

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

AGENDA

November 21, 2017

7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE – MR. CRUMPLER
- 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 OCTOBER 17, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P17-48.** REVISION AND AMENDMENT TO THE EASTOVER SUPPLEMENT OF THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE VIII.I, OVERLAY DISTRICTS, SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT (CCO), SUB-SECTION C. USES ALLOWED; REZONING APPLICATIONS;; AND SUB-SECTION D. DEVELOPMENT STANDARDS. (EASTOVER)

REZONING CASES

- B. **P17-44.** REZONING OF 7.64+/- ACRES FROM RR RURAL RESIDENTIAL & RR RURAL RESIDENTIAL/CU CONDITIONAL USE OVERLAY FOR A WELDING SHOP AND DWELLING TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3873 BUTLER NURSERY ROAD, SUBMITTED BY CASEY JONES ON BEHALF OF GEORGE B. JONES HEIRS (OWNER).
- C. **P17-45.** REZONING OF 10.42+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON EAST SIDE OF SR 1138 (APPLEBURY LANE) ACROSS FROM THE INTERSECTION OF CUMBERLAND BAY DRIVE; SUBMITTED BY ALBERT NORTON JR. ON BEHALF OF OLE BLUFF LLC (OWNER). (HOPE MILLS & COUNTY)
- D. **P17-46.** REZONING OF 645.52+/- ACRES FROM A1 AGRICULTURAL, RR RURAL RESIDENTIAL, PND PLANNED NEIGHBORHOOD DEVELOPMENT & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTH OF THE CAPE FEAR RIVER, BOUNDED BY SR 1700 (MCBRYDE STREET) & SR 1609 (LANE ROAD);

SUBMITTED BY T.L. BROOKS IV ON BEHALF OF MCCORMICK FARMS L.P. (OWNER).

- E. **P17-47.** REZONING OF .60+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON SOUTH SIDE OF NC 59 (NORTH MAIN STREET), NORTH AND EAST OF BULLARD STREET; SUBMITTED BY TASOS HASAPIS ON BEHALF OF OMEGA ENTERPRISES LLC (OWNER). (HOPE MILLS)
- F. **P17-49.** REZONING OF .68+/- ACRES FROM O&I(P) PLANNED OFFICE AND INSTITUTIONAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3886 & 3890 CUMBERLAND ROAD, SUBMITTED BY ERIC NANTES & LESLIE BOSWELL (OWNERS).
- G. **P17-50.** REZONING OF 2.36+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4764 BEAVER DAM CHURCH ROAD, SUBMITTED BY LYNETTA GRACE FAIRCLOTH (OWNER).
- H. **P17-51.** REZONING OF .42+/- ACRES FROM C(P)/CU FOR A MANUFACTURED HOME TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7387 NORTH WEST STREET, SUBMITTED BY AMBER TURNER WEEKS (OWNER) AND CHRISTOPHER W. TYNDALL (AGENT). (FALCON)

VIII. PUBLIC HEARING CONTESTED ITEMS

IX. DISCUSSION

DIRECTOR'S UPDATE

- ANNUAL HOLIDAY LUNCHEON

X. ADJOURNMENT

Charles Morris,
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Town of Eastover

Patricia Hall,
Town of Hope Mills

November 14, 2017

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Recommendation for the November 21, 2017 Board Meeting

P17-48. REVISION AND AMENDMENT TO THE EASTOVER SUPPLEMENT OF THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE VIII.I, OVERLAY DISTRICTS, SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT (CCO), SUB-SECTION C. USES ALLOWED; REZONING APPLICATIONS; AND SUB-SECTION D. DEVELOPMENT STANDARDS. (EASTOVER)

BACKGROUND: Proposed major changes to the Eastover Commercial Core Overlay District:

1. All land uses under the existing zoning will be allowed in all cases. Manufactured homes would not be allowed in existing residential districts regardless of the zoning district and those properties currently zoned C2(P), C(P), HS(P), C3 and all industrial districts would be limited to those uses specifically listed in the proposed amendment;
2. A minimum street frontage for every new lot created is proposed to be 75 feet in width, essentially eliminating the ability to create "flag lots" within the overlay district;
3. The base building area for new construction within the overlay district will be reduced from 65% of the lot area to no more than 45%.

RECOMMENDATION: In Case P17-48, the Planning & Inspections staff recommends approval of the text amendment to the Eastover supplement of the County Zoning Ordinance finding it is consistent with the adopted Eastover Area Land Use Plan which calls for protecting and preserving the rural character of the area and limiting the amount, scale and intensity of commercial development; and further find that approval of the amendment is reasonable and in the public interest because the amendment was requested by some members of the elected Town Council who worked with the Planning staff and the Town Manager on four occasions in order to ascertain and draft the desired changes to the previously adopted text, which, if approved, would preserve the rural character of the community, also a founding premise adopted on June 5, 2012 by the Town Council in their Development Guidelines.

This proposed text amendment would not cause any changes to the Eastover Area Land Use Plan map.

Attachment: P17-48 Eastover Text Amendment

P17-48

P17-48. REVISION AND AMENDMENT TO THE EASTOVER SUPPLEMENT OF THE CUMBERLAND COUNTY ZONING ORDINANCE AMENDING ARTICLE VIII.I, OVERLAY DISTRICTS, SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT (CCO), SUB-SECTION C. USES ALLOWED; REZONING APPLICATIONS; AND SUB-SECTION D. DEVELOPMENT STANDARDS. (EASTOVER)

AMEND Article VIII.I Overlay Districts, Section 801, sub-section C, currently entitled *Uses allowed; rezoning applications*, specifically LISTING the proposed uses allowed for properties currently zoned or following the C2(P) and C(P) standards as indicated below:

ARTICLE VIII.I OVERLAY DISTRICTS

SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT (CCO)

~~C. *Uses allowed; rezoning applications*~~Land Uses. ~~The uses as allowed in the underlying general zoning district as listed in Section 4-403, Use Matrix, are allowed uses in this district provided that all other provisions of this section are complied with. Applications for rezoning to O&I(P)/CZ or C1(P)/CZ will be considered within this overlay district.~~ Small scale mixed use development/conditional zoning or mixed use buildings are encouraged, so long as all residential development is located on the second floor or to the rear of the structure or lot. All new uses of property and any change in an existing use shall first require approval of a conditional zoning application prior to commencement of the proposed or change in use. To ensure the primary objective of the district is attained, land uses within the district are limited to the following:

- a. Any residential use except manufactured homes and manufactured home parks for existing residentially zoned lots; new applications for residential zoning within the district shall not be accepted;
- b. Uses as allowed in the C1(P) Planned Local Business District and O&I(P) Planned Office and Institutional District;
- c. Allowed uses from the C2(P) Planned Service and Retail and the C(P) Planned Commercial districts are as follows:

- 1. Bed and Breakfast;

2. Dwelling (second floor and above or to the rear – see Mixed Use Building Sec. 914.1);
3. Exterminating Services;
4. Farm supplies merchandising and machinery sales/servicing (in accordance with Section 916);
5. Farmer's Market, open air;
6. Food Production (with on premises retail sales of product);
7. Home Furnishing and Appliance sales;
8. Janitorial Service;
9. Motor Vehicle Rentals;
10. Motor Vehicle Sales, new and used, including motor vehicle auctions;
11. Nursery Ops/Plant Husbandry/ Greenhouses;
12. Office Supplies and Equipment Sales & Service, Mailbox Service;
13. Pet Sales (excluding kennel activities or outside storage of animals); and
14. Recreation or Amusement Indoor (conducted inside building for profit, not otherwise listed and not regulated by Section 924).

