

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

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

May 12, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 19, 2009 Board Meeting

P09-24. REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 156, ZONING CODE, AMENDING § 156.008, DEFINITIONS, INSERTING IN ALPHABETICAL ORDER THE TERM: FLEX OFFICE, ALONG WITH THE ASSOCIATED DEFINITION; AMENDING § 156.020, STATEMENT OF DISTRICT INTENT, PURPOSE AND ZONE CHARACTERISTICS, SUB-SECTION (I) M-1 LIGHT INDUSTRIAL DISTRICT; AND AMENDING § 156.035, DISTRICT USE REGULATIONS, TABLE OF PERMITTED AND SPECIAL USES, SPECIFICALLY THOSE USES ALLOWED IN THE M-1 LIGHT INDUSTRIAL DISTRICT; AMENDING THE ZONING IDENTIFIER "M-1" THROUGHOUT CHAPTER 156 TO READ AS "M1(P)"; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

The Planning & Inspections Staff recommends approval of the text amendment based on the following:

1. This amendment will allow for more viable use of the rarely requested or used M-1 light industrial zoning district; and
2. The amendment was requested by the Town of Spring Lake.

Attachment:
- Amendment

DRAFT

P09-24

Town of Spring Lake Proposed Zoning Code Amendment

P09-24. REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 156, ZONING CODE, AMENDING § 156.008, DEFINITIONS, INSERTING IN ALPHABETICAL ORDER THE TERM: FLEX OFFICE, ALONG WITH THE ASSOCIATED DEFINITION; AMENDING § 156.020, STATEMENT OF DISTRICT INTENT, PURPOSE AND ZONE CHARACTERISTICS, SUB-SECTION (I) M-1 LIGHT INDUSTRIAL DISTRICT; AND AMENDING § 156.035, DISTRICT USE REGULATIONS, TABLE OF PERMITTED AND SPECIAL USES, SPECIFICALLY THOSE USES ALLOWED IN THE M-1 LIGHT INDUSTRIAL DISTRICT; AMENDING THE ZONING IDENTIFIER “M-1” THROUGHOUT CHAPTER 156 TO READ AS “M1(P)”; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

AMEND § 156.008 Definitions by adding the term “flex office” and the following definition in alphabetical order:

FLEX OFFICE. A type of development designed to be versatile, which may be used in combination with office (corporate headquarters), research and development, quasi-retail sales, and including but not limited to industrial, warehouse, and distribution uses.

AMEND § 156.020 Statement of District Intent; Purpose and Zone Characteristics, sub-section (I) M-1 Light Industrial District as indicated:

(I) M-1(P) Planned Light Industrial District. This district is designed for a wide variety of light industrial operations involving manufacturing, processing, and fabrication of material; operations involving wholesaling and bulk storage; ~~other non-retail uses~~ accommodating a limited range of administrative offices, institutional and commercial services; a variety of research and development uses; and certain public assembly and recreational uses with all operations conducted entirely within a structure. The general intent of the district is to prohibit residential, ~~retail~~ and heavy industrial uses of the land. By their nature, the uses permitted in this district are generally not compatible with residential or shopping center uses. Access and compatibility with the surrounding uses are the most important location criteria for the light industrial districts. In addition, by allowing a wide range of permitted uses, this district is intended to accommodate the development of “flex space” arrangements, where at the time of initial site

DRAFT

plan approval by the Board of Aldermen, the developer can establish different combinations of allowable uses on a site over time. For assurance of conformance to the standards established by this ordinance this district should only be considered for tracts of land five acres or greater in size and staff level site plan approval is required for any change in use.

