

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 & Inspections Department

February 12, 2008

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 19, 2008 Board Meeting

P08-03: REZONING OF .23 ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3080 LEGION ROAD, SUBMITTED AND OWNED BY JAMES E. AND PEGGY L. EMANUEL.

The Planning Board originally heard this case at their January 15, 2008 meeting and at that time, the Board encouraged the applicant/property owner to consider amending the application to request a Conditional Use District and Permit. The Board's actions were primarily due to the original staff recommendation of denial. The applicant/property owner agreed to submit the amended application and is now requesting approval of a C(P) Planned Commercial/Conditional Use District [C(P)/CUD], with the initial use being an "ice house" and future allowable uses of "public/community utility station/substation and/or a "special information sign" (if the sign is approved by the County Board of Adjustment) and the Permit complying with the attached "Ordinance-Related Conditions" and the contents of the site plan and the application. The applicant/property owner also agrees to restrict this site to the requested uses only, eliminating all other uses normally allowed in the C(P) Planned Commercial district.

Based on the applicant's amended application, the Planning and Inspections Staff now recommends approval of the applicant's request for rezoning to a C(P)/CUD initially for an "ice house" and future allowable uses of "public/community utility station/substation and/or a "special information sign" (if the sign is approved by the County Board of Adjustment), eliminating all other uses normally allowed in the C(P) Planned Commercial district, based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for low density residential at this location, the request is reasonable and consistent with the uses in an area that is in transition due to the effect of right-of-way acquisition at this location.
2. The request, if approved, will allow the property owner reasonable use of the property.

The Planning & Inspections Staff recommends approval of the Conditional Use Permit, a direct result of the applicant/property owner satisfying every point of contention originally raised by the staff. This recommendation is based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted, specifically the developer has agreed to the NC Department of Transportation (NCDOT) mandate that the access be a "right in" from Legion Road with a "right out" to Mid Pine Drive;
2. The use will meet all required conditions and specifications if developed according to the site plan and application – a copy of the ordinance provisions pertaining to this site are attached;
3. The use will maintain or enhance the value of adjoining or abutting properties in that the uses requested if developed in accordance with the site plan and ordinance-related conditions, both of which offer protective measures to adjacent properties, will at a minimum maintain the adjoining or abutting properties; and
4. 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 conform with the development ordinances and adopted planning policies.

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

Attachments:

- 1 – Site Profile with Ordinance-Related Conditions
- 2 – Rezoning Sketch Map
- 3 – Site Plan

P08-03
SITE PROFILE

P08-03: REZONING OF .23 ACRES FROM R10 RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3080 LEGION ROAD, SUBMITTED AND OWNED BY JAMES E. AND PEGGY L. EMANUEL.

Site Information:

Frontage & Location: 72'+/- on Legion Road (50' front yard & 30' rear yard = 80' required yard setbacks); 143'+/- on Mid Pine Drive (50' front yard & 30' rear yard = 80' required yard setbacks)

Adjacent Property: No

Current Use: Vacant tract

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

Zoning Violation(s): None

Nonconformities: None existing

Surrounding Zoning: North: M(P) & R10; South: R10 & C(P); East: C(P); West: C(P) & M(P)

Surrounding Land Use: Single-family residential (one with a home occupation – sewing/alterations) shopping center, recycling plant, plumbing business, pipe supply, retail (drug store and strip mall), restaurants, exterminating business, and health spa

2010 Land Use Plan: Low density residential

Designated 100-Year Floodplain or Floodway: No

Urban Services Area: Yes

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

Subdivision/Site Plan: See attached “Ordinance-Related Conditions”

Highway Plan: Legion Road and Mid Pine Drive are both “major thoroughfares”. The plan calls for Legion Road to be a multi-lane facility (U-2809) with a right-of-way 100 feet; road improvements are included in the 2007-2013 MTIP; Planning/Design: Prior years in progress; Mitigation: FY2010; Right-of-way: FY09; Construction: FY 2010
Average Daily Traffic Count (2006): 12,000 on Legion Road; 20,000 on Mid Pine Road

Notes:

1. Applicant/owner amended request to “Conditional Use District & Permit” at the January 15, 2008 Planning Board meeting.
2. The applicant/owner has voluntarily agreed to restrict the allowed uses to: Ice House, Public /Community Utility Station/Substation, and Special Information Signs (with Board of Adjustment approval); prohibiting all other uses normally allowed in the C(P) Planned Commercial zoning district.
3. If approved, the “Ordinance-Related Conditions” are attached; particular attention should be paid to conditions numbered 1, 7, 11 and 12.

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.

Case No. P08-03
Conditional Use District & Permit

Ordinance-Related Conditions

1. A boundary 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.

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. If applicable, connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer 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.
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. Landscaping must be provided as shown on the site plan. 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;
 - b. One ornamental tree and eight shrubs are required in the building yard area;

In addition:

- a. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs;
 - b. Trees shall be maintained in a vertical position at all times;
 - b. All planting areas shall be kept free of weeds and debris.
6. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

7. The requested and approved uses of this property are “Ice House”, “Public/Community Utility Station/Substation”, and “Special Information Sign” (with Board of Adjustment approval of Special Use Permit); all other uses normally allowed in the C(P) Planned Commercial District are prohibited and all setback encroachments cannot exceed the setbacks approved by the Commissioners as shown on the approved site plan. Prior to any change in use to a use approved by the Commissioners and/or prior to application for any permits for a change in use, the site plan must be submitted for review and approval from the Planning & Inspections Staff and/or the County Board of Adjustment for the Special Information Sign.
8. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan to the Land Use Codes Staff 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.)
9. 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.

10. All utilities, except for 25kv or greater electrical lines, must be located underground.
11. The developer must obtain a driveway permit from the NC Department of Transportation (NCDOT). A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits. Note: The NCDOT has specified that a full use driveway off of Mid Pine Road or Legion Road will not be allowed at this location because a driveway cannot be located far enough from the intersection to allow for a safe access; therefore, NCDOT will restrict this site to a “right in” on Legion Road with a “right out” on Mid Pine Road.
12. Turn lanes may be required by the NC Department of Transportation (NCDOT).
13. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
14. A solid buffer must be provided and maintained along the rear property line where this tract abuts a residentially-zoned property in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance.
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. All required off-street parking spaces shall be a minimum of 9’ x 20’ and must be in place prior to application for the building final inspection. A minimum of three off-street parking spaces is required for this development.
17. 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.

Plat-Related:

18. The recordable plat must be submitted to the Planning & Inspections Department and subsequently recorded, showing the current boundary of the subject property accounting for the changes in the right-of-way.
19. Lateral access must be provided to the property on the northwest side of this tract allowing for future interconnectivity with said tract.
20. The boundary plat must have the streets labeled as SR 1344 (Mid Pine Road) and SR 1132 (Legion Road) as applicable.
21. 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.
22. 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.
23. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.

Plat-Required Statements:

24. All structures shall be shown on the boundary plat or the final plat shall reflect the following statement:

“Nonconforming structures have not been created by this boundary survey.”

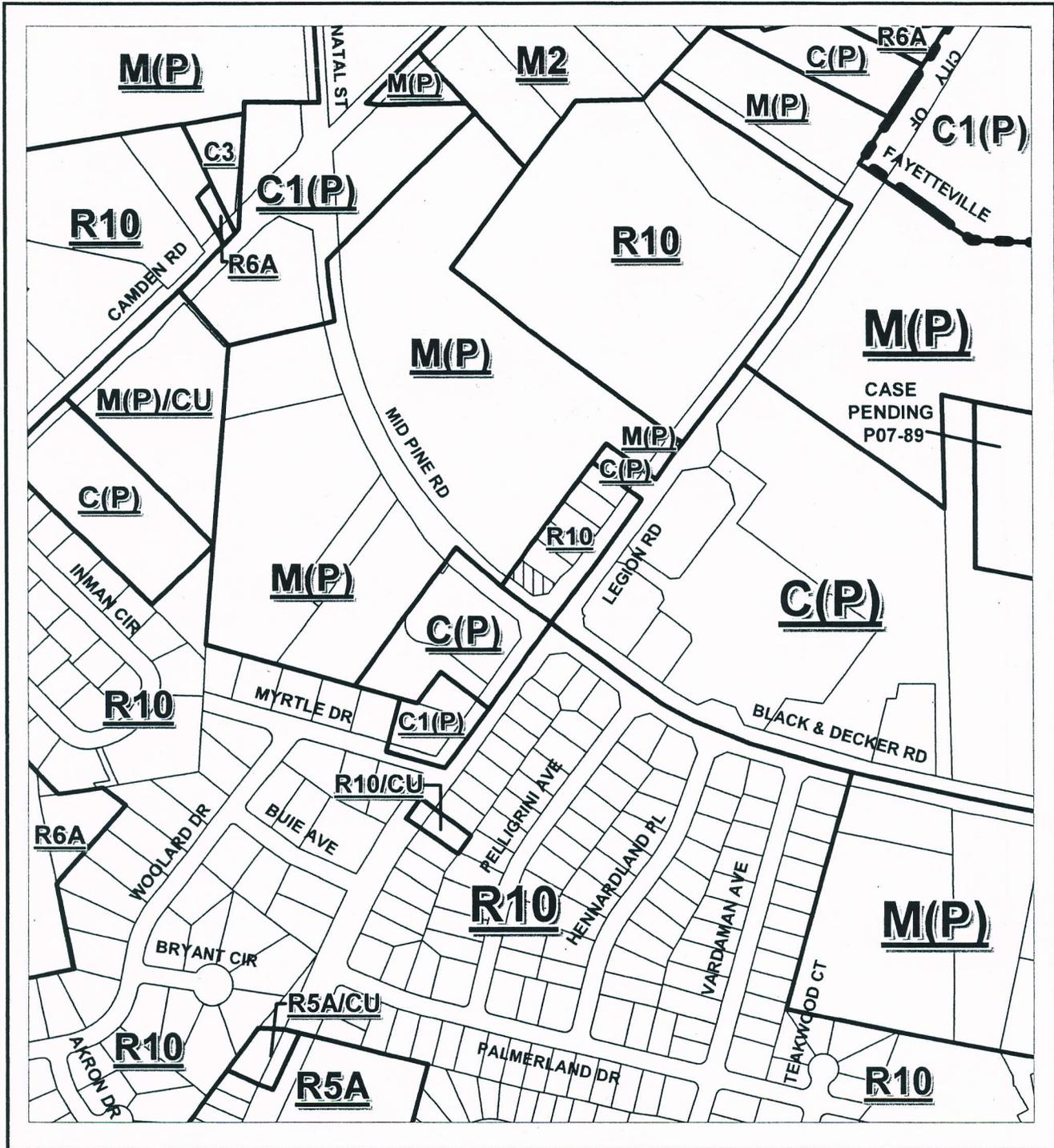
Other Relevant Conditions:

25. The applicant is advised to consult an expert on wetlands before proceeding with any development.
26. 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.

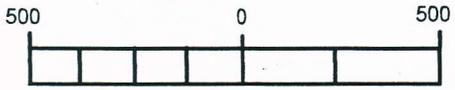
If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	223-4774
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496



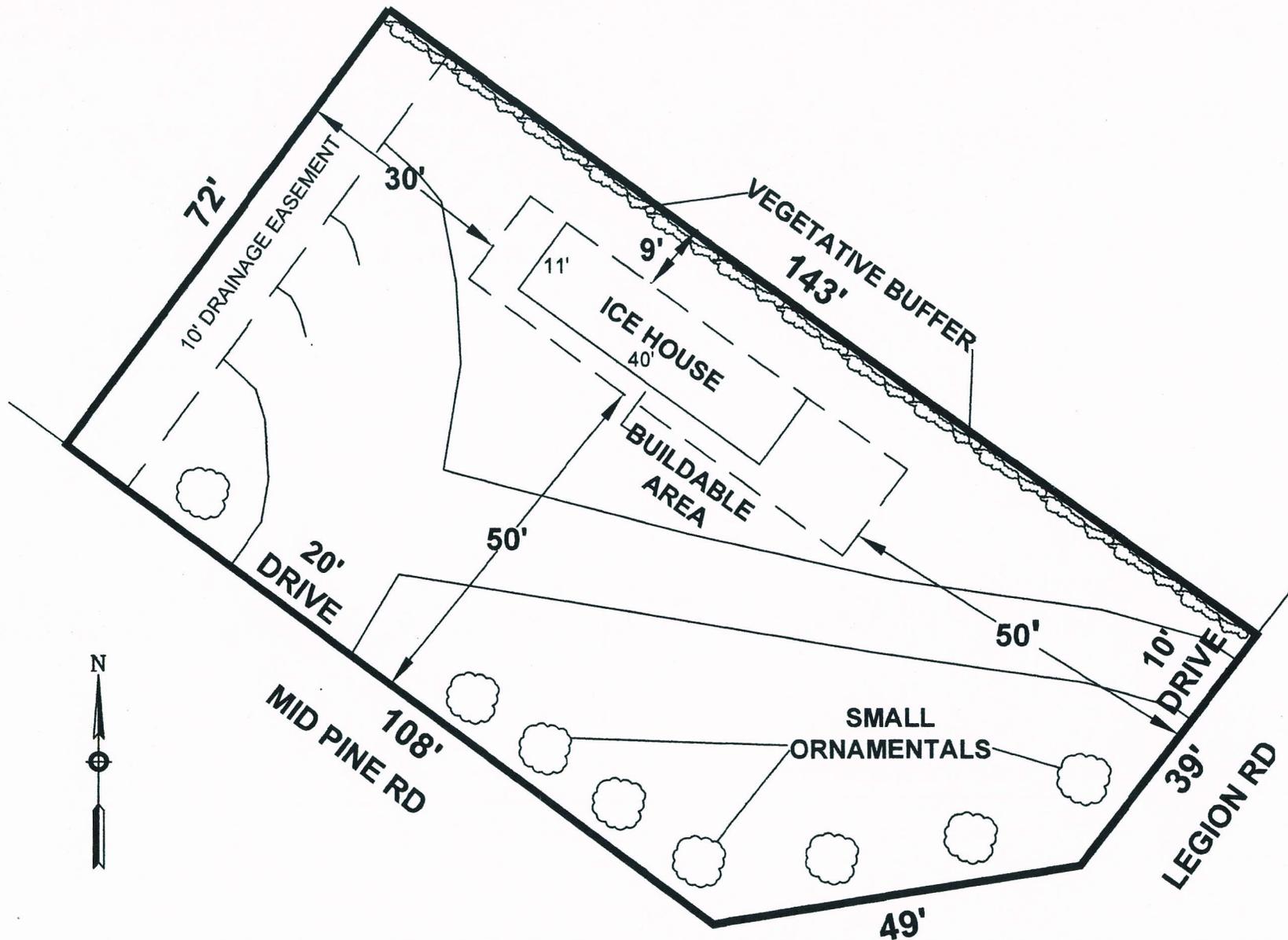
CASE
PENDING
P07-89



SCALE IN FEET

REQUESTED REZONING: R10 TO C(P)/CUD

ACREAGE: 0.23 AC.+/-		HEARING NO: P08-03	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



**CONDITIONAL USE DISTRICT AND PERMIT
REQUEST: ICE HOUSE AND OTHER PERMITTED USES**

CASE: P08-03 ACREAGE: 0.23 ±

ZONING: R10 SCALE: 1"=20'

PARKING: AS SHOWN

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: _____
2. ADDRESS: _____ ZIP CODE: _____
3. TELEPHONE: (Home) _____ (Work) _____
4. Location of Property: _____

5. Parcel Identification Number (PIN #) of subject property: _____
(also known as Tax ID Number or Property Tax ID)
6. Acreage: _____ Frontage: _____ Depth: _____
7. Water Provider: _____
8. Septage Provider: _____
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: _____
11. Proposed use(s) of the property: _____

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: R10

TO: (select one)

- Conditional Use District, with an underlying zoning district of CLP
(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 attachment

INITIALLY ICE HOUSE

- 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.

NA

2. DIMENSIONAL REQUIREMENTS:

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

PER SIGHT PLAN~~X~~

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

PER SIGHT PLAN

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

PER SIGHT PLAN + OR ZONING ORD

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.**

PER SIGHT PLAN

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

PER SIGHT 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.

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.

JAMES E EMANUEL
NAME OF OWNERS (PRINT OR TYPE)

~~75~~ 75-23 ABA TOR DR HOPE MILLS N.C. 28348
ADDRESS OF OWNER(S)

495-1335
HOME TELEPHONE #

WORK TELEPHONE #

James E Emanuel
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
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Benny Pearce,
Town of Eastover

COUNTY of CUMBERLAND

Planning & Inspections Department

February 12, 2008

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 19, 2008 Board Meeting

P08-07: REZONING OF 3.55+/- ACRES FROM R15 RESIDENTIAL/CU CONDITIONAL USE, EQUESTRIAN FACILITIES AND HORSE EQUIPMENT SALES, TO R15 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE EAST SIDE OF JUDSON CHURCH ROAD, SOUTH OF BULLARD COURT, SUBMITTED AND OWNED BY WAYNE T. YOUNTS.

The Planning & Inspections Staff recommends approval of the request for the R15 Residential district based on the following:

1. The request is consistent with the 2010 Land Use Plan; and
2. The request is consistent with the zoning and land uses within the surrounding area.

The applicant/property owner has been made aware that if the request is approved, the previously approved equestrian uses would no longer be an allowed use at this location.

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

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

P08-07
SITE PROFILE

P08-07: REZONING OF 3.55+/- ACRES FROM R15 RESIDENTIAL/CU CONDITIONAL USE, EQUESTRIAN FACILITIES AND HORSE EQUIPMENT SALES, TO R15 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE EAST SIDE OF JUDSON CHURCH ROAD, SOUTH OF BULLARD COURT, SUBMITTED AND OWNED BY WAYNE T. YOUNTS.

Site Information:

Frontage & Location: 235'+/- on Judson Church Road

Depth: 551'+/-

Adjacent Property: No

Current Use: Equestrian, horse riding equipment, horse trailer sales

Initial Zoning: R15 September 14, 1979 (Area 9)

Zoning Violation(s): None

Nonconformities: If the rezoning is approved, the equestrian approved uses of this property will be made nonconforming

Surrounding Zoning: North: R15, RR & R6A; East: R15; South: A1; West: R15 & A1

Surrounding Land Use: Single-family residential (including manufactured homes), religious worship facility, and woodlands.

