

Patricia Hall,
Chair
Town of Hope Mills

Charles Morris,
Vice-Chair
Town of Linden

Jami McLaughlin,
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

January 19, 2016
7:00 P.M.

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

P15-31. REZONING OF .73+/- ACRE FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2444 AND 2448 HOPE MILLS ROAD, SUBMITTED BY RAFFAELLA AND MICHELE MASSA (OWNERS). **DEFERRED INDEFINITELY**

- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF NOVEMBER 17, 2015
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P16-01.** REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CODE OF ORDINANCES, CHAPTER 42 ZONING BY AMENDING ARTICLE I. IN GENERAL, SECTION 42-8. DEFINITIONS, BY AMENDING AND INSERTING IN ALPHABETICAL ORDER DEFINITIONS RELATED TO RECREATIONAL VEHICLE PARKS; AMENDING ARTICLE II. ZONING DISTRICTS, SECTION 42-35. STATEMENT OF DISTRICT INTENT, PURPOSE AND ZONE CHARACTERISTICS BY REPEALING ITEM (16) RECREATIONAL VEHICLE PARK DISTRICT (RVP(O)); AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 42-63. DISTRICT USE REGULATIONS, TABLE OF USES BY INSERTING IN ALPHABETICAL ORDER THE LAND USE RECREATIONAL VEHICLE PARK AND/OR CAMPGROUND (SEC. 42-66) AND ALLOWING RECREATIONAL VEHICLE PARKS AND OR CAMPGROUNDS BY INSERTING AN "X" INDICATING PERMITTED USE IN THE CD AND RR COLUMNS; CRATING SECTION 42-66. INDIVIDUAL USES, ITEM (A) ENTITLED RECREATIONAL VEHICLE PARK AND/OR CAMPGROUND, INCLUDING SUB-SECTIONS (1) THROUGH (12); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

REZONING CASES

- B. **P16-03.** REZONING OF 1.38+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF NC HWY 24 (CLINTON ROAD), WEST OF PUZZLE CREEK DRIVE; SUBMITTED BY BARBARA LAYTON AND WENDELL SMITH (OWNERS).
- C. **P16-05.** REZONING OF 1.43+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6107 BEND OF RIVER ROAD (SR 1807) AND 7634 SHERRILL BAGGETT ROAD (SR 1806); SUBMITTED BY DONNA PHELPS (OWNER).

CONDITIONAL ZONING DISTRICT

- D. **P16-04.** REZONING OF .67+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED COMMERCIAL AND RETAILING/CZ CONDITIONAL ZONING DISTRICT FOR GENERAL OFFICE AND TRADE CONTRACTING OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 462 BROOKLYN CIRCLE (SR 1126); SUBMITTED BY PATRICIA RENN (OWNER) AND C. GREGORY BAGLEY.

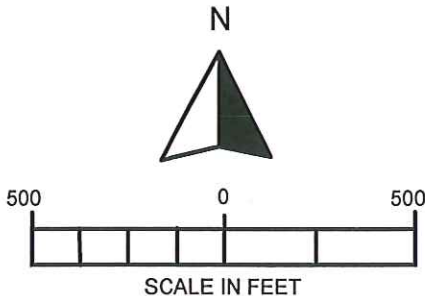
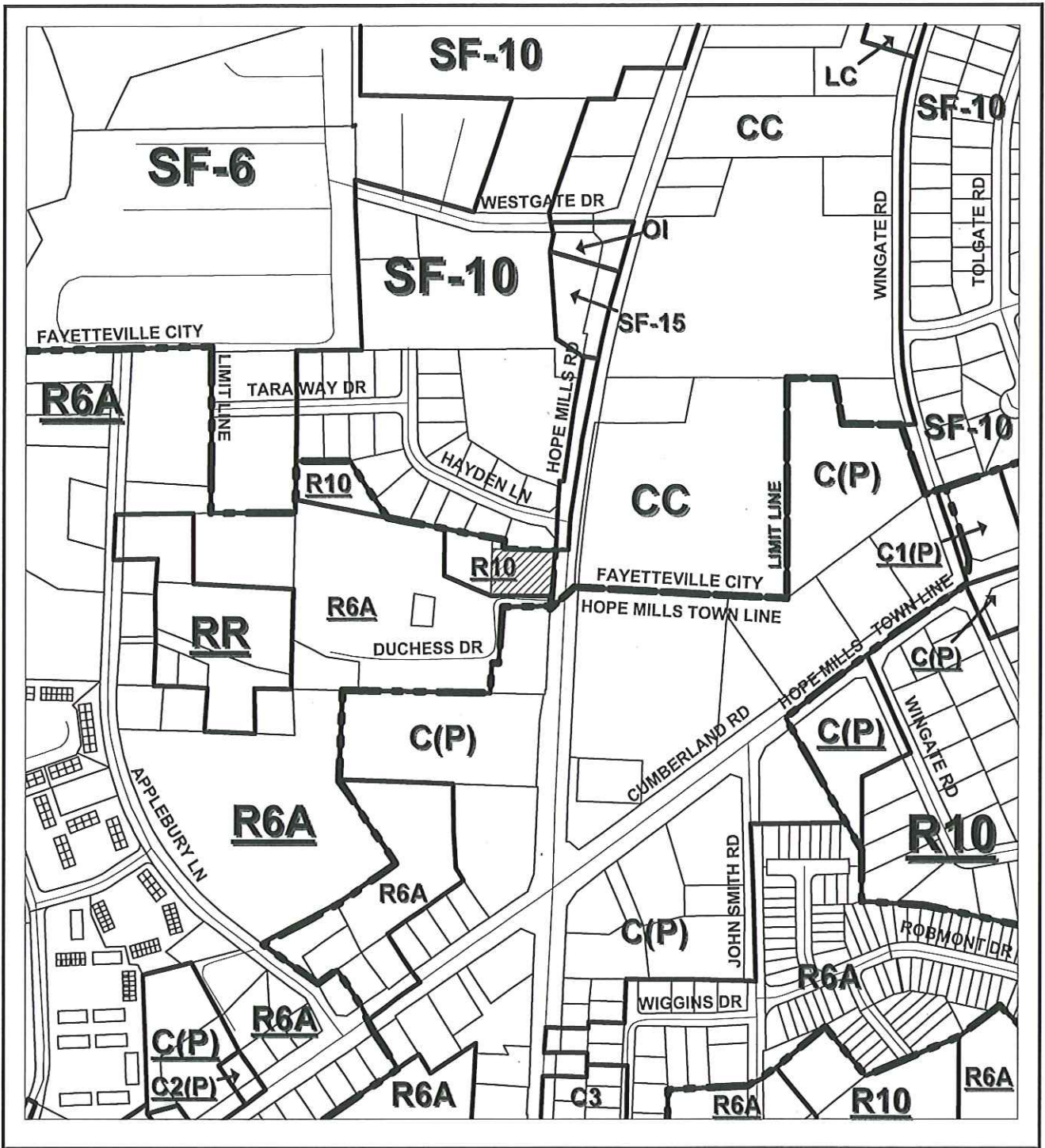
VIII. CONTESTED ITEMS

