

**Donovan McLaurin,**  
Chair  
Wade, Falcon & Godwin

**Lori Epler,**  
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 and Inspections Department*

**Thomas J. Lloyd,**  
Director

**Cecil P. Combs,**  
Deputy Director

Clifton McNeill, Jr.,  
Roy Turner,  
Sara E. Piland,  
Cumberland County

August 28, 2007

**MEMORANDUM**

**TO:** Cumberland County Joint Planning Board

**FROM:** Planning & Inspections Staff

**SUBJECT:** Staff Recommendation for September 4, 2007 Board Meeting

**P07-53:** REZONING OF 4.33 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2545 SAND HILL ROAD, SUBMITTED BY ROBERT M. BENNETT, OWNED BY HAROLD J. KIDD.

The Planning Board deferred this case on July 17, 2007 to allow the applicant an opportunity to discuss a Conditional Use District and Permit with the Planning & Inspections Staff. The applicant chose to keep his original rezoning request; therefore, the Staff recommendation was to deny the C(P) district based on their original recommendation.

At the Planning Board meeting on August 21, 2007, further discussion ensued with the applicant, resulting in the case being deferred by the Board, again requesting the applicant consider submission for a Conditional Use District and Permit. The applicant has since revised his application to the C(P)/Conditional Use District and Permit. The Planning & Inspections Staff has reviewed the revision and recommends approval of the C(P)/Conditional Use District for the uses listed in the application which are mini-warehousing with commercial storage of vehicles, office use, truck and trailer rentals, 2<sup>nd</sup> floor dwelling and retailing or servicing, excluding all other uses allowed in the C(P) district. This recommendation is based on:

- Although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the revised request is more consistent with the general area which is transitioning to non-residential uses at this location.

The Staff also recommends approval of the Conditional Use Permit, provided that the minimum setbacks for the C(P) zoning district are met, based on the following:

1. The use will not materially endanger the public health and safety if located according to the plan submitted;
2. The use will meet all required conditions and specifications if constructed according to the site plan, all federal and state mandates, and the County Zoning and Subdivision Ordinances, the requirements of which are attached to this recommendation;
3. The use will maintain or enhance the value of adjoining or abutting properties in that this development, if approved, will compliment the area in which it is proposed, allowing for additional retail and storage uses with protective measures in place, i.e., buffers, landscaping, etc., to protect the general area; and
4. The location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located.

The Planning and Inspections Staff also recommends the Planning Board consider this location as a “stop point” for the stripping of commercial zoning along Sand Hill Road.

There are no other suitable zoning districts to be considered for this site.

Attachments:

- 1 - Site Profile w/Ordinance Related Conditions
- 2 - Rezoning Sketch Map
- 3 - Site Plan
- 4 - Application

**SITE PROFILE**  
**P07-53**

REZONING OF 4.33 ACRES FROM A1 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2545 SAND HILL ROAD, SUBMITTED BY ROBERT M. BENNETT, OWNED BY HAROLD J. KIDD.

**Site Information:**

**Applicant/Owner:** ROBERT M. BENNETT / HAROLD J. KIDD

**Area:** 4.33 acres

**Frontage & Location:** 325 feet on Sand Hill Road

**Depth:** 545 feet (average)

**Jurisdiction:** County

**Adjacent Property:** No

**Current Use:** Residential

**Initial Zoning:** June 25, 1980 (Area 13)

**Zoning Violation(s):** None

**Surrounding Zoning:** North-A1, RR, East-A1, RR, R6A, South-A1, RR, C(P), and West-A1, R40A, RR, RR/CU

**Surrounding Land Use:** Manufactured home parks (2), store, day care facility, shopping center, single family residential, woodland, and farmland

**2010 Land Use Plan:** Low Density Residential

**Urban Services Area:** Yes

**Water/Sewer Availability:** PWC / PWC sewer available 1100 +/- feet east on NC Hwy 87 South (mandatory connection to sewer cannot be required)

**Soil Limitations:** Yes – Johnston loam, only on a small portion on the northern end

**Military Impact Area:** No

**Highway Plan:** There are no road improvements or new construction specified for this area.

**Average Daily Traffic Count (2004):** 810 on Sand Hill Road

**Notes:**

**Conditions of the Revised Application**

1. Requested Uses: Mini-warehousing with commercial storage of vehicles, office use, truck and trailer rentals, single-family dwelling (2<sup>nd</sup> floor apartment), and retailing or servicing, excluding all other uses allowed in the C(P) district.
2. Mini-warehouse Hours of Operation: Monday – Saturday, 8:00am to 6:00pm
3. Fencing: 6ft high, wood
4. Parking: 38 spaces (approximate)

## **Conditional Use District & Permit**

(Ordinance Related Requirements):

1. Prior to commencement of construction of this development and/or application for any permits, plans must be submitted to the Planning & Inspections Staff for site plan review and approval.