AMEND Article VIII.I Overlay Districts, Section 801, sub-section D, *Development standards*, sub-section 1. Lot dimensions and setbacks, by INSERTING a new sub sub-section (b) establishing a minimum lot width, and re-numbering the remaining sub sub-sections as indicated below:

D. *Development standards.* The provisions below shall apply to all new construction; renovation and/or remodeling of the exterior areas of any structure or property shall comply with the below provisions to the extent practicable.

1. Lot dimensions and setbacks.

(a) The minimum street frontage for any new lot created shall be 75 feet;

(~~b~~ c) Front and corner side setbacks shall be as required by this ordinance from the ultimate right-of-way provided that the improvements and amenities required by the following sub-sections are provided.

(~~e~~ d) When not connected to an adjacent structure, side yard setbacks shall be a minimum of 20 feet and a maximum of 40 feet;

(~~d~~ e) Where adjacent to a service alley or another non-residential zoning district, the rear yard shall be a minimum of three feet, and when adjacent to residential zoning, the rear yard shall be a minimum of 20 feet.

AMEND Article VIII.I Overlay Districts, Section 801, sub-section D, *Development standards*, sub-section 2. Structural dimension and site layout specifications, by AMENDING sub sub-section (a) in modifying the percentage allowed for the base building area of proposed new developments as indicated below:

2. Structural dimension and site layout specifications.

(a) The base building area shall be no larger than ~~65~~ 45% of the total land area or 15,000 square feet, whichever is less; and

CASE NUMBER: P17-44

PLANNING BOARD HEARING DATE:
11/21/2017

REQUEST
RR & RR/CU to RR (REMOVAL OF CU ONLY)

ACREAGE: 7.64+/-

APPLICANT/PROPERTY OWNER
CASEY JONES ON BEHALF OF GEORGE B. JONES
HEIRS (OWNER)

PROPERTY ADDRESS/LOCATION
3873 BUTLER NURSERY ROAD

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 700'+/- on SR 2233 (Butler Nursery Road)

Depth: 540'+/-

Adjacent Property: Yes

Current Use: Residential

Initial Zoning: RR & RR/CU for welding shop – March 1, 1994
(Area 17)

Nonconformities: None

Zoning Violation(s): None

School Capacity/Enrolled: Comments requested, none received

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes- Hydric: Ro (Roanoke and Wahee loams)

Subdivision/Site Plan: Subdivision approval (2 lots) is pending

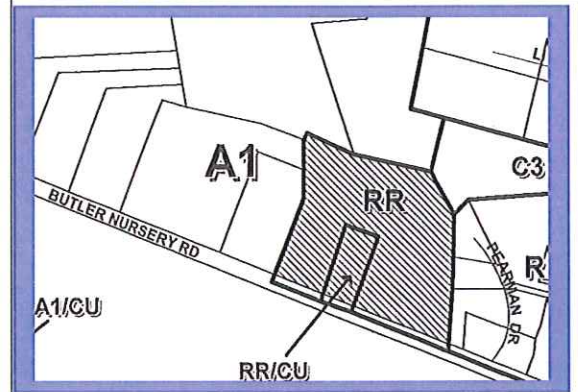
rezoning -Case 17-112

Highway Plan: Butler Nursery Road is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.

Average Daily Traffic County (2016): 1,100 on SR 2233 (Butler Nursery Rd)

Notes:

- Density (minus 15% for r/w)
RR – 14 lots/14 units
- Minimum Yard Setbacks:
RR
Front yard: 30'
Side yard: 15'
Rear yard: 35'



SURROUNDNG LAND USE: Residential (including manufactured homes), religious worship facility, truck terminal activities, waste storage/disposal facility

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

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

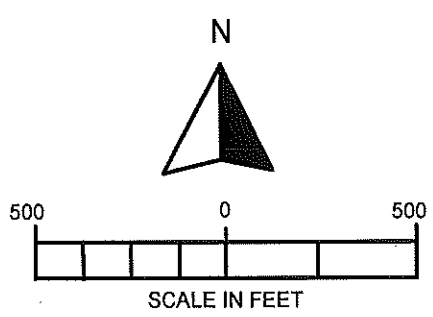
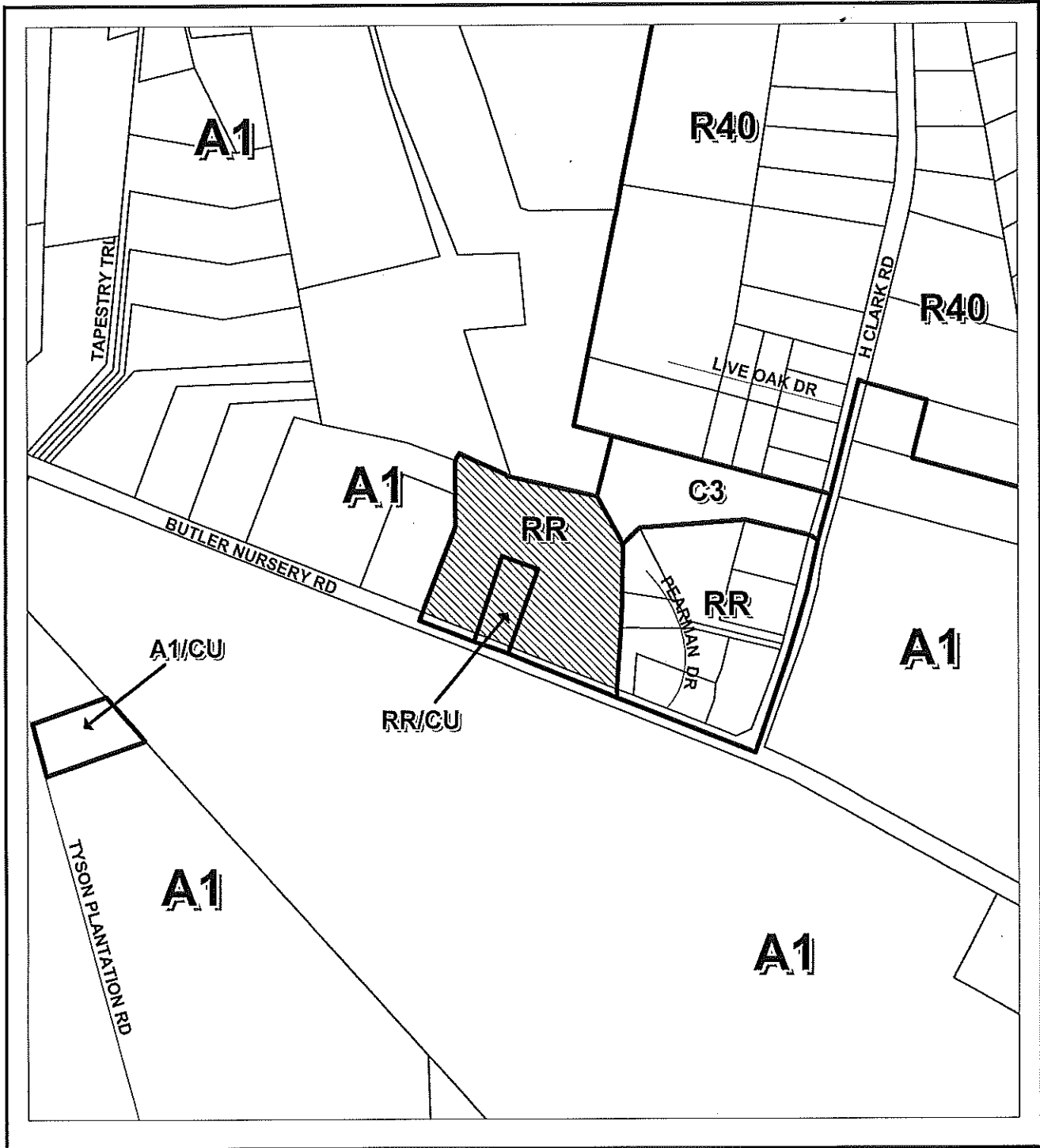
In Case P17-44, the Planning and Inspections Staff recommends approval of the rezoning to remove the Conditional Use Overlay for a welding shop at the property owner's request and find the South Central Land Use Plan has been examined and does not address this particular situation; and further find approval of the request is reasonable and in the public interest because Conditional Use Overlays were approved prior to 2005 in order to allow land uses that were not permitted in the current zoning district in exceptional situations, later deemed as an improper use of zoning, and that the initially zoned approved business is no longer in operation at this location.

