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COUNTY of CUMBERLAND

Planning & Inspections Department

June 14, 2011

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 June 21, 2011 Board Meeting

P11-25: REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 156: ZONING CODE AMENDING § 156.008 DEFINITIONS; AND SUBCHAPTER: *OFF-STREET PARKING AND LOADING*, CONTAINING § 156.100 PROVISIONS FOR OFF-STREET PARKING AND LOADING, §156.101 OFF-STREET PARKING REQUIREMENTS, AND § 156.102 OFF-STREET LOADING; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

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

1. This amendment modernizes the Town's current regulations and will allow for consistency between the Town and the County's off-street parking and loading regulations; and
2. The amendment was requested by the Town of Spring Lake.

Attachment:
- Amendment

P11-25
Town of Spring Lake Zoning Code Text Amendment
Off-Street Parking and Loading

REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 156: ZONING CODE AMENDING § 156.008 DEFINITIONS; AND SUBCHAPTER: *OFF-STREET PARKING AND LOADING*, CONTAINING § 156.100 PROVISIONS FOR OFF-STREET PARKING AND LOADING, §156.101 OFF-STREET PARKING REQUIREMENTS, AND § 156.102 OFF-STREET LOADING; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

AMEND § 156.008 DEFINITIONS by inserting the following terms and definitions in alphabetical order:

ACCESS. A way of approaching or entering a property. Access also includes ingress, the right to enter and egress, and the right to leave.

ALLEY. A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

CERTIFICATE OF OCCUPANCY. Official certification that a premise conforms to the provisions of this chapter (and *N.C. Building Code*) and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use upon completion of the building or site final inspection. Unless such a certificate is issued, a structure cannot be occupied or a new use commenced, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

CHANGE OF USE. Changing the original purpose of a building to a different use or changing the lot configuration due to changed requirements (e.g., adding display or storage areas).

CODE ENFORCEMENT OFFICER. The individual assigned this position and title within the Town's job position classifications that is charged with the day-to-day interpretation and enforcement of this chapter.

DRIVEWAY. A private access way, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

EASEMENT. A right given or reserved by the owner of land for specific limited use of that land.

FLOOR AREA, GROSS. The total area of a building measured by taking the outside dimensions of the building at each floor level.

FLOOR AREA, NET. The horizontal area of each floor of a building or structure; excluding those areas not directly devoted to the principal, incidental, or accessory use, such as: storage areas, stairwells, elevators, closets, restrooms, maintenance rooms, hallways, and similar areas.

LATERAL ACCESS. The provision of ingress and egress between adjoining or abutting current or future non-residential uses to facilitate the circulation of vehicular traffic between those uses and designed to relieve traffic congestion, provide protection from through traffic, and limit individual driveway access along public rights-of-way.

LOADING SPACE OR BERTH, OFF-STREET. An area logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in computing required off-street parking space.

MOTOR VEHICLE. A machine designed or intended to travel over land or water by self-propulsion or while attached to a self-propelled vehicle, except that said definition shall not include a “manufactured home” or “mobile home” as defined in County Health Department regulations, the Town Subdivision Regulations, and this chapter.

MOTOR VEHICLE PARKING LOT/AREA. An area or plot of land used for, or designated for, the short-term parking of serviceable motor vehicles, either as a principal use or as an accessory use.

MOTOR VEHICLE PARKING LOT, COMMERCIAL. A tract of land which is used for the storage of legally licensed, insured and registered motor vehicles, not accessory to any other use on the same or any other lot, and which contains parking spaces rented to the general public or reserved for individuals by the hour, day, week, or month.

MOTOR VEHICLE PARKING SPACE. An area of not less than 20 feet in length and nine feet in width for one, plus the necessary access space.

MOTOR VEHICLE PARKING, OFF-STREET. A parking space located outside of a street right-of-way.

PUBLIC WAY. Any street, alley or similar parcel of land, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

RIGHT-OF-WAY. An area owned and maintained by the town, the State of North Carolina, a public utility, a railroad or a private entity for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities or railroads.

STREET. A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except an alley.

STREET, PRIVATE. Any road, street, or alley which is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public. This definition does not include neighborhood public roads, cart paths and ingress/egress easements.

STREET, PUBLIC. A dedicated, and accepted for maintenance purposes, public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.

