

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

May 15, 2012

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: Donovan McLaurin, Chairman, Land Use Codes Committee

DEM 1 of 3

SUBJECT: P12-33. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IV, PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 403, USE MATRIX BY INSERTING *INTERNET CAFÉ/VIDEO GAMING* AS A PERMITTED USE IN THE C(P) PLANNED COMMERCIAL DISTRICT COLUMN; AMENDING ARTICLE IX, INDIVIDUAL USES, BY CREATING SECTION 911.1, ENTITLED: *INTERNET CAFÉ/VIDEO GAMING AND LISTING SPECIFIC DEVELOPMENT STANDARDS*; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

The Land Use Codes Committee has considered the above referenced text amendment to the County Zoning Ordinance and recommends approval of the proposed amendment as attached.

The proposed amendment is offered due to the proliferation of this type of use throughout the County and the committee finds it necessary for internet cafés/video gaming facilities to be appropriately regulated to minimize any potential adverse impact to affected communities. To date, the staff is approving this use under the ordinance criteria of "for profit indoor recreation" because the specific use *internet café/video gaming* is not listed in the County Zoning Ordinance as a use by right or as a use that can be approved under prescribed conditions.

If the proposed amendment is adopted, land use impacts resulting from internet cafés/video gaming facilities will be specifically addressed, the most crucial being the provision of adequate off-street parking. In addition, the provisions of the amendment will aid in preventing communities from becoming oversaturated with these facilities by specifying a zoning district where the use is to be permitted and implementing separation requirements as contained within the text. The amendment also includes provisions that require separation from uses typically protected such as religious worship facilities, day cares, residential neighborhoods, public or non-profit recreation and schools.

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

Attachment: P12-33 Internet Café/Video Gaming Text Amendment, County Zoning Ordinance

P12-33
Cumberland County

Zoning Ordinance Amendment
(Internet café/video gaming)

OEM 2 of 3

P12-33: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE II, INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IV, PERMITTED, CONDITIONAL AND SPECIAL USES, SECTION 403, USE MATRIX BY INSERTING *INTERNET CAFÉ/VIDEO GAMING* AS A PERMITTED USE IN THE C(P) PLANNED COMMERCIAL DISTRICT COLUMN; AMENDING ARTICLE IX, INDIVIDUAL USES, BY CREATING SECTION 911.1, ENTITLED: INTERNET CAFÉ/VIDEO GAMING AND LISTING SPECIFIC DEVELOPMENT STANDARDS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II, Interpretations, Calculations and Definitions, Section 203, Definition of Specific Terms and Words, by INSERTING in alphabetical order the definition as written below for “Internet café/video gaming”:

SECTION 203. DEFINITION OF SPECIFIC TERMS AND WORDS.

Internet café/video gaming: Any for profit business enterprise, whether as a principal, accessory or incidental use, providing two or more computers and/or other electronic devices for access to the internet, email, applications, video games, or any other similar activity for a fee that either rewards the user in currency or in any manner capable of being converted to currency whether immediate or future or any other form of compensation. This term includes but is not limited to “internet cafes,” “cybercafés,” “sweepstakes,” or “business center.” This term does not include any governmental use.

AMEND Article IV, Permitted, Conditional and Special Uses, Section 403, Use Matrix, by INSERTING in alphabetical order into the *Land Uses* column “Internet café/video gaming” with the use being allowed in the C(P) Planned Commercial zoning district as a Permitted Use requiring staff site plan approval, indicated by INSERTING an “P” in the *Zoning Classification* column under the heading C(P).

AMEND Article IX, Individual Uses, by CREATING Section 911.1, entitled: *Internet café/video gaming*, and INSERTING the standards for internet café/video gaming operations as follows:

SECTION 911.1. INTERNET CAFÉ/VIDEO GAMING.

OEM 30/3

The following standards apply regardless whether the internet café or video gaming facility is operated as a principal use, accessory use or incidental use:

(a) The detailed site plan accompanying the application shall comply with the provisions of Article XIV and when the internet café/video gaming facility is to be located on a lot with other existing uses, all existing uses on the same lot must be labeled on the appropriate building footprint as shown on the detailed site plan;

(b) Each such establishment shall be located no closer than 2,500 feet from another internet café/video gaming facility, regardless of the jurisdiction in which the facility is located;

(c) Each such establishment shall not be located within 500 feet of any area zoned for residential use, properties containing residential unit(s), religious worship activity, nursery school, day care facility, educational facilities, any public or non-profit recreation or amusement and any public or private school regardless of the zoning district in which located and shall be measured from the property line(s) containing such regulated use;

(d) In the event there is a change in the operational characteristics of the facility in which the internet café/video gaming operation is located, re-submittal of an updated complete application and site plan for re-review and approval prior to enacting the proposed change;

(e) This establishment shall not be located within the same facility as a commercial entity in the business of providing open alcoholic beverages (to include: liquor, fortified wine, unfortified wine and beer), for sale or otherwise provided and alcohol sales within the establishment shall not be permitted;

(f) No establishment shall contain any computer, computer program or gaming machine that has been declared to be banned in the State of North Carolina;

(g) Off-street parking shall be provided at the rate of one space for each four persons in design capacity independent of the off-street parking required for all/any other use on the same property; and

(h) Signage shall be as regulated in Article XII.

SECTION 403 USE MATRIX

CUMBERLAND COUNTY ZONING ORDINANCE
 P = PERMITTED USE
 S = SPECIAL USE (Sec. 1606 Board of Adjustment approval required)
 Z = CONDITIONAL ZONING (Article V – County Commissioners approval required) (Amd. 04-11-18)

LAND USES	ZONING CLASSIFICATIONS																					
	CD	A1	A1A	R40	R40A	R30	R30A	RR	R20	R20A	R15	R7.5	R6	R6A	R5	R5A	O&I(P)	C1(P)	C2(P)	C(P)	M1(P)	M(P)
HOME OCCUPATIONS, Incidental (Sec. 1002A)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
HOTEL/MOTEL, except as regulated by Sec. 924																			P	P		
INDUSTRIAL OPERATIONS NOT OTHERWISE PROHIBITED																						P
INDUSTRIAL SALES OF EQUIPMENT OR REPAIR SERVICE																					P	P
JANITORIAL SERVICE																			P	P	P	P
KENNEL OPERATIONS ³ (Sec. 912)		P	S	S	S			S											P	P	P	P
LABORATORY OPERATIONS, medical or dental																	P	P	P	P		
LABORATORY, RESEARCH																	P	P	P	P	P	P
LANDFILL, DEMOLITION/INERT DEBRIS																					P	P
LIBRARY (SEC. 916)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
LIVESTOCK SALES & AUCTIONING (SEC. 916)		P																			P	P
LOCKSMITH, GUNSMITH																			P	P	P	
MACHINE TOOL MANUFACTURING OR WELDING																						P
MANUFACTURED HOME CLASS A, for residential occupancy		P	P		P		P	P		P				P ⁴								
MANUFACTURED HOME CLASS B, for residential occupancy		P			P			P						P ⁴								
MANUFACTURED HOME CLASS C, for residential occupancy (Sec. 913)														P ⁴								
MANUFACTURED HOME PARK (County Subdivision Ordinance), excluding any manufactured home sales														P								
MANUFACTURED HOME SALES																				P	P	P
MASSAGE & BODYWORKS THERAPY																		P	P	P		
MILLING OR GRINDING GRAIN AND SEED INTO FOOD (SEC. 916)		P																			P	P
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (no outside commercial storage of motor vehicles (Sec. 914)		P														S	S	P	P	P	P	P
MINI-WAREHOUSING (SELF-STORAGE FACILITY) (including outside commercial storage of motor vehicles)		S																		P	P	P

³See Section 912.G for allowed temporary housing/boarding of dogs in all residential zoning districts. (Amd. 01-19-10)

⁴Group developments in the R6A Residential district shall not be approved for more than one manufactured dwelling unit.

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COUNTY of CUMBERLAND

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June 12, 2012

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Land Use Codes Committee Recommendation

P12-41: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES; SECTION 403, USE MATRIX; INSERTING FOOTNOTE "4" IN THE R6A COLUMN FOR EACH ROW LISTING CLASSES OF *MANUFACTURED HOMES FOR RESIDENTIAL OCCUPANCY* WITH THE FOOTNOTE LIMITING GROUP DEVELOPMENTS TO ONE MANUFACTURED HOME WHEN PROPERTY IS ZONED R6A.

The above referenced text amendment was considered by the Land Use Codes Committee on May 15, 2012. After discussion, the committee members present voted unanimously to recommend approval of the County Zoning Ordinance text amendment limiting group development approval to a maximum of one manufactured home when the subject property is zoned R6A residential.

Attachment: P12-41 County Zoning Ordinance Text Amendment

P12-41
Cumberland County

Zoning Ordinance Amendment

(Group developments w/ manufactured homes limited in R6A district)

P12-41: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE IV PERMITTED, CONDITIONAL, AND SPECIAL USES; SECTION 403, USE MATRIX; INSERTING FOOTNOTE "4" IN THE R6A COLUMN FOR EACH ROW LISTING CLASSES OF *MANUFACTURED HOMES FOR RESIDENTIAL OCCUPANCY* WITH THE FOOTNOTE LIMITING GROUP DEVELOPMENTS TO ONE MANUFACTURED HOME WHEN PROPERTY IS ZONED R6A.

AMEND Article IV Permitted, Conditional, and Special Uses; Section 403, Use Matrix, by INSERTING footnote "4" in the R6A column for each class of *manufactured homes for residential occupancy* rows with the footnote text to read as indicated below:

LAND USES	ZONING CLASSIFICATIONS
	R6A
MANUFACTURED HOME CLASS A, for residential occupancy	P ⁴
MANUFACTURED HOME CLASS B, for residential occupancy	P ⁴
MANUFACTURED HOME CLASS C, for residential occupancy	P ⁴

⁴Group developments in the R6A Residential district shall not be approved for more than one manufactured dwelling unit.

(See highlighted text on attached page 43, County Zoning Ordinance, for page layout.)

In addition to this proposed County Zoning Ordinance text amendment, an "Editor's note" will be inserted under the section heading of Section 2401. Group Developments, County Subdivision Ordinance. The note will read as follows:

(Editor's note: See Section 403, Use Matrix, County Zoning Ordinance – group developments in the R6A Residential zoning district cannot be approved for more than one manufactured home.)

