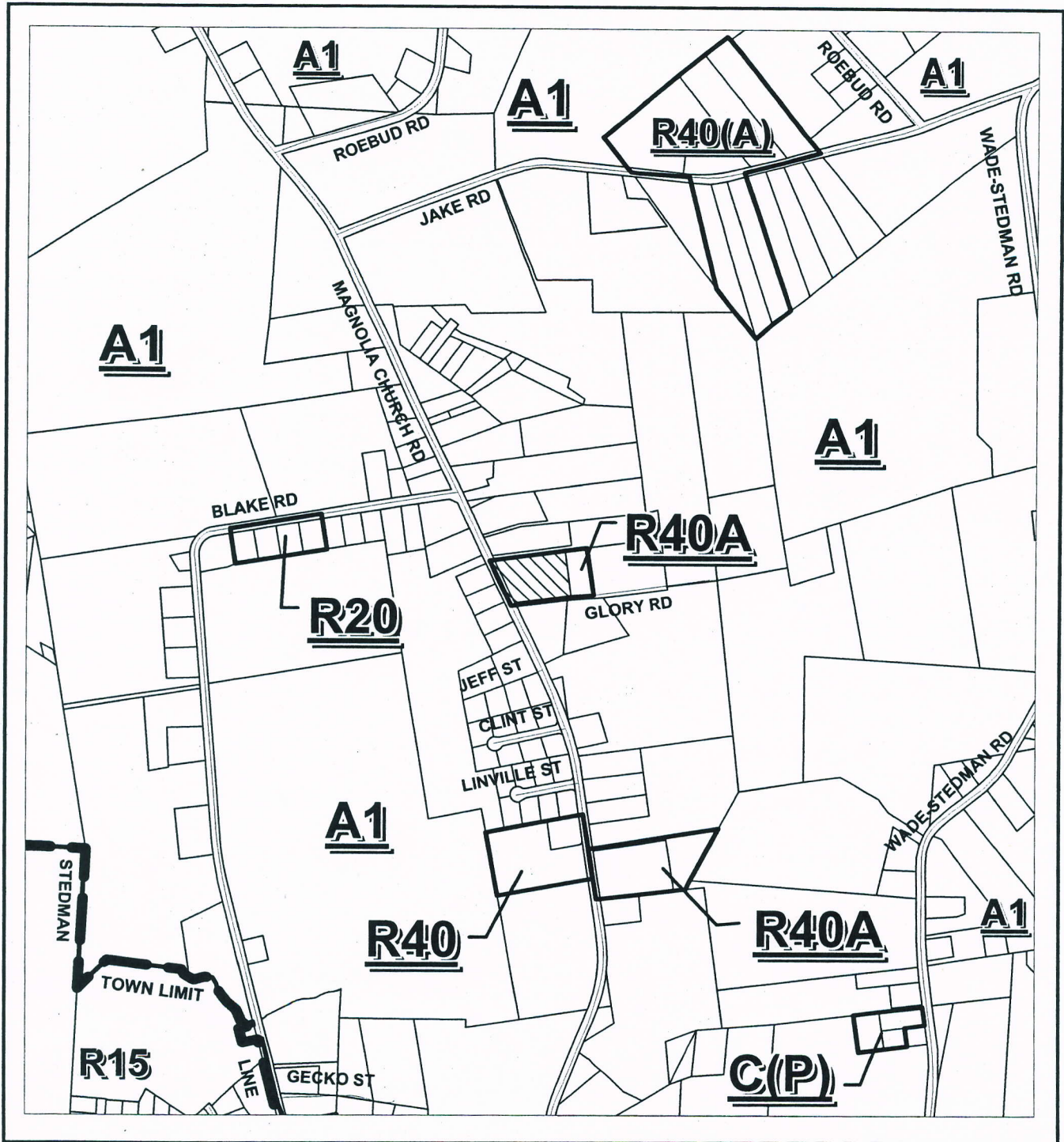
Highway Plan: No road improvements or new construction for this area.

