

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

August 11, 2009

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: County Planning Staff

SUBJECT: Staff Recommendation for the August 18, 2009 Board Meeting

P09-41. REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 155: SUBDIVISION REGULATIONS, § 155.53 GROUP DEVELOPMENTS; SPECIFICATIONS, BY AMENDING THE ENTIRE SECTION AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

The County Planning Staff recommends approval of the amendment to the Spring Lake Subdivision Regulations as proposed, based on the following:

1. The amendment updates the Spring Lake provisions regulating group developments ensuring they are more consistent with the recently adopted Town fire code regulations (*Appendix D, 2009 North Carolina Fire Code*) and with the County standards; and
2. The amendment was requested by the Town of Spring Lake.

Attachment:

- Proposed Amendment, § 155.53 Spring Lake Subdivision Regulations

P09-41

Spring Lake Subdivision Ordinance Text Amendment

REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 155: SUBDIVISION REGULATIONS, § 155.53 GROUP DEVELOPMENTS; SPECIFICATIONS, BY AMENDING THE ENTIRE SECTION AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

AMEND Spring Lake Code of Ordinances, Chapter 155: Subdivision Regulations, § 155.53 in its entirety as follows:

§ 155.53 GROUP DEVELOPMENTS; SPECIFICATIONS.

The site plan for group developments ~~shall be submitted as required in 155.21 (A).~~ **Site plans** shall show the locations and sites of buildings, streets, drives, alleys, parking, recreation areas, signs, loading berths, yards and other open spaces, and shall be in accordance with the following specifications: -

(A) Lot area. The plot area per dwelling unit, excluding the area of publicly dedicated rights-of-way within the development, shall be as permitted by the Town Zoning Ordinance ~~Chapter 156~~.

(B) Yard setbacks. Each building on the periphery of a group development shall observe the minimum yard setback requirements ~~of Chapter 156~~ for the district in which the development ~~it~~ occurs. The judgment of the Board of Aldermen as to what constitutes the front, rear, and side yards of each building in the group development shall be final.

(C) Building separation. Buildings within group developments under single ownership shall be separated by a minimum distance of 20 feet plus ten feet for each story above two stories. ~~In residential group developments additional yard requirements shall be observed as follows:~~

~~(1) — Each façade of every building shall have a yard space of an isosceles triangle whose base shall be a line connecting the extreme ends of the façade and whose altitude shall be the length of the base line multiplied by a building height factor from the table below. In no case shall the triangle altitude be less than 15 feet.~~

~~(2) — Each projection from a main façade and new triangles will constitute a new façade and, new triangles will be constructed in the same manner as above using base line connecting the extreme ends of the projections and the extreme ends of the~~

~~main façade. The yard thus established for each building may not overlap the yard space for any other building.~~

<u>Height of Building in Stories</u> <u>Triangle Base to Obtain Altitude</u>	<u>Factor to apply to</u>
1	0.4
2	0.5
3	0.6
4 and 5	0.7
6 and 7	0.8
8 and 9	0.9
10 and over	1.0

~~(D)~~ In no case shall any part of a principal ~~residential~~ building be located closer than 20 feet to any part of another principal building.

~~(D)~~ (E) Street access. The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access. Group developments in the form of apartment complexes, or unit ownership (i.e., condominium or townhouse) developments with owners' associations legally obligated to maintain vehicular access and circulation drives, shall not be subject to the private street standards specified in this chapter. ~~Each access point to a public street must be at least 40 feet in width. All portions of every building shall be located within 500 feet of some portion of one or more said access points.~~

~~(E)~~ (F) Dedication/Reservation of right-of-way. Where official plans show future streets or thoroughfares, or where reasonable access to adjoining property is required, the development will be designed so as to provide right-of-way for such future streets or thoroughfares and to give access to such properties by means of a public street dedication, if the development is such that requires a final plat to be prepared and recorded, or where no final plat is required, the land area within the right-of-way shall be reserved. No portion of the land area contained within the reserved or dedicated right-of-way may be used to satisfy calculation for density.

~~(F)~~ (G) Off-street parking. ~~One vehicular access to a public street shall be provided to each 60 parking spaces, or fraction thereof, within a residential group development and shall directly serve said spaces.~~ ~~(H)~~ Parking shall be provided in accordance with the applicable zoning regulations. ~~(I)~~ At least three-fourths $\frac{3}{4}$ of the required parking spaces shall be located on the development in off-street parking lots, no part of which shall be located closer than five 15 feet to any existing or proposed street right-of-way lines in accordance with the adopted Highway Plan or locally adopted Collector/ Feeder Street Plan. Each space shall be not less than nine feet by 20 feet in area. Compact car spaces may be utilized within a development in accordance with the provisions of the Town Zoning Ordinance. Isles adjacent to the compact car spaces shall be

standard width, and all compact car spaces shall be clearly marked. One-fourth of the required parking spaces may be in parking bays on minor public streets which are entirely within the development, provided that ~~no space none~~ shall be in the turn-around portion of culs-de-sacs. Bays shall not be longer than 80 feet along such street lines and each bay shall be separated from any other bay by a distance of not less than one-half ~~1/2~~ the combined width of both bays. No more than one-third ~~1/3~~ of the total frontage of any such street shall be devoted to parking bays. ~~(J)~~ Each off-street parking space for any ~~each~~ residential building shall be located within 200 feet of said building.

(G K.) *Swimming pools.* Swimming pools which are constructed within a multi-family group development shall be located not less than 50 ~~100~~ feet from any boundary of the project, including a ~~and not less than 50 feet from any~~ public street ~~and conform to the following:~~

~~1. Have a fence at least three feet high completely enclosing the portion of the yard containing the pool with a gate that can be securely fastened.~~

~~2. Cause all flood lights to be shielded in such a manner that no offensive glare will be visible from adjoining streets or properties.~~

~~3. Have, for each pool with a capacity of 2000 gallons or more, filtering and purification equipment or automatic water exchange capable of changing all the water every 24 hours.~~ All swimming pools shall comply with the provisions of the Town Zoning Ordinance.

(H L.) *Recreation/Open space areas.* In residential group developments, designated recreation/open space areas and facilities shall be provided on-site in accordance with the provisions of §155.67(H) unless the developer can show, and the Parks and Recreation Director agrees, that the surrounding community has adequate public recreation area available ~~and shall consist of at least 500 square feet of area for each dwelling unit in the development, located and designed with a reasonable relationship to building locations and the particular recreation requirements of the occupants.~~ In the event that adequate public recreation is existing within the surrounding community, the developer shall pay a fee in lieu of providing on-site recreation as allowed in §155.67(H). Areas within the required yard setbacks can be counted as part of the required recreation area provided they are developed, which would include tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten percent of the required recreation/open space area. On-site amenities outside the setback area such as indoor recreation centers and clubhouses may be counted to satisfy the provisions of this sub-section. Recreation/open space areas dedicated to the public sector shall be subject to all the requirements in §155.67(H).

(I) *Screening.* All dumpster and utility areas shall be located on concrete slabs and at a minimum, fenced around three fenced sides. Chain link fencing may be utilized,

but it must be accompanied with vegetative plantings planted in such a manner as to effectively screen the dumpster and utility areas from public view.

(J) Zoning Ordinance compliance. All applicable provisions of the County Zoning Ordinance, to include buffers, signage, etc. is to be complied with and evidenced on the site plan.

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COUNTY of CUMBERLAND

Planning & Inspections Department

August 11, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 18, 2009 Board Meeting

P09-19: REZONING OF .57+/- ACRES FROM A1 AGRICULTURAL TO M1(P)/CUD PLANNED LIGHT INDUSTRIAL/CONDITIONAL USE DISTRICT (CABINET SHOP & MOTOR VEHICLE REPAIR AND/OR BODY WORK) AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 11444 DUNN ROAD, SUBMITTED AND OWNED BY BLACK RIVER INVESTMENTS, INC.

The Planning & Inspections Staff recommends approval of the requested rezoning to M1(P) Planned Light Industrial/Conditional Use District [M1(P)/CUD], provided that the property owner agrees to restrict the use of the subject property to the cabinet shop; the staff recommends denial of the requested use of motor vehicle repair and/or body work at this location and eliminating all other uses typically allowed within the M1(P) Planned Commercial district, based on the following:

1. Although the district and use requested is not consistent with the 2030 Growth Strategy Map, which calls for "rural area" at this location, operation of a cabinet shop on the subject property is consistent with all but one of the listed location criteria in the Land Use Policies Plan portion of the Comprehensive Plan for Light Industrial/ Manufacturing – public sewer is not available;
2. The operation of motor vehicle repair and/or body work is not an appropriate use at this location specifically due to the tendency for this type of use having outside open storage and the subject property is located in a predominately agricultural area; and
3. The request for the M1(P) Light Industrial District to operate a cabinet shop is reasonable at this location considering it would allow for the viable use of an existing non-residential structure.

The property owner has verbally agreed to the staff recommendation and voluntarily agrees to restrict the use of the subject property to a cabinet shop operation, eliminating all other uses allowed in the M1(P) zoning district including the elimination of motor vehicle repair and/or body work.

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

1. The use will not materially endanger the public health or safety if located according to the plan submitted, the site is located in an area that is not congested with development;
2. The use will meet all required conditions and specifications if developed according to the site plan, application and the attached "Ordinance Related Conditions";
3. The use will maintain or enhance the value of adjoining or abutting properties in that the use and structure are existing and the developer has agreed to construct or put in place all zoning measures intended to protect adjacent properties; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general will be brought into conformance with the development ordinances and adopted planning policies.

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

The property owner has voluntarily agreed to this staff recommendation and all attached Ordinance Related Conditions.

Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan
- 4 – Ordinance Related Conditions
- 5 - Application

P09-19
SITE PROFILE

P09-19: REZONING OF .57+/- ACRES FROM A1 AGRICULTURAL TO M1(P)/CUD PLANNED LIGHT INDUSTRIAL/CONDITIONAL USE DISTRICT (CABINET SHOP & MOTOR VEHICLE REPAIR AND/OR BODY WORK) AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 11444 DUNN ROAD, SUBMITTED AND OWNED BY BLACK RIVER INVESTMENTS, INC.

