

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

July 14, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for the July 21, 2009 Board Meeting

P09-29. CONSIDERATION OF THE ADOPTION AND ENACTMENT OF THE TOWN OF FALCON COMMUNITY STANDARDS ORDINANCE, ESTABLISHING ACCEPTABLE MINIMUM STANDARDS FOR APPEARANCE OF PROPERTIES WITHIN THE CORPORATE LIMITS OF THE TOWN AND ENFORCEMENT OF THE SAME. (FALCON)

The Planning and Inspections Staff recommends approval of the *Town of Falcon Community Standards Ordinance* as proposed, based on the following:

1. The Town requested an ordinance addressing minimum standards for appearance of properties within their corporate limits;
2. The ordinance proposes minimum standards which are intended to preserve the character and integrity of the Town, protect the property values, and to promote and preserve the visual and economic interests of the Town while protecting the public health, safety and welfare of the citizens; and
3. The Town reviewed the draft document and requested that the ordinance be set for public hearing.

Attachment:

- Falcon Community Standards Ordinance

P09-29

AN ORDINANCE REGULATING THE MINIMUM ACCEPTABLE STANDARDS FOR APPEARANCE OF PROPERTIES LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF FALCON AND ENFORCEMENT OF THE SAME.

BE IT ORDAINED BY THE TOWN OF FALCON BOARD OF COMMISSIONERS THAT THE BOARD OF COMMISSIONERS ADOPTS AND ENACTS THE FOLLOWING:

**TOWN OF FALCON
COMMUNITY STANDARDS**

**ARTICLE I
ADMINISTRATIVE PROVISIONS**

Sec. 101. Authority.

This ordinance is adopted pursuant to North Carolina General Statute 160A-174 *et seq.*, and for the purpose of defining, prohibiting, regulating, or abating acts, omissions, or conditions, detrimental to the health, safety or welfare of its citizens and the peace and dignity of the Town.

Sec. 102. Generally.

A. *Intent statement.* It is the intent of the Board of Commissioners of the Town of Falcon, by adopting this ordinance, to establish acceptable standards for appearance and quality of life issues for the Falcon community. The standards contained within this ordinance are intended to preserve the character and integrity, protect the property values, and to promote and preserve the visual and economic interests of the Town while protecting the public health, safety and welfare of the citizens. It is the Board's belief that this can be accomplished through uniformity of appearance and proper maintenance of the properties within the Town while ensuring the equitable application of these standards to its citizens.

B. *Legislative finding.* It is hereby found and determined that there exist within the area subject to the zoning jurisdiction of the Town premises that, because of the existence of the conditions herein determined to be unlawful, constitute a visual blight and detriment upon the surrounding neighborhood and create substantial and unreasonable interferences with the reasonable and lawful use and enjoyment of other premises in the neighborhood, or such conditions inhibit property values, deter tourism, interfere with the public health and safety, or otherwise discourage the comfort, happiness, emotional stability and general welfare of all citizens.

C. *Ordinance administrator.* This ordinance shall be administered and enforced by the County's Director of Planning and Inspections or the Director's designee. This official or their representative shall have the right to enter upon the premises in any manner authorized by law as required to carry out the necessary duties for the fair and impartial enforcement of this ordinance. All questions arising in connection with enforcement and interpretation of this ordinance shall be presented first to the County's Code Enforcement Coordinator who is charged with the day-to-day enforcement of this ordinance. If the County's Planning and Inspections Director finds that they are not authorized to make a determination or judgment or that the issue is questionable, the matter will be referred to the County Board of Adjustment in the same manner as established for the board's hearing of administrative appeals.

Sec. 103. Definitions.

For purposes of interpreting the provisions of this ordinance, certain words or terms are herein defined. Unless otherwise stated, the following words shall for the purpose of this ordinance have the meaning herein indicated:

Dead plant material: Any trees, shrubs or ground covers that show an absence of living tissue, such as stems or leaves, during a full growth cycle (spring to spring).

Junk: Any material or substance stored in the open or not enclosed in a building which does not serve, nor is intended to serve, any useful purpose or the purpose for which it was originally intended, including but not limited to: refuse; empty cans; bottles; debris; used furniture; used appliances; machinery parts; motor vehicle parts; remnants of wood, decayed, weathered or broken construction material no longer usable; metal; or any cast off materials.

Litter: Any discarded or abandoned, used or unconsumed substance or waste, including but not limited to: garbage, trash, refuse, debris, rubbish, newspaper, magazines, paper, plastic or paper containers or other packaging.

Noxious weed: Any plant designated by a Federal, State or local government as injurious to public health, agriculture, recreation, wildlife or property and is also commonly defined as a plant that grows out of place and is competitive, persistent, and pernicious. (*Source:* <http://plants.usda.gov/java/noxiousDriver>) For purposes of this ordinance, the Town shall determine weeds to be noxious if complying with the above definition and included on the U.S. Department of Agriculture, Natural Resources Conservation Service's *Noxious Weeds List*.

Nuisance: Any condition detrimental to the public health, safety and welfare that violate the rules and regulations of the Town and/or the County Public Health Department.

Open places: Areas of properties or portions thereof that are open to the exterior, including building openings of residential dwelling units, such as carports or porches and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side and rear yards.

Public view: Any location within a normal range of vision as seen by the public from the right-of-way or a publicly owned property.

Quasi-public use: Institutional, academic, governmental, and community service uses, which are government (public) owned or operated, or provides a service to the general public under the authority of a governmental regulatory body.

Rubbish: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing, and offices, including other waste matter, such as yard debris and trimmings, tree branches, slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Visible: Capable of being seen without visual aid by a person of normal visual acuity.

ARTICLE II NUISANCES

The existence of any of the following conditions on any parcel of land, including vacant lots within the Town limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance.

Sec. 201. Structural.

A. *Structures.* All unsafe or deteriorated structures to include but not limited to storage buildings, sheds, and other similar structures shall not be permitted. In addition,

1. All structures shall be maintained in safe and substantial condition, in good structural condition and appearance, free from deterioration, rot, rust, or weathering; and

2. All unsafe or deteriorated structures as determined by the Code Enforcement Coordinator, or the Coordinator's designee, shall be repaired or removed within 30 calendar days of proper notice to the property owner.

B. *Fences and Walls.* All fences, retaining walls or similar features including landscape features that are not firmly anchored to the ground, maintained in good structural condition and appearance, or free of deterioration shall not be permitted. Wooden or other fence features subject to deterioration or weathering shall be properly maintained to retard deterioration or provide protection from the weather. Deteriorated features shall be replaced or repaired, or shall be completely removed and properly discarded. Electric fences or fences that are electrically charged, and fences that are constructed of barbed or razor wire shall be prohibited. This prohibition shall not apply to fences used to enclose livestock on a bona fide farm and those serving a public or quasi-public institution for public safety or security purposes as approved by the Code Enforcement Coordinator, or the Coordinator's designee.

Fence material is limited to wood, masonry, chain link, wrought iron, vinyl or a comparable material as approved by the Code Enforcement Coordinator, or the Coordinator's designee. Permitted material excludes material never intended for a fence. Any support or bracing shall face toward the interior of the property. Permitted fence colors are to be subtle and should not call negative or undue attention to its presence.

Sec. 202. Environment and grounds.

A. *Overgrown lots/yards.* The uncontrolled growth of noxious weeds or grass to a height in excess of 12 inches causing or threatening to cause a hazard to the public health or safety.

B. *Allowing dead animals to remain on property.* It shall be unlawful and is hereby declared to be a nuisance for any person to allow the dead carcass of any animal to remain upon any property longer than 15 hours.

C. *Noxious or offensive matter.* Emission or effluence of noxious or offensive particulate matter, dust, sludge and other materials or substances which tend to pollute or contaminate land, water or air, rendering or tending to render it injurious to human health, habitation or welfare, to animal or plant life, to property, or interfering or tending to interfere with the enjoyment of life or property; provided, however, that this subsection shall be construed consistent with and supplementary to, and not in conflict with, applicable state and federal laws and regulations.

D. *Litter.* Any junk, waste materials, unusable building materials, trash, garbage, oily rags, barrels, cans, papers, bricks, refuse, rubbish, or similar matter which is scattered, cast, placed or deposited in a yard or yards, so as to constitute an accumulation or concentration in an open area or causing or threatening to cause the

inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

E. *Presence, accumulation, storage or placement of junk.* Junk, including but not limited to, deteriorated, unusable or inoperative furniture, furniture intended to be indoors, appliances, machinery, equipment, building materials, worn out and unused automobiles or parts, tires, or any other man-made items which are either in whole or in part, wrecked, junked, unused, worn out, dismantled or inoperative shall not be permitted on any property within the Town, unless said storage of junk has been otherwise approved under the regulations and ordinances of the Town and is not visible to the public view. In addition,

1. Storage of junk shall only be allowed on any properties used for non-residential purposes and if in compliance with all other Town regulations and ordinances, or if not addressed by a Town regulation or ordinance, storage of junk shall be completely enclosed within a building or otherwise evenly placed or neatly stacked and concealed by a solid fence, cover or other means so as to not be visible at the property line from abutting properties or any right-of-way;

2. Storage of junk shall only be allowed on any property used for residential purposes if completely stored in an enclosed building or limited to 200 square feet or less in area and completely concealed by a solid fence, cover or other means so as not to be visible from public view, concentrated in one area within the rear yard and neatly arranged or stacked so as not to exceed four feet in height; and

3. Whether stored on a residential or non-residential property such storage of junk shall be maintained in such a manner so as to prevent overgrown grass or weeds or an infestation of wild animals, reptiles and rodents.