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: County Planning Staff

SUBJECT: Staff Recommendation for June 19, 2012 Board Meeting

P12-42: REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 42 ZONING; AMENDING ARTICLE II. ZONING DISTRICTS, SECTION 42-35 BY CREATING SUB-SECTION (17) ENTITLED: *CD CONSERVANCY DISTRICT*; ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 42-63. DISTRICT USE REGULATIONS, INSERTING A COLUMN ENTITLED *CD* AND SPECIFYING THE USES ALLOWED IN THE *CD* ZONING DISTRICT; ARTICLE VIII. LOT AND YARD REGULATIONS, BY CREATING SUB-SECTION (8) ENTITLED: *LOT AREA EXCEPTION IN CONSERVANCY DISTRICTS*; ARTICLE VIII. LOT AND YARD REGULATIONS, SECTION 42-192. DISTRICT DIMENSIONAL PROVISIONS BY INSERTING A ROW ENTITLED: *CD* AND ESTABLISHING YARD SETBACKS FOR THE *CD* ZONING DISTRICT; AND ARTICLE XI. SIGN REGULATIONS, SECTION 42-293, SUB-SECTIONS (1) AND (1)D. MAKING CERTAIN EXISTING SIGN REGULATIONS APPLICABLE IN THE *CD* ZONING DISTRICT; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

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

1. If approved, this amendment will provide a tool for the town to protect environmentally sensitive areas from development; and
2. The amendment is consistent with the County's conservancy district provisions, thus aiding in the transition from County to Spring Lake zoning when a property is annexed by the town.

Attachment:
P12-41 County Zoning Ordinance Text Amendment

P12-42

Spring Lake Zoning Ordinance Text Amendment (CD Conservancy District)

P12-42: REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 42 ZONING; AMENDING ARTICLE II. ZONING DISTRICTS, SECTION 42-35 BY CREATING SUB-SECTION (17) ENTITLED: *CD CONSERVANCY DISTRICT*; ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 42-63. DISTRICT USE REGULATIONS, INSERTING A COLUMN ENTITLED *CD* AND SPECIFYING THE USES ALLOWED IN THE CD ZONING DISTRICT; ARTICLE VIII. LOT AND YARD REGULATIONS, BY CREATING SUB-SECTION (8) ENTITLED: *LOT AREA EXCEPTION IN CONSERVANCY DISTRICTS*; ARTICLE VIII. LOT AND YARD REGULATIONS, SECTION 42-192. DISTRICT DIMENSIONAL PROVISIONS BY INSERTING A ROW ENTITLED: *CD* AND ESTABLISHING YARD SETBACKS FOR THE CD ZONING DISTRICT; AND ARTICLE XI. SIGN REGULATIONS, SECTION 42-293, SUB-SECTIONS (1) AND (1)D. MAKING CERTAIN EXISTING SIGN REGULATIONS APPLICABLE IN THE CD ZONING DISTRICT; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II. Zoning Districts, Section 42-35. Statement of district intent; purpose and zone characteristics by CREATING sub-section (17), entitled: *CD conservancy district*, with the text to read as follows:

(17) *CD Conservancy District*. This district is designed to preserve and protect identifiable natural resources from urban encroachment. The general intent of the district is to provide open area uses for such resource areas that will continue to provide limited development potential while preserving existing conditions to the extent feasible. Areas to be zoned in this district shall be identifiable as swamp, marsh, flood land, poor or very severe soils areas or managed and unmanaged woodland on USGS (Geological Survey) maps, soil maps prepared by the USDA (Department of Agriculture) Soil Conservation Service or other appropriate sources and on file in the County Planning Department.

AMEND Article III. Permitted principal uses and structures, Section 42-63. District use regulations by INSERTING a column into the table entitled: *CD*, with the uses allowed as indicated below with the “X” signifying the use is permitted and “C” designating the use as a special use permit requiring Board of Adjustment approval:

<i>Permitted Uses</i>	<u>CD</u>
Hatchery operations	<u>X</u>
Home occupation, incidental	<u>X</u>
Nursery operation (plants) retail and production	<u>X</u>
Public and community utility stations or substations	<u>X</u>
Quarry operations	<u>C</u>
Private recreation or swimming club, nonprofit	<u>C</u>
Public recreation (such as neighborhood center buildings, parks, museums, playgrounds), on a nonprofit basis and similar facilities operated	<u>X</u>
Recreation or amusement enterprise conducted outside a building and for profit, and not otherwise listed herein	<u>X</u>
<u>Recreation vehicle park and/or campgrounds</u>	<u>C</u>
Sawmill or planing activities	<u>X</u>
Special information sign, insert	<u>C</u>
Telephone exchange operations	<u>C</u>

AMEND Article VIII. Lot and Yard Regulations, Section 42-190. Lot Regulations, by CREATING sub-section (8) entitled: *Lot area exception in conservancy districts* with the text to read as follows:

(8) *Lot area exception in conservancy districts.* In the CD conservancy district, the area may be used as part of any contiguous zoning district for calculating density of an entire development and satisfying setback requirements for lots within the development. That portion of such lots within the development falling within the CD district shall only be used for open space uses, and no principal or accessory structures shall be permitted, except boat landing piers when permitted by applicable Federal, State, or local regulations.

AMEND Article VIII. Lot and Yard Regulations, Section 42-192. District dimensional provisions, by INSERTING a new row at the end of the table with the district designation of “CD” and the dimensional provisions as indicated below:

Sec. 42-192. District dimensional provisions

		<i>Minimum Yard Regulations</i>			
		<i>Front Yard Setback in Feet²</i>		<i>Side Yard Width in Feet³</i>	<i>Rear Yard Depth in Feet⁴</i>
<i>District</i>	<i>Minimum Areas¹</i>	<i>Measured From R/W Line</i>	<i>Measured From Street Centerline</i>		
<u>CD</u>		<u>50</u>	<u>80</u>	<u>50</u>	<u>50</u>

AMEND Article XI. Sign Regulations, Section 42-293. Signs permitted by districts, sub-section (1) *Residential and mixed use or planned neighborhood development districts*, by INSERTING *conservancy* in the sub-section title as indicated below:

- (1) *Residential, conservancy and mixed use or planned neighborhood development districts.*

AMEND Article XI. Sign Regulations, Section 42-293. Signs permitted by districts, sub-section (1) *Residential and mixed use or planned neighborhood development districts*, sub-section d. *Institutional, commercial and industrial signs located in rural residential, and mixed use or planned neighborhood development districts* by INSERTING *conservancy* in the sub, sub-section title and the first paragraph as indicated below:

- d. *Institutional, commercial and industrial signs located in rural residential, ~~and~~ mixed use or planned neighborhood development and conservancy districts. Any institutional, commercial or industrial use, which is a permitted or special use or an approved use through conditional zoning in a rural residential, ~~or~~ residential or conservancy [district] may erect and maintain signs as follows:*

Roy Turner,
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Walter Clark,
Vice-Chair
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Town of Spring Lake
Harvey Cain, Jr.,
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Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

COUNTY *of* CUMBERLAND

Planning & Inspections Department

June 12, 2012

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for the June 19, 2012 Board Meeting

P12-28: REZONING OF 1.00+/- ACRE FROM RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4446 CLINTON ROAD, SUBMITTED BY JANICE IVEY AND TOMMY D. FAIRCLOTH (OWNERS) AND GARRIS NEIL YARBOROUGH, ESQ.

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

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "community growth area" at this location, as well as meeting the location criteria for light commercial development as listed in the Land Use Policies Plan;
2. The request for the C2(P) Planned Service and Retail district is reasonable due to the recent rezonings in the general area; and
3. Public utilities are available to the subject property.

The C1(P) district could also be considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-28
SITE PROFILE

P12-28: REZONING OF 1.00+/- ACRE FROM RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4446 CLINTON ROAD, SUBMITTED BY JANICE IVEY AND TOMMY D. FAIRCLOTH (OWNERS) AND GARRIS NEIL YARBOROUGH, ESQ.

Site Information:

Frontage & Location: 186.00'+/- on SR 1006 (Clinton Road) & 242.02'+/- on SR 2013 (Old Vander Road)

Depth: 253.02'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, south of subject property

Current Use: 1 residential structure

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

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C(P), C1(P), RR, SF-15 (Fayetteville) & R10; South: RR & R20; East: RR; West: RR/CU (billboard) & RR

Surrounding Land Use: Residential (including manufactured homes), substations (2), farmland & woodlands

2030 Land Use Plan: Community Growth Area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: Sunnyside Elementary: 300/362; Mac Williams Middle: 1,274/1,221; Cape Fear High: 1,400/1,575

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

Municipal Influence Area: Town of Stedman

Average Daily Traffic Count (2010): 4,900 on SR 1006 (Clinton Road) & 1,900 on SR 2013 (Old Vander Road)

Highway Plan: Clinton Road and Old Vander Road are identified in the Highway Plan Major Thoroughfares with adequate right-of-ways

Notes:

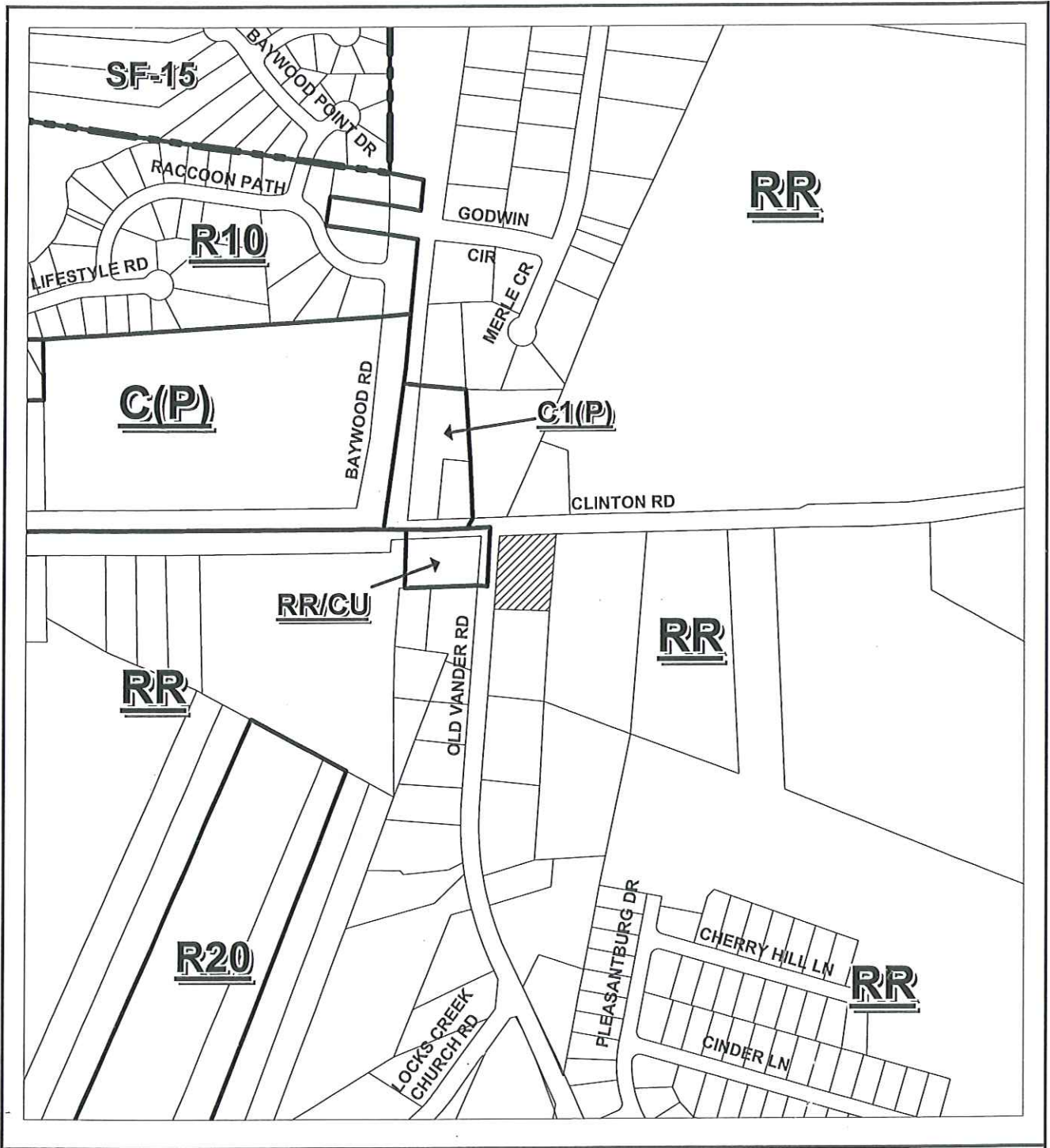
1. Density:
RR – 2 lots/units

2. Minimum Yard Setback Regulations:

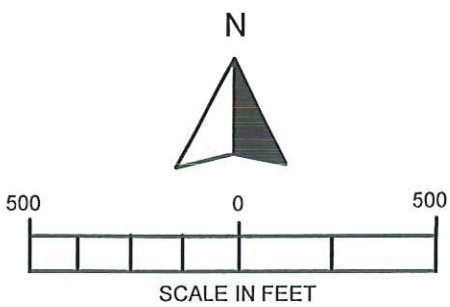
<u>RR</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard: 30'	Front yard: 45'	Front yard:
Side yard: 15'	Side yard: 15'	Side yard: 30'
Rear yard: 35'	Rear yard: 20'	Rear yard: 30'

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 RR TO C2(P)



PIN: 0466-88-1035

ACREAGE: 1.00 AC.+/-	HEARING NO: P12-28	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: County Planning Staff

SUBJECT: Staff Recommendation for the June 19, 2012 Board Meeting

P12-34: INITIAL ZONING OF .46+/- ACRE TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 222 THROUGH 232 WEST MANCHESTER ROAD, OWNED BY ROBERT T. DARDEN JR. (SPRING LAKE)

The County Planning Staff recommends approval of the initial zoning to the RR Rural Residential District of the subject property as shown on the attached sketch map, 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 "suburban density residential" development as listed in the Land Use Policies Plan;
2. Public utilities are available to the subject property; and
3. The request was submitted by the Town of Spring Lake.

The effective date of annexation was April 9, 2012. There are no other suitable districts to be considered for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-34
SITE PROFILE

P12-34: INITIAL ZONING OF .46+/- ACRE TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 222 THROUGH 232 WEST MANCHESTER ROAD, OWNED BY ROBERT T. DARDEN JR. (SPRING LAKE)

Site Information:

Frontage & Location: 103.83'+/- on SR 1451 (W Manchester Road)

Depth: 203.72'+/-

Jurisdiction: Town of Spring Lake (annexation effective April 9, 2012)

Adjacent Property: Yes, east of subject property

Current Use: Residential

Initial Zoning: RR – January 7, 1977 (Area 11)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M2 (Spring Lake), C(P), RR, R10 (Spring Lake) & CD; South: M(P), C(P), C2(P), RR (Spring Lake), R10 & R6A (Spring Lake); East: C3, RR & R10; West: RR, R15 (Spring Lake) & CD

Surrounding Land Use: Residential (including manufactured homes & multi-family), religious worship, day care, mini-warehousing, open storage & woodlands

2030 Land Use Plan: Urban

Spring Lake Land Use Plan: Planned Commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Spring Lake/Spring Lake

Soil Limitations: None

School Capacity/Enrolled: Manchester Elementary: 340/375; Spring Lake Middle: 700/466; Pine Forest High: 1,750/1,570

Subdivision/Site Plan: If approved, new construction may require a review and approval

RLUAC: Does not object to the request but suggests the use of additional insulation in any new construction as the property has high noise levels (57-62 dB). Subject property is also within the Accident Potential Zone (APZ) of Pope Army Airfield

Average Daily Traffic Count (2010): 10,000 on SR 1451 (W Manchester Road)

US Fish & Wildlife: No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

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

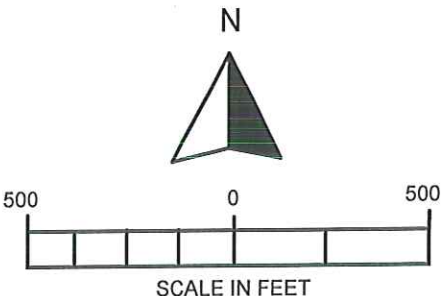
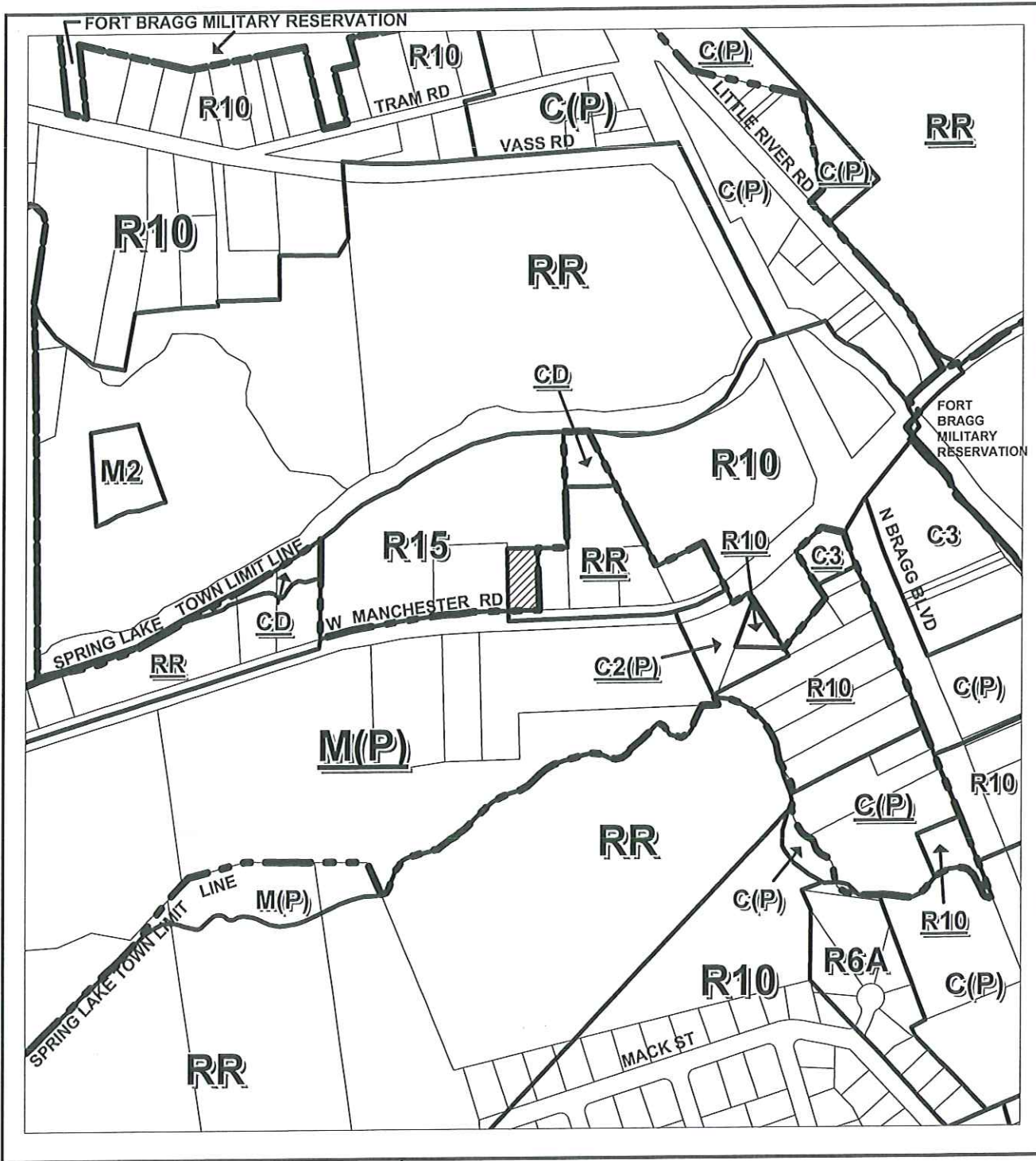
Notes:

1. Density:
RR – 1 lot/unit

2. Minimum Yard Setback Regulations:
RR
Front yard: 30'
Side yard: 15'
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' acknowledgement of notice is also included in the case file.



INITIAL ZONING TO RR		
ACREAGE: 0.46 AC.+/-	HEARING NO: P12-34	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0502-34-0737

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

June 12, 2012

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: County Planning Staff

SUBJECT: Staff Recommendation for the June 19, 2012 Board Meeting

P12-35: INITIAL ZONING OF 8.00+/- ACRES TO CD CONSERVANCY, RR RURAL RESIDENTIAL AND C3 HEAVY COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1451 (W MANCHESTER ROAD) AND SOUTH OF SR 690 (VASS ROAD); OWNED BY DONALD B. AND BETTY R. EASTERLING. (SPRING LAKE)

The County Planning Staff recommends approval of the initial zoning to the CD Conservancy, RR Rural Residential and C3 Heavy Commercial Districts of the subject properties as shown on the attached sketch map, based on the following:

1. The districts requested are consistent with the 2030 Growth Vision Plan, which calls for "urban" and "conservation area" at these locations, as well as meeting the location criteria for "suburban density residential" and "heavy commercial" development as listed in the Land Use Policies Plan;
2. Public utilities are available to the subject property; and
3. The request was submitted by the Town of Spring Lake.

