

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

2012

JOINT PLANNING BOARD

DEADLINE/MEETING SCHEDULE

Application Deadline

Meeting Date (Tuesdays)

Thursday, December 8, 2011

January 17, 2012 & February 7, 2012

Wednesday, January 18, 2012

February 21, 2012 & March 6, 2012

Wednesday, February 15, 2012

March 20, 2012 & April 3, 2012

Tuesday, March 13, 2012

April 17, 2012 & May 1, 2012

Wednesday, April 11, 2012

May 15, 2012 & June 5, 2012

Tuesday, May 15, 2012

June 19, 2012 & July 3, 2012

Tuesday, June 12, 2012

July 17, 2012 & August 7, 2012

Wednesday, July 18, 2012

August 21, 2012 & September 4, 2012

Tuesday, August 14, 2012

September 18, 2012 & October 2, 2012

Wednesday, September 12, 2012

October 16, 2012 & November 6, 2012

Tuesday, October 16, 2012

November 20, 2012 & December 4, 2012

Friday, November 9, 2012

December 18, 2012 & January 1, 2013

Thursday, December 6, 2012

January 15, 2013 & February 5, 2013

NOTE: Deadlines are set 24 working days prior to the Board meeting date.

Revised Oct 2011

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COUNTY of CUMBERLAND

Planning & Inspections Department

September 20, 2011

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

*Approved by Code Committee
Donovan McLaurin
09/20/2011*

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Donovan McLaurin, Chairman, Land Use Codes Committee

SUBJECT: **P11-47. REVISIONS, AMENDMENTS AND UPDATES TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE FOR THE CUMBERLAND COUNTY JOINT PLANNING BOARD'S REVIEW OF THE AUGUST 18, 2008 ORDINANCE.**

Below is a summary of the committee's recommended changes to the County Subdivision Ordinance. The proposed ordinance is available for viewing on the Planning & Inspections Department's webpage:
<http://co.cumberland.nc.us/planning.aspx>.

Major Changes

1. Ordinance name changed to *Cumberland County Subdivision and Development Ordinance* (cover and p. 1) and added definition for the term development (p. 7).
2. Establish that the Municipal Influence Area (**MIA**) **standards apply only when four or more lots or units** are created out of the same parent tract as of the date of the adoption of this proposed amendment. (p. 19)

Note: Exemption of three or less lots from complying with municipal development standards is consistent with and expands upon the enabling statutes that exempt three lots from being defined as a *subdivision* when the parent tract is two acres or less.

3. Several proposed changes to **private streets**:
 - a. **Class "B"** (gravel) to be required to be **maintained by an owners' association** and an **increase in the maximum number of lots to eight** (currently is seven) (pp. 29-30);
 - b. **Class "C"** (dirt) to be properly ended with an **adequate turnaround for maneuvering of emergency vehicles; private engineer or surveyor to certify street constructed as approved** (currently requires inspection and approval by County Engineer) (p. 30); and
 - c. Clarifies that once approved, **County has no enforcement responsibility regarding maintenance and encroachments** within the private street right-of-way (p. 31); also see street disclosure statement (p. 54).
4. Amend **sidewalk** provisions within the County jurisdiction and outside any municipal influence area so that **sidewalks are not required except where the subdivision or other development is adjacent to a public school or park** (pp. 31-32).

Note: This provision is proposed to be amended due to the NC Department of Transportation's policy that sidewalks are not allowed within the State right-of-way unless a municipality or the County signs a three party encroachment agreement with the developer, whereas the municipality or County agrees to be responsible for maintenance.

5. Proposed changes to the water and sewer provisions clarifying **when water and/or sewer must be extended and connected to** and transfers **authority Planning Board to Planning Director for exceptions in specific listed circumstances** – this last item is proposed in an effort to save the citizen time in instances where it is certain that utilities cannot be extended or where it would be unreasonable to expect them to do so (pp. 32-33).
6. Propose that **fire hydrants** are only **required when four or more lots/units are proposed** and **extension of public water** is required (p.33).
7. Formalize the requirement for **public street disclosure** statement to be included **on final plats when public streets have not yet been constructed and accepted by the NCDOT for maintenance purposes** (p. 55).
8. Added provisions for **violations and penalties** for subdivision ordinance issues **not directly related to plat recordings** (pp.57-58).

Minor Changes

1. Corrected some minor typographical errors in current ordinance.
2. Modified density classifications in the definitions for consistency with the Land Use Policies Plan (*high density*, p. 8; *low density*, p. 9; *medium density*, p. 11; *rural density*, p. 13; *suburban density*, p. 15; and delete the term and related definition for *urban density*, p. 16).
3. Specify that unless the developer has stated otherwise on the submittal application; a fee in lieu of dedication will be required for parks, recreation and open space provision satisfaction (p. 40).
4. Insert the amendment clause that was inadvertently omitted from the August 19, 2008 version of the ordinance (p. 59).
5. Update the appendixes, by inserting:
 - a. Current application (pp. E1 and E2);
 - b. Current MIA map which would include the modification of the Hope Mills and Fayetteville boundaries approved on May 16, 2011 (p. E4); and
 - c. Update the MIA Development Standards Chart to reflect Linden provisions (pp. E5-a – E5-i).
6. Update the Table of Contents.

Please contact me with any questions at 910-850-1800, email: mclaurin@outdrs.net or Patti Speicher at 910-678-7605 or email: pspeicher@co.cumberland.nc.us.

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COUNTY of CUMBERLAND

Planning & Inspections Department

October 11, 2011

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the October 18, 2011 Board Meeting

P11-46: REZONING OF 6.36+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF SR 1007 (OWEN DRIVE), WEST OF SR 2283 (WATSON LAKE ROAD); SUBMITTED BY BOBBY L. AND THAN T. ROGERS (OWNERS).

The Planning and Inspections Staff recommends denial of the request for RR Rural Residential but approval of R40 Residential based on the following:

1. The request for RR Rural Residential for the subject property is not consistent with the location criteria as listed in the Land Use Policies of the 2030 Growth Vision Plan because public water is not readily available and the subject property does not have direct access to an approved private street or a public street;
2. The recommended R40 Residential district is in keeping with the lot sizes and uses that exist in the surrounding area; and
3. The R40 Residential district is more suitable for areas with hydric soils.

There are no other suitable districts to be considered for this property at this time and the property owners have given their verbal agreement to this staff recommendation.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P11-46
SITE PROFILE

P11-46: REZONING OF 6.36+/- ACRES FROM M(P) PLANNED INDUSTRIAL AND RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED SOUTH OF SR 1007 (OWEN DRIVE), WEST OF SR 2283 (WATSON LAKE ROAD); SUBMITTED BY BOBBY L. AND THAN T. ROGERS (OWNERS).

Site Information:

Frontage & Location: No frontage

Depth: 450.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: M(P) – March 15, 1979 (Area 6)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M(P), C(P), CC (Fay), OI (Fay), RR, R15 & R6A; South: RR/CU (inside storage of outdoor party supplies), M(P), C(P), MA (Fay); East: M(P), C1(P) & RR; West: M(P), C(P) & RR

Surrounding Land Use: Residential (including manufactured homes), recycling facility, lodge, storage warehouse & woodlands

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – JT Johnston loam

School Capacity/Enrolled: Elizabeth Cashwell Elementary: 800/702; Ireland Drive Middle (6): 340/350; Douglas Byrd Middle (7-8): 600/730; Douglas Byrd High: 1,280/1,262

Subdivision/Site Plan: If approved, new development may require a review, approval and possible access waiver

Municipal Influence Area: City of Fayetteville

Airport Overlay District: Fayetteville Regional Airport has no objection to rezoning but advises that area will be impacted by aircraft [visually and audibly (< 65DNL)]

Average Daily Traffic Count (2008): 1,800 on SR 1007 (Owen Drive)

Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

1. Density:
R40 – 7 lots/units
R30 – 9 lots/units
RR/R20 – 14 lots/units

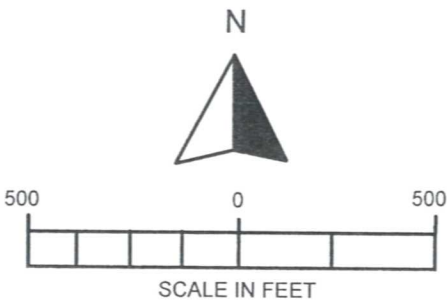
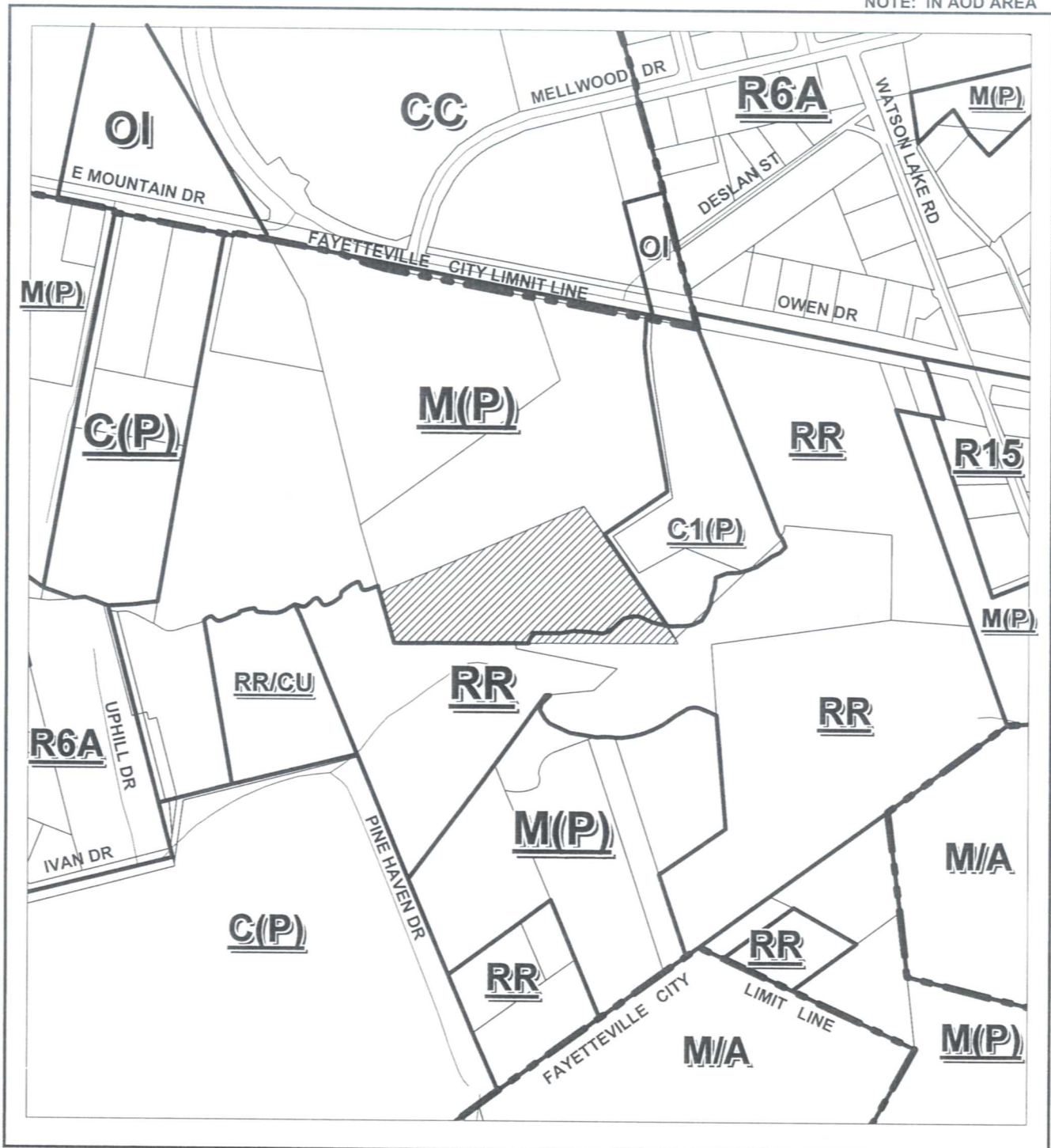
2. Minimum Yard Setback Regulations:

<u>M(P)</u>	<u>R40, R30, RR & R20</u>
Front yard: 100'	Front yard: 30'
Side yard: 50'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.

NOTE: IN AOD AREA



PIN: 0435-48-3062

REQUESTED REZONING M(P) & RR TO RR

ACREAGE: 6.36 AC.+/-		HEARING NO: P11-46	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

9/26/11
AM

Roy Turner,
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October 11, 2011

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 18, 2011 Board Meeting

P11-49: REZONING OF 4.21+/- ACRES FROM M INDUSTRIAL AND R15A RESIDENTIAL TO R15A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6119, 6151 AND 6171 BROOKS STREET AND 6725 HILL STREET; SUBMITTED BY CLIFTON L. JR. AND JOSEPHINE TURPIN (OWNERS). (FALCON)

The Planning & Inspections Staff recommends approval of the R15A Residential district for this request based on the following:

1. The request is consistent with the Northeast Cumberland Detailed Area Plan, which calls for residential development at this location and the location criteria for "low density residential" as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically the subject property has access to public water and sewer, direct access to a public street and is within three miles of a recreation area;
2. The location and character of the use will be in harmony with the surrounding area; and
3. The request for the residential zoning district is a logical extension of the R15A district.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P11-49
SITE PROFILE

P11-49: REZONING OF 4.21+/- ACRES FROM M INDUSTRIAL AND R15A RESIDENTIAL TO R15A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6119, 6151 AND 6171 BROOKS STREET AND 6725 HILL STREET; SUBMITTED BY CLIFTON L. JR. AND JOSEPHINE TURPIN (OWNERS). (FALCON)

Site Information:

Frontage & Location: 770.00'+/- on Brooks Street & 185'.00'+/- on Hill Street

Depth: 390.00'+/-

Jurisdiction: Falcon

Adjacent Property: Yes, north of subject property

Current Use: 3 residential structures (1 stick built & 2 manufactured) & 1 accessory structure

Initial Zoning: M, R15A & R15 – March 3, 1991 (Town of Falcon); R15 portion rezoned to R15A on February 4, 2002

Nonconformities: Yes, accessory structure does not appear to meet rear setbacks but would become less nonconforming if approved

Zoning Violation(s): None

Surrounding Zoning: North: C(P)/CU (motor vehicle repair), R15/CU (piano shop), R15 & R40A; South: M/CUD (abattoir), R15A/CU (2) (woodworking shop & photography studio), C1, O&I, R40A, R20A, R15A & A1; East: O&I, R15A & R15; West: M & R40A (all referenced districts are in Falcon)

Surrounding Land Use: Residential (including manufactured homes), public utility works, outdoor recreation, retailing, religious worship & woodlands

Northeast Cumberland Plan: Low Density Residential

2030 Growth Vision Plan: Community Growth Area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Town of Falcon/Norcross

Soil Limitations: None

School Capacity/Enrolled: District 7 Elementary: 300/268; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

Subdivision/Site Plan: If approved, any new development may require review and approval

Average Daily Traffic Count (2008): 880 on N West Street (HWY 82)

Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

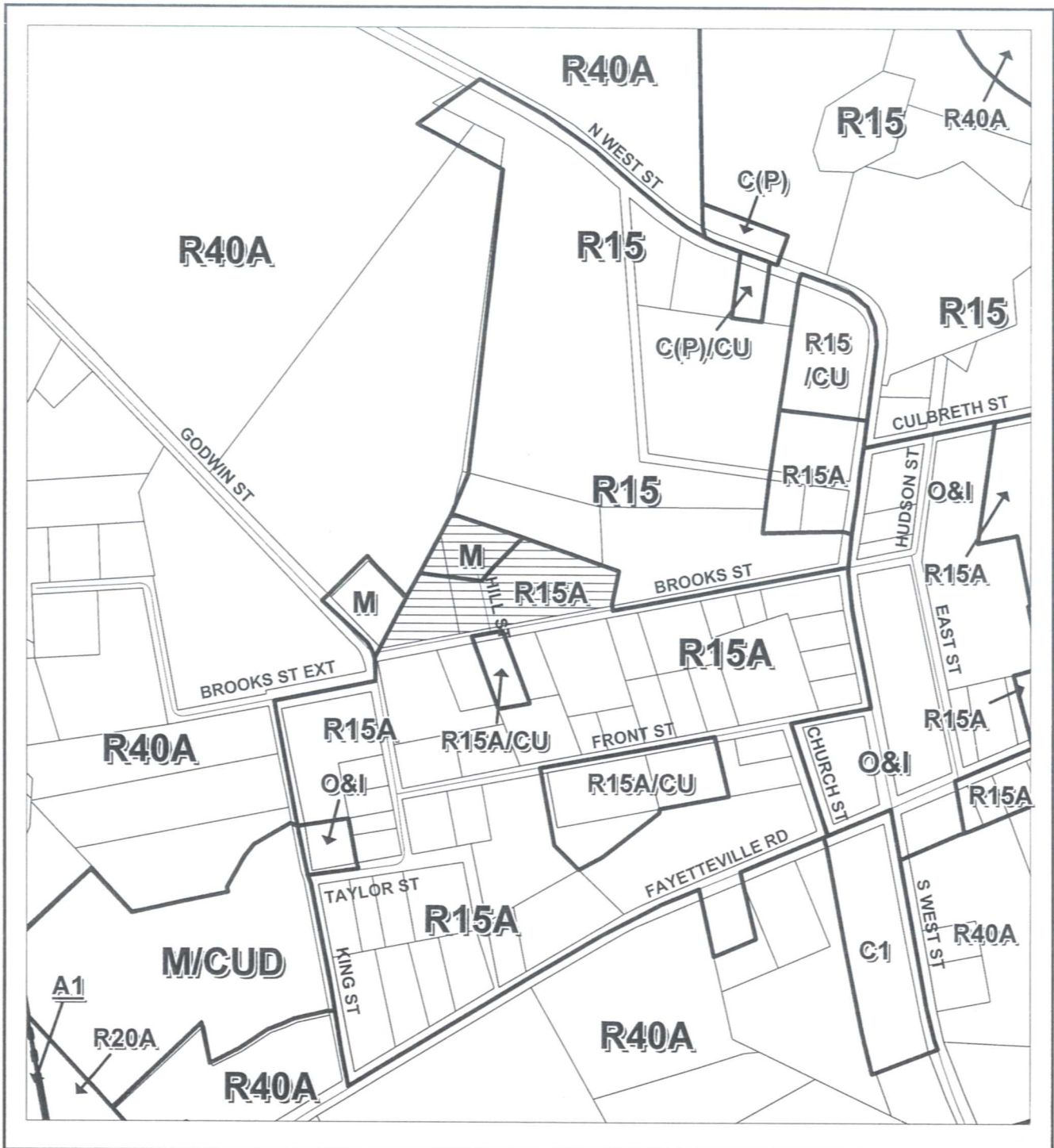
Notes:

1. Density:
R15A – 12 lots/units
2. Minimum Yard Setback Regulations:

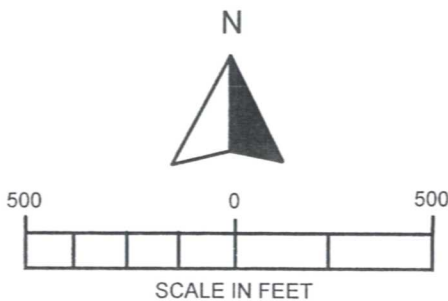
<u>M</u>	<u>R15A</u>
Front yard: 50'	Front yard: 30'
Side yard: 30'	Side yard: 10'
Rear yard: 30'	Rear yard: 35'
3. R15A – Class A manufactured, modular or stick built homes only

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



REQUESTED REZONING M & R15A TO R15A



ACREAGE: 4.21 AC.+/-		HEARING NO: P11-49	
ORDINANCE: FALCON		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 1502-35-8053,
1502-34-5944

Roy Turner,
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COUNTY of CUMBERLAND

Planning & Inspections Department

October 11, 2011

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for October 18, 2011 Board Meeting

P11-50: REZONING OF .55+/- ACRES FROM R6 RESIDENTIAL/CU CONDITIONAL USE OVERLAY FOR BINGO AND INDUSTRIAL OPERATION (SEWING) TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 806 KATIE STREET, SUBMITTED BY EDMON E. AND KATHRYN S. MONSOUR (OWNERS).

The Planning & Inspections Staff recommends approval of the C(P) Planned Commercial district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location, as well as meeting the location criteria for "heavy commercial" development as listed in the Land Use Policies Plan;
2. The location and character of the use will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

Note: This is another example of land located in the center of urban development and served by PWC, which needs to be annexed prior to annexation of new development.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P11-50
SITE PROFILE

P11-50: REZONING OF .55+/- ACRES FROM R6 RESIDENTIAL/CU CONDITIONAL USE OVERLAY FOR BINGO AND INDUSTRIAL OPERATION (SEWING) TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 806 KATIE STREET, SUBMITTED BY EDMON E. AND KATHRYN S. MONSOUR (OWNERS).

Site Information:

Frontage & Location: 150.00'+/- on Katie Street

Depth: 159.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Bingo

Initial Zoning: R6 – November 17, 1975 (Area 4); rezoned to R6/CUD on September 25, 1990 to allow bingo & industrial operation (sewing)

Nonconformities: Yes, existing structure does not appear to meet rear or side setbacks

Zoning Violation(s): None

Surrounding Zoning: North: [HI, LI, CC, OI & SF6 (Fayetteville)], C3, C(P), C1(P) & R6A; South: [HI, LI, CC, LC, OI & SF6 (Fayetteville)], M(P), C3, C1(P), R6A, R6 & R5A; East: [LC, CC & SF-6 (Fayetteville)], O&I(P); West: R6/CU (2) (hairdressing & upholstery shop), C3, R6A & R6

Surrounding Land Use: Residential (including manufactured homes), convenience retail w/ gasoline sales, day care, motor vehicle parts and accessory sales, club or lodge, indoor recreation, office & trash service

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: Cumberland Road Elementary: 457/447; Ireland Drive Middle (6): 340/350; Douglas Byrd Middle (7-8): 600/730; Douglas Byrd High: 1,280/1,262

Subdivision/Site Plan: If approved, any new construction or change in use will require a review and approval

Municipal Influence Area: City of Fayetteville

Airport Overlay District: Fayetteville Regional Airport has no objection to rezoning

Average Daily Traffic Count (2008): 31,000 on SR 1007 (Owen Drive)

Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

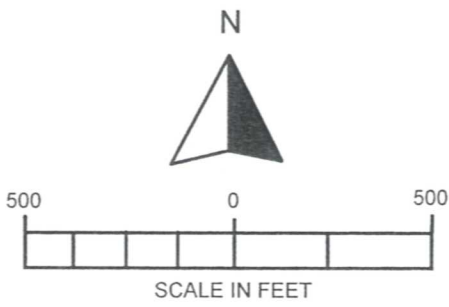
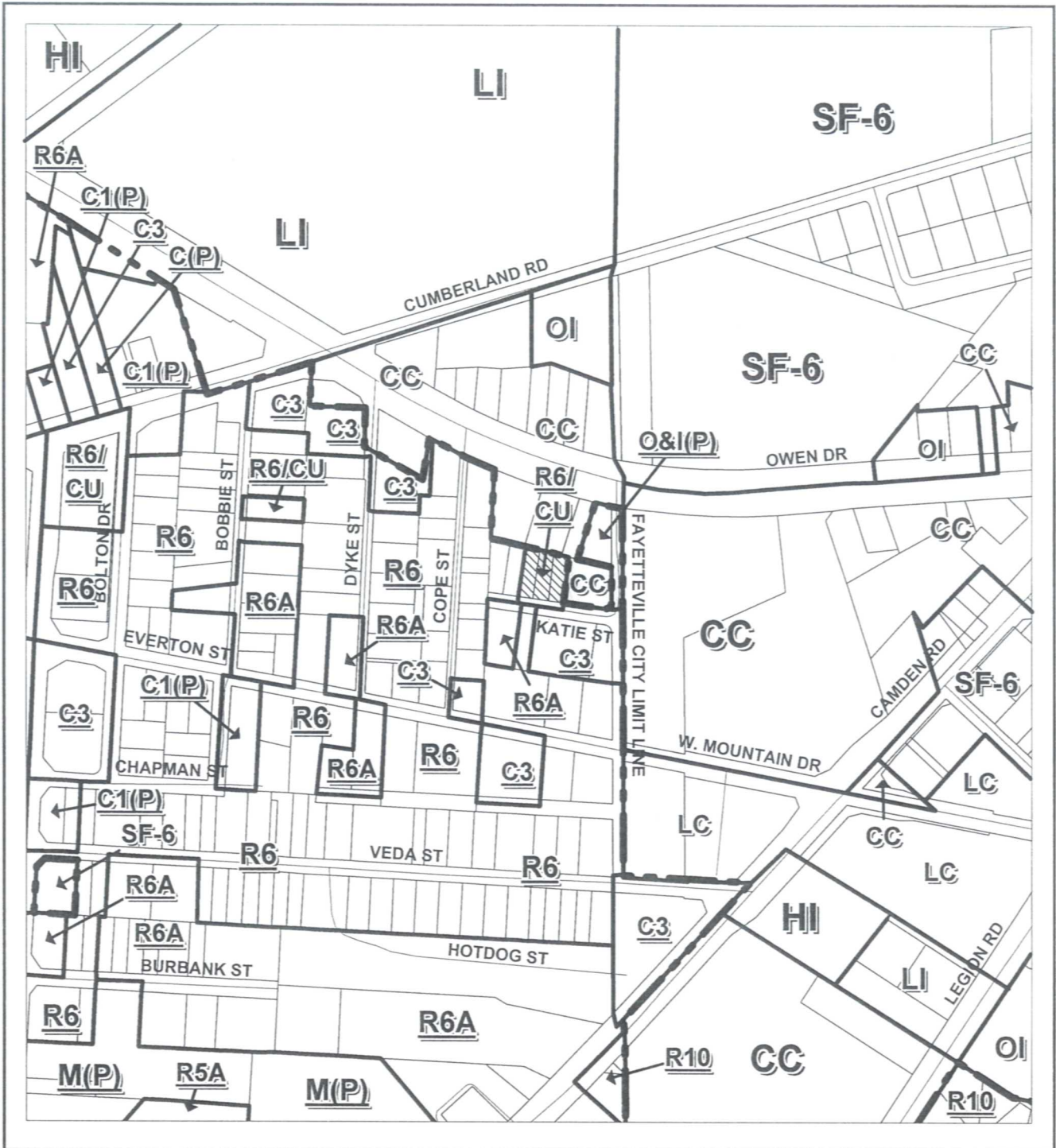
1. Density:
R6 – 6 lots/units