AMEND § 156.035 District Use Regulations, Table of Permitted and Special Uses as currently listed for the M-1 Light Industrial District as indicated below:

Permitted Uses

~~Bakery production and wholesale sales~~
~~Book binding~~
~~Books and printed matter, distribution~~
~~Bottling~~
~~Builders' supply (with outside storage)~~
~~Bus repair and storage terminal activities~~
~~Cabinet making~~
~~Candy or confectionery making, on premises and incidental retail only~~
~~Carpet and rug cleaning~~
~~Dairy products sales and processing~~
~~Dry cleaning, commercial~~
~~Employee's service (not designed for or available to public customers)~~
~~Exterminating service~~
~~Farm machinery sales and servicing~~
~~Farm supplies merchandise (excluding farm machinery)~~
Fire station operations
Fitness centers
Flex office
~~Food freezer operations~~
~~Fur sales, including cold storage~~
~~Greenhouse operations, commercial~~
~~Ice manufacturing~~
Industry, pilot operation
~~Janitorial service~~
Laboratory operations, medical or dental
Laboratory, research
~~Laundrying, commercial~~
Locksmith, gunsmith
Military contractor activities without outside storage of supplies or equipment
Military/defense contractor activities
~~Monument sales~~
~~Newspaper publishing~~

DRAFT

~~Nursery operation (plants) retail and production~~

~~Plant husbandry, including sale of produce raised on premises~~

Printing and reproduction

Public and community utility stations or substations

Public utility works, ~~or shops or storage yards~~

~~Recreation or amusement enterprise conducted outside a building and for profit, and not otherwise listed herein~~

School, business and commercial

School, trade, ~~or~~ vocational or military training (including overnight stay accommodations)

Telephone exchange operations

Temporary construction building (including mobile structures, see § 156.036)

~~Upholstering or furniture refinishing~~

Vehicle (~~commercial~~, government) repair or storage

Special Uses

~~Bottling~~

~~Mobile home (Individual) for exhibition~~

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Town of Eastover

May 12, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 19, 2009 Board Meeting

P09-17: REZONING 2.7+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 437 JOHN NUNNERY RD, SUBMITTED BY BETTY JANE DAVIS AND OWNED BY SARAH JANE HAIR HEIRS.

The Planning and Inspections Staff recommends approval of the request for R40A Residential based on the following:

1. The R40A district is consistent with the 2030 Growth Vision Plan, which calls for "rural area" at this location; and
2. The subject property meets the location criteria for rural density residential as outlined in the Land Use Policies Plan.

The A1A zoning district could also be considered suitable for this location.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P09-17
SITE PROFILE

P09-17: REZONING 2.7+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 437 JOHN NUNNERY RD, SUBMITTED BY BETTY JANE DAVIS AND OWNED BY SARAH JANE HAIR HEIRS.

Site Information:

Frontage & Location: 380'+/- on John Nunnery Road

Depth: 280'+/-

Adjacent Property: No

Current Use: Residential

Initial Zoning: A1 - September 3, 1996 (Area 20)

Zoning Violation(s): None

Surrounding Zoning: North: A1, R40 & C3; East & West: A1; South: A1, R30 & R6A

Surrounding Land Use: Motor vehicle sales, residential (including manufactured homes & manufactured home park), woodlands and farmland

2030 Growth Vision Plan: Rural area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: Stedman Primary (K-1): 200/187; Stedman Elementary (2-5): 300/303; Mac Williams Middle: 1,270/1,199; Cape Fear High: 1,425/1,482

Subdivision/Site Plan: Review required prior to application for permits

Sewer Service Area: No

Average Daily Traffic County (2006): 520 on John Nunnery Road

Highway Plan: There is no road improvements/new constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

Density:

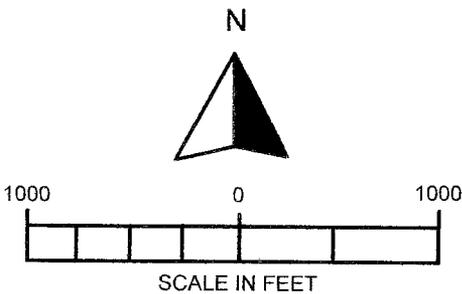
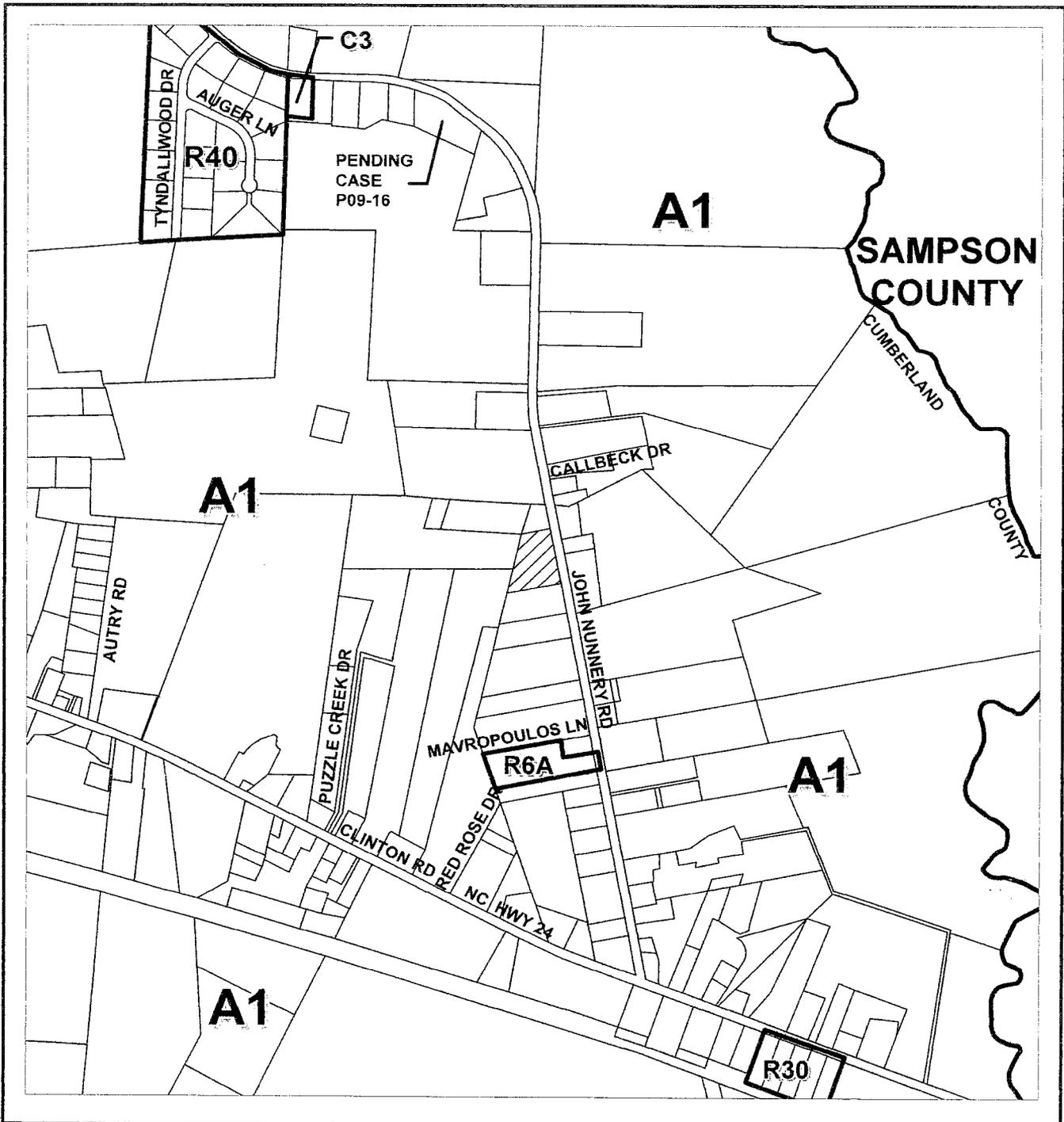
A1 – 1 lots/2units

A1A – 2 lots/3 units

R40/R40A – 2 lots/3units

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.



PIN: 1405-28-7601

REQUESTED REZONING A1 TO R40A

ACREAGE: 2.70 AC.+/-		HEARING NO: P09-17	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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May 13, 2009

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Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Joint Planning Board

FROM: Edward M. Byrne, Land Use Codes

SUBJECT: CASE NO. 09-049. CONSIDERATION OF THE FLORA KATE MCMILLAN, PROPERTY, SUBDIVISION REVIEW; REQUEST FOR AN EXCEPTION FROM SECTION 2306.A.1.C, UTILITIES, COUNTY SUBDIVISION ORDINANCE, REGARDING CONNECTION TO PUBLIC WATER AND SEWER; ZONING: A1; TOTAL ACREAGE: 5.662 +/-; LOCATED ON THE EAST SIDE OF NC HWY 87, NORTH OF SR 2237 (SMITH ROAD).

