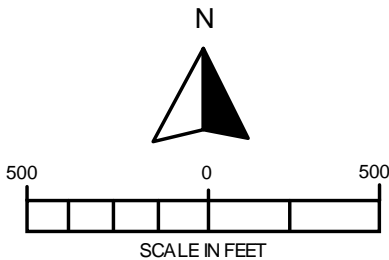
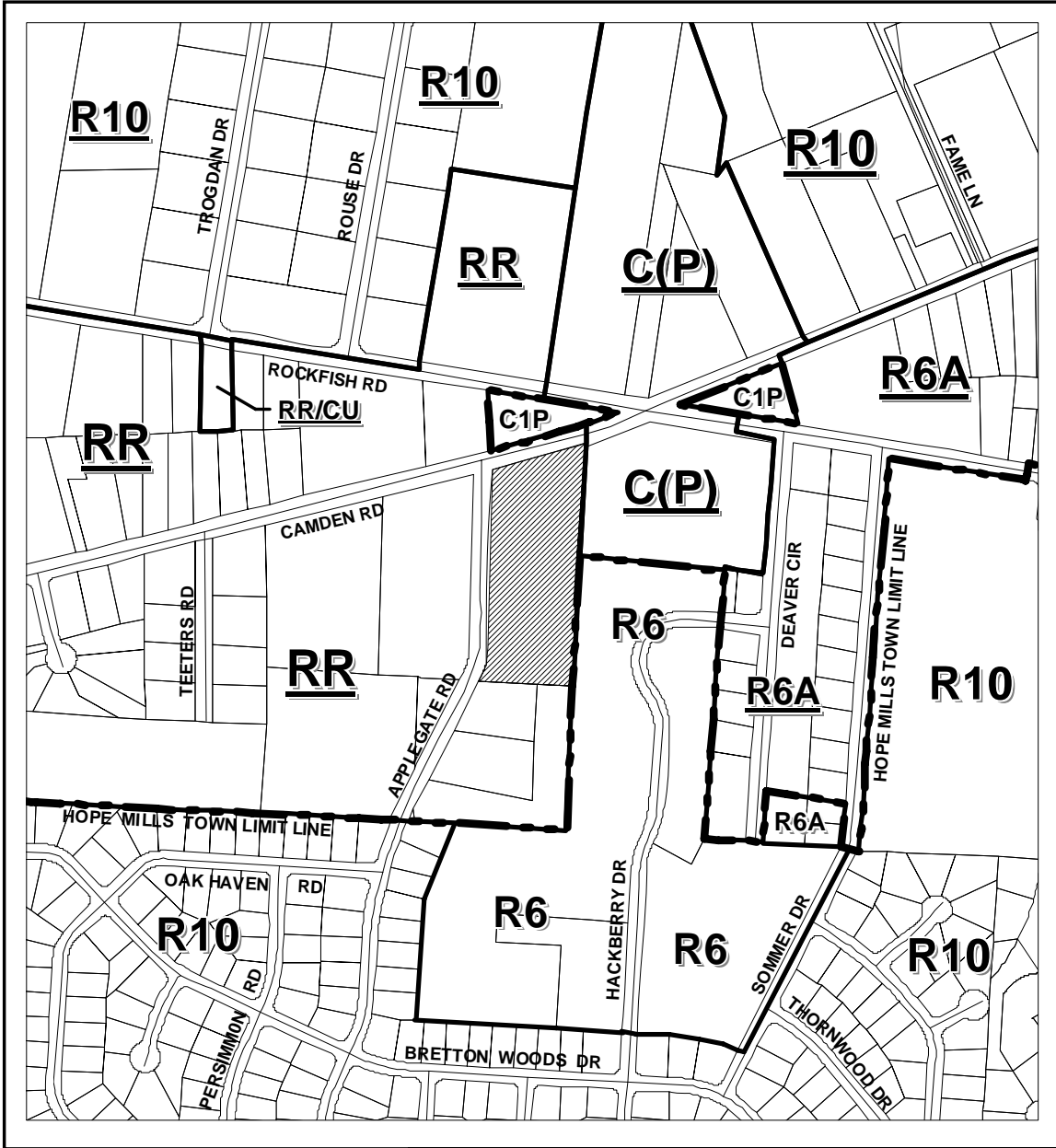


STAFF REQUESTED DEFERRAL: MARCH 6, 2007

P07-10: REZONING OF 5.51 ACRES FROM RR TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6417 CAMDEN ROAD, SUBMITTED BY BRAD YOUNG, OWNED BY USA STORAGE CENTER, LLC.



REQUESTED REZONING RR TO C(P)

ACREAGE: 5.51 AC.+/-		HEARING NO: P07-10	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0404-36-7194

AF

APPLICANT REQUESTED DEFERRAL: MARCH 20, 2007

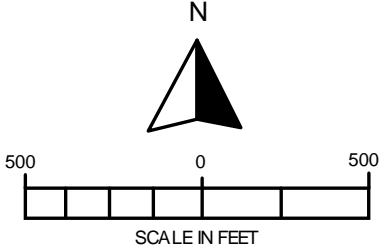
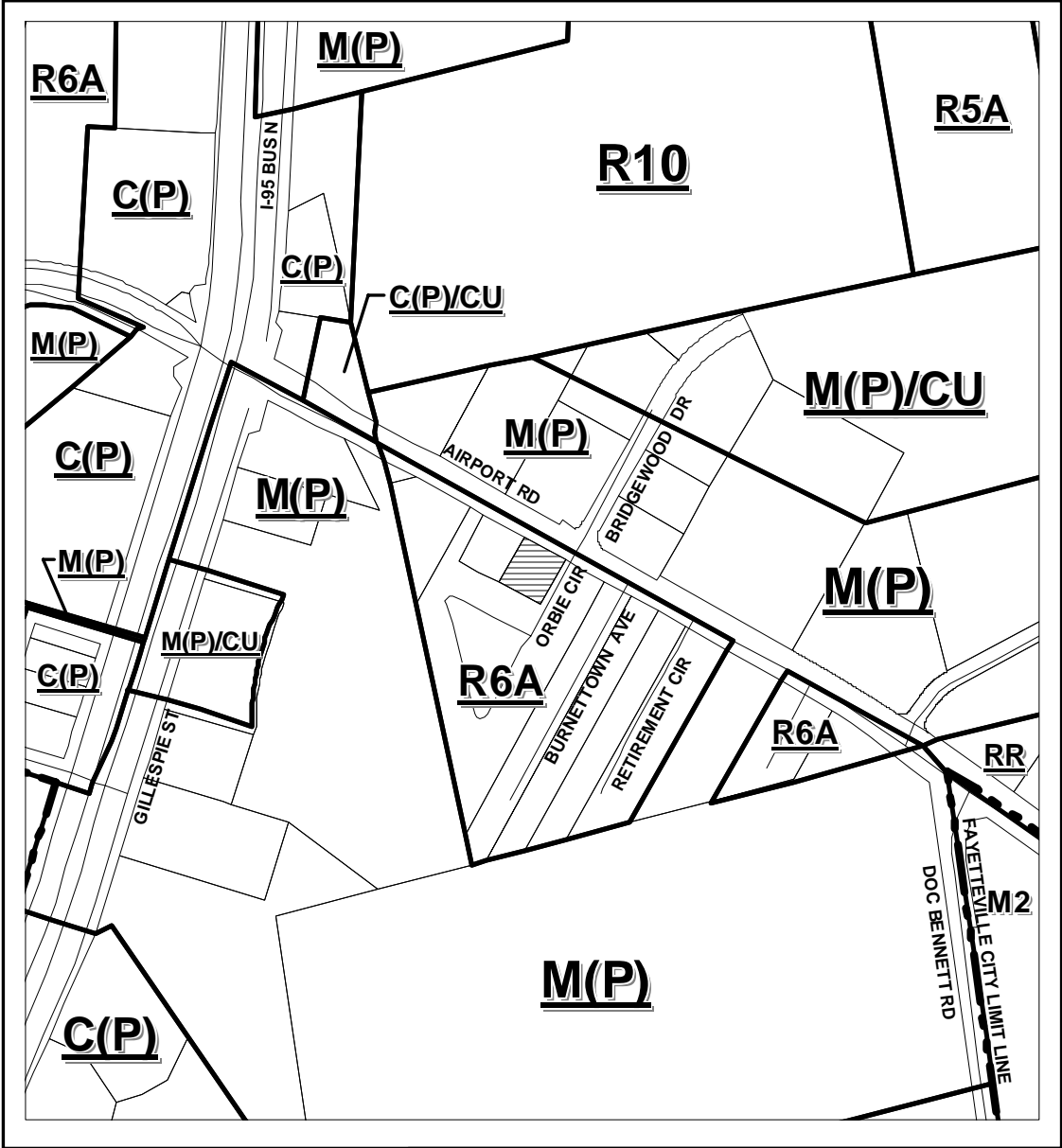
P07-12: REZONING OF .58 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 144 AIRPORT ROAD, OWNED BY MARK AND KIM WARREN.