Average Daily Traffic Count (2004): 13,000 on Magnolia Church Road

Notes:

Density: R40A – 3 units
 R30A – 4 units

This parcel was rezoned on January 28, 1997 from A1 to R40A (requested RR).



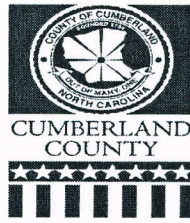
REQUESTED REZONING: R40A TO R30A

ACREAGE: 2.90 AC.+/-		HEARING NO: P07-33	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
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Town of Stedman
Patricia Hall,
Town of Hope Mills



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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-43: REZONING OF THREE PARCELS TOTALING 61.44 ACRES FROM A1 TO R40, LOCATED AT THE NORTH AND EAST SIDE OF SOUTH RIVER SCHOOL ROAD, WEST OF COLLIER ROAD, SUBMITTED BY BOBBY H. WASHINGTON, OWNED BY JANICE E. MCMILLAN.

The Planning & Inspections Staff recommends denial of the request even though the request is consistent with the 2010 Land Use Plan based on the following:

1. The subject property is outside the proposed Sewer Service Area;
2. There are significant hydric soils on the subject property;
3. Typically, in farmland areas, the Staff cannot support rezoning from an agricultural district for tracts of land greater than ten acres;
4. Utilities will not be available to this area within the foreseeable future; and
5. Numerous working farms are located within the surrounding area.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

SITE PROFILE

P07-43

REZONING OF THREE PARCELS TOTALING 61.44 ACRES FROM A1 TO R40, LOCATED AT THE NORTH AND EAST SIDE OF SOUTH RIVER SCHOOL ROAD, WEST OF COLLIER ROAD, SUBMITTED BY BOBBY H. WASHINGTON, OWNED BY JANICE E. MCMILLAN.

Site Information:

Applicant/Owner: BOBBY H. WASHINGTON / JANICE E. MCMILLAN

Area: 61.44 acres

Frontage & Location: 963 feet on South River School Road

Depth: 1,095 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Agricultural and Woodland

Initial Zoning: August 22, 1994 (Area 19)

Zoning Violation(s): None

Surrounding Zoning: North and South-A1, East-CD, A1, and West-A1, R40, R40A

Surrounding Land Use: Single family residential, farmland and woodland

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic tank

Eastover Sanitary District: Recommend request be denied and property remain A1.

The Land Use Plan calls for this area to remain A1, and the 2030 Plan shows this as farmland area. Area residents have voiced concern about this to ESD, and request it to remain A1. The ESD water systems will be designed to support A1, NOT R40.

Soil Limitations: Yes – Le (Leon sand) and Ly (Lynchburg sandy loam)

School Capacity/Enrolled: District 7 Elementary 241/255, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

Subdivisions: A subdivision review or group development will be required prior to development of the properties.

