

Charles C. Morris
Chair
Town of Linden
Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Interim Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

AGENDA

APRIL 18, 2006
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS
 - A. **P06-19:** REZONING OF .61 ACRES FROM RR TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6630 WALDOS BEACH ROAD, OWNED BY MARVIN C. AND LILLIE M. WILKINS.
 - B. **P06-21:** REZONING OF .35 ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOT 31, PINE ACRES SUBDIVISION, SECTION 2, PLAT BOOK 13/PAGE 20, KNOWN AS 3618 BOONE TRAIL, OWNED BY JERRY D. PIERCE.
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF APRIL 4, 2006
 - B. **P05-69:** A CONDITIONAL USE PERMIT TO ALLOW AN OFFICE IN A C1(P)/CUD, ON .23 ACRES, AT 4310 CUMBERLAND ROAD, OWNED BY DREW AND KATHRENE BOXWELL.
 - C. **P06-07:** REZONING OF .50 ACRES FROM C1(P)/CU TO C(P)/CUD TO ALLOW PERMITTED USES WITH EXCLUSIONS AT 4436 CUMBERLAND ROAD, OWNED BY VICTOR M. GURGANIOUS.
 - D. **P06-22:** REZONING OF .48 ACRES FROM CD TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3434 SAVANNAH DRIVE, OWNED BY PATRICK AND PATRICIA SNYDER.
 - E. **P06-23:** REZONING OF A 1.29 ACRE PORTION OF A 90.17 ACRE TRACT FROM R40A TO A1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 8280 CEDAR CREEK ROAD, SUBMITTED BY MICHAEL TATE, PLS, OWNED BY BILLY D. HORNE.

- F. **P06-24:** REZONING OF 2.96 ACRES FROM A1 TO A1A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5884 AND 5892 GOLDSBORO ROAD, OWNED BY PHYLLIS & RONNIE LUCK.
- G. **P06-25:** REZONING OF .30+/- ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3210 PELLIGRINI AVENUE, OWNED BY EDWIN J. AND WINIFRED B. MILLER.
- H. **P06-26:** REZONING OF .86 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3954 CAMDEN ROAD, OWNED BY HENRY G. AND BONNIE T. JOYNER.
- I. **P06-28:** INITIAL ZONING OF 76.64 ACRES TO R40A, LOCATED EAST OF SHERRILL BAGGETT RD, SOUTH OF BEND OF RIVER ROAD, SUBMITTED BY THE TOWN OF FALCON, OWNED BY FALCON CHILDREN'S HOME. (FALCON)

VII. PUBLIC HEARING ITEMS

REZONING CASE

- A. **P06-04:** REZONING OF A 155.80 ACRE PORTION OF TWO PARCELS TOTALING 159.80 ACRES, FROM A1 TO R10 AND CD OR TO A MORE RESTRICTIVE ZONING DISTRICT, NORTH OF TOM STARLING ROAD, WEST OF NC HIGHWAY 87 SOUTH, SUBMITTED BY CHALMERS MCCOMBS, OWNED BY TOMMY WOODSELL, ET AL.

CONDITIONAL USE DISTRICT & PERMIT

- B. **P06-18:** REZONING OF A .55 AC PORTION OF A 2.97 ACRE TRACT FROM A1 TO M(P)/CONDITIONAL USE DISTRICT & PERMIT TO ALLOW STORAGE OF EXPLOSIVE MATERIALS AT 317 MAGNOLIA CHURCH ROAD, SUBMITTED BY LARRY W. HALL, OWNED BY DENNIS H. COSTER SR.

AMENDMENT

- C. **P06-27:** REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE III, SECTION 3.1. "TABULATION OF PERMITTED USES", TABLE 1-E, PERMITTED AND CONDITIONAL USES, M2 HEAVY INDUSTRIAL DISTRICT, BY INSERTING UNDER THE PERMITTED USES SECTION IN ALPHABETICAL ORDER: "AUCTION HOUSE" AND "SECOND HAND, PAWN, THRIFT SHOP AND SWAP SHOP SALES"; AND AMEND ARTICLE X, "DEFINITION OF TERMS", SECTION 10.2 "DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING IN ALPHABETICAL ORDER: "AUCTION HOUSE". (STEDMAN)

VIII. DISCUSSION

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

X. ADJOURNMENT

Charles C. Morris
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Town of Linden

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Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

MINUTES APRIL 4, 2006

Members Present

Mr. Charles Morris, Chair
Mr. Donovan McLaurin, Vice-Chair
Mr. Harvey Cain, Jr.
Mrs. Lori Epler
Mr. Garland Hostetter
Mr. Roy Turner
Mr. Clifton McNeill, Jr.
Mrs. Sara Piland
Mrs. Diane Wheatley

Others Present

Mr. Tom Lloyd, Director
Ms. Annie Faircloth
Mr. Grainger Barrett,
County Attorney

- I. INVOCATION AND PLEDGE OF ALLEGIANCE – Mrs. Wheatley delivered the invocation and led those present in the Pledge of Allegiance.
- II. ADJUSTMENTS TO AGENDA – No adjustments to the agenda.
- III. ABSTENTIONS BY BOARD MEMBERS – No abstentions.
- IV. CONSENT ITEMS
 - A. APPROVAL OF THE MINUTES OF MARCH 21, 2006

The name of Tim Fisher will be corrected to Tim Evans under “Discussion”. **A motion was made by Mr. McNeill, seconded by Mrs. Epler, to approve the minutes as amended. Unanimous.**
- V. PLAT & PLAN
 - A. CASE 06-039: CONSIDERATION OF CLEO COGDELL ESTATE DIVISION, SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTION 3.20 “LOT STANDARDS”, CUMBERLAND COUNTY SUBDIVISION ORDINANCE, LOCATED ON THE NORTH SIDE OF SR 1734 (HATCHER LANE), WEST OF SR 1838 (DUNN ROAD).

Mr. Lloyd reviewed the case and stated that the petitioners wanted to subdivide a landlocked parcel into 3 lots, using the existing easement for access. He stated that Staff recommends denial of the waiver based on the facts that because of the nature of the adjoining area, non-compliance of the Ordinance will only set the stage for future access issues within the immediate area; the subject property does not have direct access to a public street or an approved private street as required by the Ordinance; and approval of the waiver will intensify traffic across the property owner’s land and create new lots without adequate road frontage. The property owners are not being denied use of the land, as the property is currently served by an ingress/egress easement which provides access to the existing dwellings on the property.

Ms. Jones, applicant and property owner, advised the Board that the request to subdivide is

being made to divide the property among the family members to comply with their mother's wishes as stated in her will. Her cousin, Mrs. Owens, has given permission for family members to continue using the easement across her property, as access to the new lots, if the waiver is granted. She further stated that family members wanted to be able to obtain a deed for the individual properties to allow repair/replacement of the existing dwellings.

Mr. Lloyd stated that one of the Staff conditions is that the easement be converted to a Class "B" private street. Discussion followed on Class "B" and "C" streets and easement access.

Mr. Morris advised the applicants of the Board's concerns in granting the waiver and stated that if the applicants would legally grant easements to the back lots and upgrade the existing dirt road to DOT standards as a Class "B" private street, the concerns would be alleviated and compliance with the Ordinance would be met.

Mr. Morris made a motion, seconded by Mrs. Epler, to defer the case for 60 days to allow the applicant time to work with Staff on a solution to bring the property into compliance with the Ordinance. Unanimous.

VI. DISCUSSION

Mr. Morris updated the Board on the Sewer Extension Planning Meeting in March.

VII. FOR YOUR INFORMATION

B. DIRECTOR'S UPDATE

VIII. ADJOURNMENT

A motion to adjourn was unanimously approved at 8:33 p.m.

Charles C. Morris
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COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

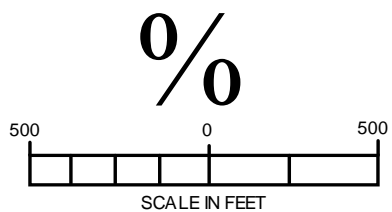
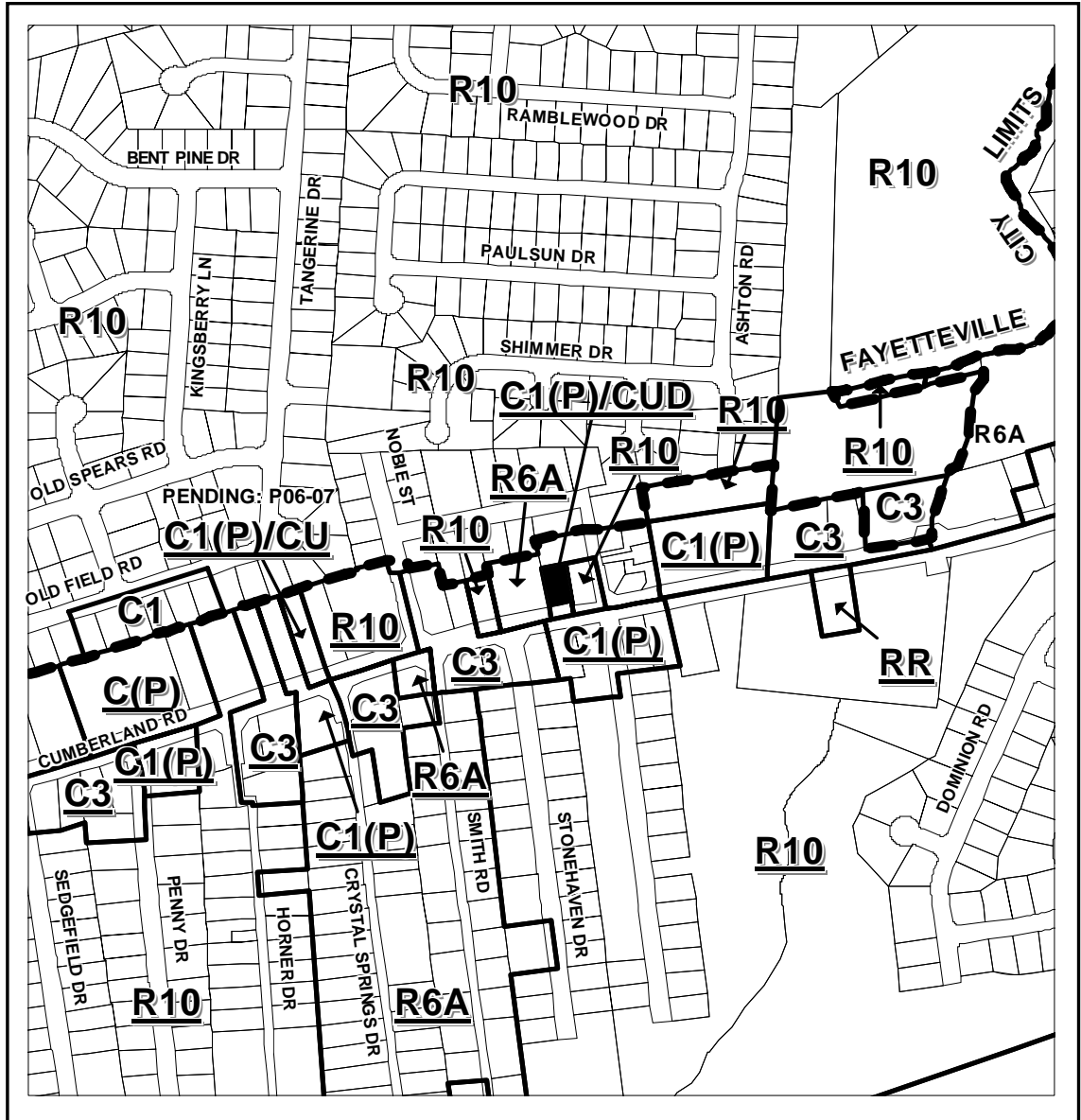
SUBJECT: Staff Recommendation for April 18, 2006 Board Meeting

