

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning & Inspections Department

June 10, 2008

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: County Planning & Inspections Staff

SUBJECT: Staff Recommendation for June 17, 2008 Board Meeting

P08-21: REZONING OF 2.49+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5827 LAKEWOOD DRIVE AND 7010 & 7032 STONEY POINT ROAD, SUBMITTED BY BLAINE LOVELAND, OWNED BY JACK & AVY OFFENHAUSER.

This case was deferred from May 20, 2008 to the June 17, 2008 Planning Board Meeting. The applicant and property owner has requested the "Ockert Tract" (0.49 acres) be excluded from this request. The remaining acreage under consideration is 2.00+/- acres.

The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service and Retail district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for low density residential at this location, the requested district is in character with the approved uses in the immediate area;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential uses at this location; and
3. The subject property is located on a Major Thoroughfare.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

P08-21
SITE PROFILE

P08-21: REZONING OF 2.49+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5827 LAKEWOOD DRIVE AND 7010 & 7032 STONEY POINT ROAD, SUBMITTED BY BLAINE LOVELAND, OWNED BY JACK & AVY OFFENHAUSER.

Site Information:

Frontage & Location: 214.3'+/- on Lakewood Drive & 451.50' +/- on Rockfish Road

Depth: 368.9'+/-

Jurisdiction: Cumberland County

Adjacent Property: No, however, under contract with adjacent owner (MXD/CUD)

Current Use: Residential

Initial Zoning: R10 – February 6, 1976 (Area 5)

Nonconformities: None; if approved, current use would be nonconforming

Zoning Violation(s): None

Surrounding Zoning: North & West: R10 (Fayetteville); East: MXD/CUD; South: RR

Surrounding Land Use: Residential (including manufactured home), utility substation; public schools (2); woodlands; public recreation center

2010 Land Use Plan: Low density residential

Special Flood Hazard Area (SFHA): None

Urban Services Area: Yes

Water/Sewer Availability: PWC/PWC; connection required upon new development

NCDOT: Developer will have to apply for a driveway permit; turn lane may be required

Soil Limitations: None

School Capacity/Enrolled: Stoney Point Elementary: 900/930; John Griffin Middle: 1340/1321; Jack Britt High: 1870/1895

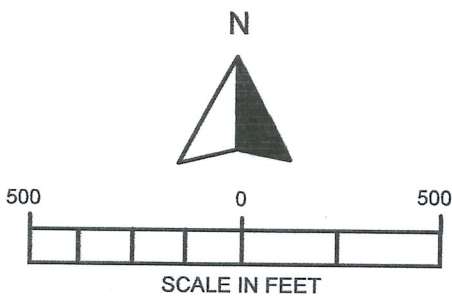
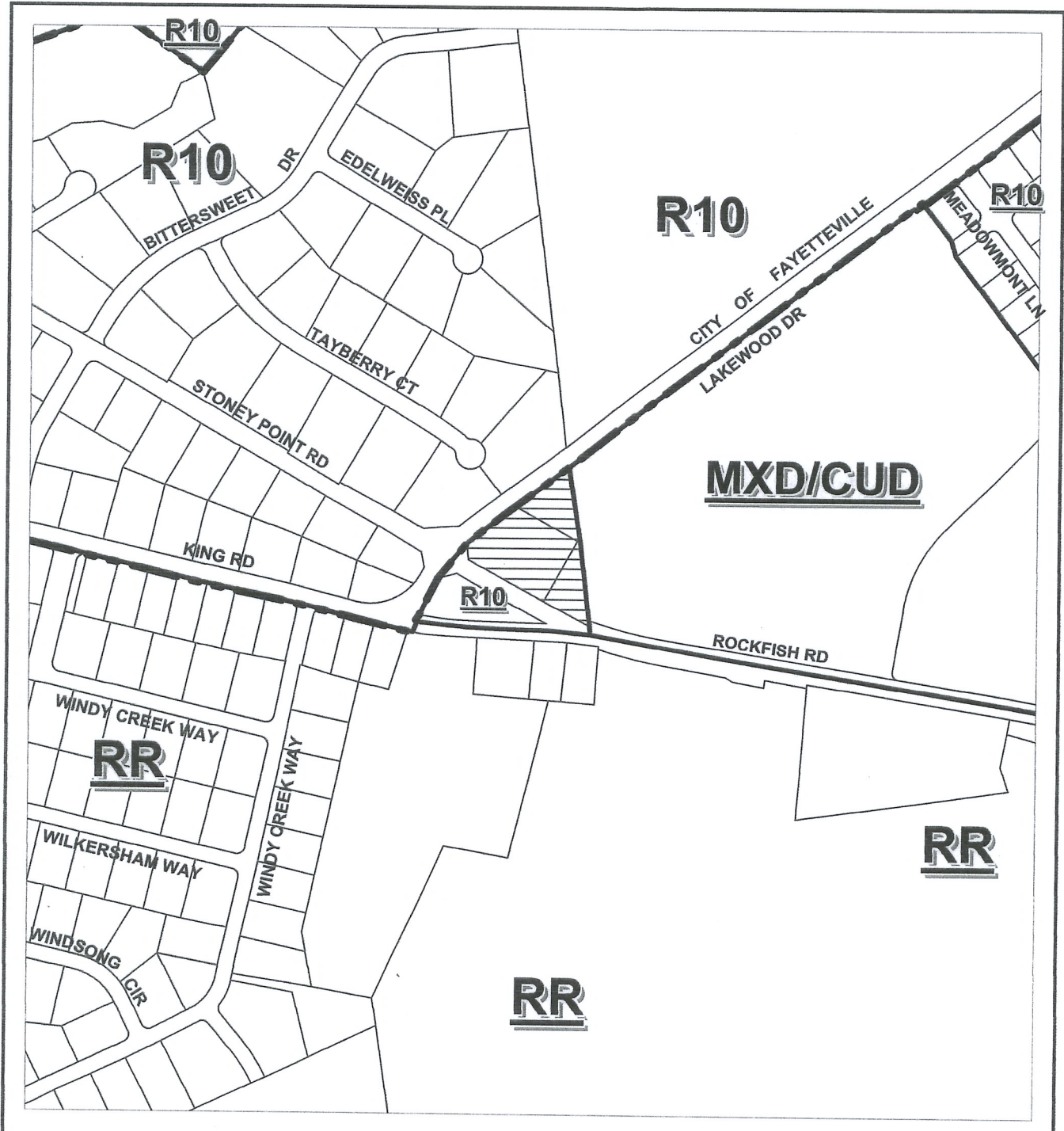
Subdivision/Site Plan: If approved, site plan review required prior to permits

