

Patricia Hall,
Chair
Town of Hope Mills

Charles Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark
Cumberland County

Benny Pearce,
Town of Eastover

TENTATIVE AGENDA

February 17, 2015

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING WITHDRAWAL

P15-02. REZONING OF 3.56+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2325 (VINELAND DRIVE), EAST OF US HWY 301; SUBMITTED BY MANILAL P. AND MANUBEN M. PATEL (OWNERS) AND W. LOCKETT TALLY, ATTORNEY.

- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JANUARY 20, 2015
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASE

- A. **P15-11.** REZONING OF 1.86+/- ACRES FROM C3 HEAVY COMMERCIAL/CU CONDITIONAL USE FOR OPEN STORAGE AND C3 HEAVY COMMERCIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF NC HWY 210 (MURCHISON ROAD), NORTHWEST OF SR 1444 CHARMAIN STREET; SUBMITTED BY ALBERT AND SHIRLEY R. NORTON (OWNERS) AND ANDY NICHOLS.
- B. **P15-12.** REZONING OF 2.52+/- ACRES FROM C3 HEAVY COMMERCIAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 11179 DUNN ROAD, SUBMITTED BY LOUIS A. IV AND DEANNA H. FULCHER (OWNERS).
- C. **P15-13.** REZONING OF 6.58+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 303 AND 311 MAGNOLIA CHURCH ROAD AND SOUTHWEST OF SR 1843 (MAGNOLIA CHURCH ROAD), NORTH OF NC 24 (CLINTON ROAD); SUBMITTED BY KENNETH SHERRILL AND REBECCA HALL WOODCOCK (OWNERS) AND MICHAEL J. ADAMS.

CONDITIONAL ZONING DISTRICT

- D. **P15-14.** REZONING OF 3.44+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL/CZ CONDITIONAL ZONING FOR A ZERO LOT LINE DEVELOPMENT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2618, 2632, 2643 AND 2654 BEARD ROAD; SUBMITTED BY LARRY AND BARBARA FERRELL, RICHARD A. AND ELAINE H. MOUNTFORD ET AL (OWNERS) AND GEORGE LOTT, PLS. (EASTOVER)

VIII. PUBLIC HEARING CONTESTED ITEMS

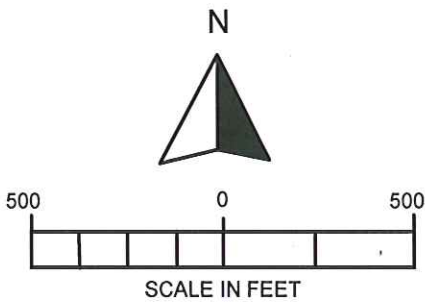
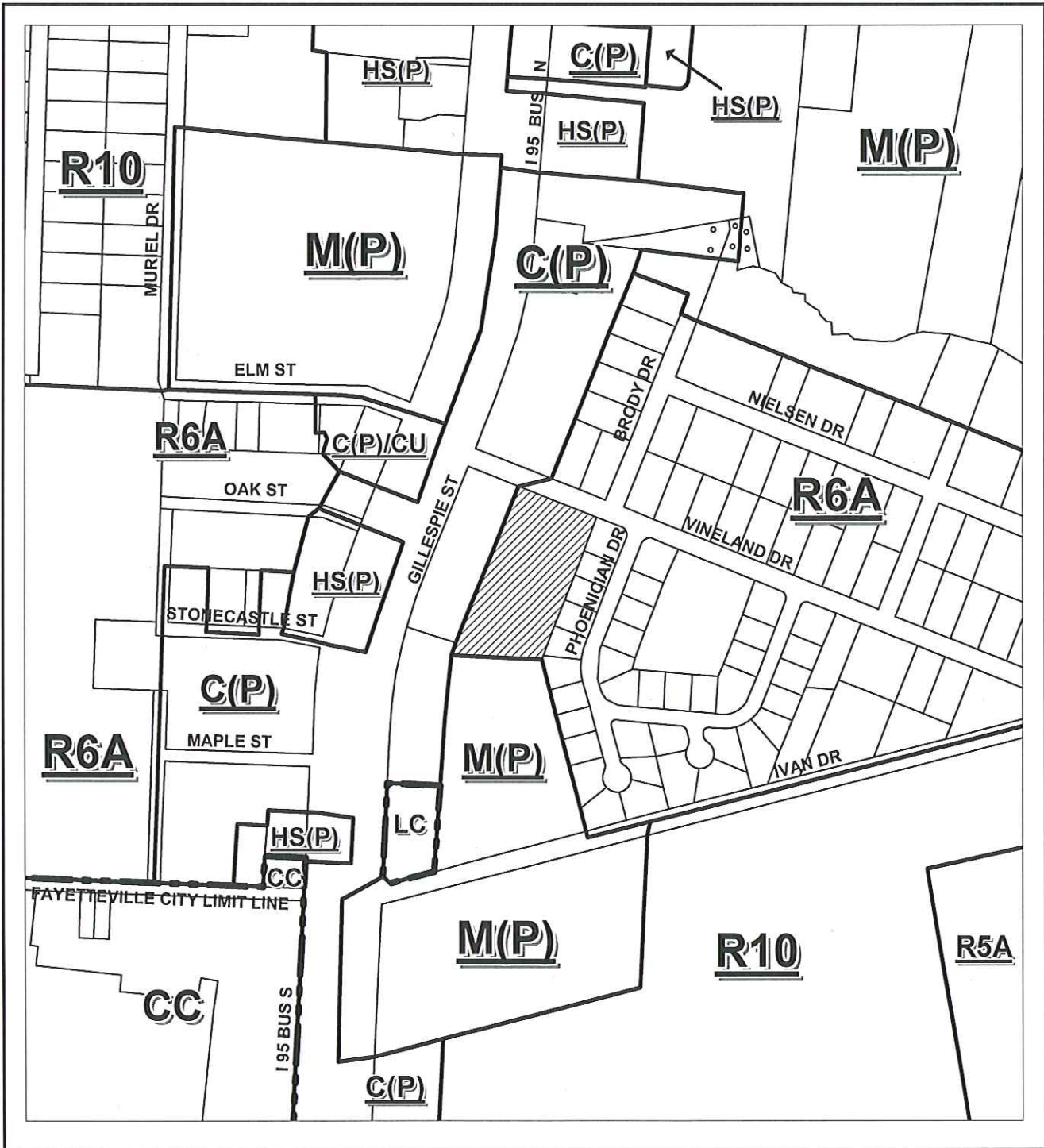
CONDITIONAL ZONING DISTRICT

- E. **P15-07.** REZONING OF 89.37+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2253 (SWANS CREEK CHURCH ROAD), EAST OF SR 2252 (CHICKEN FOOT ROAD); SUBMITTED BY MICHAEL S. BRYANT AND CURTIS C. POWELL (OWNERS) AND TIMOTHY B. EVANS.

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT



REQUESTED REZONING R6A TO C(P)

ACREAGE: 3.56 AC.+/-		HEARING NO: P15-02	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0435-07-7494

AM

**Withdrawn*

Johnny Scott

From: Lockett Tally <loketttallyandtally@gmail.com>
Sent: Thursday, February 05, 2015 3:53 PM
To: Johnny Scott
Subject: Re: Vineland Rezoning

Mr. Scott,

I apologize for the delay. On behalf of my client, Manilal Patel, we would like to withdraw our request to rezone my client's property located off Vineland Drive. Please let me know if you need anything further from me or my clients.