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 RR/CU & RR TO RR

ACREAGE: 7.64 AC.+/-		HEARING NO: P17-44	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0453-26-1903

REQUEST
R6A to C(P)

ACREAGE: **10.42+/-**

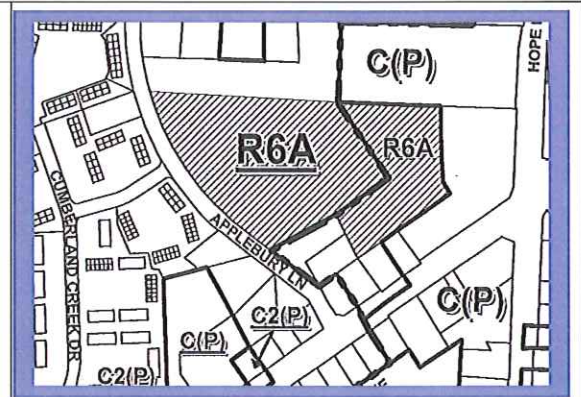
APPLICANT/PROPERTY OWNER
ALBERT NORTON JR. ON BEHALF OF OLE BLUFF
LLC (OWNER)

PROPERTY ADDRESS/LOCATION
**EAST SIDE OF SR 1138 (APPLEBURY LANE)
ACROSS FROM THE INTERSECTION OF
CUMBERLAND BAY DRIVE**

Jurisdiction: **County & Hope Mills**

PROPERTY INFORMATION

Frontage & Location: 878'+/- on SR 1138 (Applebury Lane)
Depth: 960'+/-
Adjacent Property: No
Municipal Influence Area: Hope Mills (County portion)
Current Use: Vacant
Initial Zoning: R6A – August 1, 1975 (Area 3)
Nonconformities: None
Zoning Violation(s): None-County (Hope Mills- none known)
School Capacity/Enrolled: Comments requested, none received
Town of Hope Mills: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/PWC
Soil Limitations: None
Subdivision/Site Plan: If approved, site plan review required
Highway Plan: Applebury Lane is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.
Average Daily Traffic County (2016): 17,000 on SR 1141 (Cumberland Road)



SURROUNDNG LAND USE: Residential (including manufactured homes & multi-family dwellings), manufactured home park, club, lawn mower repair, convenience store, religious worship facility, school, retailing or servicing, barbering & hairdressing, motor vehicle repair, restaurant, bank and mini-warehousing

COMPREHENSIVE PLANS: 2030
Growth Vision Plan: Urban; **Southwest Cumberland Land Use Plan:** Mixed Use (County); Mixed Use & Heavy Commercial (Hope Mills)

Notes:

- Density (minus 15% for R/W):
R6A – 95 lots/95 units
MHP – 83 units
- Minimum Yard Setbacks:

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

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

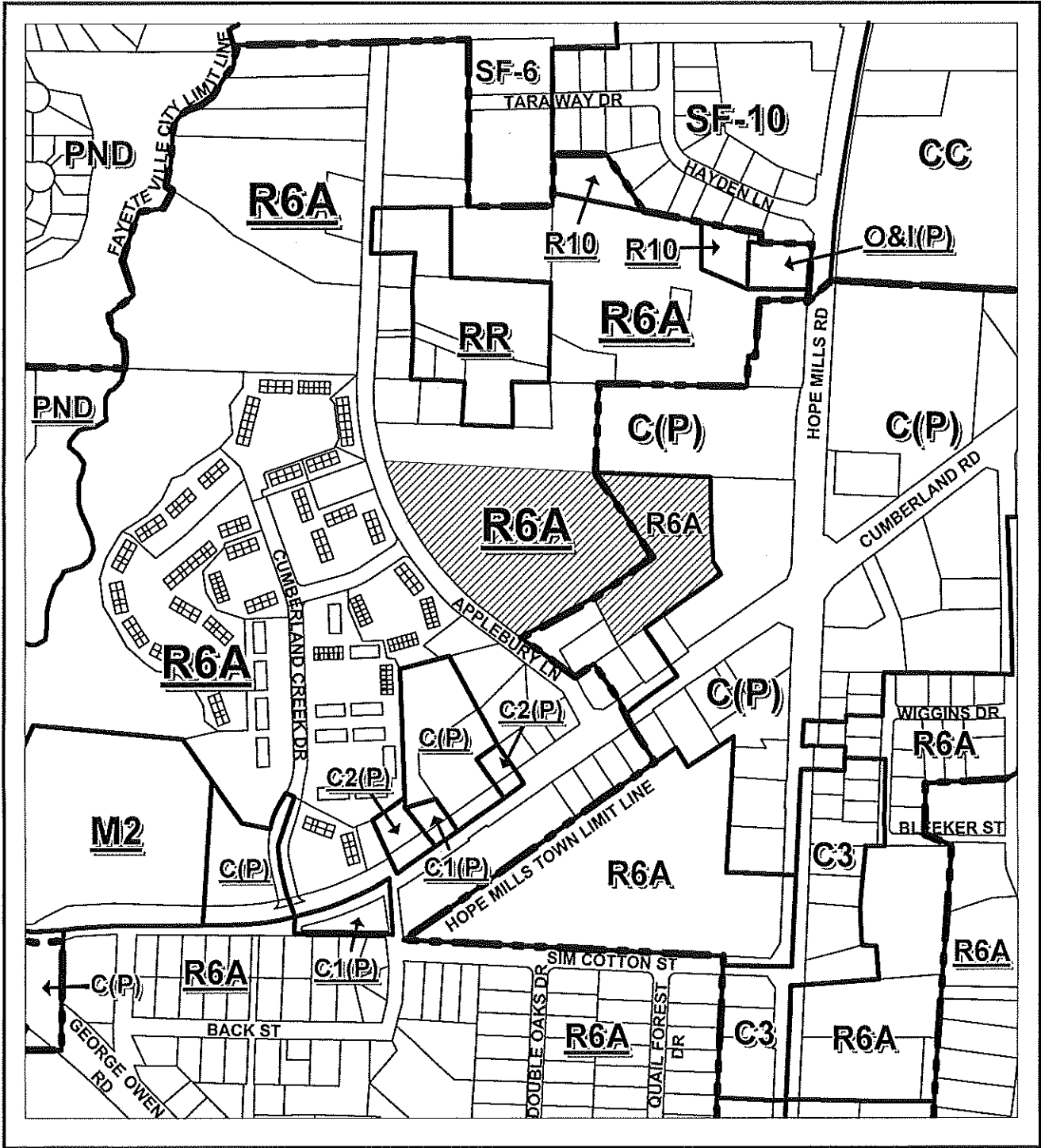
In Case P17-45, the Planning and Inspections Staff recommends to approve the rezoning from R6A Residential to C(P) Planned Commercial and find it is consistent with the adopted Southwest Cumberland Land Use Plan, which calls for "Mixed Use and Heavy Commercial" developments at this location, mixed use allows for retail and commercial uses; and further find that approval of the request is reasonable and in the public interest because all uses allowed within the R6A district are not suitable for a gateway into the town. In addition, approval will allow for increased commercial development of property under the same ownership and located at a major intersection.

