

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

September 8, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Staff Recommendation for the September 15, 2009 Board Meeting

P09-44. CONSIDERATION OF THE ADOPTION AND ENACTMENT OF THE TOWN OF LINDEN SUBDIVISION ORDINANCE, ESTABLISHING MINIMUM STANDARDS FOR THE SUBDIVISION AND DEVELOPMENT OF PROPERTIES WITHIN THE TOWN AND ENFORCEMENT OF THE SAME. (LINDEN)

Early this year, the Town of Linden created a committee to review a draft subdivision ordinance. The committee completed their review and at the August 18, 2009 Linden Commissioners' meeting, the commissioners requested this document be set for public hearing.

The primary difference between the Town's proposed ordinance and the current County Subdivision Ordinance is concerning construction of new streets inside the Town limits. This proposed ordinance contains provisions that require all new streets inside the Town to be constructed as paved private streets with an owners' association established and made responsible for maintenance. New public streets outside the corporate limits but within the Town's *Municipal Influence Area* (MIA) will be constructed to the NC Department of Transportation (NCDOT) standards with application made to the NCDOT for acceptance to the state system for maintenance purposes.

The Planning and Inspections Staff recommends approval of the Linden Subdivision Ordinance as proposed, based on the following:

1. Adoption of this ordinance will establish minimum standards for the subdivision and development of properties within the corporate limits of the Town and within the Town's designated *Municipal Influence Area* (MIA);
2. The proposed standards will aid in preserving the character of the area in and immediately surrounding the Town, protect the property values and is intended to create conditions that substantially promote the public health, safety and general welfare; and
3. The ordinance was requested by the Town of Linden Board of Commissioners.

As a cost saving measure, the complete text of the ordinance was provided only to the Planning Board's Linden representative but all can review the ordinance on our department webpage at:
http://www.co.cumberland.nc.us/planning/downloads/ord_amendments/linden/P09-44_Linden_Sub_Ord_08-31-2009.pdf

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COUNTY of CUMBERLAND

Planning & Inspections Department

September 8, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Staff Recommendation for the September 15, 2009 Board Meeting

P09-46. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS CODE OF ORDINANCES, CHAPTER 86, SUBDIVISIONS (CIRCA 1985), INCLUDING AMENDMENTS TO SAID CHAPTER, WITH THE ENTIRE CHAPTER BEING RE-WRITTEN AND RE-ADOPTED AS A SEPARATE STAND ALONE TECHNICAL ORDINANCE; ALSO AMENDING AND ADDITION OF APPENDIXES INCLUDING APPLICATIONS, MAPS, MEETING AND FEE SCHEDULES. (HOPE MILLS)

In January of this year, the Town of Hope Mills' Ordinance Review Committee began a review of the Town's subdivision regulations. The terminology of the ordinance has been updated and where possible the proposed ordinance is consistent with the County's Subdivision Ordinance. The major differences between the Town and the County ordinances are listed on an attached page. This proposal is intended to be adopted as a separate stand alone technical ordinance with the County Planning Staff responsible for keeping the document current.

The Planning and Inspections Staff recommends approval of the complete re-write of the Hope Mills Subdivision Ordinance as proposed, based on the following:

1. The proposed standards will aid in preserving the character of the area in and immediately surrounding the Town, protect the property values and is intended to create conditions that substantially promote the public health, safety and general welfare;
2. The provisions in the ordinance are consistent with the recently adopted Land Use Policies Plan and the 2030 Growth Vision Plan; and
3. The ordinance was requested by the Town of Hope Mills.

As a cost saving measure, the complete text of the ordinance was provided only to the Planning Board's Hope Mills' representative but all can review the ordinance on our department webpage at:

http://www.co.cumberland.nc.us/planning/ordinance_amendments/hope_mills.aspx

Attachment:

P09-46 List of Key Differences between Town and County Subdivision Ordinances

P09-46

Town of Hope Mills Subdivision Ordinance

P09-46. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS CODE OF ORDINANCES, CHAPTER 86, SUBDIVISIONS (*CIRCA* 1985), INCLUDING AMENDMENTS TO SAID CHAPTER, WITH THE ENTIRE CHAPTER BEING RE-WRITTEN AND RE-ADOPTED AS A SEPARATE STAND ALONE TECHNICAL ORDINANCE; ALSO AMENDING AND ADDITION OF APPENDIXES INCLUDING APPLICATIONS, MAPS, MEETING AND FEE SCHEDULES. (HOPE MILLS)

Since January of this year, Ed and Patti have been working with a committee comprised of Hope Mills staff and re-writing the Town's Subdivision Ordinance. The committee has completed the proposed draft and the Town has requested this ordinance be set for public hearing as soon as possible.

There are some key differences between the County Subdivision Ordinance and the proposed Hope Mills ordinance. The major differences are:

1. The Town Board of Commissioners retains approval authority over subdivision reviews.
2. Fee differences (current County fees in parenthesis for comparison purposes) are:
 - a. Preliminary revisions and extensions: \$50.00 (\$25.00)
 - b. Final plats: \$50.00 (\$25.00)
 - c. Waiver request: \$200.00 (\$0.00)
 - d. Group development, 5 or less units: \$100.00 (\$25.00)
 - e. Group development, more than 5 units: \$100.00 (\$50.00)
 - f. Site plan review: \$100.00 (\$50.00)
 - g. Site plan revision and extensions: \$50.00 (\$25.00).
3. Parks, recreation & open space, land area per residential unit or equivalent fee in lieu of on-site land area remains at 1/35 per acre; the County's requirement is 800 square feet.
4. Fire hydrant placement (spacing) is proposed to be:
 - a. Single family detached units – 500 feet
 - b. Multi-family – 400 feet
 - c. Commercial – 300 feet
 - d. Business district – 250 feet

Also included in the fire hydrant placement regulations, the means of measurement is stipulated to be measured along street rights-of-way as opposed to radial and cannot be measured across lots which front on different streets.