William Lockett Tally
Tally and Tally, Attorneys and Counselors at Law, PLLC
235 Tallywood Shopping Center
Fayetteville, NC 28303
(910) 483-4175
Fax: (910) 485-4878
loketttallyandtally@gmail.com

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On Tue, Feb 3, 2015 at 3:41 PM, Johnny Scott <jscott@co.cumberland.nc.us> wrote:

Johnny H. Scott

Planner

Planning & Inspections

130 Gillespie Street

Fayetteville, NC 28301

Phone: [910.678.7603](tel:910.678.7603) Fax: [910.678.7669](tel:910.678.7669)

jscott@co.cumberland.nc.us



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Town of Hope Mills

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February 10, 2015

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Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the February 17, 2015 Board Meeting

P15-11. REZONING OF 1.86+/- ACRES FROM C3 HEAVY COMMERCIAL/CU CONDITIONAL USE FOR OPEN STORAGE AND C3 HEAVY COMMERCIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF NC HWY 210 (MURCHISON ROAD), NORTHWEST OF SR 1444 CHARMAIN STREET; SUBMITTED BY ALBERT AND SHIRLEY R. NORTON (OWNERS) AND ANDY NICHOLS.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-11 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban” at this location as the proposed district will allow for a wide variety of commercial businesses. The request is also consistent with the Shaw Heights Land Use Plan which calls for “commercial” at this location.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, public water is available, however, due to topography PWC cannot extend sewer; *should have minimum direct access to a collector street*, Murchison Road is a principle arterial; *should not be in a predominantly residential, office & institutional, or light commercial area; must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping and could be located in a designated Activity Node Area.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-11 for C(P) Planned Commercial district based on the above information and the following:

1. The C(P) Planned Commercial district will allow for land uses and lot sizes that exist in the general area; and
2. If approved, the rezoning would remove the conditional use overlay that allowed for open storage enabling the re-development of a commercial area, a stated goal in the plan.

There are no other districts considered suitable at this location.

Attachments:

1 – Site Profile 2 – Sketch Map

P15-11
SITE PROFILE

P15-11. REZONING OF 1.86+/- ACRES FROM C3 HEAVY COMMERCIAL/CU CONDITIONAL USE FOR OPEN STORAGE AND C3 HEAVY COMMERCIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF NC HWY 210 (MURCHISON ROAD), NORTHWEST OF SR 1444 CHARMAIN STREET; SUBMITTED BY ALBERT AND SHIRLEY R. NORTON (OWNERS) AND ANDY NICHOLS.

Site Information:

Frontage & Location: 193.26'+/- on NC Hwy 210 (Murchison Road)

Depth: 421.75'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, south of subject property

Current Use: Storage of motor vehicles & equipment

Initial Zoning: R6A – September 17, 1973 (Area 2A); rezoned to C3 April 23, 1991; portion rezoned to C3/CU for open storage September 26, 1995

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M(P), C(P) & R6A; South: C(P)/CU (specified uses), C(P)/CU (mandatory sewer connection), C3, C(P), CC (Fay), SF-6 (Fay) & R6A; East: M1(P) & C3; West: R6A/CU (motor vehicle sales) & R6A

Surrounding Land Use: Residential (including manufactured dwellings & multi-family), motor vehicle repair (2), substation, trade contractors (3), industrial operation not otherwise permitted & woodlands

2030 Land Use Plan: Urban

Shaw Heights Land Use Plan: Commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

School Capacity/Enrolled: Warrenwood Elementary: 450/448; Spring Lake Middle: 700/488; Pine Forest High: 1,750/1,597

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

RLUAC: Does not object to the request but advises the property is located within a military aircraft high noise level area (65db)

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2012): 15,000 on NC Hwy 210 (Murchison Road)

Highway Plan: Murchison Road is identified in the Highway Plan as a Principle Arterial. This proposal calls for a multi-lane facility (U-4900) with a right-of-way of 130 feet

Note:

Minimum Yard Setback Regulations:

C2(P) & C(P)

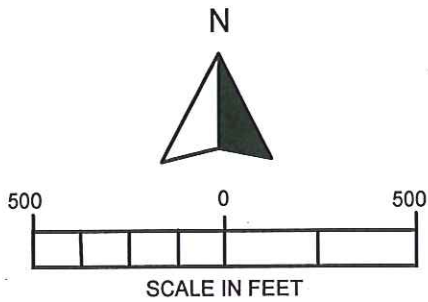
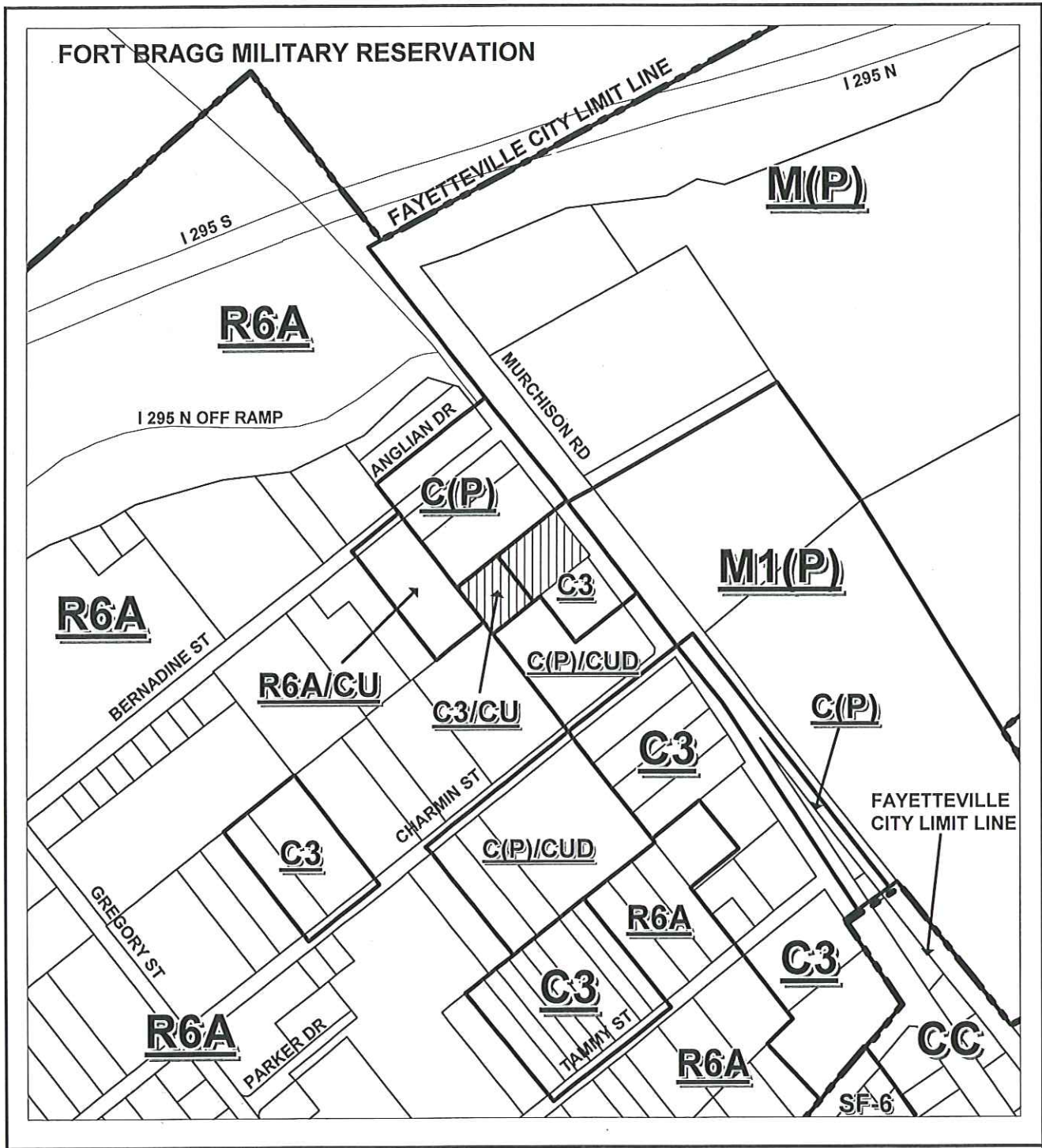
Front yard: 50'

Side 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.



