

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

November 13, 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:** Walter Clark, Moderator, Land Use Codes Committee *WJC*

**SUBJECT:** 2009 County Zoning Ordinance Review

**P09-56. REVISIONS, AMENDMENTS AND UPDATES TO THE CUMBERLAND COUNTY ZONING ORDINANCE FOR THE CUMBERLAND COUNTY JOINT PLANNING BOARD'S ANNUAL REVIEW OF THE JUNE 20, 2005 ORDINANCE.**

The Land Use Codes Committee has reviewed the staff recommended changes to the June 20, 2005 County Zoning Ordinance. The committee supports the recommended draft version of the ordinance with the following exceptions:

1. Section 903, Bed and Breakfast, sub-section A (page 73) be written as: "*A. The use must be located in a structure originally constructed for use as a residence single-family dwelling.*";
2. Section 920, Recreation or Amusement, Public/Private & Indoor/Outdoor, sub-section "C" (page 89) be repealed: "*C. Repealed ~~When the facility is operated outdoors, the hours of operation shall be between sunrise and sunset.~~*"; and
3. Section 920, Recreation or Amusement, Public/Private & Indoor/Outdoor, sub-section "G" (page 89) reflect the minimum tract size for mechanized outdoor recreation areas as three acres: "*G. A minimum of three five acres of land is required for mechanized outdoor recreation areas and the detailed site plan and application shall provide adequate information to ensure the increase in motor vehicle traffic will not adversely impact any surrounding residential neighborhoods.*"

In addition, on the first page of the attached memorandum, item number 2 under "State Statute and Case Law" offers a choice for the change related to quasi-judicial hearings required for alternate yard approvals. The committee recommends the Planning Board continue to hear and decide requests for alternate yard approval in planned zoning districts rather than the alternative of requiring a Board of Adjustment hearing on these matters.

The committee now has before you Case No. P09-56 and the committee members voted unanimously to forward this document to you for your consideration of a favorable recommendation and that the ordinance in the current draft form (staff recommendation with committee changes) is forwarded on to the County Board of Commissioners for final adoption.

Attachment – Staff Memorandum with Recommended Changes, dated November 11, 2009

cc: Land Use Codes Committee Members  
Cumberland County Board of Adjustment Members  
Tom Lloyd, Director of Planning & Inspections

130 Gillespie Street - Post Office Box 1829 - Fayetteville, North Carolina 28302-1829 - (910) 678-7600 - Fax: (910) 678-7631

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*

November 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:** Land Use Codes Committee

**THRU:** Tom Lloyd, Director  
Cecil Combs, Deputy Director

**FROM:** Patti Speicher, Land Use Codes

**SUBJECT:** 2009 County Zoning Ordinance Review

The majority of the proposed changes to the County Zoning Ordinance this year are primarily due to changes in the State statutes and rulings from the NC Court of Appeals and Supreme Court. The provisions in our ordinance affected are:

#### **State Statute and Case Law**

1. **Zoning amendments (rezonings)** – Session Law 2009-178, effective June 16, 2009 requires that when an application for a rezoning is made by a person other than the land owner or the local government, the application must include a certification that the land owner has received actual notice of the application and notice of the public hearing. Staff has remedied this issue by encouraging applicants for rezoning to include all record property owners' signatures. If record owners' signatures are not on the application, the staff will notify the owners by certified mail return receipt and cannot schedule a case for public hearing until the receipt has been returned by the Post Office.

Ordinance provision: **Section 1501.A, page 140**

2. **Alternate yard approvals require quasi-judicial hearing** – Session Law 2009-421, effective January 1, 2010 requires that any discretionary decision allowed to be made by a local government board must be addressed at a quasi-judicial hearing and because of procedural due process rights, public notice must be given. This means that when a developer is requesting an alternate yard approval for setbacks in a planned district, the same procedures similar to a Conditional Use rezoning case must be followed.

