

Lori Epler,
Chair
Cumberland County

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

February 15, 2011

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

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Donovan McLaurin, Chairman, Land Use Codes Committee

SUBJECT: **P11-10.** REVISIONS, AMENDMENTS AND UPDATES TO THE CUMBERLAND COUNTY ZONING ORDINANCE FOR THE CUMBERLAND COUNTY JOINT PLANNING BOARD'S ANNUAL REVIEW OF THE JUNE 20, 2005 ORDINANCE.

Below is a summary of the committee's recommended changes to the County Zoning Ordinance for the 2010 review. The ordinance is available for viewing on the Planning & Inspections Department's webpage: <http://co.cumberland.nc.us/planning.aspx>.

Major Changes

1. Convert **Conditional Use District and Permit to Conditional Zoning** – If approved, this amendment will allow for rezoning with conditions as a legislative matter and since quasi-judicial hearing would no longer be required for this type of application, the two part motion requirement would be eliminated. (**p. 35**, Sec. 308, Art. III, Zoning Districts; **p. 48**, Art. V, Companion Districts – Conditional Zoning Districts; several other general references throughout the ordinance such as in the definitions for **Conditional Use (p. 12)** and **Quasi-Judicial (p. 24)** and Art. XV, Amendments)
2. Delete references to **all uses not listed are prohibited** concerning uses listed in the Use Matrix to ensure consistency with recent NC Court of Appeals case, specifically *Land v. Village of Wesley Chapel* (Aug, 2010) (**p. 39**, Sec. 401 & Sec. 402, Art. IV, Permitted, Conditional and Special Uses)
3. Clarified **schools** and **types of schools** and **districts where the schools are allowed** in the Use Matrix (**p. 46**, Sec. 403, Art. IV, Permitted, Conditional and Special Uses)
4. Modify the provisions for **attached signs** so that the requirements are consistent for all non-residential uses in non-residential zoning districts (**pp 141-144**, Art. XIII, Sign Regulations)
5. Repeal provisions allowing Planning Board to approve **alternate yard requirements** for planned zoning districts (**p. 150**, Sec. 1404, Art. XIV, Planned Districts)

Minor Changes

1. Add definition for **Fences or Walls, Solid** (p. 15, Sec. 203, Art. II, Definitions)
2. Add definition for **Lateral Access** (p. 18, Sec. 203, Art. II, Definitions)
3. Add definition for **Mobile Storage Units** (p. 21, Sec. 203, Art. II, Definitions)
4. Change reference for **RR Rural Residential classification** that currently identifies this district as “low” density to “suburban” for consistency with Land Use Policies Plan (p. 32, Sec. 304, Art. III, Zoning Districts)
5. Clarify **type of street access** for non-residential uses allowed in residential and agricultural districts (p. 91, Sec. 916, Art. IX, Individual Uses)
6. Clarify when **outside storage** is allowed it must be buffered from view from public right-of-ways (p. 107, Sec. 1002, Art. X, Other Uses)
7. Revised the method for calculation of off-street parking spaces required for **lodges, fraternal and social organizations** so that the amount of spaces required are based on capacity rather than size of building (p. 129, Sec. 1202, Art. XII, Off-Street Parking and Loading)
8. Repeal the **mandatory permanent surfacing** requirement for required **off-street parking spaces** and drives (p. 131, Sec. 1202.D, Art. XII, Off-Street Parking and Loading)
9. Ensure that provisions addressing **temporary signs** are content neutral (p. 138, Sec. 1304, Art. XIII, Sign Regulations)
10. Add and clarify the provisions governing **entrance signs for developments** (p. 139, Sec. 1304, Art. XIII, Sign Regulations)

In addition to the above listed changes, the staff is currently working with a citizen committee to establish standards for outdoor shooting ranges. This amendment will be considered separately by the committee at a later date.

Please contact me with any questions at 910-850-1800, email: mclaurin@outdrs.net or Patti Speicher at 910-678-7605 or email: pspeicher@co.cumberland.nc.us.

