

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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,
Carl Manning,
Lori Epler
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

TENTATIVE AGENDA

August 15, 2017
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JULY 18, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASE

- A. **P15-31.** REZONING OF .73+/- ACRES FROM R10 RESIDENTIAL TO O&I(P) PLANNED OFFICE & INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2444 & 2448 HOPE MILLS ROAD, SUBMITTED BY RAFFAELLA MASSA ON BEHALF OF ELIZABETH PIZZA - HOPE MILLS ROAD LLC (OWNER).
- B. **P17-20.** REZONING OF 1.27+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 116 AIRPORT ROAD, SUBMITTED BY OSAZE LOVE ASEMOTA & LILY IGUNBOR (OWNERS) AND GABRIEL IGUNBOR (AGENT).
- C. **P17-31.** REZONING OF 23.22+/- ACRES FROM M2 HEAVY INDUSTRIAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT THE SOUTHEAST QUADRANT OF SR 2000 (SUNNYSIDE SCHOOL ROAD) AND SR 2010 (JOHN B CARTER ROAD); SUBMITTED BY STEVEN R. EVERETT (OWNER) AND J. SCOTT BERRY (AGENT).
- D. **P17-32.** REZONING OF 2.53+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2501 BAYWOOD ROAD, SUBMITTED BY MICHAEL A. AND SUSAN T. THOMAS (OWNERS). (EASTOVER)
- E. **P17-35.** INITIAL ZONING OF 40.93+/- ACRES CD CONSERVANCY DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTH OF CHAPEL HILL ROAD, EAST OF ALCHEMERY STREET; SUBMITTED BY THE TOWN OF SPRING LAKE (OWNER). (SPRING LAKE)
- F. **P17-36.** REZONING OF 2.03+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7236 BUTLER NURSERY ROAD, SUBMITTED BY JAMES ROBERT WILSON (OWNER).

CONDITIONAL ZONING CASE

- G. P17-37. REZONING OF 1.60+/- ACRES FROM R6A RESIDENTIAL TO C1(P)/CZ FOR ALL ALLOWED USES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2425 CULBRETH DRIVE, SUBMITTED BY CHERYL HUDSON ON BEHALF OF CULBRETH INVESTMENTS, LLC (OWNERS). (EASTOVER)

VIII. PUBLIC HEARING ITEM

VANDER AREA LAND USE PLAN

VANDER AREA LAND USE PLAN: THIS PLAN PROVIDES THE LOCATION OF PROPOSED FUTURE LAND USES FOR THE VANDER AREA. THE PLAN COVERS AN AREA DEFINED GENERALLY TO NORTH OF THE CAPE FEAR RIVER; TO THE SOUTH OF HWY 24; TO THE EAST OF THE CITY LIMITS OF FAYETTEVILLE AND TO THE WEST OF THE TOWN OF STEDMAN

IX. PUBLIC HEARING CONTESTED ITEMS

X. DISCUSSION

DIRECTOR'S UPDATE

- TOPIC FOR THE NEXT WORK SESSION

XI. ADJOURNMENT

REQUEST
R10 TO O&I(P)

ACREAGE
0.73+/-

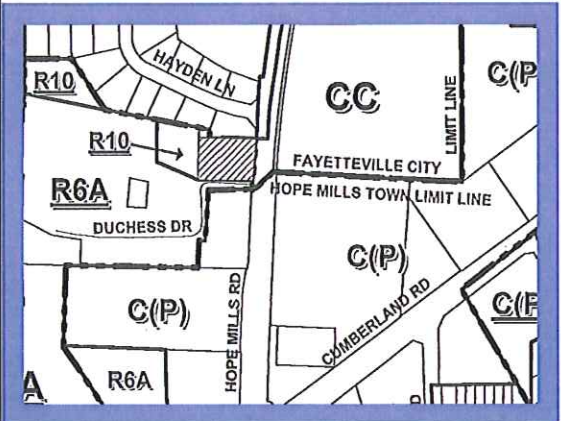
APPLICANT/PROPERTY OWNER
RAFFAELLA MASSA/ ELIZABETH PIZZA HOPE
MILLS ROAD LLC

PROPERTY ADDRESS/LOCATION
2444 & 2448 HOPE MILLS RD

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 149.72'+/- on NC HWY 59 (Hope Mills Road)
 Depth: 211.40'+/-
 Jurisdiction: Cumberland County
 Adjacent Property: Yes
 Current Use: Residential (1 stick built & 1 manufactured home)
 Initial Zoning: R10 – August 1, 1975 (Area 3)
 Nonconformities: If approved, residential use would become nonconforming
 Zoning Violation(s): None
 School Capacity/Enrolled: Cumberland Mills Elementary: 630/632; Ireland Drive Middle: 340/314; Byrd Middle: 700/668; Byrd High: 1280/1148
 Special Flood Hazard Area (SFHA): No
 Water/Sewer Availability: PWC/PWC
 Soil Limitations: None
 Municipal Influence Area: Town of Hope Mills
 Average Daily Traffic Count (2014): 29,000 on NC 59 (Hope Mills Road)
 Highway Plan: Hope Mills Road is identified as a boulevard needing improvement in the 2040 Metropolitan Transportation Plan. However, there are no constructions/improvements planned in the foreseeable future. The subject property will have no impact on the Transportation Improvement Plan.



SURROUNDNG LAND USE: Residential (including manufactured dwellings), mini-warehousing, manufactured home park, restaurant, shopping center, & bank

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban Southwest Cumberland Land Use Plan: Mixed use development

Notes:

- R10 is dormant and now follows the R7.5 district
- Density:
R10 – 4 lots/units
- Minimum Yard Setback Regulations:

R10	O&I(P)
Front yard: 30'	Front yard: 35'
Side yard: 10'	Side yard: 15'
Rear yard: 35'	Rear yard: 20'

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" development at this location. The request is also consistent with the *Southwest Cumberland Land Use Plan*, which calls for "mixed use development" because it allows office uses.

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 desirable, PWC water and sewer exists in the area; should have a direct access to a collector street, Hope Mills Road is a principal arterial street; if not developed in an office park, should serve as a transition between commercial and residential uses, this area of Hope Mills Road is very much in transition with commercial almost surrounding the subject property; must be located on a sufficient site that provides adequate area for buffering, screening, and landscaping, the subject property is located on .73+/- acres.*

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P15-31 for O&I(P) Planned Office and Institutional based on the following:

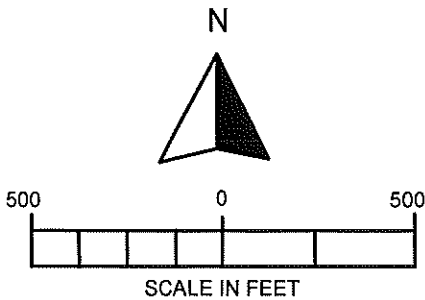
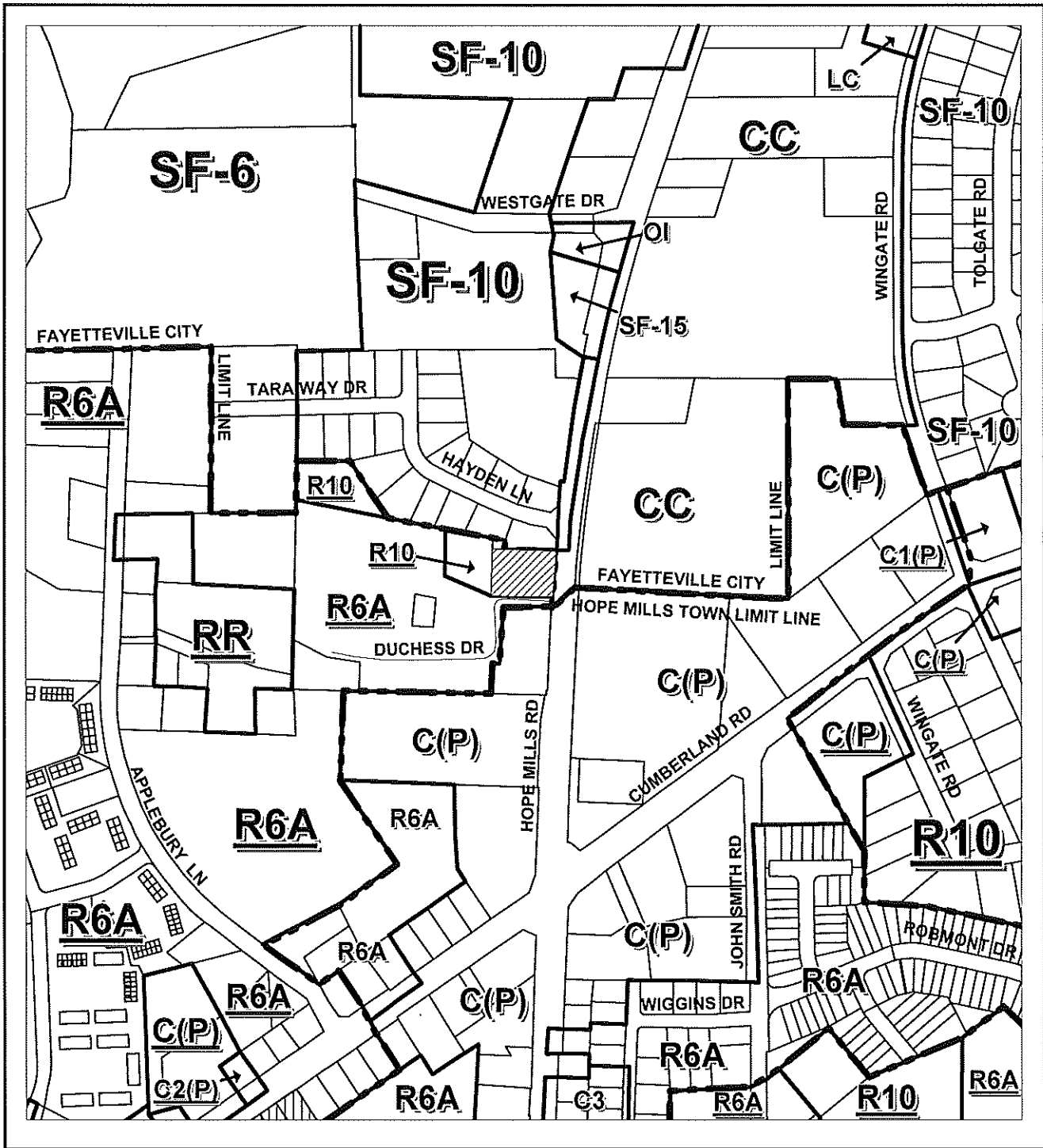
- The district requested will allow for land uses that exist in the general area; and
- NC HWY 59 is a heavily travelled road in an area transitioning to non-residential uses since the road was widened to multiple lanes.

OTHER SUITABLE DISTRICTS: NONE

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



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

REQUEST
R6A TO C2(P)

ACREAGE
1.27+/-

APPLICANT/PROPERTY OWNER
OSAZE LOVE ASEMOTA, LILY IGUNBOR &
GABRIEL IGUNBOR

PROPERTY ADDRESS/LOCATION
116 AIRPORT RD

Jurisdiction: **County**

PROPERTY INFORMATION

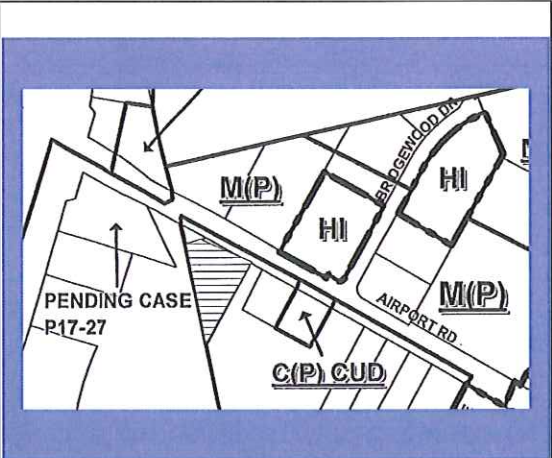
Frontage & Location: 202'+/- on SR 2260 (Airport Rd)
Depth: 360'+/-
Adjacent Property: No
Current Use: Residential
Initial Zoning: R6A – March 15, 1979 (Area 6)
Nonconformities: Yes – if approved, C2(P) would make the building nonconforming on the side yard setback. The residential use would become nonconforming as well.
Zoning Violation(s): None
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: PWC/PWC
Soil Limitations: Yes – Hydric, JT Johnston loam
Average Daily Traffic Count (2014): 8,700 on SR 2260 (Airport Road)
Highway Plan: Airport Road is identified as an existing boulevard in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan
Fayetteville Regional Airport: The airport supports commercial uses of property surrounding the airport.
Airport Impact Zone: 6, Fewer than 100 people per acre

Notes:

- Density
R6A – 12 lots/13 units
MHP – 10 units

2. Minimum Yard Setbacks:

<u>C2(P)</u>	<u>C1(P)</u>	<u>O&I(P)</u>	<u>R6A</u>
Front yard: 50'	Front yard: 45'	Front yard: 35'	Front yard: 25'
Side yard: 30'	Side yard: 15'	Side yard: 15'	Side yard: 10'
Rear yard: 30'	Rear yard: 20'	Rear yard: 20'	Rear yard: 15'



SURROUNDNG LAND USE: Residential (including manufactured homes), manufactured home park, vacant commercial, motor vehicle rental, pest control, fleet maintenance, bottled water distribution, manufactured home sales & manufactured home part sales

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban South Central Land Use Plan: Airport uses

STAFF RECOMMENDATION

APPROVE	APPROVE WITH CONDITIONS	DENY
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FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban" development at this location. The request is also consistent with the *South Central Land Use Plan*, which calls for "airport uses". Light commercial uses are considered an "airport use" as they typically do not attract a large number of customers.

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 generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *public water and sewer required*, PWC water and sewer exist in the area; *must have direct access to a collector street*, Airport Road is a minor arterial street; *should serve as a transition between heavy commercial, office & institutional or residential development*, the area surrounding the subject property is a mix of industrial, heavy commercial and residential uses; *should provide convenient goods and services to the immediate surrounding neighborhood*, light commercial uses would serve those in the immediate residential areas as well as customers and employees of the Fayetteville Regional Airport.

