Roy Turner, 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, Sara E. Piland, Cumberland County

Benny Pearce, Town of Eastover

Donovan McLaurin Wade, Falcon, & Godwin

November 10, 2009

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for November 17, 2009 Board Meeting

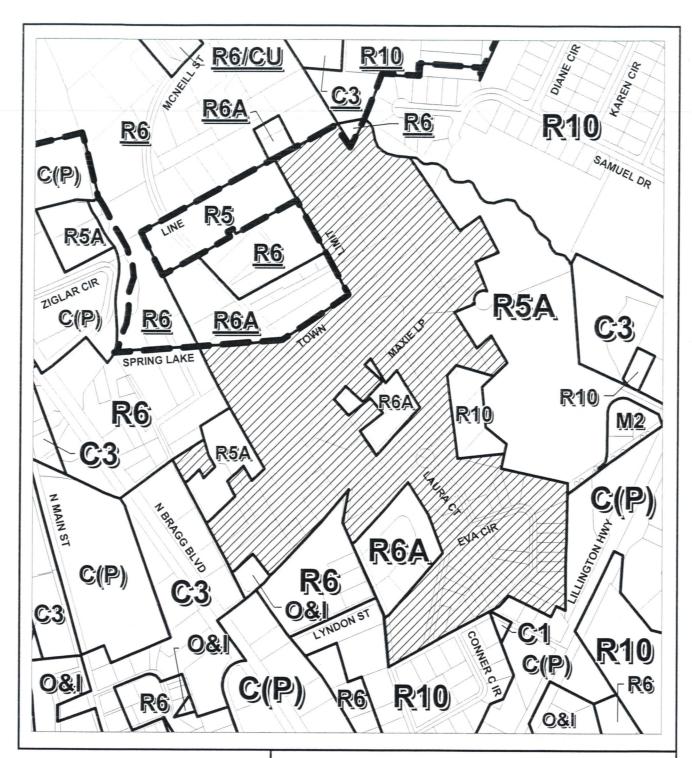
P88-191: WITHDRAWAL OF THE CONSIDERATION OF AMENDMENTS AND REVISIONS TO THE TOWN OF SPRING LAKE ZONING MAP TO ESTABLISH A MH(O) MANUFACTURED HOUSING OVERLAY (ZONING) DISTRICT IN PORTIONS OF THE R6 RESIDENTIAL DISTRICT. (SPRING LAKE)

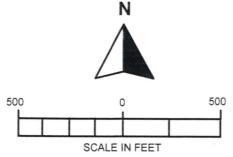
On January 9, 1989 the Spring Lake Town Board of Aldermen tabled the above referenced case indefinitely, not taking any action on the application. Since the original application for the amendment was filed and subsequently tabled by the Spring Lake Town Board of Aldermen the Manufactured Housing Overlay District has been repealed and removed. The County Planning Staff recommends approval of the withdrawal based on the following:

- That Case no. P06-20 approved by the Spring Lake Board of Aldermen on May 5, 2006 repealed the R6/MHO district from the Spring Lake Code of Ordinances; and
- 2. All properties that were zoned R6/MHO in Spring Lake were rezoned by Case nos. P07-02, P07-03 and P07-05 on February 26, 2007.

Attachments:

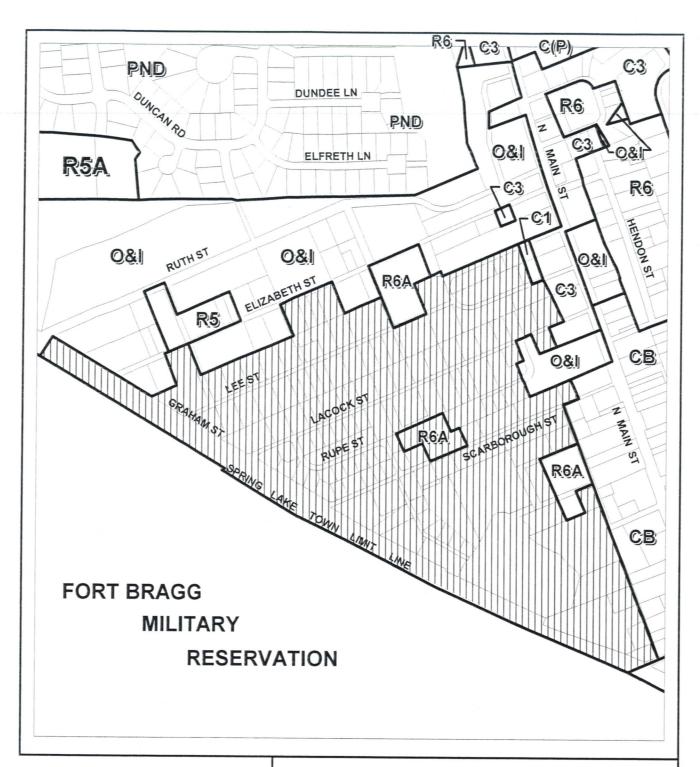
1 – Sketch Maps (3)