VEHICULAR SURFACE AREA. An area primarily used for the parking of private passenger vehicles. "Vehicular surface area" includes the means of ingress and egress to the area where motor vehicles are parked. "Vehicular surface area" includes any median, traffic island, or other traffic control device or structure contained wholly within the designated parking area. "Vehicular surface area" does not include covered vehicle parking areas or multi-level vehicle parking areas.

SUBCHAPTER: OFF-STREET PARKING AND LOADING

AMEND § 156.100 PROVISIONS FOR OFF-STREET PARKING AND LOADING as indicated below:

§ 156.100 GENERAL PROVISIONS FOR OFF-STREET PARKING AND LOADING.

All uses of land, and buildings, or structures shall be provided for with adequate off-street parking and loading spaces to meet at least the minimum standards in accordance with the provisions of this subchapter.

(A) *Plan approval.* Each application for a zoning permit, conditional use permit, special use permit, or site plan approval ~~or certificate of occupancy~~ shall include information as to the location and dimensions of off-street parking and loading

spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Code Enforcement Officer Zoning Inspector to determine whether or not the requirements of this subchapter are met.

(B) *Certificate of occupancy.* The certificate of occupancy for the uses of any building, structure or land where off-street parking spaces or loading spaces are is required shall be withheld by the Code Enforcement Officer Zoning Inspector until the provisions of this part are fully complied with met. If at any time such compliance ceases, any certificate of occupancy previously which shall have been issued for the use of the property shall immediately become void, valid and further use of the premises shall cease until the property is brought into compliance with requirements of this subchapter are met.

~~(C) *Combination.* The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.~~
[Editor's note: The existing sub-section "(C)" (above) has been relocated to § 156.101(H) within this amendment.]

~~(C) *D) Permanency.* The off-street parking and loading spaces~~ required by this subchapter shall be permanent spaces and shall not be used for any other purposes unless other spaces are is provided which will fully meet the requirements of this chapter.

~~(E) *Remote parking space.* Except for residential uses, if the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main pedestrian entrance to such principal use, provided such land is in the same ownership, by deed or long term lease. In such cases, the applicant for a permit for the principal use shall submit with his application an instrument duly executed and acknowledged which subjects such land to parking use in connection with the principal use. Remote parking spaces in the Central Area Business District shall observe the front yard setback required in §156.087.~~
[Editor's note: The existing sub-section "(E)" (above) has been relocated to § 156.101(I) within this amendment.]

~~(F) *Existing parking facilities.* Accessory off-street parking facilities in existence on the effective date of this chapter and located on the same lot as the use served shall not hereafter be reduced below the minimum requirements of this subchapter.~~
[Editor's note: The existing sub-section "(F)" (above) has been relocated to § 156.101(J) within this amendment.]

(D-G) Permissive parking and loading facilities. Off-street parking or loading facilities, which serve any existing non-residential use of land or buildings, are permitted in any commercial or industrial district provided that all regulations herein governing the location, design, and operation of such facilities are adhered to and provided further that whenever a parking facility serving a non-residential use abuts a residential district, a vegetative buffer at least six feet in height shall be established between the parking facility and the residential district.

(E-H) Increased intensity of existing use. When the intensity of use of any building or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units specified herein for the computation of required parking and loading facilities, parking and loading facilities shall be provided for such increase in intensity of use.

(F-I) Change of existing use. Whenever the existing use of a structure shall hereafter be changed to a new use, parking and loading facilities shall be provided as required for far such new use. However, if the structure was erected prior to the effective date of this chapter, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use shall exceed those for the existing use.

(G) Maintenance of off-street parking, loading spaces/berths and vehicular surface areas. The property owner shall be fully responsible for the routine maintenance of off-street parking, loading spaces and vehicular surface areas, to include driveways. Proper routine maintenance shall ensure that the original driveway width and profile are retained, operational speed and safety is not reduced by rough or unkempt surfaces, and no damage or deterioration to the public roadway pavement is incurred as a result of driveway conditions, including drainage provisions. The level of maintenance shall also be adequate to ensure that deviation from the intended circulation pattern is not necessary because of surface irregularities. This maintenance responsibility includes the removal of snow and ice and keeping the portion of the driveway within the public right-of-way in a safe condition.