Average Daily Traffic Count (2006): 12,000 on Rockfish Road, 3,600 on King Road and 9,300 on Stoney Point Road

Highway Plan: Rockfish Road and Stoney Point Road are identified in the Highway Plan as a major thoroughfare. This proposal calls for widening to a multi-lane facility (4 lane-divided). This is a Priority Two Project under the LRTP

First Class Mailed Notice Certification

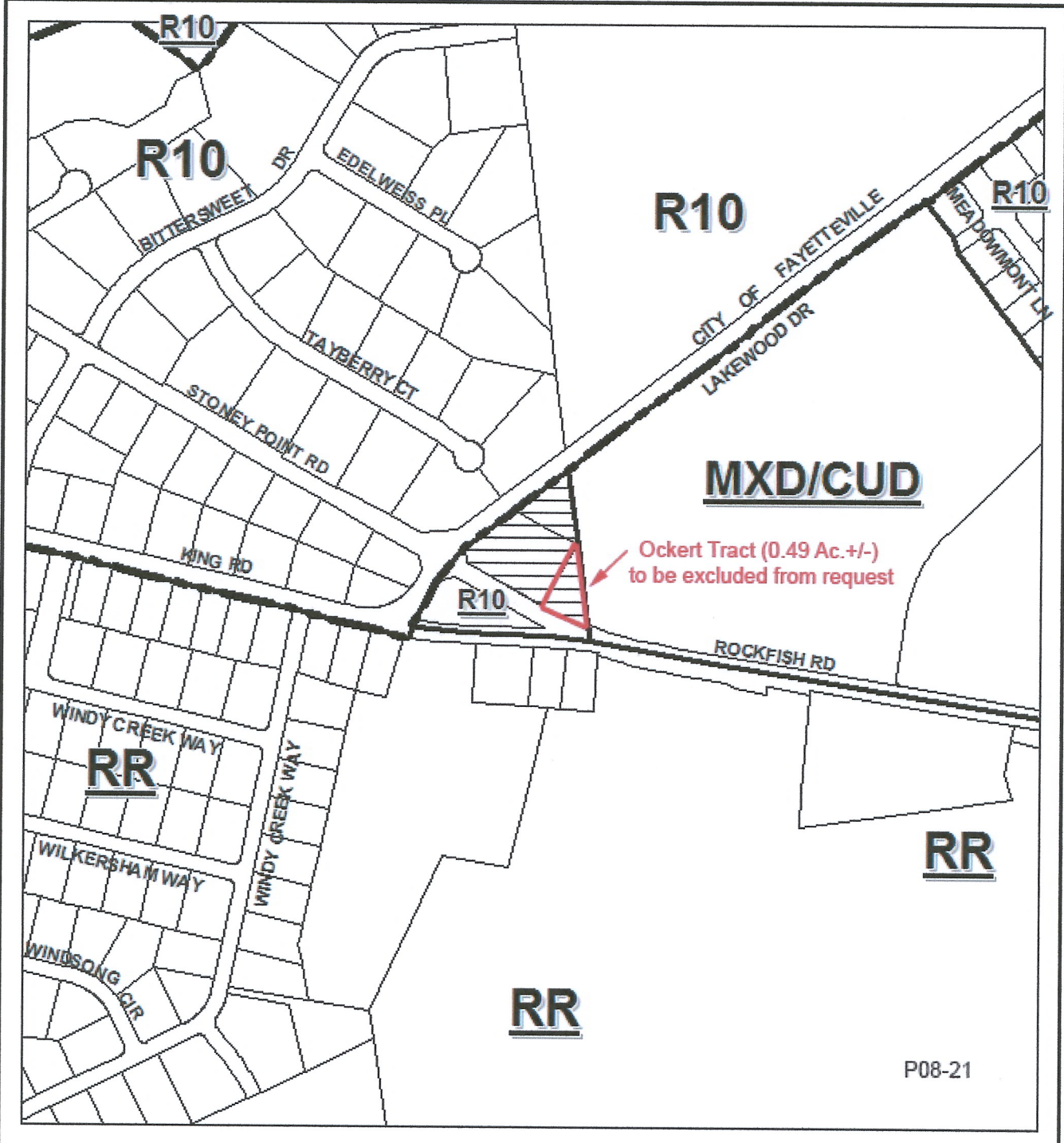
A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



PIN: 9494-58-4227, 3554, 2359

REQUESTED REZONING R10 TO C2(P)

ACREAGE: 2.49 AC.+/-		HEARING NO: P08-21	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for June 17, 2008 Board Meeting

P08-24: REZONING OF 0.41+/- ACRES FROM R6A RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 810 CHAPEL HILL ROAD, SUBMITTED AND OWNED BY DANIEL J. CULLITON.