Site Information:

Frontage & Location: 30'+/- on Dunn Road (US HWY 301)

Depth: 320.00'+/-

Total Tract Size: 2.0+/- acres

Jurisdiction: Cumberland County

Adjacent Property: Yes, north, south and east of subject property

Current Use: Cabinet shop

Initial Zoning: A1 – November 25, 1980 (Area 14)

Nonconformities: Yes, cabinet shop not permitted in A1 district

Zoning Violation(s): Yes, Case No.: ZN 5802-2009 dated 03/04/09, operating a commercial business (cabinet shop) in A1 district

Surrounding Zoning: North: A1 & A1A; East & West: A1; South: A1 & C3

Surrounding Land Use: Residential (including manufactured homes and 1- abandoned manufactured home), farmland and woodland

2030 Land Use Plan: Rural area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Falcon/Septic (new septic permit required)

Soil Limitations: None

School Capacity/Enrolled: District 7 Elementary: 300/260; Mac Williams Middle: 1270/1199; Cape Fear High: 1425/1482

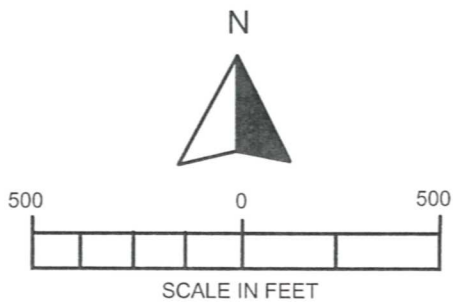
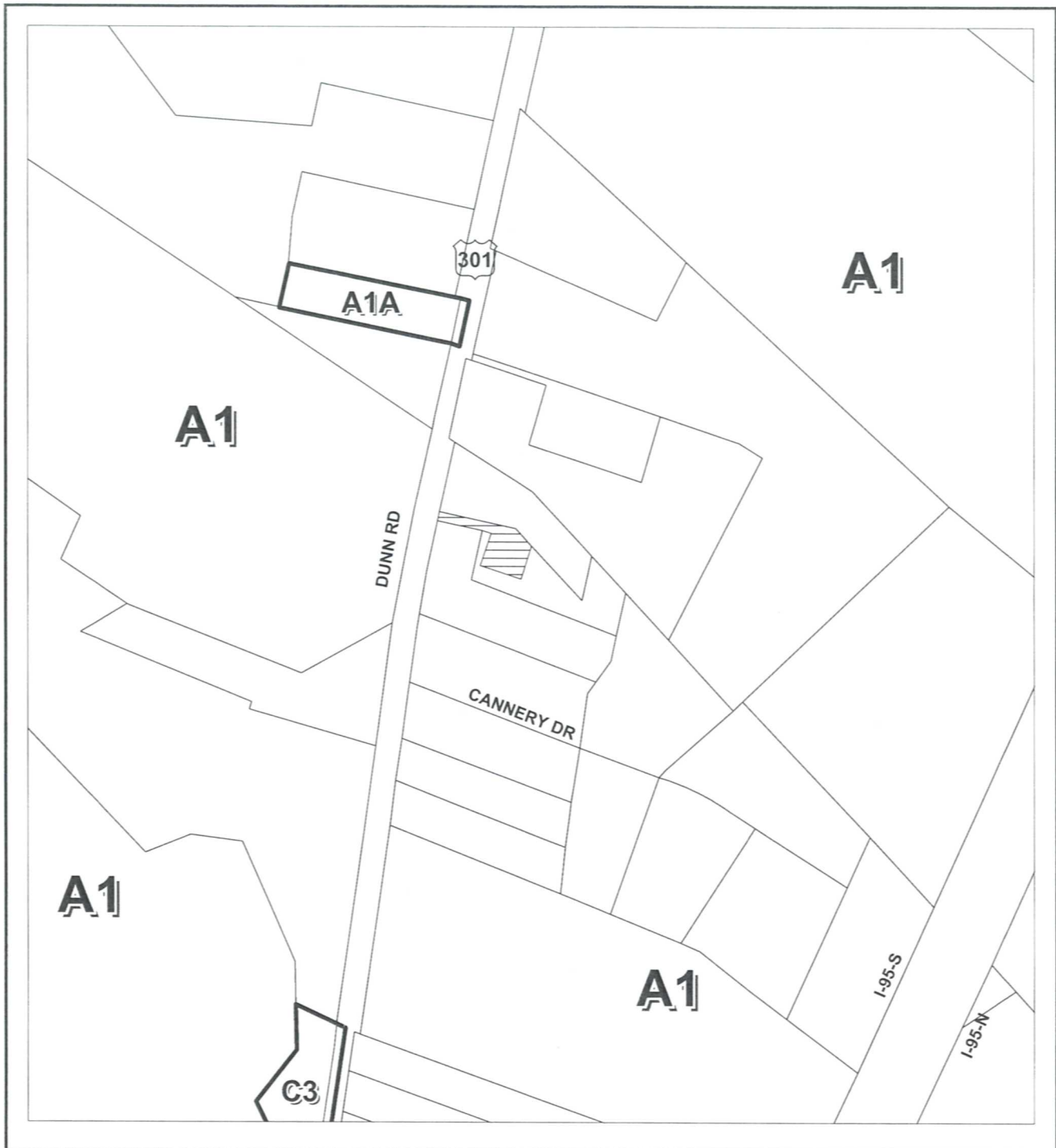
Subdivision/Site Plan: See attached “Ordinance-Related Conditions” – particular attention to Condition No. 1, 2, 12 and 13

Average Daily Traffic Count (2006): 1,800 on Dunn Rd (US HWY 301)

Highway Plan: Dunn Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2009-2015 MTIP. This is a Priority #3 in the Highway Portion of the LRTP

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.

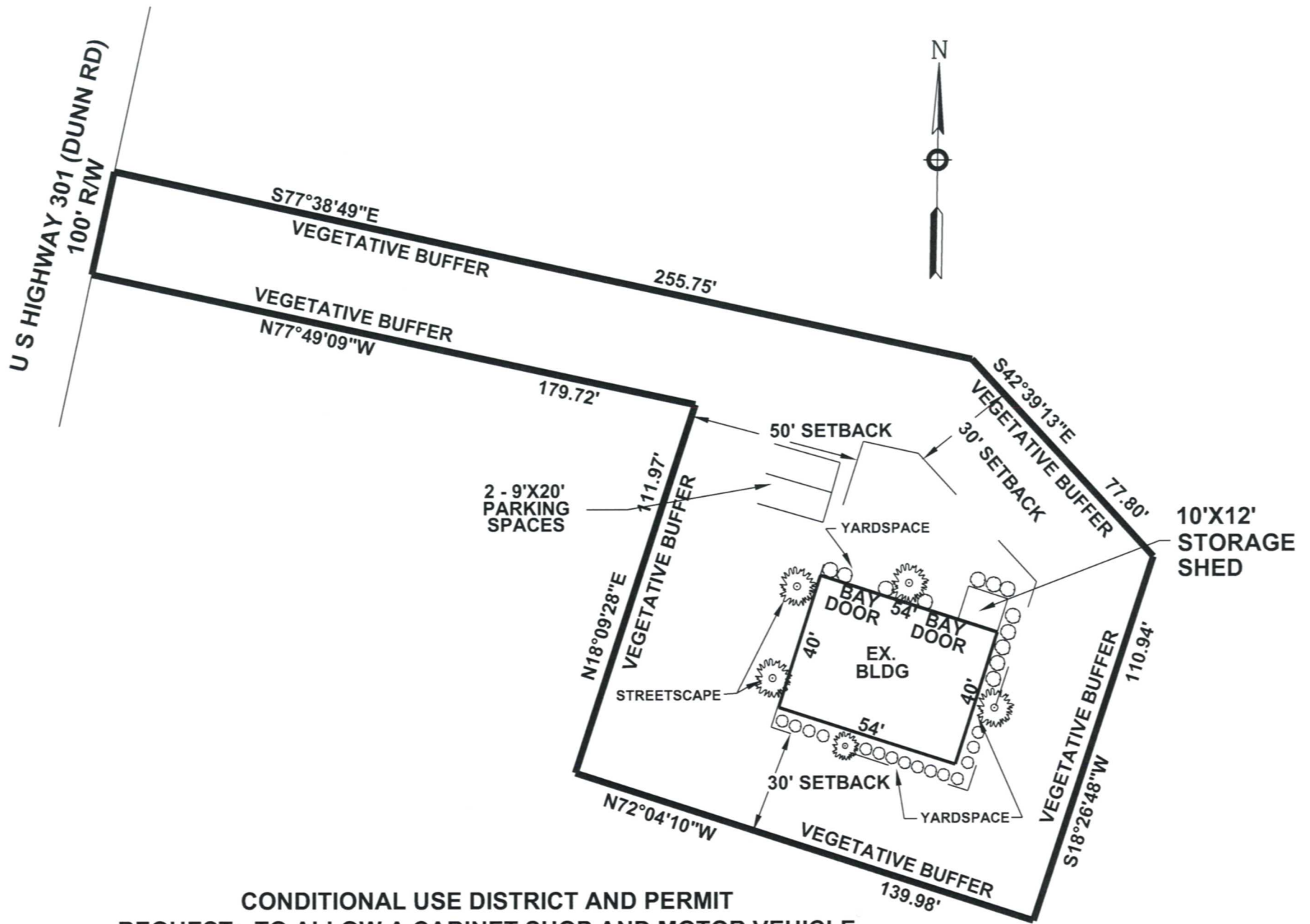


PORT. OF PIN: 1504-60-4826

REQUESTED REZONING A1 TO M1(P)/CUD

ACREAGE: 0.57 AC.+/-	HEARING NO: P09-19	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

AF
7/14/09
7/28/09



**CONDITIONAL USE DISTRICT AND PERMIT
 REQUEST: TO ALLOW A CABINET SHOP AND MOTOR VEHICLE
 REPAIR AND/OR BODY WORK**

**CASE: P09-19 ACREAGE: 0.57 AC ±
 PROPOSED ZONING: M1(P)/CUD SCALE: 1"=40'
 PARKING: 2 SPACES**

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

7/14/09
 7/16/09
 7/28/09

Conditional Use District & Permit

Ordinance Related Conditions

Pre-Permit Related:

1. The sign advertising the existing business on the subject property (cabinet shop) must be removed from the adjacent property or the owner must submit application(s) for and receive approval of a “billboard” – defined as an off-site advertising sign – which is not a permitted use in the A1 zoning district. (Note: Also see related Condition No. 13.)
2. The property owner/developer must contact a County Building Inspector regarding standards and specifications for the approval of building permits. (Note: This condition is necessary because there are no records of permits issued for the existing structure on the subject property.)