P05-69: A CONDITIONAL USE PERMIT TO ALLOW AN OFFICE IN A C1(P)/CONDITIONAL USE DISTRICT, ON .23 ACRES, AT 4310 CUMBERLAND ROAD, OWNED BY DREW AND KATHRENE BOXWELL.

The Planning & Inspections Staff recommends approval of the Conditional Use Permit based on the following:

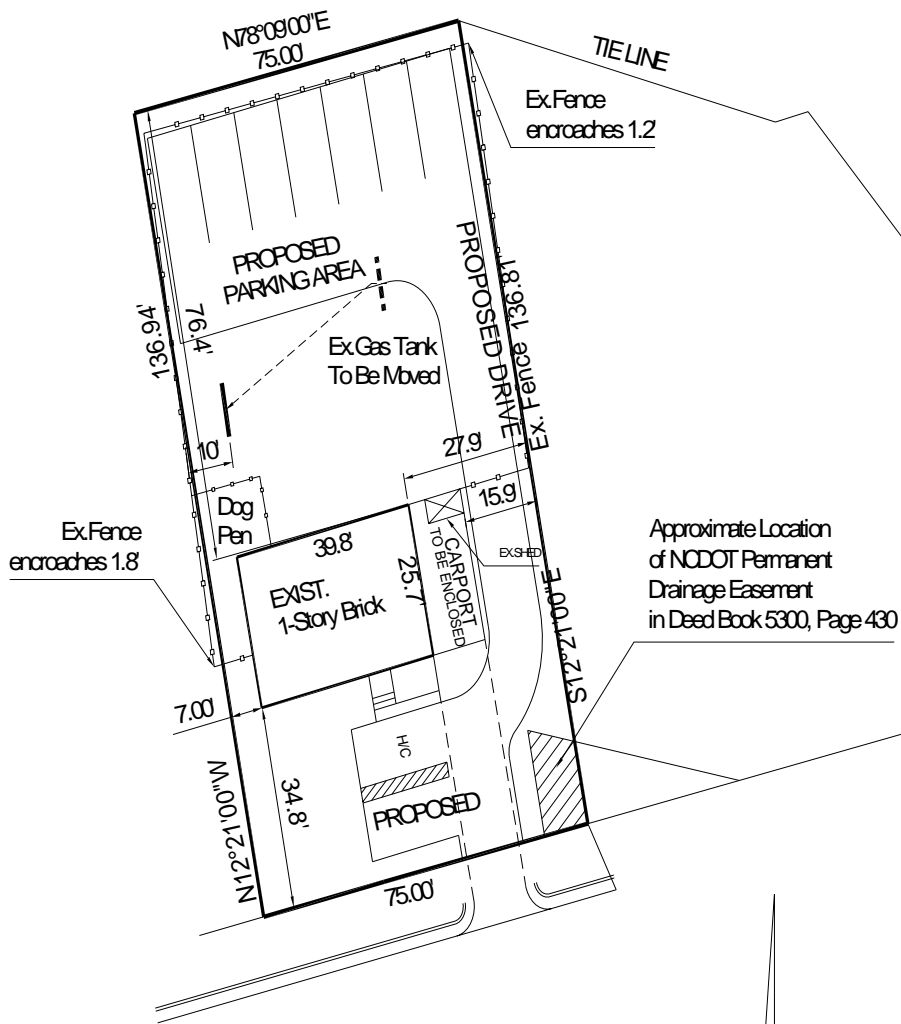
1. The Conditional Use District was approved by the County Commissioners on October 17, 2005;
2. The permit complies with the agreed upon condition that the property be used only for "office" purposes; and
3. The request is reasonable and compatible with the existing development in the area.

The applicant has been provided a copy of the ordinance-related conditions, attached to the site profile, which are the basic requirements for permits.



CONDITIONAL USE PERMIT

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



CUMBERLAND ROAD
 RWVARIES - PUBLIC

CONDITIONAL USE PERMIT

REQUEST: OFFICE INC1(P)/CUD

CASE P05-69 ACREAGE: 0.23± ZONING: C1(P)/CUD

PARKING: AS SHOWN SCALE: 1"=30'

SITE PROFILE

P05-69

A CONDITIONAL USE PERMIT TO ALLOW AN OFFICE IN A C1(P)/CUD, ON .23 ACRES, AT 4310 CUMBERLAND ROAD, OWNED BY DREW AND KATHRENE BOXWELL.

Site Information:

Applicant/Owner: DREW AND KATHRENE BOXWELL

Area: .23 acres

Frontage & Location: 75 feet on Cumberland Road

Depth: 138 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: August 1, 1975 (Area 3)

Zoning Violation(s): None

Surrounding Zoning: North-R6A, city limits, East-RR, R10, R6A, C1(P), C(P), South-R10, R6A, C1(P), C(P), and West-R10, R6A, C1(P), C1(P)/CU, C(P)

Surrounding Land Use: Sound company, multiple duplex's, club, thrift store, memorial company, 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 461/596, Ireland Drive Middle 343/365, Douglas Byrd Middle 765/743, Douglas Byrd High 1,280/1,329

Military Impact Area: No

Highway Plan: Cumberland Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 90 to 110 foot right-of-way. Road improvements have been completed.

Average Daily Traffic Count (2000): 16,000 on Cumberland Road

Notes:

Application Conditions Requested by the Applicant

1. This case was approved as a C1(P)/Conditional Use District on October 17, 2005 to allow Office Use. The Conditional Use Permit was never approved.
2. Hours of Operation: 8:00 am to 6:00 pm, Monday thru Saturday.
3. Employees: 6
4. Exterior Lighting: On the building

Conditional Use District – Ordinance Related Conditions

1. The developer shall submit a revised plan to the Planning and Inspections Staff for review and approval showing the following:
 - a. The landscape plan meeting the requirements.
 - b. The location and size of any free standing signs to be placed on the site.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. For additional information, the developer should contact a Code Enforcement Officer.

3. The County Health Department must approve sewer plans prior to application for any permits. **Note; the Health Department must approve the location of the parking and drive areas to insure the existing septic tank and repair areas will not be damaged or affected.**
4. Connection to public water is required; the Public Works Commission (PWC) must approve water plans prior to application for any permits.
5. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
6. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. The “existing gas tank” must be relocated as indicated on the site plan, prior to application for final permits.
9. *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C1(P)/CUD zoning district must be complied with – this site was approved for general office uses by the County Commissioners on October 17, 2005.
11. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. If the driveways is changed or driveways are added, the developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
13. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development.
14. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
15. A solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance.
16. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
17. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris,

all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

18. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Advisories (The conditions listed below may not apply specifically to this development but are offered as cautionary statements.):

19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
20. The developer shall be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for permits for any structure and/or final plat approval of any portion of this development.
21. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
22. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
23. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
24. The applicant is aware that any future use other than "office" will require re-submittal and approval from the County Board of Commissioners.

Other Relevant Conditions:

25. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.

Charles C. Morris
Chair
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COUNTY of CUMBERLAND
—◆—
Planning and Inspections Department

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 18, 2006 Board Meeting

P06-07: REZONING OF .50 ACRES FROM C1(P)/CU TO C(P)/CUD TO ALLOW PERMITTED USES WITH EXCLUSIONS AT 4436 CUMBERLAND ROAD, OWNED BY VICTOR M. GURGANIOUS.

