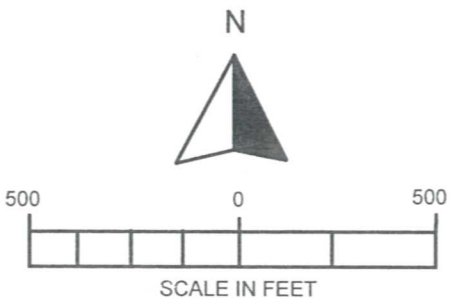
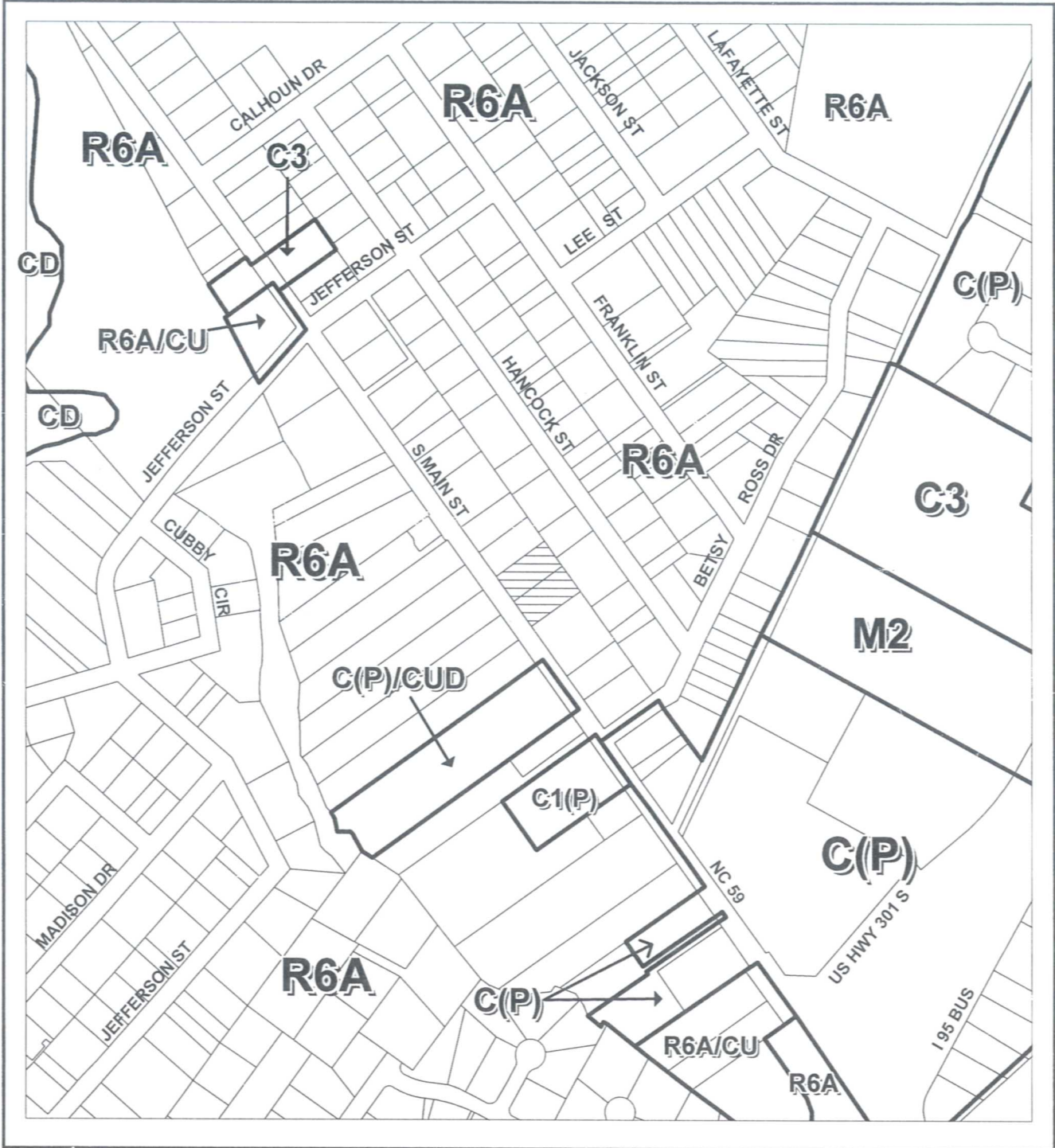


REQUESTED REZONING RR & RR/CU TO C2(P)

ACREAGE: 10.28 AC.+/-	HEARING NO: P12-06	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0466-77-4852



REQUESTED REZONING R6A TO C2(P)

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

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

February 14, 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: Land Use Codes Committee Recommendation for the February 21, 2012 Board Meeting

P12-08: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE, AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2304. STREETS, SUB-SECTION B. PUBLIC STREETS, 4. CURBS AND GUTTERS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (COUNTY 03/19/2012*)

The staff recommended the attached amendment to the Land Use Codes Committee via email due to time constraints. A majority of the committee members responded and all recommended approval of the proposed amendment.

The amendment was proposed based upon a recommendation from a local engineer and past Planning Board member and is supported by the Planning Staff. The current ordinance could cause conflict between the County's requirements and the NC Department of Transportation (NCDOT) regulations; therefore, the proposed amendment was drafted to require developers to comply with the NCDOT requirements.

Attachment: P12-08 Text Amendment

P12-08

**County Subdivision Ordinance
Text Amendment
(Curbs and Gutters)**

P12-08: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE, AMENDING ARTICLE XXIII, IMPROVEMENT AND DESIGN STANDARDS, SECTION 2304. STREETS, SUB-SECTION B. PUBLIC STREETS, 4. CURBS AND GUTTERS; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND ARTICLE XXIII, SECTION 2304, SUB-SECTION B.4 AS FOLLOWS:

**ARTICLE XXIII
IMPROVEMENT AND DESIGN STANDARDS**

SECTION 2304. STREETS.

B. Public streets.

4. *Curbs and gutters.* ~~Unless otherwise regulated by this ordinance, curb and gutter is required as follows:~~

~~a. Subdivisions or other developments with a proposed density of five or more units per acre, concrete curb and gutter is required;~~

~~b. Subdivisions or other developments with a proposed density of more than two but less than five units per acre, concrete or asphalt-rolled curb and gutter is required;~~

~~c. Subdivisions or other developments with a proposed density of two units or less per acre, curb and gutter requirements, if any, must meet NCDOT standards.~~

All curbs and gutters installed shall meet the NCDOT approved standards and specifications ~~and any rolled concrete curb and gutter, if required by this ordinance, shall not be less than 24 inches.~~

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
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COUNTY of CUMBERLAND

Planning & Inspections Department

February 14, 2012

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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 February 21, 2012 Board Meeting

P12-03: REZONING 116.77+/- ACRES FROM R40 RESIDENTIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1730 (UNDERWOOD ROAD), NORTHWEST OF SR 1728 (MIDDLE ROAD); SUBMITTED BY JOHN KOENIG ON BEHALF OF ESTATE BUILDERS LLC. (OWNER). (COUNTY 03/19/2012*)

This case was deferred from the board's January 17, 2012 meeting because the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a R20 Density Development Conditional Zoning (R20/DD/CZ) for the subject property. The Planning and Inspections Staff recommends approval of the request for the 223 residential lot density development conditional zoning application based on the following:

1. Although the amended request is not entirely consistent with the Eastover Area Detailed Land Use Plan adopted in September 2000, which calls for one acre residential lots and open space at this location, many changes in the Eastover area have occurred since the plan was adopted, in that:
 - a. Extension of public water was in the initial planning stages but not available and public sewer was not contemplated for this area; however, other properties within the study area were designated as low density residential solely because those properties already had public water and sewer serving the development;
 - b. After the Town of Eastover was incorporated in October 2007, an interlocal agreement between the County and the City of Fayetteville was adopted reinstating the Municipal Influence Area (MIA) for the city and designating this specific area being in a *Fayetteville Sewer Service Area* where specific Fayetteville development standards are required at this location – the interlocal agreement was adopted by the parties on June 9, 2008;
 - c. During the time that the Eastover area citizens were actively participating in establishing the goals of the plan, this area was specified for one-half acre lots but later changed to one acre

lots; the text of the document demonstrates that this change occurred because there were no existing zoning districts allowing for one half acre lots that did not also include manufactured homes – in June 2005, the zoning ordinance was amended to prohibit manufactured homes in the R20 Residential zoning district.

- d. The first segment of the Outer Loop (I-295) was constructed and open north of the subject property.
2. The primary stated goal of the Eastover Land Use Plan is to retain the rural character of the area and this specific area is designated as an *Urban Services Area* – the amended request supports the goal by permanently restricting over 40% of the development as open space and providing a 40 foot wide buffer along Underwood Road along with a 20 foot wide perimeter buffer thus ensuring the appearance of the area remains rural and at the same time meets the plan’s recommended definition for *Urban Services Area* as inserted below:

“The Urban Services Area is defined as an area where higher density development will be promoted based upon existing or proposed urban services. These urban services include public or community water, sanitary sewer, storm drainage, street lighting, police and fire protection, recreation and garbage collection.”

3. The request is consistent with all of the location criteria of Land Use Policies Plan of the 2030 Growth Vision Plan, adopted by County Board of Commissioners on April 20, 2009 and the Town of Eastover on August 4, 2009.
4. The proposed development far exceeds the requisite 800 square feet per lot recreation area typically required for a residential subdivision in the County (4.1 acres for 223 lots) – the developer is proposing to permanently restrict 46.02+/- acres of the 116 acre tract, slightly over 40%, as open space and also provides significantly more open space than the Eastover Plan has designated, in addition every proposed lot is adjacent to an open space area thus visually the individual lots will appear much larger than their actual size.

There are no other zoning districts suitable as related to this request; however, the staff did find that with a revised plan, R30 density would be appropriate for this area.

The property owner/developer has verbally agreed to all attached Ordinance Related Conditions.

Attachments:

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

P12-03
SITE PROFILE

P12-03: REZONING 116.77+/- ACRES FROM R40 RESIDENTIAL TO R20 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 1730 (UNDERWOOD ROAD), NORTHWEST OF SR 1728 (MIDDLE ROAD); SUBMITTED BY JOHN KOENIG ON BEHALF OF ESTATE BUILDERS LLC. (OWNER).

Site Information:

Frontage & Location: 1,700.00'+/- on SR 1730 (Underwood Road) , 1,260.00'+/- on Pep Cush Drive & 50'+/- on Willowbrae Drive

Depth: 2,650.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, south east of subject property

Current Use: Vacant

Initial Zoning: A1 – December 14, 1979 (Area 10); rezoned to R40 December 19, 2005

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: M(P), R40, RR & A1; South: R40 (Eastover), RR (Eastover) & A1; East: RR (Eastover) & A1; West: RR & A1

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

2030 Land Use Plan: Rural

Eastover Land Use Plan: One acre residential lots & open space

Special Flood Hazard Area (SFHA): Yes; base flood is 83 msl (NAVD)

Water/Sewer Availability: ESD/ESD

Soil Limitations: Yes, hydric – RO Roanoke and Wahee loams & WmB Wickham fine sandy loam

School Capacity/Enrolled: Armstrong Elementary: 450/444; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

Subdivision/Site Plan: If approved, “Ordinance Related Conditions” apply

RLUAC: Encourages the developer to make every possible effort to preserve as much of the existing forest as possible and to coordinate any new development with US Fish and Wildlife to avoid the possible destruction of any Red Cockaded Woodpecker habitats

Average Daily Traffic Count (2008): 530 on SR 1730 (Underwood Road)

Highway Plan: Underwood Road is identified in the Highway Plan as a major thoroughfare with adequate right-of-way

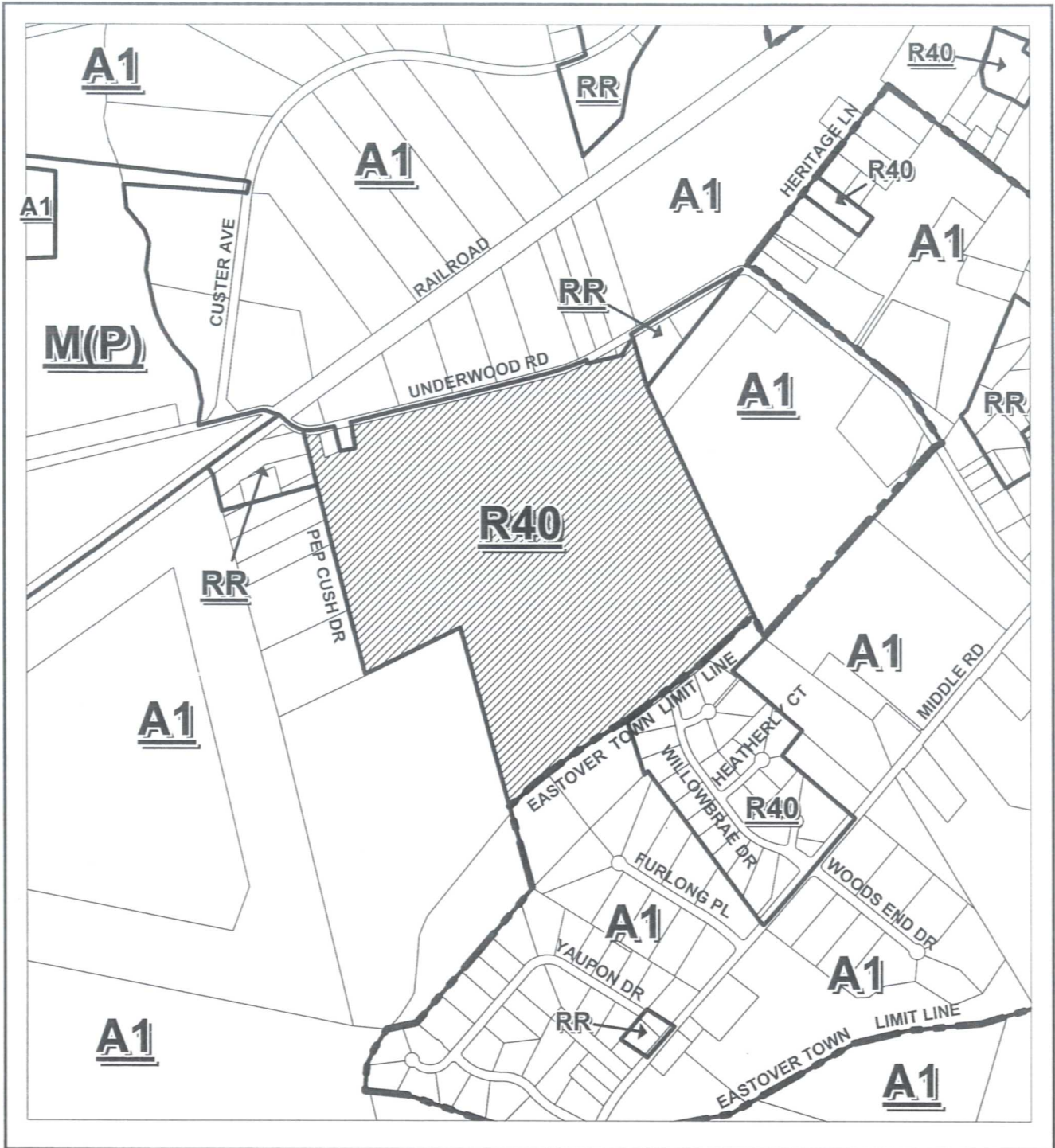
Notes:

1. Density minus 12.70 acres for R/W:
R40 – 111 lots/units
R30 – 148 lots/units
R20 – 223 lots/units

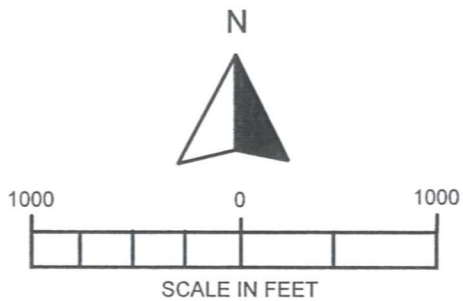
2. Minimum Yard Setback Regulations:
R40, R30 & R20
Front yard: 30'
Side yard: 15'
Rear yard: 35'

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.



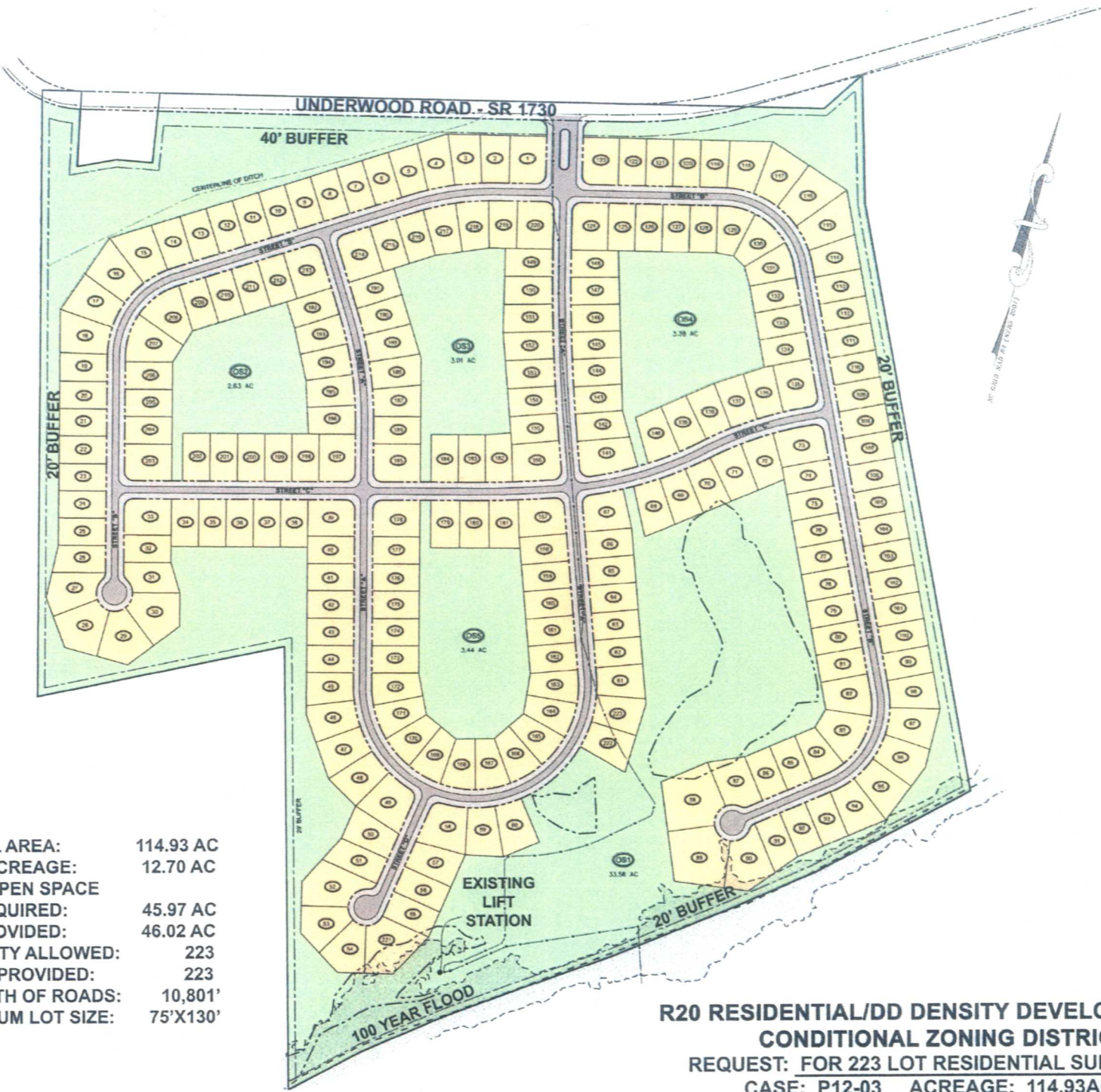
REQUESTED REZONING R40 TO R20/DD/CZ



PIN: 0448-96-1424

ACREAGE: 114.93 AC.+/-		HEARING NO: P12-03	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

1/18/12
1/31/12
AM



TOTAL AREA: 114.93 AC
 R/W ACREAGE: 12.70 AC
 40% OPEN SPACE
 REQUIRED: 45.97 AC
 PROVIDED: 46.02 AC
 DENSITY ALLOWED: 223
 LOTS PROVIDED: 223
 LENGTH OF ROADS: 10,801'
 MINIMUM LOT SIZE: 75'X130'

**R20 RESIDENTIAL/DD DENSITY DEVELOPMENT/CZ
 CONDITIONAL ZONING DISTRICT**
 REQUEST: FOR 223 LOT RESIDENTIAL SUBDIVISION
 CASE: P12-03 ACREAGE: 114.93AC +/-
 ZONED: R40 SCALE: NTS

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST
 1/24/2012
 1/31/2012

R20 / Density Development / Conditional Zoning

DRAFT

Ordinance Related 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. At the time of application for permits, the developer must provide to Code Enforcement approval from the entity that owns and/or regulates the type water and sewer serving the proposed development.
3. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
4. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
5. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
6. The *Special Flood Hazard Area* (SFHA) exists on this tract; any development within SFHA must have first flood elevations, including all mechanical and electrical equipment above base flood elevation (BFE) plus two feet of freeboard. Proper flood plain development permits are required, issued by the County Engineer, prior to any building/permit application. A copy of the approved flood plain permit must be provided to Code Enforcement at the time of building/zoning permit applications.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.
8. The developer must formally notify the NC Department of Transportation once construction of the public streets is complete and initiate the process of transferring the responsibility of road maintenance to the NCDOT. If application to the NCDOT District Engineer has not been formally submitted by the time building permits have been issued for 80% of the lots shown on the platted portion of the development, no additional building permits can be issued until the NCDOT District Engineer notifies this department of the receipt of the application and their satisfaction of any noted deficiencies impeding the NCDOT's acceptance of the streets.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R20/DD/CZ zoning district must be complied with, as applicable.
10. All corner lots and lots fronting more than one street must provide front yard setbacks from each street.

11. This conditional approval is not approval of the permit for any development entrance signs. If a development entrance sign is desired, re-submittal of the site plan is required for staff review prior to application for any freestanding sign permits and/or prior to installation of the sign. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
12. All applicable provisions of Section 2401, "Group Developments", County Subdivision Ordinance, must be complied with.
13. 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)
14. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
15. In the event a stormwater utility structure is required by the NC Department of Environment and Natural Resources (NCDENR), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
16. 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.
17. 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.
18. The NC Department of Transportation (NCDOT) must approve the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
19. Turn lanes may be required by the NC Department of Transportation (NCDOT).
20. The required vegetative perimeter buffer must be provided and maintained 20' in width along the periphery and 40' in width along the frontage right-of-way as shown on the proposed site plan and in accordance with the provisions of Section 803.E, Perimeter Buffer, County Zoning Ordinance.
21. The cul-de-sac length of Street B appears to exceed 1,400 feet – the maximum length allowed by the ordinance. Staff recommends approval of this design because the design ensures that all proposed lots abut the open space (common) areas. If the proposed design of the cul-de-sac is required to be reduced down to meet the 1,400 foot requirement, three copies of a revised plan showing the change is required to be submitted to the Land Use Codes for staff review and approval.

Plat-Related:

22. Prior to submission for final plat approval, fire hydrants must be installed along all proposed streets and drives; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot. (Section 2306 B, Fire hydrants, County Subdivision Ordinance)
23. Prior to submission for final plat approval of any portion of this development, a cul-de-sac or hammerhead type turnaround must be constructed to ordinance standards at the northern end of Willowbrae Drive.
24. The final plat must be labeled as a "Zero Lot Line" development.
25. The perimeter buffers and open space areas must be labeled as "Common Area" on the final plat.
26. The proposed development is located in a Special Flood Hazard Area (SFHA). The final plat must show the limits of the SFHA; information may be obtained from the County Engineer's office or the Federal Emergency Management Agency's (FEMA) website at www.ncfloodmaps.com. Any development within the SFHA is subject to the requirements of the County Flood Damage Prevention Ordinance administered by the County Engineering Department.
27. A concrete sidewalk must be constructed along SR 1730 (Underwood Road) and the sidewalk must be constructed to the specifications of the City of Fayetteville – contact the City Engineer for more information regarding this condition. (Co.

28. The developer is required to submit to Land Use Codes:
- a. Three copies of proposed covenants, by-laws and articles of incorporation for the proposed development designating responsibility for maintenance and upkeep of the perimeter buffers and the open space/common areas by the owners' association for the development;
 - b. One copy of the deeds proposed for recordation conveying all common area to the proposed owners association;
 - c. One copy of any proposed supplemental covenants if the proposed development is to be submitted for final approval in phases; and
 - d. Two copies of each proposed final plat prior to the submission for final approval – can be a phase of the approved development or the complete development as approved.

These documents must be approved by the County Attorney prior to the sale of or submission for final plat approval of any lot or unit within this development.

29. The developer must contact the Location Services Section of the Planning & Inspections Department for approval of street names and the approved street names must be reflected on the final plat.
30. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
31. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; **or** at the time of permit application, the individual plot plans must be approved by Land Use Codes prior to issuance of any permits.
32. 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.
33. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along SR 1730 (Underwood Road).
34. A 10' x 70' sight distance easement is required at the intersection of SR 1730 (Underwood Road) with proposed Street "A" and must be reflected on the final plat.
35. The proposed median portion of Street "A" must have a minimum right-of-way 70 feet with the median strip being a minimum of 10 feet wide and this must be reflected on the final plat.
36. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision Ordinance)
37. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission for final plat approval by Land Use Codes.
38. 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)
39. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)

40. 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.

41. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Plat-Required Statements:

42. 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.”

43. Because the streets in this development have been approved as “public” streets and the streets do not yet qualify for acceptance by the NC Department of Transportation to the State system for maintenance purposes, the following statement is required to be included on the final plat:

“The streets shown on this plat though labeled as “public” – unless otherwise noted – have not been accepted by the NC Department of Transportation as of the date of this recording. Until such time that the streets are accepted and formally added to the State system, maintenance and liability of the streets are the responsibility of the developer and any future lot owner(s).”

Other Relevant Conditions:

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

45. 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.

46. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT’s acceptance.

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

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

Improvements Inspections:	Jeff Barnhill	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Engineer’s Office:	Wayne Dudley	678-7636
Fayetteville Planning:	Marsha Bryant	433-1416
Fayetteville Engineer (Sidewalks):	Jeff Riddle	433-1661
Eastover Sanitary District:	Morgan Johnson	323-3973
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
Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NCDOT (subdivision roads):	David Plummer	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

cc: Marsha Bryant, Fayetteville Planning

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, the following facts are submitted:

1. Requested Rezoning from R-40 to R-20.
2. Address of Property to be Rezoned: UNDERWOOD ROAD FAYETTEVILLE
3. Location of Property: BETWEEN UNDERWOOD ROAD & MIDDLE RD.
4. Parcel Identification Number (PIN #) of subject property: 0448-96-1424
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 118.31 Frontage: N/A Depth: N/A
6. Water Provider: Well _____ PWC Other (name) _____
8. Septage Provider: Septic Tank _____ PWC
9. Deed Book 7113, Page(s) 723, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: TO BE DEVELOPED (RESIDENTIAL)
11. Proposed use(s) of the property: RESIDENTIAL
12. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
13. Has a violation been issued on this property? Yes _____ No

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deed and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

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.)

Residential

(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.

216 lots

223 lots per site plan

1-31-12
PSS

2. DIMENSIONAL REQUIREMENTS:

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

Site Plan

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

M/A

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.**

M/A

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

See Site Plan

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.

M/A

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.

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
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Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

February 14, 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 February 21, 2012 Board Meeting

P12-04: REZONING OF .89+/- ACRE FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8171 GODWIN FALCON ROAD, SUBMITTED BY BARNEY B. JR. & CAROL HOLDER GOFF (OWNERS).

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

1. The request is consistent with the location criteria for "heavy commercial" as listed in the Land Use Policies of the 2030 Growth Vision Plan as well as with the Northeast Cumberland Plan which calls for "commercial" at this location;
2. The location and character of the use will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

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

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-04
SITE PROFILE

P12-04: REZONING OF .89+/- ACRE FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8171 GODWIN FALCON ROAD, SUBMITTED BY BARNEY B. JR. & CAROL HOLDER GOFF (OWNERS).

Site Information:

Frontage & Location: 200.00'+/- on SR 1810 Godwin Falcon Road

Depth: 180.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Vacant

Initial Zoning: C(P) – November 25, 1980 (Area 14); rezoned to RR on October 22, 1985

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: R40 (Godwin), R40A, RR & A1; South: R6A & A1; East: C(P); West: R40A & A1

Surrounding Land Use: Residential (including manufactured homes), motor vehicle repair, convenience retail w/ gasoline sales, vacant commercial & woodlands

2030 Growth Vision Plan: Community Growth Area

Northeast Cumberland Plan: Commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Falcon/Godwin

Soil Limitations: Yes, hydric – WO Woodington 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

Municipal Influence Area: Towns of Godwin & Falcon

Average Daily Traffic Count (2008): 890 on SR 1810 (Godwin Falcon Road)

Highway Plan: Godwin Falcon Road is identified in the Highway Plan as a Major Thoroughfare. 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:

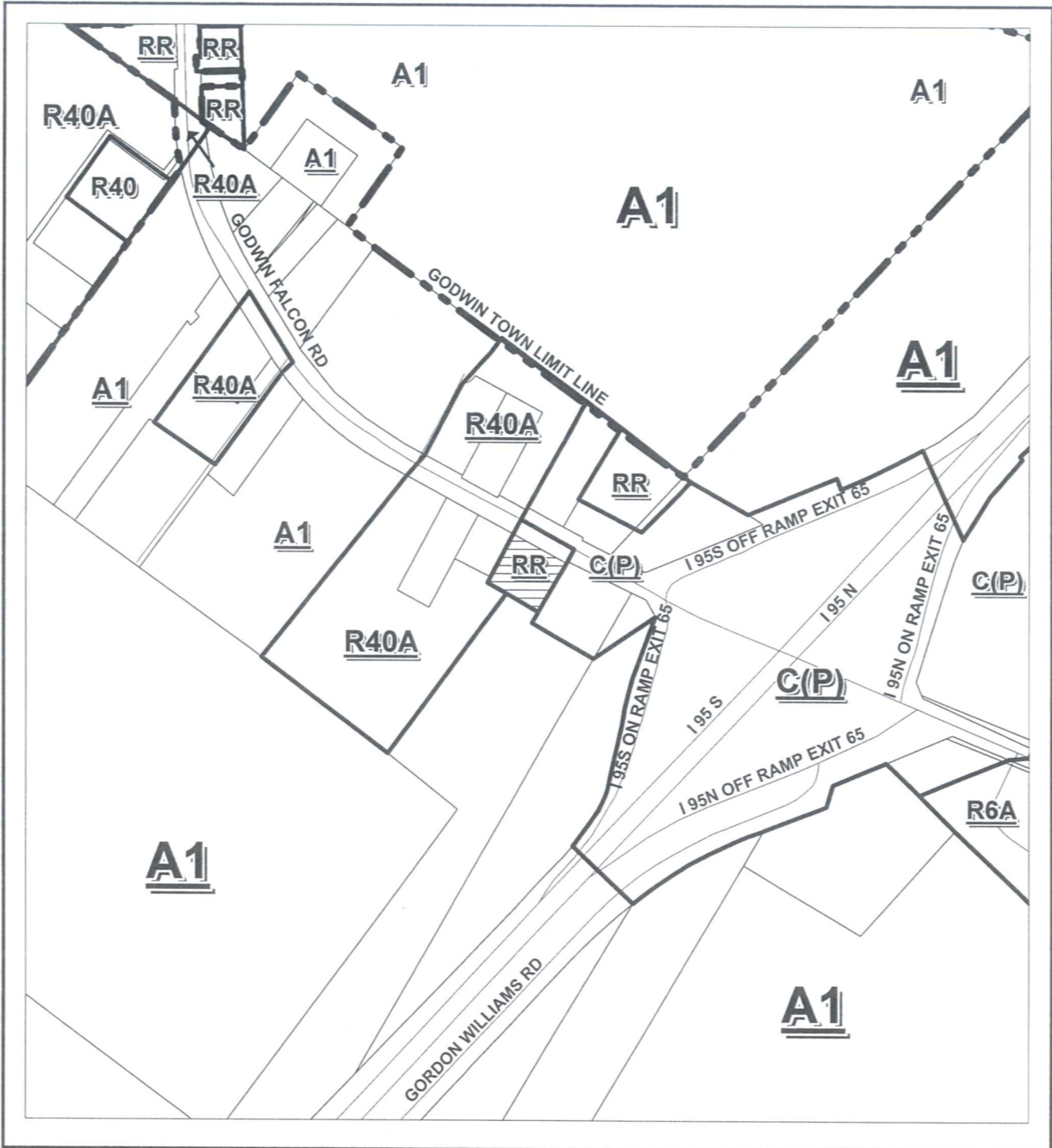
1. Density:
RR – 1 lot/unit

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: 0.89 AC.+/-

HEARING NO: P12-04

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



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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 February 14, 2012 Board Meeting

P12-05: REZONING OF 2.56+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6228 KENNEL ROAD, SUBMITTED BY LISTEN OWEN AND PAMELA H. LOCKAMY (OWNERS).

The Planning & Inspections Staff recommends approval of the R40A Rural 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

P12-05
SITE PROFILE

P12-05: REZONING OF 2.56+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6228 KENNEL ROAD, SUBMITTED BY LISTEN OWEN AND PAMELA H. LOCKAMY (OWNERS).

Site Information:

Frontage & Location: 305.00'+/- on SR 1821 (Kennel Road)

Depth: 334.45'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 1 manufactured home

Initial Zoning: A1 – August 23, 1994 (Area 19)

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

Zoning Violation(s): None

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

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

2030 Growth Strategy Map: Rural

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/Septic

Soil Limitations: None

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 a review and approval

Average Daily Traffic Count (2008): 110 on SR 1821 (Kennel 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:

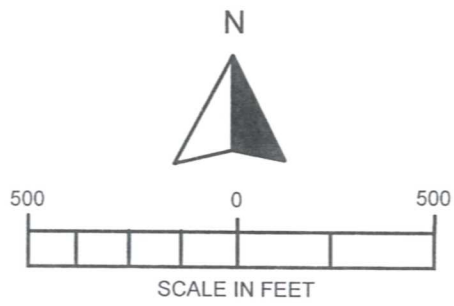
1. Density:
A1 – 1 lots/units
R40A – 3 lots/units

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.



REQUESTED REZONING A1 TO R40A

ACREAGE: 2.56 AC.+/-		HEARING NO: P12-05	
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



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Sara E. Piland,
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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 February 21, 2012 Board Meeting

P12-07: REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2112 RIVER ROAD, SUBMITTED BY NATHANIEL L. GIENGER (OWNER).

On February 15, 2012 the applicant amended the request from "A1 Agricultural to C(P) Planned Commercial" to "A1 Agricultural to RR Rural Residential".

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

1. Although the amended request is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for one acre residential lots at this location, the request is consistent with the location criteria listed in the Land Use Policies of the 2030 Growth Vision Plan because the subject property has direct access to a public street and septic systems are allowed dependent upon soil types where public sewer is not available; and
2. The subject property is located within the Fayetteville MIA and public water is available to the site.

There are no other districts considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-07
SITE PROFILE

P12-07: REZONING OF 2.00+/- ACRES FROM A1 AGRICULTURAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2112 RIVER ROAD, SUBMITTED BY NATHANIEL L. GIENGER (OWNER).

Site Information:

Frontage & Location: 253.39'+/- on SR 1714 (River Road)

Depth: 389.73'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Structure & outdoor for profit recreation

Initial Zoning: A1 – December 14, 1979 (Area 10)

Nonconformities: Indoor recreation is not permitted in the A1 district

Zoning Violation(s): Yes, notice not issued due to this application being submitted

Surrounding Zoning: North, East & West: A1; South: M(P) & A1

Surrounding Land Use: Residential, farmland & woodlands

2030 Land Use Plan: Rural

Eastover Land Use Plan: One acre residential lots

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/Septic

Soil Limitations: Yes, hydric – RO Roanoke and Wahee loams & WmB Wickham fine sandy loam

School Capacity/Enrolled: Armstrong Elementary: 450/444; 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: City of Fayetteville

RLUAC: Does not object to the request

Average Daily Traffic Count (2008): 710 on SR 1714 (River Road)

Highway Plan: River Road 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. No road improvements are included in the 2012-2018 MTIP

Notes:

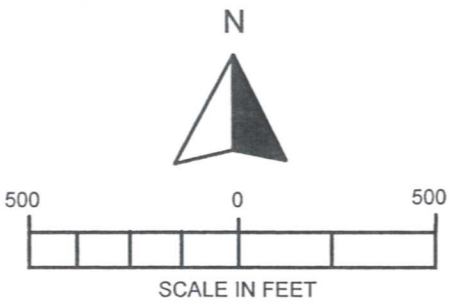
1. Density:
A1 – 1 lot/unit (residential)

2. Minimum Yard Setback Regulations:

<u>A1</u>	<u>RR</u>	<u>C1(P)</u>	<u>C2(P) & C(P)</u>
Front yard: 50'	Front yard: 30'	Front yard: 45'	Front yard: 50'
Side yard: 20'	Side yard: 15'	Side yard: 15'	Side yard: 30'
Rear yard: 50'	Rear yard: 35'	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: 0449-50-7505

REQUESTED REZONING A1 TO C(P)

ACREAGE: 2.00 AC.+/-	HEARING NO: P12-07	
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,
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Charles C. Morris,
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Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for the February 21, 2012 Board Meeting

P12-09: REZONING OF .42+/- ACRE FROM RR RURAL RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4427 CLINTON ROAD, SUBMITTED BY JING MESTER ON BEHALF OF RIGHT STAR PROPERTIES LLC. (OWNER).

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

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "commercial" at this location, as well as meeting the location criteria for light commercial development as listed in the Land Use Policies Plan;
2. The C1(P) Planned Local Business district is consistent with the zoning for adjacent property under the same ownership;
3. The location and character of the use will be in harmony with the surrounding area; and
4. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-09
SITE PROFILE

P12-09: REZONING OF .42+/- ACRE FROM RR RURAL RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4427 CLINTON ROAD, SUBMITTED BY JING MESTER ON BEHALF OF RIGHT STAR PROPERTIES LLC. (OWNER). (COUNTY 03/19/2012*)

Site Information:

Frontage & Location: 117.00'+/- on SR 1006 (Clinton Road)

Depth: 198.95'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, west of subject property

Current Use: Residential

Initial Zoning: RR – August 23, 1994 (Area 19)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: RR, R10 & R5A; South: RR/CU (billboard), R20 & RR; East: RR; West: C(P) & C1(P)

Surrounding Land Use: Residential, substations (2), farmland & woodlands

2030 Land Use Plan: Community Growth Area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: Sunnyside Elementary: 300/362; Mac Williams Middle: 1,274/1,221; Cape Fear High: 1,425/1,575

Subdivision/Site Plan: If approved, any new construction or change in use will require a review and approval

Municipal Influence Area: Town of Stedman

Average Daily Traffic Count (2008): 4,900 on SR 1006 (Clinton Road)

Highway Plan: Clinton Road is identified in the Highway Plan as a Major Thoroughfare with adequate right-of-way

Notes:

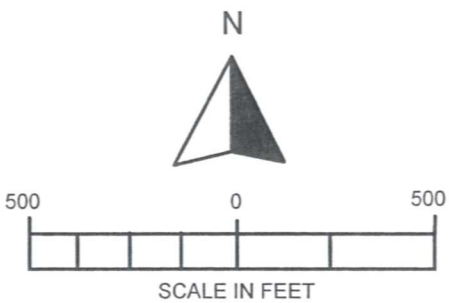
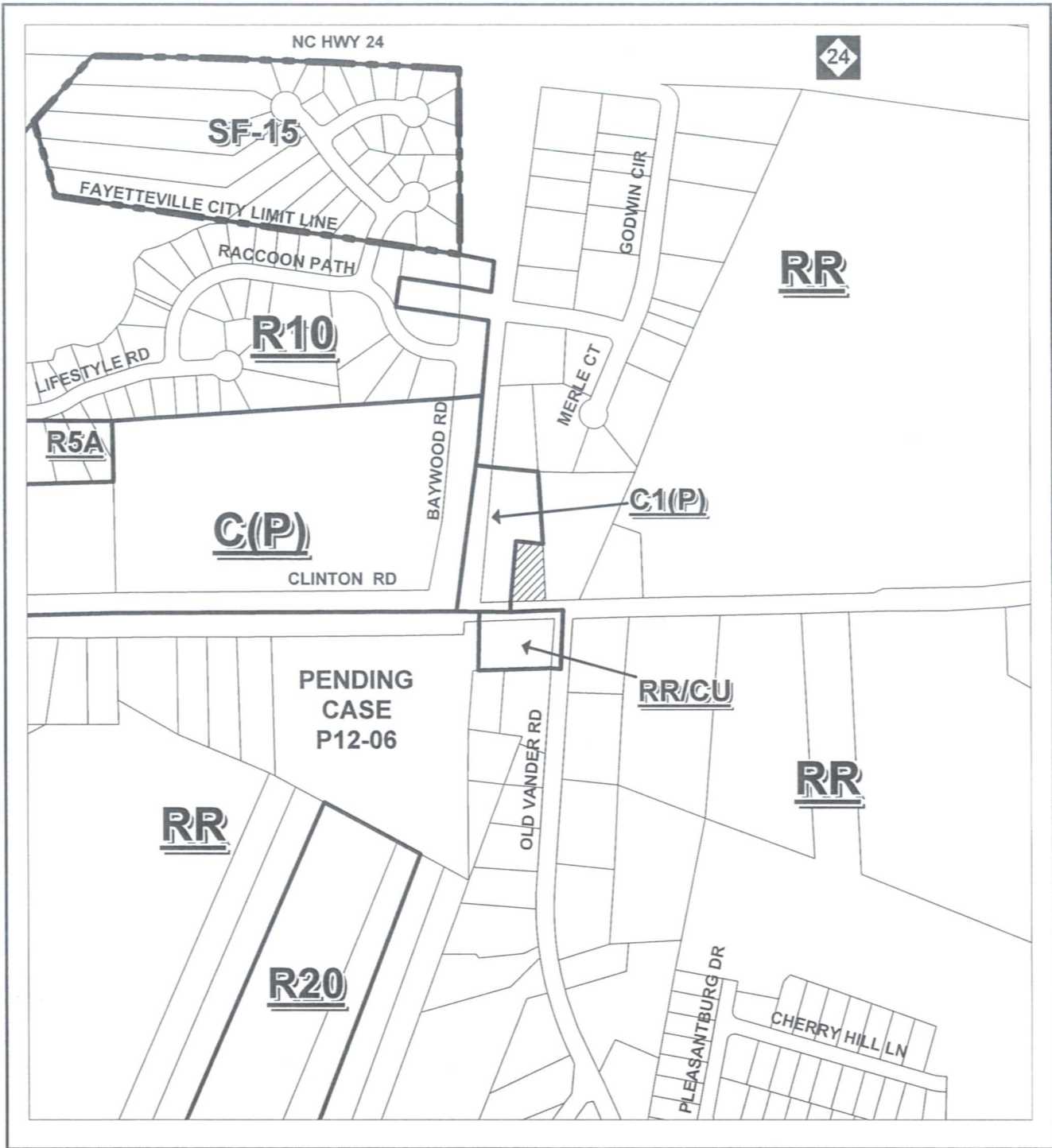
1. Density:
RR – 1 lot/unit

2. Minimum Yard Setback Regulations:

<u>RR</u>	<u>C1(P)</u>
Front yard: 30'	Front yard: 45'
Side yard: 15'	Side yard: 15'
Rear yard: 35'	Rear yard: 20'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING RR TO C1(P)

ACREAGE: 0.42 AC.+/-	HEARING NO: P12-09	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0466-78-9302

1/24/12
2/13/12
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,
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Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for the February 21, 2012 Board Meeting

P12-10: REZONING OF 1.19+/- ACRES FROM O&I(P) PLANNED OFFICE AND INSTITUTIONAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3353 DUNN ROAD, SUBMITTED BY DHARAM SINGLA ON BEHALF OF SHREE GANESHJI LLC. (OWNER). (EASTOVER)

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

1. Although the district requested is not entirely consistent with the Eastover Area Detailed Land Use Plan, which calls for "heavy commercial" at this location; the district requested is consistent with the 2030 Growth Vision Plan, which calls for "commercial" at this location, as well as meeting the location criteria for light commercial development as listed in the Land Use Policies Plan;
2. The location and character of the use will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

There are no other districts considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P12-10
SITE PROFILE

P12-10: REZONING OF 1.19+/- ACRES FROM O&I(P) PLANNED OFFICE AND INSTITUTIONAL TO C1(P) PLANNED LOCAL BUSINESS OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3353 DUNN ROAD, SUBMITTED BY DHARAM SINGLA ON BEHALF OF SHREE GANESHJI LLC. (OWNER). (EASTOVER)

Site Information:

Frontage & Location: 130.65'+/- on Dunn Road (US 301)

Depth: 444.00'+/-

Jurisdiction: Eastover

Adjacent Property: No

Current Use: Vacant commercial (previously a daycare)

Initial Zoning: HS(P) & RR – December 14, 1979 (Area 10); rezoned to HS(P)/CU & RR/CU (antique store & gazebo sales) June 15, 1998; modified HS(P)/CU & RR/CU (produce stand & café) February 17, 2004; rezoned to RR/CU (daycare) December 20, 2004; initially zoned to RR/CU (day care) December 4, 2007 (Town of Eastover incorporated October 1, 2007); rezoned to O&I(P) August 4, 2009

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: C(P), RR & A1; South: C(P), C2(P), R6A & A1; East: RR; West: C(P) & RR (all referenced districts are in Eastover)

Surrounding Land Use: Residential (including manufactured homes), school, bed and breakfast, fire station & strip mall

2030 Growth Vision Plan: Community Growth Area

Eastover Area Detailed Land Use Plan: Heavy commercial

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/Septic

Soil Limitations: None

School Capacity/Enrolled: Armstrong Elementary: 450/444; Mac Williams Middle: 1,270/1,210; Cape Fear High: 1,425/1,585

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

Average Daily Traffic Count (2008): 5,000 on Dunn Road (US 301)

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

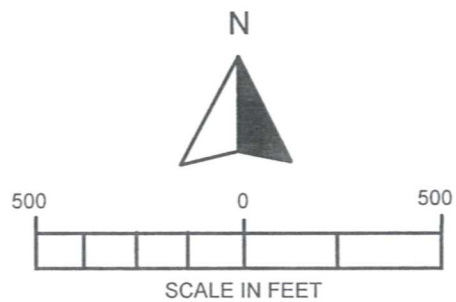
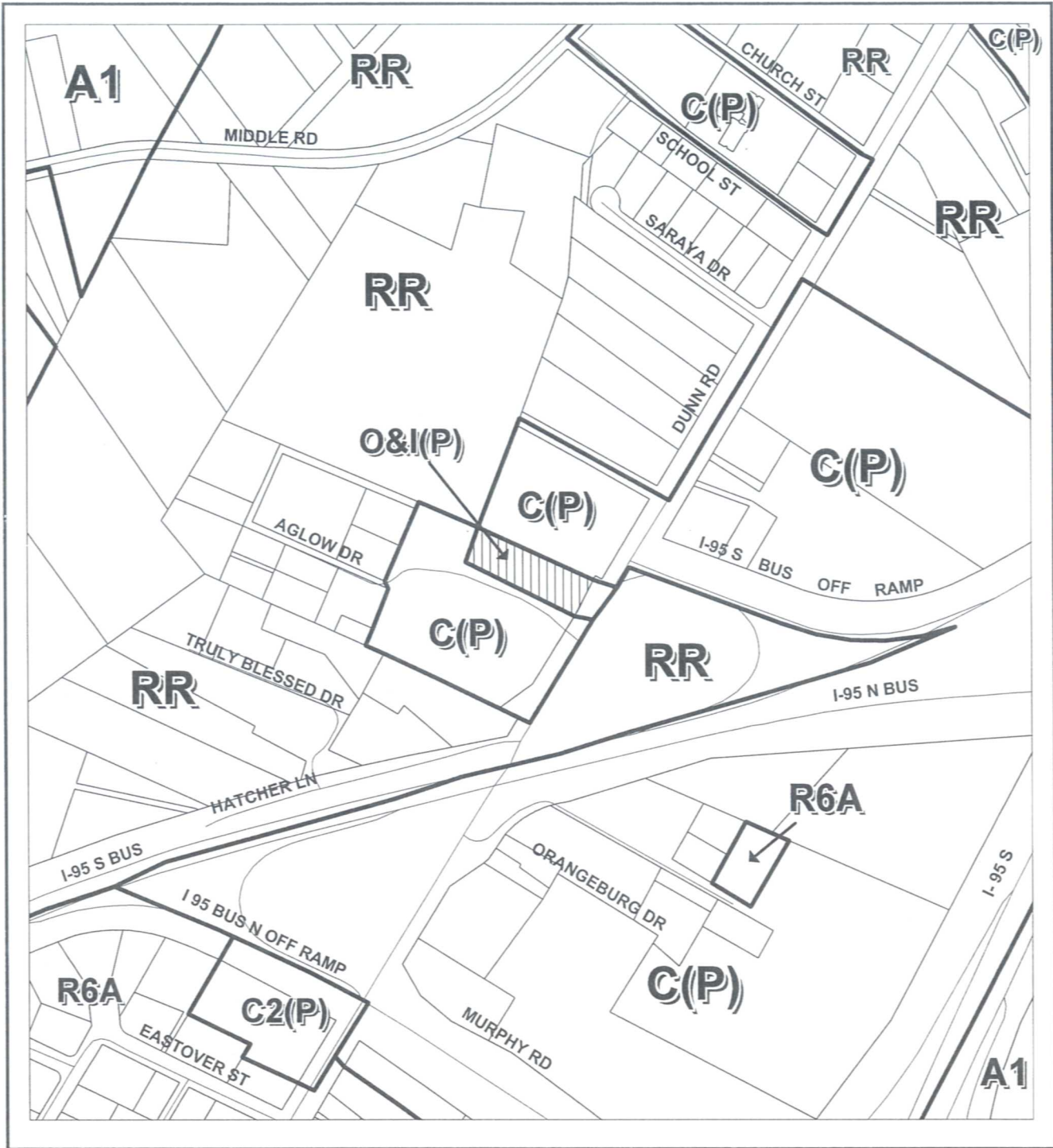
Note:

Minimum Yard Setback Regulations:

<u>O&I(P)</u>	<u>C1(P)</u>
Front yard: 35'	Front yard: 45'
Side yard: 15'	Side yard: 15'
Rear yard: 20'	Rear yard: 20'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING O&I(P) TO C1(P)

ACREAGE: 1.19 AC.+/-		HEARING NO: P12-10	
ORDINANCE: EASTOVER	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0468-27-8611

AM