2. Minimum Yard Setback Regulations:

<u>C(P)</u>	<u>R6</u>
Front yard: 50'	Front yard: 25'
Side yard: 30'	Side yard: 10'
Rear yard: 30'	Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



REQUESTED REZONING R6/CU TO C(P)

ACREAGE: 0.55 AC.+/-	HEARING NO: P11-50	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0426-51-9174
 0426-61-0123
 0426-61-0172

WL
9/26/11

Roy Turner,
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October 11, 2011

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Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for October 18, 2011 Board Meeting

P11-45: REZONING OF 29.77+/- ACRES FROM R40 RESIDENTIAL TO R20 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 36 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF SR 1832 (MURPHY ROAD), NORTHWEST OF SR 1831 (BAYWOOD ROAD); SUBMITTED BY MARY B. RICE ON BEHALF OF BAGGETT FAMILY, LLC (OWNER). (EASTOVER)

The Planning & Inspections Staff recommends conditional approval of the requested rezoning to R20 Residential/DD Density Development/CZ Conditional Zoning for the 36 lot residential subdivision, based on the following:

1. Although the request is not consistent with the Eastover Area Detailed Land Use Plan map, which calls for one acre lots at this location, it is a reasonable since the difference in density is negligible at slightly less than one unit per acre and the subject property is located between a designated activity node (non-residential) and the Baywood Subdivision area, designated as low density residential (2.1-6 units per acre);
2. The Eastover Plan incorporates the Nodal Corridor Urban Form concept for development in the written text of the plan, had it been contemplated that public water would be available to the properties east of I-95 and following the nodal corridor concept, with the subject property being a little more than one half mile from an activity node, it would likely be adjacent to high density residential uses – the plan reads: *the appropriate land uses surrounding non-residential development nodes are to be high-density residential uses and other support uses, thus creating a neighborhood around the node;*
3. In addition, at the time the Eastover Plan was adopted the Sanitary District had not proposed to extend east of I-95 and it was not foreseen that the properties on the east side of I-95 would have public water available at this early date – utility availability is the reason given for the Baywood area being designated as low density residential in the plan;
4. The proposed development plan along with the ordinance related conditions provide a means of protecting and retaining the rural character of the area, a stated goal adopted in the plan, by providing the 40 foot wide roadside buffer, a 20 foot wide perimeter buffer and ensuring the permanent retention of 40 percent of the tract as open space; in addition, other goals of the adopted plan such as providing a neighborhood identity, a mixture of housing types and densities, providing a positive visual image and interest along thoroughfares will be attained with approval of this development; and

5. The subject property is entirely surrounded by RR Rural Residential and approval of this request would allow for the same lot sizes but more restrictive land uses.

There are no other suitable zoning districts to be considered for this request. The property owner has voluntarily agreed to this staff recommendation and all attached "Ordinance Related Conditions" provided that in the event the owner opts to develop this subdivision with public streets as opposed to private, the revised plans can be reviewed and approved at staff level.

Attachments:

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

P11-45
SITE PROFILE

P11-45: REZONING OF 29.77+/- ACRES FROM R40 RESIDENTIAL TO R20 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT FOR A 36 LOT RESIDENTIAL SUBDIVISION OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTHEAST SIDE OF SR 1832 (MURPHY ROAD), NORTHWEST OF SR 1831 (BAYWOOD ROAD); SUBMITTED BY MARY B. RICE ON BEHALF OF BAGGETT FAMILY, LLC (OWNER). (EASTOVER)

Site Information:

Frontage & Location: 640.00'+/- on SR 1832 (Murphy Road) & 50.00' on Wilbur Street

Depth: 1,360.00'+/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: Woodlands

Initial Zoning: A1 – April 26, 1979 (Area 8); rezoned to R40 December 28, 1993; initially zoned to R40 December 4, 2007 (Town of Eastover incorporated October 1, 2007)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: [R40, RR, R6A & A1 (Eastover)]; South: R40A, R20 & A1 ; East: RR (Eastover) & R5; West: [RR & A1 (Eastover)]

Surrounding Land Use: Residential, governmental use, religious worship & woodlands

Eastover Land Use Plan: One Acre Residential

2030 Growth Strategy Map: Community Growth Area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/ Septic

Soil Limitations: Yes, hydric – TR Torhunta and Lynn Haven soils and PA Pactolus loamy sand

School Capacity/Enrolled: Armstrong Elementary: 450/444; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

Subdivision/Site Plan: If approved, “Ordinance Related Conditions” apply

Average Daily Traffic Count (2008): 3,600 on SR 1832 (Murphy Road)

Highway Plan: Murphy Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a 110' ROW. No road improvements are included in the 2012-2018 STIP

Notes:

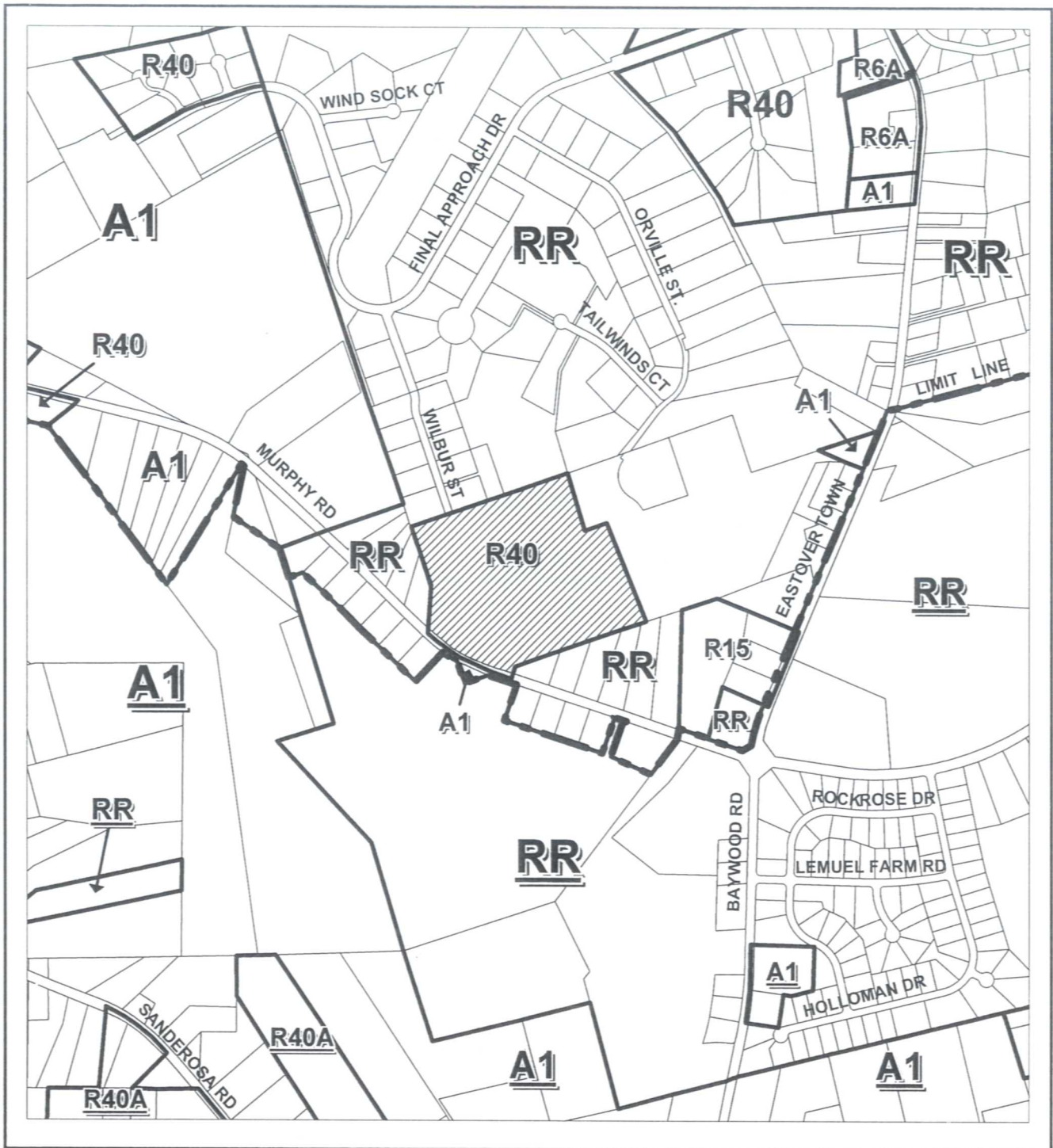
1. Density minus 3.0978 acres for R/W:
R40 – 29 lots/units
R30 – 39 lots/units
R20 – 58 lots/units

2. Minimum Yard Setback Regulations:
R40, R30 & R20
Front yard: 30'
Side yard: 15'
Rear yard: 35'

3. Contents of Application and Site Plan:
 1. Lot sizes range from 13,350 sq. ft to 21,661 sq. ft
 2. Requesting maximum 36 lots (58 lots allowed at R20)
 3. Site Plan provides 49.98% as open space where only 40% is required
 4. 1.36 units per acre

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.

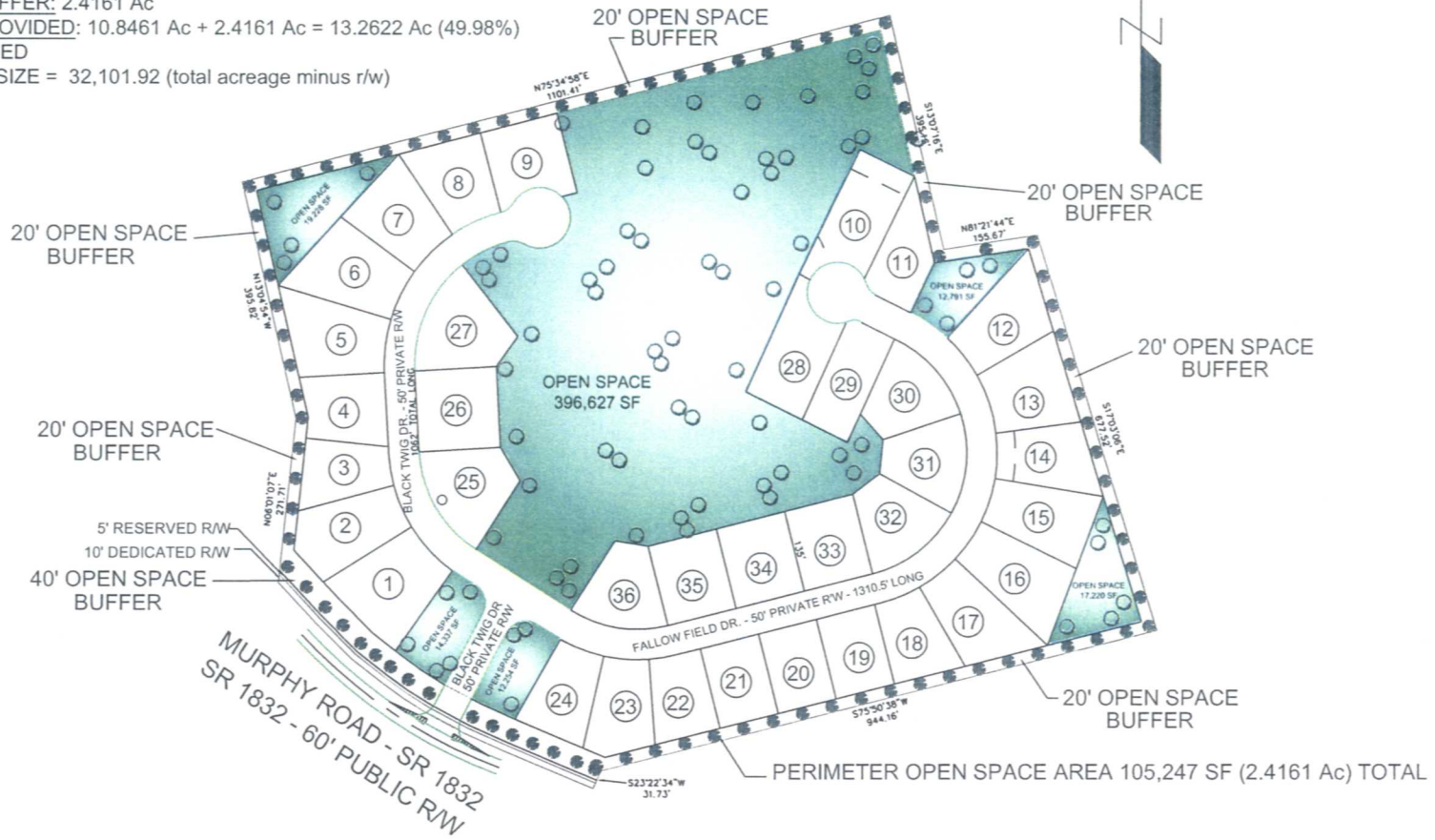


PIN: 0468-83-6214

REQUESTED REZONING R40 TO R20/DD/CZ

ACREAGE: 29.77 AC.+/-	HEARING NO: P11-45	
ORDINANCE: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

TOTAL AREA 29.6283 Ac (1290607 SF)
 R/W AREA 3.0978 Ac (134,938 SF)
 NET AREA 26.5305 Ac (AT R20 - 58 LOTS ALLOWED)
 OPEN AREA REQUIRED: 26.5305 x 40% = 10.6122 Ac
 PERIMETER BUFFER: 2.4161 Ac
 OPEN AREA PROVIDED: 10.8461 Ac + 2.4161 Ac = 13.2622 Ac (49.98%)
 36 LOTS PLANNED
 AVERAGE LOT SIZE = 32,101.92 (total acreage minus r/w)



**R20 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ
 CONDITIONAL ZONING DISTRICT
 REQUEST: FOR A 36 LOT RESIDENTIAL SUBDIVISION
 CASE: P11-45 ACREAGE: 29.77±
 ZONED: R40 SCALE: 1"=300'**

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

Density Development/Conditional Zoning District

DRAFT

Ordinance Related Conditions for the Permit

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 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.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. Connection to public water is required; the Eastover Sanitary District must approve water plans prior to application for any permits. A copy of the Eastover Sanitary District's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one 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. If one acre or more of land is to be disturbed, 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.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must 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 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.
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.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R20/DD/CZ zoning district and all conditions on the permit must be complied with, as applicable.
9. This conditional approval is not approval of the proposed freestanding sign. 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 of the size, shape, or location of any signs.)
10. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
11. For any new development, 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. (Section 2306 D, County Subdivision Ordinance)

12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
13. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
14. 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.
15. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
16. Turn lanes may be required by the NC Department of Transportation (NCDOT).
17. The entrance drive right-of-way width must be not less than 70 feet and the median strip is required to be at least 10 feet wide.
18. The perimeter buffer, 40 feet in width along the right-of-way and 20 foot wide around the remainder of the development, must be provided and maintained in accordance with Section 803.E of the County Zoning Ordinance. The application indicates the developers’ intention of using the existing natural vegetation; however, in order to obtain opacity within three years, additional plantings may be required. Any new plantings are required to be three feet in height at time of plating, to reach a height of six feet within three years. A berm or combination berm and plantings may also be used provided an initial height of three feet is achieved with a total height of six feet within three years.