5. Cul-de-sac and hammerhead ended streets less than 500 feet in length do not require sidewalks. Also, on cul-de-sac and hammerhead ended streets that are longer than 500 feet in length, the sidewalk is not required to be constructed around the bulb of the cul-de-sac or the T-type ending of the hammerhead.

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MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for September 15, 2009 Board Meeting

P09-39: REZONING OF .39+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1149 (BOONE TRAIL), SOUTH SIDE OF SR 1145 (PIEDMONT AVENUE) SUBMITTED AND OWNED BY GLADYS A. BLANTON.

The Planning & Inspections Staff recommends denial of the C(P) Planned Commercial but approval of C2(P) Planned Service and Retail district for this request, based on the following:

1. The recommendation for C2(P) for the subject property is consistent with the location criteria for light commercial as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan while the subject property does not meet the location criteria of the Policies Plan for the C(P) district (defined as heavy commercial);
2. Boone Trail is designated as a Limited Business Street, acknowledging that this segment of the street serves properties that are in transition from residential to non-residential uses thus C2(P) is appropriate; and
3. Public water and sewer is available to the subject property.

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

The property owner/applicant has verbally agreed with this staff recommendation.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P09-39
SITE PROFILE

P09-39: REZONING OF .39+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 1149 (BOONE TRAIL), SOUTH SIDE OF SR 1145 (PIEDMONT AVENUE) SUBMITTED AND OWNED BY GLADYS A. BLANTON.

Site Information:

Frontage & Location: 166.72'+/- on Boone Trail

Depth: 107.05'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, south side of subject property

Current Use: Motor vehicle sales

Initial Zoning: C1 – August 1, 1975 (Area 3)

Nonconformities: Yes, existing use and structure encroachment (application submitted as first step in resolving nonconforming use and structure)

Zoning Violation(s): None

Surrounding Zoning: North: C1(P)/CU (motor vehicle washing), C1(P), R10, R6 & R6A; South: RR/CU (storage & office for roofing company), M2, C3, C1(P), RR, R10 & R6A; East: C(P)/CUD (motor vehicle repair), M2, C3, C1(P), R10 & R6A; West: C3, C1(P), R10 & R6A

Surrounding Land Use: Trade contractor (2), residential (including manufactured home park (2), & multi-family), variety sales, religious worship activity, motor vehicle repair, substation, retail & servicing, motor vehicle sales, barbering services & salons (2) and fire station

2030 Land Use Plan: Urban area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/ PWC

Soil Limitations: None

School Capacity/Enrolled: McArthur Elementary 400/487, Ireland Drive Middle 340/335, Douglas Byrd Middle 600/677, Douglas Byrd High 1,280/1,262

Subdivision/Site Plan: If approved, site plan approval and recombination plat required

Municipal Influence Area: City of Fayetteville

Average Daily Traffic Count (2006): 14,000 on Boone Trail (SR 1149)

Highway Plan: Boone Trail is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (U-4761) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP

Notes:

Minimum Yard Setback Regulations:

C1(P)

Front yard: 45'

Side yard: 15'

Rear yard: 20'

C(P)

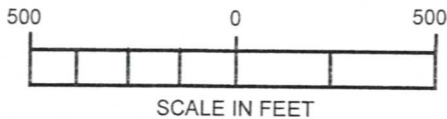
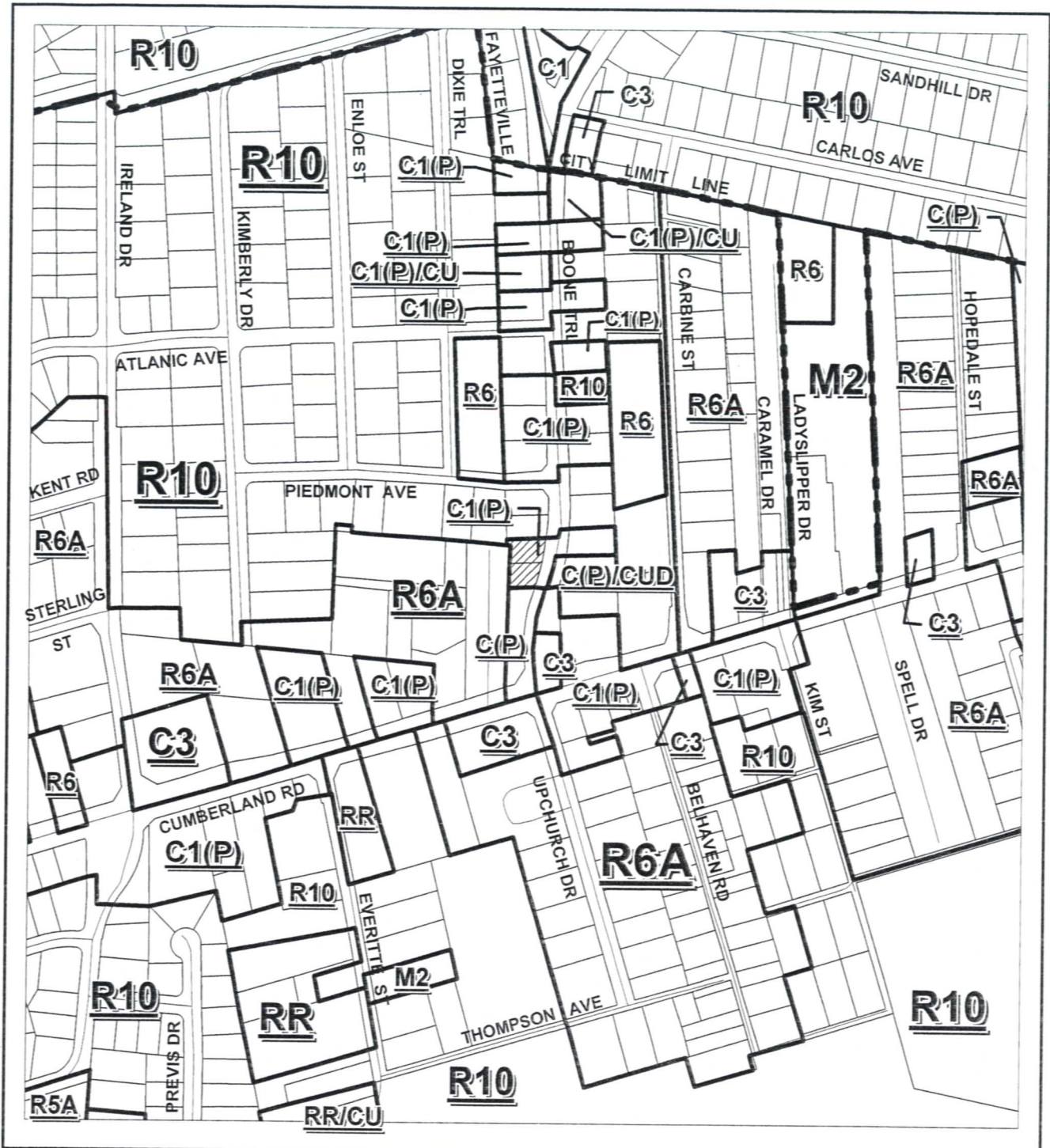
Front yard: 50'