IX. DISCUSSION

DIRECTOR'S UPDATE

- STATE EMPLOYEES CREDIT UNION
- FIRST TUESDAY MEETING USED FOR LUNCH WORK SESSION

X. ADJOURNMENT



REQUESTED REZONING R10 TO O&I(P)

ACREAGE: 0.73 AC.+/-	HEARING NO: P15-31	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0405-97-7852

Patricia Hall,
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January 12, 2016

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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 January 19, 2016 Board Meeting

P16-01. REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CODE OF ORDINANCES, CHAPTER 42 ZONING BY AMENDING ARTICLE I. IN GENERAL, SECTION 42-8. DEFINITIONS, BY AMENDING AND INSERTING IN ALPHABETICAL ORDER DEFINITIONS RELATED TO RECREATIONAL VEHICLE PARKS; AMENDING ARTICLE II. ZONING DISTRICTS, SECTION 42-35. STATEMENT OF DISTRICT INTENT, PURPOSE AND ZONE CHARACTERISTICS BY REPEALING ITEM (16) *RECREATIONAL VEHICLE PARK DISTRICT (RVP(O))*; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 42-63. DISTRICT USE REGULATIONS, TABLE OF USES BY INSERTING IN ALPHABETICAL ORDER THE LAND USE *RECREATIONAL VEHICLE PARK AND/OR CAMPGROUND (SEC. 42-66)* AND ALLOWING RECREATIONAL VEHICLE PARKS AND OR CAMPGROUNDS BY INSERTING AN "X" INDICATING PERMITTED USE IN THE CD AND RR COLUMNS; CREATING SECTION 42-66. INDIVIDUAL USES, ITEM (A) ENTITLED RECREATIONAL VEHICLE PARK AND/OR CAMPGROUND, INCLUDING SUB-SECTIONS (1) THROUGH (12); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

1ST MOTION

The Planning and Inspections Staff recommends approval of Case No. P16-01 for a text amendment inserting specific provisions for Recreational Vehicle Parks and Campgrounds within the Town of Spring Lake based on the following:

1. If approved, the proposed amendment would restrict Recreational Vehicle Parks and Campgrounds to the CD and RR districts; and
2. The amendment was requested by the Town of Spring Lake.

2ND MOTION

The Planning and Inspections Staff recommends the board find that approval of the text amendment in Case No. P16-01 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan* as it is an effort to ensure that the Town of Spring Lake's zoning ordinance is updated and revised to be more consistent with county standards, which is important for annexation purposes. The proposed amendment is also consistent with the Spring Lake Area Detailed Land Use Plan as it will afford the town board the opportunity to ensure the character of the town is retained, a stated primary goal of the plan.

Attachment:
P16-01 Spring Lake Zoning Ordinance Text Amendment

P16-01
Town of Spring Lake
Zoning Ordinance Text Amendment
Recreational Vehicle Parks and/or Campgrounds

REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE ZONING ORDINANCE, CODE OF ORDINANCES, CHAPTER 42 ZONING BY AMENDING ARTICLE I. IN GENERAL, SECTION 42-8. DEFINITIONS, BY AMENDING AND INSERTING IN ALPHABETICAL ORDER DEFINITIONS RELATED TO RECREATIONAL VEHICLE PARKS; AMENDING ARTICLE II. ZONING DISTRICTS, SECTION 42-35. STATEMENT OF DISTRICT INTENT, PURPOSE AND ZONE CHARACTERISTICS BY REPEALING ITEM (16) *RECREATIONAL VEHICLE PARK DISTRICT (RVP(O))*; AMENDING ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES, SECTION 42-63. DISTRICT USE REGULATIONS, TABLE OF USES BY INSERTING IN ALPHABETICAL ORDER THE LAND USE *RECREATIONAL VEHICLE PARK AND/OR CAMPGROUND (SEC. 42-66)* AND ALLOWING RECREATIONAL VEHICLE PARKS AND OR CAMPGROUNDS BY INSERTING AN "X" INDICATING PERMITTED USE IN THE CD AND RR COLUMNS; CREATING SECTION 42-66. INDIVIDUAL USES, ITEM (A) ENTITLED RECREATIONAL VEHICLE PARK AND/OR CAMPGROUND, INCLUDING SUBSECTIONS (1) THROUGH (12); AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

AMEND Chapter 42 Zoning, Article I. In General, Section 42-8. Definitions, by INSERTING in alphabetical order the terms and accompanying definitions for *Campground, Recreational vehicle, and Recreational vehicle park*, to read as follows:

ARTICLE I. IN GENERAL

Sec. 42-8. Definitions.

Campground (recreational vehicle park or (RV park) means land upon which shelters (such as tents, travel trailers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. They may include such permanent structures and facilities as are normally associated with the operation of a campground. (Sec. 42-66).