2010 Land Use Plan: Suburban density residential

Designated *Special Flood Hazard Area* or Floodway: None

Water/Sewer Availability: Well / Septic

Soil Limitations: No

School Capacity/Enrolled: Sunnyside Elementary 245/305, Mac Williams Middle 1274/1162, Cape Fear High 1400/1470

Subdivisions: Subdivision plans must be approved prior to application for any permits (will also involve two adjacent lots)

Average Daily Traffic Count (2006): 1,800 on Judson Church Rd

NCDOT: Driveway permit will be required

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:

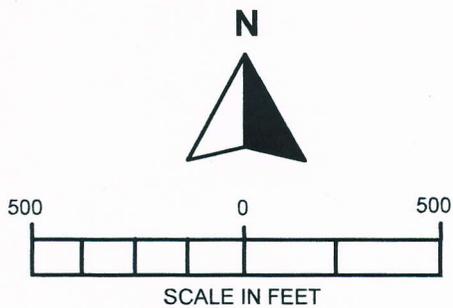
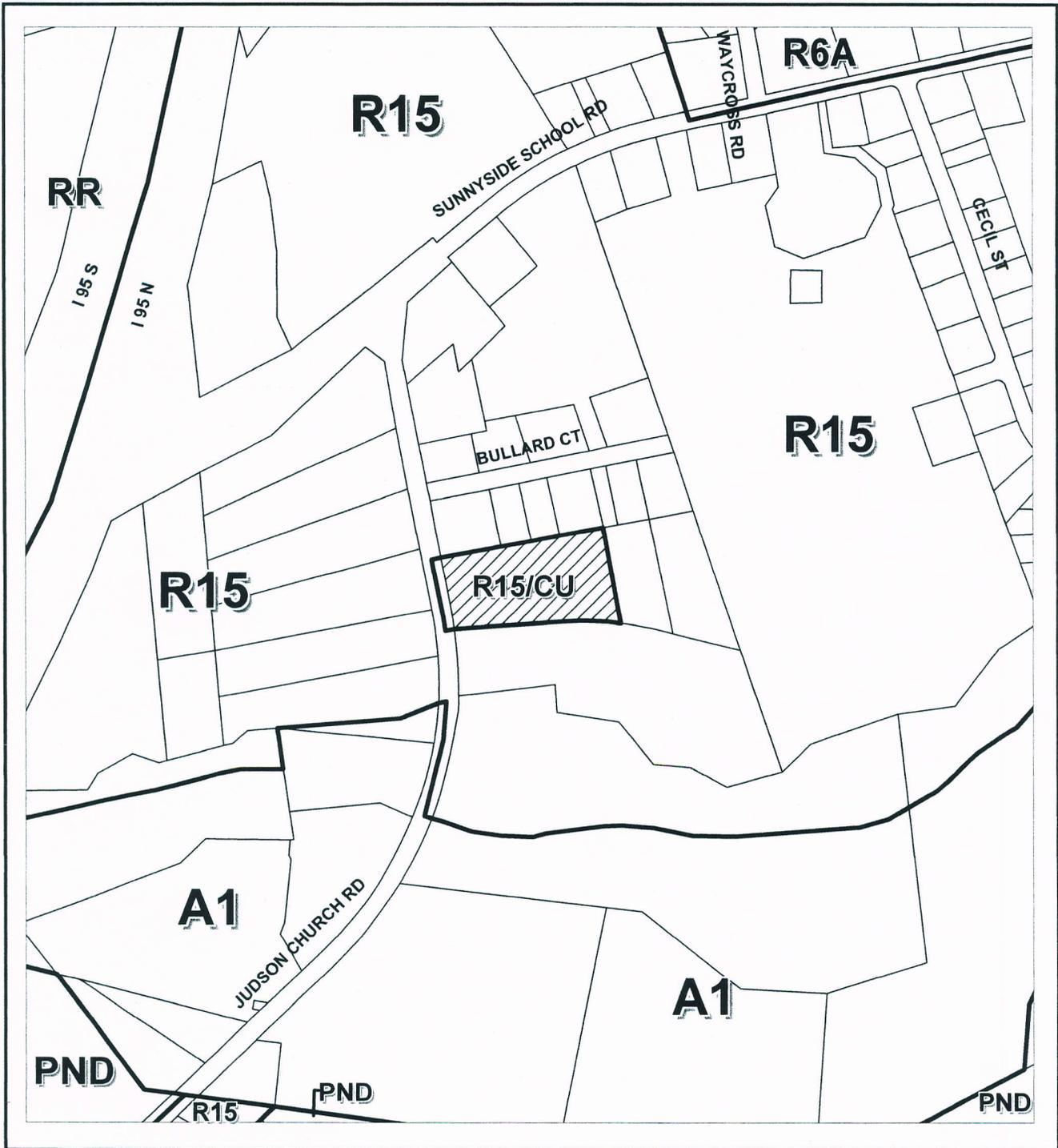
Existing Conditional Use Overlay (P90-67) approved use of property on May 15, 1990 to allow the sales of equestrian riding and training equipment including the sales of horse trailers. The applicant/property owner has been made aware that this current request, if approved, will make the equestrian approved uses nonconforming.

Density: 10 lots

Density (minus 15% for r/w): 9 lots

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



REQUESTED REZONING: R15/CU TO R15

ACREAGE: 3.55 AC.+/-	HEARING NO: P08-07	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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Town of Spring Lake
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Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

February 12, 2008

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Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for February 19, 2008 Board Meeting

P08-09: REZONING OF 86.87+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF TRACY HALL ROAD, EAST OF NC HWY 87 SOUTH AND WILMINGTON HWY, SUBMITTED BY GRAHAM T. MOORE, OWNED BY G.T. MOORE INVESTMENTS LLC.

The Planning & Inspections Staff recommends denial of the RR Residential district but approval of the A1 Agricultural district for the subject property except where the *Special Flood Hazard Area* (SFHA) (previously known as: "100-year flood") and "floodway" is present; Staff recommends CD Conservancy district for that portion of the subject property - where SFHA and floodway is present, based on the following:

1. The request is not consistent with the 2010 Land Use Plan which calls for farmland at this location; the recommendation is consistent with the plan;
2. The soils of the subject property are not conducive to support the density of the requested district; the recommendation would allow for the reasonable use of the property accounting for the considerable amount of hydric inclusion soils being present;
3. Even though there is RR Rural Residential zoning on the adjacent properties, the A1 Agricultural and intervening large lot residential districts had not been adopted at the time of the initial zoning of this area; and
4. The recommendation for the CD Conservancy district for the portion of this tract located within the SFHA and floodway will allow for the preservation of open space without limiting the density for the overall tract and upon development could also be used to satisfy the parks, recreation and open space provisions.

The staff did not find any other suitable zoning districts that should be considered for this site.

This recommendation has been explained to the applicant/property owner and he agrees with the staff.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map
- 3 - Flood Sketch Map

P08-09
SITE PROFILE

P08-09: REZONING OF 86.87+/- ACRES FROM M(P) PLANNED INDUSTRIAL TO RR RURAL RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF TRACY HALL ROAD, EAST OF NC HWY 87 SOUTH AND WILMINGTON HWY, SUBMITTED BY GRAHAM T. MOORE, OWNED BY G.T. MOORE INVESTMENTS LLC.

Site Information:

Frontage & Location: 530' +/- on SR 2218 (Tracy Hall Road)

Depth: 4,090' +/-

Adjacent Property: No

Current Use: Vacant non-residential structure and woodlands

Initial Zoning: M(P), March 15, 1979 (Area 6)

Zoning Violation(s): None

Surrounding Zoning: North: CD & A1; East: M(P) & A1; South: M(P), C1(P) & RR; West: RR

Surrounding Land Use: Single-family residential (including manufactured homes), nursery/landscaping company, daycare facility, public utility substation, cemetery, grease/oil disposal, reclamation plant & woodlands

2010 Land Use Plan: Heavy industrial & open space

Designated Special Flood Hazard Area (SFHA) or Floodway: Yes, two areas of SFHA and one small area along rear (river) is floodway

Water/Sewer Availability: PWC / Septic

Soil Limitations: Yes, hydric inclusion: WmB Wickham fine sandy & DgA Dogue fine sandy loam

School Capacity/Enrolled: Cashwell Elementary 773/761, Ireland Drive Middle 343/314, Douglas Byrd Middle 765/703, Douglas Byrd High 1280/1296

Subdivisions: Subdivision or site plan review may be required prior to any development of this site.