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COUNTY *of* CUMBERLAND

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March 8, 2011

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 15, 2011 Board Meeting

P11-15. REVISION AND AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE BY AMENDING ARTICLE IX SIGN REGULATIONS IN ITS ENTIRETY; ARTICLE X DEFINITIONS, BY DELETING ALL SIGN RELATED DEFINITIONS FROM THIS ARTICLE; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (STEDMAN)

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

1. This amendment modernizes the Town's current sign provisions and will allow for consistency between the Town and the County's respective zoning ordinances; and
2. The amendment was requested by the Town of Stedman.

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MEMORANDUM

TO: Cumberland County Joint Board

FROM: County Planning Staff

SUBJECT: Staff Recommendation for the March 15, 2011 Board Meeting

P11-06: REZONING OF 10.12+/- ACRES FROM R6 RESIDENTIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTHWEST OF SR 2311 (GILLESPIE STREET), SOUTHEAST OF NC HWY 87 (MARTIN LUTHER KING JR. FREEWAY); SUBMITTED BY TIM KINLAW ON BEHALF OF CUMBERLAND COUNTY BOARD OF EDUCATION (OWNER).

The Planning & Inspections Staff recommends approval of the M(P) Planned Industrial district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location, as well as meeting the location criteria for "heavy industrial/manufacturing" development as listed in the Land Use Policies Plan;
2. The location and character of the use will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

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

Attachments:

- 1- Site Profile
- 2- Sketch Map

P11-06
SITE PROFILE

P11-06: REZONING OF 10.12+/- ACRES FROM R6 RESIDENTIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED NORTHWEST OF SR 2311 (GILLESPIE STREET), SOUTHEAST OF NC HWY 87 (MARTIN LUTHER KING JR. FREEWAY); SUBMITTED BY TIM KINLAW ON BEHALF OF CUMBERLAND COUNTY BOARD OF EDUCATION (OWNER).

Site Information:

Frontage & Location: 40.00'+/- on Homewood Street & 50.00'+/- on Puritan Street

Depth: 920.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, north & east of subject property

Current Use: Motor vehicle & equipment storage lot

Initial Zoning: R6 – November 17, 1975 (Area 4)

Nonconformities: Motor vehicle storage lot not a permitted use in current district

Zoning Violation(s): None

Surrounding Zoning: North: M2, C3, C1, R6, R5 & R5A; South: M2, M(P), C3, C1 & R6; East: C3; West: C3, C1, R6, R5 & R5A Note: All Fayetteville except M(P)

Surrounding Land Use: Residential (including multi-family), religious worship (3), truck terminal activities, motor vehicle repair (3), school, farm machinery sales & industrial operations not otherwise permitted

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/PWC

Soil Limitations: None

School Capacity/Enrolled: Cumberland Road Elementary: 457/428; Ireland Drive Middle (6): 340/362; Douglas Byrd Middle (7-8): 600/708; Douglas Byrd High: 1,280/1,291

Subdivision/Site Plan: If approved, development will require a review and approval

Municipal Influence Area: City of Fayetteville

Fayetteville Regional Airport: No objection

Average Daily Traffic Count (2008): 8,300 on SR 2311 (Gillespie Street)

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:

1.