The effective date of annexation was April 9, 2012. There are no other suitable districts to be considered for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-35
SITE PROFILE

P12-35: INITIAL ZONING OF 7.39+/- ACRES TO CD CONSERVANCY, RR RURAL RESIDENTIAL AND C3 HEAVY COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF SR 1451 (W MANCHESTER ROAD) AND SOUTH OF SR 690 (VASS ROAD); OWNED BY DONALD B. AND BETTY R. EASTERLING. (SPRING LAKE)

Site Information:

Frontage & Location: 756.06'+/- on SR 1451 (W Manchester Road)

Depth: 1,161.76'+/-

Jurisdiction: Town of Spring Lake (annexation effective April 9, 2012)

Adjacent Property: No

Current Use: Residential

Initial Zoning: C3, RR & CD – January 7, 1977 (Area 11)

Nonconformities: Some existing residential structures do not appear to meet side yard or front yard setbacks

Zoning Violation(s): None

Surrounding Zoning: North: RR (Spring Lake), R10 & CD; South: M(P), C(P) & RR (Spring Lake); East: M(P), C3, C2(P), RR & CD; West: C3, RR, R10 (Spring Lake), R6A & CD

Surrounding Land Use: Residential (including manufactured homes & multi-family), manufactured home parks (2), industrial operations not otherwise permitted (2), bars (2), open storage, religious worship, hardware sales & woodlands

2030 Land Use Plan: Urban & Conservation Area

Spring Lake Land Use Plan: Planned Commercial & Open Space

Special Flood Hazard Area (SFHA): Yes; base flood is 152 msl (NAVD)

Water/Sewer Availability: Spring Lake/Spring Lake

Soil Limitations: Yes, hydric – CH Chewacla loam & WmB Wickham fine sandy

School Capacity/Enrolled: Manchester Elementary: 340/375; Spring Lake Middle: 700/466; Pine Forest High: 1,750/1,570

Subdivision/Site Plan: If approved, new construction may require a review and approval

RLUAC: Does not object to the request but suggests the use of additional insulation in any new construction as the property has high noise levels (65dB). Subject property is also within the Accident Potential Zone (APZ) of Pope Army Airfield. RLUAC also recommends that residential units be prohibited from a portion of the request

Average Daily Traffic Count (2010): 10,000 on SR 1451 (W Manchester Road)

US Fish & Wildlife: No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

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

Note:

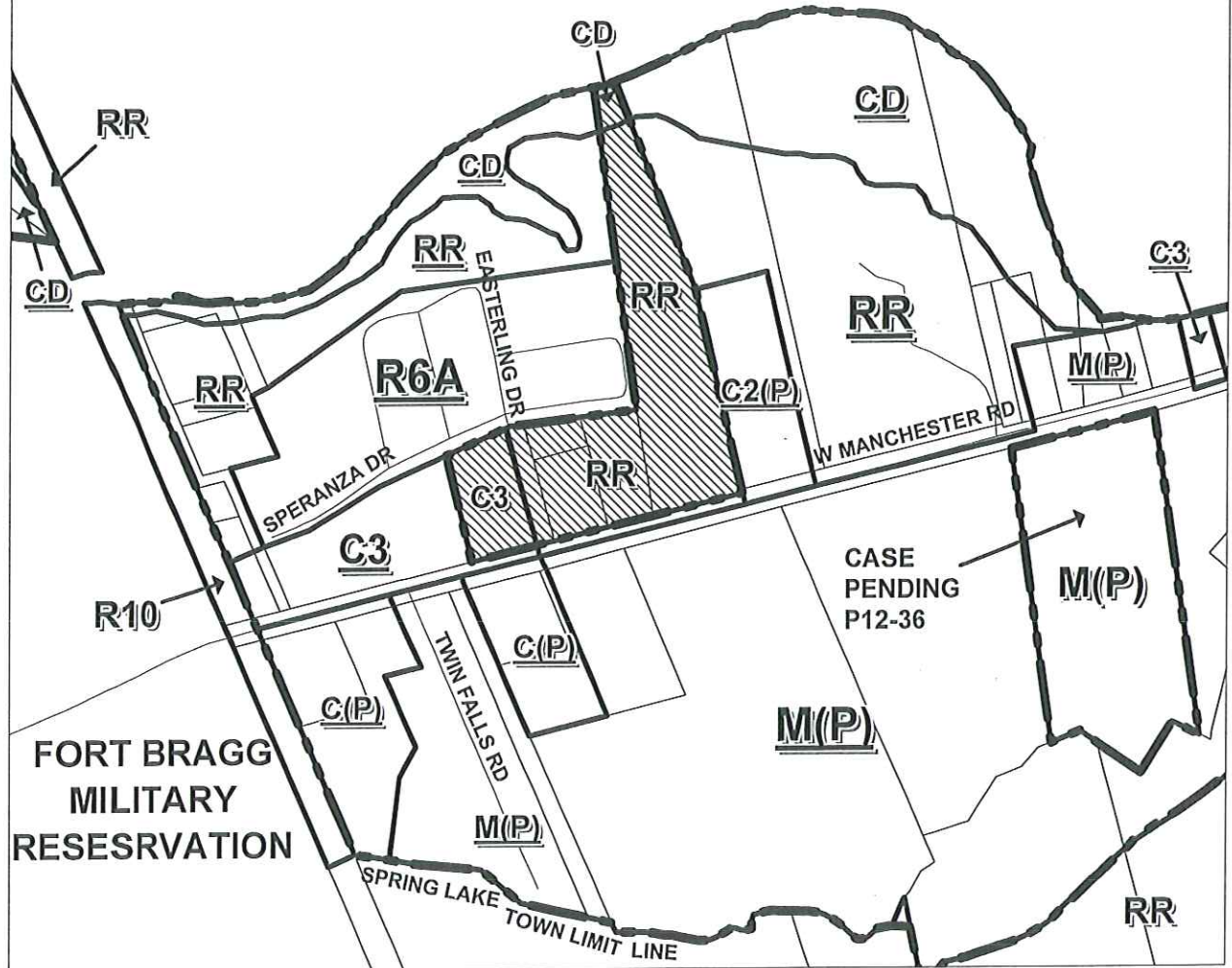
Minimum Yard Setback Regulations:

<u>C3</u>	<u>RR</u>
Front yard: 45'	Front yard: 30'
Side yard: 15'	Side yard: 15'
Rear yard: 20'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

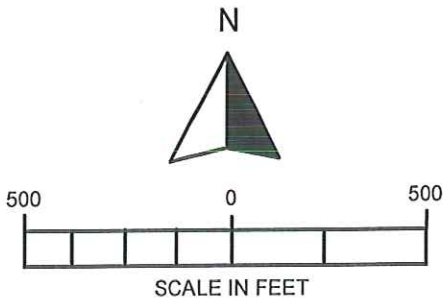
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.

FORT BRAGG MILITARY RESERVATION



FORT BRAGG
MILITARY
RESESRVATION

INITIAL ZONING TO CD, RR & C3



ACREAGE: 8.00 AC.+/-		HEARING NO: P12-35	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 9592-93-2992, 3985, 5903
9592-94-6030, 7346, 4058

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

June 12, 2012

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: County Planning Staff

SUBJECT: Staff Recommendation for the June 19, 2012 Board Meeting

P12-36: INITIAL ZONING OF 7.79+/- ACRES TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 421 THROUGH 439 W MANCHESTER ROAD, OWNED BY JOSEPH L. & JANATHYN L. CROSSMAN ET AL. (SPRING LAKE)

The County Planning Staff recommends approval of the initial zoning to the M(P) Planned Industrial District of the subject property and CD Conservancy District for that portion located within the *Special Flood Hazard Area* as shown on the attached sketch map, based on the following:

1. The districts requested are consistent with the 2030 Growth Vision Plan, which calls for “urban” and “conservation area” at this location, as well as meeting the location criteria for “heavy industrial/manufacturing” development as listed in the Land Use Policies Plan;
2. Public utilities are available to the subject property; and
3. The request was submitted by the Town of Spring Lake.

The effective date of annexation was April 23, 2012. There are no other suitable districts to be considered for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-36
SITE PROFILE

P12-36: INITIAL ZONING OF 7.79+/- ACRES TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 421 THROUGH 439 W MANCHESTER ROAD, OWNED BY JOSEPH L. & JANATHYN L. CROSSMAN ET AL. (SPRING LAKE)

Site Information:

Frontage & Location: 401.91'+/- on SR 1451 (W Manchester Road)

Depth: 930.00'+/-

Jurisdiction: Town of Spring Lake (annexation effective April 23, 2012)

Adjacent Property: No

Current Use: Industrial

Initial Zoning: M(P) – January 7, 1977 (Area 11)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M(P), M2 (Spring Lake), C3, C2(P), RR, R15 (Spring Lake), R6A & CD; South: M(P), RR (Spring Lake), R10 (Spring Lake) & R6A (Spring Lake); East: M(P); West: M(P) & C(P)

Surrounding Land Use: Residential (including manufactured homes), industrial operation not otherwise permitted, lodge, repair, motor vehicle repair, bar, trade contractor & woodlands

2030 Land Use Plan: Urban & Conservation Area

Spring Lake Land Use Plan: Planned Industrial & Open Space

Special Flood Hazard Area (SFHA): Yes; base flood is 170.5 msl (NAVD)

Water/Sewer Availability: Spring Lake/Spring Lake

Soil Limitations: Yes, hydric – WmB Wickham fine sandy

School Capacity/Enrolled: Manchester Elementary: 340/375; Spring Lake Middle: 700/466; Pine Forest High: 1,750/1,570

Subdivision/Site Plan: If approved, new construction may require a review and approval

RLUAC: Does not object to the request. Subject property is within the Accident Potential Zone (APZ) of Pope Army Airfield and in a high noise level area (62-70 dB)

Average Daily Traffic Count (2010): 10,000 on SR 1451 (W Manchester Road)

US Fish & Wildlife: No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

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

Note:

Minimum Yard Setback Regulations:

M(P)

