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Robert M. Bennett
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13 March 2012

Mr. Tom Lloyd, Director of Planning
And Inspections Department
Cumberland County
130 Gillespie Street
Fayetteville, N.C. 28301

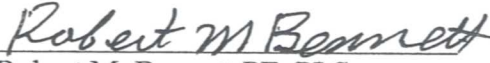
RE: Application for Conditional Use District & permit, rezoning Request, Case #11-56

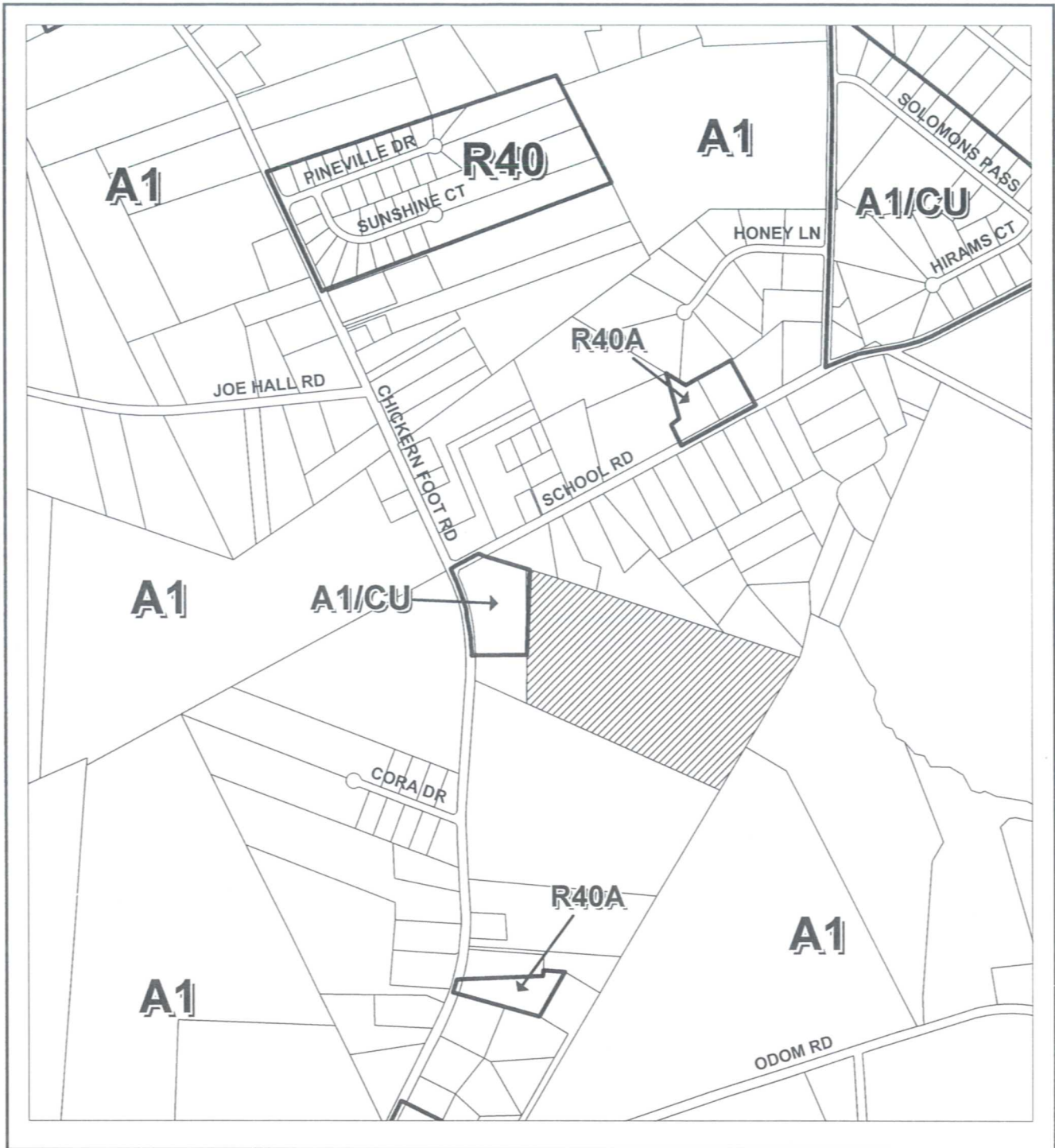
Dear Mr. Lloyd :

At the request of the owner, Om Nahm Shivaay, and the proposed developer, Mr. Roger Shah, we are requesting a six month extension of this application from this date. The reason for this extension is the poor new housing market brought about by the difficulty for developers and prospective home buyers in obtaining mortgage approvals. We are trying to overcome this problem and think we can proceed with the project within this time period.

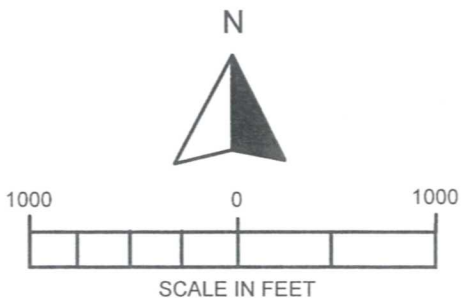
We will appreciate your favorable consideration.

Sincerely,


Robert M. Bennett PE, PLS
Project Engineer



REQUESTED REZONING A1 TO R20/DD/CZ



PORT. OF PIN: 0431-32-4901

ACREAGE: 34.55 AC.+/-		HEARING NO: P11-56	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

April 10, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
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 April 17, 2012 Board Meeting

P12-11: REZONING OF .90+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4807 AND 4817 SOUTH MAIN STREET, SUBMITTED BY BILLY RAY AND JIMMIE A. BAREFOOT (OWNERS).

On March 3, 2012 the property owner/applicant amended the original application and is now requesting your consideration of a favorable recommendation for a C2(P) Planned Service and Retail/CZ Conditional Zoning District [C2(P)/CZ] for two real estate offices on the subject properties. The Planning and Inspections Staff recommends denial of the requested rezoning to C2(P) Planned Service and Retail/CZ but approval of O&I(P) Planned Office and Institutional/CZ Conditional Zoning for two offices based on the following:

1. The request is not consistent with the location criteria for light commercial as listed in the Land Use Policies of the 2030 Growth Vision Plan, specifically public water and sewer is not available in this area; the zoning would not serve as a transition between heavy commercial, office & institutional or residential; and the use could not be considered as a "convenience good or service" for the surrounding neighborhood.
2. The recommendation of O&I(P) Planned Office and Institutional/CZ Conditional Zoning is consistent with the Land Use Policies Plan of the 2030 Growth Vision Plan and reasonable because the subject property is of a size and shape that the yard setbacks for the O&I(P) zoning district can be met and all required improvements such as off-street parking, landscaping, buffering, etc. can be provided on-site; and
3. 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, will provide a transition from a proposed commercial node in the draft Southwest Cumberland Area Plan and the site in general will be developed in conformance with the development ordinances and adopted planning policies.

There are no other zoning districts suitable as related to this request and the property owner/ developer has verbally agreed to all attached Ordinance Related Conditions as well as the staff recommendation of O&I(P) Planned Office and Institutional/CZ Conditional Zoning for two offices.

Attachments:

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

P12-11
SITE PROFILE

P12-11: REZONING OF .90+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4807 AND 4817 SOUTH MAIN STREET, SUBMITTED BY BILLY RAY AND JIMMIE A. BAREFOOT (OWNERS).

Site Information:

Frontage & Location: 200.00'+/- on South Main Street (NC Hwy 59)

Depth: 200.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 2 dwellings

Initial Zoning: R6A – February 3, 1977 (Area 7)

Nonconformities: Residential structure at 4807 S Main Street does not appear to meet side yard setbacks

Zoning Violation(s): None

Surrounding Zoning: North: R6A/CU (trucking office), C3, C(P), R6A & CD; South: C(P)/CUD (trade contractor), R6A/CU (statuary sales), C(P), C1(P) & R6A; East: M2 & R6A; West: R6A

Surrounding Land Use: Residential (including manufactured homes & multi-family), motor vehicle sales & religious worship

2030 Land Use Plan: Suburban fringe

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Gallberry Farms Elementary: 900/830; Gray's Creek Middle: 1,000/959; Gray's Creek High: 1,270/1,284

Subdivision/Site Plan: If approved, ordinance related conditions will apply

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2010): 12,000 on South Main Street (NC Hwy 59)

Highway Plan: South Main Street (Hwy 59) is identified in the Highway Plan as a Major Thoroughfare. The plan calls for a multi-lane facility with a right-of-way of 110 feet. The proposed dedication is 15 feet with a reservation of 10 feet. No road improvements are included in the 2012-2018 MTIP

Notes:

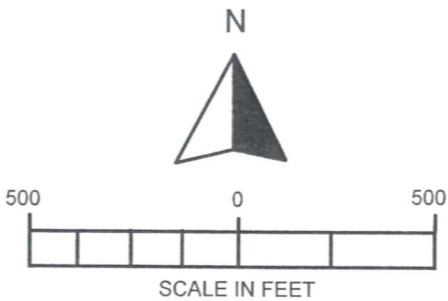
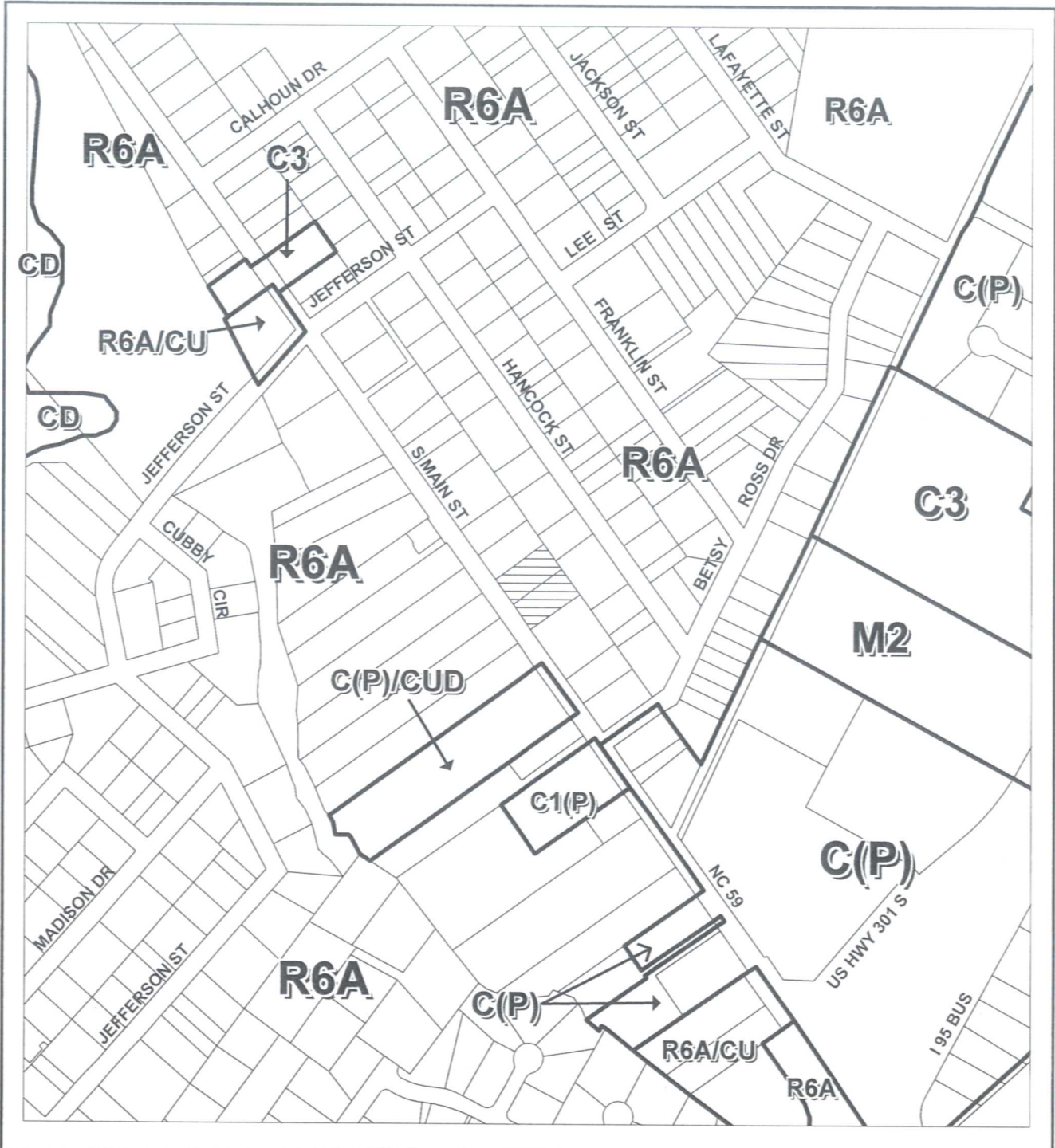
1. Density (using .90 acre submitted on Site Plan):
R6A – 9 lots/units

2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>C1(P)</u>	<u>C2(P)</u>
Front yard: 25'	Front yard: 45'	Front yard: 50'
Side yard: 10'	Side yard: 15'	Side yard: 30'
Rear yard: 15'	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.

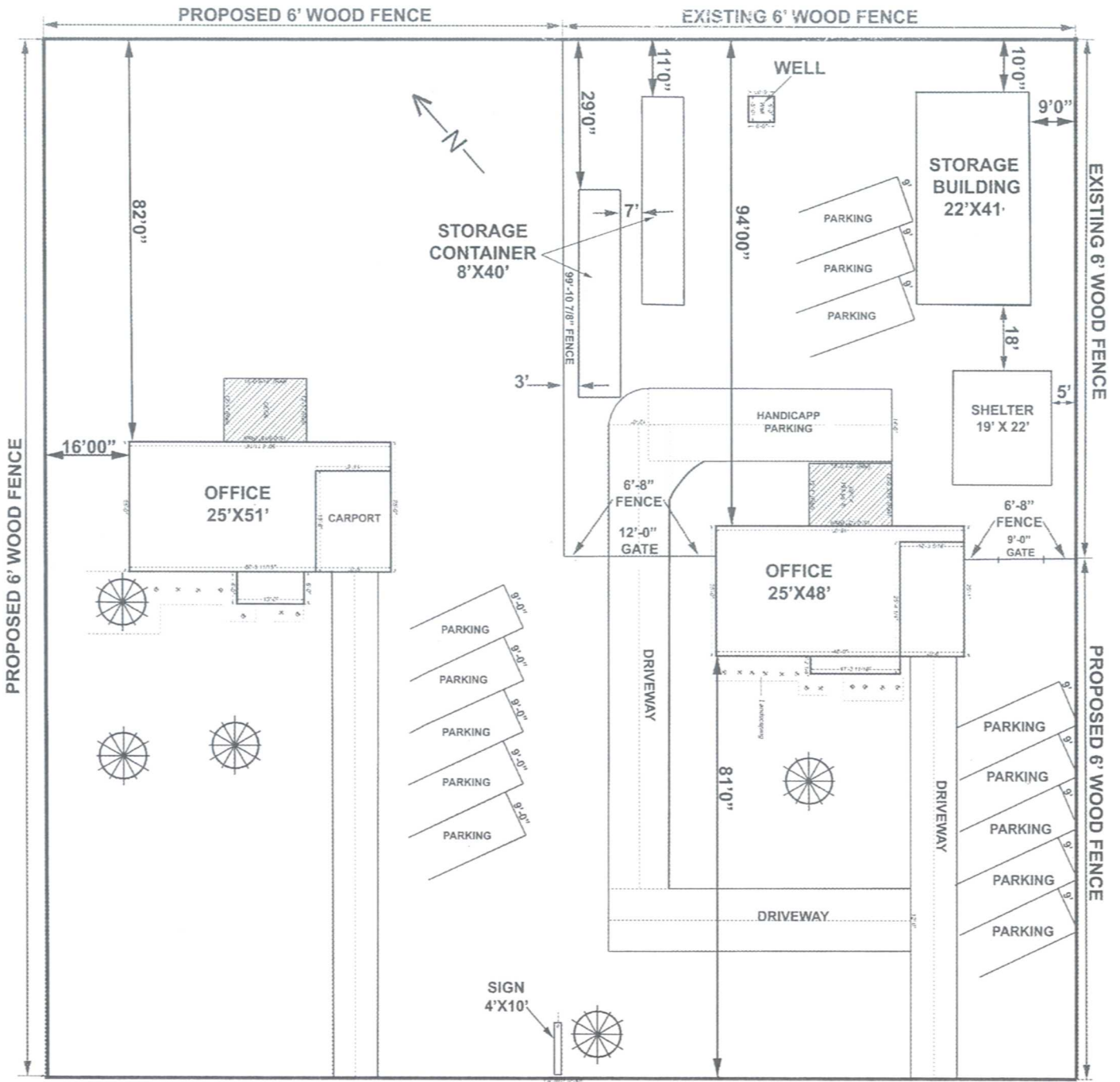


REQUESTED REZONING R6A TO C2(P)/CZ

ACREAGE: 0.90 AC.+/-	HEARING NO: P12-11	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0413-96-5665
PIN: 0413-96-6527

3/14/2012
AM



SOUTH MAIN ST

HIGHWAY 59

CONDITIONAL ZONING DISTRICT
 REQUEST: FOR REAL ESTATE OFFICES
 CASE: P12-11 ACREAGE: 0.90 AC +/-
 ZONED: R6A SCALE: NTS
 PARKING: 14 SPACES

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

Conditional Zoning District

DRAFT

Ordinance Related Conditions

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. The developer must provide three copies of a revised site plan to the Planning & Inspection Department showing the following changes:
 - a. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and shown on the revised site plan. The following are the minimum standards for the required landscaping of this site:
 1. Four large shade trees or eight small ornamental trees within the front yard setback area along NC HWY 59 (S Main Street); and
 2. Three ornamental trees and 13 shrubs are required in the building yard area;

In addition:

- Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
- b. The proposed sign location shown on the site plan must be a minimum of five feet from the right-of-way line, the revised plan must indicate the correct sign location and the revised plan must be approved prior to application for any freestanding sign permits. This conditional approval is not approval of any freestanding signs. 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 – also see Condition No. 21 below.
 - c. Future lateral access drives to the adjacent properties on each side must be reflected on the site plan. The lateral access drives are required to be reserved in the form of an easement (shown on the recombination plat) to allow for the future connection of drives in the event these properties are rezoned to a non-residential zoning district.
 - d. “South Main Street Highway 59” must be labeled as “NC HWY 59 (S Main Street)” on the revised plans and on the recombination plat.