Recreational vehicle means a vehicle which is built on a single chassis or capable of being placed in or on a vehicle; designed to be self-propelled or towable by a light duty truck; and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

Recreational vehicle park (including RV parks) means see Campground definition in this section.
~~Parks/Campground Recreation Vehicle park means an area of ground where one or more lots or spaces are rented, leased or held out for rent or lease to owners or users of recreation vehicles~~

AMEND Article II. Zoning Districts, Section 42-35. Statement of District Intent: purpose and zone characteristics, specifically the terms *Recreation Vehicle Park District (RVP(O))*, as indicated below:

ARTICLE II. ZONING DISTRICTS

Sec. 42-35. Statement of District Intent; purpose and zone characteristics.

~~(16) *Recreation Vehicle Park District (RVP(O))*. A district designed to be an overlay district for the purpose of allowing recreation vehicles as temporary living quarters for recreational camping or travel use. The intent of the district is to provide adequate opportunities for the location of planned parks. The district shall be applied as an overlay in the RR, R-6A, HS(P), C-3 and C(P) districts only.~~

AMEND Article III. Permitted Principal Uses and Structures, Section 42-63. District use regulations, ADDING the districts and type of approval required for *Recreational vehicle parks and/or campgrounds* as indicated below:

ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES

Sec. 42-63. District use regulations.

TABLE OF PERMITTED AND CONDITIONAL USES

			R-15	R-6A					C(P)		M(P)
<i>Permitted Uses</i>	CD	RR	R-10	R-5	O & I	C-1	CB	HS(P)	C-3	M-1	M-2
			R-6	R-5A							
<u>Recreational vehicle parks and/or campgrounds (Sec. 42-66)</u>	X	X									

Sec. 42-66. Individual uses.

(a) *Recreational vehicle park and/or campground.*

(1) Recreation vehicle parks/campgrounds shall be used only by travel trailers, pickup, coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

(2) The area of the park/campground shall be at least three acres. Each recreation vehicle/camp site, excluding sites used solely for tents, shall be a minimum of 1,200 square feet in area with a maximum of 20 sites per acre. Each site shall contain a stabilized vehicular parking pad of packed gravel, paving or other suitable material.

(3) All yard setback requirements shall be in accordance with the dimensional requirements of the zoning district in which the park or campground is located and no structure, recreational vehicle site or camping site shall be located within the required yard area.

(4) Individual recreation vehicle spaces within a recreation vehicle park/campground shall not directly access a public road. Access to all recreation vehicle spaces and accessory structures within the park/campground shall be from internal streets with the entrance to the park directly accessing a public right-of-way. A driveway permit must be obtained from the North Carolina Department of Transportation for connection to the public street.

(5) The recreation vehicle park/campground shall not allow for permanent occupancy on the same site by the same occupant for any continuous period of time exceeding 90 days.

(6) Each park shall have at least one telephone available for public use. Management headquarters, manager's residence, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, stores and the uses and structures customarily incidental to operations of a recreation vehicle park/campground are permitted as accessory uses to the park, subject to the following restrictions:

a. Such establishments (excluding recreational facilities) and the parking areas primarily related to their operations shall not occupy more than 10% of the gross area of the park/campground.

b. The structures housing such facilities shall not be located closer than 100 feet to any public street and shall not be directly accessible from any public street but shall be accessible only from an internal drive within the park/campground.

c. Such structures containing toilets, bathhouses and other plumbing fixtures shall comply with the requirements of the North Carolina Building Code.

d. Each park shall be limited to a maximum of one manager's/caretaker's residence.

(7) Adequate off-street parking and maneuvering space shall be provided on site. No public street, sidewalk or right-of-way or any other private grounds not a part of the recreational vehicle parking area shall be used to park or maneuver vehicles.

(8) Internal drives shall be constructed to a minimum of 18 feet in width if providing two way streets and 12 feet in width for one way streets and contain a minimum depth of six inches of stone gravel base with proper ditching, drainage, and seeding of slopes. Permanent dead-end streets shall have a cul-de-sac constructed 40 feet in diameter.

(9) Recreational vehicle parks and campgrounds shall be enclosed by a fence, wall, landscaped screening, earthen mounds or by other measures from all contiguous residential areas in a manner that complements the landscape and assures compatibility with the adjacent environment, and complies with the buffering requirements for non-residential uses adjacent to residential districts.

(10) In addition to the requirements required to be shown on the site plan as required by the Article IX, the site plan shall include the name and address of the applicant, the location and dimensions of each recreation vehicle/camping site, the location and use of all service and recreational facilities, all interior access ways, drives, and parking. All site plans subject to this Section shall also require approval from the County Health Department.

(11) When permitted, recreation vehicle parks/campgrounds within the CD Conservancy District shall be subject to the following requirements:

a. No individual recreation vehicle/camping site shall have individual on-site septic systems.

b. Each recreational vehicle must be equipped with a holding tank and each park/campground must have an approved dumping station or pump-out facilities on the premises.

(12) All Federal, State and other local regulations shall be complied with.

Secs. ~~42-66~~ 42-67—42-88. - Reserved.

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Benny Pearce,
Town of Eastover

January 12, 2016

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 19, 2016 Board Meeting

P16-03. REZONING OF 1.38+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF NC HWY 24 (CLINTON ROAD), WEST OF PUZZLE CREEK DRIVE; SUBMITTED BY BARBARA LAYTON AND WENDELL SMITH (OWNERS).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-03 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “rural” because the site is not located within any Municipal Influence Area or Community Growth Area.

The staff also recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets most of 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, public sewer is not available to this site; must have direct access to a public street, NC HWY 24 is a public street; and must not be located in any defined critical area as defined by the Fort Bragg Small Area Study.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-03 for the R20 Residential district for residential use based on the following:

- The location and character of the requested district will be in harmony with the general area.

The R40 and R30 districts could also be considered suitable for this request.