F. *Parking on public rights-of-way and public-owned property.* Parking on any public right-of-way or other publicly owned property, except where legally authorized, within the Town's corporate limits is prohibited. This provision shall not be construed to apply to motor vehicle parking for vehicles in need of repair provided they are removed within 24 hours.

G. *Open burning.* Open burning of off-site collected debris, plant material, litter, rubbish, etc. within the Town's corporate limits shall be prohibited.

Sec. 203. Abandoned/junked vehicles.

The Town Board of Commissioners adopts through incorporation by reference the *Abandoned, Nuisance, and Junked Motor Vehicle Ordinance*, Article III of the Cumberland County Code, in its entirety, to include the enforcement and violation provisions. In addition to the items enumerated under Section 9-47, Exceptions, of the Cumberland County Code, the Town also "excepts" all non-tagged, non-registered

vehicles of Armed Forces Service members that are deployed in support of military operations for a duration of six months or longer provided that the following conditions have been complied with:

A. The service member has notified the Town of their military-ordered absence and the expected duration of absence;

B. The service member has taken prudent actions to ensure the vehicle is protected and not left in an “abandoned” state; and

C. The service member has positioned the vehicle so that it is not visible from any public right-of-way and located in the side or rear yard of the service member’s property.

Sec. 204. Noise.

The Town Board of Commissioners adopts through incorporation by reference the *Cumberland County Noise Ordinance*, Article II, Section 9.5-21 et seq. of the Cumberland County Code, in its entirety, to include the enforcement and violation provisions, with the following exceptions to Section 9.5-26(1), Exemptions from Section 9.5-24:

- To allow any Town-related function which has been approved and/or sanctioned by the Town Board of Commissioners.

**ARTICLE III
LEGAL PROVISIONS**

Sec. 301. Compliance.

All public and private land within the Town of Falcon shall be in compliance with the provisions set forth in this ordinance within a six month period after the effective date of this ordinance, or within a six month period after the effective date of annexation into the Town of Falcon or otherwise being made subject to this ordinance.

Sec. 302. Penalties.

The violation of any provision of this ordinance shall be a misdemeanor, punishable upon conviction by a fine of not more than \$50.00 per week as provided in N.C. GEN. STAT. § 14-4 and except as otherwise provided in this ordinance, each violation of this ordinance shall constitute a separate and distinct offense. The Town Board of Commissioners reserve the right to reduce or eliminate the fine on a case by case basis upon the board's consideration of any extenuating circumstance(s) presented to the

board by the property owner and in this instance, the fine shall be established by motion upon the majority vote of the board members present at the board meeting in which the extenuating circumstance(s) are presented. If a Code Enforcement Coordinator, or the Coordinator's designee, finds that any provision of this ordinance is being violated, the Code Enforcement Coordinator, or the Coordinator's designee, shall cause to be served upon the offender or its agent, by certified mail, return receipt requested, or by personal service, a notice of civil citation. The notice of civil citation shall indicate the nature of the violation and order the action necessary to correct it. The citation shall also state the monetary penalty and the right of the offender to appeal the violation that is the basis of the citation to the County Board of Adjustment in the same manner as set forth for administrative hearings in the County Zoning Ordinance within ten days from the date of service of the citation.

Sec. 303. Amendments.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the responsible Cumberland County agency referred to herein, shall be effective in the Town at the time such amendments are considered and adopted by the Town Board of Commissioners and subsequently filed with the Town Clerk.

Sec. 304. Severability.

If any provision herein is declared void or unenforceable by a court of competent jurisdiction or by legislation of the State, those portions not in conflict shall remain valid and in force.

Sec. 305. Effective date.

This ordinance, the *Town of Falcon Community Standards Ordinance*, shall be in full force and effect from and after its passage by the Town of Falcon Board of Commissioners. Adopted this _____ day of _____, 2009.

Cliff Turpin, Mayor

ATTEST:

Belinda White, Town Clerk

Lori Epler,
Chair
Cumberland County

Roy Turner,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
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Charles C. Morris,
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COUNTY of CUMBERLAND

Planning & Inspections Department

July 14, 2009

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Deputy Director

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Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin
Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Staff Recommendation for the July 21, 2009 Board Meeting

P08-42: REZONING OF 2.01+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3378 CUMBERLAND ROAD, SUBMITTED AND OWNED BY KWANG YOL AND OK BUN LEE.

The Planning & Inspections Staff recommends approval of the request for the C(P) Planned Commercial district but only to a depth of 310 feet from the right-of-way/property line, based on the following:

1. The recommendation is consistent with the 2030 Growth Vision Plan (urban area) and with the exception of public sewer availability, is consistent with the location criteria for the district requested as enumerated in the Land Use Policies Plan;
2. Cumberland Road is designated as a "primary business street" in the Land Use Policies Plan, which recognizes strip commercial as a viable part of commercial development and the recommendation for commercial is appropriate along this segment of road;
3. The recommendation allows for commercial development of a portion of the subject property to the same general extent of other commercial properties within the general area; and
4. The recommendation will prevent encroachment of commercial development into the immediately adjoining residential areas.

The C1(P) and C2(P) districts could also be considered suitable for this location.

The applicants have verbally agreed via telephone conversation to the Staff recommendation.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P08-42
SITE PROFILE

P08-42: REZONING OF 2.01+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3378 CUMBERLAND ROAD, SUBMITTED AND OWNED BY KWANG YOL AND OK BUN LEE.

Site Information:

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

Depth: 873.91'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, front corner west of subject property

Current Use: Residential

Initial Zoning: R6A – August 1, 1975 (Area 3)

Nonconformities: Yes, existing residential structure built in 1952 does not meet yard setback requirements; if rezoning is approved, the existing structure will become a nonconforming use and made more nonconforming for setbacks

Zoning Violation(s): None

Surrounding Zoning: North: R10, R6 & C1P (Fayetteville); East: R10, R6 (County/Fayetteville), R6A & C3; South: R10, R6A, C1(P), C3 & M2; West: R10, R6, R6A/CU (sewing business), C1(P), C1(P)/CU (operation of a carwash), C3, C(P)/CUD (motor vehicle body/repair shop) & M2 (County/Fayetteville)

Surrounding Land Use: Commercial (including 2- motor vehicle sales, trade contractor, food sales/grocery stores & flower shop), day care facility, 2- open storage of motor vehicle/salvage and residential (including multi-family, 4-manufactured home parks & manufactured homes)

2030 Growth Vision Plan: Urban area

Special Flood Hazard Area (SFHA): None

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

Soil Limitations: None

School Capacity/Enrolled: Cumberland Road High: 355/426; Ireland Drive Middle: 340/335; Douglas Byrd Middle: 600/677; Douglas Byrd High: 1,280/1,262

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

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2006): 38,000 on Cumberland Road (SR 1141)

Highway Plan: Cumberland Road is identified in the Highway Plan as a major thoroughfare. This is a multi-lane facility (U-2304) with an adequate right-of-way of 90 feet. Road improvements have been completed

Notes:

1. Applicant was informed if request is approved, the lot will have a 40-foot wide building envelope according to the C(P) setbacks.

2. Minimum Yard Setback Regulations:

R10

Front yard: 25'

Side yard: 10'

Rear yard: 15'

C(P)

Front yard: 50'

Side yard: 30'