Side yard: 30'

Rear yard: 30'

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.



SCALE IN FEET

REQUESTED REZONING C1(P) TO C(P)

ACREAGE: 0.39 AC.+/-	HEARING NO: P09-39	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0416-90-3429
PIN: 0416-90-3538

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COUNTY of CUMBERLAND

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September 8, 2009

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for September 15, 2009 Board Meeting

P09-42: REZONING OF 13.53 +/- ACRES FROM RR RURAL RESIDENTIAL AND CD CONSERVANCY DISTRICT TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SR 1003 (CAMDEN ROAD) AND THE EAST SIDE OF THE HOKE COUNTY LINE, SUBMITTED AND OWNED BY JOHNNY BEASLEY AND BILLY E. DEES.

The Planning & Inspections Staff recommends approval of the R7.5 Residential district but only for that portion of the subject property located outside the *Special Flood Hazard Area* (SFHA), with the land area inside the SFHA being zoned CD Conservancy, based on the following:

1. The requested district for the subject property is consistent with the location criteria for low density residential as adopted in the Land Use Policies Plan of the 2030 Growth Vision Plan with the exception of the stated goal of the district not being located within the SFHA;
2. The 2030 Growth Strategy Map has designated the portion of the subject property within the SFHA as a conservation area; and
3. Public utilities are available to this site.

The R20 and R15 residential districts could also be found suitable for this site.

The property owners/applicants have verbally agreed with this staff recommendation.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P09-42
SITE PROFILE

P09-42: REZONING OF 13.53 +/- ACRES FROM RR RURAL RESIDENTIAL AND CD CONSERVANCY DISTRICT TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SR 1003 (CAMDEN ROAD) AND THE EAST SIDE OF THE HOKE COUNTY LINE, SUBMITTED AND OWNED BY JOHNNY BEASLEY AND BILLY E. DEES.

Site Information:

Frontage & Location: 500.00'+/- on Camden Road

Depth: 3,700.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes (Hoke County)

Current Use: Woodlands

Initial Zoning: RR & CD – February 6, 1976 (Area 5)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: CD & RR; South: CD, RR & R15; East: NB neighborhood business (Hoke), RA-20 (Hoke) & R15 (Hoke); West: CD, RR, R10 & R7.5

Surrounding Land Use: Residential (including manufactured dwellings) & woodlands

2030 Land Use Plan: Urban and conservation area

Special Flood Hazard Area (SFHA): Yes, northern tract: 133-136 msl (NAVD) / southern tract: 130-133 msl (NAVD)

Water/Sewer Availability: PWC/ PWC

Soil Limitations: Yes, hydric – (JT) Johnston loam

School Capacity/Enrolled: Stoney Point Elementary 900/957, John Griffin Middle 1340/1386, Jack Britt High 1870/1871

Subdivision/Site Plan: Preliminary subdivision approved 06/24/09 / 275 lots (Case No. 09-076) – combined with adjacent tract

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2006): 4,600 on Camden Road

Recreation Area: Stoney Point Recreation Center located 1.72 miles away

Highway Plan:

Camden Road is identified in the Highway Plan as a major thoroughfare, this proposal calls for a multi-lane facility (4 lane-divided), road improvements are not included in the MTIP, Priority 2 under LRTP

Fayetteville Outer Loop is identified in the Highway Plan as a major thoroughfare, this proposal calls for a multi-lane facility (U-2519) with a right-of-way of 250 feet, road improvements are included in the 2007-2013 MTIP, right-of-way: 250'; planning/design: in progress; mitigation: FFY07; ROW acquisition: FY 06, 07, post years; construction: 08, 12, post years; this property will be directly impacted by the Fayetteville Outer Loop (located outside of the 1000 ft. corridor)

Note:

Density:

Density (minus 15% for r/w):