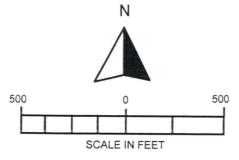




REQUESTED REZONING: R6/MHO TO R6

ACREAGE: 60.0 AC.+/-	HEARING NO: P07-02		
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION	
PLANNING BOARD	1-16-67	APPID	
GOVERNING BOARD	2-26-07	APP'd	

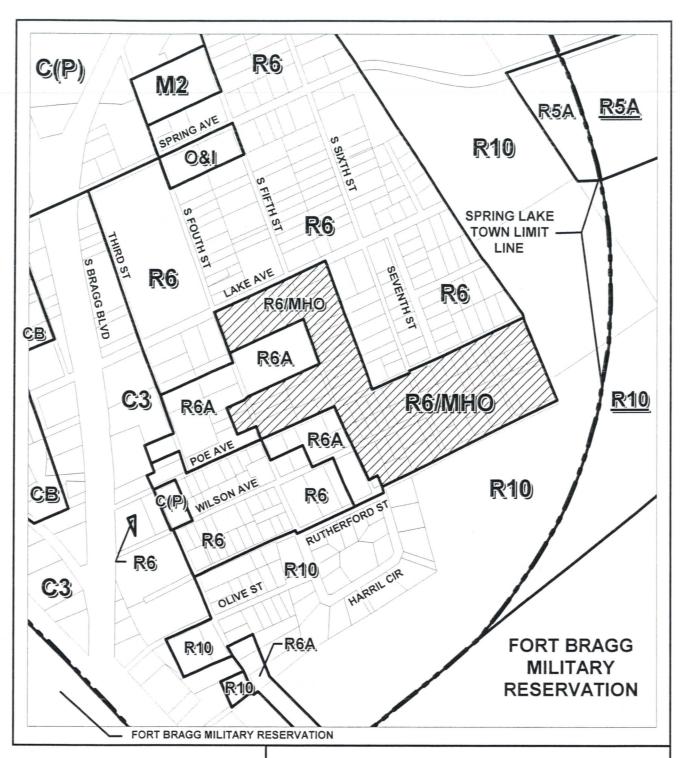


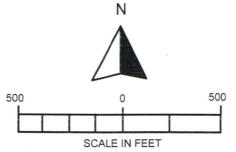


REQUESTED REZONING R6A & R6/MHO TO R6

ACREAGE: 60.0 AC.+/-	HEARING NO: P07-03		
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION	
PLANNING BOARD	,1-16-07	APPID	
GOVERNING BOARD	2-26-07	APPId	

PIN: SEE FILE





REQUESTED REZONING R6/MHO TO R6

ACREAGE: 20.0 AC.+/-	HEARING NO: P07-05		
ORDINANCE: SPRING LAKE	HEARING DATE	ACTION	
PLANNING BOARD	1-16.07	Appld	
GOVERNING BOARD	2.2607	Appld	

PIN: SEE FILE

Roy Turner, Vice-Chair Cumberland County

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COUNTY of CUMBERLAND

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November 10, 2009

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Donovan McLaurin Wade, Falcon, & Godwin

MEMORANDUM

TO:

Cumberland County Joint Planning Board

FROM:

Planning & Inspections Staff

SUBJECT:

Staff Recommendation for November 17, 2009 Board Meeting

P09-45. REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 156, ZONING CODE, AMENDING § 156.035, DISTRICT USE REGULATIONS, BY INSERTING A "P" (PERMITTED USE) IN THE USE MATRIX IN EACH NON-RESIDENTIAL DISTRICT [O&I, C-1, CB, HS(P), C(P), C-3, M1(P), M(P) AND M-2] COLUMN FOR "DWELLING, SINGLE-FAMILY" USES. (SPRING LAKE)

The above referenced case was submitted by a developer as a text amendment to the Spring Lake Zoning Code, with the application requesting the following sentence to be added to the code: *In zoning districts not otherwise permitting residential buildings, a watchman or caretaker may occupy a house or other quarters on the same premises where he or she is employed*. The Planning & Inspections Staff does not support the request as it was submitted; however, the staff is proposing an alternative amendment based on the following:

- The request as submitted is not consistent with the Transitional Use and Zoning Policy, the concept contained within the recently adopted Land Use Policies Plan; the recommendation supports and is more consistent with the Policies Plan;
- 2. The recommendation allows for consistency with the location criteria included in the Policies Plan by establishing standards for mixed use buildings in some non-residential districts;
- 3. The request is not consistent with the policies of the 2030 Joint Growth Vision Plan, which establishes the theory that consistent development standards result in more predictable and higher quality growth for the Town;
- 4. The amendment as requested will not allow for the most efficient use of commercially-zoned properties within the Town; however, the recommendation, by requiring any desired residential use to not exceed the floor area of the non-residential use, maintain a commercial appearance and restricting outside accessory residential uses can accommodate the intent of the request and support the current trend of living in close proximity to the work site.
- The request does not ensure that commercially-zoned properties will be utilized to the highest and best use, which is any use physically possible, legal, and economically feasible and that returns the highest value to the property, the Town and its citizens.

Attachments:

- 1 Developer's Request for Text Amendment w/ Supporting Diagrams/Sketches
- 2 Staff Recommended Text Amendment
- 3 Spring Lake Director of Planning Recommendation

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE TOWN BOARD OF ALDERMEN OF SPRING LAKE, NORTH CAROLINA:

I (We)	, the undersigned, h	ereby request that the following proposed amendment be considered by the
Cumb	erland County Joint	Planning Board and the Spring Lake Board of Aldermen for inclusion with
the	ZONING	Ordinance of the Code of Ordinances of the Town of Spring Lake:

1. Applicable section(s) of ordinance proposed to be amended: ZONING ORDINANCE

SECTION 156.035

2. Proposed text amendment:

Quality Oil Company, LLC – a Winston Salem, North Carolina, based company – is proposing to develop a retail gasoline facility inside the corporate limits of Spring Lake, North Carolina. The purpose of this facility will be to provide our customers with two specific items: gasoline and tobacco products.

This corporate-managed facility – referred to as a Quality Plus – is one of two types of retail gasoline outlets in the Quality Oil family. The Quality Plus design was first developed in Danville, Virginia, in 1972. Since that time we have developed 46 other like locations and currently have two in the construction phase in Olivia, North Carolina and Timberlake, North Carolina. Some of our other locations for the Quality Plus brand in North Carolina include: Boone, Lillington, Cherokee, Mount Airy, Winston Salem, Nags Head, Kannapolis, and Asheville.

The Spring Lake Quality Plus will have the normal appearance of a gasoline facility including five (5) pump islands and a lighted canopy. The on-site building will be approximately 950 square feet of stick built structure. The 950 square feet will be divided into two separate compartments. A sales area, or control room, will make up approximately 150 square feet while the remaining 800 square feet will be used for a caretaker area that provides the on-site manager the ability to be at the premises on a 24-hour basis. (See attached drawing of floor plan and layout)

From a retail perspective, the Quality Plus design is distinctly unique from most other retail gasoline facilities. There is no inside sales area for a customer to enter the structure, but rather a large pay window much like a bank would use for customer transactions. The customer will have the option to purchase gasoline at the pump using a credit/debit card or they may pull up to the pay window and purchase their gasoline and tobacco products from the on-site manager.