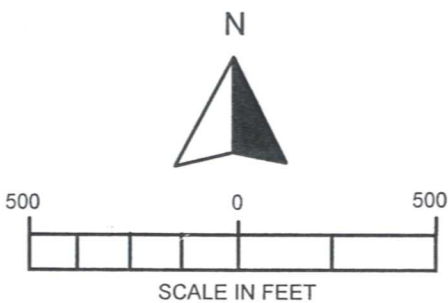
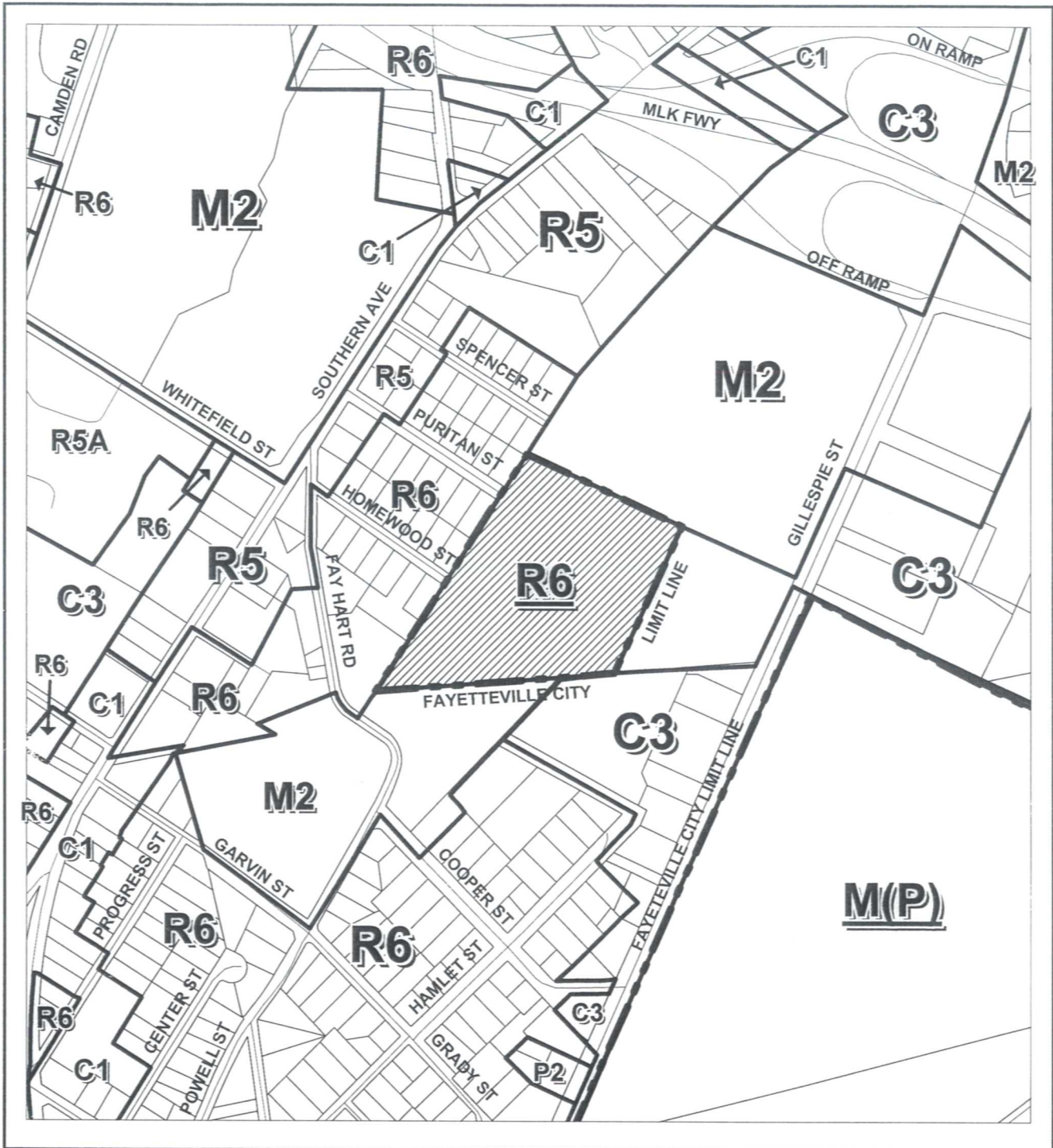
<u>Density:</u>	<u>Density minus 15% for R/W:</u>
R6 – 75 lots/units	R6 – 64 lots/units

2.