RR – 30 lots

RR – 26 lots

R15 – 39 lots

R15 – 33 lots

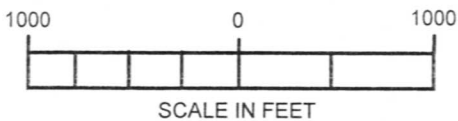
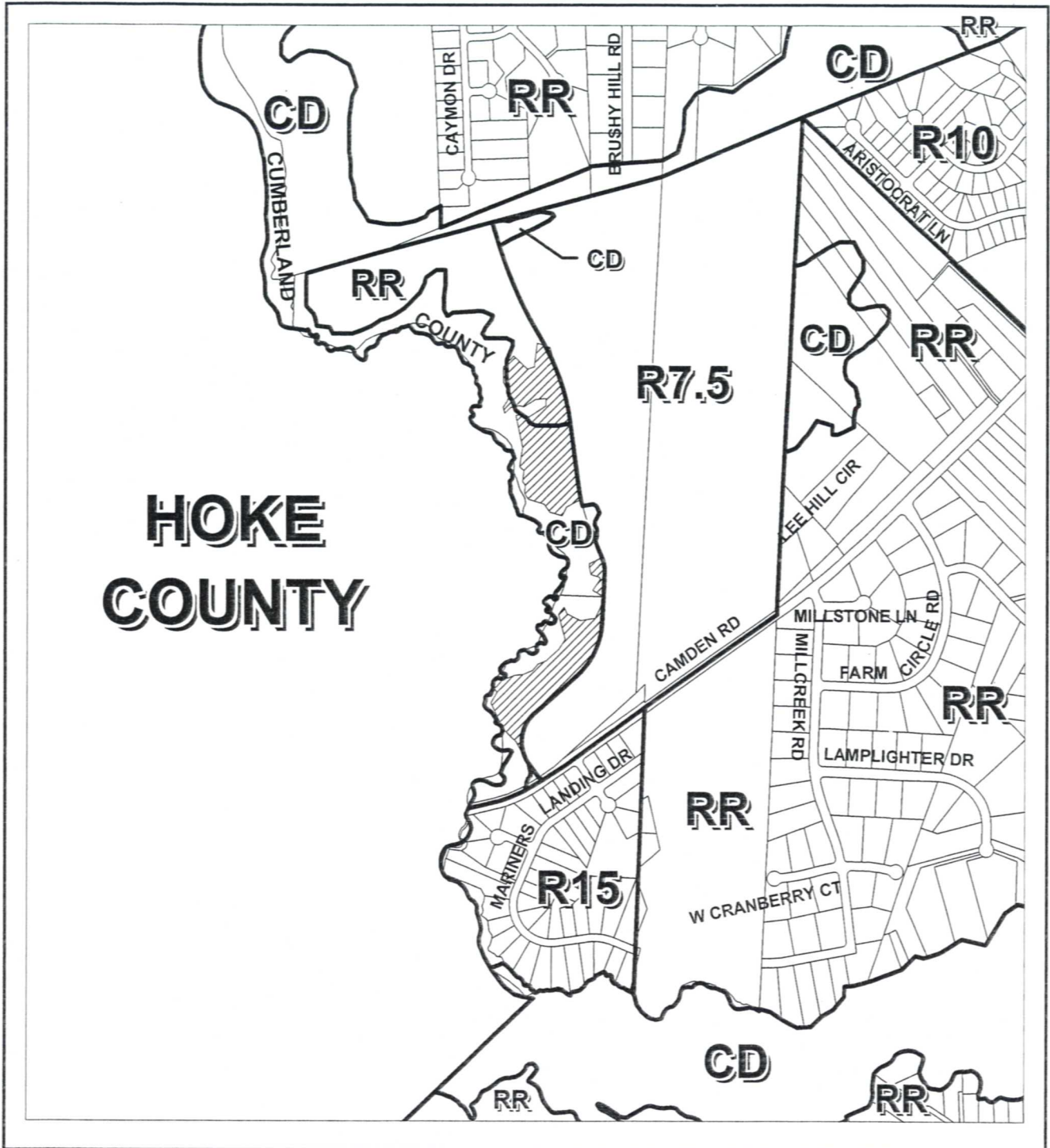
R7.5 – 79 lots

R7.5 – 67 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.

HOKE COUNTY



REQUESTED REZONING RR & CD TO R7.5

ACREAGE: 13.53 AC.+/-		HEARING NO: P09-42	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PORT. OF PIN: 9484-90-3689
PORT. OF PIN: 9484-83-4294

Lori Epler,
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September 9, 2009

MEMORANDUM

TO: Joint Planning Board

FROM: Edward M. Byrne, Land Use Codes

SUBJECT: CASE NO. 09-103. CONSIDERATION OF THE HAROLD R. BURANDT PROPERTY, ZERO LOT LINE SUBDIVISION REVIEW; REQUEST FOR A WAIVER FROM SECTION 2303.C, STREET FRONTAGE, COUNTY SUBDIVISION ORDINANCE; ZONING: A1 & CD; TOTAL ACREAGE: 10.10 +/-; LOCATED NORTHEAST OF SR 1609 (COLLIERS CHAPEL CHURCH ROAD) AND NORTH OF A DIRT TRAIL (RECORDED EASEMENT) KNOWN AS VAULT FIELD ROAD.

The developer is requesting a waiver from the requirement to have 20 feet of actual road frontage off of either a public or approved private road for the placement of a second dwelling on a 10.10 acre tract. The access to the subject tract is protected by a 50 foot recorded ingress-egress easement (Plat Bk. 119, Pg. 102). The majority of the easement is located along the path of the existing dirt trail named "Vault Field Road" for emergency and addressing purposes. The proposed second dwelling is a single-wide manufactured home.