OTHER SUITABLE DISTRICTS: C2(P) Planned Service & Retail

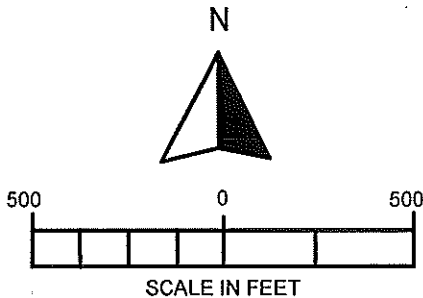
ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

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REQUESTED REZONING R6A TO C(P)



ACREAGE: 10.42 AC.+/-

HEARING NO: P17-45

ORDINANCE: COUNTY / HOPE MILLS

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 0405-96-0988
PORT OF PIN: 0405-87-8074,

MB

CASE NUMBER: P17-46

PLANNING BOARD HEARING DATE:

11/21/2017

REQUEST

A1, RR, PND & CD to A1

ACREAGE: 645.52+/-

APPLICANT/PROPERTY OWNER

T.L. BROOKS ON BEHALF OF MCCORMICK FARMS L.P. (OWNER)

PROPERTY ADDRESS/LOCATION

NORTH OF THE CAPE FEAR RIVER,
BOUNDED BY SR 1700 (MCBRYDE STREET)
& SR 1609 (LANE ROAD)

Jurisdiction:

County

PROPERTY INFORMATION

Frontage & Location: 900'+/- on SR 1700 (McBryde Street);
3,100'+/- on SR 1710 (Slocomb Road)

Depth: 10,600'+/-

Adjacent Property: Yes

Current Use: Timber/Farmland

Initial Zoning: A1 & PND – December 17, 2001 (Area 15);
A1 & CD – December 17, 2001 (Area 16); RR- August 21,
1972 (Area 1)

Nonconformities: None

Zoning Violation(s): None

School Capacity/Enrolled: Comments requested, none
received

Special Flood Hazard Area (SFHA): Yes

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes- Hydric: Ro (Roanoke and Wahee
loams); Hydric inclusion: Ld (Lenoir), WmB (Wickham fine sandy
loam)

Subdivision/Site Plan: Site plan approved (Case 17-111)

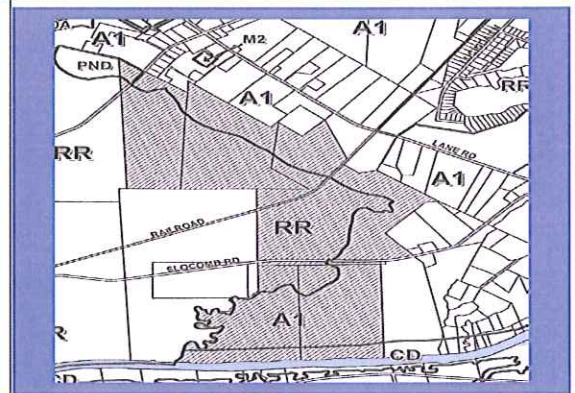
Average Daily Traffic County (2016): 960 on SR 1700
(McBryde Street); 310 on SR 1710 (Slocomb Road)

Notes:

- Density (minus 15% for R/W): Density:
A1 – 131 lots/units PND – 28 lots/units
RR – 578 lots/ 579 units
Total: 737 lots/units

2. Minimum Yard Setbacks:

	<u>A1</u>	<u>RR</u>	<u>PND</u>	<u>CD</u>
Front yard:	50'	30'	30'	50'
Side yard:	20'	15'	10'	50'
Rear yard:	50'	35'	35'	50'



SURROUNDNG LAND USE: Residential
(including manufactured homes)

COMPREHENSIVE PLANS: 2030

Growth Vision Plan: Rural area and
Open Space; **North Central**

Cumberland Land Use Plan: Farmland
and Open Space

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

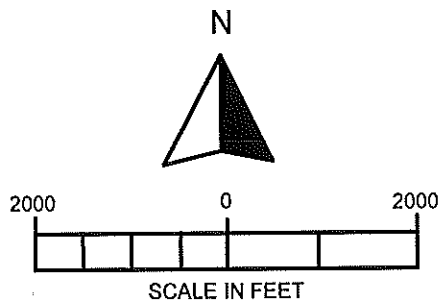
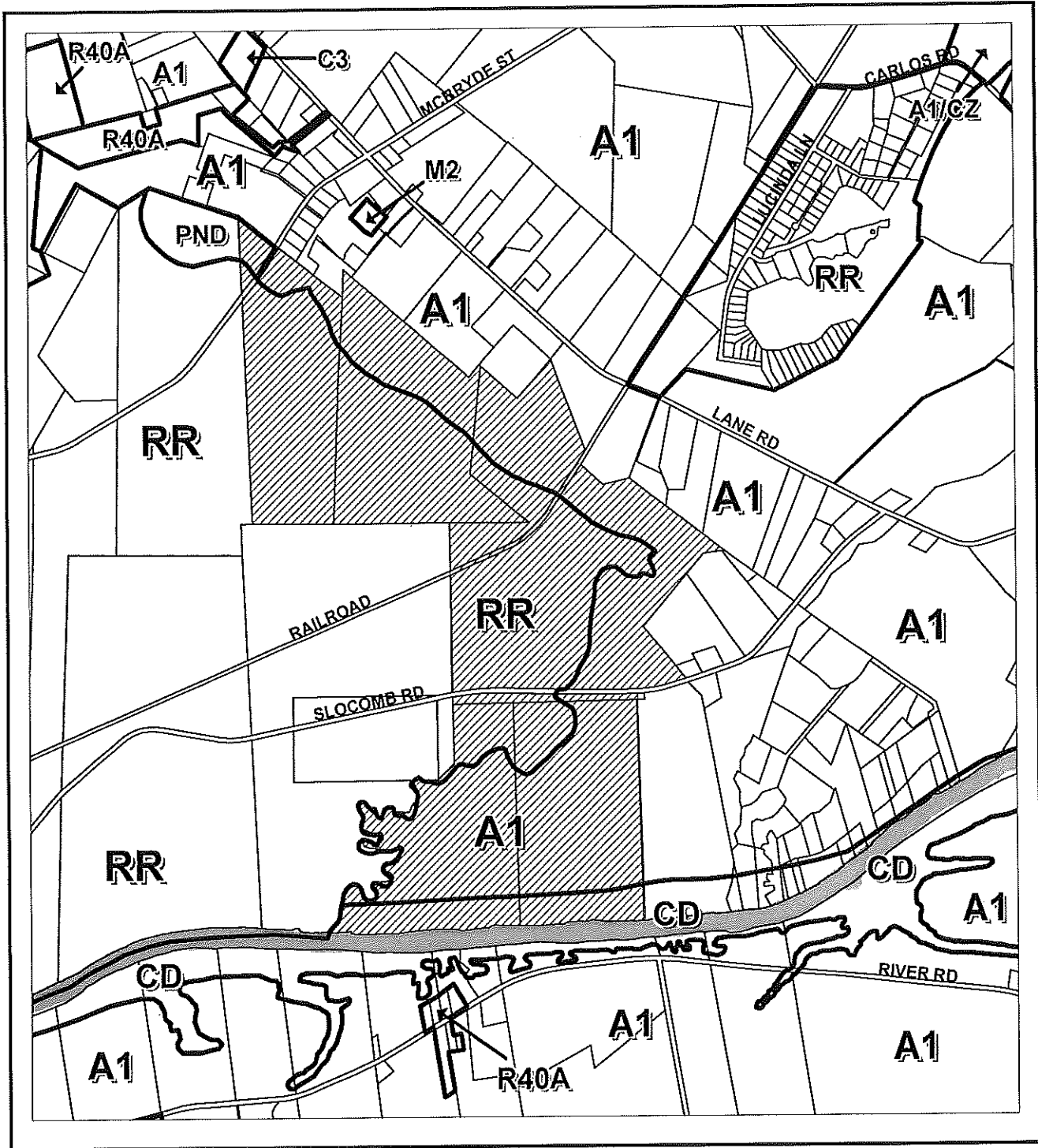
In Case P17-46, the Planning and Inspections Staff recommends the board approve the rezoning from A1 Agricultural, RR Rural Residential, PND Planned Neighborhood Development and CD Conservancy district to A1 Agricultural except for that portion located within the Special Flood Hazard Area and Floodway be zoned CD Conservancy and find this recommendation to be consistent with the North Central Cumberland Land Use Plan, which calls for "Farmland" and "Open Space" at this location; and further find approval of the request is reasonable and in the public interest because the recommended districts will ensure that only those uses recognized as appropriate uses within an agricultural area would be permitted on the subject properties. The property owner has verbally agreed with this staff recommendation.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