The Planning & Inspections Staff recommends approval of C(P)/Conditional Use District and Permit, with a couple of exceptions, even though the request is not consistent with the Land Use Plan, based on the following:

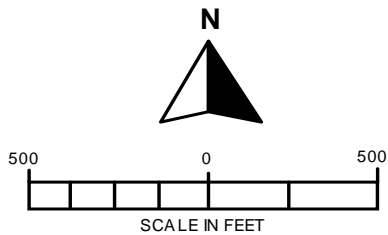
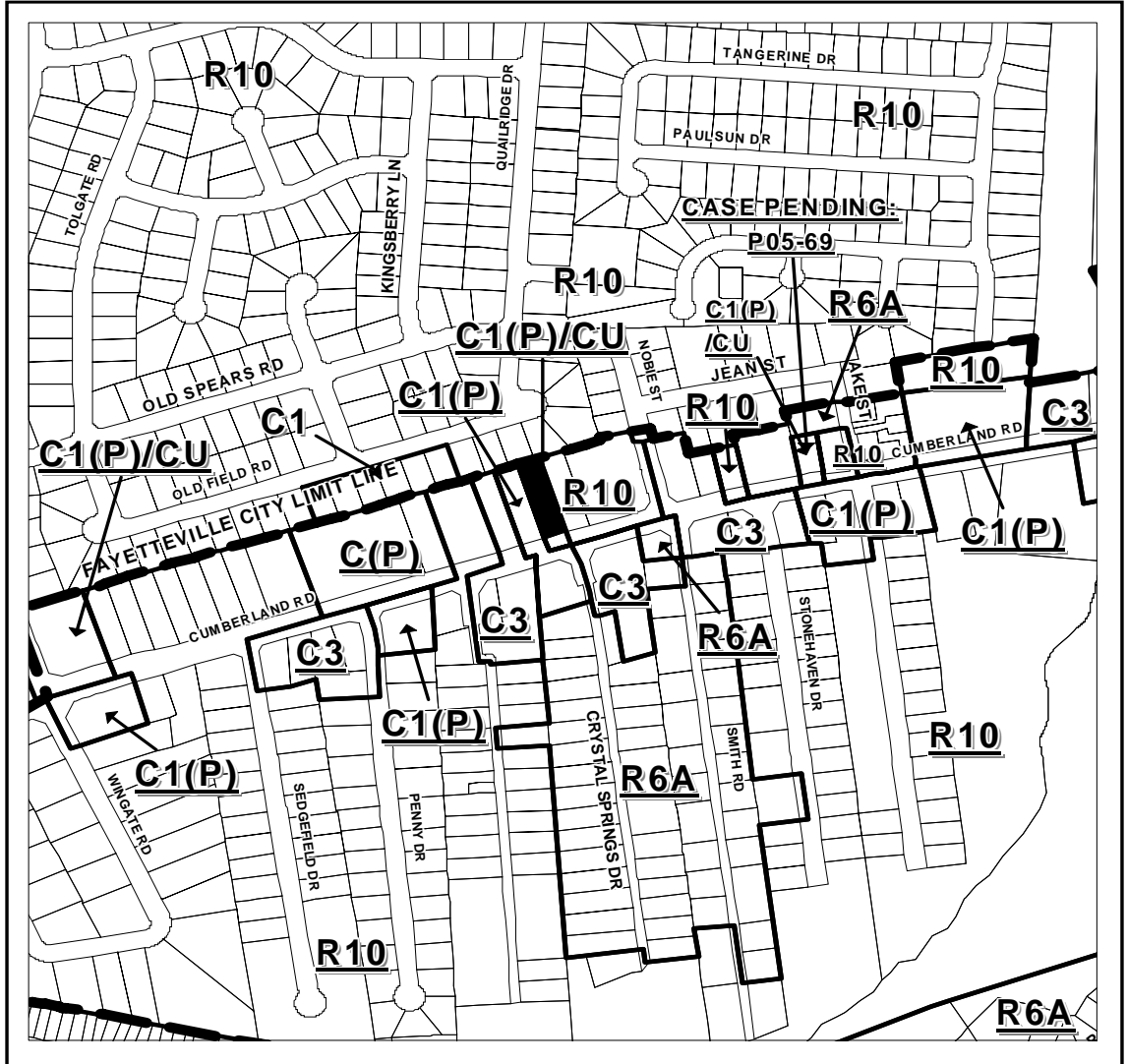
1. The applicant has eliminated the undesired uses otherwise allowed in the C(P) zoning district;
2. The subject property is located on a major thoroughfare; and
3. The request is reasonable and compatible with the existing development in the area.

The Planning & Inspections Staff does **not** find “Wholesale Sales” or “Taxicab Stand Operations” as suitable uses for this area and request that they be deleted from the list of permitted uses. The applicant has been given a copy of this recommendation and the site profile.

The C1(P) zoning district would also be suitable for this location.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Plan



REQUESTED REZONING: C1(P)/CU TO C(P)/CUD

ACREAGE: 0.50 AC.+/-		HEARING NO: P06-07	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

SITE PROFILE
P06-07

REZONING OF .50 ACRES FROM C1(P)/CU TO C(P)/CUD TO ALLOW PERMITTED USES WITH EXCLUSIONS AT 4436 CUMBERLAND ROAD, OWNED BY VICTOR M. GURGANIOUS.

Site Information:

Applicant/Owner: VICTOR M. GURGANIOUS

Area: .50 acres

Frontage & Location: 75 feet on Cumberland Road

Depth: 290 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant commercial structure

Initial Zoning: August 1, 1975 (Area 3)

Zoning Violation(s): None

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

Surrounding Land Use: Vacant commercial, realty company, duplex, nightclub, thrift store (2), auto sales, memorial company, auto store, commercial business/barber shop, open storage of cars (2), and church

Cumberland Road Study: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic – PWC Sewer available on Old Field Road

School Capacity/Enrolled: Sherwood Park Elementary 461/596, Ireland Drive Middle 343/365, Douglas Byrd Middle 765/747, Douglas Byrd High 1280/1329

Subdivisions:

Military Impact Area: No

Highway Plan: Cumberland Road is identified as a Major Thoroughfare. It has a multi-lane facility with a current 90-110 foot right-of-way.

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

Notes:

Previous Zoning Action: Case P98-61, Approved C1/CUO, to allow a construction office with open storage of trucks and equipment in a C1 district.

Conditions: No more than 4 vehicles stored onsite and each less than 10,000 lbs; a solid wood privacy fence erected around the perimeter where the vehicles are to be parked and along adjacent residences; no equipment is to be stored onsite; and no open storage of building materials.

Permitted Uses

Accessory Uses
Addressing Service / Bulk Mailing
Apparel and Accessory Sales
Assemblies
Auction Sales
Baking
Banks, Savings and Loan Company and
 Other Financial Activities
Barbering and Hairdressing Services/Salons
Bed and Breakfast
Bingo
Books & Printed Matter Sales
Building Supply
Convenience Retail w/Gasoline Sales
Day Care Facility
Dry Cleaning / Laundry, self-service
Exterminating Services
Fire Station Operations/Emergency Services
Flower Shop
Food Production
Food Sales/Grocery Stores
Funeral Home
Golf Courses
Hardware, Paint and Garden Supplies Sales
Home Furnishing and Appliance Sales
Janitorial Service
Kennel Operations
Library
Locksmith, Gunsmith
Massage & Bodyworks Therapy
Monument Sales
Motor Vehicle Parking Lot
Motor Vehicle Parts and Accessories Sales
Motor Vehicle Repair and/or Body Work
Motor Vehicle Rentals
Motor Vehicle Sales
Motor Vehicle Service Station Operations
Motor Vehicle Washing
Nursery Ops/Plant Husbandry/Greenhouses
Nursing Home/Convalescent Home/
 Hospital/Retirement Home
Office Supplies and Equipment Sales and
 Service/Mailbox Service
Office Use – of a doctor, dentists, etc.
Office Use-with no on-premises stock of
 goods for sale
Pet Sales
Photography Studio
Printing and Reproduction Small Scale
Printing and Reproduction Large Scale
Public/Community Utility Stations/
 Substations
Radio or Television Studio Activities Only
Recreation/Amusement Indoor
Recreation/Amusement Outdoor

Religious Worship Activities
Repair, Rental and/or Servicing
Residential Habilitation Support Facility
Restaurant
Retailing or Servicing
School, business and commercial
Second-hand, Pawn and Flea Market
Swimming Pools
Tailoring
Taxicab Stand Operations
Telephone Switching/Booster Station
Theater Productions, Indoor
Theater Productions, Outdoor
Tower
Trades Contractor Activities, with or
 without outside storage of equipment
 or supplies
Upholstering or Furniture Refinishing
Variety, Gift and Hobby Supply Sales
Vending Machine Rental
Veterinarian
Wireless Communications & Accessory
 Sales
Wholesale Sales

Special Use Permits

Recreation or Amusement Public/Private
Special Information Signs

Other Conditions with this Application

Site plan review by Planning & Inspections Staff for every change of use to any use not excluded below. All/Any future uses, not excluded below, to comply with all applicable standards of the County Zoning Ordinance.

Permitted Uses to be Excluded

Alcoholic Beverage Control Sales
Bakery Production and Wholesale Sales
Bars & Nightclubs
Bus Station Activities
Cemetery
Club or Lodge
Crematorium
Dry Cleaning and Laundry Collection, no cleaning on premises
Dry Cleaning or Laundry, commercial
Farm Supplies Merchandising and Machinery
Food Production/Wholesale Sales
Hotel/Motel
Laboratory Operations
Laboratory
Manufactured Home Sales
Mini Warehousing-no vehicle storage
Mini Warehousing-with vehicle storage
Railroad Station Operations
RV Park and/or Campground
Sanitarium
Sexually Oriented Businesses
Trailer Rentals
Truck Terminal Activities

Special Use Permits to be Excluded

Billboards

Conditional Use Districts to be Excluded

Detention Facilities / Prisons

Quarry

Conditional Use District and Permit – Ordinance Related Requirements

Permit-Related:

26. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. For additional information, the developer should contact a Code Enforcement Officer.
27. The County Health Department must approve sewer plans prior to application for any permits.
28. Connection to public water is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits.
29. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
30. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
31. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
32. *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

33. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C1(P)/CUD zoning district must be complied with as applicable.
34. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
35. If driveways change developer must obtain driveway permits from the NC Department of Transportation (NCDOT).

36. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development.
37. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
38. A solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance.
39. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
40. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
41. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
42. Five copies of a revised plan is to be submitted to Land Use Codes for review and approval of the initial use and each subsequent change in use prior to application for any permits.

Advisories (The conditions listed below may not apply specifically to this development but are offered as cautionary statements.):

43. The applicant is advised to consult an expert on wetlands before proceeding with any development.
44. The developer shall be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for permits for any structure and/or final plat approval of any portion of this development.
45. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
46. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
47. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

Other Relevant Conditions:

48. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 18, 2006 Board Meeting

P06-22: REZONING OF .48 ACRES FROM CD TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3434 SAVANNAH DRIVE, OWNED BY PATRICK AND PATRICIA SNYDER.