Ordinance provision: **Section 1404, pages 138-139; definition for *Quasi-Judicial*, page 24**



*Note: This new law also applies to subdivision "waivers" therefore an amendment to the County Subdivision Ordinance will also be forthcoming.*

**3. Prohibition of pre-1976 manufactured homes** – *Five C'S, Inc. v. County of Pasquotank (NC Ct. of App, 2009)*, ruling issued on February 17, 2009 stating that counties (affects municipalities too) cannot use a zoning ordinance to prohibit manufactured homes solely based on the age of the manufactured home. The court found that the zoning enabling statutes limited regulation of the appearance and dimensional criteria of manufactured homes in local zoning ordinances. This case was discussed with Grainger and he was comfortable with the age restriction, which is based to HUD's change in the construction standards effective July 1, 1976, being relocated to the County Minimum Housing Ordinance (MHO) and the Zoning Ordinance requiring compliance with the MHO. The MHO does establish minimum construction standards for homes.

Ordinance provision: **Section 913, pages 82-83**

*Note: This change would also require an amendment to the County's Minimum Housing Ordinance.*

**4. Zoning matters based on ownership of property** – *City of Wilmington v. Hill (NC Ct of App, 2008)*, ruling issued on March 4, 2008 found that the zoning enabling statutes granted local government the power to regulate and restrict the use of buildings, structures and land and that it was impermissible to regulate the ownership of property through zoning. This case affects one of the current zoning ordinance listed criteria for bed and breakfast establishments that required an owner reside in the bed and breakfast. The staff is recommending this sub-section, 903.K, be repealed.

Ordinance provision: **Section 903.K, page 74** (section begins on page 73)

**5. Paving of off-street parking areas** – Session Law 2008-198, effective April 1, 2009 mandates that when a land disturbing activity results in an increase in vehicular surface area (parking, drive, etc.) of one acre or more that no more than 80% of the area be made impervious or that the first two inches of rainfall on at least 20% of the vehicular surface area must be drained to a bioretention area. The staff is proposing that the current provision of 75% for permanently surfacing large parking lots with 25% remaining pervious be amended to be consistent with the new law.

Ordinance provision: **Section 1202.D, pages 122; definition for Vehicular Surface Area, page 28**

*Note: This same section contains a staff recommended change to delete the reference to "Urban Services Area" and requiring paved parking in the Municipal Influence Areas. In addition, clarification is added for staff purposes that the requirement for permanent surfacing of parking lots does not include any single-family residential group development.*

### Staff Recommended Changes

The staff is recommending the following revisions to the ordinance based on issues that have arisen or for clarification of existing provisions:

1. **Mixed use developments** – When originally drafted the mixed use provisions did not allow any type of outdoor recreation, the staff is recommending that limited outdoor recreation be allowed in these types of developments. In order to prevent certain outdoor recreation activities that are not typically conducive to being in close proximity to residential development, the proposal is to create a separate outdoor recreation classification for mechanized outdoor activities – not allowing this type of activity in a mixed use but allowing less obtrusive outdoor recreation in a mixed use development.

Also concerning mixed use developments, the most prominent development approved to date is Millstone. As a condition of approval for Millstone, the County Attorney had to approve the legal documents. Because of the nature of a mixed use, these documents were intended to cover commercial, residential and multi-family; however, the developer desired to create an “umbrella” association with specific covenants for the overall and individual sub-development associations and covenants for the different uses. Grainger was not certain that the ordinance allowed this type of owners’ association and requested the staff insert provisions addressing this so that in the future this would not be an issue.

Ordinance provision: **Section 603.C.11, page 53 and Section 604.B. 3, page 54** (article begins on page 52); **definition for *Recreation, Outdoor (with mechanized vehicle operations)*, page 24-25**

2. **Mixed use buildings** – Questions have been posed concerning the use of mixed use buildings in non-residential zoning districts with all uses (residential and non-residential) being allowed on the ground floor. The staff re-looked at our existing mixed use building provisions that only allowed residential uses on the second floor or above and propose to allow residential on the ground floor in the O&I(P) and all commercial districts with a Special Use Permit provided that the residential does not exceed 40% of the building floor area. In addition, staff is recommending that when located in a non-residential district the façade of the building is to be commercial and that no exterior residential accessory uses (swimming pools, play equipment, etc.) be allowed.