The property developer of this proposed subdivision is requesting the board to make an exception from the requirement for mandatory public water and sanitary sewer connection. The County Subdivision Ordinance requires developments with two to ten units within 300 feet of an existing public water and sanitary sewer line to connect to the public system. The closest existing public water and sanitary sewer to the subject property is approximately 200 feet from the property; however, the existing water and sewer lines are located on the opposite side of NC HWY 87. An extension, including boring under the highway, would be required for this developer to connect to the public lines.

The proposed subdivision is a two lot subdivision with an existing home located on Lot 5-B. The existing home on Lot 5-B currently uses a private well and a septic tank, but will be required to hook up to the public water and sewer system at the time either the well or septic system fails and needs replacing. This home was permitted in September 1992.

The existing water main is a 16 inch diameter line and the sewer main is a 18 inch diameter line. The Public Works Commission has not approved a water lateral off of 16 inch water main for a residential lot or structure in similar cases. The developer would be required to extend a smaller diameter water main off of the existing 16 inch main and under NC HWY 87, then connect a lateral to the property. A sewer lateral may not be allowed by the Public Works Commission to be bored under NC HWY 87 because of the distance of the sewer lateral needed to cross under the right-of-way. The Public Works Commission states in their comments that water and sewer would be required to be extended to serve these lots, but not as to the kind of extension required.

The ordinance allows the Planning Board to make exception to the mandatory public water and sewer connection/extension when any of the following conditions are present:

1. Public sanitary sewer is within a different drainage basin or sub-basin.
2. The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service.
3. **Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop.**
4. Extensions exceeding 2,000 feet from existing public services.
5. Property is located outside of municipal governments' approved master plan.

The Planning and Inspections Staff recommends approval of the exception from the mandatory water and sewer connection based upon the crossing of the major controlled access highway (NC HWY 87).

Attached you will find the developer's exception request, Public Work Commission comments, conditions of approval, subdivision sketch plan, and a vicinity map. If you have any questions regarding this memorandum, please contact Ed Byrne at 678-7609, email: ebyrne@co.cumberland.nc.us.

Attachments

cc: Sandra Brown, Developer
Flora Kate McMillan, Owner
Denver McCullough, Surveyor
Grainger Barrett, County Attorney
Patti Speicher, Land Use Codes



Date Request Submitted: 4-9-09

Planning Board Meeting Date: 5-19-09

Received by: EMB

Cumberland County Subdivision Ordinance

Request for Exception

Case No.: 09-049 Case Name: Sandra K. Brown

Related Ordinance Section Number(s): 2306-A, 1, c

Summary of Request: Request not to connect to public water and sewer.

SECTION 2306. C. Exception to public water and sewer extension/connection

The Planning Board may make exceptions to the above requirements for connection to a public water and/or sewer system when any of the following conditions warrant:

- (1) Public sanitary sewer is within a different drainage basin or sub-basin;
- (2) The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service;
- (3) Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop;
- (4) Extensions exceeding 2,000 feet from existing public services; or
- (5) Property is located outside of municipal governments' approved master plan.

All supporting documentation for the request must be submitted along with this request for exception.



WILSON A. LACY, COMMISSIONER
TERRI UNION, COMMISSIONER
LUIS J. OLIVERA, COMMISSIONER
MICHAEL G. LALLIER, COMMISSIONER
STEVEN K. BLANCHARD, CEO/GENERAL MANAGER

PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE
ELECTRIC & WATER UTILITIES

955 OLD WILMINGTON RD
P.O. BOX 1089
FAYETTEVILLE, NORTH CAROLINA 28302-1089
TELEPHONE (AREA CODE 910) 483-1401
FAX (AREA CODE 910) 829-0207

May 13, 2009

Mr. Ed Byrne
Cumberland County
Planning Department
130 Gillespie Street
Fayetteville, NC 28301

RE: Water and Sewer Service to Property at 4465
Hwy. 87 South

Dear Mr. Byrne:

This office has investigated the feasibility of providing PWC water and sewer to the above referenced property. It is our understanding that the property is proposed for subdivision and is being reviewed by the Planning Board.