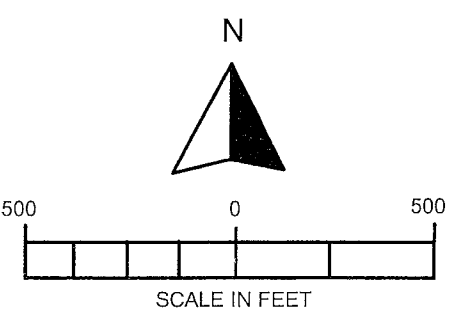
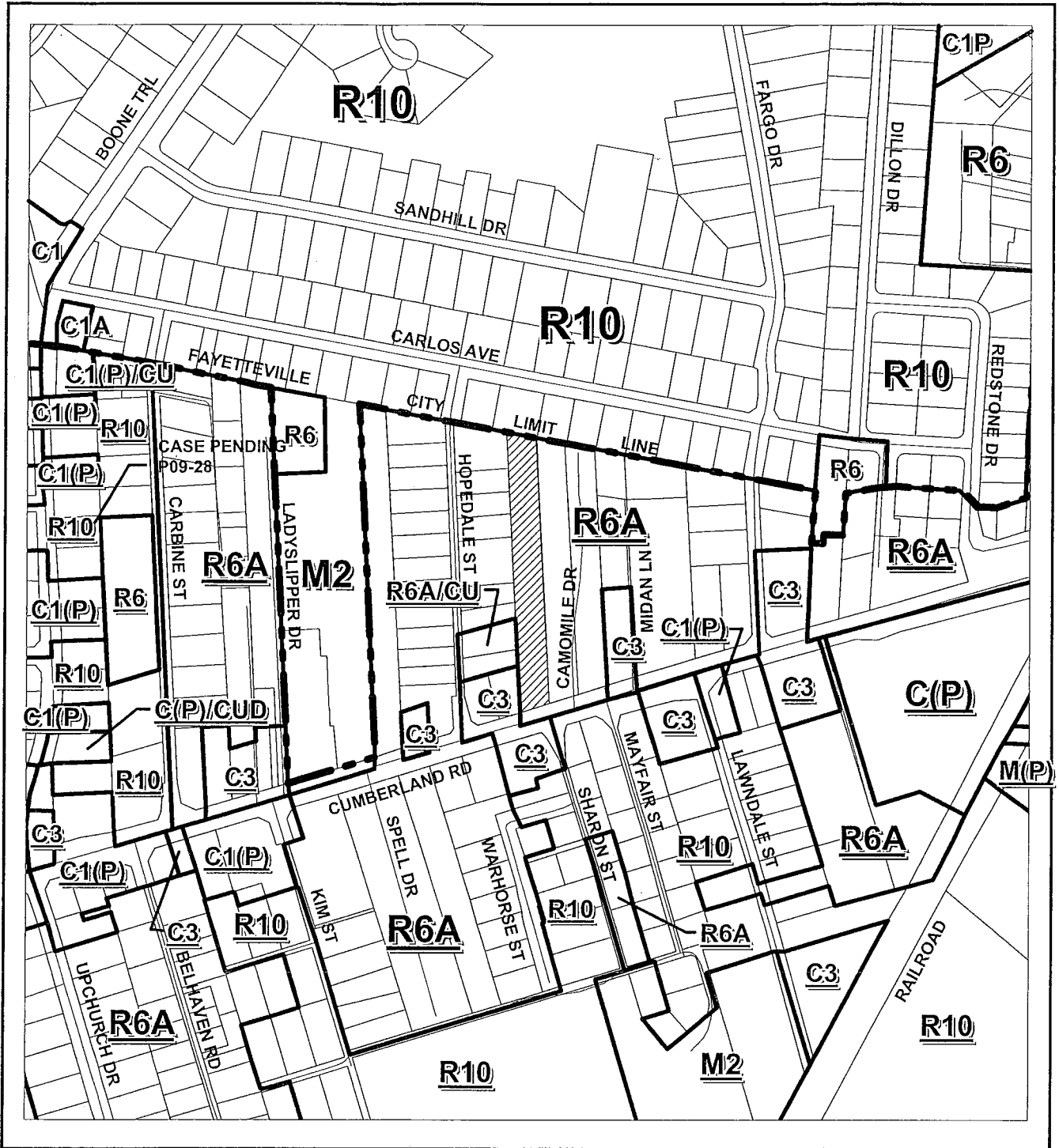
Rear yard: 30'

3. CUD & Permit was explained as an option to applicant.

4. Applicant advised to consult with Building Inspector if intent is to convert residential structure to commercial use.

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.



PIN: 0426-11-0019

REQUESTED REZONING R6A TO C(P)

ACREAGE: 2.01 AC.+/-	HEARING NO: P08-42	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Lori Epler,
Chair
Cumberland County

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Wade, Falcon, & Godwin

COUNTY of CUMBERLAND

Planning & Inspections Department

July 14, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Staff Recommendation for the July 21, 2009 Board Meeting

P09-27: REZONING OF 24.08+/- ACRES FROM R6A RESIDENTIAL & HS(P) PLANNED HIGHWAY SERVICES TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN LILLINGTON HIGHWAY AND MCCORMICK ROAD, NORTH OF RIVERBANK DRIVE, SUBMITTED BY MARK J. MAHONEY; OWNED BY WOODROW W. AND LAUNA A. HINKLE. (SPRING LAKE)

The Planning and Inspections Staff recommends approval of the request for the R5A Residential district based on the following:

1. The request is consistent with the Spring Lake Area Detailed Land Use Plan, which calls for medium density residential at this location;
2. The request is consistent with the proposed 2030 Growth Vision Plan (urban area) and with the location criteria for the district requested as enumerated in the Land Use Policies Plan; and
3. The request, if approved, will allow for more uniform zoning and comparable land uses that exist within the general area.

The R6 Residential district could also be considered suitable for this location.

Note: The 2030 Growth Vision Plan and the Land Use Policies Plan are scheduled for public hearing by the Town Board of Aldermen on July 27, 2009.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P09-27
SITE PROFILE

P09-27: REZONING OF 24.08+/- ACRES FROM R6A RESIDENTIAL & HS(P) PLANNED HIGHWAY SERVICES TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN LILLINGTON HIGHWAY AND MCCORMICK ROAD, NORTH OF RIVERBANK DRIVE, SUBMITTED BY MARK J. MAHONEY; OWNED BY WOODROW W. AND LAUNA A. HINKLE. (SPRING LAKE)

Site Information:

Frontage: 356.02'+/- on Lillington Hwy

Depth: 2,085.22'+/-

Jurisdiction: Spring Lake

Adjacent Property: No

Current Use: Manufactured home park (31 spaces) and RV park

Initial Zoning: R6A – January 7, 1977 (Area 11); portion rezoned to R6A/CU (allow a RV park) 9/22/1992; portion rezoned to HS(P) on March 19, 2001

Nonconformities: If approved, manufactured home park and RV park will become nonconforming

Zoning Violation(s): None

Surrounding Zoning: North: M(P), C3 (County/Spring Lake), CD, RR, RR/CU (extend time to demolish a building) R10, R6A & R6; South: C3, R10 & R6A (County/Spring Lake), M2, HS(P), C(P), C1, R10, R6 & R5A (Spring Lake) & R6A/CU (family resource center); West: R10 (County/Spring Lake), C(P), C1(P), C3, R10/CU (to allow a manufactured home) & R6A

Surrounding Land Use: Motor vehicle storage yard, 2-motor vehicle junk yards, motor vehicle sales, 3-religious worship activities, medical office, barbering & hairdressing services/salons, commercial (including shopping center & strip mall), motor vehicle repair, tower, residential (including manufactured homes, multi-family & 2-manufactured home parks) and woodlands

Spring Lake Area Detailed Land Use Plan: Medium density residential

Special Flood Hazard Area (SFHA): Yes

Water/Sewer Availability: Spring Lake/Spring Lake

Soil Limitations: None

School Capacity/Enrolled: Lillian Black Elementary: 265/205; Spring Lake Middle: 700/477; Pine Forest High: 1,750/1,591

Subdivision/Site Plan: Review required prior to development

Average Daily Traffic Count (2006): 44,000 Lillington Highway (NC HWY 210)

US Fish & Wildlife: No objection to rezoning; however, concerned about loss of trees for dispersal corridor for red-cockaded woodpeckers

POPE AFB: No objection, property not located within an Accident Potential Zone (APZ) or critical noise area.

Highway Plan: NC HWY 210 (Lillington HWY) is identified in the Highway Plan as a major thoroughfare. It has an adequate right-of-way of 90 feet. No road improvements are included in the 2009-2015 MTIP

Note:

Density:

R6/R6A – 209 lots/210 units

R5A – 348 lots/349 units

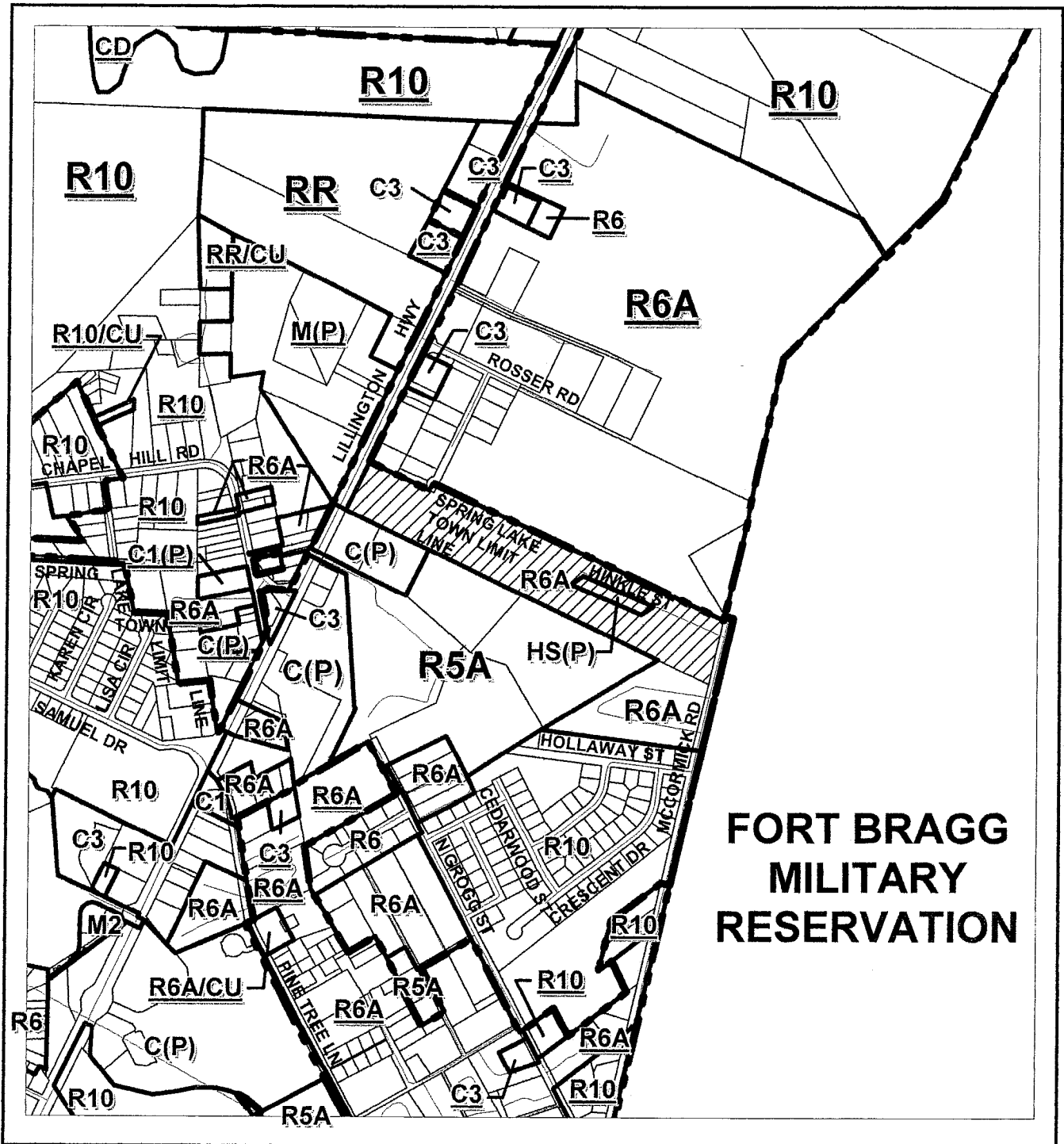
Density (minus 15% for r/w)