The existing deeded lot is an exempt lot from the definition of subdivision and would not typically be subject to the requirement for road frontage under the terms of Subdivision Ordinance; however, the second dwelling unit proposed qualifies the request as a group development and the standards for actual road frontage for the lot is required.

In accordance with Section 2601, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**

c. The property owner would not be afforded a special privilege denied to others.

The Planning and Inspections Staff recommends approval of the waiver request from Section 2303.C based on the following:

- a. Because of the size of the existing lot of record, 10.10 +/- acres, it would be inequitable not to allow a second unit on such a large tract, and strict compliance with the provisions of the ordinances would cause a special and unnecessary hardship if the developer were required to upgrade the ingress/egress easement to "street" status given that the majority of the land area in which the easement crosses is not under the current property owners' control;
- b. The purposes of the County's Subdivision and Zoning Ordinances are being served to an equal or greater degree, in that there is an existing deeded ingress/egress easement, assigned a street name for emergency services purposes that assures access to this lot and adjacent lots within the area;
- c. The property owner is not being afforded a special privilege denied to others since the Planning Board has approved similar requests when there have been comparable facts and circumstances.

Attached you will find the waiver application, recommended conditions of approval, group development sketch plan, aerial photo and vicinity map. If you have any questions, please contact me at 910-678-7609, email: ebyrne@co.cumberland.nc.us or Patti Speicher at 910-678-7605, email: pspeicher@co.cumberland.nc.us.

cc: Harold Burandt, Developer
Butch Raynor, Acting County Attorney
Patti Speicher, Land Use Codes



Date Request Submitted: 9-1-09

Planning Board Meeting Date: _____

Received by: _____

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 09-103 Case Name: Harold R. Burandt Prop.

Related Ordinance Section Number(s): 3-20.d

Summary of Request: 2nd home on same tract

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

BECAUSE OF THE SIZE OF THE TRACT BEING DEVELOPED, STRICT COMPLIANCE WITH THE GROUP DEVELOPMENT PROVISIONS OF THE SUBDIVISION ORDINANCE WOULD CAUSE A SPECIAL AND UNNECESSARY HARDSHIP TO THE PROPERTY OWNER AND BE INEQUITABLE.

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

THE PURPOSES OF THE SUBDIVISION AND ZONING ORDINANCE ARE

BEING SERVED TO AN EQUAL OR GREATER DEGREE IN THAT THE ACCESS TO THE SUBJECT PROPERTY IS PROTECTED BY MEANS OF A 50-FOOT RECORDED EGRESS/EGRESS EASEMENT AND

3. The property owner would not be afforded a special privilege denied to others, because:

THE PROPERTY OWNER IS NOT BEING AFFORDED A SPECIAL PRIVILEGE DENIED

TO OTHERS SINCE THE BOARD IN PAST PRACTICE HAS BEEN TO GRANT SUCH WAIVERS IN CASE WITH A SIMILAR SET OF FACTS AND CIRCUMSTANCES

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

HAROLD R. BURANDT
Printed Name of Applicant/Agent

Harold R. Burandt
Signature of Applicant/Agent

Daytime Phone Number

Date Signed

Lori Epler,
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Cumberland County

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STAFF REVIEW: 09-10-09 PLANNING BOARD DECISION: 09-15-09

CASE NO: 09-103 NAME OF DEVELOPMENT: HAROLD R. BURANDT PROPERTY

MIA: N/A GROUP DEVELOPMENT REVIEW

LOCATION: NORTHEAST OF SR 1609 (COLLIERS CHAPEL CHURCH ZONING: A1 & CD

ROAD) AND NORTH OF VAULT FIELD ROAD PIN: 0583-98-2990-

OWNERS / DEVELOPER: HAROLD BURANDT ENGINEER OR DESIGNER: N/A

STAFF RECOMMENDATION:

- PRELIMINARY
- EXTENSION REVISION
- CONDITIONAL APPROVAL
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. 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.
2. The County Health Department must approve water and 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.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. 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.
4. 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.

5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
7. 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:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 & CD zoning district must be complied with, as applicable.
9. 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)
10. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
11. An internal public street or approved private street will be required to serve any divisions of this tract.

