

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Vacant
Wade, Falcon & Godwin



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

TENTATIVE AGENDA

July 17, 2018
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRALS / WITHDRAWALS
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JUNE 19, 2017
- VII. PUBLIC HEARING CONSENT ITEMS

CONDITIONAL ZONING DISTRICT

- A. **P18-26.** REZONING OF 1.89+/- ACRES FROM RR RURAL RESIDENTIAL TO M(P) PLANNED INDUSTRIAL/CZ CONDITIONAL ZONING FOR MACHINE TOOL MANUFACTURING AND WELDING WITH EXISTING MANUFACTURED HOME & ACCESSORY STRUCTURES OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5576 LEITHA LANE, SUBMITTED BY EDDIE RAY TEW (OWNER).

- VIII. PUBLIC HEARING CONTESTED ITEMS
- IX. DISCUSSION
- X. ADJOURNMENT

REQUEST
RR to M(P)/CZ for machine tool manufacturing and welding with existing manufactured home & accessory structures

ACREAGE: 1.89+/-

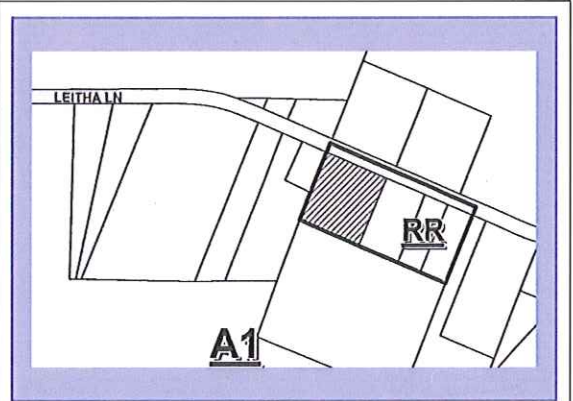
PROPERTY OWNER/APPLICANT
EDDIE RAY TEW (OWNER)

PROPERTY ADDRESS/LOCATION
5576 Leitha Lane

Jurisdiction: **County**

PROPERTY INFORMATION

Frontage & Location: 274'+/- on SR 1859 (Leitha Lane)
Depth: 300'+/-
Municipal Influence Area: Godwin
Adjacent Property: Yes
Current Use: Residential & machine tool manufacturing and welding
Initial Zoning: A1 – November 25, 1980 (Area 14); Rezoned to RR March 28, 1989 (Case P89-25)
Nonconformities: All existing structures with the exception of the dwelling do not meet minimum required rear and side yard setbacks.
Zoning Violation(s): Case 2083-2018; if rezoning approved violation will be resolved
School Capacity/Enrolled: Comments requested, none received
Special Flood Hazard Area (SFHA): None
Water/Sewer Availability: Well/Septic
Soil Limitations: Yes: Hydric- Gr (Grantham loam)
Subdivision/Site Plan: See Ordinance Related Conditions
Average Daily Traffic County (2016): 170 on SR 1859 (Leitha Lane)
Highway Plan: Leitha Lane is identified as a Local Road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned; no impact on the Transportation Improvement Plan.



SURROUNDING LAND USE: Residential (including manufactured homes), solid waste disposal facility, farmland & woodland

COMPREHENSIVE PLANS:
2030 Growth Vision Plan: Community Growth Areas
Northeast Cumberland Land Use Plan (2010): One Acre Residential

Notes:

- Density**
RR- 4 lots/units
- Minimum Yard Setbacks:**

	RR	M(P)
Front yard:	30'	100'
Side yard:	15'	50'
Rear yard:	35'	50'
- Side & rear yard variances of 45.3', 46', 42.4', 31.5', and 27.9' requested within application.
- The owner has agreed to all ordinance related conditions.