Ordinance provision: **Section 403, Dwelling, Single & Multiple Family, page 39; Section 914.1, pages 83-84; definition for *Ancillary Use* – page 8, Façade – page 14, and *Mixed Use*, page 21**

### Staff Recommended Minor Changes

1. Add **alternate yard requirement** request to the **fee schedule** – Section 110, page 4;
2. Specify that public utility easements with sub-stations do not count toward a principal use for density purposes, definition of **density**, page 13;
3. Delete the provision “**exceeding 200 square feet**” from the definition of **Junk Yard** thus closing the loop hole for separate piles or areas of junk on the same property – page 17;



4. Corrected the definitions for **Lot, Corner** and **Lot, Through**, this is relevant to the fence provision since that even where access to a street was denied on a through lot, a developer could not construct a fence up to a property line – page 18;
5. All **day care facilities** as a Permitted Use as opposed to the current Special Use in an O&I(P) district – Section 403, page 39;
6. Allow **recreation/amusement outdoor** as a Special use in the R7.5 to R40A and A1A districts – Section 403, page 42;
7. Delete reference to **agricultural** regarding required buffers in the section addressing **minimum standards for individual uses** – Section 901, page 72;
8. Resolve a conflict between the sign provision in **non-residential use as a permitted use in a residential or agricultural district (Section 916.F)** – states signage must meet C1(P) sign provisions – and the sign regulations in **Section 1306.A** – gives different sign criteria depending on type of sign and use of property –requiring signage to comply with 1306.A – Section 916.F, page 86;
9. Requires **mechanized outdoor recreation areas** to be located on a minimum of five acres of land – Section 920, page 89;
10. Establishes that **recreational vehicle parks and campgrounds** must have **direct access to a public right-of-way** and only **one manager/caretaker's residence on site** – Section 921.D and F, page 90;
11. Mandates the required **setbacks** for **towers** are a minimum standard that **cannot be varied** – Section 927.C, page 95;
12. Resolve a conflict with provisions on **accessory structures** providing that they **cannot be used for gain** (deleting this provision) when **home occupation** provisions **allow use of an accessory structure** – Section 1002.E.1, page 101;
13. Excludes the **R6A** district from **corner lot exception** provision that allows a **reduction of a rear yard** setback by 20 feet when the lot must provide two front yard setbacks, the R6A rear yard setback is currently 15 feet – Section 1101.G, page 108;
14. Adds a new provision requiring **secure six foot high fences** around government-mandated **retention/detention ponds** – Section 1102.O, page 114;
15. Clarifies that **development signs located inside of medians are allowed** provided they are permitted by the NCDOT and no closer than 20 feet of the street intersection – Section 1305, page 129;
16. Adds **Mixed Use Developments** to the **signage provision** under “Residential, Agricultural and Conservancy Districts” – Section 1306, page 131; and
17. Clarifies that **billboards** are not subject to the **landscaping and buffering** provisions of the ordinance – Section 1307.A.6, page 134.

In order to save paper, I have not copied the complete ordinance for each individual committee member; however I have attached the pages with the major changes. We have had technical difficulties getting a digital copy of the ordinance to send to each of you but will send it as soon as it becomes available. Please Contact me with any questions at 678-7605 or email: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

Attachments:

- 1 – State Statute and Case Law Recommended Changes
- 2 – Staff Recommended Major Changes

**NOTE: The attachments have been removed and the page numbers in the above paragraphs have been changed from the original memorandum to reflect the page numbers on the attached version of the complete proposed ordinance, reflecting the Codes Committee recommended changes.**

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*

December 8, 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:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for December 15, 2009 Board Meeting

**P09-52:** REZONING OF 1.82+/- ACRES FROM A1 AGRICULTURAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4946 NC HWY 87 SOUTH; SUBMITTED BY CHRIS, DELORES AND VANCE NEAL AND OWNED BY V/D NEAL PROPERTIES, LLC.

The Planning & Inspections Staff recommends approval of the request for C1(P) Planned Local Business District based on the following:

1. The request is consistent with the location criteria for planned local business as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential uses at this location; and
3. The subject property is located on a major thoroughfare.

There are no other districts considered suitable for this request.

**Attachments:**

- 1 – Site Profile
- 2 – Sketch Map



**P09-52**  
**SITE PROFILE**

**P09-52:** REZONING OF 1.82+/- ACRES FROM A1 AGRICULTURAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4946 NC HWY 87 SOUTH; SUBMITTED BY CHRIS, DELORES AND VANCE NEAL AND OWNED BY V/D NEAL PROPERTIES, LLC.