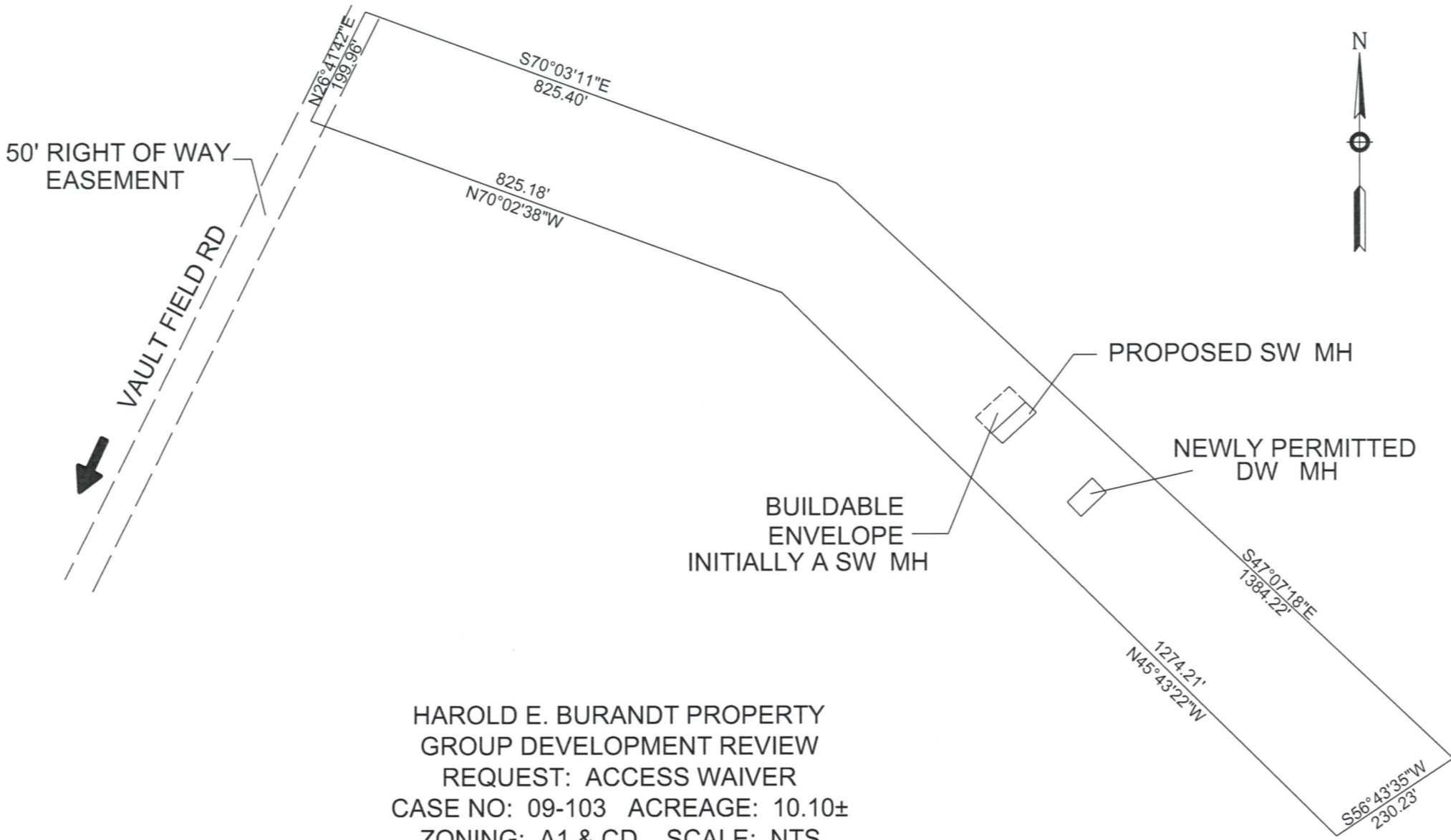
Other Relevant Conditions:

12. Under current standards, no more than two manufactured homes may be located on the subject property.
13. The applicant is advised to consult an expert on wetlands before proceeding with any development.
14. 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.
15. The Cumberland County Joint Planning Board will consider this access waiver request on September 15, 2009; the staff is recommending approval, see attached memorandum dated September 9, 2009 for staff justification.

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 Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Daniel Ortiz	433-3680
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




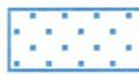

HAROLD E. BURANDT PROPERTY
 GROUP DEVELOPMENT REVIEW
 REQUEST: ACCESS WAIVER
 CASE NO: 09-103 ACREAGE: 10.10±
 ZONING: A1 & CD SCALE: NTS