The Planning & Inspections Staff recommends approval of the request for C1(P) Planned Local Business district based on the following:

1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for low density residential at this location, rezoning the subject property is in character with the adjacent zoning and uses in the immediate area;
2. The subject property is adjacent to a Major Thoroughfare and commercial property.

The R6, R5, and R5A Residential district could also be found suitable for this area.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

P08-24
SITE PROFILE

P08-24: REZONING OF 0.41+/- ACRES FROM R6A RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 810 CHAPEL HILL ROAD, SUBMITTED AND OWNED BY DANIEL J. CULLITON.

Site Information:

Frontage & Location: 0.50'+/- on Chapel Hill Road

Depth: 361.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, two lots on the north side

Current Use: Commercial

Initial Zoning: R6A - January 7, 1977 (Area 11)

Nonconformities: None

Zoning Violation(s): Contact letter sent notifying property owner they were in violation due to demolition without permit and debris being dumped on site

Surrounding Zoning: North: RR, R10, R10/CU(allow manufactured home), R6A, C3, & M(P); R10 & C3(Spring Lake); East: R10, R6A, C3, & C(P)(Spring Lake); South: R10, R6A, & C(P); R10, R6, R6A, R5A, C1, C3, & C(P)(Spring Lake); West: R10, R6A, & C1(P); R10 & R6(Spring Lake)

Surrounding Land Use: Religious worship facility (2); shopping center, motor vehicle parts and accessories; hairdressing services; vacant commercial structure being demolished; residential (to include duplex, apartment buildings, and manufactured homes); woodlands

Spring Lake Land Use Plan: Low density residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Town of Spring Lake/Septic; public sewer approximately 1000 feet away (connection not mandatory)

Soil Limitations: None

School Capacity/Enrolled: Manchester Elementary: 340/369; Spring Lake Middle: 700/480; Pine Forest High: 1750/1637

Sewer Service Area: Yes

Military Impact Area: Not located within an Accident Potential Zone (APZ) or critical noise area. Any structures, construction cranes, or communications towers of significant height associated with this case, applicant is advised to file FAA Form 7460-1 with the Federal Aviation Administration to determine any potential impact to Pope AFB/Ft Bragg flying operations

Subdivision/Site Plan: Recombination plat required for lot to be viable for development

NCDOT: Developer will have to apply for a driveway permit

Average Daily Traffic Count (2006): 20,000 on Lillington HWY; 4,100 on Chapel Hill Road; 1,300 on Pine Tree Lane

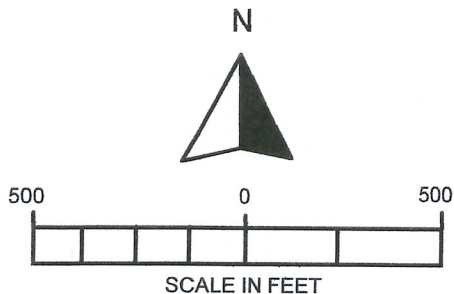
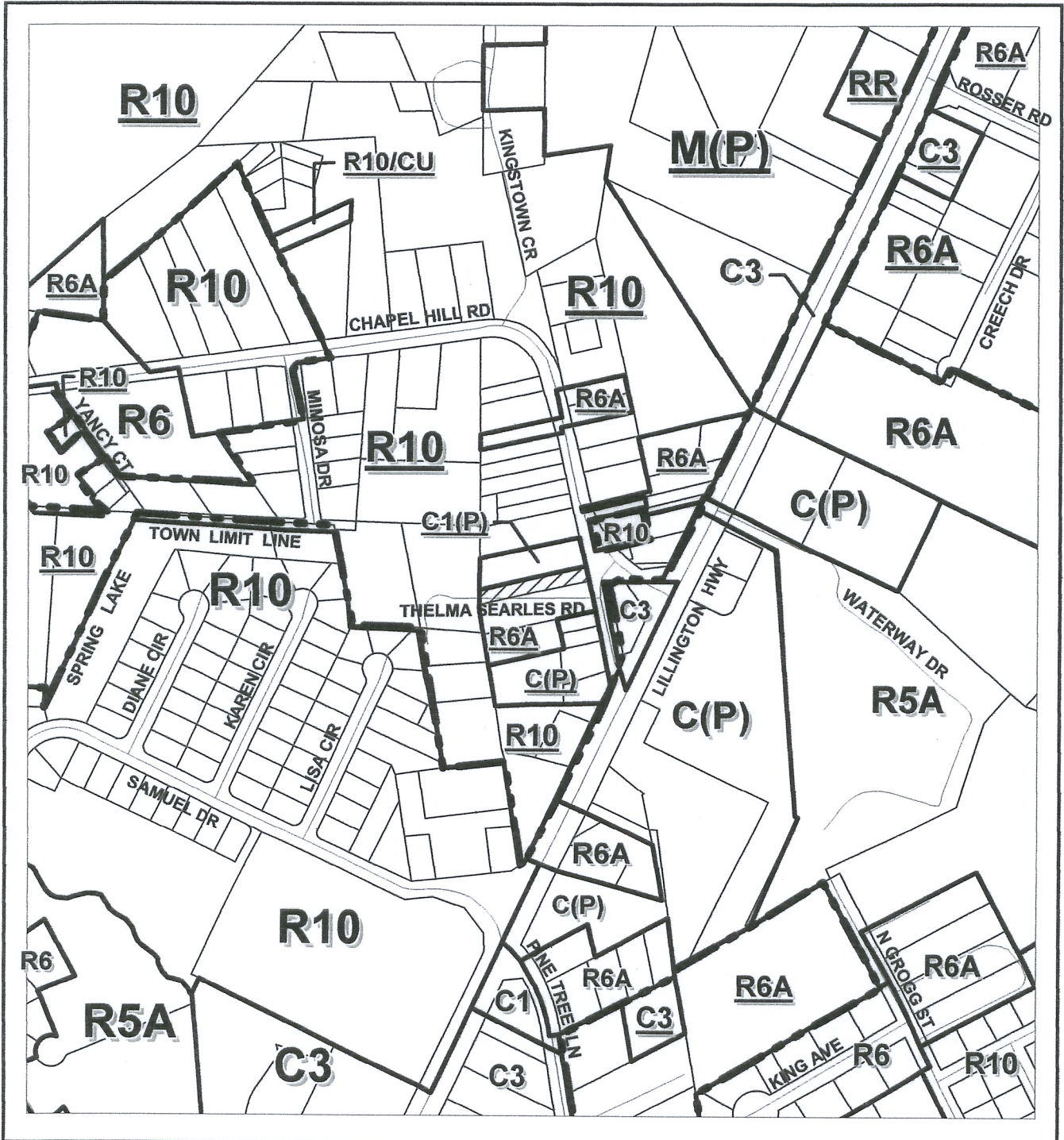
Highway Plan: Chapel Hill Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. This is a Priority #1 in the Highway Portion off the LRTP