Unless expressly mutually agreed upon in advance and approved by the Town Council, the property owner shall not develop or alter the natural topography of the land within the buffer area.

19. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this density development approval.

Plat-Related:

20. Prior to submission for final plat approval, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance)
21. The final plat must be labeled as a “Zero Lot Line” development. In addition, the open space and perimeter buffer areas must be labeled as “common area”.
22. The private streets must be labeled as “Class A private” streets and with the approved street names on the final plat.
23. The parcel identified by PIN: 0468-83-6214- must be recorded on a platted survey either as an individual lot or included as a section of this development and the property lines must be drawn with solid lines with the bearing and distances, acreages and lot number reflected on the final plat.
24. The 17,220 square foot and 19,228 square foot open space areas must either be provided a minimum of 20 feet of road frontage or be included as part of the 20 foot wide vegetative strip of land (Perimeter Buffer) area (not shown as a separate tract) and reflected on the final plat.
25. The developer is required to submit to Land Use Codes:
 - a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for the maintenance and upkeep of the class “A” private streets, open space, and perimeter buffer areas by the owners’ association for the development;

- b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
- c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
- d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

- 26. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services 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 Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
- 27. As shown on the site plan, dedication of ten feet of right-of-way and reservation of five feet of right-of way along SR 1832 (Murphy Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the final plat and/or 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. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)
- 28. The developer is required to provide an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 2304 C, Private Street, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to Land Use Codes prior to final plat approval or release of any construction guarantees as allowed under Section 2502, Final Plat – Guarantees of Improvements, County Subdivision Ordinance.
- 29. The builder/developer must 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.
- 30. Any/All easements must 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.
- 31. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along SR 1832 (Murphy Road) on Lots 1, 23, 24 and the open space areas.
- 32. A 10' x 70' sight distance easement is required at the intersection of SR 1832 (Murphy Road) with the entrance drive and must be reflected on the final plat.
- 33. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance)
- 34. 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.
- 35. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
- 36. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

37. 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.
38. All notes and calculations as shown on the site plan are to be considered as a part of this density development/conditional zoning approval.

Plat-Required Statements:

39. Since this development does not have public sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision Ordinance):

“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.”

40. The final plat shall reflect the following statements required for the private street(s) (Section 2504 A, Disclosure of Private Street Status, County Subdivision Ordinance):

“Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right(s) of way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; and any governmental agency or personnel or equipment thereof who shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.”

41. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision Ordinance):

“Nonconforming structures have not been created by this subdivision.”

Other Relevant Conditions:

42. The applicant is advised to consult an expert on wetlands before proceeding with any development. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
43. 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.
44. The owner/developer be aware that every deed created for a lot being served by an on-site 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.”

45. The owner/developer be aware that every deed created for the purpose of conveying a lot served by a private street must contain the following disclosure statement at the time of recordation with the County Register of Deeds:

“It is hereby acknowledged that a subdivision streets disclosure statement has been executed in accordance with N.C.G.S 136-102.6(f).”

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):

Watershed Officer/Improvements:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Eastover Sanitary District:	Morgan Johnson	323-3973
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover	Jane Faircloth (Town Clerk)	323-0707
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
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
N.C. Division of Water Quality:	Mike Randall	(919) 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: Ms Mary Rice
Fayetteville, Nc
2. ADDRESS: 2913 Mirror Lake Dr ZIP CODE: 28303
3. TELEPHONE: (Home) 910 868-2201 (Work) _____
4. Location of Property: Murphy Rd / SR 1832
5. Parcel Identification Number (PIN #) of subject property: 0468-83-6214
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 29.77 Frontage: 556.42 Depth: 1100'±
7. Water Provider: Eastover Sanitary District
8. Septage Provider: On site
9. Deed Book 6555, Page(s) 524, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Vacant / wooded
11. Proposed use(s) of the property: Residential-Single Family Lots

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: R-40

TO: (select one)

- Conditional Use District, with an underlying zoning district of R-20/DD/CZ
(Article V)
- 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.)

Residential R-20

- 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.

Total Acreage:	29.6283 Ac
Rights-of-way	3.0978 "
Open space	13.2622 "
Residential Lots	13.2683 "

2. DIMENSIONAL REQUIREMENTS:

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

Front:	30.0 Ft
Interior side Lines:	5.0 "
Rear:	35.0 "

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

Two spaces per dwelling unit.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

A subdivision sign near Murphy Rd is proposed. Construction will be in accordance with Section 1305C.

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. *The entire site is covered with trees and undergrowth. Existing natural vegetation will remain in all open space*

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

*A 40' wide strip along Murphy Rd
A 20' " " along the perimeter
Additional open space as shown on the preliminary plan*

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.

N/A

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.

✓ Mary Rice
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

2913 MIRROR Lake Dr, Fayetteville, Nc
ADDRESS OF AGENT, ATTORNEY, APPLICANT 28303

960.868-2201
HOME TELEPHONE # WORK TELEPHONE #

Mary B. Rice
Ther S. Boyer
SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

- * ALL record property owners must sign this petition.
- * The contents of this application, upon submission, becomes "public record."

CUMBERLAND COUNTY ZONING ORDINANCE
FEE SCHEDULE

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL USE DISTRICTS ² RESIDENTIAL DD/CUD	\$500	\$500	\$500	\$500
CONDITIONAL USE DISTRICTS ² NONRESIDENTIAL PND/CUD MXD/CUD	\$700	\$800	\$800	\$800

1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Use District and Permit application, the original application fee will be credited towards the Conditional Use District and Permit application fee.

11-056
SITE PROFILE

CASE NO. 11-056. CONSIDERATION OF THE KENNETH HARDIN PROPERTY; REQUEST FOR A WAIVER FROM CONSTRUCTION OF REQUIRED SIDEWALK; COUNTY SUBDIVISION ORDINANCE, SECTION 2302.A. MUNICIPAL INFLUENCE AREA AND SECTION 2305. A.4. SIDEWALKS; ZONED: M(P)(AOD); TOTAL ACREAGE: 12.43+/-; LOCATED AT 1171 SOUTH EASTERN BOULEVARD; SUBMITTED BY KENNETH HARDIN (OWNER). (FAYETTEVILLE MIA/COUNTY JURISDICTION)

Summary of Request

Developer is requesting waiver from the requirement to construct a sidewalk along South Eastern Boulevard (US HWY 301/I-95 Bus) as required by condition # 15. The construction of a sidewalk is required under the County's Subdivision Ordinance because the adopted Highway Plan for South Eastern Boulevard (US HWY 301/I-95 Bus) classifies this streets as a major thoroughfare. This development is also located within the City of Fayetteville's Municipal Influence Area (MIA), which also requires the construction of the sidewalk.

Site Information:

Frontage & Location: 500.01'+/- along South Eastern Boulevard (US HWY 301/I-95 Bus)

Depth: 1259.98'+/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): City of Fayetteville