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



SUBJECT PROPERTY

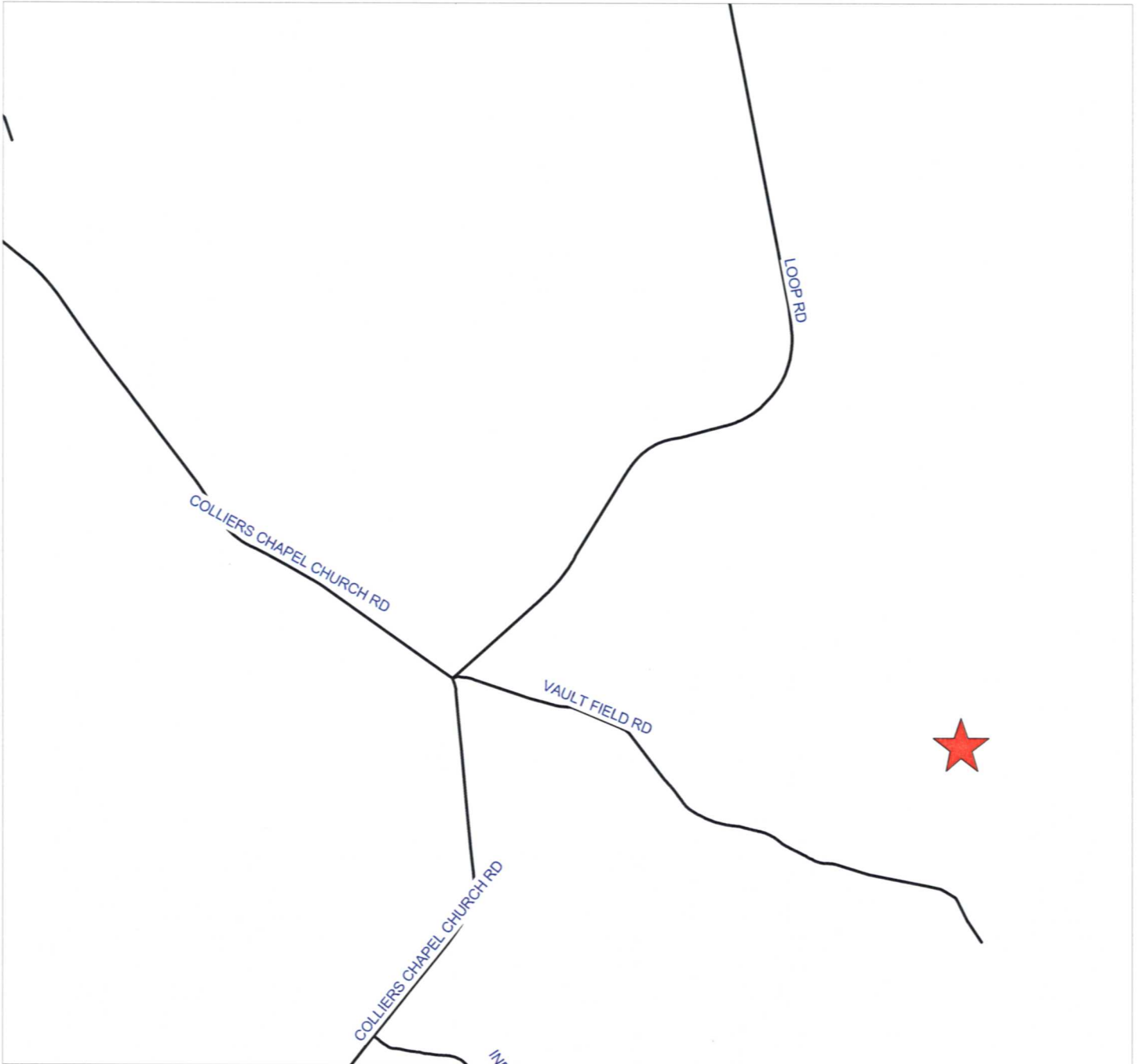
VAULT FIELD RD

-  CD LINE
-  AE (100 YR)
-  AE FLOODWAY (100 YR)

**AERIAL PHOTO
CASE NO: 09-103**



**HAROLD R. BURANDT PROPERTY
GROUP DEVELOPMENT REVIEW
CASE NO. 09 - 103**



PIN(S): 0583-98-2990-
red by GJB - CCJPB
SEPTEMBER 2, 2009

Map not to scale



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

September 8, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for September 15, 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)

On August 18, 2009 the Planning Board referred this case back to staff and encouraged the property owner/applicant to meet with staff and possibly re-consider some of the requested uses listed on the original application. The property owner voluntarily deleted all uses listed on the original application except for the "ice cream shop and grill" (restaurant). However, the Planning & Inspections Staff recommendation of denial of the C2(P) Planned Service and Retail/Conditional Use District [C2(P)/CUD] for a restaurant (ice cream shop and grill) remains the same, 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.

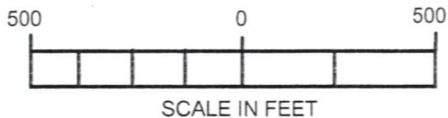
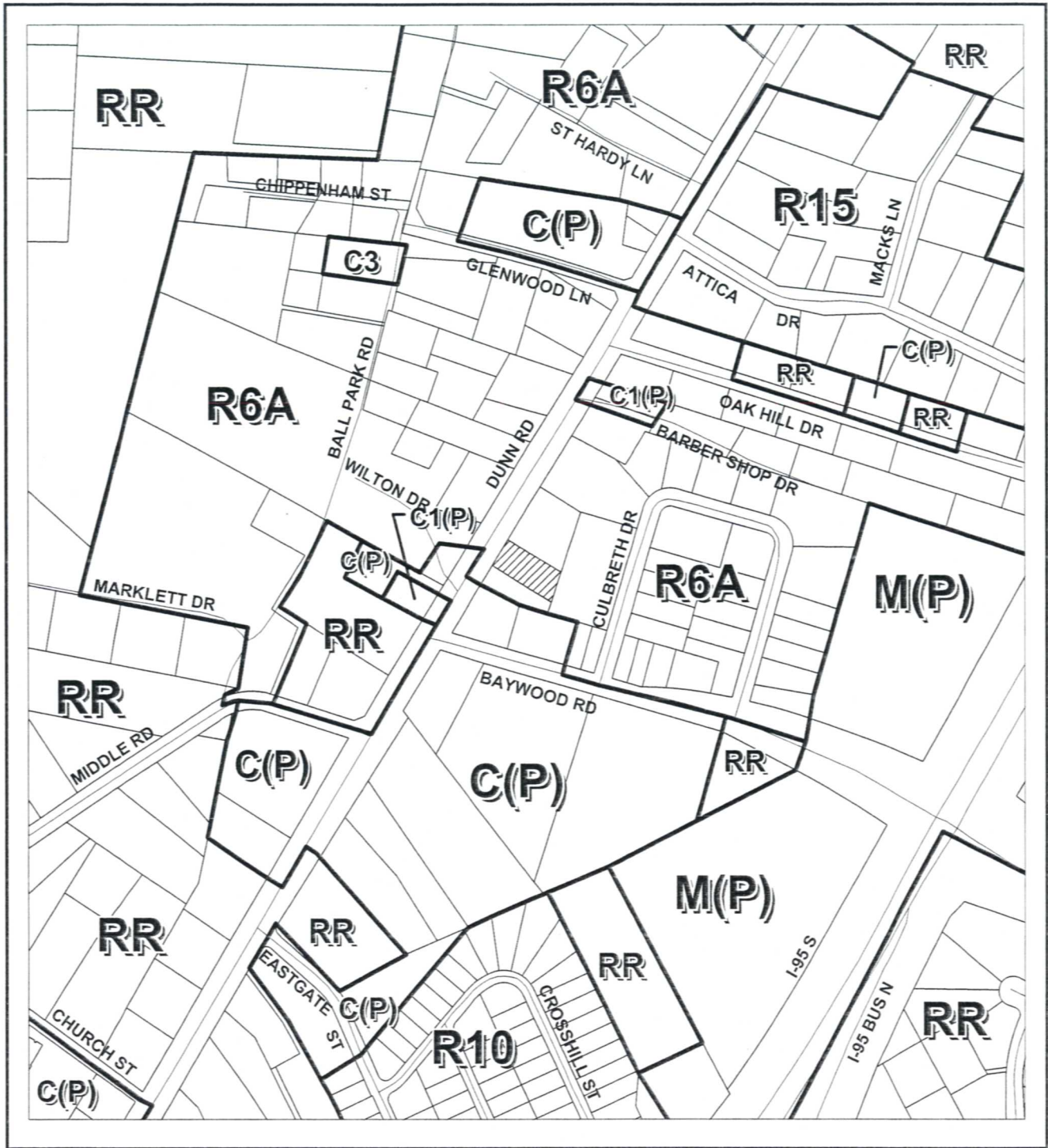
3. **Requested Permitted Uses:**