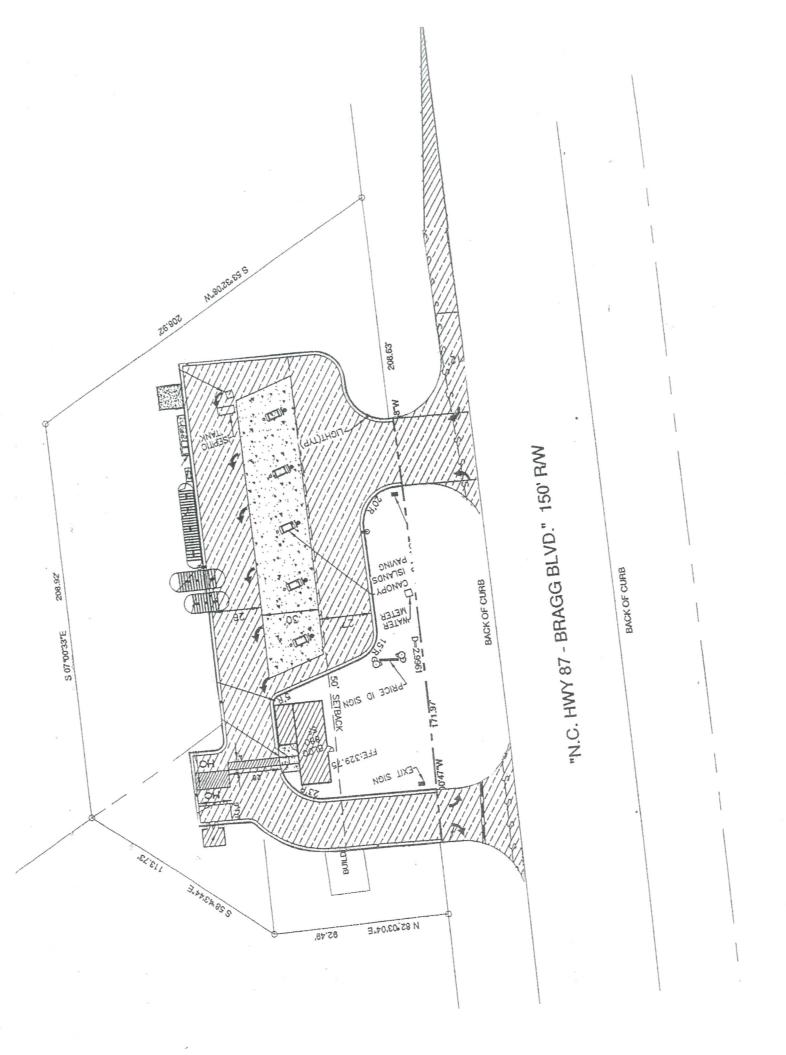
In providing insight to the Quality Plus concept, we would like to petition the Cumberland County Joint Planning Board and the Town Board of Alderman of Spring Lake to consider a text amendment that would allow a caretaker use for the proposed property we currently have under contract located along Hwy 87 near the northern municipal boundary of Spring Lake. In recent years we have made similar proposals to many municipalities and have provided them the following text for consideration:

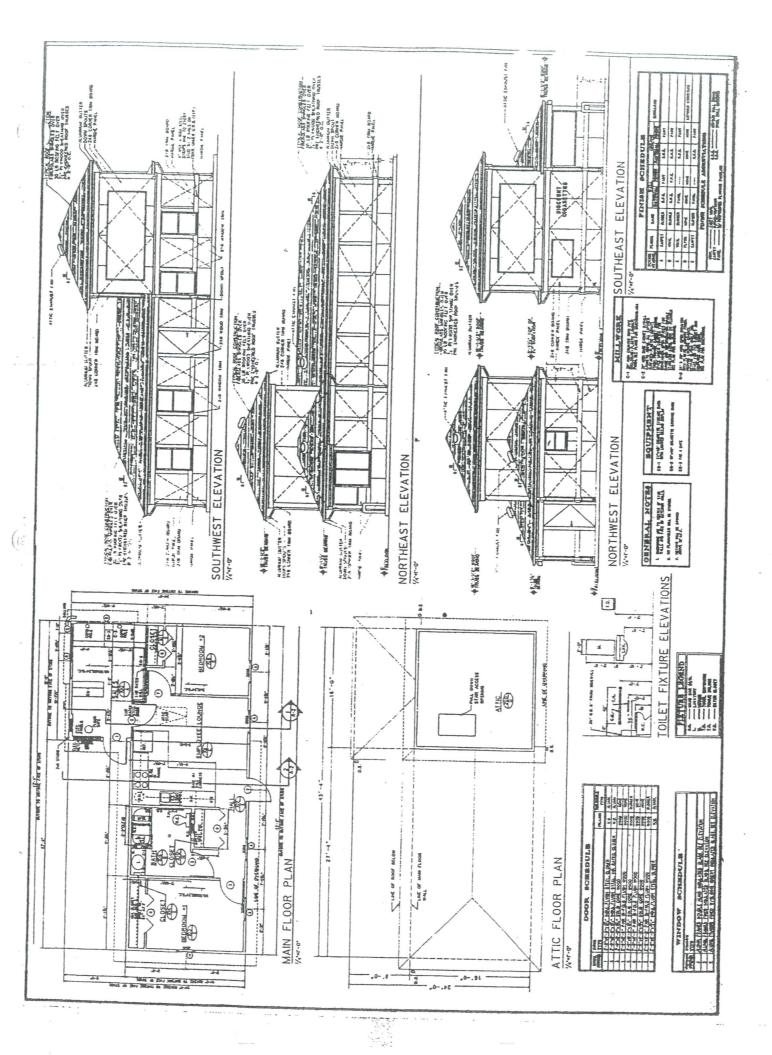
In zoning districts not otherwise permitting residential buildings, a watchman or caretaker may occupy a house or other quarters on the same premises where he or she is employed.