R6/R6A – 178 lots/units

R5A – 296 lots/units

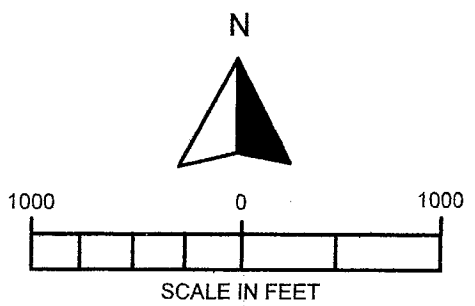
First Class Mailed Notice Certification

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.



**FORT BRAGG
MILITARY
RESERVATION**

**REQUESTED REZONING
R6A & HS(P) TO R5A**



PIN: 0512-21-0392

ACREAGE: 24.08 AC.+/-		HEARING NO: P09-27	
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Lori Epler,
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COUNTY of CUMBERLAND

Planning & Inspections Department

July 14, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Staff Recommendation for the July 21, 2009 Board Meeting

P09-28: REZONING OF .34+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3709 BOONE TRAIL, SUBMITTED BY FAY FLEISCHMANN, OWNED BY MARK FLEISCHMANN.

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

1. The request is consistent with the 2030 Growth Vision Plan (urban area) and with the location criteria for the district requested as listed in the Land Use Policies Plan;
2. Boone Trail is designated as a "limited business street" in the Land Use Policies Plan, which recognizes that the uses along this street are in transition from residential to non-residential and that light commercial is appropriate along this segment of the road; and
3. The request will allow for compatible uses with those uses currently predominant in the general area.

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

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P09-28
SITE PROFILE

P09-28: REZONING OF .34+/- ACRES FROM R10 RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3709 BOONE TRAIL, SUBMITTED BY FAY FLEISCHMANN, OWNED BY MARK FLEISCHMANN.

Site Information:

Frontage & Location: 100.60'+/- on Boone Trail

Depth: 149.20'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Residential

Initial Zoning: R10 – August 1, 1975 (Area 3)

Nonconformities: Yes, if approved, the existing residential structure will become a nonconforming use (built 1952)

Zoning Violation(s): None

Surrounding Zoning: North: C1, C1(P), C1A & R10 (Fayetteville), C1(P) & C1(P)/CU (operation of car wash); East: M2 (Fayetteville), R6 (County/Fayetteville), C3, R6A/CU (sewing contracting business) & R6A; South: C3, C(P), C(P)/CUD (motor vehicle repair, body work & other permitted uses with exclusions), C1(P), RR, R10 & R6A; West: C3, C1(P), C1(P)/CU (construction office & storage building), R10, R6 & R6A

Surrounding Land Use: Commercial (including motor vehicle washing, 2-barbering and hairdressing services/salons, retail store, 3-trade contractors & vacant commercial), mortgage office, religious worship activities and residential (including multi-family & 3-manufactured home parks)

2030 Growth Vision Plan: Urban area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: Cumberland Road Elementary: 355/426; Ireland Drive Middle: 340/335; Douglas Byrd Middle: 600/677; Douglas Byrd High: 1,280/1,262

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

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2006): 8,700 on Boone Trail (SR 1149)

Highway Plan: Boone Trail is identified in the Highway Plan as a minor thoroughfare. This proposal calls for a four lane, divided facility (U-4761) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP. This is a Priority #3 in the Highway Portion of the LRTP

Notes:

1. CUD & Permit was explained as an option to applicant.
2. Applicant was informed that a second hand store is not a permitted use in C1(P).
3. If rezoning is approved, the lot will have a building envelope of 5,940 square feet according to the C1(P) setbacks.
4. Applicant advised to consult Building Inspector regarding conversion of residential structure to commercial.
5. Minimum Yard Setback Regulations:

R10

Front yard: 30'

Side yard: 10'

Rear yard: 35'

C1(P)

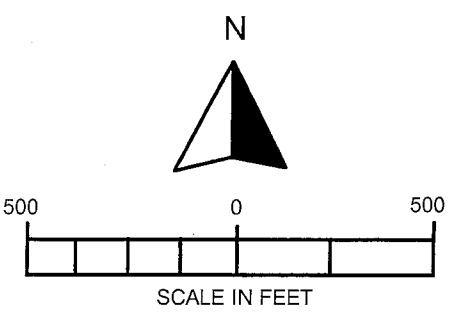
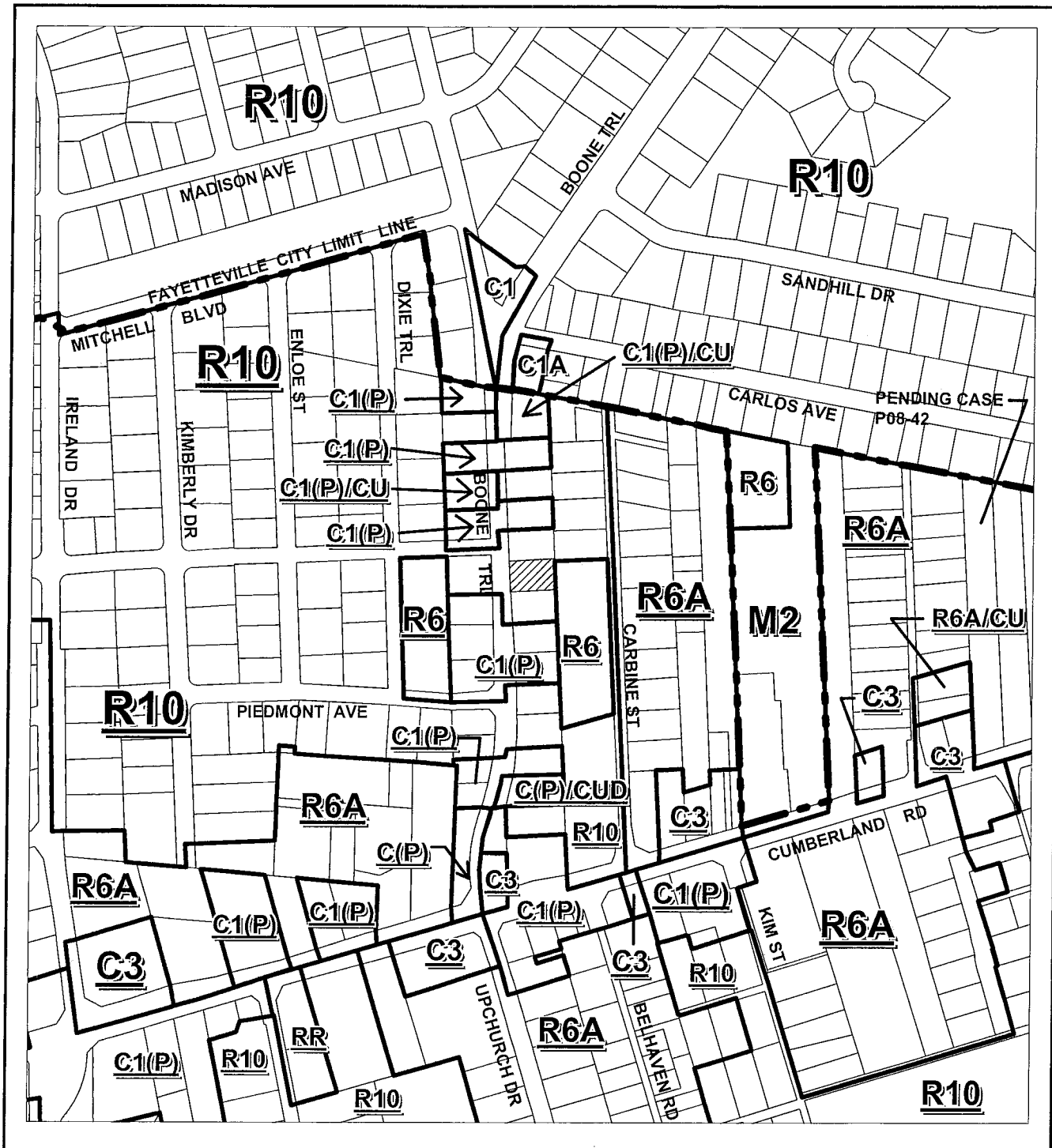
Front yard: 45'

Side yard: 15'

Rear yard: 20'

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.