**Site Information:**

**Frontage & Location:** 320.00'+/- on NC HWY 87 South, 95.00'+/- on SR 2238 (Sand Hill Road)

**Depth:** 255.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** None

**Current Use:** Convenience Store

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

**Nonconformities:** Existing commercial structure does not meet rear yard setbacks

**Zoning Violation(s):** None

**Surrounding Zoning:** North: C(P)/CU (mini-warehousing), RR/CU (video rental store), A1/CU (motor vehicle sales), C2(P), R6A & RR; South: C(P), RR & A1; East: A1; West: C(P), RR & A1

**Surrounding Land Use:** Residential (including manufactured homes), manufactured home park (2), convenience retail w/ gasoline sales, fire station, restaurant, shopping center, farmland and woodlands

**2030 Land Use Plan:** Urban

**Special Flood Hazard Area (SFHA):** No

**Water/Sewer Availability:** PWC/ PWC

**Soil Limitations:** None

**School Capacity/Enrolled:** Alderman Road Elementary: 750/693; Gray's Creek Middle: 1,000/859; Gray's Creek High: 1,270/1,216

**Subdivision/Site Plan:** If approved, review required prior to any development.

**Municipal Influence Area:** Sewer Service Area

**Average Daily Traffic Count (2006):** 13,000 on NC HWY 87 South

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

**Note:**

Minimum Yard Setback Regulations:

**A1**

Front yard: 50'

Side yard: 20'

Rear yard: 50'

**C1(P)**

Front yard: 45'

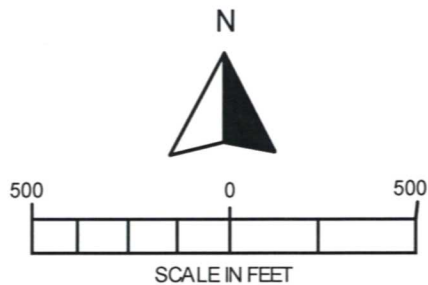
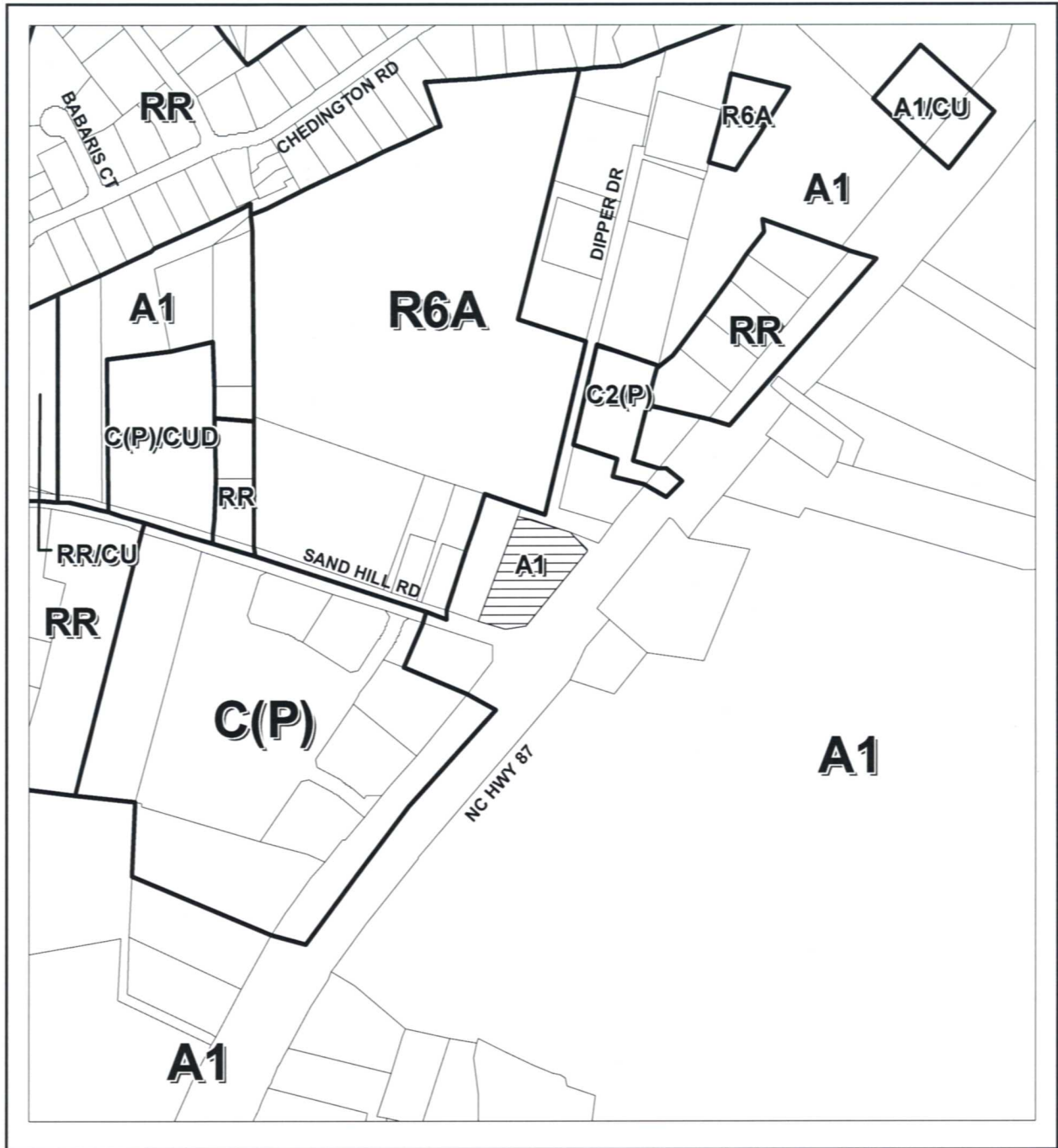
Side yard: 15'