Notes:

- Thelma Searles Road is not an approved private or public street; it is a trail named for "911" emergency purposes.

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



PORT. OF PIN: 0502-91-9291

REQUESTED REZONING R6A TO C1(P)

ACREAGE: 0.41 AC.+/-	HEARING NO: P08-24	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

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Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for June 17, 2008 Board Meeting

P08-25: REZONING OF 1.29+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL/CONDITIONAL USE DISTRICT (TWO RESIDENTIAL UNITS) AND C(P)/CUD PLANNED COMMERCIAL/CONDITIONAL USE DISTRICT (TRADE CONTRACTOR ACTIVITIES WITH OUTSIDE STORAGE OF EQUIPMENT) OR TO A MORE RESTRICTIVE ZONING DISTRICT AND THE PERMIT LOCATED AT 5445 NC HWY 210 SOUTH, SUBMITTED AND OWNED BY EDDIE L. NAYLOR, JR.

The Planning & Inspections Staff recommends approval of the request for RR/CUD Rural Residential/Conditional Use District (two residential units) and C(P)/CUD Planned Commercial/Conditional Use District (trade contractor activities with outside storage of equipment) based on the following:

- Although the request is not consistent with the 2010 Land Use Plan which calls for farmland at this location, the uses requested for the rural residential and planned commercial districts are somewhat compatible with the surrounding uses in the general area.

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

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

1. The requested use will not materially endanger the public health and safety if located according to the site plan submitted;
2. The use will meet all required conditions and specifications if constructed according to County Zoning Ordinances, the requirements of which are attached to this recommendation; and
3. The location and character of the use, if developed according to the site plan as submitted, will be in harmony with the area in which it is to be located since several non-residential uses are existing in the general area.

The Staff is also recommending:

1. That the applicant's request to "no rear buffer" be denied and that a buffer be provided between the two requested districts; and
2. The outdoor storage to be fenced and not more than ten vehicles is parked on site at any one time.

The applicant has verbally agreed to all the conditions in the "Ordinance-Related Conditions" and the staff recommendation.

Attachments:

1-Site Profile 2- Sketch Map 3- Site Plan 4- Ordinance-Related Conditions 5- Application

P08-25
SITE PROFILE

P08-25: REZONING OF 1.29+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL/CONDITIONAL USE DISTRICT (TWO RESIDENTIAL UNITS) AND C(P)/CUD PLANNED COMMERCIAL/CONDITIONAL USE DISTRICT (TRADE CONTRACTOR ACTIVITIES WITH OUTSIDE STORAGE OF EQUIPMENT) OR TO A MORE RESTRICTIVE ZONING DISTRICT AND THE PERMIT LOCATED AT 5445 NC HWY 210 SOUTH, SUBMITTED AND OWNED BY EDDIE L. NAYLOR, JR.

Site Information:

Frontage & Location: 165.00'+/- on NC HWY 210 S

Depth: 334.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Front residential; rear vacant

Initial Zoning: A1 – September 3, 1996 (Area 20)

Nonconformities: Yes, legal nonconforming lot and structures existed prior to zoning

Zoning Violation(s): None

Surrounding Zoning: North: A1, A1/CU (1 house & 2 manufactured homes on 4.20 acres), & A1/CU (2 manufactured homes on 0.93 acres on nonconforming lot); East: A1, R40 & A1/CU (allow placement of second manufactured home on 1.00 acre); South & West: A1

Surrounding Land Use: Religious worship facility; commercial farm; residential (including manufactured homes); farmland; and woodlands

2010 Land Use Plan: Farmland

Special Flood Hazard Area (SFHA): None

Sewer Service Area: No

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: J. W. Seabrook Elementary: 310/342; Mac Williams Middle: 1270/1162; Cape Fear High: 1425/1470

Subdivision/Site Plan: See attached “Ordinance-Related Conditions”