Rezoning-Cumberland County Case # P07-12

Feb 13, 2007

We the owners of 144 Airport Road are interested in pursuing a "conditional use" rezoning as a change to our original request. We understand that this will result in a continuance and that our hearing will not be on the date scheduled, 2-20-07,

Mark AuWarren
Mark Warren
Kim Warren
Kim Warren



REQUESTED REZONING R6A TO C(P)

ACREAGE: 0.58 AC.+/-		HEARING NO: P07-12	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0435-14-0388

**PLAT AND PLAN CASE HEADING
FOR
FEBRUARY 20, 2007
PLANNING BOARD MEETING**

CONSENT ITEM:

CASE: 07-005

**CONSIDERATION OF THE TIMOTHY L. JOHNSON PROPERTY,
SUBDIVISION REVIEW, REQUEST FOR A WAIVER FROM SECTION
3.20.2, "MUNICIPAL INFLUENCE AREA COMPLIANCE", COUNTY
SUBDIVISION ORDINANCE, LOCATION: ON THE NORTH SIDE OF SR
2027 (BEAVER DAM ROAD), EAST OF SR 2022 (SWEET COURT).**

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

February 13, 2007

MEMORANDUM

TO: County Joint Planning Board

FROM: Edward M. Byrne, Planner II

SUBJECT: Case No. 07-005
Timothy L. Johnson Property
(Subdivision Review)

The developer has requested a waiver from Section 3.20.2 "Municipal Influence Area Compliance" (MIA), County Subdivision Ordinance, regarding conditions 10, 11, & 12, on the attached condition sheet. These conditions are related to the development standards specific to the Town of Stedman. The Cumberland County Subdivision Ordinance requires developments within a MIA to meet the standards of that Town. The property is zoned A1 Agricultural District, contains 10.19 +/- acres, and has 466.88 feet of road frontage.

The developer is proposing a subdivision creating two lots located on SR 2027 (Beaver Dam Road). Conditions numbered 10, 11, & 12 relate to greenways, sidewalks and street trees.

The Stedman Town Clerk has been authorized by the Town Board of Commissioners to review these cases to determine whether compliance is equitable and warranted on an individual basis. She has recommended in this particular case that the developer not be required to comply with the Town's greenway, sidewalk and street tree provisions. The Stedman Town Board is considering exemption criteria to be added to their Ordinance so that in the future, waivers may not be required for similar cases.

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 approval of the waivers based on the following:

1. Because of the condition and nature of the subject property and the adjoining areas, strict compliance would cause a special hardship to the property owner and be incompatible with the surrounding area since the property owner's proposed development is located in an area which consist primarily of farmland and single family homes on large lots where the sidewalks and other improvements are essentially nonexistent;
2. The public purposes of the Subdivision and Zoning Ordinances is being served to an equal or greater degree because the property owner is in compliance with the standards of the County's regulations and his proposed development is compatible with the surrounding development and land uses in the general area and the Town is recommending approval of the waivers; and
3. The property owner would not be afforded a special privilege denied to others since the Town and the Planning & Inspections Staff are working on exemption standards for the smaller municipalities' ordinances, specifically addressing development standards for areas where increased development is not expected in the foreseeable future.

Attachments: Stedman's Recommendation
Conditions of Approval
Sketch Map
Vicinity Map

cc: Timothy L. Johnson, Developer
Sammy Cain, Surveyor
Grainger Barrett, County Attorney
Connie Spell, Town Administrator
Cecil Combs, Deputy Director
Patti Speicher, Planner III

Town of  *Stedman*

February 13, 2007

Cumberland County Joint Planning Board
PO Box 1829
Fayetteville, NC 28302

Re: CASE No. 07-005 Property of Timothy L. Johnson – Beaver Dam Road

Dear Planning Board Members:

The above property is located outside the town limits but within our Municipal Influence Area (MIA). According to our Subdivision Ordinance our standards are required to be applied in the MIA.

The Town Board's position is that all development in the MIA should meet the town's standards and they do not agree with the County's position to grant waivers in the Town's MIA.

However, the Board realizes that in this particular case our greenway, curbs and gutters, landscaping and sidewalks standards are economically unrealistic for Mr. Johnson's case. Therefore, the town recommends that Mr. Johnson – Case No. 07-005 be granted relief from the above mentioned standards.

If you have any questions or need additional information, please feel free to contact me.

Sincerely,



Connie F. Spell
Town Administrator

cc: Will Denning, Planner

Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

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

PLANNING STAFF DECISION: 1-12-07 PLANNING BOARD DECISION: 2-20-07 COUNTY OR COUNCIL MEETING: N/A

CASE NO: 07-005 NAME OF DEVELOPMENT: TIMOTHY L. JOHNSON PROPERTY
(SUBDIVISION REVIEW)

LOCATION: ON THE NORTH SIDE OF SR 2027 (BEAVER DAM ROAD), ZONING: A1 (STEDMAN MIA)
SOUTHEAST OF SR 2022 (SWEET CT). PIN: 0595-62-6332-

OWNER OR DEVELOPER: TIMOTHY L. JOHNSON ENGINEER OR DESIGNER: JOHN S. CAIN

COUNTY ORDINANCE GODWIN ORDINANCE STEDMAN ORDINANCE SPRING LAKE ORDINANCE FALCON ORDINANCE

PLANNING DEPARTMENT ACTION	PLANNING BOARD ACTION	TOWN BOARD
<input checked="" type="checkbox"/> PRELIMINARY	<input checked="" type="checkbox"/> PRELIMINARY	<input type="checkbox"/> PRELIMINARY <input type="checkbox"/> FINAL
<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION	<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION	<input type="checkbox"/> EXTENSION <input type="checkbox"/> REVISION
<input checked="" type="checkbox"/> APPROVED CONDITIONALLY	<input type="checkbox"/> APPROVED CONDITIONALLY	<input type="checkbox"/> APPROVED CONDITIONALLY
<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED	<input type="checkbox"/> DENIED

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

Permit-Related:

- 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.
- 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. (Note: All Health Department requirements must be met prior to issuance of final permits.)
- The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

Site-Related:

- All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with.
- The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
- An internal street system may be required by the NC Department of Transportation (NCDOT) to serve any future divisions of these lots – additional driveways may be limited.

Plat-Related:

- 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 \$100.00 (\$50.00 per lot) payable to "Cumberland County". This condition is in accordance with Section 3.13.1, Parks, Open Space, Recreation Provisions, 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 # 2 – Town of Stedman MIA)
- Any/All easements shall 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.
- The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.