Rear yard: 20'

**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' acknowledgement of notice is also included in the case file.*





PIN: 0442-39-8882

## REQUESTED REZONING A1 TO C1(P)

**ACREAGE: 1.82 AC.+/-**

**HEARING NO: P09-52**

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,  
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*

December 8, 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:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for December 15, 2009 Board Meeting

**P09-53:** REZONING OF 43.63+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST AND EAST SIDES OF SR 1806 (SHERRILL BAGGETT ROAD) AND THE WEST SIDE OF I-95; SUBMITTED BY MARY RICE, DEBORAH POE AND TALMAGE BAGGETT, JR; OWNED BY URSULA B. BAGGETT HEIRS.

The Planning & Inspections Staff recommends approval of the R40 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" and "community growth" 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 request will ensure comparable lot sizes with the one acre lots currently recommended for this area in the pending Northeastern Cumberland Study.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P09-53**  
**SITE PROFILE**

**P09-53:** REZONING OF 43.63+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST AND EAST SIDES OF SR 1806 (SHERRILL BAGGETT ROAD) AND THE WEST SIDE OF I-95; SUBMITTED BY MARY RICE, DEBORAH POE AND TALMAGE BAGGETT, JR; OWNED BY URSULA B. BAGGETT HEIRS.

**Site Information:**

**Frontage & Location:** 1680.00'+/- on Sherrill Baggett Road

**Depth:** 400.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes– north & south of subject property

**Current Use:** Farmland

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

**Nonconformities:** If approved, a portion of the western tract will remain A1 and be unsuitable for development

**Zoning Violation(s):** None

**Surrounding Zoning:** North: A1/CU (restaurant & catering business), C3, RR, A1A, A1 & CD;  
South: A1 & RR; East: A1 & CD; West: A1

**Surrounding Land Use:** Residential (including manufactured homes), tower, farmland and woodlands

**2030 Land Use Plan:** Community Growth Area & Rural

**Special Flood Hazard Area (SFHA):** Yes, eastern tract: 133-136 msl (NAVD)

**Water/Sewer Availability:** Well/Septic

**Soil Limitations:** Yes, hydric – JT Johnston loam, GR Grantham loam, CO Coxville loam & RA Rains sandy loam

**School Capacity/Enrolled:** District 7 Elementary: 300/279; Mac Williams Middle 1,270/1,225; Cape Fear High 1,425/1,514