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
5. Connection to public water is required; the Town of Falcon must approve water plans prior to application for any permits. A copy of the Town’s approval must be provided to Code Enforcement at the time of application for building/zoning permits.
6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State’s *Post-Construction Permit* must be provided to County Code Enforcement.
7. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
8. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
9. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - One ornamental tree and eight shrubs are required in the building yard area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and

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- b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M1(P)/CUD and the conditions of the Permit must be complied with, as applicable. (Note: Only the use(s) specifically approved by the County Board of Commissioners are allowed uses on this site.)
12. Due to minimum lot size requirements for the A1 zoning district, the remaining portion of this tract may only be used for non-residential uses that are allowed in the A1 zoning district – one acre required per non-residential use.
13. This conditional approval is not approval of any freestanding signs on the subject property. If a freestanding sign is desired, re-submittal of the site plan for staff approval is required prior to application for any freestanding sign permits. Attached signage for this development must 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.)
14. “US HWY 301” must be labeled as “US HWY 301 (Dunn Road) on all future plans.
15. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources’ (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground.
17. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
18. Turn lanes may be required by the NC Department of Transportation (NCDOT).
19. 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.
20. A solid buffer must be provided and maintained as shown on the site plan, except a buffer is not required along the property lines of the 30 “flag” strip, in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
22. All required off-street parking spaces shall be a minimum of 9’ x 20’; a minimum of one space for vehicle used directly in the conduct of the use, plus two additional spaces for each three employees on the largest shift off-street parking spaces are required for this development.
23. 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.
24. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
25. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County’s Noise Ordinance is required.

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Other Relevant Conditions:

26. The applicant is advised to consult an expert on wetlands before proceeding with any development.
27. 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.
28. Under current standards, due to the limited road frontage of the subject property, this property cannot be further subdivided without submission for and receiving approval of a public or private street.
29. 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.
30. Generally if any changes to the site plan or application exceed 10% of that which was approved, a modification of the conditional use district and permit must be submitted for re-consideration by the appropriate board(s).

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Town of Falcon (water):	Belinda White (Town Clerk)	980-1355
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities/NORCRESS:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. APPLICANT/AGENT: BLACK RIVER INVESTMENTS INC.
2. ADDRESS: P.O. Box 41, DUNN NC ZIP CODE: 28335
3. TELEPHONE: (Home) 910-892-7042 (Work) 919-894-6367
4. Location of Property: 11444 DUNN ROAD, Fayetteville NC
5. Parcel Identification Number (PIN #) of subject property: 1504-60-4826
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 0.57 Frontage: 50 FT. Depth: 320 FT.
7. Water Provider: FALCON
8. Septage Provider: PRIVATE - SEPTIC TANK REL
9. Deed Book 113, Page(s) 196, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: CABINET SHOP
11. Proposed use(s) of the property: CABINET SHOP, self storage, repair + service

5/13/09
J. K. to
change
or Mr. LEE

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: A1

TO: (select one)

- ~~MI (E)~~ Conditional Use District, with an underlying zoning district of MI (P)
(Article V)
- _____ Mixed Use/Conditional Use District (Article VI)
- _____ Planned Neighborhood District/Conditional Use District (Article VII)
- _____ Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

Cabinet shop, self storage, repair + service Auto's

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

see attached site plan

2. DIMENSIONAL REQUIREMENTS:

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

see attached site plan

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

2 spaces

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

WAX MYRTLE - 4 gal. CONTAINERS @ 10 FT. SPACING

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

see attached site plan

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

- HRS. of operation

Mon. thru Fri. 8am to 5pm

- no exterior lighting

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

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7. ACKNOWLEDGEMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (change) rests with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Robert E. Lee / Harvey E. Strickland - Black River Investments
NAME OF OWNERS (PRINT OR TYPE)

P.O. Box 41 DUNN NC 28335
ADDRESS OF OWNER(S)

910-892-7042
HOME TELEPHONE #

910-892-8615
WORK TELEPHONE #

Robert E. Lee
SIGNATURE OF OWNER(S)

Harvey E. Strickland
SIGNATURE OF OWNER(S)

910-891-2181

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning & Inspections Department

August 11, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 18, 2009 Board Meeting

P09-34: REZONING OF .89+/- ACRES FROM R10 RESIDENTIAL TO RR/CUD RURAL RESIDENTIAL/CONDITIONAL USE DISTRICT (RESIDENTIAL INCLUDING SINGLE-FAMILY, MULTI-FAMILY & MANUFACTURED HOMES, NURSERY OPERATIONS AND OFFICE) AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6067 CAMDEN ROAD, SUBMITTED AND OWNED BY MICHAEL F. AND BARBARA J. SHOENBERGER.

The Planning & Inspections Staff recommends approval of the requested rezoning to RR Rural Residential/Conditional Use District [RR/CUD], provided that the property owner agrees to restrict the use of the subject property to the existing residential dwelling and the plant nursery operation with an office; the staff recommends denial of the requested use of additional residential uses, including multi-family dwellings and Class A and Class B manufactured homes at this location and eliminating all other uses typically allowed within the RR Rural Residential district, based on the following:

1. Although the district and use requested is not entirely consistent with the 2030 Comprehensive Plan, which calls for "urban" development at this location, the request is reasonable in that approval of the RR Rural Residential district will ensure the existing dwelling continues to be a conforming use while at the same time allowing the plant nursery operation in an area that is transitioning to non-residential development;
2. The request is consistent with the location criteria for Suburban Density Residential as listed in the Land Use Policies Plan;

The property owner has verbally agreed to the staff recommendation and voluntarily agrees to restrict the use of the subject property to the existing dwelling and the plant nursery operation with an on-site office for the nursery, eliminating all other uses allowed in the RR Rural Residential zoning district.

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

1. The use will not materially endanger the public health or safety if located according to the plan submitted, the site is located in such a manner that the minimum development standards of the ordinances are met or exceeded;
2. The use will meet all required conditions and specifications if developed according to the site plan, application and the attached "Ordinance Related Conditions";
3. The use will maintain or enhance the value of adjoining or abutting properties in that the dwelling unit is existing and the developer has agreed to extend public sewer to serve the office for the plant nursery operation; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general will be developed in conformance with the development ordinances and adopted planning policies.

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

The property owner has voluntarily agreed to this staff recommendation and all attached Ordinance Related Conditions.

Attachments:

- 1 – Site Profile
- 2 – Rezoning Sketch Map
- 3 – Site Plan
- 4 – Ordinance Related Conditions
- 5 - Application

P09-34
SITE PROFILE

P09-34: REZONING OF .89+/- ACRES FROM R10 RESIDENTIAL TO RR/CUD RURAL RESIDENTIAL/CONDITIONAL USE DISTRICT (RESIDENTIAL INCLUDING SINGLE-FAMILY, MULTI-FAMILY & MANUFACTURED HOMES, NURSERY OPERATIONS AND OFFICE) AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6067 CAMDEN ROAD, SUBMITTED AND OWNED BY MICHAEL F. AND BARBARA J. SHOENBERGER.

Site Information:

Frontage & Location: 120.00'+/- on Camden Road

Depth: 250.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Residential

Initial Zoning: R10 – February 3, 1977 (Area 7)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R6A (Hope Mills) RR & R10; East: MXD/CUD, R7.5 & R6 (Hope Mills), C1(P), RR, R10 & R6A; South: R6 & R5A (Hope Mills), R10 (Hope Mills/County); West: C1(P) & R5A (Hope Mills), R10 (Hope Mills/County), C(P), C(P)/CUD (mini-warehousing, retail/office space second floor dwelling unit & car wash) & R6A

Surrounding Land Use: Barbering and hairdressing services/salons, residential (including manufactured homes, manufactured home park and multi-family), open storage and woodlands

2030 Land Use Plan: Urban area

Special Flood Hazard Area (SFHA): None

Municipal Influence Area: Town of Hope Mills

Water/Sewer Availability: PWC/PWC (public sewer approximately 250' northeast on Camden Road)

Soil Limitations: None

School Capacity/Enrolled: C. Wayne Collier Elementary: 600/587; South View Middle: 900/884; South View High: 1800/1853

Subdivision/Site Plan: See attached "Ordinance-Related Conditions" – particular attention should be paid to Condition No. 1, 3, 11 and 12

Average Daily Traffic Count (2006): 16,000 on Camden Road (SR 1003)

Highway Plan: Camden Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-3422) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP

Notes:

1. Contents of the application:

- Nursery will provide mulch, decorative rock, gravel, top soil, small plants & shrubs, and ornamental trees.
- Days of Operation: Monday thru Saturday (8:00 am to 6:00 pm), 2 employees.

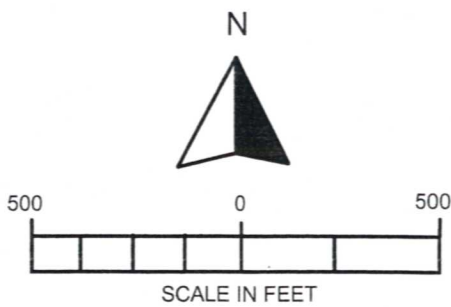
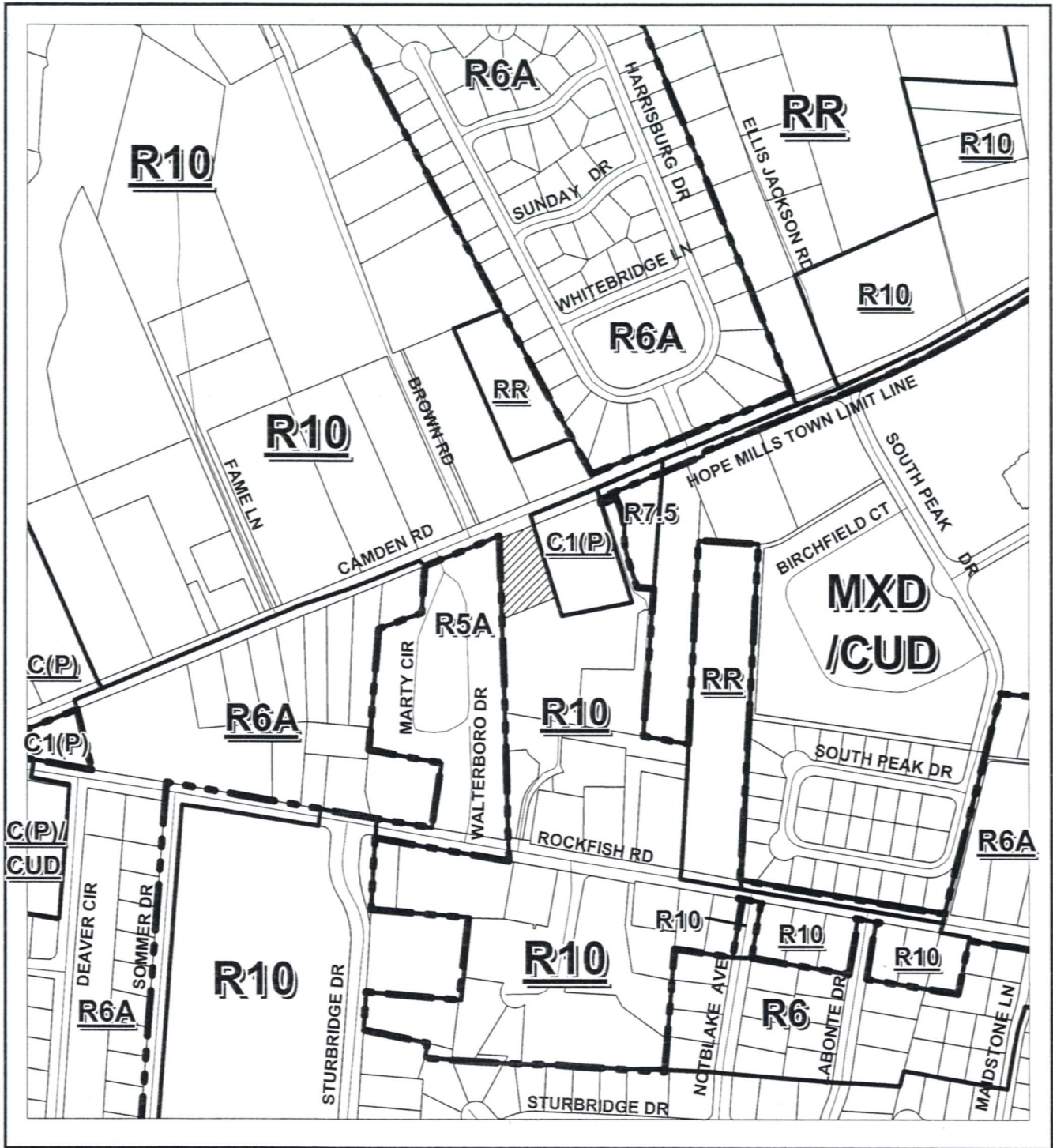
2. Other Requested Permitted Uses:

- Office (for nursery) - Single family
- Multi-family - Manufactured Home Class A or B

3. If nursery approved, only one dwelling unit permitted with rounding (.89 acres = 38,768.4 sq ft / 20,000 sq ft required per "unit" for RR zoning district)

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



REQUESTED REZONING R10 TO RR/CUD

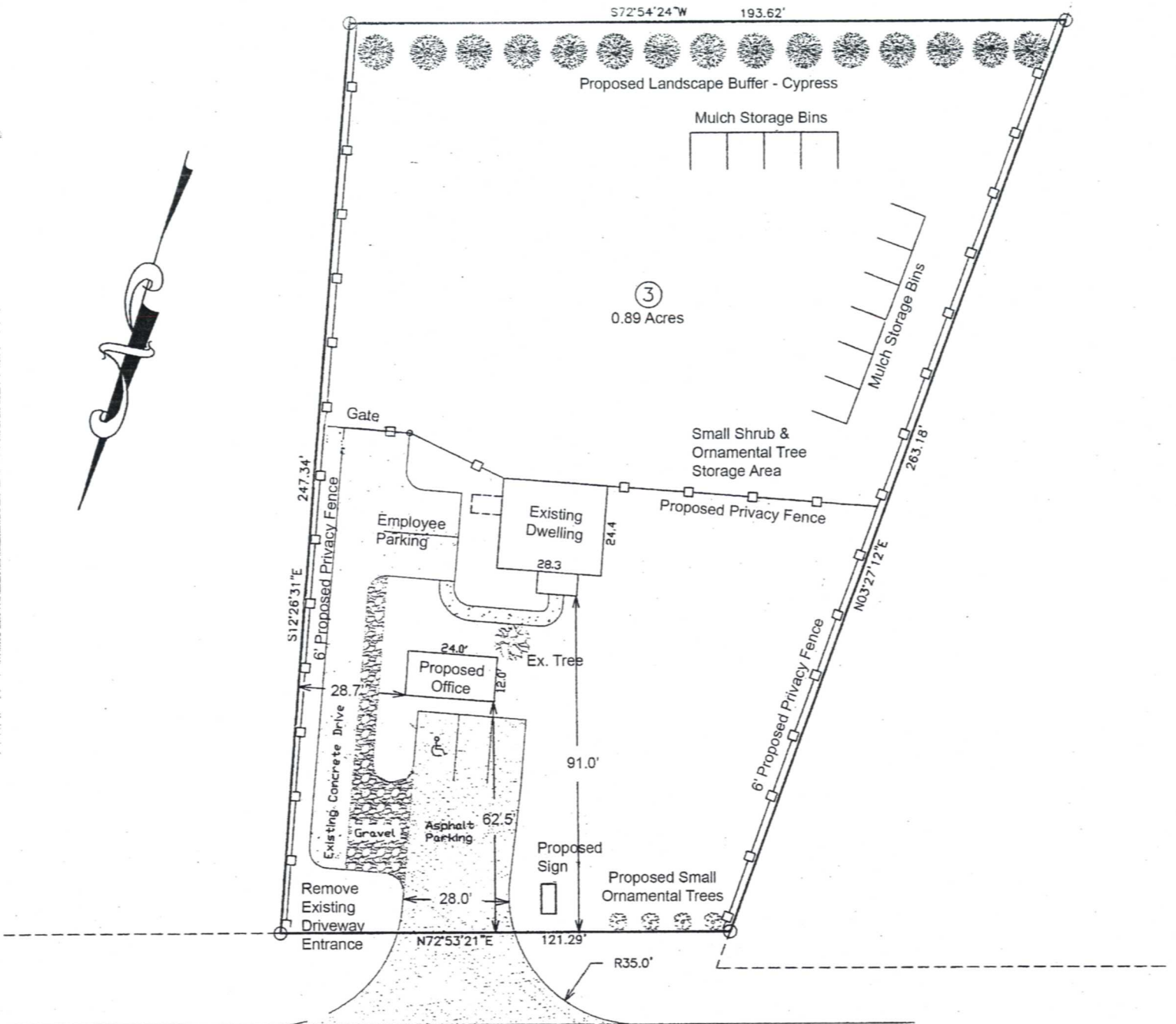
ACREAGE: 0.89 AC.+/-

HEARING NO: P09-34

ORDINANCE: COUNTY
STAFF RECOMMENDATION
PLANNING BOARD
GOVERNING BOARD

HEARING DATE ACTION

PIN: 0404-67-0287



SR# 1003 CAMDEN ROAD R/W Varies

CONDITIONAL USE DISTRICT & PERMIT

REQUEST: RESIDENTIAL, NURSERY OPERATIONS AND OFFICE
 CASE NO.: P09-34 ACREAGE: 0.89 AC. +/- SCALE: NTS
 PROPOSED ZONING: RR/CUD PARKING: AS SHOWN

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

Conditional Use District & Permit

Ordinance Related Conditions

Pre-Permit Related:

1. This conditional approval is not approval of the permit for the freestanding signs. The developer must submitted five copies of a revised site plan for staff approval indicating that the proposed sign complies with the required setback from the ultimate right-of-way (reservation) line prior to application for the freestanding sign permit – see Condition No. 12 below. Attached signage for this development must 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.)

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. Extension and connection to public sewer is required, the Public Works Commission (PWC) must approve sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits.
4. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - Two large shade trees or four small ornamental trees within the front yard setback area;

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and

DRAFT

- b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
9. The building final inspection cannot be accomplished 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 RR/CUD and the conditions of the Permit must be complied with, as applicable. (Note: Only those uses specifically approved by the County Board of Commissioners are allowed uses on this site.)
11. The approval for office use as stated in the application is approval of an office for the plant nursery only.
12. Reservation of 15 feet of right-of way along SR 1003 (Camden Road) is required and the metes and bounds for the reservation must be reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
15. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
16. Turn lanes may be required by the NC Department of Transportation (NCDOT).
17. 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.
18. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties and completely shielding the open storage areas from view from the street right-of-way in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of five off-street parking spaces are required for this development.
21. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
22. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Other Relevant Conditions:

23. The applicant is advised to consult an expert on wetlands before proceeding with any development.
24. 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.

DRAFT

25. Generally if any changes to the site plan or application exceed 10% of that which was approved, a modification of the conditional use district and permit must be submitted for re-consideration by the appropriate board(s).

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4773
Town of Hope Mills:		424-4555*
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.

cc: Mike Bailey, Town of Hope Mills

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. APPLICANT/AGENT: MIKE SHOENBERGER
2. ADDRESS: 6070 Camden Rd FAY NC ZIP CODE: 28306
3. TELEPHONE: (Home) 910-263-0529 (Work) 910-423-1000
4. Location of Property: 6067 CAMDEN ROAD
5. Parcel Identification Number (PIN #) of subject property: 0404-67-0287
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 0.89 Frontage: 121.29 Depth: 247.34
7. Water Provider: WELL
8. Septage Provider: SEPTIC
9. Deed Book 6764, Page(s) 502, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: RESIDENTIAL
11. Proposed use(s) of the property: RESIDENTIAL AND NURSERY -

MULCH BUSINESS
NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: R-10

TO: (select one)

- Conditional Use District, with an underlying zoning district of R-R
(Article V)
- Mixed Use/Conditional Use District (Article VI)
- Planned Neighborhood District/Conditional Use District (Article VII)
- Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE DISTRICT AND PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use District and Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

SEE ATTACHED DESCRIPTION

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed.

0.89 ACRES

2. DIMENSIONAL REQUIREMENTS:

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

FRONT: 30'

SIDE - 15'

REAR - 35'

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

PROVIDED - 5 TOTAL , 1 HANDICAP

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Sec. 1306.

SEE SITE PLAN

1. Proposed Uses(s)

The proposed use will be a Nursery Business providing a variety of mulch, decorative rock, gravel, top soil, small plants and shrubs, and ornamental trees. These products will be stored on site, behind the existing dwelling and concealed within a 6' privacy fence. The business can deliver these products using a small dump truck, or products can be picked up on site, loaded with a bobcat loader. The equipment used for the business will also be stored inside the privacy fence.

Future uses may also include Office Space, Single or Multi-Family Dwelling, or the location of a Class A or Class B Manufactured Home.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number of shrubs (Sec. 1102N).

NOTE: All required landscaping must be included on the site plan.

SEE SITE PLAN

- B. Indicate the type of buffering and approximate location.