('78 Code, § 12.103) (Ord. passed 1-10-72)

AMEND § 156.101 OFF-STREET PARKING REQUIREMENTS as indicated below:

(A) Minimum off-street parking requirements. Off-street parking spaces shall be provided and permanently maintained by the owners or occupants of the following types of property uses on the basis indicated:

Uses

Required Off-Street Parking Spaces

All dwelling units	Two spaces for each dwelling unit, <u>except one and one-half spaces for each dwelling unit in a multi-family complex located in R6, R5A, R5, and mixed use developments</u>
Art galleries, libraries, and museums	One space for each 400 square feet of <u>net gross floor area</u>
Automobile gas stations [Editor's note: See <i>Motor vehicle gas stations/ convenience stores</i>]	Fifteen parking spaces
Automobile repair and/or sales garage [Editor's note: See <i>Motor vehicle repair/sales</i>]	One space for each 200 square feet of <u>gross floor not used exclusively for storage area</u>
Banks	One space for each 200 square feet of <u>net gross floor area</u> , <u>space plus one space for each per two employees</u>
Commercial amusement	One space for each four persons in design capacity
Drive-in restaurants [Editor's note: See <i>restaurants</i>]	One space for each four inside seats in addition to <u>any outside serving spaces</u>
<u>Farmers' markets</u>	<u>One space for each 200 square feet of display area or a minimum of five spaces, whichever is greater</u>
<u>Flex offices</u>	<u>One space for each three employees on the largest shift, one space for each vehicle used in the conduct of the use, one space for each 300 square feet of classroom space, and five additional spaces</u>
Funeral homes	One space for each four seats in chapel
Furniture stores	One space for each 400 square feet of <u>net gross floor area</u>

Uses - Continued

Required Off-Street Parking Spaces - Continued

General, professional, and governmental offices

One space for each 300 square feet of net gross floor area

Hospitals

One space for each two beds intended for patient use, plus and one space for each employee on the largest shift

Lodges, fraternal, and social organizations

One space for each four persons in design capacity ~~300 square feet of gross floor area~~

Manufacturing, processing, fabrication, assembly, construction, contracting and building trades

One space for each per-vehicle used directly in the conduct of the use, plus two additional extra spaces for each three employees on the largest shift

Manufactured home and travel trailer sales lot

One space for each employee and one space for each 3,000 square feet of display area

Medical clinics, doctor's and dentist's offices

Five spaces for each professional doctor practicing on the premises

~~Mobile home and travel trailer sales lot~~
[Editor's note: See *Manufactured home and travel trailer sales lot*]

~~One space for each employee and one space for each 3000 square feet of display area~~

Motel, hotel, or other transient lodging with meeting room

One space for each room or unit to be rented, plus one space for each three employees and one additional space for each 100 square feet of floor area utilized for meeting rooms

Motor vehicle gas stations/convenience stores

Ten parking spaces
[Editor's note: Current requirement is fifteen spaces]

Motor vehicle repair/sales

One space for each 200 square feet of net floor and/or sales garage area
[Editor's note: Current requirement is essentially the same, but states: "...200 square feet of gross floor not used exclusively for storage area"]

Uses - Continued

Required Off-Street Parking Spaces - Continued

Nursery, kindergarten,
elementary, and junior
high/middle schools

One space for each employee, plus ten additional
spaces

Nursing homes,
convalescent and
retirement old-age homes

One space for each four beds intended for
resident use, plus one parking space for each
employee on the largest shift

~~Planned shopping center~~
[Editor's note: See *Retail
stores, service shops, etc.*]

~~One space for each 200 square feet of gross floor
area~~

Religious worship

One space for each five seats

Retail stores, service
shops, food and beverage
establishments, including
~~exclusive of planned
shopping centers and
furniture stores~~

One space for each 200 square feet of net gross
floor area

Rooming or boarding
house

One space for each bedroom

Senior high schools

Four spaces for each classroom and
administrative office

~~Tourist home, motel, hotel~~
[Editor's note: See *motel,
hotel, or other transient
lodging*]

~~One space for each room or unit to be rented plus
one space per three employees~~

Veterinary clinics

Four spaces for each veterinarian

Vocational, and business,
post secondary,
avocational and trade
schools

One space for each four persons in design
capacity 300 square feet of gross floor area

Wholesale establishments

One space for 900 square feet of gross floor area

(B) *Computation.* When determination of the number of off-street parking spaces required by this subchapter results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one half shall be counted as one parking space.

(C) *Size.* All A required off-street parking spaces shall be at least nine eight feet, six inches in width and at least 20 feet in length measured at right angles to the axis of the vehicle exclusive of access drives, aisles, or ramps. Such spaces shall have a vertical clearance of at least six feet, six inches. For parallel parking the length of the parking space shall be increased to 23 feet. Compact parking spaces, measuring seven and one-half feet wide and 16 feet in length, are permitted provided that the compact spaces do not exceed more than 25 percent of the total required parking.