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REQUESTED REZONING RR, A1, PND & CD TO A1

ACREAGE: 645.52 AC.+/-		HEARING NO: P17-46
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0562-09-5188, 0562-26-5895,
0562-46-1435, 0562-31-2400
0562-41-9727

10/24/17
MB

REQUEST
R10 to C2(P)

ACREAGE: **.60+/-**

APPLICANT/PROPERTY OWNER
TASOS HASAPIS ON BEHALF OF OMEGA
ENTERPRISES LLC (OWNER)

PROPERTY ADDRESS/LOCATION
**SOUTH SIDE OF NC 59 (NORTH MAIN
STREET), NORTH AND EAST OF BULLARD
STREET**

Jurisdiction: **Hope Mills**

PROPERTY INFORMATION

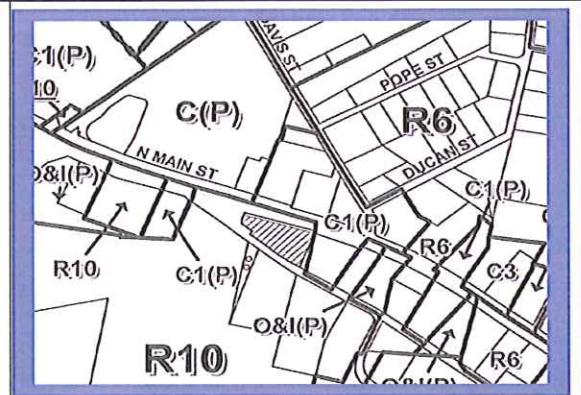
Frontage & Location: 250'+/- on NC 59 (N Main Street);
305' +/- on Bullard Street
Depth: 141'+/-
Adjacent Property: Yes
Current Use: Vacant
Initial Zoning: R10 – 1985
Nonconformities: None
Zoning Violation(s): Comments requested, none received
Town of Hope Mills: Comments requested, none received
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/PWC
Soil Limitations: None
Subdivision/Site Plan: If approved, site plan review required
Average Daily Traffic County (2016): 17,000 on NC Hwy 59 (N Main Street)
Highway Plan: South Main Street is identified as a Boulevard Needing Improvement in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned in the area; no impact on the Transportation Improvement Plan.

Notes:

1. Density:
R10 – 3 lots/units

2. Minimum Yard Setbacks:

	<u>C2(P)</u>	<u>R10 (R7.5)</u>
Front yard:	50'	30'
Side yard:	30'	10'
Rear yard:	30'	35'



SURROUNDNG LAND USE: Residential (including multi-family dwellings), motor vehicle washing, retailing & servicing, barbering & hairdressing, restaurant, motor vehicle service station, office, medical office, outdoor recreation, religious worship facility, funeral home

COMPREHENSIVE PLANS: 2030
Growth Vision Plan: Urban; **Southwest Cumberland Land Use Plan:** Heavy Commercial

STAFF RECOMMENDATION

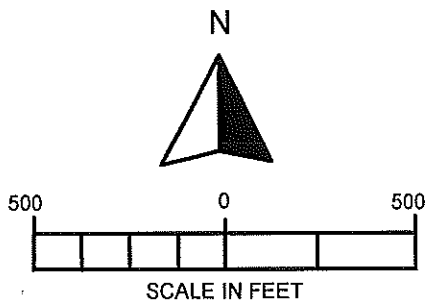
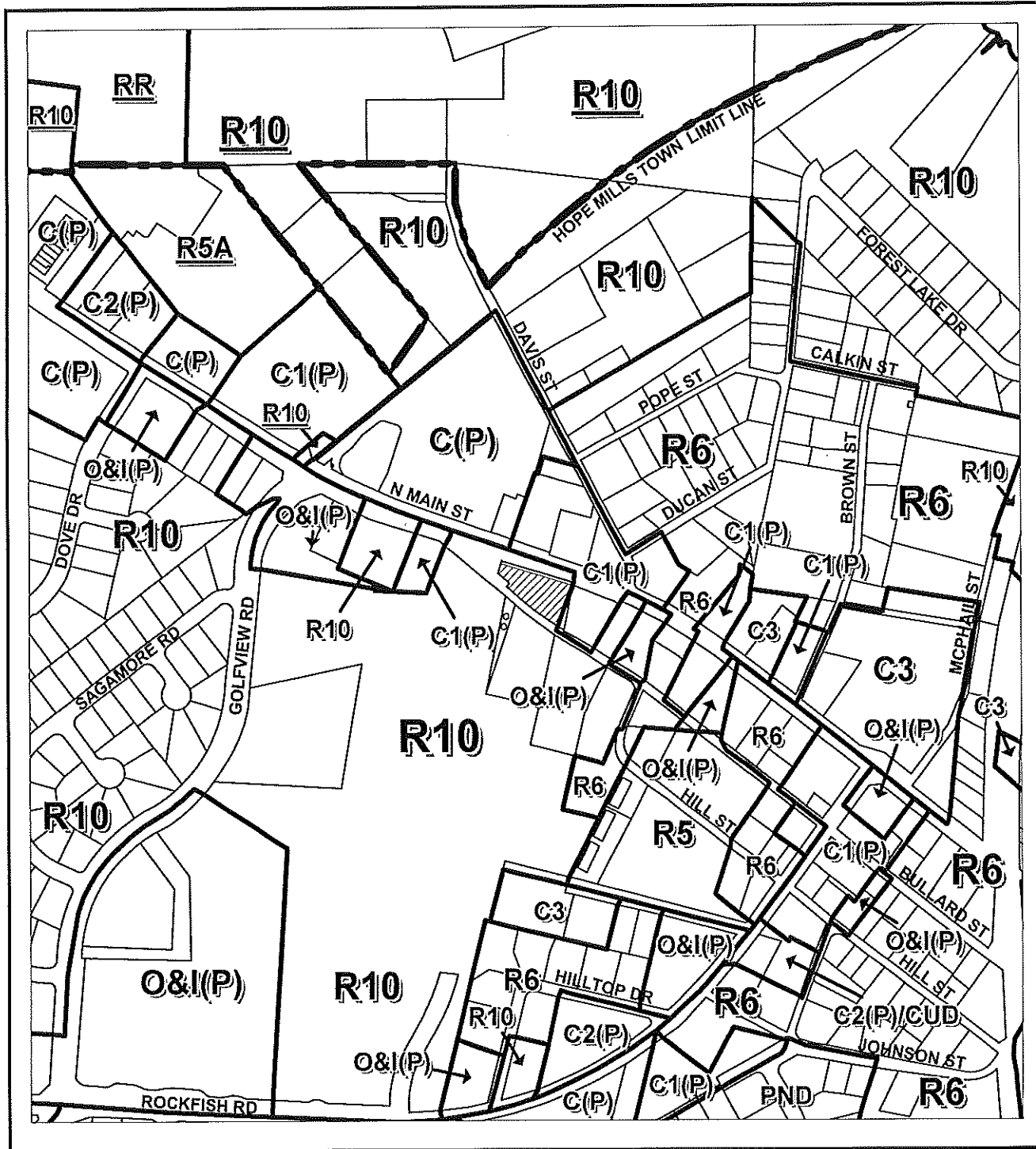
APPROVAL	APPROVAL WITH CONDITIONS	DENIAL
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In Case P17-47, the Planning and Inspections Staff recommends the board approve the rezoning from R10 Residential to C2(P) Planned Service and Retail and find it is consistent with the Southwest Cumberland Land Use Plan which calls for "Heavy Commercial" at this location; and further find approval of the request is reasonable and in the public interest because the district requested will allow for convenient goods and services in an area where transition is happening from residential to light and heavy commercial uses which also exist in the general area.