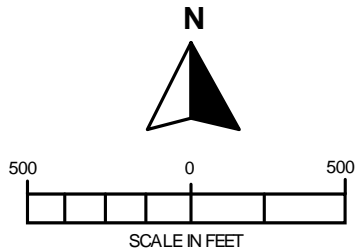
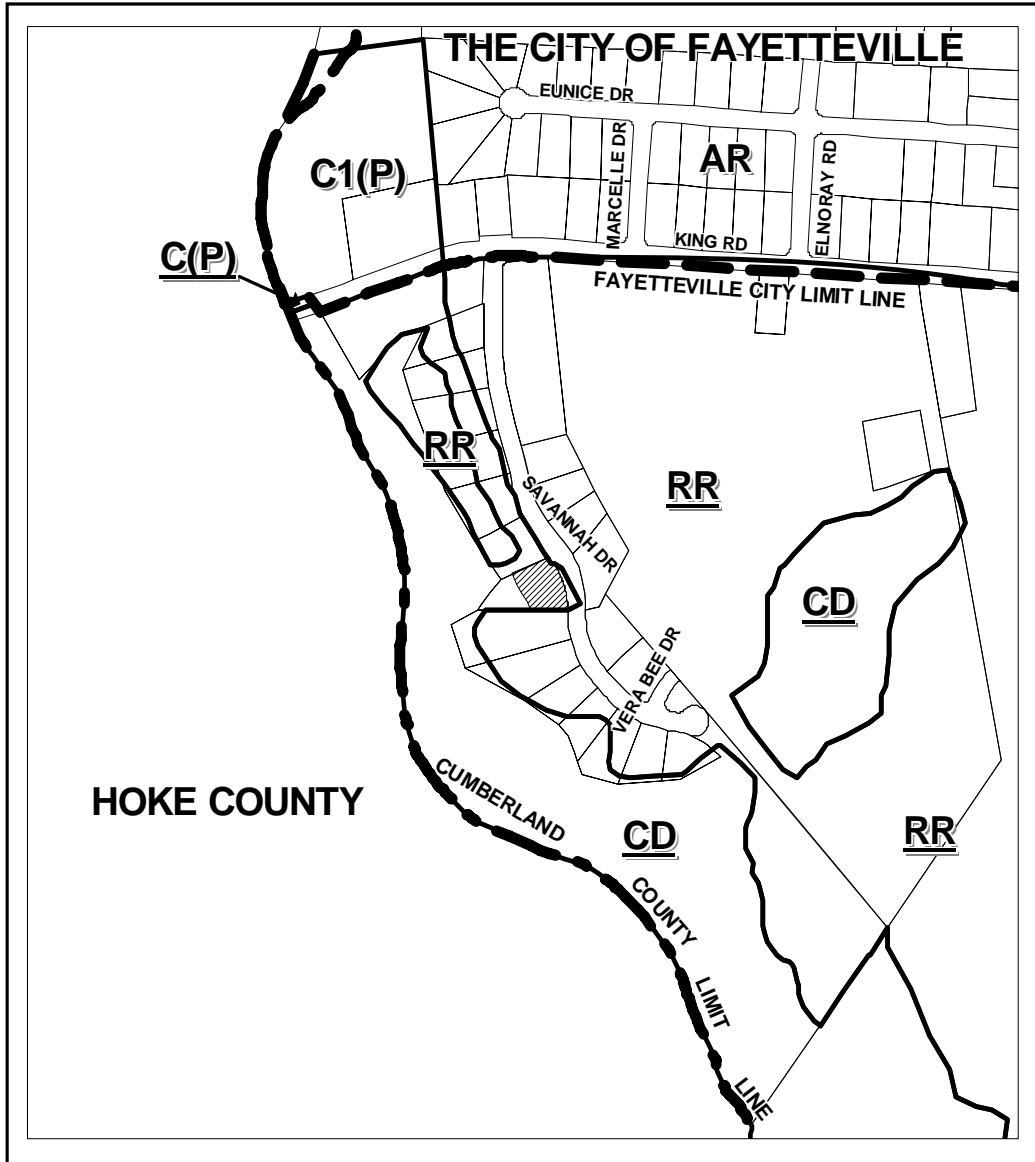
The Planning & Inspections Staff recommends approval of the RR district even though the request is not consistent with the Land Use Plan, based on the following:

1. The request is consistent with previous requests and approvals for the CD district to follow the 100-year flood;
2. The request is compatible with the zoning districts within the area.

There are no other suitable zoning districts to be considered regarding this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



**REQUESTED REZONING:
CD TO RR**

ACREAGE: 0.48 AC.+/-		HEARING NO: P06-22	
ORDINANCE COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

SITE PROFILE

P06-22

REZONING OF .48 ACRES FROM CD TO RR OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3434 SAVANNAH DRIVE, OWNED BY PATRICK AND PATRICIA SNYDER.

Site Information:

Applicant/Owner: PATRICK AND PATRICIA SNYDER

Area: .48 acres

Frontage & Location: 189 feet on Savannah Drive

Depth: 300 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: February 6, 1976 (Area 5)

Zoning Violation(s): None

Surrounding Zoning: Primarily CD and RR with city limits to the North

Surrounding Land Use: Single family residential

2010 Land Use Plan: Open Space

Designated 100-Year Floodplain or Floodway: Yes – Special Flood Hazard Area 158 NAVD or 158.87 NAVD

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic

School Capacity/Enrolled: Stoney Point Elementary 620/771, John Griffin Middle 1,274/1,281, Jack Britt High 1,750/1,824

Subdivisions: This property was created on 10/14/93.

Military Impact Area: No

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

Average Daily Traffic Count (2000): 4,400 on King Road

Notes:

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 11, 2006 Board Meeting

P06-23: REZONING OF A 1.29 ACRE PORTION OF A 90.17 ACRE TRACT FROM R40A TO A1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 8280 CEDAR CREEK ROAD, SUBMITTED BY MICHAEL TATE, PLS, OWNED BY BILLY D. HORNE.

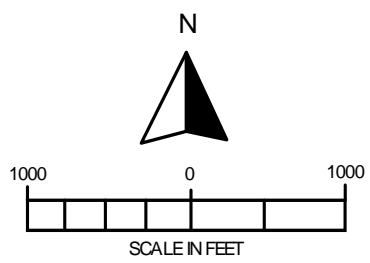
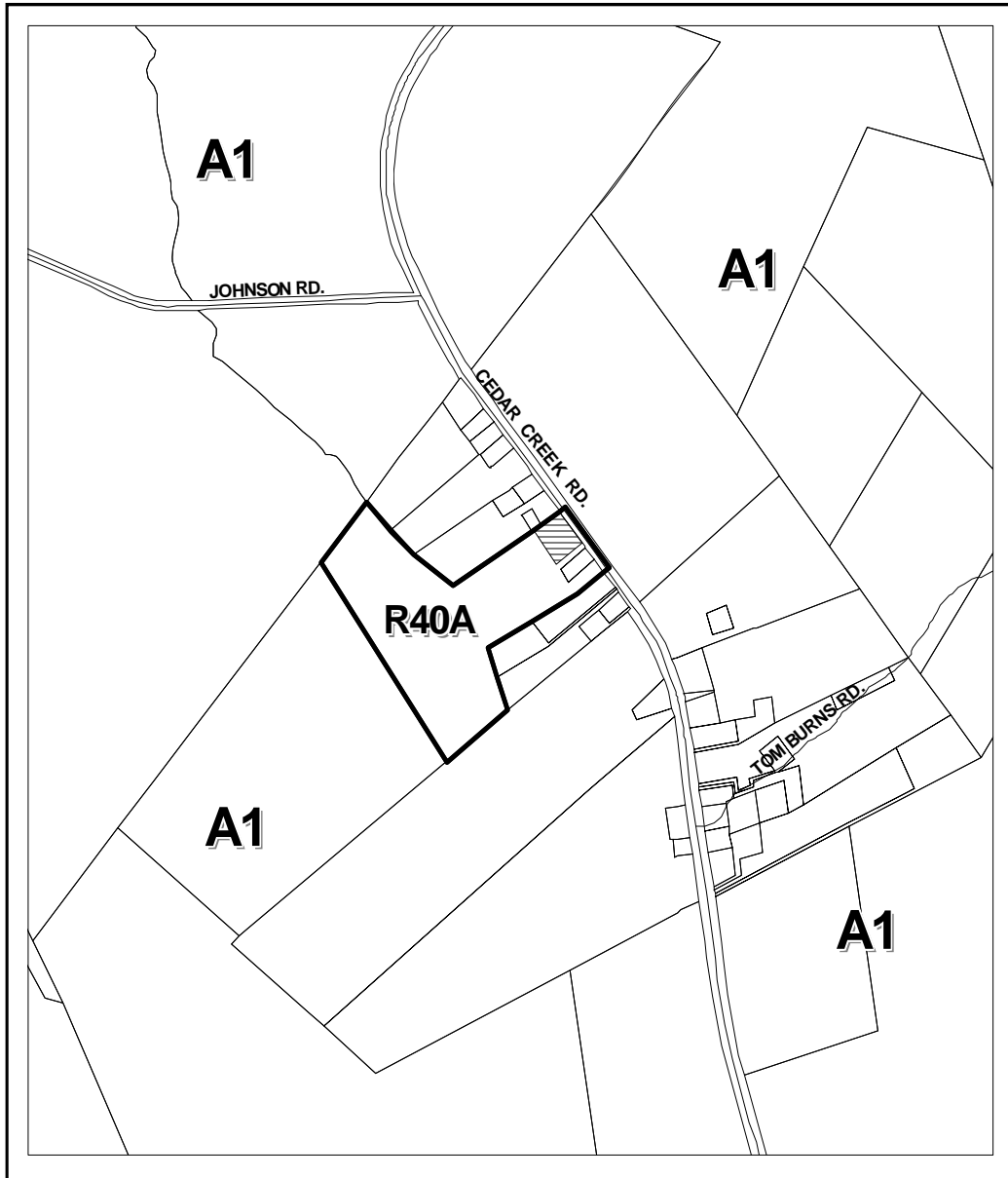
The Planning & Inspections Staff recommends approval of the request based on the following:

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is consistent with the zoning within the general area and the current use of the property.

There are no other suitable districts to be considered for this site.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



REQUESTED REZONING R40A TO A1

ACREAGE: 1.29 AC.+/-		HEARING NO: P06-23	
ORDINANCE COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

SITE PROFILE
P06-23

REZONING OF A 1.29 ACRE PORTION OF A 90.17 ACRE TRACT FROM R40A TO A1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 8280 CEDAR CREEK ROAD, SUBMITTED BY MICHAEL TATE, PLS, OWNED BY BILLY D. HORNE.