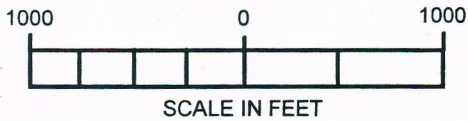
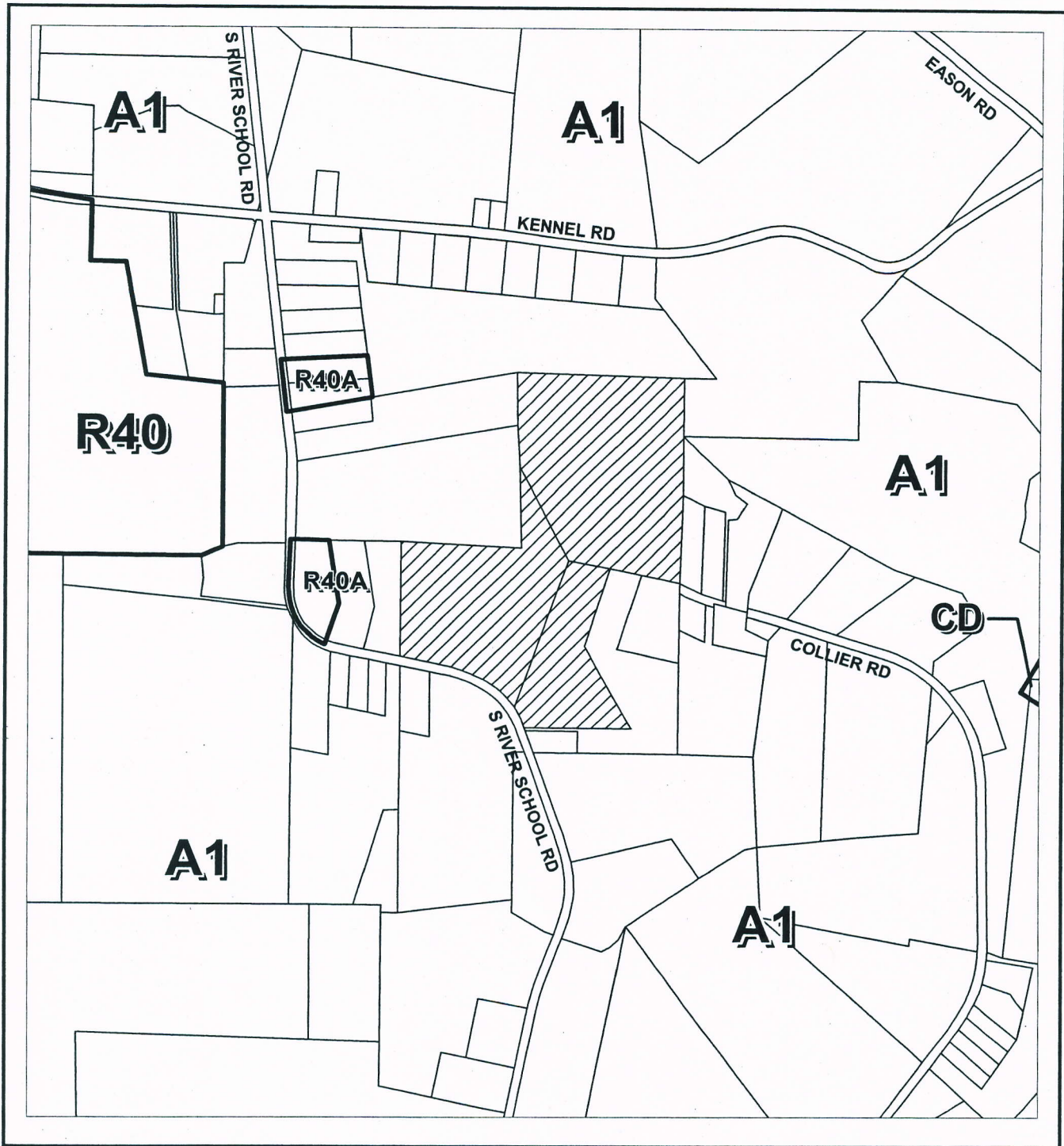
Military Impact Area: No

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

Average Daily Traffic Count (2004): 320 on South River School Road

Notes:

Density minus 20% for roads:	A1 – 24 lots
	R40 – 53 lots



REQUESTED REZONING A1 TO R40

ACREAGE: 61.44 AC.+/-

HEARING NO: P07-43

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

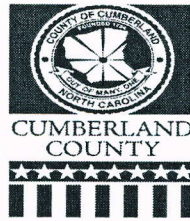
PIN: 0499-79-8011
PIN: 0499-89-6930
PIN: 0499-88-3690

AF
04/20/07

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

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

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

May 8, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 15, 2007 Board Meeting

P07-32: REZONING OF 59.71 ACRES FROM R10 TO MIXED USE/CONDITIONAL USE DISTRICT AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF ROCKFISH ROAD, EAST SIDE OF LAKEWOOD DRIVE, SUBMITTED BY MICHAEL TACKETT, OWNED BY LILLIE M. PATE AND HCC INVESTMENTS, LLC.