~~(D) *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. All commercial and industrial off-street parking areas and all off-street parking lots for residential use where three or more spaces are required shall be so arranged that egress from the parking space is by forward motion of the vehicle.~~

[Editor's note: The existing sub-section "(D)" (above) has been relocated to subsection "(E)" below.]

(D) *Design.* All off-street parking areas requiring four or more spaces based on the use of the property shall be surfaced with a permanent material such as asphalt or concrete up to and including the required paved driveway or entrance to the property, and the individual parking spaces shall be clearly marked or striped. This permanent surfacing provision does not apply to single-family residential group developments. Regardless of any other provision of this chapter, off-street parking spaces, drive areas and entrances to any structure shall be designed and constructed to the standards of the N.C. Building Code, or other applicable Federal, State or local regulations.

Non-residential uses that will result in an increase in vehicular surface area of one acre or more or those non-residential uses with seasonal maximum capacities, such as shopping centers, and with a structure or structures exceeding 10,000 square feet of net floor area shall only permanently surface a maximum of 80 percent of the required vehicular surface area, including the off-street parking area. The remaining 20 percent of parking area shall consist of pervious surfacing material and shall be maintained in such manner as to alleviate storm water runoff. Regardless of the aforementioned permanent surfacing restriction, the provisions of the N.C. Fire Code, Appendix D shall control if in conflict with this sub-section.

~~(E D)~~ *Access.* Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. All commercial and industrial off-street parking areas and all off-street parking lots for residential use where three or more spaces are required shall be so arranged that egress from the parking space is by forward motion of the vehicle.

[Editor's note: Sub-section "(E)" above was relocated from § 156.101(D) within this amendment.]

~~(F E)~~ *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from residential districts and public streets.

~~(G F)~~ *Public area.* No portion of any street right-of-way or public parking facility shall be considered as fulfilling or partially fulfilling area requirements for off-street parking space required by the provisions of this subchapter.

~~(G)~~ *Residential parking limitation.* ~~Where parking for more than five cars is permitted or required in residential districts, the lot may be used only for parking and not for any type of loading, sales, repair work, dismantling, servicing or long term storage, either of merchandise or vehicles.~~

[Editor's note: The existing sub-section "(G)" (above) has been relocated to subsection "(K)" below.]

~~(H G)~~ *Combination and shared parking.* The required parking space for any number of separate uses may be combined in one lot as long as but the minimum number of spaces for each separate use is provided, except that the required space assigned to one use within a shopping center may not be assigned to another use, except provided that the hours of operation for each use do not coincide or overlap and one-half of the parking spaces required for religious worship facilities churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

[Editor's note: Sub-section "(H)" above was relocated from § 156.100(C) within this amendment.]

~~(I E)~~ *Remote parking spaces.* ~~Except for residential uses, if~~ the off-street parking space required by this subchapter for non-residential uses cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main pedestrian entrance to such principal use, provided such land is in the same ownership, by deed or long term recorded lease, and that such land is zoned to allow the non-residential use for which the remote parking is to serve. In such cases, the applicant for a permit for the principal use shall submit with ~~his~~ the permit application an instrument duly executed and, acknowledged and recorded with the County Register of Deeds that

subjects said such land to parking use in connection with the principal use. Remote parking spaces in the Central Area Business District shall observe the front yard setback required in §156.087.

[Editor's note: Sub-section "(I)" above was relocated from § 156.100(E) within this amendment.]

(J F) *Existing parking facilities.* Accessory off-street parking facilities in existence on the effective date of this chapter or upon being made subject to the provisions of this chapter and located on the same lot as the use served shall not hereafter be reduced below the minimum requirements of this subchapter.

[Editor's note: Sub-section "(J)" (above) was relocated from § 156.100(F) within this amendment.]

(K G) *Residential parking limitation.* Where parking for ~~more than five motor vehicles~~ cars is permitted or required in residential districts, the lot may be used only for parking and not for any type of loading, sales, repair work, dismantling, servicing or long-term storage, either of merchandise or vehicles.

[Editor's note: Sub-section "(K)" (above) was relocated from § 156.101(G) within this amendment.]

