

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

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

Donovan McLaurin
Wade, Falcon & Godwin



—◆—
Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Patricia Hall,
Town of Hope Mills

TENTATIVE AGENDA

July 19, 2016
7:00 P.M.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF/ADJUSTMENTS TO AGENDA
- III. PUBLIC HEARING DEFERRAL / WITHDRAWAL
- IV. ABSTENTIONS BY BOARD MEMBERS
- V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS
- VI. APPROVAL OF THE MINUTES OF JUNE 21, 2016
- VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **CASE P16-30:** REZONING OF 7.87+/- ACRES FROM RR RESIDENTIAL & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8175 MCCORMICK BRIDGE RD, SUBMITTED BY TOM BROOKS (AGENT) ON BEHALF OF MCCORMICK FARMS LIMITED PARTNERSHIP (OWNER).
- B. **P16-37.** REZONING OF 3.01+/- ACRES FROM A1 AGRICULTURAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 2243 (ROSLIN FARM ROAD), SOUTH OF RUNNING FOX ROAD; SUBMITTED BY ADA FAYE C. BRAMBLE (OWNER).

TEXT AMENDMENT

- C. **P16-39.** REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, ARTICLE X, SECTION 102A-1023. SEXUALLY ORIENTED BUSINESSES, CORRECTING THE ZONING DISTRICT TO READ M(P) PLANNED INDUSTRIAL AND CLARIFYING THAT A SPECIAL USE PERMIT IS REQUIRED SO THAT SECTION 102A-1023 IS CONSISTENT WITH SECTION 102A-403. USE MATRIX; UPDATING THE TABLE OF CONTENTS AS APPROPRIATE AND AUTHORIZING STAFF TO REPRINT THE ZONING ORDINANCE IN ITS ENTIRETY WITH ALL AMENDMENTS APPROVED TO THE CURRENT DATE. (HOPE MILLS)

VIII. CONTESTED ITEMS

IX. DISCUSSION

DIRECTOR'S UPDATE

X. ADJOURNMENT

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Patricia Hall,
Town of Hope Mills

July 12, 2016

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the July 19, 2016 Board Meeting

P16-30. REZONING OF 7.87+/- ACRES FROM RR RESIDENTIAL & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8175 MCCORMICK BRIDGE RD, SUBMITTED BY TOM BROOKS (AGENT) ON BEHALF OF MCCORMICK FARMS LIMITED PARTNERSHIP (OWNER).

1st MOTION

The staff recommends the board find that approval of the request is not consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe and conservation area” at this location; however, if the Special Flood Hazard Area (SFHA) were to be zoned CD, the request would be more consistent with the plan. Also, the request is not consistent with the Spring Lake Land Use Plan that calls for “open space and suburban density residential.

The staff recommends the board further find that approval of this rezoning could only be reasonable if the SFHA were protected by being zoned CD conservancy district. The A1 Agricultural zoning for that portion not in the SFHA is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area* – the subject property is located in an area that is “critically important to conserve;” *desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

In addition to the information above, the staff recommends the board approve Case No. P16-30 for A1 Agricultural and CD Conservancy (where the SFHA exists) because the requested A1 zoning coupled with the conservancy district will ensure that limited development may occur on the subject property thus affording the suitability and compatibility of the military missions performed on nearby bases and be consistent with zoning and development within the general area.

Attachments: 1-Site Profile; 2-Sketch Map

P16-30
SITE PROFILE

P16-30. REZONING OF 7.87+/- ACRES FROM RR RESIDENTIAL & CD CONSERVANCY DISTRICT TO A1 AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 8175 MCCORMICK BRIDGE RD, SUBMITTED BY TOM BROOKS (AGENT) ON BEHALF OF MCCORMICK FARMS LIMITED PARTNERSHIP (OWNER).

Site Information:

Frontage & Location: 370'+/- on SR 1600 (McCormick Bridge Rd)

Depth: 1067'+/-

Jurisdiction: County

Adjacent Property: Yes

Current Use: Agricultural w/ log cabin

Initial Zoning: RR & CD – January 7, 1977 (Area 11)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North & East: A1/CU, RR/CU & CD/CU (quarry) and A1 & C1(P); South: CD, A1, & RR; West: CD, RR & R6A

Surrounding Land Use: Quarry, woodlands & farmland

2030 Growth Vision Plan: Urban fringe & conservation area

Spring Lake Land Use Plan: Open space & suburban residential

Municipal Influence Area: Spring Lake

School Capacity/Enrolled: Lillian Black Elementary: 265/224; Spring Lake Middle: 700/468; Pine Forrest High: 1750/1616