We would like to propose similar language in our request realizing that Spring Lake currently allows a residential use in a "mixed-use" building using a conditional use and permit process. Our text amendment request would also seek approval for the residence to be located on the main floor of the structure as indicated in the attached drawing. In addition we realize that additional requirements and conditions may be placed on this project by the governing body to ensure proper development.

Thank you for reviewing our request for a text amendment to the zoning ordinance. We look forward to your guidance while working on this project.

Created: 08-18-09 Cumberland County Planning Department





P09-45

Town of Spring Lake Zoning Code Text Amendment County Planning Staff Recommendation

AMEND Section § 156.008 Definitions by INSERTING the following in alphabetical order:

ANCILLARY USE. That which is commonly subordinate to or incidental to a principal or primary use – also see Accessory Structure or Use.

FAÇADE. The exterior walls of a building which is adjacent to or fronting on a public right-of-way or other public area; typically the front of a building, but also includes any side or rear of a building facing a public right-of-way or other public area.

AMEND Section § 156.008 Definitions, specifically the term "Mixed Use" as indicated:

MIXED USE. A single building containing more than one type of land use where the ground floor use is a permitted non-residential use occupies no more than 40 percent of the total building floor area and the non-residential use occupies a minimum of 60 percent of the total floor area in the zoning district and all second floor and above uses are residential or a single development of more than one building and use with the different types of land uses in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

AMEND Section § 156.035 District Use Regulations, Use Matrix, for "Dwelling, multiple-family" and "Dwelling, single-family" as indicated:

Add "<u>S</u>" representing Special Use for "Dwelling, multiple-family" and "Dwelling, single-family" rows in the Use Matrix along with footnote ¹ to O&I, C-1, C(P), and C3 columns.

Strike "P" for Permitted Use, replacing it with "S" for Special Use for "Dwelling, multiple-family" and "Dwelling, single-family" rows in the Use Matrix for the CB column; also, add footnote ¹ to CB column for both rows containing "Dwelling, multiple-family" and "Dwelling, single-family" uses.

Footnote ¹ to read: Special Use Permit required for Mixed Use Building, see § 156.052(E)

Example of changes to Use Matrix:

Permitted Uses	0&I	C-1	СВ	C(P) C3
Dwelling, multiple-family	S^1	$\underline{\mathbf{S}}^{1}$	<u>S</u> - <u>P</u> ¹	\underline{S}^1
Dwelling, single-family	$\underline{\mathbf{S}}^{1}$	$\underline{\mathbf{S}}^{1}$	\underline{S} - $\underline{P}^{\underline{1}}$	\underline{S}^1

¹Special Use Permit required for Mixed Use Building, see § 156.052(E)

AMEND § 156.052 Development Standards for Individual Special Uses, by CREATING sub-section "(E)" as follows:

(E) Mixed use building.

- (1) Mixed use buildings are allowed uses in the O&I Office & Institutional, C-1 Local Business, CB Central Business, C(P) Planned Commercial and C3 Heavy Commercial districts;
- (2) Residential uses within a mixed use building shall not exceed 40 percent of the total floor area, with a minimum of 60 percent of the floor area of all structures devoted to the non-residential use(s) as allowed within the specific zoning district of the property;
- (3) The façade of the buildings approved for mixed use in a non-residential district shall be of a commercial design;
- (4) There shall be no ancillary, accessory or incidental residential use of the property outside the mixed use building;
- (5) All "for sale" residential units are subject to the condominium development provisions of § 155.55, Spring Lake Subdivision Regulations;
- (6) The development must be served by public or community water and sewer;
- (7) The subject property must have direct vehicular access to a paved public right-of-way;
- (8) Off-street parking shall be provided in accordance with § 156.100 et seq. for the non-residential use, and one and one-half spaces for each residential unit. Shared parking shall be encouraged and permitted when it can be substantiated that the hours of operation of the non-residential use are restricted to daylight hours and will not adversely affect the residential parking needs;

- (9) The minimum lot area per residential unit shall be 1,000 square feet not including the lot area utilized by the non-residential use. The site plan must provide the calculations indicating compliance with this provision;
- (10) Sidewalks are required in accordance with the standards of § 155.67(F), Spring Lake Subdivision Regulations; and
- (11) A fee in lieu of dedication for on-site parks, recreation and open space is mandatory. This fee is to be calculated based on the tax assessed raw land value of the equivalent land area required for parks, recreation and open space under the provisions of § 155.67(H), Spring Lake Subdivision Regulations.