PIN: 0416-91-5222

REQUESTED REZONING R10 TO C1(P)

ACREAGE: 0.34 AC.+/-	HEARING NO: P09-28	
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

July 14, 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 the July 21, 2009 Board Meeting

P09-30: INITIAL ZONING OF 168.00+/- ACRES TO A1 AGRICULTURAL, R40A RESIDENTIAL, R40 RESIDENTIAL AND RR RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF DUNN ROAD, NORTHWEST OF INTERSTATE 95; SUBMITTED BY THE TOWN OF GODWIN; OWNERS MAGGIE GALE MURPHY ADKINS, MYERS G. & CLARA GAYLE M. BRAXTON, JAMES W. BURNETT, JAMES W. & PAULINE BURNETT, CLEVELAND L. BURNETT, MARGARET COOPER, WINIFRED G. CORPUS, CLIFTON GODWIN, BEULAH M. LINDSEY, LEONARD S. MATTHEWS, FLETCHER D. MCNEILL, LOUIS & JENNIFER MCNEILL, RONALD & LOUIS MCNEILL & MARY M. SYMS, RONALD & MARJORIE MCNEILL, WILLIE C. MCNEILL, GERALDINE MCRAE, CHRISTOPHER M. PETERSON, BERLEAN M. SMITH LIFE ESTATE, CLENTIS MALLOY & FERMAN LEE SMITH, CLENTIS O. SMITH, JOSEPH & HELEN SMITH, MELBA DELORIS SMITH, MARY MCNEILL & HAROLD E. SYMS, JR. & LOUIS J. MCNEILL (GODWIN)

The Planning and Inspections Staff recommends approval of the initial zoning to the A1 Agricultural, R40 and R40A Residential and RR Rural Residential districts of the subject properties as shown on the attached sketch map, based on the following:

1. Although the districts requested are not entirely consistent with the 2010 Land Use Plan, which calls for farmland at this location, the districts requested are consistent with the proposed 2030 Growth Vision Plan that designates the subject properties as being located in a *Community Growth Area*;
2. The districts meet or exceed the location criteria enumerated in the proposed Land Use Policies Plan as designated for suburban density (RR) and rural density residential (A1, R40 and R40A); and
3. The proposed zoning districts are the same as the properties are currently zoned under the County jurisdiction and the request was submitted by the Town of Godwin.

Note: A public hearing has been scheduled by the Town of Godwin for consideration of adoption of the 2030 Growth Vision Plan along with the Land Use Policies Plan on July 20, 2009.

Attachment:

- 1- Site Profile
- 2- Sketch Map

SITE PROFILE

P09-30

P09-30: INITIAL ZONING OF 168.00+/- ACRES TO A1 AGRICULTURAL, R40A RESIDENTIAL, R40 RESIDENTIAL AND RR RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED EAST OF DUNN ROAD, NORTHWEST OF INTERSTATE 95; SUBMITTED BY THE TOWN OF GODWIN; OWNERS MAGGIE GALE MURPHY ADKINS, MYERS G. & CLARA GAYLE M. BRAXTON, JAMES W. BURNETT, JAMES W. & PAULINE BURNETT, CLEVELAND L. BURNETT, MARGARET COOPER, WINIFRED G. CORPUS, CLIFTON GODWIN, BEULAH M. LINDSEY, LEONARD S. MATTHEWS, FLETCHER D. MCNEILL, LOUIS & JENNIFER MCNEILL, RONALD & LOUIS MCNEILL & MARY M. SYMS, RONALD & MARJORIE MCNEILL, WILLIE C. MCNEILL, GERALDINE MCRAE, CHRISTOPHER M. PETERSON, BERLEAN M. SMITH LIFE ESTATE, CLENTIS MALLOY & FERMAN LEE SMITH, CLENTIS O. SMITH, JOSEPH & HELEN SMITH, MELBA DELORIS SMITH, MARY MCNEILL & HAROLD E. SYMS, JR. & LOUIS J. MCNEILL (GODWIN)

Site Information:

Area: 168.00+/- acres

Number of Parcels: 34 lots

Jurisdiction: Town of Godwin (Annexation effective July 1, 2009)

Adjacent Property: No

Current Use: Residential (including manufactured homes), motor vehicle garage, cemetery, farmland and woodlands

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

Zoning Violation(s): None

Surrounding Zoning: North: A1, R40A, RR (County/Godwin) R6A, O&I(P), C1(P) & C3; East & West: A1 & RR; South: A1, R40A, R40, RR, R6A & C(P)

Surrounding Land Use: 2-religious worship activities, post office, retail store, farm supplies merchandising, motor vehicle towing, vacant commercial, food sales/grocery store, solid waste disposal facility, farmlands and woodlands

2010 Land Use Plan: Farmland

2030 Growth Vision Plan: Community Growth Area

Municipal Influence Area: Godwin-Falcon

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Falcon/NORCRESS

Soil Limitations: Yes, hydric (Co Coxville loam)

School Capacity/Enrolled: District 7 Elementary: 300/260; Mac Williams Middle: 1,270/1,199; Cape Fear High: 1,425/1,482

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

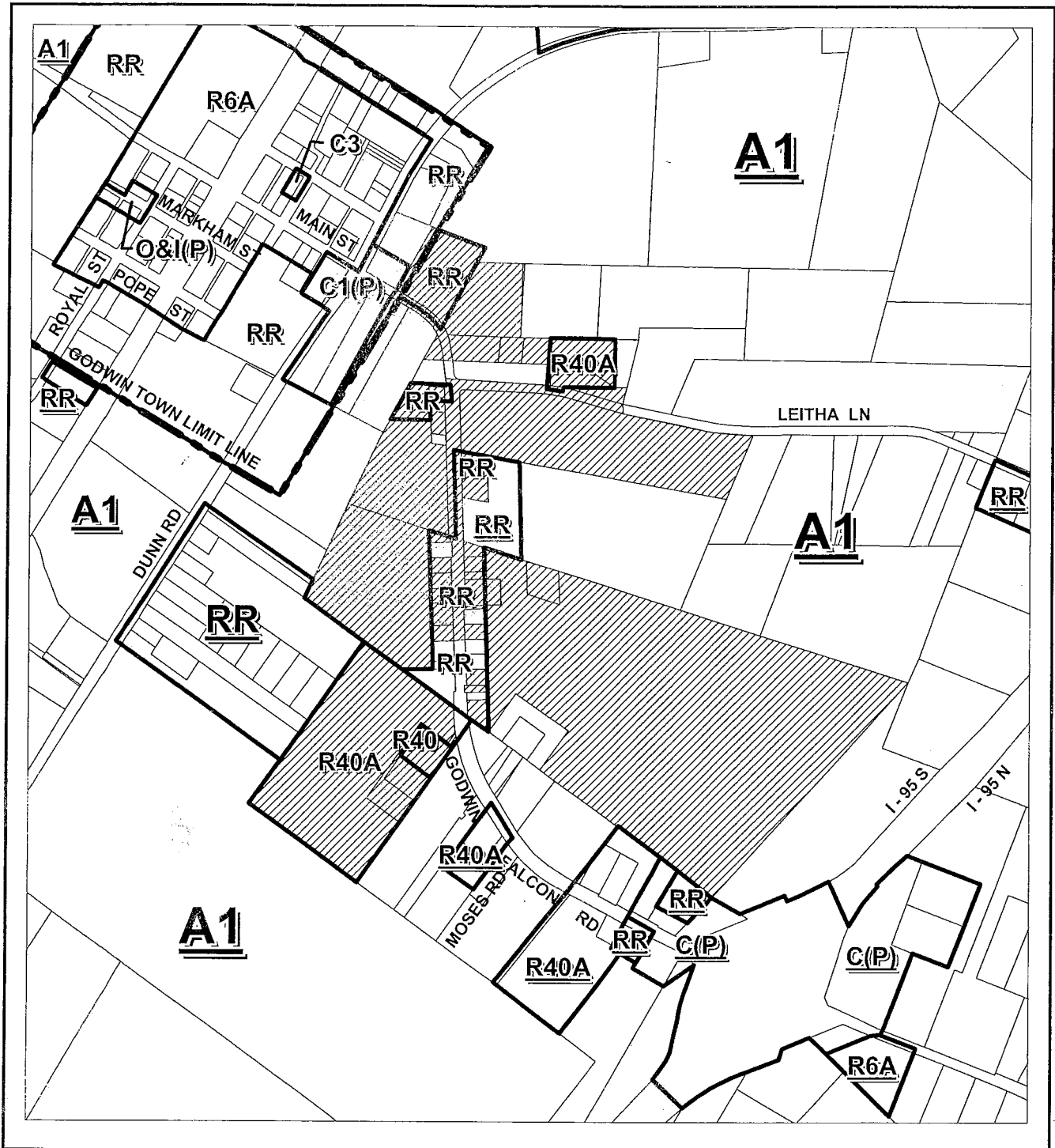
Average Daily Traffic Count (2006): 1,000 on NC HWY 82; 180 on SR 1859 (Leitha Lane)

