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Cumberland County

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Vice-Chair
Cumberland County

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Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
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Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

March 12, 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 March 20, 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).

This case was deferred from the board's February 21, 2012 meeting because the property owner amended the original application and is now requesting your consideration of a favorable recommendation for a C(P) Planned Commercial/CZ Conditional Zoning District [C(P)/CZ] for a motor vehicle repair business on the subject property. The Planning and Inspections Staff recommends approval of the requested rezoning to C(P)/CZ for "motor vehicle repair" 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, specifically because this development has direct access to a major thoroughfare and public water and sewer are available; the request is also consistent with the adopted Northeast Cumberland Plan which calls for commercial at this location;
2. The request is reasonable because the subject property is of a size and shape that the yard setbacks for the C(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 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.

Attachments:

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

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:

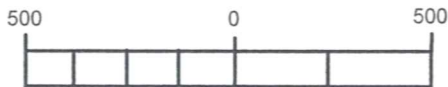
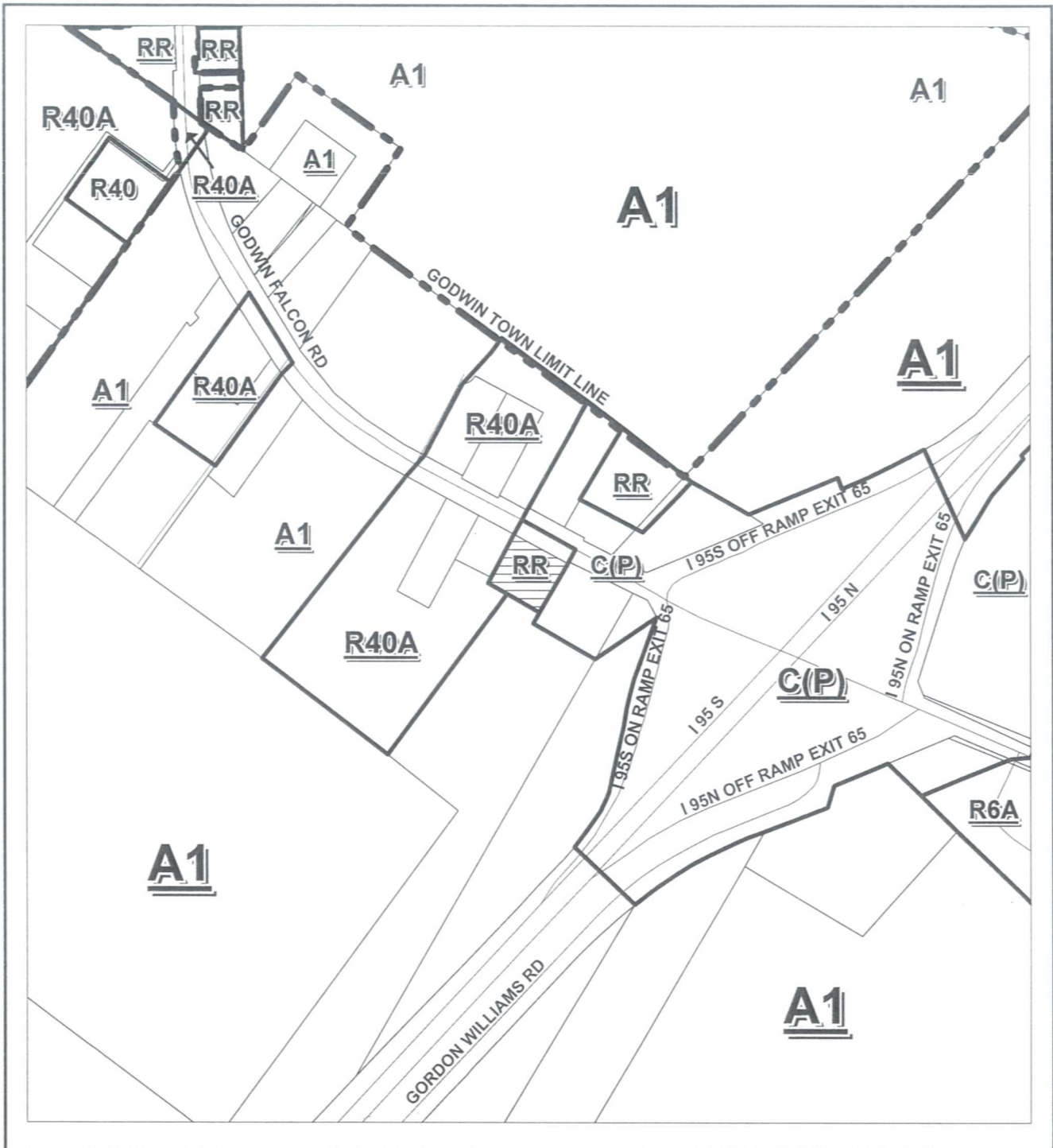
1. Density:
RR – 1 lot/unit