Adjacent Property: No

Nonconformities: No

Water & Sewer: Well & Septic

Special Flood Hazard Area (SFHA): No

Applicable County Subdivision Ordinance Provisions

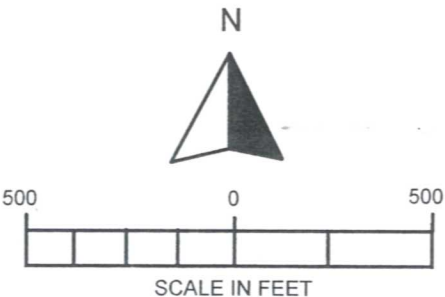
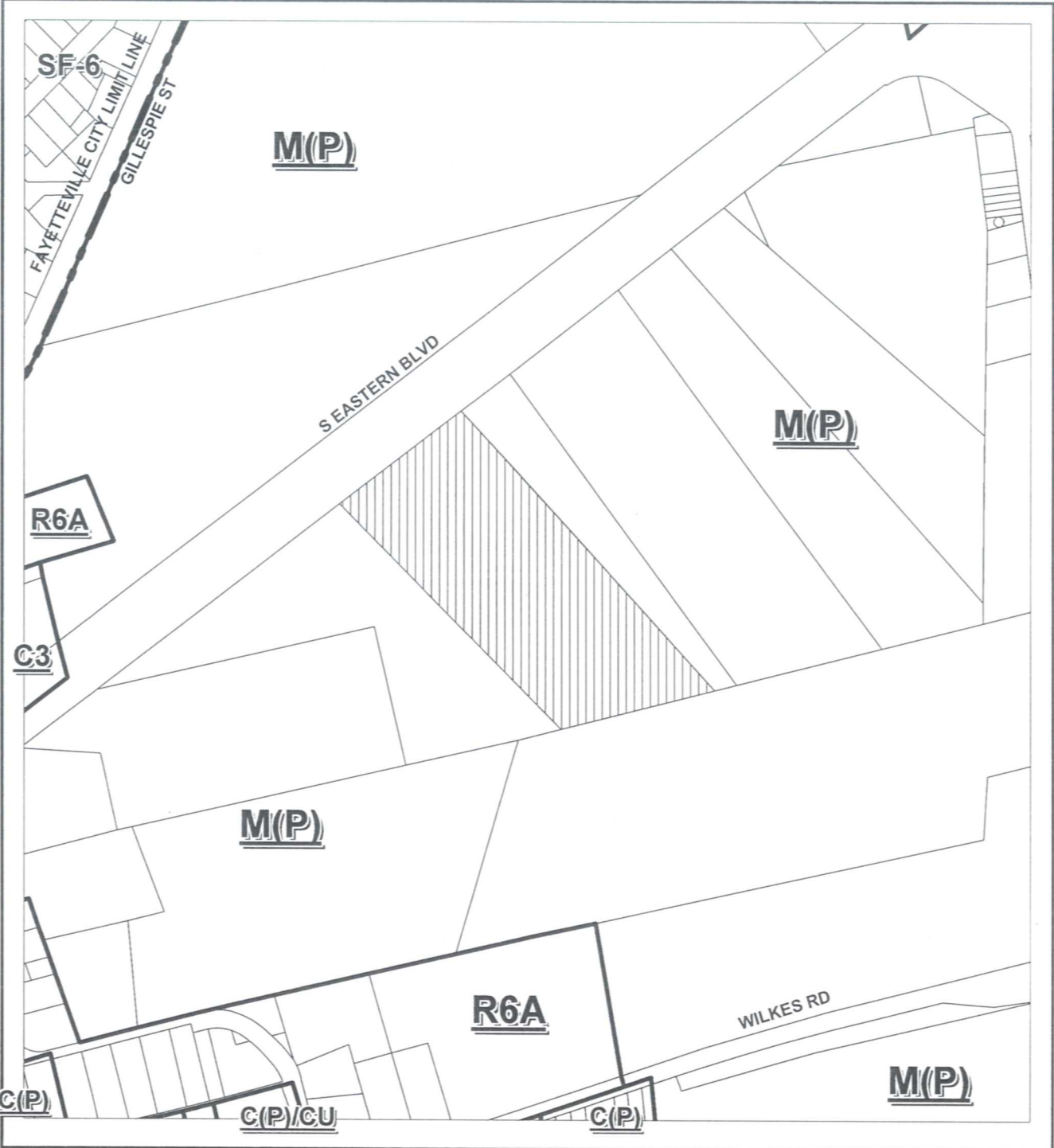
Section 2302 AREA-SPECIFIC STANDARDS, A, *Municipal Influence Areas.* The Board of Commissioners by interlocal agreement may approve and establish a Municipal Influence Area (MIA) for a municipality. All development located within a municipality's MIA shall be developed in accordance with the subdivision design standards officially adopted by the affected governing bodies. The development standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled MIA Development Standards. The official MIA map – see Exhibit 4 – shall be maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners.

Section 2305 SIDEWALKS, A.4. When a non-residential development is proposed along a minor thoroughfare or higher classification street, sidewalks are required along the affected thoroughfare or higher classification street;

Attachments

- 1 - Sketch Map
- 2 - Site Plan
- 3 - Aerial Photo
- 4 - Fayetteville Recommendation (4 pages)
- 5 - Application for Waiver
- 6 - Conditions of Approval

NOTE: IN AOD AREA



COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 12.43 AC.+/-		HEARING NO: 11-056	
ORDINANCE: COUNTY		HEARING DATE	ACTION
GOVERNING BOARD			

EASTERN BLVD (US 301)

N52°32'25"E
479.85'

N44°44'07"W



1
8.38 ACRES

840.44'
N47°27'06"W

N43°13'52"E
436.43'

1259.98'

2
4.05 ACRES

217.94'

N76°05'51"E
436.43'

KENNETH HARDIN PROPERTY
SUBDIVISION REVIEW
REQUEST: A WAIVER FROM SECTION 2305 - SIDE WALKS
CASE: 11-056 ACREAGE: 12.43 AC ±
ZONED: M(P)/AOD SCALE: 1"=200'

*SCALE DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST



**AERIAL PHOTO
CASE NO: 11-056**



Patricia Speicher

From: Karen Hilton [KHilton@ci.fay.nc.us]
Sent: Tuesday, October 04, 2011 10:00 AM
To: Patricia Speicher; Marsha Bryant; Rusty Thompson
Cc: Edward Byrne; Scott Shuford; Kristoff Bauer
Subject: RE: Eastern Blvd Sidewalk Waiver

Dear Ms. Speicher:

The City Council considered the waiver request at its regular meeting on September 26. The City Council recommends that the County deny the waiver but only require provision of a 10' sidewalk easement on the private property, located in coordination with the City Engineering Dept. I.e., the sidewalk does NOT need to be built now. Among their considerations were the large lot sizes, the absence of existing sidewalks, the likelihood the area will continue in this pattern for several years, and the gradual increase in the overall densities or intensities of uses along this corridor section that would eventually increase the need and value in providing multi-use sidewalks or paths along such access roads.

This recommendation could, alternatively, be phrased as "approve the waiver with the condition that a 10' sidewalk easement be provided on the private property, located in coordination with the City Engineering Department."

Either an Engineering or Planning staff member will make every effort to attend the commission meeting. Please send us a copy of the Agenda when it is ready. Thank you for the opportunity to comment on this request.

Sincerely,

Karen S. Hilton, Manager
Planning and Zoning Division
Development Services Department
City of Fayetteville
433 Hay St.
Fayetteville, NC 28304
910-433-1612 office

From: Patricia Speicher [mailto:pspeicher@co.cumberland.nc.us]
Sent: Tuesday, October 04, 2011 8:33 AM
To: Karen Hilton; Marsha Bryant
Cc: Edward Byrne
Subject: Eastern Blvd Sidewalk Waiver

Please send us the council's recommendation on this case so we can get it in the Planning Board's packet. Thanks!

Enjoy your day!
Patti Speicher
Land Use Codes
Cumberland County Planning & Inspections
910-678-7605

All correspondence to and from this address may be subject to the N.C. Public Records Law and may be disclosed to third parties.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Marsha Bryant, Planner II
DATE: September 26, 2011
RE: A request that a sidewalk not be required to be constructed with the City's MIA (southern side of Eastern Blvd.)

THE QUESTION:

Should the County Commissioners approve a sidewalk waiver for the construction of a sidewalk along approximately 500 feet of road frontage on a service road of Eastern Boulevard?

RELATIONSHIP TO STRATEGIC PLAN:

Desirable Neighborhoods

BACKGROUND:

This is a 12.4 acre tract with an existing outdoor storage area located on the site. The owner, Mr. Kenneth Hardin, has submitted a subdivision request to the County Planning Dept. to subdivide the property into 2 parcels. Since this property is located within the City's MIA, a sidewalk is being required along a service road of Eastern Blvd. Mr. Hardin is requesting a waiver from this requirement based on the fact that there are no other sidewalks in the area. In accordance with the MIA agreement the County is requesting a recommendation from City Council as to whether the Waiver should be approved or denied.