**Subdivision/Site Plan:** If approved, subdivision review required

**Municipal Influence Area:** Town of Godwin

**Average Daily Traffic Count (2006):** 620 on SR 1806 (Sherrill Baggett Road)

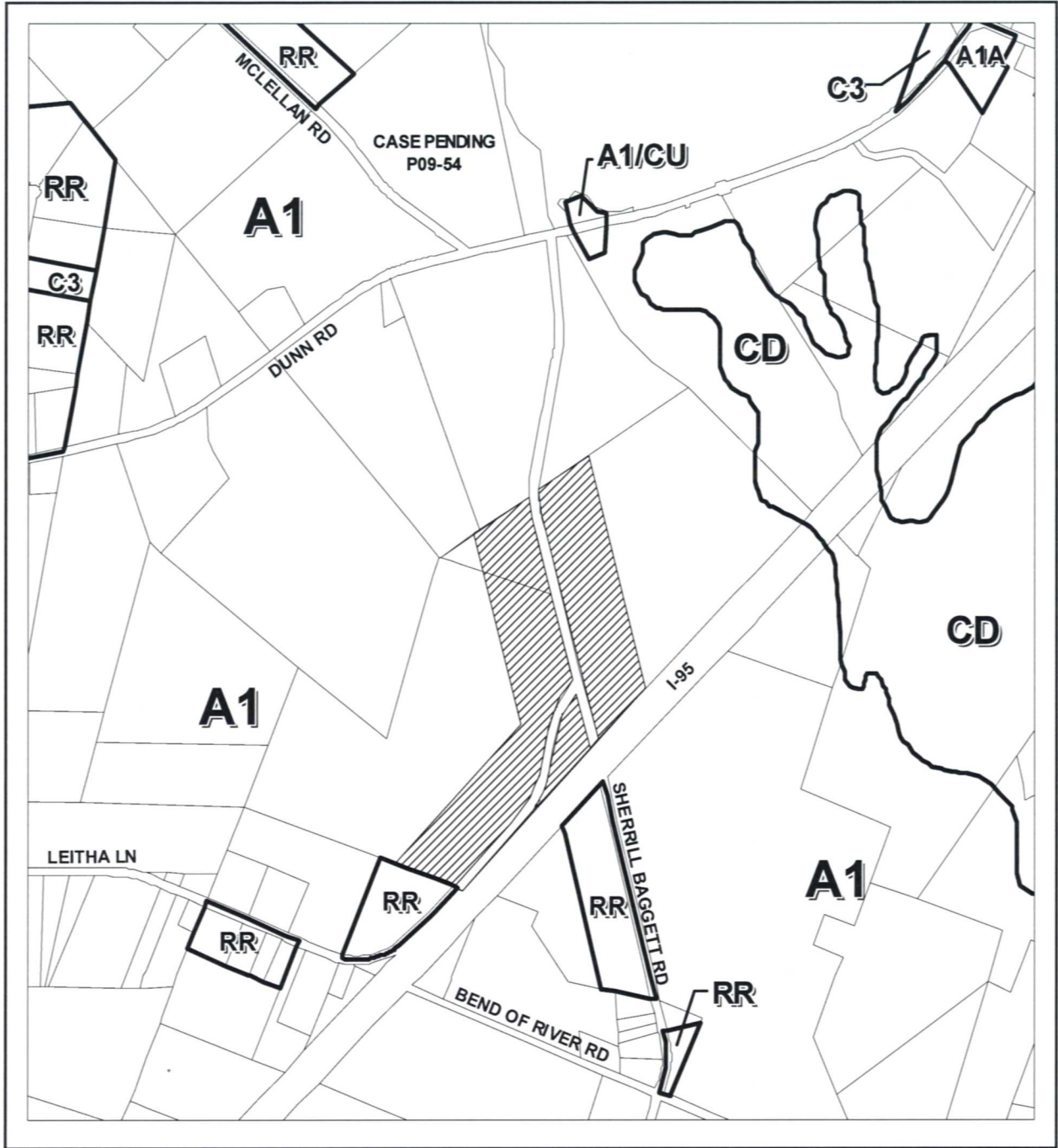
**Highway Plan:** I-95 North is identified in the Highway Plan as a Major Thoroughfare. This project calls for pavement and repair (I-4915). Road improvements are included in the 2009-2015 MTIP