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

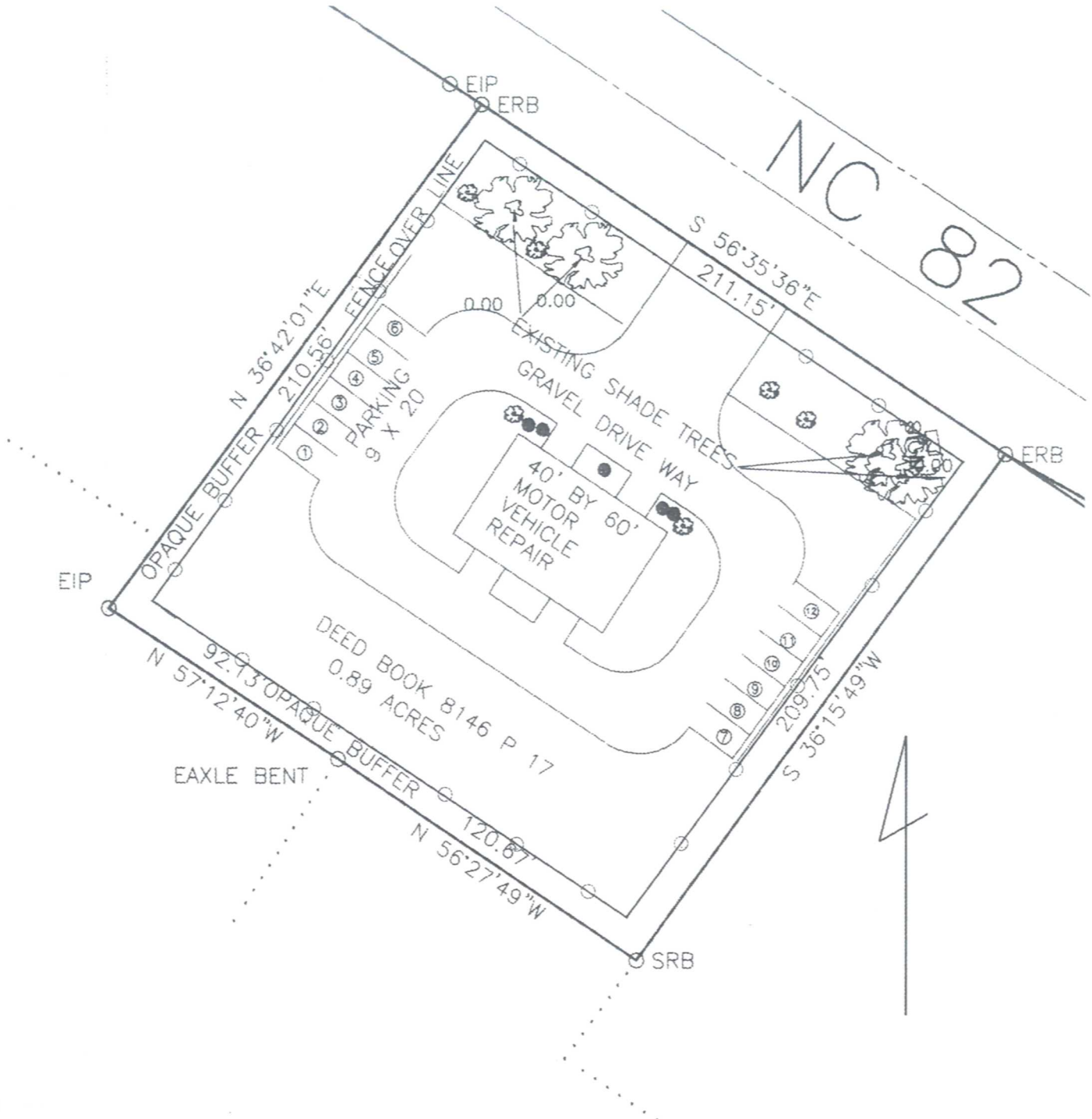
A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



SCALE IN FEET

REQUESTED REZONING RR TO C(P)/CZ

ACREAGE: 0.89 AC.+/-	HEARING NO: P12-04	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



NC 82

CONDITIONAL ZONING

REQUEST: TO ALLOW FOR A MOTOR VEHICLE REPAIR

CASE: P12-04 ACREAGE: 0.89 +/-

ZONED: RR SCALE: 1" = 50'

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

Conditional Zoning District

DRAFT

Ordinance Related Conditions

Pre-Permit Related:

1. Prior to application for permits, a revised plan must be submitted for staff review and approval that addresses the following:
 - a. The off-street parking spaces on the site plan do not measure at 9' x 20" as required by the ordinance, and the back out room does not appear to provide sufficient back out and turning area; a minimum of 12 off-street parking spaces are required for this development.
 - b. Any motor vehicles stored on-site and awaiting repairs must be screened from public view – the site plan must reflect the storage area, if any, and the type and location of screening material.
 - c. If the property owner desires a freestanding sign, the sign location must be reflected on the site plan – see related Condition No. 10 below.
 - d. Twelve shrubs must be planted and shown on the site plan in the building yard area – see related Condition No. 6 below.
 - e. The specific type of opaque buffer (vegetation or fencing) and the exact buffer location must be reflected on the site plan – see related Condition No. 17 below.
 - f. The outside trash receptacle, i.e., dumpster location must be reflected on the site plan – see related Condition No. 18 below.
 - g. A minimum of one off-street loading spaces measuring 12' x 25' with 14' overhead clearance must be provided for this development.

Permit-Related:

2. 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.
3. Connection to public sewer is required, NORCRESS must approve sewer plans prior to application for any permits. A copy of NORCRESS approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
4. Connection to public water is required, the Town of Falcon must approve water plans prior to application for any permits. A copy of the Town of Falcon approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance and/as shown on the site plan - also see Condition No. 1.d. above. The following are the minimum standards for the required landscaping of this site:
 - a. Four large shade trees or eight small ornamental trees within the front yard setback area along NC HWY 82 (Godwin-Falcon Road); and
 - b. One ornamental tree and 12 shrubs are required in the building yard area.

In addition:

- a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P)/CZ zoning district must be complied with, as applicable. Note: **This conditional approval is for motor vehicle repair only; any future and/or additional uses will require re-submittal of the application and re-approval by the Board of Commissioners prior to commencement of any new and/or additional use.**
9. Storage of junked vehicles on this site is not permitted; the temporary storage of motor vehicles awaiting repairs must be temporarily stored in such an area that the vehicles are screened from view and cannot be seen from a public street or the adjacent residential property.
10. This conditional approval is not approval of any freestanding signs – also see related Condition No. 1.c. above. 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.)
11. “NC 82” must be labeled as “NC HWY 82 (Godwin-Falcon Road)” on all future plans.
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources’ (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
14. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.
15. Turn lanes may be required by the NC Department of Transportation (NCDOT).
16. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
17. A solid buffer must be provided and maintained along the side and a portion of the rear property lines where this tract/site abuts a residentially zoned property in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance – also see related Condition No. 1.e. above. (Note: **Chain link fencing cannot be used to satisfy the buffer requirement.**)
18. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides – see related Condition No. 1.f. above..
19. All required off-street parking spaces are required to be a minimum of 9’ x 20’; a minimum of 12 off-street parking spaces are required for this development.
20. 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.

21. Noise levels shall not exceed 60 dB(A) between the hours of 10:00 pm and 7:00 am. In any event, the noise level, regardless of the time of day, shall not become a nuisance to neighboring properties and strict compliance with the County's Noise Ordinance is required.

Other Requirements:

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

23. 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.

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
Town of Falcon:	Belinda White (Town Clerk)	980-1355
Town of Godwin:	Deborah Godwin, Mayor	980-1674
County Public Utilities/NORCRESS:		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

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: Barney & Carol Goff
2. ADDRESS: 7839 Smithfield Rd Godwin ZIP CODE: 28344
3. TELEPHONE: (Home) 980-1634 (Work) 818-6851
4. Location of Property: 8171 Falcon/Godwin
5. Parcel Identification Number (PIN #) of subject property: 0592-89-0368
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 0.89 Frontage: 211 Depth: 210
7. Water Provider: City
8. Septage Provider: City
9. Deed Book _____, Page(s) _____, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Garage
11. Proposed use(s) of the property: Garage / Motor Vehicle Repair

NOTE: Be specific and list all intended uses.

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

TO: (select one)

- Conditional Use District, with an underlying zoning district of C(P)
(Article V)
- Mixed Use/Conditional Use District (Article VI)
- Planned Neighborhood District/Conditional Use District (Article VII)
- Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

See Site Plan

- 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.

See Site Plan

2. DIMENSIONAL REQUIREMENTS:

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

See Site Plan

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

See Site Plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

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.**

See Site Plan

- 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.- Sat Days of Operation

No - Employees except owner

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.

Barney + Carol Goff
NAME OF OWNERS (PRINT OR TYPE)

7839 Smithfield Rd Godwin NC. 28344
ADDRESS OF OWNER(S)

980-1634
HOME TELEPHONE #

WORK TELEPHONE #

Carol Goff
SIGNATURE OF OWNER(S)

Barney B. Goff propperty in fact
SIGNATURE OF OWNER(S) Carol Goff