Average Daily Traffic Count (2006): 1900 on NC HWY 210 S

Highway Plan: This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

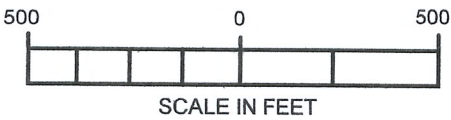
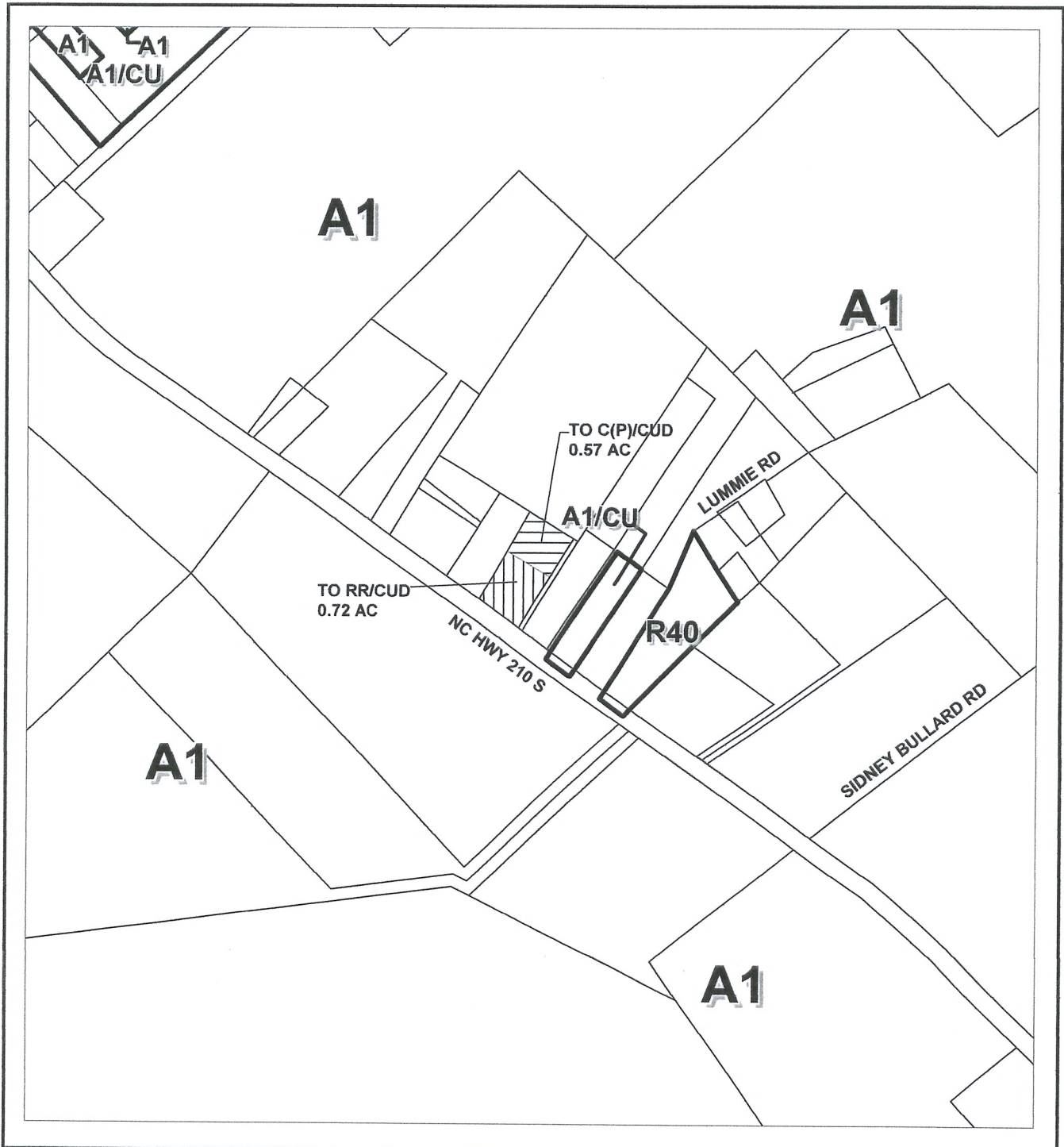
1. Contents of the application:

- Applicant has stated he is not dividing the property into two tracts.
- Requesting to continue using the existing front portion as residential with the rear portion to be approved for business (trade contractor); company vehicles will not be parked on site continuously
- Requesting no buffer to rear, commercial farm adjacent to subject property
- Days of Operation: Mon thru Fri, 6am to 8pm; 20 employees
- If approved, the “Ordinance-Related Conditions” are attached

Density (for requested residential portion 0.72 acres):
R40A – 0 lots (31,363 sqft)
R30A – 1 lot/1 unit
RR – 1 lot/2 units

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.