Average Daily Traffic Count (2006): 15,000 on NC HWY 87 S, 1400 on Wilmington HWY

Highway Plan: There are no roads improvements/new constructions specified for this area. This case has no impact on the current Highway Plan or MTIP

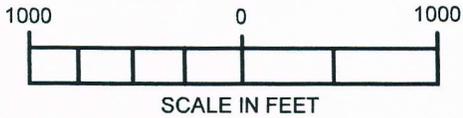
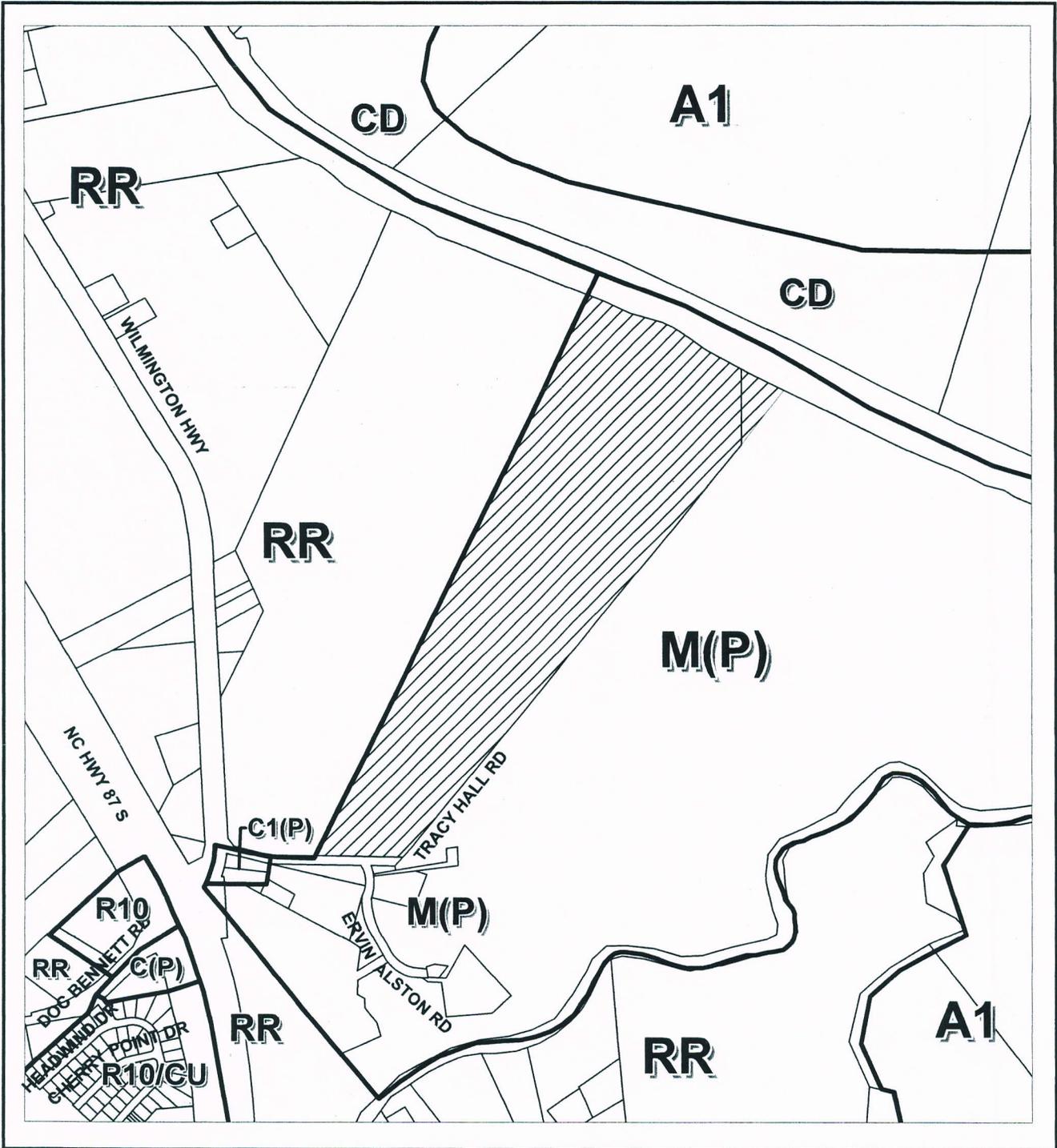
Notes: Density (minus 15% for r/w):
RR/R20/R20A – 161 lots/units
R30/R30A – 107 lots/units
R40/R40A – 80 lots/units
A1 – 37 lots/units

Zoning Districts and adoption dates:

A1	Agricultural – 1977
A1A	Agricultural – May 21, 2001
R30/R30A	Residential – April 22, 1997
R40	Residential – September 27, 1988
R40A	Residential – March 28, 1989

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



REQUESTED REZONING: M(P) TO RR

ACREAGE: 86.87 AC. +/-	HEARING NO: P08-09	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		



Scale: 1"= 500'

Cumberland County Flood Zones
Adopted January 05, 2007

- A (100 YR)
- AE (100 YR)
- AE Floodway (100 YR)
- SHADED X (500 YR)

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 & Inspections Department

February 12, 2008

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 19, 2008 Board Meeting

P08-11: REZONING OF 0.60+/- ACRES FROM A1 AGRICULTURAL DISTRICT TO C(P)/CUD CONDITIONAL USE DISTRICT FOR A CREMATORY AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6771 SANDY CREEK ROAD, SUBMITTED BY GARRIS N. YARBOROUGH, OWNED BY DAVID M. CAMPBELL.

The Planning & Inspections Staff recommends approval of the requested rezoning to C(P) Planned Commercial/Conditional Use District [C(P)/CUD], with the applicant/property owner voluntarily restricting the allowable use of the subject property to a "crematorium" and eliminating all other uses normally allowed within the C(P) Planned Commercial district, based on the following:

- Although the request is not consistent with the 2010 Land Use Plan, which calls for farmland at this location, the request is consistent with the existing use of the subject property and is reasonable with the use being centered on a large tract and not in close proximity to adjacent or abutting properties.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit, based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted, though this type of operation is strictly monitored by the State and outside the scope of zoning, the applicant/property owner has agreed to all ordinance-related requirements;
2. The use will meet all required conditions and specifications if developed according to the site plan and application – a copy of the Ordinance-Related Conditions pertaining to this site is attached;
3. The use will maintain or enhance the value of adjoining or abutting properties in that the use is pre-existing to zoning of this area and the developer has agreed to construct or put in place all zoning measures intended to protect adjacent properties – see attached Ordinance-Related Conditions; and

4. 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 will be brought into conformance with the development ordinances and adopted planning policies.

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

Attachments:

- 1 – Site Profile with Ordinance-Related Conditions
- 2 – Rezoning Sketch Map
- 3 – Site Plan

P08-11
Conditional Use District & Permit

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. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an 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. Prior to the issuance of any permits for this site, evidence must be provided to County Code Enforcement indicating that compliance with these regulations has been achieved.
4. The developer may have to 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.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1/CUD zoning district must be complied with, as applicable.
8. This conditional approval is not approval of any freestanding signs. All signage for this site must comply with the sign regulations for the C1(P) zoning district. If a freestanding sign is desired, re-submittal of the site plan to the Planning & Inspections Staff 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.)
9. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with..
10. 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.
11. All utilities, except for 25kv or greater electrical lines, must be located underground.
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. A solid buffer must be provided and maintained along the entire conditional use area with the exception of the drive location in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance.
14. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
15. All required off-street parking spaces must be a minimum of 9' x 20' and a minimum of three off-street parking spaces are required for this development.
16. 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.
17. The applicant is advised to consult an expert on wetlands before proceeding with any development.
18. 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.

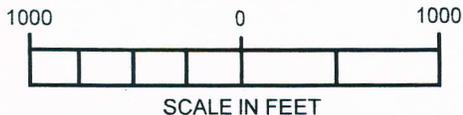
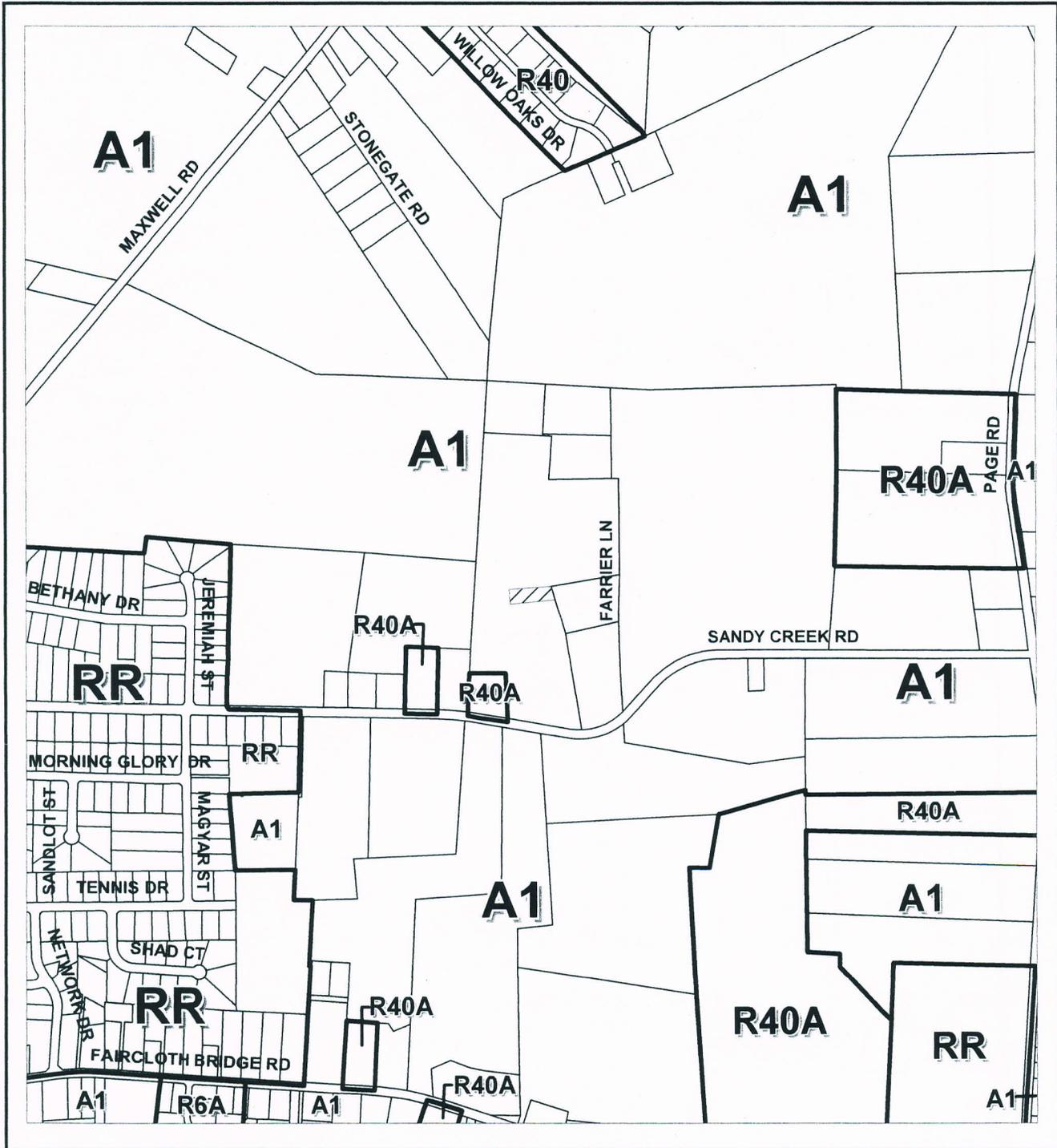
Other Relevant Conditions:

19. The developer must comply with all Federal, State and local regulations related to the proposed use.

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

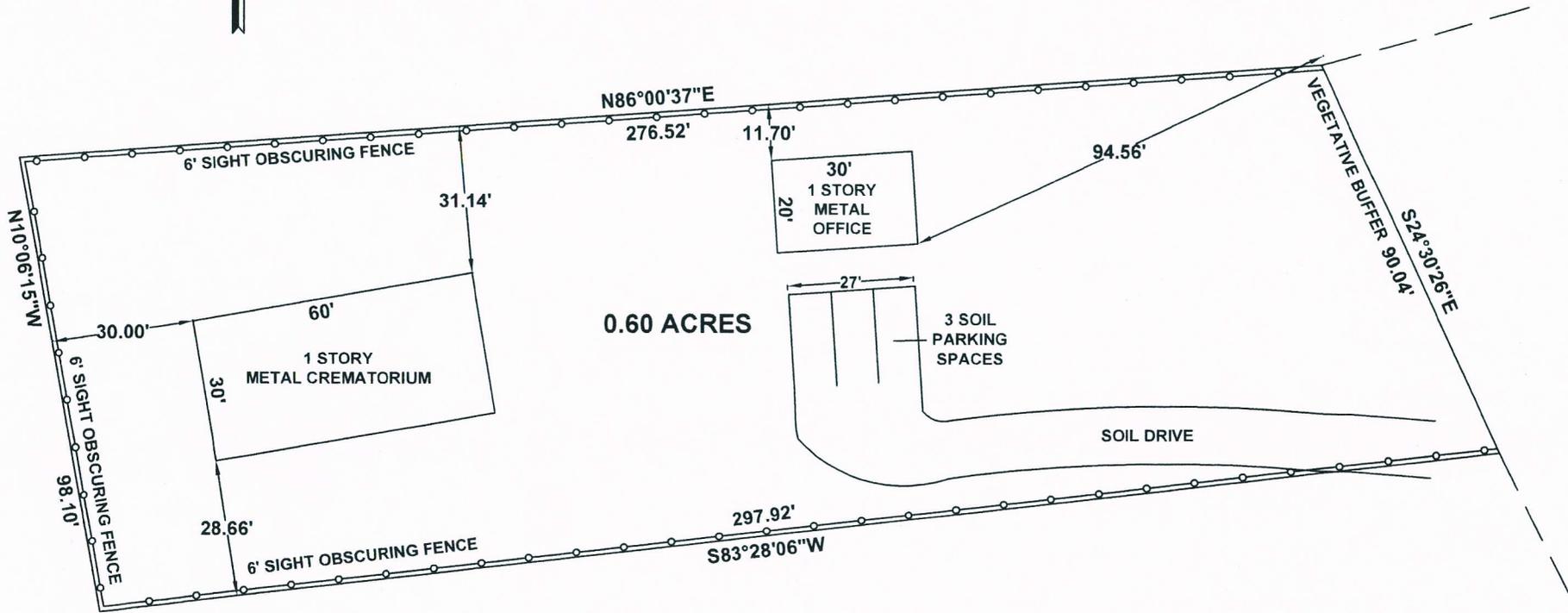
Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jodi Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NC Division of Water Quality	Mike Randall	(919) 733-5083 Ext. 545



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

ACREAGE: 0.60 AC.+/-		HEARING NO: P08-11	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



CONDITIONAL USE DISTRICT AND PERMIT

REQUEST: FOR A CREMATORY AND THE PERMIT OR TO A MORE

RESTRICTIVE ZONING DISTRICT

CASE: P08-11 ACREAGE: 0.60±

ZONING: A1 SCALE: NTS

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: David Morgan Campbell
- 2. ADDRESS: 6771 Sandy Creek Rd, Stedman, NC ZIP CODE: 28391
- 3. TELEPHONE: (Home) 485-0846 (Work) 323-8898
- 4. Location of Property: 6765 Sandy Creek Rd. (Approx. .8 miles from the intersection of Maxwell Rd & Sandy Creek Rd)
- 5. Parcel Identification Number (PIN #) of subject property: 0497-69-2341
(also known as Tax ID Number or Property Tax ID)
- 6. Acreage: ~~29.74~~ .6 VBB Frontage: ~~506-430~~ 95 Feet VBB Depth: ~~1852-08~~ 288+ feet VBB
- 7. Water Provider: Individual Well
- 8. Septage Provider: Individual Septic Tank
- 9. Deed Book 4663, Page(s) 663, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- 10. Existing use of property: Residential
- 11. Proposed use(s) of the property: Commercial (Crematory)

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: A1 *verified 1-22-08 PSS*

TO: (select one)

- XX 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)

*n. side of Sandy Creek Rd - SR1847
w. of Farrier Ln*

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.)

Crematorium

- 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.

0.60 acres, commercial
~~29.14 acres, agriculture~~ v63

2. DIMENSIONAL REQUIREMENTS:

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

Front = 50' (Entire tract) v63
Side = 30'
Rear = 30'

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

3 soil parking spaces as shown on site plan.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

N/A

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.**

N/A (pre-existing) KBB

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

6' Fence & vegetative buffer 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.

Hours of operation: Office 9-5 Weekdays; available 24/7

Cremations take place 9 am - 9 pm *Seven days*

One office employee and one crematory operator on premises

No odor, no visible emissions, no noise

Area light in front of office and crematory *directed inward*

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.

David Morgan Campbell
NAME OF OWNERS (PRINT OR TYPE)

6771 Sandy Creek Road, Stedman, NC 28391
ADDRESS OF OWNER(S)

910-485-0846
HOME TELEPHONE #

910-323-8898
WORK TELEPHONE #


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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 & Inspections Department

February 12, 2008

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 19, 2008 Board Meeting

P08-08: REZONING OF 1.17+/- ACRES FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR A TRADE CONTRACTOR (ELECTRICAL) WITH OUTSIDE STORAGE AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4341 SWINDON DRIVE, SUBMITTED AND OWNED BY ANGELA LEE NAYLOR. (EASTOVER)

The Planning & Inspections Staff recommends denial of the C(P) Planned Commercial/ Conditional Use District [C(P)/CUD] for a trade contractor business with outside storage, based on the following:

1. The district requested is inconsistent with the Eastover Area Detailed Land Use Plan which calls for one acre residential lots at this location;
2. Consideration of the C(P) district for this area is arbitrary and would not serve a viable public interest; and
3. The degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning and use requested, qualify this request as being unreasonable.

The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. Swindon Drive is a Class "C" (dirt) private street which is not suitable and not intended to serve commercial operations especially those with vehicles used in conjunction with the business;

2. The use is a danger to the public health and safety due to the increased traffic creating an unsafe environment for the residents in the area when walking and/or playing in close proximity to the dirt street and due to increased dust particles being disbursed into the air;
3. The use is not in harmony with the area in which it is located – the subject property is completely surrounded by residentially-zoned properties; and
4. The degree of difference in this specific use and site layout requested as related to the existing surrounding uses makes this request unreasonable.