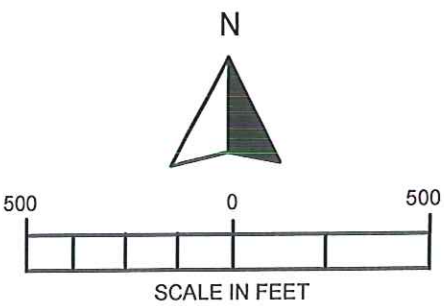
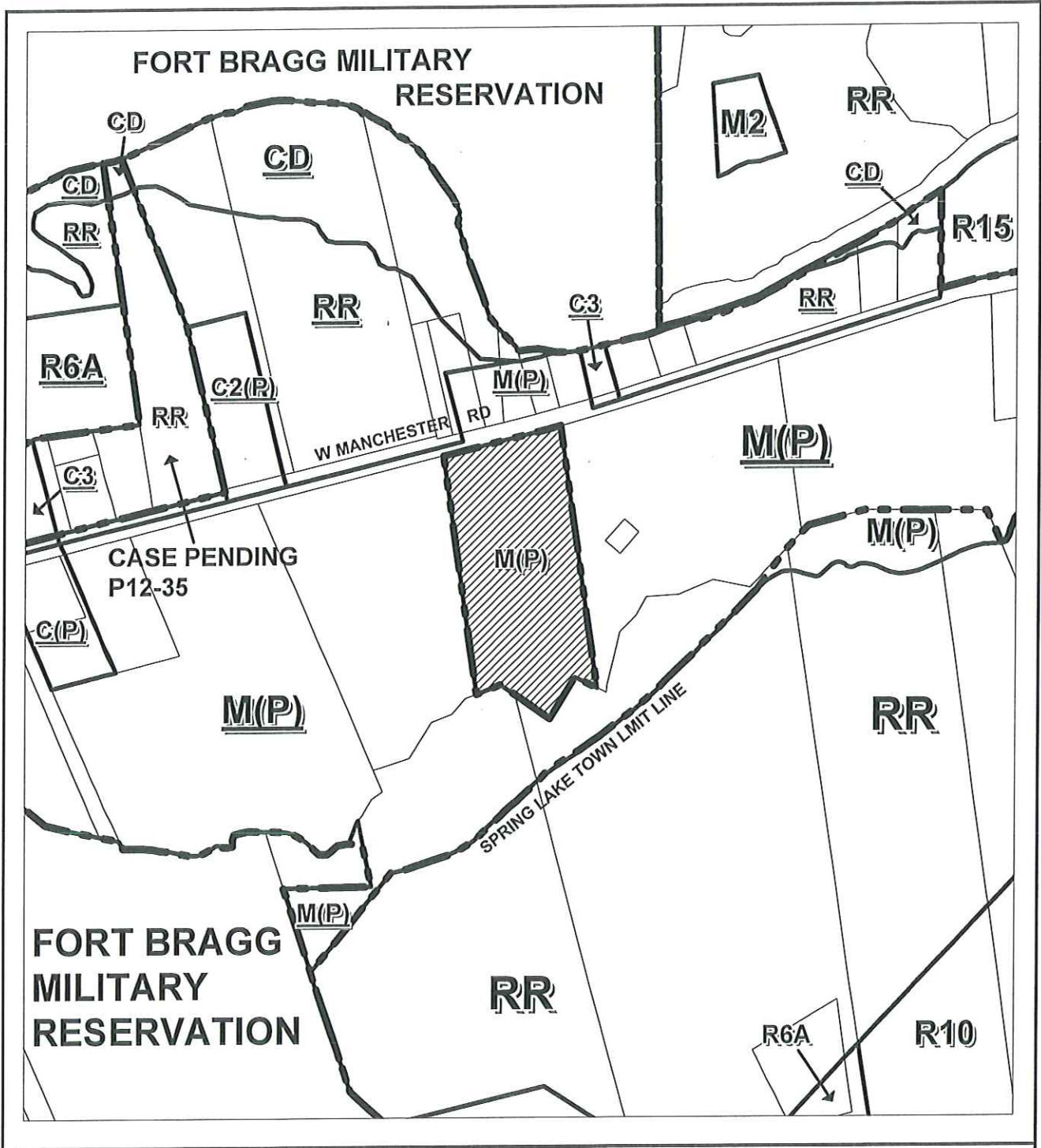
Front yard: 100'

Side yard: 50'

Rear yard: 50'

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.



INITIAL ZONING TO M(P)

ACREAGE: 7.79 AC. +/-		HEARING NO: P12-36	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0502-03-9657

AM

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



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

COUNTY *of* CUMBERLAND

Planning & Inspections Department

June 12, 2012

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for the June 19, 2012 Board Meeting

P12-37: REZONING OF 24.73+/- ACRES FROM A1 AGRICULTURAL AND C(P) PLANNED COMMERCIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3435 MURPHY ROAD AND NORTHEAST OF SR 1832 (MURPHY ROAD), SOUTHEAST OF I-95; SUBMITTED BY SANDRA F. AUTRY, MARY J. SWANN, SHARON A. PENNY AND MARSHA D. AUTRY AS THE MARGARET MURPHY AUTRY HEIRS (OWNERS) AND JAMES SHERRILL, REMAX HOMEOWNERS LTD. (EASTOVER)

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

1. The district requested is consistent with the Eastover Area Detailed Land Use Plan, which calls for "activity node" at this location; the request is also consistent with the 2030 Growth Vision Plan, which calls for "community growth" and "conservation area" at this location, as well as meeting the location criteria for light commercial development as listed in the Land Use Policies Plan;
2. The requested district is reasonable due to the subject property's proximity to I-95; and
3. Public utilities (water) are available to the subject property.

There are no other districts considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-37
SITE PROFILE

P12-37: REZONING OF 24.73+/- ACRES FROM A1 AGRICULTURAL AND C(P) PLANNED COMMERCIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3435 MURPHY ROAD AND NORTHEAST OF SR 1832 (MURPHY ROAD), SOUTHEAST OF I-95; SUBMITTED BY SANDRA F. AUTRY, MARY J. SWANN, SHARON A. PENNY AND MARSHA D. AUTRY AS THE MARGARET MURPHY AUTRY HEIRS (OWNERS) AND JAMES SHERRILL, REMAX HOMEOWNERS LTD. (EASTOVER)

Site Information:

Frontage & Location: 684.40'+/- on SR 1832 (Murphy Road)

Depth: 1,510.00'+/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: Woodlands

Initial Zoning: A1 – April 26, 1979 (Area 8); initially zoned to A1 December 4, 2007 (Town of Eastover incorporated July 26, 2007)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M(P), C(P), C1(P), RR, R10, R6A & A1; South: HS(P)/CU (emergency personnel training), HS(P), C(P), R40 (Eastover), RR, R6A & A1; East: C(P), R40, RR & A1; West: C(P)/CU (trade contractor), C(P), C2(P), C1(P) & R6A (all referenced districts are in Eastover except south of subject)

Surrounding Land Use: Residential (including manufactured homes), garden supply, office, religious worship & woodlands

2030 Growth Vision Plan: Community Growth & Conservation Area

Eastover Area Detailed Land Use Plan: Activity Node

Special Flood Hazard Area (SFHA): Yes; base flood is 104 msl (NAVD)

Water/Sewer Availability: ESD/Septic

Soil Limitations: None

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, new development may require review and approval

Average Daily Traffic Count (2010): 4,200 on SR 1832 (Murphy Road)

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:

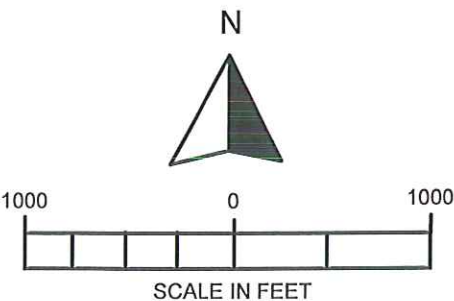
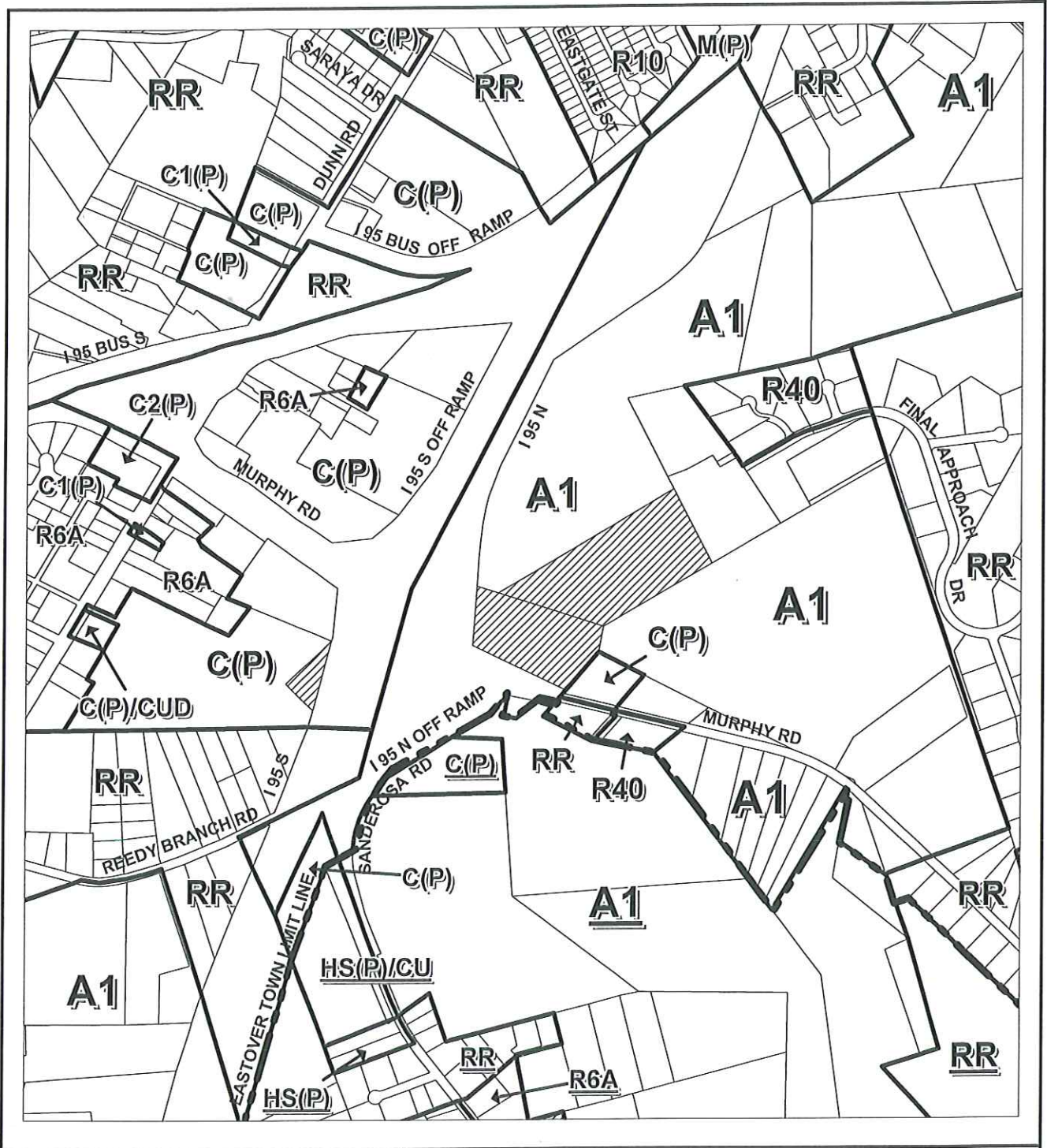
1. Density:
A1 – 12 lots/units

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>C2(P) & C(P)</u>
Front yard: 50'	Front yard: 50'
Side yard: 20'	Side yard: 30'
Rear yard: 50'	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.