OTHER SUITABLE DISTRICTS: None
ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

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REQUESTED REZONING R10 TO C2(P)

ACREAGE: 0.60 AC.+/-		HEARING NO: P17-47	
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0414-36-6656

MB
10/18/17
10/24/17
11/08/17

REQUEST
O&I(P) to C(P)

ACREAGE: **.68+/-**

APPLICANT/PROPERTY OWNER
ERIC NANTES & LESLIE BOSWELL (OWNERS)

PROPERTY ADDRESS/LOCATION
3886 & 3890 CUMBERLAND ROAD

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 105.75'+/- on SR 1141 (Cumberland Road)

Depth: 290'+/-

Adjacent Property: No

Municipal Influence Area: Fayetteville

Current Use: Office

Initial Zoning: R6A – August 1, 1975 (Area 3)

Nonconformities: Existing residential structure is nonconforming. Setbacks will become more nonconforming.

Zoning Violation(s): None issued

School Capacity/Enrolled: Comments requested, none received

Special Flood Hazard Area (SFHA): None

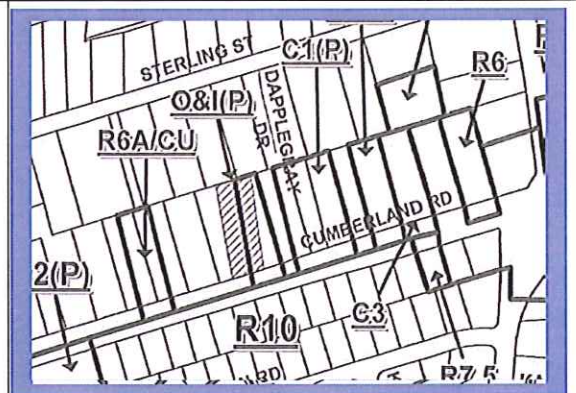
Water/Sewer Availability: PWC/Septic

Soil Limitations: None

Subdivision/Site Plan: If approved, site plan review required

Average Daily Traffic County (2016): 23,000 on SR 1141 (Cumberland Road)

Highway Plan: Cumberland Road is identified as a Thoroughfare existing in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDNG LAND USE: Residential (single, multi-family & manufactured homes), trade contracting, motor vehicle repair & open storage of vehicles

COMPREHENSIVE PLANS: 2030
Growth Vision Plan: Urban; **Southwest Cumberland Land Use Plan:** Heavy Commercial

Notes:

1. Minimum Yard Setbacks:

	<u>C(P)</u>	<u>O&I(P)</u>
Front yard:	50'	35'
Side yard:	30'	15'
Rear yard:	30'	20'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

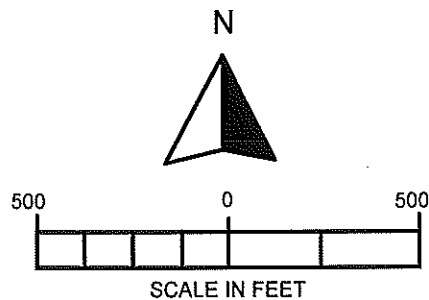
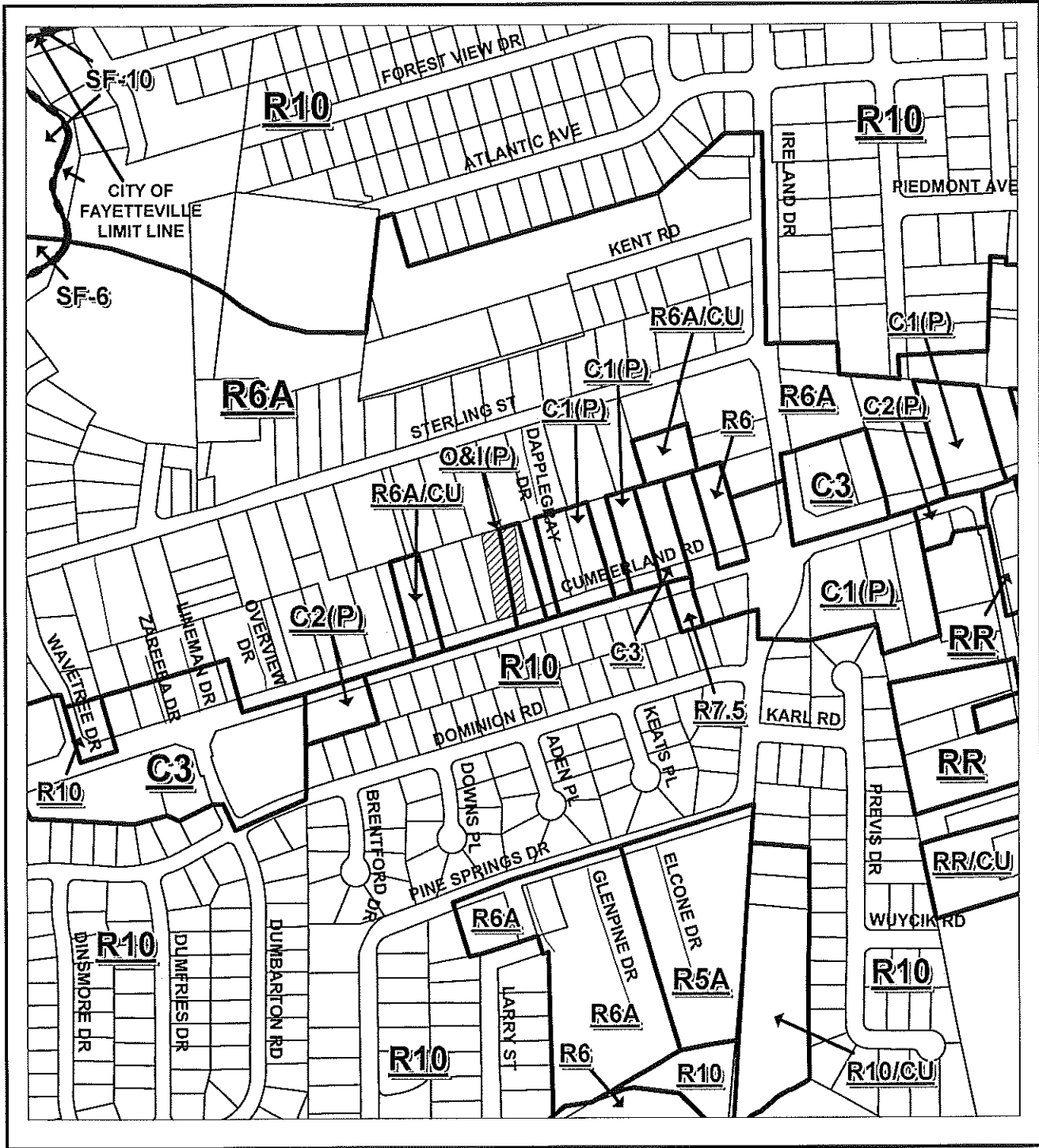
In Case P17-49, the Planning and Inspections Staff recommends the board approve the rezoning from O&I(P) Planned Office and Institutional to C(P) Planned Commercial and find it is consistent with the Southwest Cumberland Land Use Plan which calls for "Heavy Commercial" at this location; and further find approval of the request is reasonable and in the public interest because even though public sewer is normally required for a favorable recommendation to commercial, sewer is not available and the district requested is in harmony with the area along Cumberland Road that has been transitioning from residential to light and heavy commercial over that last ten years.