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

Attachments:

- 1 – Rezoning Sketch Map
- 2 – Site Plan
- 3 – Site Profile
- 4 – Draft Ordinance-Related Conditions (only used if Board considers approval)

P08-08
SITE PROFILE

P08-08: REZONING OF 1.17+/- ACRES FROM RR RURAL RESIDENTIAL TO C(P) PLANNED COMMERCIAL/CUD CONDITIONAL USE DISTRICT FOR A TRADE CONTRACTOR (ELECTRICAL) WITH OUTSIDE STORAGE AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4341 SWINDON DRIVE, SUBMITTED AND OWNED BY ANGELA LEE NAYLOR. (EASTOVER)

Site Information:

Total Tract Acreage: 3.32+/-

Frontage & Location: 75'+/- on Swindon Drive (Class "C" Private Street)

Depth: 334'+/-

Adjacent Property: No

Current Use: Residential and trade contractor activity (electrical) with open outside storage

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

Zoning Violation(s): Yes, complaint (#787) received 10/25/2007 for T&N Electric operating a business on a residentially-zoned property

Surrounding Zoning: RR Rural Residential

Surrounding Land Use: Single-family residential (including manufactured homes), funeral home, and woodlands

Eastover Area Detailed Land Use Plan: One acre residential lots

Designated Special Flood Hazard Area or Floodway: No

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric inclusion: St Stallings loamy sand

School Capacity/Enrolled: Eastover Central Elementary: 364/405; Mac Williams Middle: 1274/1162; Cape Fear High: 1400/1470

Subdivisions: See attached recommended "Ordinance-Related Conditions"

Average Daily Traffic Count (2006): 2,600 on Baywood Road

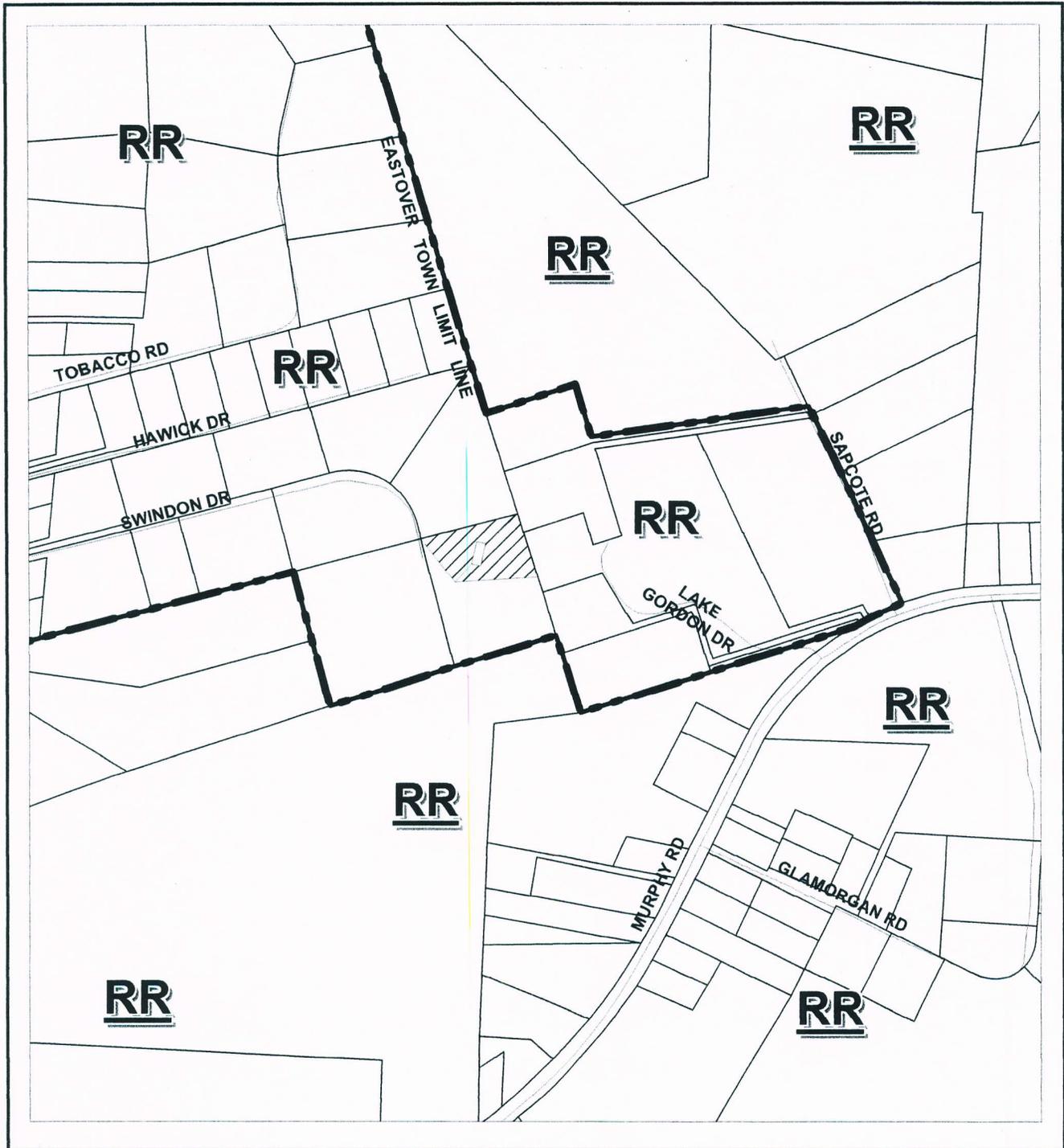
Highway Plan: This case has no impact on the current Highway Plan or Transportation Improvement Program.

Notes:

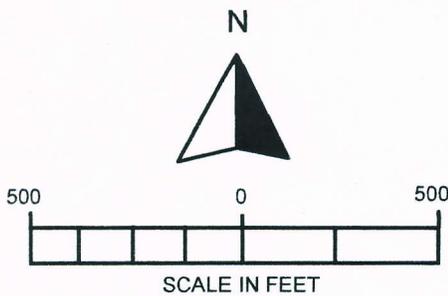
1. The applicant/owner is voluntarily requesting to restrict the use of the subject property as an electric company.
2. The applicant/owner was advised that the irregular shape of the requested rezoning area may diminish their chances of approval.
3. If approved, the "Ordinance-Related Conditions" are attached; particular attention should be paid to conditions numbered 6, 7, and 16.
4. The setbacks shown on the site plan are not the minimums required for the C(P) Planned Commercial District zoning district, the front yard is 50' and the sides and rear are each 30'; all structures are existing.

First Class Mailed Notice Certification

A certified copy of the tax record owner(s) and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



REQUESTED REZONING RR TO C(P)/CUD



PORT. OF PIN: 0478-24-7577

ACREAGE: 1.17 AC.+/-		HEARING NO: P08-08	
ORDINANCE: EASTOVER	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Case No. P08-08
Conditional Use District & Permit

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. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an 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. Prior to the issuance of any permits for this site, evidence must be provided to County Code Enforcement indicating that compliance with these regulations has been achieved.
4. The developer may have to 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.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. A solid buffer must be provided and maintained along both sides and the rear of the commercially zoned site where the commercial use abuts the residentially zoned properties, including the remainder of the subject tract, in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. Five copies of a revised site plan must be submitted to the Land Use Codes Section indicating compliance and showing the location and type of buffer proposed. This revised plan must be approved by the staff prior to application for any permits.
7. The landscaping shown on the site plan does not meet the minimum landscaping standards. The site plan required in condition number "6" must reflect that the minimum standards are met. The minimum amount of landscaping for this site is as follows:
 - a. Two large shade trees or three small ornamental trees within the front yard setback area and not located within the right-of-way;
 - b. Two ornamental trees and ten shrubs are required in the building yard area;In addition:
 - a. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs;
 - b. Trees shall be maintained in a vertical position at all times;
 - b. All planting areas shall be kept free of weeds and debris.
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.

DRAFT

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P)/CUD zoning district 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 to the Planning & Inspections Staff 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. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.
12. 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.
13. All utilities, except for 25kv or greater electrical lines, must be located underground.
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. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of one space for each vehicle used directly in the conduct of use, plus two additional spaces for each three employees on the largest shift off-street parking spaces are required for this development. (Note: The number of employees listed in the application would require a minimum of 14 off-street parking spaces to be provided on this site. This does not account for any vehicles related to the business in addition the employee parking requirements.) **"Crush & Run" as noted on the site plan does not satisfy this condition and is not to be noted on the site plan required by condition number "6" above.**

Other Relevant Conditions:

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

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

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

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Eastover Sanitary District:	Morgan Johnson	323-3973
Eastover Staff Planner:	Matt Rooney	678-7625
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jodi Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549

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: Michael Tate, PLS
- 2. ADDRESS: 3521 Clinton Rd Fay NC 28312 ZIP CODE: 28312
- 3. TELEPHONE: (Home) _____ (Work) (910) 483-7387
- 4. Location of Property: 4341 Swindon Dr. Fay, NC 28301

5. Parcel Identification Number (PIN #) of subject property: 0478-24-7577
(also known as Tax ID Number or Property Tax ID)

6. Acreage: 3.32 Frontage: 300.25 Depth: 437.07

7. Water Provider: INDIVIDUAL WELL

8. Septage Provider: INDIVIDUAL SEPTIC TANK

9. Deed Book 3988, Page(s) 119, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).

10. Existing use of property: Residential

11. Proposed use(s) of the property: T&N ELECTRICAL

(Trade Contractor w/ outside storage) PLS

NOTE: Be specific and list all intended uses.

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

verified 1-2-08 PLS

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)

@ S end Swindon Dr
E of 512 1831 Baywood Rd

*1.22 + ac
1-9-08 PLS*

APPLICATION FOR
CONDITIONAL USE DISTRICT AND PERMIT

1. PROPOSED USE(S):

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

ELECTRICAL EQUIPMENT
AND STORAGE

- 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.

N/A

2. DIMENSIONAL REQUIREMENTS:

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

N/A

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Sec. 1306.

SEE MAP

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number of shrubs (Sec. 1102N).

NOTE: All required landscaping must be included on the site plan.

SEE MAP

- B. Indicate the type of buffering and approximate location.

CEDAR TREES - SEE MAP

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.

Mon thur Fri 6 am to 8 am

Secretary is there from 8 am to 4 pm

20 employees

4-150w flood lights - (noise from vehicles - ~~odor~~ odor, Emiss
N/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.

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.

The undersigned hereby acknowledge the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

Angela Naylor
NAME OF OWNERS (PRINT OR TYPE)

4341 Swindon Drive Fayetteville Nc 28312
ADDRESS OF OWNER(S)

433-0841 HOME TELEPHONE # WORK TELEPHONE #

Michael Tate, PLS
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

3521 Clinton Rd. Fay, NC 28312
ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE # (910) 483-7387 WORK TELEPHONE #

Angela Lee Taylor
SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

POS-08

Rudolph Singleton

PO Box 2505

Fay NC

28302

864-6888

Add to 1st Class Mail list

Fax 864-6848

* FAX 8678732

comes "public record."