<u>Minimum Yard Setback Regulations:</u>	
<u>R6</u>	<u>M(P)</u>
Front yard: 25'	Front yard: 100'
Side yard: 10'	Side yard: 50'
Rear yard: 30'	Rear yard: 50'

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' certified receipt of notice is also included.



REQUESTED REZONING R6 TO M(P)

ACREAGE: 10.12 AC.+/-		HEARING NO: P11-06	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

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MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for March 15, 2011 Board Meeting

P11-09: REZONING OF .43+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4966 AND 4976 CUMBERLAND ROAD; SUBMITTED BY GLEN JERNIGAN, JR. AND HOLDEN REAVES ON BEHALF OF JERNIGAN HOLDINGS, LLC. AND REAVES HOLDINGS, LLC. (OWNERS).

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

1. The request is consistent with the 2030 Growth Vision Plan, which calls for “urban” development at this location; and
2. The subject property meets the location criteria for “light commercial” as recommended in the Land Use Policies Plan.

The C1(P) district could also be considered suitable for this location.

Attachments:

- 1 - Site Profile
- 2 - Sketch Map

P11-09
SITE PROFILE

P11-09: REZONING OF .43+/- ACRES FROM R6A RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 4966 AND 4976 CUMBERLAND ROAD; SUBMITTED BY GLEN JERNIGAN, JR. AND HOLDEN REAVES ON BEHALF OF JERNIGAN HOLDINGS, LLC. AND REAVES HOLDINGS, LLC. (OWNERS).

Site Information:

Frontage & Location: 149.70'+/- on SR 1141 (Cumberland Road)

Depth: 136.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 2 residential structures

Initial Zoning: R6A – August 1, 1975 (Area 3)

Nonconformities: Existing residential dwelling does not appear to meet side yard setbacks; if approved, nonconformity would increase

Zoning Violation(s): None

Surrounding Zoning: North: C(P), RR, PND (Fay & County) & R6A; South: C3 (Hope Mills), C(P), C1(P), R6 (Hope Mills), R6A & CD; East: C3 (Hope Mills), C(P), C2(P) & R6A; West: M2, C(P), & R6A

Surrounding Land Use: Residential (including manufactured homes & multi-family), club, manufactured home park, retailing, day care, religious worship, office, school & manufacturing

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): No

Water/Sewer Availability: PWC/PWC (Pending)

Soil Limitations: None

School Capacity/Enrolled: Cumberland Mills Elementary: 630/628; Ireland Drive Middle (6): 340/362; Douglas Byrd Middle (7-8): 600/708; Douglas Byrd High: 1,280/1,291

Subdivision/Site Plan: If approved, development will require a review and approval

Municipal Influence Area: Town of Hope Mills

Average Daily Traffic Count (2008): 14,000 on SR 1141 (Cumberland Road)

Highway Plan: Cumberland Road is identified in the Highway Plan as a major thoroughfare. This is a multi-lane facility (U-2304) with an adequate right-of-way of 90 feet. Road improvements have been completed

Notes:

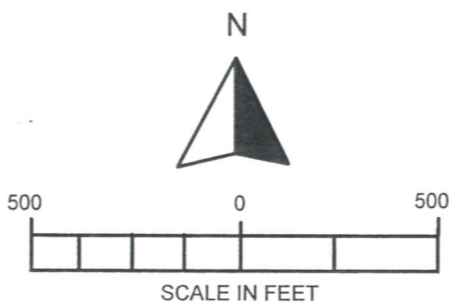
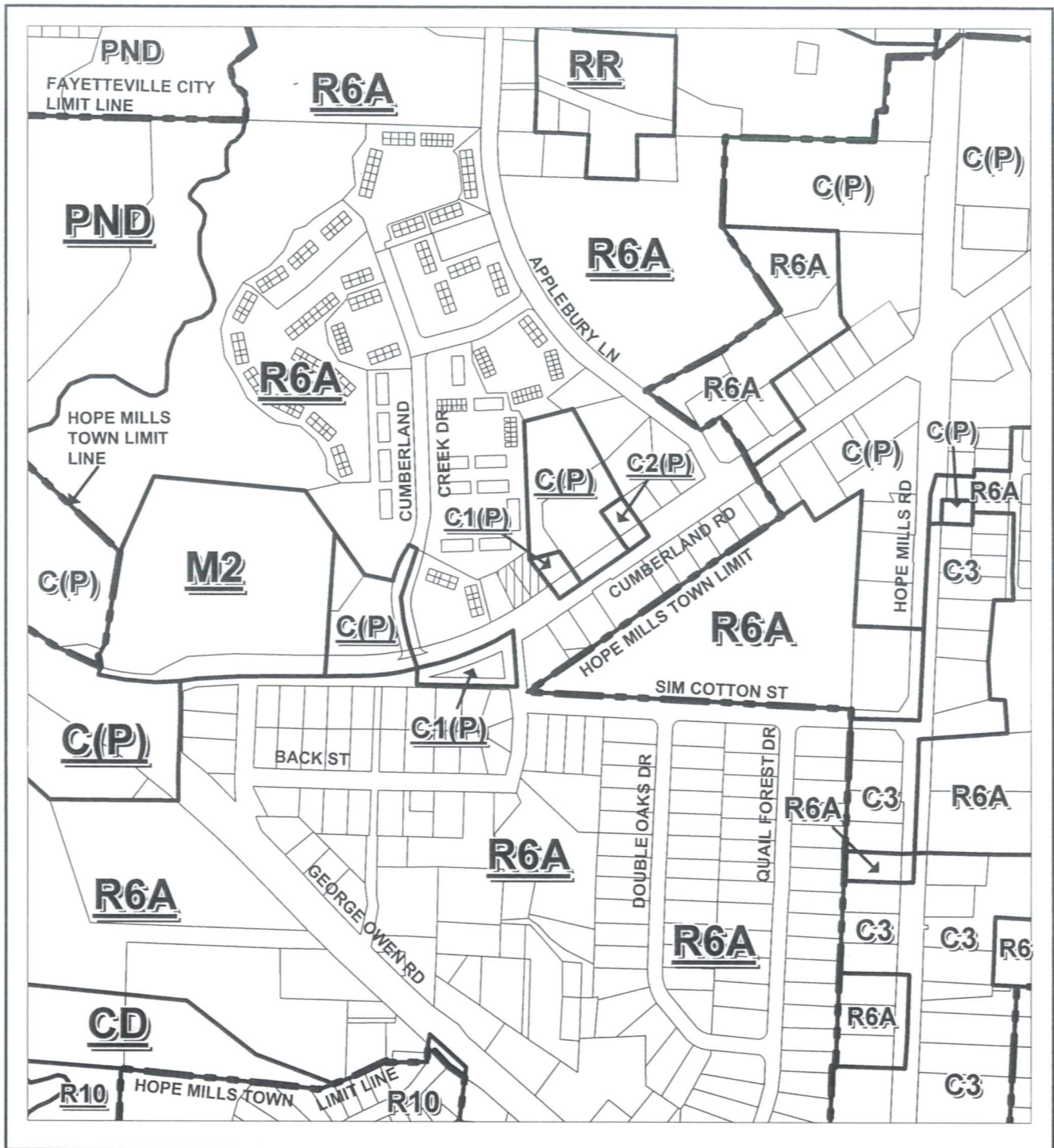
1. Density:
R6A – 5 lots/units

2. Minimum Yard Setback Regulations:

<u>R6A</u>	<u>C2(P)</u>
Front yard: 25'	Front yard: 50'
Side yard: 10'	Side yard: 30'
Rear yard: 15'	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.



PIN: 0405-85-5918,4954

REQUESTED REZONING R6A TO C2(P)

ACREAGE: 0.43 AC.+/-		HEARING NO: P11-09	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			