The Town of

300 Ruth Street, P.O. BOX 617 PHONE: 910-436-0241 FAX: 910-436-2667

MAYOR ETHEL T. CLARK INTERIM TOWN MANAGER ALLEN COATS TOWN CLERK RHONDA D. WEBB, CCM



CHARTERED IN 1951

Sept. 9, 2009

Spring Lake

SPRING LAKE, NORTH CAROLINA ZIP CODE 28390-0617 WEBSITE: www.spring-lake.org

ALDERMEN

JAMES P. O'GARRA, MAYOR PRO - TEM RICHARD P. HIGGINS, ALDERMAN NAPOLEON HOGANS, ALDERMAN FREDRICKA SUTHERLAND, ALDERWOMAN Nellie McCoy, ALDERWOMAN

Memorandum

To: Pattie Speicher, Land Use Codes

Cumberland County Planning

From: Thomas H. Spinks, Director of Planning

Town of Spring Lake

Re: Case P09-45

The following are comments for case P09-45 text amendment:

- Precautions must be taken to prevent a "caretaker" in every non residential or mixed use district.
- There is a need for minimum conditions, criteria to enact the "caretaker" clause and/or Board approval for the need of a "caretaker" on a case by case basis.

The one line amendment is inadequate as proposed, in that it can forseeably be abused.

If you have any Questions Please contact me at (910) 436-0241

Roy Turner, 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



Planning & Inspections Department

November 10, 2009

Thomas J. Lloyd, Director

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> Benny Pearce, Town of Eastover

Donovan McLaurin Wade, Falcon, & Godwin

MEMORANDUM

TO:

Cumberland County Joint Planning Board

FROM:

Planning & Inspections Staff

SUBJECT: Staff Recommendation for November 17, 2009 Board Meeting

P09-50. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY CODE OF ORDINANCES, APPENDIX C, WATER SUPPLY WATERSHED MANAGEMENT AND PROTECTION ORDINANCE, AMENDING THE WATERSHED PROTECTION MAP OF CUMBERLAND COUNTY, NORTH CAROLINA BY REFLECTING THE RECENT RECLASSIFICATION OF THE EXTREME SOUTHERN CUMBERLAND COUNTY PORTION OF THE CAPE FEAR RIVER (INCLUDING TRIBUTARIES) FROM CLASS C TO CLASS WS-IV WATERS, AFFECTING PROPERTIES IN THE LOWER GRAYS CREEK AND SOUTHWESTERN TURNBULL AREAS OF THE COUNTY.

The Planning & Inspections Staff recommends approval of the amendment to the County's Watershed Protection Map, based on the following:

- 1. On December 4, 2006 the County Board of Commissioners by resolution endorsed, without objection, to the reclassification of this portion of the Cape Fear River basin to facilitate the construction of the Bladen Bluffs Regional Surface Water System;
- 2. The N.C. General Assembly approved the reclassification of this portion of the Cape Fear River for the purpose of protecting water supply intakes for consumption by significant human populations in the region on July 16, 2008; and
- 3. Because the addition of this area to the existing County Watershed Protection Map will help ensure adequate filtering of pollutants in stormwater runoff before the runoff reaches the streams and creeks feeding directly into the Cape Fear River in this area.

Note: There are no changes proposed to the current Water Supply Watershed Management and Protection Ordinance.

Attachments:

- 1 Area Info
- 2 Sketch Map

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY CODE OF ORDINANCES, APPENDIX C, WATER SUPPLY WATERSHED MANAGEMENT AND PROTECTION ORDINANCE, AMENDING THE WATERSHED PROTECTION MAP OF CUMBERLAND COUNTY, NORTH CAROLINA BY REFLECTING THE RECENT RE-CLASSIFICATION OF THE EXTREME SOUTHERN CUMBERLAND COUNTY PORTION OF THE CAPE FEAR RIVER (INCLUDING TRIBUTARIES) FROM CLASS C TO CLASS WS-IV WATERS, AFFECTING PROPERTIES IN THE LOWER GRAYS CREEK AND SOUTHWESTERN TURNBULL AREAS OF THE COUNTY.

Watershed Classification: WS-IV-PA (Protected Area) [also known as WS-IV-BW (Balance of Watershed)]

- the proposed area is commonly known as the Bladen Bluff Watershed

Acreage of Area: 16,280+/-

Number of Parcels Affected: 1,588 Number of Notices Mailed: 1,130

Brief Explanation:

The primary goal of the watershed regulations is to protect the public drinking water supply. This addition to the existing County Watershed Protection Map is proposed because of the State's recent reclassification of the Cape Fear River which was required prior to approval of a new public water facility in Bladen County, north of Tar Heel.