Site Information:

Applicant/Owner: MICHAEL TATE, PLS / BILLY D. AND FAY J. HORNE

Area: 1.29 acres

Frontage & Location: 248 feet on Cedar Creek Road

Depth: 219 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant commercial

Initial Zoning: September 3, 1996 (Area 22)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with some R40A

Surrounding Land Use: Single family residential

2010 Land Use Plan: Farmland

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic

School Capacity/Enrolled: Seabrook Elementary 340/369, Mac Williams Middle 1,274/1,133, Cape Fear High 1,400/1,507

Subdivisions: This lot was created prior to 8/22/84 (portion of PB 43, PG 40). If the proposed A1 portion is to be cut out then a subdivision review shall be required. A site plan review shall be required prior to any non-residential development of the A1 portion.

Military Impact Area: No

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

Average Daily Traffic Count (2000): 1,700 on Cedar Creek Road

Notes:

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 11, 2006 Board Meeting

P06-24: REZONING OF 2.96 ACRES FROM A1 TO A1A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5884 AND 5892 GOLDSBORO ROAD, OWNED BY PHYLLIS & RONNIE LUCK.

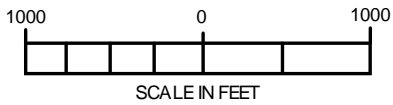
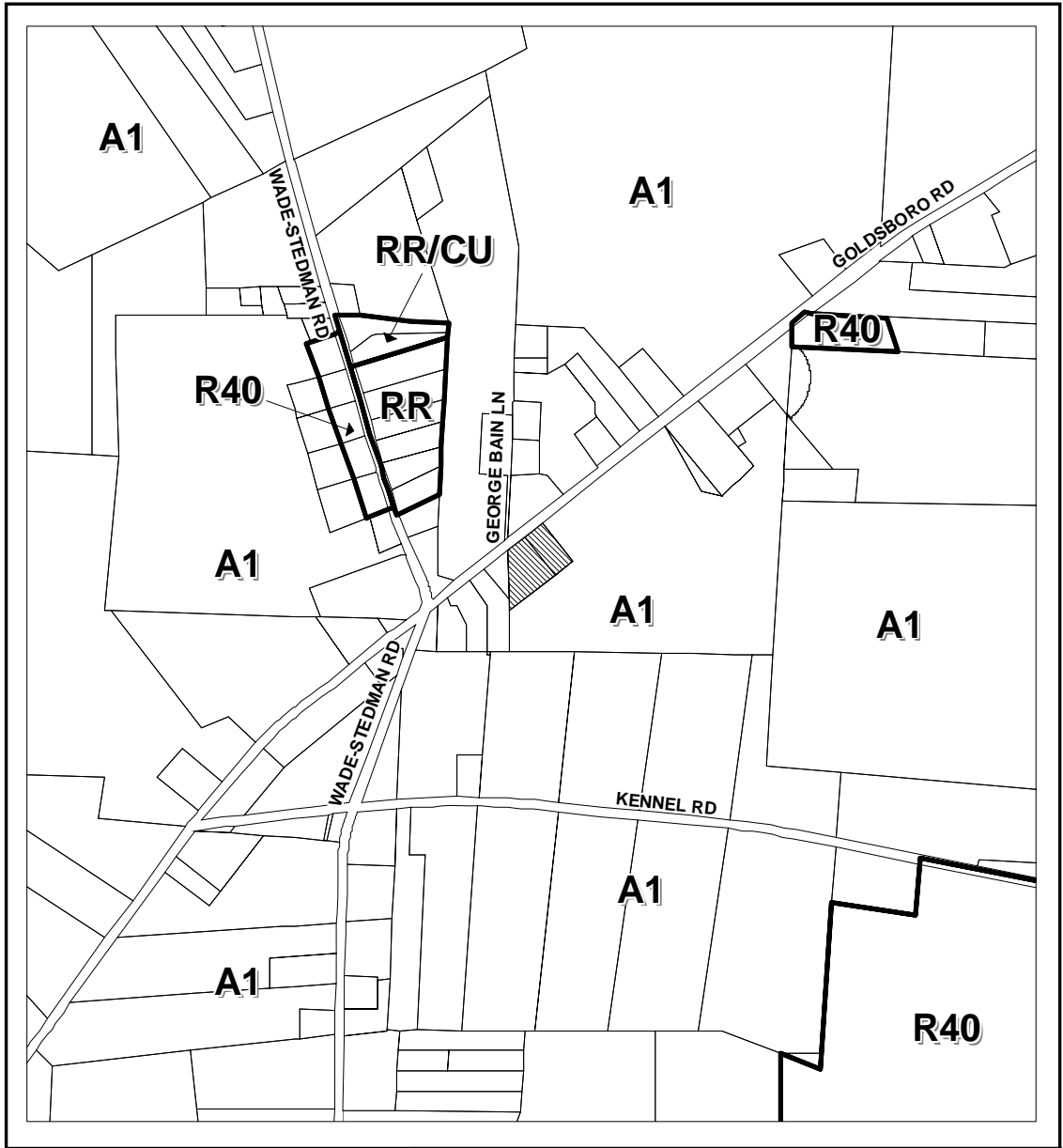
The Planning & Inspections Staff recommends approval of the request based on the following:

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is consistent with the lot sizes within the general area and the current use of the property.

There are no other suitable districts to be considered for this site.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



**REQUESTED REZONING:
A1 TO A1A**

ACREAGE: 2.96 AC.+/-		HEARING NO: P06-24	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PINS: 0590-13-5710, -6875

SP

SITE PROFILE
P06-24

REZONING OF 2.96 ACRES FROM A1 TO A1A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5884 AND 5892 GOLDSBORO ROAD, OWNED BY PHYLLIS & RONNIE LUCK.

Site Information:

Applicant/Owner: PHYLLIS J. AND RONNIE LUCK

Area: 2.96 acres

Frontage & Location: 284 feet on Goldsboro Road

Depth: 319 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: August 23, 1994 (Area 19)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with some R40, RR and RR/CU

Surrounding Land Use:

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic

School Capacity/Enrolled: District 7 Elementary 241/247, Mac Williams Middle 1,274/1,133, Cape Fear High 1,400/1,507

Subdivisions: These properties were created 8/22/84. A recombination will be required to change the location of the existing property line between them.

Military Impact Area: No

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

Average Daily Traffic Count (2000): 4,500 on Goldsboro Road

Notes:

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 18, 2006 Board Meeting

P06-25: REZONING OF .30+/- ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3210 PELLIGRINI AVENUE, OWNED BY EDWIN J. AND WINIFRED B. MILLER.

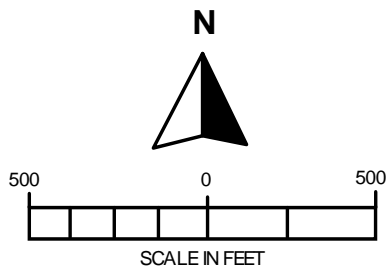
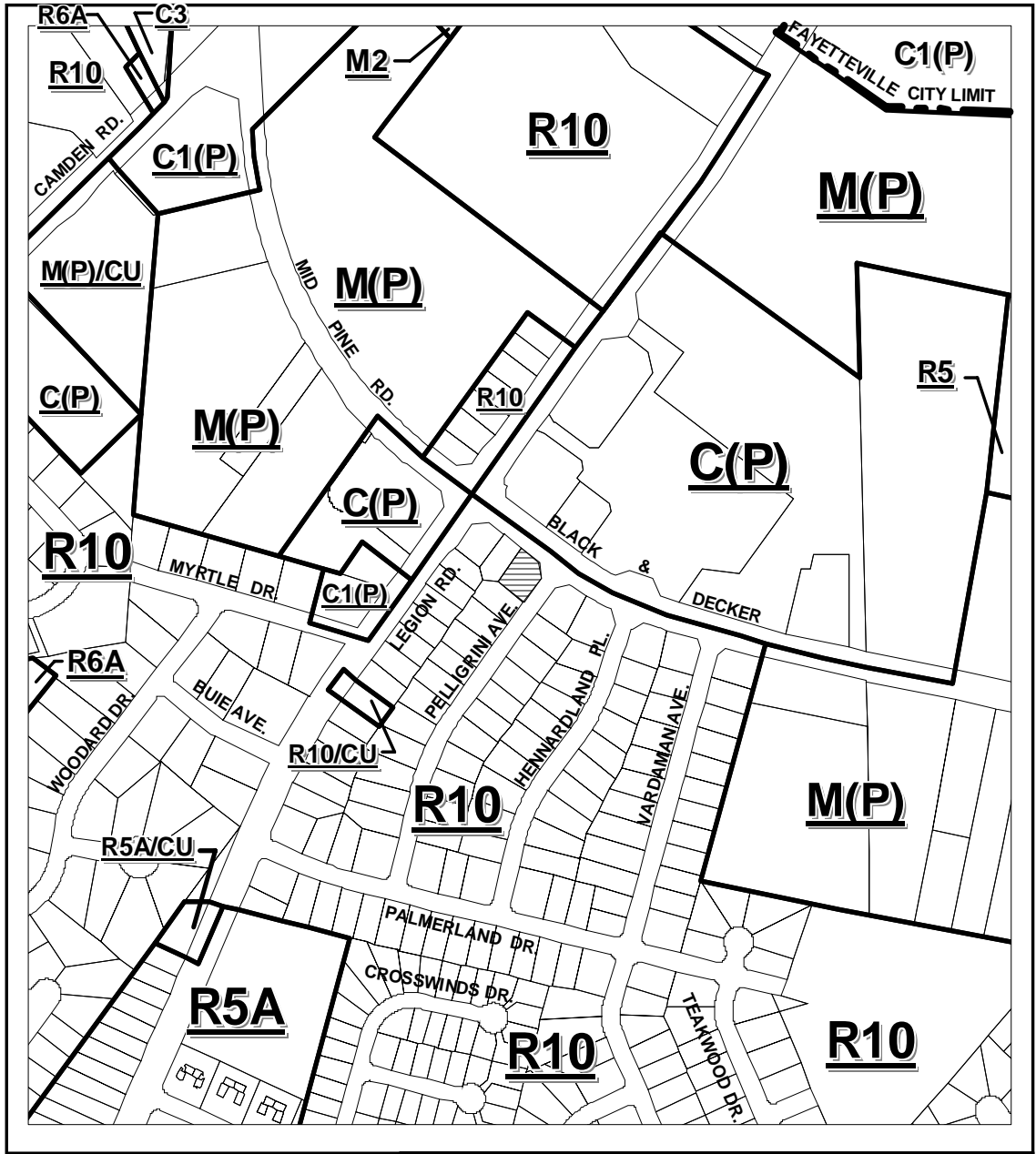
The Planning & Inspections Staff recommends denial of the request based on the following:

1. The request is not consistent with the 2010 Land Use Plan; and
2. The request if approved would only initiate the encroachment of non-residential zoning and uses within this residential area.