PIN: 0419-98-4098

REQUESTED REZONING C3/CU & C3 TO C(P)

ACREAGE: 1.86 AC.+/-	HEARING NO: P15-11	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Patricia Hall,
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Town of Hope Mills

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Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the February 17, 2015 Board Meeting

P15-12. REZONING OF 2.52+/- ACRES FROM C3 HEAVY COMMERCIAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 11179 DUNN ROAD, SUBMITTED BY LOUIS A. IV AND DEANNA H. FULCHER (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-12 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” at this location as the proposed district would allow development at one or less unit per acre. The requested district is not consistent with the Vision Northeast Land Use Plan which calls for “commercial” at this location.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed, public water is available; the subject property is not located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to 1 unit per acre in areas with hydric and severe septic tank limitations soils; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-12 for R40 Residential based on the above information and the following:

1. The R40 Residential district will allow for land uses and lot sizes that exist in the general area; and
2. The request is logical as the subject property was initially zoned C3 in 1980 in an area that was predominantly agricultural and residential for a non-residential use that has long since ceased operation.

The A1 and A1A districts could also be considered suitable at this location.

Attachments:

- 1 – Site Profile 2 – Sketch Map

P15-12
SITE PROFILE

P15-12. REZONING OF 2.52+/- ACRES FROM C3 HEAVY COMMERCIAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 11179 DUNN ROAD, SUBMITTED BY LOUIS A. IV AND DEANNA H. FULCHER (OWNERS). (COUNTY 03/16/2015*)

Site Information:

Frontage & Location: 657.16'+/- on US 301 (Dunn Road)

Depth: 230.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, north of subject property

Current Use: Vacant land

Initial Zoning: C3 – November 25, 1980 (Area 14)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M1(P)/CU (cabinet shop & auto repair) & A1; South: C3, A1A & A1; East & West: A1

Surrounding Land Use: Residential (including manufactured dwellings), motor vehicle parking lot, wildlife access, farmland & woodlands

2030 Land Use Plan: Rural

Vision Northeast Land Use Plan: Commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Falcon/Septic

Soil Limitations: None

School Capacity/Enrolled: District 7 Elementary: 300/258; Mac Williams Middle: 1,270/1,169; Cape Fear High: 1,425/1,541

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

Average Daily Traffic Count (2012): 1,700 on US 301 (Dunn Road)

Highway Plan: Dunn Road is identified in the Highway Plan as a major collector. 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:

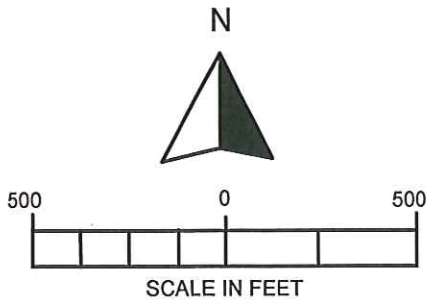
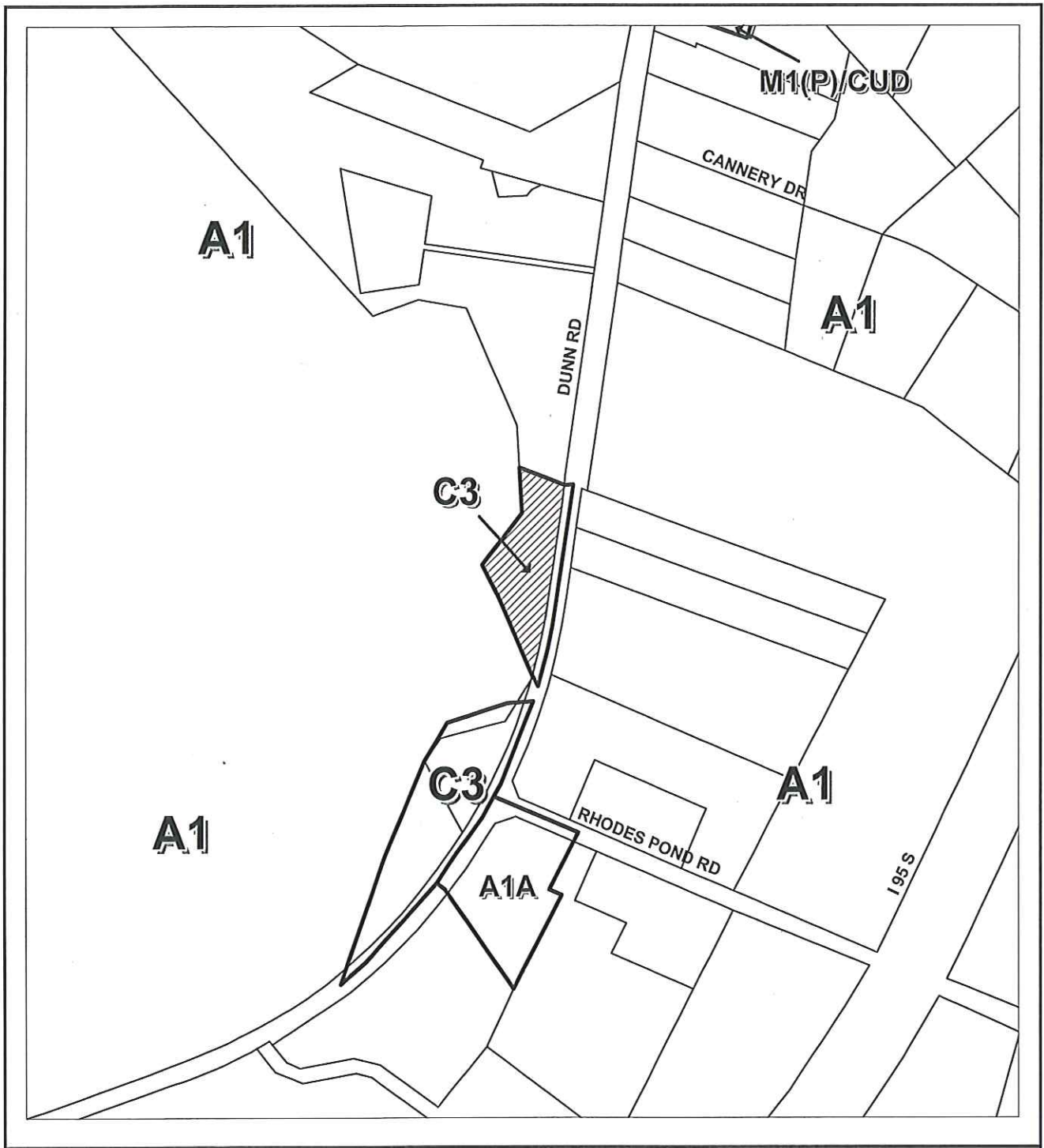
1. Density:
A1 – 1 lot/unit
A1A – 2 lots/units
R40 – 2 lots/units

2. Minimum Yard Setback Regulations:

<u>A1 & A1A</u>	<u>R40</u>	<u>C3 [C(P)]</u>
Front yard: 50'	Front yard: 30'	Front yard: 50'
Side yard: 20'	Side yard: 15'	Side yard: 30'
Rear yard: 50'	Rear yard: 35'	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.