RLUAC: Does not object to the request but advises that the area is listed as “Critically Important to Conserve” and is identified as “highly suitable” for natural areas, working farmland and working forest

US Fish & Wildlife: No objection to rezoning; however, recommends cavity tree search before any habitat is removed since the parcel is within one mile of two active red-cockaded woodpecker clusters

Special Flood Hazard Area (SFHA): Yes

Water/Sewer Availability: Well/Septic

Soil Limitations: Yes, hydric – Ro Roanoke and wahee loams

Subdivision/Site Plan: Subdivision conditionally approved on 6-27-16, see Case No. 16-082

Average Daily Traffic Count (2014): 5800 on SR 1600 (McCormick Bridge Rd)

Highway Plan: McCormick Bridge Rd is a local road. There are no road improvements/construction specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Plan.

Notes:

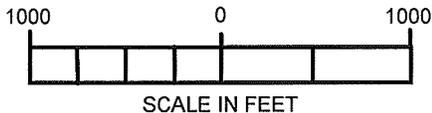
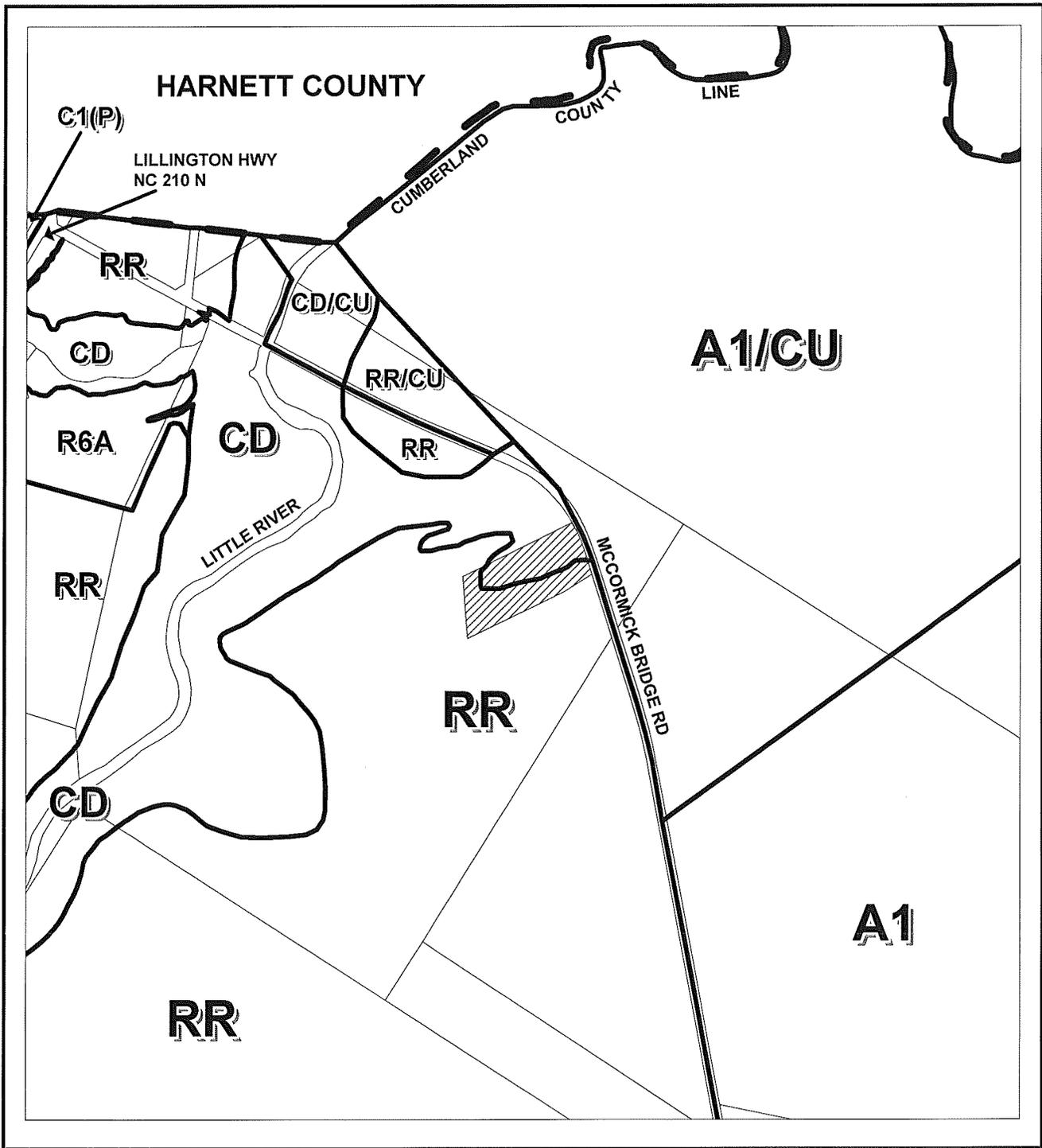
1. Density (minus 15% for R/W)
A1– 3 lots/units
A1A – 6 lots/7 units
R40 & R40A – 7 lots/units
R30 & R30A – 9 lots/10 units
RR, R20 & R20A – 14 lots/15 units