Notes:

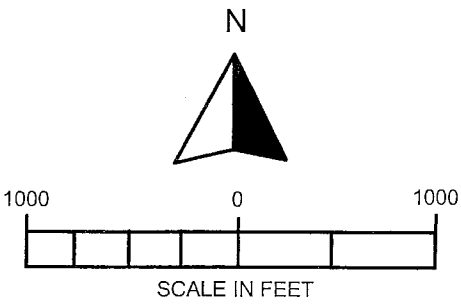
- | | |
|---|---|
| a. <u>Density: based on 112.00+/-acs</u> | <u>Density (minus 15% for r/w)</u> |
| A1 – 56 lots/units | A1 – 47 lot/48 units |
| A1A – 112 lots/units | A1A – 95 lots/units |
| b. <u>Density: based on 30.32+/-acs</u> | <u>Density (minus 15% for r/w)</u> |
| R40/R40A – 33 lots/units | R40/R40A – 49 lots/units |
| c. <u>Density: based on 26.00+/-acs</u> | <u>Density (minus 15% for r/w)</u> |
| RR – 56 lots/57 units | RR – 48 lots/units |
| d. Total possible lots/units under current zoning: 257 lots/ 258 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.



**INITIAL ZONING
TO
A1, R40A, R40 & RR**
EFFECTIVE ANNEXATION JULY 1, 2009



PIN: SEE FILE

ACREAGE: 168.00 AC.+/-		HEARING NO: P09-30	
ORDINANCE: GODWIN	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

AF
6/25/09
6/29/09

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

July 14, 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 the July 21, 2009 Board Meeting

P09-31: REZONING OF 2.19+/- ACRES FROM O&I(P) PLANNED OFFICE AND INSTITUTIONAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3135 DUNN ROAD; SUBMITTED BY VIVEK TANDON-LUST, LLC; OWNED BY GREG AND LAURIE BARNES. (EASTOVER)

The Planning and Inspections Staff recommends approval of the request for rezoning to the C2(P) Planned Service and Retail district for the subject property, based on the following:

1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for an activity node and medium density residential at this location, the request is reasonable because the Land Use Plan map designating the activity nodes is not parcel specific and does include at least a portion of the subject property in a planned activity node;
2. The recommendations adopted in the Eastover Area Detailed Land Use Plan specify that high intensity non-residential development (commercial and industrial) should be concentrated at nodes at the intersection of major thoroughfares – both Dunn Road and Murphy Road are classified as major thoroughfares in the Highway Plan;
3. The recommendations adopted in the Eastover Area Detailed Land Use Plan encourage non-residential development at activity nodes rather than creating strip commercial development along thoroughfares;
4. The C2(P) district is considered as “light commercial” in the proposed Land Use Policies Plan and the subject property complies with the listed location criteria proposed in the plan; and
5. The C2(P) district requires plan approval from the Town Council or the Board of Adjustment prior to commencement of development.

The C1(P) Local Business district could also be considered suitable for this location.

Note: A public hearing has been scheduled by the Town of Eastover for consideration of adoption of the 2030 Growth Vision Plan along with the Land Use Policies Plan on August 4, 2009.

Attachment:

- 1 - Site Profile
- 2 - Sketch Map

P09-31
SITE PROFILE

P09-31: REZONING OF 2.19+/- ACRES FROM O&I(P) PLANNED OFFICE AND INSTITUTIONAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3135 DUNN ROAD; SUBMITTED BY VIVEK TANDON-LUST, LLC; OWNED BY GREG AND LAURIE BARNES. (EASTOVER)

Site Information:

Frontage & Location: 240.00'+/- on Dunn Road

Depth: 430.00'+/-

Jurisdiction: Town of Eastover

Adjacent Property: No

Current Use: Private school approved 08/05/08 (Case No. 08-109, Eastover Town Council); Special Use Permit (day care facility) approved 08/21/08 (Case No. P08-02-E) – private school and day care facility are not in operation); subject property previously an antique store

Initial Zoning: R6A- April 26, 1979 (Area 8); rezoned to O&I(P) on 06/23/08

Nonconformities: None; if approved, existing residential structure and use as a private school would become a nonconforming use

Zoning Violation(s): None

Surrounding Zoning: North: A1, RR, RR/CU (day care facility) & C(P); East: C(P), RR & R6A; South: C1(P), R6A, C(P) & C(P)/CUD (heating/air conditioning business & other permitted uses); West: RR & R6A

Surrounding Land Use: Motel, 2-convenience retail w/gasoline sales, residential (including multi-family and manufactured home park), nursing home, wholesale sales and vacant building

Eastover Area Detailed Land Use Plan: Activity node and 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: A site plan or group development review required prior to application for permits

Average Daily Traffic Count (2006): 4,700 on SR 1832 (Murphy Road); 12,000 on US HWY 301

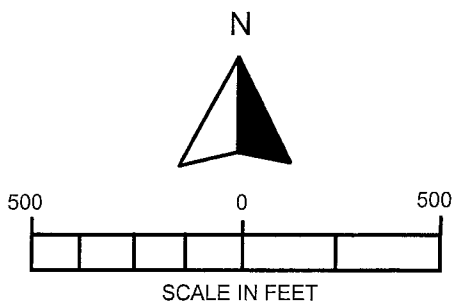
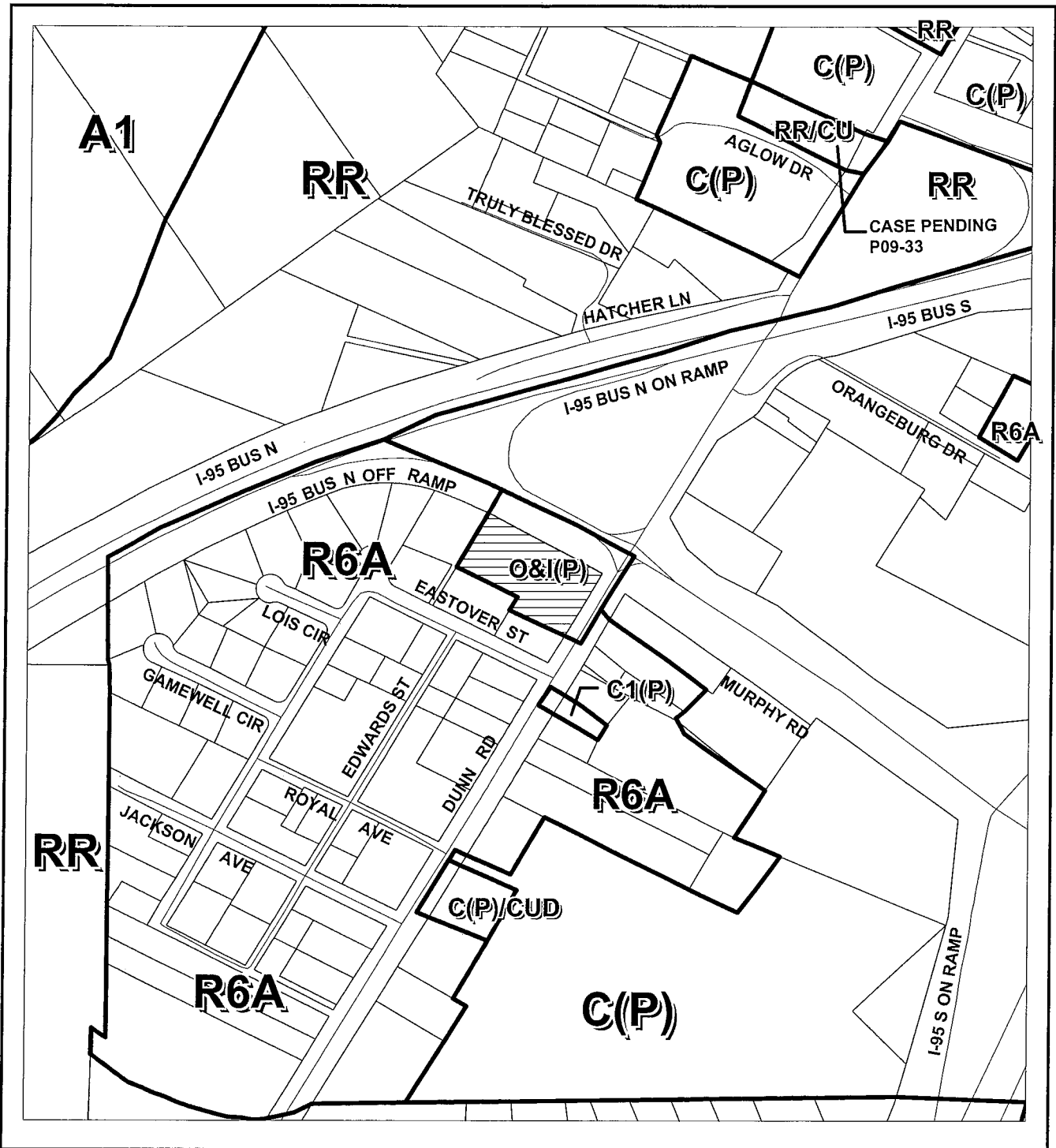
Highway Plan: Dunn Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2009-2015 MTIP. This is a priority #3 in the Highway Portion of LRTP

Note:

- CUD & Permit was explained as an option to applicant.

