

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Vacant
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

TENTATIVE AGENDA

May 21, 2019
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 APRIL 16, 2019
- VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMEMDMENT

- A. **P19-28:** REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, REGARDING PROVISIONS RELATED TO THE BOARD OF ADJUSTMENT, SPECIFICALLY ARTICLE XVII BOARD OF ADJUSTMENT IN ITS ENTIRETY. (HOPE MILLS)

REZONING CASES

- B. **P19-23.** REZONING OF 40.71+/- ACRES FROM A1 AGRICULTURAL, RR RURAL RESIDENTIAL & R6A RESIDENTIAL TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2659 & 2721 BALLPARK ROAD; SUBMITTED BY KIM NAZARCHYK, TOWN MANAGER ON BEHALF OF THE TOWN OF EASTOVER (OWNER). (EASTOVER)
- C. **P19-24.** REZONING OF 2.35+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1122 JOHN MCMILLAN ROAD, SUBMITTED BY WANDA C. & WENDY A. AUSTIN (OWNER).
- D. **P19-25:** REZONING OF 31.89+/- ACRES FROM R10 RESIDENTIAL & C(P) PLANNED COMMERCIAL TO R6 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3681 ELK ROAD; SUBMITTED BY DAVE AVERETTE ON BEHALF OF LAND ASSOCIATES, INC. (OWNER) AND MICHAEL T. BLAKLEY ON BEHALF OF DRAFTING AND DESIGN SERVICES, INC. (AGENT).

Joel Strickland,
Acting Director

Vacant,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

- E. **P19-26.** REZONING OF 2.53+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5137 MAXWELL ROAD; SUBMITTED BY KEVIN CARROLL ON BEHALF OF BUNCE CARROLL INVESTMENTS, LLC (OWNER).

- F. **P19-27:** REZONING OF 77.30+/- ACRES FROM C3 HEAVY COMMERCIAL & C(P) PLANNED COMMERCIAL TO M1(P) PLANNED LIGHT INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF SR 2333 (CORPORATION DRIVE), WEST OF WALMART DRIVE; SUBMITTED BY PALMER WILLIAMS ON BEHALF OF PELICAN PROPERTY HOLDINGS, LLC AND GREAT OAKS PROPERTY HOLDINGS, LLC (OWNERS) & WILLIAM SEYMOUR (AGENT). (HOPE MILLS)

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASE

- G. **P19-22.** REZONING OF 0.73+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6050 CAMDEN ROAD, SUBMITTED BY JEFFREY WRIGHT (OWNER).

IX. DISCUSSION

X. ADJOURNMENT

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
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Patricia Hall,
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May 13, 2019

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Recommendation for the May 21, 2019 Board Meeting

P19-28. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, REGARDING PROVISIONS RELATED TO THE BOARD OF ADJUSTMENT, SPECIFICALLY ARTICLE XVII BOARD OF ADJUSTMENT IN ITS ENTIRETY. (HOPE MILLS)

RECOMMENDATION: In Case P19-10, the Planning & Inspections staff recommends approval of the text amendment to the Hope Mills Zoning Ordinance which, if approved, would establish an appointed Board of Adjustment chosen by the Hope Mills Board of Commissioners, finding it is consistent with the adopted comprehensive plan designated as the 2030 Growth Vision Plan, specifically including: *Policy Area 2: Well-Managed Growth and Development* and the Southwest Cumberland Land Use Plan (2014) goal of ensuring compatibility of land uses as well as promoting development that has a positive impact on the social, natural and environmental conditions in the immediate surrounding area. The staff further finds that approval of the amendment is reasonable and in the public interest based on the foregoing information and that by ensuring certain uses are limited to areas where by the small town character will not be affected. Additionally, this amendment was prepared and submitted by the Town of Hope Mills.

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

Attachment: P19-28 Hope Mills Text Amendment

**ARTICLE XVII
BOARD OF ADJUSTMENT**

Sec. 102A-1701. Establishment

The Board of Commissioners, pursuant to N.C. Gen. Stat. § 160A-388, does establish a Board of Adjustment. The powers and duties of the Board of Adjustment shall be exercised by five members appointed by the Board of Commissioners. Two alternate members shall also be appointed to serve in the event one or more of the five appointed members are unavailable. The Board of Adjustment is an independently operating board, and shall be bound by and shall follow the requirements of this Article. The Board of Adjustment will meet on an as-needed basis.

Sec. 102A-1702. Composition

The Board of Adjustment shall appoint a Chairperson who shall preside over all meetings of that board. The Town Clerk shall serve as the Secretary of the Board of Adjustment, and shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Board of Adjustment shall also elect a Vice-Chairperson by majority vote from among its members. Members shall be appointed for three year terms, and are eligible for reappointment at the close of their terms.

Sec. 102A-1703. Powers and Duties

When sitting as the Board of Adjustment, the Board shall have the following powers and duties:

- (A) **Appeals.** To hear and decide appeals from decisions of the Town Manager, Development & Planning Administrator, Flood Administrator, Stormwater Department, Historic Resource Commission, and/or other administrative officials charged with enforcement of this ordinance. To this end, the Board shall have all the powers of the officer from whom the appeal is taken. An appeal to the Board of Adjustment shall be conducted in accordance with the provisions of Sec. 102A-1705, "Appeals."
- (B) **Variations.** When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board shall vary any of the provisions of the ordinance. Requests for variations shall be processed and considered in accordance with the provisions of section Sec. 102A-1706, "Variations."
- (C) **Special Use Permits.** The Board of Adjustment is authorized to hear and decide special use permits in accordance with the provisions of Sec. 102A-1707, "Special Use Permits."
- (D) **Interpretations.** The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions in accordance with Sec. 102A-1708, "Interpretations."
- (E) **Oaths.** The Chairman or any member temporarily acting as Chairman is authorized in his or her official capacity to administer oaths to witnesses in any matter coming before the Board.

- (F) **Subpoenaing witnesses.** The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d), as set forth in Sec. 102A-1705(B), may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Sec. 102A-1704. Fees.

A fee shall be paid to the town for each application for an appeal or variance. The fee shall be adopted and periodically amended by the Board of Commissioners as needed to cover the administrative costs and advertising associated with the appeal or variance. A copy of the fee schedule shall be available for review in the office of the Town Clerk.

Sec. 102A-1705. Appeals.

- (A) The Board of Adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, subject to the terms of this section. The Board of Adjustment will not hear appeals related to building code violations, and those appeals should be directed to the Department of Insurance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination.
- (B) Any person who has standing under G.S. 160A-393(d) or the town may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal. Persons having standing pursuant to G.S. 160A-393(d) include the following:
- (1) Any person meeting any of the following criteria:
 - a. Has an ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
 - b. Has an option or contract to purchase the property that is the subject of the decision being appealed.

- c. Was an applicant before the decision-making board whose decision is being appealed.
 - (2) Any other person who will suffer special damages as the result of the decision being appealed.
 - (3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
 - (4) A city whose decision-making board has made a decision that the council believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of an ordinance adopted by that council.
- (C) **Notice of Decision.** The official who made the decision shall give written notice of the decision to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal deliver, electronic mail, or by first-class mail.
- (D) **Time to Appeal.** The owner or other party shall have thirty (30) days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- (E) **Constructive Notice.** It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.
- (F) **Record on Appeal.** The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the decision appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- (G) **Stay of Enforcement.** An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts

stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

- (H) **Hearings Within a Reasonable Time.** Subject to the provisions of subsection (G) above, the board of adjustment shall hear and decide the appeal within a reasonable time.
- (I) **Hearing.** The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

When hearing an appeal pursuant to G.S. 160A-400.9(e) (i.e. from a decision of the Historic Preservation Commission granting or denying a certificate) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).

- (K) **Alternative Dispute Resolution.** The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The board of adjustment may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

Sec. 102A-1706. Variances.

- (A) An application for a variance shall be submitted to the Board of Adjustment by filing a copy of the application with the Town Clerk. The applicant may submit reports, arguments, proposed findings or other documents along with the application.
- (B) When unnecessary hardship would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:
 - (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or to the general public, may not be the basis for granting a variance.
 - (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (C) In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
 - (D) A variance may be issued for an indefinite duration or for a specified duration only.
 - (E) The nature of the variance and any conditions attached to it shall be entered on the face of the certificate of zoning compliance, or the certificate of zoning compliance may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.
 - (F) The concurring vote of four-fifths of the board shall be necessary to grant a variance.

Sec. 102A-1707. Special Use Permits

- (A) The various uses set forth in the matrix in Article IV, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and neighborhoods, shall be permitted only upon approval by the Board of Adjustment in accordance with the standards and conditions set forth in this section.
- (B) Special use permits shall be granted by the Board of Adjustment as permitted for only those uses enumerated in Sec. 102A-403 (use matrix) as special uses. Uses specified as a special use in Sec. 102A-403 shall be permitted only upon the issuance of a special use permit by the Board of Adjustment.
- (C) **Application.** The owner or owners of all property included in the petition for a special use permit shall submit a complete application and five copies of a detailed site plan (drawn in accordance with the specifications listed in Sec. 102A-1503) to the County Planning Staff. The staff will schedule the application to be heard by the Board of Adjustment in accordance with the adopted time schedule. The Town Clerk shall also notify the commanders of the military bases of any application affecting the use of property located

within five or less miles of the perimeter boundary of said bases. Developers are encouraged to discuss their special use plans with the County Planning and Town Staff prior to submission of the application. The staff shall assist the developer upon request by reviewing special use plans to ensure that the technical requirements of this ordinance are met before submission to the Board of Adjustment.

(D) **Consideration of Application.** The Board of Adjustment shall consider the application, site plan and any other evidence presented in accordance with this article and may grant or deny the special use permit requested. In granting a special use permit, the board shall find that:

- (1) The use will not materially endanger the public health or safety if located according to the plan submitted and proposed;
- (2) The use meets all required conditions and specifications;
- (3) The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- (4) The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Hope Mills' most recent and officially adopted land use plan, either comprehensive or a detailed area plan.

(E) **Final Disposition.** In granting approval of a special use permit, the Board of Adjustment shall impose such reasonable terms and conditions as it may deem necessary for the protection of the public health, general welfare, and public interest. In granting a special use permit, the Board of Adjustment may give due consideration the considerations set forth in Subsection (D) above, as well as to any or all of the following:

- (1) The compatibility of the proposal, in terms of both use and appearance, with the surrounding neighborhood;
- (2) The comparative size, floor area and mass of the proposed structure in relationship to adjacent structures and buildings in the surrounding area and neighborhood;
- (3) The frequency and duration of various indoor and outdoor activities and special events, and the impact of these activities on the surrounding area;
- (4) The capacity of adjacent streets to handle increased traffic in terms of traffic volume, including hourly and daily levels and weight-bearing limitations;
- (5) The added noise level created by activities associated with the proposed use;
- (6) The requirements for public services where the demands of the proposed use are in excess of the individual demands of the adjacent land uses, in terms of police and

fire protection, and the presence of any potential or real fire hazards created by the proposed use;

- (7) Whether the general appearance of the neighborhood will be adversely affected by the location of the proposed use on the parcel;
- (8) The impact of night lighting in terms of intensity, duration and frequency of use, as it impacts adjacent properties and in terms of presence in the neighborhood;
- (9) The impact of the landscaping of the proposed use, in terms of maintained landscaped areas, versus areas to remain in a natural state, as well as the openness of landscaped areas, versus the use of buffers and screens;
- (10) The impact of a significant amount of hard-surfaced areas for buildings, sidewalks, drives, parking areas and service areas, in terms of noise transfer, water runoff and heat generation;
- (11) The availability of public facilities and utilities;
- (12) The harmony in scale, bulk, coverage, function and density of the proposed development and compliance with the development standards of the Individual uses; and/or
- (13) The reasonableness of the request as compared to the purpose and intent of the most recent land use plan, this ordinance, and officially adopted policies, for the physical development of the district, and protection of the environment.

All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted, on the special use permit itself, and on the approved plans submitted therewith. The specific conditions shall run with the land and shall be binding on the original applicants for the special use permit, their heirs, successors, and assigns. The applicant for the special use permit is responsible for the recordation of the *Notice of Special Use Permit* with the County Register of Deeds prior to application for any zoning/building permit.

If the board denies the special use permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. In the event of a denial, the Board of Adjustment shall not consider re-submission of the application for the same special use permit on the same property without a substantial material change concerning the property and the application.

- (F) **Expiration of Permits.** Any special use granted becomes null and void if not exercised within the time specified in such approval, or, if no date is specified, within one calendar year from the date of such approval. Furthermore, once the *Certificate of Occupancy* has been issued for a special use and then the special use ceases to exist for a time period of

one calendar year or more, a re-submittal of the special use application for the same use may be required if there has been a material change in the ordinance standards.

- (G) **Modification to Plans.** The Board of Adjustment shall review any change, enlargement or alteration in site plans submitted as a part of a special use application, and new conditions may be imposed where findings require. The County Planning and Town Staff may approve minor modifications of the approved plans in the same manner as authorized in Sec. 102A-508 for conditional zoning districts, provided that the changes do not materially alter the original plan as approved, and the intent and objectives of the original approval are not deviated from.
- (H) **Noncompliance.** If for any reason any condition imposed pursuant to this section is found to be illegal or invalid, the special use permit shall be null and void and of no effect, and the County Planning or Town Staff shall institute proceedings for the case to be reheard by the Board of Adjustment.

Compliance with all the conditions of a special use permit is an essential element of the special use permit's continued validity and effectiveness. If the Chief Building Inspector determines that a permittee has failed to comply with a condition of an approved special use permit, they shall so notify the permittee or the permittee's successor in interest and shall place the matter on the Board of Adjustment's agenda for the board's decision whether or not to revoke the special use permit. Such hearing shall be on reasonable written notice to the permittee or the permittee's successor in interest and shall be a quasi-judicial proceeding according to quasi-judicial procedures. The decision of the Board of Adjustment shall be a final decision, and a decision to revoke the special use permit may be appealed to the Superior Court of Cumberland County within 30 days after the permittee or the permittee's successor in interest has been served with written notice of the Board of Adjustment's decision. Service by personal delivery or certified mail, return receipt requested, of a certified copy of the Board of Adjustment's approved minutes for its meeting at which such decision is made, shall constitute written notice and service of the Board of Adjustment's decision hereunder.

- (I) **Appeals.** No appeal may be taken from the action of the Board of Adjustment in granting or denying a special use permit except through the Superior Court of Cumberland County in the same manner as set forth in this article for appeal of any Board of Adjustment decision.

Sec. 102A-1708. Interpretations.

- (A) The Board of Adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the Administrator, they shall be handled as provided in Sec. 102A-1705, "Appeals."

to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

- (C) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

Sec. 102A-1710. Reversal of Decisions.

After a public hearing has been held and approval granted for a special use or variance, the Board of Adjustment may reverse any decision upon finding that the:

- (1) Approval was obtained by fraud;
- (2) Use for which such approval was granted is not being executed;
- (3) Use for which such approval was granted has ceased to exist or has been suspended for one year or more;
- (4) Permit granted is being, or recently has been, exercised contrary to the terms of conditions of such approval or in violation of any regulation or statute; or
- (5) Use for which the approval was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

Sec. 102A-1711. Appeal of Final Decision.

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

REQUEST
A1, RR & R6A to A1

ACREAGE: **40.71+/-**

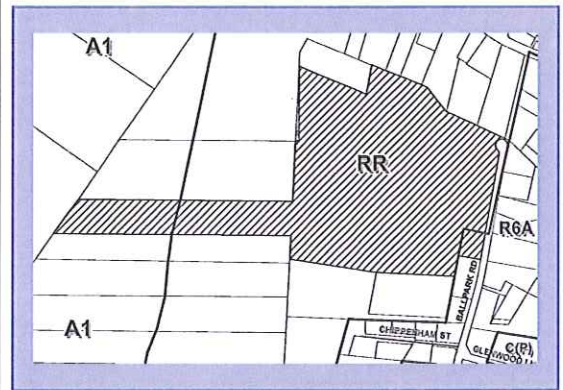
PROPERTY OWNER/APPLICANT
**KIM NAZARCHYK, TOWN MANAGER ON BEHALF OF
THE TOWN OF EASTOVER (OWNER)**

PROPERTY ADDRESS/LOCATION
2659 & 2721 Ballpark Road

Jurisdiction: **Eastover**

PROPERTY INFORMATION

Frontage & Location: 800'+/- on SR 2828 (Ballpark Road)
Depth: 1,292'+/-
Adjacent Property: None
Town of Eastover: No objection
Current Use: Outdoor recreation
Initial Zoning: A1, RR & R6A – December 14, 1979 (Area 10)
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Armstrong Elementary: 460/423; Mac Williams Middle: 1270/1153; Cape Fear High: 1425/1436
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: ESD/ESD
Soil Limitations: Yes; Hydric: Cf (Cape Fear loam) & De (Deloss loam)
Subdivision/Site Plan: If approved, site plan review required
Average Daily Traffic County (2016): 1,300 on SR 1722 (Beard Rd)
Highway Plan: Ballpark Road is identified as a local road in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured home and manufactured home park), cemetery, trades contractor activities, public utility substation, outdoor recreation

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Community Growth Areas
Eastover Land Use Plan (2018): Open Space

Notes:

- Density**
 A1- 20 lots/units
 RR- 88 lots/89 units
 R6A- 442 lots/units

- Minimum Yard Setbacks:**

	A1	RR	R6A
Front yard:	50'	30'	25'
Side yard:	20'	15'	10'
Rear yard:	50'	35'	15'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

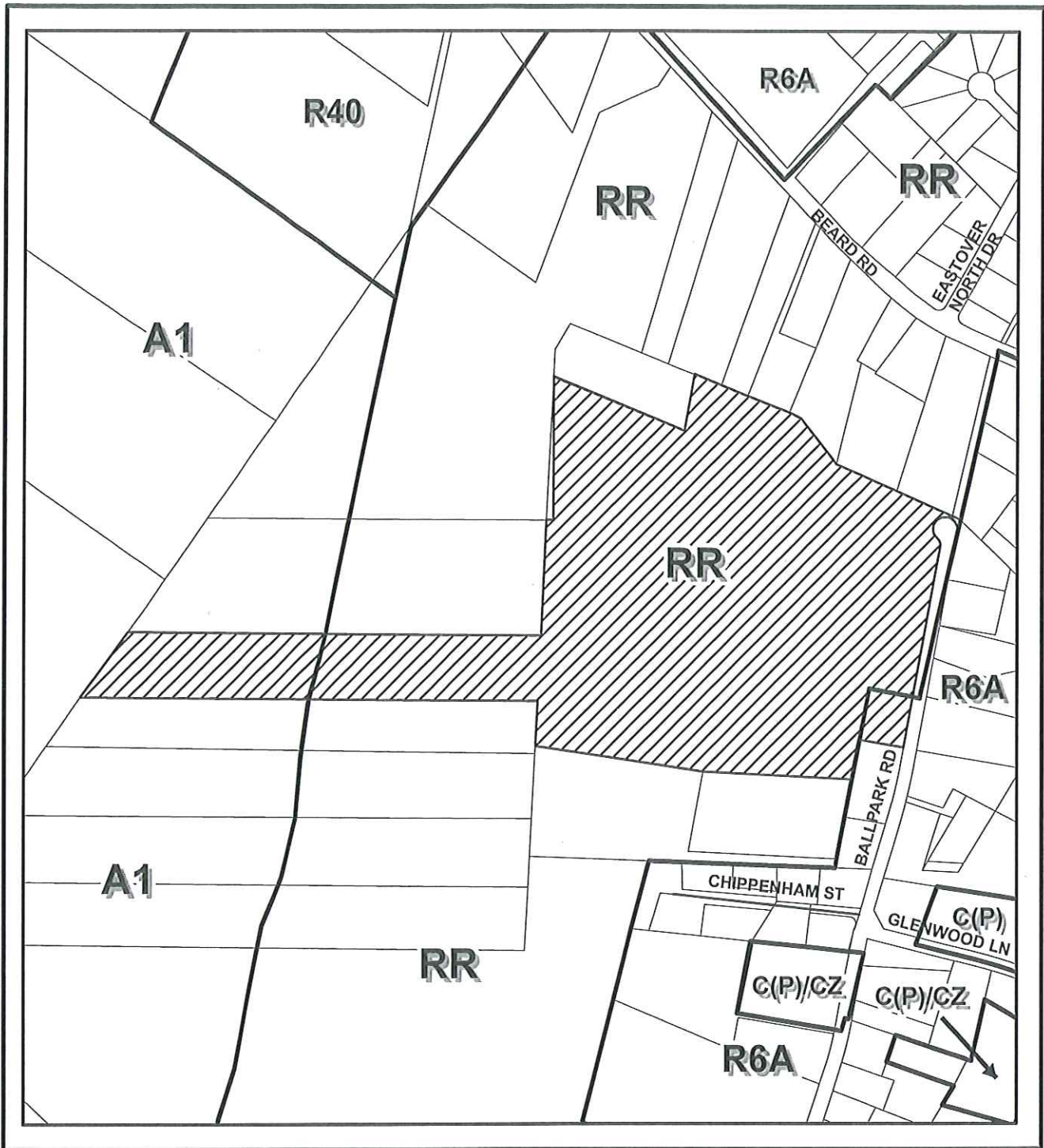
In Case P19-23, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural, RR Rural Residential and R6A Residential to A1 Agricultural and find this recommendation to be consistent with the Eastover Land Use Plan (2018) which calls for “open space” at this location, the A1 Agricultural district allows for the development of greenways, parks and similar amenities desired within the “open space” designation and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses, and the development of recreational amenities to the benefit of all citizens in 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 A1, RR AND R6A TO A1

ACREAGE: 40.71 AC. +/-

HEARING NO: P19-23

ORDINANCE: EASTOVER

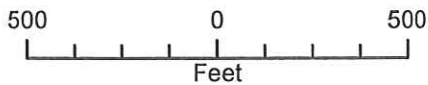
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PIN: 0469-42-3999

MB

REQUEST
A1 to R40

ACREAGE: 2.35+/-

PROPERTY OWNER/APPLICANT
WANDA C. & WENDY A. AUSTIN (OWNER)

PROPERTY ADDRESS/LOCATION
1122 John McMillan Road

Jurisdiction: County

PROPERTY INFORMATION

Frontage & Location: 577'+/- on SR 2244 (John McMillan Rd); 105'+/- on SR 2249 (Canady Pond Rd)

Depth: 173'+/-

Adjacent Property: None

Current Use: Residential

Initial Zoning: A1 – June 25, 1980 (Area 13)

Nonconformities: Existing structure does not meet minimum front yard setback for A1 district

Zoning Violation(s): None

School Capacity/Enrolled: Gray's Creek Elementary: 400/430; Gray's Creek

Middle: 1100/1138; Gray's Creek High: 1470/1437

Special Flood Hazard Area (SFHA): None

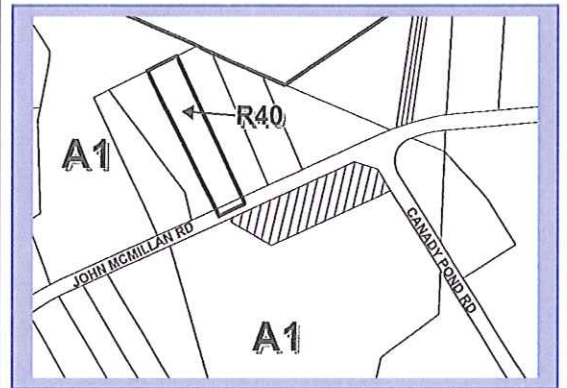
Water/Sewer Availability: Well/Septic

Soil Limitations: None

Subdivision/Site Plan: If approved, group development or subdivision review required

Average Daily Traffic County (2016): 1,200 on SR 2244 (John McMillan Rd)

Highway Plan: John McMillan Road is identified as a thoroughfare needing improvement in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned. Canady Pond Road is identified as a local road in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured home), woodland

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Rural Areas
South Central Land Use Plan (2015): Farmland

Notes:

- Density**
A1- 1 lot/unit
R40- 2 lots/3 units

2. **Minimum Yard Setbacks:**

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

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

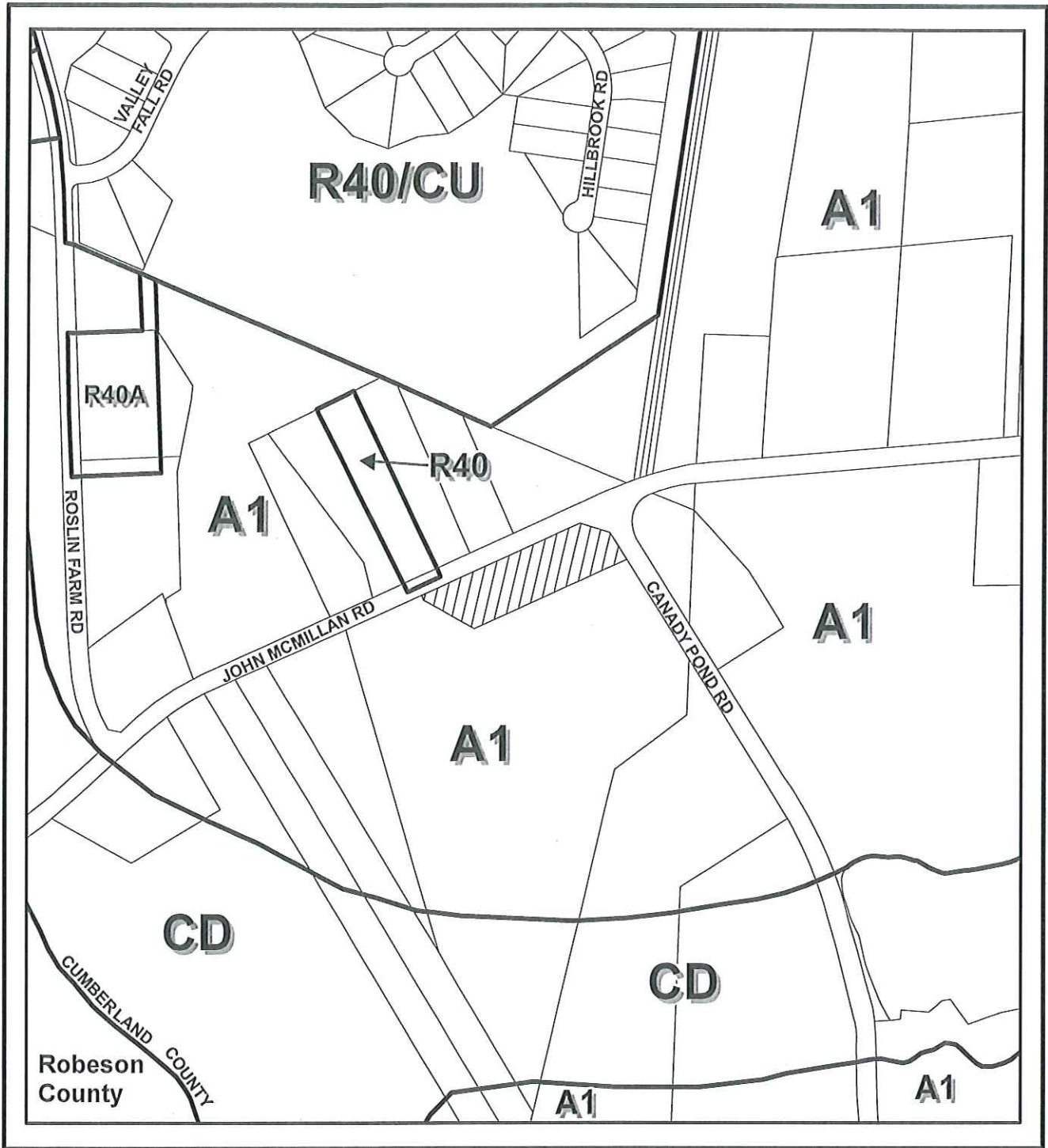
In Case P19-24, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for "farmland" at this location, the "farmland" designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

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 R40

ACREAGE: 2.35 AC. +/-

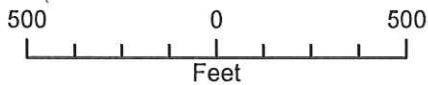
HEARING NO: P19-24

ORDINANCE: COUNTY

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PIN: 0421-17-5216-

AM

REQUEST
R10 & C(P) to R6

ACREAGE: **31.89+/-**

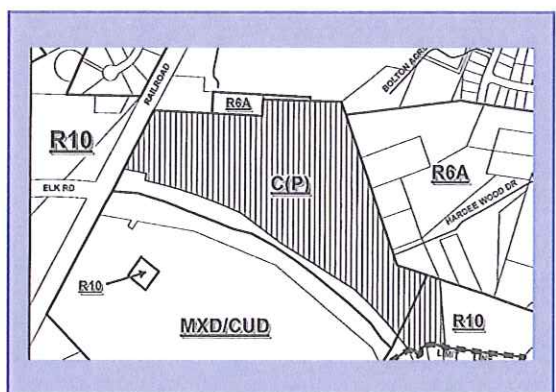
PROPERTY OWNER/APPLICANT
DAVE AVERETTE ON BEHALF OF LAND
ASSOCIATES, INC. (OWNER) & MICHAEL T. BLAKLEY
ON BEHALF OF DRAFTING AND DESIGN SERVICES,
INC. (AGENT)

PROPERTY ADDRESS/LOCATION
3681 Elk Road

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 2,075'+/- on NC 162 (Elk Rd)
Depth: 815'+/-
Adjacent Property: None
Current Use: Woodland (currently cleared)
Initial Zoning: R10 – November 17, 1975 (Area 4); Portion rezoned to C(P) on June 18, 2001 (Case P01-17)
Municipal Influence Area: Hope Mills
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Baldwin Elementary: 680/679; South View Middle: 900/665; South View High: 1800/1631
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/PWC
Soil Limitations: Yes; Hydric: JT (Johnston loam)
Subdivision/Site Plan: If approved, group development or subdivision review required
Average Daily Traffic County (2016): 15,000 on NC 162 (Elk Rd)
Highway Plan: Elk Road is identified as an existing boulevard in the 2045 Metropolitan Transportation Plan. There are no constructions/improvements planned and the subject property will have no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured homes), public utility substation, tower, woodlands

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban
Southwest Cumberland Land Use Plan (2013): Heavy Commercial

Notes:

1. **Density**
R10(R7.5)- 185 lots/units
R6- 346 lots/units
2. **Minimum Yard Setbacks:**

	<u>R6</u>	<u>R10(R7.5)</u>	<u>C(P)</u>
Front yard:	25'	30'	50'
Side yard:	10'	15'	30'
Rear yard:	30'	35'	30'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P19-25, the Planning and Inspections Staff recommends approval of the rezoning from R10 Residential & C(P) Planned Commercial to R6 Residential and find:

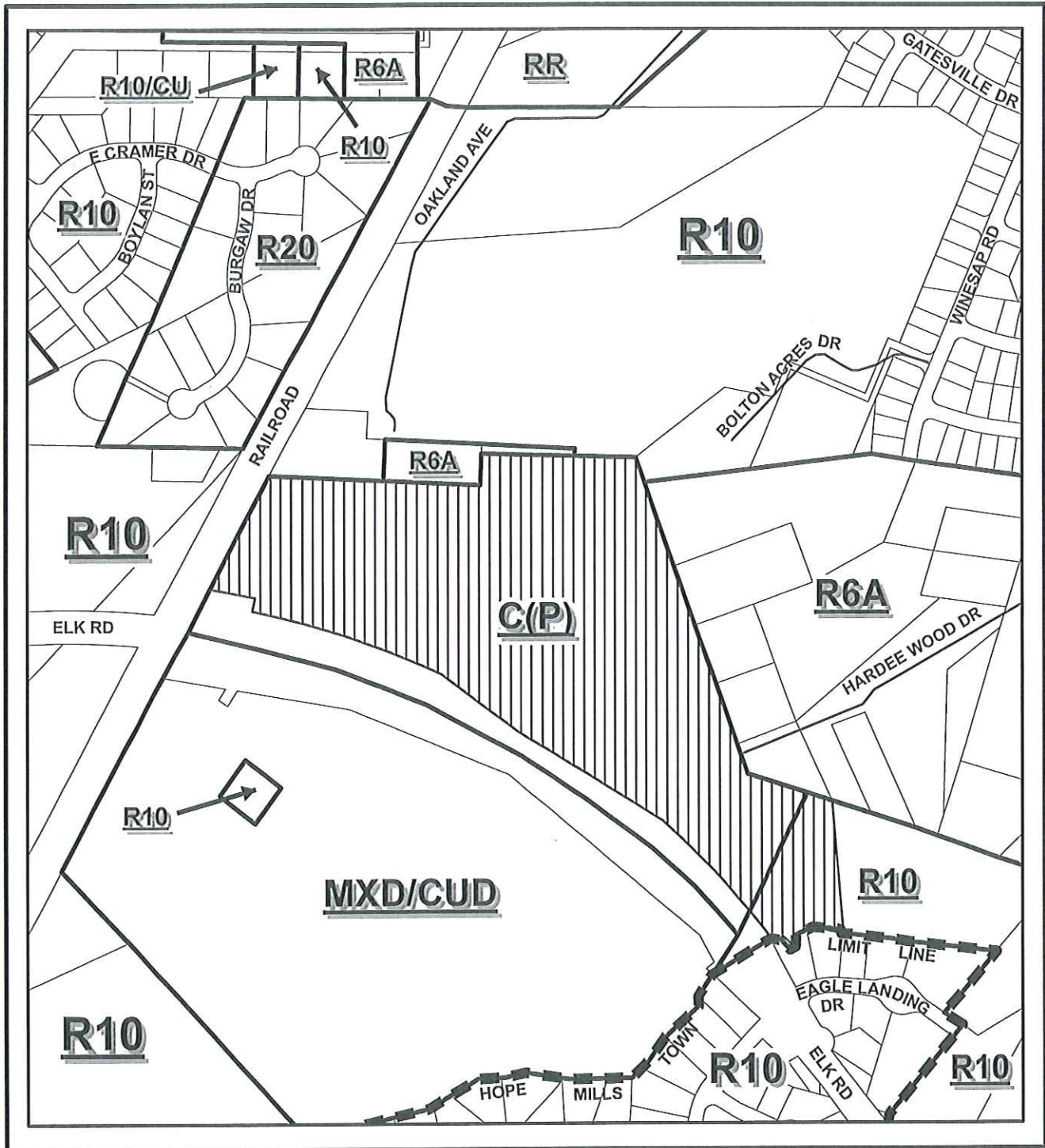
- a. The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the subject property meets most of the location criteria for "medium density residential" as defined in the Land Use Policies Plan (2009), and the "heavy commercial" designation was likely put in place due to the existing C(P) Planned Commercial zoning on the subject property;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with the surrounding zoning and existing land uses.

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 C(P) & R10 TO R6

ACREAGE: 31.89 AC. +/-

HEARING NO: P19-25

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

REQUEST
A1 to RR

ACREAGE: 2.53+/-

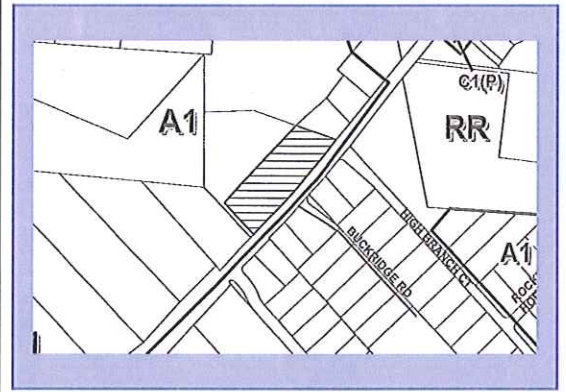
PROPERTY OWNER/APPLICANT
KEVIN CARROLL ON BEHALF OF BUNCE CARROLL
INVESTMENTS, LLC (OWNER)

PROPERTY ADDRESS/LOCATION
5137 Maxwell Road

Jurisdiction: County

PROPERTY INFORMATION

Frontage & Location: 595'+/- on SR 1006 (Maxwell Rd)
Depth: 212'+/-
Adjacent Property: None
Current Use: Residential
Initial Zoning: A1 – August 23, 1994 (Area 19)
Nonconformities: Existing residential structure does not meet minimum required front yard setback for A1 district.
Zoning Violation(s): None
School Capacity/Enrolled: Armstrong Elementary: 460/423; Mac Williams Middle: 1270/1153; Cape Fear High: 1425/1436
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: Well/Septic
Soil Limitations: None
Subdivision/Site Plan: If approved, group development or subdivision review required
Average Daily Traffic County (2016): 7,000 on SR 1006 (Maxwell Rd)
Highway Plan: Maxwell Road is identified as an existing thoroughfare in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Plan.



SURROUNDING LAND USE: Residential (including manufactured homes), woodlands

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban Fringe
Eastover Land Use Plan (2018): Rural Density Residential

Notes:

1. **Density**
 A1- 1 lot/unit
 RR- 5 lots/6 units
2. **Minimum Yard Setbacks:**

	A1	RR
Front yard:	50'	30'
Side yard:	20'	15'
Rear yard:	50'	35'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

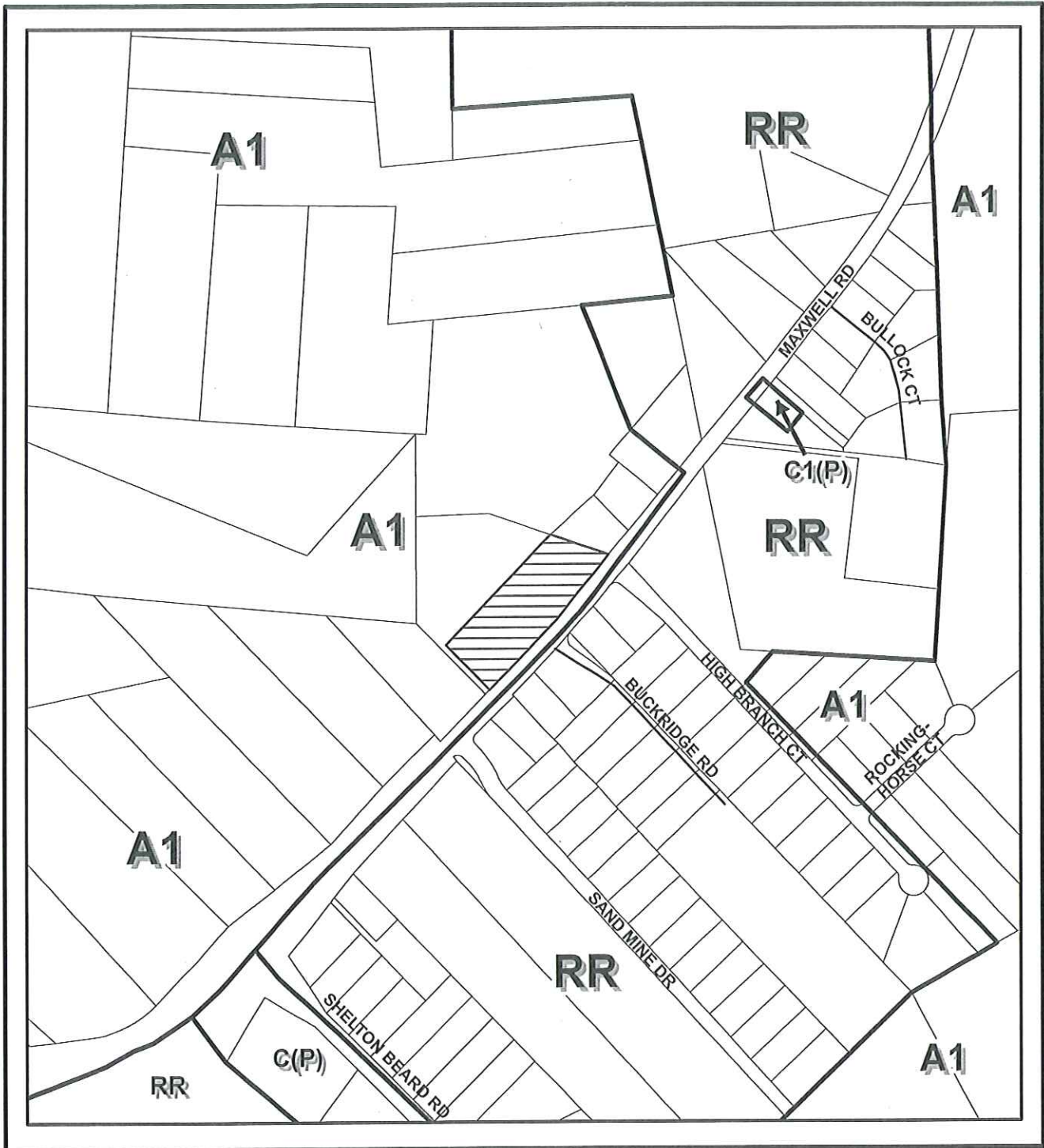
In Case P19-26, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to RR Rural Residential and find it is consistent with the adopted Eastover Land Use Plan (2018) which calls for "rural density residential" at this location, the text of the plan states that RR Rural Residential is an applicable district under the "rural density residential" designation and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

OTHER SUITABLE DISTRICTS: None

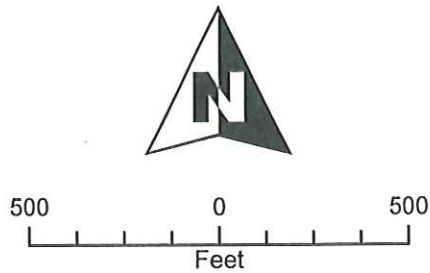
ATTACHMENTS: SKETCH MAP

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 RR



PIN: 0477-60-8498

ACREAGE: 2.53 AC. +/-	HEARING NO: P19-26	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

MB

REQUEST
C3 & C(P) to M1(P)

ACREAGE: 77.30+/-

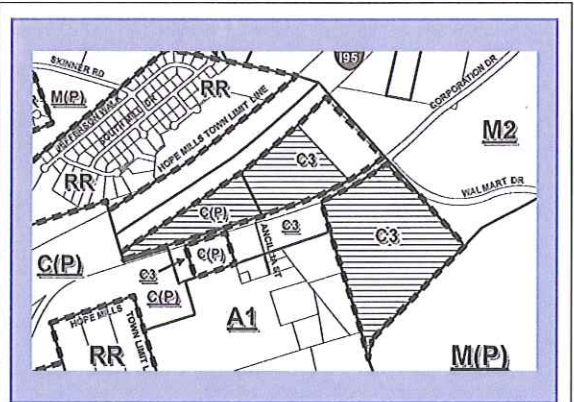
PROPERTY OWNER/APPLICANT
PALMER WILLIAMS ON BEHALF OF PELICAN
PROPERTY HOLDINGS, LLC AND GREAT OAKS
PROPERTY HOLDINGS, LLC (OWNERS) & WILLIAM
SEYMOUR (AGENT)

PROPERTY ADDRESS/LOCATION
Both sides of SR 2333 (Corporation Drive),
west of Walmart Drive

Jurisdiction: Hope Mills

PROPERTY INFORMATION

Frontage & Location: 2,677'+/- on I-95; 3893'+/- on SR 2333 (Corporation Drive); 560'+/- on Walmart Drive
Depth: 588'+/-; 1,500'+/-
Adjacent Property: Yes
Current Use: Vacant
Initial Zoning: A1 – June 25, 1980 (Area 13); Rezoned to C3 on August 27, 1984 (Case P84-93)
Town of Hope Mills: Comments requested; none received
Nonconformities: None
Zoning Violation(s): None
School Capacity/Enrolled: Gallberry Farm Elementary: 860/997; Gray's Creek Middle: 1200/1138; Gray's Creek High: 1470/1437
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: PWC/PWC
Soil Limitations: Yes; Hydric: JT (Johnston loam)
Subdivision/Site Plan: If approved, site plan or subdivision review required
Average Daily Traffic County (2016): 2,700 on SR 2333 (Corporation Dr)
Highway Plan: Corporation Drive is identified as a local road in the 2045 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured homes), motor vehicle repair, outdoor recreation, restaurant, farmers market, industrial operation

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban
Southwest Cumberland Land Use Plan (2014): Heavy Commercial

Notes:

1. **Minimum Yard Setbacks:**

	C3[C(P)]	C(P)	M1(P)
Front yard:	50'	50'	50'
Side yard:	30'	30'	30'
Rear yard:	30'	30'	30'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P19-27, the Planning and Inspections Staff recommends approval of the rezoning from C3 Heavy Commercial & C(P) Planned Commercial to M1(P) Planned Light Industrial and find:

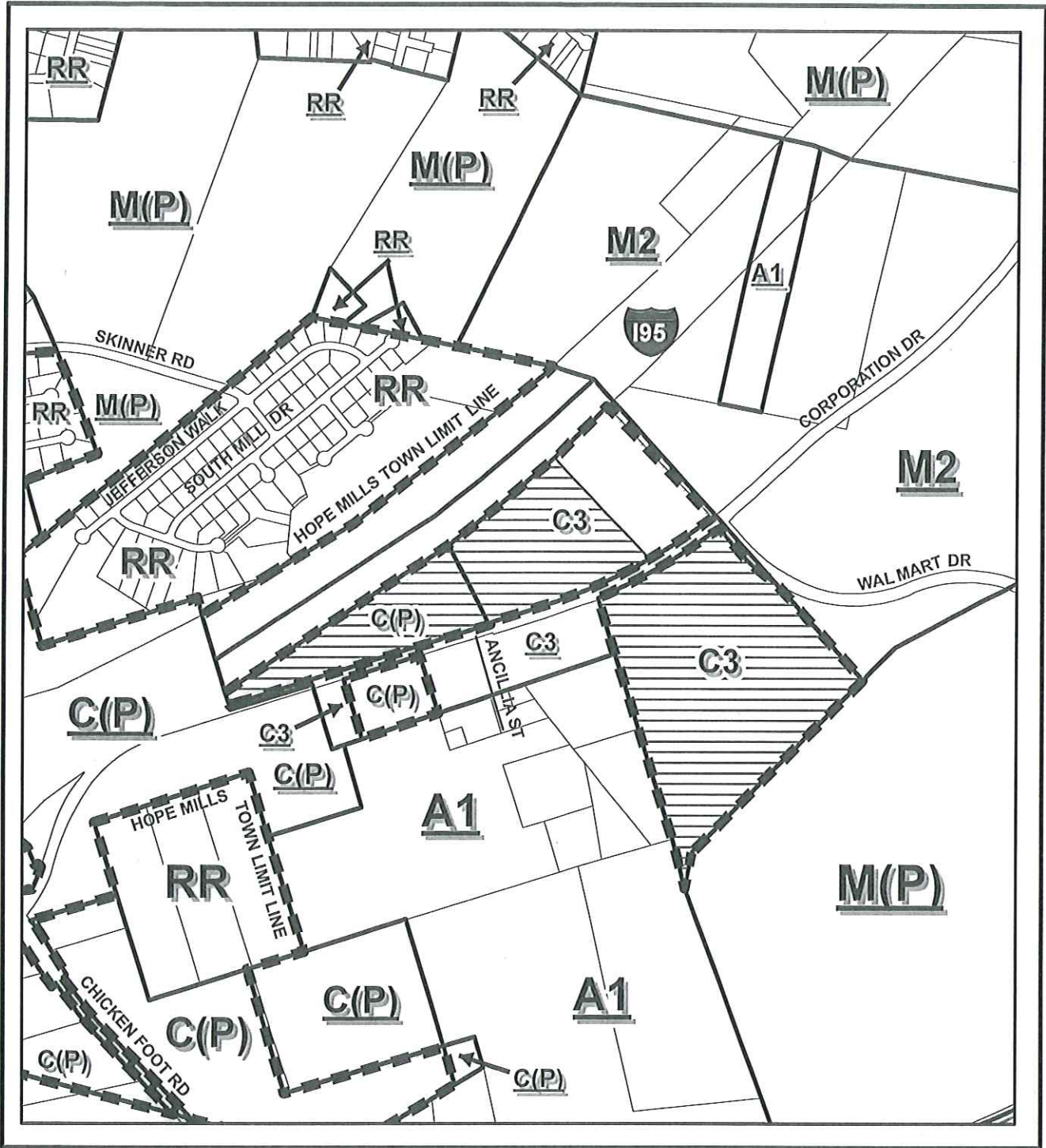
- a. The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2014) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the subject property meets the location criteria for "light industrial/manufacturing" as defined in the Land Use Policies Plan (2009), and the heavy commercial designation was likely put in place due to the existing C3 & C(P) zoning on the subject property;
- c. And, this rezoning approval is reasonable and in the public interest because the district requested in harmony with surrounding zoning and the tracts are of sufficient size to allow for adequate buffering, landscaping and parking for an industrial use when recombined.

OTHER SUITABLE DISTRICTS: None

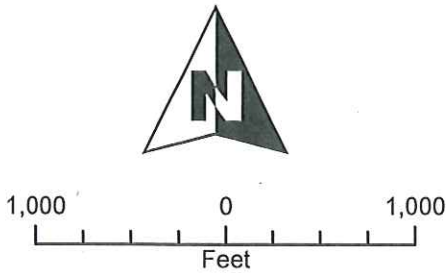
ATTACHMENTS: SKETCH MAP

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 C3 & C(P) TO M1(P)



ACREAGE: 77.30 AC. +/-		HEARING NO: P19-27
ORDINANCE: HOPE MILLS	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0423-63-0512
PIN: 0423-74-3261

REQUEST
R10 to C2(P)

ACREAGE: **0.73+/-**

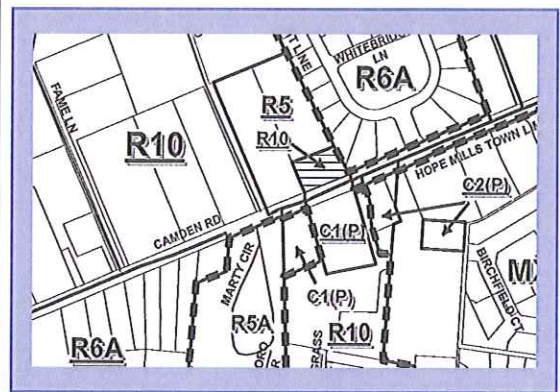
PROPERTY OWNER/APPLICANT
JEFFREY WRIGHT (OWNER)

PROPERTY ADDRESS/LOCATION
6050 Camden Road

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 226'+/- on SR 1003 (Camden Rd)
Depth: 148'+/-
Adjacent Property: Yes
Current Use: Residential
Initial Zoning: R10 – February 6, 1976 (Area 5)
Municipal Influence Area: Hope Mills
Nonconformities: If approved, existing residential structure will become a nonconforming use as well as nonconforming with C2(P) setbacks.
Zoning Violation(s): None
School Capacity/Enrolled: C. Wayne Collier Elementary: 500/482; South View Middle: 900/665; South View High: 1800/1631
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): 19,000 on SR 1003 (Camden Rd)
Highway Plan: Camden Road is identified as a thoroughfare needing improvement in the 2045 Metropolitan Transportation Plan. This portion of Camden is shown in the 2040 Metropolitan Transportation Plan as project U-3422, a widening project from the Fayetteville Outer Loop (U-2519) to NC 59 (Hope Mills Road). Right-of-way acquisition will begin in 2021.



SURROUNDING LAND USE: Residential (including manufactured home park), barbering, retail & servicing, vacant commercial, convenience store, motor vehicle wash, day care facility

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Urban
Southwest Cumberland Land Use Plan (2013): Mixed Use Development

Notes:

1. **Density**
R10 (R7.5)- 4 lots/units

2. **Minimum Yard Setbacks:**

	<u>R10 (R7.5)</u>	<u>O&I(P)</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard:	30'	35'	45'	50'
Side yard:	10'	15'	15'	30'
Rear yard:	35'	20'	20'	30'

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P19-22, the Planning and Inspections Staff recommends denial of the rezoning from R10 Residential to C2(P) Planned Service and Retail; however, staff does recommend rezoning from R10 Residential to C1(P) Planned Local Business District and find that this recommendation is consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "mixed use development" at this location, C1(P) Planned Local Business District allows for light commercial uses desired within the "mixed use" designation and further find approval of this recommendation of C1(P) is reasonable and in the public interest because the district is more in harmony with the surrounding established residential and light commercial zoning.

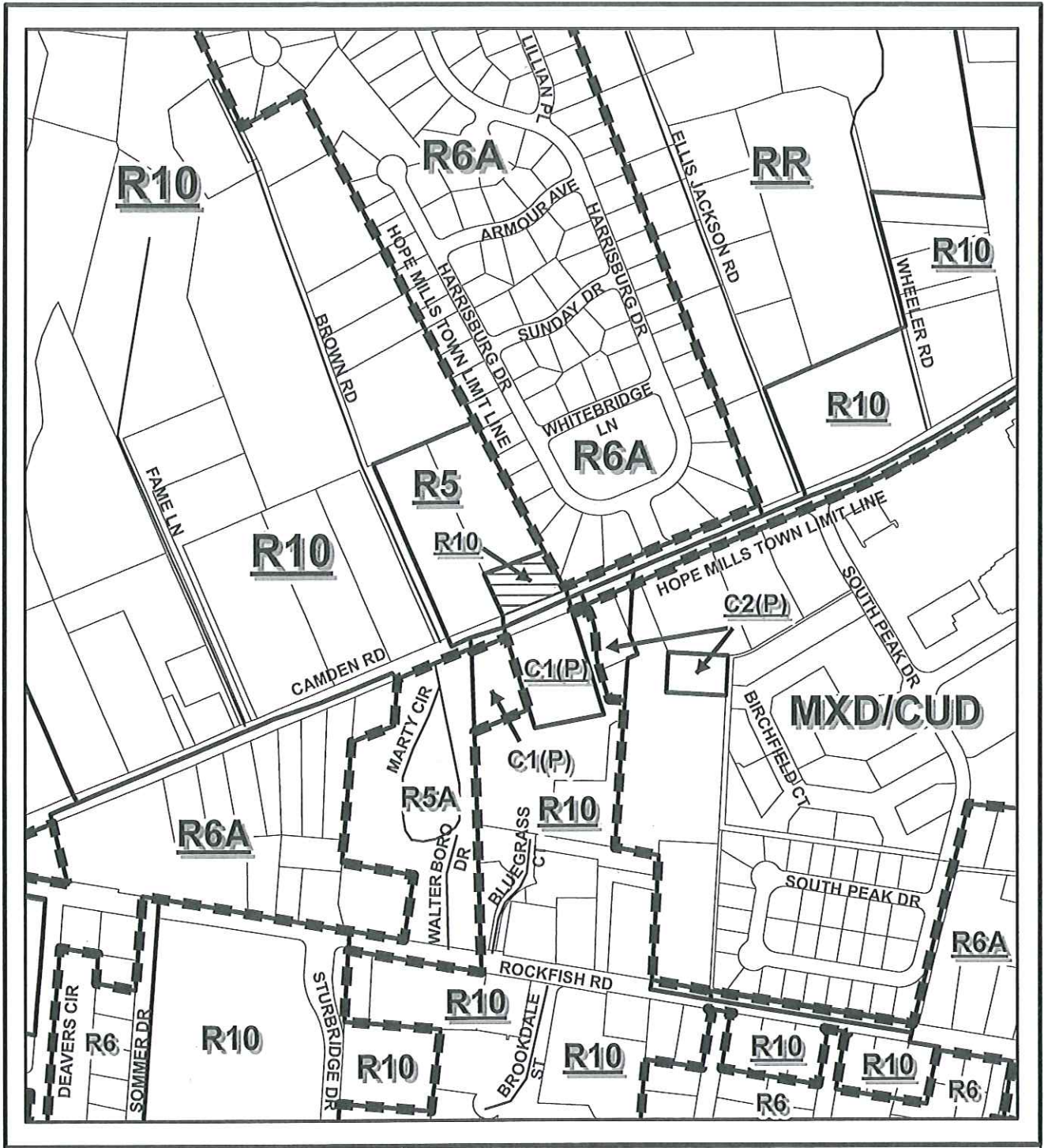
Note: The requested C2(P) Planned Service and Retail district is also consistent with the Southwest Cumberland Land Use Plan (2013) designation of "mixed use development", however the C1(P) Planned Local Business serves as a better transition between the established residential and any future commercial development as well as provides less restrictive setbacks for development of the subject property.

OTHER SUITABLE DISTRICTS: O&I(P)

ATTACHMENTS: SKETCH MAP

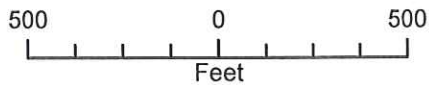
First Class and Record Owners' Mailed Notice Certification

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REQUESTED REZONING R10 TO C2(P)

ACREAGE: 0.73 AC. +/-	HEARING NO: P19-22	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



PIN: 0404-67-1670

MB