Attachments: 1 – Site Profile
2 – Sketch Map

P16-03
SITE PROFILE

P16-03. REZONING OF 1.38+/- ACRES FROM A1 AGRICULTURAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF NC HWY 24 (CLINTON ROAD), WEST OF PUZZLE CREEK DRIVE; SUBMITTED BY BARBARA LAYTON AND WENDELL SMITH (OWNERS) . (COUNTY)

Site Information:

Frontage & Location: 178'+/- on NC HWY 24 (Clinton Rd)

Depth: 135'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant (Quadruplex prior to road construction)

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

Nonconformities: Nonconforming due to NC HWY 24 right of way acquisition

Zoning Violation(s): None

Surrounding Zoning: North & South: A1; East: A1, R40A, RR & R6A: West: C(P), A1 & RR

Surrounding Land Use: Residential (including multi-family & manufactured homes), substation, auto repair, manufacturing

2030 Growth Strategy Map: Rural

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Autryville/Septic

Soil Limitations: None

School Capacity/Enrolled:

Subdivision/Site Plan: Recombination plat required; review and approval may be required prior to development

Average Daily Traffic Count (2014): 8,500 on NC HWY 24 (Clinton Road)

Highway Plan: Clinton Rd is currently under construction. No future improvements after completion.

Notes:

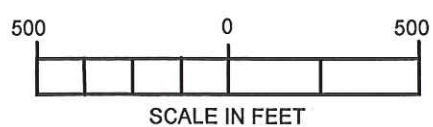
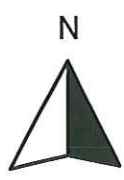
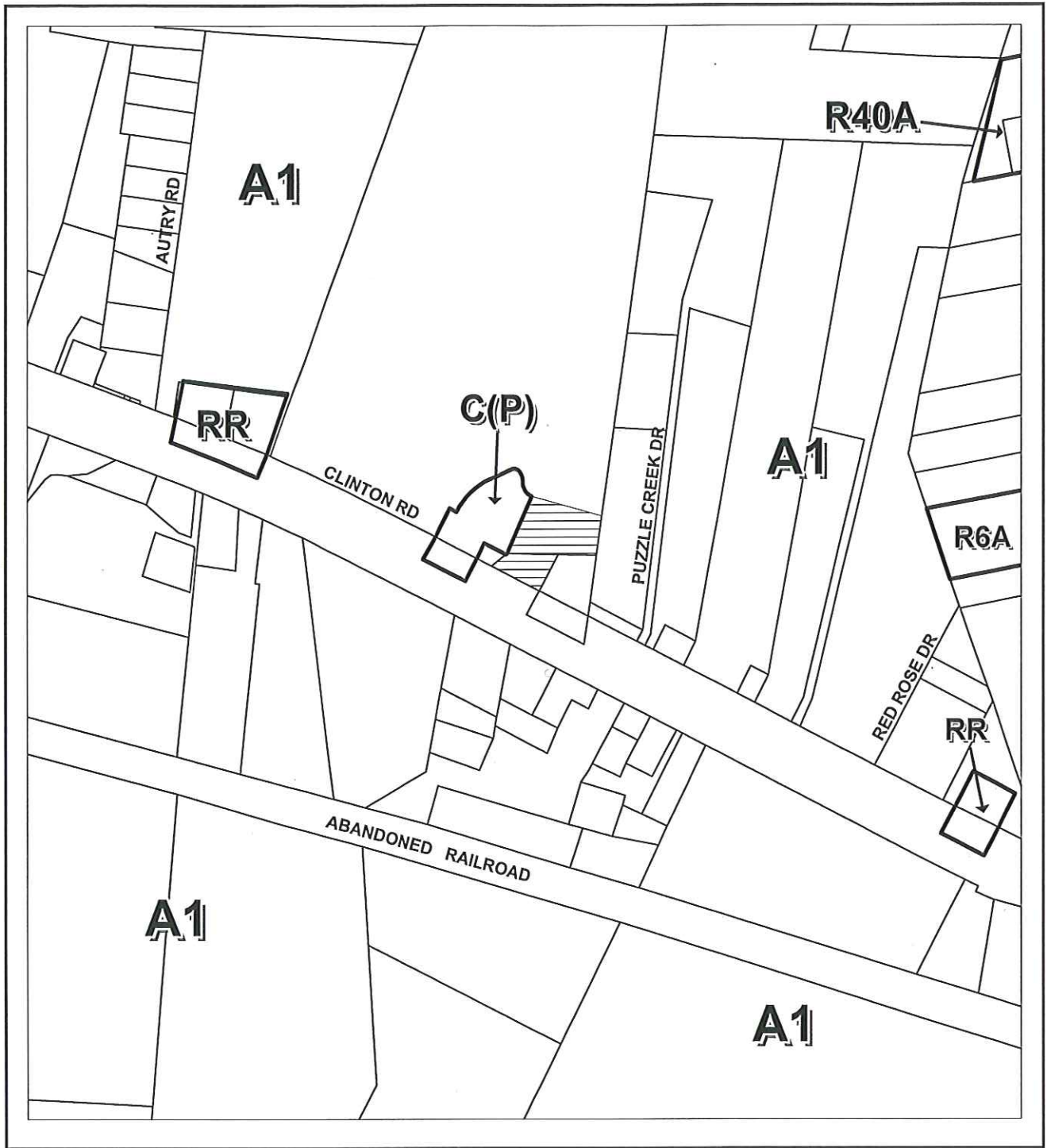
1. Density
A1 – 0 lots/units
R40 – 1 lot/2 units
R30 – 2 lots/units
R20 – 3 lots/units

2. Minimum Yard Setbacks:

<u>A1</u>	<u>R40, R30 & R20</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 R20

ACREAGE: 1.38 AC.+/-	HEARING NO: P16-03	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 1405-07-9088
 PORT. OF PIN: 1405-08-8099

Patricia Hall,
Chair
Town of Hope Mills

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January 12, 2016

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 19, 2016 Board Meeting

P16-05. REZONING OF 1.43+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6107 BEND OF RIVER ROAD (SR 1807) AND 7634 SHERRILL BAGGETT ROAD (SR 1806); SUBMITTED BY DONNA PHELPS (OWNER).

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-05 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 or less per acre. The request is not consistent with the Vision Northeast Land Use Plan which calls for "farmland" uses at this location.