The Planning & Inspections Staff recommends approval of Mixed Use/Conditional Use District based on the following:

Although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the request is reasonable and consistent with the growth and development trends within the general area.

The Planning & Inspections Staff recommends approval of the Conditional Use Permit with one exception. The Staff cannot support the curb-cuts for the drive area located closest to the intersection of and having access to Rockfish Road and Lakewood Drive. The Staff recommendation is based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted with the elimination of the curb-cuts referenced above. The Staff strongly disagrees with the developer on this one point and notes that with both curb-cuts being located in close proximity to the intersection and directly across from a school an unsafe traffic situation would be created and the design, as proposed, will encourage "cut-through" traffic;
2. The use will meet all required conditions and specifications if developed according to the site plan and application – a copy of the ordinance provisions pertaining to this site are attached;
3. The use will maintain or enhance the value of adjoining or abutting properties in that this is a quality, well planned development that, if approved, will compliment the area in which it is proposed; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use plan and adopted planning policies.

There are no other suitable zoning districts for this site.

Attachments:

- 1 - Site Profile w/Ordinance Requirements
- 2 - Rezoning Sketch Map
- 3 - Site Plan

SITE PROFILE

P07-32

REZONING OF 59.71 ACRES FROM R10 TO MIXED USE/CONDITIONAL USE DISTRICT AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF ROCKFISH ROAD, EAST SIDE OF LAKEWOOD DRIVE, SUBMITTED BY MICHAEL TACKETT, OWNED BY LILLIE M. PATE AND HCC INVESTMENTS, LLC.

Site Information:

Applicant/Owner: MICHAEL TACKETT / LILLIE M. PATE AND HCC INVESTMENTS, LLC.

Area: 59.71 acres

Frontage & Location: 1,455 feet on Lakewood Drive, 2,360 feet on Rockfish Road

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: February 6, 1976 (Area 5)

Zoning Violation(s): None

Surrounding Zoning: North- RR, R5A, Fayetteville city limit-R10, East-CD, RR, R20, R10, R5A, South-RR, R10, R6A, and West-RR, city limit-R10

Surrounding Land Use: Schools, single family residential, farmland and woodland

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC – extensions will be required to serve the entire site

Soil Limitations: Yes

School Capacity/Enrolled: Stoney Point Elementary 865/840, John Griffin Middle 1274/1294, Jack Britt High 1870/1869

Military Impact Area: No

Highway Plan: Rockfish Road is identified as a Major Thoroughfare and Lakewood Drive is identified as a Minor Thoroughfare. The proposals call for multi-lane facilities (Both are Priority 1). Road improvements are not included in the 2007-2013 MTIP.

Average Daily Traffic Count (2004): 8,000 on Lakewood Drive, 12,000 on Rockfish Road

Notes:

1. Open space: 12.67 acres (21%)
2. Commercial/retail: 23.34 acres (39%)
3. Residential: 23.70 acres (39%) - 72 Townhouse units, 300 Condominiums
4. Parking: Commercial 1,203 spaces, Residential 728 spaces

Mixed Use Development/Conditional Use District & Permit

Ordinance Requirements:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits.
3. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The developer is required to hook up to sewer services and a fee is required to be paid to the County Engineer's Office prior to permit application. These fees are assessed to each lot or structure that hooks up to the "Little Rockfish Interceptor", please contact the County Engineer's Office for fee amount and method of payment.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. *Certificate of Occupancies* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

7. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for maintenance and upkeep of all common area, private drives, common areas and recreational facilities through an owners' association for this development. **These documents must be approved by the County Attorney prior to any permit application and/or the sale of or submission for final plat approval of any lot or unit within this development.**
8. All "uses" within this development are restricted to those uses listed in Section 603, County Zoning Ordinance. Prior to application for permits for any non-residential use within this development, the individual site plans for the non-residential uses must be submitted for review and approval by Staff.
9. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
10. Sections 4.1.c, "Curbs and Gutters"; 4.1.d, "Required Drainage"; 4.1.e, "Sidewalks"; 4.3.g, "Fire Hydrants", and 4.3.h, "Underground Utilities", of the County Subdivision Ordinance must be adhered to. (Note: In addition to the sidewalks shown on the site plan, sidewalks are to be installed along Rockfish and Lakewood Roads with the cost of sidewalk installation along these two roads shared on a fifty-fifty basis between the developer and the County.)