(L) *Handicap parking.* Handicap parking shall be provided in accordance with the standards of the N.C. Building Code and any other applicable Federal and /or State regulation. Handicap spaces must be clearly marked and maintained at all times.

('78 Code, § 12.104) (Ord. passed 01-10-72) (Amd. passed 07-28-03)

AMEND § 156.102 OFF-STREET LOADING as indicated below:

§ 156.102 OFF-STREET LOADING REQUIREMENTS.

(A) Off-street loading spaces accessory to uses permitted in any district shall be provided in accordance with the following regulations. The Code Enforcement Officer ~~Zoning Inspector~~ shall determine the sufficiency of loading berths and/or loading spaces permitted or required by this subchapter. Off-street loading berths and/or loading spaces shall be provided and permanently maintained ~~by the~~ by the owners or occupants of the following types of land uses on the basis indicated:

[Editor's note: The shift in space for the table below will be adjusted upon adoption and removal of the edits.]

Uses

Required Space or Berth

(1) Commercial Retail operations, and ~~all first floor nonresidential uses~~, with a gross floor area of less than 20,000 square feet, and all wholesale, manufacturing and light industrial operations with a gross floor area of less than 10,000 square feet:

One loading space or berth.

(2) ~~Retail~~ operations, (including restaurant and dining facilities within hotels and office buildings) with a total usable floor area of 20,000 square feet or more devoted to such purposes:

One loading space or berth for every 20,000 square feet of gross floor area.

(3) Office buildings and hotels with a total usable floor area of 100,000 square feet or more devoted to such purposes:

One loading space or berth for every 100,000 square feet of floor area.

(4) Industrial and wholesale operations with a gross floor area of 10,000 square feet or over and as follows:

Square Feet

10,000 to 40,000

1 One space or berth

Above 40,000 to 100,000

2 Two spaces or berth

Above 100,000 to 160,000

3 Three spaces or berth

Above 160,000 to 240,000

4 Four spaces or berth

Above 240,000 to 320,000

5 Five spaces or berth

Above 320,000 to 400,000

6 Six spaces or berth

Each 90,000 above 400,000

7 One additional space/berth

(B) *Location*. One or more loading berths or other space shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises with every structure erected after the enactment of this chapter or upon being made subject to the provisions of this chapter.

(C) *Screening.* All motor vehicle loading spaces abutting any residential district shall be completely screened from view of the residential property.

(D) *Size.* A loading berth shall have minimum plan dimensions of 12 feet by 25 feet and 14 feet overhead clearance. A loading berth shall be sufficient in size and design to allow normal loading operations of a kind and magnitude appropriate to the use served thereby.

(E) *Access.* Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley, without hindering the movement of vehicles over a street or alley, and of pedestrians over a sidewalk.

(F) *Utilization.* Space allocated to any off-street loading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking spaces or access drives or aisles.

('78 Code, § 12.105) (Ord. passed 1-10-72) (Amd. passed 7-28-03)

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COUNTY of CUMBERLAND

Planning & Inspections Department

June 14, 2011

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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 June 21, 2011 Board Meeting

P11-21: REZONING OF 5.80+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2595 SMITH ROAD; SUBMITTED BY JOSEPH P. RIDDLE, III (OWNER).

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

1. The request for the C(P) zoning district is not consistent with the location criteria for "heavy commercial," as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan specifically due to the immediate surrounding properties being predominately residential and agricultural;
2. The recommendation of the C2(P) district does meet the location criteria for the Policies Plan since the subject property has access to public water and sewer, direct access to a collector street that was recently improved to a four-lane divided highway, and will provide convenient goods and services to the immediate surrounding neighborhood;
3. All uses allowed in the C(P) district would not be in character with the surrounding land uses; however, approval of the C2(P) district will ensure that the allowed uses are consistent with other uses in this area; and
4. The request is reasonable because the subject property is of a size and shape that the yard setbacks for the C2(P) zoning district can be met and all required improvements such as off-street parking, landscaping, buffering, etc. can be provided on-site.

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

The applicant has verbally agreed to the recommendation for the C2(P) Planned Service and Retail district.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P11-21
SITE PROFILE

P11-21: REZONING OF 5.80+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2595 SMITH ROAD; SUBMITTED BY JOSEPH P. RIDDLE, III (OWNER).