The staff also recommends the board further find that approval of this rezoning is reasonable and in the public interest because approximately 80% of the subject property is currently zoned RR Rural Residential and the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *use of septic allowed based on soil type, lot size and distance from public sewer; direct access to a public street is required, Sherrill Baggett and Bend of River Roads are public streets, and must not be located in any defined critical area as defined by the Fort Bragg Small Study Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff also recommends the board approve Case No. P16-05 for RR Rural Residential district based on the following:

1. The RR Rural Residential district will allow for land uses and lot sizes currently allowed on the majority of the tract; and
2. The location and character of the requested district will be in harmony with the general area.

There are no other districts considered suitable at this location.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P16-05
SITE PROFILE

P16-05. REZONING OF 1.43+/- ACRES FROM A1 AGRICULTURAL AND RR RURAL RESIDENTIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6107 BEND OF RIVER ROAD (SR 1807) AND 7634 SHERRILL BAGGETT ROAD (SR 1806); SUBMITTED BY DONNA PHELPS (OWNER). (COUNTY)

Site Information:

Frontage & Location: 404' +/- on SR 1806 (Sherrill Baggett Rd) and 108' +/- on SR 1807 (Bend of River Rd)

Depth: 404' +/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Residential (1 "stick built" & 1 MH)

Initial Zoning: A1 – November 25, 1980 (Area 14)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: A1, R40 & RR; South: A1, R40, R40A & RR; East & West: A1

Surrounding Land Use: Residential (including manufactured homes), farmland

2030 Growth Strategy Map: Community Growth Area

Vision Northeast Land Use Plan: Farmland

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled:

Municipal Influence Area: Godwin/Falcon

Subdivision/Site Plan: Group development approved contingent on rezoning (Case No. 15-132)

Average Daily Traffic Count (2014): 580 on SR 1806 (Sherrill Baggett Rd)

Highway Plan: Bend of River Rd and Sherrill Baggett Rd are local thoroughfares. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

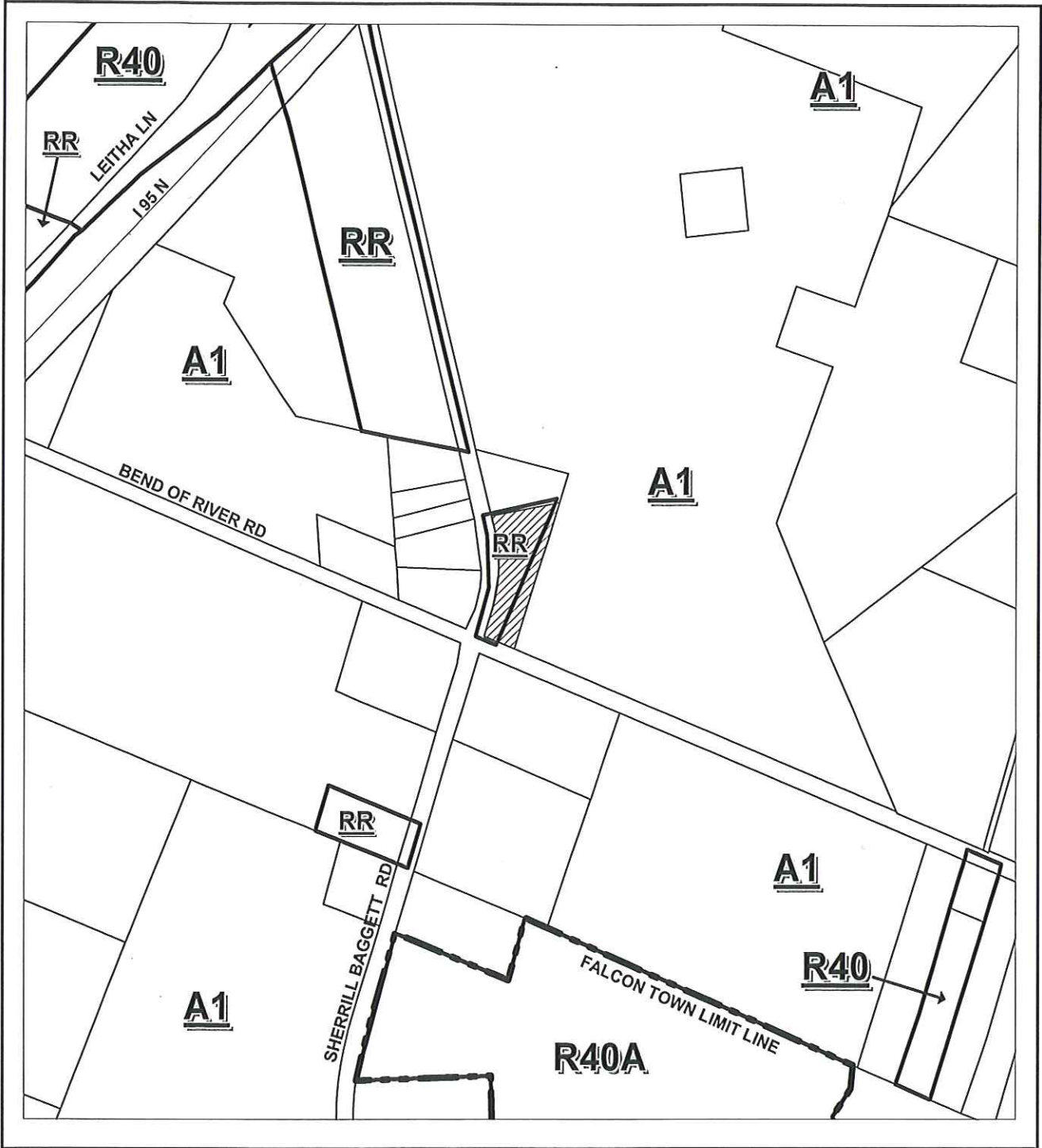
1. Density
A1 – 0 lots/units
R40 – 1 lot/2 units
R30 – 2 lots/units
R20 & RR – 3 lots/units

2. Minimum Yard Setbacks:

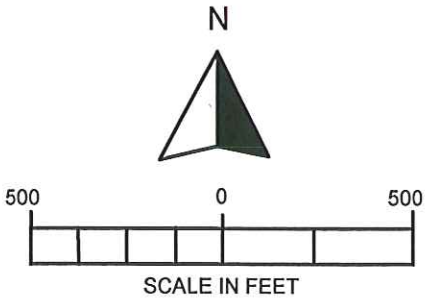
<u>A1</u>	<u>R40, R30, R20 & RR</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

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 & RR TO RR



PIN: 1503-31-5588

ACREAGE: 1.43 AC.+/-	HEARING NO: P16-05	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

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MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the January 19, 2016 Board Meeting

P16-04. REZONING OF .67+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED COMMERCIAL AND RETAILING/CZ CONDITIONAL ZONING DISTRICT FOR GENERAL OFFICE AND TRADE CONTRACTING OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 462 BROOKLYN CIRCLE (SR 1126); SUBMITTED BY PATRICIA RENN (OWNER) AND C. GREGORY BAGLEY.