Generally the properties, within the boundary area shown on the map and proposed to be made subject to the existing County Watershed Ordinance, are included because of the location of the river, creeks and streams that feed directly into the Cape Fear River approximately ten miles upstream from the proposed intake point for the new public water facility.

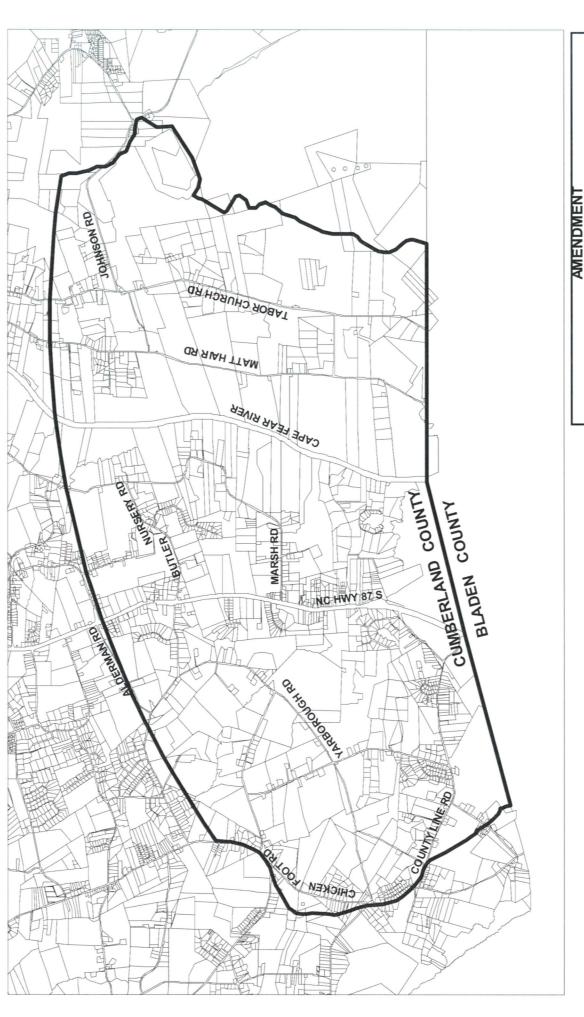
The watershed regulations are very similar to the existing State stormwater regulations that Cumberland County is already subject to. The primary difference is the width of riparian buffers required from perennial or "blue line" streams, with the watershed regulations requiring a 100 foot buffer for high density developments whereas stormwater regulations require a 30 foot buffer.

Development Criteria:

- Applies only if erosion/sedimentation control plan required under State regulations, one acre or more of land is disturbed; does not apply to existing development, pre-existing lot developed for single family residential purposes.
- 2. Low Density Development
 - a. Development limited to 2 dwelling units per acre or up to 24% impervious area
 - b. Staff approval
- 3. High Density Development (with stormwater control structure, i.e., wet retention pond)
 - a. Development limited to up to 70% impervious area
 - b. County Board of Adjustment approval required
- 4. Variances
 - Heard by County Board of Adjustment, then submitted to the NC Environmental Management Commission for review and approval.

First Class and Record Owners' Mailed Notice Certification

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



WATERSHED PROTECTION MAP OF CUMBERLAND COUNTY

HEARING NO: P09-50 ACTION HEARING DATE ACREAGE: 16,280 ACS +/-STAFF RECOMMENDATION ORDINANCE: COUNTY PLANNING BOARD GOVERNING BOARD



BLADEN BLUFFS WS-IV WATERSHED

LEGEND

BOUNDARY LINE

1"=5000"

Roy Turner, 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

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November 10, 2009

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Donovan McLaurin Wade, Falcon, & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for November 17, 2009 Board Meeting

P09-51: REZONING OF 1.28+/- ACRES FROM CD CONSERVANCY AND R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN SR 1118 (PARKTON ROAD) AND NC HWY 59 (SOUTH MAIN STREET), ACROSS FROM SR 1125 (PORTER ROAD) INTERSECTION; SUBMITTED BY NEAL WYCE; OWNED BY DAVID AND CLAIRE MCMILLAN.