10. Prior to final plat approval, a four-foot wide concrete sidewalk, complying with the ADA standards, must be constructed along SR 2027 (Beaver Dam Road), with the sidewalk plans being reviewed and approved by the Town of Stedman- see Section 4.3. g, Stedman Subdivision Ordinance, for more specific details regarding this condition.
11. Prior to submission for final plat approval, on tree for every 50 linear foot of street frontage must be planted in an area three foot in width from the back of the right-of-way to the sidewalk along SR 2027 (Beaver Dam Road) – see Section 4.3.h, Stedman Subdivision Ordinance, for more specific details regarding this condition.
12. Prior to submission for final plat approval, the developer must comply with the Town of Stedman’s *Greenway Standards for Residential Subdivisions*, receiving written approval of the plans from the Town – see Section 3.13.2, Stedman Subdivision Ordinance, for more specific details regarding this condition.
13. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Mary Ann Steinmetz to schedule an inspection of the improvements.)
14. 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:

15. Since this development does not have public water/sewer, the following disclosure statement shall be provided on the final plat:
 “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.”
16. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement shall be provided on the final plat:
 “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.”
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.”

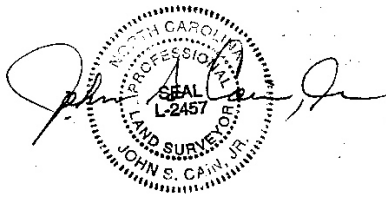
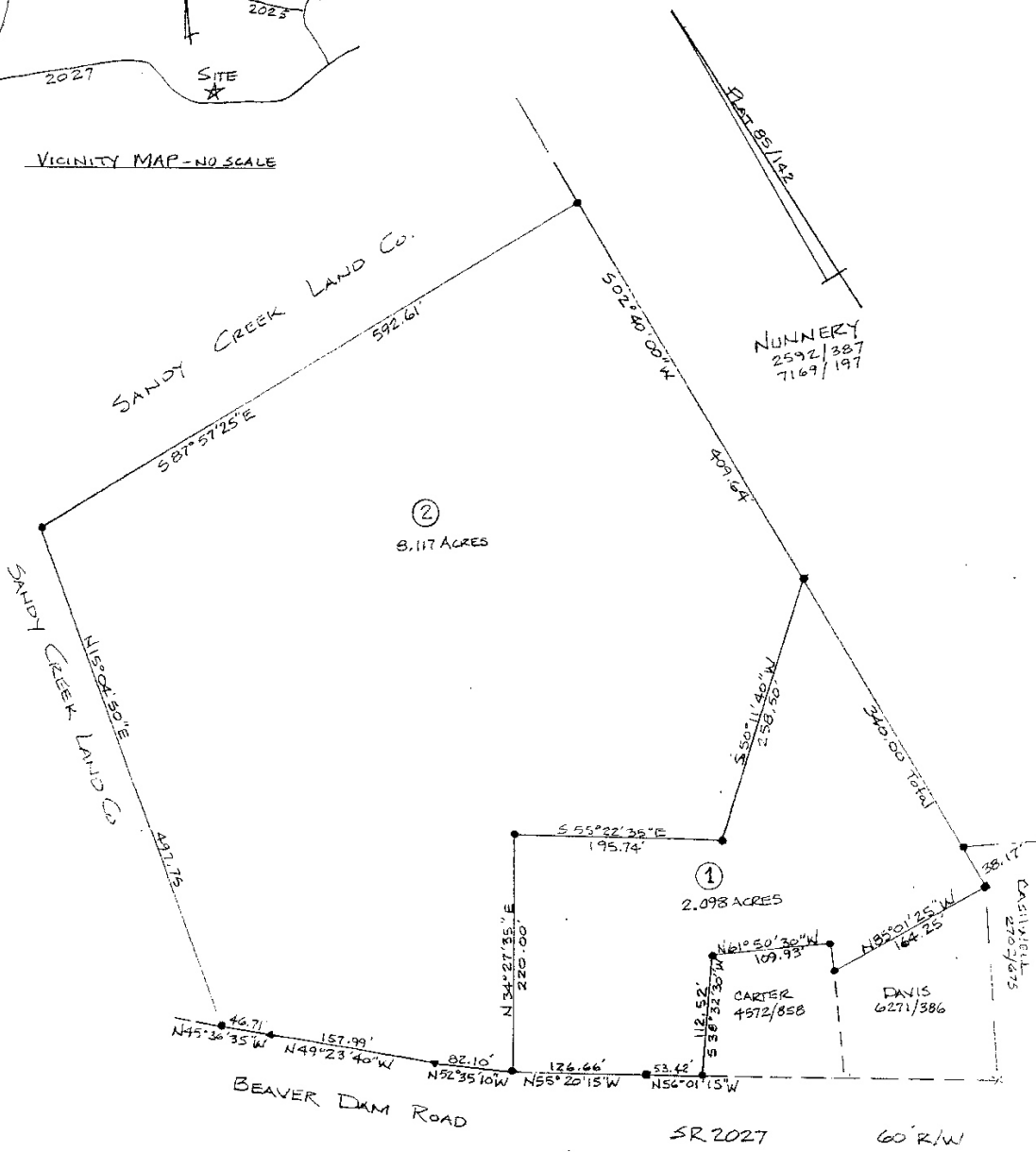
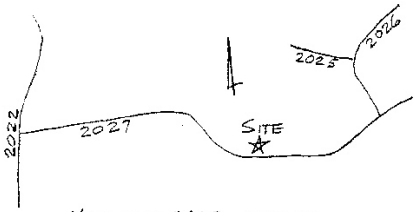
Other Relevant Conditions:

18. 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.”
19. This case is being presented to the February 20, 2007 Planning Board for the Board’s consideration of requested waivers from Conditions numbered 10, 11, and 12 above – see attached memorandum for related information.

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

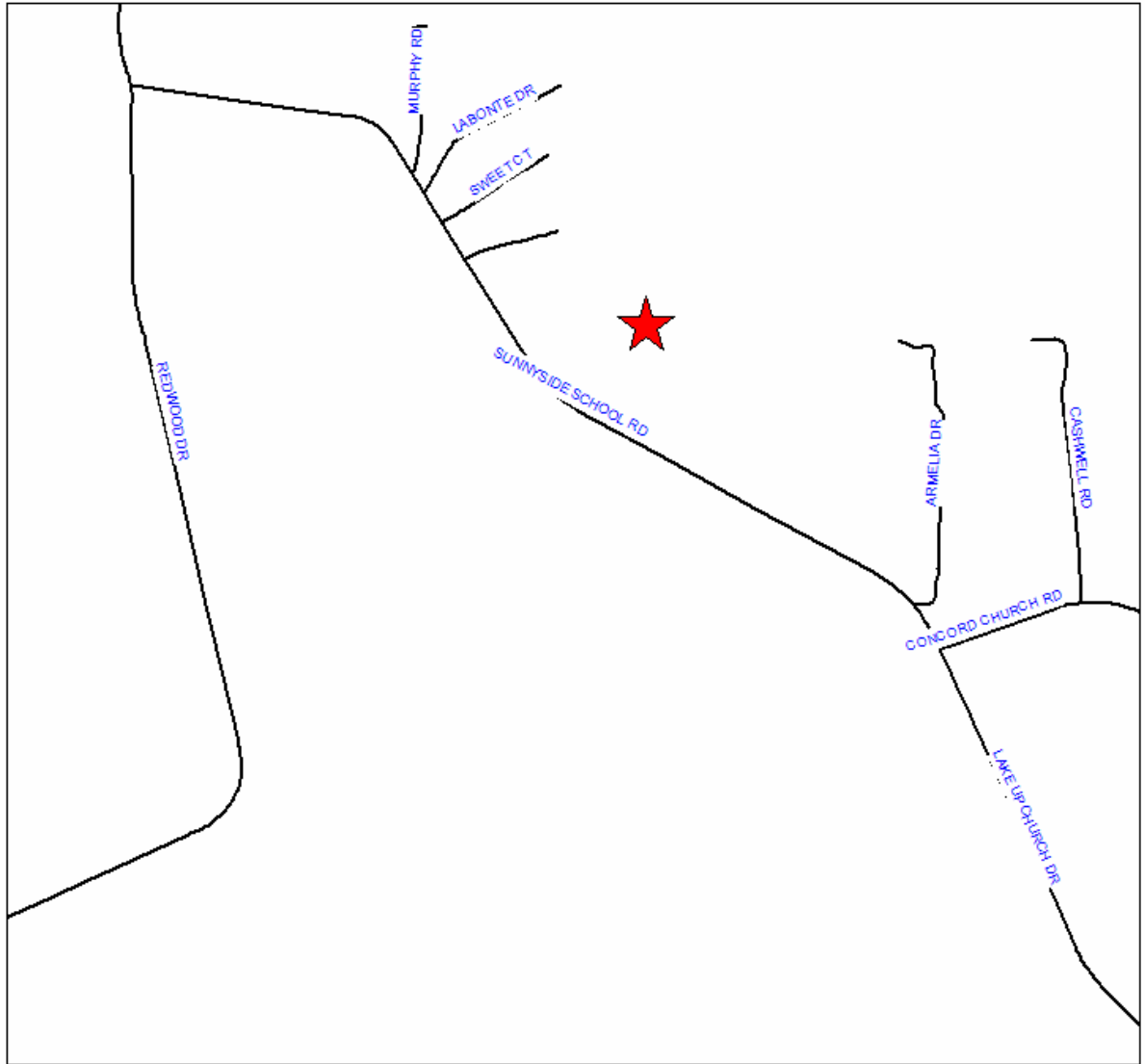
Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Stedman Staff Rep, CCP&I:	Will Denning	678-7612
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Town of Stedman:	Connie Spell	323-1892
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S)		486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496