Water and sewer utilities that are maintained by PWC are located on the west side of Hwy. 87. This highway is a four lane divided highway. It is the policy of PWC to avoid long service laterals extending beneath major roadways. These service laterals are the major source of leaks and other problems that require extensive maintenance. On a high volume road, this is very difficult as well as costly. Therefore, in order to serve the above property, a main extension beneath the highway, will be required. This will require an extension of an 8" water main as well as an 8" sewer main. The total cost for extension of both utilities is estimated at \$170,000.

Please note that this is only an estimate and based on other bid prices and a layout from existing data. This cost could vary based on actual design and bid prices. If there are further questions or if additional information is needed, please feel free to contact me at (910) 223-4740.

Sincerely,

A handwritten signature in black ink that reads "Joseph E. Glass". The signature is written in a cursive style and is positioned above the printed name and title.

Joseph E. Glass, P.E.
Manager
Water Resources Engineering

Donovan McLaurin,
Chair
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Lori Epler,
Vice-Chair
Cumberland County

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STAFF REVIEW: 04-23-09 PLANNING BOARD DECISION: 05-19-09

CASE NO: 09-049 NAME OF DEVELOPMENT: SANDRA BROWN PROPERTY

MIA: N/A SUBDIVISION REVIEW

LOCATION: EAST SIDE OF NC HWY 87 SOUTH, ZONING: A1
NORTH OF SR 2237 (SMITH ROAD). PIN: 0443-63-4130-

OWNERS: FLORA KATE MCMILLAN ENGINEER OR DESIGNER: DENVER MCCULLOUGH

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- 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:

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. 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. (Section 2306 A.1, Public Water and Sewer Systems County Subdivision Ordinance)
3. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
4. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are

required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.

5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

Site-Related:

6. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.
7. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
8. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
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.

Plat-Related:

10. "NC HWY 87" must be labeled as "NC HWY 87 S" on the final plat.
11. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$84.26 (one lot) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Park District # 3)
12. 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.
13. Individual driveways are not allowed for each individual lot; Lots 5A & 5B will be required to be served by a joint driveway, with the NC Department of Transportation approval of the joint driveway location and the joint driveway must be reflected on the final plat.
14. 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.
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. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision Ordinance)
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. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement is required to be provided on the final plat (Section 2504 B, Farmland Protection Area Discloser, County Subdivision Ordinance):

"This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and

operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

18. All structures shall be shown on the final plat or the final plat shall reflect the following statement (Section 2504 D, County Subdivision Ordinance):

“Nonconforming structures have not been created by this subdivision.”

Note: The surveyor’s note on the preliminary plan concerning nonconforming structures needs to be change to read as stated above due to the location of the existing home being nonconforming.

Other Relevant Conditions:

19. The applicant is advised to consult an expert on wetlands before proceeding with any development.
20. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
21. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any future divisions of these lots.
22. The developer is requesting an exception from Section 2306.A.1.c, County Subdivision Ordinance, regarding connection to public water and sewer. The Cumberland County Joint Planning Board will consider this request on May 19, 2009. In the event the Planning Board approves this request, Condition No. 2 above will be deleted from this approval and the following conditions will apply:

a. 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.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)

b. Since this development does not have public water/sewer, the following disclosure statement is required to be provided on the final plat (Section 2504 C, On-Site Water and/or Sewer Discloser, County Subdivision Ordinance):

“The individual lots in this development do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private wells at the date of this recording.”