### **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. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. All Health Department requirements must be met prior to issuance of final permits.

Note: Public sewer does serve the shopping center on the south side of SR 2238 (Sand Hill Rd), the developer is encourage to contact the owner of the shopping center site to explore the feasibility of extending public sewer to the subject property.

4. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits.
5. 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 (3) 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 developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
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, and setbacks approved for the C(P)/Conditional Use District and the Permit must be complied with upon development, to include compliance with the minimum yard setbacks for the C(P) zoning district.
9. 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.

**Note: NCDOT has stated that this development will only receive a permit for one driveway in addition to the existing drive for Hondo Dr.**

10. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.

11. The location and size of any proposed freestanding sign(s) must be included on the site plan when submitted for Staff review.
12. 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.
13. Upon development, a solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance, along both sides and the rear property lines. The type of buffer, location and width must be noted on the site plan when submitted for Staff approval.
14. Upon development, the developer will be required to include the required landscaping on the site plan. The minimum landscape requirements are:
  - a. One large shade tree or two small ornamental trees will be required on this tract along the length of the right-of-way of SR 2238 (Sand Hill Rd);
  - b. One ornamental tree for every 50 linear feet and two shrubs for every 10 linear feet of any building length or width fronting on SR 2238 (Sand Hill Rd) will be required within the building front yard area;
  - c. One large shade trees or two small ornamental trees for every 20 off-street parking spaces will be required within any parking area having 20 or more spaces;
15. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval with the exception of the driveways and the building envelope. The building envelope must comply with the provisions of the C(P) zoning district.
16. Additional conditions and requirements may apply dependant upon the layout of the site plan when submitted for Staff review and approval.
17. The second floor dwelling unit is to comply with Section 914.1 Mixed Use Building, Cumberland County Zoning Ordinance.