2. Minimum Yard Setbacks:

<u>A1 & A1A</u>	<u>R40, R40A, R30, R30A, R20, R20A & RR</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

First Class and Record Owners' Mailed Notice Certification

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



PIN: 0523-02-5337

REQUESTED REZONING RR & CD TO A1

ACREAGE: 7.87 AC.+/-		HEARING NO: P16-30	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

JM
7/01/2016

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July 12, 2016

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning and Inspections Staff
SUBJECT: Staff Recommendation for the July 19, 2016 Board Meeting

P16-37. REZONING OF 3.01+/- ACRES FROM A1 AGRICULTURAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 2243 (ROSLIN FARM ROAD), SOUTH OF RUNNING FOX ROAD; SUBMITTED BY ADA FAYE C. BRAMBLE (OWNER).

1st MOTION

The Planning and Inspections Staff recommends the board find that while approval of the request is not consistent with the map of the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, which calls for “urban fringe” at this location, it is consistent with the text of the plan in that approval would be keeping with the existing character of the area. The request is also not consistent with the South Central Land Use Plan which calls for “suburban residential,” but could be found suitable as stated above.

The staff recommends the board further find that approval of this rezoning is reasonable and in the public interest because the district requested for the subject property meets or exceeds the location criteria of the adopted Land Use Policies Plan, in that: *individual well and septic systems are allowed; could be located in any defined critical area as defined by the Fort Bragg Small Study Area; desirable to be limited to one unit per acre in areas with hydric soils and severe septic tank limitations; desirable to not be located in an area that is a prime industrial site and may be outside the Sewer Service Area.*

2nd MOTION

In addition to the above information, the Planning and Inspections Staff recommends the board approve Case No. P16-37 for A1A Agricultural based on the following:

- The district requested will allow for land uses and lot sizes that exist in the general area.

There are no other suitable zoning districts to be considered at this location at this time.

Attachments:

1 – Site Profile; 2 – Sketch Map

P16-37
SITE PROFILE

P16-37. REZONING OF 3.01+/- ACRES FROM A1 AGRICULTURAL TO A1A AGRICULTURAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE WEST SIDE OF SR 2243 (ROSLIN FARM ROAD), SOUTH OF RUNNING FOX ROAD; SUBMITTED BY ADA FAYE C. BRAMBLE (OWNER).

Site Information:

Frontage & Location: 359.92'+/- on SR 2243 (Roslin Farm Rd)

Depth: 400.16'+/-

Jurisdiction: County

Adjacent Property: Yes

Current Use: Vacant

Initial Zoning: A1 – June 25, 1980 (Area 13)

Nonconformities: Yes – illegal subdivision from parent tract

Zoning Violation(s): None

Surrounding Zoning: North: A1 & R40A; South: A1, R40A & RR; East: A1 & R40/CU (conservation subdivision & horse farm); West: A1, CD & RR/DD/CUD (234 lot subdivision)

Surrounding Land Use: Residential (including manufactured homes) & farmland

2030 Growth Vision Plan: Urban fringe

South Central Land Use Plan: Suburban residential

School Capacity/Enrolled: Gray's Creek Elementary: 495/429; Gray's Creek Middle: 1100/1025; Gray's Creek High: 1270/1368

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Robeson County/Septic

Soil Limitations: Yes, hydric – Wo Woodington loamy sand

Subdivision/Site Plan: Subdivision conditionally approved on April 21, 2016 – see County Case No. 16-081

Average Daily Traffic Count (2014): 2400 on SR 2243 (Roslin Farm Rd)

Highway Plan: Roslin Farm Rd is an existing thoroughfare with no road improvements/construction planned. This case has no impact on the current Highway plan or Transportation Improvement Program.