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

“Public water and/or 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 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:	Daniel Ortiz	433-3680
Ground Water Issues:	Matt Rooney	678-7625
PWC:	Heidi Maly	223-4773
County Public Utilities:	Tom Cooney	678-7682

Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
N.C. Division of Water Quality:	Mike Randall	(919) 733-5083 ext. 545

NC HWY 87

N10°30'00"E

117.50'

117.50'

S79°30'00"E

290'

LOT 5-B

S77°16'59"E

433.70'

N78°12'19"W

720.92'

S11°47'41"W

117.04'

S77°16'59"E

365.25'

LOT 5-A

999.51

N78°12'19"W

243.56'

S31°57'30"W

N

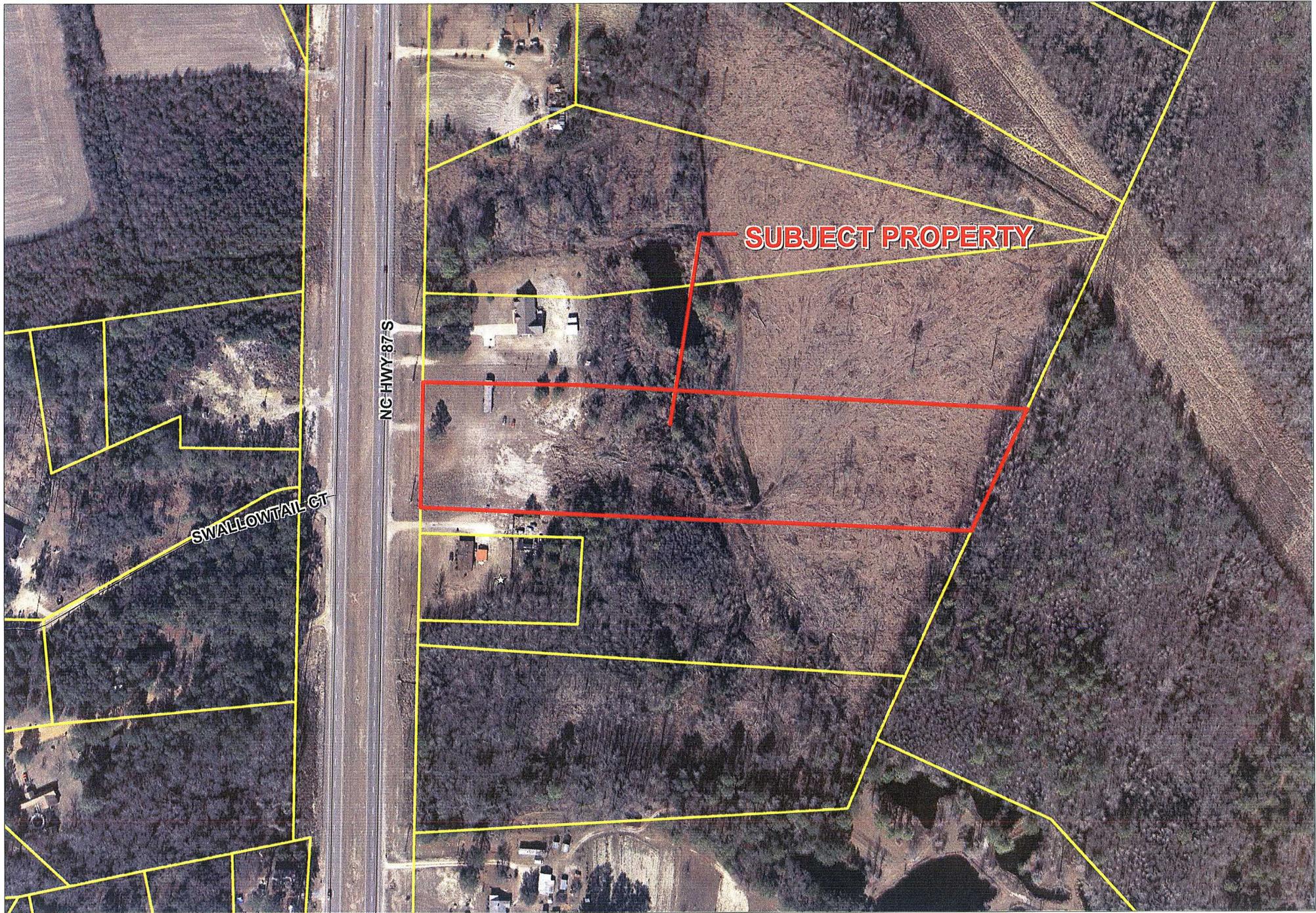


FLORA KATE MCMILLAN PROPERTY
REQUEST: PUBLIC WATER AND SEWER EXCEPTION

CASE: 09-049 ACREAGE: 5.662±

ZONED: A1 SCALE: NTS

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



AERIAL PHOTO
CASE: 09-049



**FLORA KATE MCMILLAN PROPERTY
SUBDIVISION REVIEW
CASE NO. 09 - 049**



PIN(S): 0443-63-4305-
Prepared by EMB - CCJPB
MAY 11, 2009

Map not to scale



Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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Cumberland County