LANDSCAPE BUFFER ALONG REAR PROPERTY LINE

PROPOSED PRIVACY FENCE ALONG WEST PROPERTY LINE

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

2 EMPLOYEES, 8AM-6PM MONDAY-SATURDAY

1 BOBCAT LOADER

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. ACKNOWLEDGEMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (change) rests with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

The undersigned hereby acknowledge the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Michael Shoenbergel
NAME OF OWNERS (PRINT OR TYPE)

6070 Camden Rd Fayetteville NC 28306
ADDRESS OF OWNER(S)

910-263-0529
HOME TELEPHONE #

910-423-1000
WORK TELEPHONE #

Gooden & Associates, Inc
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

1745 CYPRESS LAKES ROAD, HOPEWELL NC 28348
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-223-7766
HOME TELEPHONE #

WORK TELEPHONE #

Michael Shoenbergel
SIGNATURE OF OWNER(S)

Charles Terry Smith
SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Barbara Shoenbergel
SIGNATURE OF OWNER(S)

- * **ALL record property owners must sign this petition.**
- * **The contents of this application, upon submission, becomes "public record."**

423-1039

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
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Thomas J. Lloyd,
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Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning & Inspections Department

August 11, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 18, 2009 Board Meeting

P09-35: REZONING OF 2.11+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4250 DUDLEY ROAD, SUBMITTED AND OWNED BY ANDREW E. AND MICHELLE M. WESTON.

The Planning & Inspections Staff recommends approval of the R40A Residential district for this request based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for "rural area" at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan; and
2. The requested district will allow for development comparable to the existing lot sizes and land uses in the general area.

The A1A Agricultural and the R40 Residential districts could also be found suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P09-35
SITE PROFILE

P09-35: REZONING OF 2.11+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4250 DUDLEY ROAD, SUBMITTED AND OWNED BY ANDREW E. AND MICHELLE M. WESTON.

Site Information:

Frontage & Location: 330'+/- on Dudley Road

Depth: 750'+/-

Adjacent Property: No

Current Use: Residential and public utility sub-station

Initial Zoning: A1 - September 3, 1996 (Area 22)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: A1 & R40A; East & West: A1; South: A1& R40

Surrounding Land Use: Residential (including manufactured dwellings and 3-abandoned dwellings), woodlands and farmland

2030 Growth Vision Plan: Rural area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric soils: Le Leon Sand, TR Torhunta and Lynn Haven soils

School Capacity/Enrolled: Seabrook Elementary: 310/327; Mac Williams Middle: 1270/1199; Cape Fear High: 1425/1482

Subdivision/Site Plan: Review may be required prior to application for permits

Sewer Service Area: No

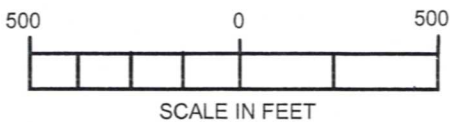
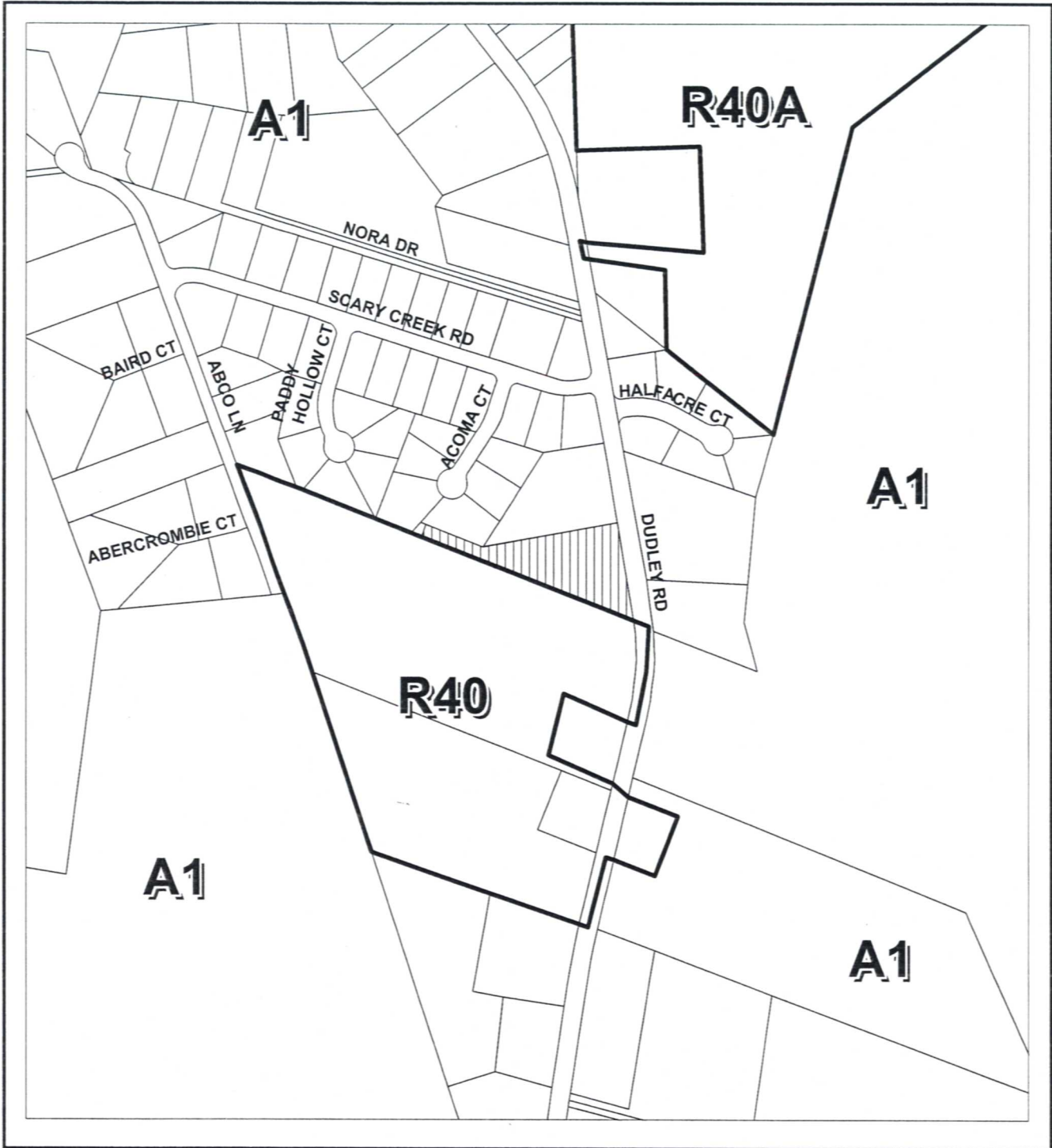
Average Daily Traffic County (2006): 1000 on Dudley Road (SR 2226)

Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan

Density: A1 – 1 lot/unit
 A1A – 2 lots/2 units
 R40/R40A – 2 lots/3units

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



PIN: 0472-18-0226

REQUESTED REZONING A1 TO R40A

ACREAGE: 2.11 AC. +/-		HEARING NO: P09-35	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
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Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning & Inspections Department

August 11, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 18, 2009 Board Meeting

P09-37: REZONING OF .72+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3708 GILLESPIE STREET, SUBMITTED AND OWNED BY BILLY G. AND KATHY T. MANNING.

The Planning & Inspections Staff recommends approval of the C(P) Planned Commercial district for this request based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for "urban area" at this location, as well as meeting all but one of the listed location criteria for heavy commercial as listed in the Land Use Policies Plan – no public sewer available; and
2. This segment of Gillespie Street (I-95 Business/US HWY 301) is designated as a Primary Business Street in the Land Use Policies Plan.

The C1(P) Planned Local Business district could also be found suitable at this location.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P09-37
SITE PROFILE

P09-37: REZONING OF .72+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3708 GILLESPIE STREET, SUBMITTED AND OWNED BY BILLY G. AND KATHY T. MANNING.

Site Information:

Frontage & Location: 51.9'+/- on Gillespie Street

Depth: 300.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, northeast and southwest of subject property

Current Use: Vacant lot

Initial Zoning: R6A – November 17, 1975 (Area 4)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C(P), R10 & R6A; East: C(P), C(P)/CU (open storage) RR & R6A; South: C(P), C(P)/CU (manufactured home park), R10 & R6A; West: R10 & R6A

Surrounding Land Use: Motor vehicle sales with open storage, cemetery, public/community utility stations/substation, residential (including manufactured homes, multi-family and 1-abandoned home), farmland and woodlands

2030 Growth Vision Plan: Urban area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic (PWC sewer opposite side of Gillespie Street, not available)

Soil Limitations: None

School Capacity/Enrolled: Baldwin Elementary: 790/707; South View Middle: 900/884; South View High: 1800/1853

Subdivision/Site Plan: If approved, site plan review will be required prior to application for permits