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-20 for C2(P) Planned Service and Retail based on the following:

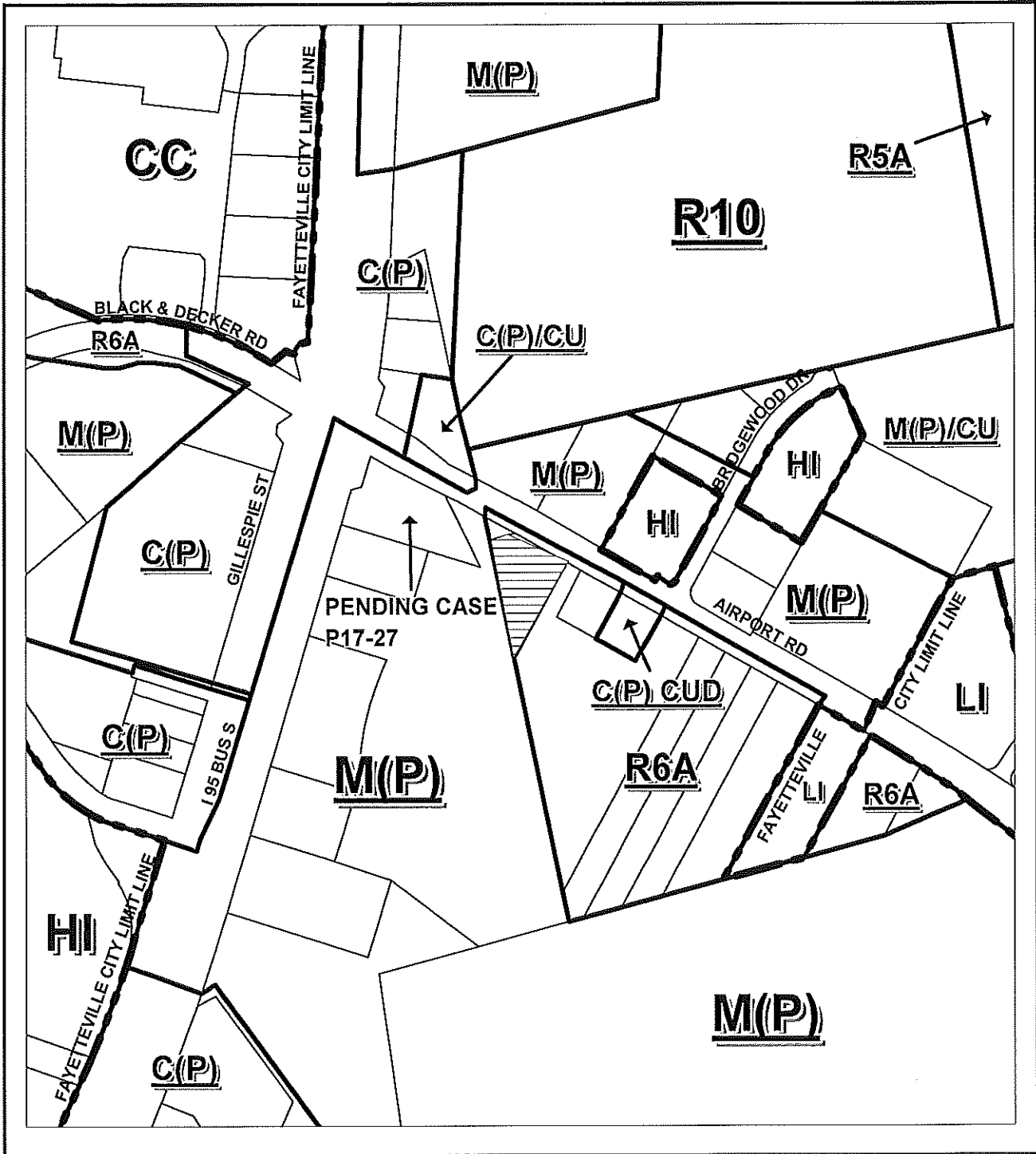
- The district requested will allow for land uses that are considered favorable under the Airport Overlay District and by the Fayetteville Regional Airport Director.

OTHER SUITABLE DISTRICTS: NONE

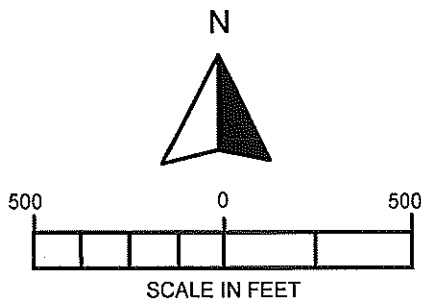
ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



REQUESTED REZONING R6A TO C2(P)



ACREAGE: 1.27 AC.+/-		HEARING NO: P17-20	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

REQUEST
M2 TO R40

ACREAGE
23.22+/-

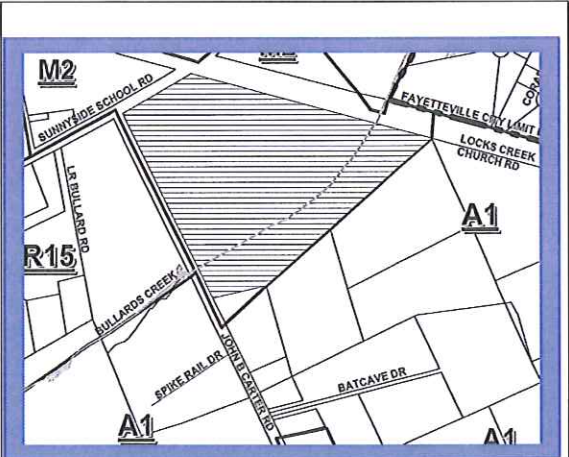
APPLICANT/PROPERTY OWNER
STEVEN R. EVERETT

PROPERTY ADDRESS/LOCATION
SOUTHEAST QUADRANT OF SUNNYSIDE
SCHOOL RD & JOHN B CARTER RD

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 410'+/- on SR 2000 (Sunnyside School Rd) & 1070'+/- on SR 2010 (John B. Carter Rd)
 Depth: 1120'+/-
 Jurisdiction: County
 Adjacent Property: None
 Current Use: Vacant
 Initial Zoning: R15 & A1 – September 14, 1979 (Area 9); rezoned to M2 on July 28, 1981
 Nonconformities: None
 Zoning Violation(s): None
 School Capacity/Enrolled: Sunnyside Elementary: 300/377; Mac Williams Middle: 1270/1165; Cape Fear High: 1425/1534
 Special Flood Hazard Area (SFHA): No
 Water/Sewer Availability: Well/PWC
 Municipal Influence Area: Fayetteville
 Soil Limitations: Yes, hydric – JT Johnston loam
 Municipal Influence Area: City of Fayetteville
 Average Daily Traffic Count (2014): 2,100 on SR 2000 (Sunnyside School Road) & 1,100 on SR 2010 (John B. Carter Road)
 Highway Plan: The subject property lies on the corner of Sunnyside School Road and John B. Carter Road. Sunnyside School Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. John B. Carter Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.