There are no other suitable zoning districts to be considered.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



REQUESTED REZONING R10 TO C1(P)		
ACREAGE: 0.30 AC.+/-		HEARING NO: P06-25
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

SITE PROFILE
P06-25

REZONING OF .30+/- ACRES FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3210 PELLIGRINI AVENUE, OWNED BY EDWIN J. AND WINIFRED B. MILLER.

Site Information:

Applicant/Owner: EDWIN J. AND WINIFRED B. MILLER

Area: .33 acres

Frontage & Location: 128 feet on Pelligrini Avenue

Depth: 70 feet on Black and Decker Road

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

Nonconformity: The structure will become nonconforming due to dimensional requirements, if rezoned.

Surrounding Zoning: North-R10, R6A, C(P), C1(P), M(P), East-R10, R5, C(P), M(P), South-R10, R10/CU, R5A, M(P), and West-R10, R6A, C1(P), C(P), M(P), M(P)/CU

Surrounding Land Use: Drug store, seafood restaurant, exterminator company, hair salon, sewing business, fast food restaurant, video store, shopping center, and health spa

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / Septic

Subdivisions: This property was created 8/22/84. A C1(P) site plan review shall be required prior to development of this parcel.

Military Impact Area: No

Highway Plan: Black and Decker Road is identified as a Major Thoroughfare. This is a multi-lane facility with an adequate right-of-way of 100 feet. Road improvements have been completed. No road improvements are included in the 2006-2012 MTIP.

Average Daily Traffic Count (2000): 15,000 on Black and Decker Road

Notes:

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 18, 2006 Board Meeting

P06-26: REZONING OF .86 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3954 CAMDEN ROAD, OWNED BY HENRY G. AND BONNIE T. JOYNER.

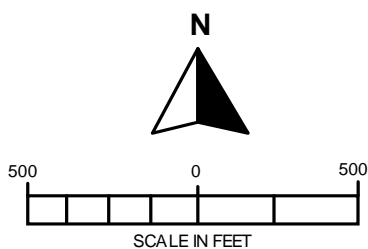
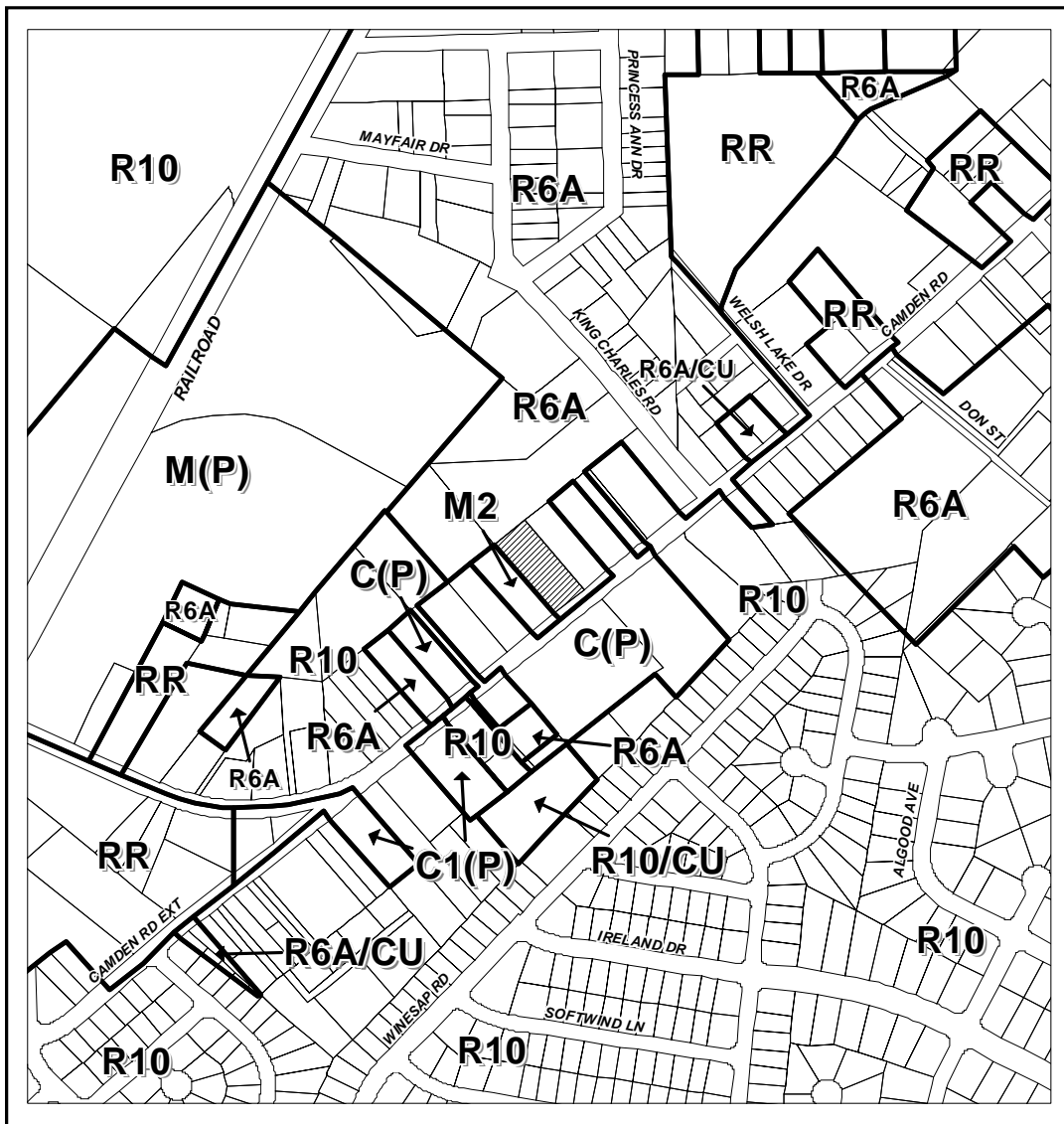
The Planning & Inspections Staff recommends approval of the request even though the request is not consistent with the Land Use Plan based on the following:

- This request is consistent with the existing zoning and land uses in the immediate area.

There are no other suitable districts to be considered for this site.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



REQUESTED REZONING: R6A TO C(P)		
ACREAGE: 0.86 AC. +/-		HEARING NO: P06-26
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

SITE PROFILE
P06-26

REZONING OF .86 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3954 CAMDEN ROAD, OWNED BY HENRY G. AND BONNIE T. JOYNER.

Site Information:

Applicant/Owner: HENRY G. JOYNER

Area: .86 acres

Frontage & Location: 125 feet

Depth: 300 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: November 17, 1975 (Area 4)

Zoning Violation(s): None

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

Surrounding Land Use: Auto repair, welding shop, body shop, cleaning company, church, and single family residential

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic

Subdivisions: This property was created 1/18/06. A recombination plat shall be required prior to any permits being issued.

Military Impact Area: No

Highway Plan: Camden Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 100 foot right-of-way. Road improvements are included in the 2006-2012 MTIP. Planning and Design: In Progress, Mitigation: FFY 07, ROW Acquisition: 06, Construction: 08, 09, and Post Years

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

Notes:

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 18, 2006 Board Meeting

P06-28: INITIAL ZONING OF 76.64 ACRES TO R40A, LOCATED EAST OF SHERRILL BAGGETT ROAD, SOUTH OF BEND OF RIVER ROAD, SUBMITTED BY THE TOWN OF FALCON, OWNED BY FALCON CHILDREN'S HOME. (FALCON)

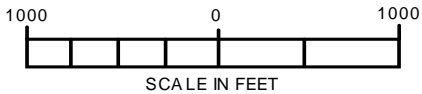
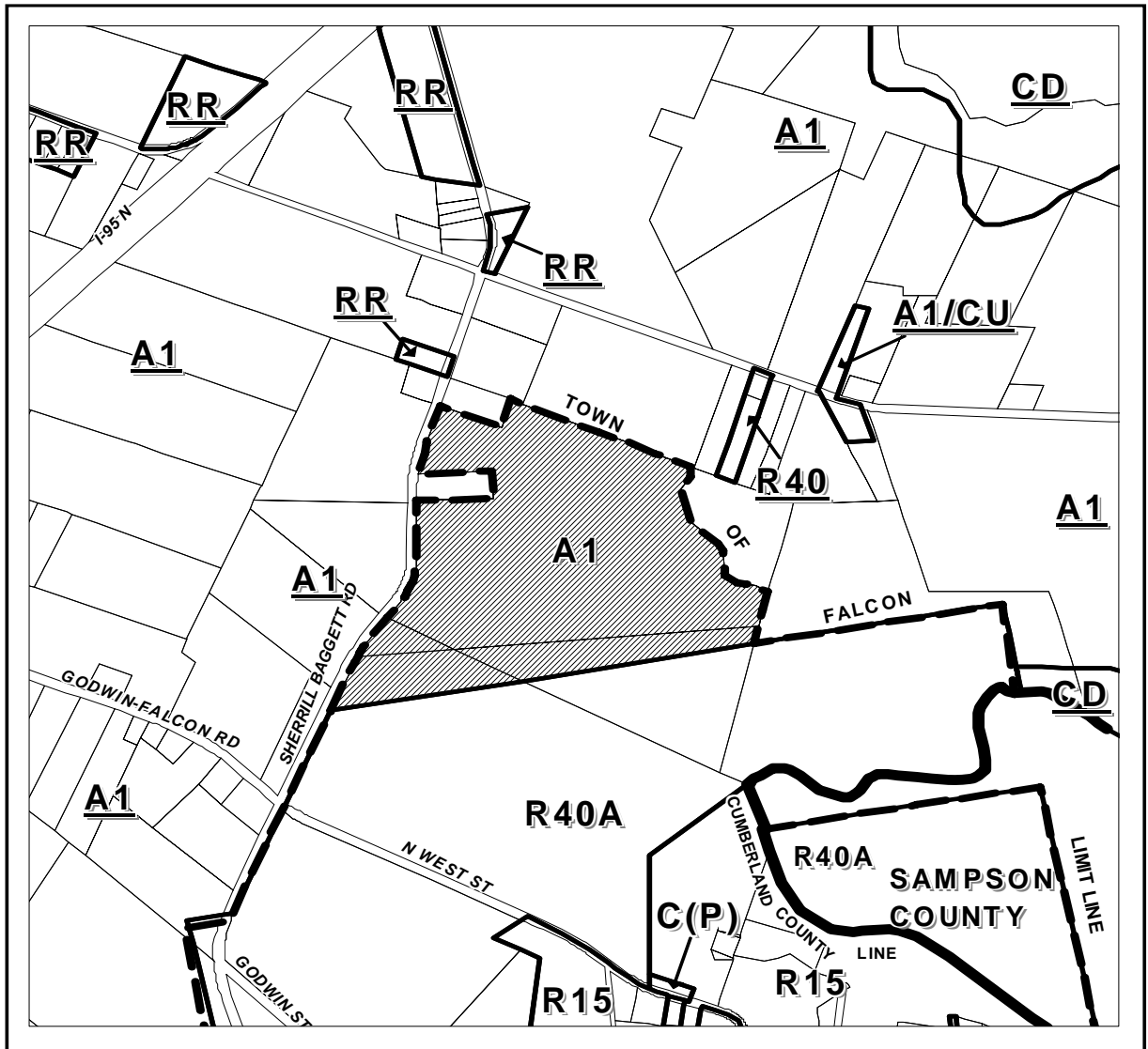
The Planning & Inspections Staff recommends approval of the R40A request based on the following:

1. The request is consistent with the 2010 Land Use Plan;
2. Approval of this request would allow for the tracts under the same ownership to be in the same zoning district and;
3. This request is consistent with the existing zoning and land uses in the immediate area.

There are no other suitable districts to be considered for this site.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



PIN: 1502-39-9336
 PORT.PIN: 1502-48-4324, -28-9644, -37-5595

INITIAL ZONING TO R40A

ACREAGE: 76.64 AC.+/-		HEARING NO: P06-28	
ORDINANCE: FALCON		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

SITE PROFILE
P06-28

INITIAL ZONING OF 76.64 ACRES TO R40A, LOCATED EAST OF SHERRILL BAGGETT RD, SOUTH OF BEND OF RIVER ROAD, SUBMITTED BY THE TOWN OF FALCON, OWNED BY FALCON CHILDREN'S HOME. (FALCON)

Site Information:

Applicant/Owner: TOWN OF FALCON / FALCON CHILDREN'S HOME

Area: 76.64 acres

Frontage & Location: 2,126 feet on Sherrill Baggett Road

Depth: 2,100 feet

Jurisdiction: Falcon

Adjacent Property: Yes

Current Use: Vacant

Zoning Violation(s): None

Surrounding Zoning: North-CD, A1, RR, East-CD, A1, A1/CU, R40, South-Falcon city limits, and West-A1, RR

Surrounding Land Use: Ministry, duplex, single family residential

2010 Land Use Plan: Farmland and Open Space

Designated 100-Year Floodplain or Floodway: Yes – Special Flood Hazard Area varies at 123-129 NAVD

Urban Services Area: Falcon

Water/Sewer Availability: Falcon utilities

School Capacity/Enrolled: District 7 Elementary 241/247, Mac Williams Middle 1,274/1,133, Cape Fear High 1,400/1,507

Military Impact Area: No

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

Average Daily Traffic Count (2000): 170 on Bend of River Road

Notes:

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 18, 2006 Board Meeting

P06-04: REZONING OF A 155.8 ACRE PORTION OF TWO PARCELS TOTALING 159.8 AC FROM A1 TO R10 AND CD OR TO A MORE RESTRICTIVE ZONING DISTRICT, NORTH OF TOM STARLING ROAD, WEST OF NC HWY 87 SOUTH, SUBMITTED BY CHALMERS MCCOMBS, OWNED BY TOMMY WOODELL, ET AL.

At the February 21st Board meeting, the Planning & Inspections Staff recommended approval of the R10 district only for that portion located outside a 250-foot buffer area from the bank of the creek (also the property line) and CD district for the land area within the 250-foot buffer area. The recommendation was based on the following:

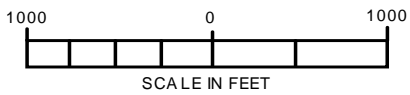
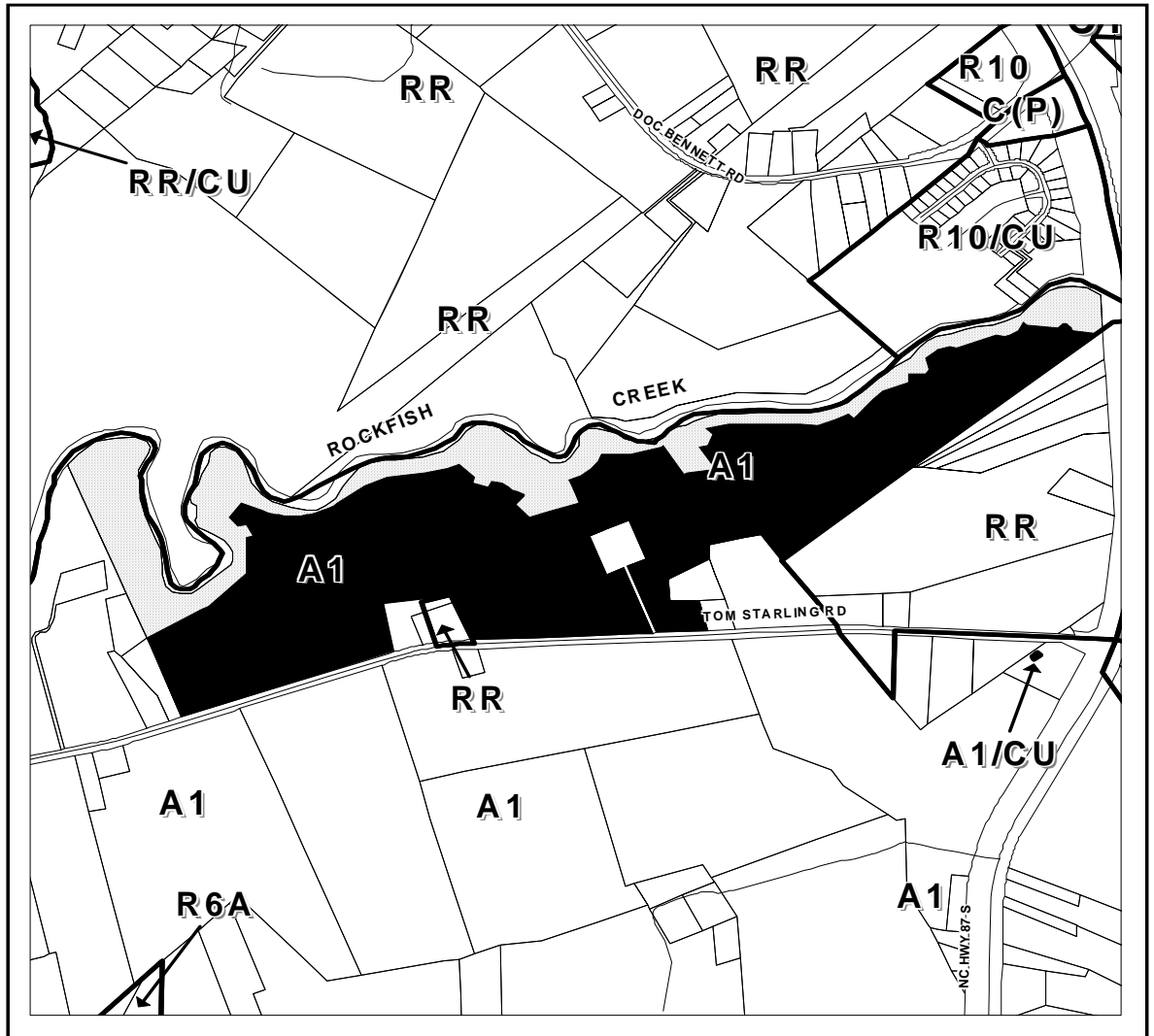
1. Rockfish Creek has been established as an environmental corridor for protection and preservation in the Land Use Plan;
2. The Staff recommended CD zoning to create a 250-foot riparian buffer and is based on the size of the subject property and the possible number of lots, which could be developed if the request is approved;
3. The recommendation is consistent the Land Use Plan which calls for "Open Space and Low Density Residential" at this location.

The Planning & Inspections Staff also found R40, R30, R20 and R15 zoning districts to be suitable for the area outside the riparian buffer.

At the February 21st meeting, the Planning Board deferred the case for 60 days to give the applicants time to meet with the residents in the area and the Planning & Inspections Staff to further discuss the possibility of submitting a Conditional Use District and Permit. The applicants were encouraged to include protective measures for Rockfish Creek.

The applicants revised their rezoning request and increased the area to be rezoned to CD to 46+ acres along the creek.

The Staff has revised their recommendation based on the revised request. The Staff recommendation is the same as stated above but amends item number "2" to read: "...CD zoning to create a 250-foot riparian buffer or the 100-year flood line, whichever provides the greatest distance from the creek, ...".



REQUESTED REZONING:
A1 TO R10  **& CD** 

109.65+/-

46.15+/-

ACREAGE: 155.80 AC.+/-		HEARING NO: P06-04	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 18, 2006 Board Meeting

P06-18: REZONING OF A .55 ACRE PORTION OF A 2.97 ACRE TRACT FROM A1 TO M(P)/CONDITIONAL USE DISTRICT & PERMIT TO ALLOW STORAGE OF EXPLOSIVE MATERIALS AT 317 MAGNOLIA CHURCH ROAD, SUBMITTED BY LARRY W. HALL, OWNED BY DENNIS H. COSTER SR.