<b>Note:</b>	<b><u>Density:</u></b>	<b><u>Density (minus 15% for r/w):</u></b>
	A1 – 22 lots	A1 – 19 lots
	A1A – 44 lots	A1A – 37 lots
	R40 – 48 lots	R40 – 41 lots

**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' acknowledgement of notice is also included in the case file.*





## REQUESTED REZONING A1 TO R40

**ACREAGE: 43.63 AC.+/-**

**HEARING NO: P09-53**

ORDINANCE COUNTY

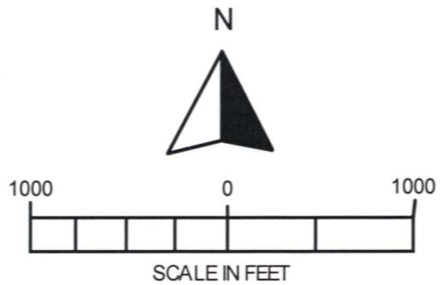
HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PORT. OF PIN: 1503-34-4940  
PORT. OF PIN: 1503-13-9646

JH

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*

December 8, 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:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for December 15, 2009 Board Meeting

**P09-54:** REZONING OF 31.16+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST AND EAST SIDES OF SR 1803 (MCLELLAN ROAD) AND THE NORTH SIDE OF US HWY 301 (DUNN ROAD); SUBMITTED BY MARY RICE, DEBORAH POE AND TALMAGE BAGGETT, JR; OWNED BY URSULA B. BAGGETT HEIRS.

The Planning & Inspections Staff recommends approval of the R40 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" and "community growth" 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 request will ensure comparable lot sizes with the one acre lots currently recommended for this area in the pending Northeastern Cumberland Study.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

**P09-54**  
**SITE PROFILE**

**P09-54:** REZONING OF 31.16+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST AND EAST SIDES OF SR 1803 (MCLELLAN ROAD) AND THE NORTH SIDE OF US HWY 301 (DUNN ROAD); SUBMITTED BY MARY RICE, DEBORAH POE AND TALMAGE BAGGETT, JR; OWNED BY URSULA B. BAGGETT HEIRS.

**Site Information:**

**Frontage & Location:** 1360.00'+/- on McLellan Road

**Depth:** 400.00'+/-

**Jurisdiction:** Cumberland County

**Adjacent Property:** Yes – southeast of subject property

**Current Use:** Farmland

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

**Nonconformities:** None

**Zoning Violation(s):** None

**Surrounding Zoning:** North: RR, A1A & A1; South: RR, A1 & CD; East: A1/CU (restaurant & catering business), A1 & CD; West: C3 & A1

**Surrounding Land Use:** Residential (including manufactured homes), religious worship, recreation/amusement (indoor and outdoor), farmland & woodlands

**2030 Land Use Plan:** Community Growth Area & Rural

**Special Flood Hazard Area (SFHA):** None

**Water/Sewer Availability:** Godwin/Septic

**Soil Limitations:** None

**School Capacity/Enrolled:** District 7 Elementary: 300/279; Mac Williams Middle 1,270/1,225; Cape Fear High 1,425/1,514