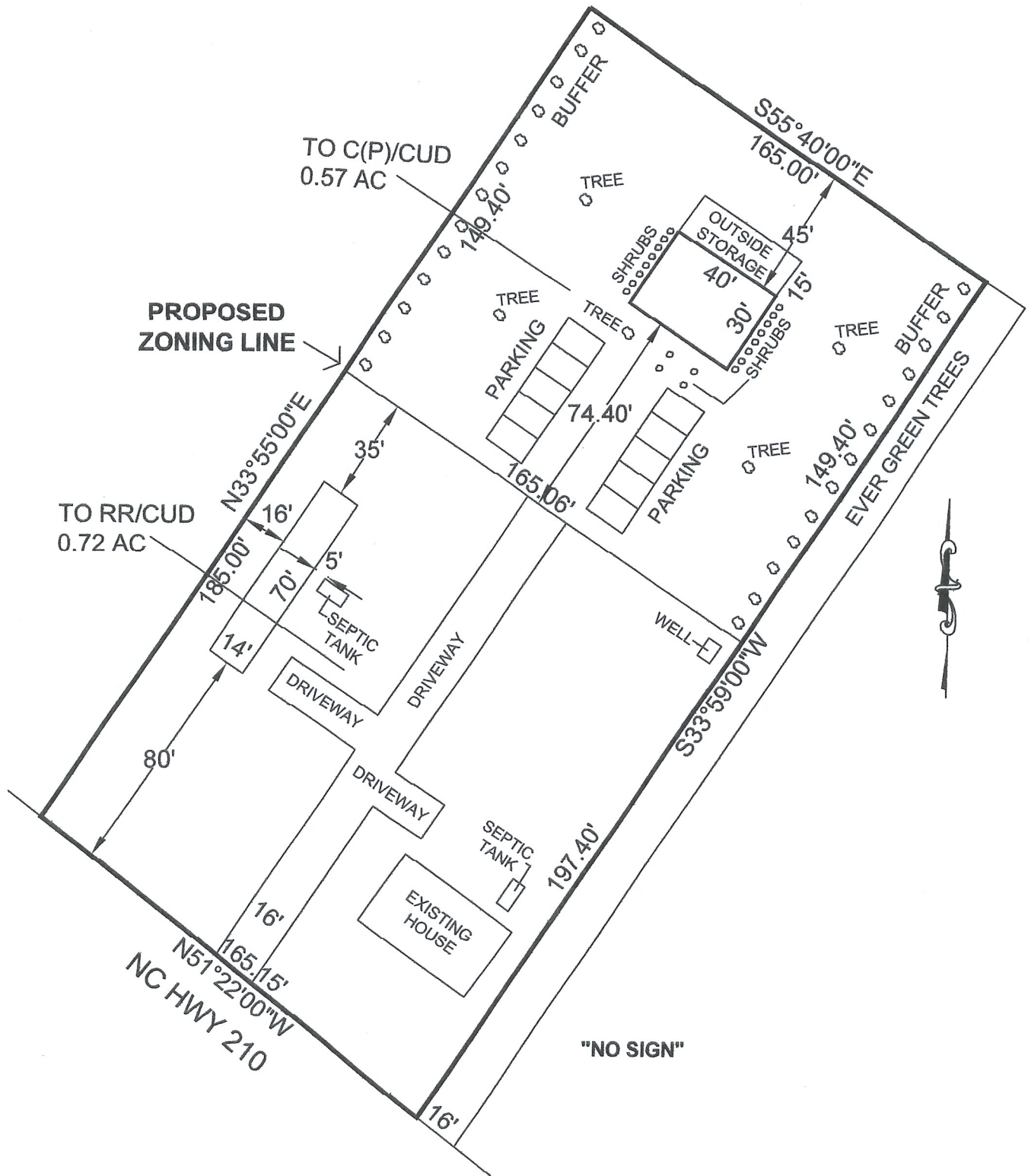


REQUESTED REZONING: A1 TO RR/CUD & C(P)/CUD

ACREAGE: 1.29 AC. +/-		HEARING NO: P08-25	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0474-98-7049

JM
6/5/08



CONDITIONAL USE DISTRICT AND PERMIT
REQUEST: TRADE CONTRACTOR ACTIVITIES WITH OUTSIDE STORAGE OF
EQUIPMENT & RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT

CASE: P08-25 ACREAGE: 1.29 ±

ZONED: A1 SCALE: 1"=50'

PARKING: AS SHOWN

NOTE: SITE PLAN AS SUBMITTED BY APPLICANT

**Conditional Use District & Permit
Ordinance Related Conditions**

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. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. Prior to the issuance of any building/zoning permits for this site, a copy of the State's post-construction permit must be provided to County Code Enforcement.
4. The developer must/may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Landscaping must be provided as shown on the site plan or at a minimum, one ornamental tree and eight shrubs must be provided in the same general location as shown on the site plan. In addition:
 - a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

DRAFT

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision & Zoning Ordinances, the contents of the application and conditions placed on the permit RR/CUD and the C(P)/CUD zoning districts must be complied with, as applicable.
9. This conditional approval is not approval of any freestanding signs. Attached signage for this development must 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 for the permit or the size, shape, or location of any signs.)
10. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.
11. "NC HWY 210" must be labeled as "NC HWY 210 S" on any future plans.
12. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
13. Any new utilities, except for 25kv or greater electrical lines, must be located underground.
14. This conditional approval is not approval of any new driveways.
15. 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.
16. A solid buffer must be provided and maintained along the side yard property lines for the area zoned C(P)/CUD property lines in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: The application contains a request for not being required to provide a buffer along the rear property line; therefore, this condition will be updated after the Board of Commissioners' ruling on the request.)
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. Off-street parking for the non-residential use must be provided as shown on the site plan.
19. Open storage may not be placed on this site in any area other than the area shown on the site plan.
20. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Other Relevant Conditions:

21. The applicant is advised to consult an expert on wetlands before proceeding with any development.

DRAFT

22. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

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
Ground Water/Public Utilities:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NC DENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NC Division of Water Quality	Mike Randall	(910) 733-5083 ext. 545

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

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

1. APPLICANT/AGENT: Eddie Naylor
2. ADDRESS: 4341 Swanson Dr. ZIP CODE: 28312
3. TELEPHONE: (Home) 910 486 8974 (Work) 263 3041
4. Location of Property: 5445 Hwy. 210 S.
5. Parcel Identification Number (PIN #) of subject property: 0474-98-7049
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.29 Frontage: 165' Depth: 334'
7. Water Provider: well
8. Septage Provider: septic
9. Deed Book 2866, Page(s) 333, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: front residential - rear vacant
11. Proposed use(s) of the property: front residential - rear electric company

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: A1

TO: (select one)

- Conditional Use District, with an underlying zoning district of CPCU - .545 ac
(Article V) R/R / C/U - .721'
- Mixed Use/Conditional Use District (Article VI)
- Planned Neighborhood District/Conditional Use District (Article VII)
- Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

rear - Electrical Equipment / storage

Front - restrict to two residential units

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

RR / CU - 721 AC

N/A

CPCU - .545 AC

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

See site plan ~~N/A~~

- B. Off-street parking and loading, Sec. 1202: List the number of spaces, type of surfacing material and any other pertinent information.