Benny Pearce,
Town of Eastover

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: County Planning & Inspections Staff

SUBJECT: Staff Recommendation for May 19, 2009 Board Meeting

P09-15: REZONING OF 18.2+/- ACRES FROM RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN RD (US HWY 301), NORTH OF (SR 1722) BEARD ROAD, SUBMITTED BY LOYD LANDRY AND OWNED BY GENE F. WILLIFORD, SR. (EASTOVER)

The Planning & Inspections Staff recommends denial of R7.5 Residential; however, the Staff does recommend approval of R15 Residential district based on the following:

1. Although the R7.5 meets the standards for the Land Use Policies Plan, the recommendation of R15 is more consistent with lot sizes in the surrounding area and more in keeping with the Eastover Area Detailed Land Use Plan.
2. The recommendation of low density residential development is consistent with the location criteria for this area as established in the Land Use Policies Plan, recently adopted by the Planning Board;
3. Although the Eastover Area Detailed Land Use Plan designates "one acre residential lots" for this area, it was adopted prior to utilities being present; and
4. Public utilities are present at this location.

The R20 and R20A zoning districts could also be considered as suitable for this location.

Attachments:

- 1 - Site Profile
- 2 - Rezoning Sketch Map

P09-15
SITE PROFILE

CASE P09-15: REZONING OF 18.2+/- ACRES FROM RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN RD (US HWY 301), NORTH OF (SR 1722) BEARD ROAD, SUBMITTED BY LOYD LANDRY AND OWNED BY GENE F. WILLIFORD, SR. (EASTOVER)

Site Information:

Frontage & Location: 225.00' +/- on Dunn Road

Depth: 1,330.00' +/-

Jurisdiction: Town of Eastover

Adjacent Property: No

Current Use: Residential and vacant

Initial Zoning: RR – October 24, 1990 (Area 18); Eastover initially zoned on December 4, 2007

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North & East: RR & M(P); South: RR, RR/CU(used motor vehicle sales and a residence), R6, R6A & C(P); West: RR & R6A

Surrounding Land Use: Cemetery, residential (including multi-family & manufactured homes), woodlands and farmland

Eastover Area Detailed Land Use Plan: One acre residential lots

2030 Growth Strategy Map: Community Growth Area

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: ESD/ESD

Soil Limitations: None

School Capacity/Enrolled: Eastover Central Elementary: 540/430; Mac Williams Middle: 1270/1199; Cape Fear High: 1425/1482

Subdivision/Site Plan: Review required prior to permits

Average Daily Traffic Count (2006): 7,700 on Dunn Road (US HWY 301)

Highway Plan: Dunn Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. No road improvements are included in the 2009-2015 MTIP. This is a Priority #3 in the Highway portion of the LRTP

Notes:

Density:

RR/R20/R20A – 39 lots/40 units

R15 – 52 lots/53 units

R7.5 – 105 lots/106 units

Density (minus 15% for r/w

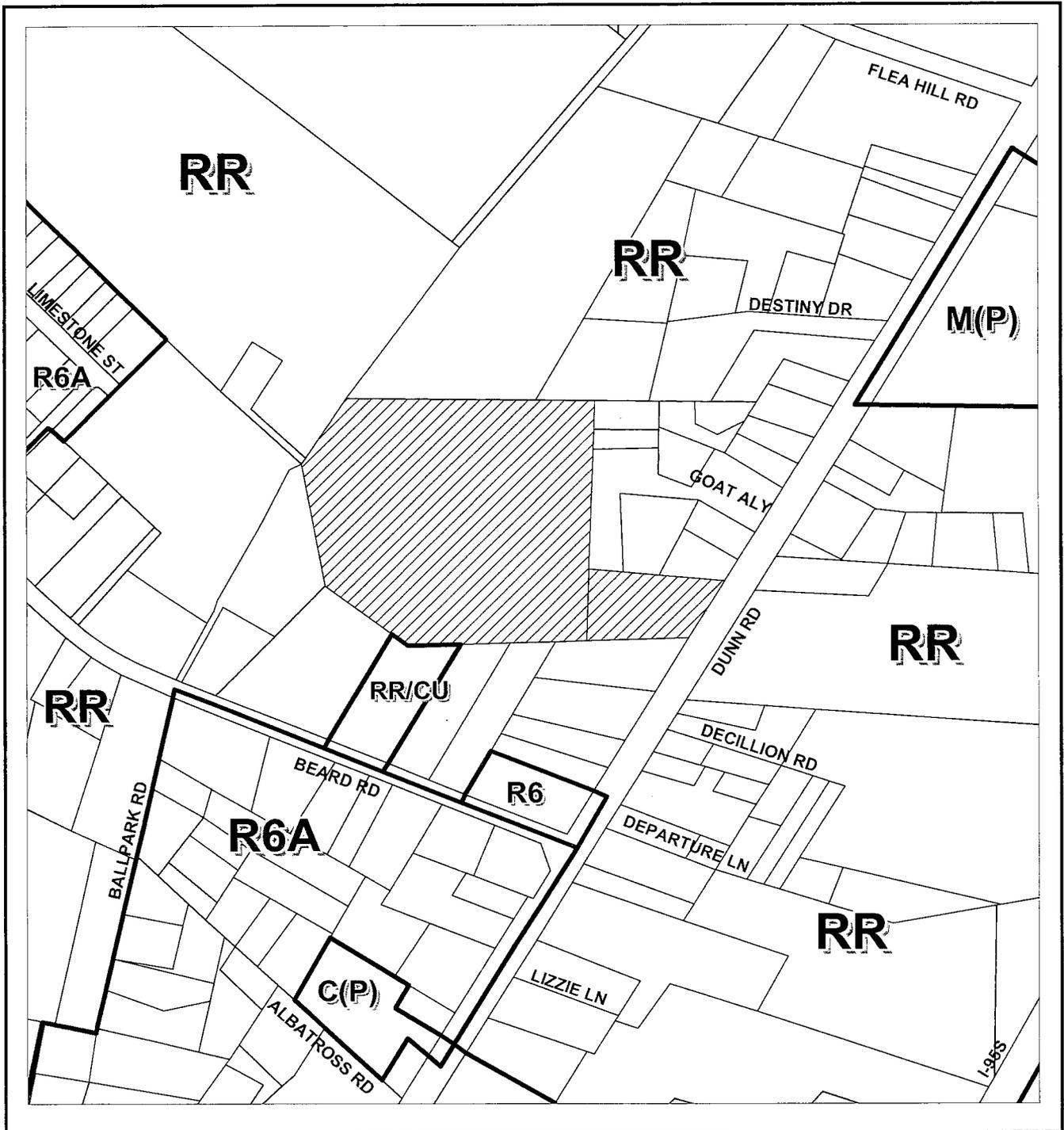
RR/R20/R20A – 33 lots/34 units

R15 – 44 lots/45 units

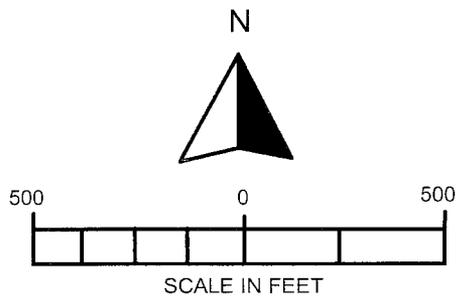
R7.5 – 89 lots/90 units

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 R7.5



ACREAGE: 18.2 AC.+/-		HEARING NO: P09-15	
JURISDICTION: EASTOVER		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0469-64-1383
PIN: 0469-64-7094