Municipal Influence Area: Town of Hope Mills

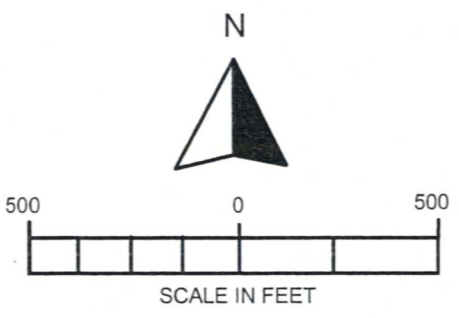
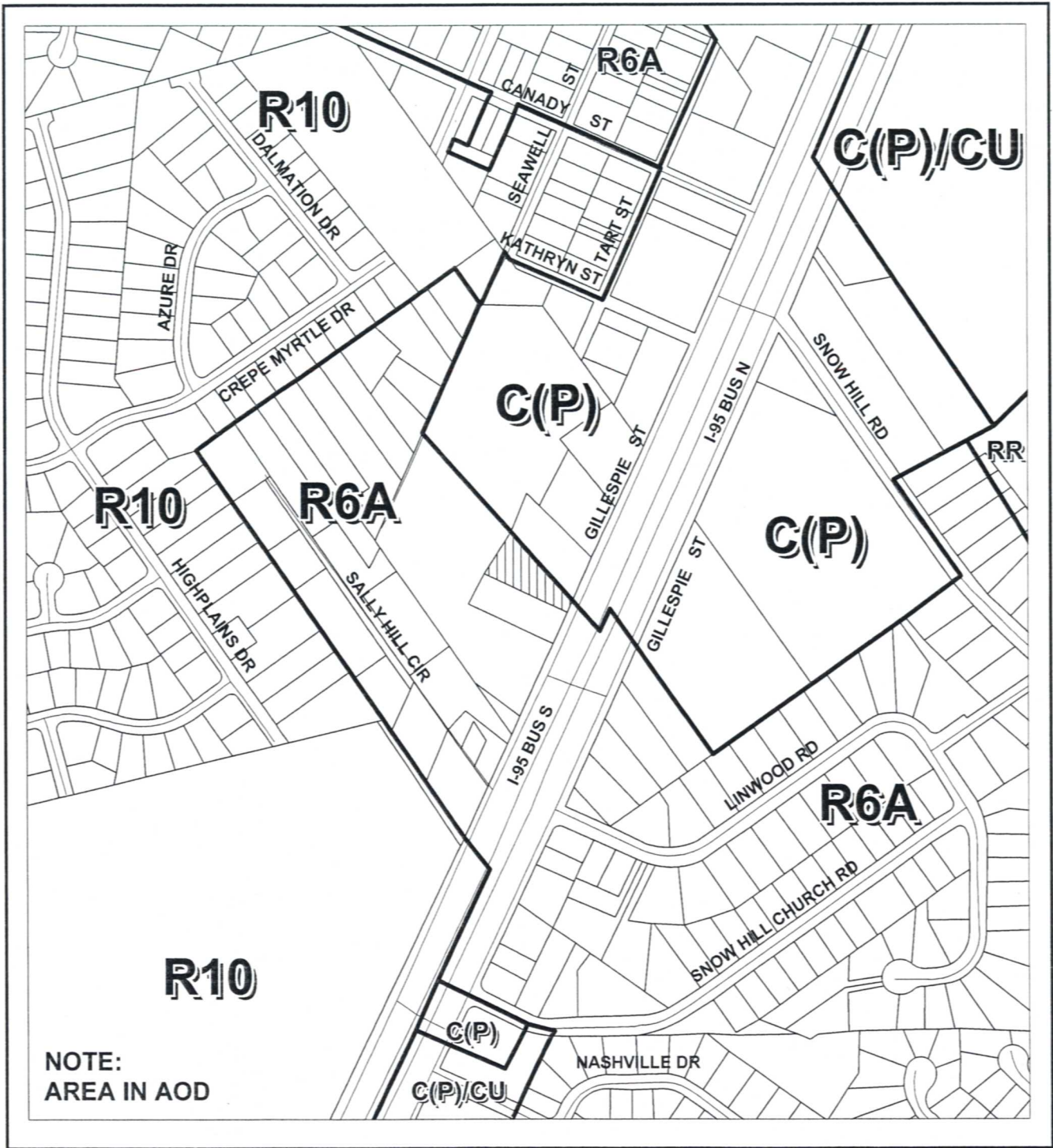
Airport Overlay District: No current impact; may be subject to height limitations

Average Daily Traffic Count (2006): 20,000 on (US HWY 301) Gillespie Street

Highway Plan: Gillespie Street (US HWY 301/I-95) is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (6-lane divided). Road improvements are not included in the 2009-2015 MTIP. This is a priority #2 in the Highway Portion of the LRTP

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



REQUESTED REZONING R6A TO C(P)

ACREAGE: 0.72 AC.+/-	HEARING NO: P09-37	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0424-77-1346

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning & Inspections Department

August 11, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: County Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 18, 2009 Board Meeting

P09-15: REZONING OF 18.2+/- ACRES FROM RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN RD (US HWY 301), NORTH OF (SR 1722) BEARD ROAD, SUBMITTED BY LOYD LANDRY AND OWNED BY GENE F. WILLIFORD, SR. (EASTOVER)

This case was deferred from the Joint Planning Board's May 19, 2009 meeting at the request of the applicant. The Planning & Inspections Staff recommends denial of R7.5 Residential; however, the staff does recommend approval of the R15 Residential district based on the following:

1. Although the request for R7.5 meets the standards for location criteria as listed in the Comprehensive Plan, the recommendation of R15 is more consistent with the lot sizes in the surrounding area and more in keeping with the Eastover Area Detailed Land Use Plan.
2. The recommendation of low density residential is consistent with the location criteria for this area as established in the Land Use Policies Plan, recently adopted by the Town of Eastover;
3. Although the Eastover Area Detailed Land Use Plan designates "one acre residential lots" for this area, it was adopted prior to utilities being present and prior to the incorporation of the Town; and
4. Public utilities are present at this location.

The R20 and R20A zoning districts could also be considered suitable for this location.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

P09-15
SITE PROFILE

P09-15: REZONING OF 18.2+/- ACRES FROM RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN RD (US HWY 301), NORTH OF (SR 1722) BEARD ROAD; SUBMITTED BY GENE F. WILLIFORD, SR. AND LOYD LANDRY; OWNED BY GENE F. WILLIFORD, SR.

Site Information:

Frontage & Location: 225.00'+/- on Dunn Road

Depth: 1,330.00'+/-

Jurisdiction: Town of Eastover

Adjacent Property: No

Current Use: Residential and vacant lot

Initial Zoning: RR – October 24, 1990 (Area 18); Eastover initially zoned on December 4, 2007

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North & East: M(P) & RR; South: C(P), RR, RR/CU(used motor vehicle sales and a residence), R6 & R6A; West: RR & R6A

Surrounding Land Use: Cemetery, residential (including multi-family & manufactured homes), woodlands and farmland

Eastover Area Detailed Land Use Plan: One acre residential lots

2030 Growth Strategy Map: Community Growth Area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/ESD

Soil Limitations: None

School Capacity/Enrolled: Eastover Central Elementary: 540/430; Mac Williams

Middle: 1270/1199; Cape Fear High: 1425/1482

Subdivision/Site Plan: Review required prior to permits

Average Daily Traffic Count (2006): 7,700 on Dunn Road (US HWY 301)

Highway Plan: Dunn Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2009-2015 MTIP. This is a Priority #3 in the Highway portion of the LRTP

Notes:

Density:

RR/R20/R20A – 39 lots/40 units

R15 – 52 lots/53 units

R7.5 – 105 lots/106 units

Density (minus 15% for r/w)

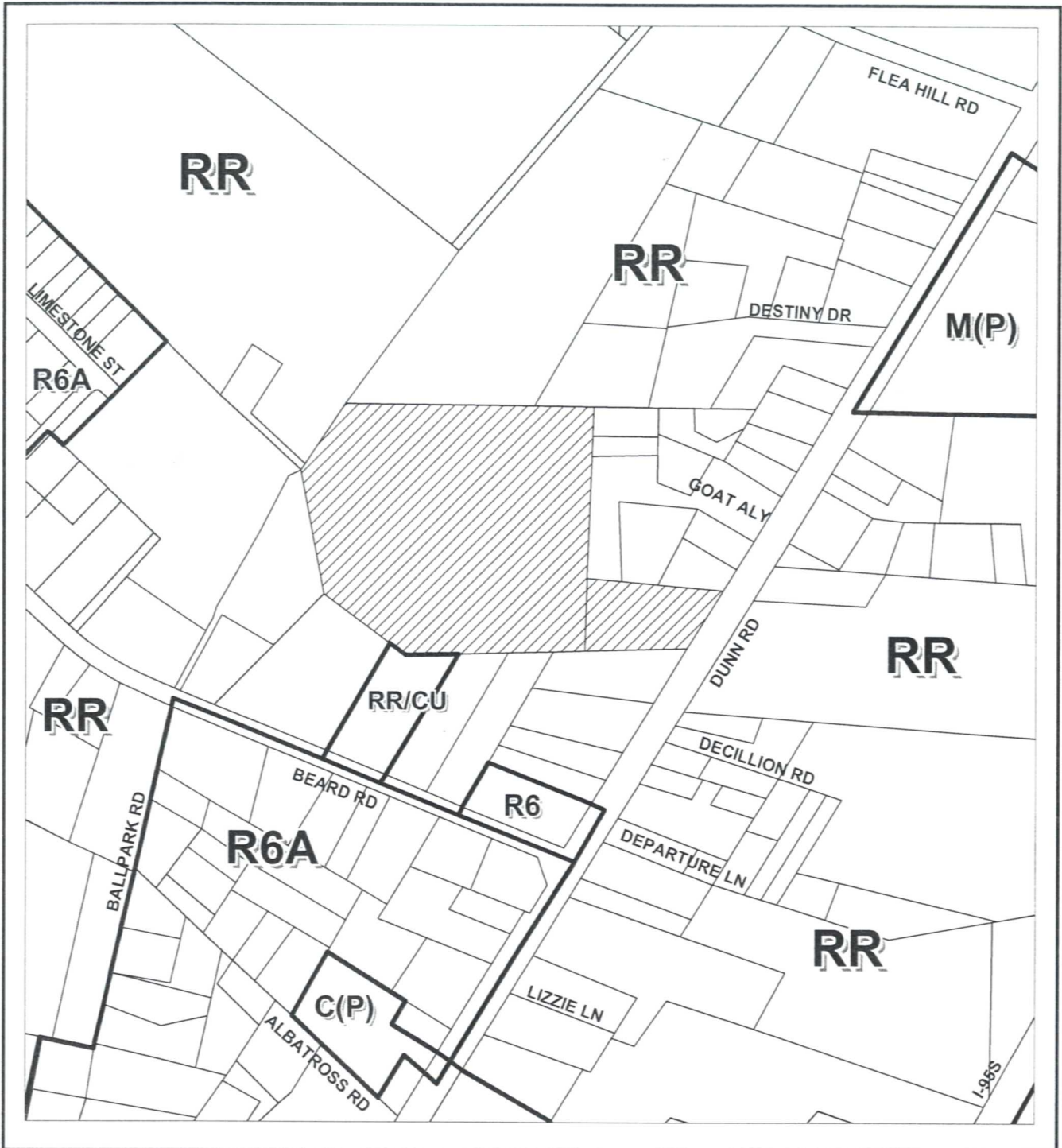
RR/R20/R20A – 33 lots/34 units

R15 – 44 lots/45 units

R7.5 – 89 lots/90 units

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



REQUESTED REZONING RR TO R7.5

ACREAGE: 18.2 AC.+/-	HEARING NO: P09-15	
JURISDICTION: EASTOVER	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0469-64-1383
PIN: 0469-64-7094

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning & Inspections Department

August 11, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for August 18, 2009 Board Meeting

P09-36: REZONING OF .49+/- ACRES FROM R6A RESIDENTIAL TO C2(P)/CUD PLANNED SERVICE AND RETAIL/CONDITIONAL USE DISTRICT (RESTAURANT; RECREATION/AMUSEMENT, INDOOR; RETAIL; AND OTHER PERMITTED USES) AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3876 DUNN ROAD, SUBMITTED AND OWNED BY JOHNNIE L. AND LINDA M. SANDERSON. (EASTOVER)

The Planning & Inspections Staff recommends denial of the C2(P) Planned Service and Retail/ Conditional Use District [C2(P)/CUD] for the restaurant (ice cream shop and grill), indoor for profit recreation/amusement (including children's arts and crafts), apparel and accessory sales, retailing and variety, gift and hobby supply sales, based on the following:

1. The district requested is inconsistent with the Eastover Area Detailed Land Use Plan, which calls for medium density residential at this location;
2. The district requested is inconsistent with some of the location criteria for light commercial as listed in the 2030 Comprehensive Plan, specifically the request if approved would not serve as a transition between residential and non-residential, and the subject property is not located within an activity node or designated commercial area;
3. Consideration of the C2(P) district for this area is arbitrary and would not serve a viable public interest; and
4. The degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning and uses requested, qualify this request as being unreasonable.