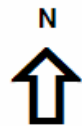
DIVISION OF
TIMOTHY L. JOHNSON PROPERTY
CEDAR CREEK TWP - CUMBERLAND CO.
A1 ZONING - DEED BOOK 4148, PAGE 381
SCALE 1" = 100' JANUARY 2007
P.I.N. 0495-62-6332

**TIMOTHY L. JOHNSON PROPERTY
SUBDIVISION REVIEW
CASE NO. 07-005**



PIN(S): 0495-62-6332-
PREPARED BY EMB - CCJPB
February 14, 2007

Map not to scale



Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

February 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 20, 2007 Board Meeting

P07-01: REZONING OF FOUR PARCELS TOTALING 8.47+/- ACRES FROM R40 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF RAMSEY STREET, EAST OF W. REEVES BRIDGE ROAD, OWNED BY ARNELL V. BOBBITT.

The Planning & Inspections Staff recommends approval of the R20 district based on the following:

1. Although the R20 zoning district is not consistent with the 2010 Land Use Plan, it is consistent with the recent development and requests for approval within this area; and
2. Linden water is available and, upon development, connection will be required.

The R30 zoning district is the only other suitable zoning district to be considered for this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P07-01

REZONING OF FOUR PARCELS TOTALING 8.47+/- ACRES FROM R40 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF RAMSEY STREET, EAST OF W. REEVES BRIDGE ROAD, OWNED BY ARNELL V. BOBBITT.

Site Information:

Applicant/Owner: ARNELL V. BOBBITT

Area: 8.47 acres

Frontage & Location: 200 feet on Ramsey Street

Depth: 1,500 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential and vacant

Initial Zoning: December 17, 2001 (Area 15) to A1; rezoned to R40 1/17/06

Zoning Violation(s): None

Surrounding Zoning: North A1, R20, East-A1, South-A1, and West-A1, R40, R40A, R20

Surrounding Land Use: Single family residential, farmland and woodland

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Linden Water / Septic Tank

Soil Limitations: None

School Capacity/Enrolled: Raleigh Road Elementary 258/238, Long Hill Elementary 452/517, Pine Forest Middle 700/761, Pine Forest High 1750/1659

Subdivisions: Any future development of these properties would require either a subdivision or group development review.

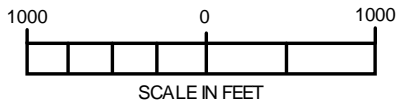
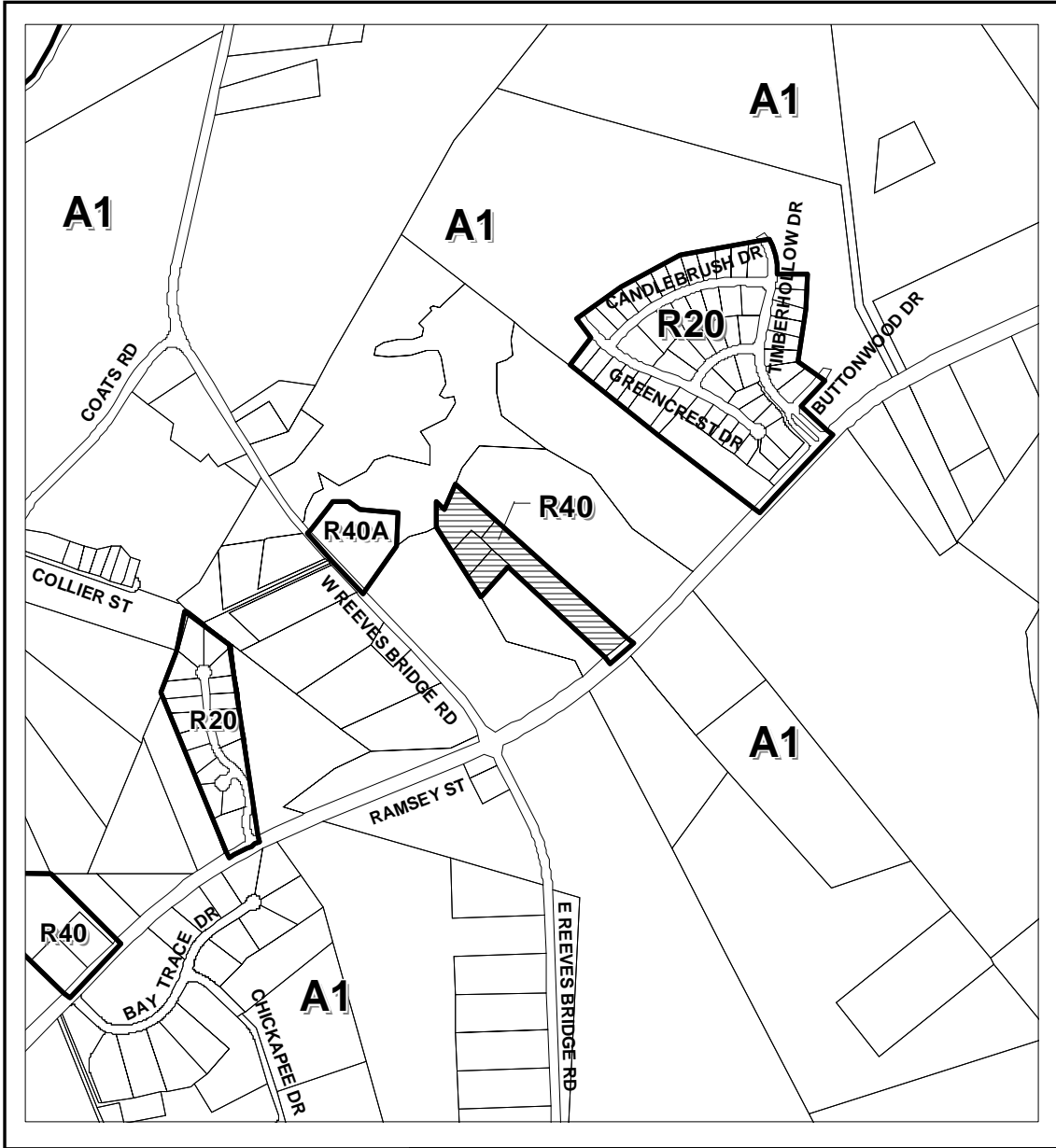
Military Impact Area: No

Highway Plan: Ramsey Street is identified as a Major Thoroughfare. This is a multi-lane facility with a proposed 225-250 foot right-of-way. Road improvements are included in the 2007-2013 MTIP and the Mid-Carolina 2006-2012 TIP. ROW-Unfunded, Construction-Unfunded

Average Daily Traffic Count (2004): 8,400 on Ramsey Street

Notes:

Density minus 20% for roads:	R40 – 7 lots
	R30 – 9 lots
	R20 – 14 lots



PIN: 0554-44-5617-
 0554-44-3637-
 0554-44-2820-
 0554-45-1052-

REQUESTED REZONING: R40 TO R20

ACREAGE: 8.47 AC.+/-	HEARING NO: P07-01	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

MAS
 1/18/07
 2/02/07



Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

COUNTY of CUMBERLAND

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Sara E. Piland,
Cumberland County

February 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 20, 2007 Board Meeting

P07-11: REZONING OF 2.52 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4942 TABOR CHURCH ROAD, OWNED BY JUAN A. AND ANGELA R. MARTINEZ.