STAFF RECOMMENDATION

APPROVAL

APPROVAL WITH CONDITIONS

DENIAL

In Case P18-26, the Planning and Inspections Staff recommends approval of the rezoning from RR Rural Residential to M(P)/CZ for machine tool manufacturing and welding with existing manufactured home & accessory structures and find:

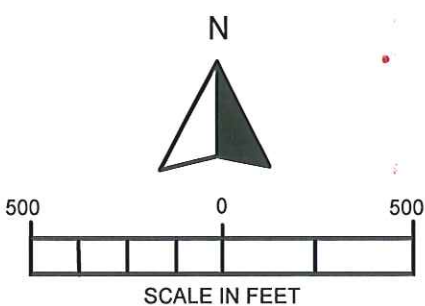
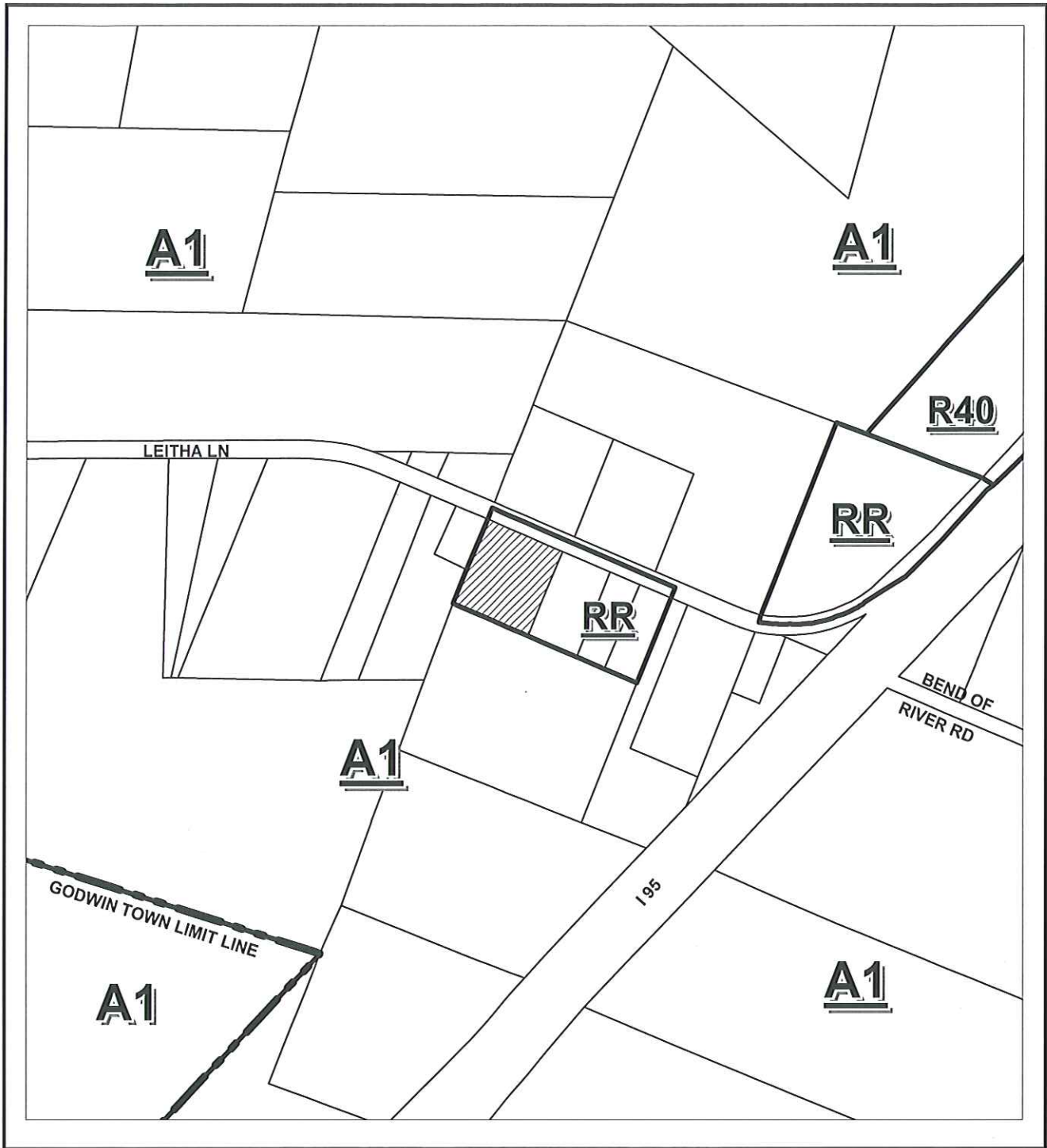
- The approval is an amendment to the adopted current Northeast Cumberland Land Use Plan (2010) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request because the land uses within any detailed plan area are not parcel specific and in any event the Land Use planning process was never intended to shut down an existing business;
- The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: at the time the subject property was rezoned to RR Rural Residential, urban services and municipal influence areas did not exist, however the subject property is included on a list of potential properties for annexation by the Town of Godwin.
- And this rezoning approval is reasonable and in the public interest because although staff acknowledges the existing business has been expanded, the property owner has indicated this business began on the site prior to zoning, permit records do not go that far back, regardless it would be unfathomable to constrain an existing viable business when the owner voluntarily submitted this application once he became aware that the expansions were not accomplished in the proper manner.