11. All streets/drives are required to be constructed to NC Department of Transportation (NCDOT) standards for secondary roads.
12. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
13. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
14. SR 1112 (Rockfish Road) is identified in the Highway Plan as a "Major Thoroughfare". This proposal calls for a multi-lane facility (4-lane, divided). Road improvements are not included in the 2007-2013 MTIP.
15. SR 1108 (Lakewood Drive) is identified in the Highway Plan as a "Minor Thoroughfare". This proposal calls for a multi-lane facility (4-lane, divided). Road improvements are not included in the 2007-2013 MTIP.
16. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development.
17. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
18. A solid buffer must be provided and maintained as shown on the site plan and noted in the application in accordance with the provisions of Section 1102 G, County Zoning Ordinance.
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. The developer will be required to show landscaping on the site plan for each non-residential use when the individual site plans are submitted to Staff for review and approval. The minimum landscaping standards are in Section 1102 N, County Zoning Ordinance.
21. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Plat-Related:

22. A 10' x 70' sight distance easement shall be required for each street and/or drive where they intersect with SR 1112 (Rockfish Road) and SR 1108 (Lakewood Drive), and shall be reflected on the final plat.
23. The developer must contact the Street Naming Section and receive street name approval prior to submission for final plat approval of any portion of this development.
24. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
25. "Lakewood Drive" must also be labeled as "SR 1108" on the final plat.
26. "Rockfish Road" must also be labeled as "SR 1112" on the final plat.

27. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
28. All units within this development must be served internally and the final plat must reflect a "no access" easement on the subject property along SR 1108 (Lakewood Drive) and SR 1112 (Rockfish Road).
29. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
30. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission of any phase of this development for final plat approval by Land Use Codes.
31. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
32. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Peggy Jennings to schedule an inspection of the improvements.)
33. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statement:

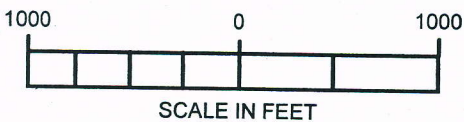
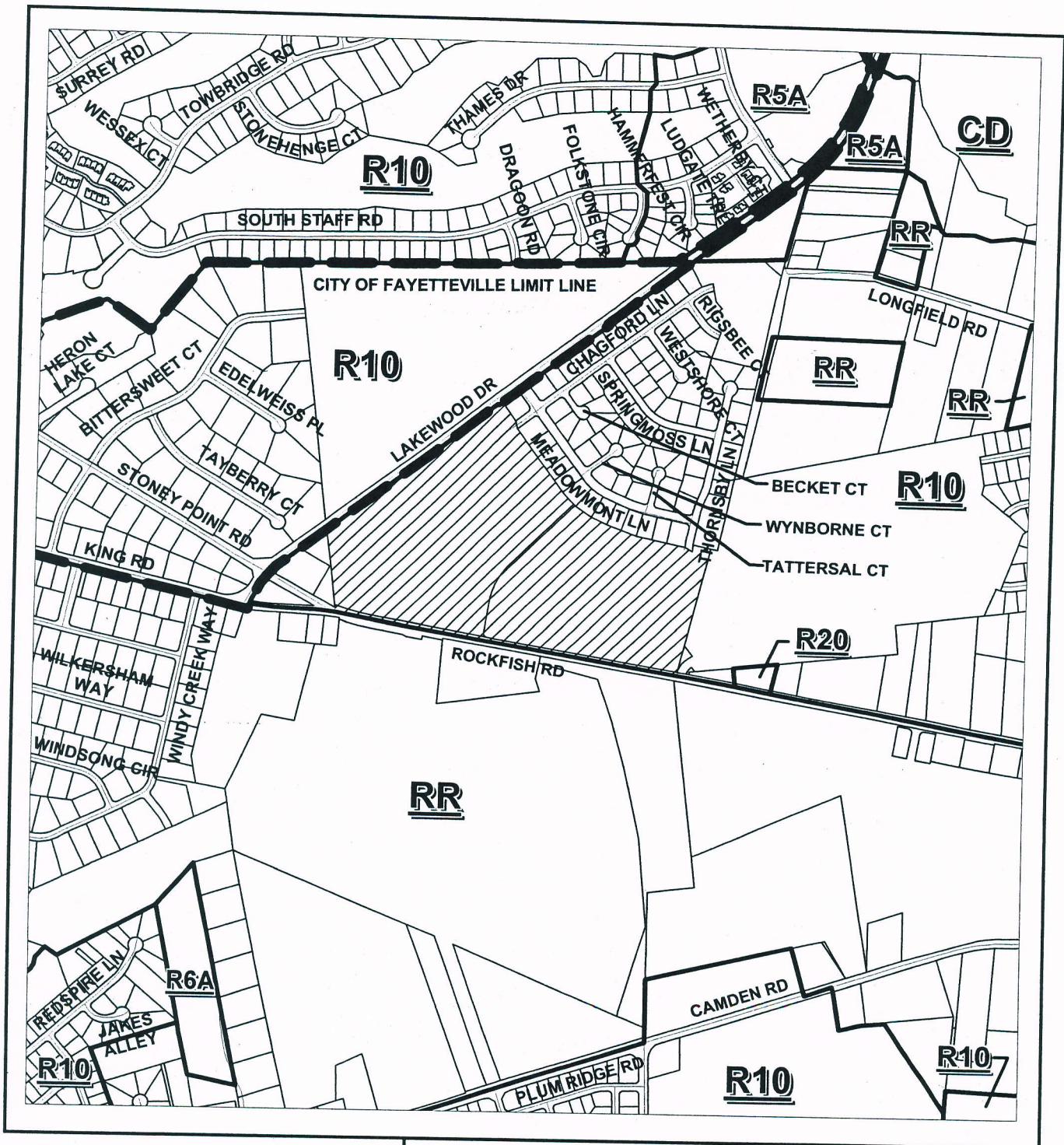
34. The all structures shall be shown on the final plat or the final plat shall reflect the following statement:

"Nonconforming structures have not been created by this subdivision."

If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

Contact Information (Area Code is 910 unless otherwise stated):

Improvements Inspection:	Peggy Jennings	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	483-1401
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496
Transportation Planning	Bobby McCormick	678 7632



REQUESTED REZONING: R10 TO MXD/CUD

ACREAGE: 59.71 AC.+/-

HEARING NO: P07-32

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

NOTES:

1. 72 TOWNHOUSE UNITS
2. 300 CONDOMINIUM UNITS
3. 205,000 SF OF RETAIL/COMMERCIAL BUILDINGS
4. PARKING NEEDED FOR COMMERCIAL 1025 SPACES
5. PARKING SHOWN FOR COMMERCIAL 1203 SPACES
6. PARKING NEEDED FOR MULTIFAMILY 558 SPACES
7. PARKING SHOWN FOR MULTIFAMILY 728 SPACES
8. ACREAGE FOR COMMERCIAL/RETAIL SIDE = 23.34 ACRES
9. ACREAGE FOR MULTIFAMILY SIDE = 23.70 ACRES
10. OPEN/GREEN SPACE REQUIREMENT = 8.96 ACRES
11. OPEN/GREEN SPACE PROVIDED = 12.67 ACRES TOTAL
(6.28 FROM COMMERCIAL/RETAIL AREA)
(6.39 FROM MULTIFAMILY AREA)



MIXED USE DEVELOPMENT - CONDITIONAL USE DISTRICT & PERMIT

CASE: P07-32 ACREAGE: 59.71+-

SCALE: NTS