See site plan ~~N/A~~

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

~~SEE MAP~~

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). NOTE: All required landscaping must be included on the site plan.

see map

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

request no buffer to rear because adjacent to commercial farm Trees | see map

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

Mon thru Fri 6 am - 8 am

20 employees - business vehicle not to stay on site

4 - 150 watt Floods directed internally

Does not intend to divide property in two tracts. Intend + NO new driveway to be added for property to remain in one Tract

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. ACKNOWLEDGEMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (change) rests with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. 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.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

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

Eddie Naylor
NAME OF OWNERS (PRINT OR TYPE)

4341 Swindow Dr. Fayette NC 28312
ADDRESS OF OWNER(S)

2633041
HOME TELEPHONE #

2633641
WORK TELEPHONE #

[Signature]
SIGNATURE OF OWNER(S)

[Signature]
SIGNATURE OF OWNER(S)

PENDING AMENDMENT

P08-26

County Zoning Ordinance
Article XVI, Board of Adjustment
Section 1606 Special Use Permits, sub-section E. Expiration of Permits
and Section 1607 Hearings

CURRENT MEETING INFORMATION:

June 17, 2008, 7:00 pm, Historic Courthouse, 130 Gillespie Street, Fayetteville,
2nd floor hearing room

CASE HEADING:

P08-26. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI. BOARD OF ADJUSTMENT, SECTION 1606 SPECIAL USE PERMITS SUB-SECTION E. EXPIRATION OF PERMITS AND SECTION 1607 HEARINGS.

ADDITIONAL INFORMATION:

This amendment is being proposed to clearly address when an approved Special Use Permit may have to go back to the County Board of Adjustment. Also, to clarify the type of hearings to be conducted when a case is presented to the County Board of Adjustment and clearly state that the parties to a variance or special use case have a right to question.

P08-26
COUNTY ZONING ORDINANCE AMENDMENT

AMENDMENT

P08-26. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI. BOARD OF ADJUSTMENT, SECTION 1606 SPECIAL USE PERMITS SUB-SECTION E. EXPIRATION OF PERMITS AND SECTION 1607 HEARINGS.

AMEND Article XVI Board of Adjustment, Section 1606 Special Use Permits, Sub-section E Expiration of Permits, as indicated:

SECTION 1606 SPECIAL USE PERMITS

E. Expiration of Permits. Any Special Use granted becomes null and void if not exercised within the time specified in such approval, or if no date is specified, within one calendar year from the date of such approval. Furthermore, once the Certificate of Occupancy has been issued for a Special Use and then the Special Use ceases to exist for a time period of one calendar year or more, a resubmittal of the Special Use application for the same use may be required if there has been a material change in the ordinance standards ~~the Special Use Permit shall become void.~~

AMEND Article XVI Board of Adjustment, Section 1607 Special Use Permits, as indicated:

SECTION 1607 HEARINGS

Any variance or Special Use Permit application ~~case~~ considered by the Board of Adjustment requires a quasi-judicial ~~public~~-hearing. All other applications considered by the Board shall be considered in the manner in which the governing regulation establishes. The Board shall fix a reasonable time for hearing and give public notice as well as due notice to the parties in interest. Each quasi-judicial ~~The~~ hearing shall follow quasi-judicial requirements including sworn testimony, the reliance on competent evidence, the right to question witnesses, avoiding ex parte contact and bias and matching up evidence to findings of fact. At the hearing, any person or party may appear in person or by agent or attorney. The Board shall take action on all matters within a reasonable time after the termination of the proceedings.

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY *of* CUMBERLAND

Planning & Inspections Department

June 10, 2008

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for June 17, 2008 Board Meeting

P08-27: REZONING OF 1.12+/- ACRES FROM R10 RESIDENTIAL AND O&I(P) PLANNED OFFICE AND INSTITUTIONAL DISTRICT TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTHWEST OF RAMSEY STREET AND SOUTHEAST OF MCCLOSKEY ROAD, SUBMITTED BY NEIL YARBOROUGH, OWNED BY SANDRA HARSHBERGER, MIKE MOLINA, MARSELLIS GEORGE, AND FAYETTEVILLE LONGHILL POINTE LLC.

The Planning & Inspections Staff recommends approval of the R5A Residential district based on the following:

1. Even though the request is not consistent with the North Fayetteville Area Detailed Land Use Plan which calls for low density and open space, the request is consistent with the zoning and land uses in the general area;
2. The existing infrastructure in the area can support the density allowed in the R5A district;
and
3. Upon development, connection to public utilities will be required.

The R6 Residential district could also be considered suitable for this location.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

P08-27
SITE PROFILE

P08-27: REZONING OF 1.12+/- ACRES FROM R10 RESIDENTIAL AND O&I(P) PLANNED OFFICE AND INSTITUTIONAL DISTRICT TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTHWEST OF RAMSEY STREET AND SOUTHEAST OF MCCLOSKEY ROAD, SUBMITTED BY NEIL YARBOROUGH, OWNED BY SANDRA HARSHBERGER, MIKE MOLINA, MARSELLIS GEORGE, AND FAYETTEVILLE LONGHILL POINTE LLC.