SURROUNDNG LAND USE: Residential (including manufactured homes), motor vehicle sales, motor vehicle part sales, community park, religious worship (3); utility supply store, septic supply store, accounting office, hardware store, woodlands & shopping center

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban fringe Proposed Vander Area Land Use Plan: Suburban density residential

Notes:

1. M2 is dormant and now follows the M(P) district
2. Density (minus 15% for R/W)
R40 – 21 lots/units (25 lots/units without R/W)
3. Minimum Yard Setback Regulations:

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

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is not entirely consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "urban fringe" development, but with the existence of poorly draining soils in this area run off from a larger scale development could become a concern. The request is also not entirely consistent with the *Proposed Vander Area Land Use Plan*, which calls for "suburban density residential" but could be considered appropriate as public water is not available and for the reason stated above. 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 system allowed, only PWC sewer exists in the area, could be located in any defined critical area as defined by the Fort Bragg Small Area Study; desirable to be limited to one 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, the area is mostly residential in nature; may be outside the Sewer Service Area.*

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-31 for R40 Residential based on the following:

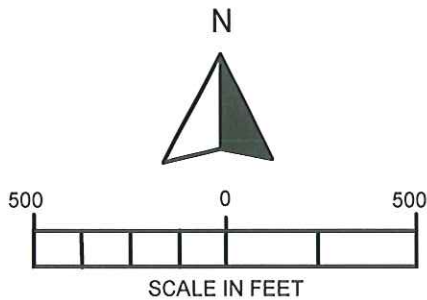
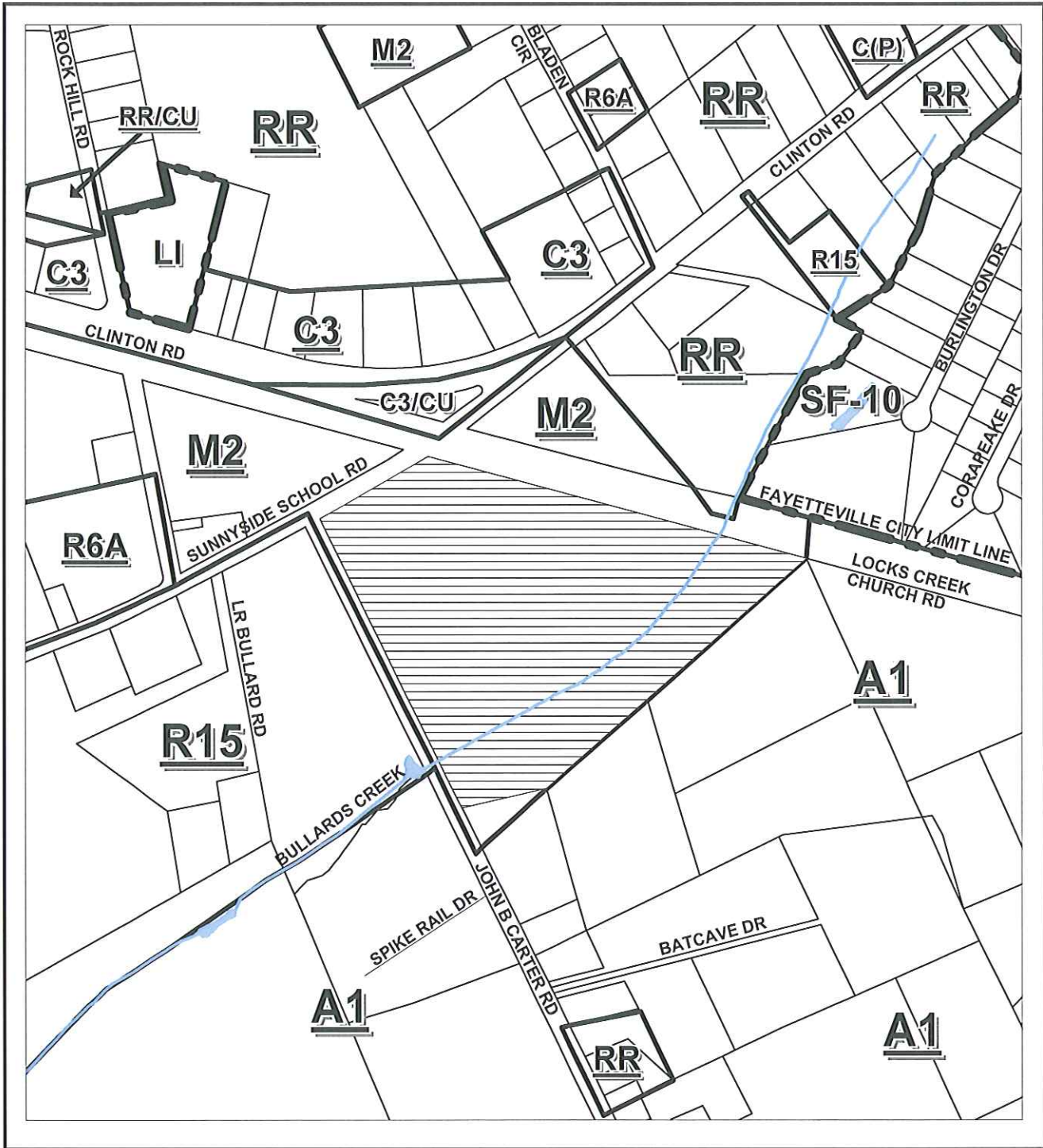
- The district requested will be keeping with the overall rural residential and agricultural nature of the area.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



REQUESTED REZONING M2 TO R40

ACREAGE: 23.22 AC.+/-

HEARING NO: P17-31

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

REQUEST
A1 TO R40A

ACREAGE
2.53+/-

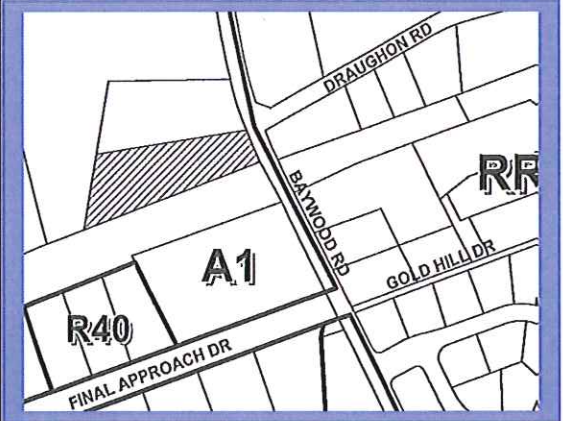
APPLICANT/PROPERTY OWNER
MICHAEL A. & SUSAN T. THOMAS

PROPERTY ADDRESS/LOCATION
2501 BAYWOOD RD

Jurisdiction: **Eastover**

PROPERTY INFORMATION

Frontage & Location: 120'+/- on SR 1828 (Baywood Rd)
 Depth: 580'+/-
 Jurisdiction: Eastover
 Adjacent Property: Yes
 Current Use: Residential (manufactured home)
 Initial Zoning: A1 – April 26, 1979 (Area 8)
 Nonconformities: None
 Zoning Violation(s): None
 School Capacity/Enrolled: Eastover Central Elementary: 540/421; Mac Williams Middle: 1270/1165; Cape Fear High: 1425/1534
 Special Flood Hazard Area (SFHA): No
 Water/Sewer Availability: ESD/Septic
 Soil Limitations: None
 Average Daily Traffic Count (2014): 3,000 on SR 1828 (Baywood Road)
 Highway Plan: Baywood Road is identified as an existing thoroughfare in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned in that area of Baywood Road. The subject property will have no impact on the Transportation Improvement Plan.



SURROUNDNG LAND USE: Residential (including manufactured homes), religious worship & manufactured home park

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Community growth area Eastover Land Use Plan: One acre residential

Notes:

1. Density
 A1 – 1 lot/unit
 R40 & R40A – 2 lots/ 3 units
2. Minimum Yard Setbacks:

<u>A1</u>	<u>R40 & R40A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

In addition to the below information, the Planning and Inspections Staff recommends the board approve Case No. P17-32 for R40A Residential based on the following:

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

SECOND MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, which calls for "community growth area" at this location. The request is also consistent with the Eastover Land Use Plan, which calls for "one acre residential" as this request will restrict development to one unit per acre.