The Planning & Inspections Staff recommends approval of the R40A district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for "Farmland" at this location; and
2. The R40A district is consistent with the character of the general area.

The A1A zoning district is the only other suitable district to be considered for this request.

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P07-11

REZONING OF 2.52 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4942 TABOR CHURCH ROAD, OWNED BY JUAN A. AND ANGELA R. MARTINEZ.

Site Information:

Applicant/Owner: JUAN A. AND ANGELA R. MARTINEZ

Area: 2.52 acres

Frontage & Location: 150 feet on Tabor Church Road

Depth: 737 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Residential

Initial Zoning: September 2, 1996 (Area 17A)

Zoning Violation(s): None

Surrounding Zoning: North-A1, R40, R6A, East-A1, R40, RR, C(P), South-A1, C(P), and West-CD, A1

Surrounding Land Use: Fire department, single family residential, farmland and vacant

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic

Soil Limitations: None

School Capacity/Enrolled: Seabrook Elementary 340/358, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489

Subdivisions: A group development review will be required prior to any other structure being placed on the property.

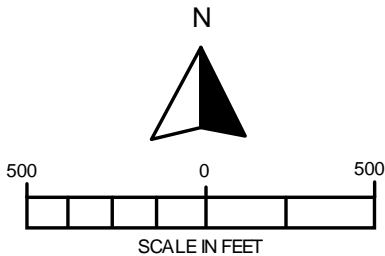
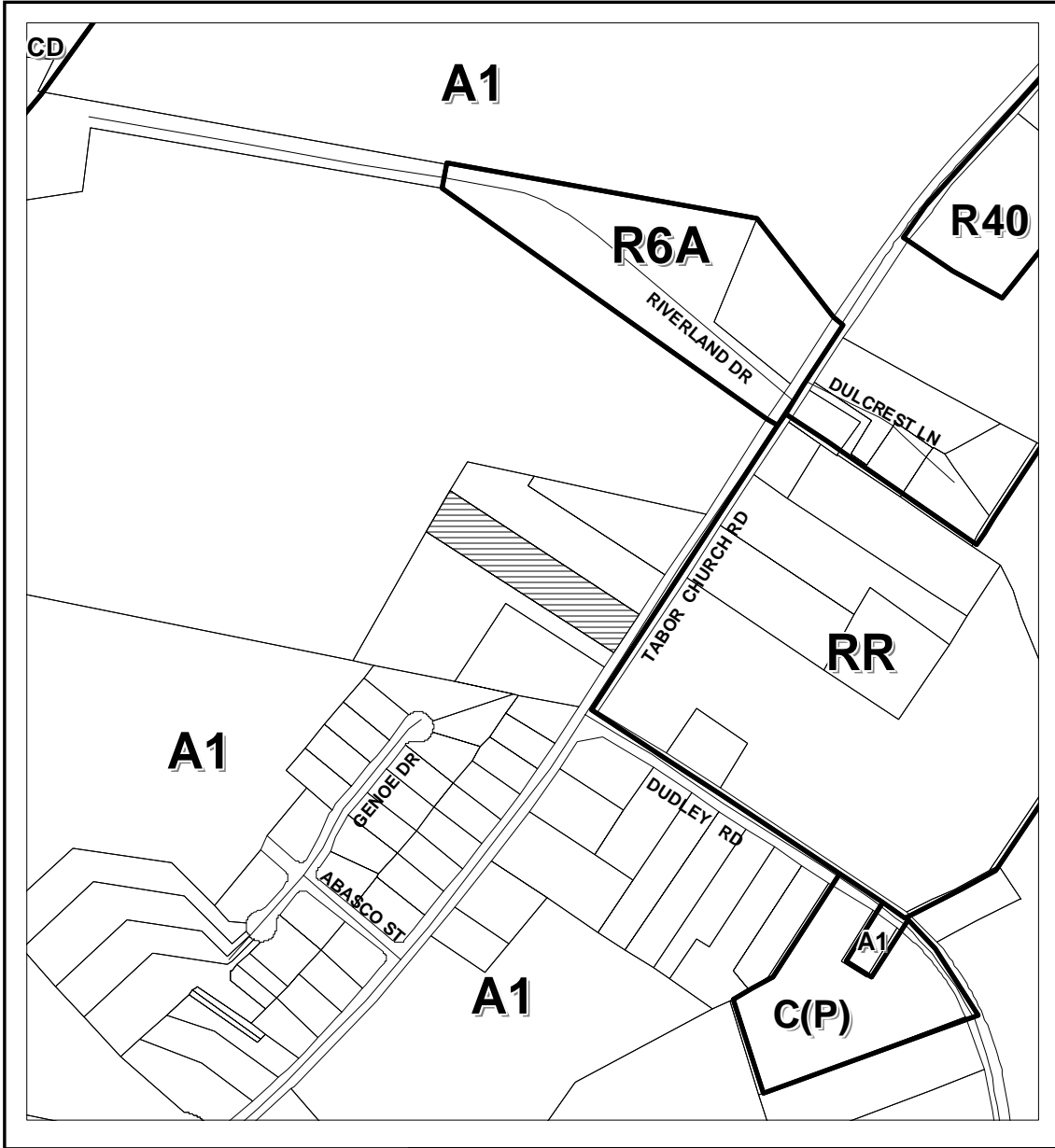
Military Impact Area: No

Highway Plan: No road improvements or new construction are specified for this area.

Average Daily Traffic Count (2004): 3,300 on Tabor Church Road

Notes:

Density minus 20%: A1 – 1 unit
A1A – 3 units
R40A – 3 units



REQUESTED REZONING A1 TO R40A

ACREAGE: 2.52 AC.+/-		HEARING NO: P07-11	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0463-83-6282

AF

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

February 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning & Inspections Staff

SUBJECT: Staff Recommendation for February 20, 2007 Board Meeting

P07-13: REZONING OF THREE PARCELS TOTALING 79.88 ACRES FROM R10 TO MXD/CUD AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5819, 5933, AND 6007 CAMDEN ROAD, SUBMITTED BY THOMAS L. BRADFORD, OWNED BY THOMAS L. BRADFORD, CLIFFORD C. AND SHARON H. MCCULLOUGH, JR, AND MARJORIE R. HANKS.

The Planning & Inspections Staff recommends approval of the Mixed Use/Conditional Use District and Permit even though the request is not entirely consistent with the 2010 Land Use Plan, based on the following:

1. The request meets the intent of the Mixed Use District, which was adopted with the intent of allowing for innovative development by providing use flexibility while maintaining quality design;
2. The subject property has direct access to two major thoroughfares, Camden and Rockfish Roads.
3. The request is reasonable and in the public interest because the development plan supports several initiatives and federal/state mandates such as: air quality, walkability, Clean Water Act, storm water management, etc.
4. The subject property is located within the Town of Hope Mills Municipal Influence Area and the Town has no objection to the request.