Site Information:

Frontage & Location: 547.83'+/- on NC HWY 87 & 666.56'+/- on SR 2237 (Smith Road)

Depth: 700.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 dwelling & vacant commercial

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

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North & East: A1; South: A1/CU (to allow used car lot), C2(P), R40A, RR & R6A; West: A1/CU (to allow residence & motor vehicle storage), RR & A1

Surrounding Land Use: Residential (including manufactured dwellings), motor vehicle sales, farmland & woodlands

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/ PWC

Soil Limitations: Yes, hydric – JT Johnston Loam

School Capacity/Enrolled: Alderman Road Elementary: 750/715; Grays Creek Middle: 1,000/911; Grays Creek High: 1,270/1,236

Subdivision/Site Plan: If approved, new development will require a review and approval

Average Daily Traffic Count (2008): 15,000 on NC HWY 87 & 780 on SR 2237 (Smith Road)

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

Notes:

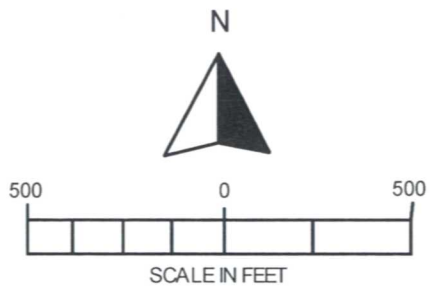
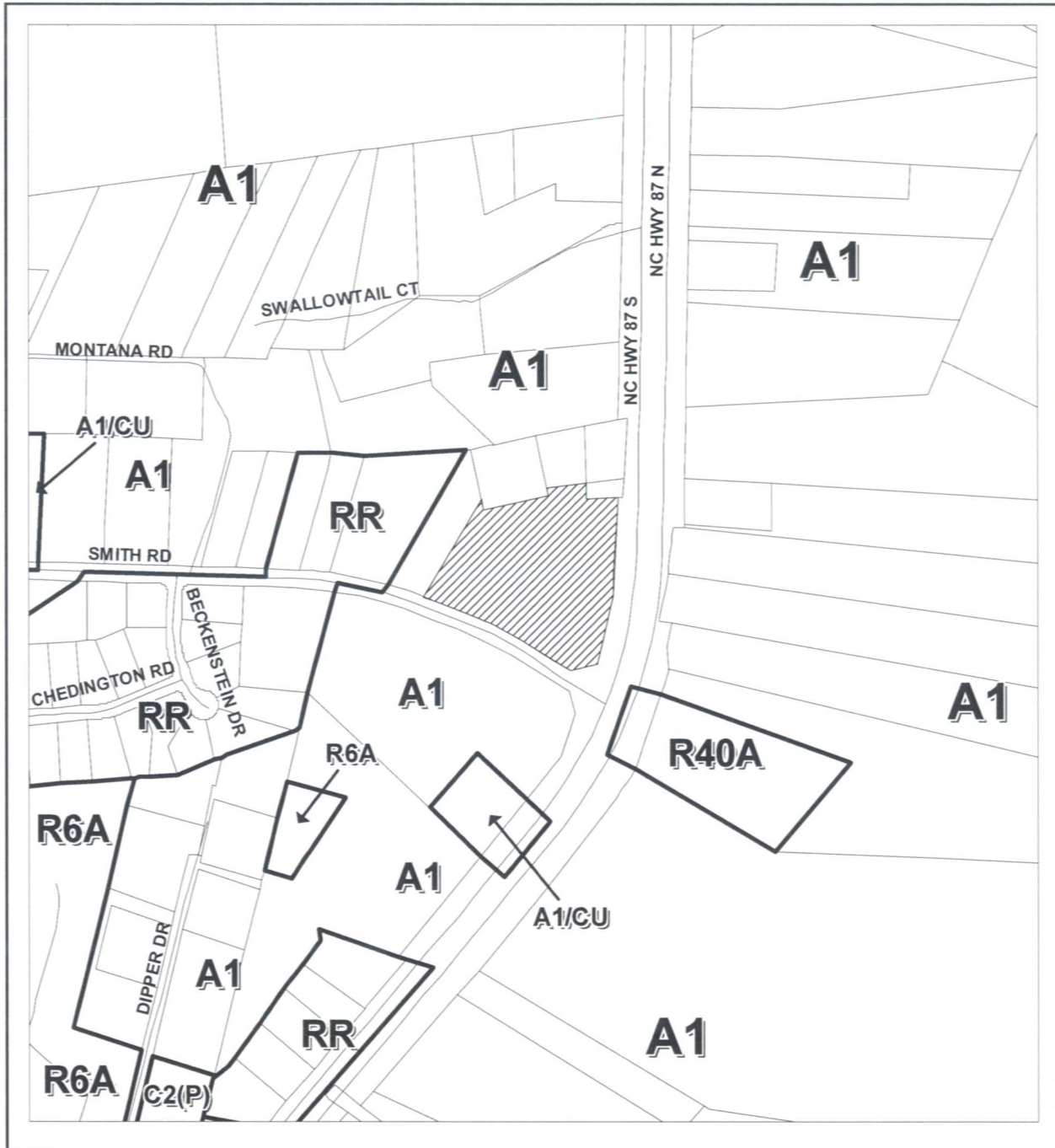
1. Density:
A1 – 3 lots/units (residential)