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.



PIN: 0468-16-9122

REQUESTED REZONING O&I(P) TO C2(P)

ACREAGE: 2.19 AC.+/-		HEARING NO: P09-31	
ORDINANCE: EASTOVER	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

July 14, 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 and Inspections Staff

SUBJECT: Staff Recommendation for the July 21, 2009 Board Meeting

P09-32: REZONING OF 1.01+/- ACRES FROM C3 HEAVY COMMERCIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3830 ROCOSO PLACE, SUBMITTED AND OWNED BY ELIJAH B. AND JANICE M. YOUNG.

The Planning & Inspections Staff recommends approval of the request for the RR Rural Residential district for the subject property, based on the following:

1. Although the request is not consistent with the 2030 Growth Vision Plan (urban area) and the location criteria for suburban density residential as listed in the Land Use Policies Plan (no direct public street access), the request is reasonable since, if approved, it will allow the current existing use of the property to be made conforming;
2. The RR Rural Residential district is identical to all other residentially-zoned properties within the general area; and
3. The record at the time the subject property was rezoned to C3 Heavy Commercial is not clear and the property owner states it was never their intent to have their home zoned commercial.

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

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P09-32
SITE PROFILE

P09-32: REZONING OF 1.01+/- ACRES FROM C3 HEAVY COMMERCIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3830 ROCOSO PLACE, SUBMITTED AND OWNED BY ELIJAH B. AND JANICE M. YOUNG.

Site Information:

Frontage & Location: 100.00'+/- on Rocoso Place

Depth: 220.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, 2 tracts northeast and 2 tracts southwest of subject property

Current Use: Residential (manufactured home)

Initial Zoning: RR – March 15, 1979 (Area 6); rezoned to C3, February 15, 1999; Special Use Permit (motor vehicle junk yard, approved 4/15/99, Case No. P99-08-C)

Nonconformities: Yes, existing residential structure located in commercial district and across the property line (dwelling constructed in 1996)

Zoning Violation(s): None

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

Surrounding Land Use: Motor vehicle sales, motor vehicle wrecking yard/junk yard, motor vehicle storage yard, motor vehicle towing, residential (including manufactured homes) and woodlands

2030 Growth Vision Plan: Urban area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Alderman Road Elementary: 750/760; South View Middle: 900/884; South View High: 1,800/1,853

Subdivision/Site Plan: The subject property is a portion of two tracts created on 4/28/1989; lots required to be recombined prior to application for any new permits; Rocoso Place is an approved Class "C" private street (1/4/96)

Sewer Service Area: Yes

Airport Overlay District: No impact

Average Daily Traffic Count (2006): 3,200 on SR 2341 (Claude Lee Road)

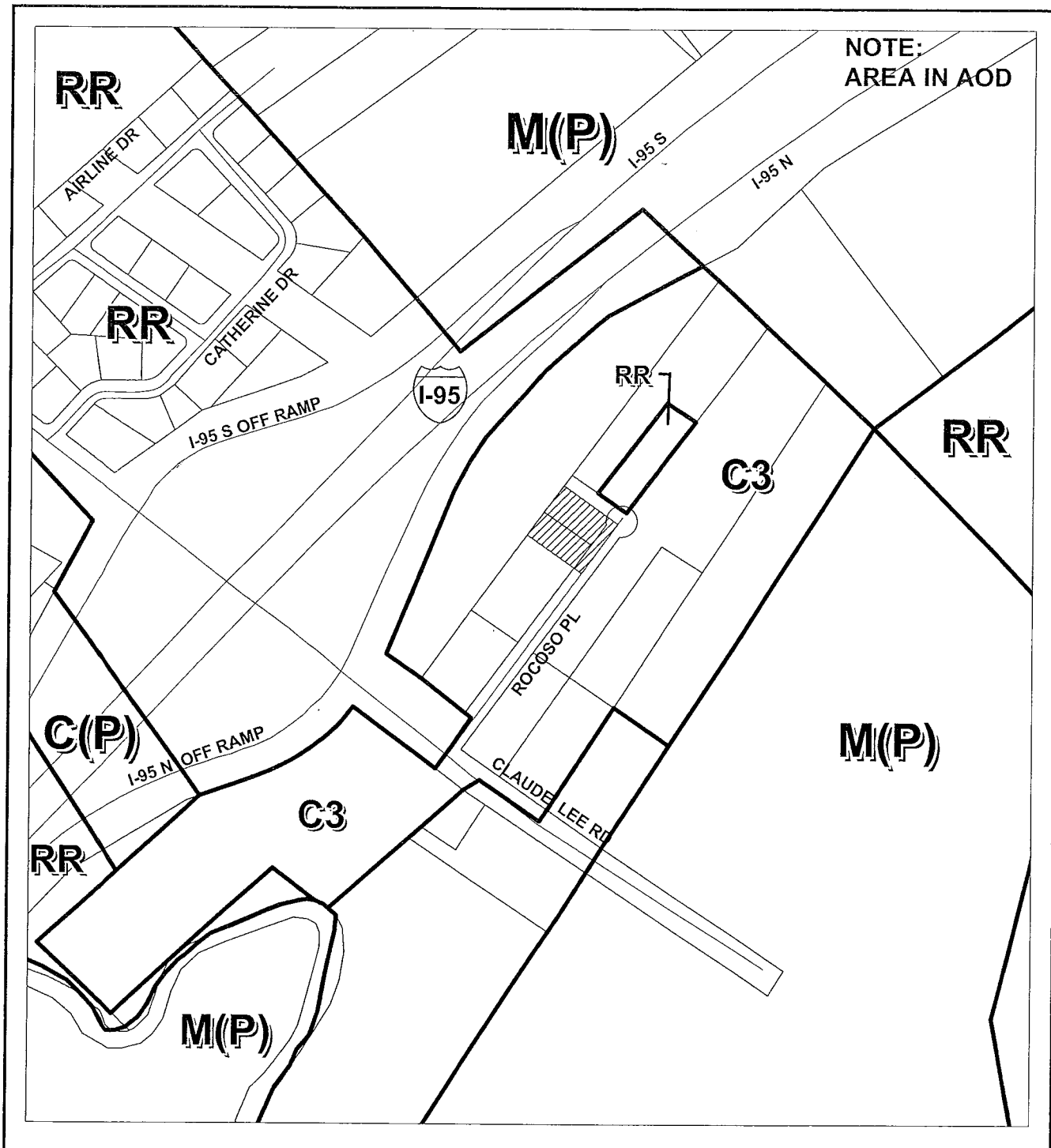
Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan

Notes:

- **Density:** RR – 2 lots/ 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.



NOTE:
AREA IN AOD

RR

M(P)

RR

I-95

RR

RR

C3

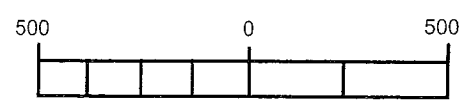
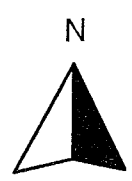
C(P)

M(P)

RR

C3

M(P)



SCALE IN FEET

REQUESTED REZONING C3 TO RR

ACREAGE: 1.01 AC.+/-		HEARING NO: P09-32	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PORT OF PIN: 0434-41-0195
PORT OF PIN: 0434-41-2357

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

July 14, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for the July 21, 2009 Board Meeting

P09-33: REZONING OF 1.19+/- ACRES FROM RR RURAL RESIDENTIAL/CU CONDITIONAL USE OVERLAY DISTRICT AND PERMIT (TO ALLOW A CHILDREN'S DAYCARE FACILITY) TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3353 DUNN ROAD; SUBMITTED BY CRAIG WHEELER; OWNED BY SHREE GANESHJI, LLC. (EASTOVER)

The Planning and Inspections Staff recommends approval of the request for rezoning to the O&I(P) Planned Office and Institutional district for the subject property, based on the following:

1. Although the request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for an activity node and heavy commercial at this location, the request is reasonable because the Land Use Plan map designating the activity nodes is not parcel specific and does include at least a portion of the subject property in a planned activity node;
2. The recommendations adopted in the Eastover Area Detailed Land Use Plan do not specifically address office and institutional type uses, but it could be reasoned that these type of uses are grouped with the term "commercial" and the Land Use Plan encourages non-residential development at activity nodes rather than creating strip commercial development along thoroughfares;
3. The subject property does not fully comply with the location criteria for office and institutional development that is listed in the proposed Land Use Policies Plan, since the site is not located within an office park and will not serve as a transition between commercial and residential uses – subject property is located between two planned commercial districts - however, approval of this request will meet several of the stated objectives in the plan, including: encouraging new office and institutional uses, providing sufficient zoned office and institutional areas to accommodate the needs of the residents and reducing regulatory measures that hinder office and institutional development; and
4. The O&I(P) district requires plan approval from the Town Council or the Board of Adjustment prior to commencement of any new development.