Permit-Related:

3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The County Health Department must approve 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)

5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. 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:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances, and the contents of the application and site plan for this C2(P)/CZ zoning district for a real estate office must be complied with, as applicable.
8. 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)
9. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
10. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
11. 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.
12. Turn lanes may be required by the NC Department of Transportation (NCDOT).
13. 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.
14. A solid buffer must be provided and maintained along the side and 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.)
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. All required off-street parking spaces shall be a minimum of 9' x 20'; a minimum of seven off-street parking spaces are required for this development.
17. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.

Plat-Related:

18. The recombined lots must be drawn with solid property lines with the bearing and distances, acreage and lot identifier must be reflected on the recombination plat.
19. Future lateral access must be provided to the adjacent residential properties for the future connectivity of non-residential lots along NC HWY 59 (S Main Street) and the recombination plat must reflect a "lateral access" easement to each lot along NC HWY 59 (S Main Street).
20. "South Main Street Highway 59" must be labeled as "NC HWY 59 (S Main Street)" on the recombination plat.
21. Dedication of 15 feet of right-of-way and reservation of 10 feet of right-of way along NC HWY 59 (S Main Road) is required and the metes and bounds for both dedication and reservation is required to be shown on the recombination plat and/or reflected on any future site plans.. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line. (Section 2302 F, Planned Public Right-of-Way, County Subdivision Ordinance)

22. Any/All easements must be reflected on the recombination 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.
23. The NC Department of Transportation (NCDOT) stamp must be affixed to the recombination plat prior to submission for approval for recording by Land Use Codes.
24. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for approval for recording. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
25. The recombination plat 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.

Plat-Required Statements:

26. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the recombination plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision Ordinance):

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

27. All structures are required to be shown on the recombination plat or the plat must reflect the following statement (Section 2504 D, County Subdivision Ordinance):

“Nonconforming structures have not been created by this recombination plat.”

Other Relevant Conditions:

28. The applicant is advised to consult an expert on wetlands before proceeding with any development.
29. The developer is encouraged to contact a Building Inspector prior to proceeding with this development, specifically addressing the requirements for conversion of a residential structure to non-residential.
30. If the two principle structures and/or the storage buildings are ever removed or destroyed more than 50%, any replacement structure will be required to comply with the setback requirements of the C2(P) zoning district. This conditional approval is not an approval of the location of the storage buildings and the storage container to be use for anything other storage.
31. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
32. If the storage building or storage containers are to be used for anything other then storage, such as office or work space for the real estate office than these building will be required to be meet all building standards for a commercial structure. **(Note: Since the buildings do not meet setback requirements for a principle structure, prior to any upgrades to these building the developer would be required to go to the Board of Adjustment for a setback variance or submit for approval of a zero lot line development with the affected adjacent properties.)**
33. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
Town of Hope Mills:		424-4555*
Chief Building Inspector:	Mike Bailey	
County Public Utilities:	Amy Hall	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
Transportation Planning:	Bobby McCormick	678 7632
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

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

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: BILL BAREFOOT
- 2. ADDRESS: 4039 HALL ST. HOPE MILLS NC ZIP CODE: 28348
- 3. TELEPHONE: (Home) 910-425-4723 (Work) 910-494-8449
- 4. Location of Property: 4807 & 4817 SO. MAIN ST.
HOPE MILLS, N.C. OUTSIDE CITY LIMITS
- 5. Parcel Identification Number (PIN #) of subject property: 0413-96-5665
(also known as Tax ID Number or Property Tax ID) 0413-96-6527
- 6. Acreage: .90 TOTAL Frontage: 200 FT. TOTAL Depth: 200 FT.
- 7. Water Provider: WELL
- 8. Septage Provider: SEPTIC
- 9. Deed Book 08611 @ 8659, Page(s) 0120 @ 383, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- 10. Existing use of property: CURRENTLY VACANT PRIOR RESIDENTIAL
- 11. Proposed use(s) of the property: REAL ESTATE OFFICES.

NOTE: Be specific and list all intended uses.

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

- TO: (select one)
- Conditional Use District, with an underlying zoning district of R2CP
(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.)

REAL ESTATE OFFICES

- 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.

.90 ACRES WITH TWO OFFICES

2. DIMENSIONAL REQUIREMENTS:

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

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

14 PARKING SPACES - CONCRETE

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

SEE SITE PLAN

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.**

5 TREES - EXISTING OAK - PINE - DOGWOOD
19 SCRUBS - VAR -

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

6ft PRIVATE FENCE WOOD ON PROPERTY LINE

5. MISCELLANEOUS:

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

OFFICES HOURS - 9AM - 5PM Monday - Friday
CURRENTLY FIVE EMPLOYEES (BROKERS REAL ESTATE)
ONLY TWO PERSONAL IN OFFICE ON REGULAR BASES

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.

Bill & Jimmie Barefoot
NAME OF OWNERS (PRINT OR TYPE)

4039 Hall St. Hope Mills, NC. 28348
ADDRESS OF OWNER(S)

910-425-4723
HOME TELEPHONE #

910-494-8449
WORK TELEPHONE #

[Signature]
SIGNATURE OF OWNER(S)

[Signature]
SIGNATURE OF OWNER(S)

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

April 10, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
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 April 17, 2012 Board Meeting

P12-16: REZONING OF 1.00+/- ACRE FROM A1 AGRICULTURAL AND A1/CU AGRICULTURAL/CONDITIONAL USE OVERLAY FOR A RESTAURANT AND CATERING BUSINESS TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 10785 DUNN ROAD, SUBMITTED BY DAVID AND SUSAN WALL (OWNERS).

The Planning & Inspections Staff recommends approval of the A1 Agricultural district based on the following:

1. Although the request is not consistent with the 2030 Growth Vision Plan or the Northeast Cumberland Plan, which calls for conservation area/open space at this location, the request is consistent with an objective of the Land Use Policies Plan for agricultural areas in that the A1 zoning district is designed to preserve the rural character of the County; and
2. The request is reasonable because the uses conditionally approved are no longer in operation at this location and rezoning to the A1 district will ensure comparable uses and lot sizes with the surrounding area.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-16
SITE PROFILE

P12-16: REZONING OF 1.00+/- ACRE FROM A1 AGRICULTURAL AND A1/CU AGRICULTURAL/CONDITIONAL USE OVERLAY FOR A RESTAURANT AND CATERING BUSINESS TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 10785 DUNN ROAD, SUBMITTED BY DAVID AND SUSAN WALL (OWNERS).

Site Information:

Frontage & Location: 435.00'+/- on US 301 (Dunn Road)

Depth: 210.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant restaurant & catering business

Initial Zoning: A1 – November 25, 1980 (Area 14); rezoned to A1/CU for a restaurant on September 22, 1992; modified A1/CU to add a catering business on April 22, 2003

Nonconformities: None

Zoning Violation(s): None

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

Surrounding Land Use: Residential (including manufactured homes), farmland & woodlands

2030 Growth Vision Plan: Conservation area

Northeast Cumberland Plan: Open space

Special Flood Hazard Area (SFHA): Yes, base flood is 134.40 MSL (NAVD)

Water/Sewer Availability: Falcon/Septic

Soil Limitations: Yes, hydric – JT Johnston loam & PA Pactolus loamy sand

School Capacity/Enrolled: District 7 Elementary: 300/268; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

Subdivision/Site Plan: If approved, any new development may require review and approval

Average Daily Traffic Count (2010): 1,700 on US 301 (Dunn Road)

Highway Plan: Dunn Road is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a ROW of 110 feet. No road improvements are included in the 2012-2018 MTIP

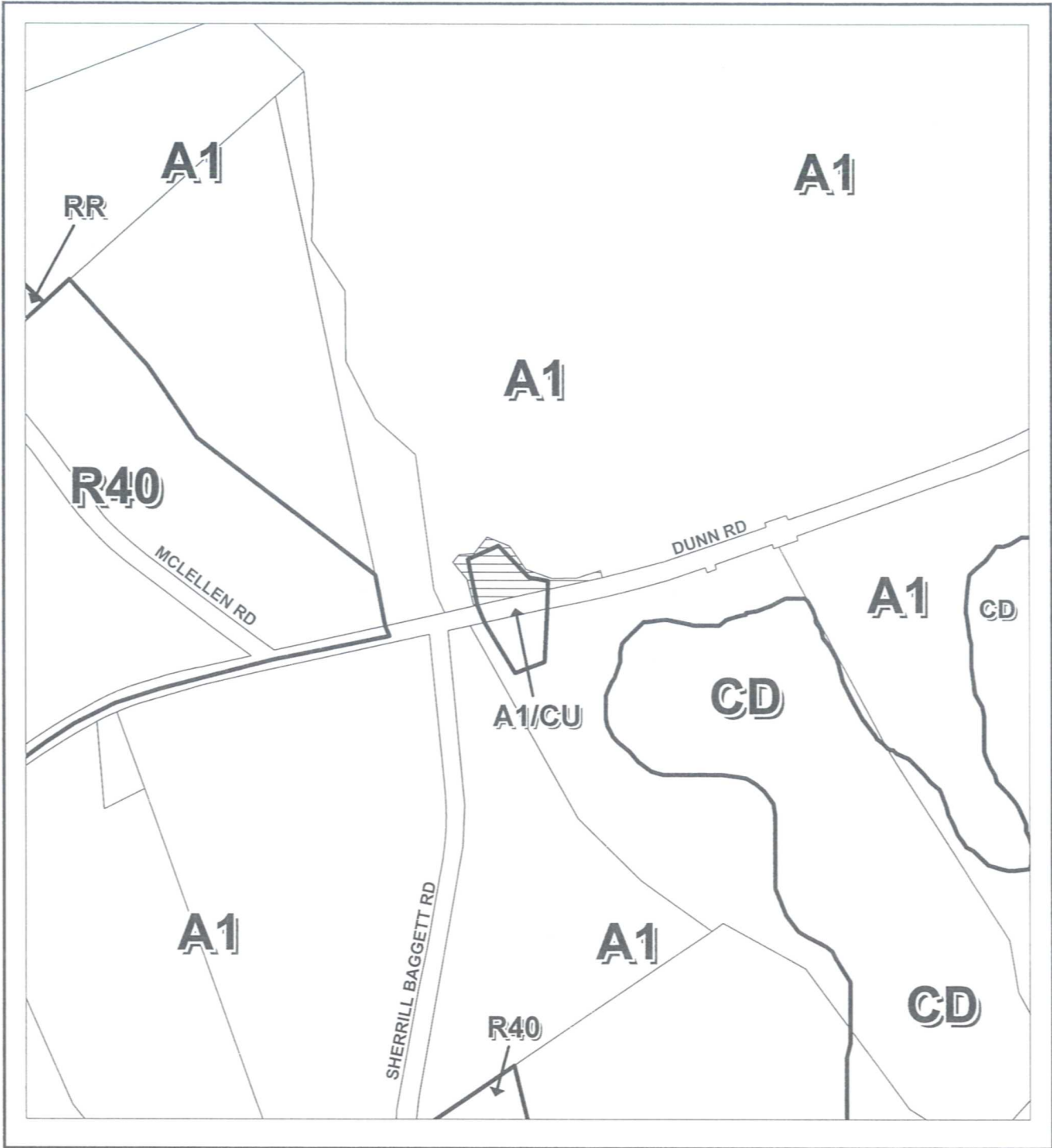
Notes:

1. Density:
A1 – 1 lot/unit

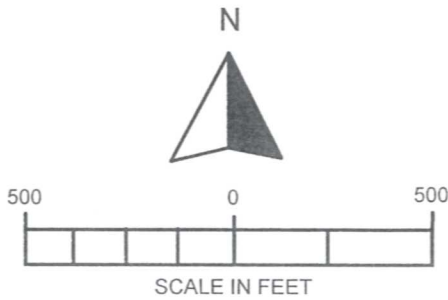
2. Minimum Yard Setback Regulations:
A1
Front yard: 50'
Side yard: 20'
Rear yard: 50'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1/CU & A1 TO A1



ACREAGE: 1.00 AC.+/-		HEARING NO: P12-16	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

April 10, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for the April 17, 2012 Board Meeting

P12-17: REZONING OF .52+/- ACRE FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH EAST SIDE OF US HWY 301 SOUTH, WEST OF SR 2274 (MARRACCO DRIVE); SUBMITTED BY DAVID M. AND KELLI W. HAWLEY (OWNERS).

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

1. Although the request is not entirely consistent with the location criteria for "heavy commercial" as listed in the Land Use Policies of the 2030 Growth Vision Plan, which calls for public water and sewer – sanitary sewer is not available;
2. The C(P) Planned Commercial district is consistent with the zoning for adjacent property under the same ownership; and
3. The location and character of the use will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-17
SITE PROFILE

P12-17: REZONING OF .52+/- ACRE FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH EAST SIDE OF US HWY 301 SOUTH, WEST OF SR 2274 (MARRACCO DRIVE); SUBMITTED BY DAVID M. AND KELLI W. HAWLEY (OWNERS).

Site Information:

Frontage & Location: 105.00'+/- on US Hwy 301 S

Depth: 210.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, south west of subject property

Current Use: Outside storage of motor vehicles

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

Nonconformities: Motor vehicle storage not a permitted use in the RR district

Zoning Violation(s): None

Surrounding Zoning: North: C(P)/CU (retail & other permitted uses), C3, C(P), RR & R6A; South: R6A/CU (statuary sales), M2, C(P), RR & R6A; East: M(P), RR & R6A; West: C3/CU (residential uses in C3) & C3

Surrounding Land Use: Residential, repair, rental or servicing, motor vehicle storage, wholesale sales, motor vehicle sales & industrial operation not otherwise prohibited

2030 Growth Vision Plan: Urban Fringe

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Gallberry Farms Elementary: 900/830; Gray's Creek Middle: 1,000/959; Gray's Creek High: 1,270/1,284

Subdivision/Site Plan: If approved, any new development may require review and approval

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2010): 15,000 on US Hwy 301 S

Highway Plan: US Hwy 301 South is identified in the Highway Plan as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a ROW of 160 feet. No road improvements are included in the 2012-2018 MTIP

Notes:

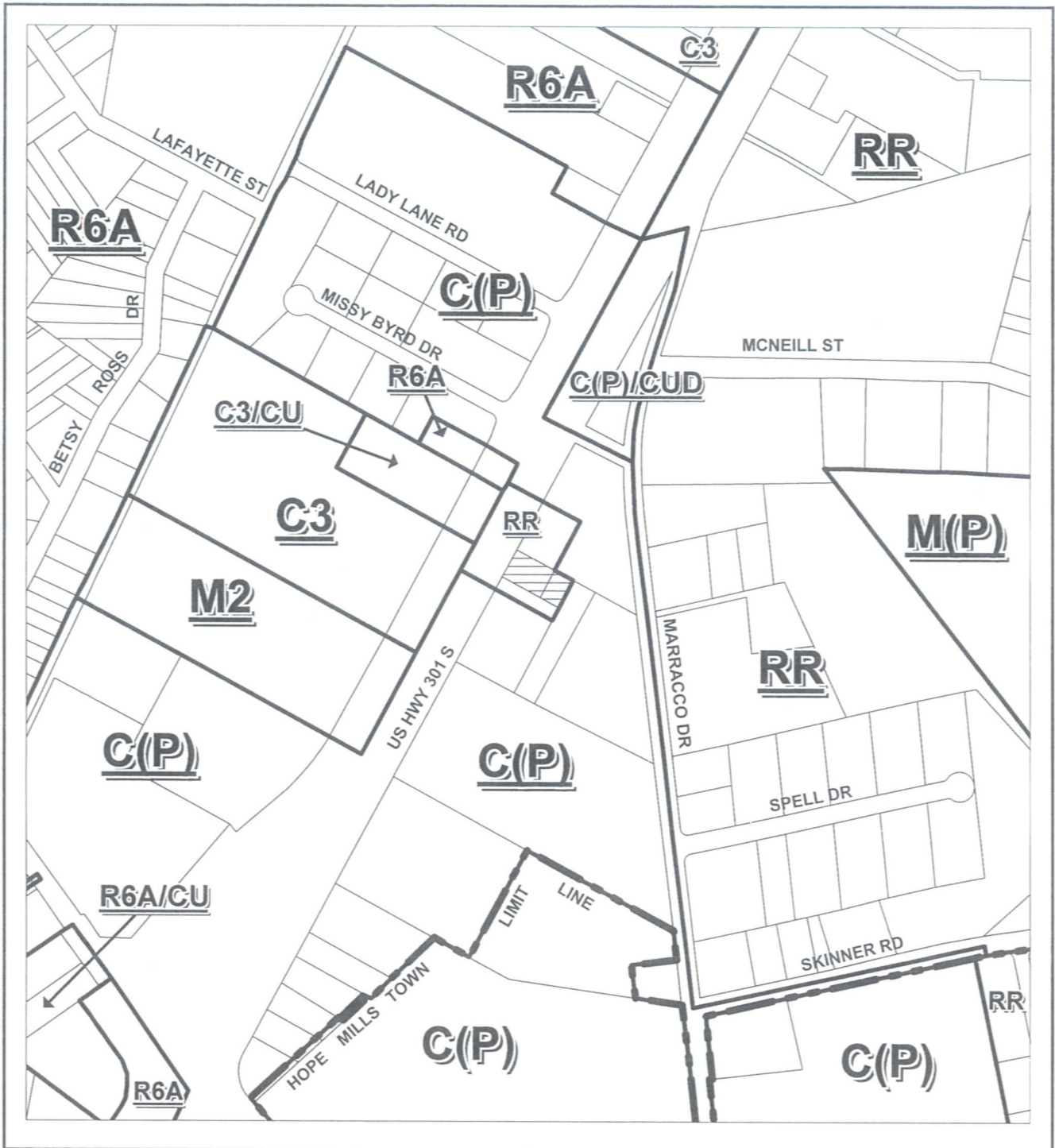
1. Density:
RR – 1 lot/unit

2. Minimum Yard Setback Regulations:

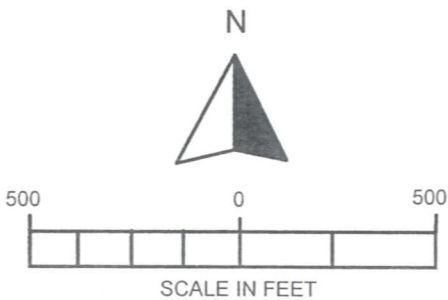
<u>RR</u>	<u>C(P)</u>
Front yard: 30'	Front yard: 50'
Side yard: 15'	Side yard: 30'
Rear yard: 35'	Rear yard: 30'

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' certified receipt of notice is also included.