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>C1(P)</u>	<u>C2(P) & C(P)</u>
Front yard: 50'	Front yard: 45'	Front yard: 50'
Side yard: 20'	Side yard: 15'	Side yard: 30'
Rear yard: 50'	Rear yard: 20'	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.



PORT. OF PIN: 0443-52-3220

REQUESTED REZONING A1 TO C(P)

ACREAGE: 5.80 AC.+/-	HEARING NO: P11-21	
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

June 14, 2011

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 June 21, 2011 Board Meeting

P11-26: REZONING OF 9.27+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7106 ROCKFISH ROAD AND A PORTION OF THE IMMEDIATE ADJACENT TRACT TO THE NORTH, SUBMITTED BY DOUGLAS E. CLARK AND SHARLENE R. WILLIAMS (OWNERS) AND BUTCH DUNLAP.

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

1. The request for C2(P) Planned Service and Retail is consistent with the location criteria for "light commercial", as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan, specifically the subject property has access to public water and sewer, direct access to a collector street, is in an area that is transitioning to commercial, and will provide convenient goods and services to the immediate surrounding neighborhood; and
2. The request is reasonable because the subject property is of a size and shape that the yard setbacks for the C2(P) zoning district can be met and all required improvements such as off-street parking, landscaping, buffering, etc. can be provided on-site.

The staff, upon further analysis of the northern portion of Rockfish Road, acknowledges that when considering wetlands and existing development in this area, commercial rezoning would be appropriate extending east and ending at the existing residential development. To ensure the absence of lot by lot rezoning like those that occurred along Hope Mills Road, this matter should be addressed in the Land Use Policies Plan.

Staff also requests, if it be the pleasure of the Board of Commissioners, that Case P11-17 be brought back for re-consideration by the Planning Board.

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

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P11-26
SITE PROFILE

P11-26: REZONING OF 9.27+/- ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 7106 ROCKFISH ROAD AND A PORTION OF THE IMMEDIATE ADJACENT TRACT TO THE NORTH, SUBMITTED BY DOUGLAS E. CLARK AND SHARLENE R. WILLIAMS (OWNERS) AND BUTCH DUNLAP.

Site Information:

Frontage & Location: 540.00'+/- on SR 1112 (Rockfish Road)

Depth: 750.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 dwelling and woodlands

Initial Zoning: R10 – February 6, 1976 (Area 5)

Nonconformities: If approved, residential use will become nonconforming

Zoning Violation(s): None

Surrounding Zoning: North & East: R10; South: C2(P) & RR; West: MXD/CUD, R20 & R10

Surrounding Land Use: Residential (including manufactured dwellings), tower, religious worship, shopping center, farmland & woodlands

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/ PWC

Soil Limitations: Yes, hydric – TR Torhunta and Lynn Haven soils

School Capacity/Enrolled: Stoney Point Elementary: 900/684; John Griffin Middle: 1,340/1,256; Jack Britt High: 1,870/1,834

Subdivision/Site Plan: If approved, new development will require a review and approval

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2008): 11,000 on Rockfish Road (SR 1112)

Highway Plan: Rockfish Road is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility with a right-of-way of 110 feet. Road Improvements are not included in the 2009-2015 MTIP

Notes:

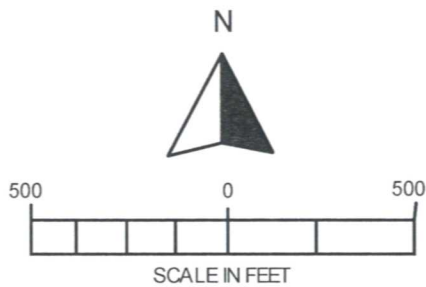
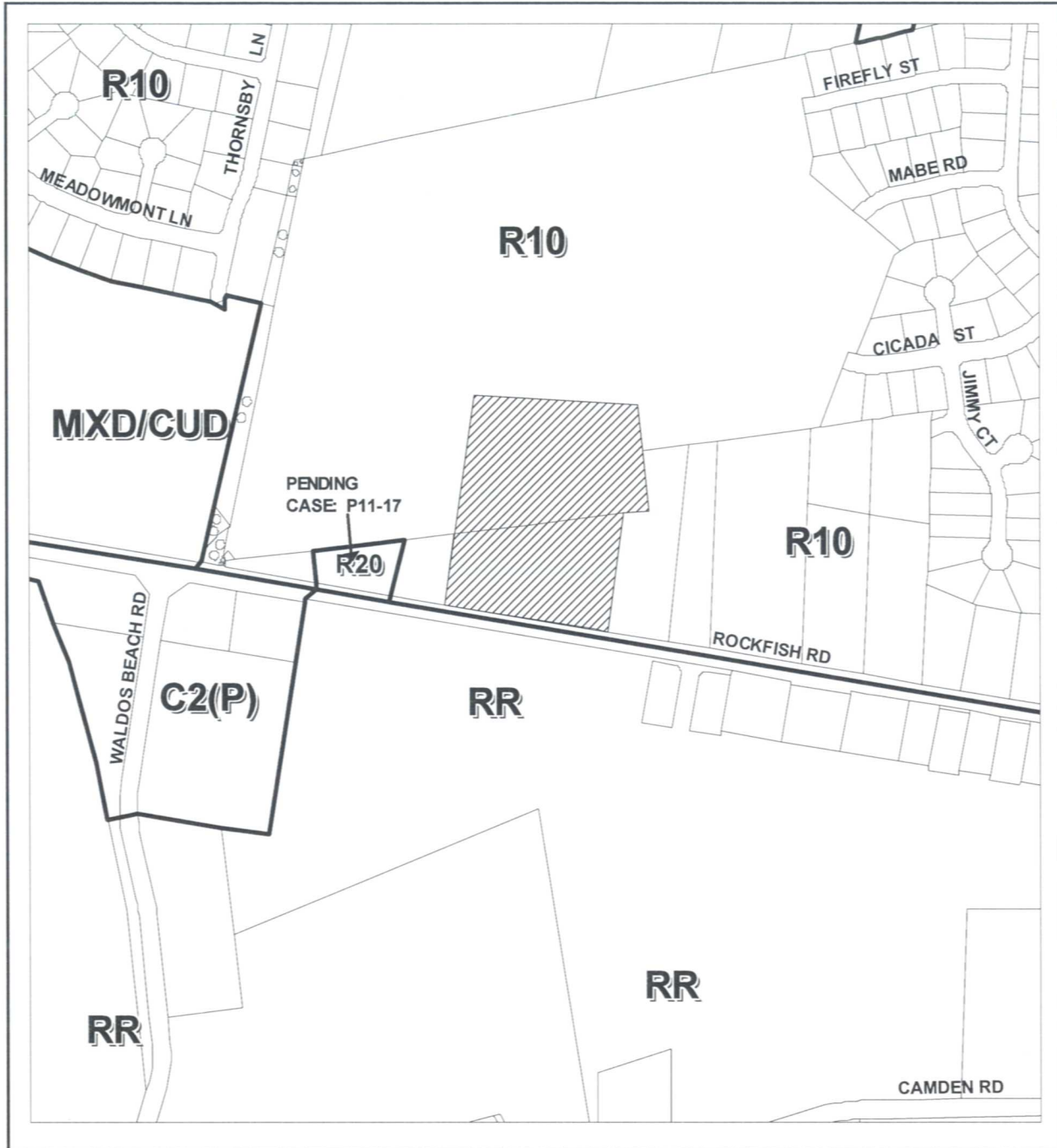
1. Density minus 15% for R/W:
R7.5 – 46 lots/units

2. Minimum Yard Setback Regulations:

<u>R7.5</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard: 30'	Front yard: 45'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 30'
Rear yard: 35'	Rear yard: 20'	Rear yard: 30'

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REQUESTED REZONING R10 TO C2(P)

ACREAGE: 9.27 AC.+/-	HEARING NO: P11-26	
ORDINANCE COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 9494-87-8784
 PORT. OF PIN: 9494-88-9518

AM