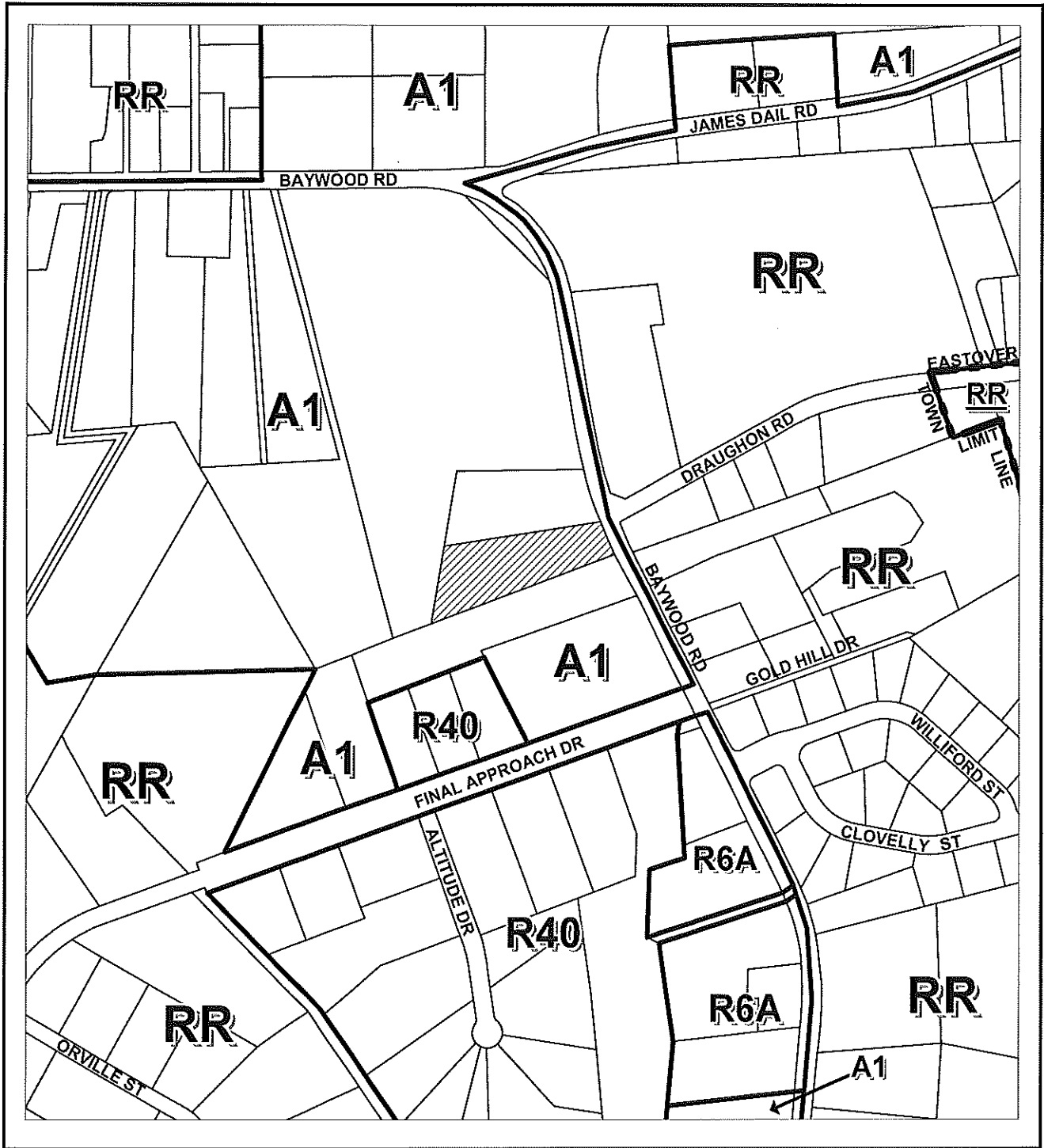
The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual septic system allowed; could be located in any defined critical area as defined by the Fort Bragg Small Area Study; Desirable to be limited to one 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.*

OTHER SUITABLE DISTRICTS: NONE

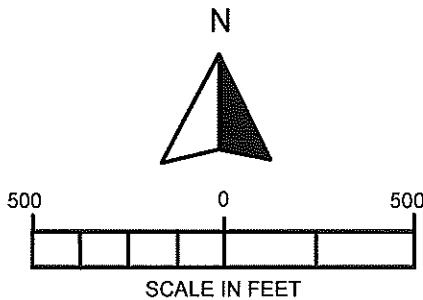
ATTACHMENTS: SKETCH MAP

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REQUESTED REZONING A1 TO R40A



ACREAGE: 2.53 AC.+/-		HEARING NO: P17-32	
ORDINANCE: EASTOVER		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0478-07-2664

MB

REQUEST
INITIAL TO CD

ACREAGE
40.93+/-

APPLICANT/PROPERTY OWNER
TOWN OF SPRING LAKE

PROPERTY ADDRESS/LOCATION
N OF CHAPEL HILL RD, E OF ALCHERRY ST

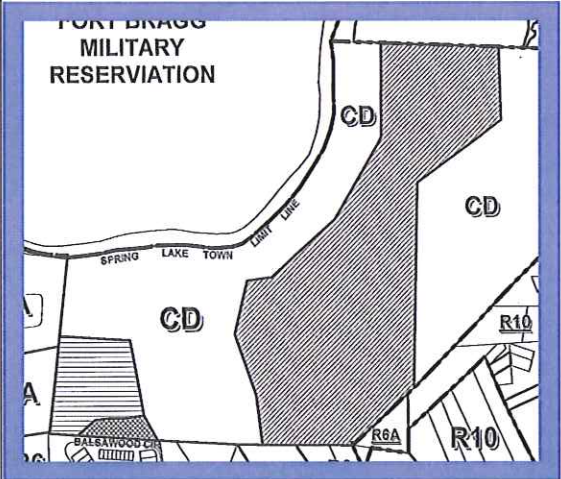
Jurisdiction: **SPRING LAKE**

PROPERTY INFORMATION

Frontage & Location: 0' (Property is landlocked)
Depth: 540'+/- & 2010'+/-
Adjacent Property: Yes
Current Use: Vacant
Initial Zoning: R10 & R6A – January 7, 1977 (Area 11)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Manchester Elementary: 340/356; Spring Lake Middle: 700/459; Pine Forrest High: 1750/1559
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: Spring Lake/Spring Lake
US Fish & Wildlife: Changing the zoning of these two parcels to CD fits with the USF&W objectives in providing & preserving the red cockaded woodpeckers' habitat
RLUAC: Agrees with and supports the efforts of Spring Lake to zone the property "Conservation District".
Soil Limitations: Yes, hydric – Ra, Rains sandy loam and hydric inclusion – Ly Lynchburg sandy loam
Average Daily Traffic Count (2014): 3,200 on SR 1601 (Chapel Hill Road)
Highway Plan: The subject property lies in the vicinity of Chapel Hill Road. Chapel Hill Road is identified as a boulevard needing improvement in the 2040 Metropolitan Transportation Plan. Project U-5802 in the State Transportation Improvement Program, also known as the Spring Lake Bypass, is currently planned for right-of-way and construction in a new location in FY 2023. This project will also be in the vicinity of Chapel Hill Road, but will not affect the subject property.

Notes:

1. Initial zoning requested by the Town of Spring Lake
2. Minimum Yard Setbacks:
CD
 Front yard: 50'
 Side yard: 50'
 Rear yard: 50'



SURROUNDING LAND USE: Residential (including multifamily dwellings), woodlands & manufactured home park

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Urban Spring Lake Land Use Plan: Open space & low density residential

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board approve Case No. P17-35 for CD Conservancy district based on the following:

- The requested district would be in line with the Conservation Easement that the Town of Spring Lake has entered into with state agencies by restricting development of the properties for recreation or natural resource protection and buffer areas.