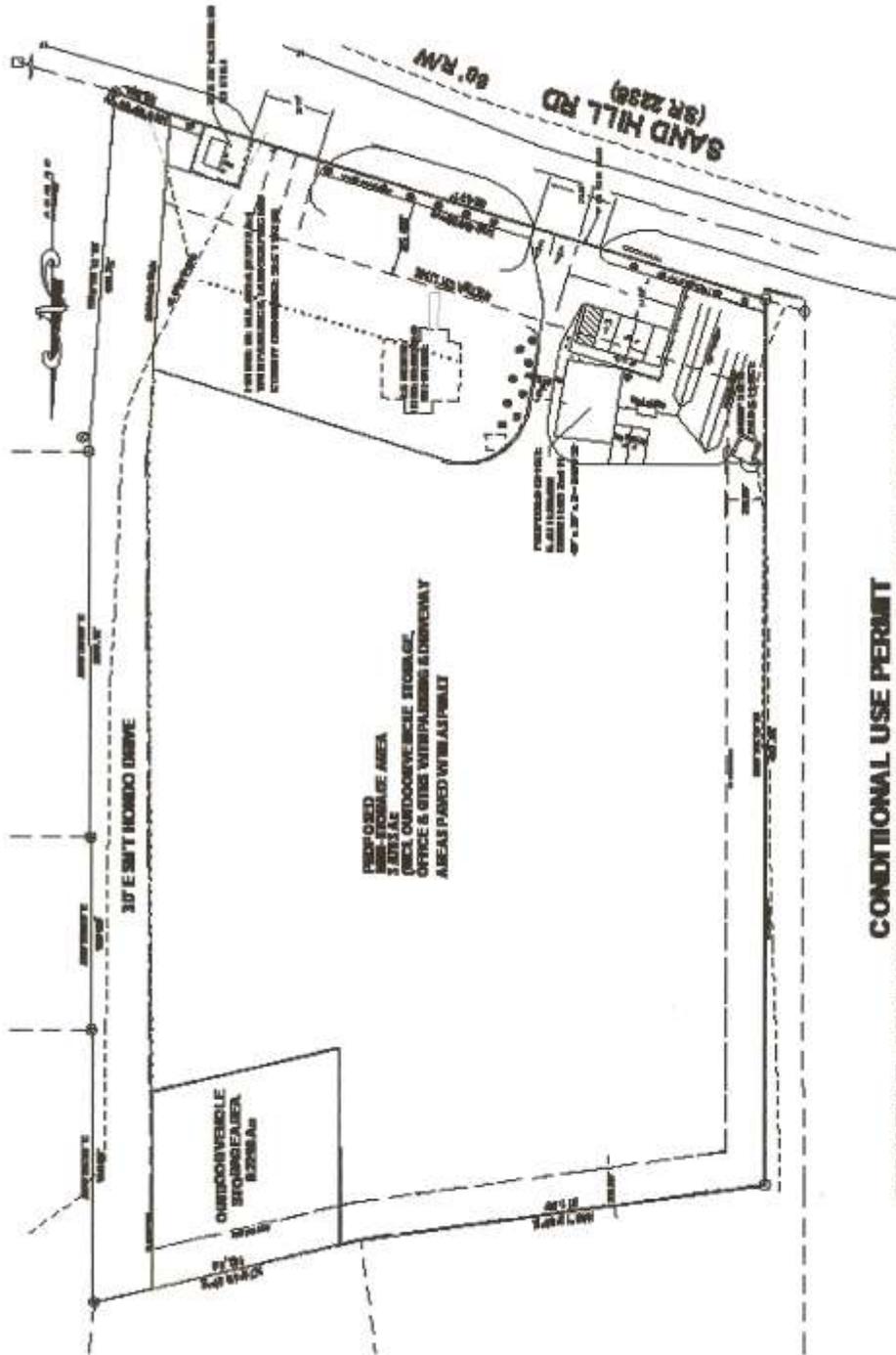
**Other Relevant Conditions:**

18. The open storage may only consist of materials related to the approved use as stated in the application or any change in use approved in the future. Any open storage areas must be included on the site plan when submitted for staff approval; upon development all open storage will be required to be completely screened.

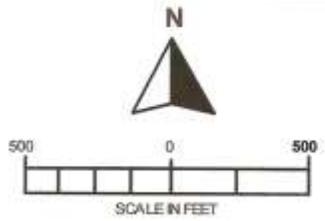
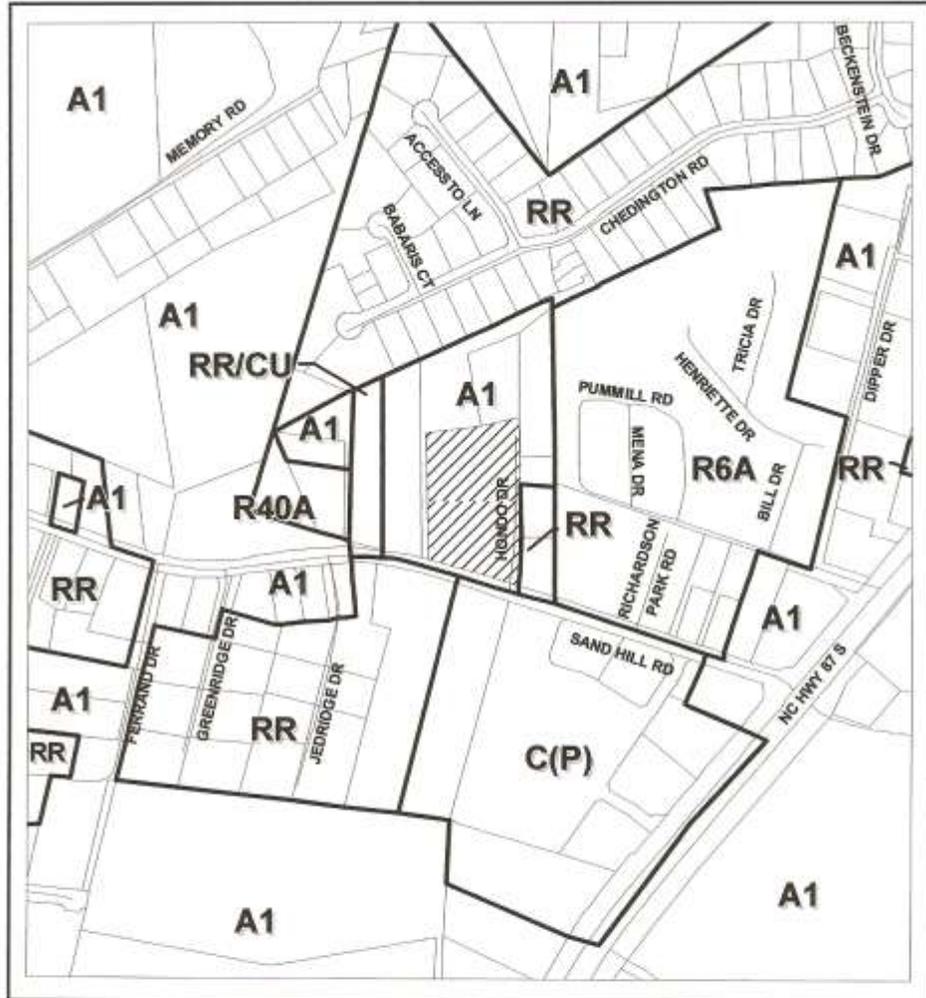
**If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.**

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
PWC:	Heidi Maly	483-1401
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)		486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496



**CONDITIONAL USE PERMIT**  
**REQUEST: MINI-WAREHOUSING WITH COMMERCIAL STORAGE OF**  
**VEHICLES, OFFICE USE, TRUCK & TRAILER RENTALS, SECOND**  
**FLOOR DWELLING, AND RETAILING OR SERVICING**  
**CASE: P07-53 ACREAGE: 4.33±**  
**SCALE: NTS PARKING: A 5 SHOWN**



**REQUESTED REZONING:  
A1 TO C(P)/CUD**

ACREAGE: 4.33 AC.+/-	HEARING NO: P07-53	
ORDINANCE COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

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: Harold Kidd
2. ADDRESS: 6885 Cliffdale Rd <sup>Fayetteville, Nc</sup> ZIP CODE: 28314
3. TELEPHONE: (Home) 867-9002 <sup>910</sup> (Work) 910-864-9727
4. Location of Property: N. side of Sandhill Rd, 1300  
ft W of NC Hwy 875
5. Parcel Identification Number (PIN #) of subject property: 0443-20-6358  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 4.33 Frontage: 354.42' Depth: 461'
7. Water Provider: PWC
8. Septage Provider: On site septic
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: One Rental House
11. Proposed use(s) of the property: Mini Storage, outside  
Vehicle Storage, Truck & Trailer  
Rental and Retailing or Servicing  
NOTE: Be specific and list all intended uses.
12. It is requested that the foregoing property be rezoned FROM: A-1 to CP  
TO: (select one)  
 Conditional Use District, with an underlying zoning district of CP  
(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.)

Mini. Storage, Outside Vehicle Storage,  
Truck & Trailer Rentals and Retailing  
or servicing, 2nd Floor apartment

- 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 with areas  
designated for each proposed  
use

2. DIMENSIONAL REQUIREMENTS:

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

Front: 45.0'

E. side 30.0', W side 20.0'

Rear 20'

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

4 Mini Storage Office

2 " " Resident 2

32 Retail

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Applicable portion of county  
Zoning Ordinances Section 1306

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.** *As shown on site plan all in accordance with zoning ordinance section 1102 G.*

B. Indicate the type of buffering and approximate location, width and setback from the property lines. *6' High Wood Fence as shown on 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.

*Waste storage will operate 8:00AM  
Till 6:00PM Monday - Saturday  
Exterior lighting will be directed  
inward. No smoke, odors or  
abnormal noise will be created.*

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.

Harold J. Kidd  
NAME OF OWNERS (PRINT OR TYPE) Rayetteville, NC

6885 Cliffdale Rd. 28314  
ADDRESS OF OWNER(S)

910-867-9022 910-864-9727  
HOME TELEPHONE # WORK TELEPHONE #

Harold J. Kidd  
SIGNATURE OF OWNER(S) SIGNATURE OF OWNER(S)