ISSUES:

A sidewalk is required along approximately 500 feet of the property fronting a service road of Eastern Blvd. The area is zoned for manufacturing and much of the existing development is industrial on large lots; this pattern is likely to continue for many years. The service road is a NCDOT controlled access road. NCDOT has indicated that a sidewalk would not be allowed within the right-of-way at this location. Placing the sidewalk on the property with an access and maintenance easement is an option. The City Engineering Dept. recommends approval of the Waiver based on the fact that NCDOT will not allow sidewalks within their right-of-way along this entire roadway, there are no other sidewalks located in this area, and other future sidewalks along this road, if required, would also need to be placed within the properties with easements. To place the sidewalks within the properties with easements the sidewalks would have to be constructed back from the right-of-way, behind any existing ditches. Provision of an easement 10 feet wide appears to be a reasonable alternative to full waiver of the requirement or requiring construction of a segment that has little immediate value but may well be needed in the foreseeable future.

BUDGET IMPACT:

The cost of constructing a 5 foot sidewalk along 500 feet of right-of-way would be \$16,320. However, there is no provision for payment in lieu of construction of sidewalks within the MIA agreement as there is for sidewalk waivers within the City limits. Provision of an easement to anticipate future development in the area and the value of a sidewalk or multi-purpose path at that time would reduce the cost of future retrofit to urban activity and service levels.

OPTIONS:

1. Recommend to the County Commissioners approval of the sidewalk waiver (thus requiring that no sidewalk or easement to be provided).
2. Recommend to the County Commissioners denial of the sidewalk waiver with the condition that the sidewalk does not need to be constructed but a 10 foot easement must be provided, located in coordination with the City Engineering Department.
3. Recommend to the County Commissioners denial of the sidewalk waiver (thus requiring that a

sidewalk must be provided).

RECOMMENDED ACTION:

Option 2. Recommend to the County Commissioners denial of the sidewalk waiver but requiring only a 10 foot sidewalk easement, based on the fact that NCDOT has indicated that a sidewalk would not be allowed within the right-of-way along this roadway under current conditions but anticipating that future development along the service road will warrant retrofit to provide a sidewalk or multipurpose path.

ATTACHMENTS:

Vicinity Map

Aerial Map

Picture

Picture 2

Picture 3

Picture 4

Application

County Staff Report

Letter from City Engineering

Subdivision Plan



MEMORANDUM

TO: Marsha Bryant, Planner

FROM: Rus Thompson, PE, Interim Engineering & Infrastructure Director 

DATE: September 13, 2011

SUBJECT: Sidewalk Waiver in MIA

This is in regards to the Kenneth Hardin parcel on I-95 Business just south of NC 87 MLK Expressway. After speaking with NCDOT, they will not allow sidewalk to be constructed on this type of roadway in their Right of Way. One possible option is to have the sidewalk constructed on private property with an easement dedicated to the City of Fayetteville.

However, given NCDOT's recommendation against allowing sidewalks for this entire roadway and that any future developments would also be denied by them. The Engineering and Infrastructure Department recommends a waiver for this property.

If we can be of further assistance, please advise.

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: 1171 SEASTERN BLVD
OWNER: KENNETH HARDIN
ADDRESS: PO BOX 35636 FAY NC ZIP CODE: 28303
TELEPHONE: HOME _____ WORK 910 868-5800
AGENT: N/A
ADDRESS: _____
TELEPHONE: HOME _____ WORK _____

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0436-54-0794
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 12.43 Frontage: 596 Depth: 1260
- C. Water Provider: WELL
- D. Septage Provider: SEPTIC
- E. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: COMMERCIAL

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
2305 NO CONSTRUCTION OF SIDEWALKS

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:
REASONABLE COMMON SENSE OF CONSTRUCTING A SIDEWALK
APPROX 480 FT WHERE THERE IS NO SIDEWALK WITH IN
APPROX 1.5 MILES EITHER DIRECTION OF MY PROPERTY ON
EASTERN BLVD

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Joint Planning Board, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
• The board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
• At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
• If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case.
• If the board's action is to deny the matter before them, the course of appeal to the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

[Handwritten signature]

Property owner(s)' signature(s)

Kenneth HARDIN

Property owner(s)' name (print or type)

PO BOX 35636 FAX NC 28303

Complete mailing address of property owner(s)

910 868 5800

Telephone number

N/A

Alternative telephone number

N/A

Email address

910 868 3643

FAX number

Lori Epler,
Chair
Cumberland County

Roy Turner,
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 and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

STAFF REVIEW: 06-16-11 PLANNING BOARD DECISION: N/A

CASE NO: 11-056 NAME OF DEVELOPMENT: KENNETH HARDIN PROPERTY

MIA: FAYETTEVILLE SUBDIVISION REVIEW

LOCATION: 1171 SOUTH EASTERN BOULEVARD (SR 2355/US HWY 301) ZONING: M(P) (AOD)

PIN: 0436-54-0794-

OWNERS / DEVELOPER: KENNETH W. HARDIN ENGINEER OR DESIGNER: GEORGE LOTT

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- 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:

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. For any new construction, 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.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. New development where the developer will disturb or intends to disturb more than one 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. If one acre or more of land is to be disturbed, 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.

5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must 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 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.

Site-Related:

6. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M(P) zoning and the Airport Overlay districts must be complied with, as applicable.
7. This conditional approval is not approval of any new freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. 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 of the size, shape, or location of any signs.)
8. For any new development, 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. (Section 2306 D, County Subdivision Ordinance)
9. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
10. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
11. Turn lanes may be required by the NC Department of Transportation (NCDOT).
12. A solid buffer must be provided and maintained to screen all open storage from view from the public street in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
13. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

Plat-Related:

14. Prior to submission for final plat approval, the developer must either move all of the open storage located at the rear of the this onto Lot 2 or submit \$25.00 and five copies of a revised plan that contains the entire area of land where the open storage of the manufactured homes are stored/located. **(Note: You cannot have the property line going through any portion of the open storage area.)**
15. Prior to submission for final plat approval, a concrete sidewalk must be constructed along SR 2355 (S Eastern Blvd) – Service Road and such sidewalks shall meet the specifications of the Fayetteville City Engineer in accordance with good engineering practice. [Co. Subdivision Ord., Sec. 2302, Area Specific Standards, A. Municipal Influence Area & Fayetteville Subdivision Ord., Sec. 25-61(5) Sidewalks]
16. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at www.ncfloodmaps.com. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
17. "Eastern Blvd (US 301)" be labeled as "US HWY 301/I-95 BUS – SR 2355 (S Eastern Blvd)" on the final plat.

18. Any/All easements must 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.
19. The NC Department of Transportation (NCDOT) may not allow a driveway for each individual lot. If the lots are required to be served by a single joint driveway, the joint driveway must be reflected on the final plat.
20. 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.
21. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
22. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
23. 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 Statements:

24. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision Ordinance):

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

25. Since this development is located within the *Airport Overlay District* as shown on the official zoning map, the following disclosure statement is required to be provided on the final plat (Section 8.101.E, Notice and Disclosure of Noise Impact Discloser, County Zoning Ordinance):

“Property shown on this plan/plat is within the Cumberland County Airport Overlay District and all or a portion of the property described hereon is within an area that is subject to an average noise level near to or exceeding 65 dnl.”

Advisories:

26. Prior to submission for final plat approval, the developer should contact a Building Inspector and ensure compliance with the NC Building Code, specifically for Lot 2. This conditional approval dividing the original parent tract into two lots, if finalized, may create a permitting issue with picking line machinery conditionally approved as part of the business on one lot, may now be required to provide some facilities such as restrooms on Lot 2. .
27. The applicant is advised to consult an expert on wetlands before proceeding with any development.
28. An internal street system may be required by the NC Department of Transportation (NCDOT) to serve any future divisions of these tracts.
29. 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.
30. This conditional approval is not approval for any new construction or deviation of the original site plan as approved in Case No. 03-143. Site plan review and approval is required prior to any new or change in development on this site.

31. Prior to any new construction and because the subject property is located within the Airport Overlay District, the developer is strongly encouraged to discuss their development plans with Land Use Codes Section and/or the Fayetteville Regional Airport Director early in the planning stage to ensure that the proposed height of any proposed structure can be found to be no obstruction or hazard to air navigation.

Other Relevant Conditions:

32. All the applicable conditions from Case: 03-143 still apply for the site plans for both lots.

33. 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 water and/or 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.”

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):

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
PWC:	Heidi Maly	223-4737
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Sidewalks):	Jeff Riddle	433-1661
County Public Utilities:		678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, City of Fayetteville

OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: **11-056**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &
INSPECTION DEPARTMENT ON: **6-06-11**

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.
THIS APPROVAL IS VALID UNTIL: **12-31-13**

Patricia S. Spicher **GB**

SUPERVISOR, LAND USE CODES