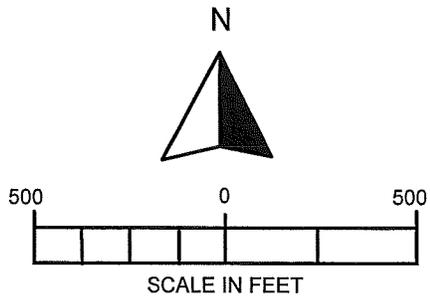
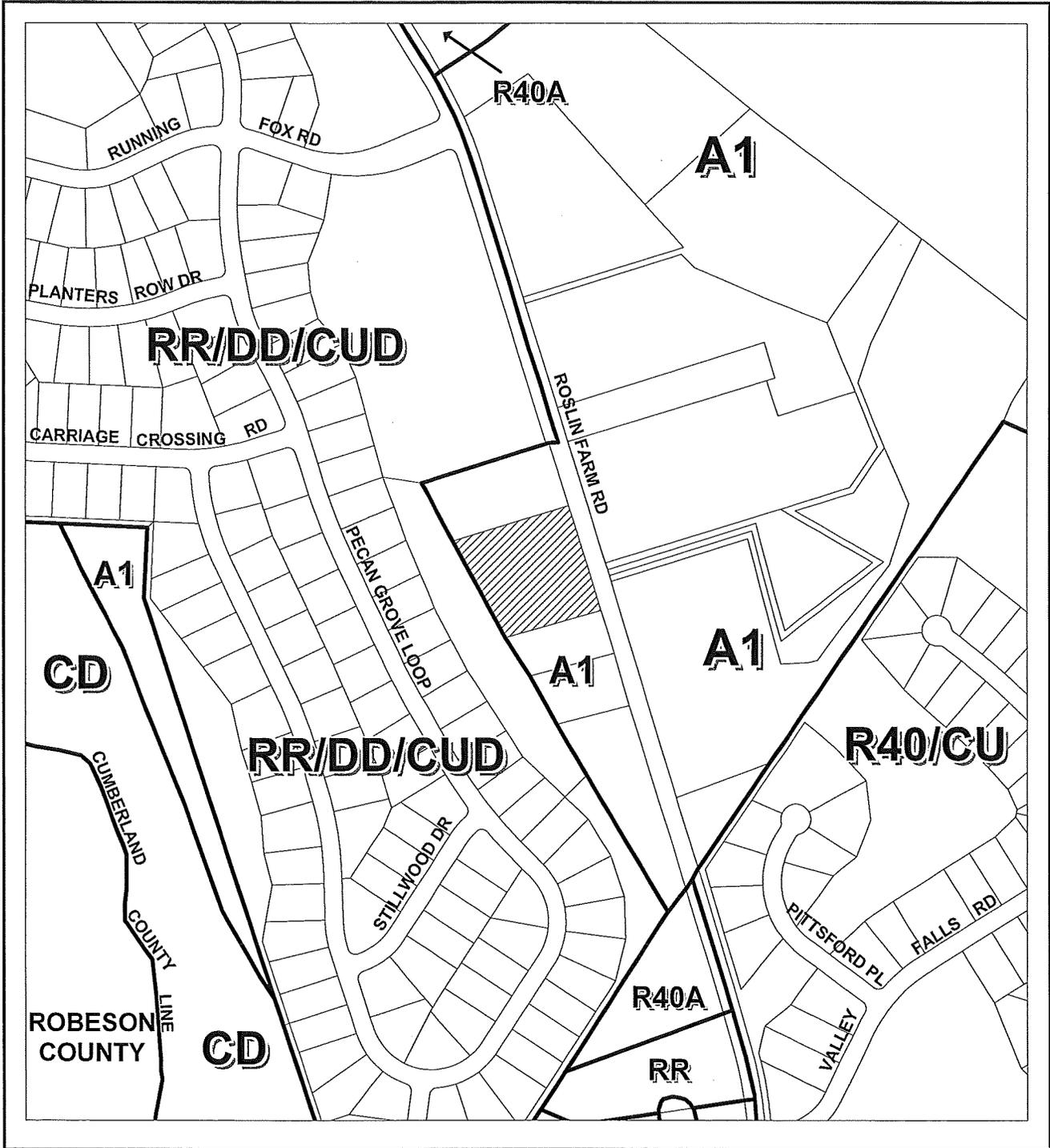
Notes:

1. Density
A1 – 1 lot/ 2 units
A1A – 3 lots/units

2. Minimum Yard Setbacks:
A1 & A1A
Front yard: 50'
Side yard: 20'
Rear yard: 50'

First Class and Record Owners' Mailed Notice Certification

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



REQUESTED REZONING A1 TO A1A

ACREAGE: 3.01 AC.+/-	HEARING NO: P16-37	
ORDINANCE: COUNTY	HEARING DATE	ACTION
STAFF RECOMMENDATION		
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0412-90-2413

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July 12, 2016

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for July 19, 2016 Board Meeting

P16-39. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, ARTICLE X, SECTION 102A-1023. SEXUALLY ORIENTED BUSINESSES, CORRECTING THE ZONING DISTRICT TO READ M(P) PLANNED INDUSTRIAL AND CLARIFYING THAT A SPECIAL USE PERMIT IS REQUIRED SO THAT SECTION 102A-1023 IS CONSISTENT WITH SECTION 102A-403. USE MATRIX; UPDATING THE TABLE OF CONTENTS AS APPROPRIATE AND AUTHORIZING STAFF TO REPRINT THE ZONING ORDINANCE IN ITS ENTIRETY WITH ALL AMENDMENTS APPROVED TO THE CURRENT DATE. (HOPE MILLS)

The Planning & Inspections Staff recommends approval of the attached Hope Mills zoning ordinance text amendment which, if approved, would correct an error made in the drafting of the 2008 complete re-write of the ordinance. The use matrix currently specifies that sexually oriented businesses are only allowed within the M(P) Planned Industrial district upon approval by the Board of Adjustment of a special use permit. Article X contains various sections listing specific criteria for certain land uses. Section 102A-1023 establishes standards for sexually oriented uses and incorrectly states that these land uses are allowed with the C(P) Planned Commercial district.

The staff also recommends the board find that approval of the amendment to the town's zoning ordinance is consistent with the adopted comprehensive plan designated as the *2030 Growth Vision Plan*, specifically including: Policy Area 2: *Well-Managed Growth and Development*. The proposed amendment is also generally consistent with the *Southwest Cumberland Land Use Plan* in that the adopted goals and objectives of the plan related to industrial districts strives to ensure compatibility of land uses as well as promoting development that has a positive impact on the social, natural, and environmental conditions in the immediate surrounding area.

The staff further recommends the board find that approval of this amendment is reasonable and in the public interest based on the foregoing information and that by ensuring sexually oriented businesses are limited to areas where by the small town character will not be affected and located in a zoning district which may include land uses not appropriate to be in close proximity to residential uses.

Attachment: P16-39 Hope Mills Zoning Ordinances Text Amendment

P16-39
Town of Hope Mills Zoning Ordinance
Text Amendment
(Sexually Oriented Businesses)

P16-39. REVISION AND AMENDMENT TO THE TOWN OF HOPE MILLS ZONING ORDINANCE, ARTICLE X, SECTION 102A-1023. SEXUALLY ORIENTED BUSINESSES, CORRECTING THE ZONING DISTRICT TO READ M(P) PLANNED INDUSTRIAL AND CLARIFYING THAT A SPECIAL USE PERMIT IS REQUIRED SO THAT SECTION 102A-1023 IS CONSISTENT WITH SECTION 102A-403. USE MATRIX; UPDATING THE TABLE OF CONTENTS AS APPROPRIATE AND AUTHORIZING STAFF TO REPRINT THE ZONING ORDINANCE IN ITS ENTIRETY WITH ALL AMENDMENTS APPROVED TO THE CURRENT DATE. (HOPE MILLS)

AMEND Article X Individual Uses, Section 102A-1023. Sexually oriented businesses as indicated below:

ARTICLE X
INDIVIDUAL USES

Sec. 102A-1023. Sexually oriented business.

Sexually oriented businesses are some of the uses which, because of their very nature, may have serious objectionable characteristics, particularly when several of them are concentrated in one area, thereby having a deleterious effect upon adjacent areas, or when the uses are proposed to be located in or near sensitive areas or land uses. Special regulation of sexually oriented businesses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations and applicable criteria are contained in this section.

Sexually oriented businesses shall be allowed upon approval of a special use permit in the ~~M(P)~~ ~~C(P)~~ planned ~~industrial~~ ~~commercial~~ district subject to the following:

- (a) Sexually oriented businesses shall not be located within 2,500 feet of another sexually oriented business. The measurement shall be taken from the exterior walls of the building(s) containing such regulated use.
- (b) Sexually oriented business shall not be located within 1,500 feet of any area zoned for residential use or from the property line of residential unit(s), religious worship activity, nursery school, day care facility, any recreation and amusement not regulated herein, and any public or private school regardless of the zoning district, and shall be measured from the property line(s) containing such regulated use.
- (c) Buffering, complying with the standards of Section 102A-1202(g), shall be placed around the entire perimeter, including road frontage but excluding the entrance drive, for all sexually oriented businesses.
- (d) Nude or semi-nude service or entertainment of any kind shall not be allowed outside the building of such use.
- (e) The provisions of this article shall not apply to "massage and bodyworks therapy" as defined in Article II and to the extent regulated by N.C. GEN. STAT., Chapter 90.