REQUESTED REZONING C3 TO R40

ACREAGE: 2.52 AC.+/-	HEARING NO: P15-12	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 1503-59-6121

AM



Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

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

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Town of Eastover

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

◆
Planning & Inspections Department

February 10, 2015

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the February 17, 2015 Board Meeting

P15-13. REZONING OF 6.58+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 303 AND 311 MAGNOLIA CHURCH ROAD AND SOUTHWEST OF SR 1843 (MAGNOLIA CHURCH ROAD), NORTH OF NC 24 (CLINTON ROAD); SUBMITTED BY KENNETH SHERRILL AND REBECCA HALL WOODCOCK (OWNERS) AND MICHAEL J. ADAMS.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-13 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “community growth area” at this location as the proposed district would allow development at one or less units per acre. Although the requested district is not entirely consistent with the Stedman Land Use Plan, which calls for “suburban density residential” at this location, the request is reasonable as all adjacent properties are developed as “rural density residential”.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to 1 unit per acre in areas with hydric and severe septic tank limitations soils; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-13 for R40 Residential district based on the above information and the following:

- The R40 Residential district will allow for land uses and lot sizes that exist in the general area.

The A1A district could also be considered suitable at this location.

Attachments:

1 – Site Profile 2 – Sketch Map

P15-13
SITE PROFILE

P15-13. REZONING OF 6.58+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 303 AND 311 MAGNOLIA CHURCH ROAD AND SOUTHWEST OF SR 1843 (MAGNOLIA CHURCH ROAD), NORTH OF NC 24 (CLINTON ROAD); SUBMITTED BY KENNETH SHERRILL AND REBECCA HALL WOODCOCK (OWNERS) AND MICHAEL J. ADAMS.

Site Information:

Frontage & Location: 274.82'+/- on SR 1843 (Magnolia Church Road)

Depth: 780.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, northeast of subject property

Current Use: Vacant land

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

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C3, RR & A1; South: C(P) (Stedman), C1 (Stedman), RR (Stedman), R10 (Stedman) & A1; East: A1; West: RR & A1

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

2030 Land Use Plan: Community Growth Area

Stedman Land Use Plan: Suburban Density Residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Stedman Primary (K-1): 200/172; Stedman Elementary (2-5): 300/291; Mac Williams Middle: 1,270/1,169; Cape Fear High: 1,425/1,541

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

Municipal Influence Area: Town of Stedman

Average Daily Traffic Count (2012): 500 on SR 1843 (Magnolia Church Road)

Highway Plan: Magnolia Church Road is identified in the Highway Plan as a local road. 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:

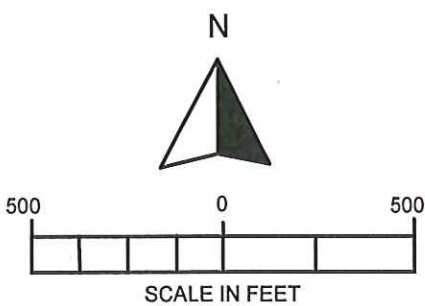
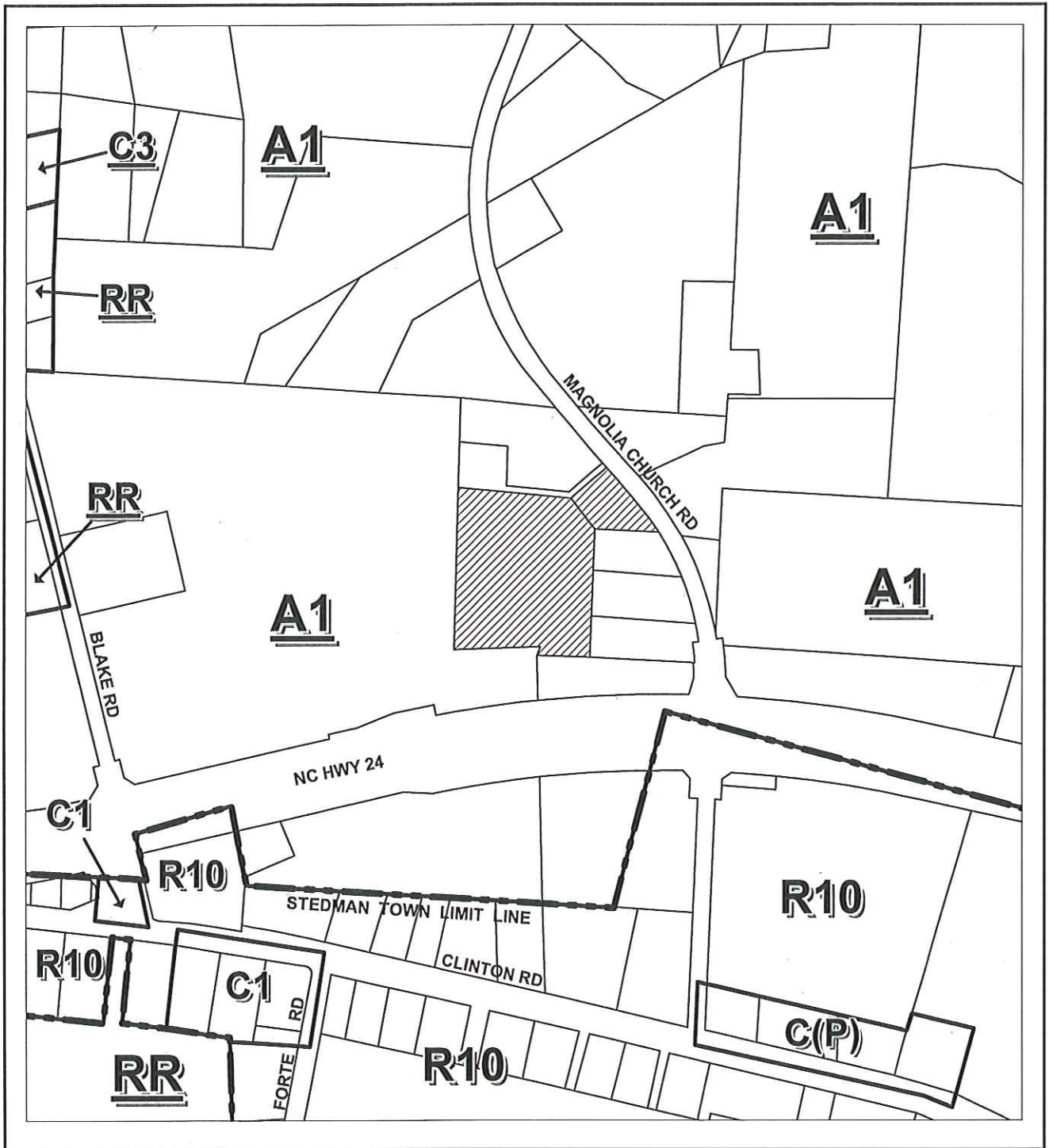
1. Density
A1 – 3 lots/units
A1A – 6 lots/units
R40 – 7 lots/units

2. Minimum Yard Setback Regulations:

<u>A1 & A1A</u>	<u>R40</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.



REQUESTED REZONING A1 TO R40

ACREAGE: 6.58 AC.+/-	HEARING NO: P15-13	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0486-82-9490,92-2682

Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin
Wade, Falcon & Godwin



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MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the February 17, 2015 Board Meeting

P15-14. REZONING OF 3.44+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL/CZ CONDITIONAL ZONING FOR A ZERO LOT LINE DEVELOPMENT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2618, 2632, 2643 AND 2654 BEARD ROAD; SUBMITTED BY LARRY AND BARBARA FERRELL, RICHARD A. AND ELAINE H. MOUNTFORD ET AL (OWNERS) AND GEORGE LOTT, PLS. (EASTOVER)

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P15-14 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "community growth area" at this location as the proposed district would allow development at 2.2 units per acre and greater than one. Although the requested district is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "one acre residential lots" at this location, the request is reasonable because approval will ensure the pre-existing dwellings are conforming for density purposes.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *septic system allowed based on soil type, lot size, and distance from public sewer; must have direct access to a public street*, Beard Road is a local road and *must not be located in any defined critical area as defined by the Fort Bragg Small Area Study*.

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-14 for R30 Residential/CZ Conditional Zoning for a zero lot line development district based on the above information and the following:

1. If approved R30 will allow for lot sizes and uses that are consistent with the surrounding area; and
2. Public water is available to the subject properties.

There are no other districts considered suitable for this request. The property owner has voluntarily agreed to all "Ordinance Related Conditions".

Attachments: 1 – Site Profile 2 – Sketch Map 3 – Site Plan 4 – Ordinance Related Conditions 5 – Application

P15-14
SITE PROFILE

P15-14. REZONING OF 3.44+/- ACRES FROM A1 AGRICULTURAL TO R30 RESIDENTIAL/CZ CONDITIONAL ZONING FOR A ZERO LOT LINE DEVELOPMENT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2618, 2632, 2643 AND 2654 BEARD ROAD; SUBMITTED BY LARRY AND BARBARA FERRELL, RICHARD A. AND ELAINE H. MOUNTFORD ET AL (OWNERS) AND GEORGE LOTT, PLS. (EASTOVER)

Site Information:

Frontage & Location: 569.02' +/- on SR 1722 (Beard Road)

Depth: 315.43' +/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: 3 residential structures & 1 vacant commercial structure

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

Nonconformities: Yes, if approved the vacant commercial structure and use will become nonconforming

Zoning Violation(s): None

Surrounding Zoning: North: RR (Eastover) & A1; South: M(P) (Eastover), R40A (Eastover) & A1; East & West: A1 (Eastover)

Surrounding Land Use: Residential (including manufactured dwellings), open storage of salvage, substation, farmland & woodlands

2030 Growth Vision 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: Eastover Central Elementary: 540/436; Mac Williams Middle: 1,270/1,169; Cape Fear High: 1,425/1,541

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

Average Daily Traffic Count (2012): 730 on SR 1722 (Beard Road)

Highway Plan: Beard Road is identified in the Highway Plan as a local road. 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:

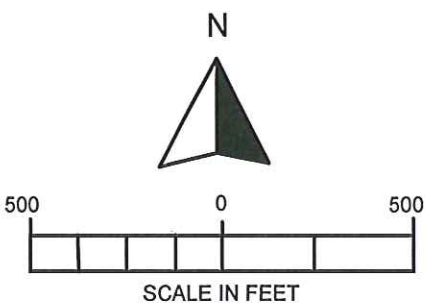
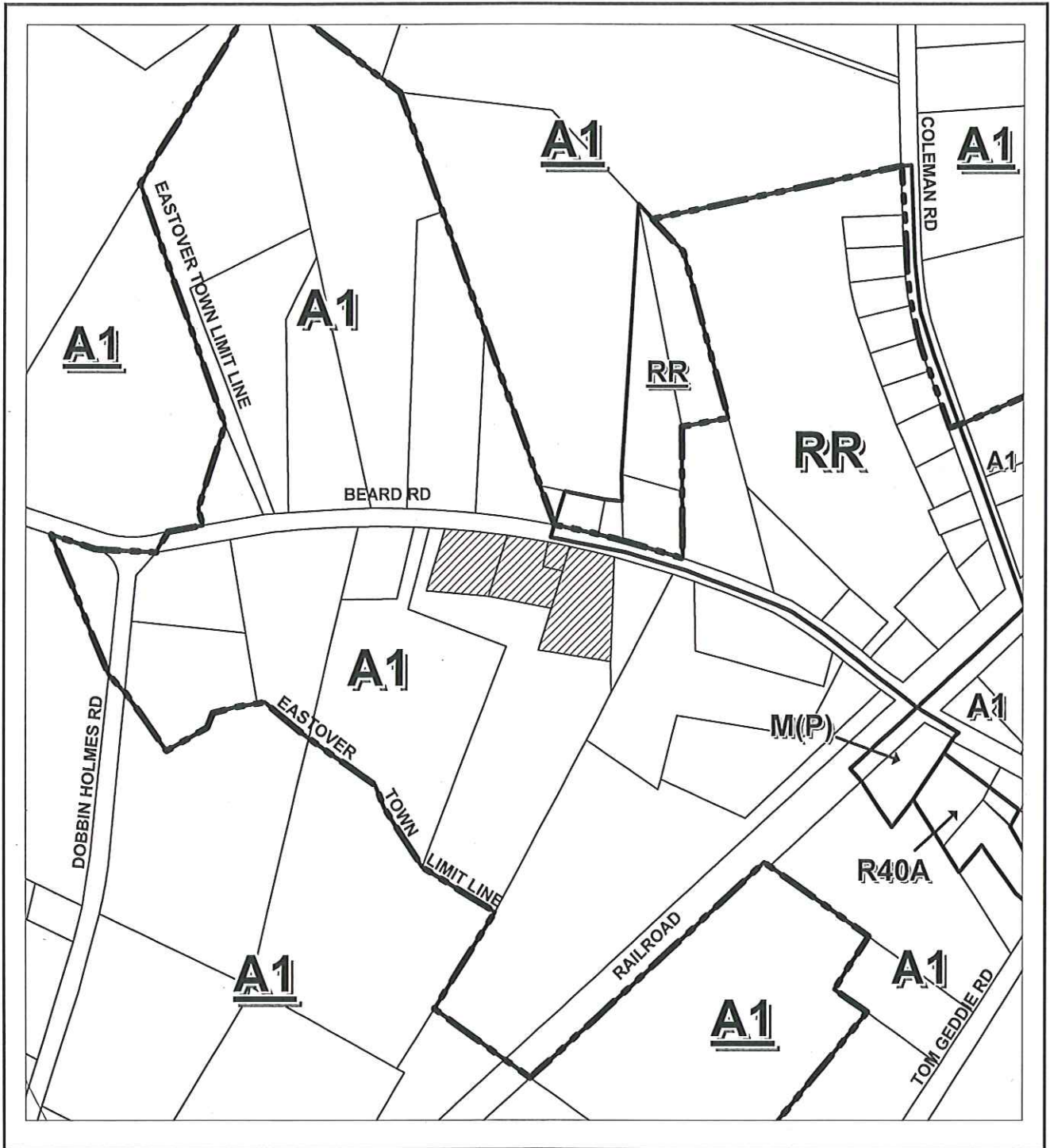
1. Density:
A1 – 2 lots/units
R40 – 3 lots/units
R30 – 4 lots/units

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>R40 & 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.



REQUESTED REZONING A1 TO R30/CZ

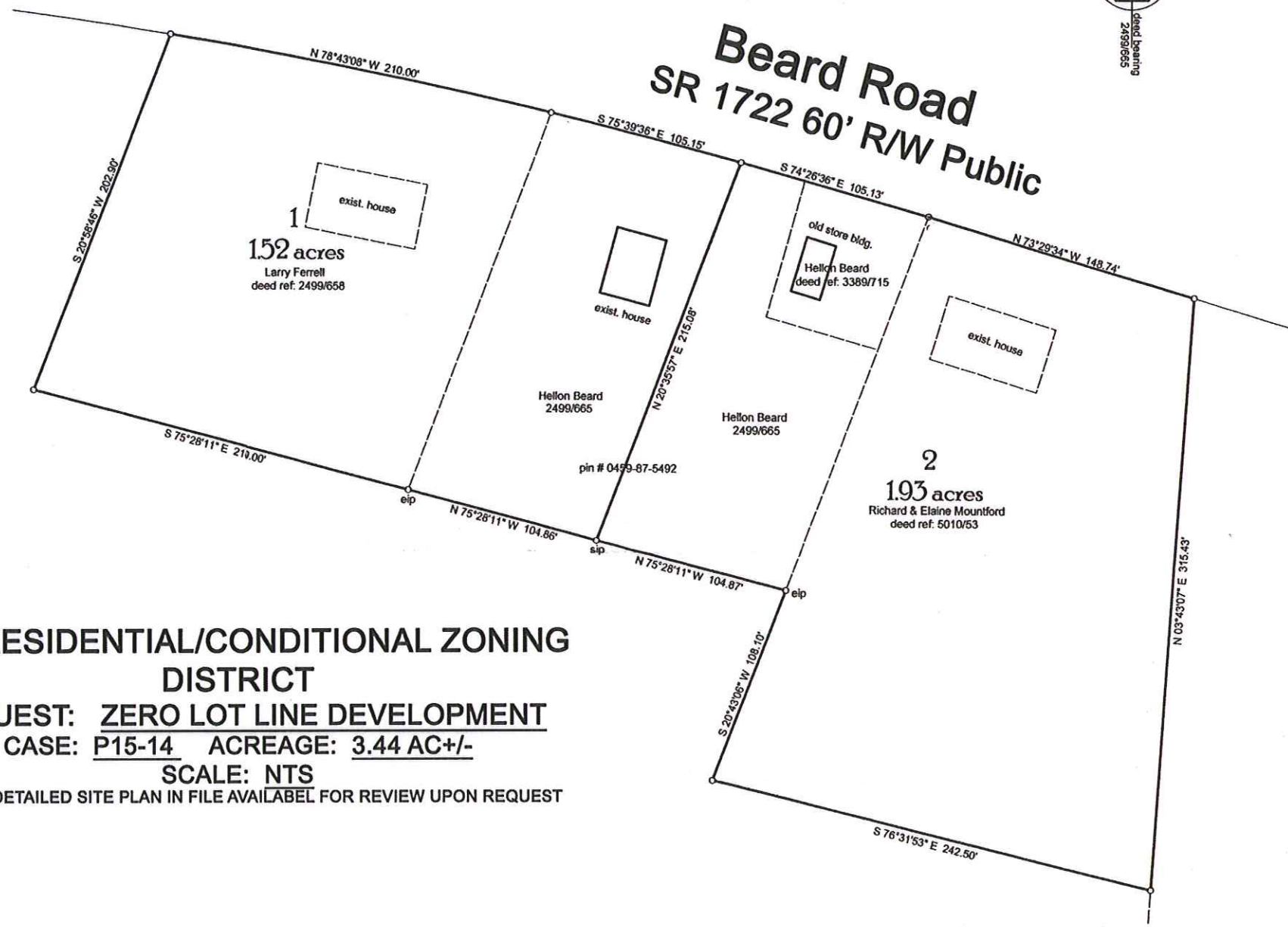
ACREAGE: 3.44 AC.+/-	HEARING NO: P15-14	
ORDINANCE: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0459-87-3496,5492,6498,7381

AM



Beard Road SR 1722 60' R/W Public



R30 RESIDENTIAL/CONDITIONAL ZONING DISTRICT

REQUEST: ZERO LOT LINE DEVELOPMENT

CASE: P15-14 ACREAGE: 3.44 AC+/-

SCALE: NTS

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

R30 RESIDENTIA/CZ CONDITIONAL ZONING DISTRICT
(Zero Lot Line Residential Development & Recombination)
DRAFT
Ordinance Related Conditions

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve 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 and Development Ordinance)
3. For any new development, connection to public water is required, the Eastover Sanitary District (ESD) must approve water plans prior to application for any permits. A copy of the ESD 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 and Development 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 Development Ordinance and Zoning Ordinances for the R30 zoning district, to include the contents of the application and site plan, must be complied with, as applicable. Note: This conditional approval is not approval of the use of the "old store bldg" for non-residential purposes.
9. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
10. 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 and Development Ordinance)

11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
12. For any new/additional driveways, 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. Note: New/additional driveways to serve the subject property will most likely be restricted by the NCDOT.

Plat-Related:

13. 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.
14. 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.
15. 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 and Development Ordinance)
16. 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. Note: At the time of drafting these conditions the Town of Eastover is considering reviewing and sealing plats of properties within the town limits and at the time of final plat submittal, the developer may also be required to submit the final plat to the Town Manager/Clerk.

Plat-Required Statements:

17. 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 and Development 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.”

18. The *Farmland Protection Area Disclosure* is not required to be included on the final plat.

Other Relevant Conditions:

19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
20. Under current standards, if the existing “old store bldg” is ever removed or destroyed more than 50%, any replacement structure must meet the setback requirement for the R30
21. 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.
22. 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.”

Thank you making the Town of Eastover your home!

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; 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):	Cecil Combs	321-6654
County Health Department:	Daniel Ortiz	433-3680
Eastover Sanitary District	Connie Spell	229-3716
Town of Eastover:	Matt Rooney (Staff Rep)	678-7625
Town of Eastover	Jane Faircloth (Town Clerk)	323-0707
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049
NCDENR (E&S):	Brad Cole	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496

cc: Kim Nazarchyk, Eastover Town Manager
Jane Faircloth, Eastover Town Clerk

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:

- GEORGE LOTT FOR.*
1. Applicant/Agent LARRY D. FERRELL & BARBARA B. FERRELL
RICHARD A. MOUNTFORD & ELAINE H. MOUNTFORD
 2. Address: 2612 & 2654 BEARD ROAD Zip Code 28312
 3. Telephone: (Home) 483-0754 (FERRELL) (Work) _____
 4. Location of Property: BEARD ROAD, NEAR RIVER ROAD
 5. Parcel Identification Number (PIN #) of subject property: 0459-87-5492
(also known as Tax ID Number or Property Tax ID)
 6. Acreage: 3.44 Frontage: 569.02 Depth: 215±
 7. Water Provider: County Septage Provider: SEPTIC
 8. Deed Book 5010/53
2499/65 2499/65B 3389/715, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
 9. Existing use of property: RES.
 10. Proposed use(s) of the property: RES.

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No
12. Has a violation been issued on this property? Yes _____ No
13. It is requested that the foregoing property be rezoned FROM: A-1/

TO: (Select one)

- R 30 Conditional Zoning District, with an underlying zoning district of R-30 - ZLL
(Article V)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- _____ Planned Neighborhood District/Conditional Zoning District (Article VII)
- _____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

ZERO LOT LINE

- 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.

3.44 AC.

2. DIMENSIONAL REQUIREMENTS:

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

PER SITE PLAN

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

n/a

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

n/a

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

n/a

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 must 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 must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

RICHARD A. MOUNTFORD ELAINE H. MOUNTFORD
NAME OF OWNER(S) (PRINT OR TYPE)

2624 BEARD ROAD, EASTOVER, NC 28312
ADDRESS OF OWNER(S)

HULADICK @ YAHOO.COM
E-MAIL

910 835 2131 910 527 3183
HOME TELEPHONE WORK TELEPHONE

 Elaine H. Mountford
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE WORK TELEPHONE

E-MAIL ADDRESS FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

7. STATEMENT OF ACKNOWLEDGMENT:

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

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NAME OF OWNER(S) (PRINT OR TYPE)

ADDRESS OF OWNER(S)

E-MAIL

HOME TELEPHONE

WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)



GEORGE LOTT

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

126 ROWLAND CIR FAY. NC 28301

ADDRESS OF AGENT, ATTORNEY, APPLICANT

488-8659

HOME TELEPHONE

494-2178

WORK TELEPHONE

g.lott@nc.rr.com

E-MAIL ADDRESS

FAX NUMBER



SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

Patricia Hall,
Chair
Town of Hope Mills

Charles C. Morris,
Vice-Chair
Town of Linden

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

Donovan McLaurin
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

February 10, 2015

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the February 17, 2015 Board Meeting

P15-07. REZONING OF 89.37+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2253 (SWANS CREEK CHURCH ROAD), EAST OF SR 2252 (CHICKEN FOOT ROAD); SUBMITTED BY MICHAEL S. BRYANT AND CURTIS C. POWELL (OWNERS) AND TIMOTHY B. EVANS.