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

Attachments:

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

SITE PROFILE
P07-13

REZONING OF THREE PARCELS TOTALING 79.88 ACRES FROM R10 TO MXD/CUD AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5819, 5933, AND 6007 CAMDEN ROAD, SUBMITTED BY THOMAS L. BRADFORD, OWNED BY THOMAS L. BRADFORD, CLIFFORD C. AND SHARON H. MCCULLOUGH, JR, AND MARJORIE R. HANKS.

Site Information:

Applicant/Owner: THOMAS L. BRADFORD / CLIFFORD C. AND SHARON H. MCCULLOUGH, JR, AND MARJORIE R. HANKS

Area: 79.88 acres

Frontage & Location: 2,343 feet on Camden Road and 690 feet on Rockfish Road

Depth: 3,056 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Undeveloped and residential

Initial Zoning: February 3, 1977 (Area 7)

Zoning Violation(s): None

Surrounding Zoning: North-RR, R10, R6A, Hope Mills city limit-R6, East-R6A, South-RR, R10, R6A, city limit-R10, East-R10, city limit-R6

Surrounding Land Use: North-Duplex, apartments (2), churches (2), sub station, manufactured home park, single family residential and vacant

2010 Land Use Plan: Low Density Residential

Urban Services Area: Yes

Water/Sewer Availability: PWC / PWC

Soil Limitations: Yes – Stallings loamy sand (St)

School Capacity/Enrolled: Collier Elementary 599/588, Hope Mills Middle 686/761, South View High 1800/1866

Military Impact Area: No

Highway Plan: Camden Road is identified as a Major Thoroughfare. The proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Right-of-Way: unfunded, Construction: unfunded

Average Daily Traffic Count (2004): 15,000 on Camden Rd, 12,000 on Rockfish Rd

Notes:

Density:

1. Single-family residential – 29.89 acres, 123 lots / 10, 585 sq ft lots, average size (37% of the tract)
2. Multi-family residential – 16.45 acres, 216 units (21% of the tract)
3. Commercial – 21.53 acres (27% of the tract)

4. Open Space – 11.98 acres (15% of the tract)

Mixed Use Development/Conditional Use District & Permit Ordinance Related Conditions of Approval

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. (Note: Town of Hope Mills' design standards, including fire hydrant location, must be adhered to.) (Also see Hope Mills Subdivision Ordinance, Section 86-128(a))
3. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The NC Department of Transportation (NCDOT) approve the proposed curb-cut(s) and proper permits must be obtained prior to zoning/building permit application.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. *The Certificate of Occupancy* permits will not be issued 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 developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for maintenance and upkeep of all common area, Class "A" private streets, open space, buffers and recreational facilities through an owners' association for this development. **These documents must be approved by the County Attorney prior to any permit application and/or the sale of or submission for final plat approval of any lot or unit within this development.**
8. All setbacks along the periphery of this development shall meet the dimensional requirements of the adjacent zoning district.
9. All "uses" within this development are restricted to those uses listed in Section 603, County Zoning Ordinance.
10. The signage for this development shall 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. If any freestanding signs are desired, a plot

plan indicating size, type and location of sign must be submitted to Land Use Codes prior to permit application.)

11. Sidewalks are required on both sides of all streets within the development and along Rockfish and Camden roads, and must be constructed in accordance with Section 86-122(g), Hope Mills Subdivision Ordinance.
12. All utilities must be located underground – see Section 86-128(b), Hope Mills Subdivision Ordinance.
13. Drainage systems must comply with Section 86-122(f), “Required Drainage”, Hope Mills Subdivision Ordinance.
14. The NC Department of Transportation (NCDOT) may require turn lanes to be installed along both Camden and Rockfish roads.
15. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9’ x 20’, shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development.
16. 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.
17. In addition to the buffers shown on the site plan, a solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance along eastern boundary of the “townhome” portion of this development where this area is adjacent to the single-family lots. (Note: Upon future development of the “commercial” portions of this development, a solid buffer will also be required where the non-residential uses abut residential properties.) The developer is encouraged to consider providing a buffer along the boundary of this development where it abuts Rockfish Road.
18. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
19. For the commercial areas of this development, five copies of the preliminary site plan must be submitted to Land Use Codes for review and approval by the Planning & Inspection staff prior to any permit application. In addition to what is required on a standard detailed site plan, the proposed landscaping for the commercial areas must be included on the plan. The landscaping requirements are as follows:
 - a. One large shade tree or two small ornamental trees per 50 linear feet of street frontage on a public street;
 - b. One ornamental tree for every 50 linear feet of building length and/or width and two shrubs for every 10 linear feet of building length and/or width visible from the public street; and
 - c. Each paved off-street parking area providing 20 or more parking spaces, one large shade tree or two ornamental shade trees is required for every 20 spaces.
20. All notes and calculations as shown on the application and the site plan are to be considered as a part of this conditional approval.

Plat-Related:

21. A 10’ x 70’ sight distance easement shall be required for each street and/or drive where they intersect with SR 1003 (Camden Road) and SR1112 (Rockfish Road) and must be reflected on the final plat.

22. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
23. The developer shall contact E911 Street Naming and Addressing regarding the process of acquiring "approved" street names and the approved street names must be reflected on the plat when submitted for final approval. (Note: Street name approval can take up to ten working days.)
24. "Camden Road" also must be labeled as "SR 1003" on the final plat.
25. "Rockfish Road" also must be labeled as "SR 1112" on the final plat.
26. The private streets must be constructed to the NC Department of Transportation (NCDOT) standards and labeled as "Class A" private street on the final plat.
27. The developer shall provide for an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 4.2, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to Land Use Codes prior to final plat approval or release of any construction guarantees as allowed under Section 2.6, County Subdivision Ordinance.
28. Dedication of 10 feet of right-of-way and reservation of 10 feet of right-of way along SR 1003 (Camden Road) is required and the metes and bounds for both dedication and reservation must be shown on the final plat and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
29. The owner/developer shall secure and maintain any retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
30. All lots must be individually identified, i.e., numbered, on the final plat.
31. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, or at the time of permit application, the individual plot plans for each individual residential lot must be approved by Land Use Codes prior to issuance of any permits.
32. Any/All easements shall 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.
33. All lots within this development must be served by one of the three streets/drives shown on the site plan (if approved by NC Department of Transportation) or by the internal street system and the final plat must reflect a "no access" easement on the remaining subject property where it abuts SR 1003 (Camden Road) & SR 1112 (Rockfish Road).
34. Lateral access must be provided to the commercial areas along SR 1003 (Camden Road) and the final plat must reflect a "lateral access" easement serving these areas.
35. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.

36. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission of any phase of this development for final plat approval by Land Use Codes.
37. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
38. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Peggy Jennings to schedule an inspection of the improvements.)
39. 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 Statement:

40. That 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.”

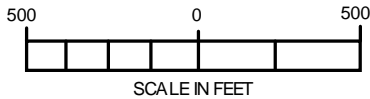
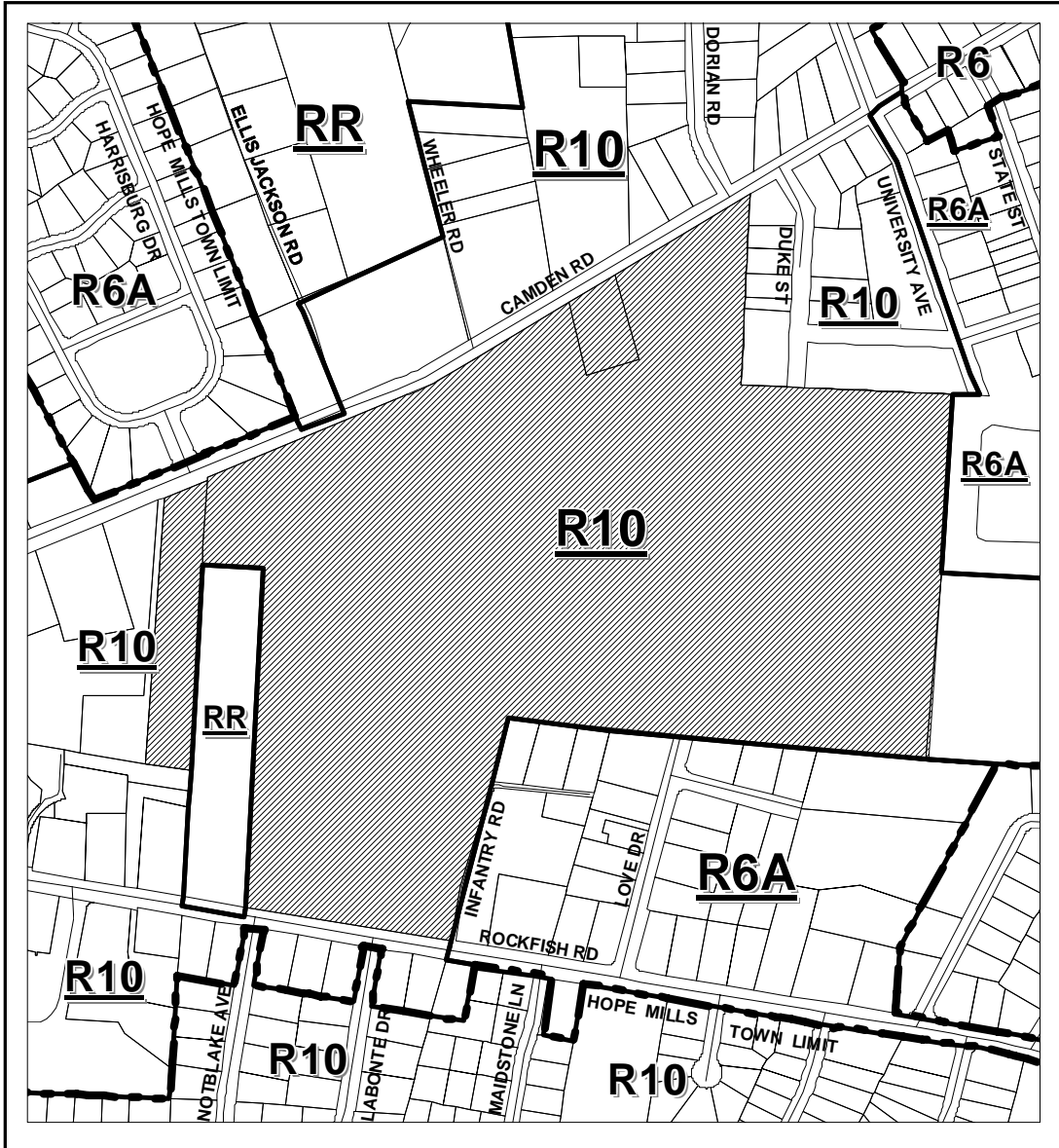
Other Relevant Conditions

41. The developer shall be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Staff and/or the County Board of Commissioners, depending on the extent of the revision, prior to submission for permits for any structure and/or final plat approval of any portion of this development.

It is very important that the developer/owner clearly understands and agrees to the above conditions, for clarification and/or questions concerning these conditions, please contact Bonny G. Collins at 910-678-7603 or Patti Speicher at 910-678-7605.

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

Site Improvements Inspection:	Peggy Jennings	678-7765
Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
PWC:	Heidi Maly	483-1401
Town of Hope Mills:		424-4555
Corp of Engineers (wetlands):	Ronnie Smith	251-4829
NC DENR (E&S)		486-1541
E911 Site-Specific Address:	Ron Gonzales	678-7616
E911 Street Naming/Signs:	Diane Shelton	678-7665
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts)	Gary Burton	486-1496
Transportation Planning	Bobby McCormick	678 7632



REQUESTED REZONING R10 TO MXD/CUD

ACREAGE: 79.88 AC.+/-

HEARING NO: P07-13

ORDINANCE: COUNTY

HEARING DATE

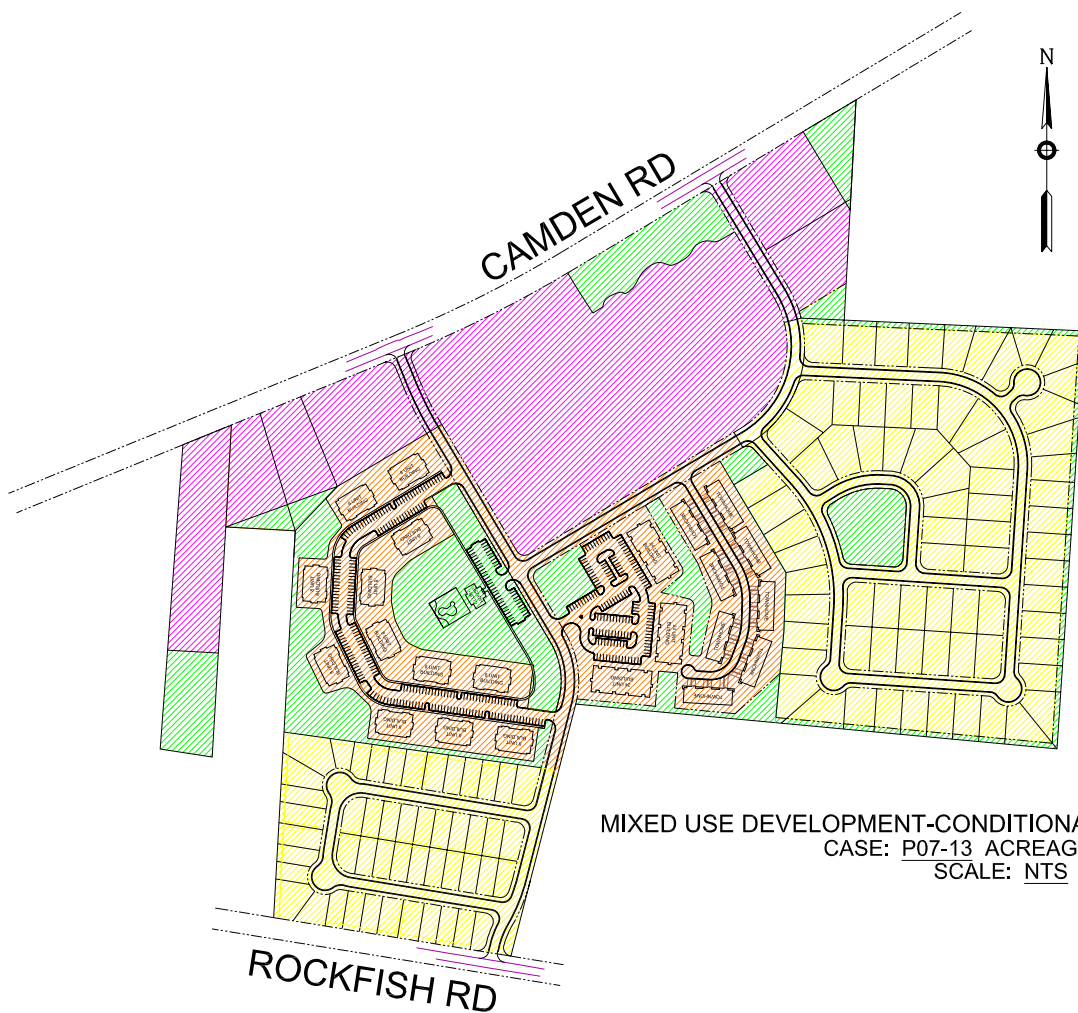
ACTION

PLANNING BOARD

GOVERNING BOARD

PIN: 0404-67-5186
PIN: 0404-77-8372
PIN: 0404-78-9175

AF
02/13/07



- 27% COMMERCIAL
21.53 ± ACRES
- 15% OPEN SPACE
11.98 ± ACRES
- 37% SINGLE FAMILY RESIDENTIAL
29.89 ± ACRES
- 21% MULTI FAMILY RESIDENTIAL
16.45 ± ACRES

MIXED USE DEVELOPMENT-CONDITIONAL USE DISTRICT & PERMIT
 CASE: P07-13 ACREAGE: 79.88±
 SCALE: NTS

Charles C. Morris,
Chair
Town of Linden

Donovan McLaurin,
Vice-Chair
Wade, Falcon & Godwin

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman



COUNTY of CUMBERLAND
—◆—
Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

February 13, 2007

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for February 20, 2007 Board Meeting

P06-79: REZONING OF TWO PARCELS TOTALING 68.12 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2835 JOHN MCMILLAN ROAD, OWNED BY LAWRENCE C. AND PHILLIP C. SMITH.