REQUESTED REZONING RR TO C(P)



ACREAGE: 0.52 AC.+/-

HEARING NO: P12-17

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 0423-16-8513
PORT. OF PIN: 0423-16-9303

AM

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

April 10, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for the April 17, 2012 Board Meeting

P12-19: REZONING OF 1.98+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2498 JOHN HALL ROAD, SUBMITTED BY JIMMIE N. JR. & DEBORAH L. GRIFFIN (OWNERS).

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

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for "rural density residential" development as listed in the Land Use Policies Plan; and
2. The location and character of the use will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-19
SITE PROFILE

P12-19: REZONING OF 1.98+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2498 JOHN HALL ROAD, SUBMITTED BY JIMMIE N. JR. & DEBORAH L. GRIFFIN (OWNERS).

Site Information:

Frontage & Location: 437.00'+/- on SR 2017 (John Hall Road)

Depth: 300.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, west of subject property

Current Use: 1 manufactured home

Initial Zoning: A1 – September 3, 1996 (Area 20)

Nonconformities: Existing structure does not appear to meet rear yard setbacks

Zoning Violation(s): None

Surrounding Zoning: North, East & South: A1; West: RR & A1

Surrounding Land Use: Residential (including manufactured homes), retailing, farmland & woodlands

2030 Growth Strategy Map: Rural

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – LE Leon sand

School Capacity/Enrolled: J.W. Seabrook Elementary: 340/283; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

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

Average Daily Traffic Count (2010): 1,100 on SR 2017 (John Hall 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:

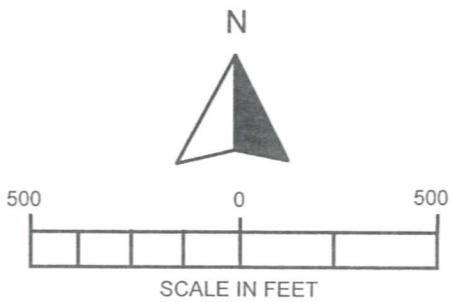
1. Density:
A1 – 1 lot/unit
R40A – 2 lots/units

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>R40A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

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



PIN: 0474-56-8830

REQUESTED REZONING A1 TO R40A

ACREAGE: 1.98 AC.+/-		HEARING NO: P12-19	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

3/19/22
AM

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

April 10, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
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 April 17, 2012 Board Meeting

P12-20: REZONING OF 3.38+/- ACRES FROM A1 AGRICULTURAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF NC HWY 24 (CLINTON ROAD), WEST OF WINDWOOD DRIVE; SUBMITTED BY STEWART M. BELL (POA) ON BEHALF OF WILLIAM M. BELL JR. (OWNER).

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

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "community growth" at this location and meets the location criteria of the Policies Plan for "light commercial" since the subject property has access to public water and sewer, direct access to a collector street, borders a major thoroughfare, is of sufficient size for buffering, screening and landscaping;
2. Although the request is not consistent with the Stedman Detailed Land Use Plan which calls for "low density residential, the area has significantly transitioned to commercial since the plan's adoption and this can be attributed to the imminent improvements of NC Hwy 24.
3. The location and character of the use will be in harmony with the surrounding area; and
4. The request is consistent with recent rezonings in the general area.

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

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-20
SITE PROFILE

P12-20: REZONING OF 3.38+/- ACRES FROM A1 AGRICULTURAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE NORTH SIDE OF NC HWY 24 (CLINTON ROAD), WEST OF WINDWOOD DRIVE; SUBMITTED BY STEWART M. BELL (POA) ON BEHALF OF WILLIAM M. BELL JR. (OWNER).

Site Information:

Frontage & Location: 400.00' +/- on NC 24 (Clinton Road)

Depth: 300.00' +/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant woodlands

Initial Zoning: A1 – September 3, 1996 (Area 20)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR, R15 (Stedman), R10 (Stedman) & A1; South: C1(P), R10 (Stedman) & A1; East: C3 (Stedman), C2(P), R10 (Stedman) & A1; West: R15 (Stedman) & A1

Surrounding Land Use: Residential (including manufactured dwellings), substation, funeral home, office, farmland & woodlands

2030 Land Use Plan: Community Growth Area

Stedman Land Use Plan: Suburban Density Residential

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Stedman/Stedman

Soil Limitations: Yes, hydric – RA Rains sandy loam & TR Torhunta and Lynn Haven soils

School Capacity/Enrolled: Stedman Primary (K-1): 200/178; Stedman Elementary (2-5): 300/282; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

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

Municipal Influence Area: Town of Stedman

Average Daily Traffic Count (2010): 13,000 on NC 24 (Clinton Road)

Highway Plan: Clinton Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility with a proposed ROW of 110 feet. Road improvements are not included in the 2012-2018 MTIP.

Notes:

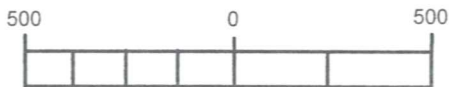
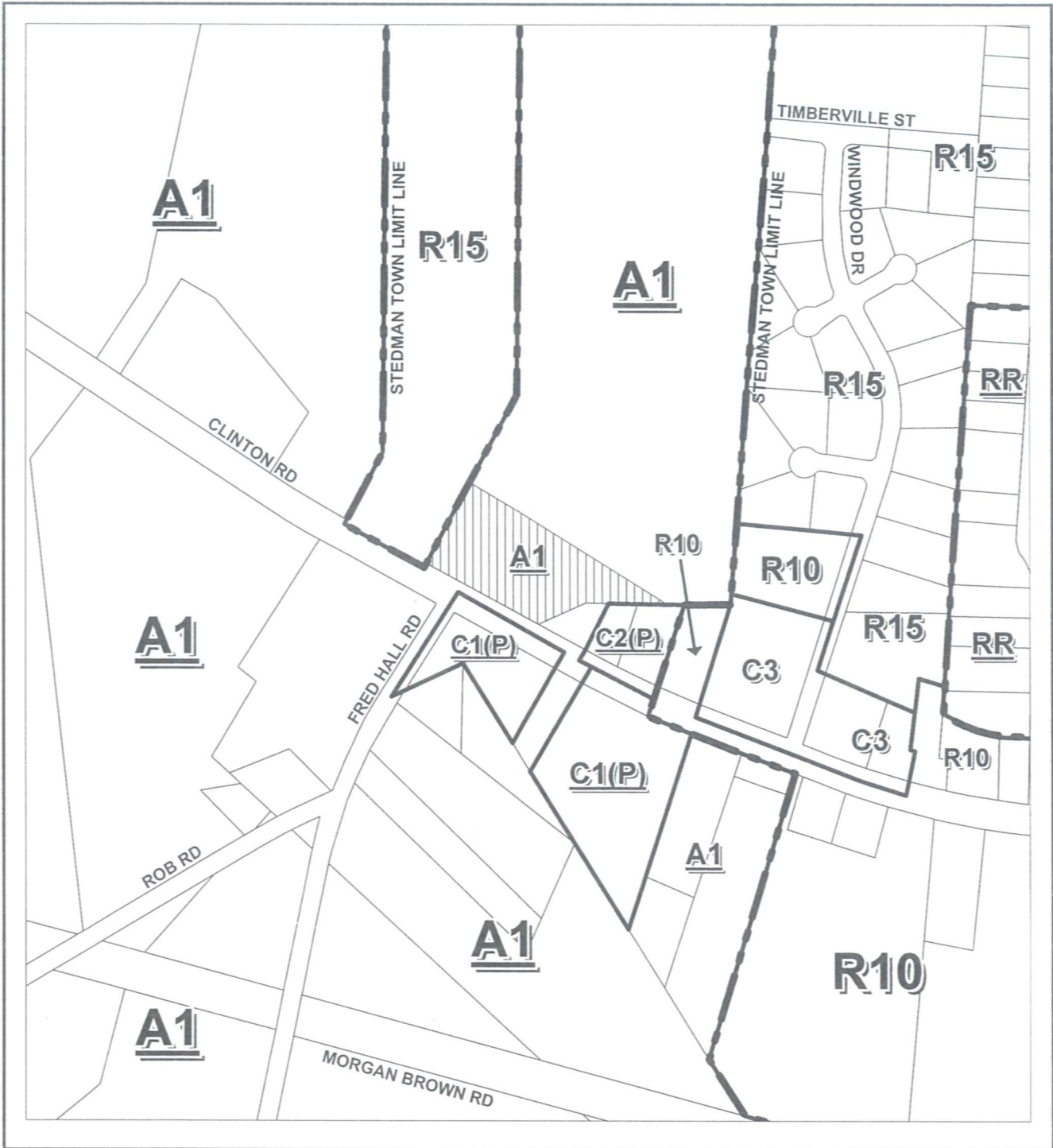
1. Density:
A1 – 1 lot/unit

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>C2(P) & C(P)</u>
Front yard: 50'	Front yard: 50'
Side yard: 20'	Side yard: 30'
Rear yard: 50'	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' certified receipt of notice is also included.



SCALE IN FEET

REQUESTED REZONING A1 TO C2(P)

ACREAGE: 3.38 AC.+/-

HEARING NO: P12-20

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

April 10, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
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 April 17, 2012 Board Meeting

P12-21: REZONING OF .46+/- ACRE FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 8843 AND 8853 CLINTON ROAD AND ON THE NORTH SIDE OF NC HWY 24 (CLINTON ROAD), SOUTH WEST OF SR 1853 (JOHN NUNNERY ROAD); SUBMITTED BY LEVIE EVANDER AND HELEN S. JOHNSON (OWNERS) AND ROBERT M. BENNETT.