PIN: 0468-44-6978
 PIN: 0468-55-2406

REQUESTED REZONING A1 & C(P) TO C2(P)

ACREAGE: 24.73 AC.+/-	HEARING NO: P12-37	
ORDINANCE: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

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

June 12, 2012

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 June 19, 2012 Board Meeting

P12-38: REZONING OF 1.41+/- ACRES FROM A1A AGRICULTURAL TO R30A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 8126 & 8130 NORRIS ROAD; SUBMITTED BY LILLIE JOANN GODWIN, RICKY L. WILLIAMS AND CHICO LAMONT WILLIAMS (OWNERS) AND ECLS, INC.

The Planning & Inspections Staff recommends approval of the R30A Residential district for this request based on the following:

1. Although the district requested is not consistent with the Vision Northeast Plan, which calls for "farmland" at this location or the 2030 Growth Vision Plan that calls for "rural", approval will allow for lot sizes consistent with existing lots in the general area;
2. The request is consistent with the location criteria for "suburban density" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan; and
3. The request is reasonable since it will allow for development that is in harmony with existing land uses and lot sizes in the general area.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-38
SITE PROFILE

P12-38: REZONING OF 1.41+/- ACRES FROM A1A AGRICULTURAL TO R30A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 8126 & 8130 NORRIS ROAD; SUBMITTED BY LILLIE JOANN GODWIN, RICKY L. WILLIAMS AND CHICO LAMONT WILLIAMS (OWNERS) AND ECLS, INC.

Site Information:

Frontage & Location: 111.20'+/- on SR 1875 (Norris Road)

Depth: 278.65'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 2 residential structures

Initial Zoning: A1 – November 25, 1980 (Area14); rezoned to A1A July 16, 2001

Nonconformities: 1 residential structure appears to encroach across a property line

Zoning Violation(s): None

Surrounding Zoning: North, South, East & West: A1A

Surrounding Land Use: Residential (including manufactured homes), religious worship, farmland & woodlands

2030 Land Use Plan: Rural

Vision Northeast Plan: Farmland

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

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 construction may require a review and approval

Average Daily Traffic Count (2010): 290 on SR 1812 (Burnett Road)

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:

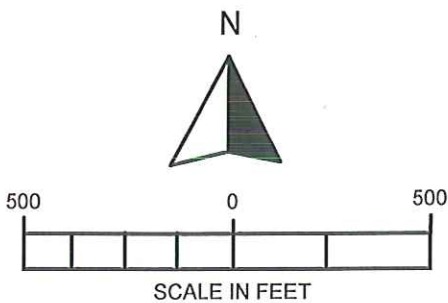
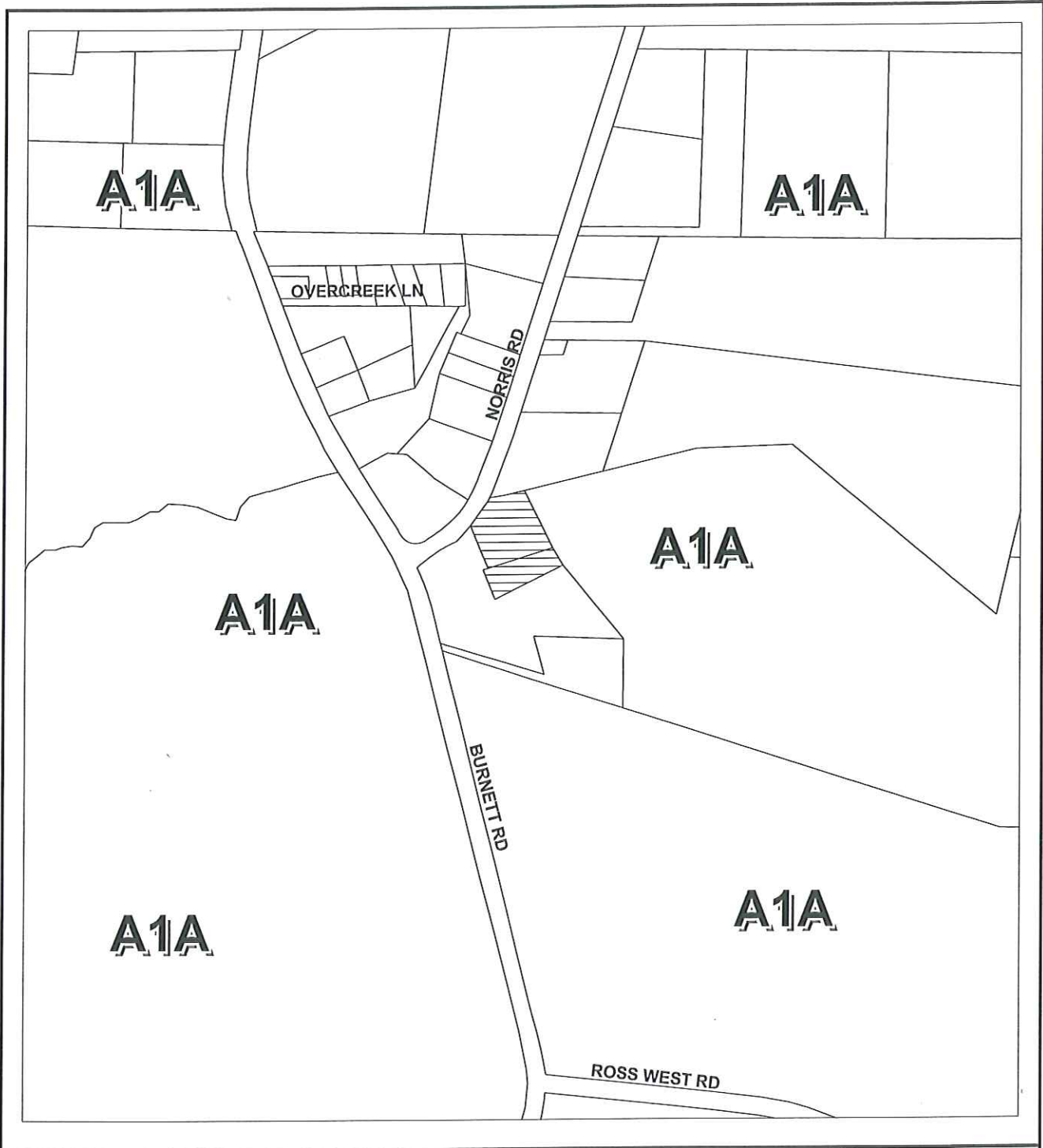
1. Density:
A1A – 1 lot/unit
R30 – 2 lots/units

2. Minimum Yard Setback Regulations:

<u>A1A</u>	<u>R30</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	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.



PIN: 0594-51-9548, 9702

REQUESTED REZONING A1A TO R30A

ACREAGE: 1.41 AC.+/-	HEARING NO: P12-38	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

WL

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

June 12, 2012

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 the June 19, 2012 Board Meeting

P12-40: REZONING OF 2.05+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2003 AND 2005 MIDDLE ROAD AND ON THE NORTH SIDE OF SR 1728 (MIDDLE ROAD), EAST OF SR 1725 (DOBBIN HOLMES ROAD); SUBMITTED BY KAY ROYAL WILLIFORD (OWNER). (EASTOVER)

The Planning & Inspections Staff recommends approval of the R30 Residential district for this request based on the following:

1. Although the district requested is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "one acre residential lots" at this location; the district requested is consistent with the 2030 Growth Vision Plan, which calls for "community growth area" at this location, as well as meeting the location criteria for suburban density residential development as listed in the Land Use Policies Plan;
2. The requested district is reasonable as the location and character of the use will be in harmony with the surrounding area; and
3. Public water is available to the subject property.

There are no other districts considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-40
SITE PROFILE

P12-40: REZONING OF 2.05+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2003 AND 2005 MIDDLE ROAD AND ON THE NORTH SIDE OF SR 1728 (MIDDLE ROAD), EAST OF SR 1725 (DOBBIN HOLMES ROAD); SUBMITTED BY KAY ROYAL WILLIFORD (OWNER). (EASTOVER)

Site Information:

Frontage & Location: 207.99'+/- on SR 1728 (Middle Road)

Depth: 405.00'+/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: Two residential structures

Initial Zoning: A1 – December 14, 1979 (Area 10); initially zoned A1 – December 4, 2007 (Town of Eastover incorporated July 26, 2007)

Nonconformities: Yes, subject properties do not meet minimum A1 lot size requirements & one structure appears to encroach upon a property line and the other structure does not appear to meet side/rear setbacks

Zoning Violation(s): None

Surrounding Zoning: North: A1; South: R30 & A1; East: M(P), RR & A1; West: R40 & A1 (all referenced districts are in Eastover)

Surrounding Land Use: Residential (including manufactured homes & multi-family), equestrian facilities, industrial operation not otherwise permitted & woodlands

2030 Land Use Plan: Community growth area

Eastover Area Detailed Land Use Plan: One acre residential lots

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/Septic

Soil Limitations: Yes, hydric – RO Roanoke and Wahee loams

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, any new construction may require a review and approval

Average Daily Traffic Count (2010): 1,500 on SR 1728 (Middle Road)

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:

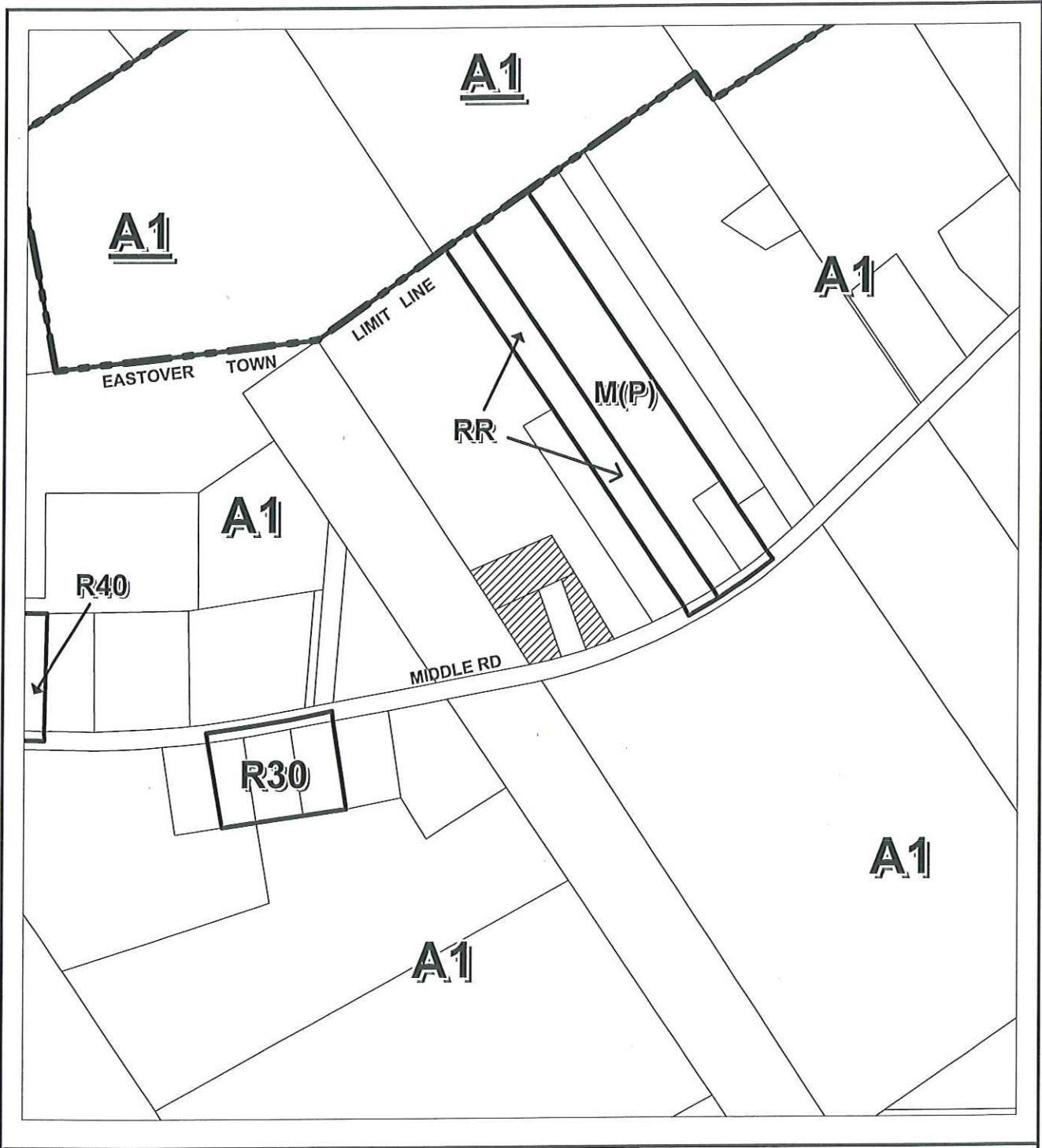
1. Density:
A1 – 1 lot/unit
R30 – 2 lots/units

2. Minimum Yard Setback Regulations:

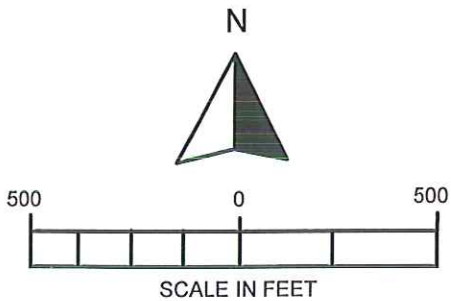
<u>A1</u>	<u>R30</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

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.



REQUESTED REZONING A1 TO R30



ACREAGE: 2.05 AC.+/-	HEARING NO: P12-40	
ORDINANCE: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0458-77-9690
 PIN: 0458-87-0421
 PIN: 0458-87-2416

12-071
SITE PROFILE

CASE NO. 12-071. CONSIDERATION OF THE ANDREW SEALS PROPERTY; SUBDIVISION AND GROUP DEVELOPMENT REVIEW; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF 20 FEET OF STREET FRONTAGE ABUTTING EITHER A PUBLIC OR PRIVATE STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2303.C STREET FRONTAGE AND 2401.D STREET ACCESS; ZONED: A1; TOTAL ACREAGE: 6.22+/-; LOCATED AT 6476 & 6480 ALAMANCE ROAD; SUBMITTED BY ANDREW SEALS (OWNER). (COUNTY JURISDICTION)

Summary of Request

Developer is requesting a waiver from the requirement to have a minimum of 20 feet of street frontage along either an approved private street or public street for the proposed lot. The existing lot was created by deed on June 14, 1985 (Deed Bk. 3074, Pg. 553) and is served by a 60 foot wide ingress/egress easement for access to SR 2243 (Roslin Farm Road) as described on the same recorded deed. Currently (and in 1985) the County Subdivision Ordinance requires all new lots created and group developments to take their access directly from either an approved private or a public street, not from an easement. The lot has three existing dwelling units located on the property which has not been previously approved for a group development.

Site Information:

Frontage & Location: 0.00'+/- 780.00' +/- off of SR 2243 (Roslin Farm Road)

Trail frontage: 256 65'+/- along E911 trail named Alamance Road

Depth: 813.66'+/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): N/A

Initially Zoned: June 25, 1980 to A1

Adjacent Property: No

Nonconformities: Yes – lot created by deed on May 31, 1985 and not approved as a subdivision and additional dwellings placed on the property without a group development approval. Lot does not meet the minimum standards for street frontage and access. Some of the existing dwellings do not meet the minimum setback requirements for the A1 zoning district.

Water & Sewer: Well & Septic

Special Flood Hazard Area (SFHA): No

Applicable County Subdivision Ordinance Provisions

Section 2303 MINIMUM LOT STANDARDS, C, *Street frontage.* Except as otherwise provided for in Section 2401, every lot shall abut a public street or private street approved under the terms of this ordinance for at least 20 feet, such frontage (abutting) to be continuous from the property line to building setback line.

Section 2401 GROUP DEVELOPMENTS, D, *Street access.* The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access approved in accordance with Section 2304. Group developments in the form of apartment complexes or unit ownership (i.e., condominium or townhouse) developments with owners' associates legally obligated to maintain vehicular access and circulation drives shall not be subject to the street standards specified in Section 2304.

Attachments

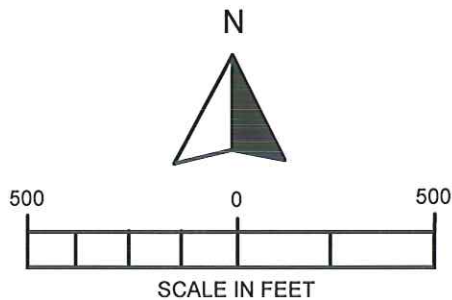
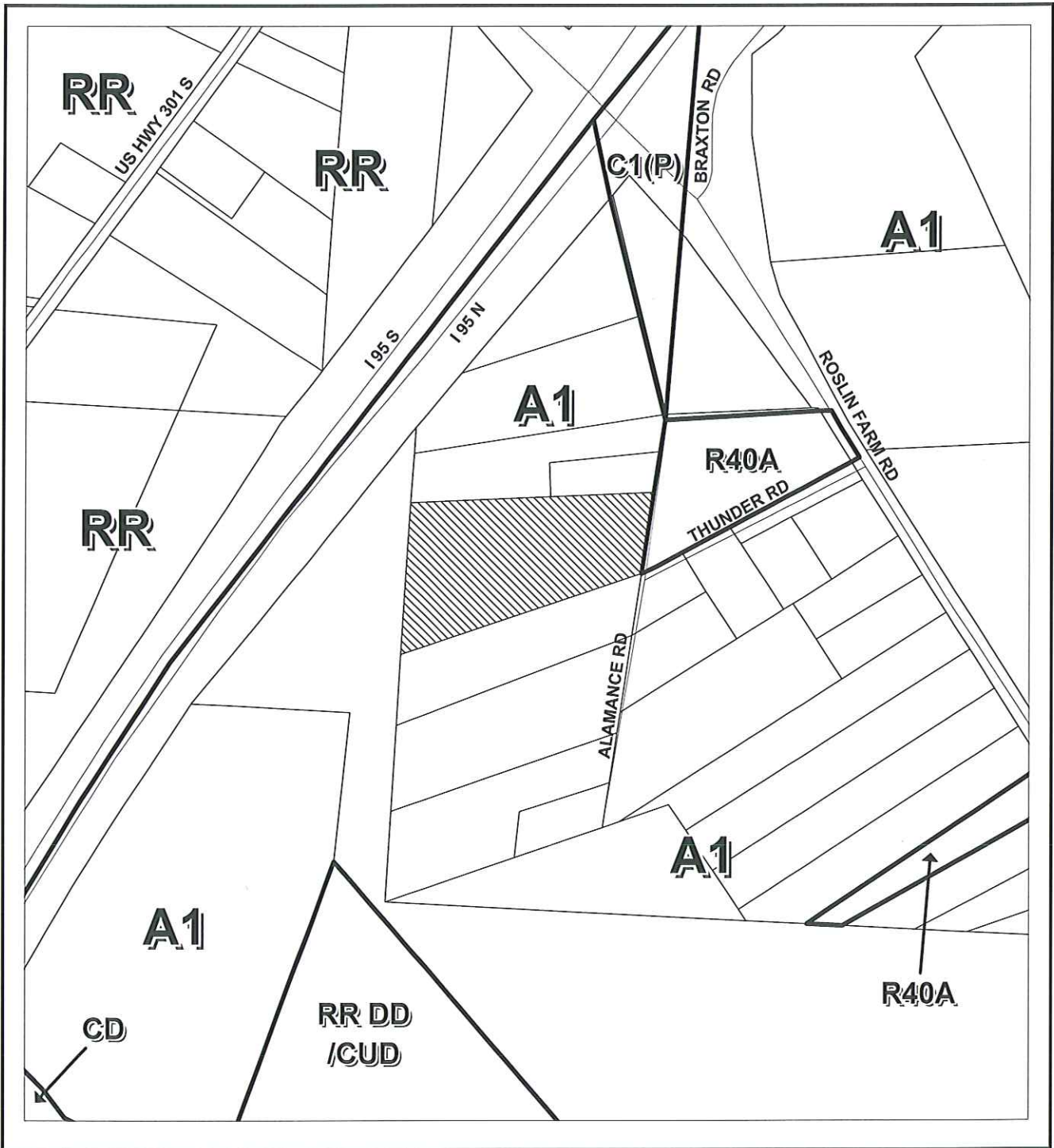
1 - Sketch Map