SECOND MOTION

The Planning and Inspections Staff recommends the board further find that approval of the request is not consistent with the adopted 2030 Growth Vision Plan map, which calls for "urban" development but is consistent with the Spring Lake Land Use Plan, which calls for "open space and low density residential" at this location as the requested district would restrict uses to those stated above.

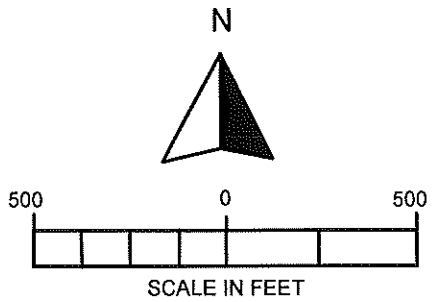
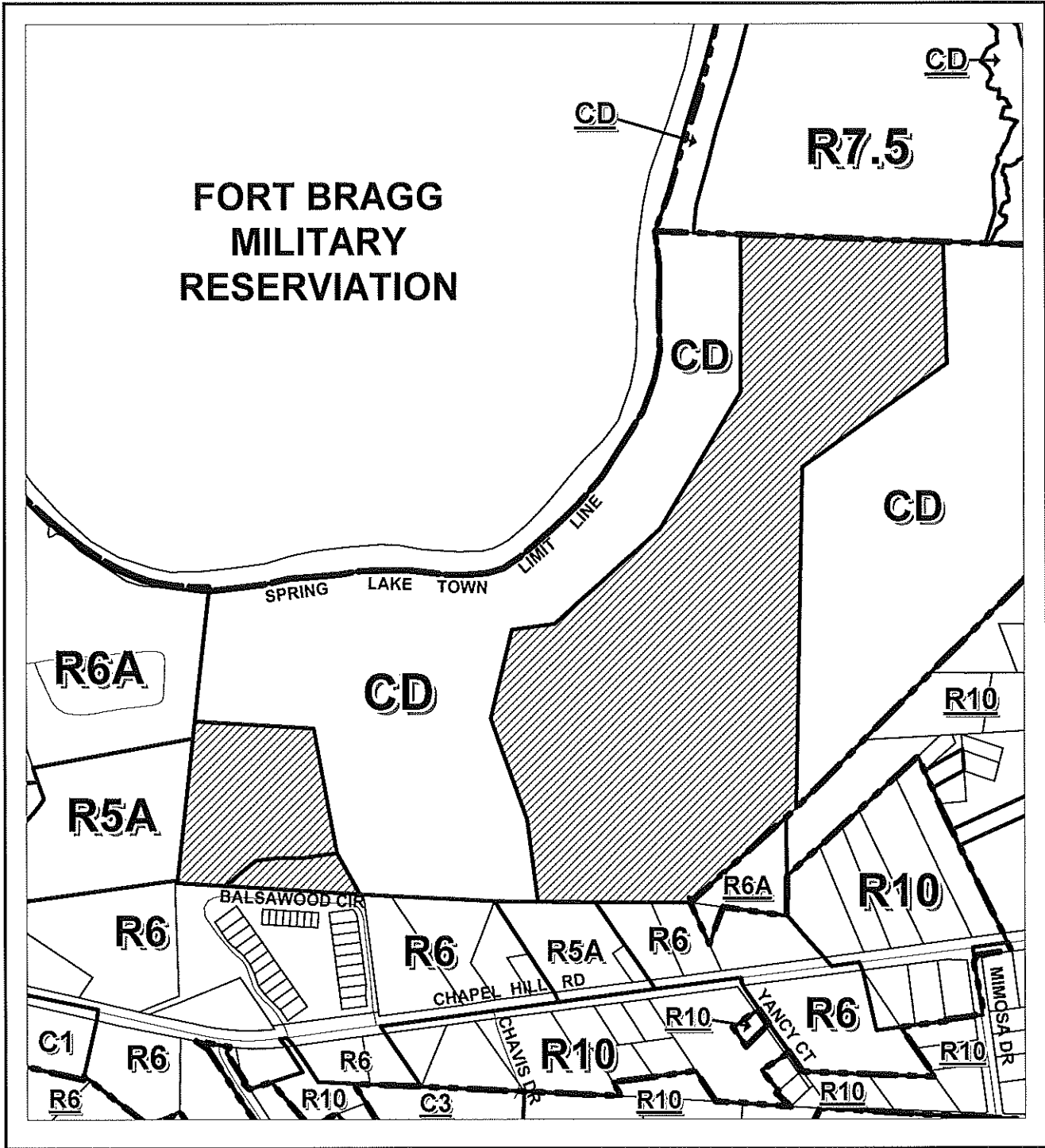
The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property generally meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *may be located in an environmentally sensitive area or part of the open space requirements for residential development & may be designated on the Fort Bragg Small Area Study as an Environmentally Sensitive Area.*

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



INITIAL ZONING TO CD

ACREAGE: 40.93 AC.+/-		HEARING NO: P17-35	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0502-82-3879
PIN: 0502-62-8434

7-21-2017
AM

REQUEST
A1 TO R40A

ACREAGE
2.03+/-

APPLICANT/PROPERTY OWNER
JAMES ROBERT WILSON

PROPERTY ADDRESS/LOCATION
7236 BUTLER NURSERY RD

Jurisdiction: **County**

PROPERTY INFORMATION

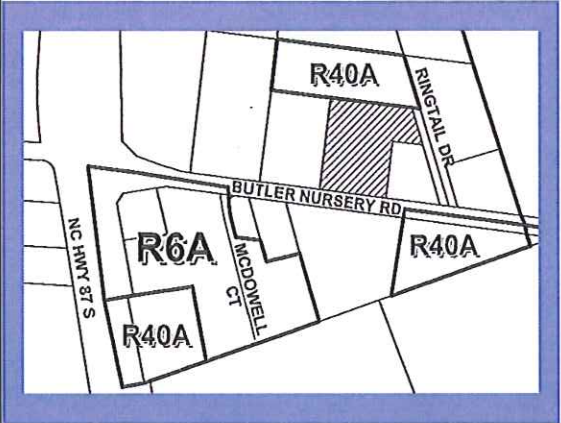
Frontage & Location: 235'+/- on SR 2233 (Butler Nursery Rd)
Depth: 324'+/-
Adjacent Property: No
Current Use: Residential (manufactured home)
Initial Zoning: A1 – March 1, 1994 (Area 17)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Gray's Creek Elementary: 495/440; Gray's Creek Middle: 1100/1076; Gray's Creek High: 1270/1440
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: Well/Septic
Soil Limitations: None
Average Daily Traffic Count (2014): 720 on SR 2233 (Butler Nursery Road)
Highway Plan: Butler Nursery Road is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.

Notes:

1. Density
 A1 – 1 lot/unit
 R40 & R40A – 2 lots/ units

2. Minimum Yard Setbacks:

A1	R40 & R40A
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'



SURROUNDING LAND USE: Residential (including manufactured homes), airport, utility substation, woodlands & manufactured home park

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Rural South Central Land Use Plan: Rural

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board find that approval of the request is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for "rural" development at this location. The request is also consistent with the *South Central Land Use Plan*, which calls for "rural" development and R40A Residential will maintain the rural character of the area.