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 O&I(P) TO C(P)

ACREAGE: 0.68 AC.+/-	HEARING NO: P17-49	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

REQUEST
A1 to R40A

ACREAGE: 2.36+/-

APPLICANT/PROPERTY OWNER
LYNETTA GRACE FAIRCLOTH (OWNER)

PROPERTY ADDRESS/LOCATION
4764 Beaver Dam Church Road

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 25'+/- on SR 2040 (Beaver Dam Church Road)

Depth: 934'+/-

Adjacent Property: No

Current Use: Residential

Initial Zoning: A1 – September 3, 1996 (Area 23)

Nonconformities: None

Zoning Violation(s): None issued

School Capacity/Enrolled: Comments requested, none received

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

Subdivision/Site Plan: If approved, review may be required

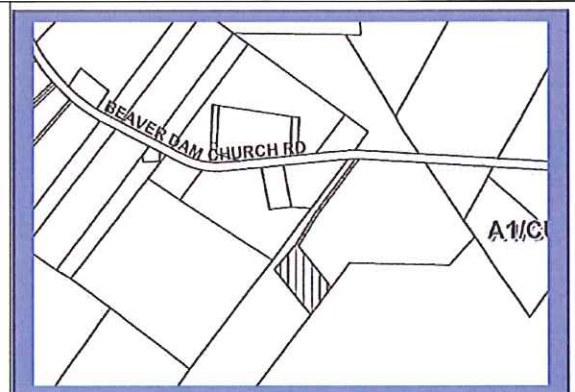
Average Daily Traffic County (2016): 210 on SR 2040 (Beaver Dam Church Road)

Notes:

1. Density:
A1- 1 lot/unit
A1A- 2 lots/units
R40A- 2 lots/3 units

2. Minimum Yard Setbacks:

	<u>A1</u>	<u>A1A</u>	<u>R40A</u>
Front yard:	50'	50'	30'
Side yard:	20'	20'	15'
Rear yard:	50'	50'	35'



SURROUNDNG LAND USE: Residential, religious worship facility, agricultural farm use

COMPREHENSIVE PLANS: 2030 Growth Vision Plan: Rural area;
Southeast Cumberland Land Use Plan: Farmland

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P17-50, the Planning and Inspections Staff recommends the board approve the rezoning from A1 Agricultural to R40A Residential and find :

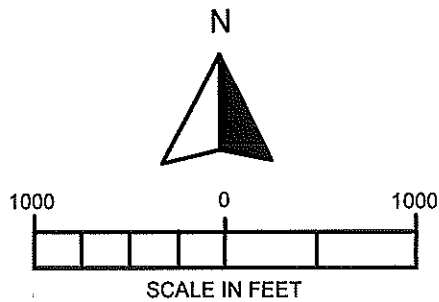
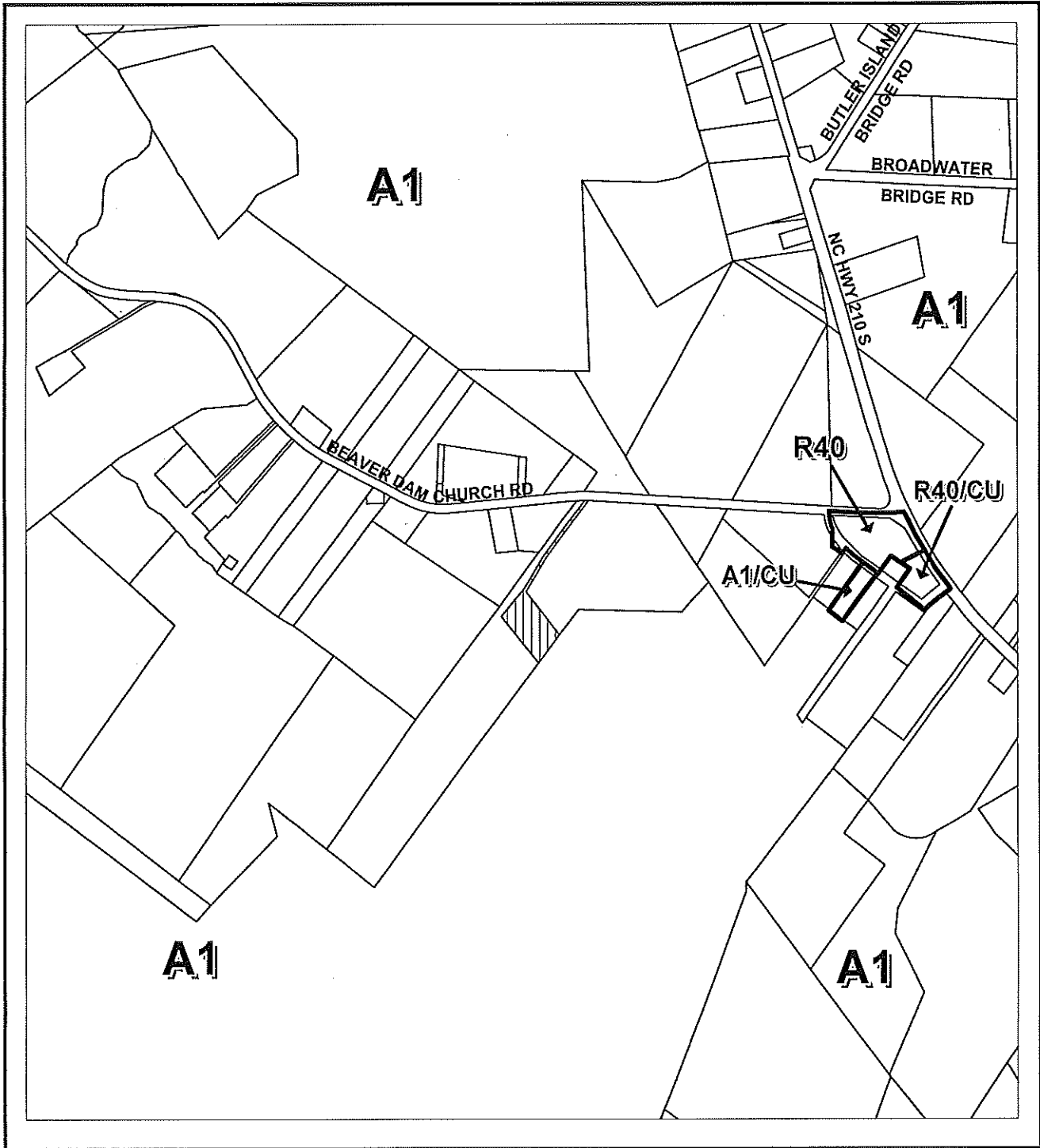
- a. The approval is an amendment to the adopted Southeast Cumberland Land Use Plan (2016) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: approval of the request is consistent with the Southeast Land Use Plan text in that it will allow for lot sizes and land uses that accommodate residential development while protecting and maintaining the rural residential character of the farmland area;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested will limit uses on this site to primarily single-family residential uses and is accordant with previous approvals in the general area.