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

Note: A public hearing has been scheduled by the Town of Eastover for consideration of adoption of the 2030 Growth Vision Plan along with the Land Use Policies Plan on August 4, 2009.

Attachment:

- 1 - Site Profile
- 2 - Sketch Map

P09-33
SITE PROFILE

P09-33: REZONING OF 1.19+/- ACRES FROM RR RURAL RESIDENTIAL/CU CONDITIONAL USE OVERLAY DISTRICT AND PERMIT (TO ALLOW A CHILDREN'S DAYCARE FACILITY) TO O&I(P) PLANNED OFFICE AND INSTITUTIONAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 3353 DUNN ROAD; SUBMITTED BY CRAIG WHEELER; OWNED BY SHREE GANESHJI, LLC. (EASTOVER)

Site Information:

Frontage & Location: 170.00'+/- on Dunn Road

Depth: 413.00'+/-

Jurisdiction: Town of Eastover

Adjacent Property: No

Current Use: Private school and day care facility (day care facility only approved use)

Initial Zoning: R6A- April 26, 1979 (Area 8); rezoned to HS(P)/CU & RR/CU (produce stand), February 17, 2004; rezoned to RR/CU (day care facility), December 20, 2004

Nonconformities: None; if approved, current use would be nonconforming (text amendment allowing day care facilities in the O&I(P) pending)

Zoning Violation(s): None

Surrounding Zoning: North: A1, RR & C(P); East: C(P); South: A1, R6A, O&I(P) & C(P); West: A1 & RR

Surrounding Land Use: School, fire department, medical office, bed and breakfast & farm supplies merchandising & machinery sales/servicing; and residential (including manufactured homes & 1-abandoned home)

Eastover Area Detailed Land Use Plan: Activity node and heavy commercial

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

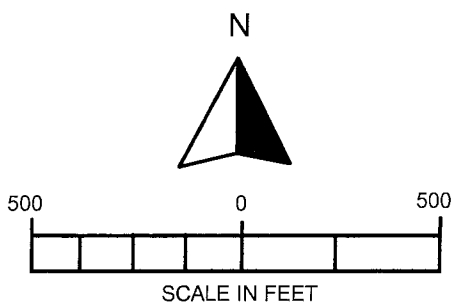
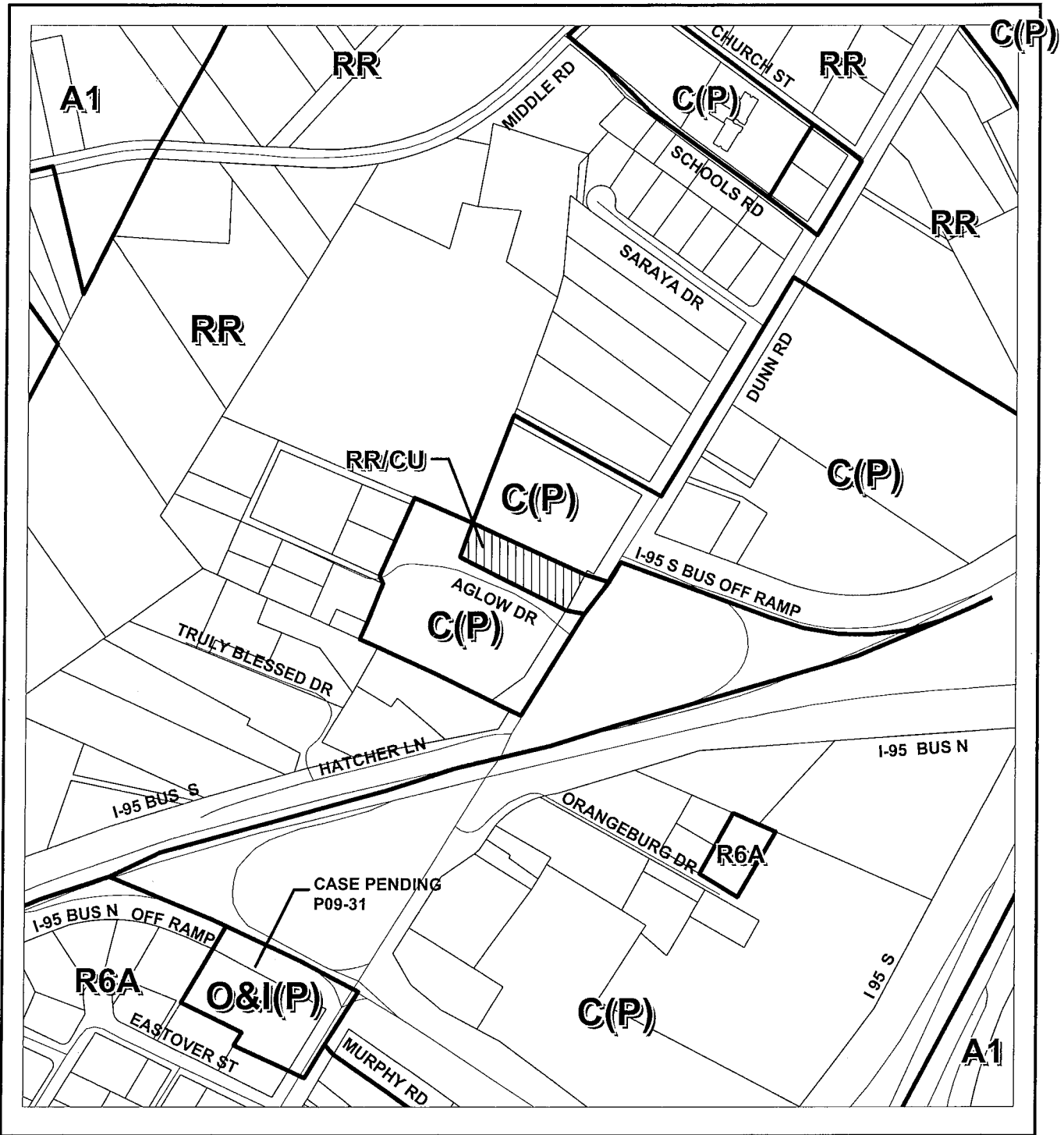
Subdivision/Site Plan: Plan approval required prior to permit application

Average Daily Traffic Count (2006): 5,000 on Dunn Road (SR 1838)

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 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.



PIN: 0468-27-8611

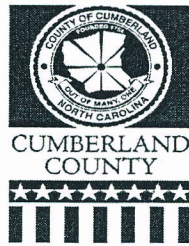
REQUESTED REZONING RR/CU TO O&I(P)

ACREAGE: 1.19 AC.+/-		HEARING NO: P09-33	
ORDINANCE: EASTOVER	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

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Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

July 14, 2009

MEMORANDUM

TO: The Cumberland County Joint Planning Board
FROM: Tom Lloyd, Planning and Inspections Director
SUBJECT: 2009-2010 Work Program

The following requests comprise the upcoming fiscal year Planning Department Work Program. The requests are listed by municipality, with the exception of Hope Mills, which will be distributed at the meeting due to a delay in Town Board approval. The staff will continue to perform ongoing area studies, GIS analysis, transportation studies, zoning and subdivision administration, and other functions as requested by County management, Commissioners and Planning Board.

Eastover

1. Ensure staff recommendations are consistent with the goals of the Eastover Detailed Land Use Plan and existing and future development.
2. Consistency of development standards within the Town and Town's Municipal Influence Area.
3. Staff recommendations for possible revisions to landscape regulations within the Zoning Ordinance.
4. *Re-evaluation of portions of the Eastover Detailed Land Use Plan as determined by the Town Board.*

Spring Lake

1. Zoning Ordinance revisions to Table of Permitted Uses, signs and discontinuance of specific nonconforming uses.
2. Continued annexation studies.
3. Revise Subdivision Ordinance regarding setbacks and open space requirements.
4. Transportation/Land use study of Bragg Blvd., Murchison Rd., Lillington Highway In light of closure of Bragg Blvd. entrance to Ft. Bragg.
5. Redevelopment study of North and South Main St.

Stedman

1. Request grant funding for the following: Town museum, property for Town park and for sidewalks connecting schools to park. Also seek possible funding for building demolition,

2. Continued ordinance amendments as needed.
3. Greenway Plan
4. Continued technical support

Wade

1. Finish Wade Zoning Ordinance.
2. Continue assistance in developing Community Standards
3. Continued technical assistance on projects as requested on an as needed basis.

Linden

1. Complete Town Subdivision Ordinance.
2. Complete Town Zoning Ordinance.
3. Continued annexation studies.
4. Continued technical support.

Falcon

1. Perform text amendments on Permitted Use Table
2. Annexation studies
3. Bicycle/pedestrian Plan for Sherrill Baggett Rd. south to Brooks St. and Hwy. 82.
4. Continued technical support.

Godwin

1. Completion of the Appearance Ordinance.
2. Seek funding for Community park.
3. Aid Public utilities in water extension projects.
4. Continued technical support.