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 system allowed; could be located in any defined critical area as defined by the Fort Bragg Small Area Study; Desirable to be limited to one 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.*

SECOND MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P17-36 for R40A Residential based on the following:

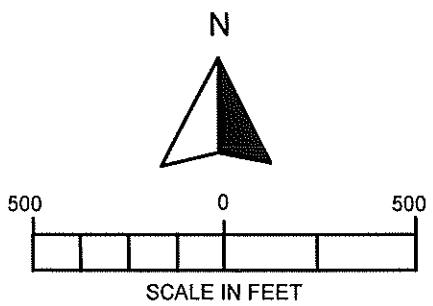
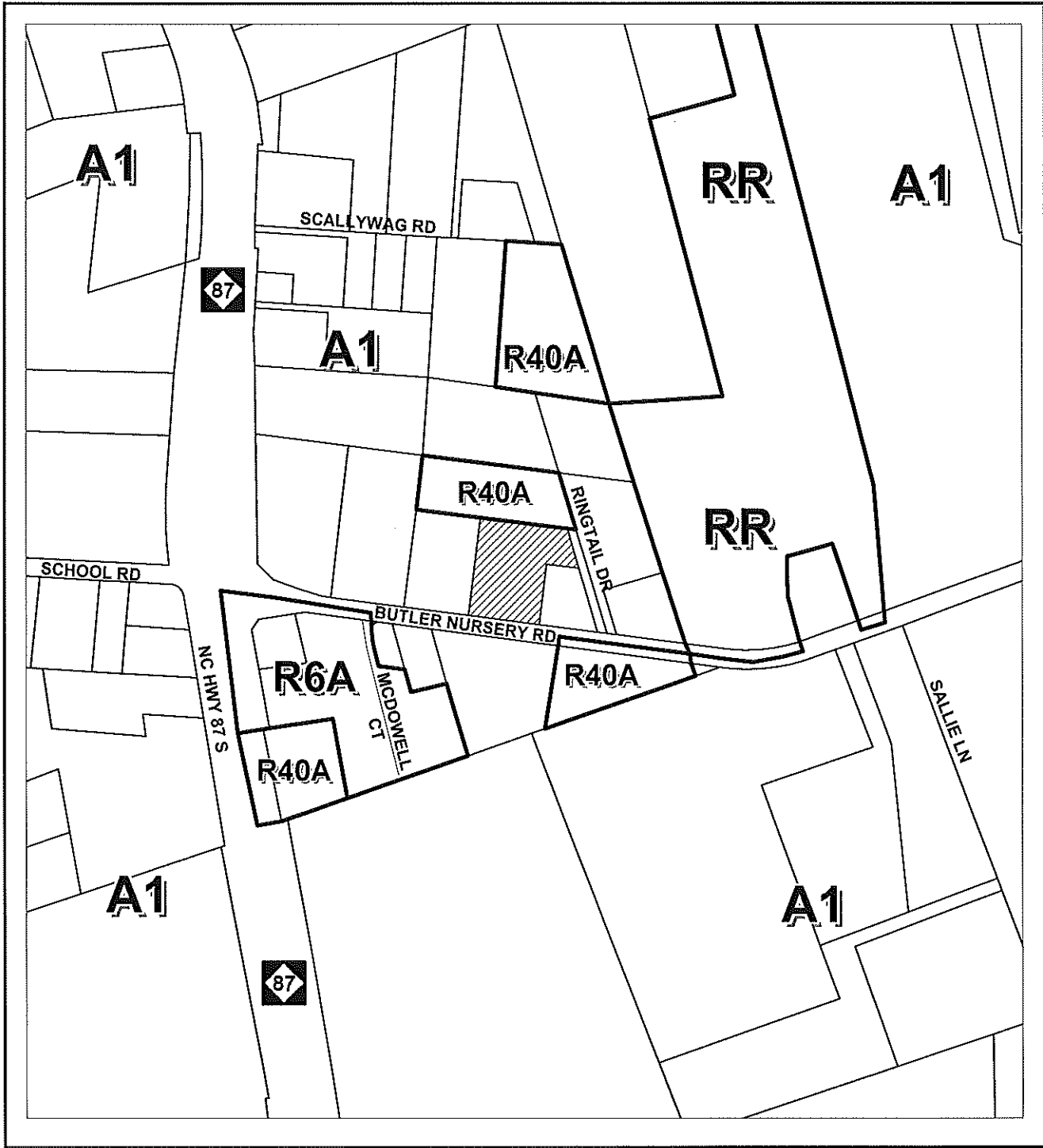
- The district requested will allow for land uses and lot sizes that exist in the general area.

OTHER SUITABLE DISTRICTS: NONE

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



REQUESTED REZONING A1 TO R40A

ACREAGE: 2.03 AC.+/-		HEARING NO: P17-36	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0441-64-3313

CASE NUMBER: P17-37

PLANNING BOARD HEARING DATE:

08/15/2017

REQUEST
R6A TO C1(P)/CZ FOR ALL ALLOWED USES

ACREAGE
1.60+/-

APPLICANT/PROPERTY OWNER
CHERYL HUDSON ON BEHALF OF CULBRETH INVESTMENTS, LLC

PROPERTY ADDRESS/LOCATION
2425 CULBRETH DRIVE

Jurisdiction: **EASTOVER**

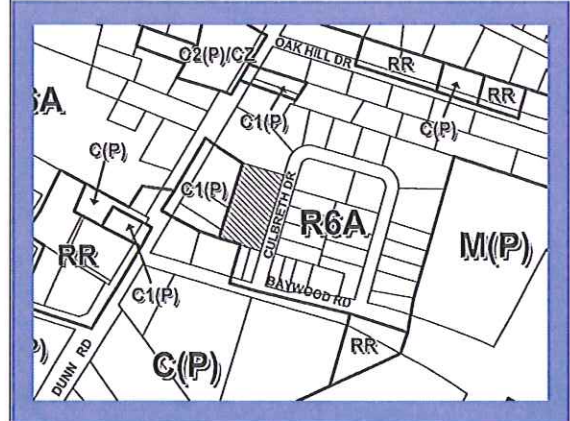
PROPERTY INFORMATION

Frontage & Location: 350'+/- on SR 1894 (Culbreth Dr)
Depth: 200'+/-
Adjacent Property: Yes
Current Use: Residential
Initial Zoning: R6A – December 14, 1979 (Area 10)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Armstrong Elementary: 450/444; Mac Williams Middle: 1270/1165; Cape Fear High: 1425/1534
Special Flood Hazard Area (SFHA): No
Water/Sewer Availability: ESD/ESD
Soil Limitations: None
Average Daily Traffic Count (2014): 5,700 on US HWY 301 (Dunn Road)
Highway Plan: Culbreth Drive is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan.

Notes:

- Density
R6 – 12 lots/units
MHP – 12 units
- Minimum Yard Setbacks:

C1(P)	R6A
Front yard: 45'	Front yard: 25'
Side yard: 15'	Side yard: 10'
Rear yard: 20'	Rear yard: 15'



SURROUNDNG LAND USE: Residential (including manufactured homes), town hall, law firm, bank, shopping center (2), barber shop, public utility office, public utility substation, manufactured home park & feed warehouse

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Community growth area
Eastover Land Use Plan: Medium density residential

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

FIRST MOTION

The Planning and Inspections Staff recommends the board approve Case No. P17-37 for C1(P) Planned Local Business/CZ Conditional Zoning for all allowed uses based on the following:

- The requested district would be in line with allowing light commercial uses inside the Commercial Core Overlay district, while utilizing vacant property in an area that could be considered in transition.