1st MOTION

The Planning and Inspections Staff recommends the board find that approval of the request for rezoning in Case No. P16-04 is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban fringe" because the site is located in an urban area being within the Hope Mills Municipal Influence Area. The request is consistent with the Southwest Cumberland Land Use Plan which calls for "heavy commercial" at this location.

The staff also recommends the board approve this rezoning request as it is reasonable and in the public interest because the district requested for the subject property meets most of the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer available, connection to public water required, sewer is not available; must have direct access to a collector street, US HWY 301 S is a collector street; should have other light commercial uses in the area; should provide convenient goods and services to the immediate surrounding neighborhood and may be located along a street that is in transition from residential to non-residential through redevelopment and physical improvements; may be located in an Activity Node or in a designated heavy commercial area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-04 for the C2(P) Planned Service and Retail/CZ Conditional Zoning district for trade contracting and general office based on the following:

- The location and character of the requested district will be in harmony with the general area and the recently approved rezoning request.

There are no other districts considered suitable for this request at this location. 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

P16-04
SITE PROFILE

P16-04. REZONING OF .67+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED COMMERCIAL AND RETAILING/CZ CONDITIONAL ZONING DISTRICT FOR GENERAL OFFICE AND TRADE CONTRACTING OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 462 BROOKLYN CIRCLE (SR 1126); SUBMITTED BY PATRICIA RENN (OWNER) AND C. GREGORY BAGLEY.

Site Information:

Frontage & Location: N/A on SR 1126 (Brooklyn Circle)

Depth: 100'

Jurisdiction: Cumberland County

Adjacent Property: Yes

Current Use: Vacant lot

Initial Zoning: R6A – February 3, 1977 (Area 7)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C2(P)/CZ(trade contractor w/ outside storage), R10 & R6A; South: C3, C3/CU (residential uses in C3), C(P), C(P)/CUD (to allow retail & other permitted uses), C2(P)/CZ(trade contractor with open storage), RR & R6A; East: C3, RR & RR/CU (commercial warehousing as off-site storage); West: R6A

Surrounding Land Use: Residential (including manufactured homes), motorcycle repair, trade contractor, religious worship, retail sales, NCDOT services

2030 Growth Strategy Map: Urban fringe

Southwest Cumberland Land Use Plan: Heavy Commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

School Capacity/Enrolled:

Municipal Influence Area: Hope Mills

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

Average Daily Traffic Count (2014): 1,400 on SR 1126 (Brooklyn Circle)

Highway Plan: Brooklyn Cir is a local thoroughfare. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program.

Notes:

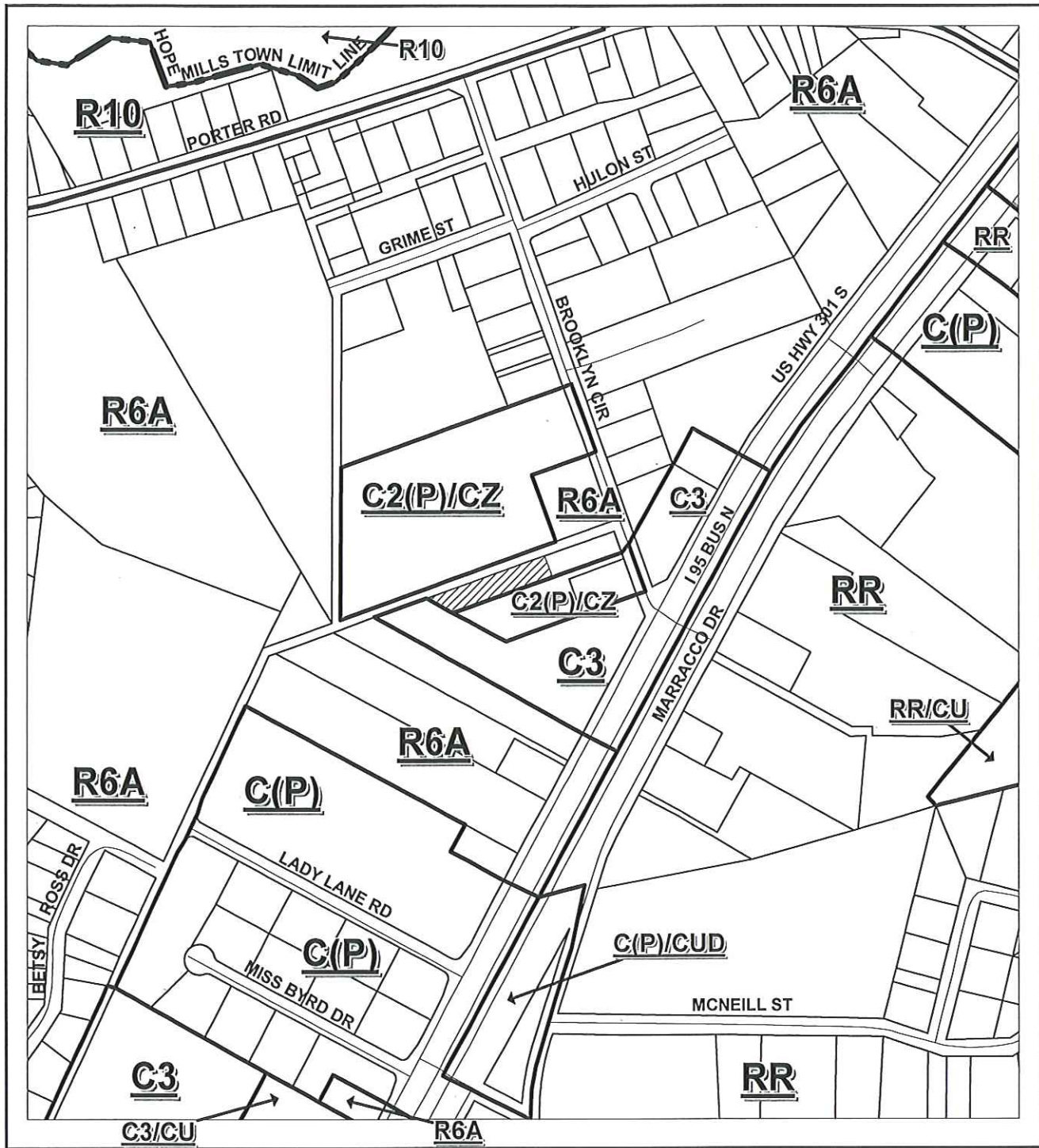
1. Density (minus 15% for R/W):
R6A – 4 lots/5 units (4 lots/units)