Rudolph Singleton, Attorney
PO Box 2505
Fay 28302

864-6888

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



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

Benny Pearce,
Town of Eastover

COUNTY of CUMBERLAND

Planning & Inspections Department

February 5, 2008

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II, Land Use Codes

SUBJECT: CASE NO. 07-199. CONSIDERATION OF A WAIVER REQUEST FOR THE CROSSMAN, CASTLE AND MORINA PROPERTY, SUBDIVISION REVIEW, SECTION 3.20.2 MUNICIPAL INFLUENCE AREA COMPLIANCE (MIA) WAIVER REQUEST REGARDING SIDEWALK CONSTRUCTION; ZONING: M(P); TOTAL ACREAGE: 7.79 +/- (PARENT TRACT: 78.83 +/-), LOCATED ON THE SOUTH SIDE OF SR 1451 (W MANCHESTER ROAD), WEST OF NC HWY 87 (N BRAGG BLVD). (COUNTY JURISDICTION – SPRING LAKE MIA)

The developer of this tract has received preliminary subdivision approval for one 7.79 acre lot that is located within the County's jurisdiction but also within the designated Spring Lake *Municipal Influence Area* (MIA). Condition number "1" of the attached conditional approval instructed the developer to contact the Spring Lake staff in order to determine whether or not a sidewalk along the right-of-way of West Manchester Road, where it abuts the subject tract, would be required. The Spring Lake staff made the determination that a sidewalk is required at this location. The developer has since requested a waiver from the sidewalk condition, which was heard by the Spring Lake Town Board of Aldermen for recommendation on January 28, 2008.

The Spring Lake Town Board of Aldermen heard the developers' request and voted unanimously to recommend denial of the waiver and that the developer be required to construct a sidewalk, complying with the town standards, along SR 1451 (W Manchester Road). The position of the Board of Aldermen is that the Town has been working toward getting sidewalks along all their streets as subdivisions and developments occur and would like this to extend into their MIA.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. **Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. **The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**

c. The property owner would not be afforded a special privilege denied to others.

The Planning & Inspections Staff recommends denial of the sidewalk waiver based on the following:

1. This tract does not have any unusual physical conditions due to topography or nature of adjoining areas, which would prevent the construction of the sidewalk along SR 1451 (W Manchester Road), strict compliance with the subdivision provisions of the Subdivision Ordinance would not cause a special and unnecessary hardship to the property owner and be inequitable;
2. The public purposes of the Subdivision and Zoning Ordinance will not be served to an equal or greater degree, in that the Town of Spring Lake's desire for sidewalks would not be met; and
3. The property owner would be afforded a special privilege denied to others since the Town of Spring Lake has required sidewalks to be placed within their Town limits for newly created subdivisions in similar situations.

Attached you will find the waiver request, conditions of approval, subdivision sketch plan, area parcel map and vicinity map. If you have any questions regarding this memorandum, please contact me at 678-7609, email: cbyrne@co.cumberland.nc.us

cc: Crossman, Castle and Morina, Developer
Mike Tate, Land Surveyor
Grainger Barrett, County Attorney
Cecil B. Combs, Planning & Inspections Deputy Director
Patti Speicher, Planner III – Land Use Codes



Date Request Submitted: 1-2-08
 Planning Board Meeting Date: 2-19-08
 Received by: EMB

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: 07-199 Case Name: Crossman / Castle
 Related Ordinance Section Number(s): 3-20-2
 Summary of Request: Not to do sidewalk on Manchester Rd. Project

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

- 1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

We are developing next to a site that was not expected to put in a sidewalk and do not intend on doing so, the opposite side of our property has a borrow pit that has standing water that would cause the termination of the walk anyway

- 2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

establishing contiguous for placement of sidewalks and assessed at that point in time would be understandable - elevation being part of this, as I understand that widening of the road could take place.

- 3. The property owner would not be afforded a special privilege denied to others, because:

There are no other walks within a 1/2 mile ± of our location

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Joe L Crossman
Printed Name of Applicant/Agent

814-329-0070
Daytime Phone Number

[Signature]
Signature of Applicant/Agent

1-2-08
Date Signed

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

PLANNING STAFF	PLANNING BOARD
DECISION: <u>12-08-07</u>	DECISION: <u>2-19-08</u>
CASE NO: <u>07-199</u>	NAME OF DEVELOPMENT: <u>CROSSMAN, CASTLE AND MORINA, PROPERTY</u>
MIA: <u>SPRING LAKE</u>	SUBDIVISION REVIEW
LOCATION: <u>SOUTH SIDE OF SR 1451 (MANCHESTER ROAD).</u>	ZONING: <u>M(P)</u>
<u>WEST SIDE OF NC HWY 87 (NORTH BRAGG BOULEVARD)</u>	PIN: <u>0502-33-3723-</u>
OWNER OR DEVELOPER: <u>N/A</u>	ENGINEER OR DESIGNER: <u>MIKE TATE, PLS.</u>

PLANNING DEPARTMENT ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD ACTION

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

1. A sidewalk along SR 1451 (W. Manchester Road) may be required by the Town of Spring Lake Code – the owner/developer is the responsible party to satisfy this requirement prior to submission for final plat approval – contact the Director of Planning with the Town of Spring Lake for more information.

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. Connection to public water is required, the Town of Spring Lake must approve water plans prior to application for any permits. A copy of the Town Spring Lake approval must be provided to Code Enforcement at the time of application for building/zoning permits.
4. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land, is subjected 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. Prior to the issuance of any permits for this site, evidence must be provided to County Code Enforcement indicating that compliance with these regulations has been achieved.
5. The developer may have to 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.

Site-Related:

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M(P) zoning district must be complied with, as applicable.

8. All utilities, except for 25kv or greater electrical lines, must be located underground.
9. 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.
10. 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.
11. 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.
12. Turn lanes may be required by the NC Department of Transportation (NCDOT).

Plat-Related:

13. 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.
14. 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.
15. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
16. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

Plat-Required Statements

17. All structures shall be shown on the final plat or the final plat shall reflect the following statement:

"Nonconforming structures have not been created by this subdivision."

Advisories:

18. The developer should be aware that site plan approval will be required prior to any development on this property.
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.

Other Relevant Conditions:

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

"Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

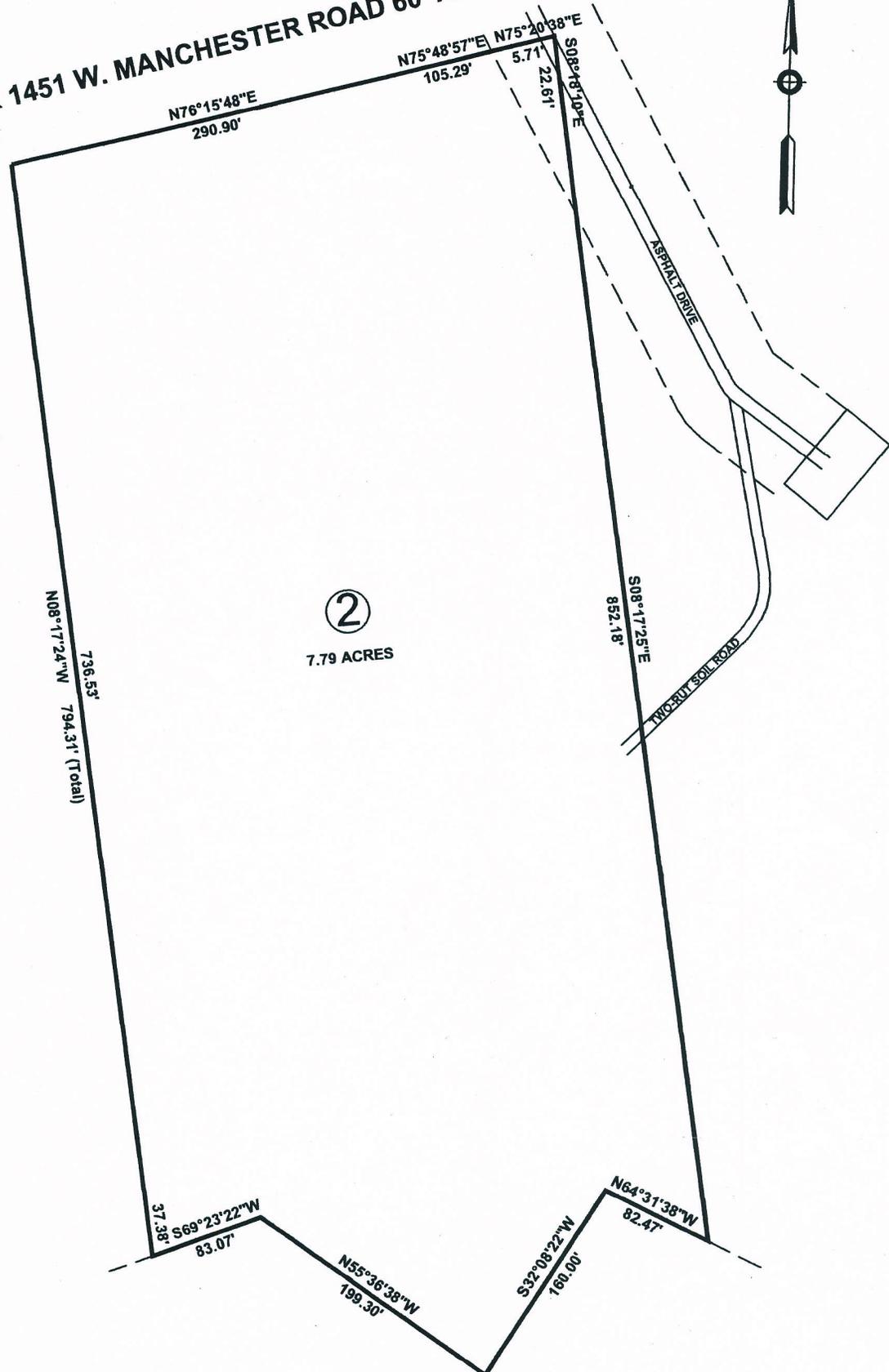
If you need clarification and/or negotiation of conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605.