Site Information:

Frontage & Location: 84.99'+/- on McCloskey Road

Depth: 730.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, north, south, and east sides in relation to subject property

Current Use: Garage and sheds

Initial Zoning: R10- July 3, 1972 & August 21, 1972 (Area 1)

Nonconformities: None

Zoning Violation(s): None

Watershed: Yes, development subject to County Watershed Ordinance provisions

Surrounding Zoning: North: R10, R5A & C(P); East: R10, C(P), & M(P); South: County: R10, O&I(P), & C(P); City of Fayetteville: R10, PND, & C1(P); West: R5A & PND

Surrounding Land Use: Residential (to include multi-family); public school; woodlands (Fayetteville)

North Fayetteville Area Detailed Land Use Plan: Primarily low density residential; small portion open space

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC; extension/connection required

Soil Limitations: None

School Capacity/Enrolled: Raleigh Road Elementary: 220/249; Long Hill Elementary: 460/523; Pine Forest Middle: 820/820; Pine Forest High: 1750/1637

Sewer Service Area: Yes

Military Impact Area: Pope AFB has no objection to this case. Subject property is not located within an Accident Potential Zone (APZ) or critical noise area; applicant is advised to file FAA 7460-1 with the Federal Aviation Administration

RLUAC: No objection; encourage clustering of development to preserve forest and farming character

Subdivision/Site Plan: Review and approval required; 217 multi-family pending approval on the adjacent R5A property (Case No. 08-062)

Average Daily Traffic Count (2006): 38,000 on Ramsey Street (US 401 N); 4,700 on Melstone Drive

Highway Plan: No impact on the current Highway Plan or Transportation Improvement Program

Notes:

Density

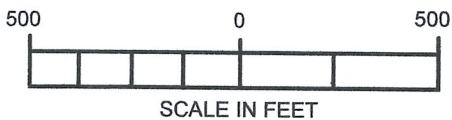
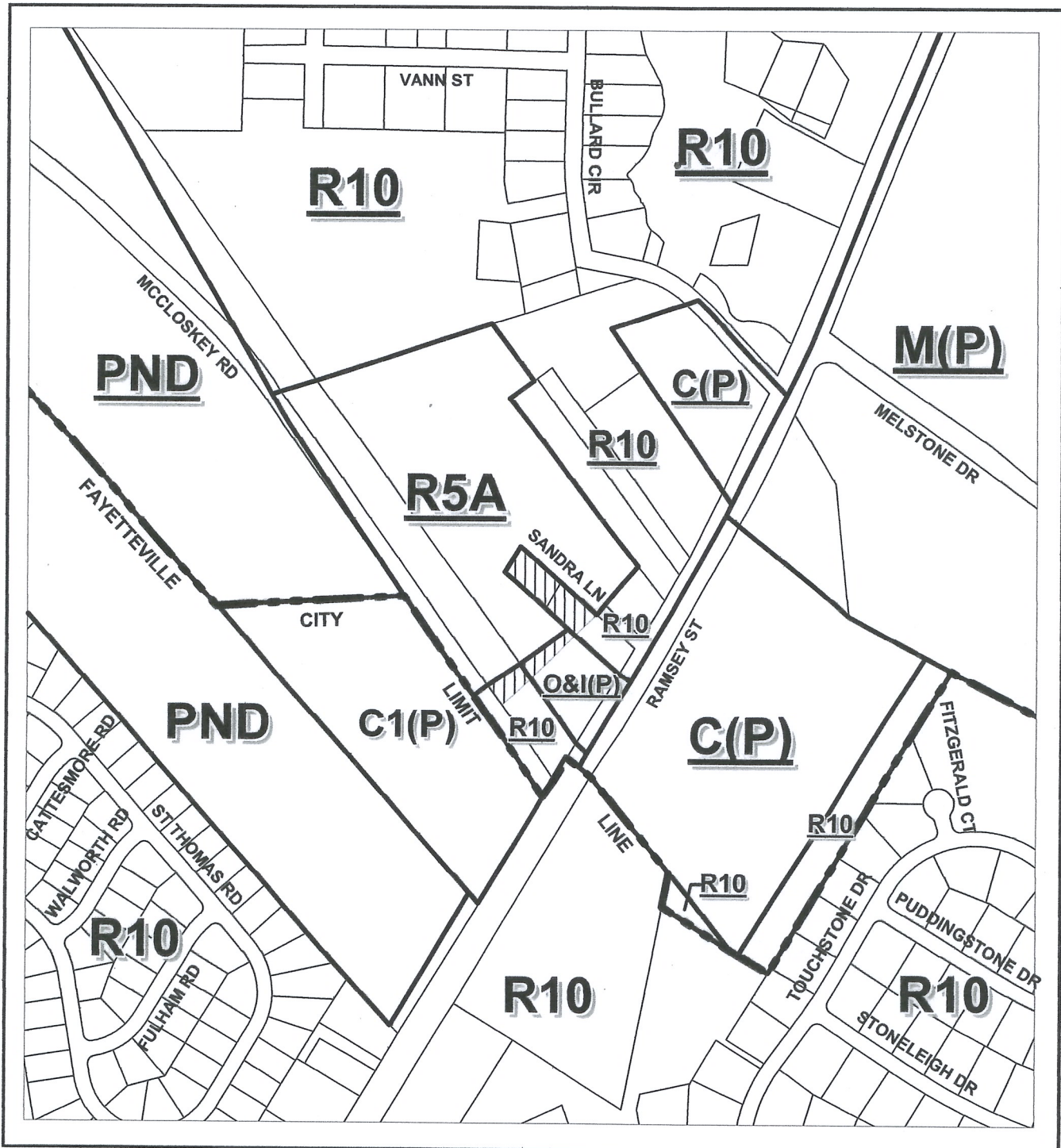
R10 - 6 lots/7 units

R6 - 5 lots/6 units

R5A-11 lots/13 units

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



REQUESTED REZONING: R10 & O&I(P) TO R5A

ACREAGE: 1.12 AC.+/-	HEARING NO: P08-27	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0541-05-1321
 PORT. OF PIN: 0541-05-3122, 0506,
 0531-95-8239