**Subdivision/Site Plan:** If approved, subdivision review required

**Municipal Influence Area:** Town of Godwin

**Average Daily Traffic Count (2006):** 1,200 on US HWY 301 (Dunn Road)

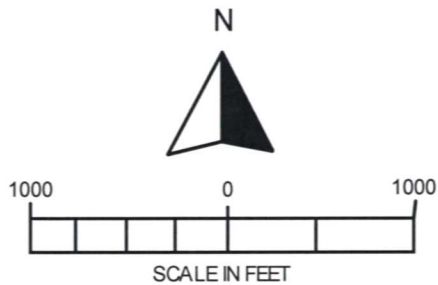
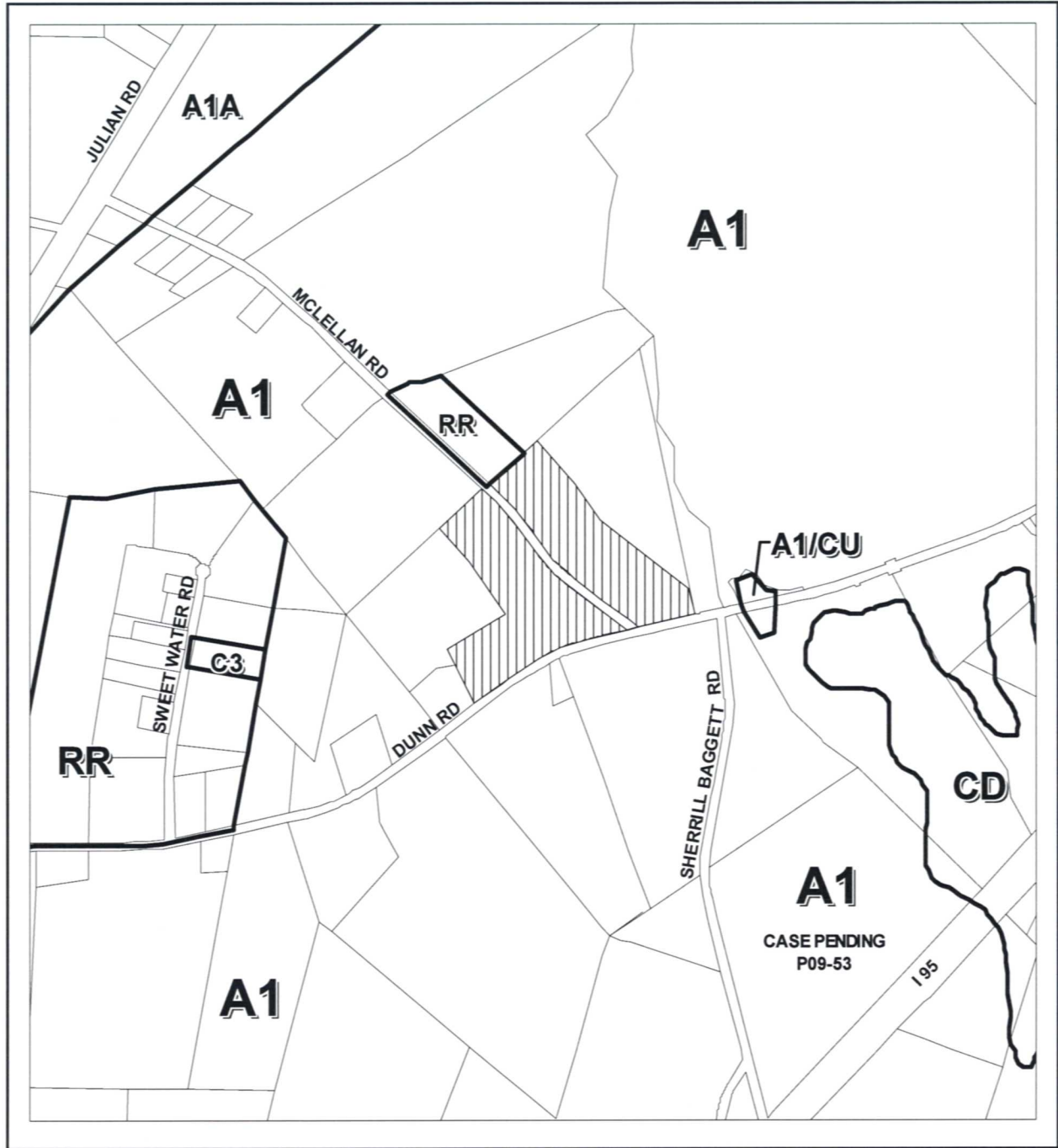
**Highway Plan:** Dunn Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2009-2015 MTIP. This is a Priority #3 in the Highway Portion of the LRTP

<b>Note:</b>	<b><u>Density:</u></b>	<b><u>Density (minus 15% for r/w):</u></b>
	A1 – 16 lots	A1 – 13 lots
	A1A – 31 lots	A1A – 27 lots
	R40 – 34 lots	R40 – 29 lots

**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' acknowledgement of notice is also included in the case file.*





## REQUESTED REZONING A1 TO R40

<b>ACREAGE: 31.16 AC.+/-</b>		<b>HEARING NO: P09-54</b>	
ORDINANCE COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PORT. OF PIN: 1503-16-1919  
 PORT. OF PIN: 1503-27-0607

JH