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 Engineer's Office:	Wayne Dudley	678-7636
County Health Department:	Danny Soles	433-3685
Town of Spring Lake:	Tom Spinks	436-0241*
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Jody Pace	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496

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

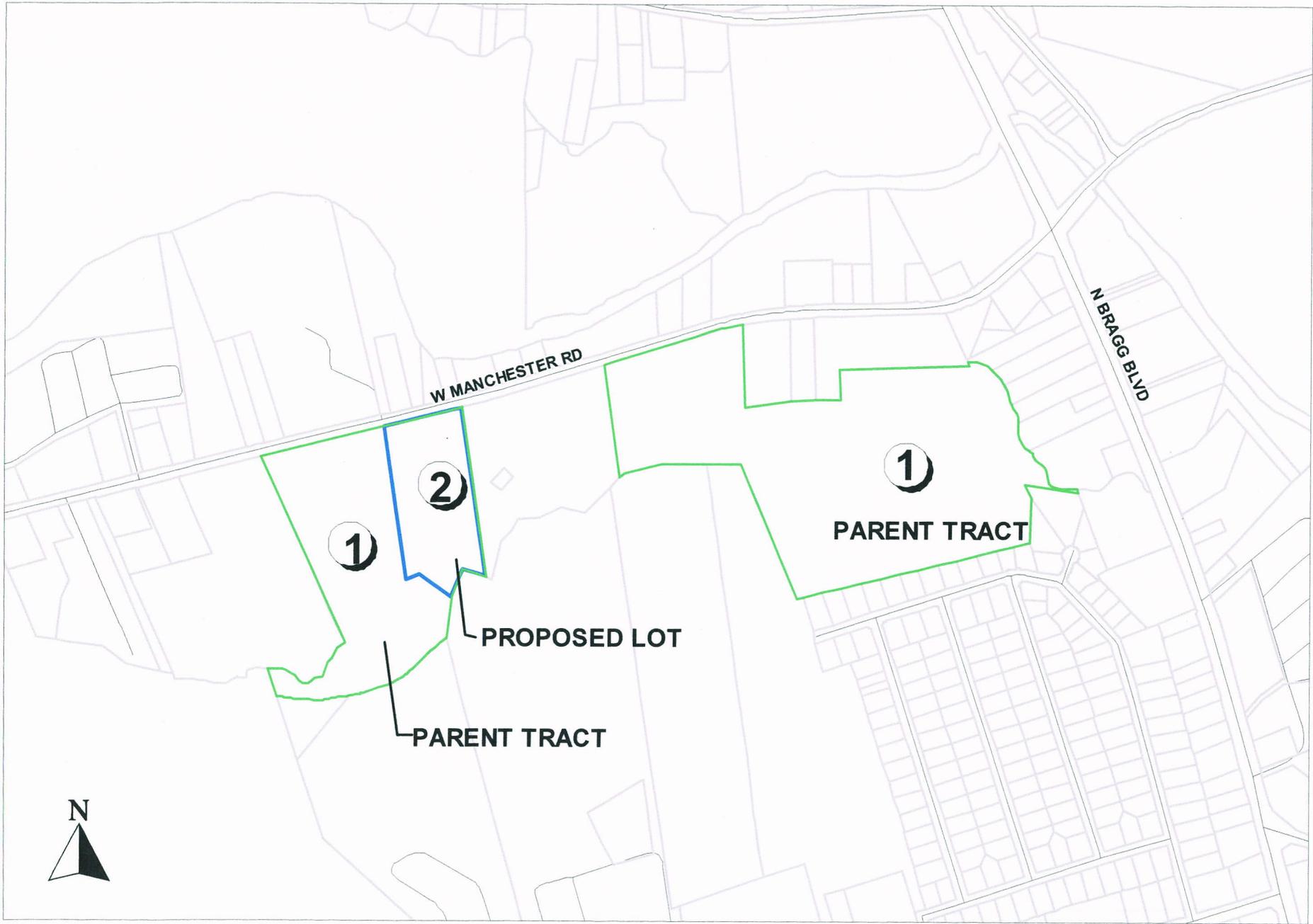
SR 1451 W. MANCHESTER ROAD 60' R/W PAVED



2

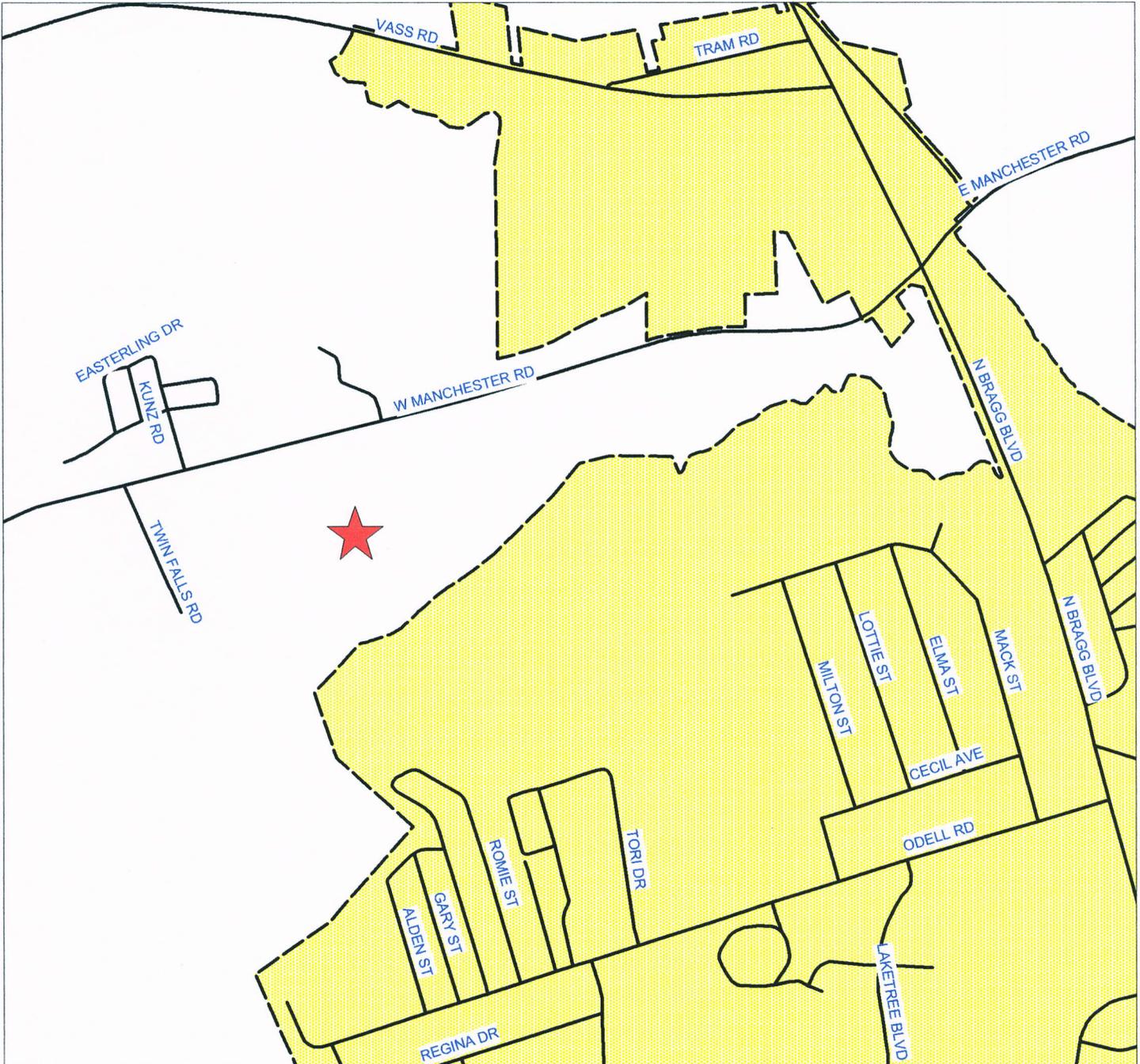
7.79 ACRES

CROSSMAN, CASTLE & MORINA
SUBDIVISION REVIEW
REQUEST: SIDEWALK WAIVER
CASE: 07-199 ACREAGE: 78.83 AC± (PARENT TRACT)
ZONED: M(P) SCALE: NTS



AREA PARCEL MAP CASE: 07-199 SCALE: NTS

CROSSMAN, CASTLE AND MORINA PROPERTY SUBDIVISION REVIEW CASE NO. 07-199



PINS: 0502-33-3723-
Prepared by EMB- CCJPB
January 30, 2008

Map not to scale