OTHER SUITABLE DISTRICTS: None

ATTACHMENTS: SKETCH MAP SITE PLAN APPLICATION ORDINANCE RELATED CONDITIONS

First Class and Record Owners' Mailed Notice Certification

A certified copy of the listing with the tax record owner(s) of the subject and adjacent properties, along with their tax record mailing addresses, is contained within the case file and incorporated by reference as if delivered herewith.



REQUESTED REZONING RR TO M(P)/CZ

ACREAGE: 1.89 AC.+/-		HEARING NO: P18-26	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

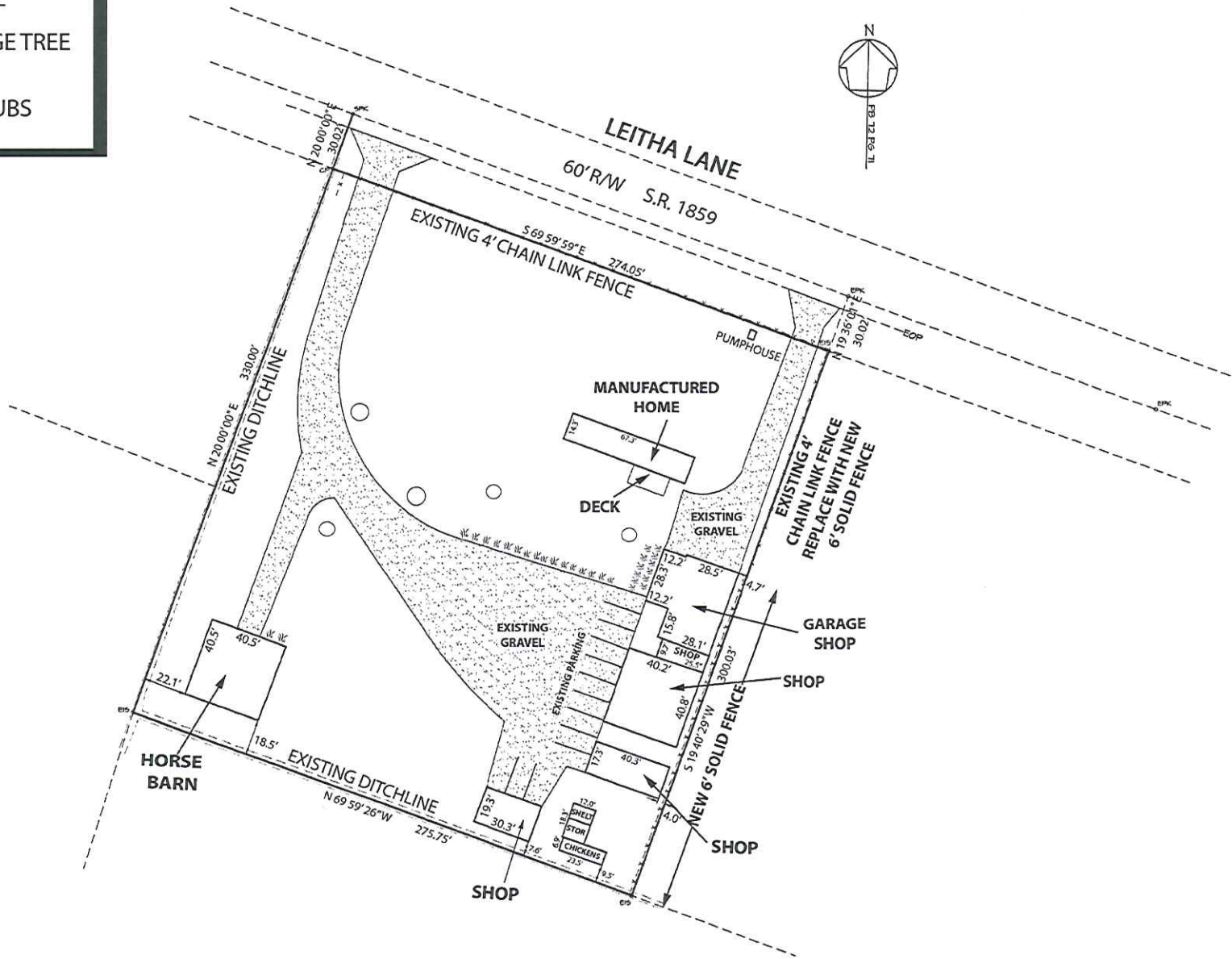
PIN: 1503-02-5343

AKJ
7/11/18

LEGEND

○ = NEW LARGE TREE

🌿 = NEW SHRUBS



M(P) PLANNED INDUSTRIAL /CZ CONDITIONAL ZONING

REQUEST: MACHINE TOOL MANUFACTURING AND WELDING

CASE: P18-26 ACREAGE: 1.89 AC +/-

PARKING: 13 SPACES SCALE: NTS

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

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 Eddie Ray Tew
2. Address: 5576 Leitha Lane Dunn NC Zip Code 28334
3. Telephone: (Home) N/A (Work) 910-980-1528
4. Location of Property: Cumberland Co. Black River Township
5. Parcel Identification Number (PIN #) of subject property: 1503025343
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.89 Frontage: _____ Depth: _____
7. Water Provider: well Septage Provider: septic tank
8. Deed Book 3577, Page(s) 0478, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: welding and machine shop
10. Proposed use(s) of the property: welding and machine shop

NOTE: Be specific and list all intended uses.

11. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes No _____
12. Has a violation been issued on this property? Yes _____ No
13. It is requested that the foregoing property be rezoned FROM: RR

TO: (Select one)

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Machina Shop

- 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. *Requesting a variance from section 1104:
Side yard - 50' Required asking for 4.7', 4.0' and 22.1' side yard setback. Rear yard - 50 feet Required asking for 18.5', 7.6' and 9.5' rear yard setback
Front yard - 100 foot required asking for 75 foot setback.*
- B. Off-street parking and loading, Sec. 1202 & 1203: 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.

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.**

See site plan
George M. Rose, P.E.

- B. Indicate the type of buffering and approximate location, width and setback from the property lines. (Sec. 1102G). **NOTE: All required buffers must be included on the site plan.**