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

1. This development could endanger the public safety if located according to plan submitted especially concerning the motor vehicle traffic on Dunn Road, since the drive is only approximately 200 feet from a fairly congested intersection;
2. The request does not comply with the specifications of the Zoning Ordinance, which require 30 foot side yard setbacks; the existing structure is located 26.8 feet from the southern property line and 20 feet from the northern line;
3. The degree of difference in this specific request and the site layout requested as related to the existing surrounding uses makes this request unreasonable and most likely will not enhance or maintain the value of the adjoining residential properties and is not a public necessity; and
4. The location and character of the use is not in harmony with the area in which it is located and would be in contradiction to the proposed Land Use Policies Plan's location criteria for light commercial since the subject property is surrounded by residentially-zoned properties;

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

Attachments:

- 1 – Site Profile
- 2 – Sketch Map
- 3 – Site Plan
- 4 – Draft Ordinance Related Conditions (only used if Board considers approval)
- 5 – Application

P09-36
SITE PROFILE

P09-36: REZONING OF .49+/- ACRES FROM R6A RESIDENTIAL TO C2(P)/CUD PLANNED SERVICE AND RETAIL/CONDITIONAL USE DISTRICT (RESTAURANT; RECREATION/AMUSEMENT, INDOOR; RETAIL; AND OTHER PERMITTED USES) AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3876 DUNN ROAD, SUBMITTED AND OWNED BY JOHNNIE L. AND LINDA M. SANDERSON. (EASTOVER)

Site Information:

Frontage & Location: 100.00'+/- on Dunn Road

Depth: 230.00'+/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: Residential

Initial Zoning: R6A – December 14, 1979 (Area 10); Eastover initially zoned on December 4, 2007

Nonconformities: None; however, if rezoning is approved, existing residential structure built in 1964 will become a nonconforming use and increase nonconformity of side yard setbacks

Zoning Violation(s): None

Surrounding Zoning: North: C1(P), C(P), C3, RR, R15 & R6A; East: M(P), C(P), RR, & R6A; South: M(P), C(P), RR & R10; West: C1(P), C(P), R6A & RR

Surrounding Land Use: Office Use (governmental, medical and accounting), vacant commercial and storage building, bank, motor vehicle service station, restaurant, barbering and services/salons, milling or grinding grain and seed into food, farmland and residential (including manufactured homes and multi-family).

Eastover Area Detailed Land Use Plan: Medium density residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/ESD

Soil Limitations: None

School Capacity/Enrolled: Armstrong Elementary: 450/448; Mac Williams Middle: 1,270/1,199; Cape Fear High: 1,425/1,482

Subdivision/Site Plan: None; however, if considered for approval, draft "Ordinance Related Conditions" in file.

Average Daily Traffic Count (2006): 5,000 on Dunn Road (US HWY 301)

Highway Plan: Dunn Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2009-2015 MTIP. This is a priority #3 in the Highway Portion of the LRTP

Notes:

1. **Contents of the application:**

- Monday – Thursday: 10:00 am to 8:00 pm / Friday & Saturday: 10:00 am to 9:00 pm
Sunday: 1:00 pm to 6:00 pm
- Employees: 4
- Outside night lighting & landscape lighting

2. The side setbacks shown on the site plan are not meeting the setbacks required for the C2(P) Planned Service and Retail zoning district; all structures are existing – see site plan and Condition No. 9.

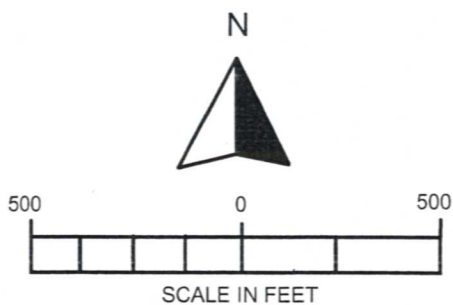
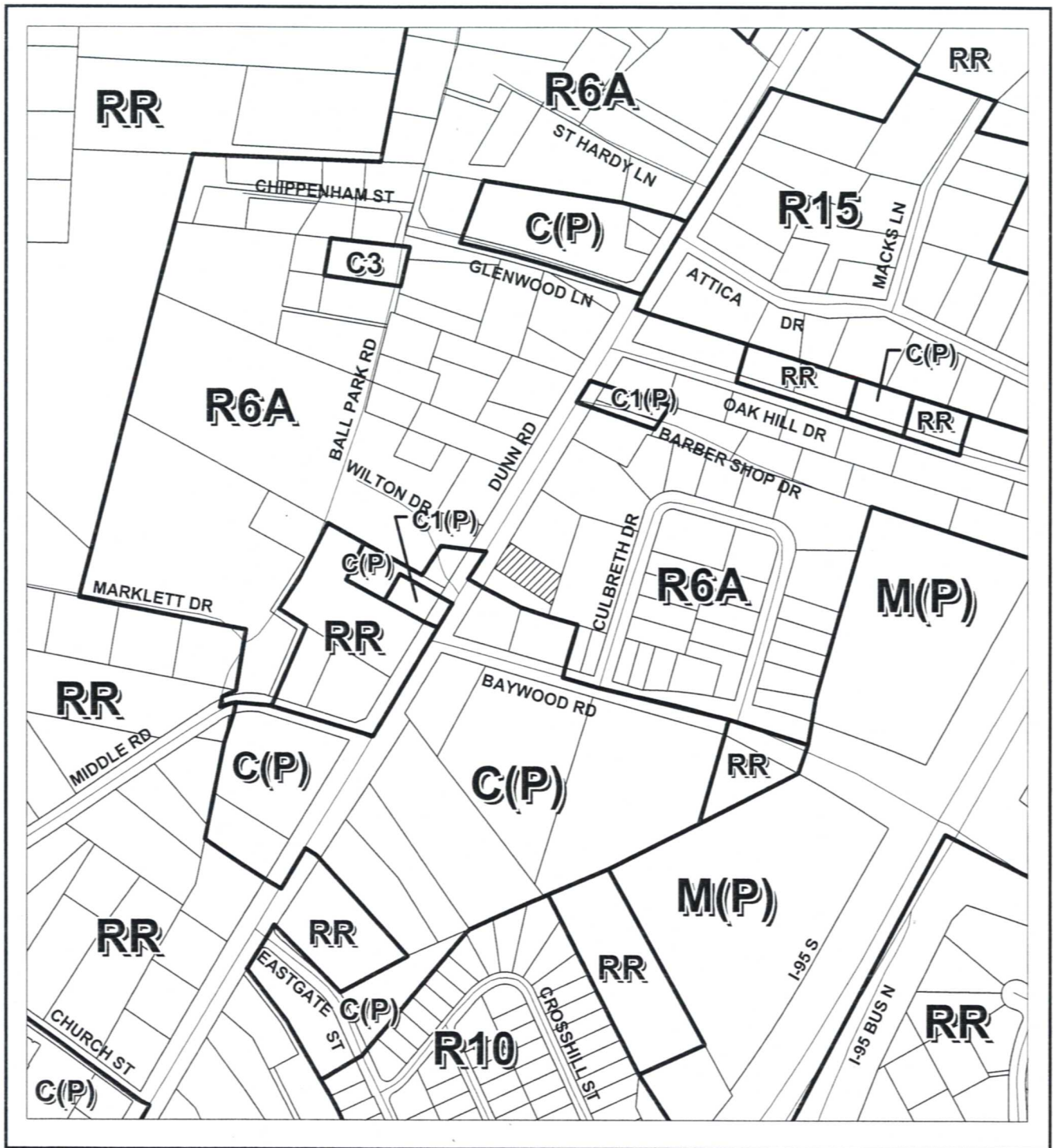
3. **Requested Permitted Uses:**

- | | | |
|--------------------------------------|--------------------------|-----------------------|
| - Variety, Gift & Hobby Supply Sales | - Retail or Servicing | -Recreation/Amusement |
| - Apparel & Accessory Sales | - Arts & crafts children | -Restaurant |

4. Applicant was advised to consult Building Inspector reference conversion of the existing structure from residential to commercial.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