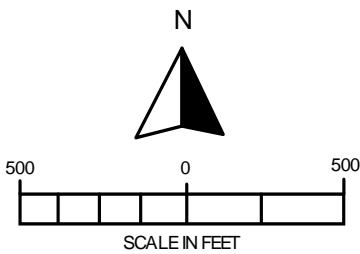
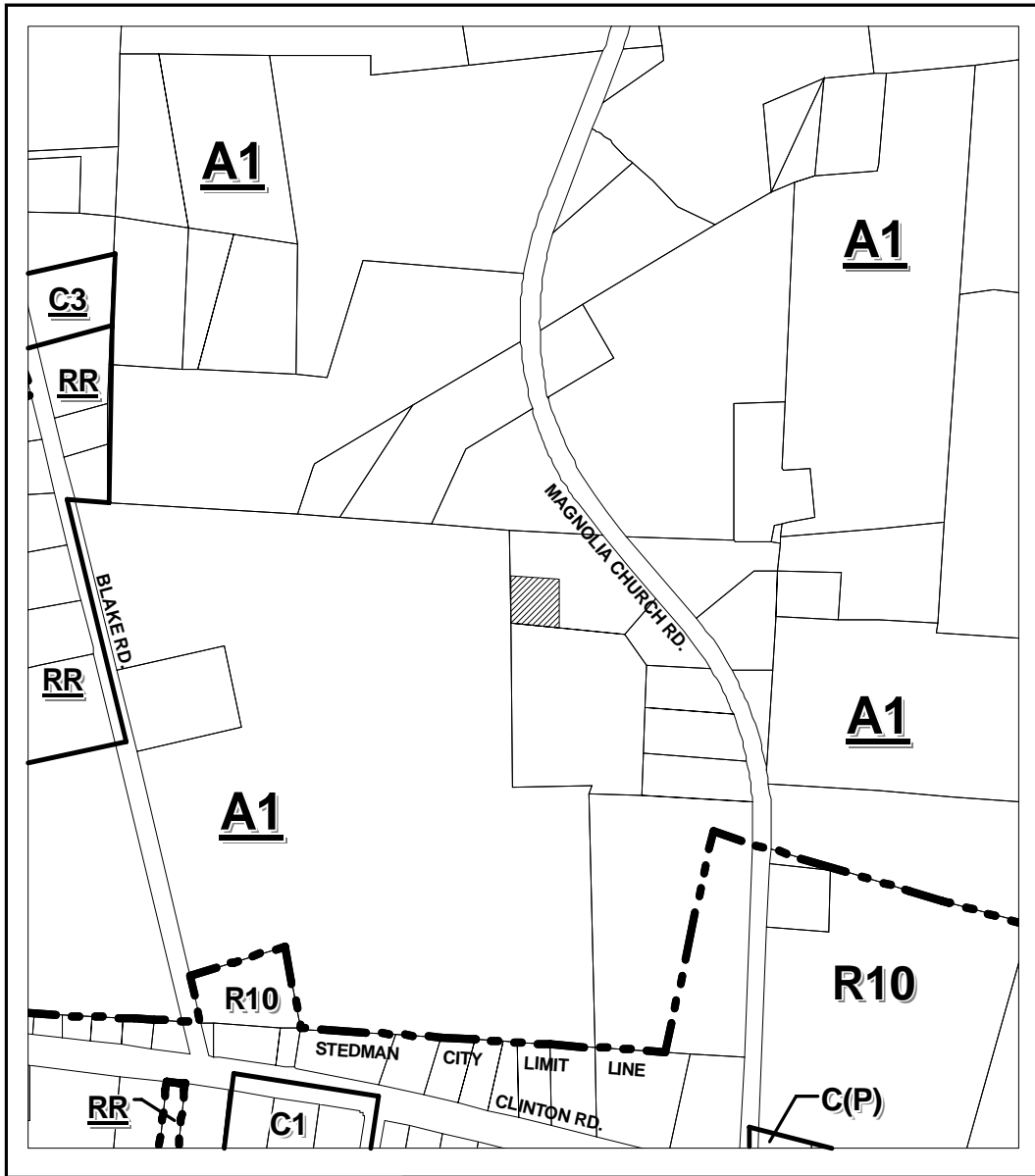
The Planning & Inspections Staff recommends denial of the M(P)/Conditional Use District and Permit based on the following:

1. The request is not consistent with the 2010 Land Use Plan; and
2. This area is prone to development due its proximity to the Town of Stedman and with future public water and sewer extension; thus, the request would be extremely detrimental for any possible future development within the area.

There are no other suitable zoning districts to be considered.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile



**REQUESTED REZONING:
A1 TO M(P)/CUD**

ACREAGE: 0.55 AC.+/-		HEARING NO: P06-18
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

SITE PROFILE
P06-18

REZONING OF A .55 ACRE PORTION OF A 2.97 ACRE TRACT FROM A1 TO M(P)/CONDITIONAL USE DISTRICT & PERMIT TO ALLOW STORAGE OF EXPLOSIVE MATERIALS AT 317 MAGNOLIA CHURCH ROAD, SUBMITTED BY LARRY W. HALL, OWNED BY DENNIS H. COSTER SR.

Site Information:

Applicant/Owner: DENNIS H. COSTER, SR. / LARRY W. HALL

Area: .55 acres

Frontage & Location: 150 feet

Depth: 160 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: September 3, 1996 (Area 20)

Zoning Violation(s): None

Surrounding Zoning: Primarily A1 with RR and C3 to the West

Surrounding Land Use: Single family residential

Stedman Area Detailed Land Use Plan: Suburban Density Residential

Municipal Influence Area: Stedman

Urban Services Area: Yes

Water/Sewer Availability: Well / Septic

Subdivisions:

School Capacity/Enrollment: Stedman Primary 136/140, Stedman Elementary 303/283, Mac Williams Middle 1,274/1,133, Cape Fear High 1,400/1,507

Military Impact Area: No

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

Application Conditions Requested by the Applicant

1. Metal Cargo Container as a Type 4, fireworks storage magazine
2. Magazine size: 40ft x 8ft x 8ft
3. Magazine approved for up to 5000lbs, gunpowder weight.
4. Time period: 7-8 months each year
5. Delivery and pick-up: During daylight hours only
6. ATF Inspections: *Maximum limit of 1000lbs, gross explosive weight, not package weight*, of explosive materials to be stored at the site, given the distance of 210ft to the house.

Conditional Use Permit-Ordinance Related Conditions

49. The developer must submit a copy of a revised site plan for review and approval by the Planning & Inspections Staff, showing the following:
 - a) The required off-street loading space.
 - b) The landscape plan meeting the requirements.
 - c) The location of proposed drive to the site.
 - d) The location and size of any proposed signs.
 - e) Any proposed fencing.

Permit-Related:

50. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. For additional information, the developer should contact a Code Enforcement Officer.

51. Compliance with the County Health Department regulations regarding wells and septic tanks is required. The proposed structure cannot adversely impact the well and septic tank on this tract for the existing home.
52. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
53. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
54. Final permits will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

55. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M(P)/CUD zoning district must be complied with.
56. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
57. Off-street loading spaces shall be provided in accordance with Section 1203, County Zoning Ordinance, for the non-residential sites.
58. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
59. A solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance.
60. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
61. If the existing driveway is changed or a driveway is added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT)
62. The applicant is the responsible party for continued compliance with the regulations of the Department of Justice, Bureau of Alcohol, Tobacco, Firearms & Explosives and to keep all required permits current with the County Fire Marshall's office.
63. Appropriate security measures must be undertaken to protect the site.

Advisories (The conditions listed below may not apply specifically to this development but are offered as cautionary statements.):

- _ The applicant is advised to consult an expert on wetlands before proceeding with any development.
64. The developer shall be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for permits for any structure and/or final plat approval of any portion of this development.
65. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
66. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
67. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.

Other Relevant Conditions:

68. This conditional approval is contingent upon continued compliance with the County's Subdivision and Zoning Ordinances.

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin
Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Clifton McNeill, Jr.,
Roy Turner,
Lori Epler,
Sara E. Piland,
Cumberland County

April 11, 2006

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for April 18, 2006 Board Meeting

P06-27: REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE III, SECTION 3.1. "TABULATION OF PERMITTED USES", TABLE 1-E, PERMITTED AND CONDITIONAL USES, M2 HEAVY INDUSTRIAL DISTRICT, BY INSERTING UNDER THE PERMITTED USES SECTION IN ALPHABETICAL ORDER: "AUCTION HOUSE" AND "SECOND HAND, PAWN, THRIFT SHOP AND SWAP SHOP SALES"; AND AMEND ARTICLE X, "DEFINITION OF TERMS", SECTION 10.2 "DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING IN ALPHABETICAL ORDER: "AUCTION HOUSE". (STEDMAN)

The Planning & Inspections Staff recommends denial of the request until such time as:

1. The purpose and intent statement of the zoning classifications can be reviewed and amended; and;
2. A study can be accomplished to determine the mix of appropriate retail uses that would be compatible with the uses in industrial districts.

Attachments:

- Amendment

P06-27

REVISIONS AND AMENDMENTS TO THE STEDMAN ZONING ORDINANCE, ARTICLE III, SECTION 3.1. "TABULATION OF PERMITTED USES", TABLE 1-E, PERMITTED AND CONDITIONAL USES, M2 HEAVY INDUSTRIAL DISTRICT, BY INSERTING UNDER THE PERMITTED USES SECTION IN ALPHABETICAL ORDER: "AUCTION HOUSE" AND "SECOND HAND, PAWN, THRIFT SHOP AND SWAP SHOP SALES"; AND AMEND ARTICLE X, "DEFINITION OF TERMS", SECTION 10.2 "DEFINITIONS OF SPECIFIC TERMS AND WORDS BY INSERTING IN ALPHABETICAL ORDER: "AUCTION HOUSE". (STEDMAN)

ADD to Article III, Permitted Principal Uses and Structures, Section 3.1, Tabulation of Permitted Uses, Table 1-E, Permitted and Conditional Uses, M2 Heavy Industrial District, as Permitted Uses in Alphabetical Order:

Auction house

Second-hand, pawn, thrift shop and flea market

ADD to Article X, Definition of Terms, Section 10.2. Definitions: "Auction House" in Alphabetical Order:

Auction house: A structure, area, or areas within a structure used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.