SECOND MOTION

The Planning and Inspections Staff recommends the board further find that approval of the request is consistent with the adopted 2030 Growth Vision Plan map, which calls for "community growth area". The request is not consistent with the Eastover Land Use Plan, which calls for "medium density residential" development at this location but could be considered reasonable as the subject property is located within the Commercial Core Overlay district and is closely located to several other commercially zoned properties.

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, ESD water and sewer exists in the area; must have direct access to a collector street, should serve as a transition between heavy commercial, office & institutional or residential development; should have other light commercial uses in the area; should provide convenient goods and services to the immediate surrounding neighborhood*

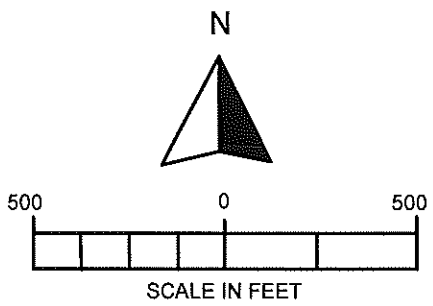
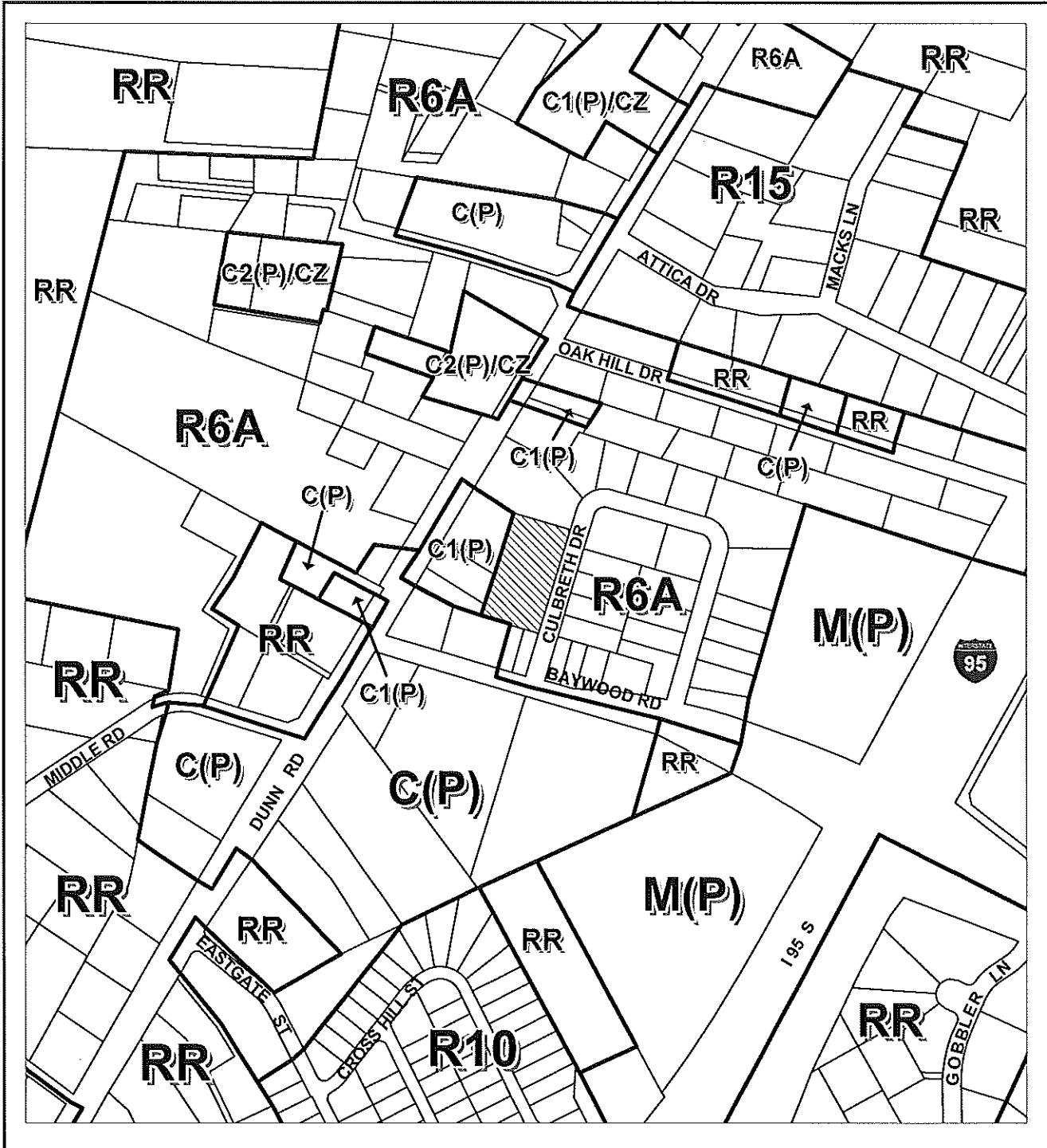
The applicant has agreed to the Ordinance Related Conditions.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP APPLICATION ORDINANCE RELATED

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



REQUESTED REZONING R6A TO C1(P)/CZ

ACREAGE: 1.60 AC.+/-		HEARING NO: P17-37	
ORDINANCE: EASTOVER	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0469-50-4710

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 Culbreth Investments, LLC / Cheryl C. Hudson
2. Address: 2309 Furlong Pl, Eastover NC Zip Code 28312
3. Telephone: (Home) 910-624-8520 (Work) _____
4. Location of Property: 2425 Culbreth Dr., Eastover NC 28312
5. Parcel Identification Number (PIN #) of subject property: 0469.04-50-4710
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.56 ac Frontage: 350.0 Depth: 200.0
7. Water Provider: Eastover Sanitary Septage Provider: Eastover Sanitary
8. Deed Book 4828, Page(s) 0334, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Vacant
10. Proposed use(s) of the property: all uses approved in C1(P)

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 C1(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.)

all uses allowed in C1(P)

- 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. *None of the property will be used for residential. No commercial plan has been drawn.*

2. DIMENSIONAL REQUIREMENTS:

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

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

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

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.**
- 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.**

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.

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.

✓ Gulbreth Investments, LLC
✓ NAME OF OWNER(S) (PRINT OR TYPE)

2309 Furlong Pl, Eastover NC 28312
ADDRESS OF OWNER(S)

cherylchudson@gmail.com
E-MAIL

(910) 624-8520
HOME TELEPHONE

WORK TELEPHONE

(Cheryl C Hudson)
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

C1(P) PLANNED LOCAL BUSINESS/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions
for
All Allowed Uses w/in the Commercial Core Overlay District

Pre- Permit Related:

1. Consideration of the proposed use or uses to include site plan review and approval by the Town Council at a public hearing is required prior to commencement of development of the subject property.

Thank you choosing the Town of Eastover for your business location!

If you need clarification of any conditions, please contact Betty Lynd at 910-678-7602 or Jaimie Melton at 910-678-7603 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	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
Eastover Sanitary District:	Connie Spell	229-3716	cfsellesd@ncrrbiz.com
Town of Eastover:	Betty Lynd (Staff Rep)	678-7602	blynd@co.cumberland.nc.us
Town of Eastover:	Kim Nazarchyk (Manager)	323-0707	townmanager@eastoverncc.com
Town of Eastover	Jane Faircloth (Town Clerk)	323-0707	townclerk@eastoverncc.com
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
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

cc: Kim Nazarchyk, Town of Eastover
Connie Spell, Eastover Sanitary District