The Planning & Inspections Staff recommends denial of the request for C2(P) Planned Service and Retail district based on the following:

- 1. The district requested is inconsistent with the location criteria for light commercial as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan because public water and sewer is not available and this area is predominantly surrounded by residential, office & institutional and light commercial:
- Although South Main Street is an existing major thoroughfare, the subject property is located on a
 hill which could prove to create an unsafe situation for vehicular traffic especially when considering
 the congestion currently existing at this location coupled with any possible driveway locations in
 relation to the SR 1125 (Porter Road); and
- The district requested is unreasonable since it is not consistent with the 2030 Comprehensive Plan as
 it does not serve as a transition between heavy commercial, office & institutional or residential
 development.

There are no other districts to be considered suitable regarding this request, at this time

Attachments:

- 1 Site Profile
- 2 Sketch Map

P09-51 SITE PROFILE

P09-51: REZONING OF 1.28+/- ACRES FROM CD CONSERVANCY AND R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED BETWEEN SR 1118 (PARKTON ROAD) AND NC HWY 59 (SOUTH MAIN STREET), ACROSS FROM SR 1125 (PORTER ROAD) INTERSECTION; SUBMITTED BY NEAL WYCE: OWNED BY DAVID AND CLAIRE MCMILLAN.

Site Information:

Frontage & Location: 210.00'+/- on South Main Street (NC HWY 59)

Depth: 265.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes: north, south & west sides of subject property

Current Use: Vacant (Woodlands)

Initial Zoning: R6A & CD – February 3, 1977 (Area 7)

Nonconformities: None **Zoning Violation(s):** None

Surrounding Zoning: North: C(P), O&I(P) (Hope Mills), R10, R7.5 (Hope Mills), R6A & CD; South: C3, C1(P), O&I(P), R10, R6A & CD; East: R10 & R6A; West: R10, R6A & CD **Surrounding Land Use:** Residential (including manufactured dwellings), convenience retail w/ gasoline sales (2), religious worship, telephone switching/booster station, medical office & woodlands

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): No Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – JT Johnston loam & LY Lynchburg sandy loam

School Capacity/Enrolled: Gallberry Farm Elementary: 900/789; Gray's Creek Middle: 1000/863;

Gray's Creek High: 1270/1223

Subdivision/Site Plan: If approved, site plan review required

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2006): 16,000 on South Main Street (NC HWY 59)

Highway Plan: South Main Street is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (4 lane-divided). Road Improvements are not included in the 2009-2015 MTIP. This is a Priority One Project under the LRTP

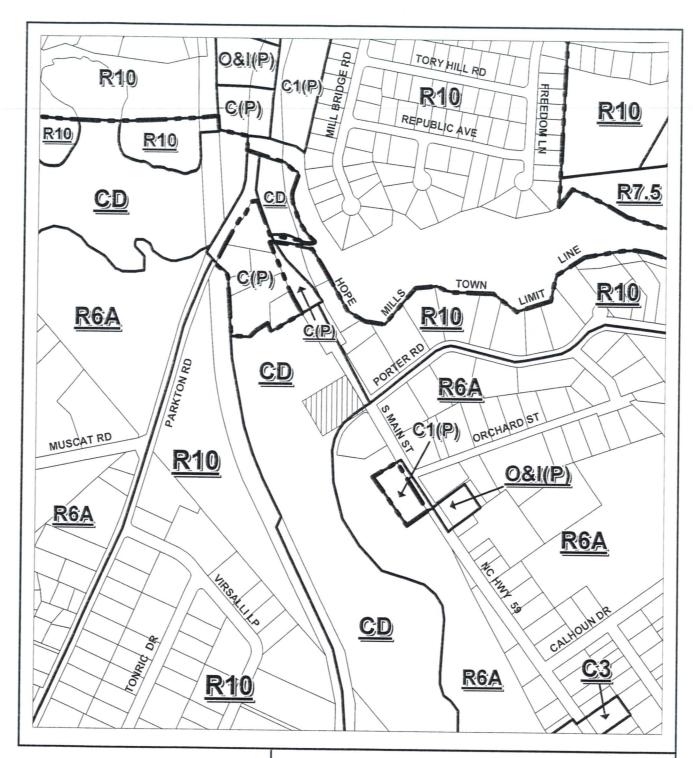
Note:

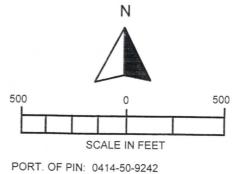
C2(P) Minimum Yard Setback Regulations:

Front yard: 50'Side yard: 30'Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

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





REQUESTED REZONING CD & R6A TO C2(P)

ACREAGE: 1.28 AC.+/-	HEARING NO: P09-51	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		