2 - Subdivision & Group Development Sketch Plan

3 - Aerial Photo

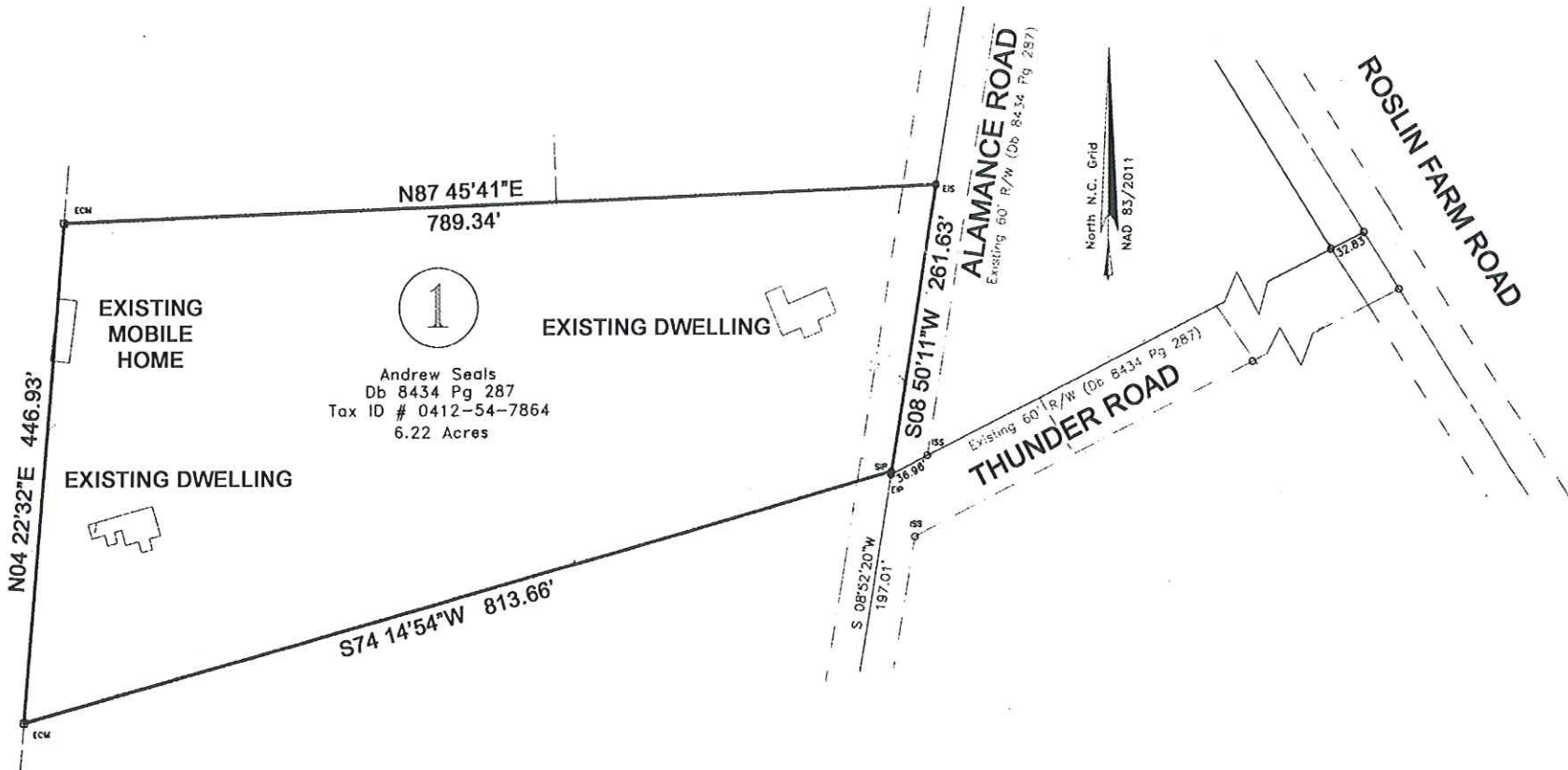
4 - Application for Waiver

5 - Conditions of Approval



COUNTY SUBDIVISION ORDINANCE WAIVER

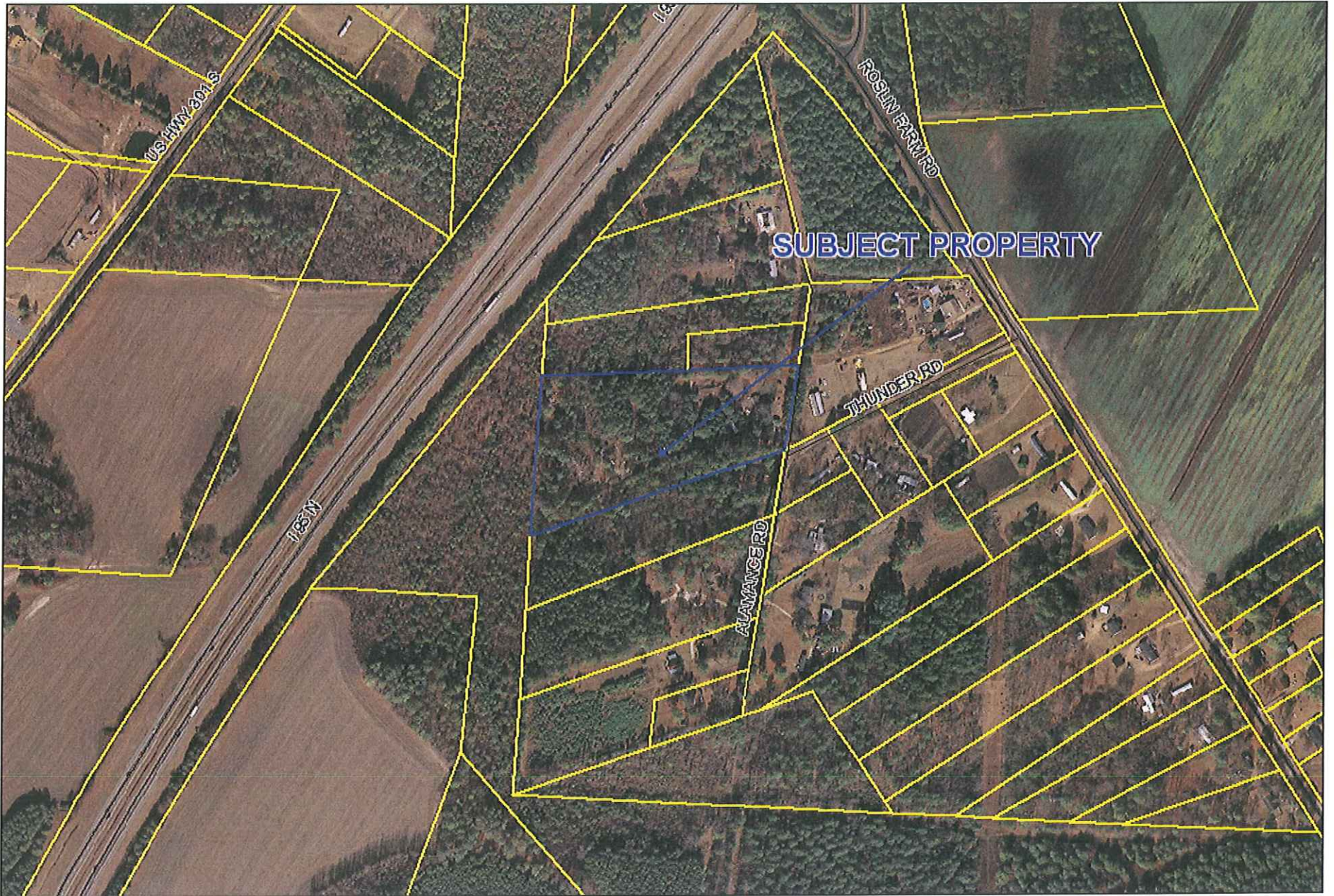
ACREAGE: 6.22 AC.+/-	HEARING NO: 12-071	
ORDINANCE: COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		



ANDREW SEALS PROPERTY
REQUEST: FOR A WAIVER FROM SECTION 2303.C "STREET FRONTAGE"
AND 2401.D "STREET ACCESS"

CASE: 12-071 ACREAGE: 6.22 AC. +/-
ZONED: A1 SCALE: NTS

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



**AERIAL PHOTO
CASE NO: 12-071**



**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: ALAMANACE ROAD
OWNER: 6476 ALAMANACE ROAD, Shirley SEALS
ADDRESS: 6476 ALAMANACE Rd HOPE MILLS ZIP CODE: 28348
TELEPHONE: HOME 910-424-3577 WORK _____
AGENT: THOMAS GOODSON
ADDRESS: 1745 CYPRESS LAKES Rd HOPE MILLS NC
TELEPHONE: HOME _____ WORK 910-223-7766

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

- A. Parcel Identification Number (PIN #) of subject property: 0412-54-7867
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 6.22 Frontage: 258' Depth: _____
- C. Water Provider: Well
- D. Septage Provider: SEPTIC TANKS
- E. Deed Book 8434, Page(s) 287, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: RESIDENTIAL
- G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
SEC. 2303 C & E 2401.D
- H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance - attach additional sheet if necessary:
ACCESS WAYER

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.

Shirley Lusk

Property owner(s)' signature(s)

Shirley Lusk

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

6480 Alameda Pl Hope Mills

Complete mailing address of property owner(s)


910 424 3577

Telephone number

Alternative telephone number

Email address

FAX number


Agent, attorney, or applicant's signature (other than property owner)

Thomas Gooden
Agent, attorney, or applicant (other than property owner) (print or type)

1745 CYPRESS LAIKES Rd Hope Mills NC
Complete mailing address of agent, attorney, or applicant

910-223-7766
Telephone number Alternative telephone number

Email address FAX number

Upon submission, the contents of this application becomes "public record" and is available for review and/or copies upon request.

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 and 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

DRAFT

STAFF REVIEW: 05-30-12 PLANNING BOARD DECISION: 06-19-12

CASE NO: 12-071 NAME OF DEVELOPMENT: ANDREW SEALS PROPERTY

MIA: N/A SUBDIVISION & GROUP DEVELOPMENT REVIEW

LOCATION: 6476 & 6480 ALAMANCE ROAD ZONING: A1

PIN: 0412-54-7864-

OWNERS / DEVELOPER: ANDREW SEALS ENGINEER OR DESIGNER: THOMAS GOODEN

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. 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 A1 zoning district must be complied with, as applicable.
7. 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)
8. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
9. 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.

Plat-Related:

10. 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.
11. 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)
12. 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:

13. 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."

14. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Disclosure, County Subdivision Ordinance):

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

15. 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 plat.”

Other Relevant Conditions:

16. This conditional approval is not approval of the location of the two existing dwellings that do not comply with the yard setbacks for the A1 zoning district. If the nonconforming structures are ever removed or destroyed by more than 50%, any replacement structure(s) must meet the required setbacks.
17. The developer is encouraged to consider inquiring of the NC Department of Transportation as to the possibility of the acceptance of Alamance and Thunder Roads for addition to the state system for maintenance purposes.
18. The applicant is advised to consult an expert on wetlands before proceeding with any development.
19. 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.
20. 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.”

21. The developer has requested a waiver from Sections 2303.C Street Frontage & 2401.D Street Access, County Subdivision Ordinance. The Cumberland County Joint Planning Board will hear this case on June 19, 2012.

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:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	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
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) 807-6374