2. Minimum Yard Setbacks:

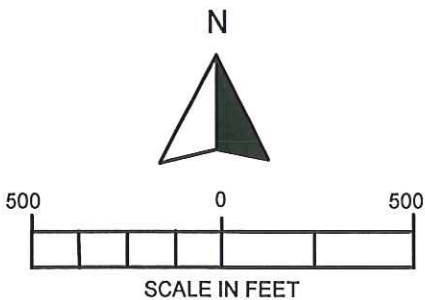
<u>R6A</u>	<u>C2(P)</u>
Front yard: 25'	Front yard: 50'
Side yard: 10'	Side yard: 30'
Rear yard: 15'	Rear yard: 30'

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.



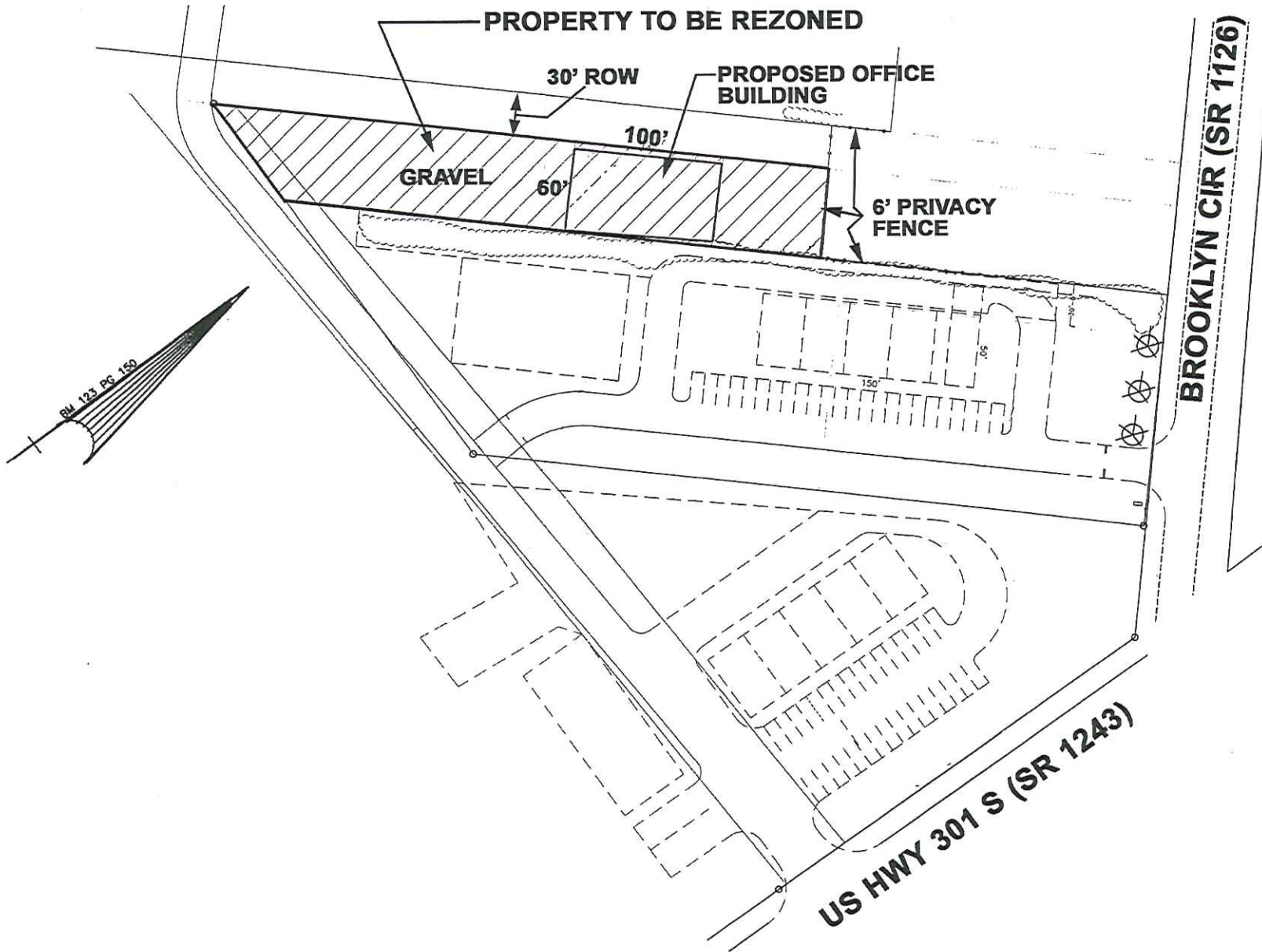
REQUESTED REZONING R6A TO C2(P)/CZ



PORT OF PIN: 0423-28-1669

ACREAGE: 0.67 AC.+/-		HEARING NO: P16-04	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