On December 8, 2015 the property owner/applicant amended the original application and is now requesting your consideration of a favorable recommendation for a R40 Residential/DD Density Development/CZ Conditional Zoning district for a 59 lot residential subdivision with a request of not having to install the required 40 foot wide buffer along the frontage right-of-way.

1st MOTION

The Planning and Inspections Staff recommends that the board find that approval of the request for rezoning in Case No. P15-07 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" at this location because the district requested will allow for one or less units per acre. The request is also consistent with the draft South Central Land Use Plan which calls for "farmland" at this location.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to 1 unit per acre in areas with hydric and severe septic tank limitations soils; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

The Planning and Inspections Staff recommends the board approve Case No. P15-07 for the R40 Residential/DD Density Development/CZ Conditional Zoning district for a 59 lot residential subdivision but deny the requested front buffer variance based on the above information and the following:

1. The ordinance provisions for Density Developments provide a means of protecting and retaining the rural viewshed of the area by providing the 40 foot wide roadside buffer and a 20 foot wide perimeter buffer. Approving the request to forgo the front buffer would defeat a main goal in Density Development standards, specifically, protecting the rural viewshed.
2. Because there are several large tracts at the end of Swans Creek Church Road, the potential for the road extension and new development is highly likely; and
3. Allowing ten lots to have direct access to the state road as opposed to being served by an internal street system is in conflict with the basic principles of zoning in that public safety could be jeopardized and orderly development would not be accomplished.

There are no other districts suitable for this request at this location. The property owner has voluntarily agreed to all "Ordinance Related Conditions". If the board is not inclined to recommend the approval of the plan as submitted, a condition could be added with the property owner's agreement, for staff review and approval consistent with the ordinance requirement or the case can be deferred to give the property owner an opportunity to revise the plan. Attachments: 1 – Site Profile 2 – Sketch Map 3 – Site Plan 4 – Ordinance Related Conditions 5 – Application

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Walter Clark,
Cumberland County

Benny Pearce,
Town of Eastover

P15-07
SITE PROFILE

P15-07. REZONING OF 89.37+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTHWEST SIDE OF SR 2253 (SWANS CREEK CHURCH ROAD), EAST OF SR 2252 (CHICKEN FOOT ROAD); SUBMITTED BY MICHAEL S. BRYANT AND CURTIS C. POWELL (OWNERS) AND TIMOTHY B. EVANS.

Site Information:

Frontage & Location: 1,336.22'+/- on SR 2253 (Swans Creek Church Road)

Depth: 2,300.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant land

Initial Zoning: A1 – June 25, 1980 (Area13)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: A1/CU (39 lot residential subdivision), R40, R40A & A1; South: R40/DD/CZ (66 lot residential subdivision), A1/CU (store, car wash & mini-warehousing), R40A & A1; East & West: A1

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

2030 Land Use Plan: Rural

Draft South Central Land Use Plan: Farmland

Special Flood Hazard Area (SFHA): None; however, small stream standards apply

Watershed: Yes

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – JT Johnston loam

School Capacity/Enrolled: Gray's Creek Elementary: 495/430; Gray's Creek Middle: 1,100/1,050; Gray's Creek High: 1,270/1,322

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

Average Daily Traffic Count (2012): 1,700 on SR 2233 (School Road)

Highway Plan: Swans Creek Church Road is identified in the Highway Plan as a local road. 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 (minus 15% for R/W):
A1 – 45 lots/units (38 lots/units)
A1A – 89 lots/units (76 lots/units)
R40 – 97 lots/units (83 lots/units)

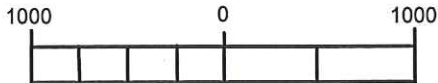
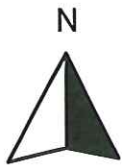
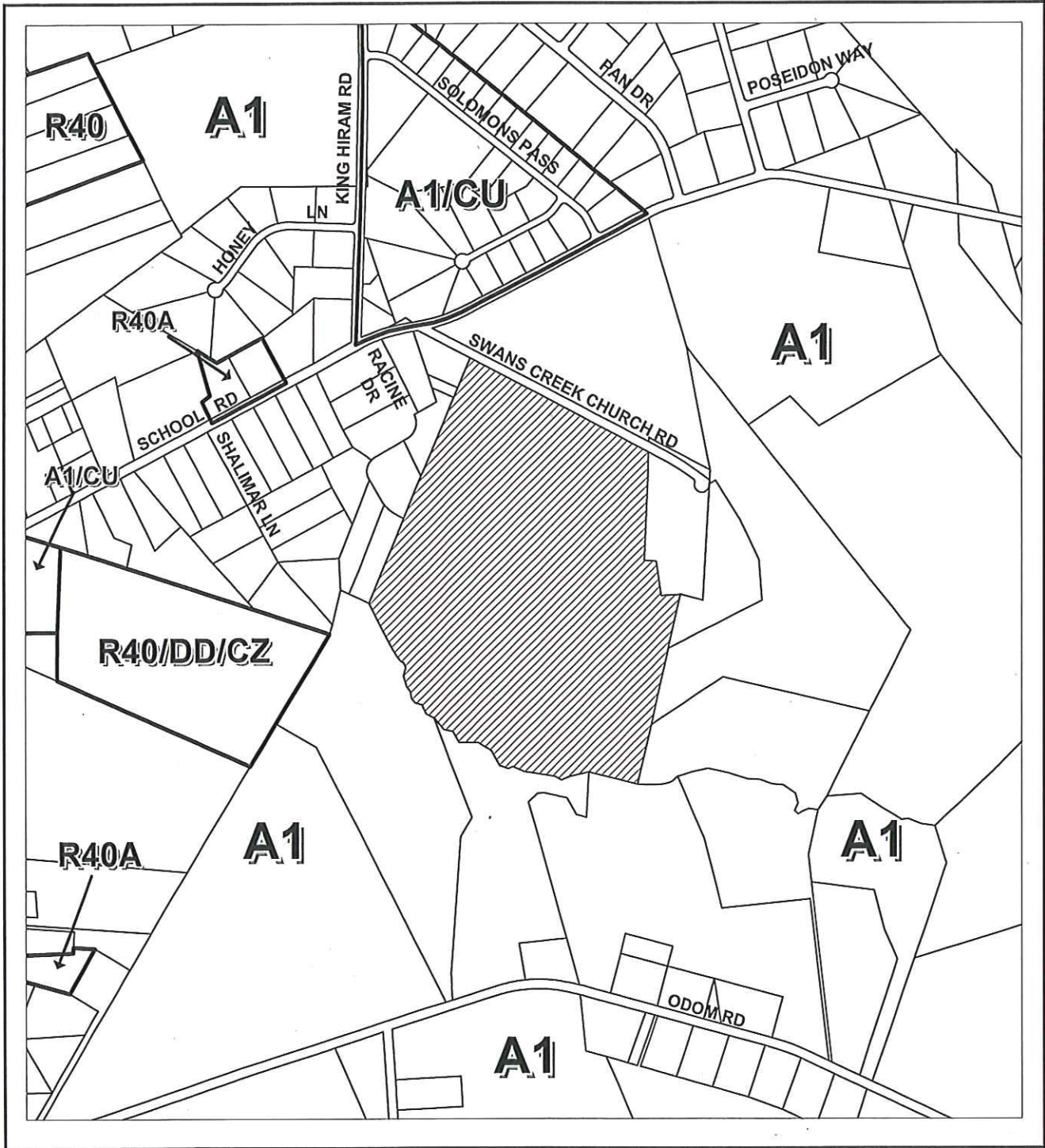
2. Minimum Yard Setbacks:

<u>A1 & A1A</u>	<u>R40</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

3. Contents of Application and Site Plan:
 1. Typical lot size is 34,000 sq. ft
 2. Requesting maximum 59 lots
 3. Request to vary required 40' front buffer

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



SCALE IN FEET

REQUESTED REZONING A1 TO R40/DD/CZ

ACREAGE: 89.37 AC.+/-		HEARING NO: P15-07
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

0431-53-8371

1/21/15
AM

SWANS CREEK CHURCH ROAD (S.R. 2253) 60' R/W



**R40 RESIDENTIAL/DD DENSITY
DEVELOPMENT/CZ CONDITIONAL ZONING
DISTRICT
REQUEST: 59 LOT RESIDENTIAL SUBDIVISION
CASE: P15-07 ACREAGE: 89.37 AC+/-
SCALE: NTS**

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

R40 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

Watershed-Related:

1. An application for a Watershed “No Approval Required” development must be submitted to the Watershed Review Officer (WRO) and plans must be approved by the WRO prior to final plat approval and/or prior to application for any building/zoning permits, site plan approval is required. A copy of the WRO’s approval of this plat/plan must be submitted to Code Enforcement at the time of application for any permits.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. 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 and Development 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. A review of the data available to the Army Corp of Engineers indicates that jurisdictional waters are likely to be present on this property and therefore are likely to be impacted by the proposed project. However, without an official Jurisdictional Determination at the property, these findings cannot be confirmed.

A permit will be required for this project if construction will involve the temporary and/or permanent placement of fill in waters of the United States including wetlands. If a permit is required, the applicant will be required to avoid and minimize impacts to wetland/waters of the United States and may need to provide compensatory mitigation for unavoidable impacts.

8. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the preliminary plan, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the R40/DD/CZ zoning district for a 59 lot residential subdivision, to include the contents of the application and site plan must be complied with, as applicable.

Note: The property owner is requesting a variance from the 40' front buffer requirement; if the variance is not approved but the zoning is, re-submittal of the plans for staff review and approval is required prior to submission of any final plat.

10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.
11. This conditional approval is not approval of the permit for any development entrance sign. If a freestanding sign is desired, re-submittal of the site plan for staff review and approval 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.)
12. All applicable provisions of Section 2401, "Group Developments", County Subdivision and Development Ordinance, must be complied with.
13. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
14. 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 and Development Ordinance)
15. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
16. 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.
17. 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.
18. 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.
19. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
20. Turn lanes may be required by the NC Department of Transportation (NCDOT).
21. The open space shall be preserved and used only as natural scenic, passive recreational, agricultural, pasture and/or meadow, forestry, wetlands or horticultural uses.
22. The perimeter buffer must be provided and maintained in accordance with Section 803.E of the County Zoning Ordinance. The application indicates the developer's 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 the time of planting, to reach a height of six feet within three years. A berm or combination berm and plantings may be also used provided an initial height of three feet is achieved with a total height of six feet within three years.
23. All notes and calculations as shown on the site plan and contained in the application are to be considered as a part of this density development approval.

Plat-Related:

24. The final plat must be labeled as “Zero Lot Line” development.
25. If the developer intends to construct a median at the entrance to the development, five copies of a revised plan must be submitted for review and approval prior to submission of any final plat for this development. When a median is provided the right-of-way can be no less than 70’ in width with the median strip no less than 10’ wide.
26. The open space, stormwater structures, perimeter buffer and recreation areas must also be labeled a “Common Area” on the final plat.
27. 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 all common area 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.

28. 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
29. Because this development is a “density development” all common area (open space and perimeter) must be recorded as one initial final plat or if phasing the development the common area must be recorded incrementally, ensuring the 40% required open space is held to.
30. Approved street names must be reflected on the final plat.
31. 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.
32. 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.
33. The NC Department of Transportation (NCDOT) may not allow a driveway for each individual lot. If joint driveways are required for Lots 1-10, the joint driveways must be reflected on the final plat.
34. A 10’ x 70’ sight distance easement is required at the intersection of SR 2253 (Swans Creek Church Road) with the main entrance to the development and must be reflected on the final plat.
35. 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 and Development Ordinance)
36. 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.

37. 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 and Development Ordinance)
38. 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, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
39. 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:

40. 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 and Development 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.”

41. 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 and Development 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.”

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

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

43. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat (Section 2504 E, County Subdivision and Development Ordinance):

“The streets shown on this plat though labeled as “public” – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

Other Relevant Conditions:

44. 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.
45. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.

46. 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.
47. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.
48. 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.”

Thank you for developing in Cumberland County!

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

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

Watershed Review Officer:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):		321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	678-7637
Corp of Engineers (wetlands):	Emily Greer	(910) 251-4049
NCDENR (E&S):	Brad Cole	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
United States Postal Service	Laricia Mciver	(704) 393-4466

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 Timothy B. Evans
2. Address: 4239 Cameron Rd Tay. Zip Code 24306
3. Telephone: (Home) Call 273-5016 (Work) _____
4. Location of Property: Gump's Creek (School Rd Swann's Creek)
5. Parcel Identification Number (PIN #) of subject property: 0431-53-8371
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 89.37 Frontage: _____ Depth: _____
7. Water Provider: well Septage Provider: septic tanks
8. Deed Book 04348, Page(s) 00254, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: farm
10. Proposed use(s) of the property: Subdivision

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes _____ No
12. Has a violation been issued on this property? Yes _____ No
13. It is requested that the foregoing property be rezoned FROM: A1 to R-40
TO: (Select one)

- _____ Conditional Zoning District, with an underlying zoning district of _____
(Article V)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- _____ Planned Neighborhood District/Conditional Zoning District (Article VII)
- Density Development/Conditional Zoning District, at the R-40 Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

59 lots - Density Development

- 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.

89.37 (Residential 1)
lot size 34,000. average

2. DIMENSIONAL REQUIREMENTS:

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

Per site plan

- B. Off-street parking and loading, Sec. 1202 & 1203: List the number of spaces, type of surfacing material and any other pertinent information.

no / appl.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Per site plan

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

See Site plan

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

Request variance from installing 40' front buffer because Swamp Creek Church Road is dead end. No other residents are on this rd. Just Church.

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 must 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 must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. STATEMENT OF ACKNOWLEDGMENT:

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

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Curtis C Powell / Curtis C. Powell
NAME OF OWNER(S) (PRINT OR TYPE)

1229 Masterpiece Drive Hope Mills, NC 28348
ADDRESS OF OWNER(S)

PPG Timber @ Hot Mail. Com
E-MAIL

910-4259896
HOME TELEPHONE

910-674-7303
WORK TELEPHONE

Curtis C Powell
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Tim Evans
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

4239 Cameron Rd, Fayetteville, N.C. 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

910-273-5016
WORK TELEPHONE

tim@longleafproperties.com
E-MAIL ADDRESS

FAX NUMBER

[Signature]
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

7. STATEMENT OF ACKNOWLEDGMENT:

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

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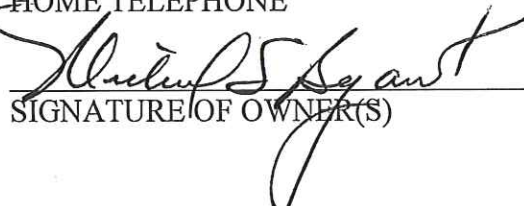
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✓ MICHAEL BRYANT
NAME OF OWNER(S) (PRINT OR TYPE)

630 HAY ST Fayetteville, NC 28301
ADDRESS OF OWNER(S)

mbryant@village surgical.com
E-MAIL

910-433-9178 HOME TELEPHONE 910 323-2626 WORK TELEPHONE

 SIGNATURE OF OWNER(S) _____ SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE _____ WORK TELEPHONE

E-MAIL ADDRESS _____ FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT