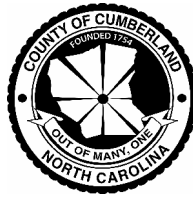


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COUNTY of CUMBERLAND

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Director
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Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Dr. Marion Gillis-Olson,
Lori Epler,
Cumberland County

TENTATIVE AGENDA SEPTEMBER 20, 2005 7:00 p.m.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF SEPTEMBER 6, 2005

REZONING CASES

- A. P05-28: REZONING OF 58.10 +/- ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4674 RESEARCH DRIVE, SUBMITTED BY CRAWFORD DESIGN COMPANY, OWNED BY AMERICAN UNIFORM SALES.
- B. P05-65: REZONING OF 1.83 ACRES FROM R10 TO RR, LOCATED ON THE SOUTH SIDE OF CAMDEN ROAD, EAST OF OAKLAND AVENUE, OWNED BY DAVID L. AUTRY.
- C. P05-66: REZONING OF .77 +/- ACRES FROM R6A TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2305 CLINTON ROAD, OWNED BY HOMER C. BULLOCK.
- D. P05-69: REZONING OF .23 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4310 CUMBERLAND ROAD, OWNED BY DREW AND KATHRENE A. BOXWELL.

AMENDMENTS

- A. P05-67: REVISION AND AMENDMENT TO THE SPRING LAKE ZONING CODE, BY CREATING SECTION 156.088, ENTITLED: LANDSCAPE REQUIREMENTS, IMPLEMENTING MINIMUM ACCEPTABLE STANDARDS FOR LANDSCAPING THUS PROVIDING PROTECTION OF THE VISUAL AND PHYSICAL ENVIRONMENT FOR THE CITIZENS OF SPRING LAKE. (SPRING LAKE)
- B. P05-71: REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: ALLEY, CUL-DE-SAC, HIGHWAY PLAN, AND PLANNING STAFF; AMENDING THE DEFINITION FOR THE TERM "STREETS" WITHIN ARTICLE I. SECTION 1.8. "DEFINITIONS"; AMENDING ARTICLE III, SECTION 3.17. "STREET DESIGN"; SECTION 3.18. "BLOCK LENGTHS"; AND ARTICLE IV, SECTION 4.1. "STREETS", SUBSECTIONS "E", "GUTTERS OR CURBS AND GUTTERS" AND "F", "REQUIRED DRAINAGE"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)
- C. P05-72: REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: HIGH VOLTAGE LINE; AND ARTICLE IV, SECTION 4.3. "OTHER REQUIREMENTS", BY ADDING SUBSECTIONS "H", "STREET TREE REQUIREMENTS" AND "I", "UNDERGROUND UTILITIES"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)
- D. P05-73: REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I. SECTION 1.8. "DEFINITIONS" BY ADDING IN ALPHABETICAL ORDER: OPEN SPACE, STEDMAN AREA DETAILED LAND USE PLAN, AND TOWN ADMINISTRATOR, AND AMENDING THE DEFINITION FOR GROUP DEVELOPMENT; AMENDING ARTICLE III. "GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN", BY CREATING SECTION 3.13.1. "REQUIRED PARKS, OPEN SPACE, RECREATION AREA PROVISIONS"; AMENDING SECTION 3.21. "GROUP DEVELOPMENTS", "K", "RECREATION AREAS"; AMENDING 3.24. "ZERO LOT LINE DEVELOPMENTS", AND CREATING 3.24 "K", "RECREATION AREAS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)
- E. P05-74: REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE X. SECTION 10.2. "DEFINITIONS OF SPECIFIC TERMS AND WORDS", BY ADDING IN ALPHABETICAL ORDER: ASSEMBLY, BED AND BREAKFAST, BOARDING HOUSE, CEMETERY, CONDITIONAL USE, CONVALESCENT HOME, DENSITY, DWELLING, GOLF COURSE/DRIVING RANGE, HOSPITAL, AND SETBACK; AMENDING THE DEFINITIONS FOR: ACCESSORY STRUCTURE OR USE, CHILDREN'S DAY CARE FACILITIES, AND RELIGIOUS WORSHIP ACTIVITIES; INSERTING INTO ARTICLE II. "GENERAL ZONING DISTRICT CLASSIFICATION", SECTION 2.11. "RESIDENTIAL DISTRICTS", AFTER "R10M RESIDENTIAL DISTRICT" IN BOLD TYPE: "R6 RESIDENTIAL DISTRICT" AND "R5A RESIDENTIAL DISTRICT"; AMENDING ARTICLE III. "PERMITTED PRINCIPAL USES AND STRUCTURES" BY CREATING TABLE 1-B.1 "PERMITTED AND CONDITIONAL USES RESIDENTIAL DISTRICT R6"

AND TABLE 1-B.2 "PERMITTED AND CONDITIONAL USES RESIDENTIAL DISTRICT R5A"; AMENDING ARTICLE VII. "LOT AND YARD REGULATION", SECTION 7.3. "DISTRICT DIMENSIONAL PROVISIONS" BY INSERTING DISTRICT, MINIMUM LOT SIZE, AND MINIMUM YARD REGULATIONS FOR R6 AND R5A DISTRICTS; AMENDING ARTICLE XII. "ADMINISTRATIVE PROVISIONS", SECTION 12.6. "FEES", INSERTING R6 AND R5A INTO THE FEE SCHEDULE IMMEDIATELY AFTER R10M, AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

- F. P05-76: REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE XII. "ADMINISTRATIVE PROVISIONS", SECTION 12.3. "ENFORCEMENT", SUBSECTIONS 12.31. "ENFORCING INSPECTOR", 12.32. "ZONING PERMIT" (SUB-SUBSECTIONS 12.321. "ZONING PERMIT REQUIRED" AND 12.322. "APPROVAL OF PLANS") AND 12.33. "CERTIFICATE OF OCCUPANCY REQUIRED" TO CONJOIN ENFORCEMENT OF STEDMAN'S ZONING ORDINANCE WITH THE TOWN'S SUBDIVISION ORDINANCE. (STEDMAN)

PLAT & PLAN

- A. 05-091: EAST RIDGE SUBDIVISION REVIEW LOCATED ON THE EAST SIDE OF US HWY. 301 (DUNN ROAD), SOUTH OF SR 1831 (BAYWOOD ROAD), FOR A VARIANCE FROM SECTION 3.5 "ACCESS TO UNSUBDIVIDED PROPERTY", CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

CONDITIONAL USE DISTRICT AND PERMIT

- A. P03-91: REVOCATION OF A CONDITIONAL USE PERMIT FOR A PREVIOUSLY APPROVED CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A JUNK YARD AND OPEN STORAGE OF EQUIPMENT IN AN A1 DISTRICT, ON 3.21 ACRES, ON THE NORTHEAST SIDE OF WHITEHEAD ROAD, NORTH OF NC HIGHWAY 24, OWNED BY ZARKO JOHNSON.

VII. CONSIDERATION OF A REQUEST BY RICHARD WIGGINS.

VIII. PUBLIC HEARING ITEM

REZONING CASE

- A. P05-68: REZONING OF 1.69 ACRES FROM R6A TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1318 TOM STARLING ROAD, OWNED BY PAT LEAHY.

VIII. DISCUSSION

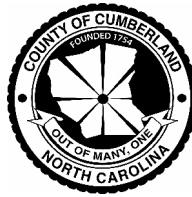
IX. FOR YOUR INFORMATION

- A. DIRECTOR'S UPDATE

X. ADJOURNMENT

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Joe W. Mullinax,
Town of Spring Lake
Harvey Cain, Jr.,
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Roy Turner,
Dr. Marion Gillis-Olson,
Lori Epler,
Cumberland County

MINUTES September 6, 2005

Members Present

Mr. Charles Morris, Chair
Mr. Donovan McLaurin, Vice-Chair
Mr. Harvey Cain, Jr.
Mr. Clifton McNeill
Mr. Roy Turner
Mr. Lori Epler

Member Absent

Mr. Joe W. Mullinax

Others Present

Ms. Nancy Roy, Director
Mr. Tom Lloyd, Dep. Dir.
Ms. Donna McFayden
Mr. Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. McLaurin delivered the invocation, and Chair Morris led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

A motion was made by Mr. McNeill and seconded by Mr. Turner to approve the Agenda. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions.

V. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF AUGUST 16, 2005

A motion was made by Mr. McLaurin and seconded by Mr. Turner to approve the Minutes of August 16, 2005 as written. The motion passed unanimously.

REZONING CASES

- A. P05-48: REZONING OF .49 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 607 FAIRVALE DRIVE, OWNED BY CHERYL L. JOHNSON.

The Planning staff recommended approval of C1(P) Planned Local Business District based on the finding that approval of this request would be consistent with adjacent zoning and uses within the area.

No one appeared in favor of or in opposition to the request.

A motion was made by Ms. Epler and seconded by Mr. McLaurin to follow the staff recommendation and approve the C1(P) Planned Local Business District. The motion passed unanimously.

PLATS AND PLANS

- A. 05-114: SOUTH CREEK VILLAGE SUBDIVISION REVIEW AT THE SOUTHEAST INTERSECTION OF H. BULLARD ROAD AND CYPRESS LAKES ROAD, FOR A VARIANCE FROM SECTION 4.3.d(2) "CONNECTION TO PUBLIC WATER AND SEWER", CUMBERLAND COUNTY SUBDIVISION ORDINANCE.

A motion was made by Mr. McNeill and seconded by Mr. McLaurin to follow the staff recommendation and grant the variance. The motion passed unanimously.

VII. PLANNING EXERCISE – MR. LLOYD

Mr. Lloyd explained to the Board the Planning Exercise and the Board designed a density development plan with excellent results.

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

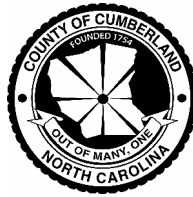
Ms. Roy reminded the Board to register for the North Carolina Planning Conference to be held in October and informed them of the 2030 Public Input meetings.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:45 p.m.

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Town of Linden

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Lori Epler,
Cumberland County

September 15, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-28: REZONING OF 58.10 +/- ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4674 RESEARCH DRIVE, SUBMITTED BY CRAWFORD DESIGN COMPANY, OWNED BY AMERICAN UNIFORM SALES.

The Planning staff recommends approval of the R10 Residential District based on the following:

1. The zoning request is consistent with the zoning of adjacent property.
2. The single family residential development would meet the height limitations as required by the Fayetteville Area Airport Master Plan.

The Planning staff finds that the subject property could be suitable for R20 and R15 Residential Districts.

SITE PROFILE

P05-28

REZONING OF 58.10 +/- ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4674 RESEARCH DRIVE, SUBMITTED BY CRAWFORD DESIGN COMPANY, OWNED BY AMERICAN UNIFORM SALES.

Site Information:

Applicant/Owner: CRAWFORD DESIGN COMPANY / AMERICAN UNIFORM SALES

Area: 58.10 acres

Frontage & Location: 1,110 feet on Research Drive

Depth: 1,440 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Undeveloped and County Environmental Container Site

Initial Zoning: March 15, 1979 (Area 6)

Zoning Violation(s): None

Surrounding Zoning: North-RR, R15, R10, R6A, C(P), M(P), East-RR, C3, M(P), South-RR, M(P), West-RR, R15, R10, M(P)

Surrounding Land Use: Solid waste facility, waste management, technology business

2010 Land Use Plan: Low Density Residential and Open Space

Designated 100-Year Floodplain or Floodway: at 79 MSL (based on NGVD 29)

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

School Capacity/Enrolled: Gallberry Farms Elementary 901/958, South View Middle 743/975, South View High 1715/1845

Subdivisions: May need a subdivision or group development review.

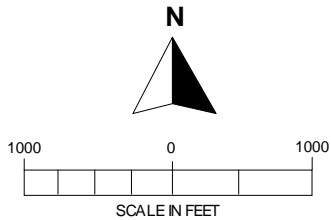
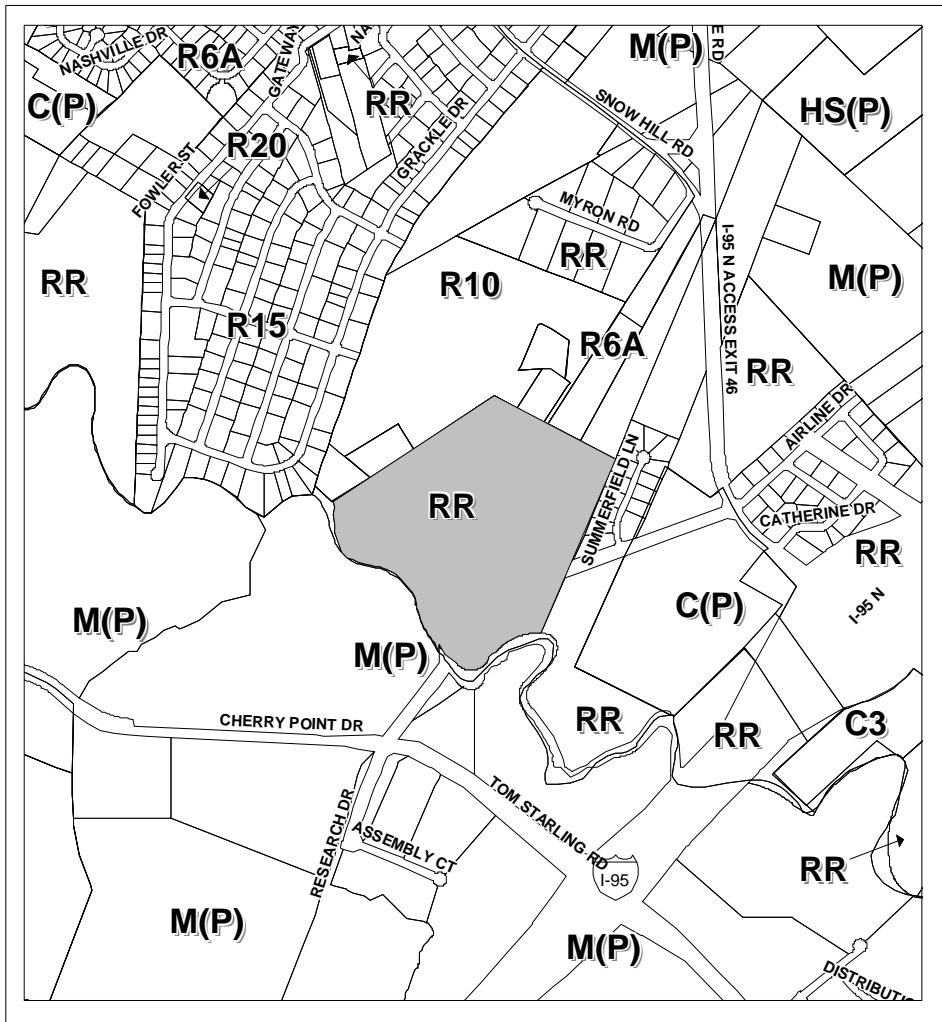
Highway Plan: No road improvements or new constructions specified for this area.

Airport: Recommend denial - this parcel is directly located in the approach to runway 4, the most heavily used runway with Instrument Landing Systems (ILS).

Notes:

Density minus 20% for roads:

- RR - 101 lots
- R15 - 134 lots
- R10 - 202 lots



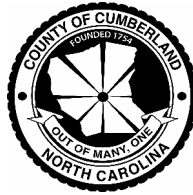
REQUESTED REZONING: RR TO R10		
ACREAGE: 58.10 AC.+/-		HEARING NO: P05-28
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0434-01-2857

SP

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September 15, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-65: REZONING OF 1.83 ACRES FROM R10 TO RR, LOCATED ON THE SOUTH SIDE OF CAMDEN ROAD, EAST OF OAKLAND AVENUE, OWNED BY DAVID L. AUTRY.

The Planning staff recommends approval of the RR Rural Residential District based on the finding that the zoning request would be compatible with the surrounding zoning in the area.

SITE PROFILE

P05-65

REZONING OF 1.83 ACRES FROM R10 TO RR OR, LOCATED ON THE SOUTH SIDE OF CAMDEN ROAD, EAST OF OAKLAND AVENUE, OWNED BY DAVID L. AUTRY.

Site Information:

Applicant/Owner: DAVID L. AUTRY

Area: 1.83 acres

Frontage & Location: 463 feet on Camden Road

Depth: 252 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: Area 4 (November 17, 1975)

Zoning Violation(s): None

Surrounding Zoning: North-RR, R10, M(P), East-RR, R10, R10/CU, C1(P), M2, South-RR, R20, R10, R6A, R6A/CU, West-RR, R10, C(P), C3

Surrounding Land Use: Manufactured home park, trash company, church

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic - PWC Water/Sewer available on Camden Road Extension

School Capacity/Enrolled: Cashwell Elementary 600/730, South View Middle 743/975, South View High 1715/1845

Subdivision: A group development or subdivision review shall be required.

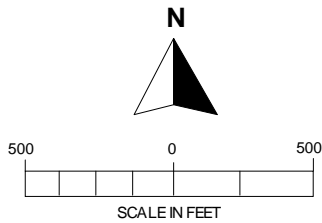
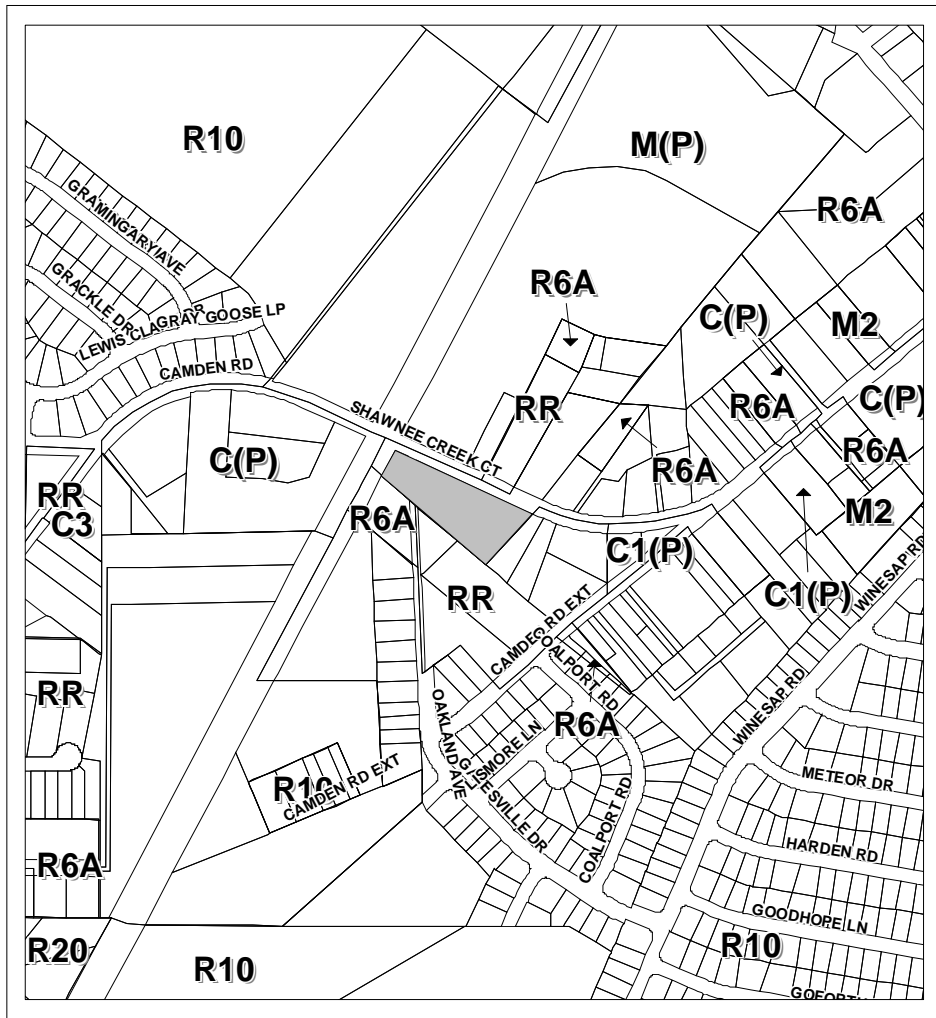
Military Impact Area: No

Highway Plan: Camden Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 60-foot right-of-way (90-100 feet proposed). Road widening improvements are included in the 2004-2010 MTIP. Planning-Completed, Design-In Progress, ROW Acquisition-FFY 06, Construction-Post Year. Road Realignment are included in the 2004-2010 MTIP. Planning-Completed, Design-In Progress, ROW Acquisition-FFY 06, Construction-FY 08-09

Average Daily Traffic Count (2000): 13,000 on Camden Road

Notes:

Density: R10 - 9 units
 RR - 4 units



**REQUESTED REZONING:
R10 TO RR**

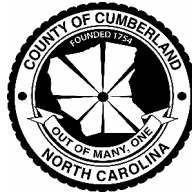
ACREAGE: 1.83 AC.+/-	HEARING NO: P05-65	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0415-94-8548

SP

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September 15, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-66: REZONING OF .77 +/- ACRES FROM R6A TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2305 CLINTON ROAD, OWNED BY HOMER C. BULLOCK.

The Planning staff recommends approval of the M(P) Planned Industrial District based on the finding that the zoning request is consistent with existing development in the area.

The Planning staff finds that the subject property could be suitable for M1(P) Planned Light Industrial District.

SITE PROFILE

P05-66

REZONING OF .77 +/- ACRES FROM R6A TO M(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2305 CLINTON ROAD, OWNED BY HOMER C. BULLOCK.

Site Information:

Applicant/Owner: HOMER C. BULLOCK

Area: .77 acres

Frontage & Location: 100 feet on Clinton Road

Depth: 305 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Mini Storage

Initial Zoning: April 26, 1979 (Area 8)

Zoning Violation(s): Yes

Surrounding Zoning: North-RR, R6A, C(P), M(P), East-RR, M(P), South-RR, RR/CU, R6A, M(P), West- RR, R6A, C(P), C3

Surrounding Land Use: Transport company, manufactured home park, church, no name commercial, and container leasing company

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC available

School Capacity/Enrolled: Sunnyside Elementary 305/300, Mac Williams Middle 1218/1120, Cape Fear High 1415/1510

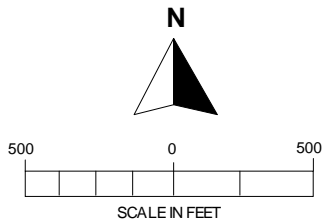
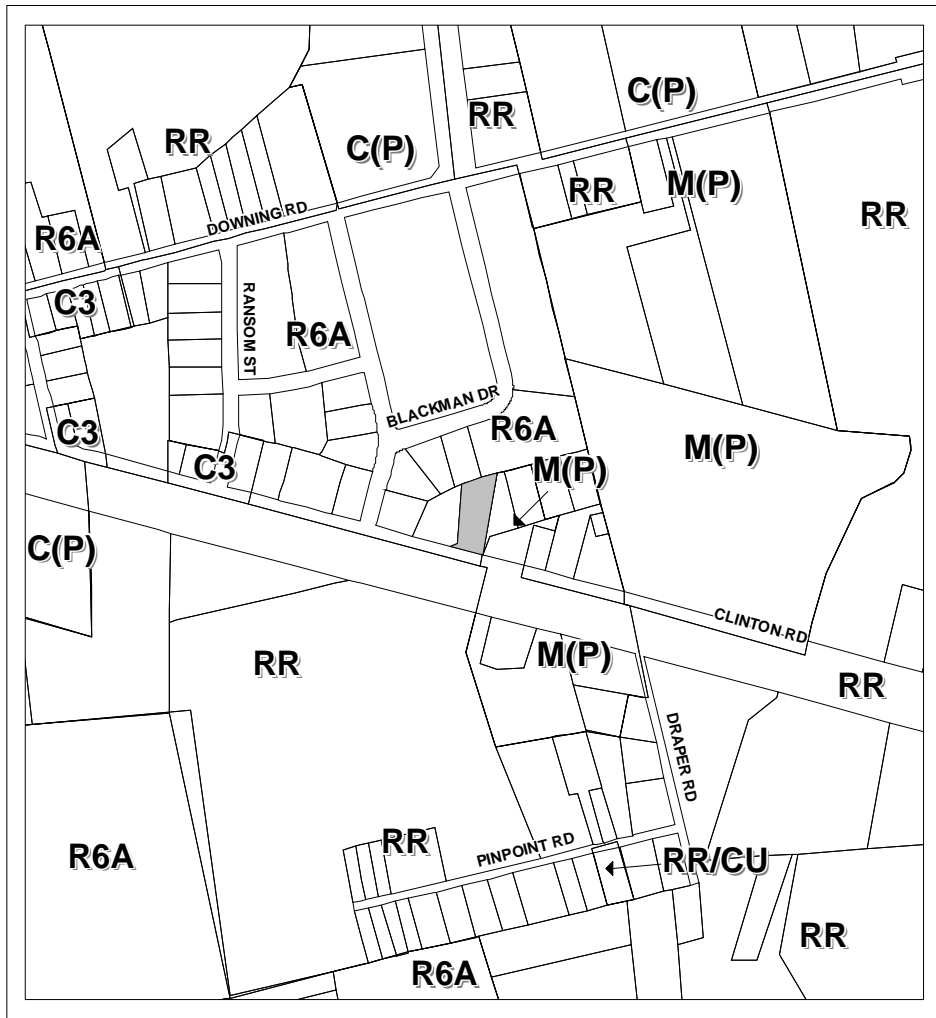
Subdivisions: 05-138 Site Plan review currently underway - must attain alternate yard requirements approval.

Military Impact Area: No

Highway Plan: No road improvements or new constructions specified for this area.

Average Daily Traffic Count (2000): 5,500 on Clinton Road

Notes:



**REQUESTED REZONING:
R6A TO M(P)**

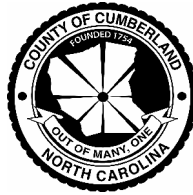
ACREAGE: 0.77 AC.+/-		HEARING NO: P05-66	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0456-09-4818

SP

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September 15, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-69: REZONING OF .23 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4310 CUMBERLAND ROAD, OWNED BY DREW AND KATHRENE A. BOXWELL.

The Planning staff recommends approval of the C1(P) Planned Local Business District based on the finding that the zoning request is consistent with the development trend in the surrounding area.

SITE PROFILE

P05-69

REZONING OF .23 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4310 CUMBERLAND ROAD, OWNED BY DREW AND KATHRENE A. BOXWELL.

Site Information:

Applicant/Owner: DREW AND KATHRENE A. BOXWELL

Area: .23 acres

Frontage & Location: 75 feet on Cumberland Road

Depth: 138 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

Surrounding Zoning: North-R10, R6A, East, South and West-RR, R10, R6A, C1(P), C3

Surrounding Land Use: Sound business, duplex, mambocache, thrift store, memorial business, auto sales, and hair design

Cumberland Road Study: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

School Capacity/Enrolled: Sherwood Park Elementary 615/581, Ireland Drive Middle 378/366, Douglas Byrd Middle 711/740, Douglas Byrd High 1320/1322

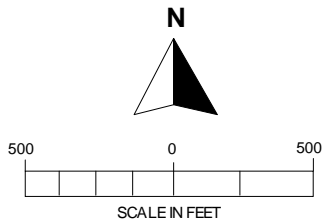
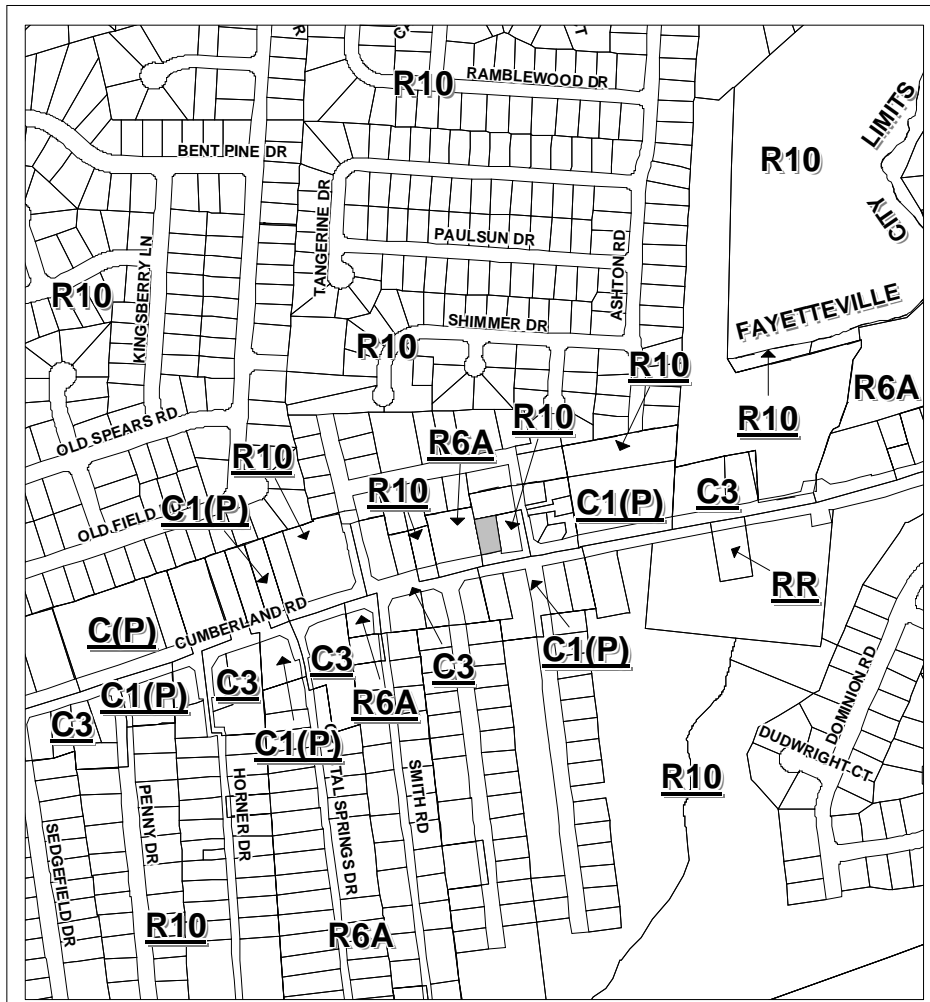
Subdivision: A site plan approval shall be required for any development, if rezoned.

Military Impact Area: No

Highway Plan: Cumberland Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 90-110 feet. Road improvements are included in the 2004-2010 MTIP. Planning-Completed, Design-Completed, ROW Acquisition-Completed, Construction-Part Completed/Part Under Construction.

Average Daily Traffic Count (2000): 20,000 on Cumberland Road

Notes:

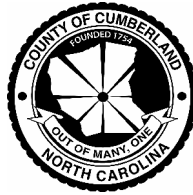


REQUESTED REZONING R10 TO C1(P)

ACREAGE: 0.23 AC.+/-	HEARING NO: P05-69	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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Town of Linden

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September 15, 2005

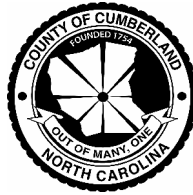
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SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-67: REVISION AND AMENDMENT TO THE SPRING LAKE ZONING CODE, BY CREATING SECTION 156.088, ENTITLED: LANDSCAPE REQUIREMENTS, IMPLEMENTING MINIMUM ACCEPTABLE STANDARDS FOR LANDSCAPING THUS PROVIDING PROTECTION OF THE VISUAL AND PHYSICAL ENVIRONMENT FOR THE CITIZENS OF SPRING LAKE. (SPRING LAKE)

The Planning staff recommends approval of the amendments to the Spring Lake Zoning Code as written.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Joe W. Mullinax,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Nancy Roy, AICP
Director
Thomas J. Lloyd,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Dr. Marion Gillis-Olson,
Lori Epler,
Cumberland County

September 15, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-71: REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: ALLEY, CUL-DE-SAC, HIGHWAY PLAN, AND PLANNING STAFF; AMENDING THE DEFINITION FOR THE TERM "STREETS" WITHIN ARTICLE I. SECTION 1.8. "DEFINITIONS"; AMENDING ARTICLE III, SECTION 3.17. "STREET DESIGN"; SECTION 3.18. "BLOCK LENGTHS"; AND ARTICLE IV, SECTION 4.1. "STREETS", SUBSECTIONS "E", "GUTTERS OR CURBS AND GUTTERS" AND "F", "REQUIRED DRAINAGE"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

The Planning staff recommends approval of the amendments to the Stedman Subdivision Ordinance as written.

Case No. P05-71

REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: ALLEY, CUL-DE-SAC, HIGHWAY PLAN, AND PLANNING STAFF; AMENDING THE DEFINITION FOR THE TERM "STREETS" WITHIN ARTICLE I. SECTION 1.8. "DEFINITIONS"; AMENDING ARTICLE III, SECTION 3.17. "STREET DESIGN"; SECTION 3.18. "BLOCK LENGTHS"; AND ARTICLE IV, SECTION 4.1. "STREETS", SUBSECTIONS "E", "GUTTERS OR CURBS AND GUTTERS" AND "F", "REQUIRED DRAINAGE"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

ADD to Article I, Section 1.8, Definitions, in Alphabetical Order

Alley: A paved public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turnaround.

Highway Plan: A plan, formally known as "Fayetteville Area Metropolitan Planning Organization Highway Plan", that provides and defines a functional system of streets permitting travel from origins to destinations with directness, ease and safety. Different streets in this system are designed and called on to perform specific functions, thus minimizing the traffic and land service conflict.

Planning Staff: The personnel of the Cumberland County Planning and Inspections Department.

AMEND Article I, Section 1.8., Definitions, "Street" as Indicated

Street, Public: A public right-of-way for vehicular traffic. The word "street" includes, but is not limited to, "road, freeways, expressways, and thoroughfares *and streets*" as fully defined in the adopted Highway Plan and briefly described below:

- (1) ~~**Official Thoroughfare Plan:** Any Thoroughfare Plan that has been adopted by the County Board of Commissioners or the governing body of any municipality in the County.~~

~~(12) **Freeways and expressways (arterials):** The primary function of freeways and expressways is to move large volumes of inter-urban, inter-county and interstate traffic *at high speeds with safety and efficiency. These are facilities with full control of access and are not intended to serve the abutting property.* They are not intended to serve the abutting property and, therefore, should provide limited access with grade separations at all intersections. They should be at least four-lane divided facilities permitting as high an average operation speed as legal and should connect the major economic, recreation and population centers of the county with those of the state and nation.~~

~~(23) **Major thoroughfares:** *The main function of major thoroughfares is to serve as primary traffic arteries of the urban area and to accommodate traffic movements within, around, and through the area. Though their primary function is to serve traffic, they may also serve abutting property with limited or controlled access.* Primarily for the movement of heavy volumes of traffic, major thoroughfares should form connections with all the industrial, commercial and population centers within the county and with the major roads in neighboring counties. Depending upon anticipated traffic volumes and adjacent development, they may be two lanes, four or more lanes undivided, or four or more lanes divided facilities with either limited or controlled access and with major intersections separated. Though their primary function is to serve traffic, they may also serve abutting property with controlled access.~~

~~(34) **Minor thoroughfares (Collectors):** The main function of the minor thoroughfares is to collect traffic from the local *streets* roads and carry it to the major thoroughfares *system*. They should be designed to serve a limited area with no access control or grade separation.~~

~~(45) **Local street:** A local service street designed primarily for access to abutting properties, *such as: residential streets, cul-de-sacs, etc.*~~

~~(6) **Cul-de-sac:** A local street permanently terminated by a turn-around.~~

~~(57) **Marginal access street:** A local street which parallels and is immediately adjacent to a major thoroughfare, freeway or expressway, and which provides access to abutting property and protection from through traffic.~~

AMEND Article III, Section 3.17, "Street Design" as Indicated

SECTION 3.17. STREET DESIGN

Street gradient, ~~reverse curves~~, and horizontal alignment shall be in accordance with the standards and specifications of the North Carolina Department of Transportation *or the Town of Stedman*.

- a. Right-of-Way. Proposed street right-of-way shall be of sufficient width to meet the requirements of this Ordinance. *Street right-of-way shall be provided as follows:*

<u>Street Classification</u>	<u>Minimum Width (feet)</u>
Arterial	100-175
Major Thoroughfare	80
Minor Thoroughfare (collector)	60
Minor Thoroughfare (residential)	50
Cul-de-sac	40
Alley	20

~~and the specifications of the Department of Transportation, but in no case shall the right of way be less than sixty (60) feet for unpaved streets and fifty (50) feet for paved streets.~~ *The classification of all proposed streets will be determined by the Planning Staff with the approval of the Town Board of Commissioners.* Where a subdivider elects to establish a street divided with a median strip, the right-of-way width shall not be less than ~~eighty (80) feet~~ and no median strip shall be less than ~~twenty (20) feet~~ wide.

- b. Cul-de-sac. A cul-de-sac shall not be longer than ~~eight hundred (800) feet~~ and shall be provided at the closed end with a circular turnaround having an outside roadway diameter of at least ~~eighty (80) feet~~ and a right-of-way line diameter of at least ~~one hundred (100) feet~~.
- c. Corner radii. Property lines at street intersection shall be rounded with a radius of ~~twenty five (25) feet~~.
- d. Intersecting streets. Streets shall be laid out so as to intersect as nearly as possible at right angles.
- e. Street offsets. Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines shall not be less than ~~one hundred twenty five (125) feet~~.

AMEND Article III, Section 3.18, “Block Lengths” as Indicated

SECTION 3.18. BLOCK LENGTHS

Block lengths shall not be longer than ~~one thousand eight hundred (1,800)~~ feet; provided, that where a longer block will result in less traffic through residential subdivisions from adjoining businesses or areas, the Planning ~~Staff department~~ may ***recommend and the Town Board of Commissioners may*** approve block lengths in excess of ~~one thousand eight hundred (1,800)~~ feet. Where blocks longer than ~~one thousand eight hundred (1,800)~~ feet are permitted, ***paved*** crosswalks of a width not less than ten ~~(10)~~ feet may be required.

AMEND Article IV, Section 4.1, “Streets”, Subsection “e” as Indicated

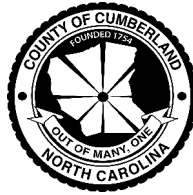
- e. Gutters or curbs and gutters. All streets constructed under this Chapter shall ***provide concrete*** curbs and gutters installed in accordance with the ~~standards and specifications of the North Carolina Department of Transportation or the Town of Stedman’s~~ ***whichever is applicable. standards and specifications. Curb and gutters shall be two foot rolled or valley types on residential streets and two foot six inch, 90 degree vertical high back concrete curb and gutters for commercial development. Curb inlets shall be placed a maximum of 500 feet apart, unless otherwise approved by the Town Engineer.***

AMEND Article IV, Section 4.1, “Streets”, Subsection “f” as Indicated

- f. Required drainage.
 - (1) An adequate drainage system shall be installed by the subdivider in accordance with good engineering practices and the standards of the North Carolina Department of Transportation or the Town of Stedman, whichever is applicable. Such drainage shall remove all surface water without undue damage to street right-of-way and adjacent properties. Conditions contributing to the breeding of insects shall be avoided. ***All drainage plans shall be approved by the Town Engineer.***
 - (2) All culvert and pipe drains shall be installed to the standards and specifications of the North Carolina Department of Transportation or the Town of Stedman, ***and approved by the Town Engineer.***

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Cumberland County

September 15, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-72: REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: HIGH VOLTAGE LINE; AND ARTICLE IV, SECTION 4.3. "OTHER REQUIREMENTS", BY ADDING SUBSECTIONS "H", "STREET TREE REQUIREMENTS" AND "I", "UNDERGROUND UTILITIES"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

The Planning staff recommends approval of the amendments to the Stedman Subdivision Ordinance as written.

Case No. P05-72

REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I, SECTION 1.8. "DEFINITIONS", BY ADDING IN ALPHABETICAL ORDER: HIGH VOLTAGE LINE; AND ARTICLE IV, SECTION 4.3. "OTHER REQUIREMENTS", BY ADDING SUBSECTIONS "H", "STREET TREE REQUIREMENTS" AND "I", "UNDERGROUND UTILITIES"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

ADD to Article I, Section 1.8, Definitions, in Alphabetical Order

High voltage line: A high voltage line is an electrical line 25kv or greater.

AMEND Article IV, Section 4.3, "Other Requirements", by CREATING Subsection "h", "Street Tree Requirements"

h. Street tree requirements. All developments shall provide a minimum of one tree per 50 linear feet of street frontage. Calculation of the required number of trees shall be as follows: Take the total length of street frontage plus the distance to the last tree (if the adjacent development has an approved plan) and divide by 50; if this calculation results in a fraction of ½ or greater one additional tree shall be added and less than ½ shall be ignored.

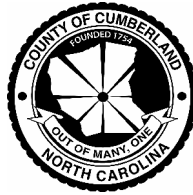
- (1) Trees shall be planted in the center of an area a minimum of three-foot in width from the back of the curb to the sidewalk or as approved by the Town Board of Commissioners.
- (2) Street trees may be a deciduous or evergreen variety that reaches a height 30 feet at maturity as understood by the American Nursery Association.
- (3) The size of the trees to be planted shall be 2" caliper minimum (circumference) in accordance with the American Nursery Association standards.
- (4) Healthy existing trees may be used to meet these requirements with a recommendation from the Planning Staff and approval by the Town Board of Commissioners.
- (5) Street trees shall be a maximum of 50 feet apart.

AMEND Section 4.3, "Other Requirements", by CREATING Subsection "i", "Underground Utilities"

- i. Underground utilities. All utilities within a development shall be placed underground except for high voltage electrical lines.

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Cumberland County

September 15, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-73: REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I. SECTION 1.8. "DEFINITIONS" BY ADDING IN ALPHABETICAL ORDER: OPEN SPACE, STEDMAN AREA DETAILED LAND USE PLAN, AND TOWN ADMINISTRATOR, AND AMENDING THE DEFINITION FOR GROUP DEVELOPMENT; AMENDING ARTICLE III. "GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN", BY CREATING SECTION 3.13.1. "REQUIRED PARKS, OPEN SPACE, RECREATION AREA PROVISIONS"; AMENDING SECTION 3.21. "GROUP DEVELOPMENTS", "K", "RECREATION AREAS"; AMENDING 3.24. "ZERO LOT LINE DEVELOPMENTS", AND CREATING 3.24 "K", "RECREATION AREAS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

The Planning staff recommends approval of the amendments to the Stedman Subdivision Ordinance as written.

Case No. P05-73

REVISIONS AND AMENDMENTS TO THE STEDMAN SUBDIVISION ORDINANCE, ARTICLE I. SECTION 1.8. "DEFINITIONS" BY ADDING IN ALPHABETICAL ORDER: OPEN SPACE, STEDMAN AREA DETAILED LAND USE PLAN, AND TOWN ADMINISTRATOR, AND AMENDING THE DEFINITION FOR GROUP DEVELOPMENT; AMENDING ARTICLE III. "GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN", BY CREATING SECTION 3.13.1. "REQUIRED PARKS, OPEN SPACE, RECREATION AREA PROVISIONS"; AMENDING SECTION 3.21. "GROUP DEVELOPMENTS", "K", "RECREATION AREAS"; AMENDING 3.24. "ZERO LOT LINE DEVELOPMENTS" AND CREATING 3.24. "K", "RECREATION AREAS"; AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

ADD to Article I, Section 1.8, Definitions, in Alphabetical Order

Open Space: The land used for recreation, natural resource protection, amenities and/or buffer areas. Open space may include, but is not limited to, walkways, recreation areas, playgrounds, wooded areas, greenways and watercourses.

Stedman Area Detailed Land Use Plan: The long-range plan for the desirable use of land within the Town and within its Municipal Influence Area, and immediate surrounding area may be officially adopted and as amended from time to time by the Stedman Board of Commissioners and the County Board of Commissioners.

Town Administrator: The Town employee who is responsible for managing the daily affairs of the Town.

AMEND Article I, Section 1.8, Definitions, "Group Development" as Indicated

Group Development: A group of two (2) or more principal *uses*, structures, *or dwelling units* ~~or three (3) or more mobile homes occupying~~, built on, *or intended to occur on* a single lot, tract or parcel of land. ~~of at least forty thousand (40,000) square feet and designed for occupancy by separate families, business firms or other enterprises as regulated in Section 3.21.~~

**AMEND Article III, “General Requirements and Minimum Standards of Design”
by CREATING Section 3.13.1. “Required Parks, Open Space, Recreation
Provisions”**

**SECTION 3.13.1. REQUIRED PARKS, OPEN SPACE,
RECREATION AREA PROVISIONS**

Every residential development shall provide a portion of land for the purpose of providing park, recreation and open space areas. Existing development with residential structures thereon shall not be subject to the standards of this Section. For residential group developments, residential condominium developments, townhouses, and other multi-family development’s recreation provisions, see Section 3.21.k of this Ordinance.

- a. Amount of Land: The amount of parks, open space, or recreation area shall be 500 square feet per dwelling unit or lot when the area is above the floodplain; 1,000 square feet per dwelling unit or lot when the area is located within the floodplain; and 2,000 square feet per dwelling unit or lot when the area is a water body. When water bodies are dedicated for meeting these requirements, the Town’s Board of Commissioners must approve the area. No credit shall be given for land subject to mandatory preservation such as the requirements of the *Flood Damage Prevention Ordinance* requirements and storm water requirements. The dedication provision may include a combination of land above the floodplain, land in the floodplain, water bodies and land not within the development. Parkland dedicated that contains five acres or more, meets park specifications, and is consistent with the *Stedman Area Detailed Land Use Plan* shall be accepted by the Town. Developments that require less than five acres and are not consistent with the *Stedman Area Detailed Land Use Plan* may pay a fee in lieu of dedication as determined by the Town’s Board of Commissioners.**

Park, recreation or open space areas shall be of such dimensions as to be functionally useable and maintainable. Developments that would require less than five acres may be exempt from providing on-site park, recreation or open space areas by the Stedman Board of Commissioners when:

- (1) The onsite park, recreation or open space area cannot be combined with such areas serving adjacent property to form a functionally usable and maintainable area; or**
- (2) The parks, recreation, or open space needs of the development can be adequately met by existing or planned public parks, recreation, or open space areas. In determining the size of a**

development for this purpose, the Town and the Planning Staff shall consider the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the development is constructed in phases or sections; however,

(3) For any development exempt from providing on-site park, recreation or open space areas, the developer shall pay a fee to the Town of Stedman in lieu thereof to be used to acquire parks, recreation or open space areas to benefit the area residents.

b. Standards for Park, Recreation and Open Space Areas: All park, recreation and open space areas shall meet the following standards unless special exception is recommended by the Town Administrator or his/her designee and the Planning Staff, and approved by the Town. These standards are as follows:

(1) Unity: The dedicated land shall be a single parcel of land, whether or not the development is developed in phases or sections, except where it is determined by the Town Board of Commissioners, after consideration of a recommendation from the Town Administrator or his/her designee and the Planning Staff, that multiple parcels would better serve the residents of the development and the public.

(2) Usability: A maximum of one-half of the dedicated park, recreation or open space area may be water. When one-half of the dedicated area is water, the remaining land must be useable land for a park. The usability of dedicated parks, recreation or open space area shall be determined by the Town Board of Commissioners, after consideration of a recommendation from the Town Administrator or his/her designee and the Planning Staff. The Town Board of Commissioners is the final authority on this matter.

(3) Shape: The portion of the dedicated area not water or wetlands shall be of such shape to be usable for recreation facilities, including, but not limited to, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, swings, slides, play apparatuses, open play areas, picnicking, etc.

(4) Location: The dedicated land shall be located to reasonably serve the recreation and open space needs of the residents within the development. The Town Board of Commissioners, after consideration of a recommendation from the Town Administrator

or his/her designee and the Planning Staff, may require that the land dedicated be located on the periphery of the development in order to allow enlargement by combining the park, recreation and open space areas with adjacent developments; when adjacent property is publicly owned; or when there are plans that identify the area as future parks, recreation or open space to be acquired by the Town. There shall be provisions at the discretion of the Town, to negotiate the location of the land or fee when it is deemed in the best interest of the immediate residents and the long-range parks and recreation plan. This negotiation includes swapping larger, cheaper tracts of land away from the development for the smaller more expensive tract near the development. This shall only be allowed when there is sufficient park and recreation area to meet the needs of the affected development's residents.

- (5) Access: All residents of the development shall have free, easy and convenient ingress and egress to and from the dedicated area within the development provided by means of streets or public walkways or trails with the primary point of access being a minimum width of 20 feet. Rights-of-way for this access shall be shown on the preliminary plats or plans and final plats. All dedicated land areas shall have access by way of a public street. Dedicated areas that do not have frontage on a public street but are adjacent to an existing public park, recreation or open space area that has such access is exempt from this requirement.
- (6) Required Storm Water Detention/Retention Facilities: These facilities shall not be accepted as fulfilling the park, recreation or open space requirements.
- (7) Landscaping: Dedicated parks, recreation and open space areas shall have a sufficient natural or manmade buffer or screen to minimize any negative impacts on adjacent residents.
- (8) Consistency with Master Open Space Plans: Any portion of a development that lies within an area designated on the *Stedman Area Detailed Land Use Plan* (not exceeding the amount required to be dedicated) shall be included as part of the area set aside to satisfy the park, recreation and open space requirements. This area shall be dedicated to public use.

(9) 100-Year Flood Elevation: In addition, all base parkland (above the 100-year flood elevation) dedicated to the public sector must meet the following:

(a) Must be outside of the 100-year flood area;

(b) Must have a minimum average slope of three percent and a maximum average slope of fifteen percent;

(c) Must not be a former site of or contain any remains of hazardous materials;

(d) Must have access to a public street;

(e) Must be a single parcel of land, unless exception is granted by the Town; and

(f) All sites containing developed facilities must be approved by the Town.

c. Procedure for the Dedication of Parks, Recreation and Open Space Areas:

(1) Designation of Land to be Dedicated: The developer, upon submission of a residential preliminary plan, shall indicate at that time his/her intent to either dedicate land or pay a fee in lieu thereof. The developer shall designate whether such dedication will be to the public sector or a homeowners' association. The developer shall also designate on the preliminary plan the area or areas to be dedicated for park, recreation or open space.

(2) Review of Land to be Dedicated: The Planning Staff shall submit a copy of the preliminary to the Town Administrator for review. The Town Administrator or his/her designee shall submit any and all recommendations concerning the land to be dedicated to the Planning Staff within ten working days upon receipt of the preliminary plan.

(3) Ownership: The entity owning land to be dedicated for parks, recreation and open space shall be selected by the owner, developer or subdivider, subject to the approval of the Town Administrator. These entities may include, but are not limited to, the following:

(a) The County of Cumberland, subject to acceptance by the County;

(b) The Town of Stedman, whether within its boundary or not, subject to acceptance by the Town;

(c) Other public jurisdictions or agencies, conservancy or nonprofit organizations, subject to their acceptance; and/or

(d) Homeowner, condominium, or cooperative associations or organizations.

(4) Required Conditions of Homeowner Associations: Homeowner associations or similar legal entities that own and maintain park, recreation and open space areas shall be established in such a manner that:

(a) Provision for the establishment of the association or similar entity is made prior to any lot or unit in the development being sold or any building being occupied;

(b) Membership must be mandatory for each lot or unit owner and any successive buyer;

(c) The association shall be responsible for the liability insurance, if any, local taxes and maintenance of the areas;

(d) Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property;

(e) If all or any portion of the property held by the association is being disposed of or if the association is dissolved, the park, recreation and open space areas shall be first offered to the Town and if accepted, deeded to the Town. If the Town declines such offer, then the area shall be offered to any of the remaining entities as defined in Ownership [Subsection (3)] above; and

(f) The right to use the park, recreation or open space shall be guaranteed to each resident of the development in good standing with the homeowners' association.

(5) Maintenance of Areas: The entity as defined in Ownership [Subsection (3)] above shall be responsible for the continuing

upkeep and proper maintenance of the park, recreation or open space area.

(6) Provisions for Payment in Lieu of Dedication: When it is determined that the park, recreation and open space needs of a development can be met by existing or proposed public park, recreation or open space areas, then the Town Administrator and the Planning Staff, with approval from the Town Board of Commissioners, may authorize the developer to pay a fee to the Town in lieu of dedication. The Town Administrator and the Planning Staff may also authorize, with approval from the Town Board of Commissioners, a combination dedication and partial payment in lieu of dedication when it is determined that this method is in the best interest of the residents in the area to be served and the public at large. The Town Board of Commissioners shall make the final decision on this matter.

a. Procedure: The developer shall include with the application for a preliminary approval a letter requesting approval to make a payment in lieu of dedication. Upon receipt of the preliminary, the Planning Staff shall submit a copy of the preliminary with the letter to the Town Administrator. The Town Administrator shall submit a recommendation to the Planning Staff within ten working days.

b. Amount of Payment: The fee in lieu of dedication shall be \$50.00 per lot or unit shown on the preliminary plan. Any additional lots or units created by revisions to initial preliminary plan shall also be subject to the \$50.00 per lot or unit fee.

c. Use of Payments in Lieu of Dedication: All monies received by the Town for fees in lieu of dedication shall only be used for the acquisition and development of parkland or recreation area nearest to the development within the Town or its Municipal Influence Area, or other areas with the approval of the Town Board of Commissioners that will benefit the residents within the development. All funds will be spent within the Town of Stedman or its Municipal Influence Area. This does not imply that the general public cannot benefit from these funds, especially in cases where the money is used for acquisition of neighborhood, community and regional parks.

d. Required Payment in Lieu of Dedication: If the existing or proposed dedicated land does not meet the long-range plans for Parks and Recreation, the Town Administrator and the Planning Staff, with approval from the Town Board of Commissioners, may require payment in lieu of dedication. The Town Administrator and the Planning Staff, with the Town Board of Commissioners' approval, may also require a fee in lieu of dedication when the proposed dedicated area is less than one-half acre in size. All subdivisions that qualify to be approved as "No Approval Required" under Subsections 3 and 4 of the definition of "subdivision" in Section 1.8 of this Ordinance shall pay the fee in lieu of dedication unless it is determined that it would be in the best interest of the residents in the development or the general public otherwise.

e. Time of Payment: When a payment in lieu of dedication is authorized, such payment must be made before approval of the final plat or if a final plat is not required, then prior to the issuance of any Certificate of Occupancy. If the development is constructed in phases or sections, a payment relating to each phase or section must be made prior to the approval of the final plat or in the event a final plat is not required, prior to issuance of the Certificate of Occupancy for each unit within the phase or section.

AMEND Article III, Section 3.21, Group Developments, Subsection "k" as Indicated

k. Recreation Areas. In residential group developments, designated recreation areas and facilities shall be provided on site and shall consist of at least 500 square feet of area for each dwelling unit within the development and shall be located and designed with a reasonable relationship to building locations and the particular recreation requirements of the occupants. Recreation areas shall comply with the following provisions:

(1) Group developments containing less than 10 units shall provide 500 square feet of recreation area per unit;

(2) Group developments containing between 10 and 100 units shall provide individual recreation site(s) having a minimum size of 5,000 square feet; and

(3) Group developments containing more than 100 units shall provide individual recreation sites having a minimum size of 10,000 square feet.

Land areas within the required yard can be counted as part of the required recreation/open space area provided they are developed, which would include tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over 10% of the required recreation/open space area. On-site amenities outside the required yard area such as indoor recreation centers and clubhouses may be counted as part of the recreation/open space requirements up to one-half of the required area. Recreation/open space areas dedicated to the public sector shall be subject to all the requirements in Section 3.13.1 - Required Parks, Open Space, and Recreation Area Provisions, of this Ordinance.

AMEND the First Paragraph of Section 3.24, "Zero Lot Line Developments" as Indicated

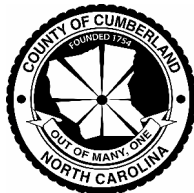
Zero lot line developments shall comply with all of the requirements of group developments when not specified herein (Section 3.21), and for the purposes of determining compliance with this **Ordinance** appendix and the Stedman Zoning Ordinance, such development plan shall be considered a group development. ~~except that a zero lot line development plan shall be proposed for a tract of land less than twenty thousand (20,000) square feet.~~ Residential zero lot line developments shall be exempt from the provisions of Section 3.20 "Lot Standards" **of this Ordinance** and ~~Article X~~, Section 10.1 of **the** Stedman Zoning Ordinance entitled "Lot," provided that any such development complies with all provisions of this section. ~~Further, such development shall be exempt from Section 3.21 (k) when the total lot area for all units exceeds the minimum zoning ordinance standard for the district or, where no zoning is in effect, an average of six thousand (6,000) square feet per unit.~~

AMEND Section 3.24, Zero Lot Line Developments by CREATING Subsection "k", "Recreation Requirements"

k. Recreation Areas. All developments shall provide recreation area in accordance with Section 3.13.1 - Parks, Recreation, and Open Space of this Ordinance.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Joe W. Mullinax,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Nancy Roy, AICP
Director
Thomas J. Lloyd,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Dr. Marion Gillis-Olson,
Lori Epler,
Cumberland County

September 15, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-74: REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE X. SECTION 10.2. "DEFINITIONS OF SPECIFIC TERMS AND WORDS", BY ADDING IN ALPHABETICAL ORDER: ASSEMBLY, BED AND BREAKFAST, BOARDING HOUSE, CEMETERY, CONDITIONAL USE, CONVALESCENT HOME, DENSITY, DWELLING, GOLF COURSE/DRIVING RANGE, HOSPITAL, AND SETBACK; AMENDING THE DEFINITIONS FOR: ACCESSORY STRUCTURE OR USE, CHILDREN'S DAY CARE FACILITIES, AND RELIGIOUS WORSHIP ACTIVITIES; INSERTING INTO ARTICLE II. "GENERAL ZONING DISTRICT CLASSIFICATION", SECTION 2.11. "RESIDENTIAL DISTRICTS", AFTER "R10M RESIDENTIAL DISTRICT" IN BOLD TYPE: "R6 RESIDENTIAL DISTRICT" AND "R5A RESIDENTIAL DISTRICT"; AMENDING ARTICLE III. "PERMITTED PRINCIPAL USES AND STRUCTURES" BY CREATING TABLE 1-B.1 "PERMITTED AND CONDITIONAL USES RESIDENTIAL DISTRICT R6" AND TABLE 1-B.2 "PERMITTED AND CONDITIONAL USES RESIDENTIAL DISTRICT R5A"; AMENDING ARTICLE VII. "LOT AND YARD REGULATION", SECTION 7.3. "DISTRICT DIMENSIONAL PROVISIONS" BY INSERTING DISTRICT, MINIMUM LOT SIZE, AND MINIMUM YARD REGULATIONS FOR R6 AND R5A DISTRICTS; AMENDING ARTICLE XII. "ADMINISTRATIVE PROVISIONS", SECTION 12.6. "FEES", INSERTING R6 AND R5A INTO THE FEE SCHEDULE IMMEDIATELY AFTER R10M, AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

The Planning staff recommends approval of the amendments to the Stedman Zoning Ordinance as written.

Case No. P05-74

REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE X. SECTION 10.2. "DEFINITIONS OF SPECIFIC TERMS AND WORDS", BY ADDING IN ALPHABETICAL ORDER: ASSEMBLY, BED AND BREAKFAST, BOARDING HOUSE, CEMETERY, CONDITIONAL USE, CONVALESCENT HOME, DENSITY, DWELLING, GOLF COURSE/DRIVING RANGE, HOSPITAL, AND SETBACK; AMENDING THE DEFINITIONS FOR: ACCESSORY STRUCTURE OR USE, CHILDREN'S DAY CARE FACILITIES, AND RELIGIOUS WORSHIP ACTIVITIES; INSERTING INTO ARTICLE II. "GENERAL ZONING DISTRICT CLASSIFICATION", SECTION 2.11. "RESIDENTIAL DISTRICTS", AFTER "R10M RESIDENTIAL DISTRICT" IN BOLD TYPE: "R6 RESIDENTIAL DISTRICT" AND "R5A RESIDENTIAL DISTRICT"; AMENDING ARTICLE III. "PERMITTED PRINCIPAL USES AND STRUCTURES" BY CREATING TABLE 1-B.1 "PERMITTED AND CONDITIONAL USES RESIDENTIAL DISTRICT R6" AND TABLE 1-B.2 "PERMITTED AND CONDITIONAL USES RESIDENTIAL DISTRICT R5A"; AMENDING ARTICLE VII. "LOT AND YARD REGULATION", SECTION 7.3. "DISTRICT DIMENSIONAL PROVISIONS" BY INSERTING DISTRICT, MINIMUM LOT SIZE, AND MINIMUM YARD REGULATIONS FOR R6 AND R5A DISTRICTS; AMENDING ARTICLE XII. "ADMINISTRATIVE PROVISIONS", SECTION 12.6. "FEES", INSERTING R6 AND R5A INTO THE FEE SCHEDULE IMMEDIATELY AFTER R10M, AND AMENDING THE "TABLE OF CONTENTS" TO REFLECT THE ABOVE AMENDMENTS WHERE APPLICABLE. (STEDMAN)

ADD to Article X, Section 10.2, "Definitions of Specific Terms and Words", in Alphabetical Order

Assembly: An event causing a company of persons to collect together in one place, and usually for some common purpose, such as for deliberation and legislation, worship or social entertainment.

Bed and Breakfast: A form of temporary/transient housing with breakfast included, but no other meals available. There is no restaurant, but overnight guests may use a dining room, which is open only during breakfast hours.

Boarding House: A building other than a bed and breakfast, hotel, inn or motel where, for compensation, meals are served and lodging is provided.

Cemetery: As defined in Chapter 65, Article 9, of the General Statutes of North Carolina, any one or a combination of more than one of the following in a place used or to be used and dedicated or designed for cemetery purposes: a) burial park for earth internment; b) mausoleum; c) columbarium.

Conditional Use: Those uses for which a permit is required for the proposed activities which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique

challenges or possess unique characteristics, or qualities that require comprehensive review at a quasi-judicial public hearing by the Town Board of Adjustment and which may be allowed only after the findings of fact and the imposition of reasonable conditions.

Convalescent Home (Nursing Home): An institution that is advertised, announced or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities such as an operating room, x-ray facilities, laboratory facilities or obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes convalescent homes is that the residents will require the individualization of medical care.

Density: The average number of families, persons, housing units or buildings per unit of land.

Dwelling: A building or portion thereof designed, arranged or used for permanent living quarters. The term “dwelling” shall not be deemed to include a travel trailer, recreational vehicle, motel, hotel, tourist home or other structures designed for transient residence.

Golf Course/Driving Range: Land developed for the recreational purpose of golf, excluding miniature golf courses and including country clubs, private and public courses, driving ranges and pro and snack shops.

Hospital: An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services primarily for inpatients and including as related: clinic facilities, laboratories, outpatient departments, training facilities and staff offices.

Setback: The required distance between every structure with other structures, whether on the same or separate lots, and every structure and the lot lines of the lot on which it is located.

AMEND Article X, Section 10.2, “Definitions of Specific Terms and Words” as Indicated

~~Accessory Building structure or Use: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. A building or use, not including signs, which is:~~

- A. Conducted or located on the same zoned lot as the principal building or*

use, or off-street parking, as specifically provided for in this Ordinance;

- B. Clearly incidental to, subordinate in area and purpose to, and serving the principal use; and*
- C. Either in the same ownership as the principal use or clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.*

Children's Day care facility: A building or *dwelling* premises regularly used for recreational or supervisory care of *nine* ~~six~~ or more *persons (adults or children)*, ~~children unrelated to the operator, but not including foster homes.~~ *not including the operator's own family members, during any 24-hour period. It does not matter where it is located, whether the same or different persons attend and whether or not it is operated for profit. The following are not included: public schools; nonpublic schools, as described in N. C. GEN. STAT. §110-86(2); summer camps having children in full-time residence; summer day camps; specialized activities or instruction such as athletics, clubs, the arts, etc.; and bible schools normally conducted during vacation periods.*

Religious Worship Activity: ~~Any premises, Church, temple, or synagogue,~~ the principal purpose of which is religious worship and in which the principal structure is the principal place of worship. Accessory uses may include religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall and a one-family dwelling unit (*parsonage*). ~~but excluding day care nurseries and facilities for residence or training of religious orders.~~

AMEND Article II, "General Zoning District Classification", Section 2.11, "Residential Districts" by AMENDING and INSERTING as Indicated

2.11. RESIDENTIAL DISTRICTS

Residential districts are composed of certain existing residential areas of the Town and certain areas where similar residential development appears likely to occur. The regulations for these districts are designed to stabilize and protect the essential characteristics of each district by promoting and encouraging a suitable environment for family life and prohibiting certain activities of a commercial or industrial nature. To these ends, development is limited to dwellings which provide homes for the residents plus certain additional uses as schools, parks, recreation facilities and certain other public facilities. This system of classification is utilized to optimize orderly development by providing a variety of living environments based on different levels of permitted population density, facilitating the adequate provision of transportation and other public facilities.

R15 Residential District

A district designed primarily for single-family dwelling units with a lot area of ~~fifteen thousand~~ (15,000) square feet or above.

R10 Residential District

A district designed primarily for single-family dwellings on medium sized lots with a lot area of ~~ten thousand~~ (10,000) square feet or above.

R10M Residential District

A district designed for a mix of single-family and multi-family dwellings, including the use of mobile homes, on *medium sized* individual lots *having a lot area of 10,000 square feet or above.*

R6 Residential District

This district is designed primarily for multi-family dwelling units with a maximum density of 8 units per net acre.

R5A Residential District

This district is designed primarily for multi-family dwelling units with a maximum density of 13 1/2 units per net acre.

AMEND Article III, “ Permitted Principal Uses and Structures” by CREATING Table 1-B.1

**TABLE 1-B.1
PERMITTED AND CONDITIONAL USES
RESIDENTIAL DISTRICT R6**

PERMITTED USES

Accessory Uses incidental to any permitted use (See Section 3.3)

Dwelling – Multi-family

Dwelling – Single-family

Family care home

Fire station operation & emergency services

Golf courses

Group homes (6 or less clients)

Home occupations, incidental

Library

Public and community utility stations or substations

Public agency owned and operated recreation, such as neighborhood center buildings, parks, playgrounds and similar facilities

Religious worship activities

Schools – public

Swimming pools, incidental to a principal use (See Section 3.3, Subsection 3.334, as an incidental use in every zoning district)

Telephone exchange operations

Temporary construction building

CONDITIONAL USES

Assemblies
Bed & breakfast
Boarding house operations
Cemetery
Club or lodge, except such uses defined and/or regulated in Section 3.4
Day care facility
Group quarters
Home care unit
Home for the aged
Medical and dental clinics
Mobile home, individual, for construction, office and exhibition
Nursing home, convalescent home, hospital, sanitarium, and retirement home
Private recreation club or swimming club, activities not operated as a business
for profit
Radio or Television transmitting
Residential habilitation support facility
Rooming house operation
Schools - private
Special information signs
Tower

**AMEND Article III, “ Permitted Principal Uses and Structures” by CREATING
Table 1-B.2**

**TABLE 1-B.2
PERMITTED AND CONDITIONAL USES
RESIDENTIAL DISTRICT R5A**

Any permitted or conditional use allowed in the R6 Residential District.

**AMEND Article VII, “Lot and Yard Regulation”, Section 7.3, “District Dimensional
Provisions”** (Chart is on next page)

Section 7.3 District Dimensional Provisions

District	Minimum Lot Size (See Paragraphs 7.13, 7.14, 7.15 and 7.19)				Minimum Yard Regulations				
	Square Feet Dwelling Units			Frontage (in feet)	Side Yard Width (in feet) By Structure (See Paragraphs 7.17, 7.29)				
	First Dwelling Unit	2 nd , 3 rd & 4 th Dwelling Units	5 or more Dwelling Units		Front Yard Setback (in Feet) (See Paragraph 7.23) Measured from R/W line	1 Story	2 Story	For each Additional Story greater than 2 add:	Rear Yard Depth (in feet) (See Paragraphs 7.17, 7.25, 7.29)
R15	15,000	15,000	15,000	75	30	15	15	10 ft/story	35
R10	10,000	7,500	7,500	75	30	10	15	8 ft/story	35
R10M	10,000	7,500	7,500	75	30	10	15	8 ft/story	35
R6	6,000	5,000	4,000	60	25	10	12	6 ft/story	30
R5A	5,000	3,000	3,000	60	25	10	12	4 ft/story	30
District	Minimum Area (See Paragraph 5.15)		Minimum Yard Regulations						
			Front Yard Setback In Feet (See Paragraph 7.23) Measured from		Side Yard Width Except As Regulated By Paragraphs 7.29 & 7.30		Rear Yard Depth In Feet (See Paragraphs 7.27 & 7.29)		
			R/W Line	Measured from Street Centerline					
C1			45	75	15	20			
C3			45	75	15	20			
C(P)	Two Acres (Net)		50	80	30	30			
M2			50	80	30	20			

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Lori Epler,
Cumberland County

September 15, 2005

MEMO TO: PLANNING BOARD

FROM: PLANNING STAFF

SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-76: REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE XII. "ADMINISTRATIVE PROVISIONS", SECTION 12.3. "ENFORCEMENT", SUBSECTIONS 12.31. "ENFORCING INSPECTOR", 12.32. "ZONING PERMIT" (SUB-SUBSECTIONS 12.321. "ZONING PERMIT REQUIRED" AND 12.322. "APPROVAL OF PLANS") AND 12.33. "CERTIFICATE OF OCCUPANCY REQUIRED" TO CONJOIN ENFORCEMENT OF STEDMAN'S ZONING ORDINANCE WITH THE TOWN'S SUBDIVISION ORDINANCE. (STEDMAN)

The Planning staff recommends approval of the amendments to the Stedman Zoning Ordinance as written.

REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE XII. "ADMINISTRATIVE PROVISIONS", SECTION 12.3. "ENFORCEMENT", SUBSECTIONS 12.31. "ENFORCING INSPECTOR", 12.32. "ZONING PERMIT" (SUB-SUBSECTIONS 12.321. "ZONING PERMIT REQUIRED" AND 12.322. "APPROVAL OF PLANS") AND 12.33. "CERTIFICATE OF OCCUPANCY REQUIRED" TO CONJOIN ENFORCEMENT OF STEDMAN'S ZONING ORDINANCE WITH THE TOWN'S SUBDIVISION ORDINANCE. (STEDMAN)

SECTION 12.3. ENFORCEMENT

12.31. Enforcing Inspector.

The provisions of this Ordinance shall be administered and enforced by the *County's Code Enforcement Coordinator* ~~Building Inspector~~ who shall also be known as the ~~Town~~ Zoning Inspector. This official, or his representative shall have the right to enter upon the premises necessary to carry out his duties in the enforcement of this Ordinance *and the Town's Subdivision Ordinance*.

It is the intention of this Ordinance that all questions arising in connection with enforcement and interpretation shall be presented first to the Zoning Inspector who is charged with the enforcement of this Ordinance *and the Town's Subdivision Ordinance*. If the Zoning Inspector finds that he is not authorized to make a determination or judgment or that the question automatically falls within the jurisdiction of the Board of Adjustment, he shall refer such matters to the Board for review and decision. From the decision of the Board of Adjustment, recourse shall be had to the courts as provided by law.

12.32. Zoning permit.

12.321. Zoning Permit Required. It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structures or to commence the moving, alteration, or repair of any structure or the use of any land or building including accessory structures, until the Zoning Inspector has issued a zoning permit for such work or use including a statement that the plans, specifications and intended use of such land, or structure in all respects conforms with the provisions of this Ordinance *and the Town's Subdivision Ordinance*. Application for a zoning permit shall be made in writing to the Zoning Inspector on forms provided for that purpose. Zoning permits shall be void after six months from date of issue unless substantial progress on the project has been made by that time.

12.322. Approval of Plans. It shall be unlawful for the Zoning Inspector to approve any plans or issue a zoning permit for any purpose regulated by this Ordinance *and the Town's Subdivision Ordinance* until

he has inspected such plans in detail and found them in conformity with this Ordinance *and the Town's Subdivision Ordinance*. To this end, the Zoning Inspector shall require that every application for a zoning permit be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the Zoning Inspector to ascertain whether the proposed activity is in conformance with this Ordinance *and the Town's Subdivision Ordinance*:

(a) The actual shape, location and dimensions of the lot.

(b) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.

(c) The existing and intended use of all such buildings or other structures.

(d) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance *and the Town's Subdivision Ordinance* are being observed.

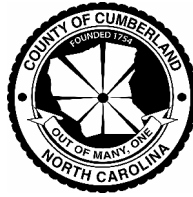
12.323. Issuance of zoning permit. If the proposed activity as set forth in the application is in conformity with the provisions of this Ordinance *and the Town's Subdivision Ordinance*, the Zoning Inspector shall issue a zoning permit for such purpose. If any application for a zoning permit is not approved, the Zoning Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of this Ordinance *or of the Town's Subdivision Ordinance*.

12.33. Certificate of Occupancy Required.

No land or structure (except for signs) or part thereof hereafter erected, moved or altered in its use shall be used until the Zoning Inspector shall have issued a Certificate of Occupancy stating that such land, structure or part thereof is found to be in conformity with the provisions of this Ordinance *and the Town's Subdivision Ordinance*. Within three days after notification that a structure or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this Ordinance *and the Town's Subdivision Ordinance* or, if such certificate is refused, to state refusal in writing with the cause.

Charles C. Morris
Chair
Town of Linden

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COUNTY of CUMBERLAND

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Thomas J. Lloyd,
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Clifton McNeill, Jr.,
Roy Turner,
Dr. Marion Gillis-Olson,
Lori Epler,
Cumberland County

September 13, 2005

MEMORANDUM

TO: Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 05-091
East Ridge
(Zero Lot Line Subdivision Review)

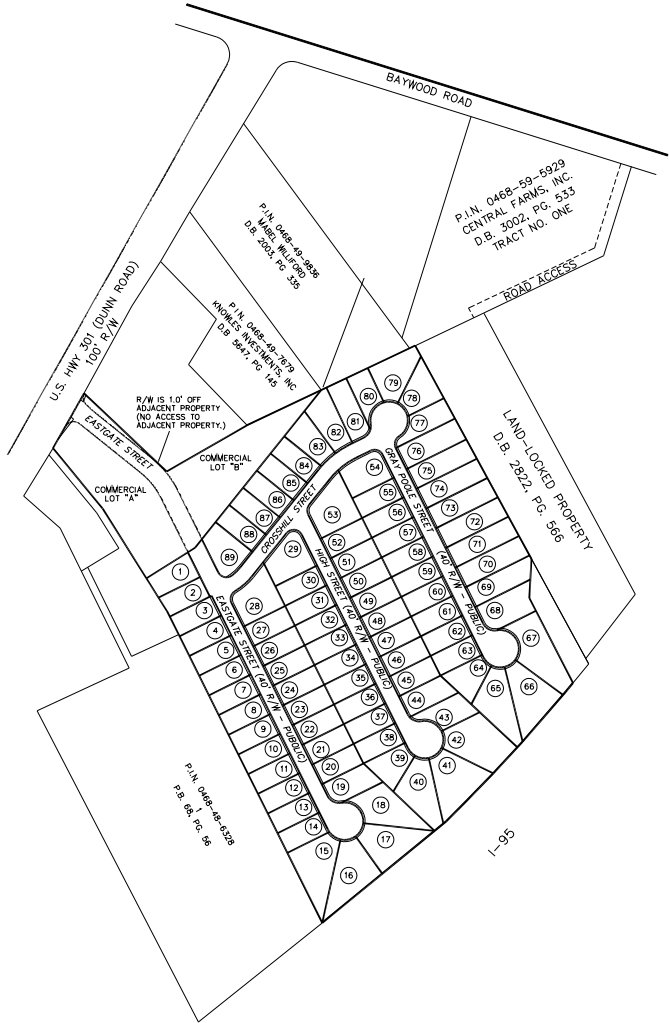
The developer submitted a request for a variance from Section 3.5 "Access To Unsubdivided Property", Cumberland County Subdivision Ordinance. The developer has requested to not meet condition # 34, which requires access to be provided to an adjacent land-locked property. The subdivision ordinance requires that whenever possible and when streets are being built, that the developer shall provide access to adjacent land-locked properties. The development is zoned R10 Residential and C(P) Planned Commercial Districts and contains 26.66 acres.

The property in question is located along the proposed lots 67-79. This land-locked property is zoned RR Rural Residential, R10 Residential and M2 [M(P)] Heavy Industrial Districts. The entire property is currently being use for industrial operations. The access to this property is through a dirt roadway that comes off of Baywood Road.

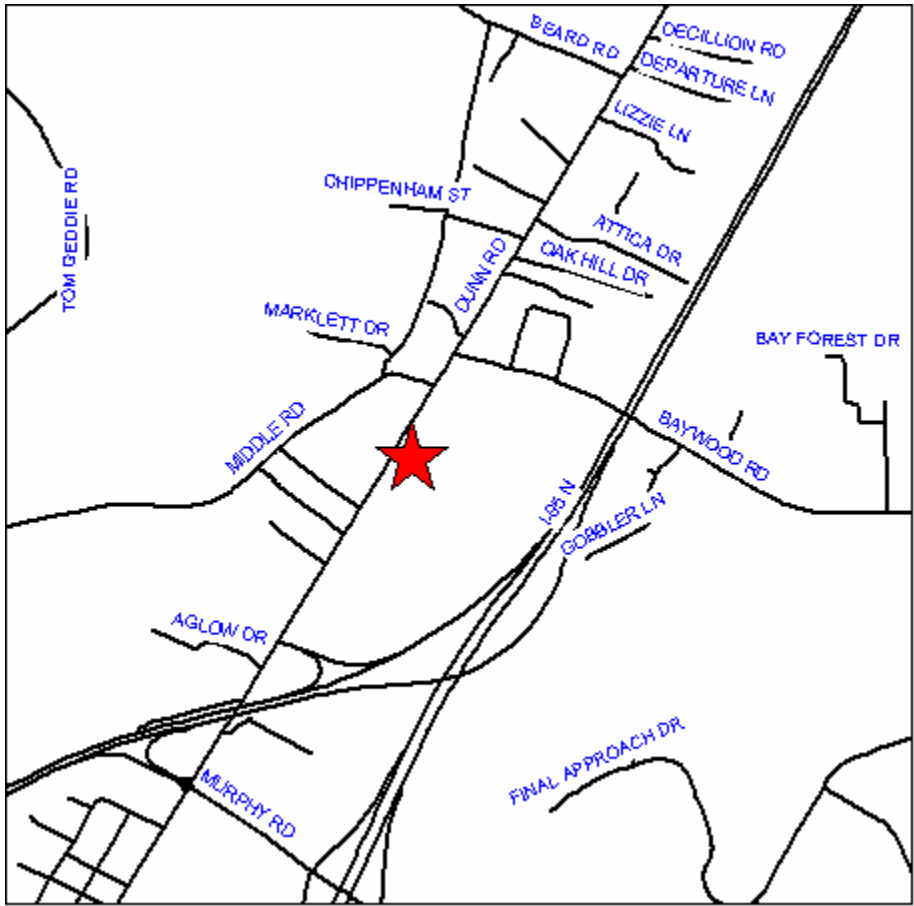
In accordance with Section 6.1, Variances, of the Cumberland County Subdivision Ordinance, the Planning Board may vary the requirements of this Ordinance, where because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the subdivider.

The Planning Staff recommends **approval** of the variance based on the following:

- The Planning Staff agrees with the developer that an industrial operation taking access through a residential subdivision would not be appropriate,
- The owner of the land-locked property (Frances Snow Mosley) has come in and talked with the Planning Staff and has stated that she does not desire to have or the need for access through the proposed subdivision.

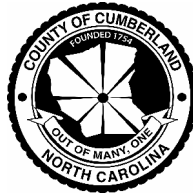


EAST RIDGE ZERO LOT LINE SUBDIVISION
REVIEW
REQUEST: A VARIANCE FROM SECTION 3.5
CUMBERLAND COUNTY SUBDIVISION ORDINANCE
CASE: 05-091 ZONING: R10 & C(P)
ACREAGE: 26.66± SCALE: NTS



Charles C. Morris
Chair
Town of Linden

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Joe W. Mullinax,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

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Dr. Marion Gillis-Olson,
Lori Epler,
Cumberland County

September 15, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P03-91: REVOCATION OF A CONDITIONAL USE PERMIT FOR A PREVIOUSLY APPROVED CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A JUNK YARD AND OPEN STORAGE OF EQUIPMENT IN AN A1 DISTRICT, ON 3.21 ACRES, ON THE NORTHEAST SIDE OF WHITEHEAD ROAD, NORTH OF NC HIGHWAY 24, OWNED BY ZARKO JOHNSON.

The Planning staff recommends revocation of the Conditional Use Overlay District and Permit based on the conditions of approval not being met as outlined in the packet material and that the zoning reverts back to the A1 zoning classification. The property would have to be brought into compliance with the County Zoning Ordinance meeting the standards of the previous A1 zoning classification.

Note: The Planning & Inspections Director concurs with the revocation of the Conditional Use Overlay District and Permit.

SITE PROFILE
P03-91

REVOCATION OF A CONDITIONAL USE PERMIT FOR A PREVIOUSLY APPROVED CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A JUNK YARD AND OPEN STORAGE OF EQUIPMENT IN AN A1 DISTRICT, ON 3.21 ACRES, ON THE NORTHEAST SIDE OF WHITEHEAD ROAD, NORTH OF NC HIGHWAY 24, OWNED BY ZARKO JOHNSON.

Site Information:

Applicant/Owner: ZARKO JOHNSON

Area: 3.21 acres

Frontage & Location: 299 feet on Whitehead Road

Depth: 657 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Junk yard and open storage of equipment

Initial Zoning: April 26, 1979 (Area 8)

Zoning Violation(s): Yes - noncompliance with the Conditional Use Permit

Surrounding Zoning: North-A1, RR, R10, East-A1, R40A, RR, M(P), South-A1, R40A, RR, R6A, C(P), M(P), and West-A1, RR, M(P)

Surrounding Land Use: Open storage of junk cars, nursery business, equipment company

2010 Land Use Plan: One-acre residential

Urban Services Area: Yes

Water/Sewer Availability: PWC available 200 ft. West, using Well / Septic

School Capacity/Enrolled: Armstrong Elementary 498/430, Mac Williams Middle 1218/1120, Cape Fear High 1415/1510

Military Impact Area: No

Highway Plan: No road improvements or new constructions specified for this area.

Average Daily Traffic Count (2000): 13,000 on NC Hwy 24

Notes:

See Letter, dtd: 8-23-05, "Consideration of Revocation of Conditional Use District and Permit," by Ken Sykes, Code Enforcement Officer.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
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Town of Spring Lake
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COUNTY of CUMBERLAND

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Clifton McNeill, Jr.,
Roy Turner,
Dr. Marion Gillis-Olson,
Lori Epler,
Cumberland County

August 23, 2005

Mr. Zarko Johnson
4721 Beaufort Drive
Fayetteville, North Carolina 28304

SUBJECT: Consideration of Revocation of Conditional Use District and Permit
Case No. P03-91 (600 Whitehead Road)

Dear Mr. Johnson,

Due to your failure to comply with all of the conditions placed upon the above referenced case after consideration and approval of your application for a Conditional Use District and Permit by the Board of County Commissioners, you are hereby notified that your approval will be considered for revocation and will be heard at public hearing by the **County Joint Planning Board on September 20, 2005, at 7:00 pm, in Hearing Room 3C, Historic Courthouse**, 130 Gillespie Street, Fayetteville, North Carolina.

Your original application for rezoning to M(P) Planned Industrial District was submitted on or after October 10, 2003 with a hearing before the Planning Board on November 18th, 2003. This application was submitted as a result of your receipt of a *Notice of Zoning Violation* from this department. At the Planning Board hearing, it was suggested you consider submission of a Conditional Use application, with no additional fee charged, due to opposition to your request for rezoning. With your agreement, the case was deferred in order to give you time to submit the Conditional Use application, which was heard and conditionally recommended for approval by the Planning Board on February 17, 2004. The Board of County Commissioners approved your request on March 15, 2004 subject to the conditions, which you had previously agreed to. One of the conditions was that the partially constructed block building on the property be completed within six months (September 15, 2004) or demolished within 30 days of the six-month period (October 15, 2004). Neither option was met.

On September 13, 2004, this office received a request from you asking for an extension to allow more time to complete the building. With a non-favorable recommendation from the Planning Board, the Board of County Commissioners granted a six-month extension for completion of the project on October 18, 2004. This extension period expired on April 18, 2005.

Attached is a copy of the most recent document you received itemizing the conditions placed upon your property by the Board of County Commissioners after hearing your request for an extension. As noted, you were given a six-month extension from October

(Letter to Z. Johnson, Case No. P03-91, dated August 23, 2005, continued)

18th to complete the project. On March 23, 2005, you applied for and received a building permit. The permit was granted for a "single family, residential addition" rather than a commercial building. The permit is now voided. As of the date of this letter, no substantial effort appears to have been made by you to complete the building and, as of the date of this letter, the project is still not complete.

It is imperative that you attend the hearing on September 20, 2005, and please be advised that this hearing will be a quasi-judicial proceeding following quasi-judicial procedures, including sworn testimony with only factual evidence submitted to and considered by the Board. Upon the Planning Board's determination of a recommendation, your case will be placed upon the County Board of Commissioners' agenda for their final determination.

If the Board of County Commissioners revokes your Conditional Use District and Permit, the property will remain zoned A1 Agricultural District and you will be expected to bring the property into compliance with the County Zoning Ordinance meeting the standards of the A1 zoning district.

Sincerely,



Ken Sykes
Chief Code Enforcement Officer

Attachments:

- Memo, dated 12-14-04, Modification of Conditions for Conditional Use Permit
- Building Permit, dated 03-23-05, 600 Whitehead Road
- Packet w/ cover letter, dtd 08-22-05, from R. Mosley, incl. current photos of site/building

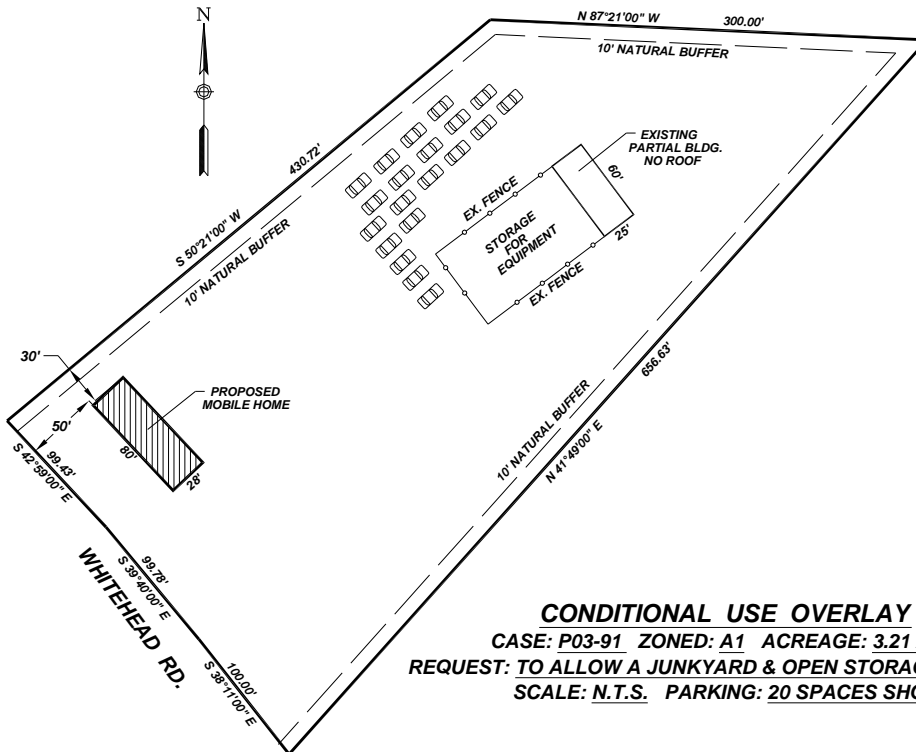
cc: Ronnie Mosley, Code Enforcement Officer
Patti Speicher, Land Use Codes Supervisor
Tom Lloyd, Deputy Director
Nancy Roy, Director
Grainger Barrett, County Attorney
County Joint Planning Board Members
Board of County Commissioners

August 23, 2005

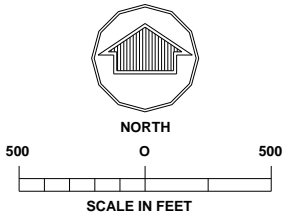
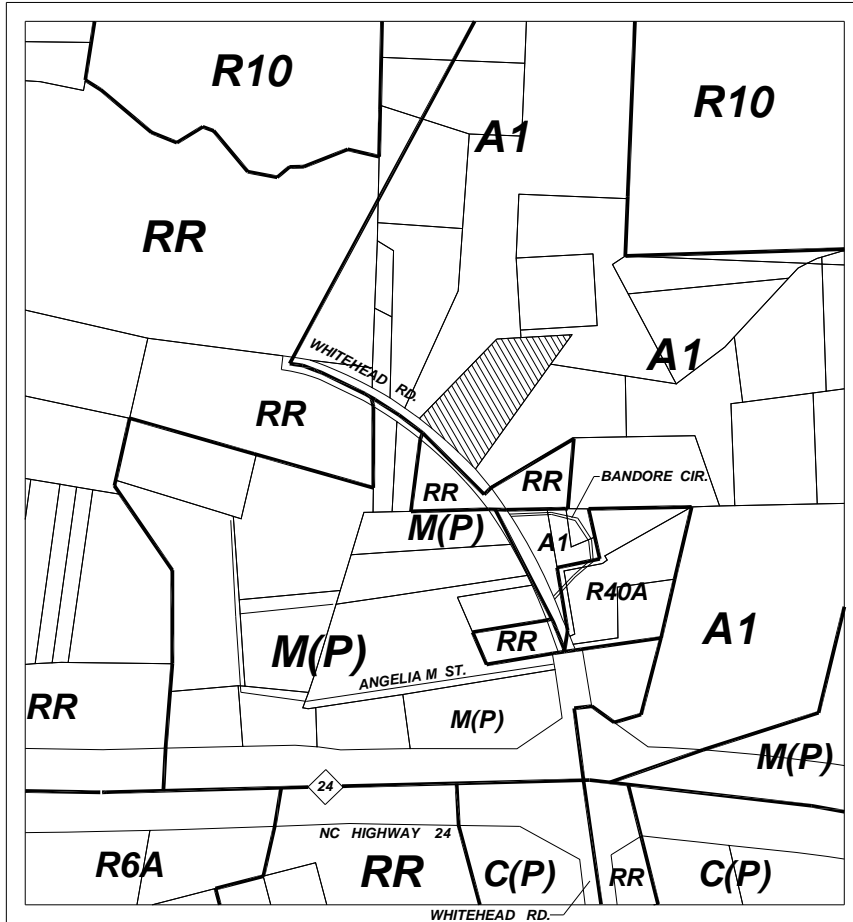
I ~~concur~~/do not concur with the consideration of the revocation of the Conditional Use District and Permit.



Nancy Roy
Director



CONDITIONAL USE OVERLAY
 CASE: P03-91 ZONED: A1 ACREAGE: 3.21 AC.±
 REQUEST: TO ALLOW A JUNKYARD & OPEN STORAGE OF EQUIP.
 SCALE: N.T.S. PARKING: 20 SPACES SHOWN

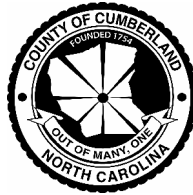


CONDITIONAL USE OVERLAY DISTRICT REQUEST

ACREAGE: 3.21 AC. ±	HEARING NO: P03-91	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Joe W. Mullinax,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Nancy Roy, AICP
Director
Thomas J. Lloyd,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Dr. Marion Gillis-Olson,
Lori Epler,
Cumberland County

September 15, 2005

MEMO TO: PLANNING BOARD
FROM: PLANNING STAFF
SUBJECT: STAFF RECOMMENDATIONS
FOR SEPTEMBER 20, 2005 MEETING

P05-68: REZONING OF 1.69 ACRES FROM R6A TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1318 TOM STARLING ROAD, OWNED BY PAT LEAHY.

The Planning staff recommends denial of the C1(P) Planned Local Business District based on the following:

1. The 2010 Land Use Plan calls for medium density residential development for the property.
2. The area is predominately residential in nature and the zoning request would not be compatible with the surrounding area.

SITE PROFILE
P05-68

REZONING OF 1.69 ACRES FROM R6A TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1318 TOM STARLING ROAD, OWNED BY PAT LEAHY.

Site Information:

Applicant/Owner: PAT LEAHY

Area: 1.69 acres

Frontage & Location: 382 feet on Tom Starling Road

Depth: 185 feet

Jurisdiction: County

Adjacent Property: Yes

Current Use: Residential

Initial Zoning: June 25, 1980 (Area 13)

Zoning Violation(s): None

Surrounding Zoning: North-RR, R15, R10, R6A, East-CD, A1, R15, R6A, C1(P), M2, M2/CU, South-A1, R6A, M(P), West-A1, RR, R10, M(P)

Surrounding Land Use: Retail and thrift store, and auto shop

2010 Land Use Plan: Medium Density Residential

Designated 100-Year Floodplain or Floodway: No Flood

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic - PWC water available, sewer 500 feet +/-

School Capacity/Enrolled: Gallberry Farms Elementary 901/958, South View Middle 743/975, Grays Creek High 1100/940

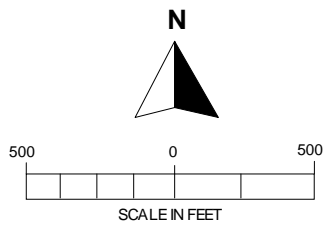
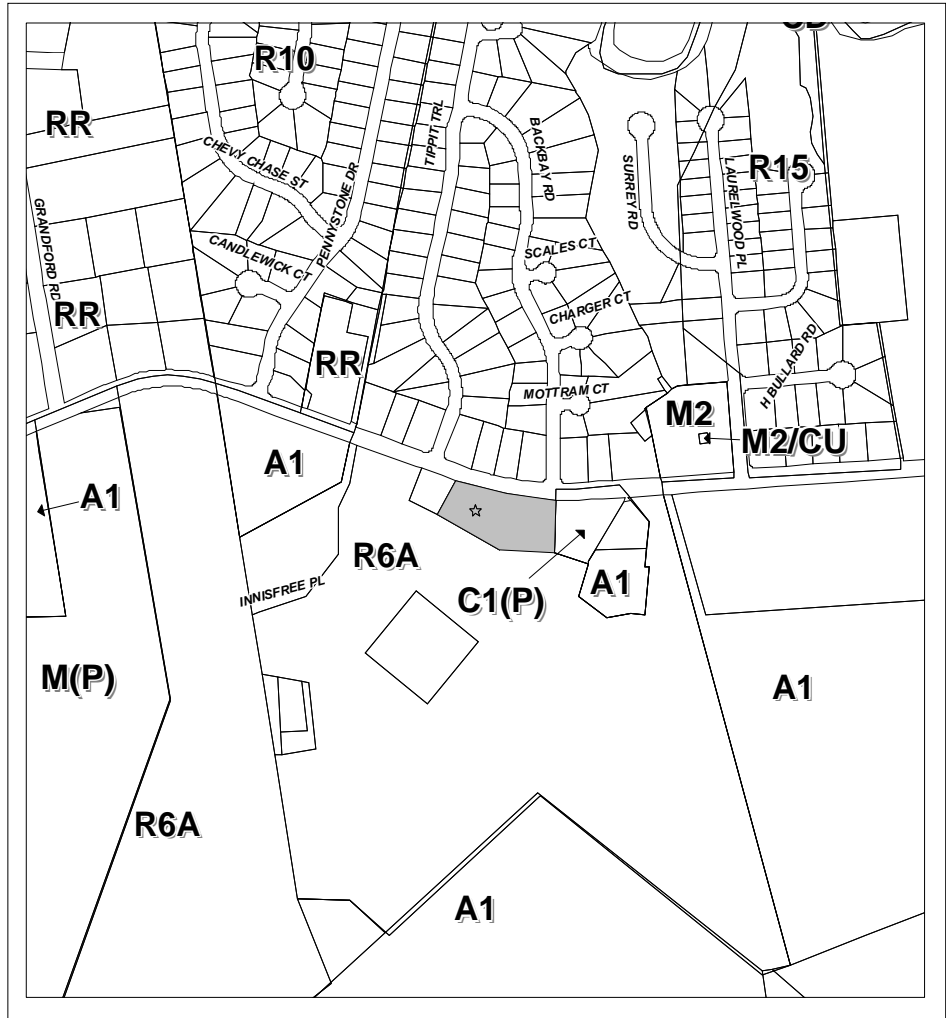
Subdivisions: A Site Plan review shall be required for any development if rezoned.

Military Impact Area: No

Highway Plan: Tom Starling Road is identified as a Major Thoroughfare. It has a current 60-foot right-of-way, 100 feet proposed. This is a Priority 1-FY 2004-2010 MTIP, committed/feasibility study and request.

Average Daily Traffic Count (2000): 2,800 feet on Tom Starling Road

Notes:



**REQUESTED REZONING:
R6A TO C1(P)**

ACREAGE: 1.68 AC.+/-		HEARING NO: P05-68	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0433-75-6532

SP