REQUESTED REZONING R6A TO C2(P)/CUD

ACREAGE: 0.49 AC. +/-

HEARING NO: P09-36

ORDINANCE: EASTOVER

HEARING DATE

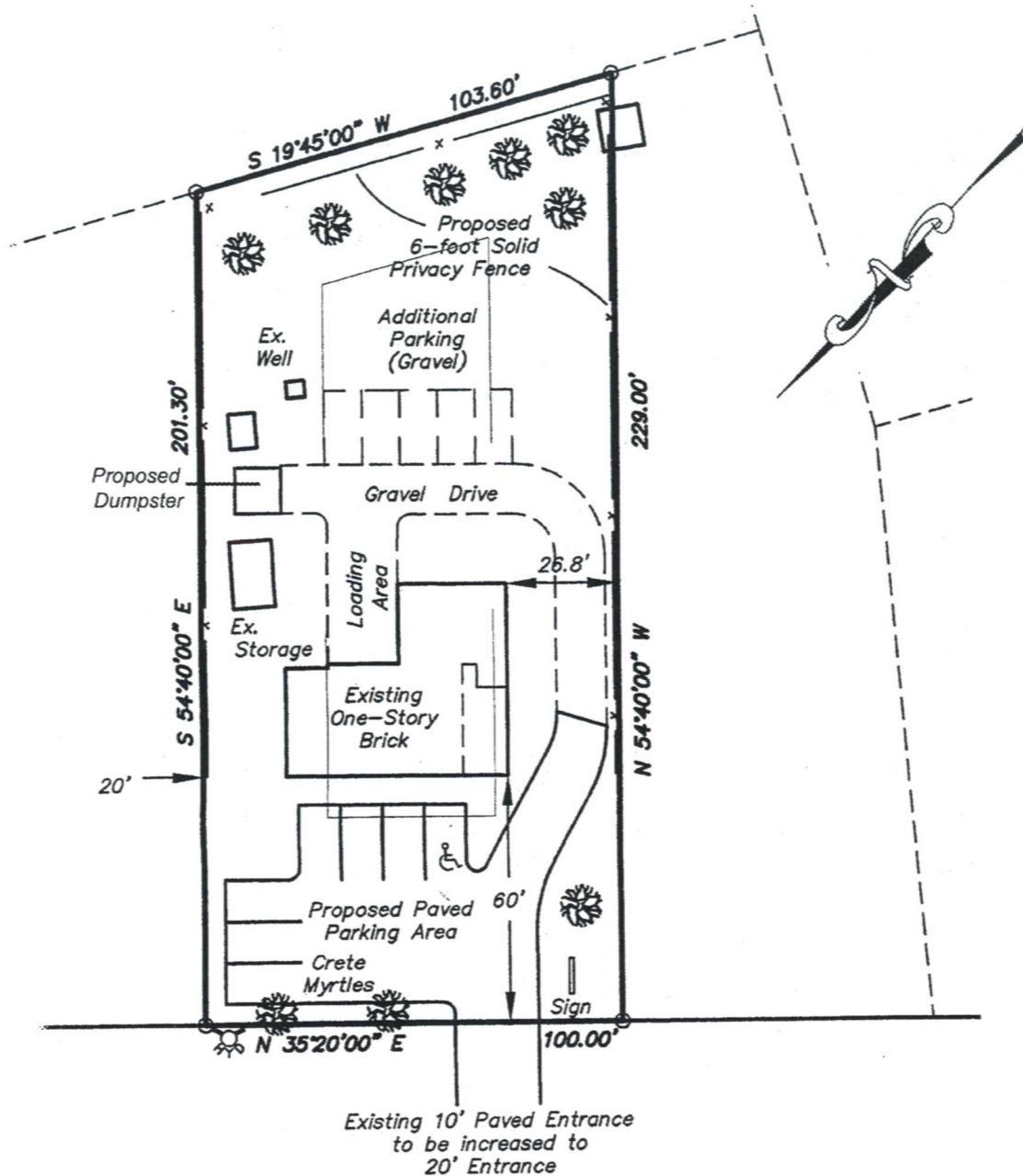
ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 0469-50-2700



Dunn Road 100' R/W
 U. S. Highway 301

CONDITIONAL USE DISTRICT & PERMIT

REQUEST: RESTAURANT; RECREATION/AMUSEMENT, INDOOR;
RETAIL & OTHER PERMITTED USES

CASE: P09-36 ACREAGE: 0.49 AC. +/- SCALE: NTS
 PROPOSED ZONING: C2(P)/CUD PARKING: AS SHOWN

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST

Conditional Use District & Permit

Ordinance Related Conditions

(Please note conditions numbered: 1, 2, 5, 11 and 24)

Pre-Permit-Related:

1. A recombination plat (also known as a "No Approval Required" or "NAR") must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
2. Prior to application for any permits, a revised site plan must be submitted for staff review and approval providing for future lateral access to the adjacent properties on each side of the subject property; this will require revising the off-street parking layout and may possibly affect the location of one of the required landscaping trees and the proposed sign location.

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. Connection to public water and sewer is required, the Eastover Sanitary District must approve water and sewer plans prior to application for any permits. A copy of the Eastover Sanitary District's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
5. Prior to application and/or commencement of any change in use or addition of any use that has been approved under this Conditional Use District, the property owner must submit five copies of a site plan for Town Board approval (non-public hearing). This condition is necessary to ensure the minimum standards of the ordinances are met for the new/additional use.
6. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
7. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
8. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
9. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:
 - Two large shade trees or four small ornamental trees within the front yard setback area;

In addition:

DRAFT

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
10. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C2(P)/CU zoning district must be complied with, as applicable. (Note: Only those uses specifically approved by the Eastover Town Council are the allowed uses on this site.)

Inherent in this request, is an application for approval of alternate yard requirements for the C2(P) zoning district regarding the required 30 foot side yard setbacks, since the existing structure is setback 26.8 feet from the southern property line and 20 feet from the northern property line.

12. This conditional approval is not approval of the permit for the freestanding sign. Attached signage for this development must 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.)
13. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
15. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
16. Turn lanes may be required by the NC Department of Transportation (NCDOT).
17. 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.
18. A solid buffer must be provided and maintained along both sides and the rear property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. All required off-street parking spaces are required to be a minimum of 9' x 20' and surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 10 off-street parking spaces is required for this development. (Note: The number of parking spaces was based 1 space for each 200 square feet on the total square feet of the building. The entire off-street parking area and drives must be constructed of a permanent surfacing material.)
21. A minimum of one off-street loading space is required to be provided for this development. [Note: The required loading spaces must measure a minimum of 12' x 25' (with 14' overhead clearance).]
22. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.
23. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

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Plat-Related:

24. Prior to submission of the recombination plat for approval for recordation, a concrete sidewalk must be constructed along US HWY 301 (Dunn Road). (Section 2305, Sidewalks, County Subdivision Ordinance)
25. Reservation for future lateral access to adjacent properties along both sides of this tract must be reflected as a “Lateral Access Easement” on the recombination plat.
26. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
27. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
28. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

Plat-Required Statements:

29. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision Ordinance):

“Nonconforming structures have not been created by this subdivision.”

Other Relevant Conditions:

30. The applicant is advised to consult an expert on wetlands before proceeding with any development.
31. 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.
32. Generally if any changes to the site plan or application exceed 10% of that which was approved, a modification of the conditional use district and permit must be submitted for re-consideration by the appropriate board(s).

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4773
Eastover Sanitary District:	Morgan Johnson	323-3973
CCP&I Eastover Staff Representative:	Matt Rooney	678-7625
Eastover Town Clerk:	Jane Faircloth	323-0707
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

- 1. APPLICANT/AGENT: LINDA M. SANDERSON
- 2. ADDRESS: 1014 Blue WREN DR. Fay. NC ZIP CODE: 28312
- 3. TELEPHONE: (Home) 910-424-4153 (Work) 910-850-5043
- 4. Location of Property: 3876 DUNN Rd. Eastover, NC 28312
- 5. Parcel Identification Number (PIN #) of subject property: 0469-50-2700
(also known as Tax ID Number or Property Tax ID)
- 6. Acreage: 0.49 Frontage: 100' Depth: 229'
- 7. Water Provider: PWC + Eastover Sanitary Dist.
- 8. Septage Provider: PWC + Eastover Sanitary Dist.
- 9. Deed Book 8180, Page(s) 79, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- 10. Existing use of property: Residential
- 11. Proposed use(s) of the property: Ice Cream Shop & Grill

Recreation/Amusement Indoor. Arts & Crafts Children + Uses
NOTE: Be specific and list all intended uses. Shown on attachment.

- 12. It is requested that the foregoing property be rezoned FROM: Residential - R6A

TO: (select one)
 Conditional Use District, with an underlying zoning district of C2(P)
(Article V)
 Mixed Use/Conditional Use District (Article VI)
 Planned Neighborhood District/Conditional Use District (Article VII)
 Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

SEE Attached - Section 403 USE Matrix Summary.

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

ENTIRE Lot : 0.49 Acres

2. DIMENSIONAL REQUIREMENTS:

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

Alt. side yard to 20' left and 26.8' Right Setback.

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

AS SHOWN ON Site Plan.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Per C2(P) Requirements.

Proposed Use(s) - Attachment

Property Location: 3876 Dunn Road
Eastover, NC 28312

Cumberland County Zoning Ordinance – Section 403 USE MATRIX

Proposed Use(s):

<u>Land Uses</u>	<u>Zoning Classifications</u>
*Apparel and Accessory Sales (kids)	C2(P) Permitted Use
*Recreation/Amusement Indoor (Sec. 902) Conducted inside building for profit, not Otherwise listed & not regulated by Sec. 924	C2(P) Permitted Use
*Restaurant, operated as commercial Enterprise, except as regulated by Sec. 924	C2(P) Permitted Use
*Retailing or Servicing. With operations Conducted and merchandise stored entirely Within a building and not otherwise listed herein	C2(P) Permitted Use
*Variety, Gift and Hobby Supply Sales	C2(P) Permitted Use

Property Owner's: Johnnie L. Sanderson and Linda M. Sanderson
Ph: 910-424-4153 Cell: 910-850-5043

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

As shown on Site Plan and C2(P) Requirements.

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

6' Solid Privacy Fencing

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

* Mon-Thurs 10AM - 8pm
Fri - Sat. 10AM - 9pm
Sun. 1pm - 6pm

* Outside Lighting
Nite Light, Sign, Landscape
Lighting.

* Hiring 4 Employee's

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. ACKNOWLEDGEMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (change) rests with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Johnnie L. Sanderson and wife Linda M. Sanderson
NAME OF OWNERS (PRINT OR TYPE)

1014 Blue Wren Drive Fayetteville, NC 28312
ADDRESS OF OWNER(S)

910-424-4153
HOME TELEPHONE #

910-850-5043
WORK TELEPHONE #

Johnnie L. Sanderson
SIGNATURE OF OWNER(S)

Linda M. Sanderson
SIGNATURE OF OWNER(S)

Fax 910 426-5229

Mission Statement

To promote a safe and friendly family environment to the community and surrounding areas of Eastover.

We are John and Linda Sanderson, we moved to the Eastover area (Baywood Subdivision) in July 2008. Before moving to Eastover, we lived on Village Drive in Fayetteville for approx. 23 years. We have a daughter Melissa who is 21 and a senior at Campbell University. After being a part of the Eastover community for the past year, we have heard the same concerns from neighbors, friends, etc. "We would love to have some type of recreation and food service that is closer to our community rather than going all the way back into Fayetteville for food and/or entertainment for our family".

We have purchased the property at 3876 Dunn Road with the hopes of creating what the community is asking for. (Food and Entertainment for kids and families).

Our plans include the following:

1. Turn a Residential property that is now overgrown and certainly an eye sore for Main Street into a manicured building and lot for business use.
2. Provide Ice Cream, Shaved Ice and food service and entertainment to the community.
3. Provide an updated and appealing Commercial Property for Main Street.
4. Create a safe and fun environment for kids and families.
5. Provide entertainment for children such as: Enchanted Learning through Arts and Crafts.

We thank you in advance for your consideration in approving the land use for this property. Should you have any questions, please do not hesitate to contact us.

Property Owners: John and Linda Sanderson
Ph: 910-424-4153