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

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for suburban density residential development as listed in the Land Use Policies Plan; and
2. The request is reasonable since approval will cure the impending nonconformity of the existing use of the property that will be created by of the widening of NC Hwy 24.

There are no other districts considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P12-21
SITE PROFILE

P12-21: REZONING OF .46+/- ACRE FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 8843 AND 8853 CLINTON ROAD AND ON THE NORTH SIDE OF NC HWY 24 (CLINTON ROAD), SOUTH WEST OF SR 1853 (JOHN NUNNERY ROAD); SUBMITTED BY LEVIE EVANDER AND HELEN S. JOHNSON (OWNERS) AND ROBERT M. BENNETT.

Site Information:

Frontage & Location: 158.10'+/- on NC 24 (Clinton Road)

Depth: 126.51'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, east of subject property

Current Use: Convenience retail w/ gasoline sales, residence & accessory structures

Initial Zoning: A1 – September 3, 1996 (Area 20)

Nonconformities: Accessory structures appear to encroach rear property line

Zoning Violation(s): None

Surrounding Zoning: North: R6A & A1; South: R30 & A1; East & West: A1

Surrounding Land Use: Residential (including manufactured dwellings), manufactured home park, convenience retail w/ gasoline sales, motor vehicle sales, farmland & woodlands

2030 Land Use Plan: Rural

Stedman Land Use Plan: Rural

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Stedman Primary (K-1): 200/178; Stedman Elementary (2-5): 300/282; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

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

Average Daily Traffic Count (2010): 9,300 on NC 24 (Clinton Road)

Highway Plan: NC 24 Bypass is identified in the Highway Plan as a Major Thoroughfare. This proposal calls for a multi-lane facility (R-2303) with a ROW of 150 feet. Road improvements are included in the 2012-2018 MTIP

Notes:

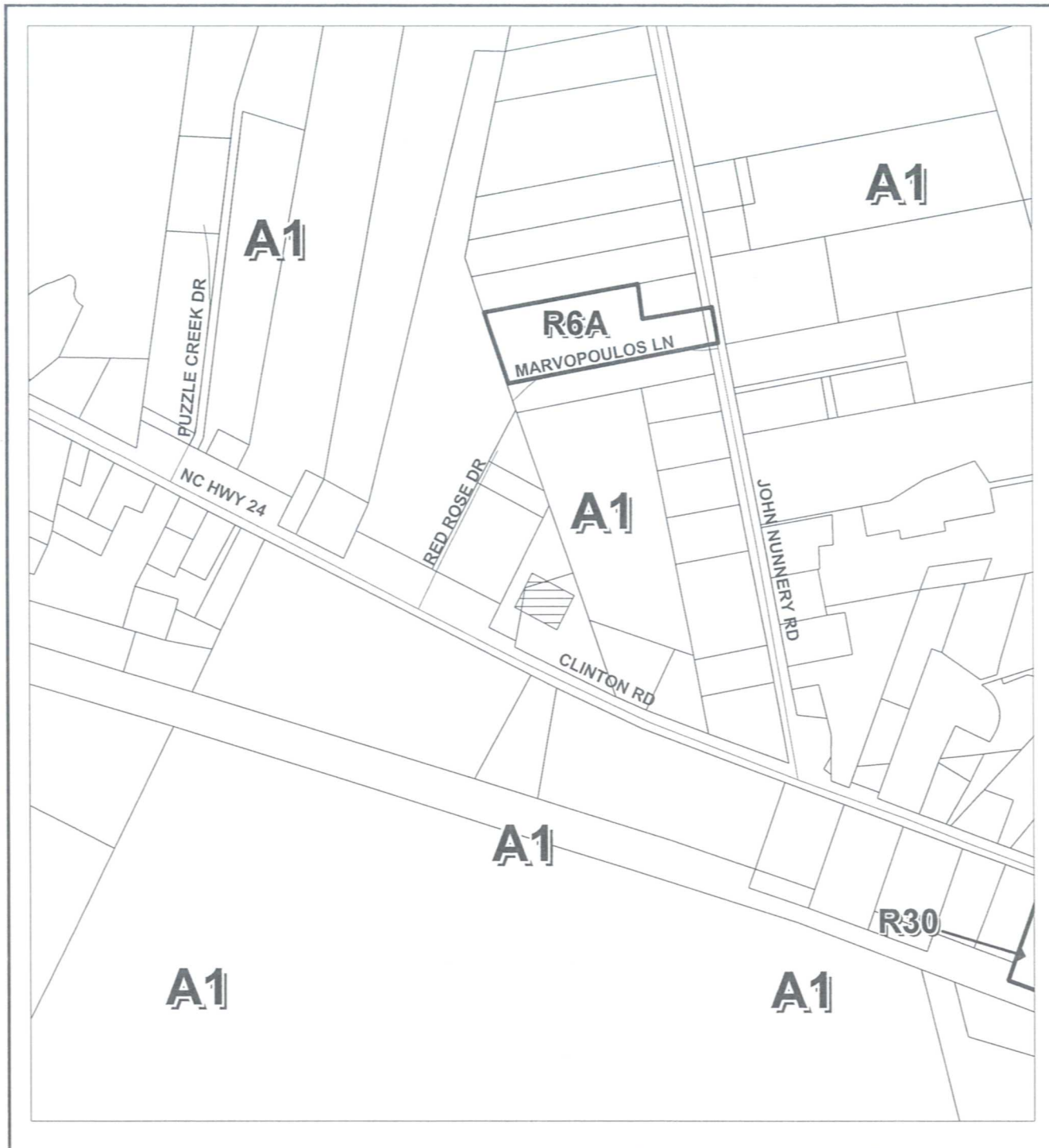
1. Density:
A1 – 0 lots/units
R20 – 1 lot/unit
RR – 1 lot/unit

2. Minimum Yard Setback Regulations:

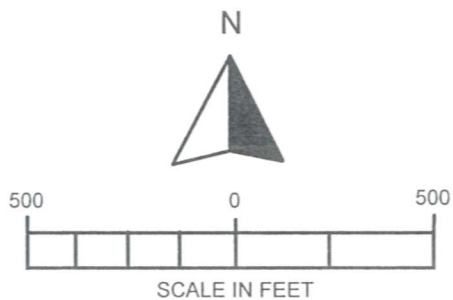
<u>A1</u>	<u>R20 & RR</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 TO RR



ACREAGE: 0.46 AC. +/-

HEARING NO: P12-21

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

Roy Turner,
Chair
Cumberland County

Walter Clark,
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

April 10, 2012

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
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 April 17, 2012 Board Meeting

P12-22: REZONING OF 10.96+/- ACRES FROM R10 RESIDENTIAL TO R5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5290 CHURCH STREET, SUBMITTED BY FORREST T. AND DARLENE HARDIN (OWNERS) AND THOMAS GOODEN.

The Planning & Inspections Staff recommends approval of the R5 Residential district for this request based on the following:

1. Although the district requested is not entirely consistent with the location criteria of the Land Use Policies Plan of the 2030 Growth Vision Plan, it is consistent with the 2030 Plan having this area designated for urban development;
2. The subject property meets or exceeds the mandated location criteria of the Policies Plan, in that:
 - a. Public water and sewer is available,
 - b. The site is within one half mile of a neighborhood shopping area,
 - c. Is within an area that has non-residential uses (electric transformer, two religious worship facilities, salon and a school),
 - d. Is within one quarter mile of an existing major thoroughfare,
 - e. Church Street is a collector street serving South Main and Cameron Road,
 - f. Is within two miles of a public recreation area,
 - g. Not located within any military or airport critical area, and
 - h. There are no hydric soils located on this site; and
3. The request is reasonable and could provide a viable public purpose by ensuring quality rental housing is available in this area.

The R6 and R5A districts could also be found suitable for this request.

Attachments:
1 – Site Profile
2 – Sketch Map

P12-22
SITE PROFILE

P12-22: REZONING OF 10.96+/- ACRES FROM R10 RESIDENTIAL TO R5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5290 CHURCH STREET, SUBMITTED BY FORREST T. AND DARLENE HARDIN (OWNERS) AND THOMAS GOODEN.

Site Information:

Frontage & Location: 773.00'+/- on SR 2996 (Church Street)

Depth: 640.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Telecommunications tower & woodlands

Initial Zoning: R10 – November 17, 1975 (Area 4)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C1(P), O&I(P) (HM), RR, R10 (HM), R6 (HM) & R5 (HM); South: R10/CU (2 manufactured homes), R10 (HM), R7.5, R6 & CD; East: R10; West: R10 & R6 (HM)

Surrounding Land Use: Residential (including manufactured homes), transformer site, school, religious worship (2), salon & woodlands

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: Ed V. Baldwin Elementary: 790/743; Hope Mills Middle: 740/686; South View High: 1,800/1,837

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

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2010): 7,200 on SR 1131 (Cameron 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:

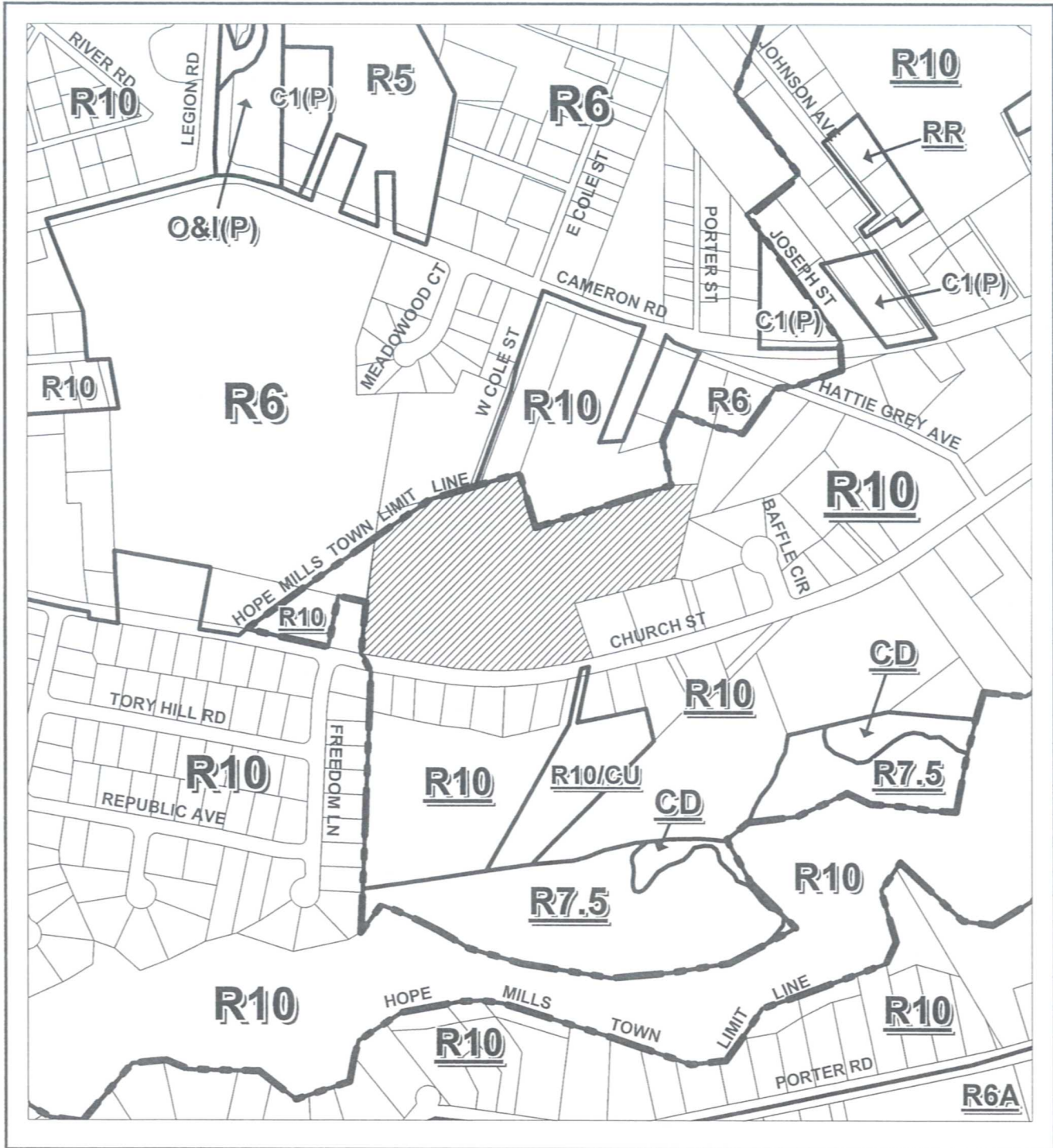
1. Density minus (15% for R/W):
R7.5 – 54 lots/units
R6A & R6 – 100 lots/units
R5A – 135 lots/units
R5 – 265 lots/units

2. Minimum Yard Setback Regulations:

<u>R7.5</u>	<u>R6A</u>	<u>R6, R5 & R5A</u>
Front yard: 30'	Front yard: 25'	Front yard: 25'
Side yard: 10'	Side yard: 10'	Side yard: 10'
Rear yard: 35'	Rear yard: 15'	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' certified receipt of notice is also included.



SCALE IN FEET

PORT OF PIN: 0414-91-0520

REQUESTED REZONING R10 TO R5

ACREAGE: 10.96 AC.+/-		HEARING NO: P12-22	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

12-038
SITE PROFILE

CASE NO. 12-038. CONSIDERATION OF THE GLENN E. & ROBIN R. ODOM PROPERTY, REQUEST FOR A WAIVER FROM THE REQUIREMENT TO HAVE A MINIMUM OF 20 FEET OF STREET FRONTAGE TO EITHER AN APPROVED PRIVATE STREET OR A PUBLIC STREET; COUNTY SUBDIVISION ORDINANCE, SECTION 2303.C STREET FRONTAGE; ZONED: A1; TOTAL ACREAGE: 1.00+/-; LOCATED AT 9567 NC HWY 210 S; SUBMITTED BY GLENN E. & ROBIN R. ODOM (OWNERS).

Summary of Request

Developer is requesting waiver from the requirement to have a minimum of 20 feet of street frontage along either a private or public street. The existing lot was created by deed on December 17, 1986. The lot is served by a 35 foot ingress/egress easement for access as described on the recorded deed. Currently (and in 1986) the County Subdivision Ordinance requires all new lots created to take their access directly from either an approved private or a public street, not from an easement. The lot was created prior to this area being zoned so the size of the lot is legal nonconforming.

Site Information:

Frontage & Location: 0.00'+/- 1074.89' off of NC HWY 210 S

Depth: 208.00'+/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): N/A

Initially Zoned: September 3, 1996 to A1

Adjacent Property: No

Nonconformities: Yes – lot created by deed on December 17, 1986 and not approved as a subdivision. Lot does not meet the minimum standards for street frontage.

Water & Sewer: Well & Septic

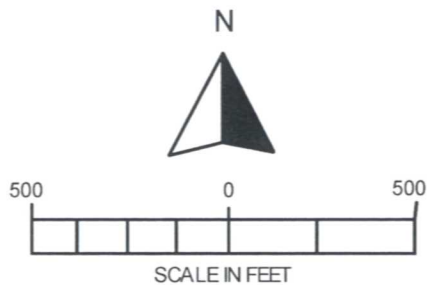
Special Flood Hazard Area (SFHA): No

Applicable County Subdivision Ordinance Provisions

Section 2303 MINIMUM LOT STANDARDS, C, *Street frontage.* Except as otherwise provided for in Section 2401, every lot shall abut a public street or private street approved under the terms of this ordinance for at least 20 feet, such frontage (abutting) to be continuous from the property line to building setback line.

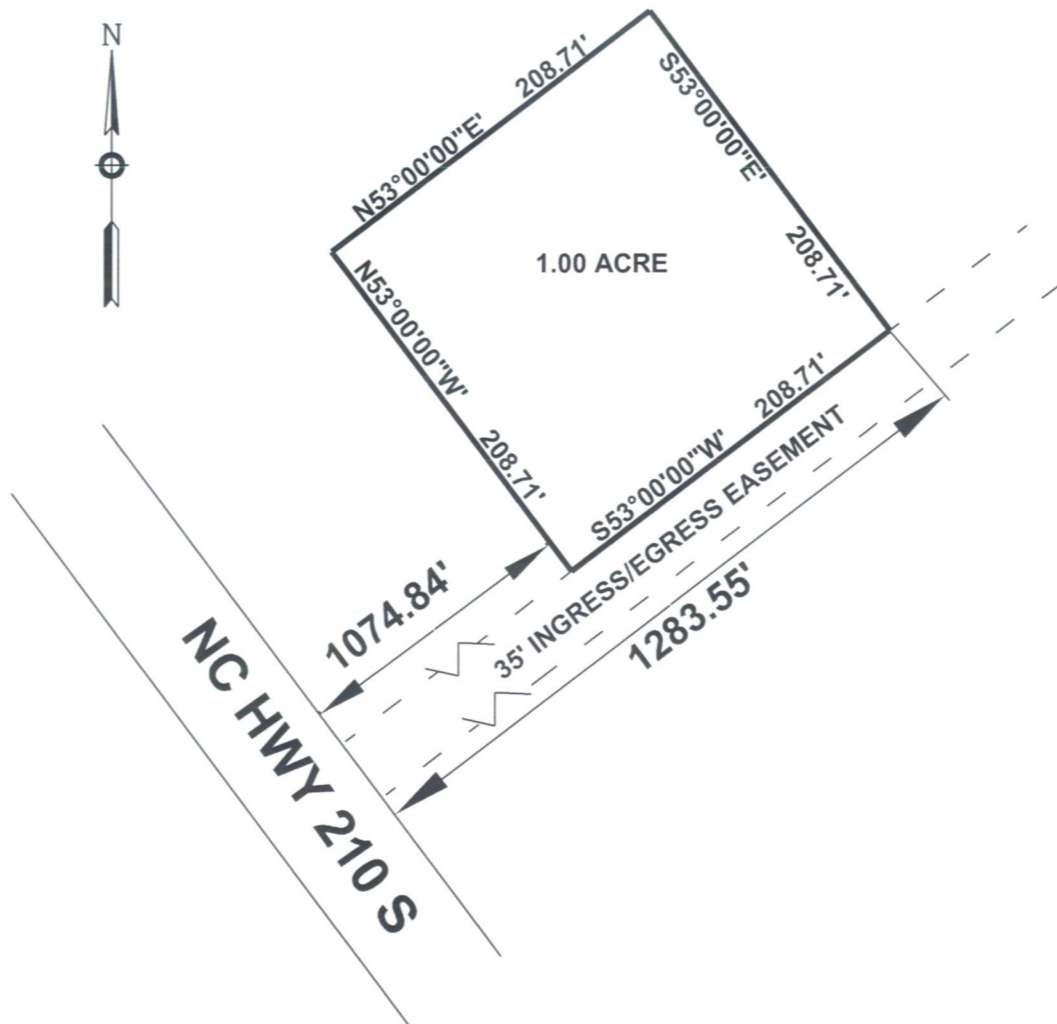
Attachments

- 1 - Sketch Map
- 2 - Subdivision Plan
- 3 - Aerial Photo
- 4 - Application for Waiver
- 5 - Conditions of Approval



COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 1.00 AC.+/-	HEARING NO: 12-038	
ORDINANCE COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		

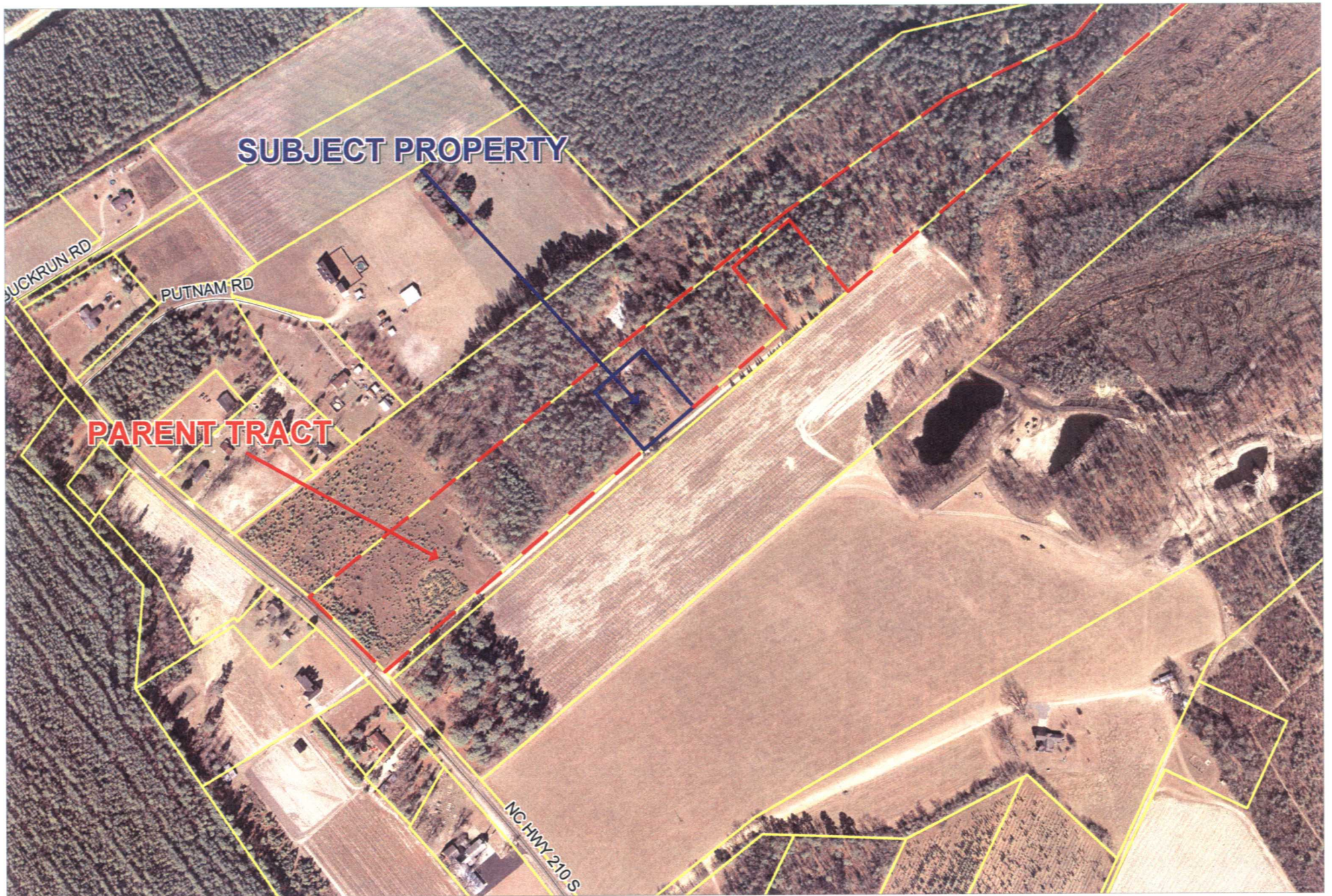


GLEN AND ROBIN ODOM PROPERTY
REQUEST: A WAIVER FROM SECTION 2303.C "STREET FRONTAGE"

CASE: 12-038 ACREAGE: 1.00±

ZONED: A1 SCALE: 1"=100'

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



**AERIAL PHOTO
CASE NO: 12-038**



**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: off 210 Hwy South Fayetteville NC
OWNER: Odom, Glenn E + wife, Robin R.
ADDRESS: PO Box 284 Fayetteville NC ZIP CODE: 28318
TELEPHONE: HOME 910-391-1239 WORK _____
AGENT: Charles Gardner
ADDRESS: PO Box 64076 Fayetteville NC 28306
TELEPHONE: HOME _____ WORK 910-818-4093

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 1413-47-4427
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 1 acre Frontage: 203.71 Depth: 243.71
- C. Water Provider: Private Well
- D. Septage Provider: Septic Tank
- E. Deed Book 9684, Page(s) 0899, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: Private Residence

G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:

Section 2303.C
"Street Frontage"

H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:

See Attached Sheet

A. We purchased this property after our home was destroyed by the tornado that came through last year. Our plans were to build on the property. We were aware that there had been a home on the property before. In a search of the records, we found that a home was built on the property in 1986. It had a well and septic tank with electric power provided by South River EMC. All permits were issued by the Cumberland County Inspection Department. The house was abandoned and later sold by Cumberland County for past due taxes. There were not any stipulations in the deed that said it could not be used for a private residence. We have spent a lot of time and expense in trying to get a place to live. We have paid for the property and have arranged for a loan to build our home. All we want is permission to use the property as it was used previously, a private residence.

B. We have a recorded easement that satisfies access to our property.

C. There are numerous properties in the area that do not have ~~road~~ road frontage.

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Joint Planning Board, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
• The board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
• At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
• If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case.
• If the board's action is to deny the matter before them, the course of appeal to the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

Handwritten signatures of Glenn Odom and Robin R Odom over a horizontal line. Below the line is the label 'Property owner(s)' signature(s)'. The signature 'Robin R Odom' is written in a larger, bolder script than 'Glenn Odom'.

Handwritten names 'Glenn Odom + Robin Odom' over a horizontal line. Below the line is the label 'Property owner(s)' name (print or type)'. The '+' symbol is handwritten between the names.

Handwritten address '9567 Hwy 210 S Autryville NC 28318' over a horizontal line. Below the line is the label 'Complete mailing address of property owner(s)'. The '18' at the end of the zip code is handwritten.

Handwritten telephone numbers '910-391-1239' and '910-391-1197' over horizontal lines. Below the first line is the label 'Telephone number' and below the second is 'Alternative telephone number'.

Handwritten email address 'robinodom65@yphoo.com' over a horizontal line. Below the line is the label 'Email address'. To the right, below the line, is the label 'FAX number'.

Charles J. Gardner by Janis K. Gardner
Agent, attorney, or applicant's signature (other than property owner)

Agent, attorney, or applicant (other than property owner) (print or type)

PO Box 64074 Fayetteville, NC 28306
Complete mailing address of agent, attorney, or applicant

910.818.4093
Telephone number

Alternative telephone number

Email address

910.425.2732
FAX number

Upon submission, the contents of this application becomes "public record" and is available for review and/or copies upon request.

Roy Turner,
Chair
Cumberland County

Walter Clark,
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



CUMBERLAND
COUNTY

COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

DRAFT

STAFF REVIEW: 03-22-12 PLANNING BOARD DECISION: 04-17-12

CASE NO: 12-038 NAME OF DEVELOPMENT: GLEN E. & R. ROBIN ODOM PROPERTY

MIA: N/A SUBDIVISION REVIEW

LOCATION: 9567 NC HWY 210 S ZONING: A1

PIN: 1413-47-4427-

OWNERS / DEVELOPER: GLENN & ROBIN ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- 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. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

Site-Related:

4. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.

5. 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)
6. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
7. If driveways are changed or added, the developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). If required, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

Plat-Related:

8. The proposed 1.0 acre lot must have the bearing and distances, acreage and a lot identifier reflected on the final plat.
9. "N. C. Highway No. 210" must be labeled as "NC HWY 210 S" on the final plat.
10. 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.
11. 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)
12. The final plat 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.

Plat-Required Statements:

13. If/Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Disclosure, County Subdivision Ordinance):

"The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording."

14. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Disclosure, County Subdivision Ordinance):

"This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides."

15. 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/development/recombination plat."

Other Relevant Conditions:

16. The applicant is advised to consult an expert on wetlands before proceeding with any development.
17. 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.

18. The owner/developer be aware that every deed created for a lot being served by an on-site water and/or sewer system must contain the following disclosure when filed with the County Register of Deeds:

“Public water and/or sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department.”

19. The developer has requested a waiver from Section 2303.C Street Frontage, Cumberland County Subdivision Ordinance, from the requirement to have a minimum of 20 foot of street frontage on either a private or public road. The Cumberland Joint Planning Board will hear this case on April 17, 2012.

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
County Public Utilities:	Amy Hall	678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170
NCDENR (E&S):	Sally Castle	433-3300
Location Services:		
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