OTHER SUITABLE DISTRICTS: A1A

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: 2.36 AC.+/-

HEARING NO: P17-50

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 1421-33-8237

MB

CASE NUMBER: P17-51

PLANNING BOARD HEARING DATE:

11/21/2017

REQUEST
C(P)/CU to C(P) (REMOVAL OF CU ONLY)

ACREAGE: .42+/-

APPLICANT/PROPERTY OWNER
AMBER TURNER WEEKS (OWNER) & CHRISTOPHER
W. TYNDALL (AGENT)

PROPERTY ADDRESS/LOCATION
7387 North West Street

Jurisdiction: **Falcon**

PROPERTY INFORMATION

Frontage & Location: 100'+/- on NC 82 (N West Street)

Depth: 175'+/-

Adjacent Property: No

Town of Falcon: No objection

Current Use: Vacant commercial building

Initial Zoning: C(P)/CU – February 5, 1991

Nonconformities: Existing structure does not meet the required front setback and the required side yard setback on the western side property line.

Zoning Violation(s): None issued

School Capacity/Enrolled: Comments requested, none received

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Falcon/NORCRESS

Soil Limitations: None

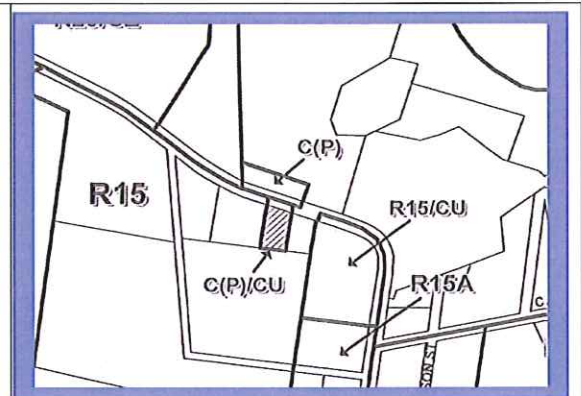
Subdivision/Site Plan: If approved, site plan review required

Average Daily Traffic County (2016): 1,300 on NC 82 (N West Street)

Notes:

- Minimum Yard Setbacks:

	C(P)
Front yard:	50'
Side yard:	30'
Rear yard:	30'



SURROUNDNG LAND USE: Residential, group quarters, motor vehicle repair, nursing home, religious worship facility, outdoor recreation

COMPREHENSIVE PLANS: 2030

Growth Vision Plan: Community Growth area; **Northeast Cumberland Land Use Plan:** Commercial

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

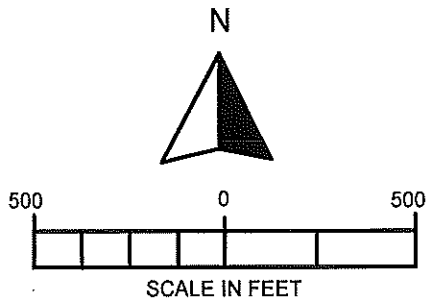
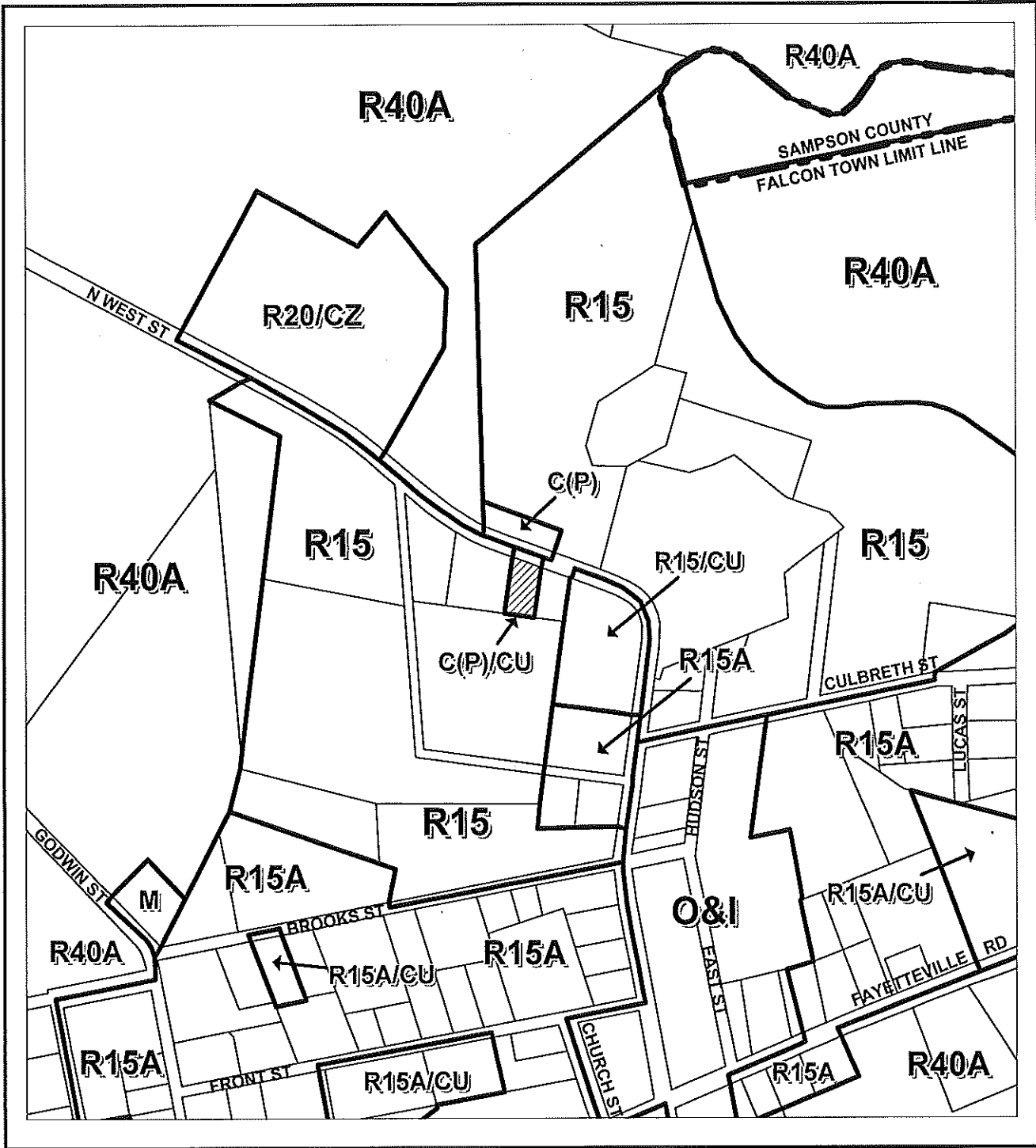
In Case P17-51, the Planning and Inspections Staff recommends the board approve the rezoning to remove the Conditional Use Overlay for a manufactured home at the property owner's request and find it is consistent with the Northeast Cumberland Land Use Plan which calls for "Commercial" at this location; and further find approval of the request is reasonable and in the public interest because the Conditional Use Overlay was approved prior to 2005 in order to allow a land use that was not permitted in the current zoning district, later deemed as an improper use of zoning, and that the initially zoned approved manufactured home is no longer located on this site.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP

First Class and Record Owners' Mailed Notice Certification

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

ACREAGE: 0.42 AC.+/-		HEARING NO: P17-51	
ORDINANCE: FALCON	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 1502-45-6916

MB