6' solid fence along eastern line per site plan. NO buffer required along southern or western lines.

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.

HRS - 8:00 AM - 5:00 pm Monday - Friday

6. SITE PLAN REQUIREMENTS:

The application must 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 must be of sufficient detail to allow the Planning and Inspections Staff, Planning Board and County Commissioners to analyze the proposed uses and arrangement of uses on the site. It also must 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. STATEMENT OF ACKNOWLEDGMENT:

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 (rezoning) rest 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 within a complete application.

I further understand I must voluntarily agree to all ordinance related conditions prior to the first hearing on the case or any disagreement may be cause for an unfavorable recommendation. 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.

✓ Eddie Ray Tew
NAME OF OWNER(S) (PRINT OR TYPE)
6337 Smithfield Rd Wade NC 28395
ADDRESS OF OWNER(S)
tewswelding@aol.com
E-MAIL
N/A cell: 919-820-0884 910-980-1528
HOME TELEPHONE WORK TELEPHONE
Eddie Ray Tew
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)

Eddie Ray Tew
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)
6337 Smithfield Rd. Wade NC 28395
ADDRESS OF AGENT, ATTORNEY, APPLICANT
N/A cell: 919-820-0884 910-980-1528
HOME TELEPHONE WORK TELEPHONE
tewswelding@aol.com 910-980-1089
E-MAIL ADDRESS FAX NUMBER
Eddie Ray Tew
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

M(P) PLANNED INDUSTRIAL/CZ CONDITIONAL ZONING DISTRICT

DRAFT

Ordinance Related Conditions

Machine Tool Manufacturing and Welding w/ Existing Manufactured Home & Accessory Structures

Revision Required:

1. Three copies of a revised site plan and a \$25.00 revision fee is required to be submitted to Land Use Codes prior to the further processing of this plan. The following must be addressed on the revised plan:
 - a. Landscaping must be provided in accordance with Section 1102 N, Landscaping, County Zoning Ordinance The following are the minimum standards for the required landscaping of this site:
 - (1) Five large shade trees or 11 small ornamental trees within the front yard setback area along SR 1859 (Leitha Lane);
 - (2) Three ornamental trees and 30 shrubs are required in the building yard area;

In addition:

- (1) Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
- (2) All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.