On November 21, 2006 the applicant requested deferral of this case. The Planning & Inspection Staff recommendation for the November 21, 2006 Planning Board meeting was for denial of the R20 district and approval of R40 district based on the following:

1. The R40 zoning district is consistent with the 2010 Land Use Plan which calls for "Farmland" at this location, R20 is not;
2. The subject property is not served by public water or sewer;
3. Hydric soils are present on the subject property; and
4. The R40 zoning district is consistent with the current zoning, lot sizes and character of the general area.

Due to time constraints, he requested another deferral on December 19, 2006 to be heard on February 20, 2007. Subsequently, Mr. Smith has decided to request R30 on the rear 26+/- acres and R40 on the 42+/- acres.

The Planning & Inspections Staff recommendation remains unchanged – the entire tract should not be considered for a zoning district allowing for a higher density than R40.

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

Attachments:

- 1 - Rezoning Sketch Map
- 2 - Site Profile

SITE PROFILE
P06-79

REZONING OF TWO PARCELS TOTALING 68.12 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2835 JOHN MCMILLAN ROAD, OWNED BY LAWRENCE C. AND PHILLIP C. SMITH.

Site Information:

Applicant/Owner: LAWRENCE C. AND OLETA C. SMITH, AND PHILLIP C. SMITH

Area: 68.12 acres

Frontage & Location: 1,985 feet on John McMillan Road

Depth: 1,845 feet

Jurisdiction: County

Adjacent Property: No

Current Use: Farming and Residential

Initial Zoning: June 25, 1980 (Area 13)

Zoning Violation(s): None

Surrounding Zoning: North-A1, A1/CU, East-A1, R40, R40A, South-A1, A1/CU, R40, and West-A1, R40

Surrounding Land Use: Cell tower, horse boarding, single family residential, vacant land and farmland

2010 Land Use Plan: Farmland

Urban Services Area: No

Water/Sewer Availability: Well / Septic Tank

Soil Limitations: Yes-Jt (Johnston loam) and Ra (Rains loamy sand)

School Capacity/Enrolled: Gray's Creek Elementary 764/728, Gray's Creek Middle 495/614, Gray's Creek High 1270/1099

Subdivisions: A subdivision review will be required prior to development of these lots.

Military Impact Area: No

Highway Plan: No road improvements or new construction are specified for this area.

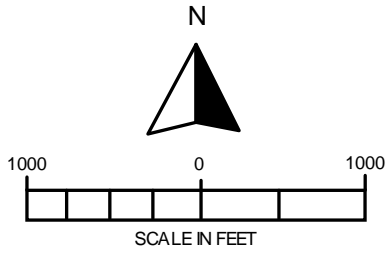
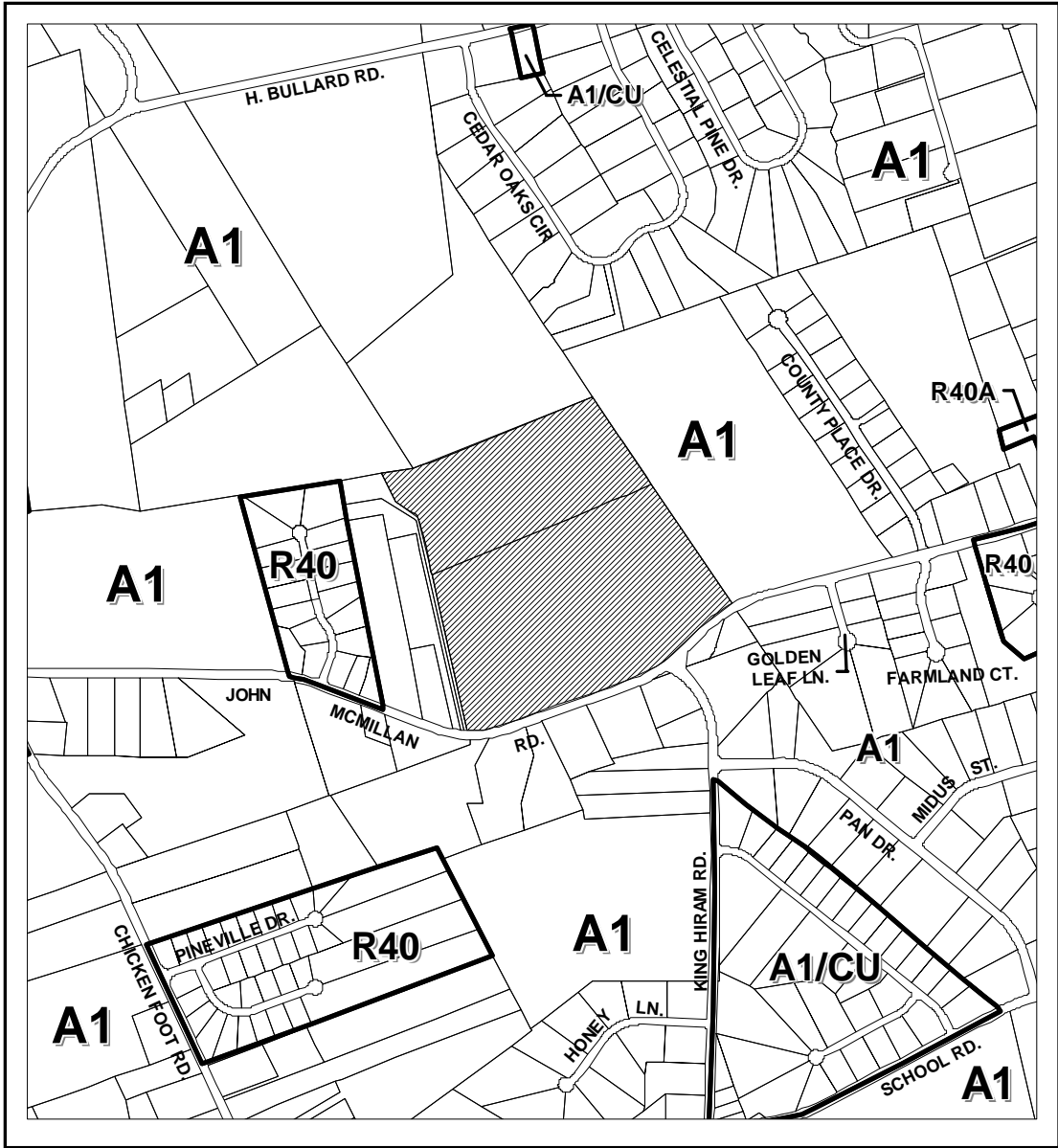
NCDOT: A driveway permit will be required, turn lanes may be required, and all lots will be required to be served internally.

Average Daily Traffic Count (2004): 730 on John McMillan Road

Notes:

Density minus 20% for roads:

<u>42 Ac to R40</u>	<u>26 Ac to R30</u>	<u>Total</u>
A1 – 16 lots	A1 – 10 lots	A1 – 26 lots
R40 – 36 lots	R40 – 22 lots	R40 – 58 lots
R30 – 48 lots	R30 – 30 lots	R30 – 78 lots
R20 – 73 lots	R20 – 45 lots	R20 – 118 lots



REQUESTED REZONING A1 TO R20

ACREAGE: 68.12 AC.+/-		HEARING NO: P06-79	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0431-39-4250
PIN: 0431-38-8328

AF
1/30/2007