- Restaurant with accessory & incidental uses

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

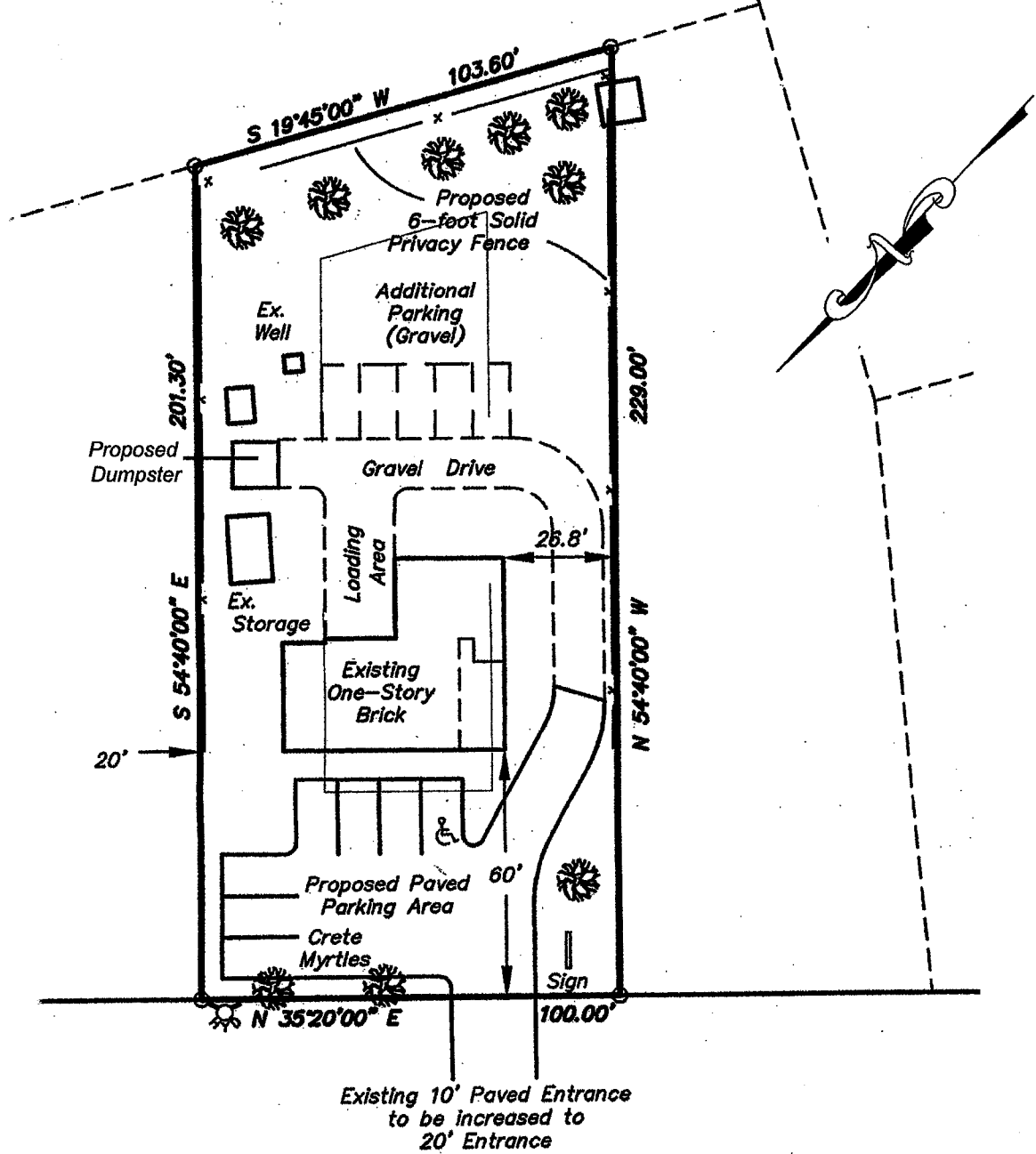
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



PIN: 0469-50-2700

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		



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

CONDITIONAL USE DISTRICT & PERMIT

REQUEST: RESTAURANT & 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, 10 and 23)

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.

Pre-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. 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
- b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.

REVISED DRAFT

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 C2(P)/CU zoning district must be complied with, as applicable. [Note: The only approved use for this district is for a restaurant (ice cream shop and grill) along with incidental and accessory uses.]

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.

11. 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.)
12. 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)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. 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.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
16. 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.
17. 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.)
18. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
19. 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 8 off-street parking spaces is required for this development. (Note: The number of parking spaces was based on a maximum capacity of 30 people for the structure. The entire off-street parking area and drives must be constructed of a permanent surfacing material.)
20. 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).]
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.

REVISED DRAFT

Plat-Related:

23. 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)
24. 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.
25. 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.
26. 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)
27. 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:

28. 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:

29. The applicant is advised to consult an expert on wetlands before proceeding with any development.
30. 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.
31. 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 (Restaurant)
~~Recreation/Amusement Indoor. Arts & Crafts Children + 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):

Land Uses

Zoning Classifications

*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)

483-7443

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