Pre- Permit Related:

2. Prior to permit application, the developer must provide to the Code Enforcement Section documentation of NC Department of Environmental Quality Division of Energy, Mineral and Land Resources' (NCDEQ DEMLR) approval of the Sedimentation and Erosion control plan for this project. NCDEQ DEMLR requires a Sedimentation and Erosion control plan be submitted and approved 30 days prior to land disturbing activities if said land disturbing activity will exceed one acre.

If a plan is not required, per 15ANCAC 04B.0105 "Person conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage cause by such activities." Sedimentation and erosion control measures will need to be installed to protect adjacent properties.

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 or for continued use of 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 developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. **Driveway Permit Required.**

Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the NC Department of Transportation's (NCDOT) Division 6/District 2 office.

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

In the event that a structure (house) is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured.

Note: In the event the NCDOT driveway permit process alters the site plan in any manner, three copies of a revised site plan (and \$25.00/\$50.00 revision fee) must be submitted for staff review and approved prior to permit application.

Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.

6. 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 Department of Energy, Minerals and Land Resources, NC Department of Environmental Quality (DEMLR NCDEQ). If one acre or more of land is to be disturbed, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement prior to the issuance of the Certificate of Occupancy. (Note: If any retention/detention basins are required for state approval of this plan, three copies of a revised plan must be submitted and approved by Planning & Inspections.)
7. The County Health Department must approve water and sewer plans. Lots not served by public water and/or sewer systems are required to be large enough and of such physical character to comply with the Health Department's minimum standards. Site and soil evaluations must be conducted on the property by the County Environmental Health Department. A copy of the Health Department approval must be provided to Code Enforcement. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision and Development Ordinance)
8. 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:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Development Ordinance and Zoning Ordinances for the M(P)/CZ zoning district for machine tool manufacturing and welding with the existing manufactured home and accessory structures, to include the contents of the application and site plan, must be complied with, as applicable.
10. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. 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. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision and Development Ordinance)
12. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision and Development Ordinance)
13. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), 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.
14. 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.
15. A solid buffer must be provided and maintained along the eastern property line where this tract/site abuts RR Rural Residential in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance and as shown on the site plan. (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
16. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.

17. All required off-street parking spaces are required to be a minimum of 9' x 20'; a minimum of three off-street parking spaces is required for this development.
18. 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.

Other Relevant Conditions:

19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
20. 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.
21. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
22. This conditional approval is not to be construed as all encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
23. The subject property lies on Leitha Lane. Leitha Lane is identified as a Local Road in the 2040 Metropolitan Transportation Plan with no constructions/improvements planned. The subject property will have no impact on the Transportation Improvement Plan. For questions related to this comment, please contact Transportation Planning.

Thank you for choosing Cumberland County for your business location!

If you need clarification of any conditions, please contact Betty Lynd at 910-678-7603 or Patti Speicher at 910-678-7605 with the Land Use Codes Section; 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	ebyrne@co.cumberland.nc.us
Code Enforcement (Permits):	Scott Walters	321-6654	swalters@co.cumberland.nc.us
County Building Inspections:	Michael Naylor	321-6657	mnaylo@co.cumberland.nc.us
Fire Marshal – Emergency Services	Gene Booth	678-7641	wbooth@co.cumberland.nc.us
	Kevin Lowther	321-6625	klowther@co.cumberland.nc.us
County Engineer’s Office:	Wayne Dudley	678-7636	wdudley@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	ftthomas@co.cumberland.nc.us
Ground Water Issues:	Fred Thomas	433-3692	ftthomas@co.cumberland.nc.us
County Public Utilities/NORCRESS:	Amy Hall	678-7637	ahall@co.cumberland.nc.us
US Postal Service	Jonathan R. Wallace	(704) 393-4412	jonathan.r.wallace@usps.gov
Corp of Engineers (wetlands):	Liz Hair	(910) 251-4049	hair@usacr.army.mil
NCDEQ (E&S):	Leland Cottrell	(910) 433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Ladd Miller	(910) 695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7616	wphipps@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
Transportation Planning:	Greg Shermeto	678 7615	gshermeto@co.cumberland.nc.us
NC Division of Water Quality:	Annette Lucas	(919) 807-6374	annette.lucas@ncdenr.gov