12/28/2015
JM



CONDITIONAL ZONING DISTRICT

REQUEST: GENERAL OFFICE AND TRADE CONTRACTING

CASE: P16-04 ACREAGE: 0.67 AC +/-

SCALE: NTS

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

12-28-2015

C2(P) PLANNED SERVICE AND RETAIL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions
for
General Office & Trade Contractor

Pre- Permit Related:

1. A recombination plat (also known as a “No Approval Required” or “NAR”) must be submitted to Land Use Codes and then the Town Manager 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.
2. Prior to application for any permits and/or commencement of new construction that may affect the approved site plan of the commonly owned adjacent properties, five copies of the revised plans (along with \$25) must first be submitted for review and approval and must be approved – see rezoning Case No. P15-05 and site plan Case No. 08-190.
3. Prior to use of the land area within the recorded alley and/or blockage of access to any portion of alley, a formal street closing must be processed and approved. Note: The developer is encouraged to consider submission of the street closing prior to commissioning for the recombination plat – see Condition No. 1 above. If successful in closing the alley, a recombination plat would be required at that time.

Note: If/when the alley is formally closed, the subject property cannot be permitted until such time as the recombination plat is recorded so that the subject property will have road frontage.

Permit-Related:

4. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
5. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. 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)
6. Connection to public water is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC 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)

Note: Due to an existing agreement between the PWC and the Town of Hope Mills, an annexation petition most likely will be required prior to the PWC’s review of any utility plans.

7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. 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.

9. 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.
10. 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.
11. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. **Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense.** For additional information contact the Division 6 / District 2 office at the number listed on the bottom of this conditional approval.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, the copies of a revised site plan must be submitted for staff review and approved prior to permit application.

Site-Related:

12. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the C2(P)/CZ zoning district, to include the contents of the application and site plan, must be complied with, as applicable.
13. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
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. Turn lanes may be required by the NC Department of Transportation (NCDOT).
18. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
19. A solid buffer must be provided and maintained along the eastern property line (to be a new line with the recombination plat) where this tract/site abuts residentially zoned property in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
20. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
21. All required off-street parking spaces are required to be a minimum of 9' x 20' and surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 20 off-street parking spaces is required for this development.

22. A minimum of 1 off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for the trade contracting/general office area. (Note: Three copies of a revised site plan depicting the required loading space(s) must be submitted and approved prior to application for any building/zoning permits.)

Plat-Related:

23. Prior to submission for approval for recording of the recombination plat, a fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 300 feet from any lot.
24. Any/All easements must be reflected on the recombination 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.
25. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recording. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
26. The recombination 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:

27. 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 services available, and no lots have been approved by the Health Department for on-site sewer services at the date of this recording.”

28. 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 recombination plat.”

Advisories:

29. The applicant is advised to consult an expert on wetlands before proceeding with any development.
30. The subject property is located within the Town of Hope Mills Municipal Influence Area (MIA) and the town has tree preservation standards in their ordinances. The developer is encouraged to retain as many of the existing trees as possibly on this site.
31. 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.
32. 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.
33. The developer’s subsequent application for permits upon receipt of these conditions of approval constitutes the developer’s understanding and acceptance of the conditions of approval for this development.

Other Relevant Conditions:

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

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

Thank you for choosing Cumberland County for your business location!

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):

Improvements Inspections:	Jeff Barnhill	678-7765	jbarnhill@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Ed Byrne	678-7609	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Gary Faulkner	321-6648	gfaulkner@co.cumberland.nc.us
Fire Marshal – Emergency Services	Rodney Ward	321-6625	rward@co.cumberland.nc.us
County Health Department:	Daniel Ortiz	433-3680	dortiz@co.cumberland.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
Town of Hope Mills:		424-4555*	
Town Clerk:	Melissa P. Adams		mpadams@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
County Public Utilities:	Amy Hall	678-7637	ahall@co.cumberland.nc.us
US Postal Service	Laricia McIver	(704) 393-4481	laricia.mciver@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDENR (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrel@ncdenr
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Ron Gonzales	678-7616	rgonzalez@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	486-1496	tlbaker@ncdot.gov
N.C. Division of Water Quality:	Mike Randall	(919) 807-6374	mike.randall@ncdenr.gov

*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.

cc: Chancer McLaughlin, Town of Hope Mills (MIA purposes only)

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 DST Properties Inc. and PATRICIA REMN / Agent - Greg Balfour
2. Address: 805 COKESBURY ROAD
~~462 BROOKLYN CIRCLE~~ Zip Code 27526
3. Telephone: (Home) _____ (Work) 919-609-0500
4. Location of Property: 462 BROOKLYN CIRCLE NW of I-95
5. Parcel Identification Number (PIN #) of subject property: 423-28-1689
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.1 ^{C&B} Frontage: 75' Depth: 600'
7. Water Provider: Ne Septage Provider: No
8. Deed Book 3447, Page(s) 298, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential
10. Proposed use(s) of the property: Residential / ^{C&B} Retail / Trade
Contracting

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: R6A

TO: (Select one)

Conditional Zoning District, with an underlying zoning district of CZ(P)
(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.)

~~Retailing~~ CBS
General Office
TRADE CONTRACTOR

- 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.

SEE Side PLAN

2. DIMENSIONAL REQUIREMENTS:

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

SEE 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.

SEE Site PLAN

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

SEE 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.**

Per 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.**

Per Site Plan

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

The application 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.

~~DSI Properties Inc.~~ DSI Properties Inc. PATRICIA REEN
NAME OF OWNER(S) (PRINT OR TYPE)

4814 US HWY 301 362 Brooklyn Circle
ADDRESS OF OWNER(S)

tsealey@directional services.net

E-MAIL
DSE 910-635-7981

Reed 910-423-0054
HOME TELEPHONE WORK TELEPHONE

Tim J Sealey Patricia Reen
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

C. Gregory Bayly
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

805 COKESBURY ROAD FAYUAY VIRGINIA, NC 27526
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-552-1600
HOME TELEPHONE WORK TELEPHONE

gdb.greg@gmail.com 919-552-6325
E-MAIL ADDRESS FAX NUMBER

C. Gregory Bayly
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT